
Digitized by the Internet Archive
in 2008 with funding from
Microsoft Corporation

http://www.archive.org/details/proceedingsdebat00unitrich

[OFFICIAL.]

PROCEEDINGS

AND

DEBATES

OF THE

UNITED STATES SENATE.

FIRST SESSION—THIRTIETH CONGRESS.

BY JAMES A. HOUSTON.

WASHINGTON, D. C.

MDCCCXLVIII.

[OFFICIAL]

PROCEEDINGS

AND

DEBATES

OF THE

UNITED STATES SENATE.

FIRST SESSION—THIRTIETH CONGRESS.

BY JAMES A. HOUSTON.

Please not to circ
J11
R5

WASHINGTON, D. C.

f J35
A3
DOCUMENTS
DEPT.

PREFACE.

That the Proceedings and Debates of both branches of the Congress of the United States have been, until recently, very imperfectly reported, is now pretty generally acknowledged with regret and surprise. The Senate has been peculiarly unfortunate in this respect. No copious and authentic record of its debates up to the commencement of the last Congress, is any where to be found; and all that now remains is a meagre, and often an erroneous sketch, of the discussions which have taken place, during that period of the existence of one of the most important deliberative bodies in the world. This is not, of course, the place to speak of the causes which have deprived us of full and accurate reports of the Senate, or of the evils of that deprivation. The fact is merely stated, in order to introduce a very brief explanation, of the circumstances which led to the production of this volume.

Struck by the remarkable neglect with which the debates of the Senate appeared to be treated by the journals issued at the seat of the federal government, and anxious to contribute something towards supplying a remedy for the evil, I devised a plan of reporting those debates, which was submitted to several of the oldest and most influential members of the body, nearly at the close of the second session of the last Congress. This plan proposed to give to the reports the utmost impartiality and fullness, together with the stamp of authoritative sanction. It met with approbation and was adopted.

The execution of the work was entered upon under some disadvantages. Circumstances prevented the engagement of a sufficient number of competent assistants; and the prompt publication of full and close reports was regarded by some of the Senators as being, perhaps, not always practicable, or, at all events, expedient. However, notwithstanding all difficulties and drawbacks, the work was performed throughout the past session in such a manner as to elicit the commendation of many of the most distinguished Senators, and all the leading daily journals out of the city of Washington. Many able arguments—many bursts of eloquence—many scintillations of genius, which otherwise would have perished in the hour of their birth, have by this means been preserved, while I have the satisfactory reflection to console me, in reviewing the result of many weary hours of anxious toil, that I have been instrumental in giving to the country an accurate and a complete record of conflicts and debates, which will never lose their interest so long as the great principles of justice, humanity and freedom, inspire the souls of men. At least, one important step has been taken towards the elevation of Congressional reporting to respectability and usefulness, and I have no fear that the movement in this important matter will, hereafter, be retrograde.

JAMES A. HOUSTON.

WASHINGTON, D. C., September 30, 1848.

006

INDEX.

A.

Allen, William, of Ohio—
Printing President's Message 12
Announces death of Gen. Hamer 41
Increase of the army 50
Plans of Gen Scott 118
Mission to Rome 381
Congratulations to the French 423, 443
Judiciary Bill 459, 499, 508
California Claims 537
Steamships 903

Ashley, Chester, of Arkansas—
Additional judicial district in Arkansas 238
Death announced 559
Funeral Honors 562

Atchison, David R., of Missouri—
Indian Appropriation Bill 664
Additional Indian District in Arkansas 748
Adjournment of Congress 750
Compromise Bill 976

Atherton, Charles G., of New Hampshire—
Payment of interest to Alabama 547
Indian Appropriation Bill 664, 678, 718
Naval Appropriation Bill 841
Loan Bill, (Appendix) 16

B.

Badger, George E., of North Carolina—
Case of Slaughter 94
Ten Regiment Bill, (Appendix) 125
Inviolability of franks 315
Mission to Rome 350, 384, 393
Franking Privilege 379
Judiciary Bill 461, 510
California Claims 487, 557
Portrait of Gen. Taylor 541
Case of David Myerle 660
Indian Appropriation Bill 679
Oregon Bill 687, 688
Patent Office Report 707
Branch Mints 888
Compromise Bill 954

Bagby, Arthur P., of Alabama—
Acquisition of Territory 159, 473
John Paul Jones 318
French Revolution 437
Dam at Cumberland Island 492
Internal Improvements 564
Aid to Yucatan 635
Oregon Bill 681

Baldwin, Roger S., of Connecticut—
Annexation of Mexican Territory 150
Ten Regiment Bill 344
French Revolution 434
Oregon Bill 689
Compromise Bill 923, 974

Bell, John, of Tennessee—
Ten Regiment Bill 203
Catechises Mr. Sevier about Mexican war 227
Dam at Cumberland Island 422
Indian Appropriation Bill 665, 716

Benton, Thomas H., of Missouri—
John Paul Jones 317
Announces illness of Mr. Adams 319
Panegyric on the character of Mr. Adams ..... 2[illegible]
Judiciary Bill ..... [illegible]
California Claims ..... 466, [illegible]90
Internal Improvements 566
Opposes steam conveyance of the mail across Atlantic 609

Berrien, John McP., of Georgia—
Increase of the army 50
Naturalization Laws 723, 735
Mail to Savannah 785
Oregon Bill 788
Compromise Bill 968

Borland, Solon, of Arkansas—
Announces death of Mr. Ashley 559
Deferred Nominations 624
Compensation for horses lost in the military service 713
Adulterated Drugs 743
Judicial District in Arkansas 748
Half-pay to Widows and Orphans 895

Bradbury, James W., of Maine—
Announces death of Mr. Fairfield 42
John Paul Jones 320
Exemption of timber from duty 396
Half-pay to Widows and Orphans 895
Compromise Bill 971

Breese, Sidney, of Illinois—
Ten Regiment Bill 279
Califor ia Claims 543
Panegyric on character of Mr. Ashley 560

Butler, Andrew P., of South Carolina—
Ten Regiment Bill 118
Announces death of Mr. Black 440
French Revolution 455
Judiciary Bill 458, 500
California Claims 490, 538
Riots in District of Columbia 524
Internal Improvements 566
Oregon Bill 679, 688

Bright, Jesse D., of Indiana—
Indiana State Bonds 636
Oregon Bill 680, 779

C.

Calhoun, John C., of South Carolina—
Resolutions relative to Conquest of Mexico 30
Remarks on same subject 32
Increase of the army 50, 51
Conquest of Mexico 62
Ten Regiment Bill 351
Mission to Rome 395
French Revolution 429
Judiciary Bill 464
Internal Improvements 493
Riots in District of Columbia 515
California Claims 537, 544, 553
Aid to Yucatan 557, 574, 627
Oregon Bill 681, 779

Cass, Lewis, of Michigan—
Increase of the army 49
Opens debate on Ten Regiment Bill 55
Statement of forces in Mexico 92
Plans of Gen Scott 117
Closes debate on Ten Regiment Bill 356
Mission to Rome 388
California Claims 539, 554
Internal Improvements 567
Aid to Yucatan 576, 601

Clayton, John M., of Delaware—
Increase of the army 50
Catechises Mr. Cass about the war 93
Ten Regiment Bill 103
Explanation relative to Texas boundary 153
Petition of Mid. Rogers 264
Mission to Rome 380
New Jersey Railroad 528
California Claims 548, 554
Aid to Yucatan 581
Indiana State Bonds 635
Losses in Florida war 641
The Presidential Candidates 824
Introduces the Compromise Bill 896
Opens debate on do do 918
Explanation of his course 991

Corwin, Thomas, of Ohio—
Compromise Bill 921
Slavery, the war, &c 938

Crittenden, John J., of Kentucky—
Publication of Madison Papers 39
Amendment to Ten Regiment Bill 70
Instructions to Gen Scott 141
Panegyric on Mr. Clay 147
Suspension of Gen. Scott 160
Thanks to Gen. Taylor 297
French Revolution 454
Judiciary Bill 461, 500, 510
Internal Improvements 493, 565
Aid to Yucatan 583

Clarke, John H., of Rhode Island—
Ten Regiment Bill 160
Compromise Bill 928

CAMPBELL, SIMON, of Pennsylvania—
Announcement of Mr. Hornbeck 148
John Paul Jones 319
Riots in District of Columbia 524
Patent Office Report 707

D.

DAVIS, JOHN, of Massachusetts—
Announces death of Mr. Adams 325
Mission to Rome 380
Riots in District of Columbia 522
Aid to Yucatan 610
Foreign Mail Service 657
Oregon Bill 855

DIXON, DANIEL, of Mississippi—
Ten Regiment Bill 73
Transportation of Mexican mail 122
Meeting Hungarian Kossuth 160
Presents, and Kossuth Cane 302
Patent Extension 426
Foreign Mail Service 430
Riots in District of Columbia 515
Compensation 600
Aid to Yucatan 607
Adjournment 775
Oregon Bill 870

DIX, JOHN A., of New York—
Retired army list 26
Ten Regiment Bill 166
Mission to Rome 380
Compensation 423
Post Roads 484
Aid to Yucatan 642
Judiciary 749
Oregon Bill 771
Patent Moneys 880
Compromise Bill 959

DOWNS, SOLOMON W., of Louisiana—
Ten Regiment Bill 165, 373, 376
Foreign Mail Service 430
Riots in District of Columbia 520
Compensation Bounty Lands 603
Steamships 901

DUNCAN, STEPHEN, of Pennsylvania—
Ten Regiment Bill 187
French Revolution 436
Mississippi from New Orleans Bar 695

F.

FAIRFIELD, JOHN, of Maine—
Death announced 42
Funeral Honors 43

FELCH, ALPHEUS, of Michigan—
Defective Surveys 732
Penal Code of the Territory of Michigan 832

FITZGERALD, THOMAS, of Michigan—
Compromise Bill 959

FOOTE, HENRY S., of Mississippi—
Announces death of Mr. Speight 25
Ten Regiment Bill 133
Mission to Rome 380
Message 383
Foreign Mail Service 434
Indian Reservations 440
Aid to Yucatan 558, 572, 585
Oregon Bill 682, 697
Adjournment of Congress 751

G.

GREENE, ARTHUR C., of Rhode Island—
Ten Regiment Bill 511

H.

HALE, JOHN P., of New Hampshire—
Asks to be excused from serving on committee 18
Right of Petition 37
Increase of the army 59
Ten Regiment Bill 76
Opposes vote of thanks to Gen. Scott 265
Opposes vote of thanks to Gen. Taylor 298
Mission to Rome 381, 388
French Revolution 429, 445
Riots in District of Columbia 514
Portrait of Gen. Taylor 542
Aid to Yucatan 575
Oregon Bill 682

HAMLIN, HANNIBAL, of Maine—
Compromise Bill 923

HANNEGAN, EDWARD A., of Indiana—
Annexation of Mexican Territory 151
Indian Reservations 255
John Paul Jones 317
Mission to Rome 379
Colonel Patrick Walker 407
French Revolution 445
Riots in District of Columbia 522
Portrait of Gen. Taylor 541
Aid to Yucatan 557, 572, 577, 579

HOUSTON, SAMUEL, of Texas—
Speech on Yucatan Bill (Appendix) 24

HUNTER, ROBERT M. T., of Virginia—
Ten Regiment Bill 229
Indian Appropriation Bill 727
Oregon Bill 862

J.

JOHNSON, HERSCHEL V., of Georgia—
French Revolution 448
Oregon Bill 846
Claims of Creek Indians 999
Ten Regiment Bill. (Appendix) 11

JOHNSON, HENRY, of Louisiana—
Ten Regiment Bill 374

JOHNSON, REVERDY, of Maryland—
Call for Military Statistics 48
Ten Regiment Bill 84
Judiciary Bill 506
California Claims 550
Deferred Nominations ..... 894, (App.) 28

K.

KING, WILLIAM R., of Alabama—
Civil and Diplomatic Bill 1003

L.

LEWIS, DIXON H., of Alabama—
Examiners in Patent Office 195

M.

MANGUM, WILLIE P., of North Carolina—
Distribution of Books to Senators 24
Plans of Gen. Scott 116
John Paul Jones 319
Mission to Rome 394
Riots in District of Columbia 519
Adjournment of Congress 754
Opposes vote Taylor and Cass 811

MASON, JAMES M., of Virginia—
Announces death of Mr. Dromgoole 33
California Claims 481, 530
The Southern Mail 738
Oregon Bill 836

METCALFE, THOMAS, of Kentucky—
Compromise Bill 1016

MILLER, WILLIAM, of New Jersey—
Ten Regiment Bill 238
Camden and Amboy Railroad 529
Aid to Yucatan 618
Adjournment of Congress 756
Compromise Bill 930

N.

NILES, JOHN M., of Connecticut—
Executive Presidents' Messages 13
Announces death of Mr. Huntington 14
Resolutions of State Legislature against the extension of slavery 28
Mexican Spoliations 202
Ten Regiment Bill 216
Mission to Rome 380
The Loan Bill 411
French Revolution 443
California Claims 536
Internal Improvements 564
Aid to Yucatan 594
Mode of paying the Public Interest 654
Foreign Mail Service 657
Oregon Bill 689
Patent Office Report 707
Reduction of Postage 746
Compromise Bill 920

P.

PEARCE, JAMES A., of Maryland—
Widow of Col. McRea ... 89
Ten Regiment Bill ... 107
Explanation as to Texas boundary ... 157
The Southern Mail ... 735
PHELPS, SAMUEL S., of Vermont—
Ten Regiment Bill ... 176, 183
The Loan Bill ... 419
French Revolution ... 452
Judiciary Bill ... 463
California Claims ... 911, 936
Oregon Bill ... 797
Compromise Bill ... 933

R.

RUSK, THOMAS S., of Texas—
Bounty Land Claims ... 194
Ten Regiment Bill ... 304
California Claims ... 542
Oregon Bill ... 687
Indian Appropriation Bill ... 726
Texas Navy ... 867

S.

SEBASTIAN, WILLIAM K., of Arkansas—
Indian Appropriation Bill ... 724
SEVIER, AMBROSE H., of Arkansas—
Distribution of Books to Senators ... 20
Explanation as to Texas boundary ... 156
Ten Regiment Bill ... 219
Explanations in reply to Mr. Bell ... 226, 227

T.

TURNEY, HOPKINS L., of Tennessee—
Jethro Wood's Patent ... 164
Ten Regiment Bill ... 267
Compensation for horses, &c ... 713

U.

UNDERWOOD, JOSEPH R., of Kentucky—
Clerk to sign Land Patents ... 157
Ten Regiment Bill ... 255
American Hemp for Navy ... 398
French Revolution ... 453
California Claims ... 535
Portrait of Gen. Taylor ... 542
Losses in Florida war ... 642
Case of David Myerle ... 658
Oregon Bill ... 697
Compromise Bill ... 946
UPHAM, WILLIAM, of Vermont—
Ten Regiment Bill ... 288

W.

WEBSTER, DANIEL, of Massachusetts—
Ten Regiment Bill ... 355
The Mexican war ... 399
Indian Appropriation Bill ... 668
Naturalization Laws ... 711
Oregon Bill, (Appendix) ... 33
WESTCOTT, JAMES D., of Florida—
Case of Slaughter ... 53
Assistant Pursers ... 83
Examiners in the Patent Office ... 378
California Claims ... 555
Aid to Yucatan ... 590
Losses in Florida war ... 641
Oregon Bill ... 686
Naturalization Laws ... 723

Y.

YULEE, DAVID L., of Florida—
Assistant Pursers ... 83
Slavery ... 274
American Hemp for Navy ... 397
Steamships ... 907

MONDAY, DECEMBER 6, 1847.

In conformity with the second clause in the fourth section of the first article of the Constitution of the United States, the first session of the thirtieth Congress commenced this day.

The Senate was called to order at twelve o'clock by its presiding officer, the Hon. GEORGE MIFFLIN DALLAS, Vice President of the United States.

The following Senators were present, viz:

From Maine.
JOHN FAIRFIELD, JAMES W. BRADBURY.

From New Hampshire.
CHARLES G. ATHERTON, JOHN P. HALE.

From Vermont.
WILLIAM UPHAM, SAMUEL S. PHELPS.

From Rhode Island.
ALBERT C. GREENE, JOHN H. CLARKE.

From New York.
JOHN A. DIX, DANIEL S. DICKINSON.

From New Jersey.
WILLIAM L. DAYTON, JACOB W. MILLER.

From Pennsylvania.
SIMON CAMERON, DANIEL STURGEON.

From Delaware.
PRESLEY SPRUANCE.

From Maryland.
REVERDY JOHNSON.

From Virginia.
JAMES M. MASON, ROBERT M. T. HUNTER.

From North Carolina.
GEORGE E. BADGER, WILLIE P. MANGUM.

From South Carolina.
ANDREW P. BUTLER.

From Mississippi.
JEFFERSON DAVIS, HENRY S. FOOTE.

From Louisiana.
HENRY JOHNSON. SOLOMON W. DOWNS

From Tennessee.
HOPKINS L. TURNEY.

From Kentucky.
JOHN J. CRITTENDEN, JOSEPH R. UNDERWOOD.

From Ohio.
WILLIAM ALLEN. THOMAS CORWIN.

From Indiana.
EDWARD A. HANNEGAN, JESSE D. BRIGHT.

From Illinois.
SIDNEY BREESE, STEPHEN A. DOUGLAS.

From Missouri.
DAVID ATCHISON.

From Arkansas.
AMBROSE H. SEVIER, CHESTER ASHLEY.

From Michigan.
LEWIS CASS, ALPHEUS FELCH.

From Florida.
JAMES D. WESTCOTT, JR.

From Texas.
THOMAS J. RUSK.

CREDENTIALS OF SENATORS.

Mr. ATHERTON presented the credentials of the Hon. JOHN P. HALE, elected a Senator of the United States from the State of New Hampshire, for the term of six years from, and after the 4th day of March, 1847; which were read.

Mr. HALE, having taken the oath of office, which was administered to him by the VICE PRESIDENT, took his seat.

Mr. CRITTENDEN presented the credentials of the Hon. JOSEPH R. UNDERWOOD, elected a Senator of the United States from the State of Kentucky, for the term of six years from, and after the 4th day of March, 1847; which were read.

Mr. UNDERWOOD, having taken the oath of office, which was administered to him by the VICE PRESIDENT, took his seat.

Mr. JOHNSON, of Louisiana, presented the credentials of the Hon. SOLOMON W. DOWNS, elected a Senator of the United States from the State of Louisiana, for the term of six years from, and after the 4th day of March, 1847; which were read.

Mr. DOWNS, having taken the oath of office, which was administered to him by the VICE PRESIDENT, took his seat.

Mr. GREENE presented the credentials of the Hon. JOHN H. CLARKE, elected a Senator of the United States from the State of Rhode Island, and Providence Plantations, for the term of six years from, and after the 4th day of March, 1847; which were read.

Mr. CLARKE, having taken the oath of office, which was administered to him by the VICE PRESIDENT, took his seat.

Mr. SEVIER presented the credentials of the Hon. JEFFERSON DAVIS, appointed by the Governor of Mississippi a Senator of the United States from the State of Mississippi, to fill the vacancy occasioned by the decease of the Hon. JESSE SPEIGHT; which were read.

Mr. DAVIS, having taken the oath of office, which was administered to him by the VICE PRESIDENT, took his seat.

Mr. BREESE presented the credentials of the Hon. STEPHEN A. DOUGLAS, elected a Senator of the United States from the State of Illinois, for the term of six years from, and after the 4th day of March, 1847; which were read.

Mr. DOUGLAS, having taken the oath of office, which was administered to him by the VICE PRESIDENT, took his seat.

Mr. FAIRFIELD presented the credentials of the Hon. JAMES W. BRADBURY, elected a Senator of the United States from the State of Maine for the term of six years from and after the 4th day of March, 1847; which were read.

Mr. BRADBURY, having taken the oath of office, which was administered to him by the VICE PRESIDENT, took his seat.

Mr. CASS presented the credentials o the Hon. ALPHEUS FELCH, elected a Senator of the United States from the State of Michigan, for the term of six years from and after the 4th day of March, 1847; which was read.

Mr. FELCH, having taken the oath of office, whic was administered to him by the VICE PRESIDENT, took his sent.

The following Senators, whose credentials were presented to the Senate at the last session of Congress, severally had the oath of office administered to them by the VICE PRESIDENT, and took their seats, viz:

Messrs. ASHLEY, MANGUM, FOOTE, HUNTER, MILLER and SPRUANCE.

NOTIFICATION TO THE HOUSE.

On motion by Mr. BREESE, it was

Ordered, That the Secretary acquaint the House of Representatives that a quorum of the Senate has assembled, and that the Senate is ready to proceed to business.

HOUR OF MEETING.

On motion by Mr. FAIRFIELD, it was

Ordered, That the daily hour of meeting be twelve o'clock until otherwise ordered.

NEWSPAPERS.

On motion by Mr. CAMERON, it was

Resolved, That each Senator be supplied, during the present session, with [illegible] papers, as heretofore, not exceeding the cost of four daily papers.

On motion by Mr. MANGUM,

The Senate adjourned.

TUESDAY, DECEMBER 7, 1847.

The Hon. ROGER S. BALDWIN, of the State of Connecticut; the Hon. JOHN C. CALHOUN, of the State of South Carolina; the Hon. WALTER T. COLQUITT, of the State of Georgia; the Hon. JOHN M. NILES, of the State of Connecticut; and the Hon. JAMES A. PEARCE, of the State of Maryland, severally appeared in their seats to-day.

CREDENTIALS OF SENATORS.

Mr. BUTLER presented the credentials of the Hon. JOHN C. CALHOUN, elected a Senator of the United States, from the State of South Carolina, for the term of six years, from and after the 4th day of March, 1847; which were read.

Mr. CALHOUN, having taken the oath of office, which was administered at the hands of the VICE PRESIDENT, took his seat.

Mr. NILES presented the credentials of the Hon. ROGER S. BALDWIN, appointed by the Governor of Connecticut a Senator of the United States, from the State of Connecticut, to fill the vacancy occasioned by the decease of the Hon. JABEZ W. HUNTINGTON; which were read.

Mr. BALDWIN, having taken the oath of office, which was administered at the hands of the VICE PRESIDENT, took his seat.

MESSAGE FROM THE HOUSE.

The following message from the House of Representatives was delivered by B. B. FRENCH, Esq., their Clerk:

Mr. President: I am directed to inform the Senate that a quorum of the House of Representatives has assembled, and that ROBERT C. WINTHROP, one of the Representatives from the State of Massachusetts, has been chosen Speaker, and that the House is now ready to proceed to business.

The House of Representatives have passed a resolution for the appointment of a committee on the part of the House, to join such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of the House is assembled, and that Congress is ready to receive any communication he may be pleased to make; and Mr. HUNT and Mr. HOWELL COBB have been appointed the committee on their part.

COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. SEVIER moved to take up the resolution from the House; which was agreed to.

The resolution having been read,

Mr. SEVIER observed, that it only provided for informing the President that a quorum of the House had assembled, instead of a quorum of both Houses. This was no doubt an inadvertence, and he therefore moved that the resolution be laid upon the table, for the purpose of offering another; which was agreed to.

Mr. SEVIER then submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That a committee be appointed, jointly with the committee appointed by the House of Representatives, to wait upon the President of the United States, and inform him that a quorum of both Houses has assembled, and that Congress is ready to receive any communication he may be pleased to make.

On motion it was

Ordered, That the committee be appointed by the Vice President.

Messrs. SEVIER, MANGUM, and FAIRFIELD were appointed.

SAULT DE STE. MARIE.

Mr. CASS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be requested to communicate to the Senate a copy of the report of the commissioners appointed to survey the Sault de Ste. Marie, in the State of Michigan, and of any other surveys and estimates which may have been made of that locality, in connexion with the claims to be found in the General Land Office.

NOTICE OF BILLS.

Mr. HANNEGAN gave notice that he should, on to-morrow, ask leave of the Senate to introduce a bill for the relief of the heirs of John Paul Jones.

Mr. WESTCOTT gave notice that he should, on to-morrow, ask leave to bring in a bill further to carry into effect the provisions and stipulations of the 9th article of the Florida treaty, with respect to certain losses of Spanish subjects in West Florida.

PRESIDENT'S MESSAGE.

Mr. SEVIER, from the Committee on the part of the Senate, jointly with the Committee appointed on the part of the House of Representatives, to wait on the President of the United States, and inform him that a quorum of each house has assembled, and that Congress is ready to receive any communication he may be pleased to make, reported, that they had performed the duty assigned them, and that the President stated that he would make a communication to each house forthwith.

The following message was received from the President of the United States, by Mr. J. KNOX WALKER, his private secretary:

Fellow-Citizens of the Senate,
and of the House of Representatives:

The annual meeting of Congress is always an interesting event. The Representatives of the States and of the people come fresh from their constituents to take counsel together for the common good. After an existence of near three-fourths of a century as a free and independent republic, the problem no longer remains to be solved whether man is capable of self-government. The success of our admirable system is a conclusive refutation of the theories of those in other countries who maintain that "a favored few" are born to rule, and that the mass of mankind must be governed by force. Subject to no arbitrary or hereditary authority, the people are the only sovereigns recognized by our constitution. Numerous emigrants, of every lineage and language, attracted by the civil and religious freedom we enjoy, and by our happy condition, annually crowd to our shores, and transfer their heart, not less than their allegiance, to the country whose dominion belongs alone to the people.

No country has been so much favored, or should acknowledge with deeper reverence the manifestations of the Divine protection. An all-wise Creator directed and guarded us in our infant struggle for freedom, and has constantly watched over our surprising progress, until we have become one of the great nations of the earth.

It is in a country thus favored, and under a government in which the executive and legislative branches hold their authority for limited periods, alike from the people, and where all are responsible to their respective constituencies, that it is again my duty to communicate with Congress upon the state of the Union and the present condition of public affairs.

During the past year the most gratifying proofs are presented that our country has been blessed with a wide-spread and universal prosperity. There has been no period since the Government was founded, when all the industrial pursuits of our people have been more successful, or when labor in all branches of business has received a fairer or better reward. From our abundance we have been enabled to perform the pleasing duty of furnishing food for the starving millions of less favored countries.

In the enjoyment of the bounties of Providence at home, such as have rarely fallen to the lot of any people, it is cause of congratulation, that our intercourse with all the powers of the earth, except Mexico, continues to be of an amicable character.

It has ever been our cherished policy to cultivate peace and good will with all nations; and this policy has been steadily pursued by me.

No change has taken place in our relations with Mexico since the adjournment of the last Congress. The war in which the United States were forced to engage with the government of that country still continues.

I deem it unnecessary after the full exposition of them contained in my message of the eleventh of May, 1846, and in my annual message at the commencement of the session of Congress in December last, to reiterate the serious causes of the complaint which we had against Mexico before she commenced hostilities.

It is sufficient on the present occasion to say, that the wanton violation of the person and property of our citizens committed by Mexico, her repeated acts of bad faith, through a long series of years, and her disregard of solemn treaties, stipulating for indemnity to our injured citizens, not only constituted ample cause of war on our part, but were of such an aggravated character as would have justified us before the whole world in resorting to this extreme remedy. With an anxious desire to avoid a rupture between the two countries, we forebore for years to assert our clear rights by force, and continued to seek redress for the wrongs we had suffered by amicable negotiation, in the hope that Mexico might yield to pacific councils and the demands of justice. In this hope we were disappointed. Our minister of peace sent to Mexico

was insultingly rejected. The Mexican government refused even to hear the terms of adjustment which he was authorized to propose; and finally, under wholly unjustifiable pretexts, involved the two countries in war, by invading the territory of the State of Texas, striking the first blow, and shedding the blood of our citizens on our own soil.

Though the United States were the aggrieved nation, Mexico commenced the war, and we were compelled, in self-defence, to repel the invader, and to vindicate the national honor and interests by prosecuting it with vigor until we could obtain a just and honorable peace. On learning that hostilities had been commenced by Mexico, I promptly communicated that fact, accompanied with a sufficient statement of our causes of complaint against Mexico, to Congress; and that body, by the act of the thirteenth of May, 1846, declared that "by the act of the republic of Mexico, a state of war exists between that government and the United States,"—this act declaring "the war to exist by the act of the republic of Mexico," and making provision for its prosecution "to a speedy and successful termination," was passed with great unanimity by Congress, there being but two negative votes in the Senate, and but fourteen in the House of Representatives.

The existence of the war having thus been declared by Congress, it became my duty, under the constitution and the laws, to conduct and prosecute it. This duty has been performed; and though, at every stage of its progress, I have manifested a willingness to terminate it by a just peace, Mexico has refused to accede to any terms which could be accepted by the United States, consistently with the national honor and interest.

The rapid and brilliant successes of our arms, and the vast extent of the enemy's territory which had been overrun and conquered, before the close of the last session of Congress, were fully known to that body. Since that time, the war has been prosecuted with increased energy, and I am gratified to state, with a success which commands universal admiration. History presents no parallel of so many glorious victories achieved by any nation within so short a period. Our army, regulars and volunteers, have covered themselves with imperishable honors. Whenever and wherever our forces have encountered the enemy, though he was in vastly superior numbers, and often entrenched in fortified positions of his own selection, and of great strength, he has been defeated. Too much praise cannot be bestowed upon our officers and men, regulars and volunteers, for their gallantry, discipline, indomitable courage and perseverance, all seeking the post of danger, and vieing with each other in deeds of noble daring.

While every patriot's heart must exult, and a just national pride animate every bosom, in beholding the high proofs of courage, consummate military skill, steady dicipline, and humanity to the vanquished enemy, exhibited by our gallant army, the nation is called to mourn over the loss of many brave officers and soldiers who have fallen in defence of their country's honor and interests. The brave dead met their melancholy fate in a foreign land, nobly discharging their duty, and with their country's flag waving triumphantly in the face of the foe. Their patriotic deeds are justly appreciated, and will long be remembered by their grateful countrymen. The parental care of the government they loved and served should be extended to their surviving families.

Shortly after the adjournment of the last session of Congress, the gratifying intelligence was received of the signal victory of Buena Vista and of the fall of the city of Vera Cruz, and with it the strong castle of San Juan de Ulloa, by which it was defended. Believing that after these and other successes, so honorable to our arms and so disasterous to Mexico, the period was propitious to afford her another opportunity, if they thought proper to embrace it, to enter into negotiations for peace, a commissioner was appointed to proceed to the headquarters of our army, with full powers to enter upon negotiations, and to conclude a just and honorable treaty of peace. He was not directed to make any new overtures of peace, but was the bearer of a despatch from the Secretary of State of the United States, to the Minister of Foreign Affairs of Mexico, in reply to one received from the latter of the twenty-second of February, 1847, in which the Mexican government was informed of his appointment, and of his presence at the headquarters of our army, and that he was invested with full powers to conclude a definitive treaty of peace, whenever the Mexican government might signify a desire to do so. While I was unwilling to subject the United States to another indignant refusal, I was yet resolved that the evils of the war should not be protracted a day longer than might be rendered absolutely necessary by the Mexican government.

Care was taken to give no instructions to the commissioner which could in any way interfere with our military operations, or relax our energies in the prosecution of the war. He possessed no authority in any manner to control these operations. He was authorized to exhibit his instructions to the General in command of the army, and in the event of a treaty being concluded and ratified on the part of Mexico, he was directed to give him notice of that fact. On the happening of such a contingency, and on receiving notice thereof, the general in command was instructed by the Secretary of War to suspend further active military operations until further orders. These instructsons were with a view to intermit hostilities until the treaty, thus ratified by Mexico, could be transmitted to Washington, and receive the action of the government of the United States.

The commissioner was also directed, on reaching the army, to deliver to the general in command the despatch which he bore from the Secretary of State to the Minister of Foreign Affairs of Mexico, and on receiving it, the General was instructed by the Secretary of War, to cause it to be transmitted to the commander of the Mexican forces, with a request that it might be communicated to his government.

The commissioner did not reach the headquarters of the army until after another brilliant victory had crowned our arms at Cerro Gordo.

The despatch which he bore from the Secretary of War to the general in command of the army was received by that officer, then at Jalapa, on the seventh day of May, 1847, together with the despatch from the Secretary of State to the Minister of Foreign Affairs of Mexico; having been transmitted to him from Vera Cruz. The commissioner arrived at the headquarters of the army a few days afterwards. His presence with the army and his diplomatic character were made known to the Mexican government, from Puebla, on the twelfth of June, 1847, by the transmission of the despatch from the Secretary of State to the Minister of Foreign Affairs of Mexico.

Many weeks elapsed after its receipt, and no overtures were made, nor any desire expressed by the Mexican government to enter into negotiations for peace.

Our army pursued its march upon the capital, and, as it approached it, was met by formidable resistance. Our forces first encountered the enemy, and achieved signal victories in the severely contested battles of Contreras and Churubusco. It was not until after these actions had resulted in decisive victories, and the capital of the enemy was within our power, that the Mexican government manifested any disposition to enter into negotiations for peace; and even then, as events have proved, there is too much reason to believe they were insincere, and that in agreeing to go through the forms of negetiation, the object was to gain time to strengthen the defences of their capital, and to prepare for fresh resistance.

The general in command of the army deemed it expedient to suspend hostilities temporarily, by entering into an armistice with a view to the opening of negotiations. Commissioners were appointed on the part of Mexico to meet the commissioner on the part of the United States. The result of the conferences which took place between these functionaries of the two governments was a failure to conclude a treaty of peace.

The commissioner of the United States took with him the project of a treaty already prepared, by the terms of which the indemnity required by the United States, was a cession of territory.

It is well known that the only indemnity which it is in the power of Mexico to make in satisfaction of the just and long deferred claims of our citizens against her, and the only means by which she can reimburse the United States for the expenses of the war, is a cession to the United States of a portion of her territory Mexico has no money to pay, and no other means of making the required indemnity. If we refuse this, we can obtain nothing else. To reject indemnity, by refusing to accept a cession of territory, would be to abandon all our just demands, and to wage the war, bearing all its expenses, without a purpose or definite object.

A state of war abrogates treaties previously existing between the belligerents, and a treaty of peace puts an end to all claims for indemnity for tortious acts committed under the authority of one government against the citizens or subjects of another, unless they are provided for in its stipulations. A treaty of peace which would terminate the existing war, without providing for indemnity, would enable Mexico—the acknowledged debtor, and herself the aggressor in the war—to relieve herself from her just liabilities. By such a treaty, our citizens who hold just demands against her, would have no remedy either against Mexico or their own government. Our duty to these citizens must forever prevent such a peace, and no treaty which does not provide ample means of discharging these demands can receive my sanction.

A treaty of peace should settle all existing differences between the two countries. If an adequate cession of territory should be made by such a treaty, the United States should release Mexico from all her liabilities, and assume their payment to our own citizens. If, instead of this, the United States were to consent to a treaty by which Mexico should again engage to pay the heavy amount of indebtedness which a just indemnity to our government and our citizens would impose on her, it is notorious that she does not possess the means to meet such an undertaking. From such a treaty no result could be anticipated, but the same irritating disappointments which have heretofore attended the violation of similar treaty stipulations on the part of Mexico. Such a treaty would be but a temporary cessation of hostilities, without the restoration of the friendship and good understanding which should characterize the future intercourse between the two countries.

That Congress contemplated the acquisition of territorial indemnity, when that body made provision for the prosecution of the war, is obvious. Congress could not have meant—when, in May, 1846, they appropriated ten millions of dollars, and authorised the President to employ the militia and naval and military forces of the United States, and to accept the services of fifty thousand volunteers to enable him to prosecute the war; and when, at their last session, and after our army had invaded Mexico, they made additional appropriations, and authorised the raising of additional troops for the same purpose—that no indemnity was to be obtained from Mexico at the conclusion of the war; and yet, it was certain, that if no Mexican territory was acquired, no indemnity could be obtained.

It is further manifest that Congress contemplated territorial indemnity, from the fact, that at their last session, an act was pass-

ed upon the Executive to recommend an appropriation for the purpose of defraying the expenses of the [illegible] with that object. The appropriation was made "to enable the President to conclude a treaty of peace, limits and boundaries with the Republic of Mexico, to be used by him in the event that said treaty, when signed by the authorised agents of the two governments, and duly ratified by Mexico, shall call for the expenditure of the same, or any part thereof." The object of asking this appropriation was distinctly stated in the several messages on the subject which I communicated to Congress. Similar appropriations, made in 1803 and 1806, which were referred to, were intended to be applied in part consideration for the cession of Louisiana and the Floridas. In like manner, it was anticipated, that, in settling the terms of a treaty of "limits and boundaries" with Mexico, a cession of territory, estimated to be of greater value than the amount of our demands against her, might be obtained, and [illegible] in part consideration for the territory ceded, on the conclusion of a treaty, and its ratification on her part—might be an inducement with her to make such a cession of territory as would be satisfactory to the United States. And although the future may not have developed what is rendered it unnecessary to use any part of the three millions of dollars appropriated by that act, and the entire sum remains in the treasury, it is still applicable to that object, should the contingency [illegible] happen.

The doctrine of no territory is the doctrine of no indemnity; and, if sanctioned, would be a public acknowledgement that our country has [illegible] in vain, and [illegible] to Congress and the people, a [illegible] admission unfounded in fact, and degrading to the national character.

The terms of the treaty proposed by the United States, were not only just to Mexico, but, considering the character and amount of our claims, the unparalleled and unprovoked commencement of hostilities by her, the expenses of the war to which we have been subjected, and the successes which attended our arms, were deemed to be of a most liberal character.

The commissioner of the United States was authorized to agree to the establishment of the Rio Grande as the boundary, from its entrance into the Gulf to its intersection with the southern boundary of New Mexico, in north latitude about thirty-two degrees, and to obtain a cession to the United States of the provinces of New Mexico and the Californias, and the privilege of the right of way across the Isthmus of Tehuantepec. The boundary of the Rio Grande, and the cession to the United States of New Mexico and Upper California, constituted an *ultimatum* which our commissioner was, under no circumstances, to yield.

That it might be manifested not only to Mexico, but to all other nations, that the United States were not disposed to take advantage of a hostile power, by insisting upon wresting from her all the other provinces, including many of her principal towns and cities, which we had conquered and held in our military occupation, but were willing to conclude a treaty in a spirit of liberality, our commissioner was authorized to stipulate for the restoration to Mexico of all our other conquests.

As the territory to be acquired by the boundary proposed might be estimated to be of greater value than a fair equivalent for our just demands, our commissioner was authorized to stipulate for the payment of such additional pecuniary consideration as was deemed reasonable.

The terms of a treaty proposed by the Mexican commissioners were wholly inadmissible. They negotiated as if Mexico were the victorious, and not the vanquished party. They must have known that their *ultimatum* could never be accepted. It required the United States to dismember Texas, by surrendering to Mexico that part of the territory of that State lying between the Nueces and the Rio Grande, included within her limits by her laws when she was an independent republic, and when she was annexed to the United States and admitted by Congress as one of the States of our Union. It contained no provision for the payment by Mexico of the just claims of our citizens. It required indemnity to Mexican citizens for injuries they have sustained by our troops in the prosecution of the war. It demanded the right for Mexico to levy and collect the Mexican tariff of duties on goods imported into her ports while in our military occupation during the war, and the owners of which had paid to officers of the United States the military contributions which had been levied upon them; and it offered to cede to the United States, for a pecuniary consideration, that part of Upper California lying north of latitude thirty-seven degrees. Such were the unreasonable terms proposed by the Mexican commissioners.

The session to the United States by Mexico, of the provinces of New Mexico and the Californias, as proposed by the commissioner of the United States, it was believed, would be more in accordance with the convenience and interests of both nations, than any other [illegible] which Mexico could be induced to make.

It is manifest to all who have observed the actual condition of the Mexican government, for some years past, and at present, that if these provinces should be retained by her, she could not long continue to hold and govern them. Mexico is too feeble a power to govern these provinces, lying as they do at a distance of more than a thousand miles from her capital; and, if attempted to be retained by her, they would constitute but for a short time, even nominally, a part of her dominions.

This would be especially the case with Upper California. The sagacity of powerful European nations has long since directed their attention to the commercial importance of that province, and there can be little doubt that the moment the United States shall relinquish their present occupation of it, and their claim to it as indemnity, an effort will be made by some foreign power to possess it, either by conquest or by purchase. If no foreign government should either by conquest or by purchase. If no foreign government should either by conquest or be in either of these modes, an independent revolutionary government would probably be established by the inhabitants, and such foreigners as may remain in or remove to the country, as soon as it shall be known that the United States have abandoned it. Such a government would be too feeble long to maintain its separate independent existence, and would finally become annexed to, or be a dependent colony of, some more powerful State.

Should any foreign government attempt to possess it as a colony, or otherwise to incorporate it with itself, the principle avowed by President Monroe, in 1824, and reaffirmed in my first annual message, that no foreign power shall, with our consent, be permitted to plant or establish any new colony or dominion on any part of the North American continent, must be maintained. In maintaining this principle, and in resisting its invasion by any foreign power, we might be involved in other wars more expensive and more difficult than that in which we are now engaged.

The provinces of New Mexico and the Californias are contiguous to the territories of the United States, and if brought under the government of our laws, their resources—mineral, agricultural, manufacturing, and commercial—would soon be developed.

Upper California is bounded on the north by our Oregon possessions; and if held by the United States, would soon be settled by an hardy, enterprising, and intelligent portion of our population. The bay of San Francisco, and other harbors along the California coast, would afford shelter for our navy, for our numerous whale ships, and other merchant vessels employed in the Pacific ocean, and would in a short period become the marts of an extensive and profitable commerce with China, and other countries of the East.

These advantages, in which the whole commercial world would participate, would at once be secured to the United States by the cession of this territory; while it is certain that as long as it remains a part of the Mexican dominions, they can be enjoyed neither by Mexico herself nor by any other nation.

New Mexico is a frontier province, and has never been of any considerable value to Mexico. From its locality, it is naturally connected with our western settlements. The territorial limits of the State of Texas, too, as defined by her laws, before her admission into our Union, embrace all that portion of New Mexico lying east of the Rio Grande, while Mexico still claims to hold this territory as a part of her dominions. The adjustment of this question of boundary is important.

There is another consideration which induced the belief that the Mexican government might even desire to place this province under the protection of the government of the United States.—Numerous bands of fierce and warlike savages wander over it, and upon its borders. Mexico has been, and must continue to be, too feeble to restrain them from committing depredations, robberies and murders, not only upon the inhabitants of New Mexico itself, but upon those of the other northern States of Mexico. It would be a blessing to all these northern States to have their citizens protected against them by the power of the United States. At this moment many Mexicans, principally females and children, are in captivity among them. If New Mexico were held and governed by the United States, we could effectually prevent these tribes from committing such outrages, and compel them to release these captives, and restore them to their families and friends.

In proposing to acquire New Mexico and the Californias, it was known that but an inconsiderable portion of the Mexican people would be transferred with them, the country embraced within these provinces being chiefly an uninhabited region.

These were the leading considerations which induced me to authorize the terms of peace which were proposed to Mexico. They were rejected; and, negotiations being at an end, hostilities were renewed. An assault was made by our gallant army upon the strongly fortified places near the city of Mexico and upon the city itself; and after several days of severe conflict, the Mexican forces—vastly superior in numbers to our own—were driven from the city, and it was occupied by our troops.

Immediately after information was received of the unfavorable result of the negotiations, believing that his continued presence with the army could be productive of no good, I determined to recall our commissioner. A despatch to this effect was transmitted to him on the sixth of October last. The Mexican government will be informed of his recall; and that, in the existing state of things, I shall not deem it proper to make any further overtures of peace, but shall be at all times ready to receive and consider any proposals which may be made by Mexico.

Since the liberal proposition of the United States was authorized to be made in April last, large expenditures have been incurred, and the precious blood of many of our patriotic fellow-citizens has been shed in the prosecution of the war. This consideration, and the obstinate perseverance of Mexico in protracting the war, must influence the terms of peace which it may be deemed proper hereafter to accept.

Our arms having been everywhere victorious, having subjected to our military occupation a large portion of the enemy's country, including his capital, and negotiations for peace having failed, the important questions arise, in what manner the war ought to be prosecuted? and what should be our future policy? I cannot doubt that we should secure and render available the conquests which we have already made; and that, with this view, we should hold and occupy, by our naval and military forces, all the ports,

towns, cities, and provinces now in our occupation, or which may hereafter fall into our possession; that we should press forward our military operations, and levy such military contributions on the enemy, as may, as far as practicable, defray the future expenses of the war.

Had the government of Mexico acceded to the equitable and liberal terms proposed, that made at adjustment would have been preferred. Mexico having declined to do this, and failed to offer any other terms which could be accepted by the United States, the national honor, no less than the public interests, requires that the war should be prosecuted with increased energy and power, until a just and satisfactory peace can be obtained. In the meantime, as Mexico refuses all indemnity, we should adopt measures to indemnify ourselves, by appropriating permanently a portion of her territory. Early after the commencement of the war, New Mexico and the Californias were taken possession of by our forces. Our military and naval commanders were ordered to conquer and hold them, subject to be disposed of by a treaty of peace.

These provinces are now in our undisputed occupation, and have been so for many months, all resistance on the part of Mexico having ceased within their limits. I am satisfied that they should never be surrendered to Mexico. Should Congress concur with me in this opinion, and they should be retained by the United States as indemnity, I can perceive no good reason why the civil jurisdiction and laws of the United States should not at once be extended over them. To wait for a treaty of peace, such as we are willing to make, by which our relations towards them would not be changed, cannot be good policy; whilst our own interest, and that of the people inhabiting them, require that a stable, responsible and free government, under our authority, should, as soon as possible, be established over them. Should Congress, therefore, determine to hold these provinces permanently, and that they shall hereafter be considered as constituent parts of our country, the early establishment of territorial governments over them will be important for the more perfect protection of persons and property; and I recommend that such territorial governments be established. It will promote peace and tranquility among the inhabitants, by allaying all apprehension that they may still entertain of being again subjected to the jurisdiction of Mexico. I invite the early and favorable consideration of Congress to this important subject.

Besides New Mexico and the Californias, there are other Mexican provinces which have been reduced to our possession by conquest. These other Mexican provinces are now governed by our military and naval commanders, under the general authority which is conferred upon a conqueror by the laws of war. They should continue to be held as a means of coercing Mexico to accede to just terms of peace. Civil as well as military officers are required to conduct such a government. Adequate compensation, to be drawn from contributions levied on the enemy, should be fixed by law for such officers as may be thus employed. What further provision may become necessary, and what final disposition it may be proper to make to them, must depend on the future progress of the war, and the course which Mexico may think property hereafter to pursue.

With the views I entertain, I cannot favor the policy which has been suggested, either to withdraw our army altogether, or to retire to a designated line, and simply hold and defend it. To withdraw our army altogether from the conquests they have made by deeds of unparalleled bravery, and at the expense of so much blood and treasure, in a just war on our part, and one which, by the act of the enemy, we could not honorably have avoided, would be to degrade the nation in its own estimation and in that of the world.

To retire to a line, and simply hold and defend it, would not terminate the war. On the contrary, it would encourage Mexico to persevere, and tend to protract it indefinitely. It is not to be expected that Mexico, after refusing to establish such a line as a permanent boundary, when our victorious army are in possession of her capital, and in the heart of her country, would permit us to hold it without resistance. That she would continue the war, and in the most harrassing and annoying forms, there can be no doubt. A border warfare of the most savage character, extending over a long line, would be unceasingly waged. It would require a large army to be kept constantly in the field, stationed at posts and garrisons along such a line, to protect and defend it. The enemy, relieved from the pressure of our arms on his coasts and in the populous parts of the interior, would direct his attention to this line, and, selecting an isolated post for attack, would concentrate his forces upon it. This would be a condition of affairs which the Mexicans, pursuing their favorite system of guerrilla warfare, would probably prefer to any other. Were we to assume a defensive attitude on such a line, all the advantages of such a state of war would be on the side of the enemy. We could levy no contributions upon him, or in any other way make him feel the pressure of the war, but must remain inactive and await his approach, being in constant uncertainty at what point on the line, or at what time, he might make an assault. He may assemble and organize an overwhelming force in the interior, on his own side of the line, and, concealing his purpose, make a sudden assault upon some one of our posts so distant from any other as to prevent the possibility of timely succor or reinforcements; and in this way our gallant army would be exposed to the dangers of being cut off in detail; or if, by their unequalled bravery and prowess everywhere exhibited during this war, they should repulse the enemy, their numbers stationed at any one post may be too small to pursue him. If the enemy be repulsed in one attack, he would have nothing to do but to retreat to his own side of the line, and, being in no fear of a pursuing army, may reinforce himself at leisure, for another attack on the same or some other post. He may, too, cross the line between our posts, make rapid incursions into the country which we hold, murder the inhabitants, commit depredations on them, and then retreat to the interior before a sufficient force can be concentrated to pursue him. Such would probably be the harrassing character of a mere defensive war on our part. If our forces, when attacked, or threatened with attack, be permitted to cross the line, drive back the enemy, and conquer him, this would be again to invade the enemy's country, after having lost all the advantages of the conquests we have already made by having voluntarily abandoned them. To hold such a line successfully and in security, it is far from being certain that it would not require as large an army as would be necessary to hold all the conquests we have already made, and to continue the prosecution of the war in the heart of the enemy's country. It is also far from being certain that the expenses of the war would be diminished by such a policy.

I am persuaded that the best means of vindicating the national honor and interest, and of bringing the war to an honorable close, will be to prosecute it with increased energy and power in the vital parts of the enemy's country.

In my annual message to Congress of December last, I declared that "the war had not been waged with a view to conquest; but having been commenced by Mexico, it has been carried into the enemy's country, and will be vigorously prosecuted there, with a view to obtain an honorable peace, and thereby secure ample indemnity for the expenses of the war, as well as to our much injured citizens, who hold large pecuniary demands against Mexico." Such, in my judgment, continues to be our true policy—indeed, the only policy which will probably secure a permanent peace.

It has not been contemplated by me, as an object of the war, to make a permanent conquest of the republic of Mexico, or to annihilate her separate existence as an independent nation. On the contrary, it has ever been my desire that she should maintain her nationality, and, under a good government, adapted to her condition, be a free, independent, and prosperous republic. The United States were the first among the nations to recognize her independence, and have always desired to be on terms of amity and good neighborhood with her. This she would not suffer. By her own conduct we have been compelled to engage in the present war. In its prosecution, we seek not to overthrow her as a nation, but, in vindicating our national honor, we seek to obtain redress for the wrongs she has done us, and indemnity for our just demands against her. We demand an honorable peace; and that peace must bring with it indemnity for the past and security for the future. Hitherto Mexico has refused all accommodation by which such a peace could be obtained.

Whilst our armies have advanced from victory to victory, from the commencement of the war, it has always been with the olive branch of peace in their hands; and it has been in the power of Mexico, at every step, to arrest hostilities by accepting it.

One great obstacle to the attainment of peace has, undoubtedly, arisen from the fact, that Mexico has been so long held in subjection by one faction or military usurper after another, and such has been the condition of insecurity in which their successive governments have been placed, that each has been deterred from making peace, lest, for this very cause, a rival faction might expel it from power. Such was the fate of President Herrera's administration in 1845, for being disposed even to listen to the overtures of the United States to prevent the war, as is fully confirmed by an official correspondence which took place in the month of August last, between him and his government, a copy of which is herewith communicated. "For this cause alone, the revolution which displaced him from power was set on foot" by General Paredes. Such may be the condition of insecurity of the present government.

There can be no doubt that the peaceable and well-disposed inhabitants of Mexico are convinced that it is the true interest of their country to conclude an honorable peace with the United States; but the apprehension of becoming the victims of some military faction or usurper may have prevented them from manifesting their feelings in any public act. The removal of any such apprehension would probably cause them to speak their sentiments freely, and to adopt the measures necessary for the restoration of peace. With a people distracted and divided by contending factions, and a government subject to constant changes, by successive revolutions, the continued successes of our arms may fail to secure a satisfactory peace. In such event, it may become proper for our commanding generals in the field to give encouragement and assurances of protection to the friends of peace in Mexico in the establishment and maintenance of a free republican government of their own choice, able and willing to conclude a peace which would be just to them, and secure to us the indemnity we demand. This may become the only mode of obtaining such a peace. Should such be the result, the war which Mexico has forced upon us would thus be converted into an enduring blessing to herself. After finding her torn and distracted by factions, and ruled by military usurpers, we should then leave her with a republican government, in the enjoyment of real independence, and domestic peace and prosperity, performing all her relative duties in the great family of nations, and promoting her own happiness by wise laws and their faithful execution.

If, after affording this encouragement and protection, and after all the persevering and sincere efforts we have made, from the moment Mexico commenced the war, and prior to that time, to

adjust our differences with her, we shall ultimately fail, then we shall have exhausted all honorable means in pursuit of peace, and must continue to occupy her country with our troops, taking the full measure of indemnity into our own hands, and must enforce the terms which our honor demands.

To act otherwise, in the existing state of things in Mexico, and to withdraw our army without a peace, would not only leave all the wrongs of which we complain unredressed, but would be the signal for new and fierce civil dissensions and new revolutions—all alike hostile to peaceful relations with the United States.

Besides, there is danger, if our troops were withdrawn before a peace was concluded, that the Mexican people, wearied with successive revolutions, and deprived of protection for their persons and property, might at length be inclined to yield to foreign influences, and to cast themselves into the arms of some European monarch for protection from the anarchy and suffering which would ensue. This, for our own safety, and in pursuance of our established policy, we should be compelled to resist. We could never consent that Mexico should be thus converted into a monarchy governed by a foreign prince.

Mexico is our near neighbor, and her boundaries are coterminous with our own, through the whole extent across the North American continent, from ocean to ocean. Both politically and commercially, we have the deepest interest in her regeneration and prosperity. Indeed, it is impossible that, with any just regard to our own safety, we can ever become indifferent to her fate.

It may be that the Mexican government and people have misconstrued or misunderstood our forbearance, and our objects, in desiring to conclude an amicable adjustment of the existing differences between the two countries. They may have supposed that we would submit to terms degrading to the nation, or they may have drawn false inferences from the supposed division of opinion in the United States on the subject of the war, and may have calculated on some future political event, or change of policy, that we might ultimately abandon it altogether, without insisting on any indemnity, territorial or otherwise. Whatever may be the false impressions under which they have acted, the adoption and prosecution of the energetic policy proposed must soon undeceive them.

In the future prosecution of the war, the enemy must be made to feel its pressure more than they have heretofore done. At its commencement, it was deemed proper to conduct it in a spirit of forbearance and liberality. With this end in view, early measures were adopted to conciliate, as far as a state of war would permit, the mass of the Mexican population; to convince them that the war was waged not against the peaceful inhabitants of Mexico, but against their faithless government, which had commenced hostilities; to remove from their minds the false impressions which their designing and interested rulers had artfully attempted to make, that the war on our part was one of conquest; that it was a war against their religion and their churches, which were to be desecrated and overthrown; and that their rights of person and private property would be violated. To remove these false impressions, our commanders in the field were directed scrupulously to respect their religion, their churches, and their church property, which were in no manner to be violated; they were directed also, to respect the rights of persons and property of all who should not take take up arms against us.

Assurances to this effect were given to the Mexican people by Major General Taylor, in a proclamation issued in pursuance of instructions from the Secretary of War, in the month of June, 1846, and again by Major General Scott, who acted upon his own convictions of the propriety of issuing it, in a proclamation of the 11th of May, 1847.

In this spirit of liberality and conciliation, and with a view to prevent the body of the Mexican population from taking up arms against us, war the war was conducted on our part. Provisions and other supplies furnished to our army by Mexican citizens were paid for at fair and liberal prices agreed upon by the parties. After the lapse of a few months, it became apparent that these assurances, and this mild treatment, had failed to produce the desired effect upon the Mexican population. While the war had been conducted on our part according to the most humane and liberal principles observed by civilized nations, it was waged in a far different spirit on the part of Mexico. Not appreciating our forbearance, the Mexican people generally became hostile to the United States, and availed themselves of every opportunity to commit the most savage excesses upon our troops. Large numbers of the population took up arms, and, engaging in guerilla warfare, robbed and murdered in the most cruel manner, individual soldiers, or small parties, whom accident or other causes had separated from the main body of our army. Bands of guerilleros and robbers infested the roads, harassed our trains, and, whenever it was in their power, cut off our supplies.

The Mexicans having thus shown themselves to be wholly incapable of appreciating our forbearance and liberality, it was deemed proper to change the manner of conducting the war, by making them feel its pressure according to the usages observed under similar circumstances by all other civilized nations.

Accordingly, as early as the twenty-second of September, 1846, instructions were given by the Secretary of War to Major General Taylor to "draw supplies" for our army "from the enemy, without paying for them, and to require contributions for its support, if in that way he was satisfied he could obtain adequate supplies for his forces." In directing the execution of these instructions, much was necessarily left to the discretion of the commanding officer, who was best acquainted with the circumstances by which he was surrounded, the wants of the army, and the practicability of enforcing the measure.

General Taylor, on the twenty-sixth of October, 1846, replied, from Monterey, that "it would have been impossible hitherto, and is so now, to sustain the army to any extent by forced contributions of money or supplies." For the reasons assigned by him, he did not adopt the policy of his instructions, but declared his readiness to do so, "should the army, in its future operations, reach a portion of the country which may be made to supply the troops with advantage." He continued to pay for the articles of supply which were drawn from the enemy's country.

Similar instructions were issued to Major General Scott on the third of April, 1747, who replied from Jalapa, on the twentieth of May, 1847, that if it be expected "that the army is to support itself by forced contributions levied upon the country, we may ruin and exasperate the inhabitants, and starve ourselves." The same discretion was given to him that had been to General Taylor in this respect. General Scott, for the reasons assigned by him, also continued to pay for the articles of supply for the army which were drawn from the enemy.

After the army had reached the heart of the most wealthy portion of Mexico, it was supposed that the obstacles which had before that time prevented it would not be such as to render impracticable the levy of forced contributions for its support; and on the first of September, and again on the sixth of October, 1847, the order was repeated in despatches addressed by the Secretary of War to General Scott, and his attention was again called to the importance of making the enemy bear the burdens of the war by requiring them to furnish the means of supporting our army; and he was directed to adopt this policy, unless, by doing so, there was danger of depriving the army of the necessary supplies. Copies of these despatches were forwarded to General Taylor for his government.

On the thirty-first of March last, I caused an order to be issued to our military and naval commanders to levy and collect a military contribution upon all vessels and merchandize which might enter any of the ports of Mexico in our military occupation, and to apply such contributions towards defraying the expenses of the war. By virtue of the right of conquest and the laws of war, the conqueror, consulting his own safety or convenience, may either exclude foreign commerce altogether from all such ports, or permit it upon such terms and conditions as he may prescribe. Before the principal ports of Mexico were blockaded by our navy, the revenue derived from impost duties, under the laws of Mexico, was paid into the Mexican treasury. After these ports had fallen into our military possession, the blockade was raised, and commerce with them permitted upon prescribed terms and conditions. They were opened to the trade of all nations upon the payment of duties more moderate in their amount than those which had been previously levied by Mexico; and the revenue, which was formerly paid into the Mexican treasury, was directed to be collected by our military and naval officers, and applied to the use of our army and navy. Care was taken that the officers soldiers and sailors of our army and navy should be exempted from the operations of the order; and as the merchandize imported upon which the order operated must be consumed by Mexican citizens, the contributions exacted were, in effect, the seizure of the public revenues of Mexico, and the application of them to our own use. In directing this measure, the object was to compel the enemy to contribute, as far as practicable, towards the expenses of the war.

For the amount of contributions which have been levied in this form, I refer you to the accompanying reports of the Secretary of War and of the Secretary of the Navy, by which it appears that a sum exceeding half a million of dollars has been collected.

This amount would undoubtedly have been much larger but for the difficulty of keeping open communications between the coast and the interior, so as to enable the owners of the merchandize imported to transport and vend it to the inhabitants of the country. It is confidently expected that this difficulty will, to a great extent, be soon removed by our increased forces which have been sent to the field.

Measures have recently been adopted by which the internal as well as the external revenues of Mexico, in all places in our military occupation, will be seized and appropriated to the use of our army and navy.

The policy of levying upon the enemy contributions in every form, consistently with the laws of nations, which it may be practicable for our military commanders to adopt, should, in my judgment, be rigidly enforced, and orders to this effect have accordingly been given. By such a policy, at the same time that our own treasury will be relieved from a heavy drain, the Mexican people will be made to feel the burdens of the war, and, consulting their own interests, may be induced the more readily to require their rulers to accede to a just peace.

After the adjournment of the last session of Congress, events transpired in the prosecution of the war which, in my judgment, required a greater number of troops in the field than had been anticipated. The strength of the army was therefore increased by "accepting" the services of all the volunteer forces authorized by the act of the thirteenth of May, 1846, without putting a construction on that act, the correctness of which was seriously questioned. The volunteer forces now in the field, with those which had been "accepted," to "serve for twelve months," and were discharged at the end of their term of service, exhaust the fifty thousand men authorized by that act. Had it been clear that a proper construction of the act warranted it, the services of an additional

number would have been called for and accepted; but doubts existing upon this point, the power was not exercised.

It is deemed important that Congress should, at an early period of their session, confer the authority to raise an additional regular force to serve during the war with Mexico, and to be discharged upon the conclusion and ratification of a treaty of peace. I invite the attention of Congress to the views presented by the Secretary of War in his report upon this subject.

I recommend, also, that authority be given by law to call for and accept the services of an additional number of volunteers, to be exercised at such time and to such extent as the emergencies of the service may require.

In prosecuting the war with Mexico, whilst the utmost care has been taken to avoid every just cause of complaint on the part of neutral nations, and none has been given, liberal privileges have been granted to their commerce in the ports of the enemy in our military occupation.

The difficulty with the Brazilian government, which at one time threatened to interrupt the friendly relations between the two countries, will, I trust, be speedily adjusted. I have received information that an envoy extraordinary and minister plenipotentiary to the United States will shortly be appointed by his Imperial Majesty; and it is hoped he will come instructed and prepared to adjust all remaining differences between the two governments in a manner acceptable and honorable to both. In the mean time, I have every reason to believe that nothing will occur to interrupt our amicable relations with Brazil.

It has been my constant effort to maintain and cultivate the most intimate relations of friendship with all the independent powers of South America; and this policy has been attended with the happiest results. It is true, that the settlement and payment of many just claims of American citizens against these nations have been long delayed. The peculiar position in which they have been placed, and the desire on the part of my predecessors, as well as myself, to grant them the utmost indulgence, have hitherto prevented these claims from being urged in a manner demanded by strict justice. The time has arrived when they ought to be finally adjusted and liquidated, and efforts are now making for that purpose.

It is proper to inform you that the government of Peru has in good faith paid the first two instalments of the indemnity of thirty thousand dollars each, and the greater portion of the interest due thereon, in execution of the convention between that government and the United States, the ratifications of which were exchanged at Lima, on the thirty-first of October, 1846. The Attorney General of the United States, early in August last, completed the adjudication of the claims under this convention, and made his report thereon, in pursuance of the act of the 8th of August, 1846. The sums to which the claimants are respectively entitled will be paid on demand at the treasury.

I invite the early attention of Congress to the present condition of our citizens in China. Under our treaty with that power, American citizens are withdrawn from the jurisdiction, whether civil or criminal, of the Chinese government, and placed under that of our public functionaries in that country. By these alone can our citizens be tried and punished for the commission of any crime; by these alone can questions be decided between them, involving the rights of persons and property; and by these alone can contracts be enforced, into which they may have entered with the citizens or subjects of foreign powers. The merchant vessels of the United States lying in the waters of the five ports of China, open to foreign commerce, are under the exclusive jurisdiction of officers of their own government. Until Congress shall establish competent tribunals to try and punish crimes, and to exercise jurisdiction in civil cases in China, American citizens there are subject to no law whatever. Crimes may be committed with impunity, and debts may be contracted without any means to enforce their payment.—Inconveniences have already resulted from the omission of Congress to legislate upon the subject, and still greater are apprehended. The British authorities in China have already complained that this government has not provided for the punishment of crimes, or the enforcement of contracts against American citizens in that country, whilst their government has established tribunals by which an American citizen can recover debts due from British subjects.

Accustomed as the Chinese are to summary justice, they could not be made to comprehend why criminals who are citizens of the United States should escape with impunity, in violation of treaty obligations, whilst the punishment of a Chinese who had committed any crime again an American citizen, would be rigorously exacted. Indeed, the consequences might be fatal to American citizens in China, if flagrant crime be committed by any one of them upon a Chinese, and should trial and punishment not follow according to the requisitions of the treaty. This might disturb, if not destroy, our friendly relations with that empire, and cause an interruption of our valuable commerce.

Our treaties with the sublime Porte, Tripoli, Tunis, Morocco, and Muscat, also require the legislation of Congress to carry them into execution, though the necessity for immediate action may not be so urgent as in regard to China.

The Secretary of State has submitted an estimate to defray the expenses of opening diplomatic relations with the Papal States. The interesting political events now in progress in these States, as well as a just tregard to our commercial interests, have, in my opinion, rendered such a measure highly expedient.

Estimates have also been submitted for the outfits and salaries of Charges d'Affaires to the republics of Bolivia, Guatema, and Ecuador. The manifest importance of cultivating the most friendly relations with all the independent States upon this continent has induced me to recommend appropriations necessary for the maintenance of these missions.

I recommend to Congress that an appropriation be made, to be paid to the Spanish government for the purpose of distribution among the claimants in "the Amistad case." I entertain the conviction that this is due to Spain under the treaty of the twentieth of October, 1795; and moreover, that, from the earnest manner in which the claim continues to be urged, so long as it shall remain unsettled, it will be a source of irritation and discord between the two countries, which may prove highly prejudicial to the interests of the United States. Good policy, no less than a faithful compliance with our treaty obligations, requires that the inconsiderable appropriation demanded should be made.

A detailed statement of the condition of the finances will be presented in the annual report of the Secretary of the Treasury.—The imports for the last fiscal year, ending on the thirtieth of June, 1847, were of the value of one hundred and forty-six million five hundred and forty-five thousand six hundred and thirty-eight dollars; of which the amount exported was eight million eleven thousand one hundred and fifty-eight dollars, leaving one hundred and thirty-eight million five hundred and thirty-four thousand four hundred and eighty dollars in the country for domestic use. The value of the exports for the same period was one hundred and fifty-eight million six hundred and forty-eight thousand six hundred and twenty-two dollars; of which one hundred and fifty million six hundred and thirty-seven thousand four hundred and sixty-four dollars consisted of domestic productions, and eight million eleven thousand one hundred and fifty-eight dollars of foreign articles.

The receipts into the treasury for the same period amounted to twenty-six million three hundred and forty-six thousand seven hundred and ninety dollars and thirty-seven cents, of which there was derived from customs twenty-three million seven hundred and forty-seven thousand eight hundred and sixty-four dollars and sixty-six cents; from sales of public lands, two million four hundred and ninety-eight thousand three hundred and thirty-five dollars and twenty cents; and from incidental and miscellaneous sources, one hundred thousand five hundred and seventy dollars and fifty-one cents. The last fiscal year during which this amount was received embraced five months under the operation of the tariff act of '42 and seven moths during which the tariff act of 1846 was in force. During the five months under the act of 1842, the amount received from customs was seven million eight hundred and forty-two thousand three hundred and six dollars and ninety cents, and during the seven months under the act of 1846 the amount received was fifteen million nine hundred and five thousand five hundred and fifty-seven dollars and seventy-six cents.

The nett revenue from customs during the year ending on the first of December, 1846, being the last year under the operation of the tariff act of 1842, was twenty-two million nine hundred and seventy-one thousand four hundred and three dollars and ten cents; and the nett revenue from customs during the year ending on the first of December, 1847, being the first year under the operation of the tariff act of 1846, was about thirty-one million five hundred thousand dollars; being an increase of revenue for the first year under the tariff of 1846 of more than eight million five hundred thousand dollars over that of the last year under the tariff of 1842.

The expenditures during the fiscal year ending on the thirtieth of June last were fifty-nine million four hundred and fifty one thousand one hundred and seventy-seven dollars and sixty-five cents; of which three million five hundred and twenty-two thousand and eighty-two dollars and thirty-seven cents was on account of payment of principal and interest of the public debt, including treasury notes redeemed and not funded. The expenditures, exclusive of payment of public debt, were fifty-five million nine hundred and twenty-nine thousand and ninety-five dollars and twenty-eight cents.

It is estimated that the receipts into the treasury for the fiscal year ending on the thirtieth of June, 1848, including the balance in the treasury on the first of July last, will amount to forty-two million eight hundred and eighty-six thousand five hundred and forty-five dollars and eighty cents, of which thirty one million, it is estimated, will be derived from customs; three million five hundred thousand from the sale of the public lands; four hundred thousand from incidental sources, including sales made by the Solicitor of the Treasury; and six million two hundred and eighty-five thousand two hundred and ninety-four dollars and fifty-five cents from loans already authorized by law, which, together with the balance in the treasury on the first of July last, make the sum estimated.

The expenditures for the same period, if peace with Mexico shall not be concluded, and the army shall be increased as is proposed, will amount, including the necessary payments on account of principal and interest of the public debt and treasury notes, to fifty-eight million six hundred and fifteen thousand six hundred and sixty dollars and seven cents.

On the first of the present month, the amount of the public debt actually incurred, including treasury notes, was forty-five million six hundred and fifty-nine thousand six hundred and fifty-nine dollars and forty cents. The public debt due on the fourth of March, 1845, including treasury notes, was seventeen million seven hundred and eighty-eight thousand seven hundred and ninety-nine hollars and sixty-two cents; and consequently the addition made to the public debt since that time is twenty-seven million eight hundred and seventy thousand eight hundred and fifty-nine dollars and seventy-eight cents.

Of the loan of twenty-three millions, authorized by the act o the twenty-eighth of January, 1847, the sum of five millions was paid out to the public creditors as contemplated at the time of its negotiation, and the remaining eighteen millions was offered for specie to the highest bidder not below par, by an advertisement issued by the Secretary of the Treasury, and published from the ninth of February until the tenth of April, 1847, when it was awarded to the several highest bidders, at premiums varying from one-eighth of one per cent. to two per cent. above par. The premium has been paid into the treasury, and the sums awarded deposited in specie in the treasury as fast as it was required by the wants of the government.

To meet the expenditures for the remainder of the present and for the next fiscal year, ending on the thirtieth of June, 1849, a further loan, in aid of the ordinary revenues of the government will be necessary. Retaining a sufficient surplus in the treasury, the loan required for the remainder of the present fiscal year will be about eighteen million five hundred thousand dollars. If the duty on tea and coffee be imposed, and the graduation of the price of the public lands shall be made at an early period of your session, as recommended, the loan for the present fiscal year may be reduced to seventeen millions of dollars. The loan may be further reduced by whatever amount of expenditures can be saved by military contributions collected in Mexico. The most vigorous means for securing the regular collection of these contributions have been directed, and a very considerable sum is expected from that source. Its amount cannot, however, be calculated with any certainty. It is recommended that the loan to be made be authorized upon the same terms, and for the same time, as that which was authorized under the provisions of the act of the twenty-eighth of January, 1847.

Should the war with Mexico be continued until the thirtieth of June, 1849, it is estimated that a further loan of twenty million five hundred thousand dollars will be required for the fiscal year ending on that day, in case no duty be imposed on tea and coffee, and the public lands be not reduced and graduated in price, and no military contributions shall be collected in Mexico. If the duty on tea and coffee be imposed, and the lands be reduced and graduated in price, as proposed, the loan may be reduced to seventeen millions of dollars, and will be subject to be still further reduced by the amount of the military contributions which may be collected in Mexico. It is not proposed, however, at present, to ask Congress for authority to negotiate this loan for the next fiscal year, as it is hoped that the loan asked for the remainder of the present fiscal year, aided by military contributions which may be collected in Mexico, may be sufficient. If, contrary to my expectation, there should be a necessity for it, the fact will be communicated to Congress in time for their action during the present session. In no event will a sum exceeding six millions of dollars of this amount be needed before the meeting of the session of Congress in December, 1848.

The act of the thirtieth of July, 1846, "reducing the duties on imports," has been in force since the first of December last; and I am gratified to state, that all the beneficial effects which were anticipated from its operation have been fully realized. The public revenue derived from customs during the year ending on the first of December, 1847, exceeds by more than eight millions of dollars the amount received in the preceding year under the operation of the act of 1842, which was superseded and repealed by it. Its effects are visible in the great and almost unexampled prosperity which prevails in every branch of business.

While the repeal of the prohibitory and restrictive duties of the act of 1842, and the substitution in their place of reasonable revenue rates, level to articles imported according to their present value, has increased the revenue and augmented our foreign trade, all the great interests of the country have been advanced and promoted.

The great and important interests of agriculture, which had been not only too much neglected, but actually taxed under the protective policy for the benefit of other interests, have been relieved of the burdens which that policy imposed on their industry, and our farmers and planters, under a more just and liberal commercial policy, are finding new and profitable markets abroad for their augmented products.

Our commerce is rapidly increasing, and is extending more widely the circle of international exchanges. Great as has been the increase of our imports during the past year, our exports of domestic products sold in foreign markets have been still greater.

Our navigating interest is eminently prosperous. The number of vessels built in the United States has been greater than during any preceding period of equal length. Large profits have been derived by those who have constructed, as well as by those who have navigated them. Should the ratio of increase in the number of our vessels and seamen be proportionally as great in the future as during the past year, the time is not distant when our tonnage and commercial marine will be larger than that of any other nation in the world.

Whilst the interests of agriculture, of commerce, and of navigation have been enlarged and invigorated, it is highly gratifying to observe that our manufactures are also in a prosperous condition. None of the ruinous effects upon this interest, which were apprehended by some, as the result of the operation of the revenue system established by the act of 1846, have been experienced. On the contrary, the number of manufactories, and the amount of capital invested in them, is steadily and rapidly increasing, affording gratifying proofs that American enterprise and skill employed in this branch of domestic industry, with no other advantages than those fairly and incidentally accruing from a just system of revenue duties, are abundantly able to meet successfully all competition from abroad, and still derive fair and remunerating profits.

While capital invested in manufactures is yielding adequate and fair profits under the new system, the wages of labor, whether employed in manufactures, agriculture, commerce, or navigation, have been augmented. The toiling millions, whose daily labor furnishes the supply of food and raiment, and all the necessaries and comforts of life, are receiving higher wages, and more steady and permanent employment, than in any other country, or at any previous period of our own history.

So successful have been all branches of our industry, that a foreign war, which generally diminishes the resources of a nation, has in no essential degree retarded our onward progress, or checked our general prosperity.

With such gratifying evidences of prosperity, and of the successful operation of the revenue act of 1846, every consideration of public policy recommends that it shall remain unchanged. It is hoped that the system of impost duties which it established, may be regarded as the permanent policy of the country, and that the great interests affected by it may not again be subject to be injuriously disturbed, as they have heretofore been, by frequent and sometimes sudden changes.

For the purpose of increasing the revenue, and without changing or modifying the rates imposed by the act of 1846, on the dutiable articles embraced by its provisions, I again recommend to your favorable consideration the expediency of levying a revenue duty on tea and coffee. The policy which exempted these articles from duty during peace, and when the revenue to be derived from them was not needed, ceases to exist when the country is engaged in war, and requires the use of all its available resources. It is a tax which would be so generally diffused among the people, that it would be felt oppressively by none, and be complained of by none. It is believed that there are not, in the list of imported articles, any which are more properly the subject of war duties than tea and coffee.

It is estimated that three millions of dollars would be derived annually by a moderate duty imposed on these articles.

Should Congress avail itself of this additional source of revenue, not only would the amount of the public loan, rendered necessary by the war with Mexico, be diminished in extent, but the public credit, and the public confidence in the ability and determination of the government to meet all its engagements promptly, would be more firmly established, and the reduced amount of the loan, which it may be necessary to negotiate, could probably be obtained at cheaper rates.

Congress is, therefore, called upon to determine whether it is wiser to impose the war duties recommended, or, by omitting to do so, increase the public debt annually three millions of dollars so long as loans shall be required to prosecute the war, and afterwards provide, in some other form, to pay the semi-annual interest upon it, and ultimately to extinguish the principal. If, in addition to these duties, Congress should graduate and reduce the price of such public lands as experience has proved will not command the price placed upon them by the government, an additional annual income to the treasury, of between half a million and a million of dollars, it is estimated, would be derived from this source. Should both measures receive the sanction of Congress, the annual amount of public debt necessary to be contracted during the continuance of the war, would be reduced nearly four millions of dollars. The duties recommended to be levied on tea and coffee, it is proposed, shall be limited in their duration to the close of the war, and until the public debt rendered necessary to be contracted by it, shall be discharged. The amount of the public debt to be contracted, should be limited to the lowest practicable sum, and should be extinguished as early after the conclusion of the war as the means of the treasury will permit.

With this view, it is recommended that, as soon as the war shall be over, all the surplus in the treasury, not needed for other indispensable objects, shall constitute a sinking fund, and be applied to the purchase of the funded debt, and that authority be conferred by law for that purpose.

The act of the sixth of August, 1846, "to establish a warehousing system," has been in operation more than a year, and has proved to be an important auxiliary to the tariff act of 1846, in augmenting the revenue and extending the commerce of the country. Whilst it has tended to enlarge commerce, it has been beneficial to our manufactures, by diminishing forced sales at auction of foreign goods at low prices, to raise the duties to be advanced on them, and thereby checking their importation. The system, although sanctioned by the experience of other countries, was entirely new in the United States, and is susceptible of improvement in some of its provisions. The Secretary of the Treasury, upon whom was devolved large discretionary powers in carrying this measure into effect, has collected and is now collecting, the practical results of the system in other countries, where it has long been established, and will report at an early period of your session such further regulations suggested by the investigation as may render it still more effective and beneficial.

By the act "to provide for the better organization of the treasury, and for the collection, safe-keeping, and disbursement of the public revenue," all banks were discontinued as fiscal agents of the government, and the paper currency issued by them was no longer permitted to be received in payment of public dues.

The constitutional treasury created by this act went into operation on the first of January last. Under the system established by it, the public moneys have been collected, safely kept, and dis-

bursed by the direct agency of officers of the government in gold and silver; and transfers of large amounts have been made from points of collection to points of disbursement, without loss to the treasury, or injury or inconvenience to the trade of the country.

While the fiscal operations of the government have been conducted with regularity and ease under this system, it has had a salutary effect in checking and preventing an undue inflation of the paper currency issued by the banks which exist under State charters. Requiring, as it does, all dues to the government to be paid in gold and silver, its effect is to restrain excessive issues of bank paper by the banks disproportioned to the specie in their vaults, for the reason that they are at all times liable to be called on by the holders of their notes for their redemption, in order to obtain specie for the payment of duties and other public dues. The banks, therefore, must keep their business within prudent limits, and be always in a condition to meet such calls, or run the hazard of being compelled to suspend specie payments, and be thereby discredited. The amount of specie imported into the United States during the last fiscal year, was twenty-four millions one hundred and twenty-one thousand two hundred and eighty-nine dollars; of which there was retained in the country twenty-two millions one hundred and seventy-six thousand two hundred and seventy dollars. Had the former financial system prevailed, and the public moneys been placed on deposite in the banks, nearly the whole of this amount would have gone into their vaults, not to be thrown into circulation by them, but to be withheld from the hands of the people as a currency, and made the basis of new and enormous issues of bank paper. A large proportion of the specie imported has been paid into the treasury for public dues; and after having been to a great extent, recoined at the mint, has been paid out to the public creditors and gone into circulation as a currency among the people. The amount of gold and silver coin now in circulation in the country is larger than at any former period.

The financial system established by the constitutional treasury has been, thus far, eminently successful in its operations; and I recommend an adherence to all its essential provisions, and especially to that vital provision which wholly separates the government from all connexion with banks, and excludes bank paper from all revenue receipts.

In some of its details, not involving its general principles, the system is defective, and will require modification. These defects, and such amendments as are deemed important, were set forth in the last annual report of the Secretary of the Treasury. These amendments are again recommended to the early and favorable consideration of Congress.

During the past year, the coinage at the mint and its branches has exceeded twenty millions of dollars. This has consisted chiefly in converting the coins of foreign countries into American coin.

The largest amount of foreign coin imported has been received at New York; and if a branch mint were established at that city, all the foreign coin received at that port could at once be converted into our own coin, without the expense, risk, and delay of transporting it to the mint for that purpose, and the amount received would be much larger.

Experience has proved that foreign coin, and especially foreign gold coin, will not circulate extensively as a currency among the people. The important measure of extending our specie circulation, both of gold and silver, and of diffusing it among the people, can only be effected by converting such foreign coin into American coin. I repeat the recommendation contained in my last annual message for the establishment of a branch of the mint of the United States at the city of New York.

All the public lands which had been surveyed and were ready for market have been proclaimed for sale during the last year.—The quantity offered and to be offered for sale, under proclamations issued since the first of January last, amounts to nine million one hundred and thirty-eight thousand five hundred and thirty-one acres. The prosperity of the western States and Territories in which these lands lie will be advanced by their speedy sale. By withholding them from market, their growth and increase of population would be retarded, while thousands of our enterprising and meritorious frontier population would be deprived of the opportunity of securing freeholds for themselves and families. But in addition to the general considerations which rendered the early sale of these lands proper, it was a leading object at this time to derive as large a sum as possible from this source, and thus diminish, by that amount, the public loan rendered necessary by the existence of a foreign war.

It is estimated that not less than ten millions of acres of the public lands will be surveyed and be in a condition to be proclaimed for sale during the year 1848.

In my last annual message, I presented the reasons which, in my judgment, rendered it proper to graduate and reduce the price of such of the public lands as have remained unsold for long periods after they had been offered for sale at public auction.

Many millions of acres of public lands lying within the limits of several of the Western States have been offered in the market, and been subject to sale at private entry for more than twenty years, and large quantities for more than thirty years, at the lowest price prescribed by the existing laws, and it has been found that they will not command that price. They must remain unsold and uncultivated for an indefinite period, unless the price demanded for them by the government shall be reduced. No satisfactory reason is perceived why they should be longer held at rates above their real value. At the present period an additional reason exists for adopting the measure recommended. When the country is engaged in a foreign war, and we must necessarily resort to loans, it would seem to be the dictate of wisdom that we should avail ourselves of all our resources, and thus limit the amount of the public indebtedness to the lowest possible sum.

I recommend that the existing laws on the subject of pre-emption rights be amended and modified so as to operate prospectively, and to embrace all who may settle upon the public lands and make improvements upon them before they are surveyed, as well as afterwards; in all cases where such settlements may be made after the Indian title shall have been extinguished.

If the right of pre-emption be thus extended, it will embrace a large and meritorious class of our citizens. It will increase the number of freeholders upon our borders, who will be enabled thereby to educate their children and otherwise improve their condition, while they will be found at all times, as they have ever proved themselves to be, in the hour of danger to their country, among our hardiest and best volunteer soldiers, ever ready to tender their services in cases of emergency, and among the last to leave the field as long as an enemy remains to be encountered. Such a policy will also impress these patriotic pioneer emigrants with deeper feelings of gratitude for the parental care of their government, when they find their dearest interests secured to them by the permanent laws of the land, and that they are no longer in danger of losing their homes and hard-earned improvements by being brought into competition with a more wealthy class of purchasers at the land sales.

The attention of Congress was invited, at their last and preceding sessions, to the importance of establishing a Territorial government over our possessions in Oregon; and it is to be regretted that there was no legislation on the subject. Our citizens who inhabit that distant region of country are still left without the protection of our laws, or any regularly organized government. Before the question of limits and boundaries of the territory of Oregon was definitely settled, from the necessity of their condition, the inhabitants had established a temporary government of their own. Besides the want of legal authority for continuing such a government, it is wholly inadequate to protect them in their rights of person and property, or to secure to them the enjoyment of the privileges of other citizens, to which they are entitled under the Constitution of the United States. They should have the right of suffrage, be represented in a Territorial legislature, and by a delegate in Congress; and possess all the rights and privileges which citizens of other portions of the Territories of the United States have heretofore enjoyed, or may now enjoy.

Our judicial system, revenue laws, laws regulating trade and intercourse with the Indian tribes, and the protection of our laws generally, should be extended over them.

In addition to the inhabitants in that territory who had previously emigrated to it, large numbers of our citizens have followed them during the present year; and it is not doubted that during the next and subsequent years their numbers will be greatly increased.

Congress, at its last session, established post routes leading to Oregon, and between different points within that territory, and authorized the establishment of post offices at "Astoria and such other places on the coasts of the Pacific, within the territory of the United States, as the public interests may require." Post offices have accordingly been established, deputy postmasters appointed, and provision made for the transportation of the mails.

The preservation of peace with the Indian tribes residing west of the Rocky mountains will render it proper that authority should be given by law for the appointment of an adequate number of Indian agents to reside among them.

I recommend that a surveyor general's office be established in that territory, and that the public lands be surveyed and brought into market at an early period.

I recommend, also, that grants, upon liberal terms, of limited qualities of the public lands be made to all citizens of the United States who have emigrated, or may hereafter within a prescribed period emigrate to Oregon, and settle upon them. These hardy and adventurous citizens, who have encountered the dangers and privations of a long and toilsome journey, and have at length found an abiding-place for themselves and their families upon the utmost verge of our western limits, should be secured in the homes which they have improved by their labor.

I refer you to the accompanying report of the Secretary of War for a detailed account of the operations of the various branches of the public service connected with the department under his charge. The duties devolving on this department have been unusually onerous and responsible during the past year, and have been discharged with ability and success.

Pacific relations continue to exist with the various Indian tribes, and most of them manifest a strong friendship for the United States. Some depredations were committed during the past year upon our trains transporting supplies for the army, on the road between the western border of Missouri and Santa Fe. These depredations, which are supposed to have been committed by bands from the region of New Mexico, have been arrested by the presence of a military force, ordered out for that purpose. Some outrages have been perpetrated by a portion of the northwestern bands upon the weaker and comparatively defenceless neighboring tribes. Prompt measures were taken to prevent such occurrences in future.

Between one or two thousand Indians, belonging to several tribes, have been removed during the past year, from the east of the Mississippi to the country allotted to them west of that river,

Since the treaty of 1846, with the Cherokees, the feuds among [illegible] have been more excited by the agency [illegible] than by any other cause. The [illegible] appointed in pursuance of the act of June 27, 1846, to settle claims arising under the treaty of 1835–'36 with that tribe, have executed their duties; and after patient investigation, [illegible] all the cases brought before them, closed their labors in the month of July last. This is the [illegible] under this treaty. Ample opportunity has been afforded to all those interested to bring forward their claims. No doubt is entertained that the impartial justice has been done by the late board, and that all valid claims embraced by the treaty have been considered and [illegible] to be made with this tribe, under the treaty of 1846, which will be completed and laid before you during your session, will adjust all questions of controversy between [illegible] and produce a state of [illegible] and [illegible].

[illegible] required by the act of the third of March last, the annuities due to the various tribes have been [illegible] instead of [illegible] as heretofore, thus [illegible] and imposition from being practiced upon the great body of [illegible] the [illegible] of all the tribes.

[illegible] has been given to the establishment of [illegible] and making rapid advances in [illegible] support, and in some cases a surplus to dispose of to their neighbors. The comforts by which those who have received even a very limited education, and have engaged in agriculture, are surrounded, tend [illegible] from the [illegible] of the [illegible] and [illegible] civilization.

[illegible] Secretary of the Navy presents [illegible] and operations of that [illegible] the past year. Our commerce has been pursued with increased activity, and with safety and success [illegible] and the [illegible] of our flag [illegible] in every sea.

In the Gulf of Mexico, and in the Pacific, the officers and men of our squadrons have displayed distinguished gallantry, and performed valuable services. In the early stages of the war with Mexico, her ports on both coasts were blockaded, and more recently many of them have been captured and held by the navy. When acting in cooperation with the land forces, the naval officers and men have performed gallant and distinguished services on land as well as [illegible] in the [illegible] of the country.

While other maritime powers are adding to their navies large numbers of war steamers, it was a wise policy on our part to make similar additions to our navy. The four war steamers authorized by the act of the third of March, 1847, are in course of construction.

In addition to the four war steamers authorized by this act, the Secretary of the Navy has, in pursuance of its provisions, entered into contracts for the construction of five steamers, to be employed in the transportation of the United States mail from New York to New Orleans, touching at Charleston, Savannah, and Havana, and from Havana to Chagres;" for three steamers to be employed in like manner from Panama to Oregon, "so as to connect with the mail from Havana to Chagres across the isthmus;" and for five steamers to be employed in like manner from New York to Liverpool. These steamers will be the property of the contractors, but are to be built "under the superintendence and direction of a [illegible] to be so constructed as to render them convertible, at the least possible expense, into war steamers of the first class."

A prescribed number of naval officers, as well as a post office agent, are to be on board of them; and authority is reserved to the Navy Department at all times to "exercise control over said steamships," and "to have the right to take them for the exclusive use and service of the United States, upon making proper compensation to the contractors therefor."

Whilst these steamships will be employed in transporting the mails of the United States coastwise, and to foreign countries, upon an annual compensation to be paid to the owners, they will be always ready, upon an emergency requiring it, to be converted into war steamers; and the right reserved to take them for public use will add greatly to the efficiency and strength of this description of our naval force. To the steamers thus authorized under contracts made by the Secretary of the Navy, should be added five other steamers authorized under contracts made in pursuance of law by the Postmaster General; making an addition, in the whole, of [illegible] to take the place of [illegible]. As further contracts for the transportation of the mail to foreign countries [illegible] the [illegible] may be enlarged indefinitely.

The enlightened [illegible] which [illegible] countries, with the various distant parts of the globe is established, by means of American-built sea steamers, would find an ample reward in the increase of our commerce, and in making our country and its resources more favorably known abroad; but the national advantage is still greater—of having our naval officers made familiar with steam navigation, and of having the privilege of taking the ships already equipped for immediate service at a moment's notice; and will be cheaply purchased by the compensation to be paid for the transportation of the mail in them, over and above the postages received.

A just national pride, no less than our commercial interests, would seem to favor the policy of augmenting the number of this description of vessels. They can be built in our country cheaper, and in greater numbers than in any other in the world.

I refer you to the accompanying report of the Postmaster General for a detailed and satisfactory account of the condition and operations of that department during the past year. It is gratifying to find that, within so short a period after the reduction in the rates of postage, and notwithstanding the great increase of mail service, the revenue received for the year will be sufficient to defray all the expenses, and that no further aid will be required from the treasury for that purpose.

The first of the American mail steamers authorized by the act of the third of March, 1845, was completed and entered upon the service on the first of June last, and is now on her third voyage to Bremen and other intermediate ports. The other vessels authorized under the provisions of that act are in course of construction, and will be put upon the line as soon as completed. Contracts have also been made for the transportation of the mail in a steamer from Charleston to Havana.

A reciprocal and satisfactory postal arrangement has been made by the Postmaster General with the authorities of Bremen, and no difficulty is apprehended in making similar arrangements with all other powers with which we have communications by mail steamers, except with Great Britain.

On the arrival of the first of the American steamers, bound to Bremen, at Southampton, in the month of June last, the British post office directed the collection of discriminating postages on all letters and other mailable matter, which she took out to Great Britain, or which went into the British post office on their way to France and other parts of Europe. The effect of the order of the British post office is to subject all letters and other matter transported by American steamers to double postage, one postage having been previously paid on them to the United States, while letters transported in British steamers are subject to pay but a single postage. This measure was adopted with the avowed object of protecting the British line of mail steamers now running between Boston and Liverpool, and, if permitted to continue, must speedily put an end to the transportation of all letters and other matter by American steamers, and give to British steamers a monopoly of the business. A just and fair reciprocity is all that we desire, and on this we must insist. By our laws, no such discrimination is made against British steamers bringing letters into our ports, but all letters arriving in the United States are subject to the same rate of postage, whether brought in British or American vessels. I refer you to the report of the Postmaster General for a full statement of the facts of the case, and of the steps taken by him to correct this inequality. He has exerted all the power conferred upon him by the existing laws.

The minister of the United States at London has brought the subject to the attention of the British government, and is now engaged in negotiations for the purpose of adjusting reciprocal postal arrangements, which shall be equally just to both countries. Should he fail in concluding such arrangements, and should Great Britain insist on enforcing the unequal and unjust measure she has adopted, it will become necessary to confer additional powers on the Postmaster General, in order to enable him to meet the emergency, and to put our own steamers on an equal footing with British steamers engaged in transporting the mails between the two countries; and I recommend that such powers be conferred.

In view of the existing state of our country, I trust it may not be inappropriate, in closing this communication, to call to mind the words of the first and admonish the last and most illustrious of any predecessors, in his farewell address to his countrymen.

That greatest and best of men, who served his country so long and loved it so much, foresaw, with "serious concern," the danger to our Union "of characterizing parties by geographical discriminations—*northern* and *southern*, *Atlantic* and *western*—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views," and warned his countrymen against it.

So deep and solemn was his conviction of the importance of the Union, and of preserving harmony between its different parts, that he declared to his countrymen in that address, "it is of infinite moment that you should properly estimate the immense value of your national Union to your collective and individual happiness: that you should cherish a cordial, habitual, and immoveable attachment to it; accustoming yourselves to think and to speak of it as a palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts."

After the lapse of half a century, these admonitions of Washington fall upon us with all the force of truth. It is difficult to esti-

mate the "unmense value" of our glorious Union of confederated States, to which we are so much indebted for our growth in population and wealth, and for all that constitutes us a great and happy nation. How unimportant are all our differences of opinion upon minor questions of public policy, compared with its preservation; and how scrupulously should we avoid all agitating topics which may tend to distract and divide us into contending parties, separated by geographical lines, whereby it may be weakened or endangered.

Invoking the blessing of the Almighty Ruler of the Universe upon your deliberations, it will be my highest duty, no less than my sincere pleasure, to co-operate with you in all measures which may tend to promote the honor and enduring welfare of our common country.

JAMES K. POLK.

WASHINGTON, December 7, 1847.

After the reading of the message had been proceeded with for some time,

Mr. SEVIER remarked that the message was a long one, and that Senators already had it upon their desks. He therefore moved that its further reading be dispensed with; which was agreed to.

PRINTING OF THE MESSAGE.

On motion by Mr. BREESE,

Ordered, That five thousand copies of the Message, and two thousand copies of the message and accompanying documents, in addition to the usual number, be printed for the use of the Senate.

Mr. ALLEN suggested that a still larger number should be printed. The message of the present session, he said, was one of unusual interest to this country. It was extremely long, too long to be inserted in all the newspapers of the country; and for these reasons he would move, in order that it might receive a large circulation, that twenty thousand additional copies of the message be printed.

Mr. CRITTENDEN inquired how many copies of the documents accompanying the message, it was proposed to print?

Being informed that it was two thousand copies of the message and documents and twenty-five thousand copies of the message alone, Mr. CRITTENDEN acquiesced, and the motion of Mr. ALLEN was agreed to.

On motion,

The Senate adjourned.

WEDNESDAY, DECEMBER 9, 1847.

The Hon. JOHN M. CLAYTON, of the State of Delaware, and the Hon. JOHN DAVIS, of the State of Massachusetts, appeared in their seats to-day.

CREDENTIALS OF SENATORS.

Mr. DAVIS ... of the Senators elect by the Legislature of the State of Massachusetts, to be a Senator of the United States, from the State of Massachusetts, for the term of six years, commencing on the 4th of March, 1847, were presented at the last session, after having taken the oath of office, which was administered to him at the hands of the VICE PRESIDENT, took his seat.

[illegible]

The VICE PRESIDENT laid before the Senate the following letter, which was read:

[illegible] December 7, 1847.

[illegible] Senate:

[illegible] the practice of our predecessors; and a failure on our part to be equally prompt may, [illegible] to well established usage, in advance of its delivery to the two houses of Congress.

[illegible] States, to which we respectfully ask you to communicate it.

With sentiments of great respect, we are, sir, your obedient servants,

[illegible]

REPORT FROM STATE DEPARTMENT.

The VICE PRESIDENT laid before the Senate a report of the Secretary of State, made agreeably to law, accompanied by statements, showing the appropriations and disbursements for the service of the department for the year ending June 30, 1847; which was read.

PETITIONS FROM STATE LEGISLATURES.

The VICE PRESIDENT presented a memorial of the Legislature of the Territory of Oregon, praying that the settlers in that territory may be confirmed in their titles to the lands occupied by them; and the adoption of measures for the promotion of education; and for facilitating the navigation of the Columbia river.

Ordered, That it lie on the table and be printed.

Mr. DIX presented a preamble and resolutions passed by the Legislature of the State of New York, requesting the Senators and Representatives of that State in Congress, to vote for the passage of a law granting public land for the construction of a railroad from Lake Michigan to the Pacific, according to the plan proposed by Asa Whitney, a citizen of New York.

Ordered, That they lie on the table and be printed.

Mr. DICKINSON presented resolutions passed by the Legislature of the State of New York, instructing the Senators and requesting the Representatives of that State in Congress, to use their best efforts to procure a repeal of certain provisions of the laws regulating the franking privilege and the postage on letters and newspapers.

Mr. DICKINSON then said: Serious exception has been taken to the clause of the postage law charging postage upon newspapers within thirty miles of the place where they are printed.—That clause has been, it seems, received with great disapprobation by the public; and in moving to refer these resolutions, as I shall, to the Post Office Committee, when appointed, I shall think it proper to call the attention of the Senate especially to this subject. I move at present that these resolutions lie upon the table.

Ordered, That they lie on the table and be printed.

PETITIONS.

Mr. DIX presented the memorial of Sarah Ann Hart, widow of [illegible] late a purser in the Navy, praying a pension.

Ordered, That it lie on the table.

Mr. DIX presented a petition of Sarah Ann Hart, widow of Monmouth B. Hart, Joel Kelley and William Close, sureties of Benjamin F. Hart, deceased, late a purser in the Navy, praying that a balance standing against him on the books of the Treasury, for certain stores which were lost by the wrecking of a United States vessel, may be cancelled.

Ordered, That it lie on the table.

Mr. DIX presented the memorial of Francis O. Dorr, and Andrew C. Dorr, in behalf of their brother Gustavus Dorr, late a captain in the army, who, they allege, was unjustly dismissed from the service for acts done while in a state of mental derangement, caused by an injury received while on duty, praying that he may be allowed a pension.

Ordered, That it lie on the table.

Mr. DIX presented the petition of Phebe Wood and Sylvia Ann Wood, children of Jeti ro Wood, deceased, praying an extension of the patent granted to their father for an improvement in the construction of the plough.

Ordered, That it lie on the table.

APPOINTMENT OF COMMITTEES.

Mr. ATHERTON submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, Thomas Morris, now a member of the Senate, will proceed to the appointment of standing committees, in accordance with the rules.

PRINTING OF THE MESSAGE.

Mr. ALLEN submitted the following resolution, which was considered by unanimous consent:

Resolved, That [illegible] additional number of the documents accompanying the President's annual message be printed for the use of the Senate.

Mr. ALLEN.—The number is left blank because, upon conversing with a number of gentlemen of this body, I found they were all agreed as to the necessity for printing an additional number, but they disagreed as to the number that was thought to be adequate. I believe it will be generally conceded that there ought to be, of some of these documents, a very large additional number printed, and it has been suggested by some of the intelligent and experienced members of the Senate, that it would be well; probably, to print a very large number of the report from the War Department, and omit the printing of the others, because the events of the war with Mexico are of the highest degree of importance—as interesting not only the public feelings of the country, but interesting in a high degree the private feelings of so many families. I think, sir, that there are circumstances connected with the whole action of this government which make the reports from all the departments peculiarly interesting this year. For instance, the same reason which gives extraordinary importance at this time to the report from the War Department, give almost equal importance to the report of the Secretary of the Navy; so, too, as regards the report from the Treasury Department. The operation of the new system of finance which the country has recently adopted, gives a transcendent importance to that report in connexion with the report proceeding from that department of the Executive government. So, too, of the report from the Post Office Department.—That report will disclose the results which experience has elicited as to the efficacy and the policy of the new system of postage. The same reason too which gives importance to the reports of the Secretary of War and the Secretary of the Navy, gives equal importance to the report from the State Department, as being the political feature of this war. It is perfectly manifest, therefore, that the reports from all the departments, owing to the peculiar circumstances of the country and the peculiar developements of the recently adopted policy of the government, are of transcendent importance to the country. For these reasons, I have left the number blank, in order that any gentleman may suggest a number with which it shall be filled, which may meet the general approbation of the Senate. I ask the action of the Senate at this time upon the resolution.

Mr. CAMERON.—I move to fill the blank with 10,000, which will be about 200 for each member of the Senate; and I am induced to do this because by the recent act in regard to printing the additional number will add very little to the cost. After the types have once been set, very little cost attends the printing.—Besides, the message will be published in all the newspapers, and the public will have an opportunity to read it, but the documents being so large will not obtain equal publicity unless distributed by order of the Senate.

Mr. NILES.—I do not rise to oppose this motion, sir. I think it is a very important one. If my honorable friend from Ohio will

move to reconsider the motion made yesterday, to order the printing of 20,000 copies of the message without the documents, and 5,000 with, making 25,000 in all, I might be inclined to sustain that motion. We are certainly beginning in a pretty liberal spirit in regard to the printing expenses of this body. And I wish to say a word at this time to my worthy friend from Pennsylvania, who, somehow, stuck an additional daily paper upon us. Now, three are more than I can find time to read; and, it a very distinguished gentleman from Georgia some years ago, had been here when that motion was made, we should probably have had a very serious debate before what that gentleman would have denominated a gross abuse, and in fact a violation, of what he thought, of the constitution of the United States, would have received the sanction of this body. However, that is a small matter. I admit, with the honorable Senator from Ohio, that, in the present interesting condition of the public affairs, the documents which are laid before us, are perhaps of something more than ordinary importance; and I would therefore be prepared, sir, to increase the number that we may be disposed to publish of those documents. But in regard to the message standing alone, I consider it altogether idle; for I hardly think I should undertake the drudgery of sending off the number that would fall to my share, particularly after the circulation of the newspapers containing it. Therefore, I see no necessity for increasing the number of copies of the message by itself. If the honorable Senator will make the motion that I have suggested, I would prefer it to the one which he has now made.

Mr. ALLEN.—I will say that as to the form in which the motion is put I have no particular solicitude, but if the reconsideration of the vote which was passed yesterday, to print 20,000 copies, should result in a modification so as to print 10,000 only, and the motion as proposed to be amended by the Senator from Pennsylvania, should pass to print no more than 15,000 copies of the message and 10,000 of the documents, I should have no objection; but if the object be barely to diminish the number of the copies of the message, without increasing the number of the documents, why then, I shall be inclined to oppose it.

Mr. NILES.—I think the number proposed is too large. Fifteen thousand of the message alone, and an additional 10,000 with the documents, are too many. We are advancing pretty rapidly; we are making too much progress. I am the friend of progress, but I do not want to get along too fast. I propose the printing of 5,000 copies, which will be ample.

Mr. WESTCOTT.—I would inquire how many 5,000 will give to each Senator? Not more, I believe, than about forty-eight copies. The reports from the officers of the army to the Secretary at War are very much sought for by the public; I have received applications for copies of these documents. Persons having relations in Mexico would like to possess these documents in a suitable form for preservation, instead of the perishable newspaper. I hope the honorable Senator will withdraw his amendment, and that the original motion will be so modified as to reduce the number of the messages and increase the number of the reports. If the copies of the message ordered yesterday had been furnished, I should have been in favor of using the whole number; but we will not receive them until to-morrow probaly, and in the meantime, the message will be diffused throughout the whole country. I do not want to send off a single message unaccompanied by the documents. I am in favor of printing the largest number which has been suggested. It will not be too great for the wants of the country.

Mr. MANGUM asked for the reading of the resolution; and on its being again read, he said: I would inquire what are the documents accompanying the message? From what Departments are the reports?

Mr. ALLEN.—From all the departments, except the Treasury; from the War, the Navy, the State, and the Post Office departments.

The question being put on filling the blank with 10,000, it was, upon a division, decided in the affirmative—ayes 32, noes not counted.

The resolution, as amended, was then adopted.

JOHN PAUL JONES.

Agreeably to notice given yesterday, Mr. HANNEGAN asked and obtained leave to bring in a bill for the relief of the heirs of John Paul Jones; which was read a first and second time by unanimous consent, and considered in Committee of the Whole.

Mr. HANNEGAN.—It is, I know, a rather unusual proposition. But I trust the extraordinary circumstances which occurred in relation to this bill, at the close of the last session, will induce the Senate to suspend the rules and give it a third reading now. The bill is now in Committee of the Whole; and without detaining the Senate more than a very few moments, I will simply state that it is the identical bill which passed both houses last session, without a division; at all events, without a division in the Senate, for it passed this body by a unanimous vote. I believe that the action of the other House was equally unanimous. It passed the Senate on the last night of the session. On the way from the desk of the Secretary to the room of the Vice President, where the President was appending his signature to bills, it was lost in the lobby, and was not recovered till after the adjournment of Congress, when, of course, it could not be signed by the President. Since that event, the unfortunate and accomplished gentleman then in charge of the bill, and who was no doubt well-remembered by members of the Senate, had died. He had left a widow and child; and I trust there is no indelicacy in remarking that prompt action on this bill is of essential importance to them.

No amendment being made, the bill was reported to the Senate.

Ordered, That it be engrossed and read a third time by unanimous consent.

Resolved, That the bill pass, and that the title thereof be "An act for the relief of the heirs of John Paul Jones."

Ordered, That the Secretary request the concurrence of the House of Representatives on this bill.

RECONSIDERATION.

On motion by Mr. NILES, the vote of yesterday ordering twenty thousand copies of the message, without the documents, to be printed for the use of the Senate, was reconsidered, and

The said motion having been amended by striking out "twenty" and inserting "ten," was agreed to, as follows:

Ordered, That ten thousand copies of the message, wirhout the documents, be printed for the use of the Senate.

NOTICES OF BILLS.

Mr. DIX gave notice that on to-morrow, or at some early day, he would ask leave of the Senate to introduce the following bills:

A bill to establish a branch of the Mint of the United States in the city of New York.

A bill for the relief of Mangle M. Quackenboss.

Mr. BREESE gave notice that on to-morrow, or at some early day, he would ask leave of the Senate to introduce the following bills:

A bill to reduce and graduate the price of the public lands.

A bill to grant to the State of Illinois the right of way through the public lands, and for other purposes.

A bill for the relief of Joseph Wilson.

A bill to authorize persons to whom reservations have been made under certain Indian treaties, to alienate the same in fee.

Mr. DICKINSON gave notice that he would, on to-morrow, or at some early day, ask leave of the Senate to introduce the following bill:

A bill to amend the act in relation to seamen navigating waters in vessels of the United States, &c.

Mr GREENE gave notice that on to-morrow, or at some early day, he would ask leave of the Senate to introduce the following bill:

A bill for the relief of Robert Parkis.

Mr. ASHLEY gave notice that on to-morrow, or at some early day, he would ask leave of the Senate to introduce the following bills:

A bill to establish a general pre-emption system.

A bill to divide the Judicial District of Arkansas into two Judicial Districts.

WITHDRAWAL OF PAPERS.

Mr. HUNTER asked and obtained leave to withdraw from the files of the Senate the papers relating to the claim of the heirs of John B. Grayson, deceased.

Mr. BREESE asked and obtained leave to withdraw from the files of the Senate the papers in the case of Nehemiah Brush.

Mr. SEVIER asked and obtained leave to withdraw from the files of the Senate the memorial of the Legislature of Arkansas, upon the subject of the removal of the raft of Red river, for the purpose of having it referred to the Committee on Commerce.

On motion.

The Senate adjourned.

THURSDAY, DECEMBER 10, 1846.

REPORTS FROM THE TREASURY.

The VICE PRESIDENT laid before the Senate a communication from the Treasury Department, made agreeably to law, accompanied by copies of the Treasurer's accounts with the United States, for the 3d and 4th quarters of 1846, and 1st and 2d quarters of 1847, which were ordered to be printed, and referred to the Committee on Finance.

The VICE PRESIDENT also laid before the Senate a communication from the Second Auditor of the Treasury, made agreeably to law, containing copies of such accounts as have been rendered by persons charged or entrusted with the disbursement or application of moneys granted by Congress for the service of the Indians, from the 1st October, 1845, to the 30th September, 1846, inclusive, together with a statement containing a list of the names of all persons to whom such moneys or effects have been delivered, within the same period, specifying the amount and object for which they were intended, the amount accounted for, and the balance remaining in the hands of each person, or otherwise disposed of, and by whom.

PETITIONS.

Mr. BREESE presented the petition of Dorothy Payne, widow of Adams Payne, deceased, a soldier in the last war with Great Britain, praying that she may be allowed a pension.

Ordered, That it lie on the table.

Mr. DOUGLAS presented the petition of David B. Sears, of Illinois, praying the right of pre-emption to a certain tract of land.

Ordered, That it lie on the table.

LEGISLATIVE RESOLUTIONS.

Mr. CLARKE presented resolutions of the State of Rhode Island and Providence Plantations in favor of a rail road from Lake Michigan to the Pacific coast, and the appropriation of public lands on the route for the purpose of effecting that object.

Ordered, That the resolutions be printed.

WITHDRAWAL OF PAPERS.

Mr. HALE asked and obtained leave to withdraw from the files of the Senate the petition and papers of William Fuller and Orlando Saltmarsh.

Mr. STURGEON asked and obtained leave to withdraw from the files of the Senate the memorial of Titian R. Peale, and accompanying documents.

Mr. NILES asked and obtained leave to withdraw from the files of the Senate the petition and papers of Abel Gay and Walter Loomis, with a view of having them referred to the Committee on the Post Office and Post Roads.

NOTICE OF A BILL.

Mr. NILES gave notice that he should, at an early day, ask leave of the Senate to introduce a bill for the relief of Thomas Rhodes.

Mr. DICKINSON gave notice that he should, at an early day, ask leave of the Senate to introduce a bill for the relief of Asa Waldron.

PUBLIC PRINTING.

Mr. BLACK moved the following resolution, which was considered by unanimous consent, and agreed to:

[illegible]

ADJOURNING OVER.

[illegible]

Ordered, That when the Senate adjourn, it be to Monday next.

DEATH OF MR. HUNTINGTON.

Mr. NILES [illegible] of the Senate, as follows:

Mr. President: It is a painful duty devolved upon me to announce to the Senate that, during its vacation, one of its members has been removed by death.

The Hon. JABEZ W. HUNTINGTON, a Senator from Connecticut, died at his residence in Norwich, in that State, on the second day of November last. His sickness was short, but severe, which he bore with the Christian fortitude becoming a strong mind, and died with calmness and resignation and an abiding hope of a happy immortality.

Of the public services and private character of my late colleague, I deem it necessary to say but a few words on this occasion. Those who knew him best, and were enabled most justly to appreciate his abilities and manly virtues, will take care that justice be done to his memory.

With the advantages of a regular classical education, Mr. Huntington prepared himself for the legal profession, which he entered upon with a high promise of success, which his talents and industry soon realized. At an early age he attained a reputation and standing at the bar, which commanded the respect of his professional brethren, and the confidence of the public.

In connexion with his professional business, he was for several years associated with the late Judge Gould in a law school, where his lectures evinced the extent and accuracy of his legal acquirements.

From this field of labors he was removed, in 1828, to take a part in the public councils of his State and country—first as a member of the State legislature, then as a representative in the twenty-first Congress of the United States, followed by a re-election to the twenty-second, and again to the twenty-third Congress. During his five years' service in the House of Representatives, he was distinguished for his industry and for his zealous and laborious devotion to public duties. In May, 1834, whilst one year of his congressional term remained, he was called to a seat on the bench of the supreme court of judicature of the State; the arduous and responsible duties of which he discharged for the six years with faithfulness and ability, and to the general acceptance of the public. From this exalted station, in 1840, he was transferred to the Senate of the United States, to fill an unexpired term of four years, and was subsequently re-elected for six years from the 4th of March, 1845.

Of his services in this body—his remarkable industry—his habits of research and investigation—his zealous and laborious devotion to public business—it is not necessary for me to speak, as those of you who were associated with him in these high duties can bear testimony to his labors, his researches and his ability.

If he sometimes displayed the ardor of the partisan, all, I think, will accord to him the merit of frankness, sincerity, and honesty in his opinions and purposes. If zealous as a politician, he was a sincere friend to his country, and ardently sought to advance what he believed to be its highest interests, its most enduring fame.

Both in his public career and in his irreproachable character in the walks of private life, it is sufficient to say that he well sustained the honor of the name he bore, distinguished as it has been in the public history of his native State.

In concluding these remarks, I hope to be excused for alluding to the unexampled bereavements which the Senate has sustained the past year in the death of four of its members, all in the prime of life, all endeared to their associates, and all sustaining a high and honorable standing here and before the country. May these dispensations of providence admonish us that public honors and exalted station do not add the least strength to the tenure by which we hold our lives. May they remind us all that the exciting scenes which surround us, and the deep interest in questions which come before us, may concern us individually but for a day or an hour; and, by moderating the intemperance of partisan zeal, may they dispose the minds of all, at this interesting crisis of our public affairs, to act with moderation and justice, and with a single view to the best and highest interests of our common country.

Mr. NILES concluded by offering the following resolutions:

[illegible]

The resolutions having been adopted,

The Senate adjourned.

MONDAY, DECEMBER 13, 1847.

The Hon. JOHN BELL, of the State of Tennessee; the Hon. THOMAS H. BENTON, of the State of Missouri; and the Hon. DAVID L. YULEE, of the State of Florida, appeared in the Senate to-day.

CREDENTIALS.

Mr. TURNEY presented the credentials of the Hon. JOHN BELL, elected a Senator of the United States from the State of Tennessee, for the term of six years, from and after the 4th day of March, 1847; which were read.

Mr. BELL, having taken the oath of office, which was administered to him at the hands of the VICE PRESIDENT, took his seat.

REPORTS FROM DEPARTMENTS.

The VICE PRESIDENT laid before the Senate the annual report of the Secretary of the Treasury, on the state of finances; which was read.

Mr. ATHERTON moved that the reports be printed, and that 5,000 extra copies be printed.

Mr. BREESE moved to amend the motion of Mr. ATHERTON, by increasing the number of extra copies to 20,000. He said it was a very important document, and ought to be extensively circulated.

The question being first put upon the larger number, it was, upon a division, agreed to.

Yeas,	-	33
Nays,	-	17
Majority for the motion,		16

Thereupon, it was

Ordered, That the report be printed; and that 20,000 copies, in addition to the usual number, be printed for the use of the Senate.

The VICE PRESIDENT also laid before the Senate a communication from the Secretary of the Treasury, transmitting the Report of the Commissioner of the General Land Office, exhibiting the operations in that branch of the public service during the fiscal year ending June 30th, 1847; which was read.

On motion of Mr. BREESE, it was

Ordered, That it lie on the table and be printed.

The VICE PRESIDENT also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with the 22d section of the act of 28th January, 1847, a statement showing the amount of Treasury Notes issued under its provisions, the amount of such Notes redeemed, and the manner in which redeemed; none having been purchased or re-issued under said act; which was read and ordered to be printed.

The VICE PRESIDENT also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with a resolution of the Senate of the 15th of January last, a Report of the Colonel of the corps of Topographical Engineers, communicating information upon the several subjects designated therein, as connected with the commerce of the Western Lakes and Rivers; which was read.

On motion by Mr. SEVIER, it was

Ordered, That the report be printed, together with five hundred extra copies for the use of the Topographical Bureau.

PETITIONS.

Mr. CAMERON presented the memorial of Bernard Henry, late United States naval store-keeper at Gibralter, praying the payment of a balance due him from the government.

Ordered, That it lie on the table.

Mr. RUSK presented the memorial of George Hervey, in behalf of the owners and consignees of the English merchant ship, James Mitchell, praying the payment of a sum of money due them under an act of Congress, and retained in the Treasury of the United States.

Ordered, That it lie on the table.

Mr. JOHNSON, of Louisiana, asked, and obtained leave, to withdraw from the files of the Senate the petition and papers of Margaret Carmick, widow of Daniel Carmick, deceased.

Mr. MASON asked, and obtained leave, to withdraw from the files of the Senate the petition and papers of William B. Slaughter.

Mr. CASS asked, and obtained leave, to withdraw from the files of the Senate the petition and papers of Henry R. Schoolcraft.

Mr. RUSK asked, and obtained leave, to withdraw from the files of the Senate the petition and papers of Bryan Callaghan.

Also, the petition and papers of E. P. Calkin, & Co.

Mr. BREESE asked, and obtained leave, to withdraw from the files of the Senate the petition and papers of the heirs of James Rumsey, deceased.

RESOLUTIONS OF THE STATE OF MAINE.

Mr. BRADBURY presented the resolutions of the Legislature of Maine in favor of a railroad from Lake Michigan to the Pacific coast, upon the plan of Asa Whitney, Esq. of New York; and requesting the Senators and Representatives from that State in Congress by their votes and acts to promote said object; which were ordered to be printed.

INCREASE IN COMMITTEES.

Mr. SEVIER submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That during the present session the Committee on Military Affairs of the Senate consist of seven members.

Mr. MANGUM submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That during the present session the Committee on Naval Affairs of the Senate consist of seven members.

THE RIVER SABINE.

Mr. JOHNSON, of La., submitted the following resolution for consideration:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to remove obstructions to the navigation of the river Sabine, and that the Resolution of the Legislature of Louisiana, the report and papers on file in relation thereto, be referred to the said Committee.

ELECTION OF OFFICERS.

On motion by Mr. SEVIER the Senate proceeded to the election of a Secretary, pursuant to the 49th rule.

On counting the ballots it appeared that 48 votes had been given, of which Mr. Asbury Dickens received 46; Mr. B. B. French, 1; and one blank.

Mr. DICKENS having been declared duly elected attended; and the oaths prescribed by law were administered to him by the VICE PRESIDENT.

The Senate proceeded to the election of a Sergeant-at-Arms and door keeper, pursuant to the 49th rule.

On counting the ballots it appeared that 49 votes had been given, of which Mr. Robert Beale received 37; Mr. Nuttall 6; Mr. Cranston Lowry 1; Mr. C. S. Whitney 2; Mr. J. B. Macy 1; and two blanks.

Mr. BEALE, having been declared duly elected, attended; and the oaths prescribed by law were administered to him by the VICE PRESIDENT.

The Senate proceeded to the election of an assistant door-keeper, pursuant to the 49th rule.

On counting the ballots it appeared that 50 votes had been given, of which Mr. Isaac Holland received 49; and there was one blank.

Mr. HOLLAND having been declared duly elected, attended; and the oaths prescribed by law were administered to him by the VICE PRESIDENT.

MESSAGE FROM THE HOUSE.

The following message from the House of Representatives, was received by Mr. CAMPBELL, their Clerk:

Mr. President.—The House of Representatives have passed a joint resolution for the appointment of a joint committee of three members of each House, to direct and superintend the expenditure of all moneys appropriated for the purchase of books for the Library of Congress, and all such other matters pertaining to the said Library not otherwise provided for by law, in which I am directed to request the concurrence of the Senate.

Mr. JOHN QUINCY ADAMS, Mr. PRESTON, and Mr. MCKEON have been appointed the said committee on the part of the House.

The House of Representatives has also passed a joint resolution that two Chaplains to Congress of different denominations be elected, one by each House, to officiate during the present session, and that they shall interchange weekly; in which I am directed to request the concurrence of the Senate.

ELECTION OF CHAPLAIN.

On motion by Mr. SEVIER, the Senate proceeded to consider the resolution from the House of Representatives, for the election of the two Chaplains of different denominations, one by each House, to officiate during the present session, who shall interchange weekly.

The question being upon agreeing to said resolution, it was

Resolved, That the Senate concur therein.

Mr. ATCHISON moved to proceed to the election of Chaplain.

Mr. WESTCOTT inquired whether it would not be proper first to inform the House of the concurrence of the Senate in the joint resolution for the election of Chaplains. He did not mean to object to the election taking place promptly.

Mr. SEVIER renewed the motion of Mr. ATCHISON, and

The Senate proceeded to the election of a Chaplain on their part.

On counting the ballots it appeared that 49 votes had been given, of which the Rev. Henry Slicer received 31; Rev. Mr. Gurley, 7; Rev. David Smith, 7; Rev. Mr. Matthews, 1.

The Rev. Mr. SLICER was declared duly elected Chaplain on the part of the Senate.

Ordered, That the Secretary notify the House of Representatives accordingly.

STANDING COMMITTEES.

Mr. SEVIER moved to proceed to the election of standing committees, which was agreed to.

Mr. MANGUM observed that the Chairman of the Committees having been informally agreed upon, it would be useless to go through with the tedious process of balloting for them. He therefore moved that so much of the 34th rule as requires their appointment by ballot be dispensed with; which was agreed to.

On motion, by Mr. MANGUM, the following Chairmen of the several committees were appointed:

Mr. SEVIER—Chairman of the Committee on Foreign Relations.
Mr. ATHERTON—Chairman on the Committee of Finance.
Mr. DIX—Chairman of the Committee on Commerce.
Mr. DICKINSON—Chairman of the Committee on Manufactures.
Mr. STURGEON—Chairman of the Committee on Agriculture.
Mr. CASS—Chairman of the Committee on Military Affairs.
Mr. FAIRFIELD—Chairman of the Committee on Naval Affairs.
Mr. RUSK—Chairman of the Committee on the Militia.
Mr. BREESE—Chairman of the Committee on Public Lands.
Mr. YULEE.—Chairman of the Committee on Private Land Claims.
Mr. ATCHISON.—Chairman of the Committee on Indian Affairs.
Mr. MASON.—Chairman of the Committee on Claims.
Mr. BRIGHT.—Chairman of the Committee on Revolutionary Claims.
Mr. ASHLEY.—Chairman of the Committee on the Judiciary.
Mr. NILES.—Chairman of the Committee on the Post Office and Post Roads.
Mr. HANNEGAN.—Chairman of the Committee on Roads and Canals.
Mr. JOHNSON, of Louisiana.—Chairman of the Committee on Pensions.
Mr. CAMERON.—Chairman of the Committee on the District of Columbia.
Mr. WESTCOTT.—Chairman of the Committee on Patents and the Patent Office.
Mr. TURNEY.—Chairman of the Committee on Retrenchment.
Mr. DOUGLAS—Chairman of the Committee on Territories.
Mr. HUNTER—Chairman of the Committee on Public Buildings.
Mr. FELCH—Chairman of the Committee to audit and control the contingent expenses of the Senate.
Mr. BRADBURY—Chairman of the Committee on Printing.
Mr. DOWNS—Chairman of the Committee on Engrossed Bills.
Mr. PEARCE—Chairman of the Joint Committee on the Library.
Mr. RUSK—Chairman of the Committee on Enrolled Bills.

On motion of Mr. MANGUM, it was

Ordered, That the Secretary inform the House of Representatives that the Senate is now ready to proceed to the business for which the two Houses have been convened by the President.

JOINT COMMITTEE ON THE LIBRARY.

The Senate proceeded to the consideration of the resolution from the House of Representatives for the appointment of a joint committee of three members of each House to direct and superintend the expenditure of all moneys appropriated for the purchase of books for the Library of Congress, and all such other matters pertaining to said Library not otherwise provided for by law.

The question being upon agreeing to said resolution,

Resolved, That the Senate concur therein.

NOTICE OF BILL.

Mr. DIX gave notice that he should, on to-morrow or at some early day, ask leave of the Senate to introduce a bill concerning certain Collection Districts, and for other purposes.

On motion,

The Senate adjourned.

TUESDAY, DECEMBER 14, 1847.

COMMERCE AND NAVIGATION.

The VICE PRESIDENT laid before the Senate a report of the Register of the Treasury, made agreeably to law accompanied by statements of the Commerce and Navigation of the United States.

Mr. DIX moved that it lie on the table and be printed, and that 2,500 extra copies be printed; 250 thereof for the use of the Secretary of the Treasury, and 250 for the use of the Register of the Treasury.

Mr. NILES inquired whether the number that it was now proposed to print, was the largest number which had ever been ordered of this document?

Mr. DIX replied that he did not recollect that a larger number had been ordered; at least, since he became a member of the Senate.

Mr. NILES.—In my opinion, this document appears to be, above all others, entitled to consideration; and if any of the documents which have been presented to us justifies us in incurring an expenditure of the public money in order that it may be diffused throughout the country, the report from the Treasury Department is certainly that document. It is an exposition of facts, not of theories; not of speculations; not of the favorite views of any officer of this government, or of any body else. It discloses what the enterprise of our citizens has accomplished. It shows the actual and existing state of the commerce of the country, the resources of the country, and one very important branch of its vast and growing interests. I propose the printing of five thousand additional numbers.

Mr. DIX.—I concur in what the Senator from Connecticut has said in regard to the value of this document; I cheerfully second his motion.

Mr. WESTCOTT.—I would ask the honorable Senator from New York whether the number given to the Treasury Department, indicated by him, is sufficient? I have understood that a large number was needed for distribution in return for similar favors, from the governments of other countries. I am inclined to believe that five hundred copies will be necessary to supply the department.

Mr. DIX.—I find, on reference to the journals of last winter, that seventeen hundred and fifty copies were ordered to be printed in addition to the usual number; two hundred and fifty for the use of the Treasury Department, leaving fifteen hundred for general distribution. The next day, on motion made by myself, two hundred and fifty additional copies of the report were ordered to be printed; and, I believe on a subsequent day, an additional number of copies were ordered for the use of the Register. It therefore appears that last year the Treasury Department had five hundred copies for distribution; and I now move that that number of this year's report be placed at the disposal of the Secretary of the Treasury.

Mr. DAVIS, of Massachusetts.—I beg leave to ask the Senator from New York what particular distribution of this document the Register or the Treasury proposes to make? I desire to know the reason why he, any more than any other subordinate officer, should be furnished with the document.

Mr. DIX.—The report is made by the Register of the Treasury. It is at his office that the tables are prepared. When the document is distributed it is seen that it emanates from the office of the Register, and applications for copies are frequently made to his office. There is no other reason why that officer should be supplied with copies of the document. But if it be deemed best to do so, the whole of the copies ordered may be placed at the disposal of the Secretary of the Treasury, who can then supply the Register with as many copies as he may require.

Mr. DAVIS, of Massachusetts.—I take this occasion to say that I concur with the remarks of the Senator from Connecticut in regard to the importance and value of this document. I do not know, however, but that the number usually printed has answered the purpose very well. But the document is, as the Senator correctly describes it, a report of facts, and facts which are extremely interesting to the commercial community, as well as every body else. It contains the results of the commercial operations of the year, and discloses also facts in regard to navigation. I speak now of the foreign commerce of the country. It is exceedingly desirable, and for a great length of time has been a desideratum, that this branch of inquiry should be extended a good deal farther. It is desirable that we should understand something of the statistics of the coasting trade of the country—of internal navigation of that description. A document of that character would, in my judgment greatly surpass the value of the document now before us, great as the value of that paper undoubtedly is. I hope, sir, that before Congress closes its sessions, some measures may be adopted for the purpose of obtaining statistics in regard to the condition and progress of that branch of our commerce, which is so interesting to us all, and is increasing so rapidly. I shall make no objection to the number stated by the member from Connecticut, but I hope that we are not going to run a little too diffusive in printing.

Mr. DIX.—One word in order to correct an inadvertence. I stated that two hundred and fifty copies had been ordered for the use of the Register of the Treasury; but I find on reference to the Journal, that the order was for the use of the Treasury Department in general. I also find, that on motion of the Senator from Pennsylvania on my right, [Mr. CAMERON,] three thousand additional copies were ordered to be printed nearly two months after the report was presented. I, therefore, move that five thousand additional copies be printed, and an additional five hundred for the use of the Treasury Department, making no special provision for the Register, who can obtain the copies which he may need from the Secretary.

The amendment was then put, and was agreed to; and the resolution as thus amended, was adopted.

Ordered, That it be printed; and that 5,500 copies, in addition to the usual number, be printed; 500 copies of which to be for the use of the Treasury Department.

PETITIONS.

Mr. JOHNSON, of Louisiana, presented the memorial of Mary L. Keen, widow and administratrix of Elisha L. Keen, deceased, praying the repayment of money advanced by her late husband for the use of the government; which was referred to the Committee on Claims,

Also, the memorial of Ann B. Cox, widow and executrix of Nathaniel Cox, deceased, late navy agent at New Orleans, praying the payment of a balance standing to the credit of her late husband on the books of the Treasury; which was referred to the Committee on Claims.

Mr. BREESE presented the memorial of Adelaide Snyder and Harriette Personeau, heirs of Jean F. Perry, deceased, praying the confirmation of their claims to certain lands in Illinois; which was referred to the Committee on Private Land Claims.

Mr. DIX submitted additional documents relating to the claims of Hugh W. Dobbin; which, with his petition on the files of the Senate, were referred to the Committee on Pensions.

Also, the petition of Sarah Crandall, widow of James Coon, a soldier in the last war with Great Britain, praying a pension; which was referred to the Committee on Pensions.

Also, the petition of James Womsby, a soldier in the revolutionary war, praying a pension; which was referred to the Committee on Pensions.

Also, additional documents relating to the memorial of Francis O. Dorr and Andrew C. Dorr; which, with the petition and papers on the table, were referred to the Committee on Pensions.

Mr. UNDERWOOD presented the petition of William Nation and Rachael Davis, heirs of Christopher Nation, deceased, a soldier in the last war with Great Britain, praying to be allowed bounty lands; which was referred to the Committee on Private Land Claims.

Mr. STURGEON presented the memorial of Eveline Porter, widow of Commodore David Porter, deceased, praying to be allowed a pension; which was referred to the Committee on Naval Affairs.

Mr. CASS presented the petition of Lemuel B. Nicholls, praying compensation for services in assisting in the emigration of the Creek Indians, in 1827 and 1828, and for a horse lost while on that duty; which was referred to the Committee of Claims.

Mr. PEARCE presented the petition of Thomas P. McBlair, a Purser in the Navy, praying that certain payments made by him to officers holding acting appointments in the Navy, may be allowed in the settlement of his accounts; which was referred to the Committee on Naval Affairs.

Mr. UNDERWOOD submitted additional documents relating to the claim of John Bruce; which, with his petition on the files of the Senate, were referred to the Committee on Naval Affairs.

On motion by Mr RUSK, it was

Ordered, That the memorial of George Herrew be referred to the Committee of Claims.

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That the memorial of Margaret Carmick, widow of Daniel Carmick, deceased, be referred to the Committee on Naval Affairs.

On motion by Mr. BREESE, it was

Ordered, That the petition of Nehemiah Brush be referred to the Committee on Pensions.

On motion by Mr. FAIRFIELD, it was

Ordered, That the petition of Stephen Snow be referred to the Committee on Pensions.

On motion by Mr. FAIRFIELD, it was

Ordered, That the petition of Walter R. Johnson be referred to the Committee on Naval Affairs.

On motion by Mr. DIX, it was

Ordered, That the petition of Calvin Emmons, and the petition of the heirs of Uri Emmons, deceased, on the files of the Senate, be severally referred to the Committee on Patents and the Patent Office.

On motion by Mr. UPHAM, it was

Ordered, That the petition of James Smalley, agent for certain companies of Vermont Militia, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. UPHAM, it was

Ordered, That the petition of Nahum Haskell, on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. GREENE, it was

Ordered, That the petition of Robert Purkis, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. GREENE, it was

Ordered, That the petition of Mary MacRae, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. ATHERTON, it was

Ordered, That the petition of David Currier, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. ASHLEY, it was

Ordered, That the documents on the files of the Senate, relating to the claim of Peter Engles, senior, be referred to the Committee on Pensions.

On motion by Mr. ASHLEY, it was

Ordered, That the documents on the files of the Senate, relating to the claim of Elizabeth Pistole, widow of Charles Pistole, deceased, be referred to the Committee on Pensions.

On motion by Mr. YULEE, it was

Ordered, That the petition of Hannah Petty, and the petition of Peter Capella, administrator of Andrew Capella, deceased, on the files of the Senate, be severally referred to the Committee on the Judiciary.

On motion by Mr. YULEE, it was

Ordered, That the petition of George Petty, and the documents relating to the claim of Fernando Fellanny, on the files of the Senate, be severally referred to the Committee on Pensions.

On motion by Mr. YULEE, it was

Ordered, That the petition of William Marvin, on the files of the Senate, be referred to the Committee on Private Land Claims.

On motion by Mr. PHELPS, it was

Ordered, That the petition of Joseph Watson, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. WESTCOTT, it was

Ordered, That the petition of Edward Bolon, the petition of John P. Baldwin, and the petition of William G. Davis, on the files of the Senate, be severally referred to the Committee of Claims.

On motion by Mr. JOHNSON, of La., it was

Ordered, That the petition of Caleb Green, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. DOUGLAS, it was

Ordered, That the petition of David B. Sears, on the files of the Senate, be referred to the Committee on Public Lands.

On motion by Mr. STURGEON, it was

Ordered, That the memorial and documents of Titian R. Peale, on the files of the Senate, be referred to the Committee on Naval Affairs.

CLERK TO COMMITTEE OF CLAIMS.

Mr. MASON submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee of Claims, be and they are hereby authorized to employ a Clerk during the present session of Congress.

PRIVILEGE OF THE FLOOR.

Mr. NILES submitted the following resolution for consideration:

Resolved, That the Auditors of the Treasury, the Chiefs of the Bureaus of the Navy Department, and the Assistant Postmasters-General, be entitled to seats on the floor of the Senate.

The consideration of the resolution being asked for at this time, objection was made, and it was laid over one day, under the rule.

ANNEXATION OF TERRITORY.

Mr. DICKINSON submitted the following resolutions for consideration; which were read and ordered to be printed.

Resolved, That true policy requires the government of the United States to strengthen its political and commercial relations upon this continent by the annexation of such contiguous territory as may conduce to that end and can be justly obtained, and that neither in such acquisition nor in the territorial organization thereof can any conditions be constitutionally imposed or institutions be provided for or established inconsistent with the right of the people thereof to form a free sovereign State, with the powers and privileges of the original members of the confederacy.

Resolved, That in organizing a territorial government for territory belonging to the United States, the principles of self-government upon which our federative system rests will be best promoted—the true spirit and meaning of the constitution be observed, and the confederacy strengthened by leaving all questions concerning the domestic policy therein to the Legislatures chosen by the people thereof.

THE RIVER SABINE.

The Senate proceeded to consider the following resolution submitted yesterday by Mr. JOHNSON, of Louisiana, which was agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to remove the obstructions to the navigation of the river Sabine, and that the resolution of the Legislature of Louisiana, the report and papers on file in relation thereto, be referred to the said committee.

STANDING COMMITTEES.

The Senate proceeded to the election of the remaining members of the standing committees.

Mr. SEVIER then presented a list of the members of the various committees; which was read and adopted.

Mr. HALE remarked, that he noticed his name on one or more of the committees just announced; he must throw himself on the indulgence of the Senate, and ask if it was consistent with the usages of the Senate, that he might be excused from serving on any of the standing committees of the Senate at the present session. He made this request from motives personal to himself, with which he would not trouble the Senate; but he had an additional inducement in the statement first made by the honorable Senator from Arkansas, that those committees had been agreed upon by an arrangement between the two parties which divide this body. As the political party with which the journals of the day had classed him, and he supposed that was the only means of ascertaining where he belonged, had had no meeting, and had not been consulted in this arrangement, he thought that that furnished an additional reason for excusing him.

Mr. WESTCOTT moved that the Senator from New Hampshire be excused from serving on the committees on which he had been named, and then observed, that other members had been excused at their request, from serving on any of the committees—he referred to the Senators from South Carolina, Ohio, and Alabama, [Mr. CALHOUN, Mr. ALLEN, and Mr. BAGBY,] the last of whom was now absent.

Mr. BADGER.—I beg leave to say one word on this subject. I cannot conceive that any reason has been offered by the Senator from New Hampshire, why he should be personally excused from taking his proper share in the discharge of the business duties of any member of this body. He is a gentleman of known and acknowledged talents. He is capable of rendering efficient services to the Senate in the discharge of any of the duties which belong to any of the committees of this body. He has been named upon several committees on which he may be useful to the country, and to the Senate. The peculiar position, which he represents himself as occupying in regard to the political parties which divide this body, can certainly have no influence in support of the application which he has made to the Senate; because, if my memory serve me right, he has not been placed on any committee, the action of which can be supposed to be influenced directly or indirectly by political considerations. It, therefore, appears to me, sir, that the application of the honorable gentleman amounts simply to a request that he, a member of this body, competent to render services in the transaction of business, should be relieved from assuming the due burden which belongs to the high and responsible station

which he occupies. I am sure, that in that point of view, the gentleman from New Hampshire would not be willing to accept of an immunity not possessed by his brethren on this floor. I hope, therefore, that the gentleman will withdraw his application, or that the Senate will not accede to it.

Mr. WESTCOTT.—I made the motion at the request of the Senator from New Hampshire; and it appears to me, that the Senator from North Carolina, [Mr. BADGER,] has lost sight of the reason assigned by that gentleman for the application which he had made, apart from the political consideration to which he had adverted. The Senator, it will be recollected, rested the application upon personal grounds, and I presume it will not be deemed necessary that that reason should be stated more explicitly than it had been.

Mr. BADGER.—I am certain that I also could assign personal reasons for being excused from serving on committees. I confess, I am just as willing as any other gentleman of this body, to be confined to a particular hour for particular business; but, when I came here, I did not expect to come for the purpose of enjoying my ease, and leaving to others the performance of the laborious duties which belong to this station. And allow me to add, sir, that the personal appearance of the gentleman from New Hampshire, as I am happy to be able to say, does not present any evidence of physical inability to discharge those duties, for which we all know him to possess, in a high degree, the mental qualifications.

The question was then put, and appeared to be decided in the negative.

A division was then called for, and the result was as follows: ayes 17, noes 16.

So the motion was adopted, and the Senator from New Hampshire was excused from serving on the committees.

On motion by Mr. BREESE, it was

Ordered, That the Vice President be authorized to fill the vacancies.

The following is a list of the committees, in full, as they now stand:

Committee on Foreign Relations.

Mr. SEVIER—Chairman.
Mr. Benton, Mr. Webster,
Mr. Hannegan, Mr. Mangum.

On Finance.

Mr. ATHERTON—Chairman.
Mr. Dickinson, Mr. Clayton,
Mr. Hunter, Mr. Phelps.

On Commerce.

Mr. DIX—Chairman.
Mr. Breese, Mr. Johnson, of Md.
Mr. Cameron, Mr. John Davis.

On Manufactures.

Mr. DICKINSON—Chairman.
Mr. Ashley, Mr. Upham.
Mr. Butler, Mr. Clarke.

On Agriculture.

Mr. STURGEON—Chairman.
Mr. Turney, Mr. Spruance,
Mr. Atherton, Mr. Corwin.

On Military Affairs.

Mr. CASS—Chairman.
Mr. Benton, Mr. Crittenden,
Mr. Jefferson Davis, Mr. Dix,
Mr. Badger, Mr. Rusk.

On Naval Affairs.

Mr. FAIRFIELD—Chairman.
Mr. Yulee, Mr. Miller,
Mr. Bright, Mr. Johnson, of Md.
Mr. Cameron, Mr. Badger.

On The Militia.

Mr. RUSK—Chairman.
Mr. Atchison, Mr. Greene,
Mr. Fairfield, Mr. Underwood.

On Public Lands.

Mr. BREESE—Chairman.
Mr. Ashley, Mr. Corwin,
Mr. Felch, Mr. Underwood.

On Private Land Claims.

Mr. YULEE—Chairman.
Mr. Foote, Mr. Johnson, of La.
Mr. Downs, Mr. Berrien.

On Indian Affairs.

Mr. ATCHISON—Chairman.
Mr. Sevier, Mr. Phelps,
Mr. Downs, Mr. Bell.

On Claims.

Mr. MASON—Chairman.
Mr. Westcott, Mr. Underwood,
Mr. Bradbury, Mr. Baldwin.

On Revolutionary Claims.

Mr. BRIGHT—Chairman.
Mr. Bradbury, Mr. Upham,
Mr. Rusk, Mr. Johnson, of La.

On The Judiciary.

Mr. ASHLEY—Chairman.
Mr. Butler, Mr. Berrien,
Mr. Westcott, Mr. Dayton.

On Post Office and Post Roads.

Mr. NILES—Chairman.
Mr. Sturgeon, Mr. Pearce,
Mr. Rusk, Mr. Corwin.

On Roads and Canals.

Mr. HANNEGAN—Chairman.
Mr. Foote, Mr. Clark,
Mr. Sturgeon, Mr. Spruance.

On Pensions.

Mr. JOHNSON, of La.—Chairman.
Mr. Felch, Mr. Phelps,
Mr. Jefferson Davis, Mr. Baldwin.

On the District of Columbia.

Mr. CAMERON—Chairman.
Mr. Hunter, Mr. Miller,
Mr. Foote, Mr. Greene.

On Patents and the Patent Office.

Mr. WESTCOT—Chairman.
Mr. Turney, Mr. John Davis,
Mr. Dickinson, Mr. Dayton.

On Retrenchment.

Mr. TURNEY—Chairman.
Mr. Douglas, Mr. Mangum,
Mr. Niles, Mr. Clarke.

On Territories.

Mr. DOUGLAS—Chairman.
Mr. Bright, Mr. Clayton,
Mr. Butler, Mr. John Davis.

On Public Buildings.

Mr. HUNTER—Chairman.
Mr. Yulee, Mr. Spruance.

To Audit and Control the Contingent Expenses of the Senate.

Mr. FELCH—Chairman.
Mr. Niles, Mr. Pearce.

On Printing.

Mr. BRADBURY—Chairman.
Mr. Cameron, Mr. Greene.

On Engrossed Bills.

Mr. DOWNS—Chairman.
Mr. Mason, Mr. Baldwin.

Joint Committee on the Library.

Mr. PEARCE—Chairman.
Mr. Jefferson Davis, Mr. Mason.

On Enrolled Bills.

Mr. Rusk, Mr. Upham.

THE PUBLIC LANDS.

Agreeably to notice, Mr. BREESE asked and obtained leave to bring in a bill to reduce and graduate the price of public lands; which was read the first and second times by unanimous consent and referred to the Committee on Public Lands.

JOSEPH WILSON.

Agreeably to notice, Mr. BREESE asked and obtained leave to bring in a bill for the relief of Joseph Wilson; which was read the first and second times by unanimous consent, and referred to the Committee on Naval Affairs.

SURETIES OF SWARTWOUT.

Agreeably to notice, Mr. DIX asked and obtained leave to bring in a bill to authorize the Secretary of the Treasury to make an arrangement or compromise with Mangle M. Quackenboss, and his co-obligors, or any of them, for claims or bonds given by them as

cureties to the United States, which was read the first and second times by unanimous consent and referred to the Committee on the Judiciary.

COLLECTION DISTRICT, ETC.

Agreeably to notice, Mr. DIX asked and obtained leave to bring in a bill concerning certain collection districts, and for other purposes; which was read the first and second times by unanimous consent, and referred to the Committee on Commerce.

BRANCH MINT AT NEW YORK.

Agreeably to notice, Mr. DIX asked and obtained leave to bring in a bill to establish a branch of the mint of the United States in the city of New York; which was read the first and second time by unanimous consent, and referred to the Committee on Finance.

REGULATION OF SEAMEN.

Agreeably to notice, Mr. DICKINSON asked and obtained leave to bring in a bill to amend the act entitled "An act for the regulation of seamen on board the public and private vessels of the United States," passed the 3d of March, 1813.

Mr. DICKINSON.—Under the somewhat far-fetched title, we have the act under which foreigners become citizens of the United States. The twelfth section of that act, however, enables them to become citizens only after declaring their intentions without leave at the time being five years, and in the territory of the United States. It has been decided, and undoubtedly the decision is correct, that involuntarily setting foot on a foreign shore, prevents the person from receiving the benefit of the act. The object of this bill is to strike out the words "without being at any time," &c. so that if the person to whom the act appears remain *bona fide* residents of the United States, although it may happen that by accident, and involuntarily they set foot on foreign territory, they shall be entitled to all the benefits of the law. I move the reference of the bill to the Committee on the Judiciary, and ask its early consideration, in the hope that the benefits which it is proposed to extend to the many persons who have declared, or may declare their intentions to become entitled to the privileges of citizenship, may be extended as speedily as possible.

By unanimous consent of the Senate, the bill then had a first and second reading, and was referred to the Committee on the Judiciary.

FLORIDA TREATY.

Agreeably to notice, Mr. WESTCOTT asked and obtained leave to bring in a bill further to carry into effect the provisions and stipulations of the 9th article of the Florida treaty with respect to certain losses of Spanish subjects, in West Florida; which was read the first and second times by unanimous consent, and referred to the Committee on Foreign Relations, together with the papers on file relating thereto.

DAVID SHAW, ET AL.

Agreeably to notice, Mr. BRADBURY asked and obtained leave to bring in a joint resolution in favor of David Shaw and Solomon T. Corser; which was read the first and second times by unanimous consent, and referred to the Committee on the Post Office and Post Roads, together with the papers on file.

NOTICE OF BILLS, ETC.

Mr. MILLER gave notice that on to-morrow, or at some early day, he should ask leave of the Senate to introduce a joint resolution, authorizing the erection on the public grounds, in the city of Washington, of a monument to George Washington.

Mr. GREENE gave notice that on to-morrow, or at some early day, he would ask leave of the Senate to introduce a bill for the relief of Mary McRae.

Mr. BREESE gave notice that on to-morrow, or at some early day, he would ask leave of the Senate to introduce a bill to compensate John M. Moore.

Mr. UPHAM gave notice that he should, on to-morrow, or at some early day, ask leave of the Senate to introduce a bill changing the places, and fixing the times, for holding the circuit and district courts in the District of Vermont.

Mr. UNDERWOOD gave notice, that on to-morrow, or at some early day, he would ask leave of the Senate to introduce a bill to allow further time for satisfying certain land warrants, etc.

Mr. DOUGLAS gave notice, that on to-morrow, or at some early day, he would ask leave of the Senate to introduce a bill to divide the District of Illinois into two judicial districts.

CONSTRUCTION OF THE LIGHT-HOUSES, ETC.

On motion by Mr. DIX, it was

Ordered, That 2 000 additional copies of the report of the colonel of the corps of Topographical Engineers, communicating, in compliance with a resolution of the Senate of the 12th of January last, information upon the several subjects designated therein, as connected with the commerce of the Western Lakes and Rivers, be printed for the use of the Senate.

Ordered, That said report be referred to the Committee on Commerce.

REFERENCE OF THE PRESIDENT'S MESSAGE.

On motion by Mr. SEVIER, it was

Ordered, That so much of the message of the President of the United States as relates to foreign affairs, be referred to the Committee on Foreign Relations.

On motion by Mr. FAIRFIELD, it was

Ordered, That so much of the message of the President of the United States as relates to the Navy and naval service, be referred to the Committee on Naval Affairs.

On motion by Mr. ATHERTON, it was

Ordered, That so much of the message of the President of the United States as relates to the subject of finance and the revenues generally, be referred to the Committee on Finance.

On motion by Mr. BREESE, it was

Ordered, That so much of the message of the President of the United States as relates to the public lands, reducing and graduating their price, and a permanent pre-emption system, be referred to the Committee on Public Lands.

On motion by Mr. DIX, it was

Ordered, That so much of the message of the President of the United States as relates to the subject of commerce, be referred to the Committee on Commerce.

On motion by Mr. DICKINSON, it was

Ordered, That so much of the message of the President of the United States as relates to the subject of manufactures, be referred to the Committee on Manufactures.

On motion by Mr. NILES, it was

Ordered, That so much of the message of the President of the United States as relates to the post office department, be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That so much of the message of the President of the United States as relates to the subject of pensions, be referred to the Committee on Pensions.

On motion by Mr. CASS, it was

Ordered, That so much of the message of the President of the United States as relates to military affairs, be referred to the Committee on Military Affairs.

On motion by Mr. ASHLEY, it was

Ordered, That so much of the message of the President of the United States as relates to the establishment of competent tribunals to try and punish crimes, and exercise jurisdiction in civil cases in China, where American citizens are concerned, by virtue of our treaty with that power, be referred to the Committee on the Judiciary.

DISTRIBUTION OF BOOKS.

Mr. CAMERON submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Secretary be directed to furnish each member of the present Congress a set of the works severally from the same number of copies of the congressional and other books ordered to be distributed to the Senators by the resolutions of February 19, 1845.

Mr. SEVIER moved a reconsideration of the vote just taken. He observed that there had been a battle about these books every year for the last seventeen or eighteen years; and he hoped that the Senator from Pennsylvania would permit the vote to be reconsidered, and not press the adoption of the resolution at this time.

Mr. CAMERON.—The Senator from Arkansas has received, I believe, all these books, and I only ask that the new Senators may receive as many as he has received.

Mr. SEVIER.—I suppose that the Senator when he made a motion of this kind would have some data to go upon, that we might be informed as to the cost. It will be, I venture to say, voting seven or eight hundred dollars in addition to the pay of each Senator, if these books are to be furnished—and where is it to end? There seems to be a particular anxiety upon this subject, and so eagerly has it been pursued, that we have frequently nearly lost the civil and diplomatic appropriation bill in consequence of it. Why, I have seen the two Houses of Congress at daggers-points in regard to it. Now, where is all this to end? How much is it going to cost the government? At the last session we passed a resolution to put upon our tables some twelve or fourteen copies of the proceedings of this body; and to this expense you are going to add the expense of furnishing these books. This is a very important matter, and it is now pushed forward without anybody knowing anything of the matter; it was only by accident that I noticed the resolution. But the Senator says I have received

my portion of the books. I have taken mine, it is true, but they are no manner of use to me; and now, forsooth, because they have been heretofore distributed to Senators, every new Senator who comes in here must be supplied. There will be no end to it. And I will also remark, as my friend from Missouri stated at the last session, these books are often drawn and sold to booksellers in this city, and again purchased by order of Congress for distribution There should be a stop put to this practice, especially at such a time as this, when we are pressed for money to carry on a foreign war in which the country is engaged. I think it is time to put a stop to these expenditures, and I think that these books which can be found in the library, and referred to at any time, and which any Senator may take to his room, and have the use of for the whole of the session; books which are merely valuable for occasional reference while engaged in our congressional duties, need not be again procured for distribution to Senators. I hope the vote will be reconsidered with the view of postponing the matter, at least, till we know the amount of the expense which will be necessarily incurred. I trust the Senator will agree to its postponement for a few days, that the honorable Senator from Missouri may be present when the vote is taken upon it.

Mr. CAMERON.—I believe, sir, this debate is out of order, the resolution having been adopted.

Mr. SEVIER.—I have moved a reconsideration of the vote.

Mr. CAMERON —I was perfectly willing that my friend, the Senator from Arkansas, should make his speech upon the subject; but I would be better satisfied, if there are objections to the resolution on the part of the new Senators, to hear those objections stated by them. It appears to me rather extraordinary, that a Senator who has been here so long, almost, that the memory of man runneth not to the contrary, and who has always received his due proportion in the distribution of these books, should be so averse, as the Senator from Arkansas says, that the distinguished Senator is, to the extension of the same privileges to other Senators. The Senator from Missouri is certainly very high authority; I am always happy to see him here, but the business of this body, I apprehend, should not be delayed by reason of his absence. I only rose, however, to reply to the remarks made by the Senator from Arkansas, that members of this body had received these books and sold them to the booksellers in this city. I have unlimited confidence certainly in the Senator from Arkansas, and am ready to attach much weight to any statement made by him; but I do not believe that any man who ever had the honor of a seat upon this floor would be guilty of so base an act as to receive these books and sell them. I would not make an assertion of that kind unless I were able to produce the names of those who were guilty of such discreditable and ungentlemanly conduct.

Mr. SEVIER.—I merely referred to what was stated by the Senator from Missouri, in his place in the Senate at the last session, that such things had occurred. The Senator assured us that books had been drawn by members of Congress, whether of this House or the other, he did not expressly state, and that those books had been disposed of in this city to booksellers, and the same books purchased again, and placed upon our tables; and I will add, that I have additional reason to believe that such things have been done. I have reason to believe that the books thus drawn have been sold by members of Congress; and, sir, in regard to these books all I have to say is, that I have voted against their distribution from the time that I first became a member of this body. They are of some little value certainly for reference, and nothing more; and for this purpose members of Congress have every facility afforded them—they have access to the library where these books are to be found, and they may take them to their rooms, and keep them throughout the whole session; there is, therefore, no necessity for distributing them. But I do not propose further to debate a matter of this kind. I shall content myself with asking for the yeas and nays.

Mr. NILES.—It seems to me that the resolution is a very extraordinary one. Hitherto resolutions of this kind have been confined to a certain class of books which have been assumed to be necessary for Senators to possess. But it seems that this resolution embraces other books—books for distribution. If I understand the reading of the resolution, it is confined to those books which were ordered to be distributed among Senators at the last session. Now, in regard to this subject, generally, I can say with the Senator from Arkansas, that I have always regarded the practice of distributing books among Senators as not very creditable to the Senate. I have always believed that providing ourselves with political libraries at the public expense was not a very honorable proceeding. I admit, as everybody must, that these publications are of considerable value, yet, I can say for myself, that however valuable that source of information may be, I have derived very little benefit from it. I have received no books since I have been a member of this body, except what are called the State papers, and these I have found of very little use to me. In regard to the books which were voted to Senators at the last session consisting of thirty odd volums of the proceedings of Congress, going back to a very early period, I have received them, but they will be of no use for the short time I shall remain here, inasmuch as they were sent to me at my residence, though they might have been of some little use if they had been allowed to remain here. I have continued to get along without any such aid in the discharge of my duties here, and I have not perceived that the light to be thus derived is very essential to guide us in the discharge of those duties. I have, therefore, not felt authorized to vote for any resolution for distributing books, nor can I vote for this proposition.

Mr. MANGUM.—I hope that the vote will be reconsidered. This is a subject which has attracted the attention of Congress for the last fifteen years. My position in this body has imposed upon me almost the necessity of inquiring into this subject as early as the session of 1833–'34. Very large and improvident contracts have been made involving the means in the Treasury to the amount of several hundred thousand dollars, and Congress felt constrained to lay violent hands on these contracts and agree to compromises, perhaps, exceeding the bounds of moderation. Notwithstanding efforts made ten or fifteen years ago, which in this body seemed entirely successful, to put an end these expenditures, yet we are called upon from time to time to make appropriations to meet them. My impression is, that under any action of this body it will be impossible entirely to arrest, what I regard as a discreditable and pernicious system. I hope that the vote will be reconsidered, and that some action will be had that will lead to a diminution of the evil. My impression is, however, that it will be found impossible to prevent this Congress from making appropriations in some form for these objects. At the very heel of the last session a resolution was passed making an appropriation of these books almost unanimously, though it had not my concurrence. I am perfectly willing, however, that Senators should receive these books now for the last time, though I shall not vote for the resolution. I hope it will be reconsidered, and that it will go to the Joint Committee on the Library, or some other committee and that a bill will be reported to put an end to this system of expenditure so unbecoming in a legislative body. I have no objections, sir, that in some form or other an appropriation should be made by which the new Senators shall be supplied with these books. I shall be content if this be done, though I cannot vote for it; but this being done, I should, before other new claimants come, claiming to be placed upon the same footing with those to whom books have been already distributed, put an end to the system. I would not press the immediate adoption of what might be considered an invidious distinction, but I do hope that after the distribution shall be made to those who are now Senators, that we shall put an end to this evil forever.

Mr. FOOTE.—I think it due to myself that I should not be misunderstood in regard to this question. I happen to be one of that class which is spoken of as new Senators, and the interesting question seems to be whether we should receive these books, the titles of which I scarcely know, the value of which I cannot estimate, and in relation to which I am altogether misinformed. I am, therefore, entirely indifferent upon the subject, but, as I find that there is opposition existing to the proposition, I shall undoubtedly unite with that opposition. If there be any doubt as to the propriety of the measure, it should be voted down at once; it should not be tolerated for a moment. I will not undertake to say, new as I am to the station I hold, that it would be improper to distribute these books according to the proposition, but I do undertake to say, that if the act be improper, I should scorn to receive the benefit of it. If I doubt the power of the donor, I should scorn to be the donee. If I doubt the right of the distributor, I should scorn to be the distributee. If books are distributed to me, I should certainly not receive them unless I felt conscientiously authorized to do so. I trust I shall never be found indulging in that sort of peddling of small wares; and I agree most fully with the Senator from Arkansas, that if they to whom the books have been heretofore distributed, have disposed of them in the manner he states, such persons should be exposed and held up to public infamy.

Mr. SEVIER.—I perceive that the resolution refers to a previous one. I should like to know what books were embraced in that resolution?

The Secretary then read the resolutions as follows:

Resolved, That the Secretary be directed to procure for the use of the Senate 2,000 copies of the authentic copy of the constitution, with an analytical index and compilation of other public documents, recently printed and placed in the hands of the members, provided the price shall not exceed the sum of one dollar and twenty five cents per copy.

Resolved, That he obtain additional copies of the authentic copy of the constitution, with an analytical index, &c., as printed for the use of the Senate, provided, they will be furnished at a reduction of twenty per cent. on the price above stated.

Resolved, That the Secretary of the Senate be directed to furnish each member of the present Senate who has not already received them, such books as were furnished to the members of the House of Representatives of the 30th and 31st Congress—including the 14th volume of Register of Debates, the Congressional Globe and Appendix, published by Blair & Rives, and Ethan A. Brown's Edition of the United States Statutes at large.

Mr. CALHOUN.—I have been a good many years in this body, and I believe I have voted steadily against all these propositions to distribute these books, and yet I have felt a good deal of embarrassment upon the subject. When the books have been offered to me I have hesitated whether I should take them, but knowing they must go to somebody, I concluded in my own mind I ought to take them. I have always believed that among the smaller abuses of the government expenditures this is the greatest; and I am willing to give up to any new member that may desire them, that portion of the books which have fallen to my share. I have never derived five dollars advantage from them since the first day they encumbered the shelves of my library. I was not a little sur-

prised when I received a letter from one of the messengers of the body, informing me that there were two boxes of books for me, for I knew not a word about the resolution which passed at the last session. The books were by my direction sent to my rooms in this city. I found them packed in two large boxes, which I have not opened, and whom I should believe I could ascertaining the contents. I appeal to the new members of this body whether this thing ought to go on forever, and if not, when can there be a more favorable time for putting a stop to it. It is a very great abuse. These books have accumulated from year to year, and if the system be allowed to go on for ten years longer, as it has done for the last ten, a whole library will be voted to each new Senator. I shall vote for the reconsideration.

The question being put upon the reconsideration of the vote, it was decided in the affirmative.

Mr. MANGUM then moved that the resolution be referred to the Joint Committee on the Library.

Mr. CAMERON said it was supposed that it should be referred to that committee. My object in proposing the adoption of the resolution, was only to act courteously to the new Senators. I thought it better that the question should be determined at the early part of the session, than to defer it to the end—for I have heard complaints in every session of the introduction of resolutions of this description near the end of a session, when they are necessarily hurried through without much examination. I am glad that my friend from North Carolina has made this motion; I shall willingly support.

Mr. MANGUM. I am sure that the Senator will feel that no reproach was intended to be cast upon him by me in the early introduction of the subject, for we all know that these things sometimes passed through at the heel of the session and pass undetected. Last winter this resolution, I recollect, was passed by a thin Senate, after the lighting of candles on the last day of the session; and I will repeat, that as this practice has been so uniform, and has grown to be so inveterate, I really think some means ought to be taken to put an end to it. It cannot certainly be considered discourteous or unjust, if, after the distribution be made to those Senators who have taken their seats during this session, the door should be closed upon any future appropriation of this character.

Mr. HALE.—As one of the new members of this body, permit me for myself individually to say, that I hope the matter will be disposed of without any reference to what may be considered the personal claims of new Senators to be furnished with these books. It appears to me that it is not the true policy to say that we will do wrong this once. I think the true way is to begin to do right now. If the plea of "just this once" be allowed to prevail, that plea will be just as good at the next session as now. The true course will be to begin to do right now, and let me hope that such a course will be taken as will forever put a stop to the abuse which has so long existed. Senators may recollect, that at the 28th Congress an appropriation was made out of the contingent fund of the House. I hope it will now be effectually stopped, so that even indirectly it cannot be continued; and, as one of the new Senators, to whom reference has been made, I am, for myself, perfectly willing to be made an example of in this instance—to have its first operation applied to myself.

Mr. MANGUM.—The Senator from New Hampshire entirely misconceives my meaning, if he understands me to say I would favor the doing wrong "this once." I said distinctly I would vote against it, as I have uniformly done heretofore; but I also said I would be content that the distribution should take place to those who are new Senators; and I said, also, that I apprehended that in some form or other it would unquestionably pass during this Congress.

Mr. SEVIER.—"This once" has been the cry since this system commenced, and I believe with the Senator from North Carolina, that it will pass in some form or other before we adjourn.

The question being put on the reference to the Committee on the Library, the motion was agreed to.

On motion,

The Senate adjourned.

WEDNESDAY, DECEMBER 15, 1847.

REPORT OF THE COAST SURVEY.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting the report made to the Treasury Department, by the superintendent of the Coast Survey, showing the progress of that work during the year ending October, 1847; which was read.

On motion by Mr. DIX, it was

Ordered, That it be printed, and that 1,250 copies in addition to the usual number be printed for the use of the Senate, 250 of which to be sent to the superintendent.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. Campbell, their Clerk:

Mr. President: The House of Representatives have chosen Ronald E. Gosley, of the Presbyterian denomination, Chaplain on the part of the House.

The House have appointed a committee on enrolled bill on their part, consisting of James G. Hampton and James L. Robinson.

PETITIONS.

The VICE PRESIDENT presented the petition of Mary D. Wade, widow of a deceased naval officer, praying a pension; which was referred to the Committee on Pensions.

Mr. JOHNSON, of Louisiana, presented the petition of William Pumphrey, praying the confirmation of his title to certain lands in Louisiana; which was referred to the Committee on Private Land Claims.

Mr. ASHLEY submitted additional documents in relation to the petition of Elizabeth Pistole; which were referred to the Committee on Pensions.

Mr. STURGEON presented the memorial of Henry Simpson, surviving administrator of George Simpson, deceased, praying to be allowed a commission on a loan negotiated by the testator for the government in the year 1813; which was referred to the Committee on Finance.

Mr. YULEE presented the petition of Henry Washington, praying redress for arbitrary and illegal conduct on the part of the Surveyor General of Public Lands in Florida, in violating a contract entered into with him for executing certain surveys; which was referred to the Committee on Public Lands.

Mr. CASS submitted documents relating to the claim of T. S. Wendall for the payment of a sum of money due him under the 4th article of the treaty of 1837, with the Saginaw Indians; which were referred to the Committee on Indian Affairs.

Mr. YULEE presented the petition of James Edwards, praying compensation for losses sustained in consequence of the destruction of his property during the Seminole war; which was referred to the Committee on Military Affairs.

Also, the petition of James Edwards, administrator of Edward M. Wanton, deceased, praying compensation for losses sustained by the deceased, in consequence of the destruction of his property during the Seminole war; which was referred to the Committee on Military Affairs.

Also, the petition of Eugene Van Ness and John H. Brush, executors of Nehemiah Brush, deceased, praying compensation for losses sustained by the deceased, in consequence of the destruction of his property during the Seminole war; which was referred to the Committee on Military Affairs.

Also, the petition of Gad Humphreys, praying indemnity for losses sustained in consequence of the destruction of his property during the Seminole war; which was referred to the Committee on Military Affairs.

Also, the petition of George Center, praying indemnity for losses sustained in consequence of the destruction of his property during the Seminole war; which was referred to the Committee on Military Affairs.

Mr. CALHOUN presented the petition of Maria Caldwell Robertson, legal representative of James Caldwell, deceased, praying the payment of certain outstanding loan office certificates, issued to the said James Caldwell, and since lost or destroyed; which was referred to the Committee on Revolutionary Claims.

Mr. MASON presented the memorial of George H. Lee and others, members of the bar in the State of Virginia, praying an increase of the salary of the Judge of the Western District of Virginia, which was referred to the Committee on the Judiciary.

Mr. DIX presented the petition of Oliver C. Harris, praying an extension of his patent for a paint mill; which was referred to the Committee on Patents and the Patent Office.

Mr. ASHLEY presented the petition of citizens of Union county, Arkansas, praying the establishment of a mail route from Magnolia to Holly Springs, in that State; which was referred to the Committee on the Post Office and Post Roads.

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That the petition of the Mexican Gulf Railroad Company, on the files of the Senate, be referred to the Committee on Finance.

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That the petition of Nathaniel Hoggatt, on the files of the Senate, be referred to the Committee on Private Land Claims.

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That the petition of Elizabeth Jones, representative of John Carr, deceased, and the petition of Thompson Hutchinson, heir of Thomas Hutchinson, deceased, on the files of the Senate, be severally referred to the Committee on Pensions.

On motion by Mr. FAIRFIELD, it was

Ordered, That the memorial of Foxall A. Parker, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. YULEE, it was

Ordered, That the petition of William C. Easton, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. HALE, it was

Ordered, That the petition of the representatives of Robert Sewall, on the files of the Senate, be referred to the Committee of Claims,

On motion by Mr. MASON, it was

Ordered, That the petition of the heirs of William Grayson, deceased, on the files of the Senate be referred to the Committee on Military Affairs.

On motion by Mr. RUSK, it was

Ordered. That the petition of the heirs of David Noble, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. RUSK, it was

Ordered, That the petition of E. P. Calkin & Co., on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. MILLER, it was

Ordered, That the petition of John Searing and others, heirs of Mary Allen, deceased, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. DIX, it was

Ordered, That the petition of John Martin, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. DOWNS, it was

Ordered, That the petitions of Calvin Reed, of George W. Walton, and of J. W. Nye, assignee of Peter Bargy and Hugh W. Stewart, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. PHELPS, it was

Ordered, That the petition of Maria Loubet, legal representative of Jean Baptiste Lomagne, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. ATCHISON, it was

Ordered, That the petition of Thomas Talbot and others, on the files of the Senate, be referred to the Committee on Indian Affairs.

On motion by Mr. NILES, it was

Ordered, That the petition of Thomas Rhodes, on the files of the Senate, be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. NILES, it was

Ordered, That the petition of Wesley Loomis, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. DICKINSON [illegible]

Ordered, That the petition of Asa Andrews, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. HANNEGAN [illegible]

Ordered, That the memorial of the [illegible] Convention, praying the establishment of the Supreme Court of the United States [illegible] Judiciary.

On motion by Mr. UPHAM, it was

Ordered, That the documents on the files of the Senate, relating to alterations in the times and places of holding the Circuit and District Courts of the United States in Vermont, be referred to the Committee on the Judiciary.

On motion by Mr. CORWIN, it was

Ordered, That the petition of the heirs of Benjamin Harrison, and the memorial of Samuel Lamme, executor of Nathan Lamme, deceased, on the files of the Senate, be severally referred to the Committee on Revolutionary Claims.

On motion by Mr. CORWIN, it was

Ordered, That the petition of Cadwalader Washington, on the files of the Senate, be referred to the Committee on Public Lands.

On motion by Mr. RUSK, it was

Ordered, That the petition of Bryan Callaghan, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. MASON, it was

Ordered, That the [illegible] Petition [illegible] have leave to withdraw their petition and papers.

On motion by Mr. HUNTER, it was

Ordered, That William Saunders and William B. Porter, [illegible] of William Estis, have leave to withdraw their petition and papers.

On motion by Mr. FAIRFIELD, it was

Ordered, That Samuel A. Morse, have leave to withdraw his petition and papers.

NOTICES OF BILLS.

Messrs. MANGUM, JOHNSON, of Louisiana, FELCH, and MASON, gave notice that on to-morrow, or at some early day, they would ask leave of the Senate to introduce [illegible] and joint resolutions.

PAYMENT FOR HORSES LOST IN THE MILITARY SERVICE.

Mr. ATCHISON submitted the following resolution, which was considered by unanimous consent, and agreed to:

[illegible] That the Committee on Military Affairs be instructed to inquire into the expediency of [illegible] Act, entitled "An Act making appropriations for the payment of certain Rangers therein mentioned," approved August 4, 1842, [illegible] applying the provisions of the same to the volunteers who have been engaged in the [illegible] Mexico, and [illegible] Act, entitled "An Act to authorize the payment for horses lost in the military service of the United States," approved March 3, 1847, [illegible] and [illegible] of other [illegible] and [illegible] Mexico.

THE WAR WITH MEXICO.

Mr. CALHOUN submitted the following resolutions for consideration:

[illegible] That the Government of Mexico, [illegible] with the character and genius, and in the end, subversive of our free and popular institutions.

[illegible] That the [illegible] Mexico [illegible]

On motion by Mr. CALHOUN, it was

Ordered, That the resolutions be printed.

[illegible]

Mr. DOWNS submitted the following resolution for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire whether [illegible] provided at New Orleans, for the better accommodation of wounded, invalid, and [illegible] Mexico; [illegible] and [illegible] return [illegible]

The [illegible]

Mr. DOWNS rose and said: I will remark in reference to the resolution, that there is an urgent necessity that some provision should be made for the sick and disabled soldiers returning from Mexico. All, or a large portion of them, embark at New Orleans; and a still larger portion of them return by that route, entirely destitute, and although there are means to a limited extent in the barracks and institutions of the city, yet so great is the number of the sick and disabled, that those means are altogether inadequate. It is therefore highly important—in fact it is essentially necessary—that some permanent provision should be made for the relief of these men. I believe, I may say, that the Secretary of War, and General Brooke, who are both in possession of a knowledge of these facts, will fully concur in the measures contemplated by this resolution. I have not thought it necessary to make any specific suggestions myself, in regard to carrying into effect the objects of the resolution, as I think it will be much better left in charge of the able Committee on Military Affairs; and I desire to call the attention of the committee to the subject at this time, as General Brooke is now in this city, and will be willing to furnish the committee with any information they may require upon this subject.

The resolution, having been considered by unanimous consent, was agreed to.

PRIVILEGE OF THE FLOOR.

The Senate proceeded to consider the following resolution, submitted yesterday by Mr. NILES:

Resolved, That the Auditor of the Treasury for Claims of the Bureau of the Navy be allowed on the Accounts and Pensions Bureau, [illegible] on the floor of the Senate.

Mr. NILES having submitted a modification of the resolution, said: I will merely observe that I am not disposed unnecessarily to increase the number of those who shall be admitted to the privilege of the floor of the Senate chamber; but, I think that, in regard to the persons named in this resolution, there is a manifest propriety in admitting them; for, if there be any persons admitted, it should be those who, it may be supposed, from the nature of their official duties, may have some occasion, in connection with those duties to enter the chamber in order to see chairmen of committees; and I believe that the officers named in this resolution are in that situation. This privilege is extended to many as an act of courtesy and respect, such as members of State Legislatures, and others; but Senators must all be aware that the men who are connected with the details of public service are the men who should enjoy this privilege, in order that they may suffer no inconvenience in the discharge of their public duties.

The resolution as modified was then agreed to, and is as follows:

Resolved, That the Auditor of the Bureau of the Treasury, War, Navy, and Post Office Department be entitled to the floor of the Senate.

PROTECTION OF PASSENGERS ON STEAM VESSELS.

Mr. DAVIS, of Massachusetts, submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire whether any [illegible] are necessary in regard to navigation by steam, for the preservation and protection of passengers.

U. S. COURTS OF VERMONT.

Agreeably to notice Mr. UPHAM asked and obtained leave to bring in a bill changing the places and fixing the times for holding the Circuit and District Courts in the district of Vermont; which was read the first and second times by unanimous consent, and referred to the Committee on the Judiciary.

WASHINGTON MONUMENT.

Agreeably to notice, Mr. MILLER asked and obtained leave to bring in a joint resolution, authorizing the erection, on the public grounds, in the city of Washington, of a monument to George Washington: which was read the first and second times, by unanimous consent, and referred to the Committee on the District of Columbia.

ANNEXATION OF TERRITORY.

The Senate proceeded to consider the following resolutions, submitted yesterday by Mr. DICKINSON:

Resolved, That the policy to be [illegible] the Government of the United States to [illegible] on its political and commercial relations upon this continent by the annexation of such contiguous territory as may conduce to that end, and can be justly obtained; and that neither in such acquisition nor in the territorial organization thereof, can any conditions be constitutionally imposed, or institutions be provided for or established, incon[illegible] with the principles hereof, to impair the [illegible] States, or any of them, to [illegible] powers and privileges of the original members of the confederacy.

Resolved, That in organizing a territorial government for territory belonging to the United States, the principles of self-government, upon which our federative system rests, will be best promoted—the true spirit and meaning of the constitution be observed, and the [illegible] be [illegible] by leaving all questions concerning its domestic policy thereon to the Legislatures chosen by the people thereof.

Mr. DICKINSON remarked that he would not press the consideration of these resolutions at this time, but that he would call them up after the holidays, when the Senate should be full. He therefore moved that they be passed over for the present, which was agreed to.

On motion,

The Senate adjourned.

THURSDAY, DECEMBER 16, 1847.

CREDENTIALS.

Mr. MANGUM presented the credentials of the honorable JOHN MACPHERSON BERRIEN, elected a Senator of the United States from the State of Georgia, for the term of six years from and after the 4th day of March, 1847, which were read.

Mr. BERRIEN, having taken the oath of office, which was administered to him by the VICE PRESIDENT, took his seat in the Senate.

ROUTE TO CALIFORNIA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in compliance with a resolution of the Senate of the 9th instant, a report from the Colonel of the Corps of Topographical Engineers, with a copy of notes of the military reconnoissance of the route from Fort Leavenworth, in Missouri, to San Diego, in California, by Lieutenant William H. Emory, of the Topographical Engineers, with the map of the said route, and of the Arkansas, Del Norte and Gila rivers; as also the report of Colonel Philip St. George Cooke's route to California, after diverging from the track of General Kearney.

On motion by Mr. PEARCE, it was

Ordered, That they be printed.

Mr. PEARCE remarked that as these reports contained information that was interesting and valuable, he would submit a resolution to print an extra number of copies; but he would not ask for its consideration to-day, as the Senator from Missouri (Mr. BENTON) was desirous of examining the map before it should be lithographed or engraved.

Mr. PEARCE then submitted the following resolution:

Resolved, That one thousand additional copies of the notes of a military reconnoissance from Fort Leavenworth to San Diego, by Lieutenant William H. Emory, and of Colonel Cooke's report, be printed for the use of the Senate; and that the Secretary of the Senate be directed hereafter to be engraved or lithographed, and to make another of the map accompanying Lieutenant Emory's report, and each of the last one of geological, and other illustrations as the Committee on the Contingent Expenses of the Senate may approve and direct.

CONTINGENT EXPENSES OF THE SENATE.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Senate, made in pursuance of the 20th section of the act of the 26th of August, 1842, showing the disbursements from the contingent fund of the Senate, for the year ending December 4, 1847.

On motion by Mr. BREESE, it was

Ordered, That it be printed.

WAR MEETING IN PHILADELPHIA.

The VICE PRESIDENT laid before the Senate a report of the proceedings of a town meeting held in the city of Philadelphia, on the 11th December, 1847, in reference to the existing war with Mexico.

On motion, it was

Ordered, That it lie on the table.

ADJOURNMENT OVER.

On motion, it was

Ordered, That when the Senate adjourn, it be to Monday next.

REPORT OF THE SECRETARY OF THE TREASURY.

On motion by Mr. ATHERTON, it was

Ordered, That the Annual Report of the Secretary of the Treasury on the Finances, be referred to the Committee on Finance; except so much thereof as relates to the reduction and graduation in the price of the public lands, and the extension of the pre-emption privilege, and to the mineral lands; which is hereby referred to the Committee on Public Lands; and except so much thereof as relates to military land warrants and certificates; which is hereby referred to the Committee on Military Affairs; and except so much thereof as relates to the donation of farms in Oregon, to actual settlers and emigrants, and the grant of school sections; which is hereby referred to the Committee on Territories; and except so much thereof as relates to the light-house system, and the ware-housing system, and to the establishment of ports of entry in Oregon; which is hereby referred to the Committee on Commerce.

NOTICE OF A BILL.

Mr. HUNTER gave notice, that at an early day, he would ask leave of the Senate to introduce a bill to authorize the payment of equitable commissions to the agents or attorneys of persons in whose favor awards have been made, under three several treaties between the United States and foreign powers, which awards have been retained in the treasury in payment of debts due to the United States.

THE LATE SENATOR SPEIGHT.

Mr. FOOTE rose and addressed the Senate as follows:

Mr. President: A few days since we were called upon to assume the customary badges of mournful respect in honor of a deceased Senator from Connecticut; and now, whilst the sentiment of fraternal grief is yet warm in our bosoms, and the tokens of sorrowing affection are still visible upon our persons, it has become necessary that I should give renewed pain to the sensibilities of Senators by passing in review before them another dispensation of Divine Providence, which, since the last annual assemblage in this hall, has deprived the national legislature of an upright and efficient member—the State of Mississippi of a faithful and approved political agent, and myself of a most worthy and esteemed colleague. The Hon. JESSE SPEIGHT, died at his own residence, in the State of Mississippi, on Saturday the first day of May last, after a long and painful illness, which came upon him here, whilst arduously engaged in the extraordinary labors of the last Congress, and which continued to oppress him sorely for several months, until at last he sunk into that grave, where now quietly repose all that was mortal of the patriot, the philanthropist, and the statesman. I shall not attempt, on this occasion, to deliver a formal and elaborate eulogy upon my lamented friend, feeling that I shall best display the real respect which I entertain for the well-known republican simplicity of his own tastes, by confining myself to a concise and unostentatious delineation of his life and character.

JESSE SPEIGHT was born in the county of Greene, and State of North Carolina, a few years anterior to the close of the last century, where he continued uninterruptedly to reside, until his removal to the State of Mississippi, in the year 1837. Prior to his migration from the State of his nativity, he had officiated as a member of her legislature, and had likewise supplied material aid in the reformation of her organic law, as a prominent member of the convention which assembled for that purpose in the year 1837. Before leaving North Carolina, he had represented one of the congressional districts of that ancient Commonwealth in the other wing of this Capitol, for four consecutive terms, closing on the third of March, 1837; and I am assured that his whole political conduct at that critical period of our national history was eminently creditable to himself, and satisfactory to his constituents. After his removal to the west, he successively represented a most intelligent and patriotic constituency, first, in one branch of our State legislature, and then in the other, and presiding over both, at different times, with such distinguished success as greatly to elevate his character as a public man, and multiply the number of his admirers. From the presidency of the Mississippi Senate, he was elected to a seat upon this floor, where he acted under the daily and hourly inspection of those in whose presence I now speak; and, I trust, that I shall not be deemed by any Senator who hears me at all extravagant, when I assert that my lamented colleague, whilst connected with this body, gave constant evidence of his possessing a sound, acute, and practical intellect—habits of persevering industry, seldom surpassed—inflexible honesty of purpose—a magnanimity of soul, which held him ever in readiness for the performance of generous and noble deeds, and which equally saved him, at all times, from the least participancy in aught that could be recognised as little, or sordid, or illiberal. He was blessed with unusual sweetness, and uniformity of temper; and the unceremonious cordiality of his manners rendered his society particularly agreeable and attractive. In domestic life he was strikingly amiable and exemplary; and his untimely decease has brought sorrow and disappointment to kind and innocent hearts, which his living presence never failed to inspire with sentiments of buoyant hope, and elastic gladness of spirit.

Mr. FOOTE concluded by offering the following resolutions, which were unanimously adopted:

Resolved, unanimously, That the Senate, from a desire to exhibit a profound respect for the memory of the Hon. JESSE SPEIGHT, late a member thereof, will go into mourning, by wearing crape on the left arm, for thirty days.

Resolved, That as an additional mark of respect for the memory of the Hon. JESSE SPEIGHT, the Senate do now adjourn.

Ordered That the Secretary inform the House of Representatives thereof.

Whereupon,

The Senate adjourned.

MONDAY, DECEMBER 20, 1847.

The Hon. DANIEL WEBSTER, of the State of Massachusetts, appeared in the Senate to-day.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States, was received by the hands of J. Knox Walker, Esq., his private secretary.

CASE OF JOHN PICKETT AND OTHERS.

The VICE PRESIDENT laid before the Senate a report from the Solicitor of the Treasury, in the case of John Pickett and others, owners of the brig Abeel, made in pursuance of the directions of the act of 3d March, 1847; which was read.

PUBLIC MEETING IN PHILADELPHIA.

The VICE PRESIDENT laid before the Senate the proceedings of a meeting of citizens in Philadelphia, approving the act of the government transferring the emigrant Mormons to rest on certain unoccupied lands, which were laid upon the table.

PETITIONS.

The VICE PRESIDENT laid before the Senate the petition of Charles S. Jackson, an officer of customs in the port of Philadelphia, praying to be allowed certain items rejected by the accounting officer in the settlement of his accounts, which was referred to the Committee on Finance.

Mr. FELCH presented the petition of Elvira F. Smith, widow of Henry Smith, deceased, an officer in the army, who died of disease contracted in the service, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. SEVIER presented the memorial of the survivors of the crew of the United States' brig Somers, praying indemnity for the loss of their clothing and personal effects, occasioned by the capsizing of that vessel in the harbor of Vera Cruz; which was referred to the Committee on Naval Affairs.

Mr. CALHOUN submitted additional documents relating to the claim of Hugh Wallace Wormeley to a pension; which were referred to the Committee on Pensions.

Mr. MILLER presented the petition of Susan T. E. Williamson, widow of Charles L. Williamson, deceased, late an officer in the navy, praying a pension; which was referred to the Committee on Naval Affairs.

Also, the memorial of Joshua Shaw, praying that a balance of an appropriation due him, under an act of Congress, and retained in the treasury, may be paid; which was referred to the Committee on Military Affairs.

Also, the memorial of the Vestry of Washington Parish, in the city of Washington, praying permission to purchase part of a public reservation in that city, for the purpose of enlarging their burial ground; which was referred to the Committee on the District of Columbia.

Mr. HANNEGAN presented the memorial of Timothy Upham, John Laighton, Thomas Hayes, Michael W. Ash, Samuel McClelland, Robert C. Wetmore, James H. Suydam and Allen Thomas, legal representative of John Thomas, deceased, praying compensation for performing the duties of Navy Pension Agent; which was referred to the Committee on Naval Affairs.

Mr. YULEE presented the petition of Jessee Turner, praying the confirmation of his title to a tract of land held under a Spanish grant, in Florida; which was referred to the Committee on Private Land Claims.

Mr. CRITTENDEN presented the petition of Leslie Combs, praying the payment of certain bonds issued to him by the late Republic of Texas; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. JOHNSON, of Maryland, presented the memorial of William M. Glendy, an officer of the Navy, praying compensation for performing duties belonging to a higher grade than that held by him in the service; which was referred to the Committee on Naval Affairs.

Also, the memorial of Sarah Hebard, widow of Andrew Hebard deceased, late a Chief Engineer in the Navy, praying to be allowed a pension; which was referred to the Committee on Naval Affairs.

Also, the memorial of the seamen of the United States squadron in the Pacific ocean, praying the restoration of the spirit ration; which was referred to the Committee on Naval Affairs.

Also, the memorial of Mrs. Ann Chase, praying indemnity for losses at Tampico, in Mexico, in consequence of an outbreak of the populace on the commencement of hostilities; which was referred to the Committee on Foreign Relations.

Mr. DIX presented the memorial of officers of the army, now serving in Mexico, praying the passage of an act granting pensions to the widows and orphans of such as may die in service.

Also, a memorial of officers of the army, now serving in Mexico, praying the passage of a law authorizing the retirement of officers of the army from active service on certain conditions.

In presenting these petitions, Mr. DIX said:

I rise to present two petitions to which I desire to invoke the attention of the Senate. It was not until yesterday that I was apprised of their contents, or I should have brought them here at an earlier day. They were left on my table in this city, a week or ten days ago, when I was absent, sealed and addressed to an honorable Senator from Missouri, (Mr. BENTON,) not now in his place, who served for many years as chairman of the Committee on Military Affairs, with distinguished honor to himself and advantage to the country, and I greatly regret that he is not here to take charge of them. I am not in the habit, sir, as you know, of accompanying the presentation of papers with introductory remarks. In ordinary cases it is doubtless more proper to await the action of appropriate committees on the subjects to which they refer. But I trust the nature of these may be deemed by the Senate to justify a departure from the usual practice.

They are petitions signed by the officers of the Army at Puebla, on the first day of August last, just before it commenced its march towards the city of Mexico. The first is styled "a petition for a retiring list." It contains two hundred and thirty-three signatures, and praying for certain legislative provisions in respect to aged and disabled officers, which, without casting any new burden on the public treasury, would in the opinion of the petitioners, add greatly to the efficiency of the army, and at the same time do justice to those, who perform the drudgery, and encounter the perils of military service in the field. I will only say further in reference to this petition, that the plan suggested corresponds, to some extent, though not fully, with one proposed by a late commander of the army, (General Macomb,) and I believe recently recommended by the present Adjutant General with a view to the same object.

The second is styled "a petition for widows and orphans." It is signed by two hundred and twenty-two officers, and I believe the names, as far as they go, are identical with those borne on the first. It is also dated at Puebla, on the first day of August last, almost at the moment the army took up its march for the valley of Mexico; and when considered in connexion with the surrounding circumstances and the brilliant events, which followed each other with a rapidity of succession scarcely exceeded by those which signalized the first entrance of Bonaparte into Italy, it addresses itself with great force to the feelings, as well as the justice of Congress and the country.

I will not detain the Senate by entering into any detailed review of these events with a view to enforce the appeal contained in the petition. I hope, however, I may be indulged in saying, in justice to those who bore a part in them, that the first conquest of Mexico cannot, as it appears to me, be compared with the second, either as to the obstacles overcome, or as to the relative strength of the invaders. The triumphs of Cortez were achieved by policy and by superiority in discipline, and in the implements of warfare. The use of fire-arms, until then unknown to the inhabitants of Mexico, was sufficient in itself to make his force, small as it was, irresistible. In the eyes of that simple and superstitious people he seemed armed with super-human power. Other circumstances combined to facilitate his success. The native tribes, by which the country was possessed, were distinct communities, not always acknowledging the same head, and often divided among themselves by implacable hostility and resentments. Cortez, by his consummate prudence and art, turned these dissensions to his own account; he lured the parties to them into his own service, and when he presented himself at the gates of the city of Mexico, he was at the head of four thousand of the most warlike of the natives, as auxiliaries to the band of Spaniards, with which he commenced his march from Vera Cruz. Thus, his early successes were as much the triumph of policy as of arms. General Scott, and the gallant band he led, had no such advantages. The whole population of the country from Vera Cruz to Mexico, was united as one man against him, and animated by the fiercest animosity. He was opposed by military forces armed like his own, often better disciplined, occupying positions chosen by themselves, strong by nature, and fortified according to the strictest rules of art. These obstacles were overcome by his skill as a tactician, aided by a corps of officers unsurpassed for their knowledge of the art of attack and defence, and by the indomitable cour-

age of their followers. With half his force left on the battle-field or in the hospital, and with less than six thousand men, after a series of desperate contests, he took possession of the city of Mexico, containing nearly two hundred thousand inhabitants, and defended by the remnant of an army of more than thirty thousand soldiers. I confess I know nothing in modern warfare which exceeds in brilliancy the movements of the American army from the gulf to the city of Mexico. I shall not attempt to speak of them in the language of eulogium. They are not a fit theme for such comment. Like the achievements of General Taylor and his brave men on the Rio Grande, at Monterey, and Buena Vista, the highest and most appropriate praise is contained in the simplest statement of facts.

Mr. President, the gallant achievements in the valley of Mexico, to which I have briefly referred, were due to the chivalrous men, whose names are signed to this petition, and to their gallant associates in the field. The names of the volunteer officers, who so nobly distinguished themselves, are not borne on the petition. The subject concerns the regular army only, and the petitioners belong exclusively to that arm of the service. At the head of the first I find Winfield Scott, William J. Worth, John A. Quitman, Gideon J. Pillow, David E. Twiggs, James Shields, George Cadwallader, and Persifor F. Smith, all general officers; Harney, Clark, Riley, and Garland among the colonels; and among the field and staff, and lower commissioned grades other names, too numerous to mention, which those who bear them have, by their gallantry, made familiar to their countrymen. I have already said, that this petition was signed at Puebla, almost at the moment the army commenced its march from that city for the valley of Mexico. Sir, it is more than probable, that the last time many of these gallant men held a pen was to inscribe their names upon this petition; and when this appeal to their countrymen was made, in full confidence, doubtless, that their prayer would be heard, their hands thenceforth, dealt only with the weapons with which they were vindicating their country's honor in the field, and which none but death, the conqueror of us all, could wrest from their grasp.

Mr. President, I will not undertake to give a summary of the contents of this petition. It is very brief; preparing, as the petitioners were, for the unequal contest which awaited them, and of which, perhaps, they alone did not doubt the issue, they had no words to waste, even on the subject nearest to their hearts. I will read it, with the Senate's permission, in their own language:

"*To the Senate and House of Representatives of the United States of America:*

"We, the undersigned officers of the United States Army, beg leave most respectfully to represent to your honorable bodies, that many of us are married, and have left wives and children at home, dependent upon us; that we are constantly exposed to dangers and the ills of health, and, on the field of battle, but by exposure to unhealthy and deadly climates; and that in going to the field, many of us have our hearts depressed by the melancholy conviction that, if we fall, our wives and children will be helplessly thrown on the cold charities of the world.

"We most respectfully ask our country to give us the assurance, if we offer up our lives in her service, that she will provide for our destitute widows and orphans; and that she may do so we most humbly petition your honorable bodies to pass such a law as will, in case widows shall become destitute, secure to the wife and children of officers and soldiers dying in the service of their country, pensions during the natural lives or widowhood of the wife, and during the minority of the children, and your petitioners as in duty bound, will ever gratefully pray.

"Puebla, Mexico, August 1st, 1847."

It is due to General Scott to say, that in signing the petition, he added these words:

"Without any desire of procuring for my own family any contingent benefit from the proposed change in the pension laws of the army, I cordially concur in the responsibleness of the foregoing petition, and can see no military or other objection to its being signed and presented."

General Quitman also signs with the following addition:

"I approve the measure of placing the regular army on the same footing with the navy and volunteers."

This remark of General Quitman explains all. The army is not on an equally favorable footing, in respect to widows and orphans, with the navy or volunteers. Without complaining of the inequality, the petitioners respectfully ask that it may be rectified.

Mr. President, I have no doubt that in reading and signing this petition, the recollection of wives and children, thousands of miles away, many of whom were to become widows and orphans before this last missive could reach the capitol, was to the signers far more trying than the scenes of danger and death on which they were about to enter. If it was to them a moment of weakness—the only weakness pardonable to gallant men—the memory of a dozen battle-fields attests that it was the last. Some of them sleep in honorable graves; some are lying on beds of sickness in Mexico; many are still in the field, ready, as ever, to peril all in their country's cause; and others—I am sorry to say not a few—restored to their homes, are dragging about their scarred and mangled limbs, in the face of their friends and kindred, with lives held by the frailest tenure.

But, sir, I have said enough. It would be to distrust the right feeling of the Senate, to say more. Less I could not say, in justice to myself, with this paper before me, on which I recognize the names of numerous friends and former associates, many of whom we shall see no more. It gives me pleasure, not unmingled with pain, to present their petition; and if the presentation has been accompanied with the manifestation of more feeling than becomes the performance of a public duty on this floor, I am sure it will be ascribed to the right cause. I will conclude, sir, by reading to the Senate, an extract of a letter enclosed with the petition, with the single remark, that it was written, in behalf of the army, by Major Harvey Brown, a gallant officer, with whom I had the pleasure of being acquainted many years ago, in the staff of a former commanding general of the army. It is dated at the National Palace, in the city of Mexico, on the 1st of October, two months after the petition was signed.

"I would also call to your notice the melancholy fact, that many of the officers, who have signed this petition, have since gloriously fallen in the service of their country, leaving destitute widows and helpless orphans. And, being dead, they now emphatically speak, saying: 'We have offered up our lives to our country, and we now call upon her to provide a decent competence for our bereaved widows and fatherless children.'"

Is it too much, Mr. President, to ask that these petitions, with the names attached to them, may be printed? I know it is not the practice of the Senate to print petitions. But these are something more. As far as they go, they are lists of the gallant living and the honored dead in Mexico. I make the motion to print.

The memorials were then referred to the Committee on Military Affairs, and ordered to be printed.

Mr. YULEE presented the petion of Isaac Varnes, senior, praying indemnity for losses sustained in consequence of the occupation of his property as a military post, by troops of the United States; which was referred to the Committee on Military Affairs.

Also, the memorial of Joseph Knox Boyd, praying compensation for his services in the recapture of the United States frigate Philadelphia, in the harbor of Tripoli, in the year 1804; which was referred to the Committee on Naval Affairs.

Also, the memorial of William A. Christian, a Purser in the Navy, praying the allowance of certain items, suspended by the accounting officers in the settlement of his accounts, for payments made to the acting forward officers on board of the United States steamer Princeton; which was referred to the Committee on Naval Affairs.

Also, the memorial of John Crosby, in behalf of the children of Andrew D. Crosby, deceased, late a Purser in the Navy, praying that they may be allowed a five years' pension; which was referred to the Committee on Pensions.

Also, the memorial of John Crosby, administrator of Andrew D. Crosby, deceased, late a Purser in the Navy, praying to be allowed a credit on his accounts for payments made to certain acting forward officers on board the United States ship Ontario; which was referred to the Committee on Naval Affairs.

Mr. CASS submitted documents relating to the claims of A. Kearsley, receiver of public lands at Detroit, to compensation for extra clerk hire in his office; which were referred to the Committee on Public Lands.

Mr. DIX presented a memorial of citizens of Oswego, praying that a drawback of duties may be allowed on wheat imported from Canada into the United States, when manufactured into flour and exported; which was referred to the Committee on Commerce.

Also, the memorial of Benjamin J. Cahoone, a Purser in the Navy, praying the reimbursement of money advanced by him on public account; which was referred to the Committee on Naval Affairs.

Mr BADGER presented a memorial of the Religious Society of Friends at New Garden, North Carolina, praying the adoption of measures for the immediate termination of the war with Mexico, which was laid upon the table and ordered to be printed.

On motion by Mr. RUSK, it was

Ordered, That the petition of Wm. H. Prentiss, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. JOHNSON, of La., it was

Ordered, That the petition of Bailie Peyton, on the files of the Senate, be referred to the Committee on Private Land Claims.

On motion by JOHNSON, of La., it was

Ordered, That the petition of W. H. Bassett, on the files of the Senate be referred to the Committee on the Judiciary.

On motion by Mr. JOHNSON, of La., it was

Ordered, That the petition of Abner L. Duncan, on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. JOHNSON, of La., it was

Ordered, That the documents on the files of the Senate, relating to the claim of William De Buys, be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. CLAYTON, it was

Ordered; That the petition of Bettriah Healy, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. UPHAM, it was

Ordered, That the petition of Abigail Garland, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. YULEE, it was

Ordered, That the petition of A. H. Cole, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. YULEE, it was

Ordered, That the petition of certain claimants for remuneration for supplies furnished to Florida Militia in the Seminole war, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. YULEE, it was

Ordered, That the petition of John G. Sanchez, administrator of Frances R. Sanchez, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. MASON, it was

Ordered, That the petition of Pearson Cogswell, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. ATCHISON, it was

Ordered, That the petition of Henry M. Shreve, on the files of the Senate, be referred to the Committee on Commerce.

On motion by Mr. FAIRFIELD, it was

Ordered, That the petition of Jessee D. Elliott, the petition of Thomas Boswell, and the petition of James McIntosh, on the files of the Senate, be severally referred to the Committee on Naval Affairs.

On motion by Mr. DOWNS, it was

Ordered, That the memorial of the members of the Bar at New Orleans, on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. DOWNS, it was

Ordered, That the petition of John Milikin, Ann H. P. Lawson, and others, on the files of the Senate, be referred to the Committee on Public Lands.

On motion by Mr. DAVIS, of Miss., it was

Ordered, That the petition of Clements, Bryan and Company on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. DAVIS, of Miss., it was

Ordered, That the petition of Henry Childs, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. JOHNSON, of Maryland, it was

Ordered, That the petition of John L. Worden, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. JOHNSON, of Maryland, it was

Ordered, That the petition of Gustavus B. Horner, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. JOHNSON, of Maryland, it was

Ordered, That the petition of the legal representatives of Ethan Allen, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. JOHNSON, of Maryland, it was

Ordered, That the petition of Stephen Champlin, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. JOHNSON, of Maryland, it was

Ordered, That the petition of the heirs of Caleb Swan, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. JOHNSON, of Maryland, it was

Ordered, That the petition of Columbus Alexander and Theodore Barnard, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. JOHNSON, of Maryland, it was

Ordered, That the petition of Maria S. Nourse, widow of Joseph Nourse, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. CORWIN, it was

Ordered, That the petition of Joseph Radcliff, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. DIX, it was

Ordered, That the petition of Samuel Grace, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. ATCHISON, it was

Ordered, That Throckmorton and Bent, St. Vrain and Company, have leave to withdraw their petition and papers from the files of the Senate.

NOTICES OF BILLS.

Messrs. MANGUM, DIX, CRITTENDEN, and FOOTE, severally gave notice, that on to-morrow, or at some early day, they would ask leave to introduce sundry bills.

RESOLUTIONS OF STATE LEGISLATURES.

Mr. BALDWIN presented a preamble and resolutions, passed by the Legislature of Connecticut, in favor of the construction of a railroad from Lake Michigan to the Pacific ocean, according to a plan proposed by Asa Whitney, a citizen of New York; which were read and ordered to be printed.

Mr. UNDERWOOD, in presenting a report and resolutions adopted by the Legislature of the State of Kentucky, requesting the Senators and Representatives of that State in Congress to urge upon that body the importance of passing such laws as will enable the citizens of slaveholding States to recover their slaves when escaping to the non-slaveholding States; which were referred to the Committee on the Judiciary; remarked, that during the last summer a case had come to his knowledge under his own observation, which he begged here to present to the notice of the Senate. A gentleman named Duncan had some time previous removed from Kentucky into Missouri; he lost a slave and followed him into Detroit, and there arrested him. The slave was taken from the possession of the owner there, and an action of trespass was instituted against the claimant, on which the owner, in default of bail, at the instance of the slave, was put in jail. The slave was released. The gentleman remained in jail until by correspondence with his friends in Kentucky and elsewhere,—he, (Mr. U.,) amongst the number,—he obtained satisfactory proof that he was the owner of the slave, and that the proceedings which had been commenced against him were altogether unjust. He took that opportunity to say that Mr. Norvell, late a member of that body, and without personal acquaintance with the gentleman thus put in jail at the instance of his slave, took an active part in procuring his release. But in the meantime the slave had escaped into Canada; and there was the end of the matter. He then moved that the memorial be referred to the Committee on the Judiciary, in order that something might be reported which would meet the case.

On motion by Mr. UNDERWOOD, it was

Ordered, That they be printed.

Mr. HALE presented resolutions passed by the Legislature of the State of New Hampshire in opposition to any legislation by Congress on the subject of slavery; or the extension of slavery in any territory which may hereafter be acquired by the United States; which were read and ordered to be printed.

Also, a resolution passed by the Legislature of the State of New Hampshire, in favor of the passage of an act for the removal of the terms of the Circuit and District Courts of the United States for the District of New Hampshire from Exeter to Concord, in that State; which was ordered to be printed.

Mr. NILES, in presenting a preamble and resolution passed by the Legislature of the State of Connecticut, declaring their opposition to the introduction of slavery or involuntary servitude, except as a punishment for crime, into any territory which may hereafter be acquired by, or annexed to, the United States; which were read, said: I move, sir, that the resolutions which I have now submitted be printed. The preamble to these resolutions has no practical connection with the resolutions themselves. Whether the war proceeded from the act of Mexico or from the act of the President of the United States, is a matter which can have no influence whatever upon the question—as to the disposition of any territory which may be acquired in consequence of it; and I allude to this matter, sir, because I believe it was found embarrassing to the Legislature, and that it placed the minority of that body in a situation somewhat analagous to that in which some of my friends over the way found themselves in relation to the law recognizing the war with Mexico. They did not like the preamble to that act, and there are many in my State who dislike this preamble quite as much. The majority there, like the majority here, were desirous that the act should not only be done, but done in a way in which they saw fit to have it done. The act passed, however, notwithstanding this repugnance to its preamble. However this may be, sir, I feel it my duty to say, as one of the Representatives of that State, that I have no doubt, that these resolutions speak the sentiments of the great body of the people of that State. With regard to the preamble, I think otherwise. The resolutions, I think, sir, speak the public sentiment of the State, and this conclusion I do not form entirely from the action of the General Assembly; still less, do I arrive at it from the tone of the party presses of the State—they will probably lead me and every one to a different conclusion—for I regret to perceive, sir, in the press on both sides in that State, a shuffling course is pursued, and an endeavor is made to keep this question out of the sight of the people. An unwise policy, I think. But however much it is to be regretted that the question should arise here or before the country, I apprehend that it does exist and that it will be impossible to avoid meeting it and looking it full in the face. For one, I

could have regretted that the question should have come here—have hoped that in some way it would have been kept out of this body; but we have already resolutions bringing up this question. We have, sir, the message of the Executive one of the co-ordinate branches of the government, informing us that a part of Mexico now belongs to this Union, and calling on us to establish a territorial government over it. Many persons have assumed the position to which I have referred, not I apprehend, for the lasting interests of the country, but for temporary party purposes. Many have assumed this position; that the question would not arise because they were opposed to acquisition. Well, sir, that time has gone by; we are told that we have this territory and are called on to recognize it as a part of the territory of the United States, and to establish the jurisdiction of our civil government over it. In regard, sir, to this position which has been assumed by the Executive, I have nothing to say. I was somewhat startled at it, sir. As to how far it can be maintained, we shall see hereafter; for it will be brought up for consideration in the course of the session. But sir, the other question is brought forward here, and we shall, I suppose, have it discussed. For one, sir, having felt it my duty at the last session to express my views in regard to it, it will be unnecessary for me to explain my course until the question actually comes up again. I certainly, sir, shall pursue such a course as I believe to be moderate and conciliatory and kind towards that section of the Union, with which I shall probably differ on this subject. But I cannot consent to misrepresent my constituents. I cannot mistake their sentiments. I cannot mistake what I believe to be their interests. I think the public sentiment of my State, and the public sentiment of the whole north, is that they will adhere fully and with the utmost fidelity, in guarding the rights of all the States on this question, so far as the constitution and public treaties have secured those rights—or in other words, that they will support the institution of slavery as an American institution, so far as the constitution and public treaties have carried it, and given it a common ground. So far, sir, I believe the public sentiment of the north is well settled, and I believe it is equally well settled that they are not desirous by any action on their part to be instrumental in "enlarging the area of slavery" as it is sometimes called. I believe the sentiment is that there is no power in this government to do that, and if there were, it would be unwise and unjust to exercise it. This question will probably lead to some debate, and I hope it will be discussed as temperately as any other question which can come before this body. I hope it will be discussed with a proper regard to the rights of the States under the constitution which binds them together, and with a proper regard to the interests and honor of the whole country. For one, sir, I do not believe that there is any power in this government which can institute or originate or sustain slavery beyond the limits where the constitution has carried it; and if we are to go beyond the constitution, I am, as I have ever been, ready here and elsewhere, to defend the positions I assumed at the last session. Nor do I believe it would be consistent with the duty of this government, to acquiesce in the existence of slavery in fact, and without law, in any territory we may acquire. Nothing, in my opinion, can be more clearly unjustifiable: but the question presented in these resolutions is entirely distinct. It is a question whether this government shall become an agent in establishing or extending this institution. I will not detain the Senate further at this time.

Ordered, That they be printed.

Mr. ATHERTON presented resolutions passed by the Legislature of the State of New Hampshire, in favor of the repeal of so much of the "act to establish post routes, and for other purposes," as enlarges the franking privilege and increases the postage on newspapers not sent from the office of publication; which were read and ordered to be printed.

Also, resolutions of the Legislature of New Hampshire, tendering the thanks of that State to Major General Zachary Taylor and Major General Winfield Scott, and to the brave officers and soldiers under their respective commands, for their distinguished and gallant conduct during the several engagements with the enemy; by whose act the war now exists; tendering sympathy to the friends and relatives of the brave men who had fallen; declaring that the course of our government has been marked by a spirit of forbearance and conciliation, until the actual invasion of our territory; and recognizing in the measures of the national Executive a spirit of justice and a desire for peace, but, at the same time, wisdom, statesmanlike forecast, and patriotic energy; which were read and ordered to be printed.

Mr. SEVIER hoped that the motion of the honorable Senator from New Hampshire to print would be withdrawn; or if that were not in order now, that a reconsideration of the question might be agreed to, in order that the resolutions might be withdrawn.

A SENATOR.—Why?

Mr. SEVIER.—Because it is entirely an unusual course of procedure. I have never known it to be done in the Senate.

Mr. ATHERTON.—I have certainly no desire to do any thing in the slightest degree in contravention of the established practice of the Senate. But I suppose that according to the practice, resolutions passed on general subjects, as these have been, may be presented to Congress although no express clause to that effect may be contained in them. I have no doubt that it was the design of the members of the Legislature that those resolutions should be presented to Congress. The resolutions were sent to me by them, and I presume, sir, that it was designed that all of them should be presented. I believe that a copy of them were sent to my colleague. Supposing it to be the expectation of the Legislature that these resolutions should be presented, I thought it my duty to present them. If, however, that procedure be contrary to the usual practice of the Senate in presenting resolutions, unless there be an express request that they should be presented, I have certainly no wish to press them. I have supposed that in the course which I have taken, there is nothing in contravention of established order. I am not aware that resolutions have been excluded on account of the absence of a special request that they should be presented. Resolutions, for instance, approving of the votes of Senators and Representatives, or instructing Senators and Representatives to pursue a certain course in regard to the discharge of their duties, have been frequently presented to Congress, although they contained no special request that they should be laid before either House of Congress. These resolutions on general subjects might, I supposed, be presented. I shall be guided entirely, however, by the opinion of older members of the Senate, and if it be thought that these resolutions should not constitute a precedent, I shall withdraw them.

The motion to reconsider the motion, by which the resolutions referred to were laid upon the table, was then put and adopted.

The question recurring on the resolution to print,

Mr. ATHERTON rose and said: I will withdraw the resolutions for the present, for the purpose of examining the subject, and on more mature consideration will determine whether they ought to be presented or not.

JOHN R. BRYAN, ADMINISTRATOR, ETC.

Agreeably to notice, Mr. MANGUM asked, and obtained leave, to bring in a bill for the relief of John R. Bryan, Administrator of Isaac Garretson, deceased, late a Purser in the United States Navy; which was read the first and second times by unanimous consent, and referred to the Committee on Naval Affairs.

CORRECTION OF ERRORS IN SURVEYS.

Agreeably to notice, Mr. FELCH asked, and obtained leave, to bring in a joint resolution relating to errors and defective returns in certain surveys, plats, and field notes; which was read the first and second times by unanimous consent, and referred to the Committee on Public Lands.

COMPENSATION TO JOHN M. MOORE.

Agreeably to notice, Mr. BREESE asked, and obtained leave, to bring in a bill to compensate John M. Moore; which was read the first and second times by unanimous consent, and referred to the Committee on Public Lands.

INDIAN RESERVATIONS.

Agreeably to notice, Mr. BREESE asked, and obtained leave, to bring in a bill authorizing persons to whom reservations of land have been made under certain Indian treaties to alienate the same in fee; which was read the first and second times by unanimous consent, and referred to the Committee on Indian Affairs.

UNITED STATES COURTS IN VIRGINIA.

Agreeably to notice, Mr. MASON asked and obtained leave to bring in a bill to change the time of holding the district courts of the United States for the western district of Virginia, and for other purposes; which was read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary.

RIGHT OF WAY TO ILLINOIS.

Agreeably to notice, Mr. BREESE asked and obtained leave to bring in a bill to grant to the State of Illinois a right of way through the public lands, and for other purposes; which was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

BOUNTY LAND CLAIMS.

Agreeably to notice, Mr. UNDERWOOD asked and obtained leave to bring in a bill to allow further time for satisfying claims for bounty lands for military services in the late war with Great Britain, and for other purposes; which was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

GRANT OF LAND TO LOUISIANA.

Agreeably to notice, Mr. JOHNSON of La., asked and obtained leave to bring in a bill to grant to the State of Louisiana certain lands for internal improvement; which was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

OVERFLOWED LANDS.

Mr. ASHLEY submitted the following resolution, which was considered by unanimous consent, and agreed to:

[illegible]

PRINTING OF MAPS.

Mr BREESE said: A few days since a report was made from the general land office and accompanying that report was [illegible] which it is necessary to have engraved. Upon examination, I have ascertained that the expense of executing will not exceed $400. I therefore move that the Senate order the [illegible] to be printed.

Mr. WESTCOTT remarked that there was a report the State of Florida accompanying that report already engraved the plate of which would not cost any little expense. He inquired if that map was embraced in the Senator's motion.

Mr. BREESE replied that it was.

The motion was agreed to.

THE CONQUEST OF MEXICO.

Mr CALHOUN.—I hope that the resolutions which I offered the other day may now be taken up in order to be acted on this consideration.

The resolutions were then taken up and read, as follows:

[illegible]

Mr CALHOUN.—I shall be regulated in having the day by the wishes of the Senate. I have no particular desire in regard to a very early consideration of the resolutions. All I wish is that there should be no unnecessary delay. If it be agreeable to the Senate, I propose that they be taken up on the first Tuesday in January next—two weeks from to-morrow.

Mr ALLEN.—I understand that the Senator from South Carolina has made a motion, and I suppose I am in order in rising to make a remark. I do not know that I have any particular objection to that motion; but as this is a matter of very grave importance, and comes from a source which entitles it to great consideration, and as on the face of the resolution, as I conceive, a little ambiguous, I ask the indulgence of the Senate, and the Senator from South Carolina, whilst I request him to explain the resolution, so far as to tell us whether it means to exclude the idea of any territorial indemnity from Mexico, or any incorporation into the body of the public domain first, and then as states into this Union, of any territory which may come into the conclusion of this war? Or, whether it means barely to negative the idea of annihilating the sovereignty of Mexico, and incorporating the whole mass of territory into this Union? I ask whether it is to be understood in the one or the other of these senses. That is the matter, sir, which I am desirous of knowing before I vote in anywise in reference to it.

Mr. CALHOUN.—I will answer the Senator from Ohio with a great deal of pleasure. It is not my intention to involve any question in reference to territorial indemnity or any other subject apart from that which is presented in the resolution itself. I believe the pressing question at the moment is, whether we shall conquer Mexico and hold her as a subjected province, or incorporate her into our Union. That, of course, would involve the nationality of Mexico, and it was to that point my resolution referred. I think, sir, it is a question which ought to be first decided; because, Mr. President, if I am any judge at all of the operation of existing causes, the certain tendency of all that is doing is to end in the annihilation of the nationality of Mexico, and we shall thus find ourselves—unless the greatest caution is exercised—at the end of another campaign, or at some future time, with eight or nine millions of Mexicans, without a government, on our hands, not knowing what to do with them, and forced to come to one of the alternatives which I have presented. This is a question which I consider as overriding all others at this time. After that is decided we may then consider what compensation we ought to demand, if any we ought to require. I, for one, wish to take my own course, and I offered the resolution for the double purpose of bringing it before this body and before the country, and putting myself in reference to the Mexican question, where I wish to stand.

Mr. DICKINSON.—I believe my resolutions have precedence on the calendar, and were passed over informally—are they included in the motion now before the Senate?

The PRESIDING OFFICER.—They are not embraced in it.

Mr CALHOUN.—I perceive that one of the morning papers supposes that my resolutions were introduced with reference to those offered by the Senator from New York. Not at all. My resolutions were written several days before his were introduced. The Senator may fix any day he pleases for the consideration of his resolutions, either before or after the day fixed upon for the consideration of mine.

Mr. ALLEN.—The subject of the Mexican war is one capable of being expanded very largely in the minds of men; and from the importance with which it comes at this forth at this early period of the session, it is more than likely that it will embrace a large portion of the session in its discussion, giving rise to a very large diversity of sentiment in the members of this body. It may, therefore, be a matter well worthy of the consideration of the Senate whether a subject comprehending so many remote consequences, as are suggested by the Senator from South Carolina, and a subject which, at all events, is in the judgment of every man of very great importance, should not be considered with that deliberation which the Senate always bestows on grave national questions; and, therefore, whether it should not, in the first place, pass to one of the committees organized by this body for the due consideration of propositions before they are submitted to the final adjudication of the body itself. Several resolutions have already been presented, and who shall guarantee the Senate against the incoming of a dozen others of a similar character? Who shall say where this subject shall end, when it becomes divided up and adjusted to the different capacities and judgments of this body? This is but the beginning of the session and we have two sets of resolutions. Before the day arrives for the action of the Senate upon this particular matter we may have a dozen other resolutions, and I submit it to the better judgment of the body whether it is not the proper course, under these circumstances, to refer the whole of these resolutions, in the first place, to the Committee on Foreign Relations. If it be in order, I shall make that motion.

Mr. CALHOUN.—I do trust that the course suggested by the Senator will not be pursued. What is the object of the reference? Reference is made to Committees for the purpose of considering and perfecting details; but here there are no details to settle. In fact, it is a simple proposition. The Senate have only to determine whether it is intended or desired that the whole of Mexico shall be conquered—her nationality destroyed—and that we shall be placed in a position in which we shall be compelled either to hold her as a subjected province, or incorporate her into our Union. We have carried this business of reference far beyond the parliamentary rules, and have encroached, in my opinion, in no small degree on the rights of individual Senators here. As to the number of resolutions that may be offered, I have no reason to believe that there will be many. They two have been introduced, and they upon entirely different subjects. One I understand refers to the slave question—mainly, at least—and the other to a question entirely aside from that. Sir, I do not believe that there will be a long discussion. Unless I am very greatly deceived, there will be no great division—at least there is not at present a great division in the country on this point, and I trust there will not be in this body. The end I wish to guard against, is one which heretofore has not been been contemplated. I do not know that it is intended. I trust that it is not intended. But we may find ourselves in a position not intended, and from which we cannot extricate ourselves. My object in introducing the resolutions, is to guard against such a result. I trust they will have that effect, and that the Senate will not agree to refer them to the Committee on Foreign Relations.

Mr. ALLEN.—I certainly did not desire to deprive any Senator of any of his just rights in this body, nor of any opportunity for the exercise of those rights; but I believe it would be difficult to find, on reference to the journal, an instance of any one question being introduced in the form of a resolution, of such grave importance as this, which was not referred to one of the committees of this body. It would be very difficult to find an exception to the general rule—every difficult. This is a question affecting our foreign relations—clearly and emphatically so. It is not so merely in its meaning and effect, but it is so on the face of the resolution, and in so many words. Well, sir, it will not limit the range of discussion to send it in the first place to the committee. It will abridge the rights of no man—neither of the mover of the resolution, nor of any other gentleman on this floor. The only effect it will have, will be that which, by the standing rules of this body, is designed—the effect of subjecting the proposition to deliberation, first, the scrutiny of the committee, to whose especial business it is made by the Senate to examine it; and secondly, the scrutiny of the Senate itself, revising the judgment of its committee. It is only a precaution taken to guard against precipitate and hasty conclusions. It is a sort of second trial which is granted in favor of all questions whose magnitude entitles them to that consideration—that second review of the human understanding. It is upon that ground, sir, that the rules by which all our business is first submitted to committees are predicated. If we were at the end of the session, or near the end, when a reference of this subject to a committee would be to entomb it for the balance of the session, then the objection coming from the Senator from South Carolina would be an available one, because he would have a right to obtain the adjudication of the Senate upon his resolution. But we are at the commencement of the session, we are on this side of the holidays—we are in anticipation of our usual session in the transaction

of the heavier part of the public business, which is not taken up till after the holidays. There is, therefore, abundance of time. Sir, this resolution is no trifling affair. It presents a grave question, and in answer to the inquiry which I addressed to the Senator from South Carolina, he seems to consider—if I rightly interpreted his explanation—that there is no difference between territorial indemnity and the conquest and retention of the whole of Mexico—that the consequences, though not immediate, would be in their result precisely the same. That is the reading of the explanation as I understand it. Well, sir, what can be a graver question than that? Can the human imagination draw up for review a question graver, more solemn, more calculated to affect and agitate the public heart of this great country than such a question as this—presented too at time when our armies are occupying the territories of that nation? I am one who does not believe that to take territorial indemnity is to take the whole of Mexico. I am one who does not believe that these two questions are the same, either in point of fact or of remote effect. The Senator from South Carolina, who has more reason to be satisfied with his own judgment than I have to be satisfied with mine, thinks differently. Well, sir, his thoughts are entitled to consideration. They are matured thoughts. They will receive the consideration of the country. They will have their effect upon the public mind of a large portion of this people; and it is for that reason that I desire all his thoughts should assume a shape not to be mistaken. When I am told that to obtain from Mexico territorial indemnity to any extent, is equivalent in its remote consequences to an utter annihilation of the sovereignty of Mexico, and the incorporation of its entire mass of territory within this Union, with its ten millions of population, I desire time to inquire whether, why, and wherefore, these propositions are the same—whether these remote and comprehensive effects are to follow from all acquisition of a portion of Mexico, as an indemnity to this government, for the wrongs which it has sustained at the hands of Mexico. I desire that the committee to whom this subject should be referred, should have an opportunity of investigating that question, and ascertaining whether these two propositions are identical or not; because it is very manifest that the identity of these two propositions will make a very material difference in the estimation which the American people shall put upon them. I do not think that they are identical, sir, by any means. The subject then being one of such obvious and acknowledged importance—so much time being before us—so few inconveniences being at all likely to result from the reference to a committee, I cannot, sir, for my life, discover any grave reason why the reference should not take place. But I shall not only acquiesce, as I am bound to do, in the judgment of the Senate; but I shall acquiesce in that judgment, whatever it may be, without the least feeling of disappointment. And I assure the Senator from South Carolina, that it is in no spirit of cavilling—from no disposition to disagree with him unnecessarily, or get up discussion, that I make this suggestion. I act simply upon the same principle upon which the Senate itself acted when it established those rules under which its business is submitted to the various committees.

Mr. CALHOUN.—I rise principally to correct an error into which the Senator from Ohio has fallen, doubtless from having misunderstood my remarks. I by no means said that I considered the annihilation of the nationality of Mexico, and the acquisition of a portion of it territory as identical; on the contrary, I said expressly that I did not understand the resolution as involving the question of territory at all. I agree with him that we may take a part—very large parts of Mexico without touching her nationality. My object is very different; and to satisfy the Senator, I will tell him that I have changed not a single opinion, which I have ever expressed, in relation to this Mexican war. I hope that this will satisfy him. Now, sir, if I understand the drift of the Senator's remarks, and of his motion, it is this—that he wishes these resolutions of mine to go the Committee of Foreign Relations in order that they may make a report upon them before I myself have an opportunity of being heard upon them. I ask, is that fair? I introduced a general subject here, and the Senator proposes to take it out of my hands before I am heard—sending it to the Committee on Foreign Relations, where it is to be discussed and reported on in advance of my own explanation of it. Is there any precedent to be found in this or any other parliamentary body for a procedure of that kind? As he believes, there is no instance of such resolutions being introduced and not referred to a Committee before discussion. I do not know an instance in which any such reference has been made. I myself at the last session introduced important resolutions on the subject of slavery. They were discussed here and every where.

Mr. ALLEN.—[In his seat.]—There is no Committee of the Senate on Slavery.

Mr. CALHOUN.—You have a Committee on Territories, and that involved a territorial question. You may raise a special committee. There is no difference, in that view, between a special and regular committee. The whole drift of his motion—on which I shall say no more—is to take my own resolutions out of my own hand, so that the committee may make the first speech on them, to which I will be called upon to reply, instead of explaining my own resolutions. I submit whether that be fair.

Mr. SEVIER.—I hope my friend from Ohio will withdraw his motion. I will only say, as one member of the Committee on Foreign Relations, that I have made up no opinion with regard to the resolutions of the honorable Senator from South Carolina.

Mr. ALLEN.—Certainly, I have no disposition to force, even if I had the power, such a motion, if the committee are averse to the reference; and therefore, at the request of the honorable chairman of the committee, I beg to withdraw the motion I have made. Allow me, sir, however, to take this occasion to remark, that I am gratified with the explanation which the Senator from South Carolina has made, and in relation to which he conceives that I was mistaken in supposing that he meant that the taking any territorial indemnity was identical with the annihilation of Mexico. I did certainly understand him to say that that was to be the ulterior consequence; and it was the identity of consequences that he had reference to, and not the identity of the particular measures, at the moment. It was my purpose to negative the idea that the same consequences would flow, however remotely; that is to say, that the taking of territorial indemnity involved an ulterior necessity of annihilating Mexico altogether. But if that be not the view of the Senator, I am glad to hear it, because I presumed, on the first form of the proposition, there would be few opininions antagonistic to his, and I hope upon the second—that is as to territorial indemnity—I shall find the Senator aiding those who go for indemnifying the country for its losses, in the way of lands.

The resolutions were then postponed until Tuesday, the 4th day of January next, and made the special order of that day.

ANNEXATION OF TERRITORY.

The Senate proceeded to consider the following resolutions, heretofore submitted by Mr. DICKINSON:

Resolved, That the public interest requires the government of the United States to treat for the acquisition of such territory as may be necessary to be the acquisition of such territory as may be necessary to the future peace and safety of the United States, and that the President be requested to open negotiations for the purpose, and that no treaty for the acquisition of territory be ratified by the Senate, which does not provide for the admission of such territory into the Union as a territory, or as a State, with the consent of the people thereof, to form a free and republican State, with the powers and rights of the original members of the confederacy.

Resolved, That in engrafting a territorial government for future Indiana, into the United States, the same local self-government upon which our independence was founded, should be preserved, the time, place and manner of the first organization be directed, and the conditions of the compact declared, by the act upon which the consent of the people of the acquired country depends, the people thereof.

Mr. DICKINSON then rose and moved that the resolutions offered by him be made the special order for two weeks from to-day at one o'clock.

Mr. BERRIEN.—I beg to ask the Senator from New York if it is his purpose to anticipate a discussion on the resolutions of the Senator from South Carolina?

Mr. DICKINSON.—I do not fully hear the Senator.

Mr. BERRIEN.—Is it the purpose of the Senator from New York in the motion just submitted to anticipate the discussion on the resolutions of the Senator from South Carolina?

Mr. DICKINSON.—I do not know how the discussion of the resolutions offered by the honorable Senator from South Carolina can be anticipated in the consideration of what he himself considered an independent proposition.

Mr. SEVIER.—I hope, Mr. President, that before we get into this sea of discussion we may dispose of some public measures which now press upon our consideration. I would suggest that as the resolutions offered by the Senators from South Carolina and New York are antagonistical to a very great extent, they may with propriety be considered together. I hope, therefore, that the Senator from New York will allow his to be considered with the others. In the meantime I hope that we may be able to dispose of the bill for recruiting the ranks of the army, and also of the measures necessary to provide the means of feeding and clothing the soldiers engaged in fighting the battles of their country in Mexico.

Mr. DICKINSON begged to insist on his motion.

Mr. CALHOUN hoped that the Senator would fix an earlier day for the consideration of these resolutions than that fixed for those which he (Mr. C.) had offered.

Mr. DICKINSON was desirous only of an opportunity of explaining his resolutions before the entrance of any other subject, which, by giving rise to discussion, might prevent him from doing so.

Mr. CALHOUN suggested that the Senator could have the opportunity which he sought on the morning of the day after that fixed for the consideration of his (Mr. C.'s) resolutions.

Mr. DICKINSON.—I am not so sure of that; and I prefer that my resolutions retain the priority to which they are entitled in the order in which they were offered. I may not trespass long on the attention of the Senate in addressing it on the resolutions, but what little I have to say, I desire to offer before discussion arises on other subjects.

Mr. CALHOUN.—I must make a remark here. The Senate has already fixed a day for the consideration of my resolutions;

and the Senator now proposes the day immediately preceding for the consideration of his—thus anticipating mine. That his resolutions shall pass without discussion, is impossible. There will be, as I take it, great diversity of opinion on the subject, at least as the resolution now stands. It may lead to a long discussion. Now I do not think that it would be treating my resolutions lightly, if, after having fixed a day for their consideration, the day immediately preceding should be set apart for the consideration of others which must give rise to discussion, in consequence of which mine may be cut off. If the Senator wishes to be heard, he can be heard on any intermediate day, or on the morning immediately after the day set apart for the consideration of my resolutions.

Mr. DICKINSON. I do not intend to supersede the Senator in any other sense than I indicate. I was without the bar when I learned that the Senator's resolution was under consideration, and I inquired whether the motion made by the honorable Senator included the resolutions which I had the honor to submit. The reply was that they had been passed over informally, and were not embraced in the motion of the Senator. It was then remarked by the Senator that the propositions were independent, and that mine could be set down for an earlier or later day. I therefore, in accordance with his suggestion, moved an earlier day, which was, I think, treating his resolutions with fairness and courtesy; whilst, according to his own rule, mine were treated rather unfairly, for I postponed their consideration till after the holidays, in order to meet the convenience of the Senate. I am willing that they should be set down for an earlier day, but the holidays are approaching, and I desire an opportunity to explain the resolutions, before I shall be superseded by any other discussion. I do not know that any other Senators wish to speak on the resolutions. If they do, the further consideration of the resolutions can be postponed till the others shall have been discussed. I am quite willing to consent to such an arrangement. I desire only, as I have said, an opportunity to state my views in explanation of the resolutions before the question is embarrassed and superseded by other questions supposed in the public mind to have a similar bearing. At the suggestion of the Senator himself, I moved that the consideration of my resolutions should be fixed for a certain day, and under that impression I voted for making his the order for Monday, not imagining of course that I was to be foreclosed and superseded.

Mr. CASS.—The suggestion of the Senator from Arkansas is entitled to consideration. We are all aware that the President has submitted to Congress the necessity of additional military forces, and the Military Committee has had no opportunity to examine the subject, but will soon meet and take it up. I hope, whatever time may be fixed for the consideration of these resolutions, it may be distinctly understood that they are not to stand in the way of public business of a more pressing nature, demanding the immediate attention of Congress. I do trust that it may be distinctly understood before an order is made on this subject, that it will not be superseded by any other matters. I must be allowed to say, with regard to the resolution of the honorable gentleman from South Carolina, with the greatest deference to his opinions, that I myself do not see its practical importance. I am perfectly willing to hear the views of the Senator. I know that they will be intelligent, striking, and that they will go to the public with the great weight of his character; but I must say that there is no man in this nation in favor of the extinction of the nationality of Mexico. The Executive has indicated his views, and they are totally inconsistent with the the extinction of the nationality of Mexico. With respect to the resolution I have nothing to say. But I must remark that I do think that it is exceedingly unwise, at this stage of the prosecution of the war in either branch of Congress to say what we will do, or what we will not do. We may be driven from Mexico to-morrow—it is not a very likely event—but how would we look in the eyes of the world in that case, after having declared that we did not mean to seize the whole of Mexico. If the resolution be intended as a vehicle of the opinions of the Senator from South Carolina, I shall hear him with a great deal of pleasure; and his views will, I doubt not, have great weight in the country; but I shall oppose any vote on the subject, as that would be in my judgment unnecessary and impolitic.

Mr. CALHOUN. I should be very glad indeed to think with the honorable gentleman from Michigan, that there is no person in the country who thinks of the extinction of the nationality of Mexico. Why, you can hardly read a newspaper without finding it filled with speculation upon this subject. The proceedings that took place in Ohio, at a dinner given to one of the volunteer officers of the Army, returned from Mexico, show conclusively that the impression entertained by the persons present, was, that our troops would never leave Mexico, until they had conquered the whole country. This was the sentiment advanced by the officer, and endorsed by the official paper of that state. But this is not the point. I [illegible] are willing to go, whether such a thing is contemplated. I attribute no such motive to any one. I look at the progress of events. I look at what is proposed and the end of it—those consequences which I propose to avert by this resolution. Sir, let any man look at the progress of this war—let him consider how we got into it, not expecting to get into it at all, for certainly the Executive officers expressed, in the strongest manner, their conviction that there was not the slightest hazard of war at the time when our troops marched to the Rio Grande. What next? After the war was commenced we were told that the government was to conquer a peace, and what have we been told since? That we must carry on the war vigorously. Where is this to end? The whole progress towards the accomplishment of this avowed object of the President, to conquer a peace, has been marked by an earnest desire eagerly to prosecute the war, until we find ourselves where no man expected. Sir, instead of being an abstraction, these resolutions are eminently practical; they are so intended to present to the people of this country a *finale*, probably not now anticipated, but which will come if proper precautions be not taken. It is while the public mind is yet sound, and while the Senate, as I believe, is prepared almost unanimously to vote against such an end of the war, that I wish this expression of opinion to be made. Sir, we begin now to find the misfortune of entering into a war without a declaration of war—without a declaration setting forth to the people the causes of the war, and one upon which they may hold the government responsible. We have got into a war by a recognition of war, and not a declaration, and hence the necessity for this resolution, to negative a result which we do not contemplate. No, sir, it is as practical as any measure that can be brought forward—for, until the question, which arises upon these resolutions is decided, we shall be at a loss to know what amount of supplies, how many men, and how much money to grant. If it be declared, that it is not intended to conquer Mexico so as to destroy her nationality—this will throw a great deal of light upon our vote; but if it be contemplated to do this, then more men, and more money will be required; and hence the decision upon these resolutions may be a preliminary step to be taken. Sir, it was a good old practice in the early stages of this government, when the President of these United States sent an address to Congress, that an answer to that address was prepared in a Committee of the Whole, and the whole affairs of the nation were discussed before any measures were adopted. That is the course pursued in the British Parliament, and in the French Chamber of Deputies. That practice has been dropped, and the various subjects now come before us piecemeal, and are referred to committees; and we have no opportunity of knowing what the state of the Union is, until we are called on to vote upon the various propositions so submitted. Now, I hope that a discussion will be had, if discussion be necessary, and that a vote will be taken; though, if what I hear from the Senator from Michigan be correct, that no man contemplates the entire conquest of all Mexico, then we need not have a long discussion, and it will be very satisfactory to myself at least, and I believe it will be highly satisfactory to the people generally, to have it declared that such a thing is not contemplated.

Mr. CASS.—I do not see that the Senator from South Carolina has changed the question. He speaks of the objects of the war. If by this is meant the objects to be attained by the prosecution of the war, every man, woman, and child in the country can understand them. They are security and indemnity. All we seek of Mexico, to use a phrase a good deal reprobated, is to conquer a peace. That is the object that we have in view; we seek to prevail upon the Mexican government to consent to an amicable adjustment—that is the object sought by the nation, and I do not see how it is to be attained by such resolutions as these. Now the honorable Senator says, that the decision of these resolutions may guide us in the amount of force to be raised. I take it, sir, that most of us in the Senate, the Executive and a great majority of this nation, intend to go on with the war until Mexico will consent to an honorable peace; and I take it, that a majority of the Senate, and of the House of Representatives will vote the necessary means for this purpose. Now, what we are willing to do at one time, we may not be willing to do at another; we may accept to-day what we would refuse to-morrow; and we might have accepted yesterday perhaps, what we would have refused to-day.

The course of obstinate infatuation on the part of Mexico, if persisted in, may compel us to do hereafter far otherwise than we would do now. I am not for agitating the question. When the time comes that we shall be called on to act constitutionally and lawfully; let us then act, but not by a previous declaration. The honorable Senator says, that at a certain meeting, a proposition was made that Mexico must be altogether annihilated; what, then, is it necessary for us to declare that such is not the intention? Sometime since, a resolution was offered for annexing Cuba to this country, and yet nobody thought of offering a counter resolution that it should not be annexed; and if a proposition were made any where that England or France should be annexed to this country, there would be no necessity to bring forward a resolution in opposition to it. It seems to me, that these resolutions have no practical bearing, or if they have, that this is not the time for their discussion. I leave the question.

Mr. MILES.—I have always been opposed to wasting much time on the discussion of abstract propositions, in which light I regard these resolutions, and especially the one of my honorable friend from New York. The discussion upon that resolution would not shed much light upon the principal question, which can only come up on a Territorial bill or a treaty. I regard the resolution of the honorable and distinguished Senator from South Carolina, as pretty near an abstraction. That honorable Senator is rather fond of abstractions, and probably he has introduced a good many of them in the form of resolutions here. There does appear to me, sir, to be intimate connexion between the two great questions presented in these resolutions, and the whole legislation upon these subjects

in regard to our peculiar, extraordinary, unexampled relations with a neighboring power. We are called on by the Executive, in the discharge of his high functions, to provide additional means for the prosecution of this war—and with the view, as he tells us, of securing an honorable peace. Well, sir, in regard to the general proposition, I apprehend that there will be very little diversity of opinion here—I should hope so, sir, at least, for even these honorable gentlemen who, some of them, I believe, think that this war originated unnecessarily and somewhat aggressively on our part, must nevertheless see the condition the country is in, and that whatever may have been the origin of the war, cannot now very materially bear upon the question. We must sustain the national character—we must in some way bring this war to a conclusion. Well, sir, if the proposition of the honorable Senator have a direct and practical bearing upon the bill which may come before us in pursuance of the recommendation of the President, then, sir, perhaps we may as well meet this great question in this form as in any other. I should think that the decision of the Senate upon the two questions which these resolutions present, would be matter of some importance to the Committee on Military Affairs, and would give some degree of direction to the course of action devolving on them, and in regard to the additional propositions which it may be their duty to bring before us in the prosecution of this war. As I have already observed, all parties will agree that this war should be brought to an honorable conclusion. What is an honorable conclusion of the war? Some may think that we have acquired honor enough already in its prosecution, and that we should be prosecuted it as far as is justifiable. There are but few, however, who think so. We want a treaty of peace; the war must be prosecuted for that object, and it is a legitimate object; but at the same time we who represent the interests of this great nation have, or ought to have, some little sagacity. We must look at this actual condition of things and see what will be the result of pursuing this matter—and this question is distinctly presented in the second resolution; that is, what line of policy in the prosecution of this war may lead to a result which will be much more important—much more solemn in its consequences than the attainment of an honorable peace. May not such a result follow? Is there not reason to fear it and if so it may not be amiss to look at it in advance, and as preceding the preparations which it may be necessary to make for the prosecution of the war. I believe it to be the general sentiment of this body, that the conquest of this extensive country is not desired. The next question is, whether we may or not be thrown into a position in which such a result will become almost inevitable. The Senator from Michigan tells us we cannot see the end of the war—that we cannot now say what the terms of peace should be, because, what might be suitable at this time, might be very unsuitable at another time. Well, then, would it not be well to examine and see how we are best to secure the object we are all aiming at, that we may not be drawn into the necessity of taking possession of the whole of Mexico? - Now, both of these questions are presented in these resolutions, and the last one I regard as being of the great importance, and there may be difficulty in acting upon it, because there is nothing deficient in the terms of the resolution itself by which we are to reach the end desired. I believe I may say that we all wish to avoid the probable contingency whereby we shall be under the necessity of taking care of the whole population of that country and extending our jurisdiction over it. Now these are great questions, which cannot be too carefully considered. I am not for abandoning this war, but at the same time. I cannot but see that every step we take in the conquest of this country but increases our difficulty and renders the adjustment which I have alluded to a subject of greater difficulty. Sir, no one can mistake that it is the sentiment of the army, and the army of this country is now of sufficient importance to speak, and to be heard and felt; it is evidently, I say, their sentiment that this war is only to end with the entire conquest of Mexico. I have read the proceedings of the meeting to which the honorable Senator alluded; I read them with the most profound regret.—Sir, we hear from our countrymen abroad in the service of their country, (and we hear the same from several quarters,) that we cannot make peace without the subjugation of the whole country. When we see that these things are so, and that this is likely to become the prevailing sentiment, is it not time to view matters carefully, and to proceed with caution? I think so, for one. It is not necessary to go farther into this subject; it is not necessary to look at the consequences that will result to our institutions; it is not difficult to see the unhappy condition in which this country will be placed, and the alarming results which will follow from a change so great, so momentous, in our political condition, and in the extent of our territorial possessions. Sir, I think there is some propriety in acting upon these propositions in advance of acting upon measures connected with this war. I certainly should not have proposed anything of the kind myself, but being here, I cannot see, looking at the signs of the times, but that there is a manifest propriety in examining these questions. I am one who think that we ought to have indemnity from Mexico; that we ought to prosecute the war with the end of obtaining indemnity if there be any reasonable prospect of getting it by a farther extension of our conquests. But if there is not such a prospect—if we have already proceeded far enough to be convinced that peace is not to be obtained by extending our dominion, then comes the grave question, whether we shall fall back upon some such proposition as that which was offered by the distinguished gentleman from South Carolina at the last session, and content ourselves with the occupation of a portion of their territory, or whether we will make the calamities of war fall with increased force upon the enemy, and then induce them to make peace. But will they be induced to do this by breaking up the fragments of the government they have, and resolving that country into the primitive condition of a population without a government? I think it involves a serious doubt, whether, after we have done that, we shall not be further from the end than we are at present. I will yield my objections against diverting the attention of the Senate to the discussion of abstract propositions, so far as these propositions have a bearing upon the subject that may come before us for our consideration. Believing this to be the case in regard to one of these propositions, I shall not offer any opposition to its discussion. I hope it will come up at an early day. I know there are important matters of business, important bills, one of them in relation to our foreign mail service, which I hope will be considered at an early day, and I greatly fear that if these two propositions are taken up, the discussion will consume a month, at least, of our time, before we can do anything in regard to these important matters of business.

Mr. DICKINSON.—Anxious as I am to obtain discussion upon the resolutions I offered, I do not wish them to interfere with matters of legislation; nor shall I discuss them as some others seem inclined to do, before they are under consideration. The Senator from Connecticut, [Mr. NILES,] thinks they are abstractions. I believe, sir, I can call that Senator as a witness, and disprove his allegation. That Senator is at all times severely practical, and yet, on presenting resolutions of his State this morning, he proceeded to discuss the subject embraced in my resolutions at great length, and with his usual ability. Now, sir, had these resolutions been abstractions I am sure they would not have thus received the Senator's notice, for the reason that he does not gratuitously discuss abstractions. I do not complain of this departure from the usual course, for it was doubtless agreeable to the Senate to listen to the learned Senator, as it certainly was to me; but I adduce it as the highest evidence that my resolutions are not abstractions. The resolutions are eminently practical; they relate to subjects of legislation which have agitated the country for two years past, and upon which we must act. I did not bring the slavery question here. It is here from every State in the Union, in some form. I bring a proposition to transfer it from here, with all its disturbing consequences, to the local communities where it belongs. If it could be thus disposed of, a greater good would be accomplished than if we were to pass all the bills which can be brought before this body. I will add, sir, that, in conversing with the honorable Senator from South Carolina an arrangement, which is entirely satisfactory, has been agreed upon, and, therefore, I withdraw my motion to make the resolutions which I have offered the order of the day.

ROUTE TO CALIFORNIA.

The Senate proceeded to consider the following resolutions submitted on Thursday last by Mr. PEARCE, and it was agreed to:

Resolved, That on those principles upon which the right of military occupation over Upper California was acquired by the United States, it is the opinion of the Senate that the Executive ought to cause the Territory of the State of California to be considered as a part of the United States, and to cause the laws of the United States, regulating the Executive Government and conducting the intercourse with the Indian tribes, to be extended over the same, and to make such appointments as may be necessary to carry the same into effect.

THE LATE GEORGE C. DROMGOOLE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: I have the honor to announce to the Senate the death of the Hon. GEORGE C. DROMGOOLE, late a Representative from the State of Virginia.

The resolutions adopted by the House of Representatives on the occasion having been read, Mr. MASON rose and addressed the Senate, as follows:

I discharge a melancholy duty, Mr. President, in asking the Senate to extend the customary evidences of respect to the memory of the very distinguished gentleman whose name has just been announced to us. GEORGE COKE DROMGOOLE, a representative elected from the State of Virginia to the present Congress, died at his residence in the county of Brunswick, in that State, on the 27th day of April, in the present year. He had just closed the fifth term of his service in the House of Representatives, and had been re-elected by a constituency amongst whom he was born, when the irrevocable mandate was issued which now numbers him with the dead. Nature had formed him for a statesman of the highest order, and soon distinguished by popular favor, his inclinations and habits of mind at once directed him to the paths of public life. A clear head and sound heart, assured alike unshaken loyalty to his country, and inviolable faith to his friends. When just entering upon manhood he was chosen a delegate to the General Assembly of Virginia, (and with an interval of but two years during which he declined a re-election,) from that time forth, continued a representative of the people, until his career was close by death. In the year 1829 he was chosen a member of the convention called to revise the constitution of that State—a body selected with great care by the people of Virginia, composed of our wisest statesmen, and numbering among its members, men who adorned and left their impress upon the age in which they lived. From the House of Delegates he was transferred to the Virginia Senate, and whilst

presiding officer [illegible] in [illegible] House of Representatives of the [illegible] time to be associated with [illegible] honored State [illegible]

early development in youth, to the maturity of riper years, that [illegible] accompanies the quick wit and ready thought that distinguished the career of this gifted man. With ardent temperament and decided opinions, General DROMGOOLE always stood allied with party. But he made no enemies. Ever more ready in the stern conflicts of party, to disarm than to wound; or with ready and playful remark, to turn aside acerbity. In social life he enjoyed and deserved the [illegible] signally shown than in the incidents connected with the election which but a few days preceded his death, when his constituents by a diminished vote, evinced, that although they could chasten, they would not dismiss their representative. Of his infirmities, sir, it may become him to speak, who himself has none; let their memory be buried in the tomb, where now reposes all that was mortal of the statesman, the patriot, and the friend. I move, sir, the following resolutions:

[illegible] Resolved, That the Senate has heard with deep sensibility of the decease of the Honorable GEORGE C. DROMGOOLE, a Representative elect from the State of Virginia, which has been communicated to the House of Representatives.

[illegible] Resolved, That a copy of these resolutions be transmitted to the House of Representatives.

[illegible] As a further mark of respect, that the Senate do now adjourn.

The resolutions having been unanimously adopted,

The Senate adjourned.

TUESDAY, DECEMBER 21, 1847.

PETITIONS.

Mr. DIX presented the memorial of David Whelpley, praying compensation for his services in the expedition under General Pike to the sources of the Mississippi in 1805 and 1806; which was referred to the Committee of Claims.

Mr. DIX presented the memorial of Amos Holton, formerly a Quartermaster in the Army, praying that the accounting officers may be directed to audit and settle his accounts; which was referred to the Committee of Claims.

Mr. WESTCOTT presented the memorial of Charles L. Dell, praying compensation for military services performed by him in the Seminole war; which was referred to the Committee on Military Affairs.

Mr. WESTCOTT presented the memorial of Francis Martin, an officer of the Revenue Service, praying compensation for services rendered by him in the capacity of a Lieutenant in the Navy, in the Seminole war; which was referred to the Committee on Naval Affairs.

Mr. BREESE presented two memorials of citizens of the State of Illinois, praying that the right of pre-emption may be allowed to the Illinois Central Rail Road Company to the lands over which it is proposed to construct their road; which were referred to the Committee on Public Lands.

Mr. JOHNSON, of Maryland, presented the memorial of Lavinia Taylor, widow of a deceased soldier, praying a pension; which was referred to the Committee on Pensions.

Mr. FELCH presented the petition of Charles Bradburg, praying indemnity for French spoliations, prior to 1800; which was referred to the Committee on Foreign Relations.

Mr. DAYTON presented the memorial of Ann J. Hassler, widow of Charles A. Hassler, deceased, late a Surgeon in the Navy, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. MASON presented the petition of Thomas N. Welch, administrator of Churchill Gibbs, deceased, an officer in the Revolutionary Army, praying to be allowed commutation pay; which was referred to the Committee on Revolutionary Claims.

On motion by Mr. DIX, it was

Ordered, That the petition of Aaron Legget, on the files of the Senate, be referred to the Committee on Foreign Relations.

On motion by Mr. WESTCOTT, it was

Ordered, That the petition of Alexander Watson, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. WESTCOTT, it was

Ordered, That the resolutions of the Legislature of Florida, on the files of the Senate, relating to indemnification for losses by Indian depradations in the Seminole war, be referred to the Committee of Claims.

On motion by Mr. JOHNSON, of Maryland, it was

Ordered, That the petition of John Devlin, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. JOHNSON, of Maryland, it was

Ordered, That the petition of John McColgan, on the files of the Senate, be referred to the Committee on Commerce.

On motion by Mr. CORWIN, it was

Ordered, That the memorial of the heirs of William A. Slacum, on the files of the Senate, be referred to the Committee on Foreign Relations.

On motion by Mr. BUTLER, it was

Ordered, That the petition of Millege Galphin, on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. Fairfield, it was

Ordered, That the petition of William T. Sayward, and others, owners of the brig Canton, on the files of the Senate, be referred to the Committee on Commerce.

On motion by Mr. JOHNSON, of Maryland, it was

Ordered, That James Foster, and the heirs of John H. Stone, deceased, have leave to withdraw their petitions and papers.

On motion by Mr. MASON, it was

Ordered. That the heirs of John and Henry Banks, have leave to withdraw their memorial and papers.

NOTICE OF BILL.

Messrs BRADBURY, BREESE and BRIGHT, gave notice that on to-morrow, or at some early day, they would ask leave to introduce certain bills, which they named.

SUPERINTENDENT OF THE ANTE-CHAMBER.

On motion by Mr. MANGUM, it was

Ordered, That the Vice President be authorized and requested to appoint a Superintendent of the Senate's ante-chamber.

EXTRADITION TREATIES.

Mr. DAYTON submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Foreign Relations be instructed to enquire whether any legislation is necessary, to carry into effect the [illegible] between this country and France, of the 9th November, 1843, for the mutual extradition, to other charge, the same from justice, and the 10th article of the treaty with Great Britain, of August 9, 1842, upon the same subject, and that said Committee report to the Senate whether any, and what, additional legislation is necessary.

FORT ARMSTRONG.

Mr. BREESE submitted the following resolution for consideration:

Resolved, That the Secretary of War be directed to inform the Senate if Fort Armstrong, on Rock Island, in the State of Illinois, is now occupied as a military post, and, if not, how long the same has been abandoned as such; the value and quantity of the public property now [illegible] and whether the interests of the government require that said site should be reserved from sale, for military purposes.

EXTENSION OF APPELLATE JURISDICTION.

Mr. ASHLEY submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of extending the provisions of the Act entitled "An Act to regulate the exercise of the appellate jurisdiction of the Supreme Court of the United States in certain cases, and for other purposes," approved February 22, 1847, to all cases which have arisen before the territorial courts of Iowa, or which may hereafter arise in the State of Iowa.

CONICAL VENTILATOR.

Agreeably to notice, Mr. MANGUM asked and obtained leave to bring in a bill to direct the Secretary of the Navy to purchase the patent right of the Conical Ventilator; which was read the first and second times, by unanimous consent, and referred to the Committee on Naval Affairs.

REPEAL OF THE PILOT LAWS.

Agreeably to notice, Mr. DIX asked and obtained leave to bring in a bill to repeal the act of 2d March, 1837, entitled "An act concerning Pilots;" which was read the first and second times, by unanimous consent, and referred to the Committee on Commerce.

TESTIMONY.

Agreeably to notice, Mr. DIX asked and obtained leave to bring in a bill concerning testimony; which was read the first and second times by unanimous consent, and referred to the Committee on the Judiciary.

THE STATE OF ARKANSAS.

Agreeably to notice, Mr. ASHLEY asked and obtained leave to bring in a bill to divide the district of Arkansas into two judicial districts; which was read the first and second times by unanimous consent, and referred to the Committee on the Judiciary.

SUSAN L. GORDON.

Agreeably to notice, Mr. FOOTE asked and obtained leave to bring in a bill for the relief of Susan E. Gordon; which was read the first and second times by unanimous consent, and referred to the Committee of Claims.

BILLS REPORTED FROM COMMITTEES.

Mr. BALDWIN, from the Committee of Claims, reported a bill authorizing the payment of a sum of money to Robert Purkis; which was read and passed to a second reading.

Ordered, That the report be printed.

its consideration as in Committee of the Whole, when, on motion by Mr. GREENE, it was

Ordered, That it lie upon the table.

Mr. CASS, from the Committee on Military Affairs, reported a bill for the relief of Mary McRea, widow of Lieut. Col. William McRea, late of the United States Army, deceased; which was read and passed to a second reading.

Mr. WESTCOTT, from the Committee of Claims, reported a bill for the relief of the administratrix of Elisha L. Keen; which was read and passed to a second reading.

Ordered, That the report accompanying the bill be printed.

Mr. FAIRFIELD, from the Committee on Naval Affairs, to whom was referred the bill for the relief of Joseph Wilson, reported it without amendment.

Ordered, That the report accompanying the bill be printed.

Mr. FAIRFIELD, from the Committee on Naval Affairs, reported a bill for the relief of Walter R. Johnson; which was read and passed to a second reading.

Ordered, That the report accompanying the bill be printed.

CALEB GREEN.

On motion by Mr. MASON, it was

Ordered, That the Committee of Claims be discharged from the further consideration of the petition of Caleb Green; and that it be referred to the Committee on the Judiciary.

On motion,

The Senate adjourned.

WEDNESDAY, DECEMBER 22, 1847.

PETITIONS.

Mr. GREENE presented the petition of Elizabeth Hamilton, widow of Alexander Hamilton, deceased, praying the patronage of the government in the publication of the writings of her late husband; which was referred to the Committee on the Library.

Mr. ATCHISON presented the memorial of Henry M. Shreve, praying compensation for the use, by the government, of a snag boat of which he is the inventor and patentee, and the purchase of his patent right by the United States; which was referred to the Committee on Commerce.

Mr. HALE presented the memorial of the yearly meeting of Anti-Slavery Friends of Indiana, praying for the adoption of measures for the immediate termination of the war with Mexico, and for the immediate termination of slavery.

On presenting this petition, Mr. HALE said: I suppose, Mr. President, as this petition prays for the exertion of all the powers of government so far as they extend in relation to this subject, it includes within its perview slavery within the District of Columbia; and I am informed that the practice has obtained in the Senate, when petitions of this character are presented, to raise the question of reception, and that such a motion is laid upon the table and there the matter drops. As this course does not accord with my own conviction of duty, I must urge a different disposition of this petition; and, I hope that if exception be taken, it will be taken without this side-blow of a motion to lay on the table. With this view, if the question of reception be raised, I ask that it may be taken by yeas and nays.

The PRESIDING OFFICER.—Those in favor of taking the question by yeas and nays will rise.

Mr. HALE.—Was the motion made to lay the motion upon the table?

The PRESIDING OFFICER.—The question is to be put as a matter of course.

Mr. HALE.—I was not aware of the existence of such a rule; but that being the case, I would like to say a single word on the main question, as the motion to lay on the table is not debatable.

Mr. BERRIEN.—I trust that the established usage of the Senate will not be departed from on this occasion. When a petition of this sort is presented, the question of reception is raised by a motion to lay a petition on the table. I raise that question; I move to lay the motion upon the table.

Mr. HALE.—Upon that question I ask the yeas and nays.

Mr. JOHNSON, of Maryland, inquired whether it would be in order to move a postponement of the question of reception till to-morrow?

The PRESIDING OFFICER.—The question to lay on the table has precedence.

Mr. JOHNSON, of Maryland, then said that his only object was, that the Senate might be full before the question was taken.

Mr. CALHOUN.—What is the question?

The PRESIDING OFFICER.—It is to lay the motion to receive the petition on the table.

Mr. CALHOUN.—What is the subject matter of the petition?

The PRESIDING OFFICER.—The abolition of slavery in the District of Columbia.

Mr. HALE.—If it be in order, I will state the subject matter of the petition. The petition comes from the yearly meeting of Friends at Newport, Wayne county, Indiana, praying the termination of the war in Mexico; and also, praying that all the powers vested in Congress upon the subject, shall be exerted for the termination of slavery.

Mr. BUTLER.—That does not say anything about slavery in the District of Columbia.

Mr. HALE.—I remarked that that was included in the petition.

The question was then taken on the call for the yeas and nays. A sufficient number of members rising, the yeas and nays were ordered, and were taken as follows:

YEAS—Messrs. Allen, Atchison, Atherton, Bagby, Benton, Breese, Bright, Butler, Calhoun, Cass, Davis, of Massachusetts, Dix, Downs, Fairfield, Felch, Hunter, Jarnagin, Johnson, of Maryland, Johnson, of Louisiana, Mangum, Mason, Niles, Rusk, Sevier, Sturgeon, Turney, Westcott, and Yulee—28.

NAYS—Messrs. Baldwin, Clarke, Corwin, Greene, Hale, Miller, Phelps, Upham, Wentworth, and Winthrop—10.

So the motion to receive the petition was laid upon the table.

Mr. HALE presented the memorial of David T. Burr, and sixty-nine others, citizens of Pennsylvania, praying for such an alteration of the constitution and laws as shall abolish slavery throughout the Union.

Mr. HALE said: I do not understand that there is a standing rule or order of the Senate that raises the question whether this petition shall be received, or the motion to receive it laid on the table. I ask whether the motion to receive the petition is debatable? Am I correct, sir, in supposing it is debatable?

PRESIDING OFFICER.—It is debatable.

Mr. HALE.—So understanding it, sir, I wish to say a single word in vindication of the course which I deem it my duty to take on this occasion. It is with no desire to produce angry feelings, or excited discussion, but it is in discharge of my duty, under the deep and earnest convictions of my understanding, that I attempt to discharge that duty. What is the refusal of the Senate to receive these petitions? It is saying that there are some subjects on which the people shall not approach this tribunal. In this day, speculation is adventurous. We venture to inquire into all the secrets of the material and the spiritual world. The researches of geological science have penetrated the bowels of the earth, and have found there the materials by which it is essayed to prove that

[illegible]

Nay, inquiry goes with adventurous flight to the very throne of Eternity, and undertakes to scan the laws by which He that sits thereon governs His own actions and the world He has created.—And, sir, if speculation is thus adventurous, have we, in the United States of America, an institution which exalts itself above God—defying examination or inquiry, or petition even? Most emphatically, sir, do I conceive that, at the present day, the people of the United States have a peculiar right to come and ask of this body a respectful hearing of their petitions, and a respectful hearing on this very subject. Sir, it is no mere abstraction. It is an element of political power in the formation of our constitution; it is an element on which the constitution of the other House is regulatedt; and it is an element in the political discussion and action of the present day, which is involving the nation in a foreign and aggressive war, at the expense of forty or fifty millions of dollars annually. And if the people of the United States are to be thus taxed for a war, growing immediately and directly out of an institution of this character, are they to be told that they shall not come and respectfully present their petitions upon this subject? I have thus discharged my duty to those who sent me here; without any expectation of influencing the action of this body, without any desire to excite angry feeling or discussion. I ask that the petition be received.

Mr. BERRIEN.—The practice which has been adopted by the Senate has been the result of calm and deliberate consideration. It has protected us from those exciting discussions which, in another branch of the national legislature, have too often occurred. I do not apprehend that anything which has fallen from the honorable Senator from New Hampshire, who presents this petition, is calculated to change the well-settled conviction of the Senate on this subject. I therefore, sir, the question of reception being before the Senate, move to lay that question on the table.

The motion to receive the petition was then laid on the table.

Mr. JOHNSON, of Louisiana, presented the petition of D. A. Waterston, praying compensation for services as clerk in the office of the Surveyor General of Louisiana; which was referred to the Committee on Public Lands.

Mr. MASON presented the memorial of William B. Slaughter, late Secretary of the Territory of Wisconsin, praying the re-payment of money expended by him in the public service; which was referred to the Committee on Territories.

On motion by Mr. YULEE, it was

Ordered, That Joseph H. Waring have leave to withdraw his petition and papers.

On motion by Mr. GREENE, it was

Ordered, That the petition and papers of Elizabeth Hamilton, on the files of the Senate, be referred to the Committee on the Library.

On motion by Mr. HUNTER, it was

Ordered, That the petition of Joseph M. Sheppard, administrator of Richard Harris, deceased, and John Scott, administrator of Nimrod Farrow, deceased, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. MILLER, it was

Ordered, That the memorials and petitions against the repeal of the pilot act, on the files of the Senate, be referred to the Committee on Commerce.

On motion by Mr. JOHNSON, of Maryland, it was

Ordered, That the petition of William W. Hall, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. CASS, it was

Ordered, That the petition of Thomas C. Sheldon, on the files of the Senate, be referred to the Committee on Public Lands.

On motion by Mr. DICKINSON, it was

Ordered, That the petition of John Lorimer Graham, on the files of the Senate, be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. DIX, it was

Ordered, That the memorials and petitions on the files of the Senate in favor of the repeal of the Pilot act, be referred to the Committee on Commerce.

NOTICE OF A BILL.

Mr. JOHNSON, of Louisiana, gave notice that on to-morrow he should ask leave of the Senate to introduce a bill confirming the pensions of certain widows.

THE PATENT LAWS.

Mr. WESTCOTT submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Patents and the Patent Office be instructed to enquire whether any, and what amendments of the present laws relative to Patents and the Patent Office be necessary.

ADDITIONAL TROOPS.

Mr. CASS, from the Committee on Military Affairs, reported a bill to raise, for a limited time, an additional military force; which was read and passed to a second reading.

Mr. CASS gave notice that he would call this bill up on the first opportunity, after it should have been printed.

COLLECTION DISTRICTS.

Mr. DIX, from the Committee on Commerce, to whom was referred the bill concerning certain collection districts, and for other purposes, reported it without amendment.

APPELLATE JURISDICTION.

Mr. ASHLEY, from the Committee on the Judiciary, reported a bill supplementary to the act entitled "An act to regulate the exercise of the appellate jurisdiction of the Supreme Court, in certain cases, and for other purposes;" on which he asked for speedy action of the Senate, as the bill was applicable to cases now pending before the Supreme Court of the United States. It was intended to remedy a defect in existing laws on the subject.

The bill having had its first reading, was then read a second time, by unanimous consent, and considered as in Committee of the Whole, and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed, and read a third time.

The bill was read a third time by unanimous consent.

Resolved, That the bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

FORT ARMSTRONG.

The Senate proceeded to the consideration of the following resolution, submitted yesterday by Mr. BREESE, and it was agreed to.

Resolved, That the Secretary of War be requested to inform the Senate if Fort Armstrong, on Rock Island in the State of Illinois, is now occupied as a military post and if not, how long the same has been abandoned, in what state is the same, and on what terms the use thereof be obtained by the United States, if the interests of the government require that the same should be reserved from the public sales.

EXECUTIVE SESSION.

On motion by Mr. SEVIER, the Senate proceeded to the consideration of Executive business, and after a short time spent therein, the doors were opened, and

The Senate adjourned.

THURSDAY, DECEMBER 23, 1847.

The Hon. ARTHUR P. BAGBY, of the State of Alabama, appeared in the Senate to-day.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by the hands of Mr. WALKER, his private Secretary, transmitting a report from the Secretary of the Navy, in relation to the construction of floating dry-docks at Pensacola, Philadelphia, and Kittery; which was referred to the Committee on Naval Affairs, and ordered to be printed.

PETITIONS.

Mr. DICKINSON presented the memorial of John Black, late Consul of the United States at the city of Mexico, praying compensation for diplomatic services; which was referred to the Committee on Foreign Relations.

Mr. DAVIS, of Mississippi, presented the memorial of the Adjutant of the United States Military Academy at West Point, praying that he may be placed on the same footing with respect to pay and allowances as Adjutants of regiments; which was referred to the Committee on Military Affairs.

Mr. JOHNSON, of Maryland, presented the memorial of the Secretary and Executive Committee of the American Colonization Society, praying that in the removal of colored people to Liberia they be exempted from the provisions of the acts of 22d February and 2d March, 1847, and left to the act of 2d March, 1819, or be allowed to carry two passengers to every five tons of measurement; which was referred to the Committee on Commerce.

Mr. CASS in presenting the memorial of Mary W. Thompson, widow of the late Lieut. Col. Alexander R. Thompson, of the United States Army, deceased, in behalf of widows and orphans of the army of the United States, praying that the present pension laws may be so amended as to make their pensions equal to those of the widows of Revolutionary officers, and to continue them during life or widowhood, instead of five years only, and to include those families whose husbands and fathers have died in the military service from exposure and disease from the fate of an inhospitable climate, said: I hold in my hands, Mr. President, the memorial of the widow of an American officer who has fallen in battle; and after the very eloquent eulogium pronounced upon those officers by the honorable Senator from New York—an eulogium not less true in its sentiments than eloquently expressed—I consider it perfectly unnecessary for me to do anything more than to present the memorial, and move its reference to the Committee on Military Affairs. I therefore move its reference to that committee.

The memorial was referred to the Committee on Military Affairs.

Mr. CASS presented the memorial of J. Kearsley, receiver of public monies at Detroit, Michigan, praying remuneration for monies expended by him for clerk hire; which was referred to the Committee on Finance.

On motion by Mr. BAGBY, it was

Ordered, That the documents relating to the claim of George S. Gaines, on the files of the Senate, be referred to the Committee on Indian Affairs.

On motion by Mr. BAGBY, it was

Ordered, That the petition of Stephen Steele and James Daniel, on the files of the Senate, be referred to the Committee on Public Lands.

On motion by Mr. DICKINSON, it was

Ordered, That Lyon and Howard have leave to withdraw their petition and papers.

MILITARY STATISTICS.

Mr. JOHNSON, of Maryland, submitted the following resolution for consideration:

Resolved, That the Secretary of War inform the Senate

First.—What has been the whole number of volunteer troops called into the service of the United States since the 13th May, 1846?

Second.—Of the troops so called, what has been the whole number discharged from such service before their term of service had expired? and what the number mustered out of the service of the United States?

Third.—What has been the whole number of troops in Mexico belonging to the regular army of the United States since the 13th May, 1846?

Fourth.—What was the number of troops now in Mexico?

Fifth.—What has been the whole number of officers and men belonging either to the regular army or the volunteers who have been killed or died of wounds received in battle since the 13th May, 1846?

Sixth.—What has been the whole number of officers and men of the regular army or volunteers wounded in battle since the 7th May, 1846, who have not died of their wounds?

EXTENSION OF NAVY PENSIONS.

Mr. BALDWIN submitted the following resolution, which was considered, by unanimous consent, and agreed to:

Resolved, That the Committee on Pensions be instructed to enquire into the expediency and propriety of extending the benefit of the provision of the act of 3d March, 1845, entitled "An act renewing certain naval pensions for the term of five years," to all pensions of a similar kind which have expired since the passage of the act of 3d March, 1845.

DAVID SHAW, ET. AL.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom had been referred the joint resolution in favor of David Shaw, and Solomon T. Corser, reported it without amendment.

THOMAS RHODES.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom had been referred the documents relating to the claim of Thomas Rhodes, reported a bill for the relief of Thomas Rhodes; which was read and passed to a second reading.

COMMODORE F. A. PARKER.

Mr. BADGER, from the Committee on Naval Affairs, reported a bill for the relief of Commodore Foxall A. Parker, of the United States navy; which was read and passed to a second reading.

ASSISTANT PURSERS.

Mr. FAIRFIELD, from the Committee on Naval Affairs, reported a bill to provide for the appointment of assistant pursers in the navy; which was read the first and second times, by unanimous consent, and the further consideration thereof postponed until Monday.

PENSIONS.

Agreeably to notice, Mr. JOHNSON, of Louisiana, asked and obtained leave to bring in a bill to continue the pensions of certain widows; which was read the first and second times, by unanimous consent, and referred to the Committee on Pensions.

APPROPRIATION BILL.

The following message was received from the House of Representatives, by Mr. Campbell, their Clerk:

Mr. President: The House of Representatives have passed a bill making an appropriation to supply in part, a deficiency in the appropriation for subsistence in kind, of the army and volunteers during the year ending the 30th June, 1847.

The said bill having been read a first and second times, by unanimous consent, was referred to the Committee on Finance.

THE MADISON PAPERS.

Agreeably to notice, Mr. CRITTENDEN asked and obtained leave to bring in a bill to provide for the purchase of the manuscript papers of the late James Madison, former President of the United States.

The bill having been read a first time,

Mr. CRITTENDEN desired that it might have a second reading, with a view to reference.

The bill having been read a second time,

Mr. CRITTENDEN remarked that he did not know which would be the most appropriate committee to which to refer the bill; he supposed the Committee on the Library.

Mr. BERRIEN.—If the honorable Senator will permit me, I will observe, that this bill, at the last session, passed this body by a considerable majority. There was a very decided expression of the will of the Senate to make the purchase of these papers for the benefit of the venerable and estimable lady to whom they belong, and I do really hope that the feeling of the Senate will prompt them to dispense with the ordinary formal mode of reference to a committee; and with their permission I will move that the bill be now put upon its passage.

Mr. CRITTENDEN.—I should be most happy if such a course should be taken, and perhaps there will be no objection on the part of the Senate. The bill is, in principle, exactly the same as that which passed at the last session. According to the arrangement with Mrs. Madison and some of her friends, and reduced to the form of a special contract, placed in my possession, it was agreed that if the purchase of these papers should be made by Congress, only $5,000 of the purchase money was to be paid in her hands at present; the residue of $40,000 to be placed in the hands of Mr. Buchanan, Secretary of State, Mr. Mason, Secretary of the Navy, and Richard Smith, Esq., a respectable citizen of the District, to

[illegible] best discretion for her interests; to be inalienable during her life-

[illegible] ject to be disposed of only by her last will and testament. These

[illegible] time of the Senate farther than to remark, that I hold in my hand an able report made by a committee of the House of Representatives, of which a distinguished member of that body—now no more—the late Mr. Dromgoole—was the chairman, in which the papers are classified and described in such a manner as to convince every [illegible] wisdom, of their great value and importance to this country. No- [illegible] would not be a precious relic in the eyes of the people of the United States. No statesman more judicious, more pure, more temperate than he, has ever appeared in the political annals of this country. These are writings and memorials which will acquire additional value by the lapse of time; they are not of that trifling and ephemeral character that will pass away, or whose value will be exhausted and forgotten in a moment. They are "for [illegible] important period in the history of this country, and a man who was himself one of the architects—the principal architects in erecting the mighty structure of this republic. It is to some extent to be attributed to the influence of his mighty work and most comprehensive mind that we hold our seats this day, and that this government exists. Every thing said and done by such a man must be calculated to reflect light upon our institutions; must be [illegible] and labored [illegible] example [illegible] the printed volumes, but the manuscript in his own writing, to which we may point and lay up forever in the repositories of our public records. I am one of those who believe, sir, that a letter of Mr. Madison's in manuscript, one hundred and fifty years hence, will be worth more than whole volumes of ordinary printed works. The cost will be nothing in comparison with their value. There are other considerations applicable to this subject that are better understood than they can be expressed, by every member of this body. I shall say no more in reference to them; but when I consider the character of these works—their importance to the people of the [illegible] the estimable [illegible] and to secure the same which we [illegible] of their we will [illegible] and one, we [illegible] the [illegible] relics of one who contributed so largely to make this mighty country what it is. I hope, therefore, that the motion made against [illegible] the Senate will now at once proceed to act finally upon this bill. If there be gentlemen, as there may be, who are opposed upon principle to the passage of such a law, I hope that they will be satisfied to discharge what [illegible] and I [illegible] sent, if they vote at all—but that they will allow the friends of the measure to bring it to a final vote, by permitting the bill now to be put on its passage.

Mr. NILES.—I hope the bill will have it usual reference.

Mr. CRITTENDEN.—I will withdraw the motion for the passage of the bill, if the Senator from Connecticut means to oppose it.

Mr. NILES.—I have the floor, I believe, sir. I hope this bill will be referred to the committee. I think that this is not a subject to be acted upon without due consideration. This thing seems to be increasing upon us, and it is difficult to say where it will end. If this bill is intended to authorize the purchase of valuable manuscripts, connected with the history of this country, it certainly requires consideration, and more than almost any other subject, demands the action of a committee. We do not know what these manuscripts are. We know something certainly of the [illegible] but we know not what these papers are—whether they consist of correspondence; whether they are his private journals, or what they are. We know nothing at all about them. And I beg leave to remind the Senate that we have already purchased what was supposed to be the most valuable part of the papers of Mr. Madison. We purchased them, sir, at an expense of thirty-five thousand dollars. I happened to be here at that time, and supposed we had purchased every thing of value connected with the history [illegible] But it now appears that every thing valuable has been kept back; and after we have made this second purchase we may be called [illegible] course of proceeding is to end, it is certainly difficult to foresee. I hope the reference will be made.

Mr. CRITTENDEN.—If it would be proper for me, I would [illegible] They are these:

[illegible] Volume 3d.—The letters to foreign ministers and diplomatic functionaries, heads of [illegible] drew Stevenson, John Adams, J. Q. Adams, W. C. Rives, &c., to the close of either [illegible] tonical, natural history, &c., may make out this volume—may include also printed essays in French, political observations in 1795, and examination of British doctrine, &c.; [illegible] volumes, and leave the miscellanies for the 7th.

This will give an adequate idea of the deep interest of these papers. I know perfectly well that it is the honest conviction of my friend from Connecticut which produces his opposition. It is an opposition, I am sure, contrary to his own feelings. A sense of duty alone impels him, for which I have the greatest possible respect; but I hope, that upon consideration of this matter and this information as to the character of the papers, the honorable gentleman will be satistied with such opposition as he may feel constrained to make by his vote, and allow us to act upon the bill.

Mr. NILES.—If it be the wish of the Senate to act upon the bill at this time, I will withdraw my motion for reference.

Mr. CRITTENDEN asked for the yeas and nays on the passage of the bill.

Mr. SEVIER.—I hope the honorable Senator will postpone this bill for a day or two, until we look into it.

Mr. CRITTENDEN.—Certainly, if the Senator insists.

Mr. SEVIER.—I move its postponement until Monday.

Mr. CRITTENDEN.—And let it be made the order of the day for that day?

The further consideration of the bill was accordingly postponed, and it was made the order of the day for Monday next.

Mr. CRITTENDEN.—Will the bill be printed as a matter of course.

The PRESIDING OFFICER.—Certainly.

Mr. SEVIER.—The Senator from Kentucky referred to a report containing a description of the papers. I wish to have that report printed also. I hope it will be printed with the bill.

The question was taken on printing the report, and it was agreed to.

[illegible]

On motion, it was

Ordered, That when the Senate adjourns, it be to Monday [illegible]

[illegible]

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

[illegible] Thomas L. Hamer [illegible] [illegible] of the House of Representatives.

The resolutions adopted by the House of Representatives having been read,

Mr. ALLEN rose and addressed the Senate, as follows:

Mr. President: On the first day of July, of the past year, this body confirmed the nomination of THOMAS L. HAMER, of Ohio, to the rank of Brigadier General, in the army of the United States. The announcement just made by the House, to the Senate, informs us officially, that that eminent citizen has ceased to live. The event of his death occurred at Monterey, in Mexico, on the 2d of December last, and was, therefore, known to us individually long ago; but, by the rules observed on these mournful occasions, it could not be officially noticed until now, he having been a member elect to the present, not a member of the then sitting Congress. But a short time previously to his death, Gen. HAMER had passed along the line of battle, amidst all its dangers, exerting his intellect, his courage, and address in aiding to achieve the third victory of our arms over the public enemy. He came out of that conflict unhurt, and with a vigor of constitution which justified the hope, that he might be able yet again to exert his genius and valor, in upholding the rights of his country, and the honor of its flag. But, otherwise was it ordered, and he retired from the battle-ground—the common resort of death—only to find it in one of those diseases ever incident to the multitudinous life of the camp, and which are known, in military annals, to be but little more sparing of the lives of men than the unsparing sword itself.

To say that his death was a public loss, would be to speak truly, but to speak less than the truth. The death of that man, at any time, and in any state of public affairs, would have been a loss to

his country, and a great one. But his death at that time, and in the then exigencies of the public service, was a national privation not to be appreciated, save by those who knew the peculiar character of the man, and its happy adaptation to such exigencies.

We were at the beginning of a war, in which, by the necessities imposed by free institutions, we were obliged to employ a mixed force of regulars and volunteers. To unite these forces under a common discipline—to fuse their various energies into one harmonious whole, and to direct them with full efficiency, has ever been, and will forever be, among the most serious difficulties of those placed in the command of armies. In the attainment of this object, there are required not only the talents to command the muscles of men, in virtue of commissioned authority, but that address, also, which moves the hearts of the soldiery because it springs from the heart of the General.

I would not sir, willingly, do injustice to the living, even to do justice to the dead, could that be possibly necessary. Especially, would I not do injustice to any one of those officers, whose conduct, and the conduct of whose troops in this war, have taught the world, that neither the genius nor the courage are wanting to make this the first nation in it. Nor can I think that I do injustice to any in uttering the opinion, that, perhaps, no one of them possessed in a higher degree, than did General HAMER, that inscrutable power which is expressed by the word—address, and by which a single individual is often seen to sway the discordant wills of thousands, and to bind the whole as by a spell to his person and his purposes more closely than mere official authority can ever bind men of various tempers to a common object. It is for this reason that I esteem his death to have been a peculiar misfortune to the army, and, therefore, to the nation.

In reviewing the lives of the eminent men of our country who have already passed away, no remark will be found more common than, that such a one was a self-made man. There are now in this Senate and elsewhere around us, men whose great abilities and public services will entitle them to be ranked with their illustrious predecessors, and of almost every one of whom it will with equal truth be said, he too, was a self-made man. Not one of them, however, will fall more emphatically within this description than THOMAS L. HAMER.

Inheriting nothing from his parents, but the right truly to say they were respected and honorable people, he went alone from his native State of Pennsylvania, when but a boy, and settled in the county of Clermont, in the State of Ohio.

He began life as the instructor of a country school, devoting the hours otherwise unemployed to study, and especially to the reading of the law. In due time he was admitted to that learned profession, and removing to the adjoining county of Brown, commenced and continued its practice with distinguished success. He had been at the bar, however, but a very short time when political events began to excite an extraordinary interest in the public mind. So deep and general did that interest soon become, and so strong were the passions which it called up from the repose of the eight preceding years, that it was scarcely possible for a young man, such as Mr. HAMER was, of admitted genius and eloquence, of an ardent nature, of a blameless character, and of decided political sentiments, to resist the importunities of his fellow citizens, who sought to make him the representative of their wishes and opinions. He was accordingly elected and re-elected to the lower branch of the State Legislature, and, by that body, elected its presiding officer. From this post he retired, intending to resume his place at the bar. But the same causes which had drawn him from it before still acting, and with accumulated force, he again yielded, and was, by the same constituency, three times elected to the Nation's House of Representatives, from which we have just received this melancholy message. At the expiration of his third term, he again voluntarily retired, and once more resumed the practice of the law. It was in this situation, with abilities and legal learning, which, in that region of the State, admitted of no rivalry, and in the enjoyment of a corresponding practice and emolument, that he heard the call of his country upon her sons to arm. He obeyed, and was among the first to set an example, by himself volunteering as a common soldier. His friends and constituents followed his lead, and speedily, an organized body stood ready for the march.

Mr. HAMER was known personally and well to the President, with whom he had served in the House of Representatives, amid scenes no less trying to the firmness and fortitude of men, than the field of battle itself. The President was, therefore, under no necessity to ask who should be placed in command of the Ohio Brigade. Mr. HAMER was appointed, and that, too, without his solicitation; and, I believe, without his knowledge of such an event being in contemplation.

He accepted the commission, proceeded on duty, and lost his life in its performance; having been elected in his absence, again to Congress.

When the intelligence of this sad event came to the west, the Legislature of Ohio, being in session, immediately adopted appropriate measures to express, in behalf of the whole people, their high appreciation of his virtues, abilities, and services, and the profound sense felt by all, of the loss sustained in his death. The State stretched forth her hands and drew the dead body of her adopted son to her bosom. There it now reposes, amid the family, the neighbors, the constituency, who received it with sighs and with tears, for the same reason they had always before greeted his return among them with exultation and joy.

It would be but a common-place and an insufficient eulogy upon Mr. HAMER, to say, that in all the relations he bore to the community, he exhibited the qualities appropriate to those relations. Society has a right to expect such a result even from a man of mere mediocrity. But from one in the powers of whose mind the discriminating partiality of nature was so manifest as in his, society has a right to demand such an exertion of intellect and exhibition of virtues as may tend to the advancement of its lasting welfare, and afford an example to the incoming generation. To this demand, the whole life of Mr. HAMER—his private and public manners, habits and sympathies; his benevolence, integrity and honor; his intelligence, industry, courage, genius and patriotism—all responded in a manner to entitle him to demand in his turn, the lasting gratitude of society. This he enjoyed when he lived, and when called to pass that boundary which nature has drawn between the living and the dead, he did so with the consciousness that he laid down a life that might be reviewed by the intelligent and the just, with the approbation of every mind and of every heart which, like his own, was sound, and strong, and pure.

Long will his memory be cherished by the State. Long will his old constituents of Clermont, of Brown, of Adams and Highland, remember their affectionate friend, their faithful counsellor, their able representative. And many are the aged fathers among them who, to stimulate the emulation of their sons, will recount to them in the winter's evenings, the scenes, the events, the sayings and the anecdotes, of his brilliant and blameless life. Long will the widow and the children remember, fondly remember, the husband and the parent, in whose affections they were happy, in whose character they are honored, and in the imitation of whose virtues his sons will find the only reward which can bear any proportion to the magnitude of their loss.

Mr. ALLEN concluded by offering the following resolutions:

Resolved, unanimously, That the Senate has received with deep sensibility, the message from the House of Representatives, announcing the death of the Hon. THOMAS L. HAMER, a Representative elect from the State of Michigan.

Resolved, unanimously, That the members of the Senate, from a sincere desire of showing every mark of respect to the memory of the deceased, will wear the usual badge of mourning for thirty days.

Resolved, That as a further mark of respect for the memory of the deceased, the Senate do now adjourn

The resolutions having been unanimously adopted,

The Senate adjourned.

MONDAY, DECEMBER 27, 1847.

THE LATE SENATOR FAIRFIELD.

Mr. BRADBURY rose and addressed the Senate as follows:

Mr. President—I rise to the performance of a duty too painful for language to describe. One who was with us in this chamber, at the last meeting of the Senate, attending to his official duties, assisting in our deliberations, and as confidently looking forward to the future as those who are now present, has suddenly fallen in our midst. He is now numbered with the dead. Four times has the Senate already been called during the few days of its session, to manifest the last tokens of respect for the honored dead, who have been prevented from entering upon the field of their labors in the present Congress. Now, the destroyer has entered these halls, and struck down his victim before our eyes.

The Hon. JOHN FAIRFIELD is no more. He died at his lodgings in this city on Friday last. The sudden and startling announcement of his death preceded the intelligence of danger. On the morning of that day he was in his usual health, and met his friends with his accustomed cheerfulness and cordiality. At noon he submitted to a surgical operation, to which, with undoubting confidence, he had looked forward for relief from an infirmity under which he had labored. His physical energies were not equal to his fortitude and courage. His system sank under the unabated anguish which followed, and at twenty minutes before eight o'clock in the evening, in the full possession of his mind, he breathed his last. Scarcely had the friends that were with him anticipated danger, when his pure spirit took its flight.

From an affliction so appaling it is difficult to divert attention, even to contemplate for a moment the life and character of the deceased. Gov. FAIRFIELD was born at Saco, in the county of York, Maine, January 30, 1797. In that place he has ever resided. Distinguished by an ardent love of knowledge, an active mind, and great strength of purpose, on arriving at manhood he devoted himself to the study of the law, and entered a profession which has contributed its full share in the establishment and defence of constitutional liberty. At the bar he soon acquired such reputation that he received from the Executive of the State the appointment of reporter of the decisions of the Supreme Judicial Court.

While in the successful performance of the duties of this office, he was called by the people of the first Congressional district, without solicitation or desire on his part, to take his place in the councils of the nation as a Representative in Congress. He received a re-election, and it is well known that he discharged the responsible duties devolved upon him on trying occasions in a manner alike honorable to himself and to his constituents.

His services were now demanded in a different sphere. He was elected Governor of his native State; and so strong was his hold upon the confidence and regard of the people, that he was thrice re-elected to the same exalted station. It was during this period of his public life, when great and unusual responsibilities were thrown upon him as the Chief Executive of the State, growing out of collisions with a foreign power, that he displayed a decision and firmness of character which commanded the respect, and fixed upon him the attention of the whole country. He became, emphatically, the favorite of his State; and he was now transferred from its Executive chair to a seat upon this floor, to fill a vacancy created by the resignation of his predecessor. In 1845 he received a re-election to the Senate, for the term of six years. It may be remarked, as a singular fact, that in all the offices he has held, he has never served out the regular term, but has been transferred, by promotion, to a higher place.

To you, Mr. President, who knew him well, and to the Senators long associated with him, and united by the ties of respect and friendship, I need not speak of his honorable career in this body. You will bear witness to the sound judgment and ready zeal which he brought to the discharge of his varied duties—to that honesty of purpose which knows no guile—to that frankness and sincerity incapable of concealment—to that firmness of resolution which no difficulties could shake nor dangers overcome—and to that purity of life, and conscientious regard to his convictions of right, which distinguished him as a man and a Christian.

How happily these qualities were blended in his character, is known to you; how justly they were appreciated by the people of his native State is seen in the confidence they yielded, and the honors they bestowed. As a friend, he was devoted and sincere; and few there are who have secured the attachment of a wider circle, or bound them by stronger ties of affection. His loss to the public, to his friends, and above all, to his deeply afflicted family, what words can express! I cannot attempt it. He has left behind his example, his character, and the influence of his actions; and, in his sudden death, the admonition is again repeated, that "public honors and exalted station add no strength to the tenure by which life is held."

Mr. NILES then addressed the Senate as follows:

Mr. President: On this melancholy occasion—as probably no other member of the Senate has had so long and intimate acquaintance with him whose decease has just been announced—I hope to be pardoned for adding a few words to what has so appropriately been said by his colleague. In closing the remarks which but a few days ago it became my duty to make in announcing the death of my late colleague, I took occasion to remind Senators of the little and brief interest which we have, individually, in the exciting questions that may be agitated here. I then little thought that the first example of that obvious truth would come so soon, or so near home to myself—that it would be found in one of my oldest and most intimate associates here. We came into the public councils together, twelve years ago, and although our associations were interrupted for a few years, they were renewed on my returning to the Senate at the commencement of my present term. I then came, not at the commencement of the session, but in the spring, and under circumstances which may be fresh in the memories of some Senators present. I was then but the broken fragment of the man I was when I left the Senate a few years before.

Learning that two of my old friends and associates were together in the house where I now am, I joined them there. Those friends were SILAS WRIGHT and JOHN FAIRFIELD—both much younger than myself—and then both in full health, and with a fair prospect of a long career of public usefulness. But how inscrutable are the ways of Providence! They have both been removed in the midst of their days and usefulness from this world of conflict and trouble, whilst I, who had seemingly but a frail hold upon the mere selvage of life, have been spared to witness their departure.

The death of the first was a severe stroke to me, as it was to the whole country. Perhaps in our whole history no man has fallen in private life whose death produced so deep, so universal a sensation in the public mind. And the death of the second has been to me a blow equally severe, and in some respects more trying to my feelings, as I was with him at the time, and witnessed the last lingering pulsations of departing life. The circumstances of his death, too—so sudden, so unexpected, and apparently so causeless, adding a crushing weight to the severity of the shock. He died without a struggle, and I might almost say, with a smile on his countenance, as his soul took its departure from its earthly tabernacle. A long and intimate acquaintance with Governor Fairfield has enabled me, justly, I think, to appreciate his character, both in his public and private relations; but this is not the time or the place to attempt to delineate it, as any hasty efforts of mine would evidently do great injustice to his memory.

If he was not a brilliant star in our political galaxy, he was all he claimed to be—a plain unassuming man, never attempting to shine or to attract attention to himself; but with his strong sense, sound judgment and practical views, was content with an honest and faithful discharge of his public duties.

The strong points in his character, were sincerity and fidelity. If ever occasions have occurred in his time which tried the souls of men, he was one who was found "faithful among the faithless;" true to his constituents; true to his country; faithful to his party; faithful to his friends; and ever true to his principles.

His nature was gentle, kind, peaceful, and benevolent; apparently but little fitted for the fierce struggles and conflicts of political life. But with these qualities were united great energy of character, great steadiness of purpose, and no ordinary share of physical and moral courage. He combined, also, many of the higher and more substantial elements of popularity; and hence it was, as we have just been told, that he for many years, possessed that strong hold upon the confidence and affections of his constituents, and of his friends, whether in or out of the State.

I could enlarge upon this theme with the warmth and ardor with which we all delight to dwell on the virtues of deceased friends, which, like the setting sun, seem to shine brighter as they take their departure, but I will say no more. He is gone; another star has fallen. He is removed from among us, at the very time when men like him, of matured judgment, of subdued passions, of peaceful wisdom, are most wanted in our public councils. The places that once knew him here and elsewhere—in the councils of the nations, in the councils of his State, in the circles of his friends, and in the family circle—but that is a spot too sacred for me to intrude—will know him no more forever. But may we not hope that his virtues and examples will long, long be cherished and remembered as the last legacy he has left his country?

Mr. NILES concluded by offering the following resolutions:

Resolved, unanimously, That a committee be appointed by the VICE PRESIDENT to take order for superintending the funeral of the Honorable JOHN FAIRFIELD, which will take place to-morrow at twelve o'clock, meridian, and that the Senate will attend the same.

Resolved, unanimously, That the members of the Senate, from a sincere desire of showing every mark of respect due to the memory of the Hon JOHN FAIRFIELD, deceased, late a member thereof, will go into mourning for him one month, by the usual method of wearing crape on the left arm.

Resolved, unanimously, That as an additional mark of respect for the memory of the Hon JOHN FAIRFIELD, the Senate do now adjourn.

Ordered, That the Secretary communicate these proceedings to the House of Representatives.

The Senate then adjourned.

TUESDAY, DECEMBER 28, 1847.

THE LATE SENATOR FAIRFIELD.

Mr. NILES, chairman of the committee appointed to make arrangements for the funeral of the late Honorable Mr. FAIRFIELD, made the following report.

The committee appointed to make arrangements for the Honorable Mr. FAIRFIELD, report: That in compliance with the wishes of the family and friends of the deceased, his remains will be removed to his late residence in Maine, and delivered to his family —to be there interred.

The body will be taken from Mrs. Scott's—where it now lies—to the depot, this day at half past four o'clock, P. M., where it will be delivered into the charge of the Hon. Mr. CLARK, a member of the House of Representatives from that State, who will accompany it to Saco, in that State, to be consigned to the charge of his family.

The committee further report the following resolutions, and recommend their adoption:

Resolved, unanimously, That as a mark of respect to the memory of the Honorable JOHN FAIRFIELD, late a Senator from the State of Maine, the Vice President, members of the Senate and officers, will, at half past four o'clock in the afternoon of this day, accompany, in procession, his mortal remains from his late residence, to the depot, where they will be delivered to the Hon. Mr CLARK, a member of the House of Representatives from the State of Maine, to be accompanied by him to the family of the deceased in said State; and that the Speaker and members of the House of Representatives be respectfully invited to attend.

Resolved, That the Chaplain of the Senate be requested to deliver the funeral sermon of the Hon. JOHN FAIRFIELD, at the capitol, on the next Sabbath.

Resolved, That a copy of the foregoing resolutions be communicated to the House of Representatives.

Resolved, That the Secretary of the Senate be directed to pay from the contingent fund of the Senate, and place at the disposal of the Hon. FRANKLIN CLARK, for the funeral expenses of the Hon. JOHN FAIRFIELD, a sum equal to that usually expended in such cases, to be ascertained and drawn for by the committee of arrangements.

The report and accompanying resolutions having been read,

The question on the adoption of the resolutions was put, and they were unanimously adopted.

On motion by Mr. PHELPS,

The Senate adjourned.

WEDNESDAY, DECEMBER 29, 1847.

REPORTS FROM DEPARTMENTS.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Navy, made agreeably to law, accompanied by an abstract of expenditures, under the head of contingent expenses, as settled and allowed at the office of the Fourth Auditor of the Treasury, from the 1st day of October, 1846, to the 30th day of September, 1847.

Also, a report of the Acting Secretary of the Treasury, made in pursuance of a resolution of the Senate of the 20th instant, accompanied by a report from the Commissioner of the General Land Office, in relation to the information required by a resolution of the Senate of the 11th February, 1846, respecting the public lands subject to overflow, in the State of Arkansas, by the Mississippi, Arkansas, White, Black, Red, and St. Francis rivers in said State, &c.; which was ordered to be printed.

Also, a communication from the Acting Secretary of the Treasury, transmitting a report from the Commissioner of the General Land Office, in answer to a resolution of the Senate of December 7, 1847, respecting the military reservation and private land claims at Sault Ste. Marie, together with a map thereof.

PETITIONS.

The VICE PRESIDENT presented the petition of Thomas Thompson, a British subject, praying compensation for rescuing the crew of an American merchant vessel wrecked at sea; which was referred to the Committee on Commerce.

Mr. ATCHISON presented the petition of William W. Gitt, praying that the heirs and representatives of claimants to lands under the act of February 17, 1815, for the relief of the inhabitants of the late county of New Madrid, Missouri Territory, in whose favor certificates have been issued, may locate the same upon the unappropriated public lands; which was referred to the Committee on Public Lands.

Also, the petition of Daniel McKissick, praying that a patent may be issued to him for the lands settled by him in the Oregon Territory; which was referred to the Committee on Public Lands.

Mr. DICKINSON presented the petition of the Common Council of the city of Buffalo, New York, praying an appropriation for improving the harbor at that place; which was referred to the Committee on Commerce.

Mr. SEVIER presented the petition of Jonathan Lewis, praying compensation for depradations committed on his property by the Cherokee Indians, while residing among those Indians under a permit; which was referred to the Committee on Indian Affairs.

Mr. DOUGLAS presented resolutions passed by the Legislature of Illinois, instructing the Senators, and requesting the Representatives of that State, in Congress, to use their efforts to procure the assent of Congress to the sale of the salt springs in Gallatin county, and the ratification of all salt springs heretofore made by the State of Illinois without the consent of Congress; which were read and referred to the Committe on Public Lands, and ordered to be printed.

Mr. BREESE presented a memorial of citizens of Illinois, praying that the right of pre-emption may be granted to the Central Rail Road Company, to the lands along the route of their road; which was referred to the Committee on Public Lands.

Mr. DIX presented the proceedings of a meeting of citizens of New York, in favor of the adoption of measures for expediting the mails between that city and New Orleans; which were referred to the Committee on the Post Office and Post Roads.

Also, a petition of the Common Council of the city of Buffalo, New York, praying an appropriation for improving the harbor at that place; which was referred to the Committee on Commerce.

Also, a petition of citizens of Buffalo, New York, praying an appropriation for improving the harbor at that place; which was referred to the Committee on Commerce.

Mr. WESTCOTT presented a petition of citizens of Hillsborough county, Florida, praying the establishment of a mail route from Tampa Bay to Manitu river; which was referred to the Committee on the Post Office and Post Roads.

Mr. JOHNSON, of Maryland, presented the memorial of David Myerle, praying indemnity for losses sustained by him in his efforts to produce water-rotted hemp for the use of the Navy; which was referred to the Committee on Naval Affairs.

Also, the petition of the heirs and legal representatives of John G. Mackall, deceased, praying compensation for property destroyed by the enemy in the last war with Great Britain; which was referred to the Committee of Claims.

Mr STURGEON presented the petition of the heirs and legal representatives of George Gibson, deceased, an officer in the Revolutionary army, praying to be allowed commutation pay; which was referred to the Committee on Revolutionary Claims.

On motion by Mr. BELL, it was

Ordered, That the memorial of the representative of William Russwurm, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. DIX, it was

Ordered, That the memorial of Hugh M. McLean, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. WESTCOTT, it was

Ordered, That the memorial of Richard S. Coxe, on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. WESTCOTT, it was

Ordered, That the memorial of Thomas Douglas, on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. JOHNSON, of Maryland, it was

Ordered, That the petition of Gilbert Stalker and N. B. Hill, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. JOHNSON, of Maryland, it was

Ordered, That the petition of James F. Sothoron, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. BREESE, it was

Ordered, That the petition of the heirs of Richard McCarty, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. DOWNS, it was

Ordered, That the memorial of the forward clerk of the late exploring expedition, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. BREESE, it was

Ordered, That the petition of Stephen Steele and James Daniel, on the files of the Senate, be referred to the Committee on Private Land Claims.

On motion by Mr. SEVIER, it was

Ordered, That Joshua Dodge have leave to withdraw his memorial and papers.

On motion by Mr. DOWNS, it was

Ordered, That George T. Sinclair have leave to withdraw his memorial and papers.

On motion by Mr. DOWNS, it was

Ordered, That the legal representative of William Shippen have leave to withdraw his memorial and papers.

NAVAL PENSIONS.

On motion by Mr. BALDWIN, it was

Ordered, That the Committee on Pensions be discharged from the further consideration of the resolution passed by the Senate, the 23d instant, in relation to Naval pensions, and that the resolution be referred to the Committee on Naval Affairs.

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That the Committee on Pensions be discharged from the further consideration of the petition of Hugh Wallace Wormley, and from the further consideration of the memorial of John Crosby; and that the said petition and memorial be referred to the Committee on Naval Affairs.

On motion by Mr. HALE, it was

Ordered, That the resolution, passed by the Legislature of the State of New Hampshire, in favor of the passage of an act for the removal of the terms of the Circuit and District Courts of the United States for the District of New Hampshire from Exeter to Concord, in that State, be referred to the Committee on the Judiciary.

Mr. DICKINSON gave notice that he would, at an early day, ask leave of the Senate to introduce a bill for the relief of Jeanette C. Huntington, widow and sole executrix of William D. Cheever, deceased.

Agreeably to notice, Mr. BAGBY asked and obtained leave to bring in a bill authorizing the payment of interest on the amount advanced by the State of Alabama, to the general government, pending the Creek hostilities in 1836 and 1837; which was read a first and second times, by unanimous consent, and referred to the Committee on Finance.

Agreeably to notice, Mr. ASHLEY asked and obtained leave to bring in a bill to establish a permanent general pre-emption system in favor of actual settlers on the public lands; which was read a first and second times, by unanimous consent, and referred to the Committee on Public Lands.

Agreeably to notice, Mr. DICKINSON asked and obtained leave to bring in a bill for the relief of Asa Andrews, of Ipswich, in the State of Massachusetts; which was read a first and second times, by unanimous consent, and referred to the Committee of Claims.

Mr. DICKINSON also presented a document relating to the subject; which was referred to the Committee of Claims, and ordered to be printed.

Agreeably to notice, Mr. BRADBURY asked and obtained leave to bring in a bill changing the time of holding the terms of the Circuit Court of the United States in the district of Maine; which was read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary.

On motion by Mr. YULEE, it was

Ordered, That a member be appointed by the VICE PRESIDENT to fill the vacancy in the Committee on Naval Affairs, occasioned by the decease of the Hon. JOHN FAIRFIELD.

Mr. CASS, from the Committee on Military Affairs, reported a bill providing for the further prosecution of the existing war between the United States and the republic of Mexico; which was read and passed to a second reading.

Mr. CASS, from the Committee on Military Affairs, reported a bill to provide clothing for volunteers in the service of the United States; which was read and passed to a second reading.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the bill to continue the pensions of certain widows, reported it without amendment.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill to compensate John M. Moore, reported it without amendment.

Mr. BREESE also submitted a report on the subject, which was ordered to be printed.

Mr. WESTCOTT, from the Committee on Patents and the Patent Office, reported a bill to provide for additional examining clerks in the Patent Office, and for additional fees in certain cases; which was read and passed to a second reading.

Also, a communication from the Commissioner of Patents, relating to the subject; which was ordered to be printed.

Mr. PHELPS, from the Committee on Finance, to whom was referred the memorial of Henry Simpson, administrator of George Simpson, deceased, submitted an adverse report; which was ordered to be printed.

Mr. WESTCOTT, from the Committee of Claims, to whom the documents relating to the claim of Lemuel B. Nicholls were referred, submitted an adverse report; which was ordered to be printed.

On motion by Mr. DAVIS, of Mississippi, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the petition of James Edwards, administrator of Edward M. Wanton; and that it be referred to the Committee of Claims.

On motion by Mr. DAVIS, of Mississippi, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the petition of James Edwards; and that it be referred to the Committee of Claims.

On motion by Mr. ASHLEY, it was

Ordered, That the Committee on the Judiciary be discharged from the further consideration of the petition of John Bruce, and that it be referred to the Committee of Claims.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the petition of Milledge Galphin, executor of the last will and testament of George Galphin, deceased, submitted a report accompanied by a bill for his relief.

The bill was read and passed to a second reading.

Ordered, That the report be printed.

Mr. YULEE, from the Committee on Naval Affairs, to whom was referred the petition of William A. Christian, reported a bill for his relief; which was read and passed to a second reading.

Also, a bill for the relief of the heirs of Andrew D. Crosby; which was read and passed to a second reading.

Mr. UNDERWOOD, from the Committee on Public Lands, to whom was referred the bill to allow further time for satisfying claims for bounty lands for military services in the late war with Great Britain, and for other purposes, reported it without amendment.

Mr. ATHERTON, from the Committee on Finance, to whom was referred the bill from the House, making an appropriation to supply in part a deficiency in the appropriations for subsistence in kind, of the army and volunteers during the year ending the 30th June, 1848, reported it without amendment.

On motion by Mr. ATHERTON, the Senate proceeded to the consideration of said bill as in Committee of the Whole.

Mr. ATHERTON.—It will be perceived that this bill only makes an appropriation in part to supply the deficiency which exists in the appropriation for the subsistence in kind, of the army and volunteers for the current year. This bill has passed the House; the remainder of the deficiency, which, in the whole, amounts to near $4,000,000, having been reserved for a more minute and particular examination. To show the necessity for passing this bill, at this time, I ask that the letter accompanying it be read.

The SECRETARY then read the following letter:

WAR DEPARTMENT,
Washington, December 17, 1847.

SIR: I have the honor to lay before you a letter from the Commissary General showing the passing necessity of an early appropriation for the deficiency in the Commissary Department. It is exceedingly important to the public service that immediate provision should be made to meet the deficiency not only in that department, but also those in the other branches of the War Department, for who estimates have been made and submitted to Congress. Any delay in this respect will be highly detrimental to the public interest.

Very respectfully, your obedient servant,
WM. L. MARCY, Secretary of War.

Hon. S. F. VINTON, Chairman Committee of Ways and Means House of Reps.

OFFICE OF COMMISSARY GENERAL OF SUBSISTENCE,
Washington, December 17, 1847.

SIR: I have the honor to report that the appropriations applicable to "army subsistence" are nearly exhausted.

The whole sum now remaining to the credit of such appropriations does not exceed seven thousand dollars, and that sum is absolutely necessary to meet the demands of the recruiting service.

Recent information from the principal commissaries of subsistence in Mexico, makes it necessary for me to respectfully ask that the early attention of Congress may be called to my "estimate" of the 9th November, in which the deficiency in the former appropriations is stated, as drafts to the amount of five hundred thousand dollars may be daily expected to reach the United States, and, as above shown, this department has no means of paying them.

Most respectfully, your obedient servant,
GEO. GIBSON, C. G. S.

Hon. W. L. MARCY, Secretary of War.

Mr. JOHNSON, of Maryland.—I rise, sir, not for the purpose of offering any opposition to the passage of this bill, but to ask the chairman of the committee, if he knows what is probably the entire deficiency in the estimates; and if he can also explain to the Senate, why it is that the estimates were not sufficiently large at the last session.

Mr. ATHERTON.—In reply to the honorable Senator from Maryland, I will say that it appears from the estimates which have been furnished, that the entire deficiency is $3,987,939 74.

Mr. JOHNSON.—(In his seat.) Nearly four millions.

Mr. CALHOUN.—(In his seat.) Up to this date?

Mr. ATHERTON.—Nearly four millions for the current year. To show the reason for the deficiency in the estimate for the appropriation for the current fiscal year, I would ask that the letter from the Commissary General of Subsistence, be read.

The Secretary then read the following letter:

OFFICE OF COMMISSARY GENERAL OF SUBSISTENCE,
Washington, November 9, 1847.

SIR: In submitting with this an "estimate of the probable amount that will be required to meet the deficiency in the former appropriation for the subsistence of the regular army and volunteers in the service of the United States from December 1, 1847, to June 30, 1848," I have the honor to make the following report in explanation:

At the time when this department was making heavy purchases for shipment to Vera Cruz, Mexico, and to the mouth of the Rio Grande, Texas, large shipments of breadstuffs, as well as other articles composing the army ration, were being made to Europe.

The shipments to Europe enhanced the price of produce in general nearly one half of its previous value; and this enhanced price was kept up for some months.

My annual estimate of the probable price of the ration made November 10, 1846, was only fifteen cents. That estimate of course was made at the time without any expectation of such a rise in the price of produce, and fell far short of the cost of the ration by purchase.

The appropriation for the ten additional regiments of regular troops (authorized after my estimate of November 10, 1846, was made for only four months—six from March 1, 1847, to June 30, 1847. All the troops composing those regiments are now in service, will probably so remain up to June 30, 1848, and will have to be subsisted to that date.

Here will be seen a deficiency in the appropriation of one year, for this large body of troops.

All the volunteers who entered the service for "one year" were not mustered out at the expiration of their time; but many of them had to be subsisted for a longer period than they were appropriated for.

Since June 30, 1847, nine additional regiments of volunteers have been called into service without any additional appropriation being made to meet the expense of subsisting them. They have been subsisted so far out of the last annual appropriation.

The portion of the army under the command of Major General Scott, since it left Jalapa, has been almost wholly supplied with subsistence from the country in the vicinity of its operations, and at prices varying from twenty-six to thirty-two cents per ration—being an increase from eleven to seventeen cents per ration above the estimated price.

The "recruiting service" has tended greatly to increase the expense of this department, as the complete ration, furnished under special contracts made throughout the country, costs nearly double the estimated price.

Owing to the nature of the climate of Mexico, and the imperfect storehouses, (the articles of subsistence being perishable,) much has been lost from decay and wastage; as also from wrecks during transportation.

All these things combined will, I trust, satisfactorily show the necessity as well as the correctness of the estimated deficiency now asked for.

Most respectfully, your obedient servant,
GEO. GIBSON, C. G. S.

Hon. W. L. MARCY, Secretary of War.

No amendment being offered, the bill was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That it pass.

Ordered. That the Secretary notify the House of Representatives accordingly.

THE MADISON PAPERS.

Mr. CRITTENDEN rose for the purpose of inquiring whether the bill for the purchasing of the papers of President Madison was not the order of the day for this day. It had been made the special order for Monday last, and he supposed therefore it was now the first business in order. He inquired if it would not come up for consideration at this time as a matter of course?

The PRESIDING OFFICER replied that it would require a motion to take it up.

Mr. CRITTENDEN then moved to proceed to the consideration of that bill.

The motion was agreed to, and the bill was taken up for consideration as in Committee of the Whole.

The bill was read a third time by its title.

Mr. BUTLER.—The question is now, I believe, on the passage of the bill; will it be in order to move that it be made the special order for to-morrow? I am not fully prepared to give my vote upon it, and, if I am driven to a vote at this time, I shall be compelled to vote against it. I desire an opportunity to make a few remarks upon the subject, and, perhaps I may propose to modify the bill. Will it be in order now to make a motion for its postponement until to-morrow?

The PRESIDING OFFICER.—The Senator is at liberty to make that motion.

Mr. CRITTENDEN.—I will only suggest to my honorable friend, that the bill, by a vote of the Senate, has passed beyond that stage when it would be subject to amendment, and therefore, if his object be to amend the bill, it cannot well be accomplished without retracing our steps. To allow the honorable Senator an opportunity to express any reasons that he may have against the passage of the bill, is a courtesy which I would be disposed, at all times, to extend; but I hope that the Senator will not press any motion for delay. I should be very much gratified if the bill might be allowed to pass to-day; and I hope the Senator will withdraw his proposition for postponement, unless there be some particular object to be accomplished by it.

Mr. BUTLER.—I have so many difficulties on the subject, that if the vote be forced upon me now, I shall, very probably, be constrained to vote against the bill. I do not desire, however, to prevent its passage, provided it receive a slight modification. I am inclined to think that the papers of Mr. Madison, will, in time to come, be more valuable than they are now, and in regard to the legacy to the widow of that distinguished man, I would not deprive her, in the slightest degree, of the benefit to be derived from that legacy during her life-time, but there is a provision in the bill, I percieve, that gives her the power to dispose of the fund appropriated to her use, by will. Now if I could modify the bill in this way, to give $5,000 down, and $20,000 during her life-time for such papers as a committee might select, I would be entirely willing; but I would be very unwilling to give the benefit of this legacy to a stranger. I am entirely in favor of giving it to Mrs. Madison herself; but how far I would give her the power of disposing of it by will, I am not now prepared to say. I say to the Senator from Kentucky that I would be willing to give $5,000 down, and the remainder of the $20,000 in trust for her during her life-time; and if the papers are worth more than that sum, I would go so far as to select from the papers so much of them as will amount to that value, leaving the rest to rise in value, as I believe they undoubtedly will, and to be purchased hereafter in case it be deemed expedient. I firmly believe that these papers will be looked to in future times with much interest, and with great advantage, both to the politician and the scholar; and I do not wish to deprive the widow of Mr. Madison of the benefit which she may ultimately derive from their increased value; but to give her the right to dispose of the purchase money by will, perhaps to an utter stranger, is a thing to which I am not prepared to consent.

Mr. BERRIEN.—If this money is to be considered as a gratuity to Mrs. Madison, and for which no value is received, I would very readily agree with the suggestion of the honorable Senator from South Carolina, that that which is designed as a gratuity should be personal to her, enjoyed during her life and terminate at her death. But if, as I suppose to be the case, it is a purchase of papers conceded by the honorable Senator, and felt I presume by the great majority of the Senate, to be of great and increasing value as containing the opinions of one of the most enlightened statesmen of the early days of this republic—if it is to be considered as a contract between the government and Mrs. Madison as the possessor and proprietor of these papers, for which value is given, then I submit to my honorable friend that the money which is so given is no longer the money of the government, but becomes the money of the other party to the contract, and subject exclusively to her disposal. Sir, the provisions in this bill are not introduced from any idea that this is a gratuity, but considering the sum which it is proposed to appropriate to be a sum for which we receive a valuable consideration. I suggest, then, whether it would be proper that we should place any restraint upon the disposition of the money after its ownership has thus been changed, and I should hope that the honorable Senator, after witnessing the expression of the disposition on the part of a majority of the Senate, that this bill should be allowed to pass, would not persevere in opposing its passage at this time, in order that it may avoid encountering the fate which it met at the last session in consequence of unnecessary delay.

Mr. BUTLER.—I have not had time to examine the manuscript, nor am I convinced that Congress ought to purchase the whole of them at this time; and I believe also, as has been already suggested, that these manuscripts will become more valuable hereafter, and I desire that Mrs. Madison shall receive the full benefit of her illustrious husband's works. I would be perfectly perfectly willing, as I have said already, to Mrs. Madison all that she desires during her life time for such papers as may be selected by a committee. In this way everything that is necessary will be accomplished, but I must repeat that if the bill be forced upon me as it stands, I shall, very reluctantly—for it is contrary to my disposition to oppose a matter of this kind—be compelled to vote against it; for I am not now prepared to vote for it, and I am not willing to be forced into a vote before I am prepared. I only ask time to examine the matter, and it may be, when I have made that examination, that I will yield up my objections; but I cannot give them up without an opportunity of satisfying myself in regard to them; for I should distrust myself, in such a case as this, lest my feelings should get the better of my judgment.

Mr. CRITTENDEN.—I certainly had hoped that the Senator would be content to yield his opposition, after witnessing the manifest disposition of the Senate that the bill should pass. If the honorable Senator persists in his desire for the postponement until to-morrow, I will acquiesce.

Mr. BUTLER.—I do desire its postponement, and perhaps I may give up my objections. I have not had time, or if I had, I have not availed myself of it, to examine the subject, so as to enable me to vote intelligently.

Mr. CRITTENDEN.—If the gentleman desires the postponement, I shall not resist it, for the bill will, I suppose, come up of necessity to-morrow.

Mr. WESTCOTT.—I desire to make an explanation, in order to relieve myself from the imputation of inconsistency in voting as I intend, against this bill, unless it be altered, in view of the vote which I gave at the last session. The bill of last session proposed to give Mrs. Madison the same sum, twenty thousand dollars, to be invested in stocks for her use, and five thousand dollars, to be paid to her immediately. I had no objection to that bill. I regarded that payment not as a gift or a pension, but as a consideration for the papers, which were well worth the money of the American public. My objection to the present bill is, that it creates trustees to take care of the fund for Mrs. Madison, by act of Congress. There is no precedent for the creation of such officers. I doubt the power, and have no doubt of the impropriety of such legislation by Congress. Congress has a right to purchase, but no right to fetter the payment of the consideration money, with the condition that it shall be vested in trustees.

Mr. CRITTENDEN.—(In his seat.) It was at the request of Mrs. Madison that such an arrangement was made.

Mr. WESTCOTT.—That does not alter the case with me.—Her consent would no doubt be given to a donation in any form, as a matter of course. I object to the establishment of such a precedent. If it were a mere gratuity, the objection would not apply; but as this is a consideration paid for papers, the objection is with me insuperable. I cannot vote for the bill in its present form, although I have no objection, constitutional or otherwise, to giving the money in consideration for the papers out-and-out to Mrs. Madison.

Mr. BADGER.—If I understood correctly the remarks which have been made by the honorable Senator from Florida, he has said that he voted for the bill of last session, but if pressed to vote on the present bill, he will vote against it for certain reasons which he has assigned. Now, if I recollect the terms of the bill which passed the Senate by a very large majority at the last session, it was liable to the objections stated by the honorable gentleman from Florida in a still higher degree than they can be possibly supposed to apply to the present bill. If I recollect aright the provisions of the bill of last session, it actually went so far as to preclude Mrs. Madison from anticipating any of the coming payments on account of interest before they should fall due. But what are the objections that it is an act of Congress creating trustees, and on which the honorable gentleman calls in question the right of Congress to pass such a bill? With very great respect to the opinion of the honorable gentleman—and certainly as a lawyer, as well as on other grounds, his opinions are entitled to the highest consideration—it does seem to me that he has presented an entirely new phase of constitutional difficulty. Congress proposes to buy from Mrs. Madison certain papers, and the bill assumes that these papers are worth twenty-five thousand dollars, which sum Congress proposes to pay to the proprietor of these papers, to be held for her interest. The proprietor of these papers is willing, and desires that payment should be made to her in the following manner: that of the twenty-five thousand dollars, five thousand should be paid to her immediately, and the remaining twenty thousand should be put in the hands of three gentlemen, to be held by them, by the last survivor, and executors, and administrators of the last survivor upon trust, who will pay to her the interest, with power to her to dispose of the principal sum by her last will and testament. Where is the constitutional objection here? The money, according to this contract, that would be coming to, and be due to Mrs. Madison after the five thousand dollars are paid, and that to be paid into the hands of certain trustees, was the money of the government, and would be the money of Mrs. Madison. Well, if the party who is to give the money, and the party who is to receive it, both agree to a certain disposition of it, how is it possible that there can be any constitutional difficulty? If Congress have the right to buy the papers, and pay away the money, certainly it has a right, with consent of the seller of the papers, to make such disposition of the money as may be agreed upon. Where, I again ask, is the difficulty? Why, Mrs. Madison may dispose of the principal fund by her will, and in consequence of this arrangement, the honorable Senator supposes that the just claims of creditors may be evaded.

Mr. WESTCOTT.—(In his seat.)—It is tying up the fund.

Mr. BADGER.—What principle of constitutional law is opposed to tying up the fund? What principle of common law is opposed to it? However, as the bill is, I believe, to stand over, and I will not detain the Senate. Indeed, I should not have made any remarks at all on the subject, had it not been for the observations of the Senator from Florida; but aware of his distinguished legal reputation, I was afraid, lest it might go out that we were doing some strange things here, and that by our legislation we were about to disregard the obligations of debtors. It seems to me, as the honorable gentleman from Florida knows very well, that where a person has a power to be exercised, according to his best will and discretion, he must exercise it, if he do so at all, for the benefit of creditors. This is, therefore, the most beneficial form in which control over this fund could be exercised. The interest is to be given to the venerable relict of a most distinguished man; and at her death she will have an opportunity of bestowing that fund which has produced the interest on the objects of her regard—on those who have lingered around her dying bed, and ministered to her in her declining years, and to whom she would be, therefore, disposed to leave a memorial of her kindness and testimony of her gratitude. For one, I was sorry that my honorable friend from South Carolina felt it to be his duty—acting, as I know he did, from the purest and most honorable motives—to make the slightest objection to the passage of this bill. A similar bill was passed at the last session by a decided vote. This is one of those cases in which it may be truly said, that in order that this act may be really kind, it ought to be done promptly—early. The subject has been fully considered—the sense of the Senate has been fully declared—and never was there a case, as it appears to me, in which we could with more propriety, as was said by my friend from Kentucky the other day, convert this into a new-year's arrangement, shedding joy and gladness over the declining days of one so much esteemed for her own sake, as well as being the relict of so eminent a citizen of this republic. But under the rule I suppose the subject lies over, and I will not trouble the Senate with any further remarks.

Mr. WESTCOTT.—The honorable gentleman from North Carolina has totally misconceived me; but as it is suggested that this bill will come up again to-morrow, I shall defer any further remarks.

On motion by Mr. BUTLER, it was

Ordered, That the further consideration of the bill be postponed until to-morrow.

RESOLUTIONS.

Mr. CASS submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the justice and propriety of providing for the fulfilment of the contract, entered into by the Secretary of War, on the 12th day of March, 1839, under the authority of the Joint Resolution of Congress of the 13th of February, 1839, to contract with J. B. and P. Femmont, for the purchase of the island at the confluence of the St. Peter's and Mississippi rivers.

Mr. BREESE submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of allowing to the Registers and Receivers of the several land offices, for their services under the ninth section of the act of the 11th February last, the same compensation as is now allowed by law when money is paid on the entry and purchase of land.

Mr. SEVIER submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of allowing a reasonable compensation to such receivers of the public money as perform the duties of assistant Treasurers of the United States.

REPORT OF THE GENERAL LAND OFFICE.

On motion by Mr. BREESE, it was

Ordered, That two thousand extra copies of the report of the Commissioner of the General Land Office, with the accompanying maps and diagrams, be printed for the use of the Senate; and that two thousand additional copies of the map of surveys in Florida, accompanying said report, be also printed for the use of the Senate.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have appointed a Committee on Printing, on their part, in pursuance of the joint resolution of the two Houses, consisting of Mr. Conger, of New York, Mr. Henly, of Indiana, and Mr. John B. Thompson, of Kentucky.

I am directed to notify the Senate of the death of the Hon. EDWARD BRADLEY, late a member elect of the present Congress, from the State of Michigan, and of the proceedings of the House of Representatives thereon.

THE LATE HONORABLE EDWARD BRADLEY.

The resolutions from the House of Representatives having been read,

Mr. FELCH rose and addressed the Senate as follows:

Mr. President: The announcement just received from the House of Representatives, arrests the attention of the Senate in the midst of its ordinary business, with the melancholy tidings of death. Again, and again, since the commencement of the present session, similar announcements have called us to mourn, with the country, the decease of distinguished members of the present Congress, and to pay the tribute of respect to the memory of departed associates. If the melancholy expression of our feelings here cannot restore the deceased to life, nor recall to a seat in these halls the trusted agent of a confiding constituency, nor restore to the domestic circle its stay and its support, it may, at least, show that we cherish a high regard for the memory of the departed—that we appreciate his virtues and abilities, and sympathise with those who, united with the deceased by closer ties, have felt even more keenly than we, this sad dispensation of Providence.

EDWARD BRADLEY, whose death is thus announced, was born in the county of Ontario, in the State of New York, in April, 1808. At the age of twenty-six years he was appointed an Associate Judge of the Court of Common Pleas in his native county.

Previous to this appointment he had moved in the humbler walks of private life. Engaged chiefly in agricultural pursuits,

with few advantages of early education, there was little in the influences by which he was surrounded to kindle his ambition or to stimulate to those unceasing mental efforts which alone can secure high attainments, and give assurance of future eminence. But his was a mind of no ordinary energies. Availing himself of every opportunity for improvement, he gathered knowledge from every source within his reach, acquiring strength in his struggles with adversity, and accumulating, in his contact with the world, the rich treasures of mental efficiency and practical information.

The appreciation of his merits by his friends, prompted him to still more ardent efforts, and a taste for forensic discussion induced him to become a devoted student of the law. In 1839 he removed to Michigan, and, having been admitted to the bar, he devoted himself to the business of the legal profession, and soon acquired the reputation of an able lawyer, and an eloquent advocate. In 1842 he was called by the suffrages of the district in which he resided, to a seat in the State Senate, and ably and faithfully performed his duties in that station during his term. In 1846 he was elected a member of the House of Representatives of the Thirtieth Congress.

This last evidence of the high esteem in which he was held among those who knew him best, was scarcely received, when disease marked him for a victim. In July he left the place of his residence, intending to seek the restoration of his health, by a protracted journey to the capitol, and a temporary sojourn on the sea coast. The end of this journey he was destined never to reach.—He arrived in the city of New York on the last day of July, and on the morning of the fifth day of August he was numbered with the dead. She who came to minister that aid and consolation which his debility required, returned with the lifeless remains of her husband to her stricken family, the widowed to the fatherless.

I am aware, Mr. President, that in alluding in this place to the virtues of the deceased, I speak to those who have had no opportunity, by personal intercourse, to enjoy his friendship, or to know his worth. He was called to the world of spirits when about to assume his position among the representatives of this people. By his death, his constituents have been deprived of the services of an able representative, and the country a faithful guardian of the public weal.

Himself the architect of his own fortunes, his sympathies were with the struggling, the poor, and the oppressed. Ardent in his feelings, and strong in his attachments, he was nevertheless tolerant to an opponent, and forgiving to an enemy. At the bar, in the legislative hall, and in the popular assembly, his good sense, and strong reasoning faculties always commanded attention and respect; and by his eloquence he carried persuasion and conviction to the hearts of his auditors.

If, in common with his fellow men, he had his faults, they were trivial and easily to be forgiven; while his virtues, prominent and numberless, will long be the theme of praise, and his early death the subject of heartfelt sorrow.

Mr. FELCH, in conclusion, submitted the following resolutions, which were unanimously adopted:

Resolved, unanimously, That the Senate has received with deep sensibility the message from the House of Representatives, announcing the death of Hon. EDWARD BRADLEY, a Representative elect from the State of Michigan.

Resolved, unanimously, That the members of the Senate, from a sincere desire of showing every mark of respect to the memory of the deceased, will wear the usual badge of mourning for thirty days.

Resolved, That as a further mark of respect for the memory of the deceased, the Senate do now adjourn.

Whereupon,

The Senate adjourned.

THURSDAY, DECEMBER 30, 1847.

PETITIONS.

Mr. UPHAM presented two petitions from citizens of Ohio, praying the establishment of a daily mail between Pittsburgh, Pennsylvania, and Mansfield, Ohio; which were referred to the Committee on the Post Office and Post Roads.

Mr. UNDERWOOD presented the petition of John Leroy, praying a pension on account of the loss of an arm, while carrying an express for the army in Mexico; which was referred to the Committee on Pensions.

Mr. WEBSTER presented the petition of Henry Hatch, praying indemnity for French spoliations prior to 1800; which was laid upon the table.

Also, the petition of the American Peace Society, praying that the war with Mexico may be brought to a close, without the further effusion of blood; which was laid on the table.

Mr. BREESE presented the petition of citizens of Clay county, Illinois, praying that the right of pre-emption may be granted to the Illinois Central Railroad Company to the lands along the route of their road; which was referred to the Committee on Public Lands.

Mr. DIX presented the petition of Joseph Burchard, praying that certain duty bonds paid by him as surety for John S. Roulet, may be repaid to him; which was referred to the Committee on Finance.

Mr. BADGER presented the petition of citizens of Johnston county, North Carolina, praying the establishment of a post office at Bagby's store, in that county; which was referred to the Committee on the Post Office and Post Roads.

Mr. BERRIEN presented additional documents relating to the petition of Milledge Galphin, executor of George Galphin, deceased; which were referred to the Committee on the Judiciary.

On motion by Mr. WEBSTER, it was

Ordered, That the memorial of the President and Fellows of Harvard College, on the files of the Senate, be referred to the Committee on Finance.

On motion by Mr. DIX, it was

Ordered, That the petition of Maria Ostrander and the petition of Sarah Overbagh, on the files of the Senate, be severally referred to the Committee on Pensions.

On motion by Mr. RUSK, it was

Ordered, That the petition of Samuel W. Bell, on the files of the Senate, be referred to the Committee on Indian Affairs.

On motion by Mr. CRITTENDEN, it was

Ordered, That Sarah E. Graham have leave to withdraw her petition and papers.

PROCEEDINGS AND DEBATES.

Mr. MANGUM submitted the following motion for consideration:

Ordered, That the Vice President be authorized and requested to have two moveable desks provided for the reporter of the proceedings and debates of the Senate, and his assistants, upon the floor of the Senate chamber, to be used only during the session of the Senate, and to accommodate two persons.

RESOLUTIONS.

Mr. BADGER offered the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce inquire into the expediency of establishing additional floating or stationary lights, and also additional buoys, below and between the town of Wilmington, North Carolina, and the ocean.

Mr. CLAYTON submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be directed to inquire into the expediency of making appropriations for the following-named Delaware, at Port Penn, Delaware City, New Castle, and in the Christiana and Mahon's river; also for the erection of a light-house on the breakwater opposite to Fort Mifflin, and that the report hereinafore made by the Secretary of the Treasury, with the accompanying documents, on the establishment of a system of lights for the navigation of the Delaware bay, light-vessels, buoys, beacons, and range lights, be referred to the said committee.

Resolved, That the Committee on Commerce be directed to inquire into the expediency of taking measures for the removal of the wrecks of vessels, supposed to be those of the United States, to ports where appearances indicate the navigation of said vessels.

Mr. BAGBY submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster General be requested to communicate to the Senate all the papers on file in his office relating to the two petitions of the mail of January and Williamson, between Montgomery and Tuscaloosa, and between Selma and Maplesville, Alabama.

Mr. CLAYTON submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That three hundred and fifty copies of the map of the coast survey of the Delaware Bay and River be printed for the use of the Senate.

PRIVATE BILLS.

Agreeably to notice, Mr. DICKINSON asked and obtained leave to bring in a bill for the relief of Jeanette C. Huntington, widow and sole executrix of William D. Cheever, deceased; which was read a first and second times, by unanimous consent, and referred to the Committee of Claims.

Mr. CORWIN, from the Committee on Public Lands, to which had been referred the petition of Cadwallader Wallace, made a report, accompanied by a bill for his relief.

The bill was read and passed to a second reading.

Ordered, That the report be printed.

Mr. ATCHISON, from the Committee on Indian Affairs, to which had been referred the petition of Thomas Talbot and others, made a report, accompanied by a bill for their relief.

The bill was read and passed to a second reading.

Ordered, That the report be printed.

THE BARQUE CANTON.

Mr. DIX, from the Committee on Commerce, to which had been referred the petition of William Sayward and others, reported a bill to authorize the issuing of a register to the barque Canton; which was read.

On motion by Mr. DIX, the Senate proceeded to the consideration of said bill.

The bill having been read a second time, was considered as in Committee of the Whole, and no amendments being offered, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time.

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary notify the House of Representatives accordingly.

NOTICES OF BILLS, ETC.

Mr. YULEE and Mr. BERRIEN severally gave notice that on to-morrow, or at an early day, they would ask the leave of the Senate to introduce certain bills, the titles of which they named.

Mr. DICKINSON gave notice of his intention to ask the Senate to take up the resolutions heretofore submitted by him.

REGENT OF THE SMITHSONIAN INSTITUTE.

On motion by Mr. BREESE, it was

Ordered, That a member be appointed by the Vice President, to fill the vacancy in the Board of Regents, occasioned by the resignation of the Hon. LEWIS CASS.

Mr. DAVIS, of Mississippi was appointed.

COMMITTEE ON PRINTING.

On motion by Mr. SEVIER, it was

Ordered, That a committee on Public Printing on the part of the Senate, in pursuance of the joint resolution of the two Houses, be appointed by the Vice President.

Mr. BRADBURY, Mr. CAMERON, and Mr. GREENE, were appointed.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion, it was

Ordered, That when the Senate adjourn, it be to Monday next.

MILITARY STATISTICS.

The Senate proceeded to consider the following resolutions, submitted by Mr. JOHNSON, of Md., on the 23d instant:

Resolved, That the Secretary of War inform the Senate:

First.—What has been the whole number of volunteer troops called into the service of the United States since the 13th May, 1846?

Second.—Of the troops, so called, what has been the whole number discharged from such cause before their term of service had expired? and what the number mustered out of the service of the United States?

Third.—What has been the whole number of troops in Mexico belonging to the regular army of the United States, since the 13th May, 1846?

Fourth.—What is the number of troops now in Mexico?

Fifth.—What has been the whole number of officers and men belonging either to the regular army or the volunteers, who have been killed or died of wounds received in battle since the 7th May, 1846?

Sixth.—What has been the whole number of officers and men of the regular army or volunteers wounded in battle since the 7th May, 1846, who have not died of their wounds?

Mr. CASS remarked that a great deal of the information sought for by the resolutions of the honorable Senator from Maryland was contained in the report of the Adjutant General. That report had not yet been laid upon the desks of Senators, but he had no doubt that it would soon be placed before them; he hoped, therefore, the honorable Senator would permit his resolutions to lie over for a day or two, until that report was printed.

Mr. R. JOHNSON.—I was aware that some of the information called for might be found in the report of the Adjutant General; but my purpose was to have all the information that is called for by these several resolutions together. My object was a double one—that the information which we have, or can have, without some such inquiry as this, will not show the Senate or the country the number of men who have died of disease in Mexico. I propose, and in my opinion, it is the only way in which to get the information—to inquire as to the number mustered in the service under the act of the 13th of May, 1847; the number of these discharged before their period of service expired, and the number mustered out of service. I suppose the difference between the number mustered into service, and the number mustered out of service, not accounted for by the number discharged in the meantime, will show the number of those who have died of disease, less the number of those killed in battle. I have asked, therefore, in addition, for the number killed in battle. The other motive which I had was, (and I am sure it is one in which I shall have the concurrence of the honorable chairman of the Committee on Military Affairs,) to lay before the Senate and the country information which I think will satisfy them that the regular army is better, in all respects, than any volunteer troops. The committee has reported a bill to raise ten additional regiments of regular troops, and also reported a bill to raise additional volunteers for the war in Mexico. My opinion has always been not that less efficiency is to be found in volunteer forces; that would be contrary to the history of all times; but, as the Senator will readily apprehend, it is impossible that the same degree of discipline can be exerted over the volunteers as over regular troops, and I am perfectly satisfied that a climate like that of Mexico, a climate in the highest degree insalubrious, that it is this want of discipline, to which the great mortality which has prevailed, is owing. Now we all know from information that has been laid before us, that at the commencement of the last session of Congress, there were actually buried on the banks of the Rio Grande of those who had died of disease, twenty-five hundred men. Now, without saying at present what my opinion is in relation to this war, as I may do at some subsequent period of the session, I suppose it is perfectly obvious for some time at least, the war is to be prosecuted, and it is all important I think, that we should be furnished with this information, upon which public opinion, the opinion of the Senate, and the opinion of the country can be formed, which will enable us to determine what is the best description of force to be called into service. Now I have no doubt that some of this information, in fact, a great deal of it, may be found in the report of the Adjutant General; but certainly it can do no harm to have all the information spread before us at once. I hope, therefore, that the honorable Senator will make no opposition to the passage of the resolution.

Mr. CASS.—No, certainly not, sir; I have no objection to obtaining information. I merely suggested that a great deal of it would be found in the report to which I alluded.

The question being taken the resolution was adopted.

INCREASE OF THE REGULAR ARMY.

Mr. CASS.—There is a very important bill, which was reported from the Committee on Military Affairs, which I am desirous should be taken up and acted upon; I mean the bill for raising ten additional regiments, and I move the postponement of the previous orders, and that the Senate preceed to the consideration of that bill.

Mr. CRITTENDEN.—I hope the gentleman will allow that motion to remain for a few moments, until the special order from a former day has been disposed of. There is a bill now upon its passage, and which will not occupy, I believe, ten minutes, which I should be glad to have taken up if the Senator will withdraw his motion for the present; and unless he will do so, I shall feel constrained to oppose his motion, which I should not otherwise be disposed to do.

Mr. CASS.—I have no objection.

THE MADISON PAPERS.

The Senate resumed the consideration of the bill to provide for the purchase of the manuscript papers of the late James Madison, former President of the United States.

The question being upon the passage of the bill, upon which the yeas and nays had been ordered, it was determined in the affirmative, as follows:

YEAS—Messrs. Badger, Bagby, Baldwin, Bell, Berrien, Butler, Clarke, Clayton, Corwin, Crittenden, Douglas, Foote, Greene, Johnson, of Maryland, Johnson, of Louisiana, Mangum, Phelps, Sevier, Sturgeon, Upham, Webster, Yulee—22

NAYS—Atchison, Atherton, Breese, Calhoun, Cass, Davis, of Mississippi, Dickinson, Dix, Felch, Hale, Turney, Underwood, Westcott—13.

So it was

Resolved, That the bill pass, and that the title thereof be "An act to provide for the purchase of the manuscript papers of the late James Madison, former President of the United States."

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

INCREASE OF THE ARMY.

Mr. CASS renewed his motion to proceed to the consideration of the bill to raise, for a limited time, an additional military force.

Mr. CALHOUN.—I hope the honorable Senator does not intend to press the bill to a decision at this time. The Senate is extremely thin, and it is a question of so much importance, as every thing must be which is connected with the war, that I submit to the Senator, inasmuch as what supplies we shall grant must depend on what we shall determine in the next few days is to be done, that it would be proper to allow the consideration of this bill to be postponed. If the Senator is determined to press the question upon us at this early period, and before any one has had time to fix his own mind in regard to the subject, I shall be constrained to oppose the Senator's motion.

Mr. CASS.—It is not with the slightest wish to express my views that I urge this measure; but because I think the good of the country requires it. It is simply a bill for raising ten regiments, the details of which were all arranged by this body at the last session; it is, therefore, simply a question as to whether we will authorize this additional force. The bill is drafted in the same way as former bills for the same purpose; and all the Senate has to do is to say whether ten additional regiments shall be authorized to be raised. This is a matter which is intimately connected with the progress and with the termination of the war; for it is designed to lead to its termination. The bill has been already reported some eight or ten days, and I therefore hope that the honorable Senator will allow the consideration of the bill to be proceeded with now. And the honorable Senator will permit me to observe, that I do not see, in reference to his resolutions, how they are to bring the discussion of this subject before the Senate better than it may be brought by this bill. The object of the gentleman is one of three: it is either to operate upon the Senate, or upon the administration, or upon the country. It is not to operate upon the administration, because the President expressly says that it is the intention of the administration to prosecute this war with the view of extinguishing the nationality of Mexico. The ground the administration takes upon this subject is peculiarly clear; it is to make and secure an honorable peace. To attempt to prevent the American people from taking possession of Mexico, if they demand it, would be as futile in effect as to undertake to stop the rushing of the cataract of Niagara. I myself should think it a very unfortunate thing to extinguish the independence of that country and annex it to our own, but the more the war is prolonged, the longer it is suffered to go on, the greater will be the danger of such an occurrence.—What, then, is the issue? The administration say they do not intend to conquer all of Mexico. That project is disavowed and the fighting line is disavowed, and the only thing that remains is to keep possession of what we have, and extend our operations as the position of the enemy may render necessary, and as our means may enable us. Now, in my view, this bill may be taken up and disposed of without determining at all this matter. That is a subject which is not involved in the present question. Why, then, should we stop with the view of bringing the Senate to a decision upon this point, which decision, with all deference to the honorable Senator, seems to me to have no manner of connexion with the subject before us.

Mr. CALHOUN.—As the Senator has avowed his intention to proceed with this bill, and to press the question upon us now, I shall be compelled to oppose it.

Mr. CASS.—For the personal accommodation of the Senator, I will consent that the bill shall lie over until Monday. Beyond that day I cannot consent that it shall be postponed.

Mr. CALHOUN.—My ideas, sir, extend far beyond that. I am very happy to hear the Senator say that the President is entirely opposed to the conquest of Mexico and the extinguishment of her nationality; and I am very happy also, to hear that the chairman of the Committee on Military Affairs repeats the same thing. That being admitted as among the greatest calamities that could happen, the important question comes up—how shall we escape it? Sir, we often get into situations which we never intended to get into. We got into this war although we never intended to get into it, for I will venture to say that in this body, if the question had been propounded to them of war or no war, independent of the exigency of the occasion, there would not have been one fourth of the Senate in favor of it. Now, my object is to guard, not against consequences that are contemplated, but against consequences that may follow from the measures proposed—which consequences are not contemplated. That is the object. Now whether this additional force shall be granted, will depend on the fact, whether the mode recommended by the Executive to carry on this war will not, in its practical consequences, end in the extinction of the nationality of Mexico. Now, I submit to the Senator himself, whether there is nothing due to those who differ from him in opinion in regard to this point? He may think that the pro-

low recommended by the administration will not end in the extinguishment of the nationality of Mexico, but I differ with him in that opinion, and until I am satisfied that he is correct, I am not prepared to vote in favor of the measure that is now proposed. Sir, though the honorable Senator, himself, is very properly opposed to the extinguishment of the nationality of Mexico, we know that there are many of a totally different opinion; and we know that there are many who believe that such will be the result, whether intended or not, of the measures proposed by the administration. And I am one of those who entertain this belief. Now I do think we ought to postpone action on the bill for some little time, until we shall have determined the course which it will be proper for us to pursue, and with this view of the question. I shall vote against the motion of the honorable Senator.

Mr. CASS.—Will the Senator allow me to read this short extract from the message of the President?

[illegible]

This is exactly the course of policy which the administration intend to pursue. For my own part, I do not see the practical operation of any vote on the subject in this body disconnected from some practical measure. In the discussion of this subject I am aware we must expect animadversion. We must expect the origin, progress, and results of this war to be attacked. But it seems to me, we want that this bill may come to a discussion and a decision without entering upon the general question of the origin and progress of the war. I had intended not to say a word about the administration, or the manner in which this war arose. I thought there was a common ground, where we might all unite in regard to this additional force, and I repeat, I yet hope the Senate will take up the bill and proceed to its consideration.

Mr. CALHOUN.—A word only in reply. I am aware of the views of the President in regard to the war. I have examined with great care the policy which is recommended in the message, and in my opinion, the result of that policy, if carried out, will tend to the precisely opposite course to that professed to be contemplated therein. If such should be the danger, we must guard against it in some way, but if this danger does not exist, then there will be no necessity for any steps on our part to guard against it. But with my present information, I am not prepared to give an intelligent vote upon the subject.

Mr. CLAYTON.—There is not, so far as I know, any disposition on this side of the chamber to delay voting supplies for the army; but I hope that the honorable Senator from Michigan will not press a vote upon this bill, or any measure of this description, until we have had an opportunity of reading the report of the Secretary of War, and the documents accompanying that report. Sir, has any Senator on this floor read that report and the documents? I doubt it. They have not been printed; or, if printed, certainly not yet furnished to the Senate; and it seems to me that action at this time upon a subject of this importance, without affording an opportunity for perusing those documents, would be highly improper. And it will be perceived, also, by the honorable Senator, that the seats on this side of the chamber are not filled, and I trust, therefore, that he will agree to a postponement of the measure, for the present at least, without naming a particular day for its consideration, because we cannot tell on what day the members of this body will be in attendance. Whenever they may be in attendance, and the report be furnished to us for perusal, we shall be ready to act upon the subject. I have not seen a single copy of that important document, the report of the Secretary of War, nor have I seen the documents accompanying the President's message, nor the reports of any of the secretaries.

Mr. CASS.—I am not unwilling that the Senate should have an opportunity to examine those documents, but this is too important a measure to be delayed. I will consent that it shall be delayed until Monday, however, for the accommodation of Senators; but regarding it, as I do, as a measure of great public importance, I cannot consent to its postponement beyond that day. With regard to the report of the Secretary of War, it gives you all the details necessary to form an opinion upon measures of this description. It is entirely unnecessary to refer to the report of the Quartermaster General for details, because the great facts connected with the measure now proposed are spread before you clearly and conclusively in the report from the War Department. I say again, that if the gentleman will be satisfied with a postponement until Monday, I will agree to it; but further than that I cannot go.

Mr. BERRIEN.—Beside the consideration of the thinness of the Senate, there is, in my judgment, ample reason for the postponement of the consideration of this bill, until the Senate shall have discussed the resolutions submitted by the honorable Senator from South Carolina, as well as those which have been submitted by the honorable Senator from New York. Sir, we are called upon by this bill, and others that will succeed it, to add a force of 30,000 men to the army of the United States. We have the recommendation of the President to that effect. We have his approval to one of the plans of the Secretary of War, which discusses three modes of operation in Mexico. Certainly, sir, it seems to be the obvious dictate of common sense, that before we proceed to increase the means of offensive military operations in Mexico we should determine for ourselves, not at the bidding of the President, but for ourselves, as the constitutional war-making power, what are the objects to be accomplished by these measures? There is this, sir, beyond the suggestions which are made by the honorable Senator from Michigan, as to the operation of the resolutions which have been submitted—there is this consideration, that without seeking to operate on the mind of the President, without seeking to influence the judgment of the American people, except as that judgment may be operated upon by the decision of this body, we desire to ascertain what it is that Congress, (the war-making power of this government,) proposes to accomplish by the further prosecution of the war? And that, I suppose, will be developed in the discussion of the resolutions. The Secretary of War submits to us the plans for the future conduct of the war. He passes by as unworthy of consideration the notion of the withdrawal of the troops, and the restoration of peace without further trampling on our trodden down foe. He then suggests three modes of prosecuting the war. Have the Senate considered, are they prepared to decide with the information now-before them, or will they preclude discussion upon these different modes? Will they not enter upon the discussion with a view to ascertain the objects to be accomplished by its further prosecution? and whether in the accomplishment of those objects we should in advance subject the country to this expenditure? Sir, we have, according to the report of the Secretary of War, a force of about 43,000 men in the field, a small majority of them only consisting of regulars. The argument of the honorable Senator from Michigan, is that the situation of our gallant army in Mexico renders it necessary that it should be reinforced without waiting for details of the objects for which the war has been prosecuted. Now, look at the state of facts as disclosed by the report of the Secretary of War. It is evident that the army in Mexico was perfectly safe—flushed with victory, and confident in its strength—upwards of 32,000 strong—while the army of the enemy is scattered, dispersed, and Mexico is without an efficient government, and destitute of resources, and men to resist our arms. There can be nothing, then, in the condition of the American army which should lead us to precipitate the passage of this bill, before we ascertain the objects which it is proposed to accomplish. I desire to stand entirely uncommitted upon the subject of yielding the supplies demanded by the Executive, until I have an opportunity to decide as to the propriety of granting them. But the ground on which I place my opposition to the present consideration of this bill is, that it proposes a great increase of force before we, the war making power, have decided what are the objects to be accomplished; and I see great force in the suggestions of the honorable Senator from South Carolina, which seem to have escaped the observation of the Secretary of War. The Secretary sets forth three modes for the further prosecution of the war; first, by defining a boundary, and holding Mexico to the observance of that boundary; secondly, by overrunning the whole of Mexico, and establishing permanent garrisons in the principal places; and thirdly, by holding what we already possess, and taking such other places as we may deem it prudent to occupy. He overlooks the proposition which is stated by the Senator from South Carolina, that in adopting the latter mode there is the utmost danger that it will run into the second—that it will render indispensable the subjugation of the whole of Mexico. Sir, these are grave questions, and should not be precipitately pressed upon us.

Mr. CASS.—I will merely remark that the proper measures for raising and organizing this force must necessarily, by many months, precede its arrival in Mexico. It will take a long time for the troops to be organized, and still longer to transport them to their several places of destination. It is a measure whose inception it is now necessary to commence, with a view to have the troops in Mexico in proper season; and let me observe to the Senator from Georgia and the Senator from South Carolina, that for my soul I cannot perceive the difficulty which strikes them. The Senator from South Carolina submits a propositon which can have no practical result; here, on the other hand, is a measure which is practical. It proposes to raise ten regiments. If any body deemed the war unnecessary, or believed it should not be further prosecuted, let him so declare by his vote upon the bill. The Senator cannot suppose there is some magic in his resolutions, which is to be drawn out by the discussion upon them. It seems to me that the most proper place in the world for the expression of the views of Senators, is upon the discussion of a practical measure like this. I trust, however, they will not delay the passage of the bill by any general discussion on the origin of the war, but if the Senate deem otherwise, it seems to me that a far better place for that discussion is upon this bill, than upon the abstract declaration which binds us to nothing. I say again that if Senators are content with a postponement until Monday, I will agree to it, but if not, I shall ask the Senate to proceed to this consideration now.

Mr. ALLEN.—I hope, sir, this bill will not be postponed until Monday, but on the contrary be proceeded with by the Senate immediately, and that we will adhere to this part of the public business until it be accomplished. There are two modes, sir, in which opposition to the policy of the administration is made—one is in the form of an abstract proposition, and the other is in the form of a distinct practical measure. Whether this opposition shall assume one of these shapes here or not, is a matter of choice with those who have the right to make that opposition, as far as their power to make a choice is concerned. But whether it shall be allowed to take such a shape, depends upon those against whom the oppo-

sition is made. I desire that the diversity of sentiment which exists in this Senate shall be tested in the discussion and decision of practical measures. Therefore I propose that all the sentiments entertained in this chamber, may be made known in the discussion of this bill in reference to its postponement, in preference to the discussion of abstract propositions. Sir, there is much advantage to be gained, as we all know, by the form which an adversary chooses to assume. It is one thing, sir, to denounce the policy of the government in the discussion of abstract propositions, and another to take the responsibility of opposing measures for increasing the army and sustaining this war. I, therefore, sir, as a friend to this administration, and as one determined, as far as I may be able, to stand by its policy in this particular, desire that the opposition should be made to these measures in the face of the measures themselves, and with the responsibility which that opposition will impose. Sir, we are in a state of war, and in that state we must continue until peace puts an end to it. That war has its theatre two thousand miles from this capitol, and the intercouse between the government and the army consumes some two or three months' time. Well, sir, under these circumstances, with that army cut, hacked, and bleeding in the achievement of its glorious victories, shall we leave them there to occupy a country as large as our own, surrounded by ten millions of enemies, and subjected to all the perils to which their precarious situation exposes them, without taking the precaution to sustain them by additional reinforcements? Sir, the vote of this Senate itself is a large part of the power which this government must exert in the prosecution of this war to an honorable peace. It is the moral impression produced by the knowledge in Mexico, as to what is the determination of this government, as evinced in its legislation, whether sustaining the President or not, which is to operate advantageously, or otherwise, in regard to the termination of the war. The vote of the Senate on this very question will have as much influence in bringing about peace, as the additional force which it is proposed to raise. The declaration as to whether we do or do not intend to prosecute the war till peace be the result, is of the utmost importance. If this Senate wavers—if it evinces hesitation—if, instead of increasing the force, it persists in calling upon its own government—what, I ask, will be the effect of such a course upon the mind of the Mexican people? Will it not encourage them to further resistance? It is, therefore, that I say that the vote of this body upon this bill will, in my opinion, have as much influence upon the question of peace, as the marching of the troops themselves. For this reason I think it highly important that an early manifestation by the legislative department of the government as to its intention in this particular should be made; and that it should specially decide whether it will prosecute or abandon the war. And if it is to be abandoned, sir, I say, the quicker the better; if it is to be prosecuted the more vigorously the better. Let us, then, decide the matter at once, not shielding ourselves behind abstract propositions, but as in the contemplation of a great practical issue. I want the contest made upon measures; I desire the decision of the Senate as to whether they intend to adopt the one or the other of the two systems of policy—the prosecution of the war or the abandonment of it. I reiterate, sir, there is but one question at issue, and that it has but two sides. However much the metaphysical ingenuity of some minds may seek to divide this question, there remains but the one—the simple question, either to prosecute this war until it is ended by a satisfactory peace, or to abandon the war, and to withdraw our troops to the left bank of the Rio Grande. If it be the decision of the Senate that the latter policy be carried into effect, the sooner the better. If the decision of the Senate that the former plan be adopted, it ought to be executed immediately. But hesitation, sir, wavering, uncertainty as to what will be the final action of Congress, is nothing but procrastinating a peace? I do not speak of design, because I will not impute motives to honorable Senators; but I speak of the infallible tendency of the course pursued by them. Now, the Senator from South Carolina says that he has a question to be decided first. And what is that question? Why, that although the President and the country may be unanimously of the opinion that the war may be prosecuted with a view to secure an honorable peace, without the final extinction of the nationality of Mexico, yet that the measure before us may tend to that result. Well, what difference could it make, should the Senate unanimously concur in the resolutions of the Senator from South Carolina? Why, the very moment this bill is called up, the whole argument would be renewed, because, as the Senator says, this measure might lead to that extinction. Then why need we, while we have this measure before us, go into the discussion of his resolutions? Why discuss a proposition separately, when the Senator himself confesses that the discussion upon this bill will embrace it? It will be for the Senator to show how it is that, sustaining the army now in Mexico by furnishing additional troops to take the place of those gallant men who have lost their lives in battle or disease—I say it will be for him to show how it is that this additional force, which is purely designed to replenish the wasted strength of the army, is to tend to the final subjugation of Mexico and the extinction of her nationality. We want to replace the exhausted strength of the army, to enable it to hold possession of its conquests, and by that possession compel Mexico to put an end to the war. This is what we desire, and what can be more proper and reasonable? I hope, therefore, that the bill will be taken into consideration and kept before the Senate until it is completed; and that our army will not be permitted to suffer for want of this additional force. Without, sir, presuming to say what will be the final decision of this body, I cannot be mistaken in saying, that whatever that decision may be, it will exert a momentous influence for good or for evil upon the interests of our common country.

Mr. CALHOUN.—It appears now, sir, that the object in calling up this bill at present, is not to pass the bill, but to get a parliamentary advantage—to compel the Senate to discuss this bill before an opportunity is afforded for discussing the resolutions which I have offered. It is a mere parliamentary move. The Senator shakes his head. Well, sir, if we follow the advice of the Senator from Ohio, we shall consume just as much time in discussing this bill as if we were first to discuss the resolutions. The Senator from Ohio talks of the necessity of proceeding to act upon this bill now, and tells us in the next breath that we are to have the whole discussion upon the subject of the war upon this bill.

Mr. ALLEN.—The honorable Senator misrepresents what I said. What I said was, that we ought to take up this bill and go on with its consideration at once.

Mr. CALHOUN.—Exactly. We are to go on with the discussion upon this bill instantly, we are told, both by the Senator from Ohio and the Senator from Michigan, and not let the discussion upon the resolutions have precedence. The Senator from Ohio says that it is a parliamentary advantage to have the discussion upon this bill previous to discussing the resolutions. Well, I acknowledge that it is so. I acknowledge that we should be tied up, in a great measure, in the discussion upon the bill, and prevented from going so freely into all these questions regarding the war, as we would in discussing the resolutions. It will then be, strictly speaking, out of order. Besides this, we will not have, what is most important in the discussion of the bill, an expression of the sense of this body upon the great point as to whether Mexico is to be conquered and held as a subject province, or incorporated into the Union, or not. I know there are many, as staunch friends of the Executive as the Senator from Ohio, who believe that the policy recommended by the President, and now about to be carried out by this bill, will end in her subjugation and the extinguishment of her nationality. Now, it is due to the country that this question should be distinctly presented, that the people of the country may see what is to be the probable result of the war, and determine whether they will meet it or not; for that is to be the end of the whole of the contest, unless the most decisive measures are taken on the part of the Senate to prevent it.—Sir, I cannot be mistaken. I wish to go into the subject. I deem it to be due to my constituents, to the American people, that this, the greatest of all questions, the extinguishment of the nationality of Mexico, should be distinctly voted upon by this body. The Senator from Ohio is unwilling that I should have a vote upon this question, I presume. Sir, it is my object to have a vote upon my resolutions, and to have the response of the country upon the question embraced in them; for the debate will bring forth the response of the country. Now, according to my apprehension, there is no greater calamity that can befall this country, than the subjugation of Mexico, and the extinguishment of her nationality, and the transfer of all her territory to us. From the beginning I had great forebodings about this war, and my forebodings—among others, related to this very thing, the absorption of Mexico. And I reiterate, sir, that if it takes place, we are very near to the end of our political career. The Senator from Ohio made an announcement of dooms-day in the event of any delay in the action of the Senate upon this bill, although necessary information is to be extracted by that delay. The Senator need not suppose that discussion will be avoided by giving precedence to the consideration of this bill. He never can escape from a full and thorough investigation of the designs of the Executive in the prosecution of this war. My object is not opposition to the administration. Whenever I intend to assail the administration, I will do so directly and to their face. My object is to have the sense of the Senate and the country upon a point which I deem of the first magnitude to the safety of the country and its institutions; and I do trust, sir, that the Senate will not deprive me of the opportunity of having a clear vote upon this point, after full discussion.

Mr. HALE.—I regret the necessity of saying a word in relation to this matter at this time: it has been my misfortune not to have read the message of the President as have those Senators who have already addressed you. I suppose, sir, that this message has been drafted with some care, and with some reference to the rules of grammatical construction. If I remember aright, a rule is laid down by Lindley Murray; it is, that the perfect tense not only represents an action as passed and finished, but contains a direct allusion to the present time. What is the language of the President? "It has never been contemplated by me, as an object of the war, to make a permanent conquest of the Republic of Mexico, or to annihilate her separate existence as an independent nation." It seems to me that there is here a most pregnant allusion to the present time. It appears that the administration has begun to entertain a different notion, and I am confirmed in this belief by looking at another passage in the message, where the President says:

"If, after adopting this encouragement and protection, and after all the persevering and vigorous efforts we have made, from the time of Mexico's refusal to make peace to the present time, to adopt our ultimatum, she does not, we shall ultimately find, then we shall have a right to hold ourselves in possession of as much of the country as may be necessary to obtain adequate indemnity, taking the full measure of our just demands into our hands, and must enforce the terms which we have found it necessary to dictate."

He does not tell us how much it will take to fill his hands, or satisfy his honor, but he tells us that we have possession of New

Mexico and Calaberna now, but in case to inform ... more territory will be substituted, the ... were ... erous prosecution of the war which he recommends. ... I am the most desirous of saying a word ... of the intimation which has been thrown out that there are some who are opposed to the war, and prefer manifesting that opposition on an abstract resolution, and who yet will not take the responsibility of opposing the measures which the President recommends. Sir, I do not know but that my ... may be peculiar upon this subject, but I believe that the war was commenced in falsehood, and prosecuted in injustice, and that the institutions of the United States are in more danger at this moment, of annihilation, than those of Mexico, and I have no sympathy with those gentlemen who tell us that this invasion has no connexion with the origin of the war: I think it has everything to do with it, and I would like to see gentlemen ... such chimerical ... solve this problem, and inform us how long it will take, in the manner we are going on, to arrive at the end of the war. I would that they would tell us how long must we persevere in a wrong cause before we shall come out right. I would be glad if the world could tell us another thing. I would like to know them demonstrably ... as how much better it is to conquer a peace than to keep a peace. Conquer a peace! that is a ... I suppose phrase, and the ... recommended ... to effect it reminds me of the manner of treating a patient pursued by an old Spanish physician, who fancied that by letting blood and administering warm water he could cure all diseases. In proceeding with this practice it was found that his patients all died; the doctor said that the reason was because he did not take enough blood from them. He took more from his next patients and they continued to die, and upon a consultation as to whether some other mode of treatment might not be attended with better results, he said he would listen to the ... consideration for a change of treatment if he had not written a book upon the subject. Well, sir, the President has written a book, and requires of us that we should follow it. Now, recognizing no such obligation as that, I desire that this measure may be discussed; I desire that this subject should be discussed fully, freely, and fairly, ... in the resolutions proposed by the Senator from South Carolina and the Senator from New York, and that those of the Senator from South Carolina should take precedence of those offered by the Senator from New York, for the resolutions of the Senator from South Carolina relate to the question how much territory we shall rob Mexico of, and the Senator from New York tells us how to take care of the spoils after we have got them. I therefore think that the resolutions of the Senator from South Carolina should take precedence of those of the Senator from New York, and that they should be presented in such a manner that the whole country may understand it; and, sir, it is all involved in this ten regiment bill. It seems to me the question presented by this bill will determine the whole matter, and if we are to go on and follow the course pointed out by the President, and give him ten regiments of regulars and volunteers in addition, then, of course, this bill is to be passed. But if, as I believe, the war was commenced in error, here is the place to stop; and with my consent the first dollar shall not go from the national treasury until the President informs us how much he supposes will be required to bring the army home by the shortest and cheapest route. For this purpose he shall have money; but not with my vote for continuing the war with an indefinite purpose. I think it is time that the country should understand what we are aiming at; and I think that the belief of a great majority of the people already is, that the war was not only a error, but a blunder; and it is this which calls attention to it more forcibly than if it had remained simply a crime, an unfortunate one certainly, when viewed in the best light. And I am willing that if the expression of this view should bring ever so much opprobrium, that it should come now. It seems to me that those who view the policy of the administration as a miserable one should boldly and distinctly say so and vote accordingly. Let us not be guilty of the miserable inconsistency of saying that this war is an error, and of still voting supplies to enable the President to carry it on. Let Congress, on whom the responsibility rests, and to whom the country will look in this matter, take the war into their own hands, and declare distinctly and unequivocally to the country what they intend, and what they desire. I do not know that there is a single member on this floor who sympathizes with me in the view which I take, but I believe that this war marks the age as barbarous, and that we are vastly more in danger of bringing ruin and destruction upon our own institutions, than those of the country with which we are at war. I want the question presented boldly—not by way of problem or mere abstraction. For one, my mind is made up. Not the first dollar shall the President take, by my vote, for either regular or volunteer force, until he comes forward and informs the country ... much he does suppose it will require to secure an honorable peace, and the mode in which he proposes to effect so desirable a result. The other day, the honorable Senator from Michigan told us that every man, woman and child in the country knew what we wanted. I confess I heard this assertion with some astonishment; for if it be true, I could not class myself with either man, woman or child—for I confess I did not know. Nor was I in the least enlightened when the honorable Senator added that it was indemnity and satisfaction.

Mr. CASS.—I beg the honorable Senator's pardon; that was not my expression; indemnity and security were the words I used.

Mr. HALE.—Well, I have not got any light yet.

Mr. CASS.—That is not my fault.

Mr. HALE.—No, sir, it is owing to my opacity probably, but waiving for the present the discussion, whether it is owing to the inability of the honorable Senator to impart, or of myself to receive light, I will proceed. "Indemnity and security." Indemnity for what? Security for what? Here endeth the first lesson. We are as much in the dark as ever. I do not intend at this time, to do more than to make these general remarks. On some future occasion I propose, not with the hope of influencing the action of the Senate, but to place myself aright before those who have sent me here, to express my views more fully in regard to the war. And permit me to say here, that I think the origin of the war lies a little deeper than any of the causes which have been assigned by those who have spoken upon the subject. I believe the origin of the war lies in the avowed object of the American government to perpetuate the institution of American slavery. That I believe to be the true design and purpose of this war; and if it had not been for that cause we never should have had it. Believing this to be the fact, and that any exposition of the origin and cause of this war, which stops short of that, stops short of the truth, I shall endeavor on some subsequent occasion, with the indulgence of the Senate, to satisfy the country by reference to the official documents, that such is the origin and purpose of the war, and to indicate my own views of the true policy to be pursued in reference thereto.

Mr. SEVIER.—What is the motion now pending? I understand it is a motion to take up the bill for the purpose of making it the order of the day for Monday next. I ask the yeas and nays upon that motion.

Mr. JOHNSON, of Maryland.—I understand that the honorable Senator from Michigan has no objection that the consideration of the bill be postponed until Monday.

Mr. CASS.—None at all; but if there is not to be an understanding that it shall be the order of the day for Monday, we may as well proceed to vote upon it now.

Mr. SEVIER suggested, that if the bill were taken up now, it might remain as unfinished business, and would come up on Monday as a matter of course.

The question was then put upon the motion of Mr. CASS to proceed to the consideration of the bill; and, the yeas and nays having been ordered, it was decided in the affirmative, as follows:

YEAS.—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Bradbury, Breese, Cass, Davis, of Miss., Dickinson, Dix, Douglass, Fitch, Foote, Rusk, Sevier, Sturgeon, Turney, Westcott—20.

NAYS.—Messrs. Badger, Baldwin, Bell, Berrien, Butler, Calhoun, Clarke, Clayton, Corwin, Crittenden, Greene, Hale, Johnson, of Md., Johnson, of La., Mangum, Phelps, Underwood, Upham, Yulee—20.

The Senate being equally divided, the VICE PRESIDENT gave the casting vote in the affirmative.

The bill having been read a second time,

Mr. MANGUM said:—I hope that this bill will be allowed to be passed over for the present. I very much desire that it should not now be taken up, and above all, that the final action upon it should not be had until all the great questions touching the policy of the government in regard to the Mexican war have been discussed, and the sense of this body in relation to them clearly ascertained. For if we are called upon to act now, we must act affirmatively, for I suppose there is no one who will not be disposed to grant what may be deemed necessary. It will then amount to an affirmative of the necessity for still further prosecuting this war, the end of which no man can foresee. For myself, sir, in case I am driven to a vote upon a measure of this kind, before I have an opportunity of examining into these subjects, I shall endeavor so to vote, as to throw the responsibility upon the Executive, and to assume only that degree of responsibility which will attach to a vote under such circumstances.

EXECUTIVE SESSION.

The Senate then proceeded to the consideration of Executive business, and after some time spent therein, the doors were opened, and

The Senate adjourned.

MONDAY, JANUARY 3, 1848.

REPORTS FROM DEPARTMENTS.

The VICE-PRESIDENT laid before the Senate a report of the Secretary of War, exhibiting the applications for pensions which have been rejected during the year 1847, which was referred to the Committee on Pensions, and ordered to be printed.

The VICE-PRESIDENT laid before the Senate a report of the Secretary of War, made in compliance with a resolution of the Senate, in relation to the further use and occupation of Fort Armstrong, on Rock Island, as a military site; which was ordered to be printed.

PETITIONS.

Mr. ASHLEY presented a memorial adopted at a convention held at Washington, in the State of Arkansas, composed of delegates from the several counties bordering on the Red River, praying an appropriation for removing the raft in that river; which was referred to the Committee on Commerce.

Mr. BREESE presented the petition of citizens of Montgomery county, Illinois, praying the establishment of a mail route from Shelbyvillee to Alton, in that State; which was referred to the Committee on the Post Office and Post Roads.

Also a memorial of citizens of Fayette county, Illinois, praying that the right of pre-emption may be granted to the Illinois Central Rail Road Company, to the lands lying along the route of their rail road; which was referred to the Committee on Public Lands.

Mr. CORWIN presented the petition of Joseph Graham and George Lee Brent, praying compensation for services as special agents of the government of Paraguay, under directions of the United States Charge d'Affairs near the Argentine Republic; which was referred to the Committee on Foreign Relations.

Mr. MASON presented the petition of Thomas M. Corby, praying indemnity for French spoliations, prior to 1800; which was referred to the Committee on Foreign Relations.

On motion by Mr. BALDWIN, it was

Ordered, That the petition of Thomas Cowperthwaite & Co., on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. RUSK, it was

Ordered, That the petition of Frederick Vincent, administrator of Le Caze and Mallet, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

On motion by Mr. BELL, it was

Ordered, That the petition of the eastern Cherokee Indians, on the files of Senate, be referred to the Committee on Indian Affairs.

On motion by Mr. CRITTENDEN, it was

Ordered, That the documents on the files of the Senate, relating to the claim of Robert Armstrong, be referred to the Committee on Pensions.

On motion by Mr. SEVIER, it was

Ordered, That the petition of Sour John, a Cherokee Indian, on the files of the Senate, be referred to the Committee on Indian Affairs.

RESOLUTIONS.

Mr. BENTON submitted the following resolution for consideration, which was ordered to be printed.

Resolved, That there be printed for the use of the Senate ——— copies of the letter or memoir of Dr Wislizenus, through the northern parts of Mexico, as physician to Col. Doniphan's column, being a history of the expedition of Col. Doniphan, with scientific observations upon the face of the country. Also, that there be engraved or bitho'd a chart for the use of the Senate, ——— copies of the sketch or map which accompanies the same. Also, the same number of the barometrical map of the profile of elevations above the level of the sea from St. Louis, in Missouri, on the line of march of said expedition to Santa Fe, in New Mexico, and thence by Chihuahua, the Bolson de Mapmi, Parras, Saltillo, and Monterey to Reynosa, on the Rio Grande. Also, the same number of the geological plate and the same number of the table of meteorological observations, which accompany the same.

Also, *Be it resolved*, That ——— copies of the said memoir, with the accompanying maps, be printed for the use of Dr. Wislizenus.

Mr. JOHNSON, of La., submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of passing an act granting a portion of the public lands in the State of Louisiana, to every citizen soldier, or widows or orphan of every citizen soldier, who bore arms in defence of Louisiana in the year 1814 and 1815.

Mr. HUNTER submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate the correspondence of Mr. Wise, late minister of the United States at the court of Brazil, embracing a letter of Mr. Hamilton Hamilton, Her Britannic Majesty's minister at the same court, to Mr. Wise, dated the 24th of March, 1846, with a note from the Earl of Aberdeen, of the 10th December, 1845, which was sent by Mr. Wise to Mr. Hamilton, dated the 27th March, 1846; a letter from Mr. Wise to Mr. Hamilton, dated 31st July, 1846, and the papers accompanying the same, all relating to the subject of the slave trade; provided that the same may be done, in his opinion, without detriment to the public service.

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That the resolutions of the Legislature of the State of Louisiana, on the files of the Senate, relating to the subject, be referred to the Committee on Military Affairs.

On motion by Mr. ATHERTON, it was

Ordered, That the Committee on Finance be discharged from the further consideration of the memorial of Joseph Bouchaud, and that it be referred to the Committee on the Judiciary.

On motion by Mr. ATHERTON, it was

Ordered, That the Committee on Finance be discharged from the further consideration of the memorial of J. Kearsley, and that it be referred to the Committee on Public Lands.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk:

Mr. President: The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate for the signature of their President.

The VICE PRESIDENT signed the enrolled bill entitled "An act making an appropriation to supply in part a deficiency in the appropriations for subsistence in kind of the army and volunteers during the year ending the 30th of June, 1848; and it was delivered to the committee, to be presented to the President of the United States.

NOTICES OF BILLS, ETC.

Agreeably to notice, Mr. BERRIEN asked and obtained leave to bring in a bill making an appropriation for removing obstructions in the Savannah river; which was read the first and second times, by unanimous consent, and referred to the Committee on Commerce.

Mr. JOHNSON, of Louisiana, by unanimous consent, asked and obtained leave to bring in a joint resolution to create a board to ascertain and determine the amount of each of the claims of the citizens of the United States against Mexico; which was read and passed to a second reading.

Mr. WESTCOTT, from the Committee on the Judiciary, to whom was referred the petition of Peter Capella, administrator of Andrew Capella, submitted a report accompanied by a bill for the relief of Peter Capella, administrator of Andrew Capella, deceased, and for the relief of John Capoy, and for the relief of Elijah Petty and Hannah Petty, his wife, heirs of John Beardon, deceased.

The bill was read and passed to a second reading.

Ordered, That the report be printed.

Mr. DOUGLAS, from the Committee on Territories, reported a bill for the relief of W. B. Slaughter, late Secretary of the Territory of Wisconsin.

The bill having been read a first time—

Mr. DOUGLAS remarked, that as this bill was asked for by the officers of the treasury, and was simply a bill to authorize them to settle certain accounts, he wished the bill would now be allowed to have its second reading.

The bill having been read a second time.

Mr. CLAYTON said he apprehended that no possible objection could exist to the immediate passage of this bill, and he trusted it would now be disposed of.

Mr. WESTCOTT said he could not distinctly gather the purport of the bill from hearing it read, and it had not been printed. He recollected the case well. It was before the Territorial Committee at the last session—he believed the session before, also—while he was on that committee, and he was then opposed to the allowance of the claim. It was for two items. One for compensation to claimant for expenses of visiting Washington to settle his accounts as a public officer, Secretary of Wisconsin Territory. The other item was for some two or three thousand dollars of public money, lost by his placing it on deposite in a territorial bank which broke. His excuse was, that the territorial legislature by resolution, instructed him to make this deposite in that bank. This was no excuse whatever. The territorial legislature had no business with this money—no right to direct it to be so deposited—no power to control the claimant with respect to it. Mr. Slaughter was Secretary of the Territory—a federal officer and agent, independent of the Legislature of the Territory. He

was subject only to the laws of Congress and the instructions of the Treasury Department, and these did not allow the deposite at the case of the United States. It was his own fault, or misfortune if he lost this money by placing it in a rotten bank. His complying with the resolution of the Legislature was an act done on his own personal responsibility. It would be opening the door to the allowance of hundreds of thousands of dollars of similar claims, to allow this. Besides, it is not shown that this bank or its stockholders have been sued, or any means used to recover the money from those who have got it. The claim against the bank and its stockholders was not transferred to the United States, or the treasury officers given any authority to collect or secure it. He should vote against the allowance of the claim. But if he understood the honorable Senator from Illinois, (Mr. DOUGLAS,) this bill did not impliedly sanction the claim in any degree, but only directed the Treasury to examine and settle the accounts on principles of equity and justice. He desired to know of the committee distinctly, whether his understanding was correct? If so the bill sanctioned expressly or impliedly the items he had referred to, he should vote against it—if not, he should make no opposition.

Mr. DOUGLAS.—The bill does not sanction the claim; it merely refers the settlement of the claim to the accounting officers of the Treasury. The claim arises in this way: William B. Slaughter, Secretary of the Territory of Wisconsin, received a draft for government funds to the amount of $10,000. The Legislature of the Territory appointed the Cashier of the Mineral Point Bank temporarily its fixed agent. This draft was deposited in the custody of that fiscal agent, and the money checked out according as it was required. That bank failed, and there was a loss of something like $3,000, speaking in round numbers.

The legislative assembly of the territory has unanimously passed a resolution expressing their opinion that the money was deposited properly, in good faith, and for the best interests of the Territory; and that he ought to have a credit at the Treasury for that amount of money. That is the principal item in the bill. All that the bill proposes, is to refer the matter to the officers of the Treasury, with authority and instructions to settle the account according to the principles of equity and justice; they having more ample opportunities for collecting information upon all points relating to the matter, than this body can possibly have.

Mr. WESTCOTT said he conceived there was one matter as to which he did not coincide with his friend the honorable Senator from Illinois, (Mr. DOUGLAS.) It was the chief question in this case. It was as to the resolution of the Territorial Legislature being any justification or even excuse for the Secretary of the territory putting this money in that bank. He conceived he was bound to disregard the resolutions as the Territorial Legislature had no right to direct him.

Mr. DAYTON.—Do I understand that the bill is now upon its third reading? It must, I apprehend, require the general consent of the Senate in order to have its third reading.

The PRESIDING OFFICER replied, that the proposition had been made that the bill be read a third time.

Mr. DAYTON.—Had I understood that to be the case, I should have objected, not because I have any specific objection to this bill beyond the objection which applies to a large class of cases standing upon our calendar. I have observed, for the last three or four years in this body, that wherever a claim is a little distrusted in committee, or in reference to which the committee have doubts themselves, and cannot act upon it in a manner satisfactory to themselves, they report a resolution in this general phraseology—resolved that the claim be settled by the proper officers of the department, according to the principles of equity and justice. Thus they have generally recognized the existence of a class of cases of this description, and applied to them a different rule from that which is applied in other cases. Now, if this bill is to be put on its final passage, I think I shall be constrained to vote against it. I think at least it ought to be allowed to lie over, and take its proper place upon the calender. This case is similiar to a large number of cases which have been reported on, and if the Senate pass it and refer the matter to the department for adjustment, we shall have the same arguments addressed to us every day. I, for one, prefer that this case should stand with all other cases of the kind. I am not aware of any thing in it that entitles it to special precedence.

Mr. CLAYTON.—The gentleman is mistaken in supposing that the committee had any doubt in regard to the propriety of allowing the claim. There was no difference of opinion whatever. It was understood that this individual was entitled to the amount, and the proper accounting officer was desirous of giving him the credit. He had no doubt of the propriety of it, but he thought that Congress ought to give him the authority to do what was sought to be done in the premises. There was not a shadow of doubt as to the propriety, but the commissioner of the Treasury had not reported that he should be allowed the amount. They had merely authorized the officer of the department to give it him, if he be found to be entitled to it. This is one of those cases which the honorable Senator from New Jersey has referred to. There was no doubt in the mind of the committee, and no doubt in the mind of the proper accounting officer of the Treasury, as to the propriety or justice of allowing the amount. The only doubt was, whether that officer had authority to do justice in the case without the sanction of Congress. Now, if, under these circumstances, it be thought necessary to delay a bill of this kind, I will offer no objection; but I certainly suppose the bill might pass the Senate without going through the ordinary form of being read on different days.

Mr. DOUGLAS here read a paragraph from the letter of the Comptroller of the Treasury.

Mr. BADGER.—If I understand correctly the points of the case, as given by the Senator from Florida, it seems to me that without some further statement or explanation, there is very serious objections to the passage of this bill. I understand it to be an application on the part of a disbursing officer of the United States, to be allowed a credit in his account with the Treasury, for a sum of money which has been lost in consequence of being deposited by him, without authority of law, in a banking institution.

Mr. CLAYTON.—He had the authority of the Territorial Legislature.

Mr. BADGER.—Very well; he was a disbursing officer of the United States, subject to the laws of Congress, and prohibited by a law of Congress from depositing the funds of the United States in a banking institution. He was himself bound to keep them, and without sanction or authority from his superiors in office, without a dispensation given to him by those to whom he was responsible, and who, on higher ground, represented the interests of the United States, but by authority of a State Legislature, he unlawfully takes these funds, deposited them in a banking institution, and they are lost. Now, what does this bill propose to do? As I understand it, it proposes to legalize this transaction. If he was authorized by law to make the deposite, he would undoubtedly be irresponsible; if in making it he followed the line of his duty, he would have a right to demand, as a matter of justice and of law, that credit should be allowed to him. This bill directs the officer of the Treasury to settle his account, not on principles of law—for it will be in express contravention of law—not to give him credit for losses he has innocently sustained in the discharge of his duty—for that he has a right to demand without the interposition of Congress—but they are to settle his account according to the principles of equity and good conscience; in other words, it is a direction on the part of Congress to the accounting officer of the Treasury, to disregard in this case the obligations of law, and apply one rule in the settlement of the accounts in this case, while the general law requires another rule to be applied in all circumstances. I must confess, sir, that with every disposition in the world to relieve a man who has suffered in the discharge of his duty, if any thing could be shown by which it would appear that he was under a reasonable apprehension that he was doing his duty as if he had been directed by his superior officers, I should be anxious to interpose and relieve him. But it seems to me it would be a dangerous precedent for Congress to declare that when an officer of the government having charge of the funds of the government, shall think proper to make a deposit contrary to law, they will relieve him from the consequences of losses thus sustained. It would be a direct and open invitation, by the policy adopted here, to all officers similarly situated, to act in defiance of authority and in defiance of law, trusting to a relaxation of its provisions in their behalf. Under these circumstances it seems to me that the honorable Senator from New Jersey is correct in saying that this bill ought to have a little more examination, and I move, therefore, that its further consideration be postponed until to-morrow.

The motion was agreed to.

THE DISTRICT OF ARKANSAS.

Mr. ASHLEY, from the Committee on the Judiciary, to whom had been referred the bill to divide the District of Arkansas into two Judicial Districts, reported it without amendment, and submitted a report upon the subject, which was ordered to be printed.

PROCEEDINGS AND DEBATES.

The Senate proceeded to consider the following motion, submitted by Mr. MANGUM, on the 30th December:

Ordered, That the Vice President be authorized and requested to have two moveable desks provided for the reporter of the proceedings and debates of the Senate, and his assistants, upon the floor of the Senate chamber, to be used only during the session of the Senate, and to accommodate two persons.

On motion by Mr. SEVIER, it was

Ordered, That the motion be referred to a select committee, consisting of three members, to be appointed by the Vice President; and

Mr. MANGUM, Mr. SEVIER, and Mr. BREESE, were appointed the committee.

ELISHA L. KEEN, DECEASED.

The bill for the relief of the administratrix of Elisha L. Keen, deceased, was read the second time and considered as in Committee of the Whole.

Ordered, That it lie on the table.

JOSEPH WILSON.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Joseph Wilson, and no amendment being made, it was reported to the Senate.

Mr. BADGER called for the reading of the report accompanying the bill, and it was read by the Secretary.

Ordered, That the bill be engrossed and read a third.

CLOTHING FOR VOLUNTEERS.

The bill to provide clothing for volunteers in the service of the United States, was read the second time and considered as in Committee of the Whole, and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time.

Resolved, That this bill pass, and that the title thereof be "An Act to provide clothing for volunteers in the service of the United States."

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

TEN REGIMENT BILL.

The Senate then resumed, as in Committee of the Whole, the consideration of the bill reported from the Committee on Military Affairs to raise, for a limited time, an additional military force.

Mr. CASS rose and said: This is the first of a series of bills which the Military Committee is about to present to the Senate. They have commenced with the most important, and will ask the consideration of the others, in succession, till they have discharged the duty entrusted to them.

In presenting this bill I do not propose to touch any of the disputed topics, which divide the two great parties, under the banner of one or the other of which, every citizen of our country is arrayed. I shall leave these if introduced at all, to be introduced by others. I had hoped, till I heard the incidental discussion which arose a day or two since on the question of taking up this bill, that these exciting subjects would be postponed for some future opportunity, and that the propositions now submitted would be considered upon their military merits, taking it for granted that the propriety of voting the additional force required would not be controverted. I was well aware that we could not escape a full discussion of the origin of the war, its progress, its objects, and the whole course of the administration connected with it. Nor indeed did I wish to avoid it. However severe may be the attack, I trust it will be as earnestly met, and easily repelled, for I consider the ground which the administration occupies as perfectly impregnable. I am apprehensive, however, from the remarks which fell from some of the honorable Senators the other day, that the whole field of controversy is to be gone over, and that we are to fight this bill, necessary, as I deem its immediate passage to the public interest, inch by inch, till all the great party questions of the day are debated and exhausted. If it is to be so, I must of course submit, but the fault shall not be mine, nor will I provoke the contest by introducing any topics which may properly lead to it.

There is one point, sir, where we all can meet, and that is the gallantry and good conduct of our army. This is one of the high places to which we can come up together, and laying aside our party dissensions mingle our congratulations that our country has had such sons to go forth to battle, and that they have gathered such a harvest of renown in distant fields. The time has been, and there are those upon this floor who remember it well, when our national flag was said to be but striped bunting, and our armed vessels but fur built frigates. The feats of our army and navy during our last war with England redeemed us from this reproach. The offspring of foreign jealousy; and had they not, the events of the present war would have changed these epithets into terms of honor; for our flag has become a victorious standard, borne by marching columns, over the hills and valleys, and through the cities, and towns, and fields of a powerful nation, in a career of success, of which few examples can be found in ancient or in modern warfare.

The movement of our army from Puebla was one of the most romantic and remarkable events which ever occurred in the military annals of our country. Our troops did not indeed burn their fleet, like the first conquerors of Mexico, for they needed not to gather courage from despair, nor to stimulate their resolution by destroying all hopes of escape. But they voluntarily cut off all means of communication with their own country, by throwing themselves among the armed thousands of another, and advancing with stout hearts, but feeble numbers into the midst of a hostile country. The uncertainty which hung over the public mind, and the anxiety everywhere felt, when our gallant little army disappeared from our view, will not be forgotten during the present generation. There was universal pause of expectation—stopping, but still fearing; and the eyes of twenty millions of people were anxiously fixed upon another country which a little band of its armed citizens had invaded. A veil concealed them from our view. They were lost to us for fifty days; for that period elapsed, from the time when we heard of their departure from Puebla till accounts reached us of the issue of the movement. The shroud which enveloped them then gave way, and we discovered our glorious flag waving in the breezes of the capital, and the city itself invested by our army.

And similar circumstances marked the very commencement of the war, when the Mexicans first surrounded our troops, and shut them out from all communications with their country. This unexpected attack struck us all with astonishment, and we feared, as well we might, that numbers would overcome discipline and valor, which, however they might prolong, could not be expected to succeed in the contest. And hopeless indeed might have been the result, had not the honored soldier, who commanded our troops, had confidence in them, and they in him. Had he not known how to lead and they to follow. And well and bravely did they all bear themselves in the critical circumstances which surrounded them; and our doubts soon gave way to certainty, and gloomy forebodings to glorious convictions. And the campaign thus commenced was vigorously followed up on the Rio Grande, and victory after victory, till the crowning triumph at Beuna Vista was heralded by every breeze and became familiar to our ears as household words.

During the whole of this war there has been a series of successes, which has been uninterrupted by a single serious disaster. I hold in my hand a table, prepared at the Adjutant General's office, from the best materials which can be found there, exhibiting the actions fought with the enemy, and the forces engaged, and the losses sustained by each party. As we have official data, the true losses on our side are stated. But those on the side of the Mexicans, are in some instances entirely omitted, and in others, conjecturally estimated. This table shows the whole truth so far as we are concerned, and but a part of the truth so far as the enemy is concerned. Still, even under these circumstances, it is one of the proudest trophies with which any army ever enriched its country.

[*See table on next page.*]

The Adjutant General remarks, that he cannot vouch for the perfect accuracy of the above statements, as from their nature they must often be estimated. He adds that the above table, although essentially correct, is not entirely complete, for he thinks there are yet wanting some reports, &c., of affairs, which have been lost or intercepted, and it may be, that the above statement may hereafter need amendment or correction.

If we recorded our history upon stone, as was done in the primitive ages of the world, we should engrave this series of glorious deeds upon tables of marble. But we shall do better; we shall engrave it upon our hearts, and we shall commit it to the custody of the press, whose monuments, frail and feeble as they appear, yet from their wonderful power of multiplication, are more enduring than brass or marble, than statutes or pyramids, or the proudest monuments erected by human hands. Let it be remembered, sir, that these battles were fought in a great measure by new and undisciplined troops, hastily collected at home, and rapidly marched to the seat of warfare. By men who had abandoned the duties and comforts of domestic life, and who made war, not a trade as in Europe; but a temporary employment in order to defend the interest and honor of their country. And even the small regular army, which existed at the commencement of the war, had seen little actual service in the field, and that not with a civilized foe, but in murderous conflicts with Indian tribes, where there was much exposure to meet and little glory to gain. Many of the officers and soldiers, and indeed a great majority of them, and some of the commanders, too, saw the first gun fired in the very field which they illustrated by their deeds, and moistened with their blood. Honor, then, to the highest and to the lowest, to the greatest and the least. Honor to the living and the dead—those who survive to enjoy it, and to the memory of those who sleep in a soldier's grave, far from the land they loved so well. And happy am I to see upon this floor, at this moment, particularly, one of the gallant officers who have inscribed their names high upon the military roll of their country, and there are others like him, in this city, who have returned from the campaign in which they distinguished themselves, bearing upon their persons ineffaceable marks of courage and patriotism. A kind Providence has permitted them to come back, and the plaudit of grateful millions, "well done good and faithful servants," is the proud welcome which greets them. Let modern philanthropists talk as they please, the instincts of nature are truer than the doctrines they preach. Military renown is one of the great elements of national strength, as it is one of the proudest sources of gratification to every man who loves his country, and desires to see her occupy a distinguished position among the nations of the earth. I should have been proud to have been in Europe during our military operations in Mexico—proud to witness the effect of the skill and prowess of our army upon the statesmen, and politicians, and communities of the old world. During the course of these events there was no war there to attract the general attention, and to excite by its uncertainties and vicissitudes, the solicitude of the government. Our war was the event of the day, and many a steadfast gaze was cast across the Atlantic to watch the prospects and progress of the pattern republic, as we are invidiously termed, in the new career into which we had entered. As we all know, our institutions have friends and foes in the other hemisphere. To both they are a light, shining across the ocean, but inviting some and warning others, as the impressions our experiment has produced have been favorable or unfavorable. The anti-republican croakers of the old world, at the commencement of our government, predicted that it could not long resist the shocks of peace or war. When they found it could do both, and do it successfully, they then denied our power to carry on a war without our own boundaries, should circumstances require such an exertion of national strength. This was our first great trial; for in the invasion of Canada, during the last war, the operations were so near, that they did not test our strength for distant warfare. The trial has been made, and has succeeded. No one will hereafter call in question our capacity to

TABLE.

Affair or battle	Date.	Forces engaged.		No. of killed.		No. of wounded.		Remarks.
		Americans, regulars and vols.	Mexicans.	Americans, regulars and vols.	Mexicans.	Americans, regulars and vols.	Mexicans.	
	1846.							
1 Detachment under Captain Thornton 20 engagements in a reconnoissance on the Rio Grande above Fort Brown, Texas	April 25 -	63	200	10	unknown	6	unknown	
2 Detachment of Capt. Walker, Texas Rangers, near Point Isabel	May 2d	30	100	10	unknown	-	unknown	
2 Fort Brown	May 3d to 9th	500	4,000	2	unknown	10	unknown	
4 Palo Alto - - - -	May 8th -	2,000	6,000	1	160	12	280	
5 Resaca de la Palma -	May 9th -	1,200	6,500	56	500	98	400	
6 Monterey - - - -	September 21, 22, 23	6,000	10,000	120	700	368	unknown	
7 San Pascual, 1 Californian	December 6,	100	160	19	unknown	9	unknown	
8 Braziton, New Mexico	December 7,	300	1,220	-	200	5		*killed and wounded.
	1847.							
9 Los Angeles, California	January 8,	500	600	1	80	11	-	*killed and wounded.
10 La Canada, New Mexico	January 24	350	1,500	2	50	6		
11 Mora, New Mexico	January 24			1		3		
12 Hacienda,	January 29	300	700	-	30	1	150	
13 Passo del Egle	February 1	300	800	6	150	36		
14 Buena Vista - - - -	February 22, 23	4,755	20,000	267	*1,500	398	-	Americans wounded.
15 Sacramento	February 27	900	4,000	-	400	30	-	*killed and wounded.
16 Cerro Gordo	March 17 to 29	11,000	5,500	12	500	51		*killed and wounded.
17 Contreras	April 18 -	5,000	12,000	87	*1,200	703	-	*killed and wounded.
18 Cerro Gordo	July 12	1,361	1,500	15	500	13		
19 Contreras, Churubusco,	August 19 & 20	8,497	32,000	161	*1,000	865	-	*killed and wounded.
20 San Antonio,	August 19 & 20							
21 Churubusco,	August 19 & 20	1,200	2,000	9	unknown	71	unknown	
22 Molino del Rey,	September 8	3,251	11,000	783	*2,000	584	-	*killed and wounded.
23 Molino del Rey,	September 13, 14, 15	7,180	25,000	138	unknown	653	unknown	
24 Chapultepec - - -	September 13, 14, 15	1,400	7,000	15	unknown	53	unknown	
25 Attack on Puebla	May 1 to 9th, 10, 12	2,500	30,000	12	-	83	-	
26 Huamantla - - -	October 9 -	1,750	4,000	14	164	11	200	
27 Tuspa, Lake Pelex	October 12	2,100	4,000	-	-	-	300	
28 Victoria - - - -	October 19 -	1,500	2,000	1	219	2	200	
Total - - - - -				11,077	15,846	3,069	1,360	

assert our rights, wherever those may require our interference. If the great experiment had failed, it would have taken ages to recover from the misfortune. But now, wherever the American flag is borne, or the name of American known, and that wherever is everywhere, the glorious feats of this war have proclaimed our power, and have announced that we have taken our position side by side with the mightiest nations of the world. Hereafter, in the wildest dreams of ambition there will be no dream of conquering us, nor will any hostile foot pollute our shore but to escape from it, if it can, as best it may.

The present bill provides for raising ten additional regiments of infantry to serve during the war. The average number of each regiment in the field is rather less than three-fourths of the legal establishment; so that this measure, if adopted, will add about 7,500 men to the army. The organization is precisely that provided in the act which passed at the last session of Congress for raising an additional force, and as the details were then fully considered, and are well known to the Senate, I need not recapitulate them here.

The reasons which render this increase of force necessary, are so clearly and forcibly stated in the report of the Secretary of War, that I need do little more than request that that portion of the document may be read.

The following extract from the report of the Secretary of War was then read by the Secretary :

"The control of our relations to Mexico, and conquest of a state of the United States in compliance with the obligation and recognition of her capital, the dedication and dispersion of her armies, the capture of most of her sea-board of war, and the annihilation of her hopes of recovering, have not yet brought peace, or the advent of such terms as could be accepted as just, honorable, without national degradation. The war will continue, and it appears to present new aspects in regard to its further prosecution. In general terms we repeat without remark the suggestion that successful occupation of more points, and within more limits, than heretofore, may be required to enable us to approach contentment. It may be necessary to extend our military operations, and to increase the number of the troops employed, in order to bring the contest with the enemy to a close.

"Our further operations must, in my opinion, be conducted in one of the three following modes: each to have and hold an efficient line, towards which all places and parts of the country in the rear, and extending to a further distance, are to be occupied, by advancing the pickets of a line of posts and subsisting the troops at the most convenient points; which, as they shall from time to time be established, will require additional forces, and will thereby enlarge the circle of operations; or by advancing the whole force in a compact body, and occupying the country in the rear of the line of march, as far as may be necessary to keep open the communications with the base of operations; or by advancing with a part of the force, and occupying the country in the rear of the line of march, as far as may be necessary to keep open the communications with the base of operations, and with the remainder of the force, after the establishment of a new base, to advance still further into the country, occupying it in the rear of the line of march, as far as may be necessary to keep open the communications with the new base of operations. The first mode would require a force of about 20,000 men; the second, a force of about 25,000 men; and the third, a force of about 30,000 men.

"The first mode would be the most economical in men, money, and time, and would be the most certain to bring the war to a speedy termination, if the enemy should not be disposed to prolong it by desultory warfare. The second mode would be more expensive in men, money, and time, and would be more certain to bring the war to a speedy termination, if the enemy should not be disposed to prolong it by desultory warfare. The third mode would be the most expensive in men, money, and time, and would be the most certain to bring the war to a speedy termination, if the enemy should not be disposed to prolong it by desultory warfare

our positions, as well from the sea-coast to the capital, as in other portions of the country which may be brought into subjection to us.

4. A strong force, independent of what is necessary for these purposes, which shall always be kept upon the alert and ready to move whenever there may be any appearance of an outbreak on the part of the Mexican people.

The organization and maintenance of a large force may be the means of rendering its employment unnecessary. It is much better to render opposition hopeless, by the display of strength, than to excite it into action by the exhibition of weakness, and then to be compelled to resort to desperate struggles, to remedy evils which ordinary prudence would have prevented. It is true, humanity also, and we owe it to ourselves, to our army, who have done and suffered so much, to the enemy, and to the world. Remember, sir, that our troops are 3,000 miles from home, in the midst of a hostile population of some eight or ten millions, and that by great exertions and unparalleled bravery they have succeeded in a partial subjugation of the country. But we have no right again to expose them to such perils. There is a vast superiority of physical force opposed to them. All experience shows, that in this condition an invaded people will suddenly break out into insurrections, and sometimes display an energy and courage which they failed to exhibit upon the battle field. Who would weigh with a critical balance the amount of opposition we have to apprehend, and the strength necessary to overcome it, and then coolly provide this calculated force, and leave events to take care of themselves? What kind of political arithmetic would that be, which would say, if so many troops have done so much, how many will it require to do so much more? I trust that the supplies we may vote will be given upon a far better principle. Upon a principle which shall look indeed to results, but which shall make the most liberal arrangements for attaining them.

The proceedings of this government are as well known in Mexico as here. They do not indeed travel upon the wings of the wind, but they travel with the power of the press, and are spread through the civilized world. Vigorous and prompt action will produce the happiest effect upon the state of things in Mexico. Nothing would conduce more to impress upon the people of that country the necessity of a peace, than a unanimous determination in Congress to put forth all the strength of the nation till it is obtained.

I have caused the following abstract to be prepared from the report of the Adjutant General, exhibiting the entire strength of our present army, including regulars and volunteers:

VOLUNTEERS.	Actual force absent	
To complete the organization will require	12,500	24,000
Twenty five regiments of regulars. Full legal complement exclusive of officers	28,814	
	Actual strength	21,433
To complete the organization will require	7,381	
During the last year there were recruited—for the old army	11,018	
For the new army	11,162	
Forces in the field under Gen. Scott—		
Regulars	17,101	
Volunteers	15,055	
Aggregate	32,156	32,156
Deduct the garrisons of Tampico and Vera Cruz	1,945	
Makes, for all the operations between Vera Cruz and Mexico, including garrisons, together with the sick and disabled	30,389	
The returns in the Adjutant General's office do not show the actual distribution of this force.		
Under General Taylor, but temporarily commanded by Gen. Wool—		
Regulars	2,937	
Volunteers	3,790	
Aggregate	6,727	6,727
Under General Price in New Mexico—		
Regulars	255	
Volunteers	2,902	
Aggregate	3,157	3,157
On the Oregon route, under Lieut. Col. Powell, Fort Kearney—		
Volunteers		477
In California, under Colonel Mason—		
Regulars	206	
Volunteers	803	
Aggregate	1,009	1,009
		43,536
Total land force employed in the prosecution of the war—		
Regulars	21,509	
Volunteers	21,027	
Aggregate	43,536	

It will be seen that we have in Mexico under General Scott, besides the garrisons of Tampico and Vera Cruz, about 29,000 men, rank and file, excluding officers, and in the command of General Taylor, an aggregate of 6,726 men, officers included.

From the statements of the Adjutant General, it appears that the actual force kept up is less, by one-fourth, than the legal force authorized by law. The continually renewing casualties of war, and other circumstances, occasion this difference. And it is not probable that the existing legal establishment could, by any effort, be made to keep in the field a greater numerical strength than is now there. So that if the force of the army is to be materially augmented, this must be done by the creation of new corps, and by multiplying the arrangements for procuring recruits and volunteers. I have omitted in this enumeration, some bodies of volunteers which have been called out, but have not yet joined the army. They cannot, if full, which it is not probable they will be, exceed 2,200 men, and do not change the question before us, if indeed they do more than keep up for a time the present number of volunteers in the field.

I know nothing more of the proposed plan of the campaign than is disclosed in that part of the report of the Secretary of War which has just been read to the Senate. I do not, therefore, presume to speak authoritively upon the subject, and indeed it may well be that no fixed system of operations has been or will be prescribed by the Executive; but that, after expressing its general views, the conduct of the war will be left to the discretion of the commander. But it is easy to see that if the obstinate injustice of the Mexicans drives us to greater exertions, and to a more enlarged sphere of operations, there are a number of positions which, from their importance, military or political, we must seize and hold.—These can only be indicated by an exact knowledge of the country, and particularly of its great lines of communication, which must be commanded and guarded.

And the mining countries would claim their share of attention, in the efforts we may be called on to make. The rich districts of Zacatecas and San Luis yet contribute their supplies to the reduced treasury of the enemy. I have seen, within a few days, a letter from one of the most gallant and distinguished generals in Mexico, which estimates the revenue now derived from the mines, at an amount so much higher than I was prepared to expect, that I am unwilling to state it here, as I am not at liberty to name my authority. But if this information is correct, or near it, the product is a most important portion of the national resources, which should be diverted from the Mexican treasury to ours. And he also gives it as his decided opinion that, by proper arrangements and directions, the produce of the taxes of the country may be made to bear the expenses of holding it in our possession. If so, and the same infatuation continues to prevail in the Mexican councils, we can hold on, as indeed we must hold on, and let the enemy pay the cost of a state of things whose existence is owing to themselves. Without the extinction of their independence, and the annexation of such a vast population to our country, with few sympathies to unite them to us, we can continue to govern them; and govern them with energy and justice, such as are new in their history, till the lessons of adversity shall have taught them to do us right, and till the experience of our sway, and its operation around them, shall have brought them to a better state of feeling. We can then treat with efficient rulers, and after securing the just objects of the war, we can retire, leaving the Mexican people in the enjoyment of their independence, with a salutary conviction that it is better to provoke our friendship by justice, than to provoke our enmity by insults and aggressions.

The returns show that we have less than 20,000 men, rank and file, which exclude officers, in the midst of a hostile population, of eight or ten millions, differing from us in race, in language, in religion, in institutions, in prejudices, and, indeed, in all the characteries, which constitute national identities, and separate the great families of mankind from one another. This is exclusive of our force upon the Rio Grande, amounting to about six thousand rank and file, and which is hardly large enough to hold that region in peaceable possession, and to guard against the irruption of the Mexican troops. And it may be that this force will need augmentation, with a view to onward operations, either directly upon San Luis, or by the more circuitous but less difficult route of Zacatecas, to the central countries of Northern Mexico.

He who believes that this principal force of 28,000 men, and this auxiliary force of 6,000, including the sick invalids and disabled, are amply sufficient to hold in subjection the people already reduced to obedience, to carry the war further the longer it is protracted, and to meet its casualties, whether these are found in the battle field, in the climate, or in popular tumults, may well vote against this bill, and refuse the augmentation it provides. But those who, like me, believe that this government, founded by all for the good of all, is bound by the most sacred obligations not to expose its citizens to unnecessary peril, nor to push their exertions to the very limit of human endurance, but to make the most liberal arrangements for the prosecution of the war, and to hold the treasure of the nation light as dust when weighed in the balance with the life blood of its sons, will cheerfully vote for this proposition, and hail its passage not only as a necessary measure of policy, but as a tribute to gallantry and patriotism.

Mr. CRITTENDEN.—As we have heard the remarks of the honorable Senator, I will now, with his permission, move to postpone the further consideration of this bill until after the Senator from South Carolina, (Mr. CALHOUN,) shall have an opportunity to-morrow of addressing the Senate upon the resolutions introduced by him.

Mr. CASS.—I have no objection to the postponement of the bill, provided it is understood that after the honorable Senator from South Carolina has opened the subject, and made the remarks which he desires to make, that he will then give way to this bill. It is only upon the condition that he gives way to this measure, that I will consent to the postponement.

Mr. CALHOUN.—Believing that I probably might not have the opportunity to speak to-morrow, I had a conversation with the Senator from Michigan, and expressed to him my desire of addressing the Senate. If I have that opportunity, it is all I ask

Mr. CRITTENDEN.—I have no objection to withdraw that motion, but with regard to any understanding that this bill shall be postponed with. I am not disposed to submit myself, nor am I authorized to enter into any understanding which will in any way commit Senators upon this side to any particular course. I should myself be glad that the Senate from Michigan should proceed, as he will of course be able to do, notwithstanding any votes that may be given on this side of the chamber.

Mr. CASS.—I trust, if the subject is not postponed expressly with a view to accommodate the Senator from South Carolina, we shall go on with the consideration of the bill, for there is no more important question which can be presented to the American Senate.

Mr. CALHOUN.—I certainly am desirous of knowing in advance whether I can have an opportunity of speaking to-morrow or not. I understand my resolution before the Senate as the bill was reported, and fixed a day for its consideration. Now, if I am to be prevented from addressing the Senate, by reason of a measure subsequently introduced, which has obtained a parliamentary advantage, all that I can say is, it will be the first occurrence of this kind that I have ever known. All I ask is the opportunity of being heard. I do not choose to speak upon this bill, and my reason for it is, that it does not give me the scope which I desire. I wish to have it understood whether I am to have to-morrow or not.

Mr. CASS.—I hope the honorable Senator will do me justice; he will recollect, and the Senate will recollect, that at the very time his resolution was introduced, and the day fixed for its consideration, I then stated to the Senate that for myself, I should endeavor to get this bill up to the exclusion of all other business. I am not actuated, as the Senator seems to infer, by a desire to exclude him from an opportunity of addressing the Senate; I only desire that this measure shall be proceeded with without delay, believing it to be the most important business that can be brought before the Senate.

Mr. WESTCOTT said he should vote against any course calculated to postpone the passage of this bill a single hour. He deeply regretted that any one had supposed there was any discourtesy towards the Senator from South Carolina. [Mr. CALHOUN.] in insisting on the being acted on before any other business. He disclaimed any such intention on his part. The Senator from South Carolina was, of all others, that member of the Senate towards whom he should be most anxious to avoid disrespect or discourtesy. But he conscientiously regarded the passage of the bill as imperatively demanded by every dictate of prudence and wise policy. He did not consider the decision of the Senate on this bill as at all connected with the resolutions of the Senator from South Carolina. No matter what was the ulterior policy adopted by us—even if it was resolved to withdraw our army from Central Mexico, and adopt the defensive line-policy, still, in his opinion, this bill should be passed forthwith. It will take months after the bill becomes a law to get the troops into the field. After it passes the Senate there may be delays elsewhere. Great, sir, as is the confidence I have in the skill, valor, and prowess of our gallant soldiers in Mexico, unforeseen and unexpected circumstances may involve them in difficulties making reinforcements necessary. The orders of the government to sustain the army by taking supplies from the enemy, have just about this time been received by the army. Three weeks hence we may, and some believe that we shall, get information that the effect of the enforcement of these orders may be the requirement of an additional force there forthwith to suppress outbreaks and insurrections. I will not say I anticipate this, but it is not improbable. Our fellow-citizens of the army are in a foreign land, in the midst of eight or ten millions of embittered foes, who are ready to avail themselves of any opportunity to massacre every one of them. They are scattered over Mexico in several different towns, and divided into detachments not very strong in numbers. They are in a different climate from that they have lived in—they are peculiarly liable to be attacked by disease. Armies are more subject to epidemics than those who occupy them are when at their homes. If any disaster should occur to any of our brave men in Mexico, which the giving the reinforcements afforded by this bill could have prevented, and if the immediate passage of this bill was delayed by any act or vote of mine, I should feel as if the blood of those thus sacrificed was upon my hands. Another argument forced itself upon his mind. He believed, if even it was not already too late to reason on the question, every hour's delay tended directly to produce the very result deprecated in the resolutions of the Senator from South Carolina. If it could be averted, it was only by sending additional troops to Mexico at once, and by vigorous means, making her feel the war in every portion of the country, and forcing her to sue for peace. Indecision here, delays here, opposition here, encouraged our enemies in Mexico to hold out, and finally the country would become such a mere wreck, that we should be compelled to take it all and govern it. Vigorous and speedy measures would restore her people to a peace while they had strength left to sustain themselves when the war was closed. Under these circumstances, said Mr. W., anxious as I am to listen to the Senator from South Carolina upon his resolutions, I feel that I am right in resisting any and every postponement, and for one I am willing to sit here without a recess until the final vote is taken, and I trust the Senate will do its duty, and if any detriment is occasioned by delay, let the responsibility fall elsewhere.

Mr. BADGER.—When the Senator from South Carolina introduced his resolutions, something like a fortnight ago, he made them the order of the day for to-morrow, and at the last day of the session of the Senate, the honorable chairman of the Military Committee called up the bill which is now under consideration in this Senate, with. as I understand, the avowed design to keep the measure before the Senate to the exclusion of the resolutions of the Senator from South Carolina, which, by a previous order of this body, were to be taken up to-morrow. This was done, sir, against the remonstrance of the Senator from South Carolina. It was done, in my judgment, sir, contrary to the usages of this body. It was, in my opinion, an exhibition of a want of courtesy towards the Senator from South Carolina. The subject matter of the resolutions have been known and announced to the Senate. The Senate has designated a day on which they shall be taken up and considered; and this bill was called up on the last day of the sitting of the Senate but one, before the resolutions of the Senator from South Carolina were regularly to come up before this body for consideration, with the avowed purpose of giving it precedence over these resolutions, and probably preventing the Senator who had brought the subject before the Senate from being heard, and having the subject matter of his resolutions considered.

Now, in my judgment, nothing but some extreme public necessity—nothing but a plain case, involving the public good, and requiring immediate consideration, should have precedence of these resolutions. An object of this kind alone, which could only be accomplished by giving it precedence over these resolutions would be sufficient justification for such a course being pursued. Now, where is the necessity? Wherefore is it that this particular bill is now to be considered and passed through with such hot haste? The Senator from Florida, it is true, tells us that he entertains serious alarm lest in the next three weeks our gallant troops, who have covered themselves with honors, who have defended themselves against three times their number, may suffer some great calamity—may be overborne by superior numbers. Well, if any Senator expects any such thing, does he expect these ten regiments to be raised—does he expect that at the slow and limping pace at which measures are passed through Congress, this can by any possibility be made available? It cannot, sir. It must be manifest, that whether this bill is acted upon before the vote is taken upon the resolutions of the Senator from South Carolina is a matter of the utmost indifference, if the actual application of the force intended to be raised for the purpose either of relieving the troops or prosecuting the war, either to preserve our army or to annoy or overbear the enemy. This strikes me, sir, as being the actual position of the question before the Senate. It resolves itself into this—shall the Senate, without any plain reason upon the public good, without any exigency demanded by the present state of the war, without any possible reason to believe that any good purpose can be served by it, set the example of putting aside a previous subject, and thereby offering, as it appears to me, a want of courtesy, without example, as far as I know, in this body, towards an honorable Senator, who has introduced the subject for consideration. Well, what is now proposed? How is it that this wrong movement is to be redressed? Why, it is supposed by the postponement of the consideration of this bill until the day after to-morrow, in order to give the Senator an opportunity to be heard, without a distinct understanding that after that shall have been done, the consideration of this bill is to be resumed. Suppose the course pursued in calling up this bill had not been pursued; suppose to-morrow had arrived, the resolutions had come in their order, as in my judgment they ought to be permitted to do, what would have been the result? Why, not only that the Senator from South Carolina would have had an opportunity to be heard upon his resolutions, but others would also have had an opportunity to be heard—for I do not know but many others may desire to be heard upon these resolutions, if, as he suggests, there is no such scope in the bill as in the resolutions. Is it to be understood that the subject is to be taken up merely to allow the Senator from South Carolina to express his views, and then that a narrower ground, a more restricted range is to be given to other gentlemen, who may desire to be heard upon the matters at large which are embraced in the resolutions? I hope we shall resume the ground which I believe the resolutions ought to occupy. But what does the honorable chairman of the Committee on Military Affairs propose? Surely he does not expect to force this measure through the Senate without debate; surely he does not expect that this is a measure which can be passed silently through this body. The bill must be discussed as well as the resolutions. If members of this body are disposed to spend three or four weeks in the discussion of the subjects embraced in the resolutions, they may be equally disposed to discuss this bill: the discussion must come sooner or later. I hope, then, that the Senate will postpone this subject until the day after to-morrow, that the Senator from South Carolina may be heard to-morrow, and that the Senate may then determine whether they will discuss this bill, or whether the discussion upon the resolutions is to be prosecuted to its termination. I cannot come to an understanding that after the Senator from South Carolina has delivered his views, the bill is to be taken up, and the discussion prosecuted to its termination.

Mr. CASS.—I merely want to relieve myself from the charge of a want of courtesy towards the Senator from South Carolina, who is almost the last man to whom I should wish to exhibit the slightest discourtesy. That honorable Senator will recollect that at the time I introduced this bill, I gave notice that I would endeavor to bring it up at the very earliest opportunity, and the Se-

nator must know also, that it has been out of my power to do it sooner, in consequence of the stroke of Providence having fallen upon one of our number, and in consequence of the observance of solemnities which were due to the occasion; and now comes the very first day on which the Senate could vote on this subject and the Senator says it is a mark of discourtesy on my part to urge the consideration of the measure. Let me ask the Senator whether, if he regarded a particular subject as vital to the interests of the country, he would regard the desire to proceed with that measure to the exclusion of all others as any mark of disrespect? Would he not insist upon its immediate consideration, even at the hazard of being accused of a want of courtesy? Would he not do this himself? I am one who believe that there is an absolute necessity for this measure. The Senator from Florida very properly suggests that a state of things may arise in which it would be vitally important that the troops proposed to be raised by this bill should be in Mexico; and an honorable Senator from North Carolina suggests the slow and limping progress of measures through this body. Why, that very consideration shows that there ought to be no delay.

Who can tell what may happen three months, or even three weeks hence? This is my view of the matter, and I trust it redeems me entirely with honorable gentlemen on both sides from the imputation of want of courtesy. If this measure be postponed and the resolutions taken up, no man can tell when the discussion will be terminated. This is a measure in which the honor and interests of the country may be involved, and without which the lives of our citizens may be hazarded. I think it is no discourtesy to any gentleman to ask for the consideration of measures so intimately connected with the public interests, before the Senate shall be addressed upon other matters. I repeat that I shall hear the honorable Senator with the greatest pleasure to-morrow. I never hear him without pleasure. I never disagree, without I doubt my own judgment; and with the understanding that to-morrow shall be devoted to the hearing of the Senator, and that the bill shall be proceeded with on the next day, I shall cheerfully acquiesce, but further than that I cannot go.

Mr. BUTLER.—I do not rise to vindicate the views of my colleague, but I do rise to demand for him the ordinary course which is conceded by all parliamentary usage. He has heretofore given notice of his purpose to express his views to the Senate, and the motion of the honorable Senator from Kentucky is nothing more nor less than to give him an opportunity of doing so to-morrow. The majority of this Senate has of course the power to forward this bill, but why does the honorable chairman of the Military Committee desire so earnestly to avoid discussion? Is he distrustful of himself on this subject? and does he suppose that in the course of one day's discussion the minds of Senators here will be so modified as to take from him the power of his own measure. It may be he distrusts his own friends. I am not prepared to say what the result will be—whether the Senate will be disposed again to lay down the resolution and take up the bill. I do not say that I have any opposition to offer to the measure which the Senator has introduced, nor will I admit that he has a right to assume that any measure will be the less ready to support that measure in consequence of any discontent that may take place, but I do say that the light to be derived from discussion should be had. Discussion should be permitted to proceed before we are called upon to vote upon any measure of importance. I am very far from agreeing with the gentleman, that I am to take counsel from apprehension that from a hasty announcement in this body, we are to rush to the rescue of our gallant army, as though it were menaced with danger. I shall not take counsel from any such apprehensions; and I think it is but a reasonable request on the part of my colleague, that he should be heard before the subject is prejudged.

Mr. FOOTE.—I desire to make a single remark—not more; nor would I have intruded upon the Senate at all, in my present state of voice and health, but for the allusion made so pointedly by the Senator from North Carolina to Senators on this side of the chamber on the point of courtesy. I confess that I am not only ambitious of recognition as a patriot, but I am wholly unwilling to be recognised as at all wanting in politeness or good feeling. How far the Senator from North Carolina can reconcile it with his views of Senatorial courtesy to fulminate his accusations of discourtesy against his associates in this hall, without substantial ground upon which to rest them, I leave him to determine. According to my judgment, though, the charge which he has brought is incapable of being sustained by evidence. What is the fact? I stated before—and the venerable Senator from South Carolina will justify me in the assertion—that he, in person, claimed the other day, with that urbanity which always marks his demeanor, that, as an act of kindness to him, from his friends here, he should be allowed a hearing upon his resolutions upon the day fixed by him for taking them up. As soon as the proposition was thus made, my heart responded to the call, and I thought all on this side were inclined to be in unison, and that this act of courtesy should be extended. Now, the truth is, the Senator from North Carolina, and those associated with him, have the control of the whole matter. This plain, practical proposition has been submitted to them—that a formal understanding should arise in this chamber that the Senator from South Carolina should be allowed to be heard upon his resolutions, and that the consideration of this bill should then be proceeded with. How easy to agree to such a plain proposition! But is agreement manifested? With whom, then, is the discourtesy, when it is proposed to do all that is asked for by the Senator from South Carolina—to do all that it may be necessary, to enable the Senator to be heard on these questions? What is the answer? None at all. An answer most significant; an answer significant of a '76 scheme—I hope it may not be considered discourteous to use the word—to postpone this vital question. It is not for me to remind the gentleman from North Carolina—who is as distinguished for his knowledge of the common law as for his learning and eloquence—that it is an established principle of the law (to give the maxim, without using the Latin) "so far as the reason of the law extends, so far the law operates, and no farther." Now, the reason of courtesy is plain in this case; requiring, simply, that the gentleman from South Carolina should have an early hearing upon his own resolutions, and no further. What does the Senator from North Carolina say?—that in violation of this rule of reason and common law, the instant the Senator from South Carolina is heard on the subject, then all the other Senators shall also be allowed the same privilege. Is this in accordance with the reason stated? Does courtesy require that all should be heard? Have all participated in the concoction of this resolution? We are willing to do all that the rule alluded to might seem to require. The Senator from North Carolina says that all other Senators must also be heard. Why, it is obvious to me, and it must be obvious to the Senator, that by insisting that all others must be heard, he makes a refusal to hear any Senator an act of discourtesy, the avoidance of which he seems to have so much at heart. I, for one, sir, am most anxious to hear the views of the distinguished Senator from South Carolina. As to the result of discussion in this chamber, I fear nothing. There is too much patriotism here to permit us for a moment to doubt as to what will be the action of this body when the interests and honor of the country demand such action.

Mr. BADGER.—I was endeavoring to obtain the floor immediately after the honorable chairman of Military Affairs took his seat, for the purpose of saying that I was very much astonished to hear him intimate that I designed to charge him with a want of courtesy towards the Senator from South Carolina. I know that that Senator is incapable of any intentional discourtesy to any member of this body. When I spoke of that act as contrary to the usages of the Senate, I spoke of those usages as I had observed them for a very short period. It is possible for gentlemen to do an act of discourtesy without being aware of it; but I can assure the Senator from Mississippi that he is entirely mistaken if he supposes that any "scheme" has been concerted on this side of the chamber. For my own part, I came from a part of the Union where schemes are not very much indulged in—where they are not held in very high estimation. All I intended was to express my own opinion, that according to the views I entertained it was discourteous to the honorable Senator and a violation of the usage of the Senate. I certainly did not suppose that either the Senator from Michigan or the Senator from Mississippi designed to offer a discourtesy to the Senator from South Carolina. But it seems, sir, I am claiming too much, when I decline to enter into any agreement or understanding, that as soon as the Senator from South Carolina has expressed his views, his resolutions are to be laid aside, and the consideration of the bill resumed, on the ground that the courtesy of the Senate is completely exhausted, after the Senator from South Carolina has had an opportunity to be heard. Now, upon this point I entertain an entirely different view from that of the Senator from Michigan, and when he claims the privilege of acting as his judgment dictates, it is but right that I should claim the same privilege. It has been suggested that ample range for debate would not be afforded on this bill. If so, and if courtesy requires that the Senator from South Carolina should be heard, with this "ample room and verge enough" for the expression of his ideas, it follows, of course, according to the same principle of common fairness, that other Senators who differ totally from him, if there be any such, or entertain a modification of his opinions, should be permitted the same opportunity for the expression of those opinions. For these reasons I am of opinion that this matter should be passed over without any such understanding as is proposed, and that the discussion which is to arise upon the resolution, should arise in regular order, and be prosecuted to its final termination. At the same time I agree with the Senator from Michigan, that the claims of courtesy towards any member of this body ought to yield to subjects of necessity, to measures which are demanded by the circumstances of the country, but in this case I cannot see that any such necessity exists, and as I hold it to have been originally wrong that the resolutions of the Senator from South Carolina should have been supplanted or deprived of their priority, on this subject, I hope the Senator from Michigan will allow me to correct his recollection, while I disclaim imputing to him any intentional discourtesy, of which I know him to be incapable. He is certainly in error when he supposes, that at the time when the resolutions of the Senator from South Carolina were made the special order of the day for to-morrow, he gave notice that he would, in the *interim*, call up his bill, because the resolutions of the Senator from South Carolina were submitted on the 15th of December, and on the 20th of December they were made the order of the day for to-morrow, while the bill now under consideration of the Senate was reported to the Senate on the 22d of December, being two days after the resolutions of the Senator from South Carolina had been made the order of the day for to-morrow, and one week after the resolutions had been submitted to this body. Therefore, it was impossible for the Senator, unless by the spirit of prophecy, to give notice on the 20th that he would call up a bill that was not reported from the Military Committee until the 22d.

Mr. CASS.—I have no hesitation in saying that the Senator has a better knowledge of chronology than I have—I recollect distinctly, that my object in making [illegible] to meet a remark of the Senator from South Carolina, and it was in connexion with what was said by the Senator from Ohio.

Mr. MANGUM.—I have no doubt that the Senator from Arkansas is perfectly correct in saying that there is no intention on the part of any one, to prevent the Senator from South Carolina from being heard to-morrow; and for the very reason, that this has been almost the constant usage in this body. I think a great deal more consequence has been attached to the importance of immediate action on this bill than it is entitled to. There is no disposition to deprive the administration of the opportunity of presenting their measures in their own good time, and although I must say that, if I had my choice, I would prefer to hear the discussion upon the resolutions—to hear an expression of the sentiments entertained by Senators previous to being called upon to grant supplies to any extent—but if the administration measures are urged on the ground of a pressing public necessity, I am unwilling to take the responsibility of occasioning any delay in regard to those measures which they deem of the highest magnitude. It is true, that the resolutions of the Senator from South Carolina open a much wider range of debate, but if it be the sense of the Senate that the discussion should be delayed and the supplies proceeded with, I shall not offer any impediment, nor will any one on this side of the chamber, I am convinced, although I am not authorized to speak for others. If it be the sense of the Senate to renew the discussion on the bill as soon as the Senator from South Carolina shall have expressed his views, be it so. I am not apprised that there is any disposition here unnecessarily to postpone final action upon any measures of the administration.

Mr. FOOTE.—When I used the word "scheme," it was certainly not with any discourtesy towards the Senator from North Carolina. It was merely in allusion to the postponement of business, there being conflicting views in regard to the expediency of first taking up one subject or the other; and in reference to gentlemen who might be inclined to seize upon what might, perhaps, be properly termed a parliamentary advantage. And, while I am up, I will remark that if the Senator from North Carolina understands me as using the word "scheme" in any disrespectful sense, in reference to himself or in reference to the State of North Carolina, he is entirely mistaken. But while the honorable Senator repels the idea of the application of such a term to his own State, I hope he does not mean to imply that I came from a part of the country where schemes of a discreditable character are more apt to be adopted than in North Carolina. If I had understood the Senator as intending such an intimation, I should have repelled it at the moment with promptitude, and, perhaps, with some heat. The State of Mississippi, glorious in war and distinguished in peace, stands upon a mountain elevation too lofty to be reached by the arrows of assailment hurled at her character—even by the Senator from North Carolina. As was once observed here, on a somewhat similar occasion, by a distinguished member of this body, there is not sufficient strength in the bow which he bends to bring the arrows to their mark.

Mr. BADGER.—It was my intention, as soon as the Senator had taken his seat, even had he done so without introducing such a threatening figure, to say to him that I did not think of the circumstance which might have led to the suspicion that there was at least the appearance of discourtesy in what I said. I meant no discourtesy; and I assure him that even if I were not satisfied of the strength of Mississippi, on this floor and elsewhere, I entirely disclaim the intention of assailing her. She is connected with North Carolina by many ties of association; and I can assure the honorable gentleman that if he does not make up a conflict on this floor before he is assailed by me, he will pass through his senatorial career (and long may it be,) in the most agreeable manner, and that he never will have occasion, so far as I am concerned, to make the Senate the arena of any unpleasant observations. And, indeed, I had not the slightest idea that the Senator had used the word "scheme" offensively. I am sure the word dropped from him unguardedly, and I was far from taking offence at it, for I am not "sudden and quick in quarrel"—I am not anxious to find cause of offence, nor desirous to signalize myself in contests of this kind. Perhaps there might have been another consideration—that feeling on the subject a tolerably clear conscience, I would not have been much disturbed if I had supposed the Senator was aiming the word opprobriously at my State.

Mr. FOOTE.—I trust I shall be excused for trespassing a single moment further upon the time of the Senate. Notwithstanding the express disclaimer of the Senator from North Carolina in the first half of his remarks, there is something yet in the tone and bearing of the honorable Senator, which, without explanation, conveys the impression that he has not that respect for the State of Mississippi which is due to her.

Mr. BADGER.—I have expressly disclaimed intending any offence to Mississippi.

Mr. FOOTE.—Sir, so I understood the Senator, and yet from the whole tenor of his remarks we are as much at a loss as to the intention of the Senator as before. He certainly did disclaim an intention of offending, and yet the disclaimer was accompanied by a suggestion which weakened its value, and seemed to produce some little merriment. He had stated, that he was not aware of the circumstance that would make allusion so painful.

Mr. BADGER.—No, sir; the Senator mistakes me. I did not say that I was aware of the circumstance which might make the allusion painful. I said that when I made the remark I did not think of any circumstance which might make the allusion painful.

Mr. FOOTE.—Very well, sir, I am entirely satisfied.

Mr. MANGUM.—I was remarking that I think there has been a degree of interest in regard to the priority of proceeding between this bill and the resolutions greatly disproportioned to the importance of the question. There is no design, I am persuaded, to take from the administration the opportunity of controlling the measures which they may propose. Yet it cannot be denied that the Senate has the right to act first upon such subjects as they may deem proper, but under the circumstance of this bill being pressed by the friends of the administration, though I have a bare preference the other way, I will yield that preference, and agree to proceed with the consideration of the bill; though in the meantime I desire that its consideration should be postponed until the day after to-morrow, and I now move its postponement until that day; and I hope that the motion will meet with unanimous concurrence, and that all dispositions to give preference to any other matter will vanish.

Mr. DOUGLAS.—I am afraid I will find myself constrained to give a vote which may be considered wanting in courtesy to certain Senators, if I am to judge from the opinions which I have just heard expressed. I would not willingly be discourteous to any Senator; but I am unable to perceive how it is that a refusal to postpone the business of the country, or the necessary measures of legislation for the prosecution of the war, in order to take up an abstract question, having no practical bearing upon our legislation, can be considered an act of discourtesy. I am equally unable to perceive how it is that the resolutions of the Senator from South Carolina will give a broader field for the discussion of the war question, including its consequences. Those resolutions do not seem to me to fairly bring up the subject of the war. They simply assert the principle of opposition to the annexation of Mexico; a proposition, the affirmation of which never has been, and perhaps never will be presented to us for action. It is an evasion of the real question, by the presentation of a false issue, if, indeed it presents any issue. What do the resolutions mean? Do they mean that the Senate is opposed to the acquisition of any territory and to all indemnity? or that he is opposed to the annexation of the whole of Mexico? They may be construed to mean the one or the other, and perhaps with equal plausibility. They strike me, sir, as furnishing a successful example of that saying of Talleyrand—that language was given to man by the Deity to enable him to conceal, not to express, his ideas. I am opposed to the postponement of the legislation of the country for the purpose of taking up any such abstract, idle propositions. I shall oppose them from a sense of duty, whether offered by the Senator from South Carolina, or contained in the resolutions of the Senator from New York. The war bills are the true measures upon which to discuss the origin, progress, and results of the war. If gentlemen desire to make speeches against the war, I wish to have them made on the bills providing for the prosecution of the war, so that the proper responsibility shall attach to their speeches and acts. The supporters of the war are willing to take the responsibility of speaking and voting for the war measures; let our adversaries take the responsibility of their acts in the same way. I repeat, that I mean no unkindness or discourtesy to any Senator. But I must be permitted to say, that this doctrine of courtesy is being carried to great lengths. I begin to think there was some force in an incident which I once witnessed in this chamber. A Senator was making a speech against a measure on constitutional grounds; a friend of the measure desired a brother Senator to go to the Senator who was opposing the bill, and ask him to vote for it as an act of courtesy, adding, that he would much sooner violate the constitution than be deemed discourteous. I suppose, therefore, if we are called upon to withhold the recruits and supplies from our army in Mexico, upon the score of courtesy to any Senator, we are bound to yield to the request. I trust that gentlemen will pardon me if I shall feel constrained to give my vote for attending to the public business first—for the discussion of abstractions afterwards.

Mr. WESTCOTT said he desired a few words to correct a misconception of the Senator from North Carolina, [Mr. BADGER,] and also a misapprehension of the Senator from South Carolina, [Mr. BUTLER,] with regard to the remarks he made a few moments since. The first Senator seemed to think that he was apprehensive of immediate, impending, imminent danger to our army in Mexico.

Mr. BADGER.—I did not understand him as saying immediate danger, but that there would be danger three weeks hence.

Mr. WESTCOTT continued: And the last Senator imagines that he was laboring under great alarm and "consternation" as to its safety. He had not supposed anything in what he said, or the manner in which he said it, would have caused such thought.

Mr. BUTLER corrected the Senator, and said he had alluded to the remarks that apprehensions were now entertained of news being received in three weeks that would show the necessity of those troops—and he had not referred to the Senator as expressing any fears of "imminent" danger.

Mr. WESTCOTT.—Both Senators had misunderstood him. He had as much confidence in the army as any man had, but he could not calculate closely the amount of force that might be needed in Mexico, so as to send the smallest number. He would be liberal in men and money, and, above all, be prompt. He would provide against possible though unexpected contingencies. The remark of the Senator from North Carolina, that months would ensue before these troops could be raised, furnishes a complete answer to the argument of there being no immediate necessity for these troops. It was well known that many of our volunteers there desired to be discharged and return home, but who could not be allowed to do so till their places were supplied by new levies. This should be done as soon as practicable. Until the new regiments of regulars provided by this bill are sent to Mexico, none of the volunteers or other troops there can be withdrawn, whatever their claims to such favor. Though he did not anticipate disaster, much less defeat to our soldiers in Mexico, he would be prepared for any casualty, not only what was likely to occur, but what was possible. As to the discourtesy imputed, he denied that there was any in fact. He repeated, the bill was an independent measure, proper and necessary, whatever was decided upon as to the policy to be pursued towards Mexico. He said he could vote for the resolutions of the Senator from South Carolina, if convinced they were founded in wisdom and right, even after this bill passed. There was no inconsistency in such a course. He should listen to the Senator attentively, and if satisfied, he should vote for the resolutions, and if not so persuaded, he should vote against them. He did not hesitate to say that he believed one position assumed by a distinguished statesman, a citizen of Kentucky, [Mr. CLAY,] though he had never supported that gentleman, to be correct. It was, that Congress had the constitutional right to direct and control the President by law or resolution, as to the management of a war. He did not, as some gentlemen did, limit this right to the declaring the objects of the war; in his opinion, the Senate and House of Representatives could properly and constitutionally at any time dictate to the President how the army should be employed, and regulate how the supplies should be disposed of; and he would exercise this right whenever he believed the Executive was doing, or was about to do wrong. As to his opinions of the Executive, and of the course pursued with respect to this war, this was not a proper occasion to express them. His votes, and speeches, and acts heretofore, displayed them; they were well known. When the question as to the policy to be settled upon as to Mexico came up, he should express his views as to that. But as it respects this bill, he regarded delay as exceedingly injudicious. If it could possibly be hoped there would be no delay after it passed the Senate, he should still urge it in this chamber; but with the probability of delay in the other House, the duty to dispose of it here forthwith was made still more imperative.

Mr. CALHOUN.—I rise to say that I am perfectly satisfied with the course which is suggested by the Senator from Arkansas and the Senator from North Carolina—either will be satisfactory to me.

Mr. DAVIS, of Mississippi.—I deem it proper, as one of the Military Committee, to say, that this bill for ten additional regiments was prepared and submitted early to the Senate, under the impression that an exigency existed that troops should be promptly raised. The chairman, under instructions of the committee, announced his intention to bring up the bill at the first possible moment, and present it to a speedy passage. It is now one week—

Mr. CASS.—(In his seat.)—Two weeks.

Mr. DAVIS.—Two weeks then, Mr. President, since this announcement was made. One week, I had hoped, would have been sufficient to have passed the bill; surely it was long enough to relieve us from any charge of design to interpose it between the resolutions of the Senator from South Carolina and the consideration of the Senate.

It appeared to us, that unless active operations are renewed in Mexico, thus exciting the military ardor of the people of the United States, it would require all the intervening time between the present and the period of yellow fever to organize and forward the necessary troops into the interior of Mexico. The Senator from Florida is right; there may justly be entertained apprehensions for our troops in Mexico, and that further efforts may yet be required on the battle field. What induced Santa Anna to attack General Taylor at Buena Vista, but the knowledge that his forces had been reduced so low that an easy and certain victory might be expected? Had his force upon that line been undiminished, the battle of Buena Vista would never have been fought. Let the past instruct us of the future. Tardiness in furnishing supplies of men and munitions has been the great cause of the expenditure of life which has occurred in the progress of this war. Had General Scott possessed enough of men, of transportation, and other supplies, to have advanced into the interior immediately, and after the battle of Cerro Gordo to have pressed close upon the retreating enemy, it is most probable that Santa Anna would have remained in his refuge at Orizaba, Scott's march have been unopposed, no fortifications erected around the capital, and the city of Mexico have surrendered without firing a gun. Sir, to secure peace, we must show our power to compel submission. Our weak columns have induced attacks. Our gallant soldiers outflanked, encircled—as it were engulphed in a sea of enemies—have been equal to the emergency. American valor has triumphed over every disparity; but they have done so at immense sacrifice of blood. Shall such sacrifice be demanded for the future? Shall treasure be weighed against the blood of our countrymen? Let us not, by delay, expose the lives of our patriot soldiers; defer the public necessity to discuss general positions of no applicability to the question before us. Those occasions on which our men have performed such prodigies were not anticipated until it was too late to give relief. We shall show ourselves more wise only by avoiding, in future, similar contingency.

The Secretary of War, with all the information before him—the Executive of the United States, with all the knowledge his position gives him—asks for these additional regiments. On what rule shall we determine the propriety of the demand? Sir, all history concurrently establishes the fact, that when civil governments at home attempt to direct military operations in a foreign country, failure is the result. Upon the generals must fall the responsibility of failure—upon their reports must decisions here, as to means, mainly rely. These come to us through the Executive and War Department. As to the special order for to-morrow, I will say that the Military Committee have certainly not sought any parliamentary advantage; nor have the Senators, with whom I have conversed, any wish or intention to prevent the Senator from South Carolina from discussing his resolutions. I shall be pleased to hear that distinguished Senator upon any great question; and certainly do not object to his offering his remarks upon his resolutions rather than upon the bill. Nor do I perceive any antagonism between the resolutions and the bill. I do not wish to annex the whole of Mexico, or govern it as a province. The President does not look to such end; nor, sir, does the sending of these troops, in my opinion, tend to it. To secure indemnity for the past, is more easy than to attain security for the future. This last object, and to leave behind us a republican government sufficiently stable to maintain treaty obligations, and give us some guaranty for the observance of neutral rights, are objects which I hope to see promoted by this addition to our army. To me it is easy to concur in the main proposition of the resolutions, and yet insist on the augmentation of our army, and refuse to withdraw our forces. I shall be pleased, as on other occasions, to hear the Senator from South Carolina; but, after his remarks, shall insist on resuming the consideration of the bill now before the Senate; leaving those who may wish to reply, to do so after the public service has been attended to; and when, for one, I shall be more willing to listen attentively to a general discussion.

Mr. SEVIER.—I hope this bill will be postponed, and made the special order at one o'clock on Wednesday.

Mr. CRITTENDEN.—I wish to make a single remark. I think that my honorable friend from Mississippi is a little mistaken in supposing that any of the disasters of this war are attributable to the tardy legislation on the part of Congress. I have been here the whole time, and if any blame is to be attached to Congress for tardy legislation, of course I must come in for my share of that blame. When was it that we have been guilty of any tardiness in granting any supplies of men or money that were demanded by the Executive? We began by authorizing the Executive to accept the services of fifty thousand volunteers, and that force was never exhausted until the fall of last year. There have been military resources open at all times to the President, which he might have exercised, and which he has exercised, by calling out men to serve during the war. This is the remark I intended to make. I am satisfied the honorable Senator meant no rebuke to the Senate; he has been more meritoriously engaged, and is evidently under a misapprehension if he supposes that any such charge can possibly be made upon Congress.

Mr. DAVIS.—It is very far from my intention to rebuke the Senate; but I believe that I am borne out in what I have stated by proof. We did pass a bill authorizing the raising of fifty thousand volunteers; but all other supplies were cut down—I mean camp and garrison equipage.

Mr. CRITTENDEN.—One word as to that—my recollection is fresh—that when the appeal was made for supplies, they were at once granted; there was not a dollar asked that was not granted, not an item of supply demanded that was reduced in amount. I think the Senate will find this to be the case. Not a dollar was refused. We were guided by the estimates that were furnished, and voted their full amount.

Mr. DAVIS.—I intended to refer the honorable Senator, when I was up, to an item that was stricken off from the Quartermaster's estimate.

Mr. CRITTENDEN.—I did not know any thing about that; it was not in this body.

Mr. DAVIS.—It was stricken off in the House of Representatives; the item was for camp and equipage supplies.

The question being taken on the postponement, it was agreed to.

EXECUTIVE SESSION.

The Senate then proceeded to the consideration of Executive business, and, after a short time spent therein, the doors were opened, and

The Senate adjourned.

TUESDAY, JANUARY 4, 1848.

PETITIONS.

Mr. STURGEON presented the petition of Jones and Baker, and others, praying the repayment of certain Treasury notes purloined from the post office. Mr. Speaker had been deputed by commission by mail; which was referred to the Committee on the Post Office and Post Roads.

Mr. HALE presented the petition of Henrick Aiker, praying an extension of his patent for an improvement in the saw-set; which was referred to the Committee on Patents and the Patent Office.

Mr. BELL presented the petition of Betsy McIntosh, a Cherokee, praying payment of the money awarded her by the Board of Cherokee Commissioners under the 17th article of the treaty of 1835; which was referred to the Committee on Indian Affairs.

Mr. CAMERON presented the petition of the Kennet Monthly Meeting of the Religious Society of Friends in Chester county, Pennsylvania, praying the abolition of slavery in the District of Columbia, and the slave trade between the States; also, the rejection of any proposition for the acquisition of territory, unless provision be made for the exclusion of slavery therefrom.

The motion to receive the memorial being objected to,

Ordered, That it lie on the table.

WAR MEETING IN PHILADELPHIA.

Mr. CAMERON, in presenting the proceedings of a town meeting in Philadelphia, held on the 18th December, 1847, approving the measures pursued by the administration in the prosecution of the war with Mexico, remarked that he agreed with those composing the meeting in every particular, and that he should deem it his duty, as a Senator, to act in accordance with their wishes.

RESOLUTIONS.

Mr. CASS submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War communicate to the Senate such military reports, letters, &c., as may have been received from the officers in Mexico since the communication of his annual report, and that the same be printed with his annual report.

Mr. BUTLER submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs inquire into the expediency of granting the President authority to commission, from the regular army, such officers as may think proper to tender their services to command, occasionally during the war, New Mexico, with power in the commander-in-chief to withhold the commission of any officer, at any time, during the war, or to terminate the same, at pleasure, and to withdraw the commissions, or any of the rights incident thereto.

Agreeably to notice, Mr. BREESE asked and obtained leave to bring in a bill to create the office of surveyor general of public lands in the Territory of Oregon, and to grant donation rights to settlers therein, and for other purposes; which was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

Mr. JOHNSON, of Maryland, gave notice of his intention to ask leave, at some future day, to introduce a bill.

Mr. BADGER, from the Committee on Military Affairs, to whom was referred the memorial of Charles L. Dell, reported a bill for his relief; which was read and passed to the second reading.

The engrossed bill for the relief of Joseph Wilson, was read a third time.

Resolved, That the said bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

The joint resolution to create a board to ascertain and determine the amount of each of the claims of the citizens of the United States against Mexico, was read a second time, and referred to the Committee on Foreign Relations.

The bill providing for the payment of the claim of Walter R. Johnson against the United States, was read the second time, and committed to a Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That the said bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

The Senate resumed as in Committee of the Whole, the consideration of the bill for the relief of the administratrix of Elisha L. Keen, deceased.

No amendment being made, the bill was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time.

Resolved, That the bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

The Senate proceeded to consider, as in Committee of the Whole, the bill concerning certain collection districts, and for other purposes; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

Resolved, That the bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

The Senate proceeded to consider, as in Committee of the Whole, the resolution in favor of David Shaw and Solomon T. Corser, and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said resolution was read a third time.

Resolved, That this resolution pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this resolution.

The bill for the relief of Thomas Rhodes was read the second time, and considered as in Committee of the Whole, and no amendment being made, it was reported to the Senate.

Mr. SEVIER called for the reading of the report. It was read by the Secretary.

Ordered, That the bill be engrossed and read a third time.

CONQUEST OF MEXICO.

On motion by Mr. SEVIER, the Senate proceeded to the consideration of the special order of the day, being the following resolutions, submitted by Mr. CALHOUN, on the 15th of December:

Resolved, That to conquer Mexico and to hold it, either as a province or to incorporate it in the Union, would be inconsistent with the avowed object for which the war has been prosecuted; a departure from the settled policy of the government; in conflict with its character and genius; and in direct subversion of our free and popular institutions.

Resolved, That no line of policy in the further prosecution of the war should be adopted which may lead to consequences so disastrous.

Mr. CALHOUN.—In offering, Senators, these resolutions for your consideration, I have been governed by the reason which induced me to oppose the war, and by the same considerations I have been ever since guided. In alluding to my opposition to the war, I do not intend to notice the reasons which governed me on that occasion, further than is necessary to explain my motives upon the present. I opposed the war then, not only because I considered it unnecessary and that it might have been easily avoided—not only because I thought the President had no authority to order a portion of the territory in dispute and in possession of the Mexicans, to be occupied by our troops—not only because I believe the allegations upon which it was sanctioned by Congress were unfounded in truth, but from high considerations of reasons and policy, because I believed it would lead to great and serious evils to the country, and greatly endanger its free institutions.

But after the war was declared, and had received the sanction of the government, I acquiesced in what I could not prevent, and which it was impossible for me to arrest; and I then felt it to be my duty to limit my course so as to give that direction to the conduct of the war as would, as far as possible, prevent the evil and danger with which, in my opinion, it threatened the country and its institutions. For this purpose, at the last session, I suggested to the Senate a defensive line, and for that purpose I now offer these resolutions. This, and this only, is the motive which governs me. I am moved by no personal or party considerations. My object is neither to sustain the Executive nor strengthen the opposition: but simply to discharge an important duty to the country. But I shall express my opinion on all points with boldness, and independence, such as becomes a Senator, who has nothing to ask, either from the government or from the people, and whose only aim is to diminish, to the smallest possible amount, the evils incident to this war. But, when I come to notice those points in

which I differ from the President, I shall do it with all the decorum which is due to the Chief Magistrate of the Union.

When I suggested a defensive line at the last session, this country had in its possession, through the means of its arms, ample territory, and stood in a condition to force indemnity. Before then the successes of our arms had gained all the contiguous portions of Mexico, and our army has ever since held all that it is desirable to hold—that portion whose population is sparse, and on that account the more desirable to be held. For I hold it in reference to this war, a fundamental principle, that when we receive territorial indemnity it shall be unoccupied territory. In offering a defensive line, I did it because I believed that in the first place it was the only certain mode of terminating the war successfully. I did it also, because I believed that it would be a vast saving of the sacrifice of human life; but above all, I did so because I saw that any other line of policy would expose us to tremendous evil, which these resolutions were intended to guard against. The President took a different view. He recommended a vigorous prosecution of the war—not for conquest—that was disavowed—but for the purpose of conquering peace: that is, to compel Mexico to sign a treaty making a sufficient cession of territory to indemnify this government both for the claims of its citizens and for the expenses of the war. Sir, I opposed this policy. I opposed it among other reasons, because I believed that if the war should be ever so successful, there was great hazard to us at least, that the object intended to be effected by it would not be accomplished. Congress thought differently. Ample provisions in men and money were granted for carrying on the war. The campaign has terminated. It has been as successful as the Executive of the country could possibly have calculated. Victory after victory has followed in succession without a single reverse. Santa Anna was repelled and defeated with all his forces—Vera Cruz was taken and the castle with it. Jalapa, Perote, and Puebla fell, and after two great triumphs of our army, the gates of Mexico opened to us. Well, sir, what has been accomplished? What has been done? Has the avowed object of the war been attained? Have we conquered peace? Have we obtained a treaty? Have we obtained any indemnity? No, sir; not a single object contemplated has been effected, and what is worse, our difficulties are greater now than they were then, and the objects, forsooth, more difficult to reach than they were before the campaign commenced.

Now, Senators have asked what has caused this complete discomfiture of the views of the Executive for which men and money were granted? It is not to be charged to our troops—they have done all that skill and gallantry was capable of effecting. It must be charged somewhere, and where is it to be charged, but upon the fact that the plan of the campaign was erroneous—that the object pursued was a mistake. We aimed at indemnity in a wrong way. If we had aimed directly to it, we had the means to accomplish it directly—they were in our hands. But, sir, we aimed at indemnity through a treaty. We could not reach it by a treaty with Mexico, and Mexico by refusing to treat simply, could defeat the whole object which we had in view. We put out of our own power and into her hands to say when the war should terminate. We have, for all our vast expenditure of money, for all the loss of blood and men, we have nothing but the military glory which the campaign has furnished. We cannot, I presume, estimate the expenses of the campaign at less than $40,000,000, (I cannot compute the sum with any degree of precision, but I believe I may say about that sum,) and between the sword and disease, many thousand of lives, probably five, six, or seven thousand have been sacrificed; and all this for nothing at all.

But it is said that the occupancy of a defensive line would have been as expensive as the campaign itself. The President has assigned many reasons for that opinion, and the Secretary of War has done the same. I have examined these reasons with care. This is not the proper occasion to discuss them; but I must say, with all possible deference, they are to my mind utterly fallacious. I will put the question in a general point of view, and satisfy the minds of Senators that such is the case. The line proposed by myself, extending from the Pacific Ocean to the Paso del Norte, would have been covered by the Gulf of California and a wilderness peopled by hostile tribes of Indians; and for its defence, nothing would have been needed beyond a few vessels of war stationed in the Gulf, and a single regiment. From the Paso del Norte to its mouth, we can readily estimate the amount of force necessary for its defence. It was a frontier between Texas and Mexico when Texas had not more than 150,000 of a population—without any standing army whatever, and very few troops. Yet for seven years Texas maintained that frontier line; and that too, when Mexico was far more consolidated than she is now; when her revolutions were not so frequent, her resources in money were much greater, and Texas her only opponent. Can any man believe that Mexico, exhausted as she now is—prostrated as she has been—defeated—can any man believe that it will cost as much to defend that frontier as the last campaign has cost. I will not say, I would hazard nothing in asserting that the very interest of the money spent in the last campaign, would have secured that line for an indefinite period, and that the men who have lost their lives would have been more than sufficient to defend it.

So much for the past. We now come to the commencement of another campaign; and the question is, what shall be done? The same measures are proposed. It is still "a vigorous prosecution of the war." The measures are identically the same. It is not for conquest—that is now as emphatically disowned as it was in the first instance. The object is not to blot Mexico out of the list of nations; for the President is as emphatic in the expression of his desire to maintain the nationality of Mexico. He desires to see her an independent and flourishing community, and assigns strong and cogent reasons for all that. Well, sir, the question is now, what is to be done? We are now coming to the practical question. Shall we aim at carrying on another vigorous campaign under present circumstances.

I have examined this question with care, and I repeat, that I cannot support the recommendations of the President. There are many and powerful reasons, stronger than those which existed at the commencement of the last campaign, to justify my opposition now. There is a bill for ten additional regiments now before the Senate, and another bill providing for twenty regiments of volunteers has been reported, making in all not less, I suppose, than twenty-five thousand troops, raising the number of troops in the service, as I presume the chairman of the Committee on Military Affairs can inform you, to not much less than seventy thousand in the whole. Well, sir, the expense will be much more than that of the last campaign. It will cost not much short of sixty millions of dollars.

To meet so large an expenditure would involve, in the present and prospective condition of the money market, it is to be apprehended, not a little embarrassment. Last year money was abundant, and easily obtained. An unfortunate famine in Europe created a great demand for our agricultural products. That turned the balance of trade greatly in our favor, and specie poured into the country with a strong and steady current. No inconsiderable portion of it passed into the Treasury, through the duties, which kept it full, in spite of the large sums remitted to meet the expenses of the war. The case is different now. Instead of having a tide flowing in, equal to the drain flowing out, the drain is now both ways. The exchanges are now against it, instead of being in our favor, and instead of specie flowing into the country from abroad, it is flowing out. In the meantime, the price of stocks and Treasury notes, instead of being at or above par, have both fallen below, to a small extent. The effects of the depreciation of Treasury notes will cause them to pass into the Treasury in payment of the customs and other dues to the government, as the cheaper currency, instead of gold and silver; while the expenses of the war, whether paid for by the transmission of gold and silver direct to Mexico, or by drafts drawn in favor of British merchants or other capitalists there, will cause whatever specie may be in the vaults of the Treasury to flow from it, either for remittance direct, on account of the ordinary transactions of the country, or to pay the drafts which may be drawn upon it, and which, when paid in the present state of exchanges, will be remitted abroad. But this process of paying in Treasury notes, instead of gold and silver, and gold and silver flowing out in both directions, cannot continue long without exhausting its specie, and having nothing to meet the public expenditure, including those of the war, but Treasury notes. Can they, under such circumstances, preserve even their present value? Is there not great danger that they will fall lower and lower, and finally involve the finances of the government and the circulation of the country in the greatest embarrassment and difficulty?

Now, sir, in this state of things, what can possibly follow? A great commercial crisis—a great financial crisis—even, possibly, a suspension of the banks. I do not pretend to deal in the language of panic. But there is danger of all this, of which there was not the slightest apprehension at the commencement of the last session. At present there is great danger. The great difficulty in prosecuting your campaign will be to obtain money. Men you may raise, but money it will be difficult to get. I lately conversed with a gentleman who ought to know these things better than myself, and he supposed that forty millions of dollars would be required, either in the shape of Treasury notes or stocks, to carry on the campaign. I asked at what price money could be had, and the answer was that it would be at the rate of ninety for one hundred, which would be rather more than seven per cent. I believe.

But, sir, these are not the only objections, formidable as they are. The farther you proceed, the difficulties will increase. I do not see the slightest chance that can tend to the realization of what it is avowed, the prosecution of the war is intended to accomplish. The object is to obtain a treaty. We no longer hear of conquering a peace, but of obtaining an honorable treaty—the meaning of which, is neither more nor less than that we are to obtain a treaty from Mexico, giving us a cession of land equal to the whole indemnity already stated in the former part of my remarks. Well, sir, as it strikes me, whether the war is successful or unsuccessful, it must certainly end in the defeat of the object, for the attainment of which it is avowedly prosecuted. If the war be unsuccessful, I need not argue the point. If we should be baffled in our arms—as I trust we will not be, and I think is not very likely to be the case—if circumstances should prove unfortunate for us, and we should not be able to accomplish, in a military point of view, what is characterized as the vigorous prosecution of the war, then certainly there will be no treaty. I take higher ground. I insist upon it that the more successfully this war is prosecuted, the more certain will be the defeat of the objects designed to be accomplished, whilst the objects disavowed will be accomplished. How is a successful war to be carried on? What is the object of it? What is it intended to effect? I can see but one thing to be effected. It is to suppress all resistance in Mexico, to overpower and disperse her army, to overthrow her civil government, and to leave her without any farther power of resistance. Well Mr. President, if that be done, what is the re-

ade? How are you to get an honorable peace? It takes but one party to make war—two parties to make peace. If all authority in Mexico be overthrown, if there be no legitimate power with whom to negotiate, how are you to accomplish those objects which it is proclaimed the vigorous prosecution of the war is intended to effect. Sir, you are defeated by your success. That will be the clear and inevitable result. But what do you accomplish? The very objects which you disavow! For if the war should be so prosecuted, where will be the nationality of Mexico? Where her separate existence? Where this free republic with whom you desire to treat? Gone! We have blotted her out of the list of nations. She has become a mere mass of individuals without any political existence, and the sovereignty of the country, at least, for the time being, is transferred to us. Now, Mr. President, this is not only a conclusion from reasoning upon this subject, but it is one to which, if I understand the President aright, he comes with a single exception, and that, a mere contingency not likely to take place. The President has very much the same conception of the object of a vigorous war as I have presented. He says that the great difficulty of getting peace results from this, that the people of Mexico are divided under factious chieftains, and that the chieftain in power dare not give peace because his rival would then be able to turn him out; and that the only way to remedy this evil and obtain a treaty, is to put down the whole of them. Well, what is to be done then? Is the thing to stop there? No. We are then to build up again and establish, under our power and protection, a republican form of government from the citizens who are well disposed, which he says are numerous, and are prevented from obtaining it only by fear of those military chiefs. And it is with this government, sir, which is to grow up under the encouragement and protection of our army—to be established by their authority—that it is proposed to treat in order to obtain peace. I must confess I am a little at a loss to see how a free and independent republic can grow up under the protection and authority of its conqueror. I do not see how such a government can be established under his authority. I can readily understand how an aristocracy—how a kingly government—a despotism, might be established by a conqueror. But how a free and independent republic can grow up under such circumstances, is to me incomprehensible. I had always supposed that republican government was the spontaneous work of the people—that it came from the people—from the hearts of the people—that it was supported by the hearts of the people, and that it required no support—no protection from any quarter whatever. But, sir, it seems that these are antiquated notions—obsolete ideas—and that we may now manufacture republics to order, by authority of a conquering government.

But suppose, sir, all these difficulties surmounted. How can you make a free government in Mexico? Where are your materials? It is to be, I presume, a confederated government like our own. Where is the intelligence in Mexico adequate to the construction of such a government? That is what she has been aiming at for twenty-odd years, but so utterly incompetent are her people for the work, that it has been a complete failure from beginning to end. The great body of the intelligence and wealth of Mexico is concentrated in the priesthood, who are altogether disinclined to that form of government. Then the owners of the haciendas—the large planters of the country, who comprise almost all the remaining mass of intelligence, are without opportunities of concert and destitute of the means of forming such a government. Sir, such a government would be impossible—and if put up, would tumble down the very next day after our protection was withdrawn.

It appears to me to be a far more plausible plan, if it is determined to have peace, to sustain the government that now exists in Mexico; or rather to refrain from putting it down. Let it grow up and mature itself. I have conversed with several officers of the army—men of intelligence—on the subject, and all agree in the opinion that the mere shadow of a government which now remains at Queretaro, will have no authority whatever; and that if we were to make a peace in any degree conformatory to our view of what a peace ought to be, the very moment we withdraw, it would all be overthrown; and what then? The very country assigned to us by the peace for an indemnity, we must either hold defensively and be brought back ultimately to the defensive line, which would be the end of the whole of it; or, return and renew this war till it terminates in the conquest of the country.

I protest utterly against this government undertaking to build up any government in Mexico with the pledge of protection. The party placed in power must be inevitably overthrown, and we will be under the solemn obligation to return and reinstate them in power, and that would occur again and again, till the country would fall into our hands precisely as Hindostan fell into the hands of the English. This very conquest of Hindostan, which we have been censuring for years and years, ever since I recollect, was the result of mistaken policy, leading on from step to step, each one deeper and deeper—scarcely any design of conquest being entertained, but ultimately conquest became unavoidable, and it was necessary not to hold the country, but to conquer the adjacent territory.

Well, sir, if this contingency follows—if the Executive fails in establishing another government there under our encouragement and protection, and if the government itself shall refuse to make a treaty with us on such terms as we will accept in regard to indemnity, then the President himself agrees that he must take the very course which I have said would be the inevitable consequence of a vigorous prosecution of the war. The President says in substance, after having attempted to build up such a government—after having employed the best efforts to secure peace upon the most liberal terms, if all fail—I now give his own words—if all fail, we must hold on to the occupation of the country, we must take the measure of indemnity into our own hands, and enforce such terms as the honor of the country demands. Now, sir, what is this? Is it not an acknowledgment, that if this factitious government, which is aimed at, cannot be built up, we must make a conquest of the whole country and occupy it? Can words be stronger? "Occupy the country"—take the full measure of indemnity—no defensive line—no treaty—and enforce terms—terms on whom? On the government? No, no, no. It is to enforce the terms on the people individually; that is to say, to establish a government over them in the form of provinces.

Well, the President is right. If in the vigorous prosecution of the war, as the President proposes, the contingency should fail—and the chances of its failure are many—there will be no retreating. Every act against calling back the army, as they designate it—against taking a defensive line, which is now advanced, will have double force after you have spent sixty millions of dollars, and have acquired possession of the whole of Mexico. The interests in favor of keeping us there will be much more influential then than now. The army itself will be larger. Those who live by war—a large and powerful body—the numerous contractors, the sutlers, the merchants, the speculators in the lands and mines of Mexico, and all engaged every way, directly or indirectly, in the progress of the war, and absorbing the whole expenditures, will be all adverse to retiring, and will swell the cry in favor of continuing and extending conquest. The President talks, sir, of taking indemnity into our hands, then; but why not take indemnity now? We are much nearer indemnity now than we will be at the end of the next campaign, when we shall have sixty millions added to the expenditure of the last forty. What will you then have to indemnify you? Nothing but a Mexican population, on whom you are to impose taxation in all forms and shapes, and amongst which you will have to maintain an army of at least forty thousand men, according to the Senator from Mississippi, (Mr. DAVIS,) not a very large number; for he says that the 43,000 men now there are in danger. Then there is no indemnity at all. You will never get enough in that way to meet your expenditures. It will all have to come out of the pockets of the people of the United States; and after all the talk of indemnity—of pushing on this war vigorously to success—at the end of the next campaign, instead of indemnity, you will have a heavy pecuniary burden imposed upon the present and succeeding generation.

Well, we have now come to the solemn question proposed by these resolutions. I have shown where this line of policy will, in all probability, lead you—I may say, will inevitably lead you, unless some unexpected contingency should prevent. It will lead to the blotting out of the nationality of Mexico, and the throwing of eight or nine millions of people, without a government, on your hands. It will compel you, in all probability, to assume the government, for, I think, there will be very little prospect of your retiring. You must either hold the country as a province, or incorporate it into your Union. Shall we do either? That's the question. Far from us be such an act, and for the reasons contained in the resolutions.

The first of these reasons is this: It would be inconsistent with the avowed object for which the war was prosecuted. That needs no argument after what has been said. Since the commencement of the war till this moment, every man has disavowed the intention of conquest—of extinguishing the existence of Mexico as a people. It has been constantly proclaimed that the only object was indemnity. And yet, sir, as events are moving on, what we disavow may be accomplished, and what we have avowed may be defeated. Sir, this result will be a dark and lasting imputation on either the sincerity or the intelligence of this government; on its sincerity because so opposite to your own avowals; on your intelligence for the want of a clear foresight in so plain a case, as not to discern the consequences.

Sir, we have heard how much glory our country has acquired in this war. I acknowledge it to the full amount, so far as military glory is concerned. The army has done nobly—chivalrously—they have conferred honor on the country, for which I sincerely thank them.

I believe all our thanks will be continued to the army. So far as I know in the civilized world, there is no approbation of the conduct of the civil portion of our power. On the contrary, every where the declaration is made that we are an ambitious, unjust, hard people, more given to war than any other people of modern times. Whether this be true or not, it is not for me to inquire.—I am speaking now merely of the reputation which we bear abroad. Everywhere, I believe, for as much as we have gained in military reputation abroad, I regret to perceive, we have lost in our political and civil reputation. Now, sir, much as I regard military glory—much as I rejoice to behold our people in possession of the indomitable energy and courage which surmount all difficulties, and which class them among the first military people of the age, I would be very sorry indeed that our government should lose any reputation for wisdom, moderation, discretion, justice, and those other high qualities which have distinguished us in the early stages of our history.

The next reason which my resolutions assign is, that it is without example or precedent, either to hold Mexico as a province, or to incorporate her into our Union. No example of such a line of policy can be found. We have conquered many of the neighbor-

ing tribes of Indians, but we never thought of holding them in subjection—never of incorporating them into our Union. They have either been left as an independent people amongst us, or been driven into the forests.

I know farther, sir, that we have never dreamed of incorporating into our Union any but the Caucasian race—the free white race. To incorporate Mexico, would be the very first instance of the kind of incorporating an Indian race, for more than half of the Mexicans are Indians, and the residue is composed chiefly of mixed blood. I protest against such a union as that! Ours, sir, is the government of the white man. The greatest misfortunes of Spanish America are to be traced to the fatal error of placing these colored races on an equality with the white race. That error destroyed the social arrangement which formed the basis of society. The Portugese and ourselves have escaped—the Portugese at least to some extent—and we are the only people on this continent which have made revolutions without being followed by anarchy. And yet it is professed and talked about to erect these Mexicans into a territorial government, and place them on an equality with the people of the United States. I protest utterly against such a project.

Sir, it is a remarkable fact, that in the whole history of man, as far as my knowledge extends, there is no instance whatever of any civilized colored race being found equal to the establishment of free popular government, although by far the largest portion of the human family is composed of these races. And even in the savage state we scarcely find them any where with such government, except it be our noble savages—for noble I will call them. They for the most part had free institutions, but they are easily sustained amongst a savage people. Are we to overlook this fact? Are we to associate with ourselves as equals, companions, and fellow-citizens, the Indians and mixed race of Mexico? Sir, I should consider such a thing as fatal to our institutions.

The next two reasons which I assigned, were, that it would be in conflict with the genius and character of our institutions, and subversive of our free government. I take these two together as they are so intimately connected; and now of the first—to hold Mexico in subjection.

Mr. President, there are some propositions too clear for argument; and before such a body as the Senate, I should consider it a loss of time to undertake to prove that to hold Mexico as a subjected province would be hostile, and in conflict with our free popular institutions, and in the end subversive of them. Sir, he who knows the American constitution well—he who has duly studied its character—he who has looked at history, and knows what has been the effect of conquests of free states invariably, will require no proof at my hands to show that it would be entirely hostile to the institutions of the country, to hold Mexico as a province.—There is not an example on record any free state even having attempted the conquest of any territory approaching the extent of Mexico without disastrous consequences. The nation conquered have in time conquered the conquerors by destroying their liberty. That will be our case, sir. The conquest of Mexico would add so vast an amount to the patronage of this government, that it would absorb the whole power of the States in the Union. This Union would become imperial, and the States mere subordinate corporations. But the evil will not end there. The process will go on. The same process by which the power would be transferred from the States to the Union, will transfer the whole from this department of the government (I speak of the legislature) to the Executive. All the added power and added patronage which conquest will create, will pass to the Executive.—In the end you put in the hands of the Executive the power of conquering you. You give to it, sir, such splendor, such ample means, that, with the principle of proscription which unfortunately prevails in our country, the struggle will be greater at every presidential election than our institutions can possibly endure. The end of it will be, that that branch of the government will become all-powerful, and the result is inevitable—anarchy and despotism. It is at certain as that I am this day addressing the Senate.

Sir, let it not be said that Great Britain furnishes an example to the contrary—that she holds provinces of vast extent of population without materially impairing the liberty of the citizen, or exposing her to anarchy, confusion, or corruption. It is so; but what is the explanation? Of all governments that ever existed affording any protection whatever to liberty, the English government far transcends them all in that respect. She can bear more patronage in proportion to her population and wealth than any government of that form that ever existed, nay, to go farther, than can despotism in its most absolute form. I will not go into the philosophy of this; that would take me farther from the track than I desire. But I will say in a very few words, it results from the fact that her Executive and the House of Peers, the conservative branch of her government, are both hereditary. The Roman government may have exceeded, and did exceed, the British government in its power for conquest; but no people ever did exist, and probably never will exist, with such a capacity for conquest as that people. But the capacity of Rome to hold subjected provinces, was as nothing compared to that of Great Britain, and hence, as soon as the Roman power passed from Italy beyond the Adriatic on one side, and the Alps on the other, and the Mediterranean, their liberty fell prostrate—the Roman people became a rabble—corruption penetrated every where, and violence and anarchy ruled the day. Now, we see England with dependent provinces of vastly greater territorial extent, and probably not less in population—I have not examined—we see her going on without impairing personal liberty, or exposing the government to violence or anarchy. Yet the English have not wholly escaped. Although they have retained their liberty and have not fallen into anarchy and despotism, yet we behold the population of England crushed to the earth by the super-incumbent weight of debt. Reflecting on that government, I have often thought that there was only one way in which it could come to an end—that the weight of the superstructure would crush the foundation—that the wealth accumulated, in part by these very conquests, by the higher classes would crush the laboring masses below. But has she obtained indemnity from all her subjected provinces? On the contrary, instead of drawing the means of supporting herself from them, has she not been compelled to resort to the labor of her own population to hold them in subjection? And has she not thrown a burden upon them, which, with all their industry and skill—with all their vast accumulation of capital and power of machinery, they are incapable of bearing without being reduced to poverty? Take even her earliest and nearest conquest—the neighboring island of Ireland—is it not to this day a source of heavy expense, and a burthen to her, instead of a source of revenue?

But while the English government has such vast power of holding subjected provinces in subjection without impairing her liberty—without the evils incident to it, our government, of all free governments that ever existed, has the least capacity to bear patronage proportionate to its wealth and power. In this respect the genius of the two governments is precisely the opposite, however much alike in their exterior forms, and their laws and customs. The cause of this difference I cannot undertake to explain on the present occasion, but must content myself by saying that it results from its federal character and the nature of its conservative principles. Shall we, then, with these certain and inevitable consequences in a government better calculated to resist them than any other, adopt such a ruinous policy, and reject the lessons of experience? So much then, Mr. President, for holding Mexico as a province.

I come now to the proposition of incorporating her into our Union. Well, as far as law is concerned, that is easy. You can establish a territorial government for every state in Mexico, and there are some twenty of them. You can appoint governors, judges and magistrates. You can give the people a subordinate government, allowing them to legislate for themselves, whilst you defray the cost. So far as law goes the thing is done. There is no analogy between this and our territorial governments. Our territories are only an offset of our own people, or foreigners from the same regions from which we came. They are small in number. They are incapable of forming a government. It would be inconvenient for them to sustain a government, if it were formed; and they are very much obliged to the United States for undertaking the trouble, knowing that on the attainment of their majority—when they come to manhood—at twenty-one—they will be introduded to an equality with all the other members of the Union. It is entirely different with Mexico. You have no need of armies to keep your territories in subjection. But when you incorporate Mexico, you must have powerful armies to keep them in subjection. You may call it annexation, but it is a forced annexation which is a contradiction in terms, according to my conception. You will be involved, in one word, in all the evils which I attribute to holding Mexico as a province. In fact, it will be but a provincial government, under the name of a territorial government. How long will that last? How long will it be before Mexico will be capable of incorporation into our Union? Why, if we judge from the examples before us, it will be a very long time. Ireland has been held in subjection by England for seven or eight hundred years; and yet still remains hostile, although her people are of kindred race with the conquerors. A few French Canadians on this continent yet maintain the attitude of a hostile people; and never will the time come, in my opinion, Mr. President, that these Mexicans will be heartily reconciled to your authority. They have Castilian blood in their veins—the old Gothic, quite equal to the Anglo-Saxon in many respects—in some respects superior. Of all nations of the earth, they are the most pertinacious—have the highest sense of nationality—hold out longest, and often even with the least prospect of effecting their object. On this subject also I have conversed with officers of the army, and they all entertain the same opinion—that these people are now hostile, and will continue so.

But, Mr. President, suppose all these difficulties removed. Suppose these people attached to our Union, and desirous of incorporating with us, ought we to bring them in? Are they fit to be connected with us? Are they fit for self-government and for governing you? Are you, any of you, willing that your States should be governed by these twenty odd Mexican States, with a population of about only one million of your blood, and two or three millions of mixed blood, all the rest being pure Indians, not equal to the Cherokees or Choctaws?

We make a great mistake, sir, when we suppose that all people are capable of self-government. We are anxious to force free government on all; and I see that it has been urged in a very respectable quarter, that it is the mission of this country to spread civil and religious liberty over all the world, and especially over this continent. It is a great mistake. None but people advanced to a very high state of moral and intellectual improvement are capable, in a civilized state, of maintaining free government; and amongst those who are so purified, very few indeed, have had the good fortune of forming a Constitution capable of endurance. It is a remarkable fact in the history of man, that scarcely ever have

free popular institutions been formed by wisdom alone that have endured.

It has been the work of fortunate circumstances or a combination of circumstances, a succession of fortunate incidents of some kind, which give to any people a free government. It is a very difficult task to make a constitution to last, though it may be supposed by some, that they can be made to order, and furnished at the shortest notice. Sir, this admirable constitution of our own was the result of a fortunate combination of circumstances. It was superior to the wisdom of the men who made it. It was the force of circumstances which induced them to adopt most of its wise provisions. Well, sir, of the few nations who have the good fortune to adopt self-government, few have had the good fortune long to preserve that government; for it is harder to preserve than to form it. Few people, after years of prosperity, remember the tenure by which their liberty is held; and I fear, Senators, that is our own condition. I fear that we shall continue to involve ourselves until our own system becomes a ruin. Sir, there is no solicitude now for liberty. Who talks of liberty when any great question comes up? Here is a question of the first magnitude as to the conduct of this war. Do you hear anybody talk about its effect upon our liberties and our free institutions? No, sir. That was not the case formerly. In the early stages of our government the great anxiety was how to preserve liberty. The great anxiety now, is for the attainment of mere military glory. In the one we are forgetting the other. The maxim of former times was, that power is always stealing from the many to the few; the price of liberty was perpetual vigilance. They were constantly looking out and watching for danger. Then, when any great question came up, the first inquiry was, how it could affect our free institutions—how it could affect our liberty. Not so now. Is it because there has been any decay of the spirit of liberty among the people? Not at all. I believe the love of liberty was never more ardent, but they have forgotten the tenure of liberty by which alone it is preserved.

We think we may now indulge in everything with impunity, as if we held our charter of liberty by "right divine"—from Heaven itself. Under these impressions we plunge into war, we contract heavy debts, we increase the patronage of the Executive, and yet even talk of a crusade to force our institutions, our liberty, upon all people. There is no species of extravagance which our people imagine will endanger their liberty in any degree. But it is a great and fatal mistake. The day of retribution will come. It will come as certainly as I am now addressing the Senate, and when it does come, awful will be the reckoning; heavy the responsibility somewhere!

Mr. President, with these impressions I cannot approve of the policy recommended by the Executive, nor can I, with my present views, support it. The question is now, what shall be done? It is a great and difficult question, and it is daily becoming more and more difficult. What is to be done? Sir, that question ought not to be for me to answer. I, who have used every effort in my power to prevent this war, and after its commencement have done everything in my power to diminish the evil to the smallest possible amount. But I will not shrink from any responsibility, whether it properly belongs to me or not. After saying that I cannot support the course recommended by the Executive, I will proceed to state that which I would propose as the best to be pursued. Well, then, I will say that there is not the smallest chance of our disentangling ourselves from this Mexican concern which threatens us so much—there has not been, in my opinion, the smallest chance, from the commencement of the war until this time, but by taking a defensive line, doing that now which the President recommends should be done finally after the conquest, and taking indemnity into our own hands. To do this depends on our own volition, and not on the fleeting consent of Mexico. Sir, if time had been allowed to the Senate when the message of the President recommending war was before them, if time had been allowed to the Senate, I would have announced the course of policy which I thought right, but time was not permitted. My opinion was, that we should have simply voted Taylor the means of defending himself. That ought to have been done. There then should have been a solemn report from the proper committee, going into all the circumstances, showing that the republic of Mexico had not yet recognized these hostilities—recommending a provisional army to be directed to a proper point, giving time to the Mexican Congress and Mexican people to have considered whether they would avow or disavow the attacks upon us; and if no satisfaction were obtained, not to make war in this set form, but seize upon the portions of the country contiguous and most convenient to us, and then have assumed the defensive line. These are my views, but unfortunately, we were all acting here under an urgency without time to reflect. We were pushed on, and told, if you do not act to-day nothing can be done.

Well now, sir, as to where the defensive line should be at the present time, I do not presume to offer an opinion. I suggested a line at the last session. I am not prepared to say what would be the proper one at the present time, but I do say that we must vacate the central parts of Mexico. We must fall back, if you choose to use that word, or take a line that shall cover ample territory for indemnity.

For my part, I am not for charging Mexico with the whole expense of the war, but I would take ample territory, and hold it subject to negociation. Now, sir, I know it will be said that this will be as expensive as the war. I think I have said enough to show that that cannot be, that it will fall far short of it; but I will not repeat the argument. But admitting it should, admitting that by no means concludes the argument, for the sacrifice of men would be infinitely less, and, what is more important, you will thereby be able to disentangle yourselves. That is the only way by which it can be done. You are tied as a present to a corpse! My object is to get rid of it as soon as possible.

I look not to Mexico; I look to our own country and her institutions. I look to the liberty of this country and nothing else. Mr. President, if we but preserve our liberty by a proper course of moderation, acting justly towards our neighbor, and wisely in regard to ourselves—if we remain quiet, resting in an able and masterly inactivity, and let our destinies work out their own results, we shall do more for liberty, not only for ourselves but for the example of mankind, than can be done by a thousand victories.

Sir, I find I am becoming old; I almost feel that I live among strangers. If I have expressed anything that is uncongenial to the feelings of this body, put it down as proceeding from the old associations of thirty or thirty-five years ago, which are still clinging around me. Sir, this is not the first time that I have taken my stand against war. When General Jackson recommended letters of marque and reprisal against France, I arose alone in the Senate and remonstrated against such injustice. And, in point of fact, the treaty which was subsequently concluded with France, was ratified with the express understanding, which was known to our government when the treaty was formed, that it would require a vote of the Chambers on the part of France to sustain it, as it would require a vote to sustain it on the part of this country; and that they were no further responsible than to use their best efforts to obtain that vote. And yet, though it was acknowledged that the Executive of France had done all in his power to obtain that vote, we were nearly pushed into a war. Nothing but the interposition of Great Britain prevented it. As for myself, standing on this side of the Chamber, I raised my voice singly against it.

Mr. President, in my opinion all parties are interested in giving this matter the only direction that can be given to it with any prospect of a favorable result. Let me say to the friends of the administration, if you go on and some accident does not meet you, if you go on in the prosecution of this war from year to year, you will find that it will overthrow you. Do you not see that as far as the internal affairs of the government are concerned, you are reversing the policy of which you have heretofore professed to be the advocates. What party has been opposed to the re-creation of a great national debt? The democratic or republican party? Well, sir, this war is involving you in a greater debt than the opposite party could have done, perhaps, in any circumstances short of war. This very campaign, which you look upon so lightly, will be almost as great a charge upon the country as the debt of the revolution. What party has always been against the extension of the patronage of the Executive? Well, sir, you are doing more towards the extension of that patronage, and, above all, towards the continuance of that extension, than has been done under our government. Well, sir, what party professes to be most in favor of a metallic currency? And do you not see that as your treasury notes and stocks accumulate, you are in danger of being plunged again into the paper system to the utmost extent? What party has been always in favor of free trade? Do you not see that by accumulating charges and burdens upon the people by the debts which have now been contracted, that you never will, during your time, have an opportunity of making any considerable reduction in the tariff?

Sir, I know what is at the bottom of the course of policy which is recommended to be pursued. It is that pride of opinion to which we are all subject. No doubt it was thought that that course of policy would lead to the consequences which were contended for; but it has not. But, sir, the alternative is pressing. You will have but the choice between that and worse, in my opinion. It is magnanimous and honorable to retract when a course of policy which has been pursued turns out to be wrong. It would do great credit to the party in power to act now precisely as they would have acted if they had had all the lights of experience at the commencement of this war which they now have. It would be doing a high act of patriotism, to sacrifice their feelings of individual pride to the good of the country.

Now let me say that in asserting that a defensive line was the only alternative to the plan recommended by the President, I have put out of the question the course which most of you advocate—taking no indemnity of territory; because, I believe that the voice of the country has decided irrevocably against it; and that to keep it as the alternative would but render more certain the adoption of the policy recommended by the Executive and in consequence the conquest of the whole country. Let me say further, to my friends, on the other side of the Chamber, for I regard them as such—(it is our good fortune to differ in politics here, without permitting our personal feelings to be affected)—that they have contributed by their course to give the public opinion that strong and fixed determination, not to terminate the war without some suitable indemnity. I do not allude to your voting on the bill recognizing the existence of war between the republic of Mexico and the United States. No one knows better than myself, that you voted for the bill with the view of furnishing immediate relief to General Taylor and his army—and not in reference to the war—that you even protested and remonstrated against that interpretation being put upon your vote. But after the bill passed, and the war was authorized, most of you have continued to vote appropriations to prosecute the war with the object expressed of acquiring territory as an indemnity. Now, I must say, I cannot see how the two can be reconciled—how you vote to acquire territory can be justified, and a

the same time your opposition to the acquisition of territory as means of indemnity, when it is acknowledged on all sides, that that is the only means by which it can be acquired. The people will find it had to believe that it was necessary to vote so much money for the purpose of getting territory for indemnity, which you intend to throw away when you get it! But, whatever may be the causes which have led to this state of public opinion, it has, beyond all doubt, decided against any conclusion of this war that does not involve territorial indemnity to some extent. Hence, I repeat the alternative whether this war shall go on and consummate itself, is between taking a defensive line and adopting the course pointed out by the Executive, and that the decision must be made now; for if it be passed over until another session, the end will be, I doubt not, the subjugation of the whole country, thereby involving us in all the difficulties and dangers which must result from it.

Now, I have delivered my opinion with that candor and frankness, which, I hope, become my position on this floor. I shall now propose nothing, but if I find that I can be supported in these my views, I will undertake to raise a committee to deliberate, after consulting with those officers who are now fortunately in this city, upon the best defensive line that can be taken. If it should be fortunately adopted, we may not get peace immediately; the war may continue for some years, but be that as it will, we will accomplish that all-important consideration, the extrication of ourselves and the country from this entanglement with Mexico.

Mr. SEVIER moved to lay the resolution upon the table.

Upon this motion the yeas and nays were demanded.

Mr. CALHOUN said he hoped the motion would be allowed to prevail. It was perfectly right in the present circumstances that the motion should prevail. He would take it as a personal favor that no opposition should be offered to it.

Mr. SEVIER observed that it was, of course, to be expected that this speech would be replied to; but he was desirous that this debate should be suspended for a time, in order to proceed with the consideration of the army bill.

The motion to lay on the table was then agreed to.

EXECUTIVE SESSION.

The Senate then proceeded to the consideration of Executive business, and after some time spent therein, the doors were opened, and

The Senate adjourned.

WEDNESDAY, JANUARY 5, 1848.

COMMUNICATION FROM THE TREASURY.

The VICE PRESIDENT laid before the Senate a report of the Treasurer of the United States, accompanied by accounts of receipt and disbursements for the Post Office Department for the year ending 30th June, 1847.

PETITIONS.

Mr. HALE presented the petition of the heirs of Moses White deceased, a revolutionary officer, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. DICKINSON presented additional documents in relation to the removal of John Lorimer Graham; which were referred to the Committee on the Post Office and Post Roads.

Mr. ATCHISON presented the petition of the widow and legal representatives of Reuben Lassater, deceased, praying compensation for a slave shot by a party of volunteers in the service of the United States in the Seminole war; which was referred to the Committee of Claims.

Mr. SEVIER presented the petition of Albert Pike, praying that compensation may be made to a company of Arkansas cavalry, commanded by him, for horses lost or stolen while in the service of the United States; which was referred to the Committee on Military Affairs.

Mr. CAMERON presented the petition of Susan C. Randall, widow of Archibald Randall, late District Judge of the United States for the Eastern District of Pennsylvania, praying compensation for services rendered by her late husband as Circuit Judge; which was referred to the Committee on the Judiciary.

Mr. CASS presented the petition of William Woodbridge and Henry Chipman, late Judges of the United States, in the Territory of Michigan, praying compensation for services not incident to their judicial office, which was referred to the Committee on the Judiciary.

Mr. DIX presented the petition of Mary M. Foot, widow of Lyman Foot, late a Surgeon in the army, praying that provision may be made for herself and family, in consequence of the death of her husband, while in the discharge of his duty in Mexico; which was referred to the Committee on Military Affairs.

Mr. DIX presented the petition of Marvin W. Fisher, praying compensation for the use of his invention for charging percussion caps by the government, and the purchase of his patent right; which was referred to the Committee on Military Affairs.

Mr. DAVIS, of Mississippi, presented additional documents relating to the petition of Hugh W. Dobbin; which were referred to the Committee on Pensions.

Mr. DICKINSON presented the petition of citizens of the county of New Orleans, New York, praying that the franking privilege may be abolished, and that the rates of postage on newspapers be reduced; which was referred to the Committee on the Post Office and Post Roads.

NOTICE OF BILLS.

Mr. ASHLEY gave notice, that on to-morrow, he should ask leave to introduce a bill to alter and amend the Judicial system of the United States.

Mr. JOHNSON, of Louisiana, gave notice that on to-morrow he should ask leave to introduce a bill to provide for the survey of the mouth of the Red River, in the State of Louisiana.

PRINTING OF DOCUMENTS.

Mr. CLAYTON submitted the following resolution, which was considered by unanimous consent and agreed to:

[illegible]

COMMISSIONS TO AGENTS.

Agreeably to notice, Mr. HUNTER asked, and obtained leave, to bring in a bill to authorize the payment of equitable commissions to the agents or attorneys of persons in whose favor awards have been made under three several treaties between the United States and certain foreign powers, which awards have been returned in the Treasury in payment of debts due to the United States; which was read the first and second times, by unanimous consent, and referred to the Committee on Finance.

MARTIN FENWICK, DECEASED.

Agreeably to notice, Mr. JOHNSON, of Maryland, asked, and obtained leave, to bring in a bill for the relief of the legal representatives of Martin Fenwick; which was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

EMIGRANTS TO LIBERIA.

Mr. JOHNSON, of Maryland, from the Committee on Commerce, to whom had been referred the memorial of the American Colonization Society, reported a bill exempting vessels employed by the American Colonization Society in transporting colored emigrants from the United States to the coast of Africa, from the provisions of the acts of 22d February, and 2d of March, 1847, regulating the carriage of passengers in merchant vessels; which was read, and passed to the second reading.

RICHARD S. COXE.

Mr. ASHLEY, from the Committe on the Judiciary, to whom had been referred the memorial of Richard S. Coxe, made a report upon the subject, accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

REPEAL OF PILOT LAWS.

Mr. DIX, from the Committee on Commerce, to whom had been referred the bill to repeal the act of 2d March, 1837, entitled "An act concerning Pilots;" reported it without amendment.

IMPROVEMENT OF THE SAVANNAH RIVER.

Mr. DIX, from the Committee on Commerce, to whom had been referred the bill making an appropriation for removing obstructions in the Savannah river, reported it without amendment.

THOMAS N. WELSH.

Mr. RUSK, from the Committee on Revolutionary Claims, to whom was referred the petition of Thomas N. Welsh, submitted a report, accompanied by the following resolution:

Resolved, That the Secretary of the Senate transmit the petition and other papers accompanying it, to the Secretary of War, with this report.

The Senate proceeded, by unanimous consent, to consider the said resolution; and the resolution was agreed to.

THE SHIP JAMES MITCHELL.

Mr. BRADBURY, from the Committee of Claims, to whom had been referred the memorial of George Harvey, made a report thereon, accompanied by the following resolution:

Resolved, That the prayer of George Harvey, agent for the owners and consignees of the English ship James Mitchell, ought not to be granted.

Ordered, That the report be printed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed a bill making further provisions for surviving widows of the soldiers of the Revolution; in which they request the concurrence of the Senate.

The President of the United States yesterday approved and signed the enrolled bill entitled "An act making appropriations to supply in part a deficiency in the appropriations for subsistence in kind of the army and volunteers during the year ending June 30, 1848."

REVOLUTIONARY PENSIONS.

The bill from the House of Representatives making further provisions for surviving widows of the soldiers of the Revolution, was read the first and second times, by unanimous consent, and referred to the Committee on Pensions.

THOMAS RHODES.

The engrossed bill for the relief of Thomas Rhodes was read a third time.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

ASSISTANT PURSERS.

The bill to authorize the appointment of Assistant Pursers in the Navy, was passed by informally

PRIVATE BILLS.

The following bills were severally read a second time, and considered as in Committee of the Whole:

Bill for the relief of Foxall A. Parker, of the United States Navy.

Bill for the relief of the heirs of Andrew D. Crosby.

Bill for the relief of William A. Christian.

On motion by Mr. SEVIER, it was

Ordered, That they severally lie on the table.

BOUNTY LAND WARRANTS.

The Senate proceeded to consider, as in Committee of the Whole, the bill to allow further time for satisfying claims for bounty lands for military services in the late war with great Britain, and for other purposes.

Mr. SEVIER said he hoped the Chairman of the Committee from which this bill was reported would explain the reason which existed for its passage. This was a rule which had been generally followed heretofore. The are, continued Mr. SEVIER, extensive tracts of land reserved for military bounty land, which land is exempted from taxation, much to the injury of the districts in which they lie. I think it is time that this system should be put an end to. There may be individual cases which are deserving of special legislation, but we ought to pause, I think, before we adopt any general law embracing a class of cases which have been already provided for, more especially when we all know that doubtful claims of thirty years' standing invariably grow stronger and better as they grow older.

Mr. BREESE.—This bill was introduced to the notice of the Senate by the honorable Senator from Kentucky, who is not now in his seat. It was referred to the Committee on Public Lands, and received an attentive consideration. I apprehend that the honorable Senator from Arkansas is entirely mistaken as to the scope and object of the bill. This bill is intended to meet cases where parties holding land warrants have neglected to locate their claims. The law relating to such cases expired in July last, and persons who have applied since that time for their lands, have not been able to obtain them. There is no danger, as the gentleman supposes, in extending this law. We do not know the number of unlocated claims growing out of the revolution and the late war, and it is merely proposed to extend the law relating to them for five years longer. It is never too late to do justice.

Mr. SEVIER.—My honorable friend is entirely mistaken in regard to this bill. There are large tracts of land in his own State, and in Maine, which have been set apart to satisfy the claims of the soldiers of the last war. The names of the claimants are put into a box and drawn out consecutively, and the location is determined by such drawing. There are warrants, I admit, for revolutionary services, but warrants for services in the late war I have never heard of. A large portion of my State—millions of acres—have been set apart, as I have said, to satisfy these claims, and the claimants have had thirty years in which to bring them forward; there is no one who has not had his number assigned to him, and had his patent. I would like to know why, at this late day, after thirty years have elapsed, we are to be called upon to pass a law to give them five years longer, and for what purpose? Why, simply to have their locations determined by drawing, which has already been done. This is the whole purpose.

Mr. BREESE.—The Senator is in part correct in regard to claims for military services in the last war. Patents were issued. The soldiers had nothing to do with it. The whole matter was transacted in Washington city. But these are not such cases; these are cases of land warrants which have been omitted to be located under the act of 1812-'13. I have had numbers of these warrants sent to me from Illinois; but as this is a bill which has been introduced by the Senator from Kentucky, who is not now in his seat, and who takes great interest in it, I hope it will be passed over for the present.

Mr. SEVIER.—Only one word. If there have been land warrants granted under peculiar circumstances, I know nothing about them. All I have to say is, that if five years further are to be granted to the claimants, I suppose some good reasons can be given for it. I would like to hear them.

Mr. ALLEN.—I would inquire of the Senator from Illinois, whether there is a report from the Land Office upon this subject.

Mr. BREESE.—There is none.

Mr. ALLEN.—I would like, before I vote for this bill, to see a report setting forth the facts in the case. It is something new to my ears—entirely so.

The question being taken on the motion for postponement, it was agreed to.

WIDOWS' PENSIONS.

The Senate proceeded to consider, as in Committee of the Whole, the bill to continue the pensions of certain widows; and no amendment being made, the bill was reported to the Senate.

Mr. DAYTON.—May I ask the Chairman of the Committee on Pensions to state what this bill is?

Mr. JOHNSON, of Louisiana.—It is, sir, for the purpose of continuing the pensions of certain widows who are very old, and in distressed circumstances. I trust there will be no objection to its passage. The measure has been recommended from the War Department, and has received the unanimous concurrence of the Committee.

Mr. DAYTON.—What is the bill?

Mr. WESTCOTT.—It is the very same bill in substance as that from the House which was before the Senate a few minutes ago.

Mr. JOHNSON.—I was not aware of the fact, that they were the same until the circumstance was mentioned by the Senator from Florida. It would be more proper, perhaps, to take up that bill. I move, therefore, that this bill be laid upon the table.

The motion was agreed to.

ADDITIONAL VOLUNTEER FORCE.

The bill providing for the further prosecution of the existing war between the United States and the Republic of Mexico, was read the second time and considered as in Committee of the Whole.

Mr. CASS said it was the disposition of the Military Committee that this bill should be deferred until the ten regiment bill should have been disposed of. He thought it better to go on with the discussion upon that bill, and let this be taken up after its passage. He, therefore, moved that it be laid upon the table; which motion was agreed to.

WILLIAM B. SLAUGHTER.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of William B. Slaughter, late Secretary of the Territory of Wisconsin.

Mr. DOUGLAS.—I think that when this bill was up the other day, there was a slight misapprehension on the part of some Senators, in regard to the true state of the facts. I will detain the Senate for a moment in an exposition of what I understand to be the law and the facts in the case. By the act of 1792, it is provided that the official duties of the Secretary of any Territory shall be controlled by such laws as are in force in each territory. I understand this to be the law now in force, and applicable to the official duties of the Secretary, or which was in force at the time of this transaction. Mr. Slaughter was Secretary of the Territory of Wisconsin, and as Secretary was required by law to be the disbursing officer, for the payment of moneys, for the necessary and incidental expenses of the Legislature of the Territory. The Secretary of the Treasury furnished him with a draft for $10,000, to pay these expenses. I have reason to suppose, in fact, I think the evidence will be satisfactory to the Senate, to show that the draft was deposited with Samuel B. Knapp, the Cashier of the Mineral Point Bank, under the authority and by the direction of the Legislature of the Territory. Search has been made for copies of the documents by which the deposit was authorized and directed, and they cannot be found at the present time. But I am confident that such is the fact, and I think that the statement of the Comptroller of the Treasury is conclusive on the point. After stating the fact to which I have referred, the Comptroller goes on to say, that the claim arises from his having deposited under the direction and by virtue of a resolution of the Legislature of the Territory, the money, &c. [Mr. DOUGLAS continued to read from the letter of the Comptroller, in corroboration of this point.] It will appear, therefore, by this statement, that Mr. Slaughter, being Secretary of the Territory of Wisconsin, received this draft from the Secretary of the Treasury, for the purpose of being applied to the payment of the expenses of the Territory; that he was required to be governed by the instructions and laws of the Legislature of the Territory; that the Legislature of the Territory instructed and directed him to make this deposite with Mr. Samuel B. Knapp, the Cashier; that he made the deposite in obedience to the directions of the Legislature, which he was bound to obey. And we have also a resolution here which was read the other day, passed by the Legislature, specifically approving of the act, and saying that he ought to be remunerated for the loss. If there can be any doubt upon this point, I can have read several letters showing the facts as they occurred. I have one from Mr. Dodge, Governor of the Territory, in which he states, that he informed the Secretary of the Treasury of the deposite. The deposite was made in a specie paying bank, a bank which was considered by every one to be perfectly safe. Mr. Slaughter made this deposite as he was required to do. The fact of the deposite having been made was reported to the Secretary of the Treasury here, who sanction the act by allowing the deposite to remain without being withdrawn, and Mr. Slaughter went out of office, leaving the money where it had been deposited under the instructions of the legislature, and with the knowledge, and, therefore, it is to be presumed, with the consent of the Secretary of the Treasury. The bank afterwards broke, and the money was lost. I think, under these circumstances, there cannot be any hesitation in authorizing the accounting officer of the treasury to settle this account upon principles of justice and equity. I do not deem it necessary to occupy any more of the time of the Senate in relation to a matter that is so clear as this.

Mr. WESTCOTT.—I did not intend to say another word

against the bill: but to let it pass, as, on examination of it I find it does not sanction the claim, but only directs its examination by the treasury officers, and payment, if they find it to be just and equitable. But the remarks of the Senator who has just taken his seat, makes it necessary to say a few words. The act of 1792 has no more to do with this call than a statute of Missouri. It is an old, obsolete act respecting the territories then (in 1792) existing north and northwest of the Ohio, and has expired twenty-five years ago. [Mr. W. here, at the request of Mr. BERRIEN, referred to the act.] The secretary of Wisconsin held his office under the act organizing the government of that territory, called the Organic Law, passed in 1836; and under that law he was expressly required to account to the Secretary of the Treasury of the United States for these funds. [Mr. W. here read part of the act of 1836.] Again, if I understand correctly, he was not ordered to deposite this money with the broken bank, by the legislature, before it failed; but after the bank broke, the legislature passed resolutions asking Congress to pay the money lost, &c. When he made this deposite also, if I am correct as to dates, the sub-treasury law of 1840 was in full force, forbidding such arrangements.

Mr. BUTLER.—It was entirely competent certainly for the committee to have allowed or disallowed the claim; but the view I take is this: that it is better to refer the matter to a safe and proper tribunal, than that a committee should assume the jurisdiction and decide peremptorily upon the case. I was entirely in favor of referring the claim to the officers of the treasury, for I have no reason to suppose, that under such reference any injustice will be done.

In reference to this claim, I do not see how the laws which have been referred to can have any bearing upon it. Then the only question is, whether Mr. Slaughter acted as a prudent man would have done? whether, at the time, and under all the circumstances, it was not to be regarded as a safe deposite? He acted as the legislature directed him, and it would be wrong, sir, to compel him to pay the money.

Mr. DOUGLAS.—One word in reply to the Senator from Florida. I am still under the impression, that the act of 1792 was intended to apply to the secretary of the territory. I was aware of the existence of the act of Congress to which the gentleman alluded. That act merely makes the secretary of the territory responsible to the Secretary of the Treasury, so far as regards the settlement of accounts, and that such settlement was to be made at the Treasury Department. It is true, that act also says, that the money shall be expended by the secretary of the territory, but was the secretary to expend this money according to his own discretion without control? Was he not to expend it according to law? My understanding is, that he was to expend it according to the law of the land. What was that law? Why, it was the law that was in force in the territory at the time the deposite was made. Such, sir, I have always understood to be the practice, not only in Wisconsin, but in Iowa, in the neighborhood of which I have lived for many years. I think, that the facts which I have already stated to the Senate, abundantly show that this officer acted in good faith as a prudent man should act. I think they show that he acted with great prudence and great caution—that there was no fault, no neglect on his part, and that it was in consequence of neglect elsewhere, that the money was lost. I think, therefore, as a matter of justice, if we were voting now, we ought to vote him the money. But the committee does not propose to appropriate the money, they only propose to say, to the accounting officers of the treasury—those officers who have been accustomed to settle the accounts of the treasury, from the commencement of the government—you are authorized to make this settlement upon principles of equity and justice. Sir, is it to be supposed that the officers of the Treasury Department would concurrently have tendered their request to Congress to do justice to this man, unless injustice had been done him? I think, sir, we ought to give them an opportunity to do him justice.

Mr. CASS.—I move that that bill be laid upon the table for the present.

Mr. DOUGLAS.—I presume there will be no more discussion upon it.

Mr. CASS.—Then I will withdraw the motion.

Mr. BADGER and Mr. CAMERON rising simultaneously,

Mr. BADGER said: I think it due to the case to make a single observation.

Mr. CASS.—Will the Senator excuse me?

Mr. BADGER.—Certainly.

Mr. CASS.—The Senator from Pennsylvania intends to discuss the bill. I, therefore, move that it be laid upon the table.

The motion was agreed to.

TEN REGIMENT BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to raise, for a limited time, an additional military force.

Mr. CRITTENDEN moved to amend the bill by striking out all after the enacting clause, and inserting the following:

"That the President be, and he is hereby, authorized, should the exigencies of the war against Mexico in his opinion so require, to call for, and accept the services of additional volunteers, not exceeding fifty thousand, who may offer their services, either as cavalry, infantry, or riflemen, to serve three years after they shall have arrived at the general rendezvous, and to continue the largest to be raised and organized in the same manner as are provided for companies under existing laws, and to have the same pay, subsistence, and allowances, including land warrants, according to grades; and to be subject to the same regulations and to the rules and articles of war."

SEC. 2. *And be it further enacted*, That where companies of volunteers, which are now, or may hereafter be in service, shall become reduced in rank and file, the President be, and he is hereby authorized to discharge a part of the commissioned officers, leaving not more than three for sixty rank and file in the company, and not more than two for forty rank and file; and where the company shall be reduced below twenty rank and file, he may discharge the whole company, officers and men, and receive a new company of not less than eighty rank and file, in lieu of and discharged company: *Provided*, nothing herein contained shall require the President to reduce the officers, or to discharge a company, if, in his opinion, the reduced companies can be again filled up by recruits.

SEC. 3. *And be it further enacted*, That where regiments of volunteers, which are now, or may hereafter be in service, shall become reduced the President be, and he is hereby authorized to receive additional companies of volunteers for such regiments: *Provided*, the additional companies, so received for any regiment, shall not increase its strength beyond one thousand rank and file.

SEC. 4. *And be it further enacted*, That the provision in the 21 section of the act entitled "An act to encourage enlistments in the regular army," approved January twelfth, eighteen hundred and forty-seven, be, and the same is hereby extended to include the recruits who may hereafter enlist for the first and second regiments of dragoons, and the regiment of mounted riflemen, and the non-commissioned officers, musicians, and privates of volunteers, who may engage to serve during the war with Mexico, or for the term of three years, appointed by the act.

SEC. 5. *And be it further enacted*, That the volunteers, raised under this act, and whose term of service may not sooner expire, shall be discharged within six months after the ratification of a treaty of peace with Mexico.

Mr. CRITTENDEN said: I do not propose, on this occasion, to say more than will be barely necessary to explain the amendment which I have had the honor of offering to the bill now before you. The bill which is now under consideration for raising ten additional regiments, and the bill lying upon the table to succeed it, authorizing the President to accept the services of 20,000 volunteers, have severally been reported from the Committee on Military Affairs in accordance with the recommendation of the Secretary of War, and are supposed to be necessary to meet the requirements and exigencies of the present war with Mexico. The bill now before you, sir, propose to raise 10,000 men, or ten additional regiments; and what I proposes is, to give to the government the necessary numerical force, only changing the form of its organization from a regular to a volunteer force. And, I desire to assign, very briefly, the reasons which have induced me to adopt this course.

The bill before you raising the ten regiments, places upon Congress the responsibility of declaring, that under the present existing circumstances, it is proper and necessary that this force should be raised. Is there any other power necessary to be given to the Senate of the United States? I think not, sir. We have from the Secretary of War a discussion of various plans upon which it has been suggested that this war ought to be prosecuted. The Secretary, in discussing them, recommends the plan which he prefers, viz., to hold all those portions of Mexico which are now in our possession; and in addition to the force which would be necessary to accomplish such a purpose, to have an active force raised, not with a view of marching upon the conquering the whole country, but with a view of being prepared to make occasional conquests, should circumstances require it. This is his plan. Now is an additional force necessary, I would ask, to accomplish the designs of the Secretary, taken even in their utmost latitude? This, sir, would be a question of a very indefinite character indeed, if by our experience it had not, in some degree, become a practical one. And what is our experience? What has been our experience in this war? and what have been the results of the war?

General Scott landed at Vera Cruz with a force of about twelve or thirteen thousand men, a considerable number of whom were volunteers. With this force he succeeded in taking the strong castle of San Juan de Ulloa and the city of Vera Cruz. Pressing forward with his victorious army, from Vera Cruz he entered the Capital, breaking in pieces and scattering to the winds with a force of less than 10,000 men, the armies of Mexico in his triumphant career. General Taylor, with a still smaller comparative force, at the battle of Buena Vista completely broke the power of Mexico, and so in every action would, no matter, sir, how disproportionate in number, the American troops have been victorious.—And, sir, with what a small amount of force these achievements have been accomplished!

General Scott, as I have already stated, fought all those distinguished battles before the city of Mexico, and took the capital of the country with less than 10,000 men; and General Taylor with not more than 6 or 7,000 men, the most of whom were volunteers, gained several distinguished victories. Indeed, General Taylor, with less than 4,000 men, beat Santa Anna with an army 20,000 strong, and that, too, not by a sudden surprise, not by a sudden burst of valor, not in a moment of enthusiasm on one side and panic on the other, but in a hard fought battle, continued from the rising to the setting of the sun, occupying, in fact, the whole of nearly two days. Thus, we see that not only are the sword and shield of Mexico broken and cast into the dust, but her government is dispersed and almost annihilated by our conquering army. She has no army, and scarcely can she be said to have a government; it consists of nothing more than disorganized factions. And if Mexico now lies prostrate before you, without an army or government—with here and there only a body of guerrillas, instead of an army to oppose you, what in the name of Heaven, if this is all that is left to her, do you want with 10,000 more troops? Sir, since

these conquests have been achieved, what has been done? Our army now reposing on the Rio Grande consists of three or four thousand regulars. Nay, I will give the exact number, it consists of 3,937 regulars. At the battle of Buena Vista you had but 200 or 300 regulars, all the rest were volunteers. In place of that army less than 5000 strong, which constituted the force in that portion of the country upon that field of battle, you have now, sir, a force amounting in the whole to upwards of 10,000 men. Do you want any more there?

I have already stated the force with which General Scott obtained possession of the Capital. How is it with him now, sir? He has been receiving additional reinforcements almost daily since that time, and there is now at Tampico and Vera Cruz together a force amounting to 32,156 men—17,101 of whom are regulars, and the remainder 15,055, volunteers. These statements are extracts made from the report of the Adjutant General.

General Scott's army has been almost trebled in number since he gained those battles. His force is larger by 15,000 men than when he landed at Vera Cruz. It is this much stronger than at the time when he conquered the whole region of the country between Vera Cruz and the Capital—and cannot he hold this country with the same force with which he conquered it? How, upon the facts declared to us in official public document, can any argument be found to prove the necessity of sending any further troops there? General Scott took possession of the city with 6,000 men, and of that whole region of country with not more than 12,000; and now, when he has with him 32,000 men, what more can he require? Suppose it requires as many men to hold a country as it does to conquer it, has not General Scott already doubled the number of his force since he entered the Mexican territory? Make what deduction you please on account of casualties and disease—make a deduction of 5,000, and it leaves you 15,000 men for active service. Where, I ask, could 15,000 of such men as ours be employed? What fortress is there that will not open its gates at the sight of our banners? There is not one that will not. And yet we propose to add 30,000 men to the force already there. Sir, these facts lead my mind irresistibly to the conclusion that for any purpose of conquest even, it is not necessary to have more men in Mexico. If you have done what you have with that number of men—if they have accomplished such victories, surely you have a positive rule established by actual achievement, as to what your army can do.

Cannot double the number of force with which these victories have been gained conquer all Mexico? Why did you lead your armies from Vera Cruz to the Capital? Because there you expected to find the more vital part of the republic. Well, you have done all this, and still the cry is for more troops. You have had your forces doubled, and you want to double them again. If you press this bill, sir, what will then be the strength of your armies in Mexico? What number of men have you there now? I have shown you that under General Scott there are upwards of 32,000, and under General Wool upwards of 10,000 more, making an aggregate of 43,000 American soldiers now within the limits of Mexico.

I reckon only those who are in the heart of Mexico, leaving out those who are stationed in California and at other distant posts.—There are southward and westward of the Rio Grande from 42 to 43,000 American soldiers; and during this whole time the recruiting service is going on rapidly. Scarcely a week passes by in which reinforcements of troops are not being landed in Mexico. Now, there are 43,000 troops, as I have said, independently of what these bills propose; and the laws of the country now authorize the enlistment of some 8 or 9,000 more to fill up the ranks of your armies. There is also still a deficiency of upwards of 6,000 men in your volunteer service, which may at any time be supplied. This, then, is your state of preparation in Mexico! So far as the authority of law extends, these troops are at your command. Besides these, there is an addition yet to be made, by which your army will be still further increased. The regiment called for from the State of Michigan, has not yet appeared in the field; two other battalions, also, one from Alabama and the other from Mississippi, from some cause or other have not yet been mustered into the public service, and are not included in the calculation. These regiments, added to those which you have the legal authority to send, will make our force there about 60,000 strong. Add these ten regiments, and you will then have 70,000 American soldiers beyond the Rio Grande, exclusive of those distributed throughout the United States at various posts, and in California and New Mexico. Add, again, to this estimate, the number that is proposed to be raised by the other bill which has been reported to us, and you will have an army of from 90,000 to 100,000 men. Sir, can all these troops be necessary? Does not this estimate startle the ears of Senators? I confess, for one, that I have been greatly startled, while reading the reports from which I have gathered these statements, at the vast army which we are now maintaining. And, another more startling consideration which ought not to be forgotten or omitted is the enormous cost of every regiment. I am told by those who have entered into calculations on the subject, that the average cost of officers and men is nearly 1,000 dollars per man. This subject becomes, then, a matter of some consequence to us. Suppose our object be to conquer Mexico, and to incur no unnecessary expense, these ten regiments will add to our expenses nearly 10,000,000 dollars; no small item in the aggregate expenditures of such a contest. I think, therefore, for these reasons, that it is highly necessary for us to determine whether all these troops are to be raised, and all this cost incurred.

I am perfectly willing to meet every possible contingency of casualty or disease, but I confess I cannot foresee, at present, any contingency which will justify this increase. I am willing to authorize the President to call out whatever force he may require, under such contingency as may hereafter occur; but I would not authorize that force to be raised now. I am willing to lodge in the hands of the Executive the power, if an emergency demand it, to call out 30,000 additional men for the war; and I would have such force, consist of volunteers.

Now, are not volunteers as good, have they not proved themselves as efficient as regulars? Is not Buena Vista a bright and burning evidence of their efficiency in the field? They may be called out for the same period of service, and are entitled to a discharge under the same circumstances, and the difference in cost is great. I would substitute them, therefore, for these ten regiments of regulars; and, I would accordingly give power to the President to call out the 30,000 additional troops, in case circumstances require the adoption of such a course. In my view, there is no necessity for anything else than this to be done.

Gentlemen have appealed to the authority of information obtained from officers of the army. Why are they here, sir? Why are they here reposing in Washington and all parts of the country, if it is not that they are satisfied that the war has closed, that no more battles are to be fought, no more laurels to be won? They have given us ample evidence by the bravery which they have heretofore displayed, that they would not leave the field of their victories if they were not fully convinced that nothing more remained to be done. There is not one who does not believe that that the war is at an end. There may be a few skirmishes here and there with parties of guerillas, but so far as armies are concerned that will stand before American forces, they are never to be seen again in Mexico. This is the opinion of every officer I have spoken with, and it is also my opinion. From all the facts to be gathered from official reports, we can come but to one inevitable conclusion, viz: that their armies are broken to pieces; that the country is given over to the control of factions; and that they can no longer make head against us. You have now an army there of 43,000 men. They are capable of going where they please, and staying where they please, in all the wide domains of Mexico. I therefore, can see no necessity for a further increase of force at present, even if it were the conquest of the whole country that was contemplated; but when it is to limited assaults only to which it is proposed to confine this war, there appears still less necessity for such increased provision. It is with these views, and with no feeling of captiousness, from no spirit of opposition, and no disposition to scan the merits or conduct of this war, but simply taking it as it is, that I have been induced to offer the amendment which I have presented; whilst I question the propriety of any additional force being now added to our already large and increasing army in Mexico.

Mr. CASS then rose and remarked, that he wished to correct one or two errors into which the Senator from Kentucky had fallen; and having shown from the returns of the Adjutant General that the number of men under General Wool was only 6,700, and not 10,000, as had been stated by the Senator, he was interrupted by

Mr. CRITTENDEN, who observed that he had fallen into an inaccuracy in summing up the forces under General Wool, on account of which he readily admitted a reduction of upwards of three thousand men, was to be made from the aggregate number, which he had stated.

Mr. CASS proceeded. The Senator had taken one position and eloquently supported it, on which he begged to differ with him. The Senator seemed to think that an additional force was entirely unnecessary, after the country had been conquered. But all experience showed they might gain a battle and get possession of a country without being able to retain it. Portugal and Spain were full of lessons upon this subject. To march to the capital of a country was one thing, and then to diffuse the forces over it, in various positions, in order to hold the people in subjection, was another and quite a different thing. Our armies in Mexico had gained a series of victories as brilliant in themselves as honorable to the national character. But they were now to break up as a mass, to spread themselves into various detachments, else it would be impossible to hold the Mexican people in obedience.

They would now be exposed to popular tumults, and liable to be cut down by detachments, and still the more, the further they would be compelled to march. Besides, it was important that the Mexican people should be convinced by the exhibition of our overwhelming force, that resistance was out of the question. What we wanted was to produce a moral effect upon the people of Mexico—to satisfy them of our strength, and their weakness, and to avoid fighting battles by showing them, that if fought, they would certainly be gained by us.

It was also important to note that the regiments now in the field, did not average more than eight hundred and fifty men to each, which was nearly three hundred short of the legal establishment. This bill would not give more than 7,500 men to the army. The calculation of the honorable Senator was based on the legal establishment. Now, no legal establishment can be kept full. The reports of the Adjutant General show, that there must be a deduction of more than one quarter, leaving the force on foot, less than three fourths of the legal establishment. This is the result of experience. It is not, probable, therefore, that the number of the regular army in Mexico, can be much, if at all, increased but by raising new corps, and establishing new recruiting rendezvous.

The honorable Senator in all his calculations looks to the numbers on the Statue book—not to the numbers on the returns. The continually recurring casualties of battle, of climate and of all the other circumstances which make war hazardous, are a perpetual drain, which keeps down the force far below the strength authorized by law.

With respect to the cost, the Senator or himself must be under a misapprehension. The cost of a regiment of Infantry was about $270,000 per annum. It was true that all incidental expenses might be charged upon the soldiers—bounty lands, Medical Staff, and Quartermaster's Staff. But the actual cost of each regiment of Infantry was the sum he had stated. A regiment of Dragoons, of which they had three, cost something like $700,000. If he understood the Senator from Kentucky aright, he proposed to raise 30,000 men at present, leaving it to the President to call out the rest when he pleased. So far as regarded himself, he [Mr. CASS] was perfectly willing that it should be left to the discretion of the President. But as he deprecated the Senator that all the force should be composed of volunteers, brought up the old question. He [Mr. CASS] had no disposition to do injustice to the volunteers. Far from it. No man had a higher opinion than he of the gallantry and efficiency of volunteers. But the address to the regular force which the bill proposed was entirely justified alike by experience, and the exigencies of the present time.

Mr. CRITTENDEN said that the Senator from Michigan had introduced rather a new principle, which made war more alarming than ever. It was this: that it would require a much greater military force to be kept in a subjected country, than had been required to conquer it. If the Senator said that there might be a sudden rising of the people, and they must be prepared at all times and everywhere, to suppress such hostilities. How many men would be required for that purpose? The gentleman had given them no information as to that. He had prescribed no rule, and there was no experience, military or civil, on such a subject. Now he [Mr. CRITTENDEN] thought that it was pretty reasonable to suppose that those who had gone into a country, prepared for forcible occupation, and had taken all its fortresses, and dispersed its armies were able to hold that dismantled country, and defy that conquered people. Had the Senator attempted to show that what was done by 12,000 men could not be repeated by 30,000? It was admitted that Scott had about 30,000 men beside the force which he had when he conquered and took the city of Mexico. Was there any pressing emergency now? What did the gentleman want? He was one of great intelligence and of no weight in that body—acquainted, as might be supposed, with the peculiar views of the Secretary of War; and what reason, it might then with propriety be asked, did he assign for this immediate increase of the forces in Mexico? What did he propose to do with them? Was there anything to be done for which the present force was not perfectly competent? Did they want to take Queretaro, the present seat of government? Did they want to go to San Luis Potosi?—to Zacatecas? Well, was there anywhere to which the forces now in Mexico could not go? He contended that they had proof in what had been already accomplished, that the forces now in Mexico were adequate to any emergency.

But the Senator from Michigan seemed to think that they ought not to be content till they had force enough to act by intimidation and terror. Well, how many men did that require? He believed that neither the great Frederick nor any other warrior of ancient times had shown an example of that amount of force, by which a people could be terrified into submission. They had beaten the Mexicans, when they were not terrified—they had conquered them in field after field—they had broken them into pieces like a potsherd—they had doubled their forces since that day, and yet they were told that they were not in safety unless they had more troops—more forces! It was not a military effect that the gentleman wished to accomplish, for he could not point out any military operation which could not be effected by the army now in Mexico. But the Senator wanted an army large enough to produce a great moral effect. A religious effect could hardly be expected, it was to be supposed in a Catholic country like Mexico by such means. It was a moral effect then that was intended, and to produce it, they were called upon to make this addition to the army. He (Mr. CRITTENDEN) could not consent to raise armies for such a purpose. He was willing to raise armies to fight battles, but not to produce a "moral effect." For all military purposes, they had ample forces now in Mexico. Yet, in order to meet any possible contingency, although he did not apprehend any danger, still he was willing to provide for any possibility of danger, and give to the President the power of calling out 30,000 volunteers, if in the exercise of his discretion they should be deemed necessary.

The Senator from Michigan seemed to think, though he was not very distinct on the subject, that these regulars were much better than so many troops enlisted for the same time, and called volunteers. Why? Both were raised in the same laws, engaged for the same terms of service, to one general object, perhaps, of the same materials. Why then were they to be regarded as better when called regulars, than when styled volunteers. Was there anything in the name?—not at all. The volunteers would be just as effective, as if they were called regulars. Their obligations to their country would be the same, and no sensible being could see a difference in relation thereto, in order service, or in their preparation. If the President were of opinion to-morrow that there was an exigency which demanded that he should be authorized to call 30,000 men, and no expenses would be incurred until they were mustered into the public service. But pass this bill for ten thousand regulars and there would be at once from five to six hundred officers under pay, and each of the men under pay, as fast as enlisted. Not so with volunteers.

Again, which description of force was most easily raised? The volunteers of course. There was something in the name of volunteer that appealed to the hearts of their free born countrymen, with a force much greater, than that which belonged to any argument or appeal employed by the officer recruiting for the regular army. If expedition was the object, the volunteer was undoubtedly the force which should be raised. The call on Kentucky for two regiments of volunteers was received there about the first of October, and the Governor, to give opportunity to those living in distant parts of the State to participate in the honor of serving the country, gave as long a period as possible for the rendezvous—about twenty days—and by the first of November, two full regiments embarked at Louisville for the seat of war. How long would it take, he asked, to enlist two regiments in Kentucky? Every other gentleman could easily turn to his own State and answer that question for himself. He did not believe that two regiments of regulars could be raised in two years in Kentucky. Yet two regiments of volunteers were filled within thirty days, and ten or a dozen captains went away with tears in their eyes, because there could not be assigned them places in the army. Such men went to the wars with spirit, courage and ambition. They had homes to which to return, and trusted to bring back good names. That was the feeling that sustained them and enabled them, with but little discipline, to accomplish every thing in the field. For all the reasons which he had urged, he therefore hoped that the amendment would be adopted in preference to the original bill.

He had already said that he had no captious spirit about this thing at all; and he had avoided any allusion to parties. He did not wish to revive the controversy about the war. The question before them did not require it. Supposing the war to be ever so just—their desires of conquest ever so unlimited—in his judgment they had already a force capable of accomplishing everything. He was therefore opposed to the additional expense, and the exposure of additional thousands of his countrymen to the dangers of that climate. Let the President have the power of calling for thirty regiments of volunteers, and he can have them immediately, if he believed that they were needed.

Mr. CASS said he had but one remark to make. The honorable Senator from Kentucky, with an emphasis not to be mistaken, talked about the moral effect to be produced by the presence of the army in Mexico. He (Mr. CASS) had used the term "moral effect," but he did not say an effect of morality. He did not wish to produce a moral effect, as contra-distinguished from the physical effect of their military operations. There was nothing at all in the remark to justify the little slur of the Senator, and surely it must have been apparent to all, that it was a great deal better to intimidate than to kill the Mexicans. The Senator had asked him how many troops were needed to produce that moral effect, and in reply, he could only say, that he intended to vote for the bill because it provided such an augmentation of the military force in Mexico as would be likely to produce that desirable effect. The Senator could hardly expect a statement of the force necessary to be given with mathematical precision.

Mr. CRITTENDEN only wished to know how the Senator would employ his additional force?

Mr. CASS said he would answer the Senator with a great deal of pleasure. They might suppose a case in which a nation might sit down, every man, woman and child to be killed. But it never has been so and never will be so in Mexico. The national obstinacy will stop at a point far short of this. He believed that they must occupy the posts which they had taken, and extend their lines of communication as far as necessary—the great roads to the east and to the west. There were other great positions also to be occupied. No man could point them out who was not well acquainted with the topography of their country. There were some positions that appeared very advantageous; among these would appear to be Queretaro, which stood at the junction of the joint line of communication between Northern and Western Mexico, and it would probably be difficult to open the communication between that region and country now held by us. As he remarked yesterday, the rich mineral region of Zacatecas and San Luis must also be taken and held. They must either withdraw or extend their operations, and remain inactive. The former course was out of the question, and the latter would leave an interminable war upon our hands. We must of necessity extend our operations—wisely indeed as circumstances might require, but rapidly as the amount of force would allow.

With respect to the remarks of the Senator with reference to the volunteers and regulars, he had only to say that he believed that a mixed force was by far the best. He believed that the regulars submitted better to wholesome discipline and restraint, than men who elected their own officers. The honorable Senator himself, knew the fact from his own experience. The enlisted soldier became a part of the army, part of a great machine, and the principal duty he had to learn was the duty of obedience. All this was known and felt by every man who became a recruit in the regular army. Not so with the volunteers. The honorable Senator here did not volunteer with any such state of feeling, nor indeed, could it be so from the composition of both officers and men. They were formed of the very best material our country afforded. They had gone into battle and had fought, he was about

to say, as men never had fought before. They would do stern duty to the utmost, so long as they were kept in motion, and would do it with the more alacrity as the danger was the more pressing. But the moment they stopped, then a spirit of dissatisfaction would begin to spread, increasing the more, the longer they remained stationary. The duties of the camp and the post, of police and all the routine of stationary service, was irksome to them. And for the reason, they yielded more readily to the diseases of the climate than the regular soldiers. Every one knew, that the strict subordination in which the regular soldier was held, contributed essentially to the health and efficiency of the army.

Mr. CRITTENDEN said he did not wish to continue the discussion—much less a controversy on the subject. He confessed that he did not yet understand exactly what the Senator meant by the moral effect which he intended to produce. Had the Senator ever sat down, and according to any rule of philosophy, calculated how many men with arms by their side, were necessary to produce the moral effect of which he spoke, or how many men with arms in their hands, were needed for the same purpose? Did he not see that if war was to be carried on, or military objects effected in that way, how completely they were under the moral influence of the Mexicans? There they were 10 or 15,000 strong, in the heart of Mexico with ten millions of people. Mexico had, therefore, 100,000 to one, and, therefore, in order to counteract the "moral effect," if mere numbers produced it, it must be necessary for the United States to send nine or ten millions to Mexico. It would certainly be necessary to do that in order to counteract the moral influence of the present overwhelming number of Mexicans! No, it was not mere numbers that produced 'moral effect.' It was the battles of Bucna Vista, Chapultepec, Contreras, and Churubusco. These were the great witnesses which produced effects—witnesses of the power of one party, the subjugation and conquest of the other. It was the arms of the United States that had produced the moral effect. They had prostrated Mexico. She felt it and knew it. She was now nothing but a huge, indigested mass of vanity and faction. Her armies had been scattered—her authorities broken to pieces, and it was to protect themselves in the midst of such a people as that, that 30,000 men were pronounced insufficient, needing a reinforcement of 10,000 regulars and 20,000 volunteers. The law at present gave the privilege of recruiting 8,600 men for the regular army. When these men were raised where would be the necessity for more? Would they recruit more than that number in the course of the present year? They did recruit a few more during the last year—11,000 men. But in six months was it likely that any more would be recruited by two sets of recruiting officers at the same places?

Mr. CASS.—The Senator had asked if more could be raised by two sets of recruiting officers in the same places. But it was not intended to send the two sets to the same places.

Mr. DAVIS, of Mississippi, then said: It is not my purpose at this time to go into a discussion of the ten regiment bill, but to address myself especially to the amendment of the Senator from Kentucky. I have been surprised at the introduction of that amendment. I certainly did not expect it.

The gentleman has not anticipated the ground upon which I would oppose the substitution of that amendment for the bill. He seems to rest it on the supposition that we are to oppose the substitution of volunteers for regulars, because regulars are better than volunteers. I take no such ground, and fortunately stand in an attitude in which I can have no prejudices for one or the other, having served with both. But, sir, the question lies deeper and far beyond the mere availability of the one over the other. And I would say to the honorable Senator from Kentucky, who has seen service, that if he will revert to the period when he returned from his campaign, and met the aged patriot, who wrung his hand and enquired for his son who had died on the field of battle—when he met the mother who with tears streaming down her cheeks, put to him the same question, he will at once say, however necessary it may be to call forth the chivalry of the country to fight its great battles, let us not send such men, to be wasted in the mere duties of the sentinel, by the attacks of disease and an unfriendly climate, whilst engaged in a service where neither patriotism is elicited nor glory to be won. If this country were invaded, I would turn to the great body of the militia—for I use the terms "volunteers" and "militia" as synonimous—for its defence. But when we carry on a foreign war, and especially when defensive operations merely are carried on, we have reached a point where regulars are the force which should be employed in the nice routine of the service, in which the duties are not sufficiently important to justify that disruption of society—that injury to the commercial interests of the country, which would result from bringing out men of that high class, which the honorable Senator from Kentucky has correctly said constitutes the great body of the volunteers. There is a great difference in the material of the volunteers and the regular force. There is an enthusiasm that speeds over every neighborhood when the call for volunteers goes forth. When Kentucky is called on to send her regiment, and every county its company, an enthusiasm burns out every where, and the State pours forth its best material—material too good for common use.

The gentleman inquires why is it that we prefer regulars? I will answer: we prefer regulars, first, because they are cheaper; secondly, because they can be maintained in better discipline. They will maintain a better state of police. They will be healthier, and, therefore, more effective in proportion to their numbers, for mere garrison duties. As long as you keep the high-bred gentlemen for the battle, they will bear any privation, submit to every restraint, and discharge to the utmost every duty. But do you expect that those men, who have broken all the endearing ties of home in order to fight their country's battles, will sacrifice themselves to the mere duties of the sentinel—will be content with the performance of the police of a garrison? Will they be suited better for the one, or as well for the other, as men of a lower grade in society, and more accustomed to such duties?

But the gentleman has made an argument which I regard as more congenial to his feelings. He has alluded to the gallantry of the army, and the battles won by small forces, affording evidence against the necessity of this increase of our force. But it is one thing to beat the enemy and another to hold him in subjection, and the argument of the honorable Senator, which rests upon the supposition that Mexico is conquered, I hold to be by no means indisputable. Is Mexico conquered? Is any part of it conquered? Conquest, as laid down by some writers, is of three kinds. Ruin is one of these kinds of conquest; but we have not ruined Mexico, and God forbid we ever should! The moral feeling of this country would never justify such a course. Another mode of conquest is to hold a country by controlling its government. That is not suited to the genius of our country. We send no pro-consul abroad—no provincial army to direct the government of the country. We recognize as the great basis of all institutions, self-government. The other mode of conquest is by colonizing a country. We cannot do that. In neither of these modes, then, have we conquered Mexico. We have not even suppressed the hostility of the Mexican people. I hazard the assertion that there is more hostility against us in Mexico now, than there was at the beginning of the war. Mexico is not conquered.

But the honorable Senator asks, how will you employ this large force? Not to take cities. Not to fight battles. And I agree with him that our army could now march through all South America and defeat every enemy. But we want this force to hold towns and posts in Mexico—to convince the Mexicans that resistance is idle, and beyond all this, to afford protection to all the citizens of Mexico, who are ready to recognize our authority and give us supplies. These are some of the great objects to be obtained. To effect them large bodies of men will be needed. We must garrison our posts with forces adequate to make a sortie, if necessary, and not be shut up when any partizan chief chooses to come and sit down before their gates.

Again, the army of General Scott, which achieved such victories before the city of Mexico, did it at a heavy sacrifice of blood, and that resulted from the want of force. The length of their lines was far inferior to that of the enemy's. Our gallant men fell under the converging fire of the foe, and therefore their blood was spilled like water. American courage, the skill of the officers, and the science of our incomparable staff, achieved those victories, and God forbid that they should ever be tested again at such a fearful sacrifice. But that army in its present state is not combined, whilst there are many posts without a garrison, which we ought to hold.

Then, again, the resources of Mexico must contribute to the support of that army. We cannot afford to keep down anarchy in Mexico at the expense of our treasury. We must not depend on the petty amount of property that might be wrung from the poor rancheros. Such a thing has never been contemplated by our government, nor practised by our officers. In Zacatecas you can have possession of the mint. In Potosi are the richest mines in Mexico; and if, as has been stated, the annual produce of these mines amounts to nearly twenty-five millions, and we claim the revenue which the Mexican government extracted from mining operations, and by protecting the entrance of goods into the country, furnish a new source of revenue from the duties on imposts, then we have something to support our armies, without touching private property, and the expenses of the war are borne by Mexico herself.

The object now is, not to prepare to fight a battle, but to prevent a battle. The great object now is, to allow the ability which yet remains in Mexico, to establish federal government on republican principles, to exert itself. We have taught Mexico salutary lessons. We have convinced them that they are not what they supposed they were, and I hope it will not excite a laugh when I mention that supposition to have been that they were the greatest military power on the continent. For it was not until after the battle of Buena Vista that they began to doubt it. Let us now give them an opportunity to create a government somewhat stable, and capable of adhering to its obligations. I reject the idea of taking her federal government under our protection, as altogether impracticable; and because it would certainly tend to render it odious to the people. Our policy should be directed by the purest reason and most patriotic motives to that end which will hasten a peace and leave Mexico the power to erect again her nationality.

If I believed that this additional force were unnecessary, I should vote against the bill. If I believed that regulars were not better calculated to occupy garrisons, and that the gallantry of our volunteers in the field should decide this question, I would vote against it. But I believe the force to be necessary, and that these regulars are the proper force. The Senator from Kentucky spoke of giving a discretionary power to the President to call out 30,000 volunteers. Well, I doubt not the wisdom of the Executive—I doubt not his nerve to encounter that responsibility. I would be quite willing to make him responsible, and to rely upon the good feelings, patriotism and intelligence of the country, to sustain him

in calling out these men for the present purpose, and still further for the ultimate object, when the forces may be reduced, of recalling the volunteers, now making sacrifices beyond the duty which they undertook to perform. And at this moment, sir, the honorable Senator from South Carolina, before me, recalls to my mind, appropriately, in this connection, the fact that the regiment which has covered the Palmetto with laurels and cypress, now numbers only about one hundred and fifty fit for active service. I would recall that regiment at once. I would return its members to their social and commercial duties, and substitute for them a regular regiment, equally able to perform, at all events, the duties they have now to discharge.

I did not rise for the purpose of making any extended remarks, and have been led to say more than I intended. I hope the amendment will not be adopted.

Mr. CALHOUN said that there were two or three points of difficulty still unexplained in answering the objection to the bill. If he understood aright the Senator from Kentucky, during the period of the last fifteen months not more than about eleven thousand recruits had been enlisted.

Mr. CASS here interposed and said that the Senator from Kentucky was in error. More than twenty thousand had been enlisted in the course of little more than a year.

Mr. CRITTENDEN referred to the report of the Adjutant General, to show that the number was but little over eleven thousand.

Mr. CASS explained that that was exclusive of the new regiments which had been raised.

Mr. CALHOUN continued:—He would, then, assume the number stated by the Chairman of the Military Committee. If only twenty thousand men were raised during the last year, it was very evident that in the present state of the market—for the recruiting had taken up a great deal of the loose portions of society disposed to enlist—it would be very difficult, indeed, to raise, during the present year, the men necessary to fill these additional ten regiments. Well, they had been told that this additional force was required immediately, when, in all probability, with the strongest recruiting force, it could not be obtained in less than six or eight months after the passage of the bill, allowing the greatest success. Yet they had been emphatically told that this force was so immediately necessary, that not a day could be allowed here for debate. He did not doubt that regulars were the best description of force. He wished to know if the eight thousand included the entire deficit.

Mr. CASS replied that the general deficiency amounted to eight thousand men.

Mr. CALHOUN.—That, added to the ten regiments would make 18,000 or 20,000 to be raised. Then the defect must be in the recruiting service. Eight thousand was very near the number which it was proposed to raise by this bill, and yet a deficit to that extent existed in the present force. The remedy seemed to be in the creation of a sufficient number of recruiting officers—not of generals, nor colonels, not of officers of the higher grades, but of officers suited for that service.

This business of war was a serious one. War created the means of its own continuance. It called into being mighty influences which were interested in carrying it on; and few nations ever terminated war so long as they possessed the means of carrying it on. A single regiment could not be raised without the creation of new interests in favor of the war. If these views were correct, the cheaper plan would be to strengthen the recruiting service, rather than create additional regiments, officers and all. The volunteers, if their services were needed, could be called out at once. The spirit and gallantry which characterized the people was not yet exhausted, notwithstanding the disasters of the war as far as deaths were concerned, and all the regiments had been thinned to an extraordinary extent. He presumed that the mortality had not been less than twenty per cent. Yet recruits, he had no doubt could be still had plentifully. If, then, the Chairman of the Committee on Military Affairs wanted an immediate augmentation of the military force, he should ask for volunteers.

He (Mr. C.) was glad to perceive that the Senator from Mississippi (Mr. DAVIS,) was not averse to a defensive line at the proper time. In his (Mr. C.'s) opinion, the present was the proper time. In view of that policy he would prefer regulars to volunteers. He objected, though, to regulars, because that force gave greatly increased patronage, and greatly added influence to the support of the war. He knew not how other gentlemen felt; but as for himself, he was convinced that the patronage of this government had gone beyond all bounds, and already exercised a most dangerous control over the deliberations of Congress. He felt the awkwardness of his position. He was utterly averse to pursuing this war for any view yet presented, even taking the strong view presented by the Senator from Mississippi. He put it to that gentleman—was there any certainty of peace? and if not, where would the country stand? That was the question. It would be in a position worse than ever! Every step they took only plunged them deeper and deeper into difficulty. If his memory served him, the Secretary of the War Department stated 70,000 men as adequate to conquer and hold in subjection all Mexico. Was that not the view of the Secretary? He could not at the moment lay his hand on the Report of the War Department, but if he had not correctly stated the views of the Secretary, any Senator could set the matter right. The Secretary then disavowed the plan of entire subjugation. The Executive disavowed it; and yet a force, according to the Senator from Kentucky, of ninety or one hundred thousand men was demanded. He could not believe that it was the intention of the Executive, because it had been again and again disavowed. But when he saw such a force asked for in the report of the Secretary; when he saw in the President's message the declaration which he had quoted yesterday, to the effect that he himself believed that, unless in a certain contingency, they must take possession of the country, and take the measure of indemnity into our own hands; he could not but think that there was a strong impression on all sides that the end would be to conquer and hold Mexico.

If they could have the question first submitted to the deliberative consideration of that body, and it were decided what was to be the proper course of conducting this war; if it were known whether they were to go on, or take a defensive line, they would then act understandingly. But voting and voting, without knowing what was ultimately to be done, threw him, and, he believed, every member of the Senate, into a state of great difficulty to determine how to vote.

The question was then taken upon agreeing to the amendment proposed by Mr. CRITTENDEN, and it was determined in the negative, as follows:

YEAS—Messrs. Badger, Baldwin, Bell, Berrien, Clarke, Clayton, Corwin, Crittenden, Dayton, Greene, Hale, Mangum, Miller, Pearce, Phelps, Spruance, Underwood, Upham, and Webster—19.

NAYS—Messrs. Allen, Atchison, Atherton, Bradbury, Breese, Butler, Cameron, Cass, Davis of Mississippi, Dickinson, Dix, Douglas, Dawns, Felch, Foote, Hannegan, Hunter, Johnson of Maryland, Johnson of Louisiana, Mason, Rusk, Sevier, Simpson, Turney, Westcott—29.

Mr. JOHNSON, of Md., moved to amend the bill by inserting in the fifth line of the first section, after the word "President," the words, "if, in his opinion, the exigencies of the war require such a further increase of force."

The amendment was agreed to.

No further amendment being made, the bill was reported to the Senate.

The amendment having been concurred in, the question was upon ordering the bill, as amended, to be engrossed and read a third time.

It was suggested that the bill might be ordered to be engrossed, and the question on its passage deferred until to-morrow.

The bill was ordered to be engrossed and read a third time.

On motion

The Senate adjourned.

THURSDAY, JANUARY 6, 1848.

Mr. TURNEY presented the credentials of the HON. DIXON H. LEWIS, elected a Senator of the United States, from the State of Alabama, for the term of six years from the 8th day of March 1847.

Mr. LEWIS having taken the oath of office, which was administered to him at the hands of the Vice President, took his seat in the Senate.

REPORTS FROM DEPARTMENTS.

The VICE PRESIDENT laid before the Senate a report of the Post Master General, made in compliance with a resolution of the Senator, in relation to the claim of Jamison and Williamson.

The VICE PRESIDENT laid before the Senate a report of the Secretary of State, made agreeably to law, showing the number and compensation of clerks in the Department of State; which was referred to the Committee on Foreign Relations.

The VICE PRESIDENT laid before the Senate a report of the Secretary of War, made in compliance with a resolution of the Senate, transmitting the military reports which have been received by him from the Commander of our Army in Mexico since the transmission of his annual report.

SMITHSONIAN INSTITUTION.

The VICE PRESIDENT laid before the Senate a report of the Board of Regents of the Smithsonian Institution, made agreeably to law, showing the operations, expenditures and condition of the Institution.

On motion by Mr. BREESE, it was

Ordered, That it be printed.

PETITIONS.

Mr. ALLEN presented the petition of citizens of Ohio, praying a reduction of the rates of postage and the discontinuance of the franking privilege; which was referred to the Committee on the Post Office and Post Roads.

Mr. ALLEN presented the petition of citizens of Ross county, Ohio, praying the adoption of measures for the immediate termination of the war with Mexico; which was referred to the Committee on Military Affairs.

Mr. ALLEN presented a resolution passed by the Legislature of the State of Ohio, in favor of the passage of an act granting a pension to Henry Johnson, of that State, which was referred to the Committee on Pensions.

Mr. DICKINSON submitted documents relating to the claim of the legal representatives of Jethro Wood, deceased, to an extension of their patent for an improvement in the plough; which, with their petition on the files of the Senate, were referred to the Committee on Patents and the Patent Office.

Mr. CASS presented the petition of Patrick Marantette, praying compensation for provisions and merchandize furnished to the Pottawattamie Indians; which was referred to the Committee on Indian Affairs.

Mr. CORWIN presented the memorial of the New-Garden Monthly Meeting of Friends in the county of Chester, Pennsylvania, praying the adoption of peaceful measures for terminating the war with Mexico; that slavery may not be tolerated in any territory which may be acquired from that republic; and the adoption of measures for establishing a tribunal for the peaceful settlement of national disputes; which was referred to the Committee on Foreign Relations.

Mr. WESTCOTT.—I would call the attention of the Senate to the fact, that at the last session we refused to print memorials of this description.

Mr. CORWIN.—I do not remember what the action of the Senate has been on the subject of memorials from the Society of Friends. I think the Senator from Florida is mistaken, when he says that the Senate refused to print memorials asking the attention of the Senate to the subject of the establishment of some tribunal for the subject of national questions. I did not know that he Senate had refused to print such memorials; nor do I believe hat any objection has ever been made to their reception or reference to a committee. I think the Senator from Florida will find that he is mistaken. The paper which I had the honor to present, is very brief, and the cost of printing will, therefore, be very small; and as I rarely trouble the Senate with anything of the sort, I hope this memorial will be printed.

Mr. WESTCOTT.—I understand the general rule to be, that petitions of this character are not allowed to be printed without some special reason therefor.

Mr. SEVIER.—Does this petition ask the action of Congress?

Mr. CORWIN.—It does.

Mr. SEVIER.—I move then, that it be referred to the Committee on Foreign Relations.

Mr. CORWIN.—I have made that motion already.

The PRESIDING OFFICER.—The question is on the motion to print.

Mr. SEVIER.—It appears to me it is entirely unnecessary to print this document until we have a report upon it. I would suggest to the Senator from Ohio, that printing is somewhat expensive, and we have not a great deal of money to waste. If we open the door to printing of petitions of this sort we shall incur a very serious expense.

Mr. CORWIN.—If it is reduced to a question of economy, I shall be compelled to withdraw my motion to print, and content myself with the reference.

The petition was referred.

Mr. ATCHISON submitted documents in relation to the claim of Margueretta Reneau, praying compensation for a section of land, reserved to her under the treaty of 1825; which were referred to the Committee on Indian Affairs.

Mr. YULEE presented resolutions passed by the Legislature of the State of Florida, in favor of the passage of an act to authorize the reimbursement of the expenses incurred by the Florida Volunteers previous to being mustered into the service of the United States; which were referred to the Committee on Military Affairs.

Mr. BUTLER presented a resolution passed by the Legislature of the State of South Carolina, in favor of the establishment of a branch mint at Charleston, in that State; which was referred to the Committee on Finance.

On motion by Mr. DAVIS, of Mississippi, it was

Ordered, That the petition of Joseph De la Francia, on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. CORWIN, it was

Ordered, That the petition of the representatives of Moses Shepherd, on the files of the Senate, be referred to the Committee on Roads and Canals.

On motion by Mr. BRADBURY, it was

Ordered, That the petition of William Miller, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. BRADBURY, it was

Ordered, That the petition of the heirs of William Frost, and the petition of the heirs of Nathaniel Leavett, on the files of the Senate, be severally referred to the Committee on Revolutionary Claims.

On motion by Mr. YULEE, it was

Ordered, That the petition of John M. McIntosh, assignee of John Clute and Jacob Hart, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. DIX, it was

Ordered, That William H. Hildreth have leave to withdraw his petition and papers.

EDITORS OF THE UNION.

Mr. MASON submitted the following resolution for consideration:

[illegible] Journal of the Last session, and that Washington and other navy yards, except the Gosport navy yard, be added to the list, and to the floor of the Senate, which is now extended to other navy yards, being the exhibits.

DRY DOCK.

On motion of Mr. YULEE, it was

Ordered, That the message of the President of the United States of the 23d December, 1842, with the report of the Secretary of the Navy accompanying the same, and the communications and papers on file relating to the Dry Docks at Pensacola, Philadelphia, and Kittery, be printed for the use of the Senate.

CLAIMS UNDER THE TREATY WITH MEXICO.

Mr. JOHNSON, of Louisiana, by unanimous consent, asked and obtained leave to bring in a resolution providing for the payment of certain claims under the treaty between the United States and Mexico of April 4, 1839, which was read the first and second times, by unanimous consent, and referred to the Committee on Foreign Relations.

SURVEY OF THE MOUTH OF RED RIVER.

Accordingly to notice, Mr. JOHNSON, of La. asked and obtained leave to bring in a bill to provide for a survey of the mouth of Red River, in the State of Louisiana, which was read the first and second time, by unanimous consent, and referred to the Committee on Commerce.

PRINTING.

Mr. BRADBURY, from the Committee on Printing, who were instructed, by a resolution of the Senate, to inquire and report what number of the copies of the President's message, with documents, and of the reports of the Secretaries and the Postmaster General, with documents, have been furnished for the use of the Senate, and when the said copies may be furnished by the said printers," submitted a report accompanied by a communication from the Printers of Congress on the subject.

WASHINGTON MONUMENT.

Mr. MILLER, from the Committee on the District of Columbia, to whom was referred a resolution authorizing the erection on the public grounds in the city of Washington, of a monument to George Washington, reported it without amendment.

ASSISTANT PURSERS.

The Senate proceeded to consider, as in Committee of the Whole, the bill providing for the appointment of Assistant Pursers in the Navy.

Mr. BADGER moved to amend the bill by striking out the words "by warrant," and inserting "by and with the advice and consent of the Senate." The station was an important one, and he thought it better that they should be commissioned officers, as it would secure the services of a better class of persons than if they were warrant officers.

Mr. YULEE observed that he desired to offer an amendment to the bill, and to enable him to obtain some information before doing so, he moved to lay the bill upon the table. The motion was agreed to.

ADJOURNMENT OVER.

On motion, it was

Ordered, That when the Senate adjourn, it be to Monday next.

BOUNTY LAND CLAIMS.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to allow further time for satisfying claims for bounty lands for military services in the late war with Great Britain, and for other purposes.

Mr. UNDERWOOD.—I was not in my seat when the motion was made the other day for the postponement of this bill; but I have been informed of the objections that were made to the bill, and I rise for the purpose of obviating them. I understand that my friend over the way doubted whether warrants for bounty lands to soldiers in the late war with Great Britain, are in existence. My information on this subject is based not only upon the statutes, but upon the statements of the Commissioner of Pensions, and the Commissioner of the Land Office. The bill upon your table is but a transcript of former laws upon the subject. The provisions of the general law were renewed in 1842 and continued for five years, and that act consequently expired in the past year. [He read from the act and also from communications received from the Commissioner of Pensions, and the Commissioner of the Land Office.] Now, he continued, all that the bill on your table proposes to do, is to prevent the statue of limitations from applying against the soldiers of the late war, and to grant them an additional five years for producing satisfactory proof of their claims and receiving lands.

Mr. SEVIER repeated his objections to the passage of the bill. Pass such a law as this, he said, and no man knows how many old claims will be brought forward, which have been heretofore rejected by Congress. I believe we have already paid more land claims for military services than we even had troops in the field. I hope, at least, that some data will be procured from the Land Office, to show how many claims are yet outstanding. This bill, I suppose, is to pay all the old Virginia claims.

Mr. UNDERWOOD.—I will say to my friend over the way, that I have no objection whatever to procure all the information which he seems desirous of examining before voting upon the bill, but I take occasion now to correct a mistake into which he has, no doubt, unintentionally, fallen. He said that the provisions of this bill, he supposed, would satisfy all the Virginia claims. That is a mistake. Virginia had two regiments in the revolution—a State regiment, and a Continental regiment. As far as the Continental regiment was concerned, they were to receive lands at the hands of this government, but so far as the State line of Virginia troops are concerned, there is no provision made for them here.

Mr. RUSK.—I have the information which is desired by the Senator from Arkansas in a letter from the Commissioner on Pensions.

The letter was read.

On motion of Mr. CASS, the bill was laid upon the table for the purpose of proceeding with the special order of the day.

ENLISTMENT OF VOLUNTEERS.

Mr. BADGER, from the Committee on Military Affairs, reported a bill to promote the filling up of vacancies in the volunteer corps now in the service of the United States, which was read the first and second times by unanimous consent, and considered as in Committee of the Whole.

Mr. DAVIS, of Mississippi, moved to amend the bill so as to extend its provision to the first and second regiment of dragoons, and the regiment of mounted riflemen, in addition to the volunteer regiments; which was agreed to.

The bill was then reported to the Senate, and the amendment concurred in.

Ordered, That the bill be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

TEN REGIMENT BILL.

The bill to raise, for a limited time, an additional military force, was read a third time.

The question being on the passage of the bill,

Mr. HALE said: Feeling compelled from my convictions of duty to take a course in reference to this bill, in which I am aware very few Senators will entirely coincide, I have thought, humble as is the sphere in which I move, that it was due to those who placed me in the position I occupy, to let my vote upon the bill go out accompanied with the reasons which have induced me to take the course which I am about to take. I would have been glad if older and abler Senators had favored the Senate with their views in opposition to this bill. I would have been glad if the action of the Senate upon the bill had been delayed until the documents coming from the several departments, and which we are well nigh getting, had been placed before us, so that we might have had all the light that could be thrown upon that, which in my mind, is a dark subject at the highest; but seeing that the bill is likely to go through the forms of legislation, and become a law without having those lights before us, I have thought it necessary to trespass briefly upon the time of the Senate, in order to express the views which I entertain. It may be said that I do not stand much in need of light, because I have already declared that I stand here prepared to vote against the war in all its forms; against any measures for the supply of troops, either regulars or volunteers, (and if there are any other kind.) I go against them.) because I stand prepared to vote against the appropriation of a single dollar beyond the simple amount—as I have before suggested—which will be sufficient to bring home your troops by the shortest and cheapest route. Entertaining these views, before entering upon the discussion of the bill, I want to say a word in regard to a sentiment which I have heard avowed here, and elsewhere, and it is—that when the country is engaged in war we lose all discretion, we have nothing to do but grant the supplies that are demanded of us—an appeal being made to our patriotism—patriotism can only find rightful action in a support of the war—that there is no patriotism anywhere else, and that the administration, which has been so fortunate as to plunge the country into a war, has only to appeal to the country, and expect to receive no other response except hearty and unanimous support. And this doctrine has been carried so far, and in such high places, that the President of the United

States has denounced as treason, the opposition of Congress, although his mode of prosecuting the war did not accord with their convictions. I recollect but one incident in my reading of history which is analogous. It is stated by an English historian, that when Queen Elizabeth had summoned her Parliament, and they were about to organize for business, she sent her messenger to them with this royal mandate; she told them to be very careful that they did not meddle with affairs of State, "because," said she, "such things are altogether beyond the compass of your narrow understanding." Well, our royal President did not follow exactly in the footsteps of Elizabeth. He did not question the understanding of Congress, but their patriotism. Now, let us see where this doctrine will carry us. Let us see to what it will lead. Suppose you should have an exceedingly bad and corrupt administration—mind, I do not say that this is such an administration, or that we are ever likely to have such an one. But suppose that such a thing were possible, and that the measures of the President had become exceedingly odious, oppressive, burdensome, and intolerable, and that notes of disapprobation were beginning to be heard from the people assembled in their primary meetings; that the tones of indignation at last penetrate the walls of the palace, and the President, finding that he could not stand against the united will of an injured people, what has he to do? Ought he to desist in his course of wrong-doing, or to retrace his steps? No, sir, this is not the path to popularity; according to his new school of ethics and morals, he has only to go on and plunge the country into war, and, if he can manage so skilfully, as to involve the country into two wars at once, so much the better—there is the more glory for him; a popularity greater than that of a Washington, or a Jackson. This is the inference, the plain and unmistakable inference. War, instead of being, as it is said to be by all writers on ethics or politics, the direst calamity which Heaven in its wrath can send upon a nation, is converted by this alchemy into a healing Bethseda, in which political profligacy and corruption of the darkest hue may wash itself and be clean. Sir, I utterly deny the soundness of this doctrine, that Congress ought to have no voice beyond granting the supplies. If there ever is a time when opposition should be vigilant, scrupulous, watchful, noticing everything that is wrong, it is at a time when, through the acts of the administration, the country is burdened with an unnecessary war. When the fruits of industry are consumed for the support of such war, and when we are surrounded by all the horrors which war brings in its train. If there ever is a time that should put men upon their individual judgment, reflection, and responsibility, it is such a time; and such is our position now, and we are there by the unadvised, unconstitutional, and illegal acts of the President. I propose, I say, to do what I may, feeble as it may be, to place the country right. I have never learned in that school of moral or political science that by persevering in an unconstitutional and wrong course, we shall ever come out right.

And, sir, there is another view that is sometimes taken, which certainly does not accord with my own convictions, and upon which I wish to say a word or two at this time, (and I do it with deference to the opinions of abler men about me,) and which relates to the course those should take who believe the war to be wrong, radically wrong. Why, I think I have heard an idea something like this:—The country is engaged in a war which is unjustifiable—we confess it is wrong to go on, we see clearly it is wrong—nevertheless we are now at war; and the President calls on us for supplies of men and money, and Senators say they will vote men and money; but by some sort of a process which escapes my comprehension, they imagine they are going to throw the responsibility on the President. I confess I do not understand how they are to escape from their due share of responsibility, they must share the responsibility with the President, let the character of the act be what it may. If the war be wrong, put an end to it at once. I have no doubt the President will be exceedingly gratified with opposition of this kind. You will hear nothing about a factious opposition in the organ of the administration. The President would care little for the opposition of the whole world if it were an opposition of this kind. It is very like Sam Weller, who happened to find himself in prison, and a person whom he met was bewailing the misfortune of having a thousand pounds left to him by will, which circumstance had been the occasion of his imprisonment. "I wish," exclaimed Sam, "all my enemies would try to ruin me in that way." Just so with the President. You tell him he is wrong, while at the same time you vote him all the men and money that he asks you for.

Believing that the cause of this war is radically wrong, I hold it to be the first, the plainest, and the simplest duty of those who think as I do, to withhold supplies and compel the President to do what we believe to be right. Believing there is a strict and pertinent analogy between the course to be pursued by Congress, and that which is taken by the British Parliament, I consider that the course of those who think the war wrong, is plain and clear, and admits of no mistake. Upon a question of voting supplies, I think the very first thing to be inquired into by Congress, is, whether the object for which the supplies are demanded is a correct and legitimate object? If it be determined that the object is a proper one, let the supplies be granted; if otherwise, withhold them.—This is my understanding of the nature of our Constitution. I have heard our government spoken of as a government of checks and balances, but when you speak of the President having the power to make war unconstitutionally and illegally, I cannot understand the cause or propriety of that course of conduct which would sustain him in his unconstitutional act.

Believing, then, that the question of this war is a question which ought to be discussed; that it lies at the very bottom of the question of supplies, I will proceed to give my views to the Senate and the country, of this war. And, as I suggested the other day, in the few remarks which I had the honor to submit, I believe that the cause of the war lies a little deeper than any that has been assigned by those who have expressed their opinions upon the subject. I believe that the question, whether it arose from the march of General Taylor to the Rio Grande, or whether any of those incidental and temporary movements were the immediate cause of the war, is entirely irrelevant. The cause, sir, lies deeper than any of these; and when I speak of the causes of the war, permit me to say, that I do it with no desire to introduce exciting or angry discussion, or to arouse unpleasant feeling; but having a duty to perform here, I must do it fearlessly—I must do my duty as an American Senator, feeble as it may be. And when we speak of the causes of this war, I must avow my conviction, beyond a cavil or a doubt, to be, that it lies in the avowed policy of the American Government—a policy which was avowed four years ago—to make the extension of human slavery one of its primary motives of action. And when I say this, let me be understood. I refer to the principle avowed in the diplomatic correspondence which preceded the annexation of Texas to the United States. And permit me to say, that in approaching this question, I do it with a desire and a disposition to do full justice to the officers of this government who were engaged in that correspondence. I will do them the justice to say, that what they did, they did manfully and above board. There was no concealment. They came out boldly. Their course was very different from that of a set of men we have among us, called Northern men with Southern principles—men who profess to be against slavery, but who are nevertheless enlisted in the slaveholding interest, ready to do slavery's bidding. That was not the case with the men to whom I have referred. They came out boldly and avowed the object at which they aimed, and the means by which they proposed to attain it. Let this ever be said to their credit.

In that correspondence the objects of this government are as evident as much beyond controversy as anything can possibly be. No, Sir! If the fingers of a hand were sent from the throne of Eternal light, to write this upon the wall over your head, it would not flash conviction more readily to the mind than is done by a perusal of that correspondence. I will not go through the whole of it, but will content myself with sending to the Clerk and asking him to read an extract from this letter:

DEPARTMENT OF STATE, *Washington, July 7, 1847*

"Sir: A recent letter from a citizen in Maryland, then in London, contains the following statement:

"I must now communicate to you the fullest confidence that there is now here a Mr. Andrews, deputed by the authorities of Texas, to negotiate with the British Government that he may get Lord Aberdeen and submitted to *guarantee* for the abolition of Slavery in Texas, which is that there shall be organized a company in England who shall advance a sum sufficient to pay for the slaves now in Texas, and receive in payment Texas land, that the annual interest shall be paid over to an indemnity fund for the abolition of slavery, and I am authorized by the Texan minister here to say that Lord Aberdeen has agreed that the British Government will guarantee the payment of the interest on this loan, upon condition that the Texan Government will abolish slavery."

This proposition, it will be seen, was exceedingly simple and easy to be understood. It announced, not that there was a scheme on foot amongst a set of fanatical politicians, to decoy away the slaves, not to steal them—nothing of that sort—but a proposition had been entertained, by which the government and slaveholders of Texas agreed to abolish slavery, and for this agreement on their part, it was said that a company had agreed to advance a stipulated price. What right had our government to interfere? The Secretary says "a movement of this sort cannot be contemplated in silence." I agree it should not; but what should every American heart have said, when it was found that a scheme of this kind was on foot? Should they not have burst out in thankful aspirations to Almighty God, that such a scheme of benevolence as that, had even been thought of. I think the Secretary says well in saying that they could not look on in silence.

The Secretary further says, "such an attempt upon any neighboring country would necessarily be viewed by this government with very deep concern."

Certainly, they should have looked on with deep concern—as deep as that with which affection watches by the side of dying love, now gathering hope from the symptoms, that the smiles of health will again smooth the cheek of love, and then trembling lest the pall of despair should settle on our hopes.

Again, he says, "it cannot be permitted to succeed without the most strenuous efforts on our part to arrest a calamity so serious to every part of our country"—a calamity so serious to every part of the country—so serious to New Hampshire, to Massachusetts, and the other New England States. And, sir, this bill, which is now before you, is one of the measures which are to be adopted to redeem the pledge thus made. In the same letter it is said:

"The establishment, in the very midst of our slaveholding States, of an independent government forbidding the existence of slavery, and by a people born, for the most part, among us, reared up in our habits, and speaking our language, could not fail to produce the most unhappy effects upon both parties."

When I saw it formally announced by the government that it could not produce any but "unhappy effects," I thought that I was mistaken in the reading. I thought it must be a mistake of the

printer, but I found that it was no mistake that the announcement was really made. What a mistake then did the Pilgrim Fathers make in coming to found a colony in the New World, where they might avoid the consequences of slavery. Had they not slavery enough at home, that they bade farewell to everything that bound their hearts to the land of their birth,—the land where the bones of their fathers reposed,—and came over and founded the institution of American slavery? Was it for this that the May Flower sailed from the coast where slavery prevailed? Was it for this that those patriots wandered from England to Holland, and from Holland here? In heaven's name, was not England oppressive enough? One more extract, and I leave the letter :

"Few calamities could befall the country like this!"

I had understood, up to the time when I read this declaration, that the institution of slavery, for good or bad, was a State institution. I thought it was one which the general government had no right to touch. Everything that I had ever heard upon the subject had tended to take that institution from the cognizance of the general government, and make it exclusively a subject of State policy. But here I find it baptized, and made one of the gods before which the whole people are to bow, down and worship.

From this source, whether remote or immediate, this war proceeded. Can any man deny this? We may have our doubts whether, if there had been more caution and prudence, this war would have been precipitated upon us at so early a period. But is it not evident that the whole matter springs from this? Was not annexation itself an act of war? War was existing between Mexico and Texas at the time. By the very fact of annexing to ourselves one of the belligerent nations, we incurred the responsibility of fighting her battles. If this, then, be the cause of the war, I come next to the question how this war commenced? Well, sir, it may seem exceedingly strange that one should be found asking that question at this time, when the President has told us over and over again so many times how it commenced—that it commenced by the act of Mexico. Said the President in his message to Congress of the 11th May, 1846 :

"In my message at the commencement of the present session I informed you that began the year I supposed both of the congress and convention of Texas I had ordered an efficient military force to be concentrated in that country. Accordingly the 1st Regiment of Infantry had become part of the force which was ordered to Texas by the 31st of March last, to which extensive military preparations have been made. The force was thus organized with the view to the defence of Texas against any foreign enemy, and for the protection of the Texas people during the pendency of the question of the annexation of Texas to the United States, to annex herself to our Union; and under these circumstances, it was plainly our duty to extend our protection over her extreme and solid.

The force was concentrated at Corpus Christi and remained there until after I had received such information from Mexico as rendered it probable, if not certain, that the Mexican government would refuse to receive our Envoy.

Meantime, Texas, by the final action of our Congress, had become an integral part of our Union. The Congress of Texas, by its act of December 19, 1836, had declared the Rio del Norte to be the boundary of that republic. Its civil authority had been extended and exercised beyond the Nueces. The country between that river and the Del Norte had been represented in the Congress and in the convention of Texas; had thus taken part in the act of annexation itself, and is now included within one of our Congressional districts. Our own Congress had, moreover, with great unanimity, by the act approved December 31, 1845, recognized the country beyond the Nueces as a part of our territory, by including it within our own revenue system; and a revenue officer, to reside within that district, has been appointed, by and with the advice and consent of the Senate. In short, the country between the Nueces and the Del Norte had been absolutely and unconditionally, by the act of December 29, 1845, transferred to the United States. Texas had exercised jurisdiction over it, and to the extent of her ability defended it. Under the circumstances, I deemed it proper to station the troops of the United States on the left bank of the Del Norte."

And in his annual message to Congress on the 8th of December, 1846, he repeats the assertion, and he not only repeats the declaration that war exists by the acts of Mexico, but he says every honorable effort has been made by me to prevent the war, but all proved in vain, and the war has come notwithstanding he was so exceedingly opposed to it. Now I desire to examine this matter. The President is not satisfied with thus telling us that the war arose from the act of Mexico, and that he had used every honorable exertion to avoid it. He comes forward in his message this year and tells us fourteen times distinctly, and several times impliedly, that it arose from the act of Mexico. It seems a part of the President's religion, to accompany his more solemn acts with the continued declaration that war exists, by the acts of Mexico," as it was of the followers of Mahommed, to profess their more solemn sayings with the oft-repeated avowal that there was "no God but Allah, and Mahommed his prophet." Now let us examine this matter, did it commence by the act of Mexico? Such is not my reading. The taking possession of Texas was of itself an act of war. Sir, at the time of the American Revolution, when France signed a Treaty of Alliance with us, Great Britain was not long in finding out that that was an act of war. But suppose that act was not one of war, what follows?

One of the fundamental conditions of the Joint Resolution for annexing Texas to the United States, was war.

"That said territory is finally subject to the adjustment by the Government of all conflicting claims."

"Subject to the adjustment of all questions of boundary." That was the very first condition which the American Congress fixed to the act of annexation. Well, is it necessary for me to stand here to-day to tell the American people, that if there is a question of boundary existing, and one party goes and occupies the territory to the extreme verge of the claim that is an act of war? Why I think the President himself, in the course of the controversy with Great Britain, must have found that this was the case although one of the first acts of his administration was to tell the people in his Inaugural Address, that our title to Oregon was clear and unquestionable. I saw the President amid the dripping of the storm, standing at the east front of this capitol, reminding the people how young a man he was, and yet he would have the whole of Oregon. I almost expected to hear him say—

"You'd scarce expect one of my age,
To speak in public on the stage."

I know not whether I was most amused at the juvenility of the President, or his determination to seize upon the whole of Oregon. He would not even submit the question to arbitration, because that would be admitting that Great Britain had some sort of title there. Nothing short of the whole would satisfy him. Why, a man could hardly be recognized as a democrat in the Eastern States, unless he was for claiming the whole of Oregon. He must go for 54° 40', or he was no democrat; and one State Legislature was so violent in the cause, that they were for claiming 54° 40'. I wonder it never occurred to the President to send our officers and take possession of the territory up to that line. Why did he not do this? Because he knew, and every body knew, it would be an act of war. He knew it would be so considered by Great Britain, and resented by her. Well, so it was here. The sending of General Taylor to the Rio Grande was, beyond all controversy, an act of war, and was the occasion to give you the President's own account of it. In his message of May, 1846, he says that:

"He kept the troops at Corpus Christi until it was rendered certain that the Mexican government had refused to receive Mr. Slidell."

Well, on the 10th day of November this commissioner was appointed, and not being much acquainted with matters of diplomacy, I of course take what the President said, as being what he meant.

"MR. SLIDELL'S LETTER OF CREDENCE

JAMES K. POLK,

President of the United States of America

GREAT AND GOOD FRIEND: I have made choice of JOHN SLIDELL, one of our distinguished citizens, to reside near the government of the Mexican republic in the quality of Envoy Extraordinary and Minister Plenipotentiary of the United States of America. He is well informed of the relative interests of the two countries, and of our sincere desire to reduce, cultivate, and strengthen friendship and good correspondence between us, and, from a knowledge of his talents and good conduct, I have entire confidence that he will render himself acceptable to the Mexican government, by his constant endeavors to preserve and advance the interests and happiness of both nations. I therefore request your excellency to receive him favorably, and to give full credence to whatever he shall say on the part of the United States. And I pray God to have you in his holy and holy keeping.

Written at the city of Washington the fourth day of November, in the year of our Lord one thousand eight hundred and forty-five, and of the independence of the United States the seventieth. Your good friend,

JAMES K. POLK.

By the President
JAMES BUCHANAN, Secretary of State.
To his Excellency, Don Jose Joaquin Herrera, President of the Mexican Republic."

"And pray God to have you in his holy care and keeping." How pious the President is! He prays for his enemies. This was written on the 10th of November. Now, I want to read another document, to show how Mr. Polk was treating his good friend on the 15th of June preceding. In a confidential communication from the War Department, dated June 15, 1845, to General Taylor, I find the following:

"The point of your ultimate destination is the western frontier of Texas, where you will select and occupy, on or near the Rio Grande del Norte, such a site as will command the mouths of the Nueces, and will be best adapted to repel invasion, and to protect what, in the event of annexation, will be our western border. You will limit yourself to the defence of the territory of Texas, unless Mexico should declare war against the United States.

Your movement to the Gulf of Mexico, and your preparations to embark for the western frontier of Texas, are to be made without any delay."

Well, now, what do you think of this pious President? On the 15th of June, he ordered the troops to be ready to embark for the coast of Mexico, and five months afterwards, he sends a messenger to General Herrera, and by the hands of this messenger, a supplication to Almighty God, "to have him in his safe and holy keeping," lest this prayer should fail, he had taken the precaution to send General Taylor with his army, five months before, to take him in his care and keeping. Well, I will not detain the Senate long on this part of the matter. It seems to me it is too plain for cavil; and if I had the issue to be tried before twelve good men and true, the first witness I would call would be James K. Polk—for I never knew a witness who was conscious of telling the truth, who found it necessary to repeat so often the same assertion. Why does the President go into so long and labored an effort to prove that we had good cause of war? If this were the case, and we had not commenced it, instead of being to our credit, it would have been a disgrace to us. It would have shown us a pusillanimous nation. It is, therefore, *felo de se* of his argument? Because, if this were the case, it shows that we should have done what the President has labored to show we have not done. The President may conquer Mexico, but he never can succeed in conquering the truth. He may direct as many guns to bear upon it as it would require to silence a Mexican battery, but he will not be successful.

Well, if this was the cause of the war—if this was the manner in which the war commenced, what are we carrying it on for now? What do we propose? What do we want? Why, in the message of the President to Congress, in 1846, he tells us that it was not conquest that he desired, in the message of this year he modifies

it a little. Now the conquest he disavows, that is, he does not mean to take the whole of Mexico. I suppose that he means to divide it, very much as Lord Aberdeen divided Oregon with him, to take what he wants, and leave the rest. He says:

"It was never contemplated by me to make a permanent conquest of Mexico or to destroy her nationality."

Well, sir, actions speak louder than words, and I need not admonish gentlemen on this floor of this fact, for I have proof in my hand. What does the President tell you? I heard it asserted by a Senator the other day, that Senators voted for the appropriation of the war under a protest. That they did it for nothing else than to relieve Gen. Taylor from the critical position in which he was placed. The President came and made the thrilling announcement that American blood had been shed on American soil. And while every heart palpitated at such an outrage, Senators, anxious to relieve Gen. Taylor, were now willing to vote the supplies required, even though the bill for raising them was accompanied by the declaration which, at that time, they believed to be untrue, that "war existed by the act of Mexico." They gave their votes under the protest that was expressly for the relief of Gen. Taylor. And what does the President now say to those Senators?—Why, he says you did not mean any such thing. You could not have meant it. You knew that indemnity must be acquired. Senators, when you paused that you did not mean to get territory. The President has said so. He is your Executive officer—surely he ought to know; and the President has a right to say it, because actions speak louder than words. You voted him the men and the money; you gave him the sword and the purse, and you gave him unlimited license to conduct the war as he pleased, and now you must pass this bill—give him the ten regiments of regulars, and afterwards twenty regiments of volunteers, and let him thus, according to the Senator from Kentucky, increase his available forces in Mexico to ninety thousand, and go on, subjugating that country; and what will he tell you at the next session? He now tells you:

"Congress could not have meant—when, in May, 1846, they appropriated ten millions of dollars, and authorized the President to employ the military and naval forces of the United States, and to accept the services of fifty thousand volunteers, to enable him to prosecute the war; and when, at their last session, and after our army had invaded Mexico, they made additional appropriations, and authorized the raising of additional troops for the same purpose—that no indemnity was to be obtained from Mexico at the conclusion of the war; and yet it was certain that, if no Mexican territory was acquired, no indemnity could be obtained.

"It is further manifest that Congress contemplated territorial indemnity, from the fact, that at their last session an act was passed, upon the Executive recommendation, appropriating three millions of dollars with the express object, as avowed in debate, that it was made 'to enable the President to conclude a treaty of peace, boundary, and limits with the republic of Mexico, to be used by him in the event that said treaty when signed by the authorized agent of the two governments, and duly ratified by Mexico, shall call for the expenditure of the same, or any part thereof.' The object of asking this appropriation was distinctly stated in the several messages on the subject which I communicated to Congress."

Vote him the men and money he now asks, and what will he tell you at the next session? Why, that Congress intended to overrun all Mexico! He will say,—you meant that I should carry destruction throughout the whole of that country—that

> "I should dip my sword in blood, and write my name
> On desolated lands and cities."

And he would have a right to say so! Vote him the men and the money he wants—let him have ninety thousand troops there, and he will enact scenes, that perhaps we little think of; and at the next session, he will come and tell us, that that was what we meant, and he will have a right to do so, because actions speak louder than words. We certainly, in giving our votes, must be supposed to have some object to attain—that object, the President can construe for himself.

In regard to the amendment which has been proposed to this bill, instead of making it better, it leaves it more ambiguous still. It leaves it to the President's discretion whether to embody these troops or not; but that is the very thing we ought not to do. He has had discretion enough. Was it not at his discretion that our troops were marched to the Rio Grande? It seems to me that the true course is to take the discretion into our own hands, and make specific appropriations for specific objects. Then we shall know for what objects they are made.

But the President says now, he does not want the conquest of the whole of Mexico, but he wants indemnity and security. Well, these are words easily pronounced. But we had a good old lesson in New England, requiring the definition of words to be given. Indemnity for what?—Security for what?—I find the indemnity he wanted was not only indemnity for our claims, and for all the expenses of the war, but in addition to all this, he wanted to drive a bargain with them—he was not willing to make peace unless they would sell him a part of their country with its inhabitants, for I read in the 5th and 6th articles of the treaty proposed by our government to Mexico, as follows, viz:

"ART. 5. In consideration of the extension of the limits of the United States, as they are defined by the preceding article, and by the stipulations which are further contained in article 9, the United States abandon forever against the United Mexican States all reclamation on account of the costs of this war; and, besides, agree to pay to the United Mexican States, in the city of Mexico, the sum of ———.

"ART 6 In full consideration of the stipulations contained in Articles 4 and 8 of this treaty, the United States agree to assume and pay all sums at present due to claimants, and those which may be hereafter established, according to the convention concluded between the two Republics, in the city of Mexico, on the 20th of January, 1843, to provide for the payment of what shall be decided in favor of the claimants, according to a convention between the United States and the Mexican Republic, on the 11th of April, 1839. And the United States equally agree to assume and pay all reclamations of citizens of the United States against the Government of the United Mexican States, not previously decided, to an amount not exceeding three millions of dollars. Which have arisen prior to the 13th of May, 1846, and which shall be adjudged to be due by a commission established by the Government of the United States, whose decision shall be definitive and conclusive: *Provided, always*, That in deciding on the validity of the said demands, the commission shall be guided and governed by the principles and rules prescribed by the first and fifth articles of the unratified convention, concluded in the city of Mexico on the 20th of November, 1843, and in no case shall they give judgment in favor of any claim not embraced by these principles and rules. And the United States, for the present and future, exonerate the United Mexican States from any of the said demands whatsoever, which may be admitted or rejected by said board of commissioners."

He requires payment of our unliquidated claims—he requires the expenses of the war, and in addition to these, he requires that they shall sell him just as much territory as he sees fit to buy at his own price—this is the indemnity and security he wants. Are Senators prepared to sanction these views? Can they face the indignation of the world, after having insisted on them? Here is a government enfeebled—broken down—a people distracted—having a natural attachment to the homes of their birth—to the soil beneath which moulder the bones of their fathers—and because they do not choose to sell their country and themselves, the President says the war must be prosecuted and carried into the vital parts of Mexico. Well now, the course of the President seems to me decidedly reprehensible. Perhaps I have commented upon it in a manner not quite becoming to this place—I hope not.

I cannot help remarking in justice to him, that he has not shown a disposition for war in all cases. I think in the management of the Oregon treaty he exhibited a Christian meekness to a surprising degree. But he did not inherit the blessing of the meek. He did not get the land. He would not submit to arbitration. Well, how did he settle it?

Let Mr. Pakenham, the British Minister, tell his own story:

"WASHINGTON, June 13, 1846.

"MY LORD: In conformity with what I had the honor to state in my despatch No. 68 of the 10th instant, the President sent a message on Wednesday last to the Senate, submitting for the opinion of that body, the draft of a convention for the settlement of the Oregon question, which I was instructed by your Lordship's despatch No. 19) of the 18th May, to propose for the acceptance of the United States.

"After a few hours deliberation on each of the three days, (Wednesday, Thursday and Friday,) the Senate by a majority of 38 votes to 12, adopted yesterday evening a resolution advising the President to accept the terms proposed by her Majesty's government. The President did not hesitate to act on this advice, and Mr. Buchanan accordingly sent for me this morning, and informed me that the conditions offered by her Majesty's government were accepted by the government of the United States, without the addition or alteration of a single word.

"I have the honor to be, &c.,

R. PAKENHAM

The Right Hon. the Earl of Aberdeen"

He takes it just exactly as it was cooked up for him, very much as sick children are directed to do when they have an unpalatable dose of medicine to take—"shut your eyes, and open your mouth, and down with it." Now, I have not a word to say against the settlement of the Oregon question; but it seems to me that it would have read a little better in history, if it had not been preceded by so much blustering and bragging. And it was a little amusing, to see the effect it had on our eastern democracy. The man who did not go for 54° 40', was a federalist, a traitor; and some were so zealous that they even got up to 54° 49'. Upon them the treaty came like a thunderclap, and they had to reverse the steam so suddenly that it came nigh producing a fatal collapse in the party.

But, sir, the President is not so entirely warlike in his nature as his conduct to Mexico would indicate: he has other and milder qualities; he merely has none of that ferocious spirit characterised by the poet as—

> "That stern joy which warrior feel
> In foemen worthy of their steel."

It is a colder country at 54° 40'. Now, if right in the position I have taken here, the question is, what is the duty of the American Senate? What are they to do? To go on and vote these ten regiments? The honorable Senator from Kentucky, the other day, said he did not know why regulars were preferred to volunteers. I do not know that I do. But Yankees guess sometimes.

War is to be made, sir, not only upon Mexico, but on the free laborers of the country, and the first onslaught is to be made in the shape of a tax on tea and coffee; and it is the patronage which the creation of these ten regiments is to give him, which he thinks will enable him to effect it, and the President has probably come to the conclusion taught by the experience of the past, that with the patronage of ten regiments at his command, "*some things may be done as well as others.*"

I think the Senator from Kentucky, with his great acumen, if he looks through his glasses, may discover why the President prefers regulars.

Well, why cannot Senators who think with me, that the war is wrong, radically wrong, come out and declare so by their votes? Why sit here denouncing the President, and then be guilty of the inconsistency—with all due deference I say it—of voting men and money to carry on the war? Why, it is said it would be unpopular to withhold the supplies. Are we afraid to trust the people with a great question of right? Sir, I think those who are afraid to trust the people, underrate them. Are men afraid to do that which is right because it may not be popular? Sir, it is this ghost of the unpopularity of opposition to the war, which seems to sit like a nightmare upon American statesmen. Sir, I think there was more truth than poetry in what was said by a western man.

He said he got caught by opposing the last war, and he did not mean to get caught again—he intended now to go for war, pestilence, and famine. And I think there is a good deal of that feeling in the country now. Men are afraid to take a bold stand.

It is said the people have already decided the matter, that we have settled that the war shall be prosecuted. I do not so understand it. I do not believe it. The people have settled it? I never met among the people, one in ten, who thought the war was right or thought that it would be right further to prosecute it.

I believe, sir, that the heart of this whole people is sick of this miserable, temporizing policy, which is putting justice, and right, and truth out, in order that expediency may walk in and assume, and control, and direct our actions. I wish that the experiment might be tried by Congress of acting and voting on this matter according to the convictions of their own understanding as expressed by themselves when they speak of the character of the war. I listened, the other day, with great pleasure, to the remarks of the honorable Senator from South Carolina. I trust I heard with pain the suggestion which he threw out, when speaking on his resolutions. But I confess that I was somewhat astonished that a mind of his great experience, and of such keen observation, could really think that there could be any virtue in the passage of these resolutions. I would like, indeed, to see those resolutions passed, not that I think their passage would do any good in the world in the present emergency. But they might be adopted by way of land-mark, showing with what rapidity and velocity we have traveled the road to ruin. But that there would be any virtue in them I have not the least idea. Pass these resolutions unanimously, in both branches of Congress, and let the President append to them his usual declaration that the war was commenced by Mexico; nay, you may go beyond that, and with all the terse and accurate verbiage which you could embody them, you may make them part of the written fundamental constitution of the land, and what would they be worth? Not the paper upon which they are written; for the very moment that they stand in the way of a popular majority they would be utterly set at naught. He that is not persuaded of that, has not read, it seems to me, the first primer of our history. I think that the resolutions themselves contain much that is just and true, and that the passage of them might be of some consequence in the way which I have suggested. But that their passage would check the downward tendency of affairs is altogether out of the question.

I believe that the people desire us to go right, and that we have not faith enough in the people. Nothing is more common than to find aspirants for public favor, flattering the people and continually praising their intelligence and patriotism, and everything which gives value and dignity to the human character. But you do not find these eulogists of the public virtue at all prepared to venture a little upon the intelligence which they vaunt so much. There is faith in expediency, in policy; in everything but justice, truth and right.

The present is, I believe, a critical period in our history. I believe that it is presumptuous in us to affirm, as the President has affirmed in his message, that the great question of the capability of man for self-government has been settled. It is not settled, sir. We are now settling it. Whether the manner in which we are settling it will favorably or unfavorably affect the condition of mankind hereafter, yet remains to be seen in the future. We are settling the question not only for ourselves, but for all who are to come after us. If here the experiment of self-government should fail, who can estimate the consequences to our race? We are today writing our history. We are impressing that little space which we occupy between the past and the future, with footsteps which will be indelible. Whither are those footsteps now tending? Shall those who are to succeed us, find that the course which we are now pursuing, led to the broad fields of liberty, of peace, and of prosperity? Or shall it be, that we are only erecting monuments marking the bye-paths that lead to the pitfalls of destruction? These are questions that must come home to the heart of every man who loves his country, and prizes its free institutions, and sees the dangers which now threaten them. Are we so blind, so fanatical, so stupid, as to believe that the great laws of the physical and moral world are to be reversed in our favor? Are we emphatically the children of destiny? Can we take our destiny in our own hands, and control it? Not so. It seems to me that there is a light streaming down the pathway of ages, illuminating the destiny of nations, and that it is written in glaring characters—retribution. It is a law in operation all around us—in the physical, moral, and political world. It is true of nations as of individuals, "whatsoever a man sows, that shall he also reap." I would ask those disposed to look at this question in the light of history, to go back, and by its aid, trace the long vista of ages that have elapsed. Let them go back, if they will, to the morning of creation, when all the sons of God shouted together for joy that Almighty Power had spoken a new world into being; and they will not find it recorded in any page of that history, that any nation ever sowed the seeds of war and slavery, and reaped the fruits of peace and liberty. No! that passage remains to be written; and it requires no very great effort of the imagination to fancy that we can now hear the voice of all nations of the past sounding a solemn warning in our ears. Let us beware, lest that fate which has constantly followed such a course of policy may not soon be ours.

I have thus endeavored to discharge my duty. I am quite aware of the imperfection of the effort. But before I conclude, I wish to say a single word personal to myself, and to let you know, sir, and the Senate know, that if it be fanaticism which I have uttered, I am not alone responsible for it. It is not peculiar to myself, sir, nor those with whom I act. We had, a year or so ago, in the State of New Hampshire, a pair of democratic organs, and it was rather doubtful whether they were entirely harmonious. But in May, these New Hampshire patriots came together—they had an annexation—and when they came together, they undertook to define the true democratic faith upon this very doctrine of slavery. I read from the "New Hampshire Patriot" of 27th May, 1847.

[MR. HALE here read extracts from the "New Hampshire Patriot," contending that the democrats of slave States were friendly to abolition, and would ultimately effect it.]

That is "New Hampshire Patriot" democracy—about twelve months old. So, if I am fanatical, I am not without authority for my fanaticism; and a man may, it seems, entertain all the sentiments which I have advanced without being cast out of the pale of the democracy as it is now organized. But I leave the subject. I thank the Senate for the patience, kindness and candor with which I have been heard. It is no pleasant duty that I have performed. It is not agreeable to my feelings to occupy the place of an Ishmaelite here; my hand being against every man's, and every man's hand against mine. If any remarks have fallen from me, offensive to the feelings of a single Senator, of which I am wholly unconscious, I can assure him from the bottom of my heart that they were altogether unintentional. I have endeavored to deal with principles and measures, not with men. I believe that the institutions of the country are endangered. I believe that the course in which we are proceeding, unless our career be arrested, will most inevitably conduct us to destruction; and I have thrown out these suggestions, in the hope of doing something, however feeble the attempt, in order to excite correct public sentiment on this all-vital question.

The question being then on the passage of the bill,

Mr. BALDWIN inquired if the yeas and nays had been demanded.

The PRESIDING OFFICER replied in the negative.

Mr. BALDWIN then called for the yeas and nays.

Mr. JOHNSON of Maryland rose to move an adjournment, in order to allow opportunity for further discussion of the bill, but withdrew his motion at the request of

Mr. CASS, who stated there was some executive business which demanded attention.

The Senate then proceeded to the consideration of executive business.

After a short time so occupied, the door was opened, and

On motion,

The Senate adjourned.

MONDAY, JANUARY 10, 1848.

NATIONAL ARMORIES.

The VICE PRESIDENT laid before the Senate a report of the Secretary of War, made agreeably to law, accompanied by a statement of the expenses of the National Armories, together with an account of the arms made and repaired therein during the fiscal year ending June 30, 1847.

CLERKS IN THE OFFICE OF THE SECRETARY OF THE SENATE.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Senate, made in compliance with the 11th section of the act of the 26th of August, 1842, showing the persons employed in the office of the Secretary of the Senate, during the year 1847, and the amount paid to each.

PROCEEDINGS AND DEBATES.

The VICE PRESIDENT laid before the Senate a letter from James A. Houston in relation to the publication of the reported proceedings and debates of the Senate; which was read.

On motion by Mr. MANGUM, it was

Ordered, That it be referred to the select committee on the subject.

PETITIONS.

Mr. CLAYTON presented a memorial of the Representatives of the Religious Society of Friends for the States of New York, Vermont, Michigan and other places adjacent, praying the adoption of peaceful measures for terminating the war with Mexico.

Mr. CLAYTON moved that the memorial be read and printed.

The memorial having been read, the question was stated to be upon the motion to print.

Mr. ATHERTON.—I believe sir, that, under the rule, the memorial goes to the Committee on Printing. If not, I move that it be so referred.

Mr. CLAYTON asked for the reading of the rule.

It was read by the Secretary.

Mr. CLAYTON.—I perceive that it must go to the Committee under the rule.

The motion to print was accordingly referred to the Committee on Printing.

Mr. ATCHISON presented the petition of Charles Findlay, representative of P. Chotean, Jr., praying payment of certain monies due him under the treaty of August 8, 1831, between the United States and the Shawnee Indians; which was referred to the Committee on Indian Affairs.

Mr. CALHOUN presented a memorial of Pilots of the Bar and Harbor of Charleston, South Carolina, praying the repeal of the act of March 2d, 1837, concerning Pilots; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. FELCH presented the petition of citizens of Washtenaw county, Michigan, praying the repeal of all laws of Congress which in anywise sanction the existence of slavery in the United States; the motion to receive which was laid upon the table.

Mr. FELCH presented the petition of citizens of the county of Washtenaw, Michigan, praying the adoption of measures to prevent the acquisition of additional territory, unless on condition that slavery be prohibited therein; which was referred to the Committee on Foreign Relations.

Mr. FELCH presented the memorial of Catharine Hoffman, widow of Lieut. Col. William Hoffman, deceased, late of the army of the United States, praying a pension; which was referred to the Committee on Pensions.

Mr. WESTCOTT presented a memorial of the Governor, members of the Legislature, and other citizens of the State of Florida, praying that compensation may be made to Tony Proctor, a free colored man, for services as an interpreter to the Seminole Indians in 1823 and '24; which was referred to the Committee on Indian Affairs.

Mr. WESTCOTT said: I ask to be indulged in one or two remarks in relation to this petition at this time. It is not signed by the individual for whom relief is asked. The application is in behalf of an old free negro who, for seventy years past, has been the faithful interpreter for the Spanish government and that of the United States with the Seminoles; and the petition is signed by the Executive and Legislative authorities of the State of Florida.—Tony Proctor, the interpreter, was long in pay of the United States, but for some cause sixteen months pay has been withheld from him. He is now upwards of one hundred years old. I hope my friend, the Senator from Missouri, Chairman of the Indian Committee, [Mr. ATCHISON] will notice this fact, and he will see that if the relief asked is not granted forthwith, it will probably come too late. I hope the delay, too usual in Congress, will not be allowed in this case.

Mr. DAYTON presented the memorial of Mary Brognard, widow of John Brognard, a non-commissioned officer attached to the Allied French corps in the revolutionary war, praying a pension; which was referred to the Committee on Pensions.

Mr. DAYTON presented the petition of Aaron Carman, praying that letters-patent may issue to him for an improvement invented by him in the construction of the plough; which was referred to the Committee on Patents and the Patent Office.

Mr. BREESE presented the petition of John H. Kinzie, and others, assignees of certain Pottawottamie Indians, praying the relinquishment of the reversionary interest of the United States in the lands purchased by them; which was referred to the Committee on Indian Affairs.

Mr. MASON submitted additional documents relating to the claim of Richard G. Dove, which, with his petition, on the files of the Senate, were referred to the Committee of Claims.

Mr. MASON presented the petition of Archibald Williams, and Charles Griffen, praying compensation for supplies furnished the Florida militia in the Seminole war; which was referred to the Committee of Claims.

Mr. MASON presented the petition of LeRoy Hammond, praying compensation for the use of his wagon and team in the military service of the United States during the last war with Great Britain; which was referred to the Committee of Claims.

Mr. MASON presented the petition of John H. Williams, praying to be allowed the bounty granted by the act of 1833, on his reenlistment in the Marine Corps; which was referred to the Committee on Military Affairs.

Mr. MASON submitted a document relating to the claim of John H. Williams, for pay due him as a private in the Marine Corps; which was referred to the Committee on Naval Affairs.

Mr. MASON presented the petition of Abel Gray, a Sergeant in the Marine Corps, praying compensation for extra duty performed by him; which was referred to the Committee on Naval Affairs.

Mr. MASON presented the petition of John H. Williams, praying compensation for services as schoolmaster on board the United States' ships Java and Delaware; which was referred to the Committee on Naval Affairs.

Mr. BUTLER presented an abstract of the report of a committee of the Chamber of Commerce, of Charleston, South Carolina, recommending the establishment of a branch mint at that place; which was referred to the Committee on Finance.

Mr. BRIGHT presented the petition of D. C. Buell, praying compensation for a horse lost in the military service of the United States; which was referred to the Committee of Claims.

Mr. BELL presented the petition of Mary Connelly, widow of a deceased revolutionary soldier, praying a renewal of her pension; which was referred to the Committee on Pensions.

Mr. BRADBURY presented the petition of Patrick Walker, praying an increase of pension; which was referred to the Committee on Pensions.

Mr. CAMERON presented the petition of the Philadelphia Female Anti-Slavery Society, praying the adoption of some plan for the immediate peaceful dissolution of the Union; the motion to receive which was laid on the table.

Mr. CAMERON presented the petition of John Stanert, a sol

dier in the last war with Great Britain, praying arrears of pension; which was referred to the Committee of Claims.

Mr. BADGER presented a memorial of merchants and others, and a memorial of masters of vessels and others, engaged in the navigation and commerce of the port of Wilmington, North Carolina; also, a memorial of Pilots on the Cape Fear river and bars, severally praying the establishment of additional lights and buoys in the Cape Fear river; which were referred to the Committee on Commerce.

On motion by Mr. ATHERTON, it was

Ordered, That leave be granted to withdraw the documents on the files of the Senate relating to the claims of the State of New Hampshire against the United States.

On motion by Mr. MANGUM, it was

Ordered, That the petition of Michael Hanson, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. ATCHISON, it was

Ordered, That the petition of Thomas H. Noble, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. BRADBURY, it was

Ordered, That the petition of William Davis, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. BRADBURY, it was

Ordered, That the petition of Ebenezer Whitten, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. CORWIN, it was

Ordered, That John P. Converse have leave to withdraw his petition and papers.

NOTICE OF BILLS.

Mr. FELCH gave notice that on to-morrow, or at some early day, he would ask leave of the Senate to introduce a bill to apply certain alternate sections of the public domain towards the completion of works of internal improvement in the State of Michigan, and for other purposes.

Mr. RUSK gave notice that on to-morrow, or at an early day, he would ask leave of the Senate to introduce a bill to establish an additional District Court in Texas.

Mr. DOUGLAS gave notice that on to-morrow, or at an early day, he would ask leave of the Senate to introduce a bill to establish the Territory of Minesota.

RELATIONS WITH MEXICO.

Mr. HANNEGAN submitted the following resolutions for consideration:

Resolved, That no treaty of peace can be made with Mexico having a proper regard to the best interests of the United States, which does not establish as a boundary, between the two nations, the most suitable line for military defence.

Resolved, That in no contingency can the United States consent to the establishment of Monarchical Government, within the limits of Mexico, by the intervention of European power.

Resolved, That it may become necessary and proper, as it is within the constitutional capacity of this government, for the United States to hold Mexico as a territorial appendage.

The resolutions having been read,

Mr. HANNEGAN said—I ask that the resolutions be printed; and as it would not be strictly in order, I shall refrain from saying anything in relation to them at present. I ask that they be made the order of the day for this day two weeks, inasmuch as by that time the bills will have been disposed of which are now before the Senate. I will only add that the resolutions are not entirely abstractions. They propose something definite and pointed.

It was then ordered, that the resolutions be printed for the use of the Senate, and that they be made the special order for this day two weeks.

CHANGES OF REFERENCE.

On motion by Mr. ASHLEY, it was

Ordered, That the Committee on Public Lands be discharged from the further consideration of the petition of Martin Fenwick; and that it be referred to the Committee on Private Land Claims.

On motion by Mr. JOHNSON, of La., it was

Ordered, That the Committee on Pensions be discharged from the further consideration of the memorial of Anna J. Hassler; and that it be referred to the Committee on Naval Affairs.

On motion by Mr. RUSK, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the petition of Charles M. Gibson, and from the further consideration of the memorial of A. H. Cole, of Florida: and that they be severally referred to the Committee of Claims.

LAND PATENTS.

Agreeably to notice, Mr. JOHNSON of La. asked and obtained leave to bring in a bill for the issuing of Patents in a certain class of cases, and for other purposes; which was read the first and second times by unanimous consent, and referred to the Committee on Private Land Claims.

INDIANA BONDS.

Agreeably to notice, Mr. BRIGHT asked and obtained leave to bring in a bill authorising the Secretary of War to surrender certain bonds of the State of Indiana, held by the United States, to the Agent of the State for said State of Indiana; which was read the first and second times by unanimous consent, and referred to the Committee on Finance.

TERRITORIAL GOVERNMENT.

Mr. HANNEGAN said:—Several days ago I gave notice that I would ask leave to introduce a bill to establish a Territorial Government in Oregon. Upon reflection, I thought it proper and just to my friend, the Senator from Illinois, that he should have charge of the bill; and I have given it to him, and I believe he is now prepared to present it.

Mr. DOUGLAS then asked and obtained leave to bring in a bill to establish the Territorial Government of Oregon; which was read the first and second times by unanimous consent, and referred to the Committee on Territories.

PRE-EMPTION SYSTEM.

Mr. ASHLEY, from the Committee on Public Lands, to whom was referred the bill to establish a general permanent pre-emption system in favor of actual settlers on the Public Lands, reported it without amendment.

NATHANIEL HOGGATT.

Mr. JOHNSON, of Louisiana, from the Committee on Land Claims, to whom had been referred the petition of Nathaniel Hoggatt, reported a bill for his relief; which was read and passed to a second reading.

HALF-PAY OF WIDOWS AND ORPHANS.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom had been referred so much of the President's message as relates to the subject, reported a bill amending the Act entitled "An Act granting half-pay to widows or orphans, where their husbands and fathers have died of wounds received in the military service of the United States, in cases of deceased officers and soldiers of the militia and volunteers," passed July 4, 1836; which was read and passed to the second reading.

JOSEPH NOURSE, DECEASED.

Mr. UNDERWOOD, from the Committee of Claims, to whom had been referred the petition of Maria L. Nourse, reported a bill to authorize the settlement of the account of Joseph Nourse, deceased; which was read and passed to the second reading.

Mr. UNDERWOOD submitted a report on the subject, which was ordered to be printed.

EDWARD BOLON.

Mr. UNDERWOOD, from the Committee of Claims, to whom had been referred the petition of Edward Bolon, submitted a report, accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

LOOMIS AND GAY.

Mr. BALDWIN, from the Committee of Claims, to whom had been referred the documents relating to the claim of Loomis and Gay, reported a bill in addition to an Act for the relief of Walter Loomis and Abel Gay, approved July 2d, 1836; which was read and passed to the second reading.

Mr. BALWDIN also submitted a report on the subject, which was ordered to be printed.

JOSEPH WATSON.

Mr. BALDWIN, from the Committee of Claims, to whom had been referred the petition of Joseph Watson, submitted an adverse report; which was ordered to be printed.

ERRORS IN SURVEYS.

Mr. FELCH, from the Committee on Public Lands, to whom had been referred a resolution relating to errors and defective returns in certain surveys, plats, and field notes, reported the same without amendment; and submitted a special report on the subject, which was ordered to be printed.

PUBLIC LANDS IN ILLINOIS.

Mr. BREESE, from the Committee on Public Lands, to whom had been referred the memorial of the Legislature of the State of Illinois respecting the Saline Reservations, reported a bill confirming former sales by the State of Illinois of the Ohio Saline Reservations, and authorizing the sale of the residue of such reservations; which was read and passed to the second reading.

GEORGE S. GAINES.

Mr. DOWNS, from the Committee on Indian Affairs, to whom had been referred the petition of George S. Gaines, submitted an adverse report; which was ordered to be printed.

WILLIAM MARVIN.

Mr. YULEE, from the Committee on Private Land Claims, to whom had been referred the petition of William Marvin, reported a bill for his relief; which was read, and passed to the second reading.

BROOKLYN DRY-DOCK.

Mr. YULEE, from the Committee on Naval Affairs, reported a bill making an additional appropriation for the dry-dock at the Brooklyn Navy Yard; which was read, and passed to the second reading.

Mr. YULEE said: I would ask the immediate action of the Senate on that bill. A communication has been received from the Secretary of the Navy, transmitting one from the Chief of the Bureau of Construction, in which Congress is informed, that the appropriation for the dry-dock at Brooklyn is entirely exhausted, and that they are without the means of making payments for the work during the present month. I believe that the communication states, that there is not enough to carry them through the month of December, which has just expired. They ask an appropriation of $150,000, in order to go on with the work. The Committee on Naval Affairs in the House have reported a bill precisely similar to that reported by the Committee on Naval Affairs of the Senate. It is necessary that action should be immediate on this bill, in order to prevent detriment to the structure, and to meet the public engagements contracted already, and daily occurring. Will the Secretary have the goodness to read the communication to which I have referred, as it will inform the Senate of all the facts in the case?

The SECRETARY read the communication.

The bill was then read a second time, by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

Mr. CRITTENDEN said that he feared that very partial attention had been directed to the bill before the Senate. It was one of very considerable consequence, and yet for one he did not exactly understand its objects.

The PRESIDING OFFICER.—The bill will be read.

The bill was then read.

Mr. CRITTENDEN.—I have no objection.

Mr. DICKINSON.—At the last session, we passed a bill making an appropriation for this work, when the merits and demerits of the subject were fully discussed, and the whole policy gone over and approved.

The bill was then read a third time.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

ASSISTANT PURSERS.

The Senate resumed, as in Committee of the Whole, the consideration of the bill providing for the appointment of Assistant Pursers in the Navy.

The amendment heretofore submitted by Mr. BADGER to strike out the words "by warrant," and insert "by and with the advice and consent of the Senate," was agreed to.

Mr. YULEE said, that as he was desired by Senators near him to explain the nessesity of this bill, he would do so very briefly.

There were eighty-one vessels attached to the Naval establishment a year ago. This number has been increased during the past year to meet the necessities of the service on the Mexican coast. There are sixty-four Pursers in service, of whom there are

Now at sea, - - - - - -	33
On duty at shore stations, - - - -	14
Unfit for active sea service from age and infirmity,	4
Recently returned from sea and settling accounts,	4
Detailed for vessels now fitting for sea, - -	3
Waiting orders, - - - - - -	6

There are fifty-four vessels in commission at the present time, so that there are in fact now twenty-one vessels without Pursers, the duties being performed by their commanding officers.

This consequence is detrimental to the service and unjust to the officers obliged to act as Pursers of their own vessels, who are generally not conversant with accounts, and whose appropriate duties totally conflict with the functions of a Purser. Several very hard cases have grown out of this deficit in the number of Pursers. Several officers of the Navy, whose brilliant achievements on the coast of Mexico entitle them to the thanks of the country, and would have brought to them high promotion in most other countries, where the rule of lineal promotion is less rigidly observed, have returned home to be mulcted in damages, instead of being rewarded for their meritorious conduct. Some of them have balances of one or two thousand dollars found against them for the want of formal vouchers, although there can be no doubt of the actual expenditure. And the monthly pay to which the law entitles the officers thus situated is subject to be abstracted from the support of their families, and carried to the credit of the government.

This is all wrong. Now, what is the remedy? The most economical and advantageous mode of supplying the deficit in the number of Pursers, is that recommended by the Secretary of the Navy and reported by the Committee. The Assistant Pursers will receive a less salary than the Pursers are allowed, and will fully answer the necessities of the service in the class of smaller vessels. The alternative is between the increase of the number of Pursers, or the addition proposed by this bill to the corps. There can be no question that this is the preferable measure; for, besides the advantage on the score of economy, the Executive will be able to make his selections for the grade of Purser, after a trial of capability and according to the relative merit of the persons filling the grade now proposed.

Mr. WESTCOTT offered the following amendment to first section:

Provided, That no person shall be nominated or appointed an assistant Purser, until he shall have first passed an examination before a board of Pursers of the Navy as to his qualifications for such office, in like manner as assistant Surgeons of the Navy are now required by law to pass such examination.

Mr. WESTCOTT observed, that he offered this amendment at the suggestion of several Senators who coincided with him in opinion as to its importance. The first object of it was to decrease the Executive patronage. It prevented the selection of mere office hunting political partizans without qualification, and in reward for political services; and if such are chosen it would ensure, at least, that they have the necessary education and intelligence. This law provides that all Pursers are to be appointed hereafter from these assistant Pursers. These assistant Pursers should have mercantile knowledge—skill as accountants—both of which attainments are professional, and in fact, may be called scientific. They should be examined as to these and other qualifications by a board of Pursers before they are selected. No man can then become a Purser or an assistant Purser, unless he possesses at least, the qualifications I have alluded to. The effect of a similar rule as to Surgeons in the Navy, and as to Surgeons in the Army, and as to Cadets at West Point, and Midshipmen seeking promotion, has been salutary. I hope this amendment will be adopted before the bill is sent to the House.

Mr. YULEE.—I hope that my colleague will consent to withdraw this amendment, or else that it will be voted down. I do not think it at all important that the bill should be thus amended; and I trust, upon re-consideration, my colleague will withdraw it. Sir, it may be very proper that the surgeons and assistant surgeons of the army and navy should be subjected to an examination as to their professional and scientific attainments, inasmuch as perhaps it may not be in the power of the President, without the aid of a board of gentlemen, schooled in the profession, to decide upon their qualifications; but in respect to pursers, sir, there is no necessity for any other qualification than the ordinary one of being a good accountant, and the higher, and more important qualification of integrity, which the board cannot decide, but which is very properly committed to the President and the Senate to decide. My colleague is mistaken in regard to the duties of these pursers. They do not make purchases, they simply distribute the articles purchased, and disburse the money that is placed in their custody for the payment of the officers and men of the navy. That is all; the highest and most important qualification is integrity. I do not conceive that it is at all necessary that the bill should be amended as proposed by my colleague, and I trust he will withdraw his motion.

The question being taken on agreeing to the amendment, it was decided in the negative.

No further amendment being made, the bill was reported to the Senate, and the amendment concurred in.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

THE TEN REGIMENT BILL.

The Senate resumed the consideration of the bill on its third reading, to raise for a limited time an additional military force.

Mr. JOHNSON, of Maryland, said:

My purpose, Mr. President, in now addressing the Senate is to give my opinion upon certain points connected with the present war, which I assume to be connected may be properly discussed upon the present bill.

They are these—

First. Is the war a just and honorable one, or is it unjust and dishonorable.

Second. Has it been heretofore properly prosecuted.

Third. How should it hereafter be prosecuted.

Fourth. What end, consistently with the good name of the nation, should be attained by it.

Mr. President—Upon each of these propositions I propose to present my views with the frankness and freedom which become a Senator, and at the same time with the deference which I sincerely feel for the opinions of those upon both sides of the chamber with whom I shall be found to differ.

Nothing, sir, is more annoying to me than to refer at any time to any thing personal to myself, and it is especially so, to do so in the presence in which I stand. But there may be circumstances which render it a duty. I feel myself in that condition, and I therefore ask the kind indulgence of yourself and the Senate to say a word or two of a personal character.

To those who know me, Mr. President, it is I am sure unnecessary to disclaim that I am actuated on this occasion neither in what I shall say or do, by any other motive than the single motive of duty to my country. If I could be mad enough to desire any other political post of honor than the one which I now hold (sufficient one would think, to satisfy the cravings of any ambition) I hope I know myself well enough to be able to say with truth, that I should scorn to obtain it by pandering to popular passion or official power. But, sir, I am proud to state, that I have no such desire, that I have no condition in the gift of the present Executive which I would accept, and none in the power of the people to give that I would take. In the school of political ethics in which I have been taught, I have imbibed as my first and last lesson, the duty to do what you believe to be right, and confidently abide the result. Be it the approbation of your fellow men, or not, you have then the approbation of your own conscience, transcending infinitely transcending in true value, any reward that can flow from human source.

As to popularity, sir, I estimate it as nothing if it is sought after. Its real worth is when it follows good ends, accomplished by good means. It becomes disgrace when catered for.

I would not avow any political opinion, which I did not sincerely entertain, nor conceal one which I did entertain, to win any honor which my countrymen could bestow. Honor so won, if I was capable of so winning it, would be to me but hourly abasement.

Sir, I need not say that I came into this body differing with the administration upon almost every subject of our public civil policy. This difference, decided as it was in the beginning, so far from having been diminished, has been but more and more strengthened and confirmed. I believe they mis-apprehend the true policy of the country, and fundamentally err upon great and vital points of constitutional power. I may be mistaken, but I believe as sincerely as I believe in my own existence, that the day will come, and is rapidly coming, when this will be seen to be the general opinion of the people, and that until then the country will be deprived of many a blessing which the constitution was intended to bestow. But, sir, new questions have arisen, and are now agitating the nation. We are at war, and upon one of the questions growing out of it, I find myself differing perhaps with most of the Senators on this side of the chamber, not I hope with all, with whom it is my pride and pleasure generally to agree. I need not say, Mr. President, to you or to them, that this difference exists, if it does exist, because I am unable from a sense of duty to have it otherwise. Party ties, party prepossessions, party associations, strong as they ever are and should be, can never be sufficiently strong to make an honorable man violate what he feels to be his duty to his country: And when in that duty is involved his country's reputation, they should be and are weaker than the spider's web.

Nor upon this occasion do I feel any other concern than that which the mere fact of difference creates, because I know so well the Senators who are around me, that whatever may be they may feel, that our opinions are not upon all points identical, I should cease to have, what I am sure I now have, their respect and esteem, if I surrendered my own judgment, and faltered with my conscientious [illegible] in that judgment to the true fame of our common country. We differ, sir, but we differ as friends. We differ, sir, but we differ as patriots. We have alike at her honor—we disagree, if we do disagree, as to the true mode of vindicating and maintaining it. Mr. President, all of the good and liberal of my countrymen will, I have no doubt, when they shall have seen what I am about to say, do me the justice to believe that my motives are pure and patriotic. There may be, and perhaps are, many followers of the party camp, who hope it is to feed on the spoils of the contest, who may profess to doubt it; but none such do I drop a syllable to satisfy. Bred in the corruption of the motto of the political free-booter, that the spoils belong to the victor—fighting not for principle, but for plunder, they are as feculent as their motto, and beneath the notice of honest men. Only, indeed, to be shunned as you would shun any loathsome toad that might be in your pathway.

Is the war just and honorable or not?

I think it is, and I hope for the good name of my country, that such will be the judgment of Christendom. Sir, I wish to be clearly understood. I am not inquiring into the conduct of the Executive, into its prudence, or its constitutionality. My single proposition now is, that as between the United States and Mexico, the former had just cause of war on the 15th May, 1846, when the war act of that date was passed, and that on that day war in fact existed by means of the unjust and illegal act of Mexico. Sir, I repeat before going further, that I sincerely trust, as I love the fair fame of my countrymen, that I may be able to make this plain. Sir, I should bow in deep and heartfelt mortification for that fame if I did not believe it to be plain. I would not have it even to be involved in the slightest obscurity or doubt, from the dread of the judgment which the civilized world would then be compelled to pass upon us. We live in an age when nations, as individuals, lose their power and usefulness, and sink into degradation, if they perpetrate acts of wrong and injustice. We are, thank God, surrounded by a moral atmosphere as necessary to healthful national existence as the atmosphere we breath is necessary to individual life. If we discard it, if we sink below it, if we substitute for it that which is inseparable from violence and injustice, the punishment is at hand. The decay begins and progresses, until we are involved in hopeless ruin.

National character is national power, and the purer, the more elevated, the more spotless that character, the greater the power. I trust, therefore, in God, that I am right in the opinion that this war is upon our part just and honorable. If not, if not clearly just and honorable, then will we be pronounced by the judgment of the world a band of murderers. No other sentence can then be passed upon us. If we are right, we are worthy descendants of sires who knew no moral blemish, who estimated the national honor above all price. If we are wrong, we have disgraced the inheritance of freedom they have left us, brought dishonor upon our land, and aimed a fatal blow at constitutional freedom itself.

If I speak strongly it is because I feel strongly. I wish to give offence to none. I take no offence if others hold a different opinion. I am here to justify my own before the Senate and the country, and I propose to do it with the freedom that belongs to each of us.

I have an instinctive repugnance to believe my country wrong in any war in which she can engage, and I rejoice that in this instance my feelings and my judgment are one. I now proceed with the attempt to maintain that judgment. I have not time, sir, nor health to state all the facts which our difficulties with Mexico have developed applicable to this question. Nor if I had, should I deem it necessary to trespass so much upon the time of this body. My purpose is to refer only to such as I am sure cannot be successfully denied, and which are of themselves, in my judgment, conclusive of the controversy.

In 1834, the Mexican Congress passed a decree, requiring all citizens to surrender to the government their arms. The legislature of Coahuila and Texas by decree remonstrated against it and other acts repealing the constitution of Mexico of '24, by which they had changed the government from a Federal to a Central one.

For this General Cos, under the order of Santa Anna, at the head of his army, broke up the legislature of Coahuila and Texas, and arrested all the officers of the government, marched over the Rio Grande and established his head-quarters at San Antonio, leaving a garrison at Lipauttilan on the Nueces, and one at Goliad. The Texans then commenced the revolution, retook Goliad, Lipauttilan and San Antonio, in '36.

The boundaries of Coahuila and Texas as these departments were laid off into one State by the constitution of '24, was the Nueces, running far upward of one hundred miles up that stream, and then by a line across from that point to the Rio Grande. The territory below that line, between the Nueces and the Rio Grande, was a part of the State of Tamaulipas. Tamaulipas granted it to various individuals by what were called colony-grants, under which many settlements were made. These colonists, or the greater portion of them, so entitled to this portion of the territory, joined in the Texas Revolution, and were represented in the convention of Texas, which subsequently declared the independence of that Republic. The day after the battle of San Jacinto, 31st April, '36, Santa Anna surrendered as a prisoner. In about six weeks afterwards he entered into a treaty with the government of Texas, acknowledging the Rio Grande as their south-western boundary, upon condition that General Felisolea, then at the head of five thousand troops, being all that were left to the centralists to maintain their power, should be permitted to retire west of the river, and that he, himself, should be released. These conditions were complied with, Felisolea being permitted to retire with all his force to the west of the river, and Santa Anna in October afterwards, released. The treaty contained, also, various stipulations about the release of prisoners and the surrender of property. General Rusk, then at the head of the Texian forces, and under the order of the Texian government, transmitted a copy of the treaty to General Felisolea, who recognized it, and at once complied with all the obligations it imposed upon him.

In 1836, 19th December, the Texian Congress passed a law describing the Rio Grande as their south-western boundary. In the

summer of 1836 Felisola was superseded in command by the appointment of Gen. Urea, who immediately commenced raising an army to re-invade Texas. Gen. Rusk, who was still at the head of the army of Texas and stationed at the Gaudaloupe, ordered the families between that part and the Rio Grande to retire to his rear, or to remove to the western bank of the river. The most of them did retire to his rear, but many of the Mexicans elected to cross the river and settle on the opposite side. For the purpose of facilitating the removal of those occupying the country and of watching the movements of the Mexican army, and preparatory to an advance upon Matamoras, he dispatched General Felix Houston with a sufficient force to take possession of Corpus Christi, and that was done. General Houston exercised more authority between the Nueces and the Rio Grande, than Urea did, who was stationed at Matamoras, with a force of about ten thousand men. At one period Urea crossed the river with the greater part of his command and encamped a few miles east of the river, but in a very short period he re-crossed to the western side. In this condition things remained until 1843, the Mexicans having no army to the east of the river, and the Texians having a few troops at Corpus Christi and San Antonio. With these troops, however, the Texians frequently made excursions to Lacido, a place upon the Rio Grande, and several times crossed it. The Mexican troops made two incursions, crossing the river both times, coming as far as San Antonio, and upon each occasion were immediately driven back to the west bank. In '43, also, an armistice was agreed upon under which the Mexican Army was to remain on the west and the Texians on the east side of the river. This armistice was in the same year revoked and the war declared to be renewed. The proclamation of General Wool, who was then in command of the Mexican force, issued by direction of Santa Anna, declared that all Mexicans found within three leagues of the river, would be considered as "favoring the usurpers of that territory," meaning by the territory, the whole of Texas, be tried by court martial, and capitally punished. There were during this period, at a post called Lacido on the east side of the river, some citizens under a military organization, and organized simply with a view of defence against the Indians, mustered only upon such occasions, but claiming to be citizens when Hays or McCullough was there with the Texian Rangers. From the commencement of the revolution in '34, to the Independence declared by Texas in '36 — from that period to the admission of Texas into our Union in '45—and from '45 up to the present hour, no Mexican document can be found, military or civil—no Mexican officer, military or civil, has ever been known to contend that the territory lying between the Nueces and the Rio Grande belonged to Mexico by any other title than that which she maintained to the whole territory between the Sabine and the Rio Grande. Under the colony contracts granted by Tamaulipas, the settlers, at an election in Texas in '41 or '42, of members of congress, voted at Corpus Christi, claiming to be citizens of Texas, and their votes were received and recognized by the government. The evidences to the title, too, to the lands so settled upon, including all transfers from the time of the revolution of '34, to the present time, are recorded amongst the land records of Texas. On the first of March, '45, the alternative resolutions for the admission of Texas into the Union were passed. On the 29th of December, '45, Texas was admitted, and on the same day an act was passed to extend the laws of the United States over the State of Texas. On the 31st December, '45, Texas was constituted a revenue district, and the city of Galveston, the only port of entry, having annexed to it, amongst other ports, as ports of delivery, the port of Corpus Christi, a port on the west side of the Nueces. Under that act a revenue officer of the United States has been appointed for Corpus Christi. On 2d February, '47, congress, by an act establishing additional post-roads in the State of Texas, established, amongst others, one from Brazos Santiago via Point Isabel to Fort Brown, opposite Matamoras; and one from Corpus Christi to Brazos Santiago, a point south of Point Isabel, near the mouth of the Rio Grande.

Now, as before stated, Texas was annexed under the first of the alternative resolutions of the 1st March, '45.

[The first resolution provides, That Congress doth consent that the territory properly included within, and rightfully belonging to, the republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said republic, by deputies in convention assembled, with the consent of the existing government, in order that the same may be admitted as one of the States of this Union.

That the foregoing consent of Congress is given upon the condition, that the said State be formed, subject to the adjustment by this Government of all questions of boundary that may arise with other governments; and the constitution thereof, with the proper evidence of its adoption by the people of said republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the first day of January, one thousand eight hundred and forty-six.

The second resolution provides, That if the President of the United States shall, in his judgment and discretion, deem it most advisable, instead of proceeding to submit the first resolution to the republic of Texas, as an overture on the part of the United States for admission, to negotiate with that republic, then that a State to be formed out of the present republic of Texas, with suitable extent and boundaries, and with two representatives in Congress until the next apportionment of representation, shall be admitted into the Union, by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission, and the cession of the remaining Texian territory to the United States shall be agreed upon by the governments of Texas and the United States; and the sum of $100,000 is hereby appropriated to defray the expenses of missions and negotiations, to agree upon the terms of said admission and cession, either by treaty to be submitted to the Senate, or by articles to be submitted to the two Houses of Congress, as the President may direct.]

Immediately upon the annexation the Minister of Mexico, General Almonte, demanded his passports, upon the ground that the annexation itself was a state of hostility to Mexico, and from that period to the march of General Taylor from Corpus Christi to the Rio Grande, the frequent efforts of the American Government to terminate the controversy by negotiation, failed; and before that march, the Mexican government were collecting their forces upon the Rio Grande, with the avowed design, not of taking possession only of the territory between the Nueces and the Rio Grande, and conceding to the United States that portion of Texas which lay west of the Nueces, but of disputing with the United States the title to the whole of the country between the Rio Grande and the Sabine, and upon the ground that the whole and every part of that territory was still a portion of Mexico by virtue of her original and paramount title. Now the proposition which I seek to maintain is this, that as between the government of the United States and the government of Mexico, the former had in this condition of things a perfect right, and the same right for the purpose of repelling the threatened invasion, to march her troops into the territory between the Nueces and the Rio Grande, as into any territory situated between the Sabine and the Nueces. The question is not, whether such a movement of the troops was under all the circumstances judicious and prudent. It is not, whether by a different course an actual conflict might not have been avoided; but whether, as a matter of right—as a matter of self-defence, the United States had not, under the law of nations, full and perfect authority and justification to make such a movement.

Now what are the clear and indisputable facts? The U. States had received the republic of Texas into the Union without antecedently defining her boundaries, and under a constitution which reiterated what had been, as far back as '36, a part of her original constitution as an independent republic—that the Rio Grande, from its source to its mouth, was her southwestern boundary. The United States extended all her laws over the State of Texas, as so admitted. They had assumed actual jurisdiction at Corpus Christi. They knew that there were citizens between the Nueces and the Rio Grande who claimed to be citizens of the State of Texas so admitted. They knew that for nine years the State of Texas had existed as an independent nation.

Who proposed withdrawing Taylor on the 13th May? Who denied then, that we had good right to repel the Mexicans and to invade, for the purpose of avenging the outrages, any and every part of Mexico? She had refused to negotiate; she had considered annexation as war; she had terminated all diplomatic relations; she had refused to receive our Minister upon a mere quibble of the then President, because he was afraid of his own power, threatened with downfall because it was believed he was willing to negotiate at all. She had mustered an army on the Rio Grande with the declared object of invading all Texas and recovering the whole to her own sovereignty. Her then Government owed its existence to this very determination. She had never maintained any peculiar title to what is now called disputed territory. What, in this state, were the United States to do? Were they bound to remain still and await the invasion, or were they not authorized to meet the threatened invasion, even upon the admitted territory of the invader? Who doubts, that with nations as with individuals, the right of self-defence gives the right to strike the first blow? To prevent an injury is easier than to repair it. Sir, where is the writer on the law of nations, who holds a different opinion? There are some propositions so plain, that they admit of no illustration; they furnish their own best illustration, and this is one of them. We had a clear, undeniable right to meet Mexico upon the very uttermost limits of Texas, and repel her there, or if we deemed it advisable, an equally clear and undeniable right to anticipate her by striking the first blow on her own admitted territory. But it is said that the place of conflict was on Mexican territory. If it was, the argument in our behalf would not be in the least enfeebled. She was there intending to go further. She was there to drive our army back to the Sabine. She was there to re-conquer Texas, the whole and every part of Texas, and not to retain a portion only, upon the ground that such portion was not Texas.

But even the fact is not as alleged. Whether this portion of the territory was or was not rightfully a part of Texas was, at least, a matter of dispute. Texas claimed it; Texas, over a portion of it, exercised jurisdiction. Citizens residing on it, claimed to be citizens of that government. Mexico had in vain attempted to recover it. The Constitution of Texas included it. The United States had exercised, after the admission of Texas into the Union, sovereignty over part of it—the highest act of sovereignty, the taxing power. She had received Texas into the Union without any other definition of boundary, reserving the right only as between themselves, Texas, and any other power, who might question the justice of the boundary, to settle it by negotiation. Without a breach of honor to Texas, the United States could no more have surrendered, without enquiry and negotiation, to an absolute and armed demand this portion of the territory, than they could have surrendered to such a demand the entire State.

All then that can be said is, that the title of Texas to this part

of her territory was open to dispute. Such a dispute is to be settled but by two means, by negotiation or by force. If the negotiation was refused, if Mexico elected the other alternative, force, can she complain if we meet her with force? But suppose her design was not actual force, but to get possession only of the disputed ground. Had not the United States the same right to take possession, and hold whatever they possessed, until the question of title was decided by negotiation? The very question of title might have been affected by the fact of possession. Mexico might have relied upon it as conclusive of the inability of Texas, and the United States as their successors, to prevent it, and as demonstrating that the original sovereignty had not been lost by the revolution. This, the United States had a right to guard against; their own honor bade them guard against it. If actual possession, by Mexico, could weaken the title of Texas, it was their duty to strengthen it by also taking possession. Pending a question of disputed territory, not actually possessed by either, who ever contended that it was the duty of one of the parties to suffer the other to take possession, and then try the title? No sir, no lawyer would give such advice. No statesman would so act. Things should in such a case, be suffered to remain in "statu quo." Neither should seek to get advantage of the other. If I am right in this, and Mexico designed taking possession, then she cannot complain if we also take possession; and, especially not, if she knew that notwithstanding such possession, we were willing at any time to negotiate on the question of title.

Sir, it has been said, that to march into the disputed territory is an act of hostility. I concede it. But then to threaten to march—to prepare to march—to muster an army to march, and with the avowed purpose of taking forcible possession and holding, is also an act of hostility. This Mexico did first, and we had then a clear right to anticipate her upon every principle of the national law, by marching ourselves, and placing ourselves in a condition successfully to meet and repel her. Between nations, as between individuals, aggression may be met by aggression—assault may be met by battery. But it is said revolution gives no title unaccompanied by actual and undisturbed possession and jurisdiction. As a general principle the proposition is true; but what is actual and undisturbed possession? Does it mean that the revolutionary government is to have a soldier on each foot of her asserted domain? Does it mean that every inhabitant within her territory is to acknowledge and submit to her sovereignty? or does it not, only mean, that such government is to have possession, claiming exclusive title to the whole of her asserted bounds, and possess the power and determination to make that title good by force, against the original sovereignty? I say it means this and nothing more.

See the result of a different doctrine. We declared our independence in '76; the war continued seven years. Suppose no treaty of peace had been made recognizing our limits, but England had simply retired from the contest in disgust with the struggle, as she might well have done, would not our title at that moment have been as good to every foot of our glorious Thirteen, as it was to the very battle-fields of Saratoga and Yorktown? And yet, how inconsiderable a part of our country was ever trodden by the American soldier or within actual reach of his arm! And yet, how many hearts throughout the contest beat high with true loyalty to England, and were striking or were burning to strike for her standard! No, sir, the proposition is not true as it is sometimes understood. It means only the ability to make the usurpation good by force of arms, when the usurper's title is by force of arms assailed. Subject to this test, who can doubt that Texas had the ability to maintain her title to any part of the territory claimed by her between the Nueces and the Rio Grande? Let the facts give the answer. After her declaration of independence, and after she had by force driven the Mexican troops across the latter river, they afterwards returned but twice and were each time driven back; and from the period of the last incursion, in 1843, no Mexican soldier ever crossed the river, and no civil officer of Mexico ever exercised jurisdiction over it. Texas then claimed the territory—Texas drove Mexico from it—Texas had apparently the power, and certainly the will, to drive her from it whenever she invaded it. If these were the facts, and I appeal to the honorable Senator from Texas for their truth, what doubt is there, that to that part of her constitutional limits she has a perfect title? Sir, a word or two more, and upon this point I have done. What Senator, what American, would be now content to abandon the territory, make the Nueces the boundary, and fight only for that boundary? For peace, to put an end to the war, to spare the further effusion of blood, some might be found who would by negotiation agree to that limit of Mexico—would surrender all title to the rest of Texas. But who is there who would now propose to fall back to the Nueces, and abandon at once the intermediate territory, the very fields of Palo Alto and Resaca la de Palma to Mexico, and fight her only to the banks of the Nueces? I believe, I hope for the honor of a common allegiance, that there is not one. I have said that I trusted for the sake of our heretofore stainless character, that the opinion I have thus fully endeavored to maintain was correct—that the war is on our part a just one.

If not, sir, why is it not? It is because without justification we invaded Mexican soil. It is because without justification we caused Mexican blood to be spilled upon Mexican ground. It is because they were met at their own homes, which we invaded; upon their own fields, dear to them as love of country is dear—consecrated to them by all the associations which bind man to the soil of his birth; in the holiest of all duties—the defence of home and country; and have, without right, without excuse, without palliation, given them to the sword—slaughtered them by hundreds and thousands, and driven the survivors away. Sir, would not such a tale of wrong, of itself, cover our country with ignominy? But it is not yet half told. What else have we done? We have seized upon it as a pretext for other, and if possible, yet deeper enormities. We have published to the world a falsehood. We have endeavored to conceal the true character of our outrage. We have stated that the contest was of their own seeking—not ours; and upon this degrading perversion, have pursued them with still more frightful outrage. We at once called into the field 50,000 soldiers—placed the whole naval power of the government at the disposition of the Executive—entrusted him with ten millions of dollars, and carried on the war thus begun—took possession of their towns, bombarded Monterey—carried it almost by storm, slaughtering men and women by hundreds and thousands. Still the story is not told. The damning dishonor is not yet as dark as the truth. Another Congress assembled—we of the Senate composing it in part. We authorized additional troops to be raised—we placed additional funds in the hands of the President.

We hear of an intention to strike outraged Mexico in yet more vital points—we do not arrest it. We suffer the expedition to go on. Before the Mexican blood is yet dry upon the fields of Palo Alto, Resaca de la Palma, Monterey and Buena Vista, Vera Cruz is bombarded. Her churches fall under the dreadful aim of the mortar—the blood of her women and children runs in streams through her before peaceful and happy streets—her almost every thoroughfare is obstructed by the mangled bodies of her slaughtered citizens, until at last, her valor can hold out no longer before the mighty and crushing power of our arms. She surrenders. Yet still, our vengeance is not glutted

objection of an unsettled and unjust boundary. It looked to negotiation as the remedy to avoid all difficulty either with Texas or Mexico. It looked to annexation, without the hazard of war, and was designed for the pure and patriotic purpose of maintaining the peace and honor of the United States. Now, sir, I do not allege that this was the ground of their support, and still less that they had any assurance from the President upon the subject; but I do allege that I can conceive no other reason for their vote upon the resolution at all in keeping with their characters for high intelligence, firmness of purpose, and patriotism, than that they thought they had an assurance that their mode of annexation would be pursued. Sir, how did it turn out? The ink was hardly dry with which the resolution was recorded, and the name of the President attached to it, before, without going through the form even of a moment's subsequent deliberation, a messenger was despatched to the government of Texas, inviting her into the Union, under the first alternative—and under the first alternative, she came into the Union.

Now, sir, I charge upon the President, that this hasty and ill-advised step was the remote cause of the present war. I charge it upon him, that if he had acted prudently, and cautiously, and wisely, he would have proceeded under the other alternative, and have saved the dreadful effusion of blood the world has been compelled to witness.

I charge it upon him that the course which he did pursue was inconsistent with that uniform policy of his predecessors to avoid, or to seek to avoid, by every possible and honorable means, that direst of almost all national evils—war.

Sir, it is no defence that Congress authorized the step he did take. They to be sure authorized it, but did not command it. They left with him, unwisely, I think—certainly I would not have done it—the discretion to adopt it. But he knew—must have known—that some of the wisest and purest of statesmen predicted that it would end in war; and that some of the wisest and purest of the statesmen belonging to his own political party, entertained that opinion. He knew that a majority of the Senate, his constitutional advisers, were firmly of that opinion. He knew they had promptly rejected a treaty upon that very ground, and that alone; and yet in defiance of all this, he headlong takes the obnoxious step, and the war ensues. The responsibility is upon his head, and heavy, and overwhelming is that responsibility.

Sir, annexation of itself would not have been war—Mexico had no right to make it a cause of war. Texas independence had been too long established and undisturbed, to have her absolute right of sovereignty called in question—acknowledged by the principal powers of the world, all had a right to say, that revolution had ripened into title, and especially had the United States, the neighbor of the new government, that right. Nor do I believe, Mr. President, that Mexico, proud and arrogant as she then was, would have dared on account of the treaty of annexation to make war upon the United States. No, sir, it was the manner, not the fact. It was the rashness, and under the circumstances, in my opinion, the utter rashness of the President's course. I repeat, therefore, my settled conviction, that the President is on this account answerable for the war. But, upon the second ground to which I have referred, his liability is even yet more manifest, and without a shadow of justification or excuse. Sir, I need not say that I impute no improper motives to the President. He has no doubt, I hope acted under a mistaken sense of duty. But in my opinion, sir, the order to march our army to the Rio Grande was a flagrant violation of that duty—was ill advised, reckless and clearly against the spirit of the constitution.

Sir, he could not but have known that such a measure was likely to bring on hostilities. He could not but have known that such hostilities would be in the judgment of the nation, war. The war making power is exclusively vested in Congress, for wise, high and vital reasons of public policy. No man would be mad enough to repose such a dreaded power in the executive. The security of freedom and peace demands, that those who are to pay the expenses of war, should alone have the right to declare it. Congress was then in session, why were they not consulted? Was it apprehended that they would not by such a step hazard the peace of the nation? Was it because it was believed that they would resort to every possible effort before taking a step so likely to involve us? Sir, I hope not, I am bound in respect to the President to believe not. But, sir, the fact remains. Is there a citizen in the United States of any intelligence who can doubt it, that Congress never would, in the then condition of things, have suffered, if they could have prevented it, much less ordered that march.

I charge therefore upon the President that as far as the United States and himself are concerned, he is the author of the war. He and he only, and upon his hands rests the blood which has crimsoned its many glorious battle fields. But this, sir, is a question between the country and the President. Mexico had no right on that account to assail our flag.

To her it made no difference under what authority of this government our troops were on the Rio Grande. We had, I repeat, and hope I have shown, a right to send them there, and her attack upon them was, as regards him and ourselves, war actually begun by her.

Sir, our flag has waved in proud glory over every field of conflict. The nation's heart has beat high with pride and gratitude to the brave spirits who have carried it, for their matchless gallantry and skill. Upon the nation's brow no blush need to be seen. They were not permitted to avoid the horrid strife. Their President, without their knowledge, rashly involved the nation's honor. That honor was then illegally assailed. They had no choice but to vindicate it. Theirs is all the glory which has been achieved. The President hereafter, when in the retirement of private life, and reviewing the scenes of these bloody conflicts, however it may be now, will take no joy in the remembrance of our triumphs. The voice of conscience will tell him that all the blood of the battle was of his shedding. The tale of its glory to him, will be lost amidst the agonizing cries of the widows and the orphans it has made.—Sir, I repeat it, I allege no improper motive to the Executive, but as I believe that I am now addressing you, do I believe that upon the President rests the blood and expenses of the war, and upon him, therefore, I charge them.

Without concluding, Mr. JOHNSON gave way to a motion to adjourn, and

The Senate adjourned.

TUESDAY, JANUARY 11, 1848.

REPORT FROM THE WAR DEPARTMENT.

The VICE PRESIDENT laid before the Senate a Report of the Secretary of War, made agreeably to law, exhibiting the expenditures from the contingent funds of the Department, its Bureaus and Offices, during the fiscal year ending June 30, 1847.

PETITIONS.

Mr. BRADBURY presented the memorial of John O. Means, praying compensation for services as Purser on board the United States brig Dolphin, in the year 1843; which was referred to the Committee on Naval Affairs.

Mr. MASON presented the memorial of Thomas Jefferson Randolph, executor of Thomas Jefferson, deceased, formerly President of the United States, praying Congress to purchase the manuscript papers of said Thomas Jefferson; which was referred to the Committee on the Library.

Mr. CASS presented the petition of I. C. Montague and others, citizens of Memphis, Tennessee, praying that bounty lands may be granted to the soldiers of the regular army who served in the battles of Palo Alto, Resaca de la Palma, and Monterey; which was referred to the Committee on Military Affairs.

On motion by Mr. CASS, it was

Ordered, That the petition of Shadrach Gillet and others, on the files of the Senate, be referred to the Committee on Private Land Claims.

NOTICES OF BILLS, ETC.

Mr. HUNTER, Mr. BREESE, and Mr. DIX, severally gave notice that on to-morrow they would ask leave of the Senate to introduce certain bills.

Mr. DICKINSON stated, that the discussion on the Military Bill had extended farther than he had anticipated, and he thought it proper that he should notify the Senate that he would call up his resolutions to-morrow, during the morning hour; not for the purpose of having a general discussion upon them; but merely in order to submit some remarks which he had intended to make upon them at an earlier period.

CONTRIBUTIONS IN MEXICO.

Mr. DAYTON submitted the following resolution for consideration.

Resolved, That the President be requested to furnish to the Senate, if in his judgment not incompatible with the public service, copies of the letter referred to in his Message, of General Scott, of 20th May, 1847, and of the letter of General Taylor of 28th October, 1846, on the subject of "forced contributions in Mexico," and of all other correspondence on that subject, (if any,) not heretofore communicated.

Mr. DAYTON asked that the resolution be now considered.

Mr. SEVIER objected, and it was laid over, under the rule.

MR. TRIST'S CORRESPONDENCE.

Mr. BALDWIN submitted the following Resolution for consideration.

Resolved, That the President of the United States be requested to communicate for the information of the Senate, the correspondence between the Commissioner from the United States and the Commissioners appointed by the government of Mexico to negotiate with him, during the suspension of hostilities, after the battles of Contreras and Churubusco; and any other information which may enable the Senate to understand the views, progress and state of that negotiation, a treaty he may deem the same not incompatible with the public interests.

Objection being made to the consideration of the resolution at this time, it was laid over under the rule.

ISAAC VARNES, SR.

On motion by Mr. BADGER, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the memorial of Isaac Varnes, senior, and that it be referred to the Committee of Claims.

CREED TAYLOR.

Agreeably to notice, Mr. ASHLEY asked, and obtained leave to bring in a bill for the relief of Creed Taylor; which was read the first and second times, by unanimous consent, and referred to the Committee on the Post Office and Post Roads.

ALTERATION OF THE JUDICIAL SYSTEM.

Agreeably to notice, Mr. ASHLEY asked, and obtained leave to bring in a bill to alter and amend the judicial system of the United States; which was read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary.

GRANT OF LAND.

Agreeably to notice, Mr. FELCH asked, and obtained leave to bring in a bill to apply certain alternate sections of the public domain toward the completion of the Clinton and Kalamazoo Canal, in the State of Michigan; which was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

SUSAN E. GORDON.

Mr. MASON, from the Committee of Claims, to whom had been referred the bill for the relief of Susan E. Gordon, reported it with an amendment.

Mr. MASON also submitted a report on the subject; which was ordered to be printed.

The bill was read, and passed to the second reading.

INCREASE OF THE MEDICAL STAFF.

Mr. CASS, from the Committee on Military Affairs, reported a bill for an increase of the medical staff of the army for a limited time; which was read, and passed to the second reading.

JONES AND BOKER.

Mr. RUSK, from the Committee on the Post Office and Post Roads, to whom had been referred the petition of Jones and Boker, submitted a report, accompanied by a bill for their relief.

The bill was read, and passed to the second reading.

Ordered, That the report be printed.

INDIAN RESERVATIONS.

Mr. SEVIER, from the Committee on Indian Affairs, to whom had been referred the bill authorizing persons to whom reservations of land have been made under Indian treaties to alienate the same in fee, reported the same without amendment.

DONIPHAN'S EXPEDITION.

The Senate proceeded to consider the following resolutions submitted by Mr. BENTON, on the 3d instant:

Resolved, That there be printed for the use of the Senate ——— copies of the tour or memoir of Dr Wislizenus, through the northern parts of Mexico, as physician to Col. Doniphan's column; being a history of the expedition of Col. Doniphan, with scientific observations upon the face of the country. Also, that there be engraved or lithographed for the use of the Senate, ——— copies of the superficies map which accompanies the same. Also, the same number of the barometrical map of the profile of elevations above the level of the sea from St. Louis in Missouri, on the line of march of said expedition to Santa Fe, in New Mexico, and thence by Chihuahua, the Bolson de Mapim, Parras, Saltillo, and Monterey to Reynosa, on the Rio Grande. Also, the same number of the geological map, and the same number of the table of meteorological observations, which accompany the same.

Also, *Resolved*, That ——— copies of the said memoir, with the accompanying maps, be printed for the use of Dr. Wislizenus.

On motion by Mr. DIX, it was

Ordered, That they be referred to the Committee on Printing.

EDITORS OF THE UNION

The Senate proceeded to consider the following resolution, submitted by Mr. MASON on the 6th instant:

Resolved, That the Editors of the Union, as newspaper printed at Washington, and who were late printers to the Senate, be hereafter entitled to the same access to the floor of the Senate, which is now extended to others who were formerly the printers.

The resolution having been read, and the question being upon its adoption—

Mr. MANGUM said: I hope the question will be postponed until another day. The matter seems to attract no attention whatever on the part of the Senate.

Mr. WESTCOTT, (from his seat.)—The Senator mistakes the subject of the resolution.

Mr. MANGUM.—What is the resolution, then?

Mr. WESTCOTT.—It does not refer to the reporters of the Senate. It is to admit Ritchie & Heiss to the privilege of the floor of the Senate. I believe they are not now officers or printers of the Senate. I would inquire of the Senator as to this fact. I think the resolution proposes to give the same privilege as former printers to the Senate now have. I did not hear the reading distinctly, but I believe this is the purport.

At the request of Mr. CAMERON, the resolution was again read.

Mr. CAMERON then moved that the resolution be amended by inserting the words "and publishers" after the word "editors." He believed that Mr. Heiss was known not as editor but as publisher of the Union.

Mr. HANNEGAN.—Before any question is taken on the resolution, I would suggest, that as the Senator who introduced it is not now in his place, it would be as well that it be permitted to lie upon the table for the present.

Mr. WESTCOTT.—I wish to say one word. I am not opposed to this resolution. Regarding it as an act of clemency—a pardon by the Senate—a mere act of grace—I shall vote for it, and I presume on that ground no Senator will oppose it, and if considered now it will be adopted.

Mr. SEVIER.—The resolution is very clear and explicit in its terms, being intended merely to extend to those gentlemen the same courtesy as others in a like situation are entitled to claim.

The question being taken on the amendment, it was agreed to; and the question then being on the adoption of the resolution as amended—

Mr. BERRIEN said: I suppose that the purpose of the mover of this resolution might be accomplished by rescinding the resolution of last session. I am not aware, myself, what are the privileges which are referred to; but I am perfectly content that the purpose of the resolution shall be accomplished. I think that the sense of the Senate, regarding the occurrence which induced the resolution of the last session, was expressed by the passage of that resolution. That purpose being accomplished, I am perfectly willing to see the resolution of this session attained. But I think, though I will not urge it, I think it would be more pertinently accomplished by rescinding the resolution of last session.

Mr. MASON, having returned to his seat, said: When I introduced the resolution, I had hoped that it would be met by those who voted for the resolution of last session, in the spirit in which it has been met by the distinguished Senator from Georgia. I am gratified with it. The resolution is drawn with an earnest desire not to provoke discussion, and although I should acquiesce cheerfully in a proposition to rescind the former resolution, yet I had thought, and still think, and I am still further strengthened in this opinion by conversations which I have had with gentlemen around me, that the resolution will be more acceptable in the form in which it now stands.

Mr. DAYTON.—If the question be put upon the resolution as it now stands, my impression is, that it will be adopted.

The question was then put on agreeing to the resolution as amended, and it was decided in the affirmative.

WIDOW OF COL. McREA.

The bill for the relief of Mary McRea, widow of Lieut. Col. William McRea, late of the United States army, deceased, was read the second time, and considered as in Committee of the Whole.

Mr. TURNEY called for the reading of the report in this case, and it was read by the Secretary.

Mr. CASS sent to the Secretary's table a letter from Mrs. McRea, which was read.

Mr. PEARCE said: When this bill was before the Senate at a former session, I felt it my duty to oppose it, and I shall be compelled to do so now. I think the report contains a very erroneous statement. I find it stated, that if an officer of the navy dies in the service his widow will be entitled to a pension, and that as both military and naval pensions are now paid out of the Treasury, there is no good reason for discriminating between widows of officers of the army, and those of officers of the navy. Well, all this is a mistake. The widow of a naval officer, as I understand it, if the officer be killed in battle, or die from exposure in the service, receives a pension; but not where the officer spends a life in the service, receiving its honors and emoluments, and dies from old age. It is true that when the naval pension fund, created from the earnings of the navy, had accumulated to a large amount, Congress very improvidently passed a law, by which all widows of naval officers were entitled to pensions from the time of the death of their husbands, without reference to the cause or the manner of their death, and so great were the arrearages which were granted to widows under these circumstances, that one of them, I know, received the amount of about twenty thousand dollars. By means of these heavy arrearages being granted the fund became exhausted; and Congress then repealed the act, and now there is no general provision on the subject. This bill is the introduction of a new principle, and one which I think entirely indefensible. Why do we give pensions to the widows of officers of the army or navy? I think it is to repair to them in some degree the injury sustained by them in the loss of their husbands, which has been brought on by exposure in the service. It is partly for this object, and partly to stimulate officers in the performance of their duty.—

Mr. DIX.—Will the Senator allow this subject to pass by informally, as the honorable Senator, who was Chairman of the Committee on Military Affairs last year, and who made this report, is not now in his place.

Mr. PEARCE acquiesced, and a motion being made to that effect the bill was laid upon the table.

THE TEN REGIMENT BILL.

The Senate resumed the consideration, on its third reading, of the bill to raise, for a limited time, an additional military force.

Mr. JOHNSON.—I have said all that I proposed to say upon the part of the subject to which I called the attention of the Senate yesterday. It is possible, however, that in what I am about to offer to the consideration of the Senate, I shall incidentally refer to it again.

I rise this morning, sir, to speak in the first place, of the actual conduct of this war under the management of the President of the United States. The war was recognized as existing on the 13th of May, 1846. We are now in the month of January, 1848, and to all appearance, the restoration of peace is as far off, and even farther, than it seemed to be on the 13th day of May, 1846. The whole power of the nation, so far as he has deemed it advisable to ask to have that power devolved upon him, has been placed in the hands of the Executive. Not an occasion—although there have been so many and such glorious ones—has presented itself in which the American arms have not been triumphant. And yet there is no peace. My opinion is, and has been throughout, that the reason is to be referred exclusively to the want of vigor with which the war has been prosecuted. We have had an ostentatious and asserted vigor, but we have had nothing else as far as the President is concerned.

I am very far from imputing—because I am incapable of making a charge which I do not believe to be true—I am very far from imputing, that this want of actual vigor has been intentional on the part of the Executive. So far from it, I believe that he has been deluding himself from time to time, with the idea that peace was to be obtained without the effusion of blood—a sad delusion—one which must hereafter constitute a great and overwhelming account of responsibility against himself.

I said yesterday, that it was the march of our troops from the Nueces to the Rio Grande, that was, in my opinion, the immediate cause of the war. I say to-day what I have had occasion to say in other places, over and over again—that I believe that that march of itself, if it had been made with a proper force, would not actually have led to such a result. I have no doubt that if, instead of sending the small but gallant band—the heroes of Palo Alto and Resaca de la Palma—to the Rio Grande, he had sent from 5,000 to 8,000 men, not a drop of blood would have been shed, and no Mexican ever have ventured to have trodden the soil on this side of the river in hostile attitude. But sir, the war commenced, was recognized, and 50,000 troops, with an unlimited amount of treasure, were freely placed at the disposal of the Executive, together with an implied promise such as to give the President the assurance (if such were needed,) that this unlimited amount could, if the expression may be excused, be made still more unlimited. And yet what has he done? Instead of calling out twenty or thirty or forty or fifty thousand men, as he was authorized to do by the act of the 13th of May, 1846, he and the officers at the head of the War Department called them out by driblets—and announced to the country from time to time that they had a sufficiency of force to conquer a peace. What has been the consequence? That which every man of intelligence who speaks as he thinks must acknowledge—that great and mighty and extraordinary as have been the triumphs of the American arms, they have hardly furnished us anything but the glory attending them. They have, to be sure, illustrated the American character for valor and military skill; but they have served no other purpose. And why, Mr. President? Because each struggle has been at such fearful odds, that the gallant officers in command have been unable to follow it up or profit by the result.

Sir, look at the history of the campaign on the Rio Grande. General Taylor, who, with a few thousand men, marched to Monterey, and succeeded, after a dread and fearful conflict, in carrying that almost impregnably fortified town—was so far crippled that he was unable to hold even the prisoners that he might take. What happened afterwards? The plan of the campaign is changed, some new light dawns upon the mind of the Executive, and Mexico is to be stricken in a different part. There is a point still more vital to be assailed—a point still more certain, if assailed, to lead to the restoration of peace, and of the vindication of our outraged rights. What is done? General Taylor is stripped of what was supposed to be the very flower of his command. The enemy approached. Eight or ten millions of the public property were exposed to be lost, unless preserved by the gallantry

and indomitable valor of the few soldiers left behind to guard it. Almost with electric speed it became known at the city of Mexico, and an army such as she had never before marshaled into the field, was organized, amounting to some twenty or twenty-five thousand troops, and led on by their greatest chief.

Mr. President, much as his previous successes had satisfied every American that Taylor, and the officers and men under his command, were competent to accomplish almost any triumph that human power could accomplish, none there was who did not then tremble for their fate? And the fact that they were not utterly annihilated, may be considered almost a military miracle. Disparity of force was comparatively nothing before the energies of American soldiers, and in the annals of former military triumphs, the proudest of them as was accustomed to regard us nothing in comparison with the victories of Buena Vista. They are all thrown in the shade by the brilliant light of an exploit, which, whilst it electrified the American heart, astounded the world.

Let us look now, for a moment, to the conquest of last year. General Scott was compelled to assail the city of Vera Cruz with between 12,000 and 14,000 troops, and to carry at all hazards a castle supposed to be impregnable. He succeeded in accomplishing it, but he has done little or nothing beyond that. Every battle which was fought between Vera Cruz and the capital of Mexico was fought with a disparity of numbers actually appalling. That noble leader was forced to march a distance of 150 or 200 miles, (I forget the exact distance,) into the enemy's country, and for a great portion of the way through a dense population, to assail a city containing 180,000 or 200,000 inhabitants, surrounded by fortifications, which were supposed to be impregnable, and without even the means of keeping up his communication with the seaboard for the purpose of getting supplies. These supplies found their way to him from time to time by the gallantry of the escort, who were obliged to fight foot by foot almost every mile of their progress. And at the end of all his great and extraordinary triumphs, Scott finds himself in the city of Mexico with only some 6,000 soldiers. Now, sir, who does not believe that, if he had started with an army of 30,000 men, although he might then have been deprived of the glory of his many victories, we might have been in possession of the city of Mexico perhaps without the shedding of a drop of blood—American or Mexican? Who can doubt that it is the duty of an Executive managing a war declared to exist by a Christian people, to do what the honorable Senator from Mississippi, (Mr. DAVIS,) said it would be the effect of this bill to accomplish—not to insure a triumph on the battle field, but to avoid a battle by accomplishing success by force of numbers—to break down the moral power of the enemy—to conquer a peace by demonstrating to that enemy that resistance is in vain. All at once (I find no fault with it; on the contrary, I rejoice at it,) the eyes of the Executive have been opened. All at once it seems to be perceived by him, that the war heretofore has not been rigorously prosecuted except on paper. Well, whose fault is it, Mr. President? Who would have borne the dread responsibility, if our gallant little army on the Rio Grande had been sacrificed? Who would have had the equally tremendous responsibility, if those gallant spirits now in the halls of the Montezumas had been sacrificed. The nations of the world would have said, with one accord, the Executive of the United States. Upon him the responsibility for the useless and cruel expenditures of blood and of treasure would have rested. Sir, I make bold to say, in speaking in the presence of those who know infinitely more upon such subjects than I do, that if the President had called out the 50,000 volunteers after hearing of the battles of Palo Alto and Resaca de la Palma, there never would have been another blow struck in Mexico; and peace long since restored. The Mexicans, to be sure, have a high and indomitable spirit, (I speak particularly of that portion of them who have in their veins the true Castilian blood;) but they know there may be a point at which resistance ceases to be a virtue, and they would have seen that that was their condition when they saw a determination on the part of the United States to exert their whole power in the accomplishment of the purpose for which war had been declared.

Who can doubt, that if the Executive of the United States had announced that the purpose of the war was merely to procure indemnity for wrongs, and to vindicate outraged character, and to maintain the honor of our flag; and had placed fifty thousand troops in Mexico, as he might have done, it would have led to a cessation of hostilities? Sir, I think we have no peace, because the President of the United States has not exerted the power which Congress placed in his hands, and which was intended to be exerted. I think, and I therefore charge upon him, that the American blood which has been so freely poured out, has been thus freely poured out because of his error. I think, and I therefore charge upon him, that the millions of money which have been spent, and have yet to be spent, have been and are to be spent, because of his error. This is all that I propose to say, Mr. President, on the manner in which this war has been conducted.

And this leads me to consider very briefly what should be, in my judgment, the mode of its further prosecution. There are only three modes to be resorted to. The first is, to withdraw the troops altogether, if not to the Nueces, to this side of the Rio Grande. The second, to withdraw them to what is termed a defensive line; and, the third, to carry on the war in the heart of the Mexican territory, until Mexico agrees to treat of peace. I prefer the last.

Mr. President, in saying that I prefer the last, I do not wish to be misunderstood. I prefer the last if the end to be obtained is not one which, in my judgment, would tarnish the American name. I prefer the last, if the object to be accomplished is merely the vindication of our violated honor, and indemnity for our heretofore violated rights. But if the purpose of this war with the President of the United States, is to annihilate the nationality of Mexico—if it is the forcible dismemberment of her territory, then I say on my responsibility as a Senator and a man, I would not give him a dollar.

Sir, we live at a time when character is of immense value with nations, as we know it to be with individuals; and if there be any one thing which more than another stains national character, it is using national power to inflict national injustice. And if there be any national crime, more crying and enormous in the opinion of all Christendom, than any other, it is the forcible dismemberment of the territory of a weaker nation.

When I say, Mr. President, that I am for fighting the war out—I mean that I am for fighting it out in order to "accomplish the purpose which we seek to have accomplished," that is to have American rights recognised, and American honor vindicated, and so recognised, and so vindicated as to furnish full and complete security against any subsequent violation.

The two first points to which I have referred, the proposition for withdrawing the troops, and that for taking a defensive line, I have already said, I cannot concur in. To withdraw the troops altogether in my judgment would be national dishonor, and I cannot therefore entertain the idea for a moment. To take a defensive line would not in my judgment lead to peace, but would on the contrary be perpetual war, and so far as expense is to be mentioned in any comparison with the other calamities of war, it would be attended with infinitely greater expense than that of fighting it out. Now sir, the objection to carrying the war on, is the expenditure of money with which it will be necessarily attended, and the consequent derangement of the whole financial condition of the country. My impression is, from some examination which I have given the subject and with an anxious desire to arrive at a satisfactory result—that the war may be carried on in Mexico, without the expenditure of a single American dollar; and of course without affecting the pecuniary condition of the American people, or the pecuniary condition of the government itself. The resources of the Mexican government, Mr. President, even under all the disadvantageous circumstances under which that government has existed, are infinitely greater it seems to me, than is generally supposed. The fact is that until a comparatively recent period, indeed until a short time before the commencement of the war with ourselves, the expenditures of their government have been about $21,000,000 annually. And it has been appropriated to these purposes. They have had an army of 30,000 men, always on pay, costing the government about $10,000,000. They have had a civil list bill of about $6,000,000, and interest to be paid on the public debt to the amount of $5,000,000, making $21,000,000. Their army has been punctually paid, their civil list punctually met, and the interest on the public debt, until, as I have said, a comparatively recent period, has been met with equal punctuality. From what resources, sir? The products of their mines, when they are in full operation; and for a series of years, when in such full operation, they have produced $27,000,000 per year. They charge what is termed a transit duty on all the bullion that is drawn from the mines until it reaches the port of exportation. This transit duty is paid in the form of a permit, granted on the part of the government, to convey the bullion from town to town, the permit being renewed at each terminus until it reaches the place of exportation; and when it gets there, it is subject to an export duty of one per cent. The average amount of these transport duties, until the bullion reaches the place of exportation, is about two and a half or three per cent. The gross amount of bullion drawn from the mines, as I have said, is about $25,000,000. The Senate will easily perceive then, the amount derived from this source, with an average of two and a half or three per cent. as transit duty, and with a specific export duty of one per cent. upon the value of every pound of bullion exported. The next source of revenue and the amount that it raises, it is almost impossible to calculate, or rather to speak more correctly, the amount it would raise if peace was restored to Mexico, if that country was restored to quiet, and business operations were permitted to go on in their ordinary course. This source is the stamp tax. They charge what is termed a stamp tax on every description of contract transferring every description of property, of, or exceeding the value of $300. That is to say, every contract between man and man relative to property worth $300, is to be written upon stamp paper, for which the parties pay to the stamp officers six dollars. But according to their laws, contracts of this description are left in the hands of a Notary and are recorded among the official transactions of the Notary, making it necessary for the parties to the contract, if they desire to have in their possession evidence of the contract, to obtain official copies, and the result is that each one of the parties almost invariably takes a copy of the contract. The copy is also written on stamped paper, and for the copies there is paid six dollars each.

There is another source, and that is a duty on the sale of everything that is sold. Nothing passes from hand to hand by way of sale that does not pay a specific duty, regulated by the amount of the value of the articles so passing. Now, I will not estimate the amount thus derived; it is sufficient for my purpose to state the fact as I understand the fact to be, that the amount of revenue received from these sources has been abundantly sufficient to enable the government of Mexico to meet punctually its disbursements to the amount of 21,000,000 dollars. This amount

would support any army which we might put into the field; and this we would have a perfect right to appropriate. Not to seize and confiscate individual property, which is abhorrent to every sense of justice, which would be an act of barbarism—a dishonor to the age in which we live, and a stain upon our national character; but to appropriate the public revenue of the country so as to enfeeble the power of their government, to reduce the military to the same standard as private citizens, and prove, by the fact that we are thoroughly able to enforce it, that the restoration of peace depends on their submission. Now, I believe as confidently as I can anything of which we have any certain knowledge, that by pursuing a course of this description for the purpose of enforcing a termination of this war, we shall not only obtain money as much as is necessary for the support of our army, but that of the money so spent, no portion of it will come from the people of the United States.

Now, I know the objection that may be raised as to the consequence that may result from taking possession of the whole country. I think I can see almost as clearly as does the honorable Senator from South Carolina, (Mr. CALHOUN,) the result of incorporating the whole of Mexico into this Union; and, if I believed that the object was the incorporation of the whole of Mexico into the Union by the further prosecution of the war, much as I should hang my head in mortification and shame for the honor of my country, I would willingly submit to the withdrawal of the troops, rather than prosecute the war an hour longer. But I do not believe that such is to be the result. I do not believe that the people of the United States would suffer an Executive officer to perpetrate such a wrong, if the Executive even had it in contemplation. I do not believe that they would ever themselves assist an Executive to accomplish such an object. I would have much less confidence in them than I have, if I thought it possible, that the mere lust of rapine, the mere lust of territory, would lead them to dishonor the American name by blotting from existence a neighboring and feebler nation.

I am for prosecuting the war, because I believe the consequence will be to bring Mexico the earlier to her senses, and to prompt her cheerfully to accept terms of peace. And this brings me to say a word or two on what should be, in my opinion, the terms of such a peace.

Now, sir, I speak for myself, though I have no doubt that I speak the sense of most of the friends around me. My honorable friend from South Carolina the other day, in the speech which he did us and the country the honor to deliver, said he believed the people of the United States were irrevocably determined on taking indemnity for the wrongs which we have suffered from Mexico, in territory. I hope he is mistaken. I believe he is mistaken. I believe the people of the United States would be to-morrow contented by a treaty which would make the Rio Grande the boundary. I believe they would be contented with such a treaty, for the purpose of terminating the war, rather than that Mexico should be compelled by the force of our arms to dismember herself. Now, in expressing this hope, and in expressing the opinion that the war might be honorably terminated by taking the Rio Grande as the boundary, I wish it not to be supposed that I am opposed to the acquisition of additional territory. I am against the acquisition of territory by force. I am not opposed to the acquisition of territory of itself, but for one consideration which weighs in my judgment, and which has had heretofore and still has a controlling operation. Mr. President, I fear—I greatly fear, the conflict to which such an acquisition would lead. The honorable Senator from New Hampshire (Mr. HALE) told the Senate the other day that the true origin of this war lay in the settled purpose on the part of the South to perpetuate and extend slavery. I am not alluding to this now with any design to try conclusions with the honorable Senator on the question of slavery. Sir, he will pardon me for telling him that that is a subject which no Southern man on this floor, when he can avoid it, desires to discuss. He will permit me to tell him, (and I do it with all good feeling, and with all the respect which I hold him as a Senator of the United States) that it has been owing to the exciting discussions on this subject in the North, that slavery now exists in many of the Southern States. He will permit me to tell him, that as far as I know, it has been his course, and that of those whose sentiments he speaks, on this subject, which has done more than anything else towards its perpetuation.

The greatest practical advocates of slavery have been the Senator himself and his particular constituents. Sir, I have my opinions upon this subject as deeply instilled, as can have the Senator from New Hampshire. They were almost born with me; they have been confirmed by the experience of every day of my life. They have been strengthened by the experience of all I have seen around me. I do not choose to express them on this floor unless the question is pressed home. But whilst I have fixed and unalterable convictions as to the mere institution of slavery itself as a political or civil institution, I have another conviction as deeply and irrevocably fixed, and that is a conviction, that the Southern States owe it to themselves, one and all of them, to stand on their own rights, to vindicate their own equality, and exclusively at their own time, and without the interference of others, to meddle in their own way with this peculiar institution. Notwithstanding this, Mr. President, I cannot be blind to all the indications of the times. I cannot but say that the opinions entertained in the North, however erroneous I may think they are, are still honestly entertained. I cannot but say that the Senator from New Hampshire would be false to the implied promise which he has given to the State which sent him here, if he were not to make this condition; I cannot but perceive that it is a popular feeling, which is sweeping like a whirlwind at the North; but there is an equally determined and steady feeling at the South. If these feelings be further excited, there can be but one result; that is deadly conflict, or amicable separation. And when I look at either, Mr. President, my heart sickens at the reflection. Sons of a common ancestry, bound together by common ties, glorying in a common renown, looking in common to a still more glorious future, I cannot but feel my heart sink within me, even at the possibility of such a result. And it is because I believe it will follow if the state of things to which I have alluded shall be brought into existence, and not because I am opposed merely to the acquisition of territory, that I gave my cordial support to the resolution offered upon that subject by the distinguished Senator from Georgia at the last session.

Sir, I am not to be driven into a different course by being told that such a course leaves us a pecuniary loss. With me, Mr. President, loss of money is nothing to the loss of character. With me the boundless wealth of the world would be as nothing, compared with what I should esteem the incalculable loss attending the destruction of our national character. But, sir, it is not true that a peace accomplished on the terms to which I have referred, would leave us without indemnity. Sir, we have indemnity in the history of this war. It is to be found in the many glorious battle-fields which it has presented to an astonished world. It is to be found in the delight which electrified every American heart at the result of every battle. It is to be found in the security which it furnishes against the disturbers of our peace hereafter. A few hundreds of millions, even if it should go to hundreds, that may be expended, will be forgotten even while spoken of—while the glory and renown which it has heaped upon the American character, will be remembered as long as time itself shall endure. I am not, therefore, to be told that peace on such terms would leave us losers, in the true, high and moral sense of the term.

A word on another subject and I cease to trouble the Senate. I have already indicated, Mr. President, my preference of a regular over a volunteer force. Now sir, that preference is founded, (and I have but a word or two in the way of reason to assign for it,) on the opinion which information in my possession has enabled me to form, that the expense of a regular force is much less, and their efficiency infinitely greater; above all, that the sacrifice of human life is less.

Mr. Secretary Poinsett in his letter 21st March 1838, to the Honorable Mr. Speaker Polk, now President, speaking of the comparative expense of the two description of forces, says that

"The difference of expense between the employment of this description of troops, (militia, volunteers and indian,) and regulars is at least as 3 to 1; by a fourth, or the wastage attending their ignorance of every administrative branch of the service, the number is reduced to 2 to 1; and by one hundred more, for short periods of service, and the great incapacity that will be made to the Pension List under the provisions of the act of the 14th March, 1836."

Now, sir, the Senate will find how inefficient this description of force is—I mean as compared with regular forces—by turning to Document 297, of the 2d Session 25th Congress. They will there find that volunteer forces were called out in the years '32, '36, '37, and '38, to serve in the Florida War, in the Black-Hawk War, in the War against the Cherokees, and in the State of New York at the time of the Border difficulties, to the number of 55,324. They will find, I am satisfied, that aside from the additional expense attending the employment of these forces, and for the purpose now in view—the superior efficiency of the regulars—that the mortality among volunteers and militia, compared with regulars, is as ten to one. Sir, to what is this owing? It is owing principally to the fact that the officers are unable to subject them to the same state of discipline, and to prevent the exposure which leads to disease.

From the statements to be found among the papers from the War Department, it appears that the number of men enlisted for the line of the regular army, (the old establishment,) for the first five months of 1847, and from January 1st to January 1st, was 4605, the number offering to be enlisted during the same period and rejected, by the recruiting officers, because of physical infirmity, was 4847—more than twice the amount actually received.

Now, I do not mean to underrate the volunteers. God forbid that I should! but I make bold to say, that at least one-half of those who were rejected as unfit for the regular service may be found in the ranks of the volunteers. The chances of mortality in that corps are of course very much increased.

I have said, Mr. President, all I intend to say upon this point; and I ask the attention of the Senate only a moment or two longer, while I add a word or two by way of conclusion. Sir, I have heard it said by some, that this war should be prosecuted because its tendency was to ameliorate the condition of Mexico. I have heard it said that we were constituted missionaries by Heaven, even by fire and by sword and by slaughter, to carry the light of civilization into that benighted land. I have heard that it has been stated even in the pulpit, that we have been selected by Divine Providence, to purify a dark and false religion—to break down their old, ancient and degraded superstitions—to bring them into the blaze of the true faith, and to substitute for it the holier and purer light of the Protestant religion. I have heard it stated, Mr. President, that the war is to be prosecuted in order to enlarge the "area of freedom." I hold to no such doctrine. No, sir.

We need not for the sake of enlarging the area of freedom become propagandists. No physical force is on our part called for

to break the bands which bind other people in subje[illegible] There is a silent, but potent moral power progressing through the world, rapidly tending to that consummation. It has its origin in the lesson which our example is teaching. Here is seen perfect personal and political freedom, combined with unexampled national happiness, prosperity, and power. Here is seen that individual equality which nature stamps upon the heart as a right, protected and enjoyed amongst ourselves to an extent never before known, and shielded by a national arm that the nations of the world would in vain attempt to strike down. Yes, sir, our institutions are telling their own story by the blessings they impart to us, and indoctrinating the people everywhere with the principles of freedom upon which they are founded. Ancient prejudices are yielding to their mighty influence. Heretofore severed, and apparently permanent systems of government are falling beneath it. Our glorious mother, free as she has ever comparatively been, is getting to be freer. It has blotted out the corruptions of her political franchise. It has broken her religious intolerance. It has greatly elevated the individual character of her subjects. It has immeasurably weakened the power of her nobles, and by weakening it in one sense has greatly strengthened the authority of her crown, by forcing it to rest for all its power and glory upon the hearts of its people. To Ireland too—impulsive Ireland—the land of genius, of eloquence, and of valor, it is rapidly carrying the blessings of a restored freedom and happiness. In France, all of political liberty which belongs to her, is to be traced to it, and even now, it is to be seen cheering, animating, and guiding the classic land of Italy, making the very streets of Rome itself to ring with shouts of joy and gratitude for its presence. Sir, such a spirit needs no inactivity, and needs no incentive. It admits of neither enlargement nor restraint. Upon its own elastic and never tiring wing, it is now soaring over the civilized world, everywhere bearing its magic and abiding charm. I say, then, try not, seek not to aid it. Bring no physical force to succor it. Such an adjunct would serve only to corrupt and paralyze its effort. Leave it to itself, and, sooner or later, man will be free. Sir, as to this war and its influence upon ourselves, there is much to rejoice at and be proud of. The struggle of '76 demonstrated the deeply seated love of freedom in our sires, and their stern and indomitable purpose to enjoy it or die. The war of 1812, demonstrated the capacity of our institutions to bear such a trial, and nobly was the test borne and the capacity illustrated. The present war has again demonstrated, not only that such mere capacity continues, but that no nation exists endowed with greater military power. Mr. President, the result cannot but redound to our future peace and happiness. It furnishes ample indemnity for all the wrongs and obloquy we have heretofore suffered, and ample—ample security against their recurrence. Such a result has won for us national glory, and that is national power, stronger than thousands of fortresses, and as perpetual as, I hope in God, will be our nation's love of virtue and of freedom.

Mr. CLAYTON.—Before I give my vote on this bill, sir, I desire to know from the honorable Chairman of the Committee on Military Affairs, whether either of the commanders-in-chief of the American army, General Scott or General Taylor, has requested such an addition as he proposes to make to the American army; whether either of them has desired the Department to recommend to Congress the raising of thirty regiments, these ten regiments of regulars, and the twenty regiments of volunteers.

Mr. CASS.—Before answering the specific question proposed by the gentleman from Delaware, I desire to correct some erroneous opinions which have been advanced respecting the amount of the force which we have now in the field, and the number to which the proposed augmentation would carry it. The Senator from South Carolina, in his remarks the other day, carried the force we should have, if the proposed bill pass, to 70,000, and the Senator from Kentucky carried it still higher, to at least 90,000 men. These estimates are far beyond the amount we shall have in the field, as the following statement will show:

REGULAR TROOPS.

On the official Statement last annually to the return of the Adjutant General, rendered in the field, exclusive officers, in Mexico, [illegible]
New enlistments, recruits, and others on their way to the seat of war, [illegible]
Aggregate Regulars, [illegible]

VOLUNTEER FORCE.

In the field, exclusive officers, as above, [illegible]
Recruits, [illegible]
In Louisiana, full and above the 500, [illegible]
Aggregate Volunteers, [illegible]
Aggregate Regulars and Volunteers, [illegible]
Which have been [illegible]
Under General Scott [illegible]
Under General Wool [illegible]
Under General [illegible] in the Department of New Mexico, [illegible]
Under General [illegible] in California, [illegible]
Under General [illegible] in Missouri, [illegible]

Total, [illegible]

The following statement will show the amount of force we shall have under General Scott, in the event of the passage of this bill, and of the volunteer bill:

[illegible] Regulars, on the date of the Adjutant General's Report, which includes officers and men sick and disabled, and the garrisons of Tampico and Vera Cruz, there were under General Scott's command in Mexico, [illegible] 15,101
volunteers, 15,055

Total, 32,156

[illegible] regiment of Volunteers from Michigan, and [illegible] from Arkansas, not [illegible] Mississippi, which [illegible] to 2,500 men. But, as stated by the Adjutant General, they cannot be full; and he estimates that they will probably [illegible] Volunteer establishment to a [illegible] number.

[illegible] opportunity to relieve the regulars on guard [illegible] that duty, as the honorable Senator from Kentucky, respecting the regiment of volunteers from Michigan, by assuring him, that I have received a letter from the colonel, written upon the route, and that he is [illegible] Cincinnati or upon the Ohio, with six companies of his regiment; and, I trust, the others have already followed him.

The Adjutant General, agreeably to a table in my hand, estimates the number of fighting men, or in military language, bayonets, including the garrisons at Tampico and Vera Cruz, and sick and disabled, at 28,862
Of this number, the Adjutant General calculates that there are not more [illegible] 24,000

[illegible] supposed to be [illegible]

Ten regiments of Infantry, the legal establishment of each being 1,000 men. But this can never be kept full, and experience shows that there must be a deduction from it of about 25 per cent. making this force, say 7,500
A volunteer force of 12,500 to supply vacancies in the existing volunteer establishment, which, subject to the same deduction, would give, say 9,500

[illegible] 11,000
Or an actual total, including the garrisons of Vera Cruz and Tampico, and the [illegible] 45,362

How many of the above are twelve months volunteers the returns do not show. [illegible] and they cannot, therefore, be calculated upon in the [illegible] campaign.

The proviso for raising 20,000 new volunteers is not included in the above, because the measure is a more precautionary one, which ordinary prudence suggests, and the force is not to be called out but in the event of some unforseen occurrence which may render it necessary.

It will thus be seen sir, that if these bills pass, the force they will enable the Government to add to the troops under General Scott will probably bring the number of fighting men to about 41,000, and that no reasonable calculation can be made on more than between 45,000 and 46,000.

The error of the honorable gentleman from Kentucky consists in this, that he assumes as he did in his remarks on this subject a few days since, the number of the legal establishment if it were full, as the number which the Government can keep in the field. Now sir, all experience shows, that such a result is not practicable. Large deductions must be made, and, it appears from the Reports of the Adjutant General, that the actual force maintained is, as I have already stated, about twenty five per cent less than the full number allowed by law. Recruiting depots cannot be kept filled, even by the most strenuous exertions, and the perpetually recurring casualties of war, occasion a constant drain, which must be as constantly supplied. And a considerable deduction must be at all times made on account of sickness. I need not enter into any particular detail upon this subject. The considerations cannot escape the most casual observer.

If therefore all the men raised under these two bills are sent to General Scott, they will give him the force I have already indicated. It is obvious that the force under General Wool can under no circumstances be diminished, for it is barely sufficient to protect the country subjected to us upon the Rio Grande.

To come now, sir, to the question asked by the Honorable Senator from Delaware, I have to say that the Government has received from Gen. Scott an estimate of the force he deems necessary to carry into effect the plan of operations which is recommended by the Secretary of War. I will read so much of his *projet* as relates to this subject.

An army [illegible] to enable them to occupy at the same time nearly all the State capitals and other principal cities; to drive guerilla and other robbing parties from the great highways of trade; to seize into our hands all the ordinary revenues of the country internal as well as external, for the support of the occupation, and to keep the central government in constant motion and alarm, until constrained to [illegible] peace."

Having thus answered the question of the Honorable Senator from Delaware, I yield him the floor.

Mr. JOHNSON, of Md.—What is the date of that letter?

Mr. CASS.—I do not believe that I have got the date. But the letter says that if the operations should be continued till October the augmentation of the forces would be necessary. I presume, therefore, that the letter was written in September.

Mr. WEBSTER.—Is the letter to be found amongst the documents which have been published?

Mr. CASS.—No. The government did not deem it prudent to publish the letter, but it is now thought proper to make known the portion of it which has been read.

Mr. WEBSTER.—I understand that the honorable Senator from Michigan endeavors to show that in the opinion of General Scott, on the communication of the project of the government to him—I do not ask for particulars farther than they are disclosed in the portion of the letter read—for the further military operations of the army of the United States in Mexico, there will be needed an augmentation of that force to the amount of fifty thousand men.

Mr. CASS.—An augmentation making the force amount to fifty thousand men.

Mr. WEBSTER.—I understand—that the force be augmented till it amount to fifty thousand.

Mr. CASS.—That is the amount at which he estimates the force necessary to carry on the military operations.

Mr. WEBSTER.—In other words, that is the force which the projects of the government will render necessary.

Mr. BADGER.—Will the honorable chairman of the Committee on Military Affairs allow me to ask on what plan of a campaign—on what system of the future prosecution of the war, does General Scott say that fifty thousand men will be necessary?

Mr. CASS.—If the gentleman will pardon me, I do not believe it to be necessary to state any thing farther. I have read all that has a bearing on the question before the Senate.

Mr. CRITTENDEN.—With the permission of the honorable Senator from Delaware, who is entitled to the floor, I would now take the opportunity of correcting a slight misapprehension under which I labored on a former occasion, when I stated the amount of military force now in the field in Mexico, by making the statement as I derive it from public documents, and in regard to which I am happy to find, that as far as it goes, I have the pleasure of agreeing very much with the honorable Senator from Michigan. There are now in Mexico, when the regiments from Michigan and the two battalions now on the way shall have reached the army, 45,700 men. In addition to that, the Executive is now invested with the power of enlisting upwards of seven thousand regulars, besides 12,500 volunteers to supply the place of those who have not engaged for the war—making in all 65,000 men. If you add to that, upon a conjectural estimate—I suppose not far from the truth—five thousand seamen and marines also engaged in the war, you will then have a numerical force, naval and military, amounting to 70,000 men. If, again, you add to that, the proposed increase of the army by the whole amount of these two bills, 20,000 volunteers and 10,000 regulars, you will have an army of an hundred thousand men; besides the numerous employees of one character or another, following the army—making an aggregate of at least 110,000 men. At this moment, including the sailors and marines and followers of the army, you are paying and feeding not less than from 55,000 to 65,000 men. This is the statement, sir, on which, as I conceive, the Senate has to vote upon this bill.

Mr. CASS.—If the honorable Senator from Kentucky will allow me, I must repeat the correction which I made the other day, and at the same time refer him to the statement presented but a few minutes since. I repeat, sir, that the provision for raising 20,000 new volunteers does not bear upon the question before us. Not a man will be raised, nor a dollar expended, unless a state of things should happen which cannot be reasonably anticipated. And in such an event prudence requires that the Government should be enabled to act and to call out an *arriere* force, which is the object of that portion of the bill Why the honorable Senator includes 5000 seamen and marines in his estimate of the means for prosecuting the war in the interior of Mexico, I cannot conjecture. Surely they will add nothing to the force to be employed by General Scott in the subjugation of the Mexican government and people. I repeat, sir, the error of the honorable gentleman consists in his considering the legal establishment and the aggregate force as the same thing. I have shown the deduction it is necessary to make from the former. in order to exhibit the real amount of the latter. After this is done, the Senator will find that the force I have stated of from 41,000 to 46,000 men is the true one, which will be placed at the disposition of General Scott, and which is less by some thousands than the force he considers necessary to carry on the plan of operations commended by the Secretary of War. The Executive, therefore, in calling upon Congress to pass the bills under consideration, has had the best authority—that of the commanding general himself, for the amount of force recommended.

Mr. CRITTENDEN.—I am well aware of the casualties to which the army in the field is subject, and especially when exposed to such a climate as that of Mexico, which renders it very difficult to know what portion of the troops is efficient, and I only stated, that from the official returns, there appeared to be 45,000 men now in Mexico.

Mr. CASS, (in his seat.)—Forty-three thousand.

Mr. CRITTENDEN.—And the two regiments from Michigan, which the gentleman supposes I will be very happy to hear are on the way, besides the two battalions also on the way to join the army.

Mr. CASS.—Will the Senator pardon me if I interrupt him one moment? These twenty-two hundred men will no more than suffice to fill up the volunteer forces.

Mr. CRITTENDEN.—Still there would be left in round numbers 45,000 men, together with the 5,000 seamen and marines, actually engaged in this war, making an aggregate force of 50,000 men in Mexico. Now what is to be deducted from this number on account of the casualties of battle, and of climate, to which the gentleman referred? I cannot well make a calculation; but I am startled at the estimate which the Senator presents, that one fourth of these are to be struck down! Why that cannot be; and, sir, the gentleman must recollect that under these inevitable casualties, which I admit—you have been all the time endeavoring to supply the ranks of enlistments throughout the country. Enlistments have been continually going on. You can hardly take up a newspaper in which you do not find a notice of the sailing of some detachment of troops for Mexico. Not a week passes in which a vessel with soldiers does not sail from some port in the United States. That has been the case throughout the war. Now is it possible that this devouring war consumes men faster than you can ship them thither? Why, when I was journeying to this place there were some hundreds of regulars going on from Newport on the Ohio river; and I see in the newspapers frequent notices of the transportation of troops to Mexico. We have been all the time diligently recruiting, and will not the deficit be supplied in that way? Another thing is to be borne in mind. Nearly the whole amount of those troops which have been thus despatched, have not encountered the casualties of the field. The casualties which battle brought upon the forces occurred before the arrival of these reinforcements. The twenty thousand men that have gone there lately have not been engaged in a single battle. They arrived in the healthy season. They were healthy and robust men that went. Is it indeed true, that twenty-five per cent. of all these fresh troops have fallen under the influence of the climate and disease? No—I trust not. We have not less than 35,000 men making every possible deduction, besides those sick and temporarily disabled. Is not that a sufficient force? Mexico, sir, will be conquered in six weeks, and we shall all know it and admit it. The question will then no longer be about defensive lines, and about diplomacy, and negotiation, and treaty, but about the conquered prize lying at our feet. Beyond all doubt, the question then will be, "what shall we do with this conquered prize?" Sir, San Luis Potosi and Zacatecas, I venture to say, will be taken, from every account, in less than six weeks from this day. Will Mexico then be conquered? She is now conquered as every body knows.—There is nothing left, then, but Queretaro—our conquests are becoming so spacious that I can scarcely describe them by their proper names, and I dare say, I am not correct in the pronunciation now—and Querataro is spared only because there glimmers the last flickering light of a government which exists in the country. There is the phantom of a congress and a government, and Querataro remains uncaptured, not from any want of power, but because you would there nurse that government into something with which you can make a treaty! Why, I see that General Scott has been giving passports to the legislators who constitute this government to go safely to what they call their new seat of government! This is the condition of things in Mexico. Surely, surely we may now safely assume that Mexico is conquered.

Mr. CLAYTON.—I have not yet obtained from the honorable Chairman of the Committee on Military Affairs, the precise information which I sought. I did not desire to excite a discussion on the question as to the amount of military force at present in Mexico, but I put the question, whether our military commanders in Mexico had recommended this measure on which we are called upon to vote. In reply to the inquiry, as I understand, the honorable Chairman of the Committee says that one of them—General Scott—did, some time during the last year, write a letter recommending, that in a certain event the military establishment in Mexico should be increased to 50,000 men. Will the honorable Senator tell me the date of the letter?

Mr. CASS.—It was written after the arrival of its writer in Mexico, but how long after, I do not know.

Mr. CLAYTON.—After the capture of the city?

Mr. CASS.—Certainly; he distinctly alludes to that event.

Mr. CLAYTON.—It was written, then, after the capture of the city of Mexico. There is no intelligence, as I understand, from General Taylor that any additional forces were requisite. Am I right in the conjecture?

Mr. CASS.—What did the honorable Senator ask?

Mr. CLAYTON.—Did General Taylor on any occasion recommend such an addition to the military force?

Mr. CASS.—I understand the Senator as inquiring whether General Taylor had made the same recommendation as General Scott. I have told all I know about the recommendation of General Scott, and do not know whether General Taylor made a similar recommendation.

Mr. CLAYTON.—There is nothing, then, from General Taylor. He has made no recommendation to add to the troops in Mexico; and as to General Scott, the honorable Chairman is able to inform me, that some time last year, as he thinks, "after the capture of the city of Mexico," General Scott wrote to the department informing them, that if certain things intended to be done by the Administration were attempted, 50,000 men would be required to be added to the army.

Mr. CASS.—I beg your pardon, sir—raise the forces to 50,000 men; not add that amount.

Mr. CLAYTON.—That's the very understanding I had and was corrected in it. Well, that increase of the army to 50,000 men, as I understand from the reading of the letter from General Scott, was to be made in case the Administration should design to subjugate—to reduce all Mexico.

Mr. CASS.—Oh! no.

Mr. CLAYTON.—That is the amount of it, as I understand. If in error, I will be happy to be corrected.

Mr. CASS.—The Senator is at liberty to put his own construction on the letter; but the object was stated to be "to keep the central government in motion." I will read the passage again.

SEVERAL SENATORS.—We shall be glad to hear it again.

Mr. CASS then read the passage already given, and added: The substance of the letter has been given in a St. Louis paper which came here within the last few days.

Mr. CLAYTON.—Well, that is what I call reducing or subjugating the country. Others will put their own construction on it. This increased force then, is not recommended by General Scott; but, he says to the Department, "if you propose to take all the capitals of the States of Mexico—if you intend not only to put down the guerillas and bandits, but to keep the central government of Mexico constantly in motion, allowing it no fixed place in which it can treat with you—if you purpose also, to take possession of the revenues of the country, then you will require such an addition to the army now here as will raise it to 50,000 men."—General Scott, it will be perceived, does not recommend that such an addition shall be made to the army; he only says to the War Department, that if they design to adopt a certain course of procedure, that it will be necessary to increase the army to that amount. Pray, sir, what do you call keeping the central government in motion—occupying the State capitals—and seizing the revenues of Mexico? I call it subjugation of the country and annihilation of the government of Mexico. Well, now, the President of the United States disavows that in his message. He declares that he is opposed to the annihilation of Mexico as a republic. Yet the proposition now is to augment the forces in Mexico, on the ground that such an increase is necessary in order to attain objects which are, as I consider, tantamount to the entire subjugation of the country.

It has been stated by my friend from Kentucky—and I think he has fully sustained it—that the force at present under the command of Scott and Taylor, or Wool, in the absence of Taylor, amounts to 45,000 men; and we are now called on to increase the army to 30,000 more in order to overrun all Mexico, in order to occupy the capitals of all the States of Mexico, and to seize upon the entire revenues of the country. In other words, as I understand it, to annihilate Mexico as a nation, and to destroy her government, does not require any thing like the force which the honorable Chairman of the Committee on Military Affairs now asks the Senate to vote. If you add thirty regiments—twenty regiments of volunteers and ten regiments of regulars to the troops already in the field, you will have a vastly greater force than the commanding general of the army considers necessary for all the purposes specified in the letter. It is well known to my brother Senators here, that during the last session and the previous one, I voted upon all occasions, when bills were presented to this body to increase the army of the United States, or to furnish supplies for the army, in favor of those bills. I took the ground that whether the administration of the country was right or wrong in the inception of this war, I should vote more troops and more supplies for our armies in order to sustain the honor and interests of the country, so long as my vote might be needed to sustain that honor and those interests. Nor shall I, in the course which I am about to take with regard to this bill, in the least change my purpose in regard to this matter, as originally formed. If the same issues were now before me which were presented at the last session, I should vote precisely as I voted then. But totally different is the question now presented. On all former occasions the President of the United States, and his friends on this floor, disavowed any intention of conquest, or acquisition of territory by conquest. They invariably declared that their object was not to obtain Mexican territory by robbery or conquest. They fought, it was declared, for a fair and honorable peace, and for indemnity for the injuries which we had received at the hands of Mexico. But what now is the issue, presented to the American Senate, by the bill upon your table? Allow me here to read from the Message of the President, so that there may be no ground for any allegation of misstatement or misapprehension. Let us hear from the President himself, the objects which he has in view, and the purposes for the accomplishment of which he desires these additional troops. The President says:

> In the same manner, as Mexico refused to indemnify us, we should adopt means to enforce exact justice. Accordingly, instead of one, we took possession of two provinces, and instead of a small, we added a large territory. Both were conquered by the arms of New Mexico and the Californias were taken possession of by the land and naval forces under orders to conquer and hold them as conquests, pending the negotiations of a treaty of peace.
>
> These provinces are ours, to the exclusion of all foreign powers, and have been so for many months, and on this point Mexico has long ceased within their limits. I suppose that they should never be surrendered to Mexico.

And, again, he says on the same page:

> Besides New Mexico and the Californias, those are other Mexican provinces which have been reduced to our possession by conquest. These other Mexican provinces are now governed by our military and naval commanders, under the general authority which we could not obtain a right over by the mere act of war. They should continue to be held as a means of securing Mexico to accede to just terms of peace.

The question then arises, what are these "terms of peace"—what the President considers to be "just," and on which he means to insist? By turning to the eighth page of his message you will find an answer to this inquiry. You will there discover the views of the Executive with regard to "just terms of peace." It has been said in the progress of debate, that the President attempted to negotiate after the battles of Contreras and Cherubusco—that he made an effort to treat with the Mexican commissioners—having sent Mr. Trist to Mexico for that purpose. In his message he communicates the purport of the instructions given to Mr. Trist, and his own "ultimatum."

> The commissioner of the United States was authorized to agree to the established point of the Rio Grande as the boundary from the entrance into the Gulf to the intersection with the southern boundary of New Mexico, in north latitude about thirty-two degrees, and to obtain a cession to the United States of the provinces of New Mexico and the Californias, and the privilege of the right of way across the isthmus of Tehuantepec. The boundaries of the Rio Grande and the cession to the United States of New Mexico and Upper California constituted an ultimatum which our commissioner was, under no circumstances, to yield.

Here we have the President's "just terms of peace," as he calls them;—his "ultimatum" is definitely announced, and we are no longer left, as during the two last sessions, to conjecture—to guess at the objects and intentions of the President of the United States in regard to Mexico. It is now certain that he has demanded as an ultimatum, and means to demand hereafter as his ultimatum, the cession to the United States of the Californias, and the whole of New Mexico—a territory embracing, at least, 690,000 square miles of land—more than twice the entire territorial extent of the "old thirteen States" at the time of the American Revolution! And I am called upon to give a vote which shall enable the President to enforce these "terms of peace!" I am called upon to give a vote that shall enable him to compel Mexico to cede the whole of New Mexico and the Californias to this country. I have no choice left. I must at once, take up my position, and say whether I am in favor of the acquisition and conquest of all this vast region, or whether I am opposed to it.

I must confess that I do not understand the argument of my honorable friend from Maryland, [Mr. JOHNSON.] He concluded, as I understood, with an expression of his resolution to vote for this bill. He told us to-day, that if the people of the United States were consulted, he verily believed, the great mass of them would decide against the acquisition of any territory on the western side of the Del Norte. The Senator thought that the people of the United States would go with him for acquisition of territory by way of indemnity and not by way of robbery, but in payment of the debt which is justly due us by Mexico. He thought that the people would go with him so far as to defend the country between the Nueces and the Rio Bravo; but he had no doubt that the people of the United States were clearly opposed, and would so declare themselves whenever called upon, to the acquisition of any territory on the other side of the Rio Bravo. Now, I cannot understand how my friend, having arrived at these conclusions, being thus satisfied as to the popular will, can reconcile it to himself to vote for this immense addition to the army of the United States, when the object of the augmentation of the military establishment is plainly avowed by the President to be the extension of his conquests over the whole of this country on the other side of the Rio Bravo, and the acquisition of both the Californias and New Mexico. If my honorable friend can reconcile that by the exercise of all his ingenuity, I should like to hear him do so. For my part I cannot comprehend it. Without reflecting on his course, however, my business is to point out my own.

Before I proceed farther in the argument on this question, I desire to say, for one, that I never have been, and I am not now willing to acquire one acre of ground from Mexico, or any other nation under heaven, by conquest or robbery. I hold that in all our transactions with the other nations of the world, the great principle ought to be maintained by us that "honesty is the best policy;" and that an honorable negotiation is of more value to a country than land or money. I hold that any attempt on our part, merely because we happen to possess superior strength, to compel a weaker nation to cede to us all that we choose to demand as indemnity, whilst we at the same time admit that we ask for more than she owes us, is nothing else but robbery. If a man owes me a sum of money, and if when I meet him on the highway, he replies to my demand that he has not wherewithal to meet it, and I should insist with a pistol pointed to his breast, that he should deliver to me a deed of his farm at the estimate which I choose to put upon it, I think there could not be much difference of opinion as to the nature of that transaction. I should like to know how my friend from Maryland, who is an able lawyer, would defend under an indictment the man guilty of such conduct. Would it be any palliation, or excuse, or justification of the conduct of his client, in such a case, that the money was justly due him? Could there be found in Christendom, a court and jury that would hesitate as to the verdict in such a case? And what, let me ask—as a friend near me (Mr. WEBSTER,) suggests, what would be the value of the deed obtained in such circumstances? If the possessor of it should even go "unwhipt of justice," would he not

be the object to which the scornful finger of every honest man would be pointed, so long as he lived upon the earth? I hold,—and however old fashioned the notion may be, I shall maintain it so long as I have a seat here—that character is as valuable to a nation as it is to an individual; and inasmuch as I would scorn as a private citizen to despoil my neighbor of his property in these circumstances and with these avowals, so as a public man, I never can sanction in the slightest degree such a course of conduct on the part of the government of the country.

We are one of the strongest nations of the earth. We have been amongst the weakest. In times gone by we have suffered from the cruelty, the tyranny, and injustice of other nations, and have uttered loud complaints. We have now waxed strong, and can put the foot upon the neck of a sister republic, and compel her to yield to the terms we ourselves dictate. The question now comes up, and it addresses itself to every genuine lover of his country, whether the acquisition of all this territory in those circumstances, would compensate us for the loss of the reputation—that high national character which we have hitherto sustained? Do not understand me as opposing the just claims of my own country. I would go as far to enforce those claims consistently with the honor of the country, as any man living. So far as the prosecution of war for the purpose of securing just indemnity for these claims might be concerned, I would go as far as he who, on the other side of the chamber, goes farthest. But the President distinctly tells you, that when Mr. Trist made the proposition to the Mexican Commissioners to negotiate, the terms were to be defined by him, and that they were to be submitted to by Mexico at "the cannon's mouth."

Here the Senator yielded to a motion to adjourn, the usual hour of adjournment having arrived.

The Senate then adjourned.

WEDNESDAY, JANUARY 12, 1848.

PETITIONS.

Mr. CASS presented the petition of Eliza A. Mellon, widow of a deceased army officer, praying a pension; which was referred to the Committee on Pensions.

Mr. YULEE submitted additional documents relating to the claim of Isaac Varnes, senior, which were referred to the Committee of Claims.

Mr. YULEE submitted an additional document relating to the claim of Gad Humphreys; which was referred to the Committee of Claims.

Mr. YULEE presented a memorial of citizens of Florida, praying that the Land Office for the Alachua Land District, may be located at Flemington in Marion county in that State; which was referred to the Committee on Public Lands.

Mr. HALE presented the petition of Mary Willington and others, praying the adoption of pacific measures for terminating the war with Mexico; which was referred to the Committee on Foreign Relations.

Mr. HALE presented a petition of citizens of Indiana, praying the immediate withdrawal of the troops of the United States from Mexico; which was referred to the Committee on Foreign Relations.

Mr. HALE presented a petition of citizens of Indiana, praying that all further supplies for the prosecution of the war with Mexico may be withheld by Congress; which was referred to the Committee on Foreign Relations.

Mr. HALE presented a memorial of female inhabitants of Kennebunk, in Maine, praying the immediate withdrawal of the troops of the United States from Mexico; which was referred to the Committee on Foreign Relations.

Mr. HALE presented a petition of female inhabitants of the counties of Carroll, Harrison, and Tuscarawas, Ohio, praying the adoption of pacific measures for terminating the war with Mexico; which was referred to the Committee on Foreign Relations.

Mr. HALE presented a petition of female inhabitants of Leominster, Massachusetts, praying the adoption of measures for the speedy termination of the war with Mexico; which was referred to the Committee on Foreign Relations.

Mr. HALE presented a memorial of ministers and laymen of the Unitarian denomination, praying the adoption of pacific measures for terminating the war with Mexico, and the reparation of all wrongs that may have been done by the United States to that Republic; which was referred to the Committee on Foreign Relations.

Mr. HALE said:—Mr. President—I have been requested by the gentleman from whom I have received this last memorial, to say a word in explanation of its character, and in order to obviate an exception which may arise in some minds from an inspection of the petition itself, that it is of a sectarian character, coming only from a single denomination. The answer to this is, that it originated with that class who were desirous of doing what they might for arresting what they considered a great and alarming evil. They had neither the time nor the means for associating with themselves the various other denominations which divide the Christian world, and therefore did not feel authorized to speak in the name or on behalf of the Church universal. This alone accounts for the apparent sectarian character of the petition on its face. But, Mr. President, it will be seen, on examining the substance of the petition, that it is far from being obnoxious to such a reproach, but on the other hand asks for measures eminently Christian in their character, and in which all of every name and sect may unite, who believe in that original test of discipleship laid down by the Author of our religion, who, when arraigned before the Roman Governor, said, "if my kingdom were of this world, *then* would my servants fight."

Mr. President, having so recently declared my sentiments in my place in the Senate concerning the objects and character of this war, it is unnecessary for me to add a word at this time, and I leave it in the hands of the Senate, simply remarking, that among the marks of public favor with which I have been honored, the being selected as the agent to present this petition to the Senate, is most grateful to my feelings, and that, whether I look to the character of the petitioners or the objects for which they pray,

Mr BRADBURY submitted an additional document relating to the claim of John O. Means; which was referred to the Committee on Naval Affairs.

On motion by Mr. NILES, it was

Ordered, That the petition of Mr. S. W. Chilson, on the files of the Senate, be referred to the Committee on the Post Office and Post Roads.

On motion of Mr. DICKINSON, it was

Ordered, That Joseph Roby have leave to withdraw his petition and papers.

On motion by Mr. CAMERON, it was

Ordered, That Henry W. Andrews have leave to withdraw his petition and papers.

CLAIMS ON MEXICO.

Mr. SEVIER, from the Committee on Foreign Relations, to whom had been referred the Resolution to create a Board to ascertain and determine the amount of each of the claims of the citizens of the United States against Mexico, reported the same with an amendment.

PRIVATE BILLS, ETC.

Mr. DOWNS, from the Committee on Private Land Claims, to whom had been referred the petition of William Pumphrey, reported a bill for the relief of the legal representatives of Jacques Moulon; which was read and passed to the second reading.

Mr. WESTCOTT, from the Committee on the Judiciary, to whom had been referred the memorial of the heirs of Abner L. Duncan, submitted an adverse report; which was ordered to be printed.

Mr. WESTCOTT, from the Committee on the Judiciary, to whom had been referred the petition of Nahum Haskell, reported a bill for the relief of Richard Bloss and others; which was read and passed to a second reading.

Mr. JOHNSON of Louisiana, from the Committee on Pensions, to whom had been referred the memorial of George Petty, submitted an adverse report thereon; which was ordered to be printed.

Mr. JOHNSON of Louisiana, from the Committee on Pensions, to whom had been referred the document relating to the Claim of Fernando Felhany, reported a bill for his relief; which was read and passed to the second reading.

Mr. JOHNSON of Louisiana, also submitted a report on the subject; which was ordered to be printed.

Mr. JOHNSON of La., from the Committee on Pensions, to whom had been referred the documents relating to the claim of Peter Engles, senior, submitted a report accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. JOHNSON, of La., from the Committee on Pensions, to whom had been referred the documents relating to the claim of Elizabeth Pistole, submitted a report, accompanied by a bill for the relief of Elizabeth Pistole, widow of Charles Pistole deceased.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. YULEE, from the Committee on Private Land Claims, to whom had been referred the memorial of Jesse Turner, reported a bill for his relief; which was read and passed to the second reading.

Mr. YULEE, from the Committee on Naval Affairs, to whom had been referred the petition of Jesse D. Elliott, reported a bill for the relief of the legal representatives of Captain Jesse D. Elliott; which was read and passed to the second reading.

Mr. YULEE, from the Committee on Naval Affairs, to whom had been referred the memorial of William M. Glendy, submitted an adverse report; which was ordered to be printed.

On motion by Mr. JOHNSON of Louisiana, it was

Ordered, That the Committee on pensions, be discharged from the further consideration of the petition of Mary D. Wade, and that it be referred to the Committee on Naval Affairs.

The Senate resumed the consideration, as in Committee of the Whole, of the bill for the relief of William B. Slaughter, late Secretary of the territory of Wisconsin; and no amendment being it was reported to the Senate.

Ordered, That the bill be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

U. S. COURTS IN VIRGINIA.

Mr. ASHLEY, from the Committee on the Judiciary, to whom had been referred the bill to change the times of holding the District Courts of the United States for the western district of Virginia, and for other purposes, reported the same with amendments.

CONICAL VENTILATOR.

Mr. YULEE, from the Committee on Naval Affairs, to whom had been referred the bill directing the Secretary of the Navy to purchase from Dr. James P. Espy, his patent-right for the Conical Ventilator, for the use of the United States, reported the same without amendment.

FORWARD OFFICERS OF THE EXPLORING EXPEDITION.

Mr. YULEE, from the Committee on Naval Affairs, to whom had been referred the memorial of the forward officers of the late exploring expedition, submitted a report accompanied by a bill for their relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

JUDGE OF THE WESTERN DISTRICT OF VIRGINIA.

On motion by Mr. ASHLEY, it was

Ordered, That the Committee on the Judiciary be discharged from the further consideration of the petition of George H. Lee, and others.

ANNEXATION OF TERRITORY.

The Senate proceeded to the consideration of the following resolutions, submitted by Mr. DICKINSON:

Resolved, That true policy requires the government of the United States to designate its political and commercial relations upon the continent by the annexation of such contiguous territory as may conduce to that end and consistent with the principles that neither in such acquisition nor in the territorial organization thereof can any conditions be constitutionally imposed, or institutions be provided for or established, inconsistent with the right of the people thereof to form a free sovereign State, with the powers and privileges of the original members of the Confederacy.

Resolved, That in organizing a territorial government for territory belonging to the United States, the principles of self-government upon which our federative system rests, will be best promoted—the true spirit and meaning of the Constitution be observed, and the confederacy strengthened, by leaving all questions concerning the domestic policy therein to the legislatures chosen by the people thereof.

Mr. DICKINSON said:—

We are admonished by the exigencies of the times and the prevailing sentiment of the American people, to stregthen our political and commercial relations upon this continent and the annexation of such contiguous territory as can be justly obtained, as well for the positive benefits the acquisition may confer, as to shut out forever, as far as practicable, the pernicious influences, and impertinent intermeddings of European monarchy: and while the circumstances under which this policy may properly be enforced, are too varied and contingent to be enumerated or suggested, the state of our relations both foreign and domestic, demand that it be fully declared before the world. We have been compelled by misguided Mexico, to resort to the *ultima ratio* of nations for an adjustment of grievances. With her capitol, her ports, her fortifications and principal towns in our possession, she spurns all proposals for accommodation, and we have no alternative left consistent with national spirit or self respect, but to retain of the possessions allotted us by the tribunal of her own selection, ample indemnity for the wrongs she has heaped upon our government and people. But should she in some sane moment consent to negotiate, she can furnish indemnity only in territory and this government can accept of no terms but such as give full compensation; so that whether we have peace or war, treaty or no treaty, the question of territorial acquisition cannot be avoided. Had we remained at peace with Mexico, the same policy of acquisition would sooner or later have been presented, and should a treaty of peace be negotiated, and a full indemnity be paid in money, of which there is no prospect, the question of extending our possessions could not long be postponed. Although clearly demanded by national interests and almost universally favored by the American people, this policy has been embarrassed by an element of irritation calculated to arrest if not defeat it altogether. Some who profess to favor it, do so only upon condition that domestic slavery shall be prohibited by Congress in any acquired territory—other swith marked determination oppose any increase with such restrictions, and both these classes propose to co-operate with the opponents of acquisition unless their peculiar views respectively are adopted.

Believing that a policy so eminently national, should not thus be defeated, or put at hazard—that the legislation of Congress can have little influence over the domestic regulation of territory, that its temporary government is a matter of secondary importance compared with the policy of acquisition, and that its domestic regulation may be safely entrusted to those most deeply interested in the institutions they may establish, I have introduced these resolutions. They were presented that the Senate might form and pronounce its judgment before the country, upon the two great questions embraced therein, which engage so large a share of the public consideration. They do not, as is supposed by some, bring here with its proitless discussions and exciting consequences, the vexed question of slavery, for it was here before them, but they propose to transfer it hence, and leave under the constitution all questions concerning the erection or prohibition of this institution in the territories, to the inhabitants thereof; that its intrusion may not hereafter arrest the policy, defeat the measures or disturb the councils of the nation. They were offered in the hope that all who believe in the great cardinal principle of freedom—the capacity of man for his own government, would harmonise conflicting opinions and unite upon this common ground of justice and equality.

The people of the original States declared that to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare and secure the blessings of liberty to themselves and their posterity, they established the Constitution. Although the articles of confederation which gave place to this instrument, provided for the admission of Canada to the Union, and the comprehensive terms employed to explain the objects of the Constitution, show that no narrow territorial boundaries were contemplated, it is apparent that few statesmen at that early period foresaw the early growth we were destined to attain. The wisest and ablest of the time, timidly negotiated for years. at the close of the last century, for the right of navigating the Mississippi, and proposed to fix upon that river as the western boundary of the United States forever.

And in negotiating for the territory of Louisana, our government sought to procure only a portion, and the greatest share was virtually taken upon compulsion. The policy which from one acquisition, has already given to this Union four sovereign States, and holds others in reserve, was at the time assailed with a virulence and denunciation, and threats of disunion, which may be profitably consulted rather than copied by those who are alarmed by, or propose to repeat the cry of territorial aggrandizement.

Louisana, too, was a Spanish province, contained a foreign population, strangers to our form of government, and was transferred with its people from Spain to France, and from France to the United States within a few hours; and yet, what State has been more faithful to the Union, or more ably represented!

Territory beyond the Mississippi was then regarded as almost without the pale of probable civilization, and the expedition of Lewis and Clark to the mouth of the Columbia, where the mail of the United States is now regularly distributed, was hailed as an epoch in the history of North American enterprise and daring.

But the tide of emigration and the course of Empire have since been westward. Cities and towns have sprung up upon the shores of the Pacific, and the river we essayed to fix as our western, now passes nearest to our eastern boundary. From three, our population has increased to twenty millions—from thirteen, to twenty-nine States, with others in the process of formation and on their way to the Union. Two great European powers have withdrawn from the continent, yielding us their possessions, and from the Northern Lakes to the Gulf of Mexico—from the St. Lawrence to the Mississippi, numerous aboriginal nations have been displaced before the resistless tide of our prevailing arts, arms and free principles; and whoever will look back upon the past, and forward upon the future, must see, that, allured by the justice of our institutions, before the close of the present century, this continent will teem with a free population of upwards of an hundred million souls. Nor have we yet fulfilled the destiny allotted us. New territory is spread out for us to subdue and fertilize, new races are presented for us to civilize, educate and absorb new triumphs for us to achieve for the cause of freedom.

North America presents to the eye one great geographical system; every portion of which, under the present facilities for communication, may be made more accessible to every other than were the original States to each other at the time they formed the confederacy—it is soon to become the commercial centre of the world. And the period is by no means remote, when man, regarding his own wants and impulses, and yielding to the influences of laws more potent than those which prescribe artificial boundaries, will ordain that it shall be united in political as well as natural bonds, and form but one political system, and that a free, confederated, self-governed republic, represented in a common Hall in the great valley of the west—exhibiting to an admiring world the mighty results which have been achieved for freedom in the western hemisphere. Then will a more perfect Union be formed, and justice be established upon enduring foundations—the domestic tranquility insured—the common defence be provided for—the general welfare promoted, and the blessings of liberty secured to posterity.

Our form of government is admirably adapted to extended em-

place. Founded in the virtue and intelligence of the people, and deriving its just powers from the consent of the governed, its influence was as powerful for good at the remotest limits as at the political centre.

We are unlike all communities which have gone before us, and illustrations drawn from comparing us with them, are unjust and erroneous. The sacred order which [illegible] unlike the military republics of other times, as is the religion of the Savior of men to the impositions of Mahomet. Our system wins by its justice, while theirs sought to terrify by its power. Our territorial boundary comprehends [illegible] quadrupled, and the number of our States be doubled, without inconvenience or danger. Every member of the confederacy would still sustain itself, and contribute its influences for the general good—every pillar would stand erect, and impart strength and beauty to the edifice. In matters of national legislation a numerous population, extended territory, and diversified interests, would tend to reform abuses which would otherwise remain unredressed, to preserve the rights of the States, and to bring back the course of legislation from the centralism to which it is hastening. One-half the legislation now brought before Congress would be left undone, or [illegible] large portion of the residue would be presented to the consideration of State legislatures; and Congress would be enabled to dispose of all matters within the scope of its legitimate functions without inconvenience or delay.

The present political relations of this continent cannot long continue, and it becomes this nation to be prepared for the change which awaits it. If the subjects of the British crown shall consent to be ruled through all time by a distant cabinet, Mexico cannot long exist under the misrule of marauders and their pronunciamentos, and this was as clearly apparent before as since the existence of the war. If, then, just acquisition is the true policy of this government, [illegible] would be pursued in connection with a yielding purpose, and characterised by the sternest principles of national justice. It should not rashly anticipate the great results which are in progress, or thrust aside the fruits when they are produced and presented. The national existence of Mexico is in her own keeping, but is more endangered at this time by her own imbecility and stubbornness—her intrigue, ignorance and brutality, than from the war we are prosecuting and all its consequences.—She has been hastening to ruin for years upon the floodtide of profligacy and corruption, and if she is now rescued and her downfall arrested and postponed for a season, it may justly be attributed to the salutary influences of the chastisement she has received.—But a majority of her people belong to the fated aboriginal races who can neither uphold government or be restrained by it—who flourish only amid the haunts of savage indolence, and perish under, if they do not recede before, the influences of civilization. Like their doomed brethren who were once spread over the several States of the Union, they are destined, by laws above human agency, to give way to a stronger race from this continent or another. What has been the national progress of Mexico? When our population was three millions hers was five, and when ours is twenty hers is eight, and while we have attained the highest rank among the nations of the earth, she has fallen so low that there is little left to wound her feelings or degrade her character. She has existed as an independent government, if her fretful and confused being may be thus dignified, almost a quarter of a century, and has changed her government by military revolution during that period as many times as she has existed years. She has an extended and somewhat populous territory, without an authorized government or the means of instituting one, or the virtue or intelligence to uphold it. The rights of her people are illy defined and worse protected. She has now neither army or navy, or means of national defence—no treasury nor system of revenue. She has national antipathies and resentments, but neither national spirit nor national virtue; and has thus far dragged out her wretched existence like the eagle of mythology chained to the rock—gnawing at her own vitals. Her valuable mines, rich agricultural regions, and Pacific harbors, present a tempting occasion for European rapacity to revive upon this continent their execrable proposal to regulate the balance of power, in furtherance of which England has already commenced seizing upon South American possessions.

And should our army now be withdrawn, leaving her deluded people the prey of the ferocious spirits who have hastened her downfall, we may expect to see some supernumerary of the house of Bourbon placed at their head to play automaton to the British cabinet. The policy of extending our jurisdiction over any portion of Mexican territory, is a question between Europe and America, between monarchy and freedom, and not between the United States and the Republic of Mexico; and we should not hesitate to extend our protection to such provinces as are held by us in undisturbed possession now, and patiently await the development of the future. Should the progress of events, without injustice on our part, open to the enterprise of our citizens the rich mining and agricultural districts of that country, and infuse among this semi-barbarous people the blessings of civilization—should the valuable trade which has been monopolized by England be enjoyed by the States, and our mint coin the money of the world; and should a passage across the Isthmus be obtained, placing the mouth of the Columbia within two weeks sail of New Orleans, and valuable Pacific harbors permanently secured, so indispensable to the protection of our vast trade in that sea, and our settlements upon that coast, there would be no occasion for lamentation or alarm. The day is not far distant when all this and much more will be realized, through a process as fixed and unyielding as the laws of gravitation. And whenever the period which determines whether entire Mexico shall come within the jurisdiction of the United States, or become a colonial dependent upon European power, the duty of this government will admit of neither doubt or hesitation.

But we have the question of territorial extension directly presented for our consideration. The President, in his annual message, recommends that the provinces of New Mexico and California, now quietly held by us, be permanently retained as indemnity, and subjected to the civil jurisdiction of the United States. Upon this just recommendation of the Executive we shall soon be called to act, and while the great mass of the American people will approve the suggestion, some will crave our sympathies while they mourn over what they are pleased to term the "dismemberment of Mexico." Let those who may, indulge this misplaced and sickly sentiment. Such of the Mexican people as may have the good fortune to fall within our jurisdiction, should it be the entire population, will be objects of envy rather than of commiseration, and may regard it as a special interposition of Providential favor.—They will find a repose which they have never experienced, and a protection for life, liberty and property, to which they are strangers. They would exchange a lawless and irresponsible despotism for a government of opinion—wild and debasing habits for rational civilization—the precarious subsistence of savage life for the wholesome rewards of productive industry—the devastations of war for the arts of peace. Our government would rear in their midst the genial influences of equality, and secure to the hand of industry the bread of its earning. It would elevate their condition in the scale of moral and social being and infuse amongst them the vigilance and manly spirit which actuates our people. It would leave them with all just relations to each other, enjoying the religion they venerate and the altars where they are wont to worship. To them, the consequences of a "dismemberment" would be such as were experienced by the inhabitants of Louisiana and Florida, when France and Spain were respectively "dismembered" of these fertile territories. Russia "dismembered" Poland that the order of despotism might reign at Warsaw. But America "dismembered" monarchy, that the blessings of civil liberty might be extended upon the continent. While the object of the government is not "dismemberment," our troops cannot be withdrawn without fatal consequences, and deep and lasting dishonor; and if Mexico persists in her course of blind injustice, the results are easily anticipated. The war with Mexico is not a war of conquest. Conquests were not its objects; and yet, they may be amongst its fortunate incidents. A nation engaged in war may, by the law of nations, rightfully conquer all the territory it can subdue and hold it as its own. So much are conquests deemed the property of the conqueror, that when a treaty of peace is made, the territory conquered is deemed the property of the conqueror, unless the treaty stipulates for the surrender, nor does this conqueror relinquish a debt due the conqueror before the commencement of the war. The conquests we have gained in Mexico, are ours without yielding to her any equivalent. We have won the sovereignty over them honestly, fairly, and legally, by the law of nations; and in treating with her, she is entitled to just what we may think proper to give her for relinquishing her right to re-conquer them, and it is worth just what good judgment may dictate. And whenever she proposes to treat upon this principle we are morally bound to treat with her. We cannot virtuously continue the war for the mere purpose of making further conquests, but we can virtuously continue it to the subjection of the whole of Mexico, if she will not make peace with us upon just and honorable terms, or, if we chose, upon such terms as shall have due reference to the territory we have acquired by conquest The question of boundary was a fair subject of negotiation. We proposed negotiation, which she refused. She proffered war which we accepted, and she has no right to complain of the result of it, because she herself rendered us, and we have a right to enjoy what the chances of war have thrown into our hands. The disparity of force has been in her favor. What we could have brought into the field has had no influence in producing results. The strength was immeasurably on her side, when, upon her own soil, her population or even her forces in the field, are compared with our invading army. Under like circumstances, when we were only three millions strong, we contended successfully, against the power of Great Britain; and Spain contended, in like manner, against the forces of Napoleon.

Neither national justice nor national morality require us tamely to surrender our Mexican conquests; nor should such be the policy of the Government, if it would advance the cause of national freedom, or secure its enjoyment to the people of Mexico. But whatever may be the policy touching Mexican conquests, we cannot, if we would, restore New Mexico and California to that government, for the reason that they will not be restored. The laws, which control the policy of territorial acquisition, are beyond the control of legislation. Fountains of tears may be shed over the dismemberment of Mexico; supplies to our gallant army may be refused, and it may be called back from its field of glory, or compelled to retreat therefrom to a "defensive line," or be disbanded and dismissed, and the people holding these provinces will not consent to go where there is only anarchy, violence, and oppression. Give back those provinces! As well return to Great Britain what was once her colonial possessions—give back Louisiana to France, Florida to Spain, Texas to Mexico.

Neither the solemnities of legislative enactments, nor the sanctions of the treaty-making power, can compel them to return; and if it be attempted by strength of arms it will require a greater

provinces are ours by every principle of justice and of international

by a bravery which finds no parallel in the history of mankind. The consideration has been too dearly paid, and our title deeds are written in the best blood of our sons. Let, then, the laws of

ever the cause of freedom.

The principle declared by the last clause of the first resolution,

torial acquisition, inconsistent with the right of the people thereof, to form a free, sovereign State, with the powers and privileges of

argument. Whatever laws Congress may constitutionally enact for the regulation of the territories of the United States, are subject to be altered or repealed at pleasure. The ancient Medes and Persians declared their edicts unalterable; but no such power is vested in the American Congress, and those who propose to have it enact "unalterable and fundamental" laws, employ terms, which, if they have duly considered, they do not comprehend. Every State admitted to the Union, from the moment of its admission, enjoys all the rights of sovereignty common to every other member of the confederacy. The State constitution carries along with it its own definitions of sovereignty, and if any State is prohibited from all the rights of every other, then it is not a sovereign State. If it is admitted with a constitution authorizing domestic slavery, it may change its constitution so as to prohibit it at its pleasure. If its constitution at the time of its admission prohibits slavery, it may change so as to authorize it, and this too, regardless of any legislation upon the subject by Congress or otherwise, before its admission to the Union. In other words, every State, after its admission, may in virtue of its own sovereign power, establish or abolish this institution, whatever may have been the conditions imposed, or attempted to be imposed upon it during its territorial existence.

The second resolution declares that the principle of self-government upon which the federative system rests will be best promoted—the true spirit and meaning of the constitution be observed, and the confederacy strengthened by leaving all questions concerning the domestic regulation of territory to the legislatures chosen by the people thereof.

It must be conceded by all, that Congress has no inherent power over this subject, and no more right to legislate concerning it than the British Parliament, unless such authority is delegated by the constitution. The only clause of the constitution which is supposed to confer upon Congress the right to legislate for the people

In providing legislation for the District of Columbia, and for places occupied by the government of the United States for fortifications, and other erections required by the public service, the constitution thus confers the power upon Congress:

By the clause of the constitution first above cited, it is evident that territory is mentioned in its material, and not its political sense, for it is classed with "other property," and Congress is authorized to dispose of, and make all needful rules and regulations respecting both. In the other section they are separated, and Congress is authorized to legislate over all places occupied for public structures; but, no such authority is extended to territ-

free from repetition, and every word was well weighed in its positive and relative sense. And if its framers had supposed the phrase "needful rules and regulations" authorized legislation over places belonging to the United States, and used for public service, they would scarcely have authorized legislation over such places in express language in another section. Again, in providing legislation for the District of Columbia, Congress is authorized to "exercise exclusive legislation" over it. Now, if the words "needful rules and regulations" were deemed proper and apt language to confer legislative authority over the internal affairs of a territory, why were they not employed to authorize legislation over the District? And to reverse the order of the enquiry, if it was intended to confer upon Congress the power to legislate over territory, why was it not given in the same express terms as in authorizing legislation for the District? From this view there is little doubt that a strict construction would deny to Congress the rights to legislate for the domestic affairs of the people of territory without their consent.

Congress has however upon various occasions exercised legislative power over the subject, especially in incorporating into the law organising territories the provisions of the ordinance of 1787; and this has been acquiesced in by the people of the territory. This ordinance was framed under the old confederacy, for the government of the North Western Territory, and the sixth article forbade slavery or involuntary servitude therein. Its validity has often been questioned, and its passage was pronounced by Mr. Madison [illegible] "a mere usurpation, flow" But, whether authorised or not, having been passed before the adoption of the constitution, the act has no authority as a precedent for like practice under it. In erecting territorial governments since the adoption of the constitution, the action of Congress has not been uniform. In organising the North Western Territories, the provisions of the ordinance relating to slavery have been extended to

relation to the states, and such forms of organization as have been proposed by Congress have met with general acquiescence. But this has neither given the right to Congress, nor taken it from the people of the territory. The Missouri compromise cannot be regarded as an ordinary act of legislation, upon the majority principle. It was rather in the nature of a compact, not adopted as such to be sure, but assented to or acquiesced in by all the states through their representatives in Congress or otherwise. Whether it has force in the territories or not, depends upon the construction of the constitution already discussed, but it has no binding force upon a state beyond that of moral obligation. In the annexation of Texas, the Missouri compromise line was extended by a majority vote, but it was disregarded by that State in her domestic organization, nor has any department of the general government or any other power, save her own people, any control over it. This furnishes a practical illustration, of the value of "unalterable" provisions by Congress in the organization of territory. It is not denied that if the people of the territory acquiesce in, adopt the form of domestic government, proposed for them by Congress, it becomes their own, having all the force of law until they "alter or abolish it." But this gives to Congress no constitutional right to enforce its legislation upon the people of the territories against their will, and much less does it prohibit the people of the state in embryo, from exercising their own inherent right of sovereignty in their domestic affairs.

The resolution declares that the domestic policy of the people of a territory should be left with them, and if that power resides in Congress, as is contended, it should be delegated to the people of the territory and be exercised by them.

From the Declaration of Independence to the adoption of the Constitution, every act of those who erected our system of government indicates a prevailing confidence in the capacity and integrity of the people, and a lively distrust of delegated power; and if we permit ourselves to depart from the letter of the constitution, in search of its true spirit and meaning, we should keep steadily in view this great popular and controling feature. But it is not my purpose to discuss further the abstract right of Congress to legislate upon this subject.

Whatever power may or may not rest in Congress under the Constitution, that instrument could not take from the people of territories the right to prescribe their own domestic policy; nor has it attempted any such office. The principles declared by this resolution are older and stronger than written laws and paper constitutions—principles which lie at the foundation of free institutions, and from which laws and constitutions emanate—inculcating the doctrine that, the inherent, original power of self-government was derived by man from the Sovereign of the universe; and that government is the creature of man, and not man the creature of government.

The republican theory teaches that sovereignty resides with the people of a state, and not with its political organization; and the Declaration of Independence recognizes the right of the people to alter or abolish and reconstruct their government. If sovereignty resides with the people and not with the organization, it rests as well with the people of a territory, in all that concerns their internal condition, as with the people of an organized state; and if it is the right of the people by virtue of their innate sovereignty to "alter or abolish," and reconstruct their government, it is the right of the inhabitants of territories, in virtue of the same inborn attribute, in all that appertains to their domestic concerns, to fashion one suited to their condition; and if, in this respect, a form of government is proposed for them by the federal government, and adopted or acquiesced in by them, they may afterwards alter or abolish it at pleasure. Although the government of a territory has not the same sovereign power as the government of a state in its political relations, the people of a territory have, in all that appertains to their internal condition, the same sovereign rights as the people of a state. While Congress may exercise its legislation over territory so far as is necessary to protect the interests of the United States, the legislation for the people should be exercised by them, under the Constitution.

The mental and physical organization of man teaches that he is better fitted for self-government than for the government of his neighbor; and if he is incapable of discharging this duty to himself, he should not be entrusted with the destiny of others.

That system of government, whether temporary or permanent—whether applied to States, Provinces, or Territories, is radically wrong, and has within itself all the elements of monarchical oppression, which permits the representatives of one community to legislate for the domestic regulation of another to which they are not responsible—which practically allows New York and Massachusetts, and other Atlantic States, to give local laws to the people of Oregon, Minesota, and Nebraska, to whom and whose interests, wishes and condition they are strangers.

Nor is this objection raised here for the first time. Prominent in the catalogue of grievances alleged by our fathers against the British king and his ministers, was one "for suspending our own legislatures and declaring themselves invested with power to legislate for us."

Whenever or wherever a community of subordinate rights has been subjected to the dominion of some external authority, it has been upon the plea of necessity—the same plea by which tyrants and usurpers have justified their enormities from the foundation of the world.

The genius of the federative system is self-government. It is the fundamental upon which the acts of our political sages rest. Our fathers proclaimed, that to secure the inalienable rights vouchsafed to man, governments were instituted deriving their just power from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.

All experience has indicated man's capacity for the exercise of this exalted attribute, and wherever civilized and intelligent men have been cast together without the benefit of conventional forms of government, they have proceeded to enact them. They who planted the germ of a powerful empire upon the pilgrim's rock before landing from the May Flower, drew up and signed the following model charter of liberty.

[illegible]

And, the inhabitants of Oregon, three thousand miles distant, in the absence of that guardian care which Congress has been wont to extend to other territories nearer the political centre, established and have in successful operation a provisional government in which, of their own volition, without the assistance of "ordinances," "provisos," or "unalterable fundamental articles," they prohibited domestic slavery throughout the territory.

The great experiment of self government has been fairly tried, and has either succeeded or failed. If it has taught that after all, man, by reason of inherent defects of character, is incapable of its successful exercise except in populous communities matured by age, and that he must remain in pupilage until that season has arrived, we should boast no more that the mysterious problem of human government has been solved, but read the Declaration of Independence backwards and erase the claim which proclaims that gratifying truth, to be expunged or amended by a "proviso." We should acknowledge the theory of free government to be a fable—that the darkness of the human intellect has been found to predominate, and that the gloomy sophisms of the timid and the malignant speculations of the curious have prevailed.

I have already shown that the whole structure of our system favored the idea of domestic government by the people of territories, that it was their right, and the question is fully presented, whether, in view of their capacity for its judicious exercise, it is expedient to leave their internal policy under the constitution with themselves. Any system which denies this in theory or in practice, or which seeks to withhold it from the primary settlements until they shall become populous and mature States, is founded in the same spirit of popular distrust by which the few have, from the earliest history of man, under the plea of necessity, been endeavoring to restrict the many in the exercise of freedom. It inculcates a system of slavery ten fold more abject than that it professes to discountenance. It is the same spirit which has murmured its distrust at the extension of our territorial boundaries, and trembled for the perpetuity of the Union on the admission of a new State—which looks upon free suffrage with consternation, and with holy horror upon the naturalization of foreigners—which would itself enslave one race lest they should tolerate a system which holds in bondage another. It is the offspring of bigotry and intolerance, and should have fulfilled its mission during the dark ages. All experience has shown that tens of thousands in the settlements are as competent to judge of their own condition, and are as much devoted to the support of law and order, as are the hundreds of thousands in populous towns and cities; and that all questions concerning their domestic policy may be safely confided to them. When our country has been disgraced by violence and disorder, and disregard of law, it has been confined to the populous towns and cities, and has not extended to the border settlements. Should the domestic legislation of territories be left with their local legislatures, it would transfer from the halls of Congress the bootless sectional struggles which have created bitterness at home and served to degrade our institutions in the eyes of the world. It would leave local communities, territories, as well as States, to consult their own interests, wishes, and sense of propriety, and to erect or prohibit, continue or abolish, such institutions as may not be repugnant to the principles of the constitution. It would leave the federal government free to pursue its onward course unembarrassed by matters of sectional moment over which its control is questionable, and must be partial and temporary. It would relieve the best-abused department from the strife and irritation which now beset him, and allow his energies to be devoted to the best interests of the nation, and the amelioration of the condition of man. It would harmonise with the genial spirit of the constitution and uphold its symmetrical frame work. It would practically acknowledge man's capacity for self-government and vindicate the integrity of his race. The same spirit by which freedom is nourished, would be nourished by it, and society be bound together by ties of amity and interest.

Then would our territorial soil be free—not by restrictions, provisions, and the threatening mandates of federal legislation, but free and sacred to the cause of freedom—free for its people to lay the foundations of its government on such principles, and organise its powers in such form as to them shall seem most likely to effect their safety and happiness—freedom of opinion, of the press—of religion—of education, of commercial intercourse. Having vindicated for the people of territories the same rights of self-government enjoyed by every other political community I forbear to speculate whether they will be less discreet in its exercise, than would those who desire to subject them to the influences of an external government.

Let them who fear to intrust a free people with their own domestic concerns lest they should prove too weak or wicked to conduct them judiciously, resort to the mistaken and mischievous policy of restrictive legislation—a system founded in blind and selfish conceits, and as impotent in effect as it is narrow in design. Such territory as we acquire will be free, and thus I would leave its people, and its domestic government. Free as the people of New York or of Virginia to lay the foundation of their government on such principles, and organize its powers in such form as to them shall seem most likely to effect their safety and happiness. If they shall fail to do this, the experiment of self-government will fail with them.

It is nought to me how various, crude or inconsistent are the speculations upon the principles which these resolutions contain, and what would be their effect if established. They stand upon the immutable basis of self-government, and will ultimately be vindicated and sustained by the American people in every section of the Union. But they will be opposed upon grounds as various as the motives by which the opposition is induced. This is already evidenced by sections of the public press which I notice, not as newspaper paragraphs merely, but for the interests they rep resent. Already the Charleston Mercury of South Carolina, a paper of conceded ability and extensive local influence, declares that their effect would be to prohibit forever slavery in the acquired territory, and therefore as a guardian of the slave interest, calls for their rejection; and papers in other sections which employ the slave question as a stalking horse to minister to the appetites of the morbid and alarm the fears of the timid, discover in them not only the effect, but the design to propagate and extend slavery. But I leave the theories to be adjusted by those who are thus enabled to penetrate the future, and draw opposite results from the same premises; I leave the practical tests with those who shall be charged with the high responsibilities of their own government—under our glorious free system, under the constitution it has framed, and the Providence which has watched over it.

It would doubtless be well for these antagonisms who fear that all newly acquired territory may be pre-occupied and monopolised, either by free labor on the one hand, or by slave labor on the other, as the case may be, unless their favorite ideas are indulged, to remember that there are other dangers, either real or imaginary, to which we may be exposed if left to the free government of its own people. Our institutions invite the children of every clime to sit down under the wide-spreading branches of the tree of liberty, and we have no prohibitory, or even protective impost duties upon social manners, and customs, political opinions, or religious rites. It may be that the rugged Russian, allured by the gentle breezes of Mexico, may fall down from his hyperborean regions with his serfdom, and his military rule—or the Turk choose to regale himself there with his pipes and mocha—his Georgian Houris's sensual delights, and Mahometan divinity. Or what is equally probable, as our Pacific possessions place us in direct communication with Asia, that the plains of Mexico may be desecrated by the trundling of the car of Juggernaut, or the subjects of the celestial Emperor—the brother of the sun and moon may hurry thither and ruin all agricultural interests by converting it into an extensive field of hyson.

But let those who entertain them dismiss all selfish and idle fears, regard others as wise, and as virtuous, and as capable of their own government as themselves, and all will be well. The spirit of freedom will enlarge her own boundaries and people—*the* area in obedience to laws stronger than the laws of Congress. The rich heritage we enjoy was won by the common blood and treasure of the north and south, the east and the west, and was defended and vindicated by the same, in the second war of independence; and at the present, when with a reckless and unpardonable spirit of barbarous foe the brave sons of every section of the Union have fought and fallen side by side—the parched sands of Mexico have drank together the best blood of New York, and South Carolina. These recollections should renew and strengthen the ties which unite the members of the confederacy, and cause them to spurn all attempts at provoking sectional jealousies and irritations, calculated to disturb the harmony, and shake the stability of the Union. In the language of Mr. Jefferson, they who indulge "this treason against human hope will signalise their epoch in future history as the counterpart of the model of their predecessors."

Mr. YULEE.—I desire to propose a substitute for the resolution of the honorable Senator from New York. I do not intend going into a discussion of the subject now, but merely beg leave to remark, that while I feel thankful to the honorable Senator for the spirit of liberality in which he has discussed the subject, I find so wide a variance between the sentiments entertained by the Se-

nator and myself, in respect to the relation which the territories of this Union, and the people inhabiting them, occupy towards the federal government, that I feel bound to vindicate my own opinions by the resolutions which I now offer.

The SECRETARY then read the resolutions as follows:

Resolved, That the territory hitherto, or which may hereafter be acquired by the United States is the common property of the Union, and the sovereignty over the same vests in the people of the several States composing the Union.

Resolved further, That the right of property in slaves is recognized authority, and the territorial community any inherent right, to exercise any legislative power within the said territories, by which the equal right of all the citizens of the United States to acquire and enjoy any such property, may be impaired or embarrassed.

Mr. YULEE moved that they be printed.

Mr. HALE gave notice that he would move the following, as an amendment, at the proper time:

Strike out all after the word "Resolved," and insert the following, viz:

That it should be one of the fundamental rules and conditions on which all territory hereafter to be acquired by purchase, conquest, or otherwise, that slavery and involuntary servitude, except as a punishment for crime, whereof the party shall be duly convicted, shall be forever prohibited in said territory.

On motion by Mr. CASS, it was

Ordered, That the resolutions be laid upon the table, and that the amendments proposed be printed.

THE TEN REGIMENT BILL.

The Senate resumed the consideration, on its third reading, of the bill to raise, for a limited time, an additional military force.

Mr. CASS rose and said:—I can now furnish the honorable Senator from Delaware, as I promised, with the date of the letter to which he alluded yesterday. It is dated the 18th of September.

Mr. CLAYTON.—The resolutions of the Senator from New York, (Mr. DICKINSON,) and the various propositions for amending them which have been presented by others, and which have been the subject of discussion this morning, furnish a very extraordinary commentary, I think, sir, on this war; the objects to be attained by it, and the course we are now about to pursue. It seems to be taken for granted by gentlemen, that we are to acquire a great amount of territory; but before we obtain an acre, there is a violent contest what we shall do with it.

Mr. President:—Yesterday, when the Senate adjourned, I had adverted to the subject of the indemnity due by Mexico for the claims of our citizens. I had said, what I maintain now, and what I shall at all times hereafter maintain—that the just claims of my countrymen against Mexico ought to be asserted and supported in every suitable and proper manner. But I did not then state what I think it right to state now, in order to prevent any error in the public mind—that the amount of those claims has been greatly overrated. There has been an erroneous impression in regard to their amount, and I will state what I believe to be that amount, subject, of course, to be corrected, if in error, by gentlemen who may follow me in the debate.

I understand that the whole amount of claims presented to the Commissioners was $6,291,605 dollars. Of this sum, $2,260,140 were allowed by the Commissioners on the part of Mexico, and the Mexican government was providing to pay that amount without any controversy as to its justice at the time when the war broke out. It appears, then, that there was a sum of $928,628 claimed by the citizens of the United States, which was disallowed by the Mexican Commissioners. This was subject to controversy; and whether our claim for that amount was right or wrong, remains to be decided by the Commission appointed by both governments. Of the claims of our citizens, $3,330,837 had not been examined by the Commissioners. I make this statement, as I have said, in order to prevent an erroneous impression in regard to the amount of these claims.

Mr WEBSTER (in his seat).—Mr. Trist was authorised to claim $3,000,000.

Mr. CLAYTON.—It is true that Mr. Trist was authorised to negotiate, on the ground that the whole sum due to us in the aggregate was three millions. It will not be contended, I presume, that we went to war for the recovery of this claim. I have not heard that the true object of the war was the recovery of this money. Other causes were alleged for the war in which we were involved, on the 13th of May, 1846. The great cause assigned by the President for the war at that time was, that American blood had been shed upon American soil. I do not propose to go into the discussion of the question at this time, whether that assertion was or was not true. There are other matters which invite my consideration, and to which I think it important to call the attention of the Senate. But I desire, sir, in the progress of this discussion, to have it distinctly understood, as far as I am concerned, that I have been always ready and anxious to vindicate the honest claims of my countrymen upon Mexico, and that neither by the votes which I am about to give upon these bills, nor by any vote which I shall in future be called on to give in reference to this war, do I desire it to be understood that I am denying the justice of the fair claims of the citizens of this country upon Mexico for indemnity. What I meant to say yesterday and mean to repeat to-day, is, that the amount of these claims was small compared to the value of the enormous quantity of territory, which the President declares shall be ceded by Mexico to us before there can be a just and honorable peace between the two countries. It has been said that the proposition was made by the American Commissioner to give them twenty millions of dollars for the territory required to be ceded. I know not from any official information, how the President estimates the difference between the claims of our citizens and the value of the land which he intends to demand of Mexico at the cannon's mouth.

The honorable Chairman of the Committee on Military Affairs tells me to-day that he has ascertained the date of the letter from General Scott to our government, in which the suggestion is made, that in a certain event more troops will be necessary to be added to the army. That letter, he says, is dated so far back as the 18th of September, and I suppose the extract he has read from it is nothing more than the suppressed part of the General's official letter of that date, in which he recounts his victories. It is the part of that letter marked by the asterisks I suppose. It is clear, then, from the statement of the honorable Chairman of the Committee on Military Affairs, that General Scott has never recommended to the administration of this country, or to any department of this government, the passage of these bills to raise thirty more regiments for the war. He has made no such proposition—upon his head none of the responsibility of these measures can rest. It must rest on the heads of those who have suggested it. Although the President has generally recommended in his message an increase of the army, he has not told us how many regulars, how many volunteers, or how many troops of all kinds should be added to the army. Sir, General Scott has never desired such an increase of the forces in Mexico, nor can he now desire it. It could only embarrass and distract him in his position at present, however useful such an addition might have been before he left Vera Cruz, and penetrated into the interior of Mexico. At this time these measures would add 30,000 more mouths to be fed in Mexico. Sir, it is not consistent with the known character of this great captain to ask for more troops than can be usefully employed in the service of the country. Before he left this place for Mexico, in conversation with him, I observed to him, that when he arrived in Mexico he would meet a very formidable enemy, and that he might perchance be defeated in the difficult mountain passes of that country; he smiled, and replied to my observation: "Sir, give me a column—a granite column of American regulars, consisting of 4,000 or 5,000 men, and I will whip any Mexican army that can be brought into the field, if it should rain Mexicans for a week." That was the fixed deliberate opinion of the then Commander-in-chief at that time. Well, sir, when he was fighting the battles of Contreras, Churubusco, Chepultepec, and Molina del Rey, it really seemed as if it did rain Mexicans for about a week. But he really vindicated the opinion he gave of the prowess of American soldiers by the brilliant victories which he gained in those ever memorable and glorious battles. He entered the city of Mexico, as he tells you, with an army of less than 6,000 men.

Let us look a little into the history of this most extraordinary campaign, after General Scott departed with the small little army from Vera Cruz, and led it into the interior of the enemy's country. Let us see the comparative amount of the American and Mexican forces that were engaged in those battles which were fought previous to the entry of the American army into the city of Mexico. It will show us that there is no necessity whatever for such an increased force to be added to the army of the United States.

The first great battle after the capture of Vera Cruz was that of Cerro Gordo.

The commanding General, in his despatch to the Secretary of War, says:

"Our whole force present, in action and in reserve, was 8,500; the enemy is estimated at 15,000 to 18,000. Also 3,000 prisoners, 1,000 stand of arms, and 43 pieces of artillery were taken. By the accompanying return, I regret to find our loss more severe than at first supposed; amounting in the two days' operations to [illegible] men—in all 431, of whom 63 were killed. The enemy's loss must have been from 1,000 to 1,200."

Of the next battle, sir, in which our army was engaged against the Mexicans, the General speaks in his despatch of the 18th September, from which I read the following extract:

"This army has been more disgusted than surprised that, by some sinister process on the part of certain individuals at home, its numbers have been, generally, almost trebled in our public papers—beginning at Washington.

"Leaving, as we all knew, many strong garrisons at Vera Cruz, Perote, and Jalapa—with much larger hospitals; and being obliged, most reluctantly, from the same cause, (general paucity of numbers) to abandon Jalapa, we marched [August 7–10] from Puebla with only 10,738 rank and file. This number includes the regiment of Jalapa and the 2,429 men brought up by Brigadier General Pierce, August 6.

"At Puebla, I should say, August 20, we had [illegible] men for duty, after deducting the garrison of Augustin, (our general depot,) the intermediate sick and the detail at the Molino del Rey. Supposing so far the [illegible] casualty, and artillery—making in all 4,361 men—we fought the battle of Contreras, September 12 and 13—our whole operating force, after deducting, again, the recent killed, wounded, and sick, together with the garrison of Mixcoac (the then general depot) and that of Tacubaya, was but 7,180; and, finally, after deducting the new garrison of Chepultepec, with the killed and wounded of the two days, we took possession [September 14] of this great capital with less than 6,000 men! And I reassert, upon accumulated and unquestionable evidence, that, in not one of those conflicts, was the army opposed by fewer than three and a half times the numbers present of them, by a yet greater excess.

"On the other hand, this small force has beaten on the same occasions, in view of their capital, the whole Mexican arms, of (at the beginning) thirty odd thousand men—posted, always, in chosen positions, behind entrenchments, or more formidable

[illegible] to upwards of that number more than 7,000 will [illegible] 2d instant, [illegible] Brigadier Generals, of [illegible] Major Generals, [illegible] more than 20 cents per day. [illegible] to [illegible] 30,000 men, [illegible] [illegible] New [illegible] [illegible] [illegible]

beg to take issue with him upon this point. The whole revenue of Mexico, as he said, was but twenty one million dollars, when in her best and palmiest state. It is now, as General Scott tells you, almost annihilated; he, who has the best means of knowing, gives you this information. But suppose the revenue to be twenty one million of dollars, would that be sufficient to support an army of 70,000 men? Sir, if you look at the official documents which have been sent to us by the Secretary of War, you will see that it will be entirely inadequate to defray half the enormous expenses to which we should be subjected. But what is meant by the honorable Senator from Maryland? Does he desire to take every dollar from Mexico, and prevent her from supporting any government? What policy would there be in that? We want to treat with the government of Mexico, yet we drive that government from time to time—keeping them as has been said, "in perpetual motion." We drive them continually from place to place, and yet we expect to treat with a government thus in motion, and from which we have taken every dollar of its revenue. Is there wisdom in this? Is it not in fact an effectual obstruction to the obtaining any treaty? It must end in the utter annihilation of the sovereignty and independence of that nation. You will have a mass of population scattered over an immense region without a government, because you will not permit them to have one, and yet you expect to obtain a treaty of peace! You are to beat them, drive them, shoot them, and in every way punish them; and you say you are to do it for the purpose of procuring an honorable peace. Now, sir, I have nothing to do with the question of humanity as involved in this matter, but I put it again to honorable Senators on the other side, is this good policy? Is it expedient? Are you resolved never to permit Mexico to have a government that can treat with you? If you send down thirty thousand more men, what these bills call for, it is in vain to say that there can be an independent government in Mexico.

In reference to the suggestion, sir, which held out the idea that Mexico can be annexed to this country as a province, I wish to say but a very few words. I think that every statesman who reflects on the subject, will agree with me that it is utterly impossible for us long to hold that or any other country as a province. If you annex it to the American Republic in any form its final destiny is fixed and certain. Your own institutions, your sense of justice, your love of the great principle of human liberty, will compel you to admit them finally into the Union. Hold it as a province like one of the despotic governments of Europe! Hold a country which was once a republic, sir, as a province, enslaved, and enslaved by a sister republic! It is vain, the idea is altogether impracticable. It cannot be entertained by an American statesman for a moment. Depend upon it, sir, you cannot evade the great question. Now is the time to say whether you will admit Mexico into the American Union or not.

I do not propose, Mr. President, to review the ground which was so ably taken by the honorable Senator from Kentucky, who preceded me in the debate in reference to the existing army in the field, the number of troops in Mexico and their sufficiency for all legitimate purposes in this war. I have here the report of the Adjutant General, and I presume that every honorable Senator has had the report upon his table. It appears by it, (and I will here read one or two extracts for the purpose of confirming what has been stated already) that the aggregate regular and volunteer forces in Mexico, independent of the Michigan regiment and the Alabama and Mississippi troops which have not gone to Mexico, amount to forty-three thousand, five hundred and thirty-six men. The Michigan, Alabama, and Mississippi troops will raise the number above 45,000 men. There was great propriety, I think, in the suggestion of the Senator from Kentucky, to add to the number (45,000 men) the five thousand sailors and marines now in Mexico, to ascertain the entire effective force now in Mexico.

There are then, sir, by a fair calculation, already 50,000 men in Mexico. According to the letter which was read by the honorable Chairman of the Committee on Military Affairs, General Scott considered that force sufficient, not only for the legitimate purposes of the war, but also for holding all the Capitals of all the States of the Mexican Confederation, its ports, its towns, and fortified places; for the purpose also of seizing all the revenues of the nation, and of driving the Central Government from place to place, "keeping it in constant motion;" in other words, that the force was sufficient, according to the judgment of the Commanding General, to annihilate the sovereignty of Mexico. Why then do you want more? On what ground do you base the requisition for 30,000 additional troops, when you have already a force adequate, according to the Commanding General, for the subjugation of the whole country? If you send these 30,000 additional troops there, you will have 30,000 additional mouths to feed, greatly increasing the difficulties of the Commander-in-chief in the field, if not rendering them absolutely insuperable. You will thus raise the price of supplies by increasing the demand for them. At the same time, your army being inactive, occupying the garrison towns and fortified places of Mexico, you incur all the hazard of mutiny and insubordination in that immense mass of men, a great portion of them being kept in the great Capital of that Republic, and the others, diffused and scattered among the principal towns. Reflect, sir, on the difficulties which must inevitably surround an army in such circumstances; the danger not merely from disease and the climate, but from that military insubordination into which they would be so likely to fall, when they have no enemy to encounter in the field. As to the idea of fighting any more battles in Mexico, that I hold to be perfectly preposterous. Battles with whom? A single regiment, sir, of volunteers, would be sufficient, at this very moment, to defeat any Mexican forces that could, probably, be brought into the field. Who is there in Mexico that has under him, or has the least expectation of having under him, any considerable Mexican force? No one. Santa Anna has a few guerillas under him, assassins and cut-throats; but they, like assassins and cut-throats in other parts of the world, are fleeing before our regular forces, and dare not face them, and never will dare face any army there.

I conclude, then, Mr. President, that if a case could possibly be stated in which an American Congress would be justified in withholding its consent to an Executive application for more troops, that case is now before us. There are some individuals who seem to think that no possible emergency can arise in which a patriotic statesman can withhold his vote for furnishing supplies of men or money during a state of war. With all such persons I beg most respectfully to differ; and I am quite willing, if gentlemen desire, to measure patriotism with them on this very question. We are placed here as guardians, in some sense, of the lives of the American people, and from our age—as there are many gray heads to be seen in this chamber; it is expected of us that, as men in whom the "heyday of the blood is gone, and waits upon the judgment," we shall restrain the impulses which prompt men to rush to every battlefield when there is no occasion whatever for their services.

Sir, is it indeed true that a man cannot vote against a bill to send additional troops into the field, unless he be as some say, a Mexican Whig, or at heart an enemy to his country? No such assertion as that was made by my honorable friend from Maryland, (Mr. JOHNSON); but just the reverse. He did justice to the motives of those who vote against the measure. But such language I have heard from the lips of others, and never without despising it and its authors. I shall vote, I trust, from a high sense of public duty, and I say that in this case I might with more propriety retort upon the friends of the Executive that he desires, by the passage of this bill, to get a large army of military office-holders to electioneer for his party in the next Presidential campaign. I might make such a charge against him, with much more propriety than the charge to which I have alluded, can be directed against gentlemen not disposed to vote in favor of this bill. If this ten regiment bill passes, the President will have the appointment of five hundred and forty additional commissioned officers. The Executive has already exercised more patronage than any of his predecessors in office. This war, calling into existence a mighty army of 70,000 men, has given him more patronage, independently of other considerations, than any President ever exercised before him. Well, if patronage be an object to the Executive, may he not well be satisfied? I will not lightly make an accusation against the Chief Magistrate of my country. I make no charge against him that it is his object to carry this bill through the halls of Congress, in order that he may obtain this patronage; but, I am one of those who are very fearful and jealous of Executive power and Executive patronage. I have lived long enough and seen enough here to satisfy me, that there is imminent danger to our institutions from that very source. I will not, where there is the slightest danger to be apprehended from it, lend my aid to increase that Executive patronage. Sir, the fathers of the republic, when about to make the American Constitution had fears, and just such fears as I entertain on this great question. They had fears that the great temptations to which the Executive would be exposed, to increase his power and patronage, *flagrante bello*, might lead him to defeat the settlement of controversies with foreign powers and to protract any war in which we might be engaged, so as to prevent a peace. Reasoning upon that subject in the abstract, and without reference to any particular individual, the framers of the Constitution thought that such a danger existed; and James Madison was one of the very men who, apprehending danger from this source attempted in the Convention which made the Constitution, to guard against it by removing from the President even concurrent action with the Senate in the formation of treaties of peace, restricting that power to two-thirds of the Senate.

Let me read from the proceedings of that convention, the passages which bear on this point; as they are quite pertinent in the present connexion. You will find them under date of the — of September, 1787, page 524 of the "Madison Papers,

"Mr. MADISON moved to authorize a certain number of [illegible] of the Senate to make treaties of peace, *without the concurrence of the President*. The President, he said, would necessarily derive so much importance from [illegible] that he might be tempted, if authorised, to impede a treaty of peace.

"Mr. BUTLER seconded the motion.

"Mr. GORHAM thought [illegible] the power would not be in the hands of the Executive, [illegible]

"Mr. BUTLER was strenuous for the motion as a necessary security against [illegible] and bribes and corrupt Presidents. He mentioned the [illegible] of the Stadtholder in Holland, and the artifices of the Duke of Marlborough [illegible] which he had the management."

Sir, Mr. Madison's motion failed, and we have no resource against the evil he designed to prevent, but in the suggestion of Mr. Gorham.

It is evident, then, that the fathers of the Constitution contemplated the very step which we are now about to take; and unless in our hearts and judgments we can approve of the objects for which the war in Mexico is waged—unless we can agree with the President in his ultimatum as announced in that portion of his message in which he declares that he will make no peace unless it

give him all the Californias and New Mexico—unless we concur in that proposition. We are bound as honorable men, to refuse him any more men for the purposes he has avowed. In so refusing to grant him any more men for the prosecution of the war with such objects, I hold myself as acting in the very spirit of the Constitution, and according to the requisitions of the fathers who made it.

Mr. President, the honorable Chairman of the Committee on Military Affairs, when he introduced this bill to the consideration of the Senate, submitted with it some remarks to which I desire to invite your attention. That I may not misquote or misrepresent the honorable Senator, I will read from his speech as published by the Reporter of the Senate.

[illegible] matted would be considered upon their military merits, taking it for granted, that the property of using the additional force required would not be controverted. I was well aware that we could not escape a full discussion of the origin of the war, its [illegible] Nor, indeed, did I wish to avoid it. However severe may be the attack, I trust it [illegible]

It sometimes happens, sir, in the affairs of this world, that a man by blowing a trumpet may invite an opponent into the field when there is none there before he did it. The honorable Senator has uttered this note of defiance, and I suppose it was intended for gentlemen on this side of the Chamber. He has thrown the gauntlet at our feet, and dares us to take it up. He says that the entire ground of the administration is "impregnable," that an attack upon it can be "easily repelled," and will be, he trusts, "as earnestly met." Now, sir, although one of the humblest of the members on this side of the Chamber, yet I will take up the glove, and I desire to see how easily the champion of the administration will repel one or two attempts on my part to question the propriety of the course of the administration in carrying on this war.

Many years ago there was a certain gentleman in our State of Texas, then a province claimed by Mexico, by the name of Don Antonio Lopez de Santa Anna. He met some American troops—if I recollect the history of times gone by—at a certain place called Goliad, and induced them to surrender to him under the promise that they would be fairly and honorably treated as prisoners of war. He took out every man of them, the next day, and shot them, one by one, deliberately, in cold blood! He violated his solemn pledge before God and man; and bloody ruffian—murderous villain as he is—he slew one hundred and seventy-nine of my countrymen, after pledging his honor to give them quarter. On another occasion this same Don Antonio Lopez de Santa Anna massacred some hundreds more of our countrymen at a place called the Alamo. These things are fresh in the recollection of every American patriot. There is not an honest American heart that did not burn with indignation against this ferocious ruffian on account of these atrocious acts. Well, sir, when this war was declared in May, 1846, the President of the United States—the head of the administration, and of the executive government—gave this same Santa Anna, with all his titles, a free pass through the American fleet, into Mexico.

Mr. JOHNSON, of Maryland, (in his seat.)—On the same day on which war was declared.

Mr. CLAYTON.—On the very day as my honorable friend remarks, on which the war was declared the President of the United States, issued his order to let pass the perjured assassin without let or hindrance into Mexico. This sir, is one of these points in which I desire to see the chairman of the Committee on Military Affairs so easily repel the attack which he has invited. I am bound sir, to hold up the conduct of the President in this instance, not only to the Senate but to the American people, and I ask the champion of the administration or any gentleman on the other side of the chamber to demonstrate to us the case with which he can repel the charge of misconduct, gross misconduct on the part of the President of the United States, in admitting that murderous ruffian into Mexico. What, sir, have been the consequences of that act? Why let me in reply take up a newspaper which is good authority with my honorable friends on the other side. In the "Union" of this morning I find the following paragraph.

We have received a file of the "North American," printed in the city of Mexico [illegible] the followers in the [illegible] the New Orleans [illegible] [illegible] [illegible]

or to point our cannon into the windows of New Orleans, and thus provoke a conflict? Did any such spirit as that which seems to rage here with an unbridled fury, pervade the Democracy of that party? No, sir; no, sir. The love of Justice had not abandoned the American bosom; the honor of the American character was still dear to American statesmen. Thomas Jefferson, with his friends, dropped the proposition of Mr. Ross to seize on the country on the Mississippi, sent an Envoy Extraordinary to join Mr. Livingston in France; and they negociated the celebrated treaty of 1803, by which Louisiana was ceded to this country, for the sum of fifteen millions of dollars. Negociation—treaty—these were the means resorted to by the Democracy of ancient days. Alas! sir; it seems to me as if there were a spirit now pervading a portion of my friends, on the other side of the chamber, which disposes them to seize and hold territory, without negotiation—without treaty—almost without regard to the consequences upon the character of the country. From all of this spirit I entirely dissent. But allow me to add, that I am not one of those who have denied, or mean hereafter to deny that indemnity may be received by my country from Mexico in the way of the acquisition of territory. What I have maintained is, that I will not agree to rob for it. Buy any territory that may be necessary for the good of the country. Buy the harbor of San Francisco, and the adjacent territory for the use of our people. Buy it on fair and honorable terms, and I shall not object to it. But take nothing by violence. If you intend to do that, I wash my hands of it, and have nothing to do with it. I refuse to acquiesce in any such procedure on the ground which I have already stated, that I hold the national character for justice, and honesty of far more value to my countrymen now, and in all ages to come, than all the lands, and all the money which could be acquired by a war of rapine, and all the military glory that could be achieved in the wars of a century. Lose that which excites in your own bosom, a proper feeling of self-respect, and you are a lost man. Let your country lose its self-respect by the folly or wickedness of its rulers, and your country is degraded to such a degree, that it will require the power of better men than we are, exerted for a century to come, to restore her to the position from which she has fallen.

Mr. SEVIER.—Will the Senator have the goodness to tell me the date of Mr. Ross's resolutions?

Mr. CLAYTON.—I shall send the book to the honorable Senator, so that he may examine the resolutions.

I have now consumed enough of the time of the Senate, and trespassed sufficiently on its patience. In concluding, I beg leave to tender to the honorable gentlemen here, my thanks for the kind and patient attention with which they have heard me, and to assure those on the opposite side of the house, as well as my friends here, that it is painful for me to differ from those for whose character as gentlemen and patriots I have high respect; and that although now impelled by a sense of duty to record my protest against their course, I shall always be ready to co-operate with them in sustaining the true honor and the solid glory of our common country.

The usual hour of adjournment having arrived,

Mr. PEARCE signified his intention of addressing the Senate to-morrow, on the bill before them.

Mr. BUTLER gave notice that he would to-morrow move to re-commit the bill for the purpose of offering an amendment.

Mr. JOHNSON, of Maryland, asked for a reading of the amendment.

The SECRETARY read the amendment, which is as follows:

Strike out all after the enacting clause and insert:

That the regular army shall be increased as follows, to wit:

To each company of artillery, infantry, and regiment of riflemen, there shall be added [illegible] and to each company of the regiment of dragoons, [illegible] which shall be a fifth lieutenant; and to each of said companies [illegible]

Provided, That the said troops shall be required to serve during the war with Mexico, but may be sooner discharged by order of the President.

Mr. BUTLER.—I may, perhaps, without impropriety, now indicate the object of this amendment. I am very well satisfied, from all that I have heard here, that the President intends to carry on invasive operations in that part of Mexico, whether additional force be placed at his disposal or not. It becomes a question whether we shall be bound to raise such a force as is provided by the bill under discussion, or whether a different, and in my opinion, a better mode may not be adopted. It seems to me, that the question resolves itself into this simple proposition: The President has advertised both houses of Congress, that the only mode in which he proposes to bring this war to a conclusion, by a treaty of peace, is to reduce Mexico to such a state of coercion that she will be obliged to accept of the terms thus arbitrarily dictated. All other modes of settling the controversy with Mexico seem, by the recommendation of the President, to be discarded, and that single proposition to be assumed. If then, we are to carry on invasive operations in the heart of Mexico, I think we should pause, at least at this stage of the proceedings, and say, whether we shall accede to that proposition of the Executive.

For myself, I have consulted with no party on this subject, but I do feel that we have been from the commencement of the war, and are now, making materials for a most eventful history. I submit no other remarks at present, but give notice that to-morrow I propose to explain my views not only on that amendment, but perhaps, if I should be allowed, on some other topics involved in that discussion.

On motion, the Senate proceeded to the consideration of Executive business, and after a short time had been so occupied, the doors were re-opened, when

The Senate adjourned.

THURSDAY, JANUARY 13, 1848.

ARMY CONTRACTS.

The VICE-PRESIDENT laid before the Senate a report of the Secretary of War, made agreeably to law, showing the contracts made under the authority of the Department, during the year 1847.

PETITIONS.

Mr. ASHLEY presented a petition of citizens of Polk county, Arkansas, praying the establishment of a mail route from Mount Ida to Ultima Thule in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. DOUGLAS presented a petition of citizens of Illinois, praying a grant of public land to the State of Illinois to aid in the construction of a rail road to connect the Upper and Lower Mississippi with the Northern Lakes; which was referred to the Committee on Public Lands.

Mr. CLAYTON presented a memorial of Frederick Dawson, James Schott and Elisha D. Whitney, praying the fulfilment of a contract entered into by them with the Government of Texas, previous to its annexation to the United States, for supplying that republic with a Naval Armament; which was referred to the Committee of Claims and ordered to be printed.

Mr. CAMERON presented the petition of George V. Mitchell, praying the reimbursement of a sum of money improperly collected from him by the United States on the settlement of his accounts as postmaster at Belleville, Pennsylvania; which was referred to the Committee on the Post Office and Post Roads.

Mr. DAVIS, of Mississippi, presented the petition of Henry V. Keep, praying to be allowed pay and bounty land as a volunteer in the United States' service in the war with Mexico; which was referred to the Committee on Military Affairs.

On motion by Mr. NILES, it was

Ordered, That the petition of Nathaniel Knykendall, on the files of the Senate, be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. CLAYTON, it was

Ordered, That the memorial of Thomas F. Gordon, on the files of the Senate, be referred to the Committee on the Library.

On motion by Mr. ATHERTON, it was

Ordered, That the petition of John McNeil, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. LEWIS, it was

Ordered, That the petition of C. G. Gunter, on the files of the Senate, be referred to the Committee on Public Lands.

On motion by Mr. RUSK, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the petition of George Center; and that it be referred to the Committee of Claims.

NOTICE OF A BILL.

Mr. DOUGLAS gave notice that on to-morrow, or some early day thereafter, he will ask leave to introduce a bill granting to the State of Illinois the right of way and a donation of public lands, for making a railroad connecting the Upper and Lower Mississippi with the chain of Northern Lakes at Chicago.

GENERAL SCOTT'S PLANS, ETC.

Mr. MANGUM submitted the following resolution for consideration:

Resolved, That the President of the United States be requested to communicate to the Senate, if not incompatible with the public service, copies of the letter referred to in his Message of General Scott, of 30th May, 1847, and of the letter of General Taylor of 26th October, 1846, on the subject of forced contributions in Mexico, and of all other correspondence on that subject, (if any,) not heretofore communicated.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. Campbell, their Clerk.

Mr. President: The House of Representatives have passed a bill entitled "An act to authorize the issuing of a register to the bark Union."

They have passed a bill entitled "An act for the relief of the owners of the bark Sarah and Eliza, to which they request the concurrence of the Senate.

BARQUE SARAH AND ELIZA.

On motion by Mr. DIX, the bill last mentioned, from the House of Representatives, was read the first and second times, by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time, by unanimous consent.

Resolved, That this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

PRIVATE EXPRESSES.

Mr. JOHNSON of Louisiana, submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of making provision by law, to prevent the losses sustained by the public, in consequence of information conveyed by the daily express established by individuals to and from New Orleans.

RETROCESSION OF ALEXANDRIA.

Agreeably to notice, Mr. HUNTER asked, and obtained leave, to bring in a bill supplemental to an act passed the 9th day of July, in the year 1846, entitled "An act to retrocede the county of Alexandria, in the District of Columbia, to the State of Virginia;" which was read the first and second times, by unanimous consent, and referred to the Committee on the District of Columbia.

PRIVATE BILLS.

Agreeably to notice, Mr. BREESE asked, and obtained leave, to bring in a bill to provide for the compensation of Samuel Leech, for services in the investigation of suspended sales in the Mineral Point District, Wisconsin; which was read the first and second times by unanimous consent, and referred to the Committee on Public lands.

Mr. SEVIER, from the Committee on Foreign Relations, to whom had been referred the memorial of John Black, reported a bill for the relief of John Black, late Consul of the United States at the city of Mexico; which was read and passed to the second reading.

Mr. SEVIER also submitted documents on the subject, which were ordered to be printed.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom had been referred the bill for the relief of Creed Taylor, reported the same without amendment.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom was referred the petition of J. F. Caldwell, reported a bill for his relief; which was read and passed to the second reading.

WIDOWS OF REVOLUTIONARY SOLDIERS.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the bill from the House of Representatives, making further provisions for surviving widows of soldiers of the revolution, reported it without amendment.

FORCED CONTRIBUTIONS IN MEXICO.

The Senate proceeded to consider the following resolution submitted on the 11th inst., by Mr. DAYTON, and it was agreed to:

Resolved, That the President be requested to furnish to the Senate, if in his judgment not incompatible with the public service,) copies of the letter referred to in his Message, of General Scott, of 30th May, 1847, and of the letter of General Taylor of 26th October, 1846, on the subject of forced contributions in Mexico, and of all other correspondence on that subject, (if any,) not heretofore communicated.

MR. TRIST'S CORRESPONDENCE.

The Senate proceeded to consider the following resolution, submitted on the 11th inst., by Mr. BALDWIN; and it was agreed to.

Resolved, That the President of the United States be requested to communicate for the information of the Senate, the correspondence between the Commissioner from the United States and the Commissioners appointed by the government of Mexico to negotiate with him, during the suspension of hostilities, after the battles of Contreras and Churubusco; and any other information which may enable the Senate to understand the terms, progress and issue of that negotiation, so far as he may deem the same not incompatible with the public interests.

COLONIZATION VESSELS.

The bill exempting vessels employed by the American Colonization Society in transporting colored emigrants from the United States to the coast of Africa from the provisions of the acts of the 22d February and 2d March, 1847, regulating the carriage of passengers in merchant vessels, was read the second time, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That the bill be engrossed, and read a third time.

The said bill was read a third time, by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

JOHN M. MOORE.

The Senate proceeded to consider, as in Committee of the Whole, the bill to compensate John M. Moore; which had been reported from the Committee on Public Lands, with an amendment.

The question being taken upon concurring in the amendment reported from the Committee on Public Lands, it was determined in the affirmative.

Mr. JOHNSON, of Louisiana, moved to amend the bill by striking out the proviso.

The PRESIDING OFFICER.—That is the amendment reported from the Committee.

Mr. BREESE—I would inquire whether the amendment has been concurred in.

The PRESIDING OFFICER.—It has.

Mr. BREESE.—I move then to reconsider the vote by which the amendment was concurred in.

Mr. UNDERWOOD.—I hope it will not be re-considered. This case of Mr. Moore presents, to my mind, one of rather a remarkable character. The foundation of the claim is, that the principal officer of the department for a number of years was incompetent to perform the duties, and Mr. Moore was called on as chief clerk to perform the duties of commissioner. There is no reason why we should pay him in both capacities. It seems to me the proper principle for the Government to act upon is, to require the whole time of the officers in the employment of the Government; and if he receives full compensation as chief clerk, I do not see why we should also pay him a commissioner's salary. I know there is one illustrious example to the contrary. I refer to the case of Mr. Butler, who received compensation as head of two departments, making his salary, instead of five or six thousand, amount to ten or twelve thousand. Congress, perceiving that this was a great abuse, legislated on the subject, and passed a law, if my recollection serves me right, in 1806 or '7, providing that thereafter this abuse of receiving compensation for two offices at the same time, shall not be practised. You have, therefore, on the statute book a legislative condemnation of the practice, which, by this bill, you are attempting to introduce again. If the law is wrong, why not repeal it, and go back to the old practice of allowing double salaries, or salaries for two offices at the same time? I hope the vote will not be re-considered.

The reading of the report accompanying the bill, was asked for by Mr. BREESE, and it was read by the Secretary.

Mr. BREESE.—The report goes fully into the merits of this case, sir. It appears that Mr. Moore has been Chief Clerk of the Land Office for about five-and-twenty years, and that an immense amount of labor has devolved upon him in consequence of his discharging the duties of Commissioner. It is not proposed that he shall have the salaries of the two offices given him, but that he shall have the salary of a Commissioner, deducting that which he would be entitled to receive as Chief Clerk. If this bill passes he will not receive compensation for the two, (although, as he performed the du-ties of both offices, he should receive compensation for both,) but as the service which he rendered as Commissioner was not continuous, but was performed at different times, a few days at a time, it is proposed to compute the amount of service rendered, and pay him accordingly. As Chief Clerk, Mr. Moore has been for years exerting all his energies to protect the interests of the government, and has been instrumental in one instance alone, without mentioning any other, of saving to the government several thousand dollars. I refer to the purchase of parchment for the use of the departments; he has saved more to the government in that one article than all the compensation which he has received, and all which it is proposed to give him. It seems but an act of justice that he should receive compensation as a Commissioner, and I am sorry to see any opposition offered to the passage of the bill.

Mr. WESTCOTT.—I desire to obtain some information on one point, of the honorable Senator from Illinois, (Mr. BREESE.) The Senator has referred to precedents allowing the salaries of two different offices to the same person who had performed the duties of both, and if I heard correctly, those precedents were stated in the report of the Committee. I have been able to make but a cursory perusal of the report of the Committee, but I am under the impression that all the precedents there referred to are of allowances by the Departments in former years, and not by Congress.—There is a wide difference. I would inquire if there is a single instance in which Congress has sanctioned the allowance of double salaries? I have understood they have always refused it, and did so in President Monroe's case. If there is a case of such allowance by Congress, I hope it will be stated. So far from this being the case, I have understood that the practice of making such allowances as were made so improperly to Mr. Butler and others, had become such an evil—I was about to use a harsher term—such an iniquity, that in 1842, Congress passed an act positively forbidding such allowance. Congress doubtless acted on the principle that an officer owed all his time to the public in the office he regularly held, according to the usages as to the hours of service, and that it was incompatible for him to hold, permanently, and do the duties of another and a different office at the same time. He should doubtless receive the salary of the highest office that he did the duties of, but the law contemplates that each office is to be filled by different persons, and the respective duties done by different persons. It is a violation of law for one to fill both and do the duties of both. Officers are, and are intended to be, checks on each other. I think to make the allowance in this case, would be to base it upon a violation of law; and besides, it would repudiate and disregard the principles of the act of 1842, which I think Congress should rigidly adhere to. It was a wise and salutary law, and its principles should not be disregarded to meet a special case.

Mr. BREESE.—The honorable Senator is altogether mistaken. The act of 1842, to which he refers, was only meant to prevent the Treasury Officers from making compensation for the duties of two officers. It was all very right for Congress to forbid the Officers of the Treasury from doing it, but here is a case that rests upon its own merits—of an individual who has spent the best energies of his youth in the service of the government, and has saved to the government thousands and thousands of dollars, and who has performed the duties of Commissioner of the Land Office faithfully, and at the same time the duties of Chief Clerk. Laboring incessantly, and dragging out a miserable existence upon the mere pittance of Chief Clerk of that office. Sir, it seems to me to be a strong case, and one which appeals powerfully to our favorable consideration.

Mr. BADGER.—I feel bound to interrupt this discussion to ask the Senate to proceed with the special order of the day.

Mr. BREESE.—I hope the bill will be passed over informally then, so that it may be taken up at an early day.

The bill was then passed over informally.

DONIPHAN'S EXPEDITION.

Mr. BRADBURY from the Committee on Printing, to whom had been referred the resolutions submitted on the 3d instant by Mr. Benton, for printing the tour or memoir of Dr. Wislizenus, reported that there be printed for the Senate, five thousand copies of the tour—and that there be lithographed a like number of the maps accompanying the same; also two hundred for the use of Dr. Wislizenus.

The report was concurred in.

BARONE CANTON.

The Vice President signed the enrolled bill to authorize the issuing of a register to the barque Canton.

ADJOURNMENT.

On motion it was ordered that when the Senate adjourn it be to Monday next.

THE TEN REGIMENT BILL.

The Senate resumed the consideration, on its third reading, of the bill to raise for a limited time, an additional military force.

Mr. PEARCE.—It would have been agreeable to me if I could have deferred for a few days the remarks which I propose to make in reference to the subject now under consideration of the Senate. Like my colleague, however, I shall be compelled to be absent for a few days on business, and I have therefore to throw myself on the indulgence of the Senate.

With much that my colleague has said in that part of his remarks which he addressed to the Senate on the second day, I cordially agree, but there are other points in dispute, upon which his opinions and mine are wholly and widely variant. I regret this variance, not only because we represent a common constituency, but because I have long entertained for my colleague such high respect and regard, that it is painful for me to differ with him here on any subject, and particularly painful to have a collision of opinion upon a question of such fundamental importance.

I had occasion, sir, at the last session of the Senate to present to this body my views upon a part of this subject, and if it had

been my colleague's purpose to controvert the position which I then assumed, and overthrow the arguments which I endeavored to sustain, he could not have addressed himself more directly to the purpose than he has done. Sir, I have no complaint of this. But it is a duty which compels me either to abandon the ground I have formerly taken, or to reaffirm it and sustain it as best I may. Besides, sir, the Legislature of my State is now in session, my term of service here is drawing to a close, and it is right that I should possess that body fully with the opinions I entertain upon this important subject, that they may be the better enabled to determine in whose hands to place the trust with which I have hitherto been honored. Sir, I do not shrink from the issue; and I am consoled by the conviction that in the opinions which I entertain, and which I am about to express, I have reflected the sentiments of those whom I represent.

Like my colleague, I am anxious to maintain the honor of my country, to vindicate her reputation from the least blemish, and particularly to prevent the just and probable charge of rapacious perfidiousness, of grasping cupidity, and lust of conquest. But, in my opinion, this cannot be done by merely affirming the justice of a war, in the justice and constitutionality of which I have no faith; much less can it be done by sustaining the President in a course by which, in my opinion, we should be practically subverting the constitution; wresting from Congress, to whom alone the constitution has confided them, the issues of war and peace, making him the supreme controller of affairs—making him in fact, if we look at the matter in view of its consequences, the master of our fate, and the more dangerously so, because he rules under the form of free institutions, in the spirit of a despot.

Sir, I do not pretend to deny that the United States has just claims against Mexico, for indemnity due to our citizens; but I do deny that those claims were the cause of this war, or that they would be the just cause of any war. I deny that they would have justified Congress in declaring war against Mexico. Sir, war is a last and direful alternative of nations, the *ultima ratio regum*, and the last resort of republics also. It should never be undertaken without an unavoidable necessity. All Publicists tell us this. The language of Vattel is, that there must be a clear right coupled with a sort of necessity, and this is consistent with the principles of common sense and humanity.

Now, let us see what are the causes which have produced this war. The President has paraded before us an exaggerated statement of these claims, as if they were the causes of the war; and yet he affirms that Mexico brought on the war by her illegal and unjust act by shedding American blood upon American soil. Sir, these claims against Mexico, for indemnity due to our citizens, have existed for a series of years, it is true—some for a longer and others for a shorter time. But, I ask, if Mexico has resisted pertinaciously, the payment of these claims; I ask, if the resistance or neglect to pay, on the part of Mexico, is even comparable to that which we have experienced at the hands of stronger nations; and, I ask, if it becomes us to adopt one rule of right, one measure of patience in regard to a weak nation and another rule of right and greater measure of patience in regard to a strong and haughty people. I trust there is no Senator who will not repel with scorn such an imputation. Yet, I fear, we are about to forget the rule of equality in regard to this particular transaction.

Now, in 1839, Mexico entered into a convention with us, by which she agreed to form a commission for the ascertainment of the claims due to our citizens. That commission sat, and adjudicated many of the claims, but being limited in point of time, they were not all decided. Some of them, not receiving the confirmation of the commissioners, were referred to an umpire, who had not time to decide, and some were not acted on at all. Well, Mexico did not withhold from us or refuse the payment of those claims which were admitted by the commissioners. On the contrary, she manifested a disposition to meet the payment by levying forced contributions upon her citizens for that purpose, and concluded another convention in 1843, providing for the organization of another commission for the adjudication of the claims not settled by the first. In consequence of her embarrassed condition and exhausted Treasury, Mexico was unable to make payment of the awarded claims as stipulated; but she entered into an arrangement with General Thompson, the Minister of the United States, to pay the claims by instalments, showing that she acted in good faith, and with no disposition to withhold the payment. She paid all the arrears of interest at eight per cent, and three instalments of principal, nor was it until the negotiation of the Annexation Treaty, the expulsion of Santa Anna from power, and his exile from Mexico, that they failed to make the payments. Whether annexation was the cause of such failure, or whether it arose from their inability to pay, I cannot undertake to say; but, I think, the latter the more probable cause. One thing is certain, that Mexico made great efforts, and if she did not make punctual payments, it was rather to be attributed to her distressed condition than to any want of faith. Well, who is there who does not recollect that we ourselves, have been delinquent in this way in reference to the claims of Great Britain against us. I refer to the debts due the British merchants, recognized by the treaty of 1783, and not paid, I believe, for twenty years after that date. I remember too, sir, that our claims against Great Britain for the negroes carried off at the close of the war of 1812, were not settled finally till 1826, although provided for in the treaty of peace.—Who does not recollect the claims for spoliation by Naples and Denmark, and the more remarkable case of spoliations by France, the most flagrant of all, committed in the wantonness of power—in very scorn of our rights—without the slightest justification, and persisted in, repeated and boldly defended with the most offensive effrontery, and yet endured by this country through successive administrations from 1806 until 1831—when a distinguished gentleman, who was formerly a member of this body, (Mr. RIVES of Virginia,) negotiated the Treaty of Indemnity; and then France, adding further wrong to the heaped up injury which we had sustained so patiently, withheld the payment of the money for four years longer? Gen. Jackson did, indeed, in 1835, address Congress on the subject, and suggest reprisals as a proper mode of redress; and he asked three millions of dollars to be placed at his disposal to enable him to act as circumstances might require. But Congress neither adopted his recommendation of reprisals, nor voted him the three millions, and the Senate chose rather to allow the defeat of the fortification bill.

Sir, France was not feeble—her treasury was not exhausted; she was the most elastic Power in Europe, as was manifested by her immense payments made to the allies after the restoration of the Bourbons. Yet, sir, we submitted to all this from France, and it was only in 1835 that we recovered from her the indemnity that was due for spoliations committed in 1806 and 1813. Neither was the indemnity which we obtained from her, a complete and full one. It was a partial and imperfect indemnity. Our plundered merchants got only a dividend of their claims. And yet we talk of violated honor! and the President rants about our claims against Mexico! some of them, by the by, of a very questionable character; some of them, in fact, grossly fraudulent, as I have been informed by a distinguished gentleman from South Carolina, and such as never could be properly demanded by our Government under the treaty with Mexico. I speak of those contracts for land upon which enormous demands for indemnity were founded—which demands this Government was asked to enforce. Sir, take it altogether, and I do say that there never was urged in a legislative body so unreasonable a proposition as, that it is just and necessary to wage a war for the mere procrastination of payment of claims like these, against a weak and impoverished Government. And yet this is urged as though it were a sufficient cause for war; when everybody knows who reflects at all upon the matter, that such has never been heretofore regarded as a justifiable cause of war. No, sir, I will tell you what was the cause of this war. It was the unauthorized act of the President in taking possession of territory to which this county had no title—to which Congress had not authorized him to make claim, and against making a claim for which they had warned him by the very terms of the resolution of annexation.

Sir, my colleague has gone fully into this question, and I have no doubt, that he thought he had demonstrated the correctness of his position; but he took good care not to mention the Mexican claims as being the cause of the war. He did not consider that they were the cause of the war, however much the President paraded them in his messages.

Mr. JOHNSON.—I never thought they were.

Mr. PEARCE.—But he put it upon the ground that this government was bound to vindicate its title to the territory up to the Rio Grande, and he cites a variety of facts which, as he thinks, belong to the consideration of this question, and which in his opinion are conclusive. Well, now I think that the facts which he has cited—some of them at least—do not belong to the consideration of the question, and that neither one nor all of them are conclusive. I think I can demonstrate this, and that I can show on the other side facts which are strong as chains of adamant. I pass over that part of his speech in which my colleague speaks of the revolution of Texas. Nobody doubts the gallantry of those citizens of Texas who achieved their independence. Sir, as far as their gallantry is concerned, their spirit of heroic adventure, their bold and daring exposure of life, I believe there is nothing to surpass it. Nobody questions their right to revolt from Mexico to establish an independent government, and to claim all the territory over which they could extend and enforce their jurisdiction. But my colleague says:

"The boundaries of Coahuila and Texas as these departments were united off into one State by the convention of '74, was the Nueces, running for upwards of one hundred miles in that distance and then by a line across from that point to the Rio Grande. The reason why it was that line, between the Nueces and the Rio Grande, was a part of the State of Tamaulipas. Tamaulipas granted it to various individuals by what were called colony-grants, under which many settlements were made."

I make no objection to this statement, sir; I only desire to add something to it, to make it a little more specific. In 1824, the departments of Coahuila and Texas were united, without change of their former boundaries, provisionally as one State—it being understood that, when Texas had strength and population enough, she should be made a separate State.

The United State of Coahuila and Texas ran across the Rio Grande, but the boundary of Texas proper never did—her limits stopped at the Nueces. My colleague went on to refer to the treaty to which Santa Anna was a party at the time he was prisoner in Texas; and he relied upon the authority of that miscalled treaty as conclusive.

Sir, my colleague is a distinguished lawyer; he stands at the head of his profession in Maryland, and that is praise enough for any man. He is the successor, sir, of Martin, Pinkney, and Wirt, and wears their mantle gracefully. But I must express my utter astonishment at hearing from him, that this miscalled treaty between Santa Anna and the Texas authorities is conclusive on the question of boundary. Why, sir, it was no treaty at all. Santa

Anna was a prisoner; and if he had not been, we all know that the constitution of Mexico contains a provision—that when the President of the republic is at the head of the army, his civil functions cease. He was in captivity; and if he had not been, he would have had no authority to conclude a treaty under the constitution of his country, which is like our own in that respect. A treaty, when signed, requires confirmation by the Senate; and a treaty made by Santa Anna was of no more value than blank paper. It might have had a moral obligation as far as he himself was concerned, but it had not even a legal obligation upon himself, having been extorted by duress.

Mr. FOOTE.—Will the Senator allow me to inquire whether he refers to the constitution of 1824.

Mr. PEARCE.—Will the Senator have the kindness to inform me whether there was any other constitution?

Mr. FOOTE.—The Senator can answer my my inquiry or not, as he pleases.

Mr. PEARCE.—I am not furnished with any information as to any new constitution. I believe there was none. The constitution of 1824 was said to be overthrown, because its federal character was abolished and the central form substituted. It was not abolished in the whole, but only changed in part, and therefore this provision remained in full force. If it were not so, and the whole constitution were destroyed, then Santa Anna had no constitutional power at all, and could in no manner bind his country.

Mr. JOHNSON, of Maryland.—Where do you read from?

Mr. PEARCE.—I read from a work entitled "Texas and the Texans," which I understand to be the production of the Senator from Mississippi, and one which I have read with great pleasure.

"That the President Santa Anna in the official character as chief of the Mexican nation, and the Government (through Messrs. Don José Urrea, Don Joaquin Ramirez y Sesma, and Don Victor Blanco, accepted or authorized, or obtained the subsequent sanction and ratification of the provisional articles agreed upon by Santa Anna as such with Senator Hunt and myself, I entertain no doubt upon the evidence; and they do actually bind the Mexican nation. It is upon the well-known general and established principles of the national law. In fact, it cannot be denied that the government and commander-in-chief of a nation has the power and discretion to make preliminary arrangements for the negotiation of the treaty which a sovereign and peaceful treaty of amity and commerce, to be negotiated with that government, at the City of Mexico, by ordinary plenipotentiaries duly appointed for the purpose. Such is the law of nations, and for this I can refer to Vattel, Book 2, chapter 12, section 156, and to many other writers of the highest authority."

Why, I say, upon the very face of the instrument itself, it was not a treaty. It was nothing else than the personal obligation of Santa Anna. Now, allow me to call the attention of the Senate to the opinion of General Lamar. I understand that Santa Anna was a prisoner in the hands of the Texans, and that they were deliberating whether they should shoot him a-la-Mexique, try him for offences against the laws of civilized war, or send him back to Mexico. Now, what says General Lamar, in the paper addressed by him to President Burnet?

Mr. JOHNSON.—What is the date of that letter?

Mr. PEARCE.—It is a letter from General Lamar, the Secretary of War of Texas, to the President and Cabinet of Texas, and dated 12th May, 1836:

"* * * What good can the Texas to result from an executed enemy? General Santa Anna is now * * * and as soon as * * * he will be ready to make an agreement which our rights may require, or our selfishness exact, but, when restored to liberty and power, will be feel any obligation to comply with terms which he had no agency in dictating. What is * * * to restrain him from the most flagrant violation? Indeed, the idea of treating with a man in our power, who views freedom in sequestrance, and death in opposition, seems to me more worthy of ridicule than refutation. * * * Would such a measure shed a brighter chaplet around the brow of our heroes? I trow not. * * * But, independent of all these considerations, it may be very well doubted whether Santa Anna, with every disposition to fulfil any agreement which he may now enter into, will, on his return to Mexico, have the power to do it. It was public opinion which drove him into war with Texas, and the same public sentiment, on his arrival at home, may keep him in the attitude of avowed enmity. * * * The * * * to the country. The advantages expected to be gained from his supposed or probable integrity, cannot, of consequence, be realized, even with every willingness on his part to redeem his pledge. I doubt not in the least, that as soon as the news of his defeat and imprisonment shall be sounded within the walls of Mexico, that instant will he lost all his authority in the land, as he has long since lost the affections of his people. He will be powerless either for good or ill. I am, therefore, decidedly opposed to all negotiation or arrangements with him; first, because he is a prisoner, and not free to act; secondly, because he is faithless and unworthy of confidence; and thirdly, because of the great certainty of his inability to fulfil his promises, even with the desire to do it."

Well, but my colleague says that Texas fulfilled the contract on her part, General Filisola accepted it and marched his men back to the Rio Grande, &c. So he did; but that did not constitute it a treaty, General Filisola not being the ratifying power.

It might have been an appeal to Santa Anna's honor; it undoubtedly was so; but as a treaty, it had no obligations; it was a treaty made by a captive, and ratified by a runaway; and, I take it, sir, that no validity will be ascribed to it by any fair man who understands the facts.

My colleague next relies, sir, on the action of the Texan Congress regarding the boundary of the State, and says, that they passed a law describing the Rio Grande as the boundary. I should like to know how the mere act of the Congress or legislature of any country, can authorize the fixing their boundaries where they please to put them on paper; how the declaration of any Congress or government can make a right or authorize a claim in such a case. It can do nothing more than assert a claim, and I venture to go a little further, and say that I presume, that in the case of Texas, it was not done *bona fide*. They did not deem that they were to take in Santa Fe, or any of the valley of the Rio Grande. They claimed a great deal of territory in order to secure a part.

Sir, I do not make this statement from any personal knowledge that I have, but I will refer to the authority of an honorable Senator here, and I beg leave to read from a speech made by the honorable Mr. Ashley, at the second session of the 28th Congress:

"And here I will add, that the present boundaries of Texas I learn from Judge Ellis, the president of the convention that formed the constitution of Texas, and also a member of the first legislature under that constitution, were fixed as they now are solely and principally with a view of bringing large interests in the negotiation with Mexico, one not with the expectation of retaining them as they now exist in their statute book."

Sir, this authority is worth all my colleague's array of proofs. But my colleague says, that after the retreat of Filisola across the river, General Rusk, who was still at the head of the army of Texas and stationed at the Guadaloupe, ordered the families between that part and the Rio Grande to retire to his rear, or to remove to the western bank of the river. The most of them did retire to his rear, but many of the Mexicans preferred to cross the river and settle on the opposite side. Now, sir, how was this taking possession of the country? You may make a solitude, and call it peace; or you may empty a country of its population, and call it occupancy or possession; but you acquire no right by the misapplication of terms. The portion of the people friendly to Texas withdrew to the rear of Gen. Rusk—that is, beyond the Guadaloupe, which is further east, even, than the Nueces. Certainly, they were not taking possession of the country which they thus abandoned. Certainly, they were not occupying the valley of the Rio Grande, when they fled from it to the east of the Guadaloupe to avoid the horrors of a border war. So the Mexican population withdrew to the western bank of the river, and the country was deserted.

But my colleague rests his argument upon the ground, that if Texas had not actual possession, she had it potentially, as Dr. Johnson would have said—that is, that she had the power to occupy it. Well, sir, I deny that the power to take possession, would give a constructive possession. It is not a legal position that can be maintained. As between individuals, actual possession of every acre of a tract of land is not necessary to a right. If we have the title to the whole, and the actual possession of a part, the residue not being possessed by another, the actual possession of a part will operate the constructive possession of the whole. It is so with nations. But Texas had no right by possession, as I shall demonstrate to be the case; and the mere power to possess, if she had been able to take and maintain possession, which I do not admit, would not give a constructive possession. A right to the whole, coupled with a possession of a part, would answer. But Texas was a revolutionary government, and could not divest the title of Tamaulipas and other Mexican States to the lands lying within their respective and undoubted limits, except by taking and holding possession. This she never did, either by her settlers or her soldiers, for the occasional passage of troops across the country was not possession; and, in fact, the Mexicans crossed it thus, as well as the Texans. Predatory excursions and border forays were never held to make a possession.

But my colleague says that General Rusk, for the purpose of facilitating the removal of those occupying the country" and of watching the movements of the Mexican army, and preparatory to an advance upon Matamoras, dispatched General Felix Houston with a sufficient force to take possession of Corpus Christi, and that was done. This was true sir; and this is a good point—I mean as to the right of Texas up to that limit which indeed I freely admit to have been the frontier of Texas. Beyond this they did not go, beyond this they had no possession in the legitimate sense of the word, and therefore I deny that the establishment of the port at Corpus Christi established the claim of Texas up to the Rio Grande.

Texas had no establishments there; she had erected no forts, she had no civil officers in that country; no, I believe not so much as a justice of the peace or a constable. But it is said as proof of possession of this country, that at an election held at Corpus Christi in 1842—certain settlers came from the disputed territory and voted. And it is asserted that Texas thereby and then established her authority. Whether they voted, but where they did not vote.—Well, I assert exactly the reverse, and I ask whether if her authority had been established on the Rio Grande she would have required her citizens to travel 150 miles to give their votes. Why, if Texas had established any authority or jurisdiction on the Rio Grande, she would at least have had the election so held as to accommodate these poor fellows who were so desirious of exercising the elective franchise. Now, I care not whether these people went to Corpus Christi to vote or not—nobody knows who they were or whence they came, how they were induced to come, whether they were the poor fishermen of Padre Island, or straggling herdsmen who attended their flocks like the Nomades of the eastern world. The whole thing wants precision to make it valuable as a fact, and if Texas had not even an election precinct on the Rio Grande country, that of itself is sufficient proof that she had no establishment there which could constitute possession.

The other fact which my colleague cites as an authority to prove the right of Texas is what he stated, on the authority of the Sena-

for from Texas, that certain purchaser of the [illegible] grants of Tamaulipas had their deeds recorded in Texas. We do not know where they were executed and acknowledged. This, too, wants precision, detail, and finish, to give it certainty and make it available. But suppose that be so, and what does it amount to more than this, that some shrewd, hedging fellows, knowing that the country was claimed by Texas, and supposing it [illegible] may be acquired by it, thought it prudent to have these deeds recorded in Texas, as well probably, as at Matamoras, as future evidence of their title. The fact, indeed, is stated a little too broadly, for it is said this was done as far back as 1834; when, in fact, the revolution in Texas only took place in 1835. At all events, assuming the fact in its fullest extent, it only proves that Texas had no clerks nor record officers in this region of 150 miles breadth.

My colleague says that no Mexican authorities were to be found there, and that Mexico had lost the right she once had. Now I propose to refer to a few authorities to show you the other side of the question; and I think that these authorities cannot be overthrown. I shall invoke first the authority of the Senator from Missouri, whose elaborate research, and whose accurate and minute information, have been the boast of his friends and the admiration of his opponents. Now let me read from a speech made by that Senator after the formation of the annexation treaty. It will be recollected that he introduced a bill for the annexation of Texas, and in that bill he submitted several propositions as the bases of his proposed arrrangement. Here is what he says on the subject of boundary:

[illegible]

"The great natural boundary of Mexico, on the east, is the Mississippi and its waters. Texas, in her revolution, declared that her boundary was the Rio Grande del Norte, from its mouth to its source, thence due north to the forty-second degree of north latitude, thence with the boundary line between the United States and Mexico to the Gulf of Mexico. Texas has never been in the undisputed possession of the country to the Rio Grande del Norte, and has never had any other boundary than the Nueces. Texas, in her revolution, declared that her boundary was the Rio Grande del Norte, from its mouth to its source, thence due north to the forty-second degree of north latitude, thence with the boundary line between the United States and Mexico to the Gulf of Mexico. Texas has never been in the undisputed possession of the country to the Rio Grande del Norte, and has never had any other boundary than the Nueces. [illegible]

with such as might be rightfully and properly assigned to her, to be subject to settlement by negotiation with this government, is as clear as any proposition can be.

Mr. CALHOUN.—Will the Senator yield the floor that I may make a short explanation in reference to that treaty? It is a treaty which I negotiated in reference to the admission of Texas, and which was rejected by the Senate.

In making that treaty, and entering into it, I by no means assumed that the Rio del Norte was the western boundary of Texas. On the contrary, I assumed that the boundary was an unsettled one between Mexico and Texas. No provisions were made in reference to it, because Texas, by the provisions of that treaty, was to come into the Union as a territory; and as such, the right of the government of the United States to settle the boundary was unquestionable; there was an express provision to that effect. It was different in reference to the resolutions under which Texas was actually admitted into the Union. They proposed to admit her as a State, not as a territory; and, coming in that character, it would have been necessary to have had the consent of Texas to establish a boundary between her and Mexico. Those resolutions, to avoid the difficulties which might result, very properly contained a provision which provided that the matter in dispute should be settled by the government of the United States.

I am far from thinking that the treaty which I negotiated, established the Del Norte as the boundary. Immediately after the negotiation, I despatched a messenger to our chargé in Mexico, and among other things, intimated to him that the government of the United States was prepared to settle the boundary on the most liberal terms. What boundary was contemplated at the time, it is unnecessary to state, and would be improper, perhaps, on the present occasion.

Mr. SEVIER.—If the Senator from Maryland will indulge me a moment, I would here remark, that when the treaty was before us, the Senator from Missouri some time in April, introduced a resolution calling on President Tyler to furnish us with the boundary line of Texas. That call, if I remember right, was referred to the State department and we had in response a map now on file, defining the boundary with broad blue lines, from the mouth of the Rio Grande to its sources. To strengthen our position as friends of the measure of annexation, we were furnished also, with a memoir, giving us the quantity of land then claimed, the billions of acres, and thousands of square miles, computing the whole of it, from the mouth to the source of that river. That was the boundary for which we contended at that time. There was a difficulty about this boundary. Will the Senator pardon me a few moments longer? Those of us who supported the treaty, never had the slightest difficulty in our own minds, as to the title to that portion of the country below New Mexico, or the Sante Fe country; about that portion, we did have some difficulty, as we thought it a fair subject for negotiation, and we went upon the ground that it was held by revolution—that the arms of Texas had conquered it.

I would observe, that a former Senator from South Carolina, [Mr. McDuffie,] and Mr. Walker of the Treasury Department, who were advocates with him of the treaty, never heard from him or Tyler, or any one else in favor of the treaty, that the Nueces or any other than the Rio Grande below the Nueces, was the proper boundary of Texas. The map coming from his own Department to which I formerly referred, and the constitution of Texas, both represented the Rio Grande as the boundary. If there had been a different view entertained about the boundary at that time, I suppose I should have heard something of it. I may take occasion at some future period to dwell at length upon this subject.

Mr. PEARCE.—I have heard the Senator from South Carolina with a great deal of pleasure. I had not forgotten that map of Texas, and I think I know all about it. If I recollect distinctly, in the memoir which accompanied it, the intelligent officer who made the map, Lieut. Emory, stated that he felt himself bound to designate the boundaries of Texas as prescribed in her ordinance, not meaning to assign them as the true boundaries. It exhibited the boundaries as claimed by Texas, and I was not unaware of the position of the Senator from South Carolina on this point; nor did I mean to say that the objection taken by the Senator from Missouri properly applied to this treaty. Probably if I had not been interrupted, I should have made the explanation which the Senator himself has just offered.

But the argument of the Senator from Missouri was conclusive to me of the want of title to the whole of the country, from the source of the Rio Grande in the region of eternal snows, to its mouth, in the clime of perpetual flowers. If the Senator from Arkansas will pardon me the remark, I have often heard him say, that this Sante Fe country was the weak point of this case. I am afraid he did not characterise it exactly right after all, I have heard of such a point as it is elsewhere. It is called point no point. It has not the semblance of argument; there is not the fragment of a fact to sustain it. He, himself, admits that Texas never had a soldier at Sante Fe, except as a prisoner. All the Texans that were ever there were either taken prisoners by the Mexicans or killed. The Mexicans had undoubted sway there, they had dominion there for centuries, and the Senator from Missouri knew that well; and he stated that they had possession of it for a hundred years before La Salle ever saw the coast of Texas. Well, sir, we must all admit, that the only armed force in the disputed territory on the lower as well as the upper Del Norte was a Mexican force. I allude to the armed company at Loredo, commissioned by the Mexican government. Very possibly the object was to protect the people from Indian incursions, as I think I have heard stated by the Senator from Texas himself.

Mr. RUSK.—Loredo is in the bounds of Texas, as defined in the constitution of '24.

Mr. PEARCE.—I know it is not in Tamaulipas. It was within the boundary of the United State of Coahuila, and Texas; but not in Texas itself. In 1824 Texas was not yet created into a separate State: Coahuila extended across the country, as all the maps show, to the Nueces. The only military post then on the lower Rio Grande, was the post of Loredo, at which were stationed armed men, commissioned by Mexican authority.

But my colleague referred to several acts of Congress as authorities, to sustain him in his position. The first act of December, 1845, extending the laws of the U. States to Texas, was cited by him as one of these authorities. I confess, I am at a loss to know how any inference can be drawn from that, in favor of our right, or the right of Texas, to the country between the Neuces and the Rio Grande. It affirms no limits of Texas. As the resolution of annexation applied only to Texas as properly limited, so this law provided that over Texas proper, with her rightful limits, the laws of the United States should be extended. Well, then my colleague referred to the act of February 1846, making Corpus Christi a port of delivery, and Galveston a port of entry. But Corpus Christi was within the limits which Texas maintained by force of arms—within the bounds of revolutionized Texas; and undoubtedly we took Corpus Christi into the Union, when we admitted Texas, and we had as good a right to establish a port of delivery there, as we had to establish a port of entry at Galveston. Corpus Christi was the frontier settlement of Texas, and having been always since the revolution under her jurisdiction, was as little disputed as Nacogdoches itself. Here the possession was unquestioned, and the title absolute, but this fact could give no colour to the claim to territory beyond her reach and not subject to the sway of Texas. But the act of February 2d 1847, is also invoked in aid of the argument. Sir, this act was passed long after the war was recognized by Congress, indeed it was a consequence of the war, and cannot apply to a state of things existing at the commencement of hostilities. It provided among others for a post route from the Brazos to Fort Brown. I well recollect the history of that act and the proceedings, while it was pending here. Some objection was made to it, as likely to be quoted in aid of the boundary question, when it was explained by more than one member. Allow me to refer to it, and to read a few remarks of the Honorable Senator from Texas on the subject. When it came here after its passage in the House of Representatives, it was objected that it might involve some question as to the boundary of Texas:

Mr. RUSK said he could not agree that this provision would involve any question as to the boundary between Mexico and Texas, he understood. The establishment of this route would prevent the necessity the letters to the army through a circuit of five hundred miles. He had another reason for pressing this route. Texas ever since her annexation had been worse supplied with mail routes than she was before. There were five or six counties entirely destitute of accommodation. If the bill were amended and sent back to the House, great delay must be the consequence; and the Post Master General was now waiting for its passage, to make the necessary contracts.

The honorable Senator from Texas then disclaimed the view of raising the question of boundary on the bill?

Mr. RUSK.—Will the honorable Senator allow me to interrupt him for a moment? My remarks on the occasion referred to were not correctly reported, although, it might be said, they amounted, in substance, to the same thing. What I did say was, that "I did not think the bill under consideration involved the question of boundary, but, if other gentlemen thought so, and should move to strike out that portion of the bill, I was fully prepared to discuss that point, and could prove incontestibly, as I thought, the right of Texas to the wholee territory, down as far as the Rio Grande."—The remarks were originally made in answer to suggestions made by an honorable Senator from Massachusetts and an honorable Senator from Rhode Island.

Mr. PEARCE.—The Senator says, that the report is substantially correct, though not exactly so. I knew that the question had been raised in the House of Representatives, and that it was put on a footing which I, myself, recognised as legitimate. I find that when this bill was introduced into the House, Mr. VINTON moved to amend it.

Mr. VINTON moved to amend the bill by adding to the second section the following:

Provided, That nothing in this act shall be understood to contain an expression by Congress of its opinion as to the question of boundary between the territory of the United States and Mexico.

In the discussion which followed, I find that Mr. Dromgoole made the following remarks:

Mr. Dromgoole resuming, said he supposed that neither the transportation of the mail, nor the establishment of a post office, or of a custom-house, were conclusive facts in regard to a boundary, whenever the two nations should see fit to enter into negociation respecting it. But admit that this is disputed boundary, and then having the possession of it, we have the complete right to govern the country during the possession, even if it be a military possession. We have not only the power to establish post-offices, post-routes, custom-houses, but to introduce civil governments, not only on this side of the Rio Grande, but through all the provinces of Mexico which had

been overrun by our arms; we had the right to retain it, inasmuch as during the time we occupied them. None of them were [illegible] which we might do because we said, possession of [illegible]

Now, sir, this is perfectly [illegible] and I may add that it [illegible] teristic of the intelligent, adroit, and skilful parliamentarian who made the remark. It was necessary to supply our army with postmasters, and certainly he had authority to do so—the country being in our possession by military occupation. We had, undoubtedly, as good a right to establish a post-route to Fort Brown as to send troops there. But I need not argue this point farther. The ground of the passage of the law was not that we had a title to the country, and it cannot be marked that [illegible] It is placed only of our military occupation of the country, of which it was a consequence.

Well, now, the next position to which I ask the attention of the Senate is this: that, as we were entitled to the east bank of the river—that being conceded—though I think I have shown that it was not so—the President was bound to march the forces of the United States to the Rio Grande, in order to dispossess the Mexicans.

Mr. JOHNSON.—I did not say so.

Mr. PEARCE.—I am aware that the Senator did not take that position; it is the language of the President himself, and I find it repeated in the Union of to-day. I hold that if Texas had a rightful claim to the country, it being in possession of Mexico, this gave him no right to march the troops of the United States there. That was an act of war, which, under the Constitution of the United States, the President had no right to commit; this is solely at the discretion of Congress, and is usurpation in the other branch of the government, no matter under what circumstances it may be done. I make this declaration under high authority. Let me remind the Senate of the example given by the Senator from North Carolina, Mr. BADGER, at the last session. When Mr. Jefferson addressed a confidential communication to Congress, and invited their attention to the condition of a certain portion of the State of Louisiana, then held by Spain, in violation of the treaty of 1803, he represented to Congress that he had tried negociation in vain, but did not feel at liberty to send the United States forces into that part of Louisiana, because, as he said, that act, Spain being in possession, might change the relations of the country, and transfer them from a state of peace to a state of war.—That territory clearly belonged unto us alone, but it was not taken possession of by order of the President. Spain for a long time retained possession of the port of Mobile, and the Florida parishes, as they were called. Nor were the latter taken possession of by the arms of the United States until in 1810, the country was revolutionized by a set of private adventurers, who set up a government for themselves. In that state of affairs, Congress not being in session, Mr. Madison issued a proclamation and took possession; because, otherwise, as he said, these parishes would have been considered derelict. He took it out of the hands of the private adventurers who had ousted the Spanish authorities and taken possession of it. Mr. Madison did not take possession of Mobile till 1813, after the passage of the secret Act of Congress of that year, authorizing him to do so. Now I say, then, upon the strength of the authorities, that if Mexico had possession of the territory, or any part of the territory, between the Nueces and the Rio Grande—even if they had constructed a fort on the opposite bank of the river, as they might have done at Matamoras, the President had no right to take possession of that portion of it in the possession of Mexico. This is not the only instance of the forbearance with which this Government has submitted to the holding of country by foreign nations, claimed by us. How long was it before certain British posts included within the limits of the United States by the treaty of '83, actually come into our possession? Great Britain held them, I think, from '83 till after Jay's treaty and the defeat of the Indians by General Wayne. Yet we declared no war against Great Britain. Gen. Washington never thought of sending an army to take possession of these posts.

Mr. HANNEGAN.—They were held by Great Britain till '95.

Mr. PEARCE.—A period of twelve years. Let me refer also to the north eastern boundary question, in dispute, from the treaty of '83 down to the settlement by the treaty of Washington in '42. I think both Houses of Congress, by an unanimous vote, declared our title to the boundary as we claimed it, and yet Great Britain occupied a portion of the territory; even her military forces were there, and not only so, but a citizen of the United States was arrested on the soil claimed by us, was carried away and incarcerated in a British dungeon, yet neither General Jackson, during whose administration the controversy existed, nor Mr. Van Buren, during whose administration the incident, which I have just related occurred, ever thought of marching the United States troops there, and taking possession of the country. He knew that Congress alone could authorize such a proceeding. That dispute was settled by negotiation, and if one half the forbearance had been exercised towards weak and prostrate Mexico, which was manifested towards Great Britain, in that controversy, we should have had no war—not a drop of blood would have been shed, not a dime in your treasury, would have been wasted.

I know another instance more recent, and more flagrant. Let me remind the Senate of the case of the Caroline. There undoubtedly American blood was shed upon American soil—shed by British troops—led by a British officer, who was applauded and promoted for the act; and yet Mr. Van Buren did not take the law into his hands—he did not make war against Great Britain—he did not ask Congress to make war. That was an act of hostility undoubtedly, but Mr. Van Buren was content to settle the matter by negotiation. I wish to know, sir, whether the United States intend to reverse the time honored maxim—

"Parcere subjectis, et debellare superbos."

Shall we make war on the weak, and not upon the strong? I fear we have forgotten that maxim in our course towards Mexico, and trample upon her who is least able to resist us. I do not doubt that it is the duty of the President of the United States to repel invasion when made within our acknowledged limits. But I deny that that is war. I deny that there can be a state of war properly, so called, unless the Congress of the United States have exerted their powers, and declared war. It is not for the President to put the country in a state of war, certainly not to invade a territory claimed by us without right, and then to vindicate himself by the declaration, that the territory of the United States was invaded—that American blood had been shed upon American soil. Sir, I blushed for the President when he made that monstrous assertion. Now, as to the farther prosecution of the war, the President tells us very distinctly in his message, that we are to have no peace with his consent, until complete indemnity shall be obtained from Mexico—"indemnity for the past and security for the future"—well characterized yesterday by the Senator from Delaware, as no bill of Mexico for indemnity and the other half as security! I agree with my colleague in his declaration, that in the triumphs of our arms we have obtained ample indemnity. I do not like to boast of the prowess of my countrymen, but certainly I have been as much struck by their achievements in Mexico, as by the story of any battles that I have ever read. I know nothing to compare with them, unless it be the defeat of the Russians at Narva by Charles the XII of Sweden. As to indemnity for the expenses of the war, when, let me ask, have we ever sought compensation in danger from other nations with whom we have been at war? We have had but three wars: the war of the revolution—a just one, I take it—was the first one in which we were engaged, and I do not see why we should not as well demand indemnity for its expenses as for the one in which we are now involved. But nobody dreamed of demanding indemnity for that war. The war of 1812 was a just war, as I believe—eminently a just war—provoked by British aggression, by the impressment of our seamen, by injuries in violation of our commercial rights. We waged that war for three years, and settled it, as I suppose every body agreed, without any loss of national honor, but without receiving or demanding any indemnity. We spent from one to two hundred millions in that war and did not get a penny back. I never heard that Mr. Madison and his cabinet, and the wise men who were in this chamber then, and who ratified the treaty of peace, were reproached for sacrificing the honor of the country in not obtaining pecuniary indemnity. Sir, I despise, I scorn this demand of pecuniary indemnity for violated faith whether made by an individual or a nation. I never heard of such a thing amongst gentlemen. I have had the curiosity to examine Jonah Barrington's account of the celebrated Kilkenny Club, renowned for being composed of the most chivalrous gentlemen that ever pulled trigger. By their rules the reparation of personal insults and wrongs is reduced to a regular system. Every offence was strictly defined, and the appropriate degree of punishment prescribed. If the offence were slight, the party aggrieved might be satisfied with an exchange of shots. If a little more aggravated, it was requisite that one party should be blooded. When the offence was of a very grave nature, somebody was to be well blooded; and there was scarcely any offence which required, according to these rules of chivalrous honor, that the combat should be mortal. Certainly, in no instance, is it recorded in the annals of the Kilkenny Club that pecuniary compensation was to be demanded by the party offended. Sir, Barrington records no instance in which the offender was called upon to pay for the powder and ball consumed, the pistols used, and transportation to the field of honor—that is to say, the hack-hire! Now, I am unwilling to place a nation in a lower scale than a private individual; neither have I one rule for Mexico and another for England.

What is the condition of Mexico? Before I reply to that inquiry, let me say, that I am perfectly disposed to demand of Mexico compensation in damages, not for the violation of national honor, but for the injuries done to our citizens in their commerce. We are their guardians—guardians of their pecuniary rights, which we are bound to maintain as against Mexico and all the world, and to see repaired by pecuniary indemnification. I hold it to be perfectly right to demand indemnity of Mexico on that ground. If she cannot give indemnity in money, let us take it in land. But do not let us make that a pretext for robbing Mexico. She is prostrate and bleeding at your feet. Your armies have triumphed in every combat, from that of Palo Alto to the last battle at Chapultepec. She has been completely vanquished—her towns stormed and bombarded—her seaports in your possession or beleaguered by your fleets—her government fugitive and your armies, in the fashionable phrase of the day, "revelling in the Halls of the Montezumas." What more do you want? Is not this enough? Did you ever hear of the bully who, when he had knocked his man down, thought it his vulgar duty to pull out his eyes?

Do you recollect, sir, the epistle of Tom Crib to Big Ben?

"What Ben! my old hero, nothing your opponent?
I thus the new-gig'd bruiser, once more, addresses:
When the fist-fac'd steward meant pretended pain then.
By the fist of my father! I blush for thee, Ben."

Mexico cannot bring an army into the field. Her revenues are exhausted. She is helpless and hopeless, except in your mercy. Yet you propose to carry the war farther—"into the vitals of the country." Not satisfied with the blood already shed, do you thirst for more? Do you desire more towns to bombard, fresh armies to defeat? When there are none of these to be found, will you rejoice in the slaughter of the miserable guerrileros?

Mr. President, let us take care that the disgraceful guerrilla warfare of Spain be not renewed upon this continent! Is there to be no end to this state of things? I do not believe that the violated honor of the country requires such vindication. That honor is in much greater danger of being tarnished by our own conduct, in the further prosecution of this war.

But, it is said, Mexico must sue for peace! Will you persist in this, when she is too proud to sue for peace? You must know that she is anxious for peace. I know that a treaty of peace can be obtained from Mexico. I make that assertion after a perusal of the correspondence between the Mexican Commissioners and Mr. Trist. She offers ample indemnity for every thing but the expenses of the war. She proposes to cede California, from its junction with Oregon to the thirty-seventh degree of latitude.—This comprises nearly two hundred thousand square miles of territory, as I have been told—thrice the territorial extent of Virginia, and larger than all the New England States, New York and Pennsylvania together; and it includes the harbor of San Francisco—the coveted object of our desire, and which, sir, alone, is worth more than the claims of our citizens against Mexico. Well, Mexico gives very sufficient reasons why she should not cede more. She says that Lower California commands her pearl fisheries, and that she cannot be asked to give up what would make her vulnerable in her weakest point. She cannot give up all Upper California, because a portion of it is necessary to maintain the land communication between Lower California and the other portions of her dominions. She cannot give up New Mexico, because the people there are loyal—they are devoted to Mexico. They abhor union with this country. She cannot, therefore, give up New Mexico. It is cruel to insist that she should give it up. I do not want it, and will, by my vote, New Mexico will never be added to this Union—never sir, never.

Besides, it is inconsistent with the essential principle of our government—the consent of the government.

What were the objects of the formation of this Union let me read you, sir, from the constitution:

"We, The people of the United States in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity do ordain and establish this constitution for the United States of America."

"To establish union"—"to ensure democratic tranquility"—these were amongst the glorious objects for which our constitution was formed. Sir, do you imagine that our union will be promoted—that our domestic tranquility will be ensured by compelling these refractory communities to enter our Union, in spite of all the differences of blood, religion, race, and color and filled with mortal hatred of us as they now are. No man can be so foolish, sir, as to suppose that by such means our union will be promoted. Is such a union possible? It reminds me of the story in "Le Diable Boiteux." You may remember, sir, the story of the two demons, who quarrelled and raised such an uproar in Lucifer's dominions, that he was compelled to interfere. He commanded them under infernal pains, and penalties, to embrace and swear to be friends forever. We did so, said the demon, and have hated each other mortally ever since—such, sir, will be the consequence of that union, which you wish to bring about. Such will be the fraternal union, between the United States and Mexico. I see it predicted, sir, that if we should annex Mexico, she would be to us, what Ireland is to Great Britain; a perpetual source of bloodshed embarrassments, annoyance, endless disquietude. I do trust, that the country will not sanction such an idea—that the Senate will not sanction it—that in the progress of this discussion, all will come to perceive the truth, as I think that I perceive it.

I have said that in my opinion, we can now obtain satisfactory terms from Mexico. I do not mean to say, that the terms offered by the Mexican commissioner, were precisely such as I would accept, but they afford at all events, a proper basis for negotiation.

If we do not stop here, when and where shall we stop? Are we to become the ocean-bound republic, spreading over the whole continent? That is what some gentlemen contemplate. I recollect that rich very ultra gentleman said sometime since, that the day was fast approaching, when "even China would be a component part of the United States? Are our dreams of ambition boundless?" If we go on in this way enlarging our boundaries, must we not eventually be broken into fragments? Must we not come at last to dissolution, like the circle in the water, which by "broad spreading is dispersed to nought?" The bands which unite our country, if stretched so far, must inevitably snap. We must stop now or never. If we persist in this course, we must come to the project of my friend from Indiana, (Mr. HANNEGAN,) and then I take it, the dissolution of the Union would be inevitable. I do not know that in such a case the event would be matter of regret.

Let me trouble you, with a few words more on the subject of the expenses of this war, in connection with the bill more immediately the subject of discussion. I have examined the statement of the Secretary of the Treasury for this year, and I find that the expenses of the current year, taking the quarter which has expired, will amount to seventy-five millions. I confess I was startled when I saw the statement. The Secretary says:

That the total receipts and means for the year ending June, 1848, are estimated at	$42,886,545 80
The expenditures for the first quarter, which are estimated, being	$16,109,191 69
And the estimated expenditures for the rest of the year being as follows:	
Civil list, foreign intercourse, and miscellaneous	8,578,199 12
Army, pay, subsistence, &c.	19,000,000 00
Fortifications, ordnance, arming militia, &c.	2,030,446 50
Indian department	1,250,000 00
Pensions	1,000,221 05
Naval establishment	10,231,062 45
Interest on public debt and treasury notes	2,240,005 61
Treasury notes outstanding and payable when presented	2,257,500 00
The whole expenditures will be	75,695,626 42
Leaving an excess of expenditures over means, 1st July, 1848	32,809,080 42

When the war commenced we had a surplus of twelve millions in the treasury, and Congress adopted new financial measures, which were expected by the Administration to improve the condition of the treasury. But we have spent the twelve millions surplus—all the current revenues which we have received, increased as they are said to have been by the new tariff, besides thirty-eight millions, according to my computatation, of loans and treasury notes. In January last the Secretary came to us for twenty-three millions, which he said would be ample. But in a month he asked for authority to re-issue five millions of treasury notes, and now another loan of eighteen and a half millions is demanded for the service of the present year. I apprehend it will be necessary to raise more than that for the excess of expenditure in the year 1849. This is a woful state of things. I venture to say that if you continue your military operations as they are now conducted, before eighteen months, either your treasury will be bankrupt or you will be obliged to adopt some new and extraordinary financial measures. I, for one, shall be prepared for the crisis.

It is not just, sir, that the coming generation should suffer for the folly of the present. It is not just to keep glory for the present age and taxes for the next. If you will have the glory you ought to have the taxes along with it. I believe the only way to bring the people to a just sense of the enormity of this war, is to let them feel the cost of it. My colleague spoke of the revenue to be derived from Mexico and ventured the opinion that the war could be sustained in this way without the cost of a dollar to our Treasury. But is it to be expected that Mexico in her present depressed condition—kept down by an enemy, holding her powerful towns,—overrunning her country, her industry paralyzed—her trade and business broken up—her people ground to the dust by military oppression will furnish anything like the amount, which he has represented, as accruing to her treasury in time of prosperity? You wont get a dollar which is not forced from her at she point of the bayonet. He speaks of the duty upon contracts and says that they might now be stamped by your authority and that thus a considerable revenue would be obtained. But sir, they will not make these contracts, especially when there is a probability, that if made they will be invalidated, when the present state of things shall terminate. Sir, this is all illusion and if you could get the whole revenue which Mexico raised in a period of peace and prosperity you would get but twenty one millions and your military operations are costing you nearly fifty millions. The Secretary of the Treasury, sanguine as he is, does not estimate these resources half so high as my colleague.

He has not been able, he says to obtain any reliable statement of the amount of duties realized in Mexico on exports. The duties on specie might amount to half a million; The receipts from duties on imports, in a time of peace, have varied from six to twelve millions. What probability is there, that these would be half the first sum, when our armies were covering the whole country?

Even the Secretary thinks that no large portion of the internal revenue could be collected under our military; and he, with all his eagerness to present a favorable view of this project, admits that he has no sufficient data on which to base any reliable estimate as to this source of revenue. So that I caution the country agasnst these delusive conjectures.

As for the 10,000 men proposed by the bill, I will not vote for one of them.

I believe with the Senator from Ky., Mr. CRITTENDEN, that we have troops enough for all the legitimate purposes of this war, and more than enough, and while I would not deny them food and clothing I would not now give for the war another soldier until I saw a disposition on the part of the executive to bring about a peace.

I look at the honor of the country in a different aspect from that in which it seems to be regarded by some Senators, to whom I do not impute any other than patriotic motives. I thing they are entirely mistaken. For myself, I am willing to take the reproach of consistent dullness, by adhering to the doctrines which I have here announced, refusing to vote a man more until I see a better disposition on the part of the Executive to make peace. I believe that the favorable opportunity to make peace was allowed to pass unimproved. I believe that if this government had not demanded too much, they could have made a peace perfectly satisfactory to the country, and that it still may be obtained on just and honorable terms. I will not increase the forces in Mexico for the purpose of overrunning and annexing the country. It would be a lasting reproach to us to do so. I wish to see the United

[illegible] ty more glorious even, than all the victories we have gained.

Mr. BADGER rose and signified his intention of addressing the [illegible]

[illegible] nator from North Carolina. I rise to put a question to my friend and colleague, to which I hope he will reply now, if he can; and if not, at some future time, when he shall have reflected on the answer [illegible] proposed.

Mr. PEARCE assented.

Mr. JOHNSON.—If I am right, then, as to the opinions of my [illegible] which would have influenced him in giving that vote, it would have been because of the preamble to that act. The question I now [illegible] that law was [illegible]

[illegible] —[illegible]

Mr. JOHNSON.—Just so.

Mr. [illegible] necessary that some military provision should be made, and the [illegible] Our arms had [illegible] ry. [illegible] Not for an hundred millions would I have sacrificed one of its gallant officers, or one of its brave men! Perhaps I may add, that it is very likely that I would have gone farther then than now, because I had not then so fully investigated the subject. An amendment was proposed in the House of Representatives by Mr. Schenck, which fully met my views. The amendment was as follows:

[illegible] borders, and to prevent any invasion or encroachments upon the territory of

That proposition, sir, would have met my entire approbation; and if that had failed, I should have been unwilling to place myself in the position of denying supplies to our army in peril. I should be disposed to take care of my own household first, and it would be only in the flush of victory that I should feel inclined to spare those with whom we are warring.

Mr. BADGER.—I understand that the honorable Senator from South Carolina, farthest from me, desires to occupy the attention of the Senate when the consideration of this subject shall be next resumed. I shall, therefore, very cheerfully yield to him, hoping however, that I may be allowed to follow him. With that understanding, sir, I would now move an adjournment.

Mr. CASS.—If the Senator will pardon me, I would enquire of the Senator from Maryland, whether I am to understand him as having said, that the expenditures of the present year will be seventy-five millions.

Mr. PEARCE.—I stated that the estimates for the present year, including the actual expenses of the first quarter, would amount to seventy-five millions, but, I have now reason to suppose that I was mistaken. The Senator from Connecticut, (Mr. NILES,) has satisfied me that sixteen millions, the expenses of the first quarter, were carried out under the same title, and, as I supposed they were not, I fell into that error in my calculation.—But I believe that further deficiencies will run the actual expenditures of the year to $70,000,000.

Mr. CASS.—Did the Senator give an estimate of the expenses of the war?

Mr. PEARCE.—I stated the fact, sir, that you had twelve millions in the Treasury at the commencement of the war. There can be no doubt about that. I then said that there was authorized to be borrowed, or issued in Treasury notes—the same as a loan—the sum of thirty eight millions, including the five millions authorized to be re-issued by the act of last session. Will the Senator have the kindness to say whether I am mistaken?

Mr. CASS.—I merely wanted to know what his estimate was.

Mr. PEARCE.—I should be very glad if the Senator would furnish me with means of making a better estimate, if I am wrong.

Mr. CASS.—If the request had been made, I should have complied with it with a great deal of pleasure.

Mr. PEARCE.—No doubt. If the gentleman wishes to put me upon a cross-examination——

Mr. CASS.—Oh no, by no means.

Mr. WESTCOTT.—I voted in the affirmative on the motion to adjourn to Monday next. At the request of several Senators, who seem to have labored under some misapprehension with regard to it, I now beg to move a reconsideration of that question.

On this motion the yeas and nays were demanded, and ordered, and being taken, the result was as follows:

Yeas	[illegible]
Nays	[illegible]
Majority for the motion,	1

The question recurring upon the adoption of the resolution, the yeas and nays were demanded, and ordered.

Mr. CASS.—I move that the Senate do now adjourn.

Mr. DAYTON.—What will be the effect of the adoption of the motion just made?

The PRESIDING OFFICER.—The Senate will stand adjourned until to-morrow.

Mr. JOHNSON of Maryland.—Is the motion in order?

Mr. BERRIEN.—The Senate, by a resolution adopted this morning, determined that when it should adjourn, it should adjourn until Monday next. A motion has been made to reconsider that vote, and the motion for reconsideration has been adopted. But the resolution has not been rescinded—the question was about to be put upon that resolution. If we adjourn now, therefore, we shall adjourn over to Monday next.

Mr. CASS.—Then I will withdraw my motion.

Mr. SEVIER.—This is certainly a very clear case. The reconsideration puts the question back to where it was this morning, before any action was had upon it. A motion to adjourn at that period would certainly have been in order, as it now is in order.

Mr. CASS.—I believe I will take the advice of my friend from Arkansas, and adhere to my motion.

The Secretary then proceeded with the call of the yeas and nays, and the result was as follows:

Yeas	[illegible]
Nays	[illegible]
Majority against the motion,	1

The question recurring upon the original motion, it was adopted.

The Senate adjourned.

MONDAY, JANUARY 17, 1848.

CREDENTIALS.

Mr. BRADBURY presented the credentials of the Hon. WYMAN B. S. MOOR, appointed by the Governor of the State of Maine, a Senator of the United States from that State, for the unexpired term of the Hon. JOHN FAIRFIELD, deceased, or until a successor should be chosen by the legislature; which were read.

Mr. MOOR having taken the oath prescribed by law, took his seat in the Senate.

THE PUBLIC BUILDINGS, ETC.

The VICE PRESIDENT laid before the Senate a report of the Commissioner of the public buildings, made agreeably to law, showing the manner in which appropriations for the public buildings and grounds have been applied; which was ordered to be printed.

PETITIONS.

Mr. JOHNSON, of LA., presented the petition of Susan Decatur, widow of the late Commodore Stephen Decatur, praying the renewal of her pension; which was referred to the Committee on Naval Affairs.

Mr. FELCH presented the memorial of Asa Whitney, praying for a grant of land to enable him to construct a Rail Road from Lake Michigan to the Pacific Ocean; which was referred to the Committee on Public Lands, and ordered to be printed.

Also, the memorial of A. Edwards, Register of the Land Office at Kalamazoo, Michigan, praying the re-payment of money advanced by him for extra clerk hire; which was referred to the Committee on Public Lands.

Also, the petition of Charles Richmond, praying compensation for services as special marshal, during the disturbances in the Provinces of Upper and Lower Canada, in the years 1839 and 1840; which was referred to the Committee of Claims.

Mr. CAMERON presented the petition of A. W. and J. H. Foster, editors of the "Pittsburgh Daily Dispatch," praying that the list of letters remaining in the Post Office at Pittsburgh, may, in compliance with law, be published in their newspaper, it having the largest circulation; which was referred to the Committee on the Post Office and Post Roads.

Also, the memorial of the Providence Association of Clerks in the city of Washington praying certain amendments to the charter of said association; which was referred to the Committee on the District of Columbia.

Also, a memorial of the Caln Quarterly Meeting of the religious society of Friends, praying the abolition of slavery in the United States, and the slave trade in the District of Columbia, and between the several states; a memorial of the association of Friends for promoting the abolition of slavery and improving the condition of the free people of color, praying the abolition of slavery in the District of Columbia, and Territories of the United States, and of the slave trade between the states; the prohibition of slavery where it does not already exist; and the repeal of all laws providing for the arrest of fugitive slaves; and six petitions of inhabitants of Pennsylvania, praying the adoption of measures for abolishing slavery throughout the Union; the motions to receive were severally laid upon the table.

Mr. HANNEGAN presented the petition of Robert Piatt, only surviving son of Major Daniel Piatt, praying the payment of an undrawn portion of seven years' half pay due him under the resolve of Congress of 24th August 1780; which was referred to the Committee on Revolutionary Claims.

Also, the petition of Robert Piatt, praying a final settlement of his account as a deputy purchasing commissary; which was referred to the Committee on Military Affairs.

Mr. ASHLEY presented the petition of James Wilkins, praying payment for cattle taken by Indians in Florida; which was referred to the Committee on Indian Affairs.

Mr. TURNEY presented resolutions passed by the Legislature of Tennessee, approving the plan proposed by Asa Whitney, for constructing a Rail Road from Lake Michigan, to the Pacific Ocean, and in favor of a grant of public land for that object; which was referred to the Committee on Roads and Canals, and ordered to be printed.

Mr. CORWIN presented the petition of A. G. Melvin and others citizens of the United States, praying that the public domain may be given in suitable quantities to actual settlers without price; which was referred to the Committee on Public Lands.

Also, the petition of citizens of Ohio, praying the adoption of measures for the re-establishment of peace between the United States and Mexico; which was referred to the Committee on Foreign Relations.

Also, the petition of citizens of Ohio, praying the abolition of slavery in the District of Columbia, and the slave trade between the States; the motion to receive which was laid upon the table.

Mr. BREESE presented a memorial of citizens of Illinois, praying that the right of pre-emption may be granted to the Illinois Central Railroad Company, to the lands over which it is proposed to construct their road; which was referred to the Committee on Public Lands.

Mr. DAVIS, of Mississippi, presented the petition of Robert M. Martin, a volunteer in the war with Mexico, praying to be allowed bounty land; which was referred to the Committee on Pensions.

Mr. UNDERWOOD presented the petition of Mary M. Telfair, heir of Israel Pearce, praying the payment of certain final settlement certificates; which was referred to the Committee on Revolutionary Claims.

On motion by Mr. STURGEON, it was

Ordered, That the petition of Titian R. Peale, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. BERRIEN, it was

Ordered, That the petition of Moses E. Levy, on the files of the Senate, be referred to the Committee on Private Land Claims.

On motion by Mr. HUNTER, it was

Ordered, That the administrator of Isaac Garretson have leave to withdraw his petition and papers.

On motion by Mr. BALDWIN, it was

Ordered, That the widow of Samuel Gibbs have leave to withdraw her petition and papers.

On motion by Mr. MILLER, it was

Ordered, That George Townley have leave to withdraw his petition and papers.

NOTICE OF A BILL.

Mr. WEBSTER.—Mr. President, I wish to give notice that I purpose, to-morrow, to introduce a bill "to make attachments, which are made under process, issuing from the Courts of the United States, conform to the laws regulating such attachments in the Courts of the States." If it should be the pleasure of the Senate to give me leave to-morrow, to introduce this bill, I will shortly state the objects of its provisions. The bill which I propose to introduce, passed the Senate without opposition at the last session, having been reported to the Senate by the Committee on the Judiciary, and I shall ask, with the concurrence—which I hope I will receive—of the Chairman of that Committee, and the other members of it, to expedite the bill on its passage through the Senate, without the delay of another reference, as I know no objection to it, and it is a matter of some importance.

MAP OF NEW MEXICO.

Mr. CASS submitted the following resolution for consideration:

[illegible] of General Kearney.

REVALUATION IN THE MINT.

Mr. CAMERON submitted the following resolution for consideration; which was ordered to be printed:

[illegible] ment there.

THE MAILS.

Mr. BERRIEN submitted the following resolution, which was considered by unanimous consent, and agreed to:

[illegible]

THE PLAYFAIR TITLE.

Mr. DAYTON submitted the following resolution, which was considered by unanimous consent, and agreed to:

[illegible]

REPORTERS OF THE SENATE.

Mr. MANGUM, from the Select Committee, to whom was referred a motion authorizing the Vice President to cause desks to be provided for the Reporter of the Senate, and his assistants, upon the floor, in submitting a report, remarked that upon examination of the subject referred to the committee, it was found, that without any inconvenience, suitable accommodation could be afforded [illegible] upon the floors of the Chamber; and as it was of course very desirable that every proper facility should be extended to them, the committee unanimously reported in favor of providing the proposed accommodation.

The Senate proceeded to consider the report, and, on concurrence therewith, it was

Ordered, That the Secretary of the Senate have two moveable desks provided, as soon as may be, in the angles of the Senate Chamber at the ends of the Chord to accommodate, each, one reporter.

Mr. MANGUM, by direction of the same committee, submitted the following resolution for consideration:

[illegible]

Mr. BREESE.—I had the honor of serving on the special committee, of which the honorable Senator, (Mr. MANGUM,) who has offered the resolution, was the chairman, and I concurred in the report. At the sametime, sir, I must say, that when in committee I was anxious the report should embrace the subject matter of the resolution now offered, as I believed then, as I do now believe, that a much more commodious position for the reporters can be had in the Chamber than they now occupy, but it was thought we had not the power under the resolution to make any suggestion upon the subject. Accordingly, and to get the power, the honorable chairman was instructed by the committee to report the resolution he has reported, and which is now before the Senate for consideration. I hope, sir, it will be adopted, as I feel assured the committee to be raised by it will report a plan which will be acceptable to the Senate, by which the reporters will be better accommodated than they now are, and the ladies also, by properly fitting up the marble gallery now occupied by the reporters.

The resolution was considered by unanimous consent and agreed to. Whereupon

Mr. MANGUM, Mr. SEVIER, Mr. BERRIEN, Mr. BREESE and Mr. ALLEN were appointed the Committee.

MINERAL LANDS.

Mr. BREESE submitted a report made by J. D. Whitney to Charles T. Jackson, geological surveyor of the United States' mineral lands of the northern peninsula of Michigan; which was ordered to be printed and appended to the report of the Commissioner of the General Land Office.

PRIVATE BILLS.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom was referred the petition of Nathaniel Kuykendall, reported a bill for his relief; which was read and passed to the second reading.

Mr. BRITTON, from the Committee on Public Lands, to whom was referred the bill to provide for the compensation of Samuel Leach for services in the investigation of suspended sales in the Mineral Point District, Wisconsin, reported it without amendment, and moved that a report accompanying the bill be printed. [illegible]

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the petition of Abigail Garland, submitted a report accompanied by a bill granting a pension to Abigail Garland, widow of Lynch Garland, deceased.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. YULEE, from the Committee on Naval Affairs, to whom was referred the petition of Thomas Brownell, reported a bill for his relief; which was read and passed to a second reading.

Mr. BRADBURY, from the Committee of Claims, to whom was referred the petition of Amos Holton, submitted an adverse report: and, on concurrence therewith, it was

Resolved, That the evidence presented by Amos Holton is insufficient to justify the allowance of his claim; and that the Committee be discharged from the further consideration of the subject.

BARQUE CANTON.

Mr. RUSK, from the Committee on Enrolled Bills, reported that they presented to the President of the United States, on the 14th instant, the bill to authorize the issuing of a register to the barque Canton.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

Mr. President: The President of the United States approved and signed, on the 13th instant, the bill to authorize the issuing of a register to the barque Canton

GENERAL SCOTT'S PLANS.

The Senate proceeded to consider the following resolution, submitted on the 13th instant by Mr. MANGUM:

Resolved, That the President of the United States be requested to lay before the Senate all the plans, estimates and calculations, presented by General Scott, as in his opinion best adopted to attain the objects of the war; and his opinion touching the military means necessary to accomplish the objects of our government in any and all the alternative views that have been considered by the Executive or suggested by General Scott, to bring the war with Mexico to a close, if not inconsistent in the opinion of the President with the public service.

Mr. CASS.—I would ask the Senator to consent to the postponement of the consideration of the resolution till to-morrow. The Senator from Arkansas (Mr. SEVIER,) is absent; and there can be no harm from twenty-four hours' delay.

Mr. MANGUM.—I have no objection to postponement, except that the information sought by the resolution is of vast importance to the formation of an intelligent opinion in reference to measures now pending before the Senate; and which, allow me to say, are pushed to a consummation with a degree of zeal and pertinacity which I have rarely witnessed upon any occasion so early in the session. It would give me great pleasure to comply with the suggestion of the honorable Senator from Michigan, were it not that the information which is desired is of the very highest importance at this very moment in order to enable the Senate to act intelligently. I hope, therefore, that the Senate will proceed to the consideration of the resolution. I will make no other remark, unless it should be deemed necessary. I hope the resolution will be adopted.

Mr. CASS.—I do hope the Senator from North Carolina will consent to a postponement of the resolution. If he do not, I must be compelled to vote against it. I cannot conceive that in the present condition of affairs, whilst we are actually engaged in war, that it would be proper to communicate the plans of the Government. It would give the enemy information vastly useful to them in making their preparations. We can easily conceive that such would be the case. It is true that the usual discretionary power is given to the Executive, but I conceive that the objection which I have just stated has sufficient force to make the call improper at this time. The Senator says that the measures before the Senate have been pushed very pertinaciously. I cannot conceive why the Senator has made such an assertion. The bill for raising ten regiments was introduced three weeks since—four weeks since, I believe—and we are now in the second week of its discussion. There has been no disposition in any part of the Senate to force that bill through without discussion. All we have asked is, that it should be considered, discussed, and voted upon. If this be "pertinacity," we are pertinacious. But I do not think that this is pertinacity. I do not say that there is an instantaneous need of this additional force. But I hold, as was better said by the honorable Senator from Mississippi, (Mr. DAVIS,) than it can be said by me, that that force ought to be raised and sent to Mexico before the sickly season sets in; and that in order to effect that, we should hasten our preparations as much as possible. It will take some time to put the bill through the Senate, and still longer in the House. We may be advanced far in the session, do the best we can, before these bills can be passed and the Government be put in possession of this force. I repeat, then, that I cannot perceive any ground for the charge that the measure has been pertinaciously urged upon the Senate. I renew the suggestion, that the resolution be allowed to lie over till to-morrow.

Mr. MANGUM.—I did not charge pertinacity in reference to this measure, upon any portion of the Senate. I alluded exclusively to the honorable Chairman of the Committee on Military Affairs; and I submit to the Senate, and to all who have observed the proceedings of the body in reference to this measure, whether the charge has not been sustained by the facts. Sir, when the honorable Senator from South Carolina was about to be denied the benefit of the usual course of the Senate in reference to the consid-

cration of his resolutions, I appeal to the recollection of Senators, whether there was not great pertinacity exhibited in the effort to refuse him an opportunity of addressing the Senate? All must remember the events of last Thursday; the repeated calls of the yeas and nays on the question of adjournment, with reference to this very question. All must remember the earnestness with which the honorable Chairman of the Committee on Military Affairs urged the necessity of early, if not immediate action on the bill before them. However, I leave that, sir, as a small matter; and pass to one of vastly greater importance. I allude to the sentiment enunciated here by the honorable Senator this morning, that it would be eminently improper for the Congress of the United States to be informed of the Executive's designs and the Executive's instructions to the Commander-in-chief of the army in Mexico. I protest, sir, most solemnly, against this attempt to exact that degree of faith from the legislative bodies of this country which shall induce them to rely upon an Executive who discloses only by glimpses, not even by halves, the purposes believed to be entertained by him! I hold, sir, that the great legislative faculty of the country should not be exercised at all upon a question so momentous as this, upon mere faith reposed in the Executive branch of the government, who does not deign to communicate to us more than glimpses of his policy. I regard it as important that I look upon the question now pending as bringing up the great issue between despotism and liberty. I regard the measures here presented to us—only half disclosed to us—as looking to a spirit of universal domination, and an absolute conquest of the whole of Mexico. If the country is ripe for that, in my poor judgment, the country is ready to surrender its free institutions. The policy, as half disclosed, by the honorable Chairman of the Committee on Military Affairs, in the extract from a letter which was read here the other day, indicates, in my opinion, designs from which the inference is inevitable, and cannot be resisted, that Executive policy seeks for universal domination in Mexico, and the conquest of the whole country. That, in my humble judgment, raises the question, distinctly and emphatically, between despotism on the one hand, and liberty on the other; and the more so, sir, as the Executive of this country does not deign to communicate to us his views, and, as the honorable Chairman of the Committee on Military Affairs, the trusted and able organ of the administration here, tells us to our faces, that it would be improper to communicate to us the designs of the Executive. I oppose, sir, such a course of policy, and I frankly say, that under avowals of this character, anxious as I am to strengthen the arm of the government for all legitimate purposes—an anxiety which has been evinced by all my votes upon this question—I shall feel myself driven to the necessity of refusing supplies, either of men or money, for any increment of the army, so long as this doctrine avowed by the Senator from Michigan shall be maintained.

Sir, my attention is directed to an order to which I have noticed a reference, but now seen for the first time. I will not detain the Senate by reading it. I suppose it is familiar to other Senators. I understand that this order on the part of the general, commanding-in-chief, is to occupy every important position throughout Mexico.

A SENATOR.—Read the first clause.

Mr. MANGUM.—This is marked "order 376," and is as follows:

"HEADQUARTERS OF THE ARMY,
"Mexico, December 15, 1847.

"1. This army is about to spread its flag over, and to occupy the republic of Mexico, until the latter shall sue for peace in terms acceptable to the government of the United States."

"The whole of the republic!" Sir, it cannot be disguised. The disguises are too thin. The veil is too transparent. All the disavowals that we have had, that the President does not entertain any purpose of conquest, come at last to this, that the Executive means to illustrate his administration by absorbing the whole of Mexico, if the sense of the country will sustain him. I desire to know, sir, whether the general-in-chief for any legitimate, or proper, or reasonable purpose desires, or has suggested this increase of the army, amounting to thirty regiments, the bills for which are now upon your table? Yet we are not to have this information! It would be eminently improper to disclose the views of the Executive in regard to Mexico! Disclose them to whom, sir? Not to the Mexicans. The general order of the commander-in-chief has already disclosed his purposes, presumed to be the purposes of the government in regard to the future policy, to the Mexicans themselves; but eminently improper to disclose them to the American people, who I trust, are not yet ripe for this scheme of wholesale rapacity and rapine, in which I fear we have already too much indulged. I hope, sir, the resolution will be adopted.

Mr. CASS.—The honorable Senator from North Carolina from a general charge has proceeded to make an individual charge. He charges me with pertinacious obstinacy.

Mr. MANGUM.—I mean it in no improper sense. I imputed to the Senator only a marked degree of zeal and pertinacity.

Mr. CASS.—No one knows better than I do the courteous and honorable bearing of the gentleman from North Carolina. He may like all of us at times, under the influence of party zeal from which none, perhaps, are wholly free, use harsher expressions than need be; but his present charge, as applicable to me in any circumstances, is incorrect, and I mean to prove that it is so to his satisfaction. He instances two facts in support of his allegation: first, that I opposed the discussion of the resolutions of the honorable Senator from South Carolina. Now, I was not opposed to the discussion. I beg the honorable Senator's pardon, but he must allow me to remind him that I was in favor of the discussion. I was anxious to extend to the honorable Senator from South Carolina all the indulgence which he asked. All I insisted on was, that if this most important bill were laid aside for the purpose of taking up a subject which, so far as it related to the measures immediately before us, might be called abstract, as soon as an opportunity had been conceded to him to express his views, the subject should be laid upon the table and the bill be taken up. That was the only objection that I ever made in reference to that matter; and that was precisely the arrangement into which the Senate itself fell. Such, then, was the amount of my pertinacity in that case. As to the adjournment, it has been many times a matter of conscience with me to vote for adjournment under the impression that we did less mischief out of this chamber than in it, but here is a case in which the interests of the country required prompt action, and therefore I opposed the adjournment. We had before us a bill whose importance cannot well be overrated. We had been giving to it one and an half hours discussion daily—six hours a week allotted to one of the most important measures in its consequences, ever presented to the Senate! I objected to adjourn over till Monday, and that is adduced as another proof of my pertinacity! Really, I cannot see it.

Now, with respect to the motion before the Senate, all I ask, is, that this matter should be allowed to lie over till to-morrow, when the honorable gentleman from Arkansas, (Mr. SEVIER,) specially charged with it, shall have collected the necessary information. I do not say, that it will not be proper then to communicate the information, nor have I said that it would be improper to give any of the information which is sought. The gentleman has asked, to whom the information is to be disclosed? Why to the Mexicans. I do not, of course, intend to say, that that is his object; but that will be the effect of the resolution.

Mr. MANGUM.—The Senator misconceives my meaning. The Mexicans have already had intelligence of the designs of the President to the utmost limit; and if the information is withheld, it is because there is an unwillingness, somewhere, that it should be laid before the American people. As to the Mexicans, they have been already advertized of the views of the Executive.

Mr. CASS.—If the Senator only wants that information, the American people have got it as well as the Mexicans. I take it, Mr. President, that in all countries during the prosecution of a war, the specific plan of the campaign should not be made public. Surely, prudence requires that only the general intentions of the Executive government should be made known in such circumstances. But, where in the name of wonder would be the sense in telling Mexico, that the first of June we mean to take Vera Cruz, and Puebla on the 20th—that on such a day, such and such troops or subsistence, or munitions of war, would be despatched to a certain point? It is not the specific, identical plans of campaign made between the commander-in-chief and the government which should be laid before the legislature of the country and the enemy. A thousand reasons will occur to every body, showing that such a proceeding, if not impossible, would be highly injurious. I repeat, there is no wish to refuse any information which may, with propriety and safety, be communicated. My only object is to delay action on this resolution for a short time, until the necessary information can be supplied. All I contend for is, that the broad principle assumed by the honorable Senator from North Carolina, is neither safe in itself nor justified by the practice of any government—to wit: that at all times it is right to call upon the Executive to disclose its specific plans of carrying on a war. The adoption of such a principle, it is obvious, would be attended with the most injurious consequences.

Now with respect to the progress of the war, it is said that General Scott is going on from town to town, and from city to city, conquering all before him. I am very glad to hear it. I hope that the commanding general will continue to go on in this way. If he does so, I have no doubt he will conquer Mexican obstinacy and thus conquer a peace. I have already expressed my opinions with regard to the war in Mexico, and have nothing to say on the subject now, except to tell the Senator from North Carolina, what I had the honor to say to the Senator from South Carolina, that the adoption of any resolutions in this Senate with regard to any danger—if danger there be—in the progress of this war, would be but as the idle wind. You might as well stand by the cataract of Niagara and say to its waters, "flow not," as to the American people, "annex not territory," if they choose to annex it. It is the refusal of the Mexican people to do us justice that prolongs this war. It is that which operates on the public mind and leads the Senator from North Carolina to apprehend a state of things which he fears, but which for myself I do not anticipate. Let me say, Mr. President, that it takes a great deal to kill this country. We have had an alarming crisis almost every year as long as I can recollect. I came on the public stage as a spectator before Mr. Jefferson was elected. That was a crisis. Then came the embargo crisis—the

crisis of the non-intercourse—of the war—of the bank—of the tariff—of the removal of the deposites—and a thousand others. But we have outlived them all; and advanced in all the elements of power and prosperity with a rapidity heretofore unknown in the history of nations. If we should swallow Mexico to-morrow I do not believe it would kill us. The Senator from North Carolina and myself may not live to see it, but I am by no means satisfied that the day will not come in which the whole of the vast country around us will form one of the most magnificent empires that the world has yet seen—glorious in its prosperity, and still more glorious in the establishment and perpetuation of the principles of free government and the blessings which they bring with them.

Mr. ALLEN.—I was not aware that this resolution was before the Senate at all; and therefore it will not be supposed, that I intend to address the Senate on its subject matter. It seems to me, Sir, that this government has always proceeded upon the assumption, that in certain cases, it is proper to refrain from giving publicity to some portions of the public business, until the whole can have been consummated. It is upon that ground that these doors are so often closed upon the public. It is upon that ground, that this Senate has seldom refused, almost to entertain resolutions calling for matter touching the foreign relations of the country, before the matter was consummated. For the same reason a part of the appropriations of this government, to the "secret service fund" is placed under the guarantee of the President's honor; and he turns the key and closes the door upon the public, with regard to that secret service money. I speak of these things, sir, as evidence of the fact, that thus far this government has proceeded upon the ground, that some parts of the public business, in some stages of its transaction, ought to be withheld from the general observation of the world. Where the line should be drawn, sir, is a great and a delicate question. How much, if any, of the public business should be so withheld from the notice of the public is a very serious question, and one on which I entertain opinions quite different from those so often expressed by most of the members of this body. The line I think to be this: that whenever the act sought to be made public, barely affects the relations between any branch of the government and its own constituency, it ought to be made public, every part and parcel of it; but when the act sought to be published affects the relations of our government with a foreign government, then the national interests, and the national safety may require, that until all is consummated, none should be made known. Hence the resolution, which I have submitted so often in this body, to open the doors of the Senate, and have no secret sessions as applicable to nominations, contained always the exception as to treaties, and that exception predicated upon the reasons which I have given.

I am not prepared to say whether I shall vote for or against this resolution, because I have read it only this morning, and not ten minutes ago. I desire an opportunity to examine the resolution. I wish to ascertain whether any of the information there called for, would, if disclosed, of whatever character it may be, prejudice the interest of the country. Perhaps, sir, in a time of war, when so large national interests are involved—perhaps, in such circumstances, a great deal more than ordinary care should be taken to see that, in our anxiety to bring every thing before the public, we do not injure it on the public interests. But, as I said, I will not go into this business. I will go as far as the farthest man here, in a general resolution, describing what part of the public business shall be kept secret, and what shall be made public. The sentiments of the Senate in regard to the question, vary with the cases which exist at the moment, as everybody knows; and the same vote which closes the doors to-day, may open them to-morrow. We ought to have a general rule, applicable to all cases. I remember a famous struggle which we had upon this floor, in regard to a resolution which I had the honor to submit, calling for certain military orders issued by President Tyler, the object of which was to transfer a portion of the regular forces of the United States, near to the scene which was going on in one of the States of the Union, involving a question of its constitutional government. Well, upon that subject the Senate would not entertain the proposition. They laid it upon the table and kept it there, in defiance of all the efforts which I could make to get it up. I alledged that if rumor were correct, the President was doing a thing which he had no right to do; and which seriously perilled the public peace, and what was more, the public rights of a portion of the citizens of the country. The Senate, however, thought that it was not proper to call for the documents. I will not say that in that case the Senate was wrong, and that I was right; but I speak of this as one of the historical reminiscences of the past, to which we ought sometimes to refer when we start propositions of this kind; and which may reflect some light upon the case now before us. I pledge myself to vote for the most ultra resolution which any man can conceive, for which he will himself vote, laying down a general rule with regard to the description of public business, to which this Senate has a right, and for which they have a right to call. I say, therefore, to the Senator from North Carolina, let him draw up a general resolution, declaratory of the rights of the Senate upon this subject, and he cannot carry his resolution too far—he cannot throw open the door too widely—he cannot let in too much sunlight—to lose my support; for I have been one entertaining very ultra ideas on this subject of making everything public. But I want time to consider the particular resolution which he has submitted; and, therefore desire that it may be laid on the table until we make a question declaratory of the rights of the body in this respect—a question which shall result in the adoption of a resolution applicable in all time to come, and by which we shall measure all succeeding administrations. I move, sir, the resolution be laid upon the table.

Mr. MANGUM.—I hope that the honorable Senator will withdraw his motion for a moment.

Mr. ALLEN.—Certainly.

Mr. MANGUM.—It is impossible, without a violation of propriety and decorum, to allude to what has been done in the Senate when sitting in a different capacity, and I shall not do so.

Mr. ALLEN.—The resolution to which I had reference was submitted in open Senate.

Mr. MANGUM.—I am aware of that, sir. But in answer to what has been said, by the honorable Senator from Michigan on this subject, I have only to remark, that it is perfectly competent for the President, in what I regard a proper deference to the Senate, which is a portion of the Executive, and exercises also, a share of the legislative faculty of this government, to make all communications to us in the strictest confidence. Is it to be maintained here, sir, that we, who must give efficiency, and consummation to all these great measures, acting, not upon Executive, but upon our own respective responsibilities—is it to be contended that we are to be reinsed in secret session, such information as it may be deemed improper to communicate in public? I have inserted in the resolution, in a proper feeling of decorum towards the Executive, the usual clause—"if compatible with the public service." I protest, sir, against the doctrine that the Executive can withhold from us any information which is necessary to intelligent action on our part. What! deny us the means of acting understandingly and intelligently on the measures submitted by the Executive! Sir, an absolute despotism could not ask for more—could not seek for more than that! As regards the views of the honorable Senator from Ohio, it seems to me, that he has considerably modified his opinions on this subject. The distinction now, is that in all matters which touch our internal interests and affect our constituency, the Executive is bound to give us all the information which we may demand; but, that in those cases which affect our foreign relations, and which may very often involve matter of vastly greater delicacy, and perhaps, higher responsibility, the Executive is not to communicate information to us. I confess, I cannot discern the grounds on which such a distinction is drawn. I believe, the injunction of secresy has been removed from the discussion of the Oregon question in private session. It was insisted then, that the discussion should be open; and, if I be right in my recollection, the honorable Senator then entertained a somewhat different opinion from that which he has enunciated here to-day. If, therefore, on a renewal of the motion, this resolution should be laid on the table, I shall regard it as a decisive expression of the judgment of the Senate, that upon a great question involving a vast expenditure of money, deeply affecting the future policy of the government, the principle is asserted, that we are to sit here as puppets of the Executive will, voting for whatever measures may be recommended to us, without the Executive condescending to put us in possession of those facts which we deem essential to the formation of a just estimate of his policy. Sir, I hope that such a judgment will never be affirmed by the Senate.

Mr. CALHOUN.—The hour for taking up the special order has arrived, and, I believe my colleague has the floor. I suggest, that the resolution of the Senator from North Carolina, be passed over till to-morrow.

Mr. MANGUM.—I have no objection to that, sir.

The resolution was then passed over informally till to-morrow.

THE TEN REGIMENT BILL.

The Senate resumed the consideration, on its third reading, of the bill to raise, for a limited time, an additional military force.

Mr. BUTLER.—The bill upon your table, sir, proposes to raise ten additional regiments, or ten thousand men, rank and file, in addition to the regular army now existing, and under the control of this government. This bill has been reported by the Military Committee in conformity with the recommendation of the President; and we are also informed that it will be followed by another bill, giving to the Executive, authority, whenever he may think proper to exercise it, to call out twenty thousand volunteers. These are the measures which will form the subject of our authoritative action at this time. By the existing laws, the President of the United States has the basis of an army of sixty thousand men.—There are thirty regiments of regulars, I believe, and about the same number of volunteers, which have been authorized to be called into service during this war. I cannot be precise, however, as to the number of men who have been actually in service, but it is certain, that if all the regiments of regulars were filled up, there would be about twenty-eight thousand, six hundred, or very nearly thirty thousand men; and I understand there are about thirty thousand volunteers. It is true that, of this number we have not now in the field, or under the actual command of officers, more than forty-five thousand, but it is sufficient to say, that the Presi-

dent of the United States, as Commander-in-Chief of the army of this nation, has the power to call out at this time—if we put the means in his power to pay them—sixty thousand armed men. He now asks that we should add to this number ten regiments, to be raised by enlistments; and, I suppose, by another bill, twenty thousand volunteers to be placed at his disposal, making in all ninety thousand men. These, together with the seamen and marines, which are also a portion of the army, would make, if they were called into actual service, one hundred thousand men.

History generally takes notice of the more prominent points in the progress and policy of nations, and it must certainly be remarked in after times, that the largest army ever raised to be concentrated upon one single object, by the republic of the United States of America, was an army for the invasion of her nearest neighbor, and the only other republic on the North American continent. Posterity, sir, will have a right to inquire, why it was that the councils of the United States had thought proper to exert the highest attribute which, perhaps, can be exerted, for carrying on a war of this description. We are indeed told by the President—or those who speak for him on this floor—that although this number of men may be at his disposal—although he may call them out under the authority of existing laws—yet he is not likely to have over one-third of that number actually in service.

Sir, this leads me to another question which I am bound to notice in passing—why is it that the Executive, as we are informed, cannot raise the number of troops, which, by law he has authority to raise, for carrying on this war in the heart of Mexico? Why is it? Does it arise from popular aversion against entering into such a service as this? If it were a war for the defence of our own soil, do you believe, that five times that number could not be called into requisition? Sir, at the voice of the Executive of the United States, ten times that number would spring up—ready to defend the national honor and the soil of this republic. And, I must here make another remark: if all parties in the United States were to concur in the justice and propriety of carrying on this war, I would answer for it, that the President could not say, that it was out of his power to raise the number of troops which the laws of the country authorize him to raise. But, sir, the very fact, that he is unable to raise these troops by the means which have been put in his power, is, I think, one of the omens which a wise ruler should regard in administering the trust—the sacred trust—that is committed to him.

Before, Sir, I proceed further to discuss this bill, I must be permitted to advert to some of the tendencies of this war? And in doing so, I beg leave to address myself particularly to the propositions for amendment, which I have had the honor to submit. I do not propose by the amendment on your table, to withhold from the President the troops, or such number of troops as may be required—but I propose to raise them in a different manner. And I know that I am likely to incur the censure of those who sustain the measures of the Executive, and perhaps, I shall encounter the criticisms of those, who, speaking *ex cathedra*, may find fault with the measure which I have suggested. Sir, I have not brought forward my proposition, without consulting those who are better acquainted with the subject, than I am myself, nor have I brought it forward for the purpose of thwarting the measures of the President. But, sir, this a conjuncture of affairs, which calls upon every man, who feels an interest in the welfare of the republic—to express himself freely, fearlessly, and openly, upon all matters that come before us. This is not the time, that I have found it necessary to differ with the President, as regards some of the measures which he has advised, for carrying on this war; and I am happy that I did contribute at the last session, to upset some of those measures, which, in my opinion, would have been inconsistent with the public interests. I have introduced this amendment for no such purpose. But I think that this is a conjuncture of affairs, in which every man should make his views clearly understood. It is a time when every one should pause and look around; for I solemnly believe, that every step we are taking, we are going deeper and deeper into the labyrinth of a dangerous and inextricable policy—from which we may find no clue, for an honorable and safe retreat.

There are those who look on the fair side of things always, and if the President had recommended that we should put at his disposal two hundred thousand men, I believe there are men on this floor, and in the other branch of Congress, who would have voted for it, if on no other ground than that it came from the Executive, who is responsible for this war. I believe they would have voted for any number of men which the President might have called for, and for all the schemes—the magnificent and splendid schemes to be carried into operation by the Executive—that would require an army of two hundred thousand men. Yes, sir, if we are to go on with this enterprise of conquering and subjugating the republic of Mexico—either with a view of absorbing the whole of that republic, and making it a part of this confederacy, or of making her a dependent province—it would not be an extravagant proposition for the President to ask for two hundred thousand men to enable him to do it with security and safety. There are those, sir, who looking at objects in the distant horizon, sometimes neglect to look at the clouds which hang above our heads, and which are ready to burst upon us. And that is the case with some gentlemen on this occasion who, while they are indulging themselves in splendid visions of revolutionizing Mexico, and making her a part of this republic, or making her in some degree dependent on us—are neglecting to look at the dangers which surround our own institutions. I therefore have introduced this amendment, in some measure, that I might have an opportunity of examining more particularly into the tendency of the measures that are hereafter to be proposed. My amendment—for I mean to address myself more particularly in the first instance to that—goes only so far as to add to the different regiments of the army—the riflemen, the infantry, the artillery, and the dragoons—although by some unguarded omission the dragoons seem to have been left out;—to add, I say, to each of these regiments, three hundred men. By adding thirty men to each one of the companies, it will give a regiment on paper of thirteen hundred men; and for this increase I only propose to add two subordinate officers—and in some cases none at all—provided, however, there be five officers to each company; and in this way I shall raise seventy-five hundred;—not so many to be sure as the President has asked for and the Committee recommended. But I can raise in this way seven thousand five hundred men without the necessity for more than a very few additional officers. I have this recommendation in favor of my system—that it will certainly be the most efficient mode of raising additional troops for active service. I think this position cannot very well be controverted—that new troops, infused and mingled with disciplined soldiers, are more readily assimilated and rendered efficient; and all military men will tell you so. They will be better officered, too, having those officers who are experienced. I know there are those who entertain the belief that officers can be selected from civil life, equal in every respect, for such a war as this, to trained and educated officers already in the army. I believe, Mr. President, there never was a greater heresy; but if the truth were known, and the testimony of officers of the army obtained, we should be entirely satisfied that those battles which have so signally illustrated the American character in this war, from the battles of Palo Alto and Resaca de la Palma to those of Contreras and Churubusco, were to be attributed to the skill and ability which were displayed by the officers of our army who were educated at West Point. I know there have been splendid achievements performed by the volunteer corps; but the truth is, that both the soldiers and officers of the volunteer corps relied with an abiding confidence in all operations of the army upon the science and skill of those who directed the operations.

Well, sir, in raising a force of this kind you put them under just such men, not officers from civil life, but those already trained and accustomed to the service. The soldier himself will be better trained, and he will be better taken care of; he will have the greater security; it will be a measure recommended by considerations of humanity. I think this proposition cannot be disputed, that it will be a more efficient corps, and that the transition to efficient soldiers will be more easy and expeditious.

My next proposition is, that it will be cheaper. We have a right to look at the ten regiment bill which passed Congress at the last session, with a view to ascertain the true character of this bill.—And what was the character of that bill? I do not mean to say that the President intends to ask for two Major Generals, four Brigadier Generals and the full complement of other officers; but whether that be the case or not, it is very certain that under the bill before you, there must be ten entire regiments raised, and for the purpose of officering these regiments, you must have ten Colonels, ten Lieutenant Colonels, twenty Majors, one hundred Captains, and three hundred Lieutenants. Now, in point of cost, there is very great difference between the two—the one has the recommendation of being cheaper, and when raised are more efficient; there cannot be a difference of opinion on these two propositions. But the objection to the plan I have suggested is, that the President cannot raise the number of troops, that he desires, in the mode which I have suggested; in other words, that it becomes necessary when the President wishes to raise a body of troops, to appoint intelligent officers in the first place, otherwise he cannot get them. That is the argument. I have heard it said, if you adopt this plan the men cannot be raised, because the officers under whom they are to serve are already appointed. It does seem to me, sir, however, that the men can be readily raised. I can see no reason why they cannot. I do not see why men will not enlist, without having the excitement of a political movement every time we call for additional troops. If this be the case, it is high time that we should examine into the true merits of this war, especially in regard to the character of the troops to be employed in it. However, sir, I have submitted the amendment for what it is worth. If the troops should be raised under it, they will stand thus: General Scott now has at his command about thirty-one thousand in the aggregate, about two thousand of whom are in garrison at Tampico and Vera Cruz. The remainder are now under his immediate command in and near the city of Mexico. I understand from military men who are recently from there, that he has a moveable column of twenty thousand to carry on offensive operations. I do not pretend of my own knowledge to say what the number of his available force is, but if seven thousand be added to those which it is said are now under his control he will at least have twenty-seven thousand—and there are to be recruited under the existing laws to fill the old regiments, six or seven thousand more: add these and he will have at least thirty-four or five thousand; a number sufficient not only for garrison duty but for active operations at any point to which they may be directed. Why, sir, Bonaparte had not more when he made his first campaign in Italy than thirty-five or forty thousand men. And what is it that these troops are to be required to do? Not to fight battles. We are told they

are not to fight battles. What are they to do? They are to overrun the Mexican States, to disarm the population, to confiscate the public property, to sequester the revenues, and to become the armed jailors to those persons who will not take their *parole*. The soldiers we are to raise now, are not soldiers who are to be animated by the love of glory and the spirit of military adventure—their office is neither more nor less than to be armed tax-gatherers and jailors. They are to sweep through the country for the purpose of gathering treasures, and keeping in awe a feeble and distracted population. But, sir, the experiment has not been made; and though General Scott has recommended an addition, which will make the number of troops amount to fifty thousand, I am satisfied that the Executive will carry on his operations whether that number be added or not. I, for one, will be perfectly willing to accelerate as far as I may be able all operations that may be necessary to bring the war to a successful issue. But it does seem to me, that if we grant seven thousand regulars —to be added to the army, in the manner I propose, which is as much as has ever been employed under any general of this country in the service—it will be sufficient for any purpose that can be desired in order to bring this war to a close; and I trust in God it is the last war of invasion in which we shall ever be engaged. But while I have thus intimated my purpose to concur to some extent in raising the number of men which the President may require for his immediate purposes, I cannot shut my eyes to the tendency of the measures which are likely to be adopted as the permanent policy of this government. The President has told you in his message, that it is not his design to carry on this war for the subjugation of all Mexico, or the destruction of her nationality. But I have seen enough, sir, to satisfy me that the current of consequences is carrying the measures recommended even by the Executive himself far beyond his control.

Since the discussion of this subject commenced, within the last fortnight, there have been certain demonstrations of public opinion not to be mistaken. I have heard it openly avowed that this war is not to be carried on merely for the purpose of making peace with Mexico under a satisfactory treaty; but that it is to be prosecuted with the more obnoxious design of conquering Mexico and bringing her into subjection, either as an independent province, or to be annexed as a part of our territorial government. Sir, it is not to be disguised. When my colleague first intimated that such would be the tendency of the measures recommended by the President, the friends of the President on this floor—and I have no doubt they spoke by authority—repudiated the idea and said that nothing was further from the intention of the President than such a design. I cannot impute to the Chief Magistrate any design under the cover of any ambiguous terms. He has said—and I believe he was honest when he said it—that it was not his purpose to subjugate Mexico and destroy her nationality. But if the President should be unable to control the tendency of his own measures, what difference will it make to the people whether the result arises from design, from ignorance, or from his inability to control the tendency of the measure which he himself proposes? The effect will be the same. Are we any nearer peace now than we were at the commencement of the campaign, which has fulfilled the most sanguine expectations of all those who were interested in the accomplishment of the designs of the Executive? I can never forget the time when that campaign was under discussion in private circles—the deep anxiety that I felt on the subject—(I mean the campaign which may be denominated the Vera Cruz expedition.) There were men who foreboded the greatest evils—men who looked at it with a distrustful eye—who denounced it as rash and unmilitary, and one likely to result in disastrous consequences. Gentlemen will recollect the deep anxiety which was felt by all who had friends or relatives in that expedition, at the time of the landing of General Scott at Vera Cruz. And when it was ascertained that they had landed in safety upon that soil which was destined to cover the bones of so many of our gallant soldiers, the common feeling throughout the United States, was a feeling of joy at the prospect of approaching peace. Peace was then confidently calculated upon, but no peace came. General Scott was then in the most difficult of all situations. He had not only to fight his way against an enemy, and a formidable enemy, but he had to fight for the escape of his army from the effects of the climate, to save his men from certain destruction; for if he had not been able to pass the heights of Cerro Gordo, the climate would have destroyed more than would have fallen by the sword of the Mexicans. And with what number of men was it that General Scott landed? Not over thirteen thousand; and with not over eight thousand he passed the heights of Cerro Gordo. He was obliged to use the utmost expedition or risk the consequences to be apprehended from the diseases of the country. He was reduced to the necessity of risking the issue of an unequal contest in passing that which was regarded as the most impregnable of any position which had been erected by the Mexican government. If the incidents and events attending these battles had been written by Levy or Plutarch the reader would have felt his cheeks glow in reading them. They have given us names which are destined to go down to posterity, at whose mention the American heart will exult. There are many who did not feel the excitement incident to that first, and, perhaps, I may say, important victory, which was gained during this eventful campaign. If not the most important, it must undoubtedly be regarded as the most splendid achievement of the campaign. I shall not undertake to describe the achievements before the walls of Mexico; it has been better done by the honorable Senator from New York. But these battles did not bring peace. The army is in Mexico—is there any peace? Have we not the right to ask the question, what have been the important results proceeding from those splendid and magnificent victories? Their soil has been enriched by the blood of those who have sacrificed their lives to maintain what they regarded to be the honor of their country. But, Mr. President, while we can take pride in the heroism of our countrymen, and rejoice with those who survive, —and every one can profit by the history which will be written of the dead—we must recollect that that history is written upon tombstones—that it will be found in the neglected graves of our soldiers, whose bones and blood are now enriching a foreign soil—in the tears of widows, in cries of orphans, and in statutory provisions for your maimed soldiers. These are the only fruits, as far as we have seen, of those splendid achievements. Have you a right to expect any other? Is there any prospect that there will be any other? I hope there may be other results.

The President has told us that the only mode by which he can obtain a peace is, by the entire subjugation of the people of Mexico, so as to reduce them to an unconditional submission. That is the only alternative left. But there are other and more prominent reasons why we have no peace, and one is from our own divisions.—This war has encountered a most formidable opposition at home; and all Europe is against us. Where in all history have you found such opposition as there is to this war at this very time? I do not know what party ought to be responsible. The majority of the popular branch, I understand to be against it, and we have only to look at this Senate to see the formidable array of those who countenance that opposition. A wise magistrate should take council from the signs of the times. Lord North pushed the current of his measures so far that he could not control them, because he would not take counsel of those eminent statesmen of their time, Fox, Pitt and Burke. I have no right to allude to names, but let the Executive understand this much, that some of the highest names of this country are now giving him counsel—not directly, but in the form of expressed opinions—to which, if he is wise, he should give something like the attentive consideration that is due to so formidable and imposing an exhibition of public sentiment.

I cannot concur myself (and I have said so on another occasion) in the mode in which those who are opposed to the war propose to terminate it. In my opinion it would have been best for us to concur in the most effectual measures for bringing it to a close, and it is possible that if we had all concurred in passing measures for bringing this war to a close, by this time Mexico would have found it hopeless to hold out any longer; but she has taken hope from the opposition to the war which has existed among ourselves, but that is not, in my opinion, the most prominent source—certainly it is not the only source—of her inducement to protract this war. I think Mexico has a right to complain of the enforcing terms which we have been demanding of her as the price of peace. Why, sir, when the ten regiment bill was under discussion at the last session, I recollect the honorable chairman of the Committee on Foreign Relations, acting no doubt, as the organ of the administration, advertised the whole country—before, sir, the territory was reduced to subjection by our arms; and before we had any right of conquest over it—that the least that would be demanded of Mexico in any negotiation for peace would be New Mexico and all of California.

Mr. CALHOUN (in his seat.)—Upper California.

Mr. BUTLER.—All of California, Upper and Lower. And, sir, I thought at that time that it was one of those declarations that was very well calculated to offend the pride and arouse the jealousy of any nation. No nation on earth, that had a spark of national pride, could submit to be told in advance that she was to be despoiled of nearly one-third of her territorial dominions, and that before we had obtained anything by right of conquest. But, sir, this is not all. The President of the United States has gone further, and told us in his late annual message that only New Mexico and Upper and Lower California had been conquered; but that he would not, under any circumstances, sign a treaty ceding them or any part of them to Mexico again. He has gone further, Mr. President, and what struck me as somewhat remarkable at the time, he has assumed that they are our territorial dominions now, and that the government of the United States has a right to appropriate them by extending their civil jurisdiction over them. This is nothing more nor less than assuming that we have a good title to these territories by conquest. It does seem to me, as it seemed then—and upon perusal of books upon the subject, I am still more satisfied—that it is entirely against all the weight of authority in the laws of nations. There is no such thing as one nation *flagrante bello* acquiring title to the territory of another, until there shall have been a treaty of peace made, or an abandonment of right on the part of the conquered nation—or unless such circumstances exist as to induce the other nation to recognize the right thus claimed. I know no instance in modern times, of title to any territory being consummated and perfected by the law of the strongest—although, during war, it is one of the modes of annoying an enemy to take possession of the territory of that enemy, if it can be seized upon by either of the belligerents.

War does not consist merely in fighting. War has other modes in which it may be conducted; and one of the modes in which it ought to be conducted is, to seize the property of your enemy, for the purpose of depriving him of the means which he otherwise would have of sustaining himself, or the contest. This, sir, is one mode of carrying on a war—and so I say as we hold possession of this territory, we are but carrying on the war legitimately. It is

not war to fight, because there is nobody to fight. But if the United States advertise Mexico that, under no circumstances, can these territories, or any part of them, be ceded or given back to her, under a treaty of peace, why talk about negociation? Why speak of making a peace under the form of a treaty? Why resort to such a miserable mockery? Why seek to disguise your course under such miserable pretences. Negotiation for what? You will say "Mexico, you must negotiate, but if you do it is with this distinct understanding—that we are to hold all we have, and compel you to give up as much more as we can." Why if she were as strong as you, she would never submit to that, because it would be degradation; and because she is a weak nation, is it any reason that a neighbor should presume upon her defenceless condition, and extort terms from her, which would be unworthy in her to grant in any negiation with an equal? What right has the republic of the United States to graduate the scale of nations, in point of dignity and influence? If we were to consult what should be the proper example, under the influence of christian civilization it would be, sir, as far as possible, to raise the dignity of the only other republic on this continent, and hold it as equal with the proudest despotism or monarchy on earth. This would be right, sir. The laws of nations are made up of precedents like this.

We should set an unworthy example, were we to act otherwise in reference to a weak power that is prostrate at our feet. It would be abhorrent, sir, to my notions of justice. I know there are those who insist that that there is no wisdom in magnanimity.—Before God, I believe there is more wisdom in the impulses of a warm heart, than in the devices of a crafty head, and especially if it is crafty head looking forward to gratify certain designs of ambition.

I know, sir, very well that all I shall say on this subject may have very little influence, but I intend to require the friends of the President to vindicate the proposition, that before we have acquired a title according to the laws of nations by a treaty of peace, we should assume to be the owners of the land; that we have the right to extend over it our own laws and invite our citizens to settle upon it. What advice such law-course is? It has been said, sir, that a victorious country is rarely deaf to the suggestions of ambition and avarice, and I am afraid we will find in ourselves an exemplification of the remark. No, sir, as a matter of policy we should not insist on it. We have no right to insist upon it, if we intend to have negotiations upon anything like principles of equality and justice. But as I have thus far disapproved of the mode heretofore pursued, with a view to obtain, what all speak of as desirable, what all are anxious to obtain, an honorable and speedy peace, I may be asked what course would you suggest? Perhaps, sir, my opinion will have very little influence, but as I have taken the liberty to indulge somewhat in censures upon the measures of others, I ought not to withhold my own opinions as to what would be the proper measures to be adopted.

But before I do so, I am compelled cursorily to look back to those measures which preceded the admission of Texas into this Union, and to the situation of Texas before that Union was consummated, and to examine upon what title she held the land which she claimed to possess, whether by title acquired by her at the time of the revolution; or whether by title acquired by conquest subsequently. For a title acquired by a revolution; and a title acquired by subsequent conquest are very different things. They are essentially different. Texas, as I understand, when she raised the standard of resistance to what she regarded as tyrannical acts on the part of the Mexican government, comprehended not only the limits of Texas proper, but also the district of Coahuila; thus including territory lying on both sides of the river. She had no right, at this time, to any part of the territory comprised within the limits of Tamaulipas; and if she acquired any right to this territory, lying between the Neuces and the Rio Grande, it is not, sir, and I undertake to say so, as a lawyer, by any right incident to her in consequence of her revolution. I will point out to you as far as I can, the extent of her title under the revolution.

As I understand, sir, sometime in 1835 General Cos passed through Tamaulipas. Leaving a garrison at Goliad, he pushed forward and took up his quarters at San Antonio. Thence he sent a detachment of soldiers to take possession of some cannon at a village in the neighborhood. Well, the first symptom of the revolution was the rising of the people of this little village to prevent their cannon from being taken. They were not content to limit their exertions simply to prevent the taking of their cannon, but they raised an army and drove back General Cos and reduced him to the necessity of entering into stipulations that he would never take up arms against Texas again. Well, this was the commencement of the revolution. In 1836 Santa Anna brought his army to the Rio Grande, which he crossed, and re-took all these posts again, marking his course in blood and ashes as he passed along; and not in the ashes of inanimate substances only, but in the ashes of the soldiers. He drove them before him. He passed the Brazos and was going on, when, at San Jacinto he was met and overthrown by the Texan army. There he was taken prisoner. The revolution of Texas was thus consummated, as far as it could be consummated, by the capture of this prisoner and the reduction of Filisola to their terms, which were the restoration of all prisoners and property in his possession. Santa Anna entered into a treaty, not only to give up all prisoners and property, but all that territory lying between the Nueces and the Rio Grande. Now, I am not one of those who maintain that this treaty gives a title. I am very far from meaning any such thing; but I resort to it for another purpose. The revolution having been conducted under the organized government of Texas proper—gives, it seems to me, the right to all the land on this side of the Nueces. But, as regards Tamaulipas, that was a distinct and separate State. What right had Texas to this? If she acquired any right it must have been by conquest. Now, what was the nature of the possession by which she could establish her right of conquest? Why, these are the circumstances that are relied on, that some of the inhabitants who had taken refuge under the flag of General Rusk, returned and settled there by his permission. At the same time, the Texas flag was hoisted at Corpus Christi? So that possession of the west bank of the Nueces was kept, until, on another military demonstration on the part of Mexico, the inhabitants again applied for protection and he ordered them to retire beyond the river; they did so, and after the danger was over returned to their possessions. These are the evidences of possession, and they are the evidences of the possession of only a part of this territory, a possession, which, in the language of lawyers, might have given a color of title to her by constructive possession of the whole. And such, I think, would have been the legal inference, if Mexico had not had a previous and older title of possession to a part of the territory lying along the Rio Grande. But the fact is so. She had houses there; the citizens recognized the laws of the Mexican government, and debts were collected under these laws.

Such was the situation of affairs when annexation took place. Mexico had possession of a part, and Texas of a part lying on the banks of the respective rivers leaving the intervening space divided by a shadowy line which could not very well be distinguished. Under these circumstances the annexation took place, and General Taylor was ordered with his army to Corpus Christi, on the right bank of the Nueces, and in a part of the disputed territory. Now, was there a perfect title in legal contemplation in the republic of the United States? I have no doubt, sir, Texas had as good a right as Mexico; there was concurrent possession. This was exactly the position in which neither had exclusive right to the whole. There was no exclusive right in either, so far as regards a definite certain title. Under these circumstances General Taylor was ordered down to Corpus Christi, with a view to occupy the territory of Texas to protect it from the invasion of Mexico. Now comes the most difficult and debatable point at issue, upon which it seems to me the merits of this war must ultimately turn. General Taylor was there, and by direction of the government, and he had a right to remain there until he received further orders from home. An Envoy Plenipotentiary, Mr. Slidell, was sent to Mexico with a view to negotiate, if he could, and settle the boundary. We all know the result of this negotiation. Herrera, who was then in power, was perfectly willing to receive him, as he said, as Commissioner to settle the boundary; but he could not receive him as Plenipotentiary. It might have been an idle objection, but our government insisted that the cup of reconciliation was exhausted and that he should be received in the character in which he was sent to Mexico. After Mr. Slidell was recalled, or after he took his passports, it must be recollected the march of General Taylor to the Rio Grande took place.

Now, sir, I am going to excuse the President for acting on the advice and suggestions of Gen. Taylor, in any thing that he did by his orders for moving the army from one place to another. The General was placed in a situation to get information, and was bound to communicate it, with his opinion, to the President as commander-in-chief, upon whom had devolved the highly responsible office of fulfilling the directions of the Legislature. It was Gen. Taylor's duty to take a proper position for the occupation of Texas, and to go to any point that he might be directed. Under his first orders, the General might have gone, as he seemed to think it was his duty to have done in the first instance, to the banks of the Rio Grande. He forebore doing so, for the want of certain military appliances, and contented himself by sitting down at Corpus Christi. Here he continued, in some measure, abiding the result of negotiations. His decided opinion always had been that the Rio Grande presented the best position for military reconnoissance and operations. He gave this opinion to the President, evidently under the belief that he might in certain contingencies have to resort to force to defend the occupation of Texan territory. After having given this advice, in another letter he said that, if the disputes of the two Governments could be settled by negotiations, the army might well remain where it was, at Corpus Christi. With these instructive suggestions before him, the President had a right to act as he thought proper. His duty was to hold the occupation of the country by the army. He had a large and perhaps dangerous discretion. So long as Mexico refrained from taking possession of the disputed territory lying beyond the Nueces with an armed force, or forebore to make any obvious demonstration of a design to use force—military force—the President was bound to do the same. He had his hand on the spring of a terrible engine, and was bound, under the highest obligations, to touch it with the skill and precision of a master. It is easy to cry havoc and let slip the dogs of war, but it is hard to call them from their dreadful revelry. The question is pregnant with an important issue, For what purpose did the President order the army from the Nueces to the Rio Grande? It was done after the withdrawal of Mr. Slidell, and after it had been said that the cup of reconciliation was exhausted. Was it done in the view of having the controversy brought to a close by an appeal to the sword? If so, he acted with a criminal indifference to consequences, and in disregard of his constitutional duty, having neither the power to make war nor wilfully to place the country in such cir-

circumstances as would lead to it. In a juncture so full of danger he should have appealed to Congress. There, then, is one view of the subject in which I would hold the conduct of the Chief Magistrate entirely justifiable. If he were satisfied, from Gen. Taylor's communications, that Mexico was making open demonstrations of a design to make a lodgment of her army on this territory in dispute, he should have prevented it by a similar movement. In such a juncture he had to use the vigilance and information of his military officer. Had General Taylor then reasonable grounds for apprehension, that the Mexican forces were moving to this point? If so, he was perfectly right in anticipating them in the contest for the possession. The issue of this controversy depends on this statement of the case. Whilst the President has no right to make war, he may rightfully use the army to repel the hostile invasion of conceded or disputed territory; but not to bring on circumstances that would lead to such a result.

Mr. DAVIS of Mississippi.—If the Senator will permit me, I would suggest that Gen. Taylor, in marching to the Rio Grande, met the Mexican army about half way—on the banks of the Little Colorado—and was informed by the Commander of the Mexican forces, that if he crossed that stream, it would be held an act of war.

Mr. BUTLER.—I understand all that.

Mr. DAVIS.—The Mexican army moved first.

Mr. BUTLER.—I do not recollect dates; but I understand the order to General Taylor was issued before the Mexican army advanced.

Mr. DAVIS.—I do not know at what time the Mexican army proceeded to this point, but we do know that General Taylor found them in position, and they must, therefore, have moved first. That is a fair inference.

Mr. SEVIER. The order was given to General Taylor in January; in February it was received by him, and in March he was in motion.

Mr. BUTLER.—I shall concur with the Senator readily in this point of view, for I regard both as having possession. I think that General Taylor was right to advise the Government to anticipate the Mexican army. I have always been under the impression, however, that the order to move was issued long before. However, sir, I do not think it makes a great deal of difference as far as regards the situation of affairs now. All concur in desiring to bring this war to a close by as honorable a peace as can be very well effected. And how is it to be done?

Now, sir, having come to the conclusion that we are bound to maintain the rights of Texas to the territory between the Nueces and the Rio Grande—and I certainly think we are bound by the most solemn of pledges—for we have an act of this very body reciting that American blood had been shed on American soil—there it stands on your Statute Book the most solemn of all declarations, that this territory did belong to Texas, and to this country by annexation—and though it was a subject of honest dispute between Texas and Mexico, and between the United States and Mexico—yet we have passed judgment upon it and said to Texas it was a part of her territory—and in consequence of that pledge, it seems to me we never can yield one foot of land this side of the Rio Grande. But, sir, that is as far as I will go as an *ultimatum* of any proposition of peace to that government. I would insist, in the first instance, in every measure, that to the Rio Grande we are bound under the most solemn of pledges to protect the rights of Texas. But then the question may be asked—and it is a proper question—how would you establish any other line for separating the territories of the United States from those of Mexico? Will you fall back upon any line which separates Oregon from Mexico? I think not, sir. But by way of making it as acceptable as possible to Mexico, and with a sincere desire to terminate this war, I would not hesitate, if it were to be done tomorrow, to send the most illustrious embassy to Mexico and propose to her terms of peace, upon this *ultimatum*, with the right, however, to demand from her to say what line she should run by way of compensating us for the claims we have against her, and I should think it no degradation. If it were a strong government, and we were actually engaged in a contest to be decided by force of arms, it might be otherwise. But Mexico, prostrate and feeble as she is, it is no degradation to make any terms by which we can terminate this unhappy, this disastrous war.

I know the suggestions which I make are not likely to be adopted, but I think that what I have already intimated as the limit is one from which we cannot depart. We are bound to say to Mexico, we cannot give you any land on this side of the Rio Grande, but we will leave you to say what line you will agree to run from the Rio Grande to the Pacific. I would give her the option in the first instance to say what line she would agree to, though I do not say I would be bound by it; but I say I would not hesitate to give her the right to indicate the line she would adopt. Perhaps she might adopt the thirty-seventh degree, and I might be asked the question, would you be satisfied with that line?

I have no hesitation at all in stating, that it is our interest to encourage and countenance Mexico as an independent republic, and let whatever line may be agreed on, be it thirty-seven or thirty-eight, all the territory we want, or all it is said we want, will fall into our possession inevitably. There is no way of preventing the American people from settling in the territory now claimed, and which, it seems to be presumed by the President, is to fall into our possession. But I may be asked, if Mexico propose a line, would you adopt it? If there is any one thing which the policy of this government dictates more than another, it is to terminate this war. And, sir, we cannot, at this conjuncture, make too great sacrifices to terminate the war. I speak now as a Southern man, and if I were only to have in view what must ultimately be the interests of the Southern States, I would enter most fully into the mad schemes of taking possession of the whole of Mexico; because in that way slave labor might be employed, whilst I have no idea that any slaveholder will ever go into that country north of thirty-two degrees. But as I have said, that if Mexico would propose terms, I would consult the councils of moderation and justice, and endeavor to sustain rather than annihilate a neighboring republic.

But I may be told that they are not capable of self-government. I believe they will have to go through the changes to which other nations are subject. They will, perhaps, have to endure an irksome fermentation before they arrive at that degree of refinement and intelligence which will fit them for a republican form of government. But as I have said, if Mexico were wise she would give all we claim. I believe it would be to her interest to give up all territory between the Rio Grande and the Sierra-Madre.—But I have no hope that she will be governed by any such policy. I am, however, for peace, and for the purpose of securing it I am willing to make any sacrifice except of the power and dignity of the country. And I believe it will be a sacrifice of neither to offer in the most conciliatory manner—such terms of negotiation as that republic might be induced to accept. Well, I may be told that she will reject your terms—that she will not only cling to the Nueces, but that she will give you no line this side of the boundary between Mexico and Oregon. Well, sir, if she acts thus, what then can we do?

Suppose that Mexico rejects all overtures, liberally made to terminate this war, what are we to do? Prosecute this war, devastate the country, sequester the revenues, disarm the population, reduce them to such a state that they can make no resistance, but must appeal to us, and ask to be annexed to our confederacy? Is this desirable, sir, as a matter of policy? It is desirable that we should reduce her to such a condition, that we cannot refuse to receive her into the Union? Now, sir, this it seems to me must be the legitimate consequence of pushing these aggressive and invasive operations further. Suppose you take the whole of her territory, or suppose you have the whole under your control, how much do you contemplate permanently retaining? Will you take more than New Mexico, and the two Californias by way of indemnity—for the just claims which you have against that government? I ask how much will you take? I again repeat the question, let the President make his own indication to-morrow? What prevents them from doing it now, at this very moment, instead of overrunning the whole country, and after examining all the expense attending further invasive operations—being compelled to content themselves with what they have at present? What prevents the President from taking by his army now as much as he wants? You can do nothing more by carrying on the war than you have already done. I understand the Senator from Mississippi has said, that it is nothing more than an experiment, and after you have made that experiment, and Mexico will not come to terms, you can only then take a defensive line.

Mr. DAVIS, of Mississippi.—My position was, that holding the interior of Mexico would conduce to peace—that when deprived of all hope of further resistance, which could result only from the presence of a powerful and well organized army, she must then give indications of a disposition to treat, stronger than she has heretofore given. They have heretofore—and I say it without unkindness to any one—continually looked to divisions at home as likely to produce a recall of the army; and they can be cured of that heresy, only by the presence of an army sufficiently powerful to show the concentrated will of this nation. That was the policy which I recommended. Further than that, I believe that it would be proper to take a line along the mountain ridge, which could be easily held; and that if our jurisdiction were extended over it, the country behind that line would immediately become quiet—not a line territorial in its nature, beyond which we could not conduct our operations, but from which we could effectually make sorties; and not restricting us at all from holding other posts in the interior of Mexico. I will say in this connexion, that my remarks the other day in relation to the dangers which might threaten the army were not made in reference to General Scott's column, which is, I believe, 20,000 strong, and no more, though it is constantly represented as otherwise. That is not the column which is placed in danger. It is the column of General Wool, numbering 6,000 men, and holding a series of posts with a long line of communication; and threatened, as I have been recently informed—with an army of 15,000, and the militia numbering, as has been stated, 15,000, and having immediately in its flank a valley which could turn out 30,000 men. That little army, I thought, was in danger, and I think it may yet be in danger. Then, again, there is a smaller force in New Mexico, and a still smaller one in California. These are the positions which I wished to reinforce; and hence the necessity of adding new regiments, instead of strengthening old ones—not of sending men to General Scott, but of strengthening other columns, as well as to hold new posts, and to relieve garrisons. But

I will not longer trespass on the time of the Senator, and beg his pardon for this interruption.

Mr. BUTLER.—I understand the Senator from Mississippi to say, that after we have overrun Mexico, if she will not sign a treaty of peace—he then proposes to take a line, to leave the better place to fight from. After he has whipped her, then, he would take a line to fight from. Now the Senator seems to anticipate, that peace can be brought about by taking an advantageous position, from which to attack the enemy, and thus carry on the war. The Senator's calculations are certainly different from mine. If we overrun all Mexico, and then obtain peace, it is only such a peace as a conquering nation may dictate to a people, that have passed under the yoke. And if this do not make peace, he must then take a line, not to hold the territory comprised within it, but as one of the modes of making more effective sorties upon a prostate people.

Mr. DAVIS.—It is a part of the same plan and I would adopt it now.

Mr. BUTLER.—I have said, and I would say again, I would much rather take no territory at all, than consent to carry out the magnificent schemes entertained by some gentlemen on this floor. Why infuse the lifeless blood of a ruined republic, into the healthy veins of this confederacy? Are you not taunting your own, by attempting to communicate life to them? Or, if you do no more you can reduce them to a province, and this seems to be the project of the Senator from Indiana. When you have it as a province, how will you govern it? By your armies, by Prætors, Consuls, or what kind of magistracy? Who will be responsible for such an office?

Mr. FOOTE.—If the Senator will allow me, I would remark that in the proposition of the Senator from Indiana, as I understood the word "province" was stricken out.

Mr. HANNEGAN.—Certainly, sir.

Mr. BUTLER.—Well, sir, all seem to anticipate, that ultimately we should be driven to the alternative, of either taking Mexico as a province or of annexing her to this republic.—That must be the case. Why what does the President say? You must either use your army to overcome and subjugate Mexico, or for the purpose of giving support to one of the factions there which is in favor of peace—that is to say, the United States must keep an army there until one of the factions is strong enough to form such a government as to enable them to go through the forms of negotiation. I have never heard, sir, nor read in any history, of any people who permitted a foreign army to give protection to any party, into which the country was divided that had survived the protection itself. Why, any people that will call upon an army for protection is incapable of self-government and unworthy of protection. I know that Philip of Macedon, under pious pretexts—ambitious princes make great professions of piety—contrived to have himself invited to take a part in the sacred war, for the purpose of giving protection to the weak against the profane and stronger party, and we all know the result. It was the protection of the wolf to the meek lamb. There never was a wiser remark, and one that should be more practically alluded to, than that made by the prophet Ezekiel to the council of Israel—where a proposition was discussed—whether that harassed people should place themselves under the protection of Egypt as their safest reliance against the power of Assyria. If you do, you will rest on, not a weak, but a broken reed, that will cut the hand that rests upon it. If we make a colony of Mexico, and our army be withdrawn, how long will she remain in that condition? Such a government could not stand without the perpetual guarantee of a standing army; and to undertake to sustain a portion, or a faction, with a view that they might sign a league treaty of peace—it does seem to me, sir, that it is one of those calculations that will aggravate the evil instead of relieving it. I protest against the use of the army for any such purpose; and, as far as my vote goes, it shall never be given for it. No, sir, let us make a treaty of peace as soon as we can before the current of consequences carry us too far. I do not even hope that any suggestion of mine can lead to such a result. I believe, that these mad schemes, in spite of every warning voice, are destined to go on, and that we shall find ourselves, when they are accomplished, in a worse condition than any in which this republic has ever been placed. I will but ask, if such be your opinion, why give the President any troops at all? Or, if it be your design to enable him to overcome all Mexico, give him a sufficient number to accomplish the purpose. But the house has been, that this government has undertaken to accomplish, with twelve or fifteen thousand troops, what they should have taken thirty thousand to accomplish. I think the expedition to Vera Cruz to invade Mexico with twelve or fifteen thousand men was an inexcusable liberty which the government took with human life. It was realizing what had been said before, that in the calculations of American human life is the least of all its elements. Yes, sir, the government has gone on and made liberal drafts upon the patriotism and gallantry of its citizens, and it is for this reason, it for no other, that I would be in favor of adding more men. But I have other reasons. There is a portion of the volunteers now in the field that ought to be recalled and others enlisted in their place. Some of them were enlisted to serve for one year. The government taking advantage of the circumstance of their being already in Mexico, induced them to enter the service for the war. And such has been the fate of the South Carolina regiment. They had offered their services for a year. Their pride, the regard which they entertained for the honor of their State and their obligations to the Constitution of the United States induced them to volunteer, and they have been drawn on in the expectation that this war would soon close to continue in the service. I am willing, if for no other reason than to relieve these volunteers, to send other troops into the field with a view to procure their recall. But the main reason upon which I will give my vote, if I vote for this bill at all, is on the ground that I want the experiment made as soon as possible, the sooner the better for the safety of the government. I know that all my suggestions of moderation will have very little weight; but if we are to go on with the war, let it be in such a manner as will lead to its most speedy termination.

This being the first war of invasion, it is full of startling suggestions, and should be regarded as full of admonitory instruction. The Constitution presupposes that all the supplies for carrying on the war should be exclusively under the control of Congress. Yet we are told that in part, and with fallacious calculations, a large part of the revenue to support this war is to be found in the contributions to be raised from the enemy's country. By a tariff, sometimes legislative in appearance, and by military coercion, the Mexican revenues are to be directed into the treasury-chest of the army. How much will be collected in this manner, is entirely a matter of uncertain conjecture. By way of encouragement as to the means of carrying on the war, this source of supply is prominently paraded—rather to hide the public debt, which must be enormous, than for anything else. But suppose it could be demonstrated that the army had a self-supplying revenue—what a commentary would it be on the futility of the supposed controlling power of Congress over the military responsibility of the Executive as the Comander-in-chief of the armies of the Republic. It would place him in the condition of Charles the 1st, who contended for the right of carrying on war by the arbitrary collection of ship money, without the advice or control of Parliament. A general with the ambition of Cæsar, placed in such a situation, could, at the head of a strong army, put his government at defiance. We may not see such results in our term—but the example of to-day is the precedent of to-morrow. And when the fires of virtuous patriotism that were kindled on the altar of our country by the founders of the republic shall have burnt down under the ambitious lust of conquest, there will be no relenting influence left to purify and restrain lawless ambition.

The Senate then proceeded to the consideration of Executive business, and after a short time so occupied, the doors were opened.

On motion,

The Senate adjourned.

TUESDAY, JANUARY 18, 1848.

PETITIONS.

Mr. NILES presented the petition of William B. Stokes, surviving partner of John N. C. Stockton and company, praying compensation for services in carrying the mail; which was referred to the Committee on the Post Office and Post Roads.

Mr. DIX presented the petition of settlers and occupants of lands in the Tonawanda Reservation, praying to be confirmed in their titles to said lands; which was referred to the Committee on Indian Affairs.

Mr. DIX presented the petition of Edward Mills, praying to be restored to the rights and benefits of a contract entered into by him with the Postmaster General for conveying the mail between the Ports of New York and Bremen, which contract has been transferred to the Ocean Steam Navigation Company without his assent; which was referred to the Committee on the Post Office and Post Roads.

Mr. YULEE presented a memorial of Professors of Mathematics in the Navy, praying an increase of their pay; which was referred to the Committee on Naval Affairs.

Mr. HANNEGAN presented the petition of David Wilkinson, praying compensation for the benefits which the government has derived from his inventions for which he has received no pecuniary return; which was referred to the Committee on Military Affairs.

On motion by Mr. PHELPS, it was

Ordered, That Pamela Allen have leave to withdraw her petition and papers.

On motion by Mr. BALDWIN, it was

Ordered, That the Committee of Claims be discharged from the further consideration of the memorial of John Stanert; and that it be referred to the Committee on Pensions.

TREASURY STATISTICS.

Mr. YULEE submitted the following resolution, which was referred to the Committee on Finance, and ordered to be printed:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate the following statements:

1. A statement of the amount of all revenues received through each custom house, and the moneys expended at each to defray the expenses of collection, from the earliest practical period to June 30th, 1847; classifying the receipts and expenditures under different headers [illegible] the books of the Department will permit.

2. A statement of the quantity of land sold, the amount received therefor, how paid, and the expenses of collection, in each land district, from the earliest practical period to the 30th June, 1847; dividing the expenditures under the usual different heads.

3. A statement of the whole amount of revenue received into the Treasury, each year, from the earliest practical date to June 30, 1847; giving the source from whence the same was derived.

4. A statement of the expenditures of the government, from the earliest practical time to June 30, 1847; separating the same under different heads of expenditure, as far as can be done from the records.

5. A statement of the importations and exportations of domestic and foreign goods in American and foreign vessels, to and from each country, from the earliest period practicable to June 30, 1847.

6. A statement of the tonnage of each district and State, and of the classes of vessels, from the earliest period practicable to June 30, 1847.

7. A statement of the American tonnage engaged in foreign trade, and in the coasting trade and fisheries, and coopers employed, and of foreign tonnage entered and cleared, and the number of the crews, from each port and State, from the earliest period practicable to June 30, 1847.

8. A statement of the amount of monies received on account of the marine hospitals in each district and State, and the expenditures of the several places from the same [illegible] and from [illegible] each year, from the earliest period practicable to the 30th June 1847.

Resolved, further, That the Secretary of the Senate cause the said statements to be printed and bound in separate volumes, under the direction of the Register of the Treasury, and that [illegible] copies be printed and bound, and placed in the [illegible] of Congress for the use of the members of both Houses, and the Committees thereof.

CONSTITUTIONAL POWERS.

Mr. BAGBY submitted the following resolutions for consideration:

1. *Resolved*, That the Constitution of the United States was a compact between certain [illegible] and sovereign States, and that [illegible] specified powers which each granted to the common benefit of all the parties to said compact.

2. *Resolved*, That for powers not thus delegated, the parties to said compact reserved to the [illegible] each, any department thereof, a claim with the States respectively, or to the people.

3. *Resolved*, That the government of the United States possesses no powers except such as are expressly granted to it by the constitution, or such as are necessary and proper to carry the granted powers into effect.

4. *Resolved*, That the power to construct roads, cut canals, make harbors, or improve the navigation of rivers in any one or more of the States or territories of the Union, is not among the powers expressly granted to the general government, by the Constitution; nor, is the exercise of such a power necessary and proper, to carry any of the granted powers into effect.

5. *Resolved*, That the power to build piers and docks, erect buoys and lighthouses, and improve the harbors on the lakes, if it exists at all, is not derived from the power to regulate commerce, but from the power to provide and maintain a navy.

6. *Resolved*, That the government of the United States does not possess the power to create, originate, ordain, establish or carry on commerce between or among the States of the Union, but only to regulate such commerce as the States, or the people thereof may create, originate, ordain, establish and carry on between or among themselves.

7. *Resolved*, That any attempt by the general government, under any pretext whatsoever, to construct roads, cut canals, or improve the navigation of any river within the limits of any one or more of the States of the Union, or within any territory, is a palpable violation of the Constitution; and if it be within the limits of a State or States is a direct and dangerous encroachment on the rights and sovereignty thereof.

Upon presenting the resolutions

Mr. BAGBY said: That nothing was further from his intention than to consume any portion of the time of the Senate at present in discussing the resolutions he had the honor to submit, or any other proposition not intended to be followed up by some act of practical legislation. He had an aversion to abstractions, generally. He could not be mistaken, however in supposing that these resolutions related to and embraced subjects of vast and momentous importance to the people of the United States, and he should, as soon as the measures for the continued vigorous prosecution of the war were disposed of, ask the deliberate action of the Senate upon them. At present he moved that they lie upon the table and be printed.

The motion was agreed to.

MEXICAN TERRITORY.

Mr. BALDWIN submitted the following resolution for consideration:

Resolved, That the President of the United States be requested to communicate to the Senate any information he may possess in regard to the extent and value of the public domain (if any) belonging to the Republic of Mexico, and also in regard to the power of that Republic, under the fundamental laws thereof, to cede to any foreign government, whether monarchical or republican, the sovereignty and dominion over any of the members of that confederacy, or the people thereof.

ATTACHMENTS.

Agreeably to notice, Mr. WEBSTER asked and obtained leave to bring in a bill to make attachments, which are made under process issuing from the Courts of the United States, conform to the laws regulating such attachments in the Courts of the States; which was read a first time.

Mr. WEBSTER.—As I stated yesterday, this Bill was before the Senate last year and passed without objection. I will state its object, sir, very shortly; and if no Senator should object to it now, I hope it will go through the forms of legislation without being again referred to the Committee; and I wish particularly to draw the attention of the gentleman who is at the head of the Committee on the Judiciary. There are, in the Courts of the New England States, processes called attachments which are levied upon the property of the defendant in the suit. Various laws, at different times, have been passed by the States to palliate what seems to be the severity and injustice of the old long-continued modes of practice. By a law passed in 1794, process in the Courts of the United States was made dependent upon processes in State courts, as they then stood. In the course of legislation it has been found quite necessary for the purposes of justice to alter and modify these processes. But the law of Congress does not follow these modifications, and my object now is to render the proceedings upon process issued out of the Courts of the United States, conformable to the practice of the State Courts in the same States. The object is so plain that, without detaining the Senate further unless some gentleman wishes further explanation, I should be glad if the Bill would be permitted to be read a third time and passed.

Mr. ASHLEY.—I would ask if this is the same Bill that was before the Senate last year?

Mr. WEBSTER.—Exactly the same, word for word.

Mr. ASHLEY.—This Bill received the unanimous concurrence of the Committee on the Judiciary, from which it was reported without an amendment. The Committee, however, is now somewhat differently constituted from what it was then.

The said bill was then read a second time, by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed, and read a third time.

The said bill was read a third time, by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

PROVIDENT ASSOCIATION OF CLERKS.

Mr. CAMERON, from the Committee on the District of Columbia, to whom was referred a memorial of the Provident Association of Clerks, reported a bill amendatory of an act entitled "An act to incorporate the Provident Association of Clerks in the Civil Department of the government of the United States, in the District of Columbia," approved 3d March, 1825; which was read, and passed to a second reading.

PRIVATE BILLS, ETC.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the petition of Elizabeth Jones, submitted a report, accompanied by a bill for the relief of Elizabeth Jones, and the other children (if any) of John Carr.

The bill was read, and passed to the second reading.

Ordered, That the report be printed.

Mr. JOHNSON, of Louisiana, from the same committee, to whom was referred the memorial of Thompson Hutchinson, submitted a report, accompanied by a bill for his relief.

The bill was read, and passed to the second reading.

Ordered, That the report be printed.

Mr. BALDWIN, from the Committee of Claims, to whom was referred the memorial of Hugh Munro McLean, submitted an adverse report; which was ordered to be printed.

GENERAL SCOTT'S PLANS, ETC.

The Senate proceeded to consider the resolution submitted by Mr. MANGUM, on the 13th instant.

Mr. MANGUM modified the resolution, so as to read as follows:

Resolved, That the President of the United States be requested to lay before the Senate confidentially, or otherwise, all the plans, estimates, and calculations, presented by General Scott, as in his opinion best adapted to attain the objects of the war; and his opinion touching the military means necessary to accomplish the objects of our government in any and all the alternative views that have been considered by the Executive or suggested by General Scott, to bring the war with Mexico to a close.

Mr. MANGUM said: The resolution as at first introduced contained the usual clause, "if it be not incompatible with the public interests," because it is regarded as due to official decorum, when a matter is to be laid before the Senate in open session. The resolution as now modified leaves it to the discretion of the President to lay the information before the Senate, either confidentially or otherwise. It becomes necessary, therefore, to strike out the latter part of the resolution as it originally stood, because I do not recognize any right in the President to withhold from this body any information that may be necessary to bring them to a correct determination. I think, sir, that under our system we are entitled to all the information which pertains to the official discharge of our duties.

Mr. SEVIER.—It is not my purpose to discuss this resolution, but I must be allowed to say, that calling upon the President for the plan of a campaign recommended by the commanding General, seems to me to be wholly without example. And, I believe, sir, that the view which I entertain in relation to it, is also entertained by many gentlemen here.

Mr. SEVIER moved to lay the resolution upon the table.

Mr. MANGUM demanded the yeas and nays, which were ordered, and being taken, resulted as follows:

YEAS.—Allen, Ashley, Atherton, Bagby, Bradbury, Bright, Butler, Cameron, Cass, Davis, (of Miss.) Dickinson, Dix, Douglas, Downs, Felch, Hannegan, Hunter, Lewis, Moor, Sevier, Sturgeon, Turney, and Yulee.—23.

NAYS.—Badger, Baldwin, Bell, Berrien, Calhoun, Clarke, Dayton, Greene, Johnson, (of La.) Mangum, Miller, Niles, Pearce, Phelps, Rusk, Spruance, Underwood, Upham, and Webster.—19.

So it was

Ordered, That the resolution lie on the table.

MAP OF NEW MEXICO.

The Senate proceeded to consider the following resolution submitted yesterday by Mr. CASS, and it was agreed to:

Resolved, That the Secretary of the Department of War, furnish the Senate with the report and map of the examination of New Mexico, made by Lieut. J. W. Abert, corps of Topographical Engineers, while attached to the command of General Kearney.

PRIVATE BILLS, ETC.

The Senate proceeded to consider the report of the Committee on Finance, on the memorial of Henry Simpson, administrator of George Simpson, deceased; and on motion by Mr. PHELPS, it was laid upon the table.

The following bills were severally read the second time, and considered as in Committee of the Whole:

A bill for the relief of Milledge Galphin, executor of the last will and testament of George Galphin, deceased.

A bill for the relief of Thomas Talbot and others.

No amendment having been made, they were severally reported to the Senate.

Ordered, That they be severally engrossed, and read a third time.

The said bills were read a third time, by unanimous consent.

Resolved, That they pass, and that their respective titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

THE TEN REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. BADGER said: If I believed, sir, that the duty which I owe to the country and to the State which has sent me here, could be performed by yielding to the requisitions of the Executive of the country such supplies as he may deem requisite for the prosecution of the war, upon plans for prosecuting it which have not been made known to Congress—if I believed that I had not a high, and controlling obligation to exercise my own best judgment for the benefit of those whom I represent, and for the general welfare of the country, upon every question submitted to the consideration of this body, I might be disposed to vote for the bill upon your table. If, sir, the yeas and nays had not been ordered upon the passage of this bill, I might have been content to permit the measure to pass, as far as I am concerned, without offering a single word to the Senate upon its intrinsic merits. But the yeas and nays have been ordered upon this bill. I cannot vote for it. I shall record my vote against it; and, I think it is due to the country—I feel that it is due to myself—that the views and principles which will govern my conduct in giving this vote should be plainly and distinctly stated, and should accompany, to the public, the vote itself. I shall endeavor to assign those views and principles in as short a compass as is consistent with a full exposition of what I believe to be the truth on this all important subject, and which every consideration obliges me to put before those whom I represent, without any unnecessary diminution, without leaving out any thing that may be required in a full and complete expression of the argument which, in my mind, is conclusive in regard to the measure before you. I shall offer my own opinions, sir, with entire respect, and even deferential consideration, to the great minds of this body and throughout the country, whom I know to be arrayed against me. Without intending towards them any disrespect, I shall take the liberty to declare what are the opinions which I entertain with regard to the origin of the war, the manner of its prosecution, the tendency of the measures now proposed, and the schemes that are evidently entertained by the Executive of the country in relation to it. I shall not go as far back, sir, as an honorable Senator from Maryland did a few days ago, (I mean the honorable Senator from that State who first addressed the Senate upon this bill,) but, nevertheless, I shall be under the necessity of going a little back for the purpose of making myself fully understood.

First, then, I will lay it down, and endeavor to demonstrate, that the war in which we are now engaged with Mexico, was the immediate result of the unlawful and unconstitutional act of the President of the United States. I suppose, sir, that there is no gentleman on this floor or elsewhere, who supposes or believes that the President of the United States is vested with the war power of this country. It is a power expressly, and in terms, conferred upon the Congress of the United States. And the President would have no control over it, direct or indirect, except from the incidental circumstance of his limited veto on the action of the two Houses, and except, from the fact, that in virtue of his office he is the chief commander, the principal military officer of the United States.

I maintain then, Mr. President, that when the President of the United States moved the troops under General Taylor to the Rio Grande and took possession of the left bank of that stream, he committed a clear and undoubted act of war. What is war?—What do all the writers on the law of nations tell us it is? They all, in substance, define it to be a contest about rights which is carried on or maintained, not by argument, but by force. It can, therefore, admit of no question, that when a nation claiming certain rights, which are disputed by another, undertakes to support those rights by force, she undertakes to support them by war—war as far as she is concerned. It is true, if the act of violence or aggression on her part, be not resisted by the nation that suffers it—if

it be patiently and tamely submitted to—no war results. To constitute war, it is essential that there should be two parties, as it is, that there should be two parties to a treaty of peace. The act of one nation cannot alone constitute war; it is like the case of an individual striking a blow: if it be not resented, no contest, no battle, no fight is the result. The blow is an act of aggression, it is an act commencing a contest, but it does not amount to a perfect contest. Whether this act on the part of the President was an act of war, of hostility, of aggression, depends not at all upon the question, whether we had a right to the territory of which he took forcible possession. War, between nations, pre-supposes a contest about rights. The publicists, who speak of contests between nations, never suppose them to contend except about rights. War is a contest about rights. Public war is a contest between nations about rights, carried on by force and not by argument. If, therefore, it were assumed as clear and unquestionable that the title of Texas and the United States extended to the Rio Grande, it is still beyond all doubt, that Mexico possessing the left bank of that stream, having settlements there, having officers there, and exercising jurisdiction there—any movement to dispossess Mexico, to occupy what she thus occupied and what she claimed to be her own, is an act of war. It is an act of war just and rightful if the territory be ours—just and rightful if the territory be unjustly and improperly withheld—just and rightful, if, also, the act of war be directed by those who represent the sovereignty of the nation. Well, sir, this act was directed by the President of the United States. He ordered the troops to the Rio Grande. They advanced. When they came into the Mexican settlement, the inhabitants fled before them in dismay; the officers abandoned the public buildings and set fire to them, and under such circumstances, our forces under the command of officers of the United States, took from Mexico that which she was in possession of, and by force kept possession of the territory and placed it under the jurisdiction of the United States.

Now, sir, on this subject I had the honor at the last session to bring to the attention of the Senate, the action of Mr. Jefferson, during his administration of this government, under circumstances of a very similar character, with this difference, that the title of the territory withheld from us was truly and clearly ours. In every other respect the case was like this. The territory was withheld by another power, and a disposition manifested by that power to deprive us of what we held. Under these circumstances, Mr. Jefferson conceived that he had no right to use the military force of the country to obtain possession of that which was withheld from us, though clearly ours. And he states as the reason for referring the subject to the determination of Congress, that matters relating to peace and war belong exclusively to that body, and not to him; and as this movement might change the relation of the two countries from peace to war, therefore, it belonged Congress to determine whether the movement should be made.

But Mr. President, I have other authority. I certainly shall not say that it is more respectable in itself, than the authority of Mr. Jefferson. I doubt very much whether with a large portion of the American people, and of the Senate it will be thought quite equal to Mr. Jefferson's. But upon this question, with respect to the President of the United States, the authority is conclusive and overpowering. It creates upon him, what lawyers call an *estoppel*, for I am able to show that the President of the United States has himself recognized that such an act as this is an act of hostility—of aggression—of war. On the 11th of July 1845, the Secretary of the Navy writes a confidential communication to Commodore Conner, then commanding in the Gulf of Mexico.—He says:

"The unanimous vote of the Texas Congress for annexation leaves no doubt of the consummation of that measure. When you receive this letter, the Texan convention, which is assembled on the 4th, has doubtless acted on, and will have said Texas *is a part of our territory*—to be defended like any other part of it.

"At the same time, every honorable effort is to be made to preserve peace with Mexico. The protection of our boundary, the northern, has been ordered, and the will of the people of Texas, duly notified to the principals of Mexico, which renders American occupation of Texas, and a conflict between the two nations, beyond peace, of probable occurrence, and it cannot be too much impressed upon the President's mind that he can not, should be controlled without the diffusion of blood, and without the exercise of force; believing that the Mexicans, in their own right will desist and that can be done."

I read this part of the communication, for the purpose of shewing though this paper was written on the 11th of July—prior to the actual consummation of the act of annexation—yet the instructions to which I propose now more particularly to call the attention of the Senate, are given prospectively—cautiously—and with a view to the actual completion of that measure, when, as appears from the instructions themselves, the officer to whom they were directed was required to consider Texas as *a part of this country*. The letter proceeds:

"To secure this end most effectually, you are charged to commit *no act of aggression*; and to the same end you are directed to consult with the commander of the nearest military force of the United States, on the subject of co-operation."

Then after enumerating the force at the officer's command, the Secretary says:

"That you may promptly meet any emergency, you are authorized to call to your aid the forces of the United States in Texas, or any part of them, as you may deem necessary. You are aware that the precise boundary of Texas has not been settled. It is claimed by Texas to the Rio Grande, and by Mexico to the Nueces. Should Mexico declare war, you will of course consider it your duty to repel invasion, and to conquer a peace. You will, however, not anticipate this result, but will be governed by circumstances as they may arise. If Mexico should not declare war, but should assemble a large force on the Rio Grande, marching upon Texas, or should attack our squadron, or any portion of our naval force in the Gulf, you will employ it in defending our own forces, and protecting the rights of Texas. In the event of the Del Norte's possession of Tampico, and the consequent seizure of San Juan d'Ulloa, you will proceed to blockade, or, if possible, take, if war ensues, but every effort will be made to secure peace by adopting the most prompt and energetic measures."*

Again: The Secretary of War writes General Taylor under date of July 8, 1845.

"The occupation of a second base [besides Corpus Christi], commensurate with the end in view, the defence of the Rio Grande, which are, and for some time have been, in the actual occupancy of her troops. In carrying out the instructions heretofore received, you will be careful to avoid any acts of *aggression* unless an actual state of war should exist. The Mexican forces at the posts in their possession, and which have been so, will not be disturbed, unless an hostile act should be committed by the United States and Mexico on that day."

Here we have from the representatives of the President in the two Departments, War and Navy, a clear and distinct recognition of this proposition, that, although the President held our true boundary to be the Del Norte, yet it would be "AN ACT OF AGGRESSION," "A HOSTILE ACT," an act which would not be justifiable except IN A STATE OF WAR, to dispossess Mexico from any portion of that territory of which she held possession at the time of the annexation. When, therefore, orders were issued to General Taylor, on the 13th of January, '46, to advance and occupy a position on the left bank of the Rio Grande, admitted to be in the possession of Mexico, the President ordered what he then, undoubtedly, understood to be *an act of war*. He ordered what he intended, and what he supposed would be regarded on the part of Mexico, as an act of hostility—of aggression. For, sir, you will observe, that when General Taylor, in the execution of this order, advanced to the Rio Grande, and drove the Mexicans from their possessions—when he occupied what had before been occupied by the Mexicans—and these facts were reported to the President, there was not the slightest intimation on his part that General Taylor had exceeded the scope of the orders which had been given to him, and had thus been the means of precipitating the country into war, which, by a prudent forbearance, might have been avoided. On the contrary, up to this very moment, all that was done in pursuance of that order, has been recognized by the President as having been rightfully done, as having been done in accordance with the purposes which the Executive had in view when the orders were given.

But, sir, if the act was not an act of war, it was plainly and manifestly an act which was *likely to produce a state of war*. It was an act the tendency of which was to *change the relations of Mexico and this country* from a state of *peace* to a state of *war*. Can there be any doubt of this, sir? It is impossible to doubt it, when we recollect the unhappy and angry state of feeling which existed between the two countries. When we recollect the position which our army held at Corpus Christi for so many months, and the disputes existing between the two countries—the mutual charges of insincerity, and breaches of faith—when we recollect all this, it must be manifest that such an act as moving an armed force to the Rio Grande was, in itself, if not an act of war, at least one which wore the appearance of aggression, and one which was calculated to rouse the feelings of the Mexicans, and to provoke retaliation. Thus much must be conceded; and, if so, sir, whence did the President of the United States derive his power to do this without the consent of Congress.

According to Mr. Jefferson, an act which in its execution may change the relations of the country from peace to war, is an act beyond the competency of the Executive, and to be passed upon only by Congress. The Constitution has undergone no change, the people have made no amendment to it—it stands now as it stood in the time of Mr. Jefferson. Whence, then, has Mr. Polk derived his authority to precipitate measures which must lead directly to war—Congress being in session—without taking their advice or even deigning to inform them of what he proposed to do? But, sir, at all events, there is not the slightest reason to doubt, as I apprehend, that the movement of the troops upon the Rio Grande was the act which produced war. There had been, previously, threatenings on the part of Mexico. There had been mostly that state of feeling which was likely to result in war. But there had been no war, and my conviction is clear that if our troops had remained quiet at Corpus Christi, where they had a right to remain, on the ground so strongly put by the Senator from Maryland, (Mr. PEARCE,) that it belonged to Texas by virtue of her revolution, and was then in her possession, there would have been no war. But at all events, supposing that war would have been produced in some other manner, or by some other movement, though our troops had remained, which is mere matter of speculation, yet it cannot be denied, that in point of fact, this war—the war in which we are *now* engaged—was the immediate result of the movement of our troops upon the Del Norte, and nothing else. That movement was an act of war—it was, at all events, an act directly tending to change the relations of the two countries from peace to war; and, therefore, an act which the President could not lawfully or constitutionally perform.

The next proposition which I lay down is, that this war, thus resulting from an act of the President, has been prosecuted by him from the commencement with a view to the conquest—the permanent conquest—of at least New Mexico and Upper and Lower California. I beg the attention of the Senate while I attempt to demonstrate this proposition from public documents.—First, sir, I will call the attention of the Senate to the instructions given by the Secretary of War on the 3d of June, '46, to General Kearney:

* Doc. H. R. 29 Cong. 2d Sess.

"Should you conquer and take possession of New Mexico and Upper California, or any considerable places in either, you will establish *temporary civil governments* therein—abolishing all arbitrary restrictions that may exist, so far as may be done with safety. In performing this duty, it would be wise and prudent to continue in force such part of the existing officers as are known to be friendly to the United States, and will subscribe to the oath required to be taken. The abolition of the custom-houses and of ex-orbitant duties, and the substitution of moderate duties on imports, will necessarily follow. You may assure the people of those provinces that it is the wish and design of the United States *to provide for them a free government*, with the least possible delay, similar to that which exists in *our Territories*. They will then be called on to exercise the rights of freemen in *electing* their own representatives to the *territorial legislature*. It is foreseen that what relates to the civil government will be a difficult and delicate part of your duties, and much must necessarily be left to your own discretion."*

In further proof of this, I read the instructions given by the Navy Department to Commodore Sloat, 12th July, 1846 :

"The object of the United States is, under its rights as a belligerent nation, to possess itself entirely of Upper California.

"The object of the United States has reference to ultimate peace with Mexico; and if, at that peace, the basis of the *uti possidetis* shall be established, the government expects, through your force, to be found in actual possession of Upper California.

"This will bring with it the necessity of a civil administration. Such a government should be established under your protection; and, in selecting persons to hold office, due respect should be had to the wishes of the people of California, as well as to the actual possession of residents in the place. It may be necessary to require such oath of allegiance to the United States from persons as you may deem necessary. You will also insure the people of California of the protection of the United States.

"After you shall have secured Upper California, if your force is sufficient, you will take possession, and keep the harbors on the Gulf of California as far down, at least, as Guaymas. But this is not to interfere with the permanent occupation of Upper California."†

Then, sir, on the 13th of August, we have instructions from the Navy Department to Commodore Stockton, or the commanding officer, in the Pacific :

"You will take *immediate possession* of Upper California, especially of the three ports of San Francisco, Monterey, and San Diego, so that it the treaty of peace should be made on the basis of the *uti possidetis*, it may FULLY BELONG TO THE UNITED STATES.

"Having provided for *the full possession* of Upper California, the next point of importance is the Gulf of California. From the best information I can form, you should take possession of the port of Guaymas. The progress of our arms will probably be such that, in conjunction with land forces, you will be able to hold possession of Guaymas, and so to OBTAIN POSSESSION OF THE COUNTRY SOUTH AS FAR AS THE GULF."‡

Now, sir, in order to understand the scope and bearing of these orders still more clearly, let us see what was done under them by the officers to whom they were addressed. In a letter of General Kearney to the Adjutant General of the 24th August, 1846, written from Santa Fe, he says :

"On the 22d I received information [concerning the advance of New Mexico, and that the Americans were to be driven out before I arrived. I, of course, advanced, and took it without our protection."§

In another part of the same letter, he says :

"On my return (which will be in two or three weeks) a civil government shall be organized, and the officers appointed for it; after which, I will be ready to start for Upper California, which I hope may be by the latter end of next month: and in such case, I shall expect to have possession of that department by the close of November.

Then we have General Kearney's proclamation, in which he announces his intention to hold New Mexico as a part of the United States, under the name of the "territory of New Mexico."

"A, by the act of the republic of Mexico, a state of war exists between that government and the United States; and as the undersigned, at the head of his troops, on the 18th instant, took possession of Santa Fe, the capital of the department of New Mexico, he now announces his intention *to hold* the department, with its original boundaries, *on both sides of the Del Norte*, AS A PART OF THE UNITED STATES, and under the name of "THE TERRITORY OF NEW MEXICO."

* * * * * * *

"The undersigned has instructions from his government to respect the religious institutions of New Mexico—to protect the property of the church—to cause the worship of those belonging to it to be undisturbed, and their religious rights in the amplest manner to be preserved to them; also to protect the persons and property of all quiet and peaceable inhabitants within its boundaries against their enemies the Entawa, the Navajoes, and others; and when he assures all that it will be done, as well as his duty, to comply with those instructions, he calls upon them to exert themselves in preserving order, in promoting concord, and in maintaining the authority and efficacy of the laws.

"And he requires of those who have left their homes and taken up arms against the troops of the United States to return *forthwith* to them, or else they will be considered as enemies and *traitors*, subjecting *their persons to punishment*, and their *property to seizure and confiscation* for the benefit of the public treasury.

"It is the wish and intention of the United States to provide for New Mexico a *free government*, with the least possible delay, similar to *those in the United States*; and the people of New Mexico will then be called on to exercise the rights of freemen in electing their own representatives to the *territorial legislature*. But, until this can be done, the laws hitherto in existence will be continued until changed or modified by competent authority; and those persons holding office will continue in the same for the present, provided they will *consider themselves good citizens* and are willing to take the oath of allegiance to the United States.

"The United States hereby *absolves* all persons residing within the boundaries of New Mexico from any further *allegiance to the republic of Mexico*, and hereby claims them as *citizens of the United States*. Those who remain quietly and peaceable will be considered good citizens and receive protection—those who are found in arms, or instigating others against the United States, will be considered *traitors*, and *treated accordingly*."

What was the action of Commodore Sloat? How did he interpret and understand the orders he had received? We have distinct information upon this point, communicated in the proclamation of Commodore Sloat to the people of California. He says:

"*Henceforward* California will be *a portion of the United States*, and its peaceable inhabitants will enjoy the same rights and privileges they now enjoy, together with the privilege of choosing their own magistrates and other officers, for the administration of justice among themselves, and the same protection will be extended to them as to any other State in the Union. They will also enjoy a *permanent government*."¶

* Doc. H. R. 19—2d sess. 29th Congress—pp. 7.
† " " " " 12.
‡ " " " " 21.
§ " " " " 19-20.
¶ " " " " 20-21.
* " " " " 102.

And in a general order of July 7, 1846, he says :

"It is not only our duty to take California, but to preserve it afterwards, *as a part of the United States*, at all hazards."

What was the understanding of Commodore Stockton?

"The Territory of California now belongs to the United States, and will be governed, as soon as circumstances will permit, by officers and laws similar to those by which the other Territories of the United States are regulated and protected."

Now, sir, it is impossible, I think, to read what was done—what was reported by our officers to the President as having been done by them—without seeing that they understood and acted on his instructions, as designed to make a permanent conquest of such portions of Mexican territory as they were instructed to take possession of. There is not one word said in the instructions—nothing declared in the actions of the officers obeying those instructions—which referred or appeared to refer to a military occupation of those territories, for the purpose of compelling Mexico to do us justice for the wrongs we had sustained at her hands—on the contrary the instructions to General Kearney before read, require him to establish *temporary civil governments therein*, and authorize him to assure the people of *the design of the United States* to provide for them a *free government* similar to that which exists in our territories. These officers clearly understood that they were to take possession of, and hold, those territories as a portion of the United States. What says Commodore Stockton in his proclamation?

"I, Robert F. Stockton, commander-in-chief of the United States forces in the Pacific ocean, and Governor of the Territory of California, and commander-in-chief of the army of the same, do hereby make known to all men, that, having by right of conquest taken possession of that territory known by the name of Upper and Lower California, do now declare it to be a Territory of the United States, under the name of the Territory of California."

They accordingly took possession. They organized governments—and they acted in all respects as if from that time forward these territories ceased to be the property of Mexico, and became for all time, the property of the United States.

Now did they understand their instructions aright? Why, sir, in the message of the President of the United States, communicating those documents to us, there is something said which implies a disavowal of something that was done, an intimation that in some respects the instructions had been exceeded."

These documents contain all the "orders or instructions" to any military or naval officer of the government, "in relation to the establishment or organization of civil government in any portion of the territory of Mexico."

* * * * * * *

"Among the documents accompanying the report of the Secretary of War will be found "a form of government" "established and organized" by the military commander who entered and occupied with his forces the territory of New Mexico. This document was received at the War Department in the latter part of last month, and, as will be perceived by the report of the Secretary of War, was not, for the reason stated by that officer, brought to my notice until after my annual message of the 8th instant was communicated to Congress. It is declared on its face to be "a temporary government of the said territory," but there are portions of it which purport to establish and organize a permanent territorial government of the United States over the territory, and to impart to its inhabitants political rights, which, under the constitution of the United States, can be enjoyed permanently only by citizens of the United States. These have not been approved and recognized by me."

The Secretary of War in the report referred to by the President, states that "the organic law of the territory of New Mexico was not received until the 23d of November; and, because of its being voluminous, was not read by him or submitted to the President until after his annual message was sent in."

It appears, then, upon the statement of the President of the United States and the report of the Secretary of War, that the "*organic law*" established by General Kearney for the government of the territory of New Mexico, in consequence of its late arrival—late with reference to the then succeeding session—had not been read by him and submitted to the President and his orders taken with respect to it. Well, now that is the only one of the documents of which it is intimated that the contents were not known by the proper department and communicated to the President and approved and sanctioned by him. Therefore it is a reasonable, just and necessary conclusion that every one of the other documents, except the one thus specified and taken out by the exception, had been read, considered and approved. And further, even in reference to General Kearney's "*organic law*" nothing is excepted by the President but this: that he undertook to make that law a permanent form of government—whereas the President intended a permanent occupation, with a permanent government to be finally settled by Congress, leaving to the military officer the establishment of a *temporary* government only. No exception was taken by the President to General Kearney's proclamation of the 24th August, declaring his intention to hold New Mexico "AS A PART OF THE UNITED STATES"—none to his requiring ALL THE INHABITANTS TO RETURN TO THEIR HOMES on pain of being considered TRAITORS, and subjecting *their persons to punishment*, and *their property to confiscation*—none to his requiring the office-holders to consider themselves "CITIZENS OF, AND TO TAKE AN OATH OF ALLEGIANCE TO, THE UNITED STATES"—none to his declaring the intention of the United States to provide a civil government for New Mexico with a territorial legislature—none to his ABSOLVING in the name of the United States the inhabitants of that country from *their allegiance* to the republic of Mexico—and finally, none to his claiming all persons residing within that territory *as citizens of the United States*, and denouncing the doom of traitors against all of them who should be found in arms against us. To *nothing* that was done, by either Commodore Sloat or Commodore Stockton, in regard to these matters, is *any* exception

taken; yet, Commodore Sloat proclaimed to the inhabitants of California—as early as July, 1846—THAT THENCEFORWARD CALIFORNIA WOULD BE "A PORTION OF THE UNITED STATES," and would enjoy "A PERMANENT GOVERNMENT." And, in his general orders, issued July 7th, he says to the troops who were about to be landed on the coast, that it was their duty not only to take California, but to preserve it afterwards as "A PART OF THE UNITED STATES" at all hazards. And Commodore Stockton by his proclamation makes known to all men, that he has by right of conquest taken possession of the territory known as *Upper and Lower* California, and declares it to be "THE TERRITORY OF THE UNITED STATES;" under the name of "THE TERRITORY OF CALIFORNIA." And again, on the 17th of August, he declares that the territory of California now belongs to the United States, and will be governed, as soon as circumstances permit, by officers and laws similar to those by which other territories of the United States are regulated and governed.

Here, then, we see officers acting under the authority of the President, without rebuke from him, claiming and establishing civil governments in New Mexico and California, as the permanent territories of the United States; claiming their inhabitants as the citizens, promising them a permanent form of government, and denouncing them as traitors if they should take up arms against the United States. What is this but conquest? What is it but seizure and permanent annexation by force of arms? This, then sir, I presume the President designed to do at the very time when he called upon the country for a recognition of this war, and for men and money to prosecute it. No intimation is given to us in any of his correspondence—if he did not entertain the design—at what time the change took place in the Presidential mind. In June, July, and August, from the Navy and the War Departments to all the officers charged with carrying into execution the wishes of the President in the prosecution of the war, we have the same general tone of instructions, and we have all these officers seizing territories and treating them as a permanent part of the United States. And to these proceedings the President takes no exception! He does not intimate, by the slightest breath of disapprobation, that the zeal of these commanders has exceeded the purpose of the Executive!

I must suppose then, that conquest was the object for which the President prosecuted the war from the beginning, and not indemnity. Why, sir, is it not a singular mode of securing indemnity if such had been his purpose. At the commencement of the war, what did he want indemnity for? Mexico, it is true, owed to our citizens money. If the object had been to seize the Mexican territory and simply to hold it by military occupation in order to compel Mexico to recognize and discharge her debts to us, why is nothing of this kind mentioned in these instructions? Why did these officers treat the territories of which they obtained possession as a conquest, which was to become a portion of the United States? Why is it that no intimation was given to them that the object had been misunderstood—that the possession which they held of these territories was as a sort of mortgage, or in the nature of a security until the payment of the debts due to us by Mexico? And above all, if indemnity, if enforcing payment of what was due to our citizens, and not conquest, or permanent annexation, was the object of the war, why did the secretary, as early as the 3d of June, 1846, authorize General Kearney to assure the people of New Mexico and Upper California that it was then "the wish and design of the United States to provide for them a free government similar to that which exists in our territories."

But this view of the subject, I think, becomes still stronger when we consider the mode in which the President carried on his negotiations. Mr. Slidell was sent to Mexico, in the month of November. I believe that his credentials bear date on the 10th of that month. Well, when he got to Mexico he was not received. Why was he not? The President tells you that Mexico, in spite of her plighted word, insultingly refused to receive our minister. Well, now it is plain to me—it is evident, when adverting to the correspondence which took place between our consul at Mexico and Senor Pena y Pena—that it never was the design of the then executive government of Mexico to receive a "minister resident" from the United States. On the 25th October, 1845, that minister writes to our consul, Mr. Black, "my government is disposed to receive the *commissioner* of the United States who may come to this capital with full powers from his government TO SETTLE THE PRESENT DISPUTE." And afterwards, Mr. Slidell having arrived, the objection to his reception was that his credentials appointed him "a Minister to reside near the government of Mexico, just as if there had been no suspension of the diplomatic and friendly relations between the two governments;" while the Mexican government understood it to be a special mission confined to the Texas question. And when, to this objection, Mr. Black replied that Mr. Slidell was authorized to settle *all the questions in dispute*, Senor Pena y Pena said that "his credentials had not reference to *any* questions in dispute, but merely as a Minister to reside near the Mexican government," and, referring to the great caution and circumspection necessary on their part, assured him that "the government itself was well disposed to arrange all differences."

It is impossible to read the correspondence without seeing that the persons administering the government of Mexico were exceedingly anxious to settle the question of boundary, and that, in order to enable them to do so, nothing might be done further to arouse or irritate the jealous feelings of the Mexican nation, and that therefore we should send them a commissioner only, with power to settle the pending dispute. Well, we were not satisfied with that. They had promised to receive a commissioner; the President tendered them a minister resident. To such a minister they objected, because he could not be received without arousing excited feelings and endangering their continuance in power, if not their personal safety. But that is not all. Long before Mr. Slidell's mission was set on foot, on the 15th of June, 1845, the acting Secretary of War writes to General Taylor in these terms:

"The point of your ultimate destination is the western frontier of Texas, where you will select and occupy, on or near the Rio Grande del Norte, such a site as will combine with the health of the troops, and will be best adapted to repel invasion, and to protect what, in the event of annexation, will be our western border."

Now, sir, here is an order as early as the 15th of June, 1845, in which General Taylor is directed to select a position *on or near the Rio del Norte*, claimed as the western frontier of Texas, which should have these conditions—it should consist with the health of the troops and be the point best adapted to repel invasion, and to protect what was to be our western border. Now, it will be sufficiently evident from these documents, I think, that it was the intention of the President that General Taylor should encamp on the left bank of the Rio Grande. General Taylor so understood it, for in a despatch of his dated 4th October, 1845, he says:

"It will be recollected that the instructions of June 15, issued by Mr. Bancroft, then acting Secretary of War, directed me to "select and occupy, on or near the Rio Grande, such a site as will consist with the health of the troops, and will be best adapted to repel invasion," &c. Brazos Santiago is the nearest entrance to the mouth of the Rio Grande; and Point Isabel, within that entrance, and twenty-one miles from Matamoras, would have fulfilled more completely than any other position the conditions imposed by the secretary."

Here General Taylor says expressly that he understood that he would more completely carry out the order by taking a position at Point Isabel. Why did he not? He immediately assigns the reason:

"But we had no artillery, no engineer force or appliances, and but a moderate amount of infantry; and the occupation of Point Isabel, under these circumstances, and with at least the possibility of resistance from the Mexicans, might have compromised the safety of the command. I, therefore, determined to take up the next accessible position in the rear, which is at the mouth of the Nueces river."

As early then as the 15th of June, an order was issued to Gen. Taylor, which he understood to be an order to take up his position on the left bank of the Rio Grande. An order which he thought would have been best complied with by establishing his position at Point Isabel. And he informed the department on the 4th of October, that this would have been done, but that he had not the requisite force to undertake it. Well, sir, did he understand the order rightly? Let us see. On the 16th the secretary writes to him:

"You will approach *as near the western boundary of Texas, the Rio Grande*, as circumstances will permit,"

And the final order of the 13th of January, 1846, about the meaning of which there is no dispute, which all admit was an imperative one to General Taylor to advance to the left bank of the Rio Grande, is couched in exactly the same terms as the two orders preceeding it. He is directed to advance, and occupy positions on, or near the left bank of the Rio del Norte. There is no intimation at any time to General Taylor, after the despatch of the 4th of October, informing him that he was mistaken in the construction which he puts upon the order of the 15th of June. On the contrary, after that despatch must have been received—nearly three months after it was written—when it is the design of the department, that he should occupy the same position which he was directed, according to his understanding, to do previously, he is directed to do it by a repetition of the order issued in June, 1845, almost in the same terms. Well, now what is the inference from this? If in June, 1845, General Taylor had been provided with a train of artillery, if he had had a suitable apparatus of engineers, he would under the order of June 15th have advanced, and taken possession of Point Isabel—pelting the Mexicans from that position, and placing it under the control of the United States. He had done so, would he not have been obeying the orders of this government? Was it not what was designed by this government, that he should do if the means had been in his possession? It is evident it was so designed, because, when they had given him the means and the same order—he assumes the position with the entire approbation and support of the government. Now, sir, was not this a singular mode of proceeding, if the object was to prevent peace, and restore friendly feelings between the two nations by amicable negotiation? Offence having been taken by Mexico for some cause, real or supposed, before the President sends his mission of peace—a month before he sends it—an order is issued the object and scope of which was to place a military force within the territory claimed and occupied by Mexico. Now, is it not obvious that if this order had been fully carried into effect, it was calculated to rouse the indignation of Mexico, and to prevent the settlement of the differences between the two countries? If negotiation was desirable, if the President himself desired to settle the differences upon amicable terms—would he have preceded a mission of peace by an aggression upon the power with which he desired to restore friendly relations? Let it be remembered, that I have shown to the Senate already, that the President considered, (we have it in the orders transmitted to his officers,) that the expulsion of the Mexicans from the left bank of the Rio Grande—the removal of their settlements—was an act of aggression, a hos-

---

1 See H. R. Doc. 2, 29th Cong., 2d Sess. 51.

tile act, an act to be avoided in order to insure the continuance of peace, and which nothing would justify but the occurrence of actual war.

Thus, it seems to me, that not only did the President bring on the war by an unlawful and unconstitutional act; but that he has prosecuted it for the purpose of conquest—and of conquest alone. But this purpose the President did not made known to Congress. He did not submit (as he should have done) to the judgment of Congress, whether they were willing to prosecute a war for the purpose of making a permanent conquest of the territory of a neighboring republic. On the contrary, he seems carefully to have concealed his design from Congress. In his special message of the 4th of August, 1846, to the Senate, he says expressly:

"The chief difficulty to be anticipated in the negotiation is the adjustment of the boundary between the parties, in a line which shall at once be satisfactory and convenient to both, and such as neither will hereafter be inclined to disturb. This is the high mode of securing perpetual peace and good neighborhood between the two republics. Should the Mexican government, in order to accomplish these objects, *be willing to cede* a portion of their territory to the United States, we ought to *pay them a fair equivalent* for it, *just and honorable payment*, AND NOT CONQUEST, being our purpose in the prosecution of the war."

Now what notion the President attaches to the term "conquest," I do not know! To me it seems plain that what had been directed to be done before this message was written, and what was afterwards done by the military and naval officers of the Government not only without rebuke, but with the express recognition of the President of the United States, is direct, clear, and unquestionable conquest. I understand conquest in this connection as meaning the seizure of the territory of another nation by force—whether it is to be held by force, or whether a consent to our retaining it, is to be extorted by the power of our arms.

Again, sir, the President's message at the last session of Congress expressly declares that, "the war has not been waged with a view to conquest," that "the war will continue to be prosecuted with vigor as the best means of securing peace," and that "it is deemed proper to hold *military* possession of all the provinces which have been taken, *until* a definitive treaty of peace shall have been concluded and ratified by the two countries." And I recollect well, sir, at the last session, when a resolution was moved by a member of this body, [Mr. WESTCOTT,] directing the Committee on Territories to consider as to the propriety of establishing some species of legislative authority overthe territories of the enemy which had been taken into our possession, the honorable Senator from Missouri, [Mr. BENTON,] who is not now in his seat, in his strong manner denounced in his place the proposition, on the ground that it attributed to the President of the United States the assumption that those portions of Mexico were territories of the United States. This the honorable Senator characterized as an absurdity.

Mr. WESTCOTT.—Monstrosity.

Mr. BADGER.—Yes, monstrosity. But, sir, this year the tone of the message is materially changed. The President has got a new phrase. He now says, not that he is not carrying on the war for the purpose of conquest, but "it has never been contemplated by me, as an object of the war to make a *permanent* conquest of the *Republic* of Mexico, or to annihilate her separate existence as an independent nation." This is quite consistent with a design of *temporarily* conquering the *whole*, and *permanently* conquering a part. Indeed, he expressly informs us, that New Mexico and the Californias "should never be surrendered to Mexico." Now, it seems to me that it was the duty of the President of the United States to have explained to Congress from the first, what his real purpose was. If he intended at the last session to actually conquer and retain by force—to retain, under all circumstances, the territory then acquired from Mexico—he should have so told Congress. But he told us no such thing. On the contrary, he leaves us to suppose that though these proceedings seem to look like conquest, yet, still, in the Presidential mind, the conquest of any part of Mexico was not his purpose. Now, sir, we are distinctly informed that the President is of opinion we should retain, at all hazards, New Mexico and the two Californias.

The next proposition which strikes me as being material to a just determination of the course to be pursued in reference to the bill, now under the consideration of the Senate, is this: that the present plan of the war, as announced by the Secretary of the War Department in his communication to the President, if carried out, must irresistibly lead to the conquest of the whole of Mexico; and I think we may reasonably conclude, judging of the future by the past, that if at this session, Congress shall place in the hands of the President all the means he has asked, we shall, at the next session, find the whole of Mexico entirely overrun, and at the mercy of our troops; and we shall then have a message informing us that the President is of opinion that Congress should not consent, under any circumstances, to surrender any portion of the Mexican republic.

The Secretary of War, in his report, speaks of three plans.—Why, sir, there are but two, in fact, if I am capable of understanding what seems to be tolerably plain language. Human ingenuity cannot make of it more than two plans, although he has numerically divided it into three. What are they?

Our further operations must, in my opinion, be conducted in one of the three following modes. *First*, to take and hold an indemnity line, to recede from all places and positions now occupied in advance of it, and cease from all aggressive operations beyond that line. *Second*, to overrun the whole country, and hold all the principal places in it by permanent garrisons. And *third*, to overrun what we now possess, and the lines of communication into the interior, and extend our operations to other important places, as our means and the prospect of success might indicate, keeping a disposable force always ready, within supporting distance of it, to annoy the enemy, to seize supplies, enforce contributions, and frustrate his efforts to collect means and assemble troops for the purpose of protracting the war.

Well now, sir, is it not strange that numbers two and three shall be considered separate and distinct plans? The second is to overrun the whole country and hold all the principal places in it by establishing garrisons therein. What is the the third? It is to retain what we possess, to open a communication with the interior, and to take other places, according as our means may enable us. Does he mean under the second plan to take more than our means will enable us to take? Under the first of the two latter of the Secretary's plans, he proposes to take all the principal places in Mexico; and, under the second of them, he proposes to keep what we have got and get all we can. Well now, the President has adopted the third of the plans reported by the Secretary, as enumerated by him upon which the war is to be carried on, and it is upon that basis that supplies are asked, and particularly the ten regiments proposed to be raised by this bill, to assist in carrying out the operations of this war, in accordance with the views of the Secretary.

Well, sir, believing, as I do, that the necessary consequence of furnishing the means which are required by this bill, will be to enable the Secretary of War, under the direction of the President, to make a permanent conquest of the whole of Mexico, I cannot vote for it. I am opposed to augmenting the forces for such a purpose.

How is the conquest of Mexico to be effected? How is a peace to be brought about, under this mode of prosecuting a war, except by the seizure and subjugation of the whole country? I cannot vote, sir, for any plan by which Mexico is to be conquered and annexed! Because, in the first place it would be grossly unjust. It would, in my judgment, according to my convictions of right, be a high and flagrant wrong for us to seize upon and incorporate the territories of that republic into our own. I believe it would fix a stigma upon the character of this people which all successive ages would not be able to wipe out.

No oblivion that thousands of years could throw over it—no darkness with which the lapse of ages could surround it, would prevent the flagrant enormity of such a measure, from being apparent to posterity. How could our future historians, and poets be able to relate the tale of this country's doings in regard to this feeble, unfortunate, degraded republic? In vain would the attempt be made to close the eyes of mankind against the gross injustice of this procedure, by throwing around it the flimsy pretences which patriotism might suggest. Sir, now we have the dazzling blaze of military glory cast over these operations, and behold them in a light which may mislead and deceive us, but when the excitement of the present day, shall have passed away, and they shall be looked at in the clear light of history, and their character pronounced by the voice of truth, there will be a universal verdict of condemnation given by mankind. My deliberate conviction is that in the judgment of posterity, if we should consummate such a wrong as this, the crimson guilt of the partition of Poland, would pale into absolute whiteness in the comparison. The one, it would be said, was an act perpetrated by Monarchs, hereditary rulers, men born to govern, and who had been taught to regard others merely as the ministers of their pleasures, or the instrumentality of increasing their power, and in whose behalf it might be urged that they only followed the example of their predecessors in seeking, by whatever means, to increase their power; but in the other case, it would be declared that the act was committed by a republican government, based on principles of equal rights, and professing friendship and good will to all mankind, seeking for national happiness, and national glory in the pursuit of the peaceful arts, engaged in the establishment of justice and tranquility, and regarding the whole human race as brethren in blood, entitled to their humanity and consideration. The writers of that distant age would find that then, as ever:

> "Nor florid prose nor honied lies of rhyme,
> Can blazon evil deeds or consecrate a crime."

I am not willing that my country should now commit this irreparable wrong, and soil herself with this ineffacable stain.

I am opposed to the seizure and annexation of Mexico, because it is as unwise as unjust. I know there are some who entertain a different opinion, but it does seem clear to me that the accomplishment of such a measure as the incorporation of Mexico—whether her people are to be introduced into a community of rights with us or to be held as a degraded and conquered province—whether they are to sustain towards us the relation of the territories we have heretofore had, or to remain in a state of perpetual pupilage—whatever the mode and form in which their future condition and character are to be established—must inevitably in the hour of its completion doom the Union to certain destruction.

I was glad to hear the Senator from South Carolina farthest from me, (Mr. CALHOUN,) take strong and decided ground against the absorption of Mexico and the destruction of her nationality.—I was glad to hear his voice raised against what in my view would be one of the greatest of crimes, one of the greatest of political blunders. But, I wonder, Mr. President, that it did not strike the honorable Senator, that the injustice of seizing upon the whole by force, was an injustice but in degree superior to seizing upon any part by force—that though the enormity of absorbing the whole of the Mexican territory strikes us with astonishment and

horror, it is but because the human mind is more strongly affected and impressed by subjects which appear large, yet, that in truth, the seizure of one foot of Mexican soil is just as much an invasion of the eternal principles of right, as much a sacrifice of the claims of justice and the obligations which we owe our fellow-men, as the seizure of the whole. I am opposed to the conquest, by arms, of Mexico or any part of Mexico. I am opposed to wresting from her one inch of her domain by the exertion of any force which shall control her will and compel an apparent surrender, while in reality, the soul of the country tenaciously adheres to that with which it parts. I am opposed to the commission by the country of such an act of injustice, for the attainment of any object be it great or small, believing, as I fully do, that a pure, unsullied reputation amongst the nations of the earth, is of more importance to us than any acquisition that the wide world can furnish.

It has been said—it was said on this floor at the time when the resolutions of the honorable Senator from South Carolina were before the Senate—that the proposition contained in them, without a denunciation of the conquest of Mexico and the destruction of her nationality, was a proposition for the assertion of which would be idle and fruitless, because the destruction of the nationality of Mexico is contemplated by no one. At the time when I heard the statement made, I entertained the same opinion and expressed that opinion to the Senator himself. (Mr. CALHOUN here nodded assent.) But, an attentive consideration of the report of the Secretary of War, and the means demanded by the President—a consideration of the important fact disclosed this day, that the President has refused upon this subject to communicate his views and plans in the further prosecution of the war—the fact that he has proceeded from a disavowal of all intended conquest, to a simple intimation that he has never desired to conquer Mexico or destroy her nationality;—these things, sir, have convinced me of the probability that the government is now thinking, at some no distant day, actually to make the movement which the resolutions of the Senator from South Carolina denounces. I was struck, sir, with the account of a recent celebration in this city of the anniversary of the battle of New Orleans. It was held here on the 11th instant, and I noticed that an honorable and distinguished member of this body (Mr DICKINSON,) made an address on the occasion to the company then assembled, concluding with a sentiment which goes far ahead of the annexation of the whole of Mexico. He gave as a toast—"A more perfect Union, embracing the whole of the North American Continent." I did not observe that the sentiment was received with disapprobation. I saw no mention of any qualification of the sentiment by him or others; but there it stands as the declared opinion of a representative of the great "empire State" upon this floor—a State which, of all others, is able to succeed by physical force in the accomplishment of such a design—a design looking to a more "perfect union," not in the closer association of the members of this republic—not in a strengthening of our social relations—not in an increase of mutual attachment—but a more perfect union which is to embrace in one with us the whole of the North American continent, including Mexico on the south, and the entire British Provinces on the north. When I see propositions of that sort coming from gentlemen of such high character, known intelligence, and distinguished position before the country, I cannot resist the conclusion that such sentiments may have an echo in the hearts of thousands.

But there are other difficulties in my mind. I consider the further prosecution of this war upon the plan proposed by the President of the United States as dangerous to the liberties of the country. I was struck by the remark made by the honorable Senator from South Carolina, (Mr. CALHOUN,) that no one now hears, as in the early days of the republic, the question, "how will this measure affect our liberty?" Now we sit down and calculate calmly what amount of military force or means it is necessary to put into the hands of the President to accomplish a certain object. We ask whether we shall send him further into Mexico at the head of an hundred thousand men, with all the means of this country at his command, by our voluntary vote, and all the means of Mexico by military and violent seizure, and yet, as the honorable Senator said, there is no inquiry as to the effect of all this upon our liberties. That remark excited in my mind a train of thought, which led me to the conclusion that there is great and just ground of apprehension if this measure is adopted that the liberties of the country will be seriously endangered. Recollect what the President claimed on this subject, in his message of last session. All that has been done heretofore in Mexico, in the prosecution of this war, the President claims the right of doing because we are the conqueror. But where, I ask, does he find any authority for exercising the rights of a conqueror? If he has them, it must be irrespective and independent of the constitution of the United States? The conqueror has certain rights, and the President claims that these rights belong to him. For one, I do not admit that proposition. It is the Government of the United States and the people of the United States represented in that Government, who are the conquerors in every war in which we are successful. Therefore, the rights which belong to the conqueror, according to the law of nations, belong no more to the President than they do to the lowest officer who leads a band of men against the enemy. These rights belong to the country—to those who represent the sovereignty of the nation—who hold the war-power of the nation—to the Congress of the United States. The President has no other power, than as he is, by the constitution, the chief military commander, whose duty it is to carry on war for the purpose and to the ends declared by those who represent the sovereignty of the nation. But the President claims that he has a right to take possession, and, that having taken possession, he has a right to require from persons within the territory the oath of allegiance; submission to the regulations of his military officers; suspension of all resistance to his military authority, under pain of being treated as traitors, and made liable to punishment in their persons and in the confiscation of their goods; and to seize all the public property and revenues of the country. All this he claims, as a conqueror, and wholly irresponsive of any responsibility to Congress. I protest against any such doctrine.

Having now stated my views of the commencement of this war—the manner and purposes of its prosecution—and the dangerous tendency of the Executive claims of power and projects of conquest—I come to the proposition before us. We are called upon to place at the command of the President ten regiments of regulars, in addition to the present military force. For what purpose? To carry on the war with Mexico? Upon what plan? Sir, the President declines to inform us upon what plan.

Mr. MANGUM, (in his seat.)—His friends here decline.

Mr. BADGER.—A few days ago when this subject was under consideration by the Senate, and my friend from Kentucky (Mr. CRITTENDEN) stated in his strong and forcible manner the present condition of Mexico, and the utter and absolute want of any necessity for this additional military force, a part of a communication from General Scott was read by the Hon. Chairman of the Committee on Military Affairs, as to the amount of force that would be required. General Scott expressed the opinion that if certain purposes were contemplated it would be necessary to raise his forces to fifty thousand men. I myself asked the Hon. Senator on what plan, system, or basis of operation, for conducting the war, that estimate was made. The Senator declined to answer. Resolutions have been proposed in the other House, making inquiries, and to these the President has declined giving any answer. A resolution was introduced in this body asking the President to communicate to us information on this subject, such as he might deem it consistent with the public interest to communicate to us, either confidentially or in open session. The President was asked to communicate to us information which would enable us to understand this monster project for the war, which requires this great addition to our military means; and this morning, by a vote of the majority of this body it was determined that the question should not be put to the President, whether he has in his possession any information on this subject, which he could, consistently with the public interests, communicate to us, either in private session or confidentially? Thus, by the action of the President in the one case, and his friends in the other, all information is denied us, and the war-making power of the country excluded from all knowledge of the plans for the prosecution of the war! Well, sir, what is the amount of our military force in Mexico, to which it is proposed to make this formidable addition? Without going into detail, I may safely say that that force at present amounts in round numbers to forty-five thousand men. Under existing laws, twenty thousand may be raised, to complete the complement of regulars and volunteers, making an aggregate of sixty-five thousand men. Deduct from that fifteen thousand, on account of the casualties to which the Senator from Michigan so often refers, and you have an army of fifty thousand men. Yet, it is now proposed to add to that force ten regiments of regulars with a bill behind it to put at the disposal of the President twenty thousand volunteers, a force, including the sailors and marines co-operating with the troops, of not less than seventy-five thousand to eighty thousand effective men. What is to be accomplished by this force? Are there battles to be fought? That is distinctly disavowed. There is no expectation, sir, of any more battles to be fought. For what then, sir, do you ask these men? Why, the honorable gentleman from Michigan says, that he wishes, by the exhibition of a large force there, to produce "a great moral effect." How? Why, he means to convince the Mexicans that they are unable to resist us! Well, sir, if they are able to resist the logic of such fields as Buena Vista, Churubusco, Contreras, and Cerro Gordo; think you, sir, that the incredulity will yield to the mere sight of a large body of men? What, then, do you intend to do with this immense military force? They are to take possession and occupy the country it is said. And when they are there, what great object is it intended that they should accomplish, which this country desires to see accomplished? Do we want peace? Is it not obvious to every one that peace cannot in this way be obtained? If peace could be coerced, we have done every thing that genius can contrive, and skill and gallantry execute to accomplish it. I believe it may be said, without exaggeration, that the history of no country has presented such a succession of brilliant military achievments as we have gained in Mexico. As a single battle, nothing can be produced equal to the last battle of Taylor; and as a succession of military operations, where can you find a parallel to the advance of Scott from Vera Cruz to the city of Mexico? If chastisement—defeat—overpowering, overwhelming defeat—were sufficient to bring Mexico to a disposition for peace, she would have been brought to that disposition long ago. How, then, do you propose to accomplish it by your troops? Why, they are to take possession and occupy the whole country—or, as the Secretary of War says, to keep that portion of it which we have got, and occupy all the rest of which our means will allow us to take possession. Well, when you have got possession, what disposition of it do you propose to make? Posts and fortifications. I suppose,

are to be established everywhere. You are to maintain all the strongholds of Mexico, and her valleys are to be everywhere marked by the signs of military occupation How long is this state of things to continue? Until Mexico makes peace! But, I pray you, is this the way in which the gentle sentiments of benevolence and peace are to be instilled into the Mexican bosom? True, you may compel her to submit—you may prevent her from uttering a word of complaint—you may force her to feign compliance with your wishes—her active resentment may disappear—and yet a dogged spirit of revenge, and the intensest hate, will rankle and lurk beneath. The Latin poet has said with great propriety and force:

"Si te cola Sextæ non fumabit."

—referring to a well known quality of our nature, in virtue of which that superiority which demands our admiration, inclines us to withhold our love. If this be the tendency of that moral coercion, what may we expect from awe and terror? Do we really expect, by renewed conquest, by devastated fields, by captured villages, by stormed fortresses, by occupying such positions that no Mexican can look forth without beholding the evidence of the fall of his country and the presence of her conqueror, that peace is to be restored? Sir, no man should expect it. What is the situation of Mexico at this moment? She lies at your feet, bleeding, exhausted, panting. Do you wish to trample upon this enemy already in the dust? Do you wish to crush the last remains of her vitality? I hope not, sir; but even if you do, you do not need this additional force.

We received yesterday the copy of a general order of the 15th December, issued by General Scott, the first article of which proceeded to inform the army that it would spread itself over the republic of Mexico; and which goes on to establish a system of internal regulation for the government of the country, and the collection and disbursement of the revenue. If, then, it be right and manly, in the present crippled condition of Mexico, to destroy her nationality, you have ample means to do so. But, ere you proceed to the accomplishment of such a purpose, will you not pause for a moment and reflect upon the consequences which must inevitably follow? If such a design be carried out, the destruction of our liberties is certain. You send forth the President with his eighty thousand men. He is told that he can support these men and meet the other expenses of the war by levying contributions in Mexico. He is thus, clothed with such authority, left in a foreign country to form his plans and carry them into execution. Is he not thus invested with all the power and dignity of a prince, free to obey the dictates of his own arbitrary will at the head of seventy or eighty thousand men, dictating laws to a new nation, collecting and disbursing its revenues, ruling there with a despotic sway, and by the patronage and power thus created controlling the action of his proper constituency at home? Such a power, sir, ought not to be trusted to the President of the United States. Above all things, sir, regulars should not be the force placed at his disposal. The honorable chairman of the Committee on Military Affairs has told us that regulars were to be preferred because when they entered the army they surrendered every right but the right of obedience! and became "mere machines." This avowal led me to look with horror upon such a description of force. I prefer the volunteers, because although they enter the service of the country, they yield none of the rights of freemen. I am opposed to putting into the hands of the Executive a military force which knows no law but their master's bidding, moving at his will, obeying his behests implicitly, and holding themselves free from all the obligations and responsibilities of citizenship. When you put a vast force of that description into the hands of the Executive, have you not, as far, as possible, rendered him independent of you? Have you not converted him from a President into a Prince—from a republican Chief Magistrate into a Military Dictator?

When, on the present plan of the campaign, is the war to end? War, it must be admitted by all, is a great evil. Is there to be no end to it in this case? must

"——————————— the tears
And blood of earth flow on as they have flowed,
An universal deluge—which appears
Without an ark for wretched man's abode
And ebb but to re-flow."

Is it our design, in sending these troops to Mexico, to sit out the Mexican people, and try an experiment of obstinacy between the two races? If so, let us recollect the just and forcible remark made here last winter by the Senator from Missouri, (Mr. BENTON,) in speaking of the line proposed to be taken by the Senator from South Carolina, that no people on earth have such obstinate perseverance as the old Castilian race, and this quality is to be found to a great extent in the present inhabitants of Mexico. The Senator then reminded us, that if we undertake the process of sitting out the Mexicans, we should not forget the example of the Moors; for, as he remarked, they sat a thousand years, and the Spaniards at last sat them out, and took possession of the whole of Spain. Sir, I am not in favor of voting these regulars to the President in order to enlarge our military forces in Mexico. The force there now, is ample for every legitimate purpose. If the President wishes to prolong the experiment for another year of occupying the portion of the country, now in our military possession, he has ample force to do so. I am not willing to encourage the President in any scheme of territorial aggrandizement, or by any action of mine to excite, if it does not already exist, a disposition to seize and annex the whole of Mexico. I desire no such result; nay, I should dread it as a calamity—I should look upon it with horror as a fatal misfortune. If we are to have any additional troops, let them be volunteers. Let them be men of that superior character of which the Senator from Mississippi, (Mr. DAVIS,) spoke. Let them be men who realize their rights—who have a position in society, which connects them indissolubly with everything dear to the happiness and future welfare of the country. Let us not put any more of these "machines" into the hands of the President, which he may, if it be his pleasure, turn against ourselves.

It has been supposed that the people of the United States have a desire that some acquisition should be made from Mexico by force. I am extremely unwilling to believe that the people of my country entertain such a wish, or cherish such a purpose. But of one thing I am certain: the people of my own State neither have in themselves, nor encourage in others, a disposition to seize by violence the property of Mexico, or to acquire anything from her except by her voluntary disposition, for a full and valuable consideration. The people of North Carolina, I feel sure, are satisfied with their own possessions. They fix no eager look of covetousness on the enjoyments of others. Plain, unpretending, honest, not blessed with the largest amount of wealth and power and means which Providence has showered upon other portions of the Union, but possessing enough for happiness—enough for respectability—enough to enable them to educate their children and diffuse the principles of morality and religious truth amongst them, and to hand down as a legacy to their descendants the great principle that nothing can be truly great which is not right—that people, sir, are opposed to any such aggressive policy—any such unjust and forcible acquisition. They hold that he who sacrifices the principles of justice on account of property, not only yields up his innocence, but sacrifices his interest, and, by his intemperate pursuit of what belongs to others, surrenders or weakens his best security for the continued possession of his own. Sir, I feel the strongest conviction that the people of my own State do not desire to acquire *any thing* from Mexico, *by force*, and that they would not be willing to put at hazard the peace of our own country, and weaken the bond of our Union, by any considerable acquisition of Mexican territory, however freely surrendered and amply paid for. They may be willing, as I am, to procure a bay upon the Pacific with such an addition of territory as shall be necessary and barely necessary, to unite it with our territory of Oregon, provided it is not obtained by force—that the surrender is not dictated by coercive power—but that it is made with a true free will, and honestly purchased by us. But, if, contrary to my confident expectations, the people who sent me here have or should have views contrary to those which I have expressed, I cannot sacrifice, to their wishes what I believe to be their highest honor and their best interests.

I have thus imperfectly expressed the views under which I must vote against the proposition on your table. They have been presented with entire frankness on my own part, and, thanking the Senate for the attention with which I have been heard, I will detain them no longer.

Mr. FOOTE then signified his intention of addressing the Senate upon the bill before them, but as the hour of adjournment had arrived,

The Senate adjourned.

WEDNESDAY, JANUARY 19, 1848.

REPORTS FROM DEPARTMENTS.

The VICE PRESIDENT laid before the Senate a report of the Secretary of War, made in compliance with a resolution of the Senate, accompanied by a communication from the Commissioner of Indian Affairs, respecting any losses sustained by the Seneca Indians of New York, through a late Sub-Agent of the United States.

The VICE PRESIDENT laid before the Senate a communication from the acting Secretary of the Treasury, correcting a clerical error in the annual report of the Secretary of the Treasury on the state of the finances; which was ordered to be printed, and appended to said annual report.

The VICE PRESIDENT laid before the Senate a report of the Secretary of War, made agreeably to law, accompanied by a statement of the persons employed in the Indian Department, during the year 1847.

PETITIONS.

Mr. MANGUM presented the petition of Ann Kelly, widow of Daniel Kelly, deceased, a gunner in the Naval Service, praying a pension; which was referred to the Committee on Naval Affairs.

Mr. STURGEON presented a memorial of the Philadelphia College of Pharmacy, praying the adoption of measures to prevent the importation of spurious drugs, medicines and chemicals into the ports of the United States; which was referred to the Committee on Commerce.

Mr. BAGBY submitted an additional document relating to the petition of Hugh Wallace Wormley; which was referred to the Committee on Naval Affairs.

Mr. JOHNSON, of La., presented the petition of William Darby, praying remuneration for time and money spent by him in the survey of the Sabine river.

On motion by Mr. JOHNSON, of La. it was

Ordered, That it be referred to a select committee, consisting of five members, to be appointed by the VICE PRESIDENT.

Mr. CORWIN, Mr. JOHNSON, of La., Mr. RUSK, Mr. FOOTE, and Mr. CASS, were appointed the committee.

On motion by Mr. UPHAM, it was

Ordered, That the documents on the files of the Senate, relating to the claim of John Ellis to a pension, be referred to the Committee on Pensions.

On motion by Mr. DOWNS, it was

Ordered, That the memorial of John Hagan, E. Lackett, and Sherman Johnson, on the files of the Senate, be referred to the Committee on Foreign Relations.

On motion by Mr. BAGBY, it was

Ordered, That the report of the Postmaster General, made the 6th inst., in relation to the claim of Jameson and Williamson, be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. DAVIS, of Miss., it was.

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the petition of Gad Humphreys, and that it be referred to the Committee of Claims.

MAJOR CHARLES LARABEE.

Mr. NILES said: Mr. President, There is on the files of the Senate the petition and accompanying papers of Major Charles Larabee, praying for an increase of his pension, or for arrears of pension which he thinks he is justly entitled to. I presented this petition last session, and then took occasion to make a few remarks on the case, to ask the attentionof the Committee on Pensions to it. From wanted time I presume there was no action upon it. In justice to Major Larabee, who is one of my constituents, I cannot now forbear to say a few words respecting the merits of this claim, and the peculiar hardship of the case of the petitioner. Major Larabee entered the army several years before the last war with Great Britain. I believe, in the humble rank of a private—I perhaps of a sergeant—and by his good conduct, his fidelity and his bravery, left the army with the brevet rank of a Major conferred upon him for his gallant and honorable conduct. Before the war began he was engaged in the battle of Tippecanoe; and he was in that fierce and bloody fight at Brownstown, the very first battle of that war, and in that action lost his right arm, which was so shattered that it had to be amputated at the shoulder. But though thus wounded and maimed, he continued in the service, and was actively employed during the whole war, and was in other actions, of which the battle of Plattsburgh was one.

Soon after the war he left the army, and in 1830 received his pension, commencing in 1827. Being but a lieutenant when wounded, he received a pension as such only, although he sustained the honorable rank of a Major when he left the service. His pension is only twenty-five dollars per month, a small sum for an officer of the rank of a Major, and wishing to sustain in society the character belonging to that rank. If his pension was to go back as is done in the case of officers of the Navy, there would be a considerable sum due him for arrears of pension. There were several years which intervened between the time he left the army when his pay as an officer ceased, and that of the commencement of his pension. For this period at least, it appears to me, he is justly entitled to receive his pension, but this would be inadequate relief. It appears to me that this is a proper time to revise our invalid pension laws, as there are now many who will be claiming relief under them. There are I apprehend defects in our laws; they will probably require amendment to do justice to the numerous meritorious officers and soldiers who have been wounded in the present war. It is my opinion, without having particularly examined this subject, that the present laws do not make a sufficient distinction between those whose disability is such as to wholly deprive them of the capacity to support themselves, and those whose disability is partial, and not essentially disability for civil employment. In the former case the sacrifice of the wounded officer or soldier is great; it is in a pecuniary point of view alone equal to the value of a man's servicers for life. It is in reality much more than this, as it is no small thing to be wounded and lose a limb for life.

I would not encourage a spirit for war, or a desire for military fame and distinction among the young men of the country; but those who possess this spirit and who hazard their lives, their limbs, and their health in the service of their country, I would deal justly and liberally with. Without saying more I commend this case to the examination and careful consideration of the Committee, and trust that they will be able to afford some relief to the petioner, either by a general law or a special act confined to this particular case, which is certainly one of great hardship.

PUBLIC PRINTING.

Mr. ASHLEY submitted the following resolution for consideration:

Resolved, That the Committee on Printing be instructed to inquire into and report to the Senate, the manner in which the printing of the Senate has been executed; whether it has been done in conformity with the terms of the contracts, either as to the quality and size of the paper furnished, or the manner in which the printing has been done; also, that they inquire and report who further documents printed and distributed by the Printers to Congress, are correctly printed from the originals sent to their offices.

GEN. SCOTT'S LATE ORDER.

Mr. MANGUM submitted the following resolution for consideration:

Resolved, That the President of the United States be requested to inform the Senate whether the general orders, No. 376, issued by Gen. Scott, at head-quarters, Mexico, bearing date 15th December last, were issued under instructions from the Secretary of War; and if so, to lay said instructions before the Senate; and also any opinion of Gen. Scott, in regard to the necessary military means to carry said instructions into effect, which may be on file.

SAULT STE. MARIE.

On motion by Mr. FELCH, it was

Ordered, That the report of the acting Secretary of the Treasury communicating a report from the Commissioner of the General Land Office, in answer to a resolution of the Senate of Dec. 7th 1847, respecting the military reservations and private land claims at Sault Ste. Marie, be referred to the Committee on Public Lands.

CASE OF LESLIE COMBS.

Mr. ASHLEY, from the Committee on the Judiciary, moved that the Committee be discharged from the further consideration of the petition of Leslie Combs, and that the same be referred to the Committee on Foreign Relations.

Mr. SEVIER.—I can see no reason why there should be a change of reference in this case.

Mr. BERRIEN.—This is a claim arising from the result of negociation between the United States and Mexico, when Texas was yet an independent republic. It is not a claim presented as growing up subsequently to the time of her admission into the Union. It is a question, therefore, depending on the principles of international law. After the Union of Texas with this Republic, such claims would properly belong to the Committee on Claims; but the claim having arisen prior to the Union, I submit that the subject properly belongs to the Committee on Foreign Relations.

Mr. MANGUM.—I hope the Committee will not be discharged; if they should be, the subject ought not to go to the Committee on Foreign Relations; for it is undoubtedly, as it seems to me, entirely a distinct claim. It is one which necessarily requires the application of accurate and precise legal knowledge. And as these are very interesting questions, and as it is probable that they will occupy much of the attention of Congress in future, I hope we shall have the benefit of all the learning of the distinguished Committee on the Judiciary.

Mr. BERRIEN.—I shall be perfectly willing to acquiesce in the suggestions of the Senator from South Carolina, if he can indicate to me any one principle of municipal law which will be brought into discussion in the consideration of this claim. The question is what is the responsibility which the United States incurs in consequence of her associating with herself, and incorporating into the Union, a foreign state. If that is not a subject for the consideration of the Committee on Foreign Relations, I know not what is.

Mr. WESTCOTT.—I disagree entirely with the honorable Senator. I conceive that by far the most difficult and delicate question involved in this claim is a question of municipal law.

The question was put on discharging the Committee on the Judiciary, and it was determined in the negative.

ADDITIONAL UNITED STATES' COURT IN TEXAS.

Agreeably to notice, Mr. RUSK asked, and obtained leave, to bring in a bill to establish an additional District Court of the United States in the State of Texas; which was read the first, and second times, by unanimous consent, and referred to the Committee on the Judiciary.

UNITED STATES' COURTS IN MAINE.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the bill changing the time for holding the terms of the Circuit Court of the United States, in the District of Maine, reported it without amendment.

JUDGMENTS AGAINST THE UNITED STATES.

Mr. ASHLEY, from the Committee on the Judiciary, reported a resolution in relation to the rendition of judgments against the United States in certain cases; which was read, and passed to the second reading.

PRIVATE BILLS, ETC.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the petition of John Searing, submitted an adverse report; which was ordered to be printed.

Mr. WESTCOTT, from the Committee on the Judiciary, to whom was referred the memorial of Thomas Douglas, reported a bill for the relief of Thomas Douglas, late United States attorney for East Florida; which was read, and passed to a second reading.

On motion by Mr. BRADBURY, the vote by which the Senate had concurred in an adverse report submitted by the Committee of Claims, in the case of Amos Holton, was reconsidered; and the question recurring upon concurring in said report, it was

Ordered, That it be recommitted to the Committee of Claims.

VACANCIES IN COMMITTEES.

Mr. BRADBURY was, at his own request, excused from further service as a member of the Committee on Printing, and as a member of the joint committee of the two Houses on printing.

Mr. CAMERON was, at his own request, excused from further service as a member of the Committee on Commerce.

Mr. YULEE was, at his own request, excused from further service as a member of the Committee on Private Land Claims.

Mr. DICKINSON was, at his own request, excused from further service as a member of the Committee on Patents.

On motion by Mr. BRADBURY, the VICE PRESIDENT was authorized to make appointments to fill the vacancies in the foregoing committees.

The PRESIDING OFFICER stated that he was somewhat embarrassed as to the intention of the Senate in regard to these appointments; whether the chairmen were to be designated by him, or merely appointed to complete the number.

Mr. MANGUM.—I understand that the practice of the Senate has been that the chair simply appoint a member of the committee. I believe that, under parliamentary rules, every committee has a right to make its own chairman; but it has been the invariable practice here to accede to the rule, when the appointment is given to the chair, that the first named on the committee shall be chairman. Still I think it is within the competency of the committee to displace that chairman at any time, and appoint another. But when a vacancy occurs, the usage, I think, has been simply to appoint a committee man.

Mr. SEVIER.—In regard to the practice of the Senate, I happen to recollect one instance which occurred in relation to a committee of which I was a member—I mean the Committee on Indian Affairs. Judge White had been our chairman for many years. I happened to be the second on that committee. When Judge White resigned his seat in the Senate, the then Presiding Officer of the Senate appointed Mr. Tipton to be chairman.

Mr. CALHOUN.—I know there have been cases where the chairmen have been appointed by the Presiding Officer, but I think the principle is that the chair appoints the committee men, and it belongs to the committee, where it is not otherwise provided for, to say who shall be chairman.

Mr. YULEE said that the Naval Committee had recently found occasion to examine the question presented by the Vice President. The result of his examination was that the practice in the Senate, as exhibited by an uniform and unbroken current of precedents, was to leave to the committees the selection of their Chairmen under the circumstances as stated by the Vice President.—The Senate might, by a distinct and direct action, designate a Chairman, and in several instances this had been done; but when the Vice President, under the direction of the Senate, filled a vacancy, the member thus appointed invariably took place, on the list of the Committee, after the members already constituting it. He believed no precedent would be found to the contrary. The action that followed the resignation of the Chairman of the Finance Committee, in the last Congress, furnished a correct illustration of the established practice of the Senate.

Mr. SEVIER read from the Senate Journal the case to which he had referred.

Mr. YULEE said it would be seen that the precedent referred to by the Senator from Arkansas, was in strict accordance with the practice as stated by him, (Mr. YULEE,) for it would be seen that, in the case his friend referred to, the Senate itself had designated the Chairman.

The PRESIDING OFFICER then put the question, "shall the appointments be limited to filling up the number," and

It was decided in the affirmative.

THE TEN REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. FOOTE—The Senator from North Carolina, (Mr. BADGER,) concluded his speech of yesterday with the mention of what he was pleased to entitled, "the flickering light of military glory." What does this mean? Does he so much condemn the war that he is of opinion with some other distinguished gentlemen of his party, that no permanent honor can be acquired in a war so unjust and unconstitutional? I knew before, that the venerable Senator from Massachusetts, (Mr. WEBSTER,) had expressed some months ago his opinion, in very plain language too, that no real glory could be achieved in such a war. His words on this point are worth quotation, for they seem to me to indicate a settled design, not to say a deliberate conspiracy in certain quarters, to prevent our military chieftains of this Mexican war from deriving any eminent civic advancement from their immortal exploits. "Sir," said the Senator from Massachusetts, on the occasion referred to, "I need not say that I have as much respect for distinguished military achievement as any man. I would not see any laurels that belong to it withered. I honor those who are called on, by professional duty, to bear arms in their country's cause, and do their duty well. I would obscure none of their fame. But I will say here, and to them, that it is the solemn adjudication of nations, and it is the sentiment of the Christian world, that war urged for vicious purposes, or from vicious motives, tarnishes the lustre of arms; and darkens, if it does not blot, what otherwise might be a glorious page in the history of the nation that makes it." Well, sir, the Senator from North Carolina, and others, co-operating with him in this discussion, claim to have proved that this war was entered upon by the President, not in defence, nor to avenge national injuries and insults, but in order to secure a plausible pretext for forcibly seizing upon, and permanently retaining, the Californias and New Mexico; he denounces the act as a great crime, and quotes poetry depictive of his contempt and indignation against such vile conduct; so that between the two distinguished gentlemen, the case is easily made out. Neither Gen. Taylor nor Gen. Scott could have gained any laurels worthy to adorn the brow of a patriot, since the war is judged to be both waged for "vicious purposes," and from "vicious motives," and thus is "the lustre of arms" seriously "tarnished." This, too, is not mentioned to be

the opinion of a single individual however distinguished, nor even of many, but "the adjudication of nations," and "the sentiment of the christian world." No wonder that the Senator from North Carolina talks about the flickering light of military glory. This word flickering is quite expressive: it is usually applied to the blaze of a candle or lamp just in the act of becoming extinct. And, sir, is it possible that all the glory which certain gentlemen lately saw in the achievements of our brave officers and men who have fought in Mexico, is about becoming eclipsed? Shall we say of the lustre of Buena Vista: "*Sic transit gloria mundi*"? Has the old dread of military chieftains suddenly come upon distinguished gentlemen? Is Cicero's famous maxim—"*Arma cedant togæ*," about to be realized? Has some magnetic process been going on, in order to win distinguished gentlemen back to their old faith and prevent them from running after new idols? I have understood that the celebrated lecturer on Electro Magnetism is in the city, and, if applied to, might perchance suggest the means of succeeding in this magnetizing scheme. Well, I am really afraid that if the blaze of military glory is flickering, it may be expected to go out shortly.

Mr. BADGER.—If the Senator will allow me to interrupt him, I will say that the expression which I used was used inadvertently. The term I intended to use was very different. I meant the dazzling light of military glory. I was not aware, until the Senator informed me, that I had used the word flickering.

Mr. FOOTE—Well, sir, dazzling is the word then. I am not sure that this helps the case much. If the glory of arms is dazzling, why then, we infer that there is nothing substantial in it, but it is altogether delusive. Sir, it is not my business to advocate the claims of military men to high civil stations on account of their military distinction alone. Nor shall I seriously interfere in this matter at all; but, whether General Taylor's glory, as one of the officers in this war, be, or be not, either flickering or dazzling, fading into extinction or merely delusory, I feel bound to say a few words in vindication of this commander, against the peculiar advocacy which the Senator from North Carolina has thought proper, on the present occasion, to originate in his behalf. He asserts that the movement of General Taylor to the Rio Grande, brought on the war; and he further says, that General Taylor is not at all responsible for the movement. Indeed! General Taylor not responsible?—Why, it is one of his chief glories in the war, that he is responsible. The movement was necessary; he perceived the necessity of approaching the Rio Grande; did advance to it—and lo! the collision of arms. The whole correspondence of General Taylor with the government is of the same import, and is all alike calculated to fix upon him the chief responsibility of the movement, and secure to him the glory of having acted with singular acuteness, energy, and good sense at this delicate crisis.

[Here the Senator read from various documents in maintenance of what he had asserted, and then proceeded as follows:]

Sir, no man can examine this correspondence between General Taylor and the Secretary of War, without being perfectly satisfied of these facts:—1. The administration entirely confided in his judgment and energy, and designed from the first, to endow him with an ample discretion as to his movements on the south-western frontier. 2. That every movement in the direction of the Rio Grande was taken, either upon his own judgment, in the absence of special instructions from Washington, or in obedience to instructions founded upon his own previous advice; and 3d. That there was not one of these movements, from first to last, from the location of his troops on the west bank of the Nueces up to the earliest battle with the enemy, which he did not execute with great alacrity, and as there is good reason to believe, with a full conviction that what he was doing was necessary to the honor of his country, and to his own personal fame. And now, when the glorious battles of Palo Alto, Resaca de la Palma, Monterey, and Buena Vista have been fought, when General Taylor's fame and popularity are placed beyond question, by his conduct upon those immortal fields of bloody and terrific strife, I must in regard it as one of the most illiberal, unfair, and (but for the respect which I bear certain gentlemen here, I would say,) unmanly and contemptible efforts I ever heard of in my life, to shuffle him, by sly device and quibbling sophistry, out of all the responsibility of those acts, without which, he would never have been, as he is, his country's pride, and the world's admiration. Sir, so decided are my opinions on this subject, that as much as I admire Gen. Taylor, (and I do so as highly as any one in the republic, out of the pale of those who are struggling to make political capital out of his popularity,) so help me Heaven, if I thought, as I am far from doing, that he would give his sanction, for an instant of time, to such miserable special pleading as we have heard here from his professed friends, I should feel compelled to give up entirely my present profound respect for his character as a man of justice and magnanimity. I will not believe, sir, that were General Taylor now in our midst, he would fail to set gentlemen right on this subject, and I confidently believe that he would tell them, that he would scorn all popularity or character which was to be obtained by a resort to technical subterfuges, that would not be very respectable even in a justices court, in a case where the whole matter in controversy only amounted to some 15 shillings or less. I am almost tempted to exclaim in the language of Falstaff,

"Call you this backing your friends?"

Sir, it seems to me that, in the progress of the debate which has been going on for some days past in this body, not a small number of the topics which have been introduced and more or less strenuously urged upon our attention, have either no legitimate connection with the grave and momentous question before us, or have been heretofore, so repeatedly discussed in legislative halls, and in popular assemblies, that but little, either of profit or entertainment, could be reasonably anticipated from a renewed examination of them at the present time. I may be in error, sir, but if I do not egregiously mistake the indications of public sentiment which are reaching us every hour, there has never been more unanimity exhibited in this country, than is now displaying itself in regard to the origin, progress, and future prosecution of the pending war with Mexico. Sir, the patriotic citizens of this Republic, almost everywhere, heartily approve the whole course of the administration thus far in the management of this war, and are resolved, that it shall not languish for want of the necessary supplies, both of men and money, to ensure its vigorous prosecution. Thank Heaven, we have not yet reached, and God forbid we should ever reach, that sad period in our history as a free people, when a factious combination, any where, will be able to plunge the natal land of Washington and Jackson, of Jefferson and Franklin, into that deep and irretrievable disgrace which I fear that a few degenerate sons of heroic sires in different parts of the republic, have been for some months past laboring most assiduously to provide for us. Not yet, nor ever I trust, are we to realize those scenes so memorable in Athenian annals, when Demosthenes, whose fervid and fearless eloquence shook even the Macedonian Despot upon his throne, felt constrained by a high sense of patriotic duty to launch the arrows of his blasting invective against certain factious orators of his day, who, swayed by party feeling or the mad ambition to rule, or some motive still more inglorious, sought to get up a party in Athens opposed to timely measures of defence against the dangerous encroachments of Philip. Far from us and from our posterity, be that moment of disgrace and desperation, when an American Senator shall find it necessary to the freedom and honor of his country, to denounce any portion of his countrymen in such language as burst in lightning and in thunder from the lips of the noblest champion of Grecian liberty, when he exclaimed: "But not only is our full conviction of these facts necessary to our safety; not only is it necessary that we should resolve to take vengeance on Philip by all the operations of war; but it is equally necessary that we should prosecute with the most determined hatred, those who make harangues in his favor. Let us be strongly convinced, how impossible it is to vanquish the foreign enemies of the republic, until we punish her domestic foes—these ministers of Philip. But I appeal to Jupiter, and all our other Gods, you have neither power for such an attempt, nor inclination. For to such excess are you arrived, either of infatuation or frenzy, (I am unable to express myself) that I am frequently alarmed, lest some Demon precipitately hurry the republic to destruction; when, either for the sake of some personal invective, or invidious remark—some malignant ridicule or trivial pleasantry, you command those mercenaries of Philip to speak in your assemblies, and laugh when they are scurrilously abusive. Nor is this the severest mischief, however severe; for you have at least in part, given up the republic to their administration, and rendered it less dangerous for them to offer you the most pernicious measures, than for others to propose that counsel which concerns your interests and honor alone."

No one, Mr. President, who listened to the able argument of the Senator from Maryland, a few days since, could have avoided being forcibly struck with the peculiar cogency of that part of it which was devoted to establishing the important position that the pending war with Mexico is both just and honorable.—Perhaps I should have been still more impressed with the views of the Senator from Maryland, had I not been led, from his high reputation as a jurist and statesman, to anticipate such an effort as would comport with the peculiar dignity of his own chivalrous State, and be not unworthy of the successor in this body of the first of American orators, the illustrious Pinckney. I fear, though, that the logical artillery of that honorable Senator hardly felt to play with any decided effect upon the convictions of those most proximate to him in this chamber; among whom, if he should, perchance, have effected a conversion or two, I shall regard it as matter of special gratulation. But, whatever fortune the Senator may have had in this respect, such an argument as he has presented here will certainly not fail to receive a just appreciation at the hands of his countrymen, and the day can never by possibly arrive when he will regret the expression of views at once so wise and so noble. Long will "the star-spangled banner" of our fathers wave in triumph "over the land of the free and the home of the brave," whilst sentiments of lofty patriotism in our national councils shall attend upon the valorous achievements of our heroic armies upon the fields of a just and defensive war.

The speech of the Senator from Maryland, so far as it was in vindication of the justice and honor of the war, could scarcely have failed of its intended effect in any quarter, as it would seem to me, except where compelled to encounter that great enemy to truth, against which the venerable Senator from South Carolina, the other day, so solemnly warned us, and which he was pleased to denominate "pride of opinion." When this pride of opinion was thus, with something of dramatic emphasis exorcised by the distinguished Senator from the noble Palmetto State, I confess that I scarcely knew precisely what quality of the mental man might be probably alluded to. But I have since ascertained, from some who

profess to be particularly wise in such matters, that this same pride of opinion is a morbid condition of the human intellect, brought on, most commonly, at least in understandings of a certain elevation and expansive force, by multiplied successes achieved over vigorous opponents, in the arena of logical dialadiation: That it is a *status* of moral being very much disrelished by those who are over eager to make proselytes, either in religion or politics, and of which those are apt to complain most dolorously when they suspect its existence in others, who, in the impartial judgment of mankind in general, are most subject to the access of the malady themselves. Now, as pride of opinion is commonly understood to be precisely "antogonistical" to what is known among practical politicians under the dread name of inconsistency, (which latter quality is quite celebrated as a grievous impediment to high civic advancement,) I am not entirely able to perceive why it might not be permitted to escape severe criticism on this side of the Atlantic, where most of our leading statesmen, unmindful of illustrious examples elsewhere, of the formal and public disavowal of opinions once ascertained to be clearly erroneous, are every now and then heard to insist, with an earnestness which is the customary attendant of perfect sincerity of heart, that though it may be quite possible for the wondrous magnet to lose more or less of its characteristic polarity, and for Phebus, himself, someof these o cold and cloudy days, in a moment of sudden caprice, perchance, to permit the regular succession of the seasons to become fatally disturbed, yet that the operative powers of their minds are not at all subject to the great law of change, which is impressed upon the whole universe besides, and that they have the happiness still, in the noon or evening of life, as the case may be, to entertain the self-same opinions, upon all the public questions which have divided parties in this their day and generation, which they adopted upon their first entrance into the tangled and thorny pathways of modern statesmanship.

Mr. President: The learned and able Senator from Maryland has made it wholly unnecessary that the administration now in power should be hereafter defended against a number of charges growing out of this Mexican war. Did I not know, that the course of that Senator had not been at all actuated by a desire to conciliate the political party with which it is my honor to hold connexion, I should thank him, in the name of those associated with me, for the seasonable and effectual relief which he has thus afforded us, and which his conscience and patriotism have forced him to afford us, from the insidious and persevering hostility of an unscrupulous press, sustained and encouraged as it is, by a furious band of unblushing demagogues, who occupy themselves night and day in traduc ng the government of their own country, and in bewailing the wrongs and sufferings of those whom they denominate, "our republican brethren in Mexico." Had a friend of the ruling administration, however elevated in point of character, and energetic in the field of debate, given utterance to many of the striking and important truths, so startingly announced by the Senator from Maryland, there is reason to believe that the work of conviction would have been scarcely consummated in the minds of many deluded citizens, who will now see that to doubt the justice and honor of this war, and all the minor points involved in this sweeping proposition, is to stultify their own understandings, and to close their hearts to all the ennobling sentiments which swell and animate the bosom of the patriot. Who will ever be unblushing enough hereafter, to deny the honor and justice of this war? Who will hereafter deny that the Rio Grande was the boundary line of Texas, before annexation, and of our country since? Who will dare to call in question the authority or policy of marching our army to the left bank of this now famous river? Who will doubt the previous determination of the Mexican government, as promulged in grave public documents, to carry on a cruel, and devastating war upon all our peaceful citizens who might at the period of intended invasion be found west of the Sabine? Who will not now perceive that a large military force had been already concentrated in the neighborhood of Matamoras, which was almost ready to light up the flames of war along our whole frontier, before the movement of our heroic army from the west bank of the Nueces? Thus might I have indulged in the language of interrogation a few days ago. Alas! We can do so no longer. Several gentlemen standing high with their party, and of deservedly respectable rank in a learned profession, have lately attempted to put the country afloat again upon the ocean of disputation. But, I trust they will forgive me for saying, what I think all save themselves must have most sensibly felt, that I could not perceive anything which fell from either of them at all calculated to weaken the force of the argument of the Senator from Maryland, as to any of the points discussed by him. These, I proclaim, so far as partisan opposition is concerned, are settled points; in the language of the law-books, *res adjudicata*. The arena of controversy as to all these questions heretofore so fiercely disputed, should be regarded as being now forever closed; and according to the Senator from Maryland, the President is only to blame for not having caused a larger force to march under the command of General Taylor, than that distinguished officer saw assembled around him upon the battle-fields of Palo Alto, and Resaca de la Palma. So that the President was not censurable for ordering the march to the Rio Grande, but for not discovering the intention of the enemy still earlier than he did, and for failing to assemble a sufficient body of men under the standard of our country to have at once demoralized the foe, and have caused him to abandon his hostile design forever. I am persuaded, that if the Senator had looked into this matter somewhat more carefully, he would have ascertained that there was as little ground for condemning the Executive on this score, as for ordering the march to the Rio Grande; as it is at least certain beyond contradiction, that General Taylor had full authority to procure the increase of his army to any extent which he might judge necessary, and that though he had but a small force, in point of numbers, to contend with the large army at the moment known to be concentrating upon the Rio Grande, yet his army was just as large as he desired it to be, or supposed to be at all necessary; and that he had been seasonably given the power to increase his force according to his discretion. How the admissions of the Senator from Maryland as to the justice and honor of the war, can be made to harmonize with a position afterwards taken, that though Mexico was entirely to blame, yet that the President is to blame also, and that it was the duty of the President, though commander-in-chief of our army, and bound by his oath of office as such, first to consult Congress before he sent a single order to our commander at Corpus Christi, directing him in accordance with his own views of the propriety, as antecedently expressed to the government, to place the troops under his command in an attitude which might enable them to defend the soil of our country from threatened invasion, I shall leave to the Senator himself and the country to determine. I shall not debate this point; a discussion of it, it seems to me, would be wholly profitless; and I was too highly gratified with nearly all that fell from that distinguished gentleman, to seek controversy with him upon subordinate questions. I would rather believe that any apparent inconsistency in the views of the Senator from Maryland, arose from haste and inadvertence; from a natural unwillingness to part company altogether with those who have been heretofore his political associates; or from a disposition sometimes evinced by legal gentlemen to show to those around with how much skill and adroitness they are able "to confute, change hands, and still confute." Instead of censuring the Senator from Maryland for what may have appeared to savor somewhat of illiberality and unfairness, I would prefer saying, that whilst the distinguished Senator was speaking I observed the tempestuous excitement which he was awakening, around him; and discerning in countenances wont to be serene, the signs of rising wrath, I could not help recurring to that scene of elemental conflict, so vividly portrayed by a poet of our times, when he exclaims:

> "The sky re-changed! and—new re-changed! oh night!
> And storm, and darkness, ye are wondrous strong, yet lovely in your strength
> As is the light of a clear eye in woman! Bless'd
> From pole to pole, be each recurring close
> Leaps the live thunder! Not from one lone cloud,
> But every mountain now hath found a tongue,
> And Jura answers, from his misty shroud,
> Back to the joyous Alps, who call to him aloud."

And pursuing the description a little farther, I would beg leave to say of the Senator from Maryland:

> "Now where the quick Rhone thus hath cleft his way,
> The mightiest of the storms hath ta'en his stand:
> For here, not one, but many, make their play,
> And fling their thunderbolt from hand to hand,
> Flashing and cast around: of all the band,
> The brightest through these parted hills, hath forked
> His lightnings—as if he did understand,
> That in such gaps as desolation worked,
> There the hot shaft should blast whatever therein lurked."

Sir: The President has been much complained of in this discussion, for having suggested in his second annual message, that "aid and comfort" had been imparted to Mexico in this war, by a few persons in this country who are exerting a zealous opposition to the further prosecution of hostilities. I deem this complaint wholly unfounded, and will endeavor to demonstrate it to be so.

Sir: In this age of cultivated reason, which may be emphatically called the age of moral influences, when the mind of man is every day achieving new victories, more brilliant and decisive than the old, over the serious impediments of various kinds which have heretofore obstructed its progress along the pathways of knowledge; when the matured thoughts of gifted and powerful minds, upon subjects both practical and speculative, by means of innumerable printed volumes, the newspaper press, periodicals, literary and scientific, convenient mail arrangements, steamboats and other vessels of great celerity of motion upon the water, railways and the electric telegraph upon the land, are communicated almost with the rapidity of lightning, from the closets of the learned to the toiling millions of all civilized countries under the sun; when arguments, and statements of fact, and the beautiful embellishments of poetic fancy, and the dazzling and overwhelming influence of inflammatory eloquence, are constantly finding their way to the palaces of the great and the cottages of the humble, penetrating towns, and villages, and country-places, and reaching even the most retired nooks and corners of social existence—dreadful, oh dreadful is the responsibility both to God and man, of him who perverts truth or propagates falsehood, or sophisticates for the delusion of the masses, or shows a reckless disregard of the consequences likely to be produced in the minds and conduct of others, by what he either utters as a public speaker, or throws upon paper for more extensive dissemination. There are distinguished statesmen in this country, whose speeches and letters are read with attention, and are known to wield an influence not inconsiderable among all nations where the art of printing has been introduced, and with which we have heretofore established relations of commercial intercourse. Some of these personages have been at one time members of this body; some are, perchance, bustling and noisy politicians still, who delight in frequenting the thoroughfares of social life, and in keep-

ing their political friends in remembrance of their own peculiar merits. But there is still another class of American great men whose opinions are interesting to the world: I allude now to the Nestors or Methuselahs of party: a few of whom have retreated long since to the calmer walks of private life, but who still, through some dim loop-hole of "philosophic retiracy," occupy themselves alternately in watching the ominous and exciting fluctuations of the stock-market, or in spying out the "signs" in the political or financial sky; and who are heard over and anon, to whisper to themselves, and a few infatuated and interested votaries around them, with something perchance of doting dignity and delphic solemnity of manner commingled; "*Felix qui potuit rerum, cognoscere causas.*" There are others, perhaps wiser still, who have chosen to bury themselves in rural solitude, absorbed it may be, in the comfortable and more primeval business of tending herds, and "mending fences," raising for market far other "stock," than that which is known familiarly on 'change, as "bulls generally of bullocks or virgin heifers," on holiday occasions; and who, every now and then, are seen emerging from their dearly prized places of repose, in order once more, if they can, to seize the direction of the understandings and sensibilities of their countrymen. Some of these personages, unmindful of the example of the distinguished Senator from Massachusetts; who, when the Oregon question was under discussion in this body, for some days, and perhaps weeks, refused positively to enter into the debate then in progress, and finally declared in most emphatic terms, the obligation which he felt to be resting on his conscience, whilst the title of his country to territorial domain was undergoing diplomatic discussion, not to breathe a single syllable calling that title in question; have not hesitated, in this war with Mexico, when questions much more important than claimed the attention of the two countries; when puted territory were pouring between the two countries; when millions of money, and the most precious blood of the nation were all placed at hazard upon the issue of arms; when national honor and individual fame were both in a condition to be dangerously affected by imprudent and mischievous speaking and acting, to arrange, in the most ostentatious manner, for the fulmination of fierce and fervid harangues, denunciatory of their own country and commendatory of the enemy; at a moment and under such circumstances too, as must have made known to themselves in advance, the material fact, that almost as soon as their speeches should be delivered, they would be read in the United States, and thus serve to dispirit their own countrymen and indispose them more or less for the hard service of the tented field; would circulate in Mexico, and encourage the enemy to renewed hostilities; would be republished across the Atlantic and come back with a rebound from foreign shores, to multiply the original effect, both here and in Mexico. These gentlemen could not well avoid knowing all these things; and yet have they been wholly unmindful of them. Indeed a few are reported to have grown more furious under the just censures with which they have been visited. Will any man say now, thatthese persons were not warring against their own country? That they have not, morally speaking, joined the enemy? Well do we know the opinion and feelings of our own noble officers and soldiers on this melancholy subject. The speech of the heroic Doniphan, at St. Louis last summer; the recent statements of Wyncoop and Morgan, which we have all read in the newspapers, have administered most damning proof against these mischievous and meddlesome haranguers, and will eventually consign them one and all, if they shall not speedily exhibit satisfactory signs of a genuine repentance, to an infamy as undying as their offences, whilst unatoned for, are unpardonable, either upon earth, or in Heaven.

Hear what the heroic Col. Burnet said the other day in Philadelphia, at a dinner given in honor of him:

> He Col. Burnet could not refrain from thanking the company assembled for the compliment more eloquent and himself that it did not vainly become him to speak of the policy of the war, but he would give great weight upon in regard to the feeling in Mexico, and that in order to prosecute the war with effect, we should be united as a people. (Three cheers.) Col. Burnet said Santa Anna had prepared a document made up from speeches and editorials put forth in this country concerning the war, among which was the declaration of an American Senator that he would not vote for supplies. These things operated against us very much."

Let no man hereafter complain of the President; he told but the truth about this matter, and with a republican boldness and simplicity becoming his character and station. As our executive sentinel upon the watch-tower of the nation, he but imparted seasonable notice to his countrymen of the fierce dangers with which moral treason was rapidly encircling them. Had he not administered this warning he would have proved himself as faithless as those whose treachery he has been censured for denouncing. I will not pursue this disagreeable subject farther. I am pained at feeling it to be my duty to refer to it all. But the denunciations which have been so lavishly poured forth upon the head of the President, even in this debate, in connection with this part of his Executive conduct, has rendered it necessary that the whole truth should at last be told. I hope not to be misunderstood upon this delicate point: no one is more than myself an advocate for the utmost freedom of debate upon all public questions, consistent with the established rules of decorum and a due regard to the present safety and true honor of this great republic. And, if any one of the speakers alluded to can clearly make out the case for himself, that his country was really in the wrong, and in danger of getting more and more in the wrong in regard to this Mexican war: that his particular interposition was evidently needed in order to check the government in a career of folly and madness in which it was fast rushing to destruction, as has been alledged: and that he did really interpose with the *bona fide* intention of rescuing the nation from infamy and danger, either actual or impending, why then he may perchance escape condemnation for what appears *prima facie* to be so very censurable. But woe be to them if they fail in their justificatory proof on this point; for I tell them, and all of them, that it were better that they should never have been born, or that being born, they should have died in infancy; or that they should now have a mill-stone tied about their reverent necks and be cast into the bottomless sea, than to stand convicted before the present generation and all posterity, of having joined in soul and voice with the enemies of their country. A distinguished citizen of Kentucky, a leader of the party opposed to the Administration, said in a public speech delivered by him last summer, in the city of Philadelphia, amidst the acclamations of patriotic thousands, that "without now enquiring into the origin of the war, (I quote from memory and hope not to do injustice) it was the duty of every American citizen to give his head, his heart, and his hand to his country." The same gentleman, it is said, a short time before, in New Orleans, had expressed himself as being in favor of a vigorous prosecution of the war, spoke fiercely of vindicating the wrongs of his countrymen, and actually talked about going into battle himself with the view of slaying a Mexican, or at the least, taking one prisoner. This was all very deliberately and patriotically said, and contains the strongest rebuke upon the class of men to whom I have been referring that could well be imagined. I hope the distinguished statesman and sage of Ashland has not yet changed his mind about this matter; the spirit breathed by that gentleman during the last war, and which broke in thunder upon a certain son of New England in the other wing of this capitol, for daring to oppose the then pending war with Britain, when he told him that he polluted the very carpet upon which he was treading, was the true American spirit, and is known to have awakened a hearty response from every hill and valley of the republic.

Mr. President, I do not feel that I hazard any thing in asserting that if the pages of history, ancient and modern, shall be ransacked, it will be impossible to find a case precisely analagous to the one under consideration. In fact, the only attempt which I have seen made to justify by precedent, is the case of certain distinguished orators of Great Britain during our revolutionary war, vindicating the then colonies in Parliament, and struggling to put an end to a long course of oppression and violence, in which George the Third and his ministers had involved themselves. The inapplicability of this case to the one under examination is too obvious to need more than a bare suggestion. We were then, or our forefathers were, British subjects—fellow-subjects of those who defended us, and who only defended one portion of the British nation against the wanton aggressions of another. Now, I have not yet heard any one assert that Santa Anna, Ampudia, Canales, and their myrmidoms, were our fellow-citizens; though I have certainly often heard Mexico in this debate called a sister republic. I suspect, that if gentlemen will look into this matter specially, they will find that, passing over the Athenian case alluded to, there is nothing that approximates to the conduct which I have been reprehending, in all republican history, except perhaps the single instance of opposition presented to Hannibal, touching the war which he had unauthorizedly and wickedly commenced with the Roman republic. For, it will be recollected, that Hannibal had, without consulting the Carthagenian Senate, by a deliberate breach of an existing treaty between Carthage and Rome, suddenly crossed the Iberus, pushed his vast army through Gaul, and over the Alpine heights, and precipitated it down upon Italy, almost before any one either in Carthage or Rome knew that he had yet left Spain at all. Well, Hannibal, after a series of brilliant victories over the Roman armies opposed to him, despatched his brother to Carthage to demand additional supplies of men and money of the Senate. That brother is reported by Livy to have thus expressed himself—"The nearer their prospect was of finishing the war, the more vigorous support of every kind ought to be afforded to Hannibal; for that it was carried on at a great distance from home, in the heart of the enemy's country. The consumption of money and corn was great; and so many engagements, while they ruined the Roman armies, had diminished in some degree those of the conqueror. It was, therefore, necessary to send a reinforcement, and likewise to send money for the pay, and corn for the maintenance of the troops, who had merited so highly of the Carthagenian nation."

In this moment of general exultation, it is said that Hanno, the chief of the faction opposed to Hannibal, though he knew the war to be unjust and unauthorized, and was full of anxiety as to its ultimate consequences to Carthage, acted with great dignity and composure: nor did he utter a syllable in opposition, until stung by certain sarcastic reflections which were cast upon him, he replied briefly in his own defence, and commenced his speech with these memorable words: "I should have remained silent this day, lest in a time of general joy, I might utter some expression tending to damp it." And after denouncing Hannibal and his unprincipled ambition at some length, he finally refused to vote supplies, expressly on the ground that Hannibal, who needed them, "had deluded his country with groundless hopes." Now, as I believe that the same accusation cannot be justly preferred against Gen. Scott in this case, who avows himself to be in need of the troops proposed by this bill to be sent to him, I beg leave here to observe, in addition, that whatever the necessity was at the time of Gen. Scott's demand for aid, that necessity may have been greatly enhanced since he has been directly heard from, inasmuch as we have just learned that a proposition has been brought forward lately in the Mexican Congress, having in view the raising of 10,-

000 soldiers for immediate offensive operations. That I do not misunderstand Gen. Scott's application for additional troops, will at once be obvious to all who will examine his letter, an extract of which has been read here and runs thus: "Augment the army to 50,000 men, to enable it to occupy at the same time nearly all the State capitals, and the principal cities; to drive guerrillas and other robbing parties from the great highways of trade; to seize into our hands all the revenues of the country, internal as well as external, for the support of the occupation, and to keep the central government in motion and alarm, until constrained to sue for peace." And now what say the Hanno's of the American Senate? Why, they fiercely attack the whole arrangement for augmenting the army in Mexico—assert that no more troops are needed—that Gen. Scott has not actually requested re-inforcements—and indirectly charge him with a scheme of annihilating the nationality of Mexico, though he expressly speaks of keeping the government in motion and alarm, which, both among governments and men, I have always heard heretofore to imply vitality and capability of continued existence.

Mr. President, I listened to the speech of the honorable Senator from Delaware, (Mr. CLAYTON,) the other day, with feelings of unmixed surprise and mortification. The Senator commenced by denouncing our claim to territorial indemnity at the hands of Mexico as dishonest, and even charged us with an attempt to commit the vilest robbery upon our weak and defenceless neighbor. Being but a *novus hospes* within this hall, I am not prepared to say whether such language is in strict accordance with what I hear so much talked about in different circles, under the name of Senatorial usage; but I take leave to say in reply, that in the first place, my mind is not able to perceive the legal analogy between territorial indemnity, obtained in a just and honorable war, (for the recognition of which I believe the distinguished Senator himself voted, and also for supplies both of men and money to aid its prosecution,) and a lawless attempt, by putting in bodily fear, to deprive an innocent and unoffending traveller on the highway, (which was the case he cited,) of his personal goods and chattels. And, second, that the implication of dishonesty against all on this side of the chamber which his words convey, if they were not indeed intended to be meaningless, will not, I fear, be regarded by the public in general as entirely in keeping with the character which I am glad to learn that the honorable Senator has heretofore sustained for courtesy and high breeding.

Mr. CLAYTON.—Will the Senator allow me to correct him? I think the Senate will bear me witness that I cast no imputation on the personal motives of any one in this chamber. That is not my habit.

Mr. FOOTE.—The honorable Senator does not deny, still, that he brought the charge of robbery against the whole democratic party—but says he intended no accusation of dishonesty. Now, how he can reconcile the charge of robbery with perfect honesty of purpose, I leave to him to explain.

Now it is certain, that where I reside, and in all the neighboring country, high-way robbery is regarded as quite a serious affair, both against law and morals, insomuch that it is uniformly punished, when the perpetrator is detected, and brought to justice, by death upon the scaffold. It would seem though that the Senator from Delaware has been accustomed to quite a different code of ethics; and that in his judgment, robbery, or the taking away of personal goods and chattels, by violence from the person of the owner, by putting him in serious bodily fear, may be in Delaware, (I hope there is some mistake about this matter though,) a very creditable, virtuous, and praiseworthy act, and the robber himself may be altogether a decent and estimable gentleman. I know that Mr. Jefferson has charged upon Mr. Hamilton, that he entertained the opinion, that it was quite possible for a man to be honest in private life, and yet practice gross corruption, in his public capacity; but I belong to a class of politicians who believe out of the heart of man, are all the issues of life; that no honest and pure minded man, is either capable of stooping to the perpetration of iniquity himself, or of giving his sanction to it in others; and that corruption in a public man, necessarily implies the existence of private dishonesty. But, the honorable Senator disclaims any design of being personally offensive, to any on this side of the chamber; and with this explanation I am bound to be satisfied. I commend the Senator to a more circumspect employment hereafter, of the terms of declamatory rhetoric.

The Senator from Delaware insists, that the troops proposed to be raised by this bill are not necessary in Mexico; and in support of this view, relates an anecdote relative to General Scott, which, it strikes me, was rather amusing in itself, and more humorously told, than calculated to reflect honor upon the commander-in-chief, whom, I certainly hold in the most profound estimation. He says, that before General Scott went to Mexico at all, in conversation with friends here, he said "give me a column of 5,000 American troops, and I will take the capital of the enemy, if it rains Mexicans for a week." I suspect there must be some mistake about this matter, as I have always understood, and have yet reason to believe, that he was supplied with a much larger force than 5,000 men, at his own request, and that all the additional troops who have gone to him since, have been sent because he stood in want of them.

Mr. CLAYTON.—I wish to say to the honorable Senator that he misunderstands what I said. I did not say that General Scott had asserted that with four or five thousand men he could take the Capital in a week, or within any other specified time. I did mention this, however—an anecdote, as the gentleman termed it:—I said General Scott had stated, when speaking of the relative prowess of Mexicans and our own countrymen, that he did believe that with a single granite column of five thousand American soldiers—to use his own expression—he could whip any Mexican force that could be brought against him, if it should rain Mexicans for a week.

Mr. FOOTE.—The Senator from Delaware was pleased to read from a newspaper, an account of some 50,000 persons not belonging to the army proper, mere attendants upon its movements, who, he says, are actually about settling in Mexico, and who, with true yankee enterprize, are already preparing to establish a railway from Vera Cruz to the city of the Aztecs, and intend also, to supply the ancient capital of Montezuma with the blessing of the Electric Telegraph; and of these things the Senator most dolorously complains. Well, indeed, I cannot join him in his solemn jeremiad; on the contrary, I had heard of all these things before, and had rejoiced over them exceedingly. I hope that American enterprise will shortly connect every city in Mexico by railways, and that the electric telegraph may speedily supply commercial communication between every important place of trade on the Pacific coast and those parts which are located on the shore of the Atlantic.

He says, that if we send ten additional regiments there, they will never come back; the country is so very delightful they will never leave it. Indeed, he says, "if you wish them to return, you will be cruelly disappointed; it will be like calling spirits from the vasty deep: they will not come when you do call them." Well, sir, if they do not come back because they shall have bettered their fortunes in Mexico, and find that they are more likely to live happily and prosperously there than in the United States, I shall certainly not bewail their new-found felicity; and if the spirits that the wizard Glendower was wont to call around him, had at any time, half as good an excuse for not obeying his summons, I am of opinion, that he should have put up with the loss of their society without complaining.

The truth is, that I have suspected for a long while, that Mexico was a sort of earthly Paradise; and I hold in my hand a book, written by a person sustaining very particular relations with myself, in which I find Mexico described in the most glowing terms imaginable; and, by way of strengthening the suggestions of the Senator from Delaware, as to its desirableness as a country hereafter to be settled by enterprising men of our own race, I will read the poetic description of Italy, by Goldsmith, which, the author just alluded to, has not hesitated to apply to Mexico.

"Whatever fruits in different climes are found,
That proudly rise, or humbly court the ground,
Whatever blooms in torrid tracts appear,
Whose bright succession decks the varied year,
Whatever sweets salute the Northern sky,
With vernal tints that blossom but to die,
These, here disporting, own the kindred soil,
Nor ask luxuriance from the planter's toil,
While sea-born gales their gelid wings expand,
To winnow fragrance round the smiling land."

The whole South will doubtless feel particularly grateful to the Senator for so seasonably and solemnly warning them against the dangers likely to arise to their peculiar domestic institutions, from the annexation of Mexico; as the Senator from Delaware was one of those special friends of the South who voted for the Wilmot proviso last winter, it cannot be at all doubted that he occupies the very best possible attitude for assuming the guardianship of our peculiar local concerns. The honorable gentleman will forgive me though, I trust, for exclaiming, in the name of one Southern State: "*Timeo Danaos: et dona ferentes.*" With all due deference to the honorable Senator's judgment about the matter, sir, I am of opinion that it will be easy, in the event of any considerable acquisition of territory from Mexico hereafter, to reconcile all the local interests and feelings heretofore existing on the subject, upon principles which I may yet state before this session of Congress shall draw to a close.

Mr. CLAYTON.—I voted not only for the Proviso, but for all amendments offered to defeat the bill appropriating three millions of secret service money to be expended among the Mexicans.

Mr. FOOTE.—The members of this body will not fail to recollect the imposing and exultant manner in which the Senator from Delaware paraded before us, towards the close of his speech, the celebrated resolutions of 1803, providing for a re-seizure of "the place of deposit," as it was called at the time, in the island of Orleans, and supplying the President with an armed force to resist all future aggressions on the part of Spain. The resolutions, when amended, it seems, left out the proposition to seize violently "the place of deposit," and increased the military force prepared to be raised from "fifty" to "eighty thousand" "effective" men; yielding to the President full power, "whenever he should judge it expedient, to require of the Executives of the respective States to take effectual measures to organize, arm, and equip, according to law, and hold in readiness to march, at a moment's warning" all these eighty thousand effective militia, officers included," and these resolutions in their modified form, were enacted into a law, as I find, in a short time thereafter.

Now, what is the comment of the honorable Senator from Delaware upon this transaction? Why he says: "Did Mr. Jefferson

raise an army to march upon and seize the territory, or to point our cannon into the windows of New Orleans, and thus provoke a conflict? Did any such spirit as that which seems to rage here with an unbridled fury, pervade the Democracy of that party? No, sir—no, sir. The love of justice had not abandoned the American bosom: the honor of the American character was still dear to American statesmen.

"Thomas Jefferson, with his friends, dropped the proposition of Mr. Ross to seize on the country on the Mississippi, sent an envoy extraordinary to join Mr. Livingston in France; and they negotiated the celebrated treaty of 1803, by which Louisiana was ceded to this country for the sum of fifteen millions of dollars. Negotiation treaty, (the Senator continues,) these were the means resorted to by the democracy of another day." I have several observations to make on this part of the honorable Senator's speech, any one of which might of itself be deemed decisive, and 1st, in the case mentioned, Spain had neither invaded our territory, nor threatened to do so. She had only refused to permit us to continue in the enjoyment of a place of deposit, for goods of produce which our citizens and others might be inclined to land upon the Mississippi and its tributaries might be inclined to land at any time upon the island of New Orleans within her territory. By the treaty of *[illegible], limits,* and *navigation,* of 1795, it had been solemnly agreed, that his Catholic Majesty would permit the citizens of the United States, for the space of three years from the date thereof, 'to deposit their merchandizes three years from the date thereof, 'to deposit their merchandizes and effects in the port of New Orleans, and to export them from thence, without paying any other duty, than a fair price for the stores;' and the King of Spain furthermore bound himself 'either to continue this permission, (if he found, during the three years specified, that it was not prejudicial to the interests of Spain,) or, if he should not continue it, then to assign to said citizens of the United States, on another part of the banks of the Mississippi, an *equivalent establishment.*' On the 16th of October, 1802, Juan Ventura Morales, the Spanish Intendant of the Province of Louisiana, issued a decree, which, in violation of said Treaty of 1795, prohibited the bringing in or depositing American merchandize within the limits of the City of New Orleans, and not against *equivalent establishment,* mentioned in the Treaty, elsewhere upon the banks of the Mississippi. Among the documents then submitted by the President of the United States to Congress, was one from William E. Hulings, some time before appointed Vice Consul of the United States at New Orleans, two from William C. C. Claiborne, Governor of the Mississippi territory, and a third from James Garrard, the Governor of Kentucky. Mr. Hulings announces to the Governor of the Mississippi territory the fact, that the decree of the Spanish Intendant, already described, had been posted up in the City of New Orleans, on the 18th of October; states that 'the port of New Orleans is shut against foreign Commerce, and not against foreign Commerce only, but against the *American deposit* in this city. No mention is made,' he says, 'of any other place appointed for a deposit.' Governor Claiborne's letters, one to the Spanish Intendant, and the other to Mr. Madison, testify high indignation at the faithless conduct of the Spanish government; and he says to the Secretary of State: 'This late act of the Spanish government at Orleans, has excited considerable agitation at Natchez and its vicinity. It has inflicted a severe wound on the agricultural and commercial interests of this territory, and will produce no less injurious to the whole Western Country.' The Governor of Kentuckey, in his communication to the President of the United States, under date November 30th, 1802, says: 'The citizens of this State are very much alarmed and agitated; as this measure of the Spanish government will, if not altered, at one blow cut up the present and future prosperity of their best interests by the roots. To you, sir,' he continues' they naturally turn their eyes, and on your attention to this important subject, their best hopes are fixed.'

This, then, is the history of the affair. Mr. Jefferson says in his annual message of 1803, anterior of course to the introduction of resolutions by Mr. Ross: "previously," that is to say, previously to the period of excitement on the subject, "a proposition had been authorized to negotiate for the purchase of Louisiana from Spain," which proposition was then pending. Spain had sometime before ceded to France the whole country, then called Louisiana, but had not yet relinquished actual possession of the same. Whilst the temporary occupancy existed, the right of deposit was discontinued by Spain, which she had a clear right to do, under the treaty of 1795; but she had failed to "assign the equivalent establishment," as she was bound to do. This was hardly just cause for immediate hostilities; yet Congress authorized the creation of an extensive military establishment, and gave the fullest discretion to the President on the whole subject. No warlike movement, it is true, was immediately made by Mr. Jefferson. But why? Because he had then a negotiation pending with Napoleon, (not with Spain at all,) for the purchase of the whole country. The Senator from Delaware will now easily perceive doubtless, that there was no necessity for "pointing our cannon at the windows of New Orleans" at all. The honorable Senator will scarcely now himself contend, that there is really any analogy between the two cases under review. But he will allow me to tell him, I trust, in a spirit of unalloyed kindness, that the number of errors which he has committed in connexion with this affair is really surprising. He appears to think that Ross's resolutions proposed to "seize on the country on the Mississippi." Why, this was not the case. They only proposed "to take immediate possession of such place or places in the said island or adjacent territory, as the President might deem fit and convenient for the purpose of deposit." Nothing more. This, the Senator will see at once, by a re-examination of the resolutions. And why was this proposed? Simply because the original "place of deposite" had been discontinued, and no equivalent establishment assigned." What the honorable Senator means by talking about pointing cannon at windows in New Orleans, I am not able to divine. He surely does not mean to cast censure upon the officers in command at Fort Brown. But it really looks very much like it. The Senator will not find it a very easy matter to fix the responsibility of pointing the cannon at windows in Matamoras, upon the President or Secretary of War; for I am positively assured that no precise orders on this particular point ever emanated from Washington.

But what if I open to the Senator a fact or two more in regard to Mr. Jefferson and the democratic party of that time, in order to enable him to appreciate the almost Jackson-like energy of that high-souled executive? Spain publicly protested against the cession of Louisiana to the United States by France; and her citizens bordering on Louisiana and Mississippi had committed various aggressions upon our population.

Mr. Jefferson refers to these acts of violence in his annual message of 1805, thus:

"Inroads have been recently made into the territories of Orleans and the Mississippi. Our citizens have been seized, and their property plundered in the very ports of the former, which had been actually delivered up by Spain: and this by the regular officers and soldiers of that government. I have, therefore, found it necessary to add to our forces on that frontier, to be in readiness to protect our citizens, and to repel by arms any similar aggressions in future."

The Senator from Delaware has referred us to the pure times of Jeffersonian democracy, and would have us to understand that Mr. Jefferson and the democrats of his time were a particularly gentle and forbearing body of men, and that they especially evinced this temper and disposition towards Spain; and the Senator recommends in a very solemn and imposing manner, to us of this generation, their example and precepts. He seems particularly struck with Mr. Jefferson's preferring, in the instance of Louisiana, negotiation to war—negotiation by which so much valuable territory was to be peaceably acquired. I am charmed to hear that the Senator would have been a territorial annexationist in 1803, had he acted then as a politician, and hope that he may yet abandon the no territory ground upon which his party have now fairly pitched their political tents for the campaign of 1848.

As the Senator from Delaware appears to be so much enamored of the charms of Jeffersonian democracy, I will do myself the honor of calling his attention to the letter of Mr. Jefferson, written in 1807, to our minister, Mr. Bowdoin, in Paris, which appears to me to be strikingly marked with the true democratic spirit of that period:

"Never did a nation act with more moderation than Spain has constantly practised towards us; and it has been kept on hooks off of her red now, it has been ready out of respect to France, and from the calls we set to the nobility of France. We expect, therefore, from the friendship of the Emperor, that he will either compel Spain to do us justice, or abandon her to us. *Bread, but no mouth to be in the city of Mexico.*"

I imagine that by this time, the Senator from Delaware is getting a little tired of Jeffersonian democracy. He will excuse me though, I hope, for one more experiment upon his patience. In a letter written by Mr. Jefferson, in 1789, to A. Stewart, Esq., he uses the following language:

"I learn from an expression in your letter, that the people of Kentucky think of separating, not only from Virginia, (in which they are right,) but also from the Confederacy. I own I should think this a most calamitous event; and such a one as every good citizen should set himself against. Our present federal limits are not too large for good government, nor will the increase of votes in Congress produce an ill effect. On the contrary, it will drown the little dissensions still existing there. Our Confederacy must be viewed as the nest, from which all America, North and South, is to be peopled. We should take care, too, not to think it for the interest of that great Continent, to *press too soon upon the Aborigines.* Time enables us to *[illegible]* better hands. My fear is that they are too feeble to hold them till our population can be sufficiently advanced to *[illegible]* piece by piece. The *[illegible]* of the Mississippi *must have.* This is all we can as yet, ready to receive."

Now, I will tell the Senator, that if he if he is a Jeffersonian democrat, I am one too; and as such, I fully believe, that our confederacy "must be viewed as the nest, from which all America, North and South, is to be peopled," and I am decidedly in favor, with Mr. Jefferson, of getting fairly and honestly, the whole continent, "piece by piece." And this I hold moreover to have been the doctrine of the democratic party always heretofore; and the opposite or no territory ground, has been that of the federalists of the olden time and of their whig successors since.

The usual hour for adjournment having arrived, Mr. FOOTE gave way to a motion to adjourn, and

The Senate adjourned.

THURSDAY, JANUARY 20, 1848.

REPORT FROM THE NAVY DEPARTMENT.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Navy, made agreeably to law, accompanied by a list of the names of persons who have applied for relief under the Navy Pension Laws, and whose claims have been rejected.

PETITIONS.

Mr. ATCHISON presented the petition of David H. Leeper, praying the confirmation of his title to a New Madrid location; which was referred to the Committee on Public Lands.

Mr. STURGEON presented the petition of citizens of Greene County, Pennsylvania, praying the establishment of a mail-route from Greensborough to Taylor's Store, in said county; which was referred to the Committee on the Post Office and Post Roads.

Mr. HANNEGAN presented the petition of Robert Piatt, praying compensation for his services as Deputy Commissary of Purchases in the last war with Great Britain; which was referred to the Committee on Military Affairs.

Also, the memorial of Robert Piatt, heir and legal representative of Daniel Piatt, late an officer in the Revolutionary Army, praying to be allowed an undrawn balance of his seven years half pay; which was referred to the Committee on Revolutionary Claims.

Mr. BREESE presented the petition of the heirs of Robert Morrison, deceased, praying the confirmation of their title to a tract of land; which was referred to the Committee on Private Land Claims.

Also, the petition of the heirs of Josiah Bleakley, deceased, praying the confirmation of their title to a tract of land; which was referred to the Committee on Private Land Claims.

Mr. PEARCE presented the petition of James C. Wilson, a Clerk in the War Department, praying an increase of compensation; which was referred to the Committee on Military Affairs.

Mr. DOUGLAS presented the petition of G. Edmunds, jr., for himself and in behalf of the Des Moines Rapids Improvement Company, praying the assent of Congress to the making of a canal around the Des Moines Rapids, in the Mississippi river; which was referred to the Committee on Commerce.

On motion by Mr. UPHAM, it was

Ordered, That the petition of John McCloud, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. DICKINSON, it was

Ordered, That the petition of Elijah Buchanan, and the petition of Hector St. John Beetley, on the files of the Senate, be severally referred to the Committee on Pensions.

On motion by Mr. CORWIN, it was

Ordered, That the petition of George Wingard, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. DAVIS, of Mississippi, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the petition of Eugene Van Ness, and John M. Brush, executors of Nehemiah Brush, deceased; and that it be referred to the Committee of Claims.

MONUMENTS TO DECEASED SENATORS.

Mr. HANNEGAN submitted the following resolution for consideration.

Resolved, That a select committee be appointed to inquire whether it may be necessary to adopt any measures for the future construction and preservation of the monuments to the memory of deceased members of the Senate; and also under what circumstances monuments have been so erected, and may hereafter be erected.

The resolution was ordered to be printed.

GEN. TAYLOR'S VIEWS, ETC.

Mr. BERRIEN submitted the following resolution for consideration:

Resolved, That the President of the United States be requested to furnish to the Senate, copies of the letters, reports, or other communications which are referred in the letter of General Zachary Taylor, dated at New Orleans, 28th July, 1847, addressed to the Secretary of War, and which are so referred to as containing the views of General Taylor, previously communicated in regard to the line proper to be occupied at that time by the United States.

Mr. CALHOUN suggested a modification by adding the words:

And any similar communication from any officer of the army on the same subject.

Mr. BERRIEN.—The honorable Senator from South Carolina suggests an amendment to the resolution which I am perfectly willing to accept.

The Senate then proceeded to consider the resolution by unanimous consent.

Mr. CASS.—I would rather, for my part, that the resolution should lie over. It seems to me exceedingly sweeping in the terms, calling for the views of all the officers, from the highest to the lowest. I do not know what particular information it refers to, but the communication of some of it may be highly improper, and it gives no discretion to the Executive to withhold it, if, in his opinion, its publication would be inconsistent with the public interests.

Mr. BERRIEN.—In regard to calls for communications from other officers, it is a modification of the resolution which was proposed by the honorable Senator from South Carolina, and which I have accepted; but, of course, he will explain what he proposes by the amendment. In regard to the discretion of the Executive to withhold such information as he may think the interests of the country require should be withheld, I presume that he has the power to exercise that discretion at all times; but I have no sort of objection to add to the resolution a proviso "if not inconsistent with the public service." All that I desire is to know what is the purport of the letter. However, if the Senator from Michigan still insists that the resolution shall lie over, of course I must acquiesce.

Mr. CASS.—Do I understand the Senator to say that he accepts the amendment.

Mr. BERRIEN.—Certainly. The chair will be good enough to add the ordinary qualification.

The following was added: "unless he be of opinion that a communication of the same be inconsistent with the public interests."

Mr. CASS.—I move that the resolution be laid upon the table for the present.

Mr. BERRIEN.—The resolution lies over, as a matter of course if the Senator objects to its consideration now.

The PRESIDING OFFICER.—The Senate has already unanimously agreed to proceed with its consideration. The question now is, on laying the resolution on the table.

Mr. BERRIEN.—On that question, if it be intended to dispose of the resolution by laying it on the table, I must ask the yeas and nays.

Mr. CASS.—I have no disposition, as far as relates to myself, to prevent a vote of the Senate being taken upon the resolution at some future day. I merely desire that it shall be laid over for the present.

The motion was adopted.

JESSE E. DOW.

Mr. DICKINSON submitted the following resolution for consideration:

Resolved, That Jesse E. Dow be admitted to a seat in the Reporters' gallery from which he was excluded by an order of the Senate of 16th March, 1846.

ADJOURNMENT.

A motion was made that when the Senate adjourn, it be to Monday next; upon which the yeas and nays were demanded and ordered.

Yeas,	.	19
Nays,	.	28
Majority against the motion,	.	9

So the motion was not agreed to.

ILLINOIS RAIL ROAD.

Agreeably to notice, Mr. DOUGLAS asked, and obtained leav

to bring in a bill granting to the State of Illinois the right of way and a donation of public lands, for making a rail road connecting the Upper and Lower Mississippi with the chain of Northern Lakes at Chicago; which was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

THE INDEPENDENT TREASURY.

Agreeably to notice, Mr. ATHERTON asked, and obtained leave, to bring in a bill supplemental to an act entitled "An act to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue;" which was read the first and second times, by unanimous consent, and referred to the Committee on Finance.

RETIRED LIST FOR THE ARMY.

Mr. DAVIS, of Mississippi, from the Committee on Military Affairs, reported a bill to increase the efficiency of the army by a retired list for disabled officers; which was read and passed to the second reading.

FOREIGN MAILS.

Mr. NILES, from the Committee on the Post Office and Post Roads, reported a bill supplementary to an act entitled "An act to provide for the transportation of the mail between the United States and foreign countries;" which was read and passed to the second reading.

Mr. NILES said that he was instructed by the Committee on Post Offices and Post Roads, to report this bill for the better regulation of our foreign mail service. It was probably known to Senators that our mail to Southampton and Bremen, had encountered difficulties in England, from the illiberal and unjust policy of the British government. All letters conveyed in our mail, to be left at Southampton, not only for England but for France and other countries in the south of Europe, intended to be sent from Southampton to Havre in France, were subjected to a postage of twenty-four cents. So unfriendly was the conduct of the British authorities, that instead of permiting the letters conveyed in our mail to go to and from England without postage, as we permit the letters conveyed to and from this country in their mail, they subjected the letters conveyed in the United States mail to a higher rate of posttage than letters conveyed in private vessels. By their law, eight pence is the postage on letters to and from Great Britain to the United States. This is the general rate. But to discourage and undoubtedly in hopes to break up our mail line, the government increased the postage on letters transmitted in our mail to one shilling, or twenty-four cents, equal to our own postage. This proceeding subjects letters transmitted in the American mail to forty-eight cents postage, whilst those in the British mail pay but twenty-four. It is evident that our mail cannot compete with the British lines under such circumstances. This bill subjects letters brought in British or other foreign mails to twenty-four cents postage, to counteract the operation of their law, and also provides for regulating the transmission of letters to and from the United States to all foreign countries.

PRIVATE BILLS.

Mr. WESTCOTT, from the Committee of Claims, to whom was referred the petition of David Whelply, submitted an adverse report; which was ordered to be printed.

Mr. DOWNS, from the Committee on Indian Affairs, to whom was referred the memorial of Samuel W. Bell, a native of the Cherokee nation, submitted a report accompanied by a bill for his relief.

The bill was read and passed to a second reading.

Ordered, That the report be printed.

INSTRUCTIONS TO GEN. SCOTT.

The Senate proceeded to consider the following resolution submitted by Mr. MANGUM, on the 19th instant:

[illegible]

Mr. CASS inquired whether the usual clause referring the disclosure to the Executive discretion was contained in the resolution: and if not, he suggested that it should be there.

Mr. MANGUM.—I have no objection, sir, if the Senator desires it.

The question being about to be put on the adoption of the resolution as modified

Mr. CASS suggested that it would be better to let the resolution lie over till to-morrow.

Mr. MANGUM. I am extremely unfortunate, sir. I cannot please the gentleman in any way. The resolution which I presented the other day was drawn, as I then stated, with a due regard to that official decorum which has always been observed towards the Chief Magistrate of the United States. I proposed to insert the usual qualification, if in his opinion the same may be communicated consistently with the public interests. It was objected to. I afterwards inserted an amendment, that the resolution might be answered either confidentially or otherwise. That necessarily excluded the latter clause, because I suppose the principle will not be affirmed here, particularly when sitting in another capacity, that any thing that is necessary to enlighten us in regard to any matter pending before us, which may be in the possession of the Executive—which can be taken by us confidentially, only if the Executive chooses to give it to us in that way is not a part of Executive business, which we are as much entitled to as the Executive himself. I say, too, that as legislators, we ought, unless there is some particular reason which makes it improper that it should be communicated to the public, to be put in possession of the fullest information. However, in this respect I endeavored to restrict the call for the communication which might be covered by the resolution, and simply asked to be informed if an order had been issued from the Executive or War Department to the general commanding-in-chief in Mexico, directing him to overrun all Mexico, if instructions to that effect had emanated from the War Department or from the Executive department; and if so, we desire to see those instructions simply as to that point—and restricted to that point. If there are other matters of a general character which it may be deemed improper to give to the public, let the information be confined to that point solely. I do not desire to have the information in all the ramifications into which it may be pursued, but simply in regard to this point. The point is this, did an order to the general-in-chief issued from the Executive or War Department, directing him to cover the whole of Mexico, or to take possession of all the strong points. If this be the case, then I desire to know the opinion of the general-in-chief in regard to the extent of the military means necessary to effect that object. It is particularly, vastly, important in regard to these thirty regiments, that are asked for in addition to the military force already authorized by law. And, sir, who are the best judges of the extent of the military means necessary in any of these military movements? General Taylor and General Wool, in one line of our defences, are unquestionably much higher authority that can be derived from any other source, either in this country or out of it. In regard to the other division of our forces, sir—those in the city of Mexico, and on the line between that city and Vera Cruz—where is there authority to be found higher than that of Gen. Scott? There is none, sir. And I believe the inclination of Gen. Scott is to ask ample means for the accomplishment of the object which he seeks to attain. I think, sir, that he will not risk the safety of his army, nor will he risk his exalted military reputation in embarking upon an enterprise without the means which will enable him to accomplish what he undertakes. I therefore take it for granted that he asks for the amplest means; and if the means asked for by him will not amount to so much as the thirty regiments, I think it will be an unanswerable argument against the application of the Secretary of War for these regiments. Sir, I desire to extract nothing that ought to be withheld. I desire to ask for nothing that will embarrass the Executive, or in any way complicate our relations with Mexico. There is no such purpose. I desire two objects, which must be apparent to the honorable Chairman of the Committee on Military Affairs. I desire first to know the scope and extent of the Executive purposes on this subject; I have a right to know them, and the country has a right to know them; and after having ascertained the extent and scope of the Executive purposes, I desire to ascertain the extent of the means necessary to accomplish those purposes. Knowing these things, there will not be much difficulty in forming a decision as to the course which we ought to take when we come to vote upon the bills which are presented to us for increasing the forces. I feel very sure that there is an over-sensibility—a sort of tender-footedness, if I may use such an expression, in regard to marching up to the point, and conveying direct information, on the part of the honorable Chairman of the Committee on Military Affairs—I mean it in no offensive sense—a sort of skittishness, sir, which is not, I think, what we have a right to expect. If the gentleman desires to make the resolution entirely decorous by adding the ordinary clause of qualification, a proposition of that sort will be acceded to with great pleasure on my part.

Sir, I have not seen within the halls of one or the other of these Houses of Congress for many years anything even approaching to such a degree of sensibility as seems now to be felt by the honorable Chairman of the Military Committee, as if we were to sit here with resolutions on our table asking only for that which already belongs to history, and the communication of which might be regarded very much as a matter of course, without adopting them! Is it intended that we shall not have the information which will enable us to act understandingly? I hope not, sir, for the sake of the spirit of our institutions, for the sake of this Executive's sense of right, I hope it may not be even implied, that no decent investigation shall be permitted, that no light shall be afforded us

Mr. CASS.—I disclaim entirely, any tenderness on this side of the Chamber with regard to an examination of the policy of the administration in the prosecution of this war. The tenderness which we feel has reference to the rights of the country. We do not wish any information to go out from the Departments which would be useful to the enemy. That is the only motive which influences us. We are perfectly willing, and I for one am anxious, that every proper information should be spread before both Houses of Congress; but as I said the other day and beg to repeat now, the

honorable Senator must be himself aware, that there are many things which a wise and discreet government will not disclose in the face of the enemy.

Mr. MANGUM, (in his seat.)—We do not want that.

Mr. CASS.—If we are "tender-footed", then, it is for the country. But the honorable Senator says, that he desires this information for two purposes; first, in order to ascertain the objects of the Executive, and, second, the opinions of the Generals in command. I hope that the Executive will communicate fully to the Senate and to the House the whole objects it has in view. I hope that the Executive will say in so many words, that its object is, in any circumstances to conquer Mexico.

Mr. MANGUM, (in his seat.)—To conquer Mexico?

Mr. CASS.—I repeat, to conquer Mexico.

SEVERAL SENATORS.—The whole?

Mr. CASS.—The whole, but not to hold it all. To conquer Mexican injustice—to conquer Mexico until she seek a fair and honorable peace—and I hope that the Executive will carry on its operations in every part of the Mexican country till that object be accomplished. If I know my countrymen, they will sustain the President in doing so. That I take to be his purpose—and the manner of obtaining that object must be determined by the Executive in consultation with military men who understand the country and the situation of the Mexican government. I do not profess myself to know the country, and do not speak *ex cathedra* on the subject. I believe it would be proper to communicate all important facts relating to the general operations of the campaign, withholding those which relate to the numbers, material, and destination of the troops, with other information which might be useful to the Mexican government. With this exception, I believe that every thing else had better be laid before Congress and the public. I do not believe the Executive has any secrets to withhold. I have no doubt that General Scott acted under full instructions from the government, though I do not know the fact. I do not doubt it, because no commanding general in the circumstances in which he was placed, would so act without the instruction—expressed or implied—of his government. And the order he issued is just such an order as, in the existing state of things, an American general should have issued. These are to go forth to the army and the enemy, and are to be followed by prompt and vigorous execution. With these impressions, if the honorable Senator from North Carolina will permit a clause to be inserted in his resolution allowing the exercise of Executive discretion in this case, in order to withhold such information, if any there be, as might be useful to the enemy, I would vote for his motion.

Mr. CRITTENDEN.—I do not know, sir, that during the whole period of my service here, I have ever witnessed more jealousy with regard to calls for information, than has been exhibited on the present occasion. The Senator who has just taken his seat does not believe that the Executive has a single secret in relation to this war that he desires to withhold, and yet he is signalized by the continual opposition which he makes to every appeal to that department of the government for information. That Senator may well be a little sensitive under the application of the term "tender-footed" upon this subject. For, certainly, he has manifested a high degree of readiness upon all occasions to question and scrutinize very closely any, and every resolution offered, merely for the purpose of enquiry and information. Now, why is this? Here is a great subject, upon which we are legislating—a question of peace and war—of raising armies; and when we ask for the opinions of our military officers—who are engaged in the war, and are acquainted with the country in which the war is carried on—on this great question, it is treated as though it were a State secret, and we are not permitted to appeal to the Executive department for information, or communications received from these officers. This is most strange and unaccountable. We are subjected to a sort of trial by the ordeal here, and made to walk blindfold over burning red-hot-iron. We want light to guide us. We want all the information that the government possesses, and are we not entitled to it? Talk about secrets, and the importance of keeping them! Sir, this has a very diplomatic sound—there is a tinkling of wisdom in this sort of governmental art of keeping secrets! We are to carry on war by keeping secrets!

No, sir. The world has long since come to regard secrets according to their true value. There are no secrets but those not worth keeping, in this world, and the whole idea of keeping secrets is a sort of mystery, with which little governments surround themselves for the purpose of obtaining a coloring—a complexional dignity. There is no worth in them. The people—Congress—have a right to know everything concerning the projects of the Government and the purposes of this war—everything of the least importance. You may keep secret things of no consequence. If you employ an agent, or a spy, or a mercenary, keep his name secret, in God's name—if you have such an one in your employ; but if the information relates to public affairs—to anything which interests the people of the United States—any public political aspect and point of view—they have a right to know it. They have set up no department of this Government for the purpose of keeping knowledge, wisdom, and information a secret from them. I know there are limits prescribed by prudence, and will recognize them when a case is made out. But this is the stereotyped argument employed on every application for information: "Oh! there are some things which every government must keep secret"—and therefore the Government must keep everything secret! The gentleman is willing to enlighten us with his information, but he does not want to enlighten the Mexicans. What an argument! Enlighten the Mexicans—give information to our enemies—when we ourselves are walking in darkness here, not knowing what our own functionaries think we ought to do! To refuse to give it to us, and say they refuse it out of kindness and charity to us, lest it should operate as information to the Mexicans, when the very gentleman who makes use of this argument proclaims that he wants it distinctly understood that he is for conquering Mexico! What other secrets can you have? What secret will the gentleman pretend to have? Does our success depend upon secrets? Is that the way to carry on the war, or to facilitate the prosecution of the war? Our enemies have learned by this time that we are strong-handed enough to work our pleasure, be it what it may. The general orders issued in the heart of Mexico till them that we intend to take and occupy San Luis Potosi—that we intend to take possession of Zacatecas, and that if that phantom of a government is allowed to sit longer at Queretaro, it is simply by our toleration of it. What is the secret? That you intend to go by this or that road? Where is the mighty secret in that? or where is the secresy in saying that you were to take possession of their cross-roads in Mexico, which the gentlemen seems to think so exceedingly important to the success of your military operations?—He himself has given the Mexicans all information about it. They have all the information that he has been pleased to communicate to us. But what has Gen. Scott or Gen. Taylor communicated to our own government as to the most proper course to be pursued? That is what we want to know? It is all idle to talk of keeping secrets, lest Mexico should know them.

The gentleman from Michigan is I think making considerable progress on this subject. I understood him to say when the resolutions of the Senator from South Carolina against destroying the nationality of Mexico were before the Senate—that they presented a proposition with which every one must agree. The other day he thought we might swallow Mexico whole and not be the worse for it. Now he says and wishes it distinctly to be understood that he goes for the conquest—the entire total conquest of Mexico. I think then that he is making some progress. Well he tells us what we are to do with Mexico—swallow her, as he said whole? That would I think makes us a very mis-shapen sort of republic if we could perform that operation? But we are now "warring for peace." Well, Mr. President, it seems to me that we have, as I said, already conquered Mexico. Where is her army? Where her treasure? Where any of the material of war with which she could contend against us? She is powerless and disarmed, and stands unresisting before you, and you talk of keeping secrets from her, of keeping secrets from us lest this poor down-trodden republic shall have some light shed upon her mind as to the further proceedings which we intend to adopt in relation to the prosecution of this war! This argument cannot satisfy the Senate or the country. It ought not to satisfy the country. You have got peace in effect now. Mexico is at this moment at your feet, and subject to your dictation. The general orders from your commander issued to your armies, show that he is intending to spread them over that country, making them a sort of armed collectors of revenue. That seems to be the employment which now remains for your armed forces in Mexico. Is she not conquered when she has no army left—no government left—no materiel of war, no money no credit? When a nation is thus depressed and disarmed, what is wanting to her conquest and subjugation? She is conquered, sir, and every body will acknowledge it in six weeks from this time, as I vetily believe. And this war, and this country, and this peace, will become a proper subject for the legislative department! I hope to see that question come speedily, and then it will depend upon the wisdom and discretion of Congress on what terms and in what manner it is to be determined—whether Congress will declare that we shall swallow Mexico whole, in the figurative but strong language of the honorable Senator, or what else we shall do—what member of her we shall swallow—whether a leg, or an arm, or the head—in what manner we shall address ourselves to the new species of cannibalism prescribed to the American people. All this we will have determined by Congress. Its appetite will regulate us in what we are to do. This, however, is going beyond the question; and I have been led into these remarks by those to which I am attempting to reply. The question is on obtaining from the President of the United States that information which is necessary for our intelligent action. Is this war to shut up these departments and restore the ancient time when diplomacy dwelt in darkness, or when the arcana of State were to be kept within the *inter penetralia* of the temple where the people with unclean feet had no right to go—where the people had no right to meddle with the mysteries of state? These days have passed by, and I hope and trust that the Senate will find no sort of objection to the passage of this resolution. If the gentleman desires the clause allowing the exercise of discretionary power to the President may be added. If there be any little secret spot—any plague spot—in all the communications upon this subject, it can be kept back. Give us only what is useful to us. That is all that is wanted—that is all that is asked for. But it seems that gentlemen are not willing—I need not say gentlemen—the honorable Senator is not willing that we should be

be permitted even to interrogate the President. I hope we may be allowed to interrogate him, and that we may have the information.

Observe how this thing operates. Amongst the information called for there is embraced a letter from General Scott and that is communicated to the honorable Senator himself, and a part of it is read to the Senate. Now he knows that it is contrary to all legal rules of documentary evidence to read only a part. We have a right to the whole. Is the right to be circumscribed in this way?—a portion given to one member and a portion to another, whilst those who are blest with the full blaze of day are to have the whole of it; the great body of us being left to wonder in ignorance of those great subjects which demand our most solemn consideration and responsible action? It cannot be so, sir. The gentleman, if I understand aright, has read an extract from a letter. We insist if the letter can be confided to the head of a committee it may be confided to the Senate, either in confidence or not, as the President pleases. I have no feeling of captiousness upon this subject, and not the slightest personal feeling. I think it is the right of the Senate to have this information, and that if access to the Executive departments by the legislative bodies is to be precluded, if understand aright, his read an extract from a letter. We insist if the letter can be confided to the head of a committee it may be confided to the Senate, either in confidence or not, as the President pleases. I have no feeling of captiousness upon this subject, and not the slightest personal feeling. I think it is the right of the Senate to have this information, and that if access to the Executive departments by the legislative bodies is to be precluded, if this way, we must become nothing but the shadow of a legislature. It is altogether contrary to former practice to refuse this enquiry. Few indeed have been the instances in which such a resolution has been opposed, and never upon the vague generalities now put forward.

Mr. CASS.—One word, Mr. President. I cannot suffer myself to be misunderstood by the exertion of the great talents of the honorable Senator from Kentucky, nor by his manner, always imposing, though often sarcastic. I must say, that the honorable Senator has exhibited great ingenuity in putting his own construction upon my meaning. I wish now to give my own. In the first place, the extract read to the Senate was all that related to the subject. The government determined upon a certain plan of operation, and to carry that into effect asked for fifty thousand men. General Scott has submitted one three or four plans without giving the preference to one. The government had adopted one of these plans and asked for the necessary legislative measures to carry it into effect. All that relates to this plan was contained in the extract that I read, and the Senate was thus put in possession of the views of the government and the commanding general on the topic which occupies their attention. All else was, in fact, but speculations. Well, now, the honorable Senator from Kentucky seems to think that I see a secret in everything, whilst he sees a secret in nothing. The subject is exceedingly clear. I did not say that there were any secrets at all involved in this call. All I maintained was the great principle in all governments, that during the time of war caution was to be exercised in giving publicity to specific plans of the campaign. In that connection there must be secrets.

Mr. CRITTENDEN, (in his seat.)—Certainly there may be.

Mr. CASS.—What sort of war would it be in which there were no secrets? War is a game played by intelligent and experienced men, not by men who show their hands to their adversary. The thing is impossible. No such war has ever been waged successfully, and no such war will be waged so long as men are compelled to resort to wars. No secrets! They are dishonorable! Everything should be known! And a commanding General who sits down before a city, must begin by sending to his opponent with the summons to surrender, a true abstract of his force, of his munitions of war, and his means of subsistence! And from day to day this must be renewed with the morning report, because there should be no secrets. And when he proposes to make a movement, with the same abhorrence of secresy, he must send in with a flag of truce, his *projet* of operations—when he will march each day—where he will encamp each a night—and what he proposes to do—and with what amount of men and materiel. This may all be very chivalric, but it would not be very well received in this age of the world. No sir, there must of necessity be secrets with regard to the conduct of the war. With respect to the general operations which the government directs, I see no objection to disclosing them.

The honorable gentleman says, that I advocated the swallowing of Mexico, and he will pardon me for saying it, but in a sneering tone he asks, shall it be done limb by limb—and, sir, would it affect digestion? Mr. President, I will not stop to dispute with the honorable Senator about words. He may talk sarcastically, of a just indemnity, of taking Mexican territory, limb by limb, and swallowing it. There are few things, however serious, which may not be turned into ridicule. It is, however, no test of truth. Mr. Jefferson spoke of the gradual augmentation of our country which he foresaw and approved, and called it extending freedom piece by piece. Now, sir, I prefer this expression of Mr. Jefferson piece by piece, to the expression of the honorable Senator from Kentucky, limb by limb. Though, if we cannot get the territory, that we are justly entitled to, without that expression, I am willing to take it limb by limb.

My allusion to this subject was in this wise. The honorable Senator from Kentucky, on one or two occasions a few days since, deprecated the absorption of all Mexico, which measure, if adopted, he considered to be fatal to this government. Now, sir, what was my remark in reference to this? Rather light in manner, perhaps, but sufficiently clear in its meaning—that this government would stand a great deal of killing; and that I did not believe even the swallowing of all Mexico would be fatal to it; though I was not myself in favor of the measure. I was satisfied with taking a reasonable territorial indemnity, if the Mexicans would cede it, leaving the subsequent relations of the two countries to be determined by subsequent events. Well, sir, I repeat again that I have no belief that if Mexican independence were annihilated to-morrow, and the whole country annexed to the United States, it would kill us.

And I believe there is nothing under heaven, which can kill this government, but the people themselves. That is my opinion of its power of vitality. Ever since I have been upon the stage of action our country has been killed by prophets of evil, crying "woe, woe, to Jerusalem." Cassandras predicting a crisis to day and destruction to-morrow. Yet we have gone on from increasing to increase. And where our final boundaries are to be, He who controls the fate of empires alone can tell. I did not suppse that the honorable Senator from Kentucky could misunderstand me, or have converted a figure of speech, such as swallowing a nation, into an argument to be refuted by a serious analogy to the human body. War and conquest are means to attain an end, and they are controlled in their general operations by the law of nations. They are to be directed by the Executive government, upon its responsibility, subject, of course, to the supervision of Congress, with the great object, in the present instance, of making a speedy and honorable peace with Mexico. The honorable Senator says that we are now, "in fact" at peace. What this qualification "in fact" means, I do not know. The Mexican government is resisting; a native Senator sometimes travelling from place to place, still resisting, still unable or unwilling to do us justice. When Mexico is willing to do us that justice which you, Mr. President, and I believe all this side of the Senate believe, and some portion on the other, to be due to us, then, and not till then, we may relax our exertions—as we shall have conquered a peace. But I repeat what I before said, that the longer Mexico continues her obstinate rejection of reasonable indemnity, and the greater the exertion she compels us to make, the greater will our demands, and the heavier her losses. What we would have accepted last year, or even the commencement of the present campaign, we may well refuse now; and what we would accept now, we may well refuse after a few months. And how much the public sentiment of this country may demand a year or two years hence, if the war continues so long, I do not pretend to predict. We may have to make the great experiment, so dreaded by the Senator from South Carolina, and the Senator from Kentucky, and annex the domains of Mexico to our own. This is the penalty which national injustice has often been called to pay, and which Mexico may be preparing for herself.

Mr. CRITTENDEN.—I know that in time of war in the conduct of armies and campaigns, the general does not communicate to the enemy the route by which he intended to march, or the plan which he has adopted for attaining his objects. But the information now sought for, the Executive is of an entirely different character. The argument of the honorable Senator, it is evident, is one to which he has been driven by the necessity of his case; and I say again, although there may be secrets, and certain circumstances what it may be important to keep concealed for the time, these now asked for one net of that discription: I really wonder how the gentleman can repeat in this solemn style without a smile upon his face, the assertion that it would be dangerous to communicate this information as it would be advantageous to the enemy! As well might it have been said during the war against the Seminoles, that information should not be given lest the Seminoles might get it! Because in another state of affairs, it might be proper to withhold information, it does not follow, that anything is to be kept a secret. If, as the Senator says, the Executive has no secrets what it is not willing to reveal, why this opposition to these resolutions of inquiry? The Senator now tells us the contents of the letter from General Scott, a portion of which he read the other day. I ask if this sort of verbal information is to be communicated, instead of the official information to which the Senate is entitled? Is the inquiry of the Senate to be stifled by some gentleman taking upon himself the responsibility of getting up here and speaking for the government, and giving us what he reports as the substance of information? No. We have a right to the information in its authentic and official form, in that we may see what it contains; no more and no less. So that we have a right. I have every confidence in the honorable Senator. His statement to me personally in relation to a matter of our private confidence would be as satisfactory as any testimony, but as he will perceive is not the question now. We have a right to the official information, that our constituents may see and read it; and that it may go to them, not in the unauthenticated form of verbal communication here, but in the authentic form of a government document. He knows and perceives this; and I ask again, with great deference to the honorable Senator, and without detracting, or intending to detract, from his just and deservedly eminent station here, and in the country at large, why is it that the secrets so important to be kept, should be communicated to him standing on the same footing with us, but withheld, as sacred, from us? Is this to be a chosen body of enlightened legislators here, and another body, who, at their peril, are to follow them without information and in darkness? Will the gentleman contend for that, and does not see that to that his argument leads? He is furnished with information, and any other Senator may be furnished with information, and

he is to deal it out to the Senate according to the exigency of the case, and his knowledge of that portion of light, or of twi-light, is to ensure their concurrence in the measure proposed! There is to be a great distinction of light and knowledge; and when we ask for more, we are told it may be mischievous, and may get to those to whom we do not wish to give information! This argument is of universal application. It applies equally to your call for useful information as to any other. To every inquiry, you will have the reply—"Secrets! secrets! government secrets!" All nations must have secrets—you cannot expect us to give you the secrets!—There is an impenetrable region into which the curiosity of the profane must not seek to enter!" This is, I must say, a novel doctrine, and a new sort of argument—a new sort of application, altogether, of a principle acknowledged by all in its proper place, and with its just appreciation. I hope, sir, such a doctrine is not to be sanctioned by a vote of the Senate, refusing the information asked for in the resolution.

Mr. ALLEN.—I understood the honorable Senator from North Carolina to say, that he had no objection to the insertion of the usual words in the resolution, "if not incompatible with the public interest," so as leave it discretionary with the President.

Mr. MANGUM.—I said so, sir.

Mr. ALLEN.—I shall have no difficulty then in voting for the resolution—none whatever—so far as the General Order—that has appeared in Mexico—is concerned, it is not to be supposed that any General officer under any circumstances would issue an order of that magnitude, without the authority, either express or implied, of his government. I do not suppose, therefore, that any secrets can be disclosed upon this subject. I am glad that the subject of "secrets" has attracted so much attention in this body, as I think it is always of advantage to to the interests of the country that the question of "secrets" should be considerably canvassed.—I shall therefore embrace this occasion for renewing my ancient motion for opening the doors of the Senate on all occasions, save one. But, why, sir, are we so much affrighted at "secrets" when we ought to begin by making our own acts public? It is only because a large portion of our own acts are not made public, that I am now not permitted to recur to facts which I could adduce, with overwhelming influence on the discussion of this questionof secrecy. But, sir, I shall tender my ancient resolution, and I shall test the spirit of publicity which is now displayed in words in this discussion. I believe, sir, that if every document upon file in the Department of State and in the Department of War, were this day opened to the full light of the sun, the government would be strengthened far more than weakened by the disclosure. It is rather an Executive habit than an Executive necessity; it is because the preceding Executives have done this thing that the present Executive does it. He feels himself more bound by precedent than by principles upon this subject.—His predecessors have uniformly acted upon the principle that the disclosure of some parts of the information in their possession might tend to the prejudice of the public interest. And it is upon the authority of the practice of his predecessors that the Executive acts rather than upon the existence of any secret reason for his conduct. And I am willing as far as my vote is concerned—if I could give it detached from other considerations—to vote—to let in the full blaze of the sun upon every transaction that paper contains growing out of this war. I should like myself to see the estimates made by the Generals-in-Chief, commanding those two columns in Mexico, and also their advice given to the Executive at the incipient stages of the war—advice sought because one of the parties from whom it was sought, was at the head of the American army and had therefore a right to be consulted by the Executive who is not a military man. I should like to see all these things, so that I might know to what extent any one or all of these Generals' may be responsible—I do not say for the origin of the war but for the manner in which it has been prosecuted.—Sir, I do not speak authoritatively. I am not now at the head of any committee which authorises me to go into the several departments and make inquiry in relation to these subjects. I am not charged particularly or expressly with any branch of the Senate's business, and therefore I know nothing personally as to what facts are or are not contained in the archives of the Executive department. Now, sir, upon another branch of this subject.—The honorable Senator from North Carolina who has the lead upon the question of opening the doors and admitting all the information that may be in the possession of the Executive, agrees with me upon this question, and I shall introduce my ancient resolution to-morrow, or at the next meeting of the Senate. I hope then to have the aid (so potential in all matters in which he takes part,) of the honorable Senator.—But the honorable Senator from North Carolina wants the information called for by this resolution and other information for a certain purpose. Now, what is this purpose? Why it is to know what are the political designs of the Executive in regard to the war; that is to say what are his desires as to the result of the war! Now the President of the United States is only one branch of the government of the United States. Congress is another. A leading statesman of this country, whose voice, possibly, is as potential within as it is without these walls, has laid it down as a right belonging to the two Houses of Congress, not that they should call upon the President to know what he means, but that they should express what they mean should be the end and objects of the war. Therefore, if the honorable Senator from North Carolina has any extreme solicitude upon this subject, it is of far more importance for him to know what Congress means, than to know what the President means; because the President cannot act without the consent of Congress. Now, if the Senator desires to know what Congress means to do, what object they desire to accomplish, the mode in which he can ascertain it is simply to offer a resolution declaring what Congress means shall be the objects aimed at in the prosecution of this war. It is of no consequence, sir, upon this great question to quibble about what the President may secretly design. We are told by the high authority with the gentleman and his friends, that it is the right and duty of Congress to declare what shall be the objects and purposes of this war. Let them come up to the mark, and lay before us their views.

Mr. SEVIER.—I would suggest, Mr. President, that the time has arrived for the consideration of the special order of the day.

Mr. ALLEN.—Yes, sir, I am doubtless trespassing upon the time that ought to be devoted to my honorable friend's speech. I have, however, but a few words more to say, and really I did not intend to enter at all into this discussion, but the debate seems to have spread itself out to such an extent that I could scarcely avoid engaging in it. I shall vote for the Senator's resolution when the addition is made which he says he is willing to make. I desire that addition made, because this has always been the practice, out of respect of the executive branch of the government, as, for instance, we use the word "request" when we address the Executive, and the word "direct" when we address the various subordinate departments. It has been for the purpose of expressing these views that I have trespassed upon the time of the Senate.

Mr MANGUM.—I am extremely reluctant, sir, to encroach upon the time which belongs to the honorable Senator from Mississippi, but some remarks have been made which absolutely demand some reply.

Mr. FOOTE.—It will give me much pleasure to give way to the Senator.

Mr. MANGUM.—I have very few observations to make, and they will occupy but a few moments: and I must begin by congratulating the honorable Senator from Ohio, on the advance he has made within a few days in regard to disclosing all secrets. And I congratulate the Senator from Georgia, on the prospect he has of the powerful assistance of the Senator from Ohio, upon that resolution of his, which was laid upon the table this morning, calling for information as to the communications of the commanding generals, about the period of the beginning of this war, either of advice, suggestions or otherwise.

This resolution, sir, was drawn with great care, (hastily to be sure,) and was not designed to trench on any thing that might be supposed to affect injuriously the interests of the country. But, sir, the honorable chairman of the Committee on Military Affairs very properly says that many things should be withheld on account of the contest in which we are engaged. But does he mean to say that he is to be entrusted with information which we are not to be entrusted with? We want light on this subject. As one of the minority, sir, how can I look into the Executive mind and disclose the purposes which are there intended? Let the world have the information, sir, and the world will either sustain you or refuse to sustain you. I should like to know from the honorable chairman of the Committee on Military Affairs what we are to do when the conquest of Mexico is complete? If there is no government to treat with us now, what will we do with Mexico then, sir? These are important matters that involve ultimately, in my judgment, the stability of our free institutions. For one, I would like to know if the public of Mexico falls into our hands, what is to be done with it? This is the main point that I desire light upon; I do not care a fig for the views expressed to-day, farther than they relate to this point. Will the honorable chairman of the Committee on Military Affairs condescend to inform us what he means to do with Mexico after it is conquered? Will he enlighten us as to the distinct purposes of the Executive respecting her? What shall be done with this unfortunate Republic, after it falls into our hands? I think that Congress has a deep and profound interest in this enquiry. Sir, I care not a fig, as I have already said, whether this resolution passes or not, if the honorable chairman of the Committee on Military Affairs, in his official capacity, will only give me light on this single point. He goes for the conquest of Mexico, which, I take it, implies the annihilation of that government. How then are you to make peace? I only wish to add a single remark in reference to the honorable Senator from Ohio in regard to his "ancient" resolutions. I shall go for any additional light—for the removal of any secresy—and for the obtaining of any information that may be necessary to aid us in the discharge of our duties.

Mr. ALLEN.—Will the honorable Senator accept of the amendment?

Mr. MANGUM.—I said I would do so.

Mr. DOUGLAS.—Do I understand that the modification is made?

The PRESIDING OFFICER.—It is

The question was then taken on the resolution as amended, and

It was adopted.

THE TEN REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. FOOTE—

Mr. President: I think it must be acknowledged that this debate has been marked with peculiar rancor, on the other side of the Chamber, and that terms of scurrilous reproach have been freely indulged towards the President of the United States, equally derogatory to the dignity of this body, and to be applied to the first magistrate of this great nation, and entirely unmerited in point of fact. One gentleman has not hesitated openly to charge the Executive with falsehood, in regard to his declaration of the objects of the war; which is nothing more than a coarse version of what is reported in a paper, which I hold in my hand, to have emanated from a distinguished Senator now in my eye, at Springfield last September, about "pretexts, evasions, pretences, afterthoughts," &c., &c. Another gentleman charges false blood by inuendo, and assumes with something of peculiar grace, and certainly with more than the ordinary dramatic emphasis, to blush for the President. Another charges "disonesty," "robbery" "pillage," and "murder;" another, "hypocrisy," another a "violation of the constitution," another, "the usurping of powers properly belonging to Congress." Now, if the President be half as guilty as he is accused by honorable Senators of being, he ought, for the honor of the country, to be immediately impeached; and I a little wonder, under all the circumstances, that a great Hastings affair has not been before now gotten up; considering the lusty menaces which we know to have been thundered forth in various quarters, and the pregnant fact, that at least one member of this body is reported to have already declared that he is impeachable. I wish distinguished Senators would recollect the wise requisition of the common law, that even jurors, who only determine the facts of the case, must be *majores omni exceptione*; and that Justice was by the ancients painted blind, in order to indicate, that all who approached her sanctuary, should do so, free from all preconceived prejudice, and exempt from all exterior influence. I take the liberty of reminding honorable Senators, whilst indulging these suggestions, of one of the most imposing judicial scenes which is recorded in ancient annals, the trial of Lucius Cataline by the Roman Senate. The beautiful sentences with which Julius Cæsar commenced his noble speech on the occasion, contain a maxim which I fear is almost too elevated for even this Christian generation. "*Omnes homines, qui de rebus dubiis consultant, ab odio, amicitia, ira, atque misericordia vacuos esse decet. Haud facile animus verum provident, ubi illa officiunt. Neque quisquam omnium lubidini simul et usui paruit. Ubi intenderis ingenium, valet. Si Lubido possidet, ea dominatur; animus nihil, valet.*" Now, if certain menaces which we have all heard of in regard to grave proceedings elsewhere against the first magistrate of the nation, were as honestly announced, as they have been indecently paraded before the country, there may be yet some possibility of illustrious Senators, when called on to perform a high judicial duty, with the Chief Justice of the United States presiding in this Chamber, either challenging themselves or being challenged by others on the score of incompetency to discharge the highest functions belonging to the body. I hope to witness no such painful and perplexing predicament; but if it should occur, it would perchance not be without a salutary influence in the way of example.

Mr. President: Before I conclude what I have to say upon this occasion, I feel called upon to notice, and if possible, in some degree to counteract certain views expressed a few days since by the venerable Senator from South Carolina; and, in doing so, I believe that he at least will not question my sincerity in declaring that, such is my high respect for his extraordinary powers of intellect, and his numerous virtues, that it is to me painful to differ with him in opinion on any great public question. It would certainly be my wish to remain silent, notwithstanding my dissent from his views, but that I shall be compelled by a sense of duty, to vote in opposition to the honorable Senator's profound and ingenious reasonings; and if I fail to state sound and substantial grounds for doing so, I shall incur the risk of being misunderstood by the whole country.

I understand the Senator from South Carolina to oppose the measure under consideration, on the ground that no additional troops are necessary for the attainment of any legitimate object, or for any object heretofore avowed by the Executive. He argues, that the conquest of the interior regions of Mexico has advanced so far, that, if the troops now there are not speedily withdrawn, to what he calls a defensive line, we will incur the hazard of annihilating the nationality of Mexico, and of thus failing to obtain a treaty of peace at all, for want of a valid government with which to conduct our future negotiations. Mr. President, I will not undertake to decide whether or not the Senator from South Carolina be right in supposing that Mexico is in such imminent danger of loosing her nationality. This may, or may not, be the case. It is certain that those who are best acquainted with the precise condition of things in Mexico, think otherwise. The President still continues to avow his warm desire, and confident expectation, that a treaty will yet be effected with the Mexican government, which will be, at the same time, honorable to us, and neither unjust nor ungenerous to our obstinate adversary; and such is my respect for his wisdom and thorough sincerity of heart, that I do not feel at liberty to refuse him any aid which I am capable of rendering for the eventual attainment of this long-sought object. Gen. Scott, too, seems still to calculate upon an early pacification, and has just announced a most imposing, and, as I think, most judicious plan for bringing it about; and I have too high an esteem for him, also, both as a commander and a patriot, not to feel a most decided deference for his judgment about this matter. *Cui libet credendum est in sua arte*, is as much a maxim in military affairs, as in the concerns of civil life; and I freely acknowledge, that the commander-in-chief in Mexico, with his extensive experience as an officer, and his familiar acquaintance with the resources, devices, and present temper of the foe, is to be presumed to enjoy a peculiarly favorable opportunity of determining whether or not we will be at all likely to succeed in ultimately conquering a peace; and so long as he seems to testify a generous confidence in his being able eventually to accomplish that for which we have been so long struggling, I should as soon do any thing else which might be calculated to put the honor of the country in danger, as refuse to vote him supplies of men and money, to any extent which may be judged necessary to the complete and early success of his operations. I can never consent for one to withdraw our army to any merely defensive line, so long as any hope of obtaining a treaty of peace may remain; nor will I consent to do so, so long as there may be a chance of practical pacification, of a nature to be relied on, independent of treaty, provided a treaty turn out to be unattainable. I cannot perceive any possible advantage which would be likely to accrue from the adoption of a defensive line; but, on the contrary, I behold manifold evils and inconveniences too obvious in themselves and too often insisted upon heretofore, in different forms, to need any special citation at this time. This defensive line project seems to be with the distinguished Senator from South Carolina, a perfect panacea for all the troubles of this Mexican war, in whatever stage of it we may be. Last winter, when General Taylor had only penetrated the States in the neighborhood of the Rio Grande, a withdrawal to a defensive line was earnestly recommended. Now we have attacked and captured the strong castles of San Juan d'Ulloa, taken Vera Cruz, Jalapa, Perote, Puebla, and Mexico, and are proceeding rapidly to seize all the remaining strong places, to possess ourselves of the public revenues, put down Guerilla warfare, and reduce the enemy to such straits as must infallibly render him in a short time altogether hopeless of being able to make further resistance; and the Senator from South Carolina, with a consistency which seems to bid proud defiance to everything like change of circumstances, is heard to exclaim, still more emphatically than before; "Why do you not fall back to my defensive line?" with this notable alteration, which the events of the last twelve months have been able alone to effect that the honorable Senator does not find it convenient to tell us now where this same defensive line of his should run; and he proposes, therefore, to convoke a council of officers to settle this important point. A strange council this would be, by the bye; as it would be composed necessarily of gentlemen, all of whom would infallibly and very promptly declare their opinion to be, that nothing on earth could be imagined more injudicious or perilous than the adoption any defensive line whatsoever. I hope not to exhibit the appearance of dogmatism on this point; but, after the most diligent inquiries which I was capable of instituting, I feel authorised to assert my belief, that it would be exceedingly difficult, if it would not be impossible, to find in the whole army, a single officer of respectably high grade, who would risk his reputation as a military man so far as to give his sanction to the adoption of the defensive line of policy recommended by the honorable Senator. But says the Senator from South Carolina, if you remain in the central portions of Mexico much longer, and especially if you increase the strength of your army there, you will break down the Central government, and destroy the last vestiges of nationality. As I before observed, this may be so, or it may not be so; but no matter what may be the precise effect of remaining in Mexico, in regard to our own municipal condition, I am of opinion, that as we marched into the country in order to achieve indemnity for the past, and security for the future, we never can honorably withdraw our troops until we obtain them both in the most unequivocal manner. And though it is true as urged by a Senator on the other side of the chamber, that we went to war for free trade and sailors rights in 1812, and came out of it in 1815, without having secured either; notwithstanding, the delay of a few months, as we now know, through the instrumentality of the battle of New Orleans, would have given us all for which we assumed hostilities; yet I can see no sufficient reason in this melancholy example of national discredit, which should induce us now to yield to the triple counsels of the yet surviving sages who negotiated the treaty of Ghent, and who are at present so happily agreed in the policy of getting out of this war with Mexico by a resignation of all the objects for which it has been heretofore prosecuted; so far even as to strike down our national flag again without further ceremony, and confess by implication at least, that we went to war unjustifiably, and have spilled blood and wasted treasure without even the appearance of decent pretence; much less of full justification.

The Senator from South Carolina thinks though, that our remaining in Mexico may, by putting an end to Mexican nationality, effectually prevent our reception of indemnity and security, through the medium of a treaty of peace; inasmuch, as though one nation may make war, it requires two to make a peace. Here I differ with him again—it requires two to agree upon a peace by treaty,

but whether we get a treaty by remaining in Mexico, or not, we are certain, at any rate, of obtaining a practical pacification, accompanied with all we have demanded, and perchance more; whether Mexico shall have intermediately lost her nationality by our failure to retreat to a defensive line at a great distance from her capital, or shall have retained it.

The venerable Senator from South Carolina will permit me to remind him of the fact, that he was opposed to the invasion of Mexico last winter, at the point of Vera Cruz, in part at least because he deemed the Castle of San Juan de Ulloa impregnable; and not alone from a fear of destroying Mexican nationality; and this excessive fear as to the extent of injury which our inveterate enemy may happen to receive at our hands, I consider one of the most remarkable events in this age of misdirected philanthropy and "idle and masterly inactivity." Let me recur to the pages of classical history for a moment. Livy informs us that when Scipio Africanus proposed to the Roman Senate to enter upon his scheme of invading Africa, the aged Fabius Maximus, always a remarkably cautious man, and in whom we may well suppose that the effluxion of years had greatly cooled the fervor and diminished the hopefulness of earlier days, opposed the scheme most stoutly, and even inveighed against Scipio as a rash, visionary, ambitious young man, who was willing to expose his country to unnecessary peril, in order to gratify his morbid and eager cravings after military fame. The noble old Roman—for still Roman he was, despite his foolishness for "idle and masterly inactivity" in attempting to counteract the scheme of invasion—spoke of "the enormous expense of the undertaking; not a single harbor open to our fleet; no part of the country at peace with us; no State our ally; no King our friend; no room anywhere either to stand or advance." Well, Fabius failed in his attempt to defeat the African expedition, as a greater than Fabius did last winter in regard to the expedition to the coast of Mexico, whose complete success is now one of the most glorious pages of our history as a nation. Scipio sojourned for a few months in Sicily, as General Scott did at the island of Lobos last year; and finally landed on the African coast and strided rapidly from victory to victory, overturning in his impetuous course several large armies under Syphax and Hasdrubal; and finally prepared to strike a fatal blow at the vitals of Carthaginian nationality. Now, what would have been the surprise of his own country, and the regret of all posterity, had Fabius Maximus, in his moment of exultation and hope, exclaimed in the Roman Senate-house, as we have heard in this debate, that he always had thought this expedition would end in misfortune, and that now it must be apparent to all, since Carthage was actually about to loose her nationality, and would be therefore unable to appoint commissioners after a while to make a treaty of peace. This melancholy page in Roman annals has not descended to us, and the war with Carthage was ultimately closed on terms that the Romans themselves, so far as I have heard or believe, never complained of. There was no talk in the Roman Senate such as we have had here now, that to deprive Carthage of any portion of her territory, by way of indemnity, would be as bad as highway robbery, and that a treaty of peace even for that purpose would be a mere nullity, on account of its having been extorted by force; as more than one of the profound jurists on the other side of the Chamber have not hesitated to avow.

Mr. CALHOUN.—The honorable Senator from Mississippi has misconceived my views. It was my opinion that the practicability of taking the Castle from all that I then heard was very justifiable. My impression was that it would be very difficult, if not impracticable, to have carried it by direct attack by slup—but I never doubted that it might be taken if Vera Cruz was first attacked by land;—for such an attack, if successful, would almost necessarily have been followed by the surrender of the Castle. The President did me the honor to consult with me during the last session in reference to that campaign then approaching. I expressed these views then through the course of the conversation which took place, and also made reference to the policy of capturing Vera Cruz with the Castle.

But the Senator from South Carolina takes what he calls "high ar ground," and urges that if Mexican nationality be extinguished we shall be forced in the end, either to fall back to his defensive line, or to do what he supposes to be much worse, either to incorporate all Mexico, within our limits, or establish a provincial government there. I take issue with the Senator at once as to both these alternatives; I deny that, in the case he has stated, if it ever should occur, we should be forced either to *incorporate* Mexico, and her whole people, Indians, Negroes, half-breeds, and all, in the sense in which the Senator from South Carolina uses that term, or that we should be compelled to treat her as a *province*, in the Roman sense of that term; or that, not doing either of these things, we then should be compelled to fall back to a defensive line. I will discuss these points more fully after a while; but I desire at first with great and heartfelt deference to the Senator's excellent memory, to set him right, if I can, in regard to certain points of Roman history, a correct understanding of which is, perhaps, material to this branch of the controversy. The following paragraph of the honorable Senator's speech contains the errors which I suppose him to have committed:

"What is the object of a vigorous prosecution of the war? How can it be successful? I can see but one way of making it so, and that is by suppressing all resistance on the part of Mexico, overpowering and dispersing her army, and utterly overthrowing her government. But if that should be done—if a vigorous prosecution of the war should lead to that result, how are we to obtain an honorable peace? With whom shall we treat for indemnity for the past and security for the future? War may be made by one party, but it requires two to make peace. If all authority is overthrown in Mexico, where will be the power of entering into negotiations and making peace? Our very success would defeat the possibility of making peace?

"In that case the war would not end in peace, but in conquest; not in negotiation, but in subjugation, and defeat. I repeat, the very success of the war would defeat, absolutely, and accomplish that which you disavow to be your intention, by destroying the separate existence of Mexico, overthrowing her nationality, and blotting out her name from the list of nations, instead of leaving her a free republic, which the President has so earnestly expressed his desire to do.

* * * * * * *

"The President is right. If the vigorous prosecution of the war should be successful, and the contingency on which he expects to make a treaty fails, there will be no retreat. Every argument against calling back the army and taking a defensive line, will have double force, after having spent sixty millions of dollars, and acquired the possession of the whole of Mexico, and the interests in favor of keeping possession would be much more powerful then than now. The army itself will be larger—those who live by the war, the numerous contractors, the merchants, the sutlers, the speculators, the land and mines, and all who are profiting directly or indirectly by its prosecution, will be adverse to retiring, and will swell the cry of holding on to our conquests. They constitute an immense body of vast influence, who are growing rich by what is impoverishing the rest of the country.

* * * * * * *

That it would be contrary to the genius and character of our government, and subversive of our free popular institutions, to hold Mexico as a subject province, is a proposition too clear for argument before a body so enlightened as the Senate.

* * * * * * *

Let it not be said that Great Britain is an example to the contrary; that she holds provinces of vast extent and population, without materially impairing the liberty of the subject, or of exposing the government to violence, anarchy, despotism, or destruction. It is so. But it must be attributed to the peculiar character of her government. All of governments that ever existed, of a free character, the British far transcends all in one particular, and that is, its capacity to bear patronage without the evils usually incident to it. She can bear more, in proportion to population and wealth, than any government of that character that ever existed. I might even go further, and assert that she developed itself in its most absolute form. I will not undertake to explain why it is so. It will take me further from the course which I have prescribed for myself, than I desire; but I will say, in a few words, that it results from the fact that her Executive, the House of Lords, the crown, over-balance, or hedge against, what are both hereditary, while the other House of Parliament has a popular character. The Roman government exceeded the British in its capacity for conquest. No government ever did exist, and none probably ever will, which, in that particular, equalled it; but its capacity to hold conquered provinces in subjection, was as nothing compared to that of Great Britain; and hence, when the Roman power passed beyond the limits of Italy, embracing Africa, the Mediterranean, and the Alps, liberty fell prostrate; the Roman people became a rabble; corruption penetrated every department of the government; violence and anarchy ruled the day, and military despotism closed the scene. Now, on the contrary, we see England, with subject-provinces of vastly greater territorial extent, and probably of not inferior population, (I have not compared them;) we see her, I repeat, going on without the personal liberty of the subject being materially impaired, or the government subject to violence or anarchy!

Now, I shall not here stop to discuss the meaning of the term province. It is obvious that the Senator's view of the matter is, that the extension of territorial dominion by Rome had the effect of prostrating her liberties. I confess I never met with this opinion before. It is certainly not in Gibbon, or Niebur, nor do I think it can be found in the pages of any other philosophic historian who has written of that wonderful people. On the contrary, the freedom of Rome commenced with territorial conquests—grew and strengthened continually with farther conquests—and never became very seriously impaired, until the God Terminus began to think of receding. "But though Terminus (says Gibbon) had resisted the majesty of Jupiter, he submitted to the authority of the Emperor Hadrian." The first emperor of Rome for the first time announced the territory policy to Roman ears, and, as ordinarily, the same illustrious historian just quoted, says "the principal conquests of the Romans were achieved under the Republic; and the emperors, for the most part, were satisfied with preserving those dominions which had been acquired by the policy of the Senate, the active emulation of the consuls, and the martial enthusiasm of the people. The seven first centuries were filled with a rapid succession of triumphs, but it was reserved for Augustus to relinquish the ambitious design of conquering the whole earth, and to introduce a spirit of moderation into his councils."

The Senator from South Carolina was pleased to designate a period in Roman history as the commencement of the ruin of free institutions, nearly four hundred years anterior to the age of the Antonines, selected by Mr. Gibbon as the beginning of the decline and fall of Roman power. He says: "As soon as the Roman power passed from Italy beyond the Adriatic on the one side, and the Alps on the other, and the Mediterranean, liberty fell prostrate." Well, if the Senator is correct in this statement, Roman liberty perished before the five hundred and fiftieth year from the building of the city, and nearly two hundred years before the reign of Augustus; as Illyricum, beyond the Adriatic, was certainly subdued as early as the year five hundred and fifteen, *ab urbe condita*, Spain was conquered by Scipio in the year five hundred and forty-seven, of the same era; and the Macedonian Kingdom was overthrown, and all Greece delivered from the tyranny of Nabis, about ten years later. To recognize Roman liberty as having been prostrated thus early, would be to take away from the honor of free institutions more than I am willing to do, and would inevitably cast a multitude of great names, heretofore associated with the career of Roman liberty, into a dim and dusky eclipse which would be seriously dispiriting to the champions of freedom throughout the world.

The truth is, sir, that there never was a year when Rome was free that she was not advancing rapidly along the pathways of territorial conquest. Let me cursorily mention a few names of conquered and annexed peoples, who had fallen before the Roman power anterior to the period of prostration specified by the Senator from South Carolina; commencing with the Albans, we have then, the Latines, the Sabines, the Fidenatians, the Falisceians, the Veientians, the Prenestines, the Campanians, the Samnites, the Hernicians, the Tiburtians, the Privernians, the Apulians, the Etruscans, the Umbrians, the Marcians, the Peligninns, the Equans.

[illegible] Salientines, the States of Sicily, Carthage, Spain, Sardinia, Corsica, the Legions, &c. &c. [illegible] to the Senator from South Carolina [illegible] protected [illegible] he has specified!

But, I will not pursue this topic further; and, indeed, should not have discussed it at all, but for the apprehension which I felt, that the powerful argument of the Senator from South Carolina on this point, going wholly unanswered, might have an effect upon the public mind more or less detrimental in its character.

If the Senator had ascribed the prostration of Roman liberty to her badly balanced frame of government, into which those most incongruous and antagonizing elements had found entrance and maintained unceasing discord;" to her defective system of jurisprudence, which, until the days of Justinian, was confessedly one of the most imperfect ever known; to her want of the representative and confederative principles of government; to her want of trial by jury; and, her want of the means of rapidly communicating intelligence [illegible] and had ended with asserting that corruption, the means of perpetrating which, had [illegible] and confiscation in foreign and remote regions, which is impossible in this country under our constitution, I should have concurred with him most heartily. But to give all these considerations the go-by, and ascribe the downfall of Roman freedom to a single cause, and that not the true one, strikes me to be hardly as practical as to settle the matter summarily, by repeating the language of poetry, and [illegible]

[illegible]

But let us advance a little further in examination of the honorable Senator's view of the danger to arise to our institutions from the incorporation or provincialization of Mexico; one of which he says we will have to do in a short time if we do not come over to his defensive line theory. The complete denationalization of Mexico, he says, will bring us to the necessity of choice between these alternatives.

Admitting the denationalization of Mexico to be at hand, then I contend that, without falling back to a defensive line, and without consolidating a Provincial government over the [illegible] of her people, in their present condition at least, measures could yet be taken, without varying at all from the policy necessary to be pursued in order to ensure a vigorous prosecution of the war, and, indeed, in pursuance of the [illegible] promulged by General Scott, that would inevitably lead to the gradual civilization and Americanization of Mexico, and, possibly, her eventual annexation to the confederacy, when qualified for this honor. I am proposing [illegible] presumptuous in me to do so. The [illegible] express, are my own, and may be, for aught I know, in their entirety, confined to myself; nor is any other person, official, or unofficial, at all responsible therefor. Though I am happy to believe, that they will be generally concurred in by those whom I represent here, and that, in the main, they are sanctioned by two distinguished citizens of my own State, judging from their published views, whose high reputation for abilities, for moral worth, and profound acquaintance with this particular subject, will secure for any opinions which they may be known to approve, the utmost respect from their countrymen. I allude to the late Governor of Mexico, General Quitman, and another personage, whose name, for certain delicate public reasons, I may not mention here, but whose [illegible] on this floor, has since associated himself in endless connection with the great principles of free trade and [illegible] be recognized [illegible] the Ocean and [illegible] Western World.

Thus premising, I proceed to declare, that if hereafter driven by stress of circumstances, such as have been anticipated by the Senator from South Carolina, to despair altogether of the effectuation of a treaty with Mexico, and we should be forced to keep possession of the country, [illegible] its own present inhabitants, on fair and honorable terms, why, even then, I should not unite with the Senator from South Carolina, in the sentiments of profound hopelessness, to which he has given such eloquent expression in our midst; but should endeavor to educe, as much good as practicable from what might be considered by many as only unmixed evil.

And upon some such plan as I will proceed now to suggest, I should hope still further to provide for the happiness and glory of our own country, and the ultimate diffusion and perpetuity of the great principles of civil and religious liberty. And,

1. After such a temporary occupancy of Mexico by our armies as [illegible] state after state of it, for the re-establishment of civil government, taking care, in due season, to introduce our invaluable territorial system—that noble nursery of State sovereignties—and to entrust the inhabitants of each territory, as soon as it might be deemed entirely safe to do so, with the indispensable power of self-government.

2. Whilst a temporary military occupation of Mexico might be deemed necessary, I would station detachments of troops at three prominent points in the interior, Orizaba, Mexico, and San Luis Potosi, with a view of giving protection to the three commercial ports of Alvarado, Vera Cruz and Tampico; thus securing the mining districts from encroachment from any quarter, and establishing peace and perfect social order throughout the whole extent of the region thus occupied.

3. The next step which would be advisable would be the introduction of our system of import duties, bringing with it the blessings of free trade to Mexico, for the first time, and all their civilizing and Americanizing influences. By this means the commercial monopoly heretofore enjoyed by Great Britain, would cease [illegible] products heretofore, to a great extent, prohibited, would find ready entrance into the country, and be seen to float quietly along all the channels of domestic trade; the beneficial effect of which, in a moral point of view, will be easily inferred, by those who have given their attention, heretofore, to such considerations, and which will be found beautifully and powerfully illustrated by one of the most distinguished writers of the present day, in a speech delivered in the great city of Manchester, in the month of November last, an extract from which I beg leave to submit. Mr. Alison, the historian, on taking the chair at the Athenæum soiree, in Free Trade Hall, on the occasion referred to, after a few introductory remarks, thus [illegible]

[illegible] Mr. Alison [illegible] speech it considerable [illegible]

1. [illegible] immense body of valuable public land in Mexico, heretofore unappropriated, there being, as I am assured, from twenty-five to thirty millions of acres of the richest lands in the world, yet unoccupied, [illegible] of the [illegible] of the States which have not yet become densely peopled. By bestowing farms of moderate extent upon actual settlers, the whole country would soon become occupied by a population equal to any under the sun, in all that is necessary to good government and high social advancement.

5. There are resources in Mexico not necessary to be particularly specified, which might be conveniently and legitimately applied, after paying the present national debt, to general education purposes.

6. Religious toleration, heretofore prohibited, would now prevail, and every man be allowed to worship God according to his own conscience.

7. Our system of trial by jury would be sure very early to comment itself to respect and adoption.

8. These and other regulations which will occur to all astute minds at once, without suggestion, cannot but work wondrous effects in the next five or ten years. Eight years ago, he who is now speaking used the following language:

[illegible]

The scenes herein described have been in part at least realized; and they are destined to be still more fully realized, if we shall dare to do our duty, regardless of illiberal cavils and factious opposition.

In answer to the objections of the Senator from South Carolina, it has become necessary to take a short view of the character of the population at present in Mexico. There are said to be now about seven millions of people; their number having rather diminished than increased in the last ten years. Of these about four millions are, as they have been described by the Senator from South Carolina, Indians—who, though gentle in their manners, docile, obedient, orderly, and industrious in their habits, are yet nothing more than Indians in their capacity for exercising political rights. They live together in towns and villages, have property in common, and enforce their former tribal usages, except so far as they may be restrained by special law. They are cultivators of the soil exclusively; and constitute no part of the population of Mexico subject to do military service. They have not enjoyed political rights, in other words, they have not voted at elections, since 1833. Nor are they desirous of being allowed to do so. Whatever they may become in future, under judicious and humane regulations, such as we have applied to our Chickasaw, Choctaw, and Cherokee Indians, remains to be seen. In the present state of things, though, no man of sound practical intellect, I suppose, would think of entrusting them with all the rights of American citizenship. An experiment of this kind formerly tried in Mexico is known to have been a total failure.

Three millions remain to be disposed of. Of these the military [illegible] the twenty-two [illegible] office-holders, and their ser-

vile dependents constitute perhaps a body of two hundred thousand. These, with a portion of the priesthood, and their dependents and servants are known as the aristocratic party.

The Peons, or *ribbon appendages*, [illegible] are a mixed race, slaves in the most miserable sense of the word, and transferable with the soil which they till. They are said to number about seven or eight hundred thousand souls, and constitute the chief resource of the military [illegible] recruiting sergeants.

The negroes are too inconsiderable in point of numbers or influence to be entitled to any serious regard in this view of the Mexican people.

The remainder, in number more than two millions, are the Puros or democrats—Vicente [illegible] always friendly to our people and government, and especially so in this war, as is provable by much and satisfactory evidence; far more friendly with us certainly than to their cruel oppressors, the military tyrants. The Puros are the bone and sinew of the country, the most intelligent, virtuous, and orderly people in Mexico. They recognize us, and justly, as their deliverers, and are full of apprehension & [illegible] the cruel oppression from [illegible]

As the retention of Mexico by the United States, should we be forced to retain it, is objected to by some on the ground of the enormous expense [illegible] I would here submit a few remarks touching [illegible]

1. It is estimated by our Secretary of the Treasury, in his annual report, that the domestic commerce between the States of this confederacy amounts annually to the sum of $[illegible]. Upon the basis supplied by this estimate, when a general free-trade intercourse shall have been once established between the States of this Union and Mexico, this new branch of domestic trade would amount to $[illegible] of which at least one-fourth of the trade to Mexico to be $83,000,000; we have an increase of more than $82,000,000 complete. Under the control of British councils, and by the instrumentality of prohibitory and peculiar duties, many of our most valuable staples—such as flour, tobacco, manufactures of cotton, &c., have been heretofore excluded. This would be no longer the case were Mexico part of the Union.

2. For our produce and manufactures, we should receive from Mexico—1. There great staple exports, gold and silver. 2. Their other mineral products derivable from mines almost wholly untouched, consisting of quicksilver, copper and tin. 3. Their valuable woods, consisting of mahogany, &c. 4. Cochineal, logwood, and other dye-stuffs. 5. Coffee, cocoa, and wine of a flavor equal almost to any in Europe. 6. Hides. 7. Tobacco, equal to the best Cuba tobacco. 8. Silk, of which there is a considerable quantity manufactured at present; and, under the fostering protection of free institutions the quantity could not but be greatly enhanced in a short period of time. 9. Sugar, to the raising of which the greater part of Mexico is admirably adapted in point of soil and climate; and it is a fact, (not a little remarkable it is too,) that though the State of Vera Cruz, possess native resources as a planting region, but little inferior to the island of Cuba itself, until the landing of our army under General Scott, there was no loaf sugar to be found in the vicinage of the city of Vera Cruz, except what was most inconveniently and expensively brought there on the backs of mules, from the Pacific slope, a distance of four hundred miles.

3. The quicksilver mines of Mexico have not been regularly worked; but enough is known of them to authorize the opinion, that they are greatly the most valuable which have ever been discovered. The article of quicksilver, in consequence of its having been, to a great extent, monopolized by the Rothchilds, has lately reached a price in market which may be well deemed enormous. The opening of the mines of quicksilver under our supervision and direction, would at once cheapen the article everywhere. The value of quicksilver as an *amalgam*, so indispensable as such in [illegible] operation is [illegible] remarks on this head.

4. I feel bound to add, that without the Isthmus of Tehuantepec, which can never be fully and availably under our control, except as an incident to the annexation of Mexico low enough down to embrace it, we can hardly calculate upon retaining the permanent possession either of California or Oregon. The difficulty of reaching any place on the Pacific coast from the densely settled portions of the United States, and the immense consumption of time now unavoidable in performing such a journey, seem to make it more than probable, as one sagacious and profound statesman of New England has already predicted as to Oregon, that at no distant day, if no canal or railway across the Isthmus shall ever be effected, an independent State or States will be likely to spring up on the Pacific, which will claim and hold all the territory rightfully belonging to us in that part of the world. With the Isthmus and a canal across it, all danger on this score would be effectually obviated. With the Isthmus, and a convenient commercial communication between the two great oceans, this Republic will at once become the greatest commercial nation in the world.

5. Lastly. If we fall back to a defensive line, the military aristocrats will reorganize under the protection of Great Britain or some other foreign government, and then we shall have a war on our hands which will be interminable. The fact that Great Britain has long struggled to control the destinies of Mexico—that she is known to be quite jealous of our present prospects in that country—that Lord Palmerston has recently in Parliament thrown out very distinct intimations of a disposition to seize upon the whole of Mexico, as indemnity for certain debts due to British subjects—together with the striking fact that the British government is known to be already in possession of the pass of Nicaragua, should solemnly admonish us not to withdraw our troops and evacuate the country too lightly, for, in the emphatic language of the day, without having obtained complete indemnity for the past, and entire security for the future; by which I understand full indemnity in money or territory, and full security for ourselves and our posterity. I am satisfied, sir, for the present, with having presented this hypothetical view of the compensating advantages likely to arise [illegible] Mexico in case the overtures of that nation, encouraged as she has been from this country to continue the struggle of arms, should finally constrain us to take possession of all the country and hold it forever.

Mr. CRITTENDEN.—I have listened to the speech of the honorable gentleman who has taken his seat, with all the attention which his own high character, and, if he will allow me to add, my regard for him, could inspire. In the course of his very animated and eloquent remarks, there was one passage which I regret, and I now rise simply for the purpose of recalling his attention to it, and making a single remark upon it. I allude to that part of the gentleman's remarks in which he alluded to Mr. Clay, in language too plain to be misunderstood, and described him as "the magnetizer," employing certain acts for the purpose of promoting certain pretensions to the Presidency, which the gentleman thought proper to attribute to him. Sir, Mr. Clay is now a private citizen—a man venerable for his age; and (I think I may say without fear of dissent from any gentleman,) illustrious on account of his character and his public services. He is now unconnected with political life; and I submit to the honorable gentleman, whether those considerations might not have protected him from such an allusion, and from such imputations as have been cast upon him?

Mr. FOOTE.—If the honorable gentleman will allow me—

Mr. CRITTENDEN.—In a moment, sir. I have had the honor of knowing Mr. Clay, and of calling him friend, and being called friend by him, for the last twenty-five years of my life. I think I know him, sir, and I think I can venture to assure my honorable friend from Mississippi, that there is no man in this country more incapable of the practice of any ignoble arts than he is; and that he would not have the Presidency at the price of any such arts practised by him. To him the Presidency could add but little. He will adorn a bright page in the history of his country; and there, sir, when the passions, and prejudices of party shall be hushed, his will, indeed, be held by all Americans, the

"Clarum et venerabile nomen"

a name honorable and illustrious, which, combined with the names of his great and distinguished opponents will, with their blended light, forever illuminate and illustrate the annals of our country. I regret then, sir, that in the course of these animated remarks—and much, I know, escapes us in the heat of debate, which we would willingly retract—a passage should have occurred, which may perhaps be construed more seriously than it was meant. I think I can assure the gentleman, that whatever information he may have received to the contrary, Mr. Clay has practised no art, neither the art of the mesmerizer, nor of the magnetizer, nor of the political, nor any act whatever, to promote his pretensions to the Presidency. The highest official station could add but little to him—but little to his name or fame. Office itself is comparatively an ignoble object of ambition. His has ever been the higher object of ambition, to serve his country and be rewarded by his country's approbation. He is altogether incapable of any art to circumvent, or to obtain any object. I can assure the gentleman that he has practised no means whatever, that he, himself, in the exercise of his nicest judgment would condemn; and I make this appeal in the most kind and respectful manner, in vindication of a private citizen, and my friend, now absent, and represented here by my honorable friend, [Mr. UNDERWOOD.] and however unworthily by myself.

Mr. FOOTE.—I concur heartily in what has fallen from the Senator from Kentucky, in praise of his distinguished friend. Even the Latin quotation applied to him has my cordial sanction. I will even go farther, and supply a word, to be found in the original, and which the Senator has accidentally omitted, and I will say, "*Clarum et venerabile nomen gentibus.*" For surely, Mr. Clay is known most conspicuously to all the *nations* of earth. The Senator seems to be dissatisfied at my using the phrase magnetic influence, in connection with Mr. Clay's present visit to Washington. Now, I must think that if the Senator had duly considered the meaning of the phrase in question, he would have taken no offence. A magnet is a substance distinguished for a certain mysterious, yet powerful influence, which may be called attractiveness. Magnetism is attractiveness, or, in the present more ascertained sense of the term, a subtle, ethereal, mysterious, incomprehensible, and irresistible influence, possessed by one substance over another, or by one man's spirit over the spirits and sensibilities of others; which enables the magnetizer in the latter case, even without actual contact, physically speaking, to control the will and conduct of all who come within range of his influence. Now, I have heard a distinguished countryman of the honorable Senator, Dr. Buchanan, give

instances of the exercise of this power by himself, Dr. Caldwell, and others, in certain towns and villages of Kentucky, exceedingly surprising. Had I charged Mr. Clay with coming to Washington at this particular time to electioneer for the Presidency—to solicit support from prominent politicians for this high place, or even to plead with his old friends not to abandon him, I should have called very unwarrantable. But I did no such thing. I used the most delicate and respectful terms possible, and only suggested that his very presence here was calculated to operate with magnetic power. And cannot this be used with propriety? Does not this distinguished personage awaken a profound sensation wherever he appears to go? Did not the citizens of Philadelphia turn out to do him honor on a late occasion, without distinction of party? and was not the crowd so great, and put under such powerful attraction by him, as almost to obstruct his progress along the streets? I have been once or twice placed under this influence, more or less, myself, and was delighted to join my fellow-citizens of Mississippi on one occasion in affording to Mr. Clay a hearty welcome when he visited our State. There is a charmfulness about the whole man very difficult to resist. He is an orator of most captivating powers, too, and a poet by nature. Even his person would suggest to a casual observer that he "he does not belong to the roll of ordinary men." My opposition to Mr. Clay is strictly political; but it is most decided. And though I hope never to give personal offence to him or his friends by the use of discourteous language, as long as God permits me to live I expect to be strenuously opposed to his principles as a statesman, and his advancement to Presidential honors. I would notify the Senator that the celebrated lecturer on electro-magnetism, Dr. Boynton, is now in the city, and he could not fail to derive both pleasure and instruction from his discourses.

Mr. CRITTENDEN.—I am exceedingly gratified by the explanation of the honorable gentleman. I know that his own generous feelings and sense of propriety would lead him to assure us that he meant nothing that was unbecoming or improper.

On motion,

The Senate adjourned.

[The following remarks should have been inserted in page 138, immediately before the last paragraph in the first column:

Mr. SEVIER.—I beg leave to interrupt the honorable Senator from Mississippi for a moment only. He has referred to the journals, but has omitted, what I consider, a very important point considered in its bearing upon the subject at issue. I refer to the act of 1803—an act based upon the Ross resolutions, and very pertinent at the present moment. I call for the reading of the said act.

[The Secretary here read the act called for.]

FRIDAY, JANUARY 21, 1848.

On motion, it was

Ordered, That when the Senate adjourn it be to Monday next.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk.

Mr. President: The House of Representatives have passed the following bills of the Senate.

An act concerning certain collection districts, and for other purposes.
An act to provide a bounty for volunteers in the service of the United States.

The House of Representatives have passed a bill, entitled "An act to amend an act entitled 'An act to reorganize the General Land Office,' approved July 4, 1836;" in which I am directed to ask the concurrence of the Senate.

THE LATE JOHN W. HORNBECK.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk.

Mr. President: I am directed to notify the Senate of the death of the Hon. JOHN W. HORNBECK, a Representative from the State of Pennsylvania, and of the proceedings of the House of Representatives thereon.

The resolutions adopted by the House of Representatives having been read,

Mr. CAMERON said:

It is my duty, Mr. President, to detain the Senate for a moment, before I move the customary resolutions which here mark the death of one of our number.

JOHN W. HORNBECK, a member of the House of Representatives from the State of Pennsylvania, died at his residence in the county of Lehigh a few days since.

It was not my fortune to have been acquainted with him, but from those who knew him well, I learned that he was a native of New Jersey—that hegraduated at Union College in New York, and that he settled, about 16 years since, at Allentown, Pennsylvania, where he studied law, and where he was, till the time of his death, a respected and successful member of the bar.

He was a man of learning and of ability, of quiet and unobtrusive, but of social habits, and of a disposition so kind and benevolent—so willing to serve others, rather than himself, that he won the esteem and love of all who came within his circle. Honorable, high minded and generous, he commanded the respect of all, and died as he had lived, without an enemy.

His election was a tribute to his private virtues. Living in a district opposed to him in politics, he was elected by a decided majority over a man of sterling worth and high character.

At the meeting of Congress he came here to fulfil his trust, but the disease which had marked him for his victim made such rapid inroads upon his constitution, that he was compelled to leave his seat the first week of the session. He returned to his home, where he died in the midst of his family and friends. Those whom he had cherished and protected, were around him to smooth his pillow in the last struggle between time and eternity; and he died as the good man only can die, calmly relying upon the mercy of the Redeemer. Whilst we mourn his early death, we should rejoice that his life was so pure as to warrant the hope that he has only exchanged mortality for a happy immortality.

Mr. CAMERON concluded by submitting the following resolutions:

Resolved, unanimously, That the Senate has received with deep sensibility the message from the House of Representatives, announcing the death of Hon. JOHN W. HORNBECK, a Representative from the State of Pennsylvania.

Resolved, unanimously, That the members of the Senate, from a sincere desire of paying every mark of respect to the memory of the deceased, will wear the usual badge of mourning for thirty days.

Resolved, That as a further mark of respect for the memory of the deceased, the Senate do now adjourn.

The resolutions having been unanimously adopted,

The Senate adjourned.

MONDAY, JANUARY 24, 1848.

Mr. RUSK presented the credentials of the Hon. SAM HOUSTON, elected a Senator of the United States, from the State of Texas, for the term of six years from and after the 4th day of March, 1847; which were read.

Mr. HOUSTON, having taken the oath prescribed by law, took his seat in the Senate.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

To the Senate of the United States:
In compliance with the request of the Senate, in their resolution of the 13th instant, I herewith communicate a report from the Secretary of War, with the accompanying correspondence, containing the information called for, in relation to "forced contributions" in Mexico.
JAMES K. POLK.
Washington, January 24, 1848.

On motion by Mr. DAYTON, it was

Ordered, That it be printed.

PETITIONS.

Mr. WEBSTER presented a petition of Importing merchants of the city of Boston, praying a modification of the 8th Section of the Tariff Act, of July 30th, 1846, relating to assessments of duties on invoices; which was referred to the Committee on Finance, and ordered to be printed.

On presenting this petition, Mr. WEBSTER remarked that its signers, persons of eminent respectability, complained of a provision in the 8th section of the law commonly called the Tariff Act of 1846, to which he desired to call the attention of the Finance Committee. It would be remembered that under that law all duties were *ad valorem*, to be assessed upon the value at the port where entered, and that, to determine the quantity, the articles were to be weighed, guaged or measured by the proper officers at the Custom Houses. Now this 8th section of the law, while it very properly provides for the payment of duty upon any excess beyond the amount of the invoice, also declares that, in assessing the duty upon goods imported, "under no circumstances shall the duty be assessed on an amount less than the invoice value." The petitioners complain that under this provision, when the goods invoiced fall short of the invoice, either in weight, guage or measure, they are compelled to pay duties on that which they do not receive. They therefore request that the section referred to should be so amended as to read "that on all articles usually bought and sold by weight, guage or measure, the duties thereon shall be computed and paid according to the returns of weight, guage or measure, of the sworn officers of the United States in the several ports."

Mr. WEBSTER presented the petition of the citizens of Bedford County, Pennsylvania, praying a reduction of the rates of postage on newspapers; which was referred to the Committee on the Post Office and Post Roads.

Also, a memorial of ministers and laymen of the Unitarian denomination of Christians, praying the adoption of pacific measures for securing an immediate and permanent peace with the Republic of Mexico; which was laid upon the table.

Also, the petition of citizens of Billerica, Massachusetts, praying the adoption of measures for terminating the war with Mexico; which was laid upon the table.

Mr. BERRIEN presented a memorial of J. J. Flournoy, praying the adoption of measures for establishing a tribunal for the peaceable adjustment of international disputes; which was referred to the Committee on Foreign Relations.

Mr. LEWIS presented a memorial of the General Assembly of the State of Alabama, praying the establishment of a national armory near the city of Tuscaloosa, in that State; which was referred to the Committee on Military Affairs.

Mr. BAGBY presented a memorial of the General Assembly of the State of Alabama, praying the graduation and reduction of the price of the public lands in that State; which was referred to the Committee on Public Lands.

Mr. DICKINSON submitted additional documents relating to the claim of the heirs of Jethro Wood; which was referred to the Committee on Patents and the Patent Office.

Also, the petition of citizens of Nunda, New York, praying a reduction of the rates of postage and the discontinuance of the franking privilege; which was referred to the Committee on the Post Office and Post Roads.

Mr. BRADBURY presented the petition of Amos Doughty, a soldier in the last war with Great Britain; which was referred to the Committee on Pensions.

Mr. ASHLEY presented the petition of Reynolds May, praying to be released from a judgment rendered against him at the suit of the United States; which was referred to the Committee on the Judiciary.

Mr. JOHNSON, of Md., presented the petition of Alexander Murdock, Treasurer of the first Presbyterian Church of Baltimore, praying the return of duties levied on certain articles imported for the use of that church; which was referred to the Committee on Finance.

On motion by Mr. BELL, it was

Ordered, That Susan Coody and others, Cherokee Indians, have leave to withdraw their petition and papers.

On motion by Mr. JOHNSON, of La., it was

Ordered, That the petition of the heirs of Nicholas Barra, on the files af the Senate, be referred to the Committee on Private Land Claims.

ROUTE TO CALIFORNIA.

On motion by Mr. WESTCOTT, it was

Ordered. That in printing the documents communicated by the Secretary of War, on the 15th December last, in answer to the resolution of the Senate of the 9th December, all papers not connected with or appended to the report of Lieutenant Emory, transmitted to the Senate, and with the report of Lieutenant Colonel Cooke to Colonel J. J. Abert, Chief of the Topographical Bureau, dated December 6, 1847, be excluded.

NOTICES OF BILLS.

Mr. ASHLEY gave notice that he would, at an early day, ask leave of the Senate to introduce a bill to extend the maritime jurisdiction of the United States' courts to all the navigable waters of the United States.

Mr. RUSK gave notice that he would, at an early day, ask leave of the Senate to introduce a bill authorizing the President of the United States to increase the Naval establishment.

CLERK TO THE COMMITTEE ON PRINTING.

Mr. CAMERON submitted the following resolution for consideration:

Resolved, That the Committee on Printing be authorized to employ a Clerk, to whom no greater yearly compensation shall be paid, out of the contingent fund of the Senate.

MR. WISE'S CORRESPONDENCE.

Mr. HUNTER submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate, if not inconsistent with the public interest, the correspondence of Mr. Wise, late Minister, &c. of the United States at the court of Brazil, with the Department of State, of the United States, and with the Minister and Secretary of State for foreign affairs of Brazil, with the accompanying papers, accompanying the despatches from number 53 to number 64 inclusive, and in his despatch from off the capes of Virginia, dated October 9th, 1847, and in his letter to the Secretary of State, dated at Washington, November 3d, 1847, and the despatches of Mr. Buchanan, Secretary of State, to Mr. Wise, number 30, dated the 2d February, 1847, and number 32, dated 20th March, 1847, all relating to the imprisonment of Alonzo B. Davis, Lieutenant of the United States' Navy, and three seamen of the United States, by the police authority of the city of Rio de Janeiro, on the 31st of October, 1846.

UNITED STATES' DISTRICT JUDGE FOR SOUTH FLORIDA.

Mr. WESTCOTT submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the propriety of increasing the salary of the United States' District Judge for South Florida.

EXPLOSION OF STEAM-BOILERS.

Mr. WESTCOTT submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Commissioner of Patents be directed to report to the Senate such information as he may have in his possession, or may obtain, that he deems important, with reference to further legislation by Congress, for the prevention of the explosion of steam-boilers used in boats, or for engines on railroads, and, whether any amendments to the Patent laws are advisable to effect such object.

RETROCESSION OF ALEXANDRIA.

Mr. HUNTER, from the Committee on the District of Columbia, to whom had been referred the bill supplementary to an act passed the 9th day of July in the year 1846, entitled "An act to retrocede to Virginia the County of Alexandria, District of Columbia," reported it without amendment.

MILITARY LAND WARRANTS.

Mr. BREESE, from the Committee on Public Lands, reported a bill to repeal the proviso of an act to authorize the issuing of scrip to the late officers and soldiers of the Virginia line on Continental establishment, entitled "An act to authorize the issuing of scrip to the late officers and soldiers of the Virginia line on Continental establishment," passed the 9th of February, 1852; which was read and passed to the second reading.

[illegible]

Mr. BREESE, from the Committee on Public Lands, to whom was referred the petition of [illegible] praying to be allowed a right of way, and a small piece of ground for making a railroad connecting the upper and lower Mississippi, with the chain of northern lakes at Chicago, reported it without amendment.

Mr. BREESE [illegible] was of leave granted.

ADJUTANTS OF THE MILITARY ACADEMY.

Mr. BADGER, from the Committee on Military Affairs, reported a bill providing for the appointment of Adjutant at the Military Academy, on an equality, as to pay and allowances with the Adjutants of Regiments.

[illegible]

Mr. ATCHISON [illegible] Committee on Indian Affairs, to whom was referred the petition of Jonathan Lewis, submitted a report accompanied by a resolution for his relief.

The resolution was read and passed to the second reading.

Ordered, That the report be printed.

Mr. BALDWIN, from the Committee of Claims, to whom was referred the bill for the relief of Jeanette C. Huntington, widow and sole executrix of William D. Cheever, deceased, reported it without amendment.

Mr. BALDWIN also submitted a report upon the subject, which was ordered to be printed.

Mr. WESTCOTT, from the Committee of Claims, to whom was referred the petition of Don Carlos Blake, adjutant of the 3d. regiment of Infantry, submitted an adverse report; which was ordered to be printed, together with an accompanying letter from the Quartermaster General on the subject.

Mr. DAYTON, from the Committee on Patents, reported a bill for the relief of Oliver C. Harris; which was read and passed to the second reading.

Mr. UPHAM, from the Committee on Revolutionary Claims, to whom was referred the petition of [illegible] praying [illegible] Revolutionary services, submitted an adverse report, which was ordered to be printed.

Mr. FELCH, from the Committee on Public Lands, to whom was referred the petition of John Michen and others, submitted a report accompanied by a bill for the relief of John Milliken and others, to secure certain rights to pre-emption in the State of Louisiana; which was read and passed to the second reading.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

MR. CLAYTON'S VIEWS.

The Senate proceeded to consider the following resolution, submitted by Mr. BERRIEN on the 20th instant; and it was agreed to:

[illegible]

WASHINGTON MONUMENT.

The Senate proceeded to consider, as in Committee of the Whole, the resolution authorizing the erection, on the public grounds in the city of Washington, of a monument to George Washington, and recommended [illegible] reported to the Senate.

Ordered. That it be engrossed and read a third time.

The said resolution was read a third time by unanimous consent.

[illegible]

Ordered, That the Secretary request the concurrence of the House of Representatives in this resolution.

[illegible]

The Senate proceeded to consider the following resolution, submitted on the [illegible] by Mr. BALDWIN:

[illegible]

Mr. HALE moved [illegible] the resolution, and after it had been read, remarked that before the vote of the Senate was taken upon the resolution, he would like to have some [illegible]

Mr. BALDWIN.—I will state, Mr. President, in a few words, the object which I have in view in moving that resolution. The President of the United States, in his message at the opening of the session, has informed Congress that the republic of Mexico has [illegible] payment of three millions, with a view to negotiate with the government of Mexico, to acquire a cession of territory from the republic; and to acquire probably the cession of territory of greater value than the amount of the claims which might be due to our citizens. Now, sir, the object of the first part of the resolution is to inquire whether the President possesses any information, and if so, to request him to communicate it to the Senate, in regard to the extent and value of the public domain of Mexico, which it is in the power of that government to cede to the United States—whether Mexico has any public domain whatever—whether she has any land, any mines, any available property which may be converted into the means of paying the United States claimants; or whether the President, in his recommendation to pursue the war for the purpose of acquiring territory, has in view simply the acquisition of dominion over the people, or any part of the Mexican republic. And, sir, if the latter be the object—if Mexico has no public domain [illegible] sir, the object of the second part of the resolution is to inquire of the President whether he possesses any information, and, if so, to request him to communicate the information to the Senate, in reference to the power of the Mexican republic to cede, either to the government of the United States, or to any foreign government, either of the States of that confederacy, the sovereignty over either of the States of that confederacy, or any portion of the people thereof.

I ask this information, sir, to enable me to act intelligently and to enable Senate to act intelligently, not only upon the recommendation of the President, but upon the resolutions which are now pending before the Senate. The resolutions offered by the Senator from Indiana (Mr. HANNEGAN,) assert the right of the United States to acquire the dominion, and the possibility that it may be [illegible] Mexico. I ask it for the purpose of enabling me to act intelligently upon those resolutions. I ask it also in reference to the resolutions of the Senator from New York (Mr. DICKINSON) asserting that it is the true policy of the government of the United States to strengthen its commercial relations and its political relations, also, the annexation of contiguous territory wherever it may be justly acquired. I wish to know whether Mexico has the power of ceding to the United States any portion of her sovereignty over any of the members of that Republic—whether we can lawfully and justly acquire the sovereignty, either by demanding a treaty of cession, or in any other way. [illegible] need be known to the members of the Senate that when Mexico was an empire under the government of Iturbide, he was required to take an oath on entering upon the administration of the government, that he never would cede or alienate any portion of the territory. [illegible] overthrown and a confederated republic was established in its room, by the union, for that purpose, of the nineteen States composing the Republic of Mexico, that union was based upon the same principles upon which our government is founded, the Constitution of the United States [illegible] the model of that of the Mexican Republic. And, sir, need I ask whether any authority could be derived from a Constitution modelled after our own, for the cession to a foreign government of any portion of the sovereignty over any of the territories of States composing that Republic? Does any citizen of the United States suppose that it would [illegible] of a foreign government against us, any one of the States of this Union? Did the framers of the Constitution of the United States hold to any such doctrine, when the North-Eastern boundary question was in agitation before the country? Did the government of the United States suppose that they could, for the purpose of settling that great national controversy, cede to Great Britain any portion of the State of Maine, without the assent of that State first obtained? If, then, these are the doctrines of this republic, I wish to know whether, when the President of the United States [illegible] Congress to [illegible] assumed territory from the

Mexican republic, and to present them to the view of the people of that republic, until the resolution of cession is adopted—I want to know whether the Mexican republic has the right to make this cession, before I can decide intelligently the question whether this republic can in honor make the demand of Mexico? I wish first to know whether Mexico has the power to comply with that demand consistently with the fundamental principle upon which that government is [illegible]. Would it have the power to [illegible] the law of nations, recognised by our government to dismember itself by the cession of the sovereignty over any portion of its people to a foreign power; and that if it attempts, for the promotion of its own interests, to make such a cession, it is optional with [illegible] to assent to such a session and yield obedience or not, as it may be able to sustain a position independently or not. But, sir, who are the parties in the present case?—What are the principles upon which [illegible] public is based by its constitution modelled after our own?—and to what result do the considerations derivable from these institutions lead us, other than I have stated, unless there be in the possession of the President information which he may have it in his power to communicate to the Senate which would change the result? Our government is based, sir, as we all know, upon that great declaration, that the right of sovereignty is inalienably in the people. The Mexican government was, as I have remarked, based upon the same principle; and are we who sent forth this declaration of popular right—a declaration at war with the then existing institutions of the world and utterly at variance with the great dogma, upon which they were based, of the divine right of Kings to govern and the duty of [illegible] discovered and promulgated for the first time, the inalienable right of sovereignty in the people, now about to ask of a sister republic that she shall transfer to another government a portion of her people, loyal to their own government and desirous of remaining under its protection? The object of my resolution is to seek for such information as the President may possess, other than that which we can derive only from our knowledge of the institutions of these two republics, which will enable us to judge of the propriety of demanding and endeavoring by force of arms to compel that republic to make a cession of a part of itself, with a portion of its people, thereby transferring them as property to be governed by the people of the United States.

The United States it is true, sir, have heretofore acquired territory by the cession of other governments. But in what circumstances have these acquisitions been made? In the first place, the United States claiming the proprietorship of all the territories included within the original jurisdiction of the States which had extensive domains, held that inasmuch as those territorial domains had been acquired by the common efforts of the confederacy, the jurisdiction should be ceded to the government of the United States under certain conditions; and after a long struggle a compromise was made by which the United States acquired the territory and jurisdiction which they claimed, and which had been also claimed by the ceding States. That was the first instance, if such it can be called, of an acquisition by the government of the United States of that which they claimed to be already their own, by the cession of the States within whose original territorial limits the domain was included. The next instance, was the cession of Louisiana by France. But that was the cession of a distant colony, claimed by a monarchical government in the Old World. We stood in that case upon an entirely different principle from that now assumed in seeking a cession of territory by a sister republic on our own continent. Then came the cession of the Floridas, a cession made under similar circumstances to that of Louisiana, the territory being but an appendange to a monarchy of the Old World. Next we have the cession of Texas. That was a cession made by the people themselves, who claimed to have established an independent government—who claimed to possess the sovereignty of the territory which they undertook to transfer and annex to the Union. They wielded up voluntarily, by convention, by the unanimous consent of the people, the sovereignty which they felt they were, of themselves, unable to maintain.

But, sir, we are now called upon for the first time, by the President of the United States, to enter upon the career of conquest—to seek the acquisition of territory by a forced cession from a sister republic, of territory now under the dominion of the people of another government. We now seek to transfer that people to our government, and to transfer them, as an appendage to this republic—or a "territorial appendage," in the language of the resolution—and perhaps that may be inferred to be the object of the recommendation contained in the message of the President. I can hardly suppose that it is now seriously intended by any one, to incorporate that domain, as an integral part of the United States—to invite them to come in and participate in the government of this republic? If incorporated at all, we are asked to incorporate them as a "territorial appendage" to this government. Now the object of the resolution, which I have had the honor submit, is to ascertain from the President of the United States, whether he possesses any information which he can communicate to the Senate, showing that such a cession can be made of the republic of Mexico, in consistency with the fundamental law of the republic?

Mr. HANNEGAN.—So far as the first branch of the resolution of the Senator from Connecticut is concerned, I do not know, sir, that I have any objection to offer. I presume the answer to it would necessarily be, that the President has no information upon the subject. It amounts to nothing. I pass then to the second branch of the resolution. The Senator in the course of his remarks, thought proper to refer to certain resolutions, which I had the honor to submit to the Senate, a short time since. I was not in the Senate on Thursday last, at the moment when the Senator introduced his resolution, and I knew nothing of its introduction, or of its import, till I heard it read this morning at the Secretary's desk. With regard to my own resolutions, I do not feel myself called upon, to say anything on them now; but with reference to the second branch of the resolution offered by the honorable Senator from Connecticut, I must make a few remarks. I object to that part of the resolution, on several grounds. And in the first place, I remark, that that information which it calls upon the President to communicate to us, is presumed to be as fully in the possession of the members of this body, as it can be in that of the President himself. The resolution asks the President to communicate information, relative to the fundamental law of a foreign government. Well, sir, it is I believe to be presumed, that we ought to know as much as the Executive, about the fundamental law of a foreign government. The call is, therefore, altogether unnecessary.

The question discussed at some length by the Senator from Connecticut is one, not for us, but for Mexico to determine. It is for [illegible] whether, under [illegible] to cede territory. That is fundamental law she has—there is power to cede any or every foot of territory which she possesses. That power Mexico herself has already recognised. She has already asserted that power. Pending the negotiations anterior to the annexation of Texas, Mexico, as every member of the Senate well knows, made the offer to Texas of a recognition of her independence on condition, that she should refuse annexation to the United States; thereby admitting that she had the power to dispose of any portion of her territory at her will. She always claimed Texas as hers till that period. I did not catch distinctly the whole of the remarks made by the Senator from Connecticut, but if I understood the purport of his argument, he holds that the power of making a cession of territory may belong to a monarchy, but does not exist in a republic. The Senator shakes his head. Does he then deny the existence of that power in a monarchy? If he does, he denies a principle as old, I was about to say as time—certainly one coexistent with the monarchial form of government. There never was a monarchy upon the face of the earth where the question could be raised as to the right to dispose of her territory or dominions, or any part of them—never. It is quite enough to refer to the treaties of peace, concluded at the termination of wars between great monarchies, in order to show that under that form of government the power of ceding territory was always exercised. That right has always been exercised in monarchical governments, and I will briefly show that the majority has asserted the same power in this country. But I contend here that Mexico, being neither a monarchy nor a republic, nor an aristocracy, but an anarchy, must have the right somewhere. The Senator speaks of a fundamental law in Mexico, about which he would call upon the President to deliver a message. What is that fundamental law? What has it been from 1832, till the present hour? Why, sir, it has been nothing but the arbitrary will of each successive military despot, who has raised himself to supreme power by his sword.

But with regard to the power of making a cession of territory in a republican government, we know that the majority have twice decided in this body that it existed here. First, in the settlement of the North-Eastern boundary, you find, by the unanimous vote of the Senate recorded upon your journals, that it was declared that the whole of that disputed territory was the property of the United States, and yet by the Ashburton treaty, a large portion of the territory thus declared to be ours, was surrendered. I repeat, by a unanimous vote of the Senate—(if I am in error I can be corrected; but I believe I am right)—the whole of that territory was declared to be the property of the United States, and yet a treaty ratified by the Senate surrendered a large portion of that territory, and the most valuable in a military point of view. Then, again, a second instance is afforded in the darkest [illegible] ture in our history—the settlement of the Oregon question—in which, after almost every department of the government had declared that our title to the whole of Oregon was unquestionable, we yielded up a large part to England. There exists, then, in this government, as in a monarchical government, the power of ceding territory [illegible] of course [illegible] ded in an anarchical government, such as that of Mexico. At any rate, what does the Senator's argument amount, when we come to bring it directly home to the case as it exists? Mexico has for a series of years urged war upon us. She has urged a war upon us by every act which has ever been held a just cause of war; nay, by a series of acts, running through a period of twelve [illegible] years, from the [illegible] of Palo Alto, there has not been an hour in which Mexico was not resolved to provoke a war with the United States. The whole history of the intercourse between the two nations proves as clearly as the sunshine, that that was the studied and constant effort of Mexico. On another occasion, however, I shall take an opportunity of entering at length upon that subject, and of demonstrating, I think irrefragably, the soundness of the position which I have thus assumed. Mexico, then, urges us into this war. She forces upon us a conflict involving an immense sacrifice of life and expenditure of treasure; and at the close of this conflict, the

Senator from Connecticut, according to the doctrine this day enunciated, would suffer Mexico to go "scot free," insisting only that she should say she was sorry for her conduct!

Sir, I do not approve of such a course of policy. I hold, that in common with all nations that have ever existed, we have a right to make this offender pay the penalty of her transgression. She has no gold wherewith to reimburse us, but she has land, and that land we want and I hope and trust we will get. I call, if it be in order, for a division of the question.

Mr. BALDWIN.—The Senator from Indiana says, that the information sought by the resolution, is presumed to be in the possession of every department of the government. Undoubtedly, it is always presumed that we are acquainted with the general historical facts in regard to the republic of Mexico. But, when the President of the United States recommends to Congress a specine course—when he recommends to Congress the acquisition of dominion by forced cession of that republic—and when a knowledge of the fundamental institutions of that republic does not lead us to the conclusion that she has the power which the President asks us to demand her to exercise, then it appears to me, that it is proper and respectful to the President himself, to ask that he shall communicate to the Senate the information which he possesses, and which has led him to a different conclusion. I have endeavored to show that upon our own knowledge of the fundamental principles upon which that government is based, we could not, either upon any principle recognized by ourselves, or upon any principle to be found in the law of nations, infer that such an authority existed; and it is, because I have felt that we could not from our own knowledge, perceive that Mexico had the power, which it is necessary she should possess, to enable her to make the cession we require, that I deemed it due to the Executive to call upon him for any information he may possess which has led him to arrive at a different conclusion. But, sir, the Senator from Indiana, says that this is not a question for us—it is for Mexico alone, to decide whether she has the power to cede or not. Is that so, sir? Are we called upon to expend millions of the public money for the acquisition of territory without being permitted to inquire into the nature of the title which we may get? Is it enough that the Mexican republic under the pressure of our arms will be willing to vacate her own jurisdiction? Does that satisfy the United States that they thereby, will rightfully acquire sovereignty over that people? I desire that the President may inform us upon what principle recognized by ourselves—upon what principle recognized by the republic of Mexico, the sovereignty of the people is transferrable like property for the payment of claims against that government. Is that the doctrine of the American people? Do they hold that sovereignty is no longer inalienable, as it was declared to be by our fathers in the days of the Revolution? Do they hold that it is a commodity to be transferred from one people to another in payment of demands against that confederated government, which is found to be inconvenient for that government to discharge, except by ceding a portion of the confederacy to another government? How would this doctrine be regarded if its application were attempted by a foreign government either to the people of this country or to the people of Mexico? My friend from Indiana has introduced a resolution affirming that this government could not look with complacency upon the establishment of monarchical government over any portion of this continent. But, sir, Mexico owes to subjects of monarchical governments a debt immensely greater than the amount due by her to our citizens. Mexico owes, as we are informed—if I mistake not, by Mr. Slidell—a debt of one hundred and fifty millions of dollars, of which by far the largest portion is due to the subjects of monarchical governments in Europe. If Mexico has a right to pay her debts by the cession of her territories, has not any other government, whose duty it is to protect its own citizens and obtain indemnity for their just claims, the same right that we have to demand that the claimants shall be paid in territory? And how can we, a sister republic, justify ourselves before the world in making a solemn declaration that we will not look with complacency upon the establishment of any monarchical government upon this continent—that we will resist the cession of any territory to any foreign government, when we are ourselves asserting the right of Mexico to transfer dominion over the States of that confederacy in satisfaction for the claims of our own citizens? I should like to be consistent before the world. I would make no avowal of right, claimed by us, which I would not equally concede to any other government.

But, sir, I deny entirely the power of Mexico to cede either to a monarchical government or to this republic, any portion of the sovereignty of the people of that confederacy, without their consent. I deny that the government of Mexico has a right to cede to the government of the United States a jurisdiction over Tamaulipas, for the purpose of satisfying the demands of our citizens against the Mexican government, which it is not convenient for her at this time to discharge. I deny that she has any more power to do so than the United States would have to cede one of the States of this Union, for the purpose of discharging any claims which might exist against the government on the part of the people of any foreign government. I ask, Mr. President, is it in the power of any of the States of this Union—of Mississippi, for example, or of any other State, owing debts which, at this moment it may not feel itself able to discharge—to cede a portion of its sovereignty for the purpose of discharging the debt? Has this Republic that power? If not, why? Because, like every other free government, ours is based upon the great principle that sovereignty vests in the people, and is ever inalienable without the assent of the people. We are, I believe, about to enter on a career for the establishment of a new principle which calls for the avowal by this republic of the doctrine—that we can deprive another people of their sovereignty, in order to obtain payment of the claims which we have against them. This, sir, is entirely in accordance with that spirit of rapacity which in other countries has led to the conquests made by kings claiming to govern by divine right. We hold a different theory. We have promulgated a different doctrine heretofore. We claim that all men are to be regarded as capable of self government—that in regard to their political rights they stand on the broad platform of equality, liberty, and freedom. It is our boast, sir, to cherish these principles—to manifest our sympathy wherever the spirit of republicanism exists. Europe now feels the influence of our example, and the great principles of free government begin to be acknowledged. Are we then now about to establish a different doctrine? Are we about to relapse into despotism? Are we to offer in our policy a justification of the conduct of those who have claimed by the divine right of Kings to indulge in rapacity and conquest? I hope not. And if the President of the United States asks us to wage the war with Mexico for the purpose of forcing from her a cession of her territory, it is due to him—it is due to ourselves—that we should respectfully ask of him to inform us upon what principle in the Government of that republic, we are authorized to demand that cession? I wish the President to inform us whether if Mexico should cede to us this territory which we are thus seeking to acquire, we should thereby acquire a right, independently of the will of those thus ceded to us, to exercise dominion over them; or whether we shall then be obliged to make a new treaty with those who are thus attempted to be transferred, before we shall acquire any right whatever over them. I do not deny—it is not necessary that I should deny—the power of one republic, feeling its inability to maintain its own sovereignty, to merge itself in that of another, as was done by the Government of Texas, though I do deny the power of this republic to acquire territory in the manner in which Texas was acquired without the consent of the people. But the Senator from Indiana says Mexico is not a republic, and it has always been conceded that a monarchy had the power to cede territory. I have an extract from a well-known writer on inter-national law which applies to this subject.

> "A nation ought to preserve itself: it ought to preserve all its *members*: it cannot alienate them, and it is under an obligation to them of maintaining them in the rank of members of the nation. It has not then a right to make a cession that would, on account of some advantages, put a part of the nation in a condition to be no longer united to the society, to be its members: they acknowledge the authority of the State to consider in cases of the common welfare such a step, and to take it at its disposal has a claim to a share of its strength."—*Vattel, B. I. Ch. 16.*

This is the basis upon which that confederacy was formed. The States of which it was composed, united themselves with the confederacy forming the republic of Mexico for the purpose of being protected and governed by it; not for the purpose of being transferred like cattle to another government, for the discharge of the debts of the republic. The doctrine that these States supposed that they might be dismembered and ceded away by the federal government, is equally at war with the principles of our own government and those of the government of Mexico.

But, says the Senator from Indiana, Mexico is not a republic—she is an anarchy. If so, I would ask, since when has she been a republic? When the United States declared war against her—when the act of Congress, May 13th, 1846, was passed, it was declared that "by the act of the republic of Mexico a state of war existed between that republic and the United States." We, therefore, recognized Mexico as a republic at that period. When did she, then, cease to be a republic? If she has ceased to be a republic, it is owing to the conquests of our arms. But, I trust, that that conclusion is not yet so complete that Mexico has ceased to be one of the nations of the Earth. I trust that the time never will arrive in which Mexico shall cease to be an independent republic, maintaining and cherishing the great principles upon which our own government is based, and under which we have enjoyed for so many years such a remarkable degree of prosperity.

Mr. HANNEGAN.—I shall detain the Senate but an instant, and beg the indulgence of the Senator from Rhode Island, who has the floor on the special order. As to the position now assumed by the Senator from Connecticut, that if Mexico has the right to cede her territory to us for any purpose, she has the right at the same time to cede it to European monarchies, I have only to say that it involves a far higher principle, than has yet entered into this discussion—a principle in which I presume never will be settled, until the hour shall arrive, when the attempt shall be made by any European power, to establish a government upon this continent, out of any existing government. It involves a far higher principle than any involved even in this war. It will be time enough to discuss it, when the day arrives, which brings it up before us. The Senator asks if Mexico has ceased to be a republic—by whose act has she lost that character? He asks, if we have not gone there with the sword, and firebrand, pulling down her altars, and in lieu of an established government, giving the land to wild anarchy. I refer the Senator to history, for a reply to these questions. I refer him to the history of Mexico, from the downfall of Iturbide to the present hour, for the proof of her having been an anarchy. Her history is made up of a continued series of bloody revolutions, in which might and the sword have alone been regarded. She

has no fundamental government or fundamental law that has ever been recognised. Santa Anna, and Bustamente, and Paredes, one military usurper after another, has by his arbitrary will constituted her fundamental law; and we, instead of being her despoilers, have gone to her as it were to scatter the manna of Heaven. Texas wrested herself from the clutches of that anarchical government, and see what she is to-day—a government of civilization, law and Christianity. Similar will be the result, I doubt not, with regard to all the territory that we may take from Mexico, if we take any. I do not know that we shall be able to take any, but so far as the subject matter of these resolutions is concerned, I must contend that they are improperly before the Senate at this time—that however germane they may become hereafter, (and certainly I think they never can be,) they are not now. When we have a treaty with Mexico which include within its terms the cession of territory by Mexico to the United States—then will be the proper time if ever, for the Senator from Connecticut to present his resolutions. Entertaining these views, in which I have been strengthened by the reflection which I have given the subject during the delivery of the honorable Senator's remarks; and with the most profound respect to the Senator, I move to lay the resolution on the table.

Mr. BALDWIN.—I ask for the yeas and nays.

The yeas and nays were then ordered, and being taken, the result was as follows:

YEAS—Allen, Ashley, Atchison, Atherton, Bagby, Bradbury, Breese, Bright, Cameron, Cass, Davis, of Miss., Dickinson, Dix, Douglas, Dawson, Felch, Fitzgerald, Hannegan, Houston, Hunter, Lewis, Mason, Moor, Sevier, Sturgeon, Turney, Westcott, and Yulee—28.

NAYS—Badger, Baldwin, Bell, Berrien, Butler, Clarke, Clayton, Corwin, Crittenden, Dayton, Greene, Johnson, (of Md.,) Johnson, (of La.) Mangum, Miller, Niles, Pearce, Phelps, Sprague, Underwood, Upham, and Webster—22

So the resolution was laid on the table.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives by Mr. CAMPBELL, their clerk:

Mr. President: The House of Representatives have passed an act for the relief of Pamela Cazen, legal administrator of John Cox, deceased, of Boston, in which I am directed to ask the concurrence of the Senate.

The Speaker of the House of Representatives has signed an enrolled bill, which I am now handed over to the Senate for the signature of its President.

SIGNING OF A BILL.

The VICE PRESIDENT signed the enrolled bill authorizing the issuing of a register to the barque Sarah and Eliza.

BILLS FROM THE HOUSE.

The following bills from the House of Representatives, severally had a first reading:

An act to amend an act entitled "An act to reorganize the General Land Office," approved July 4, 1836.

An act for the relief of Pamela Cazen, legal administrator of John Cox, deceased, of Boston.

MR. HANNEGAN'S RESOLUTIONS.

On motion by Mr. MANGUM, the Senate proceeded to the consideration of the special order of the day.

The PRESIDING OFFICER.—The special order of the day is the resolutions submitted on the 10th instant by the Senator from Indiana.

Mr. HANNEGAN.—When I introduced these resolutions to the Senate, I named this day for their discussion, as a distant day, not anticipating that the debate on the military bill would be protracted so long. It is now obvious, I think, that that debate will not be closed in two weeks, and I therefore propose, if the Senate will allow me, to postpone the consideration of my resolutions till the second Monday in February, and ask that they be made the special order for that day.

The resolutions were accordingly postponed to, and made the special order for the second Monday in February.

TEN REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. BUTLER.—I ask the indulgence of the honorable Senator from Rhode Island whilst I make some explanation of a statement made in the course of my remarks the other day, relative to the march of General Taylor from Corpus Christi to the Rio Grande. On that occasion, my distinguished friend from Mississippi, (Mr. DAVIS,) from the kindest motives, diverted my attention in some measure by reference to facts upon which I intended to have founded a somewhat more elaborate argument than I presented to the Senate. Since that time, I have found that it would be but just to myself that I should advert again to the subject, especially as I have reason to believe that both my friend and myself labored under some degree of misapprehension with regard to the real state of the facts. I have had an opportunity of receiving from several officers of the army a very minute detail of all the facts connected with the transaction to which I have referred. General Taylor received his orders to move from Corpus Christi in the month of January. These orders were published to the army, they were known to the traders between Corpus Christi and the Rio Grande, and as my informants give me to understand, it was notorious in Matamoras, before General Taylor moved at all, that he intended to take up a position upon the Rio Grande. On the 11th of March the army was set in motion; on the 22d or 23d of that month, it reached the Little Colorado, 110 miles from Corpus Christi, and only forty miles from Point Isabel. At the Colorado, General Taylor heard the sound of a bugle beyond the Western bank. There was some parley, and Major Mansfield was despatched to the other side of the river to learn the cause of the bugle being sounded. The Major was informed by a person at the head of a very small party, who represented himself to be the Adjutant General of the Mexican troops, but who was, as I understand, an apothecary from Matamoras—commanding eight or ten men, and who had no doubt sounded the bugle very magnificently, and went home loudly proclaiming that he had driven back General Taylor—that his object was not at all to oppose military resistance to the march of General Taylor, but only to warn him against crossing that river, as, if he did cross it, it would be deemed an open act of hostility. Well, General Taylor continued his march, and as he approached Point Isabel, the Custom House and other public buildings were consumed by fire and a settlement of about fifty inhabitants was broken up; from which time the American forces occupied the country from Point Isabel to Fort Brown opposite Matamoras. Well now, the inference which I intended to draw and which I shall not now take the liberty of drawing in anything like an argument—was simply this, that General Taylor had given notice of his march under orders of his government—that there was no declaration of hostilities on the part of Mexico at all until that march commenced—and that in my solemn conviction there never would have been any attack on the forces at Corpus Christi had not General Taylor, under the order of the President of the United States, gone on the disputed territory.

Mr. DAVIS, of Mississippi.—I thank the honorable Senator for the very kind and complimentary language which he has employed in reference to myself. I cannot, however, agree with any one of the inferences which he has drawn. I have nothing to say as to minute details which he has given with respect to distances and so on, the only vital question being who acted first—who gave the first order? That order came from Mexico—not to fight with General Taylor for the country between the Nueces and the Rio Grande, but to invade and reconquer the State of Texas. That order first emanated at the seat of government in Mexico before any order was issued from the seat of government in the United States. And now, sir, as to the time at which the Mexican forces moved to take possession of the Little Colorado. I believe they had been there for months. Their emmissaries had been in Gen. Taylor's camp in order to learn his position and movements. Gen. Taylor never gave notice of his march. He made his preparations for the march, and no doubt the spies and reconnoitering officers were cognizant of his intentions. But I believe the Mexicans had been at the Colorado for months; and when they gave notice that if he crossed, the Little Colorado it would be considered an act of war, the Mexicans but took the initiatory, as they have always taken it; for Mexico has always struck the first blow in every battle field on which we have met her. On some other occasion, however, I may dwell more at length on this point. I shall not now trespass longer on the time of the Senator from Rhode Island.

Mr. BUTLER.—Though I may in some measure encroach upon the time of the honorable gentleman from Rhode Island, yet I cannot suffer myself to be thus far misrepresented. The information which I acquired was obtained not from one officer merely, but from three or four who happened to be in the same room. They knew this much, that from January, when Gen. Taylor received his orders, until the 11th of March when he put his army in motion, there had elapsed a period of forty days, and that during that time not only the officers in General Taylor's camp spoke of his projected movement upon the Rio Grande, but the traders who were there by implied license, attached to the army, had an opportunity to learn the same information, and it was notorious that he would march. Not that he advertised the enemy, because the gentleman will understand that at the time General Taylor marched on the Rio Grande it was with no purpose of meeting an enemy. The administration had not assumed to go there for the purpose of making war. General Taylor received no orders to disguise his movements; and the intelligence was as well known in Matamoras four or five days after he received his orders, as it was in his own camp. I am very far from questioning the military sagacity of the honorable Senator from Mississippi, and it may have been that orders had been issued by Paredes to cross the Rio Grande and attack General Taylor at Corpus Christi, but the act must rest on conjecture. It can never be reduced to anything like historical certainty.

Mr. CLAYTON.—I am reluctantly compelled also to solicit for a moment the indulgence of the Senator from Rhode Island, in order to set myself right with regard to some observations made by the honorable Chairman of the Committee on Foreign Rela-

tions during this debate. I had taken occasion to remark that the resolutions as introduced by Mr. Ross in the Senate of the United States in 1803, were not supported by the Jeffersonian democrats [illegible] as conveyed of legislation on their part; and now the [illegible] course of the Administration of that period was adverse to, or directly in conflict with the policy which now seems to have [illegible] to those who claim to be the followers of Mr. Jefferson. The honorable Chairman of the Committee undertook to [illegible] I was mistaken, and sent to the Secretary's table the act of 3d March, 1803, authorizing the President of the United States to call out 80,000 militia for certain purposes authorized by that act, and the honorable Chairman inferred from the act itself that I was in error when I said that the administration of that day had not sought conquest or seizure of any portion of the territory of Spain or France. Sir, I was entirely right in what I said in reference to this subject, as I think the Senator will admit, when he looks at the 4th section of the act to which he himself referred. That section on its face explicitly declares that the act was passed authorizing the President to call out militia "for the security of the territory of the United States"—not for the purpose of seizing upon the island of New Orleans, where the right of deposite had been denied us—not for the purpose of conquering or seizing any portion of the Spanish territory, but in the [illegible] words declares—"for the security" of our own possessions.

It will be recollected by gentlemen conversant with the history of that period, that by the treaty with Spain of October, 1795, ratified in '96, the right of deposite at New Orleans had been secured for persons trading on the Mississippi. The Intendant of New Orleans violated that treaty by a proclamation denying the right of deposite to our western traders. It was afterwards conceded by Spain, that this was a downright violation of a clear treaty right, as beyond all doubt it was. But what was the course of our government in relation to that case? I have now before me the correspondence which took place on this subject, and to it I beg to call the attention of the honorable chairman of the Committee on Foreign Relations.

[The honorable Senator then gave in a condensed form the historical details, which are here given more at length, in order that the whole matter may be clearly understood.

By the 4th article of the treaty with Spain of October 27, 1795, it is provided:

[illegible]

By the 22d article of the same treaty it was declared, that

"His Catholic Majesty will permit the citizens of the United States, for the space of [illegible] to deposit their merchandise and effects in the port of New Orleans, and to export them from thence without paying other duties than such as may be established for the inhabitants of the country, promising to assign to them, after the said term, another place on the banks of the river Mississippi, equally convenient."

So early as March 29, 1801, Mr. King, the Minister of the United States at London, informed his government of the probability of the cession of Louisiana by Spain to France; of the injurious effect of this cession upon the union or welfare of the United States, and of the importance of committing the interests of the United States to an able representative at the court of France.

Mr. Madison, Secretary of State, in a despatch to Mr. Livingston, the Minister of the United States in France, dated the 28th September, 1801, informed him of the rumored transfer of Louisiana by Spain, and instructed him, that the United States desired to obtain that country by purchase.

Mr. King, the 20th of November, 1801, communicated to his government a copy of the treaty between France and Spain, of March 21, 1801; by the fifth article of which Louisiana was conferred to France.

February 5, 1802, Mr. King, at London, communicated to his government intelligence, that it was definitively settled by France to send a colony to Louisiana and Florida under General Bernadotte; and Mr. Livingston, at Paris, corroborated the information, the 26th of February, 1802, with the addition that "ten thousand troops had been assigned to General Bernadotte."

In March, 1802, Mr. Livingston represented to Mr. King, in London, and to his own government, the uncertainty in which he was kept by the French government, but exhibited the danger which would attend the occupation of Louisiana by France, that it was impossible to say what influence it might exert over the western country, with the key of its trade in their possession; and an undefined and illimitable territory around.

On May 1, 1802, Mr. Madison, Secretary of State, instructed Mr. Livingston of the painful apprehension with which the cession of Louisiana to France was viewed by the United States, and to use proper means to divert France from her contemplated colony; to ascertain whether the cession extends to the Floridas; and to learn the price at which New Orleans and the Floridas would be yielded to the United States: and Mr. King, in London, was informed that the administration was aware of the troubles which might arise from the reported cession of Louisiana, and that it was their primary object to obviate such an event.

Mr. Madison, Secretary of State, instructed Mr. Pinckney, Minister of the United States at Spain, under date of May 11 1802, that if the cession of Louisiana by Spain to France, have failed for any cause, and Spain still retain New Orleans and the Floridas, it is the wish of the President that every effort and address be employed to obtain the arrangement by which the territory on the east side of the Mississippi, including New Orleans, may be ceded to the United States; and that in every view it would be a most precious acquisition. He also authorizes him to propose advantageous offers and guarantees to Spain.

On May 28, 1802, Mr. Livingston communicated to his Government more positive intelligence respecting the cession, applied to the Spanish Minister, in France, to know the terms of cession; asserted the right of the United States to be made a party to any convention affecting the free navigation of the Mississippi; but received only a general answer, admitting the fact of the cession having been made.

On the 16th August, 1802, Mr. Livingston informed the Secretary of State, that General Victor was appointed to command the expedition to Louisiana instead of Bernadotte: that his force was limited to 3,000 men, and his supplies to two millions of francs; that there are symptoms of ill humor between France and Great Britain; and that the claim of France under the cession, extends to the Floridas.

And again on 1st September, of the same year, Mr. Livingston was informed by the French Government, that his propositions on the subject of Louisiana were premature, and that possession must be first taken by France. He informed his Government that he had reason to believe the Floridas were not included in the cession; and that the armament (for Louisiana) will be ready in about six weeks.

Mr. Livingston, under date October 28, and November 2, 1802, communicated to the President the state of European affairs, and that he thought the conduct of France had excited the suppressed hostility of Europe. That in England especially events tended to a rupture; and that in this feeling the minority and majority coincided. That the military expedition to Louisiana had received a check; and, desiring to profit by events, Mr. Livingston asked from his Government more distinct authority, and more explicit instructions.

And again on November 11, 1802, Mr. Livingston addressed a letter to the Secretary of State, stating that the difficulty which had temporarily arrested the expedition to Louisiana was removed. That orders had been given for the immediate embarkation of troops (two brigades) for Louisiana. That the Government of France would give no reply to his notes concerning their objects, the limits of Louisiana, or the rights of the United States under the treaty with Spain. And, judging from the temper of General Victor, attempts might be made upon Natchez as the rival of New Orleans; and that the territory of the United States might not be exempt from danger.

On November 27, 1802, Mr. Livingston informed the American Minister in Spain, that the Spanish Intendant at New Orleans had prohibited the deposit of American effects, as stipulated by the treaty of 1795; and that, as the proclamation of the Intendant was interpreted, the war was spent against the external commerce of the United States from that port. He dwelt on the importance of the right of the Department to the Western States the general irritation, and difficulty to restrain it; and instructed, him, while presuming on a prompt disavowal by Spain, to urge measures to repair the past, and ensure for the future, an observance of the treaty.

Dec. 12, 1802. The President of the United States intimated to Congress that the cession of Louisiana to France might render necessary a change in the Foreign relations of the United States.

January 29, 1803. Mr. Madison informed Mr. King that a special mission to France had been resolved on; and that while the United States wished to preserve peace with all, they are bent on the maintenance of their rights.

1802, December 23. Mr. Madison, Secretary of State, in a letter to Mr. Livingston, says:

In the latter end of the last month, we received information from New Orleans of the infraction of the deposite there, for a year and indefinite, stipulated by the treaty with Spain, without an equivalent establishment being assigned. A copy of the proclamation is enclosed. * * * Should it not be revoked before the time of the descent of the boats, in the Spring, both the injury and the irritation from it will be greatly increased. The House of Representatives passed a resolution, the 19th of this month, calling for information on the subject. The result of their deliberations cannot be anticipated; but I may hazard the remark that while we have no clear foundation on which to impute this infraction to orders of the Spanish govern[illegible] [illegible] country, [illegible] [illegible] [illegible]

These references will all be found in the 2d volume of American State Papers, under the head of "Foreign Relations."

I next quote from Marbois' Louisiana, p. 230.

1803, January. Mr. Jefferson to Mr. Monroe:

"WASHINGTON, January 10, 1803.

DEAR SIR—I have but a moment to inform you of the heavy note which this packet must throw by, the affair at New Orleans, inculding [illegible] the most active and great wrath the federal interest. Decision to our rights, or war, is the [illegible] we are compelled to it, on [illegible] of [illegible] to prevent this GREAT OUTRAGE to the present possessors [illegible] alone. I shall to-morrow nominate you to the Senate for an extraordinary mission to France, and [illegible] state circumstances such as to render it [illegible]. [illegible]

Accept affectionate salutations.

THOMAS JEFFERSON."

March 3, 1803, the act referred to by the honorable Chairman of Foreign Relations (Mr. Sevier) was passed—"an act directing a detachment from the militia of the United States, and for erecting certain arsenals," by which the President was authorized to call on the Executive of the States for 80,000 militia; and the object of the act distinctly avowed in the 4th Section, to be "FOR THE SECURITY OF THE TERRITORY OF THE UNITED STATES." This is the object and the only object avowed in the act. It is thus clearly proved to have been an act passed not for conquest, but to meet the threatened danger of a French aggression.

Not a man was ever called for. The idea of seizure for conquest never was entertained for a moment, and the whole controversy was speedily settled by the treaty of 1803, which ceded Louisiana to the United States.

Such is the history of this most interesting period in our national affairs. It was distinguished for the moderation, prudence and forbearance of our rulers. The resolutions of Mr. Ross, to which I referred on a former occasion, were first deprived of their hostile characteristic, "to authorise the President to take immediate possession of such place or places in the *island of New Orleans or the adjacent territories*, as he may deem fit and convenient," every democrat voting to strike it out. See files of National Intelligencer for February 28, 1803. The bill reported in pursuance of the resolutions, as amended and adopted on the same day by the same party, avowed its object to be the same with these resolutions as thus amended—"the security of the territory of the United States," threatened, as we have seen, with invasion by the French army under General Victor.

Those who may desire to prosecute this interesting enquiry further, will find the whole pacific policy of the Republican party fully explained in the then existing organ of that party, by recurring to the files of the National Intelligencer for 1803: February 23, 25; March 9, 14, 23, 30, and April 22d. The essay published in that paper under the last date, shows that the party at that day scouted the whole doctrine on which this Mexican war has been and is now supported. They demanded a disavowal by Spain of the act of the Intendant at New Orleans, which denied to us our treaty right of deposit, instead of declaring war on account of it; and they obtained it without bloodshed. But in 1846, when the first aggression against us was committed on the Rio Grande, our government treated the act of the Mexican officer who took Thornton's dragoons, as an act of war instead of demanding a disavowal of it as the republican party did in the case of Spanish aggression in 1803.—The opposition in 1803 clamored for war on account of the proclamation of the Spanish Intendant at New Orleans denying our right of deposit. The answer given to this clamor by the democratic party is fully set forth in all their speeches and meetings at that day on the subject. The writer I have referred to in the party organ on the 22d April, 1803, thus meets the clamor:

"To involve the nation in all the horrors of war for the unlawful act of a subordinate officer, would be the height of political depravity. It would introduce a rule of which we could not complain, and under which the nation at future time might be involved in war by the unlawful or wanton act of any of her officers. It would be virtually, transferring the all important question of war and peace from the representatives of the people, and the government of the country to [illegible] regions. The act of an individual officer is not an act of the nation till sanctioned by the nation to which he belongs, so it is impossible for the latter to [illegible] and [illegible] governments to control the actions of its agents and subjects on all occasions. Hence it follows, that the government by declaring war would have committed an act of injustice against Spain, *establishing a precedent* which might prove fatal to the future peace of the nation, *and justly merited the execration of the world!*

Had these principles been applied in 1846 by our Executive, had a demand been made (as was then urged by the opposition in this chamber,) on Mexico to avow or disavow the act by which it was alleged, that American blood had been shed on American soil, and repair any injustice, there would have been no war. Such a demand was made by the government when the Leopard made the infamous attack on the Chesapeake, and the consequence was a disavowal which saved us the necessity of treating the attack as war. But in the case of Mexico, the principles which formerly governed us were abandoned, and the act which was unilateral and not even avowed or justified by Mexico herself, was immediately declared to be war by us without allowing the Mexican government any opportunity to disavow it. This was as hostile to the true principles of international law as it was in direct opposition to the whole former course of this government.

Mr. HANNEGAN.—Really, sir, I think it hardly fair that the Senator from Rhode Island should be called upon at this late hour of the day, to go on and address the Senate.

Mr. CLARKE.—It was my expectation to have occupied the floor at the appointed hour, but as so much time has been taken up in the discussion this morning, and so much more will probably be required to finish it—so far as regards myself, I will readily give way if it be the wish of the Senate that the present discussion should continue. Indeed, I should myself prefer that the special order should be postponed until to-morrow, as it is now so late, that in all probability I should not be able to conclude my argument to-day, even if I should commence it. I wait the pleasure of Senators in regard to it.

Mr. SEVIER.—It is not my purpose to interfere with the time which belongs to the gentleman if he desires to go on now, but I wish to make a brief explanation in regard to what has been stated by the honorable Senator from Delaware. It will be recollected that, when the Senator addressed the Senate upon the ten regiment bill, he referred to Mr. Ross's resolutions with a view of contrasting the policy of Mr. Jefferson with that of Mr. Polk in reference to the disputed territory.

Resolved, That the President of the United States be and he hereby is authorized to call on the Executive of the several States to take effectual measures to organize, arm, and equip, according to law, and hold in readiness to march at a moment's warning, such [illegible] militia, [illegible] thereof.

Resolved, That the President may, if he deems it expedient, authorize the Executives of the several States to accept, as a part of the detachment aforesaid, any corps of volunteers, who shall continue in service for such time, not exceeding —— months, and perform such services as shall be prescribed by law.

Resolved, That —— [illegible] appropriated for the [illegible] the troops aforesaid, whose actual service may be wanted, and for defraying such other expenses as, during the recess of Congress, the President may deem necessary for the security of the territory of the United States.

Resolved, That —— dollars be appropriated for erecting, at such place or places on the western waters as the President may judge most [illegible]

I supposed he had not traced these resolutions through to their ultimate disposition, and I, therefore, asked him to give me the date of the resolutions, and he did so by sending the journal to my desk. I then traced the subject from the period to which the Senator had alluded to the final disposition of the resolutions, and what was that? I found they had been referred in secret session to a select committee, and in the formation of that committee, for reasons not apparent to me, the mover of the resolutions was not included. Mr. Breckinridge, of Kentucky, was chairman of the committee. That committee to whom Ross's resolutions were referred reported an act carrying out every substantial provision contained in them. And what were these provisions? Why, that in time of profound peace, the President was authorized to raise an army of eighty thousand men, and was further authorized to establish on the western waters two public armories, and finally the bill wound up with an appropriation of a million or so of money to carry these objects into effect. When I perceived this, the conviction in my mind was, that the honorable Senator in the hurry and heat of debate had not taken time to trace the thing to its final conclusion.

My friend from Mississippi a day or two afterwards, in commenting on this matter, referred to these resolutions, and in his haste I suppose that he had omitted to refer to what I certainly deemed important, which was the passage of the act to which I have referred, as carrying out the objects of the resolutions. I then put the matter right, as I understood it. Now, the Senator from Delaware again says that here is a case in which the father of democracy — to whose church we all profess to belong, at the instance of the Federal party of that day refused to do what? why, in a time of peace, to seize the territory of an adjoining power. Now, there was in the treaty of 1796 with Spain, a provision by which the rights of the government was secured to a depot at New Orleans for the term of three years; and there was a provision also that if the Spanish government, for any reason of hers, should choose to deny the right of this government to that depot in New Orleans, then for the term of three years she was bound to give us another location for said depot. This was in 1796. The time for the assignment of the depot to either place had run out by the limitation of this treaty; the people of this country—the people of the Western States, thus deprived of an outlet for their produce had resolved to obtain it. A claim was set up by Mr. Jefferson that inasmuch as we owned the navigable waters of the Mississippi, and owned the head of the navigable stream—set in had a right, under the law of nations, to follow the river into the ocean. That was the point of discussion, if my memory serves me right, by our minister at the French court, as well as by our statesmen at home. Well, sir, we could not get that, and then with closed doors we passed the act of March, 1803, before referred to, of which Ross's resolutions were the foundation.

Now, no man here, or anywhere else, would ever have made out what the law really meant from its terms, unless he had taken the precaution of connecting it with the resolutions upon which it was founded. Upon this claim, therefore, the law was passed; and upon no other, for there was no other. My friend referred to the act as an evidence that the party of which Mr. Jefferson was the head, intended to act thus in reference to the acquisition of Louisiana. Well, I say now—and I shall, if I have the opportunity, at some future time—proceed to demonstrate that every opportunity to acquire territory, to wit: Louisiana, the Floridas, and Texas, has been obtained by the democratic power of this country.

But this is not all. I have said that this act was passed, if I recollect rightly, on the 3d of March, 1803; and at that very time our Ministers were in Paris treating for this very country with Napoleon Bonaparte. They were treating for this very depot. He refused to sell us the depot, but proposed to sell the whole

of Louisiana. That is the history of the matter. We sent our Ministers there to purchase a depot. They refused to sell a depot—but being about to go to war with England—and being loath to lose the territory of Louisiana by conquest, France proposed to sell it to a friendly power. Well, in the month of April, just one month after the passage of the bill, we succeeded in making a treaty, by which we acquired the whole of Louisiana. Thus that matter was accomplished. Again, in 1806, still in the time of this great patriot, Mr. Jefferson, the Senate still, with closed doors, conceived that it was necessary for the Government to own the country lying on the Mississippi river and between that river on one side, and the Perdido on the other. Thus the father of democracy submitted to the Senate with closed doors his proposition to seize this territory also; and a law was passed for that purpose; and under the act passed thus secretly—covered up with diplomatic phraseology—it was proposed to obtain possession of this territory. This act passed in 1806, and was carried into effect in 1809 or 11, when we took possession of Louisiana into the Union. A man by the name of Casares took it upon himself to revolutionize that portion of the country. He expelled the Spanish functionaries from it and made it his own, including Baton Rouge, calling it Fredonia. Mr. Madison took possession without the authority of any law, and at the next session an act was passed making it a part of Louisiana. But this is not all; we had afterwards a war with the Seminoles; and in the time of peace with Spain we followed these Indians into St. Marks and Pensacola, expelling from those places Spanish authority. All this was done without the authority of law, and one of the most designing Executive proceedings on our part was not that we had any claim to Florida, but that the British had built, during the revolutionary war, a fort near the junction of the Flint and Chatahoochee rivers, which fort was occupied by hostile Seminole Indians and Negroes.

I can refer my friend to another case; I mean the case in which the country lying upon the Aristook, was contended for between us and Great Britain. This was a case happening in our own time, when General Fairfield, whose death we have recently been called to deplore, at the head of our own troops marched his forces into the disputed territory, and took possession of it without the sanction of Congress. There are numerous cases, all tending to the same point, that whenever it becomes impracticable to obtain territory by purchase, we take it by force. All that strip of country lying between Natchez, and Baton Rouge, was taken possession of in that way, and we have done so in all cases, when we could not obtain territory by negotiation, as this course has been pursued throughout the world in all times, by all powers. Territories to which we have claim by negotiation, we take by force if we can, and think it expedient to do so.

Mr. FOOTE.—I regret that it seems so difficult to settle completely, the point now under discussion. It would really appear that enough had been said in the former debate on this subject, to convince even the Senator from Delaware, that he had committed a serious error in regard to the Ross resolutions, and the action of the Jeffersonian Democracy in 1803. The honorable Senator still insists, as he has formerly done, that Mr. Jefferson and the democrats associated with him, were so little inclined to efficient measures against Spain, that the proposition to seize upon territory adjacent to New Orleans, which the Senator, from Delaware still supposes to have been embodied in Mr. Ross's resolutions, was relinquished in consequence of negotiation being preferred to measures of a warlike character and tendency. I read the other day, for the elucidation of this point, an extract from the annual message of Mr. Jefferson, issued in October, 1803, showing that previous to the introduction of the Ross resolutions, negotiations for the acquisition of Louisiana had been in progress at Paris—and that the negotiation was not preferred simply as an alternative to war in the case mentioned, but negotiations for the purpose mentioned having been, for sometime, already in progress it was supposed judicious not to interrupt them as would inevitably been the case by the adoption of measures of a decidedly hostile character. The truth is, as has been repeatedly explained, that the Ross' resolutions did not contemplate the seizure of territory at all, but simply the restoration of the place of deposit in the island of New Orleans which had been discontinued by the action of the Spanish authorities. No one can examine the history of this case, as several times already exhibited, without being convinced of the total want of analogy between it and the movements in the neighborhood of the Rio Grande. I will not elaborate this point more at present, but am called again to refer to the extract from Mr. Jefferson's annual message of October, 1803, explanatory of the actual facts of the case, and shall submit the point in dispute without further discussion.

Mr. CLAYTON.—If I understood the honorable Senators on whose side they stand on questions of construction, that Mr. Jefferson and the democratic party ever since have proceeded on the principle that they will take what they want and what they can get from other nations in any way in which they can get it; if they cannot get what they want by negociation they will take it by force. The honorable Chairman of the Committee on Foreign Relations distinctly avows now, that this has been the past policy of the democratic party from the time of Mr. Jefferson down to this day; and therefore, he says, they are only acting in the same spirit that led Jeffersonians to consider that they propose that what they cannot get by negociation they will proceed to take by force. Sir, this is exactly the issue between the honorable Senator and myself. I not only seek to vindicate the memory of the statesmen of those times, but I seek also to show that I was previously right when, in the course of this debate, I pointed out the strong contrast between the conduct of this government in reference to Mexico and the conduct of Mr. Jefferson and the administration party of 1803 in reference to Spain and France. Sir, I have nothing to do now with the question, nor do I intend to be drawn into the discussion of it by the remarks of the honorable Chairman on Foreign Relations, as to the conduct of the various administrations in regard to this matter of the acquisition of territory, from the time of Mr. Jefferson. I think that on a former occasion the course of the government in 1806 was placed in a very satisfactory point of view before this Senate in the discussion which took place between the honorable Chairman of the Committee on Foreign Relations and the honorable Senator from Maryland who sits near me. I will not, therefore, trespass upon ground which has been so well occupied before: all I wish is to bring the honorable Chairman back to the point from which he set out, and that he and the honorable Senator from Mississippi should acknowledge that they have mistaken the spirit of Jeffersonian democracy in 1803 in endeavoring to attribute to the administration of that time a disposition to take by force that which they could not obtain by negociation. Now, what application has the honorable Chairman given to the act of which he speaks? The fourth section of the act of 1803 expressly declares the object for which the act was passedt to authorize the President of the United States to call out eighty thousand militia; for what purpose? In its own words, for the security of the territory of the United States; not for the purpose of seizing upon the island of New Orleans or any portion of the country of the lower Mississippi; not for the purpose of taking an acre of ground any where by violence. I think this has already been clearly shown, and I do not intend to dwell upon it now. Mr. Livingston, in 1802, wrote to the Secretary of War, informing him that the Emperor of France was about to send ten thousand men to take possession of the country lying at the mouth of Mississippi, and General Victor was ordered to march thither with his two brigades; and from the known temper and disposition of that general there was every reason to believe that he would march and seize upon the territory. The act of 1803 proceeded from that cause, and the gentleman cannot make it appear that there was any other object than the security of our own territory contemplated. We know from the history of the times how that territory was situated.

Sir, I know I have had my full share in the discussion of this subject, and that I cannot again trespass upon the time of the Senate; I will not read the letters of the Secretary of War; I will, however, take the liberty of handing them to the reporters that they may be published to the world, and it will be seen from them whether my attempt to vindicate the character of those who administered the government at that time has been successful or not.

Mr. SEVIER.—Only one word, sir. The Senator from Delaware has referred to the fourth section of the act as being intended to protect the United States against invasion.

Mr. CLAYTON.—I referred to the whole act. It avows throughout the purpose for which it was passed.

Mr. SEVIER.—The Senator says it avows its purpose. Well, I ask it any man, in either country, ever heard or ever dreamed of a time when France and England were both at peace, or France intending to invade the United States?

Mr. CLAYTON.—Yes, sir. I refer the honorable Senator to the substance of these letters with which he seems not at all acquainted. I refer him also to the American state papers which he has in his possession.

Mr. SEVIER.—I have read those documents, but I have not drawn the same conclusion from them, which the honorable Senator from Delaware has drawn. No, sir, France, expecting a rupture with England, was on the eve of sending a force to protect her commerce. Not having a naval force sufficient to cope with England, she was for sending men to her possessions on this continent. The Senator talks about the territory between Natchez and Baton Rouge; well, we all know that was claimed by Spain as belonging to her. And it was with a view not only of protecting her own possessions but those of Spain also, that she took this precaution. Well, this happened in 1802, and it is really remarkable, if we had expected an invasion from France that earlier and more efficient preparation had not been made and that the fact was not noticed by Mr. Jefferson in his annual message of that year. No, sir, France never designed to invade this country. She was our early ally, and with all the opprobrium that was heaped upon her she could not be driven into hostilities towards this country. She has always been friendly to us, and I hope she ever will be. The documents which he has read, show that it was the intention of France in sending troops to this country, solely to protect French Louisiana from invasion by England. I before remarked, sir, that it is very difficult for us to ascertain the true meaning of an act, without looking back to the circumstances which existed at the time of its passage. In this way we may discover its object. Another act of a similar character, covering up its true meaning, was the act purporting to enable the President to carry on more efficiently, our diplomatic intercourse between this country, and foreign powers, when in reality

the true intention of the act, was to enable the President to purchase Louisiana. Now, it happens as far as my argument is concerned, that these cases are not at all applicable to the case to which the Senator designed to apply them, for I never endeavored to show, and shall probably endeavour to show if I ever do on occasion, and shall probably endeavour to show it again, that our title to the country between the Nueces, and the Rio Grande, which the Senator has assimmilated to the cases which he has referred, is clear. I regret this controversy; but, I think, when the Senator looks upon it dispassionately he will admit that we have a good claim as I said before, and if we cannot obtainour rights by negotiation and purchase we will be compelled, from the necessity of the case, to maintain by force.

Mr. CLAYTON.—I will only say, sir, that in looking into the documents to which I have called the attention of the Senate, I find that there is much additional evidence. There are many other letters which, if the honorable Senator will examine them, will perfectly convince him that France entertained a deliberate design to seize upon that region of country—that it was a favorite object with her for a long period, and that there was every reason to believe on the part of Mr. Livingston, and he so wrote to his own government—that the French Emperor entertained this project, and as he refused to give any information as to the object of the expedition, or any explanation of the grants of Louisiana, which he intended to claim—Mr. Livingston had every reason to believe that the territories of the United States were in danger. That was the object, and the only object of the act of March, 1803, to protect the territories of the United States. Sir, I have done.

Mr. PEARCE.—The Senator from Arkansas, having referred to a controversy between him and myself at the last session of Congress, the Senate will indulge me, I hope, not in arguing the question afresh, but in restating what I then endeavored to maintain.

It will be recollected that the Senator from North Carolina (Mr. BADGER) had charged the President with being the author of the war, by ordering the movement of Gen. Taylor's army from the Nueces to the Rio Grande, which he considered an act of war.—He sustained himself in this position by the authority of Mr. Jefferson. In 1805 Mr. Jefferson informed Congress, in a secret message, that immediately after the acquisition of Louisiana, he had opened negotiations with Spain, to obtain from that power the delivery of certain portions of Louisiana, which she held in violation of the rights transferred to us by France—that his negotiations had been utterly vain—that he could not venture to take possession of these portions of Louisiana in the possession of Spain, because such an act might transfer the relations of the country from a state of peace to a state of war, which was not within the constitutional competency of the Exedutive, and belonged solely to the legislative power.

To this the Senator from Arkansas replied, that the example of Mr. Madison was contrary to that of Mr. Jefferson and that Mr. Madison had of his own authority seized upon what were called the Florida Parishes. To this I replied that Mr. Madison did not assume to have any other authority than that to which Mr. Jefferson limited himself. The situation of the Florida parishes was peculiar: a body of private individuals in 1810, seven years after the acquisition of Louisiana, had driven out the Spanish authorities in Baton Rouge, and had set up an independent government, though professing their willingness to come into the Union. In this condition of things Mr. Madison had issued his proclamation reciting these occurrences—saying that the territory in question had always been claimed as being within the limits of Louisiana—that a crisis had at length arrived subversive of the Spanish authority and that under the *peculiar circumstances* of the case, forbearance on the part of the United States to occupy the territory in question might be construed into a dereliction of their title; to which he added that though the laws of the United States had not yet been extended over this territory, yet they had been so framed as to be adapted to them, and contemplated their application to this region at some future time. Congress was not then in session, but as soon as they met Mr. Madison laid before them an account of his proceedings, which, if not expressly, at least impliedly recognized the paramount authority of the legislature over the subject. The difference between this case and the march of the troops to the Rio Grande, is palpable. Mr. Madison did not think himself authorizad to seize upon such parts of Louisiana as still remained in the occupancy of Spain, and consequently the country east of the Perdido and south of the State of Georgia and the Mississippi territory, remained in possession of these authorities.

In January, 1811, Congress passed a secret resolution declaring that a due regard to the safety of the United States required them to provide for the temporary occupation of these territories, and subject to negotiation. Mr. Madison would not act without the authority of Congress; he knew that he could not rightfully do so; and therefore he asked to be armed with that authority, which Congress only could confer. The bill which followed this resolution conformed to it. Still Mr. Madison did not suppose the contingency had arrived until in 1813, when the secret act of July 12 was passed, which authorized the President to take possession of the Perdido country. Then, and then only, did Mr. Madison employ the military force of the United States for this purpose.—Now, the difference is this—Mr. Polk, while Congress was in session, and without their authority, and without invoking their constitutional power, by his own authority seized upon the valley of the Rio Grande, while Mr. Jefferson considered that such an act on his part would exceed his power, because it might transfer the relations of the country from a state of peace to a state of war. And Mr. Madison, in relation to the Perdido country, recognized the same doctrine, and in regard to the Florida parishes, only occupied a territory of which the foreign authorities were no longer in possession, and which was likely to be considered derelict if, under the peculiar circumstances of the case, the United States should quietly permit it to remain in the possession of the private adventurers who held it.

Mr. SEVIER.—The Senator and myself are still at variance in our opinions. My position was, that the southern boundary of Louisiana was fixed by this government, by an act of Congress on her admission into the Union. Well; after this act was accomplished, a man of the name of Thomas, at the head of some Tennesseeans and Kentuckians, expelled the Spanish authority east of a line formed by the river Iberville, Lake Maurapay, and Pontchartrain, and thence to the Perdido, and when he had done so, he organized there a separate government, and called the county Fredonia; and after having established such government, Thomas applied to this government either to guarantee his republic, or to annex it to this Union. Well, what was done?

Mr. Madison in a time of peace, sends his forces and takes from these revolutionary patriots, the country acquired by their revolution, without the athority of Congress. Well, the Senator goes back to the act of 1806, for the authority for this act. Why in 1806, the government of Fredonia had no existence. After this had been done, the President asks Congress to aid in this, what shall I call it? robbery? that is a harsh term, yet it is precisely similar to the terms employed in referrence to our proceedings now.—Mr. Madison applies to Congress to add this country, thus seized in time of peace, without the warrant of law to the State of Louisiana; and Congress does it accordingly, and the act is now on your Statute book. Mr. Madisan first seized the country from those who had revolutionized it, and Congress sanctioned the plunder, if I may so call it, by adding it to Louisiana. Louisiana embraced it within her limits. and there it is at this day represented by my honorable friend Mr. Johnson. The further consideration of the subject was postponed until to-morrow.

CLERK TO SIGN LAND PATENTS.

On motion by Mr. BREESE, the bill from the House of Representatives to amend an act entitled "An act to re-organize the General Land Office," approved July 4, 1836, was read a second time, and considered on in Committee of the Whole.

Mr. BREESE asked for the reading of a paper, which he sent to the Secretary, setting forth the number of land patents remaining unsigned, which was read accordingly.

Mr. UNDERWOOD.—I dislike to be frequently intermedling in what may be regarded as little matters. I know the effect which such things have upon the personal standing of Senators, but I cannot allow such a bill as this to pass, having been in the minority of the committee, without stating to the Senate how I think the matter ought to be disposed of. When I first came into Congress in the other branch of this building there was no secretary to sign patents. It was alleged then, that as the land patents that were issued were numerous, it was necessary to have such an officer, and one was accordingly created with a salary of $1,500. And no other duty under the sun was assigned to him than that of signing these patents; and now we are informed that he cannot discharge that duty, and that there has been an accumulation of patents to the extent of some thirty or forty thousand, and we are called on to appoint an assistant secretary. Now, the question is, can one man do it? We made some experiments in the Committee on Public Lands the other day, and though it may seem trifling to refer to such things, yet it will serve to explain this matter in a way that no man can doubt the capacity of a single officer to sign all these land patents, and even double the number if necessary. He then proceeded to show, by calculation of time, that one person would be fully capable of performing the labor within less than two months.

Mr. BREESE.—I apprehend that no individual can be found who could accomplish it in that time, for it must be remembered that the Secretary must sign the name of the President as well as his own, and this too upon parchment. No one can labour day after day in that way, as the Senator seems to suppose, without danger of seriously impairing his intellect. The bill makes no appropriation at all; it does not propose to pay the Secretary one single dollar for his services. It is highly necessary that these patents should be issued, as they are the only evidence of title which the parties have. Under these circumstances I cannot see how the bill can be objected to.

Mr. UNDERWOOD.—I have seen patents filled out with the President's name by the clerks in the office, so that the Secretary would only have to sign his own name. If you, instead of passing this bill, give a reasonable remuneration to some clerk foi doing the work you will have it speedily done. My word for it there are hundreds of individuals in this city who would be glad to undertake the work for two month's salary.

Mr. DOWNS.—If the honorable Senator desires to make an attack upon the Administration, or to offer opposition to the government, he had better take occasion to do so upon some more important question. This is a small matter, and which does not confer much power or patronage upon the government. I hope, therefore, the honorable Senator will withdraw his opposition.]

Mr. JOHNSON, of Louisiana.—I can see no objection to the passage of the bill, especially as it does not propose any salary for the officer who is to be engaged.

Mr. UNDERWOOD.—I take it for granted, that if we employed a person to do our work that we will not refuse to pay him.

Mr. BREESE.—There is no salary proposed to be paid in this bill.

Mr. UNDERWOOD.—That is all very true; you do not propose to pay now, but he must be paid at some time or other.

Mr. MANGUM.—I would enquire of the honorable Chairman of the Committee how many patents there are unsigned?

Mr. BREESE.—By the report it appears that there are now fifty-seven thousand, and that they increase at the rate of seven thousand a month.

Mr. MANGUM.—I propose, sir, with the sanction of the honorable Chairman, that this bill be committed with instructions to the Committee, to amend it by providing for the employment, for a fixed period and for a reasonable compensation, of a person who shall sign these patents, and when the arrears are once brought up there can be no difficulty in keeping from falling behind.

Mr. DOWNS.—This bill has already passed the House of Representeatives, and it is very important to the population of the new States that it should be passed without delay, inasmuch as we are informed that there are fifty thousand patents now awaiting to be signed. I hope, therefore, the bill will be allowed to pass without amendment or recommitment.

Mr. MANGUM'S motion was subsequently withdrawn.

No amendment being made, the bill was reported to the Senate and ordered to be read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That the bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion,

The Senate adjourned.

TUESDAY, JANUARY 25, 1848.

REPORT FROM THE WAR DEPARTMENT.

The VICE PRESIDENT laid before the Senate a report of the Secretary of War, made agreeably to law, showing the names and compensations of the clerks and other persons employed in that Department during the year 1847.

PETITIONS.

Mr. DICKINSON presented a memorial of S. J. Bowen, praying remuneration for services in the office of the second auditor of the Treasury; which was referred to the Committee on Finance.

Also, a memorial of citizens of Clyde, Wayne county, New York, praying the adoption of measures for perpetuating the growth of the potato in the United States; which was read, and referred to the Committee on Agriculture.

Mr. ATHERTON presented two petitions of citizens of Charlestown, Massachusetts, praying for the repeal of a patent granted to William W. Woodworth; which were referred to the Committee on Patents and the Patent Office.

Mr. DIX presented joint resolutions of the General Assembly of the State of New York, in favor of restricting the franking privilege of members of Congress, and a modification of the rates of postage on newspapers; which were read, referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Mr. YULEE presented a memorial of citizens of Florida, remonstrating against the removal of the land office from Newmansville, in that State; which was referred to the Committee on Public Lands.

Mr. FELCH presented the petition of Peter Godfrey for leave to locate a section of land in lieu of section six in the Indian reservation at Flint river, in Michigan, which was reserved to him by Indian treaty, but has since been parted with to Harriet W. Smith; which was referred to the Committee on Public Lands.

Also, the petition of Peter W. Knaggs for leave to locate a section of land in lieu of two sections which were reserved to him by Indian treaty, on the Flint and Shiawassee rivers, in Michigan, but which have since been patented to other persons; which was referred to the Committee on Public Lands.

Mr. WESTCOTT presented the memorial of A. A. Frazier and Alvin Baker, owners of the brig Douglass, praying indemnity for losses sustained by them in consequence of the illegal seizure and detention of their vessel by the British government, while pursuing their lawful commerce; which was referred to the Committee of Claims.

On motion by Mr. DAVIS, of Mississippi, it was

Ordered, That the petition of Oscar F. Pittman, on the files of the Senate, be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. MASON, it was

Ordered, That the Committee of Claims be discharged from the further consideration of the petition of Frederick Dawson, James Schott, and Elisha D. Whitney; and that it be referred to the Committee on the Judiciary.

On motion by Mr. CASS, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the memorial of Mary Morris Foot; and that it be referred to the Committee on Pensions.

ACQUISITION OF TERRITORY.

Mr. BAGBY submitted the following resolutions for consideration:

Resolved, That Congress has no constitutional power to abolish or to prohibit slavery in any State or territory in this Union.

Resolved, That conquest is a legitimate means of acquiring territory, and so recognized by the laws and the universal practice of civilized nations.

Resolved, That if territory is hereafter acquired by the United States, either by treaty or conquest, it shall not be competent for the treaty making power, or Congress, to exclude slavery from such territory, either by treaty stipulation or by act of Congress; but such territory shall be equally free and open to the citizens of all the United States without any limitation, prohibition or restriction in regard to slaves or any other description of property whatsoever.

Before presenting the resolutions—

Mr. BAGBY, said: Mr. President: Perhaps there is something in the nature of our free and happy political institutions, to justify a departure from what, under a different form of government, might be considered the proper course for us, in our legislative capacities, to pursue. It is admitted, at least by me, as a general rule, that all propositions introduced into legislative bodies ought to be such as are intended to be followed up by some act of practical legislation. On the other hand, it is one of the axioms of the republican creed, that a frequent recurrence to first principles, is indispensably necessary to the preservation of liberty. The resolutions which I hold in my hand and which I shall presently ask leave to introduce, relate to a subject of very great moment, as I conceive to the prosperity and of still more transcendant importance to the tranquility of the country, and one on which it is peculiarly desirable at this time to have a clear and decided expression of opinion, and to settle it possible, definitively and forever. The first of these resolutions simply asserts what I understand to be the true position in relation to the powers of this government, over the question of slavery. The second contains a proposition from the correctness of which I apprehend no one will disent, and which, I should not have thought of bringing before a body so enlightened as this, but for the extraordinary remarks made here repeatedly, and continually, in regard to the acquisition of territory, if any should be acquired by conquest, in the war in which we are now engaged with Mexico. A stranger to the history of this war, and one ignorant of the provisions of our Constitution and principles of government, and of the code of nations to read speeches almost daily delivered by Senators in the opposition, would think that the acquisition of territory was a thing forbidden by the laws of nations, prohibited by the constitution, and unsanctioned by the great principles of an elevated, national morality. So far from these things being so, I repeat in the language of the second resolution that conquest is a legitimate mode of acquisition and so recognised by the laws and the universal practice of civilized nations. If any Senator is disposed to controvert this distinct substantive proposition, it will be much more convenient, and his arguments will be much better understood, than by mixing them up with other matter, to which they have no proper affinity in a general discussion upon the merits of the Mexican war, and the manner in which it should be conducted. I apprehend, however, that when the question is fairly stated and stript of all disguise none will be found of sufficient temerity to controvert it. I do not intend now, sir, to go at all into the discussion of the Mexican war. I do intend, however, with the permission of the Senate, before the debate is closed upon the bill now pending to increase the army, to offer my views in regard to it, in reference to the origin and conduct of the war, the objects for which it should be further prosecuted, and to declare clearly, openly, distinctly, and explicitly the course which, in my humble judgment, the government of the United States ought to pursue towards Mexico. The third resolution, sir, differs materially from any hitherto presented upon the subject. If this resolution, Mr. President, is unjust to any State of this Union, or any citizen of any State of this Union, and I can be convinced of it, I shall be the first to abandon it. If, on the contrary, it shall be found to be fair, and just, and equal in its effect and operation upon all the States and all the people of all the States—if it be true that territory acquired by the joint blood and treasure of a common country ought, in the language of the resolution, to be equally free and open to the citizens of all the States of this Union, without any limitation or restriction in regard to slaves or any other description of property whatsoever—I think I have a right to expect the unanimous vote of the Senate in favor of it. How far this (to my mind) reasonable expectation is to be realized belongs to the future, and I shall not attempt to decide it in advance. I flatter myself, however, that I shall at the proper time be able to make this proposition so plain, that he who runs may read, and the wayfaring man, though a fool, cannot err in regard to it. At present, I respectfully ask, that the resolutions be printed.

The resolutions were read, and ordered to be printed.

MAIL ROUTE.

Mr. BREESE submitted the following resolution, which was considered, by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Cairo city, by Thebes, in Illinois, to Cape Girardeau, Missouri.

GRANT OF LAND TO LOUISIANA.

Mr. JOHNSON, of Louisiana, submitted the following resolution, which was considered, by unanimous consent, and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of granting to the State of Louisiana for purposes of internal improvement, a quantity of land equal to that granted to the State of Indiana for the same purposes.

EXTENSION OF MARITIME JURISDICTION.

A[illegible] to notice, Mr. ASHLEY asked and obtained leave to bring in a bill to amend the act entitled "An act to extend the jurisdiction of the District Courts to certain cases upon the Lakes and navigable waters connecting the same," approved the 2d March, 1845, which was read the first and second time by unanimous consent, and referred to the Committee on the Judiciary.

MILITARY HOSPITAL AT NEW ORLEANS.

Mr. DAVIS, (of Mississippi.)—I desire to state briefly the reasons which have governed the Committee in framing this bill, for which it is proposed to ask the most speedy action of the Senate. The Committee found themselves by the resolution referred to them, and the terms of the law making appropriation for disabled and indigent soldiers, restricted in their considerations to New Orleans. A large part of the appropriation of last year remains unexpended, and it is proposed to give to the Secretary of War power to apply a part of the existing balance to objects which are considered within the original design and necessary to its most advantageous execution. After deducting the proposed sum, there will remain, at least, two hundred thousand dollars of the unexpended balance of the amount appropriated, and no hazard is created of a deficiency in the supply necessary to relieve the wants of suffering soldiers, within the contemplation of that appropriation, during the current year.

The Committee have, in the course of their investigation, been satisfied of the safety of the point selected, and have been informed that during the epidemic which raged with more than ordinary violence during the last summer in New Orleans, no case of yellow fever originated at the United States' barracks. It has been found necessary to place from three to five hundred sick and wounded soldiers in private hospitals, at the rate of one dollar per day for each person. By the erection of a hospital as provided in the bill, the Committee believe that there would be a saving to the government should the war continue twelve months longer. It can hardly be supposed that we shall have a peace immediately, however much and unanimously we desire its return, but should we have our wishes most speedily granted, long after the blessing of peace is ours there will remain a necessity for hospital accommodations to provide for wounded and disabled soldiers, and the necessary loss under any state of events must be very small indeed.

In addition to this, the committe have considered the necessity for providing buildings for the accommodation of troops going to, or returning from Mexico. Every consideration which urges provision for the disabled applies to the protection of the efficient soldier [illegible] protection [illegible] the hospital would, after the advent, we all admit an obligation to cure. Exposure in the encampments below New Orleans, whilst waiting for transports, has been the fruitful cause of disease—men who had only known the comforts of hoque, are on the threshold of their military service met by privation and exposure in a climate deleterious, under the most favorable circumstances, to a northern constitution. Many a gallant and patriotic spirit has been crushed by other than the dangers to encounter which in the cause of his country he left the comforts of his peaceful home. Most of these could, I believe, have been saved by such provisions as are contemplated in this bill. By a recent letter from the surgeon of the hospital at New Orleans, I am informed that of three companies from my own State, there are fifty men now in hospital and there have been five deaths. Every motive enters into the obligation to provide for troops returning from the seat of war, equally requires provision for the protection of those who are going out, whilst policy adds the consideration due to the fact that death and disease, without the glory of battle, standing thus at the entrance into the country's service, more than anything else could, will discourage further volunteering and enlistment.

With these remarks I submit the bill.

The bill having been read a first time—

Mr. CRITTENDEN said: This is, I understand, the first reading of the bill. The Committee on Military Affairs unanimously agreed in recommending that this bill should be passed with as little delay as possible. If there be no objection, then, I ask that the bill may have its second reading; and, as it has been carefully engrossed in a clear hand, I hope that the Senate will also allow it to be read a third time and passed to-day.

The bill was then read a second time, by unanimous consent, and considered as in Committee of the Whole; and no amendment being made it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

[illegible]

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

PRIVATE BILLS.

Mr. FELCH, from the Committee on Public Lands, to whom was referred the memorial of Henry Washington, [illegible] report accompanied by a bill, to provide for the settlement of the claim of Henry Washington, late a deputy surveyor of the public lands in Florida.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. MASON, from the Committee of Claims, to whom was referred the memorial of George Center, submitted a report accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

DEFALCATION IN THE MINT.

The Senate proceeded to consider the resolution submitted by Mr. CAMERON, on the 17th instant, for the appointment of a select committee to investigate the recent defalcation in the mint of the United States, at Philadelphia.

On motion by Mr. CAMERON, the resolution was postponed to, and made the special order for, Tuesday, the 15th February.

SUSPENSION OF GENERAL SCOTT.

Mr. CASS.—I believe the hour has now arrived for taking up the special order of the day.

Mr. CRITTENDEN.—I did not distinctly hear the honorable Senator.

The PRESIDING OFFICER.—The Senator has moved to take up the special order.

Mr. CRITTENDEN.—Before that is done, I wish to remark, that there is a subject of considerable importance, now occupying much of the attention of the public, and which excites much conversation, in reference to which I desire to ask a question or two of the honorable chairman of the Committee on Military Affairs. The questions to which I desire to obtain an answer are, first: whether General Scott has been recalled or suspended from the command of the army in Mexico; and, secondly, whether General Worth has been relieved from his arrest, or whether he also has been suspended?

Mr. CASS.—If the honorable Senator from Kentucky should not receive my answer as any proof of my fitness to discharge the duties of Chairman of the Committee on Military Affairs, I hope he will at any rate receive it as affording some evidence of my imperturbable humor. I would remark to the honorable Senator, however, that I know nothing upon this subject that is not fully within the control of every member of the Committee; and if he had gone, where I went, the same information would have been given to him, which has been given to me; and I am at liberty to say, that the administration will freely communicate on military subjects, with any member of the Military Committee, who may ask for information. With respect to the distinct questions put by the honorable Senator, I feel myself at perfect liberty to communicate all the facts in my possession, as I was expressly authorised to do. They are simply these: General Scott is suspended from the command of the army in Mexico, and the command now devolves upon the next officer in rank, who is General Butler. General Scott, as I understand, will attend the Court of Inquiry directed to be held at Perote, for the purpose of investigating all the difficulties which have arisen—as the Senate and the country well know many difficulties have arisen—between the higher officers, by whom mutual charges have been made. With regard to the other question put by the honorable Senator, I believe that General Worth has been suspended from his arrest.

A SENATOR.—Relieved?

Mr. CASS.—Take either term you please. Whether finally relieved, depends, I presume, on the result of the court of inquiry. I believe I have now given all the information that the honorable gentleman wants.

Mr. CRITTENDEN.—I am obliged to the honorable gentleman for his information, and I am willing to receive it as evidence of his courtesy, at least, if not of his imperturbable character. I only supposed that his station as Chairman of the Committee on Military Affairs, on which I have the honor of serving under him, was such as to afford him the means of answering the questions which I submitted, with respect to matters in regard to which I am not altogether indifferent. I confess I have heard with some little astonishment, the announcement just made that General Scott has been removed from the command, in the presence of his army, on charges made by a subordinate officer. However, I do not intend, now, to make that the subject of any remarks.

THE TEN REGIMENT BILL.

The Senate then resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. CLARKE.—[illegible] the [illegible] payroll, and to the contingency

whom I have the honor in part to represent on this floor, that I should assign, as plainly and as briefly as may be, the reasons which will govern my vote on the bill now before us for discussion. I consider it second in importance to no measure that can demand our attention at the present session, not only from the principles and consequences involved, but also as being the first of a series of measures designed to enlarge the means of extended offensive warfare against Mexico. I had hoped that before Congress was urged to the passage of any important act, a particular expression of its views might have been made, defining to what extent, and to what ends, the war with Mexico should be further prosecuted. We are informed by the President in his last message to Congress that the destruction of the nationality of Mexico is not contemplated by him—that he designs not to blot her from an existence among the nations of the earth. We had also from the honorable Chairman of the Committee on Military Affairs, who speaks by authority, the same assurance. The object contemplated was the dismemberment, not the subjugation of Mexico. Other things, however, cast their shadows before us. The veil has been partially lifted, and the future is opened cautiously, but unmistakeably to view. And first in the category of these indications, sir, there were certain resolutions offered by the honorable Senator from New York, (Mr. DICKINSON,) which propose that it be resolved that we form a territorial government for certain territories in Mexico; although our right to the territories in our possession, is but the right of conquest. In the next place, sir, there were resolutions submitted by the distinguished Senator from Indiana, (Mr. HANNEGAN,) declaring the constitutionality of territorial acquisitions. Next, sir, was a letter from Major General Scott, dated, I believe, the 10th of September last, in which he tells the Secretary of War, that the Government intend to occupy with its troops all the principal towns in Mexico, and keep the central government in motion and alarm, it would be necessary to augment his forces to fifty thousand men. The fourth indication which has struck my mind, sir, was the avowal of the honorable Chairman of the Committee on Military Affairs, that the entire conquest of Mexico was intended. The fifth, sir, is the general order of the Major General commanding in Mexico, dated 15th December, 1847, which general order, if I understand it, covers the whole ground of the conquest and occupancy of the territories of that republic. To the first article of that order, I desire to call the attention of the Senate:

"The army of the United States now in the capital of Mexico, and such other forces as may be hereafter added to it, shall exercise the power of the government of the United States."

Thus has dismemberment been transformed into subjugation.

When the Emperor Napoleon, in the pride and plenitude of his power, impelled by his lust for conquest and glory, had trodden down with his iron heel the ancient dynasties of Europe—Holland was subjugated; and in his memorable decree of annexation, remarkable for its brevity, he says: "Holland is annexed to France." One step more and we shall have annexation. In a few brief years, where was this mighty conqueror? Stripped of his power—a prisoner in the hands of his oldest and strongest foe—doomed to an exile for life upon a rock in the sea—and France, his own beautiful France, at the mercy of her allied foes—was circumscribed within her ancient limits of sovereignty, resting on her greatness and reposing on her glory—yielding up the spoils she had hidden in her bosom. Sir, I trust that such may not be the fate that is reserved for us. I am entering into this discussion with no captious view of opposing any measures, come whence they may. I do not propose to discuss the controverted causes of the war.—The first and primary cause, was the admission of Texas for extension of slave power; but that is no longer a question for practical use, for the lone star of that republic has become merged in our glorious constellation.

The more immediate causes are to be found in the ill-advised march of General Taylor to the Rio Grande—whether provoking hostilities or repelling them—whether invading territory in possession of Mexico or driving Mexican forces from it and her soil—I leave with the honorable Senators from North Carolina, Maryland and Delaware, who have spoken—abler hands than mine. It is sufficient to say, that the war has been sanctioned by the legally constituted authorities of the nation, and must be prosecuted to a just and honorable peace: such a peace as humanity dictates and the interests of the country require—a just peace—surrendering no right, and inflicting no wrong. I therefore, approach this discussion, unfettered and free. My duty here, requires me to judge of measures for the interests of my country alone; and, whatever vote I may give shall be from the best convictions of duty, and an earnest desire to promote the general welfare.

The two bills reported to the Senate by the Committee on Military Affairs, propose to augment the regular army 10,000 men—and the volunteer force 20 regiments, equal to 20,000 men. It is asked, and I ask it in sincerity and soberness, why, and for what end is this additional force to be embodied and sent forth into a conquered country, at a moment when the advices from Mexico lead us to believe that peace may be had upon terms of our own dictation—when Commissioners from the yet remnant of a government at Queretaro, existing only by the forbearance of the commanding general, have sought your ambassador and found unfortunately, his power withdrawn—when to avert utter subjugation, it is confidently said, that Mexico invites you to other negotiations leading to a treaty, if not of amity, of peace, and desires to rescue her national existence from ruin? Why is it necessary to increase our military force? Why send more men to enforce greater humiliation?

From the able report of the Secretary of War—and, sir, I take great pleasure in subscribing to its ability—it appears that we have now in the army 43,536 men. Of which there are—

Regulars - - - - - -	21,500
Volunteers - - - - -	22,036
With General Taylor on Rio Grande - - -	32,156
With Gen. Wool on the Rio Grande - - -	6,252
In South by sick on Ordnance and Quartermaster -	3,671
In California - - - -	1,019
In Mexico - - - -	43,536
Add Marines and other volunteers - -	2,000
	45,536

To this should be added the whole naval force in the Gulf of Mexico, and the whole force in the Pacific. These forces have been as efficient in their own sphere of action, as any portion of our force engaged in the brilliant and gallant exploits redounding to the honor of their country.

May we not fairly add, as the actual efficient naval force, 4,464 men? and if so, we have at present a force in and around Mexico amounting in the aggregate to 50,000 men. In addition to this, the existing laws authorize the recruiting and embodying of 8,000 men for the regular army; and the President has authority to accept 12,000 volunteers. All this making 20,000—added to the preceding estimate of 50,000, gives the present force as authorized by law, at 70,000 men. Pass this bill, and the bill for 20 regiments of volunteers, and you cannot have less than 95,000 men engaged in and near, subsistency and security from Mexico already prostrate before you.

These things being so, the first question to my mind is, why and for what are these additional forces wanted? And, secondly, where are we to get the ways and means to maintain them? It was said by the honorable Senator from Kentucky some days since that our forces had cost the country for the last year $1,000 per man. On the other hand, it is stated by the honorable Senator from Michigan, at 279,000 for a regiment, only, however, for pay, rations and clothing, without allowance for excess of expenditure in a foreign country. I have examined the subject, and will submit the calculations that I have made. How many men have been in the field, on an average, for the past year? Not over 30,000.

Say Scott, on all his lines - - - -	18,000
Taylor - - - - - -	8,000
Santa Fe, &c. - - - - -	4,000
	30,000
Expenses last year, (besides outstanding claims,)	$58,000,000
Deduct $28,000,000 for ordinary expenses, including army and navy or peace establishments	$28,000,000
And you have—	$30,000,000

Which averages $1,000 per man, besides bounty-pensions, and so on. Now, sir, add to the army the regiments now proposed by this bill, and bill for volunteers, and you have 95,000 men in the field; and these proposed measures cannot but enhance your expenditures twenty million dollars.

Scott had at Vera Cruz, 29th March, - -	13,000
He marched 8th April to Cerro Gordo, with -	11,000
Discharged his volunteers - - -	3,500
	7,500
Went to Jalapa with - - - - -	7,300
Thence to Perote, leaving garrisons at Jalapa and Perote of - - - - -	2,000
And entered Puebla with - - -	5,300

Here he waited until August 7, for reinforcements; and, according to the Secretary's report, received there about 5,000 men under the command of Gen. Pierce. Leaving a garrison in Puebla of 500, besides the force withdrawn from Jalapa; he commenced his victorious march to Mexico with 10,000—took it, established and maintained himself. Of these 10,000, at least 2,000 were killed, wounded, or disabled, leaving 8,000, of which only 6,000 entered the city and dispersed the whole Mexican army.

In Tampico and Vera Cruz there are probably now	2,000
At Jalapa, Perote and Puebla, - - - -	5,000
	7,000

Which being deducted from Scott's whole force of 32,156, gives him in Mexico and the country immediately about it, no less than 25,156. At the last accounts General Scott was arranging an expedition from this force—wholly unnecessary for holding Mexico and its suburbs—to Potosi and the mining districts of Zacatecas; and, as yet, wisely leaves Queretaro untouched, for there only can be found the remnant of Mexican authority. Probably before this bill can become a law—indeed long before this force can reach the Mexican territory—these mining districts, the wealth of which the diffidence of the Senator from Michigan could not allow him to name—this Eldorado, which for centuries has been the envy and the ruin of grasping and unprincipled ambition, will have yielded to our forces, having nothing to resist them, and thus

Mexico—its mines and its wealth—its pride and prowess—it entrenched its holy emblems of faith, its power, and even its natural existence are at the feet and the mercy of a conquering and triumphant foe. More than we should desire is our present who want more men?

Now, let us glance at the financial aspect of the case. We have had in general estimates the amount supposed to be necessary for the in-coming year. These estimates are predicated upon the present force now in the field and the ineffectual of the troops proposed to be raised by me and the present bill. The Secretary of the Treasury asks for a duty on tea and coffee, to support the troops and the honor of the country. This is sound doctrine. Let the administration propose a direct tax, and prevent the incurring of a debt of more than a hundred millions.

Sir, I have examined some estimates from the Treasury Department on the state of our finances, and the means at our command for carrying on the war.

By the report of the Secretary it appears that you received up to June 30, 1847:

From Customs,	$23,747,861
From Land,	2,198,359
Miscellaneous,	160,570
Actual receipts	$26,346,789
Less overreceipt of Tariff of 1842, and last 6 months of Tariff of 1846.	
In July 1, 1846, there was in the Treasury	$9,126,439
Which remained except Loan and Treasury notes	35,473,228
Expenditures during same time	59,451,177
Expenses over receipts—not including Loan and Treasury notes,	$23,977,949
Add $9,126,439, in Treasury, makes	$33,104,388

I accept 1,000,000, as Treasury is considered and lost and a deficiency of $22,977,949 is supplied by loan and is a debt on interest for the country to pay.

The estimated receipts into the Treasury for the year ending June 1848 are:

From Customs (3 last quarters estimated)		$31,000,000
From Lands,		3,500,000
Miscellaneous,		400,000
		$34,900,000
I propose to reduce tea very largely:		
Customs,	$4,000,000	
Land	1,000,000	
Miscellaneous	300,000	
		$5,300,000
		$29,600,000

I, therefore, assume, the war for the country producing such excessive importations.

Expenditures for year ending June 30, 1848:	
By estimate made December, 1846, as per report,	$45,784,784
Add to this the additional appropriation already asked for by Secretary, vide letter November 24, 1847	13,932,735
	$59,714,519
Already asked additional for Quartermaster's Department,	4,000,000
	$63,714,519
Less an excess of expenditure over receipts for year ending June 30, 1848	$34,114,519
Add to the the deficiency of the preceding year,	23,977,949
War Debt, June 30, 1848,	$58,092,468

Besides the $9,126,439 in Treasury, July 1, 1846: and the residue is or must be supplied by Loans.

These estimates all unanimously prove that large amounts of money are immediately needed, and that large loans will be required to furnish the means, indispensably necessary to the public credit. Sir, I am opposed to the creation of a national debt. If we will incur responsibilities in a war of conquest, we should boldly meet the emergency, by imposing such taxes as will ensure full faith in the plighted honour of the nation.

In the report of the Secretary of the Treasury, I find amidst its heresies and speculations, one paragraph, sound and incontrovertible, proposing taxation as the true basis of national faith. I will read it. I can admire "a rich jewel" even "in an Ethiop's ear." I commend it to the consideration of [illegible] for the time and just views of our duties:

[illegible]

Without [illegible] extract, from the report of General Hamilton, I will trouble the Senate:

[illegible]

Sir, I commend this doctrine to the attention of the Administration.

During the past fiscal year, the products of the country have borne high and unexampled prices. A general prosperity pervaded our whole business and monetary concerns. The cotton crop—I agree, sir, the ruling crop of the country—exceeding but little 1,800,000 bales, ruled at prices high and exorbitantly remunerating. The influence of the new tariff and the sub-treasury had not been felt—there were short crops of breadstuffs in continental Europe—a famine in Ireland—and in England the product falling far below the general average—created an extraordinary demand for the surplus of the rich harvests of our country, and elevated prices to an unexpected height. Cotton advanced to points ranging from 10 to 14 cents; flour $9; Corn $1.20.

At such prices was a portion of the exports of the country valued, and at that unusual and extraordinary valuation the whole exports by custom house returns amount to $158,648,000, and exceeded by $26,000,000 the export of any preceding year. This amount of export, under a home valuation—and that valuation based upon an excited and inflated market, is not the true test of the value of our exports, nor of our ability to import and consume the product of other countries—it is alone the nett proceeds of these exports, such as are realized and returned to the country, that makes the true, ascertained and certain value.

Now, sir, I submit that from this statement of exports, as rendered by the Secretary of the Treasury, there should be deducted—losses by sea, damage to cargoes on the voyage, reduced receipts of sales less than the cost or valuation at home, charities—the holiest and the best of all exports to suffering humanity—and losses by bankruptcies—and the actual amount realized to the country did not exceed - - - - $140,000,000

Imports for fiscal year, ending June 1847	$146,545,638
Specie,	24,000,000
	$122,545,638
In foreign goods,	

Upon this estimate, the excess of Imports over the nett proceeds of Exports has created a balance against us of $6,545,638.

In addition, in consequence of the extreme monetary pressure in England, stocks have been returned, and sold to an amount estimated at - - - - $10,000,000

Which added to imports over exports - -	6,545,638
Leaves an actual balance of exchange - -	$16,545,638

The import of specie was a safe one for the country, although, yielding no revenue; and about 80 per cent. of it has gone, and is rapidly going, to restore the balance of trade, and equalize exchanges. A year since, or thereabouts, exchange on England was four per cent—or something like six per cent. below par. Now it is at a premium of 11 per cent.—all of one and a half per cent, above par; and the exports in specie are kept back only, because foreign gold cannot be had; and the shipper sustains a loss of one per cent. on the shipment of American gold. The greatest distress prevails in all the great marts of business, and commercial cities of the country. Money is worth one and a half per cent per month in the eastern markets. The banks are prudently contracting their loans, and curtailing their issues to reach a point of safety. The circulating medium of the country is diminishing—sales are limited—manufactures and industrial pursuits checked, if not paralyzed—and specie is rapidly going out to Mexico and to Europe. That specie, which is alone the measure of all values; and the basis of all exchanges, whether foreign or domestic, must, and will be required to pay present and future balances of trade. And amidst this, sir, where is the national treasury, and what are its means? Exhausted by the expenses of the war—drained almost to exhaustion—it is asking Congress for relief. I will read a short extract from a mercantile journal:

"A week [illegible] has yet been produced in the [illegible] Specie continues to be shipped in a moderate way, and for a few days past not much has come in from any quarter. The [illegible] is degraded to the [illegible] and the banks [illegible] but about seven hundred and fifty thousand dollars on hand, and is constantly paying large drafts, while the receipts are small, as almost all the duties are paid in treasury notes. While [illegible] will soon be [illegible] a condition that it will be convenient to scrape the bottom. The banks have some six millions of coin, chiefly American gold, which is worth less than sovereigns to ship [illegible] and cost [illegible] one per cent beyond the labor of coining. The banks and merchants are looking with increased interest to the expenditures of the government. The state of the country is such, that if the Mexican war is to keep up its large drains, prudent men will preserve the contracted position which they have been gaining for two or three months past. These facts in the city will be likely to reach the country in low prices for produce, so compelling [illegible] the [illegible] of making a debt upon [illegible]."

In this state of the monetary concerns of the country generally, and more especially of the treasury itself, I ask if it is not madness to impose upon it such heavy additional charges as thirty regiments of troops, or even as the ten regiments proposed by the

bill under discussion must inevitably do; and these troops not needed for any purpose, except for the entire conquest of Mexico, and hardly for that.

I see nothing Mr President in the financial prospect of the country, for the coming year to improve on condition nor in the Secretary's estimates, which must necessarily be hypothetical which gives me any assurance of improvement, or essential relief. The Secretary's conjectural estimates for the year ending June 1849, are

Customs	$32,000,000
Lands	1,000,000
	33,000,000
Bounty lands in market will reduce	1,000,000
	$34,000,000

The average duties upon imports, including free goods, are about 19 per cent upon gross importations, and are it necessary in order to realize $32,000,000 from the customs at the present rates of duty—to import to no less a sum than $170,000,000, in that year. How vain is the expectation of such an import—and how utterly ruinous to the country, if the views of the Secretary should be realized. I will venture the prophecy, that your exports for that year cannot exceed $120,000,000.

And I ask how is the balance to be paid? The business relations of the country can bear no further exhaustion. And no such import will be made, nor will any such amount be received from customs. Let prudent statesman consider whether this is a time to plunge into unnecessary extravagance—or rather should not our honest efforts be for peace? Let this drain of excessive expenditure cease; and a just and honorable conclusion of the war, restore the country to its right and proper position. Stocks are below par—Treasury Notes are at 98¾—and that only because they are receivable for duties and made equal to specie.

Now, sir, the Secretary asks for a loan for $18,500,000, since however reduced to $12,000,000, and already has he increased his wants to the Committee of Ways and Means $3,500,000, making $16,000,000. Add four millions revenue less than his estimate, and it makes twenty millions. Sir, he will want $21,000,000. Pass this bill, and the volunteer bill, and he cannot require less than $40,000,000.

With what prospect of success can he go into the money market for such a loan, or any considerable portion of it—in the present financial and commercial condition of the country. Such a loan it required could not be obtained at over 80 for the 6's—and I fear could not be got at that, for much of the money is wanted out of the country—in Mexico. The existing means will allow no such abstraction from the commercial and business wants of the country.

If a loan of $20,000,000 can be realized, by your law, it must be paid into the Treasury in specie; and that specie, or a large part of it, will either go to Mexico, or to England in payment for foreign funds furnished by bankers there in support of our armies. All this will increase our commercial embarrassments, now at a fearful point, and render sales of produce, and mercantile engagements, of an extremely limited character.

Sir, the merchants of the country are but the distributing agents of the great producers of the world, and this commercial embarrassment now experienced by them, will next be felt seriously and with greater effect by our own producing and agricultural communities. The want of means to advance and transmit the produce from the interior to the market, must cause a severe decline in prices, and the South and the West producing the great staples of the country, will find, in the reduction of prices, their share of the great financial crisis, caused by supporting a foreign war, and abstracting for that war the means necessary for the profitable exchanges of their products. I have heard prices named to which cotton and breadstuffs must go, fearfully alarming—and the aggregate reduction estimated at $200,000,000. Nothing can avert this but an extraordinary demand for breadstuffs beyond any calculations that the wants of Europe would seem to indicate.

Next, sir, in the course of inflictions, the labor of the country will experience its saddening influence. Its profitable employment will be checked or suspended, and then the blow will be felt most severely, even in the daily necessities of that class rendering it unable to avert the force.

The contraction of the ordinary circulating medium of the country is another consequence of this abstraction of specie. For every dollar in specie, sound specie-paying banks are safely allowed to put into circulation four dollars in bills, and these bills employed in the daily uses and payments of the community, will be withdrawn in that ratio from circulation. A loan of $20,000,000, either in funded stock or treasury notes, cannot but contract the sound circulating medium, $60,000,000, the specie upon which that calculation is based, having thus been withdrawn for the support of our armies in Mexico. With such a contraction of the currency, it is painful to think to what point of depression prices would go, and the consequent general and individual distress we shall be called upon to endure. In a war of defence the Treasury of the country, like its blood, would be poured out like water. In a war of conquest, even for indemnity and security, no such feeling would prevail. If, then, the men are not needed, as I have shewn, for any object short of the entire subjugation and conquest of Mexico—and the means are not to be obtained unless at great sacrifice and utter commercial distress—I ask why pass this bill, or press it to a hasty and immediate decision? These additional troops, if sent into Mexico, can only be employed in extending conquest over the entire republic. Drive the government to disband itself, and with whom can you make a peace? To whom can you restore the whole or any part of Mexico? To whom is her nationality to be entrusted?—and by whom is it to be maintained? Take it, and you must keep it.—"How will you escape it?"

In the distracted condition of Mexico—with a population mixed and incongruous—groaning under the despotism of military power—and changing her rulers only to exchange one degradation for another—with no fixed principles of government—a degraded population, far inferior to the Aztec race in servility and personage, accustomed only to obey—their condition cannot perhaps but be improved. But to incorporate such a disjointed and degraded mass into even a limited participation of our social and political rights, would be fatally destructive to the institutions of our country. There is a moral pestilence attached to such a people which is contagious—a leprosy that will destroy—

"Like a subtle fox, [illegible] whosoever touches"

This stupendous scheme of subjugation, sequestration, and annexation, cannot but shock the public sense of the country, and cause reflecting men to estimate the dangers before them. The leprous distilment will infuse itself into the system only to poison and destroy.—

"It cannot, and will not come to good."

In God's name, let the danger be avoided, before it is too late. Our own dissentions are sufficient to distract the harmony of the country, and try our institutions to their utmost tension.

Stop this unholy lust for conquest. No longer endanger the blessings of Freedom, so signally our own. Let discord be driven from amongst us, and the bright example of our institutions, restored to their purity, continue to shine forth for the imitation and emulation of all mankind.

On motion,

The Senate adjourned.

WEDNESDAY, JANUARY 26, 1848.

PETITIONS.

Mr. DICKINSON presented a petition of citizens of New York, praying the establishment of a port of entry at Rouses' Point, in that State, which was referred to the Committee on Commerce.

Mr. HUNTER presented the memorial of the President of William and Mary College, in the State of Virginia, praying compensation for the use of, and damage to, the College building by the French troops during the Revolutionary war; which was referred to the Committee on Revolutionary Claims.

On motion by Mr. FELCH, it was

Ordered, That the petition of Ambrose R. Davenport, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. PEARCE, it was

Ordered, That the petition of David N. Leach, on the files of the Senate, be referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed the bill from the Senate entitled "An act extending the right of pre-emption to certain persons in the Territory of Wisconsin, and for other purposes," without amendment.

Also, a joint resolution from the Senate, entitled "A resolution of inquiry in relation to the public moneys," with sundry amendments, in which they request the concurrence of the Senate.

The President of the United States has approved and signed an act, this day, entitled "An act for the relief of the widow and children of Joseph Sarah and Eliza."

PRINTING OF THE TREASURY REPORT.

Mr. PHELPS submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Joint Committee on Printing be instructed to cause to be printed, in addition to the number ordered by the Committee on the Treasury, with the annexed letter, and by the Secretary of the Treasury, for the use of the members of the Senate.

JETHRO WOOD'S PATENT.

Mr. TURNEY, from the Committee on Patents, to whom was referred the petition of the executrix and executors of Jethro Wood, reported a bill to further extend the patent of Jethro Wood.

The bill having been read a first time,

Mr. TURNEY expressed a hope that it would be taken up, and passed at once. It had passed the Senate last session, but was lost in consequence of its failing to be reached in the House.

The bill was then read a second time, by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Mr. ALLEN wished to hear some good reason offered for the passage of the bill. He should move to strike out the enacting clause whenever the bill came up.

The PRESIDING OFFCER.—The bill is now before the Senate.

Mr. ALLEN.—I move then to strike out the enacting clause.

Mr. TURNEY.—I do not know on what ground the Senator from Ohio objects to this bill, or for what reason he desires its rejection. I am inclined to think that he may not have had an opportunity of examining the grounds on which the committee have recommended the passage of this bill. The inventor of this improvement in the plough received no benefit from the patent during the first term, and, indeed, exhausted his fortune in the continued efforts which he was enforced to employ in order to obtain his rights. He is now dead, having left a family of four daughters, for whose benefit an extension of the patent for the short period of seven years, is now proposed by the bill before the Senate. I will only add that the bill passed at the last session of Congress; that it has been unanimously reported by the Committee, and that I am quite at a loss to know on what ground objection is now made to its passage.

Mr. DICKINSON.—This bill originates in the State of New York, and numerous petitions and memorials in regard to it have been presented at previous sessions. Before coming here, I happened to be employed [illegible] and all sustain to it professional relations. When the question was up before, I declined voting on it for the reason now stated, and I shall decline to vote now unless the Senate shall rule that otherwise. I have, therefore, nothing to say as to the merits of the case, and make this statement in order to explain my silence.

Mr. DAYTON.—I have only a single remark to make in reference to this bill. I hesitate not to say, that if any of these applications for extension of patent rights deserves attention, this certainly does. It is a meritorious application. I have become acquainted with the case, and have no hesitation in asserting that every rule by which the extension of patent rights has been regulated, applies to it.

Mr. BERRIEN.—I am uninformed of the facts of this case, except in so far as they have been communicated by the committee who have examined the claim of the petitioners and have unanimously, as I understand, recommended this bill. A motion is made to strike out the enacting clause of the bill, and I should be very glad, if there be any reasons why we should act in opposition to the unanimous recommendation of the committee, that those reasons should be stated. Certainly, I must conform my vote to the recommendation of the committee in the absence of any explanation leading me to a different conclusion.

Mr. CAMERON.—It was my duty some years since to examine this case, as a member of the Committee to whom it was referred. I gave it a good deal of attention, and on that occasion also, the Committee unanimously recommended a bill in favor of the petitioners. It has been said, that this bill will impose a tax on ploughs; but, it may be said with equal force, that every patent inposes a tax. The improvement in this case has been great and acknowledged. It enhances the value of the plough, and has been of essential service to the agriculturist. The inventor, as has been stated, did not derive any benefit from it, and I entirely agree in the propriety and justice of making a provision which will secure for a short time to his descendents, a share in the benefit of the improvement.

Mr. PHELPS.—I have had the honor of serving on one or two of the committes, which have had this subject under their consideration, and I recollect very well, that when it first came before the committee some objections were made to the recommendation of such a bill. But, as I am happy to find from the remarks made by Senators, these objections are no longer pressed. This is a very meritorious case, and clearly comes within the class of applications, which merit the interposition of Congress, in the manner proposed by this bill.

Mr. NILES.—I wish to inquire of the Chairman of the Committee, whether this patent has been once renewed?

Mr. TURNEY replied in the affirmative.

Mr. NILES.—I do not know much about this case; but I have generally felt it to be my duty, to oppose this sort of legislation, as being a kind of legislation unjust to the public, and which is virtually in violation of a fair contract, made between the patentee and the community—a contract, sir, by which the former ought to be bound, and of which the community on the other hand, should have all the benefits, to which by the laws they are justly entitled. That contract secures to the inventor the exclusive use and enjoyment, or exclusive benefit of his invention, for a period of fourteen years; and if that be not sufficiently, ample to indemnify him, then there is a defect in the law. But the law does not stop there. It authorizes a renewal of this exclusive right, for another period of fourteen years, or seven years—I am not quite certain which. I am told that it is for seven years, making twenty-one years during which the patentee is secured in the exclusive enjoyment of the benefit accruing from his invention. Now, if that be not enough, the evil should be remedied as all general evils shoule, by general, and not by special legislation. At the sametime, I do not say, but that there may be extreme cases—and they must be very extreme cases—which may justify the setting aside of the general law. Such an extreme case must be one in which, without any fault on the part of the patentee, he has failed to receive the benefit which the law was intended to secure to him. In no other case would it, I think, be just towards the public to give our assent to any such legislation. Whether this is such a case I am not prepared to say, as I have not examined the subject so closely as to be able to express any opinion. If the Committee are entirely satisfied on their part that it is one of those cases which justify such legislation, I might be disposed to agree to their recommendation. That point ought to be made clear. Unless it be made apparent that the law has substantially failed to secure to the patentee the privileges which it is designed to extend to patentees, it is quite certain that the bill ought not to pass.

Mr. TURNEY.—I think the facts of this case have been fully made

out, and justify the Committee in their recommendation; and in this view of the subject, I am happy to find myself sustained by the gentlemen who have spoken. A report in favor of these petitioners has been made at three sessions of Congress. Throughout the whole term of the patent and its extension the patentee failed to reap the benefits to which he was legally entitled, after having exhausted his private fortune in the work of perfecting his invention and in the attempt to secure his rights. I am as much opposed to the extension of patents generally, as the Senator from Connecticut can be, or any other gentlemen on this floor; but after a careful examination of the facts in this case the evidence appears to my mind to be entirely conclusive in its character, in the establishment, first, that this invention is one of immense value to the community; and, secondly, that the inventor received no benefit from it, but that on the contrary, the whole of his private fortune was exhausted in the effort to relieve himself from the embarrassments which resulted in the effort to establish his right.

Mr. JOHNSON of Louisiana, remarked that he had assented to the taking up of this bill, on receiving the assurance that it would not lead to discussion. Already a considerable portion of the morning hour had been exhausted, and he therefore felt himself constrained to ask that it be passed over informally, if it should not be postponed.

Mr. NILES inquired whether the bill made any provision for assignees.

Mr. TURNEY replied, that there were no assignees. The patentee had formed a connexion with certain parties who refused to render any account whatever of the sales which they had made, and that was one reason why he had failed to reap the benefit to which he was entitled.

Mr. STURGEON.—I would ask the Chairman of the Committee whether it is intended, that the benefit which it is proposed to extend by this bill, shall accrue exclusively to the heirs of Jethro Wood? There has been some doubt in my mind about this bill; and the difficulty has been increased by a fact which came to my knowledge some time since in Pittsburg in conversation with persons engaged in the manufacture of the iron work of these ploughs. I was informed by one of these persons that agents of the patentee had, whether rightfully or wrongfully, extorted from them some six or eight thousand dollars for the privilege of casting the iron. Some of the manufacturers refused to comply with the demands of these agents. I am not able to say whether they were bona fide agents of the patentee or not, but I should like some explanation with regard to the subject before I vote upon this bill. If the benefit is to accrue exclusively to the heirs of Jethro Wood, I am disposed to acquiesce in the recommendation of the Committee.

Mr. WESTCOTT remarked that he had opposed the bill formerly reported, but had no objection to the present bill, inasmuch as it was not liable to the objections which he had entertained against the former one. He agreed with the Senator from Connecticut as to the impolicy of renewing patents; but, as that gentleman had remarked, there were cases in whose favor an exception might properly be made. The present he believed to be one of those cases.

Mr. ALLEN.—I wish to make a few remarks on this bill. There is one decisive answer to all the arguments which I have heard advanced in its favor; and it is this: If, with the law on their side, these people have been unable to make anything out of this invention, how will they be enabled, by having the law continued on their side, to realize any profit from it? We are told, that although for twenty-one years this patentee has been guarded by the law, he has yet failed to realize profit from his invention. How, then, I would ask, do you propose to change this state of things by the passage of this act? We are told that all the wrongs of these meritorious people have been the result of the bad choice of agents; but surely it cannot be pretended that this is a state of things for which a remedy can be provided by law. If we undertake to redress such grievances, I think we are likely to sit here much longer than the usual period of the long session. These are misfortunes for which acts of Congress can provide no remedy. Has not that been proved clearly enough in this very case itself? Here we have had an act of Congress existing for twenty-one years, and yet wholly inadequate to prevent the evils which have been in fact the result of the indiscretion of the persons themselves. But there is another view of the subject. The Constitution authorizes Congress to secure for a limited term the absolute and exclusive use of certain inventions to the inventors. This is all right. But why was not the exclusive right made perpetual? For the plain and obvious reason that it would be contrary to the general interests of the community, if an unlimited monopoly were thus given in inventions. There must be a period put to the enjoyment of this exclusive right. The right of every man in the community to copy an idea which one man conceived, is suspended. You have no right to give a piece of iron, a given form, for twenty-one years, because A alone must give it that form, and you have no right to copy A's idea in iron. It is a restraint upon the whole community, from which they must be released as soon as may be consistent with the rights of the individuals who have had the good fortune first to conceive the idea. It is the fate, sir, of inventors, to die unrewarded by their inventions. It is the fate, in every age, of the genius which bestirs itself in the investigation of those secret principles of nature or of art, to die unrequited. Acts of Congress cannot change it. We may not impose a penalty upon the country in order to effect a change in this apparently unavoidable destiny of inventors. This bill proposes nothing more nor less than to impose a tax upon every plough made under this patent in the United States. That is the amount of it. And, sir, we are asked to impose this tax of fifty cents upon each of these ploughs by the very same arguments by which we are informed that all these fifty cents hitherto imposed, have been snatched from the rightful owner by dishonest agents. We are asked to tax the users of these ploughs, not for the benefit of the inventor, because we are told that the law has hitherto failed to secure to him the proceeds of his invention, but for the benefit of those who for twenty-one years have been committing these frauds upon the inventor. I do not, then, see any just ground on which we can proceed to impose this tax upon the farming interests of the country.

Mr. TURNEY.—I can assure the gentleman from Ohio that there is no ground for his apprehension, that the benefit of this bill will not accrue to the heirs of the inventor. The rights of the patentee have been established by the decision of the Supreme Court, and the extension of the patent right for the short period proposed by the bill will be of more value than it was during the whole of the two terms which it has existed. I may take this opportunity of remarking, that our patent laws seem to require some revision, in order more effectually to secure the benefits of their inventions to inventors. The gentleman from Ohio is not strictly correct in designating this as a tax on ploughs. Every purchaser will have his choice, and if the ploughs made under this patent are enhanced in value in consequence of the improvement, it is, I think, reasonable that the inventor should have the benefit of it.

Mr. DAYTON remarked, that this was rather a small matter on which to originate a debate. The subject had been examined by three committees, differently constituted, and all had reported unanimously in favor of a bill for the relief of the petitioners.

The question was then put on the motion to strike out the enacting clause of the bill.

The yeas and nays being demanded by Mr. ALLEN, were ordered, and taken, with the following result:

YEAS—Messrs. Allen, Ashley, Atherton, Bagby, Baldwin, Benton, Bayard, Bright, Clay, Douglas, Dromgoole, Fulton, Hannegan, Niles, Simmons, and Sturgeon—16.

NAYS—Messrs. Ashmun, Badger, Bell, Berrien, Bibb, Calhoun, Cameron, Clarke, Corwin, Davis, of Massachusetts, Dayton, Dix, Evans, Greene, Huntington, Johnson, of Louisiana, Mangum, Mason, Miller, Moor, Pearce, Phelps, Rhett, Simmons, Underwood, and Woodbridge—26.

So the motion to strike out the enacting clause of the bill was lost.

Mr. BALDWIN then offered the following amendment:

Strike out the word "exclusive of all assignees and legatees."

Mr. WESTCOTT briefly opposed the amendment.

Mr. BALDWIN remarked, that he had offered the amendment in order to protect the rights of assignees, and was proceeding to explain more fully the objects of the amendment; when

Mr. ALLEN suggested that, as the time had arrived for taking up the special order, and as the discussion, now involving a legal point, was likely to be protracted, the bill should be passed over informally.

The bill was then passed over informally.

NOTICE OF A BILL.

Mr. BENTON.—The taking up this bill upon its merits during the time allowed for morning business prevented me from giving notice, sir, at the proper time, of my intention to introduce a bill to-morrow; and I am, therefore, under the necessity of encroaching, to the extent of a quarter of a minute, upon the time which belongs to the gentleman from New York. I wish to give notice, that on to-morrow, I shall ask leave to introduce a bill to amend the 69th and 91st of the "Rules and Articles of War," in relation to the practice before courts martial and courts of inquiry in the army of the United States.

LAND PATENTS.

Mr. JOHNSON, of Louisiana, from the Committee on Private Land Claims, to whom was referred the bill for the issuing of patents in a certain class of cases, and for other purposes, reported it with amendments.

EXTENSION OF MARITIME JURISPICTION.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the bill to amend the act entitled "An act extending the jurisdiction of the district courts to certain cases upon the lakes and navigable waters connecting the same," approved the 26th of February, 1845, reported it with an amendment.

WILLIAM H. BASSETT.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the petition of William H. Bassett, late marshal of the United States for the western district of Louisiana, submitted an adverse report, which was ordered to be printed.

TEN REGIMENT BILL.

The Senate resumed the consideration of the bill to raise for a limited time an additional military force.

Mr. DIX. Mr. President: It was my wish to address the Senate on the resolution offered by the Senator from South Carolina (Mr. CLINGMAN) under rule the 14th. I would have preferred to do so at once. I am always unwilling to delay action on any measure relating to the war, and because the resolutions afford a wider field for inquiry and discussion. But as the debate has become general, and extended to almost every topic that can well be connected, under any, the form of the resolutions, by which I have been influenced has become of no consequence. I have not the same reason necessarily to detain longer than I would in any way.

Two leading questions divide and agitate the public mind in respect to the future conduct of the war with Mexico. [illegible] one opposite to South we withdraw our forces from the Rio Grande and the occupation of Mexico, and the adjustment of a boundary between the two republics to future negotiation relying on our unquestionable right to indemnify ourselves for the expenses of the war, and to provide against a recurrence of the same evil? Or, on the other hand, shall we continue to occupy the country we have conquered, and prosecute the war with more vigor, in the hope of bringing the Mexican people to a sense of their true interests, and inducing them to make peace on such terms as we may think proper to require? There are other propositions, subordinate to this, which may be considered as parts of the same general scheme of operations; such as withdrawing from the Mexican capital and the interior districts and assuming an exterior line of occupation. I shall advert to all these propositions in the course of my remarks, and I shall endeavor to distinguish between them. I am not prepared, I should doubt, at this moment, in the heat of the application, to say whether we withdraw Mexico altogether or take a defensive line, which shall include all the territory we intend to hold permanently as indemnity, the consequences to result from it, so far as they affect the question of peace, would, it appears to me, be the same.

The second question is, Shall we retain in possession of the territory we have acquired until Mexico shall consent to make a treaty of peace, which shall provide ample compensation for the wrongs of which we complain, and settle to our satisfaction the boundary in dispute?

Regarding these questions as involving the permanent welfare of the country, I have considered them with the greatest solicitude; and though never more profoundly impressed with a sense of the responsibility which belongs to the solution of problems of such magnitude and difficulty, my reflections have, nevertheless, led me to a clear and settled conviction as to the course, which justice and policy seem to indicate and demand. The first question, in itself of the highest importance, has been answered affirmatively, as it does and it derives additional interest from the fact that it has also been answered in the affirmative by a statesman now retired from the busy scenes of political life, who, from his talents, experience and public services, justly commands the respect of his countrymen, and whose opinions, on any subject, are entitled to be weighed with candor and deliberation. I have endeavored to attribute to his opinions, and to those of others who coincide with him wholly or in part, all the importance which belongs to them, and to consider them with the deference due to the distinguished sources from which they emanate. I believe I have done so; and yet I have, after the fullest reflection come to conclusions totally different from theirs. I believe it would be in the highest degree unjust to ourselves, possessing, as we do, well founded claims on Mexico, to withdraw our forces from her territory altogether; and exceedingly unwise, as a matter of policy, looking to the future political relations of the two countries, to withdraw from it partially and assume a line of defence, without a treaty of peace. On the contrary, I am in favor of retaining possession, for the present, of all we have acquired, not as a permanent conquest, but as the most effective means of bringing about—what all most earnestly desire—a restoration of peace; and I will, with the indulgence of the Senate, proceed to state, with as much brevity as the magnitude of the subject admits, my objections to the course suggested by the first question, and my reasons in favor of the course suggested by the others.

I desire, at the outset, to state this proposition, to the truth of which, I think, all will yield their assent: that no policy which does not carry with it a reasonable assurance of healing the dissentions dividing the two countries, and of restoring, permanently, amicable relations between them, ought to receive our support. We may differ in opinion, and perhaps, hopelessly, as to the measures best calculated to produce this result; but if it were possible for us to come to an agreement in respect to them, the perpetuity of their adoption could scarcely admit of controversy. This proposition being conceded, as I think it will be, it follows that if the measure proposed—to withdraw our forces from Mexico—be not calculated to bring about a speedy and permanent peace; but, on the contrary, if it be rather calculated to open a field of domestic dissension, and possibly of external interference, in that distracted country, to be followed, in all probability, by a renewal of active hostilities with us, and under circumstances to make us feel severely the loss of the advantages which we have gained, and which it is proposed voluntarily to surrender, then, it appears to me, it can present no claim to our favorable consideration. I shall endeavor to show, before I sit down, that the policy referred to is exposed to all these dangers and evils.

I do not propose to enter into an examination of the origin of the war. From the moment the collision took place between our forces and those of Mexico on the Rio Grande, I considered all hope of an accommodation, without a full trial of strength in the field, to be out of the question. I believed the peculiar [illegible] of the Mexican people to any such hope abusive. Whether that collision was produced in any degree by our own mistakes, or whether the war itself was brought about by the manner in which Texas was annexed, are questions I do not propose to discuss now; and if it were not too late, I would submit whether the discussion could serve any other purpose but to exhibit divided councils to our adversary, and to inspire him with the hope of obtaining more favorable terms of peace by protracting his resistance. No one can be less disposed than myself to abridge, in any degree, the legitimate boundaries of discussion. But I am not disposed to enter into such an investigation now. The urgent concern is to know, not how the war originated, nor who is responsible for it, but in what manner it can be brought to a speedy and honorable termination; whether as some suppose, we ought to retire from the field, or whether, as appears to me, the only hope of an accommodation lies in a firm and determined maintenance of our position.

The probable consequence of an abandonment of the advantages we have gained may be [illegible] what [illegible] consideration, I had occasion to state that the whole of northern Mexico as far south as the Rio Grande and the [illegible] comprehending [illegible] republic, and about one-tenth of its inhabitants. Our acquisitions have since been augmented by the [illegible] and the Castle of San Juan de Ulua, the capture of Jalapa, Perote, and Puebla, the surrender of the city of Mexico, and the occupation of three States of Vera Cruz, Puebla and Mexico, with nearly two millions and a half of souls. It is true, our forces have not overrun every portion of the territory of those States; but their chief towns have been reduced, the military forces which defended them captured or dispersed, their civil authorities superseded, their capital occupied, and the whole machinery of government within the conquered States virtually transferred to our hands. All this has been achieved with an army at no one period exceeding fifteen thousand men, and against a force from three to four times [illegible] than [illegible] of Vera Cruz.

I need not [illegible] army, performed a few weeks ago, to refer to the brilliant successes by which these acquisitions were made; and I will not trespass on the attention of the Senate by repeating what I said at that time. But I cannot forbear to say, that there is a moral in this contest, the effect of which is not likely to be lost on ourselves or others. At the call of their country our people have literally rushed to arms. The emulation has been to be received into the service, not to be excused from it. Individuals from the plough, the counting house, the law-office, and the workshop, have taken the field, braving inclement seasons and inhospitable climates without a murmur; and, though wholly unused to arms, withstanding the most destructive fire, and storming batteries at the point of the bayonet with the coolness, intrepidity, and spirit of veterans. I believe I may safely say, there has been no parallel to these achievements by undisciplined forces since the French revolution. I am not sure that history can furnish a parallel. As to the regular army, we always expect it to be [illegible] and heroic [illegible] appointed. The whole conduct of the war in the field, has exhibited the highest evidence of our military capacity. It confirms an opinion I have always held—that [illegible] importance he enjoys in the order of the political system, of which he is a part. It establishes another position of vital importance to us: that, under the protection of our militia system, the country may, at the termination of every contest, lay aside the more massive and burdensome parts of its armor and become prepared, with energies [illegible] for [illegible] scenes of danger.

Mr. President, the political condition of Mexico has been gradually approaching a dissolution of all responsible government, and of the civil order, which constitutes her an independent state. This lamentable situation is not the fruit alone of our military successes. The factions, by which that country has been distracted, each in turn gaining and maintaining a temporary ascendency, and often by brute force, lie at the foundation of the social and political disorder, which has reigned there for the last twenty years. To most of the abuses of the old colonial system of Spain, she has superadded the evils of an unstable and [illegible] system of [illegible]. The military bodies, which have been the instruments of those, who have thus in succession, gained a brief and precarious control over her affairs, though dispersed, still exist, ready to be re-united and to renew the anarchy which we have superseded, for the time being, by a military government; and this brings me to the first great objection to the proposition of withdrawing our armies from the field.

I have already said that no policy can deserve our support, which does not hold out the promise of a durable peace. Nothing seems to me more unlikely to secure so desirable a result, than an abandonment of Mexico by us at the present moment without a treaty, leaving behind a strong feeling of animosity towards us, with party divisions the strongly marked, and political animosities as rancorous perhaps, as they have been at any former period. Even when her capital had fallen, humbled, and powerless as she was, party leaders instead of consulting for the common good, were seen struggling with each other for the [illegible] of authority. Our retirement as enemies would, in all probability, be the signal for intestine conflicts as [illegible] and [illegible] as those in which [illegible] engaged when [illegible] always the most distas-

trons for the great body of the Mexican people, for on what side soever fortune turns, they are certain to be the victims. You know, sir, there are two great parties in Mexico, (I pass by the minor divisions,) the "federalistas" and "centralistas." The former, as their name imports, are in favor of the federative system; they are the true republican party. With us in formtimes, the terms federal and republican design stand different parties. In Mexico they are both employed to designate the friends of the federative system. The centralists are in favor of a consolidated government, republican or monarchical in form, and are composed of the army, the clergy, and I suppose a small portion of the population. I believe our only hope of obtaining a durable peace, lies in the firm establishment of the federal party in power, the party represented by Herrera, Anaya, Pena y Pena, Campbido, and others, I understand Herrera has been elected President of the Republic, and [illegible] would be desirous. Unfortunately I fear this party would not succeed in maintaining itself, if Mexico were left to herself at the present moment with an embittered feeling of hostility towards us. The military chiefs, who controlled the army and who might rally it again for political uses, if we were to retire without a treaty, are for the most part, enemies of the federative system and conservators of the popular abuses, to which they owe their wealth and importance. Nothing could be more unfortunate for Mexico than the re-establishment of these men in power. It would bring with it a hopeless perpetuation of the anarchy and oppression, which have given a character to their supremacy in past years. [illegible] without a prospect of amelioration in the condition of the Mexican people—a supremacy, of which the chief variation has been an exchange of one military despot for another.

Calamitous as the restoration of this party to their former ascendency would be for Mexico, it would [illegible] to us. Relying on military forces for their support, their policy would be to continue the war as a pretext for maintaining the army in full strength, or, at least, not to terminate it till peace would ensure their own supremacy. It is believed that these considerations have been leading motives in the resistance they have opposed to us. It is true, the republican party has been equally hostile, so far as external indications show; but the fact is accounted for by their desire to see the war continued until the army and its leaders, the great enemies of the federative system, are overthrown. Undoubtedly, the obstinate refusal of Mexico to make peace may be very properly referred to the natural exasperation of every people, whose soil is invaded; but there can be little doubt that it has been influenced, in no inconsiderable degree, by considerations growing out of party divisions, and the jealousy and animosities to which those divisions have given rise. My confidence in our ability to make an amicable arrangement with the federal party, if it were in undisputed possession of the government, arises from the belief that their motives are honest—that they have at heart the public welfare—and that they must see there is no hope for Mexico but in a solid peace with us. My utter distrust of the centralists arises from the belief that their objects are selfish, and that to accomplish them, they would not hesitate to sacrifice the liberties of the people and the prosperity of the country. But whether I err in these views or not, I feel quite confident I do not err in believing that if our armies were to be withdrawn from Mexico, without a peace, the flames of civil discord would be rekindled in that unhappy country, and burn with redoubled violence. I should greatly fear that the military chiefs would succeed in re-establishing their ascendency, and that no probable limit could be assigned to the duration of the war. If I am right, our true policy is to stand firm, and if possible, united, until wiser counsels shall prevail in Mexico, and a disposition shall be shown to come to an amicable arrangement with us on reasonable terms.

The objection I have stated to the proposition of withdrawing our forces from Mexico, concerns only the relations which now exist, or may exist hereafter, between the two countries. If there were no other objection, the question might be decided upon considerations touching only their domestic interests and their mutual rights.

But I come to the second objection—one perhaps of graver import than the first, because it supposes the possibility, if not the probability, of an interference in her affairs by other countries, if we were to retire without a treaty and without commercial arrangements, which it would be in our power to enforce. The President alluded to the subject in his annual message at the opening of Congress, and expressed an apprehension of danger from that source. I participate in it. I shall assign the grounds on which it rests; and I only regret that in stating them with the minuteness necessary to make them fully understood, I shall be compelled to draw much more largely than I desire on the patience of the Senate.

Senators are doubtless aware that the right of intervention in the affairs of this continent, was formally asserted in the French Chamber of Deputies, in the year 1845, by M. Guizot, Minister of Foreign Affairs, as the organ of the government of France. He regarded the great powers on this continent as divided into three groups, namely: Great Britain, the United States, and the States of Spanish origin: and he declared that it belonged to France "to protect, by the authority of her name, the independence of States, and the equilibrium of the great political forces in America." To this declaration I have thought it not out of place, in connexion with the subject under discussion, to call the attention of the Senate—not for the purpose of undertaking the formal refutation, of which I think the whole doctrine of intervention, as it has been practically enforced in Europe, is clearly susceptible—but for the purpose of denying it as founded upon any well established principles of international law, and, if it had such a foundation, of denying its applicability to the political condition of this continent. To enter fully into the examination of this important subject would require more time than it would be proper for me to devote to it. I propose only to pass rapidly over a few of the principal considerations it suggests.

The declaration of M. Guizot was the first public and official intimation by a European government, of an intention to interfere with the political condition of the independent communities on the continent of America, and to influence by moral, if not by physical, agencies, their relations to each other. And if it had been presented in any other form than that of an abstract declaration, not necessarily to be followed by any overt act, it would have behooved us to inquire, in the most formal manner, whether this asserted right of interposition derived any justification from the usages of nations, or from the recognized principles of international law—or whether it was an assumption wholly unsupported by authority, and if attempted, an encroachment on the independence of sovereign States, which it would have been their duty to themselves and the civilized world to resent as an injury and a wrong.

Am I in error in supposing this subject derives new importance from our existing relations with Mexico, one of the States of Spanish origin, which M. Guizot grouped together as constituting one of the great political forces of this continent, among which "the equilibrium" was to be maintained. Sir, more than once, in the progress of the war, the governments of Europe have been invoked by leading organs of public opinion abroad to interpose between us and Mexico. Is it not then appropriate briefly to state what this right of intervention is, as it has been asserted in Europe, what it has been in practice, and what it would be likely to become if applied to the States of this continent? I trust it will be so considered.

The doctrine of intervention to maintain the balance of power, is essentially of modern origin. From the earliest ages, it is true, occasional combinations have been formed by particular States, for mutual protection against the aggressions of a powerful neighbor. History is full of these examples. Such a co-operation is dictated by the plainest principles of self-preservation, for the purpose of guarding against the danger of being destroyed in detail; and it is founded upon such obvious maxims of common sense that it would have been remarkable if it had not been resorted to, from the moment human society assumed a regular form of organization.—These defensive alliances were deficient in the permanence and methodical arrangements, which distinguish the modern system of intervention. Hume saw, or fancied he saw, in them the principle of the right of intervention to preserve the balance of power which is asserted at the present day. But it could only have been the principle which was developed; they certainly never attained the maturity or the efficient force of a regular system.

The modern doctrine of intervention, in the affairs of other States, which has sprung up within the last two centuries, is far more comprehensive in its scope. It has grown into a practical system of supervision on the part of the principal European powers over their own relative forces, and those of the other States of Europe; and though it may, in some instances, have been productive of beneficial effects in maintaining the public tranquility, it has as frequently been an instrument of the grossest injustice and tyranny. From the first extensive coalition of this nature, which was formed during the long series of wars terminated by the peace of Westphalia, in 1648, down to the interference of Great Britain, Prussia, Austria, and France, in the contest between the Sultan and Mehemet Ali, in 1840, a period of nearly two centuries—an interference designed, in some degree, to prevent what was regarded as a dangerous protectorate over the affairs of the Porte by Russia—the exercise of the right has been placed, theoretically, on the same high ground of regard for the tranquility of Europe and the independence of States. Practically, it has often been perverted to the worst purposes of aggrandizement and cupidity. If we look to the writers on international law, I think we shall find no sufficient ground for the right of intervention. Grotius, who wrote in the early part of the seventeenth century, denied its existence. Fenelon, who wrote about half a century later, denied it, except as a means of self-preservation, and then only when the danger was real and imminent. Vattel, who wrote nearly a century after Fenelon, and a century before our own times, regarded the States of Europe as forming a political system, and he restricted the right of forming confederacies and alliances for the purpose of intervention in the affairs of each other, to cases, in which such combinations were necessary to curb the ambition of any power which, from its superiority in physical strength, and its designs of oppression or conquest, threatened to become dangerous to its neighbors. De Martens, who wrote half a century ago, acknowledges with Vattel the existence of the right under certain conditions, though he hardly admits it to be well settled as a rule of international law; and he limits its exercise to neighboring States, or States occupying the same quarter of the globe. But, according to the two last writers, who have, perhaps, gone as far as any other public jurists of equal eminence towards a formal recognition of the right, it only justifies a union of inferior States, within the same immediate sphere of action, to prevent an accumulation of power in the hands of a single sovereign, which would be too great for the common liberty.

I am confident, Mr. President, that no one can rise from a re-

view of the history of modern Europe, and from an examination of the writings of her public jurists, without being satisfied that the right of intervention as recognized by enlightened nations is what I have stated it to be—a mere right on the part of weaker States to combine for the purpose of preventing the subversion of their independence, and the alienation of their territories by a designing and powerful neighbour—a right to be exercised only in cases of urgent and immediate danger. It is simply a right of self-preservation, undefined, undeniable, having no settled or permanent foundation in public law, to be asserted only in extreme necessity, and when arbitrarily applied to practice, a most fruitful source of abuse, injustice and oppression. One clear and certain limitation it happily possesses—a limitation, which amid all its encroachments upon the independence of sovereign States, has never been surpassed. By universal consent, by the unvarying testimony of abuse itself, it is not to be exercised beyond the immediate sphere of the nations concerned; it pertains, rigidly and exclusively, to States within the same circle of political action. It is only by neighbors, for the protection of neighbors against neighbors that it can, even upon the broadest principles, be rightfully employed. When it traverses oceans, and looks to the regulation of the political concerns of other continents, it becomes a gigantic assumption, which for the independence of nations, for the interests of humanity, for the tranquility of the Old World and the New, should be significantly repelled.

Mr. President, a review of the history of Europe during the last two centuries will bring with it another conviction in respect to the right of intervention—that no reliance can be placed on its restriction in practice to the objects, to which it is limited by every public jurist, who admits its existence at all; and that nothing could be so discouraging to the friends of free government as an extension of the system to this Continent, if the power existed to introduce it here. Though the combinations it is claimed to authorize may, in some instances, have protected the coalescing parties from the danger of being overrun by conquering armies, the cases are perhaps as numerous, in which their interposition has been lent to break down the independence of states and to throw whole communities under the arms of their opponents, to which their feelings and principles were alike averse. The right, as has been seen—(and it cannot be too often repeated)—with the utmost latitude claimed for it by any public jurist, goes no farther than to authorize a league on the part of two or more weaker states to protect themselves against the designs of an ambitious and powerful neighbour. In its practical application it has more frequently resulted in a combination of powerful states to destroy their weaker neighbours for the augmentation of their own dominions or those of their allies. From a mere right to combine for self-preservation, they have made it in practice a right to divide, dismember and partition states at their pleasure—not for the purpose of diminishing the strength of a powerful adversary, but under the pretence of creating a system of balances, which is artificial in its structure, and, in some degree, incongruous in its elements, and which may be pulled down or many overthrown and destroy. Do we need examples of the abuse of the power, I will not call it a right? They will be found in the dismemberment of Saxony, the annexation of the republic Genoa to the kingdom of Sardinia, and the absorption of Venice by Austria. There is another and a more aggravated case of abuse to which recent events have given new prominence. In 1772, Russia, Prussia and Austria, under the pretence that the future annexation of Poland was dangerous to their own tranquility, seized upon about one-third of her territories and divided it among themselves. In 1793, notwithstanding her diminished proportions, she had become more dangerous, and they seized half of what they had left to her by the first partition. Sir, she continued to grow dangerous as she grew weak; and in two years after the second partition, they stripped her of all that remained. In 1815 the five great powers, at the Congress of Vienna, from motives of policy, and not from a returning sense of justice, organized the city of Cracow, and a portion of the surrounding territory with a population of about 100,000 souls into a republic, under the protection of Austria, Russia, and Prussia with a guaranty of its independence in perpetuity. Russia pledged herself at the same time to annex on her election to the throne of the kingdom of Poland in name and form, with a constitutional government. She kept her pledge seventeen years, and then, virtually incorporated it, as an integral part, into the Russian Empire. The little republic of Cracow was all that remained as a monument of the dismembered Kingdom. A year ago it was obliterated as an independent State by the three great powers of eastern and northern Europe, in violation of their solemn guaranty, and assigned to Austria. The name of Poland, the fountain of so many noble and animating recollections, is no longer to be found on the map of Europe. The three quarters of a century, which intervened from the inception to the consummation of this transaction, are not sufficient to conceal, or even to obscure its true character. The very magnitude of the space over which it is spread, only serves to bring it out in bolder and darker relief from the pages of history.

If the United States, in the progress of these usurpations, has not remonstrated against them, and contributed by her interposition to maintain the integrity of the States thus disorganized and dismembered in violation of every rule of right, and every suggestion of justice and humanity, it is because we have been faithful, against all movements of sympathy, against the very instincts of nature to the principle of abstaining from all interference with the movements of European powers, which relate exclusively to the condition of the quarter of the globe to which they belong. But, when it is proposed or threatened to extend to this continent, and to ourselves a similar system of balances, with all its danger of abuse and usurpation, I hold it to be our duty to inquire on what grounds it rests, that we may be prepared to resist all practical application of it to the independent States in this hemisphere.

Mr. President, the declaration of M. Guizot could hardly have been made without the previous approbation of the government of which he was the organ. The same sovereign occupies the throne of France—the same minister stands before it as the exponent of his opinions. Is the declaration to be regarded as a mere idle annunciation in words of a design never intended to be carried into practice? Let me answer the question by the briefest possible reference to circumstances. France was the coadjutor of England in the attempt to induce Texas to decline annexation to the Union. Failing in this, she attempted to accomplish the same object indirectly by persuading Mexico to recognize the independence of Texas on condition that the latter should remain an independent State. These terms were offered to Texas and rejected. In the year 1844, I believe less than twelve months before M. Guizot's declaration was made, (and the coincidence in point of time is remarkable,) a book on Oregon and California, was published in Paris, by order of the King of France, under the auspices of Marshal Soult, President of the Council, and M. Guizot, Minister of Foreign Affairs, and written by M. de Mofras, who was attached to the French legation in Mexico. The first part of the work is devoted to Mexico, and certainly contains some remarkable passages. He speaks of the establishment of a European monarchy as a project which had been suggested as the only one calculated to put an end to the divisions and annihilate the factions which desolated that beautiful country. He says the Catholic religion and family relations, with the ancient possessors of the country, would be the first conditions required of the princes, who should be called to reconstruct there a monarchical government. He then adds:

"The relatives of Spain, the French princes, one the grandchildren of Austria fulfil these conditions, and we may affirm that from whichever source a competitor should spring for the throne he unquestionably would be received by Mexican people.

"What then are the interests of France in these questions?

"Every intervention on the part of France in favor of any description whatever would be, and could have been, the first step of our policy; but we know that we are fortunately attached to the actual form of its government, brings with it disadvantages for our commerce, and inconveniences for our people."

He adds, that if Mexico is to preserve her republican form of government, her incorporation into the Union of the North would seem more favorable to France than her existing condition, on account of the development of commerce and all the guaranties of liberty, security, and justice, which his compatriots would enjoy; and that England would lose, under such an order of things, what France would gain. Thus, though the dismemberment and absorption of Mexico by the United States, are regarded by M. de Mofras, as preferable to the commercial monopoly and the "species of political sovereignty," as he denominates it, which England has exercised in that country, the first object of France, according to him, is a re-construction of monarchy in Mexico, with a foreign Prince on the throne, and this Prince from some branch of the Bourbon family. The opinions contained in this book are not put forth as the mere speculations of a private person. They are the opinions of an agent of the government: the publication is made by order of the King, and under the auspices of his two chief ministers, and so stated in the title page. I do not mean to hold the government of France responsible for all the opinions contained in that work; but, can we believe that those I have quoted, concerning as they do so grave a subject as the international relations of France with Mexico, and of Mexico with the United States, would have been put forth without modification under such high official sanctions, if they had been viewed with positive disfavor? It appears to me, that we are constrained to view them like the declaration of M. Guizot, though certainly not to the same extent, as possessing an official character, which we are not at liberty wholly to disregard, and more particularly, when we consider the one in connexion with the other.

And now, sir, I ask, do not these opinions and declarations, especially when we look to the open and direct interference of Great Britain and France, by force of arms, in the domestic affairs of some of the South American republics within the last two years, furnish a just ground of apprehension that we should retire from Mexico without a treaty and as enemies, that it might become a theatre for the exercise of influences of a most unfriendly character to us? With the aid of the monarchical party in Mexico, might there not be danger that the avowed design of establishing a throne, might be realized? The chances of open interposition are unquestionably diminished by the results of the war; but I am constrained to believe the chances of secret interference are increased by the avidity they impute to us for territorial extension. Ought not this danger to influence to some extent, our own conduct, at least, so far as to dissuade us from abandoning, until a better prospect of a durable peace shall exist, the advantage we have gained as belligerents? We know a great majority of the Mexican people are radically averse to any other than a republican form of government; but we know, also, the proneness of a people among whom anarchy reigns triumphant, to seek any refuge, which promises the restoration of tranquility and social order.

Mr. President, any attempt by a European power to interpose in the affairs of Mexico, either to establish a monarchy, or to maintain, in the language of M. Guizot, "the equilibrium of the great political forces in America," would be the signal for a war

far more important in its consequences, and interminable in its issues than this. We could not submit to such interposition if we would. The public opinion of the country would compel us to resist it. We are committed by the most formal declarations, first made by President Monroe in 1823, and repeated by the present Chief Megistrate of the Union. We have protested, in the most solemn manner, against any further colonization by European powers on this continent. We have protested against any interference in the political concerns of the independent States in this hemisphere. A protest, it is true, does not imply that the ground it assumes is to be maintained at all hazards, and if necessary, by force of arms. Great Britain protested against the interference of France in the affairs of Spain in 1823; she has more recently protested against the absorption of Cracow by Austria as a violation of the political order of Europe, settled at Vienna by the allied sovereigns, and against the Montpensier marriage as a violation of the treaty of Utrecht; but I do not remember that in either case she did anything more than to proclaim to the world her dissent from the acts against which she entered her protest. It has always seemed to me to be unwise in a government to put forth manifestos without being prepared to maintain them by acts, or to make declarations of abstract principle until the occasion has arrived for enforcing them. The declarations of a President having no power to make war without a vote of Congress, or even to employ the military force of the country except to defend our own territory, is very different from the protest of a sovereign holding the issues of peace and war in his own hands. But the former may not be less effectual when they are sustained, as I believe those of Presidents Monroe and Polk are, in respect to European interference on the American continent, by an undivided public opinion, even though they may not have received a formal response from Congress. I hold, therefore, if any such interposition as that, to which I have referred, should take place, resistance on our part would inevitably follow, and we should become involved in controversies of which no man could foresee the end.

Before I quit this part of the subject, I desire to advert to some circumstances recently made public, and, if true, indicating significantly the extent to which Great Britain is disposed to carry her encroachments on this continent, as in every quarter of the globe. On the coast of Honduras in Central America, commonly called the Musquito Coast, there is a tribe of Indians bearing the same name, numbering but a few hundred individuals, and inhabiting some miserable villages in the neighborhood of Cape Gracias a Dios, near the fifteenth parallel of north latitude. Several hundred miles south is the river San Juan, running from lake Nicaragua to the Carribean Sea, a space of about two degrees of longitude, with the town of Nicaragua at its mouth and a castle or fort about midway between the town and the lake. The lake is only fifteen leagues from the Pacific, and constitutes, with the river San Juan, one of the proposed lines for a ship canal across the Isthmus. Great Britain has recently laid claim to the river San Juan and the town of Nicaragua, if she has not actually taken possession of the latter. I have seen a communication from the British Consul-General at Guatemala, asserting the independence of the Mosquitos as a nation. I have also seen a communication from the British Consul at Bluefield on the Mosquito shore, asserting that "the Mosquito flag and nation are under the special protection of the crown of Great Britain," and that "the limits which the British government is determined to maintain as the right of the King of the Mosquitos" "comprehend the San Juan river." By Arrowsmith's London Atlas, published in 1840, the Mosquito territory covered about 40,000 square miles, nearly as large an area as that of the state of New York: but it did not extend below the twelfth parallel of latitude, while the river San Juan is on the eleventh. I have seen the protest of the state of Nicaragua against the occupation of the town of Nicaragua on the river San Juan, which, as the protest declares, has been from time immemorial in her quiet and peaceable possession. The state of San Salvador, one of the Central American republics, also unites in the protest, and declares her determination, if the outrage shall be carried into effect, to exert her whole power until the usurper "shall be driven from the limits of Central America."

I understand, for I speak only from information, that Great Britian has for some time claimed to have had the Musquitos, a mere naked tribe of Indians of a few hundred persons, under her protection. Through her influence they appointed a king, who was taken to Belize, a British station on the bay of Yucatan, and there crowned. It is said, also, that on the decease of that king, he was found to have bequeathed his dominions to her Britanic majesty. It appears to be certain that she has, under this pretence of protection, extended her dominion over an immense surface in Central America; that she has at least one vessel of war, the Sun, commanded by an officer bearing an English name, "Commadore Trottey, of the Mosquito navy," as he is styled in a letter written by the British consul at Bluefield, and that she is still further extending herself, against the remonstrance of the Central American States. But these States, besides being physically weak, are distracted by internal feuds; and if the proceedings complained of be not the unauthorized acts of British agents, which Great Britain will disavow, it is hardly to be expected that a usurpation, so unjustifiably consummated, will be abandoned on an appeal to the justice of the wrong-doer. Whether our government should remain quiescent under this encroachment upon near and defenceless neighbors, is a question worthy of consideration. Under any circumstances, it seems to me to afford little assurance of non-interference with the affairs of Mexico, if our forces were to be withdrawn without a treaty.

There is another consideration which ought not to be overlooked. In July last, Lord George Bentinck made a motion for an address to her Britannic majesty praying her to take such measures as she might deem proper to secure the payment of the Spanish government bonds held by British subjects. Those bonds amount to about 380,000,000 of dollars, and on about 340,000,000 no interest whatever has been paid, and including this debt nearly 630,000,000 of dollars, are due to British subjects by foreign government—a sum equal to about one-fifth of her national debt. He contended that "by the law of nations, from time immemorial, it has been held that the recovery of just debts is a lawful cause of war, if the country from which payment is due, refuses to listen to the claims of the country to whom money is owing." He quoted authorities to show that the payment of the debt, or the interest on it, might be enforced without having recourse to army, though asserting the right to resort to force to compel it. He referred to the rich colonies of Spain, and especially Cuba, to show that there was wealth enough in its annual produce and revenue "to pay the whole debt due by Spain to British bond holders." He referred to the naval force which Spain possessed to show that there would not be "any way of effective resistance," and that "the most timid minister" need not fear it. Having, in the course of his remarks, called the attention of the Minister of Foreign Affairs to the subject, Lord Palmerston, in responding to his call, entered into an extended statement in respect to the foreign debt due to British subjects. He drew a distinction between transactions by one government with another, by British subjects with a foreign government, by British subjects with the subjects of another government, and between debts and acts of injustice and oppression. This distinction, however, he treated as matter of expediency and established practice. He assented to the doctrine laid down by the noble Lord, who made the motion for an address, and he said if it were the wise policy of England to lay down a rule that she would enforce obligations of this character, with the same rigor as those of a different character, she would have a full and fair right, according to the laws of nations, to do so. And he concluded by saying that England had not refrained from taking the steps urged by his noble friend, because she was "afraid of these States, or all of them put together;" that it was not to be supposed the British Parliament, or the British nation, would long remain patient under the wrong, and that they had ample power and means to obtain justice.

I pass over the doctrines put forth in the speech of Lord George Bentinck, and sanctioned by Lord Palmerston, though I believe it not perfectly clear that they can be maintained to the full extent, by an appeal to any well established principles of international law. You know, sir, that we have sometimes found British statesmen, even those holding places nearest to the throne, at fault, both in respect to matters of principle and matters of fact, though it is certainly but justice to concede to them the possession of more enlarged views of policy, combined with greater practical talent and tact, than is often to be found in the councils of European sovereigns. I pass over also an offensive allusion to the failure of two or three of the states of this Union to pay their debts, "as a stain upon the national character," (I use his own language) when it is well known that the suspension of payment was temporary, and from overruling necessity; that in most instances resumption has taken place, and, that, in all the most earnest efforts have been made to resume the discharge of their obligations. This imputation was cast upon us at the moment, when our people, with one heart, were sending abroad their agricultural surplus to feed the famished population of Ireland, not merely in the way of commercial exchange, but in the form of donations, in ship-loads, public and private. And so far as the commercial portion is concerned, I believe our merchants have for months been draining our banks of specie, to send abroad to meet their own pecuniary obligations, while they have been unable to draw on their debtors in England for the proceeds of the bread stuffs, by which her subjects have been fed. But I pass by all this, and come to the important fact that Mexico was among the indebted foreign States enumerated in a report, on which the motion of Lord George Bentinck was founded. What is the extent of her indebtedness I do not know, but I understand about seventy millions of dollars—and I believe it was but recently that the public domain in California was mortgaged to the creditors for a portion of this amount, though the lien is now said to be discharged.

I appeal to honorable Senators to say, with these facts before them—with this public and official assertion of a principle, which, according to Lord Palmerston, the British government has only abstained from practically enforcing through mere considerations of policy—whether if our forces were withdrawn from Mexico, and that country should become a prey to the anarchy and confusion which has reigned there so long, and which if renewed would, in all probability, become universal and hopeless—whether, I say, there would not be a temptation too strong to be resisted, to reduce the principle thus proclaimed to practice—whether some portion of the Mexican territory might not be occupied as a guaranty for the payment of the debt due to British subjects, and thus another principle be violated, which we are committed to maintain? I do not mean to say that this consideration, if it stood alone, should absolutely control our conduct. But as auxiliary to the graver considerations to which I have referred, it appears to me that it may properly be allowed some weight—enough, sir, perhaps, to turn the scale, if it were already balanced—though, I

think, there is sufficient, without it, to incline us decisively to the side of continued occupation.

Besides, British subjects have other extensive pecuniary interests in Mexico: they have large commercial establishments and heavy investments of capital in the mining districts. If the political affairs of that country should fall into inextricable confusion, it is not to be supposed that these great interests will be abandoned by Great Britain; and yet it is extremely difficult to see by what interposition on her part they could be secured without the danger of collision between her and us.

Mr. President, in what I have said in respect to the danger of foreign interposition, I have not relied upon the ephemeral opinions of the day, or on opinions expressed in public journals abroad, however intimately those journals may be supposed to be connected with governments, as the organs of the views which it is deemed advisable to throw out, from time to time, for the public consideration or guidance. I have resorted to no irresponsible sources. I have presented opinions and declarations proclaimed with more or less of official sanction, and for the most part, with the highest. I mean the declarations of ministers, speaking for their governments to the popular body, and as the responsible representatives of sovereigns, holding in their own hands the authority to enforce, or attempt to enforce, what they proclaim. How far these declarations, taken in connection with the acts referred to, should influence our conduct, is a question on which we may not all agree.—But it appears to me that it would be a great error in statesmanship to treat them as wholly unworthy of our consideration. Jealousy of our increasing power, commercial rivalry, political interests, all combine to give them importance. The existence of a wide interest to provide as far as possible that these adverse influences shall find no theatre for their exercise. To abandon Mexico would, it seems to me, throw wide open all the avenues for their admittance—one power for commercial monopoly, and the other for political control—and perhaps impose on us the difficult and dangerous task of removing evils, which a proper vigilance might have prevented.

It may be, Mr. President, that we shall have an early peace. I sincerely hope so. In this case, we must withdraw from Mexico; and it may, perhaps, be said that the dangers I have referred to as likely to result from our absence at the present moment, may possibly be realized. These dangers, whatever they may be, we must incur whenever we shall tender us a peace, which we ought to accept. But there is a wide difference between retiring as belligerents and enemies without a treaty, and as friends under an amicable arrangement, with solemn obligations on both sides to keep the peace. In the former case, probably one of the first acts of Mexico would be to reassemble her army, and her government might fall under the control of her military leaders. In the latter, amicable relations being restored, and military forces being unnecessary, at least to act against us, the peace party would have better hopes of maintaining themselves, of preventing the army, which is now regarded as responsible for the national disasters, from gaining the ascendency, and also of excluding influences from abroad, which would be hostile to her interests, and fatal to the common tranquillity of both countries.

In the references I have made to France and Great Britain, I have been actuated by no feeling of unkindness or hostility to either. Rapid and wide-spread as has been the progress of the latter, we have never sought to interfere with it. She holds one-third of the North American continent. She has established her dominion in the Bermudas, the West Indies, and in Guiana, on South American continent. She holds Belize, on the bay of Yucatan, in North America, with a district of about 14,000 square miles, if we may trust her own geographical delineations.

We see her in the occupation of territories in every quarter of the globe, vastly, inordinately extended, and still ever extending herself. It is not easy to keep pace with her encroachments. A few years ago the Indus was the western boundary of her Indian empire. She has passed it. She has overrun Afghanistan and Beeloochistan, though I believe she has temporarily withdrawn from the former. She stands at the gates of Persia. She has discussed the policy of passing Persia, and making the Tigris her western boundary in Asia. One stride more would place her upon the shores of the Mediterranean; and her armies would no longer find their way to India by the circumnavigation of Africa. Indeed, she has now, for all government purposes of communication, except the transportation of troops and munitions of war, a direct intercourse with the east. Her steamers of the largest class run from England to Alexandria; from Alexandria there is a water communication with Cairo—some sixty miles; from Cairo it is but eight hours overland to Suez, at the head of the Red Sea; from Suez her steamers of the largest class run to Aden, a military station of hers at the mouth of the Red Sea; from Aden to Ceylon, and from Ceylon to China. She is not merely conquering her way back from Hindoostan. She has passed it. She has overrun Aff

have a right to insist on a fair boundary; we may exact indemnity for injuries; we may demand indemnification for the expenses of the war, if we please. But here all right ceases; and if, when this is conceded, we have more on our hands, we are bound, on every principle of law and good conscience to make restitution. It is admitted, on all hands, that she is incapable of indemnifying us in money. But she may do so by ceding to us territory, which is useless to her, which she has not the ability to defend, and which may be useful to us. I have always been in favor of acquiring territory on just terms. The acquisition of California has always appeared to me very desirable on account of its ports on the Pacific. I have uniformly voted for acquiring it, when the proposition has came before us. I believe on the first occasion, I was in a minority of ten or eleven. My opinion is unchanged. Indeed, it is confirmed by the fact that California has, by our military operations, become forever detached from Mexico. If it were to be abandoned by us, its forty thousand inhabitants would, undoubtedly, establish an independent government for themselves, and they would maintain it if undisturbed by foreign interference. I take the actual condition of things as I find it, and with an earnest desire to fulfil all the obligations it devolves on us in a spirit of justice towards Mexico and towards the people of our own.

I concur also in what the honorable Senator from South Carolina has said in relation to the influence of war on our political institutions. No man can deplore it under any circumstances, more than myself. Independently of the evils which it always brings in its train, there are considerations connected with our political organization and the nature of our social progress, which render it doubly pernicious in its tendencies. The final success of the experiment we are making in free government depends, in some degree, on a steady maintenance of the spirit of peace, in which our political system had its origin, and in which it has thus far been administered. Great as is our capacity for war, our whole scheme of government is averse to it. The greatest possible economy in expenditure; the least possible patronage in the hands of the Executive; the smallest pecuniary exactions from the people, consistent with our absolute wants; the absence of all demands on the public treasury, which call for unusual contributions of revenue or promote excessive disbursements; the exemption of the country from all exigencies which devolve on the legislative and executive departments of the government the exercise of extraordinary powers—these are the conditions under which the ends of our political organization are most likely to be fulfilled. Sir, none of these conditions belong to a state of war. Extravagant disbursements; extraordinary contributions of revenue—present prospective—present, in augmented burdens of taxation—prospective in the shape of loans and anticipations of income, leading ultimately to taxation; extraordinary powers summarily, and sometimes arbitrarily exercised—these are the inseparable companions of war; and they are inimical to the very genius of our social system.

There are considerations, which, in my judgment, render a war with Mexico peculiarly unfortunate, and which justify all the efforts we have made to bring it to an amicable termination. We are mutually engaged in carrying out on this continent the experiment of free-government, which in all other ages has proved abortive. We are trying it under eminently auspicious circumstances. We have no strong governments around us, founded upon antagonist principles and adverse in their example and influence to the success of ours. We are sustained by the faculty of popular representation, which was unknown, or at least imperfectly known, to the free States of antiquity, and by force of which we have been enabled to carry out, on geographical acres of indefinite extent, an organization which had previously been deemed applicable only to communities of limited population and territory. It is natural, under these circumstances, that the friends of free government, wherever they are to be found, should turn to us as the last hope of liberal institutions. They look to us for examples of moderation and forbearance in our intercourse with foreign nations—especially those having forms of government analogous to our own—and for an exemption from the evil passions which have embroiled the nations of the Old World, and involved them, century after century, with brief intermissions, in wars of ambition and revenge. In asserting the superiority of our own form of government, the strength of the argument will be weakened, if we shall be found no more exempt than those which are less popular, from strife and contention with neighboring States. Regarding the success of our institutions as affecting deeply the welfare of our race, and vindicating the competency of mankind to self-government, I have always esteemed it peculiarly unfortunate that any cause of alienation should have existed of sufficient magnitude to induce the two principal republics of the western hemisphere to turn their arms against each other. The cause of liberal government is injured, and far more deeply injured than it has been by the dissention of the republics in the southern portion of the American continent.

These are considerations which it were well for us always to keep in view—in peace, that we may not rush hastily into war; in war, that we may spare no honorable effort for a restoration of peace.

There is yet another consideration of a kindred character. While the monarchies of Europe are at peace with each other, and social improvement is advancing, on the continent at least, with unparalelled rapidity, almost the only wars now waging among neighboring States are between us and Mexico, between some of the South American republics. I desire, as much as any one can, to see these dissentions composed, and to see these republican States resume the fulfilment of their great mission among the nations—the maintenance of the principles of political liberty and the cultivation of the arts of civilization and peace.

In these views I concur with the Senator from South Carolina. But here I am constrained to separate from him. When we come to practical measures, our paths lie wide apart.

It is for these very reasons I have just stated that I cannot assent to the policy he proposes. I believe it calculated to prolong the war—not to terminate it; to keep alive the spirit of animosity which divides us from Mexico, instead of restoring the friendly relations which ought to exist between us. I am in favor, then, of standing as we are. And, sir, if she shall refuse to make peace; if we must continue in the occupation of her capital and three-fourths of her territory, it may be in the order of Providence that we shall, through this very necessity, become the instruments of her political and social regeneration. In the party conflicts which distract her, the means may be found of consolidating her government on a republican basis, of healing her dissensions, and of uniting her to us in bonds of friendship by an exercise of magnanimity and forbearance in the final adjustment of our difficulties with her. I believe even now something of the salutary influence of our presence in her capital and principal sea-ports, begins to be felt. The abolition of transit duties; the reduction of the imposts on foreign articles of necessity and convenience; and a freer commerce among the Mexican states, may, if continued, strike a fatal blow at the anti-commercial system by which her people have been oppressed, and the internal abuses by which her rulers have grown rich—a system of maladministration not even equalled by that which exists in old Spain. The higher improvement in goverment, in the arts, and in civilization under all its forms, which distinguishes our own people, may, by force of actual contact, be communicated to the Mexicans, and lay the foundation of an improved social order. Melancholy as the reflection is, it is nevertheless true, that civilization, and even christianity, have sometimes been propagated by arms where they would otherwise have been hopelessly excluded. Thus, the very passions which seem fitted only to desolate human society, may, in the hands of Providence, become the agents of its advancement. Let us, then, hope and trust that the contest in which we are engaged with a neighboring power, deplorable as we all consider it, may be an instrument of social and political amelioration to our adversary.

The Senator from South Carolina has said in his emphatic language that we are "tied to a corpse." It is a striking figure, Mr. President, and he partakes strongly of the boldness in which the illustrations of that distinguished Senator are always conceived. Mexico is, indeed, prostrate—almost politically inanimate, if you please—under the oppressions which have been heaped upon her, year after year, by unscrupulous rulers. But I should be sorry to believe her beyond the power of resuscitation, even by human means. I do not expect, as our contact with her becomes more intimate, to see her, like the dead body touched by the bones of the prophet, spring, at a single bound, to life and strength. But I hope to see her—possibly through our instrumentality—freed from the despotic sway of her military rulers, and rising, by sure degrees, to the national importance I wish her to possess—order and tranquility first, next social improvement and stable government, and at last an honorable rank among the nations of the earth. I contemplate no direct interference with her government—no permanent system of protection to be exercised over it—no alliance with her beyond what may be necessary to secure to us the objects of peace. But I do contemplate a treaty, stipulating for commercial arrangements, for protection and security to our own citizens in their future intercourse with her, and no withdrawal of our forces without it, at least until all chance of obtaining one shall prove hopeless. If we were to retire now, all commerce between her and us would cease and be transferred to our rivals, our frontier would be a line of war, not a boundary between peaceful neighbors, and unless the tide of conquest should be poured back upon her under the provocations such a condition of our relations would almost necessarily superinduce, no citizen of the United States could be expected for years to come, to plant his foot on Mexican soil. War dissolves the political and commercial relations of independent States, so far as they rest upon voluntary agreement. It is only by a treaty of peace that they can be revived or new relations be substituted for the old.

Mr. President: Advocating as I do the occupation of Mexico until she shall consent to make peace, it may be incumbent on me to state in what manner I think it can be best maintained. And here I must say, I think the estimates of the effective force in the field have been greatly overstated. I propose no specific plan for adoption. I leave all practical measures in the hands of those to whom they belong. I only purpose to state what suggests itself to my mind, as advisable. I think we should find it most advantageous to remain much as we are, excepting to occupy such ports on the Pacific as our fleet may reduce and maintain as commercial avenues to the interior. It may, however, become necessary to occupy San Luis Potosi and Zacatecas for the protection of the mining operations in those States and the agricultural districts near the city of Mexico to command supplies for the army. I should consider an army of twenty-five thousand well-disciplined effective men the smallest number adequate to the purpose of maintaining positions keeping open communications from the coast to the interior, and dispersing the enemy's troops if they shall be re-embodied; but in order to keep up such a force we should require a nominal organi-

regiments at least forty thousand men with but thirty thousand under pay. The general staff, the twenty-two regiments of regulars now in service, and the ten new regiments proposed to be raised will nearly constitute such a force, and when the latter are organized and brought into the field, a portion of the volunteers may be discharged, if it shall be found prudent to do so. Many of the regiments are greatly reduced in numbers, and, as I understand, are anxious to return home. I doubt now whether there are more than twenty-five thousand effective men in all Mexico, though the rolls show over forty thousand. (General CASS, Chairman of the Committee on Military Affairs, here said, the Adjutant General was of opinion that they did not exceed 24,000.) Some of the returns, on which the Adjutant General's report is founded, are of as early a date as August last. It will be recollected that last summer, when there was great party in relation to General Scott, statements of the number of his troops were published here—they were founded on the returns in the Adjutant General's office, and in his official report of the battles before the city of Mexico, General Scott complained that his force had been greatly overstated. He said it had been "trebled" in these returns, if I recollect rightly, and that the army had been "disgusted" by the exaggeration. The returns of the army now should, in like manner, be subjected to great deductions in order to obtain the real effective force. If the ten regiments proposed by the bill are authorized, months will be required to raise them; they will not probably, as the Chairman of the Committee on Military Affairs has stated, give many more than 7000 men, and in the mean time the army will become constantly diminished by the casualties of service. For these reasons, and for those given—and so ably given—some days since by my honorable friend from Mississippi, (Mr. DAVIS,) I support the bill. I support it for another reason which has governed me from the commencement of the war: to place at the control of the Executive the men and measures deemed necessary to bring it to an honorable termination.

As hostilities are now suspended, the chief province of the army will be to maintain internal tranquility, support the civil authorities in the execution of the laws, to free the country from the robber and guerrilla bands by which it is infested, and subserve the great purposes of government by affording security to liberty, property and life—a security the Mexicans have not often fully enjoyed. The very exercise of these beneficent agencies will tend to disarm hostility toward us with the thinking portion of the population. It will place our armies in a most favorable contrast with hers, which have been scourges rather than protectors to their own countrymen. I would, if possible, have no more bloodshed. I would make our armies the protectors, not the enemies, of the Mexican people, and render them subservient to the eradication of abuses and to the institution of a better civil administration under Mexican magistrates, abstaining from all interference with the frame of the government, and changing in its action only what, by universal consent, requires to be changed. If this course were to be adopted and steadily pursued, I should earnestly hope its effect would be at no distant time to make the capital, under our protection, the centre of an influence, which would lead to the re-establishment of the federative system on a durable basis, and give to that distracted country the settled order, which is alone necessary to make her happy and prosperous.

To abandon the City of Mexico would I fear put an end to all these prospects and hopes. That city is the political, as well as the financial centre of the Republic. Where governments have been instituted and deposed, armies levied, revenue systems devised and carried into execution. So long as we hold it and control the adjoining districts, I believe nothing but imprudence or mismanagement can raise up a formidable opposition to us. If we abandon it, all the resources of the country, which it commands, will again be at the control of its rulers, to be employed against us in the renewal of active hostilities. Before it was captured, energetic movements seemed to me our true policy. Now that it is in our undisputed possession, our leading object should be, to introduce better commercial and financial systems, and let them work out under our protection, their legitimate results.

Great qualities are necessary in him, who is charged with the execution of these delicate and responsible functions. He should have prudence, self-control, a knowledge of civil affairs, of the country, of the people, and their character, and, if possible, their language. Established institutions, existing usages, sometimes prejudices even must be respected. Some of the most disastrous reverses, which have befallen armies of occupation, have had their origin in violations of the prevailing customs and feelings of the people. To avoid this fatal error, everything depends on the discretion and wisdom of the executive authority.

It may be that all reasonable expectations will be disappointed, that the hostility of Mexico will prove unappeasable, that she will prefer the political disorganization, which now exists to an amicable arrangement with us. If so, circumstances must dictate the course to be pursued when this conviction shall be forced on us. But, sir, let us not adopt such a conclusion hastily. Let us rely on the influence of rational motives to give us peace.

And now, sir, I submit whether this course had not better be pursued for a while, if I am right in supposing the temporary occupation of Mexico, under discreet officers, accredited to establish peace, rather than to withdraw our forces, and leave the adjustment of difficulties to the uncertain chance of a restoration of a responsible government, to be terminated at last, perhaps, by the renewed arbitrament of arms.

I have thus stated with frankness the views I entertain in respect to the future conduct of the war. Notwithstanding the anxious consideration I have given to the subject, they may be erroneous. It is a question of great difficulty, on which differences of opinion may well exist, and on which a mistaken course of policy may lead to the most unpleasant consequences. Whatever faith I may entertain in the soundness of the opinions I have advanced, I certainly should have more if they were not totally at variance with those of gentlemen possessing, from longer experience, much higher claims than myself to public confidence. But I have not on this account thought proper to withhold them, knowing as we do that, from the very contrariety and conflict of thought and conviction, valuable deductions may sometimes be drawn.

Mr. President, I feel that I have already tre-passed on the indulgence of the Senate too long; but I am unwilling to close without asking its attention for a very few moments to some considerations connected with our future growth and progress, and with the influence we must, in spite of ourselves, exert over the destinies of Mexico. They are no new opinions: they have been expressed years ago, both in public and private.

Sir, no one who has paid a moderate degree of attention to the laws and elements of our increase, can doubt that our population is destined to spread itself across the American continent, filling up, with more or less completeness, according to attraction of soil and climate the space that intervenes between the Atlantic and Pacific oceans. This eventual, and, perhaps, in the order of time, this not very distant extension of our settlements over a tract of country, with a diameter, as we go westward, greatly disproportioned to its length, becomes a subject of the highest interest to us. On the whole extent of our northern flank, from New Brunswick to the point where the northern boundary of Oregon touches the Pacific, we are in contact with British colonists having, for the most part, the same common origin with ourselves, but controlled and moulded by political influences from the eastern hemisphere, if not adverse, certainly not decidedly friendly to us. The strongest tie which can be relied on to bind us to them is the ties of friendship and good neighborhood, is that of commerce; and this, as we know, is apt to run into rivalry, and sometimes becomes a fruitful source of alienation.

From our northern boundary we turn to our southern. What races are to border on us here, what is to be their social and political character, and what their means of annoyance? Are our two frontiers, only seven parallels of latitude apart when we pass Texas, to be flanked by settlements having no common bond of union with ours? Our whole southern line is conterminous, throughout its whole extent, with the territories of Mexico, a large portion of which is nearly unpopulated. The geographical area of Mexico is about 1,700,000 square miles, and her population something more than 7,000,000 souls. The whole northern and central portion, taking the 26th parallel of latitude as the dividing line, containing more than 1,200,000 square miles, has about 750,000 inhabitants, about two inhabitants to three square miles. The southern portion, with less than 500,000 square miles, has a population of about six and a half millions of souls, or thirteen inhabitants to one square mile. The aboriginal races, which occupy and overrun a portion of California and New Mexico, must there, as everywhere else, give way to the advancing wave of civilization, either to be overwhelmed by it, or to be driven upon perpetually contracting areas, where from a diminution of their accustomed sources of subsistence, they must soon become extinct by force of an invincible law. We see the operation of this law in every portion of this continent. We have no power to control it, if we would. It is the behest of Providence that idleness and ignorance, and barbarism, shall give place to industry and knowledge, and civilization. The European and mixed races, which possess Mexico, are not likely, either from moral or physical energy, to become formidable rivals or enemies. The bold and courageous enterprise, which overran and conquered Mexico, appears not to have descended to the present possessors of the soil. Either from the influence of climate or the admixture of races, (the fusion of castes, to use the technical phrase,) the conquerors have, in turn, become the conquered. The ancient Castilian energy is, in a great degree, subdued; and it has given place, with many other noble traits of the Spanish character, to a peculiarity, which seems to have marked the race in that country, under whatever combinations it is found—a proneness to civil discord, and a suicidal waste of its own strength.

With such a territory and such a people on our southern border, what is to be the inevitable course of empire? It needs no powers of prophecy to foretell. Sir, I desire to speak plainly. Why should we not, when we are discussing the operation of moral and physical laws, which are beyond our control? As our population moves westward on our own territory, portions will cross our southern boundary. Settlements will be formed within the unoccupied and sparsely peopled territory of Mexico. Unconquerable habits and tastes, differences of political opinion and principle, and numberless other elements of diversity will lead to a separation of these newly formed societies from the inefficient government of Mexico. They will not endure to be held in subjection to a system, which neither yields them protection, nor offers any incentive to their proper development and growth. They will form independent States on the basis of constitutions identical in all their leading features with our own; and they will naturally seek to unite their fortunes to ours. The fate of California is already sealed: it can never be re-united to Mexico. The operation of the great causes, to which I have alluded, must, at no distant day, detach the whole of northern Mexico from the southern por-

tion of that republic. It is for the very reason that Mexico is incapable of defending her possessions against the elements of disorder within and the progress of better influences from without, that I desire to see the inevitable political change, which is to be wrought in the condition of her northern departments, brought about without any improper interference on our part. I do not speak of our military movements. I refer to the time when our difficulties with her shall be healed, and when she shall be left to the operation of pacific influences—silent, but more powerful than the arm of force. For the reason that she is defenceless, if for no other, I should be opposed to all schemes of conquest. Acquisition by force is the vice of arbitrary governments. I desire never to see it the reproach of ours. For the sake of the national honor, as well as the permanency of our political institutions, I desire not to see it. The extension of free government on this continent can only be arrested, if arrested at all, by substituting war for the arts of peace. Leave it to itself, and nothing can prevent the progress of our population across the continent. Mr. Jefferson, with his prophetic forecast, foretold this result forty years ago. He prophecied the peaceful progress of our people to the Pacific. He foresaw them forming new set tlements, and, when strong enough to maintain themselves, organizing independent societies and governing themselves by constitutions and laws analagous to our own. It is true, he believed the area of freedom might be enlarged, advantageously to ourselves any others, without extending to the same broad limits the area of our jurisdiction. It was the progress and the triumph of great principles of political right, to which his philosophical mind instinctively turned as to the legitimate aim and boundary of our ambition and desires. Since his day the public mind in this country has greatly outrun his anticipations of our progress. It looks to the extension of our constitution and laws over regions which were formerly considered beyond our reach as integral portions of the same system of government. Modern improvements have given great strength to this prevailing sentiment. It is possible by steam power, if we can succeed in making the proper application of it, over so broad a surface, to reach the Pacific ocean from Lake Michigan, or the Mississippi, in eight or nine days—a period of time less than that, which was required to travel from Boston to Philadelphia, when the Congress of the American colonies first assembled in the latter city. Under those circumstances the extension of our political boundary so as to embrace all territory we may justly call our own, seems no longer to be considered a questionable policy. If other districts, not now within the territories of the Union, shall found independent governments and shall desire to unite themselves to us on terms mutually acceptable, it is a question which concerns only them and us, and in which no stranger can be permitted to intrude. When the time comes for the settlement of any such questions, they will doubtless be considered with all the solemnity which belongs to propositions involving the public welfare. To those with whom the decision belongs let us leave them, with the assurance that the wisdom which has governed and guided us so long, will still point out to us the path of liberty, tranquility and safety.

One position we have assumed, and I trust it will be maintained with inflexible firmness, that no power beyond this continent can be permitted to interfere with our progress, so long as there is on our part no violation of its own rights. I would resist, at the outset, as matter of the gravest offence, all indications of such interference. If the abstract right could be asserted on grounds of international law, there has been nothing in the nature of our extension, or the means by which it has been accomplished, to warrant its application to us. From the formation of our government, for nearly three-quarters of a century, military power—brute force—has had no agency in the conquests we have achieved. We have overrun no provinces or countries abounding in wealth. Our capital has witnessed no triumphal entries of returning armies bearing with them the spoils and trophies of conquest. Our ships have not been seen returning from subjugated districts, freighted with the tributes of an extended commerce. In the extension of our commercial intercourse, we have not, like our Anglo-Saxon mother, been seen hewing down with the sword, with unrelenting and remorseless determination, every obstacle which opposed itself to her progress. Our career thus far has been stained by no such companionship with evil. Our conquets have been the peaceful achievements of enterprise and industry—the one leading the way into the wilderness, the other following and completing the acquisition by the formal symbols of occupancy and possession. They have looked to no objects beyond the conversion of uninhabited wilds into abodes of civilization and freedom. Their only arms were the axe and the ploughshare. The accumuations of wealth they have brought were all extracted from the bosom of the earth by the unoffending hand of labor. If, in the progress of our people westward, they shall occupy territories not now our own, but to become ours by amicable arrangements with the governments to which they belong, which of the nations of the earth shall venture to stand forth, in the face of the civilized world, and call on me to pause in this great work of human improvement? It is as much the interest of Europe as it is ours, that we should be permitted to follow undisturbed the path which, in the allotment of national fortunes, we seem appointed to tread. Our country has long been a refuge for those who desire a larger liberty than they enjoy under their own rulers. It is an outlet for the political disaffection of the Old World—for social elements which might there have become sources of agitation, but which are here silently and tranquilly incorporated into our system, ceasing to be principles of disturbance as they attain the greater freedom, which was the object of their separation from less congenial combinations in other quarters of the globe. Nay more. It is into the vast reservoir of the western wilderness, teeming with fruitfulness and fertility, that Europe is constantly pouring, under our protection, her human surplusses, unable to draw from her own bosom the elements of their support and reproduction.—She is literally going along with us in our march to prosperity and power, to share with us in its triumphs and its fruits. Happily, this continent is not a legitimate theatre for the political arrangements of the sovereigns of the eastern Hemisphere. Their armies may range undisturbed by us over the plains of Europe, Asia, and Africa, dethroning monarchs, partitioning kingdoms and subverting republics as interest or caprice may dictate. But political justice demands that in one quarter of the globe self-government, freedom, the arts of peace, shall bo permitted to work out, unmolested, the great purposes of human civilization.

Mr. President: I trust there will be nothing in the final adjustment of our difficulties with Mexico to impair, in any degree, the moral of our example in the past. Our course, heretofore, has been one of perpetual exertion to bring about an amicable arrangement with her. I trust we shall persevere in the same course of conduct, whatever unwillingness she may exhibit to come to terms. Entertaining the opinions which I have expressed, I naturally feel a deep solicitude, as an American citizen, that our public conduct should comport with the dignity of the part we seem destined to perform in the great drama of international politics. I desire to see our good name unsullied, and the character we have gained for moderation, justice and scrupulousness in the discharge of our international obligations, maintained unimpaired. In these let us be assured our great strength consists; for it is these which make us strong in the opinion of mankind.

In what I have said concerning the progress of our people over the unpopulated regions west of us, and in respect to our responsibilities as a nation, I trust I shall have incurred no imputation of inconsistency. On the contrary, I trust I shall be considered consistent in all I have said. I regard our extension, as I have endeavoured to foreshadow it, to be the inevitable result of causes, the operation of which it is not in our power to arrest. At the same time, I hold it to be our sacred duty to see that it is not encouraged or promoted by improper means. While I should consider it the part of weakness to shrink from extension, under the apprehension that it might bring with it the elements of discord and disunion, as our political boundaries are enlarged, I should hold it to be the part of folly and dishonor to attempt to accelerate it by agencies incompatible with our obligations to other nations. It is the dictate of wisdom and of duty, to submit ourselves to the operation of the causes, which are at work, and which will work on in spite of us, in carrying civilization and freedom across the American continent.

In advocating a continued occupation of the cities and territory we have acquired in Mexico, until she shall assent to reasonable terms of peace, I trust also that I shall be deemed consistent with myself. Deprecating war as the greatest of calamities, especially for us, I desire to see this war brought to a close at the earliest practicable day. I am in favour of whatever measures are most likely to accomplish this desirable end. I am opposed to an abandonment of our position:

1st. Because I believe it would open a field of domestic dissension in Mexico which may be fatal to her existence as an independent state, or make her take refuge in the arms of despotism;

2d. Because it might lead to external interference in her affairs of the most dangerous tendency both to her and us; and

3d. Because I fear that we should only gain a temporary suspension of hostilities, to be renewed under great disadvantages to us, and with every prospect of a longer and more sanguinary contest.

Mr. President: It is this last consideration which weighs most heavily upon my own mind. I hold it to be indispensable to the public welfare, under all its aspects, that we should have, at the termination of this contest, a solid and stable peace. Unpromising as the condition of things seems at the present moment, my hope still is, that firmness tempered with prudence, will give us, not a mere outward pacification with secret irritation rankling within, but substantial concord and friendship, which shall leave no wound unhealed. We should be satisfied with nothing short of an accommodation of differences, which will enable the country with confidence to lay aside its armor, and to resume the peaceful pursuits, to which, by the inexorable law of our condition, we must look for prosperity and safety.

My advice then, (if I may presume to advise,) is to stand firm, holding ourselves ready at all times to make peace, and carrying into our negotiations for that purpose a determination to cement a future good understanding with our adversary, by an adjustment of our differences on terms of justice, moderation, and magnanimity.

Mr. PHELPS indicated a wish to address the Senate, but the hour being late,

On motion,

The Senate adjourned.

THURSDAY, JANUARY 27, 1848.

EXPORTS FROM PUBLIC STORES.

The VICE PRESIDENT laid before the Senate a report of the Secretary of State, made agreeably to law, with an abstract of returns of American goods exported during the year ending the 30th September, 1847, which was ordered to be printed.

Also, a report of the Secretary of War, made agreeably to law, showing the expenditures for the contingent expenses of the military establishment, during the year 1847; which was ordered to be printed.

PETITIONS.

Mr. UNDERWOOD presented the memorial of the Board of Managers of the American Indian Mission Association, praying the adoption of measures for improving the condition of the various Indian tribes; which was referred to the Committee on Indian Affairs.

Mr. BENTON presented the petition of John Charles Fremont, praying an investigation, by a committee, into claims on the government, originating in California, partly in the establishment of the independence of California, before the war with Mexico was known, and partly since in carrying on military operations under the authority of the United States, and afterwards in supporting the civil government there.

For part of these claims he said that the drafts drawn by the petitioner had been protested, and for these and other claims the Secretary of War had answered that "special legislation was necessary. For this special legislation the present petition was presented, and it asked the speedy action of Congress that the far distant claimants might not wait too long for tardy justice. The claims were meritorious; they were for personal services rendered in war—for supplies furnished—for sacrifices made, and all in a spirit of patriotism and honor. They had given California to the United States, and the gift was worth infinitely more than the cost even when all just claims were paid, and all justice done to the settlers. The nature and amount of the claims required a careful investigation: the good should be paid at once: the bad should be silenced forever; and now is the time to do it. The petition asked the establishment of a commission in California, to audit and allow the claims, the amounts to be paid there to the claimants by the proper officers of the pay, the quartermaster, and the commissary departments. Auditing the accounts *there*, and payment *there*, were the great points of security both to the government and the claimants. Nothing should be paid at Washington to agents or speculators: none but claimants in their own persons should be paid at Washington.

To go to paying claims here would open the door to unbounded fraud, which would not be closed in ten, nor twenty, nor fifty years. He believed he might say seventy-five years; for Congress was now paying revolutionary claims of that age; and the California claims, if allowed to fall into the hands of agents and speculators, would be a rich mine to be explored for a long time, and the longer the richer, especially after the death of Mr. Fremont. The establishment of a commission, to act on the spot, was the proper way to do justice and prevent frauds in future. The petition avowed that the petitioner knew almost every transaction on which a liability of the United States could arise. Where he did not know the transaction himself, he knew the men who did, and they could be equally prompt and correct, before a commission, in verifying an honest claim and detecting a false one.

What the petition specially asked was that the committee to be charged with the question, should take evidence on the spot, to ascertain the general nature and the general amount of the claim, with a view to judge the necessity of a commission and of the amount of the appropriation necessary to be made. For this purpose the petition asked that the testimony of persons now in the city, might be taken on oath, and reported to Congress as a guide to its action. Evidence enough was now in the city to enlighten Congress on these points. Military and naval officers were now in the city, who knew the general character and the probable aggregate amount of these claims. Citizens of California, of character, and not interested in the claims, were also present. Their testimony could easily be obtained; and the petition prayed that they should be summoned and examined.

He then presented three reasons why the course in settling the claims should be adopted which the petition recommends: *First*, Justice to the claimants, who, unless they were paid at home, would become the prey of agents and speculators. *Secondly*, Justice to the United States, which, unless it settled face to face with the claimants, and closed up the business at once, would have to pay false claims for indefinite time. False claims would cost less to the speculator than true ones; even the true would be got at half price or less, but the false much lower; and, when dependant upon vouchers here, the false and the true would be about on an equal footing. *Thirdly*, Justice to Mr. Fremont himself. This justice was of a twofold character—one to his purse, the other to his reputation. He was already under protest for large sums, and expected more—$40,000 or $50,000 in the whole. He was also liable for what was got from the inhabitants for the troops under his command, both under the revolutionary movement for independence, and afterwards, when the war was carried on for the direct benefit of the United States, it having also got the benefit of the revolutionary movement. Justice to his reputation required the course he recommended. In no other way could false claims be prevented from rising up to be charged to his operations. In no other way could his reputation be shielded from false accounts, founded on false charges of his having "taken property forcibly" from the people. Either of these reasons ought to be sufficient to have the commission established, and the business closed up at once: the three put together—justice to the claimants, to the public treasury, and to the reputation of Mr. Fremont—he hoped would be sufficient, not merely to secure a reference of the petition to the proper committee, (the Military,) but also to authorize the establishment of the commission which was prayed for.

The petition was referred to the Committee on Military Affairs.

Mr. CRITTENDEN presented the petition of George Poindexter, praying compensation for the occupation and use of his property by volunteers mustered into the service of the United States; which was referred to the Committee of Claims.

On motion by Mr. BRADBURY, it was

Ordered, That the documents relating to the claim of John Clarke, on the files of the Senate, be referred to the Committee on Pensions.

Ordered, That the petition of Noah Miller, on the files of the Senate, be referred to the Committee on Commerce.

Ordered, That the petition of Isaac Davenport, on the files of the Senate, be referred to the Committee on Pensions.

THE SLAVERY QUESTION.

Mr. BAGBY said: Mr. President: The day before yesterday, I had the honor to present three resolutions, declaratory of certain fundamental principles, with respect to the truth and correctness of which, I am clearly and without a shadow of doubt, thoroughly convinced. These resolutions without amendment, alteration or modification, contain and express the convictions of my most deliberate judgment, upon the great and delicate questions to which they relate. They disclaim, and deny the power of Congress, and of the treaty making power, to interfere with the question of slavery in any state or territory of this Union, or adopt any limitation, prohibition or restriction, in regard to slavery in any territory hereafter acquired. So far, so good. It has occurred to me upon reflection, however, that they do not protect all the points I intended to secure. I hold in my hand, an additional resolution, which, I think, is necessary in order to complete the series, and which is intended to negative the idea entertained in quarters entitled to great respect, that there is a power in the inhabitants of the territory, to exclude slavery. The resolution I hold in my hand, declares that there is no such power in the legislature, or the people of a territory—that they possess no political power, except such as is conferred upon them by the act of Congress, authorizing them to form a territorial government—and that inasmuch as Congress does not possess this power, they cannot delegate it to the territories, or the inhabitants thereof. I ask, sir, that this resolution be laid upon the table and printed, and when my original resolutions are taken up, I shall move it as an amendment.

Mr. BAGBY then submitted the following resolution; which was ordered to be printed:

Resolved, That neither the people nor the [illegible] of any territory [illegible] United States have any power to exclude slavery from any territory [illegible] United States, but that all such power is vested exclusively in the people thereof.

PRE-EMPTION RIGHTS.

Mr. DOWNS submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the Committee on Public Lands be instructed to report a bill granting to the purchaser of the fifty-acre lots [illegible] a pre-emption right to the [illegible]

act to appropriate the proceeds of the sales of the public land, and to grant preemption rights," the right of preemption was suspended by the commencement of hostilities with Mexico, and if so in the opinion of the committee, then to report a bill to revive said right of pre-emption, to confirm all claims that have been allowed by the officers of the Land Office, under the law as originally passed, and to report by bill or otherwise.

NAVAL.

Mr. YULEE, from the Committee on Naval Affairs, to whom was referred the petition of Benjamin L. Cuthouse, reported a bill for the relief of Purser Benjamin L. Cuthouse, which was read and passed to the second reading.

Also, a bill for the relief of the widows and orphans of the officers, seamen, and marines of the brig of war Somers; which was read, and passed to the second reading.

PRIVATE BILLS.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the petition of Reynolds May, submitted a report, accompanied by a bill for his relief.

The bill was read, and passed to the second reading.

Ordered, That the report be printed.

RULES AND ARTICLES OF WAR.

Agreeably to notice, Mr. BENTON asked and obtained leave to bring in a bill to amend the *sixty-fifth* and the *ninety-third*, of the Rules and Articles of War in relation to the practice of Courts-Martial and Courts of Inquiry, in the army of the United States; which was read the first and second time, by unanimous consent, and referred to the Committee on Military Affairs.

SAMUEL LEECH.

On motion by Mr. UNDERWOOD, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill to provide for the compensation of Samuel Leech, for services in the investigation of suspended sales in the Mineral Point District, Wisconsin.

Mr. BREESE called for the reading of a letter from the Commissioner of the General Land Office, explaining the merits of the case, and it was read by the SECRETARY.

No amendment being made, the bill was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That the bill pass, and that the title thereof be [illegible]

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

CLERK TO THE COMMITTEE ON PRINTING.

The Senate proceeded to consider the following resolution, submitted on the 24th instant by Mr. CAMERON:

Resolved, That the Committee on Printing be authorized to employ a clerk, to whom he shall per diem compensation shall be paid out of the contingent fund of the Senate.

Mr. CAMERON stated that the Committee were entirely unable to discharge their duties without the aid of a clerk. The new law in reference to the execution of the public printing had devolved an immense amount of labor upon the Committee, rendering the assistance which was asked altogether indispensable.

Mr. CLAYTON did not exactly understand why the Committee on Printing should have a clerk, when other committees, whose labours were arduous, were not allowed that assistance. He believed that the Committee on Claims was the only Committee which was allowed a clerk, but as all knew, the amount of business devolving on that Committee was very great, and much writing had to be done.

Mr. CAMERON said that he had not anticipated the opposition of the Senator from Delaware. He would read a portion of the resolutions on the public printing, from which his friend from Delaware would at once perceive that it was necessary that the Committee should have a clerk. It was their duty to audit the accounts of the contractors for the public printing, and it was necessary to keep a set of books. So onerous indeed were the duties which this Committee were called on to discharge, that the gentleman who had been appointed Chairman of the Committee at the commencement of the session, had declined serving, and his successor now talked of declining also. He felt assured that when the Senator from Delaware understood the real state of the case, he would not offer any opposition to the resolution.

Mr. CLAYTON replied that the argument adduced in favor of the appointment of a clerk for the Committee on Printing applied with equal force to all other committees of that body, especially to the committee whose duty it was to audit the accounts of the Senate. It was an innovation; and with all deference to the Senator from Pennsylvania, he could hardly suppose that there could be writing enough in that Committee to justify the appointment of a clerk. If the committee were allowed a clerk, the other committees would, in all probability, also be eventually supplied with clerks. It appeared to him that the necessity of the case was not such as to justify the appointment of this clerk, and therefore he must oppose the resolution.

Mr. CAMERON thought that the Senator from Delaware must have forgotten that this was a new committee, acting under the new arrangement for the public printing, the entire supervision of which devolved on them. Already there were great complaints about the manner in which the work had been executed. If the Senate thought proper to refuse the clerk, he said that he would be obliged to decline serving on the committee.

Mr. CLAYTON suggested that the resolution might be allowed to lie over informally till an opportunity had been afforded for further investigation of the subject. If now driven to a vote, he must vote against the resolution.

Mr. Cameron said that he preferred a division on the question now.

The question was then put, and on a division—twenty voting in the affirmative, noes not counted—the resolution was adopted.

JESSE E. DOW.

The Senate proceeded to consider the following resolution, submitted by Mr. DICKINSON on the 20th instant, and it was agreed to:

Resolved, That Jesse E. Dow, be admitted to a seat in the Reporter's gallery, from which he was excluded by an order of the Senate of 16th March, 1846.

THE PUBLIC PRINTING.

The Senate proceeded to consider the following resolution, submitted by Mr. ASHLEY, on the 19th instant; which was modified by the mover, so as to read as follows:

Resolved, That the Committee on Printing be instructed to inquire into and report to the Senate, the manner in which the printing of the Senate has been executed; whether it has been done in conformity with the terms of the contracts, either as to the quality of the paper and size of the pages furnished, or the manner in which the printing has been done; also, whether any unauthorized orders, or alterations, printed and distributed to the Patents to Congress, are correctly printed from the originals sent to their offices.

Mr. DICKINSON asked whether the law on the subject of the public printing could be strengthened by the passage of any resolution? The law required that the Committee on Printing should perform the very duty which this resolution prescribed; and therefore it appeared to him that this resolution was altogether unnecessary.

Mr. ASHLEY remarked that he had received an anonymous communication, pointing out upwards of twenty mistakes in two pages of the document containing the President's message. Finding that the statement thus communicated to him was correct, he had felt it to be his duty to introduce the resolution. He did not, of course, wish to deal at all unjustly or unkindly with the contractors for the public printing, or indeed to make any *expose*, but only asked the Committee to inquire and report whether the work had been properly executed. He hoped that the resolution would be passed.

Mr. CAMERON observed that he was not present when the Senator from Arkansas rose, but he would merely remark that the Committee had directed their attention to the subject to which that resolution referred. The Committee had been informed yesterday by the contractor, that the paper which had been used thus far was not of the quality ordered by him, the parties with whom he had made the contract for paper having failed to fulfil their engagement. If the printer did not amend in the course of the work, the Committee would introduce a proposition adapted to the case, for the action of the Senate. They entertained great hopes, however, that there would be an improvement in the execution of the work. He would add, that there should be allowances made in this case. The organization of so large an establishment, in which, he believed, no less than one hundred and twenty persons were employed, was an undertaking of considerable difficulty, and it could hardly be expected that all the details could be so completed at once as to ensure perfection in the work to be executed. As for himself, he had not a very favorable opinion of the new mode of executing the public printing, and he had opposed the passage of the law authorizing it to be done in this way. He was of opinion that under the former system the work would have been done more economically and in superior style; still it was proper that just allowances should be made for the difficulties under which the contractors labored, and that the best should be made of the new system.

Mr. DICKINSON said that he had a very good opinion of the new mode of executing the public printing, and regarded the principle established by it as eminently just and proper. It had broken

up the old corrupt system of monopoly, by which large fortunes had been accumulated in a year or two out of the public purse. He believed that it had thus far been eminently successful, though its working was not entirely perfect. The Senator from Arkansas had stated that he had received complaints with regard to the execution of the public printing, through an anonymous source. (Mr. D.) would not insinuate that business competition had something to do with that communication, but he would take the liberty of reminding the Senator of the excellent suggestion made by a member of the Irish Parliament, that every anonymous author should be obliged to subscribe his name to his work! As to typographical errors, the documents printed under this former system have not been exempt from them. If the new establishment, when once fully organized, prove inadequate or inattentive, let it be dealt with as severely as the law requires. But he hoped that at least a fair trial would be allowed the new system, and he did not doubt that under the supervision of the Committee charged with the subject, a fair trial would be given to it.

Mr. NILES remarked, that the Joint Committee appointed for the supervision of the public printing had no authority to pass the accounts of the contractor. It was the duty of the committee in each House to examine these accounts; and as a member of the Senate committee, he wished to say, that unless the printing were executed substantially in conformity with the contracts—which it had not been thus far, as he had been informed—the accounts of the contractors would not be passed by that committee. Formerly the printing had been well executed—executed in good style, with promptitude—but did not appear to be the case at present. The whole subject, however, would come under the supervision of the committee, whose duty it was to audit the accounts of the contractors.

Mr. ASHLEY said, he certainly had not supposed that his resolution would have given rise to debate. The Senator from New York had entirely misapprehended his remark with regard to the anonymous communication. He had not acted on this communication; and it had only directed his attention to the matter. On examination he had found that pages 800 and 803 of the document referred to, were so marred by errors of the press as to require translation into plain English in order to be understood. It was discreditable to file such documents. The excuse which the contractors had offered relative to the quality of the paper he had used did not afford any explanation of these typographical errors. He did not know any of the parties who had contracted to do the work, and would not have moved in the matter had not his attention been directed to it, by the communication to which he had referred, and the allegations in which he had ascertained to be correct. He found that not only in the quality of the paper, but also in the size of the page, there was a departure from the terms of the contract. There was a diminution in the size of the page to the extent of seven or eight per cent. He hoped that the resolution would be at once passed.

Mr. WESTCOTT said that he believed he had reason to congratulate himself on the vote which he gave when the proposition to have the public printing executed by contract was first made. He had protested against it then, and predicted that the very state of things now presented, would occur early in the first session of Congress. But he was willing to lend his aid to any judicious movement for separating the public printing from the public press, although opposed to the idea of huckstering it out to the lowest bidder, who would execute it in a bungling manner, and delay it so as to retard the public business. He was perfectly satisfied that they never would have the public printing properly executed until they had a publishing office under the control of Congress, separated from the public press, and altogether free from the inconveniences of the paltry huckstering system of giving it out by contract. He was aware that this system would incur the objection that it would increase the patronage of Congress, but he was prepared to show that it was the only mode in which the public printing could be at once economically and properly executed.—With regard to the present contractors he did not blame them. The documents annexed to the President's message are this year exceedingly voluminous; they were five times the size of those of former years. It was utterly impossible for the contractors to avoid delay in furnishing these documents. If they had had a public printing office they could have had the work done at the end of the first week of the session. But the contractors could not have furnished it promptly, without losing all their profits and thirty or forty thousand dollars besides. As it was, he believed they would lose by their contract. He thought Congress were as much to blame as the contractors. It was quite true that many errors of the press had occurred in the documents, but he would appeal to the chairman of the Committee on Printing—himself a practical printer—whether these imperfections in the work were not attributable to the circumstances under which it was executed. He did not see any necessity for the resolution. The contractors themselves were much annoyed by the difficulties in which they were placed, and Congress certainly ought to treat them in a spirit of liberality.

Mr. CAMERON remarked that the Senator from Arkansas had been appointed a member of the Committee on Printing, but had not yet attended any of its meetings. The Committee would have been very happy to have had the opportunity of availing themselves of his services. The resolution, he repeated, could not do any good; the Committee were already acting in the matter. He thought it was reasonable that the contractors should be allowed a few days to complete their arrangements. It was time; the work had thus far been imperfectly executed. But there were two sides to the question: as had been remarked, the documents were this year very voluminous. The President's message and accompanying documents amounted to seventeen hundred pages, whilst hitherto they had not exceeded eight hundred pages. Besides, there appeared to be a combination in the District against the contractors. Every body connected with printing in the city seemed to have, in some degree, combined against them. The contractors, therefore, had a right to some sympathy; still he was for keeping them to their contract, although he believed the price to be too low. Common kindness required that they should deal liberally with the contractors, and at least giving them the opportunity of making such arrangements as would enable them to execute the work hereafter more perfectly than it had been done.

Mr. ASHLEY explained that he had been appointed on the Committee without his knowledge, and after the introduction of his resolution. He still insisted on the passage of the resolution, which, he remarked, went farther than the law.

Mr. TURNEY said that he was at a loss to understand the remarks which had been urged in extenuation of the manner in which the public printing had been executed. It was admitted on all hands that the work had not been properly executed, but it was alledged that the contractors had been placed in circumstances of great difficulty and embarrassment. Well, certainly they had been placed in that situation by their own act, and he could not see with what propriety that could be presented as an excuse for their failure to comply with the terms of the contract. He hoped that the resolution would be adopted.

Mr. CASS suggested that as the hour for taking up the special order had already passed, this resolution should be passed over.

The question was then taken on the resolution, and it was adopted.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his secretary:

Mr. President: The President of the United States approved and signed, on the 30th inst. the following act:

An act concerning certain navy and revenue vessels, and for other purposes.

An act to provide for the settlement of the accounts of the United States.

THE TEN REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. PHELPS said, it is not my purpose, sir, in addressing the Senate at this time to go into an enquiry as to the origin of this war, as to its merits or demerits—nor, sir, to enquire where the blame rests, provided there be blame in its commencement. The important question now before us is, first, how shall this war be prosecuted successfully while it lasts, and, above all, how can it be terminated? When these questions are disposed of and the country restored to a state of peace, we may then perhaps amuse ourselves with the enquiry who has been in fault? In looking at this question, Mr. President, as it now presents itself to us, as a practical question, the position in which the Senate has been pleased to place me, has very naturally drawn my attention to the financial aspect of the question, and I have esteemed it to be my duty after having devoted some little attention to the subject—though not indeed so much as I should desire to do—to lay before the Senate the result of my investigations. I am aware, sir, that there is no amusement to be found in this enquiry, it will be, perhaps, not very interesting, but, sir, it is an enquiry which is not to be avoided. It is a matter of business and a matter of necessity.

Now, sir, if this war is to be prosecuted further—and such seems to be the fact—as yet, a very important question arises—What effect will it have on the financial and commercial interests of the country? How are the means to be obtained for its prosecution? and how are these means to be obtained, consistently with the prosperity of the country at large? Sir, in determining this question, the inquiry will be, what has been its effect thus far? and when we have ascertained that we may perhaps be able to judge what will be its effect hereafter? Sir, from the best computation I have been able to make, the Treasury has fallen in arrears within the past two years, or nearly two years—while this war has already lasted—to the extent of not much, if anything, short of seventy millions of dollars. Yes, sir, from the best computation which I am able to make, the revenues of this country have fallen short, if its expenditures for the past two years be an amount, not much, if any, of seventy millions of dollars. Well, sir, I will submit to the Senate certain estimates, which will conclusively prove this result, and I shall endeavor to show to the Senate, if they will give me their attention, from data in my possession, that this result must inevitably be produced.

Sir, in the first place, at the commencement of the war, or rather on the 1st of July, '46, after the war had been for some six weeks in existence, there was then—exclusively of the expenditures during the short period the war had then lasted—I believe

in the Treasury of upwards of nine millions of dollars. I find from the several reports of the Secretary of the Treasury, that the government has borrowed, in Treasury notes and stocks, issued during the fiscal year ending 30th June, '47, nearly twenty-six millions of dollars, and that during the current fiscal year they have borrowed, in addition to this, six millions, two hundred and eighty-five thousand dollars. The Secretary of the Treasury tells us that at the close of the current fiscal year there will be a deficiency in the Treasury of nearly sixteen millions. I take the original report of the Secretary; though I am aware there has been a recent correction of that report. These sums—the balance in the Treasury 1st July, '46—the amount borrowed during the two succeeding years, and the deficiency anticipated at the close of the current fiscal year, as estimated by the Secretary, will amount to fifty-six millions, eight hundred and twenty thousand dollars. But this is not all. At the very commencement of this session we were informed by the Secretary, that there was a deficiency of appropriation for the current year of a little more than ten millions of dollars.—This addition to the previous result, gives the amount of about sixty seven millions as the deficiency of revenue below the amount of our expenditures for the last two years. From this, sir, I have deded six millions six hundred and eighty-one thousand dollars, because it is suggested—upon what evidence I know not exactly—that upon revising the estimates submitted to us it was ascertained that there was an error of nearly seven millions, there being that amount in the Treasury which is not represented in the statement communicated to us. Deducting, then, this sum, which is reported to be a little short of seven millions—but calling it six millions eight hundred and eighty-one thousand, the result is that there is a deficiency of sixty millions for the two years, or at the rate of thirty millions a year. But, sir, I am very far from being satisfied with the calculations of the Secretary. To satisfy my own judgment I will add eight millions; being the amount to which, as I believe, the Secretary has over-estimated the public revenue. This gives us the amount of sixty-eight millions as being the deficiency which has already accrued, or at the rate of thirty-four millions a year. For the coming year ending June, 1849, the Secretary has estimated the deficiency at $20,500,000. I have obtained this result by deducting the estimated deficiency for the current year, from the Secretary's estimate of the deficiency on the 30th June 1849. Well, sir, without going further—without at present enquiring into the accuracy of his estimates for the coming year—by taking the deficiency as estimated by himself, we have for the three years ending June 30th 1849, the sum of eighty-eight millions as the deficiency of our means below our expenditures. This Mr. President is a concise statement of our financial experience, thus far, as will appear by the following statements. And if we add to this, the sum of $9,000,000, which I shall endeavour to show the Senate, is an over estimate of the revenue, for the coming year, and the sum of $7,000,000, for under estimate of expenditure for that year, the deficiency for three years ending June 30th 1849, will be $104,000,000, or about thirty-five millions a year.

Statement of the receipts of Expenditures and income for 1847 and 1848, and for three years from July 1st, 1846 to June 30th 1849.

Balance in the Treasury July 1 1846,		$9,126,410
Avails of Treasury Notes and Loans 1846 -		25,679,194
Avails of Treasury Notes and Loans, 1847 -		6,585,284
Estimated deficiency in the Treasury, July 1, 1848		16,529,174
		$56,820,046
Add appropriations asked for by the Secretary not included in the estimate of expenditure		10,061,844
For fifty Secretary's estimate		$66,881,890
Deduct the amount of error discovered at the department -		6,881,890
Leave true deficiency by Secretary's estimate		$60,000,000
Add for over estimate of Revenue for current year,		7,000,000
Total deficiency		$67,000,000
Or thirty-four millions per year, for two years.		
Secretary estimate deficiency for the year ending June, 30, 1849,	20,500,000	
Add for over estimate of Revenue,	9,000,000	
Under estimate of expenditure not including Ten Regiment bill estimated for	7,000,000	
	$36,500,000	
		36,500,000
Total deficiency for three years		$104,500,000

What then, sir, is to be our future financial condition? I will submit another estimate which is intended to shew the Senate to what extent the deficiency is to go, and what amount of money will be necessary to be raised upon the public credit within a period of eighteen months from this time. This is my object.

I commence with the deficiency as estimated by the Secretary, of thirty-six millions on the 30th June, 1849. In addition to that, an over estimate, as I believe it to be, of the revenues for the current year have been made. In the first place, I deduct from the Secretary's estimate the sum of seven millions, estimated by him to be received from Customs in the current year. I also deduct one million from the estimated receipts from the sales of public lands. I deduct from his estimate of receipts for customs, for the coming year ending June, 1849, eight millions more; and I deduct for this year also one million, as an over estimate of the receipts from public lands. These deductions may appear to Senators to be large.—They may create an impression that the object is to present our financial affairs in their worst aspect. But, sir, I am confident that an examination of the estimates of the Secretary, coupled with the experience of the past, and reasoning from the present condition of the country, will convince the Senate that this deputation is by no means too large.

Secretary's Estimate of Deficiency, June 30, 1849		$36,000,000
Add for over estimate of receipts for Customs for the year ending June 30, 1849	$8,000,000	
Deduct for over estimate of receipts for Public Lands,	1,000,000	
Total over estimate of receipts,	$9,000,000	
For the year ending June 30, 1849.		
Amount of deficiencies for which the Secretary asks appropriations, but which are not included in the estimate of expenditure by his estimate over existing appropriations, say 3,000,000,	$7,000,000	
Under estimate of expenditure for the fiscal year ending June 30, 1849,	7,000,000	
For the ten regiments now asked for the Mexican war not included in the estimate,	4,000,000	
		18,000,000
		$54,000,000
Amount,		54,000,000
Deduct error in official report,		7,000,000
Total to be raised by loan over and above the revenues of the country,		$82,000,000

In this estimate no notice is taken of the outstanding Treasury notes which may and probably will absorb the revenue to a great extent and make a further resort to credit necessary.

The first item of correction of the Secretary's report is the estimate of the receipts from customs for the current year. The honorable secretary estimates these receipts at thirty-one million of dollars. Sir, one year ago (in December, 1846,) he estimated the receipts from customs for the then current year at twenty-eight millions, and in point of fact, they fell short of twenty-four, an over estimate of over four millions, as tested by the actual receipts into the treasury. I take the liberty to say, that these estimates are always too large. And permit me to remark, that the estimates of our expenditures are always too small. Our receipts from customs for the past year have fallen short of twenty-four millions. And on what data, or on what ground of anticipation does the Secretary increase the sum this year to the amount of thirty-one millions—an excess in the revenue from this source estimated for the present year over and above the actual receipts of last year, to the extent of seven millions of dollars? Sir, let us institute a comparison between the condition of things during the past year and the present. The revenues for the past year were increased in the first place by the combined effect of the new tariff—which was to go into operation by its terms on the first of December, 1846; and the warehouse bill which went into effect on the day of its passage, viz: August 4, 1846. Both these bills had been long pending, one having been introduced into the Senate on the 21st January, and the other into the House on the 14th April, 1846; so that the passage of both was for a long time anticipated.

Sir, the passage of the Tariff bill gave notice to the commercial world that on the first of December following its passage, the duties were to be reduced. Your Warehouse bill tendered to them the privilege of storing their importations and retaining the duties upon them until they could be withdrawn upon payment of the reduced rate of duties under the new act. Under these circumstances, a very great portion of the importations of the latter part of 1846 were thrown over for the payment of the duties to the month of December. The result of it was, that there was a very great falling off in the amount of duties received in that portion of the year '46. Sir, I have an estimate which will show you the effect of these two measures upon our revenue for the year ending June, '47. The receipts for the months July, August, September, 1845, amounted to eight millions eight hundred and sixty-two thousand dollars. The receipts for the same months in the year '46 fell to six millions one hundred and fifty-four thousand, making a difference of two millions seven hundred and eight thousand dollars in the three months constituting the first quarter of the year ending 30th June, '47. This is shown more fully in the following table:

Receipts for July, August and September '45,	$8,811,962 on $2,953,977 per month.	
Same months in '46,	6,108,856 on 2,036,285 "	
Difference	$2,703,106	$902,702 per month.
Receipts for the months of the year '46	$8,173,856 equal to $2,724,618 per month.	
Receipts for October and November '46,	1,935,000 equivalent to 644,340 per month.	
Difference,	$1,303,856 per month.	

Why was this? Was there anything in the commerce of the country to produce this decline in the revenue? Was not the country advancing in prosperity during those years? It was unquestionably the effect of the measures to which I have alluded. The revenue fell off because the importations were placed in warehouses to be entered upon payment of reduced duties. Well, what next? In the months of October and November your receipts fell to one million six hundred and eighty-four thousand dollars, or an average of eight hundred and eighty-four thousand dollars per month. During the months of July, August and September the

duties, enlarged that ruinous importation. Instead of [illegible] The effect of these measures, then, was precisely what I have predicted on this floor. It was not apparent [illegible] of the community until the period of the 1st December, 1846, arrived, and then your revenue increased, and that increase of revenue has been thought of sufficient importance not only to be presented to us very formally by the Secretary of the Treasury, but to be [illegible]

If it be a matter of boasting to exhibit to the country at large the value of this improvement in our financial system, the new tariff, why let it pass. But if it is intended to lead us to the inference, that this increase of revenue is to continue, I beg to dissent altogether from any such conclusion.

[illegible] December 1st, 1846, and the year ending December 1st, 1847. For what purpose is the fiscal year abandoned, and the computation of time made from the first of December in one year to that period in the next year? Doubtless for the purpose of exhibiting the operation of the new tariff which went into operation on the 1st December, 1846. But as I have already remarked the revenue belonging to the latter portion of the year [illegible] upon the preceding months when the new Tariff bill went into operation, and this presented an accumulation of revenue during those months. Other circumstances combined to swell the revenue for the close of that year; the peculiar state of things in Europe, the extraordinary demand for our productions, and the increased importation consequent on the exportation of those productions, tended to throw upon the latter part of the year a large increase. In short, the year between December 1, 1846, and December 1, 1847, with the aid of the warehousing system, borrowed the revenues of the preceding year, and in consequence of the excessive importation growing out of our increased exportations, anticipating the future wants of the country, it anticipated the revenue of the succeeding year. Are we to suppose that because there was an increase of duties during that year, that that increase is to continue?—A moment's attention to the subject forbids any such conclusion. What causes are to operate? In the first place, when this great importation took place, the country was prosperous; money was flowing in from abroad; notwithstanding this great importation there was a balance of money coming into the country, to the extent of some twenty or thirty millions of dollars. What is the condition of the country now? Instead of having a surplus of capital you find a stringency in the money market. Instead of a surplus of capital, the surplus of a period of prosperity has sought investment in various ways. A vast amount has been invested and is in process of investment in rail-roads—fifty millions, it is computed, in New England alone—in manufacturing enterprizes and in our public debt—all this amount is absorbed by goods on hand—a rigid curtailment of the currency and a stringency in the money market almost unprecedented has ensued. Sir, are we seriously to calculate in this state of things upon the continuance of the same commercial activity, the same state of revenue?

But this is not all. The unusual importations, stimulated by the increased demand for our productions have thrown into the country a greater quantity of goods than were wanted. There is a surplus of goods. The importations increased some thirty or forty millions of dollars. Well, if there is a surplus to this amount there is no inducement to import; and, as I have already remarked, we are not able to purchase. Nor is this all. If the course of trade threw into the country a greater importation than the present demand warranted, your warehouse system furnished a resource by which the importer was saved from the necessity of advancing the amount of the duties upon his importation until there was a market for the goods. The importations hereafter, will go into the warehouses, and you will get no duties until the goods are wanted for consumption.

Sir, there seems to be a strange idea entertained in regard to this matter, and although strange it seems to be a favorite idea—it is, that our exportations are to be governed by our importations, and that we may increase our exportations by increasing our importations. This, sir, I believe is contrary to all experience. It is a theory which is calculated to bankrupt the public treasury, or to ruin the fortunes of any private individual who adopts and acts upon it. Sir, my theory is the reverse of this. Your exportations should govern your importations. You should buy only what you can pay for. I suppose that our importations must depend, to a very great extent, upon the amount of our exportations.

What has enabled us to increase our importations? The demand for our breadstuffs, which has now nearly ceased—the famine and distress abroad, which has now passed by; and, whatever may be the ability of other nations to purchase our productions, they will not buy what they do not need. There must be a falling off of our exportations; and, as a necessary consequence, a falling off of importations, and of revenue, also. Sir, the average rate of duty, under the present Tariff, is such as to require, at least, one hundred and fifty millions of importations, to raise thirty millions of revenue. I believe my honorable friend from Rhode Island estimated it at one hundred and seventy millions. He includes in his estimate the gross amount of importations, including free goods; my estimate is of dutiable goods only. If I recollect aright, the average rate of the existing tariff is [illegible] per cent. Now, such an importation exceeds the ability of the country. Such is our present situation; and what are we to expect for the period included between the [illegible] of July, 1847? Your necessities for money, your exhorbitant demand for loans, combined with the operation of the sub-treasury and its specie clause, pressing with combined action upon the money market, must perpetuate this state of things.

Sir, I have been comparing the estimated receipts for the current year with those of the last. I have remarked, that in these calculations the data are derived from the results of the past, from the estimates of previous years; and I have remarked further, that during the year 1847, a great part of the receipts consist of returns which properly belong to a former period. Now, I ask, on what ordinary calculations, in view of these circumstances, the honorable Secretary raises his estimates of the receipts from twenty-four, the actual receipts last year to thirty-one millions of dollars? What considerations furnish a basis for such a calculation.

I have taken some pains to ascertain how the honorable Secretary arrives at it. It is this: He takes, in the first place, the receipts for the first quarter, for July, August, and September. These are precisely the months in which we were getting returns for our breadstuffs. He then proceeds to tell us that assuming the revenue of the first quarter to be an average of the year—the proceeds from customs, for the whole year will amount to forty-five millions. It is enough to say of this calculation, that the honorable Secretary himself discards it at the basis of an estimate. Being dissatisfied with this result, he proceeds to ascertain the relative proportion of the revenue of the first quarter of the year as compared with the revenue of the year, for a series of years. He thus ascertains that the first quarter is the most productive, and by reducing his estimates in proportion, he brings his calculations down to forty millions, instead of forty-five. But he is still dissatisfied. The next step is to ascertain the revenue for the five months next previous to the first of December, 1847, which he tells us amounts to $15,506,257—or a little over $3,000,000, per month. Estimating the revenue for the twelve months at that rate (making, probably, an allowance for the greater productiveness of the first quarter,) he would make the revenue of the year amount to $35,000,000. But he is not satisfied with this. What next? He ascertains the receipts for the last two months of the five—viz. October and November—to be $2,200,000, per. month; and estimates the receipts for the residue of the fiscal year at that rate. To this he adds the actual receipts of the first quarter, and it gives about $31,000,000, for the year, as will be seen by the following table.

[illegible] December 1, 1847 -	$15,506,257
Receipts for first quarter as per annual report deducted -	11,106,257
[illegible] -	4,400,000
[illegible] -	19,400,000
[illegible] -	11,106,257
Gives for the year - - - - -	30,906,257
Or in round numbers - - - - -	31,000,000

Here you have the basis of the estimates of the honorable Secretary.

Now, the Secretary finds his receipts rapidly declining, because the importations are declining. It appears, as heretofore stated, that the receipts for the first quarter of the current year amount to $11,106,257, or equal to $3,702,085 per month. The receipts for October and November are equal to $2,200,000 per month. Thus we have a falling off during the first five months of the fiscal year from $3,702,085, for July, August and September to $2,200,000, the average of October, or a falling off of $1,500,000 per month.

Is it not apparent to every Senator who hears me, that this decline must continue? Is it not apparent that there is an overstock of goods in the country, and is it not well known that the scarcity of money has induced importers to countermand their orders for goods? Sir, we have it from the very best authority.

Under these circumstances, although there may be a great influx of revenue during the first quarter of the year, it is apparent that it is the mere effect of the accumulation of revenue in that quarter for the reasons I have mentioned: The very fact that your imports, and, consequently, your revenue, are increased in one portion of the year must lead you to expect that it will decline in the other portions.

Now I ask, on what principle it is expected that the amount of the revenue from imports this year will exceed that of the last?—Sir, the true rule of comparison would be to take the fiscal year, and that for the very reason that I have already assigned. The Tariff of 1846 covers the fiscal year ending 1st of June, 1847, although it went into effect in December, because the payment of duties was in a great measure suspended during the intervening time between the passage of the act and the time of its going into operation. Well, sir, I will not pursue this branch of the subject.

What is the next ground of the honorable Secretary's estimates? He estimates three and a half millions as the proceeds of the sales of the public lands. Well, sir, during the past year your sales did not reach two millions and a half. Upon what theory, then, it is, that the Secretary estimates one million more from the receipts for public lands than was actually received last year, I have yet to learn. It is a point which I am not prepared to discuss, because I can see no reason at all for such an estimate; and unless reasons are presented from some other quarter, I shall still be incredulous. I deduct, therefore, one million from the estimated receipts from the public lands, because the estimate exceeds all experience, and because no reason has been assigned, and none, in my judgment, can be assigned for it. That makes eight millions to be deducted from the Secretary's estimate of revenue for the current year 1847-8, and to be added to the estimate of deficiency.

The next item is an over-estimate of the revenue from customs for the year ending June, 1849. I have very little to say in regard to this, I merely refer to the fact that the revenue having fallen off, I cannot perceive upon what calculation it is that in the peculiar condition of the country the revenue from the customs is to rise to thirty-two millions for the ensuing year. The present state of the country renders it impossible, and as to any change I have not seen the slightest prospect of it. Well, sir, I take the Secretary's estimates, and I must deduct eight millions from his estimated receipts from customs for the year ending June, 1849. I then take the estimate of the receipts from public lands for the coming year, which he has given to us as three millions, and I ask upon what basis does this estimate rest? Do we not all know that we have granted land bounties to our soldiers to the extent of at least seventy thousand, which will cover twelve millions of acres of your public lands? Your average sales are but two and a half millions annually, and you have actually thrown into the market in bounties to your soldiers, enough to cover at this average an amount of sales for five years. Now, under these circumstances, when land warrants are thrown abroad over the country, sufficient to cover five years' sales, we are presented with a grave calculation of an increase of a million of dollars from this source. Time may possibly bring this about. The Secretary of the Treasury may be able to see further than the rest of us, but whether it may be brought about or not, in my humble judgment, such an estimate is not to be considered by us on this occasion as a satisfactory basis for our action.

I must add, then, to the Secretary's estimate of the deficiency, the sum of seventeen millions of dollars—being an over estimate by him—for these deductions from the estimates of receipts into the Public Treasury; a large sum, I admit, but if gentlemen will give a little attention to the subject, I think they will come to the conclusion at which I have arrived.

Sir, there is another branch of the subject which I desire to notice, and it is this: the expenditures of the current year, are estimated at fifty-six millions of dollars, exclusive of payments on account of the public debt, but as I have already remarked, the Secretary informed us at the commencement of the session, that an additional appropriation of ten millions was necessary to cover the expenses for the year. A question then arises, whether these ten millions are included in the fifty-six millions. It has cost me much trouble to ascertain it, but it is not. Of course this additional expenditure must be added to the Secretary's estimate of the deficiency. But, sir, let us look a little further into this.

The whole estimated expenditure for the current year as given in the annual report of the Secretary at the last session of Congress (December, 1846,) was forty-five millions of dollars. The actual expenditure for the same year, as now ascertained by him, (see his annual report to this Congress,) is fifty-eight millions and a fraction. Here we have a difference in the two estimates for the present year—one made at the commencement and the other at this time—of thirteen millions of dollars.

Sir, the appropriations made at the last session of Congress for the service of the current year (ending June 30, 1848,) exceeded, by the sum of nearly nine millions, the Secretary's estimates as submitted to Congress at that session. And yet the Secretary now asks an appropriation of over ten millions to cover deficiencies. It is proper for me to add that as near as I am able to ascertain the fact, the expenditure for the current year, as estimated by the Secretary in his recent report, exceeds the amount of appropriations by about three millions of dollars. In order, then, to ascertain the actual expenditure of the year, seven millions only should be added to this estimate. This will carry that expenditure up to more than sixty-five millions.

This sum of seven millions, it will be perceived, is added to his estimate upon his own authority; that is to say, his estimate of arrearages of the present session, and his demand for further appropriations.

The next particular in my table of corrections of the Secretary's estimate, is the item of seven millions for under estimate of the expenditure for the coming fiscal year, from July 1, 1848, to June 30, 1849.

These expenditures are estimated by the Secretary at the sum of $59,644,941. In what light are we to regard these estimates? Sir, all experience shows that these estimates are too low. Year after year Congress is called upon to supply deficiencies. This is not to be wondered at. It implies no censure of the officers charged with the duty of furnishing them. It is natural that every head of the Treasury department should endeavor to put the best aspect upon the financial affairs of the country, and heads of bureaus and other subordinates will reduce their estimates of expenditure as low as possible. Judging then from all past experience, we must regard these estimates as falling short of the actual expenditure. But there are special reasons for anticipating an excess of expenditure for the coming year over and above the present estimates. Let me advert to the report of the quartermaster-general. It will be borne in mind that this officer asks an additional appropriation of five millions to cover a deficiency in the appropriations for the current year. What does he say of his estimates for the next? In his letter to the Secretary of War, of November 15, 1847, he says:

> [illegible] which I submitted on the 4th inst. for the service of the next fiscal year, were made out from data derived from the experience of the last year. At your suggestion I have carefully re-examined every item and in all depending for its degree upon my own action or that of the officer of the department, I have made several considerable deductions. Whether these deductions be judicious time must determine. I would not have ventured to make them but for the fact that the estimates of the [illegible]

Sir, this is significant language. In plain English, it means this: the estimates are too small. They are not to be relied on; and would not be submitted, were it not that two sessions of Congress will intervene, and opportunity will be afforded to ask for further appropriation, before the expenditure is incurred. With the experience of the present year, (a deficiency in the estimates of this department of five millions,) an and estimate thus qualified, explained, not to say apologized for, what are we to expect as the result of these estimates for the coming year? Beyond all question that the expenditure will largely exceed the estimate, as it has done heretofore.

To what extent the estimates of the Quartermaster General were reduced at the suggestion of the Secretary, I am not able precisely to state. It is stated, however, by a Senator near me, (Mr. Clarke, of Rhode Island,) upon information said to be derived from that officer, and communicated by him to the Committee of Ways and Means of the House, that seven millions more will be required in that department alone, over and above the amount of the estimates submitted to us, for the ensuing fiscal year. If this be true, the addition which I made to the Secretary's extract of expenditure for that year, (7,000,000,) and which seems to excite the surprise of gentlemen on the other side, will be required for the service of that department alone.

It will be perceived, however, that I add that sum for the whole excess in every branch of expenditure, over and above the Secretary's estimates. The considerations upon which my estimate of this deficiency is based are these:

First, The expenditures of the current year, as now ascertained, will exceed the previous estimate of the Secretary, by the sum of thirteen millions, exclusive of the $10,061,844, now asked for, of which at least seven millions are to cover an expenditure, (as I have already shown,) over and above the amount of the Secretary's present estimate. In this calculation, the expenditure of the current fiscal year, will exceed the original estimate by twenty millions of dollars.

The estimates for the coming year are increased, exclusive of payments on account of the public debt, only about eight millions above the estimates furnished us at the last session, for the current year. Which will leave a deficiency for the coming year, if the expenditure of that year should equal that of the present, of twelve millions of dollars. I have reduced it to seven. It requires no spirit of prophecy to foresee, that at the next session of Congress, we shall be called upon for further appropriations to the extend of at least ten millions of dollars.

But will your expenditure be less for the coming, than for the current year? You propose a more extensive plan of operations—to add thirty thousand men to your military establishment—to occupy the whole Mexican territory—to spread your armies like the locusts of Egypt, over that whole Republic—and like the locusts of Egypt, to bring them to submission by eating up their substance—not merely to discomfit her armies in the field, but to dis place her whole government and civil arrangements; and, in the language of the honorable Chairman of the Committee on Military Affairs, to occupy and retain all her positions, military and political. Will your expenditures be diminished? Upon what principle then is it, that we are furnished with an estimate for the coming year, which falls from ten to twelve millions short of the ascertained expenditure of the present?

I add the seven millions, therefore, to cover the under-rating of expenses, actually calculated for in the first place.

In the second place, I include in that sum a variety of contingencies not estimated for, and not susceptible of previous estimation. Such as the loss and destruction of military stores, provisions, and other property, by the ordinary modes of destruction, as well as the casualties of war. The Commissary of Subsistence tells us, in giving the causes of the deficiency in his department for the current year, that "owing to the nature of the climate of Mexico, and the imperfect store houses, (the articles of subsistence being perishable,) much has been lost from decay and wastage, as also from wrecks during transportion."

Thirdly, No estimate is made for the commutation of land bounties by the reception of money instead of land, at the option of the soldier, authorized by the act giving bounties to your soldiers. This item is not susceptible of accurate estimation.

Fourthly, There is no estimate for pensions to your wounded and disabled soldiers—an item of no inconsiderable magnitude. How many pensioners are to be billetted on the treasury as one of the fruits of this war, no man can tell.

And, lastly, I take into consideration the miscellaneous claims of citizens for services rendered, property taken or lost—contracts unfulfilled, &c. &c., which cannot be estimated or enumerated. Those who are familiar with the expenses growing out of the Seminole war, can form some conception of what may be expected from this source.

Now, sir, am I right or wrong in adding this sum of seven millions to the estimates of expenditures for the coming year, in view of these considerations?

But this is not all. This bill proposes to raise ten additional regiments. The expense of this force is not included in the Secretary's estimates. What will they cost? Sir, I am not enough of a military man to determine with precision. I find that the pay and subsistence of a regiment amounts to about two hundred and fifty thousand dollars per annum. The additional expense of clothing will probably carry the expense up to three hundred thou-

equal dollars. The bounties for 1,000 men amount to $12,000, and the expense of recruiting to about the same. The cost of raising a regiment and transporting it to the scene of action will not, in my opinion, fall short of one hundred thousand dollars. This gives you an expenditure of four hundred thousand dollars for a regiment for the year, or four millions in the aggregate for the troops to be raised by this bill. This estimate is, in my judgment, a low one; and as it is not included in the Secretary's estimate, I add it to his estimated deficiency.

I have one other item. The Secretary includes in his estimate of receipts for the current year [illegible] as available loans and treasury notes. Of this sum he reports $4,202,020, as available on the 1st January, 1847. [illegible] I suppose that on this last sum we are to be disappointed. I therefore carry it to the amount of the sums to be raised on the credit of the government.

The result of these corrections of the Secretary's estimate is, then, an [illegible] an under-estimate of expenditure of $18,000,000, or $35,000,000 in all; to which are to be added the sum of $4,000,000, (included in his estimate of receipts,) yet to be borrowed; and the deficiency of $36,000,000, as estimated by him, which will make the whole deficiency of revenue for the 30th June, 1849, or the excess of expenditure beyond our income amount to the sum of $75,000,000.

But it has been stated to us that there was an error in the Secretary's report of the condition of the treasury of nearly seven million of dollars; that sum being in the treasury, but not included in his estimate of means—and, consequently, that his estimate of deficiency should have been less by that sum. I therefore deduct the amount from the above result, which leaves the deficiency, on the 30th June, 1849, at the sum of $68,000,000. And in this there is no estimate for the provisional force of 20,000 volunteers contemplated to be raised.

This may appear a very large estimate, but it is justified by past experience. I stated to the Senate, in the course of my remarks, that the excess of expenditure hitherto has been from thirty to thirty-five millions a year—moving at the same conclusion as the Senator from Rhode Island, though by a different process. If such has been the deficiency heretofore, what is it to be hereafter? You propose a more extensive plan of operations—an increase of your standing army by ten thousand men, and a provisional force of twenty thousand men.

Sir, you have thus far carried on this war under the most favorable circumstances. I was about to say with the especial blessing of Providence. How it has been for the peculiar state of things in Europe—calling to an unprecedented extent for our productions, and pouring into this country an abundance of the precious metals, and thus furnishing an antidote to the exhaustion of your treasury and of the currency by your foreign expenditure under the operation of the sub-treasury, this war would have ceased long ago for want of the means to prosecute it. We have, by this drain of the precious metals, brought England to the verge of bankruptcy—the Bank of England to the brink of suspension, and thus rendered them tributary to this unfortunate war. But the state of things is changed. The specie is rapidly returning—the commercial tide is ebbing—commercial enterprise stagnating, and the currency is in a condition of rapid curtailment. You have before you the prospect of commercial and financial embarrassment.

This enormous sum of nearly seventy million of dollars must be raised within less than eighteen months from this time, because it is to be expended during that period. It is to be raised also upon the naked credit of the government, for let it be remembered that this sum is not the aggregate expenditure, but is the excess of expenditure beyond our revenue. This brings me, sir, to the important question—how shall it be obtained?

Two modes are suggested—

1st. A direct and permanent loan.

2d. An indirect and temporary loan in the form of an emission of treasury notes.

Sir, I will undertake to demonstrate to the Senate that neither of these modes will avail; that if this war continue the treasury cannot be permanently relieved by either, nor by both. Every consideration connected with the subject convinces me in my judgment to justify this assertion.

Where is this seventy millions to be had? Sir, I have it from the highest authority—authority which I apprehend will not be questioned by any member of this body, that the whole amount of specie in the banks of New York does not exceed five millions of dollars. The amount in Boston probably does not amount to four. I can not say how much may be in the banks of Philadelphia and Baltimore, probably [illegible] New York and Boston. The Senator from Maryland, (Mr. PEARCE,) says two millions in Baltimore. How much there may be in the southern cities, I am not able to say; but their resources are generally less than those of the northern cities, as their banks are generally the first to suspend and the last to resume. It is not probable in my opinion that all the banks in your commercial cities can command more than twenty-twenty-five millions. Where [illegible] the [illegible] amount which you require, to come from? There is now a bill in the other house authorizing a loan of eighteen and a half millions; and there has been much speculation in the country as to the probability that such an amount would be taken. But, sir, when you come to add fifty millions more to cover the deficiency of the coming year, I deny altogether the capacity of the country to furnish it. It is a physical impossibility. The amount is not in the country. You have dissolved your connection with the paper currency of the country, [illegible] upon gold and silver, which cannot be had, and which, in the present state of your commercial relations, is going out of the country instead of coming in. Relief to the treasury in this way, under the circumstances, I pronounce impracticable. No financial skill can accomplish it.

Sir, there are other insurmountable difficulties in the way of such enormous loans, even if you had not hampered yourselves with your sub-treasury, and its specie clause. The surplus capital growing out of your recent commercial prosperity, has already sought investment—some thirty or forty millions in your public debt—an immense amount in railroads and manufacturing enterprises, which have been stimulated by the unusual activity of commerce. Fifty millions, it is said, have been invested, and are in process of investment, in railroads in New England alone. The amount now being invested in manufacturing enterprises, is immense. Nor is this all. The investments are incomplete, and the amount already invested, must draw after it further investments, to a very great extent, or the enterprises must be abandoned. This circumstance will increase the demand for money, and will increase also, the competition with you in the market. Large amounts are absorbed in goods on hand, which cannot be realized until the goods are wanted for consumption, nor until the country acquires the ability to purchase. The greatest obstacle, perhaps, of all is to be found in the condition of the money market, and the state of the currency. Money is now worth upon the best security, one and a half per cent. per month. The currency is in a course of rapid and stringent contraction. The withdrawal for exportation of the specie basis, upon which that currency rests, renders this inevitable. This diminution of the currency, has an immediate effect, (whatever may be the ultimate effect) equivalent to the annihilation of so much capital. Property of all kinds depreciates, individual embarrassment and insolvency follow, and this in turn re-acts upon the currency, by endangering the assets of the banking institutions, and forcing them to further contractions. Such is the present condition of the currency and the money market. How long will it continue? So long as the cause which produced it continues to operate. That cause is this Mexican war.

I have spoken of the exportation of specie to England. To what is that owing? Not surely to any commercial debt we had contracted there. The balance of trade had been in our favor. The immense exportations of our productions to that country has drawn from them an immense amount of the precious metals exported from them under the penalty of starvation. The sudden reflux of specie to that country has resulted, not from our commercial relations with it, but from the expenditures of this Mexican war. To avoid the exportation of specie to Mexico we have sent treasury drafts and treasury notes. These have been cashed there by English capitalists; the money has been disbursed in Mexico by our officers; but the drafts have been presented for payment at the Treasury, and the avails exported to England. It has been found a convenient mode of remittance of the gold and silver of Mexico to England. You must either continue this process or send the gold and silver to Mexico (if you can command it) and whether you adopt one course or the other, is, so far as the currency is concerned, unimportant. No further exportation of specie can take place without crippling the currency.

But, sir, could you effect these loans under these circumstances, you would prostrate the whole commercial community; and with it you would sacrifice every other industrial interest and annihilate your revenue. If done at all, it must be done by hawking about your notes at a great depreciation. If capital is thus to be forced into new channels, the effect may be easily foreseen. The withdrawal of deposites from the banks—thus forcing them to further curtailments—the forced sale of stocks tending to farther depreciation of every species of property—would result in mischief indescribable—in general ruin. Fortunately for the country, it could not and would not sustain such a pressure, but your financial operations would fail. So much as I wish to see the credit of this government in the hands of usurers. This might be done if the rights and honor of the nation were at stake, but never, with my concurrence, for the purpose of carrying on a war commenced, in my humble judgment, without necessity, and prosecuted without a rational object.

With the sub-treasury in operation, you can never expect to supply the deficiency in your revenue. Will you modify that system by repealing the specie clause? Will that avail you? The effect will be merely to enable you to receive paper instead of coin.—That paper must be bank paper; there is no other. Your loans, whether obtained from banks or individuals, will be received in that currency. What, then, will be the result? You will require of the banks, first, a currency to meet the exigencies of the commercial world, and, secondly, a medium for your immense expenditure. If they attempt this, they must enlarge their circulation to an enormous extent, and if they do this, they will inevitably be driven to suspension. We shall find ourselves thrown back at once upon the financial policy of 1814—the government leaning upon suspended banks, and the banks countenanced and sustained in the suspension by the government.

This would be an amusing comment upon the boasted divorce of the banks and the government, the blessed influence of the constitutional treasury, and the glorious practical results of the specie humbug.

But notes of suspended banks would not answer your purpose. They could be used at home only, at a discount disguised under the device of high prices, increasing still farther your expenditures and your embarrassments, and would be useless in your foreign expenditure.

If these loans cannot be effected at home can it be done abroad?

No sir. The state of the monetary affairs in Europe is still embarrassed. They are just recovering, especially in England, from extreme pressure. Confidence is not yet fully restored. They have no money to spare—and if they had, they would not be much inclined to aid you. American public credit does not stand very high there; and above all, they have no sympathy with you in this war. They have seen enough of interminable war—they are disposed to peace. And they will not fail to regard this war as prosecuted for an unlawful purpose, and as originating in reckless ambition and love of conquest.

Mr. President: The next topic which I propose to discuss is the project of supplying the deficiency in your revenues by means of treasury notes; and this is to be considered first, as a mere revenue measure; and secondly, as a means of relief to the currency and business of the country.

Sir, as a revenue measure Treasury notes may serve as a temporary relief by enabling you for a short period to anticipate the revenue; but they can never supply a deficiency. If resorted to for that purpose they must necessarily fail. And the reason is, that they will absorb the revenue they are intended to eke out. To give them the effect intended they must be made payable at a future day and upon such rate of interest as will make them an object of investment, and this will put them off the footing of a mere security for a permanent loan. If placed upon this ground they will be effectual only when a loan upon stock, at the same rate, could be obtained.

The idea that treasury notes, as a government currency receivable for public dues, and convertible into money on demand, can be made to supply a deficiency of revenue, is to my mind an absurdity. Suppose your expenditure is $50,000,000, and your revenue $30,000,000—you issue treasury notes to $20,000,000 to cover the deficiency. You must make them receivable for public dues or they will be presented at the Treasury for payment. If receivable they will be paid—in lieu of revenue: and in either case they will absorb as much revenue as they represent. That is to say, they will absorb 20 of the $30,000,000 and leave the deficiency the same as in the outset. To avoid this result, they must be reissued or issued to an amount transcending the revenue; and if so, how shall they be redeemed? If not convertible into money at the pleasure of the holder will they answer your purpose at home or abroad? But there are other difficulties. If disbursed abroad they will fall into the hands of foreigners as they have hitherto done, and the specie will be demanded for exportation, as has been the case heretofore. If disbursed at home they will fall into the hands of the banks, who, in the present crisis, will be anxious to fortify themselves; and who will present them at the Treasury and transfer the specie to their vaults, if, indeed, the specie is to be had. But where is the specie to be had? Not at the custom house, for the treasury notes will be paid in there in lieu of specie. They are at this moment at a discount, and constitute, as is well known, almost the whole of your receipts there. Not at the treasury or the sub-treasury, because, it is not at the custom house.

These treasury notes must necessarily depreciate. They are depreciated now. They are issued confessedly to cover a deficiency of revenue, and have no basis to rest upon, as no means are provided for their redemption.

Sir, this evil of depreciation in the government securities is one which aggravates itself. It leads necessarily and inevitably to increased expenditure. The greater the depreciation the greater must be the issue; and the more there is issued the greater is the depreciation. Thus the process goes on; depreciation leading to extravagant issues, and extravagant issues to further depreciation until the treasury paper sinks below any standard of depreciation and becomes valueless, because it has no standard of value. Such has been, and such will be the fate of all issues upon the naked credit of the government unaccompanied by such efficient provision for their prompt redemption as renders them readily convertible, and thus sustains their credit.

It has been suggested that this species of paper may be issued as a mode of relief to the currency and the business operations of the country. This is the counter project to that of modifying the sub treasury. It raises the question whether the treasury shall take upon its shoulders the banks or the banks the treasury, when neither can stand alone. This scheme will furnish the country with a depreciated currency, and entail upon the country all the evils of a depreciated and still depreciating currency, in which evil, the government in all its financial interests must participate. The experiment cannot succeed. We cannot find an instance in the history of nations, where such a financial experiment has succeeded. The fate of the continental money of the revolution—of the French assignats—of the experiments in our own country of State banks to issue paper upon State credit, all show that a currency resting upon the naked credit of the government must necessarily fail.

National credit is like individual credit—of no value except as it is based upon adequate means of meeting its engagements. Paper issued professedly, to cover a deficiency of revenue, without provision for its redemption, will be like the paper of an insolvent individual, worthless.

I have said that treasury notes may enable you to anticipate revenue. But no man supposes, that while this war continues, you will have any surplus of revenue over your current expenditures. Nay, the reverse will be the case. There must be an annual accumulation of deficiency and of debt. If you would anticipate, you must look forward to a period beyond the duration of this war—to the revenues of peace—for an indefinite period. If, therefore, you would anticipate the means of redeeming them you must make your notes payable upon time, with a rate of interest corresponding with the value of your stock. This would place them on a par with that stock, and if the latter would not be taken the former would not avail. But if you make them a mode of investment they cease to be a currency.

There is but one mode in which treasury notes can be kept in credit as a currency, and that is as I have already suggested, by providing adequate means of redemption when the issue is authorized. But what means can you provide? Your current expenditure will absorb all your ordinary revenues, and all which can be derived from existing sources. You have but one resource left—a direct tax. I repeat you have no other mode of providing for an issue of treasury notes to cover the deficiency in the revenues—and this must be resorted to. And if the people of this country will submit to direct taxation, for the purposes of this Mexican war, they will give you strong evidence of their approbation of your policy.

I believe I have shown that neither loans or treasury notes will answer your purpose. You cannot command the means of relieving your treasury for the coming year. But the entire occupation of Mexico is contemplated, and it may last for years. If so, where are the means for a protracted warfare or occupation of that country to be found? What will be the condition of your finances or of the commercial and monetary affairs of this country, with an annual deficiency in your treasury for a series of years, of from thirty to forty millions a year?

Sir, these evils are only to be removed by removing the cause which has produced them. Put an end to this war, and let the finances and the country revive by force of its elastic energies under the sunshine of peace.

A few words as to the project of deriving a revenue from Mexico, or subsisting your armies there. Sir, I am rejoiced to find that the idea of indiscriminate plunder is abandoned, although the purpose of military contribution is still entertained. I have always regarded this plan as chimerical. How will you carry out your revenue system there? By means of the Mexican authorities? You cannot trust them. They would require more overseers than it would require to perform the service. If you employ American officers they will defraud and resist you. Military aid must be employed, and the whole matter would degenerate into military contribution, and military contribution into indiscriminate plunder.

As to military contributions it is enough to say of them, in the language of your commanding general: "they would exasperate the enemy and starve ourselves." Production would cease and the country become exhausted.

What expectations can you entertain of serious relief from that country? That people are already prostrated. Their means are exhausted by their efforts for their own defence. You have overrun their country, disorganized and displaced their government—you have broken in upon and suspended the occupations and employments of peace, and above all, have overlaid their industry and their resources with the incubus of a foreign army which you propose to spread over their republic, to be subsisted upon them. From a people thus trodden down, impoverished, dishonored, and exasperated, you can expect but a poor harvest of revenue. Sir, fire and sword are poor financiers. What you get from that source will be but a drop in the bucket. There may be a vision of wealth floating before the imagination of some in the mines of Mexico. But it is to be remembered first, that these mines are private property—many of them the property of Englishmen, the subjects of a power both able and willing to protect their rights; and secondly, that all the mines of Mexico in the hands of this government would prove a losing concern.

On motion,

The Senate adjourned.

FRIDAY, JANUARY 28, 1848

RESOLUTION OF THE LEGISLATURE OF RHODE ISLAND.

Mr. GREENE presented a resolution of the General Assembly of the State of Rhode Island and Providence Plantations, requesting the Senators and Representatives from that State in Congress, to oppose the laying of a duty upon tea and coffee; which was laid upon the table, and ordered to be printed.

PETITIONS.

Mr. WESTCOTT presented a memorial of citizens of Apalachicola, Florida, praying the purchase, by the United States, of Mount Vernon.

Mr. W. stated, that as similar petitions signed by more than two hundred thousand citizens of the United States, were to be speedily presented, he would move that, for the present, the petition lie upon the table; which was agreed to.

On motion, by Mr. GREENE, it was

Ordered, That the petition of Welcome Parmeter, on the files of the Senate, be referred to the Committee on Pensions.

On motion, by Mr. MASON, it was

Ordered, That the petition of Bancroft Woodcock, on the files of the Senate, be referred to the Committee on Patents and the Patent Office.

LIGHT-HOUSE IN LOUISIANA.

Mr. JOHNSON, of Louisiana, submitted the following resolution, which was considered, by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the construction of a light-house on Raccoon Point, Dernier Isle, on the State of Louisiana, and into the expediency of making an appropriation for a floating light on Atchafalaya Bay, State of Louisiana.

DUTIES UPON EXPORTS TO MEXICO.

Mr. MILLER submitted the following resolution for consideration:

Resolved, That the President of the United States be requested to inform the Senate whether he has caused to be said and collected any taxes, duties or imposts upon goods and merchandize belonging to citizens of the United States, exported by such citizens from the United States, to Mexico; and if so, what is the rate of such duties, and what amount has been collected, and also by what authority the same have been laid and collected.

REIMBURSEMENT FOR STOLEN TREASURY NOTES.

Mr. STURGEON, from the Committee on the Post Office and Post Roads, reported a bill for the relief of Messrs. Cook, Anthony, Mahon, and others; which was read and passed to the second reading.

THE HAMILTON PAPERS.

Mr. PEARCE, from the Committee on the Library, to whom was referred the petition of Elizabeth Hamilton, reported a bill authorizing the purchase of the papers of Alexander Hamilton; which was read and passed to the second reading.

THE TEXAS NAVY.

Agreeably to notice, Mr. RUSK asked, and obtained leave, to bring in a bill to authorize the President to increase the naval establishment of the United States; which was read the first and second times, by unanimous consent, and referred to the Committee on Naval Affairs.

MONUMENTS TO DECEASED SENATORS.

The Senate proceeded to consider the following resolution, submitted by Mr. HANNEGAN on the 20th instant, and it was agreed to:

Resolved, That a select committee be appointed to inquire whether it may be necessary, in order to secure a suitable site for the future construction and preservation of the monuments to the memory of deceased members of the Senate, and to report such plan or plans as may be most suitable for that purpose; and that the said committee have power to send for persons, papers, and records, if they deem it necessary.

On motion, by Mr. HANNEGAN, it was

Ordered, That the Committee consist of five members, to be appointed by the Vice President; and

Mr. HANNEGAN, Mr. MANGUM, Mr. HUNTER, Mr. CRITTENDEN, and Mr. DOUGLAS, were appointed.

PRIVATE BILLS.

On motion, by Mr. BAGBY, the prior orders were postponed, and the bill to authorize the settlement of the account of the late Joseph Nourse, after being read a second time, was considered as in Committee of the Whole; and, no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That the bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

On motion, by Mr. TURNEY, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill to further extend the patent of Jethro Wood.

Mr. BALDWIN, having withdrawn the amendment previously submitted by him, moved the following proviso, to come in at the end of the bill:

Provided, nevertheless, that the owner of any plough heretofore constructed on the principle of said invention, or his assigns, shall continue to have the same right to use and dispose of such plough for use, that he or they would have had if this act had not been passed.

The bill was then passed over informally.

On motion, by Mr. UPHAM, the prior orders were postponed, and the bill for the relief of Richard Bloss and others, was read a second time, and considered as in Committee of the Whole; and having been amended, it was reported to the Senate, and the amendment was concurred in.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

WIDOWS OF REVOLUTIONARY SOLDIERS.

On motion, by Mr. JOHNSON, of Louisiana, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives, making further provisions for surviving widows of the soldiers of the Revolution; and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

ADVERSE REPORTS.

The Senate proceeded to consider the following adverse reports, and they were concurred in:

From the Committee on Indian Affairs, on the memorial of George S. Gaines.

From the Committee on Pensions, on the petition of George Petty.

From the Committee on Naval Affairs, on the petition of William M. Glendy.

From the Committee of Claims, on the memorial of George Hervey.

From the same Committee, on the memorial of Hugh Munroe McLean.

THE TEN REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. CASS.—I have been desired to state that it is the wish of my friends on this side of the chamber, that this debate should be brought to a close within the most reasonable time. There is no disposition on this side of the chamber, to interfere in the slightest degree with the freedom of debate, or to prevent the fullest expression of opinion on the part of every member of the Senate; but we believe that it is very important that the debate on this subject should be speedily brought to a close. There are other important measures which await the action of this body, which must necessary be delayed till this bill be disposed of. It has occurred to us

that hereafter every gentleman who addresses the Senate on this bill, should terminate his speech on the same day. We will have great pleasure in sitting as late as may be necessary, but we do hope that no Senator will hereafter occupy more than one day.—I am requested, further, to state, that it is our hope that this debate may be brought to a close, if not at the end of next week, as early in the week after as possible.

Mr. PHELPS.—It is with the utmost repugnance that I trespass any further upon the patience of the Senate; and, I would most cheerfully consent, as far as I am concerned, to leave the subject here to be disposed of by the Senate; and I assure the honorable Chairman of the Committee on Military Affairs, that if no other Senator on this side of the House is more disposed to protract the debate than I am, his wishes will be speedily gratified. Sir, perhaps I owe an apology to the Senate for having consumed so much time yesterday, without concluding my remarks; but my apology is, if an apology be required, that the subject to which my remarks were directed yesterday, is a subject, in itself, almost inexhaustible; and I have found it impossible to express fully my views in relation to it, without consuming much more time than I should desire.

But, without further preface, I will resume the thread of my remarks. I was speaking, yesterday, of the project of redeeming the Treasury by the emission of Treasury notes; and was adverting also, to another consideration connected with it—the proposed relief to the currency and the business of the country. I had submitted certain remarks in the Senate for the purpose of showing that such a device would prove ineffectual; that as a revenue measure it would absorb just as much as it would supply, and that it would, therefore, leave a deficiency in your finances as great as it found. I have a few additional remarks to make on this subject. In the first place, I repeat that treasury notes, although they may enable you to anticipate your revenue for a short period, can never supply a deficiency. Sir, our object is to anticipate our revenue, but not a revenue for the present; so long as this war continues, it must be obvious to every Senator who hears me, that the deficiency cannot be supplied. If, therefore, we wish to anticipate our revenue, we must look forward to a time of peace; we must look forward for an indefinite period, and we must anticipate the revenue after that period has arrived. Well, sir, in this state of things, it is perfectly apparent that no relief can be effectual unless it is by obtaining money, in some shape or other, on a credit which shall cover the continuance of this war, and carry us forward to a state of peace.

I have finished the remarks which I intended to make upon this branch of the subject. I should be willing to leave it here, but after all that has been said and done, and after all the anxiety which has been expressed and felt, and which is still felt, I may be permitted to follow the example of other gentlemen in presenting to the Senate and to my own constituents, some other reasons for the vote which I am about to give.

Sir, what is the object of this war? Not conquest, it has been said, although, sir, this subject has assumed a great many phases since we entered upon the war. But the object is said to be indemnity! For what? Indemnity for the sum of some four or five millions of dollars for claims against the government of Mexico in favor of our citizens? Well, sir, the collection of this paltry debt has already cost us some fifty odd millions, and if we are to regard this matter in a pecuniary point of view, it will yet cost us much more. We had much better abandon the project of recovering our debt in this way. But the President has told us (what is undoubtedly true,) that the Mexican government has no means of indemnifying us for our expenses. They have no money. What then are we to have by way of indemnity? He tells us that we must have land. But I am informed they have no public domain. You will therefore get no title to the land. You may get a cession of territory, and what does it amount to? Why it amounts to the acquisition of jurisdiction over a horde of people, which will prove nothing but a burden and a curse to you, as long as they are on your hands. Sir, it will be worse, infinitely worse than the Indian population; which has cost this Government so much trouble and so much money. What will you do with them? Will you assume the same relations to them that you do to the Indian tribes? That cannot be done. If you leave them the form of a government, as you leave to the Indian tribes, your relations to them must be one of perpetual war. No man can expect that quiet possession can be held of that country, so long as they have their own government, and, especially, if we recognise it. There is another project, which is, to hold it as a province. This has been already demonstrated by Senators to be impossible. Place them in the condition of a province, and they will knock at your doors until they place their representatives in these seats. This will be the unavoidable result. There is an end, therefore, to the idea of governing these people as a province. The result will be, as a matter of course, annexation. They must be taken into our Union. They must be brought in upon the footing of American citizens.

Sir, for one, I want no partnership with this people. I do not desire to see them brought into our political family. I know, sir, that what was once considered as a problem, is now regarded as settled—that extent of territory is no serious obstacle to a free and representative government—but, sir, whether your territory be great or small, it is indispensable to the maintenance of a representative government, that its population should be a homogenous people. Sir, I have had under my eye for years an experiment, which shows the utter impossibility of bringing a people of a different origin and of peculiar habits, to harmonize under a representative form of government. A few years since it was the policy of the English government to establish a Parliament and a system of representative government in Canada. What was the result? We all know that the French population of the Canadas areas distinct now from the English, as they were when the English supremacy was established there. They are as distinct from the English as if the two classes had resided in different hemispheres. The result was, that when they came to the polls, they were arrayed on the side of their respective races—and their dissensions instead of being diminished by lapse of time, were only increased. The principal object of the Crown became necessary, in order to counteract the superiority in numbers of the French population of the lower province, and this led to the paltry rebellion of which we have heard so much. It became necessary at last for the British Parliament to unite the two provinces in order, by the introduction of the English, Irish, and Scotch population of the upper province, to counterbalance the political weight of the French population in the lower. Now, I undertake to say, that if the people of Canada were left at this moment, with an independent and representative form of government, five years would not pass over their heads, without presenting to us as the result of the experiment, a civil war in that country. The population of Mexico is as distinct from the Anglo Saxon race, as any two races are distinct upon earth. Sir, do you expect the descendents of the Puritans to harmonize with this anomalous population? Can you reconcile the love of order, the submission to law, and the attachment to peace which has characterized the descendents of Puritans for centuries past, with the lawless and turbulent propensities of a people whose elements from the period of their first national existence to the present day have been anarchy and revolution? I need only to say to you, sir, that if such an event as the incorporation of that country into this Union should occur, we could not make its population harmonize with our own. Sir, I am not disposed to intimate authoritatively, nor in a manner which will admit of that construction, that the consequence will be a dissolution of this Union. But I may be permitted to say, that in reference to my own constituency, and the kindred population of the North, that in my humble judgment, if "thirty new Stars" are to be added to the Union, from this conquered country, it will be beyond our power if we would, to hold that Union together. Sir, my opinions are decided in regard to this matter. I want no persons admitted into this political family, who are not of the Anglo Saxon race; unless it be a race that can amalgamate with us, and be lost in one homogenous mass.

Sir, I think the ground taken by the honorable Senator from Maryland, who is not now present, exhibited a much more rational view of the subject. He told us, that our indemnity consisted in military glory, in the brilliancy of our achievements—in the exhibition of our power in the results of our splendid military career. I agree, sir, with the honorable Senator, that that is all the indemnity which we can get, and I believe if the honorable Senator were now present, he would agree with me, that if this is to be our indemnity, in God's name, we have had enough of it. Sir, is there any new lustre to be added to our career of conquest—any new or additional reputation to be acquired—is it necessary, in order to vindicate the honor of this Republic, that we should proceed to trample under foot—to denationalize, and reduce to perpetual subjection, a foe who has lost the power of resistance? Sir, I am so unfortunate, that I have not looked upon the glory and splendor of military achievements, with the same sentiment of unmingled admiration as others may have done. I am constrained to say, that I have turned disgusted, from the revolting details of human slaughter, which the history of this war presents. Sir, I have been disposed to ask, in the name of the country, in the name of a christian people, in the name of humanity, yes, sir, in the name of humanity's God—for what rational purposes are these scenes of human butchery enacted? Sir, when I am told that the object is the glory of military achievement, I confess that my feelings revolt at it. No, sir, if this be the purpose, in heaven's name, let us be satisfied with what we have done. Let us pursue this object no farther. What opinions must be entertained in other quarters of the world, in relation to this Mexican war? It must be regarded as a war for national plunder, I was about to say, of national piracy! And instead of adding to the honor of the nation, it will call down upon us, if persisted in, the execrations of the civilized world. But, sir, I leave this part of the subject.

Mr. President, it is somewhat amusing to witness the various phases which this subject has assumed. In May, 1846, we were told that American blood had been shed upon American soil. We were told that the honor of the nation was involved, and we were called upon to vote for a declaration of war, because the indignity which had been inflicted upon us by the shedding of American blood upon American soil called loudly for retribution. But, sir, soon this became a war of indemnity. We were pursuing this war for the purpose of indemnifying ourselves for claims which our citizens had against Mexico; and while we were pursuing it for this purpose, and justifying it upon this ground, we were told that Mexico herself begun it; as if the process of collecting this debt had begun not on the part of the creditor, but of the debtor. But we were soon told that no indemnity could be had except by the acquisition of territory—that Mexico had no other means for indemnifying us. We were next further informed that we must occupy all Mexico, in order to distress her and bring her to terms; yet this was no war of conquest. It was a war for territory, which was to be acquired by force, and kept by force, but not a

war for conquest. Yes, sir, a year ago we were told that it was not a war for conquest, but a war for indemnity. Now, after the successes of the last campaign, we are told that it is still a war for indemnity—not for conquest, but that we must hold on to what we have got, and when we get possession of the rest of Mexico, we can then determine for ourselves whether we will keep it.—Here is a subtile distinction. It is acquiring the territory of neighboring nation by force and keeping it by force, but it is not conquest. It is a distinction between robbing your neighbor and eating him and taking from him by force the contents of his pocket. What next?

We are now told that the object is the conquest of Mexico, and the whole of Mexico. The wise discretion to which I have adverted has become obsolete. It is now conquest; and this conquest without any declaration of a purpose, under any circumstances or at any time, to relinquish our acquisitions. The honorable Chairman of the Committee on Military Affairs, if I understood him, said that the purpose is the conquest of the country, and that whether we shall retain it or not when conquered, is a question to be settled hereafter.

Mr. CASS.—If the honorable Senator will allow me. I said that the object was conquest, with the view of conquering peace.

Mr. PHELPS.—Ah! it is a conquest of the country for the purpose of conquering peace. Will the honorable Senator tell me how the conquest of the country is to result in the conquest of peace? You propose the occupation of the whole country—to displace its government—to seize its revenues—to take its people under your protection. You leave no government to make peace with. You deal with the people and not with their government. You have taken possession of a portion of their territory, and we are advised by the President not to surrender it, but to extend our laws over it. Sir, if peace is to be attained in this way it must be by the utter extinction of Mexican power. A peace to be acquired in this way is a peace to be obtained by annihilating the power which is opposed to you. We are to place them in a condition in which they cannot resist, and we shall be at rest because their power of resistence is extinct. I can come to no other conclusion.

But, sir, the object is now stated in some quarters to be the conquest of the country, not for the sake of indemnity; that has become an obsolete idea; but it is to be a conquest for the benefit of Mexico. Yes, sir, we must conquer the country for the purpose of putting that nation to school. We must assume a guardianship over them and thus put an end to their dissensions. When we have reformed their habits and sufficiently indoctrinated them at the point of the bayonet into our customs and habits and political creed, and qualified them for self-government, by the salutary influence of military subjugation, we are then to declare them of age and emancipate them—if we please. Now, this last object, this newly discovered purpose for which this Mexican war is prosecuted, has this one quality to recommend it: it is philanthropic. It is not obnoxious to the objections which I have urged against the pursuit of military glory—the wholesale slaughter of human beings for the honor of the deed. For war, however glorious and dazzling may be some of its appendages, is little else than mere human butchery—justifiable it may be in some cases—but it unjustifiable, it is nothing short of wholesale murder.

How long are these Mexican people to be kept at school? How many generations are to pass before the habits, views and character of this people are to be changed? Will gentlemen tell us how many generations are required to extinguish the Castilian blood, which even at this day exhibits itself in bold relief in the characteristic obstinacy of this Mexican people? Sir, it will endure for centuries. These people as a conquered people will be a distinct race, and the longer you keep them in subjection the longer will be the necessity for continuing your conquest. If they have proved incompetent to self-government, they will not improve under military supervision—if unworthy of admission into the American family you will hardly elevate them in the scale of human respectability by a course of abject servitude to a people whom they hate. They will never be reconciled to your government, and your laws and institutions can be sustained among them only at the point of the bayonet. But, sir, it has been my object, I perfect that the people, instead of being schooled by us, be left to the management of their own affairs. I prefer altogether the doctrine which permits every nation to regulate its own internal affairs, and which forbids foreign interference.

Permit me in this view of the subject to express my deep regret, that the purpose of conquest—if it were the original object of the war—had not been openly avowed in the outset. It would have appeared better in my humble judgment, in the chief executive officer of this government, if before proceeding—as I may say by stealth—to the conquest of Mexico, he had submitted the question to the American Congress, and the American people. Sir, it is not statesmanlike to make these protestations to the world, that the purpose of the war was not conquest, when at the same time every proceeding on the part of the government, their whole policy is leading to that very result. All this, in my judgment, is utterly inconsistent with that ingeneous and straitforward course which ought ever to characterize the Chief Executive Magistrate of this nation. Sir, it is unfortunate, extremely unfortunate, that when the attention of the American people is at last called to the subject, and they seek to know the object for which the war is prosecuted, they are met by the declaration, that in all human probability conquest has become inevitable. We have proceeded too far to retrace our steps. We have gone on until we have acquired possession of the country. We have placed that people in a condition in which they have no government with which to negotiate. We have placed them in such a condition, that we must take them under our own protection, and all this before the sense of Congress or the American people is ascertained. Sir, it is not for me to say that conquest was the original object. Common courtesy forbids it. Were it otherwise it would ill become me, on this floor and on this occasion, to advance so grave a charge in the face of the repeated protestations of the Executive, however strongly the force of circumstances may indicate its truth. But I do say, that if such was the object, it is little short of treason to the American people to pursue it thus by stealth until the evil of throwing upon our hands an empire—peopled by a race of different origin, different language, customs, and opinions, both political and religious—to be governed as a dependent province or admitted as incongruous material into our political union, becomes inevitable. And thus to place us in a position where, however strongly we may disapprove this policy, and deprecate such a union, we have no alternative but acquiescence.

Sir, the questions growing out of this unfortunate war are too grave to be left to Executive discretion—its results involving as they do, the integrity of our Union and the perpetuity of our institutions, should not be entrusted to the judgment—the caprice—the policy—nor the ambition of a mere Executive officer. The inroad upon the spirit of the Constitution in this assumption of power by the Executive, in entering upon his own responsibility upon this career of conquest, would, but a few years since, have astounded the American people and the world. The countenance now given it by the people, indicates too decisively, the change which has taken place in the spirit of our institutions—and affords an alarming presage of greater changes hereafter. This is a very serious question—what effect will this spirit of conquest have upon the character and disposition of the American people, and upon the genius of their institutions? This passion for military glory has been the bane of all republics, the disease which has undermined their constitutions and led to their destruction. I did hope that our peculiar position—separated as we are from the old world and its wars by the ocean—would save us from this lawless spirit of domination, which, when it once comes to debauch a people, renders them incapable of self-government.

Sir, can any man define to me the relation in which that officer holds to the Constitution? On the one hand, he is the Chief Executive of a limited government with limited and delegated powers; responsible to the people; and on the other hand he is a military conqueror proceeding upon the right of conquest and standing upon the right of power. Yes, sir, the chief Executive officer of our limited Constitution stands at this moment with one foot upon the Constitution and the other upon the law of conquest. He is at this moment exercising the power conferred upon him by the Constitution, and he is at the same time wielding an absolute sovereignty over an empire unrestrained by any restrictions or limitations whatever. His is a most anamolous position. What are his powers?—and how are these limited and delegated and qualified powers to be dovetailed into the Constitution in connection with this unlimited and irresponsible power? Sir, we have heard much heretofore, and with great reason, of the encroachments of the Executive power; but I undertake to say, that the President of the United States, independently of this right of conquest which is carried out in Mexico, at this moment wields within the United States a power which the framers of the Constitution never contemplated.

The constant accumulation of power in the hands of the Executive bids fair to destroy the balance of the Constitution. It has been an object of much alarm, of anxious solicitude to the statesmen of this country, and may well excite the anxious solicitude of the country itself.

The immense amount of power vested in the Executive is extended already beyond any previous expectation. It reaches every nook and corner of this wide spread republic. It is a patronage all-pervading—a patronage increasing with a rapidity unexampled—as the blue book, now a ponderous volume, compared with the blue book of former years will illustrate. It expands itself with your growth and plants itself among the pioneers of civilization, in every new establishment of civilized life. Nay, it moves in advance of civilization, and finds a wide field for its exercise in your Indian department—in regions to which the Indian title is not yet extinguished, where savage life and savage manners have not yet given place, and which the tide of civilization has not yet reached. This immense and all-pervading power acts directly upon the very source of political power—the people. In connection with this is the Veto power, so engrafted upon the Constitution to sustain and preserve the legitimate powers of the Executive, but used of late without scruple, not for the purpose of protective the Executive from legislative encroachments, but as I am constrained to believe and to say, for the purpose of controling the legislative power—of holding it in check, and of moulding its action to the opinions, views and purposes of the Executive.

To these powers already threatening to destroy the balance of the constitution, is now to be added these anomalous powers appertaining to the President, as the head of the military establishment, and derived from the law of nations and of conquest.

How can you resist this tendency to absolute Executive supremacy? or this career of conquest? Direct legislative action will not avail the veto power will interpose. You must refuse to

act—you must adopt the remedy of the English Commons of withholding supplies. But will this avail you? The President has assumed the power of levying money in Mexico—and if he can levy money, can he not also levy men? May he not have a purse and a sword independent of you?

Sir, let me suppose that we could exchange characters with the Mexican people; clothe them with our energy, and enterprise, and ambition, and place us in their degraded condition; give the President the power of levying men and money in Mexico, and how long would our ephemeral republic continue?

Sir, with the tremendous power thus accumulated, the President may overturn the constitution. Not, perhaps, with the bayonet at your breasts, but by the tremendous power thus acquired and thus wielded, in defiance of the constitution. Sir, I desire to learn how this assumption of the power of levying money in Mexico can be reconciled with the constitution. In what portion of that instrument is it to be found? It cannot be found there; if justified at all, it is upon the right of conquest, and is, therefore, independent of the constitution. What is to be done with these military contributions levied there? Upon what basis does the financial system established there by authority of the President rest? Are these military contributions a part of your financial system? Are they based upon any act or authority emanating from you?

Sir, I have seen this morning, for the first time, a general order from the commanding General in Mexico, levying contributions there. Will the President account to you for them? No, sir; he intends no such thing. He will dispose of them at his pleasure.—What is to be done with the revenue collected there? If paid into your Treasury it is by the President's permission. If expended there, as it will be, will he wait for an appropriation? The Secretary of the Treasury tells us that about half a million has already been collected there. If it be a part of your finances, in what item of the honorable Secretary's report on the finances is it to be found?

Sir, where is the ground of responsibility to you, and how will you enforce it? Upon what principle will you hold the subordinates employed in the collection of this revenue responsible?—Where will you find the ground of responsibility which can be made the subject of judicial cognizance? Will you assume that our constitution and laws extend to that country, and that they can be judicially extended to transactions occurring there? If so, then, that country, by becoming subject to your constitution and laws, becomes *ipso facto* a part of this Union, and annexation is effected by the act of the President alone. Again, sir, if the President is considered as acting within the pale of the constitution, and Mexico is considered *pro tac vice* subject to your jurisdiction, by what authority does he buy taxes without your concurrence? Nay, by what authority has he established a tariff of duties different from yours—an arbitrary tariff of his own? The result is that he must either be regarded if exercising these powers independently of the constitution, or of that country; he for the time being subject to your laws, he has violated the constitution by making himself the law-maker and disowning your jurisdiction.

Sir, if you leave him to the exercise of this despotic power, what will be the effect on the institutions of this country? The tendency of all this is to infuse a military spirit into the constitution—to engraft upon it an extraneous power of the most arbitrary character, which will absorb the limited and delegated powers of the constitution, and over ride its restrictions. What sort of an administration shall we have with a military head wielding a purse and a sword not subject to your control? This war is debauching the nation with the love of military glory—giving to our institutions a military character, and placing at their head, instead of the constitutional President, a military Colossus. This may lead to the overturning of your government and the destruction of your liberties. Sir, this is the worst aspect, in my humble judgment, in which this unfortunate war can be viewed.

We may yet feel safe. We may rely upon the energies of this people and their love of liberty. But who can penetrate the future? There are those now living whose memory can embrace both extremities thus far of our national existence—who remember the period of 1789, and the adoption of the constitution; and who are at this moment watching with extreme anxiety the issue of the present crisis. Who among them would have believed, had it been foretold, the astonishing advancement of this country! Sir, many of us of younger age have lived to see what we never imagined would occur in our day. Our progress in the gradations of national existence has been without a parallel; and if there be in national existence such a thing as youth, maturity, decrepitude and decay, we have gone through the first with unexampled rapidity, and may find ourselves at the last, ere we are aware of it. We have accomplished, within three score years, what has required centuries elsewhere. We may find our decline as rapid as our growth. We may be prepared for the fate of other republics in an early stage of our national existence, as our maturity has been early. We may find ourselves at a period corresponding with the rapidity of our national advancement, the subjects of corruption and decay, and like preceding republics, the subjects of a military usurper.

Sir, I hoped it would not be my fate to witness such a result; but that the present condition of the country tends to such a result, we have too much reason to fear. Sir, let this war be terminated—let us return to the healthful condition of peace—that condition best adapted to our institutions, and that alone in which they can be perpetuated.

How shall the war be terminated? My answer is, by demanding of Mexico no more than is reasonable and just. A sense of justice will help us more, if we desire peace, than all the armies in the world. Put yourselves, if you can, upon an equality with that people in point of power, and then ask yourselves what, under all circumstances, is proper to be required of them.

What has been our course hitherto? We have sent out Mr. Trist, our peace commissioner, but we have sent our armies with him. We have tendered negociation, but it has been negociation at the point of the bayonet. We have commenced negociation with a proposition to dismember their empire. Give us, say we, one half your empire, or we will take it by force, and the other half with it, to pay the costs of the proceeding. Had such a proposition been made to us by any power or by all the powers upon earth, what would have been the sentiment of the American people? Sir, I recollect well that at the commencement of negociations at Ghent, a proposition was made by the British commissioners, to establish what they called the old French line of Canada, which would have thrown me and a great portion of my humble constituency into the dominions of Queen Victoria. Has any one forgotten the burst of indignation which ran through this land at a proposition so humbling and insulting? or the indignant reply of our commissioner to the proposition? Sir, is there a man who hears me who would not, had he been a Mexican, as he is an American, have repelled the proposition with scorn?

Sir, if my advice were asked as to the best mode of terminating this war, I would tell you: Instead of indulging in the spirit of aggression and of conquest, infuse a little moderation into your counsels; abate a little of your high and offensive pretensions; show a disposition to preserve instead of destroying the nationality of Mexico—a disposition to leave to her the integrity of her empire, rather than to dismember it. Be satisfied with a reasonable provision for your claims. If this war be a war of indemnity and not of conquest, be satisfied with a reasonable indemnity; say no more about indemnity for the expenses of the war, which you know is altogether beyond her ability; and, above all, show a willingness to relieve her from the pressure of your armies, so offensive to her national pride. Place yourselves on this ground, and I will venture my humble prediction that this unfortunate war will soon be ended.

Mr. DOUGLAS then took the floor, but subsequently yielded it to Mr. DOWNS, with the informed understanding that he should follow the Senator from Louisiana.

After the consideration of Executive business,

The Senate adjourned until Monday next.

MONDAY, JANUARY 31, 1848.

MEMORIALS AND RESOLUTIONS OF THE LEGISLATURE OF MISSOURI.

Mr. ATCHISON presented a memorial of the General Assembly of the State of Missouri, praying for the establishment of a territorial government in the territory lying west of that State; which was referred to the Committee on Territories.

Also, a memorial of the said General Assembly, praying a grant of public land to aid in the improvement of the Osage river; which was referred to the Committee on Public Lands.

Also, a memorial of the said General Assembly, praying that the mounted volunteers of that State, mustered into the service of the United States, may receive their full pay as mounted men, and compensation for their horses lost in the public service; which was referred to the Committee on Military Affairs.

Also, a memorial of the said General Assembly, praying the final adjustment of all claims to lands in that State, under French and Spanish grants; which was referred to the Committee on Private Land Claims.

Also, a memorial of the said General Assembly, praying a grant of public land for purposes of internal improvement; which was referred to the Committee on Public Lands.

Also, resolutions passed by the said General Assembly, in favor of the Tariff of July 30, 1846, and the Independent Treasury, and deprecating any change or modification affecting the principles of either of those acts; which were referred to the Committee on Finance.

Also, resolutions passed by the said General Assembly, in favor of a strict adherence to the principles of the 8th section of the act of March 6, 1820, (commonly called the Missouri Compromise,) in the organization of new States or territories, out of any territory now belonging to, or which may hereafter be acquired by, the United States; which were read and ordered to be printed.

PETITIONS.

Mr. NILES presented two petitions of citizens of Connecticut, praying a reduction of the rates of postage on newspapers, which were referred to the Committee on the Post Office and Post Roads.

Mr. DIX presented the memorial of Priscilla D. Twiggs, widow of Levi Twiggs, deceased, late an officer in the Marine Corps, praying to be allowed a pension in consideration of the loss of her only son, who was killed in battle; which was referred to the Committee on Pensions.

Mr. CASS presented the petition of John Caldwell, praying the reimbursement of money paid by him for the public service, while acting as assistant quartermaster to a regiment of volunteers in Mexico; which was referred to the Committee on Military Affairs.

Mr. CORWIN presented a petition of citizens of Warren county, Ohio, praying the establishment of a mail route from Springboro' to Ridgeville, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. BENTON presented the memorial of John Baldwin, praying the payment of the unliquidated instalments of Mexican Indemnity, due him under the convention of January 30, 1843, either in money, or in a six per cent. stock of the United States; which was referred to the Committee on Foreign Relations.

Mr. HANNEGAN presented the petition of Isaac C. Elston, and the petition of James M. Kibben, each praying the relinquishment of the reversionary interest of the United States in certain Indian reservations purchased by them; which were severally referred to the Committee on Indian Affairs.

Mr. DAYTON presented a memorial of members of an agricultural society in New Castle, Delaware, praying an extension of a patent granted to Obed Hussey, for a reaping machine; which was referred to the Committee on Patents and the Patent Office.

Mr. BERRIEN presented the memorial of the Central Rail Road and Banking Company of Georgia, praying the cancellation of bonds given for duties on certain railroad iron imported for the use of their railroad.

It would be perceived, the Senator remarked, that the claim of these memorialists was to the legal right which they asserted they had for the cancellation of these bonds; they having complied with the requisitions of the then existing law. It was not, therefore, a question of finance, but one of legal right, which, in the event of its refusal by Congress, would have to be determined by the courts of justice. The memorialists believed they had complied with the requisitions of the law, which rendered null the bonds which they gave for the payment of these duties. The Secretary of the Treasury had suffered this matter to remain, awaiting the decision of Congress, but had recently notified them that unless Congress shall act definitely on the subject during the present session, these bonds will be put in suit. As it was, therefore, a legal question, presented by this memorial, he would move its reference to the Judiciary Committee.

The memorial was accordingly referred to the Committee on the Judiciary.

Mr. UNDERWOOD submitted documents relating to the claim of the heirs of James Rumsey, deceased, to remuneration in consideration of the benefits which have resulted from the application of steam to the purposes of navigation and the mechanic arts, of which their ancestor was the original inventor; which was referred to the Committee on Public Lands.

RECEIVERS OF THE PUBLIC MONEY.

On motion by Mr. BREESE, it was

Ordered, That the Committee on Public Lands be discharged from the further consideration of the resolution of the Senate of the 29th December, respecting the compensating the receivers of the public money who perform the duties of Assistant Treasurers, and that it be referred to the Committee on Finance.

OCEAN STEAMERS.

On motion by Mr. YULEE, it was

Ordered, That so much of the report of the Postmaster General as relates to a contract made for the transportation of the mail in steamships between Charleston, South Carolina, and Havanna, in Cuba, be referred to the Committee on Naval Affairs.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr President: The House of Representatives have passed bills of the following title:

An act for the relief of Mary Brown, widow of Jacob Brown.

An act for the relief of the legal representatives of James Brown, deceased.

An act for the relief of Edward Quinn.

An act for the relief of George Newton.

An act for the relief of Russell Goss.

An act for the relief of Alborne Allen.

They have passed the bill from the Senate entitled "An act supplementary to the act entitled 'An act to regulate the exercise of the appellate jurisdiction of the Supreme Court in certain cases, and for other purposes,'" with amendments, in which they request the concurrence of the Senate.

The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate, for the signature of their President.

PRIVATE BILLS, ETC.

Mr. MASON, from the Committee of Claims, to whom was referred the memorial of Clements, Bryan and Company, submitted a report accompanied by a resolution for their relief.

The resolution was read and passed to the second reading.

Ordered, That the report be printed.

Mr. JOHNSON, of Louisiana, from the Committee on Private Land Claims, to whom was referred the memorial of Bailie Peyton, submitted a report accompanied by a bill to authorize the Secretary of the Treasury, with the approbation of the Attorney General, to purchase for the United States, the interest of Bailie Peyton in the tract of land on which the light house stands at the South West Pass at the mouth of the Mississippi river.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. BALDWIN, from the Committee of Claims, to whom was referred the petition of William H. Prentiss, submitted a report accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

PUBLIC LANDS IN OREGON.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill to create the office of Surveyor General of the public lands in the Territory of Oregon, and to grant donation rights to settlers therein, and for other purposes, reported it without amendment.

COMPENSATION TO ACTING PURSERS, ETC.

Mr. YULEE, from the Committee on Naval Affairs, reported a bill to enable and authorize the accounting officers of the Treasury to audit and settle the accounts of certain acting officers therein mentioned; which was read and passed to the second reading.

On motion by Mr. YULEE, the said bill was read a second time by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass, and that the title be as aforesaid

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

COMPENSATION OF POST MASTERS.

Mr. NILES, in reporting a bill from the Committee on the Post Office and Post Roads, in amendment of an act, entitled "An act to amend the act entitled 'An act to reduce the rates of postages, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the revenues of the Post Office Department, passed the 3d of March, 1845,'" remarked, that the object of the bill was to correct a mistake made in the act of last session, which was intended to increase the commission of post masters, but which, by an inaccuracy in the drawing of the bill, was made to diminish the commission. In order to correct the mistake, and to give to the act the effect obviously intended by both Houses of Congress, this bill was now reported. It was also designed to authorize a resettlement of such accounts of post masters as had been made under the erroneous construction of the act, and to indemnify them, or in other words to give due effect to the act of last session, in the case of all accounts which had been settled under it.

The bill was read and passed to the second reading.

ADVERSE REPORT.

Mr. BRIGHT, from the Committe on Revolutionary Claims, to whom was referred the memorial of Maria Caldwell Robertson, submitted an adverse report thereon.

JETHRO WOOD'S PATENT.

On motion by Mr. CLARKE, the Senate resumed, as in Committee of the Whole, the consideration of the bill to further extend the patent of Jethro Wood.

The question being put on agreeing to the amendment moved by Mr. BALDWIN, on the 28th inst., it was determined in the affirmative.

The bill was then reported to the Senate and the amendment concurred in

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass and that the title thereof be as aforesaid

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

ADDITIONAL CLERKS IN THE PATENT OFFICE.

On motion by Mr. WESTCOTT, the bill to provide for additional examining clerks in the Patent Office, and for additional fees in certain cases, was read the second time, and considered as in Committee of the Whole.

On motion, by Mr. BREESE, it was

Ordered, That the further consideration thereof be postponed until to-morrow.

SIGNING OF A BILL.

The VICE PRESIDENT signed the enrolled bill, making further provision for surviving widows of the soldiers of the revolution; and it was delivered to the Committee to be presented to the President of the United States.

MESSAGES FROM THE PRESIDENT.

The following messages were received from the President of the United States, by Mr. WALKER, his Secretary:

To the Senate of the United States:

I communicate herewith a report from the Secretary of War, with the accompanying documents, in answer to the resolution of the Senate, of the 24th instant, requesting to be furnished with "copies of the letters, reports or other communications, which are referred to in the letter of General Zachary Taylor, dated at New Orleans, 20th July, 1847, and addressed to the Secretary of War, and which are considered to be containing the views of General Taylor, previously communicated, in regard to the line proper to be occupied at that time by the troops of the United States, and any similar communication from any officer of the army on the same subject."

JAMES K. POLK

Washington, January 31, 1848

To the Senate of the United States:

I transmit herewith a report of the Secretary of War, containing the information called for in the resolution of the Senate of the 20th instant, in relation to General Orders, No. 376, issued by General Scott, at Headquarters, Mexico, bearing date the 15th December last.

JAMES K. POLK

Washington, January 31, 1848

To the Senate of the United States:

I transmit herewith the annual report of the Director of the Mint at Philadelphia, showing the operation of the Mint and Branch Mints for the year 1847.

JAMES K. POLK

Washington, January 31, 1848.

The messages were severally read, and ordered to be printed.

BILLS FROM THE HOUSE.

The bills from the House of Representatives for the relief of Mary Brown, widow of Jacob Brown; for the relief of George Newton; and for the relief of Russell Goss; were severally read the first and second times by unanimous consent, and referred to the Committee on Pensions.

The bills from the House of Representatives for the relief of the legal representatives of James Brown, deceased; and for the relief of Alborne Allen; were severally read the first and second times by unanimous consent, and referred to the Committee of Claims.

The bill from the House of Representatives for the relief of Edward Quinn, was read the first and second times by unanimous consent, and referred to the Committee on Naval Affairs.

PERSONAL EXPLANATION.

Mr. SEVIER asked the indulgence of the Senate for a few moments, in order to correct a misrepresentation of remarks made by him a few days since. He found an article in the "National Intelligencer" of Saturday last, under the imposing caption—"Acquisition of desired territory by force, and not of right, boldly avowed as the principle of the administration"—in which it was attempted to show, that he had affirmed such a principle. Now, he had never broached such a doctrine. He had never contended, he did not now contend, that any power had a right to take territory to which it had no claim. In the remarks made by him on which the article in question affected to be a commentary, he had distinctly and explicitly maintained, that the claim to the right of navigating the Mississippi was the ground on which the action of the government had been predicated; and that the claim on which the act of 1806 rested, was the title which the United States government believed they had by virtue of the purchase of Louisiana. He did not, however, charge the "Intelligencer" with deliberate misrepresentation, as the report of his remarks was not quite correct. In justice to the Reporter, it was proper to add, that the report was submitted to him (Mr. S.) but being engaged on committee business at the time, he was hurried, and did not notice the omission of a single word which obscured the sense. On the same occasion he had spoken of the Perdido as the eastern boundary. In the report it was made southern boundary, and he desired to correct that error, lest the "Intelligencer" should, perhaps, make it the ground of assailing him on the score of geographical knowledge.

TEN REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. DOWNS.—I had no intention, Mr. President, when this bill first came up in the Senate, to say anything upon the subject. I thought, sir, that our progress in this war with Mexico was such—we having advanced to the interior of that country, taken possession of its capital, and accomplished everything, practically, that the army and the President could accomplished—that at the meeting of this Congress, when it came together, it would, in its deliberations upon this subject, rather indicate what further steps should be taken in the matter, and would occupy their time in action rather than words. I had no expectation whatever, when this bill was first introduced, that its passage would be delayed, and that the measures recommended by the President would be opposed.

I find, however, that I have been very much mistaken. When it was proposed, for the first time, to take up this bill, I happened not to be in the Senate on that day, and I believe it was the only

day in which I was absent since the commencement of the session—not, upon inquiring, I found that opposition was made to such consideration, and there was a very close vote as to whether the bill should be taken up. I understood from that fact at that time, that some obstructions would be thrown in the way of its passage; but, still, I did not anticipate that decided opposition to the bill, which has since been manifested on the other side of the chamber.

Mr. President, as we have had so much discussion, and so much difference of opinion as to the origin of this war; and as, perhaps, we shall hereafter have a difference of opinion as to the position by whom the opposition to the bill was commenced, I wish to place on record, the history, as I understand it, of this debate. In so doing, it will be necessary for me to allude to the course of certain Senators upon this all important subject; for, in relation to the history of the action of the Senate, in the debate on this bill, I do not, for one, desire to have the question hid as to who commenced or protracted this war of discussion. When the attempt was first made, sir, to call this bill up for consideration, the objection, as I understood from the "Official Proceedings," to taking it up, was not one of direct opposition to the bill, but, simply, whether it should be taken up or not at that time. At all events, that appeared to be the light in which it was regarded by the chairman of the Military Committee.

We soon, however, came to another stage of procedure in this matter: some days after, when the bill was again called up, an amendment was offered by the Senator from Kentucky, [Mr. CRITTENDEN,] to change the provisions, &c. Still I did not understand that to be opposition to the bill, for, if I understood the Senator's remarks, on that subject, it was not denied that the President should be properly sustained in the conduct of this war. And I am more confirmed in that opinion, from an incident that occurred about that period. In some preliminary discussion at that time, I recollect very distictly that the honorable Senator from Kentucky, seemed to be very much surprised, at an incidental remark that fell from the Senator from Mississippi viz: that the prosecution of the war had been delayed, or procrastinated by Congress. I confess that I was very much of the opinion of the Senator from Kentucky, and I thought that the objection of the Senator from Mississippi was not so well founded, as he affirmed it to be. I supposed that there had been no serious objection at the former session designed against the particular measures recommended for the prosecution of the war. I did not understand from the amendment of the Senator from Kentucky, that such opposition was intended; but that there was only some difference of opinion as to the details of this particular measure. But, Mr. President, we soon arrived at other stages of this business. It was remarked the other day, by an honorable Senator on the other side (I do not now recollect which,) that the Chairman of the Committee on Military Affairs, and those connected with him in the support of this bill, were "making considerable progress"—that he had at first disclaimed all idea of the conquest of all Mexico; but that he now seemed to be disposed to regard it as not so unreasonable, or so monstrous—that such an idea might be tolerated, and that therefore he was making some progress.

Now, I must say in reply, that those who are thus charging us with inconsistency, are changing the position which they had assumed at the commencement, very rapidly. It is they who have been making progress; but I must be allowed to say that it is a progress backwards—from the time when the bill was first proposed to the present moment, they have manifested an increasing opposition to the prosecution of this war. Not only do they find fault with the suggestions of the President of the United States; with the suggestions of the War Department; with the reports of the Chairman on Military Affairs, and with all the authorities usually allowed on such occasions, but they resist and contest them at every point, and have denounced in the strongest terms the prosecution of the war. That was the commencement of their procedure upon this subject, marked out by the Senator from Delaware. But they did not stop there. There was still another stage—where they will stop in their onward career, I cannot say; for soon after another honorale Senator—the Senator from Connecticut—offered a resolution which took still higher ground: in the first place that Mexico had no public domain, and, secondly, if she had, she had no power to cede any of said territory to us; and, therefore, our idea of acquiring territory for indemnity was altogether futile. Such has been the progress of the opposition to this bill, and, I must confess, sir, that every additional step that has been made has but astonished me the more. These latter positions assumed by an honorable Senator have especially astonished me more than all the rest. What are they? Why, that Mexico has no public domain, and that we can get nothing from her.—Well, sir, I will not stop to discuss that question, for I care very little whether she has any public domain or not, though I understand the fact very differently. I understand that Mexico has a public domain. I think it very immaterial, and that the acquisition of territory for the public land it brings into the country is of no great advantage. In regard to public lands generally, and in respect particularly to the immense territory we have held, I think they bring in but very little income to the government. I venture to say, that on examination in respect to the value of the public lands in this country, that after deducting the expenses of surveys, purchases, and the other necessary expenses, it would be found that it has been by no means a money-making business. There are other advantages in the acquisition of territory besides the mere value of the land. The increase of population, of commerce, and consequently of revenue resulting from such acquisition, must be taken into account. Suppose we had never received a dollar out of the immense territory acquired by the acquisition of Louisiana, would not the acquisition, considering the millions of revenue received at New Orleans, have been a sufficient inducement to its acquirement? I believe Mexico has a public domain to cede, but whether she has or not I do not care a straw. We want the territory for the spread of population, the increase of our commerce, and the extension of our liberties, just as we wanted Louisiana and the valley of the Mississippi, Floridas, and Texas. I shall not follow the Senator in his argument on this point. He cited from a work on international law, of which I profess to know but little. I shall not then follow him in that quotation. But I should think that such law as that which he cited is at variance with the practice of all nations, contrary to common sense, and not to be tolerated in this age of the world. How, I would ask, did we acquire the very ground on which this capitol stands? Tradition records, that the Indians once lighted their council fires on this very hill; would the Senator then resort to it, that we have no title to this, the site of our capitol, and that the remnant of these Indians could at any time, justly eject us from its possession? But if the Senator's argument should be correct, that Mexico has no power to cede territory, how will that help his cause. It will only make it the more necessary for us to take it, if she cannot cede it.

Such, then, sir, is the history of the opposition thus far, to this bill. Before I proceed further, however, I will advert to an argument made by the honorable Senator from Vermont, who last addressed the Senate. In the conclusion of his remarks, he complained of the exercise of what he was pleased to term—an almost despotic military power, in the hands of the President of the United States in Mexico, and declaimed at some length, against the dangers of an abuse of a military authority. But does not this military power continue to be exercised by the President, in the very necessity of the case, and because that legal provision has not yet been made by which he would have been relieved of that responsibility? So far from being desirous to hold California and New Mexico, by military tenure, rather than by the organization of civil goverment, the President has been anxions to be relieved of that responsibility, which the circumstances of the case have devolved upon him, and the gentleman from Vermont, can at any time contribute his share in the removal of that much of the military power of the President, by establishing civil or territorial government.

There is another preliminary remark which I desire to make, and it is in reference to the astonishing distrust manifested on the other side of the chamber, with respect to the recommendation of the President, the Secretary of War, and the Chairman of the Committee on Military Affairs. I believe it has hitherto been generally considered, that in cases where the honor and interest of the country are involved in a controversy with a foreign power, party spirit should be assuaged. And I think the history of the country shows that, in the highest party times, when such cases have arisen, party spirit has ceased. It was so, I recollect, some years ago, when the question of the North Eastern Boundary was in agitation. Then, nearly, by unanimous consent—indeed, I believe it was unanimous—means were placed at the disposal of the President, to meet any contingency which might arise. So it was also, I believe, at the commencement of this war, but the spirit of party opposition, has gradually arisen, and every measure suggested for the prosecution of the war, is now most scrupulously scrutinized.

I now proceed to give some of the grounds of my vote upon this bill, in addition to the reasons given for its passage by the Chairman of the Committee on Military Affairs, and so eloquently sustained by another member of the committee, (the Senator from Mississippi,) whose heroic and skilful exploits in two of the most brilliant battles—and I regret to say also as his own honorable wounds but too clearly attest—the most bloody battles of the war—Monterey and Buena Vista—adds a voice ought to whatever he says on this subject, which, it seems to me, ought to be conclusive. I felt sure it would be so then, but I find I was mistaken. His arguments have not been answered; they never can or will be answered on this floor or elsewhere. Still opposition to the bill appears to have constantly increased from that day to this. My thanks, and the thanks of this body and of the country are due to the honorable Senator from Mississippi, who is on the military committee, for what he said on the amendment offered by the Senator from Kentucky. That amendment seemed almost to have reduced the friends of this bill to the necessity of undervaluing the efficiency of volunteers or to adopt the amendment. There is a difference of opinion on this subject both in the army and elsewhere. The honorable Senator was identified with both arms of the service, regulars and volunteers, and could have no partiality for either. Few men occupy the same position in this particular; he has said, therefore, all that is proper or necessary on the occasion, and, I have no doubt, satisfied both parties, that for the services contemplated regulars are to be preferred. While expressing then my thanks to that Senator, and my full concurrence in all he said on the respective merits of volunteers and regulars giving preference to neither in their appropriate sphere, but doing ample credit to both. I take occasion to state a fact and an opinion of volunteers I once heard from a very distinguished officer of the regular army in the war of 1812, now no more, and who, like my friend from Mississippi, bore about him wounds received on the battle fields of his country, and which, I believe, at last carried him prematurely to the grave—I mean the late General Ripley. I thought the fact stated and the opinion given a little extravagant. I now

believe them both perfectly true. He said that in all the annals of American warfare American volunteers in anything like equal numbers never had been beaten, and never could while our present institutions existed. The battle fields of New Orleans, Buena Vista, Cerro Gordo, Brazito, Sacramento and others, attest the truth of what he said.

In the debates on this bill there has been, I think, some incorrectness in the statements of those who oppose the bill, no doubt, unintentional, as to the force now authorized and required by the Executive and the Committee, calculated to lead to error. It has been variously stated by different speakers, from ninety to a hundred thousand men, and the increase contemplated by the bill now under consideration, and the bill for twenty regiments of volunteers, as increasing the actual force in service thirty thousand men. I do not so understand it. As I understand it from the Reports of the Adjutant General's Office, the present forces authorized are:

Regulars,	30,350
Volunteers,	32,816
Total authorized,	63,166

If we add to this the ten regiments contemplated by this bill we make the whole amount 73,166. The force in actual service from the last returns are:

Regulars,	20,333
Volunteers,	20,286
Volunteers from Michigan and Alabama, on their way,	2,200
Making in all in actual service,	42,719

From these statements it will appear that the number that can be kept in service, of those authorized by law, is about two-thirds. This calculation will give for the actual force in service after the ten new regiments are added, about 48,925, say fifty thousand men. And if the twenty additional regiments of volunteers be added to the forces previously authorized, the number that would be actually kept in service according to this mode of calculation would be 62,000. This bill and the bill authorizing the twenty regiments of volunteers, does not, as has been represented, add thirty thousand men to the number in actual service. They do not necessarily add a single man to either arm of the service; they only authorize the President to do so if he deems it necessary.

While on this branch of the subject I desire to make a few remarks in reply to the arguments offered against the bill and in favor of the amendment submitted by the Senator from South Carolina, (Mr. BUTLER,) which is still pending. That amendment proposes, instead of increasing the number of the regiments, to add a certain number of men to each company. I do not know much about military affairs, sir, but I confess that this amendment struck me as rather extraordinary, particularly when it was considered that the peace establishment of the United States had been already very much augmented in the manner proposed in the amendment; and above all, after the remarkable manifestations which the army had given of its efficiency under the present organization. The experiment of making that change in this organization appeared to me to be of doubtful expediency, to say the least of it. A slight departure, even from an established system which has proved so eminently efficient, might be attended with danger. I do not say that there would positively be danger in making the change proposed by the amendment, but I prefer leaving the organization of the army precisely as it is at present. The Senator from South Carolina recommends his amendment on the score of economy. In some cases great economy is the worst economy. We cannot expect when we go to war that we can prosecute it without expense. I perfectly agree with gentlemen, who declare that when we go to war, we must pay for it. We must tax the people. I regard as one of the consequences of this war, the necessity of imposing taxes to meet the expenditures. I admit that at once, and am ready to go as far as any reasonable man, in the imposition of taxes, for the purpose of defraying the expenses of this war. The expense I know must be great, and for it we must provide. But considerations of economy are not to enter into the calculations of a people, when they find it necessary to enter into a war. The great object of war is success, and that is to be sought at any cost. We are now engaged in war, and we must prosecute it to a successful close. It is no time now to sit down, and counting the cost, cut off some of the odds and ends. If economy is your object why not strike off half of the officers of the army? If we are to adopt this economical policy, why not proceed to cut down all the officers? I have no fear as to our inability to meet the expenses of this war. We have met them thus far, and we shall be fully able to meet them hereafter. I cannot, therefore, concur in the amendment of the Senator from South Carolina.

In the course of the argument on that amendment something was said about the patronage of the Executive, and in reference to that I have a few words to offer. I know that complaints have been made with reference to the patronage disposed of by the Executive in the appointment of the principal officers of the army engaged in this war. But, I think, sir, that an attentive examination of the army list will furnish evidence of some justification for the conduct of the Executive. At the head of the list there does seem to be a considerable preponderance of democratic names, but if you look further down you will discover that the officers appointed by the Executives of those States in which Whig influence prevails, have been selected from the ranks of that party. For myself, I would never permit such distinctions of party to operate in the selection of officers for the armies of the country; and never, in any recommendations which I have made, have such distinctions been permitted to exercise the slightest influence. In the defence of the honor and interests of the country, Whigs and Democrats alike have participated, and should fairly share in the offices and emoluments of the army. If the President had acted in this matter in the exclusive spirit, that has been alledged against him, I should have condemned him most emphatically. But when I find that the spirit of exclusiveness in appointments to office commenced on the other side, before the general staff was organized, I believe that the President was not at all to blame in attempting to make something like a balance, by appointing a large number of democrats.

Mr. MANGUM.—If the honorable Senator will allow me, I would remark that in reference to my own State, that such a course as he describes was not adopted by the Executive of that State; and that a very meritorious and scientific gentleman of the democratic party received an appointment; indeed, I believe that all the appointments were made irrespective of party considerations. As the Senator is aware, we had a Whig Executive in that State.

Mr. DOWNS.—I am very glad that the honorable Senator interrupted me, because if in error, at any time, I shall always be happy to be corrected. I recollect an instance in the gentleman's own State, which sustains me in the position I have assumed with respect to these appointments of the Executives of the States.—I had the pleasure of being introduced last summer to a gentleman who commanded one of the new regiments in the regular army—Colonel Wilson—and ascertained the fact that although a man of wealth and standing in the community, having volunteered when the first call was made on the country, and been elected to some subordinate office, yet contrary to general expectation, he did not receive from the State Executive the command of one of the regiments, and that in consequence of the neglect, the President appointed him to the command of one of the regiments. But I regarded it as a very strong case in point; and I had it in view when I made the remark which elicited the interruption of the honorable Senator.

Mr. MANGUM.—The fact is as stated by the honorable Senator. Colonel Wilson was afterwards appointed by the Executive here, and two strong letters from the Whig Senators of this body were written recommending him to the appointment. That was the spirit which, so far as I know, characterized the public authorities of North Carolina.

Mr. DOWNS.—I have no knowledge of the proceedings in North Carolina except in this instance, which I confess, struck me as one of those affording a justification of the course of the President. I did not, however, intend to refer to a particular case, but to speak generally of the course which had been taken in making the appointments. I do not pretend to go into all the instances occurring in the several States, but I speak of the general result, and I believe that upon investigation, it will be found that a large portion of the appointments of officers were made from the party which is opposed to the President in their political views. This, sir, I believe, has been the liberal course of the Executive on this subject.

Before I quit this part of the subject, there is one other reason which I will state, why I prefer regular forces to volunteers.—Their duties are very much the same, and as the war is conducted their period of service will be much the same, yet the difference between the officers of this description of force is very material.

The volunteer officers not holding their commissions from the United States, there is no opportunity for promotion. They may go there and fight for years, and though they perform the same duties as are performed by the officers of the regular army and achieve as gallant exploits, yet they can receive no advancement. Those who begin as captains will be captains still, and those who command as lieutenants will be lieutenants still.

There was a remark made by the honorable Senator from South Carolina who last addressed the Senate upon this subject, and who offered an amendment to this bill in which I cannot concur. It seemed to be based upon the idea that the engagement of volunteers or the enlistment of regular troops could not be accomplished. He says:

"Why is it that the Executive is now the alarmist, cannot raise the number of troops which he has the authority to raise, for carrying on the war in the valley of Mexico? Why is it? Does it arise from popular aversion against entering into such service as this? If it were a war for the defence of our own soil, do you believe that less than that number could not be called into requisition? Sir, at the voice of the Executive of the United States ten times that number would spring up, ready to defend the national honor and the soil of the Republic. And I must here make another remark, in order to put myself right upon this question, in relation to the power and propriety of carrying on this war. I would answer for it that the President could not say that it was out of his power to raise the number of troops which the laws of the country authorize him to raise. But, sir, the very fact that he is unable to raise these troops by the means which have been put in his power, is, I think, one of the omens which a wise ruler should regard in administering the trust—the sacred trust—that is committed to him."

Now, I do not understand the President as taking any such ground. I have never understood that there has been a single case in which a call has been made for volunteers, in which that call has not been fully and completely answered. In Kentucky, Tennessee, and, in fact, in all the States, the last calls were not

only responded to at once, but more men were offered than could be received.

Mr. BUTLER.—I beg to interrupt the Senator for a moment. He has not exactly stated my proposition. In considering, as I did contend, that if the additional troops called for were necessary, they could be supplied in the manner proposed by an amendment to the bill, I asked the question, why not raise them in the West? One answer was that the men would prefer entering a new organization. But my proposition was, that if additional troops were needed they could be added to the old regiments instead of increasing the expense of creating new ones.

Mr. DOWNS.—I do not see in the remarks of the Senator any distinction between the two descriptions of forces. On the contrary, the ten regiments authorized by the bill of last session, were filled up with extraordinary rapidity. I do not know that there is any complaint in the recruiting for the old regiments. Almost every newspaper that has been received from New Orleans, announced the arrival of fresh troops, to fill up the reduced companies.

But, while upon this subject, permit me to make another remark, as an additional reason for the passage of this bill. There is no doubt that recruiting in the new regiments, will be more rapid than in the old regiments. And the reason is that, when you appoint officers from civil life, they go into the country where they are known, and, consequently, the men the more readily undertake to serve under them.

I do not know certainly how many of our troops in Mexico, were lost in battle, and by disease respectively, but I suppose at least as many were lost by the last, as by the first. Many at any rate fell by disease, and in consequence of the late period in which they arrived at Vera Cruz.

If we then pass this bill at once, we can send them off at an early period, so as to escape the diseases of the climate, which have been heretofore encountered. But if we continue to debate the bill indefinitely, if we go on talking without acting, we shall not only do as was done last session, but the evil will be much greater than last year; because this is a very long session, and may be extended indefinitely to the midst of summer; whereas last year the delay could not extend beyond the fourth of March. It was, for reasons of this kind, as stated by the Honorable Chairman of the Committee on Military Affairs, that I thought it would be far preferable to pass this bill without any unnecessary delay.

As the remarks which I shall make, are in a great degree in answer to arguments which have been made in opposition to the bill, I must say that I should not have spoken at all, if it had not been for those arguments.

I now wish to advert to another of the positions assumed by the honorable Senator from South Carolina, and lest I should be mistaken, I will quote the language of the gentlemen.

"But in that picture I will give an *ultimatum* and propose my terms to that Government. I would direct, in the first instance, all negotiations for it to the Rio Grande we are bound under the most solemn of pledges to accept the gift of Texas. But then the question may be asked, and it is a proper question, how would you establish any other line in regarding the territory of the United States from those of Mexico? Will you fall back upon any line which separates Oregon from Mexico? I think not sir. But by way of answer, I would propose to Mexico, and with a sincere desire to consummate the war, I would not ask it, if it were to be done to-morrow, to send the most illustrious embassy to Mexico, and to propose to her boundary upon the Nueces, with the right however, to extend beyond it to any other line to which we could consent, and for the claim we have against her; and I should think it no degradation."

Now, I have a very great objection to the first proposition, considered in this extract. I object totally and peremptorily to sending any more ambassadors to Mexico. We have sent too many already. The President was right at first, I think, because our true policy is for peace, where it can be honorably obtained. Yet, although the President at the early stages of this war did make them these offers of peace, nothing has been done towards the conclusion of a peace by them. Even now, after they are completely overthrown, their capital taken and army destroyed, still terms of peace are rejected.

Under these circumstances we ought not to send to them another ambassador, high or low. We have made propositions many times and they would not accept them—we have now conquered them—they are in our power. Shall we, then, solicit again until they consent to treat with us? If I were to send an embassy at all, it should not be with such an ultimatum as the honorable Senator from South Carolina proposes. Why should we now agree to take the Oregon boundary as the extent of our title, giving them to understand that we expect nothing more, and leaving to themselves to propose a boundary for indemnity.

This would be giving them new life or encouragement. If the President could be so weak as to present such a proposition, they would say at once "there is some mystery in the sudden change—some difficulty in the affairs of the American Government," which would encourage them to persevere in hostilities, under the impression that we would ultimately be compelled to give up our conquests; and this would be a reasonable conclusion from such a proposition.

I now come to some general remarks which I wish to make upon the question of the war with Mexico. And first of I have to say that there is one thing which has appeared to me very singular in this discussion on the part of gentlemen on the other side of the chamber. The President in his message has declared what he thinks as the right course to be pursued; and gentlemen of the Democratic party generally have concurred with the views he has taken; while those on the opposite side, object to the policy in the most decided manner. But they do not tell us what they would do. It is very easy to find fault, but not so easy to tell us what would be the right course to pursue.

The studied silence of our opponents on this subject is the more surprising because we had indications before the meeting of this session of Congress, that the objects of the war ought to be declared, and the President compelled to abide by them. Mr. Clay, in his Lexington speech, said:

"I say to the American Mr. President and fellow citizens, with entire confidence, that Congress has the right, either at the beginning or during the prosecution of any war, to declare the objects and purposes for which it was proclaimed, and for which it ought to be continued. And I think it is the duty of Congress, by some deliberate and authentic act, to declare for what objects the present war shall be longer prosecuted. I suppose the President would not hesitate to regulate his conduct by the pronounced will of Congress, and to employ the force and the diplomatic power of the nation to execute that will. But if the President should decline or refuse to do so, and, in contempt of the supreme authority of Congress, should persevere in waging the war for other objects than those proclaimed by Congress, then it would be the imperative duty of that body to vindicate its authority by the most stringent and effectual and appropriate measures. And if, on the contrary, the enemy should refuse to conclude a treaty containing stipulations securing the objects designated by Congress, it would become the duty of the whole Government to prosecute the war with all the national energy, until those objects were attained by a treaty of peace. There can be no insuperable difficulty in Congress making such an authoritative declaration. Let it resolve, simply, that the war shall, or shall not, be a war of conquest; and, if a war of conquest, what shall be conquered. Should a resolution pass disclaiming the design of conquest, peace would follow in less than sixty days, if the President would conform to his constitutional duty."

This is frank and decided. I do not see any reasonable objections to the course suggested.

I do not know what the President's opinions are—I speak only for myself—but I would be very glad, and I think the President would also be gratified if Congress would adopt such a course. Why has not this course been adopted?

There has been another announcement of this principle, and a very emphatic one from another quarter.

I read only this morning, this decided declaration of opinion from a gentleman in another department of the general government:

WASHINGTON, JANUARY 7, 1848.

My dear sir: I will inform you of the termination of this unequitable war with Mexico as soon as made known to me by the first blow we strike. In my judgment, it was unnecessarily and unconstitutionally commenced by marching our army into disputed territory in the possession of Mexico. And I think that Congress, who unquestionably have the power, should put an end to the war on just and honorable principles.

After agreeing upon the terms on which a treaty should be made, they should call upon the Executive by resolution to offer a peace to Mexico upon that basis, and, during the negotiation, hostilities should be suspended. If the President shall refuse to do this, in the military appropriation bills the army should be required to take such positions as shall carry out the views of Congress. These bills the President could not veto, and he would be bound by their requirements. This may be done by the House.

This is perfectly frank and clear and admits of no doubt.

If gentlemen approve of this doctrine let them subscribe to it boldly. There it is. I want a simple response—yes or no. Do you approve of it or do you not? I have, and the people have a right to demand from gentlemen on the other side, what are their views?

I have no idea that there will be any peace until the presidential election is over; and is it to be supposed that the people are going to vote in the dark?

I do hope, then, that those gentlemen who differ with us so much, and find so much fault, will propose a plan of their own, or at all events, that they will say on this question, yea or nay. Let them sign the bond. Here it is in unequivocal terms.

I want to know whether they will propose to withdraw the army, to give up not only the indemnity of millions, which our citizens claim, but say that all the blood and treasure which has been spent in the war, shall be thrown away, or whether in the spirit of the suggestion made by the Hon. Senator from South Carolina, go to Mexico, and fall on our knees, and entreat that she will make peace on her own terms.

Mr. BUTLER.—I beg the Senator will allow me to say that I never assumed any such proposition, and I do not think that my language on the occasion referred to, at all justifies such an inference as has been drawn. I am quite at a loss to know how the gentleman could have arrived at such a conclusion. I certainly said that I would allow Mexico the priviledge of indicating a line, without at all pledging myself to accede to it. I did not wish to extort terms from her under duresse—at the mouth of the cannon. So far as regards the indemnity due us, whatever be the amount, I stated that I would insist on an adjustment of it, allowing Mexico simply freedom in the conduct of the negociation—giving her the privilege of indicating such boundaries as would be most favorable to permanent peace between the two republics. I said nothing to authorize the extravagant proposition of the Senator from Louisiana.

Mr. DOWNS.—The gentleman, I hope, did not understand me as saying he used those identical words, "falling on our knees." That was a mere figure of speech; I did think, however, and still think, that that was very much the meaning of the language employed by the honorable Senator.

In the line of argument which I have marked out for myself on this subject, I shall next proceed to consider the causes of the war. It is said that the President made this war by ordering the troops to the Rio Grande. I differ from this opinion totally.

I believe the war could not have been avoided, that it was the

natural consequence of the conduct and the folly of the weak and imbecile government of Mexico.

If it were necessary to look for other causes of the war, than this conduct of Mexico, I could suggest another cause much more probable than that of the conduct of the President.

I believe it grew out of the obstinacy of the Mexican government in insisting upon her claim to the dominion of Texas after all the principal nations of the world had recognized her as an independent republic. But, if I should look for other causes than this at home, and if I should say that it arose not alone from the perversity of Mexico, but from the actions and opinions of certain persons within the United States, I should be much nearer the truth than by attributing it to any act of the President or of General Taylor. It was more owing to the position taken by certain persons in this country. I allude to the announcement made in 1844 from a very high quarter, that the annexation of Texas was a cause of war. Mr. Clay in his letter of 1844 says:

"I consider the annexation of Texas at this time, without the assent of Mexico, compromising the national character and involving us certainly in war with Mexico, and with other foreign powers."

This cry has been kept up ever since, and is the more likely to be the cause of the war, than any act of the President.

Now I do not say that this declaration was the cause of war: very far from it; but if we are to attribute it to any cause arising within the country, this is the cause to which I would point. There were peculiar circumstances which gave to this declaration extraordinary weight, with Mexico, at that time.

The very fact that two great powers of Europe, England and France, had certain questions of interest connected with Texas, which made them opposed to the annexation of that republic to the United States, they felt, that if she became a portion of this Union their commercial privileges would be lost. They wished her to remain an independent nation, and to continue her commercial relations with them.

It was natural that Mexico should adopt the suggestions of the shrewd diplomatists of those nations, and resolve to fight it out.

There was another reason also, the Oregon dispute was then existing. Mexico in this whole affair has been unfortunate. One of these misfortunes is, that this Oregon question existed at the time Mr. Slidell was sent as our minister. There is every probability he would have been received and the dispute settled, if Mexico could have foreseen what occurred a few months afterwards, if it had not been for the idea, that we were likely to be involved in war with England on account of the Oregon question, she would have listened to reasonable terms, and the controversy would have been settled in 1845. I think then, that those who impute this war to the President of the United States, or to General Taylor's march to the Rio Grande should be very cautious how they use such a weapon.

I do not know what are the intentions or purposes of gentlemen on the other side in this matter, but I have a right to guess; and though I cannot divine their purposes, as they keep so close on the subject; if they do intend, by the position which they assumed here to fight the battle of annexation over again, I shall not shrink from the contest, though I did think that that question had been settled, and the people believed that it had been settled. It was a question about which we differed, and which we fought manfully. One party prevailed; and I, for one, was willing to let the question rest forever. But if you throw down a gauntlet, I will not hesitate to take it up.

While on the subject of the opinions of distinguished men, I wish to refer to another opinion. I allude, sir, to Mr. Gallatin and his pamphlet on the Mexican war. He says, too, that annexation was actual war. I cannot view that document in the same light I do the speech or letter of the distinguished statesman of Kentucky.—I may be wrong in this, but so it is, I differ in opinion equally from them both; but while I listen with respect and attention to one of them, the great Kentuckian, I cannot read the lucubrations of the other without indignation. And this feeling is not because I undervalue the admonitions of the aged, as the young are too apt to do; I am myself old enough to have got over that weakness if I ever had it. I listened not long since in this body, not only with respect and attention, but almost with filial reverence to opinions and arguments of a distinguished Senator, (Mr. CALHOUN) to not one of which scarcely, could I bring my mind to assent. I shall listen, whenever they speak, to other (Mr. D. here looked towards Messrs. BENTON and WEBSTER) distinguished Senators with like feelings. I feel, sir, and I believe that people of the United States feel that such men as I have just alluded to, have a right to speak and ought to be listened to with profound respect on questions of national honor and of foreign war. They were born in this land and have grown up with this country; they have done the state some service—their history, for almost half a century, is their country's history—

"The page of her story is filled with their names."

American genius has been appreciated, and American eloquence admitted and illustrated by them. Yes, sir, to such men, on all subjects, I will listen with respect, however I may differ with them. Not so, sir, with him who comes from other lands—first breathed other than American air—once owed allegiance to another power—has another native home, and attachments, and feelings, and prejudices, and opinions, and sympathies, more or less influenced, as they must be, by recollections of that native home. He school Americans in American honor and national decorum! No, sir! every impulse of my heart tells me no, and compels me to say it; I cannot and will not resist it. Doubtless we have committed errors in our foreign policy; we may commit others; we should be more than human if we did not. But such, as I believe, it ever has been—under all parties—through all the vicissitudes of the most eventful period in the world's history for seventy-two years, so I hope and believe it will continue, long after we have passed away, and when even these solid walls that have outlived the flames of one foreign war, shall moulder to decay and fall in ruins, American in origin—the inspiration of American mind, sustained by American arms and hearts—but uninfluenced by any thing that is not indegenous to our soil—foreign governments, foreign presses, foreign bayonets, foreign opinions of any, whether domiciliated at home or abroad, or any thing else foreign. Yes, sir, right or wrong, successful or unsuccessful, whig or democratic, I want it to be American, all American, and nothing but American.

Let it not be said I am a Native American, and decry foreigners, and would deprive them of all power. Far from it! I have always taken an opposite course in all my public life on this subject; nor have I changed my opinion in the least. I stand now where I ever have on this subject, where I stood in the legislative halls of my own State, when this subject was agitated in 1839, and where, on a still more memorable occasion, in the La Convention 1843-5, when a strong attempt was made, principally by those opposed to my party in politics, to disfranchise, in some degree, foreigners. In one of the most protracted and animated debates that, I believe, has ever occurred in America on the subject, I so effectually, with other democratic friends, sustained the rights of our adopted citizens, that a meeting of the naturalized citizens of New Orleans voted medals to some half a dozen of us, at the head of which was our eloquent leader on the occasion, my good friend Bernard Marigny, who, though born in a land then foreign, has, without changing his allegiance or the ties of his native home, become an American citizen by the process of annexation, and as good a one as ever lived in it. Yes, sir, give them almost all rights, as the federal constitution has, but I would request only that on questions of national honor and foreign war, they should not at least speak first and loudest, if they speak at all.

I now come to another branch of the subject, viz: The position assumed by Senators on the other side, that the President of the United States was the cause of the war; that he brought it on by the ordering the removal of the troops to the Rio Grande. I disagree totally from this opinion. My opinion is, that if this war was brought on by any cause within the control of this government, it was produced by other hands than those of the President of the United States.

And I think an examination of the facts connected with the history of the matter, will convince every impartial mind of its truth.

Whether annexation was a declaration of war or not, Mexico considered it so, and made war accordingly; and the President had no option—he did not make it. Here are the facts on this point:

Under date of August 23, 1843, the Mexican Minister of Foreign Relations, in the name of his government, addressed to our minister in Mexico the following language:

"The Mexican government will consider equivalent to a declaration of war against the Mexican republic the passage of an act for the incorporation of Texas with the territory of the United States. The adoption of the declaration without such

which the President of the United States has objected in regard to the annexation of the department of Texas to the American Union, that the determination is founded upon the necessity which Mexico has declared to sustain, by force of arms, a war which has existed for eight years, and which she will maintain at all hazards.

On the 4th of June, 1845, President HERRERA issued a proclamation, announcing the intention of Mexico to resist by force the annexation of Texas, and affirming:

"That the law of the United States in relation to the annexation of Texas to the United States, does in many respects violate the rights that Mexico has as a sovereign power over that department."

Affixed to this proclamation and published with it were two decrees of the Mexican Congress, one setting forth that the Mexican nation calls upon all her children to the defence of her national independence;" and the other announcing that the government would "call to arms all the forces of the army, according to the authority granted to it by existing laws."

On the 24th of April, 1846, Paredes issued a manifesto expressing the determination in regard to the annexation which his government had taken immediately upon its accession to power in the beginning of that year, and while General Taylor was still at Corpus Christi. In this manifesto Paredes says:

"On assuming the supreme authority, I found the heavy responsibility of sustaining the decision of the nation, and I found myself DESIGNATED BEFOREHAND TO CHANGE ITS POLITICS FROM THE WEAK AND DEGRADING SYSTEM OF NEGOTIATION, UNDER WHICH HAVE ADVANCED THE United States of America, under the dominion of the parties, and which their government prepared for the occupations of Texas. By treacherous overthrow of the existing treaties, which guaranteed the limits of the republic, and the independence of which I solemnly declare, on my DEPARTMENT WITH ITS OWN CONSTITUENCY.

The old governors, the officers, and the Mexican nation, which has been in existence hardly two years, have been forced by the ANNEXATION OF TEXAS TO THE UNITED STATES OF AMERICA, TO BE REGARDED AS THE VICTIM OF AN UNJUSTIFIABLE AGGRESSION, AND AN UNPARALLELED INSULT TO THE NATIONAL CHARACTER.

On the 16th of April, Gen. Ampudia recognized a state of war, in his letter concerning Col. Cross, in these terms:

"In regard to the matter which you refer to, I have to answer, to state that if Colonel Cross, quartermaster general of the troops under your command, had been found at any of the military posts subject to my order, he would have been held as a prisoner of war, headed with the usual forms of the law of nations according to the rules prescribed by the laws of humanity and usage, and consigned to the disposition of the general in command."

On 24th of April, General Arista arrived, assumed the command, and notified Gen. Taylor of the existence of war, and on the same day, giving the word and the blow at the same time, Captain Thornton and his command, was attacked and defeated, as the following dispatch will show.

"Headquarters Army of Observation, Camp near Matamoras, Texas, April 25, 1846.

"Sir: I have the honor to report to General Taylor that I crossed to Matamoras on the 29th instant, and encamped the 2d regiment of the Mexican troops. On the same day he published a proclamation, which was received in consequence; but upon the 30th I received information that a considerable force of Mexican troops had crossed the river, and encamped on the road, about nine miles above Matamoras. Upon this I marched to meet them, with the 2d regiment of dragoons, and the 2d regiment of artillery, commanding in person. Advance of the rights and interests of all Mexicans residing on the river, and caused said orders to be communicated to every one of the said detachments, known on the Rio Grande, Texas under the pain of death, if they attempted to cross the river, and I am proud to say that upon the movement of one regiment we contained the operations of the army. On receipt of the 30th, General Arista communicated to Mexican officers that the whole of the 29th, at the rate of 3,000 men, but was told that the force consisted of 1,700 men. The river it would be considered as a declaration of war. Upon my marching I found that I was not 60 miles from the said authorities of Matamoras, and that the enemy were about 40 miles from the same, and I encamped between the two, and the army was at once. Mexican was would begin. While this communication was in my hands, it was discovered that the village of Frontone had been evacuated and dragoons. I crossed the river with the 3d and ordered the detachment that they communication would be at once to the Mexican, to the Matamoras, which was done in a quarter of an hour. On reaching the town I had spoken with the high to apply to the commanding general of Matamoras, the expulsion of my force for consideration, and that, without any delay, to the use of the citizens of Matamoras the port of Brazos Santiago until the question of boundary should be definitively settled. This officer received for reply, from the officer stationed in front each time that he should not, the Rio Bravo was and was a veritable land war, and he was decidedly refused in intercourse with the American general in order to exchange of notice. Notwithstanding, these repeated assurances on the part of the Mexican authorities, and notwithstanding the most obviously hostile preparations on the right bank of the river, accompanied by a legal and unwarrantable force I forbade the crossing of the Rio Bravo, and ordered the same of peaceable men in the act of hostility, and I notified them with me. One relations remained in this state until I had the honor to receive your note of the 12th instant, in which you do me the honor to inform me of your intention to commence A. I could not undertake to retreat, and I must say candor I expected the commence on offensive, and not to all events, as you do me the honor to suggest. But, without meeting milder measures before proceeding to others, I contented myself, in the first instance, with ordering a blockade of the mouth of the Rio Grande, the result of these measures orders. A proceeding perfectly consistent with the rule of which I have referred to exist, and which I am sure you do not object to. I do not wish to trouble you, Colonel Cross. If the case was once again, as I have in mind that it was, I have been found upon me by the enemy, and I am [illegible]. I have to add that [illegible] keep back to any extent, and hold a number of [illegible] I should [illegible] effect unless under circumstances [illegible] the friendly [illegible] tion between the governments, or until war shall be formally declared by either; in which case I shall [illegible] measures [illegible] [illegible] [illegible]

TUESDAY, FEBRUARY 1, 1848.

PETITIONS.

Mr. DICKINSON presented a petition of citizens of New York, praying the establishment of a port of entry at Rouse's Point, in that State; which was referred to the Committee on Commerce.

Mr. DOWNS presented a petition of Henry Frechen and others, citizens of the Parish of Natchitoches, Louisiana, praying the confirmation of their titles to certain lands in that State; which was referred to the Committee on Private Land Claims.

POST ROUTE IN ARKANSAS.

Mr. ASHLEY submitted the following resolution, which was considered by unanimous consent, and agreed to.

Resolved, That the Committee on the Post Office and Post Road be instructed to inquire into the expediency of establishing a Post Route from Powhatan on Lake Creek, Arkansas, via Walnut Bend, to Village Creek, in Greene county, in said State.

CLAIMS IN CALIFORNIA.

Mr. BENTON submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Military Committee, to which has been referred the petition of John C. Fremont, and claim to California claims on the government of the United States, unauthorized and directed to take testimony, written and oral, in regard to said claims, and for that purpose to summon witnesses now in or near the City of Washington, and to obtain testimony, to send witnesses, and take the testimony in writing; and to settle the Committee leave to employ a Clerk.

PUBLIC LANDS IN ILLINOIS.

Mr. BREESE submitted the following resolution, which was considered by unanimous consent, and agreed to.

Resolved, That the Committee on Public Lands be instructed to inquire what legislation is necessary for the disposal of the lands lying upon the Illinois river, in the Military Bounty Land District, and to report by bill or otherwise.

MILITARY LANDS IN ILLINOIS.

Mr. BREESE submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to inform the Senate what sum of the public land lying in the State of Illinois has been granted by location or patent since the 1st day of January, 1840; the price at which they were sold by the United States; what quantity, and also the quantity relinquished to the United States, and if the information can be given, to what amount.

NEW GARDEN SOCIETY OF FRIENDS.

On motion by Mr. MANGUM, it was

Ordered, That the Committee on Foreign Relations be discharged from the further consideration of the memorial of the monthly meeting of Friends, held at New Garden, Chester county, Pennsylvania, and that it lie on the table.

PRE-EMPTION RIGHTS.

Mr. BREESE, from the Committee on Public Lands, to whom the subject was referred, reported a bill to repeal a part of the act entitled "An act to appropriate the proceeds of the sales of the public lands and to grant preemption rights," which was read and passed to the second reading.

DUTIES ON GOODS EXPORTED TO MEXICO.

The Senate proceeded to consider the following resolution submitted on the 25th of January by Mr. MILLER, and it was agreed to:

Resolved, That the President of the United States be requested to inform the Senate whether any duties have been levied and collected on any description of goods exported to Mexico since the commencement of the war between the United States and that country; and if so, what amount of duties has been thus collected, and under what authority the same have been levied and collected.

COUNTY LAND CLAIMS.

On motion by Mr. RUSK, the prior orders were postponed, to consider, as in Committee of the Whole, the bill to allow further time for satisfying claims for bounty lands for military services in the late war with Great Britain, and for other purposes.

Mr. RUSK moved to amend the bill by striking out in the 8th line of the 1st section, the words "in the war of the revolution or."

Mr. UNDERWOOD said, that having introduced the bill he would make a single remark in reference to this amendment. He did not know that there was any revolutionary soldiers' bounty claims for military bounty land were unsettled. In drafting the bill, however, he had inserted a provision for their benefit in case there should be any left. There were some nine hundred soldiers of the last war who had claims to bounty lands which were still unsatisfied. His friend on the right (Mr. RUSK,) had information from the proper department on the subject, and it might be that these were all the claims which were yet to be adjusted. He believed that the amendment had been submitted in order to remove the apprehensions of some friends over the way lest the bill might otherwise open the door to the unsatisfied Virginia military land warrants. The bill had nothing to do with that subject, which it did not at all look to or embrace. That subject would come up for consideration when he should report a bill, of the introduction of which he had given notice. He would again express the hope that the amendment would be withdrawn, lest there might be a single revolutionary soldier left who was entitled to military bounty land who could receive it only because his claims were manifest by the records of the Department, and who would be entitled only to one hundred acres of land if he should successfully establish his claim. It seemed to him, therefore, to be better to allow the clause in the bill to remain. It was inserted in former laws on the subject, and he did not see any necessity to strike it out in the bill now before the Senate. He added, that he deemed it proper to make this explanation without having any very decided feeling one way or the other with regard to the amendment.

Mr. RUSK said that the only object he had in view in offering the amendment was to obviate the objections raised the other day against the bill; that it might open the door to the claims of revolutionary soldiers. He did not know whether there were any such claims in existence. This was simply a renewal of the law which expired in July last. However, he presumed that there would be no difficulty after the explanation of the gentleman who had reported the bill, and therefore, he would not press the amendment.

Mr. PHELPS had designed to offer the same amendment which had been submitted by the Senator from Texas, and he hoped that it would not be withdrawn. If there were no revolutionary claims, as had been stated, he did not see the necessity for retaining the clause in the bill which the amendment proposed to strike out. It was useless, and therefore on the very supposition that there was no case to be provided for, the clause was clearly unnecessary.—But the bill, as he understood it, admitted of a construction which would allow a vast amount of those claims for land bounties, hitherto the subject of so much discussion in both branches of Congress. His objection to the bill was, that it admitted of a construction which would again open the door for all the Virginia claims. To avoid that construction, which it seemed was not contemplated by the gentleman who reported it, he would desire to see the amendment made.

Mr. UNDERWOOD hoped that the bill would be amended as was desired; but he assured the Senator from Vermont that if the bill were susceptible of the construction which he had described, former bills were liable to the same objection. Each renewal of the law had been open to the same objection. The Senator was mistaken on the subject. The bill as it stood only related to the bounties which it proposed to give to the officers and soldiers of the revolutionary army, upon the continental establishment, and had nothing whatever to do with the promise of bounties made by the legislature of Virginia. But lest any difficulty should arise from the retention of the clause to which objection was made, he hoped that the amendment would be agreed to, so that the bill might at once pass, and these nine hundred soldiers of the late war receive the bounties to which they were entitled.

The question was then taken on the amendment, and it was agreed to.

The bill was then reported to the Senate, and the amendment was concurred in.

Ordered, That it be engrossed, and read a third time.

The said bill was read a third time, by unanimous consent.

Resolved, That the bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

APPELLATE JURISDICTION.

The Senate proceeded to consider the bill supplementary to the act entitled "An act to regulate the exercise of the appellate jurisdiction of the supreme court in certain cases, and for other purposes," which had been returned from the House of Representatives with amendments.

Ordered, That it lie on the table, and that the amendments be printed.

ADDITIONAL EXAMINERS IN THE PATENT OFFICE.

The Senate proceeded to consider, as in Committee of the Whole, the bill to provide for additional examining clerks in the Patent Office, and for additional fees in certain cases.

Mr. LEWIS moved to amend the first section of the bill, by striking out all after the enacting clause thereof, and inserting the following:

That there shall be appointed, in the manner provided in the second section of the act, entitled "An act to promote the progress of useful arts, and to repeal all acts and part of acts heretofore made for that purpose," approved July fourth eighteen hundred and thirty six, two principal examiners, and two assistant examiners, in addition to the number of examiners now employed in the Patent Office; and that hereafter each of the principal examiners employed in the Patent Office shall receive an annual salary of twenty five hundred dollars, and each of the assistant examiners an annual salary of fifteen hundred dollars.

The amendment was agreed to.

The bill was then reported to the Senate, and the amendment was concurred in.

Ordered, That it be engrossed, and read a third time.

The said bill was read a third time, by unanimous consent.

Resolved, That this bill pass, and that the title thereof be "An act to provide additional examiners in the Patent Office, and for other purposes."

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

PRESIDENT PRO TEM.

The VICE PRESIDENT.—It is proper and respectful to the Senate that I should apprize them I will be necessarily absent for a few days, so that Senators may be prepared, on entering the Senate Chamber to-morrow morning, to elect a presiding officer.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

Mr. President: The President of the United States, approved and signed on the 20th ultimo, the joint resolution authorizing the erection, on the public grounds in the city of Washington, of a monument to George Washington; and the act exempting vessels employed by the American Colonization Society, in transporting colored emigrants from the United States to the coast of Africa, from the provisions of the act of the 22d February, and 2d of March, 1847, regulating the carriage of passengers in merchant vessels.

TEN REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. DOUGLAS.—I hope it will not be inferred from the array of books, with which I am surrounded, that I intend subjecting the Senate to the infliction of hearing them read. My only object in bringing them here is, to be enabled to respond at once to inquiries, if any shall be made, as to the authority upon which my statements of fact may be predicated. I shall state no fact for the accuracy of which I have not the most conclusive authority in the books before me. I regret that I did not conclude to participate in the discussion at a period sufficiently early, to have enabled me to make the requisite preparation. If I had done so, I should have been able to have compressed what I have to say, within a much smaller compass, and to have said it in a manner more satisfactory to myself, and more intelligible to the Senate. I had supposed that the only question presented by the bill, was to determine whether the additional force provided for, was necessary for the prosecution of the existing war, to a speedy and honorable termination. The war has been in progress nearly two years. Its legal existence was recognized on the 13th of May, 1846, and it existed in fact, prior to that time, as the official reports of the battles of Palo Alto and Resaca will show. The campaign of 1846, resulted in a series of the most brilliant victories that ever adorned the arms of any nation. States and territories were overrun and subjected, equal in extent to one half of the Mexican confederacy. California, New Mexico, Chihuahua, Coahuila, New Leon, and Tamaulipas, besides many important towns and cities, in other States, were reduced to our possession. The official reports of these conquests are to be found in the published documents of last session. The President of the United States, in his message at the beginning of that session, gave us a succinct history of the progress of our arms, in these several Mexican provinces, and suggested the propriety of "providing for the security of these important conquests, by making an adequate appropriation for the purpose of erecting fortifications, and defraying the expenses necessarily incident to the maintenance of our possession and authority over them." In the same message, he referred to the three million appropriation, which he had asked for at the previous session, and renewed the recommendation. He referred to the appropriations which were made in anticipation of the Louisiana and Florida treaties, as precedents in this case, and adds, that "it was in contemplation at the time those appropriations were made, to acquire Louisiana from France, and to purchase the Floridas from Spain, and that they were intended to be applied as a part of the consideration, which might be paid for those territories." Upon this exposition of the progress of the war, and of the policy of the government in reference to it, the President asked for more men and money, for the purpose of conducting a campaign into the very heart of Mexico—of reducing her capital—and of holding possession of the whole country, until she should accede to such terms of boundary and indemnity, as we should deem just and honorable. The men and money were freely voted, including the three million appropriation, which was intended to be applied in part payment—the first instalment for instance—for such territory as we might acquire from Mexico in a treaty of peace, in addition to what should be deemed adequate remuneration for the expenses of the war, and indemnity to our citizens. I shall excite no surprise, therefore, when I say that I was not prepared to hear this unqualified denunciation of the war and of the recommendations of the President for its vigorous prosecution—especially from those Senators who voted for all the war measures of last session, and the preceeding one. I was not prepared to hear them denounce the war as unjust, unnecessary and unconstitutional—much less as a war of conquest, of rapine, and robbery. We have heard these denunciations within the last few days poured forth from the lips of Senators with a solemnity that would seem to carry conviction, at least, to the minds of those who made them, that they were well merited; and what is more astonishing, we have heard them from Senators, who by their votes, if not their speeches, have sustained every war measure which has passed since hostilities first commenced by the act of Mexico. They now contend, not only that the war was unnecessary and unconstitutional, but that the President of the United States is the sole author of the iniquity. Do gentlemen suppose that they can throw the responsibility of their own acts upon the President of the United States? Do they imagine that they can make the people believe that the Executive is alone responsible for all the consequences that may flow from the faithful execution of the laws which they enact, and under the constitution, compel him to execute? If it be a war of iniquity and injustice, you are the transgressors! If it be a war of robbery, you are the robbers! If it be a war against and in violation of the constitution, yours is the treason! You voted for it under the solemnity of your oaths. You voted the men and the money. You voted to recognise the legal and constitutional existence of the war. You helped to pass the law, and made it the sworn duty of the President to see it faithfully executed. It is your war as much as his and ours; and you will not be permitted to escape your share of its responsibility, while you participate in the credit which you claim from having given it your support. I do not intend to cast any unkind reflections upon any Senator, but I do think, that I am fully justified by the record in the observations which I have just made. It would seem that a great discovery has recently been made—that the Congress of the United States has been acting under an entire misapprehension in regard to the nature and character of this war. We are now told that the President has changed his ground, and now assigns causes and reasons totally different and inconsistent with those which he gave at the last and preceding sessions—that the causes then were: "that American blood have been shed upon American soil"—the reasons now given for its prosecution, are, "indemnity for the past and security for the future." The Senator from Delaware has made these two extracts from the President's messages the subject of much mirth and wit. He has told us that indemnity for the past, means one-half of Mexico, and security for the future, the other half. Conceived by this wonderful discovery that his efficient support of this war has been yielded under a fatal delusion as to its true character and objects, he feels constrained, now that he has recovered his mental vision, to make atonement for the past by withholding supplies in future. I cannot concede that there has been any change in the line of policy originally announced by the Executive and supported by his friends on this subject. We stand where we then stood. The causes and the objects of the war remain unchanged. They were then, and are now, comprised in the two brief extracts which have been so frequently quoted—"American blood has been shed upon American soil;" "Indemnity for the past, and security for the future."

In the President's message of the 11th of May, '46, in pursuance of which the original act recognizing the existance of a state of war was passed, he referred to "the grievous wrongs perpetrated by Mexicans upon our citizens, throughout a long period of years, remaining unredressed"—"solemn treaties pledging her public faith for this redress, having been disregarded"—"our commerce with Mexico having been almost annihilated—our merchants having been deterred from prosecuting it by the system of outrage and extortion which the Mexican authorities have pursued against them, while their appeals, through their own government, for indemnity have been made in vain."

These outrages upon our flag and citizens had been so enormous, that General Jackson, during his Presidential term, felt himself constrained to call the attention of Congress to them in a special message, and to express his decided opinion that they were sufficient, at that time, to justify immediate war. They continued with renewed insult and injury under Mr. Van Buren's administration, and he, too, expressed similar opinions to Congress upon the subject. The appropriate committees of both Houses of Congress, as near as I now recollect, made reports in which they fully concurred with the Executives in the opinions they had expressed as to the nature and extent of the outrages, and the justice of the remedy suggested. Congress allowed their sympathy for the weakness and degradation of a nominal sister republic to prevail

over their sense of duty to the citizens and the [illegible] country. Had we acted with the promptness with [illegible] the British and French governments [illegible] we would have taught Mexico a lesson [illegible] would have deterred her from [illegible] country, and saved us the precious blood and treasure which have been so freely poured out in this war. The [illegible] of the French fleet upon Vera Cruz, and the capture of the famous Castle of San Juan de Ulloa for some of these very outrages committed indiscriminately upon British and American citizens, are familiar to the Senate. We all remember that the summary and effective action were forthcoming on the [illegible] of the French Admiral England, whose conduct [illegible] was marked in contrast with those of France and Great Britain. He did not [illegible] accompanied with the notice, that if it was not promptly responded to, her fleet would immediately sail from the Jamaica station. The money was paid, because the demand was made in a tone that Mexico could understand. America spoke, as one sister would speak to another, in a voice of kindness and sisterly affection, but it fell upon Mexican ears as an unknown tongue. Mexico, mistaking our magnanimity for pusillanimity, treated our complaints with contempt and our remonstrances with silence.

The President of the United States, in the message to which I have referred, spoke of these things as just ground of complaint and indemnity, but not as the causes of the existing war. For he informed us that the war existed by the act of Mexico—that the Mexican army had "invaded our territory, and shed American blood upon American soil." The precise spot [illegible] stated that the locality is well known to have been on the left bank of the Rio Grande, opposite, and not far from, Matamoras. Then and there the war actually commenced, the Mexican army making the attack—the commanding-general having, on the morning of the same day, given notice to General Taylor that "the considered hostilities commenced, and should prosecute them." This was on the 24th of April, 1846. The battle of Palo Alvorez [illegible] the 8th and Resaca de la Palma on the 9th of May. Congress [illegible] the existence of the war, and placed at the disposal of the President ten millions of money and fifty thousand volunteers, besides the army, the navy, and the militia of the United States, for its vigorous prosecution. The law passed almost unanimously, there being only fourteen dissenting voices in the House, and two in the Senate. If the war is unconstitutional now I suppose it was equally so then—and if it was unconstitutional then, it must necessarily be so now, unless that law legalized it, or (if I may be allowed to invent a more impressive term,) constitutionalized it. In either event, Congress sanctioned it by a vote almost unanimous, irrespective of party distinctions; and confirmed it by furnishing men and means to an almost unlimited extent. I now submit it to the consciences, as well as the patriotism, of Senators, who voted for that law, if they are not estoped from saying that the war is either unjust, unnecessary, or unconstitutional? But, I will return to the recently made discovery, that the President has changed his grounds in regard to the causes of the war, and the objects for prosecuting it. I have shown that the causes which produced it remain unchanged, and that the President set forth the insults to our flag, and the injuries to our commerce and citizens, as grievances to be redressed, in the message to which the act of the 13th of May, 1846, was a patriotic response. I now wish to invite the attention of the Senate—especially those Senators who have hitherto supported the war, and now oppose it upon the ground that the President has recently shifted positions by setting up a claim for indemnity—to the following extracts from a document which was sent to General Taylor from the War Department on the 13th of June, 1846, and by him promulgated to the Mexican people:

> A Proclamation by the General commanding the Army of the United States of America, to the people of Mexico:
>
> [illegible]
>
> [illegible]
>
> [illegible]
>
> [illegible]
>
> [illegible]
>
> [illegible]
>
> [illegible]

The rebuke [illegible] which [illegible] Senator from Delaware from his propriety, if not his duty, [illegible] found in the President's late message, have converted the Senator from a time-tried [illegible] opponent of the war upon the ground that they furnish evidence of a change of policy on the part of the Executive! If indemnity for the past means one-half of Mexico, and security for the future the other half, why did not the Senator then see as clearly as he now sees, that it was the object of General Taylor as well as the President, to conquer and hold the whole of Mexico? Why did he not then, as well as now, denounce the war as a stupendous system of injustice and robbery?

Again, sir, it will be remembered, as I have already remarked, that the official reports, containing the detailed history of our conquests in California, New Mexico, Coahuila, New Leon, Tamaulipas and Tobasco, were before us at the last session of Congress. We also had before us at the same time the voluminous correspondence between the Departments of War and Navy, and our generals and commodores, commanding our armies and navies in Mexico, and upon her coast. The Senator from North Carolina, who favored the Senate with his views a few days ago, quoted largely from that correspondence, as published in the documents of the last Congress, to show that the President designed from the beginning to conquer and hold a large portion of the territory of Mexico. He felicitated himself that he had established this position beyond all controversy, by extracts from the instructions of the Navy Department to Commodores Connor, Sloat and Stockton, and from the War Department to Generals Taylor and Kearny. Indeed, all the arguments upon which Senators rely to prove that this is a war of conquest and robbery, repugnant to the genius, and fatal to the permanence of our institutions, are founded upon information communicated at the last session, and which was, or ought to have been, as familiar to them then as now. Besides, it was the fact that the President, at the opening of the last session, renewed his recommendation of the three million bill, with the distinct intimation that it was intended as the first instalment, in part payment of whatever territory we might acquire from Mexico by a treaty of peace and limits, after deducting all claims for indemnity—was sufficient notice that the Executive did, at that time, contemplate a cession of territory by Mexico, to the value of three millions of dollars at least, over and above the indemnity for injuries to our citizens, and the expenses of the war. Thus, with a full knowledge of the origin and history of the war—of the extent of our conquests and the line of policy in reference to its further prosecution, the war bills of the last session were passed, making liberal provision in men and means, not only for holding what we had conquered, but for making new conquests in the very heart of Mexico. These bills received the cordial and powerful support of Senators, who now tell us that we ought to withhold all further supplies, because the President has changed his whole policy and converted it into a war of conquest.

Sir, I do not understand that it is, or at any time has been, a war of conquest, in the proper sense of that term, much less a war of robbery. It is a war of self-defence, forced upon us by our enemy, and prosecuted on our part in vindication of our honor and the integrity of our territory. The enemy invaded our territory and we repelled the invasion, and demanded satisfaction for all our grievances. In order to compel Mexico to do us justice, it was necessary to follow her retreating armies into her territory, and take possession of State after State, and hold them until she would yield to our reasonable demands; and inasmuch as it was certain that she was unable to make indemnity in money, we must necessarily take it in land. Conquest was not the motive for the prosecution of the war—satisfaction, indemnity, security was the motive—conquest and territory the means.

Mr. President, I cannot dwell longer on the inconsistencies in which gentlemen on the opposite side involve themselves. I have already dwelt too long on these preliminary questions. I must proceed at once to the main point of my argument. I propose to examine the question, whether, on the 24th of May, 1846 American blood was shed on American soil, by the Mexican army. That the Mexican forces crossed the Rio Grande on that day—attacked and killed American soldiers stationed on the left bank, is conceded. But it is denied that the left bank of that river was American soil, or in other words, that the Rio Grande was the boundary line between Mexico and the United States, after the admission of Texas into the Union. It is my present purpose to establish the affirmative of this proposition.

I will premise, that, in my judgment, a radical error has generally obtained in regard to the character of the revolution which resulted in the establishment of the Republic of Texas. It seems to have been generally supposed that Texas rebelled against the constitutional authorities of Mexico, and, by means of a successful revolution, established her independence. No such thing. Texas never rebelled—never revolted. Precisely the reverse was the fact. A few military leaders, with Santa Anna at their head, conspired and rebelled against the Republic of Mexico—seized the reigns of government—abolished the Federal Constitution and the State governments—and established a military despotism in their stead. That rebellion, which commenced in the city of Mexico, assumed the dignity of a successful revolution, and by the aid of the army extended its power from state to state, until it had reduced to subjection, all that portion of the Republic of Mexico which lies to the south and west of the Rio Grande. That the people on this side of the Rio Grande took up arms in defence of the constitutional government of the Republic of Mexico—sustained federal—maintained their authority, and limited and confined the power of the revolutionary government to the right bank of that river. To show that I am clearly right in this position, it will be necessary for me to refer somewhat in detail to the most prominent facts connected with the history of Texas, as well as the revolution which lead to the establishment of that republic. From the date of the Louisiana treaty in 1803, to that of the Florida treaty in 1819, this government uniformly claimed the Rio Grande as the western boundary of the United States. In 1805, Messrs. Monroe and Pinckney declared to the Spanish Minister, that the United States considered their title to the Rio Grande as complete,

under the Louisiana treaty, as to the island of New Orleans. A-later as 1818, Mr. Adams, Secretary of State, under Mr. Monroe, after carefully reviewing all the evidences of title, relating to the land to all the military records, maps, and geographical France and Spain, as well as England, affirmed the proposition that our title was as good to the Rio Grande, as to the island of New Orleans. In the meantime, and before the conclusion of the treaty between the Sabine and the Rio Grande to Spain by the Florida treaty, many American citizens had emigrated to that territory, in the full confidence that the government of the United States intended to maintain its claim to the country, and that they would be protected in the enjoyment of their rights as American citizens. When they found themselves abandoned by their own government, and by a treaty, stipulation converted into the degraded subjects of a foreign Prince, they instantly raised the standard of rebellion, protested against the ratification of the treaty, and proclaimed their firm resolve, in case it should be ratified, to free themselves by force of arms from Spanish dominion. The treaty was finally ratified in 1821, and the same year these Americans in Texas joined the Mexicans in a revolt, the object of which was to throw off the Spanish yoke and establish for themselves a republican government similar to our own. The revolution was successful, and on the 4th day of October, 1824, the federal constitution of the republic of Mexico was adopted. During the revolution a provisional government had been established for the purpose of affording protection to the inhabitants, and giving energy and proper direction to their patriotic efforts in behalf of freedom. By an act of this provisional government Texas, with her own consent, had been temporarily united with the province of Coahuila, with this limitation, "until Texas possesses the necessary elements to prove a separate state of herself." In 1820, after the Florida treaty had been signed, and before the revolution broke out, Moses Austin had proceeded from the Spanish authorities a grant of land upon which he was authorized to locate a colony of emigrants. He having died before the conditions of the grant could be complied with, his son Stephen F. Austin, procured its renewal and confirmation by the revolutionary authorities the next year, and proceeded to establish his colony under the protection of the provisional government. I have called the attention of the Senate to these facts, for the purpose of showing that the early American settlers in Texas were not a lawless band of intruders, who had forced their way into the country, in defiance of the laws and constitutional authorities. With the same view I will read the first section of the colonization law of the State of Coahuila and Texas, passed March 24th, 1825:

All foreigners who, in virtue of the general law of the 18th of last month, [meaning the colony of the state of Coahuila and Texas] may come to settle in this State, who have resided for the term of six consecutive years within the territory of the United Mexican States, and who may have obtained letters of naturalization, according to the decree of the General Congress of the 14th of February, 1823, and the State decree of the 6th of August, 1824, shall be considered citizens of this State.

Yes, sir, the State of Coahuila and Texas, in pursuance of the colonization law of the federal government, "invites" and "calls foreigners to come and settle within its limits. She went further, and offered large tracts of land as inducements to come, and conferred all the rights and privileges of citizenship upon every emigrant who might respond to the call. On the 11th day of March, 1827, the constitution of the State of Coahuila and Texas was adopted. It had been formed, in conformity with the federal constitution, and in pursuance of an act of the federal Congress. This state constitution, and the constitution of the republic, may be considered as the articles of compact—the bond of union—between the State and the confederation. They contain the terms and the conditions upon which the State of Coahuila and Texas constituted a member of the confederacy. I have these two instruments before me, and will invite the attention of the Senate to the first five articles of the constitution of the State of Coahuila and Texas:

Art. 1. The union of Coahuila and Texas is the name of the State.

Art. 2. Its limits, and corresponding sovereignty, are those marked out by the [illegible] and congress of the United Mexican States.

Art. 3. The integrity of the State and its sovereignty, as well as the independence of the United Mexican States, and of every other power and dominion whatsoever, shall be maintained by the inhabitants of Coahuila and Texas, who are bound to defend them with their arms, and to observe the laws and the acts of sovereignty that those pointed out in the constitution, and in the form which it points.

Art. 4. In all the territory of the United Mexican States, the inhabitants of Coahuila and Texas are bound to render obedience to the constitution and to the laws and decrees of the general congress, and to the constitution and laws of the State, and to the orders and decrees of the authorities established by the one and by the other, in the exercise of their respective functions, without any other qualifications than those which the law establishes.

Art. 5. Wherefore, the right of establishing it, fundamental laws through the medium of its representatives, in conformity to the basis established in the constitutive act and general constitution, belongs exclusively to the said State.

These were the conditions upon which the Texans became citizens of the Mexican confederacy, and were the terms alone upon which they could be required or expected to continue such. They had been invited and called there, through the colonization laws, with the guaranty that they should be protected in the enjoyment of all their rights as citizens, agreeably to the forms of the constitution. They were "free and independent of the other Mexican United States, and of every other power and dominion whatsoever." They continued true and law-abiding citizens—faithful to the Constitution of the State and the Confederation until their seat of government was invaded about the 1st of June, 1835, by a revolutionary army from the city of Mexico—a portion of the members of the legislature, which was then in session, captured and imprisoned, and the rest compelled to save their lives by flight and seek a place of refuge on this side of the Rio Grande. The inhabitants between that river and the Sabine instantly took up arms in defence of their liberties and republican institutions; and for the purpose of checking the progress of the invading revolutionary army. For the purpose of concentrating their forces and giving energy and a proper direction to their patriotic efforts, they assembled in Convention on the 3d of November, 1835, and after making a "solemn declaration" of the causes which had compelled them to take up arms, proceeded to organize a provisional government. I will read the first and the concluding paragraphs of this declaration:

Declaration of the People of Texas in General Convention assembled.

When General Antonio Lopez de Santa Anna and other military leaders, at the head of a victorious army, overthrew the General Institutions of Mexico and destroyed the federal system, texas expected that Texas and therefore the State of the Mexican Confederacy; now, the good people of Texas, availing themselve of their natural rights,

SOLEMNLY DECLARE:

1st. That they have taken up arms in defence of their rights and liberties which the constitution of the United States of 1824 and the laws and decrees of the rights from principles from the Federal Constitution of Mexico.

[illegible] Government, a military despotism, has deliberately determined to annihilate them; and should we patiently submit to such an accumulation of evils, we would be unworthy of liberty.

Now, sir, I propose to invite the attention of the Senate to the state of things then existing in the city of Mexico, and to trace the causes which had rendered it necessary for the Texans to take up arms in defence of the constitution and liberties of the republic of Mexico, which were in danger of being overthrown by military despots. In 1834, Santa Anna, who had been elevated to the Presidency by the military power (deposing Bustamente, the acting President, who had become very obnoxious to the people,) and had subsequently been confirmed in his seat by a popular election, proceeded to execute the design he had formed of subverting the constitutional government of Mexico and of establishing a military despotism in its place. In May of that year he dissolved the constitutional Congress by a military order, and at the same time by a similar order abolished the "council of government." This council was composed of one Senator from each State, and was required, by the Constitution, to remain in session during the recess of Congress—to act as the advisers of the President of the Republic, and "to see that the Constitution is strictly observed." The council of government was invested with various other powers and duties, which will be found in the fifth section of the Constitution of 1824, which I hold in my hand, and would invite the attention of Senators to 113th and 116th articles, but will not take the time to read them.*

I will here read a short extract from Mrs. Holley's Texas, to show how these changes in the government were effected, and a new congress assembled:

The constitutional general congress of 1834 was thus accidentally republican and federal was dissolved in May of that year by a military order of the President before its constitutional term had expired. The council of government of half the Senate which, according to the constitution, ought to have been called by the President during the session of Congress, was also dissolved; and a new revolutionary and unconstitutional Congress was convened by another military order of the President. This Congress met on the 23d January, 1835."

One of the first acts, if not the very first, of the new congress, was to depose the constitutional vice president, Gomez Farias, and to substitute in his place General Barragan, one of Santa Anna's co-conspirators. The next act of this revolutionary congress, is thus stated by Mrs. Holley:

It would be a waste of time to enter into the details of the proceedings of this congress. It annulled the constitution of 1824, and established in its stead a consolidated government. In accordance with these views, it passed a decree abolishing the federal constitution and [illegible] and established a centralized government.

I also hold in my hand another work—"a history of South America and Mexico," by a distinguished member of this body, in which the facts of this revolution are recorded with great clearness and precision. I read from Niles' History of Mexico:

"Pronunciamentos were again resorted to; these were now made to favor centralism, and on the strength of these resolutions of town meetings, manufactured by order of the military commandants, Congress proceeded to [illegible] constitution of 1824, and to establish THE SAME IMBECILE THE STATE GOVERNMENTS AND ESTABLISHMENTS."

I will read another paragraph to show the precautions, which were taken by the usurpers, to coerce the acquiescence of the people in the military despotism which they were about to establish on the ruins of the republican system:

Section 5th. [illegible] Congress.

113. During the recess of Congress there shall be council of Government, composed of one half of the members of the Senate, one for each State.

116. The attributes of this council are the following:—1st, to meet at the Congress assembled, and the constitutional act, and [illegible] and to give their advice in any incident relative to these objects. Second, to lay before the President any observations conducive for the better compliance of the Constitution and laws of the Union. Third, to determine of themselves only, the advice of the President, the calling of extraordinary sessions of Congress, but in either, it shall require the [illegible] Fourth, to grant their consent to the calling out of the local militia, in the manner stated in Article 110, attribution 11. Fifth, to approve the appointment of officers designated in attribution 6, Article 110. Sixth, to give their consent in the case referred to in Article 112, restriction first. Seventh, to name two individuals who shall [illegible] Eighth, to administer the oath stated in Article 101, to those individuals of the Supreme executive Power, in the term provided in this Constitution. Ninth, to give their opinion on subjects referred to them by the President, by virtue of the 21st faculty of Article 110, and all business of a grave or urgent character.

Scouting all opposition having been exhibited to carry out the [illegible] act of Congress, levelling the whole structure of their own government, and annihilating the very name of state sovereignty, and merging the [illegible] entire [illegible] and consolidated form of government [illegible] established in each state, under the command of the new functionaries [illegible] ed by the President.

The decree for the establishment of the new government bears date the 3d of October, '35, and is framed upon the principles I have for its basis." I have no less than three other decrees before me, in which the same transactions are recorded, and all agree on every material point. I will read from them at any Senator shall desire it. The presence of the military kept the people in subjection, and the revolution was complete so far as the Capital was concerned. Its power extended in every direction. State after State submitted unconditionally before the march of the revolutionary army, until it took up its position on the [illegible] of Zacatecas. Here, for the first time, it met with formidable opposition. Alvarez, the republican Governor of that State, had raised an army of five thousand men, and awaited the approach of the revolutionists for the purpose of deciding the fate of the republic, its constitution and liberties, by the wager of battle. Santa Anna, who commanded his troops in person, knew too well the character of these stern republicans to hazard his life and fortunes upon the issue of an engagement with them. They had fought with him and bled under him in achieving the liberties of the country; they had been his main reliance in many a hard fought battle in resisting the encroachments of despotism—they had been instrumental in his elevation to the Presidency under the conviction, that he, who had contributed so much to achieve, would exert himself to preserve their liberties. He feared, as well he might, a trial of strength with such men in such a cause. In this emergency he resorted to his usual resources—stratagem. Several of his most reliable officers in the revolutionary army deserted their posts, effected their escape, and joined the patriots with the avowed purpose of fighting in defence of the constitution. They tendered their services to command the patriot army, and unfortunately the offer was accepted. They marched the Zacatecans out to meet the enemy, and placed them in a position where Santa Anna surrounded and murdered more than one-half of them before the rest were aware of the treachery of their officers. The slaughter was indiscriminate, and continued for two entire days. It was not confined to those who bore arms. The streets of the city of Zacatecas were deluged in blood. The unoffending citizens shared the fate of those who had engaged in battle. Even foreigners, who had taken no part in the contest, were not permitted to escape the general massacre.

Those who survived, now submitted unconditionally to the power of the usurper, and no further resistence ensued. The revolutionary army now turned its course towards Monclova, the seat of government for the State of Coahuila and Texas, for the purpose of chastising the Coahuiltexanos for their obstinacy in adhering to the republican constitution: The legislature of that State had solemnly protested against those revolutionary movements, and announced its determination to sustain and enforce the constitution and form of government, which all were sworn to support. For this offence General Cos, the brother-in-law of Santa Anna, dispersed the legislature by military force, captured and imprisoned a portion of the members, while the others only saved themselves by fleeing across the Rio Grande. The Senate will pardon me for reading a single paragraph on this point from the report of Gen. Austin to the Texas Convention, on the 30th of November of that year:

"The constitutional authorities of the State of Coahuila and Texas assembled at Saltillo, on the change of government of the whole sect which were entirely subdued, Gen. Cos [illegible] and imprisoned. The people of Texas expected a similar fate if such a [illegible] as he should have landed by the government at Mexico.

Prior to the capture of Monclova, and in anticipation of such an event, the legislature had authorized Governor Viesca to remove the archives of State, and convene the representatives of the people at such point on this side of the Rio Grande as he should designate; General Cos pursued and captured the governor and archives, together with the gallant Colonel Milam, who afterwards fell so gloriously while storming San Antonio, and threw them into prison. At this period the actual war commenced between the republicans on this side of the Rio Grande, and the revolutionists from the other side. The former fighting in defence of their State and federal constitutions, and the latter for their total overthrow. There is no room for controversy as to the causes of that war, and the objects to be attained by the triumph of the one party or the other. It was a direct issue between constitutional republicanism and military despotism. The revolution had already been successful to the right bank of the Rio Grande, and its victorious arms were now preparing for new conquests on this side of that river. The republicans instantly seized their arms and attacked the garrisons, which the usurper had taken the precaution to station at various points for the purpose of overawing the people and holding them in subjection to the new government, which he was about to establish. All their early efforts were crowned with success. Victory perched upon their banners at every point. Gonzales, Conception, Goliad, San Patrick, and finally San Antonio—all surrendered to the republicans before Christmas. While these important movements were being enacted in the field, the republicans had not been unmindful of the necessity of establishing a provisional government, to combine and consolidate their resources and give force and direction to their efforts. After the capture and imprisonment of Governor Viesca, who had been authorized by the legislature to assemble the representatives of the people at such point as he should designate, they were left to select their own time and place of meeting. They did assemble at San Philipp de Austin on the 3d day of November, 1835, and put forth the "solemn declaration," to which I have already called the attention of the Senate, and proceeded to form a provissional government. In that declaration, it should be born in mind, they state distinctly that they had taken up arms in defence of the republican principles of the constitution of 1824. The revolutionary army, under General Cos, had passed the Rio Grande and marched upon San Antonio, and a republican army was immediately organized and sent to repel the invaders. I will not weary the Senate with the details of the movements on the plains of San Antonio. The gallant conduct of the heroic Milam, in leading the storming party into the very heart of the city, and his fall, just as victory was within his grasp, have commanded the admiration and sympathy of his countrymen. The next in command finished the work which had been so gloriously commenced, and General Cos and his entire army became prisoners of war to the republicans. I hold in my hand the terms of capitulation entered into on the 11th of December, '35, and invite the especial attenion of Senators to the articles which I shall read:

"*Capitulation*

"General-in-chief General Martin Perfecto de Cos, and his Permanent troops and General-in-chief Ben. Rush, and the Permanent troops of Texas.

"1st. That General Cos and his officers retire with their arms and private property, only by a pledge of honor not to take up the same at present time, that he will not in any way oppose the [illegible] federal constitution of 1824.

"2d. That the general with the convicts [illegible] in Col. Ugartechea [illegible] *Rio Grande.*

[illegible]

"11th. General Rush moved from Gonzales to the with such provisions as may be obtained necessary for the troops to the *Rio Grande*, of the northern point of the country."

Such was the fate of the first revolutionary army that invaded Texas. Defeated, captured, and dependent upon the generosity of the Texans for provisions to enable them to return to their own country. But there are two important points in these articles of capitulation which we should constantly bear in mind, while discussing the boundary of the Rio Grande. The first is, that Gen. Cos and his army were released upon the condition "that they will not in any way oppose the re-establishment of the federal constitution of 1824;" and secondly, that they should retire into the interior of the Mexican republic, taking with them the convicts "beyond the Rio Grande," being furnished with supplies by Gen. Burleston to that river. The preliminary conditions were complied with on both sides, and here ended the first Mexican campaign into Texas. There was not a Mexican garrison nor a Mexican soldier left on this side of the Rio Grande. One campaign had placed the whole country in the acknowledged and undisputed possession of the Texans. The withdrawal of the enemies troops gave the Texans time for deliberation—to devise and establish for themselves a more perfect government. On the 2d day of March, 1836, they adopted "the unanimous declaration of independence;" and on the 17th of the same month, they signed and published the constitution which I hold in my hand. It is the "constitution of the republic of Texas" which on all essential points conforms to the principles of the Mexican constitution of 1824, and our own free institutions. By looking over the signatures to this constitution, as well as the declaration of independence which preceded it, I find an important fact, which may throw some light on the question of boundary. From the municipality or county of Bexar, I find the following names, viz., Francisco Rouis, Antonio Navarro, J. B. Budgett. From the municipality or county of San Patricio, are the names of John Turner, B. B. Goodrich, Jesse Grimes, J. G. Swisher, G. W. Burnett. Now, sir, by reference to Mitchell's map, which I have before me, I find these municipalities or counties laid down as extending from the Neuces to the Rio Grande; and in Mrs. Holley's Texas, I find a very interesting account of the town of San Patrick, on the west side of the Neuces, and which, I understand, was the seat of justice of the county of San Patricio, until it was removed to Corpus Christi, by the act of the 18th of January, 1839.

I will read Mrs. Holley's description of San Patrick, written in the year 1836:

"San Patrick. [illegible] on both sides of the Neuces, [illegible] McMullen and McGloin, and on the road leading from Goliad to Matamoras, have settled here, at the mouth of [illegible] creeks, and have [illegible] at prospective points and eligible situations. [illegible] the county is the great object of the Empresarios with [illegible] The [illegible] commenced [illegible] on the 24th October, 1834.

I shall have occasion, before I close my remarks, to refer to the various acts of the Texan Congress, fixing the times of holding courts in the counties of San Patricio and Bexar, and especially the act of the 24th of May, 1838, establishing the dividing line between them. I will here content myself with the remark, that by that act, the boundary was declared to be a direct line from a certain point on the Rio Frio, thirty miles above its junction with the Nueces, to the town of Larredo, on the left bank of the Rio Grande. I am not now discussing the question, as to the boundaries of the department, called Bexar or Texas, under the Spanish government, or during the revolutionary struggle of the Mexican people for independence—much less the idle and useless question, as to the imaginary boundary, during the period that Texas and Coahuila constituted one state in Mexican confederacy. I care not whether Coahuila and Tamaulipas were supposed to have the

oretical possessions on this side of the Rio Grande, prior to the overthrow of the federal constitution of 1824. If they had such possessions, they lost them when they lost their state sovereignty, by acquiescing in the revolution, and submitting to the degradation of becoming a mere department, in Santa Anna's military despotism, with their diminished and curtailed limits. By that act of submission, they forfeited all right to require their fellow-citizens on this side of the Rio Grande, to become co-sufferers in their degradation. The bond of union was dissolved by their own act, and by their wrong, and the people on this side, in the counties of San Patricio and Bexar had a right to be represented, as they were represented in the convention, which proclaimed the independence and formed the constitution of the republic of Texas. The question now to be determined is, what were the boundaries of the Republic, not the department of Texas. I have shown that the first invading army had been captured, and sent beyond the Rio Grande, and, that on the first day of January 1836, there was not a Mexican soldier on this side of that river. While the Texans were engaged in improving and remodeling their civil institutions, Santa Anna was preparing, and organizing a new army of invasion. He crossed the Rio Grande, and entered the settlements of Texas with two invading columns—the one in the direction of San Antonio, and the other upon Goliad. The slaughter of Travis, and his fellow patriots in the Alamo, and the murder of Fannin, and his entire command at Goliad, after they had entered into a capitulation, and become prisoners of war, foreshadowed the fate of all who might fall into the hands of the Dictator. The work of destruction continued, with fire and sword, until the two hostile armies met on the banks of the San Jacinto. There, on the 21st of April, 1836, the gallant little Texan army, under the command of the distinguished Senator before me, literally annihilated the Mexican forces, leaving more than one-half of them dead upon the field, and capturing the rest, not allowing even one to escape to tell the tale of the terrible retribution which the god of battles had inflicted upon them for their merciless crimes. The murderer of Fannin and his men was now a captive pleading for his life at the hands of the Texan general. The generals of the two armies, and the Executives of the two nations, (for such they were now acknowledged to be,) immediately opened negotiations for a treaty of peace, independence, and boundaries. At length, on the 12th of May, 1836, the treaty was signed by President Burnett and his cabinet, on the part of the Republic of Texas, and General Santa Anna on the part of Mexico. The capitulation shows who were the parties to this treaty. I will read it:

"Articles of agreement and solemn compact made and adopted by Ernest C. Burnet President of the Republic of Texas, and the undersigned members of the cabinet thereof, on the one part, and Don Antonio Lopez de Santa Anna, President of the Republic of Mexico, and Don Vincente Filisola, General of Division, Don José Urea, Don Joaquim Ramirez y Sesma, and Don Antonio Gaona, Generals of Brigades of the armie of Mexico."

After a preamble the first article proceeds as follows?

"Therefore, it is agreed by the President Santa Anna, and the Generals Don Vincente Filisola, Don José Urea, Don Joaquim Ramirez y Sesma, and Don Antonio Gaona,

1st. That the armies of Mexico shall, with all practicable expedition, evacuate the territory of Texas, and retire to Monterey, beyond the Rio Grande."

The second article provides that the Mexican army "shall abstain from all pillage and devastation" on their retreat. I will invite especial attention to the third, and a part of the fourth articles, as follows:

"3d. That the army of Texas are to march westwardly, and to occupy such post as the commanding general may think proper, on the east side of the Rio Grande or Rio Bravo del Norte.

"4th. That the President Santa Anna, in his official character as chief of the Mexican nation, and the Generals Don Vincente Filisola, Don José Urea, Don Joaquim Ramirez y Sesma, and Don Antonio Gaona, as chiefs of armies, do solemnly acknowledge, sanction, and ratify, the full, entire, and perfect Independence of the Republic of Texas, with such boundaries as are hereafter set forth and agreed upon by the same."

The fifth article prescribes the boundaries of the Republic of Texas. I will read so much as relates to the south-western boundary:

"5th. That the following be, and the same are hereby established and made the lines of demarcation between the two Republics of Mexico and Texas, to wit: The line shall commence at the estuary or mouth of the Rio Grande, on the western bank thereof, and shall pursue the same bank of the said river, to the point where the river assumes the name of the Rio Bravo del Norte, from which point it shall proceed on the said western bank to the head waters, or source of said river, it being understood that the terms Rio Grande and Rio Bravo del Norte, apply to and designate one and the same stream."

The sixth and seventh articles relate to the release of prisoners and the restoration to Texas of all fortresses, artillery, and munitions of war, within her limits.

In article eighth Texas undertakes, in consideration of the foregoing provisions, to spare the life of Santa Anna and his officers, and to restore them to their liberty.

Article ninth is as follows:

"9th. The release of the President Santa Anna shall be made immediately, on receiving the signatures of Generals Don Vincente Filisola, Don José Urea, Don Joaquim Ramirez y Sesma, and Don Antonio Gaona, to this agreement, and his conveyance to Vera Cruz as soon afterwards as may be convenient."

It will be borne in mind that the generals named in the ninth article were not prisoners, and that after the capture of Santa Anna, General Filasola succeeded to his powers as commander-in-chief of the Mexican army. The remaining articles relate to the mode in which these were to be executed. General Filesola and the other officers named in the ninth article, did subsequently sign and ratify this treaty, and in pursuance of it were permitted to retire, with the forces under their command, in peace and security beyond the Rio Grande. Here ends the history of the second invasion of Texas by Mexico. Like the first, it resulted in the total annihilation of the invading army—its defeat and capture. Texas was now free and independent, without a hostile foot upon her soil. There was not a Mexican soldier to be found on this side of the Rio Grande. Those who survived the battle of San Jacinto and returned to their own country, did so by the permission of the Texan army, and under the sanctity of a treaty stipulation that the Rio Grande should forever remain the line of "demarkation between the two Republics of Mexico and Texas." It does seem to me that I might stop here, with safety, and rest the question of the boundary of the Rio Grande upon the incontrovertible facts which I have brought to the notice of the Senate. But, sir, I am well aware that, while no Senator will controvert the truth of any one material fact which I have stated, or the fairness and impartiality with which all my facts have been presented, yet it will be said that the treaty to which I have alluded was not binding upon the Mexican nation, because Santa Anna was a prisoner of war, in captivity, at the time of its execution. I do not deem it necessary to make an argument on this point, so far as Santa Anna is himself concerned; for it can make no difference with the result. General Filsoela, and the other generals who subsequently signed and ratified that treaty in conjunction with him, were not prisoners of war—were not in duress or captivity when they executed it. They were at the head of their respective commands, in the full enjoyment of all their faculties, and the free exercise of all their rights, when they signed and ratified the instrument. They acted upon their own judgments and of their own volition, and make no pretext of duress or coercion. If, then, the captivity of Santa Anna deprived him of the faculties of volition and action, Filasola succeeded to his position of commander-in-chief of the army, and was duly invested with all the powers of which he had been deprived. But, sir, I cannot concede that the acts of Santa Anna were not binding upon himself and his government. We must bear in mind that the government of Mexico at that time was a military despotism, erected upon the ruins of the republic, after the federal constitution had been abolished. Santa Anna was the head of that government, (if indeed he was not the government itself;) and the people were responsible for his acts, because they had submitted to his rule, and acquiesced in his authority. The government had no rightful existence, and no other authority than that which resulted from violence and power. It had extended its authority, by successful revolution, to the Rio Grande, and to that extent the people were bound by its acts. It had failed in two successive attempts to establish its power on this side of that river, and the evidence of that failure is to be found recorded in letters of blood in the treaty of San Jacinto, sealed with the seal of the government's captivity, and witnessed by the dead of more than one half of the revolutionary army. The failure of Mexico to conquer and reduce to subjugation, is conclusive evidence of the right of the inhabitants to govern themselves. This treaty is an acknowledgment of that right, and, as such, is good evidence of the independence and boundaries of the republic of Texas. I do not insist that the treaty conferred any new rights upon Texas, either in respect to her independence or limits; for they existed before the treaty was signed and independent of its provisions. Her inalienable right of independence resulted from the subversion of the constitutional government of the Mexican confederacy—the fact of independence, with the boundary of the Rio Grande, was evidenced by the total annihilation of every revolutionary army which had presumed to enter her territory, and the expulsion of every hostile foot from her soil. The treaty is a valid acknowledgment of both the right and the fact. It was entered into for a consideration, which, it is reasonable to suppose, was not only desirable, but invaluable to Mexico. The life of her Chief Magistrate, and the safety of thousands of her soldiers and officers, depended upon it, and were secured by it. In fact the whole conduct of the government of Mexico, from the date of that treaty through a long series of years, has clearly shown that she regarded the Rio Grande as the boundary of Texas: but claimed the right of reconquest, as she is pleased to term it, inasmuch as the treaty had not been ratified according to the forms of the constitution, which had been abolished nearly two years previous. Texas was permitted to remain in the undisturbed possession of the territory for years. Invasion and conquest were constantly threatened, but no attempt was ever made to carry the threat into execution by a regularly appointed army until the year 1842, six years after the battle and treaty of San Jacinto. In that year, Gen. Vascus ventured to cross the Rio Grande, and, by a rapid movement, succeeded, on the 6th of March, in reaching and plundering San Antonio. The Texans instantly seized their arms, and prepared to chastise and repulse the invaders. The result is thus recorded in Green's Mier expedition:

"A large number had already assembled under their certain leader, General Edward Burleson, always the first in the field and foremost in the fight. *The enemy fled before them to THE RIO GRANDE, one hundred and fifty miles in retreat.*"

This was the end of the third regular invasion of Texas by Mexico. The invading army only escaped the fate of the two preceding ones by a hasty flight before the Texians across the Rio Grande. Now for the fourth and last invasion which Mexico ever attempted, unless, indeed, the marauding party under Canalles, which was promptly met and repulsed, is entitled to the dignity of that designation. About the 1st of September, 1842, Gen. Woll

crossed the Rio Grande with his army, and by rapid marches took possession of San Antonio on the 11th of that month. A few days afterwards he succeeded in capturing and murdering a small party of Texans in the vicinity of that place. For the result of this invasion, I will invite the attention of the Senate to the passages which I will read from the work I have just quoted:

"After the above recital Bravard and his men [illegible] to the San Antonio road, by which [illegible] marched [illegible] and *prepared* [illegible] Gen. Woll [illegible] was readily assented upon, because [illegible] Mexican Main, and Mc[illegible] another, were raised in [illegible] to Rio Hondo [illegible] Woll [illegible] He rested at one [illegible] agree and send them [illegible] on each part. Much [illegible] the blame [illegible] this name that only [illegible] mischances in war, more the fault of accident, or the want of promptness, than the [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] oil—only seek to cast [illegible]

Thus ended the fourth and last invasion of Texas by a regular army of Mexico. It seems [illegible] parties ever crossed the Rio Grande and approached the settlements, [illegible] before Hays and McCullough's Rangers, was more rapid than their original march. The repulse and retreat of Gen. Woll's army in the fall of 1842, again left Texas in the undisputed possession of her whole territorial limits, as defined in the treaty of San Jacinto and vindicated by her arms whenever invaded, since the date of Gen. Cos' expatriation in 1835. I have said that Hays and McCullough always held the marauding parties in check; and repulsed them whenever they invaded the country. On this point I will read a paragraph from the speech of Mr. Kauffman, of Texas, in the House of Representatives, on the 27th of June, 1846:

"Indeed, our Texas Rangers, under the gallant Hays and McCullough, for several years held undisputed sway over that territory, [the country between the Nueces and the Rio Grande] and exclusive [illegible] occupation of it. [illegible] and [illegible] of encroachment, constant and [illegible] *No Mexican force had ever been known to [illegible] land on the left bank of the Rio Grande itself three miles from its mouth on that river, right!*"

I am aware that I am accumulating evidence on this point, beyond what ought to be required to convince the most incredulous mind. Yet I must be permitted to call the attention of the Senate to one item more. I allude to the armistice which was concluded between the governments of Mexico and Texas, on the 15th of February, 1844, and the proclamation of Gen. Woll, announcing the re-opening of hostilities from and after the 11th of June, of that year. The hostilities which were re-opened existed only on paper, if we except the cruel and barbarous treatment of the Texan prisoners who had been unfortunate [illegible] to fall into the hands of the Mexicans in the previous campaigns. Gen. Woll, acting under the express orders of the Mexican government, at Mier, June 20th, 1844, issued an order or proclamation, of which the third section is as follows:

"3. Texas individual whatever [illegible] found [illegible] bank of the Rio Grande [illegible] will be [illegible] *the EXPRESS ORDER THAT EACH CHIEF OR [illegible] country.*"

This order is important in two points of view: first, that while Mexico claimed the whole of Texas as her national territory, she at that time regarded and acknowledged the Rio Bravo, or Grande, as the boundary. She had previously declared an inhabitant of Texas rebels and traitors, who were to be put to immediate death, and by this order that sentence was applied to every person, whether Mexican or Texan, who should be found at the distance of three miles from the Rio Grande, upon the ground that the fact of being there was conclusive evidence that they favored the Texan cause. A Mexican might cross the river to the left bank, and save his life by showing that he was not a Texian, but if he went one league from the Rio Grande, death to the [illegible] no [illegible] explanation would be received. The next point upon which the order is important, is to be found in the fact of its express acknowledgement, that the Texans were in possession of the country:

"Every [illegible] who may be found at the distance of one league [illegible] Bank of the Rio Grande, will be considered a Texan and consequent of the [illegible] OF THAT PART OF THE NATIONAL TERRITORY."

It appears, then, that the Texans had *usurped* the territory on the left bank of Rio Bravo, or Grande. To usurp, according to Webster, is "*to seize and hold in possession by force or without right.*" I have already disposed of the question as to the right of Texas "to seize and hold in possession by force" the country between the Nueces and the Rio Grande—and I am reinforced by the purpose that Mexico, in 1844, acknowledged the fact, that Texas had seized, and did then hold it in possession by force. I have now traced, with a minuteness which I fear has been tedious, every important fact [illegible] upon the question of boundary, since the submission of the federal constitution of 1824. In the examination of this subject my mind has been powerfully impressed by the circumstance, that in every occasion which Mexico has every modified the territory of Texas, the Rio Grande has been uniformly mentioned as the line which the army crossed, and beyond which it retreated whenever it was permitted to escape. The same may be said of the capitulations and treaties with the two captive armies. The Nueces is not even alluded to, nor can the name be found in any one of them. This circumstance is a powerful argument of itself, and is forced to make a deep impression upon the mind of every impartial man.

Having shown that Mexico has never held any portion of the country this side of the Rio Grande, (of course I speak of the lower Rio Grande,) since the subversion of the constitution of 1824, and that Texas has promptly repelled every invasion of her territory, I now propose to show that she has occupied and govefned it, by her civil institutions, during that whole period. I have already shown that every Mexican garrison, between the Nueces and the Rio Grande, as well as in all other portions of Texas, was reduced and captured in the fall of 1835—that the counties of San Patricio and Bexar were represented in the convention, which established the Provincial government in November '35, and also in the convention which declared the independence, and formed the constitution of the Republic of Texas in March '36—and that by that constitution, each of those counties constituted a congressional district, with the right of sending Representatives and Senators to the Congress of the Republic. I have referred also to the act of the Texian Congress of the 24th of May, '38, defining; with greater certainty, the dividing line between those counties from the Nueces to the Rio Grande, and confirming the surveys of land which had been made by the county surveyors of both respectively. On the 19th of December, 1836, the Congress of Texas passed an act defining the boundaries of the republic, and adopting those, designated in the treaty of San Jacinto. On the 4th of February, '42, an act was passed fixing the times of holding the higher courts in the counties of San Patricio and Bexar and for other purposes. On the 18th of January, '44, another act was passed regulating the times of holding courts in those counties, and on the 31st of December, '44, an act was passed changing the times of holding courts in those counties. On the 18th of January, '45, an act was passed removing the seat of justice of San Patricio county, to Corpus Christi, and providing for the appointment of a presiding judge of the county court. On the 1st of February, '45, an act providing for the re-survey of all the land in the counties of San Patricio, and Refugio, the title of which was derived from the Mexican government, or the state of Coahuila and Texas, and for returning the plats to the General Land Office of Texas. I have all these acts before me, but will not stop to read them, unless desired by some Senator. During the whole of the period from the establishment of the republic, these counties were represented in the Congress of Texas. They were also represented in the convention of the people of Texas, which agreed to the terms of annexation, and which formed the constitution of the State of Texas, with which she was admitted into our federal Union. I hold in my hand the present constitution of Texas—the same upon which our act of Congress was founded, admitting her into the Union, as a State, upon an equal footing with the original States, and, in the 30th section, of the 3d, article, I find that the county of San Patricio is constituted a Representative district, with one representative, and the county of Bexar, with two representatives; and in the 32d section of the same articles is the following provision: "the county of Bexar, the eighteenth district, shall elect one Senator. The counties of Goliad, Refugio, and San Patricio, the nineteenth district, shall elect one Senator."

The third section of the thirteenth article is as follows:

"[illegible] All the [illegible] of the Republic of Texas [illegible] to the United States, the said [illegible] Congress of the United States, the said [illegible] tion, shall continue and remain in force as the laws of this State, until they expire by [illegible]"

Now, sir, this provision ratifies and continues in force all the acts of the Texian Congress to which I have just read, and declares the Rio Grande to be its boundary, of the republic the act establishing the boundary lines of counties from the Nueces to the Rio Grande—the several acts providing for the surveys of lands and fixing the times of holding courts in those counties—all are confirmed by this section of the constitution. The Congress of the United States must be presumed to have been familiar with these laws and this section of the constitution, when the act was passed admitting her into the Union. This presumption is greatly strengthened by the fact, that within a few days after the admission of Texas, Congress passed an act extending our revenue laws over the territory of the State, and establishing a port of delivery, among other places, at Corpus Christi, in the county of San Patricio.

I have now concluded all I have to say on the question of boundary. Whether I have succeeded in establishing the boundary of the Rio Grande, is for the Senate and the country to judge. One thing is certain, Mexico never has disputed any other boundary than that of the Rio Grande or the Sabine. She was in possession of the country to the Rio Grande, and claimed the right to conquer to the Sabine. This was the position of Mexico towards Texas, as stated by herself, when the latter was annexed to this country and admitted into the Union.

The question now arises, who commenced the present war? The United States or Mexico? This seems to be a disputed point between the two great political parties in this country, although the governments of the two belligerent countries agree in relation to it. Our government has officially declared, in the form of a solemn law, all the departments concurring, that the war was commenced by "the act of Mexico." This is our statement of the question. Now for the Mexican side of the case as stated by her President, and Ministers of War and Foreign Affairs. I read from the President's annual message of December 8th, 1846.

"The apprehensions of a contemplated Mexican invasion have been since fully realized by the event. The determination of Mexico to push into hostilities with the United States was afterwards manifested from the whole tenor of the note of the Mexican Minister of Foreign Affairs to our minister, bearing date on the twelfth of March, 1846. Paredes had then revolutionized the government, and his minister, after referring to the resolution for the annexation of Texas, which had been passed by the two Houses of Congress in March, 1845, proceeds to declare that 'a fact such as this, so hostile, with greater exactness, so notable an act of usurpation, created an imperious necessity that Mexico, for her own honor, should repel it with proper firmness and dignity. The Supreme Government had beforehand declared that it would look upon such an act as a *casus belli*, and as a consequence of the declaration, *repetatedly made*, it had *very recently, even*, ordered *measures for repelling force by force*.' *Measures, accordingly!*

"It appears, also, that on the fourth of April following, General Paredes, through his minister of war, issued orders to the Mexican general in command on the Texan frontier to 'attack' our army 'by every means which war permits.' To this General Paredes had been pledged to the army and people of Mexico during the military revolution which had brought him into power. On the eighteenth of April, 1846, General Paredes addressed a letter to the commander of the Mexican army, which he stated to him, 'At the present date I suppose you at the head of that valiant army, either fighting already, or preparing for the operations of a campaign;' and 'supposing you already on the theatre of operations, and with all the forces assembled *it is impossible that hostilities be commenced, more still taking the initiative against the enemy.*'

Thus we find that the Mexican Minister of Foreign Affairs, on the 12th of March, 1846, notified our minister that "NEGOTIATIONS WAS, BY ITS VERY NATURE, AT AN END, and WAR WAS THE ONLY RECOURSE OF THE MEXICAN GOVERNMENT;" and that on the 18th day of April, 1846, the President of Mexico instructed the General of the Mexican army that it was "*indispensable that hostilities be commenced*, YOURSELF TAKING THE INITIATIVE AGAINST THE ENEMY." Mexico avows the act. It is her pride and boast that she commenced the war—that she took the "initiative" and struck the first blow. She made no complaint of General Taylor's march from Corpus Christi to the Rio Grande. She knew nothing of that movement at the time she gave orders for the commencement of hostilities. Her complaint was, that our armies were stationed on the west side of the Sabine—that we had incorporated the country between the Sabine and the Rio Grande into our Union, and deprived her of the right which she claimed of re-conquest. This was her grievance, and for this grievance she boasted that she had the chivalry to take the initiative of the United States, and take the initiative. She knew nothing of the distinctions in the strength of her title on the one side or the other of the Nueces, until she found it explained in the speeches of American Senators. Those speeches are the foundation of her better title to the country west, than east of that river. Up to the commencement of this war, the name of the Nueces river cannot be found in any Mexican document—civil or military—addressed to this country, or the world, in which she claims a better, or any other title to that river, than to the Sabine. Her separate title to the Nueces is a whig title, originating in this country, and derived from whig newspapers and speeches, and adopted by the Mexican authorities, for the first time in the negotiation with Mr. Trist, "on the Chapultepec causeway." She now claims it, because she is told that it is hers; but she is unable to comprehend, much less explain, upon what principles her separate and better title rests. I repeat, that the Nueces line was manufactured in this country, for the purpose of erecting a platform, from which to assail the President of the United States, and, through him, the democratic party. The idea was conceived after the passage of the act of the 13th of May, 1846, recognizing "a state of war by the act of Mexico," and by gentlemen who voted for that law. Why did they not then tell us that the President had invaded the territory of Mexico in violation of the constitution of the United States, and instruct him to withdraw the army within the line of our rightful boundary, instead of furnishing ten millions of dollars, and fifty thousand men, to prosecute the invasion to the vitals of Mexico? I suppose the answer will be, if any answer shall be made, that they, at that time, were as ignorant as Mexico herself, of the existence of any better title, to the one side than the other of the Nueces.

But, there is a point more to which I wish to address a few remarks. It is strenuously insisted, here and elsewhere, that the letter of the Secretary of War, of the 13th of January, 1846, ordering General Taylor from Corpus Christi to the Rio Grande, was the real cause of the war. Some go so far as to charge the President with giving the order for the purpose of producing war, while others, who are more charitable, content themselves with saying that it was an act so imprudent and reckless, that any man in his senses ought to have known that war would be the inevitable consequence. It often becomes necessary in military movements, on a theatre remote from the capital, to trust much to the superior local knowledge and discretion of the commanding general, in respect to the proper disposition of the forces under his command. Such was the case in this instance. General Taylor was put in full possession of the views of the government, in sending him to Texas, and left to select his own position. Those views were the defence of the western boundary of Texas from invasion, and the preservation of friendly relations with Mexico, if possible. He selected his position at Corpus Christi, and after remaining there several months, on the 4th of October, 1845, he wrote to the department as follows:

"I shall hesitate to suggest any considerations, in relation to the general position of our forces, and the disposition which it may become necessary for the more effectual prosecution of the objects for which he has been concentrated."

After a detailed exposition of the reasons for the recommendation which he was about to make, he proceeds as follows:

"For these reasons, our position thus far has, I think, been the best possible; but, now that the entire force will soon be concentrated, it may well be a question whether the *views of government will be best carried out by our remaining at this point*. It is with great diffidence that I make any suggestion on topics which may become important delicate in negotiation, but from government, in settling the question of boundary, makes the line of the Rio Grande as a maximum, *I cannot doubt that the settlement will be greatly facilitated and hastened by our taking possession at once of one or more suitable points on, or quite near that river.*" Our strength and state of preparation should be displayed in a manner not to be mistaken. However salutary may be the effect produced upon the border people by our presence here, we are too far from the frontier to impress the government of Mexico with our readiness to vindicate, by force of arms, if necessary, our title to the country as far as the Rio Grande. The "army of occupation" will, in a few days, be concentrated at this point, in condition for vigorous and efficient service. Mexico having as yet made no positive declaration of war, or committed any overt act of hostilities, *I do not feel at liberty*, under any instructions, particularly those of July 8, to make a forward movement to the Rio Grande *on my own responsibility*. *I shall, therefore, await the further views of the War Department.*"

These are the recommendations of General Taylor. "I cannot doubt that the settlement will be greatly facilitated and hastened by our taking possession at once of one or two suitable points on, or quite near that river," the Rio Grande. "I do not feel at liberty, under my instructions, particularly those of the 8th of July, to make a forward movement to the Rio Grande, without authority from the War Department." The commanding general on the theatre of action. He had better opportunities of knowing the movements, intentions, and feelings of the Mexicans than any one else. He had previously, July 20, 1845, given the department this assurance: "and the department may rest assured that I will take no step to interrupt the friendly relations between the United States and Mexico." Relying upon the faith of this assurance, and upon his better means of information, the department complied with his request, and gave him the desired order "for a forward movement to the Rio Grande." General Taylor had recommended it as a peace-measure, calculated to facilitate and hasten the settlement of the boundary question, and in that view, and on that recommendation, the order was given. It is clear, therefore, that General Taylor, and he alone, is responsible for that order. If it was right and wise, his is the merit; and if it was wrong, he ought—as I have no doubt, he is perfectly willing—to take the responsibility. I have no doubt, that the order was an act of policy and wisdom—nay, of necessity.

But, sir, who are the men that condemn this order, and for what purpose is the condemnation made at this time? They are the professed advocates of the election of General Taylor to the Presidency, and the order is condemned for the purpose of making political capital for themselves and their candidate, against the democratic party. Under the influence of the same patriotic motives, it has suddenly been discovered by a portion of those who voted for the war, that it was unjust, unnecessary, and unconstitutional. They can see no hope of rescuing the ship of state from the hands of the wicked rulers who are directing its course, except by the elevation to the Presidency of a man, whose very name has been introduced to the knowledge of the civilized world only by his extraordinary success in shedding human blood in an unjust cause. By denouncing the war as a scheme of rapine and robbery, they, in effect, charge Generals Taylor and Scott, and all the officers and men under their command, with being a band of successful robbers, murderers, and pirates, whose only titles to the gratitude of their countrymen is derived from a series of unparalleled triumphs in violation of the constitution of their country, over a weak and an unoffending people. Should it hereafter be to us a matter of surprise to hear all Europe, whose jealousy has been aroused by our growing greatness and importance among the nations of the world, denounce us a nation of robbers and pirates, when they can refer to the speeches of American Senators for the truth and justice of their statements? Suppose gentlemen succeed in making the world believe that the war in which we are engaged, and which has been sanctioned by the nation according to all the forms and solemnities known to the constitution, is unnecessary and unjust—a war of rapine and robbery—their only triumph, of which they can boast, will be that they have rendered the name and the fame of their country infamous in the eyes of christendom. Whose heart did not swell and pulsate with patriotic pride as he heard the shout of the glorious victories achieved by our countrymen wafted from the plains and mountains of Mexico, striking terror to the hearts of all enemies of republican institutions, and demonstrating that ours is the first military, as well as civil power, upon the globe? Sir, I shall never forget the proud and grateful emotions of my own breast, when the response was heard from all parts of the Union to the call for volunteers in the summer of 1846, showing that more than three hundred thousand had tendered their services, when only fifty thousand could be received. Was that response prompted by a love of plunder and robbery—or was it a patriotic response from the hearts of freemen, burning with a fervent desire to avenge their country's wrongs and vindicate her rights. Shall it be said that in Republican America the only sentiment which can animate and arouse the whole people—which can quell partizan strife and obliterate party distinction, for a time—is an insatiable lust for rapine and robbery, upon our unoffending and unfortunate neighbors? Such must be the fruits of the victory, if gentlemen triumph in the efforts they are now making in regard to this war. All the emotions of my heart and the feelings of my nature revolt at the idea. National and State pride rebels at the thought. My own State has sent nearly seven thousand men to this war, and has offered up more lives upon the field of battle, and sacrificed more by the diseases of the country, than any other State in the Union. Their patriotic deeds of noble daring have shed honor upon the State, as well as glory upon the American arms. I feel grateful to them—the living and the dead—for the services they have rendered and the renown they have won. Every other State has had its share in the glory of this war. If they have not furnished as many men, it was because the government declined to receive them. All have done their duty, and all ought to feel proud of their achievements.

Mr. BELL took the floor.

On motion, the Senate adjourned.

WEDNESDAY, FEBRUARY 2, 1848.

PRESIDENT PRO TEM.

The VICE PRESIDENT being absent:

On motion by Mr. BENTON, seconded by Mr. MANGUM, it was

Resolved, That [illegible] appointed President of the Senate pro tempore.

RESOLUTIONS OF THE LEGISLATURE OF LOUISIANA.

Mr. JOHNSON, of La., presented a resolution passed by the Legislature of that State, in favor of the passage of a law granting a portion of public lands to each of the officers and soldiers, or their legal representatives, who served, or may serve in the war with Mexico; which was read, referred to the Committee on Military Affairs, and ordered to be printed.

Also, a resolution of the said Legislature, in favor of the passage of an act to indemnify citizens of the United States, for losses by French spoliations prior to 1800; which was read, referred to the Committee on Foreign Relations, and ordered to be printed.

Also, resolutions of the said Legislature, in favor of the passage of a law authorizing the State of Louisiana to select other school land in lieu of such as are unfit for cultivation; which were read, referred to the Committee on Public Lands, and ordered to be printed.

Also, a memorial of the said Legislature, praying an enlargement of the powers of said Legislature, in reference to the selection and disposition of the 16th sections or school lands; which was referred to the Committee on Public Lands, and ordered to be printed.

MEXICAN SPOLIATIONS.

In presenting the memorial of Philo B. Johnson, praying indemnity for injuries to his person and property, committed by Mexican citizens,

Mr. NILES said that though the memorial went somewhat into detail, yet he should request that it be read. He would state briefly the substance of it. The memorialist was one of the claimants for spoliations by the Mexican government. He had been subjected to gross outrages in the year 1831, at or near Tobasco. He was an old sea-captain, now a resident of New York, but a native of the State which he (Mr. N.) represented. His whole life had been spent on the high seas, and having, unfortunately, lost all his property, has presented himself as a claimant for redress on account of the injuries which he had sustained at the hands of the lawless agents of the Mexican government. The subject had some bearing on the great question before that body and the country, in regard to the character of claims of citizens of the United States against Mexico, of which they heard so much. It would seem to be admitted on all hands that it has become the duty of this government to take care of those who had just and honest claims against Mexico. This question had become one of some importance in relation to the present war with Mexico. It was in part, perhaps, an especial part of the indemnity claimed from Mexico. It had been contended, however, amongst others, by an honorable and distinguished gentleman, who had written a pamphlet on the subject, and who had been in office under this government, that these claims, being merely a debt, could not, according to the usages of nations, be made the subject of a war, or even, if he (Mr. N.) was not mistaken, enter into the considerations connected with the existing state of war. Now, these transactions took place years ago. The public mind was not, perhaps, much informed on the subject. But these claims had been in parcted upon—so far, at least, as they had come under the adjudication of the Convention to which they were referred, and whether they had or had not assumed the shape and form of debts; in their original character they were not debts—not at all. Of course, by the law of nations, they could not interfere to provide for the settlement of a debt which any citizen of the United States might have against the government of Mexico, that did not come within the province of the government. But these were claims arising under our treaties with Mexico, and under the laws of nations, for spoliations on our commerce, and for the robbery and plunder of the property of our citizens, who were doing business in Mexico—thus involving the grossest violation of our flag. The present was one of those cases; the vessel in charge of the memorialist was violently seized and taken possession of. He was himself violently seized, put in the stocks, and incarcerated in a prison. He was compelled, at the point of the bayonet, to carry in his own vessel a military force to aid in the civil wars of the country, first by one party, and then by the other. This was a fair sample of the general character of these claims. They arose from violence, from spoliation, from a gross disregard of the sober obligations of national law. Every one of these claims afforded in itself, distinctly considered, if not promptly met and redressed, a justifiable cause of war. He did not say that this war arose from these claims at all, but he did say, that this case and others showed that the conduct of the Mexican government, towards the United States, had been not only unfriendly, but had been marked by every species of injustice, violence, and rapacity, unexampled in the commercial intercourse of any people, making the slightest claim to civilization. It was not necessary to say anything more on the subject, as the memorialist asked that his story of wrongs might be read; he would conclude by moving that it be read.

The memorial having been read, was referred to the Committee on Foreign Relations.

CADETS.

Mr. BENTON submitted the following resolution; which was ordered to be printed:

Resolved, That the President be requested to cause the Senate to be informed of the order, or law, by virtue of which the following words in relation to the promotion of Cadets have been inserted in the Army Register of the United States, page 15, for the year 1847:

"Cadets acting as supernumerary officers in the army, in virtue of their brevet, will be successively promoted to vacancies of the lowest grade which may first happen in the particular arm to which they may have been attached, according to the order of rank established at the military academy."

LIGHTING THE CAPITOL.

Mr. HUNTER, from the Committee on Public Buildings, reported a bill to pay James Crutchett two thousand dollars for lighting the Capitol and Capitol Grounds; which was read and passed to a second reading.

Mr. HUNTER asked the unanimous consent of the Senate, that the bill might have a second reading now.

Mr. NILES objected to the second reading, pronouncing the plan by which the Capitol grounds were lighted to be a humbug.

After an explanation by Mr. HUNTER that the bill was merely to meet a present emergency, Mr. NILES withdrew his objection, and said that he should defer what he wished to say until the subject should come up on its merits.

The bill was then read a second time, by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That the bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

BRIG DOUGLASS.

Mr. WESTCOTT, from the Committee of Claims, to whom was referred the memorial of A. A. Frazier, for himself and Alvin Baker, reported the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the memorial of A. A. Frazier, for himself and Alvin Baker, owners of the brig Douglass, praying indemnity for the losses caused by the alleged wrongful seizure by a British cruiser, be referred to the Secretary of State; and that the Secretary of State be directed to communicate to the Senate the originals, or copies of all depositions and other documents and papers in his department relating to said case; and likewise such correspondence as may have been had with the British government, or its officers, and our own, in relation thereto, which, in his opinion, may be made public consistent with the public interests; and that the Secretary of State do also make a report on said claims presented to his department.

PRIVATE BILLS.

Mr. WESTCOTT, from the Committee on the Judiciary, to whom was referred the petition of Joseph De La Francia, submitted a report accompanied by a bill supplementary to "An act to authorize the Secretary of State to liquidate certain claims therein mentioned," passed the 18th of April, 1814.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. WESTCOTT, from the same Committee, to whom was referred the petition of I. Bigelow, administrator on the estate of Francois Cazeau, submitted a report accompanied by a bill for the relief of the legal representatives of Francois Cazeau, late merchant at Montreal.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. ASHLEY, from the same Committee, to whom was referred the bill to authorize the Secretary of the Treasury to make an arrangement or compromise with Mangle M. Quackenbosse and his co-obligors, or any of them, for claims or bonds given by them as sureties to the United States, reported it without amendment.

PENSIONS TO THE ORDNANCE CORPS.

Mr. DAVIS, of Miss., said that, under existing laws, the enlisted men of the ordnance corps were exempted from the benefit of the pensions allowed to men wounded and disabled in the service of the United States. The attention of the Military Committee had been drawn to the fact, and he was instructed to report a bill to meet the case. Before introducing it, he would merely remark, that he supposed that the exemption in the original law resulted from the fact, that these men were enlisted under the title of "artificers, armorers, and master workmen," though regularly enlisted as soldiers, and liable to serve in the field. In their appropriate employment as artillerists they were exposed to more hazard than any other branch of the service. They were exposed to many accidents and casualties from the explosion of the combustible materials which they handled. They were also used in battle, generally in all siege trains, and were placed in charge of the artillery accompanying great marching armies. They had been used in this war in working rocket and howitzer batteries, and he had before him a statement relative to a single company engaged in working a mountain howitzer in Mexico, which in successive battles in the valley of Mexico, lost out of the one hundred and twenty men of which it was composed, in killed and wounded, twenty-three men, five killed and eighteen wounded. Some of the wounded men were totally disabled and had not been discharged, because no pension provision had been made for them; and if discharged, their disability from wounds received in battle, rendering them unable to obtain subsistence, they would have been thrown upon the charity of the country. In view of these considerations the present bill had been prepared, and was presented with a request, that by unanimous consent of the Senate, it should be passed to-day, or as soon as the Senate thought proper.

The said bill was read the second time, by unanimous consent, and considered as in Committee of the Whole; and, no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass; and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

ADVERSE REPORT.

Mr. JOHNSON, of La., from the Committee on Pensions, to whom was referred the memorial of Francis O. Dorr and Andrew C. Dorr, submitted an adverse report; which was ordered to be printed.

ADDITIONAL COURT IN TEXAS.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the bill to establish an additional District Court of the United States in the State of Texas, reported it without amendment.

DECISIONS OF THE SUPREME COURT.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the petition of Thomas, Cowperthwaite & Co., reported a bill providing for the purchase and distribution of the decisions of the Supreme Court of the United States among the several States and Territories; which was read and passed to the second reading.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk:

Mr President: The House of Representatives have passed a bill entitled "An act to confirm the boundary between Missouri and Arkansas;" in which they desire the concurrence of the Senate.

TEN REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. BELL.—Mr. President: I believe it is in bad taste to offer any apology for addressing the Senate on the ground of feeble health or of inadequate preparation, or for any other cause. Every gentleman is at liberty to speak or be silent, as he may determine for himself. I will, therefore, make none for the remarks I propose to submit, although they may not be characterized by much novelty. But this is a question of such unusual importance that I think some allowance may be made for gentlemen, although they may fail to offer any thing fresh or interesting after a discussion so long continued and with such ability on both sides of the chamber; indeed, upon a subject presenting so wide a field for debate, and so rich and varied in its topics as the present, it must be the fault of the speaker if he can offer nothing somewhat new.

This is a question, sir, on which I could not feel justified in maintaining silence. I cannot say with the Senator from North Carolina, (Mr. BADGER,) that had this measure been permitted to pass without debate or a division by ayes and noes, I would have been content without expressing my views upon it. I feel bound to pursue a different course for several reasons. This is a question upon which the public mind is peculiarly sensitive.

The first impulse of the patriotic and reflecting part of the community in every section of the country, is in favor of all supplies which may be demanded by the department entrusted with the direction of the military operations of the government, when a war is flagrant. This measure bears the impress of Executive recommendation, and those who oppose it will be strictly reckoned with. The people will require sufficient reasons. By the theory of our system, our voice is not so much our own, as that of the constituency we represent. I came to Washington expecting to give my support to every such measure as the present, that might be brought before the Senate, and in doing so, I would be responding to the general sentiment of the State, which I in part represent—as that sentiment existed a few months ago. I am proud to have it in my power to say of the people of that State, that they will permit no considerations of party interest or prejudice to embarrass the government in the prosecution of an existing war, whatever objections they may have to its origin, or the motives and objects with which it is waged, unless those objects shall appear mischievous and ruinous to the country. Those objects as heretofore understood, though not approved by a large portion of them, yet as there seemed to be no other mode of terminating the war consistently with the avowed policy of the administration, than by a vigorous prosecution of it, they were favorable to that course. But, sir, since the further developement of the views of the Executive in the late message and other official documents, some of them clearly enough, and others darkly stated and shadowed forth, I must suppose that a corresponding change in public opinion and sentiment upon this subject will follow.

Again, sir, I consider, that to vote for this measure is to approve, to the full extent, the policy of the administration in the further prosecution of this war. To set in silence and to suffer it to pass without remonstrance, would be an acquiescence in that policy, not in the power of those who are now silent, when hereafter the evil is upon the country, to retract or deny. They cannot say that they were not sufficiently forewarned by the administration of what would, or might be the final and momentuous result of this policy.

I believe, with one or two exceptions, the entire Senate has heretofore promptly voted every supply, both of men and money, demanded by the Executive for the prosecution of this war. The Senator from Illinois, (Mr. DOUGLAS,) in his speech on yesterday, insisted that the whigs of the Senate had suddenly changed their tactics, and are now in opposition to their former liberal course. It is my purpose, sir, to show that the administration has changed its policy—that it is no longer what it was twelve months ago.

But, Mr. President, I must be indulged in a few other preliminary remarks, before I proceed to the main purpose of my argument.

I shall not stop to discuss several of the questions which distinguished Senators seem to think of importance, and upon which they have employed much close and cogent argument. I shall not stop to inquire whether the President, by his order to Gen. Taylor of the 13th of January, 1846, intended to bring on a war; whether he ought to have had the sagacity to perceive that such would be the necessary effect of that order; or whether such was in fact its necessary result. I shall not inquire whether Mexico or the United States committed the first act of military aggression upon disputed territory; nor shall I delay to inquire whether the war was constitutionally brought on. It is enough for me that it exists; that it has received the sanction of the legislative department of the government, whatever I may think of the notable device by which that sanction was extorted. I shall not inquire whether the war might not have been avoided; though, I think it might and should. I shall not inquire whether the President was, from the first, actuated by a settled purpose of acquiring territory by conquest; nor shall I examine the circumstances connected with the origin of the war, to prove that it is unjust and iniquitous. If it were so, for myself, I would rather seek to cast a veil over the record, or blot it out forever. But in saying this, I mean no censure upon the course of honorable Senators, or others who take a different view of the question. They doubtless have a deep and abiding conviction of the injustice of this war, and their exalted sense of duty to themselves and their country impels them to proclaim this their honest conviction. But I shall neither seek to fasten this conviction upon my own mind, nor upon that of others. For myself I choose to indulge the pleasing reflection, the illusion, if it be one, that up to this period, at least, no such untoward development of the tendencies of our system has occurred, as that the constituted authorities selected by the free and enlightened suffrages of the people have, in the mere wantonness of power and the unbridled lust of dominion, perpetrated so great an outrage upon a neighboring nation, and upon the rights of humanity.

Sir, I take this occasion to say, that I have little sympathy for the Mexican republic or the Mexican rulers now, or at any recent period. So far as they could, by their example, they have brought opprobrium and disgrace upon the cause of free institutions, and upon the very name of republic. I have none at all for those faithless, gasconading chiefs, who have so long oppressed the masses of their countrymen with their exactions and all the evils of faction and anarchy. I can sympathise with the honest and enlightened patriot, as there are doubtless some such in Mexico, who are

struggling to maintain the honor of their country, the integrity of their soil, and the existence of their nationality. I concede that there are with the misled unoffending inhabitants, the necessary subjects, upon the victims of war. But, I repeat, I have no sympathies for their vain-glorious, factious chiefs, nor for any government of their founding.

I shall further avail myself of the occasion to state that I do not hold Mexico to be altogether blameless of this war, and of all its bloody consequences; neither in its origin, nor in the conduct of it, on their part. In the revolution of Texas; in the circumstances of connivance, if not of encouragement, on the part of the government of the United States attending that event in the final annexation of Texas without first negotiating the consent of Mexico; she might well feel her national pride wounded—she might well, as the weaker power, conceive that she had not been dealt with in that spirit of conciliation and courtesy, which the professions of amity on our part made proper. In truth, the annexation of Texas under all the circumstances preceding, and attending it, was not a very neighborly act on our part; nor do I think, without pretending to be well informed on the subject, that the character of this country was duly consulted and respected in the manner in which that act was consummated. Then Mexico had some cause of complaint against this government. But, on the other hand, we had causes of complaint against Mexico. I need not enumerate them. I do not say there was sufficient cause of war, for that might imply that it was expedient to declare war before the collision of arms on the Rio Grande, but if the grounds of these complaints had not been removed; if she had persevered in her hostile policy towards the United States, after all the usual means of conciliation and amicable adjustment, such as we have employed towards other and more powerful nations under similar circumstances, had been exhausted on our part; I cannot say that we would not have been justified in declaring war by any code of public morals or of international law recognized among civilized nations. Hence, I am not of opinion that there is anything in the mode of bringing on this war, nor in its past conduct on our part, nor in the conduct of Mexico, which should restrain us as a just and magnanimous people if we think it expedient to assert our interest, (I speak not of honor, for that has already been amply vindicated—Mexico has fully atoned, both in blood and the other calamities of war for any violation of our honor)—I say, if we think it expedient to any of our great interests, commercial or military, I can see nothing to restrain us from claiming the rights of the conqueror to any moderate extent which those interests require; and which would be neither unreasonable nor oppressive in us to demand, nor dishonorable or ruinous to Mexico to concede as the vanquished party.

But, sir, it is a far different question how far I would go—how much more blood—how much more treasure—I would sacrifice in a war waged under present circumstances—under the recent development of the policy of the administration in the further prosecution of this war. The question, as now presented, involves not so much the consideration of what we may honorably and rightfully do in reference to Mexico as the vanquished party in a war in which she cannot claim to be blameless as of other questions and consequences, deeply and vitally affecting the Union, and the policy and principles of our own government.

I beg, Mr. President, to be indulged in a few other preliminary remarks which now occur to me as appropriate to the subject. When I said that I would not discuss certain questions in regard to the propriety of this war—its justice or injustice—I beg leave to explain, that I would feel that I had a perfect right to do otherwise if I thought that the interests of the country demanded such a course. I have had sir, a pretty large experience in public life, but have not, as yet, disciplined myself into perfect indifference or callousness as to what may be said—whether in this body, or out of it—in regard to the motives which control my own course, or that of those with whom I am associated, in remarks which I am about to offer are prompted by the continued denunciations which I meet with in some of the public journals of the day. I hold, sir, for one, that gentlemen who believe this war to be unjust and iniquitous, or whether just or unjust, that the further prosecution of it is likely to inflict upon the country greater evils than can be compensated by all the territorial acquisitions which the courage and resources of the country may achieve, have a perfect right to arraign the authors and advocates of it at the bar of public opinion, and to thwart them by all the means of speech, writing and voting, which the constitution warrants. I hold, sir, that to deny to them the exercise of this privilege by law, would be an act of despotism under legal forms; and to seek to forestall the exercise of this privilege by intimidation, and the influence of official denunciation, by charging those who avail themselves of this privilege as the allies of the public enemy and their auxiliaries in the war, is an attempt at moral despotism, only to be excused as an emanation of excessive and over-heated zeal, in which neither the judgment nor a proper regard for the institutions of freedom have had much to do.

Why, sir, after Mexico shall have fallen under our conquering arms in the South, and the British possessions in the North, let us suppose that the spirit of progressive democracy, which is becoming so rife in the land, emboldened by past success should succeed in converting this people into a nation of propagandists, and with the aid of such fanatic givings-out as that it is destiny—that it is our mission—should actually involve us in a war with all Europe—if a large portion of the reflecting and intelligent citizens of this country should be of opinion that such a contest can have no other end than to destroy our foreign commerce, exhaust our resources, cover the ocean with pirates, afflict the world with the calamities of war, and retard instead of advancing civilization and the cause of civil liberty, would they not be recreant to their duty and traitors to their country, were they to seal their lips and view in silence the progress of such wild and extravagant schemes. Yet, sir, I dare avow that even in such a war, we should find the organs of the dominant party—all the recipients of Executive patronage all over the country—heralding the same charge of treason and alliance with the public enemy against those patriots who might have the courage to bare themselves to the storm.

Well, sir, if in the present war there are those who honestly believe that the real objects of it—that even those territorial acquisitions which are openly avowed as the objects of it in part—would prove an apple of discord at home, a source of dangerous domestic dissension—would be a curse rather than a blessing to the country—are their lips to be sealed for fear their voice may penetrate the council chamber of the government of Mexico, and disincline it to a treaty? Such a result, evil as it may be, is only one of the inconveniences incident to that system of freedom which is our only guaranty for the preservation of all our liberties, and the boasted superiority of our own over all other forms of government. But, sir, should the tone of remonstrance against this war rise so high in this chamber as to penetrate every vale in Mexico, reverberate among her mountains and rouse the whole population to a spirit of resistance to the attempt to subdue them to our dominion, there are those who believe that a greater calamity may befall this country, in the further prosecution of this war, than even such a result as that.

But it is said the war still goes on; our armies are in the field; the blood of our countrymen still flows in repeated conflicts with an obstinate and infatuated people; our detachments are cut off—and our straggling soldiers are daily pierced by the lances of the murderous guerilleros—and will you not forbear for their sakes? Who forbear? Who should forbear? The opponents of this war? Those who believe—not that the success of our arms, but of the policy in support of which it is employed abroad—would bring peace and prosperity at once upon our institutions at home? And who are they who oppose this war and the policy of the President in the further prosecution of it? Are they of any one section of the Union? Do they belong exclusively to the North or to the South? Have they shunned the perils and privations of the war when called by the constituted authorities of the country to the support of her eagles? They are those who have borne their full share of the burdens of the war—they are those who have given their full proportion, in substance and of blood, to maintain the supremacy of our arms. And what are their numbers? I verily believe that two-thirds of the people of this country are in heart opposed to the policy of this war, whatever may be their opinions six months hence; and but for the tyranny of party, the force of party obligation, and the power of Executive influence, could they be allowed to speak—satiated with the glory already acquired—the honor of the country already amply vindicated—they would strangle this hydra to-day. Would their's be the voice of faction?

Who then, I repeat, should forbear, in order to spare the further effusion of blood in Mexico? The powerful array of those opposed to the war who believe that the further prosecution of it, for the objects avowed, would be mischievous and disastrous to their own country? Or shall not the President and the advisers and the dependents of his policy be called on to yield up their pride of consistency, to sacrifice their visions of national and, may be, their personal glory, in projected enlargement of the boundaries of the republic, upon the altar of public harmony and of the Union? Sir, the voice of a large portion of their countrymen is opposed to their policy; they have a right to cause it to be heard through all the channels of public intelligence. It has long since penetrated the interior of the White House, and if the President and his counsellors shall disregard its warnings; if, having the power in their own hands, wielding, at their will, an army of more than forty thousand of the choicest troops in the world, they shall continue to prosecute this war; if our gallant fellows are still destined to fall by the hand of a defeated, but still resisting foe; should the war be increased in fury and destructiveness, until the plains and mountain passes of all Anahuac run blood, and still there shall be no treaty—no peace—upon whom will rest the fearful responsibility? When the day of accounting shall come—and it will come—from whom will the country demand a reckoning? From those who, reckless of human suffering and in despite the warning voice of their own countrymen, persevere in the execution of an inexorable and fatal policy.

Mr. President: I have occupied more time in these remarks than I intended, and much more than their importance may be supposed to justify. I trust, however, they are not altogether inappropriate.

I have already stated that to pass this bill would be to approve the policy of the Administration in the further prosecution of the war. What is that policy? I desire to speak with all due courtesy and deference to the President of the United States, and his friends and supporters on this floor, but I would earnestly enquire what is the real policy of the Administration in the further prosecution of the war? And with like deference to the distinguished Chairman of the Committee on Military Affairs, I must be allowed to say, that I have a right, not as an individual, but as a member of this body, to a somewhat more explicit expression of what he holds to be that policy than he has hitherto chosen to give us; and I inquire now, what is the policy of the administration in the

further prosecution of this war? I know that one gentleman will very readily answer it is for the purpose of "conquering an honorable peace;" and another will reply that it is for the purpose of securing "indemnity for the past and security for the future." But these are Delphic responses, mere vague generalities, non-committals, and may be construed to mean any thing that may be done in future, provided only that some measure of indemnity is obtained.

The President is more explicit in his message. He informs us that New Mexico and California are already in our possession, and must not be given up. This is all very fair and candid so far as it goes. But what further acquisition of territory is to be demanded of Mexico? If none, and if those provinces now in our possession would be regarded as a satisfactory indemnity, why not, in view of the uncertainty and embarrassments which lie in the way of an early termination of the war, fall back upon those provinces and hold them, and thus limit the waste of life and spare the country the enormous expenditure which attend our present military operations in Mexico? The reply will be: oh! we have no treaty; the war will still be open; we shall have no peace! Well, I will take gentlemen upon their own ground. Suppose that you have, or may have, a treaty with the government now assembled at Queretaro, ceding California and New Mexico, would that be satisfactory to the administration? I would be glad to hear from some honorable Senator whether such a treaty with the existing government of Mexico would be satisfactory to the administration, or do you want still more territory? I should be glad to hear from my friend, the Senator from Mississippi, (Mr. FOOTE) on this subject. What more does he want than those provinces? I know that he is too candid and too courageous to withhold the expression of his sentiments.

Mr. FOOTE.—I have no hesitation in answering the question proposed; but, in doing so, desire to be understood as having no authority to commit any person but myself. If a treaty can be obtained with some government in Mexico, entitled to respect as such, which should give us the Californias and New Mexico, with a reasonable prospect of such treaty being observed on the part of Mexico, for one, I should be content on the point of indemnity.

Mr. BELL.—I am gratified with the bold, unhesitating reply of the Senator. It is such as I expected from him. He would be satisfied with a treaty made with the existing government, on condition that it would bring with it present and permanent peace.

Mr. FOOTE.—The Senator misconceives my meaning. It is a question of some delicacy, and one upon which I wish to be understood. It is true, as the honorable Senator says, that for the purpose of securing peace—though I do not dread the result, in case they refuse to make peace—if the government of Mexico, at any time hereafter, or at present, turns out to be such a government as we can rely upon, and such territory as I have spoken of be granted to us, and there be circumstances which would authorize the reasonable expectation that the peace will not be violated—I would be perfectly content.

Mr. BELL.—I believe I understand the answer of the honorable Senator. I understood him as speaking the sentiments of the administration.

Mr. FOOTE.—I speak for myself.

Mr. BELL.—I now understand, I trust, something of the views of the administration. A treaty with the existing government of Mexico, embracing a cession of such territory as he desires, would be satisfactory to the Senator from Mississippi, upon the condition that it should bring with it assurances of a permanent peace. But I desire further information. What assurance—what guaranty of peace do you demand? Do you desire a further indemnity in money? The honorable Senator near me (Mr. CASS) will say, no, he scorns it. Then, what further do you want than New Mexico and California, by way of security for the future? What says the honorable Chairman of the Committee on Military Affairs to this question?

Mr. CASS (in his seat,) said that he might choose to answer when the Senator's argument was more fully developed.

Mr. BELL.—I wish to press home the enquiry, and I say to Senators, and particularly to the distinguished chairman of the committee on Military Affairs, will you be satisfied with the cession of New Mexico and California as an indemnity? You would; you want no more territory—no money. What more then do you want? If you say you would be satisfied without anything more, then I put the question to the honorable Senator, (Mr. CASS) when you demand indemnity for the past and security for the future, what is it you mean by "security for the future?" When a question was asked in the progress of this discussion, of some honorable Senator on the other side of the chamber, as to the object of the administration in the further prosecution of the war, the answer was, indemnity. The chairman of the Committee of Military Affairs (Mr. CASS) sitting in his place, added, "and security for the future." Moreover, what does the message mean in declaring that the war must be prosecuted until we obtain ample indemnity for the past and security for the future? Will the Senator answer that the phrase "security for the future" has no distinct or substantive meaning; that it is merely an expletive, the effect of careless composition? I am sure that the able and distinguished Senator will not say so. What then does the honorable Senator say to the question, what is meant by "security for the future?" I will, for the present, answer for him after I shall have stated what I understand to be the real policy of the administration in the further prosecution of the war. From the date of the failure of Mr. Trist's negociation, and the splendid success of General Scott, the President and his advisers no longer limited their views to a treaty which should merely cede the territories of New Mexico and California, but one which should bring with it ample security for the future—security for a permanent peace. That I understood to be the policy of the administration. I understand that no treaty with the existing government of Mexico will be satisfactory, either to the administration or its supporters on this floor unless it can furnish security for the future—security for a permanent peace between the two countries.

Mr. FOOTE.—Do I understand the honorable Senator as referring to me? I have already said that I would be satisfied with a treaty giving us so much territory as is comprised within the limits of New Mexico and California—if adequate security, as to the observance of the treaty on the part of Mexico, should also be obtained. I have always doubted, and still doubt, whether the adequate security could be obtained without establishing the Sierra Madre as a line of military defence, and retaining the Castle of San Juan de Ulloa and other strong places in temporary occupancy.

Mr. BELL.—I think I understand the views of the honorable Senator. I do not desire to misinterpret the views of the honorable Senator, or of the administration. I take the position that the phrase "security for the future," has a substantive meaning. I suppose that the administration can make no treaty with the existing government of Mexico, which will not be liable to be disregarded and repudiated, the moment our armies are withdrawn; unless the contemplated securities be required in addition to the indemnity. Then I press the enquiry what are the nature and extent of the "security for the future" which will be demanded of Mexico? What security of any kind can the existing government, or the faction now in power, give that would be satisfactory? Is it a mere stipulation in the treaty for future peace and friendly commercial relations? I take it for granted that is not the nature of the security intended, as all treaties include a peace and amity clause. Is it intended to stipulate for the retention of the castle of San Juan D'Ulloa for a term of years, or indefinitely? I cannot suppose that any such treaty is expected. Is it in contemplation to have the guaranty of any foreign power? You are precluded from any such resort, by having proclaimed that you will suffer no trans-Atlantic powers to obtain any additional dominion in America; and you will not give them any pretext for doing so.

Having, then no confidence in any treaty the existing government of Mexico can make, or a "security for the future," what is the clear and inevitable conclusion upon this view of the matter? Why, that you neither expect nor desire a treaty with any existing government in Mexico; that the government on which you rely to make such a treaty as shall afford the security you demand, is a government to be formed and nurtured into maturity and stability, under your tuition and protection. This may be regarded as a very bold assertion; but I re-assert that this administration neither expects nor desires a treaty with any existing government in Mexico, and that the government with which they propose to treat is yet to be brought into existence.

No, sir, the administration can make no treaty with the present shadow of a government in Mexico, ceding New Mexico and California, consistently with the determination avowed in the message, of "requiring security for the future." The learned and eloquent Senator from New York, (Mr. DIX,) in a speech to which I listened with the greatest pleasure—a speech, by the by, replete with the noblest sentiments and the soundest views and maxims, in every part of which I concur, except the conclusions to which he came in relation to this war—has given the Senate some further insight into the probable extent of that security for the future, which the administration proposes to demand of Mexico. It is not only to guard against hostilities between the two powers on any boundary which may hereafter be established by treaty, but to insure Mexico herself from the intrusion and interference of any foreign government; to provide against any transatlantic sway over Mexico, to which the present, and ever-recurring factions expose her, or rather invite.

This I take to be the solution of the enigma; of the mystic phrase, "security for the future," so often repeated, and yet never explained by the advocates of the measure under discussion. The policy of the administration is to secure such a treaty from such a government in Mexico as will afford satisfactory guarantees for a permanent peace on our own borders, and prevent any foreign power from obtaining a foothold in Mexico; and this war is to be prolonged until a new government is formed, under the protection of our arms, such as can give the security required. I challenge honorable Senators to say whether this is not the policy of the administration?—and I do not exclude the honorable chairman of the Committee on Military Affairs.

Sir, that this was the policy of the administration when the message was delivered, and when the bill was introduced, I think, is clear.

There may be change in the policy of the Executive, in the further prosecution of this war. The cloud which has, for some time past, been gathering over the Treasury, and which every day assumes a more threatening aspect, may have given birth to a

modified policy. Of this I can know nothing, but one thing I do know. If a treaty is made with any existing government in Mexico, embracing a cession of territory only, the responsibility of advising it will be thrown upon the Senate. It will not be advised by the President. But in saying this, I mean no disparagement to the President. I mean not to impute one want of firmness or a disposition to shrink from his just responsibility. Sir, I have no rankling feeling here, (pointing to his heart,) that I seek to gratify. In my toilsome ascent up the hill of life, I have long since learned the folly, if not the wickedness, of indulging such feelings, the offspring of past and fierce political conflicts. My experience has taught me, that the most grievous injuries a public man is liable to receive, are inflicted not by political opponents. The arrows that go deepest here (Mr. B. with his hand upon his heart,) are sped by friendly hands; by companions and co-laborers in a common cause, and often by those we have most cherished, most served. No, sir, when I say that the President will throw upon the Senate the responsibility of advising such a treaty as I have described, I mean that he cannot do otherwise, consistently with the policy avowed in the message. And if such a treaty shall be laid before the Senate, and it is reasonable in other respects, I would unite with his friends in extricating him from the embarrassment in which he is placed; believing that in so doing, I would at the same time be extricating my country from the evils which impend over it. This I could cheerfully do, leaving the President in the full enjoyment of all his honors, and his reputation unimpaired.

But, Mr. President, if I have not mistaken the policy of the administration in the further prosecution of the war, I feel warranted in maintaining that the large and enlightened class of patriotic citizens every where, who, though opposed to the policy of this war from its commencement, have yet felt it their duty, heretofore, to sustain the Executive in the prosecution of it, have been giving their support to a masked policy. The whole country has been deluded with the expectation and belief that it was the policy of the Executive to coerce a treaty with any existing government or phantom of a government that may exist in Mexico, speedily, and that a cession of some moderate portion of territory, and the settlement of unadjusted boundaries, were the only terms that would be exacted from Mexico. The country has been led to suppose, that whatever measure of supply might be demanded would have reference only to an early termination of the war; when, in fact, consistently with the policy of the administration, as now understood, the war is to be prolonged with all the attendant consequences of a waste of life and treasure, indefinitely, and until a government shall be built up in Mexico, and attain maturity under the protection of our arms, which can give the securities I have pointed out.

After all, sir, these may be said to be my own individual conclusions. It may be said, that the policy of the Executive is still to obtain an immediate treaty with any government in Mexico, stable or unstable, which may be willing to treat; and that the importance I have given to the words "security for the future" is gratuitous and unfounded. Well, sir, under this view of the question, I beg leave to repeat an inquiry I had before made. If New Mexico and California would be regarded as a sufficient indemnity, and nothing else is sought, why not fall back upon those territories, which you now hold, and are willing to admit to be a sufficient indemnity? You say there will be no peace! Well, sir, when can you promise the country a peace, as the result of your present plan? But you insist, that after such sacrifices of blood and treasure; after having conquered in so many battles; after having captured so many cities and strongholds of the enemy, it would be inglorious and preposterous to abandon them without a treaty. Here, sir, we are met by that fatal argument of the "force of circumstances;"—the same which impelled us into the war, and across the Rio Grande. It is the same that twelve months ago, after the battle of Monterey, and when you had already conquered more than a third of the whole of the Mexican territory, caused you to decline the policy of a defensive line recommended by General Taylor, and urged by the distinguished Senator from South Carolina, who, from the beginning of this war, had the sagacity to perceive the dangers which threatened the country. The argument then was—we have gone too far to negotiate treat; we have been too successful to abandon further operations without a treaty; we must teach the enemy a lesson; we must prostrate the interior of the country; we must carry our arms into the heart of Mexico. Well, sir, you have carried the war into the very heart of the enemy's country and are now revelling on its vitals; and still you have no treaty, no peace. The argument founded on the force of circumstances, has acquired increased weight and importance. You must now extend your operations; you call for ten thousand additional regular troops to enable you to overrun the whole country; to cause the calamities of war to be felt throughout all her borders, and you are led by the force of circumstances to pursue this "*ignis fatuus*" of peace and a treaty, which still eludes you and lures you onward into the meshes of a policy from which you can never extricate yourselves.

But you say you will extricate yourselves; that you will overrun the whole country, take all the strong holds and populous states, levy contributions, and in this way coerce a treaty; and if this experiment should fail, you announce your determination to take the full measure of indemnity into your own hands.

How long, sir, is the war to be continued in making this experiment? one or two, or five years? The policy itself indicates that time will be an important element in carrying it out. You cannot recruit these ten new regiments and get them into the field in less than six or eight months. In less than one year then you can expect no result. And what will be the cost of this experiment? To maintain an army of 50,000 men in Mexico, without having any certain data upon which to form an estimate, I hazard nothing in saying it cannot be less than $40,000,000 per annum. Then if you should succeed in levying as much as $10,000,000 on the people of Mexico, this country will still have to supply $30,000,000. This experiment, then, should it last one year, will cost this country at least $30,000,000, and still there may be no treaty; and you may be compelled at last to take the indemnity into your own hands; that indemnity being New Mexico and California, for it is under this version of the policy of the administration that I am now discussing the question before the Senate. Well, sir, did it never strike honorable Senators who support the Executive in making this experiment, that if it should be crowned with complete success, and a treaty should be made ceding New Mexico and California to the United States, the whole cost to the country will be more than five times the value of the territory ceded? Sir, I cannot suppose that gentlemen so intelligent and so well informed upon the subject, can have failed to perceive this consequence, and how preposterous it would be to pursue such a course of policy and for such a result.

I now proceed in my desultory manner, to notice the arguments of honorable Senators in support of this bill, and the proceedings of the General in command in Mexico, in further confirmation of the views I have already advanced. The present policy of the administration and its friends is exceedingly difficult and embarrassing, both to themselves and the country, and they must feel it to be so. While they must necessarily continue to keep the expectation of an early peace prominent before the country, their plan of operations on the other hand has a directly contrary tendency. While they do not mean to abandon altogether the idea of making a treaty with any government that may spring up in Mexico, for that is a resource which may become very convenient, yet their measures are adapted, and their operations conducted with reference to the more settled policy of encouraging the establishment of a government—a government under the protection of our arms—or of holding and governing the country, until by the experience of the "justice of our sway," as indicated by the honorable Chairman of the Committee on Military Affairs at the close of his argument, the people of Mexico shall be disposed to make such a treaty as the honor of the country demands.

The difficulty and embarrassment of the argument in support of the measure before the Senate, under such circumstances are manifest, and it struck me as an incident deserving notice, that the distinguished Senator who introduced the bill, should avail himself of the earliest occasion to say, that he knew no more of the policy of the administration, in the prosecution of the war, than what appears in the official documents. Yet, I regarded it as such an avowal, in a gentleman of his distinction and eminence in the country might feel himself called upon to make. His position in the body is one both delicate and important, and, whatever his individual opinion may be upon some particulars of the policy adopted by the Executive Department of the Government, he may feel constrained to sanction them. I can make many allowances for a gentleman occupying the delicate and important relation to the President which he now does, as Chairman of the Committee on Military Affairs.

That distinguished Senator in his speech upon this subject, confined himself mainly to the views presented in the report of the Secretary of War; and throughout his argument, the expectation of an early treaty was never lost sight of, while the reasoning employed, will be seen to be based upon the idea of a continuance of the war.

The argument first advanced in support the measure, was that our army in Mexico was in danger. (Mr. CASS shaking his head.) I find that I am mistaken. The argument then was, that contingencies may arise endangering the army. The people of Mexico who have failed to make an obstinate resistance at the commencement of the war, may be roused by a protracted invasion to a high degree of energy and courage. He announced to us, that our army is in the midst of eight or ten millions of a hostile population. This is an argument which appears to me to be addressed to our fears, and the popular feeling which may be supposed to exist in such an emergency. I cannot say that it is one addressed to the reason and judgment of the Senate. I need not say that if any just grounds can be shown to exist for supposing that our army is in danger, that there is not a Senator present, who would not promptly vote, not ten only, but twenty, fifty, or any number of regiments that might be demanded, to insure its safety. But what are the facts, as to the perilous condition of our army? We have now not less than forty-five thousand troops in all Mexico, and new recruits are still going forward. There are not less than thirty-two thousand men, under General Scott; and this is the army said to be in danger. I desire to make a brief reference to what our troops have done, that we may infer what they will or can do. To say nothing of the preceding brilliant and unsurpassed achievements of General Taylor, we have seen him at Buena Vista, with an army of less than five thousand men—of whom not more than six hundred were regulars, and the remainder undisciplined volunteers, who, as it has been properly said, had never before heard the report of a hostile gun—not only repulse, but route and disperse an army of twenty thousand; an army the best disciplined and best appointed that Mexico had been able to bring into the field, since the beginning of the war, and withal, supported

by a heavy train of artillery. This he did in an open field. If the Senator from Illinois (Mr. DOUGLAS,) were present, I would say that it was a very obstinate proceeding on the part of General Taylor, not to be willing to be sacrificed; to be driven across the Rio Grande, and thence home in disgrace. We next see General Scott with less than twelve thousand men, landing at Vera Cruz, in the face of the enemy, attacking, and compelling the surrender of the city, together with the Castle of San Juan d'Ulloa. In a very short time after, we see him with eight thousand troops, storming the batteries of the enemy, and carrying the heights of Cerro Gordo, defended by an army twelve thousand strong. The fortification of Perote and the city of Puebla, witha population of 80,000 inhabitants, panic stricken, fall before him without resistance. After refreshing his troops and receiving some reinforcements, we next see General Scott precipitating himself, with an army of not more than ten thousand men, upon the valley and city of Mexico, defended by 30,000 armed men, assaulting and carrying the enemy's works at every point; and after a series of sanguinary conflicts, running through several days, with his army reduced to 6,000, capturing by main force the city itself, and triumphantly planting the banner of his country upon the so called palace of the Montezumas. At the time during the course of these operations had General Scott more than 15,000 troops, on his whole line extending from Tampico to the city of Mexico. Upon this same line he has now an army of thirty-two thousand, well provided in every respect. It is under such circumstances that our army is said to be in danger. Sir, I cannot suppose that the argument upon this point is entitled to any weight watever.

The next argument submitted in support of this measure is, that after providing for the safety of the army, and the continued occupation of our present conquests, it is intended to extend the military operations to such other strongholds and rich and populous districts as it may be thought expedient to occupy. Very well; upon this point I regret that the distinguished chairman of the Committee on Military Affairs, who is so able, did not favor us with any estimates of the amount of force that, in his judgment, would be necessary to hold the large towns and states or districts already in our possession. I am surprised that we are furnished with no such estimates from any member of that committee, although there are several distinguished Senators on that committee who have been connected with military service. I pretend to no competency to make such an estimate We are left pretty much to grope our way in the dark upon this point. Still some *data* we may glean from the reports of the officers of the army connected with the late splendid successes. We learn, for example, that the gallant Col. Childs held Puebla, which by some estimates contains a population of 80,000, with a force of no more than 500 effective men, for thirty days and nights, and during a part of that time, against the assaults of 8,000 troops, commanded by Santa Anna himself. Upon the line extending from Tampico to Mexico, I therefore estimate that 500 troops will be quite a sufficient protection for Tampico; 1,000 for Vera Cruz, with the addition of the marine stationed off that city; for Jalapa, 500; as many more for Perote; the same number for Puebla, and 2,000 for the city of Mexico; in all 5,000 men. In this estimate I take into view, that wherever our army makes its entry, it disperses the army of the enemy, captures their artillery, and other munitions of war, and disarms the population, leaving them no resource for further resistance. I also take into view that in whatever town or city detachments of our army are stationed, large numbers of our citizens finds their way there, who, upon any sudden emergency, will be ready to perform military duty. I cannot suppose that there are at this moment in the city of Mexico alone, less than a thousand of such auxiliaries; and if we include the teamsters and others, attached to the staff of the army, a much larger number.

Then, sir, we have it admitted that General Scott's force is now not less than 32,000 men, of all arms, upon his whole line from Tampico to the city of Mexico. Of those, let us suppose that some 5000 will be at all times on the sick list, or otherwise disabled, still there will remain an effective force of some 27,000. But let it be taken for granted that the whole effective force at any one time, will not exceed 25,000 rank and file, you will have a force, after deducting the 5,000 I have estimated as sufficient to hold your present conquests in that quarter, of 20,000. which can be moved in columns upon whatever other strongholds and populous districts you may think it expedient to seize and occupy; and which you announce as your present plan for coercing an early peace.

Well, sir, is not a disposable force of 20,000 men sufficient for that purpose? When all your past conquests by General Scott have been achieved by a force not exceeding 15,000 at all points; and now that the armies of the enemy have been dispersed, their munitions of war captured or destroyed, their financial resources exhausted, shall it be said that a force of 32,000 men is not adequate for the further prosecution of the war in the interior of Mexico?

The honorable Senator to enforce the argument in favor of the immediate adoption of the measure under debate, and in pursuance of the policy of raising a revenue in Mexico for the support of our army, informed the Senate that it was very desirable to take and occupy the rich mining states of Zacatecas and San Luis Potosi. Well, sir, this argument of the honorable Senator had scarcely escaped from his lips, when, unluckily, news reached Washington that two columns or divisions of the army were now being organized and were expected soon to march upon these important positions; and before this news grew cold and following close upon its heels, we are put in receipt of a general order of the commanding-general to the army to hold itself in readiness to overrun all Mexico. Confident in his resources and the sufficiency of the force already in the field, he makes no reference to reinforcements as expected or desired. To pursue this part of the argument a little further: let us suppose Zacatecas and San Luis Potosi are now in our possession, and that Queretaro will soon follow—if you estimate the force necessary to hold each of these states, as high as 2,000, making 6,000 in all, you will still have a force of 14,000 at your disposal, with which you can take and occupy other strongholds of the enemy, keep your communications open, and reinforce the divisions of the army at any point which may require to be strengthened.

But, sir, the main object of those extended operations of the army is declared to be, to cause the pressure of the war to be felt by the whole body of the population, to levy contributions, to seize the public revenues into our hands for the support of our army, and thus to dispose the minds of the Mexicans to a speedy termination of the war by a treaty. Well, sir, even while the argument is pressed by the honorable Senator upon this point, by another arrival of despatches from Mexico we are advised that General Scott has already, under instructions from the government at Washington, issued an order for carrying this branch of its policy in the further prosecution of the war, into effect. But what do we see upon looking into the order of Gen. Scott? By a single stroke of his pen he abolishes the entire amount of transit duties and of the taxes exacted at the gates on all supplies to her city population; a branch of revenue which has heretofore yielded four-and-a-half millions to the government, and the one of all others felt to be the most burthensome and oppressive upon the people of Mexico! I am aware, sir, that it may be said that the revenue thus abolished may be supplied by the increased productiveness of the country, stimulated, as it will be, by this salutary exemption; that the revenues from all other sources will be augmented. I am aware, too, that by another order of General Scott, the amount of revenue assessed upon the different states is greatly increased beyond the amount exacted under the Mexican government. But, I do not forget at the same time, that General Scott in pursuance of the policy of the government at Washington, and looking to a continued occupation of the country, has abolished other large sources of revenue. For example, lotteries are abolished and the tobacco monopoly is to cease after this year! The proposition is that the people of Mexico, in the further prosecution of this war, are to be made to feel its burthens, and, by the aggravated calamities brought upon them by subjecting their resources to the support of our army, to reconcile them to a treaty. But instead of increasing their burthens, you relieve the industrial and enterprising classes of the inhabitants of a burden which, under their own government, they held to be most oppressive. While you declare that your policy is to increase the burdens and calamities of the war, you lighten existing burdens. Instead of aggravation, your policy is one of conciliation. Instead of causing your military occupation to be felt as a grievance, you pursue a course calculated to display the beneficence of your sway. The industrial classes embrace a part of all the varieties of race of which the population is compounded; some of pure Indian blood, others of the casts or mixed races, and a considerable proportion of whites, and these compose the strength of what is called the Puros party in Mexico. This is the party which your plan of raising a revenue for the support of your army tends to conciliate. Yet this is the party which, at every step of your progress, from the commencement of the war, has resolutely opposed a treatv. They declare that your military occupation—your military government—is preferable to the domination of their own factions. The withdrawal of your army is what, it is said, they most dread. They want your protection; the benefits of your free institutions, and the support of your power and resources. This, too, is the party in Mexico by the aid of which you expect to establish such a government as can give you a treaty with the security for the future, which you demand. It has been proclaimed by the semi-official organs of your own government, that this party desire annexation to the United States. You have then already taken the first step in the policy indicated in the message, and in the debate upon this question, of encouraging the formation of a new government to be founded on truly republican principles. You are already in alliance with them; and inasmuch as you say, that it is your policy, in the vigorous prosecution of the war to enforce a speedy peace, and this Puros party is known to be opposed to a treaty, you may be said to be the allies of the public enemy. Such are the inconsistencies of your avowed policy at home and your proceedings in Mexico; inconsistencies necessarily the result of the complex and double policy which had been adopted by the administration.

Now, sir, am I mistaken in the position, that the administration has abandoned the expectation of a treaty with any existing government in Mexico; and that this war is to be prolonged until such a government is established under your protection, as shall be able to give you security for the future? I shall lose the point of my argument if this is not so; and I will thankfully listen to any explanation from the honorable chairman of the Committee on Military Affairs, for I intend to build upon it.

The usual hour of adjournment having arrived, it was suggested that the Senator should defer the remainder of his remarks till to-morrow.

Mr. BELL signified that he should be glad to be so indulged.

Mr. CASS.—For myself, as an individual member of the Senate, I can say it will give me great pleasure to extend to the Senator

the indulgence which he desires, in the state of his health, to adjourn this debate till to-morrow, in order to afford him an opportunity to finish his remarks. The honorable Senator has made two or three allusions in the course of his speech, which I cannot but regard as personal to myself, and it is in reference to them I now desire to say a few words. The Senator repeatedly challenged contradiction, pausing, as though he wished and expected a reply. Assuming certain facts as the basis of his argument, he intimated we knew they were true, but when I arose to put the matter right at the moment the error was committed, I found the honorable Senator wished to continue his argument, with his facts, as he assumed them, till he had terminated his part of the debate. With a good deal of emphasis the Senator repeatedly asked—"What do you want?" Addressing Senators on this side of the chamber, he asked—"What do you demand from Mexico?" And it really seemed as if he expected one would rise and say, that he wanted this, and another that he wanted that, and that the whole Senate, on both sides of it, I suppose, was to be called on to form new kind of canvass, and to give their opinion and vote respecting the specific terms we ought to demand from Mexico. We are engaged in a war with a foreign nation. Its course so far has been prosperous and glorious, but no human being can predict its consequences, or when or how it will terminate. In this state of things, it would be a most extraordinary instance of legislative imprudence, if each member of this body should announce his own plan and policy, and denounce the projects of his fellow one. But, sir, all that a prudent Senator ought to do, would be to lay down certain general principles—such, for example, as indemnity and security, amplifying his views of them as he pleased, without undertaking to specify precisely what ought or ought not to be accepted. And if the honorable gentleman had referred to some of my remarks previously made in the session, he would have discerned my views of this matter. I distinctly stated, that the incipient steps of the negotiation were given to the President by the constitution, and that though I could not expect the gentlemen on the other side, to have the same confidence in the Executive as myself, and my friends on this side have, for one I was satisfied to leave them there, and to content myself with investigating the matter, when it came before the Senate, and with voting aye or no upon the treaty. It was my view then, and I entertain the same sentiments now.

The Senator has made many allusions to the principle laid down by the President, and has emphatically repeated the terms, indemnity and security—security and indemnity, as though they announced some new discovery in diplomacy, and asks in a triumphant tone what they mean? The honorable Senator from Delaware (Mr. CLAYTON) had previously made the same inquiry, and he also seemed startled as though some new doctrine and practice were to mark our negotiations in Mexico. I will not take that honorable gentleman's witty definition, that indemnity means half and security the other half, but I will say that if indemnity means half, or whatever else it means more or less, security means certainty and safety for its protection.

Mr. President: In the modern diplomacy of Europe, for the last three centuries, the principle of indemnity and security is as well known, and enforced, as any other principle of national intercommunication. There are two objects for which security may be demanded, depending upon existing circumstances. One has reference to an unstable government, and the other to an intractable hostile people; which of these securities this government may think it necessary to demand, or whether both, and of what nature and extent, it is not for me to determine. These questions are with the Executive. There the constitution has placed them, and there I am willing to leave them. Does the gentlemen suppose that this government will make a treaty without some reasonable prospect of its observance, or without adopting the necessary precautions for fidelity and good faith on the part of Mexico? When the allies entered Paris, after the fall of Napoleon, the restored dynasty found the feelings of the French nation against them, and their political condition was uncertain and tottering. The great powers therefore kept military possession of Paris, and of some other portions of France, to secure till the new government could gain strength, and evince a power and disposition to comply with their engagements. I merely refer to the fact in illustration of the general principle, and not because I have the slightest knowledge of the nature of the security, which the Executive means to demand. Many other cases, sir, have happened, and many may be imagined, in which temporary possession of important positions in a country may have been, or may be, necessary, where a feeble government holds the power, in order to provide against its fall, if it should fall before its engagements are fulfilled.

Again, with regard to a hostile and intractable people, it may be necessary to obtain security against their unfriendly disposition. An open, indefensible country, or a river which may be crossed any where, almost from its source to its mouth, may not be regarded as affording proper security against border incursions. A range of mountains—a natural barrier, may be necessary. And in connection with this topic, I will remark, that the resolutions of the honorable Senator from Indiana (Mr. HANNEGAN,) have led me to investigate this subject more narrowly than I had done before, and I am perfectly satisfied he is right, and that the Sierra Madre would make the proper boundary between us and Mexico on that frontier; and, as one member of the Senate, I hope this boundary will be obtained. That ridge of mountains is an extraordinary one, commencing at the Gulf of Mexico and running five or six hundred miles to the Passo del Norte, and with not more than five or six passes through which man can penetrate it. The rest is an eternal, impenetrable, impassable barrier—a natural wall which laughs to scorn that of China; and beyond is the great desert destitute of water, and across which hostile expeditions can be pushed only with great difficulty. A very small force would hermetically close these passes through the ridge, and give us full security for our indemnity on that side.

The honorable Senator said he would astonish us with some of his remarks. He has fully redeemed his promise, and I confess myself very much astonished indeed. He seems to assert as a fact, and not to deduce as a conclusion, and calls upon us to contradict it, if it is not so, that the Administration does not desire a peace with the government of Mexico.

Mr. BELL.—I did not say that. I said that this Administration had no confidence in the security which any treaty with the existing government of Mexico could give for future peace, and, therefore, did not desire a peace with any existing government unless with security, which they did not believe the government could afford.

Mr. CASS.—The gentleman seems to assume as a given fact, beyond dispute, and bases upon it his argument, that the government does not desire a peace. And he stated expressly, that if the fact fails his argument fails with it. Now, sir, I never heard one word of this before. If such be the case, the gentleman has penetrated far deeper into the recesses of Executive secrets than I have done. I believe that the Administration is not only willing but desirous to make a treaty with any government in Mexico, whose authority is recognized there, and to run the risk of proper security for the maintenance of it.

Mr. BELL.—What security can any government which now exists in Mexico give?

Mr. CASS.—We have not yet got to that point. No government in Mexico has yet made a treaty; our difficulty is not in the observance of the stipulations of a treaty, but in its formation. They have utterly refused to enter into any negotiation with us. It is not that there is an unstable government, but that the government rejects our offers. That is the difficulty we have experienced from the commencement of the war.

Mr. BELL.—The very argument I assume is, that if they should make a treaty you would have no confidence in it, as every treaty contains a clause of amity and peace. Then, I want to know, whether the honorable gentleman would consider any treaty, by the existing government of Mexico, ceding the provinces of New Mexico and California, as bringing with it "the security for the future," which, according to his construction, the phrase implies? And would they rely upon such a treaty as affording the security?

Mr. CASS.—The gentleman asks me whether a stipulation for peace and amity would be regarded as security? Why, such a declaration alone would not be regarded as security from any unstable government. Something more would be necessary till its position was more secure. I take it for granted that this Administration, when it makes a peace with Mexico, should its government then appear to be unstable, would require some security for the observance of the stipulations of the peace. The general principles of security, whether against a government or a people, I have already stated. Their application is with the Executive. As to the continuation of the war, sir, I have merely to remark that we have but one duty, and that is to push our operations as all other nations have done and will do till an honorable peace is obtained. There is a point in all wars, where national obduracy must give way, and where submission becomes cheaper than resistance. It is when the results of the war have proclaimed the impossibility of continuing the contest. This may seem harsh, but it is founded in human nature. Our true policy is to carry on the war with all our might till its objects are accomplished. Those objects ought to be just, and we believe them to be so, and our exertions ought not to be relaxed by any crude notions of mistaken philanthropy. The Mexicans are like all other people. Their point of submission will be found as that of others has been found before them. They must eat, and sow, and reap, and wear clothing, and preserve the institutions of social life; and, I repeat, that their injustice will give way before our exertions, if these are continued.

I state again, sir, that I have two answers to the enquiry of the honorable Senator from Tennessee. One is that his case is a suppositious one, and that we have not arrived at the point when it is necessary to decide upon the security to be taken, as our offers have been utterly rejected. And the other is, that when the time comes for determining that question, the Executive will no doubt take such security if security be then necessary as circumstances may require.

One word more. The honorable Senator has said that in my opening speech, I said I knew no more of the policy of the Executive than was disclosed in the documents. I said nothing like it. The honorable Senator is under an entire misapprehension.

Mr. BELL.—It struck me with great force at the time.

Mr. CASS.—I will read what I did say: "I know nothing more of the proposed plan of campaign than is disclosed in that part of

the report of the Secretary of War, which has just been read to the Senate." This is what I said, and why? First, because it was true; and secondly, because the plan of the Secretary of War was one of the most elaborate and detailed plans, ever submitted to the legislative department of a government. I do not see how he could have been more particular, unless he had said that on such a day we should enter Queretaro, on such a day San Luis, and so on, disclosing every step of the campaign till its objects should be thwarted or attained. It was, therefore, as the honorable Senator will perceive, not of the policy of the government that I spoke, but of the plan of the campaign.

The honorable Senator has spoken of the force which General Scott considers necessary to maintain our present command of the country.

If the honorable Senator will advert to a document sent into the Senate the other day, and I think published in the Intelligencer, he will find that the force estimated by General Scott as necessary for this purpose, adding to it, I believe, one or two expeditions, is thirty thousand men. Instead of two thousand, which the Senator deems sufficient to hold the city of Mexico, General Scott considers a garrison of seven thousand or seven thousand five hundred requisite for that object.

Mr. BELL.—I have heard the explanations of the gentleman with a great deal of pleasure. But they do not satisfy me that my argument has been at all impaired. However, I must now avail myself of the indulgence of the Senate in deferring further remarks until to-morrow.

30TH CONG.—1ST SESSION—No. 27

Mr. BELL addressed the Senate in opposition to the bill, and, without concluding, gave way to a motion for adjournment.

The motion was withdrawn for the purpose of receiving a

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

To the Senate of the United States:

In answer to a resolution of the Senate of the 19th January, 1848, calling for information on the subject of the negotiations between the United States and the Government of Mexico during the suspension of hostilities at Puebla, and [illegible] I transmit a report from the Secretary of State, and the documents which accompany it.

I deem it proper to add, especially in relation to the communication from the Government of the United States to cause the preparation of commissioners referred to in the despatch of Mr. Trist of the 6th of September, 1847, [illegible] communication was upon several accounts peculiarly disagreeable, and the Mexican authorities communicate to the United States with the least possible delay.

JAMES K. POLK.

Washington, 28 February, 1848.

On motion by Mr. MANGUM, it was

Ordered, That it be on the table and be printed.

On motion,

The Senate adjourned.

THURSDAY, FEBRUARY 3, 1848.

PETITIONS.

Mr. FELCH presented a memorial of citizens of New Buffalo, in the State of Michigan, praying the establishment of a naval depot at that place; which was referred to the Committee on Naval Affairs.

Mr. DIX presented a memorial of the citizens of New York, praying that [illegible] may be allowed to fleet manufactured ship [illegible] United States from Canada, [illegible], and exported without [illegible]; referred to the Committee on Commerce.

Mr. DAVIS, of Massachusetts, presented the memorial of the representatives of the Yearly Meeting of the Society of Friends, for New England, praying the adoption of measures for the speedy termination of the war; which was ordered to lie on the table.

RELINQUISHMENT OF TERRITORY FROM ACQUIRED TERRITORY.

Mr. BALDWIN submitted the following resolutions for consideration:

[illegible] ought not, consistent with the honor of the United States or the [illegible] to relinquish any portion of the territory which has been conquered by the arms of the United States from the Republic of Mexico, [illegible] by the treaty of peace between the United States and that Republic, except upon the fundamental principle of indemnity for the past and security for the future; but the justice and moderation which should characterize the councils of a great and powerful nation forbid the idea of a permanent conquest of any portion of the territory of a sister republic, which has been unprovoked by any act of hostility committed by her authorities.

Resolved, That the war with Mexico was not commenced by the authority of the President of the United States, but was unnecessarily and unconstitutionally begun by the President, in the manner set forth in the message of December 8th, 1846.

Resolved, That the doctrine of conquest, as applied to the territory of a sister republic, is inconsistent with the principles of our institutions, and ought to be repudiated.

PRIVATE BILLS, ETC., REPORTED.

Mr. MILLER, from the Committee on Naval Affairs, to whom was referred the petition of Anna J. Hassler, submitted a report accompanied by a bill for her relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. FELCH, from the Committee on Pensions, to whom was referred the petition of Hugh W. Dobbin, submitted a report, accompanied by a bill to allow arrearages of pension to Hugh W. Dobbin, an officer in the late war.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. WESTCOTT, from the Committee on the Judiciary, to whom was referred the memorial of Joseph Bouchaud of New York, submitted an adverse report; which was ordered to be printed.

CONSULAR POWERS IN CHINA AND TURKEY.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred so much of the President's annual message as relates to the subject, reported a bill to carry into effect certain provisions in the treaties between the United States and China and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United States in those countries; which was read and passed to the second reading.

Mr. ASHLEY observed that it was the wish of the administration that before the Commissioner, who had been recently appointed to China, should leave this country, some action of the body should take place on the subject of the bill.

MISSOURI AND ARKANSAS BOUNDARY.

The bill from the House of Representatives to confirm the boundary between Missouri and Arkansas, was read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary.

CADWALLADER WALLACE.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Cadwallador Wallace.

Mr. BERRIEN.—As that is a bill making a large appropriation, I should be glad to hear some statement of the grounds on which the Committee have recommended it.

Mr. CORWIN.—It is true, as has been stated by the Senator from Georgia, that it is a bill involving a pretty large appropriation. I reported it myself from the Committee on Public Lands, and I hope that the attention of the Senate will be directed to it, as I consider it one which deserves consideration; and, therefore, I shall be [illegible] to [illegible] for the present, so that when taken up, the Senate may be prepared to act upon it.

The bill was then passed over informally.

PRIVATE BILLS PASSED.

The following bills were read the second time, and considered as in Committee of the Whole:

A bill for the relief of Peter Lacy, administrator of Ann [illegible], deceased, and for the relief of Joseph Lacy, [illegible] the estate of John Lacy, late of Howard [illegible], deceased.

A bill for the relief of Charles L. Dell.

A bill for the relief of Richard S. Cove.

No amendment being made, the said bills were reported to the Senate.

Ordered, That they be engrossed and read a third time.

The said bills were read a third time, by unanimous consent.

Resolved, That they pass, and that their respective titles be [illegible].

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk:

Mr. President: The President of the United States, [illegible] and read [illegible] further communication, [illegible] address of the citizens of the Free [illegible].

THE TEN REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. BELL.—Mr. President: In the course of the remarks which I had the honor to present to the Senate yesterday, I endeavored to show that the administration could not consistently with their avowed policy make a treaty with any existing government in Mexico, and I undertook to show the facts and circumstances, on which my argument was based. I referred, in the first place, to the grounds on which this bill was pressed in this body; and, secondly, to the operations of our army itself, as affording evidence that there was no design, no desire to accept any treaty from the existing government; and I called upon honorable Senators on the other side of the chamber, if they pleased, in their discretion, to say whether that was not their view of the now settled policy of the administration. I put the question distinctly and directly whether a treaty by the existing government in Mexico ceding New Mexico and California to the United States would be regarded as satisfactory. I supposed that they would be obliged to answer in the negative upon the ground that although affording ample "indemnity for the past," it did not afford "security for the future," and that these terms were a substantive part of the settled policy of the Executive. I further made, what I observed might be regarded as a bold assertion, that the administration neither expected nor desired a treaty with any existing government in Mexico. I did not say that I would astonish Senators, by my remarks, as the honorable Senator represented me as having done. The honorable chairman of the Committee on Military Affairs says it was true that he was astonished. But when he came to answer the interrogatory, "will you accept a treaty from the existing government ceding that territory which you have heretofore admitted to be ample indemnity?" he could not answer in the affirmative. He answered precisely as I supposed he was bound to answer. It was for the purpose of bringing out these answers that I submitted these inquiries, in a manner which he regarded as going beyond the due parliamentary license. My object indeed was to press gentlemen, and that gentleman in particular, because he stood at the head of that committee, and is supposed to know the policy of the administration on a question so important as the present. He answered then, in substance, as I supposed he was obliged to answer, that they could not take a treaty from any existing government, or any faction which might arise, if no security for future peace was conceded. And when the question was further pressed on the distinguished gentleman, "what do you mean by 'security?'" he replied, that his attention had been directed by the resolutions of the gentleman from Indiana to the Sierre Madre as a proper boundary; but he did not limit his "security" to that line. He went on to speak of the right of the conqueror, when the government of the conquered nation was unsettled—when anarchy took the place of order, and the people were turbulent, to hold possession of the conquered country as security for future peace; and he referred us to the case of the Allied Powers, who had kept military occupation of France for a twelvemonth as security for the maintenance of the peace which they had concluded with the new government.

Well, these answers of the honorable gentleman are perfectly natural, rational and consistent with the policy of the administra-

tion as I understand it. A military occupation of the interior of the country to some extent is now contemplated by the admission of the Senator. What portion of the country is to be occupied, and how long the occupation is to continue are, as the distinguished gentleman said, things which he could not now point out, as they were to be governed necessarily by contingencies. I shall hereafter show that this is a policy from which they can never extricate themselves, but by holding the country by right of conquest, unless they abandon all that they have done—patch up the best treaty they can with the present government, and under the wings of it flee the country. One word, though out of place, in answer to the statement of the honorable chairman of the Committee on Military Affairs, that General Scott estimates seven thousand five hundred as a proper force to be stationed in the city of Mexico. I have never seen, sir, the letter of General Scott which is said to contain these estimates; but I cannot imagine that such a force at that point would be at all necessary, except as a *corps de reserve*—an army of observation to be employed in the support of other divisions of the army engaged in holding the neighboring States. My estimate of a sufficient garrison for the army of Mexico was founded upon the idea, that all the strongholds, and adjoining and populous States, would be first subdued and occupied by an adequate force. I cannot believe, that General Scott, under the circumstances I had supposed, would consider an army of seven thousand five hundred necessary to hold a city, large as it is, which he captured with a force reduced to six thousand, and when defended by a force three or four times as numerous—now that the enemy had neither army nor resources.

I now propose to resume my argument, at the point at which I had arrived, when the Senate did me the favor to adjourn—the policy of the government, exhibited in the orders of General Scott, in carrying out the plan of raising a revenue in Mexico.

In further support of the views I presented on yesterday, I might have alluded to some parts of the argument of the gallant and distinguished Senator from Mississippi, (Mr. DAVIS,) who spoke several times on incidental points in this debate. I remember—I do not see him in his seat now, but I trust I do not misrepresent him—that he pressed, with some earnestness, and, as in all cases when he has addressed the Senate, addressing himself to the feelings as well as the judgment of Senators, the argument that the passage of this bill was necessary to relieve broken-down remnants of regiments that had fought through several successive sanguinary actions with the enemy; regiments which had been reduced from eight hundred or a thousand men, to two or three hundred. But what I particularly remarked was his argument in favor of regulars instead of volunteers. He said that, however valuable volunteers might be in action—when an army was in motion—that there was no comparison between their value, in a protracted military occupation like this, and regular soldiers. And, as I understood him, he considered that it would be chiefly garrison duty to which the army would hereafter be called in Mexico—the holding of the conquered towns and fortresses. I noticed this, and bring it to the attention of the Senate, for the purpose of showing that the tenor of the argument generally on the other side tends to support the views which I have advanced. Not only is it the policy of the administration not to make a treaty with the existing government, because they cannot obtain the "security" which they demand, but it is to continue the military occupation of the country.

Mr. DAVIS, of Mississippi.—It is true, as stated by the Senator, that in the course of this debate, the remarks which I have offered, have been to isolated points, such as were supposed to be directly connected with the bill under discussion, and presented as briefly as the nature of the case would allow—so briefly that it appears my meaning has been misconstrued. My observations upon the subject of military posts, and the character of troops suited to the service of permanent garrisons, were made with no such purpose under no such idea, as the Senator seems to suppose.

I contended that "regulars" were to be preferred for the reasons then offered, in positions which were to be held by a stationary force, retained in possession for a long time; not to fix the limit of territorial acquisition, still less to interfere with the political institutions of Mexico. I distinctly declared my opinion, that our government by the fundamental principles upon which it rests, is forbidden from dictating the policy or interfering in the internal affairs of any other government. Posts and garrisons are necessary to preserve lines of communication. Extended military lines were spoken of as required to destroy cooperation between the different sections of the enemy, and to prevent the central government of Mexico, against which this war has been directed, from reestablishing its power, and again concentrating the scattered fragments of its army, to renew active hostilities against us. The occupation of those lines, recommended itself to me; not as a mode of permanent possession but as means to hasten the often declared object, the much desired consummation of this war, an honorable peace.

Convinced that regulars were better suited than volunteers to garrison posts—that our volunteers should not be required to remain in service for mere garrison duties, longer than necessity demands—and that we require new posts in remote regions, this bill is commended by every consideration which has been conclusively presented to my mind. As a reason for supporting the bill under consideration, I spoke on the occasion referred to by the Senator, of a military line which should extend from the Atlantic to the Pacific. I did not then define the line, but will now do so if the Senator wishes. That line, as contemplated by me, would begin at Tampico, ascend the valley of the Panuco to the mountains, then turn northward and follow the range of the Sierra Madre, keeping always the ridge which overlooks the waterless desert to the west and south, pass around the lakes of Parras, cross the valley of Chihuahua, follow the range of mountains which bound it on the west, at about the parallel of thirty degrees north latitude, bear west and pursue the highlands which limit the valley of the Gila, cross the Colorado river, and terminate on the Pacific, so as to include the harbor of San Diego. This was proposed as a military line. I believed that a vast country north and east of it would be rendered quiet by the occupation of the four practicable passes through the natural barrier along which it runs; that great results would be effected at the least expenditure of means and of men, and that regular troops were most appropriate to the service. My policy, I repeat, was not the permanent occupation of Mexico, but to force from her a peace by every proper means of pressure, and hasten the termination of our general occupation of that country. Again, I will state as my reason for wishing to increase our army so largely, the belief that its visible strength must be such as to destroy in the enemy all hope of resistance, before he will seriously incline to peace. Though very unwilling to occupy the time of the distinguished Senator, his points of reference required me to reply. I desire an early peace, and believe that a government exists in Mexico which has the ability to treat; that President Herrera, sustained by the new congress, and the new army of Mexico, is competent to suppress factious opposition to negotiation, and under an honorable peace to maintain his government against revolutionary assault. With such a government we ought to treat, and I devoutly pray we may treat, even before the honorable Senator shall have concluded his remarks.

Mr. BELL.—I unite heartily in the prayer of the Senator that we may have peace. In regard to his remarks I have only to say, that there may have been, as I stated yesterday, a modified policy adopted; and one which would be consistent with the line of the Sierra Madre as the "security" which they want. But, I think this is at last a new construction assumed by the distinguished Senator from Mississippi, as one satisfactory to him.

Mr. DAVIS.—Assumed last November a year ago.

Mr. BELL.—He is consistent. Can he answer for other honorable Senators—for the administration of this government? For the power which has greater influence than he or the Senate too, unless we choose, by the united voice of the two Houses, to control it? Can he answer that he has the confirmation of one-third of this body—I mean of those on his side on the Chamber? What security will such a line give for peace? The reason why they did not refer to a line twelve months ago was, that they had a treaty, no peace. They wanted to coerce a peace.

Mr. DOWNS.—I ask the Senator what line he would be willing to accept?

Mr. BELL.—I do not mean any discourtesy, but I beg to inform the Senator that before I close my remarks I will state my views upon that point. My argument is intended to demonstrate, that the administration is already carrying out their policy of holding the country by military occupation until a government may be formed—matured and strengthened into such a degree of consistency that it will be able to give the securities demanded. I may be wrong, however. Individual Senators on the other side of the Chamber, it is very obvious, are not united in sentiment upon this subject. Some distinguished Senators who have spoken, differ with the administration, if we look at what is said in the message, and among themselves. And I may say, looking at the immense magnitude of the question, honorable gentlemen may well differ. It is a fearful question in some of its aspects.

Assuming as I do, and I think upon the strongest ground, that the military occupation of Mexico is to be continued until such a government shall be established, as shall afford the desired security, I propose to enquire whether the undertaking be practicable. I ask the attention of the Senate to the statement of a few prominent facts, in relation to the character and condition of the Mexican population, collected from the best sources of information within my reach.

I know a distinguished Senator (Mr. BENTON,) who is far better informed than I am upon this subject, and whose judgment would be entitled to far greater weight. It was my fortune, many years ago, to listen to an argument of that Senator, in a different tribunal, in which his familiar and extensive knowledge of the Spanish character, their colonial policy, their laws and institutions, was manifest. He knows well the materials which now exist in Mexico for forming a government, and he knows the obstacles that lie in the way. I trust that we shall yet hear from that distinguished Senator, who now sets so much at his ease, on the other side of this chamber, upon this subject.

The best informed differ in their estimates of the population of Mexico. Some rate it at eight or ten millions, and others as low as seven millions. I assume eight millions as the medium. Of the eight millions there are probably not less than five millions of Indians of pure blood; two millions of what are denominated the casts or mixed race, consisting of Mestizos, Mulattos and Zombos, who rank in society in the order in which I have mentioned them; and one million of the Spanish or white race. Between these several races or casts there exists a reciprocal antipathy,

assuming to contempt on the one side, and jealousy and hatred on the other. A white skin is still, as at the period of the conquest, a patent of nobility and just in proportion to the amount of the blood of the white man, which flows in the veins of the several castes, do they assert an superiority over all below them. The antipathies and jealousies founded on the distinction of races, appear, from all history to be deeply seated in natural causes and principles. In Mexico, these natural causes were strengthened and fostered by the jealous policy of the Spanish monarchy. The laws and institutions of the Vice Regal government of the colonies, cultivated and promoted the natural antipathy and hatred between the Indian and the white and mixed races, as a means of maintaining the dominion of the parent country against the influence and ambition of the Spanish Creole population, which were always a subject of serious alarm to the Spanish monarch. But the emancipation of Mexico from the dominion of Spain appears to have wrought but little change in the general condition or the disposition of the several castes or races towards each other. At the breaking out and during the revolution, the Spanish race, from motives of policy conciliated the castes or mixed races, by allowing them a higher grade in society; but, except the cultivated class among the mixed races, they still rank below the white race.

Of this compound mass of population, the white race now, as at all times, are the real lords of the country; asserting the natural superiority of their race, and controlling all others. They, together with the cultivated portion of the mixed race, are also the holders of nearly all the property of the country. The clergy, the military and high civil functionaries, are all taken from this class; and, in the practical operation of the Mexican government, the clergy and military constitute a privileged class. They are such by the legal exemptions which they enjoy. The castes or mixed race are next in degree of influence and importance, both in social and political relations; but with the exception of the cultivated few among them, they are a degraded class. But it is the vast Indian population which most demands our attention. The Indians have been for three centuries, a degraded, dependent, melancholy race, poverty stricken, ignorant; a living but inanimate mass of human beings; outcasts in their own land, taking no interest in public affairs, though recognized as freemen by the Mexican constitution; their religion a mummery, and even, it is said, in many districts, indulging their ancient superstitions; residing in separate villages, and cultivating a small allotment of land in common. Such is their general condition, especially in the populous States of the South. Until the period of the revolution, they were in a state of pupilage, and not allowed by law to contract debts beyond the small sum of three dollars. They were, for the reasons I have before stated, kept in a state of rigorous seclusion—no white man being by law permitted to settle in their villages. From this, I admit, very imperfect description of the condition of the different races which compose the population of Mexico, it will be readily granted that there is—there can be no sympathy—no common ties to unite them: there can be no unity, no individuality, no nationality, no equality of social condition; but, on the contrary, irreconcilable hatreds and jealousies. Yet such are the materials out of which it is proposed to construct a government upon the principles of republican equality; such a government as will hereafter stand against all the assaults of faction. But I have not stated all the obstacles to such a scheme. In no country of the world is there so great a degree of inequality in the distribution of property. Even among the white race this inequality stands out as a prominent feature in their relative condition. This of itself is a great obstacle, and you must resort to confiscation and banishment, to secure a settled government, founded upon equal rights and privileges.

Again, sir, when you shall attempt to regenerate and enlighten the Indian masses, you will have to encounter the inconvenience of twenty different languages now spoken in different States and districts of Mexico.

There is another circumstance in the condition of Mexico, which, to my mind, presents an insuperable barrier to the policy of founding and sustaining the sort of government which seems to be contemplated; the only sort of government which our own system will tolerate. Beside the want of all affinity and sympathy between the different castes, and the inequality in their social conditions, even the better, informed classes are centuries in arrear of the march of mind; of the intellectual development which characterizes most of the old States of Europe and of this country. The overweening influence of the hierarchy, of the higher clergy in matters of government concern, and the despotism which prevails in the religion of Mexico, are, at once, the evidence, and may be the cause of this intellectual inferiority. I say nothing of the Romish church, as to its orthodoxy or otherwise. It may be the truest and purest of the sects. It may be the true primitive or apostolic faith. With this I have nothing to do; but it is remarkable that from the days of Luther to the day wherever protestantism has most prevailed, there, conclaid planted deepest and strongest the seeds and the growth of civil liberty; and I affirm that where there is no freedom of religious inquiry, no religious toleration, there has been no such resurrection of mind as qualifies the inhabitants for the enjoyment of a free and equal government.

But it is said of this party of the Puros, which I have already noticed, embracing a large class—the industrious and enterprising of all the different castes—the ranchero, or small proprietor, the artizan and the merchant, including the muleteers, said to be respectable for their honesty, and the professions, all together combining a large share of intelligence, are friendly to the present policy of the administration, and that with the aid, and through the instrumentality of their chiefs or leaders, you can build up a government. It is with this party in Mexico, as I have already shewn, that you are in some sort in alliance. And I now assert that you cannot take another step in this policy, with safety and honor; that from the moment of your entrance upon the next stage of progress in the execution of this policy, you will be committed beyond retreat. No, sir, the moment you compromise this party, by calling their chiefs and representatives together for the purpose of forming a new government, you are irrevocably bound to the policy of a continued military occupation. You expose them to the never-dying hostility and resentment of every other interest and faction in Mexico; of the hierarchy, who fear the overthrow of their religion; of the large landed proprietors and the military, who fear the extinction of their long enjoyed power and influence; and if there be any remains of the ancient Castilian pride and spirit in the country, it will be roused to indignant and inextinguishable opposition to those of their own countrymen who may lend themselves to the project of forming a government under the protection of foreign bayonets. No, sir, when you shall have once committed yourselves fully to this policy, in conjunction with the Puros, you can never abandon them. It would be perfidious and disgraceful to do so. The civilized world would cry out against you, should you leave them to the vengeance of their powerful enemies.

But, if you allow no force to this argument, when you shall have constituted this new government under the protection of your armies, how long is the experiment of its stability to be continued? When will you know that you may safely withdraw your army? How long is it supposed your nurture will be required, before you can leave your bantling to stand alone? When all shall be quiet, when there shall be no hostile array in the country? Does any one doubt that, from the moment when your armies shall have overrun the whole country, and every strong-hold and large city shall be occupied by your garrisons; when the present hostile chiefs shall have found that further resistance will be fruitless against your overwhelming forces, that they will retire to their estates and submit to your authority? Then, all will be peace; but will they carry with them no slumbering spirit of resentment; no fierce determination of resistance and revenge, to be stirred into action the moment you shall fancy that all is safe, and you shall withdraw your forces? Do you consider the race with which you have to deal? They are the descendants, in part, of the Celtiberians, who are said, in ancient history, never to have signed in death—the terror of the armies of Rome, and who, in the defence of Numantia, their last remaining fortress, preferred perishing by famine, to submission to Roman aggression;—in part, of the Suevi and Visigoths, who finally crushed that colossal power. They are Spaniards, who walk the streets and highway, carrying the stiletto under their sleeve, the dagger under the folds of their cloaks, and bide their time. The race has deteriorated; but still, blood will shew itself, at the distance of centuries, when the cup of bitterness overflows, and when the oppressor least expects it.

I have inquired how long this experiment of establishing a stable government in Mexico, by military occupation is to continue, and if it will not be regarded as too great a descent from high considerations, I would now inquire what is to be the cost of this experiment? Does any one imagine that a less period than from three to five years, will be sufficient to overcome all the obstacles which now exist to a settled government in Mexico? I may be told that we can withdraw one or two years one or two years one army of occupation may be safely reduced one-half, or to a force of twenty-five thousand. But this must depend upon contingencies. I have already stated that an army of 40,000 men, cannot be supported in Mexico at a less annual cost than $40,000,000. I have also supposed that after you shall have subdued all the states to your authority, and with the assistance of your navy, you blockade her ports, you may derive a revenue of $30,000,000, from Mexico. This will leave an annual cost to this country of $30,000,000, for the army alone, until the force in Mexico can be safely reduced. But the honorable Chairman of the Committee of Military Affairs, in giving his views of the importance of occupying the mining districts of Zacatecas and San Luis Potosi, informed us that he had received assurance from a distinguished officer in Mexico, that a revenue might be derived from these states so large, that he would decline stating the amount lest it should be deemed incredible. And this is the mode by which this country is to be reconciled to the military occupation of Mexico for a series of years. Why one would be led to suppose, that the army had nothing to do but to seize the mines, and that they would find the silver and gold already separated from the ore, and in marvellous quantities; or that the mines could continue to be wrought by the proprietors, and all the products be handed over to our collecting officers. But does not every Senator know that the mining of the precious metals is conducted with immense cost, and that all that the government or the army can exact, cannot exceed a rate which will leave a due profit to the proprietors. From the grasping character of the Mexican government, to say nothing of its necessities, it may well be supposed that the produce of the mines was taxed at the highest rate it could bear; and I have seen no estimate of the amount of revenue drawn from that source, including the tax on coinage, which exceeds two millions, including the transit duty. The gross annual product of the mines in all Mexico, does not exceed 20,000,000, and twenty per cent on 20,000,000, would be one fifth; the highest assessment levied by the government of Spain, in the days of the Vice-Regal government. In addition to the revenue derived from this source, if you should succeed in reviving the foreign

trade of the country, continue the blockade of all the ports of Mexico, and keep the communication with the interior open, you may derive $6,000,000, from the customs. Besides these, you can collect $3,000,000, in direct taxes; after abolishing the tobacco monopoly, the internal duties, and lotteries, and surrendering the remaining sources of revenue to the states or local governments, which in pursuance of the policy of the administration you have already done, $11,000,000, will be the highest amount of revenue, you can expect to derive for the support of your army; and this only after you shall have overrun and occupied all the States. At this time, supposing that you have reduced Zacatecas, San Louis Potosi, and Queretaro, to your authority, you are in possession of ten states, and, if Chihuahua is to be included, eleven. General Scott by his financial regulations in Mexico, has imposed upon the several states of Mexico, $3,000,000, payable monthly by the states occupied by our army. At this rate, one million may be derived from the eleven states now in our power, within a year. You may be receiving $2,000,000, from the customs, and $500,000, from all other sources of revenue, not abandoned or surrendered to the states. Thus the whole amount of revenue, after all your brilliant successes, you are now in the receipt of, in pursuance of the policy of compelling Mexico to pay the expense of the military occupation of the country, does not exceed the rate of $3,500,000.

But, Mr. President, these are mere speculations, and, after all, of little importance to the country. This question involves higher consequences. By the time you shall have perfected your financial regulations in Mexico, and long before you shall have given such strength and power to the new government you propose to erect—long before you shall see the day when you can safely withdraw your army from Mexico, with the securities you desire, a new element of control will have intervened—a new and potent influences will have sprung up to set all your plans at naught. Sir, the moment it shall become your known and settled policy to continue the armed occupation of Mexico—that you propose to occupy all the large towns with a competent force to ensure tranquility—that you intend to extend your protection to the highways and all other channels of trade and intercourse, and that this military protection is to endure for a series of years, as it must endure, what must be the inevitable consequence? A current of immigration will set towards Mexico from this country, as irresistible as the torrent of Niagara. The youthful, ardent and enterprising classes of this country, attracted by the thousand rumors which go forth of the untold wealth of the Mexican mines—of the wide, and yet unoccupied field for successful enterprize in every branch of industry, will soon spread themselves over the whole country. They will soon become proprietors of the soil; under the guarantee of the new government of your formation, they will become agriculturists, establish factories, and become the most useful and productive class in the country. They will send for their families, or form family connections with the native white population. Yes, sir, before two years shall have passed in the execution of your present policy, hundreds of thousands of your own citizens will have become domiciliated in Mexico. Your citizen soldiers, too, will have become domiciled to a permanent residence in the land their arms have conquered. They, too, will have contracted ties and obligations which they will not be willing to abandon. Then, when you shall suppose that the time has come when you can safely withdraw your army, a cry of remonstrance will come up from Mexico, such as will find an echo, a lively sympathy at home, in the hearts of tens of thousands who now imagine that no necessity can ever arise strong enough to reconcile them to the subjugation of the whole of Mexico. These influences will be felt in all the departments of the government—they will be felt in this chamber. It will not be the Pures only, but it will be your own countrymen who will call upon you to save them, their families, and their property, from the resentment, oppression, and spoliation of the powerful factions which will be ready to spring up and overturn the new government. That "force of circumstances," so often and so significantly alluded to in this debate, will then acquire tenfold power over the sentiments and opinions of the people of this country, and over the public councils. It is heresy before strong enough to impel you to the policy of continuing this war, by carrying it to the very heart of Mexico, and then to engage you, in the plan of creating a new government, and it will at last impel you, with far greater reason, to hold the permanent sovereignty of the whole country by right of conquest.

This, sir, will be the last act in the great political drama we are now enacting. This is to be the consummation of the policy already shadowed forth in the message. This is not merely a nascent policy; it exists not in embryo only; I have attempted to show that it has germinated already. That it is not merely a vague, floating idea in the brain of the President, will fully appear from the message. I beg leave to read a few passages from it. After alluding to the probable "insecurity of the present government in Mexico," and suggesting that it may become proper to give "assurances of protection to the friends of peace in Mexico, in the establishment and maintenance of a new republican government of their own choice," and thus converting the "war which Mexico has forced upon us into an enduring blessing to herself," the President concludes what he had to say upon this part of the subject, in this significant language:

"If, after affording this encouragement and protection, and after all the persevering and sincere efforts we have made from the moment Mexico commenced the war, and prior to that time, to adjust our differences with her, we shall ultimately fail, then we shall have exhausted all honorable means in pursuit of peace, and must *continue to occupy her country, and, with our troops, taking the full measure of indemnity into our own hands, and must inforce the terms which our honor demands.*"

What "the taking of the full measure of indemnity into our hands" points to, whoever now doubts cannot be influenced by any reasoning it is in my power to employ.

But it is not the President only who appears to have looked to the permanent acquisition of all Mexico, as the probable result of the war pursued in the prosecution of the war. I have in my hands a copy of a letter addressed by the Secretary of State, (Mr. Buchanan,) upon this subject, to a public meeting in Philadelphia, in which he sums up his views upon the war question in the following language:

"The capital of Mexico is now the headquarters of our conquering army, and yet such is the genius of our free institutions, that, for the first time, its peaceful and well disposed citizens enjoy security in their private rights, and the advantage of a just and firm government. From all that can be learned, they appreciate our protection at its proper value, and dread nothing so much as the withdrawal of our army. They know this would be the signal for renewed and fierce dissentions among their military leaders, in which the Mexican people would become the victims. In this wretched condition of affairs, justice to them and to ourselves may require that we should protect them in establishing upon a permanent basis, a republican government—able and willing to conclude and maintain an equitable treaty of peace with the United States. After every effort to obtain such a treaty, should we finally fail in accomplishing the object, and should the military factions in Mexico still persist in waging upon us a useless war, then we must fulfil the destiny which Providence may have in store for both countries.

"In any event, we owe it to the glories of the past, to the duties of the present, and the hopes of the future, never to falter in the vigorous prosecution of this war, until we shall have secured a just and honorable peace. The people of the United States will act upon this determination, as surely as that indomitable perseverance in a righteous cause is a characteristic of our race."

But other powerful and influential supporters of the administration have also furnished pregnant and alarming evidences that this idea of conquering and holding all Mexico has been largely entertained. Need I refer to the resolution introduced into this body by my friend, the Senator from Indiana, [Mr. HANNEGAN,] or to the resolution on the same subject, introduced by the Senator from New York, [Mr. DICKINSON?] They speak for themselves.

There are others who have spoken upon this subject, too prominent in the country to be passed over, without notice here. I allude to opinions expressed by officers of the army. I have understood that a letter has appeared in one of the public journals of the country, from a distinguished and gallant general recently returned from Mexico, (General Quitman,) in which he expressed himself favorably to this policy. I would be sorry to misrepresent this distinguished officer, for I have a high respect, both for his patriotism and his intelligence; and, if I am in error, and any honorable Senator has it in his power to set me right, I will thank him to do so. Another gallant and distinguished general, (Gen. Shields,) I observe has expressed the sentiment on a public convivial occasion, that the whigs are "warring against a high and indomitable necessity."

The distinguished and able chairman of the Committee on Military Affairs has told us, that although he does not anticipate the annexation of all Mexico, yet that he sees nothing so alarming in such a result. I could multiply the proofs, beyond the patience of the Senate to listen to, that this gigantic scheme of annexation has been gravely considered, and found favor with the administration, if it be not its settled policy. But, sir, whatever may be the real views of the President, and his cabinet upon the subject, I have, I think, conclusively shown that the inevitable tendency and results of the policy they advocate, and which is now in full progress in Mexico, is, and will be its subjugation. Considering this point established, it becomes a duty of the last importance to consider now—I say now, while we have it in our power to control the future issues of this war—what we shall do with all Mexico, when it is annexed to the Union. Yes, sir, I repeat this question—what will you do with it? Will you annex it in the form of States? Let us see what will be the consequences of such a procedure. The several States or provinces of Mexico, twenty-one in number, now enjoy a separate political organization, with sufficient population in each, to form a State under our system, except two. These may be well merged into one; which would still leave twenty new States to be admitted into the Union, besides the territories, by a single legislative fiat. By the constitution of the United States, you are bound to guarantee a republican form of government to any new State admitted into the Union. Well, sir, besides three millions of the white and mixed races, there will be in the twenty States of Mexico a population of five millions of Indians of the pure aboriginal stock.—They are freemen by the present laws and constitution of Mexico. What will the spirit of progressive democracy, which now exercises so large an influence in this country, permit us to them? Would it not claim for them the enjoyment of the right of suffrage? Is it not the genius of this new and enlarged system of political philosophy, to inculcate fraternal union upon the most perfect equality, with all mankind? But suppose this point waived, and that it shall be determined to suspend the political rights and privileges of the Indian for a time; still, upon the principles of our own established system, you must permit them to be represented in the national legislature. They are freemen, of a race superior to the African, and you cannot deny to the States of which they compose a majority of the population, this right. Then, assuming one hundred thousand as the ratio of representation, you will have eighty new members added to the House of Representatives; fifty of whom will represent an Indian population alone. But it is the Senate that I may congratulate upon the largest addition to its present dignity and importance. We shall have forty new Senators; and as the mixed races of Mexico are, by habit and by a

jects to state to mental superiority, admitted to an equality of social and political privileges. It is to be hoped that we shall always have a portion of the new Senators of this estate who, by the severity of their complexion, will give new interest and attraction to this body. Why, sir, at this rate of advance in our schemes of national aggrandizement, we shall be subject to great changes of every description. The capital will be found to have been projected upon quite too limited and narrow a view of our destiny. We shall have to dispense with it, and rear one commensurate with the grandeur of our system; or, rather, it will soon become expedient to centralize the national metropolis.

But, sir, you hesitate. You recoil from this view of the subject: you turn aside from this picture, and say you will adopt a policy less revolting to the popular feelings and judgment, that for a time, at least, you will hold Mexico in the form of territories or provinces subject to your regulation and government; that in this mode you will govern Mexico until, by immigration, there shall be such an infusion of the white race, in all the provinces, as to secure to them the superiority of numbers and influence; and then you can adopt them into the Union, as States, upon an equal footing with the present States of the Union. But you will still have five millions of Indians on hand, to be an ever-eating canker on your system. What will you do with these? They must have space; you must leave them their villages and commons, you cannot drive them into the Pacific, on one side, or into the Gulf, on the other. You cannot exterminate them. You will not be more cruel than the Spaniards. You say that you will take them under your tutelage; that you will enlighten them, commencing with your military officers and soldiers, as their first teachers, and the bayonet for the rod of discipline; that you will stimulate this inanimate mass into life and energy by the influences of trade; by giving them the benefits of just and equal laws; that you will thus gradually induct them into the knowledge and duties of free institutions, and that after the lapse of a few generations you may hope they will be qualified to enjoy all the privileges of the white race. A happy termination to this beneficent scheme! But all history—all experience, is against it.

There is another consideration deserving attention, though of less importance, when you shall have resolved upon holding Mexico as an appendage or subject province or provinces. What will you do with the public debt of Mexico, which is said to be now $100,000,000—$60,000,000 of which is due to foreign creditors? Will you repudiate it? If you do, you may bring an old house down upon your heads. Will you seize and confiscate the property and revenues of the clergy? It is said the higher clergy have a great amount of debt against the large proprietors of mines and other estates, secured by mortgages. I have heard is estimated as high as $170,000,000. I have it also upon good authority, that the Puros party, in conjunction with which you propose to establish a new government, have long contemplated, as one of their objects in aspiring to power, the confiscation of those debts, to pay the public debt of the country, and to appropriate the remainder to the construction of roads and other works of general utility. Will you carry out this policy when you shall assume the absolute dominion of Mexico? If you do, what will you say, how will you excuse yourselves, to the new Pope of Rome and Bishop Hughes? These are troublesome questions, but I trust that Senators will see that they deserve consideration.

Permit me now, sir, to call the attention of the Senate to some of the further consequences which may attend this scheme of conquest and annexation. When it shall be known in Europe that you have solemnly decided upon the policy of extending your dominion over all Mexico, will there be no disposition among the large and powerful states of that continent to interpose and prevent the consummation of your magnificent scheme of national aggrandizement? Upon this point, I would respectfully inquire of the chairman of the Committee on Military Affairs, if the disposition of foreign courts has been sounded upon this subject. I can hardly suppose that it has not been done. It may, and probably will be said that we will permit no interference of any foreign power; that they have no right to interfere, and the moment such a movement is made, the whole population will rise up to resist the audacious attempt. Still, sir, the great powers of Europe may choose to interfere. I do not think they will, for several reasons. Great Britain, with her large colonial possessions on our northern border, and her commercial interests and ascendency, will have most cause to watch our career of conquest; but still she, with the other monarchies of Europe, may look on in quiet complacency, shrewdly supposing that we may, in our extravagant attempts on all Mexico, do for ourselves the worst their united arms could do, and with far less cost to them; that the subjugation of Mexico will be a perpetual drain upon our resources, and reduce instead of adding to our present rank as a military power. Perhaps, too, they may indulge the expectation that in the mad career we are entering upon—that model of a free representative government: that mirror system established in America, which has so long reflected back upon Europe an image of freedom and prosperity and happiness, so seductive yet so dangerous to themselves, will be broken in pieces, never more to be reconstructed.

There are other reasons, however, which may control the councils of Europe. They have their troubles at home. England has her Ireland; France her Algeria, to tax their resources and hold them in check. France, in a period of no little agitation, and with a population which the consummate skill and statesmanship of Louis Philippe has failed to unite, is on the eve of entering upon the experiment of a regency under the reign of a minority prince. England and France are broken, as I said, other and both look with fearful apprehension to the designs of the Autocrat of the north, the great Northern Bear, who only waits the embodiment of those two powers with each other, or with America, to stretch forth one of his huge paws to draw to his strong embrace, the dominions of the Grand Turk, and with the other grasp India, with an internal capacity still remaining sufficient to ingulph all Europe, as one mouthful.

Still, sir, England and France, disregarding all other considerations, may conclude that their commercial and other interests require them to unite in a forcible interference with a policy which looks to the establishment of an unlimited dominion upon this continent, and it behooves us to estimate the consequences of such a determination on their part. The war in which we shall then be engaged will not be confined to the land. It will be an ocean warfare also. To meet their united naval armament of a thousand ships of war, we must enlarge our own naval establishment in a corresponding degree. When Mexico shall find such allies, when the disciplined legions of the combined enemy shall be brought to her assistance on land, instead of fifty, we shall be called on to send one hundred troops to Mexico, and have as many more to defend our sea-coast, then extending from the mouth of the Oregon to the Gulf of Tehuantepec on the Pacific, and from the Bay of Honduras to the Bay of Fundy on the Gulf of Mexico and the Atlantic. Who shall estimate the cost of maintaining such armaments, both by sea and land, as it would then be incumbent upon you to supply? To say that a hundred millions per annum would cover the cost of such a [illegible] over the mark. And where will be the revenue from which this foreign commerce shall be annihilated? Sir, it may be wise and patriotic to speculate [illegible] but it is also the part of wisdom to consider that it is possible, if not probable, and to [illegible] I have, sir, Senators may exclaim—who dreams of such a result? Is a foreign nation to come to war with England and France? Who, sir, ought not to dream of such results when they understand the tendency of our present policy in regard to Mexico? And how often has it happened, that the greatest misfortunes have befallen a country because her statesmen have failed to dream in time of the dangers which impended over them.

I must say, sir, upon this subject of foreign intervention, that the course of this government is any thing but conciliatory towards the powers of Europe. At a moment when we have already seized upon New Mexico and California, and declared your intention never to surrender them; and when, at the same time, you are preparing to grasp all Mexico, you proclaim to the world your determination to allow no transatlantic power to acquire any further foothold in America. While by this declaration you announce what may pass as a sound policy, by your practice you take away all merit from it. You will suffer no other power to add to their dominion by taking advantage of the feeble and distracted conditions of the States of Spanish origin, while you claim the privilege to despoil them at discretion. You will have no partners in the wicked [illegible] You [illegible] monopolist of the spoil and plunder of America.

I now propose, Mr. President, to address myself to another branch of the subject. What will be the effect of subjugating all Mexico, and holding it in form of States or as dependent provinces upon our system of government, our free institutions.

The distinguished Senator from South Carolina, shewed a great deal of hardihood, or rather that he is a Statesman of a by-gone age, when he broached the obsolete idea of executive patronage and the duty of keeping it in just and reasonable limits even with our present extent of territorial power and dominion. Who can now speak of the subject of patronage without being thought far in the rear of the times? Why, sir, does not the distinguished Senator know, that from the moment when the doctrine of proscription could be openly avowed, and the right of the ruling party to the exclusive enjoyment of the offices and honors of the country was rigorously practised by one great party; and the justice and propriety of the policy, sustained by a large portion of the other, a final extinguisher was applied to all hope of limiting the patronage of this government upon any old fashioned notion of economy? Yes, sir, I remember the time, since my entrance into public life, when the cry of proscription, of retrenchment and reform, was potent enough with the people of this country to overturn an administration distinguished alike for its economy, honesty, and ability in conducting the affairs of government.

But, sir, we should not despair of resisting, successfully, the avalanche of power and patronage, which now threatens to overwhelm us. Let us inquire for a moment, what will be the amount of patronage which will accrue to the Executive, when Mexico shall be added to our domain, and laid off into separate territories or provinces.

We shall have not less than twenty-five [illegible] territorial, or provincial governments, each of which must have a governor—twenty-four governors—and as many secretaries, to their executive offices; then the judicial corps in each province, two or three judges—an attorney-general, and a marshal. Then will follow collectors of customs, and at numerous ports on the Pacific, and on the Gulf of Mexico, the directors of mine [illegible] Then, for a period at least, we must have a military chief, of a grade not lower than a general, commanding the forces, in each province; and last, though not least, a governor-general for all Mexico. Why, sir, John Bull need not swell himself out, and vaunt himself so lustily any longer. We, too, shall have our Indies; our subject mil-

lions ; such much promised governments ; our large standing army ; and though we may not boast an empire on which the sun never sets, yet will it soon extend from the Lake to the frozen seas of the north. With such prospect of extended dominion, what visions of national grandeur and magnificence may we not indulge? Does each magnificent congress revive? don't behold in the seat of Montezuma, each successive president, surrounded with splendor and pomp, and all over the country, Generals and great representatives, and all over the country, Generals and great representatives, and all over the country, Generals and great representatives

flowery vales studded with refreshing lakes. There, too, nature has bestowed the often fatal gifts of mountains teeming with the precious metals; and the earthquake not infrequent comes to awaken the guilty conscience of the oppressors. It is a country full of stirring recollections. The pen of Prescott has made it a classic land. It was the theatre of the deepest and darkest tragedy ever enacted. It is the land where once flourished a great and populous empire founded by a race of unknown origin, and of mysterious destiny. Such associations as these things are in themselves, distance gives to them additional charms, and increased enchantment. These are some of the attractions which captivate the imagination of the young, and pervert the judgment of mature age; and we shall see that in due time, they will be heralded forth, throughout this wide country, by a thousand tongues, in strains of vivid and impassioned eloquence. Sir, the gratification of national ambition, the national pride, the love of power and dominion which fill the heart of man, the idea that we belong to a great and powerful nation, how often in the history of the world, have they reconciled the sincerest patriot to despotic rule encircled with glory.

Sir, I confess my own weakness, and when I contemplate this picture of national greatness I often find myself wishing that this future could be realized without danger to the public liberty.—How I would exult if we could only preserve the free institutions of the country, its future prosperity and repose. If such are my own feelings, what must be the effect of the brilliant destinies of the republic presented to the youth of the country, full of ardent and ambitious hopes, and whose impulsive and inexperienced minds seldom pause to weigh the evils which may attend a career of such glittering prospects. Sir, who shall undertake to prophecy a favorable issue to this question when every temptation to ambition, individual and national; when every lure calculated to excite and win over to this scheme of conquest, alike the laudably curious and enterprizing among the youth of the country; and the vicious and corrupt slaves of cupidity—are offered in rich profusion.

We must not forget the army. It is already an element of great influence in the country. Honest and patriotic as our gallant officers and citizen soldiers may be, it is but natural that they will form attachments to the country which has been the scene of their glory, and desire its consolidation with their native land. We have already seen evidences of this feeling in the letters and speeches of gallant officers now in the country. They too, are but men like ourselves, with all our passions and separate interests. While Mexico continues to be the seat of war they may expect to win new laurels in the service of their country. The ambitious among them who have not yet reached marked distinction, will desire new occasions for the display of heroic valor. And when all Mexico shall be subdued to our dominion, and no new fields of martial distinction shall be presented, they may still expect to find employment congenial to their habits.

There is another greater and more formidable influence to be looked to, in the settlement of this question. There is a great and powerful party in this country, a party which, for the last twenty years, with the exception of a slight interval, has held the reins of power and enjoyed the honors and emoluments of the civil service. The result of the late elections have shaken their security, and they may be expected to put forth all their energies to maintain their ascendancy. If the President persists in his present policy a few months longer, the issue must come to be, "the conquest of all Mexico." I do not suppose that every member of the party will yield their settled convictions on this subject for party considerations—far otherwise. We have already heard the voice of opposition to this policy from the other side of this Chamber. The distinguished Senator from South Carolina has led the way; and I trust many others will follow. But party is a tyrant. De Tocqueville was right when he said, that in few countries of the world was political opinion less free than in this free country of ours. Who that has been in public life, has not felt the party lash? What so galling to the feelings of an ingenuous mind and a patriot, as to find himself compelled to relinquish his station, or to yield to the behest or dictation, often of inferior minds, who by superior chance, come to be considered party leaders; and the brightest genius sometimes makes a fatal blunder.

Sir, in calculating the advantages which the supporters of the policy of conquest possess, and the chances of averting such an issue in the coming political conflict, there is one of a peculiar character which deserves to be considered. It arises from the dilemma in which the President is placed, in part by himself and his friends, and in part by the whig opposition. The President very early in the progress of the war, declared his purpose of retaining New Mexico and California. But his friends in the north and east said to him, you shall not take those territories but upon the condition of the Wilmot proviso. The whigs of the south became alarmed, and united with the north in the no-territory policy. Thus was the President checkmated both by his friends and opponents. This was his dilemma; how to escape from it was the question. He had no way to escape but by frankly retracing his steps, acknowledging his error, and making a treaty without the cession of territory; but that few men in high station, and who aspire to the rank of statesmen, can afford to do. It requires a great man, a very great man, to do this. I do not mean to speak offensively of the President. I consider the embarrassment under which he was thus placed in reference to the conclusion of the war, great and serious. If he treated with Mexico without the territories, nothing but the military glory achieved in the war would remain, after all the sacrifices of the country in the prosecution of it. From this embarrassment nothing could relieve him, but the intervention of Congress by declaring the objects of the war. Hence was he tempted continually to a new line of policy; and the refusal of the government of Mexico to treat with Mr. Trist, with the brilliant conquests of Gen. Scott, gave the encouragement to the new and extended objects of the war, which now constitute his avowed policy. And the causes which produced this determination must still embarrass the President in any attempt to close this war unless Congress will relieve him. He is still impelled by a dire moral necessity, either to degrade himself from the rank of statesmen, by the voluntary confession of error, or to take the hazard of elevating himself to a still higher fame, or of losing all by involving his country in a fatal enterprise.

But, sir, the friends and supporters of the President and his administration, are embarrassed by the same causes; they are in a like dilemma with himself, and one in which they involved both him and themselves. Hence the temptation to them to adopt a new and bolder policy; to extend their views far beyond New Mexico and California. A whole party, powerful in resources of skill, talent and patronage, are thus placed in circumstances strongly urging them to an issue which, at one bound clears every barrier —relieves them from all past embarrassments; Wilmot proviso and all—and if they should fail, they will fall in the execution of a bold conception; but if, on the other hand, they should be successful, and carry out the daring project of uniting all Mexico to our Union, the leaders of the enterprise will leave a name in history, of no half way measure of renown or dishonor. The fame of the authors of the movement must rise with the increasing glory of a still free country; or their names will be execrated amid the broken and crumbling ruins of the republic.

Such, sir, are the dangers and temptations to which the country now stands exposed; and if the party in power shall determine to sustain the issue I have supposed, who can estimate its force in the decision which the country must declare.

And what, sir, are the resources of power and influence which the opponents of this scheme have at their command? where the high official stations? what patronage to uphold the public press —to stimulate the zeal of partisans? None, sir, none. They must rely alone upon the moral influence and considerations inherent in the question itself. Does any one inquire where is the whig opposition—the great whig party? Why, sir, as a party the whigs in standing out against this policy are shorn of half their strength by the very idea that their opposition springs from party motives; and further, by their position in seeming to withhold supplies for the prosecution of a war in which the country is engaged with a foreign foe; by the cry of treason and alliance with the public enemy. Instead of an advantage, the idea of a party opposition, from the necessity of the case, is a formidable drawback to the influence of those who look with alarm to the results of the further prosecution of the war.

But, sir, while we thus stand confronted with this question, involving the future liberties of the country; the greatest but one that can ever be debated in this chamber; (the question of union and national existence;) what do we behold? Where are the members of that glorious Whig fraternity? where their great leaders, including the most distinguished and experienced statesmen of the country, and to whom the country mainly looks, and has a right to look, to save it from the impending calamity? Where those to whom the country looks for wise counsel, prompt and energetic action at such a crisis? And what are they doing? Hesitating and faltering in their arrangements for the coming conflict; disputing about old usages; insisting on personal preferences; distracted by narrow sectional jealousies. When the ground on which they stand is volcanic, and they already feel the throbbing of the smothered elements, instead of flying quickly to the only safe refuge that offers, they stop to gather up a budget of old hobbies, precious old wares, some new, personal and mixed, altogether load enough to sink a navy; they pause to consider whether some other mode of escape may not present itself; to see if the threatened shock may not pass off without injury. When the real question is, whether all Mexico shall be annexed, they moot the point whether it would be proper to take a slip of it, more or less, when the north and the south are threatened by one equal fatality, it is debated whether the slave power should not be hedged in by a proviso! Yes, sir, I regret to say that the *vomito prieto* is not confined to the *tierra caliente* of Mexico. A *politico vomito prieto* prevails to an alarming extent at the north and east, which I much fear will prove more destruc tive to our dearest interests, than it has done to our brave soldiers in Mexico. And this, sir, at a period, perhaps the most momentous that has occurred in our history, and when all jealousies, sectional and personal, and the jostling of individual ambition should be resolutely disregarded, those of every section, who are anxious to stand by the republic, and rescue her institutions from the dangers that gather round them, are shorn of their strength, distracted and paralyzed by their own divisions.

Sir, does any of my whig friends consider that I exaggerate the probability that the issue will be such as I have assumed. From the evidences before them do they consider it questionable? Why, sir, if there was nothing else to warn them of the nature of the coming struggle, the speech of the honorable chairman of the Committee on Military Affairs, it seems to me, ought to suffice. Have you not seen that able Senator, up to a recent period of his life distinguished for the philosophic vein which runs through all his writings and speeches, fling aside his philosophy and proclaim the superiority of instinct over the conclusions of rea-

son, in estimating military glory as an element of national strength; giving himself up to the encouragement and support of all the extravaganzas of progressive democracy in declaring that he can see no great cause of alarm in the idea of extending our dominion over the whole continent. I mean no offence to that distinguished Senator: I have a high regard both for his talents and his private virtues; but I must say that I am utterly amazed by his remarks upon this subject; I must say of his new course, that though it may be fortunate for him, it must be deeply afflictive to his country. But, upon the introduction of the resolutions offered upon this subject by the distinguished Senator from South Carolina, [Mr. CALHOUN,] (and may this Senate ever boast one or more such Senators, who may possess the moral courage to rise above party on a question like this and give himself to his country alone,) what more did we hear from the honorable Senator from Michigan? Sir, it was, that the questions presented in the resolutions were mere abstract propositions, which, if adopted, could have no practical operation or influence in preventing the catastrophe against which the resolution was pointed. "Why, sir," exclaimed the Senator, "if the people will the annexation of Mexico, nothing in our power to do, can prevent it; you may as well plant yourself upon the brink of the cataract of Niagara and bid the waters be still."

Well, sir, does the honorable Senator really believe that nothing the Senate can do, no resolution that can be adopted here, no declaration of opinion upon this great question, will have any effect with the country or among the people? And has the Senate sunk so low as to be shorn of all influence? And is it so that the Senate, which is presumed to be composed of gentlemen of large experience in public affairs; statesmen distinguished for their ability and patriotism in the States they represent; on a question involving the greatest consequences, and such as may decide forever the experiments of free republican institutions, can have no influence with the yeomen of the country—with the farmer at his plow, the merchant at his counter or his desk, the mechanic in his workshop—a class which always look only to the good of the country—which is never disturbed nor biased by dreams of personal ambition; and who value their constitution and the Union, as they are as the guarantees of their domestic happiness, the security of their lives and property, and the preservation of their privileges, civil and religious. Sir, I can subscribe to no such conclusion. Sir, does the honorable Senator really suppose that the declaration of his individual opinions and sentiments on this great question, or any other, on this floor, can have no weight with the people of this country? If he does, I can assure the honorable Senator that he greatly undervalues the estimation in which he is held in this country, both for his talents and his patriotism. Sir, whenever that day shall come that the opinions of the American Senate can have no influence in correcting the impulses of popular feeling, the hastily formed and ill-considered opinions of the people upon a question involving their liberties, I shall not calculate how long those liberties may endure, or how soon they may perish.

Mr. President, I have reflected much upon the question in all its grave aspects, and I feel compelled to express the conviction, that as a people enjoying the fruits of a free system of government, we stand on the very brink of our fate. If we do not stop this war now, or before another new year—one step further in our present course, and we shall be borne by an irresistible current beyond retreat or rescue, into irretrievable misfortune and ruin. If we are saved it will be by the providence of God, not of man.

There is something, Mr. President, in our present relations with Mexico—something so unusual, not to say wonderful, in all the incidents of this war, that, were I superstitious, I should say that a higher power than ours holds and controls the issues of it, and for purposes we may not comprehend. The instances of individual self-sacrifice, of reckless, yet successful, adventure, of such frequent occurrence in this war, carry us back in search of parallel examples, to the heroic ages of antiquity, and seem fitter subjects for fabulous and romantic narrative, than the sober pages of truthful history. There is no record in the history of modern warfare, nor ancient either, of a more brilliant and uninterrupted series of well fought battles and wondrous results, against such odds, as that which now forms part of the imperishable annals of the republic; and when we contemplate the intrepidity and skill of our officers —the impetuous valor which has distinguished every corps of one army, whether of regular soldiers or of volunteers—a valor which neither natural obstructions, nor military defences, nor a force often five times more numerous, could arrest in their rapid and victorious career, we are involuntarily reminded of the similar and thrilling exploits of Cortez in the same fields of military fame—in the land which, by this double act of conquest, seems devoted. It is now about three hundred years, since that extraordinary man, with a band of adventurers, less than seven hundred in number, urged on by two of the strongest passions of our nature, cupidity and religious fanaticism landed upon an unknown shore, burnt his ships, attacked—and after enacting scenes, so mixed of craft cruelty and blood, yet so gilded over, with feats of high chivalry and dauntless courage, that the muse of history pauses in her task, and hesitates to praise or blame—overthrew a populous and powerful empire. These victorious adventurers were the ancestors and countrymen, of that race which ever since, has held sway over the conquered country, whatever form the government has assumed, whether Vice Regal or free. It was an Indian race, that peopled the empire which Cortez overturned; and they were the ancestors and countrymen of the same race, which now inhabit the land of their fathers. They were made serfs—the hewers of wood and the drawers of water, to their new masters three centuries ago; with some amelioration, they continue to be so to this day—though free in name, they still wear the badges of a subject people—still remain the victims of conquest and of their primeval caste and complexion. Whatever faction rules for the hour, they are still the sufferers. What religion fails to exact from them, their proud and insolent conquerors, extort, under the pretext of government support, or to maintain an army which oppresses them in peace, and gives them no protection in war. Wonderful retribution! That at the distance of centuries, the descendents of the original spoilers should be made to suffer the penalty of the wrongs committed by their forefathers; that they in turn should be trodden under the iron heel of war; be made to pass under the yoke of the conqueror.

Mr. President, if I may be permitted to moralize upon the extraordinary and mysterious vicissitudes and coincidences in the fortunes of nations, I would ask, what are our motives, what our purposes in the further prosecution of this war? Are we sure, sir, that among those who direct this war—who put all this chivalry in motion in a foreign land, are not tainted with the lust of conquest? Are we sure that whatever cause of war may have existed at its origin, other motives and other objects have not supervened less defensible in their character, than the rights and honor of the country, the only legitimate causes of the war? Are the invaders of this ill-fated country, of the 19th century, so pure and upright in all their objects, and so far elevated above the passions of those of the 16th, that they may hope to escape the retribution which awaited them, and which has ever awaited the conqueror and oppressor.

It is said of Scipio—not he that overcame Hannibal, but Scipio, the destroyer of Carthage—that when surveying the scene of carnage and desolation around him, and when he saw the wife of Horshubal, arrayed in her richest apparel, slowly ascending to the summit of the temple which rose above the conflagration, and thence, after stabbing her children, precipitating herself into the burning elements below, he wept; but it was not over Carthage.—Rome rose up to his view, with all her crimes and oppressions, and he saw inscribed on the rolls of her future history, the sentence of eternal justice, that she, too, must fall.

Sir, if any should now desire to know my poor opinion upon the proper mode of terminating this war, I say to them, make the best treaty with any existing government you can. If you must have the territories of New Mexico and California, get a cession of them; if you cannot do that, come back to the Rio Grande—to the boundary you claim title to, and thus save your honor.

My advice is, stop the war! Flee the country as you would a city doomed to destruction by fire from Heaven!

Mr. SEVIER took the floor, and

On motion

The Senate adjourned.

FRIDAY, FEBRUARY 4, 1848.

THE PEA PATCH CASE.

The PRESIDENT PRO TEMPORE laid before the Senate a report of the Solicitor of the Treasury, communicating, in compliance with a resolution of the Senate, a copy of the minutes and other papers in the case of the Pea Patch Island

On motion by Mr. DAYTON, it was

Ordered, That they lie on the table and be printed.

PETITIONS.

Mr. CASS presented the memorial of Orville B. Dibble and George C. Bates, praying a grant of the right of way and a portion of the public land for the construction of a canal around the falls of the St. Mary's river in the State of Michigan; which was referred to the Committee on Public Lands.

Mr. CAMERON presented a petition of citizens of Adams county, Pennsylvania, praying the adoption of measures for the speedy termination of the war with Mexico; which was referred to the Committee on Military Affairs.

Mr. ASHLEY presented a memorial of citizens of the State of Arkansas, praying the removal of the raft of the Red river; which was referred to the Committee on Commerce.

ADJOURNMENT.

On motion, it was

Ordered, That when the Senate adjourn, it be to Monday next.

MAP OF MEXICO, ETC.

Mr. RUSK submitted the following resolution for consideration:

[illegible]

Mr. BENTON.—I wish all these resolutions to take the regular course. The one now offered will come in due time, after it has been referred to the appropriate committee.

The resolution lies over.

INDIAN RESERVATIONS.

Mr. HANNEGAN submitted the following, which he designs to offer as an amendment to the bill authorizing persons to whom reservations of land have been made, under Indian treaties, to alienate the same in fee; which was ordered to be printed:

[illegible]

PRE-EMPTION RIGHTS.

Mr. BREESE submitted the following, which he designs to offer as an amendment to the bill to repeal part of the act to appropriate the proceeds of the sales of the public lands, and to grant preemption rights, approved September 4, 1841; which was ordered to be printed:

[illegible]

An act, to amend the act entitled, "An act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights," approved September 4, 1841.

NOTICE OF A BILL.

Mr. JOHNSON, of Louisiana, gave notice that on Monday next, or some early day thereafter, he would ask leave of the Senate, to introduce a bill to authorize the relinquishment of the 16th section, in certain cases, and the selection of other lands in lieu thereof.

PRIVATE BILL.

Mr. BRADBURY, from the Committee of Claims, to whom was referred the petition of James F. Sothoron, submitted a report accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

ADVERSE REPORTS ADOPTED.

The Senate proceeded to consider the report of the Committee of Claims on the petition of David Whelply, and, on concurrence therewith, it was

Resolved, That the petition of David Whelply, be referred and not be granted by actual Congress.

The Senate proceeded to consider the report of the Committee on Pensions, on the petition of John Searing, one of the heirs of Mary Allen; and, on concurrence therewith, it was

Resolved, That the prayer of the petitioner be not granted.

IMPROVEMENT OF THE SAVANNAH RIVER.

The Senate proceeded to consider, as in Committee of the Whole, the bill making an appropriation for removing obstructions in the Savannah river; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed, and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

PRE-EMPTION BILL.

The Senate proceeded to consider, as in Committee of the Whole, the bill to establish a permanent general pre-emption system, in favor of actual settlers on the public lands.

The bill having been partially read—

Mr. PHELPS suggested the propriety of suspending the reading of the bill. It was evident, from what had been read, that it proposed to introduce an entirely new system in the policy of the government relative to the public lands, and it would, unquestionably excite discussion. It was hardly expedient to enter into its consideration now. He moved that it be passed over informally.

Mr. ASHLEY did not object to the suggestion, if the bill could be taken up at an early period. It was true that it proposed changes in the public land policy, and these changes were called for in justice to the settlers in the new States. He was willing it should be deferred, if taken up at an early period. It was substantially the same bill which was before the Senate at last session, and was then partially discussed. He would not press it now, if the gentleman would name an early day for its consideration.

Mr. BREESE suggested Monday week.

Mr. ASHLEY then moved that the bill be made the special order for Monday week.

Mr. BADGER remarked that another bill already had been set down as the special order for that day.

On motion by Mr. ASHLEY, it was

Ordered, That said bill be postponed to, and made the special order for, Monday the 21st February instant.

PRIVATE BILL PASSED.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Nathaniel Hoggatt; and, no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

HALF PAY TO WIDOWS AND ORPHANS.

The Senate proceeded to consider, as in Committee of the Whole, the bill amending the act entitled "An act entitled an Act granting half pay to widows or orphans where their husbands and fathers have died of wounds received in the military service of the United States, in cases of deceased officers and soldiers of the militia and volunteers', passed July 4, 1836;" and, no amendment being made, it was reported to the Senate.

The question being on ordering the bill to be engrossed and read a third time —

The bill was then laid over until to-morrow.

THE TEN REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. SEVIER.—Mr. President: If the discussion with which we have been honored for the last two or three weeks, had been confined to the merits of the bill which proposes to add ten regiments to our military establishment in Mexico, it is very certain that I should have taken no part in this debate. My inexperience, practically and in theory in military affairs, would have been my apology for my silence. It is not my purpose now to dwell at any length upon the merits of this bill. I shall vote for it, because such a measure has been asked of us by the proper constitutional authorities of our country, to whom belongs the management of all our wars, and because it has been favorably recommended by the experienced and intelligent gentlemen of the Military Committee, to whom the investigation of such a subject properly belongs. I shall vote for it, because I regard it as an essential measure to obtain, what we all profess so much to desire, a speedy and permanent peace with Mexico: and until that peace shall be had, as a wise financial arrangement, by which our Treasury will be relieved, to a sensible extent, from the burthens which this war have thrown upon it. For these general reasons, avoiding all details, I shall vote for the bill with great pleasure.

My chief object in addressing you to-day, sir, is to defend the President, for whom I feel a high personal regard, and the party of which he is at present the representative, and to which I belong, from the unmerited censures which have been cast upon both in reference to the origin of this war, its mode of prosecution, and its ultimate objects. Upon each of these three points, upon which we have had such eloquent and elaborate discourses, I purpose, my health and strength will sustain me, to make some observations.

The causes which led to this war have been properly described as being immediate, and more or less, remote. The immediate cause of the war, if the message of the President, if the report of General Taylor, and our own journals are to be credited, is to be found in the attack, made by the Mexican army, upon the commands of Captains Thornton and Hardee, on the 24th of April, 1846, on the west side of the Rio Grande, nine miles above Fort Brown; in which sixteen soldiers of the army of the United States were killed or wounded, and the residue of the detachment, consisting in all of sixty-three men and officers, were captured by the army of Mexico, and carried off by their captors in triumph to the city of Matamoras. Upon the report of General Taylor of this affair, under date of the 26th of April, the President predicated his war message of the 11th of May; and upon this message accompanied by this report, we passed the act of the 13th of May recognizing the war with Mexico.

The remote causes of the war have been traced to the acquisition of Louisiana in 1803—to the cession of Texas to Spain in 1819—to the violation of the treaty of 1839, on the part of Mexico, which provided for the adjustment and payment of the claims of our citizens by Mexico—and to the colonization of Texas, its revolution, independence, and finally its admission into this Union. In any of these causes, whatever may have been their influence, singly or collectively, in producing this war, the President had not the slightest agency. When Louisiana was acquired, he was a minor; when Texas was ceded to Spain, he was a very young man and not in our councils; when the treaty of 1839 was violated by Mexico, he was acting as the Governor of a distant State: and the resolutions for the annexation of Texas were passed in the time of President Tyler, and before he came into power.

Yet I am free to confess that the party to which he belongs have had, in their day and generation, a good deal to do with all of those questions. The party to which I refer, acquired Louisiana; purchased the Floridas; obtained the treaty for the settlement of the claims of our citizens by Mexico; and finally, for good or for evil, the same party have brought Texas back into this Union, where it, at all hazards and at any sacrifices, they intend to keep her, and every part and parcel of her. And while upon this subject I may add, that if any territory is acquired of Mexico as the penalty of this war, that the country will be indebted for such acquisition to the same party; as it is already indebted for every territorial addition which has been made to the country since the war of Independence, and that these acquisitions have been made in the face of opposition as violent as the opposition which is now encountered, and against objections very similar to those which are now made.

Sir, before passing sentence of condemnation upon the policy of the President, and particularly upon those grave questions, upon which we have have had such merciless reviews, I think, truth and justice alike require, that we should look at the condition of the country, at home and abroad, in reference to these great questions, at the time that the President came into power on the 4th of March, 1845. On that day it was his fortune to inherit from his predecessors, the settlement of two grave questions, in which other countries than our own claimed an interest. One of these was the Texas question—and the other, the Oregon controversy. One affecting the pride and interest of Mexico, and the other the pride and interest of England; and both, the pride and interest of the United States.

After all that has occurred, I hope I shall be pardoned for glancing at the rise, progress and maturity of these twin sisters, and of their influences in England and in Mexico, and of both against the United States, until the one was amicably settled by the treaty of June, 1846, and until the other involved us in the war in which we are now engaged.

Sir, we all know that after the successful revolt of Mexico from Spain, that Texas was colonized by citizens from the United States, at the instance in the first place, of Iturbide, her Emperor; and afterwards, at the instance of the republic of Mexico. This policy of colonization was a wise one, and in imitation of the policy of Spain and France, when those powers held possessions on this continent. We all know, that in the course of events in that country of which I need not speak, that Texas revolted from Mexico, and that her revolution was successful, that her Independence followed, and that that Independence was afterwards acknowledged by England, France, Belgium, and the United States. We all know, that after she had achieved her Independence, that Texas twice applied, first under the administration of President Jackson, and afterwards under that of President Van Buren, for admission into this Union; and that each of those applications, out of deference to Mexico, and out of deference to the opinions of the world, were refused. In 1843, for reasons which I need not fully go into, Texas was invited, by the government of the United States, to come into this Union. Security to Southern institutions was one of the inducements on the part of the United States. Trade, commerce, navigation, the extension of our territorial domain in a desirable direction, security to the Union in its most vulnerable point, and the monopoly of Southern products, upon which the chief powers of Europe depended and which dependence was a guaranty for a more efficient, and cheap, and safe for the preservation of our peace, than standing armies, were the other inducements to that measure.

Texas came upon our invitation, and, in 1844, entered into a treaty with the government of the United States, by which she agreed to give up her sovereignty and independence and to become one of the states of this confederacy. That treaty was submitted to the Senate for its ratification, and met with very determined and zealous opposition in this chamber—the entire voice of one party, then in the majority, and a respectable portion of the other, were against it. The conflic of opinion between the advocates and opponents of the treaty created a good deal of excitement. In the midst of our discussion upon it, a copy of that treaty with the documents accompanying it, without the sanction of the Senate, found its way into the columns of the public press of the country. The publicity of that treaty, with the documents which belonged to it, carried into the country the excitement which had been created in the Senate in regard to it. The time of these occurrences was in the spring of 1844, and but a few weeks before the assemblage of the two conventions of Baltimore, of the two great parties of this country, for the selection of their candidates for the offices of President and Vice President of the United States. Cotemporaneously with these occurrences, the two distinguished and acknowledged leaders of these great parties simultaneously came out against the treaty and the immediate annexation of Texas to this Union. These letters added to the excitement then prevailing in the country. The conventions met. The whig convention nominated, as it ought to have done, their distinguished leader, eminently qualified as fully embodying in himself the principles of that party, including their hostility to the treaty and to the immediate annexation of Texas. The other convention, on account of the supposed heresy of their chief, in reference to the Texas question, superceded him, and nominated another favorable to the Texas issues. The treaty was rejected, but the issue was made up and presented to the country, for its decision at the ballot-box. That issue was decided in November, 1844, and in favor of the Texas candidate. Mr. Tyler had yet one session of Congress left, under which to administer the affairs of this country. In this short fragment of his term, a joint resolution for the annexation of Texas was introduced in the House of Representatives by a prominent whig of the state of Tennessee. That resolution renewed the excitement upon this Texas question. It passed ultimately by nearly a party vote; all the whig party, I believe, but three or four from the state of Tennessee voted against it. That resolution came to the Senate, and brought with it the excitement from the House. It was referred to our Committee on Foreign Relations, and that committee reported adversely upon it. The friends of the House resolution, to save the measure, were forced into a compromise with their friends. This compromise was made by adding to the House resolutions, as an alternative proposition, the resolution which had been offered by the Sena-

tor from Missouri. (Mr. BENTON.) At the proper stage of the proceedings this amendment was offered, for which every democrat voted, and against which every whig but three, Johnson, of Louisiana, Merrick, of Maryland, and Henderson, of Mississippi, cast their votes. The amendment having been adopted the final vote came on. And who that was here at that time can ever forget it? It was at night. The House had adjourned, and, I believe, every member of it was here, witnessing our proceedings. Our galleries were crowded until they could be crowded no more—every door, and window, and avenue to our chamber, was filled with eager and anxious spectators. Every resident representative of any foreign power or state was also here, and among the rest the minister from Mexico. Any material change in the resolutions were known to be fatal to the whole measure, and several were proposed. Democracy was then in a minority in this body. Every Senator was in his place, and justly felt his responsibility. Every thing, in short, depended upon the firmness and courage with which Johnson, of Louisiana, Merrick, of Maryland, and Henderson, of Mississippi, could and would resist the importunities of some and withstand the denunciations of others of their political friends. In this moment of hope and fear, involving such interests to the United States, and the future fate of the republic of Texas, the vote was taken, and the resolution, as amended, was carried by a vote of 27 to 25. The resolutions were sent to the House, and the amendment concurred in, and on the 1st of March approved by President Tyler, and on the 3d of that month was sent a messenger to Texas with the resolutions and the first of the two offered to Texas for her acceptance, and on the night succeeding that day the term of President Tyler and of the session of the Congress that passed these resolutions, expired together.

On the 4th of March President Polk came into power, and two days thereafter, on the 6th, the minister from Mexico filed his protest, demanded and obtained his passport, and left the United States for Mexico, and our minister, in a few weeks thereafter, followed the example and returned to his own country. Such, sir, was the condition of this Texas question when President Polk came into power on the 4th of March, 1845. He found the public faith of the country pledged to the annexation of Texas, and regarded it as his duty to see that that faith was preserved inviolate. He found that the resolutions for the admission of Texas, though obligatory upon the United States, for a given time in any event, had yet to be approved of by Texas before they could be obligatory on her, and finally upon both governments. To obtain this approval by Texas, however anxious to give it, under her form of government, required time. Her congress had first to be assembled to authorize a convention of her people, and that convention had to be organized and had to discuss, and consider, and decide on the terms which had been offered by the United States. He found that to prevent her acceptance of the terms which had been offered by the United States, that Mexico was threatening to invade her, and that the congress and convention had each asked the interposition of the United States to prevent it. He found our diplomatic intercourse with Mexico angrily and abruptly broken off. And how, sir, has the President managed the many difficulties connected with this question? Has he managed them with wisdom, prudence, and forbearance?—in a manner worthy of himself and the great country of which he is the chief magistrate?—with an eye single to the public good, and with the commendable view and temper to soothe the pride and restore the friendly relations with Mexico, and, at the same time, to protect the interest and honor of the United States?—and above all, has he anxiously sought to suppress resentments, and to avoid a war between the two countries? These, sir, in my judgment, are the proper inquiries for us to make, and upon those inquiries I beg leave to make a few remarks.

Anticipating the favorable reception by Texas of the resolution of Congress, providing for her admission into this Union, apprehending, from intelligence which he had received from that quarter, an invasion of Texas by Mexico, earnestly urged by the congress and convention of Texas to prevent that invasion, the President, on the 15th of June, 1845, ordered our fleet to the Gulf of Mexico, and General Taylor, then at Fort Jesup, on the western frontier of Louisiana, to move with his forces to the mouth of the Sabine, on the Gulf of Mexico; or in his discretion, to some other point in the gulf, or its navigable waters, which in his judgment, at the proper time, would be most convenient for the embarkation of his troops for the western frontier of Texas. In this order, General Taylor was further informed that his ultimate destination was the Rio Grande; and in the same order, he was also informed not to enter Texas until he should learn that Texas had assented to the terms of annexation which had been offered her by the United States, or until required to do so by our minister at Texas. This is the substance of the first order to General Taylor. There were orders of the 8th and 30th of July, and of the 23d August, 1845. The substance of all of these orders, apart from mere military detail was, that he was to regard the Rio Grande as the point of his ultimate destination—that he was to protect Texas from invasion up to that river, and in no event permit armed troops from Mexico to cross it, as such an act would be regarded by the United States as an act of hostility. In executing these orders, he was directed to be careful not to do any thing to irritate Mexico, or to provoke hostilities; and that if Mexico had any military establishment on the east side of the Rio Grande, (which by the bye she had,) not to disturb it; and should he find on the east side of that river any private citizens or settlers claiming to belong to Mexico, not to molest them. Such, sir, is the purport and substance of these several orders, in the wisdom and policy of all of which, that distinguished general most fully concurred, as his correspondence abundantly proves.—And where, let me ask, in what public document, in what history of any age, or of any country, in what wild romance even, have we proofs of more prudence, caution, and forbearance, than are to be found in the several orders of which I have given the substance? Where do we find the development of greater solicitude, while firmly resolved to protect the rights of his own country, to avoid giving offence, real or fancied, to an adversary, than we find in the conduct of the President as exhibited in the documents to which I have referred?

General Taylor obeyed the order of the 15th of June, and moved immediately with his command, not to the gulf or its navigable waters, but to the barracks in the vicinity of New Orleans, and there he remained, until he received in the month of July, the intelligence from our minister at Texas, that Texas had assented to the terms of annexation, and had voluntarily thereby become an integral part of this Union. Learning this, that General then, in further compliance with his instructions, embarked his troops for the frontier of the State of Texas. After some delays and difficulties, connected with his stores and transportation, and some hesitation as to the proper point, of which the selection had been left to his discretion, we find him on the 15th of August, at Corpus Christi, on the south side of the mouth of the Neuces river. Here he remained, usefully employed in making preparations for any service that might be required of him by either the folly or madness of Mexico, or the orders of his own government. On the 16th of October General Taylor is informed that information had been received by the department, rendering it probable that no serious attempt would be made to invade Texas, although Mexico still continued to threaten incursions. Here, sir, with your permission, I will leave for awhile, our gallant old General, and our distinguished Secretary of War, with their happy prospects of peace before them, and invite your attention to this Texas question in another quarter, and to its management by other agents.

The President informs us, that in September, 1845, he received information from Mexico, which induced him to believe that the government of that republic was, at that time, favorably disposed to settle by negotiation all the difficulties existing between the two countries. Relying upon this intelligence, Mr. Buchanan, our Secretary of State, on the 17th of September, 1845, addressed a letter to Mr. Black, our consul at the city of Mexico, directing him to ascertain if the intelligence which had been communicated by him and others was well founded; and if so, to assure the government of Mexico that the government of the United States would waive all etiquette, and send to that country immediately an envoy clothed with full powers to settle amicably, and on the most liberal terms, every cause of difficulty unhappily subsisting between the two countries. Mr. Black replied to this letter of our Secretary of State, under date of the 17th of October, informing our government that an envoy would be received from this country, for the purpose of settling by negotiation all of the difficulties; and Mr. Black enclosed, with this despatch, the correspondence which had taken place upon this subject between himself and the Secretary of State of the government of Mexico, of the dates of the 13th and 15th of October, 1845, shewing on the part of Mexico their agreement to receive from this country an envoy, to settle by negotiation every dispute or cause of complaint that existed between Mexico and the United States; and it was asked on the part of Mexico, as a preliminary, that our fleet then in the bay of Vera Cruz, should be withdrawn. In the month of November, this despatch of Mr. Black, of the 17th of October, with the enclosures referred to, was received at the Department of State, and our squadron was immediately withdrawn from Vera Cruz, and Mr. Shdell, our minister, invested with full powers to settle amicably every thing with Mexico, was sent to that country. This was the position of the Texas question, when congress met in this city in the month of December, 1845, which was the first Congress under Mr. Polk's administration. In the first annual message of the President, which was at the meeting of this Congress, the President made a full and detailed statement, with a minuteness which was almost tiresome, of every thing that had been done, in relation to this Texas question. He gave us every thing emanating from either the State or War Departments, having the slightest bearing upon it. He told us that Texas had agreed to our annexation on solutions, and by so doing, had become a member of this union. He communicated the substance of the orders to General Taylor, and particularly, that the point of his ultimate destination was the Rio Grande. He told us, what intelligence he had received from Mexico, respecting the reception of a minister, and that one had been sent to that country. He congratulated us all, upon the enlarged extent, bloodless and peaceful, of our territorial domain, reaching, as he informed us, from the bay of Fundy, along the Atlantic coast, passing the capes of Florida, and around the Gulf, to the Rio Grande. All these things he told us in his message of 1845, which message was read by our Secretary, printed by our printer, and read by us again in our chambers, and by the reading portion of our fellow-citizens. And in the same December, an act of Congress was passed, incorporating this whole Gulf coast into a collection district. Where were the eloquent defenders of our constitution, at the time of the passage of this act, and, at the time of these executive disclosures? Where were our champions of justice, when these startling and portentous disclosures were made? Were they sick, or absent, or dead, or deaf or blind? did it take the sound of the cannon at Palo Alto, and of

Rosaca, to rouse them from their stupor, and to put their brains and tongues in motion? These are questions, which in my judgment, ought to be answered.

But to return to the history of our minister. Our minister arrived in the city of Mexico, early in December, and on the eve of a revolution in that country, based, as he informs us, upon the unpopularity of the consent of the President of Mexico, to receive a minister from the United States. Timidity and selfishness, more than inclination, on the part of Herrera, prevented his government from receiving our minister. His mission was refused upon the ostensible ground, that he came as an Envoy, and not as a Commissioner—with too much instead of too little power, and that he had been appointed by the President, in the recess, and that that appointment had not been confirmed by the Senate. These were the ostensible motives. The real objections were, that Parades, one of Herrera's generals, to whom had been entrusted the command of 8,000 men, for the invasion of Texas, pronounced against the government of Herrera, on the avowed ground that Herrera had consented to receive a minister from the United States, with the view of settling all the difficulties between the two Republics by negociation, and that this General was then on his route to the city of Mexico, for the purpose of overthrowing the government, and putting a stop to these contemplated negociations. These facts were communicated to our government, by our minister, under date of the 26th of December, and that communication was received in this city on the 12th of January, 1846, and on the next day, the order of the 13th of January, was given to General Taylor to advance his columns to the Rio Grande. This order was received by General Taylor in the month of February, and executed by him in the latter part of March.

This is the order, sir, about which we have heard so much. This is the fruit of that forbidden tree, from which has sprung, and is to spring, nothing but wo and disaster to this country. This is the order, which has violated the constitution of the United States, and usurped the constitutional powers of Congress, which stands so pre-eminent in our history, without law or example to justify it, and which led to the invasion and forcible appropriation of the territory of a neighboring power, and changed the friendly relations of the two countries, into that of a state of war.

Sir, I have already endeavored, I fear with tiresome particularity, to give you in detail, the circumstances, under which this order was given—and I will now, with your indulgence, make a few observations, upon the objections which have been urged against it. The objections to this order, however ramified or numerous, all point to and rest upon executive prerogative.

I shall not trouble you, sir, with reading extracts from our constitution, or laws made in pursuance thereof; or from the Federalist, or from Kent or Story, or from adjudicated cases. Such a parade of learning, in such a body as the Senate, would be worse than useless. I hold these positions to be true; that the President is the constitutional com mander-in-chief of the army and navy of the United States, and as such, has the right, with or without good reason, to order the army of the United States to any point within the limits of the United States; subject, however, at all times, to personal punishment, by impeachment, for any corrupt abuse of his power. I hold that under the constitution and laws, he has the undoubted right, with or without the sanction of congress, to suppress an insurrection, or to repel an invasion or threatened invasion of the territory of any of the States, or of the territory of the United States. If I am right in these positions, and I think no intelligent lawyer or statesman will controvert them, it follows that the order to General Taylor, of the 13th of January, which was to prevent an invasion of the territory of one of the States of this Union, was a constitutional order, which the President had the right to give, and which it was the duty of General Taylor to obey. In my view of this case, as the order was to prevent the invasion of Texas, it is a matter of immateriality and perfect indifference, whether the territory into which the army was marched, belonged to Mexico or to Texas, unless it may be regarded as a circumstance of aggravation or mitigation of the offences of Mexico against this country.

But, sir, it so happens that the territory into which this army was marched, was the territory of one of the States of this Union, and was not the territory of Mexico. I am one of those who have ever contended, and do now contend, that the territory lying between the Nueces and Rio Grande, and below New Mexico, rightfully and properly belongs to Texas, by the title of conquest and possession. I never did contend that the country east of the Rio Grande, and included in New Mexico, did belong to Texas; for she neither conquered or held possession of it. Yet I remember to have heard an argument in this chamber, by our present Secretary of the Treasury, of great force and ingenuity, founded upon the laws of nations, and which I have never yet seen refuted, in defence of the claim of Texas to this territory also. I am one of those who never did believe, and do not now believe, that the Desert, or stupendous Desert, as on stupendous occasions it is sometimes stupendously called, (which, by the by, happens to be a large fertile prairie, resembling the famous blue grass pastures of Kentucky, more than anything else,) and which has been located between the Nueces and Rio Grande, ever was the proper boundary of Texas, however suitable a boundary it may be, to separate the Anglo-Saxon and Mauritanian races. And I will now proceed, sir, to give you the reasons for my faith.

After the battle of San Jacinto, in 1836, the Mexican army retreated to the west side of the Rio Grande, and from that day to this, that power has had no military establishment on the east side of that river. Nor, prior to the events with our army, in April and May, 1846, has Mexico ever had an army on the east side of that river, except on two stealthy predatory incursins, for roguery and plunder, from which her forces retreated again to the west side of that river, more rapidly than they advanced from it. From the battle of San Jacinto to this day, Mexico has exercised no civil jurisdiction on the east side of the Rio Grande. The settlement, if a settlement it can be called, at Brasos Santiago, and the military organization at Laredo, to which reference has been made for the purpose of establishing the exercise of civil authority, by Mexico, at the former place, and of military jurisdiction at the latter place, forms no just exception to the force of my statement.

The settlement at Brasos Santiago, which party arithmetic has magnified into a village with a custom house, happens to have consisted of a few miserable shanties, probably a half a dozen in number, which had been built up and were occasionally occupied by straggling fishermen, vagabonds and smugglers—never permanent—here to-day and gone to-morrow—and it is believed, when the nest was full, never, at any one time, exceeding fifty souls in number. It is true, that during the existence of the troubles between Texas and Mexico, that importers of goods and merchandize destined for the market of Matamoras, for the greater security from seizure by the authorities of Texas, did sometimes land their cargoes at Brasos Santiago, and that on such occasions, an agent from the custom house at Matamoras came to that point and received the duties on their goods, prior to their being crossed over to the west side of the Rio Grande, in order that they might by that route be safely introduced into Matamoras. And I believe it is also true, that those goods, while awaiting the arrival of the custom house agent, and while being prepared for a land transportation from that point up the west side of that river, were temporarily protected by one or more of those shantees. From this information which I have had in regard to the settlement at Brasos Santiago, and in which I place confidence, I infer that there was nothing in the nature of that settlement, if a settlement it can be called, that goes to prove the exercise, on the part of Mexico, of any civil authority at that point. This information I have had confirmed by a conversation I have recently had, with one of our gallant naval officers, who was with our fleet at Brasos, at the arrival of General Taylor at that place. The officer I allude to, is Captain Gregory, of the navy. So far from such a settlement establishing the exercise of any such authority, I infer the contrary. It establishes the acknowledged supremacy of Texas on the east side of the river, as well as upon it.

In regard to the military organization at Laredo, which is relied upon to prove the exercise of military authority on the part of Mexico, on the east side of the river, I have to say, that I see nothing in that organization calculated to prove the exercise of any such authority. Before the revolution of Texas, the citizens of that town in consequence of their exposure to Indian depredations, were exempt from the decree, or order, or law, or whatever it was, that deprived all the citizens of Mexico, not attached to the army, from owning and bearing arms. It was this decree or order and the attempt on the part of Mexico to enforce it, that produced the revolution of Texas. The citizens of Laredo, were exempt from a compliance with this decree, for the special reasons I have referred to. This organization existed before the revolution—during the revolution, and for aught I know to the contrary, exists to this day. It was an organization with which Texas, or her vessels to that town, never interfered, an organization which Texas had taken up arms to defend, and which was but a common right ever claimed and exercised by every freeman of that Republic.

This town, the largest and most important of all the settlements on the east side of the Rio Grande, was twice visited by the army of Texas, and that town, as often acknowledged the supremacy of Texas, and that acknowledgment, so far as my information extends, was never after controverted. Such are the explanations, based, as I believe upon truth, that I have thought proper to give upon the nature and description of those two settlements to which reference has been made.

In 1843, when Texas and Mexico were induced, through the medium of the representatives of France and England, to agree upon an armistice, nothing was said upon the subject of boundary between those two republics. But in the proclamation of General Woll, then at the head of the Mexican forces, that general, on proclaiming the armistice, notified every one not to approach, on the east side of the Rio Grande, within one league of that river, or they would be regarded as enemies, and treated accordingly. That general on that occasion said nothing about the Nueces or the stupendous desert.

These, sir, are the evidences I adduce against the claim of Mexico to any part of the territory lying between the Nueces and Rio Grande, and below New Mexico.

On the part of Texas, I urge the fact of her expulsion of the civil and military authority of Mexico from the east to the west side of the Rio Grande, and of her having kept it there. I urge the fact of her congressional declaration of December, 1836, of the Rio Grande as her boundary. I urge the fact of her military establishment at Corpus Christi, convenient to her settlements, and favorable for the reception of supplies—from which post the army of Texas, at pleasure, first under General Rusk, and afterwards under General Felix Houston, traversed over the whole of this country without molestation. I urge the fact that Texas had organized this country into counties, and appointed civil officers in it to administer her laws; that she sent her public surveyors into it, and surveyed it, and appropriated these lands to her own

use. I urge the fact that Texas had established an election precinct at Corpus Christi, at which the citizens residing between the two rivers, if they chose to do so, could vote. What better claim than this, founded upon conquest and continuous possession can any country have for her territory. It is the highest, I may say, and not all, the majority of the civilized powers of the world hold their possessions.

It is true, sir, that within this territory, the settlements were detached and sparse, and from the nature of their situation, in such times as those, that law and justice may have been but feebly administered, and that the blessings of a freedom may have been but scantily enjoyed. The Senator from Maryland (Mr. PEARCE) has ridiculed the fact (but his ridicule will not alter the fact,) of a precinct having been established at Corpus Christi, for the accommodation of all the settlers residing between the two rivers. What, he asks, establish a precinct for these poor fellows to vote at, one hundred and fifty miles from the residences of some of them? Sir, that Senator was born in Maryland, in an old and thickly settled country, where are to be had, not only all the comforts which man can desire, but also all the political accommodations which the most inferior or indolent could hope for. In new countries, these things are otherwise. At one time, in the history of my own State, (western part of it,) it was among the largest in the Union, the territory which now forms that State, then a part of Missouri, belonged to the county of New Madrid, and the county seat of which was at the village of New Madrid, on the Mississippi river, some seventy or seventy five miles below the mouth of the Ohio; and to this county seat the settlers on the Red river had often to come, to attend to their suits and to serve as grand jurors. In the discharge of this duty, each person had to travel, if by water, to their county seat, eight hundred or one thousand miles; and if by land, four or five hundred miles, through a country nearly destitute of inhabitants, and much of the way through the woods, and over navigable streams and impassable creeks. As late as 1819, the county of Arkansas was bounded on the south by Louisiana, and on the north by the State of Missouri, and measured by the meanders of the Mississippi river, which was its eastern front, a distance of about six hundred miles. The county seat for this county was at the "Old Port of Arkansas," a village venerable at least for its age, it having been settled, according to the tradition of the country, cotemporaneously with St. Louis, Kaskaskia, Vincennes, and Philadelphia, which was, I believe, according to our chronicles, in 1682. This county seat—which has seen two-and-a-half centuries growing—was settled by degrees and more beautiful than "Rose"—was settled by degrees all county seats in all new counties are selected, in reference to population, and not territorial centres. It was on the edge of one side of the county, and the remoter settlers, in getting to it, had to travel two or three hundred miles. These inconveniences are but of common occurrence in all new countries, as Senators from the new States will testify. When the Senator from Maryland shall hereafter dwell upon this subject, I hope we shall treat his sensitiveness to our ridicule, and that he will content himself by thanking his stars that he was born in Maryland, and not in the wilderness. I hope he will cease to wonder that the poor fellows on the Rio Grande had to travel to San Patricio or Corpus Christi to vote or transact their business. Upon the whole, then, I urge this fact, also, as important, and not trivial, in behalf of the claim of Texas.

It is probably true that the greater number of the settlers on the Rio Grande, were of Spanish origin, and favorably inclined to the cause of Mexico. But no matter what their origin or feeling, they were too inconsiderable in numbers to be the object of special attention to either of the belligerents. They took no part, generally in the conflict between Texas and Mexico, and through the double motives of policy and humanity, neither of the parties disturbed them. They were left to the enjoyment of their neutrality, their flocks, and little patches of corn, and cotton, and pepper. The only instance to the contrary, was the order of General Rusk in 1836, to those settlers to retire to his rear, on the Gaudaloupe, or to the west side of the Rio Grande, which order all of them obeyed, and continued to obey until 1838, when they were again permitted to return, and did return, and there they have remained ever since.

These facts I urge in behalf of the claim of Texas to the territory between the Nueces and Rio Grande, and as adverse to the pretensions of Mexico. It is true that Mexico, during all this time, claimed not only the territory in controversy, but the whole of Texas, not to the Nueces, or desert, which she never mentioned, but to the Sabine; and that she blustered and bullied, and talked loudly of invasion, and blood, and thunder, and all that. Thus stood the claim of the respective parties, when the treaty of annexation was made in 1844. And this brings me to the action of the United States upon this question of title and boundary. The United States, as the successors of Texas, and to whom this settlement of her boundary had been committed, could not, consistently with her fidelity and honor to Texas, give up any part of it, without a friendly discussion, by which the United States should be satisfied that the claim of Texas was untenable. The United States regarded it as treacherous, and cowardly to have done so. This discussion, at that time and ever since, the United States were most anxious to have, and were also most anxious to settle it speedily, and upon the most liberal terms, of which there is in our archives the most abundant proof. This discussion the government of Mexico most peremptorily refused, and in consequence of that refusal, the United States were unwilling to give up any part of the boundary claimed by Texas. This policy of the United States was acceptable to the majority of the Senate in 1844. The main opposition to the treaty of that day rested upon the question of boundary—and that part of the boundary, mainly, which included the Santa Fe country, or New Mexico, with its forty villages, which had been settled by Spain one hundred years before La Salle had ever seen the Mississippi river, and which Texas had never invaded, much less conquered. To show that this country was included in the claim of Texas, the Senator from Missouri, [Mr. BENTON,] in April, 1844, introduced a resolution calling upon President Tyler for the boundary claimed by Texas. The response to this call was a map, in large red lines, describing that boundary from the mouth to the source of the Rio Grande. Accompanying this map was a memoir of valuable information which had not been called for by the Senator from Missouri, showing the quantity of land, among other things, which we were getting by our treaty, and the computation of those lands included all lying within the claim of Texas. This was all that the opponents of the treaty desired, and as it came to us, without any explanation in regard to that fact, giving us New Mexico, it was rather more than the friends of the treaty desired. The treaty was rejected. But, the policy of the United States, in regard to the manner of settling this boundary question, (that is to say by a friendly discussion) has not been changed. The United States, have still considered themselves bound to protect the boundary of Texas until satisfied it was untenable. The United States had no other course to pursue, under such circumstances, than to prevent Mexico from seizing Texas or any part of it, by force. She would have acted unworthy of herself, and contemptibly in the eyes of the world, if she had pursued any other policy than she has since, in question, under all the circumstances. She has not been derelict in her duty to Texas, nor unkind or unjust to Mexico. The President did precisely what the country expected him to do—he tried to settle this boundary, in a friendly manner and upon the most liberal terms. He could not effect it. Mexico was preparing to invade it and hold it, and the President anticipated Mexico, and prevented her. In doing this he did his duty, and for this, he, (for one,) honors him.

But our adversaries say, that in a movement so important, so likely to change the peaceful relations between the two countries, into that of a state of war, it was the duty of the President to have consulted Congress which was then in session. It is true that Congress was in session in January, 1846, when the order was given to General Taylor, and that Congress was not consulted about that order. And why let me ask should Congress have been consulted about it? Does not a satisfactory answer, for the omission for the President to consult Congress about this order, suggest itself to Senators? Have we so soon forgotten the events of that period? Have we forgotten our difficulty, then pending with England in regard to the Oregon Territory? The anxiety felt everywhere and by every one upon that subject? Have we forgotten the temper displayed by our fellow citizens; the manifest and eager desire of the majority of the population in every popular cry in this country, of a war with England? of the prompt demand for news upon the arrival of every steamer from England? Have we forgotten the debates in England, and France, (not alby upon the Oregon and Texas questions) and the debates in this chamber, upon the anticipated rupture at that time, with this formidable power? Of the necessity we all felt for the immediate adjustment of this question, finally and amicably, in order to preserve the peace of the world, and probably England or America and possibly both, from minor or unimpairable sacrifices? Have we forgotten the influences which this Oregon question had upon the policy of Mexico, and of the Texas question upon the policy of England, by which these two powers were brought together, and acted in unison against the United States? and in which the co-operation of France was relied upon, by the mad and visionary, by tempting consideration of giving, under the auspices of Paredes and the clergy, a ruler to Mexico, in the person of a prince of the house of Bourbon. In such a critical position of our affairs, in January, 1846, was the President prepared at that time to recommend Congress to declare war against Mexico, if he had even desired a war, which he never did, with that power? No, sir, he was not. He chose, and I think wisely, a different line of policy. He chose to settle our difficulties with Mexico, if possible, rather by negociation than the sword—and acting on this policy he directed our minister, (Mr. Slidell,) notwithstanding the refusal by Herrera to receive him, and notwithstanding the revolution and the avowal of the principles on which it was achieved; he directed that minister, notwithstanding these obstacles, to remain in Mexico, and to make overtures for his reception, to the usurper, with the view of settling every cause of dispute between the two countries. And that minister did remain, and did make these overtures until the 12th of March, when, on that day, his overtures were definitely and finally rejected. That chieftain having come into power by a revolution predicated upon the question of no negociation with the United States—but war, and expecting at that precise period of time, a rupture between the United States and England upon the Oregon question which had, at that time, assumed the appearance of probability; and relying, for the reasons before alluded to, upon the co-operation of France, and relying, also, a good deal upon our unhappy dissensions about the Texas question, of which I have reason to believe he was well informed; that chieftain, for these reasons, on the 12th of March, dismissed Mr. Slidell, and resolved in the midst of our difficulties at home and abroad, to invade Texas for the purpose of reconquering it. At that time, on the 12th of

March, when this long talked of invasion of Texas had been determined upon, the movement of General Taylor from Corpus Christi, which was on the 11th of March, and only one day before the final refusal of the reception of our minister, was not and could not have been known by Paredes or in the city of Mexico. It was not, therefore, the march, which either caused the refusal of the reception of our minister by the government of Mexico, or that provoked that power into hostilities against the United States, from which this war dates its origin. Are other proofs to establish this fact desired? If so, we have them, in the proclamation of General Ampudia, at that time at the head of the invading army, under date of the 27th of March, at Saltillo, in which he enumerated the causes of complaint against the United States, and in that list the march of General Taylor from Corpus Christi is not enumerated, but the resolution for the annexation of Texas is enumerated. As General Taylor had only arrived at the Rio Grande on the 26th of March, on the day only preceding the date of that general's proclamation, the movement of General Taylor was probably unknown to him. Are further proofs wanted to shew that the admission of Texas into the Union, and not the march of General Taylor, was the cause of offence to Mexico, which produced the revolution and pushed that power into hostilities against us? We find this additional proof in the manifesto of Paredes, dated at the national palace on the 23d day of April, 1846, after he had heard of the arrival of General Taylor on the Rio Grande, which arrival he notices in that manifesto, and which he regarded as an aggravation of the offences of the United States against Mexico. That chieftain, in that document, informs us, that on assuming the responsibility, in the beginning of the year 1846, he had resolved upon changing the policy of Mexico, from that of weak and temporizing, which had been observed in regard to the United States, in consequence of the perfidy of the United States in incorporating one of the departments of Mexico into its confederacy, and of its treacherous violation of the terms of existing treaties, which guarded the limits of Mexico. That President of Mexico tells us in that document, after a good deal of bluster and bombast, that it was for this reason that Mexico sanctioned the movement which he began at San Luis Potosi, not for the purpose of placing him in power, but that Mexico might shine, by the triumphs of a cause, which is the cause of the conservative principle of human society. Are other proofs wanted to shew that it was not the march of Taylor's army to the Rio Grande that caused this war? We find them in the letter of Commodore Conner, under date of the 20th of March, 1846, nine days before General Taylor moved from Corpus Christi, in which the Commodore states that the papers of the capital states, that within the last ten days a large force of nearly eight thousand men had marched to the northern frontier. The commodore attached but little credit to the report at the time, but subsequent events have proved that these statements in the papers were well founded. Is further proof wanted to shew that it was not the march of General Taylor from Corpus Christi that brought on this war? If so, we find these proofs in the reports of General Taylor, informing us of the affair at the Little Colorado—of the rancheros which beset his march, and of his having found on his arrival on the Rio Grande, 1,500 or 2,000 men, at Matamoras, and of expected re-inforcements under General Ampudia, which could not have been organized and placed in position under the thirteen days which intervened between the breaking up of his camp at Corpus Christi and the arrival of General Taylor on the 23d of March at the Rio Grande. Proofs might be multiplied to shew the impossibility of the march of General Taylor to the Rio Grande, having been the cause of this war. Yet, sir, for some time after the arrival of General Taylor on the Rio Grande, no attack was made upon him, and it had been deferred so long that that General, and General Worth, were both of opinion that no attack would be made upon our army; and under this impression, General Worth, on the 13th of April, resigned his commission, and on the 16th of April left Point Isabel for the United States, and reached Washington on the day only before the news of Thornton's affair—which affair, as before observed, was the cause of the war. After all this proof it is still contended that the President is the cause of this war, because he did not supply General Taylor with more troops. Our unsettled difficulty which was then at its height, required a portion, at least, of our small army in other quarters. The public exigencies at this precise time required this portion of our troops on the Atlantic, and on the Canadian and Indian frontiers. General Taylor was supported with all the regulars that could be spared him. But, the President gave him full authority, if he needed more troops to repel the threatened invasion, to call for such force as he wanted, upon the Governors of Alabama, Louisiana, Mississippi, Tennessee, Kentucky, and Texas—and their Governors were notified to honor General Taylor's call for such numbers of troops as he required. If General Taylor, in whom the President placed full confidence, did not draw for these troops, the fault was in his and not in the President. Volunteers were sent to him by General Gaines without his order, and it was a special ground of complaint on the part of General Taylor that those troops had been sent him; and General Taylor again and again implored the Department not to send him troops until the required time. And this confidence of the President in General Taylor is very gravely brought forward as a charge against the President. This is really too bad. Will the time never arrive when an adversary can do an adversary justice?

The remaining cause for this war which I will briefly consider, was the presentation to Texas, for her acceptance, the first instead of the second of the resolutions of annexation. The first resolution, as well as the second, and in this respect they are identical, authorizes Congress to adjust with Mexico the boundary line. In what do these resolutions differ? In the first, Texas was authorized to come into the Union without another contest upon a treaty; which required, what never could be had, two-thirds of the Senate to ratify it. In the second resolution she had to come in through this gate, through which she never could have passed, or else she had to come in on terms which Texas might or might not have been willing to accede to, and in no event without another election, and another Texas contest upon the terms of the contract, as well upon the measure itself; which, in the mind of the President, it was very desirable to avoid. Has the Senator, (Mr. JOHNSON, of Maryland,) read the journal of our proceedings on these resolutions. Has he discovered that while as a compromise, every democrat voted for the second of these resolutions, that every whig, but the immortal three, Merrick, Henderson, and Johnson, of Louisiana, voted against this second resolution? If he has not read our proceedings which happened before his time, I advise him to do so. He has committed one murder upon his party already, by his manly and able vindication of the war; would it not be safe for him, if he desires to preserve his standing in his political church, not to commit another. His party, I can tell him, will not stand such a catalogue of heresies as those of defending the war, and of bringing Taylor's military judgment into question, or what is more important in their estimation, the propriety of their votes upon any Texas issue.

Sir, before passing from the inquiries into the causes of this war, which I shall do very shortly, I have yet a duty to perform, and that is, to say a few words upon the examples which have been so triumphantly paraded, and which have been so frequently referred to, of Mr. Jefferson and Mr. Madison, as exhibiting so striking a contrast to the acts of the President in reference to Taylor's march to the Rio Grande. The examples of 1803 and 1806, in the time of Mr. Jefferson, and in 1813, in the time of Mr. Madison, do present a contrast to the act of Mr. Polk in relation of the Texan boundary, and for the best of all reasons, that the cases referred to are entirely dissimilar. The act of 1803, of which Ross's resolution was the foundation, and the right to navigate the Mississippi river the leading motive, and the law of nations the justification of it, was an aggressive act, and not defensive, and an act to authorize an invasion, and not an act to prevent an invasion. Authorities, it is true, have been read to show that this act was passed to prevent the invasion of this country by France in 1803.—That contemplated invasion I have contradicted for three reasons. The first is, that it was to protect Louisiana against capture and conquest by Great Britain; the second, that the authorities on which it is relied to prove the invasion of the United States, bear date in 1802, and the resolution of Mr. Ross, on which the act was founded, was in 1803, and in those resolutions nothing is said about invasion; my third reason is, that if invasion had been apprehended, Mr. Jefferson, to whom all this correspondence, so greatly relied upon by Senators, was directed, would have noticed that threatened invasion of this country by France, in his annual message of a subsequent date, which he did not. For these reasons I contend that the act was aggressive—was for an invasion of Louisiana—and, therefore, very justly and very properly the action of Congress, as accomplices in the meditated invasion, was necessary—and Congress, in March of 1803, did consent to become the accomplices of the President in that act of aggression. I have stated the claim, the right of navigation of the Mississippi, which we could not get, either by negotiation or purchase; a claim which it was unnecessary to assert by force, so long as we had the right to a depot in New Orleans, by virtue of the treaty of 1796. That right expired by its own limitation, and we were unable to get that right to a depot extended, or our right to navigate the Mississippi river to the ocean acknowledged, and were prepared, in the event of a failure to purchase of France a depot for our western produce, or the sanction of that government to our claim to navigation, to assert it. We purchased Louisiana, and, therefore, no action was ever had under the act of 1803; and out of that purchase of Louisiana, grew the difficulties which gave birth to the acts of 1806 and 1813. I would ask if it is pretended, that in 1806, or in 1813, there were any apprehensions of an invasion of this country by Spain? I heard, and shall hear of no such allegation. This act, therefore, like that of 1803, were without aggression, and were not designed to prevent an invasion of the territory of the United States, but to authorize the United States to invade the possessions claimed and occupied by the subjects of the Spanish monarch. On such a subject it was necessary and proper that Congress should be consulted, and Congress was consulted and assented to the meditated invasion. Under the act of 1806 nothing was ever done. Under that of 1813 we took possession of the Mobile country, and subsequently incorporated it into Alabama, where it is to-day. These are the cases, all aggressive, all contemplating an invasion of a country occupied and claimed by other powers, with whom we were at peace. If gentlemen cannot see the difference between an aggressive, invasive act, and one of self-defence and preventative of invasion, I shall have to conclude that they are duller in intellect than I had supposed.

I will now, very briefly, consider the second count of this indictment against the administration; and that is, as to the manner in which this war has been conducted. When this war was declared, with but two dissenting voices in the Senate, and with but fourteen in the House, the President sent in his estimates for the necessary men, and money, and other means, to carry it on successfully.—

These estimates of men and money and means, were voted with great unanimity by the two Houses of Congress. The President then devised his plans for carrying on this war; and these plans have been faithfully and brilliantly executed. And what have been the results? In less than two years, without any previous preparations for such results, the President has overthrown and subdued nearly the whole of Mexico—a country nearly as large as our own, and containing a population of about seven millions of inhabitants. If such glorious results as these, which have marked and distinguished the prosecution of this war, are not conclusive as to the skill and energy with which it has been conducted by the administration, I shall be justified in saying that our opponents are very unreasonable, and very hard to please. Under what circumstances have those results been achieved? They have been achieved in spite of the opposition party in this country, who, from the beginning to this day, have endeavored to embarrass the Executive, by rendering this war odious and unpopular. At the very time that this war was declared—though voting for it, and every measure connected with it—we find it denounced by the opposition, as unnecessary and unconstitutional. They indicated (as the debates at that time will show) their purpose, at some future period, more suitable, in their judgment, for such a proceeding, than at that time, to bring the President to an account for his sins, in bringing this unnecessary and unconstitutional war upon the country.

The President has achieved these results in spite of these imputations, and in spite of these appeals to party, to fanaticism and bigotry and sectional jealousies. He has achieved them in spite of the terrors held up to our countrymen in the form of the fatal diseases of the Mexican climate—her deserts and her mountains and her invincible Spanish blood. The predictions of their prophets, (and what nation in time of war has ever been without them,) of ruin to our treasury, and bankruptcy to the whole country, even before having, after the first or second campaign, a foreign war upon our hands, without an army in the field or money in the treasury; these predictions have not been obstacles of sufficient magnitude to interrupt materially, or to prevent, our glorious successes. Such opposition, formidable only to weaker minds, has not deterred our Executive from the vigorous prosecution of this war. His triumphs have astounded the opposition, and surpassed the expectations of his own friends. Ever regretting the necessity of this war, and anxious at all times to close it on honorable terms, he asked for an appropriation of three millions of dollars, at the last session, to enable him to terminate it; and on that occasion, the opposition, though clamoring for peace, refused, in a body, to vote for it. The cry then was, "will you buy your peace of Mexico?" In short, the opposition denounced the war—they threw obstacles in the way of its prosecution by endeavoring to render it odious; and when money, and not bullets is asked, as a means necessary, that, in its turn, is denounced. What shall we do? What can be done that can and will satisfy our friends over the way?

Mr. President, the last and chief point, which I propose to notice, is the ulterior objects of this war. The ulterior objects of this war, are to obtain a speedy and permanent peace, upon just and honorable terms. These terms are the full payment of the claims of our citizens against Mexico, and a reasonable indemnity for the expenses and sacrifices which this war has cost us. This demand is expected in the shape of territory. At the last session of Congress, I was authorized to state, and did state, what territory was regarded as of sufficient value to satisfy our demands, and that that territory was New Mexico and Upper California. This statement, it will be recollected, was made before the battle of Buena Vista, and before the fall of Vera Cruz, and before the celebrated Castle. These terms, our agent, Mr. Trist, was authorized to propose, before our army marched from Vera Cruz. After that agent had received his instructions, our army fought its way to the very gates of the city of Mexico, and there, on the eve of the entrance of our victorious army into that city, an armistice was entered into, for the purpose of saving the further effusion of blood, by a treaty. Notwithstanding the favorable change in the posture of our affairs in that country, after the instructions had been given to Mr. Trist; notwithstanding the many successful, but bloody battles our army had fought, after Mr. Trist had received his instructions—the many cities, and castles, and fortifications, the arms and munitions of war, belonging to the enemy, which our army had taken, subsequent to those instructions—the rout, or capture, or slaughter of her armies, and her capital within our reach—notwithstanding all these favorable changes, which occurred after Mr. Trist had received his instructions, on our affairs in that country—changes that would have well justified the United States in exacting terms, more onerous upon Mexico; we find Mr. Trist, our agent, offering to receive of Mexico—Upper California, and New Mexico, of both of which were then in possession, and to which we had the unquestionable right to insist as disposed of. These provinces were not only satisfactory, but were regarded as more than satisfactory; for our agent proposed to give for them, in addition to our demand, important monied considerations, besides restoring to her, all the residue of our conquests in that country. These terms, too liberal in the estimation of many, were rejected by Mexico. The armistice was then terminated, the capital taken—and her army and government driven from it. These occurences having been communicated to our government, Mr. Trist, our agent, was recalled by a letter from the Department of State, on the 6th of October, 1847. And that recall was reiterated on the 25th of October, and the receipt of that first letter of recall, is acknowledged by Mr. Trist, in a letter of the date of the 27th of November, 1847. Since the recall of Mr. Trist, there has been no one in Mexico, authorized by the government of the United States, to make a treaty with Mexico. But it is well known in Mexico, that the President is willing, and is really anxious to make a treaty with her. If the terms offered by Mr. Trist, had been accepted by Mexico, that treaty would have had the sanction of the President. These terms, now, with probably a slight modification as to boundary, and the withdrawal, in whole or in part, of the monied considerations, would be approved by the President. The President never did desire, and does not now desire the whole of Mexico, or the extinction of her nationality, her incorporation of it, as states or provinces, into this union. No such policy ever found favor with him. His messages, and all his acts, connected with Mexican affairs, furnish abundant proof, that he never contemplated or desired any such results. The President, in my judgment, more than any other man America, desired to avoid this war; and that officer, more, probably, than any other man in America, has ever been most desirous of terminating it, speedily and honorably. With this conviction upon my mind, I was not prepared to hear the Senator, from Tennessee, (Mr. BELL,) assert that the President did not desire a peace with Mexico, and that the President desired to conquer and hold the whole of Mexico.

Sir, when that Senator, (Mr. BELL,) stated that the President did not desire a peace with Mexico, I really supposed he was indulging in a little harmonious irony—in a little pleasantry of wit, which he intended as a gentle rebuke of the President for the eagerness he had ever manifested to make a treaty with Mexico, (an eagerness which many thought rather too beseeching, and a little unbecoming,) and with this impression on my mind, contrasted with his grave demeanor, I was about to conclude that he was one of the most magnificent jokers of the age. But this illusion did not long continue. I soon found my friend preparing very eloquently and seriously to prove, not that I misconceived the President's message, that the President did not desire a peace with Mexico—and with such force and earnestness did he press this matter, that I really began to doubt the correctness of my own opinions upon the subject. I began to think I had not read the President's message understandingly, and that I had not correctly comprehended the purport of the many conversations I had had with him and the members of his cabinet upon this subject. These doubts, however, like my illusion at first, were but momentary. The President, the Senator says, is not anxious to make a peace with Mexico.

Mr. BELL explained that he had stated that the President was not anxious to make a treaty, unless he could so make it as to obtain security for the future.

Mr. CASS asked on what authority the Senator from Tennessee stated that it was a security against the interference of foreign nations.

Mr. BELL replied, that it was a deduction from the policy which had been pursued, and the arguments by which it was defended here. He protested against being represented as saying the President was not anxious to make a peace—he ought to be—but that he would not make a peace which did not offer security for the future.

Mr. SEVIER.—Sir, the President wants a peace with Mexico—a speedy and permanent peace. He would not make a treaty with a man of straw—irresponsible and not at the head of that government; but would sign the treaty to-morrow, or to-day, with Herrera, and the congress at Queretaro, if that treaty gave the satisfactory concessions. But, "indemnity for the past and security for the future!" What he means by security for the future, is a treaty with a government sufficiently stable and permanent to make a treaty, and to close it and sign it on parchment—a treaty that will be recognized as such in the eyes of the world. If the President can make a treaty with any government, as stable as that of Herrera, or Paredes, or Santa Anna, or the present government, whether they be governments de jure or de facto, he will make it, and hold that country responsible for its fulfilment. But "indemnity for the past and security for the future," is an expression in the message of the President that seems to be unpalatable to the Senator from Tennessee. If we all did not know that the President was incapable of it, we might suppose he had plagiarized the expression from Mr. Clay. When the opponents of the last war were pressing that gentleman for a declaration of the objects of Mr. Madison's war, that gentleman replied, the objects were "indemnity for the past and security for the future." The avowal was unsatisfactory at that day as it appears to be in this.

The President endeavored, in December, 1846, to make a treaty with Herrera, in the midst of a revolution in that country, and only a few days before Herrera was overthrown. He endeavored to make a treaty with Paredes, a military usurper, claiming only to exercise the functions of President ad interim; and when his downfall was threatened, and which, in a few months afterwards, was consummated—he endeavored, through his agent, Mr. Trist, to make a treaty with Santa Anna, the Dictator of that country, and but a few weeks only preceding his downfall. He has since, publicly avowed in his message, his willingness and hearty desire to make a treaty with Mexico, at any future time. Sir, the President wants a peace with that country—his objects are peace, and all of his measures are recommended to get peace. There have been many rumors, in this city and through the country, that this de-

sired object of us all—that is, peace with Mexico—has been obtained by General Scott and Mr Trist. It seems to me that the Senator seems to speak knowingly upon the subject, and that he wants those on this side of the chamber to commit themselves, for or against it, before they see or know any thing about it.

Mr. BELL disclaimed any such object.

Mr SEVIER said he was glad to hear the disclaimer. But these rumors had been so prevalent, and as there seemed to have been some confidence attached to those rumors, I presume, intended to ask the Senator whether he had received information that Scott or Trist, without the sanction of the government, which neither of them had, had made a treaty, or were about to make a treaty, or not. I have been about in the city a good deal, among gentlemen of both parties, and have heard rumors of a treaty in every direction, and questions have been asked of me, if I did not know that the news of the treaty had arrived, by telegraph, from Petersburg, or New York, and again that the treaty was in the city, and that the messenger that brought it was here; and therefore it was, that when I heard the Senator so repeatedly asking us if we would accept a treaty, ceding us California and New Mexico, that I supposed he might have, what the government had not, a copy of the treaty in his pocket.

Mr. BELL.—Do you know anything about such a treaty?

Mr. SEVIER.—No, sir. I know nothing about a treaty; but it did appear, sir, as if the Senator had been informed of a treaty, and that he was trying to force us to commit ourselves—to go it blind—whether we were for it or against it.

Mr. BELL disavowed any such intention. What he wanted to know was, whether the administration regarded the existing government of Mexico as competent to give security for the future?

Mr. SEVIER.—That question, sir, I have answered already. That the government would, if it could, make a treaty with the present government in Mexico. And as we have had prophets on the other side, I will now beg to turn prophet myself. I prophecy that when a treaty is made, if it ever be made, that that treaty will be decidedly opposed by the gentlemen on the other side. They will oppose it, as being too liberal or too rigid to Mexico—it will have in it too little or too much for their approbation. I hope I may be mistaken in this prophecy—put down the prophecy in your memorandum books, and when the day shall come, when we shall have such a treaty to dispose of, it will be seen whether I have prophecied truly or not.

Sir, the President will be satisfied with a treaty providing for the payment of our claims, and for an indemnity for the expenses and sacrifices which the war has cost us. Upper California and New Mexico were regarded as sufficient for all of our demands against Mexico. Something more may or may not now be required. Tampico and the mountains of Sierra Madre, without other equivalents than our demands, with, probably, the security of some commercial privileges, may be required now. It is not to be expected that the precise terms of a contemplated treaty before it is made, can with propriety be made public.

Sir, the President never dreamed, at any time, that any one ever thought that his object, heretofore or now, was the extinction of the nationality of Mexico. I never heard, sir, from any respectable source, until the Senator from South Carolina, (Mr. CALHOUN,) introduced his resolutions upon that subject, that the President ever had or could have any such scheme in view. The Senator from Tennessee assumes, in the face of the President's message, that such are the designs of the President, and upon that assumption he bases his opposition to the ten regiment bill. Sir, my honorable friend described to us with great force and much apparent feeling, the cruelty and tyranny of the lash of party, and in the same connection he told us, that he came here this winter, prepared to vote for any reasonable amount of men and money, to carry on this war successfully. When I put these statements together, the party lash, of which he so justly and bitterly complained, and the change, which he confessed had been made, in his original, generous intentions towards the administration, upon the subject of this war, and that of opposition to the bill before us, I could but think that the party lash, had been but too successfully applied to him. He found on his arrival here, that many of his party were not up to his original mark—that some of them were so far below it, as to be advocates of the policy to bring back our army, the quickest, and shortest, and cheapest way, without peace, or indemnity, or the payment of the claims of our citizens. I could but think, that the rigor of party discipline, against his better will and judgment, had forced him to abandon his original position, and to go over to the platform, prepared for him by the Senators from Ohio, (Mr. CORWIN,) and New Hampshire, (Mr. HALE.) Forced into this new position, I thought that he considered it necessary, to assign some reason for this change, and that reason he found, in the position he assumes, that it is the design of the President to seize and hold the whole of Mexico. Sir, that sin, of which the Senator spoke, in the poetic language of Pope, that at first was repulsive, then tolerated, and then embraced was a description I thought fully applicable to his transitions, in reference to his change of policy upon the subject of this war, and the substitution of an opposite policy.

Sir, the Senator from Tennessee, desires to drive us, it would appear, to the issue of calling the army back, the cheapest and shortest way, or to take the whole of Mexico. He has made this issue. We have not made it. We take the issue of a prosecution of this war until we force a peace, predicated upon the terms of paying the claims of our citizens and of indemnifying the country to some extent for the expenses of this war; or the withdrawal of our army, without peace, or indemnity, or the payment of those claims. This is the true issue. But, sir, the Senator from Tennessee is an able and an adroit man.

Mr. BELL.—I do not take that as a compliment.

Mr. SEVIER.—Well then, sir, I will take it back. But I will say, that from his great abilities, and talents, and influence in Tennessee, and from the issues he made up for the people of that State to decide, that he produced a revolution in public sentiment in that State, and took it from the democratic party. He came here with a high reputation for his powers of mind, which led us to expect, what we know now by experience. Now, sir, he would make an issue for us of the whole of Mexico, or the line of the Rio Grande or the Nueces. This is his own issue—not ours. Yet this is the issue he argues. He assumes that it is the policy of the administration to take the whole of Mexico; and so regarding it, he gives us his views at great length, most eloquently and powerfully against such a measure. To prove that that is the object of the administration, he refers to the abolition of the transit duties in Mexico, in which he sees an effort on the part of the United States to conciliate the people of Mexico. I suppose the Senator refers to the order from the Treasury Department to Gen. Scott. That order was given for no such purpose. It was found impossible to collect these transit duties with our machinery in a country like Mexico. They were, therefore, abolished; and in lieu of those duties, the different departments of Mexico were required by Gen. Scott to furnish him a gross amount, at stated periods, which has been done. If the revenues thus collected exceed, according to the statement of Gen. Scott, four-fold the amount that was received under the system that he abolished. Does the Senator call this electioneering, or an effort on the part of the United States to conciliate the people of Mexico? Thinking that this evidence proves the truth of his assumption, that the administration desires the subjugation of all Mexico, he then proceeds to enumerate with great force and skill the dangers which he sees in such a measure. Now, sir, if we shall be disposed to seek an issue by the embarrassments flung in the way of our government at home, and by the encouragement which such opposition gives to the people of Mexico; which issue is to retreat ingloriously from that country, leaving an exasperated and perpetual, and probably a pursuing enemy behind us, without peace or indemnity, or the payment of the claims of our citizens; or to take the whole of Mexico, whatever may be the consequences. I for one, am ready to say, march on. In such a chain of evils, I am ready to say that, sir, although, against the conquest of Mexico, and against any more than a reasonable cession of territory, if we are to take the issue proposed by the Senator from Tennessee, I will go for the whole of Mexico, with all the objections attending it, and there are many, which are great, but, in my judgment, not entirely insurmountable. What are they? The Senator enumerates them. The population of that country is one, and the extent of the country is the other.

The population of that country is about seven millions—of this number three-fourths are Indians, illiterate, docile, passive, inoffensive, never desiring and never exercising any of the privileges of citizens—never voting, or taking any part in elections in that country, or in its revolutions. These Indians are of different tribes, and each of them speaks, as the Senator informs us, a different language from the others. What shall we do with these Indians? Will we allow them to vote, or to be represented. I would do neither; I would treat them as we do our own Indians, give them agents and laws and kindness and education.—They are a degraded race in Mexico—they could be made less so under our administration. The Senator from Tennessee is aware of this. Some eighteen or twenty years ago, that Senator introduced and passed a bill to remove all the Indian tribes from out of the States in which they resided, and in which they never voted, nor were they ever represented, to a country set apart for them west of Missouri and Arkansas. There are those tribes, now, twenty odd of them, speaking as many languages, all improving and happy—so much so, that on two occasions a bill passed the Senate, with but few dissenting voices, to organize those tribes into a territory, preparatory to admitting them into this confederacy. We can get along with those Indians with as little trouble as we do with our own. They are less warlike, less enlightened or energetic. What shall we do with the other fourth of the population of Mexico, which consists of pure blood, and half breeds of Indian and European blood. To this class I would apply the principles of our naturalization laws, and the oath of allegiance. I would treat them with kindness, respect and protect them in the enjoyment of their property and religion, and ultimately make them, as we do all naturlized foreigners, upon an equality with native born citizens. But the Senator says this cannot be done. They have in their veins the blood of the Visegothis and Celtiberians, a race of people that was never heard to groan. In this poetic description I of course have no confidence. If they suffer, they will sigh, whatever party may say to the contrary. He says they will never become reconciled to us, and will assassinate upon every opportunity. I do not believe in irreconcilation for general, and not private griefs, and particularly for benefits conferred. If

however, they will stab and assassinate, there is a remedy in this country for such abuses, and that remedy given to Kentucky and Missouri, which is vulgarly called "Bowie." And these people are Catholics—and so they are. Are Catholics opposed to our institutions, as the anti-rent party? Just the reverse—we have not found it so. We have had Catholics in our service, at the head of our armies, in our Cabinet, and on the Supreme Court bench. From Mexico, the Catholics—for they are all Catholics—have expelled Monarchy, and have copied our constitution for their form of government. I would extend to Mexico, as we have in this country, unreserved toleration in religious faith. That would be my remedy.

But the country is a large one, and if added to this, would destroy both. That is only an opinion. Every extension of territory thus far, has strengthened rather than weakened it. The whigs have ever opposed the extension of territory—it has been their destiny—and always upon the ground that it would endanger our liberties. The only instances of disturbances in the States have been confined to the old ones, and in those near the centre. We have had a convention of malcontents at Hartford, Connecticut—a whiskey insurrection in Pennsylvania, under the auspices, I believe, of Albert Gallatin, and some dissatisfaction in South Carolina, growing out of our revenue laws. These, I believe, were all. Let us have something else than speculation upon this subject. But if this country is to be added, he tells us we are to have a standing army to keep the people quiet, and to protect it. A small, peace establishment and our navy would be sufficient for both these purposes. Will the people of Yucatan, or Honduras, or New Grenada ever trouble us? It is hardly probable. But the debts which Mexico owes abroad, and to the church, would you pay those debts? inquires the Senator. I answer, yes; and with the revenues of Mexico—which, under the operation of our finance laws, would easily and speedily be done. But the annexation of Mexico would greatly increase the patronage of the Executive, by the appointment of judges, marshals, and district attornies, and governors, &c.; and such patronage would cost us a great deal, and make the President dangerous from his increased power. Sir, the cost would be paid from the revenues of the country—and as for patronage, it is the oldest, the most popular, and has really the least in it, of all the fears which ever beset our people. Instead of strengthening, it weakens the President. He has generally many applicants for office—he can give it to but one. He that receives it is no more a friend to the President than he was before; and those who wanted the office and do not get it, are often made enemies of the President, on account of the disappointment. The man he appoints, though probably influential before, loses his influence, by the very fact that his motives are always suspected. No man who has ever had patronage desires it. I have felt this myself. I represent a people who generally care but little about office; yet it has happened that for a vacant office there were more than one application, and the most painful of all my duties here has ever been to choose between my friends. The Senator from Tennessee was once in the War Department, as the Senator from North Carolina (Mr. BADGER) was once in the Navy Department. They have had some experience upon this subject of patronage. Do they not well remember how much they were annoyed by it. How difficult it was for them to see gentlemen on business, on account of the hordes of office seekers that surrounded them. Would not those gentlemen have been highly gratified if they could have been relieved of all this trouble. Yes, sir, this cry of patronage, designed to create a jealousy of Executive power, was in full blast when I came here many years ago—and being then a very young man, I was green enough to believe there was something in it. This cry has been in full blast ever since, and will be in full blast when I am dead and gone. If you want to strengthen your Executive, deprive him of patronage altogether—if you would serve the country, afford as few occasions for its exercise as possible.

These, sir, are some of the prominent objections urged by the Senator, against the incorporation of all Mexico into this union. And to render this measure still more odious, he imputes to the President, and to the army, and to those who sustain both, the base and ignoble purposes of conveying on the way, for "gold and glory." Sir, I have endeavored to show that this war was inevitable on our part, and that it is prosecuted from the same inevitable necessity. The Senator compared this war upon Mexico, to that of Cortez, under Spanish authority, which he said was a war for gold and glory.

Mr. BELL disclaimed having made any such statement.

Mr. SEVIER said this gold and glory had been flung in, for some cause which he did not understand. If it was not intended to be alledged that this war was for some such cause, why was it introduced?

Mr. BELL hoped the Senator would excuse him for interrupting him, but he had said nothing as to the object of this war being for gold and glory. But had said that, between the commencement of the war and the present time, perhaps some motive may have crept in which we did not like to avow openly, and which might govern others in voting for a further prosecution of the war.

Mr. SEVIER—Well, sir, why did he say that gold and glory was the cause of the war of Cortez, unless he meant to charge upon the officers and men engaged in this war the same unholy ends and purposes which he says governed Cortez and his companions. If the Senator from Tennessee says the party here, or the administration, or its friends upon this floor, who vote for this bill, and for a further prosecution of this war, are governed by any such desire of gold and glory, he says that which he cannot sustain, and which is not true. The administration are guiltless of such motives; the act of Trist, the act of Slidell, the acts of our Generals in Mexico, plainly show that such are not the sentiments of this party and this administration. The Senator also urged as an additional reason which would render the acquisition of Mexico unpopular—the removal of the capitol from its present location; a necessary consequence, he affirmed, of the adoption of this measure. I hope it will not be done during my time. I have learned the way here, and desire to travel no new roads, to any new capitol of the United States. I am content to let it remain where it is. Yet, I can tell that Senator, that the time may come, although he and I may not live to see it, when this capitol may be moved, whether Mexico is annexed or not. This is a work which our successors may, or may not accomplish. These are the reasons, all based upon the assumed fact, that the subjugation and annexation of all Mexico is the object of the administration, upon that assumption the Senator justifies his opposition to the bill now before us. These are the facts which are to justify him in voting against supplies and reinforcements to our gallant army in Mexico. It seems to be a sort of whig destiny, in time of war to vote against supplies and reinforcements to the army of our country. I understand that the Senator, and the party with whom he acts, will not vote a dollar for supplies or reinforcements of any kind to our army in Mexico. Is he willing to let that army perish for want of supplies and reinforcements? Does he expect the country to sustain him and his friends in such a course as this? No sir, woe unto that man, in time of war, who shall refuse to vote supplies and reinforcements to the army of our country.

Mr. BELL.—Dont take the proper officers away and our army will not perish.

Mr. SEVIER.—We have got the proper officers there, and will keep them there. If the army is left to perish in Mexico, there will be a heavy responsibility upon those who refused it the necessary supplies and reinforcements. Would the Senator leave our army in Mexico without reinforcements until the day of danger arrives.

Mr. BELL.—If the army were really in danger I would vote any number of men we should require; I thought there was a sufficient force there already, and that the army was in no danger.

Mr. SEVIER.—The Senator used the word "rescue"—that he would be willing to rescue the army from danger.

Mr. BELL.—I disclaim the idea. I said I would not vote supplies until I saw the army in danger; and took the position that 25,000 men, or 30,000 men under Scott, with able and experienced men to command them, were not likely to be in danger. All the documents on this subject go to show that the force now there is amply adequate for necessary purposes. I am sure the Senator does not wish to misrepresent me.

Mr. SEVIER.—Very far from it. But I called his attention expressly to this phrase which struck my ear for the purpose of an explanation. I used the word "rescue," particularly desiring some explanation from the Senator if I had misconceived him, but he was silent. And then I went on with my comments. Then, again, in regard to voting supplies, I thought that he meant to say, he would not vote supplies until he saw the army in danger.

Mr. BELL.—I said that I thought the force at present in Mexico was sufficient.

Mr. SEVIER.—But the head of the army, General Scott, advised an addition to his forces; and it was in accordance with that recommendation, and for the purpose of enabling the force to collect the revenue, to support not only the men we propose to send there by this bill, but those already there, that this bill was proposed.

Mr. BELL.—If the gentleman will allow me, General Scott had estimated how many men would be necessary to carry out the plans of occupying all the states of Mexico. But I presume, if it be intended to get a peace with the existing government, an additional force would not be required. I thought that with regard to the occupation of all the posts, the thirty thousand men at present, under Scott, in the present circumstances of the country, would be adequate, with the six or seven thousand men co-operating on the line of the Rio Grande. The honorable Senator observed that the state of the army depends upon the discretion of the general commanding under the instructions of the Executive here, and it is only by extending operations in such a manner as in Mexico, that the administration will ever be able to extricate themselves from the necessity of holding it entirely, and that an additional force would be necessary.

Mr. SEVIER was very happy to hear the explanations of the Senator. He had intended to call the Senator's attention to other parts of his speech; but, as he was weary of this colloquy, he would pass over them. He would now conclude by summing up

what he had endeavored to present to the Senate. He had endeavored to show, first, that the war was inevitable on the part of the United States; secondly, that it had been wisely managed and successfully carried on, in spite of the opposition party of the country; and, thirdly, that the United States had ever been ready and willing, and are still ready and willing, to make peace with any stable government of Mexico, on honorable and liberal terms. That it never was the design of the administration to subjugate and annex the whole of Mexico; and that all the territory the administration ever desired, or now desires, is but a reasonable portion, sufficiently valuable to the United States to defray the claims of our citizens against Mexico, and to indemnify the country for the expenses of this war. This, sir, is the platform on which the administration stands.

Mr. HUNTER obtained the floor.

Mr. FOOTE then rose and said: I wish to propound two questions to the Senator from Tennessee, which I have reduced to writing.

A SENATOR.—"order."

Mr. FOOTE.—It will not occupy more than a few moments. I was not in my seat yesterday, being confined to my room by indisposition, and had not then an opportunity of putting these interrogatories to the Senator The Senator from Tennessee on the day before yesterday, quite unexpectedly, propounded certain questions, which, he said he confidently expected would be answered by me, as he regarded me as a bold and independent man who would not shrink from the responsibility of answering questions of that nature. His questions were answered; and knowing him to be a man of at least equal boldness, I can have no hesitation in saying that I anticipate equal promptitude on his part in replying to the questions I am now about to propound. I will further premise, that I put these inquiries in a spirit of courtesy, and with a strong desire of obtaining an expression of the Senator's views. I desire, then, to inquire of the Senator, first, whether when he addressed the Senate he had any knowledge, or information of a reliable character, that a treaty, or anything equivalent thereto, had been agreed on in Mexico: and, if so, whether by authorized agents of the government, or by unauthorized persons; and, if by unauthorized persons, is the Senator from Tennessee aware of any connection or correspondence between these agents, or unauthorized persons, and any person, or persons in the United States?

Mr. BELL.—I see that the Senator means it in a mild spirit, but certainly it is claiming a great right on his part to catechise me in this form.

Mr. FOOTE.—If he does not wish—

Mr. BELL.—I say that I only deny the right of any Senator to ask me such a question, implying a breach of confidence on the part of agents of the government, and which might by possibility involve myself.

Mr. FOOTE.—I did not intend that.

Mr. BELL.—Oh! I believe the Senator means nothing at all improper. I did hear the rumors that there was a *projet* of a treaty, presented by the commissioners to Mr. Trist, and afterwards to General Scott, and that it had been forwarded to Washington. Upon further inquiry I did not find any authority whatever for the rumor. I may add that I have had no communication with any agent of the government whether in America or in Mexico.

Mr. FOOTE.—The question does not implicate the Senator.

Mr. BELL.—I have had no such information, and am rather disposed to believe that there has been no foundation for the rumors to which allusion has been made. From some announcements, semi-official, it would seem that there had been something in them; but I see it denied in the recognized organ of the Administration, and must suppose that that statement is true. If both the Senators had attended closely to my remarks, they would have seen that the tenor of my argument was, that the Administration must seek something more than territory as affording "security for the future," and that it mattered not, so far as my argument was concerned, whether they claim the Californias and New Mexico, or a still farther extension of territory on the same border.

Mr. BENTON.—I wish, sir, to make a motion, necessary to the organization of the Senate. We have elected a President *pro tempore*, in the absence of the Vice President, and have not yet given notice of it to the President. He does not know how things are here. I ask the indulgence of the Senate, then, in order to submit a resolution directing the Secretary to notify the President of what we have done.

It was then

Ordered, That the Secretary wait on the President of the United States, and notify him, that the Senate, in the absence of the Vice President, have chosen the Hon. DAVID R. ATCHISON President of the Senate pro tempore; and that he make a similar communication to the House of Representatives.

Mr. FOOTE again rose to address the Chair.

Mr. MANGUM.—I rise, sir—

Mr. FOOTE.—I will not occupy the attention of the Senate long; give me a fair chance. I was sick yesterday.

Mr. MANGUM.—I rise to order.

Mr. FOOTE.—If the Senator be unwilling to allow me—

Mr. MANGUM.—I am not at all unwilling to allow any Senator the full exercise of his privileges. But I now make a point of order. What I suggest is in the spirit of which I am sure the gentlemen will himself approve. This kind of catechising gentlemen in this body ———

Mr. FOOTE.—Who commenced it?

Mr. MANGUM———I regard not only as a departure from the order, but as calculated to impair the dignity of our course of procedure. Let me assure the honorable Senator from Mississippi, that I make this point of order in all respect and kindness to himself, and strictly in a desire to adhere to the uniform usages of the body as I understand them. It will be readily perceived that great disorder must ensue if such a practice were permitted. If Senators are to rise up in this way, on any occasion, out of the course of debate, and put interrogatories on isolated points, calling now on the Senator from Michigan, and now on the Senator from South Carolina, and so on; I submit to the Senator himself whether such a course of procedure would not be disorderly, and ought to be avoided on all hands?

Mr. BELL.—It seems to be alleged that I commenced this system of interrogation. I hope that the Senator from North Carolina will allow the Senator from Mississippi to proceed.

Mr. FOOTE.—In my own vindication I must say that really I am not very familiar with the rules of order; I am told, however, that the Senator from North Carolina is entirely mistaken. At any rate it is not for me to vindicate the Senator from Tennessee, whose magnanimity has just now induced him to acknowledge that he is himself responsible for all that has occurred. His questions were propounded to me in the confident expectation that I would answer, and I did answer; and, therefore, it would have been much more seasonable had the Senator from North Carolina presented his views of order on the day before yesterday. My next question is: Would the Senator from Tennessee agree to a treaty with Mexico, without full indemnity for past wrongs received at the hands of her government, and security from future aggressions—and also what amount of indemnity and what kind of security he would demand?

Mr. BELL.—I can assure the Senator that I would weigh well any treaty that might be presented to this body, and try to do so impartially. But I hold that greater calamities might befal this country than the acceptance of a treaty which did not give even full indemnity. I should regard the success of the policy which I have attempted to show in the course of my argument was now in progress, and which I still believed to be pursued, notwithstanding the denial of the gentleman who has addressed the Senate to-day, as a greater evil than that. I would endeavor to weigh the evils, when the issue comes up between taking the Rio Grande, to which we claim title, and the conquest of the whole of the country, and the holding of it either in the shape of states or as dependent provinces; with my present impressions of the evil of such a policy, I would prefer the former to the latter alternative.

Mr. FOOTE.—What boundary?

Mr. BELL.—If the Senator desires to learn all my individual opinions, I shall be very happy to communicate them. I should be quite willing to take the Rio Grande as the boundary; but the Senator is not, therefore, to say, that I preferred not to take any indemnity.

Mr. FOOTE.—I did not say so.

Mr. BELL.—I distinctly stated, that I was not opposed to exacting such indemnity from Mexico as would not be oppressive or ruinous to her. I did not go against all indemnity, and I trust I was so understood. The honorable Senator from Mississippi, was not here yesterday, and therefore, it is probable that he wishes to know my individual opinions on those points; they are not worth much it is true, but such as they are, I gave them, without disguise, and I had hoped, with sufficient explicitness to indicate what I should do in any particular exigency that might arise.

On motion,

The Senate adjourned.

MONDAY, FEBRUARY 7, 1848.

REPORT FROM THE WAR DEPARTMENT.

The PRESIDENT pro tempore laid before the Senate a report of the Secretary of War, under a communication with a resolution of the Senate, accompanied by a map of the examination of New Mexico made by Lieut. J. W. Abert; which was read.

On motion by Mr. CASS, it was

Ordered, That it be referred to the Committee on Printing.

PETITIONS.

Mr. HALE presented a memorial of ministers and laymen of the Unitarian denomination of Christians, praying the adoption of measures for the re-establishment of peace between the United States and the Republic of Mexico; which was referred to the Committee on Foreign Relations.

Mr. CLAYTON presented the petition of Obed Hussey, praying an extension of his patent for a reaping machine; which was referred to the Committee on Patents and the Patent Office.

Mr. ASHLEY presented the petition of William W. Wynn, praying to be allowed the right of pre-emption to certain lands in the State of Arkansas; which was referred to the Committee on Public Lands.

POST ROUTE.

Mr. TURNEY submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Athens to Livingston, Tennessee.

MAIL PAPERS, ETC.

Mr. JOHNSON, of La., submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Postmaster General be requested to inform the Senate the date of the reported recent failure of the mail contract from New Orleans and other legal points in Texas; to report the amount of mail matter accumulated upon the route, and detained by impassable streams; the expenses incurred in the delivery of the United States mail to the troops and citizens, and by whom disbursed.

MEXICAN NEGOTIATIONS.

Mr. BALDWIN submitted the following resolution for consideration:

Resolved, That the President of the United States be requested to communicate to the Senate, if in the possession of the Department of State, copies of the instructions, if any, of the Secretary of State to the confidential Mexican agent appointed to negotiate with Mr. Trist, copies of Mexico, or otherwise, which shall enable the Senate to judge whether the imperial or provisional government of Mexico consented to open a treaty of peace with the United States, prior to the 16th of September, 1847, and shortly commencing before Senate, and more preceding, all of which were laid in motion by the withdrawal of the army from the capital on that day.

RIGHT OF WAY TO ILLINOIS.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill to grant to the State of Illinois a right of way through the public lands, and for other purposes, reported it without amendment.

TERRITORIAL GOVERNMENT OF OREGON.

Mr. DOUGLAS, from the Committee on Territories, to whom was referred the bill to establish the territorial government of Oregon, reported it without amendment.

INDIAN RESERVATION.

Mr. BELL, from the Committee on Indian Affairs, reported a resolution for the relief of Bersey Mountain, which was read the first and second times, by unanimous consent.

The Senate proceeded to consider said resolution as in Committee of the Whole, and no amendment being made it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said resolution was read a third time by unanimous consent.

Resolved, That a message be sent to the House of Representatives to inform the House that the Senate has passed the said resolution.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk:

Mr. President: The House of Representatives have passed bills of the following titles:

An act for the relief of William Culver;

An act for the relief of Daniel Robinson;

An act for the relief of Thirtieth Chapter of Ahasuerus, Society of the Sisters of Ohio;

An act for the relief of Harriet Barney;

An act for the relief of John Anderson;

An act for the relief of Joseph C. Doxey;

An act for the relief of S. Morris Wain;

An act for the relief of the legal representatives of Amelia Bourton;

An act for the relief of the legal heirs of John Snyder, deceased;

An act for the relief of Barclay and Livingston, and Smith, Thurgar and Company;

An act for the relief of Amzy Judd;

An act for the relief of the heirs of Matthew Stewart;

An act for the relief of Joseph and Lindley Ward;

An act for the relief of Mrs. Anne W. Angus;

An act for the relief of Elizabeth Mays;

An act for the relief of James H. Conley;

An act for the relief of Jesse Young;

An act for the relief of Silas Waterman;

in which they request the concurrence of the Senate.

The said bills were read a first and second times, by unanimous consent, and referred as follows:

The bills for the relief of William Culver; of Daniel Robinson; of John Anderson; of Joseph C. Doxey; of S. Morris Wain; of the legal representatives of Amelia Bourton; of the legal heirs of John Snyder, deceased; and of the heirs of Matthew Stewart; were referred to the Committee of Claims.

The bills for the relief of Elizabeth Clapper; of Harriet Barney; of Jesse Young; and of Silas Waterman; were referred to the Committee on Pensions.

The bill for the relief of Mrs. Anne W. Angurs; of Elizabeth Mays; and of James H. Conley; were referred to the Committee on Naval Affairs.

The bill for the relief of Barclay and Livingston and Smith, Thurgar and Company, was referred to the Committee on Commerce.

The bill for the relief of Amzy Judd, was referred to the Committee on Public Lands.

The bill for the relief of Joseph and Lindley Ward, was referred to the Committee on Indian Affairs.

PROMOTION OF CADETS.

The Senate proceeded to consider the following resolution, submitted by Mr. BENTON on the 2d instant, and it was agreed to:

Resolved, That the President be requested to cause the Senate to be informed of how many, and which, of the following-named cadets graduated at the academy at West Point on the 1st day of July, 1846, and who have been retained on the Army Register of the United States, page 4, for the year 1847, have, to the present time, received no promotion, or other appointment in the army, in virtue of their brevets, will be successively promoted, by vacancies, if the present rule which has thus far happened in the promotion to which they may have been attached, according to the order of rank established at the military academy.

MAP OF MEXICO.

The Senate proceeded to consider the following resolution submitted by Mr. RUSK, on the 4th instant:

Resolved, That the Secretary be required to procure ——— hundred copies of the map of Mexico, five thousand copies of each of the Valley of Mexico, and of the Seat of War, published by J. Disturnell, of New York, not to exceed in cost one dollar each for the map of Mexico, and ten cents for the others.

On motion by Mr. RUSK, it was

Ordered, That it be referred to the Committee on the Library.

BILLS PASSED.

The following bills were read the second time and considered as in Committee of the Whole:

A bill in addition to an act for the relief of Walter Lannan and Abel Gay, approved July 2, 1836;

A bill for the relief of Edward Bolon.

A bill continuing licence sales by the State of Illinois of the Ohio Saline reservations, and authorizing the sale of the residue of such reservations.

No amendment being made they were reported to the Senate.

Ordered, That they be engrossed and read a third time.

The said bills were read a third time, by unanimous consent.

Resolved, That they pass, and that their respective titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

HALF PAY TO WIDOWS AND ORPHANS.

The Senate resumed the consideration of the bill amending the act entitled "An act granting half pay to widows or orphans where their husbands and fathers have died of wounds received in the military service of the United States, in cases of deceased officers and soldiers of the militia and volunteers, passed July 4, 1836."

The question being on ordering the bill to be engrossed and read a third time—

Mr. NILES offered the following amendment, which was agreed to:

Add to the end of the bill: "who were in the army of the United States on the first day of March, 1846, or at any subsequent period during the present war between the United States and Mexico."

Ordered, That it be engrossed and read a third time.

The said bill was read a third time, by unanimous consent.

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

THE TEN REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. BALDWIN.—I ask the indulgence of the Senate, and of the Senator from Virginia, who is entitled to the floor, to enable me to make an explanation, in behalf of my friend and constituent Capt. Gregory, of the Navy, who conceives that the honorable Senator from Arkansas (Mr. SEVIER,) was under a misapprehension in regard to a material fact in the statement made by him, on the authority of Capt. Gregory, in the Senate, on Friday last.

The honorable Senator from Arkansas, if I correctly understood him, was endeavoring to convince the Senate, that Point Isabel and the harbor of Brazos Santiago were not in the possession of the Mexicans at the time of General Taylor's march upon the Rio Grande, and of his seizure and occupation of them as a depot for his army, on the 25th of March, 1846. In proof of that position he was understood to state to the Senate that he had been informed by Capt. Gregory that on landing there he saw only two or three huts slightly built with forked sticks, and no Mexicans except a few vagabonds and fishermen. The Senator from Arkansas was under the erroneous impression that Capt. Gregory, in the conversation to which he alluded, had reference to the condition of the place anterior to the time of its being taken possession of by General Taylor; whereas, in fact, Point Isabel and the port of Brazos Santiago had been in the military occupation of General Taylor more than a month before the landing of Capt. Gregory, which was on the 8th May—the day on which the battle of Palo Alto was fought. Capt. Gregory informs me that he then observed the remains of several dwellings that had been burnt. His conversation with the Senator from Arkansas was casual, and in general terms, as he was not aware at the time, that information was desired for the purpose of being communicated to the Senate. He is the more desirous of correcting the error into which the honorable Senator has inadvertently fallen, as it places him somewhat in conflict with the statements of General Taylor in his correspondence with the government. It will be recollected by the Senate, that General Taylor speaks of the harbor of Brazos Santiago as being the port used by the citizens of Matamoras in their commerce, and states that he had given assurances, when at Corpus Christi, to some citizens of Matamoras, and on his arrival at the river had renewed them in a communication to the commanding general at that place, that until the question of boundary should be definitively settled, the harbor of Brozos Santiago should be opened to the free use of the Mexicans as heretofore. He also speaks of "the Mexican custom-house officer at Brozos Santiago," and of the houses that were burnt on the 24th of March by the port captain, who had made his escape before the arrival of the troops; by whom, only two or three inoffensive Mexicans were found, the rest having left for Matamoras.

Mr. SEVIER.—If the Senator will indulge me for a moment, I will state that in the course of my remarks the other day, in referring to the nature of the settlement at Brazos Santiago, I did mention that I had conversed with Capt. Gregory on the subject, and that his statement confirmed the information which I had received previously from other quarters. Certainly the impression left upon my mind was that Capt. Gregory was there when General Taylor landed. If he had reference to a subsequent arrival there, I shall make the correction with great pleasure. I may add that my information was obtained from other sources, amongst others from one of the Senators from Texas, and I alluded to Capt. Gregory's statement as corroboratory of what I had heard from other gentlemen.

Mr. HUNTER.—If the bill before us appeared in no other light than as a mere measure of supplies which raised only the question of ten regiments, more or less, in our army I should not have troubled you with any reasons for the vote which I shall give. But during the discussion far higher subjects have been involved in its consideration. The great question as to the manner in which the future progress of the American people is to be conducted insensibly influences every mind in its determination as to the proper objects to be pursued in this war. This, sir, is the grand problem which the American mind is laboring to solve, and upon the soundness of its conclusions must depend our future destiny for weal or for woe. No matter what the question presented, if it be connected with this war, it seems immediately to suggest these other considerations with which the public mind is so anxiously engaged.—Of all the great political problems ever presented to the world, I believe there has been none upon whose correct solution so much of human happiness has been staked; for no people ever existed, in my opinion, who had the capacity to play so great a part in the affairs of mankind. The question is surrounded, I confess, by difficulties and embarrassments. It is given to no man to see much of the future; and our past career has been so rapid, so eventful, and so successful, that we can scarcely conceive it impossible to gratify any wish we may have as to the future course of our people. But, sir, the hour has arrived when it is indispensable, not only to further and higher successes but to our own happiness, to determine the true objects of our mission and the real nature of the functions which we have to perform in the social progress of mankind. It is not surprising then, that Senators should address themselves from this Hall to the public mind of the country to influence its deliberations upon the momentous issues before it. For of all the governments that ever existed, it is in this, perhaps, that a sound public opinion is most indispensable for our prosperity and safety. Our safety is not and never has been in the written provisions of this constitution, but in the public virtue and intelligence which directed our institutions. The great merit of our system is, that its movements are true to the popular opinion which directs it; and they will be good or ill as that opinion is true or false. The system did not make our habits of popular thought, but they made the system. The Mexicans had a constitution very similar to ours, but there was no sound and enlightened state of public opinion to execute it, and the instrument failed in their hands which has been so successful in ours. Should the public opinion of this country ever become debased and degraded, there is nothing in the provisions of this constitution which could save us. To place our government in such keeping, would be to consign the delicate and complicated machinery of a locomotive to unskilful hands, in which we should move with swifter pace to a common ruin. The democratic principle in government, like steam in the physical world, is the most powerful of agents, but like steam it requires the most careful and delicate management.

Mr President, it is the highest province of an American statesman to influence, and in some measure, guide public opinion; and he who knowingly deceives or misleads the people, is responsible for the greatest political offence which can be committed under any system of government. He poisons the spring from which the whole city is supplied and deals death in the water which is indispensable to life. I have great faith in the public mind of this country when it is truly informed and time is given for deliberation. But the march of events has been so rapid that we are suddenly called to act upon propositions which heretofore had scarcely formed the subjects of speculation. Schemes of ambition vast enough to have tasked even a Roman imagination to conceive, present themselves suddenly, as practical questions; and visions of splendor, which ten years ago we should have classed amidst the delusions of "mirage," are fast assuming form, substance, and reality. The disintegration of all the social elements in an empire covering more than 1,500,000 square miles of territory, and comprehending more than 9,000,000 of people, according to the estimate of Muhlenfordt. The annexation of that territory, and the union of those people, aliens in race and hostile in feelings to ourselves, with equal rights and privileges, or their subjugation as a dependant province, are amongst the practical questions forced upon our consideration. These questions are here, sir, here in our midst without even the premonition of those shadows which are said to give warning of coming events. So suddenly have these considerations pressed themselves upon us that the mere current of events is leading us to the establishment of precedents if not of principles, which affect the entire framework of our government. The most despotic of all powers—the power of the conqueror over these eight or nine millions of people is exercised by the executive branch of our government without the least participation of Congress—for which, I by no means censure him, as it was, perhaps, inevitable in the absence of all law in relation to the subject. Nor, are we perhaps, to be blamed for the want of action in this matter? Our system was not founded for conquests; our habits as a people have not been those of war, and there was no preparation for it at the present because it was not foreseen time to make it. But, Mr. President, difficult and embarrassing as are these questions we have to meet them. It is time that we were determining upon the true objects to be pursued in this war, and nothing would, perhaps, facilitate a correct conclusion upon this subject more than a determination as to the true ends of our national existence, and the proper mode of conducting our progress as a people. This, in my opinion, is the problem whose solution in the public mind is to precede its determination as to the objects of the war. Nay, sir, it presents the great considerations which will

mainly determine the future course of our foreign relations. I waive all discussion as to the justice of the war or our capacity to subjugate the Mexican people entirely and completely. I shall treat the question as if there was no doubt of our power and right to manage the whole matter in reference to our own interests, in order to see if we may not attain results, from this point of view, which are consistent with our duties to humanity as well as to ourselves.

If we could choose our mode of progress, (and happily we may, as I believe, if we would select the best,) in what manner should we regulate it? Shall we accept it as our mission to plant and inhabit the wilderness, to reduce the waste to human uses, and fill up what is open to us with a homogenous and fraternal people? Are our triumphs to be sought in the peaceful arts, the noble achievements of civilization, the development of higher forms of social life, and the introduction of purer principles of political action? Is it to become and to become a self-educating, self-sustaining, and a self-governing people, so true to themselves and so just to others, as to be able to increase their physical without loss of moral power, to any extent never before witnessed in the general case of man? Or are we to pursue another course, and imitate Roman and British examples? Is the history of our successes to be written on the ruins of others; and are our achievements to consist in subjugating nations and conquering provinces? Is it to be our glory merely to extend our boundaries without adding to our own happiness, and without reference to the rights or sufferings of others? In other words, shall we grow as the oak which strikes the root deeper as it extends the branches, and increases in size without impairing the symmetry or destroying the just proportion of any of the elements of its strength and elegance? Or shall we climb like the vine which destroys what it clings to, and under an outward form of beauty and of life, covers and conceals decay and death within? Mr. President, we are now strong enough to feel that either career is open to us. Both roads lie before us, and it is for ourselves to determine which we shall pursue. But I trust that we shall not long hesitate as to the end before us. The more I consider the nature of our government, and the circumstances of our people, the more firmly I am convinced that a taste for peace is indispensable for the high development of our social advantages, and the complete fulfilment of a greater destiny than any nation has yet achieved.—The circumstances attending our early settlement on the continent, the nature of our institutions, the cotemporaneous expression of the opinions of the fathers of the republic, all seem to indicate that the hand of God and the voice of man alike invite us to the peaceful nature of the mission upon which we were sent.—The combination of a great amount of physical power, with a high degree of liberty, of all political ends, seems to have been the most difficult of attainment. I know of no instance in which the two may be fairly said to have been united. Indeed, I know of no people whose form of government and whose physical condition justly entitled them to hope for a union of both, except our own. Planted in the wilderness more than two hundred years ago, they have extended their occupation of it as they grew, under every circumstance which could favor freedom of thought and energy of action. Subjected to no pressure of moment from without, they enjoyed every advantage in their training for self-government. Growing up gradually as a homogenous people, they acquired political knowledge from experience, and the changes to which they were exposed being in the direction of their habits, they were prepared to meet them. On the one hand, the extent of unoccupied territory saved them from the dangers of a crowded population, which are said to be most trying to popular governments; whilst on the other, many favoring circumstances concurred in forming a public opinion sufficiently sound and enlightened to direct a government safely. Nor was this all; they were fortunately, no, sir, providentially, settled in separate communities, separated not in race or feeling, but according to physical differences, which in some degree gave a local tinge to public sentiment. They came together as separate communities, and upon conditions which enabled each State to develope its peculiar genius, and placed them under common bonds only for the common defence and the free interchange of trade and intercourse with each other. A voluntary association of free republics was thus formed, in which, by a skilful distribution of duties, and a wise classification of interests, the whole subject of government was placed within the reach of popular control. The sense of the people was taken by parts in matters effecting only the parts, and their action became common only where the interests were general. This form of the federal principle presented man for the first time in his history a rational hope of solving practically the great problem of accumulating social power in large masses, without prejudice to individual freedom. The capacity of despotic governments for extensive dominion has been many times attested; but their experience seemed to prove that individual liberty was the price to be paid for it. For the first time in the annals of man, a rational prospect for empire was opened to the democratic principle in its progress, through the voluntary association of our free republics, whose strongest cohesive bond consisted in the common sympathies and sentiments of a common race. As if nothing should be wanted for future development, unoccupied territory lay before them, boundless it would have seemed, "as wish could claim," to convert this wilderness to the uses of civilized man, to settle it with a homogenous and fraternal people, to cultivate a sound and enlightened public opinion, and institute a government which should depend upon and reflect it, were the great aims of our fathers. It is plain that they believed that the interests and tastes of our people would lead to peace; and upon this supposition founded the hope of accomplishing such a destiny. The government was organized with strength for defence; but there is not a feature in it which fits it for conquests and aggressive war. No extensive war of this character could be carried on for ten years, without destroying the balances of our government, and changing the distribution of power amongst its parts. We are strong enough to make it the interest of others to avoid a conflict with us; and we are so organized and circumstanced as to have ourselves the deepest interest in peace. If we can fill this vast country, over which we have title, from sea to sea with a fraternal people, virtuous and wise enough to administer their own government, and provide for all the wants of a highly refined civilization, we shall have done more than ever was effected before, and enough to satisfy the loftiest aspirations of ambition. But it must be confessed that the difficulty of the task increases with the extent of our territory and the numbers of our people, although of kindred races and with kindly feeling. That the diversities of sectional interest, and the relative power of the Executive increase with the extension of territory, is scarcely to be denied. But with the great improvements in the means of intercourse, and the steady march of popular intelligence, it is perhaps not extravagant to hope that our race may grow to this greatness with capacities improved by exercise, and powers gradually developed in the discharge of the new duties imposed upon them by their growth. What other people ever enjoyed the prospect of attaining such power without crime!

But to reach this consummation it is essential that certain conditions must be observed in the course of our progress. As our empire extends we must diminish the action of the central government on the parts to avoid the double danger of increasing the tendencies to sectional division and the undue growth of Executive power, which becomes relatively greater in our system as we multiply in numbers. This cannot well be done with the expenditures and the funding system required by frequent wars. It is necessary too, that the vast country which we are to occupy should be covered with a homogenous and fraternal people, a people growing in intelligence as they increase in power, to justify us in hoping for that harmony of sentiment, and sound and enlightened public opinion, which are indispensable to the successful administration of popular institutions. This cannot be expected if alien and hostile races are to be suddenly incorporated in our body politic. Indeed it is much, the less sanguine might say too much, to expect to accomplish the ends which I have supposed to be within the legitimate range of our hope. Still, sir, I believe it may be done, if we are true to ourselves and faithful to our mission. We have already accomplished so much, our past course has been so wonderful and successful, that it would seem to be not extravagant to entertain this hope for the future. Experience demonstrates that the progress of public intelligence and virtue diminishes the range of the necessary interference of government, and places under the control of public opinion and the guidance of individual interest many subjects which heretofore have been regulated by law. If the cohesive power of the bonds by which our society is held together is daily weakened by the extension of our population, it is also daily strengthened by improvements in the means of intercourse. The introduction of the principles of free trade removes many of the causes of sectional jealousies and diminishes the subjects of necessary legislation. If the extension of our people increases the difficulties of free government, the march of mind developes new resources for overcoming them. That there are limits to this capacity is not to be denied; but it is equal, I believe, to the accomplishment of the mission upon which we were sent. Can a more magnificent destiny be conceived than the realization of such hopes? To fill a continent of space with all the elements of light, life, and civilization, in their purest forms and highest combination—to wring from the reluctant grasp of earth the fruits which she yields only to human skill and industry, and to discover resources in the boundless stores of nature for every new or increasing want which a progressive civilization may develop—to acquire a moral influence more extensive and enduring than any power of the sword, and which enforces homage, not from the lips, but the heart of every human being who can feel the force of benificent example. Happy ourselves, and the cause of happiness in others, what higher destiny could we offer to Him who has endowed us with such unparalleled advantages, than the spectacle of such a power guided by the spirit of justice and moderation, and directed to virtuous ends? But, Mr. President, great, glorious, and exciting as is this picture of our future, we must reverse it all if we take the other course, and launch into a career of war and conquest. If we expect to increase from plundering the stores of others, if we wish to acquire glory from the skill with which we work that human machine called an army, and to emulate the march of those who carved their way with the sword, it may be well to look to the end of that road before we take it. Undoubtedly we have the power to become a scourge to others, but there is danger that we may leave our own life in the sting. There are daily symptoms of a growing disposition in the public mind for wars of conquest, which I have observed with the deepest regret. The conscious vigor of early manhood is generally ambitious of display. But, I believe, that there could be no impartial and intelligent observer of our position and the circumstances which surround us, who would not decide that it is ourselves more than others whom we need to conquer. We already hear of a public opinion forming for the absorption of the whole of Mexico or its annexation as an dependent province. No such propositions have been formally made in this body; but

the tone of some of the public prints and much that has fallen from Senators in the course of this discussion are well calculated to inspire apprehension in relation to the growth of such desires. Sir, I was glad to hear the chairman of Foreign Relations declare that the President entertained no such idea. I had not supposed that he would have indulged it—but I felt most deeply the force of the declaration of the distinguished Senator that the course of events might force us in that direction. I was gratified to hear the Senator say that he had no such purpose at present, but the course of the argument in which he met the views of the able Senator from Tennessee struck me as ominous and alarming. The Senator from Tennessee presented a striking and glowing description of the evils likely to ensue from the execution of these schemes, and the Senator from Arkansas met him with arguments designed to show that no such dangers were to be apprehended from them; but on the contrary, if I understood him, that the consequences might be beneficial. Now, sir, why was this so, if the Senator did not to some extent favor the project under discussion? We all know that he is a practical man. He has no idle love for mere logomachy. He did not use such arguments merely to show that his ingenuity was equal to the task of making the worse appear the better side. No, sir, he presented these views because he felt their force and believed in their truth, and I, for one, regard these declarations as amongst the most ominous signs of the times. The distinguished Senator from Michigan, chairman of Military Affairs, has expressed the opinion that we might swallow all Mexico without its killing us. and my attention has lately been called to a letter from the second officer in this government to a public meeting in New York, in which he seemed to consider it as neither an improbable nor inglorious idea that we were to assume "the guardianship of a crowded and confederated continent." Where are we, Mr. President? What has become of those maxims of prudence and caution by which we used to regulate the course of our public affairs? What new lights have beamed upon us since, under what shadow is hidden the dim religious ray of that lamp of experience by which our fathers were wont to guide their feet? It seems to have been lost sight of in the intensity of our gaze upon the Aurora Borealis of 54° 40', or the more attractive lustre of the Southern Cross towards which our God Terminus seems to be advancing with all the speed of forced marches. Can it be gravely contemplated, Mr. President, to incorporate eight or nine millions of such a people, aliens in race and hostile in feeling with our own? Is there nothing in the free Anglo-Saxon spirit which revolts at the idea of an equal association with such a mixture of Spaniard, Indian and Negro? Would our people ever agree to admit such a population to equal rights and privileges with themselves; or would they submit to a government in which it was felt as a powerful political element? Where then would be found that sound and enlightened public opinion which is the moving power and living principle of our government? Where the cohesive bond of the fraternal spirit of a homogenous people which is so essential to just and harmonious action? The Mexicans have tried the experiment of administering a government like ours, and failed from the want of public virtue and intelligence. Would they become better by association with us, or should we become worse? Mr. President, should the experiment ever be attempted of incorporating such a population with ourselves it will be found that our people will not submit to it. The Union would be dissolved, or our form of government would be changed in effecting it. But the Senator from Arkansas has a summary mode of disposing of this difficulty. He says, if I understand him, that he would "enact proper naturalization laws which treated the white man as a white man, and the Indian as an Indian." Does the gentleman forget that the Indian and mixed races constitute six-sevenths of the entire Mexican population? Does he remember that these Indians are the descendants of those who more than two centuries ago had established a civilization whose monuments still strike the beholder with wonder and admiration? A civilization, perhaps, not very greatly inferior to that of his invader. Does he forget that these people, after the first Mexican revolution, were admitted to equal rights and privileges with the other races, and to some extent have enjoyed a share in the administration of justice and the direction of the government? When he reflects upon the nature and constitution of our own legislature does he expect to be allowed to place these people under the government of Indian agents? Is he quite sure that he would have to meet none of those questions to which a Southern man is most sensitive, in his attempts to regulate this Indian government according to his wishes?

But there is another form of the proposition which is more dangerous, because it is more plausible. I mean the annexation of Mexico as a dependent province—a scheme which, I fear, many entertain, and which, some of my friends assure me, is daily growing in popular favor. Where, sir, is the warrant for such a proposition either in the spirit or letter of the constitution? The letter certainly contains no such authority, and if the spirit of our past professions and institutions assert any one thing more emphatically than another, it is the right of a people to self-government. To hold a foreign province for military purposes during a war, is undoubtedly legitimate; but to hold peopled provinces as permanent dependencies, is utterly incompatible with our system of government. It requires the pencil of no extravagant fancy to depict many ruinous consequences of such a measure; but who can point us to its benefits? What are we to gain by it? We should have the care and trouble of governing them, and if they paid the expenses they would do more than is done by most provinces, or any of the civilized nations in modern times. The taxes to support their own government are as much, or more, than any civilized people have borne in later days. There is, I believe, no dependency of the British empire, whose government has not cost more than its people contributed. There is no government in Europe, heavily taxed as are its people, which has not incurred a debt in addition to the expenditure of all that could be raised by annual taxation. The expenses of their governments and of the wars necessarily incident to their separate national existence, have been greater than any civilized nation has paid—our own being no exception to the rule; for all are in debt, and in debt incurred for the support of their governments. How, then, can we expect to secure a pecuniary indemnity by retaining Mexico as a province? With all the inducements of national pride, they have never been able to support the government of their own choice, and is it to be expected that they would do more, or could be made to do more, for a government of foreigners which was odious to them? If not raised by taxation, where is the money for indemnity to be obtained? They have no national domain of much value of which we are aware. The mines are private property, and would probably yield us but little more than they have already produced in taxation to the Mexican government. No one would propose to confiscate private property, or that of the church. Sir, the result would be, that we ourselves should be forced to contribute largely for the expensive amusement of governing a people who detested us and our yoke. It would constitute an annual drain upon us of millions to sustain the public officers and the army necessary for their permanent subjection. I repeat the very pertinent inquiry of the Senator from Tennessee, what should we do with their church establishments? The Senator from Arkansas said, as I understood him, that other nations had overcome such difficulties, and why might not we do the same thing? The gentleman forgets that we have a special difficulty in the way, which they did not have to encounter. Ours is the only government, with which I am acquainted, whose constitution positively forbids a connection between church and state. In all other governments, with, perhaps, one exception, such a connection exists; but our constitution forbids it, and the religious and political feelings of this country would both require that there should be no church established by any government over which we had control.

[Here the Senator from Arkansas informed Mr. H. that he had misunderstood him, he had proposed religious toleration as a mode of escaping the difficulty.

I beg pardon, Mr. President; I did not mean to misrepresent the Senator from Arkansas, but his correction only brings me the more speedily to the conclusion to which I was arriving in another mode. Yes, sir, we should have to introduce religious toleration, and dissolve all connection between church and state, if we assume the government of that people—a step which would increase vastly the difficulty of holding that country as a dependent province. Whoever will examine the nature and constitutance of that population, and survey their past history, must be convinced that the church is the key-stone of the arch which has sustained the fabric of Mexican society. Four-sevenths of that entire population are Indians, two-sevenths of the mixed, and only one-seventh of the pure white race. A hierarchy seems to have been peculiarly suitable to the genius and tastes of the larger and more suffering portion of that people; I mean the Indian race. It is difficult to believe, that without this common bond of a church establishment, there would not have been frequent wars between the races, or that we should have seen even the little of unity and harmony of national movement, which their history has exhibited. Destroy this, as we should be constrained to do if we assumed their government, and we should not only destroy whatever social unity exists, but we should have to encounter their positive hostility inflamed by religious zeal, in addition to the opposition of the *aristocracy* and military character, formidable enough in itself. Suppose these difficulties in our way, the man is not yet born who would outlive the necessity of a large standing army in that country, to keep it in subjection. I venture to say that it would prove the most expensive dependency with which any nation has ever been cursed in modern times. But, Mr. President, this is not the most serious view of the question. What would be the political effects of such a measure upon ourselves? To whom would secure the vast power and patronage of such a government? I know, sir, that the Senator from Arkansas estimates lightly this matter of patronage, and for no other, or better, reason, than that its exercise gives trouble. But patronage is power, and when has power been an object of indifference to ambition? No power can be exercised without trouble, but we do not see men pursuing it the less eagerly on that account. It was not thus that the fathers of the republic reasoned, and I trust that the day is far distant when our people will consider the questions of patronage, and its effects upon the distribution of power in our system, as light and unimportant matters. Sir, this power and patronage would enure to the President of the United States, who would appoint all the officers, and direct the army that conducted the government.—There would be no department of that government elected by our people, but every man concerned in it would hold his office from the Executive. The whole benefit derived by any body from such an occupation of Mexico, would be derived by those officials, who would enjoy the profits of the job of governing the country, and these would hold their places at the Executive pleasure. How long could we expect him to be true to both his functions as President of the United States and Mexican Imperator? Is there no danger that he would use his Mexican royalty to acquire a more

permanent tenure of office at home? For all moral and political purposes he would be the sovereign of both. It is idle to say that the elective feature of the office would restrain him. With such powers and patronage he would regulate the course of several elections as he pleased, or dispense with both if he deemed proper.—When we estimate the fatal influences of hundreds of millions of funded debt, which the wars necessary for the permanent occupancy of Mexico upon these terms would occasion, and add to all the effect of the enormous additions to the Executive patronage, is there any sanguine enough to hope that our republic could expect length of days under such a system of things? But the hope, idle as it is, seems to be entertained by some, that Mexico could be made to pay the whole of these expenses and maintain the army necessary for her subjugation. Suppose it were the case, we the representatives of a self-governing people, are far from being vigilant enough in supervising the expenses of our government, who would there be to watch with any thing like a guardian's care over expenditures in Mexico, when our own constituents contributed nothing to pay them? I can tell you who would investigate them closely and be alone—I mean, sir, the President of the United States, who would derive all the benefits—he would look closely to the revenue, from which he sustained a power exterior to, and in a great measure independent of, the people of the United States. It has been said by an acute writer on Roman affairs, that the first change in their polity which was fatal to liberty, occurred when Scipio Africanus, to relieve the Roman people from some of the burthens of war, was allowed to raise the supplies necessary for his African expedition, in the province which was assigned to him and the allied towns in which he was popular. To a great extent the supplies were thus raised, and the Roman people relieved from immediate pressure; but the first of a long line of precedents was established, which made the military independent of the civil authority, and ended in giving it the entire mastery of the government.

If we entertain Roman ideas of conquest, we must refer to Roman examples to see how far they are consistent with liberty.—But it may be supposed that the indirect advantages derived from a trade with Mexico, regulated with reference to our own interests, would compensate us for the expenses of subjugation and government. A little reflection, I think, will dispel that illusion. If we obtain the wild country along the northern frontier of Mexico, together with some of the ports on the Pacific, we shall stand in such a relation to her that the result of a high tariff imposed by her would give us nearly the whole trade, as it could not possibly be enforced against us on such a line. If, on the other hand, her tariff be low, we should enjoy nearly all the advantages of so unrestricted trade, without the expense and the crime of her permanent subjugation. Indeed, putting aside the question of expense, I believe that the direct pecuniary gains of a commerce under low duties, with a people improving and increasing under a government administered by themselves, would be far greater than even an exclusive trade with such a people as they must become under a foreign yoke. Few will doubt that our trade with Great Britain, with all the burthens imposed on it by tariffs, has been more advantageous to the mother country than it would have been if the former state of colonial dependence had remained. But, Mr. President, I have only touched upon a portion of the consequences that would inevitably result from such a step. If we once commence the career with the absorption of Mexico by conquest, and the experiment should result as favorably as those expect who incline to the measure, is it probable that we should or could stop at that point? Is there any instance of a nation that paused in such a career, until forced to do so by domestic misfortunes or superior force from without? The very class which war creates, and which it supplies, by conquest, with the means to obtain the mastery at home, will ever continue to push that career of conquest so long as the opportunities of plunder abroad afford the temptation to advance. The moment they are prevented from plundering abroad, they commence the same operation at home; and it unfortunately so happens that in empire gathered by conquest the only practicable limits ever found to their power has been in the exhaustion of the subjects of their exactions. Sir, this class is no mere creature of my imagination; it is one known to history, and has been so well described by one of the masters of human thought and of the English language, that I shall beg leave to borrow his words for the description: "The wars of civilized nations," says Dr. Johnson, "make very slow changes in the system of empire. The public perceives scarcely any alteration but an increase of debt; and the few individuals who are benefitted, are not supposed to have the clearest right to these advantages. If he that shared the danger enjoyed the profit, and after bleeding in the battle grew rich by the victory, he might show his gains without envy. But at the conclusion of a long civil war, how are we surprised for the death of multitudes but by contemplating the sudden glories of paymasters and agents, contractors and commissaries, whose equipages shine like meteors, and whose palaces are like exhalations?

"These are the men who, without labor or hazard, are growing rich as their country is impoverished; they rejoice when obstinacy or ambition adds another year to slaughter and devastation; and laugh from their desks at bravery and science, while they are adding figure to figure and cipher to cipher, hoping for a new contract from a new armament, and computing the profit of a siege or a tempest."

If this career of conquest should ever be favorably commenced by us, there is no power in this country to stay it, until it is stopped by the hand of God and the retributive dispensations of providence. Sir, I firmly believe that before any foreign opposition could be found in sufficient strength to stop it, we should fall to pieces by our own dissensions, or our government would take the organization most suitable to the ends of conquest, and assume a despotic form. The debts which these wars must occasion, would lead to heavy and unequal taxation, and to bitter sectional disputes, under which our people would divide, if they did not think it better to take refuge under one master, to escape the exactions and tyranny of many. Of all the governments with which I am acquainted, our federal government is most endangered by heavy taxation upon the people; and there is none so little capable of enduring a large national debt without an organic derangement of its machinery. A large class living upon the funded debt of this government, would be more dangerous, if not more terrible to it, than an army with banners. It has been well said that the most important revolution in the English government occurred when the funding system and the bank were established in the reign of William of Orange. From that period a fourth estate arose in the realm, which gradually attained the mastery of all. So rapid was its rise that its tendencies were foreseen and denounced by Lord Bolingbroke at that early period of its growth, and Lord Chatham, in a fit of impotent rage is said to have declared that—'when the lands are falling, we may be sure the country is rising'—but, as if possessed of some invisible power, it grew in spite of the fear and hate of the British people; and the "cannibals of Change Alley," as Chatham called them, soon became the arbiters of the fate of nations. They held a mortgage upon the future labor and productive power of the country, and taxed it to an extent which would have been deemed incredible had we not witnessed the reality. They worked the machinery of currency, and holding the very sinews of motion in government, their voice was alike potent in war or peace. The clay feet of the colossal image of French power crumbled in their grasp, and the British shuttle plied and the British hammer resounded at unusual hours of the night, uncommon as the first was, at the secret power as whose fiat they were moving, or of the invisible hand which was silently dividing the loaf in every palace, in every hovel, in all the habitations of the land. Colonies were added, empire was enlarged, the British name was emblazoned in glory's most dazzling dyes, but the stockholders mortgage was increased, and British sinews were to be still farther stretched to provide the interest. The two acts of the Bank suspension, under Mr. Pitt, and the resumption of specie payments, under Mr. Peel, in 1819, both of which were passed under this influence, are said, by a mere alteration in the standard of value, to have given the fund holders more than 100,000,000 pounds sterling, or about $2,000,000,000, more than they were entitled to; and their mortgage upon the entire industry and productive power of Great Britain amounts now to eight hundred millions of pounds sterling. This, sir, is the fourth estate which has arisen in the British empire only since the days of William of Orange, and now holds undisputed mastery over all the others. Can we raise such an interest and such a class in this country, and hope to retain our free form of government long afterwards? Our government is founded upon a theory quite different from the English. It is worked by public opinion; it is constituted to reflect the interests and the feelings of the people, whose sense is taken by parts in such a manner as to obtain every possible security in self interest for the expression of just and sound sentiments. What becomes of the palaces of our equites or monied aristocracy, or of the power of the people to work it, if we create a large public debt, and raise up a class who live upon taxation, and control not only the currency, but what is far more, the value of the entire credit of the country, for even to that last extremity must its power extend. There is now but one estate in this country, constituted of the entire people; shall we raise up another of fundholders, perhaps the more powerful of the two? This, sir, is no contingency; it is a certainty for which we must prepare, if we enter into a long career of wars of conquest, which necessarily occasion a public debt. I know of but two very successful instances of empire achieved by conquest, by a people pretending to be free, the Roman and the British, and the apparition of this monied interest preceded the decline of the one and possibly presages the fall of the other. The result of the Roman career was to raise up two powers in the country: the army and the equites or monied class, who lived upon the management and the plunder of the public fisc. If they were not so predominant as the English stockholders, it was because the funding system was then unknown.—The struggle of Cato against the one was as vain as Chatham's impotent outburst of passion against the other. They were the necessary fruit of a constant state of war. That they owe their origin in England to this cause is too notorious to require proof; nor will any one deny their predominant importance in the British system. They have not destroyed the form of government as yet, because it was framed upon different principles from ours; it was organized to enable the few to govern the many, and wonderfully constructed for such an end. The addition of the fund holders to the governing class increased their numbers and added to their strength, so long as there was a capacity in the mass to support them both. But when that limit is transcended, and that portion of the governing party who hold real property and pay taxes, find that they are called upon to contribute more than they receive from public contributions, then will commence the struggle in which the great body of the people may profit by their dissensions, and change, perhaps, the whole fabric of their government. But does any man believe that our institutions could exist under

the weight of taxation to which the British people have been exposed. Sir, there is not power enough in this government to impose and collect such a tribute from the great body of our people.

Mr. President, I have drawn some of my illustrations from Roman and British experience, not only because they furnish the most apposite instances, but because their examples I fear are too familiar and seductive to the imaginations of our statesmen. And yet, sir, when fairly analyzed, they are not worthy of our imitation, nor did they produce results equal to the hopes which we may justly entertain from pursuing another career. They had, too, an excuse which we cannot offer, the career of conquest was in some degree forced upon them by their position which made it almost necessary for them either to conquer or be conquered. No vast and contiguous and unoccupied domain lay before them to people and plant—fierce, powerful, and hostile neighbors surrounded them—but we are more fortunately situated. Nor did they achieve their success without paying penalties for which no acquisition by conquest could be considered as compensation to us. The very extent of Roman dominion produced a necessity for organic changes in their government; to preserve the unity of the empire, it became necessary to extend the privileges of the conqueror to the conquered. The haughty Quirites were forced to admit the Spaniard and the Gaul to seats in that Senate, which it had been so long their exclusive privilege to fill—the influence of the provinces which their arms had subdued, conquered in the end the Roman spirit itself. In such an empire the equality of law and self-governing citizens became impossible, and they sought equality in what has been well characterised as the "dead level of an oriental despotism"—Rome, the Imperial city, lost all that commands respect in power and was restricted to the meretricious influences which a metropolis exercises over a court. This was in the nature of things—Unless there be a fusion of races between the conqueror and conquered, the body politic can never exhibit the united power of both, but its real strength is different as between the greater and the lesser of the hostile elements—If the conquered are admitted to equal privileges with the conquerors, they will subdue them by influence when their strength becomes the greater of the two, If not admitted to such a participation, they will subdue the conqueror by force when their political and military power becomes adequate to the task. It may be said that the British example presents more encouraging hopes. But would we take her conquests along with her debts if we could? or could we administer a government over such dependencies without a change in our own institutions? Considering their whole effects, political and moral, as well as commercial, on the great mass of the British people, an impartial observer would probably decide that they had little cause to rejoice over them. Her's is an isolated case in history. For the last two or three centuries as a community of armed traders she has propagated commerce by the sword. As she gradually loses her commercial and manufacture superiority amongst civilized nations she forces open new markets amidst the inferior races who cannot for centuries, if ever, hope to rival her in such pursuits. For the re-imbursement of the expenses of conquest, she looks to exclusive privileges in trade and this monopoly she preserves with the sword. How this account may stand as a matter of pecuniary profit and loss, I confess I am unable to determine. It is to be reckoned amongst the doubtful problems in political economy. The armed shepherd, the armed priest, and the armed trader, have each spent their day on the earth in their turns—the accounts of the two first with posterity have been settled long since, but the last still remains to be closed. How the balance sheet will stand I do not pretend to be able to determine. But of this I am certain, that it is no example for us to follow. For independently of the political consequences of such a career, I am convinced that we may attain all the commercial advantages of a superiority in the markets of the world by pursuing the course marked out for us by nature, and peacefully extending our limits without violating the rights of others, or deranging the machinery of our own government. Commercial superiority will belong to those who are superior in social organization, in civilization, in the useful arts, in the elements of productive power, and in the advantages of access to the markets most valuable to a commercial people. Such a people as ours peacefully developing under its institutions and filling the vast extent of wild country open to our occupation from the Atlantic to the Pacific shore must enjoy that superiority if they remain true to themselves and their mission. Our mission is not of arms, but of arts, and every hour of peace is rich in golden opportunities for its accomplishment. It is not to be supposed that we will not be exposed to occasional wars, and I am happy to believe that we have ample security in the spirit of our people against the aggressions of others. But that spirit needs no spur, the danger is that its generous impetuosity may spurn the wholesome restraints which should moderate its course.

Mr. President, I have examined the question of the true mode in which our future progress is to be conducted, because I firmly believe that it is a subject upon which the public mind is busy at this time. Their conclusions upon this matter, will probably determine them as to the objects for which the present war is to be waged and upon that subject I fear that there is a great and dangerous conformity of opinion. Those who believe that the highest point of our grandeur is to be reached by conquest, incline with more or less distinctness of view to the annexation of all Mexico, whilst those who think as I do that we can only become a great as well as a free people by preserving our homogeneous character and increasing by growth, desire to direct our march to the unoccupied country which we now possess, and ought to acquire from her when we close the war. To this extent I would go and no further—I do not want their people, I neither wish to govern them, nor have their aid in governing ourselves. But I have many reasons for desiring to acquire a portion of their territory contigious to us which is so nearly unoccupied that the influence of these people could not be sensibly felt, as a political element in our system. Where that line should go, I do not pretend now to determine, but the limit beyond which it ought not to go, is fixed in my mind—upon that point my opinion is made up.

In specifying the acquisition of a portion of the comparatively unoccupied territory of the Mexicans as one, and perhaps the leading object to be pursued in the war, I do not mean to say that there are no others important to be obtained, but these are to be determined by the circumstances of the case when the treaty is made. But the acquisition of this territory will be important in many accounts. It provides not only for whatever indemnity for the war can be obtained, but also the means of satisfying the private claims against the Mexican government. It is a species of indemnity which would benefit both of the belligerents, for it would avoid one of the inevitable temptations to future wars between the parties. That this country is destined to be filled by the advancing wave of our population none can doubt, and it is equally clear that the Mexican race can never occupy it. To provide for this inevitable event in such a manner as to avoid the chance of a war, and secure its peaceable accomplishment is an object to be desired by both people. This consideration alone, as it seems to me, might satisfy the most fastidious in relation to Mexican rights or wrongs as to the propriety of making this acquisition of territory. But there is another which is almost conclusive. This country is mainly in the occupation of Indians. The Mexican population has receded instead of advancing into it, and the Indians are actually extending their borders southward. Now, the right to extinguish Indian title, and to substitute a civilized for a savage race who do not fulfil the condition of improving the land, upon which the practice of nations, and perhaps the law of nature gives property, depends upon the capacity to occupy, and without that capacity no people can fairly claim territory. If there is neither an occupation nor a capacity to occupy, the right to appropriate Indian territory for the uses of civilization belongs to those who have the capacity to do it, and of those capable of doing it, the contiguous have the best title. It may be said, that time has not been given to test fairly their capacity to occupy this country. But it is a persuasive, if not a decisive fact, that they are receding before the Indian population. I acknowledge that this consideration would not justify us in seizing upon this territory if the two nations were at peace; but it may fairly be estimated as strengthening the rights acquired in war. I make this admission, because the right to seize Indian territory upon the ground that the civilized nation claiming it has no capacity to occupy it can only be fairly exercised when the fact upon which it depends is ascertained beyond a doubt. Even then it may be a question of prudence, whether the war which it might occasion would not produce so much mischief, that the exercise of the right would probably not afford benefits enough to compensate for it; but the right itself is as clear as the right of the civilized man to appropriate sparcely populated savage territory to his own higher uses. The same reasoning, and the same laws apply to both cases. But be that as it may, Mr. President, the question is determined by the fact, which I believe exists, that a lasting peace between the two countries will depend upon such an acquisition. There is yet another object important to be obtained whenever a treaty is concluded, and that is to ensure a commerce with the Mexican people upon as favorable terms as other nations may enjoy. I do not mean that this should be a sine qua non, because the circumstances attending our position along her frontier would secure this result in the end, although they might not produce it as speedily as by immediate treaty stipulation. Still this object, though not indispensable, is desirable. I believe, sir, that the war ought to be conducted so as to secure these ends with as small expense of money, and as little effusion of blood as possible. I will go further, sir. I think it ought to be so conducted as to prevent the entire disintegration of Mexican society, and to leave as far as possible a just proportion amongst the elements out of which their social fabric is to be reorganized. It is our interest that they should become as free, as happy, and as prosperous a people as may be compatible with the capacities of their race. If I should ever live to see the return of peace, I should rejoice in the belief, if circumstances permitted it, that it was the harbinger of better days, and higher hopes to the Mexican people themselves. But, sir, the most doubtful question of all is, as to the best mode of so conducting the war as to attain these objects. Upon this subject, too, I have my opinions, but I am so conscious of my want of military knowledge, that I should not present them to those who have so much better sources of information, if I did not feel it to be due to candor, to present my views upon subjects which all are considering and discussing. I shall premise, sir, by the admission, that the conduct of the war is eminently an Executive function. Universal experience has shown the necessity for unity of purpose in the chief command of the operations of war. It would be as absurd as impossible for the two houses of Congress to plan a campaign, or direct the details of extensive military operations. When a clause was introduced in the federal convention empowering Congress to make war, it was amended, and the word "declare" was substituted for "make" upon the express ground that the conduct of the war was an Executive function. I do not deny, sir, that in an extreme case Congress could refuse the supplies for the purpose of stopping a war. This

[illegible] was not prejudiced by the transfer of the control. tution. They have the right, too, to declare the objects of the war, and [illegible] whether the possibility of [illegible] incompatible with the avowed purposes of hostilities. But, sir, [illegible] Executive function, and it must be an extreme case to justify the interference of Congress in relation to the plans of campaign. In declaring these my views as to the manner in which the war should be conducted it is [illegible] making any plan of campaign a condition of the supplies. No such extreme case has occured as would justify Congress, in my opinion, for such an interference. The responsibility of conducting the war is upon the President, and I am not disposed to take it upon myself by forcing on him a plan of campaign which his own judgment rejects. I shall vote for the supplies which he now asks, and has declared to be necessary as the means to enable him to meet his responsibilities, and I offer my views as to the conduct of the war for no other purpose than to contribute to a full comparison of opinions upon a subject which engages so much of public attention at present.

I would not change the present plan of operations until we ascertain that there is no chance for peace from the party coming into power under Herrera; but if no treaty should be obtained in the course of a few months, I think then we should adopt what has been denominated as the "line policy" first suggested by the Senator from South Carolina. I do not mean, sir, a mere territorial line, bounding the portion of country which we design to acquire, but a military line, comprehending more than we propose to take, and [illegible] suggested. I believe, sir, that this plan would have met with a much better reception, if it had not been misunderstood, and supposed to be a scheme of defensive war, when in reality it was offensive war, but in another form from that which is now pursued. I am in favor of occupying such a line, Mr. President, because it would secure to us all the legitimate objects of the war, as speedily, perhaps more so, than any other plan which has been suggested; because it would save much money and suffering in the future prosecution of the war; because it would diminish the vast patronage arising out of the present system of military operations; and last, but not least, "disentangle us," as the Senator from South Carolina has expressed it, from a dangerous connection with Mexican affairs. Several military lines have been suggested, all of them presenting advantages and having something to recommend them. I take one, for the purpose of comparison, which has been suggested to me by my friend, the distinguished Senator from Mississippi, (Mr. DAVIS,) whose knowledge of the subject and military experience give great weight to whatever opinions he may express upon this matter. This line runs from Tampico up the Panuca river to the Sierra Madre, with this range and thence to Agua Nueva; thence to the range of mountain spurs skirting the desert, and forming a species of table land whose streams empty into the Gila, and with this range to a point below the junction of the Gila and the Colorado, and thence to San Diego. This line, he informs me, can be impregnably defended, so far as Mexican means of offence are concerned, by 20,000 efficient men. This is a larger estimate than I have seen made for any other of the proposed lines, but this includes more territory, and to make the comparison fairly, I take the largest. With a sea-coast battery at Tampico, covered by a larger force at the head of navigation on the Panuca, a comparatively healthy place, there, or perhaps four other posts are all that would be required to be of any magnitude. Along this line there are but three or four passes over which artillery could be carried on its wheels. The concentric range of the Sierra Madre through most of the populated portion of the country through which our military line would pass, would increase its self-supporting capacity, and facilitate a concentration of troops if any military exigency should require it. After passing Agua Nueva a little, the country is already held against Mexico by Indian tribes, probably no formidable post would be required until we reached San Diego. Sir, I have his high authority for saying that such a line could be so securely held by 20,000 efficient men, that the people on its northern side would resume their agricultural operations, which are now disturbed by Mexican forays. The troops would thus be enabled to draw their supplies from the country on far cheaper terms than they obtain them at present. Such a line would cover territory enough to give us indemnity for the past and security for the future; for it would cover vastly more territory than we ought to wish to acquire, or than the Exective has already proposed to accept. It would cover some of the most valuable mines of Mexico, and place in our possession the passes indispensable to the trade between the provinces north and those south of the Sierra Madre, amongst which would be that through which the trade between Tampico and San Luis Potosi is conducted. Both the domestic and foreign interests of that province would have a deep concern in the speedy restoration of this commercial outlet to the Mexican people. We should thus create a strong interest for peace with us in the Mexican councils, and possess the means of enforcing a treaty which would secure to us all the objects which can be fairly proposed in the war, the acquisition of territory and a fair commercial treaty. Nominal war we might have for a time, but we should escape most of its real evils. This line, fitted to become the base of future offensive operations should they become necessary, and impregnable for defence, would be secure against any Mexican attack worthy of serious notice, at least until they had settled their divisions and re-established their government; and the moment this last was effected, if it was strong enough to stand at home, it would have the deepest interest in making a treaty with us, and recovering the territory which we were willing to restore. Our trade, too, would continue to be conducted with the Mexican people, to as great an extent as their condition and capacities admitted—for no legal restrictions could prevent the introduction of our goods through such a line into their territory. We might have nominal war for awhile, sir, under this state of things, as I said before; but we should escape most of its real evils. Even this nominal war would probably cease as soon under the policy which I propose, as with the system now pursued. The Senator from Arkansas says that the parchment title is something, and that we have the means of holding by force whatever we acquire by treaty. This is so, sir; and any arrangement which brings peace, and which he may consider enough, will not be, probably, deemed too little by me. But, sir, such an arrangement would not give the security for the future which the other plan would attain, nor would it probably diminish the nominal duration of the war—for the probability is, that the shadow of a government with which we might treat, would be overthrown the moment our troops were withdrawn, and there is an equal chance that those who succeeded would renew the war in name, though probably not in reality, as we should be secured in any territorial line which we should occupy. But, Mr. President, there is yet another strong consideration in favor of occupying such a line. If peace should not speedily come, we should save a great amount of human suffering, and diminish largely our pecuniary expenses. The losses amongst our troops from disease along such a line would be comparatively small, for most of the posts would be in a healthy country; and I think I have little in saying that thus placed, their losses in battle would be almost nothing. In a pecuniary point of view, the advantages of this policy are equally striking. To pursue the present plan of campaign, according to the best estimates which I have been able to obtain, would require at least 50,000 effective men under Scott's command, and some 10,000 or probably 15,000 troops on Taylor's line, and north and west of it. Sixty thousand efficient men are the least that can be estimated as sufficient for the purpose, and I have heard from high authority that 70,000 would be nearer the mark. Now, sir, the Senator from Mississippi estimates 30,000 men as the proper number to be raised, to give 20,000 efficient men for the occupation of his line, and according to that proportion, we should have to raise 90,000 men, to furnish 60,000 effectives, for the other plan of campaign. But, in point of fact, a much smaller proportion of the army would be efficient, when dispersed throughout Mexico, and exposed to all the casualities of disease, and the sword, than amongst men, performing for the most part garrison duty, on a line running through comparatively a healthy country. The difference between the numbers to be raised for the two plans, instead of being 50,000, would probably be nearly 60,000. But let us take the smaller number, and suppose that we save the expense of preparing and maintaining 50,000 men, in that distant country, we shall find the difference striking enough. There is no fair estimate of the cost of war in that country, founded on our past experience, which can make it under $300 per man. I exclude the bounties and the pensions incident on the greater casualities of active operations, and still we have a saving of $25,000,000, in the army alone. In the navy, we should save some two or three millions more, making a difference of expense, of between twenty-five and thirty millions per annum, as you act upon the one or the other plan. I believe, sir, that this is a small estimate. But it may be said, that I overlook the item of revenue, which we should raise from the Mexicans, on the one plan, and to some extent lose on the other. I fear, that our hopes in this respect, are far too sanguine. When we come to substract the additional expenses incident to the mere military government of that country, from what we raise by contributions from them, I fear the surplus will be small, not much more than we could raise with better means of collection, and fewer sources of expenditure, from the country north of the proposed military line. But suppose this fear to be unfounded, and that we could raise some six or eight millions by forced contributions, the difference in the expense of the two plans, would still be $20,000,000, or more. Is not this a matter worthy of consideration—I will not say in the present, but in any state of our finances? Sir, the time was, when the reduction of Executive patronage, which this change of policy would produce, would have been considered as a great recommendation of it to our people. That time, I trust, has not yet passed away. I do not believe that it has. But there is yet another consideration which weighs with great force upon my mind, in favor of the occupation of this line. It would disentangle us from all connexion with Mexican politics, and afford that people an early opportunity to reconstruct their government and social organization, according to their own wishes and necessities. It would save us from all fear of these terrible questions which would arise, if our people should be seduced by temptation, and incline to the permanent subjugation and annexation of Mexico. I believe there is a large majority of them opposed to such a scheme at present, but who can say where the current of events may carry us, if we break up the entire social system in Mexico, and become involved in the dangerous attempt to sustain a government for them. A state of things may arise, which might give them strong claims upon our sympathies, in their demand for our protection against the evils of a horrible anarchy, and the effort to relieve them, may involve us in consequences of the deepest hazard to our own prosperity and institutions. In every point of view it seems to me desirable that we should withdraw to some such line

as I have indicated, unless peace is speedily made. But objections have been urged to it, which I shall endeavor to meet. The Senator from New York says, that if we withdraw to such a line, there is danger of foreign interposition. He apprehends that the English and French governments mig'it interpose to reorganise Mexican institutions, according to their views and policy. Sir, I listen to every thing which falls from that distinguished Senator, with great respect. The mere weight of his authority upon military matters is much with me, but I am bound to say, that he did not make good his proposition, by reasons which were satisfactory to my mind. Sir, I regard the danger of foreign interference as much greater, if the present system of policy should be pursued, than if we take the course which I have suggested. A system of operations, which is calculated to destroy the entire fabric of Mexican society, and awaken the fear that we should make a permanent seizure, would be much more likely to provoke foreign interference, than a policy whose objects were proclaimed to be the abandonment of all, except a portion of the wild territory of Mexico, and the restoration of quiet, and the means of reconstructing their government by the Mexican people, as far as this could be done, without sacrificing our own legitimate claims. But if these governments entertain such views, what prevents them from interfering now? The Senator from New York would probably say, the knowledge that such interference would provoke instant war. And would not such interference have the same results, if we occupied such a military line as I have suggested. If their desire to interpose should be strong enough to induce them to hazard war, would not the temptation be far greater when our army was compromised in the heart of Mexico, than if it was posted on such a line as I have described, convenient to our resources, and strong for purposes of defence or offence. At which line would they be most tempted to strike, a base line from Vera Cruz to Mexico, depending for its support upon our naval superiority, or the one nearer to our resources, and so much more difficult for them to reach? I think there could scarcely be two opinions upon the subject. But in point of fact, I do not see much danger of the interference of those powers at present, and especially if we were posted as I have recommended. France is engaged just now, if I may use a word made classic by the distinguished Chairman of Military Affairs, in "swallowing" Algeria, and England is "swallowing" elsewhere, to an extent fully equal to her powers of digestion. But, Mr. President, the withdrawal of our troops has been deprecated, because it might lead to the establishment of a monarchy in Mexico. Sir, I trust no man entertains the idea of our maintaining an army in Mexico, to sustain and guarantee a government in that country, and if this is not proposed, the danger of the establishment of a monarchy by the Mexican themselves, is far greater under the present system of operations, than if we were at once to withdraw to a military line. The present system is fast destroying the old proportion between the elements of Mexican society, it disperses their army, weakens the property holders, who are not members of the priesthood, bears hardest upon the white and a portion of the mixed races, and is breaking down the republican element, which has heretofore scarcely been strong enough to resist the central and monarchial tendencies of the priests. The priesthood are but little weakened absolutely by the present policy, and relatively they are strengthened. We know enough of their past history and tendency, to perceive that it is an element in Mexican society eminently favorable to monarchy. They were of the party of centralistas, and their natural tendencies are to an absolute form of government. If the republican element is much further weakened they will have the most favorable opportunity for indulging their wishes. The relative power, not only of the priests but of the Indians, will be greatly increased. These last constitute four-sevenths of the population, and the mixed races two-sevenths more—the pure white is said not to exceed one-seventh of the mass. The natural tendency of the southern Indian races seems to be towards a despotic hierarchy. This tendency seems to be a national characteristic in the colored races. I know of no instance in which they have accumulated social power to any striking extent, except under despotic forms of government, and generally by a union of the powers of the priest and the monarch. The old Mexican and Peruvian nations were remarkable for the most highly refined despotisms of which we have any account. The moving principle in the civilization of the colored races seems to be social strength—with them society is every thing and the individual nothing. This was the strong point of contrast between the Indian system and the European civilization which developes more largely individual resources. Now sir, if philanthropy has an interest in grafting, successfully, the European principle upon the Indian stock, the chance, I fear, will be lost if the portion of the white race who belong to the laity, be much farther weakened before we withdraw. The temptation to establish a monarchy or hierarchy, I fear, will be irresistible if the priesthood finds itself and the Indians the predominant elements in society. But if we were to withdraw our armies now or in the course of a few months, perhaps the republican element might still be strong enough to control the form of government, and the white race still exercise a predominant influence in it. Mr. President, the Mexican social principle belongs to a distinct system of civilization, a graft of the European upon the Indian stock. Its capacities are perhaps not high, certainly inferior to our own; but still it seems to have a living principle which may serve some useful purpose in the general scheme of Providence. I should be unwilling to disturb it. I would not wantonly tread out the vital spark in any thing that lives. Their system has the growth of more than two centuries, and I would not unnecessarily destroy it.

But, sir, I come now to the last in the series of the objections which I have heard urged against what is called the line policy. It seems to be thought by some, that such a course would stain our military reputation. How could it possibly have that effect, or bear such a construction? We do not withdraw because we feel our inability to subjugate the whole of Mexico, but because it is inconsistent with our views of political or moral propriety to do so. We do not withdraw because we have suffered defeat, on the contrary, a long and unbroken series of victories has illustrated our arms. We do not withdraw because we fear future reverses, for we hold her places of strength and have but to close the hand to crumble the whole fabric of Mexican society in our grasp. We withdraw to accomplish our own legitimate purposes with as little suffering to ourselves and others as possible. In the shade of Cortes still wanders amid the ruined monuments of Aztec civilization, let it stand rebuked at the apparition of another of higher power and more elevated views, who forbears to destroy what he cannot improve and content with what may be necessary for his own uses, leaves the tree where God had planted it for those who require its shelter and take pleasure in its fruit. Sir, our army has done enough for military glory. Monumental marble and history's more enduring page will adorn and record their deeds. May the living long wear the laurels which they have nobly won, and may the fallen whose blood has watered the deadly bay and who snatched the flower, reckless whether it was to adorn the brow or consecrate the tomb, live in the affections of their countrymen—

> Their memories be together linked,
> Whom Greek or hell hereafter fate forges.

There are no further fields in Mexico in which we could add to our military reputation by exhibitions of skill and power. Moderation in success is as necessary as valor to complete the heroic character.

But, Mr. President, I cannot dwell further upon this subject. I have given my views because it was due to candor to do so, but as I said before, I shall not attempt to dictate plans of campaign to the President, whose duty it is to conduct the war and who is responsible for its efficient execution. If I were disposed to interfere I should see no practical result to flow from a refusal of the ten regiments, so far as the plan of campaign is concerned. The same plan would be pursued, but with forces proclaimed to be inadequate for the purpose, by those who are responsible for its execution. If extensive military operations are to be pushed from the heart to the extremities of Mexico, an adequate force should be provided for it. Considerations of peace as well as the interests of war require it.

Mr. President, I have discussed the questions before us in reference only to the proper objects of the war and the best means of attaining them. These are the practical considerations which press most forcibly upon us. I have not entered into any discussion of the origin or justice of the war. The first belongs not to our foreign, but our domestic relations, and the last it is too late consider. Our government and people are committed as to the justice of the war, and that question is no longer open here. If it were, what prevents those who believe the war unjust and that the territory in dispute belongs to the Mexicans, from acting upon the legitimate conclusions from such premises? What prevents them from advocating the abandonment of the country beyond the Nueces, and the offer of indemnity to Mexico for the wrongs which they believe her to have sustained? Such undoubtedly would be the consequences of those opinions, and yet there is not a man here, I presume, who would sustain such propositions. It must be because even those who entertain these extreme opinions believe that the question is no longer open. Why then agitate it and irritate the public mind by allusions which are offensive to it? The sense of national honor beats high in the American heart and its every pulse vibrates at the mere suspicion of a stain upon its reputation. But that same heart is warmed by generous impulses and noble emotions. If you would moderate its lust of empire and its spirit of acquisition, appeal to its magnanimity towards a feeble and prostrate foe—appeal to it in the name of the highest aspirations which can animate the human heart, the desire for moral excellence, the love of liberty, and the noble ambition, to take the post of honor among nations, and lead the advance of civilization. If our people are once awakened to a true conception of the real nature and grandeur of their destiny, the first and greatest step, in my opinion, is taken for its accomplishment. If my imagination were tasked to select the highest blessing for my countrymen, I should say, may they be true to themselves and faithful to their mission. I can conceive of nothing which it is possible for human effort to attain, greater than the destiny which we may reasonably hope to fulfil. If war has its dreams, dazzling in splendid pageantry, peace also has its visions of a more enduring form, of a higher and purer beauty. To solve by practical demonstration the grand problem of increasing social power consistently with personal freedom—to increase the efficiency of the human agent by enlarging individual liberty—to triumph over not only the physical, but more difficult still, the moral difficulties which lie in the path of man's progress, and to adorn that path with all that is rare and useful in art, and whatever is highest in civilization, are in my opinion, the noblest achievements of which a nation is capable. These are the ends to which our ambition should be directed. The sword may be the occasional, but it is not the familiar weapon of our god Terminus. The axe and the hoe are his more appropriate emblems. Let him turn aside

from the habitations of civilized man, his path is towards the wilderness, through whose silent solitudes for more than two centuries he has been rapidly and triumphantly advancing. Let him plunge still deeper into the forest, as the natural gravitation of the tide of population impels him onward. His progress in that direction is one of unmixed beneficence to the human race. The earth smiles beneath his feet, and a new creation arises as if by enchantment at his touch. Household fires illuminate his line of march, and new-born lights, strange visitants to the night of primeval solitude, kindle on domestic altars erected to all the peaceful virtues and kindly affections which consecrate a hearth and endear a home. Victorious industry sacks the forest and mines, the quarry, for materials for its stately cities, or spans the streams and saps the mountain to open the way for the advance of civilization still deeper into the pathless forest and the neglected wild. The light of human thought pours in winged streams from sea to sea, and the lingering nomad may have but a moment's pause to behold the flying car which comes to invade the haunts so long secured to savage life. These are the aspirations worthy of our name and race, and it is for the American people to decide whether a taste for peace or habits of war are most consistent with such hopes. I trust that they may be guarded by wisdom in their choice.

Mr. MILLER obtained the floor, and indicated his intention of addressing the Senate upon the bill to-morrow.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of Executive business, and after some time spent therein,

On motion,

The Senate adjourned.

TUESDAY, FEBRUARY 8, 1848.

RESOLUTIONS OF STATE LEGISLATURES.

Mr. BRIGHT presented a preamble and resolution passed by the Legislature of the State of Indiana, in favor of passing a law to provide for the payment of the claims of the representatives of Francis Vigo, for advances to the troops under General George Rogers Clark in the Illinois campaign; which were ordered to be printed.

Mr. CAMERON presented a resolution passed by the Legislature of the State of Pennsylvania, in favor of abolishing the postage on newspapers not sent over thirty miles from the place of publication, and such other modifications of the post office laws as will provide a uniform system of cheap postage on letters and newspapers; which was referred to the Committee on the Post Office and Post roads.

PETITIONS.

Mr. YULEE, in presenting the memorial of Benedict Madeore, Vicar General of Florida, and pastor of the church of St. Augustine, and the memorial of the trustees and members of that church, praying the re-transfer, to its rightful owners, of the property belonging to the church, which was improperly conveyed to the United States at the session of Florida, as public property, by the Spanish authorities; which were referred to the Committee on Private Land Claims, remarked that he had given a cursory examination to the papers connected with this memorial, and that he thought they exhibited a sufficiently fair ground for the title set up by the memorialists to entitle the claim to the deliberate consideration of the committee. He recommended the memorial to their attention.

Mr. BRADBURY presented two petitions of citizens of the county of Hancock, Maine, praying the establishment of a mail route from Bucksport to George's Corner, in that State; which were referred to the Committee on the Post Office and Post Roads.

Also, the petition of Alfred Marshall, Collector of the District of Belfast, in the State of Maine, praying an increase of compensation; which was referred to the Committee on Commerce.

Mr. STURGEON presented the petition of citizens of Allegheny county, Pennsylvania, praying a reduction of the rates of postage on newspapers; which was referred to the Committee on the Post Office and Post Roads.

Also, the petition of Samuel Blake, praying compensation for his services in taking the sixth census; which was referred to the Committee of Claims.

Mr. BRIGHT presented the memorial of Thomas L. L. Brent, praying to be allowed an outfit as Charge des Affairs of the United States at the court of Madrid; which was referred to the Committee on Foreign Relations.

Mr. MASON presented the petition of C. H. McCormick, praying an extension of his patent for a reaping machine; which was referred to the Committee on Patents and the Patent Office.

Mr. CAMERON presented the petition of Joseph Nock, praying an extension of his patent for padlocks, desk, chest and trunk locks; which was referred to the Committee on Patents and the Patent Office.

Mr. DIX presented the petition of John W. Leuchs, praying the return of certain goods seized by the Collector of the port of New York, for an alleged violation of the revenue laws, and indemnity for loss sustained by him in consequence of such seizure; which was referred to the Committee on Finance.

Mr. JOHNSON, of Maryland, presented the memorial of John Golder, praying remuneration for an alleged infringement by the Government of the United States of his patent for an improvement in the system of public finance; which was referred to the Committee on Finance.

Mr. WESTCOTT presented the petition of John P. Baldwin, praying that a register may issue to him for the schooner Robert Henry; which was referred to the Committee on Commerce.

On motion by Mr. CAMERON, it was

Ordered, That the heirs of James Bell have leave to withdraw their petition and papers.

TEMPORARY ENGROSSING CLERK.

Mr. MANGUM submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Senate be authorized to pay, out of the contingent fund, the person who performed the duties of one of the Engrossing Clerks of the Senate who was sick during the late recess, at the same rate of compensation as was paid to temporary clerks employed by the Senate, but that he be not again engaged.

NATIONAL FOUNDRY.

Mr. BAGBY submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of causing a survey and examination to be made with a view to the establishment of a national foundry at Tuscaloosa, in the State of Alabama.

MEMORIAL OF FRIENDS.

Mr. CAMERON, from the Committee on Printing, to whom was referred the motion to print the memorial of the representatives of the Religious Society of Friends for the States of New York, Vermont, Michigan, and some parts adjacent, praying for the settlement of the difficulties with Mexico by negotiation, reported that the same be *not* printed; which was agreed to.

SCHOOL LANDS.

Agreeably to notice, Mr. JOHNSON, of Louisiana, asked, and obtained, leave to bring in a bill to authorize the relinquishment of the 16th section in certain cases, and the selection of other lands in lieu thereof; which was read the first and second times by unanimous consent, and referred to the Committee on Private Land Claims.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed joint resolutions of the following title:

Joint resolution expressive of the thanks of Congress to Major General Winfield Scott and the troops under his command, for the [illegible] and gallantry exhibited by them in the campaign of 1847.

Joint resolution expressive of thanks to Major General Taylor.

To which they request the concurrence of the Senate.

NOTICE OF A BILL.

Mr. DOWNS gave notice that on to-morrow, or some early day thereafter, he will ask leave of the Senate to introduce a bill to amend an act entitled, "An act to provide for the punishment of offences committed in cutting, destroying, or removing live oak and other timber or trees reserved for naval purposes," approved 2d March, 1831; and for other purposes.

THANKS TO GEN. SCOTT.

The joint resolution from the House of Representatives expressive of the thanks of Congress to Major General Winfield Scott, and the troops under his command, was read the first and second times by unanimous consent.

Mr. YULEE.—I desire to suggest an amendment to the resolution, or at all events, I hope that the committee to which the resolution will be referred, will so modify the resolution as to make it embrace the officers of the Navy of the United States, who participated in the operations at Vera Cruz.

Mr. BADGER.—Introduce a separate resolution.

Mr. YULEE.—I hope these Naval Officers will be included.

Mr. MANGUM.—I trust that the honorable Senator will not insist upon a reference of this resolution. I think that the usual course has been to pass separate resolutions, and if the gentleman will propose a resolution of thanks to the officers of the Navy, it would meet with our cordial assent. I hope that this resolution will be put upon its passage.

Mr. NILES.—I think that this is a subject of some delicacy, and that the resolution ought to be referred. There is, I presume, no doubt that the body will unanimously agree to carry out the substantial purposes intended to be effected by the resolution. But the form of the resolution may be a matter of some importance; and it may be worthy of consideration, whether the scope of it is such as to do justice to all the officers, who have a right to expect even handed justice from us. I move its reference to the Committee on Military Affairs.

The resolution was referred to the Committee on Military Affairs.

THANKS TO GEN. TAYLOR.

The joint resolution from the House of Representatives expres-

resources, made its way through the heart of the enemy's country, descended into the valley of Mexico, contended with an army three times its number, strongly fortified in chosen positions, and fighting in defence of their country, beneath the walls of its ancient capital. The least mistake, the smallest blunder on the part of our commanding general would have been destruction to our little army; but there was no blunder, no mistake there. Through narrow defiles, down rocky precipices, along fortified causeways, storming embattled castles, that heroic band fought its way into the walled city of Mexico, and our flag now waves in triumph over its ancient palaces. All this has been accomplished by an army of less than 10,000 men. Well might the Secretary of War state in his report—

"That the capture of the city of Mexico, and the dispersion of the army of the Republic, could not have been accomplished by a force of inferior numbers, or one less capable of sustaining the hardships, encountering the dangers, and fighting the battles which attended the campaign."

When we look to another line of our operations in Mexico, we see that General Taylor is left there to maintain a defensive position with a force of only 5,000 men, the principal part of which were raw troops. He watched them at a time, too, when it was known to the administration, and to the enemy, was on the field with a large force ready to strike at the weakest point of our line. Santa Anna with the knowledge of the reduced force under General Taylor, and of his exposed position, was not long in detecting what he supposed to be an opportunity afforded him to regain his sinking fortunes so as to enable him to fulfill his prior engagements with our Executive, to put an end to the war; but in this he was sadly disappointed. Our little army of five thousand received the shock of twenty thousand men, and threw them back in disastrous flight.

Now, Mr. President, while the world accords all praise and honor to our army in Mexico for unparalleled deeds of skill and valor, and to the gallant officers who disciplined and led those raw troops to victory, it is a matter of astonishment to me, that the success of the Executive should have been attributed to the superior efforts, not a spot of dishonor would have fallen upon either officers or men—yet the country will inquire, why it was that so small a force was employed in the execution of enterprises so disproportionate to its strength. Was it because the country required the sacrifice? Was it because Congress had refused to grant more men and money? No, sir, not at all. For before and at the very time when our armies were exposed to these unheard of hazards, the President had full power to increase our force in Mexico to forty thousand men. I will not say that the President is to blame in not sending this force into the field at a time when it was most required; difficulties attending the enlistment of troops for this war may have prevented it. But certainly neither Congress nor the whig party are to be condemned for leaving Gen. Taylor with five thousand men to contend with twenty thousand, nor are they to be held responsible for directing General Scott to execute the grand campaign of Mexico with only ten thousand men; when by every rule of war twenty-five thousand would have been a small force for an enterprise of such difficulty and hazard.

If twenty thousand men have accomplished all that I have stated in Mexico, will not our present authorized force, amounting to over fifty thousand men, be sufficient for the protection of our army and the maintenance of our positions there? Yet now after the campaign is passed, after all its hazards have been encountered, the victory won, and the enemy helpless and harmless at our feet, the administration wakes up to a sense of duty towards the army in Mexico, talks about its perilous position; and the chairman of the Committee on Military Affairs calls upon us without any delay to raise ten new regiments for the war. I can see no necessity, connected with the public service in Mexico, requiring this additional force.

I will now proceed to show that this additional force is not necessary to the attainment of any of the objects of the war hitherto avowed by the Executive or contemplated by the country.

There is, I confess, some difficulty in naming all the objects of this war. They are changed, multiplied, or diminished, from time to time at the will of the Executive. It must be manifest to all, that we are fighting to-day for objects not contemplated by any one on the 13th of May, 1846. But as far as we are able to gather these objects from the official communications of the President, they are as follows:

First. To repel invasion and avenge the blood of our citizens;

Second. To overthrow the government of Paredes and to restore Santa Anna;

Third. To obtain indemnity for the past and security for the future;

Fourth. To conquer a peace.

Now, Mr. President, I will endeavor to show from the solemn admissions of the Executive, made in his official communications to Congress, that all these objects have already been fully accomplished, save one—to conquer a peace, which I am inclined to think is the only one now flung the President desires to conquer.

As to the first named object, we all know that the invasion, if invasion it was, has long since been repelled, and repelled, too, in such a manner as forever to secure us against its repetition from that quarter; and as to the shedding of the blood of our citizens, the most sanguinary among us must admit that our vengeance has been glutted to a surfeit. But I will let the President express his own opinion upon this point. In his message of December, 1846, he says:

"Every consideration of honor and interest connected with our future welfare demanded that we should meet this last invasion by instant and energetic action. Under the circumstances which existed when the intelligence reached us, we could not have done less than we did, and have continued to act on the defensive. We must have destroyed the army which invaded our territory, and have conquered and occupied the country of the enemy, as far at least as the Del Norte. Having taken possession of the Mexican provinces on the Del Norte, and established our authority over them, we must have conquered a peace, and have compelled Mexico to indemnify us for the past and secure us against the future. Such would have been the course of other nations under the circumstances. Such was the course which we were compelled to adopt, in vindication of our rights and our honor."

How the second object of the war was attained, I will also let the President state in his own words:

"[illegible] the 13th of May, 1846, [illegible] Congress declaring war between the United States and the Mexican Republic, [illegible] the government of Paredes [illegible] refused to receive the envoy of the United States sent to that country for the purpose of adjusting all the causes of complaint between the two countries, and [illegible] the people of Mexico. [illegible] Paredes, their power was overthrown, and they were compelled to flee the country. A revolution having previously occurred in the capital on the 4th of August following, by which the power of Paredes was overthrown, and he has since been banished from the country, and a new [illegible] Santa Anna, has been recalled from exile, and is now at the head of the Mexican Government."

The third object of the war divides itself into two parts—indemnity and security. I will consider them in their order. First, as to indemnity. We might have been at a loss to know not only what we were to be indemnified for, but also the amount required and the manner of obtaining it, had not the President informed us upon all these points. He tells us that we are to be indemnified for the claims of our citizens upon the government of Mexico, and also for the expenses of the war. The amount is somewhat uncertain, being estimated in lands. The manner of obtaining indemnity is by seizing and appropriating to ourselves certain Mexican provinces or states. With this information before us, I think it can be clearly shown, from the President's late message, that he has this indemnity in amount, mode, manner, and kind, now in his hands, never to be given up. Further, that he has more than full indemnity—more than his sense of justice will permit him to hold without paying back to Mexico several millions of dollars, in order to adjust the account. I will now proceed to show this. Shortly after the adjournment of the last Congress, the President sent a Commissioner, Mr. Trist, to Mexico, with powers to negotiate a treaty of peace with that government. The President says that:

"The commissioner of the United States took with him the project of a treaty [illegible] which [illegible] was submitted [illegible] by the United States [illegible]."

The commissioner of the United States was authorized to agree to [illegible] establishment of the Rio Grande as the boundary, from its entrance into the Gulf to its intersection with the southern boundary of New Mexico, in order to adjust the two claims, and to obtain, in addition to the cession of New Mexico and the Californias, and the privilege of the right of way across the isthmus of Tehuantepec, [illegible] such additional territory as might be required for the safety of New Mexico and Lower California, [illegible] as might be necessary to consolidate the Mexican territory [illegible] and to make a natural and well defined boundary. [illegible] the commissioner was authorized to stipulate for the payment of such additional pecuniary consideration as was deemed reasonable."

Mexico having refused this ultimatum, the President says "we should adopt measures to indemnify ourselves by appropriating permanently a portion of her territory." And not satisfied with his own ultimatum, the President now adds Lower California to the indemnity, and then tells us that New Mexico and the Californias are in our undisputed occupation, and have been for many months; all resistance on the part of Mexico having ceased within their limits, and that he is satisfied that they should never be surrendered to Mexico. But I will read from the message:

"[illegible] Mexico [illegible] resistance [illegible] and have been so for many months; all resistance on the part of Mexico having ceased within their limits, I am satisfied that they should never be surrendered to Mexico. Should Congress concur with me in this opinion, and that they should be retained by the United States as indemnity [illegible] [illegible] [illegible]

not how much territorial indemnity we shall conquer from Mexico, but whether we shall hold what we have already acquired. This is a domestic question, and it would be well, I think, for us to settle it among ourselves, before we waste more money and shed more blood in Mexico. It may turn out that while we are fighting Mexico for more territory, we shall reject that which we have already obtained by our arms.

Having shown that we have full, and more than full indemnity for the past, now in our possession, there is nothing left to fight for on this point, but security for the future. I confess that I am somewhat at a loss to know against what we are to be secured, and also what is to be the nature and the character of the security. Is the President afraid that Mexico will hereafter raise new armies to invade the United States, or that she may venture to re-cross the Rio Grande, to re-conquer the disputed territory in Texas? If the mortal blows which we have inflicted upon Mexico are not sufficient security against any future aggressions on her part, nothing short of utter annihilation can give that security, and that kind of security we disclaim. Can it be, that this nation of twenty millions of freemen—this republic of moral and physical power sufficient to defend itself against the world in arms, requires for its safety, a bond from Mexico that she will keep the peace! As well might a giant ask of a fretful pigmy, security against an assault upon his person. But we desire security, says the Senator from New York (Mr. DIX,) against foreign interference in Mexico. I agree to all that that honorable Senator said, and so eloquently said, against the unlawful and wicked policy of foreign interference; but I did not, learn, by the Senator's argument, how we were to resist the injustice of that policy, by interfering with, and overthrowing the government of a sister republic.

But how can you get this security, if you think proper to demand it? Will the word of Mexico, pledged in a treaty, suffice? This would bind Mexico, but it would not bind other nations who might desire to interfere. And who will be Mexico's security that she will keep her word? Will you accept of any foreign interference for that purpose? It is all idle to talk about prosecuting this war to obtain security for the future. The United States is strong enough to be her own security against any future aggression upon her national rights, be it made by Mexico alone, or in combination with any or all the nations of the world.

The fourth object of the war, "to conquer a peace," has not yet been realized.

Although, when Congress acknowledged the war and provided for its prosecution, peace, and speedy peace, was made its first and great object, the policy since pursued by the Executive has so prolonged and so complicated the accomplishment of this object, that it is now very doubtful whether we are to conquer peace until we shall have conquered every thing else in Mexico that can be conquered. Peace now seems to be not only the last, but the least thing worthy of our conquest. But there is a point, in the prosecution of every legitimate war, when peace forces itself upon the successful party. That point is when all the declared objects of the war have been obtained. To carry on a war after this, is to convert a war which may have been legal and just in its inception, into an illegal and an unjust one. It then becomes a war of aggression, having no object for its further prosecution, other than the spoliation or the destruction of the enemy. Such a war can never conquer, that is, restore peace between the contending nations. It is a war against peace. It is war for the sake of war. Thus it is—and such, I fear, is the character now about to be assumed by our war in Mexico—that war assumes its most terrific and ungovernable aspect. Flushed with victory, excited by blood, with the enemy prostrate and helpless at our feet, and every object for which we commenced hostilities attained or within our control, if we do not make peace now, this war will become an ex parte war. Then, with no enemy in the field to resist our arms, and with no government in council to accept our terms of peace, war will become our master, and standing, with the weapons of death and destruction in his hand, upon the ruins of Mexico, will turn his grim visage upon us, and defy our control. It is in vain for us to seek to conquer a peace from Mexico. She is reduced to that postion by our arms, in which she can neither maintain war nor make peace.

But the Executive says we must continue to prosecute the war for the purpose of compelling Mexico to make a treaty with us. Let us enquire how or by what process the President expects to arrive at this result. He informs us in his message, that heretofore the war has been conducted in a spirit of liberality and forbearance towards Mexico. That

"The Mexicans having thus shown themselves to be wholly incapable of appreciating our forbearance and liberality, it was deemed necessary to change the manner of conducting the war, by making them feel its pressure according to the usages observed under similar circumstances by all other civilized nations."

To make the Mexicans feel this additional pressure of the war, the President's scheme is this, (part of which has already been executed,) by drawing supplies from the people of Mexico without paying for them—by seizing upon all the external and internal revenues—and in addition to the several States now in our military occupation, to take possession of all the others. To spread our army over all Mexico, and then to prosecute the war with increased energy and power in the vital parts of the enemy's country. In thus prosecuting the war, the President does not fail to see, as all must see, the very result—the overthrow of the Mexican government, which he solemnly disclaims to be his object, and seeing this, he anticipates the emergency, and proposes that if we should, by this increased energy and power, strike so hard as to annihilate the government of Mexico, to restore it to life again and give to the people of Mexico, under the "encouragement of our commanding generals in the field, a free republican government of their own choice, able and willing to conclude a peace which would be just to them, and secure to us the indemnity we demand. This may become the only mode of obtaining such a peace."

But, sir, suppose our commanding generals in the field should fail, by means of forced contributions, by confiscation, by taxes, by stamp duties, by striking first at the heart and then at the vitals, by fire and sword, to encourage the people of Mexico in the establishment of a free republican government of "their own choice," able and willing to conclude a peace which would secure to us the "indemnity we demand." What then? The President has also guarded this point. He is prepared even for this ultimatum. Let him answer for himself.

"If, after affording them encouragement and protection, and after all the persevering and unremitting efforts we have made, from the moment Mexico summoned the war, and prior to that time, to obtain a speedy and honorable peace, we shall, unsuccessful, then we shall have exhausted all honorable means in pursuit of peace, and must continue to occupy her country, or wage ruinous warfare for the full measure of indemnity into our own hands, and must enforce the terms which our honor demands."

Then, indeed, we shall have exhausted all means of peace, for we shall then stand upon the tomb of a sister republic, amidst the ruins of her former glory, and with the arrogance of the conqueror, take full measure of indemnity into our own hands and enforce such terms as our honor demands. There will be none to stay our hand or to resist our power. The President here drops his demand of "security for the future." It is well; for there will then be no future left to Mexico. Who so blind as not to see the result to which the policy of the Executive leads? Who does not see that his conquest of peace means the conquest of Mexico?

I will now proceed to consider my fourth proposition. That the additional military force now asked for, is to be used for the purpose of conquering Mexico and annexing her people and territory to our Union. This, I have said, is a new object of the war, never before openly avowed by the Executive, nor sanctioned by Congress, nor contemplated by the country.

It is something more than a new object of an existing war. It is in fact a new war now about to be authorized or rejected by Congress. In comparison to this war for the annihilation of Mexico, that called the existing war, will soon be only known by the name of the late war. The causes which brought it on, and the objects for which it was waged, will be overlooked and forgotten, or only recited as a prologue to that deep and fatal tragedy we are now about to perform on Mexico.

One of the greatest obstacles to the adjustment of our difficulties with Mexico, arises out of the fact, that there never was a legal declaration of war by either nation. Congress has not to this day declared the causes which led to the war, nor specified the objects for which it is to be prosecuted, other than the general ones I have before stated, a speedy and successful peace. Instead of a solemn declaration of causes and objects, we have had nothing but catch-words and cant phrases—such as revenging blood, conquering peace, indemnity and security, manifest destiny, and the mission of the Anglo-Saxon race. Now, sir, before we enter upon this war, for the annihilation of a sister republic, let us at least declare to the world the causes which impel us to the act. When in the course of human events it became necessary for our fathers to dissolve the political bands which connected them to the mother country, and to assume among the powers of the earth a separate and equal station, they deemed it due to the opinions of mankind, that they should declare the causes which impelled them to the separation. With what religious solemnity and scrupulous particularity they recount the causes which led them to resort to arms in defence of their rights!

If in the case of a revolutionary war—a war in defence of social and political liberty—a decent respect to the opinions of mankind required a declaration of the causes which led our people to dissolve the political bands which had connected them with another, how much more does a respect for those opinions demand of us to declare the causes which impel us to destroy the political existence of a sister republic, for the purpose of annexing its people and territory to our dominion?

If it be the will of this nation to prosecute a war for this purpose, it is due to ourselves, it is due to Mexico, it is due to the world, that we should, by all the forms known to the constitution, and to the laws of nations, declare the causes and the objects of such a war. At present there is no authority expressed or implied for its prosecution; there is no statute, nor the preamble to a statute, acknowledging its existence. The bill now upon our table, if it should pass, will be the first act by the war-making power, giving sanction to this new war. For this undeclared, unacknowledged, unlawful, executive war, I will not vote one dollar nor one man. Upon this point I take my stand, and make the issue upon the conquest of Mexico and its annexation to our Union. For the accomplishment of such an object, I cannot, I dare not, and I will not, give to the Executive either men or money.

But it is said that the Executive does not intend to prosecute the war to this fatal result. Whatever may be the intentions of the Executive, I know not; but, I think, I have already shown that the policy laid down in his late message, for the future prosecution of the war, must inevitably lead to the annihilation of Mexico. In addition to this, much evidence has been elicited during this debate to satisfy me, that if this result is not designed, it is certainly expected.

When the distinguished Senator from South Carolina introduced his resolutions against the annihilation of the sovereignty of Mexico, the Senator from Michigan (Mr. CASS) called it an abstraction, and that Senator was so much surprised by the monstrosity of the proposition, that he involuntarily exclaimed from his seat, "who thinks of it?" It was a thought too monstrous to be entertained for a moment. Yet, sir, but a few days pass, and that honorable Senator does think of it.

Mr. CASS said, no, he had never thought of any such thing, and hoped the Senator from New Jersey would not misrepresent him.

Mr. MILLER.—I certainly do not wish to misrepresent that honorable Senator, and, I think, if he will hear me a little further he will be satisfied that I have no such intention. I do not say that that Senator is in favor of the project, for I know he has disclaimed it several times in the course of this debate, and I am happy to hear him disclaim it now; but certainly that Senator must admit that he has since thought of the subject—thought of it, too, with complacency—thinks the thing can be done without harm—for he has said that if we should swallow all Mexico it would not kill us. He has also been thinking about public opinion relative to the subject, and has come to it: the people of the United States make up their minds to have all Mexico, it would be as vain in us to attempt to defeat that opinion, as to resist the cataract of Niagara. This is an apt simile for the subject; I have no doubt that the public opinion which shall compel us to swallow all Mexico, will be of the cataract order. For public opinion collected into such a riotous, tumultuous, ungovernable torrent as that, I may have some fear, but can have no respect. Yet, I think the honorable Senator is more than half inclined to push his bark into it, and with the current leap the cataract.

But we have something more than mere thoughts and opinions upon this subject. The abstraction of the Senator from South Carolina is rapidly getting to be a reality. One Senator tells us the thing may be done without harm; another tells us how it is to be done; a third points out the mode and manner in which we shall dispose of the people of Mexico after we have annihilated their government. And then comes the Senator from Mississippi, (Mr. FOOTE) who, to satisfy the consciences of a Christian people that the conquest is lawful, gives us divine authority for the act. He refers us to the conquest of the land of Canaan by the Israelites. Without stopping to inquire whether there is any second Moses among us, who has seen the burning bush or heard the voice on the mountain, I would gently beg leave to remark, that the Senator's authority does not suit our case. The children of Israel were slaves in Egypt. They left the land of bondage and went into the land of promise—the land of their fathers, too—for the purpose of obtaining religious and political freedom; but in our Exodus we are to go from the land of liberty, from the land of our fathers, down into the land of bondage, into a strange land where our fathers have never been. The only similarity in the two cases will be found in the journey through the wilderness of fiery serpents and deadly plagues.

We next have the acts of the government in the general order lately issued by our commanding general in Mexico under the direction of the Executive. By this order the army is to spread itself over, and to occupy, the republic of Mexico. Then the order directs that,

"The occupation of the principal point or points of the enemy's country by the forces of the Federal Government of the Republic of [illegible] shall not [illegible] and hostilities [illegible] in the year 1848 [illegible] by the two contending governments, as all such taxes or duties will be an object of the proposed negotiations for the support of the army of occupation."

The natural result of the above proposition is [illegible] shall be the [illegible] of the [illegible] of the [illegible] and [illegible] of the [illegible] of the [illegible] of the [illegible] of the [illegible].

In addition to this, the Chairman on Military affairs, speaking by authority, informs us that the increase of the army is required to enable us to take possession of every state capital in Mexico; to go from town to town, in order to conquer what he calls the stubborness of the Mexican people. What kind of warfare is this, and in what must it result? Hitherto, we have been warring against the government of Mexico, we have been fighting for what we called national rights on our part, against national wrongs and aggressions on the part of Mexico. We have with our own men and money, hitherto carried on this war. We have met the national enemy in fair fight, defeated all his armies, and overthrown his government. What do we propose to do now? Why, sir, to make war upon the people of Mexico, in their private and social character. To go from town to town, not to contend with armed men, but to tax unresisting citizens; not to storm national forts, but to intrude into every man's castle, his dwelling house; not to capture national property, magazines, arsenals and fortified places, but to collect tobacco rents, playing card rents, and stamp paper rents. If this be the kind of service in which these ten regiments are to be employed, I agree with the Senator from Mississippi, (Mr. DAVIS,) that they should be "composed of a lower material."

It is no fit service for the gallant citizen soldier. Police men, tax gatherers and constables, and old custom house officers, are the materials for this army. It is no place for the heroes of the last campaign, and I congratulate the Senator, as one of those honored heroes, upon his having retired from such a service as this. It is well that the gallant Quitman and the heroic Shields found have leave of absence. It is right that the old hero of Buena Vista, should be permitted to return to the comforts of his own fireside.

Yes, sir, if this be the kind of warfare you intend to carry on in Mexico, call home, (don't suspend,) call home under any pretence you may please to assign, the commanding general. That is no fit business for the Wellington of the new world, although the first of generals, he will make but a poor collector of taxes.

Mr. DAVIS. of Mississippi.—Will the honorable Senator allow me an opportunity to correct the misconception he has fallen into of the true meaning of my remarks, to which he has just made a special reference? The Senator has greatly misapprehended my meaning, greatly misunderstood my feeling, if he supposes that I said, or thought, that the regular soldiers of our army should be drawn from a class morally degraded. I described the duties of holding posts upon military lines; when active service was not anticipated, where the presence of danger did not act as a substitute for discipline, and where there can be but little to support that military enthusiasm which draws the militia man from his home, as more appropriately and beneficially to be performed by "regulars." I spoke of them as a class of men whose commercial and family connections were not such as to make it a great sacrifice to continue in war, whose condition reconciled them, for the pay of a soldier, to take up arms and follow it as the profession of their life. Upon such men standing in such relations to the government, it is admissible, it is just to impose duties which we should not require to be performed by the volunteer—a citizen whose professional, property, and family interests are suffering in his absence; a patriot whose ear became deaf to every other voice when he heard his country calling for men to sustain her standard in a foreign war. I surely never intended to degrade in his uses or his character, my old comrade, the regular soldier. In my estimation we have no class among our citizens suited for such purposes as the Senator indicates. These purposes are of his own creation. Our officers have never projected the working of mines by soldiers, nor have they created the duties of tax gatherers; they have done no more than the universal usage of civilized war justifies in such cases, they have fallen far short of the practice by invading armies of other countries. To a very small extent only has it ever been attempted to quarter our forces upon the enemy. The only question which could be justly entertained, is, whether our leniency has not exceeded the limit of policy. The Senator, as others have done before him, treats of the enemy as conquered, prostrate, at our mercy. He says Mexico must be galvanized into the seeming of hostility. Heretofore I have expressed the opinion, that this confidence in the helplessness of Mexico might produce such results as flowed from the ill founded security of former times. Lying before me are two papers just received—one contains a letter from the mouth of the Rio Grande, dated 25th of January, the other a statement from an officer recently returned from the army division commanded by Gen. Wool. Both speak of a probable attack upon that column—both refer to the organization of another movement from San Luis de Potosi. In the beginning of this discussion I urged the speedy passage of the bill before us, to meet exactly this contingency. It is one of the various reasons which now, as then, in my opinion calls for prompt action by the Senate. If the Senator will indulge me, I will notice a remark which he made in special reference to my colleague, who was not in his seat. It was in reference to the general charge against the democracy of the present day, as imprudently grasping after territory, as unmindful of the lessons of our fathers, and unmindful of the limitations of the constitution. The men of our revolution, when forming the compact of our Union, looked to the north and contemplated the annexation of the British possessions in Canada. The hardy pioneers who crossed the Alleghanies, whilst they yet stood in the midst of a vast wilderness, were ready to secure their commercial interests by fighting for the mouth of the Mississippi. By revolutionary movement a part of West Florida was seized by our people, for security. President Madison extended United States jurisdiction over it. Alexander Hamilton, who will probably be recognized as the highest authority by the honorable Senator, entertained opinions compared to which, any I have heard expressed here are very circumscribed. In a letter addressed to Major McHenry, in 1797, Mr. Hamilton says, in connection with the subject of military preparation:

"Beside, as intimated, against invasion, we ought to look certainly to the possession of Louisiana and Louisiana one would not give a straw for South America."

Forbearing from either comment or argument, I refer to these evidences in our past history, to show that the conduct of the present administration has not exceeded the policy of past times; that we are not merely running into excesses, but, as a comparison of conduct will show, the men of to-day are more conservative than those of an earlier period. They strode forward with the free, vigorous step of youth; we move with the cautious, measured tread of maturer years; and when we are called "progressives," and charged with rashness in our policy of territorial extension—let history answer.

Mr. MILLER.—I would be the last to misrepresent the Senator. The kind of service I refer to is that indicated in the General Order issued by the commanding general under the direction of our Executive. It is this kind of service which I consider would be degrading to the gallant spirit who fought the last campaign, and

in that view, I think the Senator and myself entirely agree. For, sir, did not the Senator on the occasion to which allusion has been made, draw a very strong line of distinction between the volunteers and regulars with especial reference to the *morale* of the two descriptions of military force? Did he not speak of the one as the "chivalry of the country"—"the high-bred gentlemen," fitted for the battle; whilst he represented the other as "men of a low grade in society," adapted to the "mere routine duties of the police of a garrison?" Certainly, it my recollection serves me, the honorable gentleman made that distinction the very basis of his argument in favor of the employment of regulars instead of volunteers, and told us expressly that the service which now remained to be discharged by our troops in Mexico was of a character which the "chivalry" would spurn!

I have referred to this new mode of prosecuting the war for the purpose of showing, that by it the Executive intends not peace, not indemnity for the past, nor security for the future, but the entire conquest of Mexico and the annihilation of her nationality. He has already more than half accomplished his purpose. The military decree which I have read snows that all power in Mexico, political, municipal and social, is now exercised by our commanding General. Having overthrown by our arms every organic form of government in Mexico, we are now at work upon the elements of society, and in every town and village? in every man's house, and upon every man's property, the hand of our power is seen and felt. This is conquest, thorough and entire, it is conquest in that terrific form, mentioned by the Senator from Mississippi, (Mr. DAVIS,) ruin, national ruin, the annihilation of all organised power to resist the conqueror. For what purpose then do you want this new army? For no purpose that I can conceive of but to reduce a subjugated country to your possession.

The Senator from South Carolina used a bold and startling figure when he said Mexico was now a corpse, but it is no less true than bold. The government of Mexico is dead; it can neither raise a hand to resist our power, nor a voice to ask our mercy. Mexico lies before us a mere subject for dissection. The mortal blows inflicted by our army have brought her to this. There is no more work for the sword to do. Now let the President approach and operate upon the subject. This is his business! Cut off an arm or a leg, sever the head, strike at the heart, pierce the vitals, dont be afraid! It is a poor dumb thing, it can neither speak nor strike.

But do not, I pray you employ our gallant army in this mere surgical operation. The Secretary of State with a galvanic battery, if made of gold, can give motion enough to the hand to blur a mark to a treaty of peace, and a little more pressure upon the body will force out sounds resembling indemnity and security.

But to drop this ghostly figure, what I mean to say is, that Mexico is now reduced to that helpless condition, that peace and the terms of peace are within our power, and under our sole control and dictation. To this point I now desire to call the attention of the Senate.

All parties here have expressed a desire for speedy and honorable peace. The Senator from Arkansas, [Mr. SEVIER,] says that there is no man in the nation more opposed to this war than the President himself. If all be sincere in this desire, I believe we can have peace now, and save any further waste of blood or money. All admit that we are the conquering power, and as such we have the right to dictate the terms of peace. This places upon us the high responsibility of saying to a prostrate foe, what shall be honorable peace? I ask, then, what do you mean by honorable peace, ourselves being judges? Do you mean national honor vindicated, national rights sustained, and national security acquired? or do you desire to continue the war for revenge, for conquest, and for spoliation? If the former be our object, we have obtained them all. National honor has been fully vindicated by our gallant army. Indemnity, we have now in our possession more than our justice will permit us to hold. If security for the future, we have it in our national character, and in the terrific strength of our military power. Military glory! we are covered all over with it, sufficient for reputation abroad, and for home consumption for fifty years to come.

In dictating terms of peace to Mexico, we must take care not to ask of her more than she can give. Our justice as well as our humanity forbids such an exaction. The President acknowledges this principle when he says we cannot ask money in payment of our claims, because Mexico has not got it to give. We should, therefore, not ask Mexico to sell and transfer her people to us. The people are her children, and she has not the power, morally, or politically, to transfer them, nor we the right to demand them at her hands. Upon this government now rests the responsibility of restoring peace or of prolonging the war. Mexico can have but little to say or do in the matter. If nothing but acquisition of territory will satisfy our demands, why not take it; and be done with this war. Why fight Mexico in order to compel her to grant that which we have already acquired, and declared to be permanently ours, and which she has no power to rescue from our enjoyment? I consider the terms of peace with Mexico no longer a question between her and the United States. It has become purely a domestic question? Whether we shall take the whole, part, or none of Mexico; whether we shall dismember her, and devour in parts, or swallow her whole, are questions to be settled between ourselves.

These are the very questions which are now entertained by the Executive, are discussed by honorable Senators here, and which agitate the public mind. Can we agree upon these questions? Some are for no territory, some for part, a few for the whole. The north for free, the south for slave territory, some for regenerating Mexico, others for annihilation, some for holding her as a province, others for annexation to the Union. But of all these who thinks of consulting Mexico as to which mode she would prefer. It is not Mexico who prevents peace upon the terms demanded by our Executive. It is the people of the United States—it is the safety of the Union—it is the constitution, which now stand in the way to reject that, which Mexico has already yielded to our arms.

Peace, I repeat, is now under our sole control and dictation. Why not then, I ask, meet the high responsibilities of the occasion, and in the spirit of justice and humanity make peace for ourselves. Mexico is at your mercy. You may kill her, or let her live. You may take part or all her territory as your interest or your honor may dictate. The enemy has felt your power, now let him feel your clemency, and if the latter shall be as great as the former, the glory of our arms will be only surpassed by the more enduring glory of our justice and mercy. Make peace upon any terms you choose, you need not fear a loss of national honor. For he who has power to dictate peace to a vanquished foe cannot be disgraced by the liberality of its terms. Let us then bring this war to a close. The country demands it at our hands. Our vengeance fully gratified submits to it. Our honor vindicated in ten glorious victories without a single defeat, calls for it. A prostrate foe supplicates it. The business of the people from every field of labor cries for it. The safety of our free institutions commands it. And what, I ask, forbids it. Nothing! but the false shame of party inconsistency. The cowardice of politicians. The lust of dominion, and that Turk-ery, manifest destiny.

Mr. President: In consulting the history of nations, it will be found that there is an epoch in the existence of each, when a temptation presents itself, which resisted or yielded to, marks the future character of the nation for good or for evil. That temptation is now presented to this republic—it is Mexico. It is a broad and a rich land—a land of silver and of gold—a land without a government to protect it, and without a people capable of defending it, and it lies before us an easy tempting prey. There is none to stay our hand or to resist the gratification of our ambition. The mystery of her origin, the story of her former conquest, play upon our fancy and excite our heroic passions. Already has the tempter carried us to the pinnacle of the temple and pointed out the rich treasures of the city beneath. We now stand upon the high mountain—at our feet lie twenty states, with their cities and towns—their temples of religion, and their palaces of state. The tempter whispers in our ear all these shall be yours if you will fall down and worship the god conquest. History stands ready with her pen of steel to record our determination. Shall we bow down to the evil spirit, and fall as other nations have fallen, or shall we maintain our virtue and rise to god-like courage, and say "get thee behind me Satan." The temptation is mighty—the power to resist only divine. I know of no nation, in ancient or in modern times that would resist so easy, yet so rich an acquisition to its dominion. To say nothing of the heathen world, not one of the powers of modern Europe, would withstand the temptation. England would not, as she has shewn by her conquest in the east. France would not, as she is now proving by her attempts upon Algeria. As to Russia, Prussia, and Austria, let the partition of Poland answer. There, too, is old Spain, once the proudest and the mightiest of them all, she also has had her temptation. It was this same Mexico which now fascinates us. Allured by its mines of silver and gold, which now entice us—excited by the spirit of propagandism, which now inspires us, she too yielded to the tempter, and for a while went on from conquering to conquer, until in her turn, she was made to lick the dust beneath the chariot wheels of that false deity she had worshipped, when that chariot rolled in triumph over the fair fields of Aragon and Castile. No. sir, I can find no example of this high standard of national virtue and forbearance. If we resist this temptation, we shall set an example to the world. Ours the wisdom, ours the virtue, ours the glory, of forbearing to seize upon the territory of a weak and defenceless neighbor, when we had opportunity and the excuse of doing so. We have already in our short history, set one great example to the nations of the earth. We have laid the foundation of a mighty empire, deep and strong, upon a principle new and startling to the old world. We have established self-government, and bound in strong and happy union, twenty millions of freemen, who acknowledge no government, but that of their own choice. Let us now establish another principle of national action, equally new and startling. Let us declare that while we admit the oppressed of every land, to a free participation of the blessings of our self-government' no cause of war, no excuse, no temptation will induce us to conquer a nation by war, for the purpose of subjugating its territory and people to our dominion.

If in respect to such a high principle as this, our victorious army should return from the field of its glory in Mexico, without bringing with it one ounce of gold, or one foot of territory, for indemnity and security, would it not, I ask, be a glorious termination of this war on our part?

We have put upon our national record, that "war exists by the act of Mexico," Whether this record be true or false, whether this act of blood and war was perpetrated by Mexico, or by our own executive, I will not stop to inquire. Let us now, in the flush of victory, and in the might of our power, record upon our national history another act. An act, the glory of which will obliterate for ever, the obnoxious preamble. Let us declare to the world, that if Mexico was weak enough, and wicked enough to cause

war to exist, peace now exists by the sovereign act of the United States.

Mr. UNDERWOOD obtained the floor, and signified his intention to address the Senate upon the bill to-morrow, but subsequently yielded it to Mr. NILES, with an informal understanding that he should be allowed to follow the Senator from Connecticut.

Mr. CASS intimated his intention of proposing to-morrow, and, he hoped it would be agreed to, that the Senate hold evening sessions, until the termination of the debate upon the Ten Regiment Bill.

Mr. BERRIEN, said he hoped the suggestion of the honorable Senator, would not be received with favor by the Senate. They were engaged in the discussion of a question of deep interest, as they believed to the community. The honorable Senators on the other side of the chamber, had been heard patiently; they had discussed the subject at their leisure. Senators on this side desired a like privilege, and they had a right to expect that no urgency on the part of honorable Senators on the other side, would be allowed to deprive them of that privilege. He was content to sit day after day, and listen to the remarks of Senators, and to limit his own to a single day, but he prayed not to be forced into into evening sittings, at this period of the Session.

Mr. CASS said he did not intend to press the question to-day. In regard to what was said by the honorable Senator from Georgia, he would say that it was as disagreeable to him as it could be to any Senator, to press a proposition of this kind; but there was, in this case, an absolute necessity for speedy action upon the bill. He was desirous of submitting some remarks himself, and he was unwilling to inflict any restraint upon other Senators, which he would not submit to himself.

MEXICAN NEGOTIATIONS.

On motion by Mr. BALDWIN, the vote by which the resolution submitted by him on yesterday, was this day agreed to, was reconsidered.

The question recurring upon agreeing to the resolution,

Mr. SEVIER moved to amend by inserting, between the word "submitted" and the word "so," the following:

"And that no correspondence between any person or persons on the part of the United States and any other person or persons, with reference to the subject of the recent and present negotiation between the United States and Mexico, other than the notes of Mr. Trist in Mexico, subsequently to and including the date of the general note to Mr. Trist by the commissioners of Mexico."

The amendment was agreed to.

The resolution, as amended, was then agreed to.

On motion,

The Senate adjourned.

WEDNESDAY, FEBRUARY 9, 1848.

The VICE PRESIDENT resumed the Chair to-day.

REPORT FROM THE TREASURY DEPARTMENT.

The VICE PRESIDENT laid before the Senate a report of the acting Secretary of the Treasury, communicating, in answer to a resolution of the Senate, a report of the Commissioner of the General Land Office, respecting lands granted for military bounties, in the State of Illinois, which was ordered to be printed.

RESOLUTION OF THE NEW YORK LEGISLATURE.

Mr. DIX presented a preamble and resolution passed by the Legislature of the State of New York, instructing the Senators, and requesting the representatives of that State in Congress, to use their efforts to effect the exclusion of slavery from any provincial or territorial government which the United States may hereafter establish; which were read and ordered to be printed.

PETITIONS.

Mr. HALE presented the petition of John P. Andrews, proposing a plan for preventing the evils of war among nations; which was referred to the Committee on Foreign Relations.

Mr. BREESE presented the memorial of the heirs and legal representatives of Nicholas Jarrot, deceased, praying the confirmation of their title to certain lands in the State of Illinois; which was referred to the Committee on Private Land Claims.

Mr. DAVIS, of Massachusetts, presented the memorial of the heirs at law of Timothy P. Anderson, deceased, praying an extension of his patent for an improvement in the economy of water power by means of a graduated spout; which was referred to the Committee on Patents and the Patent Office.

Mr. BENTON presented the memorial of Alexander Vattemare, a citizen of France, praying the establishment of a permanent agency by the United States, for exchanging the books and public documents printed and published under their sanction, for similar works published under the authority of Foreign Governments; which was referred to the Committee on the Library, and ordered to be printed.

Mr. SPRUANCE presented the memorial of masters of vessels engaged in the coasting trade, praying the construction of an Ice harbor at Delaware city, in the Delaware bay; which was referred to the Committee on Commerce.

Mr. CASS presented the petition of Justus Powers, a soldier in the last war with Great Britain, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. DICKINSON presented the memorial of George Wilkes, praying the adoption of measures for the construction of a national railroad from the Michigan river to the Pacific ocean; which was referred to the Committee on Roads and Canals.

On motion by Mr. FELCH, it was

Ordered, That the petition of the administrator of John Anderson, on the files of the Senate, be referred to the Committee of Claims.

Ordered, That the petition of Aaron Weeks, on the files of the Senate, be referred to the Committee on the Judiciary.

On motion by Mr. HALE, it was

Ordered, That the guardian of Artemas Conant have leave to withdraw his petition and papers.

COMPENSATION TO MESSENGERS.

Mr. BADGER submitted the following resolution for consideration:

Resolved, That there be paid to each of the Messengers of the Senate, and [illegible] to the Secretary of the Senate, who have not already received it, the same additional compensation that was paid to R. P. Anderson and J. L. Cobb for the second session of the twenty-ninth Congress.

IMPRISONMENT FOR DEBT.

Mr. WEBSTER submitted the following resolution for consideration:

Resolved, That the Committee on the Judiciary inquire into the expediency of making further provisions by law, respecting imprisonment for debt on process issued from the courts of the United States.

Mr. WEBSTER remarked that he had received a communication, for the accuracy of which he could not vouch, as its source was unknown to him, setting forth a case of very considerable hardship and apparent cruelty, growing out of imprisonment under a process issuing out of the courts of the United States. He thought it proper to lose no time in bringing the subject to the attention of the Senate; and if the Senate saw fit to adopt the resolution, he would place the communication in the hands of the Judiciary Committee, whose early action upon the subject he solicited.

The resolution was considered by unanimous consent and agreed to.

CHANGE OF REFERENCE.

On motion by Mr. JOHNSON, of La., it was

Ordered, That the Committee on Pensions be discharged from the further consideration of the bill from the House of Representatives for the relief of Alborne Allen, and that it be referred to the Committee of Claims.

On motion by Mr. DIX, it was

Ordered, That the Committee on Commerce be discharged from the further consideration of the bill from the House of Representatives, for the relief of Barclay and Livingston and Smith, Thurgar and Company, and that it be referred to the Committee on Finance.

PRIVATE BILLS REPORTED.

Mr. JOHNSON, of Louisiana, from the Committee on Revolutionary Claims, to whom was referred the petition of the heirs of William Grayson, deceased, submitted a report accompanied by a bill for the relief of the heirs and legal representatives of Colonel William Grayson.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the petition of Welcome Parmenter, submitted a report accompanied by a bill for his relief.

Mr. J. from the same Committee, to whom was referred the petition of David Currier, submitted a report accompanied by a bill for his relief.

The said bills were severally read and passed to a second reading.

Ordered, That the several reports be printed.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the following bills from the House of Representatives, reported them without amendment:

An act for the relief of Mrs. Harriet Eames.

An act for the relief of Thomas Newton.

An act for the relief of Jesse Young.

An act for the relief of Rachel Goss.

An act for the relief of Mary Brown, widow of Jacob Brown.

GRANTING A REGISTER.

Mr. DIX, from the Committee on Commerce, to whom was referred the petition of John P. Baldwin, reported a bill to authorize the issuing of a register or enrolment to the schooner Robert Henry; which was read the first and second times by unanimous consent, and considered as in Committee of the Whole.

No amendment being made the bill was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives, in said bill.

MAP OF NEW MEXICO.

Mr. CAMERON, from the Committee on Printing, to whom was referred a motion to print the report of the examination of New Mexico, made by Lieut. J. W. Abert, of the Topographical Corps, reported that it be printed, and that 2,000 additional copies of with the map accompanying the report, be printed for the use of the Senate.

BOUNDARY BETWEEN MISSOURI AND ARKANSAS.

Mr. ASHLEY, from the Committee on the Judicary, to whom was referred the bill from the House of Representatives, confirming the boundary between Missouri and Arkansas, reported it without amendment.

The Senate proceeded to consider said bill as in Committee of the Whole, and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That it pass, and the title thereof be as aforesaid.

Ordered, That the Secretary notify the House of Representatives accordingly.

CONCERNING TESTIMONY.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the bill concerning testimony, reported it with amendments.

ADDITIONAL CIRCUIT IN ARKANSAS.

The Senate proceeded to consider, as in Committee of the Whole, the bill to divide the district of Arkansas into two judicial districts.

In submitting an amendment to this bill,

Mr. SEVIER said that it would be perceived that this bill proposed to establish a court without a judge, or at least that the duties were to be performed by the present judge. The object of the amendment was to create a judge for this court, and he thought that he could assign satisfactory reasons for that proceeding. The State of Arkansas, as the Senate was aware, was one of great territorial extent, and had attached to it the jurisdiction of all the Indian tribes on the border, which extended from that line indefinitely westward.

Mr. DAYTON suggested that as the Senator from Kentucky, (Mr. CRITTENDEN,) at whose request the bill had been postponed was not now in his seat, the bill be passed over informally.

Mr. SEVIER had no disposition to press the bill in the absence of the Senator. He would send his amendment now to the desk and if printed by to-morrow he would submit it.

Mr. ASHLEY hoped that the bill would not lose its priority as it had been made the special order for to-day.

Mr. SEVIER remarked that it could be called up to-morrow of course.

Mr. ATCHISON was opposed to the bill; but as it had already been passed over on several occasions, and a good deal of time had thus been wasted, he moved that it be made the special order for Monday two weeks.

Mr. DAYTON hoped that the motion would be assented to by the Senator from Arkansas. He knew that the Senator from Kentucky was anxious that a particular day should be fixed for the consideration of the bill, so that it might be disposed of in some way.

Mr. ASHLEY objected. The bill had already been deferred again and again. It had been made the special order for to-day, in accordance with the request of the Senator from Kentucky. He had no desire, however, to take it up in the absence of any gentleman who felt any interest in the subject; although he must confess he was opposed to deferring the consideration of the bill for the period mentioned by his friend, the Senator from Missouri. He hoped that it would be continued on the docket till to-morrow, and retain its priority.

Mr. SEVIER had but one remark to make. The bill had been called up on the day before yesterday, and he then obtained the consent of his colleague to postpone it another day, in order to allow him an opportunity of preparing an amendment, giving a judge to the court. When he was prepared with his amendment, his colleague was absent; and he did not press it. He was willing that it should be postponed for a short time, till to-morrow or next day; but he hoped that it would not be postponed indefinitely, or to a remote period. He believed that he had been assailed at home, because he had not urged the measure. Certainly he had been ready at all times to support the bill, and did not wish to afford the slightest ground for the representation that he was at all unfriendly to it. But he had been assailed because he had not made speeches to get the bill taken up. He wished it to be taken up, and was prepared to make a speech upon it, showing its importance and expediency.

Mr. ATCHISON thought that the bill was indeed one of great importance, and that that consideration furnished an additional reason why a day should be fixed for the discussion of it. He thought that it proposed a new principle ——

Mr. SEVIER begged his friend from Missouri to allow him to make an explanation. It was true that one of the sections of the bill provided that the court within its jurisdiction thus created, extending into the Indian country, should have cognizance of civil and criminal cases also. It was the object of the amendment to restrict the jurisdiction of the court, within the limit of the Indian tribes, to such cases as were made cognizable by our courts by the intercourse law of 1832, and the modification of that act in 1834 and the cases specified in the Indian treaties.

Mr. ATCHISON was not yet satisfied with respect to the propriety of the object contemplated in the bill. He, therefore, insisted on his motion to make bill the special order for Monday two weeks.

Mr. WESTCOTT suggested that the bill should be recommitted with the amendment. He was opposed to this alteration of bills in the Senate. Let it be sent back to the Judiciary Committee.

Mr. SEVIER read the section of the bill which he proposed to amend, and made some additional explanation of the object of the amendment.

The bill was then postponed to, and made the special order of the day for, Monday the 28th instant, and the amendment was ordered to be printed.

PRIVATE BILL PASSED.

The bill for the relief of William Marvin, in confirming the title to a tract of land in Florida, granted by the Spanish government to Bernardo Segui on the 20th December, 1815, was read a third time.

Resolved, That the [illegible] be so informed.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk.

Mr. President: The House of Representatives have passed [illegible] the following [illegible]

An act to divide the State of Georgia into two judicial districts, and [illegible]

[illegible] to amend the [illegible] of the United States with [illegible]

An act [illegible] amendment of the act [illegible]

An act [illegible] the [illegible] to the Cherokee Indians;

And [illegible] to which they request the concurrence of the Senate.

The [illegible] "An act to provide additional [illegible] to New York on the United States soldiers and volunteers returned from, or going to, the seat of war in Mexico."

TEN REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. NILES.—Mr. President: The question on the passage of this bill seems to be overlooked, and the main question which is brought under consideration is our present relations with Mexico; and this is one of such magnitude and importance, that I shall make no apology for trespassing on the patience of the Senate sufficiently to express my opinions upon it, notwithstanding the time already consumed in this debate. This question, sir, involves the issue of peace or war; that is, of prolonging the existing war perhaps indefinitely, or of bringing it to a speedy termination. And as the prosecution of this war may, and probably will involve this country with Mexico in such a way that we cannot dissolve the connection; it involves a much graver question, that of the integrity of this confederacy and the safety of our free institutions. A more important question than this has probably never come under the consideration of the Senate. Does it not demand at our hands that deliberate, prudent, and wise consideration, due to the best and highest interests of our country? In this spirit it is my purpose to offer my sentiments upon it, with that freedom and independence which belong to a representative of a sovereign state of this Union.

Mr. President, I am one of the majority of this body, who has had an agency, so far as legislative action is concerned, in placing the country in its present critical and embarrassing relations with Mexico. I have voted for all the measures which have led to this result; for the annexation of Texas, the recognition of war, and for all the measures for sustaining and prosecuting the war. For all these measures, except the first, my vote was given cheerfully and with a full conviction that the circumstances of the country required it. In regard to the first, which occasioned all the rest, my support was given to it with some hesitation and reluctance—not that I doubted the right, so far as Mexico was concerned, to receive Texas into this Union; but my difficulties arose from the form of the proceedings, from constitutional scruples, from apprehensions of trouble with Mexico, and an unwillingness to deliver up the whole of that country to slavery. But waiving all these objections, I gave my support to the measure, and I am not now disposed to shrink from the just responsibility which attaches to it.

But these considerations, in my judgment, impose on me an obligation which I might not otherwise feel, to use my best efforts, however feeble, to extricate the country from its present situation. This war has been peculiar in some respects, and perhaps its dangers are none the less on that account. Hitherto its evils have scarcely been felt or realized by the country at large. Our internal peace has not been disturbed or threatened; our frontiers have not been invaded or disturbed; no fleets have hovered upon our coasts; and our commerce, so liable to be interrupted in all wars, has not not been molested; and the past year exhibits an expansion and prosperity never equalled in our whole history. And as this is the source of our revenue, that

has remained unimpaired so far as the war is concerned. Hitherto, no war taxes have been imposed, and not the first dollar has been raised towards the expenses of this war. But for the accounts which we have received from time to time of the brilliant achievements of our arms in Mexico, we should scarcely have realized that the country was not in a state of profound peace. But we must not expect that this state of things can continue. The evils of the war are beginning to be felt; and the pressure of them will increase daily upon us. Our finances are already getting into a deranged state; a public debt is rapidly accumulating; and with no other resource but loans, you are diverting the capital of the country from its accustomed channels, and the diseased state of your finances may soon disturb the whole monetary concerns of the country. This will be felt on all its great interests; on its commerce, its manufactures, and soon the industrial classes may feel its paralysing effects. It is not in the nature of things that the burdens of a war can all be thrown on the future, or upon posterity. Nor would this be just, could it be done. It would have a direct tendency to weaken the restraints upon those passions, which lead nations into unnecessary wars. The generation which from imprudence, or misfortune becomes involved in war, must bear a share, and a large share of its burdens and evils. This is as just, as it is a result which is unavoidable. We need not think to escape it; we cannot if we would, and we should not, if we could. The burdens and evils of this war are now pressing upon the country, and this pressure will increase, if the war is prolonged. It is an expensive war, prosecuted in a foreign country and will make a constant drain upon our resources. Its dangers may be less apparent and more remote; but are not on this account, the less certain, or the less deserving of the most serious attention. Is it not time then to consider whether this war cannot be brought to a close, consistently with the rights and honor of the country? And in examining this question we must not lose sight of the original character and objects of the war, as a defensive one on our part—a war in which we were involved by the folly and rashness of the military rulers of Mexico. Although not commenced by us for a redress of grievances, yet being involved in it, it is our right and duty to demand of Mexico full satisfaction of all our just claims upon her. When we can obtain this, we should put an end to hostilities.

Mr. President, thus far we stand well in relation to this war before the world, and have nothing to fear from the impartial judgment of posterity. It was just in its commencement, and has been prosecuted with signal success; and it now only remains that we bring it to a close, in a manner equally consistent with our national rights and honor, and a just regard to the interests of humanity.

If we secure a just indemnity, we should desire no more, as we have a rich harvest of glory in the success of our arms, and the unsurpassed splendor of our military achievements. Those are great, unparalled in modern warfare. Nor is this glory to be lightly estimated. It is not a thing merely to be talked about, or to be the subject of temporary exultation. It is an object of substance, of real value; it is an element of strength and power, and adds to our national security as well as fame. It has given us a name and reputation with the nations of the earth. It has proved to the world what has heretofore been doubted, that we are as great in arms as we are in the arts of peace. It will command the respect of the great powers of Europe, who will hereafter be careful how they trifle with our honor, or trespass on our rights.

But this national reputation has not been acquired without great sacrifices; glory, however valuable, is a costly article. It has been purchased by the sacrifice of many valuable lives, many gallant and brave men. How many of the most noble and gallant spirits of our land have offered up their lives on the plains and mountain passes of Mexico, as the cost of those splendid achievements? Sir, it was only yesterday, that the papers contained a melancholy and mournful list of the gallant dead who have fallen in this war, whose mortal remains were in a single train, conveyed from the city of Mexico, on their way to the United States, to be delivered up to those friends from whom they had parted a short time ago, and whom they were destined never to see again in this life. This sad list made a solemn impression upon my mind; I counted them, and found there were twenty-five. But this is a small part of the officers who have fallen on the battle-fields of Mexico. And of the rank and file, how great is the number, who, in battle and by disease have sacrificed their lives as the price of this national glory?

And yet, we are told that Mexico is to pay the costs of this war. How is its cost to be estimated? Will you look for it in the books of the Register of the Treasury? The sum there may be large, but the costs and sacrifices of war are to be found every where; often in the disasters of trade, which it occasions, the sacrifices in business, and the wreck and ruin of private fortunes. But how will you estimate the value of the gallant dead? Can it be done by day book or ledger, in coin of silver or gold? What is the value of such men as Butler, Cramar, Ringgold, Ridgley, Ransom, Lincoln, and hundreds of others, equally brave, equally dear to their friends, if not equally distinguished? Ask their widows, their mothers, their daughters, who with bleeding, crushed, and broken hearts are left desolate, and perhaps some of them overwhelmed with a weight of grief which may rob them of their reason. Sir, these are melancholy reflections; but they are the bitter fruits of war, and the price of that glory won in battle-fields.

But the victorious career of our arms, everywhere successful, has accomplished nothing towards securing a peace. We have overrun and subjugated perhaps one half of the territory of Mexico; taken possession of all her ports on the Gulf and the Pacific; reduced all her fortresses, and captured her capital, which is now in our possession; and yet she refuses to sue for peace. How is this to be explained? Distracted and mis-governed as Mexico is, and ever has been, other nations that have had differences with her, have not experienced the same result. France and England have had disputes with her, and have compelled her to do them justice. The former by a single effective blow—the capture of Vera Cruz, brought her to her senses, and obtained justice and indemnity at her hands. Her unyielding and obstinate conduct towards us must arise from inveterate prejudice against us, or from an apprehension that it is our purpose to plunder and despoil her of her territory. The events in Texas seem first to have given rise to these feelings, and some of the circumstances connected with the war have not served to allay them. It is well known how she views all the transactions in Texas. She considers all the movements there as having been encourged and sustained by the people of the United States, if not by the government; and appears to entertain no doubt that, from the first, our object was to possess ourselves of that portion of her territory. The annexation, which she regards as consummating this design, seems to have exasperated her to the highest pitch. And after the breaking out of the war, the immediate conquest of her remote provinces, seemed to confirm these opinions.

The divisions among ourselves regarding this war, and the opinions so boldly expressed by both political parties, must also be considered as among the causes which have induced Mexico to hold out and refuse to treat for peace. The opposition have declared this war to have been commenced by the act of the President, in violation of law—that it is an unjust and aggressive war on our part. This could not fail to encourage them to hold out, and to refuse to accede to any terms of accommodation. Perhaps they are now holding back, thinking that the opposition will soon come into power, from whom they have reason to suppose they would obtain much more favorable terms.

On the other hand, the opinions expressed by many of the supporters of the administration, who may be supposed to possess their confidence, and to speak their sentiments, are not calculated to prepossess an exasperated enemy to peace. It is asserted that all that is said and done here, is known in Mexico. What then must be the effect of speeches in Congress and the publications of the press, disclosing a design of subjugating and incorporating with the United States, the whole or a large portion of their country? These discussions, they must find, do not often even raise the question of the right or justice of such a course; but are confined to the expediency of it, and the consequences which may attend it. These things cannot fail to have an unfavorable influence on Mexico, and seem hitherto to have deprived us of all benefit from our sacrifices in the war, so far as regards the attainment of peace.

Certainly the administration and its supporters must not suppose that they can throw the whole responsibility of the failure to accomplish the object which I hope we all have in view—a just peace—upon the opposition which the war has experienced. They should have considered at first that opposition at home was one of the difficulties with which they had to contend. No war should ever be undertaken without duly estimating the opposition which it would have to encounter at home, as one of the obstacles to its successful prosecution. In all free countries, where parties exist, opposition to a war is as certain as to any measure of domestic policy. This has always been the case here and in other countries. It was so in the war of the revolution, and in the war with England in 1812. It has usually been so in England; there was a violent opposition to the war for the subjugation of these colonies, and also to the long war with France, growing out of her revolution. And it makes little or no difference as to the character or object of a war; there would be an opposition to a war purely defensive, to protect the soil, or repel a proud invader from our shores.

But with this liberal indulgence, I would, with all sincerity and kindness, submit to honorable Senators on the other side of the chamber, whether they have not carried their opposition to this war a little too far? Whether they have not overstepped the utmost limit to which, as good citizens and patriots, they could be permitted to go? Whether their arguments have not been a little too ingenious, labored and earnest, to place their country in the wrong? Whether, in their zeal for party, they have not forgot what was due to the rights and honor of their country? To charge the commencement of this war to the President, and in violation of the laws and constitution; to attempt to prove that it was an aggressive war on his part; that he sought a quarrel with Mexico as a pretence for invading and despoiling her of her territory, is a very grave charge, and one that cannot be confined to the Executive, but if true, would rest upon the country. Should this imputation be credited, it would fix a stain on our national character, which time, that corrects most errors, could never efface. It would furnish a dark page in our annals.

And to assume that the President does not wish to make peace, but desires to prolong the war as an excuse for subjugating Mexico and holding it by the right of conquest, is a charge scarcely less serious, and equally unsupported. But there is another light in which their conduct is to be viewed. That party expects to come into power at the next presidential election, and it may be so. In what situation will they be placed, in respect to this war with Mexico, if it should still continue? Have they thought of

this, or do they not really expect to succeed? How would they negotiate a peace? Where will they fix the boundary of Texas? At the Nueces, which they say is the true boundary and have labored so hard to prove it? Will Texas consent to this? I think not. Well, suppose they were to insist on the Rio Grande, would not the Mexican negotiator insist, and reply, and have always admitted that the true boundary of Texas was the Nueces. And what answer could they give to such a plea? Would they say that they had maintained this, when in a minority, only to make the then President responsible for the war, but that they did not believe it? Would they say that then they were not responsible for what they did, but now, being responsible, they must maintain the rights of the country? Would not this be a very awkward situation?

And in regard to indemnity for the just claims of our citizens, if they were to insist on it, might not the Mexican negotiator reply that he admitted the claims, but that he was wicked peremptorily against them was unjust and aggressive, as you, as well as we have always maintained, and this gives us a just claim for the expenses and sacrifices it has brought upon us? We will offset the claims of your citizens for spoliations against our demands for the expenses of this wicked war, you have prosecuted against us, if you will pay us the balance. Just hand over the cash, and we will be content. But, supposing they should be able to resist this demand of Mexico, and induce her to acknowledge our claim for spoliations, might not the Mexican negotiator say that by the unjust war you have prosecuted against us, you have exhausted our treasury, taken possession of our resources, and deprived us of all means of payment. But we have uninhabited territories, and we will pay you by a cession of California. What answer would you give? Would you say we cannot take land, as we came into power on the express ground of the no-more-territory policy. I hope my honorable friends will think seriously of these difficulties.

Mr. President: Before I proceed to consider our present relations with Mexico, and the policy which I think ought to be adopted in relation to them, I have to notice some of the positions which have been assumed on the other side of the chamber; particularly by the honorable Senator from Tennessee, (Mr. BELL.) That Senator said that the administration had no desire for peace; that they wished to prolong the war for the subjugation and absorption of Mexico, or for some other purpose, which was concealed from the public. This is a very grave charge; for to prolong the war for other objects than peace, is to assume the responsibility of all its evils. Now, Mr. President, I know nothing of the purposes of the Executive in relation to this war, further than can be learned from his official acts and communications; and this is all that any one can safely know. We witnessed two years ago, on the Oregon question, the awkward situation in which gentlemen placed themselves here, by assuming to know the purposes of the President. But, judging from the official acts and declarations of the Executive, the Senator cannot be sustained in the charge he has made. The President still says his object is an honorable peace; that he desires a vigorous prosecution of the war for that purpose. What he will consider an honorable peace, we have no knowledge, except what may be derived from the terms which were submitted to Mexico by our commissioner, Mr. Trist. These were said to be his ultimatum. They were, I admit, hard enough upon Mexico. The boundary of the Rio Grande, and the cession of the Californias and New Mexico, were an indemnity for something more than a just indemnity. In considering the terms of peace, we should bear in mind the original objects of the war. These were the recognition of the rights of Texas, the establishment of its boundary, and satisfaction of the claims of our citizens for spoliations. This ultimatum establishing the boundary of the Rio Grande, with the cession of the Californias and New Mexico, is admitted to be more than an indemnity for our claim.—To insist on territory, beyond a just indemnity, could not be justified in a private transaction, between man and man. But the case is somewhat different between nations, in negotiating a peace. It belongs to the successful party to dictate terms. But these should be reasonable, having reference to the original matters in dispute. If they are unreasonable, or oppressive, and are refused, it would justly throw up to the successful party the responsibility of prolonging the war. But the proposition to pay the difference between a just indemnity and the value of the territory to be ceded, exempts the terms in this ultimatum from being regarded as oppressive, although they embrace more territory than I should care to acquire.

The terms then which have been offered as the basis of peace, are not such as to authorize the belief that they were not presented in good faith, and in the hope that they would be acceded to. And we have no evidence that this ultimatum has or will be departed from. The Senator from Arkansas, (Mr. SEVIER,) in his speech the other day, and he seemed to speak from some knowledge of the views of the Executive, assured us, if I mistake not, that the President was prepared to negotiate now upon the same basis. I think, therefore, there is no foundation for the charge, that the President does not desire peace; or that he wishes to prolong the war for the subjugation of Mexico, or other sinister purposes.

That the plan of the administration for the further prosecution of the war might fail in securing peace, and result in the subjugation of Mexico, is an entirely different question, which I shall consider before I close what I have to say.

But the Senator went further, and assumed in the course of his remarks, if he did not directly so assert, that that great portion of our citizens, who sustain the administration, were in favor of a prosecution of this war, with a view to the subjugation and absorption of Mexico. He admitted, that there were exceptions; but considered, that the great mass entertained such sentiments; and had become the advocates of war and conquest. I think this position incorrect, and that it does injustice to the great body of the supporters of the administration. They are not friendly to any policy of war or conquest; they regret the present war, and wish to see it brought to a close, as soon as it can be, consistently with what is due to the justice and honor of the country. I speak of the great mass of the supporters of the administration; for it must be admitted that there are some, who seem to entertain the sentiments the Senator attributed to the whole, or nearly the whole. Those who indulge these magnificent schemes of enlarging our territory by conquest, or who may seem to look with approbation on a policy towards a neighboring province, which might be deemed aggressive, are not in my judgement, in harmony with the general feeling and sentiment of their own party. They belong to what is sometimes called, a progressive democracy, and appear to have lost sight of the original principles of the party to which they profess to belong; or to have advanced on, regardless of those principles. I do not deny that the Senator had some ground for his assumption: but he should not have applied to the whole, what belonged only to a few. The Senator seems to consider these as new ideas, but appears willing to believe, that the whole of the democratic party, have departed from their original principles and policy in respect to our foreign affairs.

It may be natural enough, for him to think, that since he has left us, we have fallen into error, and departed from our former landmarks. If there was any thing in this. I should regret that he had not remained, as from his acknowledged talents, and great influence in his own state, perhaps his counsel and example, might have restrained us from deviating from the path, in which we had been accustomed to walk. We may regret that he should have seceded from the political church of his youth, and the faith of his fathers, and turned to idols; but have no right or disposition to complain of it. This certainly is not my purpose, which is only to defend myself, and those who act with me.

If there has been any difference in respect to their views, regarding the true foreign policy of our country, between the two great parties which have so long existed in the country, it is, that the Republican party were more pacific in their principles and purposes. Mr. Jefferson the head, and in a good degree, the founder of that party, it is well known, was preeminently distinguished for his pacific principles. He was a philosopher and a philanthropist, as well as a statesman, and had a more abiding confidence, in the intellectual and moral qualities of man, as elements on which free government could be safely constructed, than perhaps any other man of his generation. Deeming physical power, unnecessary and dangerous, as a means of maintaining internal order, he depreciated a resort to it, to preserve external peace, or to enforce respect from other nations, when it could possibly be avoided. Those sentiments he carried into his administration, as did his successors of the same political school.

To show what were the principles of the founders of the republic, I have made some short extracts from the messages of some of them, which I propose to read. Every body I am aware is familiar with them; yet they will bear being often read, and there are times when it is peculiarly proper and profitable, to look back to the original fountains of sound political doctrines. I begin with Washington, who was a republican and a whig of the old school:

[illegible]

These, Mr. President, are sentiments worthy of the father of his country. I now will read an extract from a message of the elder Adams, which must be deemed high authority on the other side of the chamber, if not on this:

[illegible]

The sentiments of Mr. Jefferson are as sound in doctrine, as they are beautiful in language:

[illegible]

And what was that one thing? Was it the enlargement of our territory by conquest, or the strengthening the military arm of the country? Very different. He says:

[illegible]

Again:

[illegible]

Here you see that Mr. Jefferson connects in the same sentence, the idea of justice between man and man, with that of justice and friendship with the nations of the world, regarding one principle as equally sound with the other.

I now come to Mr. Madison, who asserts the same doctrines, conveyed in language of equal force and beauty.

[illegible]

"Indulging in no passion which trespass on the rights or repose of other nations, it has been the true glory of the United States to cultivate peace by observing justice, and to entitle themselves to the respect of the nations at war, by fulfilling their neutral obligations by the most scrupulous impartiality. If there be candor in the world, the truth of these assertions will not be questioned; posterity at least will do justice to them."

Again:

"To cherish peace and friendship with all nations; with all to act on liberal conciliatory principles; to maintain what we have a right to claim from others, to refer all injuries we may receive to the tribunal of reason and to accommodation of differences, to a decision of them by an appeal to arms."

Mr. Monroe says:

"It is a state [peace] most consistent with their prosperity and happiness. It will be my sincere desire to preserve it, so far as depends on the Executive, on just principles with all nations, claiming nothing unreasonable of any, and tendering to each what is its due."

These sentiments are as wise as they are just and patriotic. I could quote similar doctrines from the messages of the heads of subsequent democratic administrations, but it cannot be necessary. All are familiar with the avowal of General Jackson, that in our transactions with other powers, we should "ask nothing but what is clearly right, and yield to nothing that is wrong."

And now, Mr. President, let me glance at the administrations of these distinguished men, and see if their official conduct corresponded with their precepts—whether their measures were in harmony with their principles.

It is well known that when the political parties originated in this country, there were difficulties between the United States and France, and that the policy to be pursued towards France was one of the grounds of political difference, as marked as those in respect to questions of domestic interest. The federal party, then in power, were for adopting strong and energetic measures towards the French Republic, which their opponents thought would involve the country in a war with that republic, which they believed could be avoided by a more moderate and conciliatory policy. These differences produced a very warm contest in Congress and the country. Our vessels were captured and condemned, and our Minister expelled from France; and Hamilton and other leaders of the federal party were for resorting to reprisals and warlike measures; and opposed to all further attempts at an accommodation of differences by negotiation. Mr. Adams, however, pursued a more conciliatory policy, and sent Ministers to the French republic, against the advice of his cabinet, which gave great offence to some of them, and to most of the leading men of his party. These ministers were not received by the French government, but insulted, so that they asked to be recalled. This aggravated the difficulties, and occasioned a very violent war spirit in this country against France, and the administration made preparations for war. It is due to Mr. Adams to say, that his course throughout was moderate and pacific, and he again sent another embassy to France against the advice of his cabinet, or a part of it, and of many of his party. These ministers succeeded in their negotiation and saved the country from a war.* Which was the war party, and which favored a pacific policy at their commencement?

Soon after Mr. Jefferson came into office; a difficulty arose with Spain in regard to our right of deposit at New Orleans. This matter has been alluded to in this debate. Whatever may be said to the contrary, the whole history of the transaction shows that Mr. Jefferson's course was eminently moderate and pacific. In this difficulty with Spain, the federalists were the war party as in the controversy with France, although now in the minority. In a private letter written at the time, Mr. Jefferson says:

"That they [Spain] sought to involve us in a war, with Spain, so as to break down our finances."

Subsequently, the country was involved in difficulty with both England and France, who, being at war, violated our commercial rights as a neutral power. Our flag was insulted and our vessels captured and condemned, and our seamen impressed into the British service. Having failed to obtain redress by negotiation, the administration resorted to restrictions on our trade with both of the offending powers. Non-importation and non-intercourse laws, and finally an embargo, were resorted to as measures of annoyance. Mr. Jefferson always believed that our commerce, consisting of the export and exchange of raw materials for manufactures, was so valuable, and that to withdraw it from any European power, would be the greatest injury we could, perhaps, inflict upon them. These various expedients show the unwillingness of Mr. Jefferson to resort to measures of force.

Mr. Madison found the country beset with the same difficulties, and pursued the same policy. This whole course of policy, it is well known, was regarded by the opposition as weak and visionary; they recommended strong and energetic measures, and declared that our commercial rights ought to be defended by force, by reprisals and war. And, finally, when all other measures had failed; when the question had come to this, that we must give up our rights on the ocean or defend them, by a resort to the last remedy of injured nations; when it became a question of surrendering our independence as a nation, or maintaining it by force, Mr. Madison recommended war. But no sooner was it declared, than it was immediately denounced as wicked and unjust, by the same party that had so long urged a resort to force as the only means of defending our rights. Down to this period, it is not difficult to determine which of the two parties were most pacific in their policy. The federalists only became the advocates for peace, after the country was engaged in a war. It is not necessary to trace the history of the two parties in respect to their foreign policy any farther. Their differences, from the close of this war, were confined to questions of domestic policy. But I cannot admit that there has been any essential change in the principles or views of the intelligent portion of the democratic party in regard to our foreign policy. They still favor a pacific policy as the only one suited to our institutions, and most conducive to the prosperity of the country. They still desire "peace, commerce, and honest friendship with all nations—entangling alliances with none."

Mr. President: I now come to the main question in this debate, which is, what is to be done—what policy is to be adopted in our present relations with Mexico? Others have spoken of the different ways of prosecuting the war. I wish to speak of the best means of obtaining peace, or of putting an end to hostilities. It is the first and highest duty of every branch of this government to bring this war to a close as speedily as can be done consistently with the interest and honor of the country. I will first notice the several plans which have been suggested in the course of this debate, before I proceed to present my own views.

1. To withdraw our troops from Mexico without indemnity and trust to future negotiation. This, if I understand their views, is the course proposed by the Senators on the other side of the chamber; yet I have too high an opinion of these politicians to believe they would pursue such a policy if they were charged with the responsibility of the government. To withdraw from Mexico without obtaining a treaty of peace or indemnity, would be to relinquish all the advantages we have gained by the war. It would be neither compatible with the interests or the honor of the country. It would be virtually an admission that the war had been wrong and aggressive on our part from the commencement. It would cast a shade over the brilliant achievements of our arms. If our forces are withdrawn, they must be distributed; and what reason would there then be to suppose that we could obtain by negotiation either indemnity or the establishment of the boundary of Texas? We should be in a worse condition than before the war commenced, as Mexico would attribute such a movement to our weakness or inability to prosecute the war, and would be encouraged to deny us any satisfaction for our just claims.

2. To assume a military line—the Sierra Madre, or some other. If this is considered as a line for conducting the operations of the war, it falls within one of the other plans which I shall notice, and becomes a mere military question, upon which I have nothing to say. But if I understood the Senator from Virginia, (Mr. HUNTER,) whose eloquent speech I listened to with great satisfaction and with a general concurrence in its views, he proposed the Sierra Madre, as a politico-military line, having reference to indemnity as well as to the prosecution of the war. As an indemnity line, in any sense, I am entirely opposed to it, as it includes more than two thirds of the entire territory of Mexico. It extends on the Gulf, nearly four degrees south of the mouth of the Rio Grande, and includes the greater part of the States of Tamaulipas, Coahuila, New Leon, San Luis Potosi, Zacatecas, Durango, Chihuahua, New Mexico and California. Of the population in these states, I am not informed, but it must be very considerable. Several of these states have not been conquered, and to hold military possession of so large a portion of Mexico, would require a large force, and be subject to nearly the same objections, as the proposition which I shall notice of a military occupation of the whole of Mexico. And what would be the object, unless we intend to retain the country between the Rio Grande and the Sierra Madre; and the objections to that would be nearly the same, as to annexing the whole of Mexico. And if we were to absorb so large a portion of Mexico, she would be so reduced and enfeebled, that we should be obliged to take the whole, in a short time.

3. To maintain our present possessions in Mexico, with a force sufficient only for that purpose, with a view to peace. This is the proposition of the honorable Senator from New York, (Mr. DIX,) in whose judgment I have great confidence. He did not, I presume, intend an indefinite occupation in case a treaty of peace should not be obtained. If regarded as a temporary occupation, to induce a peace, it is substantially the same as the first proposition I shall suggest.

4. An indemnity line, adopting the Rio Grande as a boundary, with the whole or a part of New Mexico and California. This I shall have occasion to speak of, in remarking on my second proposition.

5. To hold our present possessions, and increase our forces, so as to extend our conquests over other parts of Mexico, and compel her to sue for peace. This I consider substantially the same as the next proposition which I shall notice. This appears to be the plan of the Secretary of War.

6. The subjugation of the whole of Mexico, as a means of obtaining peace. I will postpone what I have to say, on the two last propositions, until I have suggested my own ideas as to the best way of bringing this war to a close.

* NOTE.—There is a point of view not before regarding the second mission to France. The envoys were Ellsworth, Davis and Murray. They arrived in 1797 against the advice of Pickering and McHenry, two members of Mr. Adams's cabinet. Mr. Pickering, as Secretary of State, had to prepare their instructions, and never did men receive more offensive terms as the ground to defeat the objects of the mission. Mr. Wolcott, Secretary of the Treasury, wrote a long private letter to Mr. Ellsworth, informing him of the efforts he had made to modify these instructions and make them more pacific in their tone. He tells Mr. Ellsworth that he had succeeded in part, and particularly in smoothing down the harsh and offensive language. But he represents Mr. Pickering's objections, and [illegible] it was difficult to exclude from the instructions many expressions and other topics and expressions which he feared might defeat the principal object of the mission. The object of the letter was, to invite Mr. Ellsworth to visit the seat of government, and try to obtain a further modification of the instructions. This is an unpublished letter which I have seen. It was dated at Trenton, in 1799.

Mr. President: In deciding on the course most advisable to be pursued in order to bring the war to a termination, we must consider the present condition of Mexico, and the results of the war thus far. We are now in the military occupation of more than one half of the territory of Mexico. In addition to the northern provinces, which are sparsely inhabited, there not being more than one person to the square mile, we possess the important central states, of Vera Cruz, Puebla, and Mexico. We hold most of her seaports on the Gulf and the Pacific; we have reduced all her strong fortresses, with their armaments; annihilated her army and deprived her, apparently, of most of the elements of war. We are in possession of her capital, and her government is removed to Queratero, where it is now organized or attempting to do so. The power of Santa Anna and the military party is overthrown, and the men now in power are opposed to that party and are supposed to be friendly to peace, if there is any party in Mexico who can be so considered. Having the possession of all her sea-ports, we control her commerce, and are collecting the duties on imports to be applied to the support of our army in the country. We are also attempting to levy the internal taxes.

In view of these facts, it appears to me, that war has accomplished its mission—that it has done all that it was expected to effect, in respect to peace. Our present relations with Mexico can hardly be considered as a state of war. They are rather a military occupation of the country. They have now no army in the field, and have no means to maintain one. The attempt which seems to be making to organize an army of twenty thousand men, appears to aim only at raising a force like our militia, and is designed no doubt for the defence of the government against the military party rather than to oppose the forces of this country now in Mexico.

With this view of the condition of Mexico, I submit my plan of terminating the war. To hold on to our present possessions in Mexico, until one more attempt can be made to negotiate a treaty of peace. If our army should be reinforced, and preparations made apparently for a more vigorous prosecution of the war, it might favor the object in view, and it is from that consideration that I can give my vote for this bill. I would have Mexico see, that we are able and prepared to prosecute this war as long as we think it for our interest to do so. I would strengthen our forces only for the purpose of favoring negotiation; and not for the purpose of holding the military occupation of the country for an indefinite period, or for any considerable length of time. When the proper time arrives, if it has not already; commissioners of character and standing should be sent there, clothed with full powers to settle all matters in dispute between the two countries.

This plan aims at a speedy termination of the war by treaty, and are there not good reasons to suppose that it would be successful? Whatever credit may be due to the various rumors of negotiations having actually taken place, all accounts from Mexico go to show, that the party now in power are in favor of peace. Since the overthrow of Santa Anna and the military party, the government has fallen into the hands of civilians, whose personal interests must be favorable to peace; for the continuance of the war will be likely to throw the power again into the hands of some military chieftain. War promotes the influence and favors the ambitious schemes of military leaders. The men now entrusted with the government see this, which turns their personal interest, to the side of peace, and they can hardly doubt that the interest of their country lies in the same direction. We now see that all the Presidents since the overthrow of the military leaders, who in rapid succession have been at the head of affairs, have been represented to be favorable to peace—Anaya, Pena y Pena, and Herera—and they appear to be sustained by a majority of the Congress, as well as by the governors of many of the states, who have been assembled to deliberate on the condition of the republic. This party is called the moderos—the middle men or moderate men, occupying a position between the two extremes, of which the military leaders constitute one and the puros the other. If we cannot obtain peace with this party, with what party can we expect it? The military leaders, all accounts allow, are averse to negociation; and the puros, or extreme popular party, appear to be equally hostile to peace. Some accounts represent that their object is to compel us to subjugate the country and establish a government over it, believing that the only way of effectually putting down the military party, which has so long oppressed them. But this can hardly be believed, as it would shew a total want of national sentiment—and it is wholly inconsistent with the manifesto recently put forth by the deputies of this party, in which they protest against the cession of any portion of their territory, even that which is in dispute. The military party and the puros, although the two extremes in their principles so far as they have any, seem prepared to act together, and are threatening a revolution to overthrow the present government. But with the presence of our army they can probably sustain themselves. This appears to be a state of things favorable to negociation; and there can be no doubt but that there must be some truth in the various reports we have had of attempts being made to negociate a treaty.

It may be said that should a treaty of peace be concluded with the present government, it would be overthrown so soon as our army was withdrawn and the treaty set aside. This might be so. But would not the same result be as likely to follow, if a treaty should be concluded one or two years hence, and with a different party in power? There can be no great security for the fulfilment of the stipulations of a treaty negociated with any government that now exists or which may at any time hereafter exist in Mexico. A treaty at any time may be of no great value intrinsically; perhaps worth little more than the parchment on which it might be written. I only say that one obtained now would be as likely to be respected as one obtained at any time hereafter.

But whether a treaty may be observed or not, it affords the most desirable and honorable mode of closing the war, and withdrawing our troops from the country. The bad faith of Mexico would be no dishonor to us.

But should this measure fail I have another plan for terminating the war, or, at least, putting an end to hostilities. It is to withdraw our forces from Mexico, and to hold possession of New Mexico and California, and the boundary of the Rio Grande. This measure executes itself, and does not at all depend on Mexico. We are now in the occupation of those territories and have an organized government there of some sort. The President regards them as already ours; he says, we cannot think of relinquishing them. He recommends the establishment of territorial governments over them. If these provinces are now ours, then we have already indemnity in our hands, for it is admitted in the ultimatum submitted by Mr. Trist, that we consider them as more than an equivalent for our claims. A sum of money was proposed to be paid in addition to the satisfaction of the claims of our citizens upon Mexico. I do not consider, however, that we have acquired a right or title to them, as I do not admit the right of conquest, but we might hold them as security for indemnity on the principle of reprisal. That is a principle of the law of nations; and one which has been favored by our government. I would hold them subject to such arrangement as Mexico might be disposed to negociate. And as we admit that something ought to be paid to Mexico for those territories, that leaves a continual inducement for her to enter into negociation.

Now, what is the objection to this course? Why, it may be said that it will not put an end to the war. But it will put an end to hostilities, which is about the same thing, and enable us to reduce our army to not more than fifteen thousand men, which is the lowest point we should reduce it to if we look to a treaty of peace. It has been said that this course would leave us exposed to a border war, which would require a large force. This is an idle objection. Those provinces are remote from the central and populous portions of Mexico. Her authority there, has never been but little more than nominal; she has not had sufficient force there to defend the people from the Indians. Impoverished, weakened and distracted as Mexico is, and will continue to be, it is idle to suppose that she would be able to send any considerable force to that remote frontier. The inhabitants which would settle there, the hardy adventurers from the western States, who make the bravest and best soldiers, would soon be able to defend themselves. It is confidently asserted, that those in California would never submit to the authority of Mexico, if we were to relinquish the country. They would assert and maintain their independence. A small garrison there of a few hundred men in aid of the inhabitants would be all that could be required for its security. Even the Spanish inhabitants are said to be well affected to the United States.

In New Mexico there might be more difficulty; there is a much larger Spanish population, and they are said to be less friendly to the United States. But an inconsiderable regular force would be sufficient, as our citizens would soon settle there in sufficient numbers to take the direction of affairs into their own hands. And in regard to Texas, she has stood up alone against the power of Mexico, and would want little aid from our army. But whatever force might be required for the defence of this frontier, it could be supplied from the army when reduced to a peace establishment. We should have no other exposed frontier, and the whole rank and file of the army could be stationed there, except what might be required to garrison the forts on the sea-board.

But it may be said that, in adopting this policy, we should lose our commerce with Mexico. This might be so as long as we remained without a treaty. But we may expect a treaty of peace as soon by pursuing this course as any other. And what trade can we expect with Mexico, by a treaty extorted from her, by first subjugating her? Her animosity and unfriendly feelings would still remain, and we could expect little trade with her. Our commerce with Mexico before the war was reduced to a small sum, less than one million; and, therefore, in any view of it is of little importance, compared with the expenses and sacrifices which must be attendant upon the continuance of the war. The President himself sanctions this policy as a last resort. He says, that if Mexico shall finally persist in her course, and refuse to negotiate a peace such as we can approve, we must then "take a full measure of indemnity into our own hands." It becomes then a mere question of time. And is it wise to prolong this war, or military occupation for an indefinite period, when after the expenses and sacrifices of years we may have in the end to resort to the same mode of indemnity, that is open to us now? Shall we suffer the continuance of this war to depend upon Mexico, when we have it in our power to bring it to a speedy close, and secure the full measure of indemnity we demand? Mexico has no responsible government, and can hardly be considered as a civilized nation. We must not, therefore, expect to close a war with such a people as we would with an enlightened nation having a stable and responsible government. And shall we suffer the semi-barbarism of Mexico to keep us in a continual war? When a civilized nation makes war with a barbarous or half civilized people they terminate it at such time, and in such way, as their own interests and secur-

ity may require. The forms of a treaty of peace in such cases are deemed of little importance.

Mr. President, I come now to consider some of the objections to the two last plans which I have noticed—that of an indefinite military occupation; or the subjugation of Mexico, as a means of obtaining peace. I consider these two propositions as substantially the same, as they would lead to the same result—the annexation of the whole of Mexico. They afford little or no prospect of peace, as they involve the overthrow of both the central and state governments; so that there would be no organ of the nation with which a treaty could be negotiated. They involve the destruction of the nationality of Mexico, so that she would be thrown on to our hands as a conquered country. The idea of organizing a government, under our auspices, and then negotiating with it, would be a mere mockery. And besides this difficulty, before this result was reached, there would be such American interests established in Mexico, as would interpose an insuperable obstacle to dissolving our connection with it.

How long may it take to subjugate the people of Mexico? for the government and the power of the nation are already subdued. The result here aimed at, will make the contest a war upon the people. All history proves how difficult a thing it is to subjugate the people of a country, when animated by a spirit of liberty, or of national antipathy and enmity. The greatest captain of modern times, Napoleon, when he heard of the defeat of his marshals in Spain, is said to have exclaimed, "I will soon put an end to this war of peasants!" But how did he put an end to it? By the defeat and final expulsion of his armies from Spain; and this proved the first fatal blow to his career of conquest, which led to the final overthrow of his colossal power in Europe and France itself. To subjugate seven millions of people, is no small undertaking. May you not, by driving them to desperation, give them "the irresistible strength of weakness?" And what service will it be for our brave officers and soldiers, to prosecute a war against the people of Mexico? Will they war against non-combatants, against citizens, against women and children? Certainly they are too gallant to make war on the women of Mexico. I recently read a letter from one of our officers, dated at Jalapa, saying that the country was beautiful, the climate delightful, and that the senoritas, with their ruby cheeks, looked so charmingly, that, was he not a married man, he should have been afraid of becoming annexed to a Mexican.

But if, after a contest, perhaps of years, you are successful, what will be the result? Why, we shall have Mexico on our hands, as a subjugated country, and must hold it as an appendage, or admit it as states into the confederacy. Success may be more honorable, more gratifying to our pride, but it would be more disastrous and attended with vastly more serious consequences, than a failure.

In considering the question of our annexing or absorbing Mexico, the matter of right does not appear to have entered into the discussion; we have only looked at the consequences, the advantages or disadvantages to ourselves. But what would be our right to incorporate Mexico into our confederacy? The right of conquest is only a successful wrong. Because Mexico, without any responsible government, may refuse to treat for peace, cannot justify us in seizing the country. Should we have any pretence of right, even as much as Catharine of Russia had to dismember Poland? But I will not discuss this question, as I have not time to examine the consequences of such a measure.

The idea of connecting the destinies of this free and great republic with such a country as Mexico is startling, and must fill the mind of every reflecting person with alarm. May not such a union, which destroys the nationality of Mexico, be, in the end, equally destructive of our own? What is Mexico? The very Pandora's box of civilization—if civilization it can be called. In what other country on earth, can we find combined all the evils of race, all the evils in government, all the evils in religion, and all the evils in morals? And if there are any other evils, they may be found there.*

Mixed Races of South America and Mexico.—Tschudi, a distinguished German naturalist, has recently published a work entitled "Travels in Peru," which is well known. In this work, he gives a list of the crosses resulting from the intermixture of the Spanish with the Indian and Negro races in that country. The settlement of Mexico by the Spaniards took place at the same time, and the intermixture of races has been, perhaps, greater in that country than in Peru. An officer of our army informs us that the Mexican soldiers present the most unequal characters that can be met with anywhere in the world. Some are brave, and some are quite the reverse, and possess the basest and most barbarous qualities. This, doubtless, is a result in part of the crossing of the races.

The following is Tschudi's list of the crossings in Peru:

PARENTS.	CHILDREN.
White father and negro mother,	Mulatto.
White father and Indian mother,	Mestiza.
Indian father and negro mother,	Chino.
White father and mulatto mother,	Quarteron.
White father and mestiza mother,	Cholo, pale, brown skin complexion.
White father and chino mother,	Chino Blanco.
White father and cuarteron mother,	Quintero.
White father and quintero mother,	White.
Negro father and Indian mother,	Zambo.
Negro father and mulatto mother,	Zambo-negro.
Negro father and mestiza mother,	Mulatto-oscuro.
Negro father and chino mother,	Zambo-chino.
Negro father and zambo mother,	Zambo-negro, perfectly black.
Negro father and quintero mother,	Mulatto, rather dark.
Indian father and mulatto mother,	Chino-oscuro.
Indian father and mestiza mother,	Mestiza-claro, often very beautiful.
Indian father and chino mother,	Chino-oscuro.
Indian father and zambo mother,	Zambo-claro.
Indian father and chino-claro mother,	Indian, with frizly hair.
Indian father and quintero mother,	Mestizo, rather brown.
Mulatto father and zambo mother,	Zambo, a miserable race.
Mulatto father and mestiza mother,	Chino, rather clear complexion.
Mulatto father and chino mother,	Chino, rather dark.

The effect of such intermixture upon the character is thus stated by Dr. Tschudi: "To define their characteristics correctly would be impossible, for their minds partake of the mixture of their blood. As a general rule, it may be fairly said they unite in themselves all the faults, without any of the virtues of their progenitors: as men, they are generally inferior to the pure races; and, as members of society, they are the worst class of citizens."

What will you do with her. Will you unite Mexico, as states, with this confederacy, with her mixed, mongrel and degraded population? Are her people prepared for this? Have they not been struggling for nearly forty years, to establish a free government, and are, perhaps, farther from it now than when the struggle commenced? Can any man believe, for a moment, that our complicated and nicely balanced system of government, would stand such a shock as this? Like a complicated piece of machinery, would not the derangement of any material part throw the whole into disorder? Could states in Mexico, formed from such a population, act in harmony with the other states of the confederacy? Would you trust to the free action of the popular will there, or would you attempt to control it? And what new elements would you bring into the central government here? Is not this federal government formed out of the states? Do not they constitute its elements, and impart to it its life's blood, by which it exists? And what kind of blood will you infuse into it?

Do not the States form and regulate the constituency of the members in the other wing of this capitol, and also the constituency of the legislature, who elect the Senators on this floor? Congress, in both of its branches, is the offspring of the States, and must receive its character from their action. This government, which is a sort of balance-wheel, to unite and regulate the action of the States, derives its character from them, and if they are wanting in the elements of freedom or order, the defect and disorder will be communicated here, and our whole system become deranged.

But, if Mexico has not the elements of freedom, so that she can be admitted as States into the confederacy, it seems to be supposed that we can hold her as an appendage or colony. My honorable friend from Arkansas (Mr. SEVIER) seems to think there would be no great difficulty in this. He says we might appoint a governor, secretary, district attorney, and judges for each of the twenty-four States in Mexico, and Indian agents to take care of the four millions of Indians, and in this way get along very smoothly. This would be a very pretty colonial system for such a people as the Mexicans. Here are officers to execute the laws, but where are the laws to come from, or is there to be no law but their will?—Who is to make the laws for the colonies, or are they to be governed without law? Shall Congress make laws for those States, or shall the judges make, as well as administer, the law? Or will you have a popular legislature in each? Does not the Senator see that the whole scheme is impracticable?

The case most parallel to this is the British possessions in India. And is Mexico to become our India? If so, it must be governed as the British have governed their India possessions. They have had no such complicated machinery, but a simple despotism. The whole powers of government were for a time confided to a governor and council, without any law but their will; and they always had a large army at their command which constituted the whole strength of the government. After a while judges were appointed, mainly to protect the natives from the rapacity of the English, who had settled in India, and who, as is said by a British writer, were like wolves among sheep. But the British minister and parliament were a little like the Senator from Arkansas—they appointed judges but gave them no law. They, therefore, made law for themselves, and undertook to introduce the common law, civil and criminal, and to enforce it upon a people who knew no more about it than they did of any thing else, of which they had never heard.—The chief justice Impey was another Jeffries, and by his arbitrary enforcement of laws unknown to the people, exercised a tyranny not surpassed by the rapacity of Hastings the governor. He issued his processes and writs, and sent out sheriffs and bailiffs, with armed posses, and seized, imprisoned, tried, condemned, and even executed the natives, for offences which they knew nothing of and which were not criminal by their laws. Even a prince and a high priest among the Brahmins, Nuncomar, was seized, arraigned, tried, condemned and executed for forgery, which, by the laws of the country, was only a fraud. The whole native population petitioned and implored that he might be spared, but he was executed, surrounded by vast multitudes of his countrymen, imploring heaven for his deliverance, and filled with consternation and dismay which no language could describe. The people, seeing that they were liable to be seized, condemned, and punished without knowing for what—that they were exposed to the severe requirements of a law invisible and unknown to them—ignorant whence it came, whether from above or beneath, whether it was of human, divine, or infernal origin—were driven to despair and sought protection from that power which had so long been their oppressor, the governor and council. But this protection they could not obtain, for even the governor and his council could not restrain the oppression and rapacity of these judges without law.

And would the Senator send out judges to Mexico without law? If not, I would ask what laws would govern their proceedings? Would they like the English judges, take the common law, or statute laws of the United States with them? or would they adopt and enforce, the laws of Mexico? Do the people of Mexico know any thing about the principles or forms of our laws; and could they

be introduced among them? What do they know of trial by jury, of a capias, habeas corpus, arrest, bail, and all the forms and proceedings of the common law? And would our own citizens who might settle in Mexico submit to the summary and arbitrary proceedings of the Mexican laws?

Sir, the inhabitants of two countries, whose institutions, laws, religion, and usages, are so unlike, cannot be brought under one jurisdiction. The only way we could govern Mexico, would be by a system similar to that of Spain, when it was under her dominion. By a despotic system, a sort of Vice-royalty, the supreme power being in the hands of one man, and he would require an army to sustain his authority. Whatever it might be called, it would be essentially a military government, as Mexico does not seem prepared for any other.

The Indians, constituting the larger part of the whole population, would be taken care of by Indian agents, says the Senator from Arkansas, as we now do the Indians within the United States. But does he not know that the Indians in Mexico do not live in tribes; that they have no separate governments; that they are a part of the citizens of the country, and subject to the laws in the same manner as others?

And now, I would ask, why shall we take, on our hands, a country like Mexico? Would it add to our strength, our wealth, or prosperity? Would it not be a source of expense at all times, and of weakness, in case we were involved in war with any foreign power? Shall we take her, as seems to be suggested by some, because she may fall into anarchy, if we withdraw our forces? What if she does? is that any concern of ours? Are we responsible for the domestic government and peace of Mexico? Is it not one of our most settled maxims, not to interfere in the internal government and concerns of other nations? The only interest we have in this matter, is that there should be a stable and responsible government, that would preserve order at home, and which would not be likely to trespass on our rights as a neighboring power. Some have expressed apprehensions, that a monarchy may be established there. But how can the people be right to establish what government they please? And perhaps monarchy, in some form, is the only government for which Mexico is prepared? That would be most likely to preserve internal order, and afford security to persons and property, which would be favorable to our trade. Whatever system is most favorable to our commerce, would be most beneficial to us.

Shall we take Mexico as some seem to desire, from an apprehension that she may fall into the hands of a foreign power? And would you annihilate her nationality, and extend your jurisdiction over her, for fear some other nation would be guilty of the same wrong? Or would you maintain a perpetual military occupation of the country, to keep it from falling under the dominion of a foreign state? If England or any great European power, should attempt to make a colony of Mexico, we should no doubt oppose it, with that firmness due to our character; and should it become necessary, to the extremity of war. But sufficient for the day is the evil thereof. When such danger arises, if it ever does, it will be time enough, to meet it, and we shall be better prepared to do so, by returning to peace, and husbanding our resources.

But, Mr. President, some have discovered a reason for our extending our dominion over Mexico, in the purpose of carrying there our civilization and extending the area of freedom. Are we under obligations to do this, if it were practicable? But can it be accomplished? Can you introduce the blessings of civilization and freedom by war and conquest? Is there any example in the annals of the world of an enlightened nation having, by war and conquest, introduced civilization and freedom among a savage or semi-barbarous people? If there is any such I have never found it. Mexico itself is an example to the contrary. She was conquered three centuries ago by Spain, then not only the most powerful, but the most civilized and of higher degree of civilization and refinement than any nation in Europe. And what has been the result? The Mexican or Aztec race were not a rude and barbarous people, but considerably advanced in civilization, probably more so than they are now, after being under the dominion of their conquerors, for three centuries. They have lost their original virtues with their independence, and are now a degraded and vicious race.

If we look to the nations of antiquity we shall find the same result. Rome, long mistress of the world, alike distinguished in arts and arms, was in advance of other nations in civilization, with the exception of the Greeks. Her conquests extended over Europe, and parts of Asia and Africa; but in what single country did she plant the seeds of civilization or freedom? Her arms first subjugated the cities of Italy, then Greece, Carthage, and the countries of the East, and crossing the barrier of the Alps, she conquered Gaul, Germany, and the numerous Scandinavian hordes of the North. These hardy and warlike people were repeatedly subdued by Cæsar and other Roman generals, who also visited Britain and established their dominion there. But were any of these people civilized by their conquerors? Instead of this, it seems to have been the conquered nations which imparted the lights of civilization, to their conquerors. Greece subdued by Roman power carried the arts and a more advanced civilization among the Roman people. And the Scandinavian hordes so often subdued by the Roman arms without making any advance in social improvements, when they became conquerors in their turn, and overrun all the South of Europe, appear to have received the first impulse of civilization from the people they had subjugated. The Romans maintained their dominion over Britain a considerable time, but appear to have left no traces of civilization behind them. It seems to be a law of human progress that a barbarous people will not embrace the arts and forms of social life of their conquerors, let them be ever so superior in social advancements. But wherever a semi-barbarous people have made conquests of nations, even in the decay of their civilization, the conquerors have imitated and embraced much that was valuable among the people they had subjugated. The northern hordes who had so often felt the force of the Roman arms, without one ray of the light of civilization being left among them, at length became aroused from their fastnesses, and uniting the different tribes and chiefs, poured down like a mountain torrent upon the countries of the Roman empire, and spread such ruin and desolation around them as nearly to extinguish all the evidences of past civilization. The chroniclers of these inroads of the northern hordes could find no language to describe such horrors, and characterized these ferocious invaders as the "scourge of God."

Such were our Scandinavian or remote Saxon ancestors, from whom we derived that Anglo-Saxon blood which it seems to be supposed is destined to overrun and possess the whole of the western continent. It is from this source that we derive that "destiny" which is to extend the Anglo-Saxon race over the whole of the western hemisphere. This may be so; but I hope this high destiny is not to be accomplished in the way our remote ancestors fulfilled theirs—by a progress marked by desolation and blood. Ours is a different age from theirs, and whatever may be our destiny, I hope it will be accomplished by means which will not derogate from our character as a just and enlightened people.

Mr. President: It seems to be supposed by some that we ought not to bring this war to a close without obtaining "security for the future" as well as "indemnity for the past." This language is found in the message of the President; but I do not know what he means by security for the future. The language sounds very well, but does not seem to have any very precise meaning. We can understand what is meant by indemnity for the past, but what security for the future, as applied to Mexico, can mean, may be more difficult. I apprehend, however, that it could mean nothing more than that in obtaining indemnity by negotiation, we ought to have reasonable security, or reliance for the fulfilment of the treaty stipulations. It certainly could not mean, as has been hinted by some, that we must insist on one half or more of the Mexican territory, to the Sierra Madre, as a security against the other half. Nor can the President intend that we must have a mountain barrier, or some other boundary, affording a strong natural defence, to protect us from invasion and war from Mexico. No such natural boundary exists, and if it did, we have no reason for it.—We want no other security against Mexico than the spirit and valor of our people, and the great and growing resources of our country. These are the only securities we have against Great Britain, bounding on our extensive northern frontier. If we have no apprehensions from her, we certainly need have none from so weak and distracted a neighbor as Mexico.

But I think the origin and history of this phrase, "indemnity for the past and security for the future," did not occur to the President, or he would not have introduced it into his message. It had a bad origin. It was the defence made by Mr. Pitt, for the long and ruinous war in which England was engaged with France. This war continued nearly twenty years, and called forth all the resources of England—not only in fleets and armies, but its treasure was poured out like water, to subsidize the armies of the continental powers of Europe. But the object of this war, involving such vast expenditures and sacrifices, was not very apparent or satisfactory to some, in and out of Parliament. Mr. Fox, and others of the opposition, often pressed the minister very hard, and demanded to be informed of the object of the war. But the only answer they could get from Mr. Pitt, was "indemnity for the past and security for the future." Well, sir, this war, although long disastrous to the British and their allies, was in the end successful. Bonaparte was defeated, his continental system broken up, and he was driven from the throne of France. But what was the indemnity for the past and security for the future, which Mr. Pitt obtained for his country? Ask the the artisans and laborers of Birmingham and Manchester, the men of ceaseless toil, and they will tell you what was that security, which has ever since, robbed them of one-third part of their hard earnings. It was national debt and national taxation. This war added five hundred millions of pounds to the national debt of England, swelling the amount to the the enormous total of eight hundred millions. Such was the security which England obtained from an unnecessary and protracted war, sustained by a minister of great abilities, but by no means a wise and prudent statesman. The great mistake was, in placing a young man at the age of twenty-four, at the helm of state, to direct the destinies of a great nation.

I hope, Mr. President, we shall not be disposed to follow such an example of obtaining indemnity for the past and security for the future. The best security for the future which any nation can have, is peace, as that increases its resources for war.

Mr. President, within the last few years the public mind has been directed to the acquisition of territory and the enlargement of the boundaries of the republic. First, to the annexation of Texas; then the establishment of our title to Oregon, and now in a war with Mexico, which all seem to regard as having a connection with territorial acquisition. These questions have had an exciting and powerful effect on the public mind; and it cannot be surprising, that they have given rise, in certain minds, to extravagant ideas and magnificent schemes of the progress, enlargement,

and greatness of our country. Territorial aggrandizement having become the great object on which the national mind is fixed, it is natural that there should be a strife among the leaders of the political parties, divisions and subdivisions, existing among us, to push ahead of each other, each aiming to get an advanced position in the pursuit of the same object. First, peaceable annexation; then the assertion of a "clear and unquestionable title," and finally, acquisition by conquest. Destiny points out our path, and progress urges us on. And where shall we stop, or how far will progress carry us? My honorable friend from New York, (Mr. DICKINSON,) has a resolution before us, for annexing all contiguous territory. I trust he does not intend to do this by conquest, for the principle will carry us a great ways. We cannot stop at the burning sands of Panama, but must pass on to the table lands of Central America, thence to the Rio de la Plata, and finally, to Patagonia, and be brought up at Cape Horn. And but for the straits of Magellen, we might annex the Sandwich Islands, and perhaps Japan.

But I allude more to the indications of public sentiment elsewhere, than in the Senate; to the tone of a portion of the public press; to popular meetings, speeches, addresses of conventions, and other evidences of wild and extravagant opinions. The proposition, to unite the destinies of this free and happy republic with Mexico, that "Serborgan bog," is treated as lightly and disposed of as easily, as a question of forming a new county, or dividing a township. This levity and recklessness, in respect to so grave a question, although not prevailing to much extent, has nevertheless filled me with amazement. Should such sentiment spread, should the public mind become phrenzied with a lust for territory and false notions of national greatness, I should tremble for the consequences. When I witness these splendid delusions, I have been reminded of the memorable words of the Earl of Chatham, who in that indignant language peculiar to him, charged the minister of his day of having "drank of that poison, described in poetic fiction which makes men forget their country." It appears to me that all such, whether in exalted or humble conditions, have forgot their country—that they are only thinking of Mexico. Sir, what is our country? Does it consist only of territory; of those great features which distinguish this continent; its vast mountains, lakes like inland seas, rivers like estuaries of the ocean, and valleys and prairies unknown in any other land? No! These are not our country; they belong to Him who created them. We may be thankful that our lot has been cast in so favored a portion of the globe, but we have no reason to be proud of it, as we have no merit in it. Our country consists of our population and its wonderful organization, political, civil and social; our complicated but harmonious system of government, the simplicity and justice of our laws; our institutions of religion, free to all, and upheld without law; our system of general education and higher institutions of learning; the purity of our morals, and the simple and unsophisticated forms of social life. It is these things which distinguish our country from all others, and of which we may be excused for being a little boastful. It is liberty and all the blessings of freedom which we enjoy, that should enter most largely into our ideas of country. And will the extension of our territory add to their value? Can we have no higher idea of national greatness, than what pertains to extent of territory? Is territory the only feature of national power and glory? Is it to be valued more than those elements of moral power and true greatness, to which I have referred? To indulge a desire for territorial aggrandizement, and especially by conquest, is to imitate the vulgar ambition of kings, and is unworthy of a free and enlightened people. This is not the destiny to which the founders of the republic looked for their country. Its liberty, its free institutions, its respect for justice and the sacred rights of humanity, entered largely into their ideas of the future greatness and true glory of their country. They regarded more its moral than its physical greatness, and sought to give an increasing development to its moral energies. That was the "progress" they anticipated for their country. The best definition of a free government was given by a citizen of my own state. JOEL BARLOW, who seems not to have been justly appreciated. He defined a free government to be "the substitution of moral for physical power." But in this progressive age, we seem to be advancing backwards and substituting physical for moral power.

Mr. President, I have no apprehensions from any reasonable enlargement of our territory, when circumstances throw acquisitions in our way by just and peaceful means. But I would not indulge a passion for territorial aggrandizement; which has a tendency to an aggressive policy that may "trespass on the rights of other nations." A state with a small territory must necessarily be weak; and one of a very extensive territory, may be weakened from that circumstance, by its scattering its population. As fast as our population increases, our territorial possessions have increased much faster. This of course has a tendency to scatter our population and, for a time, to diminish our strength; and even our resources for the value of labour remote from markets is much less than it would be in other sections of the country. Can we not be satisfied with a country stretching across a continent and bounding on two oceans? Nothing short of the whole continent it seems will satisfy some. Whether our political system could be extended and maintained over this continent, if there was a homogeneous population, is a problem that may never be solved. But whether it could or not, I see no object in it. It seems to be the order of Providence, that there should be families of nations, as well as families which compose all communities. Whilst they are often a necessary check upon each other; the commercial and friendly intercourse between them, tends to the general advancement of all.

Mr. President, I have exhausted myself and wearied the Senate, and having said about all that I desired to say, I will detain you no longer. I thank Senators for their patience and attention. I have discharged what was in some respects an unpleasant duty.—If I have spoken with warmth, it is because I have felt what I have said. If I have raised a warning voice against dangers in the future, which a false step at this time might bring upon the country, it was because such were my solemn convictions.

This may be the last time that my voice will be heard in this hall on any great question, affecting the lasting welfare of the country. I shall not long be here; but in retirement I can never be indifferent to whatever concerns the prosperity of the country, the integrity of the Union, and the maintainance of our free institutions, in all their efficacy. And I hope it may be my last aspiration, that it may ever remain the true glory of our country, to cherish liberty as the highest good of the people, and to preserve peace, in the only way it can be done, by observing justice.

Mr. UNDERWOOD took the floor, and on his motion,

The Senate adjourned.

THURSDAY, FEBRUARY 10, 1848.

ORDINANCE OF THE CITY COUNCIL OF ST. LOUIS.

Mr. BENTON presented an ordinance passed by the city council of St. Louis, Missouri, urging upon Congress the propriety of making an appropriation for continuing the improvement of the harbor at that place, which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS.

Mr. HUNTER presented the memorial of Elizabeth Monroe, widow of Thomas J. C. Monroe, deceased, late a surgeon in the army of the United States, praying a pension, which was referred to the Committee on Pensions.

On motion by Mr. JOHNSON, of Maryland, it was

Ordered, That the petition of Erskine and Eichelberger, on the files of the Senate, be referred to the Committee of Claims.

On motion by Mr. BUTLER, it was

Ordered, That the petition of E. P. Guier, and B. McLaughlin, on the files of the Senate, be referred to the Committee of Claims.

SENATE POST OFFICE.

Mr. WESTCOTT submitted the following resolution for consideration:

Resolved, That the Secretary of the Senate be authorized to pay to the two youths employed in the Senate post office at the last session, one hundred dollars each, in full compensation for their services at the last session.

On motion by Mr. WESTCOTT, it was

Ordered, That it be referred to the Committee on the Contingent Expenditures of the Senate.

CHARITY HOSPITAL AT NEW ORLEANS.

Mr. JOHNSON, of Louisiana, submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to the Charity Hospital at New Orleans, in defraying the expenses of the sick and destitute seamen of foreign as well as of this and the other States of the United States, received into that national institution.

THANKS TO COLONEL DONIPHAN.

Mr. HANNEGAN, by unanimous consent, asked and obtained leave to introduce a joint resolution of thanks to Colonel Alexander W. Doniphan, the officers and men under his command in their recent campaign through the Northern States and provinces of Mexico; which was read the first and second times, referred to the Committee on Military Affairs, and ordered to be printed.

MEDALS, ETC., FOR OFFICERS AND SOLDIERS.

Mr. CASS, by unanimous consent, asked and obtained leave to introduce a joint resolution authorizing medals and certificates to be given to officers and soldiers of the regular army and volunteers for gallant conduct in battle during the war with Mexico; which was read the first and second times, referred to the Committee on Military Affairs, and ordered to be printed.

ADVERSE REPORT.

Mr. BRIGHT, from the Committee on Revolutionary Claims, to whom was referred the petition of Mary M. Telfair, submitted an adverse report, which was ordered to be printed.

PRIVATE BILLS.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the petition of David N. Smith, submitted a report accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. ATCHISON, from the Committee on Indian Affairs, to whom was referred the bill from the House of Representatives for the relief of Joseph and Lindley Ward, reported it without amendment.

The Senate proceeded to consider said bill, as in Committee of the Whole, and no amendment being made it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary notify the House of Representatives thereof.

The Senate proceeded to consider, as in Committee of the Whole, the bill to compensate John M. Moore.

The question pending was upon the motion made by Mr. BREESE, at a former day, to reconsider the vote by which the amendment reported from the Committee on Public Lands was agreed to.

Mr. BREESE withdrew the motion to reconsider; and no further amendment being made, the bill was reported to the Senate and the amendment was concurred in.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

MAP OF NEW MEXICO.

The Senate proceeded to consider the resolution reported from the Committee on Printing, to print the report of the examination of New Mexico by Lieut. J. W. Abert, of the Topographical Corps, together with 2000 additional copies thereof, and the map accompanying the same; and it was agreed to.

ADVERSE REPORT ADOPTED.

The Senate proceeded to consider the report of the Committee on Revolutionary Claims in the case of Maria C. Robertson, and in concurrence therewith it was

Resolved, That the prayer of the petitioner be denied.

BARQUE WILHAMET.

The bill from the House of Representatives to authorize the issue of a register to the barque Wilhamet, was read the first and second times by unanimous consent.

The Senate proceeded to consider said bill, as in Committee of the Whole, and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary notify the House of Representatives thereof.

HOUSE BILLS REFERRED.

The bill from the House of Representatives to divide the State of Georgia into two judicial districts, and organizing and establishing an additional district court of the United States, with circuit court powers and jurisdiction, was read the first and second times by unanimous consent, and referred to the Committee on the Judiciary.

The bill from the House of Representatives to change the location of certain light-houses and buoys, was read the first and second times by unanimous consent, and referred to the Committee on Commerce.

The bill from the House of Representatives to amend an act entitled "An act in amendment of the acts respecting the judicial system of the United States," was read the first and second times by unanimous consent, and referred to the Committee on the Judiciary.

COMPENSATION TO MESSENGERS.

The Senate proceeded to consider the following resolution submitted yesterday by Mr. BADGER:

Resolved, That there be paid to each of the messengers of the Senate, and officer of the Secretary of the Senate, who have not already received it, the same additional compensation that was paid to R. P. Atchison and J. L. Clubb, for the second session of the twenty-ninth Congress.

On motion by Mr. BADGER, it was

Ordered, That it be referred to the Committee on the Contingent Expenditures of the Senate.

PRIVATE BILLS PASSED.

The Senate resumed the consideration, as in Committee of the Whole, of the bill for the relief of Susan E. Gordon.

Mr. WESTCOTT explained the nature of the amendment previously offered by him, and after a few words in explanation by Mr. MASON, it was agreed to.

The bill was then reported to the Senate, and the amendments were concurred in.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass, and that the title thereof be "An act for the relief of the legal representatives of George Fisher."

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

The bill for the relief of Jones and Baker was read the second time and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

INCREASE OF THE MEDICAL STAFF.

The bill for an increase of the medical staff of the army for a limited time, was read the second time and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

INDIAN RESERVATIONS.

The Senate proceeded to consider, as in Committee of the Whole, the bill authorizing persons to whom reservations of land have been made under Indian treaties, to alienate the same in fee.

The question being upon agreeing to the amendment submitted by Mr. HANNEGAN on a former day, it was read for information.

Mr. WESTCOTT suggested that as the Senator from Indiana, who had offered the amendment, was not now in his seat, the bill be passed over informally.

Mr. ATCHISON presumed there could be no difficulty in regard to the amendment—however, the Senator from Indiana was now in his seat, and could explain it.

Mr. BREESE remarked, that the object of the bill was to obviate the necessity of special legislation. By the treaty made at Camp Tippecanoe with the Pottowatomie Indians, sections of land were reserved to certain Indians, after the lands had been ceded in bulk to the United States. These Indians supposed they had an estate in fee in these lands, and by deeds approved by the President of the United States, sold their interest in their reserved lands. It was now understood, after careful inspection of the treaty of 1832, that the construction of the terms employed did not give to these Indians an estate in fee in those lands, but an interest during their life-time. The design of the bill now before the Senate was to relinquish to the purchasers of these lands the supposed reserved right of the government of the United States. There were some ten or fifteen cases involved in this bill, and in order to avoid the necessity of special legislation, it was thought that it might be proper to have a general law including the whole subject. Congress had never refused, when any similar application had been made, to grant the relief now sought; and in proof he read an act for the relief of G. S. Hubbard and others. Similar cases had occurred in Alabama, growing out of a like treaty, but he would not trouble the Senate by any reference to them at present.

He then sent to the desk of the Secretary a letter from one of the commissioners who had concluded the treaty, giving it as his opinion that the Indians supposed they had the lands in fee.

Mr. HANNEGAN stated that the amendment which he proposed to the original bill, was intended to meet cases under this bill entirely, which the bill did not. There was a provision in it which required that the deeds should be executed according to the laws of the State in which the lands were located. Compliance with that provision was almost impossible on the part of persons residing at a distance in Missouri, Iowa, and Kentucky. In order to meet that and certain minor objections, he had offered the amendment, which covered the whole ground. In no single instance heretofore had Congress refused to pass special acts in similar cases arising under this treaty. He referred to former acts of Congress, in 1839 and 1841, embracing similar cases. He presumed that the deeds in the present case had had the sanction of the President, but his approval of them was made necessary before the conveyance could be perfect. He presumed that there was no more danger of fraud than in any other case of purchase and sale of Indian lands. The statement of one of the commissioners who made the treaty had just been read to the Senate, and showed that the understanding at the time was, that the reservation was made in favor of the Indians, as all other individual reservations have heretofore been made, and that they had, therefore, a right to sell and convey, with the sanction of the President. That was all that was asked in this case. The papers now before the Committee on Indian Affairs showed incontestibly that a full and ample price had been paid for the lands; indeed, from his own knowledge, he could say that for a portion of them double the value had been paid in money.

Mr. BADGER hoped that his friend from Indiana would not understand him as indicating the slightest hostility to the amendment when he suggested the propriety of the reference of the bill, with the proposed amendment, to the Judiciary Committee. The statements of the gentleman from Indiana, and those also of the gentleman from Illinois, had satisfied him that some act of legislation in reference to this matter was proper and necessary. He was not, therefore, opposed to the measure, but was of opinion that it should undergo the examination of the committee of the Senate supposed to be specially charged with the legal proceedings which might be necessary.

Mr. HANNEGAN explained that the bill had been referred to the Committee on Indian Affairs, and his friend from Missouri (Mr. ATCHISON,) united with him, in requesting that that committee should be discharged from the consideration of the subject, and that it should be referred to the Committee on Public Lands, to which they thought it propely belonged. He could not conceive that it involved any question requiring the examination of the Judiciary Committee.

Mr. ATCHISON observed that the Senator from Illinois (Mr. BREESE,) had already shown that Committees had in several instances, acted on this subject in the manner proposed by this bill. The only question involved, was whether the United States would now cede to the purchaser from the Indians, the reversionary interest which it was supposed the United States held in them under the treaty. Upon the broad principle of getting rid of the public lands, if for no other reason, he would say, give that reversionary interest to the purchasers. He held that in getting rid of the public land, an important service was rendered to the government of the United States, as well as to the State in which the land lies, and to private individuals who became purchasers.

Mr. BADGER suggested that his friends on the other side labored under some misapprehension as to his object in desiring the reference to the Judiciary Committee. Although the case had been passed upon by the Committee on Indian Affairs, still there might be a question remaining with regard to the legal safeguard to be thrown around the measure.

Mr. HANNEGAN begged to inform his friend from North Carolina, that the same guards precisely, had been interposed in this case as had existed almost contemporaneously with the government with regard to lands held by individual reservation.

Mr. BADGER then withdrew his motion.

The amendment was then agreed to, and no further amendment being made, the bill was reported to the Senate, and the amendment was concurred in.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

TEN REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. UNDERWOOD.—We have been engaged, Mr. President, in wars with England, and that is the only foreign civilized Christian nation, Mexico excepted, with which we have been so involved. We have had two wars with England, in both of which we were contending for great principles, upon which rest the institutions and liberties of our country. The American people well understand the principles for the establishment of which their ancestors entered upon the war of the revolution. They were published to the world in the ever memorable declaration of independence. The principles, for the defence of which the war of 1812 was declared, are equally well understood. They were promulgated in the pithy sentence, "free trade and sailors' rights." The people of the United States would not suffer Great Britain, by her orders in council, to trammel or commit spoliations upon their commerce. Nor would they permit their merchant vessels to be arrested and entered, and our sailors impressed and made to fight the battles of England on board British men-of-war, or armed vessels. To resist the practice of impressment and spoliation, we went to war in 1812. The causes of these two wars with our mother country, and the principles involved, are now matters of history. I propose, Mr. President, to inquire into the principles and causes of the existing war with Mexico. The people of this country wish to know what they are fighting for, and what objects are to be accomplished.

In the progress of this debate I have witnessed on the part of those who sustain the administration, and especially on the part of the chairman of the Committee on Foreign Relations, great research and much anxiety to find precedents, in the past history of our country, to justify every act of the President in relation to the existing war. I know full well the force of precedents. As individuals, we do what our fathers have done. Nations in a single action may set an example to be followed through successive ages. Legislative and judicial precedents become authority. International law is built up or demolished by the military action of nations.

It is, therefore, of lasting consequence to us, to ascertain what precedents we are establishing for our future government. What principles are we asserting in the face of nations? I look back with exultation upon the principles and the actions of those who resisted the domineering conduct and arbitrary exactions of Great Britain. I beheld our ancestors struggling against oppression and in favor of liberty; and in their conduct I find a redeeming example for the imitation of the oppressed of all nations. In their conduct I find grent principles of right and liberty vindicated and maintained. I feel a thrill of gratitude for the blessings I enjoy consequent to their sacrifices. And now, in the midst of our Mexican hostilities, I naturally inquire, will our children regard our war with Mexico, comparatively weak, as having been based upon the same high principles which governed our ancestors when they, being weak, resisted the strong arm of British power? What lessons are we teaching our children and the world by our policy towards Mexico? Are we guided by the landmarks of liberty? Are we acting upon the recognized principles of international law, or are we building up a new code by which we are to be governed, although rejected and condemned by all other nations?

Before going into these momentous subjects, I beg leave to call the attention of the Senate to the war made upon the freedom of speech by the supporters and vindicators of the war against Mexico. In their belligerent career they denounce all those who question the sagacity of the President, in plunging the country into the Mexican war, as traitors, giving "aid and comfort" to the enemy. The President himself set the example. It has been followed by executive partisans with unparalleled malignity. It has at length come to this, that those who do not agree with the administration are denounced in the executive organ, the Union, and other affiliated papers, in terms usually applied by vulgar wrath to the vilest criminals. A copy of the Union, now before me, charges the members of Congress of both Houses with making speech after speech "against the rights and honor of the country," and publishes the opinions of officers and soldiers in the army, to prove that "the course of the opposition in regard to the war has had the indisputable effect of cheering the enemy and prolonging the war." Gen. Pearce is represented as declaring in a public speech, that extracts from American papers republished in Mexico, constituted "the food which fed the ferocity that pursued the army at every turn and caused the butchery of every soldier who fell into their (Mexican) hands." Under the head of "more just indignation," we are informed by the Union that a correspondent of the Pennsylvanian, writing from the city of Mexico relative to the republication at that place, of the speech of a distinguished member of this Senate, declares that "the army here [in Mexico] are deeply incensed by such a display of selfish party ambition, sacrificing truth, principle, country, and his countrymen, all to his overweening desire for place," and adds, "the execrations against him are deep and bitter, and the words villain, traitor, are in every mouth." But it is needless to dwell upon charges like these, made against members of Congress. They are varied, and multiplied, and issued, daily from the administration press, as if the design was to stifle investigation, and to restrain the liberty of speech by denunciation and abuse. It is an evil omen, when the officers and soldiers of the army begin to charge legislators with villany and treason.—When the army, only, is pure, and contains all the patriotism in the land, their denunciations may possibly be succeeded by clearing the halls of legislation with the bayonet. Cromwell and Napoleon knew how to denounce and subvert legislatures. Washington, had he allowed the Newburg letters to operate upon him, might have marched to the glorious continental Congress of the Revolution, and controlled their deliberations by a band of soldiers.—The amendment of my colleague (Mr. CRITTENDEN) proposing to substitute volunteers in the place of regulars, has been voted down, mainly upon the ground, if I can judge from the debate, that the volunteer had attachments to home and country, that he had business to pursue, and that he had a personal worth, a pride of character, which would not allow him to become a mere machine. Remember, if you pass this bill, the ranks are to be filled with men who have no place in the business affairs of life, and who have no ties to bring them back from Mexico. Such were the arguments in favor of regulars, rather than volunteers. Such soldiers would be machines, under such Generals as Cromwell and Napoleon; and, although there may be no danger, during the continuance of the present generation, that a successful commander in war will totally revolutionize the government of the United States, yet an army composed of the materials which the friends of the administration seem to prefer, might be inducted to place their commander on a throne, provided he introduced into his policy a new feudal system, and divided out the lands of Mexico among his supporters. Whatever the army may do in the progress of events, I hope that the body of the American people have not forgotten the maxims that the military should be subordinate to the civil power of the State, and that large standing armies are dangerous to liberty. I shall proceed to express my opinions of the principles and tendencies of the existing war, regardless of anticipated denunciations.

There is another preliminary remark I desire to make. We have been in substance told, here as elsewhere, that those who object to the conduct of the President in reference to the war, and speak and write in opposition to the principles and actions of the Executive, whilst they manifest their own factious tempers, are disgracing the character of the country, and bringing upon themselves the odium which attached to the tories of the Revolution. Denunciations like these usually come from persons having a personal interest in the prosecution of the war, or a party interest to subserve. Those who feel the interests of party are such as have to a great extent the responsibility of beginning the war on their shoulders. With these it is nothing more than a political manœuvre, to endeavor to identify themselves with the honor and glory of the country, and to produce the impression that those who oppose them and their measures, are tarnishing the character and bringing disgrace upon the country. Such selfish trickery is too thinly veiled to hide itself from an intelligent and discerning public. The manner in which this war commenced, can reflect neither honor, nor disgrace, upon the great body of the people of the United States, for the most obvious reasons. They were not consulted upon the subject. The President did not even consult the representatives of the people until after the battles of Palo Alto and Resaca de la Palma. The Congress which recognized the existence of the war, had not been elected by the people with any expectation that their representatives would be called on to decide a question of peace or war. But even if every member had come with instructions from his constituents, no opportunity was afforded to express the popular will before two bloody battles were fought. The message of the President to Congress, which may be denominated his war message, is dated and was delivered on the 11th of May, 1846—only three days after the battle of Palo Alto, of which the President had not heard, at that time. Two days after, to wit, on the 13th of May, the act of Congress, recognizing the existence of a state of war, with Mexico and providing means to prosecute it, was approved. Now, sir, I assert that the people at large took no part in producing these momentous events, and that their character neither shines with increased splendor nor is tarnished in consequence of them. But the character of the people may and will become connected with the future conduct of this war, just so far as they have ability to control its results, and just in proportion as they adopt sound and honest principles and constrain their public servants to act in conformity with them. In a republic, Mr. President, the people may often be deceived by the mistakes or wickedness of their officers. The people may be misled by ignorance or fraud. But these things do not affect the moral character of the people. They only operate upon the public functionary, who, from sinister motives of gain or ambition, sacrifices the general welfare for his own emolument, and then attempts to hide his own disgrace by persuading the people that his disgrace is theirs, and that their character is identified with his. In my judgment, the character of the American people is deeply concerned in making a thorough investigation of the principles, and objects, of this war and in bringing their servants, executive and legislative, to act in regard to it upon the basis of justice. Let the people do that, and they will exalt their national character, and they will become the admiration of the world. If they fail to do it, ultimate disgrace inevitably awaits them. In the hope that I may aid in the popular investigations which are now in progress, I shall proceed to notice the general grounds upon which the war is vindicated, present my objections to the conduct of the President as to the manner in which he has involved his country in the difficulties which surround us, and conclude by a word of advice for extricating ourselves.

Upon this floor, and in the course of this debate, much has been said by Senators who sustain the President, the tendency of which is to render the public mind familiar with the idea that the annexation of all Mexico to our country, if not a positive blessing, would at least be productive of no very great evil. Indeed, one of the Senators from the great State of New York has submitted resolutions, in one of which it is declared:

"That true policy requires the government of the United States to negotiate the cession of such portion of territory upon the coast of, as the circumstances of the case may require, and to which the United States can make a title."

The President, in his message delivered at the commencement of our session, told us that:

"The boundary of the Rio Grande, and the cession to the United States of New Mexico, and Upper California, constituted an alternative, which our commissioner was under no circumstances to yield."

He further told us, in the same message, that:

"As the territory to be acquired by the boundary contemplated would be estimated to be of greater value than a fair equivalent for our just demands, our commissioner was authorized to stipulate for the payment of such an additional sum as might be found necessary to accomplish the object."

Put these sentences together and they amount to a distinct avowal that the President will not make peace unless he can get from Mexico more territory than is sufficient to pay our "just demands." It necessarily follows that he intends to continue the war, with a view to force the adoption of his ultimatum by Mexico, and thereby to obtain from her territory of "greater value than a fair equivalent for our just demands." My ideas of justice have long taught me to believe, that when an individual or a nation was willing to give up as much land, or territory, as was sufficient to pay all just debts, the creditor should be satisfied. But here, from the chief magistrate of this great and powerful nation of ours, we have a rule laid down and prescribed to weak and feeble Mexico, which in substance declares, that we will whip her until she surrenders a certain boundary of land, although it is more than enough to pay all our "just demands." But the President proposes to pay for all he gets over a "fair equivalent." What would be thought of a creditor's morality and sense of justice, whose appetite for annexation was so strong, that a slip sufficient to pay the debt, leaving the dwelling house and curtilage, to the debtor, should not be satisfied until he "swallowed" the whole plantation? Now, sir, con-

sider the debates here, look at the resolutions offered by the Senators from New York and Indiana, weigh well the contents of the President's message, and do not forget the resolutions of mass meetings, newspaper essays and paragraphs, openly advocating, not only the annexation of the whole of Mexico, but the whole of North and South America which does not already belong to us, and then you must perceive the necessity of an appeal to the people of the United States, imploring them to pause and reflect, where they are going, and by what principles they are impelled.

What do we want with more territory, either for a political or commercial object? The whole of Europe contains but 3,000,000 square miles, running up to the uninhabitable frozen regions of the Arctic Ocean. The United States with Texas proper, contains 2,500,000 square miles. With New California and New Mexico added, we shall have more than 3,000,000 square miles. Is it a sentiment of vanity which induces us to enlarge our dominion over the unexplored wilderness of California? Or do we want it because it will add to our power hereafter, and thereby make us more formidable in the eyes of the world, as a military people? In my opinion, we already possess more of the elements of national power than all Europe combined. Inhabiting more favored latitudes, we produce every thing necessary for the comfort of man, in food, raiment, and shelter. There are but few luxuries which may not be abundantly raised in some of our various climates between the twenty-fifth and forty-ninth parallels of latitude, extending from the capes of Florida in the south, to the sources of the Mississippi river in the north. Cotton, flax, hemp, wool, and we may add, silk, can be produced in sufficient quantities, not only to clothe our own people, but to supply the markets of the world. Sugar, rice, and almost every tropical fruit, can be raised in our southern possessions, more than sufficient to supply the domestic market. In grain and meat of every kind, we can feed our own people, and afford a large surplus to any nation that wants it. We have inexhaustible mines of iron, coal, copper, and lead. Our forests abound in the finest timber in the world. We even possess mines of gold that we may work, without coveting the mines of Mexico. All that we need is, to develop the resources of these rich possessions, and to convert, by art, the treasures of nature to the use of man. In peace we were doing it with a rapidity which astonished the world. We were not content to "go ahead" by steam power alone. Our forward movement was propelled by steam and lightning combined. We have already attained that degree of strength which would enable us to make successful defence against the world in arms. With bays, lakes and rivers, canals and rail-roads, for all purposes of intercommunication and trade, now affording great facilities, but nothing like equal to the wants of our people, with manufactures growing, with commerce, internal and foreign, extending; with all these sources of comfort and enjoyment, and with the certain prospect of their enlargement to an indefinite extent, why need we covet the possessions of other nations? Sir, it is a mistake, a great mistake, to suppose that we shall strengthen ourselves by the extension of our jurisdiction over Mexico. It will weaken us. It will inoculate our system with a poison which may result in our political dissolution, and the death of our liberty. It will certainly be attended with a vast expenditure of money for a long time to come—how long, no man can tell. We shall be compelled to keep large standing armies there, to prevent insurrections and rebellions. The money expended will be a great loss to us, but the valuable lives sacrificed under the influence of the climate, change of food, and other causes, will be still greater. There is a vanity among men which induces each of them, too often, to believe that he can direct and manage, not only his own affairs, but the business of all his neighbors, much better than they can. We overestimate our own powers and ability, when we suppose that we can excel in every pursuit of life, and carry them all on at the same time. There is a limit to the physical and intellectual faculties and ability of our species. We cannot attend individually to every thing. There is also a limit to the powers and capacity of government. No one government, unless it be that of an absolute despot, governing by subordinates the districts assigned them, can comprehend and superintend the various concerns of all the people of the earth. It is just as essential that there should exist different political and civil associations and governments, as that there should be different and separate lands and households among the people living under any one government. The past history of our race exhibits the folly of grasping at universal empire.

> "Rome, Rome thou art no more
> As thou hast been,"

may be sung, as well of other cities and dominions. Even the classic language of her orators and poets of the Augustan age is dead. The liberties and laws of republican Rome perished under the fatal influences and policy generated by the enlargement and extension of her empire. Shall we find no warning in her example? Can we legislate soundly or safely for a heterogeneous nation, composed of Anglo-Saxons, Aztecs, Negroes, and Spaniards, of every degree? Shall we have interpreters in this and the other house of Congress, when Senators and Representatives arrive from the State of Yucatan, and twenty other States now constituting the territory of Mexico? Can we hear all their petitions, and legislate on all their affairs? Can one Supreme Court decide all their causes brought up for adjudication? What sort of presidential elections shall we have, when the whole, or even the half of Mexico is annexed? What will the voter in Oaxaca know of the character and qualifications of the candidate residing in New York or Massachusetts? I might add, what will he care?

Our true glory, it seems to me, will be best promoted by throwing away ambition, "'Twas by that sin that angel's fell." Let us develope all the resources and advantages to be found in our already vast country. Let us cultivate the arts of peace, and seek not the subjugation and annexation by war and conquest, of any part of Mexico.

But the rich productions of Mexican mines, and forests, and fields, we are told, would enrich our commerce, and enlarge our revenues, and therefore, we should favor annexation. If peace and amity can be restored, and commercial arrangements made, if intercourse and trade can be placed upon a footing, mutually advantageous, it is difficult to perceive why we cannot derive as much profit in trading with Mexico as a separate and independent people, as we could when united. I have looked into the tables exhibiting the amount of our import and export trade, with her, for a series of years, and I find it has been too inconsiderable, at its most prosperous periods, to make annexation an object, with a view to enlarge our commerce with her. For a period of nine years, prior to, and including 1833, our imports from Mexico, on an average, amounted to $4.798,054, per annum, and our exports to $4,670,375, annually. The next twelve years after that period, our imports have averaged a little more than five millions, annually, and our exports a little upwards of four millions annually. During the year ending on the 30th June, 1845, being the last prior to the commencement of hostilities, the trade had declined so much, that our exports to Mexico only amounted to $1,152,331, and of this amount, there was $368,177, in foreign merchandize, leaving but $784,154, of domestic produce exported. Our imports from Mexico during the same year, were to the value of $1,702-936. The tables thus show, that for a period of more than twenty years, the average of exports and imports, did not exceed $5,000,000 each, per annum. Now, it is the profit on this limited trade, and the prospect of enlarging it by annexation, that are held out, as motives to influence us. It is manifest, that if the whole amount was a clear gain, it would not pay the fourth part of the expense of prosecuting the war one year. As to the additional revenue we might derive from annexation, if we could obtain any, it would be more than absorbed by the increased expenditure in governing the country.

The next point I shall despatch in a few words. It is, that we must take Mexico, the whole of it, to prevent its falling into the hands of England or France, and the establishment of a monarchy by one of them. I have seen no evidence that either of these governments want Mexico. It is the same story which used to be applied to Texas. May we not wait until there is some palpable demonstration, on the part of one or both of these governments, to annex Mexico, and then tell them it shall not be done? The reasoning which justifies us in seizing Mexico, to prevent England or France doing it, reminds me of a story, with which I shall conclude all I have to say on this head. Two persons were passing a farm, one bright moon shining night, and saw a fine turkey roosting on the fence. They deliberated for some time in great doubt, as to the propriety of taking it, one of them regarding it as a violation of conscience to do so. He at length got over all his difficulties; being assured by his companion, that he knew two rogues who were to pass that way, one of whom would certainly take the turkey, if they did not. Under such reasoning the farmer lost his turkey. The mass of the people will understand, and apply the moral of the story.

But it is alleged to be our "manifest destiny" to overrun all this continent with the Anglo-Saxon race, and to extend the "area of freedom," and the liberty of conscience. If these words mean anything, they amount to this, that we are driven by some law of necessity—some decree of the Almighty—to overturn the civil and religious institutions of all other nations on this continent, and to build up in their place just such systems as our own, or such as we may prescribe. If God has chosen us for any such purpose, and to accomplish it by force of arms, the revelation has not been made to me. I have no faith in the doctrines of any modern Peter the Hermit, who preaches propagandism by fire and sword. I am unwilling to enter upon military crusades with a view to teach our politics or religion to the other nations of the earth. Christianity, or perhaps more properly speaking, the professors of Christianity have, as I think, been signally rebuked by Providence in their wars to arrest the "Holy Land" from the dominion of the followers of Mahomet. Sir, it is not in the nature of man to be taught true religion or the true principles of civil liberty and republican government at the point of the bayonet. A state of war rouses every angry passion, and vindictive feeling against an invader. There is an instinctive resentment against those who attempt to compel us to adopt their creeds by force. Hence it is, that no cause can progress under teachers who undertake to produce conviction by the sword, and who kill the body for the sin of unbelief. Persecution never did, and never will benefit the persecutor. It may enable the persecuted to rise upon a tide of sympathy, excited in their behalf. I am a protestant in politics and in religion. I do not believe that we can find infallability on earth, either in church or State. I hope that the spread of the Christian religion over the earth will accomplish great things for the amelioration of our race. I exult in the moral influences, which the thirty-four Theological Seminaries, and their hundred and one professors, the thirty-one thousand seven hundred and sixty-four preachers of the Gospel, and the three millions three hundred and ninety-four thousand one hundred and forty communicants of Protestant churches in the United States, according to the latest returns, are spreading throughout our land and nation. This estimate does not include

Quakers nor Catholics, among whom there are additional hundreds of thousands, who inculcate every virtue, and enjoin the practice of the commandments delivered to Moses. If these Christian people desire the extension of civil and religious liberty, and if they would accomplish their desires, they must work like their Divine Head and Master did. They must persuade, and not attempt to drive. They must make impressions upon the understandings and hearts of other nations by the weapons of reason and love. I admit "the rapture of the strife" on a battle-field, but it is only the essence of the glory of this world, and not of Heaven. It creates the hero to be admired, and not the sage to be beloved. The appropriate business of the one is to sack cities and devastate countries, waste, and consume, the substance of a conquered people, and leave women and children to starve amidst the carnage, and death of their husbands, sons, and brothers. The business of the other is to build up cities, to improve countries, and to bring the blessings of peace and plenty, of intellectual and religious, and social joy, to the happy homes of a numerous population. I had hoped that if we were the children of destiny, that our fatalism would be developed in spreading Christianity and popular government over the world through the instrumentality of a bright and peaceful example, one of universal toleration in matters of opinion, and in which reason and persuasion would take the place of bigotry and the stake. But, sir, I am no fatalist. My faith is, that God hath set good and evil before us, and endowed us with free will to choose between them. Our faculties are capable of guiding us aright, if we will but make a proper use of them; and we sin in the sight of Heaven, if we do not use them.

The defenders of the administration contend that Mexico was preparing to invade our territory, and to make war; and, therefore, they insist, we had the right upon the principle of self-defence to strike the first blow. I admit that individuals and nations when they perceive an enemy about to strike, are not bound to wait and receive the blow, but may commence in order to ward off the injury by disabling the enemy. To show that Mexico intended to make war on us, the withdrawal of her minister, and the resolutions for the annexation of Texas were adopted by Congress, and the heated remarks of Mexican officers are referred to. Among others, a publication made by Garcia Conde at the head of the office of war and marine in Mexico, dated July 12, 1845, has been made to cut a conspicuous figure, in which he says, speaking of the annexation of Texas. "The injustice of that usurpation is apparent, and Mexico cannot tolerate such a grave injury without making an effort to prove to the United States the possibility of her ability to cause her rights to be respected. With this object, the supreme government has resolved upon a declaration of war against that power." Yet the "supreme government" took good care to make no such declaration. Mexican officers have been guilty of perpetrating threats against and abuse of the United States, to an unlimited and immeasurable extent, I have no doubt. They speak to flatter the prejudices of their people, pretty much after some of our high patterns. While we were claiming the whole of Oregon by positive assertions of our right, and whilst political chivalry was threatening to shed its last drop for 54° 40', Mexico was equally vociferous for the whole of Texas. Silly children may be frightened by gasconade—sensible men, never. Cowards crow tremendously, like fowls without game blood, so long as there is a fence between them; but bring them into the ring, and they raise their hack and back out. Sir, it has amused me to see with what avidity we catch the hostile declarations of Mexicans and publish them to the country as a justification to the President for beginning this war. The friends of the administration may have it, if they please, that every man, woman, and child in Mexico had taken the oath of Hannibal, the oath of eternal vengeance against us, and that they were making the most active preparations to march large armies not only into Texas, but into the very "vitals" of the United States; and that the President was perfectly informed of all their movements; and still the President is totally without justification for his conduct, in my opinion. If all these things had been true, in their most aggravated and offensive manner, as soon as they came to the knowledge of the President, it was his duty, under that clause of the constitution which says, "he shall from time to time give to the congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient," to have laid the whole before the representatives of the people, and to call upon the congress—the war declaring power of our government—to act in the premises. But instead of doing so the President, on the 13th of January, 1846, without consulting Congress, which was then in session, orders General Taylor to leave his position at Corpus Christi, where he remained unmolested with his army for months, and to establish himself upon the left bank of the Rio Bravo or Rio Grande. On the 8th of March, 1846, General Taylor began breaking up his camp at Corpus Christi; and on the 28th of that month a flag staff was erected opposite Matamoras; "and soon the flag of our country, a virgin one, (says Capt. Henry in his campaign sketches, page 66,) was seen floating upon the banks of the Rio Grande, proclaiming in a silent but impressive manner that the "area of freedom" was again extended." The brave captain, in admiration of this event, says on the same page, "there was not ceremony enough in raising it, (the flag.) The troops should have been paraded under arms—the banner of our country should have been hoisted with patriotic strains of music, and a national salute should have proclaimed in tones of thunder that, "Liberty and union, now and forever, one and inseparable," had advanced to the banks of the Rio Grande." Well, sir, there is something of glorification in all this; but to the calm observer, it is the invasion of territory held and claimed by a foreign nation. It is an act of war, made by the President of the United States—by the one man power—without consulting Congress; and is therefore a palpable violation of the constitution. If sanctioned by the people, then are we ready to tolerate any usurpation, and to bow our necks to receive the yoke.

It is impossible for the President and his supporters to escape one of two alternatives. He either knew at the time General Taylor was ordered in January to the Rio Grande, that the Mexican authorities and office s were in earnest in their hostile declarations, and were preparing for the execution of them, or had reasonable grounds to believe there was danger from Mexican threats and preparations, or he had no knowledge or belief that any thing serious was contemplated on the part of Mexico. If the first—if he knew or had good grounds to believe that Mexico was seriously engaged in preparing for war, he grossly violated his duty in withholding the facts, and in not communicating them to Congress prior to ordering the army to the Rio Grande. If the second—if he had no important knowledge, and consequently, nothing to communicate to Congress in relation to the hostile movements of Mexico, then he was guilty of marching the army into a country actually occupied and claimed by Mexicans, in ignorance of all the facts which could furnish a plausible apology for the recklessness of the step. He has, therefore, either concealed from Congress, possessing the war declaring power by the constitution, important information, or he has, in ignorance of the facts, precipitated the country into hostilities without affording the representatives of the nation an opportunity to exercise their constitutional powers in declaring or refusing to declare war. It is in this point of view, that the unconstitutional conduct of the President is flagrant. And how is it defended by his supporters? Why, sir, they say we have just cause of war against Mexico: and they and the President furnish a long list of specifications, the most prominent of which I shall hereafter consider. Well, let us admit that it is all true. What then? Because we have just cause of war against a foreign nation, does it follow that the President may begin it whenever he pleases, without consulting Congress, or waiting until Congress has considered the subject at all? Sir, I arraign the President before his countrymen for the exercise of a power in making this war which did not belong to him. He sent an army to take possession of a country in the adverse possession of a people who were citizens of a foreign nation with which we were at peace, although there was no very good feeling towards us. That was an act of war. It was invasion. The President had no more right or constitutional authority to do it, than he has to send the army to Quebec or Havana and take possession of these cities and surrounding country, without the sanction of a previous act of Congress.

To give the Senate and country a distinct and clear idea of the manner in which the war was begun "by the act of" the President, allow me to state facts as I have collected them from Captain Henry's Campaign sketches. He was an officer in General Taylor's army. He writes well and clearly, and from what I have heard of him, although we are not acquainted, his veracity cannot be questioned. Captain Henry states that:

"When General Taylor with his command reached the bank (of the Colorado) some twenty or thirty Mexicans presented themselves and said that if his force attempted to cross, they would fire upon it, that such were their orders."—Page 59.

"Previous to the crossing, the adjutant-general of General Mejia, the commanding general at Matamoras, made his appearance and handed to General Taylor a paper from Mejia, 'forbidding his crossing, stating that he would look upon it as a declaration of war,' and left assuring the general he would be opposed and that a fight was inevitable."—Page 60.

These occurrences took place on the 21st of March, 1846. On the 24th of March General Taylor arrived at Point Isabel and was met there, says Henry, "by a deputation of fifty armed citizens from Matamoras, with some important civil functionary at their head, who presented him a paper protesting against our occupying the country." The general having no time to discuss the matter told them very concisely "he would give them an answer at Matamoras"—page 63. On the arrival of the army at Matamoras or opposite to it on the east bank of the river, General Worth was deputed by General Taylor to answer the deputation which met him at Point Isabel. After some difficulty General Worth and the Mexican General La Vega were brought together. General La Vega, (says Henry) spoke of our arrival as an act of invasion: that the Mexican government looked upon it as such and asked the question, "what would we have done if we had been served so?"—page 66. Well, Mr. President, I should like to hear what answer the President himself or his vindicators on this floor would give to that question. None of them have yet, in this debate, placed themselves in the attitude of Mexico and asked what they would do under similiar circumstances? The rule of doing unto others as we would have them do to us, is, I fear, obsolete in regard to the Mexican war. Well, sir, as I cannot tell how silent Senators, if compelled to speak, would answer La Vega's question, I will give you Capt. Henry's answer, and I mistake the character of my countrymen altogether, if ninety-nine hundredths of them would not answer precisely as the noble Captain He says, "of course no reply could be given, except that we would have fought like lions for what we deemed our possessions." Yes, sir, that is the true spirit of our people. Let any foreign nation send an army to take possession of what we deem ours, and which is in our occupancy; let them put their feet upon any part of the State from which I come, and I will answer for every Kentuckian, that there is not one of them, who will not fly to arms to drive

the invader from our soil. And yet, sir, for the assertion of this sentiment here, a sentiment without which there can be no true love of country upon earth, I suppose some malignant partizan may gazette me as giving "aid and comfort" to the enemy.

I will proceed with my extracts from Capt. Henry's book. On the 28th March, as the army advanced to Matamoras, "two of the advanced guard of the Dragoons, being some distance from the main body, were pounced upon by a body of Mexicans and carried off prisoners to Matamoras"—page 65. "April 1st. General Taylor having demanded the release of the captured Dragoons they were returned to-day, with nearly all their equipments"—page 70. On the 11th of April, General Ampudia, long looked for arrived at Matamoras—page 70. On the 12th of April General Ampudia sends a communication to General Taylor, telling him, "he must leave his position in twenty-four hours, retire to the Nueces and there await the settlement of the question by negotiation, in default of which, Mexico would look upon his position as a declaration of war." "General Taylor sent word to Ampudia that he did not require twenty-four hours, but would reply at 10 o'clock A. M. tomorrow." On the 13th of April, he did reply by saying "he was sent here by order of his government in a peaceable attitude and intended to remain; and then warned him against the responsibility of firing the first gun"—pages 74 and 75.

Well, sir, who fired the first gun? On the 4th and 5th days of April our troops shot two of their own men as they were deserting to the Mexicans. The deserters were shot, one on each day, as they were swimming the river—page 72. The first blood shed was that of our own men, and by the guns of our own men. Heaven forbid that this evil omen in the commencement of this war, should portend civil strife and bloodshed among ourselves in its final results. On the morning of the 10th of April, "Col. Cross left camp and not returning in the evening great fears were entertained for his safety"—page 73. On the 17th of April Lieutenants Dobbins and Porter with ten men each "left camp with the avowed intention of catching, if possible, some of the band of the notorious Romeno Falcon, hoping to discover some clue to the murder of Col. Cross"—page 77. On the 18th of April, Lieutenants Dobbins and Porter having separated their commands, Lieut Porter's party, at about 2 o'clock P. M.—met with a party of armed Mexicans engaged in jerking beef. "As they approached their camp, a Mexican snapped his piece at Lieut. Porter, who returned it with both barrels of his gun. The enemy immediately fled, and the Lieutenant found himself in the possession of ten horses and twenty Mexican blankets"—pages 77 and 78. Here we have the first snap from the Mexican and the first fire, two shots, from our officer. Whether the Lietenant supposed he had found Falcon and his men, to catch some of whom he had left camp, and whether he made any demonstrations evidencing his intention to capture any of them before the Mexican "snapped," Captain Henry does not inform us. But after the Mexicans fled, and after Lieut. Porter had taken the ten horses and twenty blankets, we are told that he and his men mounted and proceeded towards the camp. They had not proceeded far before they were attacked by a party of Mexicans concealed in a chapparal, "Lieutenant Porter ordered his men to dismount, the enemy kept up a brisk fire; both of the Lieutenants barrels snapped and nearly all the pieces of his men had been rendered useless by the rain." The result of the whole was that Lieut. Porter, and one of his men named Flood, were killed, and the balance of his party dispersed, and got to camp as best they could. The soldier who got in last, said he concealed himself in the chapparel, and saw the proceedings of the enemy. He reported that—

"As soon as our men broke, they, (the Mexicans,) rushed upon the Lieutenant and Flood, the latter they surrounded and deliberately knifed, and then performed the same inhuman office upon Lieutenant Porter."—Page 78

Before this fight between Lieutenant Porter and the Mexicans commenced, General Taylor had blockaded the mouth of the Rio Grande, and stopped "all supplies for Matamoras." This appears from his letter to the Adjutant General, dated the 15th of April, page 118, of document 196, for session 1845—6. On the 26th of April, General Taylor wrote the Adjutant General, informing him, that General Arista had arrived in Matamoras, on the 24th, and assumed the chief command of the Mexican troops.

"On the same day," says General Taylor, "he (Arista,) addressed me a communication, conceived in courteous terms, but saying that he considered hostilities commenced, and should prosecute them."

Page 120 of same document. In the same letter, General Taylor mentions the engagement between the Mexicans and the dragoons, sixty-three strong, under Captain Thornton, and says—

"Hostilities may now be considered as commenced, and I have this day, deemed it necessary to call upon the Governor of Texas, for four regiments of volunteers, &c."

Captain Henry's account of the defeat and capture of Thornton, may be found on pages 82 and 83, of his book. It occurred on the 26th of April, 1846. I have thus given a very abridged account of the proceedings on the Rio Grande, up to the time when, according to the admission of all, war between the two nations existed. I have referred to book and page, where I derived my information. Is it not clear, that it was occasioned by the act of the President, in sending General Taylor with the army, to the Rio Grande? Is it not equally clear, that the Mexicans did not desire war with us, notwithstanding their threats against us? Our resolutions for the annexation of Texas, which are at the bottom of Mexican hostility, were approved on the 1st of March, 1845. If Mexico intended to make war on us for this act, why did she delay more than a year, before drawing the sword and striking the blow? If she wanted war, why did her authorities from time to time, meet General Taylor in his advance, and almost implore him to go back, or they would be compelled to fight him? If she wanted war, why did Ampudia on the 12th of April, require General Taylor to retire to the Nueces, and there abide negotiations between the two governments—why did he almost implore General Taylor to do so?

"If," said Ampudia, "you insist in remaining upon the soil of the Department of Tamaulipas, it will clearly result, that arms and arms alone, must decide the question; and in that case, I advise you, that we accept the war to which, with so much injustice on your part, you provoke us, &c."

(See translation, page 119 of document 196 aforesaid.) Sir, the idea is ridiculous, that weak and distracted Mexico, with a population of but little more than 7,000,000, so weak that she had not even attacked Texas, for years after the battle of San Jacinto, and when Texas had a population of not more than 100,000 or 150,000 at most, should seriously think of making war against the United States, with a population of 20,000,000, backed by an efficient Navy, when Mexico did not own a single ship, and sustained by an army not inferior, numbers considered, as they have proved themselves, to any in the world. Mexican gasconade, was intended by their leaders, to operate upon the ignorant masses of their own population, and to produce a political effect at home. Parades, no doubt, thought he would make himself popular, and get up a *pronunciamento* in his behalf, by assuming to be the devoted advocate of the honor and interests of Mexico, and by deluding his countrymen, through their prejudices against us. He succeeded, overturned Bustamente, and rode into power. That was all he wanted. And we have not a few among ourselves, who, like Parades, pretend to be perfectly devoted to the honor and interests of their country, but who, I am sorry to think, are just as willing as Parades, for their own advantage, to play upon the prejudices, and flatter the martial tastes of our people. I believe they want, and expect power, and official emoluments from it. There is danger that they will succeed, and force us upon the mad career of foreign conquests.

The President and his defenders, fully sensible that the march of General Taylor to the Rio Grande, blockading the mouth of the river, and taking possession of the country, were acts of war *per se*, as Mr. Tyler would say, if the country on the Rio Grande belonged to Mexico; have been driven to the necessity of claiming all the land east of that river, from its mouth to its source, as a part of our own territory through the annexation of Texas; and being ours, the President had the right to march our army into it; and hence it is contended, Mexico was the invader, and shed the blood of our citizens upon our soil. Well, sir, I will punish any nation that invades our soil and sheds the blood of our citizens; and hence it is with me an important inquiry, to ascertain whether we did own the land up to the Rio Grande, where Porter and Thornton were killed. To satisfy my own mind, and to enable me to take such course as a Senator which truth and patriotism required, I have examined the question of title as well as I could, and my researches have resulted in the conviction that we do not own the soil where the first blood was shed in this war. I will state the grounds of my opinion as briefly as possible. By the treaty with Spain in 1819, we relinquished to her all claim which we therefore may have had to the territory lying west of the Sabine. After the Texian people, by their revolution, had thrown off the Spanish yoke, and established their independence, we, by treaty made in April 1831, conceded to Mexico the same boundary as before that time we had agreed upon with Spain. Thus, by two treaties, we have relinquished all title and claim to land west of the Sabine river, now the eastern boundary of Texas. Have we at any subsequent time acquired a new title? It is contended that we have through the Texian revolution and the annexation of Texas to the United States. By conceding the same territory to Mexico which we acknowledged in 1819 belonged to Spain, and when Mexico had no other title to it than that which was founded on revolution and conquest, we have admitted the principle that Texas may acquire title in the same manner; and, consequently, if she did so acquire it, that it became ours by consummating the contract of annexation. The whole question turns, therefore, upon a fact. Did Texas conquer the country up to the Rio Grande opposite Matamoras? As to the declarations of Texas that the Rio Grande was her boundary, they are too idle to require notice. If men or nations could, by mere assertions, acquire property or territory, there would be no end to their wealth and dominion. Unfortunately for the honest reputation of individuals and nations, the society within governments, and the relations of governments, are kept in perpetual turmoil by unjust assertions and claims. We must have facts, then, and not assertions.

The Senator from Illinois (Mr. DOUGLAS) insisted that the revolution in Texas commenced in consequence of the destruction of the Mexican federal constitution of 1824, and the creation of a central consolidated government, to which Texas was unwilling to submit, and that Texas successfully resisted the efforts of Mexico to bring her into subjection to the central government. That is, I believe, all true, and I could perceive very clearly that these facts constituted a just foundation upon which Texas could rightfully assert title to all the lands within her acknowledged limits before the revolution commenced. Up to these limits she was possessed before she asserted her independence, and that possession, coupled with right, would continue until Mexico succeeded in dispossessing her—which was never done. I therefore agree that Texas had title to all the land within her proper limits, and that we acquired her title by annexation; although I must believe it was bad policy on our part to trade with Texas for that title

which she had secured by a revolution not ten years old when we made the bargain. We ought at least to have waited until she had enjoyed peaceable and adverse possession long enough to have an ejectment before purchasing the property.

Mexico seems to doubt whether there be any international statute of limitations which bars her right in so short a time as Texas and the United States have agreed on. But let that pass. Conceding that Texas, by her successful defence secured title to all the land within her proper limits, does that defence equally avail to give her title to part of the Mexican State of Tamaulipas and New Mexico? Certainly not. How then can Texas, under the circumstances, enlarge her original boundaries? She could only do it by conquest, and the permanent occupation of the conquered district.

It must be borne in mind, that the original western boundary of Texas was the river Nueces, that the territories of Coahuila and Texas united, formed one of the Mexican States, that Coahuila lay on both sides of the Rio Grande, having a co-terminus boundary with Texas, formed by the river Nueces. That the Mexican State of Tamaulipas covered the country on both sides the Rio Grande, extending from the Nueces west along the gulf coast and bounded on the North by Coahuila, and that New Mexico lay above on both sides of the Rio Grande. It must also be kept in mind, that Taylor's army was sent into the State of Tamaulipas, according to the original boundaries of these Mexican provinces, and that the first battles occurred in what was at one time part of Tamaulipas, beyond all question. Conceding, did Texas at any time conquer and hold permanently that part of Tamaulipas in which the first blood was shed? Did she ever garrison her conquests and keep any military force in that part of the country? If she ever did I have no knowledge of the fact. If the fact exists, it is passing strange that it cannot be proved. I do not believe such a fact ever did exist, and I will now present the grounds of my belief as rapidly as possible.

In the first place, the evidence furnished by Capt. Henry is conclusive to prove that the Mexicans had possession in fact of the country on the left bank of the Rio Grande at the time General Taylor invaded it under the orders of the President. On the 24th of March, 1846, as Taylor approached, the Mexicans at Point Isabel, except one, burn their houses and fly before the army—(page 62, of Henry's book.) At page 63 Capt. Henry says:

"The country around Palo Alto is really beautiful, and I am not surprised the Mexicans are loth to part with it."

On pages 64 and 65 he speaks of the Mexican "settlements;" "large fields" being enclosed; passing through a "long line of Mexican huts;" "stopped at one and there was a regular rush for eggs and chickens;" "the floor paved with bricks and covered with beds;" "the poor devils (Mexican population) at their cottage doors appeared pleased at our arrival and saluted us as we passed." Our army camped in a corn field on reaching the Rio Grande. The corn was about "six inches high."

"General Taylor sent for the owner and told him he would pay him what he thought was the value of the corn." - Page 68

At page 67 Capt. Henry describes the country and its richness. Speaks of the army occupying cotton and corn fields, mentions the remains of a "beautiful garden" in which the "orange, lemon, fig, banana, plaintaine, peach, and cocoanut" grew, and says:

"The rich bank of land is between thirty five and forty miles in width, and some two hundred and fifty in length."

Capt. Thornton was attacked when he and his men were at a house in a "large plantation"—page 83. In all this we see incontestible proofs that the Mexicans had possession of the country. When and how did the Texans ever have possession of it? If they ever had a single settler in it west of the Nueces, give us his name, tell us who he was, and where he settled?

(Here Senator HOUSTON informed Mr. U. that a man named Powers had settled west of the Nueces, in 1832, under a Mexican grant.)

Mr. UNDERWOOD.—Well that was years before the Texan Revolution commenced? What became of him? Was he a citizen of Tamaulipas or Texas? Did he conquer the country up to the Rio Grande?

Reliance has been placed upon the settlement of Corpus Christi and the holding of that place as evidence of Texan occupation and possession. But if I have ascertained the facts connected with that settlement correctly, they prove precisely the reverse. Capt. Henry, who staid there six months, gives us the account of its settlement, and how it was occupied and held, at pages 18, 19, and 20, of his book. He says:

"It was first settled by Col. H. L. Kinney, in 1838, who in conjunction with his partner, Mr. Aubrey, established a trading post, to meet the immense traffic carried on by the Mexicans. It is, the village now contains, the entrepot of the Indians who come to the coast to trade with us in peltries, &c. But he was forced to keep a regular company of men, at his own expense, to defend his 'ranch.' Its proximity to the Rio Grande made it the most convenient point for the contraband trade."

"For the suppression of this illicit trade, the government of Mexico kept constantly stationed on the Rio Grande a corps of troops called commissaries. They were usually commanded by some worthless vagabond who was ready on a moment's notice to sacrifice his duty for a bribe."

Capt. H. then gives us an account of an expedition sent by the government of Mexico, under an officer of the "commissaries," and two hundred men, to destroy Kinney's goods and to take him prisoner. Kinney crossed the Nueces to obtain assistance. On his return he found his valiant company had not only deserted him but stolen many of his goods. Kinney evinced tact and bravery, but finally saved his establishment by bribing the Mexican officer, and Capt. Henry winds up the account by saying:

"So much for a little ingenious bravery, and a happy application of the *lesser of the evils*."

There, sir, you have the history of Corpus Christi—a smuggling establishment in its origin, and protected against Indians by soldiers employed by a private company and not the government of Texas, and maintained against Mexico by the bribery of her officers. But, sir, this is not all my proof. I have the statement of one of the most respectable men in Kentucky, whose nephew was one of the officers at Corpus Christi, and who informs me that his nephew told him last summer, when on a visit, that the small force at Corpus Christi could not hold possession at all times without tampering with the Mexican officers, that his nephew had given a fine horse to keep fair weather with the Mexican commander at Matamoras, and that Col. Kinney himself had taken the oath of allegiance to the Mexican government. Now, sir, if these things be so, and there be no evidence that Texas ever marched an army to the Rio Grande in the neighborhood of Matamoras, is it not preposterous to contend that Texas, by conquest, extended her territory into the State of Tamaulipas up to the Rio Grande?

I find by an examination of the laws of Texas (and the laws of a people constitute their best history,) much which confirms the idea that Texas made and held no conquests up to the Rio Grande. On the 10th of December, 1835, Texas resolved to call a convention to form a constitution, and in her resolutions declared that "all free white males and Mexicans opposed to a central government," were allowed to vote. Also soldiers then in the army were allowed to vote by proxy. The judges and alcaldes were authorized to designate the places of holding the elections. In these resolutions no particular district or territory was specified from which representatives were to be elected. They constituted a general invitation to all persons opposed to the central government of Mexico to cooperate.

On the 5th of June, 1837, Texas passed a resolution "relating to elections for depopulated districts," in which it was provided, that the President might order polls to be opened for the depopulated districts in any part of the republic where the citizens of such districts or counties may be temporarily residing, until such times as they could return with safety to their homes. This resolution was to continue in force during the war with Mexico. Here, then, is record evidence taken from the statute book of Texas that a part of the districts even of Texas proper had been depopulated by the war. What districts were they? The laws of Texas furnish the answer, and furnish it most effectually, so far as my present inquiry is concerned. On the 18th of January, 1845, the resolution relating to elections for depopulated districts was repealed so far as it operated upon the counties of Refugio and San Patricio, and from and after the passage of the act elections in these counties were to be held within their limits and not elsewhere.—The 4th section of the act of 1845 provides that the reorganization of these counties shall be had within six months from and after its passage, and proper returns made of all elections of county officers, to the Department of State. The 5th section of the act of 1845 makes Corpus Christi the county seat of San Patricio county. Before that time the county seat had been on the east side of the Nueces. By the constitution of Texas, adopted 17th March, 1836, San Patricio county was entitled to one representative. Thus we have the laws of Texas proving that San Patricio, on the Nueces, was a depopulated county and remained subject to the operations of the resolution of the 5th June, 1837, as a depopulated county, until the passage of the act of the 18th January, 1845, and before the six months allowed for the organization of the county under this act had expired. Texas in convention had accepted the proposals made in our resolutions for annexation. It thus appears that, instead of Texas extending her settlements and possessions towards the Rio Grande, that she admitted by her laws that two of her counties or districts had become depopulated, and she did not even attempt to reorganize them until about nine years after the battle of San Jacinto. But, sir, there is yet more Texian law which bears upon the question. I have not been able to discover any statute of Texas which defines the boundaries of San Patricio and Refugio counties. I was limited in time in making researches and then the indexes are so deficient, my progress was slow. I did find, however, a resolution dated 17th December, 1836, requiring the chief justices of the several counties to give information to the Secretary of State as to the boundaries of their counties. From this I infer that there was no statute prior to that date giving the bounds of the counties of San Patricio or Refugio, or if there be not a statute, that it did not extend their bounds west of the Nueces. Whether the chief justice of San Patricio reported that his county went to the Rio Grande, I do not know. If he did his report cannot extend a jurisdiction over the Mexicans upon that river, and separate them from the State of Tamaulipas.

In the map published by Thomas G. Bradford in 1839, and entered according to the act of Congress in 1838, Texas is laid down as being bounded west by the Nueces. That map lays down the line separating Coahuila and Tamaulipas as crossing the Rio Grande above Laredo leaving that place in the State of Tamaulipas. Coahuila and Texas were united and formed into one State by an act or decree passed at Saltillo on the 15th of August, 1824, in which they are declared to be one State and the territory thereof, to be that recognized as both provinces up to that time.—In the laws passed by the legislature of the State of Coahuila and Texas, I find an act under date of the 12th of April, 1827, granting the exclusive privilege of introducing steamboats to Brad-

burn & Staples, "in that portion of the Rio del Norte, (alias Rio Grande,) that belongs to the state;" thus showing that only a part of that river passed through the territory. In apportioning the representation, I find an act passed in March, 1827, which gives the "districts of Saltillo, Paras, and Monclova, three deputies proprietors each; that of Texas two, and Rio Grande one." I have thus found nothing which gave Texas the shadow of a right originally, to that part of the State of Tamaulipas, in which the battles on the Rio Grande were fought; and I have looked in vain for the evidence of the fact that Texas made and held any portion of Tamaulipas as a conquest. Having no original right, and making no conquest in the neighborhood of Matamoras, we could acquire no title through Texas by annexation. On the 12th of June, 1837, the legislature of Texas passed a resolution authorizing their President to send a flag of truce to Matamoras to procure a release of prisoners then there. If at that time she had conquered the country, why did she not erect a battery, as Gen. Taylor did, opposite to Matamoras, and by her cannon compel the surrender of the prisoners? If the country was not then conquered, at what subsequent period was the conquest made? I will not pursue the inquiry farther. I have presented the facts upon which my mind has been forced, to the conclusion that the Mexican government did not commence this war "by invading the territory of the State of Texas, striking the first blow, and shedding the blood of our citizens on our own soil;" but that it was unconstitutionally commenced by the President of the United States.

What are we now fighting for? Indemnity for the past and security for the future, the President answers. I am for these also; but my indemnity and my security may be very different from the Presidents. What does the President include in his ideas of indemnity? The expenses of the war, and the amount of the "just and long deferred claims of our citizens" against Mexico? I think the Texian is the last person who should complain of the non-payment of "long deferred claims." He ought to have recollected that he had refused to pay the claims of our citizens for French spoliations, even after they had been provided for by Congress, much longer deferred than any of their claims against Mexico.—But although the President will not himself pay, it may still be very proper to make Mexico do it. How much will the expenses of the war and the claims of our citizens amount to? I wish to go a little into particulars and ascertain the sums we are to demand, and then we shall be better prepared to decide upon the extent and value of the indemnity to be exacted. The President tells us in the message that Mexico cannot satisfy the claims of our citizens and "reimburse the United States for the expenses of the war," except by ceding to us a portion of her territory. "The doctrine of no territory is the doctrine of no indemnity," says the President. Let us begin the calculation, and estimate the expenses of the war and our private claims. The amount stands thus:

Balance in the Treasury 1st Febry. 1846, now spent, - -	$9,126,439
Treasury notes under the act of 23d February, 1846, - -	10,000,000
Treasury notes under the act of 28th January, 1847, -	23,000,000
Loan on Treasury notes now asked for by Secretary of the Treasury, - -	18,789,114
Add the value of bounty lands according to the report of the Commissioner of the Land Office to the Committee on Public Lands, - - - -	14,550,000
We have thus expended, if we could get peace to-day, - -	$75,465,553

But this is nothing like all, we have by the war laid the foundation for an increased expenditure of millions more, and with which the country will be burdened for years to come. The claims of the mutilated and disabled soldier, and the widows and orphans of the dead, for pensions, are pouring in upon us. There is a claim now before the committee of which I am a member for more than $15,000, for property taken and used to supply the wants of one of our regiments, and how many more thousands we shall be called to pay for property used in the same way, no one knows or can even conjecture. The claims of our citizens against Mexico are as follows.

Amount allowed by the Commissioner, under the treaty, and part of which has been paid, - - - -	$2,826,079
Amount approved by our Commissioner but disapproved by the Mexican Commissioner and not acted on by the umpire, - - - - - - - -	928,620
Amount of claims not acted on or decided, - - - -	3,336,837
Total individual claims	$6,291,5376

If we could arrest the war this moment, with what we have already spent, with the liabilities already incurred, and with what we should be compelled to expend in bringing our armies home and paying them up to the time they were disbanded, no reasonable estimate of our extra-war-expenses can bring them below a hundred millions of dollars. But how will it be if we go on? The Secretary of the Treasury estimates the deficiency for the year ending 1st of July, 1849 at $36,274,055. Pass this bill for ten thousand more regulars, and the other bill reported by the Military Committee for twenty thousand more volunteers, and bring upon the country the increased expenditure of feeding and clothing them, supplying them with arms and transporting them to, and marching them through Mexico, and add these new expenditures to the past and well may the tax paying people of the United States begin to tremble and ask, what is to become of us? Now, it is the Presidents proposed policy to obtain indemnity from Mexico in land for this vast expenditure. We must not forget that the President authorized his Commissioner, Mr. Trist, to pay something to Mexico for the cession of California and New Mexico, but he did not tell us how many millions he had authorized Mr. Trist to give. Enough appears however to show, that in the President's opinion, if he could secure territory amounting to his ultimatum, he would thereby secure a pecuniary indemnity for the government and an ample fund also for the satisfaction of individual claims. Now, sir, I do not hesitate to declare that a pecuniary indemnity is an impossibility. The idea can have no other effect than to delude the people. I will not charge that it was thrown out with that design. It can be demonstrated, if our past experience is worth any thing, that the hope of a pecuniary indemnity is a sheer delusion. Suppose New Mexico and California ours, what steps must we take to gain this pecuniary indemnity with which to reimburse the government and pay the claims of our citizens? We must begin with other heavy expenditures, and we must pay them years before we shall get a dollar in return. Our first step will be to establish two or more territorial governments; our second, to create two or three surveyors general, and to provide for the employment of a multitude of deputy surveyors; and our third, to create land offices and provide for registers and receivers. In doing all this the Executive will have a harvest of patronage by which he can feed scores of lean and hungry partizans. The national Treasury will pour its treasure into the laps of Territorial Governors, Judges, Legislators, Marshals and Attornies, Surveyor Generals and Deputy Surveyors, Registers and Receivers. Verily, the first plague of Egypt, the curse of blood is now upon us, but as it passes away the second follows. I see the frogs, skipping and jumping in the shape of innumerable office seekers and office holders. Yes, sir, and they will, as of yore, invade our bed chambers and kneading troughs, so that the people will not be able to sleep or eat.

But, sir, there is something more of expense after you have quieted the Mexican title and purchased her claim to New Mexico and California; you must, if you do as you heretofore have done, extinguish the Indian titles to the land, before you begin to survey and sell it. Your Indian Department now costs you annually about $1.720,000. How many more thousands shall we have added to it in the shape of annuities to the Camanches and to all the Indians who inhabit the territories we acquire?

There is still yet another thing to be considered. When we get California and New Mexico, how much vacant and unappropriated land shall we get with them? In the acquisition of Florida and Louisiana, we did not molest private rights. We have confirmed the Spanish and French grants, and spent thousands and thousands of dollars legislating about them, and providing for commissioners to investigate them. But what will be the value of the vacant land we shall get? We have reports of bleak mountains and desert plains and some rich vallies; but the great California basin is yet unexplored, and no one can tell us anything of its value.

Now, sir, when you add to the expenses of the war and the claims of our citizens, the necessary expenditure to support territorial governments, to support your land system, to extinguish Indian titles, and to distinguish the appropriated and the vacant lands, is it possible for us, by bringing our new acquisitions into market, to obtain, by the sales, money enough to pay the interest on the capital? It is impossible, unless the vacant lands to be acquired are more valuable, and will sell faster, and at higher prices than our own rich public domain has done.

For the last fifteen years, the sales of our public land has given us an annual average of $5,856,319. During the years 1745-6-7, when the country was flooded with the "better currency" of General Jackson's pet-bank system, when speculation and speculators in private as well as political circles had run mad, more than $48,000,000 of dollars were received, arising from the sales of the public land. Leaving out those three years, and then the average receipts of the remaining twelve of the last fifteen years, for public lands, is only $3,305,803. The Land Committee, of which I am a member, obtained from the Commissioners of the General Land Office, a report, dated the 22d of January last, from which it appears that up to the 1st day of January of the present year the whole number of acres of public land sold by the government, amounted to 99, 295,661 acres, and that the amount, of purchase money received therefor was $137,358,274. The Commissioner reports the sums paid for the public lands to France, to Spain, to Indians, and for surveying and selling, &c., at 9,525,019; leaving an apparent balance in favor of the government of $56,833,255. The interest account however on the expenditures of the government, is very defective—so that it is a doubtful question, if interest were properly calculated and added to the principal, whether, up to this day, after more than fifty years sales of the richest vacant domain on earth, the government has yet been indemnified for its expenditures and interest upon them. In view of all these facts in reference to the operations of our land system, there is not the least reason to suppose that we can even get enough from the sales of the vacant and unappropriated lands in California and New Mexico, to pay the interest on our money invested in this stock, much less a reimbursement of the principal.—Every day we continue the war, this account becomes worse and worse on our side; and of this fact the President and his advisers seem to be sensible, for they have changed their policy in conducting the war, and now say—Mexico shall be taxed, and forced to contribute the means of her own subjugation.

The President, after speaking of the kind manner in which he had directed our commanders to treat the Mexican people, with a view to prevent the body of the Mexican population from taking up arms against us, says, "Not appreciating our forbearance, the Mexican people, generally, became hostile to the United States, and availed themselves of every opportunity to commit the most savage excesses upon our troops." After mentioning how they

"robbed and murdered," the President says, "The Mexicans, having thus shown themselves to be wholly incapable of appreciating our forbearance, and liberality, it was deemed proper to change the manner of conducting the war, by making them feel its pressure, according to the usages observed under similar circumstances, by all other civilized nations." How were they to be made to "feel?" By taking their property for the support of the army, without paying for it, and by levying contributions or taxes, is the answer. This ten regiment bill has been denominated by the chairman of the Committee on Foreign Relations, a "wise financial measure," inasmuch as it will enable us to conquer the mines of Mexico, and collect contributions.

The first remark I shall make upon this new policy of making Mexico pay money through the instrumentality of our army, is, that it seems to contradict that part of the message which says, "Mexico has no money to pay." If we can force some four or five millions of dollars from her, annually, by an army of tax-gatherers, she certainly, with a little patience on our part, could pay our individual claims in cash; and consequently, the "doctrine of no territory" is not necessarily the "doctrine of no indemnity." The Secretary of the Treasury contemplates four sources of revenue in Mexico: first, seizing supplies without paying for them; second, duties on imports; third, duties upon exports; and fourth, the seizure and appropriation of all the internal revenues of Mexico, except transit duties, which are to be abolished. But how much money, with the help of the army, can be collected from these sources, the Secretary seems to have great difficulties in estimating. He says, it will depend upon future contingencies.

"If" says the Secretary, "our armies are withdrawn from the capital and ports of Mexico, nothing would be received from such contributions. If they were withdrawn from the capital, retaining the ports, no safe trade could be carried on with the interior, and to the restricted, precarious system of the customs, existing two months ago, a very small revenue would be derived from this source, as shown by past experience—probably not exceeding $1,000,000 per annum. If, however, the ports at present occupied by our forces be retained, and all the rest seized or blockaded, so as to prevent the carrying of imports into the interior, through any other ports than those held by our forces; if the roads were then open to the interior, through the city of Mexico and the mining region, and the whole country rendered secure, it is my conviction that the revenue from all these sources above specified ought not to be less, so far as the duties on exports and imports are concerned, than has heretofore been collected by the government of Mexico."

After all these "if's," the Secretary has left us entirely in the dark as to the sum we may expect from Mexican taxation, and after various statements, winds up by telling us,

"Under these circumstances, it is impossible to name any precise sum as that which probably would be derived from military contributions in Mexico."

No one could expect a "precise sum" to be named by the Secretary; but I should have been gratified had he ventured a guess with his superior information. But what are we to do, in order to get something more than we have heretofore obtained from Mexico? According to the Secretary's suggestions, we are to hold all conquests already made, go on with other conquests, open roads and keep open communications, and then, all this being done, the Secretary is only convinced that we ought to receive (not that we would,) not less than Mexico has heretofore collected, "so far as the duties on exports and imports are concerned." I cannot give my vote for this bill as a financial measure, upon such uncertainties. Well, sir, I have turned my attention to General Scott's orders, in execution of the plans of the President, for collecting revenues in Mexico. His total levy upon the nineteen or twenty states of Mexico has been $9,679,954, and he proceeds to apportion it among the several states in proportion, I suppose, to some rule of population or wealth, or both combined. He thus requires, Mexico, state and federal district, to pay $668,332, the state of Puebla to pay $424,276, and so of the rest, making up the aggregate. General Scott's object seems to be, to seize the fourth source of Mexican revenue, mentioned by the Secretary. His assessments upon the several states, are to take effect from the time they are severally occupied by the army. In addition to the $3,020,970, the General continues for the use of his military chest, the duties on the production, melting, assaying and coining the precious metals. Now, the whole revenue thus proposed to be levied by General Scott, cannot greatly exceed, if it reaches $4,000,000. Suppose duties on imports and exports would go to $6,000,000 per annum, about twelve times as much, I believe, as we have heretofore received, and suppose we levy, by foraging the country, get $5,000,000 more. By these means we should collect a total of $15,000,000, about the amount of Mexican revenue, according to Mr. Poinsett, in her most prosperous days. Can any one expect greater success than this? I do not believe we shall get one-fifth part of it; but suppose we get the whole, how then will the account stand? I can answer from the laws upon your statute books. You appropriated for the support of your army for the fiscal year, ending on the 30th of June, 1845, $3,803,375 39. This was the last fiscal year of peace, immediately preceding the commencement of hostilities. You appropriated for the support of the army for the fiscal year, ending on the 30th June, 1848, $32,108,161 88. Thus the difference between your peace appropriation for the support of the army, and the appropriation for the first entire fiscal year of the war, is $28,967,084 49. At this rate, if you could get $15,000,000 annually from Mexico, to help sustain your army, you would still have to supply, for that branch of the service alone, by loans or taxes, $13,965,086 49, annually, more than was spent in time of peace. Does not every body see national bankruptcy, or heavy taxation staring us in the face, unless we put an end to this state of things.

But, sir, on what machinery does General Scott rely, to collect his Mexican taxes—what agencies does he intend to employ? Let me read you what he says on the subject:

"The Governors and members of the Legislatures in the different States, and collecting officers now in commission, and heretofore charged with the collection of the Federal dues of any kind, will be individually held responsible in their persons and property, for the collection and full payment of this assessment, one half monthly, &c."

And again he says:

"On the failure of any state to pay its assessment, its functionaries, as above, will be seized and imprisoned, and their property seized, registered, reported and converted to the use of the Occupation (Army,) in strict accordance to the general regulations of this army. No resignation or abdication of office by any of the said Mexican functionaries, shall excuse one of them from any of the above obligations or penalties."

In what volume of the laws of nations, shall we find any thing to justify such orders as these? In what history of the most renowned conquerors, savage or civilized, shall we find precedents for proceedings like these? We invade and overrun a foreign country, and then say to its governors, legislators and officers, you shall go and collect taxes for us, from month to month, and year to year, and if you dare refuse, we will send your bodies to dungeons, and confiscate your property. No resignation or abdication, shall save you! In our own history, this capital has been occupied by our enemies. Should it occur again, are we willing to have the laws we prescribe to Mexico applied to ourselves? Speak, ye Senators, and tell me, which among you, at the order of an invader, to save your property and escape a jail, would be induced to assume the office of tax-gatherer for the enemy? Sir, there is no patriot, there is no man who has a spirit, who would thus degrade himself to the scorn and contempt of his own fellow-citizens. It is not the speeches we make here, which induces the Mexicans to proclaim, "Death to the Yankees, without mercy," as General Pearce may suppose; but it is the conduct of this administration of ours. If these new principles are interpolated in the code of nations, there will be an end throughout the civilized world of those rules, courtesy, chivalry, magnanimity, and mutual respect, which have heretofore, greatly alleviated the horrors of war; and deadly hate, plunder, and extermination, will be the result. Instead of whig speeches, aggravating the bitterness and vengeance of Mexican hostility, they must have directly the contrary effect; because they will convince Mexico, that all sense of justice, and all respect for the rules of civilized warfare, have not yet entirely departed from among us.

I think I have proved that a pecuniary indemnity for the expenses of the war, is an impossibility. What security do we want for the future? We have that in our strength, and in the capacity which the army has exhibited to achieve victories and overcome obstacles. The army has manifested a capacity which has astonished us. In that, there is cause of exultation, and in the prowess of our army and navy we have security. Does the President wish Mexico bound over to keep the peace, and to enter into bonds with Great Britain or France as surety? If that is his meaning by "security for the future," I shall leave it to the President to take the preliminary oath. As for myself and Kentuckians, we cannot swear that we are afraid.

A few more words, and I have done. In prosecuting this war, we have lost about five thousand officers and soldiers, in killed and wounded. We have lost a great many more by the climate of Mexico, and other causes. For this loss there is no indemnity. If we continue this war, losses in the death of officers and soldiers will continue.

I believe the annexation of any considerable portion of the Mexican population to our country would be a lasting curse. What, then, ought we to do, in the difficulties which surround us? My opinion is, that this Congress ought to declare, by resolution, what we require of Mexico. I would say to her, you must pay every cent you justly owe our citizens; you must and shall refrain from future spoliations; you have committed many faults, you must reform; you may pay us what you owe, in money if you can; if not, we will take the bay of San Francisco and the country around it, and to our Oregon line, if you prefer to give it. That bay will be valuable to us as a naval power, and worthless to you. I would assume a defensive line, including such territory as would secure the claims of our citizens, and say to Mexico, this we intend to hold a reasonable time, to enable you to do us justice; and if you will not, then we shall permanently appropriate it. If any Senator who sustains the administration will introduce resolutions based upon the principles stated, I shall rejoice to vote with him in their support. I know it is useless for me, or any one on this side, to move in the matter.

I shall vote against the bill, because Mexico is already conquered, and we shall have no more battles of consequence to fight, and because I am opposed to raising armies for the purpose of collecting taxes in a foreign country. The taxes to be collected would not support the ten regiments, if raised. Were I not exhausted, I would speak of the irresponsible and dangerous power which the President is exercising, through the army and navy, in his attempts to appropriate the revenues of Mexico, without law, and at his own discretion. But I must desist.

If my advice is disregarded, as I suppose it will be; if this bill is passed, and if, in addition, you call for more volunteers, as a citizen, I shall obey your laws. It is a part of my creed to submit to the will of the majority, constitutionally expressed, and to endeavor to carry it out. As a legislator, it is my province to oppose the adoption of measures which I believe to be injurious; but when adopted, acquiescence and a fair trial of them, is the duty of us all. Upon these grounds I have heretofore invited volunteers

to your standard, in public speeches. I shall vote for all supplies to sustain the existing establishment, but will not enlarge the army, which, with the forces in the field, and those authorized to be raised under existing laws, exceeds 60,000 men.

I have endeavored to exhibit the dangers of our present position, the erroneous executive action which brought us into difficulties, and I have reasoned against a career of conquest and annexation. If the people will not arrest such a career, we shall see whether destiny or fate conducts us to universal empire, or with a whirlwind of anarchy rends and scatters in irrecoverable fragments the political edifice of American liberty.

Mr. TURNEY took the floor, and on his motion,

The Senate adjourned.

FRIDAY, FEBRUARY 11, 1848.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

To the Senate of the United States:

In answer to the resolution of the Senate of the 1st instant, requesting to be informed whether "any taxes, duties, or imposts" have been "laid and collected" upon goods and merchandize belonging to citizens of the United States, exported by such citizens from the United States to Mexico, and if so, what is the rate of such duties and what amount has been collected, and also by what authority of law the same has been laid and collected," I refer the Senate to my annual message of 7th December last, in which I informed Congress that orders had been given to our military and naval commanders in Mexico, to adopt the policy, as far as practicable, of levying military contributions upon the enemy for the support of our army.

As one of the modes adopted for levying such contributions, it was stated in that message that—"On the 31st of March last I caused an order to be issued to our military and naval commanders to levy and collect a military contribution upon all vessels and merchandize which might enter any of the ports of Mexico in our military occupation, and to apply such contributions towards defraying the expenses of the war.—By virtue of the right of conquest and the laws of war, the conqueror, consulting his own safety or convenience, may either exclude foreign commerce altogether from all such ports, or permit it upon such terms and conditions as he may prescribe. Before the principal ports of Mexico were blockaded by our navy, the revenue derived from import duties, under the laws of Mexico, was paid into the Mexican treasury. After these ports had fallen into our military possession, the blockade was raised, and commerce with them permitted upon prescribed terms and conditions. They were opened to the trade of all nations upon the payment of duties more moderate in their amount than those which had been previously levied by Mexico; and the revenue, which was formerly paid into the Mexican treasury, was directed to be collected by our military and naval officers, and applied to the use of our army and navy. Care was taken that the officers, soldiers, and sailors of our army and navy should be exempted from the operations of the order; and as the merchandise imported upon which the order operated must be consumed by Mexican citizens, the contributions exacted were, in effect, the seizure of the public revenues of Mexico, and the application of them to our own use. In directing this measure, the object was to compel the enemy to contribute, as far as practicable, towards the expenses of the war."

A copy of the order referred to, with the documents accompanying it, has been communicated to Congress. The order operated upon the vessels and merchandize of all nations, whether belonging to citizens of the United States or to foreigners, arriving in any of the ports in Mexico in our military occupation. The contributions levied were a tax upon Mexican citizens, who were the consumers of the merchandize imported. But for the permit or license granted by the order, all vessels and merchandize belonging to citizens of the United States were necessarily excluded from all commerce with Mexico, from the commencement of the war. The coasts and ports of Mexico were ordered to be placed under blockade on the day Congress declared the war to exist, and by the laws of nations, the blockade applied to the vessels of the United States as well as to the vessels of all other nations. Had no blockade been declared, or had any of our merchant-vessels entered any of the ports of Mexico not blockaded, they would have been liable to be seized and condemned as lawful prize by the Mexican authorities. When the order was issued, it operated as a privilege to the vessels of the United States, as well as to those of foreign countries, to enter the ports held by our arms upon prescribed terms and conditions. It was altogether optional with citizens of the United States and foreigners to avail themselves of the privileges granted upon the terms prescribed. Citizens of the United States and foreigners have availed themselves of these privileges.

No principle is better established than that a nation at war has the right of shifting the burden off itself and upon it on the enemy, by exacting military contributions. The mode of making such exactions must be left to the discretion of the conqueror, but it should be exercised in a manner conformable to the rules of civilized warfare. The right to levy these contributions is essential to the successful prosecution of war in an enemy's country, and the practice of nations has been in accordance with this principle. It is as clearly necessary as the right to fight battles, and its exercise is often essential to the subsistence of the army.

Entertaining no doubt that the military right, to exclude commerce altogether from the ports of the enemy in our military occupation, included the minor right, of admitting it under prescribed conditions, it became an important question at the date of the order, whether there should be a discrimination between vessels and cargoes belonging to citizens of the United States, and vessels and cargoes belonging to neutral nations.

Had the vessels and cargoes belonging to citizens of the United States been admitted without the payment of any duty while a duty was levied on foreign vessels and cargoes, the object of the order would have been defeated. The whole commerce would have been conducted in American vessels—no contributions could have been collected, and the enemy would have been furnished with goods without the exaction from him of any contribution whatever, and would have been thus benefitted by our military occupation, instead of being made to feel the evils of the war. In order to levy these contributions and to make them available for the support of the army, it became, therefore, absolutely necessary that they should be collected upon imports into Mexican ports, whether in vessels belonging to citizens of the United States or to foreigners.

It was deemed proper to extend the privilege to vessels and their cargoes belonging to neutral nations. It has been my policy since the commencement of the war with Mexico, to act justly and liberally towards all neutral nations, and to afford to them no just cause of complaint, and we have seen the good consequences of this policy by the general satisfaction which it has given.

In answer to the enquiry contained in the resolution as to the rates of duties imposed, I refer you to the documents which accompanied my annual message of the 7th of December last, which contain the information.

From the accompanying reports of the Secretary of War and the Secretary of the Navy, it will be seen that the contributions have been collected on all vessels and cargoes, whether American or foreign, but the returns to the Departments do not show with exactness the amounts collected on American as distinguishable from foreign vessels and merchandize.

JAMES K. POLK.

Washington, February 10, 1848.

Ordered, That it lie on the table and be printed.

REPORT FROM THE WAR DEPARTMENT.

The VICE PRESIDENT laid before the Senate a report of the Secretary of War, made agreeable to law, accompanied by returns of the Militia of the United States, with their arms, accoutrements and ammunition.

RESOLUTION OF THE LEGISLATURE OF ILLINOIS.

Mr. BREESE presented a preamble and resolution passed by the Legislature of the State of Illinois in favor of an act granting indemnity to the citizens of that State who suffered by Indian depredations during the Black Hawk war in 1831 and 1832, which were ordered to be printed.

PETITIONS.

Mr. CRITTENDEN presented the memorial of Richard M. Johnson, praying compensation for the buildings erected at his expense, for the use of the Choctaw Academy; which was referred to the Committee on Indian Affairs.

Mr. WESTCOTT presented a petition of citizens of Milton in the State of Florida, praying that the public lands may be divided in equal proportions for the free use of the citizens of the United States; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. MILLER presented the memorial of Hezekiah L. Thistle, representing that injustice has been done him by the Commissioner of Patents in granting to a subsequent applicant a patent for an invention claimed by him, and praying that the Commissioner may be directed by law, to issue a patent to him for said invention; which was referred to the Committee on Patents and the Patent Office.

Mr. CLAYTON said: I have the honor to present the memorial of Passed-Mid. Rogers, asking compensation for losses and injuries received in the service of his country. His memorial is couched in terms as modest and unassuming as they are respectful to Congress, and glances at the leading incidents of an eventful story of daring enterprise and heroic fortitude, in captivity and distress, to which there can scarcely be found a parallel in the annals of the war. I shall ask of the Senate that this memorial be printed, in order that he may have the full benefit of his own statement; and I now propose to make a few remarks in relation to the claim which he presents, for the purpose of drawing the attention of the Chairman of the Committee on Military Affairs, and the members of it, to the facts of the case, because I suppose that is the committee to whom the memorial may most appropriately be referred. This young officer was one of the daring few who, in the month of November, 1814, were distinguished for cutting out and destroying the Mexican barque, "Creole," then moored under the guns and fastened to the walls of the fortress of St. Juan d'Ulloa. Subsequently to the destruction of that vessel, the naval commander under whom Mr. Rogers served, was desirous that a reconnoisance should be made of the localities in the vicinity of Vera Cruz, as well for the purpose of aiding a land attack as of destroying the enemy's depot of ammunition, and this young sailor volunteered with a few others—a small boat's crew—to perform this dangerous service. On three successive nights this small party penetrated the dense chapparel in the neighborhood of the city of Vera Cruz, made a complete reconnoisance of all the objects of importance which they were sent to examine, and afterwards reported complete drawings of the localities around the city, which were held by General Worth to be of great value, as he occupied, in the investment of the city, the particular spot which was the subject of this investigation. It was during this reconnoisance, on the last night of it, that Mr. Rogers was captured by a band of Mexican guards; and his capture was undoubtedly owing to his own generous impulse in saving a brother officer. On that occasion he narrowly escaped death at the moment of his capture, in consequence of the exasperated feelings of the Mexicans consequent on the destruction of the "Creole." He was carried that night to prison in Vera Cruz, where he remained four days and nights without sustenance, in a cell verminous, filthy and damp, where the only intelligence that reached him was, that he had been condemned to death as a spy, by a civil tribunal, the sole evidence offered before it being to the effect, that he was the leader of the party engaged in cutting out and destroying the "Creole." He then remained in constant expectation of death for many weeks, and when, as he thought, his death-summons was coming, his only answer to it was the request, that he might avoid the Mexican mode of killing a man behind his back, and meet death as an American, who could look it in the face. He remained in that state of suspense for a long period; his imprisonment at Vera Cruz lasting for three months. For some reason the bloody sentence which had been recorded against him, was never executed, and a military commission was ordered to sit upon his case. When Gen. Scott was advancing to invest Vera Cruz, Mr. Rogers was marched on foot from that city to Perote, and confined in the noxious cells of that fortress. As the American army advanced into Mexico, he was again removed and conveyed to Puebla. All his property had been lost in the wreck of the Somers, and that which was conferred upon him by the hand of friendship or charity was taken from him by the robbers; whilst his life was at the same time in constant peril from the excited state of public feeling against our countrymen. At a short distance from Puebla the incensed rabble stoned him, and on that occasion, also, he narrowly escaped death. Owing to this excited state of public feeling, his

guard was compelled to remain with him within a league of Puebla till midnight, lest he should be torn to pieces by the exasperated populace in the city. When taken to Puebla, in so great peril was he, that the foreign residents of that state interceded in his behalf, and obtained an order for his removal to the city of Mexico. In rags and wretchedness he was marched to the capital, where he remained a prisoner until intelligence of the battle of Cerro Gordo arrived, when General Santa Anna, the hero of the Alamo, ordered his victim to be conveyed still further into the interior. Knowing that death would be the consequence of that removal, he made a successful effort to escape. Always in infinite peril, he made his way in Mexican disguise, being often subjected to examination from bands of guerillas and Mexican guards, until he reached the plains which led him to Puebla, where General Scott was preparing with his victorious army to advance upon the city of Mexico. From his knowledge of the localities in the neighborhood of Mexico, and the numbers and condition of the Mexican forces, Mr. Rogers was now enabled to give valuable information to the Commander-in-Chief; and his character for courage and intelligence being well known, he was employed as a volunteer aid-de-camp by General Pillow, and in all the bloody actions which succeeded he was distinguished as amongst the bravest of the brave. The despatches of the commanding general, whose aid he was, fully attest his character for skill and gallantry, and recommend him in the strongest terms to the notice of the Commander-in-Chief, bestowing upon him as high eulogiums as on any other officer of his division. Engaged in all the other actions in the field, Mr. Rogers was particularly distinguished for his conduct, as his brother-officers relate, in the storming of Chepultepec, where he was one of the seven who first mounted the walls of that fortress, and planted the standard of his country over "the Halls of the Montezumas." The sailor has now returned from the wars, but no brevet commission awaits him, because the deck was not the field of his fame. He has earned his laurels upon the land, but although promotion may not attend him for the service which he performed upon land, his claims for justice are strengthened by this service; and the only object which I have in view on this occasion, is to commend his claims for sheer justice to the consideration of the Committee on Military Affairs. I think that a stronger case could scarcely be presented for the consideration of an American Congress. I do not undertake to point out the mode or measure of redress which the case demands. I leave that to the ability, the patriotism, the benevolence of the gentlemen of the Military Committee. We all unite in commendation of those of our countrymen who have been distinguished in this war. We are accustomed to rejoice over the achievements of our countrymen in Mexico, without reference to party distinctions. When the gallant dead are brought from Mexico to their home, we follow the hearse, "the war horse and the muffled drum," and unite in signifying to the world that the whole nation sorrows for the fallen. I hope that the same feeling which is so successfully invoked in behalf of the memory of the gallant dead, may be manifested to the living, and that when the pensioner shall return from Mexico—the crippled and war-worn soldier—claiming his dues, we shall be ready to award to them just compensation for the services which they have rendered to their country. I hope it may never be said of us,

> "How proud they can press to the funeral array
> Of him whom they shunned in his sickness and sorrow;
> And loathful now scrape the last blanket to-day
> Whose pall shall be borne by subscription to-morrow!"

I move that the memorial be printed and referred to the Committee on Military Affairs.

The reference to the committee was then unanimously ordered.

Mr. HALE.—The other day a memorial was presented by the honorable Senator from Ohio (Mr. CORWIN) in favor of peace, and the Senate, as I understand, on the score of economy, refused to allow it to be printed. On a subsequent day, the Senator from Massachusetts (Mr. DAVIS) presented a memorial coming from the large and highly respectable body of Friends in the New England States, very brief and respectful, praying that measures might be taken to bring about a speedy peace. It was also refused to print that memorial, on the ground of expense. I hope that the same rule will be applied to those memorials which ask for action in favor of war, or of those who have performed what are styled meritorious services in war. I hope that we will show some uniformity of action in regard to this matter; so that if those memorials asking for action which seems to imply approbation of the principles avowed in them in favor of the war, be printed, the Senate will not refuse the same measure of justice to memorials which come not from private individuals, but large bodies of christians, asking the government to do something towards the restoration of peace. For this reason I ask for the yeas and nays on the question of printing this memorial.

Mr. TURNEY.—I think it is necessary to take in this instance the course which has been heretofore adopted in similar cases.—I move a reference to the Committee on Printing.

The reference was, of course, ordered, the rule requiring it if one member object.

FORTIFICATION IN LOUISIANA.

Mr. JOHNSON, of Louisiana, submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of making an appropriation for the construction of a fortification at Proctor's Landing on Lake Borgne in the State of Louisiana.

ADJOURNMENT OVER.

On motion, it was

Ordered, That when the Senate adjourn it be to Monday next.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed the bill of the Senate entitled "An act to authorize the issuing of a register or enrolment to the schooner Robert Henry."

The House of Representatives have appointed JOHN W. HOUSTON, of Delaware, LUCIUS B. PECK, of Vermont, the Committee on Enrolled Bills, in the absence of Mr. HAMPTON and Mr. ROBINSON.

THANKS TO GENERALS SCOTT AND TAYLOR.

Mr. CASS, from the Committee on Military Affairs, to whom was referred the joint resolution from the House of Representatives, expressive of the thanks of Congress to Major General Winfield Scott and the troops under his command for their distinguished gallantry and good conduct in the campaign of 1847; and the joint resolutions from the House of Representatives of thanks to Major General Taylor, reported them without amendment.

PRIVATE BILL.

Mr. CASS, from the Committee on Military Affairs, to whom was referred the petition of John Caldwell, reported a bill for his relief; which was read and passed to the second reading.

CLAIMS FOR LOSSES IN THE FLORIDA WAR.

Mr. WESTCOTT, from the Committee of Claims, reported a bill providing for the obtaining of testimony in relation to claims for losses sustained in the late Florida war; which was read and passed to the second reading.

FOREIGN FUGITIVES FROM JUSTICE.

Mr. DAYTON, from the Committee on the Judiciary, who were instructed to inquire into the subject, reported a bill for giving effect to certain treaty stipulations between this and foreign governments, for the apprehension and delivery up of certain offenders; which was read and passed to the second reading.

Mr. DAYTON remarked that as it was desirable that speedy action should be had upon this bill, he would avail himself of the earliest opportunity which might be presented for calling it up.

JOHN P. BALDWIN.

Mr. MASON, from the Committee of Claims, to whom was referred the petition of John P. Baldwin, submitted a report accompanied by a bill, for his relief.

The bill was read, and passed to a second reading.

Ordered, That the report be printed.

FLORIDA VOLUNTEERS.

Mr. YULEE, by unanimous consent, asked and obtained leave to bring in a bill to authorize the payment of certain companies of Florida Volunteers; which was read the first and second times by unanimous consent, and referred to the Committee on Military Affairs.

INCREASE OF THE MEDICAL STAFF.

On motion by Mr. MANGUM, it was

Ordered, That a message be sent to the House of Representatives to request the return of the bill for an increase of the medical staff of the army for a limited time.

THANKS TO GENERAL SCOTT.

The Senate proceeded to consider, as in Committee of the Whole, the joint resolution from the House of Representatives, expressive of the thanks of Congress to Major General Winfield Scott, and the troops under his command, for their distinguished gallantry and good conduct in the campaign of 1847; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said resolution was read a third time, by unanimous consent, and the question being on its passage—

Mr. HALE.—I have no disposition to trespass on the attention of the Senate, but I cannot suffer the question to be taken without expressing the grounds of my opposition to the passage of this resolution. In doing so I have no object in view except to manifest consistent opposition to the war in all its phases—in all its aspects—and in whatever way it can be presented. I feel constrained to record my vote against the passage of this resolution, because I cannot, by any possibility, by any sophistry, separate in my mind a vote of thanks to those officers for the agency which they have had in the war, from an approval of the war in which they are engaged. I do not propose, at this time, to repeat to the

Senate my convictions as to the character of the war I assume I have already sufficiently expressed those convictions. I propose briefly to vindicate the propriety of the course which I propose to take upon this occasion. Let me invite the attention of the Senate to a proceeding parallel to this which occurred in the British Parliament, on a proposition to thank the officers engaged in the American war for the services, which they had rendered to the mother country against the people of the colonies. By reference to the "British Annual Register," we find that on the 27th of November 1781, a motion was made in the House of Commons that the thanks of the House should be given to Sir Henry Clinton, Knight of the Bath, for the important services rendered by him and troops under his command, in the reduction of Charlestown; and that the thanks of that house should also be given to earl Cornwallis, for the signal and meritorious services he had done to his country, by the most glorious victory obtained by him over the American rebels at Camden.

[illegible] motion, as original [illegible] other amendments, be [illegible] condition of that American war. A [illegible] country. He had con- [illegible] signal [illegible] services to his ma- [illegible] and conse- quently should withhold his thanks and gratitude, where he did not think them wanted, in a word [illegible]

On this motion Mr. Fox addressed the House, and I beg to read a short extract from the report of the debate:

[illegible] war; he condemned the conduct of the war in question, but he made a distinction between thanks and praise. He might abhor the principle of the war, but he could not suppose the intention from the action; they were united in his mind; there they formed one whole, and he would not attempt to divide them. He would not vote the thanks of the House to any general [illegible] acts of England were in such [illegible]

It seems to me that that is the only consistent course of action for those who disapprove of this war, in all its stages and aspects, and in every possible way in which it can be presented. I hold that that is the only consistent ground for those who maintain that this war has been wrong in its beginning, wrong in its prosecution, wrong in the objects to which it looks, and wrong in the means by which it is hoped to attain those objects. Entertaining such a view of duty on this occasion, I cannot give thanks to any body for any agency in this war, except such agency as tends to bring it to an immediate termination. Any judicious efforts, here or elsewhere, to bring this war to a close—to a speedy and honorable close, will command my earnest and most cordial thanks; but I have no thanks to offer those who have been employed in the prosecution of a war which I believe to be thus unjust from its commencement. Nor can I accede to another proposition which I have heard maintained with a good deal of energy here and elsewhere—that an officer of the army or navy has no discretion—that he is a mere machine of the administration—that it is to say "go" and he goeth; "come" and he cometh, without attaching to himself any share of moral responsibility for the character of the transaction in which he is engaged. I do no believe in any such doctrine. I do not believe that officers of the army or navy are such machines, and that by receiving commissions in either service, they divest themselves of all responsibility for the character of the transactions in which which they may be engaged in pursuance of the orders which they receive. There is one bright page in the history of the English army, which I think might, with great propriety, be commended to the thoughtful consideration of every gentleman who thus represents the officers of the army as irresponsible machines. It is found in the history of the Earl of Effingham, a distinguished officer of the British army, and a member of the House of Peers. He was the colonel of a regiment in the British service, when he received orders to join the army about to embark for America, and fight the rebels at Charleston and Camden. His conduct on that occasion was worthy of all commendation; and would to God that we had had some one who inheriting a portion of his spirit, when the order of this administration was issued, directing the advance of the troops to the Rio Grande, would have followed so illustrious an example! The story is briefly told in the "Annual Register" for the year 1776, and with the indulgence of the Senate, I will read it:

"The Earl of Effingham, whose [illegible] genius had led him when a youth into the army at a time [illegible] to try in theory [illegible] whatever real service was to be [illegible] a volunteer in the war between the Russians and Turks, had since his return, as a peer in parliament, uniformly opposed the whole system of measures pursued against the Americans, and finding, at length, that the regiment in which he served was intended for the American service, thought it inconsistent with his character, and unbecoming of his dignity, to enforce measures with his sword, which he had so utterly condemned in his legislative capacity. He accordingly wrote a letter of resignation to the Secretary at war, in which having declared the cheerfulness with which he would sacrifice life and fortune in support of the safety, honour and dignity of his Majesty, [illegible] he observed, that the same principles [illegible] with the [illegible] sentiments of duty and affection [illegible] which [illegible] people of [illegible] which form the best security for their fidelity and obedience to his government. [illegible] [illegible] modification, at being called to such service, [illegible] that [illegible] for many ages, in the [illegible] and [illegible] [illegible] [illegible] intention [illegible] [illegible] [illegible]

reputation of this country abroad? And, yet, such are the sentiments of the gentleman from New Hampshire. I solemnly believe that General Taylor, more perhaps than any other single individual in this country, is entitled to our thanks for saving the lives not only of his own troops, but the lives of those sent on this expedition. Every battle that was fought, it seems to me, resulted almost in a miraculous escape from the overwhelming disaster which seemed to be impending over our army. If he had failed at Buena Vista, it is almost certain that the troops under command of General Scott would have been destroyed by the Mexican hosts which surrounded them; and I yet am told that those who saved the lives of our troops—who went forth under our national flag are by the solemn judgment of the Senate to be condemned because when ordered to pass into the enemy's country, with craven indifference to honor—in traitorous violation of their duty—they did not retire and give up their commissions! Yes, the gentleman would have had those officers to resign in the face of the enemy. I believe his doctrine goes so far, and that it would be consistent with his notions, that the officers and men should receive pay whilst they are guarding garrisons, but retire the moment that the order to encounter the perils of war was issued. According to his idea, they are to be judges of the justice and propriety of the war. I do not know, however, that the ideas which the gentleman has just now expressed, are at all different from some which I heard the other day, and to which I shall now take the opportunity to advert. The very first remark which I heard from that gentleman in this Senate-house, was to maintain that whilst science in adventurous experiment was soaring to heaven, and making discoveries in the bowels of the earth, refuting the Mosaic cosmogony, he was not allowed to present memorials on your table for the suicide of this confederacy. Such was the doctrine then maintained by the gentleman—that he was forbidden to present, on your table, memorials and petitions which, if they had been acted upon, would have resulted in the immediate infamous suicide of this confederacy. What did the gentleman then maintain? Nothing at all different from that which he now asserts:—that one portion of this confederacy should have the liberty of presenting memorials of that kind, to alter the Constitution, so that one portion of the confederacy should be deprived of those guarantees under which it entered the Union. I recollect one of the remarks made by the gentleman on that occasion, and I hope he will pardon me for quoting his classic language. He said that he had learned in yankee school-books not only to spell words but to understand their meaning. I believe he said that so far as regards one portion of the confederacy —at least that was the tendency of his remarks—it should be put under ban of the condemnation of the other; and that it was correct in a representative of the federal government—I mean the Secretary of State—to protest against the interference of British power so far as it affected only that portion of the confederacy. Let me ask him, suppose the proposition had been made to introduce slaves into New Hampshire to the exclusion of others, and to settle the Maine boundary with a view to do so, would he or would he not have invoked the federal powers to protect that portion of the confederacy? But perhaps, sir, I am now going beyond the legitimate limits of the present question. I protest against this attempt to cast contumely and reproach upon the officers and soldiers who have obeyed the orders of this government, and who deserve the lasting approbation of the country.

Mr. CASS.—As it appears to be probable that this discussion may be prolonged, and the hour for taking up the special order has already passed, I move that the resolution be passed by informally.

SEVERAL SENATORS.—Oh! no. Let it be acted upon now.'

Mr. HALE rose.

Mr. CALHOUN, (in his seat.)—Let it be passed over informally.

The PRESIDING OFFICER.—Does the Senator from Michigan withdraw his motion?

Mr. CASS.—I believe not, Mr. President. I think I must adhere to it.

Mr. HALE.—I desire only to say a few words personal to myself.

Mr. CASS.—If the Senator desires to make a personal explanation, certainly I have no objection to withdrawing the motion.

Mr. HALE.—The honorable Senator from South Carolina says that I have undertaken to cast obliquy upon the officers of the American army. I certainly have said no such thing—I have intended no such thing. I said that the officers engaged in this war could never have my thanks. I could not thank them for anything they had done, because it was impossible. in my mind to separate the actors in the war from the war itself. Then, simply with the view of showing that I was not without precedent in my course, I referred to a fact in history, drawing no inferences whatever from it. The severe philipic which the honorable Senator has thought proper to pronounce upon the precedent which I have cited, must be directed against the honored statesmen who stood up in the Parliament of Great Britain, and maintained the cause of the American colonies—the cause of human liberty and human rights, against the arms of that power which was then endeavoring to crush the spirit of freedom, bursting into life in these colonies. I have not undertaken to mark out for a single individual the course he is to pursue on this floor in reference to this subject; nor do I ask any to follow that course which I myself adopt. But so long as I have the honor of occupying a place here, I must follow my convictions, let them lead me where they will. When I cannot follow my convictions, I will not come here. The honorable Senator has referred to some remarks which I made the other day, upon the occasion of presenting a memorial in reference to the subject to which he alluded. I think that the Senator undertook to characterize that memorial, and the course which I adopted on that occasion, in terms, which to say the least, if he had known all the facts, he would not have employed. What was the character of that memorial? Did it ask the Senate to transcend any of its acknowledged powers? No. It was a memorial drawn up by a society of professing Christians, who eschew the doctrine of the justifiable employment of physical force, and simply asked that the American government would use all the powers vested in them by the constitution, for the removal of that which they deemed to be an evil. The memorialists could not be heard. Their petition could not be received by an American Senate.

Mr. BUTLER.—I did not exactly allude to that part of it, and perhaps, indeed, I should ask pardon of the Senate for referring at all to what was not altogether germane to the immediate subject before it; but if I recollect right there was a memorial or paper of some kind asking an alteration of the constitution to enable them to interfere with that institution of the South. On another occasion, however, I may advert to this matter; and was betrayed into it now, from the circumstance that the gentleman on all subjects of this kind stands very much alone.

Mr. HALE.—I am quite willing to "stand alone," provided I stand on my convictions. I mean, sir, to vote as I talk. I do not come here to make a speech denouncing this war as unjust and unconstitutional, and then stultify myself by voting men and money to the President, to carry it on. My speeches and my votes shall be, at all events, consistent with each other. While I think as I do, I shall vote as I speak. I do not know but I may be alone in that; but whether it be so or not, I shall so act, and leave it to be said whether it is a reproach to me or others, that I am thus alone.—Permit me to say to that honorable Senator in all kindness, and with no disposition to be offensive, that he entirely mistakes and misapprehends the character of that portion of the American people whom I am supposed to represent on this subject. Once, for all, let me say, that we desire no interference with—nor disturbance of the existing institutions of the States. If the institution of which you speak be a blessing, bless yourselves with it; if it be a curse, stagger under it as you may let us remain free from it—let us alone.—It is all that we desire—all that we ask. And permit me to say that our efforts will not cease, our exertions will not weary until we have done what we can to relieve ourselves of any share of reproach or responsibility in respect to what we regard as a great and erying evil. We do not pretend to interfere with it, then, but we say, "keep it to yourselves!" Do not come here and ask us to tax people to the last point of endurance, to carry on an aggressive war for its prosecution, sustenance, and maintenance. Do not desire to go into our States, interfering with us there, and in claiming to preserve your institutions, disenfranchise us. We hear a great deal about the far-famed compromises of the constitution; but go into the State of New Hampshire, before a justice of the peace, with the certificate of any one claiming me as his slave, and you may drag me from the embraces of my family and all that I hold dear. The habeas corpus and trial by jury are in a moment trampled in the dust, and slavery rides omnipotent over all the guarantees of the constitution! It is from this that we ask to be relieved. We make no war upon you. That is all that we attempt, and so far as we are enabled to do so, we shall continue the attempt to maintain the integrity of our own constitution and our own institutions against these encroachments. Beyond that we have no desire to go. Beyond that have never gone. The Senator, then, entirely misunderstood the purport of the efforts made by me, if he gave them any other character. A single word in regard to the matter immediately before the Senate, and I have done. I think I cannot have been misunderstood when I said, that I did not characterize the acts of the officers of the army. I have spoken of the war in which they are engaged. I believe it to be unjust; and what would we have thought of the sincerity of the patriots in the British Parliament—of Chatham, for instance, whose manly eloquence was exerted in denouncing the aggressions upon the liberties of the colonies, if he had united in the vote of thanks to Cornwallis and Clinton? That is all that I have maintained. I believe this war to be unjust, and, therefore, I cannot vote for the thanks of Congress to be given to any one who has had any agency in the prosecution of that war.

Mr. ALLEN.—I move that this subject be passed by informally, and that the Senate do now proceed to the consideration of the special order.

TEN REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. TURNEY.—Mr. President: I believe that speedy action on the bill now under consideration is of the highest importance to

the country: and I would now cheerfully yield the floor if the vote could be taken immediately on that question. But as the discussion has become protracted, and a duty seems to be imposed upon all to state their views on the great subject involved in the bill, I deem it to be proper to submit to the consideration of the Senate and the country the sentiments and opinions which I entertain in reference to this subject.

In the first place, sir, I desire to express my cheerful assent to the most elaborate discussion of the question now before us. I find fault with no gentleman for the fullest expression of his opinions, although that expression of opinion may be calculated, in my judgment, to affect injuriously the interests of his country. If I believed, as Senators on this floor profess to believe, that this war is unjust and unconstitutional, I should unite with the Senators from New Hampshire, [Mr. HALE,] Massachusetts, [Mr. DAVIS,] and Ohio, [Mr. CORWIN.] I should take no middle course. Sir, I hold that no middle course can be taken. If our country be in the wrong in this war; if the war has been unconstitutionally waged, for the attainment of the ambitious views of the Executive,—patriotism, justice, every consideration, demand that the war should be stopped. In such a case, I should certainly unite with the gentleman from New Hampshire in the declaration that I could give no vote of thanks to individuals engaged in the prosecution of the war for the purposes of robbery and plunder. I should feel that those who were engaged in fighting the battles of the country in such a war were to be regarded in the light of the midnight assassin, who seeks, through bloodshed, to seize upon his plunder, and that every genuine lover of his country was bound to arrest the progress of such a war.

But I differ altogether from the views which these gentlemen have expressed; and I think that, entertaining such views, their policy is by no means consistent—they should bring this war to a close. This leads me to the inquiry, not the details of this bill, or the character of the troops to be raised, but directly in regard to the justice of the war.

In the consideration of this question, I must call the attention of the Senate and the country to one important fact. When the bill recognizing the existence of this war was before this body, we did not hear, from any quarter in this chamber, that the war would be unjust. We heard from no Senator that the war grew out of the removal of the army from Corpus Christi to the Rio Grande. Not a syllable of complaint was uttered in relation to that question; and yet then, I contend, was the proper time at which it should have been brought up. I am surprised that Senators did not then take that ground of opposition to the bill declaring that war existed by the act of Mexico. Was there a single individual here then, who believed that there was a possibility, by any legislative action of ours, to raise troops, and convey them to the Rio Grande in season to reinforce General Taylor, and relieve him from the dangerous condition in which it was supposed he was placed? Did any gentleman then suppose that the troops would arrive in time to relieve General Taylor? He was at Fort Brown, surrounded by the Mexican army, and having at his depot only a small quantity of provisions. He was without the means of subsistence for more than a few days. He was of necessity obliged to seek supplies, and, in order to do so, to encounter the enemy in the open field. Did any Senator believe that it was possible for the government, by any legislative action, to raise an additional military force, and convey them to the Rio Grande in time to render any aid in extricating Gen. Taylor from his then dangerous condition, as it appeared to be? No gentleman entertained such an idea. A motion was made to strike out the preamble, and reasons were assigned for striking it out, but no such reason as that we had invaded the Mexican territory. Far from it, as I will be able to show, conclusively, from the documents. The reason assigned was, the uncertainty as to the fact whether war did, in point of fact, exist.

Well, we are now engaged in war; and as it is, as I shall maintain, a just war, I hold that it ought to be prosecuted to the utmost. A great deal of complaint has been made because the war has not been brought to a close. Is it, I ask, in the power of this government to bring the war to a close, in an honorable manner, securing to the country the great objects for which it has been prosecuted? I am of opinion that the war would long since have been brought to a close but for our own divisions. If the whole American people could have thought alike in relation to this war, and the objects of its prosecution, we should long since have had it brought to a close. Our divisions, and the knowledge of them on the part of the Mexican government, have protracted this war.—Mexico sees a powerful party in the United States arrayed against the war, and she is thus encouraged to persist in her obstinacy, in the hope that, eventually, she may obtain such a treaty as she desires. And here let me ask, what sort of a treaty would that be, which those who oppose the war could consistently accept?

It is natural that men should differ about almost every subject submitted to the consideration of the human mind; but it is rather singular that difference of opinion should be confined to strict party lines. We all united here in voting the men and money demanded by the Executive for the prosecution of the war at the last session of Congress. Then our cause was admitted to be just; but after some progress is made, we find ourselves divided in opinion, not in regard to the manner in which the war should be prosecuted, not in regard to the mode in which it had been so far conducted, but in relation to its origin, its causes, and its objects; and this division of opinion corresponded exactly to party lines. I am free to confess, that in the contemplation of such a state of things, there is almost enough to shatter confidence in the stability and perpetuity of our free institutions and form of government. If this were the first time that we witnessed division of opinion, and that, too, upon questions connected with our foreign relations, I should almost be tempted to say that the days of republic were numbered. But we are not left without hope, even in the midst of this divided state of public opinion. In the struggle for independence, there was great division of popular sentiment, and again, in the war of 1812, a similar divided state of public opinion existed, and that, too, according to strict party lines. We all know the effect of such a course upon the enemy. They see us divided amongst ourselves. They are thus led to entertain hopes which otherwise they would not for a moment cherish. Especially does this division of sentiment operate to our disadvantage, when it is known by the enemy that, according to our system of government, our rulers have to be selected every four years, and that that period is now rapidly approaching. The enemy is thus encouraged to cherish strong hopes of obtaining a more advantageous settlement after the Presidential election, which they suppose may introduce another party into power in the administration of public affairs. We heard the other day from my colleague that party was a tyrant. That was a true and just remark. We have seen it exemplified in our own State. Previous to the appearance of the letters of the distinguished statesmen of New York and of Kentucky in opposition to annexation, I believe there was not a single individual of either party opposed to that measure; not only so, but, in my opinion, the feelings of all members of both parties in that section in the country were engaged in favor of the measure. Yet, notwithstanding this state of feeling, such was the power, such the tyranny, of party and party discipline, that in the latter State a majority of the people were induced to cast their votes in favor of the man who opposed it, and against the man who advocated it. This they did, not in accordance with their own judgment or feelings, but under the iron rod of this tyrant party and party discipline.

But that might be regarded as a question merely of expediency—one, to be sure, involving the great interests and prosperity of the country, but not equal in importance to that now under consideration. The present question has a totally different aspect; and I think that in the course of the argument presented by my colleague, he admitted that he and I agreed as to the vote which we should give on it, when we left our constituents. He informs us that he came here with the expectation of voting the men and money necessary to carry on the war. I think that in so voting, he would have voted in accordance with the views of a majority of the people of that State which he has the honor in part to represent.

Now, the people being in favor of this war—having full confidence in its justice—and entertaining the opinion that it ought to be vigorously prosecuted to a peaceful termination, the next consideration is, can the power of this tyrant party so influence them as to cause them to wheel to the right about, countermarch, and take sides in favor of the enemy? The question now before us is one of infinitely greater importance than any mere question of expediency. On mere partisan questions, party feeling may control public opinion; but when the national honor, interest, and safety, are all involved in a war with a foreign power, and at the moment of time when thousands of our patriotic citizens are in the field, offering up their lives in the cause of their country, I am sure the people will refuse to obey the dictum of party, if it does not accord with their own sense of right and patriotic devotion to the cause of their country. At least, I think I may answer for the people of Tennessee, that they will never rally under the flag of party in opposition to their own judgment and patriotic feeling. That, sir, is my native State, and I claim to know something of the feelings which influence its people. She, whose sons have fallen in Mexico—who has sent forth her volunteers at the first tap of the drum, who has contributed three or four times, perhaps, indeed I may safely say ten times, the amount of troops called for from her limits—cannot, I am sure, sacrifice those patriotic feelings, and take sides against their country.

But we are told that a change has been made in the policy of the administration with regard to the war; that the entire subjugation of Mexico is now contemplated; that the war was just in its origin, but that it is now prosecuted for the accomplishment of objects which would, if attained, be fatal to our own institutions. In order to counteract the evil effects of this alleged new policy, it is contended that we should withdraw the troops, and allow the enemy to have perfect freedom for all manner of excess, plunder, and assassination. Sir, I can see nothing in the message of the President, or in any other public document, to justify any such conclusions; and if I were disposed to charge the opposition with it—and I am not so disposed—I think I would not be without some ground for the allegation, that that is a mere pretext to justify their opposition to the war. I might say, that the gentlemen on the other side, unable to sustain themselves, are seeking, on the eve of a Presidential election, to present a new issue more favorable to their success; that they have discovered that the ground heretofore occupied by them—that the war is unnecessary and unconstitutional, and therefore no indemnity ought to be demanded or received for the immense expense incurred in its prosecution—meets with no favor with the people, and, therefore, to avoid the odium of this condemned position, they seek to shift their ground by presenting a new issue. Sir, these gentlemen have no right to assume for us measures and positions we never assumed for ourselves; and, therefore, I shall hold them to the issues which they themselves, upon mature consideration and full consultation, submitted to the public, as presenting the true position of the two great parties of this country upon the existing war with Mexico.

I shall not attempt to go into that, nor to answer the objections urged against the prosecution of the war; but proceed at once to the consideration of the inquiry—what did produce this war? Was it the annexation of Texas? or was it the removal of the army from Corpus Christi to the Rio Grande? That is the issue made by the opposition since the war commenced.

I hold, as I then held, that the annexation of Texas was the cause of Mexico waging war against the United States. Whether the army had been removed to the Rio Grande or not, war was the inevitable result growing out of the act of annexation. How far, then, is this administration responsible? Annexation took place under the Tyler administration; and although the Senator from Maryland, not now in his seat, (Mr. JOHNSON,) having made, as I conceive, an able and conclusive argument in regard to the justice of this war, chose to cast some reflections on the administration for provoking war in the mode of annexation, I shall advert for a few moments to the subject.

What were the powers and duty of the President under the resolutions of annexation? They are all defined in the third resolution, which is as follows:

"*And be it further resolved*, That if the President of the United States shall in his judgment and discretion, deem it most advisable, instead of proceeding to submit the foregoing proposition to the Republic of Texas, as an overture on the part of the United States for admission, to negotiate with that Republic; then,"

Let it be remembered that the legislative power took the matter into their own hands, and imposed upon the President the duty of submitting to the Republic of Texas the plan of annexation. They gave him the choice of selecting either the House or the Senate resolutions. Thus he acted merely as a ministerial agent. It was not like a case of ordinary negotiation, in which, after a proposition had been submitted, there was a right to withdraw it if it were declined. The law required him to make the proposition to the Republic of Texas, giving him only the discretionary power which I have just described. That selection of the mode of annexation was made before the present administration came into power. It was made by the Tyler administration in the last hours of its existence; and the selection being made, and the proposition submitted, the law was complied with. The President had discharged his duty under it, and his power the subject was consequently exhausted. It only remained, then, to be seen whether Texas would assent to the terms proposed. I am free to admit, that if the Senate resolution had been adopted, the war might have been avoided; but as the House resolutions were selected, it was not in the power of man to avert the war. If the Senate resolution had been adopted, negotiations might have been opened, and Texas might have been annexed by joint resolution at the next session of Congress, according to the terms agreed upon between the two parties. In the mean time, annexation not having taken place, she might have been consulted about it. Compensation might have been made, and an amicable settlement been effected. By the adoption of the House resolutions, however, all the power of averting the war was taken from the President, to whom no discretion was left.

In proceeding to establish the fact that annexation caused the war, I shall refer to the record. And I shall begin with the position occupied by the whig party in in 1844, pending the Presidential election. There was then but one universal sentiment in the party, expressed in the language of the distinguished citizen of Kentucky, who was regarded as the embodiment of their principles. And what was that sentiment? The great issue was then was, will you have Texas and a war, or no Texas and peace? That was the great issue which was submitted to the American people. The whig party then occupied, as I think they do now, the side of Mexico. They said annexation would produce war; that annexation was war. That is not their argument now. We are now told that the administration could have avoided the war. Here let me read an extract from the celebrated Raleigh letter of Mr. Clay, of 17th April, 1844:

"Recognition did not affect or impair the right of Mexico, or change the relations which subsisted between her and Texas. She, on the contrary, has preserved all her rights, and has considered by assent, and, as I know, is resolved to assert her right to reduce Texas to obedience as a part of the republic of Mexico."

Mr. Clay then goes on to say:

"Under these circumstances, if the government of the United States were to annex Texas, it would acquire along with it all the encumbrances which Texas is under, and among them, the actual or suspended war between Mexico and Texas. Of that consequence there cannot be a doubt. Annexation and war with Mexico are identical. Now, for one, I certainly am not willing to engage this country in a foreign war for the object of acquiring Texas."

Thus, sir, we see the great issue in 1844 was that of annexation; and Mr. Clay, the candidate of the whig party for the presidency, took ground expressly, that to annex Texas was to make war with Mexico, and for that reason he was opposed to annexation. More, sir; the whole whig party of the nation, from one end of the Union to the other, after this letter made its appearance, took the same ground, and supported Mr. Clay for the presidency, for the avowed purpose of defeating annexation, and thereby to avoid a foreign war with Mexico; but, sir, the democratic party advocated the annexation of Texas, and to maintain their position, they assumed, that to annex Texas to the United States gave no just cause of war, because Texas was a free and independent republic, and had so been acknowledged to be by all the prominent nations of the world; and, therefore, Texas had, under the laws of nations, as much right and power to make and conclude a treaty of annexation, or for any other object, as Mexico herself, or any other nation whatever; that this being the condition of Texas, the United States had, by the laws of nations, a right to treat with Texas for annexation, or for any other purpose, without giving offence or any just cause of war to Mexico; and that, if it was necessary to exercise this right, as they believed it was, in order to promote the interest of the nation, and the happiness and prosperity of the people, they would not be deterred from doing so by the foolish gasconade, and the unjust and illegal pretensions of Mexico. Thus, sir, the issue was joined, and the people rendered their verdict in November, 1844, in favor of annexation; and it was accordingly done. But, sir, war was the consequence of annexation: the whig prediction has been verified; but, strange to tell, notwithstanding all this, they now abandon the position occupied by them in 1844, and say that annexation did not produce the war, and, in fact, that it was no just cause of war; thus plainly admitting that their position was erroneous, and that the position of the democrats was the correct and true one. Having thus abandoned this ground, and being extremely anxious to cast censure on the present administration, they now say this war was brought on by the President, unnecessarily and unconstitutionally, by the removal of the army to the Rio Grande. Is this true? I hold that the annexation of Texas is the sole and exclusive cause of the war. This question I propose to examine: now for the proof. I shall read, Mr. President, an extract from a letter written by the Mexican minister of foreign affairs to our minister in Mexico, dated Mexico, May the 30th, 1844; it is as follows:

"That the firm and constant resolution has been, and is, to preserve the integrity and dignity of the nation; that, at this time, as very opportune for the publication of his protest, as he gives them here as express as if they were in full—signally recalling to mind, as special, that of the 23d of August, 1843, in the words, 'That Mexico will consider as a declaration of war against the Mexican republic, the ratification of that agreement for the incorporation of Texas into the territory of the United States.'"

Thus we see, Mr. President, that the letter of Mr. Clay, and which was adopted by the whig party as their text in 1844, is identical in sentiment, and almost verbatim in language, with the letter of the Mexican minister just read. Again, sir, the same Mexican minister, in his letter of the 2d of July, 1844, reaffirmed the statements in his letter just read, and I will not consume the time of the Senate by reading it; but as I desire to go a little further back, I will read an extract from the letter of Mr. Almonte, the Mexican minister, to Mr. Upshur, Secretary of State, dated November 3, 1843. He says:

"And he moreover declares, by express order of his government, that on sanction being given by the Executive of the United States to the incorporation of Texas into the United States, he will consider his mission ended; seeing that, as the Secretary of State will have assumed, the Mexican government is resolved to declare war so soon as it receives information of such an act."

November 11, 1843, reaffirmed.

I refer you now, sir, to the letter of Mr. Almonte to Mr. Upshur of the 11th of November, 1843, in which he says, that—

"Though the undersigned has declared, by the express order of his government, that *war would be the immediate consequence of the annexation of Texas to the United States*, he certainly has not done so with the object of intimidating the government of the honorable Secretary of State, but with a view of showing how far Mexico would carry her resistance to an annexation of that nature."

Now, Mr. President, is it not a little strange that the whig party here, in and out of this body, should, after the issue tendered by their leader in his letter of the 17th of April, 1844, and which was by them so ably and eloquently maintained throughout the canvass of 1844, being—as they were, backed and sustained in their position and assertions by the letters which I have read, and many more equally as strong, which I have not thought necessary to read; and when, also, their predictions and assertions have turned out precisely as they asserted they would—should now abandon all they then said on this subject as unworthy of notice, and to acknowledge that the position then assumed by the democracy to be the true and correct one? All now agree that annexation was no just cause of war If, then, I shall be enabled to prove my position, that this is the exclusive cause of the war, I shall have established the great fact, that the war in which we are now engaged with Mexico, is a just war on our part, and consequently, the charge which has been, and now is so repeatedly being made, that the war was unnecessarily and unconstitutionally brought on by the Executive, must be admitted to be unfounded, and has not the semblance of truth to sustain it. Sir, I will proceed with the proofs, for they are of such a conclusive character, that they need no comments to carry conviction to every impartial mind.

I now call the attention of the Senate to the letter of J. N. Almonte to the Senator from South Carolina, [Mr. CALHOUN,] then Secretary of State, dated the 6th of March, 1845, which is as follows:

"The undersigned, envoy extraordinary and minister plenipotentiary of the Mexican republic, has the honor to address the honorable John C. Calhoun, Secretary of State of the United States of America, with the object of making known to him the profound regret with which he has seen that the general Congress of the Union has passed a law giving its consent and admitting into the American confederacy the province of Texas.

"The undersigned had flattered himself with the idea, that on this question the *good judgment and sound counsels of the citizens most distinguished* and most eminently responsible *for the conduct of the public affairs of this republic would have prevented* it, *in the last months of the legislative term, and of the Executive of the Union*. Unfortunately, however, it has been otherwise; and, contrary to his hopes and his most sincere prayers, he sees consummated, on the part of the American government, an act of aggression the most unjust which can be found recorded in the annals of modern history, namely, that of despoiling a friendly nation like Mexico of a considerable portion of her territory.

"For these reasons, the undersigned, in compliance with his instructions, finds himself required to protest, as he does in fact protest, in the most solemn manner, in the name of his government, against the law passed on the 28th of the last month, by the general Congress of the United States, and approved on the 1st of the present month

be the President of these States, who rely the province of Texas, as a component portion of the Mexican territory, is agreed and submitted into the Treaty. The undersigned, nevertheless, positively, in the name of his government, has to call upon in terms unmistakeable the rights on which Mexico rests to recover the above mentioned province of Texas, which she now sees herself constrained to do by the infringement and open violation which those rights sustain with the annexation of Texas to the United States, in spite of the solemn protest which the undersigned has repeatedly made in the name of his government against the consummation of such an act.

"The undersigned will say, in conclusion to the honorable Secretary of State of the United States, regarding that business, he placed in communication with the President of the United States, that, in consequence of the above stated, which he has to repeat, he has made arrangements to leave the city without delay for New York.

"The undersigned avails himself, &c."

This letter, Mr. President, establishes several important facts: the first of which is, the annexation of Texas closed the doors to all further negotiation between the two governments, and made the resort to arms the only means of settling their differences. The second fact established is, that the war would be for the whole of Texas to the Sabine. And a third fact, which I think is one of great importance, is this: Mr. Almonte states that he "had flattered himself with the idea, that on this question the good judgment and sound counsels of the citizens most distinguished and intimately acquainted with the conduct of the public affairs of this republic would have prevailed," &c. Sir, does not Mr. Almonte, by this language, point directly to Mr. Clay as the man of good judgment, and to Mr. Clay's letter and the whig speeches in support of it, as containing the sound counsels of the citizens most distinguished, which he had hoped would have prevailed. I may be mistaken, but it seems to me to be a self-evident conclusion. What effect, then, did this letter and these speeches have upon the Mexican mind? What would Mexico say and think when she witnessed not only politicians but States, in their sovereign capacity, declaring that annexation would lead to a dissolution of the Union? Such resolutions were passed by the Legislature of Massachusetts. Would the Mexicans from these facts naturally conclude, that, in a war with us for the re-conquest of Texas, we would be distracted and divided among ourselves, and that we could not, therefore, bring the whole powers and energies of our government to bear in the prosecution of such a war? Sir, I doubt not she did so believe; and, at the commencement of the war, from the unanimity which seemed to pervade all parties in recognizing the existence of the war, and voting men and money for its prosecution, I did believe that she had been deluded into that belief by these acts of the whig party; but, sir, since the whig party have obtained a majority in the House of Representatives, which enables them to defeat any measure that has for its object a further prosecution of the war to a speedy and honorable termination, and thereby to force the government to withdraw our troops from Mexico, to the dishonor and disgrace of our country, to the sacrifice of the claims of our citizens, and also of the best interests of the government, by sacrificing her claim on Mexico for a reasonable indemnity of the expenses of this war—I am induced, from what I daily see and hear, to fear that Mexico was not mistaken in her conclusion, and that our divisions here, growing out of annexation, or from some other cause, are so great, and of such a character as to weaken, if not entirely to suspend, the further use of the execution of the war until after another election, when I doubt not the people will send representatives here who will sustain the honor and interests of the nation, especially when engaged in a foreign war, and that war growing out of an act which they themselves directed should be done. Thus, sir, our diplomatic intercourse ended with Mexico, and with it our friendly relations; and all under the Tyler administration. This was the condition of things when the present administration came into power; and how it discharged its duty by endeavoring to re-open negotiation and to preserve peace remains to be seen. To accomplish these objects was the business, and, I think, the earnest desire of the President; and to accomplish which, among the first acts of his administration, was to open with Mexico a sort of unofficial correspondence through our consul at her capital. This resulted in an agreement on the part of Mexico to receive a minister from this government, for the purpose of adjusting and settling, if possible, the boundary between the two countries and all other differences between the two governments; and, in pursuance of this understanding, and to preserve peace, the minister was immediately despatched to Mexico with full and ample powers to adjust and settle all questions of difference between the two countries. Was he received? and why was he not? He was not received; and I will now give you the reason assigned by the Mexican Minister of Foreign Affairs for his rejection. I shall read, sir, an extract from the letter of Mr. Lanzas to Mr. Shidell, dated the 12th of March, 1845. Here, sir, speaking of the annexation of Texas, he says:

"A fact, such as this, or to speak with greater exactness, so notable an act of usurpation, created an entire new necessity upon Mexico, for between loans, should it treat with proper firmness, perseguir. The Supreme Government of her, before any determined that it would look upon such an act as cause for war, and, as a consequence of this declaration, negotiation was by all very reluctant at an end. And war was the only recourse of the Mexican Government."

Sir, not one word of complaint is here uttered about the removal of the army to the Rio Grande. In point of fact, the army had not been removed, and was not for fourteen days thereafter. Mexico, therefore, did not, and has not, at any time, complained of this act, or asserted it to be the cause of war. On the contrary, before the army was removed to the Rio Grande, and when every effort was being made to reopen negotiations and to preserve peace, she tells our minister, who had been sent for that purpose, that annexation closed the door to negotiation, and war was the only recourse of the Mexican government. This argument, then, of the whig party in this country—that the removal of the army to the Rio Grande brought on this unnecessary and unconstitutional war—is flatly and positively denied by the Mexican authorities. This, sir, is an idea first conceived in the United States, and never thought of in Mexico. I had hoped that there was too much love of country and patriotism among all parties of our own countrymen, to permit any from inventing and asserting charges and allegations which had no foundation in fact, for the purpose of placing our own country in the wrong and our enemy in the right, when engaged in a war with a foreign nation. But in this it seems I have been mistaken. Mr. President, I desire to go further, and to refute and put down, I hope forever, another position assumed in this country equally unfounded: that is, that peace could have been preserved by sending a special commissioner to Mexico, with power to settle all questions growing out of the annexation of Texas, instead of sending, as we did, a minister clothed with those powers. In a letter from our consul, Mr. Black, in Mexico, to the Secretary of State, he details a conversation which he had with Mr. Pena y Pena, the Mexican Minister of Foreign Affairs, on the subject of Mr. Slidell's mission to Mexico. This letter is dated the 18th of December, 1845, and refers to a conversation which took place on the 29th of November preceding, in which the Mexican Minister, after speaking of the arrival of Mr. Slidell at Vera Cruz, said:

"That ought not to be. The Government did not expect an envoy from the United States until January, as they were not prepared to receive him; and he desired, if possible, that he would not come to the capital, nor even disembark at this time, and that the consul should endeavor to prevent his coming so, as his appearance in the capital at this time might prove destructive to the Government, and thus defeat the whole affair. You know the Opposition are calling us traitors for entering into this arrangement with you. I [the consul] told him that I regretted this had not been known in time, as the envoy would be now on his way to the capital, and that the Mexican Government had set no time for his arrival; to which the minister replied, that he knew there was no time left. Mr. Pena y Pena proceeded further to say, that the Government itself was well disposed and ready to proceed in the negotiation; but that, if the affair was commenced now, it would endanger its existence; that the Government were preparing the thing, and giving the opinion and convincing the departments, which they expected to have finished by January, and then they would be able to proceed with more security; that the Government were afraid that the appearance of the envoy at that time would produce a revolution against it, which might terminate in its destruction."

This, Mr. President, was the true reason why Mr. Slidell was not received by the Herrera administration. It was, as Mr. Pena y Pena said, because they were afraid of a revolution which might terminate in the expulsion, from power, of the then administration. And, sir, were these fears thus expressed by Mr. Pena well founded? Sir, the revolution did take place, and which did result, as predicted, in the expulsion from power of the Herrera administration, on the 30th of December, 1844.

But, sir, this is not all my proof. I have more and stronger still. I shall read, sir, an extract from the letter of Herrera to the Mexican minister of Foreign Affairs, declining an acceptance of the appointment of one of the commissioners to treat with the United States. This letter is dated the 25th of August, 1847, and he says:

"As a Mexican, who desires the welfare of his country, I ought to state to your Excellency, that being at the head of the government in the year 1845, just passed, when the Government of the United States first moved in sending a commissioner to arrange the differences which, on account of the Texas question, disturbed the harmony which ought to exist between two coterminous republics; for no other act than showing their desire would be an obstacle to his presenting himself and having his propositions heard, my administration was calumniated in the most atrocious manner; for this act alone the revolution which displaced me from the command was set on foot; and if I were now to take part in the same question, it would give occasion for a renewal of the scenes which then took place; and the best result from existing circumstances through negotiations, however honorable, would be worse received than it might be if they were undertaken by persons who may have had no part in that affair."

To this letter the Mexican minister answered on the next day, as follows:

"MEXICO, August 26, 1847.

"MOST EXCELLENT SIR: I have made known to his Excellency, the acting President, your excellency's note of yesterday, in which you decline accepting the trust of commissioner for the purpose of listening to the propositions for peace which the Government of the United States wishes to make through their own commissioner; and, in reply, he directs me to inform you, as I have the honor to do, that the very reasons upon which your excellency relies were those which led to your appointment, since they show that two distinct persons, according to their different circumstances, have concurred in one essential point, namely, the propriety of hearing propositions, the avowed object of which is to terminate the evils of the war. Consequently, his Excellency hopes upon the receipt of your excellency's note take charge of this weighty and delicate business, for which purpose he appeals to your well known patriotism, and to the good disposition which you have evinced to serve the republic."

Not one word in all this as to the character of Mr. Slidell, whether he was to appear under the name of a minister or that of a commissioner—his powers and duties being the same under both titles. No, sir; this protest did not enter into the objections to his reception by the Mexican government. So far from it, that Herrera, the then President, who rejected Mr. Slidell for the reasons given by Mr. Pena y Pena, now, in this note, substantially reaffirms what was said by Mr. Pena to Mr. Black. Sir, comment on these documents is unnecessary; they are self-evident.

But, sir, I will now return to the main question—that is, did annexation produce the war? I have read you a portion of the correspondence of the Mexican government, which I think fully sustains my position. I now proceed to examine our own correspondence, with a view to see, if I can, what they thought would be the result of such a policy. This, sir, becomes the more important, as the Senator from South Carolina (Mr. CALHOUN), who was then Secretary of State, and as such negotiated the treaty of annexation, has denounced the war as unjust, and the preamble in the act, asserting that it was brought on by the act of Mexico, as being false and untrue; and who asserts that the war was brought on by the Executive removing our army to the Rio Grande. What, sir, did he think would be the effect of annexation? I propose to compare his opinions when Secretary with

his opinions now when a Senator. In June, 1844, the Senator, as Secretary of State, addressed a letter to our Minister in Mexico; and, in speaking of the treaty of annexation, he said, we would, indeed, have been glad in doing so, to have acted with the concurrence of Mexico, if circumstances had permitted—not because he believed that she had any rightful claim of sovereignty to Texas, or that the latter was not competent of itself to transfer the full and complete right and title to its territory, but because, in our desire to preserve the most friendly relations with Mexico, we were disposed to treat her with respect, however unfounded we believed her claim to Texas to be. It was in conformity with that desire that the instructions were given to make the communication to the government of Mexico, announcing the signature of the treaty, and our readiness to adjust all questions which might grow out of it between the two countries, on the most liberal terms.

Why desire the concurrence of Mexico, if war was not apprehended from the act of annexation? And why say to Mexico, that we are willing to settle all questions growing out of annexation on the most liberal terms? What are the questions growing out of annexation, referred to in this letter? The resolutions of annexation recognize but one, and that is the question of boundary. Sir, in my opinion, the Secretary was willing to purchase from Mexico the claim to the whole of Texas; or, in other words, he was willing to pay to Mexico a round sum of money, by way of buying his peace. This, sir, is what he means by settling all questions on the most liberal terms. If I am mistaken in this view, he is present, and can correct me. Then, sir, I ask, why propose to purchase a peace, if there was no danger of a war?

On the 10th of September, 1844, the honorable Senator wrote another letter to our minister in Mexico, from which I will now read an extract. He says:

"Nor will our honor, any more than our welfare and safety, permit her to attack Texas while the question of annexation is pending. If Mexico has thought proper to take offence, it is we, who invited a renewal of the proposition, and not she, who accepted it, who ought to be held responsible; and we, as a peaceful party, cannot, without implicating our honor, permit another to suffer in our place. Entertaining these views, Mexico would make a great mistake if she should suppose that the President would regard with indifference the renewal of the war which she has prosecuted against Texas. Our honor and our interests are both involved."

Mr. President, this is a warlike document. It is, sir, that our honor and our interest are both involved in defending and protecting Texas against Mexico, pending the question of annexation. This, sir, was, I think, a correct sentiment—one the people would have sustained. Sir, they would never consent to a sacrifice of their national honor or of national interest. He then intended to fight Mexico, if she invaded Texas. This is my construction of this letter; and I would be pleased to hear from the distinguished Senator from Texas, who was then the President of that republic, and to whom a copy of this letter was sent—in order, as I had supposed, to satisfy him that this government would in good faith defend and protect Texas, pending the question of annexation, and thereby preserve both the honor and the interest of this nation—whether he did not view it in the same light. But, sir, I now fear that this letter would have been the means not only of sacrificing our honor and our interest, but it would also have been the means, if Texas had been invaded, of deceiving her, and of enabling Mexico to invade her. Texas was then relying upon us for succor and defence: our failure to comply with her expectations would have misled her, and she would not have been prepared to meet and expel the enemy.

Now, sir, I will read you an extract from the letter written by our Secretary to General Howard, and containing a copy of the one I have just read. General Howard was instructed to deliver that copy to the President of Texas. The letter which I now read bears date the 10th of September, 1844, (the same date of the other,) and in which he says:

"All that he can do is, to make suitable representations to the Mexican government against the renewal of the war, pending the question of annexation, and the savage manner in which it is proposed to conduct it, accompanied by appropriate protests and indications of the feelings with which he regards both; and to recommend to Congress to adopt measures to repel any attack which may be made."

Now, sir, it seems all this show of fight about national honor and interest turns out to be nothing but wind—a war of words and gasconade. How do these two letters, written on the same day, comport with the honor and interest of this government? But, sir, I will proceed.

I will now read an extract from the letter of the Secretary which announced to the Mexican government that a treaty for the annexation of Texas had been signed. This letter is dated the 19th of April, 1844—in which he says:

"Seeing this, this government has been compelled, by the necessity of the case, and a regard to its constitutional obligations, to take the step it has, as the only certain and effectual means of preventing it; it has taken it in full view of all possible consequences, but not without a desire and a hope that a full and fair disclosure of all the causes which induced it to do so would prevent the disturbance of the harmony subsisting between the two countries, which the United States is anxious to preserve."

Now, Mr. President, if the Senator from South Carolina apprehended no danger of war from annexation, what does he mean by saying he had "taken the step in full view of all possible consequences?" What step? Annexation. What consequences of that step did he have in full view? Sir, it was war, and nothing else. Then, sir, he believed at that time that annexation would produce war; time has proved his opinion to have been correct; and yet he denounces the war. Sir, I do not envy any laurel he may win by the pursuit of such a course.

I have other evidence, Mr. President, which, I think, is in itself conclusive to every impartial mind. Sir, it is the letter of the four Mexican commissioners to Mr. Trist, when negotiating a treaty of peace, on the 6th day of September last, in which they say:

"The existing war has been undertaken solely on account of the territory of the State of Texas, respecting which the North American Republic pretends to unite the said State to the United States by which it was annexed to the North American Confederation, after having proclaimed its independence of Mexico. The Mexican Republic offering (as we have informed your excellency) to consent, for a proper indemnification, to the pretensions of the government of Washington to the territory of Texas, the cause of the war has disappeared, and the war itself ought to cease."

Now, Mr. President, can any impartial mind any longer imagine what language could be stronger. I repeat it, the existing war was commenced solely on account of Texas. This is a war, then, for Texas. Who commenced it? Surely we did not, for we had possession of Texas. Then it was commenced by Mexico for the purpose of reconquering Texas; and in this, as in everything else that has been written or said by Mexico as to the cause of this war, we hear not one word of complaint about the removal of the army to the Rio Grande as having any agency in bringing on the war, or of hastening hostilities between the two countries, and therefore it is that I have insisted that this question owes its origin to, and is advocated alone by, citizens in this country, and for purposes best known to themselves; and the same remark holds good in relation to the other question, that our minister was rejected simply because he was not a commissioner.

I have now presented, Mr. President, my documentary evidence to show that this war is waged by Mexico for and on account of the annexation of Texas to the United States; and in doing this, I have not discussed the boundary of Texas, because that question is not involved in this war; and further, because as Mexico has made no question about boundary, except for the whole of Texas to the Sabine, the whig party here are estopped by their own record, manufactured by themselves for the avowed purpose of placing themselves right before the country and before posterity. On this subject, sir, when the bill recognizing the existence of the war was before the Senate, then was the time to inquire into the cause of the war, and whether it had been brought on by our army invading the territory of Mexico, or by the Mexican army by invading American territory. This question was then considered, and Senators then made up their minds and took their positions. And to show the position assumed by the whig Senators, I will read from the Congressional Globe a few remarks made by the Senator from Kentucky, (Mr. CRITTENDEN):

"Mr. CRITTENDEN expressed a desire that the ground taken upon this subject by the majority here should be placed, on the Journal, and on this particular bill, so that to strike out from the first section of the bill the words, 'to prosecute said war to a speedy and successful termination,' and insert, 'for the purpose of repelling the invasion, the President be [etc.]'" &c.

In favor of this motion, and for the reasons given by the Senator from Kentucky, the entire whig party in the Senate recorded their votes. What invasion was to be repelled by this motion? It was to repel the Mexican invaders, and to drive them from our soil. They had crossed the Rio Grande, and therefore were, in the opinion of the whig Senators, as well as those of the democrats, invading our country. How, sir, could this be, unless the Rio Grande is the boundary? Sir, I hold these Senators to this record; they made it themselves, and are, therefore, estopped from contradicting it. I am aware, Mr. President, that the preamble of the act was a subject of discussion when the bill was under the consideration of the Senate; but, sir, did any Senator in that discussion pretend or assert that that part of the preamble to the act which asserts that the war was brought on by the act of Mexico, was not true? No, sir; I have looked over the debate in vain, and can find no such thing. On the contrary all seemed to agree, that if war existed at all, it was brought on by the act of Mexico. By what act did Mexico bring on the war? She crossed the Rio Grande, and thus invaded our country, and after doing so, commenced hostilities—shedding American blood on American soil. Now, sir, to show that I am right in this view, I shall call the attention of the Senate to what was said on this subject at the time. I shall read, sir, from the Congressional Globe, as follows:

"Mr. MANGUM had made up his mind to vote for the bill, but he entered his most solemn protest against the hasty declaration of the preamble about the existence of the war, and he would ask the Senate that that protest be entered on the Journal.

"Messrs. J. M. CLAYTON and DAYTON entered similar protests."

Mr. MANGUM.—If the Senator will pardon me I would state, that vote was put upon the ground that there was no evidence of the existence of war or of a battle having been fought. It will be remembered that the documents, which accompanied the message, were not printed or even read. The bill was presented on mere information that war had been commenced by Mexico, and the adoption of the preamble was resisted in the absence of all evidence either of the existence of war, or if it existed that it was commenced by the act of Mexico. This explanation is necessary in order to prevent any misconception which might arise from the imperfect character of the report from which the Senator has quoted.

Mr. TURNEY.—Thus, Mr. President, it is seen that the only objection to the preamble consisted in the fact, that some Senators doubted whether hostilities had commenced, and not that the act which produced hostilities, or the hostile act itself, was the act of Mexico.

But, Mr. President, there is still another answer to this charge, that this war was produced by the removal of the army to the Rio Grande. If this was an illegal and an unconstitutional invasion of Mexico, the President is not alone responsible for it. He, sir, is

not a military man, but he is a remarkably cautious and prudent one, and in this instance, as well as in every important step in the prosecution of this war, he has acted upon the advice of those who not only had a knowledge of military science, but who were on the ground, and had the best means of obtaining all the necessary information to enable them to form a correct and sound judgment as to what ought to be done. If, then, he is to be censured for this act, after using all the means in his power to obtain correct information, what ought to be done with those upon whose professional skill and ample means of information he acted? Gentlemen ought to remember that there are those who are equally responsible with the President. Now, sir, for the purpose of showing that the President was justified in his course, and that General Taylor, (an authority I am sure the Senators on the other side of this chamber will not question,) advised the removal of the army to the Rio Grande, I will read an extract from the despatch of General Taylor, of the 4th day of October, 1845, in which he says:

"For these reasons, our station this far [by, I think, been the best possible, but now that the organized force we can muster abroad, it may well be a question whether the views of the government would be best carried out by our remaining at this point. It is with great difference that I make any suggestions on topics which may become matter of diplomatic negotiation; but I cannot conceive it in any other manner than that, as days, makes the line of the Rio Grande an ultimatum. I cannot doubt that the settlement will be greatly facilitated and hastened by our taking possession at once of such position as we may desire to occupy permanently, and which we can hold without the necessity of a movement that must. Our strength, or attitude of preparation, should be so placed in a manner not to be mistaken. How we can best carry into effect the object upon the under ground, is not present to my mind. To invade Mexico, by the frontier to march the government of Mexico at the city of the Rio Grande. The limited force, if necessary, our ultimate the country as far as the Rio Grande. The limited force, if necessary, our ultimate the country as far as the Rio Grande. The arms of occupation will in a few days be concentrated at this point in condition for vigorous and efficient service. Mexico has never yet made no positive declaration of war, recommitted any overt act of hostilities. I do not believe that, under all the circumstances, particularly those of July the sun, to make a forward movement to the Rio Grande without authority from the War Department."

Thus, sir, we see that the President acted upon the advice and strong recommendations of General Taylor; and if the act was wrong and he is to be censured for it, a much greater degree of blame and censure ought to fall on the military man possessing all the means of information, who advised it. But, sir, I have no censure to cast on any one. Far from it. I think it was a proper and judicious act; one in which all the parties concerned are justly entitled to praise. Sir, what would have been the indignation felt throughout this country, if the army had been retained at Corpus Christi, and the Mexican army had crossed the Rio Grande, and on their march to the interior of Texas, had devastated the country, murdered and plundered the citizens, burned their houses and destroyed their farms? Would we then have been told by the whig orators that this was all right? No, sir; they would have been the loudest and the most bitter in their denunciations of the President for not doing what he has done.

But, Mr. President, I have heard other charges made against the President for the manner and mode of conducting this war.—Some say he did not call out men enough; others, that he called out too many; and others find fault with his plans of campaign. One word, sir, in answer to all these objections. The President, I admit, is responsible for all these things. He is to manage and to conduct the war; and I would inquire whether any error of this character has been committed? I deny it. Everybody seems astonished at the success of our armies; we have gained every battle, and have made astonishing progress, taking their principal towns and strong places; then we had troops enough in the field, and our plans must have been well laid and well executed. But, sir, it would be very remarkable if no error had—as I think, in point of fact, no error was—committed in all this business. If any had been committed, who would be to blame for it? I have admitted the President would be responsible; but, sir, others would be to blame also; for I have no doubt that the President, prudent and cautious as he is, had the advice of the commanding general of the army upon every plan of a campaign, and also of the number of men necessary to execute such plan with certain success. This we know to have been his course at the commencement of the war, and I doubt not he has continued it.

But, Mr. President, the Senators on the other side of this chamber inquire, with an air of triumph, why we do not bring this war to a close? Why not make a peace? For what purpose do we desire further to prosecute it? Sir, we have thus far prosecuted this war with unparalleled success; and I doubt not we would have had a peace long since, but for our own divisions in relation to the justice of this war. Mexico knows as well as we do when our Presidential elections take place. She knows that the leaders of the whig party of this country have taken open and bold ground against the war—denounced it as unjust, unnecessary and unconstitutional—waged by us for the purpose of conquest, robbery and plunder. Can we expect, under these circumstances, a peace, until after the Presidential election? If the whigs should be successful, Mexico would expect a favorable peace—one that would surrender to them the country at least to the Rio Grande, if not to the Nueces; and as the war is both unconstitutional and unjust, they would expect a reasonable indemnity for the expense, suffering, and loss produced by it; and could the whig party refuse this if the war is unjust? They would be justly entitled to it. Again, sir, Mexico would tell them, You know you had no right to annex Texas, and that this illegal and unconstitutional act produced this bloody and disastrous war, and, therefore, you ought to pay us for Texas also. What answer, consistent with his former position, could a whig President make? None that I can conceive. I am asked how I would end this war. My answer is, that I would fight it out. True, sir, we have vanquished the armies of Mexico in every battle that has been fought, and have taken possession of a large portion of their territory, including the capital, many of her populous cities, and her strongly fortified places, yet she is not subdued. She still persists in her refusal to treat for peace, and will continue to do so until she is whipped into submission. When that time arrives—when she asks for peace, and proposes to make atonement for past wrongs and aggressions, I shall be ready to discuss the terms of peace.

Mr. President, I will now give a statement of a few questions growing out of this war, in which the leaders of the whig party and the Mexicans most heartily concur:

1. The whigs held that to annex Texas was to make war with Mexico. So said Mexico; but this having been decided by the people, the whigs now agree with us, that it was no just cause of war. Shifting their position, they now say that the removal of the army to the Rio Grande produced the war.

2. That the war is unjust and unconstitutional. The Mexicans assert the same thing.

3. That it is unjust and oppressive to levy contributions on Mexico. So say the Mexicans.

4. That to demand an indemnity from Mexico for the expenses of the war is oppressive, and amounts to robbery. The Mexicans take the same ground.

5. That this is a war waged and prosecuted for conquest. So say the Mexicans.

6. That, as the war is unjust and unconstitutional, and, in the extreme, oppressive to Mexico, we ought to withdraw our army. So says Mexico.

These, Mr. President, are my opinions, and, if I am in error, I have the consolation that I err on the side of my country.

Mr. BREESE took the floor, with the intention of addressing the Senate on Monday.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of Executive business and after some time spent therein,

On motion,

The Senate adjourned.

MONDAY, FEBRUARY 14, 1848.

CREDENTIALS.

Mr. BERRIEN presented the credentials of the Hon. HERSCHEL V. JOHNSON, appointed by the Governor of the State of Georgia, a Senator of the United States, to fill the vacancy occasioned by the resignation of the Hon. WALTER S. COLQUITT.

Mr. JOHNSON, having taken the oath prescribed by law, took his seat in the Senate.

PETITIONS.

Mr. BADGER presented the memorial of Mrs. M. Rodgers, widow of Commodore John Rodgers, of the United States Navy, deceased, praying payment for double rations due her late husband as senior officer of the navy; which was referred to the Committee on Naval Affairs.

Mr. CRITTENDEN presented additional documents in relation to the claim of George Poindexter; which were referred to the Committee of Claims.

Mr. MILLER presented the memorial of the executors and heirs of John Rogers, deceased, praying bounty land and half-pay; which was referred to the Committee on the Judiciary.

Mr. CORWIN presented a memorial of the Ohio Yearly Meeting of Friends, held at Salem, praying for an immediate termination of the war with Mexico; which was ordered to be printed.

Also, a petition of citizens of Stark county, Ohio, and a petition of citizens of Monroe county, Michigan, praying for a speedy termination of the war with Mexico, by withdrawing our troops within the limits of our own territory, and then settling the point in dispute by negotiation or reference; which were referred to the Committee on Foreign Relations.

Also, a memorial of citizens of Muskingum county, Ohio, remonstrating against the prosecution of the Mexican war, for the purpose of conquest, or forcing Mexico to sell any part of her territory to the United States; which was referred to the Committee on Foreign Relations.

Also, the petition of Joseph Newell, asking to be allowed to change the location of a section of land granted him under an Indian treaty; which was referred to the Committee on Private Land Claims.

Mr. SEVIER presented the memorial of the Mayor and Common Council of the city of Fort Smith, praying the division of the district of Arkansas into two judicial districts, and the location of the seat of justice for the western division at that place; which was referred to the Committee on the Judiciary.

Also, the petition of H. B. Gaither praying compensation for services as clerk to the Superintendent of Indian Affairs west of Arkansas; which was referred to the Committee on Indian Affairs.

Mr. CASS presented the petition of Sarah Ten Eyck, executrix of Conrad Ten Eyck, deceased, late marshal of the United States for the District of Michigan, praying the payment of a balance due him by the government; which was referred to the Committee on the Judiciary.

Mr. NILES presented the petition of Reuben M. Gibbs, a pensioner of the United States, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Also, the memorial of Charles Larabee, a pensioner of the United States, praying to be allowed an increase and arrears of pension; which was referred to the Committee on Pensions.

Also, the petition of Asahel Kingsley, a revolutionary soldier, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. WESTCOTT presented a petition of citizens of Florida, praying the establishment of a mail route from Alaqua, Florida, to Geneva, in Alabama—and a petition of citizens of Florida praying the establishment of a mail route from Ucheeanna to Milton in that State; which were referred to the Committee on the Post Office and Post Roads.

Mr. WESTCOTT observed in offering these petitions, that the people of West Florida had for sometime past complained of the mail arrangements there as a nuisance, and if a remedy was not provided, they would prefer its being abated to continuing as at present.

Mr. UNDERWOOD presented the petition of the American Colonization Society, praying reimbursement of the expenses incurred by that society for the support of a number of Africans, captured by an United States' vessel of war, from on board a slave ship, and landed at Monrovia, in Liberia, which was referred to the Committee of Claims.

Mr. BAGBY presented the memorial of Peter Raudon, representative of John Raudon, deceased, praying indemnity for property destroyed during the Creek Indian hostilities; which was referred to the Committee on Indian Affairs.

Mr. DAVIS, of Mississippi, presented the petition of Samuel F. Butterworth, praying compensation for services in carrying the mail; which was referred to the Committee on the Post Office and Post Roads.

On motion by Mr. BAGBY, it was

Ordered, That the petition of James H. Causten, assignee of Col. John B. Hogan, on the files of the Senate, be referred to the Committee on Indian Affairs.

CHRIST CHURCH BURIAL GROUND.

Mr. GREENE, from the Committee on the District of Columbia, to whom was referred the memorial of the Vestry of Washington Parish, reported a bill to authorize the sale of part of public reservation numbered thirteen in the City of Washington, and for other purposes; which was read and passed to the second reading.

PRESERVATION OF LIVE OAK TREES, ETC.

Agreeably to notice, Mr. DOWNS asked and obtained leave to bring in a bill to amend an act entitled "An Act to provide for the punishment of offences committed in cutting, destroying, or removing live oak and other timber or trees reserved for Naval purposes," approved 2d March 1831; which was read the first and second times by unanimous consent, and referred to the Committee on Public Lands.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk:

Mr. President: I am charged by the House of Representatives to inform the Senate that they request the [illegible] "An Act for an increase of the Medical Staff of the Army, for a limited time."

The Speaker of the House of Representatives, having signed the same, I am directed to deliver them to the Senate for the signature of the President.

SIGNING OF BILLS.

The VICE PRESIDENT signed the following enrolled bills.

An Act for the relief of [illegible] and Lachlan Wait.

An Act to authorize the issuing of [illegible] to the heirs of Wilkinson.

An Act to confirm the boundary line between Missouri and Arkansas.

INCREASE OF THE MEDICAL STAFF.

Mr. BADGER moved a reconsideration of the vote by which the bill for an increase of the Medical Staff of the Army, for a limited time, had been passed.

The motion was postponed until to-morrow.

MR. DICKINSON'S RESOLUTIONS.

Mr. YULEE moved a postponement of the prior orders, in order to take up the resolutions submitted on the 14th December, by Mr. DICKINSON, and that his resolutions, offered on the 12th of January, as a substitute for those submitted by Mr. DICKINSON, might be considered.

Mr. FOOTE objected. He regarded the bill now before the Senate as one of vital importance, and expressed his decided opposition to engaging in the consideration of any other subject which might encroach upon the time allotted to the special order. He was not at all disposed to give way to a wordy debate, which would interfere with the great measure now before the Senate, and be, perhaps, of mischievous tendency.

Mr. YULEE replied, that he would be very sorry if what he had to say on this subject should be regarded as mischievous in its tendency. It was his purpose to discuss, upon its constitutional merits, a question which had not been introduced by him on that floor, but which was introduced by an honorable Senator from one of the most important States in the Union, and which was fully discussed by him during the morning hour. Having presented a substitute for the resolutions submitted by that gentleman, he had felt himself entitled to ask the indulgence of the Senate, for an op-

personal explanation, stating the grounds on which those resolutions rested. It was during the morning hour that the proposition of the Senator from New York was discussed, and it was during the morning hour that he (Mr. Y.) solicited a like indulgence from the Senate.

Mr. FOOTE would not urge his objection, as assurance had now been at least impliedly given, that the discussion of the bill before the Senate would not be interfered with, by allowing the Senator from Florida to present his views on the proposition. But his conscience and sense of duty would not permit him to consent to the introduction of any matter which was likely to impede, in the slightest degree, the progress of the debate on the great subject to which he alluded.

Mr. DOWNS also objected to the introduction of the resolutions of the Senator from Florida at this time. It was not probable that the discussion on them could be avoided, as there was a difference of opinion in regard to them, even on the part of Senators from the south. Still, he was anxious to have the question discussed, and would be very happy to hear the discussion, when the Senate was less occupied than at present.

Mr. YULEE said that after he had spoken a day could be fixed for the consideration of his resolutions.

Mr. DOWNS remarked that in that case no opportunity of reply would be afforded to gentlemen who might be disposed to differ from the Senator from Florida.

Mr. TURNEY said that if the resolutions were taken up only during the morning hour so as not to interfere with the discussion of the special order he had no objection; if on the other hand the special order was trenched upon he must refuse the discussion solicited by the honorable Senator from Florida.

Mr. CASS suggested a postponement of the resolutions till after the special order had been disposed of by the Senate. It was not a matter of pressing importance that the sentiments of the gentleman from Florida on this subject should be expressed to-day. For himself he would hear the gentleman with great pleasure, but it did seem to him to be in every way most expedient to defer the consideration of his resolutions, and avoid any interruption of the debate on the special order, on which it was highly important to obtain speedy action.

Mr. BADGER begged to submit, with great respect to the honorable chairman of the Committee on Military Affairs, that the application thus made by the Senator from Florida stood on peculiar grounds. Agreeing fully with that gentleman in the general position that nothing should be done by which the discussion of the special order should be encroached upon, yet he reminded him that the Senate had permitted the honorable Senator from New York to occupy a portion of the morning hour in remarks on the resolutions submitted by him for which those of the Senator from Florida were proposed as a substitute. That was regretted by him at the time, as he regarded it as a precedent leading to encroachments on the time allotted for particular business. But in these circumstances it did after all appear to be due to the Senator from Florida that he should be indulged in a like opportunity of expressing his views, deferring the further discussion of the subject till after the special order had been disposed of by the Senate.

Mr. FOOTE said he disliked to occupy the time of the Senate, but it was important to make a remark in reply to the Senator from North Carolina. That gentleman had declared in such breath that when the Senate allowed the Senator from New York to discuss his resolutions, he condemned the act—he disapproved of it—he felt at the time that it was a bad precedent, likely to lead to serious interference with the regular business of the Senate, and yet, now he urged the Senate to do the very same thing. Why? On the ground of courtesy, forsooth, to the Senator from Florida. It appeared, then, that they were to do wrong that some good in the way of courtesy might come from it—to do what the Senator from North Carolina himself admitted to be improper and had condemned at the time—to persevere in doing evil in order to avoid wounding the sensibility of a Senator! Now, the great question was, what did the country demand at their hands? Were they to [illegible]

Mr. YULEE here begged to inform the Senator that he did not propose [illegible] all were the direct question [illegible] ten regiment bill.

Mr. FOOTE replied, that he had distinctly stated, if the Senator from Florida did not interfere with the discussion of the bill, he would not object to allowing him to present his views on his resolutions; but if the Senator encroached in the slightest degree—no more even than a second of time—on that bill, he felt bound to oppose the taking up of his resolutions.

Mr. YULEE said that he expected that he would get through with what he had to say, before the expiration of the morning hour, and would have done so if he had not been interrupted by the Senator from Mississippi.

Mr. FOOTE regretted that the Senator from Florida had not been explicit when he first announced his desire that his resolutions should be taken up.

Mr. CAMERON observed that he thought it would save time to allow the Senator from Florida to proceed with his remarks. He understood that the Senator would not occupy a longer period than the half hour which yet remained of the term allotted to morning business. The Senator would not, if that was the case, interfere in the slightest degree with the speedy action of the Senate, on the Ten Regiment Bill, a measure which was vitally important to the interests of the country, and on the progress of which a speedy peace very much depended.

Mr. HANNEGAN suggested that the Senator might be allowed to proceed, with the understanding, that at one o'clock, he should give way to the special order.

Mr. BADGER begged to detain the Senate only a moment, for the purpose of setting himself right in regard to an observation which he made, and to which the Senator from Mississippi had attempted to give a construction which was not altogether correct. He did not suppose that the Senator from Florida ought to be indulged in making his speech, on the ground of "courtesy;" but he thought that in the circumstances of the case, the Senate had so committed itself, that it was perhaps an act of justice to allow that gentleman to express the views on the resolutions offered as a substitute for those of the Senator from New York, who had been indulged in an opportunity of presenting his own at length. There was, therefore, no ground for the charge of inconsistency in the remark which he had made, that although at the time he feared that the extension of that indulgence to the Senator from New York, might lead to inconvenience in the interruption of the public business, yet it seemed to be proper to grant a similar favor to the Senator from Florida. It was better, he thought, to submit to the inconvenience, than deny to the Senator from Florida, the opportunity of presenting his views, as nearly contemporaneous as possible with those of the Senator who took a different view of the subject.

Mr. FOOTE had only to say that he regarded justice to the country as more important, than justice to individuals.

The question was then taken on the motion to take up the resolutions submitted by the Senator from New York; and it was decided in the affirmative.

The resolutions submitted by the Senator from New York (Mr. DICKINSON) were then read as follows:

Resolved, That treaties between the government of the United States and the people of [illegible] are [illegible] upon the consent of both parties, which cannot be obtained, and the subject matter of which cannot be settled, except by the application of the powers of war; and that, as a treaty [illegible] with the power and the right of the people to declare war, with the powers and rights of the [illegible] of the Union.

[illegible] Resolved, That the [illegible] to the United States, is the common property of the Union, and the sovereignty over the same vests in the people of the several States composing the Union.

Resolved, That [illegible] has no delegated authority, nor the territorial community any inherent right, to exercise any legislative power within the [illegible] to which the citizens of the United States have equal and [illegible] any part of the common property, may be impaired or embarrassed.

As a substitute for these resolutions, the Senator from Florida submitted the following, which were also read:

Resolved, That the territory belonging to or which may be acquired by the United States, is the common property of the Union, and the sovereignty over the same vests in the people of the several States composing the Union.

Resolved, That Congress, as the legislature [illegible] has no delegated authority, nor the territorial community any inherent right, to exercise any legislative power within the [illegible] to which the citizens of the United States have equal right to emigrate with their property, and to settle and enjoy any part of the common property, may be impaired or embarrassed.

Mr. YULEE.—It has seemed to me due to all the interests involved, that there be a clear understanding of the position of all parties in this country upon the question to which these resolutions relate. So far as the Senator from New York, and those who agree with him, design to repudiate the principles of the Wilmot Proviso, and have added in supplressing its prevalence in the North, they are entitled to our profound thanks; and I join in commending the spirit with which they have sought to advance towards a satisfactory adjustment of differences. But it is impossible for me to close my eyes to the fact, that although various approaches have been made, since the last session, in the direction of the constitution, none of these attempts have reached a point satisfactory to the public mind, and we are, to all practical intents, very much where we stood at the last session.

What is it in the principles of the Wilmot Proviso that excites so justly the alarm and indignation of the southern states of the Union? That Proviso contemplates the exclusion of the people of a portion of the states of the Union from the use of acquisitions obtained through the common wealth and strength of the whole. It insults us by resting this discrimination upon a ground injurious to the morality and dignity of the South. It strikes at the security of property in the southern states, by aiming to surround them with a cordon of States having antagonist institutions; and threatens the security of their rights, by disturbing the political equilibrium of the two great sections of the Union. On these accounts, the Wilmot Proviso is justly regarded, by a large portion of the people of the Union, as an odious attempt to insult, to betray, and to injure them. It is feared as an attack upon the compromises of the constitution, and execrated as a disturber of the harmonies of the Union. In its inception, and its application, and in all its aspects, it is distasteful to all who, viewing it as I do, reverence the Union, respect the rights of the states, or set any value upon the dignity of citizenship. It is needless for me to say,

that as a liege citizen of a southern state, I can lend no aid, directly or indirectly, to results so ominous as those involved in the Wilmot Proviso; nor countenance political effort with any party which in the remotest degree suffers its taint to rest upon it.

Since the last session of Congress, several propositions for a settlement of the question have been advanced from distinguished quarters. For one, I heartily thank them all for the noble spirit of independence and justice which they have exhibited a disposition to practice. But their propositions seem to involve, in the contemplation of the advocates of their opinions, results practically the same as those of the Wilmot Proviso. It becomes important, therefore, to explore still further the field of the constitution for a secure foundation to our rights.

The two leading propositions to which I will refer, because they seem to comprehend in their scope all the rest, are—

First. The Missouri compromise line as the rule of settlement; and,

Secondly. A transfer of the question to the inhabitants of the territory.

Neither of these satisfy me. Legislative compromise is the most unsafe and shifting ground upon which the rights of a people can rest. No other evidence of this is necessary than is furnished by the fate of the tariff compromise, and still more recently by the votes of the late Congress upon this very Missouri compromise. The constitution furnishes the only enduring and steady basis of right, and the legislation of Congress is incompetent to modify or compromise the terms of this fundamental compact; for otherwise the creature may control the creator. Nor is the proposed transfer of the question to the inhabitants of the territory less objectionable. It is not only in conflict with the duties and authority of Congress, but it resigns to the first few persons who chance to be upon acquired territory the whole disposition of the destiny of our territorial possessions. The insufficiency of either of these plans to avert the evil effects of the Wilmot principle, seems to be conceded by their respective advocates, who, while they patriotically denounce the agitation of the Wilmot Proviso, adopt, doubtless from honest conviction, grounds which they acknowledge must produce the same practical results. They hold, that because the laws of Mexico prohibit slavery, it could never exist in territory acquired from her, unless expressly established or authorized by Congress; and one branch of them assign to the inhabitants of the territory an original right of legislation in respect to their local government, including the subject of slavery—thus denying to Congress the power to legislate for the protection of our citizens in the territories of the United States. Of course, if the repeal of the restriction depended upon Congress, it would be in the power of the north to control the question, as they have a settled majority in the House of Representatives; or, if the question was left to the inhabitants of the territory, those who were transferred with it, would fix its destiny as a non-slaveholding territory, by continuing the restriction and excluding the settlement of slaveholders.

[He referred to sundry evidences to show that such were the views and acknowledged anticipations entertained upon the subject, by many who were resisting the agitation of the Wilmot Proviso in the Northern States.]

Thus it will be seen that both these propositions rest upon grounds which render inevitable the same practical result as the Wilmot Proviso, namely, the encirclement of the South by a belt of non-slaveholding States, with all its fatal consequences upon our prosperity and existence. The only difference I can see, is in the temper which is exhibited. While the advocates of Wilmotism march boldly up, with hostile spirit, to the violent immolation of the States of the South, the advocates of the other propositions, acting, as I believe, under an erroneous conception of the Constitution, invite us to aid in our own immolation; thus converting the execution into a *felo de se*. However we may estimate their respective motives, the fatal effects would be the same, and, therefore, with equal decision to be repelled. Believing that it is the right of a citizen of the southern States to go upon any territory belonging to the United States which is opened to occupation, and to reside upon it securely, with his slaves and other property, under the guarantees of the constitution; and believing, further, that Congress has no power over him the shield of its protection in the enjoyment of this right, against disturbance from any quarter, I deem it due to the State I represent to dispute the opinions which conflict with my belief. And I engage in the discussion the more readily from the conviction that, as the advocates of these doctrines manifest a purpose to plant themselves upon whatever ground a true construction of the constitution may require, we may, by a thorough discussion at an early day, discover where is the line of truth, and join together in its maintenance.

The Senator from New York (Mr. DICKINSON,) being as yet the only exponent upon this floor of the doctrine of a right in the inhabitants of our territories to control the question of slavery, I shall proceed to an investigation of the principles he advances. As I understand the Senator, he holds, that the people inhabiting a territory of the United States, have the right of self-government in all that concerns their domestic or internal affairs, as "an inherent right of sovereignty." "That Congress (to use his own words) can exercise legislation only so far as is necessary to protect the interests of the United States; and that the legislation for the people should be exercised by themselves, under the constitution." So far as the logic of my friend is concerned, the admission of his whole proposition would not produce the conclusion he designs. His proposition contains two admissions which press the whole fabric of his argument to the ground. He admits them to be territories of the United States; and while transferring the power of legislation from Congress to the persons inhabiting them, admits they must legislate "under the constitution." Now, in admitting the territory to be "territory of the United States," that is to say, belonging to the people of the States which compose the Union, the further admission is involved of a right in the people of the several United States to enjoy its use. And in admitting that the people of the territory must legislate "under the constitution," he places their authority under the same limitation that would restrain Congress from legislation tending to exclude the citizen of any State from an equal and just participation in the common property. Surely, if the people of the United States own the territory they have a right to enjoy their property without hindrance; and if the constitution covers the territory, the local legislation must be subject to all its limitations. So that, after all, the question raised by the Wilmot Proviso would return with the same force as ever—is there a power of legislation under the constitution, no matter whether in Congress or elsewhere, by which the citizen of any State can be excluded from participating equally with all the rest in the common property of the Union?

But I presume the argument of my friend contemplated a power in the people inhabiting a territory to legislate upon the subject of slavery, and upon all other subjects not relating to the disposal of the soil. I take issue with him here, and utterly deny to the inhabitants of territory of the United States any original power of legislation or government whatever within the territory, except as a result of revolution. In the first place, the Senator's position is opposed to the whole course of legislative practice upon the subject. From the ordinance of 1789 respecting the territory of the United States northwest of the Ohio, down to the bill relative to the Oregon territory, reported a few days since, Congress has always exercised an exclusive control over the territories. An original right in the inhabitants to govern themselves in any degree whatever has never been recognized, nor until recently ever asserted. In the next place, his position is opposed to the whole current of direct judicial decision, and to the opinions of all the most eminent writers upon American political law.

"All about the right of conduct on a territorial government." — *M'Cleod v. State of Mercantile*, 1 Wh. R. 122.

Chief Justice Marshall says, speaking of the exclusive power of Congress to govern a Territory belonging to the United States:

"Whether any limitations on this power are to be found in the nature of the contract by which the territory was acquired, is a question of great delicacy, which it is unnecessary now to decide." — 1 Peters' Rep. 548.

"Rules and Regulations respecting the territory of the United States, may be combined with a power to form a government for it." — *The Cherokee Nation v. State of Georgia*, 5 Peters' Rep. 11.

"Perhaps the best reasons which can be assigned for the existence of this power in Congress, to govern a territory brought within the limits of the United States by conquest, is derived from the consideration that the relations of the conquered to the conquering country will be changed." — 1 Peters' Rep. 287.

"As the Congress of nations admits the right to acquire territory either by treaty or conquest, it would seem to follow, as an inevitable consequence, that it possesses the power to govern it, when it becomes acquired. The territory thus acquired, becomes entitled to admission into the Union, as soon as it contains sixty thousand inhabitants, in one State. It may consequently be said to be the domestic concern of the whole people, and that power would be abused by any other, if exercised." — 2d Story's Com. Const. 1324.

To the same effect will be found Rawle on the Constitution, 237; 1 Kent's Commentaries, 383, 386; 3 Story's Commentaries on the Constitution, 198.

I will add an authority from Louisiana, which is the more deserving of attention, from the circumstance that it is to be presumed the bar and court were fully conversant with all the mooted questions of territorial right. The counsel in the case contested "the power of Congress to govern the Territories," and contended, "that, admitting they possess, they cannot delegate it." The court remarks upon this case as follows:

"It can no doubt exist in a country, it would [illegible] the people of the part of the constitution to the United States to which [illegible] their attention. Congress have the power to govern and make all needful rules and regulations with regard to the territory or other property of the United States.' Now, a very needful regulation with regard to the land of the United States, considered as the subject of property, is to provide for its settlement. The individuals who move either as mere emigrants, or as persons [illegible] government, and those thus assembled can establish a government of their own, independent of, and unconnected with the legislature, or the United States, except in the enjoyment of the [illegible] erected be at liberty to decline being incorporated into the Union?"

But let us now try his proposition by general principles. Let me remind the Senator of one or two elemental principles, too well established to require demonstration; as, first, that the legislative power is an attribute of sovereignty. Secondly, that sovereignty is indivisible. I concede that the several attributes or functions of sovereignty may be exerted through divers agencies; but sovereignty, or the exclusive and supreme ultimate authority in a state, from which all political action proceeds, must, from its very nature, be complete, and incapable of division; for, otherwise, there might be in the same state, and at the same time, two supreme powers; which is an absurdity. Now, then, tried by these axioms in political science, how stands his theory of an "inherent" legislative right in the inhabitants of a territory? If they possess it, it must be because they possess, in some degree, sovereignty. If they possess any sovereignty, they possess it in its entirety. If they possess it in its entirety, they are an independent political state, and are of course independent of the United States, as of all the world; and the country covered by their jurisdiction cannot be territory of the United States; for sovereignty comprises an ultimate dominion over all the lands within the boundaries of the society. This conclusion cannot be avoided,

...e premise of the Senator's proposition be conceded, that the ...al States of a territory possess any "inherent right of sovereignty," or of "self-government," whatever. The possession of such ... in any degree, precludes the existence of any supervision or sovereign authority external of the community. I will read a passage from the Senator's remarks, which appears to comprehend his entire views as to the rights of the inhabitants of a territory of the United States:

> "It ... [illegible] ... [illegible] ... [illegible]

which the citizen brings it. The trustee of the States is as much the agent of one State as another, and is bound to reverence and regard the institutions of each. The tenure by which property in slaves is held, must be treated by the federal government as a rightful tenure, and be protected as property, so long as it is permitted by a State of the Union. This is not the government of the people of New York any more than the people of Virginia.—It is upon this principle that the constitution authorizes the recaption of fugitives, and that the federal government has always claimed indemnity for injuries done by foreign nations to the slave property of citizens of the United States. The federal agency was created as much by the people of the southern States, for the protection and benefit of themselves and their property, as it was by the people of the northern States. It is the government of the whole, because it is the government of each of the States, and not the government of each, because it is the government of the whole. Each adopted it by itself and for itself. Hence, in their federative character, slavery is a legal institution of the people of the United States; and it follows, as a consequence that, upon federative territory, property in slaves is a legal tenure.

If the United States cannot rightfully so discriminate as to exclude a citizen of one of the States, with his slaves, from territory of the United States, nor deprive him of his rightful property in them, neither can it indirectly do so, either by delegating such authority to an agent—for the act of the agent is that of that of the principal; nor by acquiescence in an usurped authority over the subject by its agent: for acquiescence, when there is power to prevent, is adoption. But, on the contrary, the United States government is bound, by an active exertion of its authority, to protect and maintain the rights of all citizens, of legality inhabiting a territory for the exercise of jurisdiction having been confided to the general government, no other power can interfere for the purpose. There is no legitimate authority within the limits of the territory, except as derived from the United States, and constituted, as Congress is, the trustee in possession, it must guaranty the just rights of all interested; and can only fulfil this obligation, or guaranty, by an active suppression of whatever may threaten injury to those rights. If, then, a citizen of a State has a right to go upon the territory with his slaves, the United States is bound to guaranty to him the security of such his property, against all interference while within the limits of the territory; and to prohibit by its mandates, and prevent by the public force, any such interference from any quarter.

But aside of all other arguments, the general principles of right are sufficient to the resolution of the question. The States are united as equals, and the citizens of the United States are associated as equals. From this it follows, that both as States and as citizens, equality in the advantages as well as burdens of the common property is to be observed. In all civil societies—

"A pact to use the words of Puffendorf, think I, which is such in either excessive, or at least useful sense between the society and the members, by which the society engageth to give him a just share and proportion of the goods which it acquires as a commonwealth; and the member pursueth that he will bear his proper and equal part of those burdens which conduce to the preservation of the society, considered as such."

Mr. DICKINSON.—What does Puffendorf say about the United States?

Mr. YULEE.—Vattel, (p. 110,) speaking of common property, describes it as being—

"Common to all the citizens who take a certain rate of it each according to his necessities, or according to the laws which regulate their use."

And, after stating that "the same rules hold good" as to corporate property with respect to the members of the corporation; and to public property with respect to the members of the corporation; and to public property with respect to the whole nation, says. (p. 114:)

"All the members of a corporation have an equal right to the use of a common property. But, respecting the means of enjoying it, the body of the corporation may make such regulations as they think proper, provided those regulations be such as is consistent with that EQUALITY which ought to be preserved in a communion of property. Thus, a corporation may determine the use of a common forest or pasture, either allowing it to all the members according to their wants, or allowing to each an equal share; but they have not a right to *exclude* any one of the number, or to *make a distinction* to his disadvantage, by assigning him a less share than that of the others."

Nothing could be more happily expressive of the rights of the people of the United States in respect to the common property in its territories. It was as equals that the States confederated, and justice requires that their equality should be regarded in the whole administration of the federal authority. If the States are to be regarded as equals, then what the same author (Vattel, p. 149) says with respect to independent States, well applies to their relations:

"None can naturally lay claim to any superior prerogative, for whatever privileges any one of them derives from freedom and sovereignty, the others equally derive the same from the same source."

If we may borrow an illustration from the ordinary case of joint or common property among individuals, it will be admitted by all, that while all the joint owners are bound to equal contribution, so all are alike entitled to equal advantages in its use. I need not enlarge upon the importance of justice in the conduct of governments. It is the basis of all society, and without it order, and all the other virtues of social and political life, would soon depart. Its observance is more important even with nations than individuals, and above all should it be an attribute of associate and confederate nations, or united States. No voluntary association can long endure which is not ruled by justice.

Before proceeding to another point in the argument, I will notice, in passing, an objection that may be hastily made by some, to the absolute dependence I have shown to exist on the part of the inhabitants of a territory towards its sovereign. It may be supposed that I regard inhabitants of our territories to be merely vassals or subjects. By no means. I consider that the citizen of a State of the Union who goes upon territory belonging to the United States, goes there as a citizen of the State of which he is a member, and does not lose that relation to his State while resident in the territory, nor until he becomes a member of a new State, by the organization of the inhabitants of the territory into a sovereign community, under the sanction of the United States. It is in that character that he continues to be entitled to the guardianship of his State, and the protection of the United States, in all his just rights, including those of property. As regards inhabitants whose allegiance is acquired with the territory, it may be more difficult to define their precise relation. Let, it suffice, that I, for one, am averse to any acquisitions which bring with them any large body of inhabitants not prepared for early organization into sovereign communities.

Mr. DICKINSON.—If the Senator please, I desire to ascertain his views more fully, by propounding one or two questions.

Mr. YULEE.—Certainly.

Mr. DICKINSON.—First. Suppose Canada should be annexed to the United States without any change in her laws; would the institution of slavery exist there without legislation?

Mr. YULEE.—If Canada was acquired as territory, any citizen of a State of this Union could go upon it with his family and property, slaves as well as other, and would be entitled to reside there, securely, under the guarantees of the constitution, while it continued to be a part of the territory belonging to the United States.

Mr. DICKINSON.—One further question. Can Congress, or any other legislative body, exercise any authority or control over the subject, so long as the territory annexed remains a Territory?

Mr. YULEE.—Neither Congress nor any other legislative body would have any authority to pass a law by which the property of a citizen, going rightfully upon such territory, could be divested—no matter whether such property consisted in slaves or anything else. But Congress would be bound, by its duty as the common agent of the people of the States of the Union, to pass all laws necessary to protect him in the undisturbed tenure of such his property. I propose now to consider whether the circumstance that there are inhabitants living upon territory at the date of its acquisition, can alter the results of my preceding argument as to the rights of the people of the United States, with respect to its enjoyment. Is the territory acquired by conquest or purchase any the less a common property of the United States, because there are inhabitants of a foreign origin upon it? Certainly not, as all must concede. Then surely it must be subject to all the rules which apply to a common property as between the owners. Do the inhabitants of foreign origin living upon such territory possess inherently any larger rights than the free citizens of the United States who go upon it? The answer must be, no; for if the right of the sovereign to govern in his territory is absolute, it is absolute as respects all persons who live upon it, without regard to origin. There can be no power or jurisdiction in the territory of a nation independent of its sovereignty.

But let us consider the subject first with reference to the laws and custom of nations, and next with reference to the Constitution of the United States Government.

1. Upon the conquest or purchase of territory, the sovereignty and jurisdiction of the nation losing the territory ceases, and that of the acquiring power simultaneously succeeds. Civil laws, all rules for the government or conduct of civil societies, have force, as laws, only because they express the sovereign and supreme will of the State. When the sovereignty ceases, its will being no longer supreme, the laws which emanated from it necessarily cease of their force. Upon the withdrawal, therefore, of the authority of the former sovereign, the pre-existing institutions and laws instantly expire; for the fountain which gave them vigor and vitality is cut off.

To render the proposition more plain, I will present it in another form. The laws of a nation are confined to the limits of its territorial jurisdiction. When it parts with the jurisdiction of any portion of its domain, the whole body of its laws necessarily retire to the limits of the territory to which its jurisdiction becomes contracted by the cession.

By the political law of nations, then, there would be no laws remaining in force in the territory thus dissevered, and it would remain without government until a code was enacted by the new sovereign. To suppose otherwise, would be to suppose that a nation could extend its laws beyond the limits of its own jurisdiction, and into the jurisdiction of another nation; which would be an absurdity in terms as in principle.

But inasmuch as a period might intervene between the withdrawal of one code of laws and the prescription of another by the new sovereign, the custom has grown up among nations, from a regard for the interests of humanity, and to prevent a total dissolution of social order, of leaving in force, in such cases, those necessary regulations which protect the natural rights of the inhabitants, and preserve order in their social relations. But these regulations rest for their force not upon the enactment of the former

sovereign, but upon the assent, which custom presumes, of the new sovereign. The municipal regulations thus allowed to prevail temporarily, are, in the very nature of the custom, limited to the precise necessities of the case, and operate only to govern the relations of the persons thus transferred, between each other, until a new code is provided. They cannot prevail as a law of government for the territory thus acquired; nor can any municipal regulations remain in force which are inconsistent with the prerogative and rights of the new sovereign, or which abridge or embarrass his title to the use of his new acquisition. Of this nature would be any regulation which confiscated or extinguished the property of a citizen of the new sovereignty who came upon the territory to enjoy, of right, its use. The rights of property of the inhabitants remain sacred; but no law of the old government can rightfully remain in force which disturbs the tenure of property in a member of the new sovereignty; for this would be inconsistent with the sovereign right of use.

It is with these limitations we are to receive the doctrine that the municipal laws of a ceded territory remain in force. Any other view of the subject would, as I apprehend, be at war with the whole theory of sovereignty and jurisdiction.

2. It is under and by authority of the constitution that Congress holds the jurisdiction and exercises the government of territories belonging to the United States. This jurisdiction and authority are necessarily exclusive, as I have heretofore shown.

Now then, the ancient laws, municipal or other, can only remain in force, in newly acquired territory, by virtue of an expressed or presumed assent of Congress; but no such assent can be presumed in regard to laws which are incompatible with the rights of the people of the States of the Union under the constitution; for Congress is the creature of the people of the several States, and the constitution is the rule of action they have prescribed to it.

We are now prepared for the more distinct inquiry whether, because slavery was abolished by an ancient edict among the inhabitants of territory newly acquired by the United States, that edict would continue its operation so as to effect the tenure of one of the people of the United States carrying his slave upon it?

I readily concede, that although by the change of jurisdiction the force of the ancient edict would cease, slaves once emancipated by its operation would not be remitted to slavery; for this would be only extinguishing one law of the lapsed sovereignty to revive an older one, which had recognized the slave as property. The inhabitants, whether black or white, freemen or peones, would preserve their respective relations and social condition, as existing at the moment of transfer, so far as might be compatible with the general fundamental policy and laws of the United States.

On the other hand, it must be conceded by every one, that no municipal law could remain in force which would diminish the sovereign authority, or embarrass the use of the territory to its new owner. This is too clear to admit of denial.

Now, let us suppose, first, that the States of this Union were all separate, and that Texas, as an independent community, acquired the territory; of course it would become a part of the domain of Texas. Could any law remain in force in the new territory, after it was covered by the jurisdiction of Texas, which was contrary to her established laws of property? Could the Texan community, the owners, as they would be, of the territory, be excluded from its use, by virtue of any previous ordinance of its ancient sovereign, abolishing slavery? Every one will respond to this, assuredly not. Now, add to the people of Texas those of the other fourteen slaveholding States as united purchasers with her: would not the result be the same? Add, then, the people of the fifteen northern States: would their accession as joint owners alter the just rights of the others? If so, the government of the United States may be considered as a government of and for the North, and not of and for the whole people of the Union.

Again: The Catholic religion is established in Mexico, and Protestantism is excluded by law: would that law or regulation remain in force in territory we may at any time acquire from Mexico? Certainly not; for Congress being restrained by the constitution from making any laws inconsistent with "the free exercise" of religion, as soon as jurisdiction of the United States attached, all laws creating distinctions between citizens of different religions would at once expire. Why? Because such laws would be contrary to a fundamental principle of the federative compact. And clearly, for the same reason, all laws which would create inequality or discrimination between the citizens of the United States in any other respect, would expire; for equality of rights in the citizens of the Union is, in like manner, a fundamental principle of the federative compact. But if the doctrine that all municipal laws remained in force until repealed, was correct, then the Mexican restriction upon the freedom of religion would continue permanently in force; for Congress could not repeal it, being prohibited by the constitution from "making any law respecting an establishment of religion." And on the supposition that the Senator was correct in his opinion, that the inhabitants of the territory, and the right of legislation, it would be continued in force so long as the population acquired with the territory maintained the ascendancy. Nay, the restriction might be continued even after the establishment of a State government; for the State would have the right to create a religious establishment; and, in the event of our incorporating any densely-populated part of Mexico, such would assuredly be the consequence.

It will be observed that I have treated laws recognizing or abolishing property in slaves as municipal, simply. It may well be doubted whether, under any system of government, laws of this description, from their deep bearing upon the social and civil relations, are not entitled to be regarded as fundamental in their nature, and appropriately pertaining to the class as political laws.

But, with reference to our system of government, if I am not mistaken, there can be no doubt. I have endeavored to show, in a preceding part of my argument, that the territory of the United States being federative property, must be held in subserviency to the equal political right of all the parts of the Union to benefit from it; and that property in slaves, being recognized in a large portion of the Union, is therefore to be regarded a part of the political system of the United States in their federative relation. If I am correct in this, the equal right to the use of territory, and the right to hold slave property in federative territory, are political rights under the federative compact, and are thus a part of the fundamental political law under the constitution. It would follow, then, that all ancient laws, in territories acquired by the United States, which might disturb a citizen of the government in his right to an equal use of it, and to the secure tenure of his slave property while upon it, would be extinguished, because in conflict with the political system of the new sovereign; for it is universally admitted, that the laws of a political bearing, or as they are denominated, political laws, would cease of their force upon a change of sovereignty. Congress could pass no law which conflicted with the political system of the Union—*a fortiori*, Mexico can transmit no laws for our territories which are of that nature.

The conclusion I reach seems to be sustained by sufficient reasons. No law or regulation can remain in force or be enacted in any territory belonging to the United States which is incompatible with the rights of the people of the United States under the constitution, no matter whether such territory be acquired with or without inhabitants.

Mr. DICKINSON.—As the Senator from Florida denies the doctrine of self-government asserted by the resolutions which I had the honor to introduce, and seems to insist that the people of a territory have no sovereign rights, it will doubtless afford him pleasure to correct the doctrine whenever asserted. He has, thus far, treated it as a northern heresy. He now beg he will turn his attention for a moment, to some expressions of opinion originating where the Senator can take no exception to the venue. I will first ask him to consider and refute an able and elaborate article in the October number of the Southern Quarterly Review, published at Charleston, South Carolina, upon the subject of territorial government of the United States; reviewing, among others, a speech delivered at the last session of Congress by the Senator from New Jersey, (Mr. DAYTON,) upon this question. The writer treats deep research as well as profound thought, and evinces a thorough knowledge of the subject of which he treats. From this article, treating the subject at length, the following is a brief extract:

"If the new State, then in her sovereign capacity, exercises the right, and rights, it is because it is asserted to be so. We are not compelled to Congress to say that we have no authority in the constitution which declares in terms that the majority of an inchoate State shall vest Congress, and we, to be converted a kind of *sitting sovereign*. Where then did the sovereign power reside? It was a State. It will be admitted, that it is the universal principle, that sovereignty resides in the people of a State, where not [illegible] the exercise of the [illegible] and not in the Congress of the United States."

The editor of the Review approves this doctrine in a note, and holds the following language:

"It is not necessary, however, to determine on the subject. Sovereignty must be somewhere. The existing States having disposed with their rights, it is possible that it is not in the United States, for they take only a right to be exercised according to certain terms. They can make a *temporary or provisional* government—no more. Where then is the sovereignty—all the powers exercised, and attributes belonging to every people? We answer, where it originally was, and where it must be, according to our theory of popular government, in the *people* of the territory, nation, or state."

I will now call the attention of the Senator to an able and learned speech of the Hon. Thomas H. Bayly, of Virginia, in the House of Representatives, at the last session, upon the subject of territorial government, where the principle of territorial government is strongly enforced. I append the following, an extract:

"I have great doubts about our power to establish for the territories even temporary governments; and these doubts are strengthened by the proceeding of the convention which framed the constitution. On the 13th of August, Mr. Madison submitted, in order to be referred to the committee of detail, among others, the following powers as proper to be added to those of the general legislature:

"To dispose of the unappropriated lands of the United States.

"To institute temporary governments for the new States arising therein."

"The first branch of this proposition was virtually adopted. What became of the second? It shared the fate of the proposition to confer upon Congress the power to grant charters of incorporation, to establish a university, and to construct canals, &c. The convention refused to confer the power contained in it. In the only territories which we then possessed, a temporary government already existed, and the convention was willing to leave it to the people of the territory themselves to make such alterations as might become necessary. I am very much inclined to the opinion that the only legitimate authority which the territorial governments possessed is derived, not from the legislation of Congress, but the adoption and the acquiescence by the people of the territories in it. We have performed the part of another Locke, and prepared constitutions in which the people of the territories have acquiesced; but they have derived their sanction from the governing, and not the governed. To the Congress, and not to the power of legislation is a very different thing. Legislation is *action* itself—constitutions contain the forms of *action*. And so far from the practice of the government having sanctioned the power of legislation over the territories, now sought to be exerted, in the power and better days of the republic, it was decidedly forbidden away."

"The attempt by the old Congress to legislate for the territories was always considered by sound republicans as a usurpation of power; and after the adoption of the present constitution, it was never deliberately attempted in the purer and better days of the republic."

"In the law creating Michigan into a separate territorial government, there was no attempt at territorial legislation; nor was there in the case of Illinois, or of Missouri. In the case of Wisconsin there was; and the conditions and restrictions of the ordinance of 1787 were neglected. But it was done in a careless and ambiguous phraseology which caused it to pass unnoticed. It was not attempted in the case of Iowa; nor in the bill of the last session relative to the Oregon territory, until the 6th article

of the ordinance of 1787 was ingrafted on it, upon the motion of the gentleman from Massachusetts, Mr WINTHROP. On the contrary, in most of these acts, all legislative power, except such as relates to the disposal of the public lands, is recognized as existing in the territorial legislature."

* * * * * * * *

"But it has been asked, why do most of these laws organizing territorial governments require that they be passed by the territorial legislature shall be submitted to Congress, and do not declare that they shall be null if disapproved? and they, if this does not prohibit by reserving the power of legislation? On the contrary, these provisions but recognize a sort of congressional veto, which exists, nothing, in a standing affirmative, but put it in the power of Congress to use it or let it alone, and leave things as they were. The object is evident. It is to enable Congress to arrest territorial legislation relative to the public lands, the exclusive right of legislation in reference to which is reserved to Congress. And it is believed that there is no instance where Congress has interposed, except in cases where the territorial legislatures have attempted to pass laws affecting the public lands."

Georgia, at a Democratic State Convention recently held at Milledgeville, adopted the following resolution:

Resolved, That the people of the South do not ask of Congress to establish the institution of slavery in any of the territory of the United States, but they claim, as a right, that the inhabitants of each territory shall be left free to regulate for themselves, whether the institution of slavery shall or shall not form a part of their social system.

The resolutions which I had the honor to introduce have been sustained by the democratic portion of the public press in almost every State of the Union, South as well as North—including the State of Florida; and in Virginia, Louisiana, and numerous other States have been adopted word for word and by name, as asserting the true constitutional principle upon the subject of territorial government. The Senator from Florida will doubtless explain why it is that this, to his conception, dangerous and heretical doctrine should be so extensively tolerated and asserted at the South as well as North?

Mr. YULEE.—The Senator calls my attention to the resolutions of a democratic convention of Georgia, and to the opinions of a distinguished member of the other House from Virginia, and of a writer in the Southern Review, with a view of showing that the doctrine of a right in the inhabitants of territory of the United States to act upon the subject of slavery was recognized in the South. The Georgia resolutions, to which he referred, will not sustain the object with which he referred to them; for I find that they expressly declare, "It is the constitutional right of every citizen to remove and settle with his property in any of the territories of the United States." But I will beg leave to present, as the best evidence of the position of the South upon the subject, the resolutions of several of the State legislatures, passed in every instance by unanimous votes.

For this purpose, I will read one of the resolutions of the Virginia Legislature, which is in the following language:

"2. *Resolved, unanimously*, That, under no circumstances will the body recognize as binding any enactment by the Federal Government which has for its object the prohibition of slavery in any territory to be acquired either by conquest or treaty, holding it to be the natural and indefeasible right of each and every citizen of every State of this Confederacy to reside with his property, of whatever description, in any territory which may be acquired by the arms of the United States, or yielded by treaty with any foreign power."

A resolution of the Georgia Legislature, as follows:

"2. *Be it further resolved by the authority aforesaid*, That any territory acquired or to be acquired by the arms of the United States, or by treaty with a foreign power, becomes the common property of the several States composing this Confederacy; and whilst it so continues, it is the right of each citizen, of each and every State, to reside with his property of every description within such territory."

A resolution of the Alabama Legislature:

"2. *Be it further resolved*, That under no circumstances will the body recognize as binding any enactment of the Federal Government, which has for its object the prohibition or slavery in any territory to be acquired either by conquest or treaty, holding it to be the natural and indefeasible right of each citizen of each and every State of the Confederacy to reside with his property of every description, in any territory which may be acquired by the arms of the United States, or yielded by treaty with any foreign power."

These resolutions present, as I hold, the true position of the great body of the South; and, upon this position, I stand with them.

Mr. FOOTE here requested to be allowed to read an amendment, which he stated it was the purpose of Mr. DICKINSON to accept as an addition to his second resolution, and which he stated was prepared and agreed upon some time since, and which was in the following words:

"In subscription to the federal constitution, and reserved rights of the States and people."

Mr. YULEE.—I am obliged to the Senator for the information. He was so good as to show me the amendment yesterday. But, while I recognize in it a good spirit, and a disposition to make the constitution to which they will conform, I must frankly say, it does not meet the issue. The effect of the amendment would be only to declare that the local legislature must legislate under the constitution, leaving wholly undetermined the material point, what are the rights of the people of the southern States under the constitution, in respect to the use of the territory?

Before I take my seat, I desire to say, that if, in discussing this subject, I have directed my remarks principally to a reply to the argument of the Senator from New York (Mr. DICKINSON,) it has not been because of any desire to embark in a controversial debate with him. But differing from the views of which he stood forth as the exponent upon this floor, I felt it my duty to present counter resolutions to those he had proposed; and, in supporting my position, I have been obliged to review his doctrines with such strictness of scrutiny, as the occasion seemed to me to require. I am sure that, in the course of my remarks, I have designed to say nothing inconsistent with the friendly feelings I take pleasure in cultivating towards him, nor with the thanks I owe him and his friends, for throwing the weight of their great influence against the mischievous spirit of Abolitionism and Wilmotism.

Sir, it has seemed to me a duty of patriotism to offer my humble views, unimportant as they may be, to the consideration of the Senate. The question has seemed to me vital to the Union. It strikes at the equality of the States; and when that equality is subverted, those who are the subject of the degradation, and yet abide in the Union, must be content to abide in it as serfs, not as freemen. An eminent political philosopher, whose writings I have before had occasion to quote in the course of this argument, says truly, that the weaker States in a confederacy are reduced to the condition of dependant provinces, whenever "they allow any lasting PREFERENCE OF PREROGATIVE to those that are stronger, and engage themselves in UNEQUAL ALLIANCES."

Senators, I shall be saying only what our proud sister States of the North will heartily respond to, when I declare that no American State, which holds in proper esteem her birthright of Liberty, can endure any Union which is not a confederacy of equals.

THANKS TO GENERAL SCOTT.

The VICE PRESIDENT.—The first special order is the joint resolution from the House of Representatives expressive of the thanks of Congress to Major General Winfield Scott, and the troops under his command, for their distinguished gallantry and good conduct in the campaign of 1847.

Mr. HANNEGAN.—I move that further consideration of the resolution be postponed until to-morrow.

The motion was agreed to.

TEN REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. BREESE.—Mr. President: I never rise in this presence upon the most ordinary occasion, either to explain or defend a measure purely local in its character, without some embarrassment; and that feeling is greatly increased, as you may well suppose, when questions of vital importance to the nation are under discussion, calling forth, as those have, connected with this bill, the best efforts of the most distinguished members of this body. Nothing, sir, but an overwhelming sense of the duty I owe to the State which has honored me so much, and whose patriotism has been so signally exhibited from the very commencement of this war, and whose people take the deepest interest in its progress and success, could have broken the silence I had imposed upon myself, so far as the mere object of the bill itself is concerned. It is upon those great topics, which throw the bill quite into the shade, that I wish to express my opinions fully and without reserve—premising however, that they are my own individual opinions, for which neither the administration, nor any member of it, nor the party with which I act, are in the slightest degree responsible. They have been formed after much careful deliberation and anxious inquiry, and with a desire solely to arrive at correct conclusions; and if they are unsound, or of wicked and dangerous tendency, or impracticable, they will find no echo in the public heart, and influence in no degree the public judgment. My State, sir, has a right to this expression from me to enable it to judge if I properly sustain here the important relation their partiality has created between us, and if I fully meet all the responsibilities which it imposes upon me. I have said, sir, that the people of that great and patriotic State take the most lively interest in this war and in all the questions connected with it, and look with confidence and hope to some grand achievement as its final result. From its inception, on the first call to arms to repel the aggressive act of Mexico, and to punish her for her injustice and her wanton invasion of our territory, the people there, with one heart and one mind, were found on the side of their country, the only strife among them being a generous rivalry as to who could best serve it in the hour of its need.—Eight thousand of its choicest chivalry offered themselves at the call, of whom four thousand were accepted who repaired at once to the field, with an alacrity never before manifested, and in the campaign which followed, covered themselves with undying glory.

It was my fortune, sir, to be addressing the Senate at the last session, on the three million bill, on the very day of the hard fought battle of Buena Vista, when my thoughts, as they had often done before, turned to those noble spirits, my neighbors and my friends, who had left all the fond endearments of home—severing those dear family ties they knew so well how to appreciate—to do battle for their country in a foreign land, inspired only by the fervor of a generous patriotism, when I was prompted thus to speak of them:

"They have proved, by the sufferings they have endured by disease, and by performing the most wonderful marches in modern time—advancing forty miles in a day—living on one ear of corn at night with half rations—and showing by their discipline and prompt obedience to orders, that they can be relied upon in any and every emergency; and though it has been denied them to participate in the perils of the battle field, they have given the strongest assurances, that in it, they would not fail to reap a full harvest of glory."

That prophecy, sir, was at that very moment fact—at that very hour they were gathering glory at the cannon's mouth, and so long as Buena Vista shall be a familiar word—so long as the mountains there, in whose sight they fought and fell, shall lift their summits to the sky—so long will the valorous deeds of the gallant

Illinoisans be remembered and rehearsed. At Cerro Gordo, too, sir, they exhibited like evidences of gallantry, exalting by their deeds, not only the character of their State, but of the whole country, to which they had so signally manifested their devotion. These troops, sir, were of the best blood of the State, composed of gentlemen of character at home, each one of whom, in battle, felt as if he had not only the character of his country to sustain, but his own individual character, and that made them then, as they will be ever, invincible. And, sir, so far as the immediate object of this bill is concerned, and in answer to the remark, that the troops cannot be raised by it in any reasonable time, I should not fear to pledge myself that on its being known that it had become a law, one-half of the whole number can be there instantly raised, of the same material and under the same inspiration. The people of that State, sir, are fully impressed with the justice of this war, and the denunciations indulged in here and elsewhere, against the Executive as its author, will have no effect upon them to turn them to peace, or to oppose the government in any of its measures to carry it on vigorously in the very heart of the enemy's country, and they are not to be appalled at the unfortunate results which, in the opinion of some Senators, may flow from it, nor can they be made to think they will be so dreadful as depicted. I had hoped, Mr. President, from indications which I thought I saw when this bill was first reported from the Committee on Military Affairs, that it would receive the general assent of this body, and that those denunciations to which we have listened so long, would have been reserved for some more favorable occasion, when the progress of no great public measure would be impeded by them, and a better opportunity afforded for the most unlimited discussion and the widest range of debate; but in this I have been disappointed, and the hazard of further delay, I must endeavor to repel these assaults, and place the administration, and those who support it, right before the country, and furnish a justification for their and our conduct. Senators need not think this war is unpopular; in this they deceive themselves; every successful war is popular; and bold declarations that it is unjust and unconstitutionally commenced, will not satisfy those who are to pass upon our conduct. The people, sir, will not be deluded by such declarations—they will require of those who make them, to sustain them by facts, by reasoning, and by fair argument; and I call upon Senators on the other side of the chamber to demonstrate, if they can, with all their legal acumen, acknowledged ability, and power of investigation, why it is that the war is unjust and unconstitutionally commenced? Will they reply that it was by the removal of our troops to the bank of the Rio Grande? —that such removal was an act of war, and being ordered by the President, he acted therein in a manner not warranted by the constitution? This they have done, and the allegation involves, necessarily, the consideration of our right to be there with our troops, and the question of boundary, and if it has been established, as I think it has been, that the river was the true and only boundary of Texas, and that Mexico invaded that State to recover it to the Sabine, the right to have our forces there cannot be controverted. And here, sir, it will be necessary, in some degree, in discussing this point, to travel over ground heretofore occupied by others; and without derogating from the arguments of others on this point, I must be permitted to say, that the argument of my honorable colleague (Mr. DOUGLAS,) was most clear and convincing. He has shed such a flood of light upon it—has so brilliantly illuminated it —that none can any longer be in error, or go astray, except from mere design and wanton perversity. I accord with him, sir, fully in all its views on that point; and to show, sir, that it is not a sudden opinion and hastily formed, I beg leave to quote a few passages from the speech I had the honor to deliver in June, 1844, on the resolutions of the honorable Senator from Missouri, (Mr. BENTON,) pending the treaty of annexation. After stating the principal facts connected with the history of Mexico and Texas, I said:

> In 1824 Santa Anna, then a victorious general pharisaing the sentiment of republicanism, assisted in the overthrow of the monarchy, encouraged, or rather took advantage of, the then popular and military sentiment, and, with many others, was elevated to the presidency. Under this form of government, and during the year 1835, and in many a hard fought conflict the Texans were victorious. At the moment of their most triumphant success, he struck at the very principle on which, it is asserted that they had recourse to arms in defence of the republican principles of the federal constitution of 1824. If all this is worth anything to the Mexican confederacy, it is equally so to the Texan; and if the one is justified in the overthrow of the federal principles and appealing to arms in defence of the confederacy, pledged their aid to each of them as would resist the military despotism then being established within their borders. No other State but Texas dared to resist; and, in the case of Texas, the people, not the government, commenced the struggle, and, in the end, it was successful. A new constitution of the people soon succeeded. At Bexar, in March, 1836, an assault upon the country was made, and the Alamo, under the lead of Travis, was gallantly defended by a handful of men under the command of the brave Travis, Bowie, Crockett and Bonham, who were all put to death. Thus ended the first campaign, and the second and third campaigns, commenced and finished soon after, in the defeat of all the armies and organized resistance rendered unavailing, and closed the [illegible] of independence and a constitution to be submitted to the people for their approval, and in fifty days thereafter—on the 21st of April, on the banks of the San Jacinto—proved their ability to maintain it, and rewrote it in characters of blood."

I then said, sir, that,

> "The second government of opposite principles Mexico has set up and to subjugate Texas. Against [illegible] the commencement of all which [illegible] has been upon the ground that [illegible] and [illegible] of Texas [illegible] of Mexico? Has England a right to subjugate [illegible] because [illegible] Texas [illegible] Mexico has a right to commence an unjust war of aggression upon a peaceable neighbor, for the purpose of subjecting such a one to its power, for the mere purpose of conquest? It is in violation of the law of God, and of those great principles of Justice he has established.
>
> Texas was never a party to the present federal government of Mexico. She was a party to her federative system, but not to her central despotism, and owes to it no fealty. Her history, as already recited, proves this; and the conclusion is irresistible, that being in that position towards Mexico, she has a right to maintain it if she can, and every engaged therein [illegible] and abettors, should receive, as they would deserve, the execrations of the world."

And, Mr. President, I entertain these opinions now, and I assert that the whole history of the relations of Texas with Mexico show that the former was never a party to any other system of government, as a component part of the latter, than as a member of the federal republican system of 1824. She resisted successfully the sway of Iturbide in 1823, which she had a perfect right to do; and so would any one of the States of this Union possess this right, under similar circumstances. I will take Maine as an instance, as that is a frontier State, and newly admitted into the union of States on a federative system. How did she join it, and on what principles? That she was a sovereign and independent State, with a republican form of government, uniting her fortunes with the other States, with the same forms of government. Now suppose, sir—but it is hardly a supposable case—that all the rest of the States of the confederacy, except Maine, should agree to abolish the federative system and their republican forms of government, and establish a monarchy, or a despotism, would they, united, have the right to coerce Maine, by force of arms, to do the same thing—to abolish her forms, and subject her to the control of a system of government radically different from the one she had joined? No, sir, no. Maine would have a perfect right to declare and maintain her independence, if she could; and a war waged to subjugate her, would be a war waged in wrong. No Senator will deny this.

Well, sir, this was the position of Texas, and, as I have said, she re-wrote her declaration of independence on the bank of the San Jacinto, on the 21st of April, 1836, in characters of blood; and as we point to the fourth of July, 1776, as the first year of our independence, and to the triumphant Yorktown as confirming it, so can Texas point to the second of March, 1836, and to the victory of San Jacinto, as like memorable eras in her history.

The independence of Texas, Mr. President, we all know, was manifested by adopting a constitution and a name, as applicable to that division of the earth's surface composing the Republic of Texas. Her Congress met under this constitution, and among the acts passed by it, is one of the 19th December, 1836, declaring the boundaries of the republic, as one of the independent nations of the earth, which was, upon the west, the west bank of the Rio Grande, from its mouth to its source; and this, in conformity with the treaty, pact, or agreement, made with the head of the Mexican government—the usurper Santa Anna—immediately after the battle of San Jacinto. This act of Congress was a public act, and as such must be presumed to have been in the knowledge of our government, in 1837, when the independence of Texas was acknowledged, and diplomatic relations entered into with her. It gave to us, and to the world, notice of the extent of that republic—of the extent of that portion of an independent sovereignty called Texas. But it is said, sir, that one nation cannot make a boundary for herself. As a general remark, it may be sustained by facts, as coterminous nations usually establish their boundaries by treaty; but cannot a nation enlarge its boundaries, or prescribe a boundary for itself, without the consent of another coterminous nation? Suppose France, engaged in a defensive war with the neighboring powers, should carry her victorious arms to the Elbe, and, by a decree, incorporate the conquered countries within her dominion, and declare the Elbe, and not the Alps and the Rhine, her boundary, and could maintain it, would she not have a right to do so? So of Maine, sir, if she was separated from the confederacy by the revolutionary acts of her sister States, remaining an independent State, capable of forming such relations with the nations of the earth as their interests required, she protecting and sustaining herself, should she be invaded from the adjacent British provinces, and was able to drive her foe beyond the river St. John, and maintain her sovereignty and jurisdiction up to that river—declare it a part of her territory, and the leading nations of the world, who make the law of the world, should treat with her as an independent State, with that boundary—would not the right of Maine to that enlargement of territory and extension of boundary be a perfect right? If otherwise, I would ask why?

England, France, Holland, and Belgium, two of them certainly, the leading powers of the world, also acknowledged the independence of Texas with these defined limits, as a republic—as a nation of the earth capable by its position of making war, concluding peace, and clothed with all the attributes of an independent sovereignty. I place much more stress upon these acts of recognition by the great powers of the world than others seem to do, and I must confess, sir, they have had a controlling influence on my mind in forming my opinion. They declare, in effect, that the division of the earth called the republic of Texas with certain prescribed limits, is an independent power of the earth, and entitled to all the immunities of nations, of which the right to a boundary is one. Suppose, sir, this government, France or England had, after acknowledging the independence of Texas, entered into a treaty of alliance with her, offensive and defensive, would not we, and they, be required to defend her, up to the boundary she claimed, against any invasion from Mexico? Clearly, sir, this would be the extent of the obligation under such a treaty. If this be so, then was our duty more imperative, after we had allured her to our embrace—

had prevailed on her to embark her fortunes with ours—to transfer her lone star gleaming in solitary splendor to our field of azure—to sink her nationality in our own—to yield her proud position as an independent nation to become a subordinate State—to defend her against all aggression with the best blood of our people; to the last cent in our treasury; and with the whole might of the nation. We were bound, most religiously bound, to defend Texas in her entirety, and it was for that purpose, and with no other view our troops were ordered to take their position on the western limits of that State. An invasion was threatened. War had been denounced both before and after the annexation. Have Senators forgotten our efforts made in the fall of 1845, and in all sincerity and good faith to prevent this resort to arms? Did we not before that, assure Mexico, that in what we had done by incorporating Texas into the Union, we intended no unkindness to her—that we could not but consider Texas an independent nation, and the power of Mexico over it gone forever, and did we not propose an amicable adjustment of the matter, and seek to heal the wound inflicted upon her pride? And how were these our declarations, and this our attempt at adjustment by sending a minister to them on their promise to receive him, treated by that power? We all know, sir, and it is useless to speak of them. Our minister was rejected—Mexico even refused to talk with him—refused to hear our propositions; and still persisted in her determination to repossess herself of Texas by arms, she never alleging at any time any other claim to Texas than the claim to the Sabine, and taking no exception to the position of our troops within that territory, for it will be recollected that preparatory to receiving our minister, she only requested that our naval force should be withdrawn from her coast, lest it might appear if she negotiated at all, it would be considered she did so under a menace. She never desired that the army should be removed.

If, sir, the right to Texas was a doubtful one, what was the duty of Mexico under such circumstances? Certainly to hear what we had to say about it—to listen to propositions of settlement, to negotiate, if possible; for there are but two ways of settling such disputes: negotiation and arms—and as Mexico has chosen the latter, I, for one, am determined she shall feel our might, and while we have her in our power compel her to yield up the fullest measure of indemnity for all her past transgressions and enormities, and make no accommodation with her until this is done.

Sir, in my view of the duty of nations disputing about a doubtful right, we would have been perfectly justified by declaring war against Mexico on her refusal to receive our minister; for, sir, it is incumbent on the contesting nation to negotiate, and to submit to an honorable compromise. If a nation will not do this, the other party to the contest has a right to resort to arms to compel an adjustment of the question, and though war does not decide the right, yet a victory usually puts it in the power of the successful party to enforce a compliance with the demand—at least, this is so understood among civilized nations.

Sir, the annexation of Texas was decided on by the people with their eyes open—in view of the threats of Mexico that she would declare war—and they were willing to have war rather than lose Texas; and the effort is vain, worse than useless, to attempt to make them believe that it is an unjust war or a war of aggression on our part. They have too much sense for this. No, sir, they are fully convinced of its justice, and it is, therefore, popular; and no declamation can drive them from the position they have taken to support it with zeal and energy. In view of the facts and reasons presented, no doubt can remain that the war was brought on by the act of Mexico, and so declared by an almost unanimous vote of both Houses of Congress on the 13th of May, 1846, by the law of that date in response to the message of the Executive unfolding its causes, and ushered to the world in the usual mode by the proclamation of the President.

Although, practically, war had been commenced on the 24th of April, 1846, by the attack of Mexico on a detachment of our troops, and again on the 8th and 9th of May, and existed on those days as perfectly as the hostilities of a foreign power can cause it to exist—they not being predatory incursions, made without authority or without apparent cause, and with a view to plunder—but undertaken in pursuance of previous official notifications to our government, that war should follow the annexation of Texas, which Mexico regarded as a revolted province, and to which her right had not been at all invalidated by the act of annexation, yet, so far as we were concerned—so far as our relations, nationally and individually, were involved, the war had its constitutional existence on the passage of the act of the 13th of May, 1846. That act changed our relations from peace to war—recognized the practical fact, that the act of Mexico had produced it—and we gave it our sanction, and published our acknowledgment of it to the world in the usual mode. The phraseology of the act declaring it, is nearly identical with that of the 18th of June, 1812, as Senators may see who will examine. Both proceeded from messages of the President detailing the causes, and both were announced to the world by proclamations; and, yielding to no one in my sense of the justice of the war of 1812 with Great Britain, I am constrained to say, sir, that the justice of this loses nothing by the comparison, and as that war was denounced as "Jim Madison's war," as unjust, and aggressive, so is this denounced as Mr. Polk's war, and with equal boldness its injustice proclaimed. The causes of the war of 1812 have been alluded to by the Senator of Kentucky, (Mr. UNDERWOOD;) they were good causes, and such as should have prompted the nation, with one heart, to rise up and defend its rights; and as that had, so will this have, a glorious issue. But, sir, our then enemy had not invaded our territory, had murdered none of our citizens, though they had forcibly impressed them in their naval service and flagrantly invaded our neutral rights. To bring on this war and to add to the injury inflicted upon us by the robbery and murder of our citizens, Mexico invaded the soil of one of our sister States, threatening to subjugate it, defying alike our power and our right. Mexico commenced the war for conquest, avowedly to conquer Texas, of which she alleged she had been unjustly despoiled by us; and as she had repeatedly declared she would do, she sought by force to recover it, and the whole of it, to the Sabine. She sought conquest—sought to rob us of one of the brightest gems in our national coronet—and though the issue could not be doubtful, yet the attempt was an indignity, adding insult to former injuries, and should have been met and repulsed, as it has been, by the power of the nation, and merited chastisement inflicted. Are Senators tell me for what purpose the Mexican army was on the bank of the Rio Grande, if it was not to carry out the oft repeated threat to recover Texas by force? It was for no other purpose, and its leader embraced the first favorable opportunity to make the invasion, and it has never been disavowed by the government. Sir, as to the justice of this war, in view of all these things, it loses nothing in comparison with that of 1812; and that war was denounced in terms equally violent and unmeasured with this. The party at that day arrayed against it when it was declared, was eager to get the nation into it years before Congress acted. Every effort was made to influence the minds of the people against Great Britain, and appeals of the most inflammatory character, accompanied by attacks upon the administration, of the want of spirit and patriotism, were constantly made; and they asserted that it was so tame and spiritless that it "could not be kicked into a war." As early as 1806, a leading federal print of that day, declared that "the disputes between this country and England, so long attended with rigor on her part, and injury on ours, will not admit of much longer vain complaints and harsh recriminations. They must terminate shortly in the silence of war or peace." And again in the same year it declared, "they [the democrats in Congress] dare not resist all aggressions alike, and assume the part of spirited impartiality, as a magnanimous policy requires. If war is called for by the insulted honor of the country; if the cup of conciliation is drained to the dregs, as they declare it to be, let the war be declared; let an embargo be laid; adequate funds provided; the strong arm of defence nerved and extended; and a powerful navy ordered. In these measures the whole country, from Georgia to Maine, convinced of their propriety, will be united."

These extracts are from the Boston Centinel, then the leading federal paper of the Union.

A letter from Washington, of the same year, says: "Fear, prejudice, or some other dastardly principle, is continually crossing the path of our rulers, and the loud call of our country, its commerce and spoiled merchants, for energetic purposes, is unheard or disregarded. My fears are that the President's messages will only be supported by windy debates, or pen and ink reports."

Although the "Centinel" had proposed an embargo, yet when it was laid in 1807, it said, "the embargo which the government has just laid is of a new and alarming nature. War, great as the evil is, has less terror, and will produce less misery, than an embargo on such principles."

When—forbearance ceasing to be a virtue—war was declared, the Senate of Massachusetts resolved that "it was founded in falsehood, declared without necessity, and its real object was extent of territory by unjust conquests, and to aid the late tyrant of Europe in his view of aggrandizement."

And the pulpit, where politics should not enter, became also a theatre in which its ministers sought to inflame the public mind against the administration of their country, and place it in the wrong, in the sight of their powerful enemy and the world.

One of them, highly distinguished by his position as the Rector of the Trinity church in Boston, in a discourse delivered in July, 1812, said, "This is a war unexampled in the history of the world; wantonly proclaimed on the most frivolous and groundless pretenses against a nation from whose friendship we might derive the most signal advantages, and from whose hostility we have reason to dread the most tremendous losses." Again, "Every provocation has been offered to Great Britain on our part, and our resentment has risen in proportion as she has shown a conciliatory spirit."

And then up his pious fervor he exhorts his hearers thus: "Let no consideration whatever, my brethren, deter you at all times, and in all places, from execrating the present war. It is a war unjust, foolish, and ruinous." And, "as Mr. Madison has declared the war, let Mr. Madison carry it on."

And, not to be outdone in the hostility here exhibited, another eminent divine, at Medford, the Rev. Dr. Osgood, endeavored to prevent his countrymen from enlisting in the service, and from loaning money to the government, to carry on the war. Here is what he says:

"If at the command of a weak or wicked ruler, they undertake an unjust war, each man who volunteers his services in the cause, or loans his money for its support, or by his conversation, his writings, or any other mode of influence, encourages its promotion, that man is an accomplice in the wickedness, and his conscience with the blackest crimes, brings the guilt of blood upon his soul, and in the sight of God and his law, is a MURDERER."

Another one, a reverend doctor also, gave his hearers, if there were any that justified the war, this consolation: "Let every man who sanctions this war by his suffrage or influence, remember that he is laboring to cover himself and his country with blood. The blood of the slain will cry from the ground against him." "And

he asks "how will the supporters of this anti-christian warfare endure their sentence; endure their own reflections; endure the fire that forever burns—the worm which never dies—the lasciviousness of heaven—while the smoke of their torments ascends forever and ever."

The press too, sir, that mighty engine, operating with such wonderful power on the public mind, in the very midst of the war, when loans were necessary to carry it on, and our honor and our all at issue, was engaged in most unholy and unpatriotic efforts to embarrass the government by attempting to detect capitalists from loaning their money; and I fear, sir, similar attempts may be made now, but I hope not.

Here are two extracts from the leading federal and anti-war papers of that day:

"We [illegible] ... [illegible] ... [illegible] ...

All of us, I believe sir, were willing in 1846, and expected, that the war would be carried into the heart of Mexico. I recollect well, sir, a remark of the distinguished Senator of North Carolina, (Mr. MANGUM;) who has not spoken to this bill, that if he could be satisfied that the war did exist—if there should be no disavowal on the part of the Mexican government, of the act of crossing the Rio Grande and attacking our troops, he would vote, not only ten thousand, but fifty, or a hundred thousand men, and if necessary, proceed to the plaza of the city of Mexico, and there dictate a peace. I believe it was well understood, then, sir, at least such is the inference I draw from the remarks of that honorable Senator, that crossing the Rio Gande by Mexican troops, would be an invasion of our territory, and that we must not only repel it, but carry the war with sufficient array, into the enemy's country, and this Senator expressed a most cheerful willingness, to give the government all the means, both of men and money, requisite for such a prosecution of the war, and at the last session, the same patriotic spirit was manifested for the supplies were then granted with very little opposition, only three I believe voting against the bill to raise an additional military force, and but two against the loan bill. And why Senators should now refuse to support a measure like this, to reinforce the army, I am at a loss to conceive; nor can I reconcile it with the vote they have already given on an amendment proposed to it.

Mr. MANGUM.—The honorable Senator refers to certain remarks which I am reported to have made, introductory to my vote upon the bill recognizing the existence of the war, and certainly an erroneous inference has been drawn from those remarks, or else I did not understand myself. The question was raised, whether we should cross the Rio Grande for the purpose of chastising our enemy; well, I never doubted, that in the case of aggression on their part, it was entirely proper for us to pursue them even to the heart of their country, but an inference is not to be drawn from this, that I contemplated any thing like conquest. This, I have been utterly opposed to, as my recorded votes will show. At the time when we were called upon to recognize the existence of the war, we had heard of a collision having taken place, but we knew not how it originated, the documents were not before us to be read, and we were driven to a vote at once, and were obliged to vote in the dark, but on that occasion, I did not doubt that we had a right to cross the Rio Grande, in order to chastise an aggression, that was my meaning, and if my remarks are correctly reported, they meant that and no more than that, and therefore, I repel the inference that I was desirous or willing to go into a career of conquest.

Mr. BREESE.—I will read, sir, an extract from the remarks, of the honorable Senator, as reported in the Congressional Globe:

"He and his friends are ready to grant whatever men and money were requisite in half an hour. And before the men raised could arrive at their destination, the requisite sum would have been afforded to defray them intelligently, and on authentic evidence, whether a state of war did, or did not exist. If it did, then Mr. M. stood be unwilling to restrain the action of our forces to the far bank of the Rio del Norte. If we were actually at war, then he was under the impression that our forces ought to cross the river, and that we should not stop till we had dictated peace at the capital of the Mexican empire. Let the fact be clearly ascertained, and then he was prepared to vote, not fifty thousand men only, but a hundred or a hundred and fifty thousand, if the Executive came to Congress and demanded that amount. He was ready to place the whole force of the country at his disposal, and that he should be enabled to conquer peace in the heart of the Mexican empire."

The Senator does not deny that he is correctly reported, and I could not, of course, know what particular views the honorable Senator then entertained, any further than I can gather them from these remarks; but what are we to conclude was to be done by such a force as he was willing to vote, unless it was to overrun Mexico and conquer it, and in that way "conquer peace."

Mr. MANGUM.—I meant any force that might be necessary to chastise the enemy, and to dictate a peace.

Mr. BREESE.—But why chastise the enemy when they had done us no wrong? If the Rio Grande was not the boundary of Texas, but belonged to Mexico then their troops perpetrated no wrong in crossing it; and it would be an outrage on our part to raise a force of one hundred thousand men to chastise Mexico for this, and carry our arms to her central city and there dictate a peace. But, sir, I cannot reconcile the opposition of Senators to this bill, on another ground. They have insisted, every one of them who has spoken to it, that our force in Mexico is amply sufficient for all legitimate purposes, and minute calculations have been made to prove it; yet, at the same time, they vote under the eyes and noes on the amendment of the honorable Senator of Kentucky, (Mr. CRITTENDEN,) to give the President power to call for the services of thirty thousand volunteers, three times as many men as this bill proposes. No doubt, sir, there is good reason for this, and it may not be at all inconsistent. This vote was given before the passions had become excited by the collision of debate; and I doubt not, sir, the Senators who voted for the amendment, voted in good faith, and with a determination to grant reinforcements, lest only strife seeming to be then, which was the best description of force.

Mr. President, one thing is very certain that we are in the midst of one of the most remarkable wars ever waged since the creation of the world, in every step of which, we, the victorious party, have held out the olive branch to the enemy; and yet Senators say, not only on that side of the chamber, but on this, that we can have peace whenever we will it. The Senator of Connecticut, (Mr. NILES,) declared this to be his belief, but failed, in my judgment, to bring a single fact in support of it. Do the facts and circumstances developed in the progress of this war show that peace—an honorable peace—is within our control? And does he or any other Senator doubt the sincerity of the President, and of his friends, when they say that they are desirous of peace on honorable terms, bringing with it indemnity and security?

Mr. NILES.—The idea is correct in part, and wrong in part. I did not say it was in the power of this government to make peace. I said it was in the power of this government, and which they ought to exercise, at the proper time, to put an end to hostilities.

Mr. BREESE.—Well, sir, that seems to me to be very much the same thing. Putting an end to hostilities on both sides—for otherwise there could be no end—and peace results as a necessary consequence; and therefore it follows, that it is in the power of our government, according to that Senator, to make a peace. But it was distinctly avowed by the Senator of New Jersey, (Mr. MILLER,) that it was in our power to make a peace at any time. Why, sir, we could not, with all our efforts, prevent war—we sent a minister to discuss the matters in difference between us, but he could not be heard—he was spurned, and the very thought of the thing produced a revolution, and a deposition of the then President. After our most brilliant victories, when our conquering army was at the gates of the capital, we had a commissioner with it, with full powers to make a peace, who was met by commissioners on the part of Mexico, and what was the result? Could we have done, ought we to have done more than we have? I put it to the Senator, and to others on his side of the chamber, to say if they would have concluded a peace on the basis proposed by Mexico? Would they have accepted the Mexican propositions, any one of them? Would they, for the sake of peace, disparage their country? Do Senators recollect the Mexican propositions of the 6th of September last? What do they say to the twelfth and fourteenth articles? If I understood the honorable Senator of Maryland, not now in his seat, (Mr. PEARCE,) he would have accepted them, but I never would, and I doubt very much if there is a respectable number of the opposition who would. Do Senators remember the twelfth article, requiring a guarantee from us, and that guarantee Great Britain, that we would not, at any time hereafter, no matter how necessary it might be for our security or welfare, annex any contiguous territory? And that, as provided in the fourteenth article, we should indemnify Mexico for all the injury our army had inflicted? And with the further stipulation, and mentioned for the first time in the history of this controversy in Mexico, that the Nueces should be the boundary?

Now, in all sincerity I put it to Senators, would they consent to dismember Texas? Would they acknowledge a line as a boundary to which Mexico had never made claim? Recollect that her pretensions to Texas were, and always have been, to the Sabine. Would any of them agree that we should so degrade ourselves and our country, as to give the guarantee of Great Britain, that we would not annex to our confederacy any contiguous territory for all time to come? and above all, that we should indemnify Mexico for all the injuries she has received from her own aggressive acts? Let the Senator stand forth and avow it? If Senators on the other side are sincere however, they must agree to the last proposition, for if the war is unjust as they asseverate it is, we are bound to make full reparation to Mexico. They are then bound, if they are sincere, and who can doubt their sincerity, to go before the people of the United States on this, as one of the issues at the coming fall election. They assert the war is unjust; if it is, must you not on the restoration of peace, make full reparation? Is not this a well established principle of public law? Do not Grotius and Vattel and all other publicists, recognize this principle? and is it not a correct one? If our opponents are sincere in the belief so often expressed here, that the war is unjust, they must, in their effort to obtain the government, carry it out to its consequences. They must inscribe it on their banner for the approaching campaign, and as they give its folds to the winds, with what enthusiasm and delight will it be cheered by the people as its inscriptions meet their eye! On the one side, "General Taylor—the People's candidate—the Hero of Palo Alto, Resaca, Monterey and Buena Vista." On the other, "Justice to Mexico—$200,000,000 as indemnity to her!" And, sir, if unfortunately they do get into power and negotiate for peace, how can they escape the demands which Mexico will make for indemnity, based, as they would be, on their own admissions that the war was unjust to her?

Mr. President, at the outset of this war, and in its first year, it was distinctly avowed by the Executive, and reiterated by his friends, that as it was brought upon us by Mexico, he had no other desire in waging it, than an honorable peace, including indemnity for the past injuries we had sustained at her hands, and such security against future aggressions, as Mexico might be enabled to give. And is it unreasonable, sir, that as the war is protracted by Mexico, she refusing all offers of accommodation, that our demands should rise in proportion? In my own opinion, in the view I have taken of this matter, we would not be doing justice to our own country, by a show of too much lenity to Mexico, and that sheer justice would demand from her, full indemnity also for the expenses of this war; and in her peculiar position, she not being able to provide any other indemnity, that the cession of the sovereignty and jurisdiction over a part of her territory, should be insisted upon as a *sine qua non*; for I believe with the President, that the doctrine of no territory, which was broached here at the

last session, and found so many advocates, is the doctrine of no indemnity. In territory only can Mexico make reparation for the past, and afford security for her future good behavior, and although we are strong as a nation, yet like the strong man, it is not strange we should desire security against the attack of lurking, cowardly assassins. Yet, sir, it seems to be doubted by some, whether the President is willing to accept a treaty ceding New Mexico and California as a full equivalent for indemnity, and as affording that security he demands. I suppose, though I do not know it from him, that he would accept such a treaty, if he thought the government of Mexico was so established as to give reasonable assurance of its stability. Now, as the question for the consideration is, as peace is admitted to be our true policy; but on what terms this shall end, there is, and there must be, great difference of opinion. Our policy, sir, is, emphatically, peace with all nations, but with none at the sacrifice of our national honor, the dearest possession of a nation. We have never, sir, since the birth of our nation, given occasion for war, not even with the barbarous tribes upon our borders. It is our pride to be able to say, that our whole history may be explored, and no single act of national injustice can be found upon its page—no blot of that kind upon our national escutcheon. We, sir, would have never disturbed our peaceful relations with Mexico, by any act of our own; she has brought the war upon herself, under a delusion that one of our sister States belonged to her; and resolving to possess it by force of arms, and refusing to hear our minister upon the matters in dispute, sought to end them by the sword; and as she has appealed to that dread arbiter, she must abide its fortune. But war, sir, it is said, is so full of evil, that it ought to be terminated at the earliest moment, some Senators believing that the glory we have gained by it, is sufficient indemnity for all our wrongs, and others deprecating any further advance of our army, as likely to bring about the result alluded to in the resolutions of the honorable Senator from South Carolina, (Mr. CALHOUN,) and which he deprecates so much. It is true, sir, war is an evil—a great evil, but it has also its advantages, and though the land may be, for a time, crushed by the armed heel, it is but preparing it for the reception of that seed whose fruit is commerce, science, the arts, and the highest and purest forms of civilization. Alexander, in opening Persia and India by his sword, to the commerce of Greece, founded more cities than he conquered; and the world's whole history since, shows, most clearly, that its permanent benefits far outweigh its transitory evils. The roads traced by the soldiery are soon followed by the merchant, greatly facilitating the commerce of ideas—favoring the spread of new inventions, and in the end will fraternize the whole human race. It is one of the great instruments of God's providence, by which to accomplish such grand results; and can any Senator doubt that this most remarkable war, will not greatly redound to the advantage of Mexico, securing to her in the end, every blessing we so abundantly enjoy?

It has been a war waged thus far, not against the people of Mexico, but emphatically, against the army alone, with a view only to its destruction, and upon principles of the most enlightened humanity. Not one single act of oppression or injustice, has been committed by us—our path, as we have strode from victory to victory, has not been lighted by the flames of their dwellings, their defenceless women and children given to the sword, nor their cities sacked, nor churches defiled, nor fields laid waste. Though we have been terrible to the combatant, we have been generous to him when vanquished, never forgetting, in the midst of the excitement, that the fairest chaplet victory wears, is that which mercy twines. These, sir, is what make it a most extraordinary war, and the faithful historian, as he writes its varied and stirring events, will dwell with peculiar pleasure and pride on this, its bright and most distinguishing feature. So humane and generous has been our conduct, that the people of Mexico, those who have most suffered by the oppression of the military, hail us, regard our armies, rather as benefactors, than as enemies, and if accounts can be relied on, are utterly opposed to their withdrawal. This has been the fruit of our policy adopted at the outset, for early in June, 1846, our general in command, issued a proclamation, prepared at the War Department here, in which the people of Mexico were assured that the war should not be waged against such of them as remained neutral, but against the army, and the arbitrary rulers. They were reminded, that their government was in the hands of tyrants and usurpers who had abolished the State governments, overthrown the federal constitution, deprived their people of the right of suffrage, destroyed the liberty of the press, despoiled them of their arms, and reduced them to a state of absolute dependence upon the power of a military dictator. They were reminded also, that the army and rulers extorted from them, by grievous taxation, by forced loans, and military seizures, the money which sustained the usurper in power, and were told that we came to obtain reparation for the repeated wrongs and injuries, those rulers had done to us—that we came to obtain indemnity for the past, and security for the future, and to overthrow the tyrants who had destroyed their liberties, but to make no war upon the people of Mexico, nor upon any form of government, they might choose to select for themselves. They were promised, too, that their religion, their altars, and churches, the property of their churches, and citizens, the emblems of their faith, and its ministers, should be protected and remain inviolate. They were assured that we came among them as friends, and as pledge was given to them, that whilst we were compelled to treat as enemies, and overthrow, those tyrants, who, whilst they had wronged and insulted us, had deprived them of their liberties, the people themselves, who remained neutral during the contest, should be protected against them by our army.

Now, sir, upon the proposition to withdraw the force we now have there, instead of augmenting it, either with or without a treaty, must not these pledges to the Mexican people be regarded? We know the effect they have had upon them—we know that the better portion of them have offered no resistance to our advance—that they have supplied provisions to our troops and guides, and means of transportation, and some have accepted office from our military governors; in short, they have extended to us every assistance in their power. Would it then be just to them to withdraw our protection from them—suffer their tyrants and oppressors again to return to power, and they become, as they certainly would, a sacrifice to their friendship for us? But, Senators say, it would be magnanimous to withdraw—to prosecute the war no further, as Mexico lies prostrate at our feet, without the power of further resistance.

I think, sir, that neither the honorable Senator of Tennessee, (Mr. BELL,) in the very able speech he delivered, and who gave it as his advice that we should make the best peace we could, and flee the country, nor the distinguished Senator of South Carolina, (Mr. CALHOUN,) in his proposition to leave the central parts of Mexico, and retire to an indemnity line, could have recollected these pledges, or duly considered the obligations we are under arising out of them. It seems to me, it would be the height of injustice to leave these people, whom we have allured to our support, a prey to those tyrants who must succeed our power, and whose revenge can only be satiated by the blood of those our absence will leave defenceless. We owe that protection to them we have promised, and any treaty we may make with that government, should contain a stipulation for it, as nothing short of this would be just.

As I remarked on another occasion, sir, retiring to a line, in the event of a refusal to treat or in any event, would not end the war—it would make it interminable, be quite as expensive as a more vigorous policy, and be the very course the military rulers of Mexico would most desire we should adopt, for it necessarily returns them in power, and more than all, it would be an invitation to any European power, (and it is thought one or more of them have designs of this nature,) to take possession of that part we abandon, involving us perhaps, at some future time, in a bloody and destructive war with them. Our withdrawal would be a proclamation to them, that in assuming our line, we abandon all claim to any part of Mexico south of it, and they would not, I suppose think, sir, to profit by our folly. But, sir, what prospect is there of a treaty? Have we any certain knowledge of the existence of any government in Mexico, possessing such a share of public confidence and so organized as to make one that will be observed? As at present advised, with the knowledge I have, of the condition of affairs there, I should place but little value upon any treaty that might be patched up, and I would regard it as a most unfortunate event, if one was entered into, which should stipulate as a concurrent act, for the withdrawal of our troops from the interior and the city. Sir, the whole history of that country admonishes us to be cautious in our intercourse with it, and to run no hazard which we have the power to avoid. Sir, if a President could be deposed merely for consenting to receive a minister from this government preparatory to a treaty, what may we not expect will be the fate of him, who shall make a treaty at all favorable to us, and our protection withdrawn? It is not necessary to be told by the military chieftains and the clergy, a *pronunciamento* will follow—then the *grito*—then the march to the capital, and the reins of government forcibly assumed. The functionaries who have negotiated the treaty, will become fugitives from their country, and scenes of butchery and violence in quick succession, and with aggravated horror, will be again enacted.

I do not believe, sir, that any good could result, but much evil, from any treaty we might now be able to make. I have no confidence that it would be observed a day, and if not, the work we have accomplished, would have to be renewed, more blood spilt and more treasure expended, to restore us to the favorable position we now occupy. Any authority now existing in Mexico is but the bubble of the moment, which the first breath of popular clamour will suddenly destroy.

There is, sir, another difficulty in the way, which deserves some notice. There is a strong party in Mexico, called the *puros* or republicans, who are determined, if my information is correct, that there shall be no peace with us if they can prevent it, and they are active, intelligent, and united. They see in this war, the approaching realization of their fondest hopes—the enjoyment of that liberty of thought, speech, and the press, for which they have so long struggled, and which can only be secured by our dominion. For this blessing they are ready and anxious to surrender their nationality—to merge it in our own, and thus relieve themselves from oppression, from tyrannical exactions, from plunder, and from all those accumulated ills their miserable government of misrule has enforced and encouraged. They see, in our advance, the dawnings of a brighter day for them and their children, and in glad anticipation behold our azure studded with their stars. They see no refuge but in our free institutions, no shield but our power, and desire no nationality but that which an union with us will give them. This party, sir, may submit for a time, but will not agree, and if they obtain power, true to their original design, they will become embroiled with us to effectuate it. They have always been, and are now, the most clamorous for war, and will oppose any accommodation, which withdraws our army; for its continuance there

they believe, and I believe will produce the result they desire. And this, sir, is the opinion of the distinguished Senator of South Carolina (Mr. CALHOUN,) as I gather from his speech on the resolutions he has introduced, and discussed with such great ability. He deprecates a line of policy which shall result in conquering Mexico, with a view to incorporate it into this Union or to hold it as a province, and maintains that it would not only be inconsistent with the avowed objects for which the war has been prosecuted—but a departure from the settled policy of the government; in conflict with its character and genius, and in the end subversive of our free and popular institutions.

The avowed objects of the war which we declared to exist by the act of Mexico, was to obtain redress of wrongs, a permanent and honorable peace, and indemnity for the past and security for the future; and, if they cannot be obtained in any other way than by the conquest of Mexico, and incorporating it into the Union or holding it as a province, such a result would be in harmony with those objects. Nor would it be contrary to the spirit and genius of our government, nor against its settled policy to conquer, in a defensive war, any country and annex it, which might be thought, from its contiguity, to be necessary to our own safety. The power "to declare war," carries with it all its consequences, of which territorial conquest is one, and our policy in 1812, was to conquer Canada, and if we had been successful, after having made the most strenuous efforts to that end, and on the return of peace, it had been relinquished to us, no doubt it would have been annexed to us, and I think the day is not distant when that event shall transpire. How the annexation of Mexico to our union, would tend to subvert our free institutions, I cannot discover. The argument of the Senator on that point has failed to convince me. I have taken a different view of the people of that country, and I think I see in them attributes and elements quite susceptible, by proper appliances, of high improvement. Could they be brought under the happy influences of such a government as our own, having all their rights, civil and religious, protected, what might we not hope from them? The Indian population numbering about four millions, are reputed to be very gentle and quiet in their dispositions, apt to learn, and willing to improve, and if not possessed of all the manlier virtues, have at least those which fully ensure their cheerful acquiescence to our control, and rapid advancement under it. Take the population as a whole, and there is not a finer people on the globe, or one more capable of advancement in the arts and sciences, and of assuming all the forms of the highest civilization. They came out of their revolution with a reputation only excelled by our own, and with the same advantages we have possessed, who can say they would not now rival us in all that contributes to national renown? But the Senator says, no instance can be found of any race, save the Caucasian, which has established and enjoyed self-government and free institutions; but he does not say no other race can be prepared for it. All other races have always been oppressed—are generally ignorant—have no just appreciation of liberty, and are for the most part uncivilized. I do not suppose, sir, the Mexicans are at this time fitted for an equal union with us; and much is to be done before they will be. By the infusion of our own population among them, and they are now there in great numbers, according to the Senator of Delaware, (Mr. CLAYTON,) together with emigrants from Europe, who will not be slow to avail themselves of the unsurpassed advantages such a country enjoys, a gradual change in their manners, customs, and language, will ensue. Education will be diffused among the masses—speech, the press, and religion will be free, and high opinions of themselves speedily generated; and considering the rapidity of past events, the aids to knowledge and for its rapid spread which the world now possess, the period of their pupilage will be of short duration. Sir, it has been alike our pride and boast, that our institutions were better calculated to elevate the masses, than any others which have yet existed; and we feel it to be true, and it cannot be that it is the decree of Heaven, that none but the white race shall enjoy them. It has been the abiding hope of the philanthropist, that in God's good time all nations should enjoy them, and the down trodden millions of both hemispheres be exalted by their agency. There is nothing, sir, in the history of that beautiful country, or in the character of its people, to discourage the belief that they can, in a very short time, be brought to a condition qualifying them for admission into this great American family, adorning and strengthening it by a commingling and full development of all those grand and mighty elements they possess, and thus fulfil her own and our happy destiny. And, sir, it is the fervent wish and hope of her most eminent citizens and patriots, that this war may accelerate it—and if "coming events cast their shadows before," may it not be regarded as its certain precursor? In my musings upon this subject, Mr. President, I have been cheered by the hope that if I did not, my children would live to see that day when our institutions shall extend over the whole of this portion of our continent, all to be bound by one common ligament, and all to run one common career of honor, happiness and renown. And, sir, why should we be alarmed at this contemplation? History, it is said, admonishes us that extension of dominion by territorial acquisition proved the downfall of the ancient republics; but, sir, were they fashioned like ours? Were they not, from their very nature, incapable of extension? And is there no difference of condition between us and them? They had not the press, nor the compass, nor the steam engine, none of those great instrumentalities which wielded by freemen, are to revolutionize the world. They worshipped liberty and sacrificed to her as to an idol. We regard her as an active, moving spirit, penetrating all the avenues of life, and cheering and stimulating man in his progress. Sir, our liberty can be preserved only by progress. Being stationary we stagnate, and in that condition the flame will expire. It is by action alone—by ceaseless, constant action—we can preserve it. Let us expand to our true and proper dimensions, and our liberty will be eternal; for, in the process, it will increase in strength, and the flame grow brighter whilst it lights a more extensive field. Does any Senator believe our attachment to liberty would have been any stronger than it is now, or that we would have been more powerful and happy, had our confederacy been confined within the Atlantic coast and the range of the Alleganies? Would any one of them, willingly, restore to their former owners, Louisiana, Florida and Texas, or surrender either without a deathly struggle? I apprehend not. Our history shows thus far, that there is no danger in our extension. Our form of government is peculiarly fitted for this—it has a peculiar aptitude for expansion, a principle which no other government ever did possess, and it is one of its great excellencies. Will any Senator deny that the new States have contributed new vigor to our system, and increased strength to our circle? Have any symptoms of disaffection to the Union been observed in any of them? Has any spirit of insubordination or of restlessness under the ties which bind them, ever been manifested by any of them? No, sir, it is not in them, where man enjoys the largest liberty, only restrained by laws he makes himself, that emeutes, riots and rebellions occur, but it is among a crowded population, in pent up masses, easily excited by collision, with no extended field of action to arouse their energies, and no attainable objects before them to guide them aright.

Let but Congress—the general government for all the States—confine itself to its own proper functions, each State exercising its own undoubted powers, within its own limits, managing its own legitimate concerns, in its own way, without the unauthorized interference of Congress, no reason can be given why our Union should not be co-extensive with this portion of the American continent. We want no rival republics here, for they may become inimical, rendering it necessary to maintain standing armies to defend against their aggressions. If all was united in one harmonious whole, such defences would not be required.

By the agency of steam operating upon the boat—the rail road car and the press, combined with that great American invention—the greatest of the age and of the world—the magnetic telegraph, which can literally almost,

"Waft a sigh from Inde to the pole,"

we will be more compact, and in more constant and harmonious intercourse than the old thirteen States were, at the period of the adoption of our constitution. With the seat of the common or general government at some central point, with railroads and telegraphs radiating from it, as from the centre of a circle to its circumference, and with the press as free as the air of heaven, it matters not how large the number of States may be.

But it is said, sir, this war is bringing the nation into debt, and the farther we advance, the more will it be augmented, and the greater burden do we throw upon those who come after us. To be sure, sir, all wars create debts. The expenses of a war are not expected to be borne by the ordinary revenues of peace, but by borrowing money, and if we cannot replace it in our generation, the one which succeeds us must do so. Arguments of this kind are equally strong against every effort at national defence, and if yielded to, will place our nation at the mercy of its foes. If we do create a large debt of one hundred millions, over and above our revenues, for posterity to pay, we will leave them increased means with which to pay it. What is such a debt to us, or to them? If the calculations of the Secretary of the Treasury are correct, and I believe they are, and the present tariff is not interfered with, we will have in less than ten years, quite fifty millions of dollars annually, from duties alone, to say nothing of the receipts from the public lands, the receipts from which, this fiscal year, will fully equal his expectations, and if a proper graduation and pre-emption law is enacted, will be greatly augmented. Reducing, after the war, our expences to twenty or twenty-five millions annually, we may have a large sinking fund, by which, in less than ten years, the whole debt will be paid off. Our credit was never in a better condition than it now is, and promises to continue to be. Our six per cent stocks are above par, and if we enter the market for more money, we will find the loanable capital so far from being exhausted, at our command in abundance. The debt of the last war amounting to more than a hundred and fifty millions of dollars, was soon discharged, without affecting injuriously any of the great interests of the country; and so will this be.

In this view, sir, the acquisition of Mexico, with its unparrallel powers of production, yielding every article of luxury and necessity, save one, that ministers to the wants or pride of man—whose revenues can be made, under wholesome laws, and with proper management, to produce annually, one hundred millions of dollars, and with mineral wealth from which the world now draws a great part of its supply, and those resources to be further developed by our enterprize and skill, what can we not expect, when time shall have performed upon her its gentle yet potent and effective office?

As I believe, sir, there are but two alternatives, either to flee the country, or to hold on to our acquisitions, the result of which may be the final absorption of Mexico, I have not hesitated to declare for the latter, being well satisfied that great ultimate good to us, to her and to humanity, is to flow from it.

The honorable Senator from South Carolina (Mr. CALHOUN,)

has said, sir, that Mexico is to us, as a dead body, and is anxious to cut the cord that binds us to the corpse. Sir, I prefer taking her to our side, and imparting to her some of our own vitality, and with her fair proportions and most beautiful developements, by its magic influence, she will start again into life and being. If she be dead—if the light is out—we have "the Promethean heat that can that light relume."

Having made, sir, these desultory remarks, I will now conclude by thanking the Senate for their patient and polite attention.

Mr. UPHAM took the floor with a view of addressing the Senate to-morrow.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of Executive business, and after sometime spent therein,

On motion,

The Senate adjourned.

TUESDAY, FEBRUARY 15, 1848.

CREDENTIALS.

Mr. FOOTE presented the credentials of the Hon. JEFFERSON DAVIS, elected a Senator of the United States, from the State of Mississippi, to fill the vacancy occasioned by the decease of the Hon. JESSE SPEIGHT; which were read.

Mr. DAVIS having taken the oath prescribed by law, resumed his seat in the Senate.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk:

Mr. President: The Speaker of the House of Representatives having signed two enrolled bills, I am directed to bring them to the Senate for the signature of their President.

PETITIONS.

Mr. JOHNSON, of Maryland, presented the petition of Mary Cassin, widow of a deceased naval officer, praying a renewal of her pension; which was referred to the Committee on Pensions.

Mr. UNDERWOOD presented a memorial of the Board of Trade of the city of Wheeling, praying certain amendments to the act of July 7th, 1838, to provide for the better security of the lives of passengers on board of vessels propelled by steam; and moved its reference to the Committee on Patents and the Patent Office.

Mr. WESTCOTT observed that at an early day of the session he had introduced a resolution which was adopted by the Senate, requesting the Commissioner of Patents to obtain information and report it to Congress as to the explosions of steam boilers, with a view to further legislation to prevent them; and he would suggest that this memorial be also referred to the Commissioner, who would probably report in a few days.

Mr. UNDERWOOD said that if there was any prospect of an immediate report on the subject he had no objection to the reference suggested by the Senator from Florida. He was somewhat desirous, however, that the subject should be placed in the hands of some committee of the Senate in order that it might receive the action of the body during the present session if practicable. In his opinion the laws on the subject required some amendment. It was a matter of deep interest to the people on the western waters.

Mr. DAVIS, of Massachusetts, remarked that in his judgment the appropriate reference would be to the Committee on Commerce. Early in the session a resolution was referred to that committee, who were instructed to make inquiries whether any further legislation was necessary for the protection of life on board steam vessels. That resolution had been for some time in the hands of the committee. The subject had been submitted to investigation, and, as he had been informed, many facts had been accumulated by that committee in relation to it. They were at present maturing a report; and had it under consideration, whether it would not be expedient to submit a bill making further provisions for the safety of passengers and others navigating steamers and other vessels. He had, himself, in his possession, some important communications on the subject, which he did not deem it necessary to pass through the Senate, but should lay them before the committee. He thought that this memorial had better take that direction. The report of the Commissioner of Patents, which would doubtless be interesting and valuable, could also be referred to the committee having charge of the whole subject.

Mr. WESTCOTT inquired whether the Senator was not mistaken in supposing that this subject had been placed in charge of the Committee of Commerce of the Senate?

Mr. DAVIS replied that it had been referred to that Committee under a resolution of the Senate.

Mr. WESTCOTT then said that he had no objection to the reference.

Mr. UNDERWOOD also acquiescing, the reference to the Committee on Commerce was ordered.

Mr. SEVIER presented a memorial of Robert Mills, respecting a new route to the Pacific Ocean, with a plan for the transportation of despatches to Astoria in fifteen days; which was referred to the Committee on the Library and ordered to be printed.

Mr. BREESE presented the petition of Polly Taylor, widow of a revolutionary soldier, praying to be allowed a pension; which was referred to the Committee on Pensions.

Also, two petitions of citizens of Illinois, praying a grant to the State of Illinois, of the right of way over, and a donation of public land for constructing a railroad to connect the waters of the Upper and Lower Mississippi with the Northern Lakes; which, (a bill having been reported for that object,) were laid upon the table.

Mr. DAVIS, of Mississippi, submitted a document in relation to the pay and emoluments of Military Storekeepers in the army; which was referred to the Committee on Military Affairs.

Mr. HANNEGAN submitted documents relating to the claim of the heirs of John T. Douglass, deceased, assignee of John E. Metcalf and others, to the right of pre-emption to certain lands in Indiana; which, with the documents on the files of the Senate, relating thereto, were referred to the Committee on Public Lands.

Mr. CAMERON presented a petition of inhabitants of Pennsylvania, praying the adoption of measures for abolishing slavery throughout the United States; the motion to receive which was laid upon the table.

Also, the petition of James Harley, praying an extension of his patent for an improvement in the mode of casting chilled rollers; which was referred to the Committee on Patents and the Patent Office.

Mr. BAGBY presented a memorial of the Legislature of the State of Alabama, praying that an equivalent in land scrip or money may be granted to that State for such of the school lands within her limits as may be ascertained to be unfit for cultivation; which was referred to the Committee on Public Lands.

Also, the petition of T. L. Smith, praying an amendment of the constitution in relation to the election of President and Vice President; which was laid upon the table.

HOUDON'S BUST OF WASHINGTON.

Mr. DIX submitted the following resolution, which was considered, by unanimous consent, and agreed to:

Resolved, That the Committee on the Library be instructed to inquire into the expediency of purchasing a marble bust of Washington, by Houdon, now in possession of Mr. George Gibbs.

LIGHT-HOUSES IN LOUISIANA.

Mr. JOHNSON, of Louisiana, submitted the following resolution, which was considered, by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of an appropriation for the erection of a light house on Proctor's Shell Bank, and also for the erection of a light-house on Ship Island, in the State of Louisiana.

THE PEA PATCH CASE.

On motion by Mr. JOHNSON, of Maryland, it was

Ordered, That a thousand extra copies of the report of the Solicitor of the Treasury, in reply to the Senate's resolution of the 17th ultimo, relative to the site of Fort Delaware, be printed for the use of the Senate.

UNITED STATES' COURTS IN MICHIGAN.

Agreeably to notice, Mr. FELCH asked and obtained leave to bring in a bill concerning the courts of the United States in and for the district of Michigan; which was read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary.

PRIVATE BILLS.

Agreeably to notice, Mr. DAVIS, of Massachusetts, asked and obtained leave to bring in a bill for the relief of Benjamin Adams and Company, and others; which was read the first and second times, by unanimous consent, and referred to the Committee on Finance.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the petition of John Clark, submitted a report, accompanied by a bill granting a pension to John Clark.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. JOHNSON, of Louisiana, from the same committee, to whom was referred the bill from the House of Representatives for the relief of Silas Waterman, reported it without amendment

Mr. DOWNS, from the Committee on Private Land Claims, to whom was referred the memorials of Adelaide Snyder and Henriette Pensoneau, heirs of Jean F. Perry, deceased; John Bleakeley, William Bleakeley, Nicholas Radiger and Juliana Bleakeley, heirs of Josiah Bleakeley; James L. D. Morrison, John M. Morri

son and R. F. Morrison, heirs of Robert Morrison, deceased; and of the heirs of Nicholas Jarrot, deceased, submitted a report accompanied by a bill for the relief of the heirs of Jean F. Perry, Josiah Bleakeley, Nicholas Jarrot, and Robert Morrison.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the memorial of William Woodbridge and Henry Chipman, submitted a report, accompanied by a bill to provide compensation to William Woodbridge and Henry Chipman, for services in adjusting titles to land in Michigan, and for other purposes.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. WESTCOTT, from the Committee of Claims, to whom was referred the petition of John Develin, submitted a report accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

ADVERSE REPORT.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the petition of Isaac Davenport, submitted an adverse report, which was ordered to be printed.

INCREASE OF THE MEDICAL STAFF.

The Senate proceeded to consider the motion made yesterday by Mr. BADGER, to reconsider the vote upon the passage of the bill for an increase of the medical staff of the army, for a limited time.

Mr. BADGER explained that this bill had been reported by the Military Committee and passed under an erroneous impression.—Every member of the committee was now satisfied that the bill ought not to pass.

The motion to reconsider having been agreed to, the question recurred upon the passage of the bill.

On motion by Mr. BADGER, it was

Ordered, That the bill be postponed indefinitely.

BILL RECOMMITTED.

The bill for the relief of the legal representatives of Francis Cazeau, late merchant at Montreal, was read the second time.

On motion by Mr. WESTCOTT, it was

Ordered, That it be recommitted to the Committee on the Judiciary.

TEN REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. UPHAM.—Mr. President: I do not know, sir, that I shall be able, in the humble part I am about to take in this debate, to impart any thing of interest or freshness to the subject, or to bring any new contribution of facts to bear upon the questions I propose to discuss. Almost every topic connected with, or growing out of the existing war with Mexico, has been alluded to and ably commented upon by honorable Senators who have preceeded me on the floor. But, sir, exhausted as the subject is, I cannot content myself with a silent vote on the question.

Believing, as I do, that under existing laws our force in Mexico can be increased to nearly sixty-five thousand men, and that the more vigorous prosecution of the war for the purposes *now* avowed, would be dishonorable to the country, I shall be compelled to record my vote against this bill. But I shall do it, sir, with no view to embarrass the Executive in his efforts for an honorable peace; but to prevent the forcible dismemberment of a weak, distracted sister republic, and to preserve untarnished the fair fame of the country, which I prize infinitely higher than any territorial acquisitions we can make, or any glory we can win, by the success of our arms. The honorable Chairman of the Committee on Military Affairs, in his eloquent remarks the other day in support of this bill, expressed a desire that it might pass without opposition, and that the discussion, which he was aware would arise upon the war policy of the administration, and which he had no desire to avoid, might be had upon some other measure hereafter to come before the Senate. This bill, he thought, was safe and common ground, upon which we could all meet and act together. Sir, safe as the honorable Senator may think the ground to be on which he stands, I can not occupy it with him, because, in my judgment, it is dangerous ground.

This bill is the first of a series of measures which, if carried out to the full extent of executive recommendation, must bring our free institutions into great peril, and, I fear, in the end, overthrow them. The recommended increase of the army from sixty-five thousand to nearly ninety-five thousand men, to be engaged in the conquest of foreign states and provinces, is a proposition too startling for me to support. Here, sir, I must pause, and here I must stand until I am well convinced that this measure is necessary to vindicate the rights and maintain the honor of the country.

The cry is onward; and onward, at all hazards, the administration seems determined to go until the whole Mexican republic falls beneath our conquering arms. We preach the doctrine of non-interference in the affairs of other nations, and still raise armies to invade and conquer a neighboring republic. We proclaim the great principle of self-government and the right of every people to form their own institutions, and at the same time we send our conquering armies to force upon a distant and reluctant people, forms of government which they have not the capacity to maintain, and to which they are utterly opposed. We condemn the dismemberment of Saxony, the annexation of the republic of Genoa to the kingdom of Sardinia, and the absorption of Venice by Austria, and still we go on with the work of dismemberment and annexation ourselves. We denounce Russia, Prussia, and Austria for the dismemberment of Poland, and at the same time we are attempting to dismember a sister republic; and if she refuses to submit to our demands, the absorption of her whole territory, the honorable Chairman of the Committee on Military Affairs says, may be the penalty she will be compelled to pay for her obstinacy.

Mexico, sir, is in our power—she lies quivering and bleeding at our feet—we can destroy her nationality and blot her name from the map of nations—but such an act of injustice, violence, and outrage would bring down upon our heads the just indignation of all Christendom, and brand us as a nation of robbers.

Mr. FOOTE.—I am quite sure that the Senator has no desire to misrepresent any Senator on this side of the chamber. Certainly he has not heard either the Chairman of the Committee on Military Affairs, or any other Senator on this side, give expression to the opinion that it might become politic to absorb the whole of Mexico. The absorption of Mexico has been uniformly spoken of by us as a thing to be deprecated, but from which, if forced upon us, we were to educe all the good that was possible.

Mr. UPHAM.—I have no desire to misrepresent any Senator, but I understood the honorable Chairman of the Committee on Military Affairs, in alluding to this subject, to say, that it might be necessary in order to bring the war to an honorable close, to absorb the whole of Mexico. However, I have his remarks before me and will read them. In the debate on the instructions to Gen. Scott to occupy the republic of Mexico, the Senator said:

"I repeat what I believe said, that the single Mexican obstinate rejection of reasonable terms, may, the government have resolved, compel us to make, the great lesson of peace, and to achieve for us [illegible]. What we would have accepted last year, and many of us would now, the proud conquest, we may well refuse now; and what we would accept now, we may well refuse in a few months. And how much the present sentiment of the country may change, even in two years hence, all the world may wonder at, but I do not pretend to foresee. We may have to grasp the great question of [illegible] to the Senator from South Carolina, the Senator from Kentucky, and even the citizens of Mexico to our aid. Those are events which cannot be [illegible] to pass, and which Mexico may be preparing for herself."

Mr. CASS.—I have again and again been called upon to state the purport of the remarks to which the honorable Senator alludes, and I do hope that it will not be necessary to enter into any explanation with regard to them hereafter. I am confident that the Senator does not intentionally mistake my views; but I will repeat that all along I have deprecated the absorption of the whole of Mexico, but, as the Senator from Mississippi has correctly said, I added that if forced upon us, we must make the most of it. At the time when the honorable Senator from South Carolina (Mr. CALHOUN) introduced his resolutions, I stated distinctly that if Mexico protracted this war, the public opinion of the country might manifest a desire for the annexation of the whole of that country. But I never expressed any opinion in favor of such a result; but on the contrary, deprecated it as a thing to be feared and avoided.

Mr. UPHAM.—The position, then, that the Senator has assumed, is that such might be the condition of things, such might be the obstinacy of Mexico in refusing to yield to our demands that we might be compelled to prosecute the war to such extremity as would lead to the destruction of her nationality, and the absorption of her whole territory by the United States. And, sir, notwithstanding that this result is deprecated, and, I have no doubt, sincerely, and that it is acknowledged that this is not a desirable state of things, still, in my humble judgment, the tendency of the measures recommended by the President, if carried out to the full extent, must inevitably result in the absorption of the whole country, and I think I can see in the signs of the times enough to alarm the country in reference to this subject. Such a policy has been more than dimly shadowed forth in the resolutions introduced by the honorable Senators from New York and Indiana. The former suggested to the country the propriety and expediency of strengthening our commercial relations by the annexation of contiguous territory. The latter avowed the constitutional power and authority of our government to hold and govern Mexico as a dependent province. Sir, I have seen it avowed in the proceedings of public meetings, in the speeches of our military officers who have won glory and renown upon the battle fields of Mexico, and who have returned because there are no more laurels to be gained, and have undertaken to indoctrinate the people of this nation that it is our duty or destiny to carry into Mexico our free institutions, and that this war ought to be prosecuted until her government is overthrown and a more liberal government established, to be sustained by the

power of our arms. What? Are we, then, to become a nation of propagandists? Why, sir, some gentlemen have even gone so far as to denounce every man who raises his voice against the prosecution of a war for the purpose of forcing upon Mexico a government of which she does not approve, as traitors to their country! Such is the sentiment expressed in the speech of Colonel Morgan which I have before me.

"As Christians," says he, "we are bound to protect the Mexicans from the bad intentions of their rulers." "And," he adds, "all who will advocate the withholding of supplies, or withdrawing our armies, disguise their sentiments however they may, under whatever artful plea they choose, are traitors at heart."

Yes, sir, every man, every citizen, every member of Congress who believes it to be his duty to raise his voice against the further prosecution of the war for the purpose now avowed by the administration, is denounced by this orator as a "traitor at heart," and unworthy of the confidence of the people. I also have in my possession a speech of Captain Stockton advocating the same principle that the army shall not be withdrawn until the overthrow of the Mexican government and the establishment of a government there upon liberal principles be accomplished. He holds the following language:

"I would insist, if the war were to be prolonged for fifty years, until each man's enemy should be found dead on each of our hearts, till we possess, I would insist that the blessings of civil and religious liberty should be guaranteed to Mexico."

I believe that the sentiments advanced by Colonel Morgan and Captain Stockton, so far from meeting with disapprobation on the occasions on which they were expressed, elicited the most unequivocal marks of favor. Those gentlemen, indeed, seem to have been preparing the minds of the people for the unqualified admission of the doctrine that it is the duty of the government to extend itself over the whole American continent. At the supper given to Colonel Morgan, the following toasts were received with the greatest enthusiasm:

"*The Star of the United States Government.* To meet shadow the whole of North America, therefore we may as well begin with Mexico."

"*The American Continent.* An Almighty hand has rolled the barrier of the ocean around it, to make it one republic.

"No part up to it but contracts our powers,
"But the whole boundless continent is ours."

"*The Isthmus of Panama.* The next to take place in the extension of freedom's area."

Now, sir, these significant indications strongly impress upon my mind the conviction, however much the result may be deprecated, that great efforts are making to convince the people that it is the destiny of our government to extend its jurisdiction over the entire continent. An ocean-bound republic is spoken of with apparent seriousness. Let it not be said that these indications are to be lightly regarded. They proclaim, in language not to be mistaken, the interpretation which masses of the people have put upon the policy which the government seems to have adopted. And, sir, if this perilous career of conquest on which we have enterrd, is not to be arrested till our arms have subjugated the whole American continent, it is surely time that the country understood it. It is time that the voice of warning should arouse the people to a full sense of impending danger.

Our government was not constructed with a view to wars of aggression and conquest. The armies contemplated by the constitution are armies of defence, and not of aggression—armies to defend our own territority, not to invade the territory of other nations. The unlimited power to raise and support armies, conferred upon Congress by the constitution, was looked upon with great jealousy by the people. It was assailed in the State conventions and elsewhere, with great zeal and pertinacity, as dangerous to liberty, and subversive of the State governments. It was said, the power being unlimited, that Congress might keep large armies constantly on foot, and thus exhaust the resources of the country; and that we might be compelled to live under a government of military force. To these suggestions it was replied, that the power was necessary, and that to be of any value, it must be unlimited; that the power was exclusively confined to the legislative body, to the representatives of the States, to the people of the States, and that it would be safe in their hands; that the power was necessary, because we were surrounded by the colonies and dependencies of powerful foreign governments, whose maritime powers might furnish them with the means of annoyance, and mischief, and invasion; that it was necessary to protect our frontiers against the Indians, and to man our forts and garrisons in different parts of the country. Here, too, you have the reasons for which the power "to raise and support armies" was deemed necessary. The conquest of foreign States and provinces was never dreampt of by the framers of the constitution. But the wisdom of the past, with the "progressive democracy" of the present day, is folly; and, indeed, so rapid has been the advancement beyond that old-fashioned democracy which prevailed in the better days of the republic, that calls have been actually made for conventions of the people to reconstruct the government. And to carry out these splendid schemes of national aggrandizement, it has been found necessary to wage war against the freedom of speech and the press—a war infinitely more dangerous to the liberties of the people than a war of conquest. The message of December, 1846, contains the declaration of war against free discussion, and I beg leave to read it:

"The war has been, (says the President,) represented as unjust and unnecessary, and one of aggression, on our part, upon a weak and injured enemy. Such erroneous views, though entertained by few, have been widely circulated not only at home, but have been spread throughout Mexico and the whole world. A more effectual means could not have been devised to encourage the enemy and protract the war than to advocate and adhere to their cause, and thus give them aid and comfort."

Here, sir, is a bold, and I was about to say, shameless attempt on the part of the Executive to stifle all inquiry into the origin, necessity, justice, and purposes of this war. All who dare call in question the power of the President to wage war, and to prosecute it for the purposes of conquest and plunder, are denounced as traitors to their country. And all who doubt the necessity of the war and think it could, and should, have been avoided, are held up as adhering to, and advocating the cause of the enemy. These denunciations, sir, coming from that high source, should not be suffered to pass unnoticed and uncondemned. The framers of the constitution, regarding free discussion the great safeguard of liberty, declared, in the first article of amendments, that "Congress shall make no law abridging the freedom of speech or of the press." This right of free discussion belongs to the people, and no power on earth should be permitted to abridge or impair it. It is the great power that overturns despotisms and builds up republics—it shakes tyrants from their thrones and confers the blessings of liberty upon oppressed millions of our race—it kindled the fire of our own revolution and made us a free and independent nation—and it is the best security we can have for the preservation of our liberties. It was Sheridan, I believe, who, in speaking in the House of Commons on the power of the press to avert the encroachments of the Ministry, exclaimed in one of his loftiest strains of eloquence:

"Give them a corrupt House of Lords, give them a venal House of Commons, give them a packed Jury, give them a truckling Court, give them laws unlimited in power, and I will defy them to encroach a hair's breadth upon the liberties of England."

If the freedom of the press was so essential in the protection of British liberty, it must be regarded as infinitely more important to the security of a government like ours, founded upon and deriving its support from enlightened public opinion. But, to pass on; gentlemen have searched for precedents for this war, and the Senator from Illinois imagines that he has discovered one in the war of 1812. "That war," he says, "was declared in the same form and almost in the same language as the present." Sir, did President Madison announce to the country that war existed between the United States and Great Britain? Or, did he inform Congress that long existing difficulties between the two countries remained unsettled? that he had exhausted all his power in making pacific efforts; and that he was unable to bring the controversy to a close; and that it was for Congress to decide whether or not an appeal to arms should be made in order to vindicate our honor and sustain our rights? Hear his language:

"We behold, in fine, on the side of Great Britain, a state of war against the United States, and on the side of the United States, a state of peace toward Great Britain. Whether the United States shall continue passive under these progressive usurpations and these accumulating wrongs; or, opposing force to force in defence of their national rights, shall commit our just cause into the hands of the Almighty disposer of events, avoiding all connexions which might entangle it in the contest or views of other Powers, and preserving a constant readiness to concur in an honorable establishment of peace and friendship, is a solemn question, which the constitution wisely confides to the legislative department of the government. In recommending it to their early deliberations, I am happy in the assurance that the decision will be worthy the enlightened and patriotic councils of a virtuous, a free, and a powerful nation."

Upon this message Congress announced to the country, by its legislative act, that a state of war existed between the two governments. How was it with the existing war? What was the character of the message received 11th May, 1846? Did it set forth the wrongs perpetrated by Mexico; that the President had exerted all the powers conferred on him by the constitution to affect a pacific adjustment without success; and that it was a question for Congress to decide upon the further steps to be taken to vindicate the rights and maintain the honor of the country? No, sir! The first announcement to the country of the existence of the war was by Executive message. How, sir, I ask, could war exist between a foreign government and the United States without the knowledge and consent of the war-making power? Had the President any authority to declare war? No, sir, that power is vested exclusively in Congress. How then can there be any analogy between the two wars—that of 1812 having been declared according to the form of the constitution, whilst the present war was waged by the Executive in open violation of the constitution. But the Senator says the war of 1812 met with violent opposition from the pulpit and the press, and he has given us specimens of the fulminations of the one, and the rantings of the other. For what purpose were these extracts read? Were they designed to instruct Senators in the discharge of their functions, or were they intended to operate on public opinion—to excite prejudices in the minds of the people against all who felt it to be their duty to oppose the policy recommended by the administration for the further prosecution of this war with a view to the dismemberment of a sister republic? If this war cannot be sustained upon its merits—if it be necessary to sustain the policy of its further prosecution by such a course of argument as that adopted by the Senator from Illinois, I think the sooner it is brought to a close the better it will be for the honor of all concerned. Most of the opposition to the war of 1812, grew out of the particular policy recommended for its prosecution. An increase of the army had been recommended for the invasion of Canada, and it was objected that the war ought to be a maratime war; that we should build up a navy, man it, and prepare ourselves to meet the enemy upon the ocean, where the injuries had been received, which we had armed ourselves to redress. Whoever looks at the debates upon appropriation bills for the support of the war of 1812 will find that most of the opposition was based upon the ground, that the naval power should be augmented to meet the enemy on the ocean, instead of increasing the army for the invasion of Canada. But to pass to another point. I stated in the outset that under existing laws our force in Mexico could be increased to nearly 65,000 men. Now, sir, is this true? The honorable Senator from Mississippi the other day said, that he did not so understand it. To settle this question I will refer to the report of the Secretary of War.

He says the twenty-five regiments of the regular army, as dis-

tinguished from volunteer force, when filled to the limit fixed by law, would be 28,814, exclusive of officers; but the actual strength, he says, is now about 21,533: it will, therefore, require 7,381 enlisted men to complete the regular military establishment.—There are now in the service, engaged for the war, says the Secretary, twenty-three regiments of volunteers, seven battalions, and thirty-three companies not organized into regiments or battalions; but the rank and file of all these, the Secretary thinks, do not exceed 20,000 men; and to give these serving for the war their complete organization, will require an addition of about 12,500 men.

The force in Mexico at this time, including the regiments from Michigan, and the two battalions now on the way, is 45,700. In addition to this number, the Executive, under existing laws, has the power to enlist upwards of 7,000 regulars, and to call into the field 12,500 volunteers, to serve during the war—making in all 65,200. If the 5,000 seamen and marines, also engaged in the war, be added, we then have a numerical force—naval and military—of 70,200 men. If we add to this force the troops proposed by this bill, 10,000 regulars, we shall have an army in Mexico of upwards of 80,000; and if the volunteer bill is to pass, we shall have a force of upwards of 100,000; and that, too, after the country has been virtually conquered by less than one-fourth of that number.

Sir, I can see no necessity for the force contemplated by this bill. When the regiments of the line, and the volunteer regiments, are filled up, we shall have a force amply sufficient to prosecute the war "with increased energy and power, in the vital parts of the enemy's country"—and this is all the President desires.

The Secretary of War says,

"Our future operations in Mexico must be conducted in one of the three following modes. First, to take and hold an indemnity line, to provide from all places on that line now occupied in advance of it, and every line of all successive operations beyond that line. Second, to overrun the whole country, and hold all the principal places in it by permanent garrisons; and, THIRD, to retain what we now possess, open a line of communication into the interior, and extend our operations to other important places, as our means and the progress of advantage shall indicate, keeping a disposable force always ready, within approachable limits, to annoy the enemy, to seize supplies, enforce contributions, and frustrate his efforts to collect means and assemble troops for the purpose of protracting the war."

The Secretary, after discussing the comparative merits of these modes of conducting the war, comes to the conclusion that the third mode is preferable, and adopts it. Now, sir, what force is necessary to carry it out? I have examined this question with some care, and I cannot resist the conclusion that the force now authorized by law is sufficient. This conviction has been forced upon my mind by the success which has hitherto attended our arms, and by the despatch of General Scott, under date of September 18th, 1847. General Taylor, at the battle of Palo Alto, with a force of 2 300, defeated a Mexican army of 6,000. At Resaca de la Palma, with a force of only 1,700, he defeated 6,500 Mexicans. At Monterey, with 6,645 men, he stormed and took the strong fortresses of the city, and compelled the surrender of a Mexican army 10,000 strong. And at Buena Vista, with 4,759 regulars and volunteers, he defeated Santa Anna at the head of 20,000 well armed Mexicans. Gen. Scott, at the head of 11,000 men, compelled the surrender of Vera Cruz and the strong castle by which it was defended. At Cerro Gordo, with an army of 8,500, he met and defeated a Mexican army of 12,500. At Contreras, San Antonia, and Churubusco, with 8,497 men, he defeated a Mexican force of 32,000. And with 7,190 men, he entered and took the city of Mexico, defended by an army of 35,000 Mexicans. Now, sir, it seems to me, after these brilliant victories, with a force 25,000 less than we can now put into the field, that the force proposed by this bill is unnecessary. But, sir, what says Gen. Scott, in his despatch of the 18th of September, 1847? He says, with the force *en route* and 4,000 more soon to follow, that he can hold the city of Mexico with a garrison of 7,500 men, against any external attack, or combined with an internal insurrection, and have an ample surplus force to occupy Puebla, Perote, Jalapa, the National Bridge, the Paso de Obios, Santa Fee, and Vera Cruz; and, as a modification of this plan, he says that, with a total of 30,000 men, the principal mining districts of the country may also be occupied, and a secure transit given to gold and silver bullion which, paying the customary duties, would cover a considerable part of the expenses of occupation. But this is not all, sir; Gen. Scott further suggests that to augment the army to 50,000, would enable it to occupy all the state capitals and principal cities—to drive guerrillas and robbing parties from the great highway of trade—to seize into our hands all the revenues of the country, and to keep the central government in motion and alarm until constrained to sue for peace. Does the President desire to accomplish more than General Scott says can be accomplished by a force of 50,000? If he does, what is it? Is it to annihilate the sovereignty of Mexico and make her a dependent province of the United States? Such a purpose has been denied by his friends on this floor. What then can be desired by the passage of this bill but the patronage it will confer upon the President? It will give him an opportunity to appoint five or six hundred officers to be engaged in recruiting soldiers for the next presidential campaign.—The measure is not wanted for an increase of soldiers in Mexico, but for an increase of officers at home. The rank and file of the army can be increased 20,000 without this bill, but there can be no increase of officers unless it passes. Fill up the regular and volunteer regiments now in the field, and, after that is done, if more men are necessary for the prosecution of the war, ask for them, and I presume they will be granted.

But, sir, I will leave this branch of the subject, and pass on to show that the character and objects of the war have changed; and that its further prosecution, for the purposes now avowed, would be dishonorable to the country.

When Texas was annexed to the United States its western boundary was left an open question, to be settled by negotiation between the Mexican government and ours. The President, in his message of May 11th, 1846, informed Congress that a strong desire to regulate and adjust our boundary and other causes of difference with Mexico, on fair and equitable principles, induced him, in September, 1845, to seek the re-opening of diplomatic relations between the two countries; that the Mexican government, in October following, agreed to receive a minister from the United States invested with full powers to settle and adjust all matters in difference between the two governments; that an envoy from the United States repaired to Mexico with full powers to adjust every existing difference; and that the Mexican government had not only refused to receive him or listen to his propositions, but, after a long continued series of menaces, had invaded our territory, and shed the blood of our fellow-citizens on our own soil. This message was accompanied by about one hundred and fifty pages of manuscript documents. The usual motion to print the documents was made, but it was voted down by Senators on the other side of the chamber. A call for the reading was then made, but that also was refused, and the bill of the 13th May, 1846, was passed by a vote of forty-two to two votes. The unanimity with which this bill was passed, has been frequently referred to as evidence to show that Congress was almost unanimously of the opinion that Mexico commenced the war. The President, in his last annual message, referred to it for that purpose. He says, in substance, that Congress, by the act of the 13th May, 1846, declared, with great unanimity, that "by the act of the republic of Mexico, a state of war exists between that government and the United States: there being but two negative votes in the Senate and fourteen in the House of Representatives." Now, sir, I propose to present to the Senate and the country all the facts connected with the passage of that bill. The bill originated in the House of Representatives. On the 27th of January, 1846, Mr. Haralson, from the Committee on Military Affairs, reported a bill to authorize the President of the United States, under certain circumstances therein mentioned, to accept the services of volunteers, and for other purposes. On the 11th of May, Mr. Brinkerhoff moved to amend the bill by inserting a new section with a preamble, in the words following: "whereas, by the act of the republic of Mexico, a state of war exists between that government and the United States." The amendment was carried by a vote of 123 yeas to 67 nays; and on the same day the bill passed the House by a vote of 174 to 14. So it appears that 67 members of the House voted against the preamble to the bill.

Well, sir, what is the history of this bill in the Senate? On the 12th of May, it came up for consideration, and Mr. Huntington, then a Senator from Connecticut, but since deceased, moved to amend it by striking out the preamble: and the journal shows that the motion failed by a vote of 18 yeas to 28 nays—all the Senators on this side of the chamber, with the exception of three, voted in the affirmative. A motion was then made by the honorable Senator from Kentucky, (Mr. CRITTENDEN,) to take a vote upon the preamble alone, but the chair ruled that it could not be separated from the bill, and the motion was decided out of order. The bill was then passed to a vote and passed—yeas 40, nays 2. Mr. Berrien, Mr. Evans, Mr. Huntington, and Mr. Calhoun declining to vote, and eleven Senators on this side of the chamber voting yea with a protest against the preamble to the bill. This, sir, is a concise history of the progress of the bill through the two Houses of Congress.

Now, I ask in all candor, what excuse can the President render to the country for asserting in his message, that both branches of Congress, with great unanimity, declared that the war existed by the act of Mexico, there being but fourteen negative votes in the House of Representatives and two in the Senate? Sir, the journal of the House shows 67 negative votes, and the journal of the Senate shows 18, making in the whole 85.

Mr. CLAYTON.—Will the Senator allow me a word?

Mr. UPHAM.—Certainly.

Mr. CLAYTON.—At the time the bill passed this Senate, those of us who voted for its passage after our failure in the effort to strike out the preamble as the Senator from Vermont has stated, put to the gentlemen on the other side, the excessive hardship of calling upon us to vote for a bill, the object of which was to send supplies for the army, with a preamble containing a statement of a matter of fact of which we had not evidence before us. We repeatedly demanded the separation of the two propositions, but the separation was refused, the President of the Senate deciding that we had no right to call for a division of the question. Then we insisted upon it that we should have the right to vote upon the bill protesting against the preamble. And the Senator from Missouri now in my eye will recollect perfectly that he said on that occasion that such would be our right; and such was the understanding, that if we gave our votes in favor of the bill we were to be regarded as voting for the supplies, but not in favor of the preamble. This is the simple fact of the case, and that such was the understanding is well known. A Senator now deceased, (Mr. SPEIGHT) distinctly, and over and over again said that such was the understanding with regard to our vote. It is a gross misconception then to suppose that we voted for the preamble or ever meant to vote for it. I hope this statement will be sufficient to prevent any injustice being done us upon this subject in all future time.

Mr. UPHAM.—I thank the honorable Senator for the additional

information he has given upon the subject—the country should have the whole truth in regard to the matter. Appeals were frequently made to Senators on the other side of the chamber, to strike out the preamble to the bill, as no evidence of its truth had been exhibited, and take a unanimous vote for the supplies; but they refused to do it. We must vote for the bill as it was, they said, or take the responsibility of voting against it. General Taylor had been ordered to the left bank of the Rio Grande with a small force, and hosts were entertained, that he would be unable to sustain himself without reinforcements, and the bill was passed for his relief. No intimation was made by the Executive, that the war had been waged with a view to the permanent acquisition of Mexican territory by conquest. The message declared it to be a war of defence, and not of aggression. "Mexico," says the message, "has passed the boundary of the United States, has invaded our territory, and shed American blood upon the American soil." To enable the President to repel this invasion, and "to prosecute the war to a speedy and successful termination;" I voted for the bill of the 13th May, 1846. Well, sir, what said the President in regard to the war, in his message of December, 1846? How has the case—

"The war has not been waged by a view to conquest; but has been commenced by Mexico, attacked and driven into the enemy's country, and will be vigorously prosecuted there, until we have obtained an honorable peace."

Here, sir, conquest, "with a view to permanent occupancy of Mexican territory," is disavowed. The war had been carried into Mexico, to cripple her power, and compel her to make an honorable peace. Again, sir, the President, in his message of August 4th, 1846, says—

"Equal justice to Mexico, as well as honorable to both parties, as I was originally instructed by this citizen was I have ceased it may still again be extended to the same benefits to Mexico. Should the government of that republic accept the offer, in the same candid spirit by which it was dictated, negotiation will speedily commence for the conclusion of a treaty."

A peace honorable to both parties was the object desired. "The chief difficulty to be anticipated in the negociation," says the President—

"Is the adjustment of the boundary between the parties, but a line which shall be more satisfactory and convenient to both, and such as neither will hereafter have cause to dispute. Thus the best mode of ensuring perpetual peace, an good neighborhood between the two republics. Should the Mexican government, in order to accomplish the object in view, propose any cession of territory to the United States, we ought to pay them a fair equivalent, a just and honorable price, and not compel Mexico, by force to the cession of the war."

The boundary question was the matter in difference between the two countries—and should the Mexican government, for the purpose of establishing a line convenient for both parties, be willing to cede a portion of her territory to the United States, we ought to pay a fair equivalent for it. No cession of territory was to be required without the free consent of the Mexican government. But this is not all, sir; the President asked for an appropriation of $3, 000,000, to enable him to advance a portion of the consideration money for any cession of territory the Mexican government might be willing to make. The character and objects of the war having been thus announced to Congress and the country, I, with most of the Senators on this side of the chamber, at the last session of Congress, voted men and money for its prosecution. And, sir, to show that our votes were given with no view to the acquisition of Mexican territory by conquest. I refer to the amendment offered by the honorable Senator from Georgia, (Mr. BERRIEN,) to Senate bill, No. 105, "making Appropriations for bringing the existing war with Mexico to a speedy and honorable conclusion," commonly called the three million bill.

The following are the words of the amendment:

"I do not believe that it is necessary to declare the actual and meaning of Congress upon this occasion; but that it is proper that the world should not be possessed of the fact, that not only with each other, but with the government of that republic, as well as with all other governments, our intentions are honest. That the government, ever desirous to maintain and preserve peaceful and friendly relations with all nations, and particularly with the neighboring republic of Mexico, will always be ready to conclude an honorable treaty whenever the proper authority on the part of Mexico shall manifest a desire to terminate the present unhappy conflict, and restore the friendly relations which so long existed between the United States and Mexico. That it is especially desirable, in order to terminate and restore those amicable relations, which ought always to exist between two neighboring republics, that the boundary of the States of Texas should be definitively agreed upon by treaty between the republic of Mexico, for the prompt and efficient prosecution of the war, and for the restoration of peace."

On the question, "shall this amendment be adopted?" it was determined in the negative, by a vote of yeas, twenty-four—nays, twenty-nine—every Senator on this side of the chamber, with the exception of Mr. JOHNSON of Louisiana, voting in the affirmative. Here, sir, is the recorded opinion of the whigs of the Senate, that this war ought not to be prosecuted with a view to the acquisition, by conquest, of any portion of Mexican territory.

And here too is the recorded opinion of the democracy of the Senate, in direct opposition to that expressed by the whigs. The issue is fairly joined—and to the country I am perfectly willing to submit the decision of the question. I have shown, I think, sir, by evidence which Senators on the other side of the chamber are not at liberty to dispute, that, up to the close of the last session of Congress, the acquisition by conquest, of Mexican territory was disavowed by the Executive. What, sir, is the character of the war now? for what purpose is it to be prosecuted "with increased energy and power in the more vital parts of the enemies country?" it is, sir, to compel Mexico to cede to the United States nearly one half of her republic—more than 700,000 square miles of her territory, and more than three hundred thousand of her people. This cession of territory is demanded, it is said, because Mexico has protracted the war by obstinately refusing to receive the olive branch when offered by our government. Mexico, it is true, agreed to receive a commissioner to adjust the question of boundary between the two governments, but the President sent a resident minister, and she rejected him—expressing however at the same time her willingness to receive him in the character of commissioner. But, sir, did she reject the olive branch when offered by commissioner Trist at the gates of her capital? No, sir, she received it crimsoned as it was with the blood of her slaughtered women and children. And what were the terms of peace offered by our government? They were first, the Rio Grande for our western boundary; second, the cession to the United States of New Mexico and the two Californias; and third, a right of way across the Isthmus of Tehuantepec. And in consideration of these demands, if conceded, we proposed first, to renounce all claims for the expenses of the war; second, to assume and pay the claims of our citizens on the Mexican government (supposed to be about $3,000, 000,) and third, to pay Mexico such additional sum in money as the territory ceded might be worth over and above our claims upon her government. The sum offered by Mr. Trist is stated to have been from fifteen to twenty millions of dollars—and that, too, after our demand had been reduced to the ultimatum of the President. Well, sir, what was the reply of the Mexican government to our demands? It was, in the language of the Mexican commissioners to Mr. Trist, that

"The cession, as was understood solely on account of the territory of the State of Texas, respecting which the North American republic presents as its title the act of the said State by which it was annexed to the North American confederation, after having proclaimed its independence of Mexico. The Mexican republic offering as we have intimated upon excellent to consent, for a proper indemnification, to pretensions of the government at Washington to the territory of Texas, the cause of the war has disappeared, and the war itself ought to cease, since there is no war without a cause. To the other territories mentioned in the 6th article of your excellency's draught, no right has in question been asserted by the republic of North America, nor do we believe it possible for it to assert any, consequently, it could not be acquired then only by the right of conquest, or by the title which will result from the cession or sale which Mexico might now make. But as we are persuaded, that the republic of Washington will not make [illegible] nor will hold in abhorrence the [illegible] of [illegible] and as, on the other hand, it would be a new thing, and contrary to every idea of justice, to make war upon a people for no other reason than because it refused to sell territory which its owners might to buy, we expect from the justice of the government and people of North America, that the ample modification which we have to propose to the cession of territory contemplated in the 6th article will not be a motive to persist in a war which the worthy General of the North American troops has justly styled *unnatural*."

In regard to the Rio Grande as the western boundary of the State of Texas, and the cession of Lower California, the commissioners say:

"That Mexico cannot cede the belt which lies between the left bank of the Bravo Rio Grande and the right of the Nueces. The reason entertained for this point alone the full certainty that such territory never belonged to the State of Texas, nor can it hereafter belong to the great valley in the abstract which it constitution. It is, because that tract, together with the Bravo, [Rio Grande] forms the natural frontier of Mexico, both in a military and commercial sense, and the frontier of no State ought to be changed, unless States should consent to abandon its frontier. But, in order to remove all cause of trouble hereafter, the government of Mexico engages not to found new settlements, nor establish colonies in the space between the two rivers, so that to maintain perpetual and unmolested quietude, it may occupy an equal space on both republics. That Lower California, which would be of little advantage to the republic of North America, offers great embarrassments to Mexico considering the position of that peninsula, opposite our coast of Sonora, from which it is separated by the waters of the gulf of Cortes. Your Excellency has appreciated our remarks on this point, and we have been gratified to see that you have yielded to them. The preservation of Lower California would be enough to make it indispensable to keep a port of Upper California, for, otherwise, that peninsular would be without any communication by land with the rest of the republic, which is always a great embarrassment, especially for a power like Mexico, which is not maritime."

As to the cession of New Mexico the language of the Mexican Minister is,

"We can not yield New Mexico, whose inhabitants have manifested their will to make a part of the Mexican family with more enthusiasm than any other of the republic. Those among Mexicans, abandoned to their fate by our administration—without protection—so many times, even from the invasions of the savages—have been the Mexicans most truly patriotic; because, forgetting their domestic complaints, they have only agreed that they are and wish to be of the family; especially when finding themselves already many times to the vengeance of their invader, which has been excited against them, and thus incurred and discovered their plans, they have again consoled themselves. Mexicans—can a government so small as all mankind—ask? Never! And if perish by that, the nationality of the rest of the republic, we will all perish together.

And as to the right of way across the Isthmus of Tehuantepec, the commissioners say

"That some years since the government of the republic granted to a private contractor a privilege, with reference to the object, which was connected with the services of the government, to Europe, subjects of whose public Mexico cannot dispose."

These are the reasons, sir, assigned by the Mexican government for rejecting the terms of peace offered by Mr. Trist, and, in the present posture of affairs, without a word of comment, I submit them to the Senate and the country.

But Mexico did not here throw away the olive branch and seize the sword. No, sir, she offered her project of a treaty, by which she proposed first, to yield Texas proper to the United States; second, to maintain the desert country between the Nueces and the Rio Grande in its uninhabited state as a national frontier; and third, to cede to the United States more than one half of Upper California, including the port and bay of San Francisco. The territory she proposed to cede comprises about 200,000 square miles, or an area larger than all New England, New York, New Jersey, Pennsylvania, Delaware, and Maryland. This proposition was rejected by our commissioners, and hostilities were renewed. "The boundary of the Rio Grande," says the President,

"And the cession to the United States of New Mexico and Upper California, constituted an ultimatum which our commissioner was, under no circumstances, to yield."

Mr. Trist, therefore, was bound to reject the terms of peace offered by Mexico.

"The terms of a treaty proposed by the Mexican commissioners," says the President "were wholly inadmissible. They presented to us, Mexico were the victorious and not the vanquished party. It contained no provision for the payment by Mexico of the just claims of our citizens."

Is this, sir, a just, true, and impartial representation of the terms of peace proposed by Mexico? Did she take the stand of a victorious party, and claim concessions from us? Did she refuse to make provision for the payment of the just claims of our citizens? What consideration, sir, was she to receive for the two hundred

thousand square miles of territory she proposed to cede to the United States, but a discharge from those claims? I am not prepared to estimate the value of the territory Mexico proposed to cede to the United States. It may have been insufficient to pay the just claims of our citizens upon that government; but the port and bay of San Francisco alone, I know, have been considered of great value to the United States.

It does, however, appear from the message, that the cession of territory demanded by our commissioner, was of greater value than a fair equivalent for our just demands; for he "was authorized to stipulate for the payment of such additional pecuniary consideration as was deemed reasonable."

Now, sir, I propound to Senators on the other side of the chamber this question: Was it just and honorable to demand of Mexico, with a victorious army thundering at the gates of her capital, a cession of territory of greater value than a fair equivalent for our just demands? This is an important question, and I hope it will be answered before the debate closes.

But, sir, the war is now raging, and to show the purpose for which its more vigorous prosecution is recommended and desired, I refer to the last annual message of the President. He says that

"[illegible] recommended the United States will attempted to be made in America [illegible] been enacted, and the precious blood of many of our gallant fellow-citizens shed on the battle-fields of the war. This accumulation of injuries admitted of no atonement on the part of Mexico, nothing but war, and the most vigorous prosecution of war, could bring about a speedy and honorable peace.

"The rejection of the terms which we had offered in advance, and the adoption of a line of conduct on the part of Mexico which proved that she was not to be conciliated by forbearance, having failed to satisfy the military aspirations of her people, and having failed, by the operations of our arms, to compel them to accept peace on such terms as they were willing to grant, it became necessary to take a stronger position, and one which would enable us to conquer a peace. We accordingly took possession of the Mexican custom-houses on the coast, which were the principal sources of revenue to the Mexican government, and which furnished the means of supporting their military establishments. Large bodies of troops were then put in motion to take possession of other portions of the country, and to conquer and hold them as indemnity for the future expenses of the war, and for the satisfaction of the claims of our citizens. Accordingly, the Mexican provinces of New Mexico and California fell into our possession; that we should press forward our military operations, and keep constantly increasing the force in the enemy's country, so as to practicable, obtain the future expense of the war.

"If the government of Mexico acceded to the equitable and liberal terms proposed in the annual message, it would have been understood that Mexico having declined to make a peace on such terms as the United States could honorably accept, the United States, the national honor, no less than the public interests, requires that the war should be prosecuted with increased energy and power, until our just demands are obtained. In the meantime, it was proper that we should adopt such measures as would indemnify ourselves, by appropriating permanently, a portion of her territory. Until then the commencement of the war, New Mexico and the California were taken possession of by our forces. Our military and naval commanders were ordered to conquer and hold them, subject to be disposed of by a treaty of peace.

"These provinces are now in our undisputed occupation, and have been so for many months; all resistance on the part of Mexico having ceased with the last battle. I am satisfied that they should never be surrendered to Mexico. Should Congress concur with me in this opinion, and that they should be retained by the United States as indemnity for the expenses of the war, and for the satisfaction of the claims of the United States should not at once be extended over them. To wait for a treaty of peace, such as we are willing to make, by which our relations toward them would not be established. In the mean time, Mexico would not be [illegible] to adopt such measures to indemnify ourselves, by appropriating permanently, a portion of her territory. Until then the commencement of the war, New Mexico and the California were taken possession of by our forces. Our military and naval commanders were ordered to conquer and hold them, subject to be disposed of by a treaty of peace.

"These provinces are now in our undisputed occupation, and have been so for many months; all resistance on the part of Mexico having ceased with the last battle. I am satisfied that they should never be surrendered to Mexico. Should Congress concur with me in this opinion, and that they should be retained by the United States as indemnity for the expenses of the war, and for the satisfaction of the claims of the United States should not at once be extended over them. To wait for a treaty of peace, such as we are willing to make, by which our relations toward them would not be established. In the mean time, Mexico would not be [illegible] to adopt such measures to indemnify ourselves, by appropriating permanently, a portion of her territory. Until then the commencement of the war, New Mexico and the California were taken possession of by our forces. Our military and naval commanders were ordered to conquer and hold them, subject to be disposed of by a treaty of peace.

"Had the Mexican government acceded to the equitable and liberal terms proposed last April," a cession of about one half of her republic would have satisfied the President; but her rejection of our terms, and the large expenditures of blood and treasure, occasioned by the renewal of hostilities, "must," he says, influence the terms of peace which it may be deemed proper hereafter to accept." How much he intends hereafter to claim, he has not condescended to inform us. New Mexico and the Californias, he says, are in our possession, and ought never to be surrendered to Mexico.

The other Mexican provinces in our possession are to be held as a means of coercing Mexico to accede to our terms of peace. Well, sir, what are our terms of peace? What does the President desire to coerce Mexico to do? Why, sir, to sell us fifteen or twenty millions of dollars worth of her territory. This is the plain English of the whole matter, and, in my judgment, it is a proceeding dishonorable to the country, and I will wash my hands of all participation in it. If we must take Mexican territory to pay the claims of our citizens upon that government, let us be contented with a cession sufficient for that purpose. Mexico is under no obligation to sell us her territory, and the war ought not to be continued for a single hour longer than is necessary to compel the measure has been recommended by the administration, and the honorable Senator from Arkansas. (Mr. SEVIER,) says, that is sufficient for him. It is not sufficient for me. I must act on my own responsibility, and not on the responsibility of the Executive. I must be satisfied that the measure is necessary to vindicate the rights and sustain the honor of the country, before I can support it.

Again, sir, it has been more than intimated by honorable Senators on the other side of the chamber, who have participated in this debate, that the only test of true patriotism and real love of country is a cordial support of all the measures recommended by the administration for the further prosecution of this war; and that opposition to them is opposition to the country, and taking sides with the enemy. Sir, I claim to be as patriotic, and as ready to stand by the country, in peace and in war, as Senators over the way. But it is one thing to stand by the country, and quite a different thing to stand by the administration. In standing by the country, I find myself compelled to oppose the measures recommended by the administration, because, in my judgment, if carried out, they would prove ruinous to the country. But, Mr. President, the honorable Senator from Illinois, (Mr. DOUGLAS,) said he was surprised to hear this war and the recommendations of the President for its vigorous prosecution denounced, "especially from those Senators who voted for all the war measures of the last session and the preceding one." The war measures, sir, for which we have heretofore voted, were recommended, the President informed us, with no view to the acquisition of Mexican territory by conquest—a just and honorable peace, and not the forcible dismemberment of the Mexican republic, was the purpose avowed for the prosecution of the war. But, sir, the war, since the last session of Congress, has assumed a new character. Its more vigorous prosecution is now recommended for a new object, and one that we have never approved, but uniformly condemned. We have never voted men nor money for such a war as the President now avows this to be. The war for which we voted supplies was a war "waged with no view to conquest."

The honorable Senator, therefore, ought to feel no surprise at the stand we take against this bill.

But, sir, I will leave this subject and pass to a brief review of the measures which occasioned the war, viz: the annexation of Texas, and the order of the 13th of January, 1846, for the march of the army from Corpus Christi to the left bank of the Rio Grande. For these two measures the democratic party and the President are responsible. And I therefore charge upon them this war, and all the blood and treasure it has cost the country. The annexation of Texas was a strictly party measure. It was a scheme devised by the democracy of the South to prevent the abolition of slavery in Texas; and when first announced, it met with no favor from the democracy of the north. It was denounced with great violence, and in language somewhat offensive, by the party press, and in the conventions of the people. The Globe, the leading democratic press in this city, was opposed to the opposition, and it was continued up to the meeting of the democratic convention in Baltimore in May, 1844. Now, sir, as the honorable Senator from Illinois thought it his duty to convey through the Senate to the country the denunciations of a portion of the clergy and the press against the war of 1812, I will follow his example, and present to the country the denunciations of the northern democracy against the annexation of Texas, when the scheme was first announced to the country. But I shall do it with no view to cast reproach upon the people of Texas, but to show that with the northern democracy, obligations to country are sometimes overcome by obligations to party.

On the 20th of November, 1843, the Dover Gazette, N. H., a democratic paper, in an article against annexation, spoke of Texas in the following language:

"Texas is now a worse state than it is now—the most wicked, vile, God-abandoned place of which we have any knowledge—its history would make the savage blush with shame. * * * Yet there are some who desire to effect an union between Texas and this country, as if we had not enough guilt and crime already upon our hands. * * * [illegible] that we should have any connection with Texas. Heaven save us from such a connection!"

The New Hampshire Nashua Gazette (democratic paper) of November 9, 1843, in speaking of the annexation of Texas said:

"We hope, and sincerely trust there will be no trackling on the part of our northern representatives, when this mighty project shall come up before them in all its questionable shapes."

The New Hampshire Patriot (democratic paper) of November 23, 1843, speaking of annexation said:

"Be the President and his cabinet what they may, the attempt to throw this question into Congress at this time is [illegible] but we trust that the democrats have good sense enough to avoid being distracted by the acts of the enemy."

The Dover Gazette, New Hampshire, in the fall of 1843, in an article against the admission of Texas, among other things, said:

"The admission of Texas into the Union would be a public disgrace, and disgrace to us in the eyes of all the civilized world. It would array against us the moral influence of all Christendom, and draw upon us the just retribution of an offended God."

At a democratic convention held at Readfield, Maine, in the summer of 1843, to nominate a candidate for Congress for the 3d Congressional District, the following resolution was adopted:

"*Resolved*, That the impolicy and inexpediency of the annexation of Texas to the United States, appear insurmountable objections to its admission into the Union; and that the silly representation of federal presses that the democratic party are in alliance with the slave power of the South, in a systematic design to effect the admission of Texas, is entirely unsupported by any facts, or by the slightest indications in any quarter, giving such a supposition the *appearance* of truth; and is, therefore, a wilful and deliberate fabrication of the federal party for base and partisan purposes."

Here, Mr. President, we have the views of the patriotic democracy of the 3d Congressional District in Maine upon the subject of Texas annexation. The charge that the democratic party were in favor of the measure, is declared to be a wilful falsehood, uttered by the federal party for base and partisan purposes. But, sir, this hostility to annexation was not confined to the 3d Congressional District in Maine, the democracy of the whole State opposed it by strong resolutions passed in the House of Representatives in the winter of 1843.

Here, sir, are the resolutions of the democratic Legislature of Massachusetts passed in 1843:

"*Resolved*, That under no circumstances whatever, can the people of Massachusetts regard the proposition to admit Texas into the Union, in any other light than as dangerous to its continuance in peace, in prosperity, and to the enjoyment of those blessings which it is the object of a free government to secure.

"*Resolved*, That the Senators and Representatives of Massachusetts in the Congress of the United States, be requested to oppose such acts or measures as may tend to prevent—the adoption of the proposition referred to.

"*Resolved*, That it is expedient the governor be requested to transmit one copy of these resolutions to the executive of each of the United States, and a like copy to each Senator and Representative in Congress from Massachusetts.

The democracy of Massachusetts regarded the admission of Texas into the Union as dangerous to its perpetuity, and under no circumstances whatever, could they consent to it.

Ex-President Van Buren in a letter to Mr. Hammett, under date of April 20, 1844, opposed annexation, because, in his judgment, it would involve us in a war with Mexico.

And the Washington Globe of the first of May, 1844, contains the following editorial article:

"We concur with Mr. Van Buren fully and cordially in this view, and say it is the only wise, honorable, and practicable course. Mexico and Texas are now at war

the armistice admitted, a circumstance of which we were not apprised when we wrote our first article on the subject, and to adopt the Texans as our citizens at this time, is to make ourselves a party to the war, and to take upon ourselves the business of its conclusion, either by negotiation or by arms. It requires no declaration of war from Mexico to involve us. From the moment we admit Texas, we make her a territory of the Union; and it would be unlawful and punishable in her to treat with Mexico or to fight alone with Mexico. The United States alone could not be so fight; and thus, from the day of the admission of the treaty, the United States and Mexico would be at war; commerce between them would cease, and they would remain at war, and commerce remain broken up, until the negotiation or the arms of the United States terminated the disputed war. This is the consequence, and these are the means."

"We have been looking a little further into the public half-documents which accompany the treaty, and every step amazes more and more. We find that Lord Aberdeen and the British minister here utterly deny the Duff Green story, sent from London in August last, of the designs of England upon Texas, which is now the foundation of the whole proceeding. We believe it is easily be proved that the whole scheme of getting up the Re-Texas question, precisely as that question now is, existed long before Duff Green furnished that pretext, and that all this story of British interference, now put forth as the pretext for the moment, has been invented since the movement was originated."—*Globe*, May 7, 1844.

"If the general government should take this step, in violation of the treaty with Mexico, would their character of our country be left to our pockets the same noble and honorable abhorrence which was handed down to us by Washington, Jefferson, and Jackson?

"We do not believe the great mass of our countrymen are willing to sacrifice the honor, the renown, and the real glory of this country for any earthly acquisition. If, then, Texas be annexed, by a common proclamation, the existence of a war between her and Mexico, if the government of the United States has, by a mere official dictum merely, changed a full knowledge that the cession of territory from Texas and Mexico, how can the President and Senate of the United States, without sacrificing the honor of the country, adopt this war with Mexico, in the face of our treaty of peace with that nation. *Globe*, *May* 15, 1844.

Here, sir, we have not only a full endorsement of Mr. Van Buren's views against annexation, but a strong argument showing that Mexico and Texas were at war, and that the adoption of the measure would make us a party to the war, and compel us to bring it to a conclusion, either by negotiation or by arms. Well, sir, as the southern democracy anticipated, the "firebrand" was thrown into Congress. On the 22d of April, 1844, President Tyler transmitted to the Senate, for ratification, a treaty annexing the republic of Texas to the United States. And what was its fate? Why, sir, it was rejected by a vote of 16 yeas to 35 nays. Every democratic Senator from the north, with the exception of Mr. Woodbury, from New Hampshire, voted against it. The rejection of the treaty, however, was but a temporary defeat of the measure. The Baltimore Convention, assembled for the purpose of nominating democratic candidates for President and Vice President, took the foreign relations of the country in charge, and resolved upon the re-annexation of Texas and the re-occupation of Oregon. How, Mr. President, was this resolution received by the northern democracy? New York rebelled at once. The leaders of the party came out in a circular denouncing it as an unauthorized interpolation into the democratic creed, and refused to sustain it. Mr. Van Buren, their favorite candidate for the Presidency, had been rejected by the convention for his opposition to annexation, and Mr. Polk, known to be friendly to the measure, had received the nomination. In this condition of things, it was a work of some difficulty to reconcile the democracy of New York to the nominees of the convention. But difficult as the task seemed, it was at length accomplished. The honorable Silas Wright, who was a member of the Senate in 1844, and had voted against the treaty of annexation, and who was known to be strongly opposed to the measure, was nominated as a candidate for governor. This nomination reconciled the democracy to vote for Mr. Polk, provided no democratic member of Congress should be elected who was not pledged against annexation. The news of this arrangement of family difficulties in New York was soon conveyed to the New England democracy. Mr. Wright's nomination, it was said, would secure New York to Mr. Polk, and New England must come in and sustain the party. Opposition to annexation must be given the go away, and in a few weeks the whole democratic party wheeled into the ranks and gave their support to the nominees of the convention.

Now, sir, to keep up the party character of the measure, I will go back to the resolution of annexation. In the winter of 1845, after the election of Mr. Polk, a joint resolution was introduced into the House of Representatives for the annexation of Texas to the United States, and on the same day I believe, a resolution for the same purpose was introduced into the Senate. On the 25th of January, the test vote was taken on the resolution in the House of Representatives, and it was passed—Yeas, 113. Nays, 106. every whig in the House, with the exception of three from Tennessee, two from Georgia, and one from Alabama, voting in the negative.

The House resolution came to the Senate, and the honorable Senator from Alabama, (Mr. BAGBY,) among others, made an able speech against it. He denied the constitutional power of Congress, acting upon the House resolution, to admit the Resolution—that power he maintained, belonged exclusively to another branch of the government, viz: the treaty making power. After this avowal of the Senator from Alabama, that he could not support the resolution as it came from the House, Mr. WALKER, then a Senator from Mississippi, moved an amendment conferring upon the President the power to withhold the resolution, if, in his judgment and discretion, he should deem it most advisable, and to negotiate with the republic of Texas for her admission into the Union. The amendment was adopted. A motion was then made, by a Senator on this side of the chamber, to strike out the first and second sections of the resolution and confine the President to negotiation alone for the acquisition of the country. This motion was opposed and defeated—the Senator from Alabama voting with the majority. The resolution was then passed by a vote of 27 Yeas, to 25 Nays, every democratic Senator voting in the affirmative, and every whig Senator, with the exception of Mr. HENDERSON from Mississippi, Mr. JOHNSON from Louisiana, and Mr. MERRICK from Maryland, voting in the negative.

Mr. BAGBY.—I do not suppose for a moment that the Senator intends to do me the slightest injustice in reference to what I said then or at any time. What I then said was—and I repeat it now—that I never would vote for the resolutions as they came from the House of Representatives, but that I would vote for the proposition as amended by the Senate. I disclaimed the idea of its being indispensably necessary to annex Texas by treaty, but said it might be done by treaty, or compact, and cited the compact between the United States and Georgia in 1802 as a case in point.

Mr. UPHAM.—The Senator opposed the resolution as it came from the House.

Mr. BAGBY.—Decidedly.

Mr. UPHAM.—No consideration could induce me to misrepresent the honorable Senator in any speech he has made, or any vote he has given upon this question. I alluded to the speech and votes of the Senator for the purpose of showing that the first and second sections of the resolution presented to the republic of Texas never had a majority of the Senate in their favor.

The democratic Senators from the North who voted against annexation in 1844, voted for it in 1845. Now, what happened in the nine months that elapsed between the rejection of the treaty and the passage of the resolution, to change their views upon the subject? Were the objections urged against the measure less formidable in 1844 than they were in 1845? Was annexation less objectionable to the democracy of the North after it became a party measure than it was before it assumed a party character? These are questions worthy of consideration, and on some convenient occasion I hope they will be answered.

The resolution of annexation having passed both houses of Congress, President Tyler, on the 1st of March, 1845, approved it; and the next day he sent off his messenger with directions to submit the first and second sections of the resolution to the republic of Texas, as an overture for her admission as a State into our Union. In this condition of affairs, President Tyler retired and the new administration came into power; and what, in was the influence of the new President? It was to declare his approval of the resolution for the annexation of Texas, and to urge the country that, in his opinion, our title to the Oregon country was clear, clear and unquestionable." But, sir, it has been said by Senators, on the other side of the chamber, that President Polk is in nowise responsible for the manner of annexation. The Senator from Tennessee, (Mr. TURNEY,) in his speech the other day, said that annexation took place under the Tyler administration; that President Polk had no connection with it in power over it. But Mr. Tyler, in the last hours of his administration, adopted the mode of annexation, and thereby deprived the new administration of the power to withhold the resolution and negotiate for the acquisition of the country.

Mr. President, the honorable Senator is laboring under a great mistake in this matter. Mr. Polk had as much to do in selecting the mode of annexation as Mr. Tyler. He not only approved of the proceedings of President Tyler, but directed our charge d'affaires in Texas to present the first and second sections of the resolution to that republic for her acceptance.

The message of December 2, 1845, will settle this question. The President says:

"In pursuance of the joint resolution of Congress, the minister of the United States, my predecessor, on the third day of March, 1845, elected to submit the first and second sections of that resolution to the republic of Texas, for her acceptance or rejection by a formal decree. Should she reject, the proposition was to be at an end, and no further action had been proposed; and accordingly two days out of the three allowed by the resolution for the acceptance of that republic."

Here, Mr. President, is a full approval of all the proceedings of Mr. Tyler, touching the manner of annexation. The first and second sections of the resolutions were presented to Texas for her acceptance, under instructions from President Polk, given seven days after Mr. Tyler's term of office had expired. Mr. Polk was not bound by the proceedings of his predecessor. He had full power to withhold the resolution, and proceed by negotiation, if he preferred that mode of acquisition.

But, Mr. President, it is time to leave this branch of the subject, and pass to the order of the 13th of January, 1846, for the march of the army from Corpus Christi to the left bank of the Rio Grande. This order, in my judgment, was an act of Executive usurpation, and the immediate cause of the war. If our army had remained at Corpus Christi, the acquisition of Texas would, to use the language of the President—

"Have been a fruitless contest. No great force would have been required to produce the result. The sword would have had no part in the victory."

The resolution of annexation declares—

"That Congress doth consent, that the territory properly included within and rightfully belonging to the Republic of Texas, may be erected into a new State, to be formed, subject to the adjustment by this government of all questions of boundary that may arise with other governments."

It appears on the face of the resolutions, that a portion of the territory claimed by the Republic of Texas was in dispute, and might not properly belong to her, and that her right to the disputed territory was a question to be settled by this government and Mexico. The republic of Texas had, by her act of Congress, passed in December, 1836, declared the Rio Grande, from its mouth to its source, to be her southwestern boundary; but she had not at that time, nor at the time the resolution of annexation was passed, possession of any portion of the country west of the Nueces, except a small settlement on the western bank of that river. The whole territory between the Nueces and the Rio Grande, as I shall show before I resume my seat, with the exception of the small settlement mentioned, was in possession of Mexico, and claimed as a part of her republic. Now, sir, what was the duty of the President in regard

to this matter? What are his powers in the adjustment of international controversies? They are pacific; not belligerent. His instrumentalities are diplomatic agents; not armies and navies. He makes contracts and treaties with foreign governments; but he has no authority without the consent of Congress, to call on the military power of the country to enforce their performance. He is, it is true, commander-in-chief of the army and navy, but he has no authority to employ them against a foreign nation for any purpose whatever, without the order of Congress. The whole war-making power is, by the constitution, lodged in Congress. And Congress alone is constitutionally invested with the power of changing the condition of the country from peace to war. This was the opinion of Mr. Jefferson, as expressed to Congress in his confidential message of December 9, 1805, in regard to a question of disputed boundary between the United States and Spain, growing out of our Louisiana purchase.

"'Any measure,' says Mr. Jefferson, 'of hostile character,' says Mr. Jefferson, 'our minister ended the conference, without having been able to obtain redemnity for spoliations of any description, or any satisfaction as to the boundaries of Louisiana, other than a declaration that we had no claims beyond those of the Iberville.' * * * *

"Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force in any degree which could be avoided."

This, Mr. President, is sound constitutional doctrine, and if Mr. Polk had followed in the footsteps of his illustrious predecessor, this war would have been avoided. It was the duty of the President to settle this question of disputed boundary with Mexico by negotiation if he could, but if his efforts failed, it was equally his duty to inform Congress of the fact, and await their authority for marching the army on to the disputed territory. Congress was in session, and could have been consulted without the least inconvenience.

The ground I assume is, that the territory between the Nueces and the Rio Grande being disputable, and most of it in possession of Mexico, the President had no right to take forceable possession of it even if it rightfully belonged to the State of Texas, without authority from Congress. We have had many questions of disputed boundary with foreign nations, and no administration, except the present, ever thought of taking forceable possession of the disputed territory. Our northeastern boundary was in dispute from the peace of 1783 to 1842, and no attempt was made by any of our Presidents to take possession, by force, of the territory we claimed. But, Mr. President, various pretences have been set up to justify the march of our army to the left bank of the Rio Grande. The honorable Senator from Maryland, [Mr. JOHNSON,] in his elaborate speech upon this question said, that the United States had received the republic of Texas into the Union without antecedently defining her boundaries, and under a constitution including the disputed territory; and, therefore, they were bound to defend it. Sir, the constitution of Texas formed after the passage of the resolution of annexation, and under which she was admitted as a State of the Union, did not define her southwestern boundary—that was left an open question to be settled by negotiation between the United States and Mexico. Again, Mr. President, the honorable Senator said that Mexico had mustered an army on the Rio Grande with the declared object of invading Texas, and recovering the whole to her own sovereignty, and that we had a clear, undeniable right to meet her there and strike the first blow. But I understood the Senator to admit, that our right to meet her there and strike the blow could be justified only upon the principle of self-defence. If we were in no danger of a blow from Mexico—if she had no force collected for the invasion of Texas, then our march into the disputed territory was an unjustifiable act of hostility. Now, sir, where is the evidence that Mexico had mustered an army on the Rio Grande with the declared object of invading and conquering Texas? Did the President say anything of the kind in his message of the 11th of May, 1846, informing Congress that he had ordered the army to the left bank of the Rio Grande? No, he assigned no such reason for the order. He said in that message that our force remained at Corpus Christi until after he had received such information from Mexico as rendered it probable, if not certain, that the Mexican government would refuse to receive our Envoy. Our army, then, was ordered to occupy the left bank of the Rio Grande, because the President apprehended that Mexico would reject our Envoy. Now, Mr. President, to show that Mexico had mustered no army on the Rio Grande with a view to the invasion of Texas, and that the President knew it when he issued the order of the 13th May, 1846, I call the attention of the Senate and the country, to Gen. Taylor's correspondence with the War Department while he remained at Corpus Christi.

In a despatch to the War Department, dated Corpus Christi, August 20th, 1845, Gen. Taylor says that—

"Occasional trader arrive occasionally from the Rio Grande, but have no news of importance. They represent that there are no regular troops on that river except at Matamoras, and do not seem to be aware of any preparations for a descent from the side of the river."

On the 6th of September, 1845, in another despatch, he says—

"I have the honor to report that a confidential agent, &c. &c. and one dressed as a Matamoras, has returned, and reports that no extraordinary preparations are going for ward there, that the garrison does not seem to have been increased, and that even on subjects of opinion there will be no declaration of war."

Again, in another despatch of September 14th, 1845, Gen. Taylor says:

"We have no news of interest from the frontier. Arista, at the last accounts, was at Mier, but without any force more so there, as yet, any concentration of troops on the river."

In a despatch under date of October 11th, 1845, he says that—

"Recent arrivals from the Rio Grande bring no news or information of a different aspect from that which I reported in my last. The same report in regard to any preparations relative to the pacific disposition of the border people on both sides of the river are confirmed."

And in another despatch under date of January 7, 1846, he says:

"We have many arrivals from Matamoras and other points on the river, but they bring no intelligence of interest. A recent scout of volunteers from San Antonio struck the river near Presidio, Rio Grande, and the commander reports every thing quiet in that quarter."

Who, Mr. President, with this evidence before him, can say that General Taylor, on the 13th of January, 1846, was ordered to the Rio Grande to meet and repel a Mexican army there collected for the invasion of Texas? On the 7th of January, only six days before the order was issued, General Taylor informed the President that every thing was quiet in that quarter. But, sir, the honorable Senator from Illinois, [Mr. DOUGLAS,] has attempted to justify the order on another ground. He says it was issued on the recommendation and at the request of General Taylor. If this were true it would be no justification for the President. The expediency of such a measure was a question for Congress to settle. General Taylor had nothing to do with it. But, Mr. President, the order was not ordered to the Rio Grande on the recommendation of General Taylor. All he said upon the subject is contained in his letter to the War Department, under date of October 4th, 1845, more than three months before he received orders to leave Corpus Christi. In that letter he says:

"It will be recollected that the instructions of June the 15th, issued by Mr Bancroft, then Secretary of War, to me, left me to decide and act upon a meeting Rio Grande, such a course as will connect with the health of the troops, and will be best adapted to repel invasion," &c.

After assigning the reasons which induced him to concentrate his force at Corpus Christi, he proceeds as follows:

"It is with great deference that I make any suggestion on topics which have become matter of delicate negotiation, but if our government in settling the question of boundary, makes the line of the Rio Grande an ultimatum I cannot help fearing settlement will be greatly facilitated and he would by occupying positions at once at one or two suitable points on or quite near that river. Our strength and state of preparation would be displayed in a manner it would be not to."

If our government had determined at all events to make the Rio Grande the western boundary of Texas, the sooner we let Mexico know it the better. This is the sum and substance of all General Taylor said upon the subject. His suggestion was based upon the ground, that the line of the Rio Grande was our ultimatum.

Mr. President, there must have been at the bottom of this movement something more than a desire to settle upon just and honorable terms the western boundary of Texas; and I will endeavor to show what it was. Our government was aware that the annexation of Texas would give offence to Mexico, and an effort was made to reconcile her to the measure. On the 19th of April, 1844, Mr. Calhoun, the Secretary of State, directed Mr. Green, our Charge d'Affaires in Mexico, to inform that government that a treaty for the annexation of Texas to the United States had been signed by the Plenipotentiaries of the two governments, and would be sent to the Senate, without delay, for its approval. In making this fact known Mr. Green was directed to give the Mexican government the strongest assurance that, in adopting the measure, we were actuated by no feeling of disrespect or indifference to the honor or dignity of Mexico; and that the step was forced upon the United States in self-defence, in consequence of the policy adopted by Great Britain in reference to the abolition of Slavery in Texas. Mr. Green was further enjoined to assure the Mexican government that it was our desire to settle all questions between the two countries which might grow out of the treaty, or any other cause, on the most liberal terms, including that of boundary. On the 23d of May Mr. Green gave the Mexican government notice of the treaty and strong assurance that the question of boundary would be settled on the most liberal terms.

On the 10th of September, 1844, Mr. Calhoun, as Secretary of State, directed Mr. Shannon, our Minister in Mexico, to renew to the Mexican government the declaration made by our Charge d'Affaires, that if annexation should be consummated the United States would be prepared to adjust all questions growing out of it, including that of boundary, on the most liberal terms.

Well, Mr. President, after having given these strong assurances to Mexico in regard to the question of boundary, we passed the resolution annexing Texas to the United States, and it was approved on the 1st of March, 1845.

On the 15th of June 1845, about three months after the passage of the resolution, and five months before Texas accepted our proposition of annexation, the President ordered General Taylor to the left bank of the Rio Grande to protect what, in the event of annexation, was to be our western border. Yes, Mr. President, before annexation was consummated, the administration, notwithstanding the strong assurances given to Mexico that the question of boundary would be settled upon the most liberal terms, had determined that the Rio Grande should be the western boundary of Texas. Was this acting in good faith towards Mexico? Was it calculated to allay her opposition and reconcile her to annexation? No, sir, it was calculated to increase her hostility to the measure, and widen the breach between the two governments.

Mr SEVIER.—The order of the 15th of June was, that Gen. Taylor should remain on the Sabine.

Mr. UPHAM.—I have it in my hand and will read it.

The acting Secretary of War, in his orders to General Taylor under date of June 15th, 1845, says:

"The point of your ultimate destination is the western frontier of Texas, where you will select and occupy such position on the Rio Grande Del Norte, such encampment with the health of the troops, will be best adapted to repel invasion, and to protect what in the event of annexation, will be our western border."

Here, sir, is the declaration of the President by his Secretary of War, in the event of annexation, that the Rio Grande will be our western border. I was therefore correct in the assertion that the administration had determined, before annexation was consummated, to force upon Mexico the boundary of the Rio Grande. And, Mr. President, if time would permit, I could show by the

correspondence of the War Department with our Military and Naval Officers in Mexico, that the Executive, after he had yielded to Great Britain 5° 40′ of territory in Oregon, to which he had declared our title "clear and unquestionable," turned his attention to Mexico with a fixed determination to wrest from her by the sword, New Mexico and Upper California. On the 3d of June, 1846, the Secretary of War in his despatch to General Kearney, says:

"It has been decided by the President to be of the greatest importance in the present war with Mexico, to take the earliest possession of Upper California. An expedition with that view, is hereby ordered, and you are destined to command it."

In a despatch to Col. Stevenson under date of September 11th, 1846, the Secretary says "the Military occupation of California is the main object in view." In another despatch to Commodore Sloat, commanding our Naval forces in the Pacific Ocean, under date of July 12th, 1846, he says:

"The object of the United States, under its rights as a belligerent nation, to possess itself, at all, of Upper California."

Commodore Sloat in his general order of July 7th, 1846, says "It is not only our duty to take California, but to preserve it afterwards as a part of the United States, at all hazards." In regard to New Mexico, General Kearny in his letter to the Department of War, under date of August 24th, 1846, says:

"On the 22d I issued a proclamation, claiming the whole of New Mexico, with its then boundaries, as a territory of the United States of America, and taking it under our protection. It is the wish and intention of the United States, Texas General protection. It is the wish and intention of the United States, Texas General protection. It is the wish and intention of the United States, Texas General

"3d. The right of the people on both sides of the Rio Grande to trade with each other unmolested, in accordance with the established usages of nations, and such regulations as may be established by the two governments."

Mr. RUSK said he had lived in Texas for fifteen years, and never heard of such agreement, and he asked when and where the paper was signed, its date, and who signed it.

Mr. UPHAM—I cannot give the date of the agreement nor the names of the persons who signed it. I have only the three first articles as I found them in the newspaper of the day.

Mr. RUSK said that no agreement was ever made with Canales, or any body, of the kind alluded to. Canales was considered there a public highway robber. He had often attempted to raise insurrection in Texas, as also did other Mexican officers, but he always kept on the other side of the Rio Grande.

Mr. UPHAM—This agreement makes up a part of the history of Texan independence, and I have never before heard its truth called in question. It has been the rounds of the newspapers, and it was read in the other end of the capital in debate last winter in presence, I presume, of the members from Texas, and not, to my knowledge, denied.

Mr. RUSK said if it was a part of the history of Texan independence, it had never reached Texas.

Mr. UPHAM—If the agreement is a forgery it ought not to prejudice the claim of Texas to territory west of the Nueces; but if it is a genuine instrument, it goes very far to show that she had abandoned all claim west of that river.

But to pass on. Gen. Taylor's account of his march from Corpus Christi to the Rio Grande shows that the country was in possession of Mexico. At the Arroyo Colorado he was met by a party of irregular cavalry (Canalizos,) who informed him that crossing the river would be considered an act of hostility; and that they had express orders to fire upon him if he attempted it. He, however, crossed the river without molestation and proceeded on his way. When within ten miles of Point Isabel he discovered a party on his right flank bearing a white flag. It turned out to be a deputation from the northern district of Tamaulipas, with a formal protest against his occupation of the country. When he approached Point Isabel the inhabitants set fire to their buildings and fled to Matamoras for protection. When he reached the Rio Grande he was summoned to withdraw his force and fall back beyond the Nueces—that is, into Texas. It was Mexican, and not Texan territory that he was desired to abandon.

Again, Mr. President, an officer in General Taylor's army, in a letter to the New York Spirit of the Times, dated Camp Opposite Matamoras, April 19th, 1846, says:

"Our flag floats in the midst of a population who look on the present occupation of their country as the actual work of the sword of the invader. We are [illegible] hours."

Another officer, in a letter to the Albany Atlas, dated at the Camp Before Matamoras, says:

"We are the people until Spaniards. The country is unmolested except those near the Rio Grande, all kept out on a petty show population, and every person we have spoken to prefers our [illegible] Mexican Government."

The testimony of these officers, sir, needs no comment. It shows beyond all doubt that the country was in the quiet and peaceable possession of Mexico when General Taylor invaded it. Mr. President, I will go farther and show that the United States have regarded and treated the left bank of the Rio Grande as Mexican territory. On the 3d of March, 1845, two days after the approval of the resolution of annexation by the President, Congress passed an act declaring—

"That a collection district, which has been created and the duties [illegible] on the Rio Grande, be extended [illegible] to Camargo in Mexico, on [illegible] in New Mexico."

Here, sir, is a positive law of Congress, from which there is no escaping, touching Santa Fe in New Mexico—regulating commerce with her as with other foreign nations, and granting the principle of drawback. Santa Fe, it should be remembered, is on the east bank of the Rio Grande. But this, sir, is not the only instance in which the United States have treated the left bank of the Rio Grande as Mexican territory. Our military chiefs, under instructions from the President of the United States, have established a territorial government over the Santa Fe country, thereby recognizing it as Mexican territory. No Senator, I presume, will contend that a territorial government can be established within the jurisdiction of one of the sovereign States of this Union. Now, Mr. President, how are these facts met and answered by Senators on the other side of the chamber? The honorable Senator from Illinois, [Mr. DOUGLAS,] made an able speech the other day to prove the right of Texas to the left bank of the Rio Grande; but, in my judgment, he failed to establish the fact. He contended that Texas never rebelled against the constituted authorities of Mexico; but that a few military leaders, with Santa Anna at their head, conspired and rebelled against the republic of Mexico—seized the reins of government—abolished the federal constitution and state governments, and established a military despotism in their stead;—that Santa Anna reduced to submission all that portion of the republic of Mexico which lies to the south and west of the Rio Grande;—that the people on this side of the Rio Grande took up arms and confined the power of the revolutionary government to the right bank of that river.

Now, sir, suppose all this to be true. How does it prove the right of Texas to the State of Tamaulipas, or any Mexican State on this side of the Rio Grande? If the revolution was confined to the right bank of the Rio Grande, the Mexican States on this side of the river retained their separate existence and original boundaries. But, Mr. President, Santa Anna, it is said, while a prisoner of war in Texas, made a treaty with that government establishing the Rio Grande, from its mouth to its source, as the southwestern boundary of Texas.

Santa Anna made no treaty with Texas while a prisoner of war, or at any other time. On the 12th of May, 1836, while a prisoner of war in Texas, he entered into articles of agreement with Texas by which he bound himself to use his influence with his government to procure a treaty acknowledging the independence of Texas and establishing the Rio Grande as her southwestern boundary. His government, however, repudiated the agreement and refused to make any terms whatever with Texas. In December after this agreement, the Texan Congress passed an act declaring the Rio Grande, from its mouth to its source, to be her western boundary, and that, it is claimed, gave her a right to the country. This act of Congress, sir, gave Texas no right whatever to one foot of territory beyond her ancient limits that she had not conquered from Mexico and subjected to her jurisdiction and laws.

This question was largely discussed in this chamber when the treaty of annexation was before us in 1844, Judge Woodbury, then a Senator from New Hampshire, and now one of the Judges of the Supreme Court of the United States, in his speech in favor of the ratification of the treaty, said:

"Texas, by a mere law, could acquire no title but what she conquered from Mexico and actually occupied. Hence, though by law no limit was fixed to the claim of Texas, she could hold and convey only what, at or to the utmost, was what she acquired and got into possession."

The honorable Senator from Missouri, [Mr. BENTON,] in the course of his able speech against the treaty, introduced the following resolution:

"*Resolved*, That the incorporation of the left bank of the Rio del Norte (Rio Grande, onto the American Union, by virtue of a treaty with Texas, commencing the Sabine, and running with that stream to the Gulf, and thence westwardly to the Nueces, to Chihuahua, Coahuila and Tamaulipas, would be an act of direct aggression upon Mexico, for which no cause or pretext could be found in the United States."

The Hon. SILAS WRIGHT, then a member of the Senate, but since deceased, in a speech delivered at Watertown, New York, just after he had voted against the treaty, said:

"I felt it my duty to vote against the last section of the treaty for the annexation of Texas. I believed that the treaty, from the boundaries that must be implied from it, embraced a country to which Texas had no claim, never asked, he had never exerted jurisdiction, and which she held no right to cede."

The claim of Texas to the left bank of the Rio Grande derived no strength whatever from her act of Congress. If she had no title before, she had none afterwards. "I wash my hands," said Col. BENTON,

"Of all the attempts to dismember the Mexican Republic, by severing her dominions in New Mexico, Chihuahua, Coahuila and Tamaulipas. The treaty, in all that relates to the boundary of the Rio Grande, is an act of unparalled outrage on Mexico. It is the seizure of two thousand miles of her territory without a word of explanation with her, and by virtue of a treaty with Texas to which she is no party."

After full discussion, the treaty, as I have before said, was rejected by a vote of 35 nays, to 16 yeas.

Mr. President, I have already trespassed too long upon the patience of the Senate, and I will bring my remarks to a close. The career of conquest upon which we have entered, is full of danger and peril to the country. It may bring under our dominion foreign states and provinces, but it will bring with them an ignorant, degraded population, wholly unprepared for the enjoyment of our free and liberal institutions. With the extension of our territorial limits will come an increase of armies and navies, and the building up of a great military power, never contemplated by the framers of the constitution. An increase of Executive patronage will follow, and an ambitious President, selected from the successful commanders of the army, may trample the constitution under foot, and subject the people to the despotism of military rule. If they appeal to the constitution and laws for protection, they will be answered in the language of Cæsar to Metellus—"tit at arms and laws never flourish at the same time." Mr. President, I call on the student of history, and ye have many in this chamber, to point me to a nation, either ancient or modern, that has by its wars of conquest, acquired any enduring glory, or confered any lasting benefits upon its people.

Did Greece gain any enduring fame by the wars of conquest in which she engaged? No, sir, Grecian liberties perished at Chæronea more than two thousand years ago. Rome carried her victorious arms into neighboring provinces, and subjected them to her dominion, but she could not save her republic. Roman liberties were cloven down by Roman armies on the battle field of Philippi more than thirty years before the Christian era.

What has France gained by the wars of invasion and conquest in which she has been engaged? She dethroned kings and established her power in the countries around her. She drenched the continent in blood, in her wars of conquest. And what is her condition now?

She is confined to her ancient limits, and quietly reposing under the reign of her legitimate sovereign. What has Russia gained by her conquest of the Caucassian country? Nothing, sir; she received the submission of the people in 1796, and from that day to this, she has been compelled to keep in the field an army of twenty thousand men to defend and protect it. Mr. President, aggressive war is no part of our mission—we can gain no enduring glory by the conquest of foreign states and provinces. The victories that redound most to our honor are achieved in the workshops and counting houses of the country. We have a broad domain with every variety of soil and climate, and by industry, enterprise, and energy, we can command all the comforts and luxuries of life, and secure for our country the admiration of the world.

Mr. RUSK indicated his intention of addressing the Senate upon the bill to-morrow; and

On motion,

The Senate adjourned.

WEDNESDAY, FEBRUARY 16, 1848.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

To the Senate of the United States:

I communicate herewith a report of the Secretary of War, together with the accompanying report of the Adjutant General, in answer to the resolution of the Senate of the 5th instant, calling for information in regard to the order or law by virtue of which certain words "in relation to the promotion of Cadets have been inserted in the Army Register of the United States, page 45, in the year 1845."

JAMES K. POLK.

WASHINGTON, Feb. 15, 1848.

The message having been read—

On motion by Mr. BENTON, it was

Ordered, That it lie on the table, and be printed.

REPORT FROM THE POST OFFICE DEPARTMENT.

The VICE PRESIDENT laid before the Senate a report of the Postmaster General, made in compliance with a resolution of the Senate, in relation to the causes of the repeated failures of the mail to, and from, New Orleans.

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That it be referred to the Committee on the Post Office and Post Roads, and be printed.

SIGNING OF BILLS.

The VICE PRESIDENT signed the following enrolled bills:

An act to provide additional quarters near to New Orleans for United States' soldiers and volunteers returned from, or going to, the seat of war in Mexico.

An act to authorize the issuing of a register or enrollment to the schooner Robert Henry.

PETITIONS.

Mr. DIX, in presenting the memorial of the Chamber of Commerce of the city of New York, praying for a return of duties on merchandize destroyed by fire in that city, in July, 1845, said: the memorial stated that by the conflagration referred to, buildings and merchandize to the value of about six millions of dollars had been consumed; that the duties on the merchandize was estimated to exceed six hundred thousand dollars, of which about four hundred thousand dollars were on unbroken packages. It also appeared that many of the merchants on whom these losses fell, immediately ordered fresh importations to supply the place of the merchandize destroyed: so that they had, in fact, paid double duties. Under these circumstances, they prayed that the duties on the merchandize destroyed might be refunded; and he would move to refer the memorial to the Committee on Finance.

The reference to the Committee on Finance was ordered.

Mr. BRADBURY presented a petition of citizens of Monroe, Maine, praying the establishment of a mail route from Augusta to Bangor, in that State; which was referred to the Committee on the Post Office and Post Roads.

Also, the petition of Amaziah Goodwin, a pensioner of the United States, praying an increase of pension; which was referred to the Committee on Pensions.

Mr. HANNEGAN presented a petition of citizens of Indiana, praying the establishment of a mail route from Jasper to Troy, in that State; which was referred to the Committee on the Post Office and Post Roads.

ADDITIONAL CADETS.

Mr. DOWNS submitted the following resolution, which was considered, by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of providing by law for the appointment, by the President, of ten or more additional cadets at large, in the Military Academy at West Point, and to report by bill or otherwise.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk.

MR. PRESIDENT: The President of the United States has notified the House of Representatives, that he approved and signed, on the 15th inst., the following acts:

An act to authorize the issue of a register to the barque Wilhamet.

An act to confirm the boundary line between Missouri and Arkansas.

An act for the relief of Joseph and Lindley Ward.

SURVEY OF THE MOUTH OF RED RIVER.

Mr. DOWNS, from the Committee on Commerce, to whom was referred the bill to provide for a survey of the mouth of Red river, in the State of Louisiana, reported it without amendment.

LAND OFFICE IN FLORIDA.

Mr. ASHLEY, from the Committee on Public Lands, to whom was referred sundry petitions of citizens of Florida on the subject, reported a bill in relation to the location of the land office, in the Alachua Land District, in Florida, which was read and passed to the second reading.

APPELLATE JURISDICTION.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the bill supplementary to the act entitled "An act to regulate the exercise of the appellate jurisdiction of the Supreme Court, in certain cases," and for other purposes, with the amendment of the House of Representatives thereto, reported in favor of concurring in the amendment.

The Senate proceeded to consider the said amendment: and it was

Resolved, That they concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

AMENDMENT OF THE JUDICIAL SYSTEM.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the bill from the House of Representatives to amend an act entitled "An act in amendment of the acts respecting the judicial system of the United States," reported it without amendment.

THANKS TO GENERAL SCOTT.

The Senate proceeded to consider the joint resolution from the House of Representatives, expressive of the thanks of Congress to Major General Winfield Scott, and the troops under his command, for their distinguished gallantry and good conduct in the campaign of 1847.

Ordered, That it be passed to a third reading.

The said resolution was read a third time.

On the question, "Shall this resolution pass?" the yeas and nays had been demaded at a former day by Mr. HALE; and, being ordered, were taken, and it was decided in the affirmative, as follows:

YEAS.—Messrs. Allen, Ashley, Atchison, Badger, Bagby, Benton, Berrien, Bradbury, Bright, Butler, Calhoun, Cass, Clayton, Corwin, Crittenden, Davis, of Mass., Davis, of Mississippi, Dayton, Dickinson, Dix, Dowas, Felch, Foote, Hannegan, Houston, Hunter, Johnson, of Md., Johnson, of La., Johnson, of Ga., Lewis, Mangum, Mason, Miller, Moor, Niles, Rusk, Sevier, Spruance, Sturgeon, Turney, Upham, Westcott, Yulee—42.

NAYS.—Mr. Hale.—1.

THANKS TO GENERAL TAYLOR.

The Senate proceeded to consider, as in Committee of the Whole, the joint resolutions from the House of Representatives of thanks to Major General Taylor.

Mr. CRITTENDEN.—I rise to inquire whether the resolution is now in a state to admit of amendment. I feel quite strongly that some little modification of the language of the resolution will be an improvement of it. When before the Military Committee some exception was taken to the form of the resolution; but I am one who is not at all scrupulous about the language used on such occasions, when compliment is intended, and so rather than disturb the resolution, we thought it best to report it back to the Senate just as it was sent to us. But upon reconsideration of the matter, I think it proper to move to amend the resolution by striking out the words "indomitable," and "thereby obtaining a victory over the enemy, which, for its signal and brilliant character, is unsurpassed in the military annals of the world."

Mr. DAVIS, of Massachusetts, called for a reading of the resolution as proposed to be amended.

The resolution as amended was then read, and the amendment was agreed to.

Mr. CRITTENDEN.—I have suggested the amendment which has been just adopted, not from any disposition, of course, at all to stint or diminish the honors to which I think General Taylor and the troops under his command are entitled for the victory of Buena Vista; but because I think that the language to which the resolution is now reduced, expresses in the simplest form and with unquestionable truth, what may be said in reference to that great commander and his army in that achievement. His own character is of that simple cast, sir, which naturally seems to

prompt the use of a language congenial to that simplicity in everything that is said of him. When he and the battle of Buena Vista are spoken of, no pompous, gaudy [illegible] clothed. Each stand out before the world in character [illegible] and most kind, in a language that cannot be surpassed in any phraseology which we, sir, may employ.

I am sorry that there is one single negative in this body to giving thanks to our armies for the victories they have won in its service. It is known to you, sir, that I am not amongst those who have approved of this war in its origin and its progress; but I make a distinction between those who might, as I think, have guided public affairs more wisely and with better results, and those whose duty it was to obey our orders and conform themselves to our decrees. Is it possible that any gentleman can desire that the officers of our army shall set in council to revise our acts and determine upon the question of the morality of their obedience to our orders? Your rules and articles of war forbid the possibility of it. Any convocation of military men in camp for the purpose of deliberating upon political questions and deciding them, in prohibited under the severest pains and penalties; and, sir, we would not hear their appeal, no matter how respectful the form in which it might be addressed to us, on any political question. They are our executive officers, and their duty is obedience. Yet, if I understand the objection made here, it is to the effect that they share in the responsibility of our decision; and, although bound by their oaths to obedience—bound by their office to obedience—bound by their office not to interfere with politics, or intermeddle with our decisions, but to obey and execute them, that they are to be responsible for our decrees, and their conduct is not to be measured by the skill and fidelity with which they execute these decrees there is this sort of cavilling—this morality, if you please so to name it—to lead us? A sheriff may next set himself up to consider the judgment which the court has rendered, and to take into scrupulous consideration how far he can consistently execute the process put into his hands under that judgment! Sir, he has as much right to consider, when the execution is put into his hands, the morality and justice of that judgment, as Generals Scott and Taylor, or any of their officers or men, had to consider the justice and propriety of this war. The law and the constitution have marked out definite duties for them to perform, and their merit consists in their faithful and punctual discharge of these duties, and nothing else; and they deserve credit or discredit exactly in proportion to the constancy, courage, and firmness with which they do discharge their executive duties. I can see no end to the mischiefs to result from the doctrine of the gentleman from New Hampshire. According to this doctrine an officer is not only to consider how best he may execute the duty imposed upon him in executing our laws, but he is to sit in counsel and judgment, reviewing our acts of Congress, and determining for himself what to do, and acting accordingly. Will not the honorable Senator from New Hampshire allow your generals and officers to convene together, and mayhap to divide themselves, generals and colonels into one house, like your Senate; and corporals and privates into another, a House of Commons, there to take into consideration the questions of war and peace, and decide as they may think justice and morality require? Will the gentleman allow them to decide for war when we are in favor of peace, or for peace when we are in favor of war? What does the gentleman think of that? If his doctrine be admitted it will be followed by all its consequences, not merely in those to which the gentleman would confine it. The army may as well overrule our decision in favor of peace as that in favor of war. Sir, this is nothing but a spirit of mutiny. There is neither patriotism nor morality in this doctrine; neither in its foundation nor its results. It is a mutiny against morality—a mutiny against all discipline—a mutiny against all government. There must be a head to legislate and direct, an I a body to execute. It is in the Congress of the United States to decide, and it is in the army to obey; and to that honorable duty I am disposed strictly to limit and confine the army. I am wholly opposed to allowing the army to meddle with politics. Your army will be very ready and some of its officers will be very ready to take your places in the work of legislation, and not only to hold the sword in one hand, but to make laws with the other. It is to that, sir, that the doctrine of the gentleman leads; for the moment that you require of your generals to consider and entertain the morality, according to their notions of orders given them, you must, from that moment, leave them at liberty to decide for or against you; and if General Taylor be authorized to consider the morality of this question of peace or war, and to lay down his sword if he pleases, every officer of the army, and every enlisted soldier, has the same right to do so. Can you distinguish between one and the other? No, sir, you cannot. And what sort of a government would you have in that case! It would be the mockery of the world. Yet that is the result to which this refined and original system of ethics would conduct you. Yet that is the pious and extravagant sort of morality, by the aid of whose inflation some minds seem to have ascended above the ordinary and sublunary concerns of mankind, and all those plain rules of government and morality which have regulated the course of human society. These philosophers soar far above all that, and entering the ethereal regions, seem engaged in the search for some celestial sort of guide for their government on earth! I do not say that the gentleman before me goes to that extent of extravagance. He is one for whose talents and ability I entertain all proper respect; but, sir, is not the doctrine for which he contends likely to lead others, with less competency and less discretion to circumscribe its tendencies, into all these excesses? Can any thing but misrule and disorder and extravagance be the consequence? And how much less deluded is such a politician than one of those Millerites who, arraying himself in what he calls his "ascension robes," climbs up a tree in order that he may have a fair flight to heaven! It seems to me to be a political delusion of the same character, scarcely less extravagant, and certainly much more injurious to mankind.

Now, sir, if ever military men deserved credit for the skill and courage and fidelity with which they executed orders, Taylor and Scott are the men who have earned it; and does it now become us, after having made the way, or any of us, after the war has been made by the country, by its constituted authorities—does it become us to set ourselves in the chair of morality and give a sort of professional lecture, teaching our officers and soldiers a lesson of disobedience and mutiny—teaching them that they should receive our decision, reverse it, and breaking their swords, return home breathing out denunciations against their country, for the injustice and immorality of its legislation? Surely not. I know that the objection is urged only against giving thanks, but that amounts to censure. Will you not give them any credit? They have won battles. Many of them have shed their blood—their life's blood. Why are they not to have thanks? In another case, the objector admits, thanks would be properly accorded, but in this case, he denies that they could be justly given. Does not the very ground on which the objection to the honor contemplated to be given to them rests, imply that they have not done their duty so well as they might have done it by not gaining these victories? Can the gentleman, or anybody else here, draw a valid distinction? Suppose they had been defeated in these battles—suppose General Taylor had been vanquished at Buena Vista, would the gentleman then have offered his thanks? He will not thank him for the victory; would he have thanked him for suffering defeat? Suppose the soldiers had refused to obey the orders of General Taylor, saying "We have considered the matter and do not think that this is a just war—we think it has been carried far enough—it ought to have stopped at Monterey?"—would these men, in the estimation of the gentleman, have merited our thanks?

Sir, the evils into which the consequences of this doctrine, if adopted, would lead us, are endless and nameless. I can only say of the doctrine, that it is full of mischief. These men have sustained the honor of their country—they have gained illustrious and distinguished victories against those whom you have declared to be enemies, and against whom you have sent them to fight. It is for that I give them thanks; it is for that the Senate and the country have given their thanks; and I do hope—I can hardly hope—I was about to express the hope—that this resolution may be allowed to pass without a single dissenting voice. The honorable Senator from New Hampshire has already achieved the solitary glory of standing alone. I can myself make no distinction between Taylor and Scott, or their respective armies in regard to these victories; but I cannot but hope that when a gentleman of so much talent and ability as the honorable Senator from New Hampshire shall reconsider more calmly and cooly the opinions under which he has acted, and advocated so eloquently here, he will be disposed to think that it is better to go on in the plain common way in which mankind have gone, and that the reason of mankind has approved for so many years, than strike out into any of these new and devious paths, into which extravagant and over-refined notions of morality may lead.

Mr. HALE.—So pointed allusion has been made to the position which I occupy that it seems due to myself and to the Senate that I should say one word in vindication of the course which I have taken. This is the second occasion on the floor of the Senate, within a few days, on which I have been either complimented or reproached—I can hardly say which—for standing alone. That was the very mission upon which I came. I came here to stand alone, so long as that policy which the government was pursuing was persisted in; and I shall continue to stand alone until different sentiments prevail in this body, or a revolution in public sentiment shall send different representatives upon this floor. That is my position, then, and whether it is an honor or reproach, others may say. It is not for me to say whether it is honorable or dishonorable.

The honorable Senator from Kentucky seems to think that my course, if persisted in, would open Pandora's box and let loose and rampant all manner of evil upon society in the United States. What is the course which I adopted? Has a syllable against the character of either of those officers escaped my lips? Certainly not—not a syllable. When the subject came up, I said that I could not consistently with the convictions which I entertained, record any vote in favor of thanks to those officers. Sir, I may be a fanatic or a Millerite; but I will not be a hypocrite. I will not thank officers for the agency which they have had in producing results which I loathe. No, sir. Whilst disapproving of the whole affair, I confess that I have not discrimination enough—I have not sufficient skill in splitting hairs—to enable me without uneasiness to denounce the war as a war of robbery, as unconstitutional and unjust, as begun by the President, and at the same time thank the agents who have been engaged in carrying out this unjust and unconstitutional war. My fanaticism does not enable me to make such subtle distinctions as that; and all that I said, when I addressed the Senate for a few moments on that day, was that I proposed to vindicate the propriety of my conduct by a reference to history, showing that on a similar occasion, a precedent had been furnished, which

I thought I might safely follow. That precedent was presented in the conduct of those who stood upon the side of justice, truth, liberty and humanity, in the British Parliament, when the gigantic power of that empire was exerted to crush the spirit of liberty here then struggling for existence. Chatham, Fox, Wilkes, Barry, and a host of learned dead then stood up, and with manly and truthful eloquence, denounced the arbitrary acts of power directed against the friends of freedom in this country; and what would we have thought of their sincerity and honesty—what sentence would the moral sense of the world have pronounced upon them, if after they had thus denounced the administration and the war, they had gone to the footstool of power, and bowed down and thanked the agents that had been the tools of this tyranny and oppression? Had those illustrious friends of liberty thus acted at that day, I think, sir, their fame would have appeared in a very different light upon the pages of history. But the honorable Senator has said, that in the course which I have taken, there is neither patriotism nor morality. I beg leave to tell him it is a difference of opinion, merely. Morality is a pretty general term, and may cover a great many transactions about which there is difference of opinion; on that there can certainly be no issue as it is a mere question of opinion.

I ask if the doctrines promulgated by the honorable Senator from Kentucky, are not those which should receive the unqualified condemnation of the American Senate, and the American people? What are they? They amount simply to this—that your army is a great machine—a tool, without heart, without head, without reflection—nothing but one great piece of animal mechanism—that the President, standing at the head of the administration, has but to give the word and it operates as he chooses; and that the thanks of the American people are due to that army, irrespective of any considerations connected with the character of the duty which is assigned to it to perform. Suppose your President sends the army to this Senate to enact over the scenes which occurred in England, when Cromwell dissolved the Parliament, telling them that the kingdom of Christ had come and he had no need of such an assembly, would it then be your duty to give thanks to the army, because it had obeyed the bidding of its master? Let me tell the honorable Senator that my reading of history has taught me that there is great danger to be apprehended to any republic from the overshadowing influence of this military fame, which this Senate is about to bolster up by this vote of thanks. Has he forgotten the history of that period of the Roman republic when they elected their emperor in the camp and then came to the Senate for its ratification? What are the American people about to do?—The camp has already elected your emperor—your next President. The decree has not yet been registered, but the thing is done. There, I think, lies the danger. We have, it is true, many aspirants for public favor, but the camp has already made the selection. The forms of the constitution may be preserved this time, but no man knows how much longer they will be retained. But whether that day may be more or less remote than many of us may imagine, when the camp comes here to ask the American Senate to ratify its deed, they never shall have my thanks for any agency in transactions which my judgment condemns. I do not say one word, because it is foreign to my purpose, in regard to the character of those officers. I do not question their skill, their bravery, their judgment. I have not a word to say against them—I have not a single hostile feeling to them in my heart. Regarding them, however, as the agents in transactions of which I wholly disapprove, I cannot thank them, because I cannot separate their instrumentality from the work in which they have been engaged.

Mr. FOOTE.—I was not in my place the other day, when the discussion of these resolutions was in progress, but if I had been, I should have regarded it as unpardonable had I not said something in reference to the sentiments which have formed the subject of the indignant comments of the honorable Senator from Kentucky. I am not surprised at the course pursued by the Senator from New Hampshire, nor can any one who heard his language to-day, be surprised. The whole secret of his opposition to the vote of thanks has at last discovered itself. He is afraid that the army may elect a President. He is afraid that the military excitement of the time may be so potent as to thrust some individual into the Presidency who acquired glory in this war; and in consequence of which, that a certain distinguished Senator from New Hampshire nominated for that very office, and who has accepted the nomination, might be excluded. It would be quite improper, then, to blame the Senator from New Hampshire for the course which he has adopted on this occasion. The Senator is quite right. He is acting upon the principle of enlightened selfishness. The whole country will do justice to his motives, and he will descend to posterity as the most magnanimous statesman of modern times! I am happy indeed to hear the magnanimous declaration which escaped the lips of the Senator from Kentucky—I will not say escaped by accident, for it was evident that it was the language of his feelings and his understanding—the same language which is expressed by the intelligence and patriotism of the people in all parts of the Union, whatever faction may have said, in all the accursed forms in which faction has arrayed itself before the country. The Senator from Kentucky has taken the ground boldly that this is a national war—the war of the country—a war made by Congress and sanctioned in all the forms known to the constitution, and that therefore every patriot in the land is bound to sustain it, especially those who are employed in arms for the national defence. It is no Presidential war, then, as some have asserted. It is no war gotten up for unholy and corrupt purposes. It is no unconstitutional war, as some have argued, but it is a war declared by Congress, having every sanction that national legislation can give; a war which every patriot must sustain in its vigorous prosecution up to a glorious termination, and which none but traitors any where can oppose. I speak, of course, within due bounds. I allude not to the course of any Senator. I speak but the language of history when I say, that in no age since civilization began, has there been any name for any man who opposed his country either in thought, word, or deed, when in arms for her own defence, except traitor. That is the name by which the Senator would be known if he dared to act out the sentiments of his heart as manifested in the language which he has uttered to-day. The punishment of treason, in all countries, is death; and he who would act out these sentiments would incur that as his due reward. I doubt whether, in some parts of the country, the process of law would be waited for; and even in some districts of New England, I am inclined to think that a coat of tar and feathers, or, perhaps, a severer infliction of Lynch law would be administered. I am tired and sick of this. I have been sufficiently wearied with it at home, when reading newspaper accounts. I have been nauseated with it here. The whole country is indignant; there is but one voice on the subject, except the small voice that is uttered by an unprincipled faction in New England. I say an "unprincipled faction," because it is a party gotten up for the purpose of bloodshed, delusion and injustice—a party that cries "peace, peace," when the national honor is involved, and the country is armed in its defence—a party that cries out, "let us not shed the blood of the poor Mexicans—they have suffered enough injustice at our hands; let us make indemnity for the wrongs which we have perpetrated upon them!"

I should have been very much astonished if a different course had been adopted by the Senator from New Hampshire. I am not a very diligent reader of abolition newspapers, but looking over one or two lately, I perceived that a person named Garrison had been indulging in denunciations of the Senator from New Hampshire, because in a speech which he had made on this floor, he had expressed some regret at being compelled to assume the character of an Ishmaelite in this body; which by the by was not exactly the fact till now, for though it is true that his hands were against every man, yet nobody noticed him. However, for that declaration, and for the expression of the hope that nothing he had said would be regarded as offensive, the Senator from New Hampshire had been taken to task by Lloyd Garrison, who had denounced him as not being a Liberty man; that he was not worthy of the presidency; and had asserted that his name ought to be stricken from the Liberty ticket. Well, the Senator from New Hampshire having of course domestic business which called him to New England, had gone thither and indulged himself in several gusty harangues in order to retrieve his character, and revive his claims to the Presidency. His course there entirely conciliated the whole abolition party of New England, and with such motives to energetic action, I am not at all surprised that the Senator has returned filled with new zeal and increased animosity against this war; and that he should have made those rhetorical flourishes in which he has so freely displayed himself on this occasion. I should have been very much surprised if he had pursued any other course.

I will not detain the Senate long; but for the purpose of showing that the Senator is a politic, judicious man, and that though not at all ambitious, he may perhaps twenty years hence, making capital so rapidly as he does on this great question, stand a good chance for the Presidency, and using the most efficient means to improve his ultimate popularity. I will call attention to a few passages in a pamphlet which I have seen for the first time this morning. It was sent to me by a gentleman who informs me that it is in extensive circulation in New England, and is producing an extraordinary effect. It seems that it is circulated by another party, who are ambitious of obtaining the Liberty men as allies. I speak by the book when I say that a distinguished Senator from New England, (Mr. WEBSTER,) not now in his seat, did in a place not far from Faneuil Hall some months ago, openly recognize the abolitionists as political brethren, and beseeched them most affectionately to unite with the whig party. I consider, then, that the whig party of New England and the faction controlled by the Senator from New Hampshire, stand on the same platform. Probably no reply will be attempted to what I say. It may be that I will not be deemed worthy of notice by the distinguished Senator over the way, but that will not prevent me from noticing him—courteously and patriotically, I trust—and in such manner as I may think that notice at my hands is demanded. Humble as my abilities may be, I recognize no superior here, so far as the State, which I have in part the honor to represent, is concerned. I am not at all surprised that New England should be visited with this pamphlet at this time, because the distinguished Senator from New England, first in Richmond, in commencing his famous southern tour, undertook to call this war in question, and afterwards when he got back to New England held the same language, and asserted that it had been the settled judgment of all nations that the injustice of the war most materially tarnished the lustre of our arms. Has that been explained? Can it be explained or vindicated? It means what the Senator from New Hampshire has more boldly said, using plainer and more explicit language, but language not more unpatriotic than that to which I have just referred—language which will not be less fiercely condemned by posterity than that uttered on the occasion to which I have alluded, by one of the most celebrated men of the whig party, whose influence has spread itself abroad through all lands, and has a most controll-

ing effect in Mexico at the present time, against his own country. The same sentiment has been again and again expressed by the organ of the whigs in this city—the National Intelligencer. Every whig paper in the country, with a few exceptions, has resolved it: and we all recollect the expression in a certain speech delivered here—to which I allude in no spirit of unkindness—that if the speaker had been a Mexican as he was an American he would have welcomed our armies with bloody hands and hospitable graves. Act that speech was published with their editorial sanction in almost every whig paper in the country. When on my way hither last winter, I saw in Louisville a whig paper, the organ of the party in that city, the Louisville Journal, which eulogized and commended the speech in the warmest and most exalted terms of encomium. Whilst then there are many men in that party—a glorious band, of whom I am glad to recognize the distinguished Senator from Kentucky as the leader, who do respond to the sentiments which he has expressed this morning—patriots in heart and in deed, recognizing the noble sentiment of Roman heroic times, that it is a sweet and glorious thing to die for one's country; whilst a great number of the members of the whig party entertain such sentiments, there are many others who openly, or in their hearts, cherish sentiments similar to those I have described, which they would dare to act out, if the majority of the people would sanction them. Here, then, is the pamphlet written by a member of the party of which the Senator from New Hampshire is the exponent here. It is said that

"A rose by any other name would smell as sweet."

By what name shall I designate the party of which the gentleman from New Hampshire is the representative? Is it the abolition or liberty party? However this may be, it is on the shoulders of that party that he expects to be foisted into the White House. Oh! may Heaven preserve my country from such a calamity as that! I say it with no intention to insult the Senator, but because he holds principles which, if carried out, would make this republic more infamous in the pages of history than any nation that has ever existed. The pamphlet is entitled "Dick Crowningshield, the Assassin, and Zachary Taylor, the Soldier: the difference between them—by Henry C. Wright." It is now circulating in New England under whig sanction, and is written by a member of the liberty party.

Mr. HALE.—Does the gentleman mean to say that the author of that pamphlet is a member of the liberty party?

Mr. FOOTE.—So I understand.

Mr. HALE.—That individual's career in England and this country is well known. He denies the right of all human government whatever, and there is no party which he denounces with more severity and opprobium than the liberty party. The honorable Senator from Mississippi is, therefore, mistaken in supposing that he is a member of that party. It is not so. The honorable Senator asks to what party I belong, and the name of that party. I can tell him in a moment the origin of the movement which has made my name somewhat notorious in New Hampshire in regard to the position which I took about four years since. I was then a member of the House of Representatives from the State of New Hampshire. At that time the project of annexation was mooted in the House, and the Richmond Enquirer, then edited by the present editor of the Union, declared that any one expecting any thing from the administration, must not go against that measure. I did not expect any thing from the administration, but I opposed the measure, and in a letter to my constituents I announced my intention to vote against it, assigning the reasons which influenced me in the determination. Thereupon the progressive democracy of New Hampshire came together and denounced me, and an issue was at once made in that State upon the question. That is the origin of the movement, and the Senator is at liberty to give it any name which will best suit his classification. But he is entirely mistaken as regards Mr. Wright, who is no more a member of the liberty party than that Senator is, and probably looks on it with as much loathing as he does.

Mr. FOOTE.—I am very glad to hear that he does. However, the pamphlet has been circulated by the Whigs of New England. The author may then be a Whig.

Mr. HALE.—As I stand alone I have only to take care of myself. The Whigs can take care of themselves.

Mr. FOOTE.—Well, I do not understand the author to be strictly in correspondence with the Senator from New Hampshire, or that they are inhabitants of the same town or county. Indeed, people change their politics so readily now-a-days, that it would be a little unsafe, perhaps, for the Senator to undertake to say what are the present political principles of Mr. Wright, with whom he is ashamed to bear any connection.

Mr. HALE.—No, I am not.

Mr. FOOTE.—Well, then he is the particular friend of the Senator from New Hampshire, and of one thing, I am certain, that in my State such a pamphlet could not be allowed to circulate amongst the whigs for a day. Such language as I am about to read could not be uttered in the State in which I have the honor to reside without hazard of life; nor could it, in my opinion, any where, where a high state of patriotism exists. Well, I will read a few delicious extracts from this pamphlet, and I hope that if it be not a whig document, gentlemen will stop its circulation. The gentleman denies that it is a Liberty document. Who has had it circulated I am not prepared to say, but I think that it is perhaps intended to promote the Senator's claims and those of whig Presidential aspirants generally, always excepting General Taylor.

DICK CROWNINGSHIELD—HIS EMPLOYER—HIS BUSINESS.

Joseph White lived in Salem. He was old and rich. Jacob Knapp lived in the same town. The wretch Knapp was deeply and expectedly interested in the death of Joseph White was considered by them as opposed to their interests. They wanted to destroy it. They called on Dick Crowningshield, a young man living in Salem, who had made himself an infamous character as Wm. Penn Mackay, Avalanche, and other infamous, in substance:—

"Will you enlist against enemy?"

Dick—"What to do?"

Knapp—"We wish to kill Joseph White."

Dick—"Shall hate, he owe you any money?"

Knapp—"No, but I think he would get out of the possession of property which we expect to inherit. We have no resources but to kill him."

Dick—"Shall get in trouble of office getting [illegible] out?"

Knapp—"We know better. Lately [illegible] and we wish to get rid of him?"

Dick—"But would it be right to kill him?"

Knapp—"Can't commit no trouble against him. We will be responsible for the right or wrong of the case. If you enlist, then it you have nothing to do with that question."

Dick—"But suppose I think it murder."

Knapp—"That your conscience [illegible]. If you enlist in our service, we wish you to [illegible] and never [illegible] you [illegible] murder."

Dick—"Where is [illegible]?"

Knapp—"Somewhere [illegible]. We do not wish to kill him for his good, but solely for our own."

Dick—"So, then, I am to enter into the service of you into your service, to kill a man [illegible] you [illegible] your family?"

Knapp—"That's [illegible]. Will you enter?"

Dick—"What shall I get for doing the deed?"

Knapp—"One thousand dollars."

Dick—"Do you wish me to enlist [illegible]?"

Knapp—"Well, we [illegible] you [illegible] and we will discharge you from our service as soon as the deed is done."

Dick—"Well, I am to enter into your service to kill a man to kill one, and have [illegible] for doing the deed. But I am to enter into your service to kill *thousands* at their bidding and for their benefit. So, I am at your service, and will execute your pleasure upon Joseph White."

They then handed their money to Dick, with a nod and bludgeon. At midnight, he entered the back window with a dark lantern, crept up the front stairs, and entered the sleeping chamber of Joseph White. He was asleep. Dick struck him on his head with a club; then turned down the clothes and stabbed him thirteen times in the region of his heart; then covered him up, left the house, hid the bludgeon under the door-steps of a church, and melled the dagger. Dick and the Knapps were taken up and imprisoned. While awaiting their trial Dick hung himself. The Knapps were tried, condemned and hung.

What would you call Dick Crowningshield? A HIRED ASSASSIN, is the answer, and all will insist that this is the only phrase in the English language that can truly designate his fearful and position. What would you call the Knapps? The main guilt and prime movers in the deed. THE EMPLOYERS OF A HIRED ASSASSIN. The relation between Crowningshield and the Knapps was that of a hired Assassin to his employers. The community would not endure the presence of the employers or the employed among them, and they put them all to death.

ZACHARY TAYLOR—HIS EMPLOYERS—HIS BUSINESS.

There is a town in Mexico called Monterey. It contains say 20,000 inhabitants, more or less. They never injured the people of the United States, even in thought. Yet they even have supposed that the possession and use of gold and of sugar-cane. They wish to destroy the town of Monterey. So, those who compose the United States, through their agents, the recruiting officers, go forth to enlist men into their service. They meet Zachary Taylor, and ask him, in substance:—

"Will you enlist into our service?"

Zachary—"What do you want me to do?"

People.—"We wish you to kill the people of Monterey."

Zachary—"What have they done?"

People.—"O, nothing, only their existence is opposed to our interests."

Zach—"They are, then, innocent of all evil intentions and actions towards you?"

People—"Yes, they never injured us, and never intended to injure us."

Zach.—"Why then do you ask me to kill them?"

People.—"Simply and solely because they are in our way, and there is no other method to get rid of them."

Zach.—"Would it be right to kill them?"

People.—"That is our affair, not yours. We wish you to enlist to do our bidding, and kill whom we wish, RIGHT OR WRONG."

Zach.—"But suppose I *knew them to be innocent*, can I kill them?"

People—"Yes, if we bid you."

Zach—"But suppose I believe that to kill them would be MURDER, and I do it?"

People.—"Then if we bid you to kill them. We wish to enlist none into our service, as soldiers, who are not willing to act in the great God that they will kill any and all whom we bid them kill even though they believe it would be murder."

Zach.—"How many do you wish me to kill?"

People.—"No particular number, or number; but we wish to enlist you to butcher men by the day, till we say cease doing so."

Zach.—"So, then, now I understand you. You wish me to enlist into your service, *to kill human beings, without regard to their character, innocence, or your feelings, and for your benefit*. You want me to murder, as I understand, that I will kill men, women and children at your discretion, even though I know they are innocent, and though I believe that to kill them would be murder?"

People.—"Yes, such is our wish."

Zach.—"But suppose I should enlist, and then should not be willing to kill all whom you command me to kill; and suppose I should wish to leave your service?"

People.—"Once enlisted, you must do our bidding or be killed yourself; and if you attempt to leave our service without our consent, we shall shoot or hang you."

Zach.—"How much money will you give me?"

People.—"Two hundred dollars per month."

Zach.—"Well; the murders and butchers say war is a right and Christian practice. If so, then it is right to enlist [illegible] and when enlisted to engage in any [illegible] right or wrong. So I am your man. Henceforth I am a butcher. I am ready to kill men, though I know them to be innocent, and though I believe I would be murdering."

People.—"You are the man for us. Report [illegible] to your name henceforth. We have work on hand at this moment."

Zach.—"Name it and it is done."

People.—"There is a town in Mexico called Monterey. Go, destroy inhabitants and destroy it."

Zach.—"Give me the means, and I will do it—done."

So the men assembled, and Zachary Taylor, at their head. Now behold Zachary before the devoted town. He says:—"Thus I have succeeded by labor to render the attack. See the cannon erected by Zachary the soldier. Hear the whizzing messengers of twenty millions. Hear the bombshells that burst, the torrents of grape have had no been the execution of mankind!

I will not detain Senators by reading any more extracts. I did

not know that the time for taking up the special order had passed, or I should not have trespassed so long on the time of the Senate.

SEVERAL SENATORS.—Go on.

Mr. FOOTE.—I will then, if the Senate will bear with me, read a few additional paragraphs.

Look at that mangy ! See that mother watching her son, little one, brought at play in one corner. Zachary discharges a gun loaded with, perhaps, four at them, and in a moment their limbs and bodies are mostly fragments, and the mother sees their mangled remains. Immediately upon infant the change is discovered, the mother sees it is sucking, and singing as infancy. Zachary loads a cannon ball at that mother and infant, and buries them in space.

Look into their dwelling now. There are a father and mother and three children at the dinner table. A ball thrown by Zachary enters, in the father and children are torn and killed a mong the surviving mother. There is such a scene ! In the name of my God how could such a scene be ! Zachary throws a bomb-shell among them. Previously, and the bare limbs and dead bodies of five of them, before dead, and the mother and their teacher and companion, are covered with her blood ! There is a daughter and me by her broken heart ! Other to comfort and sustain him. Zachary looks on and has built at her and only her both in two, and those declared dead and cannot include her father.

"For the love of Heaven spare that house !" cries a young miss to Zachary, as he is running a deadly missile at a particular dwelling. "I AM. SORRY, MADAM that such scenes as shown to always ; but do not cry to it one."

Zachary :—What is your reason ?

Young miss :—My beautiful bird's there. She whom I love as my own soul."

Zachary :—All fond and domestic affections must be forgotten here."

Young miss :—But no spare that one. One of your own countrymen begs you to spare it."

Zachary :—It is the bidding and for the interest of our employers that that house and all in it should be destroyed. We must do as our employers, RIGHT OR WRONG."

Young man :—O, spare ! To what charge can the wicked have exposed ? Think of the agony I must feel to find her a mangled corpse !"

Zachary :—Young man, you seem to care not, my about the other, how and are willing to see them blown to atoms ! Yet every ball in hand. Still we thank best to possess some wife or husband, some parent or child, some interest to order, about whom we are objected to a time to other, and that duty cause, I must to again begin crying to always the death of your beautiful would be you. She not like. Stop is the bidding and pleasure of my employers.

A bomb-shell is named at the house, and in an instant it a heap of ruins. The thief comes into the garden where the parents and their children are assembled, and explodes. A ragged piece of iron strikes the young woman and tears away her head and shoulders.

Says another eye-witness of the doings of Zachary :—It was an awful sight to look upon the dead—some shot with cannon balls and some with small shot—one with their *heads shot off*—some with their *legs off*—some with their *bowels scattered on the ground*."

Says another eye-witness of another scene :—Bodies of Mexicans were lying all about in every direction—some with their heads *shattered to pieces, their legs, arms, without legs, arms and*—others with their *entrails torn out*—people about on my hands and knees, and at every few paces I would come across a dead body ; and at one place I discovered the body of a *beautiful Mexican girl*, STARKED *by her side*."

The above is obtained in a truthful recitation of the operations of our soldiers, men in Monterey, and other towns in Mexico, *at the bidding and for the benefit of a religious, republican employers.*

Mr. CRITTENDEN.—If the Senator will permit me, I would beg leave to submit to him whether it is best to detain the Senate by reading more of that pamphlet. Enough has been given to enable us to judge of its character. I will hear the Senator with a great deal of pleasure, but I think he ought not to occupy the time of the Senate by reading pamphlets.

Mr. FOOTE.—I know that this thing is disgusting, but having the sanction of the whigs of New England, I thought that it might be agreeable more or less to the appetites of some gentlemen here. I feel that perhaps I owe some apology for occupying the attention of the Senate so long. I do not charge the whig party with this pamphlet, but I have quoted it in order to vindicate what has fallen from the Senator from Kentucky in opposition to the dangerous sentiments of the Senator from New Hampshire, presenting as it does a striking illustration of the consequences to which such sentiments naturally lead.

Mr. CRITTENDEN again rose.

Mr. CASS.—Is the Senator going to make any motion ? The Senator from Texas has the floor on the special order.

Mr. CRITTENDEN.—I will not detain the Senate.

Mr. RUSK.—So far as I am concerned, I desire to say, that I have great pleasure in asking the Senator from Kentucky to proceed.

Mr. CRITTENDEN.—I do not intend to protract this debate, but I desire to acquit myself of the personality of which the honorable Senator from New Hampshire seems to have considered me to be guilty. I did not mean to say, sir, that the gentleman was without patriotism, or without morality. No, sir, not at all. I meant only to contest the proposition which he laid down, and on which his objections to this vote of thanks rested, and on which they could alone stand. It was in reference to that proposition, and not the sincerity of the honorable gentleman that my remarks were made; and it was very far from my intention, indeed, to make any such charge as that he was wanting in morality or patriotism. The sentiments which the honorable gentleman entertained are of such a peculiar character, that one can hardly fail into the error of supposing that they are entertained from selfish motives. The gentleman must be sincere, and I do not doubt that he is sincere; and I assure him, that no personality was intended by me.

I am a little apprehensive that the Senator from Mississippi may have understood me as going a little farther than I designed to be understood as going, in relation to this war. I think I told you at the commencement of my remarks, that I was not one of those who approved of this war—not at all. But I said that the war by the act of Congress had become a national war. It was war according to law; and I had supposed that the great principle of republican government consists in the combination of the strength and power of the whole community in executing the laws passed by the majority of that community, that I am as much bound to respect the law passed in reference to this war, as I am in respect to any law that imposed duties or taxes, or regulated the conduct of citizens of the United States. With respect to any of those laws, the liberty of discussion, under the constitution, and according to every principle of republican government, is free and unlimited. It is upon that condition that every citizen of the republic agrees to conform himself to and be governed by the majority, however repugnant to his own opinion it may be the decisions of the majority. This freedom of discussion is the ground on which each and every individual may infer on entering into the social compact, that he may safely and cheerfully agree to obey whatever law the majority passes whilst discussion is left free; or in the words of Mr. Jefferson that error may be tolerated whilst reason is left free to combat it. That is the principle of republican government. I do not hold that I oppose the war because I discuss, and examine, and reason, in order to convince you that the law ought to be repealed, or changed, or modified, so as to put an end to this war. It is with respect to that law as it is in the case of every other law. Every constitutional law claims the obedience of every man, no matter whether it be according to his wishes or not. It claims his obedience. But it leaves him free to discuss it. It leaves him free to endeavor, in the exercise of all his constitutional rights, to have the law repealed, no matter whether it relates to peace or war; and the right is equally perfect in regard to the one as the other. Circumstances may modify—the exigencies of the country may control—the exercise of this right, but his constitutional right as a man and a citizen, is to discuss the law fully. He ought to do so because he is bound to obey implicitly. That is my doctrine. I do not hold that because a man disapproves of this war and in that sense opposes it—that he is with one hand endeavoring to support the law as a national law, whilst with the other he exercises his right to put an end to that state of things, he makes an opposition to the war which in any true sense of it can be regarded as unpatriotic. Some gentlemen run into the idea—and it seems to me that my friend from Mississippi inclines to the belief—that any degree of disapprobation of the war, every species of opposition to it, betokens a want of patriotism, or of courage, or of something that belongs to honorable and patriotic men.

Mr. FOOTE:—I thought that I used the most explicit language. I have uniformly used the same language—and it is now on record, upholding freedom of debate and discussion. But I have said and repeat it now that whenever speeches are made anywhere in the United States evidently intended to circulate in Mexico—calculated to encourage the enemy of the country—those speeches are stamped with treachery to the country. I am not to be understood, however, as in the slightest degree trenching on the freedom of debate. The Senator from New Hampshire is bound to express his sentiments if he entertains them. I only deplore his condition, being impelled by the peculiar character of his intellect to adopt such sentiments. I am not willing to shackle even him, certainly not any other person. But I see frequently newspaper articles which are intended to circulate in Mexico, giving "aid and comfort" to the enemy ; and speeches have been made which we know to have had the same effect. All know this. It is a part of the history of the country, and I challenge denial of the statement that it is so. In my opinion, for making such speeches the punishment of hanging, if the law allowed it, should be inflicted. I hope I am understood now. I hope the Senator from Kentucky will do me justice. I know it is one thing simply to declare that the war is unjust and to seek the repeal of the law, and another to become a traitor to the country in a moral point of view, by such overt acts in favor of the enemy as those to which I have alluded—Let it also be understood that I charge nothing of the kind upon the Senator.

Mr. CRITTENDEN.—I regret that this debate has taken this excursory direction, passing entirely beyond the point to which I supposed it would be limited in the first instance, otherwise I should not have felt called upon to obtrude any remarks of mine upon the attention of the Senate. I believe that the honorable Senator is of too liberal a spirit himself lightly to impute to others any want of patriotism, much less to a great party like that of the whigs. He disclaims any such imputation with respect to them, if I understood him. What, sir, do the whig party want patriotism, and shall the whig party in retaliation, charge the democratic party with a want of patriotism ! Then, who, in the name of all that is virtuous, has patriotism in this wide republic ?

The gentleman imposes another limitation upon this right of discussion in relation to the war, which it seems to me cannot be maintained. I may speak the more freely on this subject, inasmuch as that though my opinions on the war have not been withheld, it has not been my lot to participate so largely in the discussion as many others have, and I doubt whether in all the archives of Mexico, from the fortress of San Juan d'Ulloa, to the city of Mexico, one sentence, line, or word of any poor remarks that ever I made here can be found. And I am equally well assured that no remarks of my whig associates on democratic associates

have been made for any such purpose of encouragement to Mexico or Mexicans. These remarks have been made in the exercise of their constitutional rights here, for the benefit of our own country, by the discussion of a matter involving the interests of our country.

Mr. FOOTE.—I am very sorry to interrupt the Senator. But I had no reference to speeches made here. I alluded to speeches made in various parts of the United States—deliberately made to crowds assembled, for the purpose of being inflammated, and which the speaker knew would operate in Mexico, therefore meeting all the denunciations which I heaped upon them, and I only regret that my powers of sarcasm, are not adequate to the work of stigmatizing them as they deserve.

Mr. CRITTENDEN.—I accept the explanation of the gentleman. I thought he had reference to speeches here and elsewhere. It seems that he had not reference to speeches here. Now, that might be his limitation of the doctrine, but since I am upon the subject, allow me to say, that I know well, that that is not the limitation put by presses now advocating the doctrine. We are told that this war with Mexico has been inflamed—that the obstinacy of the Mexican people has been increased by their knowledge of what is said and done by whigs, and whig newspapers. That is boldly affirmed every day. The liberty of speech is censured. We are told by these same presses, that instead of exercising the rights of honorable gentlemen, and those which appertain to the more dignified and important character of representatives, we ought to be silent in regard to a matter, in which the interests of the country are concerned, and follow in mute submission, whatever is done by the Executive of the government.

Mr FOOTE.—If the Senator will allow me to interrupt him again for a moment, I would state that a distinguished member of the House of Representatives from the State of Kentucky has received an announcement from General Marshall, stating the fact that we might have had a treaty of peace, but for the speech of a distinguished citizen of Kentucky, with certain resolutions, which induced the leading men of Mexico to wheel about, and raised a universal expectation of a *pronunciamento* by which Mr. Polk would be turned out of the White House, and a certain distinguished gentleman from Kentucky be brought in; from whom such a peace could be obtained as would accord with their notions of justice and humanity. I state that as a matter of fact. We all know that this intelligence circulates in Mexico. No man can deny it. I did not charge any bad intentions at all to the distinguished gentleman in Kentucky, who made the speech, but the effect has been produced by it, which was predicted at the time, by myself and thousands of others.

Mr. CRITTENDEN.—I do not doubt that such a letter has been written, and that such is the opinion entertained by the writer. The gentleman is well known, and with him I have always sustained the most friendly relations, but, although I do not know what effect his military career may have had, his politics were of the severest and most heated character when he went to Mexico. I presume he retains those opinions, and is therefore very ready, from his political bias, to place upon any act of the honorable gentleman alluded to—one of the most distinguished fellow citizens, Mr. Clay—we need not conceal his name—an unfavorable construction. It is quite likely that General Marshall may have entertained the opinion that we should have had a peace before now, had it not been for Mr. Clay's speech; but I put it in all candor to the honorable Senator from Mississippi, to say whether a speech delivered by Mr. Clay in November last, in Kentucky, has found such access to the mind of Mexico as to present——

Mr. FOOTE.—I do believe that his magnetic influence may have been as great as that. The Mexicans are a peculiar people—semi-barbarous—accustomed to *pronunciamentos*, and, of course, judge our country by their own. I rather think, from the evidence before me, that they expect a *pronunciamento* here, which I think they will expect a long time before it arrives.

Mr. CRITTENDEN.—I am glad that my honorable friend from Mississippi cannot say that he believes that it is so. He is very ingenious in giving reasons why it might possibly have been so, but he is not quite satisfied that it is so; and how can he—how can any man believe that a few scraps of newspapers, and a handbill or two, placed in the great scales of peace and war in Mexico, really turned the balance and inclined them in the favor of war? Why what do we know of Mexico? We know that the leading men want peace. They cannot make peace, and why? Because the masses of the people have become exasperated against us, and those holding the reins of government dare not, for fear of popular vengeance, make peace. The great masses of the Mexican people cannot read—they know nothing about our speeches and nothing about our parties, and yet they are the people that are for war. They are the exasperated people that insist, madly insist, on continuing this contest. That is the account which I receive. That is the general tone of all the accounts. It is natural and reasonable. But the idea is absurd that the people of Mexico, with patriotic feelings as strongly felt as in our own case, should be like a weather-cock moved by an article in a newspaper—a speech in Massachusetts or Kentucky—or any process of logical reasoning. Yet it is put forward to the public as having an effect of that kind, and that is insisted upon for the purpose of controlling and regulating our conduct and opinions here. Well, I trust that I am incapable in any circumstances of making a speech that can be justly or truly or in any particular sense considered as hostile to my country. I trust that having the liberty of free and full discussion, whenever and wherever I think that my duty requires its exercise or it is my pleasure to use it, that I shall freely exercise it. That is the reason, sir, why I boast that I am an American citizen—why we all boast that we are American citizens. But the moment we have a war, we are to be silent; and the more questionable may be the character of that war, the more stringent is to be the denial of the right of freedom of speech! Why, sir, that is the very time when we ought to speak out. If Mexico is so sensitive to the principles and opinions upon which we act, and by which we are governed in this country, she ought to know this, that however we may question, in our legislative capacity, the justice and propriety of this war, so long as it continues—so long as it is a national war, made so by our laws, every body—those who think it just and those who think it unjust, unite their strength to carry it on; that the strength of the whole is to execute the will of the majority. That is the fundamental principle of our government, and that Mexico ought to know. What comfort," then, can Mexico derive from our questioning the propriety of the war? If she knew how to estimate it aright, she will see the most formidable of all enemies in that very community which, while its members discuss the propriety of anything, they fully unite in their combined strength in executing whatever the will of the majority may determine. And that is what Mexico must know and learn, if she reads to any advantage what we say and publish. But the effort of certain portions of the press has been to enforce silence upon this subject, to control us by a sort of new-made editorial sedition-law! A few scraps of newspapers have been found in Mexico, and oh! forsooth, what swelling tirades of treason—treachery—combinations of our own countrymen against our own country and in favor of Mexico! Can any thing be more palpable, sir, than the outrageous violation of liberty of discussion and freedom of the press which is thus displayed?

I regret that I have trespassed so long on the time of the Senate. I believe that I owe you an apology. I rose simply to make a few remarks on this resolution, from which we have so far departed, that it has almost been forgotten. I hope the question will be taken on the resolution.

Mr. DAVIS, of Mississippi.—The Senate will not expect that I intend to enter into this discussion. Indeed, I regret that the discussion has been thought necessary by any one, and I hope, with the Senator from Kentucky, that we will return immediately to the resolution from which we never should have wandered. It should be allowed to remain on the ground assumed, a simple vote of thanks, in which the justness of the war—its policy—the wisdom of the legislature on the subject cannot, with any propriety, be at all involved. Officers have no other right than to refuse to obey an unconstitutional order. The power to declare war was vested by the Constitution in the Congress of the United States, and when they declared the war it cannot be unconstitutional. The officer obeys the order he receives as an executive officer, and upon the vote of thanks, involving only the consideration whether he has gracefully discharged his duty, we might expect the union, of which the Senator from Kentucky has spoken—the union of the whole country on a question which has but two sides—the side of our country and the side of the foreigners, with whom we are at war. Party lines cannot enter into the consideration of such a question, whilst patriotism exists. There may be a faction—there will be a faction—in all times there has been a faction, that would raise its croaking voice, when the people, with one accord, send up their poeans of thanks or prayers for success. Yes, sir, the American people rejoicing over their independence, just acquired—exulting in the possession of civil liberty at the close of our revolution, returned their thanks to Almighty God, who had held them in the hollow of his hand, and yet, in the emphatic and classic language of Patrick Henry, one croaker was found, whose discordant voice attempted to disturb the harmony. The good sense of that day, turned in loathing and disgust away. Why not do so now? Why shall we pause to enter into this long discussion about fore-gone conclusions before the question was raised? Must President-making, too, be involved in a resolution of thanks to gallant officers? If so, and if the great result which has been deprecated is to come, and the army is to make your President, I would rather receive him from them than from the hands of free negroes and their confederates. But here stands a soldier whose life has been wholly devoted to his country—whose services accumulating one by one, have become a pyramid, as beautiful for its simplicity as it is sublime for its grandeur—one which can stand like the commemorative monument of Bunker Hill, a plain and noble obelisk, with its head amid the clouds, and despising the assaults of the creeping things that crawl around its base!

I trust that the feelings of gallant men will not be assailed when the country comes to thank them for services done to the whole country. I trust, sir, that the Senate will no longer engage in a discussion, a cross-fire of which leaves the question at issue, and that leaving whatever of croaking there may be to disturb the harmony of the people's thanks, we will test the question by a vote of the Senate, allowing those who refuse to yield their thanks to the gallant soldier to go before the country in the issue.

No further amendment being made, the resolutions were reported to the Senate.

Ordered, That the amendments be engrossed and the resolutions read a third time.

The said resolutions were read a third third time, as amended.

On the question "Shall these resolutions pass?" Mr. HALE demanded the yeas and nays, which were ordered, and it was determined in the affirmative, as follows:

YEAS.—Messrs. Allen, Ashley, Atchison, Badger, Bagby, Bell, Benton, Bradbury, Breese, Bright, Butler, Calhoun, Cameron, Cass, Clarke, Clayton, Corwin, Crittenden, Davis, of Massachusetts, Davis, of Mississippi, Dayton, Dickinson, Dix, Downs, Felch, Foote, Greene, Houston, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Mangum, Mason, Miller, Moor, Niles, Rusk, Sevier, Spruance, Sturgeon, Turney, Underwood, Upham, Westcott, Yulee —[illegible]

NAY – Mr. Hale—1

So it was

Resolved, That the resolutions pass with amendments.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendments.

RECONSIDERATION.

Mr. BELL asked the unanimous consent of the Senate to have his vote recorded in the affirmative on the passage of the resolution of thanks to General Scott. Having voted in favor of the resolutions of thanks to General Taylor, he did not wish to have the appearance of voting for one and not the other. He was not in the Senate when the vote was taken upon the resolution in relation to General Scott, or he should have voted for it.

The VICE PRESIDENT read the rule on the subject, showing that under no circumstances could a vote be recorded after the result had been declared.

Several Senators suggested that the object could be accomplished by a reconsideration of the vote upon the passage of the resolution.

Mr. GREENE hoped that some Senator who was present when the vote was taken, would move a reconsideration. He was anxious to record his vote, also, in favor it.

Mr. RUSK moved that the vote be reconsidered, which was agreed to; and the question recurring "Shall this resolution pass?"—

Mr. HALE demanded the yeas and nays thereon, which were ordered, and being taken, it was decided in the affirmative, as follows:

YEAS.—Messrs. Allen, Ashley, Atchison, Atherton, Badger, Bagby, Bell, Benton, Berrien, Bradbury, Breese, Bright, Butler, Cameron, Cass, Clarke, Clayton, Corwin, Crittenden, Davis, (of Miss.) Davis, (of Mass.) Dayton, Dickinson, Dix, Downs, Felch, Foote, Greene, Hannegan, Houston, Hunter, Johnson, (of Md.) Johnson, of La. Johnson, of Ga. Mangum, Mason, Miller, Moor, Niles, Rusk, Sevier, Spruance, Sturgeon, Turney, Westcott, and Yulee,—36

NAY.—Mr. Hale—1.

So it was

Resolved, That the resolution pass

Ordered, That the Secretary notify the House of Representatives accordingly.

TEN REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

On motion by Mr. MANGUM, it was

Ordered, That the further consideration thereof be postponed until to-morrow.

EXECUTIVE SESSION.

The Senate proceeded to the consideration Executive business, and after some time spent therein,

On motion,

The Senate adjourned.

THURSDAY, FEBRUARY 17, 1848.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk:

Mr. President: The Speaker of the House of Representatives has signed the enrolled bill entitled [illegible] and for other purposes," I am directed to bring it to the Senate for the signature of their President.

SIGNING OF A BILL.

The VICE PRESIDENT signed the enrolled bill received from the House of Representatives, above named, and it was delivered to the committee to be presented to the President of the United States.

PETITIONS.

The VICE PRESIDENT presented a petition of citizens of Jefferson county, Iowa, remonstrating against a change in the mail route from Burlington to Fairfield, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. MILES presented a memorial of Insurance Companies and merchants of the city of New York, remonstrating against the repeal of the act of March 2d, 1837, concerning Pilots; which was referred to the Committee on Commerce.

INDIAN LANDS.

Mr. CASS submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the present condition of the fund, arising from the sale of the lands ceded by the treaty of January 14, 1837, with the Saginaw bands of Chippewa Indians, which are to be disposed of for their benefit; what measures are required to effect a sale of said lands [illegible] and what further provision, if any, ought to be made for the said bands; and how, if more advantageously to the United States and the Indians, it can be made to the Indians for them; and whether, in justice and equity, provision should not now be made for the appropriation of the funds, or a part of said funds, to the payment of such claims as may be presented to the government, for the payment of the class of obligations provided for in said treaty and embraced in schedule B, which were not provided for out of the amount retained by the United States for other obligations and objects provided for in the same treaty.

PROTECTION OF THE REVENUE.

Mr. NILES submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Finance be instructed to inquire whether [illegible] and, if not, what amendment is necessary to the [illegible] and [illegible] of tea and coffee.

PATRICK WALKER.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the petition of Patrick Walker, submitted a report accompanied by a bill granting a pension to Patrick Walker.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

MR. DICKINSON'S RESOLUTIONS.

On motion by Mr. YULEE, the prior orders were suspended, and the Senate resumed the consideration of the resolutions submitted by Mr. DICKINSON, relative to the proper policy to be pursued by the United States in respect to the acquisition of new territory, and the substitute therefor submitted by Mr. YULEE.

[Mr. YULEE resumed and concluded his argument in support of his amendment, which has been given entire in Tuesday's proceedings.]

Mr. FOOTE.—I move that the resolution be laid upon the table, and with the consent of the Senate I will occupy a single moment. I have scrutinized this matter as well as the honorable Senator from Florida. I have looked a little at the indications of public sentiment in the South, and I undertake to assert that not one word that has come down the lips of the Senator on this subject is sanctioned by enlightened public opinion in the South. I undertake to say, also, that there is not one of his authorities which will not be ascertained hereafter to be a misquotation or worse. I will not say that the gentleman from Florida has "just enough of learning to misquote," but it will turn out that either his authorities are misquoted, or that he has entirely the principle of the Walnut proviso, and this the gentleman, with all his sagacity, has not been able to perceive. I applaud the gentleman's liberality, his magnanimity in going so far as he does to teach the abolitionists and defenders of southern institutions. The manner of the gentleman is as objectionable as the matter of his remarks. Upon the latter I shall have something to say hereafter. His manner has been decidedly oracular, and, as I conceive, insulting and illiberal towards the best friends we have in the North.

Mr. YULEE.—I hope I shall be allowed to make a single remark, which will not occupy two minutes of the time of the Senate.

Mr. FOOTE.—I want two minutes myself.

Mr. SEVIER.—I rise to a question of order.

Mr. FOOTE.—I will take my seat, for that purpose alone.

Mr. SEVIER.—I ask the attention of the Presiding Officer to a point of order.

The PRESIDING OFFICER.—The honorable Senator from Mississippi, has not yielded the floor.

Mr. YULEE.—I rise for the purpose of making an inquiry.

Mr. FOOTE.—I am upon my feet, sir.

Mr. SEVIER.—I rise to a question of order; that I have a right at any time to do, whether a Senator be on the floor or not. My point of order is this, at one o'clock, the special order of the day is the only business that is strictly in order.

THE PRESIDING OFFICER.—The special order is not in order at one o'clock, if a Senator has possession of the floor.

Mr. FOOTE.—I have made a motion that the resolution be laid upon the table, to be taken up hereafter.

Mr. YULEE.—I will agree to that motion, but must first ask the indulgence of the Senate for a moment.

Mr. HALE.—I rise to a question of order.

THE PRESIDING OFFICER.—The Senator from Florida is on the floor.

Mr. YULEE yielded.

Mr. HALE.—My point of order is that the Senator from Mississippi moved to lay the resolution on the table, and that motion is not debateable.

The PRESIDING OFFICER decided that the motion was not debateable.

The question was then taken on laying the resolution on the table, and the motion was agreed to.

TEN REGIMENT BILL.

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force.

Mr. RUSK.—Mr. President: When this bill was introduced, I had no disposition to trouble the Senate with any remarks; but the discussion has taken a much wider range than I anticipated, having gone into the causes and consequences of the existing war with Mexico. It has been assumed, on one side, that the war was not begun by Mexico, but that it was commenced by the unauthorized and unconstitutional act of the President of the United States. With a view to maintain this position, a new boundary line has been assigned to Texas, the State which I have the honor in part to represent, which is said not to extend to the Rio Grande, its true boundary, as I am prepared to prove, but only to the river Nueces. The assumption, sir, of this position, renders it due to myself, due to the State of Texas, and due to the widows and orphans of some of the brave men who fell in our struggle with Mexico for our independence, that I should address the Senate, particularly on this branch of the subject. Now, sir, I venture to assert that, when all the facts shall have been made known to the country, no clearer question ever existed, than that the Rio Grande is the true boundary of Texas.

Before, however, I commence the discussion of the question of boundary, it may not, perhaps, be improper for me to allude, briefly, to the causes which led to the Texan revolution, and the subsequent struggle between that country and Mexico. I am aware, sir, that the people of Texas have been calumniated, as a band of assassins, land-robbers, and a set of God-forsaken, reckless desperadoes, and it seemed, the other day, to afford the honorable Senator from Vermont no small degree of pleasure to rake up old newspaper articles, published ten or twelve years ago, rivalling, if they do not surpass, the plentiful abuse heaped upon us by the Mexicans themselves during our contest.

Mr. UPHAM.—I certainly did not read those papers for the purpose of reflecting upon the character of the Texans. It was for the purpose of showing the views of the democracy of the North at the time when annexation was first announced to the country.

Mr. RUSK.—I did not understand the Senator as endorsing the statements, but still, they prove the fact that such abuse had been lavished upon Texas, and is perhaps at present circulated. Now, sir, it is not necessary that I should rise in my place, for the pur-

pose of defending the character of the people of Texas from newspaper slanders. Their conduct, sir, is a sufficient vindication of them against such assaults, and the more their true character is known, the more it will be seen that they are entitled to respect and confidence. I will further venture to assert that, when the whole of the circumstances connected with her revolution and separation from Mexico shall become known, it will be admitted by every disinterested individual, that no people on the face of the earth ever had a more just cause of revolution than had the people of Texas. Whatever may have been said in regard to our being land-robbers, there were, at the commencement of our struggle for independence, and are still, many, very many, in Texas, who dare believe that we were indebted for our final success to the beneficieut Providence of a just and righteous God. And, Mr. President, I think it may be safely said, that we manifested no small degree of confidence in the justice of our cause, when, with a population of less than thirty thousand, we dared to appeal to arms, in a contest with a nation of eight millions. But, sir, I proceed.

I might here go back and arrey names that would command respect, and among them the names of such men as Mr. Monroe, Mr. Madison, Mr. Jefferson, and Mr. Clay, to establish the fact that the territory of Texas extended originally to the Rio Grande. But it is unnecessary for my present purpose to do so. The boundary of Texas, as now claimed, is the boundary established by revolution, and that boundary is the Rio Grande.

Mexico, after having adopted constitutions, State and federal, conforming very nearly to those of the United States, passed liberal laws, and held out strong inducements to the people of every clime, to encourage the settlement of Texas. This was done not so much for the benefit of those who might take up their abode within that district of country, as for the purpose of redeeming that valuable portion of her territory from the dominion of the savage, which Mexico had struggled to accomplish, but without success, for centuries past.

Before Austin went into Texas with his colonists, hostile Indians roamed in bands throughout the country unrestrained. They were constantly committing depradetions, robbing the people of their property, and carrying into abject bondage the women and children of the frontier settlements. For the purpose, then, of driving out this ruthless foe, were inducements held out to the colonists to settle there. Until the year 1834, with but few interruptions, there existed a state of peace and quietness. In that year Santa Anna, at the head of a military power, overthrew the constitution of 1824, abolished the State governments, and established one of the most tyrannical and absolute governments that ever existed. The government thus established by Santa Anna is misunderstood here—for an absolute government is one where there was the name of a Congress, but it was the name alone. The President was, in reality, the Supreme Dictator. He called a Congress of Notables around him, but that Congress was entirely subservient to his will. Another feature in the central constitution was, that the President had the power to appoint, at his pleasure, an executive council from the different portions of the community, the industrial classes, the priesthood, the military, the commercial, and others. They were, however, from the very nature of the tenure of their offices, his creatures, and, if they were not subservient to his views, he could remove them at his pleasure. Again: it was one of the fundamental articles of this central government, that the President, with the advice of his council, might suspend the action of any other department of the government, so that, in reality, absolute power was vested in the President.

The people of Texas were unwilling to commence the revolution—they were anxious to avoid a collision with Mexico. They sent Austin to Mexico to represent their condition, and to ask some guaranty that they should not be disturbed in the enjoyment of their rights. Without any cause, and even without charges being preferred against him, he was seized and incarcerated in the loathsome dungeons of Mexico, where, in fact, he contracted the disease which terminated his honorable and useful life. In order to carry out the establishment of this central government, it became necessary for Santa Anna to possess himself of all the physical power in Mexico. With a view to this, he procured the passage of a decree requiring the States, as well as individuals, to surrender up all the arms which they had in their possession. This law was enforced throughout Mexico. State constitutions were destroyed; States were declared to be mere departments; were deprived of all legislative authority; and their governors were appointed by the central government. This law was, as I have said, enforced all over Mexico, although there were some States which held out for some time against it. The State of Zacatecas, after a sharp contest, yielded, and other States made but a feeble resistance. Texas could not yield to it—she could not yield to such a decree. We were surrounded by hostile Indians, the Camanches and various other tribes, who were committing depredations on our frontiers. The Indians set led amongst us greatly exceeded our own population in point of numbers, and it was known that Mexican agents had been among them urging them to take up the tomahawk and scalping-knife and exterminate the Texans. If we had submitted to have our arms taken from us, the result would have been indiscriminate massacre. Under such circumstances, there is scarcely any one, I presume, who would have asked us to give up our arms, even to avoid the charge of being land-robbers. An attempt was made by Santa Anna to enforce this law in Texas. The legislature of Coahuila was attacked for merely protesting against the action of the central government, and its members were seized and imprisoned.

In this state of confusion, the people of the various municipalities had elected delegates to meet in general consultation, at San Felipe, to determine whether we would submit to the central government, and to agree upon some definite course of combined action. This convention was to assemble in October, 1835.

About this time, however, General Cos, at the head of an army of central troops, crossed the Rio Grande, left a garrison at Lipantitlan, on the west side of the Nueces, and one at Goliad, and marched with his main force to San Antonio, where he established his head quarters. During this march there was no movement on our part to take up arms; we were quietly assembling at San Felipe to consult as to what course we should adopt. About the time General Cos arrived at San Antonio, he sent a detachment of two hundred cavalry to Gonzales, a small town in the neighborhood of that place, to demand from its citizens the surrender of a small piece of ordnance, which had been purchased by them as a means of defence against the Indians. They asked twenty-four hours to consider, and finally refused to surrender their cannon, but gave the assailants its contents, and a fight ensued between them and the Mexican cavalry; and thus, sir, the revolution commenced.

As the news of this occurrence spread, the citizens from all quarters shouldered their rifles and hurried to the contest. Capt. Dimmit raised a company of men, took the garrison at Goliad, marched to Lipantitlan, where he was joined by citizens residing on both sides of the Nueces, as well as some who resided on the Rio Grande; and, at the head of this combined force, captured the fort and dispersed the central troops.

The convention, which had in the meanwhile assembled at San Felipe, declared against the central government, and protested against the military despotism of Santa Anna, and in favor of the constitution of 1824, inviting all the States of the confederacy to join them in restoring that constitution and reclaiming their liberties. General Cos, who had been closely besieged in his fortification at San Antonio, capitulated, after having been beaten. Many of the citizens who resided between the Nueces and the Rio Grande, were attached to the army which captured General Cos. Now, sir, I would ask, was it not right that we should include them in the benefits of our victory, and provide for their safety? I say, sir, would it not have been just or honorable in those of us who resided east of the Nueces, to have provided for our own security, and to have left those west of that river, from whom we had received valuable aid, to the tender mercies of the Mexican dictator? We did provide for their safety—many of them have since fallen. We have always asserted and stood by the rights of their widows and orphans, and, anxious as we were for peace and a termination of the war with Mexico, there never has been a time when Texas would not have hazarded her very existence as a nation, in any contest, however unequal, rather than have abandoned them to the enemy. Life and liberty were the stakes for which we fought—mere territory was a secondary, very secondary consideration. These people had dared to resist the central power—they had periled everything and had joined us—had rendered important services, and we had cheerfully accepted their aid in the hour of adversity, and I, for one, sir, think it was not discreditable to us that we regarded their rights and stipulated for their security in our prosperity. General Cos was forced to enter into a capitulation which protected the rights of those citizens, and which forms the first link in the chain of our title to the territory extending to the Rio Grande. Mr. President, I will ask the favor that the Secretary will read the copy of that instrument which I hold in my hand.

[The SECRETARY read the capitulation entered into by General Martin Perfecto de Cos, of the permanent troops, and General Edward Burleson, of the colonial troops of Texas.]

General Cos, sir, with his convicts and soldiers, retired to the west bank of the Rio Grande.

Thus, sir, the citizens of Texas, east of the Rio Grande, had, so far, successfully resisted the change of government. The military despotism had no foothold remaining on this side of that stream. Up to this time we had been contending for the constitution, which had been overthrown, and not for a separate national existence.

Santa Anna, bent upon the possession of absolute power, was not to be thus baulked in his views. He immediately mustered a large and well appointed army, and at its head, put himself *en route* for our extermination. He could not remain quiet while a few thousand on this side of the Rio Grande were in the enjoyment of rational liberty, and would not bow and worship at the footstool of his power. The rest of Mexico had submitted; no response to the shout of constitutional liberty reached us beyond the Rio Grande. Santa Anna was rapidly advancing upon us, threatening extermination, and we had no alternative left but to assume a separate national existence. A convention was accordingly called in haste, to which the people between the Nueces and the Rio Grande sent delegates. We declared our independence—appealed to the civilized world for the justice of our cause—and trusting to the God of battles, put ourselves in position to defend our rights. Santa Anna advanced with great rapidity, and the first blood that flowed in this campaign was shed upon the territory between the Nueces and the Rio Grande. The Alamo was surrounded, and its brave defenders, to a man, perished by the sword. Fanning surrendered, and, in violation of the most solemn stipulations for the safety of his command, he and his gallant men were inhumanly butchered in cold blood. Most of the male inhabitants of the country west of the Nueces found bloody but honorable graves. Santa Anna continued his rapid advance, spreading ruin and devastation

on his path. He was met at San Jacinto by seven hundred ... eighty Texans, and the result is before the world. ... Texas was slain, the remainder, trembling hatred, ...

Santa Anna now occupied a delicate position. His life justly ... by us, was held by a dastardly ... house was unpopular with the great ... only support upon which he could ... the army at different points in Texas, now reduced to some five ... chosen and men, under the command of General Filisola. To save his own life, the remnant of his army, and his government, were important objects. Only the day before he was the government of Mexico, now he was a prisoner. He obtained permission and wrote to General Filisola, who, in his answer, promised to obey implicitly all orders which ... Santa Anna at once proposed to General Houston and the Secretary of War, then in camp, to acknowledge the independence of Texas extending to the Rio Grande. They declined to enter into negotiations, and turned Santa Anna over to the civil government, (which consisted of a President and ... by the convention. Santa Anna urged them to enter into negotiations with him, which they did, and which treaty.——[Here a Senator remarked that it was not ready.] I think it was a treaty, sir, and I send it over to the Secretary's desk for the purpose of having it read.

Articles ... between ... President of the Republic of Texas, and ... President and Captain General of the Mexican armies, ... Texas, and ... Mexico.

Whereas the President Santa Anna ... command of the Mexican armies, ... fact now a captive ... desire the ... Texas ...

Whereas ... Texas ... Mexico ... in relation ...

Therefore ... President Santa Anna ... Filisola, Don José ... Texas, and ...

1st. That hostilities ... territory of Texas, and retire to Monterey, beyond the Rio Grande.

2d. That ... and ... cattle ... taken ... turned ... of their ... said cause ...

3d. That the citizens ... the command ... Rio Bravo del Norte.

4th. That the President Santa Anna, in his official character as chief of the Mexican nation, ... Republic of Texas, with such boundaries as are hereafter set forth and agreed upon by the same. And the Government ... pledge ... public of Texas, with such boundaries, as are hereafter set forth and agreed upon by the same. And the Government ... pledge ... personal ... cations ... and legitimate government of Mexico, by the incorporation of the same into a solemn and perpetual treaty of amity and commerce to be negotiated with that government at the ... Mexico ... nion of Texas between ... powers.

5th. That ... of Texas ... the ... the ... the

of Mexico or Tamaulipas, if they had a custom-house and had possession, as has been stated, is it not a little unreasonable that Gen. Wool should denounce the citizens of Tamaulipas, the custom-house officers of his own government, as "traitors," and subject them to capital punishment?

It has been said the Mexicans had a custom-house at Brasos Santiago, and that Gen. Taylor found a custom-house at Point Isabel, which the Mexicans abandoned and burnt at his approach.—Now, sir, the truth is, that the custom-house was at Matamoras, and the collector of customs resided there. It was there that the duties were paid on goods landed at Brasos Santiago, or at the mouth of the Rio Grande, on the west side, where, in fact, most of the merchandise intended for the Matamoras market was landed. I believe it is true that the collector did, occasionally, send his deputies to Point Isabel and Brasos Santiago, and they were sometimes accompanied by a military guard. I recollect upon one occasion several hundred soldiers were sent down to the latter place. The Mexican government had previously issued a declaration of independence, passed a law declaring the ports of Texas closed against foreign commerce, which law remained unrepealed. In 1837, the Mexican government procured what they called a navy, consisting of some three or four ships, one of which, I recollect, the "General Urea," came down to our coast, and captured one or two vessels owned by American citizens, and loaded with merchandise belonging to American merchants, and destined for the Texan trade. These vessels were carried to Brasos Santiago.—In a few days the commander of the United States ship Natchez, on her way home from a cruise, seeing these vessels in the harbor, demanded of the captain of the "General Urea" for what cause they were detained. He was informed they were prizes captured in an attempt to violate the blockade of Texas. The commander of the Natchez, not being apprised of any blockade, demanded that a copy of the proclamation of blockade should be furnished. They were obliged to send up to Matamoras to Gen Bravo, the collector, for it; and, when it was furnished, it turned out to be nothing more than a certified copy of the old law of 1835, closing the ports of Texas against foreign commerce. The commander of the Natchez would not recognize this as a blockade, and demanded that the American vessels should be released. This was refused, and the Natchez captured the Urea. A great parade was now made on shore, troops were collected, cannon fired at the Natchez, which was, however, beyond the reach of their shot; the goods were confiscated, and many of the men on board the vessels were marched to Matamoras and imprisoned. The commander of the Natchez brought the General Urea to Pensacola and reported the whole affair to his government. The matter ended, I think, in the release of the General Urea, and I am not sure that an apology was not made to the Mexican authorities.

But, sir, the Nueces boundary had its origin here. No act of the Mexican government, nor declaration of any Mexican officer can be produced, showing that Mexico has, upon any occasion, since 1836, claimed the territoiy between the Nueces and Rio Bravo, by any other or different title than that set up by them to the country as far as the Sabine. I might adduce many other facts in support of this position, but I will only trouble the Senate with one more, which is this: General Santa Anna, on the 27th of February, 1847, in his report of the battle of Buena Vista, holds the following language:

"From the impression we had made on the enemy here [illegible] of these was the hope of a day of time, however [illegible] Taylor from receiving powerful reinforcements [illegible] manœuvre he used. He also expected [illegible] the pacific disposition of part [illegible] General, that we sustained the most [illegible] the pretensions of our nationality and [illegible] that our government never acknowledged [illegible] conformity to peace when the [illegible] occupied any part of Mexican territory, [illegible] the Sabine, which [illegible] the Mexican territory in [illegible] to the enemy and the expenses [illegible] chan."

Now, sir, if these facts do not constitute a valid title in Texas to the territory as far as the Rio Grande, I frankly confess that I am incapable of forming a conclusion as to what would constitute such a title.

Texas solemnly claimed that territory, and every act on her part is perfectly consistent with that claim. Mexico has disclaimed it, except as a part of Texas, all of which she claimed, and all her acts have been perfectly consistent with this disavowal.

The title then having been, as I assert, in Texas at the time of the annexation, she surrendered to this government the right to assert and maintain her claim, as she could not, consistently with the constitution, herself muster a force to protect her soil from the pollution of a foreign foe and her citizens from outrage. It follows then that the President of the United States was not only authorized, but was bound, solemnly bound, by the constitution and laws, as well as his oath of office, to protect the citizens of Texas against, actually a threatened, but an actual invasion. So General Taylor found the Mexican troops upon the territory in question, on his march to the Rio Grande. He would have been [illegible] culpable, and justly chargeable with all the consequences, had he failed to do so.

It may, perhaps, Mr. President, be proper, before I proceed further, to say something in regard to the claim of Texas to Santa Fe.

A SENATOR.—Yes let us hear something about that.

Mr. RUSK.—This, sir, is the more necessary, inasmuch as I see by the newspapers, that an attempt is now being made to establish a territorial government of the United States there, irrespective of the claim of Texas. Santa Fe, sir, is east of the Rio Grande, and is included within the limits prescribed for Texas, in the treaty with Santa Anna. It is included in our territory by a law passed by the Texan Congress, in the year 1836, so that, at the time of annexation, Texas and Mexico claimed the territory. This government was fully apprized of this claim, as the resolutions of annexation show. The United States consented to become the judge upon the question of boundary between Texas and Mexico. For a country has to claim except [illegible] annexation. The government has taken possession, and it would be a new principle, that the judge, to whom a controversy has been submitted, shall seize the thing which is the subject of the dispute, and appropriate it to his own use. I think I have seen such a decision in a newspaper, but I believe it is nowhere to be found in the books.

Mr. President, we are so constituted by nature, that when a war is once begun, our attention is so much absorbed by the stirring scenes that attend it, and the consequences which spring from it, that we loose sight, in a great degree, of the causes which immediately preceded and led to the result. And, sir, the truth of this proposition is peculiarly illustrated in the case under consideration. It has been boldly charged on the one side, and resolutely denied on the other, that this war was not commenced by Mexico, but by the President of the United States. Let us, sir, go back and examine [illegible] circumstances which immediately preceded its commencement. Every act of the President shows, I think, most conclusively, that he was extremely solicitous to avoid a collision with Mexico.

It had been asserted, repeatedly asserted, that to annex Texas was an act of war, or would inevitably lead to a war. The President thought otherwise, and did everthing in his power to avoid such a result. He sent a minister who was thought to be, personally, more acceptable than any other, to negotiate with Mexico. Her minister had left Washington in high dudgeon, and she indignantly refused to receive our representative, or listen to terms, declaring in the face of a truth of twelve years' standing, that Texas was her province. Her government denounced that of the United States; declared its determination to go to war, and made every preparation [illegible] accomplished [illegible] and commenced a concentration upon the Rio Grande. Thus matters stood at the beginning of the year 1846.

General Taylor, in a despatch to the Secretary of War, dated at Corpus Christi, on the 4th of October, 1845, had, very properly as I think, recommended a movement to the Rio Grande. In his communication, the general says:

[illegible]

After giving at full length the reasons for the recommendation which he was about to make, he proceeds to say:

[illegible]

The President very properly adopted the suggestion of General Taylor, and ordered the troops to the Rio Grande, instructing that officer to avoid everything calculated to lead to a collision. On the 21st of March, 1846, General Taylor was met at the Colorado by the Mexican troops, and ordered peremptorily not to cross that river. Now, I say, to which party is that principle of the law of nations applicable, which declares that for either party to take against possession of a territory in dispute, is an act of war? On the 28th of the same month, two of General Taylor's dragoons were taken prisoners, and a bugler boy robbed of his horse by the Mexican troops. On the day above named, General Mejia refused to receive a communication from General Taylor, and on the 10th of April, Colonel Cross was missing, and in a few days his body was found shockingly mutilated. On the 12th, General Ampudia arrived at Matamoras, and peremptorily ordered General Taylor to retire. Taylor declined to do so, but expressed the wish of his government for a peaceable adjustment of all difficulties. On the 18th, Lieutenant Porter, with a small party of our troops was [illegible] and after being disabled by a wound, was butchered. On the 24th General Taylor was so well satisfied of the hostile intentions of the enemy, that he blockaded up the mouth of the Rio Grande, in order to cut off supplies that were expected by them. On the 24th, General Ampudia demanded that the blockade should be raised; the American General refused. On the same day, General Arista arrived at Matamoras, and on the 26th, Captain Thornton, in command of forty-five dragoons, was attacked by Torrejon, with a force of over two thousand, and two companies and eight privates were killed. On the 28th, Captain Walker was attacked by a large force of Mexicans. On the 1st of May, an unarmed family of sixteen persons, two of whom were females, were taken

prisoners at the Colorado, by the Mexicans, tied together in pairs, the women outraged, and their throats cut, and left to rot upon the prairie. Mr. President, Texas suffered much at the hands of Mexico—prisoners have been butchered in cold blood, confined in Mexican dungeons, and starved. But, sir, we had to submit to no such outrages as these, and can, each American citizen, look back upon his country as free and pure, and not one of his hands washed even with blood, as I had been left to regard by the President of these United States, would have caused every American heart to turn from him with loathing and disgust. Who is there in all this broad land that would have cried "forbear," or could have expected the Executive again to entreat the Mexicans to negotiate? Not one, sir; no, not one.

The battles of the 8th and 9th followed, and who is there that, even if he could do so, would be willing to blot these and the brilliant victories which have followed in quick succession, from the pages of our country's history? The President, sir, has been blamed for alluding to the injuries and insults inflicted upon us by Mexico. If there be any blame attaching to him, I think it is for too great forbearance in this matter. Mexico has, sir, for the last twenty years, robbed your fellow-citizens of their property and imprisoned their persons, in violation of solemn treaties. She has met their demands upon her for redress with insult and indifference, until they have ceased to appeal to you for redress. In Mexico, sir, ever since she has had a government of her own, to claim to be an American citizen, was sure to result in confiscation of property and imprisonment, and perhaps, while to claim to be an English or a French subject, was to unbar the doors of her dungeons. How different in this respect has been the conduct of the French government from that of our own. When redress was refused for injuries inflicted upon French citizens, the government of France did not stop to parley and negotiate; she battered down the walls of the castle of San Juan d'Ulloa, and the proud Castilian blood, about which we have heard so much, instantly yielded to the demands of justice.

It is, sir, a beautiful feature in the policy of the British government, that she never fails to redress the grievances of the lowliest as well as the proudest of her subjects, and hence arises that deep seated, enthusiastic attachment which a British subject always feels to the institutions of his country. He may perish, sir, in a far distant land, beneath the scourge of the oppressor, but his dying moments are cheered by the assurance that his government will exact ample redress for the wrongs inflicted upon him, and his last aspiration on earth will be for his country.

I hope the day will come when an American citizen will look with a similar confidence to his government; but, sir, it pains me to say it, hitherto it has been far otherwise.

I might allude to the many instances of oppression practised on American citizens by American officers, but, sir, it would take volumes to record them all, and I feel safe in hazarding the assertion, that no single year has passed within the last twenty during which the dungeons of Mexico have not contained American citizens, incarcerated without fault or crime justly imputable to them. This, sir, is but a feeble sketch of the course of the government of Mexico, in behalf of whom so much sympathy is invoked from the people of the United States.

But, Mr. President, we are in the midst of a war. That it exists, is a matter of regret to all, and the sooner it can be brought to a close the better. It is my opinion, that if the President had been properly sustained, it would have been terminated long since. I believe that our own differences of opinion have had the effect of prolonging this war; but you will allow me, Mr. President, here to say, at the same time, I believe that those who contend that it was unconstitutionally and improperly begun, are as sincere and as patriotic as I claim to be myself, in holding the opposite opinion. It is, sir, an honest difference of opinion concerning momentous questions upon which a final judgment has not yet been pronounced. But, sir, the Mexicans are a peculiar people; they cannot appreciate the American character, nor can they realize the beautiful sentiment uttered by the honorable Senator from Kentucky, [Mr. CRITTENDEN,] as true as it was beautiful, and expressed in a style so peculiarly his own, when he said, "in making the law we have many voices—in its execution but one arm." The truth of this position, sir, has been most triumphantly proved upon the hard fought fields, where both whigs and democrats have nobly borne the standard of their country victoriously onward to the centre of Mexico. But, sir, it is an old adage that drowning men will catch at straws. The Mexicans know that many of the most prominent men in our country believe the war to have been improperly begun, and that our army ought to be withdrawn from their country; and, knowing them as I do, I am not astonished at the unfortunate hopes they entertain, growing out of our political differences of opinion. They know that party changes have taken place, that we are upon the eve of important elections, and they hope at least, if they do not believe, that something may transpire favorable for them. If the President, sir, could have felt at the beginning that he was fully sustained, I am of opinion the war would not have been prosecuted.

But, Mr. President, the question at present is, how we are to terminate this most advantageously? Three plans have been suggested:

1st. To withdraw our troops from Mexico altogether.

2d. To take a defensive line, and concentrate our troops upon it.

3d. To prosecute the war with vigor, until Mexico shall become convinced of the necessity of tendering to us justice, and shall do so.

To the first proposition, Mr. President, I cannot agree. Aside from the disgrace which, as I think, we should incur by pursuing a course which would be a tacit acknowledgment before the whole civilized world that the war had been improperly begun, such a policy would be one of the greatest misfortunes that could occur to the United States. That it would be one of the worst things that could happen for Mexico is beyond all question. If we were to withdraw our troops now, it would be to admit the truth of the charge which has been made, that the war was commenced for the purpose of land robbery. But, apart from all this, it would be a misfortune to the people of the United States, and a very great misfortune to the people of Mexico themselves. I may, perhaps, be told that my fears are idle, but I think otherwise. In such an event, what would be the inevitable result? It would be that Mexico, in her present exhausted condition, would immediately, in reality, if not in name, fall into the possession of some European power. Senators may suppose that this apprehension is a mere creature of the imagination, but I happen to know, that for the last ten or twelve years, Mexico has been practically under the control, directly or indirectly, of the British government. It is to this source that we must trace the prejudices which have existed against the North Americans. It is through the instrumentality of the military party of the country, led on by its chiefs, under the direction of British influences, that you have been excluded from their markets, and that your citizens have been imprisoned, and their property confiscated. This is the true but secret reason why your trade with Mexico, which was formerly so flourishing, amounting to not less than eleven or twelve millions of dollars annually, has been reduced to perhaps less than million of dollars. The British agents, sir, are always at work; they are never idle; nor are they so at this time. I am indebted to the gallant Lieut. Col. Fremont for some information acquired by him while acting as Governor of California, which has an important bearing upon this branch of my subject, and which will throw a great deal of light upon what is at present going on in Mexico. There has been in progress in California, ever since the commencement of this war, a three-fold operation, having its origin in the city of Mexico, and conducted by official or unofficial agents of the British government. In the first place, there have been transfers of land, not only from individuals, but from churches, through which a transfer of the sovereignty of the country has been attempted. A junta, as it is called, or convention, had been sanctioned by the governor of the province, to be called to deliberate on the propriety of declaring the inhabitants independent of Mexico, and seeking the protection of the British government. More than this. In the city of Mexico itself, a stupendous scheme had been devised by a Roman Catholic priest, named Macnamara, who, having obtained the sanction of the Mexican government, was sent down to procure a grant of three thousand square leagues of land in that province. The ecclesiastic was transported to Monterey in a British national ship, and the grant was immediately sanctioned by the government of California.

But, sir, I will not anticipate the account which will be laid before the country, at the proper time, placing this transaction in its true light. It is sufficient to say, that had it not been for timely and energetic action, California would have belonged, at this moment, to subjects of Great Britain, and the British flag would have been flying on all her forts. Senators will find these facts established beyond all doubt, in the course of a very few days. I will not take the trouble to read any part of this grant, but I will append the precious document to the remarks which I now offer, in order that the country may be advised of what is going on in Mexico.

These things are and have been in progress in Mexico ever since the commencement of our present difficulties, and there can be no question that the British government would sanction and favor the taking possession of that whole country by her subjects. When were the possession and sovereignty of a country ever offered to and refused by that government? I would not like to see Mexico in that condition.

There are various other reasons which induce me to believe that something of this kind is in contemplation. I know something of Mexico, and I feel assured that our army has already captured more small arms in that country than were in it at the commencement of the war. The vessels of foreign nations are constantly hovering off the coast, and the observations of fifteen years have taught me to anticipate the effect of the immediate withdrawal of our army from that country. It is known that Parades, the avowed advocate of monarchical institution, is now in Mexico, attempting to place some European prince upon the throne, or assume the kingly power himself. Should Santa Anna again get into power, the establishment of a monarchy will, in all probability, be the result. He has no sympathies with the people, none whatever; and revengeful and ambitious as he is, he would not hesitate to make himself a king. He has not forgotten, that when he was deprived of power, the populace took from its resting place the limb he had lost in their service, and treated it with the utmost indignity. If he cannot enslave the people by his own power, he will readily join in any project which may effect that object. Such is the temper of the Mexican people, Mr. President, that I feel convinced they will either establish a monarchy, with a native sovereign, or place themselves under the dominion of some European power.

But, if there were no such thing as the establishment of a monarchy to be apprehended, are we willing, I would ask, to abandon the prosecution of this war under the circumstances which have attended it. When we have proceeded thus far without having been in error at the commencement or during the progress of the

war—asking nothing but an honorable peace with a reasonable indemnity, which our enemies have refused to grant on all occasions, or even to talk about, are we now to withdraw our troops without effecting our object? General Taylor offered them peace—General Scott has offered it, and the President has offered it over and over again, under circumstances which have almost made them objects of ridicule with the country. And yet we are told that the poor, confiding, magnanimous Mexican nation are suffering at our hands, and we ought to withdraw our troops. What will the world say in such an event? They may say we are a magnanimous people, but must think we have very little judgment. We want peace and Mexico has utterly refused to make it, and I am unwilling to make a retrograde movement, until she is brought to her senses, and offers assurance of good behavior in future.

It has been proposed that we shall adopt a defensive line. In my opinion, sir, the adoption of such a line will extend the duration of the war to an indefinite time. If we were to fall back and assume a line which should include what we are willing to accept as an indemnity for the losses and injuries sustained by us, and garrison it, what would be the consequence? Being relieved from the presence of our army, Mexico will acquire the means of operating against us. She will get the mines and revenues of the country, and will invoke foreign aid, and thus the war will become interminable, and may eventuate by bringing us into conflict with some foreign and transatlantic power.

My opinion, then, Mr. President, is, that we should prosecute this war with vigor, and that the necessary consequences of such vigorous prosecution will be, to show the Mexicans that we are resolved to bring them to reason. They should be made to understand that they have nothing to expect from our divisions at home, the nature and extent of which they do not know and cannot properly appreciate. If they see forty or fifty thousand men about to seize and occupy permanently their large cities and mining districts, they would soon be convinced, notwithstanding the approach of our Presidential election, that their only means of escape is the adoption of a treaty of peace which shall be satisfactory to this country. They do not know that any differences of political opinion which may exist among us, do nor weaken the arm of any man who serves his country. But it is said that Mexico is in our hands, that we have her already at our feet, that it is ungenerous to press her further, and that we have already men enough in that country. All this may be true. Allusion has been made to the battle of Buena Vista. We have been told that we had men enough there to overcome the enemy, and gain a victory that has few parallels, if any, and that this was effected with a force of about six thousand men opposed to twenty thousand. This is all true, and if there had been but six hundred of our men there, General Taylor would not have retreated. He and his gallant followers would have maintained their position; they might have been slain where they stood, but would never have been beaten by the Mexicans. It will be admitted that if instead six of thousand, we had had twenty thousand men on the field, Santa Anna would never have escaped with the bulk of his army and his munitions of war. Had such been the case, I would ask, would the gallant, the chivalrous Clay, when lying mangled and bleeding on the battle-field, and unable to defend himself, have been pinned to the earth by the lances of a brutal and dastardly soldiery. No, sir, and it is my belief, that the greater the energy with which we prosecute this war, and the more commanding the force we place in the field, the less will be the sacrifice of human life, and the sooner will we bring the enemy to terms.

I know, Mr. President, that great fears are entertained of the consequences likely to ensue from the taking of all Mexico, or any considerable portion of it. I confess that I entertain no such fears, but at the same time I would not insist upon any more of Mexico than may be necessary to afford us indemnity for losses, and, at the same time, furnish a well-founded assurance that she will maintain a government, free in itself, and not liable to the interference or control of any foreign government or their agents. I would be content with a fair indemnity, but would run the risk of the consequences of taking the whole country, rather than to see the people exposed to the oppressions of the military power.

It is said, Mr. President, that it would be robbery to take away their country from the Mexicans. On this point, I would ask whether the principles of our government do not guaranty to all of our citizens the full enjoyment of life, liberty, and property? If so, would not the extension of our government throughout Mexico, give perfect security to the inhabitants, who would, in that event, be entitled to the protection of our laws? Could this be called robbery, or would the right of property be divested? How would the rights of individuals be, in any degree, interfered with, by reason of our occupation of the country, or what sort of robbery would it cause? It would be nothing more nor less than this, Mr. President. It would take from the tyrannical military chiefs the power of oppressing the people. It would deprive foreigners of their power and privilege to make use of the government for their own purposes, in effecting their own aggrandizement and enriching themselves. It would afford the country an opportunity to develop its mighty resources, and prevent them from being monopolized by a few foreign capitalists, whose interests are in conflict with those of the United States. There is one thing, however, sir, that I would not be willing to do. I would not be willing to vote for a treaty of peace that would not secure to us the territory as far as the Sierra Madre, including the Californias. This is what we should have, under all the circumstances, to place us in position to watch the political movements that may hereafter transpire; for if we leave Mexico in the possession of the priests or the military power, she will become an instrument in the hands of some other government, with which to annoy and interfere with us

Such an arrangement would be to the advantage of Mexico herself, if she be disposed to establish a free and stable government. The truth is, sir, that the city of Mexico controls the whole of the Mexican republic. It always has done so, even when there existed the form of a constitution, and the pretence of State sovereignties. It is the heart of Mexico, and is to her what Paris is to France.

The government then being in the city of Mexico, it cannot effectually control the more distant provinces, and, consequently, be less able than ever to afford them security. To these people the advantages would be immense, growing out of the protection they would enjoy against Indian outrage. The roving bands of Camanches and other savages, are committing depredations upon them constantly, and at this moment there are thousands of their women and children belonging to the most respectable families, who are held in the most hopeless captivity by those Indians, against whom they cannot protect themselves. There is not a month, or scarcely a week that passes, which does not witness outrages of this sort. Then, sir, instead of being an injury to these people, it would be to do them the greatest service possible, to take them under our protection. While this territory is, comparatively, of little value to Mexico, to us it is of great importance, and to make ourselves masters of it, would be only to acquire what is justly due, in consideration of the debt which Mexico owes to us, and which she is unable to pay in any other way. Our claims against Mexico are of no ordinary kind. What she owes us is due, not to the government, but to our citizens. They did not voluntarily part with their property, in order to create this indebtedness; but Mexico, with violence and a shameless disregard of all principle, robbed them of what belonged to them. Most of the claimants have been for years, and are at present, ground down to the earth by poverty, brought upon them by the forcible taking of their substance by the authorities of Mexico.

I do not propose to pursue this discussion further at this time; but before I take my seat, Mr. President, I will venture the assertion, that, if partisan political motives be suffered to enter into and mingle themselves with the management of the present war—if protracted debate be allowed to postpone the prompt and energetic action necessary to bring it to a successful and honorable termination—and if it be continued for twelve months longer, Senators will find it impossible to get rid of it, until we shall make up our minds to annex the whole of Mexico.

Mr. GREENE took the floor, and on his motion,

The Senate adjourned.

FRIDAY, FEBRUARY 18, 1848.

PETITIONS.

Mr. ATCHISON presented a petition of citizens of the United States residing in the Wyandot nation, in the Indian territory, praying a reduction of the rates of postage on newspapers, which was referred to the Committee on the Post Office and Post Roads.

Also, a document relating to the claim of Joseph Barclay, a soldier in the last war with Great Britain, to an additional bounty land; which was referred to the Committee on Pensions.

Mr. MANGUM presented the petition of William Davis and others, praying that the right to purchase the timber on certain public lands in Alabama, may be granted to them; which was referred to the Committee on Public Lands.

Mr. BREESE presented two petitions of citizens of Illinois, praying the establishment of a mail route from Waterloo to Sparta, in that State; which were referred to the Committee on the Post Office and Post Roads.

On motion by Mr. BAGBY, it was

Ordered, That the petition of Caroline E. Clitherall, widow of George C. Clitherall, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. ASHLEY, it was

Ordered, That Scott, White and Company have leave to withdraw their petition and papers.

POST ROUTE.

Mr. BREESE submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Waterloo to Red Bud and Fayetteville to Sparta, in the State of Illinois.

CONTRIBUTIONS IN MEXICO.

Mr. BALDWIN submitted the following resolutions for consideration, which were ordered to be printed:

Resolved, That the amount of money levied by the army of the United States in Mexico, from the citizens of that republic, and from the municipal authorities and people thereof, to the use of the Treasury of the United States for the support of the army, and for the payment of the troops and other expenses of the United States in Mexico, and for the payment of claims against Mexico, and for the liquidation of the claims of citizens of the United States against Mexico, under the Treaty of Guadalupe Hidalgo of February 2, 1848, and the Act of Congress of the 3d March, 1847, [illegible] shall be paid into the Treasury of the United States, and shall be applied to the purposes for which it was levied, and to no other purpose whatsoever.

Resolved, That the President be requested to communicate to the Senate any information in his possession relative to the amount of money collected in Mexico, or contributions levied by the military forces of the United States in Mexico, and the manner in which the same has been disposed of, or applied.

ADVERSE REPORTS.

Mr. ASHLEY, from the Committee on the Judiciary, to whom were referred the memorials of Susan C. Randall and of C. Chauncey and others, submitted an adverse report; which was ordered to be printed.

Mr. WESTCOTT, from the Committee on the Judiciary, to whom was recommitted the petition of J. Bigelow, administrator of Francis Cazeau, deceased; and also the report (and bill accompanying the same) made in said case by same committee, submitted an adverse report; which was ordered to be printed.

Mr. TURNEY, from the Committee on Patents and the Patent Office, to whom was referred the petition of Aaron Carman, submitted an adverse report; which was ordered to be printed.

CHANGE OF REFERENCE.

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That the Committee on Pensions be discharged from the further consideration of the petition of Mary Cassin; and that it be referred to the Committee on Naval Affairs.

DISCHARGED.

On motion by Mr. ATCHISON, it was

Ordered, That the Committee on Indian Affairs be discharged from the further consideration of the memorial of the Board of the American Indian Mission Association.

UNITED STATES COURTS IN MICHIGAN.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the bill concerning the courts of the United States in and for the district of Michigan, reported it without amendment.

The Senate proceeded to consider said bill, as in Committee of the Whole, and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

HOUSE BILLS REPORTED.

Mr. WESTCOTT, from the Committee of Claims, to whom were referred the following bills from the House of Representatives, reported them without amendment.

An act for the relief of the legal heirs of John Snyder, deceased.

An act for the relief of S. Morris Wain

An act for the relief of the legal representatives of James Brown, deceased.

Mr. BALDWIN, from the same committee, to whom was referred the bill from the House of Representatives for the relief of Phineas Capen, legal administrator of John Cox, deceased, of Boston, reported it without amendment.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr President: The House of Representatives have passed a bill entitled "An act to authorize a loan not to exceed the sum of sixteen millions of dollars," in which they request the concurrence of the Senate.

THE LOAN BILL.

The bill from the House of Representatives to authorize a loan not to exceed the sum of sixteen millions of dollars, was read the first and second times by unanimous consent, and referred to the Committee on Finance.

COMPENSATION OF POSTMASTERS.

On motion by Mr. NILES, the prior orders were suspended, and the bill in amendment of an act entitled "An act to amend the act entitled 'An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of fraud on the revenues of the Post Office Department,'" passed the 3d of March, 1845, was read the second time and considered as in Committee of the Whole, and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

WIDOW OF COLONEL MCREA.

On motion by Mr. HANNEGAN, the prior orders were suspended, and the Senate resumed the consideration, as in Committee of the Whole, of the bill for the relief of Mary McRea, widow of Lieutenant Colonel William McRea, late of the United States army, deceased.

Mr. HANNEGAN moved to amend the bill by striking out the words "during her natural life," and inserting in lieu thereof "for the ensuing five years from and after the passage of this act."

Mr. SEVIER suggested the propriety of allowing the bill to stand as it had been reported. The widow of Col. McRea was very old and infirm, and it was not likely that she would live much longer. Their experience had shown that the limitation of these relief bills to a period of five years was not effective, a renewal always being sought. In order to save legislation he made the suggestion that the bill be allowed to remain without amendment.

Mr. HANNEGAN said that he should most cheerfully acquiesce in the suggestion were it not for a letter which he had received from the old lady himself, with whom he had no previous acquaintance, and had never seen. She was more than seventy years of age and was borne down by many infirmities. In that letter the

old lady expressed her desire that the limitation of five years should be made in order to facilitate the passage of the bill, at the same time that she implored speedy action. The claim was a highly meritorious one, and the relief proposed to be extended was in consideration of services as deserving as any ever rendered by any gallant soldier.

Mr. BENTON then rose, but yielded to

Mr. NILES, who said he not did rise exactly to oppose the bill, but he begged leave to call attention to the course of legislation on this subject, in order that they might see whither it is tending, and where it is to end. For a length of time a law providing for the widows and minor children of officers and soldiers of the militia dying from wounds in that service, had been in existence. As he thought, with good reason, a distinction had been made in favor of the militia. A few days since, after a very little consideration, a bill had passed the Senate extending the law, to which he had just alluded, to the regular army of the United States. In the form in which it was presented, that bill would have gone back to 1818, but he had discovered that, and procured an amendment, which confined its operation to the regular army from the first of March, 1846, to the end of the present war. No doubt the case now before the Senate was highly meritorious; yet, as it went on the principle that the widow of an officer who had been engaged in the service of his country in war was entitled to this extension of a pension, it was easy to see that if passed, it would not be easy to resist the application of this principle to all cases of widows of officers or soldiers engaged in the last two wars—the Great Britain. He wished, then, the attention of the Senate to be directed to the effect, length, and breadth of the principle in which it was now proposed to act.

Mr. BENTON said he yielded the floor to his friend from Connecticut, in the full expectation that he would support the bill, because he so generally concurred in favor of what was right. The case of Mrs. McRae had been brought forward by himself some years ago; and a Senator from Maine, no longer a member of the body, who was also acquainted with all the circumstances of the case, most cordially co-operated in bringing it to the favorable consideration of the Senate. At the time the case was first brought forward, he expressed his desire that the principle involved in the case might be applied to the whole army; but the old lady having lived too long already to expect to be able to live long enough to see a general principle applied to meet her case—begged him to give the bill the form which the Senator from Indiana had now given it. In that form he cordially united with the Senator from Indiana and others acquainted with the subject, in giving it a cordial support, in the full conviction, at the same time, that they were not doing adequate justice. It was the case of a lady—her letter showed her to be one in every sense of the word—who, for upwards fifty years, had been the wife of as brave and as honorable a soldier as ever lived, and who, in his fifty years of military life, was always upon the frontier—always engaged in arduous service—in Indian wars, at frontier posts—doing every thing which belonged to the laborious military life of the earliest period of our history, from '91 coming down to the end of the war with Great Britain. He perished on the banks of the Ohio, struck with the cholera. If he had been struck down by the arrow or the hatchet of the Indian, his wife would have taken her pension as a matter of course. He was struck down in the line of his duty, and his death to his family was precisely the same as if he had fallen by the hand of the foe. But the law made a difference between the soldier killed in battle and him who dies from disease. Yet there should be no difference; for it matters not upon what field the soldier dies who gives his life for his country, so far as regards the merit of the sacrifice. It is the same in both cases. The loss to his family is the same. And far more was he to be pitied who died from disease than he who fell at the head of his command on the field of battle. Yet the law made a difference, and thus, after fifty years of service, this officer's widow cannot take a pension because her husband was struck down by disease, although in the line of his duty. If she had been only twenty four hours married, and her husband had fallen in battle, she would have been entitled to a pension. But here, after fifty years of service, the widow of the officer receives nothing because he did not happen to fall by the hand of the foe.

A SENATOR.—He may have been on a furlough.

Mr. BENTON.—On furlough? He had never any thing to do with furlough. What he had to with most was double duty—building forts, opening roads, making bridges—on the frontier always. This was truly a case in which they might say—

"Deliberat Roma, pent Saguntum."

The old lady perisheth whilst they deliberate! He hoped, in conclusion, that every consideration of justice would prompt the Senate to consent to the immediate passage of the bill.

Mr. DAVIS, of Massachusetts, agreed with the Senator from Connecticut, that there might be some danger in establishing precedents calculated to lead to a too wide extension of the pension laws. But he did not apprehend that the passage of the present bill would operate in that way. The case was one of the most meritorious character, and it had peculiar features which rendered it hardly probable that it would be hereafter cited as a precedent to justify any improper legislation.

Mr. PEARCE remarked that it was very difficult to resist such appeals to the feelings of Senators as had been made in favor of this bill. But he was of opinion that the bill introduced a new principle in their legislation, ever known in the case of military pensions, and but for a short time, and that most unfavorably in the case of naval pensions. The principle of the naval pension law was that the widows of those killed in battle—dying from wounds received in battle, or in consequence of exposure to some of the peculiar hazards of their profession, were entitled to a pension.—So far he was willing to go. But the present bill proposed to go farther. It proposed to give a pension to the widow of an officer who died from a disease to which he was not subjected in the line of his duty. If that principle were adopted, why not extend it to all employees of the government, civil as well as military. He was very far from wishing to detract from the value and importance of the services of this officer, but he did not approve of the principle involved in the bill. If the bill passed, he did not see why they should not go on and, and following the suggestion of the Senator from Missouri, enact a general law, giving pensions to the widows of all officers dying in the service, no matter how or where.

Mr. BADGER said that he was at once glad and sorry to hear the remarks of his friend from Maryland, because it was evident that, throughout, his excellent understanding was engaged in a forced contest with the suggestions of his heart. For himself, he had never given a vote in that body with more pleasure than he would vote for this bill. It introduced no new principle into their pension laws. It was not an application to extend the pension laws. It was simply an application to Congress to pass a special bill for a special case, and when a similar case presented itself all that was to be done was to make a similar provision for it. When a similar case occurred, he would, with equal cheerfulness, be prepared to provide for it in the same way. He thought that that country might be declared incapable of self-government, and the proper discharge of its duties to those who served it, which was either unable or unwilling to discharge such a debt as that incurred in the present case—a case of more than forty years unremitted, devoted, faithful service, death in the service, and an aged relict left entirely destitute.

Mr. HANNEGAN said that he had refrained from expressing his own opinion on the bill from the fact that he had been satisfied from the first that the Senate would pass the bill. He rose for the purpose of begging the friends of the bill at any rate, and Senators on every side, to allow the question to be taken without further debate, as it was apparent from the hands of the clock that unless acted on at once, it would be laid over for another day, meanwhile, in the beautiful language quoted by the Senator from Missouri, whilst they deliberated, the aged widow starved.

The amendment was agreed to; and no further amendment being made, the bill was reported to the Senate, and the amendment concurred in.

Ordered, That the bill be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That it pass, and that the title thereof be as aforesaid

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

ADJOURNMENT OVER.

On motion, it was ordered that when the Senate adjourn, it be to Monday next.

TEN REGIMENT BILL.

The Senate resumed the consideration of the bill to raise for a limited time, an additional military force.

Mr. GREENE.—Mr. President, when the act of May, 1846, recognizing the existence of the war with Mexico, passed the two Houses of Congress, I was absent on a visit to my family, and, therefore, my name is not to be found on the journal of the Senate, upon that bill. I have since voted for supplies of men and money for the prosecution of this war; but I have now come to the conclusion that it is my duty to vote against the bill upon your table. It is due to the State which I have the honor, in part, to represent in this chamber, that I should declare, at least, some of the reasons which influence me in the vote I am about to give. This, sir, must be my apology for obtruding myself upon the indulgence of the Senate at this late period of the debate. I have no hope that any thing I can say will influence the action of this body. I have no hope that I can throw any new light upon a subject which has been already so ably and so fully discussed. It is merely because I think the people of the State of Rhode Island have a right to hear from me, upon the questions involved in this debate, that I now address you.

Had I been in my seat when the vote was taken upon the act passed in May, 1846, I do not doubt—I never have doubted—that I should have acted with Senators upon this and the other side of the chamber in voting for the bill; I should have endeavored, with my friends upon this side, to amend it, by striking out the objectionable preamble; but, if we had not succeeded in that, in the

emergency presented to us by the message, and without time to examine into the facts, in regard to the origin of the war, I should not have felt myself authorized to withhold my vote from a measure which I should have deemed of pressing necessity for the safety of our army upon the Rio Grande, then understood to be in great peril from an overwhelming force.

I do not propose, Mr. President, to detain the Senate by any discussion of the origin or justice of this war. These questions have brought to their consideration the minds of men abler by far than he who now addresses you; and the subject seems to me to have been entirely exhausted. It is sufficient for me to say, that I believe the war to have been unnecessarily precipitated; that the immediate cause of it was the order under which the army was marched from Corpus Christi to the Rio Grande; that it might have been avoided by the exercise of prudence; and that it was, therefore, unnecessary, and, if unnecessary, unjust, at least to ourselves. I propose to confine myself, in the remarks which I shall make, to the consideration of our present position and future prospects, if the war be continued, and the measures and policy now recommended by the President of the United States, be adopted. I shall endeavor to show that the character and objects of the war are changed; that it is inconsistent with the intention of the framers of, and parties to the constitution of the United States, and with the spirit of that instrument itself, to acquire and hold by conquest any foreign territory; that it is not only unconstitutional, but would be inexpedient and dangerous to our free institutions and to the permanency of the Union, to acquire and hold any portion of Mexico by conquest; and that to make the addition to the army now proposed, is unnecessary, and would tend to increase the difficulties of our position and protract the war. I will consider these various points as briefly as I may. I shall not go over the whole of the wide field embraced in these propositions, but shall content myself with offering only such remarks, in regard to each, as shall sufficiently explain my views in relation to them.

Until the present session of Congress, every message of the President of the United States, from that of May, 1846, has held out the idea that the war would be prosecuted with vigor, but that no territory was to be permanently held by this country, unless by free and voluntary cession on the part of Mexico—by treaty, and on fair and honorable terms. I think I am correct in this position, that until the annual message of the President of the United States to the present Congress, the idea of holding any portion of territory by conquest, was never intimated by the Executive, nor indeed was it ever, so far as I recollect, suggested upon this floor. If this be true, then, I repeat, and it is demonstrable, that if we carry out the measures recommended in the message of December, 1847, we shall prosecute the war for objects not only not hitherto avowed, but, on the contrary, expressly disavowed, by the Executive, and which are, in my opinion, utterly inconsistent with the welfare and prosperity of our country. For the purpose of showing this, I will compare the present annual message of the President with his former messages. I will first refer to the message of August 8th, 1846. In that communication, the President, after speaking of the best mode of carrying on the war, says:

"Impressed with the belief that Mexico will yet accept peace rather than meet the certain consequences of a further prosecution of the war, I forbear to enumerate the conditions on which I would be willing to terminate it. They would be such as would be entirely consistent with the honor of the republic, which could not be inconvenient to both, and such as neither will hereafter be inclined to disturb. In the adjustment of those conditions, we ought to pay a fair equivalent for any concessions we may make."

"A peace just and honorable to both parties," was then avowed to be the object of the war. The language is explicit. It not only does not look to the acquisition of territory by conquest, but it expressly disavows and disclaims any such intention. In the adjustment of the boundary he says, "we ought to pay a fair equivalent for any concessions which may be made by Mexico." Again, in the annual message of December, 1846, the President says:

"They will continue to be prosecuted with vigor, as the best means of securing peace. It is hoped that the decision of the Mexican Congress, to which our last overture has been referred, may result in a speedy and honorable peace. With experience, however, of the unreasonable course of the Mexican authorities, it is the part of wisdom not to relax in the energy of our military operations, until the terms of peace are finally settled. In case we are compelled, by the military power of the provinces which have been taken, until a definitive treaty of peace shall have been concluded and ratified by the two countries.

"Should our present overture be rejected, but nothing been commenced by Mexico, it has been carried into the enemy's country, and will be vigorously prosecuted there, with a view to obtain an honorable peace, and thereby secure an indemnity for the future expenses of the war, as well as for other injuries sustained, who hold large pecuniary demands against Mexico."

The President here reiterates his disavowal that the war has been "waged with a view to conquest." And again, on the 13th of February, 1847, the President tells us:

"While it is deemed to be our true policy to prosecute the war in the manner in which it is now conducted, and to press it with all the vigor which the circumstances will admit, we are ready, with the authority conferred on me by the constitution, and with all the means which may be placed at my command by Congress, to conclude a just and honorable peace."

Now, sir, what is the language of the President, and what are the measures proposed by him at the commencement of the present session? I will ask the indulgence of the Senate, whilst I read a passage from the last annual message of the Executive. The President there says:

"Whilst our arms have been every where victorious, having subjected to our military occupation a large portion of the enemy's country, including his capital, and negotiations for peace having failed, the important questions arise, in what manner the war ought to be prosecuted, and what should be our future policy? I cannot doubt that we should secure and render available the conquest which we have already made and that, with this view, we should hold and occupy, by our naval and military forces, all the ports, towns, cities, and provinces now in our occupation, or which may hereafter fall into our possession; that we should press forward our military operations, and levy such military contributions on the enemy as may, as far as practicable, defray the future expenses of the war.

"Had the government of Mexico acceded to the equitable and liberal terms proposed, that mode of adjustment would have been preferred. Mexico having declined to do this, and failed to offer any other terms which could be accepted by the United States, the national honor, no less than the public interests, requires that the war should be prosecuted with increased energy and power, until a just and satisfactory peace can be obtained. In the meantime, as Mexico refuses all indemnity, we should adopt measures to indemnify ourselves by appropriating permanently a portion of her territory. Early after the commencement of the war, New Mexico and the Californias were taken possession of by our forces. Our military and naval commanders were ordered to occupy and hold them, subject to future negotiation."

These provinces are now in our undisputed occupation, and have been so for many months, all resistance on the part of Mexico having ceased within their limits. I am satisfied that they should never be surrendered to Mexico. Should Congress concur with me in this opinion, and that they should be retained by the United States as indemnity, I can perceive no good reason why the civil jurisdiction and laws of the United States should not at once be extended over them. To wait for a treaty of peace, such as we are willing to make, by which our relations towards them would not be changed, cannot be good policy; whilst our own interest, and that of the people inhabiting them, require that a stable, responsible, and free government under our authority should, as soon as possible, be established over them. Should Congress, therefore, determine to hold these provinces permanently, and that they shall hereafter be considered as constituent parts of our country, the early establishment of territorial governments over them will be important for the more perfect protection of persons and property; and I recommend that such territorial governments be established. It will produce quiet and tranquility among the inhabitants, by allaying the apprehension that they may still entertain of being subjected again to the jurisdiction of Mexico. I invite the early and favorable consideration of Congress to this important subject.

Besides New Mexico and the Californias, there are other Mexican provinces which have been reduced to our possession by conquest. These other Mexican provinces are now governed by our military and naval commanders, under the general authority which is understood to be conferred upon them by the laws of war. They should continue to be held as a means of coercing Mexico to accede to just terms of peace. Civil as well as military officers are required to conduct such a government. Adequate compensation, to be drawn from contributions levied on the enemy, should be granted to such officers as may be thus employed. What further provision may become necessary, and what final disposition it may be proper to make of them, must depend on the future progress of the war and the course which Mexico may think proper hereafter to pursue."

Here, then, is proof abundant that the character and objects of the war are changed. By the recommendation of the President, we are to render "available" the conquests of Mexican territory which we have made. "We should adopt measures to indemnify ourselves by appropriating permanently a portion of her territory." We are to hold the provinces of New Mexico and the Californias, with or without a treaty. "I am satisfied that they should never be surrendered to Mexico," says the President of the United States. To substitute—no equivalent—no payment of money, even, can change our relations in these provinces. In no event can they be surrendered to Mexico. What is this but title by conquest? We have, and we claim no right to these provinces, over which we are to establish "territorial governments," except the right of the strongest.

The obvious and striking difference between the messages to which I have referred, shows that the policy recommended to Congress at the present time is utterly at variance with that formerly avowed by the President. It must be apparent to the minds of all, from a comparison of these messages—from contrasting the objects formerly avowed by the President with his language now, and the measures at present recommended by him, that gentlemen who heretofore have voted for men and means for the prosecution of the war, may now, without affording the slightest ground for the charge of inconsistency, record their votes against the bill under consideration, even if there were no other reason for such votes.

But, sir, in considering the measures now recommended, with reference to their effects, we should not confine ourselves merely to the views officially expressed by the President. In looking to the consequences of our action here, we should not be unmindful of the "signs of the times," as they are indicated by resolutions offered in this chamber, by speeches and letters of distinguished members of the administration party here and elsewhere, by the expressions of popular opinion, and by the tone of a portion of the public press. These afford strong indications that something beyond the annexation of a portion of Mexican territory may be the consequence of the measures proposed, and of the further prosecution of the war.

It may be remarked, and indeed it must have struck every one, that we have never had any declaration from the war-making power of the objects of this war. We present to the world a strange spectacle—prosecuting, for nearly two years, a war, the objects of which, down to this moment, have not been declared by the war-making power, nor even, with any distinctness, by the Executive. We have carried on a "vigorous war" to obtain an honorable peace," and we are now carrying on this war to obtain "indemnity for the past and security for the future." Now, these words mean just what the author of them may choose to say they mean. They are indefinite; for, although they are broad enough to cover any thing, they in fact define nothing. We must, therefore, in ascertaining the objects and the possible consequences of this war, look to the opinions of gentlemen on the other side of the chamber, who occupy high stations, and have great power and influence over the public mind. In forming our opinions in regard to the consequences likely to follow from the measures of the administration, it is proper to consider them in connection with the expressions of those who have been identified with its policy in this chamber and elsewhere. I have taken some pains to gather some of these evidences of opinion, and I feel satisfied, sir, that the question is eventually to be, whether we shall incorporate the whole of Mexico with these United States. I have in my hand a speech of the

honorable Senator from Texas, who sits before me, [Mr. HOUSTON,] delivered at a great mass meeting, recently held in Tammany Hall, in the city of New York. And, sir, you will permit me here to remark, that we are not at liberty to value lightly the opinions of that gentleman, expressed on such meetings. They give a tone to public sentiment. They are dangerous, not merely from the effect they have upon the persons present on such occasions, but from the influence which they exercise upon the whole country through the medium of the public press.

I find that, on the occasion referred to, the honorable Senator said:

"You may escape the small pox, but you can never escape the contagion of land loving. As sure as you live, it will become a part of your nature. There is not an American man-birth but what lusts land. It is the fact, though I say so in my coarse and vulgar way. [The Senator uttered a great many 'Great Apostles.' Your ancestors, when they landed at Plymouth, upon the famous rock, were not long contented with that footing, or, but proceeded in their night, and went on prospecting at Jamestown as well as at Plymouth, till all the country was possessed by them. From the first moment they landed, they went on trading with the Indians, and obtaining their land. Now the Mexicans are no better than Indians, and I see no reason why we should not go on in the same course now, and take their land."

Well, sir, sentiments such as these, coming from so distinguished a personage, are calculated to have great weight. The example here held out for imitation cannot fail to have its effect. You love land, says the Senator. "There is not an American on earth but what loves land." Then, sir, the alleged example of our ancestors is appealed to. You have always acquired territory in this way; and in this way, you must get as much more as you can. Such is the tenor of the gentleman's remarks at that meeting. Sir, no great effort—no very strong arguments are required to persuade masses of people of the justice of measures which their interest makes them but too willing to pursue; and when this national land-loving propensity is held up as a sufficient justification, it would surprise us if it did not produce its natural effect. It excited "great applause." Sir, when the same meeting was addressed by the honorable Senator from Mississippi, [Mr. FOOTE,] and after he had given his views upon the right of acquiring territory by conquest, he says:

"The enemy's country is in our possession; and what shall we do with it? You have declared what we shall do with it. You have declared by your resolutions what we shall do with it. We are not to withdraw our armies, for the present, at least. Well, suppose it turns out that Mexico will never be able again to make known as a separate national existence to the civilized world—that we shall have no government with which we can treat."

Then he asks "what shall we do with Mexico?" The response comes at once from the crowd—"annex it"—"annex it." The honorable Senator indeed said, "I am not prepared for that;" but, sir, it was evident that the minds of the people had been prepared for it.

This, sir, is not all. I have in my hand the resolutions presented by the honorable Senator from Alabama, [Mr. BAGBY,] one of which is as follows:

Resolved, That conquest is a legitimate mode of acquiring territory, and so recognized by the laws and the universal practice of civilized nations."

In connexion with this, and as indicating what the honorable Senator means, I beg leave to read an extract from a letter, said to be from him, which I find in a newspaper called the "Hannibal City Gazette," published on the 27th of January, 1848:

"SENATOR BAGBY UPON ANNEXATION. The United States Senator has written a letter to a gentleman in Tuscaloosa in favor of the annexation of all Mexico to the United States. He says:

'In every light which I can view the present condition of Mexico and our relations towards her, I am irresistibly led to the conclusion that there is no alternative left, but to reduce the country to absolute subjection, and extend the jurisdiction of our laws and institutions over it.'"

This language requires no comment. Again, sir, we have before us the resolutions of the honorable Senator from New York, [Mr. DICKINSON,] breathing the same spirit:

"*Resolved*, That true policy requires the government of the United States to strengthen its political and commercial relations upon the continent by the annexation of such contiguous territory as may conduce to that end, and can be justly obtained; and that neither in such acquisition, nor in the territorial organization thereof, can any conditions be constitutionally imposed, or institutions be provided for or established, inconsistent with the right of the people thereof to form a free sovereign State, with the powers and privileges of the original members of the confederacy.

"*Resolved*, That, in organizing a territorial government for territory belonging to the United States, the principles of self government, upon which our federative system rests, will be best promoted, the true spirit and meaning of the constitution be observed, and the confederacy strengthened, by leaving all questions concerning the domestic policy thereon to the legislatures chosen by the people thereof."

And to these the honorable Senator from Florida, [Mr. YULEE,] offers this amendment:

"That the territory belonging to, or which may be acquired by the United States, is the common property of the Union, and the sovereignty over the same vests in the people of the several States composing the Union.

"*Resolved further*, That the federal government has no delegated authority, nor the territorial community any inherent right, to exercise any legislative power upon the said territories by which the equal right of all the citizens of the United States to acquire and enjoy any part of the common property may be impaired or embarrassed."

And then we have the resolutions presented to this body by my friend, the Senator from Indiana:

"*Resolved*, That no treaty of peace can be made with Mexico, having a proper regard for the best interests of the United States, which does not establish as a boundary between the two nations the most suitable line for military defence.

"*Resolved*, That in no contingency can the United States consent to the establishment of a monarchical government within the limits of Mexico by the intervention of European power.

"*Resolved*, That it may become necessary and proper, as it is within the constitutional capacity of this government, for the United States to hold Mexico as a territorial appendage."

Well, Mr. President, it is true that honorable Senators on the other side of the chamber, who have discussed this bill upon this floor, have not, all of them, avowed their intention or desire to carry on this war for the purpose of conquering the whole of Mexico. Indeed, the honorable chairman of the Committee of Military Affairs, [Mr. CASS,] disavows all such intention; whilst, however, he made the disavowal, he remarked that such a result might come, and if it should, he did not believe that even the absorption of the whole of Mexico "would kill us."

Again, the chairman of the Committee on Foreign Relations, [Mr. SEVIER,] states, distinctly, his opinion that this issue may be forced upon the democratic party at the next Presidential election, and clearly avows that, should the alternative be the withdrawal of our troops altogether, without any acquisition of territory, or the subjugation of the entire Mexican territory, he goes for taking the whole of Mexico.

These are "the signs of the times," sir; these are opinions not lightly expressed; they emanate from no insignificant sources. They are operating upon the public mind, sir—who can doubt it? It was said on a former occasion, in this chamber, that it would be necessary to prepare the public mind for war. Perhaps, sir, it is now necessary to prepare the public mind for that, to hear which should awaken alarm in the breast of every American Senator. These apprehensions may be but shadows, sir; but "coming events cast their shadows before." If any gentleman in this Senate will look back to the period preceding the last Presidential election, and recall to his memory the condition of the question of the annexation of Texas, then, and compare it with the state of the question of the acquisition of the whole of Mexico now, he will, I think, see that the issue hinted at by the honorable Senator from Arkansas, [Mr. SEVIER,] will be the issue involved in the next Presidential contest. He will also see, sir, that all the expressions of opinion to which I have alluded are but preparations of the public mind for the agitation of that question, as the great issue upon which the democratic party intends to go into the next election of a Chief Magistrate.

I now proceed, Mr. President, to the consideration of the second question that I propose to discuss, which is the right of the government of the United States, in accordance with the spirit of our constitution, to hold foreign territory by the title of conquest alone. The constitution of our Union was framed for the government of the old United States, and the territory which they occupied or owned. It was framed by delegates from the States themselves, and adopted by the people; it was framed for an Anglo-Saxon race. Its powers were all delegated powers—and they are limited by the instrument itself. Its objects were all defined. It contemplated no acquisition of territory beyond the limits of the Union. True, the treaty-making power was therein given to the general government, as was also the war-making power, but it was for purposes essential to the efficiency of the instrument, which purposes are set forth with exactness in the preamble:

"We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America."

These were the objects for which the constitution was framed—"to provide for the common defence, and to promote the general welfare," of the parties to the compact. It contemplates no extension of its benefits beyond the parties to the instrument. The power was given to Congress to admit new States; but, evidently, the power so granted had reference to new States erected within the old territory. This was the view taken at the time of the adoption of the constitution, and it continued to be entertained, until the period of the purchase of Louisiana by Mr. Jefferson, that purchase was never justified by its distinguished projector on the ground of its constitutionality, but purely and entirely upon the ground of the necessity of the case.

I propose to trace, as briefly as I can, the great departure that has taken place from the true intent of the constitution, in this respect, and to show how, step by step, we have at length arrived at the point where we claim for the United States the power to take and hold foreign territory, simply by the right of conquest. I have said that Mr. Jefferson himself justified the treaty by which Louisiana was acquired, solely on the ground of necessity. It was indispensable to the growth and prosperity of the western portion of the States that an outlet, through the river Mississippi, should be obtained for their produce. When I speak of the doubtful power which was exercised in the formation of that treaty, I wish to be clearly understood, however, as not intending to depreciate or undervalue, in any degree, the vast advantages arising from it. There were no doubt very satisfactory reasons for the annexation of that large extent of country. But I was about to refer to the opinion of Mr. Jefferson on the subject. In his letter to Judge Breckenridge, in August, 1803, he says:

"This treaty must of course be laid before both Houses, because both have important functions to exercise respecting it. They, I presume, will see their duty to their country, in ratifying and paying for it, so as to secure a good which would otherwise probably be never again in their power. But I suppose they must then appeal to *the nation* for an additional article to the constitution, approving and confirming an act which the nation had not previously authorized. The constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The Executive in seizing the fugitive occurrence which so much advances the good of their country, have done an act beyond the constitution. The legislature in casting behind them metaphysical subtleties, and risking themselves like faithful servants, must ratify and pay for it, and throw themselves on their country for doing for them unauthorized, what we know they would have done for themselves had they been in a situation to do it. It is the case of a guardian, investing the money of his ward in purchasing an important adjacent territory, and saying to him when of age, 'I did this for your good; I pretend to no right to bind you;' you may disavow me, and I must get out of the scrape as I can. I thought it my duty, however,

[illegible] its line."

[illegible] dated August 30th, 1803:

[illegible] to their rights and obligations, on the same footing with other citizens of the United [illegible] constitutional difficulty the better; and that it will be desirable for Congress to do [illegible]

[illegible] 7th, 1803 [illegible]

[illegible] into the Union new States, which should be formed out of the territory for which, and more [illegible] meant they might receive English, Ireland, Holland, &c., into it, which would be the case on your construction. When an instrument admits two constructions—the one safe, the other dangerous; the one precise, the other indefinite—I prefer that which is safe and precise. I had rather ask an enlargement of power from the [illegible] our powers boundless. Our peculiar security is in the possession of a written constitution. Let us not make it a blank paper by construction. I am the same as to the opinion of those who consider the grant of the treaty making power as boundless. If it is, then we have no constitution. If it has bounds, they can be no others than the [illegible] operations permitted to the federal government, and gives all the powers necessary to carry these into execution. Whatever of these enumerated objects proper for a law, [illegible] the President and Senate may enter into the treaty; whatever is to be done by a judicial sentence, the judges may pass the sentence. Nothing is more likely than that their enumeration of powers is defective. This is the ordinary case of all human works. Let us go on, then, perfecting it, by adding, by way of amendment to the constitution, those powers which time and trial show are still wanting."

I am aware, sir, that these letters have heretofore been frequently referred to, but they have such a direct bearing on the subject I am considering, that I shall be excused for calling your attention to them at this time.

No, sir, was this, or the opinion of that distinguished statesman alone. Similar views, I am satisfied, were entertained by Mr. MADISON, and I know that the venerable JAMES MONROE always avowed and maintained the same opinions; and such indeed were the sentiments of many of our ablest and wisest statesmen at the time of the acquisition of Louisiana. General acquiescence, subsequently, seems to have made it a part of the constitution, that the treaty-making power may annex foreign territory to the United States.

[illegible] territory was that of Florida, which Senators will bear in mind, was also effected by treaty. Recently, and lastly, came the annexation of Texas. In this last instance, however, the treaty-making power having been appealed to in vain, a more summary mode of proceeding was adopted to evade the restrictions by which that power was trammelled. The two-third vote was found inconvenient by the friends of the measure, and recourse was had to annexation by joint resolution, whereby the new territory was made a part of our Union, and that, too, in this body, by a bare majority. Treaties require a two-third vote in the Senate, where the smaller States have equal weight with the larger; but if new territory can be annexed to the Union by a bare majority of both Houses, [illegible] members of the old confederacy, whose rights may thus be sacrificed by the addition of States, comparatively without population, [illegible] We had gone so far beyond the construction put upon the constitution by Mr. Jefferson, as to believe that the treaty-making power could annex foreign territory; but it has been, I think, but seldom contended that foreign territory could be annexed by any other mode. The federal constitution has been regarded as a compact between the original States, and, whatever the operation of the contract might be in other respects, the several States, be their size what it may, were to have an equal representation in this body. A vote of two-thirds being required to sanction a treaty for the acquisition of territory, there would always be something like safety in a treaty ratified by the Senate. When the proposition to annex [illegible] be obtained. But the democratic party at the Baltimore Convention had made annexation one of the great issues of the Presidential election, and it was necessary that the decrees of that convention should be carried into effect. The decree was accordingly executed in the shape of joint resolutions; and thus was the check and safeguard provided by the constitution broken down, and the new principle established, that foreign territory may be annexed by the passage of joint resolutions by the two Houses of Congress, with the approbation of the President. One would have thought that this was going quite far enough, and that we ought to pause here. But no, sir; we are now required to take another and a bolder step, and to recognize the principle that foreign territory—territory which has never been the property of this country—may be acquired and incorporated into the Union by the mere right of conquest. However barbarous this mode of acquisition may be, it cannot be denied that it has, to a certain extent, been recognized under other forms of government. But, sir, I do deny, that, under our constitutional compact, under the bond entered into by the States with each other, permanent acquisition of territory can thus be made.

I will not trespass further upon the time of the Senate by dwelling on this branch of my subject, but will now proceed, sir, to consider the third question, upon which I propose to make a few remarks—the expediency of the proposed annexation of new territory, beyond the limits of our present possessions.

The annexation of any portion of Mexico to this Union is, in my opinion, to be deprecated, first, and principally, because we can effect no annexation without raising a question which we cannot but consider the most dangerous that can possibly be agitated in this country. I refer to the question of slavery. On this subject, sir, we have before us resolutions from various States, expressing their decided opposition to the extension of the area of slavery, which may, and probably will follow, and be consequent upon, any acquisition of Mexican territory. I am aware that the policy indicated by these resolutions, and by the Wilmot Proviso, as it is called, has been termed an "aggressive policy," on the part of the free States. In behalf of those States, at any rate the one from which I come, I beg leave to deny that the policy can, justly, be termed "aggressive." It is the course indicated by a due regard to their safety and the protection of their rights and interests.

The ordinance of 1787, made under the old confederation, was intended to settle, and regarded as settling, the whole question, as to the States of this Union in which slavery should be permitted to exist. This was the ordinance, forever "unalterable but by common consent," in full force when the constitution was framed and adopted. The constitution was ratified with reference to it. It was regarded as a part of the compact, and one of the early acts of the first Congress under that constitution was a recognition, or, rather, adoption of it, as an existing fundamental law.

Among the most important subjects of discussion in the convention which formed the constitution was the distribution of power among the States. The representation of the slave population was a matter of compromise between the States. Neither the free nor slaveholding States looked to the acquisition of any territory beyond the limits of the States and territory then in existence. To that compromise we conscientiously adhere. We hold fast to the spirit and intent of the constitution. We have already submitted to the introduction of new States, in which slavery is tolerated, which have been created out of foreign territory, and which were never contemplated by the framers of the constitution. We have recently acquiesced in an addition to our slaveholding territory, by the annexation of Texas, larger than eight or nine of the old thirteen States, and out of which new States are to be created.

We say to the South, we can go no further. The free States take their stand upon ground. We want no more territory. We have had enough of the introduction of new slaveholding States from foreign territory, acquired since the adoption of the constitution. We cannot consent to go beyond the point at which we have already arrived. Our views upon this question are different from yours; we claim to be as conscientious as you; we regard slavery as a great moral evil, and cannot consent to its further extension. We regard the institution of slavery, not only as a moral evil, but we look upon it, also, as a great political evil. The people of the southern States are represented in Congress, not according to their population, but in accordance with the amount of their property. This is a political evil, to the increase of which we cannot consent.

On the other hand, gentlemen tell us that a restriction will never be submitted to by the South. Each party is equally positive, and conceding that both are equally honest in the assertion of what they conceive to be their rights, is it not evident, that, with the feelings which are manifested on this subject, you hazard the safety of the Union, by the contemplated addition to your limits.

I have before referred to the resolutions and amendment of the Senators from New York and Florida, [Mr. DICKINSON and Mr. YULEE,] on this subject, and already, in anticipation of what is looked for as the result of this war, has this question been debated here. What, then, I would ask, sir, is the true and patriotic course for us to pursue? Why, to acquire no more territory, and thus avoid this element of strife and discord. You have already territory enough, extending itself throughout every variety of soil and climate. God has blessed you with what is sufficient—why then do you desire to add to your wide possessions? Will it enhance your power and importance as a nation? No, sir; years, if not centuries, must roll by, before your population can occupy the territory which you now possess. Then why adopt a course that cannot fail to agitate our Union to its very centre? Why, sir, I would ask, shall we force upon ourselves this fearful issue? For myself, I can see no possible good that can arise from it, whilst, on the other hand, I cannot avoid seeing that it is pregnant with mischief, and fraught with evils of the most dangerous and appalling character.

But, sir, there is another and, perhaps, not much less important point of view, in which this matter is to be regarded. Looking to the probability that we are to be encumbered with the whole of Mexico; that "manifest destiny," or some other equally potent cause, is to [illegible] —looking to the probability of such being the result of the measures proposed by the President of the United States, I am led to another consideration. There are in Mexico, with a population of 8,000,000, about 5,000,000 of Indians. These Indians, sir, are

free men, and under our form of government must be permitted to enjoy the rights which belong to freemen. They are, it must be granted, an ignorant and uncultivated race; but what of that? You cannot, on that account, refuse them the exercise and enjoyment of these rights. This reasoning, it will be borne in mind, applies to a portion, as well as to the whole of Mexico. Annex them, sir, and make them a portion of your confederacy, and what will you do with them? Besides these five millions of Indians, you will perhaps have two millions more, belonging to the mixed races, or castes, as they are called, varying in color and possessing every variety of complexion. What will you do with this population? Will our friends from the South agree that this portion of your American population, as it will then be, shall have all the rights of freemen conferred upon them? Are they prepared for this; and are they ready to endow them, among other rights, with the right of being eligible to seats in the two Houses of Congress?

Mr. FOOTE.—If the Senator desires a reply, I would say that I should be wholly unwilling to confer upon them political rights at present; and, I will add, that since 1835, not a single one of them has been in the enjoyment of those rights.

Mr. GREENE.—I believe the authorities differ upon that point. However, be that as it may, it is unnecessary to discuss that question at present. The honorable Senator would not have them on this floor immediately, but it would come to this result eventually. You must give them the rights of citizens, and it matters but little whether it be done now, or twenty years hence. They will not, in the meanwhile, change their complexions, their habits, nor their natures, although they may be somewhat better informed.

I do not know what term of probation they would have to submit to, but one thing I do know, which is, that if you annex these people by conquest, or by treaty, and do not extend to them the rights of other citizens, you violate one of the principles which lie at the foundation of our free institutions—one of the earliest principles avowed by the framers of our constitution—the right of self-government. Will you deny to them this right? You cannot do so. I would be an utter violation, I repeat, of the great principle upon which this government is based, that all government is of the people and emanates from them. To deny to these people the rights of citizens, would be an outrage upon the principles on which our revolution was founded.

Mr. SEVIER.—Do I understand the honorable Senator to say, that there are two millions of blacks in Mexico? There are but 6,000 negroes.

Mr. GREENE.—My authority is the Senator from Tennessee.

Mr. BELL.—The Senator was speaking of castes.

Mr. SEVIER.—In regard to the negroes and Indians, they have never exercised the right of voting; they are prohibited by the constitution, unless they have been taxed.

Mr. GREENE.—In some instances a property qualification is required.

Mr. FOOTE.—According to Mr. Jefferson, as cited by the Senator from Rhode Island, it was inexpedient to permit any but "the white inhabitants" to enjoy the rights of citizenship in Louisiana. He is the Senator of one of the [illegible] with his own chosen posterity?

Mr. GREENE.—The Senator may have so understood me, but, if he were acquainted with the history of my political life, he would not suppose that I concurred with Mr. Jefferson in every thing. I do concur in some of the views which he has expressed in regard to the constitution; but, I must say, that I have agreed but seldom with him upon matters of state policy. I referred to him as being high authority, and particularly on account of his having been the projector of the acquisition of Louisiana. I also referred to Mr. Adams, and other great men of that period. I gave these opinions, coming from different sources, in order to show you the doubts which then existed, with reference to the power of making additions to the established limits of our country.

But, sir, one of the projects under contemplation seems to be, to hold Mexico as a "territorial appendage." I will not anticipate what my honorable friend from Indiana has to say upon that subject. I have simply to remark, that if you attempt to hold any portion of Mexico by conquest, it involves the necessity of keeping on foot a large standing army. No one will reflect for an instant on the character of the people of Mexico, can suppose that you will be able to hold that country as you do Louisiana and Florida. The possession of their territory will make it necessary to keep up a standing army, which standing army cannot be less than the force with which you have conquered the whole country.

A single word now, sir, in reference to the proposed increase of the army, and I shall cease to occupy your time and attention. I say then, sir, that according to the view which I have taken of this question, the increase of the army, as proposed by the bill under consideration, would tend to make the difficulties of our position greater than they now are, and to protract the war. You have in Mexico at present an army of about 45,000 men, and you have the power, under existing laws, to enlist an additional force of 8,000. Without this bill you have authority then, already, to keep an army of over 50,000 men in Mexico. With a force of 12,000 men, you have conquered a great portion, and the most valuable portion too, of her territory. This is, I believe, about the number of troops that were landed at Vera Cruz. With an army of only 6,000 men, you have entered and become possessed of her capital. Her government is entirely prostrated and powerless—her army is dispersed—she has no power to raise money, and no spirit to raise men—and, in the face of all this, you now ask authority to organize ten new regiments of regulars and twenty of volunteers, to enable you to retain possession of that which you have acquired, and to make further conquests.

It appears to me, sir, perfectly evident, that this increase cannot be necessary for any legitimate object; any object, at least, in promoting which I can concur. If you persevere and subjugate the rest of Mexico, and annihilate even the shadow of a government that is left to her, with whom are you to negotiate? What power on her part will there be to make a treaty? You can institute no authority which can give any sort of permanence to any treaty that may be made with you. You may, it is true, send out your armies and take possession of the remaining States; but of what avail will it be, unless you continue your military occupation of them? These, sir, are questions which force themselves upon our attention. You will not have a peace, but you will have the whole of Mexico; and, as the Senator from Mississippi very properly asked, "what will you do with it?" I am very much afraid, sir, that honorable Senators on the other side of the chamber will have so prepared the public mind for such a state of things—will have so encouraged the land-loving disposition, which, we are told, is so irresistible in its power, and so characteristic of our countrymen, that when our people are asked what shall be done with it, the answer of too many of them will be—"annex it," "annex it." Of all evils that can befall this country, Mr. President, this, in my opinion, would be the greatest. Regarding it as such, and looking to the probability of such a result, growing out of the measures proposed by the Executive, I cannot sanction these measures. I would vote, as readily as any gentleman on this floor, for any supplies of men and means necessary for the safety of the gallant spirits who compose the army, did I believe them to be in any danger. I shrink from no responsibility that may be incurred in taking proper care of them; but under the present aspect of affairs, it is not my intention, nor do I think I can be induced, by any consideration, to vote for any increase of the military force of the country.

Mr. MASON took the floor, and moved that the Senate adjourn—but afterwards withdrew the motion.

PRIVATE BILL.

Mr. BALDWIN, from the Committee of Claims, to whom was referred the petition of J. W. Nye, assignee of Peter Bargy and Hugh Stewart, submitted a report accompanied by a bill for his relief.

The bill was read, and passed to the second reading.

Ordered, That the report be printed.

INVIOLABILITY OF FRANKS.

Mr. BADGER submitted the following resolution for consideration:

[illegible]

Mr. BADGER asked for its immediate consideration.

The Senate proceeded to the consideration of the resolution, by unanimous consent.

Mr. BADGER.—I desire to make a single remark by way of showing the necessity for the adoption of this resolution. As the law at present stands all letters and packages, under the weight of two ounces, may be sent and received by members of Congress free of postage. The Post Office Department has introduced a proviso into this law, providing that members who frank letters and documents shall also direct them. This is an unwarranted interference. It is a proviso not contained in the law. It is a serious inconvenience, and, in my humble opinion, is a gross indignity to members of this body. A gentleman, who is a member of the other House, showed me, to-day, a package which he had sent to his sister at school. The frank had been stricken off, and postage charged, although both the frank and the direction were written by himself, as he tells me, with different pens.

Mr. WESTCOTT.—The Postmaster General has rectified this matter some days since. It will do no harm to any body, but there is no necessity for any action. Some days since, I was informed, letters written for me, and at my request, and on my business, public and private, by a friend and constituent who was here, because directed by him, though franked by me, were charged with postage, and my frank erased. I felt indignant at it as an outrage. On enquiry, I found the same rule had been adopted as to all members of Congress. Supposing it was the fault of the city Postmaster, or his clerks, I called at the General Post Office, to have them instructed properly; and the Postmaster General being away, I saw Mr. Brown, the first assistant, and complained of the erasure as unlawful. Subsequently, a few days ago, the city Postmaster informed me that he had received instructions to let all franked letters and documents pass, whether directed by the person franking or not.

Mr. BADGER.—Documents, no—etc.

Mr. WESTCOTT.—No, not—letters and documents both. I was particular in my enquiry, and he expressly told me the instances—one applied to both.

Mr. BADGER.—All that is desired to be attained by the resolution now presented is, that we shall all stand upon the same footing as the Senator from Florida. If it has been rectified in regard to him, let it be so generally.

Mr. UNDERWOOD.—I merely rise to state that perhaps I have as much reason to complain of post-office regulations as any member of this body. I have suffered from them greviously. When I was a member of the other house, my constituents were, on one occasion, charged six hundred dollars for their speeches which I franked to them. It was done in this way: I wrote the frank and got my wife to direct them; I left the city in the morning, and, as I was afterwards told, the speeches were not sent to the post office until the next day. The franks were all erased, and those to whom they were sent were charged a dollar and a quarter postage on each, amounting to about six hundred dollars. Thus this amount was taken from my district by the assumption of the post office to degrade me by refusing my frank. The envelopes, a great many of them, were sent back to me to show the abuse that had been practiced by the post office. I have made it a rule, since I have been in Congress, never to frank for others. During the last summer, conceiving that I had a right to send and receive all my letters, free of postage, I franked those which I sent to Louisville, and I was afterwards informed that the franks were erased and postage charged regularly. Another gentleman has told me that he was served in the same way. It is a palpable misconstruction of the law; and it is really time that we should take the subject under our consideration and prescribe a remedy.

Mr. CASS.—What is the purpose of the resolution? Is it an enquiry whether the law has been violated?

Mr. BADGER.—The object is to change the law and render it more explicit.

Mr. CASS.—Why the law is clear in it itself, is it not?

At the request of several Senators the resolution was again read by the Secretary.

Mr. CALHOUN.—I really doubt the propriety of adopting this resolution. There is no authority, as I understand, by which the Postmaster General is authorized to put such a construction as he may think proper upon a law of Congress. The resolution ought to be in the form of an assertion of our rights.

Mr. BADGER.—I will cheerfully concur in any resolution which the honorable Senator from South Carolina may think proper to propose in regard to this matter, which will secure to us our rights. And I will go further, and express a clear and decided condemnation of the practice on the part of any officers of this government of not only interpreting our laws in a way to suit their own views, but of amending them. I would make it an offence, punishable in a high degree, upon prosecution in the Courts of the United States, in case any Postmaster should dare to charge postage upon letters that are franked by those who are entitled to the franking privilege.

Mr. CALHOUN.—I submit to the honorable Senator, whether or not the right exists on the part of any officer of the government to put his own interpretation upon a law of Congress. I am not aware that it is so. I would suggest as the proper course to be pursued, to call upon the Postmaster General to state upon what principle it is that he gives the construction to the law which he has given; and after we have received a reply from him, then let a resolution be passed indicative of the sense of this body in regard to it.

Mr. SEVIER.—I think that if Senators will take the trouble to look at the law, they will find that the Postmaster has done exactly what the law requires, yet I am in favor of the resolution. I had my attention called to this subject last year. I had occasion to send a letter to Alexandria. The Postmaster there disregarded my frank; I wrote him rather a warm letter; and he came up and took the trouble to look out the provisions of the law, and the result was that I apologised for the trouble I had given him. If Senators will look at the law, I think they will be satisfied that the construction given to it is right; and I admit that it ought to be modified, for it is impossible for us in all cases to direct our documents ourselves.

Mr. BADGER.—I think that the Senator is under a misapprehension. An alteration has been made in regard to the franking privilege by an act of last session.

Mr. BADGER quoted from the act.

Mr. NILES.—I concur entirely with the Honorable Senator from South Carolina. My opinion is that the law is correctly construed, and that probably it will be right to remove the difficulty which the Senator has alluded to by an enactment. If the department has given an illiberal construction to the law it may be necessary to pass a declaratory act. I know how the law was formerly, as I had the honor to be for a short time in the department. The question has never been considered there as turning upon the circumstances of directing the letters or packages; it has been placed on a more substantial foundation, and that is whose act is the sending of the document? If a document is sent and the department is satisfied that it cannot be the act of the person whose frank it bears, postage is very properly charged. The mere fact of getting another individual to do the writing however does not change the act so far as the sending the letter or the document is concerned; it remains the act of the person franking it, and has always been so regarded. I apprehend that the law is right as it is; but I have no objection to enquire whether any amendment may be made, though I would not assume that it is wrong.

Mr. FOOTE earnestly deprecated adjudication without investigation. He hoped that the Senate would never despise the great principle of justice embodied in the saying—"strike but first hear me."—

The resolution was then agreed to.

CHEROKEE COMMISSIONERS.

Mr. BAGBY submitted the following resolution, which was considered, by unanimous consent, and agreed to:

Resolved, That the Secretary of War be requested to [illegible] to the Senate the [illegible] by the commissioners of the United States to the Cherokee nation of Indians.

REPORT FROM THE WAR DEPARTMENT.

The VICE PRESIDENT laid before the Senate a report of the Secretary of War, communicating agreeably to law, a report of the Second Comptroller, showing the appropriations, under the direction of the department, for the fiscal year ending 30th June, 1847; the amount drawn from the treasury; and the balances on the 1st July, 1847; which was read and ordered to be printed.

CONSUL BLACK.

The bill for the relief of John Black, late Consul of the United States at the city of Mexico, was read the second time and considered as in Committee of the Whole, and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

On motion

The Senate adjourned.

MONDAY, FEBRUARY 21, 1848.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by MR. CAMPBELL, their clerk:

Mr. President: The House of Representatives have agreed to the amendments of the Senate, to a bill "for the relief of the heirs or legal representatives of John Paul Jones," with amendment to which they request the concurrence of the Senate.

JOHN PAUL JONES.

The Senate proceeded to consider the amendments made by the House of Representatives, to the bill for the relief of the heirs of John Paul Jones.

The amendments having been read—

Mr. DAVIS, of Massachusetts, moved that the bill be referred to the committee

Mr. HANNEGAN said that the bill did not originate in the committee this year, and in the peculiar circumstances of the case was passed without reference, having passed both Houses last session, and failed to become a law in consequence of being accidentally lost in the lobby on the way to the President for his signature. Owing to the courtesy, not to say a sense of justice of the Senate, it was passed this session without being subjected to the usual form of reference to a committee. The claim itself had undergone a strict investigation on these occasions. Twice had it been the subject of a favorable report, and it had again passed the House by a large vote in its favor. The amendments were entirely immaterial, being merely verbal. There was only one that had any substance, and that made an exception against the heirs of Capt. Landrey, who have received their share of the original claim. He hoped that the Senator from Massachusetts would withdraw his motion in order that he might be enabled to move the concurrence of the Senate in the amendments of the House.

Mr. DAVIS was quite aware that this bill had received the action of the Senate in the form in which it passed at the last session. Still he was not able to understand the bearing of the amendments which had been read. He could not determine without some examination whether they were important or not; therefore, without entertaining any hostile feeling to the bill or any desire to delay its final passage, he believed that it had better be examined by a committee; at least that was his impression, although if the Senate thought otherwise he should not insist on his motion.

Mr. HANNEGAN then rose, but yielded to

Mr. BENTON, who inquired if the motion was withdrawn?

Mr. DAVIS replied in the negative, and added that it would not be unless the general sense of the Senate opposed it.

Mr. BENTON then said that it would not be withdrawn by the unanimous sense of the Senate, for he would object to the withdrawal of the motion. This was a case seventy years old—approaching very close to that—and within the last two or three sessions had had, at least, a rapid passage through the two Houses. Now he was told by old Senators when he came there, that he should distrust any thing that went rapidly and unanimously, and their philosophical reasoning was, that the human mind was so various in its conclusions, that if any case were fully stated and presented in all its bearings, there would be difference of opinion in regard to it, and that, therefore, when a case passed rapidly through a legislative body the presumption was that it had not been fully stated and attentively examined. He was not in his seat when this bill was called up and passed through the Senate, without the observance of the usual forms. Had he been in his place upon that occasion, he should have moved that it be subjected to all those forms which the wisdom of legislators had provided for the protection of the public interests, and for ensuring sound and wholesome legislation. Now, with respect to the merits of this claim he knew nothing. But he did know one thing; that our ancestors, the men of the revolution, were just men. He doubted neither their justice nor their patriotism. They were also wise men. The men of the revolution constituted a body of men rarely seen on the face of the earth—rarely equalled in the justice, wisdom and moderation of all their doings. They who lived during the revolution, and were cognizant of all that occurred during that period, soon after that event—each State within itself, and the general government by assuming an amount perhaps exceeding all just demands against it—settled every just claim upon them, and they settled precisely as every man settles who is just, and at the same time, poor. They settled all accounts against them, and if they could not pay they gave their notes. Certificates were given in every case in which they thought that any thing was due; and his reading led him to say, that in the general assumpsit which took place about the year '94, an amount over and above what was due was assumed and allowed for the purpose of covering every thing which generosity even, not to speak of justice, demanded. That was his understanding of the closing up of the affairs of the revolution, and with that understanding, he looked with extreme suspicion upon any claim that was now presented. In the first place, such a claim was nothing less than an impeachment of the integrity of the men of that day; if not of their integrity, at all events, of their knowledge of their own transactions; and assumed that they of the third generation knew the transactions of their grandfathers better than they did at the time when these transactions took place! He asked what would become of Senators, if, at the end of sixty or seventy years, their children should be called upon to pay any demand which might be then brought up against their ancestors? How would Senators meet a claim presented against them, for transactions sixty or seventy years ago, on the part of their grandfathers? There must be some end to this business. Every generation was charged with the management of its own business. He did not say that they should have exactly a statute of limitation, but he said that that principle must go into the affairs of the whole community, otherwise nothing public or private—nothing between man and man, or nation and nation, could ever be regarded as settled. It was a just principle, that they who lived at the time, and were cognizant of the transaction, were the proper persons to settle the case. There was great danger in posterity attempting to open transactions which had been passed upon by preceding generations He hoped that the bill would be referred and examined, and that it would be subjected to every form which the wisdom of legislators had devised for the purpose of protecting the public interests and securing sound and wholesome legislation.

Mr. HANNEGAN desired to inquire, before replying to the Senator from Missouri, whether it required the unanimous consent of the Senate, or simply a majority, in order to obtain a consideration of the amendments without reference?

THE PRESIDING OFFICER.—A majority is sufficient.

Mr. HANNEGAN then proceeded to say that the opposition of the Senator from Missouri to this bill appeared to rest on a very singular foundation, for he had assigned no reason for the opposition, except the age of the claim, telling the Senate that he distrusted any claim which presented itself, if it happened to be sixty or seventy years old. The Senator had remarked that the men of the revolution were eminently wise and eminently just, and that they took care to protect every good claim against the government of that time, by the issue of certificates. Well, no one valued more highly the character of our revolutionary fathers than he himself—no one cherished greater veneration for their memory—no one rendered more willing homage to their justice and sagacity. But it was to be presumed that the history of the country was intelligible to those who read it, and as he had stated, committees of both branches of Congress as he had stated, had examined the history so far it related to this claim, and had pronounced the claim to be just. That body had unanimously pronounced it just. Two committees of that body, after a most thorough investigation, had pronounced it just. The bill had twice passed the Senate without a division. It had passed the House of Representatives three times, by an almost overwhelming vote. The closest vote yet given on the bill, had been that of Friday last in the House, and on that occasion, according to the report in the papers, there was a majority in its favor of twenty-two, after the most strenuous exertions against it. It was the singular history of the bill, at the last session, which alone exempted it from the usual forms on its introduction, at the commencement of the present session. A sense of justice and of propriety—a sense of honor and of honesty, induced the Senate, by a unanimous vote, during the first week of the session, to exempt this bill from those ordinary forms of legislation, which he would be the last man to undervalue, or lightly disregard. In point of fact, the bill was a law, if ever there was a law in the eye of God, and an upright tribunal on earth; and hence it was, that the Senate did unanimously place it in the same position in which it was at the close of the last session of Congress. It then wanted only the last form prescribed by the Constitution, the signature of the President, to become technically, as it was substantially the law of the land. It was lost on its way from the desk of the Secretary to the chamber in the Capitol, in which the President was engaged in attaching his signature to the bill, which had been passed by Congress. If ever any claim had been subjected to the rigorous examination and scrutiny of Congress, this was that claim; and if ever the prosecution of a claim resulted in unhappy consequences to the individual concerned, it was in this case. He had no doubt that the fate of

the bill, brought to an untimely grave, one of the most accomplished and famous gentlemen that he had ever met with in the whole course of his life. That interesting man had set his heart upon the publication of his cherished legacy of letters, which he sought at the hands of Congress—how the reader will be able to judge ultimately—that he had devoted all his energies, all his time, all his means. After two years of indomitable labor on his part, and at the very moment that the cup approached his lips, the rude hand of fate dashed it in atoms to the earth! The shock was too much for him, and he sank into the grave leaving a helpless family. Such were the circumstances in which the Senate had seen proper to avoid the ordinary rules of legislation, and give the bill a direct passage on the [illegible] of the claim, which was on the files of both Houses. It gave compensation, indemnity for prizes captured by the renowned naval hero—the world-famous Paul Jones—captured by him from the British government in the war of the revolution and under the direction of Dr. Franklin, then our commissioner in France.—These prizes were carried to the port of Bergen, in Norway, under the dominion of Denmark. Denmark, in violation of the law of nations, on the demand of England, yielded up those prizes to that power, and made herself justly amenable to the captors for the amount of prize money. Dr. Franklin himself assessed the value of the captured vessels, and that valuation was now before them. It was admitted, and was all that was asked, neither more nor less, without a cent of interest. The government of the United States took the matter in hand, and faltered and trifled with it, as it was in the habit of doing in the case of claims against foreign governments, thus depriving the individual claimants of the means of prosecuting their claims. Indeed, the cowardly French, man who betrayed Jones in the most famous of his actions, long since received his share of the prize money, but the descendants of the true hero till this day had not received a solitary cent. This bill proposed give to the heirs that which Paul Jones was himself entitled to seventy years ago, without one cent of interest. He trusted that the Senate would, without hesitation, notwithstanding the objection urged with respect to the age of the claim, concur in the amendment, and at once pass the bill.

Mr. CAMERON remarked that he was a member of the committee to whom the case had been formerly referred, and he had satisfied himself that the claim was just. The Senate was also satisfied of its justice and passed the bill by an almost unanimous vote. In his opinion the only objection advanced against the bill which was presented by the Senator from Missouri, furnished the strongest argument in its favor. If justice had been delayed in this case for a period of seventy years, that was surely one of the most powerful reasons why justice should be promptly rendered now. There was not a gentleman present, there was scarcely a man in the country, who did not know of some case, standing from the time of the revolution till this day, unsettled. It was true that the men of the revolution were just—no body of men that ever existed were more [illegible] they were too noble too poor to be generous, but to pay their debts. The debts of the revolution were left to be discharged when the country would be able to liquidate them. He himself knew of thousands of dollars worth of the continental money which lay locked up in old chests in his own state, which had never been liquidated. The country made a compromise, but he believed now as he had always believed that it was discreditable to them. But the strong argument in favor of this bill was that it had passed through all the forms of legislation and accidentally failed to receive the signature of the President and thereby become a law. It passed after a full investigation. If the Senate refused to pass it now, it placed the bill within the reach of accident again. He could not believe—he did not know till that moment that any one would have looked at this as anything more than a matter of form. He hoped the bill would be passed immediately.

Mr. BAGBY said, that it appeared to him that the Senators from Indiana and Pennsylvania had both mistaken the true point at issue with regard to this bill. He did not understand that the merits of the claim of the heirs of Paul Jones were at all involved in the proposition submitted by the Senator from Massachusetts. The distinct and simple question before the Senate was, whether that was a deliberative body or not, and whether the usual forms of legislation were to be adhered to, or be overthrown and lost sight of. He did not understand the gentleman from Massachusetts to be opposed to the bill on its merits; on the contrary, that Senator had distinctly stated that he did not at present inquire into the merits of the bill. But it must be obvious, he contended, to all who have at all observed the transaction of business in that body, whether with regard to old or new claims, that they were falling into a very loose, careless, and in his humble conception, improper practise. Although both of his friends on his right, [Mr. HANNEGAN and Mr. CAMERON,] belonged to the junior members of the body in point of years; yet it was supposed that Senators were of that advanced age which ensured deliberation before they came there; and now what was the argument advanced? Why, that because this bill had slept for three quarters of a century, and because it passed at the very last hour of the last session; that, therefore, it was to be taken up post-haste, and carried through the body. If the bill possessed one iota of the merit attributed to it by both his friends on his right—and he did not question that it did—where was the danger of subjecting it to the usual ordeal of legislation? He did not, as he had said, at all enter into the merits of the bill; he took it for granted that its passage was *prima facie* evidence that the claim was a good one; but he maintained the principle that the character of the body as a deliberative assembly required that every measure, especially one which had lain for three score years and ten, should be subjected to the ordinary [illegible] examination.

Mr. HANNEGAN.—It has been knocking at the doors of Congress since 1803!

Mr. BAGBY.—No doubt; but he would rather have this or any other claim lie over till next session, than the established forms of this body should be disregarded from day to day. He insisted on the strict adherence to the usual forms of legislation in this as in all other cases.

Mr. MANGUM remarked, that the only difficulty which he perceived in this case arose out of the fact, that the bill at the session was not reported by a committee at all, for if it had been reported he had no doubt it would have passed that chamber, and that then having also passed the House of Representives with amendments, it would on its return, in case the amendments should have been regarded as immaterial by its friends, have been at once passed upon by the Senate. Not having been reported, however, a little more strength was given to the proposition that it should be referred to a committee. Yet, what was to be gained by a reference? The only question now remaining was on the amendments of the House, which did not open the merits of the bill—not at all—and those who had charge of it had represented that the amendments were merely verbal, except one which was not of much importance, and even if it were concurred in and it should turn out that injustice had been done to any branch of the family, redress was easily to be obtained by an application to Congress. He knew that this case had undergone a very thorough examination on its merits, not in that chamber, but by a committee who sat upon it week after week and week after week. It was well known to honorable Senators, that it was utterly impossible for any member of this or any other legislative body to become intimately acquainted with the merits of such cases from personal examination. It was necessary that they should trust to their organs, the committees. In this case the committee had repeatedly examined the case, and reported favorably. He believed that the Senate would stultify itself in the eyes of the country if, after a solemn adjudication, it should refer the bill again to a committee, where it merits would not be at all open, and the amendments were admitted to be quite immaterial. Even if it were possible that under the influence of feeling they might go a little further than strict justice, yet the consideration that this was a just claim, which had lain unsettled for more than half a century, ought to be allowed some weight. Besides, their means were now abundant, for he understood that the war with Mexico had ceased. He hoped, then, that there would be no unwillingness to do full justice to the claims of the descendants of one who not only rendered important service in the revolutionary struggle, but by his great achievements, had added to the renown of the American name.

Mr. BADGER said he had voted for the passage of the bill at the last session, and had voted for a similar bill this session. But he could not suppose that it should be passed immediately in consequence of the statements made by the honorable Senator from Indiana, as he thought it proper now to refer it to the committee. Had the question on concurrence been presented, he would have at once voted in favor of the bill; but he felt that there was a necessity of referring the subject to the committee, if any Senator desired the reference. He believed that his honorable colleague was quite correct that the merits of the case were not involved; yet that did not furnish any reason why the reference should not be made. The long session was before them, and he could not see why the ordinary course should be resisted when it was demanded. He hoped that his friend from Indiana would yield and allow the reference.

Mr. DAVIS, of Massachusetts, wished to assure the Senate that nothing was more opposed to his view than any purpose of unnecessary delay. He had no desire to interpose the slightest obstacle to the passage of the bill, and yet as he was somewhat responsible for the motion to refer, he wished to say a word in reference to his purpose in making the motion. The business was in such confusion at the close of last session that the bill had fallen under the table and was there lost.

Mr. HANNEGAN begged to inform the Senator that the bill had long previously passed the Senate.

Mr. DAVIS said he knew that, and that it had been brought to receive the signature of the Vice President.

Mr. HANNEGAN stated that it did receive that officer's signature, and that it was on the way to the Executive chamber that it was lost.

Mr. DAVIS.—The bill did not become a law. Now he did not complain of the rapidity with which the bill passed; all that he wished was to secure proper examination of the amendments which it had now received in the House. The object in organizing the committee was to secure deliberation. The remark made by the

honorable Senator from North Carolina (Mr. MANGUM,) showed the necessity of deliberate examination. That gentleman had said that if injustice was done by any of the amendments, redress could be obtained on application to Congress. Now it was irresponsible the necessity of any such subsequent legislation that he wished it referred to the committee.

Mr. BENTON then observed that all he had to say with regard to this claim which had been represented as long pending, as a "continual" claim, he knew nothing whatsoever. He did not know that it had passed and been lost accidentally, till after the close of last session. All that might have been owing to his not attending to the business of the Senate, but such was the fact. Now he would go further and say that he never knew what the bill was for, nor what it was about—he knew nothing of the foundation of the claim till yesterday, when his attention was drawn to it by a speech of a member of the House—Mr. Starkweather—which that gentleman had sent to him, and which he had read, as he read all the speeches of that gentleman, with attention. It was thus that he had become acquainted with the nature of the claim, and he made this statement merely for the purpose of excluding himself from the supposition that he had given this bill proper consideration when it was before the Senate. The application at present was to give the bill a reference to the proper committee, and that perhaps would afford him an opportunity of requesting that committee to inquire whether Paul Jones had any heirs. It had been his custom from his childhood to read every thing relating to the revolution, and he thought he knew something about the men of the revolution. Everything connected with these men was worthy of careful examination. Yet he did not know that Paul Jones had any heirs. Perhaps the committee would find that out. He hoped that the reference would be made.

Mr. HANNEGAN said he would not detain the Senate by making any observations, and would merely read the amendments, contenting himself with a single remark in reply to the allusion of the Senator from Missouri to the fact, that Paul Jones had no heirs. The report had an entirely different statement, and he believed that according to the laws of descent a man could have heirs and direct heirs without having had children. The children of his brothers and sisters were his heirs. The grandchildren of his brothers and sisters were his heirs in the eye of the law. That was the case in the present instance. He then read the amendments, and added, that it would be seen that they were as he had represented them, entirely immaterial.

Mr. BRADBURY remarked, that the Senator from Indiana had alluded to the fact that this bill had once passed the Senate unanimously. He was himself present on that day early in the session, on which the bill was passed without being subjected to the usual forms, and had supposed that the case was one so clear, so well settled, one about which there could be no doubt, that as a matter of courtesy to the Senator from Indiana, he had readily yielded to his request and voted for its immediate passage. Since that time he had had occasion to look into the case and he confessed that he was unable again to vote in favor of the bill on its meits out of courtesy to any Senator. The Senator from Indiana, had on the present occasion alluded to one fact to which he wished to call the attention of the Senate. That Senator had gone into the merits of the bill, and alledged that the United States government had deprived the claimants of the means of prosecuting their claims against a foreign government. The Senator then placed that claim on the ground that the United States government had interposed between the claimant and the foreign government, and had itself assumed the claim. In looking into the facts of the case, he found that the treaty with Denmark did not exactly warrant that conclusion; and he hoped that the reference would be made, in order that an opportunity might be offered of investigating the matter. If the claim were just, he would be very happy to vote in favor of the bill. If it were not just, he could not conscientiously vote for it; and in these circumstances he wished that the bill might be subjected to the usual forms of legislation, in order that it might be acted on with coolness and deliberation.

Mr. CASS said he hoped the bill would be passed over informally, in order that the special order might be taken up.

SEVERAL SENATORS.—"Question."

The question was then taken on the motion to refer the bill to the committee, and it was agreed to.

ILLNESS OF JOHN QUINCY ADAMS.

Mr. BENTON rose, and with great feeling, said: I am called on to make a painful announcement to the Senate. I have just been informed that the House of Representatives has this instant adjourned under the most afflictive circumstances. A calamitous visitation has fallen on one of its oldest and most valuable members—one who has been President of the United States, and whose character has inspired the highest respect and esteem. Mr. ADAMS has just sunk down in his chair, and has been carried into an adjoining room, and may be at this moment passing from the earth, under the roof that covers us, and almost in our presence. In these circumstances the whole Senate will feel alike, and feel wholly unable to attend to any business. I, therefore, move the immediate adjournment of the Senate.

The motion was unanimously agreed to, and

The Senate adjourned.

TUESDAY, FEBRUARY 22, 1848

The journal having been read—

Mr. DAVIS, of Massachusetts, rose and said, that he was informed the House of Representatives had met and instantly adjourned in consequence of the continued and dangerous illness of Mr. ADAMS, who still lay within these walls in a very perilous condition. Mr. ADAMS, he said, had attained to a great age, and had been greatly distinguished among the illustrious men of the country; and he hoped, under the circumstances which existed, the motion he was about to make would meet with the approbation of the Senate. It seemed to him that the anxieties of the moment, as well as veneration for one who had so long been an important colaborer in our councils, in a measure unfitted us for deliberation. He therefore moved that the Senate do now adjourn; which was agreed to without dissent.

The Senate then adjourned

WEDNESDAY, FEBRUARY 23, 1848.

MESSAGE FROM THE PRESIDENT.

A message, in writing, was received from the President of the United States, by Mr. WALKER, his Secretary.

SUSPENSION OF ACTIVE MILITARY OPERATIONS.

Mr. ALLEN submitted the following resolution for consideration:

Resolved, That it be [illegible] to inform the Senate whether the active operations of the army of the United States in Mexico have been suspended, pending the negotiations for peace; and if so, at what period, and upon what authority such suspension took place.

THE ACT OF NINETY-NINE.

Mr. ALLEN submitted the following resolution for consideration:

Resolved, That the Committee on the Judiciary be instructed to report a bill to repeal the [illegible] act of [illegible], and in addition to the following, viz, to wit:

"And be it further enacted, &c., That [illegible]

"*Provided, nevertheless*, That nothing in this section contained shall be construed to abridge the right of individual citizens of the United States to apply, by themselves, or their lawful agents, to any foreign government, or the agents thereof, for the relief of any injuries in relation to person or property which such individuals may have sustained from such government or any of its agents, citizens or subjects.

"Approved January 30, 1799."

and [illegible] necessary, by order or otherwise, to protect the rights and interests of the people of the United States against encroachments which may result from the assumption of any individual or individuals, without authority, to act in the name or behalf of the government of the United States, or any department or officer thereof, with any foreign government or department or officer thereof, or any individual or individuals assuming to be such foreign government or department or officer thereof, and especially in matters of Peace and War.

REMOVAL OF INJUNCTION OF SECRECY.

Mr. ALLEN submitted the following resolution for consideration:

Resolved, That the injunction of secrecy be, and the same is hereby removed from all past proceedings of the Senate, in Executive session.

ABOLITION OF EXECUTIVE SESSIONS.

Mr. ALLEN submitted the following resolution for consideration:

Resolved, That the 40th rule for conducting business in the Senate, and which requires the Senate to close its doors when transacting Executive business, be rescinded; and the Senate shall hereafter sit with open doors when transacting all business.

EXECUTIVE SESSION.

The Senate then went into the consideration of Executive business, and after some time spent therein, the doors were re-opened, and the consideration of the morning business resumed.

PETITIONS.

Mr. CASS presented the petition of the heirs and legal representatives of John H. Pratt, deceased, late army contractor, praying payment of a balance due them by the government; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. JOHNSON, of Louisiana, presented the memorial of the Chamber of Commerce of New Orleans, praying that Cat Island and Ship Island may be made ports of entry; which was referred to the Committee on Commerce.

Mr. BREESE presented the petition of Joseph Hair, a soldier in the last war with Great Britain, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. DOUGLAS presented a petition of citizens of Illinois, praying that the right of way, and a portion of public land may be granted to the State of Illinois for the construction of a rail road to connect the waters of the Upper and Lower Mississippi with the Northern Lakes; which was referred to the Committee on Public Lands.

Mr. DIX presented a memorial of the College of Pharmacy of the city of New York; a memorial of the New York Academy of Medicine; and a memorial of Physicians of Richmond, Virginia, praying the adoption of measures to prevent the importation of spurious and adulterated drugs and medicines into the United States; which were referred to the Committee on Commerce.

Mr. BRADBURY presented the petition of Henry Williams, Benjamin A. G. Fuller, and George Williams, praying compensation for a vessel lost while in the service of the United States; wich was referred to the Committee on Claims.

Mr. CAMERON, on presenting three memorials of citizens of Westmoreland county, Pennsylvania, praying that the surviving soldiers of the regiments furnished by that State for the Mexican war may be honorably discharged from service, said: He had retained these petitions, along with others of a same tenor from different quarters of his State, in the hope that the ten regiment bill would become a law, and thus enable the President to recall them; but Congress had now been in session for three months, and that bill which had occupied the Senate nearly every day seemed no nearer its final passage than it did a month ago. He felt no disposition to censure any one, but he must say, that so many speeches had been made by the friends of the bill—that it was to be expected that the opposition would dispute its passage, and make speeches against it, but the majority having the power should not have wasted the time in discussing a bill whose passage they considered of vital importance to the honor of the country. The Pennsylvania regiments left home more than a year ago, numbering more than 2,000 valiant spirits—at this time he did not believe there were more than 500 of that whole number left fit for service. He had a return from the 2d regiment, dated in December, which put its strength at about 260 men, and at that time the efficient force fit for service were only 191 men; all the rest had fallen in battle, or been stricken down by disease. In every battle, from Vera Cruz to the city of Mexico, the men of Pennsylvania had been foremost in the fight. They were among the best blood of the State. The sons of farmers, prosperous mechanics, young lawyers, and physicians, had all gone out in the camp of their country, stimulated by noble and patriotic motives, with no intention of making arms their profession. They do not ask to return; but their regiments cannot be filled from the very character of the volunteer service, and it is the interest of the country, that after so severe a tour of duty they should be brought home, and other full regiments be sent out.

The memorials were referred to the Committee on Military Affairs.

Mr. JOHNSON, of Maryland, presented the memorial of R. F. Pinckney, a lieutenant in the navy, in relation to an erroneous statement in the narrative of the exploring expedition printed by order of Congress; which was laid upon the table and ordered to be printed.

RESOLUTIONS OF STATE LEGISLATURES.

Mr. MANGUM presented resolutions passed by the Legislature of the State of North Carolina requesting the Senators and Representatives of that State in Congress, to use their exertions to obtain an appropriation for improving the condition of the inlets on the coast of said State; which were referred to the Committee on Commerce and ordered to be printed.

Mr. JOHNSON, of Maryland, presented a resolution passed by the Legislature of the State of Maryland in favor of an appropriation by Congress for a light-boat near the mouth of Patapsco river, a light-house on Greenbury's Point in Annapolis river, and a light-house on Flat Cap at the mouth of Annamessex river, which was referred to the Committee on Commerce and ordered to be printed.

MILITARY STOREKEEPERS.

Mr. CAMERON submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on [illegible] be instructed to inquire into the propriety of reporting a bill for the purpose of increasing the pay and giving a suitable rank to the military storekeepers of the army.

POST ROUTE.

Mr. ASHLEY submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Clarksville, the county seat of Johnson county, Arkansas, to Rock Port, the county seat of Hot Spring county, in said State, via Spadra Bluff, Mormon's Bluffs, Shoal Creek, Dardanelle Springs, Danville, Jones', McAllister's on Fourche Lefare, Townsend's on Head of Saline, and Hot Springs.

CHARITY HOSPITAL AT NEW ORLEANS.

On motion by Mr. DOWNS, it was

Ordered, That the Committee on Commerce be discharged from the further consideration of the document presented the 10th inst., relating to the Charity Hospital at New Orleans; and that it be referred to the Committee on Military Affairs.

AFFAIRS IN CALIFORNIA.

Mr. CASS, from the Committee on Military Affairs, to whom was referred the petition of John Charles Fremont, reported the testimony taken before the committee in relation thereto; and observed that it contained much valuable information which ought to go before the public. He, therefore, moved that it be printed, and that twenty thousand copies, in addition to the usual number, be printed for the use of the Senate; which was agreed to.

GRANT OF LAND TO LOUISIANA.

Mr. FELCH, from the Committee on Public Lands, to whom was referred the bill to grant to the State of Louisiana certain lands for internal improvement, reported it without amendment.

INTERNAL IMPROVEMENT IN MICHIGAN.

Mr. FELCH, from the same committee, to whom was referred the bill to apply certain sections of the public domain towards the completion of the Clinton and Kalamazoo Canal, in the State of Michigan, reported it without amendment.

NATURALIZATION LAWS.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the bill to amend the act entitled "An act for the regulation of seamen on board the public and private vessels of the United States, reported the same without amendment, and submitted a special report on the subject, which was ordered to be printed.

PRIVATE BILL.

Mr. ATHERTON, from the Committee on Finance, to whom was referred the bill for the relief of Barclay and Livingston, and Smith, Thurgar, and Company, reported it without amendment.

RECOMMITTED.

The Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives for the relief of S. Morris Wain.

On motion by Mr. WESTCOTT, it was

Ordered, That it be referred to the Committee on Finance.

MINISOTAH.

Agreeably to notice, Mr. DOUGLAS asked and obtained leave to bring in a bill to establish the Territorial government of Minisotah; which was read the first and second times by unanimous consent, and referred to the Committee on Territories.

AMENDMENT OF THE JUDICIAL SYSTEM.

The Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives, to amend an act entitled, "An act in amendment of the acts, respecting the Judicial system of the United States;" and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

TEN REGIMENT BILL.

Mr. CASS gave notice that he would call up the ten regiment bill to-morrow, at one o'clock, and he hoped the Senate would be prepared to act upon it without delay, as it was desirable that it should be speedily passed.

Mr. MASON observed that when this bill was last before the Senate he had obtained the floor, with a view of expressing his opinions upon the various subjects which had been presented, when it should next be before the Senate. Since that day, however, the bill had not been before the Senate, and circumstances had occurred, pretty well known to the public, which rendered it unnecessary that the discussion should be continued in the range which it had hitherto taken. He was, therefore, very willing to yield the floor, if Senators upon the other side would forego their intention further to discuss the bill, and let it be put upon its passage. He knew of nothing which had transpired to render the measure unnecessary.

Mr. CASS said it was the unanimous opinion of gentlemen on his side of the Chamber that to halt now in our military operations would be fatal. Their wish was that the bill should be passed before the adjournment to-morrow.

Mr. BERRIEN observed that if gentlemen on the other side, holding the majority, were determined to press the passage of this bill to-morrow, those on his side must yield to the force of superior numbers. He trusted, however, that such a course would not be pursued, but that the privilege which had been enjoyed by gentlemen on the other side of discussing the bill fully, would also be extended to them, to afford an opportunity of explaining why they thought the bill unnecessary.

Mr. MASON inferred from the observations of the Senator from Georgia, that it was the opinion on that side of the Chamber, that the bill was now unnecessary. He should feel it his duty, therefore, to occupy the floor to-morrow to show that the necessity for the passage of the bill still exists.

Mr. ALLEN suggested to Senators on the other side, who seemed disposed to continue the debate upon the bill, that they might avail themselves of materials for the discussion, by taking up and adopting the resolution which he had offered this morning for rescinding the rule requiring a portion of the business of the Senate to be transacted in secret session. They could then introduce topics which it would not otherwise be in order for them even to allude to.

Mr. MANGUM did not exactly comprehend the extent and scope of the resolution referred to by the Senator from Ohio.

Several Senators called for the reading of the resolution, and it was read by the Secretary. [The resolution, which is to rescind the 40th rule, is given heretofore.]

Mr. MANGUM observed that he would not interpose his vote to a resolution to consider the particular matter which had been alluded to in open session, if gentlemen on the other side saw proper to take such a step. He would place the responsibility upon gentlemen representing the Administration upon that floor, and if they saw fit to adopt such a course, he would not interpose his negative. As to the resolution which had been read, so wide in its scope, he would take occasion to give his views upon it when it should come up.

Mr. ALLEN moved that the resolution be now taken up.

Mr. MANGUM would not himself interpose any objection, but under the rule the resolution must lie on the table if a single member objected.

Mr. BERRIEN said there was a grave question involved in this resolution, and it should not be acted on hastily. He therefore moved that the Senate adjourn.

Mr. DOUGLAS demanded the yeas and nays on the motion.

Mr. ALLEN suggested to the Senator from Georgia, that the resolution could be postponed until to-morrow, without an adjournment.

Mr. BERRIEN had taken that mode of postponing the resolution. If, however, there was a desire for a longer session, he would withdraw the motion.

Mr. CLAYTON observed that nothing could induce Senators upon that side to act with precipitation upon a matter of such importance.

Mr. CAMERON was opposed to the consideration of the resolution to-day, though when it came up he might be found with the mover. Too much time had already been wasted in the discussion of the ten regiment bill, and he hoped there would be no more delay in regard to it. The necessity for its passage was as great now, or greater, than ever.

Mr. NILES hoped the Senator would withdraw his objection and let the resolution be taken up.

Mr. CALHOUN thought there was an intimate connexion between the ten regiment bill and the subject which had been alluded to, which pertained to Executive business. He hoped the honorable Chairman of the Military Committee would not, therefore, persist in his determination to press the passage of the bill. As to the resolution of the Senator from Ohio, he was utterly opposed to it—even if so modified as to embrace only the present subject for Executive consideration. It would be opening the door to a dangerous precedent, and would throw down the barrier which the constitution had wisely placed round the consideration of questions involving peace or war.

Mr. MANGUM hoped he was not understood as approving even the consideration of the one particular subject which had been alluded to, in open session. He did not approve of it. He had merely observed that if those representing the administration chose to take the responsibility of such a course, he should not interpose his negative to it. He thought it was a question for them to settle, and upon them would rest the responsibility.

Mr. CALHOUN had not understood the Senator from North Carolina as approving it,

Mr. CASS desired to say one word. There was a greater necessity now than ever for the passage of the bill. Suppose a treaty had been negotiated, it was very well known that there was not a quorum of the Mexican Congress at Queretaro to ratify or reject such a treaty. And supposing we should ratify a treaty, if there be one, it is well known that there is no stability in the Mexican government, that it is here to-day and gone to-morrow, and therefore no certainty that it would be ratified by the one which might exist when it should reach Mexico. Besides, if we relax our military operations, it might disincline them to ratify any treaty. The passage of the bill will cost us nothing, for we need not raise the troops if they are not wanted. But we should make a demonstration here to act upon the fears of the Mexican rulers, and thus force them into peace.

Mr. MANGUM rose to a point of order.

Mr. CASS was aware that he was not in order, there being no question before the Senate. Other gentlemen, however, had been permitted to go out of order, as he had been personally alluded to by the Senator from South Carolina, he hoped he would be allowed the same privilege.

Mr. MANGUM said that was not his point of order. It was, whether the Senator was not, in some sense, affording "aid and comfort to the enemy," by making remarks here which would be published and might reach their ears, about making a feint—a movement for effect—to operate upon their fears, the knowledge of which would tend to defeat its aim.

Mr. CASS was not for making a feint: he was for effective operations.

Mr. JOHNSON, of Maryland, said he should object to the consideration of the resolution of the Senator from Ohio to-day, and he would therefore move that the Senate adjourn;

Which was agreed to without dissent.

And the Senate adjourned

THURSDAY, FEBRUARY 24, 1848.

RESOLUTIONS OF THE LEGISLATURE OF GEORGIA.

Mr. BERRIEN presented resolutions passed by the legislature of the State of Georgia, in favor of the establishment of mail routes from Blairsville to Mount Yonah; from Dalton to Dahlonega; from Rome to Jacksonville, Alabama; from Hawkinsville to Darien; from Boxville to Dublin; from Griffin to Newman; from Raysville to Lincolnton; from Strother's, Wilkes county, to Washington; from Hadeyondale to Reidsville, and from Traveller's Rest to Florence, in the state of Georgia; which were referred to the Committe on the Post Office and Post Roads.

Also, a resolution passed by the Legislature of the state of Georgia, approving the gallantry and patriotism, displayed by the American troops in the battles in Mexico, and expressing their high sense of the value of the Military Academy at West Point, as an Institution for acquring military knowledge; which was laid upon the table and ordered to be printed.

Also, a preamble and resolutions passed by the Legislature of the state of Georgia, recommending to the favorable consideration of Congress, the plan proposed by Asa Whitney, for constructing a rail-road from Lake Michigan to the Pacific ocean; which were laid upon the table and ordered to be printed.

PETITIONS.

Mr. BERRIEN presented the petition of Mary E. D. Blaney, widow and administratrix of George Blaney, deceased, praying that certain monies, the private property of her deceased husband, claimed and taken by the government as public funds, may be restored to her; which was referred to the Committee of Claims.

Mr. JOHNSON, of Maryland, presented the memorial of Isabella Cole, executrix of William Cole, deceased, praying indemnity for injuries done to a vessel and cargo, belonging to her late husband, by the Peruvian authorities; which was referred to the Committee of Claims.

CHANGE OF REFERENCE.

On motion by Mr. DOWNS, it was

Ordered, That the Committee on Private Land Claims be discharged from the further consideration of the petition of Joseph Newell, and that it be referred to the Committee on Indian Affairs.

DISCHARGED.

On motion by Mr. DOWNS, it was

Ordered, That the Committee on Indian Affairs be discharged from the further consideration of the petition of Isaac C. Elston, and of the petition of James M. Kibbin.

SCHOOL LANDS.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill to authorize the relinquishment of the sixteenth section in certain cases, and the selection of other lands in lieu thereof, reported it without amendment.

PRIVATE BILL.

Mr. BRADBURY, from the Committee of Claims, to whom was referred the petition of Charles Richmond, submitted a report, accompanied by a bill, for his relief.

The bill was read and passed to a second reading.

Ordered, That the report be printed.

SUSPENSION OF MILITARY OPERATIONS IN MEXICO.

Mr. ALLEN asked that the resolutions offered by him yesterday be taken up, and added: as the resolution asking the Executive to put the Senate in possession of any information which it may be able to communicate with regard to an armistice will not give rise to debate, I ask for its consideration now.

The resolution was read.

Mr. SEVIER.—It is not my purpose to go into a discussion of that resolution now; and I move to lay it on the table.

Mr. ALLEN.—I desire to know the object of the motion which has just been made. If it be intended by it to make a final disposition of the resolution, I shall ask the yeas and nays on the question.

Mr. SEVIER.—I have no objection to calling up the resolution hereafter, but I object to its immediate consideration.

Mr. ALLEN.—I ask for the yeas and nays, sir.

The call for the yeas and nays being seconded, they were ordered, and taken with the following result:

YEAS—Messrs. Allen, Atherton, Bagby, Calhoun, Dix, of Massachusetts, Greene, Hunter, Jameson, of Maryland, Johnson, of Georgia, Niles, Sevier, Simmons—11.

NAYS—Messrs. Allen, Archer, Atchison, Bayles, Bright, Bucher, Butler, Berrien, Breese, Bright, Cameron, Clay, Clayton, Corwin, Davis, of Massachusetts, Dix, of Maine, Dickinson, Dodge, Downs, Foote, Hannegan, Houston, Johnson, of Louisiana, Mangum, Miller, Moore, Pearce, Phelps, Rusk, Spruance, Turney, Upham, and Yulee—25.

So the resolution was not laid on the table.

A reading of the resolution was called for, and it was read.

Mr. ALLEN.—I have nothing to say on the resolution. It tells its own tale.

Mr. SEVIER.—I am somewhat amazed at this disposition amongst Senators to discuss this subject. I shall vote against the resolution, and ask for the yeas and nays on the question.

Mr. JOHNSON, of Georgia.—If in order, I would move to attach the usual proviso to the resolution—"provided nothing therein shall be deemed incompatible with the public interests."

Mr. CLAYTON, (in his seat.)—That is proper.

Mr. ALLEN.—I have no objection to the amendment.

The call for the yeas and nays being seconded, they were ordered.

Mr. BREESE.—I move that the resolution be transferred to the executive journal.

Mr. ALLEN.—Perhaps it would satisfy the Senator if a motion were made to close the doors on the legislative, as well as the executive business of the Senate. That would be the same motion, only it would be general instead of particular.

Mr. MANGUM.—Can that motion be entertained after the yeas and nays have been ordered?

The PRESIDING OFFICER.—It is not yet too late to offer a motion.

Mr. BREESE.—I will withdraw the motion, as I understand that perhaps it is not quite in accordance with the usage to offer it now.

Mr. JOHNSON, of Maryland.—Has the resolution been amended as proposed by the Senator from Georgia?

The PRESIDING OFFICER.—The amendment proposed was adopted by the mover of the resolution. Proceed with the call.

The yeas and nays were then taken, with the following result:

YEAS—Messrs. Allen, Archer, Atchison, Atherton, Bagby, Bayles, Bell, Benton, Berrien, Breese, Bright, Cameron, Clay, Clayton, Corwin, Davis, of Massachusetts, Dayton, of Mississippi, Dickinson, Dix, Douglas, Downs, Foote, Greene, Hannegan, Houston, Johnson, of Georgia, Mangum, Miller, Moore, Pearce, Phelps, Rusk, Spruance, Turney, Upham, and Yulee—34.

NAYS—Messrs. Bagby, Calhoun, Hunter, Johnson, of Maryland, Lewis, Niles, Sevier, Simmons, and Sturgeon—9.

So it was

Resolved, That the President be requested to inform the Senate, whether the active operations of the arms of the United States in Mexico have been, and how are suspended by an armistice, and if so, by whose agency, and in virtue of what authority, such armistice has been effected. *Provided*, nothing therein shall be deemed incompatible with the public interests.

THE ACT OF '99.

The PRESIDING OFFICER.—Does the Chair understand the Senator from Ohio as not desiring the consideration of the other resolution at this time?

Mr. ALLEN.—There is one, sir, a mere resolution of inquiry, directed to the Judiciary Committee, which I should like to have considered, as I presume there will be no objection to it.

The PRESIDING OFFICER.—The resolution will be read.

The resolution directing the Committee on the Judiciary to inquire, and report whether in addition to the act of January 30, 1799, for the punishment of certain crimes therein specified, any further legislation be necessary in order more effectually to protect the rights and interests of the people of the United States against the consequences which may result from the assumption of any individual or individuals without authority to act in the name or behalf of the government of the United States, or any department or officer thereof, with any foreign government, or department, or

officer thereof or any individual or individuals assuming to be such foreign government, or department, or officer thereof, and especially in matters of peace and war, was read by the Secretary.

The question having been taken on its adoption, it was decided in the affirmative without a count.

EXCLUSION OF SLAVERY FROM ACQUIRED TERRITORY.

The Senate proceeded to consider the following resolutions, submitted by Mr. BALDWIN on the 3d instant:

Resolved, That no territory [illegible] the United States on account [illegible] shall ever be [illegible] whereof such [illegible] involuntary servitude, except as punishment for crime, shall be forever excluded from the [illegible].

Resolved, That in any cession of territory that may be acquired as the result of the war with Mexico [illegible] in their negotiation with Mr. Trist, to provide for the protection of the inhabitants of the ceded territory [illegible] to which they are entitled, and which [illegible] as a right, and which would have been promptly claimed by the people of the United States, and which would have been promptly claimed by the world as the basis of our institutions, be disregarded or denied.

Mr. SEVIER called for the yeas and nays on the adoption of the resolutions.

Mr. JOHNSON, of Maryland.—I hope that the Senator will withdraw the call, as I was about to suggest a postponement of the resolutions.

Mr. FOOTE.—I move to lay the resolutions on the table.

Mr. BALDWIN.—I am not desirous of discussing the resolutions on this occasion. Probably there would not be an opportunity for discussion before we will be called on to attend to a matter of another, and a mournful character. The resolutions are antagonistic to ———

Mr. FOOTE.—Is it in order to discuss the resolutions?

Mr. BALDWIN —— to those introduced by the Senator from Alabama, and—

Mr. FOOTE.—I rise to order.

The PRESIDING OFFICER.—The motion to lay on the table is not debateable.

Mr. BALDWIN.—I did not intend to debate the resolutions, or to make any remarks, except by the courtesy of the Senator from Mississippi.

Mr. FOOTE.—This is not a question of courtesy.

Mr. BENTON.—I ask the indulgence of the Senate, whilst I suggest that we should not at this time proceed to consider these resolutions; nay, that we should not even think of them, and allow them for the present to lie upon the table.

Mr. FOOTE.—That is all I contemplated.

Mr. BALDWIN.—If it should be determined by this motion, that a final disposition should be made of the resolutions, I would ask for the yeas and nays.

Mr. BENTON, (in his seat.)—It is not so intended.

Mr. BALDWIN.—If the resolutions are to be merely passed over informally, I have no objection.

Mr. JOHNSON, of Maryland.—It is not my intention to go into a discussion of these resolutions. My sole object is that they be passed over informally.

Mr. BALDWIN.—The subject has been already discussed by the Senator from Florida, (Mr. YULEE,) and certainly it cannot now be intended to make a final disposition of the resolutions by the motion to lay them on the table.

Mr. FOOTE. I call for the yeas and nays.

SEVERAL SENATORS.—Oh! no.

The call for the yeas and nays being seconded, they were ordered.

SEVERAL SENATORS.—Withdraw the call.

Mr. FOOTE.—I am perfectly willing to withdraw the call if the Senate so desire.

Mr. RUSK.—Then I shall renew the call.

The PRESIDING OFFICER.—Proceed with the call.

Mr. BALDWIN.—If they are informally passed over I have no objection.

Mr. FOOTE.—I rise to order.

The PRESIDING OFFICER.—The motion to lay on the table is not debateable. The Presiding Officer does not understand that the motion for the yeas and nays has been withdrawn.

Mr. MANGUM.—I think that the motion was withdrawn.

The PRESIDING OFFICER.—The Senator from Mississippi has not withdrawn his call, and the yeas and nays have been ordered.

Mr. BALDWIN.—Of course the call cannot be withdrawn except by unanimous consent.

The PRESIDING OFFICER.—Proceed with the call.

Mr. NILES.—The call can be withdrawn by unanimous consent.

Mr. BAGBY.—I regret exceedingly the introduction of this subject this morning, no person having been apprised of it. If these resolutions had come up in the ordinary course of business—

Mr. BADGER.—I rise to a question of order. The question is on laying the resolutions on the table, and the yeas and nays have been ordered. Is the question debateable?

The PRESIDING OFFICER.—It is not.

Mr. BAGBY.—I consider it to be my duty, with the indulgence of the Senate, to state that when these resolutions were introduced by the honorable Senator, I had a conversation with him in reference to these and a set of counter resolutions brought forward by myself, and we came to this understanding, that after the pressing practical business of the Senate was over—referring particularly to the Ten Regiment Bill—he would ask the indulgence of the Senator to fix some day when his propositions and my counter propositions would both receive the action of the body. If called on to vote to lay these resolutions on the table, I shall be compelled in these circumstances, either to vote against my feelings or to violate the understanding which I had with the Senator from Connecticut. That understanding I certainly shall not violate. I shall keep my part of the treaty in good faith, whatever construction may be put on the vote which I am about to give. I hope, therefore, that even now, the motion to lay on the table will be withdrawn or be reconsidered, in order that the resolutions may be passed over informally, with the understanding that they will not be pressed till some future day more or less remote.

Mr. BALDWIN.—I beg to say, with the indulgence of the Senate, that I was about to state, when I was interrupted by the honorable Senator from Mississippi, that there had been this understanding between the honorable Senator from Alabama and myself, and I had supposed, indeed, that the amendments offered by the Senator from Florida, (Mr. YULEE,) would be postponed till the day which might be fixed for the discussion of our resolutions, although there was no understanding to that effect. It is certainly not my wish at all to violate the understanding which existed between the honorable Senator from Alabama and myself, and I hope the resolutions will be passed over in such a manner, that they may be taken up at some future day by the order of the Senate, and then be fairly and fully discussed.

Mr. RUSK.—I ask the indulgence of the Senate one moment. This is known to be an exciting subject. It possibly may shake our constitution and the Union from its circumference to its centre. There is a time for all things. A dispensation of Divine Providence has fallen upon us which, it seems to me, should restrain the throwing in of firebrands, calculated to excite the angry passions and ill feelings of men. I regret that these resolutions were introduced at all. I regret exceedingly that they have been introduced to-day. I hope that they will be laid on the table.

Mr. BALDWIN.—Gentlemen surely understand that these resolutions have not been called up by me on this occasion. There was a perfect understanding in the outset between the Senator from Alabama and myself; but I ought to state that the first resolution is in the very words of the joint resolution passed by the General Assembly of the State of Connecticut, and was introduced in obedience to the requisition of the State which I have the honor in part to represent.

Mr. ALLEN.—I shall vote to lay these resolutions on the table, now and forever; and with all resolutions on the same subject I shall adopt a like course. In order to make a final disposition of the subject now and forever, so far as this Senate is concerned, I now move to lay the resolution on the table and call for the yeas and nays.

Mr. BADGER.—That motion has already been made, and the yeas and nays have been ordered.

SEVERAL SENATORS.—"Question."

The PRESIDING OFFICER.—Proceed with the call.

The yeas and nays were then taken with the following result:

YEAS—Messrs. Allen, Ashley, Atchison, Badger, Bell, Benton, Bermen, Bradbury, Breese, Bright, Butler, Calhoun, Cameron, Cass, Clarke, Clayton, Davis, of Mis-

ington, Dickinson, Douglas, Downs, Foote, Hannegan, Houston, Hunter, Johnson, of Maryland, Johnson, of Georgia, Lewis, Mangum, Mason, Moor, Pearce, Rusk, Sevier, Sturgeon, and Turney—35

NAYS—Messrs. Bagby, Baldwin, Corwin, Davis, of Massachusetts, Dayton, Dix, Greene, Miller, Niles, Spruance, and Upham—11

So the resolutions were laid on the table.

A RECESS SUGGESTED.

Mr. MANGUM.—For the purpose of arresting further business at this time, I would suggest that the Senate now take a recess till we receive the formal announcement from the House.

SEVERAL SENATORS.—Go on with business.

Mr. MANGUM.—Of course if the suggestion do not meet with general concurrence, I shall not press it.

ADVERSE REPORTS.

The Senate proceeded to consider the report of the Committee on Revolutionary Claims on the petition of Mary M. Telfair; and, in concurrence therewith, it was

Resolved, That the prayer of the petitioner be denied.

The Senate proceeded to consider the report of the Committee on Pensions on the petition of Isaac Davenport; and, in concurrence therewith, it was

Resolved, That the prayer of the petition be not granted.

JACQUES MOULON.

The bill for the relief of the legal representatives of Jacques Moulon, was read the second time and considered as in Committee of the Whole; and no amendment being made it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That it pass and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

DEATH OF EX-PRESIDENT ADAMS.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk:

Mr. President: I am directed to notify the Senate of the death of the honorable JOHN QUINCY ADAMS, late a member of the House of Representatives from the State of Massachusetts, who departed this life in the Capitol at fifteen minutes past seven o'clock, yesterday evening; and to communicate the proceedings of the House of Representatives thereon.

The resolutions from the House of Representatives having been read—

Mr. DAVIS, of Massachusetts, said: Mr. President: By the recent affliction of my colleague, a painful duty devolves upon me. The message just delivered from the House proves that the hand of God has been again among us. A great and good man has gone from our midst. If, in speaking of JOHN QUINCY ADAMS, I can give utterance to the language of my own heart, I am confident I shall meet with a response from the Senate. He was born in the then Province of Massachusetts, while she was girding herself for the great revolutionary struggle, which was then before her. His parentage is too well known to need even an allusion; yet I may be pardoned if I say that his father seemed born to aid in the establishment of our free government, and his mother was a suitable companion and colaborer of such a patriot. The cradle hymns of the child were the songs of liberty. The power and competence of man for self-government were the topics which he most frequently heard discussed by the wise men of the day; and the inspiration thus caught gave form and pressure to his after life. Thus early imbued with the love of free institutions, educated by his father for the service of his country, and early led by Washington to its altar, he has stood before the world as one of its eminent statesmen. He has occupied, in turn, almost every place of honor which the country could give him, and for more than half a century, has been thus identified with her history. Under any circumstances, I should feel myself unequal to the task of rendering justice to his memory; but, with the debilitating effect of bad health still upon me, I can only, with extreme brevity, touch upon some of the most prominent features of his life. While yet a young man he was, in May, 1794, appointed Minister Resident to the States General of the United Netherlands. In May, 1796, two years after, he was appointed Minister Plenipotentiary at Lisbon, in Portugal. These honors were conferred on him by George Washington, with the advice and consent of the Senate. In May, 1797, he was appointed Minister Plenipotentiary to the King of Prussia. In March, 1798, and probably while at Berlin, he was appointed a Commissioner, with full powers to negotiate a treaty of amity and commerce, with Sweden. After his return to the United States, he was elected by the Legislature of Massachusetts, a Senator, and discharged the duties of that station, in this chamber, from the 4th of March, 1803, until June, 1808, when differing from his colleague and from the State upon a great political question, he resigned his seat. In June, 1809, he was nominated and appointed Minister Plenipotentiary to the Court of St. Petersburgh. While at that Court, in February, 1811, he was appointed an Associate Justice of the Supreme Court of the United States, to fill a vacancy occasioned by the death of Judge Cushing, but never took his seat upon the bench. In May, 1813, he, with Messrs. Gallatin and Bayard, was nominated Envoy Extraordinary and Minister Plenipotentiary to negotiate a treaty of peace with Great Britain, under the mediation of Russia, and a treaty of commerce with Russia. From causes which it is unnecessary to notice, nothing was accomplished under this appointment. But afterwards, in January, 1814, he, with Messrs. Gallatin, Bayard, Clay, and Russel, were appointed Ministers Plenipotentiary and Extraordinary to negotiate a treaty of peace and a treaty of commerce with Great Britain. This mission succeeded in effecting a pacification, and the name of Mr. ADAMS is subscribed to the treaty of Ghent. After this eventful crisis in our public affairs, he was, in February, 1815, selected by Mr. Madison to represent the country and protect its interests at the Court of St. James, and he remained there as Envoy Extraordinary and Minister Plenipotentiary until Mr. Monroe became President of the United States. On the 5th of March, 1817, at the commencement of the new administration, he was appointed Secretary of State, and continued in the office while that gentleman was at the head of the administration. In 1825 he was elected his successor, and discharged the duties of President for one term, ending on the 3d of March, 1829. Here followed a brief period of repose from public service, and Mr ADAMS retired to the family mansion at Quincy, but was elected a member of the House of Representatives from the district in which he lived, at the next election, which occurred after his return to it, and took his seat in December, 1831: he retained it by successive elections to the day of his death. I have not ventured, on this occasion, beyond a bare enumeration of the high places of trust and confidence which have been conferred upon the deceased. The service covers a period of more than half a century, and what language can I employ which will portray more forcibly the great merits of the deceased, the confidence reposed in him by the public, or the ability with which he discharged the duties devolved upon him, than by this simple narration of recorded facts? An ambitious man could not desire a more emphatic eulogy. Mr. ADAMS, however, was not merely a statesman, but a ripe, accomplished scholar, who during a life of remarkably well directed industry, made those great acquirements which adorned his character, and gave to it the manly strength of wisdom and intelligence. As a statesman and patriot, he will rank among the illustrious men of an age prolific in great names, and greatly distinguished for its progress in civilization. The productions of his pen are proofs of a vigorous mind, imbued with a profound knowledge of what it investigates, and of a memory which was singularly retentive and capacious. But his character is not made up of those conspicuous qualities alone. He will be remembered for the virtues of private life—for his elevated moral example—for his integrity—for his devotion to his duties as a christian, as a neighbor, and as a head of the family. In all these relations few persons have set a more stedfast or brighter example, and few have descended to the grave where the broken ties of social and domestic affection have been more sincerely lamented. Great as may be the loss to the public of one so gifted and wise, it is by the family that his death will be most deeply felt. His aged and beloved partner, who has so long shared the honors of his career, and to whom all who know her are bound by the ties of friendship, will believe that we share her grief, mourn her bereavement, and sympathise with her in her affliction. It is believed to have been the earnest wish of his heart, to die like Chatham, in the midst of his labors. It was a sublime thought, that where he had toiled, in the house of the nation, in hours of the day devoted to its service, the stroke of death should reach him, and there sever the ties of love and patriotism, which bound him to earth. He fell in his seat attacked by paralysis, of which he had before been a victim. To describe the scene which ensued would be impossible. It was more than the spontaneous gush of feeling which all such events call forth, so much to the honor of our nature. It was the expression of reverence for his moral worth; of admiration for his great intellectual endowments, and of veneration for his age and public services. All gathered round the sufferer, and the strong sympathy and deep feeling which manifested itself showed that the business of the House (which was instantly adjourned,) was forgotten amid the distressing anxieties of the moment. He was soon removed to the apartment of the Speaker, where he remained surrounded by afflicted friends till the weary clay resigned its immortal spirit. "This is the end of earth?" Brief but emphatic words. They were among the last uttered by the dying Christian. Thus has closed the life of one whose purity, patriotism, talents, and learning have seldom been seriously questioned. To say that he had faults, would only be declaring that he was human. Let him who is exempt from error venture to point them out. In this long career of public life, it would be strange if the venerable man had not met with many who have differed from him in sentiment, or who have condemned his acts. If there be such, let the mantle of oblivion be thrown over each unkind thought. Let not the grave of the "old man eloquent," be desecrated by unfriendly remembrances, but let us yield our homage to his many virtues, and let it be our prayer, that we may so perform our duties here, that if summoned in a like sudden and appalling manner, we may not be found unprepared, or unable to utter his words, "I am composed." Mr. President, with this imperfect sketch of the character and services of a great man, I leave the subject in the hands of the Senate by moving the resolutions which I send to the Chair:

Resolved, That the Senate has received with deep sensibility the message from the House of Representatives, announcing the death of the Hon. JOHN QUINCY ADAMS, a Representative from the State of Massachusetts.

Resolved, That as a token of respect for the memory of the deceased, the Senate will attend the funeral of the hour appointed by the House of Representatives, and wear the usual badge of mourning for thirty days.

Resolved, That as a further mark of respect for the memory of the deceased, the Senate do now adjourn until Saturday next, at the hour appointed for the funeral.

The resolutions having been read—

Mr. BENTON.—Mr. President. The voice of his native State has been heard through one of the Senators of Massachusetts, announcing the death of her aged and most distinguished son. The voice of the other Senator from Massachusetts is not heard, nor is his presence seen. A domestic calamity, known to us all, and felt by us all, confines him to the chamber of private grief while the Senate is occupied with the public manifestations of a respect and sorrow which a national loss inspires. In the absence of that Senator, and as the member of this body longest here, it is not unfitting or unbecoming in me to second the motion which has been made for extending the last honors of the Senate to him who, forty-five years ago, was a member of this body, who, at the time of his death, was among the oldest members of the House of Representatives, and who, putting the years of his service together, was the oldest of all the members of the American Government. The eulogium of Mr. ADAMS is made in the facts of his life, which the Senator from Massachusetts, (Mr. DAVIS,) has so strikingly stated, that from early manhood to octogenarian age, he has been constantly and most honorably employed in the public service.—For a period of more than fifty years, from the time of his first appointment as minister abroad under Washington to his last election to the House of Representatives by the people of his native district—he has been constantly retained in the public service, and that, not by the favor of a sovereign, or by hereditary title, but by the elections and appointments of republican government.—This fact makes the eulogy of the illustrious deceased. For what, except a union of all the qualities which command the esteem and confidence of man, could have ensured a public service so long, by appointments free and popular, and from sources so various and exalted. Minister many times abroad; member of this body; member of the House of Representatives; Cabinet minister; President of the United States; such has been the galaxy of his splendid appointments. And what but moral excellence the most perfect; intellectual ability the most eminent; fidelity the most unwavering; service the most useful, would have commanded such a succession of appointments so exalted, and from sources so various and so eminent? Nothing less could have commanded such a series of appointments; and accordingly we see the union of all those great qualities in him who has received them. In this long career of public service Mr. ADAMS was distinguished not only by faithful attention to all the great duties of his stations, but to all their less and minor duties. He was not the Salamitian galley, to be launched only on extraordinary occasions, but he was the ready vessel, always launched when the duties of his station required it, be the occasion great or small. As President, as cabinet minister, as minister abroad, he examined all questions that came before him, and examined all in all their parts, in all the minutiæ of their detail as well as in all the vastness of their comprehension. As Senator, and as a member of the House of Representatives, the obscure committee room was as much the witness of his laborious application to the drudgery of legislation as the halls of the two Houses were to the ever ready speech, replete with knowledge, which instructed all hearers, enlightened all subjects, and gave dignity and ornament to debate. In the observance of all the proprieties of life, Mr. ADAMS was a most noble and impressive example. He cultivated the minor as well as the greater virtues. Wherever his presence could give aid and countenance to what was useful and honorable to man, there he was. In the exercises of the school and of the college—in the meritorious meetings of the agricultural, mechanical, and commercial societies—in attendance upon Divine Worship—he gave the punctual attendance rarely seen but in those who are free from the weight of public cares. Punctual to every duty, death found him at the post of duty; and where else could it have found him, at any stage of his career, for the fifty years of his illustrious public life? From the time of his first appointment by Washington to his last election by the people of his native town, where could death have found him but at the post of duty? At that post, in the fullness of age, in the ripeness of renown, crowned with honors, surrounded by his family, his friends, and admirers, and in the very presence of the national representation, he has been gathered to his fathers, leaving behind him the memory of public services which are the history of his country for half a century, and the example of a life, public and private, which should be the study and the model of the generations of his countrymen.

The resolutions were unanimously adopted, and, in accordance therewith,

The Senate adjourned.

[On Saturday the Senate met and proceeded to the House of Representatives to attend the funeral of the Hon. JOHN QUINCY ADAMS, and afterwards adjourned.]

MONDAY, FEBRUARY 28, 1848.

RESOLUTIONS OF THE LEGISLATURE OF NEW JERSEY.

Mr. MILLER presented resolutions passed by the legislature of the State of New Jersey, in opposition to a repeal of the act of March 2, 1837, concerning pilots; which were laid upon the table, and ordered to be printed.

PETITIONS.

Mr. CASS presented the petition of Levi Wells, a pensioner of the United States, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. YULEE presented a petition of citizens of Orange county, East Florida, praying the establishment of a post office in that county; which was referred to the Committee on the Post Office and Post Roads.

On motion by Mr. WESTCOTT, it was

Ordered, That the petition of Archibald Smith, Jr., on the files of the Senate, be referred to the Committee of Claims.

PROCEEDINGS OF THE COURT MARTIAL IN THE CASE OF LIEUT. COL. FREMONT.

Mr. BENTON submitted the following resolution for consideration:

Resolved, That the President of the United States be requested to communicate to the Senate, a copy of the proceedings of the general court martial in the case of Lieut. Col. Fremont.

NOTICE OF A JOINT RESOLUTION.

Mr. BENTON gave notice that, on to-morrow, he should ask leave of the Senate to introduce a joint resolution in relation to the purchase of American hemp for the use of the navy.

ADVERSE REPORT.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the petition of Asahel Kingsley, submitted an adverse report; which was ordered to be printed.

PAYMENT OF INTEREST TO ALABAMA.

Mr. HUNTER, from the Committee on Finance, to whom was referred the bill authorizing payment of interest on the amount advanced by the State of Alabama to the general government, pending the Creek hostilities in 1836 and 1837, reported it without amendment.

WILLIAM B. STOKES.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom was referred the petition of William B. Stokes, reported a bill for his relief; which was read, and passed to the second reading.

PRIVATE BILLS PASSED.

The following bills were read the second time and considered as in Committee of the Whole:

Bill for the relief of Fernando Fellanux.

Bill for the relief of Peter Engle, senior.

And no amendment being made they were reported to the Senate.

Ordered, That they be engrossed and read a third time.

The said bills were read a third time by unanimous consent.

Resolved, That they pass, and that their respective titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bills.

PERSONAL EXPLANATIONS.

Mr. YULEE.—With the permission of the Senate, I will trespass a moment upon its time. I have been waiting an opportunity for a week past, to bring to the notice of the Senator from Mississippi, (Mr. FOOTE,) a report of proceedings in this body, in which he is made to alledge "misquotation" of authorities by me. Being quite satisfied that such was not his intention, I have thought it proper to enable him to correct it in his place. He will find the passage I refer to, in the copy of the New York Herald, which I hand him.

Mr. FOOTE.—I think I can explain the matter without at all calling in question the accuracy of the reporter. I did accuse the Senator from Florida of "misquotation," not, however, exactly in the sense in which he seems to apprehend it. In the course of the hurried remarks made by me, on the occasion to which allusion has been made, I did say that I was perfectly prepared to demonstrate, that the authorities cited by the Senator, whether musty or modern, were either wholly inapplicable; or being applicable, were, according to all the rules of fair and legitimate interpretation, altogether hostile to his positions. In this way I accused the Senator of misquotation, and a more unfortunate case of misquotation, it has rarely been my lot to witness. I accompanied the accusation with a suggestion, that I did not charge the Senator with having, in the language of the poet,

"Just enough of learning to misquote."

Cases of misquotation, we know, are not unfrequent at the bar. Often, a lawyer's authorities are turned totally against him, and the sword is wrenched from the hand of the combatant, and he himself made its victim. In the present case, I intended to show that the weapons of the Senator, could be turned against himself, and I am prepared to demonstrate that his citation of his authorities has been peculiarly unfortunate. But, of course, I did not charge the Senator with erroneous *reading* of the authorities. I did not accuse him of any interpolation of words or sentences. I simply intended to express the idea, that his authorities from Puffendorff, down to the most modern, Judge Martin of Louisiana, so far as they were at all applicable, could be wielded to the utter destruction of the dangerous views propounded by him, which were in my opinion, most illiberally advanced, under all the circumstances of the case, and were calculated to do much serious public detriment to distinguished gentlemen of the North, who had girded on their armor for the defence and vindication of the constitutional rights of the South. The Senator has, however, tempered his phraseology in his printed speech, and made himself to "coo as gently as a sucking dove," although it is well known he was a "roaring lion," throughout his spoken speech.

Mr. YULEE.—I understand the Senator to say, that he did not mean to use "misquotation" in its ordinary sense of misrecital, but only as meaning misapplication. With this I am content; and will be happy to hear how the Senator, when he comes to the discussion of the question, will sustain his proposition that the authorities I cited are not pertinent to my argument. Upon this issue I am willing to go before the Senate and the country. But before I sit down I will correct the Senator in his impression, that my remarks have undergone any change in the matter of them, since delivered. The argument is preserved as nearly as possible, under the circumstances—quite as nearly as is usual in this or other deliberative bodies. I did omit certain matter which I had read from newspapers of the day, in illustration of what I charged to be the ultimate views of the advocates of tee two plans of adjustment I was commenting upon. These were omitted from my printed speech because, among other reasons, unnecessary to the argument, and because demanding more room than my printer thought could be spared. The Senator from New York (Mr. DICKINSON) knew that such was my purpose.

Mr. FOOTE.—[being supplied with a dictionary, read the definition of the word "quote," and added:]—The Senator will thus find that the meaning of the word "quote" is given, "to cite."—All I intended to say was, that the authorities cited by him were either injudiciously or erroneously cited, and were not calculated to afford him "aid and comfort" in the discussion. The Senator from Alabama, now in his seat, (Mr. LEWIS,) will bear me witness that both he and I concurred, that the manner and matter of the speech of the Senator from Florida as delivered, were, under all the circumstances, lamentably harsh and unkind to some of the best friends of the South, at the North. In the printed speech, however, (and I am quite happy to say so) there is not, from beginning to end, a single expression which can be construed into even an approximation of harshness. Therefore, I am warranted in saying that, there must be something overpoweringly harsh in his manner of expressing himself, or that I did not understand the terms which the Senator used. Certainly I listened to the remarks of the Senator with attention, and so did other gentlemen. I am willing to appeal to members of this body for a decision of the question, whether the Senator has not mingled a great deal more honey in his phraseology as printed, than he appeared to be willing to infuse into his speech as delivered!

Mr. LEWIS said he regretted his friend from Mississippi had given so much consequence to anything he might have said, as to the manner of the Senator from Florida. He certainly had not said that the manner of that gentleman was harsh and offensive, for he was not present when that gentleman made those remarks. In reply to the suggestion from another source, that such remarks were harsh, he (Mr. L.) had expressed his regret as he had also regretted before any remarks were made, that the Senator from New York had not amended his resolutions as he (Mr. L.) had hoped and believed he was willing to do.

Mr. FOOTE.—The explanation of the Senator from Alabama confirms what I have said, and shows that even rumor and the general impression with regard to the remarks of the Senator from Florida, were as I have stated. I make these remarks because it

was thought by some that I dealt rather unkindly with the Senator from Florida in my rebuke; and certainly I should have been guilty of gross discourtesy, had I rebuked him for using language so calm and honied as that which appears in the printed speech.

Mr. HANNEGAN.—I rise to a question of order. There is a great deal of important business to be transacted in the morning hour, and as this dispute appears to be altogether a personal matter between the two gentlemen, without any point on either side, so far as I am able to perceive, I ask that the Senate will proceed to the consideration of the morning business.

Mr. YULEE.—More time has been consumed than I anticipated. The Senator says that he does not mean the matter is different, but that there is less severity of tone. I will only say that so far as the Senator supposed there was any personal unkindness in my language or manner on the occasion referred to, he is totally mistaken. I entertained no unkind feelings towards the Senator from New York, (Mr. DICKINSON,) or any one who took an interest in the discussion, and could not therefore have manifested any. If I had been personally unkind, certainly the Senator aggrieved, whoever he might be, would have noticed it for himself. Perhaps my manner was very earnest and warm. That is my nature. My manner such as it is, no doubt admits of improvement.—The manner of many of us might be improved, if "the gift" were given us—

"To see ourselves as others see us."

I will now ask the Senator, as he seems to be quite opposed to the doctrines of my speech, what is the precise point of difference between us. Does he hold that a citizen of the United States could be excluded from residing upon territory of the United States with his slave property?

Mr. FOOTE.—"I shun no question, and I wear no mask"—and my sentiments on that subject are well known.

Mr. SEVIER.—I move that the Senate proceed to the consideration of executive business.

The motion was put and agreed to.

The Senate then proceeded to the consideration of executive business and after some time so occupied, the doors were opened, and the Senate adjourned.

TUESDAY, FEBRUARY 29, 1848.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

To the Senate and House of Representatives:

In compliance with a resolution of the Senate of the 18th instant, requesting me to [illegible] copies of [illegible] according to the report of the United States Senate Manual [illegible] and [illegible] which may be in the State Department, and not deemed [illegible] [illegible] I transmit herewith [illegible] Executive document [illegible] session.

JAMES K. POLK.

WASHINGTON, February 28, 1848.

On motion by Mr. ALLEN, it was

Ordered, That it lie on the table.

RESOLUTIONS OF STATE LEGISLATURES.

Mr. TURNEY presented a resolution passed by the Legislature of the State of Tennessee, in favor of increasing the pay of the private soldiers in the service of the United States in Mexico; which was referred to the Committee on Military Affairs.

Also, a resolution of said Legislature, in favor of the enactment of a law to provide for the payment of the value of horses and equipments lost by volunteers in the service of the United States in the Mexican war; which was referred to the Committee on Military Affairs.

Also, a resolution of said Legislature, in favor of a law allowing further compensation to certain companies of Missouri mounted volunteers mustered into the service of the United States in the year 1836; which was referred to the Committee on Military Affairs.

Mr. CLARKE presented resolutions passed by the Legislature of the State of Rhode Island and Providence Plantations, deprecating the causes which have led to the existence of war between the United States and the Republic of Mexico, and in favor of the adoption of measures for the re-establishment of peace upon principles of moderation and equity; which were laid upon the table and ordered to be printed.

Mr. RUSK presented a resolution passed by the Legislature of the State of Texas, in favor of the enactment of a law requiring the Judge of the District Court of the United States for the District of Texas, to reside within the limits of his District; which was laid upon the table and ordered to be printed.

Also, a resolution of said Legislature, in favor of incorporating the Navy of the late Republic of Texas in the Naval establishment of the United States; which was laid upon the table and ordered to be printed.

Mr. YULEE presented a resolution passed by the Legislature of the State of Florida, in favor of the enactment of a law providing compensation to citizens of that State who suffered by Indian depredations in the Seminole war; also resolutions of said Legislature in favor of a law making provision for the widows and orphans of the officers and soldiers who have lost their lives in the war with Mexico; which were referred to the Committee on Military Affairs and ordered to be printed.

Also, resolutions of said Legislature in favor of removing the Land Office from Newmansville to Ocala in that State; in favor of the enactment of a law granting to that State, for school purposes, any land which have reverted to the United States under the armed occupation act, and the right to locate, in separate sections, a quantity of land granted by Congress for a seat of government for said State; in favor of the enactment of a law to provide for the survey and location of all lands in that State claimed under Spanish grants; in favor of the enactment of a law authorizing the inhabitants of townships, in that State, whose school lands are valueless or covered by prior Spanish grants, to enter on any of the public lands of the United States a like quantity of land; which were referred to the Committee on Public Lands and ordered to be printed.

Mr. WESTCOTT presented a resolution passed by the Legislature of the State of Florida, relative to certain changes in the mode of carrying the mail on the route from Chattahoochie to Pensacola; which was referred to the Committee on the Post Office and Post Roads and ordered to be printed.

Also, a resolution passed by the Legislature of the State of Florida, in favor of the removal of the Indian tribes, in that State, to the territory provided for their reception, and the adoption of measures for protecting the inhabitants of said State from Indian incursions and depredations; which was referred to the Committee on Indian Affairs and ordered to be printed.

Also, resolutions of said Legislature, in favor of a grant of public land for the erection of a court-house at Tampa, in that State; in favor of the enactment of a law to graduate the price of the public lands in that State; in favor of the relinquishment to that State of certain overflowed lands, the proceeds of which, when reclaimed, to be applied to purposes of education; and in favor of the enactment of a law granting pre-emption rights to actual settlers on the public lands in that State; which were referred to the Committee on Public Lands and ordered to be printed.

PETITIONS.

Mr. BRADBURY presented the petition of Rockland Carlton, praying the reimbursement of the amount of a fine incurred by him through the mistake of a custom-house officer; which was referred to the Committe of Claims.

Mr. CLARKE presented a petition of citizens of Newport, Rhode Island, praying the adoption of measures for terminating the war with Mexico; which was laid upon the table.

Mr. HALE presented a petition of citizens of Ogle county, Illinois; a petition of Enoch Pond and others, citizens of the United States; a petition of James Knapp and others, citizens of the United States; a petition of A. W. Townsend and others, citizens of the State of Pennsylvania; a petition of Origen Bacheler; a petition of female inhabitants of Syracuse, New York; and a petition of female inhabitants of Bangor and its vicinity, in Maine, praying the adoption of measures for the re-establishment of peace between the United States and the Republic of Mexico; which were referred to the Committee on Foreign Relations.

Also, a petition of citizens of Portsmouth and New Castle, New Hampshire, praying an increase of the duties on imported fish; which was referred to the Committee on Commerce.

Also, the petition of Alexander Ladd, legal representative of Nathaniel A. Haven and Eliphalet Ladd, deceased, praying the final action of Congress on the claims of American citizens, to indemnity for spoliations committed on their commerce by the French government prior to 1800; which was referred to the Committee on the Judiciary.

Also, a petition of citizens of Erie county, Ohio, praying the enactment of a law organizing a volunteer force for the suppression of insurrections in the Southern States; a petition of citizens of Locks Village, Massachusetts, praying the adoption of measures for terminating the war with Mexico, and the abolition of slavery and the slave trade in the District of Columbia; and two petitions of citizens of the State of Ohio, praying the adoption of measures for releasing the citizens of the non-slaveholding States from all constitutional obligations to countenance the institution of slavery; the motions to receive which were laid upon the table.

Also, a petition of citizens of Western Pennsylvania, praying the repeal of the act imposing a fine on persons convicted of harboring or concealing fugitive slaves; which was referred to the Committee on the Judiciary.

Mr. DAVIS, of Mississippi, submitted a communication addressed to him by Woodson Wren, Postmaster at Natchez, Mississippi, on the subject of amending the Post Office laws, and increasing the compensation of postmasters; which was referred to the Committee on the Post Office and Post Roads.

Mr. BELL presented a petition of citizens of Overton county, Tennessee, praying the adoption of measures for terminating the war with Mexico; which was laid upon the table.

On motion by Mr. BRADBURY, it was

Ordered, That the petition of Ichabod Jordan, on the files of the Senate, be referred to the Committee on Commerce.

On motion by Mr. UPHAM, it was

Ordered, That the petition of Azel Spalding, on the files of the Senate, be referred to the Committee on Pensions.

On motion by Mr. FELCH, it was

Ordered, That the documents on the files of the Senate, relating to the claim of Joseph Loranger, be referred to the Committee of Claims.

On motion by Mr. PHELPS, it was

Ordered, That Ross Winans have leave to withdraw his petition and papers.

On motion by Mr. JOHNSON, of Georgia, it was

Ordered, That Zachariah Cox have leave to withdraw his petition and papers.

NOTICE OF A BILL.

Mr. RUSK gave notice that to-morrow, or at some early day,

he would ask leave of the Senate to introduce a bill to provide for transcribing certain State papers of the late Republic of Texas.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed a bill granting the franking privilege to Mrs. Louisa Catharine Adams, in which they request the concurrence of the Senate.

The Speaker of the House of Representatives has signed an enrolled resolution [illegible] to be signed by the President of the Senate.

SIGNING OF A RESOLUTION.

The VICE PRESIDENT signed the enrolled joint resolution expressive of the thanks of Congress to Major General Scott, and the troops under his command, for their distinguished gallantry and good conduct in the campaign of 1847.

THE FRANKING PRIVILEGE TO MRS. ADAMS.

The bill from the House of Representatives, granting the franking privilege to Mrs. Louisa Catharine Adams, was read the first and second times, by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass.

Ordered. That the Secretary notify the House of Representatives accordingly.

BOUNDARY BETWEEN ALABAMA AND FLORIDA.

Agreeably to notice, Mr. BAGBY asked and obtained leave to bring in a bill in relation to the boundary line between Alabama and Florida; which was read the first and second times by unanimous consent, and referred to the Committee on Public Lands.

PRIVATE BILLS.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the petition of Bethiah Healy, submitted a report accompanied by a bill granting a pension to Bethiah Healy.

The bill was read, and passed to the second reading.

Ordered, That the report be printed.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the petition of David H. Leeper, reported a bill to confirm to the legal representatives of Joseph Dutailles the location of a certain New Madrid certificate; which was read and passed to the second reading.

On motion by Mr. BREESE, it was

Ordered, That a letter from the Commissioner of the General Land Office, accompanying the petition of Joseph Dutailles, be printed.

PROCEEDINGS OF THE FREMONT COURT MARTIAL.

The Senate proceeded to consider the resolution submitted yesterday by Mr. BENTON, requesting the President to communicate the proceedings of the General Court Martial, in the case of Lieutenant Colonel Fremont; and it was agreed to.

ABOLITION OF EXECUTIVE SESSIONS.

The Senate proceeded to consider the resolution submitted on the 23d instant, by Mr. Allen, to rescind the 40th rule, and conduct all business of the Senate hereafter in open session.

Mr. SEVIER moved to lay the resolution upon the table, and upon this resolution he demanded the yeas and nays, which were ordered, and it was decided in the affirmative, as follows, viz:

YEAS—Messrs. Ashley, Badger, Baldwin, Bell, Berrien, Bradbury, Bresse, Butler, Calhoun, Cass, Clarke, Corwin, Crittenden, Davis of Massachusetts, Dayton, Dix, Dodge, Felch, Greene, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, Lewis, Mangum, Mason, Miller, Moor, Niles, Pearce, Phelps, Rusk, Sevier, Spruance, Sturgeon, Underwood, Upham, Webster, Yulee.—29

NAYS—Messrs. Allen, Atchison, Atherton, Bagby, Bright, Clayton, Davis, of Mississippi, Dickinson, Douglas, Hale, Hannegan, Houston, Turney.—13.

So it was

Ordered, That the resolution lie on the table.

REMOVAL OF THE INJUNCTION OF SECRECY.

The Senate proceeded to consider the resolution submitted by Mr. ALLEN, on the 23d instant, to remove the injunction of secrecy from the proceedings of the Senate.

Mr. ALLEN then said that in the face of the vote just given, it would be manifestly ungenerous to take up the resolution, and he therefore asked that it be passed over informally. He would prefer availing himself of some occasion when the Senate had more time to devote to such subjects than at present, for the discussion of the whole question, and he proposed to make the discussion turn on this resolution.

Mr. MANGUM objected to passing the resolution over informally, on the ground that it would not be strictly in order. He therefore moved to lay the resolution on the table, as a definitive disposition of it in open session.

Mr. ALLEN desired to make one observation. He desired that all who wished an opportunity of discussing the question would vote against the motion, with the understanding that he would not press the resolution till a more convenient time.

So it was

Ordered, That the resolution lie on the table.

EXECUTIVE SESSION.

On motion by Mr. SEVIER, the Senate proceeded to the consideration of Executive business, and, after some time spent therein, the doors were again opened, and

On motion,

The Senate adjourned.

WEDNESDAY, MARCH 1, 1848.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr President: The House of Representatives have passed a bill to change the name of the steamboat "Charles Downing" to "Calhoun," in which they request the concurrence of the Senate.

They have also passed the bill of the Senate authorizing persons to whom reservations of land have been made under certain Indian treaties, to alienate the same in fee.

They have also passed the joint resolution of the Senate for the relief of Betsy McIntosh, and the bill of the Senate to make attachments which are made under process issuing from the Courts of the United States conform to the laws regulating such attachments in the Court of the States, each with amendments, in which they request the concurrence of the Senate.

RESOLUTIONS, ETC., OF STATE LEGISLATURES.

The VICE PRESIDENT presented the memorial of the Legislature of Iowa, praying a donation of land to aid in the construction of a railroad from Dubuque to Keokuk in the State of Illinois; which was referred to the Committee on Public Lands and ordered to be printed.

Mr. BREESE presented resolutions of the Legislature of Illinois, in favor of a railroad from Lake Michigan to the Pacific Ocean, on the plan proposed by Asa Whitney; which were laid upon the table, and ordered to be printed.

Mr. HOUSTON presented resolutions of the Legislature of Texas, requesting the Senators and Representatives of that State, in Congress, to protest against the relinquishment of the Provinces or States conquered by, and in possession of the United States, without indemnity; and, also, to protest any law which shall be intended to prevent the citizens of slaveholding States from taking their property with them, in emigrating to said acquired territory; which were read, laid upon the table, and ordered to be printed.

PETITIONS.

Mr. HOUSTON presented documents relating to the claim of Manuel Ravena, for compensation for the schooner Francisca, which he states was illegally seized by the Collector at Galveston; which was referred to the Committee on Commerce.

Mr. JOHNSON, of Maryland, presented a petition of citizens of Baltimore, praying the establishment of reduced and uniform rates of postage; which was referred to the Committee on the Post Office and Post Roads.

On motion by Mr. HANNEGAN, it was

Ordered, That Isaac Elston and James M. Kibben have leave to withdraw their petitions and papers.

CHANGE OF REFERENCE.

On motion by Mr. DIX, it was

Ordered, That the Committee on Commerce be discharged from the further consideration of the petition of citizens of Portsmouth and Newcastle, New Hampshire, praying that the duties on fish may be made specific, and that it be referred to the Committee on Commerce.

EXECUTIVE SESSION.

On motion by Mr. SEVIER, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were again opened, and

On motion,

The Senate adjourned.

THURSDAY, MARCH 2, 1848.

PETITION.

Mr. WEBSTER presented the petition of citizens of Massachusetts engaged in the fisheries, and on presenting it observed that the petitioners say, that by the present tariff of the United States the duty on fish is such as to give to the British interests employed in that pursuit a great advantage over those of the United States. The British fishermen coming out from all the fishing grounds from the neighboring shores of Canada, Nova Brunswick, Nova Scotia and Newfoundland, are lighter and cheaper vessels, have a decided advantage over them. They, therefore, pray that the present duty on the article may be altered from the ad valorem assessment which now prevails, and that the duty may be made specific.

The petition was referred to the Committee on Finance.

Mr. YULEE submitted additional documents relative to the claim of the administrator of James Edwards, deceased, which were referred to the Committee of Claims.

Mr. YULEE submitted an additional document relating to the claim of Isaac Varnes; which was referred to the Committee of Claims.

PUBLIC DOCUMENT.

Mr. BRADBURY submitted the following resolution for consideration:

Resolved, That the Committee on Printing be instructed to inquire and report what the cheapest of the President's annual message, accompanied [illegible] by the Senate to be printed, and have not yet been printed, and how many copies.

The resolution having been read,

Mr. BRADBURY said: I offer the resolution for the purpose of obtaining information not only for ourselves, but for the public. Every day's mail brings inquiries as to when these documents can be expected to be published. And at the rate at which we are now going on, it really seems to me that we shall not get more than the half of them by the next session of Congress. The delay is, no doubt, in some measure, owing to the size of the document; I desire, however, that the cause should be stated in an official form, so that the public may be informed.

Mr. DIX.—I do not rise to oppose the resolution, but merely to state, that meeting one of the public printers accidentally, a day or two ago, I inquired why the documents had not been sent to me, and ascertained that the delay was occasioned by the engraving of certain maps, which accompany the document. The printing is completed, but the engraving is not yet finished.

Mr. BRADBURY.—My purpose is merely that the public shall be informed of the cause of the delay, and if the committee report that fact, it is all that is desired.

Mr. WESTCOTT.—I would suggest to the honorable Senator from Maine, whether it would not be as well to modify the resolution. I understand that the delay is occasioned as it has been remarked by the Senator from New York, by some difficulty in relation to the preparing of the maps which accompany the documents. I saw the printer this morning, and learned from him that he was waiting for the maps, which had been sent from the engraver's without having been folded, and he had to employ persons to perform that duty. It might help the matter if the resolution was extended so as to enable the printer to employ and pay a sufficient number of persons to fold the maps, which in fact, is the sole cause of the delay.

Mr. BRADBURY.—The resolution simply proposes an inquiry, and I would prefer that it should be acted on.

The resolution was considered, by unanimous consent, and agreed to.

VENTILATION OF THE SENATE CHAMBER.

Mr. DIX submitted the following resolution, which was considered by unanimous consent, and agreed to:

[illegible]

NATIONAL ENGINEERS.

Mr. DIX submitted the following resolution, which was considered by unanimous consent and agreed to:

[illegible]

JOHN PAUL JONES.

Mr. MASON, from the Committee of Claims, to whom was referred the amendments of the House of Representatives to the bill of the Senate for the relief of the heirs of John Paul Jones, reported the same, with a recommendation that the Senate concur therein.

HEZEKIAH THISTLE.

Mr. WESTCOTT, from the Committee on Patents and the Patent Office, to whom were referred the petition of Hezekiah Thistle, and the petition of Herrick Aiken, submitted adverse reports, which were ordered to be printed.

ATTACHMENTS.

The Senate proceeded to consider the amendment of the House of Representatives to the bill of the Senate to make attachments which are made under process issuing from the Courts of the United States conform to the laws regulating such attachments in the Courts of the States; and it was

Resolved, That the Senate [illegible]

Ordered, That the Secretary notify the House of Representatives accordingly.

PRIVATE BILL.

The Senate proceeded to consider the amendment of the House of Representatives to the bill of the Senate for the relief of Betsey McIntosh; and it was

Resolved, That the Senate [illegible]

Ordered, That the Secretary notify the House of Representatives accordingly.

HOUSE BILL REFERRED.

The bill from the House of Representatives to change the name of the steamboat "Charles Downing" to "Calhoun," was read the first and second times by unanimous consent, and referred to the Committee on Commerce.

EXECUTIVE SESSION.

On motion by Mr. SEVIER, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were again opened, and

On motion,

The Senate adjourned.

FRIDAY, MARCH 3, 1848.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

To the Senate of the United States:

In answer to the resolution of the Senate of the 2d of January, 1848, I communicate herewith a report from the Secretary of State, with the accompanying documents, containing the correspondence of Mr. Wise, late Minister of the United States at the Court of Brazil, relating to the subject of the slave trade.

JAMES K. POLK.

Washington, March 2, 1848.

The message was read.

Ordered, That it be printed.

RESOLUTIONS OF THE LEGISLATURE OF NEW JERSEY.

Mr. DAYTON presented resolutions passed by the Legislature of the State of New Jersey in favor of the construction of a rail road from Lake Michigan to the Pacific Ocean, on the plan proposed by Asa Whitney.

Mr. DAYTON said, in presenting these resolutions, he desired to say a few words. On previous occasions he had, in response to instructions from political adversaries, disclaimed the binding force of any such instructions. These resolutions emanated from a Legislature composed of a large majority of political friends. They are not intended as instructions, but advisory. In this view, said he, they are entitled to my most deliberate and respectful consideration, and they shall receive it. But I know, that the body by whom these resolutions were passed will ask no more than this of me. Without having given to the subject any careful consideration, I may be pardoned for saying that, as at present advised, my impressions are altogether against the scheme of Mr. Whitney as unwise and impracticable. These opinions will be carefully reviewed when this question shall be presented; and if, consistently with my views of official duty, I can conform myself to the wishes of a body whose wishes I am ever bound to respect, it will give me pleasure. But if, on the contrary, I remain of my present opinions, I shall be under the ultimate necessity of responding in this matter to political friends, as I have heretofore responded to political opponents.

Mr. DAYTON thereupon moved that the resolutions be laid upon the table and printed for the use of the Senate; and the motion was agreed to.

PUBLIC MEETING IN THE STATE OF NEW YORK.

Mr. DICKINSON presented the proceedings of a meeting of citizens of the county of Saratoga, New York, approving and sustaining the measures pursued by the government in the prosecution of the war with Mexico; which were read and laid upon the table.

PETITIONS.

Mr. DIX presented a memorial of Surgeons in the Army and Navy of the United States, praying the adoption of measures for preventing the importation of spurious and adulterated drugs and medicines; which was referred to the Committee on Commerce.

On motion by Mr. ASHLEY, it was

Ordered, That the petition of Alfred White, on the files of the Senate, be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. ASHLEY, it was

Ordered, That the Committee on the Judiciary be discharged from the further consideration of the petition of Alexander Ladd; and that it lie on the table.

ROUTE TO CALIFORNIA.

Mr. WESTCOTT submitted the following resolution for consideration:

Resolved, That the Secretary of the Interior be directed to lay before the Senate Colonel Cooper's report and map, heretofore ordered to be printed for the use of the Senate.

CLAIMS IN CALIFORNIA.

Mr. CASS, from the Committee on Military Affairs, to whom the subject was referred, reported a bill for ascertaining and paying the California claims; which was read and passed to the second reading.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed a bill for the relief of Charles Cappell; in which they request the concurrence of the Senate.

They have passed the bill from the Senate to provide additional Examiners in the Patent Office, and for other purposes, with an amendment, in which they request the concurrence of the Senate.

The Speaker of the House of Representatives having signed three enrolled bills, I am directed to bring them to the Senate for the signature of their President.

SIGNING OF BILLS.

The VICE-PRESIDENT signed the following bills:

An act to amend an act, entitled "An act in amendment of the several acts regulating the Judicial system of the United States;"

An act granting the franking privilege to Louisa Catharine Adams.

An act authorizing persons to whom reservations of land have been made under certain Indian Treaties to alienate the same in fee.

EXECUTIVE SESSION.

On motion by Mr. SEVIER, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were again opened, and

On motion,

The Senate adjourned.

SATURDAY, MARCH 4, 1848.

REPORTS FROM DEPARTMENT.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, in compliance with the act of 24th March, 1847, regulating passenger ships and vessels, tabular statements showing the number and description of passengers who arrived in each collection district of the United States during the year ending the 30th September, 1847; which was laid upon the table.

Also, a report on the Commissioner of Patents, made agreeably to law, showing the operations of the office during the year 1847.

On motion by Mr. WESTCOTT, it was

Ordered, That it be referred to the Committee on Patents and the Patent Office.

RESOLUTIONS OF THE LEGISLATURE OF FLORIDA.

The VICE PRESIDENT laid before the Senate a preamble and resolution passed by the Legislature of Florida, instructing the Senators and requesting the Representative of that State in Congress to use their efforts to procure certain amendments to the pre-emption laws in favor of the actual settlers on the public lands in that State; a resolution passed by said Legislature, in favor of the enactment of a law making provision for the widows and orphans of the officers and soldiers who were killed in battle in the existing war with Mexico; and a memorial and resolution of the Legislature aforesaid, in relation to certain alterations in the route of transporting the mail from Chattahoochie to Pensacola in that State; which were laid upon the table.

PETITIONS.

Mr DIX presented documents in relation to the removal of the Port of Entry from Plattsburg to Rouse's Point, in the State of New York; which were referred to the Committee on Commerce.

On motion by Mr. ATCHISON, it was

Ordered, That the petitions of inhabitants of St. Charles county, Missouri, praying that the purchasers of certain school lands in that county may be confirmed in their titles, and that other lands may be set apart for school purposes, on the files of the Senate, be referred to the Committee on Public Lands.

ADVERSE REPORT.

Mr. UNDERWOOD, from the Committee of Claims, to whom was referred the petition of William G. Davis and Mary Ann, his wife, submitted an adverse report; which was ordered to be printed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed bills of the Senate of the following titles:

An act to change the ports of the United States, and for the relief of Merrill;

An act for the benefit of the representatives of Ethan L. Knox, deceased;

An act providing for the appointment of the clerk of Walter R. Johnson as chief clerk of the Fourth Seal;

They have also passed a bill of the following title:

An act for the relief of Lewis Clements;

An act for the relief of A. G. Smith;

An act for the relief of Rodney & Young & Co.;

An act for the relief of J. T. Buchanan;

An act for the relief of Wilkins Hogan, administrator of Michael Hogan, deceased;

An act for the relief of the heirs and legal representatives of Reynald, *alias* Nick. Hillary;

An act for the relief of James McAvoy;

An act for the relief of Caines Bemus;

An act for the relief of William Ralston;

An act for the relief of Nancy Tompkins;

An act for the relief of John Mitchell;

An act for the relief of David Thomas, of Philadelphia;

An act for the relief of Stephen Chrisman;

An act directing the mode of settling the claims of Charles G. Ridgely;

An act for the relief of Bennett M. Dell;

An act for the relief of John Manley;

An act for the relief of Sarah Stokes, widow of John Stokes;

An act for the relief of Esther Russell;

An act for the relief of the Red River Railroad Company;

An act for the relief of Stalker & Hill;

An act for the relief of Reuben Perry and Thomas P. Ligon;

An act for the relief of Benjamin White;

An act for the relief of Anthony Besee;

An act for the relief of G. F. de la Roche and W. P. S. Sanger;

An act for the relief of Jonathan Moore, of the State of Massachusetts;

An act for the relief of Robert Ellis;

An act for the relief of Catharine Fulton, of Washington county, Pennsylvania.

And a joint resolution for the relief of George R. Smith, in which they request the concurrence of the Senate.

STATE PAPERS.

Agreeably to notice, Mr. RUSK asked and obtained leave to bring in a bill to provide for transcribing certain State papers of the late republic of Texas; which was read the first and second times by unanimous consent, referred to the Committee on Foreign Relations, and ordered to be printed.

THE SMITHSONIAN INSTITUTION.

Agreeably to notice, Mr. DAVIS, of Mississippi, asked and obtained leave to bring in a joint resolution appointing certain Regisiters of the Smithsonian Institution; which was read the first and second times, by unanimous consent, and referred to the Committee on the Library.

CONGRESSIONAL LIBRARY.

Agreeably to notice, Mr. PEARCE asked and obtained leave to bring in a bill to remit the duties on books, maps, and charts, imported for the use of the Library of Congress; which was read the first and second times, by unanimous consent, and considered as in Committee of the Whole, and, no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

EXECUTIVE SESSION.

On motion by Mr. SEVIER, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were again opened, and

On motion,

The Senate adjourned.

MONDAY, MARCH 6, 1848.

PERSONAL EXPLANATION.

Mr. DICKINSON.—It is not often that I trouble the Senate with noticing any errors that are committed by the reporters for the public press; but I have observed an erroneous statement in regard to certain resolutions, which I had the honor to introduce—resolutions which were passed at a public meeting held in Saratoga county, New York—which I cannot permit to go abroad, without contradiction. I make the correction, however, more in justice to others, than myself. I remarked at the time I presented them, that they were resolutions which were passed upon the old battle ground of Saratoga, and that they took ground in favor of the Mexican war. I have seen it stated in many of the papers, that the resolutions are against the war! They will speak for themselves, and the report of what I now say, will correct the error.

RESOLUTION OF THE LEGISLATURE OF NEW JERSEY.

Mr. MILLER presented a joint resolution of the Legislature of New Jersey, affirming the declaration of the sentiments of the Chicago convention, in favor of the improvement of the harbors and navigable rivers of the country, through the action of the General Government; which was laid upon the table and ordered to be printed.

PETITIONS.

Mr. DICKINSON presented the petition of John Erickson, asking compensation for his services as engineer in planning and superintending the construction of the steam machinery of the United States steamer Princeton; which was referred to the Committee on Naval Affairs.

Mr. FOOTE presented the petition of the heirs of Col. James Mayson, asking compensation for the services of said Mayson during the Revolutionary war; which was referred to the Committee on Revolutionary Claims.

Also, of Volney E. Howard and others, asking to be relieved from certain bonds held against them by the United States in payment for certain lands which had been previously located; which was referred to the Committee of Claims.

Also, of Luke Lea and David Shelton, asking for a grant of land in Mississippi, for the purposes of experimenting on turpentine; which was referred to the Committee on Public Lands.

Mr. DAVIS, of Mississippi, presented the petition of certain enlisted men of the ordnance corps, asking to be placed on the same footing in reference to re-enlistments as other soldiers; which was referred to the Committee on Military Affairs.

Mr. BRADBURY presented the petition of Ambrose H. Abbott and other citizens of Maine, asking the establishment of a mail route from Bangor to Augusta, through Frankfort, Monroe, &c.; which was referred to the Committee on the Post Office and Post Roads.

Mr. BUTLER presented the petition of Moses D. Hyams and others, asking to be allowed to change the name of a vessel from "Roger Bontemps" to Palmetto; which was referred to the Committee on Commerce.

Mr. BENTON in presenting the petition of James F. Haliday and other printers of the District of Columbia, asking the establishment of a national printing office at the seat of Government, remarked:—I have been requested by some of the old established printers of this city to present a petition on the subject of the public printing. The petition proposes what has been often talked about: the establishment of a public printing press, which shall be under the direction and control of Congress. It sets forth reasons in favor of the proposition, reasons founded upon the long experience of these men, and consequently of the greater value, in a practical point of view. I am not entirely certain in what manner the British Parliament have their printing done, but I am certain of one thing, and that is, that the printing that is done for them is the best that is done in the world. They use the best paper, and the best type, and have the best press-work that is executed anywhere, and their documents are made up in the best form for use, that is—the quarto form—avoiding the inconvenience of the thick and unwieldy octavos which soon break to peices with their own weight. I sent to the Library for a volume, and one was brought to me, taken quite at random, no particular selection being made, and I desire to place it upon the table of the Secretary that Senators may look at it and see the kind of work that is done for the British Parliament and compare it with the work that is done for us. I desire Senators not only to examine the works but to feel its weight, and they will perceive its superiority over that which is done for Congress. This is a matter which deserves attention; it is, I think, worthy of consideration whether, while all the useful arts are in as high a state of perfection in America as in any portion of the world, there may not be some improvement in the manner in which our public printing is executed. I will lay the volume upon the Secretary's table, and move that the memorial, brief but full of reasons, be printed and referred to the Joint Committee on the Public Printing.

The petition was referred to the Committee on Printing, and ordered to be printed.

SAMUEL GRICE.

Mr. MASON, from the Committee of Claims, reported a bill for the relief of Samuel Grice.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

OPERATIONS OF GENERAL SCOTT.

Mr. DAVIS, of Mississippi, submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Library be instructed to inquire into the expediency of procuring the services of the late Col. [illegible] of Gen. Scott in the valley of Mexico, drawn by Capt. McClellan, of the Topographical Engineers, United States army.

EXECUTIVE SESSION.

On motion by Mr. SEVIER, the Senate proceeded to the consideration of Executive business at half-past 12 o'clock, and remained therein to the usual hour; when—

The Senate adjourned.

TUESDAY, MARCH 7, 1848.

PETITIONS.

Mr. DOWNS presented two petitions of citizens of Louisiana, praying the establishment of a navy-yard at the mouth of Red river in that State; which were referred to the Committee on the Judiciary.

Mr. BREESE presented three petitions of citizens of Illinois, praying the establishment of a Mail route from Waterloo to Sparta in that State; which were referred to the Committee on the Post Office and Post Roads.

Also, additional documents relating to the claim of Polly Taylor for a pension, which were referred to the Committee on Pensions.

Mr. DIX presented a petition of owners and consignees of vessels in the port of New York, praying the enactment of a law to facilitate the landing and warehousing of the cargoes of vessels arriving from foreign ports; which was referred to the Committee on Commerce.

Mr. DAVIS, of Mississippi, presented the memorial of Solon Borland, in behalf of certain Arkansas mounted volunteers who were taken prisoners by Mexican troops, praying that they may be allowed full pay and subsistence during the time of their captivity; which was referred to the Committee on Military Affairs.

Mr. FELCH presented a petition of citizens of Michigan, praying a grant of public land for the construction of a road from Green Bay to Lake Superior; which was referred to the Committee on Public Lands.

On motion by Mr. FELCH, it was

Ordered, That the petition of Joseph Lorenger, on the files of the Senate, be referred to the Committee of Claims.

FEES OF UNITED STATES ATTORNEYS.

Mr. BREESE submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of establishing by law a fee bill for the officers of the United States courts, in the cases in which he serves, rendered in the Supreme Courts thereof, exercising such discretion as to them may seem just and proper.

PRIVATE BILLS.

Mr. STURGEON, from the Committee on the Post Office and Post Roads, to whom was referred the petition of Geo. V. Mitchell, submitted a report accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. DOWNS, from the Committee on Private Land Claims, to whom was referred the petition of Stephen Steele, reported a bill to relinquish the reversionary interest of the United States in a certain Indian reservation in the State of Alabama, which was read and passed to the second reading.

EXECUTIVE SESSION.

On motion by Mr. SEVIER, the Senate proceeded to the consideration of Executive business, and after some time spent therein, the doors were again opened, and

On motion,

The Senate adjourned.

WEDNESDAY, MARCH 8, 1848.

COMMERCIAL INTERCOURSE WITH LIBERIA, ETC.

Mr. SEVIER submitted a geographical and commercial memoir, by Aaron H. Palmer, on the present state of Liberia, Manchuria and the Asiatic Islands of the Northern Pacific Ocean, showing their productions, trade and commerce, and the importance of establishing commercial intercourse between the United States and those countries; which was referred to the Committee on the Library and ordered to be printed.

RESOLUTIONS OF THE LEGISLATURE OF INDIANA.

Mr. BRIGHT presented a resolution passed by the Legislature of the State of Indiana, in favor of the enactment of a law making compensation to the Adjutant General of that state, for his services in raising and organizing two regiments of volunteers for the service of the United States in the war with Mexico; which was referred to the Committee on Military Affairs.

PETITIONS.

Mr. ATCHISON presented the petition of S. B. Arden, praying that certain periodical publications may be exempted from postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. WEBSTER presented a petition of citizens of Fellowsville, Preston county, Virginia, asking Congress to consider the expediency of endeavoring to effect such change in the laws as shall appropriate the proceeds of the public lands in aid of the extinction of slavery, and appointing commissioners, whose duty shall it shall be, under such conditions as Congress shall prescribe, to purchase and emancipate female children born prior to 1856, and making annual appropriations on a pledge of said public lands with a declaratory act that from and after 1856 there shall be no hereditary slavery, and all born after that date shall be free; he moved that the petition be referred to the Committee on Public Lands.

Mr. MASON.—I am not aware of the quarter from which this petition comes, nor am I acquainted with the rules of the Senate in regard to petitions of this description, but my impression is that according to the practice of the Senate, it should lie upon the table.

On motion of Mr. MASON, the motion to receive was laid on the table.

Mr. WEBSTER.—I can only say that the petition comes from some of the gentleman's constituents—whom I have not the honor to know—and who reside some where in the interior of the State of Virginia, and that they renew a proposition which was made twenty years ago from the middle states. If the gentleman will take the responsibility of saying what shall be done with the petition, I shall be quite satisfied.

PATENTS.

On motion by Mr. TURNEY, it was

Ordered, That fifteen hundred additional copies of the report of

30TH CONG.—1ST SESSION—No. 43.

the Committee on Patents and the Patent Office, on the petition of Herrick Aiken, be printed for the use of the Patent Office.

CUSTOM HOUSE IN MISSISSIPPI.

Mr. DAVIS, of Mississippi, submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a custom house at the port of Biloxi, in the county of Harrison, State of Mississippi.

LIGHT HOUSES IN MISSISSIPPI.

Mr. DAVIS, of Mississippi, submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of erecting two light houses on the west end of Ship Island, which is situated in the Gulf of Mexico, and the coast of Mississippi, also two light houses on and near Mississippi city.

NAVY YARD IN MISSISSIPPI.

Mr. DAVIS, of Mississippi, submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of establishing a navy yard on the harbor of Ocean Springs, on the coast of Mississippi, for the protection of our merchant marine engaged in the commerce of the Gulf of Mexico, and for the repair and construction of public vessels.

BRIDGE OVER THE EASTERN BRANCH.

Mr. CAMERON, from the Committee on the District of Columbia, reported a bill to provide a free communication across the Eastern branch of the river Potomac in the District of Columbia; which was read and passed to the second reading.

CHANGE OF NAME.

Mr. DIX, from the Committee on Commerce, to whom was referred the bill from the House of Representatives to change the name of the steamboat Charles Downing to Calhoun, reported it witcout amendment.

SUPREME COURT OF THE UNITED STATES.

The bill from the House of Representatives entitled "An act supplemental to to the act entitled 'An act concerning the Supreme Court of the United States,'" approved June 17, 1844," was read the first and second times by unanimous consent and referred to the Committee on the Judiciary.

EXECUTIVE SESSION.

On motion by Mr. SEVIER, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were again opened, and

On motion,

The Senate adjourned.

THURSDAY, MARCH 9, 1848.

PETITIONS.

Mr. DAVIS, of Mississippi, presented the memorial of John Johnston, senior, and others, praying that provision may be made by law for compensating them for services rendered the Choctaw Indians as counsel in the prosecution of their claims under the treaty of Dancing Rabbit Creek, which was referred to the Committee on Indian Affairs.

Mr. DIX presented the memorial of the New York Historical Society, praying the early action of Congress on the subject of the next census; which was referred to the Committee on the Judiciary.

Also, a memorial of citizens of the United States, residing on the Northern Lakes, and the river St. Lawrence, praying that flour manufactured in the United States, from Canadian wheat, and exported, may be entitled to drawback; which was referred to the Committee on Commerce.

Mr. FOOTE presented a petition of citizens of Mississippi, praying the establishment of a mail route from Herbert's post office to Quitman, in that State; which was referred to the Committee on the Post Office and Post Roads.

Also, a petition of the Baptist convention in Mississippi, asking that certain territory may be set apart for the exclusive use and occupancy of the several Indian tribes; which was referred to the Committee on Indian Affairs.

Mr. CORWIN presented the memorial of Mary Ann W. Van Ness, praying for an extension of the appellate jurisdiction of the Supreme Court of the United States to the proceedings of the Circuit Court of the United States for the District of Columbia, on issues sent for trial to that court from the Orphan's Court of said district; which was referred to the Committee on the Judiciary, and ordered to be printed.

On motion by Mr. STURGEON, it was

Ordered, That the memorial of Agnes Slack, on the files of the Senate, be referred to the Committee on Public Lands.

On motion by Mr. DIX, it was

Ordered, That John P. Baldwin have leave to withdraw his petition and papers.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk:

Mr. President: The House of Representatives have passed a bill further to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1848, in which they request the concurrence of the Senate.

The Speaker of the House of Representatives having signed four enrolled bills, and an enrolled resolution, I am directed to bring them to the Senate for the signature of their President.

DEFICIENCY BILL.

The bill from the House of Representatives further to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1848, was read the first and second times, by unanimous consent, and referred to the Committee on Finance.

CALL ON THE WAR DEPARTMENT.

Mr. JOHNSON, of Maryland, rose to make an inquiry of the Chair, whether any reply had been received to a resolution submitted by him and adopted on the 30th of December. The resolution to which he had reference, was a call on the War Department for information as to the number of troops called into the service in Mexico since May, 1846, the number discharged, and the number killed and wounded.

The PRESIDING OFFICER replied that the resolution had not been answered.

Mr. JOHNSON then gave notice that unless an answer should be received in the course of a few days, he would renew the call.

THE SUPREME COURT.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the bill from the House of Representatives supplementary to the act entitled "An act concerning the Supreme Court of the United States," approved June 17, 1844, reported it without amendment.

SIGNING OF BILLS.

The VICE PRESIDENT signed the following enrolled bills and enrolled resolution:

An act to make appropriations which are made under processes issuing from the Court of the United States conform to the laws regulating such appropriations in the Courts of the States.

An act providing for the payment of the claim of Walter R. Johnson, against the United States.

An act concerning the Courts of the United States in and for the District of Michigan.

An act for the relief of the administrators of Elisha L. Ivers, deceased.

A resolution for the relief of Betsey McIntosh.

EXECUTIVE SESSION.

On motion by Mr. SEVIER, the Senate proceeded to the consideration of Executive business, and after some time spent therein, the doors were again opened, and

On motion,

The Senate adjourned.

FRIDAY, MARCH 10, 1848.

PETITIONS.

The VICE PRESIDENT presented a memorial of citizens of the District of Columbia, and of other portions of the United States, praying the purchase of Mount Vernon by the government; which was referred to the Committee on the District of Columbia and ordered to be printed.

Mr. DOWNS presented the petition of William W. Wall, praying the confirmation of his title to a tract of land in the State of Louisiana; which was referred to the Committee on Private Land Claims.

PRIVATE BILLS REPORTED.

Mr. MASON, from the Committee of Claims, to whom was referred the petition of Stalker and Hill, submitted a report accompanied by a bill for their relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. ATCHISON, from the Committee on Indian Affairs, to whom was referred the petition of H. B. Gaither, submitted a report, accompanied by a resolution for his relief.

The resolution was read and passed to the second reading.

Ordered, That the report be printed.

SCHOOL LANDS IN FLORIDA.

Agreeably to notice, Mr. YULEE asked and obtained leave to bring in a bill concerning school lands in the State of Florida; which was read the first and second times by unanimous consent, and referred to the Committee on Public Lands.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr President: The House of Representatives have passed a bill to amend an act entitled "An act to regulate the proceedings in the Circuit Court of the United States, and for other purposes," passed 8th August, 1846, in which they request the concurrence of the Senate.

HOUSE BILLS REFERRED.

The bill from the House of Representatives directing the mode of settling the claims of Charles G. Ridgely, was read the first and second times by unanimous consent, and referred to the Committee on Foreign Relations.

The bill from the House of Representatives for the relief of David Thomas, of Philadelphia, was read the first and second times by unanimous consent, and referred to the Committee on Finance.

The bill from the House of Representatives for the relief of the heirs and legal representatives of Reynald, *alias* Nick Hillary, was read the first and second times by unanimous consent and referred to the Committee on Revolutionary Claims.

The bills from the House of Representatives for the relief of Nancy Tompkins, and for the relief of Stephen Champlin, were severally read the first and second times by unanimous consent and referred to the Committee on Naval Affairs.

The bills from the House of Representatives for the relief of Calvin Emmons, and for the relief of E. G. Smith, were severally read the first and second times by unanimous consent and referred to the Committee on Patents and the Patent Office.

The bills from the House of Representatives for the relief of John Mitchell, and for the relief of John Manly, were severally read the first and second times by unanimous consent and referred to the Committee on Pensions.

The bills from the House of Representatives for the relief of Bent, St. Vrain and Company; for the relief of William Hogan, administrator of Michael Hogan, deceased; for the relief of James McAvoy; for the relief of Charles Benns; for the relief of William Ralston; and for the relief of Bennet M. Dell, were severally read the first and second times by unanimous consent and referred to the Committee of Claims.

THE SUPREME COURT.

Mr. BERRIEN expressed a desire that the bill which had for its object, the relief of the Supreme court from the pressure of business, might now be taken up. The Supreme Court was about to adjourn, and it was important that the fate of the bill should be ascertained before the adjournment of the court, as in the event of its passage, the provision would be made for an additional term during the present year in the hope of relieving the docket. He moved a postponement of the prior order, that the Senate might at once proceed to the consideration of that bill.

Mr. ASHLEY rose only for the purpose of saying, that when the bill referred to by the gentleman from Georgia, was taken up it would, in his judgment, be found to demand the mature consideration of the Senate before it should be passed. He had reported the bill by the direction of the majority of the Committee on the Judiciary, but the majority of that committee had directed him whenever the bill came up, to offer an amendment, with the view of bringing the whole subject before the Senate, that it might receive a proper consideration. The majority of the committee believed that the bill would produce greatly more injury to the mass of the community than if the law remained as it was. The bill left one whole class of claims utterly unprovided for, and made no provision whatever for cases of appeal from the District to the Circuit Court.

Mr. DAYTON suggested that, as the bill had not been yet taken up, it might be as well before proceeding farther, to bring it up. He therefore moved to take up the bill.

Mr. ASHLEY remarked, that he was aware that the bill had not yet been taken up, and his object was to present some reasons why it should not be taken up at that time. It would be quite impossible to get through with the bill during the morning hour.

Mr. SEVIER said that he had given way to the Senator from Georgia, under the impression that there would not be any discussion; but as it was apparent that the bill could not soon be disposed of, he would move that the Senate now proceed to the consideration of Executive business.

Mr. BENTON rose, but yielded to—

Mr. BERRIEN, who remarked, that he had now fulfilled his duty by calling the bill to the notice of the Senate, in which the chairman of the Committee on Foreign Relations had kindly acquiesced. He was of course not at all desirous to delay other important business; and, therefore, he would withdraw his motion to take up the bill.

ADJOURNMENT OVER.

On motion, it was

Ordered, That when the Senate adjourn it be to Tuesday next.

EXECUTIVE SESSION.

On motion by Mr. SEVIER, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were again opened, and

On motion,

The Senate adjourned.

TUESDAY, MARCH 14, 1848.

REPORT FROM THE TREASURY DEPARTMENT.

The VICE-PRESIDENT laid before the Senate a report of the acting Secretary of the Treasury, made agreeably to law, exhibiting certain contracts and expenditures during the periods and for the objects therein mentioned.

RESOLUTIONS OF THE LEGISLATURE OF NEW YORK.

Mr. DICKINSON presented a resolution passed by the Legislature of the State of New York, in favor of an extension of the acts granting pensions to the widows of officers and soldiers of the Revolution; which was laid upon the table and ordered to be printed.

Mr. DIX presented a resolution passed by the Legislature of New York, in opposition to any change in the act of the 2d of March, 1837, concerning pilots; which was laid upon the table and ordered to be printed.

PETITIONS.

Mr. ASHLEY presented the petition of Seneca G. Simmons, an officer in the army, praying to be released from liability for certain public money stolen from his possession in Mexico, which was referred to the Committee on Military Affairs.

Also, a petition of citizens of the counties of Bradley and Jefferson, in Arkansas, praying to be allowed the right of pre-emption to the lands on which they have settled; which was laid upon the table.

Also, the petition of Joseph M. Merriwether, and a petition of a number of citizens of Arkansas in his behalf, praying to be allowed the right of pre-emption to a tract of land; which were referred to the Committee on Public Lands.

Mr. DICKINSON presented the memorial of H. N. Denison, praying the payment of an accepted draft, drawn by James Reeside, mail contractor, on the Post Office Department; which was referred to the Committee on the Post Office and Post Roads.

On motion by Mr. BREESE, it was

Ordered, That the petition of Emeline Owens, on the files of the Senate, be referred to the Committee on Military Affairs.

On motion by Mr. CALHOUN, it was

Ordered, That the petition of Robert M. Harrison, on the files of the Senate, be referred to the Committee on Foreign Relations.

On motion by Mr. HUNTER, it was

Ordered, That William Storke Jett have leave to withdraw his petition and papers.

COMPENSATION TO WITNESSES.

Mr. DOWNS submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire whether any, and what, provision can be made by law for the payment of the compensation to be allowed to witnesses who may be attending the Circuit and District Courts of the United States, in obedience to subpœnas issued by the clerks of said courts, and to report by bill or otherwise.

NOTICE OF A BILL.

Mr. ASHLEY gave notice that on to-morrow, or at an early day, he would ask leave of the Senate to bring in a bill to regulate the fees in the several courts of the United States.

INDIANA BONDS.

Mr. CLAYTON, from the Committee on Finance, to whom was referred the bill authorizing the surrender of certain bonds held by the United States to the State of Indiana, reported the same with amendments, and submitted a special report on the subject; which was ordered to be printed.

GRADUATION BILL.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill to reduce and graduate the price of the public lands, and for other purposes, reported it without amendment.

THE LOAN BILL.

Mr. ATHERTON, from the Committee on Finance, to whom was referred the bill from the House of Representatives to authorize a loan not to exceed the sum of sixteen millions, reported it with amendments.

DEFICIENCY BILL.

Mr. ATHERTON, from the Committee on Finance, to whom was referred the bill from the House of Representatives further to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th June, 1848, reported it with amendments.

PRIVATE BILLS, ETC.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom was referred the petition of Alfred White, reported a bill for his relief; which was read and passed to the second reading.

Mr. DICKINSON, from the Committee on Finance, to whom was referred the bill for the relief of Benjamin Adams and Company, reported it without amendment.

Mr. WESTCOTT, from the Committee of Claims, to whom were referred the petition of Volney E. Howard, and the memorial of Isabella Cole, executrix of William Cole, deceased, submitted reports thereon; which were ordered to be printed.

VIRGINIA REVOLUTIONARY CLAIMS.

Agreeably to notice, Mr. UNDERWOOD asked and obtained leave to bring in a bill to provide for the unpaid claims of the officers and soldiers of the Virginia State and Continental lines of the revolutionary army; which was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk:

Mr. President: The President of the United States approved and signed the 9th instant the following bills and resolution:

An act to amend an act entitled "An act in amendment of the acts respecting the public lands of the United States."

An act granting the franking privilege to Louisa Catharine Adams.

Joint resolution expressive of the thanks of Congress to Major General Winfield Scott, and the troops under his command, for their distinguished gallantry and good conduct in the campaign of 1847.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

Mr. President: The President of the United States approved and signed the 9th instant the following bills and resolution:

An act for the relief of the administratrix of Elisha L. Keen, deceased.

An act for the payment of the claim of Walter R. Johnson against the United States.

An act to make allowances which are made under process issuing from the courts of the United States conformable to the laws regulating such allowances in the courts of the States.

An act concerning the courts of the United States in, and for the district of Michigan.

A resolution for the relief of Betsey McIntosh.

DEFICIENCY BILL.

On motion by Mr. ATHERTON, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives further to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th June, 1848.

The bill having been partially amended—

Mr. HALE inquired of the chairman of the Finance Committee, whether the item of five thousand dollars for expenses in the issue of Treasury notes, was intended to be appropriated to the payment of officers now receiving salaries?

Mr. ATHERTON replied that he did not so understand it. The appropriation for this purpose, if he were correctly informed, amounted in the whole, to forty thousand dollars. There was amongst the papers accompanying the bill, a statement of the disbursements during the current fiscal year, under that appropriation, amounting to thirty-eight thousand dollars. The sum appropriated being thus nearly exhausted, it was estimated by the Treasury Department, that an additional appropriation of five thousand dollars would be necessary. He then sent to the desk a statement of these expenditures, which was read by the Secretary.

Mr. HALE then moved a proviso, that no part of this sum should be paid to officers receiving salaries for issuing or signing Treasury notes.

Mr. ATHERTON said he had not the slightest objection to the amendment.

EXECUTIVE SESSION.

Mr. MANGUM then said, that with the permission of the honorable chairman of the Finance Committee, he would move that

the bill before the Senate be passed over informally, with the view of making another motion.

Mr. ATHERTON assented.

Mr. MANGUM then moved that the Senate proceed to the consideration of Executive business.

The motion being agreed to, the Senate proceeded to the consideration of Executive business.

DEFICIENCY BILL.

The doors having been reopened, the Senate resumed the consideration of the bill, supplying deficiencies in the appropriations for the current year.

Mr. HALE said, that as he had ascertained that a similar provision had been inserted in the loan bill, he would withdraw his amendment.

Mr. BENTON moved further to amend the bill by striking out the item allowing a Charge to the Papal States and inserting "minister plenipotentiary," and to increase the appropriation from $22,000 to $31,000.

THE TEN REGIMENT BILL.

Mr. CASS then said:—This bill will, it is now evident, lead to a somewhat protracted discussion, and I therefore hope, that it will be passed over informally, and that the Senate will take up the ten regiment bill. I shall not trouble the Senate with any remarks in support of this suggestion, but merely express the hope, that gentlemen will acquiesce in the propriety of adopting it.

Mr. WEBSTER.—I hope that further debate on the ten regiment bill will not be prosecuted until a certain matter now pending, and to which I may not at present further refer, shall have been decided in one way or another. I have no disposition to defer the consideration of the bill, but in my judgment it is important that the matter to which I have alluded should be decided before this military bill be taken up.

Mr. CASS.—I do not understand at all how any motion in secret session can have any relation to this bill. There is no necessity to affect mystery where there is none. The whole world knows that a minister goes shortly to Mexico.

Mr. WEBSTER.—The whole world knows what?

Mr. CASS.—That somebody goes to Mexico with a certain paper. There are two very special reasons why we should act on this bill promptly. We should be prepared for the most vigorous prosecution of the war if that paper should be rejected by Mexico. We all know that the government of Mexico is tottering and unstable—we all know the difficulties to which it is exposed—and therefore we ought to be prepared, in the event of the failure, to ratify the treaty. We know of what elements the Mexican nation, like all other nations, is composed. We ought to satisfy them that we intend to prosecute the war with the utmost vigor in order to hold out powerful motives for the ratification of the treaty.—When asked the other day if my object was to frighten Mexico, I answered that it was by all means. It is a great deal more humane to frighten than to fight the Mexicans. It is also more economical. The object of all wars is to compel a treaty of peace; and that great object is best to be attained by satisfying your enemy of the injuries to which they must inevitably be exposed by continued resistance. Our true policy now obviously is, to adopt promptly the most vigorous measures, with the view of inducing the government of Mexico to ratify the treaty, and the people of Mexico to observe it when it is made. Who can deny that if the intelligence of the passage of this bill accompanied the treaty, it would exercise an all-important influence in the ratification of the treaty? The next best thing for us to do is, the prompt passage of the bill. I trust it will be promptly passed, and as I should hope, unanimously.

Mr. DOUGLAS.—I merely desire to know to what treaty the honorable gentleman alluded?

Mr. CASS.—I am really at a loss to know why any mystery should be affected in this matter. I suppose that there is somewhere a certain paper, and that the world knows all about it.

The PRESIDING OFFICER.—Does the Senator make any specific motion?

Mr. CASS.—I move that the prior order be postponed, and that this bill be taken up.

Mr. BERRIEN.—The object of the Senator may be perhaps obtained, and the objection of the Senator from Massachusetts be removed, if the motion just made be withdrawn, in order that I may be allowed to submit a motion that the Senate proceed to the consideration of Executive business.

Mr. CASS.—I have no objection if that hasten the conclusion of the matter, and enable gentlemen to vote upon it.

Mr. BERRIEN.—I move then that the Senate proceed to the consideration of Executive business.

CHAIRMAN OF THE COMMITTEE ON FOREIGN RELATIONS.

Mr. CRITTENDEN.—Before the question is put, I beg that the gentleman will withdraw his motion, in order to allow me to make one. A good deal of important business, and some of it of rather an urgent nature, as I am informed is before the Committee on Foreign Relations. We have, this morning, removed the head of that committee by appointing him to another office, and the gentleman next to him on the list of members of the committee declines taking the place of chairman. I suppose that the usual course—at all events, that it is entirely proper, that the gentleman who stands next, the honorable gentleman from Indiana, [Mr. HANNEGAN,] should be appointed to that place. I move that he be appointed.

It was then

Ordered, That Mr. HANNEGAN be appointed chairman of the Committee on Foreign Relations in the place of Mr. SEVIER, and the vacancy in the committee be filled by the appointment of the PRESIDING OFFICER.

Mr. MASON was accordingly appointed.

DEFICIENCY BILL.

The PRESIDING OFFICER.—It is necessary to make some disposition of the bill now before the Senate.

Mr. BERRIEN.—Let it be laid over informally.

Mr. ATHERTON.—I am of course unwilling to insist on the consideration of this bill, if the honorable chairman of the Committee on Military Affairs wishes to go on with the regular order of the day; and I would give way for that purpose. But I should very much regret that the Senate should, for any other purpose, postpone the consideration of this bill, on which speedy action is necessary, as some branches of the public service must suffer in case its passage should be delayed. The ten regiment bill has of course the right of priority, and to it I am prepared to yield. But I now rise to give notice that I shall to-morrow request the Senate to resume the consideration of this bill.

Mr. CASS.—I have already stated my own views, and will cheerfully consent to the request of the gentleman so far as regards myself. My great object is to obtain the immediate passage of the bill.

The further consideration of the bill was then postponed till to-morrow.

EXECUTIVE SESSION.

Mr. BERRIEN.—I renew my motion.

The motion being agreed to, the Senate proceeded to the consideration of Executive business, and after some time spent therein, the doors were opened, and

On motion,

The Senate adjourned.

WEDNESDAY, MARCH 15, 1848.

RESIGNATION OF SENATOR BUTLER.

The VICE PRESIDENT laid before the Senate a letter from the Hon. ANDREW H. BUTLER, resigning his seat in the Senate of the United States; which was read.

On motion by Mr. ASHLEY, it was

Ordered, That the VICE PRESIDENT be requested to inform the Executive of the State of Arkansas that the Hon. ANDREW H. BUTLER has this day resigned his seat in the Senate.

REPORT FROM THE NAVY DEPARTMENT.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Navy, made agreeably to law, accompanied by a statement from the Second Comptroller of the Treasury of the appropriations for the naval service for the fiscal year ending June 30th, 1847.

RESOLUTION OF THE LEGISLATURE OF PENNSYLVANIA.

Mr. CAMERON presented a preamble and resolutions passed by the Legislature of the State of Pennsylvania, in favor of the construction of a road from Lake Michigan to the Pacific Ocean, on the plan proposed by Mr. WHITNEY; which were laid upon the table.

PETITIONS.

Mr. BENTON presented a petition of citizens of St. Louis, Missouri, praying the adoption of measures for the reestablishment of Peace between the United States and Mexico; which was laid upon the table.

Mr. CAMERON presented a petition of citizens of Pennsylvania, praying that the United States' army may be recalled from Mexico and peace established with that republic; which was referred to the Committee on Military Affairs.

Also, a petition of citizens of Pennsylvania praying the establishment of a mail-route from Providence to Tolton in that State; which was referred to the Committee on the Post Office and Post Roads.

Also, the petition of Leonard Gray, a soldier in the last war with Great Britain, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. LEWIS presented a petition of citizens of Clarke county, Alabama, praying the establishment of a mail-route from Wilderness Post Office to Mott's Post Office in that State; which was referred to the Committee on the Post Office and Post Roads.

Also, the petition of T. L. Smith, praying a grant of land to the Eufaula and Geneva Railroad Company, to aid in the construction of a railroad from Eufaula to Pensacola; which was referred to the Committee on Public Lands.

COMPENSATION TO JAMES MOORE.

Mr. BENTON submitted the following resolution, which was read the first and second times by unanimous consent, and referred to the Committee on the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate allow and pay out of the Contingent Fund of the Senate to James Moore, the usual per diem compensation that is now allowed and paid to the messengers and door-keepers of the Senate for services performed by the said messengers from the 7th October, 1846, to the present time.

TEXAS BONDS.

Mr. WESTCOTT, from the Committee on the Judiciary, to whom was referred the petition of Frederick Dawson, James Schott, and Elisha Dana Whitney, submitted a report accompanied by a bill for their relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. WESTCOTT, from the same Committee, to whom was referred the petition of Leslie Combs, submitted a report which was ordered to be printed.

ADVERSE REPORT.

Mr. MASON, from the Committee of Claims, to whom was referred the memorial of the widow and legal representatives of Reuben Lassiter, submitted an adverse report; which was ordered be printed.

BILLS FILED.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom were referred the bills from the House of Representatives for the relief of John Mitchell, and for the relief of John Manley, reported them without amendment.

TERRITORY OF NEBRASKA.

Agreeably to notice, Mr. DOUGLAS asked and obtained leave to bring in a bill to establish the Territory of Nebraska; which was read the first and second times, by unanimous consent, and referred to the Committee on Territories.

AMERICAN HEMP FOR THE USE OF THE NAVY.

Agreeably to notice, Mr. BENTON asked and obtained leave to bring in a joint resolution to promote the purchase of American hemp for the use of the American Navy; which was read the first and second times, by unanimous consent, and referred to the Committee on Naval Affairs.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed bills of the following titles:

An act relating to the collection district of New Orleans; and for other purposes:

An act to change the name of Photius Kavanaugh to that of Photius Fisk;

In which they ask the concurrence of the Senate.

EXAMINERS IN THE PATENT OFFICE.

The Senate proceeded to consider the amendments made by the House of Representatives to the bill of the Senate to provide additional examiners in the Patent Office and for other purposes; and

On motion by Mr. WESTCOTT, it was

Ordered, That they be referred to the Committee on Patents and the Patent Office.

COMMODORE PARKER.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Commodore Foxall A. Parker of the United States Navy: and

On motion by Mr. BADGER, it was

Ordered, That the further consideration thereof be postponed until to-morrow.

HOUSE BILLS REFERRED.

The bills from the House of Representatives for the relief of Sarah Stokes, widow of John Stokes; for the relief of Esther Russell; for the relief of Jonathan Moore, of the State of Massachusetts; for the relief of Robert Ellis; and for the relief of Catharine Fulton of Washington county, Pennsylvania, were severally read the first and second times, by unanimous consent, and referred to the Committee on Pensions.

The bills from the House of Representatives relating to the collection district of New Orleans and for other purposes; and for the relief of the Red River Railroad Company, were severally read the first and second times, by unanimous consent, and referred to the Committee on Commerce.

The bills from the House of Representatives for the relief of Stalker and Hill; and for the relief of Reuben Perry and Thomas P. Ligon, were severally read the first and second times, by unanimous consent, and referred to the Committee of Claims.

The bill from the House of Representatives for the benefit of Benjamin White, was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

The bills from the House of Representatives for the relief of Anthony Bessee; and for the relief of Charles Cappell, were severally read the first and second times, by unanimous consent, and referred to the Committee on Private Land Claims.

The bill from the House of Representatives for the relief of G. F. de la Roche and W. P. S. Sanger, was read the first and second times, by unanimous consent, and referred to the Committee on Naval Affairs.

The bills from the House of Representatives to change the name of Photius Kavasales to that of Photius Fisk; and to amend the act entitled "An act to regulate the proceedings in the Circuit Court of the United States, and for other purposes," passed 8th August, 1846, were severally read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary.

The joint resolution from the House of Representatives for the relief of George R. Smith, was read the first and second times, by unanimous consent, and referred to the Committee on the Post Office and Post Roads.

NOTICE OF A BILL.

Mr. BAGBY gave notice that on to-morrow, or at an early day, he would ask leave of the Senate to bring in a bill relating to the public lands.

JOHN PAUL JONES.

The Senate proceeded to consider the amendments of the House of Representatives to the bill for the relief of the heirs of John Paul Jones; and it was

Resolved, That they concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

CLAIMS ON MEXICO.

The Senate proceeded to consider, as in Committee of the Whole, the joint resolution to create a board to ascertain and determine the amount of each of the claims of the citizens of the United States against Mexico; and

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That it be recommitted to the Committee on Foreign Relations.

THE TEN REGIMENT BILL.

Mr. CASS then moved that the prior orders of the day be postponed, and that the bill making provisions for an increase of the regular army be taken up; which was agreed to.

The question pending being the motion by Mr. BUTLER to recommit the bill to the Committee on Military Affairs, with instructions to strike out all after the enacting clause, and to insert the following:

"That the regular army shall be increased as follows, to wit: To each company of artillery, infantry, and regiment of riflemen, there shall be added [——] privates, and to each of the regiments aforesaid, a second lieutenant, a well qualified non-commissioned sergeant, and two second lieutenants, respectively. *Provided*, That the additional force shall be required to serve during the war with Mexico, but may be sooner discharged by order of the President."

The yeas and nays were demanded, by Mr. BREESE, and being seconded, were ordered and taken with the following result:

YEAS.—Messrs. Badger, Baldwin, Bell, Benton, Butler, Calhoun, Clarke, Clayton, Corwin, Cuthbert, Davis, of Mass., Dayton, Greene, Hale, Mangum, Phelps, Underwood—17.

NAYS.—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Barrow, Bradbury, Breese, Cameron, Cass, Dix, Dodge, of Iowa, Dodge, of Wis., Downs, Fitzgerald, Hannegan, Hunter, Johnson, of Ga., Johnson, of La., Lewis, Mason, Moor, Niles, Sturgeon, Turney, Westcott, Yulee—25.

The question being on the passage of the bill,

Mr. CALHOUN said: I had no anticipation that this bill would be put upon its passage to-day. I have had no opportunity of being heard upon it, and I desire to offer my views before it be passed. With this view, I hope it may be laid over till to-morrow. I move that it be laid over till to-morrow.

Mr. CASS.—I have merely to observe that if the gentleman wishes to offer some remarks on the bill, I will hear him with great pleasure. But the gentleman from Virginia, [Mr. MASON,] has the floor.

Mr. CALHOUN.—I had forgotten that, and of course I do not desire to be heard before the gentleman from Virginia.

Mr. MASON.—When this bill was under the consideration of the Senate, some three weeks since, the debate was made to embrace the entire subject connected with the origin of the war, and its conduct on the part of the government of the United States. It was my purpose then to have gone into the debate to the extent to which it had then proceeded. But since that time events have transpired—perfectly well known to the country—which would, in my judgment, render it inexpedient, if not impossible, to present views intended for a totally different state of the case. What these events are, I may not be perhaps permitted to allude to here, further than as they have gone forth to the country on well accredited rumor. But, sir, I have not yet heard that a peace has been made with Mexico. If such be the fact, I am uninformed of it. That a negotiation may be pending may be true—that an armistice exists between the two contending armies may be true. But if that be true, it exists only on a rumor, which, as I have said, is so well accredited as to render it in bad taste to speak of one who was an enemy in the terms in which I should have been disposed to do on a former occasion. I have said that so far as I am informed there is as yet no peace with Mexico. Now if such be the fact, where is the policy—where is the wisdom of refusing to pass this bill? If negotiations, with a view to peace, are pending, have we not had such experience of the character of that foe with whom we were once, and may be again, engaged in warfare, as teaches us the necessity of all proper precaution now? Do we not know that if Mexico be brought to listen to the terms of peace, it will be because she has been prostrated and rendered powerless by the force of our arms? Do we not know that up to a very late period, with a perfect consciousness that it must be madness to resist longer, the spirit of every party in Mexico was averse to a peace? A spirit of infatuation seemed to pervade them to the last moment, when they were forced to submit to the stern lesson of inferiority. Now who can doubt—I submit to Senators around me and to the country—who can doubt that if Mexico should acquire fresh confidence from any occurrences here, nothing would be so likely to be seized upon by her, as a determination on the part of this Senate to stop where we were, and refrain from making any further provision to carry on a war? We have learned that Mexico is a wily and a faithless foe. What was her conduct with regard to the mission that was sent to her, on her own invitation before the war began, and which was promptly acceded to with the view of preventing hostilities? She invited a minister and promised to receive him. He was sent—sent speedily in order to evince the earnest desire on the part of this government to prevent a war. The discourteous reception with which that minister met is known. The Mexican government denied that his mission was even anticipated! Procrastinating, delaying, Mexico sought refuge in every possible expedient, and attributed our indulgence to pusillanimity and weakness. The minister was instructed to remain and to preserve the equanimity of his temper in all his intercourse with Mexico, to avoid a collision, and, if possible, to adjust by negotiation the difficulties pending between the two countries. But our minister was compelled to return from his bootless mission. Again, how was it after the war had commenced, and when our armies were thundering at the gates of Mexico? A faithless armistice was proposed. Mexico sought a suspension of hostilities with a view to negotiation. It is now known to history that in violation of the stipulations of that armistice, every hour was employed in strengthening their defences with a view to carrying on the war.—Such is the character of this foe. Now, whether there be or be not a peace resulting from the negotiation now spoken of as pending, is a tale yet untold of time; and he is a bold man, who, knowing what is now known, will venture to form a deliberate judgment that peace will follow. My own decided impression, then, is, that every consideration of prudence and wise policy demands that this bill should pass, and pass immediately. I had made up my mind not to enter into the subject matter of the former debate. It would be unsuited to the occasion to do so. I hope that the time has gone by for the discussion of that question, but the time has not gone by for those military measures which should be prosecuted promptly, in order to evince such a determination on our part as will compel the Mexican government to declare an honest and *bona fide* cessation of hostilities. I have risen merely for the purpose of expressing that opinion. I trust that there will not be any debate further than that indicated by the Senator from South Carolina; but should there be any new debate, I may enter into it when it arises.

Mr. BADGER moved that the Senate proceed to the consideration of Executive business.

Mr. CASS.—I hope that the Senate will not agree to that motion. It appears to me that there is business of vastly more importance to be acted on in open session.

The yeas and nays were demanded on the question, and being seconded, were taken with the following result:

YEAS.—Messrs. Badger, Baldwin, Bell, Benton, Butler, Calhoun, Clarke, Clayton, Corwin, Cuthbert, Davis, of Mass., Greene, Hale, Johnson, of La., Mangum, Phelps, Underwood—17.

NAYS.—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Barrow, Breese, Bright, Cameron, Cass, Dix, of Me., Dickinson, Dix, Dodge, of Iowa, Dodge, of Wis., Downs, Fitzgerald, Hannegan, Hunter, Johnson, of Ga., Lewis, Mason, Moor, Niles, Turney, Westcott, Yulee—26.

The motion was therefore not agreed to.

Mr. JOHNSON, of Louisiana, rose and remarked, that not being present when the question was put, he had voted under a misapprehension; he did not know that the vote was taken on the proposition of the Senator from South Carolina, [Mr. BUTLER,] or he would have voted for it; that from what had recently occurred, he could not now believe that the additional regiments contemplated by the bill under consideration, would be required at all; under existing circumstances, therefore, he preferred that provision for an increase of the United States army should be made in the manner proposed by the Senator from South Carolina, by filling up the old regiments. He would not, however, in consequence of the large majority against the proposition, move a reconsideration of the vote.

Mr. MANGUM.—I move to postpone the farther consideration of this bill till this day fortnight. It is true I have very little hope that this motion will prevail; and yet I cannot well suppress the expression of my great surprise—I might almost say my astonishment, that this bill is pressed at this time, in the spirit which has been manifested in the circumstances by which we are now surrounded. It is probable that there are many other gentlemen who desire to be heard on this subject, and yet it is perfectly well known that the phases of public business have undergone a very great change, although we are inhibited by circumstances from explaining the how or wherefore. It seems to me that as a matter of taste, not to speak of policy, it cannot but be regarded as most extraordinary to press this bill in this spirit at the present moment. At all events, allow a week or two weeks to elapse and then dispose of the question. It would be very important, it seems to me, that we should go into Executive session before we are called upon to take the vote upon the question now before us. But it is refused to go into Executive session—refused by an overwhelming majority of this body. And yet gentlemen are to be tongue-tied; they are to be prohibited from making any reference to matters which are of essential importance in the consideration of this very question. We are called on to occupy the same ground as was presented six weeks ago, although it is known that the ground is changed. We are to be put absolutely in duresse

by the manner in which this question is now brought forward. It is of great and obvious importance that we should be enabled to refer to things as they are. It certainly strikes me as the most extraordinary proceeding I have ever witnessed, when we are called upon to act on this subject as if we stood precisely on the same ground that we did six weeks ago. Not a battle has been fought since last fall. Our troops repose in Mexico perfectly at their ease. We have forty thousand men there, and there is not a thousand armed men in the whole republic of Mexico to oppose them. There is not even the rumor of an assault; and yet in that state of things, and when you can fill up the regiments now organized to sixty thousand men, we are called upon and pressed to send ten thousand additional troops to Mexico! Why, sir, is it not apparent that that augmentation of our military force can have no reference to the Mexican war, whatever bearing it may have upon Executive patronage? I impute none but patriotic motives to the honorable chairman of the Military Committee, but so far as regards the acceleration of peace, or the termination of the war—so far as regards any purpose for which those ten regiments might be required in Mexico, I think if we were permitted to go into this subject, and as we all know it now to exist, it would be utterly impossible to discover even the shadow of propriety for such a procedure at this time in all the circumstances of the case. At all events, if this question is to be pressed against my convictions of propriety—against my conviction also, that it would be in violation of the pretty well established usage of this body, it will change essentially my views and conduct upon another question that will come before us. I hope, judging from what I have seen heretofore, that these considerations will work out such a conviction upon the minds of at least a sufficient number, that we may be allowed to speak fully of all we know, and all that is pertinent to the matter now under consideration, and is submitted to us for discussion in open session. I cannot believe that if this appeal were put properly before the President and heads of departments, embracing the consideration of another question which must be acted on in another capacity, and which must bring upon them embarrassment in its full weight, that all warlike operations and movements would be suspended for the present. But the truth is, that when parties become harnessed, to use a cant phrase, they generally "go it blind." I appeal to the chairman of the Committee on Military Affairs, to let us have an opportunity of speaking to this subject in open day, and with all the light which can be brought to bear upon it. I appeal to the magnanimity—to the sense of justice of Senators on the other side of the chamber—and I hope that there is no necessity of making any appeal to a single Senator on this side—to free those who wish to speak on this subject, from the duresse and the chains in which they are now placed. I cannot believe, that if the matter were properly considered, there would be a persistence in this course at this time. The going into Executive session is refused by a very large majority ———

Mr. BENTON.—Will the Senator hear one word? I voted against going into Executive session, because a bill of the highest importance is pending, which we wish to take up.

Mr. MANGUM.—If the bill to which the honorable Senator alluded be called up, and it is, as I hear, of importance, I shall certainly be in favor of proceeding with it.

Mr. CALHOUN, (in his seat.)—Move to lay this bill on the table.

Mr. MANGUM.—I will vary my motion, but may have occasion again to renew it. I move that the bill lie on the table for the present.

Mr. CASS.—The Senator from North Carolina has expressed a good deal of surprise—

Mr. HALE.—Is this motion debateable?

Mr. CASS.—Will the Senator withdraw his motion for a moment?

Mr. MANGUM.—Certainly.

Mr. CASS.—The Senator has expressed surprise that this bill which has been under consideration for a period of three months, should be pressed to a vote. I confess that I cannot understand the grounds of the gentleman's surprise. The bill has been discussed to the fullest extent on both sides of the chamber during the last three months, yet the gentleman from North Carolina talks of haste.

Mr. MANGUM.—It has been in dry-dock for three weeks; and the Senator will recollect that the signs of the times have changed.

Mr. CASS.—It has been in the dry dock for three weeks! Well, it is now time that it was afloat upon the ocean. But I have not the slightest conception of what it is to which the gentleman alludes when he speaks of gagging. He seems to suppose that we must go into executive session before we proceed to act upon this bill. Well, I can only conjecture the bearing which an executive session can have upon this subject. It is supposed out of doors that we have ratified a certain instrument—that the two great parties of the Senate have been divided—that we stood *pro* and *con*—and that we want to explain ourselves—unusually, for what that has to do with this bill passes my comprehension. It is simply a question whether we shall raise this additional force for two purposes; first, to be ready for the immediate prosecution of hostilities in the event of the rejection of the treaty by Mexico—quite a possible result from the unstable nature of her government, and the irritated feelings of her people; and perhaps I might say, that it is a probable result, at all events every thing admonishes us of the necessity of being prepared; and second, that we may send out with our minister the vote of preparation—the intelligence that, in the event of a refusal of the treaty, we are ready to prosecute the war with the utmost vigor. Our own eagle presents the illustration of our policy—the olive branch and the arrows—the one to be used if we may, the other if we must. I trust that this bill will be passed by the unanimous vote of both houses. If it should be thus passed immediately, I have no more doubt than I have of my own existence, that we should have peace. Without the passage of this bill, I do not undertake to say how long peace may be deferred. But I repeat, suppose the supposition is correct, and that you go on to ratify this paper, I might rather say as the public says, to negotiate ———

Mr. MANGUM.—I hold that that supposition is entirely out of order. It is not to be entertained in open session that any thing at all has been done in secret session. I make a question of order.

Mr. CASS.—I have only to say then, that if we have not a right to suppose anything here, I do not know what right appertains to a Senator.

Mr. MANGUM.—I might suppose a thousand things might have happened in a correspondence, and the supposition might conform exactly to the fact, and if that be in order, I see no sort of objection to opening this discussion without any further action. But if I happened to be mistaken ———

Mr. CASS.—The Senator himself introduced the whole thing distinctly and openly so that no one could misunderstand him. Unless we affect a spirit of mysticism unbecoming us and the occasion, it is utterly impossible to avoid allusions to what is known to all.

Mr. MANGUM.—I renew my motion. It is with no purpose of embarrassment that I make this motion.

Mr. ALLEN.—I should like to know the object of laying the bill on the table.

Mr. MANGUM.—That the Senator from Missouri, [Mr. BENTON,] may call up the appropriation bill.

Mr. CASS.—The Senator from Missouri has not, as I understand, intimated such a design.

The PRESIDING OFFICER.—Proceed with the call.

The ayes and noes were demanded, and being seconded, were taken with the following result:

YEAS—Messrs. Badger, Bateman Bell, Benton, Calhoun, Clarke, Clayton, Corwin, Cutlenden, Dayton, Greene, Hale, Jeamon, of Louisiana, Mangum, Miller, Phelps, Underwood, Webster—17.

NAYS—Messrs. Allen, Ashley, Atherton, Atherton, Bagby, Barton, Bradbury, Breese, Butler, Cameron, Cass, Davis, of Massachusetts, Dickinson, Dix, Dodge, of Iowa, Dodge, of Wisconsin, Downs, Felch, Foote, Huntington, Hunter, Johnson, of Georgia, Lewis, Mason, Moor, Niles, Pearce, Sturgeon, Tallmadge—27.

The question again recurring on the passage of the bill,

Mr. BALDWIN.—I regret that this bill should be pressed at this time for many reasons, some of them known to Senators, but which I am not at liberty to state in open session. I can perceive no reason for its passage, and am utterly opposed to it. There is not only, in my judgment, no necessity for this augmentation of our forces in Mexico, but hardly a plausible apology even, for the Executive patronage it will create.

All our advices from Mexico show that the war is virtually at an end. There are no more battles to be fought—no new trophies to be acquired. Our sister republic, with institutions professedly based on the same principles as our own, to whom, in her early career, the warmest sympathies of the American people were extended, now lies prostrate and crushed to the earth by our invading army. Her government, driven from place to place, has hardly been able to find a resting spot where it could remain long enough even to consider the question of peace. She exhibits the sad spectacle of a nation of seven millions of people dissociated and disorganized, with scarcely a form of government existing, and all the functions of her general and local administration conducted or controlled under the influence of martial law.

Our gallant army, sir, has only paused in its career of victory because it has found no enemy to oppose its progress; and instead of being employed, at the present moment, in waging battle against an enemy, it is occupied in the ignoble employment of collecting military contributions for its own support from an impoverished people. They have not only seized upon the revenues which have hitherto been relied upon for the support of the government of that republic, but they have also seized upon all the means appropriated to the support of her municipal institutions, and diverted those means from their proper use. Are we to send new troops to Mexico to aid in this employment—is there any necessity for additional troops for such a purpose? What army is there in Mexico for our troops, now there, to combat? What resistance are they meeting with? If there be any reliance to be placed upon the rumors which we have to-day from Mexico, an armistice now exists, rendering entirely unnecessary any addition to our military force, at the present time. Sir, the country is looking to peace; the people in every part of it are anxiously desiring, and hoping for, peace; they are expecting any thing, rather than an augmentation of our present forces in Mexico. Nay, sir, I believe that,

at this moment, the people of the United States are expecting that instead of augmenting our forces, measures will be taken for withdrawing the troops already there, as speedily as may be, consistently with the public interests. Nobody out of this Hall has anticipated a movement of this description. Why the streets and avenues of this city are filled with officers returning from Mexico, because they have found no further employment there; and a portion of those who remain finding no enemy to fight with, seem to be turning their hostilities against each other. For what useful purpose, I ask again, can this large armed force be raised and sent to Mexico? Is it, sir, for the purpose indicated in the message of the President? Are we called on to send this large force to Mexico,—not for the purpose of compelling that government to do justice to our injured citizens, but to dismember itself and cede to us a portion of the territories of the republic? If so, it is for an object which does not meet with my concurrence, and one which I cannot give my vote to sustain. I want, sir, none of the Mexican territory; my constituents do not want it; I do not believe the country wants it. The country desires peace, and a settlement of the existing controversy with Mexico, upon fair and just terms of indemnity for the injuries that have been done to our citizens. If Mexico has inflicted any wrong for which the honor of this country required that she should be punished, surely we have obtained our full measure of redress. If we are called on to prosecute this war for any legitimate purpose, it is simply to obtain redress from the Mexican republic for wrongs done to our citizens. Now, I believe these wrongs can be redressed without sending an army to Mexico in addition to the large force already there. I believe that Mexico would be ready at any moment to accede to such terms as this government may dictate, having for their object simply a just indemnity for the wrongs committed by her. If there is any reluctance on the part of that government to make a peace upon the terms proposed by us, that reluctance will arise, not from any unwillingness, under existing circumstances, to provide for our just claims, but from an unwillingness to cede to us, for a price to be paid to her, a portion of the territories and people of that republic, without their consent, to be governed by us.

I am not willing thus to acquire territory from Mexico, whether it be deemed an acquisition by conquest or by purchase; for, sir, our government has hitherto prided itself on having adopted the principle of demanding nothing but what is right, and submitting to nothing that is wrong. Will any Senator say, that it is not demanding something which is not right to go beyond the fair and just claim which we have against Mexico, and compel her to cede to us, by a forced sale, a portion of her territory? On what principle can this be justified? On what principle can the President ask us to send additional troops to Mexico, for the purpose of driving a bargain with her, in the purchase of her territory? And yet this we must infer to be the object of the President, from the language made use of in his message. Indeed, he states explicitly that his object is the acquisition of territory, and that Congress have participated in this desire, or they would not have made to him the liberal grants they have made of men and money, in compliance with his request. Sir, is it our object to acquire territory? Is this the object of Congress? I am not now addressing myself to the Senate as a co-ordinate branch of the treaty-making power, but as a co-ordinate branch of the Congress of the United States; and I ask whether it is the intention of the Congress of the United States to prosecute the war against Mexico for the purpose of compelling her to cede to us a portion of her territory for such price as we may choose to offer? This is the question. And it addresses itself to us as members of the legislative department of the government, and not as a co-ordinate branch of the treaty-making power.

Sir, for what purpose was this war declared? The constitution, which authorizes Congress to declare war, seems to contemplate, by the language it uses, a declaration of the causes and purposes for which the war is to be waged. The language in the constitution was used in reference to the common usage of nations, in ancient as well as in modern times. At the commencement of a war, it has been usual to set forth its causes and purposes by a public declaration. Hence, when the constitution says that Congress shall "declare war," it must be deemed to intend that Congress shall not merely enact that the fact exists, but shall set forth by a declaration such as the usage of nations sanctions, the causes of the war, and the purposes for which it is waged. A mere commencement of hostilities of armies brought suddenly into conflict with each other, without the prior act of the government of either party, does not constitute war. It must first receive the sanction of some authorized declaration; and in the case of the Mexican republic and our own, it must have received the sanction of one or the other of those governments before a state of war could exist. What, sir, was the immediate origin of this war, and how did it commence? unquestionably it was owing to the advance of Gen. Taylor to the Rio Grande. And the Executive in ordering that advance, appears to have deliberately determined that any hostile act, or menace even, of hostilities, to which it might lead, on the part of the Mexican forces on the other side of the river, should be regarded as amounting, in effect, to a declaration of war by the Mexican government; and the Secretary of War therefore instructed General Taylor when he was about to approach the Rio Grande with the American army, that if he was attacked or menaced so as to render it proper, in his judgment, to repel the assault, he was not to act merely on the defensive, but to carry on "aggressive operations," "and, if deemed practicable and expedient, to take and hold possession of Matamoras and other places in Mexico." That, sir, was the language of the Secretary of War when ordering General Taylor to advance to the Rio Grande, while Congress was in session, and peace was subsisting between the United States and Mexico; a measure, of which it is apparent he contemplated at the time aggressive war as the probable result. Unquestionably, sir, it would not have been the duty of General Taylor, if attacked or menaced by a hostile army, simply to ward off the impending blow, and await another attack. The principles of self-defence would have justified him in every measure deemed necessary for the protection and security of his command.

But by what authority, I ask, was he authorized by the Executive, in anticipation of his advance to the Rio Grande, to do more this? not only to do all that might be necessary or proper for defence, but to engage in "aggressive operations" in Mexico? and yet it must be obvious to all who will read the correspondence, that from the time General Taylor was ordered to move to the Rio Grande, every step he was directed to take was with the view and expectation that it might lead to hostilities; and in that event, to the prosecution of an aggressive war. I will not now occupy the time of the Senate by referring minutely to the correspondence showing this to have been the design of the government, but no one can read it with attention and mistake the object. I refer particularly to the letters of the Secretary of War to General Taylor under date of August 30th, 1845, of January 13th, and March 2d, 1846.

Now I deny that it was in the power of the Executive department of the government to authorize the commanding general to engage in "aggressive operations." Everything that was necessary to repel the attack of a foreign enemy or to defend the army of General Taylor, it was the duty of the Executive to authorize the commanding general to do. But to carry on "aggressive operations" implies something more; it implies a determination on the part of the Executive department, to avail itself of the first movement of hostility or menace, as a justification for open and aggressive warfare for other purposes, upon the territories of a sister republic. This, sir, pertains to Congress, and to Congress alone. Would Congress at that time have declared this war for the purpose of obtaining satisfaction from the Mexican republic of the claims of our citizens? No one believes it. It would be inconsistent with the whole course of policy that has been pursued, and the conventions that have been formed and acted upon by both governments with regard to these claims. In 1839, the two governments entered into a convention for the adjustment of the claims of our citizens. In 1843, there was another convention, and in 1844, another, which was only left incomplete by the interruption of diplomatic relations, occasioned by the annexation of Texas. Sir, at the very time that this government was taking steps for the annexation of Texas, the Mexican government, according to the statement of our own minister at Mexico, was adopting all the means in its power to enable it to meet its engagements.

And but for the consequences which resulted from the annexation of Texas to this Union, there can be little doubt that the terms of that convention would have been faithfully fulfilled. Although it is unquestionably true, that the Mexican government has committed many and flagrant wrongs upon our citizens—wrongs which have been aggravated by her long and unreasonable denial of justice, during a period when she had the ability to make satisfaction for them, I am nevertheless of the opinion, that Mexico also, was not without just cause of complaint against our own government, in respect to the measures which were pursued against her earnest remonstrances, for the annexation of Texas, while at war with that republic. And, in my opinion, these causes of complaint have a material bearing upon the question, as to the terms which it would be honorable for us to demand, and just for Mexico to yield, in the settlement of this controversy. When Texas was annexed to this union, and when the preliminary steps for annexation were taken, we had a treaty of peace with Mexico which bound us in good faith to do nothing to violate its letter or spirit. I have said, that at the time of the annexation of Texas, in disregard of the remonstrances of the Mexican minister, there is reasonto believe that Mexico was exerting herself to the utmost of her power, involved as she was with her immense debt, of $150,000,000, to come to an honorable adjustment and satisfaction of our claims. In September 1844, the American minister at Mexico, wrote to Mr. Calhoun, then Secretary of State, that the two last instalments were paid, and—

"That he was inclined to believe that that government would thereafter be more prompt in meeting its engagements under the treaty, than it had heretofore been—and if it should turn out otherwise, it will be owing to a real inability to raise the means."

And in a letter dated, July 2, 1845, he says, that in an interview with Santa Anna, on the 12th of September—

"He assured him that he had caused arrangements to be made, which would enable the government to meet the future instalments promptly as they fell due."

And Santa Anna, himself, in a letter to Charles Callaghan of New York, dated Havanna, November 19, 1845, declares—

"That as the treasury, at the period when he entered into office, was but a skeleton, he imposed a forced loan on the whole nation, so that each and every one of the citizens, should contribute according to his means, to the payment of a debt which had already become sacred to Mexico."

Our recognition of the independence of Texas was rightful, and

gave no just cause of complaint to Mexico. She was in fact independent, and whether so *de jure* or not, it was not for us to inquire. But it was no less the right of Mexico, if she deemed it proper, to continue her war with Texas, till it should be terminated by a satisfactory treaty of peace. And our treaty obligations of friendship with Mexico were incompatible with an alliance with her enemy, much more with her incorporation into the Union.

Such was the opinion of President Van Buren and his administration in 1837, when the first proposition was made for the annexation of Texas:

"Sir Long," said Mr. Forsyth, in his note to General Hunt, "as Texas shall remain at war, while the United States are at peace with her adversary, the proposition of the Texan minister plenipotentiary, necessarily involves the question of war with that adversary. The United States are bound by treaty of amity and commerce, who knows how many years to come, to maintain peace and friendship with Mexico. Mexico, on various occasions, and especially since the date of the Texan proposition, has manifested a sensitiveness, and a determination to resent any attempt on the part of the United States to violate the spirit of the treaty for the purpose of the conquest, or dismemberment, of Mexico. Under these circumstances, I have only to express to you my conviction that the proposition of the Texan minister plenipotentiary, if taken into consideration, as this would imply a disposition on our part to espouse the quarrel of Texas with Mexico, and consequently would be tantamount to a declaration of war against the uniform policy and the obvious interest of the United States."

When in 1845, the United States, regardless of these considerations, and of the remonstrances of the Mexican minister, identified her interests with those of Texas, while the latter republic was at war with Mexico, it cannot be denied that Mexico had some cause to suspend her diplomatic intercourse. The grievances of which she complained were deeply felt by her people—the more deeply, because the avowed object of the United States was to perpetuate the domain of slavery over the immense and fertile regions which Mexico had declared should be forever free. This was clearly avowed in all the correspondence of our government with the public functionaries of Texas; and indeed it was distinctly declared by Mr. Upshur, then Secretary of State, in his letter to Mr. Murphy, of the 8th of August, 1843, that few calamities could befal this country more to be deplored than the abolition, under British influence, of domestic slavery in Texas.

What could be adopted in a higher degree to excite feelings of deep and settled hostility in the minds of the Mexican people, than to witness the consummation of the dismemberment of their republic by the annexation of Texas to the Union, for such a cause?

Yet, notwithstanding the war continued between Mexico and Texas—notwithstanding the right of Mexico to resubjugate Texas if she could, had been distinctly acknowledged by our government—the annexation of Texas was deemed so important for the protection of the peculiar institutions of the south, that the United States were willing to effect it even at the hazard of war. Its value was deemed incalculable, and the emergency too pressing to wait for consent.

But though the annexation of Texas gave just cause of complaint to Mexico, as an act incompatible with our treaty stipulations, it did not in my opinion create, though it gave occasion for the war, which now exists between Mexico and the United States. Texas, from the time of her annexation, ceased to be a power capable of holding relations of peace or war. Her separate existence was merged in the Union; and it was for Mexico to decide, whether she would regard a measure which deprived her of the power of resubjugating her revolted province, or of treating with her on the terms of separation, as an act of war on our part or not.

She had a substantial interest in that question. Her revolted province—for Mexico was at that time indebted to a vast amount, an amount estimated by Mr. Slidell at $150,000,000, and Texas as a member of the confederacy was justly bound for her share, as well for the claims of our own citizens, most of which originated long anterior to the separation of Texas. By the annexation of Texas, and her incorporation into this Union, the necessary result was that she lost the character of a nation capable of holding relations with foreign governments, and became so merged in our own, that Mexico lost the power of enforcing upon her a just contribution for the payment of her share of the indebtedness of the republic. Did it follow that because Texas had good cause of revolt against Mexico, good cause to recede from the confederacy of which she had been a member, that she could so leave it as to throw the whole burthen of the public debt upon the remaining states? No, sir, such a claim could be set up by Texas no more than by any state in this Union under similar circumstances. When, therefore, we received Texas into this Union we received her under such circumstances as between us and Mexico—a nation with whom we were at peace—as imposed, at least in my view, an obligation upon us to adjust this matter in regard to the liabilities of Texas, upon fair and equitable terms. It on a question of policy connected with the institutions of the United States—if for the protection or extension of the peculiar institutions of any section of our country—the annexation of Texas to the Union was deemed essential, if the emergency was so pressing and the fear of foreign influence so great as to induce us to risk the hazard even of a war to effect it—surely the government of the United States should be prepared to treat with Mexico in a spirit of liberality. They were so prepared, and I entertain no doubt that it was the design of the government at that time, to deal with her justly and liberally—so far forth as an injury of this character could be repaired by a pecuniary consideration. I have said before, and I will repeat it, I do not believe that the government of the United States at that time intended that war should be the result. I believe they intended to satisfy Mexico for the injury they had done her by the annexation of Texas, and to do it without any interruption of the amicable relations which then existed between the two governments. I believe that to have been the intention of this government originally, whether it was so when Mr. Slidell was sent to Mexico or not.

In regard to the instructions given to Mr. Slidell I am not at liberty to speak, except so far as the President, in his message to Congress, has informed us. The President says that Mr. Slidell was authorized to come to a fair settlement upon liberal terms; those terms of course were never communicated to the Mexican government, because they refused to recognize Mr. Slidell in the capacity of a resident minister, in which he was sent—instead of that of a commissioner *ad hoc*, in which character alone the tottering government of Herrera had agreed to receive him. Sir, it is a remarkable fact that at the very time, November, 1845, when Mr. Slidell was sent, as a minister of peace, to renew our diplomatic relations with Mexico, ostensibly with a view to an amicable adjustment, the administration also sent Capt. Gillespie "to watch over American interests in California." And if we are to reason as to motives from results, it was with a view to a revolutionary movement in that department, with the ultimate design of annexing it to the United States. Now, if the mission of Mr. Slidell was really a mission of peace, if it were designed as such, it seems to me that the course pursued by the administration in sending General Taylor to the Rio Grande and Capt. Gillespie to California are indicative of a very different spirit on the part of this government, though without any act of the American Congress to warrant it. It wears the appearance, certainly, of an intention on the part of the administration to bring on a war. As the result of that policy the country became involved in war. I am not now going to enter minutely into the manner in which the war commenced. I look at the general causes which were brought to bear upon the policy of the two governments and to the results which they produced. But when war was declared by Congress in consequence of the conflict which ensued between the two armies stationed on opposite sides of the Rio Grande, the question arose what were the equitable and just terms for settling the controversy. Texas, before she came into the Union as we have been informed, was at one time prepared to stipulate for the payment of five millions of dollars to British bondholders towards the payment of the public debt, if Mexico could be induced thereby to recognize her independence. Coming into this Union she is relieved from this obligation, and Mexico is left to bear the burden of the whole debt, including the claims of our citizens, which was before a common charge upon all the departments of that republic. Mexico has a right then—a right which justice requires this government to recognize—to expect, that, in any estimate that may be made of her claims at the inception of the war, the obligations of Texas for the liabilities of Mexico, at the time of her annexation to the Union, should be fairly considered. Well, sir, what else is there that Mexico could fairly claim to have taken into the account? The President has declared that to the United States the annexation of Texas was a boon of incalculable value. Was the same equally true of Mexico? If to the United States, was it not also a loss to Mexico?—a loss to be fairly considered in the adjustment of the controversy? Now, I believe that when the instructions given to Mr. Shannon shall be communicated to us, it will appear that our government were then willing to adjust in a spirit of liberality, the incipient controversy with Mexico, and thus obtain her assent to the annexation of Texas without the long and bloody conflict. Now what do we ask?

What were the limits of Texas at the time of her annexation? I agree entirely with the honorable Senator from South Carolina [Mr. BUTLER] that Texas had no title which she could transfer to the government of the United States beyond her original limits, and the territory then in her immediate and actual possession. Texas revolted as a department of the Mexican government. She rightfully revolted, and maintained her independence within the boundary which originally pertained to her. She claimed but she acquired beyond she must have acquired by conquest. And to the validity of such a title, it is essential that the whole of the territory thus claimed must have been in actual possession, and under the absolute control of the conquering party, and abandoned by the power which originally claimed it. So far as the unoccupied territory is concerned, the possession and title are presumed still to pertain to the government to which it belonged but she claimed to have

Congress have been passed, since the war commenced, recognizing it as a part of the State of Texas.

Now, sir, in the settlement between the United States and Mexico, I ask if we obtain a relinquishment of all claims which the government of Mexico and the department of Tamaulipas may have to this territory between the Rio Grande and the Nueces, and also, in addition to this, the right to the navigation of the Rio Grande which General Taylor was instructed not to attempt to enforce, shall we not have a fair equivalent in value to the claims of our citizens now reduced in amount to a little more than five millions of dollars? In addition to this, a large amount has been collected by the army in Mexico from the revenues of that republic, and from contributions levied on the people, by order of the President, which ought to be regarded as a fund for the payment of the awards in favor of our citizens for which the taxes thus seized and appropriated without lawful authority, were pledged by the convention of January, 1843.

These, sir, are my views in regard to what is just between the United States and the Mexican republic in the settlement of this controversy. As to any claims of territorial cession, for which a price is to be paid in money to Mexico, I deny, sir, either that this government has a right to demand such cession, or that it would be proper or lawful for Mexico to make it. Mexico, it is conceded, has no public domain. The departments of New Mexico and California which the President desires to dissever from the Mexican republic, and in right of conquest or cession, to annex to our own, are members of that confederacy in the same manner as the States of this Union are united in our own. What then is their relation to that republic? In the message of the President of December 8, 1846, he says:

"In the year 1824, Mexico established a federal constitution under which the Mexican republic was composed of a number of sovereign States, confederated together in a federal union similar to our own. Each of these States had its own executive, legislature, and judiciary, and for all except federal purposes, was an independent of the general government, and that of the other States, as is Pennsylvania and Virginia under our constitution."

That constitution is now in force. It confers no power on the republic to dismember itself or to cede away its confederate States. I have, heretofore, had occasion to refer to the law of nations on this subject, as stated by Vattel, and other European publicists of approved authority. I ask the indulgence of the Senate while I refer to the solemn acts of some of our own State Legislatures, and to the opinions expressed by some of our most eminent statesmen. On the 9th of February, 1830, the Commonwealth of Massachusetts declared by solemn resolution:

"That the government of the United States has no constitutional right to cede any portion of the territory of the States composing this Union to any foreign power, or to deprive any State of any land or other property without the consent of such State previously obtained; and that any act purporting to have such effect would be wholly null and void, and in no way obligatory upon the government or people of either of the said States."

The Legislature of the State of Maine on the 28th of February, 1839,

Resolved, "That the Constitution of the United States does not invest the General Government with unlimited and absolute powers, but confers only a special and modified sovereignty, without authority to cede to a foreign power any portion of territory belonging to a State without its consent."

The same doctrine after a full discussion in the cabinet council of General Washington, by Mr. Jefferson and General Hamilton, was framed and maintained in the instructions to Messrs. Carmichael and Short, prepared by Mr. Jefferson as Secretary of State on the 18th of March, 1792, in which the right of this government to dismember itself and to cede a portion of its territory to another government is emphatically denied.

I will not occupy the time of the Senate by adverting more particularly to documents which have heretofore been alluded to, and are well known to the Senate. But, sir, I ask for what purpose do we want Mexico to cede to us this territory. What great national interest requires the cession? Has Congress ever passed an act authorizing the Executive government, to purchase it, or obligating itself in any manner to prosecute the war for the acquisition of territory? Has Congress declared any great public object to exist rendering it necessary or proper to acquire possession of this territory. No, sir, the only act that Congress has passed on the subject is contained in the joint resolution for the annexation of Texas, prescribing as a condition of her admission into the Union, that the State be formed subject to the adjustment by this government of all questions of boundary that may arise with other governments. Did Congress at that time expect an enlargement of her territory? If so, why was Texas required to concede the right to this government to settle the question of her boundary with the government of Mexico. If the government of the United States then intended to assert an indefeasible right to the territory extending to the Rio Grande surely they would not have required the consent of Texas to the settlement of the boundary. No, sir, it was the expectation of Congress, at that time, that this question might be settled by taking less than Texas had included in her claim, by constituting what is called "the stupendous desert," between the Nueces and the Rio Grande, the boundary; and therefore it was required that Texas should give her consent. But has Congress in any manner sanctioned the project of adding New Mexico and California to the States of this Union? Is Congress prepared to carry on a war for the purpose of compelling Mexico to cede them. This, sir, is a question which, in my judgment, pertains to Congress, in co-operation with the treaty-making power, to decide, and not to the Executive alone. For I hold that the government of the United States cannot, for any purpose, add territory from a foreign nation unless it be for the accomplishment of some great national purpose, recognized by the constitution as one for which it is the duty of the government to provide. If it be deemed necessary for the purposes of defence, or for the protection of any great national interest for which Congress is authorized by the constitution to legislate, that foreign territory should be annexed, it is for Congress to decide whether such necessity exists before the Executive can be justified in treating for its acquisition. But for the purpose of bringing new States into the Union, or of extending our free institutions to a foreign population, the acquisition of territory is not warranted by the constitution.—If the power exists in the government of the United States, it is a power which must be found in the constitution, either as specifically granted or as essential or proper to carry into effect other powers which are granted. It may be essential to the security of a nation that a lawless and dangerous neighbor should not only be punished, but deprived of his point of attack. It may be essential to the preservation of a nation—to prevent its dismemberment—that additional territory should be acquired by peaceful negotiation, as was done in the case of the purchase of Louisiana. The immense and fertile regions of the west had no outlet for their commerce. The inhabitants were discontented and restless, and it was evident they could be retained in the Union only by the acquisition of the right to navigate the Mississippi. That right could only be obtained by the purchase of Louisiana. Mr. Jefferson availed himself of a fortunate opportunity to acquire it, though he did not regard the purchase as justified by any power conferred by the constitution. It was approved by Congress, and ratified by the acquiescence of the American people.

The acquisition of Florida was justified on a similar principle; and Texas was received into the Union by an act of Congress on the pretence, whether well founded or not, it is not my purpose now to inquire—that it was essential to the protection of a national interest.

But for the annexation of New Mexico and California to the Union, no such necessity exists. Their territories are comparatively of little value, and their acquisition is connected with no great public interest. New Mexico has been settled more than two hundred years. The soil, except on the immediate borders of the Rio Grande, is barren and unproductive. Her population is of the most degraded character, and is believed to have attained the maximum which the country can support. It is a population having no bond of sympathy to unite them with our own, and totally unfitted to be invested with the power of aiding in the government of this Union, and the regulation of the great commercial interests of the American people. Every acre of land within the limits of New Mexico capable of being applied, by irrigation, to agricultural purposes is already occupied. The climate is such as to prevent those modes of cultivation which are congenial to the habits of our people. The country is fit only for the residence of a Mexican or Indian population, such as has occupied it from its earliest settlement.

In regard to California, with the exception of the Bay of St. Francisco and the valley of the Sacramento, all who have explored that region agree that the territory is worthless. Its interior, says Col. Fremont, is little known. It is called a desert, and from what I saw of it, sterility may be said to be its prominent characteristic. It is peopled but miserably and sparsely. Humanity is there in its lowest form; the rabbit is the largest animal known in this desert; the wild sage tree their only wood. In extent it is said that it cannot be less than four or five hundred miles in each direction. Now, I ask, if we could compel Mexico to sell, or cede to us without buying, those territories, for what national purpose do we want them? Have we not an immense quantity of fertile land which has been for years in the market? The rich valleys of the Mississippi and the Missouri and other tributary streams are yet, to a great extent, unoccupied, and will be for years and years to come. Why do we want to purchase these immense wastes and add them to our already extended territories? Sir, it has been truly said that this government would not, in fifty years, be able to realize fifty thousand dollars from any land it could sell in those territories. San Francisco may indeed be valuable for purposes connected with commerce, but that place could be much more advantageously acquired by pacific negotiation. But in what, I ask, does the acquisition of these territories by purchase differ from acquisition by conquest? Suppose them to be valuable and that we were about to pay for them more than they were worth. The Mexican republic, as we learn from their public documents, have manifested very great reluctance to ceding any portion of those territories. They urged that the population of New Mexico was loyal to their government, and that it was incompatible with the principles upon which their confederacy was based, and with the dictates of common justice to that people to cede them with their territory to the United States. How can this doctrine be gainsayed by us? She is a sister republic, constituted on the same principles as our own. How does a cession forced from Mexico for a price, with the presence of our armies in her midst, differ in any respect from conquest?

I am, then, opposed to sending this additional force to Mexico, because I am opposed to the only purpose for which, in my judgment, such a force can be required. I hold a war of conquest for the purpose of acquiring dominion over another people, to be utterly inconsistent with the genius of our government, and the principles on which it is founded. But, sir, if I could resort to it in any case, I would scorn to do it at the expense of a feeble enemy like Mexico. How much more honorable would it be for this great

nation to lift up our sister republic, now crushed to the earth by the power of our arms; and in a spirit of magnanimity and generosity to say to her, we will ask you for nothing but justice. To the extent of the just claims of our citizens we desire reparation and indemnity; but we scorn to take advantage of the position in which the fortune of war has placed us, to extort a bargain, or assert a claim to which, on the principles of your own constitution and ours you have no power to yield. But, sir, so far from it being a desirable object to acquire these territories, to be incorporated as states into our Union, if it were left to me to decide upon the acquisition, I would pay millions to get rid of them, rather than pay a dollar for their possession. Not only will the acquisition be injurious to us by bringing new states into the Union, with a population utterly unfitted to the exercise of power in our government, but it will necessarily introduce causes of domestic disquiet and disunion, which will agitate this country from one end of it to the other. The free states, sir, will never consent to any further extension of the inequality of slave representation. The question of freedom or slavery in these territories must, therefore, speedily come up to be discussed and settled, as a great political question—a question of power arising out of the compromises of the constitution, of the most exciting and agitating character.

What great national interest requires this vast accession to our territories? Have we not already so increased our domain, that the old thirteen States have become almost insignificant in their dimensions, in comparison with its vast extent? Why should we, then, compel a foreign people to dissever the ties of allegiance which bind them to the government of their choice, to associate them with one that is alien to all the sympathies and habits of their race? Sir, there is no principle of public policy or of justice that requires it, and in my judgment it is not warranted by the constitution of the United States. But look at the enormous and the expense that such an acquisition of territory will necessarily entail upon us. Many fierce and warlike tribes of Indians now roam over the vast regions between the western border of New Mexico and the Pacific. Their predatory habits have led them into almost continual conflict with the neighboring Mexican population. These, it would become, at once, our duty to restrain or subdue. An addition to our standing army of at least 5,000 men, at a cost of 4,000,000 or 5,000,000 of dollars would immediately become necessary. And who can fail to see that, with a standing army kept up for such a purpose, amidst a restless border population, we should soon become involved in other controversies with the neighboring Mexican population, leading to other wars of acquisition and conquest?

How will justice be administered to our people when these large additions are made to our territory? The constitution has provided but one Supreme Court; and that court is now unable to administer justice to its numerous suitors, short of two or three years from the time when their suits are entered on its docket. New systems of laws will have to be learned, and administered by our judges, and it will be utterly impossible for that court, however incessantly it may be occupied, to fulfil the great duty, imposed by the constitution, and which it was one of its highest purposes to secure—of the speedy administration of justice to the people of the United States. Sir, the capacity of a government to administer justice to the people in its court of *dernier* resort furnishes a natural limit to its territory. Ours has already surpassed that limit.

If we compel Mexico to cede to us the portions of her territories which the President now desires, where, I ask, are we to stop. To what new wars will the desire for foreign conquest lead us next? To what new acquisitions will the attention of our people be directed? To Canada? To Cuba? or to the conquest of other States of the Mexican republic, bringing with them fresh causes of domestic disquiet and disunion?

If the lust of dominion is to go on unchecked, and conquest is to be hereafter deemed a legitimate mode of acquisition—if this principle—asserted in a resolution now pending before the Senate—is to be regarded as established American doctrine, with the sanction of statesmen who have hitherto denounced it as destructive to our institutions, no power will hereafter exist in the government to restrain the cupidity of our citizens. New wars will be stimulated, and while the old States of the Union will be shorn of the influence they once possessed, in the government established by our fathers, "to secure the blessings of liberty to themselves and their posterity," we shall go on, under the guidance of the representatives of a people who never drank at the fountains of the Revolution, conquering and to conquer, till our "manifest destiny" is fulfilled. What that destiny will be, it requires no prophet to foretell.

In whatever view I have been able to consider this question, I can perceive nothing to commend to my judgment, the policy of sending an additional army into Mexico, to compel that conquered republic to cede to us the territory which the President requires.

But, sir, if such an object were desirable, have we not now in Mexico an army capable of enlargement, under its present organization to 60,000 men? Have we not officers enough, without employment, now traversing the country at their leisure, to perform the duty of enlistment? Have we not regiments enough, already formed, to which volunteers who desire to make sacrifices for their country on the altar of patriotism, may attach themselves? What need, then, of passing the present bill for the creation of additional regiments. Sir, I can see no other object to be gained by it, but the distribution of an immense amount of Executive patronage, to which I am utterly opposed. It already endangers the liberties of the country.

Mr. ALLEN then said: In looking to the proceedings of the Senate, I find that this bill was taken up on the 30th of December; that the discussion on it was opened on the 3d of January—more than two months since; the Senate in the meantime having been occupied in its consideration, with the exception of the last two weeks, which have been spent in executive session. Now, sir, it does seem to me that there ought not only to be an end but a speedy end put to this subject. I believe that when the discussion was suspended on account of the other matter, of which I am not at liberty to speak, almost every gentleman of this body who intended to speak at all upon the bill, had spoken fully. I believe that the best thing which can be done to accomplish the end which all profess to desire—the final and diplomatic termination of this war—would be to vote for a conditional augmentation of the military force of the country; and that vote to accompany the minister who will bear the despatches to Mexico. That is my opinion. I am of opinion that if this vote be not taken, and if what may transpire here shall be permitted to transpire with the presumptive evidence that the country is disarmed, and is disarming, that nothing beneficial will be the result. That is my deliberate opinion. I think that a vote now—to-day—or, at least, to-morrow, upon this bill is absolutely necessary to the welfare of our interests in Mexico; and entertaining this opinion, and in consideration of the time already consumed in this discussion, looking also to the advanced period of the session, and the increasing desire on the part of all Senators that the session should not be protracted throughout the whole year, I do hope that to-morrow, at the very farthest period, the vote of the Senate will be taken on this bill. It is in vain to say that gentlemen have not had an opportunity of being heard. There has been sufficient opportunity for all to be heard. It is in vain to say, that any recently occurring events change the reasons upon which the President recommends this bill. Although I am not one who, for the sake of patronage desires this augmentation, yet I would much rather that the augmented patronage which this bill will give the Executive should be created, than that the public interests of the country should be put in peril, and be perhaps permanently endangered, as I believe they will be, by further procrastination of the action of the Senate. I believe that we should treat, armed, and not disarmed—that we should treat with manifest readiness to meet any emergency which failure of negotiation might bring about, and not treat with a declaration in advance, that if Mexico refuse to make peace we cannot prosecute the war any farther. I believe that some evil has already been done, and on another occasion, unfortunately, the same opinion the Senate—in consequence of relaxing the muscles of the country in this struggle. I do not want to see a greater degree of lassitude in this contest, until we know that this war is not only concluded, but concluded by a treaty of peace. I do not wish to have a cessation of war without a treaty of peace, because that would be to protract the struggle indefinitely, and without any great and fixed object on the part of the government. According to the views which I expressed on another occasion, peace might have, as I thought, been obtained more speedily under other circumstances, and other auspices; but in no circumstances does the history of the experience of other nations or common reason lead us to any other conclusion than that warring nations should make peace before they disarm. If there be an armistice, it is an armistice that acts upon us alone, and not upon Mexico, because she is disarmed. We are the armed party; and every hour that this war remains unclosed by a treaty is an hour of detriment to the interests of this nation. Gentlemen may exclaim, What! do you mean to scare Mexico by arming anew! Why, we mean to impress Mexico emphatically with this important truth, that if she does not choose to make peace, she has no other alternative but war—that we are not going to sound a retreat when it is ascertained that she is not prepared to sign a peace. This is the sentiment with which she should be impressed. She should be distinctly advised that what has been done, has not resulted from our weakness, but from our sense of justice and our sense of moderation. Therefore, we should manifest no weakness, but stand armed till she signs; and if she do not sign, manifest to her the fact that we are armed. That, sir, is my opinion, as one who believes that in the present state of affairs peace is desirable. What I might have said six weeks ago is one thing, and what I say in the present state of our relations with Mexico is another thing. I say that in the present state of these relations peace is desirable; but I say also, that in order to attain greater certainty of peace, we should not disarm before the peace is signed, but stand prepared with all the readiness of battle.—Now this bill, if it pass, will do no more than sanction the President in making a contingent augmentation of the army as a precautionary measure. That is all. If peace come, the troops will not go; if peace do not come, the troops ought to go. It is a plain proposition. If there be a peace, the soldiers will not march; if there be no peace, the soldiers should march. We can therefore inflict no injury on the interests of the country by the passage of this bill; and I desire, having of course no right to speak in behalf of others, that we will not let to-morrow pass without the final action of the Senate upon this bill. In the meantime, there can be several speeches made. If necessary we can sit here all night. But let it be understood and firmly resolved, that the vote will be taken before we adjourn to-morrow. I shall be glad if this suggestion meet the general concurrence of the Senate.

Mr. FOOTE.—Mr. President: I do not rise to address the Senate at any length, or to discuss the general merits of the measure now under consideration; having heretofore enjoyed ample opportunity of expressing my views upon the importance of strengthening our army in Mexico, at least to the extent proposed by the bill before us. It is no part of my design either to follow the Senator from Connecticut along all the circuities of his rambling and roundabout discourse upon matters and things in general and the Mexican war in particular. Only two observations have I to submit to all that has been enunciated so solemnly by the Senator from Connecticut upon the present occasion; which, as a whole, however conspicuous its merits in other respects may be, will be confessed by the members of this body to be at least devoid of the charm of novelty. And first, I will remark for a moment upon the singular attitude which the Senator from Connecticut has chosen to occupy in this debate. He is not for the war, Oh, no! he is utterly opposed to it. He is not for peace upon the highly honorable terms which we know it to be in our power to secure from Mexico. He is opposed to all indemnity from Mexico, because he holds the war to be unjust on our part; and yet I cannot believe that the grandson of the illustrious Roger Sherman would be willing to see the war terminated in a manner calculated to imprint ineffaceable disgrace upon the escutcheon of the republic. What does the Senator desire? What would he advise us to do? What objects does he propose to us as worthy of attainment? Indeed I am wholly at a loss on these points, though I have certainly listened to the Senator with attention whenever he has spoken. Is he quite certain that he entirely understands himself upon this grave and complex subject? If he does, then I must say that he has been most unhappily indistinct in the language adopted by him as the vehicle of his thoughts; and, after puzzling myself most painfully in order to come to a thorough comprehension of the Senator from Connecticut, I have been forced at length to the conclusion, that his intellectual powers are involved in a most profound and melancholy hallucination in regard to every thing appertaining to this Mexican war, its origin, progress, and probable results.

The Senator from Connecticut concluded his speech with the avowal of a motive for his opposition to this war which I regretted very much to hear: he says that if the war be further prosecuted it will involve the acquisition of much additional territory, to which acquisition he is averse, because he fears that Connecticut might lose a portion of her relative consequence and present influence in the councils of the nation. He does not alledge that the republic would receive detriment from the amplification of its territorial domain. He does not apprehend the least injury to this noble partnership of sovereign States from that cause. He does not fear the downfall of free institutions, or the disruption of the Union. He must know that the nation will be greatly strengthened by extending her territorial surface from sea to sea, and by being enabled to possess herself of all the incalculable advantages which will arise from the ownership of a fertile and extensive domain upon the coast of the great Pacific, with boundless mineral resources, and such ports and harbors as no commercial nation has ever before enjoyed. All this the Senator from Connecticut knows as well as any member of this body; and to all this, as a patriot, he can possibly make no objection. But he fears that Connecticut may loose some of her present influence! How is this to take place? The Senator does not explain himself satisfactorily.—Will not her influence and authority as one of the sovereign members of the confederacy be extended over a more ample territorial surface? Will not her consequence increase with the increase of our national resources? Will she not grow in the growth of the nation, and strengthen in her strength? Has the acquisition of Louisiana, or Florida, or Texas, injured Connecticut in any respect whatever? Has she less respectability on account thereof? I suspect that the Senator has fallen into a serious mistake about this matter, and a mistake, too, which is quite surprising considering that he is himself a son of New England. Can the Senator suppose that the amount of influence which the different States of the Union exercise in the management of national concerns is in exact proportion to their territorial magnitude? Is he of opinion that the influence which New England has always wielded in the national councils in the determination of questions involving the honor and happiness of the republic has borne any proportion whatever to the number of square miles contained within her territorial limits? At least, I have thought far otherwise. I have supposed New England to be respectable and respected, influential and entitled to influence, on very different grounds. She deserves veneration, and her voice is ever listened to with respect, because of the glorious events of her past history; because of her noble institutions for securing the freedom and advancing the true dignity of man as a rational and responsible moral being; because she has been, in all generations, the patroness of the arts and sciences, and the conservatress of all useful learning; because her shores supplied the earliest refuge to civil and religious liberty; because her soil was moistened with the earliest blood which was shed in our war for independence; because of her numerous great and good men, now and at all times;—her examples of high-souled and fervid patriotism, elevated disinterestedness, pure and refined morality, and true Christian charity. Certain neighborhoods of New England have lost standing and influence of late, I am persuaded, simply because those who dwell therein have become unmindful of the examples of their ancestors, and have permitted faction to control them, instead of patriotism—a desire for sectional advantages to supercede the ambition to promote the general good and the true honor of the whole nation. My life on it, sir, let Connecticut be in all things what she should be, let all her sons truly emulate the glory of their sires, let them heartily unite with their fellow countrymen in other portions of the Union in sustaining the national honor in time of war, and aid in maintaining a just, disinterested, and liberal policy in the management of our domestic concerns in seasons of peace, and we shall hear no longer any complaints in this hall about Connecticut having lost her influence and political consequence.

Mr. CALHOUN.—If no gentleman desires to speak on this bill, I should be glad to have an opportunity of stating my views on it to-morrow. The reasons which compel me to vote against the bill have been mistaken. I intended even if the treaty—

Mr. MANGUM.—Will the Senator yield the floor for a moment. I see that the usual hour of adjournment has arrived.

Mr. CALHOUN.—I have only one word to say. I had intended to vote against this bill in any event; and I must say, that an occurrence which has recently taken place, rather strengthens my intention to vote against it. I have had no opportunity, however, of expressing myself on the subject, and have occupied very little of the time of the Senate, and if it should please the Senate to postpone the consideration of the bill till to-morrow, I should regard it as an accommodation.

On motion

The Senate then adjourned.

THURSDAY, MARCH 16, 1848.

RESOLUTION OF THE LEGISLATURE OF LOUISIANA.

Mr. JOHNSON, of Louisiana, presented a resolution passed by the Legislature of the State of Louisiana, in favor of extending the port of New Orleans so as to embrace the City of Lafayette, in that State; which was referred to the Committee on Commerce.

PETITIONS.

Mr. STURGEON presented a memorial of members of the Bar of Pittsburgh, Pennsylvania, praying that the circuit duties of the Judges of the Supreme Court may not be suspended; which was laid upon the table.

Mr. DAVIS, of Mississippi, submitted additional documents relating to the petition of John Johnson and others; which were referred to the Committee on Indian Affairs.

Mr. DIX presented two memorials of Isaac Newton, proposing to contract with the government for establishing a line of mail steamers between New York and Havre; and between New York and Vera Cruz; and between New Orleans and Vera Cruz; which were referred to the Committee on the Post Office and Post Roads.

Also, the memorial of Grinnell, Minturn and Company and others, merchants and importers in New York, praying the reimbursement of certain import duties paid by them, and the enactment of a law making allowance, in the payment of duties, for wastage on merchandize arriving in the United States; which was referred to the Committee on Finance.

Mr. BENTON presented a memorial of importing merchants in St. Louis, Missouri, praying to be relieved from the operation of certain restrictions, imposed by the existing tariff, on merchandize imported in that city through the port of New Orleans; which was referred to the Committee on Commerce and ordered to be printed.

Mr. DOWNS presented the petition of James G. Carson, praying the confirmation of his title to certain lands in Louisiana; which was referred to the Committee on Private Land Claims.

Mr. CAMERON presented a memorial of the corporation of the City of Washington, praying certain amendments of their charter; which was referred to the Committee of the District of Columbia.

Mr. WESTCOTT presented the petition of Lewis Kennedy, and Henry Gaither and Co., praying permission to erect saw-mills on a certain tract of land belonging to the United States; which was referred to the Committee on Public Lands.

On motion by Mr. ALLEN, it was

Ordered, That the petition of the chiefs and delegation of the Wyandott nation of Indians, on the files of the Senate, be referred to the Committee on Indian Affairs.

BURNING OF THE MISSOURI.

Mr. JOHNSON, of Louisiana, submitted the following resolution, which was considered, by unanimous consent, and agreed to:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of making an appropriation to indemnify the officers, seamen and marines of the United States steam frigate Missouri, for the losses sustained by them by the destruction by fire of the said frigate at Gibraltar, on the 2d August, 1843.

AFFAIRS IN CALIFORNIA.

Mr. CLARKE submitted the following resolution for consideration:

Resolved, That the President of the United States be requested to transmit to the Senate a copy of "a despatch to the United States consul at Monterey, T. O. Larkin, Esq.," forwarded in November, 1845, by Captain Gillespie of the marine corps, and which was, by him, destroyed before nearing the port of Vera Cruz.

POSTAL ARRANGEMENTS.

Mr. NILES submitted the following resolution for consideration:

Resolved, That the President be requested to communicate to the Senate copies of the correspondence between the minister of the United States at London, and any authorities of the British government, in relation to a postal arrangement between the two countries.

COMMITTEE ON INDIAN AFFAIRS.

On motion by Mr. ATCHISON, it was

Ordered, That the vacancy in the Committee on Indian Affairs, caused by the resignation of Mr. SEVIER, be filled by the appointment of the Presiding Officer.

MEDALS AND CERTIFICATES.

Mr. CASS, from the Committee on Military Affairs, to whom was referred the joint resolution authorizing medals and certificates to be given to officers and soldiers of the regular forces and volunteers for gallant conduct in battle during the war with Mexico, reported it with an amendment.

DEFICIENCY BILL.

On motion by Mr. ATHERTON, the prior orders were postponed, and the Senate resumed the consideration, as in Committee of the Whole, of the bill from the House of Representatives further to supply deficiences in the appropriations for the service of the fiscal year ending the 30th June, 1848.

The question pending being upon agreeing to the amendment proposed by Mr. BENTON, to strike out the words "the Papal States," in line 84, and after "Ecuador," in line 86, insert "and for a minister plenipotentiary to the Papal States," and strike out "twenty-two" and insert "thirty-one"—

Mr. ATHERTON remarked that the Senator from Missouri not being in his seat, he would ask leave to offer an amendment.

Mr. ATHERTON then moved to amend the bill by inserting, at the close of the 63d line, "For contingent expenses in the office of the Treasurer of the United States five hundred dollars;" which was agreed to.

Mr. ATHERTON moved further to amend the bill striking out, in the 138th line, the word "two" and inserting "three;" which was agreed to.

Mr. BREESE moved further to amend the bill by inserting between lines 100 and 101, "for compensation to eight additional clerks to be employed in the General Land Office, four of them at the rate of twelve hundred dollars per annum each, and the remaining four at the rate of one thousand dollars per annum each, the sum of two thousand two hundred dollars;" which was agreed to.

The question then being upon agreeing to the amendment proposed by Mr. BENTON, in reference to the mission to the Papal States—

Mr. BENTON.—The amendment speaks for itself. Its object is to make the mission to Rome a full one. I desire that we should send to Rome, once the head of the political world, and for so long a period the head of the religious world, a minister who might be charged with other duties, so that in point of expenditure the amount would not exceed that of two chargeships, the duties of which would be discharged by an agent of a rank more becoming the station and the objects to be accomplished.

Mr. BADGER.—I have myself been unable to see any necessity for establishing either a chargeship or a full mission to the Papal States. The President is his message, recommends the establishment of such a mission for two reasons; first, on account of what he calls "recent interesting political events;" and second, because attention to the commerce of the country requires it. Now, with regard to the latter view, for more than seventy years, if we have any commerce with the Papal States, we have found it adequately protected without having been under the necessity of establishing such a mission. Sir, the commerce of the United States with the Papal States must be very small indeed. In fact, it is so small that it has never been the subject of distinct statement, so far as I am aware, in any accounts that we have had from any of the departments of the government in regard to our intercourse with foreign nations; and the exports of the United States to the whole of Italy, including the Papal States scarcely amount to one million of dollars a year. We have in the Papal States three consuls. The probability is, that the whole amount of the commercial intercourse of the United States with these States does not amount to one hundred thousand dollars a year; and it seems to me, that so far as the commercial interests of the United States are concerned, it would be paying the largest insurance that has been known in commercial dealings, if we incur the expense either of a full mission or a chargeship for the purpose of affording some incidental benefit or protection to a commerce not exceeding one hundred thousand dollars a year already under the charge of three American consuls. It seems to me very obvious that this consideration has very little weight.

But what is the other reason assigned by the President? The recent political events which have taken place in the Papal States under the direction of the present Pope. In what possible mode, I ask, do these political events make it necessary that we should send a minister to Rome? How are we connected with these political events? What influence is it expected that our minister can exercise over these events or the party connected with them; or, in what way will this mission, politically considered, be of service to this country or to the Papal States? What is the character of these political events which are now in progress at Rome? Nothing has taken place which in the least embraces any alteration

in the form of government that has always obtained in those States. The present Pope is the same absolute master of his people, that all his predecessors in time past have been. He has surrendered none of the absolute powers which adorn and strengthen the tiara which he wears. He has erected no barriers against the abuse of those powers either by himself or by his successors. He stands now an autocrat, possessed of and exercising a supreme authority over all his subjects, who are absolutely dependent on him for every privilege they enjoy—for eery right which they exercise—for every relaxation which has been extended to them from the rigid severity of former days. He is nothing in the world, in comparison with his predecessors, but a good and kind master of his subjects, who are emphatically his vassals. He has made no reform—he has made no surrender of any of the principles of arbitrary power—he has not evinced any disposition to abridge the limits of his authority in the slightest degree. The uncontrollable authority of that sceptre which he wields is the same unquestionable and unquestioned dominion which has been exercised by his predecessors. Now, sir, what on earth can induce us at this time to establish this mission to the Papal States? Do we expect to sustain his Holiness in pursuing the course which he has adopted? Do we intend to extend to him our countenance and support? Why, in that point of view, I think if may be seriously quesioned whether we do not greatly over-estimate the position which we occupy, and whether his Holiness will consider himself at all obliged by our countenance and support.

In what way, then, is this mission to benefit this country? There is no commerce to be protected—none at least that has not always beenamply protected by the consuls of other United States in the Papal dominions. There is nothing in the world in the present political condition of Rome which makes such a mission of the slightest importance to us or to her, considered in regard to those political relations which may subsist between us and her as two independent States. Well, that being so, is not the United States now commencing in the establishment of this mission, a system, to which we have been heretofore entire strangers? Is not this mission in the view of it which I have presented, merely a religious mission on the part of the United States to the first Bishop of Europe? Certainly it is, sir. Although his Holiness is not only the first Bishop—the universal head of the Roman Catholic Church,—but annexes to that the character of a secular prince, it must always be recollected that the Papal States are but the *appanage* attached to his episcopal see, for the purpose of giving support and dignity to his religious character and office. It is as a spiritual ruler that he exercises his influence over his dominions. As a secular prince, simply and merely, he would be nobody. It is his Holiness that governs. It is the universal Bishop of the church that rules in the Papal States. His counsellors are the principal Bishops, Priests and Deacons of Christendom. His ministers are priests. His ambassadors are priests. The whole machinery, control and direction of his government stamp it as being in every respect a spiritual dominion. Now I admit that that consideration would furnish no reason why the proposed mission should not be established, if there were any great interests of the people of this country to be protected, or any great object connected with their welfare to be achieved by it. But so far as I am aware there are no such considerations of policy to be urged in this case. This is simply the sending forth of a mission from the United States to the first Roman Catholic Bishop of the world.

To such a mission, sir, I, for one, am opposed. I wish for our Roman Catholic citizens of this country, precisely what we all enjoy, the absolute and unqualified possession of all our religious rights. They may make themselves dependent upon, or believe themselves to be dependent upon, and to be bound in spiritual submission to any head of their church they please, here or elsewhere; but rely upon it, the establishment of this mission will be considered by the great Protestant interests of this country as one, undertaken for the purpose of giving a new character to that particular church, of which the sovereign Pontiff is the head. It will be regarded as placing him and his church in this country upon a far different footing from that which is occupied by other religious denominations; and it will be felt throughout the extent of this land that the government of the United States has instituted, in reference to this particular church, a proceeding entirely dissonant from its past policy; and that it has departed, in no small degree, from the principles of universal toleration and that non-intervention in religious matters which the constitution has prescribed. When we look, sir, at the small amount of the commerce of the United States with the Papal States; when we consider the absence of everything like an effort on the part of his Holiness the Pope to introduce the principles of free government in the Papal States, the idea will force itself on the minds of all, that were it not for the thousands of foreign Roman Catholic voters in the United States, the efforts of his Holiness to ameliorate the condition of his subjects would have met with less sympathy, and the commerce of the United States with the Papal States would have attracted less solicitude from the occupant of the White House.

I cannot vote, sir, either for the full mission or the chargeship. I regard the establishment of either as involving a needless expenditure of money; and if not fraught with mischief, to be at best altogether useless.

Mr. CRITTENDEN.—I would just submit to the gentleman of the Committee on Foreign Relations, whether it would not seem a little disparaging to the other important and respectable powers of Europe to whom diplomatic agents of a lower grade are sent, if this amendment should prevail. Neither our political nor commercial relations with the Papal States bear the least proportion, I suppose, to those we sustain to Portugal, Denmark, Sweden, Holland, Belgium, or Naples, to whom ministers of a lower grade are now sent. Now, when arranging our diplomatic agents with those powers, including Austria, one of the greatest powers of the continent of Europe, why should we pass them by with ministers of the second grade, and give one of a higher grade to the Papal States?

Mr. BENTON.—In proposing to substitute for a chargeship a full mission to the Papal States, I had not in view the commerce we might have in the Tyber. Our commerce is not much greater, I believe, in the Roman Tyber, than it is in our own Tyber! The Senator from New York [Mr. DIX] says he has been there, and that our commerce there is greater than that on our own Tyber, and I yield to his superior information on the subject. But, sir, it was not in that point of view that I made the amendment, but solely in a political point of view. In sending a minister of the first grade to that city, with which grand recollections must forever be associated—which was once the mistress of the world, and has been the head of the Christian church for a long period—I look not only to the "eternal city" itself, but to the whole of Italy, which is most wonderfully scant in diplomatic representatives from the United States. We have a charge at Naples, and from that point we pass over all that was Rome, at one period even of her best days, and go into cis-alpine Gaul, before we find another diplomatic representative of the United States. At the foot of the Alps we have another chargé, and he has just got there, or is perhaps yet on the way. I believe we go to Turin before we find another. Here is a gap from the gulf of Tarentum to the foot of the Alps, in which we do not find a single diplomatic representative of the United States; an extent of country containing how many millions? It embraces all Italy, with twenty millions of people, divided, to be sure, into several powers, but without a single diplomatic agent of the United States. Now, in sending a minister to Rome, the head of the Italian States, I consider that we would have a diplomatic agent who would be in substance, if not in form, a representative of the United States in Italy itself. It is in that enlarged point of view that I have looked with some degree of interest to the establishment of this mission to Rome of a minister of the highest rank. It is certain that the political movements alluded to in the President's message, are not confined to the city of Rome, and it is, in my opinion, eminently expedient and proper that a full mission should be established. Having thus expressed the views by which I have been influenced in offering the amendment, I leave it with the Senate.

Mr. CASS.—As the morning hour has expired, I trust that this bill will be passed over informally, and the ten regiment bill will be taken up.

The bill was then passed over informally.

THE TEN REGIMENT BILL.

The Senate resumed the consideration of the bill making provision for an addition to the regular military force.

Mr. CALHOUN.—After a very careful examination, I have not been able to find a single argument, which, in my opinion, would justify the passage of this bill, at this time, and under existing circumstances. I cannot but feel that those who have come to a different conclusion, have overlooked the actual condition of the Mexican government, and of the people of Mexico, in supposing that this bill was necessary either to intimidate, or to coerce that government into a ratification of the treaty recently acted upon here. If that government were strong and vigorous, if the people of Mexico were united in resistance to us, and capable of sustaining a war in the event that the treaty shall not be ratified, there might be strong reasons for passing this bill. But such is not the case. On the contrary, the very opposite is. The government itself is little more than a shadow, without an army and without revenue; the people in a state of distraction, with a large and powerful party in opposition to the government, and for a continuance of the war, not in hostility to us, but in hostility to their own government, which they desire should be overthrown. The government itself exists by our forbearance, and under our countenance; they have been induced to treat with us from the dread of their annihilation, and we to treat with them from the same considération. For, strange as it may appear, the very motive that induced Mexico to treat with us, induced us to treat with her. She dreaded her annihilation, and so did we. It is difficult to say which would be subjected to the greatest evil in consequence of such annihilation. The danger is, not that the Mexican government, in the event of the rejection of the treaty, would be able to resist, but it is, that it may perish before she can ratify it. But, if I am mistaken in all this, one thing is clear, without these ten additional regiments, we have the means of intimidating or coercing that government to any extent we please; a single brigade may annihilate it. But even if we should chose to avoid this, we hold another power in our hands, that is ample to induce her to ratify the treaty, provided there be any hesitation on her part. We would in that case, have but to tell her that we will adopt the boundary agreed upon in the treaty, and thus save ourselves the vast sum of twenty millions of dollars, which rumor states that we are to give for the ceded territory. This consideration alone is sufficient, provided the Mexican government can maintain itself until she shall have acted upon this treaty, with the amendments that may have been made to it by this body.

In this view of the subject, I regard the passage of this bill, if it be intended either for the purpose of intimidation or of coercion, to be entirely useless—an unmeaning bravado. But if it were merely useless, as much as I may be averse to it, my aversion would not be near so great as it now is. It is worse than useless; it is mischievous, and will prove mischievous both here and there. Mischievous here, for if this body, conversant with all the secret proceedings in reference to the treaty, and supposed by the country to be fully informed of every thing in relation to the subject, should pass the bill now before it, it will be received by the public as an apprehension on our part, that there is great danger that the treaty will not be ratified, and the effect upon our commerce, and upon the money interest of the country will be highly injurious. It will be mischievous there, for the real danger that the Mexican government has to fear, is this: there is a large party in Mexico called Puros, which is unwilling to see a peace concluded between the Mexican government and this country; unwilling, because they are our friends or enemies, but simply for the reason that they wish to see that government annihilated, and the power placed in their hands. Now if the impression produced there by the passage of this bill should be, that there is danger that the treaty will not be ratified, it will arouse and animate that party to double exertion in order to fulfil their object.

But I consider it not only useless, not only mischievous in the light which I have indicated, but it will be a costly bravado. I take it for granted that the honorable chairman of the Committee on Military Affairs does not intend simply that this bill shall pass this body—that would be unworthy of his character—he then expects that it will also pass the other branch of Congress and become a law, and that the force will be raised and be employed, if the treaty should fail, in carrying on the war with Mexico. Well, if the bill passes—and I must consider it in that light—in that case, what will be the result? There will be no difficulty in getting officers and men; they will have no apprehensions of going to Mexico or fighting future battles; the enlistment will turn out to be a money speculation; each recruit will receive for his enlistment, his bounty in land amounting to 160 acres, his bounty in money equal to twelve dollars, the usual issue of clothing amounting at the present price to about twenty one dollars. Estimating the bounty in land at one dollar and a quarter an acre, it would make the whole $2,000,000. These items alone would be equal to two millions, three or four hundred thousand dollars.—Add to this, the pay and emoluments of the officers, the pay to the soldiers, and the expense for subsistence, and that for recruiting the whole service, will be found to be not less than three millions of dollars, to which the passage of the bill would subject the government. To this must be added the vast patronage which the appointment of five hundred officers, and this great additional expenditure would confer on the President, and that too, on the very eve of a Presidential election, when the patronage of the government is brought into the highest degree of activity. Such increase of patronage is a great evil, as every man of every party will readily acknowledge, if he would candidly express his sentiments; for, if there is anything on which all are agreed, it is that Executive patronage is already enormous, and ought not to be increased.

Now, I submit to my friends on this side of the chamber, who have indicated a disposition to pass this bill, whether they are willing to incur this heavy cost, and subject the country to this great evil by passing this bill, which I have shown to be a useless bravado, unbecoming a great and magnanimous people.

But I not only object to the passage of the bill at this time and under existing circumstances, but I take higher ground. I am opposed to the bill under all circumstances. I would have voted against it if a treaty had not been made, and for reasons that, to myself, are conclusive, and which I will now proceed to state.

Sir, we all know the origin of this bill; it was reported early in the session and originated in the message of the President recommending a vigorous prosecution of the war; and its leading and main object was to carry that recommendation into effect. If, then, we pass this bill we give, according to my humble conception, a pledge to the Executive and to the country, that if the treaty fails we will resort to a vigorous prosecution of the war. I, for one, am unwilling to give this pledge; unwilling, because I think it ought not to be given, and unwilling, because, if given, I am of impression it never will be redeemed.

It ought not to be given, for reasons which I have assigned fully on a former occasion, and which I shall only briefly repeat on this. A vigorous prosecution of the war would be the annihilation of the Mexican government, leaving no government with whom to treat. The effect of that would be the entire subjugation of the country, throwing upon us one of two alternatives, either to create a government by our own authority with which to treat—and this I trust no one who duly appreciates the true principles of our system of government will ever adopt—or to hold it under our subjugation as a conquered country, to be governed as provinces, or to be incorporated into the Union.

Now, as I am utterly opposed to this, for reasons which I stated at large on the occasion referred to, and which it is not necessary here to repeat, I, for one, cannot give this pledge. Nor can I give it, because I have not the least expectation that it would ever be redeemed. The sentiment of the whole country is remarkably changed in reference to the war. There was at that time a large party in the country who were in favor of taking the whole of Mexico. I have but to appeal to the proceedings of public meetings, and to declarations repeatedly made in the public journals, to prove this. But that sentiment is changed, and why is it changed? Because the people were not aware, at that time, of what would be the consequence of a vigorous prosecution of the war. It was an appeal to their manly pride. But as soon as they saw the consequences—that the result would be as I have stated, they drew back, and put the seal of their reprobation upon it, not only for the present, but, I trust, forever. With this strong disapprobation of the war on the part of the people, it would be an idle dream to suppose that in the event of a failure of the treaty, this war would ever be renewed to be carried on vigorously.

But, it may be asked, what shall be done? My answer is plain and simple. Only one thing can be done. To fall back and take the line of the treaty, to tell the Mexican people that we intend to hold it, that we are satisfied if they are. Nor can it be objected that it costs more, for it would take fully as large an army, and at as great a cost to protect Mexico under the treaty against the Indians falling on our side of the line under the treaty, as to protect ourselves against the Mexicans by assuming the line without the treaty, not to take into estimate the twenty millions of dollars which would be saved by adopting the latter.

The whole affair is in our own hands, whether the treaty fails or not, we still have the complete control if we act with wisdom and firmness, and avoid what I detest above all things, a system of menace or bravado, in the management of our negotiation. I had hoped that that system had been abandoned forever. It nearly involved us in a war with England about Oregon. It was only prevented by the wisdom and firmness of this body. It was resorted to in our negotiations with Mexico, and the march of the army under General Taylor to the Rio Grande, was but intended to sustain it. Unfortunately, the circumstances prevented the Senate from interposing as in the case of Oregon, and this war was the consequence.

But, Mr. President, the vigorous prosecution of the war, is not the only object of this bill. It is the primary, the principal one. But there is another one—secondary it is true; though not much less important. This bill was intended in part, to carry into execution a system of imposts and taxes, which the President of the United States had imposed upon Mexico. The army, including the force to be raised by this bill, was intended to be used for collecting the duties and imposts; for that purpose it was to be spread all over Mexico, as has been officially announced.

Now, I hold that we cannot pass this bill without sanctioning the act of the President in this respect, and that, I for one, never can do, because I am under a deep conviction that the President has no right whatever, to impose taxes internal or external, on the people of Mexico. It is an act without the authority of the constitution or law, and eminently dangerous to the country. Thus thinking, that neither the constitution nor law gives him any such authority, I would not be true to my trust, if I were to vote for the bill. I would have been glad to have avoided it, at the present time. My friends around me know that I was anxious that this bill should not be pressed upon us now, not that I desired to shun the responsibility of the expression of my opinions, but because I preferred postponing it until after the treaty was ratified, and when there could be no cry of giving aid and comfort to the enemy. But it is forced upon me, and if there be any responsibility in expressing my opinion at this time, it ought of right to fall, not on me, but upon those who, without any necessity, have forced this bill upon us.

But to return to the thread of the argument. I ask, where can the President find the authority for imposing these taxes? Can it be found in your constitution? If so, point it out. Can it be found in your law? If so, point it out. No such authority is to be found in either. But it may be said it is comprehended under the implied powers of the Executive—that is, the powers necessary and proper to carry out those expressly delegated to him. If so, point out the power which it is intended to carry into execution. But let me say to gentlemen in advance, if you do this you will not remove the difficulty. If you should succeed in showing that it is an implied power, which I hold to be impossible, you must still point out an act of Congress to authorize its exercise. The framers of the constitution, in their great sagacity, have taken care to insert a provision in the constitution investing Congress amply with the power to pass all laws necessary and proper to carry into execution, not only its own powers, but those vested in any department or office of the government. I refer to what is usually called the residuary clause which provides "that Congress shall have power to pass all laws necessary and proper to carry into execution the foregoing powers, (that is, powers invested in Congress,) or powers vested in any of the departments or officers of the government."—Then, if it is an implied power, it becomes a Congressional power by this express provision, and must have the sanction of Congress for carrying it into effect.

But it may be said that the President is commander-in-chief of the army in Mexico, and that it is an essential part of the power of the commander-in-chief to impose a system of taxation in the enemy's country. It, indeed, it be an essential part of the power, it cannot be separated from it without destroying the power itself, and it must of course belong to him as commander-in-chief in the United States, as well as in Mexico, or in any other conquered country. But it is manifest that it cannot exist within the limits of the United States, because the constitution expressly invests the same, not in the President, but in Congress. But to this it may be said, there is a distinction between exercising the power in the United States, and exercising it in Mexico, or any other place beyond the boundary of the United States, where our army may be operating. To this I answer by asking, why so? What makes the distinction? What possible reason can be assigned why the power may be ex-

cercised in the one and not the other? Who can answer these questions?

But if it is the case, if the President can exercise in Mexico a power expressly given to Congress, which he cannot exercise in the United States, I would ask where is the limit to his power in Mexico? Has he also the power of making appropriations of money collected in Mexico without the sanction of Congress; this he has already done—has he the power to apply the money to whatever purpose he may think proper, and among others to raise a military force in Mexico without the sanction of Congress? That also he has already done. But if there be no limitation, then his powers are absolute and despotic in Mexico, and he stands in the two-fold character of the constitutional President of the United States, and the absolute and despotic ruler of Mexico. To what must this conclusion lead? What may he not do? He may lay taxes at his pleasure either as to kind or amount; he may establish the rules and regulations for their collection; he may dispose of them without passing the proceeds into the treasury to any object or for any purpose he may think proper, and is not liable or responsible to Congress, or any other authority in any respect whatever in doing all this. He may, of course, raise armies, and pay them out of the proceeds of the taxes; he may wage war against the neighboring countries to the south of him at his pleasure, and extend his authority by force of arms, to whatever extent he may desire; or he may equip a fleet and assail the islands of the South Sea; or he may direct it against Japan, or any other country he may think proper. Nay, farther; he may turn his army against his own country, and make it the instrument of its subjugation. Against all this there is no remedy, and can be none, if he has the power which must necessarily result from the principles which would invest him with the power of laying taxes.

But, it may be asked, what are the limitations upon his power as commander-in-chief? The answer is an easy one. His power is to command the army. Let us put a true value upon words. To command in chief, is to have the supreme control in conducting and directing the army in its military operations. Such is its power, and only power. It is a restricted one, of which the constitutional legislation of the country furnishes many evidences. The very act which recognizes war with Mexico vests him with the power of using the army and navy for its prosecution, clearly indicating that the power of using them for that purpose required the authority of law. If we look back into all the declarations which have been made by this government, we shall find that they all, in like manner, confer the same power on the President. Besides, if we turn to the laws in reference to suppressing insurrections, it will be found that they expressly authorize the President to use the militia and the army for the purpose—showing, in like manner, the prevailing opinion heretofore that the sanction of law was necessary to use a military force for this purpose as well as for carrying into effect a declaration of war. Such also is the case in reference to repelling invasion. If there be any power which one would suppose would belong to the President as commander-in-chief, it would be that of establishing rules and regulations for the government of the army; but if we turn to the constitution, we shall find even that power is conferred by express provision upon Congress; all going to show within what narrow limits the constitution and the laws restrict the power of the President.

But it may be asked, has the conqueror no power to impose taxes upon a conquered country? Yes, he certainly has. When an army invades a country and subdues it, in whole or in part, the conqueror has a right to impose taxes and collect them. But the question occurs under our system of government, who is the conqueror? I answer, the people of the United States are the conquerors. It is they who have conquered Mexico; not the President, not the generals, not the army. They are but the instruments by which the conquest has been effected. And it is the people of the United States that have the right to impose taxes. But who represents the United States—who is their organ through which they act? I answer, this government, the federal government, consisting of the Executive, the legislative, and the judiciary departments. The question then is, to what extent the President represents exclusively the United States in the conquered country? The answer is, to no other extent than as commander-in-chief; in all other respects almost Congress is the sole representative, and to them especially belongs, by express delegation, the power of laying and collecting taxes, and of appropriating them to such objects as the constitution warrants, unrestricted, extending as far as the United States' authority extends, without restriction or distinction. Now, whenever a country is conquered, even in part, and held by the conquering power, the sovereignty of the country thus held is for the time suspended, and that of the conquering substituted in its place; and, of course, in our case the authority of the government in its departments attaches to it as if it was a part of the United States itself, each in its appropriate sphere. The opposite doctrine which would make the Executive the sole and exclusive power, in such portions of the country, is entirely destitute of authority, and would lead to all the most dangerous and monstrous consequences which have been traced out. All this is so clear that it is surprising that it has been overlooked or that there should be any division or diversity of sentiment in reference to it.

The taxes which are the subject of these remarks, were imposed by the President in the interval between this and the preceding session of Congress, and this is the first opportunity I have had to express my opinion in reference to the authority by which they were laid. And I avail myself of this occasion to put in my solemn protest against the power. If it should become a precedent hereafter, it, in connection with the authority which the President has assumed in making this war, would lead to the establishment of a fatal error in reference to the power of this government as it relates to war. It will to that extent, elevate the power of the Executive in practice as far above the legislative as the latter is elevated above the former by the constitution, and lead, almost necessarily in the end, to establish despotic authority in the Executive branch of the government. It must be borne in mind that we are a warlike people, rapidly increasing in number and population, well fed, well clothed, and having an abundance of leisure. Like all such people we seek excitement, and there is no description of excitement more enticing to the young and ardent than war. It is difficult to prevent such a people from rushing into war, and if wars should frequently hereafter occur in consequence, and the precedents set by this be not reversed, nothing can prevent the Executive power from overshadowing the constitution and the liberties of the country. We now have an opportunity to reverse that precedent by giving a strong and decided vote against the passage of this bill.

It may be proper for me to remark in conclusion, that I am aware that there are some doubtful questions as to the exact extent of the power of the President as commander-in-chief of the army of the United States, and particularly that of making requisitions and establishing temporary governments, such as have been established in New Mexico, and California. I will not now enter upon the investigation, but my impression is, in case of making requisitions over the portion of the country in which the authority of the United States is even temporarily established, or erecting temporary governments in such portions of the conquered country, the President has acted without authority of law or the constitution. In coming to this conclusion, I am willing to allow to the President, as commander-in-chief, many and great powers; but they are such as arise out of exigencies immediately connected with the operation of the army or its safety. Among them I include the power of seizing upon supplies of all descriptions when they become indispensable to the use of the army, or to batter down towns, and to remove all obstacles, when necessary, for his security or success. But when he comes to act over portions of the territory subject to our control, he exercises power not belonging to him. But to the legislative department of the government, Congress may indeed give him authority by law, to levy contributions or to establish temporary governments. But it is one thing to exercise it on his own authority, and another to exercise it under authority of law. By the one he is placed under the control of law, while by the other, he places himself above the control of law.

I have now expressed my opinion. In all I have said, I trust I have put myself above party feeling or personal considerations. I am actuated by the single motive to contribute to correct the errors of a political character which have been committed in the origin and the prosecution of the war, and to guard, as far as in my power, against the dangerous precedents which they were calculated to establish if not noticed or exposed.

Mr. JOHNSON, of Georgia.—I desire to express my views on this bill, but, I presume, that at this advanced stage of the day the Senate can hardly be expected to have patience to listen to the discussion, and I am not disposed to trespass upon them, unless it is understood that the vote is to be taken to-day.

Mr. CALHOUN.—I hope that the bill will be passed over informally in order to allow the gentleman from Georgia an opportunity of expressing his views.

Mr. BERRIEN.—I would suggest that the wishes of my colleague might be gratified by the Senate passing this bill informally over, and resuming the consideration of that bill which was laid aside on the expiration of the morning hour.

Mr. CASS.—I am extremely anxious to meet the wishes of the Senator from Georgia, but really I am opposed to relapsing into the former mode of discussion by one speech each day.

Mr. BERRIEN.—I do not think that there is any danger of the result apprehended by the honorable Chairman of the Military Committee. I believe all parties will concur in deprecating that; but there is a very important bill—the bill supplying deficiencies in the appropriations for the current fiscal year—which awaits our action. I hope that by the general assent of the Senate the wishes of my colleague may be gratified, and that this bill will be laid aside informally in order that the consideration of that one to which I have just alluded may be resumed.

Mr. ATHERTON.—This bill has already been a very long time before the Senate, and it is certainly important that it should be acted upon in order that the bill to which the honorable Senator alludes, and others may be taken up and disposed of.

Mr. FOOTE.—Allow me to suggest that my honorable friend from Georgia will now proceed.

Mr. JOHNSON then addressed the Senate at length on the question of the war, and in support of the bill. A full report of his remarks is given in the Appendix.

Mr. BERRIEN then moved that the Senate adjourn.

Mr. CASS.—Will the gentleman withdraw his motion for a moment? I do hope that the Senate will terminate this discussion

to-morrow. If not I must be constrained to vote against the adjournment.

SEVERAL SENATORS assented to the informal understanding that the discussion on the bill should terminate to-morrow.

Mr. BRADBURY said he hoped that a motion would be made for the reconsideration of a bill which involved a large amount of money, and although in one section of it a provision was made which to a very considerable extent met his approval, yet there was a principle involved in the second section, the adoption of which he would regard as very dangerous—a principle which would in this single act take from the treasury nearly a quarter of a million of dollars, and which in its final operation would be broad enough to bankrupt the treasury of any government that was ever created. It virtually assumed that when we have existing claims against a foreign government ———

Mr. CASS.—Will the honorable Senator excuse me? What is the question?

Mr. FOOTE.—It is on the passage of the ten regiment bill.

Mr. BRADBURY.—I desire simply to move a reconsideration of the bill. It passed without a division.

Mr. WEBSTER.—I am sure that the Senate desires to see the Senator accommodated. All that is necessary to be done is that the Senate, by general consent, allow him to make a motion to reconsider the bill, and the then Senate will be in possession of the motion of the Senator from Georgia, to adjourn.

By general consent the motion of the Senator from Maine was then considered and agreed to; and then,

On motion,

The Senate adjourned.

FRIDAY, MARCH 17, 1848.

PETITION.

On motion by Mr. MANGUM, it was

Ordered, That the memorial of John Hogan, on the files of the Senate, be referred to the Committee on Foreign Relations.

PRIVATE BILLS.

Mr. JOHNSON, of La., from the Committee on Pensions, to whom was referred the bill from the House of Representatives for the relief of Sarah Stokes, widow of John Stokes, reported it without amendment.

Mr. MASON, from the Committee of Claims, to whom was referred the petition of Charles M. Gibson, submitted a report accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

NOTICE OF A BILL.

Mr. BADGER gave notice that on to-morrow, or at an early day, he would ask leave of the Senate to introduce a bill in relation to the true intent and meaning of the acts authorizing the exercise of the franking privilege.

AFFAIRS IN CALIFORNIA.

The Senate proceeded to consider the following resolution, submitted yesterday by Mr. CLARKE:

Resolved, That the President of the United States be requested to transmit to the Senate a copy of "a despatch to the United States Consul at Monterey, T. O. Larkin, Esq.," forwarded in November, 1845, by Captain Gillespie, of the marine corps, and which was, by him, destroyed before entering the port of Vera Cruz.

The resolution having been amended by the addition of the words "if a communication of the same be not, in his opinion, incompatible with the public interests," was agreed to.

POSTAL ARRANGEMENTS.

The Senate proceeded to consider the following resolution, submitted yesterday by Mr. NILES, and it was agreed to:

Resolved, That the President be requested to communicate to the Senate copies of the correspondence between the minister of the United States at London, and the authorities of the British government, in relation to a postal arrangement between the two countries.

ROUTE TO CALIFORNIA.

The Senate proceeded to consider the motion submitted by Mr. Westcott, on the 3d instant, and it was agreed to as follows:

Ordered, That one thousand additional copies of the reports of Lieutenant Emory and Colonel Cooke, and the accompanying map and illustrations, heretofore ordered to be printed by the Senate, be furnished for the use of the Senate.

OCEAN MAILS.

The bill supplementary to an act entitled "An act to provide for the transportation of the mail between the United States and Foreign countries, and for other purposes," was read the second time and considered as in Committee of the Whole; and

On motion by Mr. NILES, it was

Ordered, That the further consideration thereof be postponed to, and made the order of the day for, Monday, the 3d day of April next.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk:

Mr. President: The House of Representatives have passed a bill requiring all moneys receivable from customs and from all other sources, to be paid immediately into the Treasury without abatement on deduction, and for other purposes, in which they request the concurrence of the Senate.

DISPOSITION OF THE PUBLIC REVENUE.

The above named bill from the House of Representatives was read the first and second times, by unanimous consent, and referred to the Committee on Finance.

TEN REGIMENT BILL.

On motion by Mr. CASS, the prior orders were postponed, and the Senate resumed the consideration of the bill, on its third reading, to raise, for a limited time, an additional military force.

Mr. BERRIEN addressed the Senate at length in opposition to the bill; a full report of his remarks will be given hereafter.

Mr. WEBSTER.—Although laboring under deep depression, I still feel it my duty at as early a moment as I may be able, to address the Senate upon the state of the country, and on the further prosecution of the war. I have listened, sir, silently but attentively, to the discussion which has taken place upon this bill, and upon other connected subjects in this Senate; and it is not my purpose to enter into the historical narrative, or the historical argument which has accompanied its discussion on the one side or on the other. New events have arisen, bringing new questions; and since the resumption of the discussion upon this measure, two or three days ago, these events have been alluded to, first by the honorable Senator who conducts this bill through the Senate; and, again, by the honorable Senator before me from Carolina. By both these honorable members these events have been declared to be well known to all the world; and by one of them, [Mr. CASS,] it was remarked that there need be no affectation of mystery. Since these statements were made I have heard the gentleman from South Carolina express his views on the question. I have heard him on various and momentous subjects—on many interesting occasions; and I desire to say, sir, that I never heard him with more unqualified concurrence in every word he uttered. The topics which he discussed were presented, it appears to me, in their just light; and he sustained his own views in regard to them with that clearness and power of argument which always characterize his efforts in debate. I thank him. I thank him especially for the manly stand he took upon one point, which has not been so much discussed here as others—I mean the plain, absolute unconstitutionality and illegality of the executive government in attempting to enact laws by executive authority, in conquered territories, out of the United States. Sir, whether the power exists in the President or not, may be inferred by answering another question—does he wear a crown? That's the only question. If he wears a crown—if he is the king of the country—if we are his subjects, and they who are conquered by the arms of the country become his subjects also, and owe him allegiance, why, then, according to well established principles, until the interference of the legislature, but no longer even then, he may conquer—he may govern—he may impose laws—he may lay taxes—he may assess duties. The king of England has done it, in the various cases of conquest, from the conquest of Wales and Ireland, down to the conquest of the West India islands, in the war of '56, and in the wars growing out of the French revolution. The King of England has done it; done it by royal prerogative; done it in the government of his own subjects, existing in or inhabiting territories not under the protection of English law, but governed by him until Parliament puts them under protection of English law. Now, sir, there was laid before us at the commencement of the session, a system of legislation for Mexico, as for a conquered country. Let us not confound ideas that are in themselves separable and necessarily distinct. This is not the question; whether he who is in an enemy's country at the head of an army, may not supply his daily wants; whether he may not seize the granaries and the herds—if he choose so to conduct the war—of the enemy in whose country he is—that is one thing, but the question is here; whether sitting in the Presidential House, by an act of mere authority, when the country is conquered and subdued, the President of the United States, may by, and of, and through his own power establish in Mexico a system of civil law.

We have read, sir, and some of us have not forgotten it, in all books of authority treating of the law of nations, that when a country is conquered or ceded, its existing laws are not changed till the competent authority of the conquering power changes them. That I hold to be the universal doctrine of public law. Well, here is a system of levying taxes—repealing old laws—and making new ones; a system behind that, of which I read with pain and mortification, for I find in this communication of the Secretary sanctioned by the President, that our brave troops, (as they are always called, ten times in every page,) were directed to lay hold on all the little municipal treasures—all the little collections for social purposes, that carried on the interior, the municipal, what we should call the parish concerns of Mexico! They were directed to seize them all! The War Department issued orders to chase the government of Mexico like a partridge on the mountain, from city to city—to give it no rest for the sole of its foot—to exterminate it; and another order issued from the Treasury Department at the same time, directed this seizure of all these small and petty sums of public money. I am obliged, therefore, to the gentleman from South Carolina for having brought this subject to the attention of the Senate.

I am happy in having an opportunity of expressing my repugnance to all the doctrine and all the practice. Where will it lead to? What does the President do with this money? Why, he supports the army! But this money never passes under any appropriation of law. The constitution of the United States says that the Executive power shall have no appropriations for military purposes for more than two years. But here there is a standing

appropriation, put at the disposition and discretion of the President of the United States of all the money he can collect by this system of personal, Executive legislation over seven millions of people, and that under the constitution of the United States! If the statement of this case does not attract the attention of the community, —in short, if the question is not argued before an American Senate when it is stated, it is beyond my power to illustrate it by any further argument.

Sir, while I rejoice that the honorable member from South Carolina has done so important a service as to put this question in a proper and a clear light before the community and the Senate; and while I agree, as I have said, in all that he has uttered on the topics which he has treated; that topic which was upon my mind and my conscience more than all the rest, was a topic which he did not treat, and in regard to which I fear I may not expect—would to God that I could expect!—his concurrence, and the strength of his arm; I mean the object, plain and manifest, original in the inception of this war, not always avowed, but always however the real object; the creation of new States on the southern border of the United States, to be formed out of the territory of Mexico, and the people inhabiting the territory of Mexico. If after a service of thirty years in these councils, he could have taken a lead—if his convictions of duty, I mean to say, could have allowed him to take a lead and make a stand for the integrity of the United States—even with these large recent accessions, which I am willing to consider are brotherly accessions, that I have no disposition to reject, discourage or discountenance in the existing circumstances of the case—if, I say, sir, that at the end of our common service, now for thirty years, the honorable member could have seen his line of duty to lie in such a direction that he could have taken a stand for the integrity of the United States—these United States, into whose service he and I entered in early life, with warm and equally warm patriotic affections—the love of a known country, a defined country, an American country—if he had found it consistent with his duty to have taken such a stand, and I had perished in supporting him in it, I should feel that I had perished in a service eminently connected with the prosperity and true honor of the country.

Mr. President, I am obliged to my friend from Georgia for having taken that view of some topics in this case, with his usual clearness and ability, which will relieve me from the necessity of discussing those subjects which he has taken up. I feel, sir, the great embarrassment which surrounds me, brought about by those events which have taken place and been adverted to in the Senate. It has been stated by the gentleman to whom I alluded, [Mr. CASS.] that the whole world knows that a treaty has come hither from Mexico—that it has been acted upon here, and is sent back—that a member of this body, occupying a prominent position in its deliberations and conduct, has been sent out as a minister with full powers to make explanations—of course not explanations of what was done in Mexico, but explanations of what has been done here. There has been such a paper here—I allude to none of its particulars, although following the example of the honorable member from Michigan, who says that all the world knows there is a treaty, I might say all the world knows, too, exactly what the treaty is, for the details are as well known as the principal fact. I feel, sir, as I said, a new embarrassment. On the events that have occurred here within three weeks, political friends to some extent differ, and that goes nearer to my heart than any dart that political adversaries could direct.

The war is odious. Generally speaking, taking the whole country together, the war is odious in a high degree. The country is distressed. A treaty has been offered, it has been here and it has been sent back. Now, I feel, sir, that there has been manifested throughout the country a very strong desire, for the sake of peace, that this treaty, or any treaty, should be ratified. The business of the country is disorganized and distressed. Men know not what to calculate upon. The occupations of life are embarrassed. The finances of individuals, as well as of the country, are much deranged; the circumstances of individuals placing them in great exigency and necessity of immediate relief; and there has come up a strong expression in favor of *any* treaty on *any* terms, if it will bring peace. Now, sir, I am not for any treaty on any terms, though it bring peace. In my judgment, with entire diffidence therein, and entire deference to the better judgment of others, I think that this indiscriminate demand of peace in any circumstances and on any terms, is either an effusion of ecstatic delight at the prospect of getting rid of an abominated war; or else it is the result of a feeling for which I have not so much respect—that we are to take this, whatever it may be; or I will rather say, that we are to take whatever may be offered, lest our masters should give us harder terms. It is either the effusion of joy at the prospect of putting an end to the war, or else that negative resolution could—

I believe, sir, that the press on all sides, with very few exceptions—perhaps uniting for once—have for the last three weeks pressed the Senate, by their daily counsels and advice, to take the treaty whatever it may be. All these considerations which seem to me to spring from the first impulse and not from the sober second thought of the people, appear to be designed—I will not say designed, but calculated, as they have been calculated—to press forward the councils of the Senate; and to induce these councils to take any bit of parchment, or any bit of paper which could be called or concluded to be a treaty—to clench it, and confirm it, with our eyes blindfolded? No, sir—with our eyes dead, sightless as the eyes of a marble statue, to all the future!

On these subjects, sir, to the extent to which it may be proper for me to discuss them, I wish to declare my sentiments once for all; not going back to the origin of the war—not re-examining orders of the Executive—not pausing to consider, as my honorable friend from Georgia has done, the various stages in the progress of the campaigns, in which it might seem to have been, and I think he has proved that it was, the duty of the Executive to consider the propriety of arresting the war—without attempting any of this sort of disursive dissertation upon the case, I nevertheless desire to express my opinions upon the state of the country—upon the farther prosecution of the war—and upon that most important, and, if not vital, most interesting question, the revenue and the ability of the country in the present existing legislation of Congress to supply the public demands. An understanding however, was entered into yesterday, to which I was a party, that the question upon the final passage of this bill should be taken to-day. I do not propose to depart from that understanding. If I had strength, which I have not, and health, which I have not, there is not time, without pushing the Senate into a very late session, to say what I wish to say. I will, therefore, with the permission of the Senate—and I hope not without the concurrence of the honorable member who is at the head of the Finance Committee, postpone what I have farther to say upon this subject, until the early part of next week, when I understand the Loan Bill will be before the Senate. This measure is to raise men—that measure is to pay them. The object, therefore, of both is one—the farther prosecution of the war in Mexico. What I have to say then, may as well be said appropriately on one bill as the other, and therefore I shall not now detain the Senate, but if an opportunity should be offered, upon the earliest introduction of the Loan Bill, I shall claim the privilege of expressing myself on the several points, which I have now mentioned to the Senate.

Mr. CASS.—Mr. President: Before I proceed to the more serious part of my undertaking, I beg to make a few remarks somewhat personal to myself. And I am induced to do so in consequence of an allusion made the other day by my honorable friend from Delaware, for I am sure he will permit me to call him such, and which I frankly confess, I did not take in very good part. The Senator said I was, or had constituted myself the champion of the administration, and that I had blown a trumpet and uttered a note of defiance—that I had thrown down a glove which he, in the spirit I presume of chivalry, had taken up. Now, sir, all this is incorrect. I gave no challenge; I assumed no championship; I uttered no note of defiance. The very thing which the Senator from Delaware supposes I did, was the very thing I feel I could not have had the folly to do. I said, on the introduction of the army bill, that in proposing it I should not touch any of the disputed points, which divide our two great political parties, but I thought from appearances which could not be misapprehended that these would be introduced by others. I said further, that the discussion of the great topics of the day, respecting the war, could not be avoided, though I had hoped they would be postponed till this necessary bill was passed; but that at any rate, however severe might be the attack, I trusted it would be as earnestly as easily repelled. This is the substance of my remarks, sir, and I must say to the honorable Senator from Delaware, that he has not a little surprised me by deducing from them the conclusion that I had constituted myself the champion of the administration, and that I had brought on a controversy by the very terms with which I disclaimed any such intention. Why, sir, I knew all this would come, and so did every member of the Senate. I knew that the course of the administration would be severely assailed on the other side of the chamber, and my conviction was not the less certain that it would be promptly met on this side and easily repelled. But I trust I did not say, certainly I did not think, it would be repelled by me. I knew that task was committed to better hands than mine. I knew there were faithful sentinels on this side of the Senate; able and experienced statesmen; prompt, powerful and fearless debaters, who have passed much of their lives in these legislative encounters, and who would defend with energy, and I believed with success, those measures which met the entire approbation of the great party to which they belong. It is in no spirit of affected humility that I feel I have no right to assume the duties of men like these. My life has not been passed in such scenes as this. The early and more active portion of it was spent amid the toils and privations and exposures of a new country, and not a little of it upon the very verge of civilization, and even beyond it, where duties far different from those committed to us here, called me and occupied me. A vote of the Senate has placed me, contrary to my own wishes, at the head of the Committee on Military Affairs, and if, in the discharge of its duties, I can lend any aid towards what I consider the best interests of my country in the situation in which she is placed, I shall be satisfied without making the vain attempt attributed to me by the Senator from Delaware. So much for my championship. It is not my glove which the honorable Senator has picked up, but his own.

The distinguished Senator from South Carolina, (Mr. CALHOUN.) in the discussion of yesterday, gave his opinions upon some important topics connected with this bill. The questions presented by him, are of the highest importance, and were urged with all that closeness and clearness, which characterize his intellectual labors. I desire to express not only my dissent from his conclusions, but as briefly as may be, the views that have struck me during the short period, I have had to reflect upon the subject. At the very commencement, I feel a difficulty which will be obvious to all that

know—and who does not know the process, at once compressed and logical, by which that Senator reaches his deductions?—in consequence of being compelled to rely upon my memory, and not having been able to read his speech, which has been laid upon our tables since we took our seats in this chamber to-day.

However, I may have misapprehended him, during the progress of his remarks, I did not misapprehend him at their commencement. He began by asserting that there was not a single reason in favor of the passage of this bill. Certainly, sir, this assertion is far too broad. We may differ as to the weight of the arguments, in support of this measure, but to pronounce almost ex cathedra, that there is no argument at all which would justify its passage, seems to be rather a bad augury for fair investigation.

The Senator says it will be mischievous here, because it will have a tendency to alarm the money interest. Now, sir, I have no invidious comparison to make among the various occupations of our community, the members of which, while laboring for themselves, are contributing also to the wealth of the country. It is not my habit. I would merely remark, that questions affecting the honor and interest of the country in her communication with other nations, must be decided upon much higher considerations than the effects they will produce upon the stock market, and upon the fluctuations which give to its speculations the spirit sometimes of gambling, rather than of sober calculation. But, sir, I do not agree with the Senator in his anticipations. If, as I understand him, a peace is necessary for the wholesome operation of the monied interests, any measures having a tendency to promote peace, would give confidence to those who control it. If, sir, an overwhelming force were immediately raised and dispatched to Mexico, no man can doubt but that this war would be immediately terminated, and the more vigorous our preparations, the more fixed our determination to prosecute it vigorously, the more convinced shall we be, and the Mexican people also, that peace will come and come speedily. So far from viewing this subject as the Senator does, I consider every step we take towards vigorous preparations, a step towards peace, and I believe it will strengthen and not weaken the confidence of the monied men, and aid, instead of injuring the money market. If we go on with a series of timid, irresolute, and indecisive measures, we may prolong this war till doomsday. If we strike one vigorous stroke, we may terminate it without delay.

The Senator says, also, that the passage of this bill will be mischievous in Mexico, because it will animate some of the parties, into which that unhappy country is divided, to increased exertions against us. If this be so, it presents to me a new chapter in human nature. When our country is at war, or apparently approaching it, to put on an armor and an attitude befitting the occasion, would be, according to this newprinciple of moral intercommunication, impolitic if not dangerous, as it would excite the enemy to more vigorous action. Mr. President, it is not thus I have read history, and it is not thus that public disputes are brought to satisfactory termination. If in peace to prepare for war, is a wise sentiment, now become an axiom, certainly, when hostilities have actually commenced, and two powers are contending for the mastery, if one relaxes its preparations for fear of animating the exertions of the other, it is not difficult to foresee to what dishonor such a course, whether originating in pusillanimity or false magnanimity, must necessarily lead.

But, sir, are there no reasons why this bill should now pass? There are, sir, and very strong ones too; so decisive, indeed, that even the powerful intellect of the Senator from South Carolina has not been able to satisfy me that there is one substantial objection to the measure.

We are at war with Mexico. The papers, indeed, of to-day, tell us that an armistice for two months has been concluded.—That is liable to be broken, and hostilities resumed from one day to another, as accident or design on the part of the enemy may dictate. And a proof of their bad faith in a similar arrangement at the city of Mexico, should warn us that little reliance can be placed upon these stipulations; and indeed the very despatch which brought us information of the armistice, brought us also information that it had been broken. And happen what may in the meantime, this armistice, at the end of the term, must give way to hostilities, unless prolonged by mutual consent, or terminated by a peace. And certainly it will not be prolonged by us unless a peace is to take its place.

Now, sir, what does a wise precaution require? It requires us to strengthen our forces in Mexico, and to make the most vigorous preparation to prosecute the war with renewed exertion, should our efforts to procure a peace prove fruitless.

You know, Mr. President, and the Senate knows, and the country knows, that a paper has arrived here and gone back to Mexico, with the imprimatur of this body upon it, modified indeed, but still fixing terms, which will lead to peace if accepted by the Mexican government. Now, sir, it may be accepted there or rejected, no man can tell which. The government is unstable, the people intractable and turbulent, and the country split into factions warring against one another, and each contending for supremacy. In such a state of things, what is our duty? It is, as I have already said, to be prepared for contingencies, and to recommence our military operations with the utmost vigor, as soon as the war recommences, if that event should happen.

But, in the second place, the very preparation we make, may be the reason for rendering its employment unnecessary. If the government and people of Mexico see, by the measures which we have taken here, that there is an absolute determination to overrun and overcome their country, that would furnish a strong motive for their acquiescence in the terms of peace. As our relaxation would encourage them to resist, so, renewed exertions on our part would show them the futility of resistance, and leave them no hope but in doing us justice. So much for the reasons in favor of the passage of this bill. The force it contemplates to raise may not be wanted. In that event, it will not be organized, and no injury will be done. It may be wanted, and in that event it will be ready for such contingencies as may happen.

The Senator from South Carolina says that when the President in his annual message, asked for this force, he did so in order to be able to prosecute the war more vigorously, and that to vote for this bill is to give a pledge that this should be done. This may be so, sir; but whether so or not, I am ready to give any necessary pledge upon the subject. The Senator is not in favor of a vigorous prosecution of the war, even should we fail in our efforts to obtain a peace. What are his views upon this subject, sir? He says that at the commencement of the session, the opinion was spreading everywhere that the whole of Mexico should be annexed to the United States, but that since that time a change has been going on; the result, I suppose, of our discussions, and that the acquisition of the whole Mexican territory is no longer desired. For my part, sir, I see no change whatever upon this subject. I believe the prevailing sentiment is now, just what it has been, during the whole progress of these hostilities. The Senator, in his remarks upon this subject some two or three months since, when asked for the proof that the acquisition of all Mexico was desired by the American people, referred to one or two demonstrations that had taken place at one or two public meetings, but failed to produce the slightest evidence, as indeed there was none, that the American people had determined upon this great experiment. The sentiment prevailed then, and prevails yet, that we may be compelled to make it by the obstinate injustice of the Mexicans, and that if we cannot terminate the war in any other way, we must terminate it by taking possession of their country, and holding it subject to our power, and with some kind of a government to provide for its internal security.

Well, sir, this state of things may come, but I hope not. But it will not be prevented by speeches and resolutions in this body. It will be prevented by much higher events. For myself, my opinion has been unchanged, and I have several times expressed it in this chamber. I think the annihilation of the Mexican government, and the annexation of the whole Mexican territory would be a serious injury to our confederacy. I see great inconvenience in the measure, and many sound practical objections to it. But I repeat also my previous declaration, that I am not one of those who believe that even that step would be fatal to us. My confidence in the progress and duration of this government is unshaken and unshakable. Its destiny, under God, is committed to the people, and no other earthly power can destroy it. However extensive may be the sphere of its operation, it has in it a spirit of vitality, growing out of the very principle of its formation and objects—the will of all for the good of all—which will enable it to resist many of those shocks of time and accident to which other governments have been exposed, and have fallen victims. If all this is a dream, sir, it is a very happy one, and a dream from which I have no wish to be awakened.

I desire, sir, to allude to a remark made by an honorable Senator from Virginia, [Mr. HUNTER.] Some time since he addressed the Senate upon this subject in a speech replete with able views and beautiful illustrations. It was one of those efforts which, while they do honor to the Speaker reflect honor upon all those who are associated with him in the discharge of the high functions committed to us. While I thank him for the pleasure he gave me, I thank him also for his favorable notice of a little word I used upon that occasion. The distinguished Senator from South Carolina had said, that the absorption of all Mexico would be fatal to us. While expressing the opinion I have just reiterated, that the measure would be injurious, I repudiated the idea that it would be fatal, and said that if we were to swallow all Mexico it would not kill us. Well, sir, it is a good old fashioned phrase, but the Senator from Virginia seemed to think that it required some protection, and threw over it his critical ægeis by saying it should hereafter become classical. I thank the honorable Senator for his kind interference, but I beg to assure him that the phrase had some pretensions to be a standard one even before I used it, and he shall be convinced it. It is at least as old, in our language, as the time of the translators of the Bible. How much more aged I do not stop to inquire; but in the language whence our Bible was translated, it is at least thirty centuries older. "Israel is swallowed up" said one of her prophets when the throne of David was overturned, and his kingdom annexed, aye, annexed to the empire of Assyria. "Israel is swallowed up." Now, sir, I may congratulate myself upon my position. Supported by the Bible, and by the honorable Senator from Virginia, I may defy the shafts of criticism, invulnerable to the heel behind such bucklers!

The Senator from South Carolina instead of a vigorous prosecution of the war, proposes to withdraw our troops from the other portions of the Mexican country, and to establish them upon a line, which shall be the boundary of the territory which we intend to hold. This proposition has, in substance, been twice before made by the honorable Senator; once at the last session of Congress, and once some weeks since at the present. He supported his views then, and now, with that force which marks his reasoning.

But while he interested he did not convince me. There never was such a line, there never will be such a one. I say it with all deference, but with a perfect conviction of the truth, that such a line is impossible. That which the Senator proposes runs from the Rio Grande to the Passo Del Norte, probably about eight hundred miles; and thence, with a deflection not necessary to notice, to the Pacific ocean which is a little less than an equal distance; making upon the whole route probably 1,500 miles. The force required to defend the line of the Rio Grande the honorable Senator does not give; but he thinks a small one would be sufficient. I have conversed with one of our ablest generals upon this subject, and he considers 20,000 men necessary to the defence of the Rio Grande frontier.

From the Passo Del Norte to the Gulf of California, the Senator from South Carolina thinks, that one regiment and a few small vessels of war would be an adequate protection against Mexicans and Indians. What effect armed vessels can have in the defence of a line, which stretches six hundred miles beyond them, as I do not comprehend, I will not stop to inquire. Their guns would probably command the beach off which they might anchor, if they anchored near enough. But I do not believe that a Mexican guerrilla would place himself within their reach, in order to cross a line open to him in all directions. As to the regiment if equally divided, its number fit for duty would probably give one man to every mile of distance between the Passo and the gulf; certainly not more.

In his annual message, the President has presented with great force the objections to this proposition. I shall not repeat them, for they must be fresh in the recollection of the Senate. They seem to me to prove, beyond question, the impolicy of establishing such a line, and the impracticability of holding it. With no natural boundary, with no defensive stations, for how many could a few hundred men occupy, and defend? with a boundless region on both sides; with the necessity of bringing supplies through long difficult and exposed routes, and with the ever-consuming disorders of the climate, how could such a line be defended with such a force? Our troops must be in detachments, or they can afford no protection; while the enemy may be in masses, and bring their whole force to operate upon a part of ours. If we are defeated, we are destroyed; for we have no reinforcements to order up, nor to fall back on. Our point of support might be 1,000 miles off. If the enemy are defeated, they retire beyond an enchanted line, where danger cannot come.

But after all, what good would this do, even if the line could be defended? How would it bring peace? What possible motive would the Mexicans have to make peace in such a state of things? They have it at all times, when they desire it; for the line is a Chinese wall, beyond which we may look indeed, but must not pass. For if we should pass it, we should that moment abandon our plan, confess its inefficiency, and commence a new system of operations to recover the ground from which we had retreated before entering upon this dangerous experiment. We assume our line. We take a position behind it, covering the country we intend to hold. It is a *sine qua non*; and we will not treat with Mexico till she relinquishes all right to the region we claim. What then has she to gain by peace? No territory; for all we hold we keep. No honor; for that is compromised by the cession. No exemption from the evils and calamities of war, for she is just as secure behind the line while the *statu quo* lasts as she would be if a treaty were signed, sealed, ratified, and promulgated. If she choose to sit still there is pence; if she choose to attack us, she attacks us; and if successful follows up her advantages till she strikes a decisive blow; but if unsuccessful she retires behind her barrier, and awaits a better opportunity to renew her efforts. Such a state of things would be intolerable for any thing I see. No government could maintain it. No public sentiment could bear it. Mexico would have every motive to continue it, because the chances of the future might give her success, and restore her territory; whereas they could do her no injury, and in the meantime, she would not put the seal to her own dishonor.

As to the defence of a line between coterminous countries, it rests upon very plain principles. If the countries are at war, one or the other or both will attempt to cross it. Neither will remain behind their line for the avowed purpose of defending it, unless indeed one of them is so weak that offensive measures would be impracticable. If an irruption is made, the parties making it have necessarily some military operations in view, which if successful they pursue, but if unsuccessful they abandon and return. The defence of the line itself in this state of things becomes a secondary object, yielding to ulterior considerations involved in the plans of operations. An invading force, if repelled, must be followed, and if followed must be pursued to its places of refuge or the battle field, where the fate of arms must decide the contest. Any contest between nations involving other principles would be irreconcilable with public sentiment and incompatible with the plainest dictates of policy. No, Mr. President, let us go on in the old fashioned way. I will not say the good old fashioned way, because the term would be inapplicable and improper; but I will say the approved old fashioned way, and wage this war as our fathers waged war before us, and as our sons will probably wage it after us, if driven to this last appeal of nations. Let us discard these untried plans and place our faith in experience, not in experiments. Let us push our operations firmly as need be, but mercifully as may be, till we have conquered enough of the country to overcome obstinate injustice, and thus to conquer a peace.

But a principal object of the Senator from South Carolina seems to be, to place the administration in the wrong in the measures it has directed to be taken, for levying contributions for the support and subsistence of our army in Mexico. To do this he has commenced with what I consider a fundamental error, that when we enter an enemy's country in war we take with us all the powers of our own constitution. If it is meant by this that an invading army has a right to exercise all the powers fairly derivable from the constitution, and relating to a state of war; the proposition is true, but entirely useless for the purpose of the honorable Senator's argument. But if it is meant that the guarantees of the constitution accompany the army and operate upon the movements of our troops in a hostile country, nothing can be more erroneous in principle, or would be more injurious in practice. The slightest reflection will satisfy any one that the extension of our constitutional guarantees over countries occupied by our armies would be utterly subversive of all the rights of war. We could not march a step without finding impediments that could not be overcome. The provisions of the constitution are:

"That Congress shall have power

"To declare war, grant letters of marque and reprisals, and make rules and regulations concerning captures on land and water

"To raise and support armies

"To make rules for the government and regulation of the land and naval forces."

The constitution further provides that:

"The President of the United States shall be commander in chief of the army and navy," &c.

These are all the provisions of the constitution bearing upon the war-making power.

In the whole history of our legislation there are but two provisions respecting the conduct of our forces in foreign countries, and these are coeval with the government, having been first passed in 1775, and again in 1806, and forming thus a permanent part of our military code. These two provisions are in articles fifty-one and fifty-five of the rules and articles of war. The former declares that—

"No officer or soldier shall do violence to any person who brings provisions or other necessaries to the camp, garrison, or quarters of the forces of the United States, employed in any parts out of the said States, under pain of death, or such other punishment as a court martial may direct."

The latter declares that—

"Whoever, belonging to the armies of the United States employed in foreign parts, shall force a safeguard, shall suffer death."

Here is our whole written legislation, constitutional or congressional, upon this subject.

Now, sir, like other nations, we are liable to war; and when engaged in it, we are entitled to all the rights, which that condition brings with it. Nor do I believe, that those rights are in the smallest tittle diminished, because we choose that our chief magistrate should wear a hat and not a crown, to follow out an allusion made this evening by a distinguished Senator. Our army, in the prosecution of war, enters a hostile country. What may it do there? Originally, in the early ages of the world, the right of conquest included an unlimited right to seize and dispose of the persons and property of all the people subjugated by its arms.—Hear the earliest Jewish historian:

"And we took all his cities at that time, and utterly destroyed the men and the women, and the little ones of every city, we left none to remain."

"Only the cattle we took for a prey unto ourselves, and despoiled the cities which we took."

In the progress of time, however, better sentiments prevailed, and humanity endeavored to check, if not the progress of conquering armies, at least the evils that followed in their train, by laying down rules for assuaging the calamities of war. These conventional rules established by the general concurrence of civilized nations, now constitute that part of the law of nations applicable to this subject. To be sure, they are liable to be violated, and when not violated, to be narrowed in their operations by controlling circumstances; but their general obligation no one of the present family of nations calls in question.

I repeat, what may our army do in a hostile country? It may do any thing proper to promote the objects it has in view, which is not prohibited by its own government or by the laws of nations. It goes forth to battle and to conquest. Its effort is to subdue the enemy by all the aggressive means it can exercise. To injure him, when, how, and where it can, subject only to the limitation I have laid down, in order to compel him to accept the terms of peace prescribed by its government.

But in the practical exertion of these powers we are met, in limine, by the suggestion of the honorable Senator from South Carolina, [MR. CALHOUN,] that it is the conqueror to whom they belong, and that this conqueror is the sovereign, and the sovereign in the United States is the people, who alone can exercise these high attributes, or at any rate some of them. It may be remarked, however, that they do not belong to the conqueror, as such, but to the enemy; whether an invading army is advancing or retreating, victorious or defeated, its rights are still the same, and belong to it as long as the last band composing it, remains in arms upon hostile territory. But let that pass. The Senator also says, that the people in this country is the sovereign. I shall take no issue with him upon that proposition; I concede it in the fullest extent. It is one of the first lessons we learn after leaving the cradle, it is as broad in its operation as this broad land, and the sentiment itself is probably one of the last we abandon in life. But, sir, what then? The Senator will not require the sovereign people of the United States to exercise all their right, either of peace or war, in person.

This is done, and must be done, by their agents, civil and military, who are responsible to them and controlled by the laws they choose to establish. And if our sovereign may not exercise all the just powers of war by our military officers, which a European sovereign may exercise, in person or by proxy, it follows that countries with monarchical forms of government have important rights of independence which do not belong to us. I dissent, *toto cœlo*, from any such doctrine, and from any principles necessarily leading to it. We stand on the broad platform of national equality, and will not yield the smallest particle of our rights to forein pretensions, royal or imperial.

Well, sir, our army commenced its operations. It may overrun the whole hostile country, doing all those deeds of distress and death, which it must do to a great extent, to accomplish the objects of its destination. Whence does it derive the right to do all this, let me ask the Senator from South Carolina? Not from the constitution and the laws, except from the general powers I have quoted relating to war; for there is not a single specific grant in our whole code looking even to such a state of things. Let him, or any one else, put his finger upon that clause of our statute book which authorizes an American soldier to kill a Mexican, to burn a house, or to seize and hold a city, or to do the thousand and one acts of violence which go to make up the consistory of war. Well, then, even without specific powers from our sovereign, our army may do these deeds simply because a war exists, and they are its proper incident. No other grant is necessary. Our sovereign says to our armed citizens, I am at war; go forth and maintain the honor and interest of your country. Now, having shown what an army does and may do, I may call upon the honorable Senator to show what it may not do within the limitations I have laid down. He will acknowledge it may kill a Mexican, not because it is expressly authorized to do so by law, but because that act is proper in its operations, and is allowed by the general laws of warfare.—The right to levy supplies, whether of money, of provisions, of forage, of clothing, of the means of transportation, and of other objects not necessary to be enumerated, belongs to the state of war. No one will deny that fact. It accompanied the first and last army that ever entered the battle field, and will accompany every one that may hereafter follow in the same career. In Europe it has been common in later years to subsist and support armies in the enemy's country, and there have been cases, and, I believe, not a few of them, where they have sent home to the national treasury large sums collected during their progress. The allies, on the downfall of Napoleon, levied upon France a contribution of 1,500,000,000 of francs. Whenever a European army enters an enemy's country it calls upon the municipal authorities of each city and town, to contribute such supplies in kind and such amount of money as it chooses to demand, under the penalty of military execution. That threat, I believe, has never yet failed. No one calls in question the right of our troops to take supplies in kind as an incident to war. Let those who maintain the distinction, either in principle or practice, between supplies in kind and in cash show it, and show where is the power to demand the one and not the other

Why, sir, the error of the Senator from South Carolina I conceive to be this:—He seems to think that an express grant of power from the sovereign of the country is necessary to the exercise of some of the rights of war. If to some, they are to all; for the most acute mind can draw no line between them—I mean between those usually exercised in legitimate warfare. As to the power of the sovereign to restrain the use of these means of carrying on war, or to prohibit them entirely, there can be no doubt. Congress, the legislative agents of our sovereign, may at any time establish an entire code for the conduct of our armies in hostile countries, and may restrict their powers within the narrowest limits. The question, however, is not what Congress may do, but what it has done. It has yet done nothing of the kind, and our troops are free to act as the good of the country may require, and as the incidents belonging to a state of war fairly permit. The exercise of these powers is of course vested in the commanding officer, unless directed or restrained by superior authority at home. The President is the constitutional commander-in-chief, and whether present or absent may direct the operations of our armies and prescribe the mode of conduct they shall adopt. He has done so in the present case.

I see no difference, sir, in the application of the general principle, arising out of the mode in which a contribution is enforced, whether it is levied by the agency of our own officers or of Mexican officers, the power is the same, and whether upon municipal authorities, upon classes, or upon individuals. The fairer and the more equal is the mode, the less is the injury and the greater the satisfaction. And an American army, of all other armies, should seek to attain its object with the least distress. The contribution is an assessment, and all must pay it, who are subject to the rules of war. And it is the nature, and not the name of the thing, which determines its true quality. Call it as you please, tax; duty, impost, supply, contribution, or what not, it is a forcible demand of private means, made by an army in an enemy's country of such a nature and amount as the commander of the army may direct—rendered more acceptable in the present instance by being levied and collected in conformity with the Mexican laws, and thus accommodating itself, as far as possible, to Mexican usages. There never was a better form of contribution than that which we have adopted—one more equal in its operation, or less oppressive in its administration.

Now, sir, what is the objection to this? I understand there are two reasons urged by the Senator from South Carolina against the course of the administration on this subject. The first constitutional; and, the second political. With respect to the first, if I comprehended the train of reasoning pursued by the Senator, he considers the contributions required by our army in Mexico as taxes, and their collection as an exercise of the tax levying power conferred only upon Congress by the constitution. I cannot, sir, for myself doubt for a moment, that that provision of the constitution is confined to the United States. As I have already remarked, if the guarantees of that instrument accompany our armies, we may just as well abandon all attempts to carry on offensive operations abroad, as our armies could not march a foot without finding themselves surrounded with insuperable obstacles. Congress may undoubtedly prescribe the mode in which forced impositions shall be collected in an enemy's country. But it may do that, not under the tax levying power, but under the war declaring, and thence, war regulating power. It may put an end to the practice, and when it regulates, or prohibits it, its decision becomes the law of our armies for a strict obedience to which every one within its proper sphere is responsible; but until Congress does interfere the right and its exercise depend on the principles I have stated, and not upon analogies, verbal or substantial, applicable only to a different state of things. I cannot but remark however, sir, that if any one who has doubts upon this question will run his eye over the constitution, he will see at a glance, that its powers and protections are intended not for a foreign country, but for our own. That would be a strange construction indeed, which would give to the Mexicans the right "to be secure in their persons, houses, &c.," to a speedy and public trial by an impartial jury, &c., and to all the other political blessings which make our government what it is. And who shall divide the constitution, and tell us what portion operates abroad as well as at home? That the whole of it does not follow our armies is clearly shown from the consequences which would flow from such a construction. There is but one practical solution of the difficulty, and I use that word difficulty in deference to the opinions advanced by gentlemen of the most powerful intellect, and not because I feel the slightest doubt myself; and that solution is to confine the constitution to our own country, except where its provisions obviously extend abroad; and this brings us again to the war making power, which would enable Congress during the continuance of hostilities to provide at its discretion for the government of countries held by our armies.

The political objection urged by the Senator against the exercise of this power is founded in the dangers which might result from it. Well, sir, there is danger in such a power. There is danger in all war powers. The distinguished Senator in a speech last session, which few will ever forget who heard it, depicted with his peculiar force the danger of triumphant generals returning with conquering armies; even his graphic description did not appal me, for our generals and our armies are but constituent portions of our people, and I trust for many a generation will mingle with the mighty mass of American freemen, without delay, and without reluctance, as soon as their military duties are terminated. But there are greater dangers than these, and first among them is the loss of national honor. Discard your military means, because the plains of liberty are filled with the crumbling monuments of republics, overthrown by a disloyal soldiery, and where would be your own safety in these days of national ambition and aggrandizement?

From my own views of our institutions, and from the opinion I have formed of the character of the American people, formed during an active life, passed under circumstances, which brought me into contact with men of all opinions and pursuits, I consider the destruction of this government by military usurpation as one of the very last evils which threatens us—to be apprehended only, when our necks are prepared for the yoke, and when it will matter little who puts it on.

The President may abuse this power, says the Senator. Certainly he may, and so he may abuse any power; but powers must be granted, though they may be abused. If any one fears that result now, let him prepare a legislative remedy to prevent it. As that is not my case, I shall not volunteer my services for such a work; but I am prepared at any time to look into the whole matter, and to hold all who have taken a part in it to a strict accountability. The President desires nothing else, nor his political friends for him; and I predict that any investigation will but commend the administration the more, to the confidence of the country. But let not a most important right belonging to the American people, and one which may be essential to their military success, be cast to the winds, because some time or other, or some where or other, abuses may grow out of its exercise.

In our investigation into the origin of this war, there are two separate questions which present themselves for consideration; one, which may be termed external, and the other, internal. The former connects itself with us as a people, whose character and conduct have been arraigned before the world, and the latter concerns ourselves alone, as it relates to the course of the Executive in the earlier measures which led to the war. The war itself may be just, and we stand acquitted of every charge of aggression; while the President may have passed beyond the limits of his constitutional duty, and assumed to direct, where Congress alone had the power to act. By far the most important question touches the character of our country, and this involves the justice of the war. The subject itself is a fruitful one, and has been so often examined and exhausted, that it requires some moral courage to discuss it even briefly. I shall endeavor to compress my remarks within the narrowest space, confining myself, as much as may be, to propositions rather than to illustrations.

Had we cause of war against Mexico? It has been said, and upon this floor, that to give just cause of war there must be a clear right coupled with a sort of necessity before a resort is had to this extreme necessity. Such general considerations, however, as this, amount to very little in guiding the conduct of nations, as a slight analysis of this principle will show. The honorable Senator himself who advanced it, concedes that we had a clear right, and if a "sort of necessity" to enforce it had been coupled with this, we should have stood justified in the eyes of the world had we declared war against Mexico years ago. And what is this "sort of necessity," without which the right is to remain barren? Why, I take it, if thirty years of aggression on one side and of remonstrance on the other, do not constitute this necessity, it would be vain to seek it in any war, undertaken in modern times.

The fact is, sir, the question of war is a complicated one, into which considerations of right and expediency enter largely, if not equally. If one nation injures another, and refuses or unreasonably delays to make satisfaction, this gives to the injured power just cause of war. But whether she shall undertake it, depends upon her own position—on that of her adversary—on the magnitude of the injury, and frequently, on other circumstances, political or financial, which it would be useless to specify, and impossible to enumerate. Nations must and will judge for themselves under these circumstances, as well of the right itself, as of the "sort of necessity" there may be of enforcing it. The right once established, and that the gentleman himself concedes in this case, the resort to force is a question rather of discretion than of morals, as it is a remedy consequent upon the violation of national rights. It is too late to tell us, sir, that we had no just cause of war. Successive administrations of the government, and the voice of the American people have pronounced an irrevocable judgment upon that question.

Our complaints against Mexico commenced nearly with the commencement of her independence. They go back to the year 1817, and come down to the present day in almost one uninterrupted series of outrages. I shall not state them *seriatim*, nor enter into the detail of their nature and extent. This has been repeatedly done, and the official documents are before the country. I will merely classify, from an able report made by Mr. Forsyth in 1817, the various heads of complaints, which will present the general aspect of the subject.

1. Treasure belonging to citizens of the United States has been seized by Mexican officers, in its transit from the capital to the coast.

2. Vessels of the United States have been captured, detained, and condemned, upon the most frivolous pretext.

3. Duties have been exacted from others, notoriously against law, or without law.

4. Other vessels have been employed, and in some instances ruined, in the Mexican service, without compensation to the owners.

5. Citizens of the United States have been imprisoned for long periods of time, without being informed of the offences, with which they were charged.

6. Other citizens have been murdered and robbed by Mexican officers on the high seas, without any attempt to bring the guilty to justice.

General Jackson, in a message to Congress in 1837, stated that these causes of complaint "would justify, in the eyes of all nations, immediate war." This sentiment was fully concurred in by the Committee of Foreign Relations of the House of Representatives, who said "that ample cause exists for taking war into our own hands; and we believe that we shall be justified in the opinion of other nations, for taking such a step."

President Van Buren, in December, 1837, distinctly told Congress teat redress was beyond the reach of the Executive, and could only be obtained by the action of Congress, which action must of course have been war.

As to the conventions which have since been made by the two countries, and violated by Mexico, I need not enter into their history. They are fresh in the recollection of all. These three conventions, by the infidelity of the Mexican government, have proved nearly fruitless; and after thirty years of injury on the one side, and of remonstrance on the other, there is nothing left to us but to abandon all hope of redress, or to obtain it by a vigorous prosecution of the war. Who, then, shall say to us that we have commenced a war unjustly, which was in fact commenced by the enemy, and which, even had it been declared by us, would have been justified by the practice of nations, and by the injuries we had sustained?

I do not intend, Mr. President, to be led into the discussion of any polemic, respecting the wickedness of war. I leave that to the schools and the debating societies. I am content, and if not, I am compelled to take things as they are, as they have been, and as they will be. Sent here as practical men to deal with the interests of our country, we must not be diverted from the true path marked out by the experience and the usages of the world, by crude speculations and misplaced philanthropy. We were aggrieved and injured, and could obtain no redress; and we were entitled to take our remedy into our own hands, in order to obtain that justice which was pertinaciously withheld from us. The most superficial reader of modern history—the most casual observer of passing events, must know that outrages far less flagrant in their character, than those committed by Mexico against us, have occasioned half the wars of modern times.

But, sir, I am well aware that these considerations apply only to our just right to declare war against Mexico at any time, within the last twenty years. We did not commit the offensive. Mexico herself struck the first stroke, and why? Because Texas was annexed to the United States. I recollect the gentlemen on the other side of the chamber thought there was some fluttering in our ranks, when this avowal was first made.—But there was none whatever, sir. We concede the proposition in its fullest extent, that this annexation was the cause of war. How then, sir, stands this great question, as to the justice of its commencement?

I will not trespass upon the patience of the Senate by presenting this subject in all its details. I will again compress my views into a series of propositions, and thus spare your time and my own.

Texas, a constituent portion of the Mexican republic, declared itself independent, as Mexico, a constituent portion of the Spanish monarchy, had done before it, and asserted and maintained its rights by a revolution.

The war between these two powers continued for some time, with varying success, till 1836, when a Mexican army, led by the chief magistrate of the republic, was conquered, and dispersed or made prisoners, and the commander himself captured.

After the month of June of that year, Texas continued in the undisturbed possession of her independence, and no effort was made to reduce her, not a single Mexican party, with the exception, I understand, of two predatory incursions having since ever made an inroad into her territory. The war was in fact at an end.

In the meantime, the independence of Texas was acknowledged by the United States, and by some of the other principal powers of the world: and she was permitted to take her equal station among the nations of the earth.

In cases of revolution, where one portion of a nation is endeavoring to separate itself from another, while the contest is going on, and each party is exerting itself to attain its object, it is the duty of other powers to look on, and not to interfere in favor of one side or the other. But there is a limit to this duty. Such contest cannot be permitted forever to continue. The peace of the world forbids it, and there are instances on record where other nations have said: This struggle has continued long enough. It must now be terminated, and the revolting people be securred in their independence. But there it still another limit to this duty of non-interference, and that is the abandonment by the original government of all attempts to reduce by forse its revolting citizens. The abandonment of the remedy is the abandonment of the right. The peace of the world cannot be put to hazard by the pertinacious obstinacy of any nation, which holds on to nominal claims, without the power and the disposition to maintain them. The neutral duties exist only *flagrante bello*. And when the war ceases, the previous relations of the two States cease, and they become like other nations —"enemies in war, in peace friends." When Texas was annexed to this confederacy, this was her relation to Mexico, and she had the same right to form treaties of alliance or annexation, as had the people from whom she had separated. "If these things are so," the union of Texas and this country was no just cause of offence to Mexico, and gave her no right to complain of our conduct.

And this view is fortified by an incident, clearly indicative of the public opinion in Mexico of the value of her right to subjugate Texas even while the question of annexation between this latter power and the United States was pending, Mexico offered to acknowledge the independence of Texas, if she would engage not to join the American confederacy. This offer was in fact the very acknowlegement it proposed to make conditionally. It conceded the inability of Mexico to enforce her claim of sovereignty, while it asked as the condition of recognition the surrender of the right to direct its future political destiny, as might seem most acceptable to its people.

So much for the general subject of annexation, and the rights and duties growing out of it.

But it has been said, not in Mexico, but here, that the origin of this war was not in the annexation of Texas, but because we carried her boundary to the Rio Grande, and took possession of the country between the Nueces and that river. Who says this, Mr. President? Not the government or people of Mexico, but citizens of our own country, who find a cause of offence for the enemy which they have failed to discover for themselves. The Nueces is an American, not a Mexican boundary. The Texas of Mexico was Texas to the Sabine, with no intermediate boundary. In all the communications with the Mexican government, as I have had occasion to say before, no distinction is made between the Nueces and the Rio Grande. And the occupation by our forces of the country between these rivers, was never presented as an exclusive cause of complaint, nor indeed noticed in any manner whatever. It was the annexation and occupation of Texas, and not of any particular portion of Texas, which led to the reclamations and finally to the hostilities of Mexico. It was a question of title and not of boundary; a claim of right, which went for the whole and would never be satisfied with the relinquishment of a part. When the act for annexation passed, the Mexican minister in this country immediately protested against that measure; declared it to be just cause of war, and at the same time demanded his passports and left the country. And the supreme government of Mexico in March 1846 informed Mr. Slidell that it looked "upon annexation as a *casus belli*, and as a consequence of this declaration, negotiation was by its very nature at an end, and war was the only recourse of the Mexican govern-

ment." And in conformity with these views, forces were collected upon the Rio Grande, in order that Mexico might take the "initiative" in hostilities against us, to borrow the expression of General Paredes in his orders to the commanding General. And, sir, these warnings and threatenings were no vain declarations. Mexico said what she would do and she did as she said. She declared to us that if we annexed Texas she would go to war. We annexed Texas, and she went to war. As early as April 1846 and before the movement of General Taylor could have been known in Mexico, her President directed the General upon the frontier to "attack" our army by every means which war permits.

Who then, sir, has a right to say what the Mexican government has never said, that they went to war, not because we annexed Texas, but because we took possession of the country west of the Nueces? In all the diplomatic correspondence between the two governments, there is no allusion to that river nor is any greater claim advanced to one of its banks, than to the other. Why then, when our country is summoned to trial at the bar of the public opinion of the world, why should the American Senate swell the catalouge of an enemy's grievances, and make out a better case for Mexico than she has made for herself? In our endeavor to do right to others, let us not do wrong to ourselves. Let us distrust our own judgment when we find ourselves inclined to take a more favorable view of the cause of Mexico, than she has taken for herself. Let us yield to justice, what we refuse to patriotism. There is no want of shrewdness in Mexican statesmen. They have made the best of their own case; and if they have omitted the passage of the Nueces in the catalogue of their wrongs, we may be sure it was no special wrong in their eyes; and that it was not because we crossed that river, but because we entered Texas, that our enemy attacked us, and thus commenced the war.

The question of the title of Texas to the country extending to the Rio Grande, has been several times elaborately discussed before the Senate, but never more ably than by the honorable Senators from Maryland, and Texas, [Messrs. JOHNSON and RUSK.] I listened with great pleasure to their exposition, and I am content to leave the subject where they left it. Altogether satisfied with the views they presented and equally satisfied, that I can add nothing to their force or clearness.

What judgment then are we to pronounce upon the measures which were directed to be taken, by the President previously to the commencement of the war by Mexico? This question is in fact a double one involving two considerations, one, affecting our relations with other countries, and the other our own institutions only. The former touches our character and conduct before the nations of the earth, while the latter relates only to ourselves.

This war was commenced by Mexico, that is, Mexico first attacked our troops, but I agree that if we pushed an armed force within the Mexican frontier without cause that measure throws on us the guilt of this war. How stands this matter?

1. It seems now to be generally agreed on all hands that the mere annexation of Texas gave to Mexico no just cause of war, and it follows that if its boundaries extended to the Rio Grande, then we did only what we had a right to do in marching our forces to that river, and are not responsible for results. Both of these points I have noticed, and the last has been conclusively established by the excellent views taken of the title of Texas by the Senators to whom I have referred.

2. If the title to the country from the Nueces to the Rio Grande was in dispute between the parties—and I believe no one here has ventured to deny that we had some well founded claims to it—and Mexico was preparing to take possession of it, we had a right to anticipate her, and thus to assert our own title.

3. But taking the strongest ground against ourselves, that we had no title whatever to the Rio Grande, still we had a right to go there if we considered such a measure necessary to our defence, and if the preparations of Mexico announced a design to attack us.

Did they announce such a determination? No one here, sir, will deny that fact. I shall not detain the Senate with the various proofs spread through the history of our intercommunication with Mexico, from the first suggestion respecting annexation till her army crossed the Rio Grande in order of battle. The protest of her minister here—the declaration of her government—its formal announciation to the European diplomatic agents accredited to it—the public order of its generals, and the collection and movement of its forces, left no doubt of its designs, and if they had the result would have disclosed them.

The movement of our troops under these circumstances, became a defensive measure; for as has been well remarked by the honorable Senator from South Carolina (Mr. BUTLER,) it is not necessary for the justification of a nation that it should await an impending attack. That power in fact commences the war, which makes the first threatening preparations for it, and not the one which merely strikes the first stroke. If a government collects its forces, marches them to its frontier, and makes public preparations for passing it, and thus for war; at the same time openly avowing its determination to commence it; both the reason of mankind and the usage of nations, authorize the people, whose peace is thus threatened, to anticipate their adversary, and to repel the threatened attack, by an attack of their own. This course is strictly defensive, and modern history abounds with examples illustrative of the principle.

So much for the question between us and Mexico as to the commencement of the war.

As to the internal question relating to the conduct of the President, it admits of but one answer. That cases may occur in which it is his duty under his constitutional power, to repel an actual or threatened invasion before Congress can act upon the subject, no one can doubt, and for myself I could never see any just constitutional or legal objections to the course he pursued in this whole affair. But there is one other consideration which is decisive, and that is, that the orders for the movement of the troops to the Rio Grande were given by the President on the 13th of January, 1846, and thirteen days before that, an act of Congress had been passed recognizing our jurisdiction west of the Nueces. It was the duty of the Executive to carry it into effect, and thus consider the boundary of Texas as extended beyond that river.

As the "initiative" was taken by our adversary, we took the defensive, and the attack being inevitable, it was for us to choose where to receive it. Such I repeat is the law of nations, and such the practice of nations.

So much for the commencement of the war.

I had anticipated many modes of attack upon the administration, and many avowed causes of censure; but, I must confess, I had not anticipated the charge of the honorable Senator from Maryland, [Mr. JOHNSON,] that the administration had proved itself feeble or inefficient, and that the war had not been vigorously prosecuted. I am not going, sir, to undertake a refutation of this charge. I leave that to the people who sent us here, and the measure of whose glory has been filled by brilliant achievements which will yield in their renown to few, if any, of the great martial feats of our age. "We have had an ostentatious and asserted vigor," says the honorable Senator, "but we have had nothing else so far as the President is concerned."

An ostentatious and asserted vigor! Well, this is a strange world, and in my time I have seen and heard many strange things in it; but I have heard few stranger things than this. The act recognizing war was passed on the 13th day of May, 1846, twenty months ago. At that time we had an army whose total of rank and file, consisted of 7,523 men. They occupied thirty-seven forts and positions in the interior of the United States, and upon our inland and seaboard frontier, comprehending a space almost equal to half Europe. And the portion of this force under General Taylor upon the Nueces amounted to 3,001 men. This was our preparation for meeting the war. All else had to be collected or created. Recollect, sir, that our situation is far different from that of the martial powers of Europe. War is there both a trade and a science, and its governments are always prepared to meet contingencies which cannot, indeed, be forseen, but which, if not provided for, bring ruin and disaster in their train. At one time the people of France were a great army—the country a vast camp—the cities and towns, arsenals and magazines, and the fields sources of supply for the immense living machine, whose movements were always so tremendous and often so irresistible. Well, sir, we had nothing of all this. We had no army, for our little force scarcely deserved the name. We had no conscription by which to increase it. And all the *materiel* necessary for the subsistence and transportation and operations of our troops, had to be collected through the country and conveyed to a distant scene of operations. This scene is 3,000 miles off, and little did the government or the country know of the condition of Mexico—of its fortresses or their state of preparation—of its armies or their state of efficiency or discipline—of the roads, the bridges, the means of transportation and subsistence, and the thousand other points essential to military operations, and which, in the various countries of Europe, are studied and known.

Now, sir, in the face of all these obstacles, what have we done? We have sent our troops to the shores of the Pacific, by routes across the continent and around Cape Horn; we have subdued Upper and Lower California and New Mexico; we have taken possession of the rich and populous districts upon the Rio Grande; we have carried the war into the heart of the republic, after attacking and reducing the renowned fortress which commands its principal maritime entrance, the capture of which alone was glory enough for France; we have taken its capital, dispersed its armies, made its government a fugitive, and reduced to subjection a large portion of its population; we have fought at least fourteen important actions, of which eight were pitched battles, and in every one there was a disparity of force against us, and in many an inequality which carries us back for similar examples of desperate struggles to the early ages of the world—to the combats of the Greeks and the Persians—which they resemble, rather than the conflicts which the severe truth of modern history judges and records. We have captured a score of great cities, some of them fortified and defended and capable of strong resistance. Time would fail me to tell all we have done, nor can it be necessary, for is it not already written in imperishable letters upon the records of history, and in burning and shining characters upon the heart of every American? Yet you have not done enough, says the honorable Senator from Maryland to the administration; you have not prosecuted the war with sufficient vigor. You have done too much, says the honorable Senator from South Carolina; you have prosecuted the war too vigorously; so much so, indeed, that the great danger we have now to apprehend is the annihilation of Mexican national independence, and the annexation of the whole Mexican territory; and the only remedy for the false position in which your untimely energy has placed us, is an abandonment of much you have gained, and a retreat behind a line, where you can curb your martial propensities and restrain your desire for aggrandizement. I shall not thrust myself into this controversy—it is in better hands than mine—but I must confess it appears to me that

the Senator from South Carolina is much nearer the mark than the Senator from Maryland, and that our offence, if one there be, is an offence of commission and not of omission.

Now, if the Senator from Maryland thinks all this success is not glory enough for twenty-two short months, he must shut the pages of history, and go back to the fabulous ages, or open the volumes of imagination, and of a highly sublimated imagination, too, before he can find a series of operations worthy of the standard of military glory, which he seems to have prepared for himself. The labors of Hercules shrink into insignificance when compared with his model.

And now for the future. What are we to do? We are to do just what other nations always have done and always will do in circumstances similar to our own. We have to prosecute the war vigorously, efficiently, promptly, till the Mexican people are satisfied of their inability to resist us, and are disposed to make a reasonable peace. There is a point, sir, in military operations, and we must reach that point if necessary, where pertinacious obstinacy will be overcome, and where, as I have already said, submission is cheaper than resistance. I think I heard it said, sir, upon this floor, that we had got the victim down, and he was exhausted and powerless, and that we were preparing to plunge a bowie-knife into his heart. This language is in bad taste, sir, and the allusion, it seems to me, wholly unfounded. We have got no prostrate victim, and are preparing for no assassination. We are fighting the Mexicans and they are fighting us, or at any rate claim to be fighting us, and refuse all the offers we make to treat with them. They compel us either to close the war dishonorably, or to prosecute it inexorably. It is objected here and elsewhere, as a practical difficulty, that there is no government to negotiate. But this is not so, sir; the difficulty lies beyond the government. There are acknowledged rulers with authority enough to treat, were they disposed to do so, as the recent result has shown. And why have they not been so before? Because the public, so far as there is one, is adverse to the measure. The honorable Senator from Mississippi, with his knowledge of the Mexican character, has made known to us one characteristic trait which explains the infatuation that prevails in that country; and that is, an overweening vanity —a settled conviction of their superiority to us—and a proneness to attribute their reverses to any thing rather than their own imbecility. So much for the causes. The information we have of society may well study the doctrine of chances and looking to the divisions, which prevail in our councils, and to the opposition which the legislative measures of the war encounter, may flatter themselves that our exertions will become relaxed and the Executive unable to prosecute any further operations.

The remedy for all this is a palpable one; it is founded in human nature:—increase your force—extend your operations—overrun district after district—establish yourself in city after city—shake the Mexicans from their lethargy of false hope, and let them feel that they have no recourse but to do us justice. And add to all this, union in our councils at home, which, after all, is the first element of prompt success. Postpone our internal difficulties till our external ones are adjusted. One unanimous vote in each of these two halls, evincing a determination to prosecute the war with all our strength would be better than an army with lancers. It would be a moral force that would proclaim our power and conquer the peace we so much desire. My life for it, if we do this, we shall succeed in three months; we shall find a government ready enough to ratify the treaty or to make another, and a nation ready enough to observe its stipulations. Mexicans are like all other people, and, as I remarked a few days since, they must sow and reap, and be clothed and preserve the institutions of society and the cherished relations of social life. They do not all mean to be killed, nor voluntarily to abandon every thing that makes life desirable. Let us go on, then, and time and perseverance, we may hope, will bring with them their just reward.

And now for the objects of the war. This subject has occupied much of the attention of the Senate; "indemnity and security" have been bandied about as though they were mysterious words, employed to conceal some great project, or magical words intended to obtain some great end darkly shadowed forth. A kind of "open Sesame," enabling political necromancers to conceal their work of iniquity and deception. I am not going over this ground again, sir. I have only to say, that there is a single word which fully expresses my views upon this subject, and that word is acquisition. The object of the war is an honorable peace, and that peace can best be obtained by an adequate compensation for the injuries done us by Mexico, and that compensation must be made in territory, as it can be made in nothing else. There is one consideration, Mr. President, in all this question of territorial compensation which has great weight with me. While I trust we shall act as fairly by Mexico as her own conduct will permit, I do not conceal from myself that my reluctance to annex portions of that country to ours is much less than it would be, were I not convinced that the permanent happiness of the people would be promoted by the measure. I believe it the happiest fate that could befall them; and I believe that this war, injurious in many respects, as it may have been and must have been, is destined to work a great good for the Mexican people. I believe it will meliorate their condition, civil, religious, social, and political. I believe that the contact with our citizens will bring many advantages permanently beneficial. The country will be laid open to the world, and the intellectual lessons of Europe and America will elevate a depressed population, and bring them to a knowledge of their rights and of the means of enforcing them.

Man cannot fathom the designs of Providence; but experience teaches us that great political changes are among the means employed in the moral government of the world, and that they often come to renovate decrepid nations and to give new vigor to the human faculties. The existing race in Mexico has proved itself ignorant, feeble, and, if not retrograding, stationary. Another career may be opened to them—the abuses of generations may be swept away, and the route of our armies may become avenues of communication, by which light and knowledge may spread over Mexico, and the past remembered only to make the blessing of the change more evident and acceptable. I repeat, sir, that the claim we set up is for compensation for injury and yet we are gravely reproached in the American Senate, in this middle of the nineteenth century, with the adoption of barbarous principles, as well as barbarous usages, because, in a state of war, when the appeal is to arms and when the decision rests on strength and not on reason, we measure our own demands by our own sense of justice; and claim what we think right, and intend to take what we claim. And an honorable Senator from South Carolina, [Mr. BUTLER,] seems to have made it a particular cause of grievance, as he considers it a most extraordinary measure in diplomacy, that we should have defined the line we mean to establish, and have said to the enemy, make that the line of your cession or continue the war. Why, Mr. President, did that honorable Senator never hear of an ultimatum in national intercommunication? What is more common—indeed, what is more proper—if a nation has once determined upon its course, than to say to its adversary, there is our lowest offer;—accept it or do better? The history of the world is full of these examples, and I must confess it was with no little astonishment, that I heard the honorable Senator add this to his catalogue of reproaches against the administration. He told us there were some of us ready to vote for any thing. As I have voted and intend to vote for all the necessary war measures, I suppose I must consider myself in this category of every thing and any thing members.

Mr. BUTLER.—Certainly not! I only remarked that I was inclined to think that any thing coming with an Executive recommendation would be swallowed whole; and, indeed, I confess that I think so yet!

Mr. CASS.—We all know the courtesy of the hon. Senator, and I will not believe he intended all the words import, and, therefore, I shall not make a retort which readily presents itself. But I will say it requires very little stretch of patriotism to defend the government for making a manly and frank proposal, and for avowing its determination to stand by it to the last. And what other rule, sir, is there or can there be for the conduct of nations, than the rule of the strongest, where all pacific means of procuring justice have been tried and found wanting? They have no common umpire, and when they commence the cause to be judged by force, they do so with a full knowledge of the consequences. Security and indemnity, if victorious—cessions and concessions, if vanquished; and all this, harsh as it may appear, has much good sense in its favor, as, indeed, has almost every general rule, which the experience of the world has adopted. Man is naturally as pugnacious as his cotenants of the earth, whether walking on two legs or on four. He is kept in restraint by the institutions of society and by the salutary operations of law. But nations are independent; they acknowledge no superior, and much that restrains them—not all, indeed—for the opinion of the world is something and moral principle something more; but the greatest restraint which keeps them from perpetual collisions, is the certain injury and the uncertain issue of war. The race is not always to the swift nor the battle to the strong. So says the book of inspiration. Numbers do not insure victory nor power command success. So says the book of human experience. And this uncertainty is a salutary check upon the ever active promptings of ambition. But divest war of its legitimate consequences, which have belonged to it from the earliest periods of history, establish the principle which this new kind of sickly magnanimity seeks to lay down, that there is to be neither security nor indemnity, or that the conquered, and not the conquering power, is to be the judge of both, and where are we? Where would be the peace of the world, or where the discharge of national obligations, if there were no penalty for injustice; and none of the motives to do right which spring from the fear of the consequences of doing wrong?

An honorable Senator from Connecticut, [Mr. BALDWIN,] informs us, that Mexico has no money to indemnify us, and that she cannot cede any portion of her territory for that object, because her own constitution prohibits it. Well, sir, I suppose she may then set the world at defiance, and become the Ishmaelite of nations; with, however, a better fate that Ishmael of old; for his hand was against every man, and every man's hand against him, while Mexico might be the aggressor, without being exposed to any retribution. Sir, when a people deprive themselves of the power to redress an injury, they should be very careful not to commit one. No nation can entrench itself behind its paper barriers, and say to the world, do what I may, I am not responsible; for I have declared the inviolability of my territory. An easy kind of shelter this for aggression and injustice! And a new principle to me in the law of nations, this security, not for, but against, indemnity. I do not know where it is to be found, but it must be very new or very old; antiquated or unacknowledged. No, sir, there is no such principle; there can be no such principle. Nations like individuals are responsible for their acts, and must pay the penalty for their injustice. This matter lies within a narrow compass. If a nation interdicts to its government the authority to alienate

any portion of its territory, it must take care in its disputes with other countries, that it has right or power, and especially the latter, on its side. If conquered, its internal regulations will not protect it from the legitimate consequences of defeat. If it will neither cede nor pay, it must remain at the mercy of its enemy.

Mr. CLAYTON.—In a foreign war with another nation, should the demand be made by that nation, that the only terms in which peace would be secured by us, would be the cession of the State of Michigan, does the war gentleman believe that the federal government of this Union would have the right to make the cession?

Mr. CASS.—I have not the slightest difficulty in answering the question of the honorable Senator. There is no power in this government to cede away one foot of the United States. But, sir, there are considerations, which will ride over written constitutions, and among these are the events of war. Now, I am not going to enter into a discussion with any man respecting the course this country will adopt, should it be prostrated at the feet of a conqueror. I am not going to suppose any such case. I believe it one of the last dangers that awaits us. But, if in the Providence of God it should come, I leave it to our children in the fiftieth or the hundreth generation to adjust it as they must, if they cannot adjust it as they would.

Undoubtedly, sir, a conquering nation in judging for itself, judges under a great weight of responsibility. It is the natural result of its position. That now is our situation, and I trust, that in the measure we mete out to ourselves, we shall commit no such crying injustice, as may provoke the censure of the world, or draw upon us the retributions of Providence.

I repeat, sir, that we must take the affairs of this world as they are, and not as we would have them to be; and I am afraid, that public wars will long continue to be the tribunal for the adjustment of public disputes; probably until the advent of that period which we know will come, because He has said it, who will make it come; but which seems yet far remote, when the quarrels of nations, as well as of individuals will cease, and the contests of life give way to universal benevolence.

But the honorable Senator from Delaware visits with peculiar reprobation every proposition to acquire indemnity from Mexico. He says, "I desire to say for one, that I never have been, and I am not now, willing to acquire an acre of ground from Mexico, or any other nation under Heaven, by conquest or robbery." He says, "that honesty is the best policy, and that an honorable reputation to a country is of more value than land or money." "I hold," says the honorable Senator, "that any attempt on our part, merely because we happen to possess superior strength, to compel a weaker nation to cede us all that we choose to demand as impemnity, whilst we at the same time admit that we ask for more than she owes us, is nothing else but robbery."

Mr. President, I hold to no such doctrine. The world holds to no such doctrine; and never has and never will, till the governments of man shall have fulfilled their task, or the nature of man shall have entirely changed. Robbery indeed! It seems to me, sir, I say it with all deference, it would be an utter perversion of terms to designate an acquisition by conquest for indemnity, as a robbery. An honorable Senator from Vermont has designated it by other epithets. He calls it piracy and plunder. If this war is just, as I for one believe it to be, what was our just claim at its commencement, is far from being a sufficient claim now. Our balance has greatly augmented. The most rigid casuist cannot deny that we are fairly entitled to a just compensation for the losses and expenses which we have encountered from the obstinate injustice of the Mexican government; and as I have already shown, of the extent of this compensation, we must of necessity be the judges. Robbery indeed! Pirates and plunderers indeed! Why all the acquisitions since men were united in civil society, made by one nation from another, in this new ethical nomenclature, become robberies. Pirates, and plunderers! The Assyrian was a robber, and so was the Egyptian and the Grecian; and the Roman in the ancient world; and in the modern, robbers are as plenty as nations. For England and France and Russia and Prussia and Austria, and every people under Heaven, have alternately lost and gained territorial acquisition by war and conquest; and have thus exposed themselves to the harsh epithet which the honorable Senator from Delaware would apply to his own country, if she claims the right to act agreeably to the laws of nations. I am well aware that questions of ethics are not to be decided by mathematical rules; nor is there any arithmetic of morals which can make one right out of twenty wrongs. But the usage of nations makes the law of nations, and the practice of all time shows, that conquest gives rights, as permanent and unquestionable, as rights derived from any conventional arrangements, public or private.

But, sir, the honorable Senator from Delaware, in further illustration of his proposition, has resorted to an analogy, which seems to me utterly to fail him in its application to the subject before us. Analogies are always rather dangerous weapons in argumentative discussions, and I have seldom seen one, which seems to me more so, than the very case presented to prove that we are robbers.—"If a man owes me a sum of money," says the honorable Senator from Delaware, "and I meet him on the highway, and insist, with a pistol pointed to his breast, that he shall deliver to me a deed of his farm, at the estimate which I choose to put upon it, I think there could not be much difference of opinion as to the nature of that transaction, I should like to know how my friend from Maryland, who is an able lawyer, would defend the man guilty of such conduct. Would it be any palliation or excuse or justification of the conduct of an offender, in such a case, that some money was due to him? Could there be found in christendom a court and jury that would hesitate as to the verdict in such a case? And what, let me ask, as a friend near me, (Mr. WEBSTER,) suggests, what would be the value of a deed obtained under such circumstances?"

Is it possible, Mr. President, that the two distinguished Senators from Delaware and Mssachusetts, I might almost say, the first among the first jurists in the land; can believe that this government is to be driven from its position and its purposes, and the American people from their determination to be indemnified by a false analogy like this! I use the word false in its logical, not in its ethical sense. Can it have escaped the penetration of those learned gentlemen, that the case they suppose is one, where both the parties are the subjects of municipal law, which extends equally, its protection and its penalties over all, who owe it allegiance? The robber is violating the law, and not only can gain nothing by his crime, but exposes himself to severe punishment. There is a common umpire between these men, to whom their disputes, if they have any, must be referred, and which has power to enforce its own arbitraments. But the contests of nations involves far different principles. Their very equality makes each the judge of its own rights, and the assertor of its own remedies. Do the honorable gentlemen mean to push their analogy so far as to contend, that all treaties made between stronger and weaker powers are void, for the very reason that victory has declared for the one, and that the other must submit? If this new principle is to be interpolated into the law of nations, what would become of half the treaties in the world! and all the territorial changes they have made and confirmed! The subject appears to me so plain, as to defy illustration; and I leave it with the simple remark, that we have duties to ourselves, as well as to Mexico, and that if we do to her as other natioes have always done under similar circumstances, we shall do all, that the most jealous advocate of his country's honor can demand.

Mr. President, we are furnished with two other dissuasive reasons against the acquisition of Mexican territory. One, relates to the present and the future, and the other to the past. The former addressing itself to our fears, belongs to what may be called the school of national apprehension, and the latter, addressing itself to our sense of shame, may be called the school of national humiliation. I shall trouble the Senate with a few remarks upon each.

We are warned of the dangerous consequences of increasing our territorial extent. I heard all this, nearly half a century ago, when Louisiana was acquired. The fears, now, cannot be stronger, nor stronger expressed than they were then. They were again spread before us when Florida was purchased. And still again, when Texas was annexed. We have lived them down, sir, and I suppose there are few men, within the limits of the republic, who would now desire the excision of either of those acquisitions, certainly not of the two former. Let us judge the future by the past, the only safe rule of judgment. Our government has a wonderful power of accommodating itself to the extension of the country. Its double formation, if I may so speak, of external and internal sovereignties, enables it to spread without weakness, and to preserve its power of cohesion with its process of enlargement. And the progress in the physical sciences, comes in aid of our own political progress. The means of communication are every day augmenting, and even now, we are practically less remote from each other as a people, than we were in 1789.

I lived upon the Ohio, Mr. President, at the period of the acquisition of Louisiana, and watched, as did the whole western population, the progress of that great measure. Recollecting the objections made to it, as well in Congress as in the country, and hearing those which had been urged here to the proposed acquisition I was struck with their similarity, I might almost say their identity, and turned to the debates of that period to fortify my impressions. The result I will give you in a very brief extract:

[*Debate on October*, 1803.]

Mr. Griffin said "Heaid, however, how those consequences, he feared the effect of a vast extent of our empire: he feared the effects of the increased value of labor, the decrease in the value of lands &c. He owned, though thousand waddowing with milk and honey, that the Eden of the new world would prove as watery for the bosoms of our citizens."

Mr. Tinthelier said "This acquisition of distant territory will involve the necessity of a considerable standing army, an unpleasant object to me."

Mr. Greenleaf said "The vast and unmanageable extent which the possession of Louisiana will give to the United States—the consequent dispersion of our population, and the destruction of that balance, which it is so important to maintain between the eastern and the western States, threatens at no very distant day the subdivision of our Union."

Mr. White said: "I believe it will be the greatest curse that could at present befall us, &c. * * * We have already territory enough, and when I contemplate the evils that may arise to these States from this intended incorporation of Louisiana into the Union, I would rather see it given to France, to Spain, or to any other nation of the earth upon the mere condition that no citizen of the United States should ever settle within its limits, than to see the territory sold for an hundred millions of dollars and we retain the sovereignty."

Mr. Tracy called "it a pernicious measure—the admission of Louisiana, of a world and such a world into our Union. This would be aborbing the no born States, and render them as insignificant in the Union, as they ought to be, if, by their own consent, the measure should be adopted."

Now, sir, two of the speakers in this debate were predecessors of the honorable Senator from Connecticut, [Mr. BALDWIN,] who has felt and expressed such alarm at the proposed extension of our territorial limits. That Senator says he would rather give

millions to get rid of the territory than to pay a dollar for its acquisition. Mr. White, of Delaware, fixed his price for getting rid of Louisiana at one hundred millions of dollars. Mr. Tracy, an able and eloquent statesman, predicted that the acquisition of Louisiana would "absorb the northern States and render them insignificant in the Union." The Senator from Connecticut strikes the same key-note and sounds a similar alarm: Now, sir, all this apprehension is without the slightest foundation. The just influence of Connecticut, or all the New England States indeed, will never be reduced by the progress of our country. I do not speak of the influence of numbers, but I speak of that moral power which intelligence, and morality, and patriotism always give to every community. Who in this broad land does not look back to the history of New England, and associate the glory of his country with the glorious deeds which passed there, and which laid the foundations of our freedom and prosperity. Go where you will, sir, from the lakes to the ocean, from the St. Johns to the Rio Grande, and everywhere you find emigrants from New England, carrying with them the fruits of its intelligence, and spreading its influence wherever they go. Why, sir, there are five Senators natives of New Hampshire, now members of this body, and as one, and the least worthy among them; I am proud to acknowledge, here, in this high place, that much of the success, undeserved on my part, which has attended me through life, I owe to the early lessons of wisdom and virtue, which were taught me, in my native state, and which, if I have too often neglected, I have never forgotten. There may be climates less rugged, and hills less sterile; but no population ever occupied a country sounder in head or heart, or more richly endowed with those principles, which give energy to man, and dignity to human nature. The influence of qualities like these, will be felt and acknowledged throughout our confederacy; whether those, who bless it and pray for it, utter their blessings and their prayers upon the coast of New England, or the shores of the Pacific.

We are also told, as a dissuasive against the prosecution of this war, that we can raise no more men, nor money, and that our exertions must expire, from the very institude of our patriotism. Our fathers had these difficulties to contend with, in the war of the Revolution, magnified, indeed, a thousand fold, by the circumstances and the nature of the contest, and yet they fought on, till they obtained peace for,themselves, and freedom for us, and founded upon a rock, the rock, I hope of ages, this magnificent republican empire. We heard all this, also, in 1812, and yet in the face of it, we conducted that war to a glorious termination. We heard it all again at the commencement of this very war, and the time has already past, according to the prediction of a statesman now present, of the highest character, supported almost by mathematical calculations, when we were to have neither men nor money, and when our cause was to fail from the failure of all the means necessary to support it. Now, sir, nothing can be worse than to stop without attaining our object. If we can not raise men, and cannot raise money, why then we must stop. But thank God, we have not got to that point yet, nor do I believe we ever shall get to it. Let us not halt in our course now, simply for the fear that we may be compelled to halt there some time or other. Sufficient unto the day is the evil thereof. Sufficient for the dishonor of this country, will be the time when she will practically exhibit her inability to maintain her rights and her honor.

Why, sir, what was said on the subject during the session of Congress, on the 25th and 26th of January 1847, one little year ago? Let us look back for a moment. The lesson may be a profitable one for us all, and certainly an encouraging one for those, who indulge in gloomy forebodings, and doubt the disposition or capacity of their country, to augment her exertions as her trials augment. I hold in my hand, extracts from the debates which then took place on the subject of the Loan. I will read a few passages, not mentioning, however, the names of the speakers, as it is not my object to recall any invidious recollections, but simply to show the sentiments which then prevailed, and how these have been rebuked by the result.

One speaker said:

"The crisis in which he [they] were placed was unprecedented. They had no adequate revenue, nor were they able, without any way of raising it. He [they] must or they must raise the men from necessity, but one they would do nothing else. Yet he [they] were willing to the utmost end of the extent. &c. * * * He predicted that would ensue much suspension of the currency of the whole country, but must not this occur sooner?"

In payment they were to arrange up wealth against the day of wrath; and that day of wrath had come, and when it came he feared they would not be able to stand."

"But it was evident," said another speaker, "that a loan could not be obtained."

"A good deal has been said," Mr. C. [we remember] "about the leverage of a popular tax; he would not, but the administration were responsible for the result. They had told them they could get it upon terms, to which they would willingly submit."

Mr. E. —No.

Mr. CASS. No, was the honorable gentleman?

Mr. E. Where do you find it?

Mr. CASS. In the terms of the call for it by the administration. They might feel to get it, but they had good reason to suppose, * * * He knew that during the progress of financial difficulties in England, it became necessary to combine every form with respect to pay. Why? Because that country was overloaded with taxes—in the midst of a large money [currency] must necessarily subsist a fixed standard, and with an established ratio of proportion. Hence it became necessary for them to resort to the mode referred to.

But did any man believe, that the faith of this nation was not sufficient to raise the twenty three millions of dollars? * * * They had paid off two debts, and they could pay off another!

A speaker also observed:

"As to Senator from Michigan told them much to pass the bill, and they would have all the money wanted. * * * * The gentleman from Florida, [Mr. WESCOTT,] also thought there was no sort of danger, but that the public credit could raise money enough."

So much for the prophesies of the last session of Congress. How they have been fulfilled has now passed into history, and yet we hear the same lugubrious note at the present session, and it was, I believe, the honorable Senator from Vermont, [Mr. PHELPS,] who proved most clearly our financial imbecility, and his views were adopted by other Senators. And we have heard elsewhere, and from a high quarter too, that a "tax "would wind up this miserable Mexican war in ninety days." *Hinc ille lach rymæ!* Tears for taxes, but none for wounded honor! I trust I shall never live to see the day, when the American people will prosecute an unjust war, because they do not feel its burdens, or abandon a just one, because they feel or fear its financial pressure.

But I see by an article in the London Times, of January 4th, that these cis-atlantic forebodings are not the only ones. Our neighbors over the water record and regret the appearances which seem to them to indicate an approaching exhausted treasury and its consequences, on our future exertions. That article warns us, as we are warned here, of the danger of a public debt, and of the taxes to which it must lead. And I observe that a late Morning Chronicle adopts a similar standard for our patriotic sacrifices. It thinks that our losses and the derangement of the financial operations of the country will prove too much for "Jonathan's patience;" and that a proposal to increase to a considerable extent, the amount we pay in taxes will soon cure us of our warlike mania.

But I mistake the feelings of my countrymen, if such considerations will deter them from the prosecution of the war in which we are engaged. If taxes are necessary, they will bear them. Advancing as this country is with so rapid a pace in all the elements of power and prosperity, any debt it may contract in a necessary war can give no serious cause of apprehension. I repeat the sentiment I expressed last session, that I do not believe one word in the European financial axiom, that new debts must be secured by new taxes. Our experience has disproved it. Where nations are stationary, and already weighed down with fiscal impositions, such a principle may be necessary to the sepport of their credit. But in the career opened to us, where our resources are augmenting in a geometrical ratio, the credit of the country will be found sufficient, and its increasing resources will go far towards the discharge of all its engagements. As to a debt like that of England, the thing is impossible here. It is one of the last dangers which threatens us. A people who govern themselves, and tax themselves, will never sanction a system of extravagant and unnecessary expeditures. A system which, in England, as a writer in the Edinburgh Review observed, very wittily and very truly, some years since, commences at the cradle, and going on through all the gradations of society, still taxing as life advances, finally taxes the tombstone, and then dismisses him who sleeps under it, to be taxed no more. Such are the blessings of a government separated from the people, and without proper sympathy for their condition, or responsibility for their own principles.

The other dissuasive reason against the annexation of territory, to which I have adverted, founded on our own conduct towards other nations, against whom we had causes of complaint, amounting to causes of war, if we had chosen to consider them such, was presented by the Senator from Maryland, [Mr. PEARCE.] This appeal to the fruits of our own pusillanimity has been made before, but has never, I think been so directly prosecuted as by that gentleman in his remarks upon the general subject the other day. And this brings me back to his proposition which I have already considered, that we have no just cause of war against Mexico. In its defence, in addition to the general principle, that the right and the "sort of necessity" should both exist, he added by way, I suppose, of illustration, that:

"The President had paraded before us an exaggerated statement of these claims."

And he proceeds among other things to ask:

"If the avoidance or neglect to pay on the part of Mexico is even comparable to that which we have experienced at the hand of stronger nations: and I ask, if it betomes us to adopt one rule of measure of justice in regard to a weak nation, and another rule of rights in regard to a strong and haughty people?"

I answer no; emphatically no. We have but one rule of right or justice for all nations, and that is that they fulfil those duties towards us which we have a right to ask, and which we, in our turn, must render. And this is our rule, as well with England or France and Mexico, as with San Marino or Monaco, or the great empire which embraces a large portion of Europe and stretches through Asia to the Frozen Ocean and the Eastern Sea. The honorable gentleman confounds the right with the remedy. The one is independent of circumstances, and the other depends upon ourselves. Why, his own illustration clearly exhibits this difference. He says we had causes enough of war against France and England, and his reproach is that these were not followed by war against the former power, "a great and mighty people." He says, "and yet we talk of violated honor:" "and the President rants about our claims against Mexico." I beg to assure the Senate that that language is the language of the honorable Senator and not mine. I shall never talk about the ranting of the chief magistrate when he spreads our public grievances before the representatives of the people, and thus before the people and the world; nor shall I ever taunt my country by intimating that her

course has been so pusillanimous that for her to talk of violated honor is a solemn farce. But were all this so, it is quite time that our policy were changed. We are well chastised for the want of self-respect we have exhibited if we have lost our honor; and if we do not stop in this career of humiliation, the proclivity will become steeper and steeper and our descent more and more rapid, till we shall have neither rights to assert, nor honor to defend, nor disposition to do either.

This catalogue *raisonnee* of our acts of humiliation I have heard before; but never, I think, with such strong terms of reprobation. Our submission to the insults of the Neapolitan, the Dane, the Gaul, and the Anglo-Saxon is brought before us, as it were in staring capitals, and some of these are characterized as—

"Committed in the wantonness of power—in the very teeth of our rights—without the slightest restimation, and persisted in, repeated and boldly defended with a most offensive obstinacy, and yet submitted by the country through successive administrations from 1806 to 1831

I regret, sir, to hear all this; not for its own sake, for we have nothing to reproach ourselves with, but in connection with the subject before us. I regret to hear that too much forbearance—if too much there was, as the gentleman seems to intimate—is now made the pretext for more; that we must suffer from Mexico because we have suffered from others, and that we must go on thus interminably exposed to the attacks of the strong and the weak, and to the contempt of all.

But, sir, the people of this country have never been deficient in patriotism or national pride. During the period when these aggressions, to which the honorable gentleman alludes, were committed, the moral and political world was in commotion, the foundations of society in Europe were uprooted, and a mighty revolution was sweeping over that region, which occasioned greater changes in the world than did the five preceding centuries. Tremendous military establishments were formed, and the rule of might became the rule of right. These injuries commenced under the administration of General Washington, and were continued through the administrations of Mr. Adams, and Mr. Jefferson, and Mr. Madison, but their principal weight fell upon us during the presidency of Mr. Jefferson and a portion of that of Mr. Madison. And everlasting honor is due to those two eminent patriots and statesmen for the firm, prudent and dignified course they pursued under the trying and perilous circumstances in which they and their country were placed. History has set its seal upon their measures, and in all time hereafter their memory will be held in honor by a grateful people.

But, sir, we went to war with France in 1798, and with England in 1812, two of the mightiest powers on earth, and with immense military establishments at their disposal till then unknown in modern times. And it was the conviction in France that the firm character and decided course of General Jackson and the responsive feeling of the American people would lead to a war with that country, if justice was not done us, and not the interference of England, which produced the arrangement of 1830 and its execution, by which our chapter of complaints against France was closed, and I hope forever.

Here, sir, were two wars within fifteen years, and both prosecuted when we were comparatively feeble in numbers, in strength, and in wealth, and a third barely avoided by the satisfaction of our claims. Now, sir, I deny that we are justly liable to the reproach of pusillanimity, or that we have forfeited our claim to talk of violated honor. Or, that Mexico, or any one for Mexico, in this country or elsewhere, has a right to say, you had established your character for tame submission, and you have therefore no right to ask indemnity of me for wrongs such as you have suffered from others, and which your own forbearance in former years induced me to refuse.

There are two incidents, episodes I may call them, in the great action going on, which, though they neither give direction to its movements, nor certainty to its termination, are yet worthy of remark, as they exhibit, if not the faults of the administration, at any rate, the facility with which their measures are assailed. One of these charges I have never heard. I confess it with becoming gravity; the other is new, or at any rate new to me, and has been presented by the Senator from Maryland, [Mr. JOHNSON,] with his accustomed ability, which sometimes makes "the wrong appear the better reason." I shall content myself with touching rather than considering them.

One great grievance alledged by the Mexican government, and repeated here, and one for which our minister was rudely driven from the republic, is, that we sent her a Plenipotentiary and not a Commissioner to effect an amicable arrangement of the difficulties between the two countries. Really, sir, in the whole history of national intercommunication, no such frivolous reason as this was ever given for involving two countries in war, that a higher grade of diplomatic agent was sent by one power than the other demanded. The reverse may have happened when the most idle questions were grave subjects of investigation and remonstrance. Mexico must have had few substantial causes of complaint, and the opponents of the administration few just grounds of animadversion, when such a measure assumes an important position in their respective lists of grievances. But how stands the fact? Anxious to restore the diplomatic relations between the two countries, which had been interrupted by the Mexican government, the President directed that our consul, [Mr. BLACK,] should communicate this desire to the Mexican authorities, and say to them, that if they

"Would receive an envoy from the United States to adjust all the questions in dispute between the two countries, he will immediately despatch one to Mexico."

To this proposition the Mexican Secretary of State answered:

"My government is disposed to receive the Commissioner of the United States, who may come to this capital with full powers from his government to settle the present dispute in a peaceful, reasonable and honorable manner."

Here is the acceptance of the proposition, and the agreement to receive the commissioner whom the government of the United States proposed to send, under the title of envoy "to settle the present dispute." Well, the envoy was sent, commissioned for this very purpose, and when he arrived he was refused recognition because he came as an envoy, and because his powers extended to the adjustment of the whole dispute between the two countries and were not confined to "questions relative to Texas." As to the mere title, it does not merit a moment's serious consideration. It was an afterthought, a subterfuge, resorted to in order to justify what the Mexican government was determined to do, but what it was easier to do than to defend. It is evident that our proposition was accepted as made, and that envoy and commissioner were but convertable terms. This is shown by the letter of the Mexican Secretary of State to Mr. Slidell, in which he says:

"That the single word "resolve" is by no means sufficient, to give to Mr Slidell the special character of commissioner or plenipotentiary *ad hoc*."

But Mr. Slidell had too much power! Or in other words, he was charged to settle the whole controversy between the two countries, and not the Mexican portion of it alone. And was not this arrangement in the very terms of the proposition and its acceptance? We desire to send you an envoy, says Mr. Buchanan, to adjust all the questions in dispute between the two governments. We will receive your commissioner, answers Mr. Pena y Pena, charged "to settle the present dispute" between your country and ours. Well, what was this dispute? It had two sides to it like most other disputes, public and private. We complained that Mexico had injured our citizens, and she complained that we had annexed Texas. And the dispute was made up of these causes of complaint. Could the Mexican government be so besotted as to suppose that the United States would adjust her side of the quarrel and leave their own unadjusted? That we should be willing to do something, I know not what, by which Mexico would agree to the annexation or we abandon it, and thus satisfy her cause of complaint, and then turn round and enter upon another negotiation of twenty-five years to satisfy our own? If our administration had acted thus they would have met and merited universal reprobation. And now the great cause of grievance with our adversary is, that though we were willing to do her justice, yet we required at the same time that justice should be done to us.

And one of our most eminent living statesmen, a connecting ling between the present and the past generation, has not only endeavored to place Mexico right, and his adopted country wrong upon this as well as upon other questions at issue with her, but has elaborately discussed it, and given to his sentiments, which have been widely disseminated by party zeal and the public press the authority of his name.

In his remarks upon this subject, as Mr. Gallatin commences with an error, it is not surprising that he ends with one. He says "the Mexican government insisted that it only agreed to receive a commissioner to treat on the questions that had arisen from the events in Texas," &c. This assumption of the Mexican Secretary of State, which Mr. Gallatin endorses, as he must endorse it in order to place his own government in the wrong for which he seems to have powerful, if not patriotic propensities, is contradicted by Mr. Pena y Pena's letter to Mr. Black, in which he says expressly that the commissioner of the United States coming "to settle the present dispute" will be received by the Mexican government. In the whole letter, which pledged the Mexican faith to the reception of the minister, there was no allusion direct or indirect to "the questions which had arisen from the events in Texas." So much for the substance of the charge.

Mr. Gallatin discusses the question of etiquette, as this finally descends to be, with more zeal and unction, than would have been expected from a colaborer with Jefferson and Madison in the republican vineyard. He says that treaties of peace are always negotiated by commissioners, appointed for that special purpose. If this were so, it would not touch the present case, for Mexico had then neither declared war, nor committed any act, necessarily leading to it. But it is not so, and Mr. Gallatin ought to have known it. He ought to have known, that he was appointed an envoy-extraordinary and minister plenipotentiary with four other eminent citizens in 1814, to negotiate a treaty of peace with England. They are thus designated in the treaty itself; and I have actually seen the record of their commission in the Department of State. He ought to have known, that the very treaty that of peace between France and Great Britain in 1783, which he cites and asserts was negotiated by commissioners, was in fact negotiated by the Duke of Manchester as "ambassador extraordinary and minister plenipotentiary," &c.; and that the preliminary treaty between the same powers was negotiated in 1762, by the Duke of Bedford, "minister plenipotentiary," and that in the full powers from our Congress, dated June 15, 1781, the persons appointed to negotiate a treaty of peace with England, are styled "ministers plenipotentiaries," &c.; and he ought to have known, that modern history is filled with similar examples.

But, sir, while the government has been assailed at home upon this point of diplomatic etiquette it has been redeemed abroad from all blame by the publication of the letter of General Herrera,

written on the 25th of August last, in answer to an application from Santa Anna inviting him to act as a commissioner to treat for peace with the United States. "For no other act than showing, that there would be no obstacle to his, (Mr. Slidell's,) presenting himself, and having his propositions heard, my administration was calumniated in the most atrocious manner—for this act alone, the revolution, which displaced me from the command was set on foot." I need add nothing to this declaration of the Ex-President of Mexico. I leave the question between Mr. Gallatin and General Herrera.

The other objection which I have classed as an episode is, that of the two alternative propositions, which the President was authorized to offer to Texas, he chose the one, which committed the United States to admit her into the Union without any specific provision, that her boundaries should be established, subject to the control of the general government.

In the first place, sir, the present administration was not then in power, and is not responsible for the choice of the mode of procedure. The offer was made by Mr. Tyler before the expiration of his term of service.

In the second place, the power of decision was purely discretionary, and if the President was wrong in selecting that alternative, Congress was wrong in giving him the power to do so.

In the third place, a reasonable discretion must necessarily exist in Congress on this subject, and if that body is clearly satisfied, that Texas claims more than she has any right to claim. I see nothing in the act of annexation, which would compel the government to involve the country in an unjust war to defend an unjust claim.

In the fourth place, the honorable Senator must know, that by no other mode could the annexation of Texas have been consummated, as there was no probability, I may almost add possibility, that any treaty for that purpose would be ratified by the Senate. A constitutional majority of two-thirds could not have been obtained. The law itself passed this body, but by a bare majority of one It was annexation under the law, and without the concurrence of the treaty-making power of the Senate, or it was not annexation at all.

Mr. President, a few remarks upon another topic, and I will cease to trespass upon the indulgence of the Senate.

It has been said in England, and in the United States, and perhaps in Mexico, though not so bitterly I think, that our armies in that country have committed terrible cruelties, unworthy of us, and of the age, and which should call upon us the condemnation of the world. And the great journal of England, the proclaimer of English moderation and philanthropy, has said that—

"The cruelties perpetrated by Hernando Cortez, on his first expedition to Mexico have been surpassed in barbarity and heartlessness by the Lower communities of the model Republic. If description can be symbolized by a sound, American republicanism may be represented by the gallows and both the same agent of historic heraldry, which would indicate French republicanism by a guillotine."

I wish I could give the date of this article, for I should like to fix its exact chronology; but I cannot, as I cut it out of one of the American papers, and have since lost the reference.

Mr. President, I listened with equal pleasure and interest, a few days since, to the remarks of the Senator from New York, (Mr. Dix.) To his statesmanlike views, expressed with equal clearness of thought and felicity of language. But there was nothing which better become his position or ours, than his exposition of the principles of the British government, when contrasted with its professions—its eternal process of aggrandizement, and its eternal claim to moderation. And I was the more struck with his illustration of the subject, because it corresponded with some observations I had the honor to submit to the Senate, on the same subject at the last session of Congress. I was then met by the Roman war cry from the honorable Senator, [Mr. WEBSTER,] *Delenda est Carthago*, as though the mere reference to historical facts, announced a spirit of vengeance, unbecoming us and our country. Mr. President, there is nothing to be gained by soft words, on such occasions as these. They may turn away private wrath, but they never yet turned away public envy and jealousy. Let us look our accusers and their accusations full in the face. "I thank God," said the Athenian of old, "that I am not as other men are." We thank God, says the public opinion of England, that we are not like other nations, and least of all, like that great grasping mobocracy of the western hemisphere, which is seizing and annexing the territory of its neighbors! And this is said with as much stern gravity, as though the coast of England bounded her possessions, and as though there were a rock, or islet, or island, or continent, she did not covet, and coveting did not seek, and seeking, did not strive to obtain, with a strong hand, if she thought her hands strong enough to obtain it. In the whole history of national reproofs, and national professions, there is nothing like this—that England should cast the first stone against other nations, for a spirit of conquest and aggrandizement!

That great paper, the Times, great in its circulation and in its influence, is the existing exponent of English sentiment. It does not make, but ministers to public opinion. It does not guide, but indicates it. It caters for the national appetite, but its dishes are prepared for the public taste, and not the taste for the dishes. Every calumny upon us, every slur upon our morals, and sneer at our manners finds open ears to admit them, and willing hearts to receive them. For myself, sir, I am tired of all this, and I think Mr. Walsh some years ago, rendered an acceptable service to the cause of truth and of his country, by the publication of his work upon this very subject, and I wish some patriotic American would bring it down to the present day, and exhibit in all its glaring contrast, the difference between English practice and English professions. I am tired also of the eternal cant about the Anglo Saxon race, as though that were the only stock, from which virtue and intelligence could spring. As though our own population were homogeneous, and descended from the English family alone; while we know it has levied contributions upon all the nations of the earth; upon France, and Holland, and Spain, and Germany, and Sweden and Norway, to a large amount, and upon Ireland, oppressed and downtrodden Ireland, to a much larger; and all those contributions soon become fused together, loosing their peculiar traits, and forming the American people, with a character of their own, and I think with pride enough to assert their identity, and to treat the Anglo-Saxon race, as they treat all other races, in questions of national comity, as friends or enemies, depending on the prevalent sentiments, with which they themselves are regarded.

Mr. HALE, (in his seat,) and Africa too?

Mr. CASS.—Let us go on with our own race! An eye for an eye, and a tooth for a tooth, said the Jewish law-giver. The rule is a harsh one, and I would not adopt it, even in repelling national calumnies. But with England, I would do better. I would let her own history condemn her, when she asserts her superiority over the other nations of the earth.

In the year 1756, a war broke out between the English, and the Nabob of Bengal. The English general, Clive, entered into a secret correspondence with the commander of the Nabob's forces. A rich Indian banker, named Omichund, was a principal agent in the arrangement of this affair, and he was to receive a large sum of money for his services. In conformity with the stipulations, the commander abandoned his master upon the field of battle, and was elevated by the English to the vacant throne. Omichund demanded more than Clive was willing to grant, but fearing that he might betray the secret, the English general determined to deceive him. And he did so. I quote from an English historian:

"Omichund's interests were to be protected by a special clause in the treaty. Two treaties were drawn up; one written on white paper, contained no reference to Omichund; another written upon red paper, contained all the stipulations of the white treaty, and in addition, an article in favor of Omichund, to deceive whom, was the only purpose for which it existed. But a new difficulty occurred. The select committee had no hesitation in signing both the treaties; but Admiral Watson refused his assent to the mock document, and the absence of his name, it was foreseen, would excite the suspicion of so wary a man as Omichund. Here, again, Clive had an expedient ready. It was to attach the Admiral's name by another hand, (or in other words to forge it.) The two treaties were accordingly rendered complete, and the fraud answered its purpose. Omichund kept the secret of the conspirators, Scoraj oo-Dowlah was dethroned, and Meer-Jaffier elevated to his place."

* * * * * * *

"The sequel of the tale is melancholy. * * * * * * * Omichund became agitated, and said "this cannot be the treaty; it was a red treaty I saw." Clive coolly replied, "yes, but this is a white one;" and turning to Scrafton, who spoke the native language more perfectly than himself, he said, "it is now time to undeceive Omichund." The process of undeceiving the miserable man was short and simple. In compliance with the suggestion of Clive, Scrafton said: "Omichund, the red treaty is a trick; you are to have nothing." And he needed not to say more. The senses of Omichund had fled; he fell back in a swoon, from which he recovered only to linger out the remnant of his life in a state of idiocy."

This was in fact the foundation of the great empire of England in Hisdostan. Many an English moralist has visited this process of acquisition, the only one perhaps of the kind in all history, with that indignant reprobation which costs nothing but well turned periods. From that time the English government has been that the sovereign of Bengal. But where is the Englishman, moralist, or statesman, writer or politician, who has ever proposed to surrender this territory, acquired by forgery, or to redeem the national character from the charge of participating in the crime, by rejecting the benefit it brought with it? So much for coats of arms. I commend this incident to the Herald's college. But to return to the charges of cruelty which have been made against our army in Mexico—to one I believe them, and have repeated them. We are not equally free from that reproach. But there have been many allusions, exaggerated ones it appears to me, to the terrible calamities which our war has inflicted upon the Mexican people, and which elsewhere might be quoted as corroborative proof of the alledged misconduct of our soldiers. I would not stop to quarrel with mere figures of rhetoric, nor would I apply any severe canons of criticism to extemporaneous debates like ours, where much is said in the heat of discussion that our better judgment does not approve, and said too in stronger language than we design to use.

In illustration of these remarks, I will read a short extract from a speech of an honorable Senator upon this floor, who in all the qualities of head and heart, that give worth and eminence in public or in private life, is inferior to none of his associates:

"We hear of an intention to strike outraged Mexico in yet more cruel parts—we shout assent to it. We call it mercy to mercy. Bring the Mexican beauty yet dewy from the bath of Palo Alto, to kneel to Rimac, Moloch and Brigand Con. Very Cruz is bombarded. Her churches fall under the deadful aim of the mortar—the blood of her women and children runs in streams through her before peaceful and happy streets—her almost every thoroughfare is obstructed by the mangled bodies of her slaughtered citizens, until at last, her valor can hold out no longer before the mighty and crushing power of our arms. She surrenders. Yet still, our vengeance is not glutted. Innocent, unoffending, outraged Mexico has yet more cruel to be laid waste and conquered. More beauty to be wrung from gallant hearts—more women and children to be slaughtered—more agony in every form to suffer. We have not yet had our fill of blood. We march on in bloodish progress. At Cerro Gordo, Chinguesa, Churubusco, Molino del Rey, our march of slaughter is renewed, and gore on gore with yet more fearful violence. Mexican blood waters every plain. The cries of Mexican agony startle every ear, and still the work goes on. We lay seige to the city of Mexico itself—bombard its peaceful dwellings—make her streets one with human blood, and slaughter again women and children, until resistance becomes unavailing. We get possession of the capital, and yet carry on the contest. Sir, can our country have come such depths? Is she so deeply steeped in crime? Has she no honor left? Are we christian and civilized men, or are we robbers and murderers? I hope she will pardon me the inquiry; and yet if the war was unjust, if it was not provoked, if it was our wicked and not theirs—if Mexico, every human heart, animated by a single human feeling, can but answer in the affirmative,

"But, no sir, no sir, it is not so. She is high minded, just and honorable. She is civilized, not savage. Her citizens are moral and christian. Those scenes are in the eye of God and man to be justified, because necessary to our honor, and forced upon us in vindication of our violated rights. Mexico is answerable for all these sad and sickening scenes. The war is just, because she commenced it. It does exist by her act, and, so help me God, but for her last conviction, as I sincerely trust and detest falsehood, I would never have voted for the act of the 13th May, '46.

"These scenes," says the honorable Senator, "are in the eyes of God and man to be justified, because necessary to our honor, and forced upon us in vindication of our violated rights."

Mr. President, we have a far better justification than belligerent necessity for our conduct in Mexico, and that is, that these scenes as described did not and could not occur there. The colors are too dark, and the picture not true to nature. And no one, sooner than the Senator himself, will be rejoiced at an opportunity of correcting any misapprehension to which the strength of his language may have exposed his meaning.

Now, sir, I put it to the honorable Senator and to the Senate, whether such vivid descriptions as this, are not calculated to do us injury in the eyes of the world? Whether they will not be transferred to the other hemisphere, and swell the catalogue of calumnies which intolerance, both political and social, is pouring out against our country? I have made a good deal of enquiry upon the subject, and I am perfectly satisfied, that the evils which the progress of our arms has inflicted upon Mexico are far less than ever before attended the operations of a hostile army. It would be folly to deny that war brings calamities enough under the most favorable circumstances, where even the discipline of an invading army is the strictest; the disposition of the commander and of the officers the best; and the measures to repress unnecessary violence the promptest and the most efficient. But I religiously believe that the injuries we have committed in Mexico, and I have taken some trouble to ascertain the truth, have been less, far less than ever followed in the train of any army that ever went forth to foreign war. I have run my eye over several pages of history, cursorily indeed, but carefully enough for my purpose, to ascertain what has been the conduct of other nations in similar circumstances, and how far they have carried their forbearance, either in the exciting operations of a campaign, or after victory had crowned their exertions. I have not omitted, in this search, a glance at the military history of England, whence the first stone is always thrown at us, and who, guiltless herself of ambition and oppression, is the self-constituted judge, I was about to say, but I correct myself by saying, the condemner of this country, past, present, and to come.

And now what says the record of human wars? I have collected, Mr. President, from the records of history, several instances of the extreme cruelties and sufferings which have attended warfare from the period described by the Jewish historian when they took all his cities at that time, and utterly destroyed the men, and the women and the little ones; of every city they left none to remain, down to the last cruel and brutal war which ravaged Europe. I shall content myself with a brief reference to some of them.

Louis the XIVth laid waste the Palatinate, and men, women and children were driven in a severe season out of their habitations to wander about the fields, and to perish of hunger and cold; while they beheld their houses reduced to ashes, their goods seized, and their possessions pillaged by the rapacious soldiery.

At the siege of Prague, by the philosophic Frederick, twelve thousand famished houseless wretches were driven out by the Austrians, but were compelled by the Prussians to return in order that an increasing famine might force their enemies to a more speedy surrender. More than one hundred thousand bombs and red-hot shot were thrown into the city, and upwards of nine hundred houses reduced to ashes.

In the invasion of Prussia by the Russians in 1765, they hung innocent inhabitants from the trees, tore out their hearts and their intestines, ripped open their bodies, cut off their noses and ears, broke their legs, fired villages and hamlets, formed a circle round the burning houses, and drove back their fleeing inmates into the flames.

An officer serving in the French army in 1757, says "the country is plundered and laid waste for thirty leagues around us, as if fire from Heaven had fallen upon it. Our soldiers plundered, murdered, and committed all sorts of abominations."

The history of the English sieges in Spain and Portugal, contain terrible narratives of human suffering. I will merely quote the remarks of Col. Napier, the historian of Wellington's campaigns, upon the capture of San Sebastian. "This storm," says he, "seemed to be the signal of hell for the perpetration of villainy which would have shamed the most ferocious barbarians of antiquity. At Cuidad Rodrigo, intoxication and plunder had been the principal object; at Badajoz, lust and murder were joined to rapine and drunkenness; but at San Sebastian, the direst, the most revolting cruelty was added to the catalogue of crimes. One atrocity, of which a girl of seventeen was the victim, staggers the mind by its enormous, incredible, indescribable barbarity."

So much for an English siege. Let another passage describe the progress of an English army. "On this occasion," says Col. Napier, that is on the first days' march of the English army from Madrid, "there was no want of provisions, no hardships to exasperate the men, and yet I, the author of this history, counted on the first day's march from Madrid seventeen bodies of murdered peasants."

Such is war in the old world. God forbid that horrors like these should accompany its progress in the new! No man who has the slightest knowledge of the American character can believe that such atrocities have ever been committed by our troops. Where are the burning cities behind us? The desert country before us abandoned at our approach? The devastation and oppression around us, marking at the same time our power and our cruelty? We can say it in a spirit of truth and not of national vanity, that such scenes have no place where our armies march. Though my convictions on this subject are as strong as convictions can well be, yet I have not hesitated to fortify them with all the information I could procure here. I have inquired of many gallant officers who have visited us what has been the conduct of our troops in Mexico, and I have received but one answer and that expressed in the strongest terms, that no men could have behaved better, under the circumstances in which they were placed. Such is the testimony of General Quitman, of General Shields, of General Pierce, of Colonel Harney, Colonel Garland, Colonel Morgan, and others. I name these names because they are known to the whole country, and those who bear them have also borne distinguished parts in our operations in Mexico, and have been in the best situation to ascertain the truth. They have authorized me thus publicly to appeal to their testimony, and I believe I understand from all of them that they were not aware of an instance of private assassination by an American soldier in Mexico. Offences against persons are almost unknown, and the Mexicans themselves find and acknowledge this foreign armed government better and more equal than their own, which it has replaced. Gen. Pierce informed me he did not believe that in the march from Vera Cruz to Puebla damages to the amount of five dollars were committed and left unpaid by his column of twenty-five hundred men. General Quitman was the military governor of Mexico, and well acquainted therefore with its internal police, and he says our soldiery is as regular there as in one of our own cities. General Shields in a note to me on this subject says:

"In reply to your enquiries, touching the general conduct of our troops in Mexico, I can briefly state, that in my opinion, our army has been more distinguished for magnanimity and humanity, than even for bravery. In Mexico the law has been freely acknowledged by all persons, both by foreign residents and natives. No other army, it is admitted, ever behaved so well under similar circumstances."

Colonel Garland says:

"It is scarcely possible that the army which marched from Vera Cruz and entered the city of Mexico in triumph could have been guilty of any outrage upon unoffending people without its coming to my knowledge. Every thing taken on the march, and in the various towns occupied by our troops was uniformly paid for or ordered. Many of the most respectable inhabitants have remarked to me that they felt greater security, both for their persons and property, whilst their town were occupied by American troops than they had formerly enjoyed for a quarter of a century."

Colonel Morgan in a note also says:

"The conduct of our troops in the field having become a subject of misapprehension, I respectfully place at your disposal a few facts which fully refute the charges of the enemies of our country, whether made at home or abroad:

"Our people have greater cause to be proud of the magnanimity of the American commanders and their troops after victory, than of their valor during the battle. In no country can we be held to execute American soldiers in the act of laying down beside his wounded enemy and give him water from his canteen and share the last morsel of his biscuit with his prostrate foe.

"In Europe's warfare the history of the storming of a city is at the same time a history of its pillage. What are the facts in regard to the storming of Mexico? Although the enemy had infamously violated the armistice of Churubusco; and afterwards, on the bloody field of Molino, they mangled and murdered our wounded officers and soldiers when too feeble to defend themselves; notwithstanding all this, our soldiery *respected* the barbarity of their enemy by protecting their property from the pillage of their own lepers.

"Innumerable instances might be given of the forbearance of our troops, but I will give but one or two.

"A company of the 6th Infantry, in cutting its way through a house, entered a room containing an open box of gold coin. The American soldiers occupied the room, passed through it, and not a dollar was touched. On the same night a party of our troops discovered a box of gold addressed to a Mexican; they immediately reported the fact to their officer, and he placed the box in charge of a foreign inspector to be delivered to the owner. This conduct excited the astonishment of the Mexican, and in a public card he expressed his admiration of the forbearance of the American troops.

"Our army has ever esteemed generosity as a nobler virtue than courage; and if it boasts at all, it is of its humanity, not its prowess."

These are bright testimonials. Honors thus won and worn by our gallant citizens are dearer to their countrymen than the glorious exertions of the battle field or the victories that have crowned them.

Incidents, like these described by Colonel Morgan, have been related to me by other officers, and they better illustrate the present topic than any panegyric, however warm, or any description, however graphic. A Mexican horseman rides over the battle field thrusting his lance through the helpless wounded, gleaning, with savage ferocity, in the harvest where the Great Reaper himself had passed and spared; while the American soldier in the same scene of carnage stoops down, and raising his prostrate foe, pours the contents of his canteen into his parched lips, and recalls his fainting spirit to bless the generous enemy. This picture is at the same time a bright and a dark one, but it marks, both now and forever, the characteristics of the two armies, and I commend it to all who doubt the humanity of the American soldier, or the cruelty of the Mexican.

Mr. WEBSTER.—I entertain no intention to discuss the general topics introduced in the speech of the honorable gentleman. On one point only, I wish to say a few words, and that is with regard to the remarks which he made upon the speech of the honorable member from South Carolina, and some observations of my own, upon this assumed authority by the Executive of the United States, to levy and collect taxes in Mexico. Now, sir, when gentlemen of experience and character debate these grave questions, the first thing is to ascertain what these questions are, and to present them truly, according to their character, for discussion. The honorable member from Michigan, supposes that this levying of taxes and imposts in the territories of Mexico, by the authority of the President of the United States, is an act of war. It is no such thing.

Mr. CASS, (in his seat.) It is a right of war.

Mr. WEBSTER.—It is no such thing. It is neither an act nor a right of war, according to the law of nations. He calls it a contribution. It is no contribution. It is a legislative act, and when the honorable member quoted those portions of the United States Constitution which he thought applicable to the case, he might without impropriety have quoted another passage, which says—that all legislative power is vested in the Senate and House of Representatives. Now, it exactly comes to this: is the establishment of a code of customs in Mexico an act of war, or derived from war, or an act of legislation? Why clearly it is the latter. I want to know how the President of the United States, can overturn the revenue law of Mexico, and establish a new one in its stead, any more than he can overturn the law of the descent of property—the laws of inheritance—the criminal code—or any other portion of Mexican law? A contribution levied upon Mexico! It is no such thing. What is it? It is a code of customary duties framed here in the Treasury Department and sent to Mexico, to be exercised upon whom, and upon whose property? Upon the Mexicans? Why, no, sir! Very little of it upon Mexicans, because it is a law of imposts. It is a law upon those who import goods and merchandize into Mexico—upon all the neutrals of the world—upon all nonresidents; and not only that, but it is a law levying a duty of imposts upon goods and merchandize carried thither by citizens of the United States; and that the honorable gentleman calls a "contribution."

Mr. CASS.—I do.

Mr. WEBSTER.—Well, then, I think he calls things by names which have no more relation to them than black has to white. It is not a contribution at all.

Mr. FOOTE.—I would ask the honorable gentleman whether he conceives it to be the duty of the government of the United States to protect the revenue officers of Mexico in the collection of duties; or should their proceedings have been superseded by proceedings of a similar kind on the part of the United States? What would he have done in the case?

Mr. WEBSTER.—Just exactly what Congress in its discretion should think fit to do. What, I say, is, that it is an exercise of legislative power, and no exercise of military power. If there is any analogy between that and the case mentioned by the honorable gentleman of the marshals of the French army levying contributions as they marched from city to city, *flagrante bello* at the head of their forces, I do not understand the logic—I do not understand that train of legal mind which can perceive analogies in cases which, as it appears to me, are entirely dissimilar. When an army marches through an enemy's country, it is supposed to have the right of supporting itself by the strong hand; it has the absolute right of war, whether it choose to exercise it or not, to make pillage—to seize private property, and what is contribution? Why, it is a substitute for the law of pillage, the practice of plunder. When an army approaches a city, the commander of that army asks so much support—so many thousand crowns—such and such provisions; he says he will take them by the strong hand, unless the authorities compound by giving so much money, in consideration of which he will forbear the exercise of that military right.

Let me ask the honorable gentlemen another question. A part of this system, sanctioned by the President, was, that the monies collected by these levies should be paid over to the military and naval officers. Could they not just as well have been ordered to be brought here and put into our treasury? Does it make a particle of difference, and is it not a system of revenue established under executive authority in Mexico, and will any man call that military contribution? Let it be shown by any authentic work on national law—by any decided case—by any course of reasoning or argument, that the levying of a permanent system of revenue, in a conquered territory, is exactly the same thing as a temporary or occasional military contribution of a marching army; and then the charge brought against the administration cannot be maintained.

Mr. CALHOUN.—I rise to make a very few remarks. When I addressed the Senate yesterday, in reply to the question what shall we do if the treaty is not ratified, I answered—take possession of the country which is ceded to us by that instrument, occupy it, and defend it. The worthy Senator from Michigan says he is at a loss to understand what I mean by that. Well, there is not much difference between us. I am at a loss to understand why he cannot understand it. It appears to me to be one of the plainest propositions in the world. He has hunted up a thousand imaginary difficulties that never did exist, and never can exist, in order to make good his case. Does he wish to know how my plan can be carried out? I point to the case of Texas. The whole of the eastern frontier in the line ceded to us, as is supposed, by the treaty, was the boundary which Texas claimed as against Mexico. Now, does not every man know, that for seven long years Texas held possession of that frontier without a single invasion on the part of Mexico, and that at a time when Texas had not more than three or four companies of regulars altogether? Now, sir, if Texas could hold that line then, is there any difficulty with Texas in doing it, now that she has doubled her population, and is backed by the whole of the United States? And yet the worthy Senator from Michigan cannot understand it! It is impossible that he can understand it! Again, as to California, he is, if possible, more at a loss with regard to that. His first great difficulty is our occupying the Gulf of California. If the Senator will remember, the line that I proposed passed through the whole extent of the Gulf of California, and if he will look at the map he will find it is a very broad expanse of water. He will find that it covers a very large portion of California—all the settled and inhabited portion of California. If he will look at the statistics of Mexico, he will find that she has not a single armed vessel. Now, what I proposed was, that a few armed vessels—one or two steamers among them—occupying that expanse of water would secure us against all attacks of Mexico on that portion of the line; and yet the Senator could not understand it! It is, as I understand, with him, a sort of metaphysical idea! Now, as to the residue of that line. The whole length of it is about four or five hundred miles from the head of the gulf to the Paso Del Norte. That is all that remains to be defended. Well, the whole of the country covered by that line is inhabited by Indian tribes, so powerful that there is no fear of Mexico invading it. They invade Mexico. They are too powerful for her, and it will not require a single soldier to be stationed in the whole extent of that line in order to protect us against Mexico. There may be some protection necessary against the Indians. Now we know that California is so far remote from Mexico, the difficulty of approach is so great, that the mere *handful* of people in California have been enabled to in fact to have almost an independent government there. I venture to say that not a single regiment will be needed there—that the Americans now there, together with the natives who are well affected towards us and desirous of seeing our authority established, will be quite adequate to defend it against Mexico forever, with the aid of a few vessels in the Gulf of California.

Now I venture to present, what no doubt will appear to the Senator a very bold proposition: the cost would be vastly less to fall back and occupy the country without the treaty, than to occupy it under the treaty. I beg the especial attention of the Senator. Under the treaty—I may speak of what every one knows perfectly well—a large mass of Indians is thrown on our side of the line, and, from the necessity of the case, we shall be compelled to defend Mexico against these Indians; or, if we should not, and Mexico should have force enough, she will have the right to pass over and attack these Indians within our line, to which we could not submit. For that purpose, then, we will be obliged to establish a line of military posts along the whole length of the Gila, from the Paso del Norte to the head of the Gulf of California. But it would require a larger and more expensive force to occupy this long line of posts, so as to defend Mexico against the Indians than would be necessary to occupy and defend the country against the Mexicans themselves. The reason is obvious. The Gulf of California (as I have stated) will cover, with a few vessels, the whole of the settled part of California; and the Indians occupy the whole intervening country between the head of the gulf, and the Paso Del Norte, which would effectually cover us, from the possibility of an attack on that part of the line, from the Mexicans. Nor would it be necessary to have any considerable force to protect us against the Indians, as their hostility to Mexico, and their love of plunder, would direct their warfare exclusively against Mexico. That the long line, of which the Senator spoke, of fifteen hundred miles, could to its whole extent, from the ocean to the Paso Del Norte, be defended by a small force, and at an inconsiderable expenditure if held without the treaty. The only remaining part that might require protection would be from the Paso to the ocean, along the Rio Del Norte; and we know from the experience of Texas how little that will probably cost. Now, if we add to this difference in the cost of defending the country without the treaty, and of defending under the treaty, the large sum of fifteen or twenty millions of dollars, which will be saved if Mexico refuses to ratify the treaty, there can be no doubt but we will be great gainers in a pecuniary point of view, if she should refuse to ratify.

But I understand the drift of the Senator's remarks in this particular. He and I entertain directly opposite opinions as to what should be done, in case the treaty should not be ratified. He is in that event for a vigorous prosecution of the war, and hence, in order to force the country upon that ultimatum, his vigorous attack upon the policy of which in that case I am in favor, and exaggerated statement of the expense and difficulty of maintaining it.—Indeed, there has been a standing conflict between the two lines of policy, almost from the commencement of the war, and hence the repeated assaults of a similar character, which have been incessantly made on that which I have maintained, and with the same view; I mean those who support the policy maintained by the Senator; but I have no fear—none in the world—that we shall ever return to a "vigorous prosecution of the war." That day is gone. You cannot vitalize the policy. It is buried. The country would consider it the greatest misfortune that could befall us, if we were to reopen and renew the Mexican war. The tide of public opinion is running with irresistible force against it. I have no apprehension of it. But I do desire that in the meantime the public mind shall not be occupied with an idea which will prevent it from falling into its natural position, if this treaty should be ratified. If the treaty should not be ratified, it is plain that we must keep possession of the country and defend it.

Every Senator can speak as to himself and his votes during secret session. I voted for the treaty and I supported it. But did I do that because I regarded it as preferable to the course which I indicated at the commencement of this and last session? No, sir, not at all. I did it for two reasons: in the first place, I was anx-

ious to terminate this war on any reasonable ground, and was determined to avail myself of the earliest opportunity of terminating it, for I hold it to be pregnant of evil of the most dangerous character, if it continues. In the next place, it is the natural way of terminating hostilities between nations; and many of my friends whom I see around me will testify that I have declared for the last three or four weeks that I was in favor of allowing the administration reasonable time to make a treaty. But at the same time I was not ignorant of the many advantages of a defensive line. And again, I take this opportunity to say that so far as my votes is concerned, I wish it now to be established, as I hope it will be by the ratification of the treaty, that we never shall take by an aggressive war one foot of territory by conquest. We pay by the treaty the full value—more than the full value—a hundred times more than the full value, as far as Mexico is concerned, for it is worse than useless to her, and the full value as far as we are concerned, and I rejoice it is so. I wish to square accounts liberally and justly with Mexico, and we have done so, and hence my desire that Mexico shall ratify this treaty and receive this money.

These are my views. As to the other remarks which the Senator was pleased to make with re gard to my speech of yesterday, I pass them by without a comment, except as they relate to the right of the President to establish a system of taxes in Mexico. I listened to the Senator, as I always do, with attention, and I must say, if I could have entertained a doubt as to the truth of the position which I assumed yesterday, all doubt would be dispelled. We know that the gentleman is deeply versed in the principles of law—of great intelligence—capable of investigating questions of this character. I expected when he rose, that he would meet the points which were presented—that he would attempt to show their fallacy, and exhibit the true principles which ought to govern us in this case, if mine were false. I was disappointed. As far as I understood the Senator—and if I be in error I hope he will correct me—he assumes one broad position, which, in my judgment—I say it with great deference—is without a particle of truth to sustain it. He assumes that the President, in consequence of the declaration of war, has an unlimited power in Mexico. Am I right?

Mr. CASS.—Unlimited, except by the restrictions imposed by the law of nations.

Mr. CALHOUN.—Well, then, the law of nations does not prohibit an order of nobility. Can he create nobles in Mexico? Give me the answer?

Mr. CASS.—Is that one of the incidents of the war-making power?

Mr. CALHOUN.—I repeat it. Can he establish an order of nobility?

Mr. CASS.—I would not give much for the patents of nobility.

Mr. CALHOUN.—Can he, then, establish an order of nobles?

Mr. CASS.—Without going into any detail, I may state that the commander-in-chief and his generals may do any act in the prosecution of the war in Mexico, which is properly incident to a state of war. All I can do is to lay down general principles. It cannot be expected that I should go into details of all that may or may not be done.

Mr. CALHOUN.—I did not intend this as an irrelevant or impertinent question, and I must regard the Senator's refusal to deny as an admission on his part that the President has the power. Indeed, it followed necessarily from the principle laid down by him. It would indeed be an important power in the hands of the President to bring and subject a conquered country under his arbitrary rule. The Senator acknowledges that the power is a very dangerous one. It is indeed a dangerous power if it be as unlimited as he contends for. Can he create a field-marshal in Mexico? The Senator will not doubt that, if the President could raise an army there—can he create a field-marshal? I hold it to be the most monstrous proposition ever uttered in the Senate, that conquering such a country as Mexico, the President can himself be a despotic ruler without the slightest limitation on his power. If all this be true, war is indeed dangerous! If that be the fact, we ought never to engage in a war of conquest. If that be the fact, there are double reasons for the ratification of the treaty, or fleeing the country.

There is a tendency in all parties, when they have been for a long time in possession of power, to be disposed to augment it. It has been the fortune of the popular party in this country to hold possession of the government for a great length of time, and it is no more than human nature, that the effect of that long-continued tenure should be the creation of the fondness of power, that necessarily diminishes the love of liberty. This love of power leads men to strike at those provisions of the constitution which restrict power. I believe that the popular party in this country have resisted this tendency for a great length of time to a considerable extent; but it is impossible for any man who reads the early history of that party, not to be impressed with the conviction that it has departed from the principles which then characterized it. The declaration of the chairman of the Committee on Military Affairs this evening proves a great departure beyond all controversy. I did not believe that there was a man in this country—certainly not that there was one in the Senate, who would declare that the President of the United States as commander-in-chief of the army in Mexico, has no restrictions on his power but those imposed by the law of nations, and I suppose the gentleman would add, the principles of morality.

Mr. CASS.—After the Senator has concluded I may say what I did declare.

Mr. CALHOUN.—I will gladly hear the Senator now.

Mr. CASS.—When the honorable Senator from South Carolina has finished—

Mr. CALHOUN.—Then I shall finish now.

Mr. CASS.—What I maintain is, that the commander-in-chief and the generals under him have a right to do any act of war justified by the law of nations, and it belongs to every officer of the army, from a general down to a corporal. I went at large into the question in the remarks which I had the honor to make to-day. The course taken in Mexico has been fully justified by the practice of war in all ages. Whether the contribution be in cash or in kind, the principle is the same. One word as to the line which the honorable Senator has laid down. I have presented the objections to it which, to my judgment, are decisive, and I need not repeat them. No public opinion in the world would permit such a thing as the establishment of a line behind which an operating army must retire. If you are at war with an enemy, you cannot stop upon a given line. In the case of Texas the enemy was pursued, and whenever you follow the enemy beyond the line, the project is abandoned.

Mr. CALHOUN.—But the Senator puts the question: How can I justify the army in performing any act not authorized expressly by law? I take the ground that the army may do under the President, the commander-in-chief, any thing that properly belongs to him in that character. Now the extent is not defined; it is governed by the exigencies of war. I believe I use the very terms employed in the elementary works upon this subject. But these acts must relate to war and not to conquered country. Now, if you mean that an army in operation can seize provisions of every description, means of transportation, and so on, I never denied it; but if you mean to say that after the country is conquered, the commander-in-chief may levy either taxes or contributions, I deny the doctrine altogether.

Mr. DAVIS, of Mississippi.—The Senator from Louisiana, [Mr. JOHNSON,] has expressed his conviction of the certainty of an immediate peace, and on that he based his argument in presenting his motion to recommit the bill with instructions. I have just received a letter from Mexico which certainly does not encourage me in the prospect of peace. This letter states that the road from Vera Cruz to Mexico is infested by guerilleros, and that a party for Orizaba had been attacked by them and been compelled to return to Vera Cruz. Though reported that the Mexicans had been dispersed, yet the American party left their dead on the field, and all their property fell into the hands of the guerilleros. Those reports which we have had of Santa Anna asking his pass-ports and leaving the country, are all pretext. Instead of leaving the country it is said that he is now recruiting his forces and looks to future operations. Perhaps he is raising nothing more than an escort, but peace is not his object. I beg to say to the honorable Senator from South Carolina that that party in Mexico, to which he alludes as being neither unfriendly nor inimical to us, is the party on which Santa Anna is falling back for support in his hostile movements—the party of Puros, which invited him to return to Mexico, as the enemy of monarchical government, in order to overthrow Paredes.

I cannot, for myself, approve of any such policy as that spoken of by the Senator from South Carolina, nor can I at all conceive why he should regard the raising of this additional force in the light of mere braggadocio. We propose to raise it for the moral effect which it may produce on Mexico. We have with propriety pass this bill in order to give Mexico to understand that if she do not give us peace willingly, we will coerce a peace. But that gallant army which has performed so many glorious deeds is rapidly wasting away. The yellow fever has appeared in Vera Cruz, and our troops are dying in the interior of other diseases. The volunteers are becoming daily more and more dissatisfied with the service; and, in my opinion, the spirit of the contract under which they entered the service justifies their discharge as soon as active hostilities ceased. They entered for the war, but they believed that on the cessation of active hostilities they would be discharged. Already the question is mooted whether, if there can be war without a declaration of war, there may not be peace without a treaty.

But the honorable Senator from South Carolina not only directs his attention to the present measure, which he reprobates as mere braggadocio, but goes back to an old subject—the removal of the army to the banks of the Rio Grande. He says:

"The whole affair is premeditated. Whether the army fall or not, would leave the cabinet content if it were with wisdom and firmness, and avoid what I deem above all things, a system of movement towards the encroachment of one nation. I had hoped that that system had been abandoned forever. It never succeeded in a war with England about Oregon. It was only resorted to, when, upon the firmness of the basis, it was sought to put our negotiations with Mexico and the march of the army under General Taylor to the Rio Grande were said to sustain it. Unfortunately, the circumstances prevented the Senate from interposing, as in the case of Oregon, and the war was thus commenced."

Now, the President has clearly the right to move the army of the United States into any portion of its territory.

Mr. CALHOUN.—(in his seat.)—Certainly not into disputed territory.

Mr. DAVIS.—The Senator says that the President has not the right to move the army into any disputed territory. When we annexed Texas, we left this boundary question open for negotiation. The administration sought assiduously to settle the question by negotiation. What, then, is the argument of the Senator? When the opposite party refuse to settle the question by negotiation, are we to be estopped? Are we to allow the enemy to wrest from us the dominion which we claim as ours of right? If so, what is this but a broad invitation to every land to dispute the boundary with us? But I would ask the honorable Senator how comes it that even before the annexation of Texas, the navy of the United States was ordered to the Gulf of Mexico for the protection of Texas?

Mr. CALHOUN.—The answer is obvious. The Gulf of Mexico is the common property of all nations. It is not disputed. But though we had a right to enter Vera Cruz, we had not the right to enter the harbor of Vera Cruz.

Mr. DAVIS.—Was it not the gentleman's own order to make a naval demonstration against Vera Cruz.

Mr. CALHOUN.—I have no knowledge of such an order.—Will the Senator permit me to notice another point? He indicated that the President had a right to march the army into any disputed territory. Am I right?

Mr. DAVIS.—I do not consider it disputed territory.

Mr. CALHOUN.—However the Senator may consider it, the resolutions annexing Texas to this Union, expressly admit the country to the east of the del Norte, to a certain extent, to be disputed territory; by providing that the boundary between Texas and Mexico, shall be settled by the government of the United States. Now, as Texas never claimed any country beyond the Rio del Norte, it results necessarily, that the point to be settled, was whether the boundary of Texas extended to that river or not, admitting of course, that the country lying east to some extent, was disputed territory. And, I ask, how is a question of disputed territory to be decided? There can be but two modes. By negotiation or war. As far as the former extends, the President, with the Senate, represent exclusively the United States; but when negotiation fails to settle disputed boundary, nothing is more clear, that if it becomes necessary to resort to war, to establish the boundary, in that case, the power passes out of the hands of the President, into that of Congress, which, under the constitution, exclusively possesses the war making power, and that it belongs in that case, exclusively to Congress, to determine what the boundary is, and to authorize the President to establish it by force. The great mistake of the Senator, and those who think with him, is, to look at the question between Mexico and the United States, and to overlook the question between the departments of our own government. As between the United States and Mexico, there can be no doubt, that when negotiation failed, the United States had the right to establish the boundary for themselves, but the question is through what department? Through the President or through Congress? The very statement of this question is sufficient to decide it. The error of the Senator consists in supposing that when the President failed to negotiate with Mexico, in reference to the boundary, his failure gave him the right to determine of his own authority, without consulting Congress, what was the boundary, when, in fact, the failure of the negotiation exhausted his power, and left him no means of acting, but by submitting the question to Congress for its decision. It is really wonderful to those who have been in this body for an considerable length of time, that there should be any question on these points.

It may be proper to add, that the power of the President and the Senate, is so rigidly restricted to negotiating and making treaties, that although they may make, they have no authority to set aside a treaty when it is violated by the opposite party. That power belongs not even to the judiciary, but to Congress; of which there is a remarkable instance in reference to the treaty made between France and the United States, during the war of the Revolution. That treaty was so outrageously violated by France during her revolutionary struggle, that it became necessary on our part, to disown any further obligation under it, and that was made by a joint resoluton of Congress, declaring it to be null and void. This precedent has never been questioned. It shows that the power was restricted within the limits I have assigned.

Assuming these views to be correct, I put the question to the Senator, how could the President on his own authority order Gen. Taylor to occupy a territory which the resolutions of Congress, and the act of Texas acceding to them, admitted to be disputed territory between her and Mexico, and that, too, without even consulting or even advising Congress of the order, although Congress was at the time in session? I hold that the President had no more right to order the army to march into the disputed territory than he had to order it to march into Mexico. I might appeal to the whole history of our country in reference to this point, for the truth of this position. There are many cases that bear upon it. Among others I might cite those which occurred under the administration of Gen. Washington. It is known to all the least conversant with our history, that Great Britain, after the treaty of peace, held on, not only to Detroit, which was near the frontier, and then in the woods, but to Fort Stanwix, now Rome, in the very heart of the state of New York, from '83 to '94, without any attempt on the part of Gen. Washington to disturb her possession. He never dreamt of attacking either, without authority of Congress, and if he had, there was no one at that day that would not have considered it as a flagrant violation of the constitution. To this I may add, we had a question of disputed boundary in Maine, arising out of the treaty of 1793, which remained open under all administrations down to a very late period of that of Mr. Tyler's. Yet there was not any attempt whatever on the part of the United States to assert by force their right to the disputed territory. Sir, I never heard a man dare denial of the principle, anterior to this war with Mexico, that the Executive, on his own authority, had no right to march the army into disputed territory.

Mr. WESTCOTT.—I beg to remind the Senator that Mr. Jefferson and Mr. Madison seized upon the country west of the Mississippi.

Mr. CALHOUN.—Oh! that was a trifling case. You could cover the whole country with a blanket!

Mr. DAVIS.—I repeat, that I cannot perceive on what grounds the Senator will justify the orders sending the navy to the Gulf of Mexico, whilst we were negotiating the annexation of Texas, and yet deny that after annexation was completed—

Mr. CALHOUN.—They were issued when Congress was in session. If any attack had been necessary, application would have been made to Congress for authority.

Mr. DAVIS.—The whole case is matter of record, and we know as well as the actors in it, that our navy did stand off, and on the coast look into the Mexican harbors, to keep our government advised of any hostile movements, and be prepared to act if necessary, for the protection of Texas. For like purpose, a large portion of our army was concentrated upon the border, and put in correspondence with the President of Texas. The Senator from South Carolina, then Secretary of State, communicated to the Texan government this disposition of our land and naval forces, and announced it to be the purpose of the President, as a duty under the then existing circumstances, to use all his constitutional power to protect Texas from foreign invasion. If the whole power to grant the protection thus offered, consisted in asking for authority by an act of Congress, it was a promise likely to be filled with hope deferred. In view of the delays which would probably have attended the passage of such an act, what justification can there be for so early a movement of the army and navy to the immediate proximity of anticipated operations? Does the Senator deny the power of the President to order the army into any part of the United States?

Mr. CALHOUN.—He has no right to order it into disputed territory.

Mr. DAVIS.—What! shall a foreign power dispute our territorial limits—refuse to settle the boundary by negotiation—seize, by force, territory rightfully ours, and our Executive stand powerless by and see the enemy gain the advantage of occupying all the commanding positions of the country! This would be an alluring invitation to every conterminous power, to select their opportunity and dispute our boundary. At any time, during the recess of Congress, according to the Senator's general position, the territory thus disputed could be seized with entire safety.—Upon the question of the northeastern boundary, to which the Senator alluded, my recollections are different from his. I think, by both the Committee on Military Affairs and by the Committee on Foreign Relations, reports were made at the time, recognizing the power of the Executive to use the military force of the country—to call out the militia—to protect the territory claimed by Maine from hostile invasion, or an attempt by military force to exercise exclusive jurisdiction within the disputed territory. But I was about to say, when I yielded to the honorable Senator, that after Texas became a part of the American Union, and we failed by negotiation to adjust the boundary with Mexico, the question became closed against us, and the United States had no other mode by which to determine the territory of Texas, than by reference to her limits, as defined before annexation to the United States; all which had been asserted and maintained, and which we were bound to insist on and defend from forcible seizure. By annexation, Texas lost the power to negotiate or to carry on the war, and co-extensive with this surrender, were the obligations imposed upon the United States. The President did what, every man of patriotic impulses will say, he should have done, afford to Texas that protection which a State has the right to demand, and in ordering the army to the Rio Grande, he did no more than might have been done in the case of the northeastern boundary, when that was an open question. But the Senator has laid down the position that this was done to intimidate Mexico. Not so. Our army was encamped at Corpus Christi, which had been made a port of entry. Was that, then, in the disputed territory? Where was the disputed territory? Mexico claimed up to the Sabine. She has continued to assert that claim and any intermediate line between the Sabine and the Rio Grande is of our suggestion, not of Mexican origin. When, at a recent period, Santa Anna returned to Mexico, he promised to restore the severed territory of Texas, to gather laurels on the banks of the Sabine, and lay them at the feet of the supreme government. A right to the whole of Texas, a determination to restore it to Mexico has, by her soldiers and her statesmen, been uniformly asserted—adhered to with the pertinacity characteristic of the Spanish race. The whole of Texas, then, was included in this disputed territory, and if the President had no right to march the army to the Rio Grande, he had no right to order it across the Sabine.—

Mexico claimed the whole of Texas. In the controversy on the part of Mexico the question was not whether the Nueces or the Rio Grande was the boundary, but whether Texas was a part of the United States or not. Upon the part of the United States that question was closed, forever closed; before her army was ordered into the territory of Texas, nothing was open but the adjustment of boundary. This was sought by negotiation with Mexico, and our advances were insultingly repelled. That the boundary of revolutionary Texas was the Rio Grande—at least the lower part of that river—has been too often and too conclusively demonstrated to require more than a passing notice. Without adverting to the mass of evidence which has been presented here on other occasions, I will refer only to that on which I mainly rely. After the battle of San Jacinto, and when Santa Anna was a prisoner in the hands of the Texans, General Filisola, commanding the Mexican army, wrote to his government, communicating the fact of President Santa Anna's capture, and giving the saddest account of the condition of the troops under his command. The President *ad interim* replied, and gave the General authority to do whatever should be necessary to procure the release of the captive President and to save his troops and munitions of war. These results were obtained by treaty. General Filisola was one of the parties to that treaty, and the consideration given to Texas for the vast benefits thus secured, was the recognition of the Rio Grande as a boundary, and the immediate withdrawal of all Mexican troops beyond it. It is true this treaty was never formally ratified by Mexico, but having obtained the full benefit of all its stipulations, I submit whether the moral obligation was not complete henceforth and forever to recognise the Rio Grande as the true boundary. That is the only argument on which I have ever found it necessary to rest this point.

Not being a lawyer, I will not attempt to discuss a legal question with the eminent jurist on the other side of the chamber, [Mr. WEBSTER,] but cannot forbear from expressing my surprise at the view which he, in connexion with the distinguished Senator on this side of the chamber, [Mr. CALHOUN,] takes of the legitimate rights of our army when invading a foreign country. They would restrain our army from the moment it enters a hostile country, so as to prevent it from availing itself of any of the public funds—they would restrict it to such contributions as they might wring from the citizens. Now, one of the evidences of the advancement of civilization in the conduct of war has been seen in that very procedure on the part of an army which these distinguished Senators condemn. Instead of wringing from poverty—from the agricultural citizen the means of maintenance, our army have seized only upon the public resources of the country, and have thus illustrated the intelligence, chivalry, and humanity of the American people.

The Senators contend that legislation is necessary to appropriate the public revenues of Mexico to the maintenance of our army, whilst they admit the right to seize private property for its use. Sir, I had thought our war was waged against the general government of Mexico, and that our policy was as far as possible to reduce the peaceful population from the ordinary sufferings of war. Sir, I am at a loss to conceive how we could properly legislate upon a country which had not been conquered—for a people in open war against us—or how the laws, if enacted, could be properly executed under such circumstances? The foreign government must have been displaced by our arms; before there is space for our legislation and judicial departments to flow in, and the roar of those arms must have been hushed, before the voice of the lawgiver can be heard. The constitution of the United States makes provision for the organization and maintenance of our army and navy, and for calling out the militia by legislative enactments. It makes the President the commander-in-chief of the army and navy, and the militia, when called into service. Congress declared that war existed. It passed laws for raising men and money. The President, as commander-in-chief, assumed the command of the army; and, as has been stated by the Senator from Michigan, from that moment all the rights which appertain to a state of war, attached to the army. The exercise of legislative rights only follows when Congress takes possession of a conquered country. Up to that point nothing but the power of the Executive department flows in. The power belongs not to the President merely, but to the Executive department, and without orders from the President, every officer in the army could exercise it. The right is conferred by war, and the only difference between the action of our army and that of any other, has consisted in this, that ours has demanded less and taken nothing by force. It has not committed pillage. The government opposed to us has been deprived of power, and the resources by which it was sustained naturally flowed to the army which took the country and people in charge. In laying duties—in collecting taxes, they have collected but a portion of the revenue which would have flowed to the Mexican government if it had not been displaced by our arms. Both could not exist together. Such is the plain common sense view of the matter. The legal view I must leave to others. The honorable Senator from South Carolina fears that if the President exercise this power, immense abuses may follow—that armies may be raised and treaties may be made with other countries; and that, he says, would be in violation of the constitution of the United States. The constitution of the United States is a temple gradually extending itself, and covering acre after acre, state after state, spanning rivers and mountains, but not yet gone to foreign lands. It is still limited to the United States. It cannot be violated in Mexico. It does not extend to Mexico, and God forbid it ever should! It is the constitution of our own Union and our own people, and none but territory annexed to our Union can claim to be under that constitution. If the President has violated the constitution, in the progress of this war, you must prove that he has failed to comply with the law which declared the war and authorized him to prosecute it, giving him men and money for that purpose. Until that be shown, the President cannot have violated any provision of the constitution in Mexico.

But the main purpose for which I rose, sir, was to speak of the effect of the passage of this bill in Mexico. We had information from a special agent sent to Mexico in 1844 that he had commenced preliminaries and had the prospect of a settlement by negotiation, of all the difficulties then pending. On the fourth day after the negotiation had been opened two celebrated letters published in that year reached Mexico. One dated at Raleigh and the other at Lindenwold. On the arrival of these letters, forwarded, it is said, by the Mexican minister at Washington city, the negotiation was immediately suspended. Again, Mexico probably intended to enter into a negotiation for the settlement of the questions then in dispute when Mr. Black received intimation, in the terms so often referred to here, of a willingness on the part of Mexico to receive a commissioner; though I think that there has been altogether a misunderstanding of the language in which the note was written. *Commissionado* was the term employed, meaning one commissioned, empowered to settle the questions in dispute. Now, they may have meant no other questions than those growing out of the annexation of Texas; but as the Senator from Michigan remarked, they sought refuge in the subterfuge of the distinction between the terms "minister" and "commissioner," and thus evaded the obligation of the contract into which they had voluntarily entered. And why? Because at that time a controversy had arisen with regard to the boundary in Oregon. The Mexicans then cherished the hope that there would be war between this country and England, and that with the latter as an ally they would be able to regain Texas. The old hope was thus revived. They refused to enter into negotiations. And now if they have their hopes revived again with the prospect of a refusal here to supply men and money to prosecute the war, they will again reject negotiations in the expectation that a new administration may come into power in the United States more favorable to them. If we change the policy which we have heretofore pursued there can be no doubt that they will refuse to ratify the treaty.

In our intercourse with Mexico, if we have erred, it has been in undue consideration and misplaced leniency. For a long term of years we have borne national insult, and left unredressed the personal outrages, and pecuniary injuries done to our citizens by Mexico. We have passed unnoticed the offences repeatedly offered in their official correspondence, it was the strong rendered patient, with the captiousness of the weak, by the consciousness of his ability to punish. This course so long observed by our government, has surely not been departed from by the present administration.

I cannot conceive, sir, how the President could have exhibited greater forbearance towards Mexico. He sent out a minister to treat with her on the first intimation of any desire on her part to enter into a negotiation for the purpose of restoring amicable relations. Acting in the forbearing and friendly spirit of the power, who had taken that infant republic by the hand when it first essayed to walk, we studiously avoided collision. Collision, however, from the causes to which I have alluded, became at last inevitable. Yet it is gravely asserted that the President had determined to extend the territory of the United States to the Rio Grande—"peaceably if he could—forcibly if he must." Most certainly not to extend the territory of the United States, but to settle the question of boundary; and had we been the aggressive party, as it has been alleged—had we been reckless of the feelings, rights and interests of Mexico, we certainly never should have incorporated a provision in the terms of annexation, securing to us the right of settling the limits of Texas—that was done to guard against the possibility of a collision with Mexico; we did not adopt the extreme claims of Texas, but reserved to ourselves the right to settle the question of boundary. Nothing could have been done more indicative of the friendly spirit which we entertained towards Mexico.

At this late hour I certainly shall not attempt to enlarge, but I must take occasion to say that I do not think that Mexico is about to cede any territory to the United States—I think that we are about to retrocede territory to Mexico. I hold that in a just war we conquered a larger portion of Mexico, and that to it we have a title which has been regarded as valid ever since man existed in a social condition—the title of conquest. It seems to me that the question now is how much we shall keep, how much we shall give up, and that Mexico cedes nothing.

Mr. WEBSTER was understood to inquire if that view was in accordance with the terms of the paper.

Mr. DAVIS.—I have seen papers in English and Spanish, and I think in none was the term cede employed. As a moralist I would not undertake to defend the seizure of country from the inhabitants; but the question was settled long before the oldest member of the Senate entered it. These very Mexican people settled it when they conquered the ancient Aztecs. If they had the right to take the territory from that people who did not cultivate it, the argument is equally good against them now. They produce little to that which the country is capable of yielding, and year by year the amount is steadily decreasing. The country is going to waste—

villages are depopulated—fields once highly productive in all that nature in her bounty yielded to the industry of man, now lie uncultivated, and marked only by the remains of the irrigatory ditches by which they were formerly watered. The exuberant wealth of Mexico once flowed out to sustain the American colonies of Spain, the governments of Louisiana and Florida, received contributions from her. Turn now and contemplate the change which the difference of government has wrought, and tell me whether all the arguments of militarianism and of humanity, may not be now more successfully applied to the Mexican, than by them against the Aztec populiaon?

The Senator says this war is "odious." Odious! Odious for what? On account of the skill and gallantry with which it has been conducted? or is it because of the humanity, the morality, the magnanimous clemency which has marked its execution? Odious! Why in any newspaper which I take up, I find notices of large assemblages of the people gathered together to do honor to the remains of some dead soldier brought back from Mexico; or around the festive board to greet the return of some gallant member of the army. The conductors of the press without distiction of party, express the highest approbation of the conduct of the army. Where is the odium? What portion of our population is infected with it? From what cause does it arrise? It cannot be on account of the origin of the war, the extraordinary unanimity with which it was declared by both houses of Congress, the eagerness with which our citizens pressed to the service, forbid that conclusion. A long and unbroken succession of victories, has satiated the public appetite for military triumph—there may be a surfeit, for more has been offered than needed for a feast—an over anxiety for immediate peace is the natural result, with this I sympathize, beyond this I am not prepared to believe the popular feeling of the country extends.

We have cause to be proud of the record this war will leave behind it—a monument more lasting than brass. We, the actors of to-day, must soon crumble to dust, the institutions we now maintain and hope will be perpetual, may pass away, the republic may sink in the ocean of time, and the tide of human events roll unbroken over its grave; but the events of this war will live in the history of our country and our race, affording in all ages to come proof of the high state of civilization amongst the people who conducted it—proof of the intelligence which pervaded the rank and file who fought its battles—proof of the resources of such a government as ours, wholly unembarrassed in the midst of war, conquering one nation and feeding another!—Where, sir, are the evidences of evil brought upon us by this "odious" war? Where can you point to any inroad upon our prosperity, public, or private, industrial, commercial, or financial, which can be, in any degree, attributed to the prosecution of this war. All that is yet to be shown, and I confidently await the issue.

Mr. WESTCOTT then addressed the Senate in favor of the bill, on the ground that in his judgment, there was not a reasonable expectation of a treaty of peace. This speech is given in the Appendix.

Mr. BUTLER.—As I perceive that the Senate is determined to refuse to modify the bill—for they have already decided by quite a large majority, that these troops shall be raised—I have nothing further to say in regard to that matter beyond this one remark. I wish the Senate distinctly to understand, that if this bill pass the other House, it will not be passed as a bill for organizing ten regiments, with the complement of officers which belongs to such a force. The simple proposition that I made was, to add thirty men to each company, or three hundred to each regiment of the present army. It has not been the pleasure of the Senate to adopt my amendment to recommit the bill, and I ask the Senate to take notice, that that will be the form in which the troops will be raised. The action of the Senate itself, will have the effect of influencing the House to engraft such an amendment.

Mr. CLAYTON.—I desire the attention of the Senate for a short time, although but for the remarks of the honorable Senator from Michigan, I should hardly have thought it necessary to trouble the Senate any farther. But before I proceed to reply to that Senator, I must be allowed to say, that I was forcibly struck by the remarks of the honorable Senator from Mississippi, (Mr. DAVIS,) with regard to the conduct of Mexico, since this armistice was proclaimed. It is shown that there is an armistice existing, which is to last at least two months in order to afford time for negotiations. In this state of the case, the Senator from Mississippi says, that he has received a letter from a friend whom he fully accredits, in Mexico, stating the fact which we have seen announced in the public prints, that the country between Mexico and Vera Cruz, is filled with guerilleros, and that though the armistice has been proclaimed, the war still rages. Sir, this fact is a pregnant one. It proves to us what I have stated before, that that government has not the power to enforce obedience to its will. No one doubts, that they who have negotiated, have acted in good faith, and that they are desirous of restraining these guerilleros, and that so far as they have the power they will do so, but it is impossible for them to restrain them, and what is the inference? Why, that whether the treaty is ratified or not, when your army returns, your peace will not be a secure one. It seems to me that these facts show us irresistibly, that the conclusion of the honorable Senator from South Carolina, is the correct one, that the only mode of obtaining a permanent peace is to withdraw to a line and defend it. We can defend it as well without a treaty as with it. If there is no government in Mexico which can compel these guerrilleros to obey, what are we to do? Would it not have been far better, if we had taken the advice of the honorable Senator, long ago? We may be compelled to do so yet. In that case, there is no doubt we have troops enough already in Mexico for the defence of the line, though perhaps not enough for "overrunning the whole country, capturing every town and province, and keeping the government in perpetual motion." It is evident from the report of the Adjutant General, that we have troops enough there to keep this line, which seems to be our inevitable destiny in the end, if the information of the honorable Senator from Mississippi be correct.

Now, a word to the honorable Senator from Michigan. In the course of my remarks some time ago, to which the honorable Senator has replied to-day, I did say, that I thought he put himself in the position of the champion of the administration, but I did not use the term in an offensive sense. He has this day proved himself the champion, the very Ajax Telemon, of his party. The honorable Senator in the opening speech on this bill, intimated to us that the whole course of the government, in the conduct of this war was impregnable; that if it were attacked, the assault could be easily met and as easily repelled. I noticed this remark of the honorable Senator at the time, and to avoid all mistake, I quoted from his speech *verbatim et literatim*, in his hearing. I drew the inference and so said, that the champion of the administration had thrown his gauntlet at our feet, that he had defied us to show a single instance, in which the conduct of the administration was not impregnable. Sir, I, as one of the humblest of the Senators defied, dared to take the gauntlet up, and proceeded to direct his attention to a set of facts, calling for his defence. I referred to the conduct of Santa Anna, as the murderer of our people at Goliad and the Alamo. This, I think, was of itself enough to satisfy Mr. Polk, and every one of the character of that man. I then proceeded to ask the Senator from Michigan, why the President on the day on which this war commenced, admitted this same Santa Anna into Mexico by special order, with all his sins upon his head—the consequence of which admission has been, that we have been compelled to fight thousands and tens of thousands of Mexicans, who never would have rallied under any other leader. And now, as the honorable Senator from Mississippi said to-night, this same Santa Anna, instead of leaving Mexico, is rallying his bands, not only of guerrilleros, but of regular forces, for another attack upon us. And if this information be correct, there is no reason on our part to believe, so long as he remains in Mexico, there will be any permanent peace. Who, then, is to blame for all this? The administration; the President. And I called the honorable Senator from Michigan, to defend them from this charge, if their conduct was impregnable, and so easily defended. Well, what has he done? Why he tells me to-day, in a speech which he made closing the debate upon this bill, that I have done him wrong in calling him the champion of the administration; and instead of exonerating the President from this charge, the champion is totally silent on the subject. We have heard some dozen speeches on that side of the chamber in defence of the Executive, and though we are told that the conduct of the administration is impregnable and easily defended, not one of the gentlemen who have spoken has condescended to notice the matter at all. The Senator from Michigan says he is not the champion. Now, I appeal to the Senate if he did not, in effect, blow a trumpet to invite an antagonist into the field, and when I met him there, if he did not lay down his arms and beat a retreat?

Again, I charged upon the administration that they caused the troops to be withdrawn from General Taylor whilst on the eve of the battle of Buena Vista, and when Santa Anna stood in his front with twenty thousand of the best troops of Mexico, leaving him barely about a quarter of the number opposed to him. I also adverted to the failure to supply General Scott with troops while at Puebla, though he repeatedly entreated troops and munitions of war, so that finally that great captain was obliged to enter the city of Mexico with less than six thousand men. True, he, like General Taylor, was successful on all occasions against fearful odds; yet I arraign the conduct of the administration for causing both these Generals to the embarrassments with which they were obliged to contend by reason of these acts, whilst a contrary course would have saved the lives of thousands of our people. But to all this there has been no reply.

There was another subject on which the honorable Senator did me the honor to offer a reply to some remarks of mine. I had said in the course of the debate, that the President has, in his message, distinctly announced a new position; that he had attempted to negotiate, and had stated his ultimatum which had been refused, and that nothing remained but to conquer Mexico. All know that I was the advocate of supplies to the army. I voted them on all occasions, but when the President took up this position and avowed that his object was conquest, I said I would go no farther, and I stated some cases to justify myself in this determination. Amongst other things, I put the case of a man who had money due him, who met his debtor on the high way and demanded of him, presenting, at the same time, a pistol to his breast, that he should surrender to him a deed of his farm though it was worth far more than the debt. This I designated by the term which any body would apply to the transaction. The honorable Senator does not deny the analogy or the justice of the view which I took in reference to private individuals. I know that he would be the last man who would undertake to justify such an attempt to despoil his neighbor.

Mr. FOOTE.—Will the honorable Senator allow me to say that I understood the Senator from Michigan as denying the analogy.

Mr. CLAYTON.—The Senator from Michigan is present; he can answer for himself.

Mr. CASS.—I did say, the honorable Senator will recollect, that I considered the analogy to be false—I use the term logically and not in its ethical sense. I said analogies were dangerous things.

Mr. CLAYTON.—Well, "analogies are dangerous things." Let us see now how the matter stands, and wherein this analogy is false. The President said that he was constrained to give up the idea of negotiating, and that more forces must be sent in order to compel them to sign a treaty ceding to us New Mexico and California. The Mexicans owed us money for certain claims held by our citizens, the amount of which was admitted to be vastly below the value of the territory demanded. Here, then, is the case of a nation demanding a cession of territory which is worth much more than the debt due to that nation, and demanding it at the mouth of the cannon—"coercing" acquiescence, to use the language of the President. Now what is the reply of the Senator from Michigan? The only answer is, that nations are not like individuals, that there is no reasoning by analogy from the case which I have put of the individual, to that of a nation! Why not? The honorable Senator says because an individual is answerable to a tribunal or an umpire, and that a nation is not. Let us look a little into this matter. The private individual does not commit highway robbery because forsooth there is a court which will punish him, while a nation is responsible to no human tribunal—to no umpire, and therefore the analogy, as the honorable Senator says, is "false." Now is this true? Is it true that statesmen legislating for a nation are answerable to no tribunal? I thought there was such a thing as the law of nations—a code recognized by all the civilized world, by which the conduct of nations is governed—I thought that statesmen legislating for a nation were as much bound by rules of morality—were as much bound to observe integrity of conduct in acting for the nation as in acting individually. I imagined that honor was worth as much to a nation as land or money, and as I would not despoil my neighbor of his property, so I would not place my country in a position to be accused of a similar act. But the honorable Senator who would scorn to do this in his private capacity, justifies it as the act of a nation! Is there no such thing to govern us as conscience when acting as public men? How will the honorable Senator satisfy his own heart when it charges him with co-operating with him in an act which will produce the stain of lowering the character of a nation? If that heart should hereafter reproach him with injustice, and swell with remorse, he may follow the advice of the fool to Lear, "Cry to it uncle, as the cockney did to the eels, when she put them in the paste alive; she rapped 'em o' the coxcombs with a stick, and cry'd, 'down, wantons, down!'" He may stifle his conscience in that way, if he can.

Mr. President, I have felt warmly on this subject because the honor of my country is as dear to me as my own individual honor. I would do nothing that was calculated to tarnish it; on the contrary, I would do every thing to sustain that high character for integrity and morality which was sustained so nobly by the fathers of the republic. I regard that as of more value than would be all the wealth of the mines of Golconda, and all the military glory which could be gained for centuries to come.

There are many other points to which I would be glad to advert, but the lateness of the hour, admonishes me that I should no longer trespass upon the patience of the Senate.

Mr. CASS.—I really was not aware, Mr. President, that the honorable Senator from Delaware considered any remarks from me upon the subject of Santa Anna's return, as a matter of the least importance. The President himself, in his message, had placed that question, I thought, upon impregnable grounds. If he had not done so, the Senator from Delaware was as capable as any other person of showing the failure. This he has not done. I will observe, however, sir, for the consolation of the honorable Senator, and of all who have made the return of Santa Anna a peculiar cause of grief, that he has proved himself for the best Mexican general for us that could possibly have been selected; and that if he had been nominated to the Senate, and we had foreseen the result, he would have been confirmed unanimously. He has been defeated in every battle he fought, lost every place he attempted to hold, and is now a wanderer, without power or influence, having seen his country overrun, its armies dispersed, its government a fugitive, and a large portion of its population reduced to subjection. I do not believe that another Mexican general could have been found who would have lost more battles, abandoned more positions, or fled with more ignominies.

Mr. CLAYTON.—I only wish to say in reply to the gentleman that Santa Anna has proved himself beyond all doubt to be the best General for them that the Mexicans could have had. The fact that he was defeated by such men as Taylor and Scott is no proof that he was not the best of the Mexican Generals. Sir, who else could have rallied the thousands of Mexicans who marched under his banner? Who, since he has disappeared from the theatre of action in Mexico, has been able to rally a single regiment? No man. And now, when we hear to-night for the first time, that troops are again about to be raised, we find Santa Anna is the man who is marshalling them for battle. Sir, if he had not been admitted into Mexico no one can doubt or deny that we could have marched to the capital without the sacrifice of thousands of lives which we have been compelled to undergo. If he had not been admitted into Mexico, the battle of Buena Vista would not have been fought; and no other man could have raised the army which met us at Cerro Gordo—at Molino del Rey—at Chepultepec—and at the gates of Mexico itself. Sir, upon the head of the President of the United States falls justly the blame of this act. We have heard much of aiding and abetting the Mexicans, of moral treason, and of giving aid and comfort to the enemy, but if a private individual had done that which the President acknowledges he has done in a public capacity, how would he have been called to answer it?

Mr. FOOTE.—May I ask a question? Does the honorable Senator mean to say that the President intended to give aid and comfort to the enemy?

Mr. CLAYTON.—Not at all! I say that having done this act he has, as Talleyrand would have said, been "guilty of a blunder that is greater than a crime."

Mr. DOUGLAS.—I dislike to detain the Senate at this late hour; but since the Senator from Delaware has re-opened the whole debate by his grave charges, I will say a few words in reply.

Mr. CLAYTON.—I spoke at the earliest moment I could get the floor.

Mr. DOUGLAS.—I have no doubt of it, and I too speak at the earliest moment I can get an opportunity, and I am resolved that this debate shall not be terminated without a refutation of the grave charges which the Senator from Delaware has preferred against the administration. I ask in what sense the admission of Santa Anna was improper? Was not every Mexican then out of Mexico freely admitted into that country if he desired to return? You had a blockade against the admission of munitions of war and merchandize, but had you any blockade against individuals? Every Mexican, Frenchman, or Spaniard, and citizen of every nation upon earth was permitted to enter that country. Will the Senator take the position, that whilst every other individual belonging to the Mexican nation was permitted to re-enter Mexico, Santa Anna should not have been permitted? I rather agree with the Senator from Mississippi in relation to this matter, that we should let them have the men they wanted to command their armies. Any General they chose to select that we might fight their best men. I much prefer that we can say we defeated their best General in every field, and that they cannot now say that had Santa Anna been there we could not have done it.

But, sir, there is another reason why I fully justify that act. I believe that it was not a blunder, but one of the wisest and most politic measures that has been adopted by the administration in the prosecution of this war. I know that the time has not come for the development of all the facts, but enough has been disclosed to convince me of the policy of that act. We all know that Paredes was then at the head of the Mexican government, and that he obtained that position in consequence of an avowed hostility to the United States; that he represented the monarchical party, and that his success would have been the success of monarchical principles. They had thrust Herrera out for no other reason, than that he desired to make peace with us. We know also, from the best information, that Paredes was at the head of an army raised by himself—an army which he was able to pay every week, or every day, if necessary, in British gold—when at the same time he himself was known to be a bankrupt without a dollar. We know, upon the authority of British newspapers, that it was announced that the admission of Santa Anna, and the expulsion of Paredes, was the esteppel of a great movement in Mexico. We all recollect the tirade of abuse poured out in the Times and the Journal des Debats, of London and Paris, against Santa Anna, for preventing the consummation of this movement. What was this movement? It was, as I have said, got up for the purpose of establishing a monarchy in Mexico. Whether Santa Anna was there or not, there was to be war. If Paredes had continued at the head of affairs, you would have been engaged in a war backed by Europe; if Santa Anna was elevated to the chief authority, you would have a war under the direction of a man who could look for no sympathy beyond the limits of Mexico. There was the difference. The time will come, when the veil will be removed, and it will then be seen that the admission of Santa Anna was one of the wisest movements in the whole conduct of the war.

A word in relation to another charge brought against the administration, which is, the withdrawing the forces from General Taylor just before the battle of Buena Vista. Does the Senator expect that that charge will go forth to the world with our silent acquiescence? Does he not know that the administration did not withdraw a man from General Taylor—that the troops were withdrawn by General Scott himself, of his own volition, without any directions from the administration? The administration had no more to do with that measure than I had, if I am correctly informed. My recollection is distinct, that General Scott had discretionary power, and that this was his act, and not the act of the administration. Whenever any credit is to be claimed, the honorable Senator is ready enough to claim the credit for the generals employed in Mexico; but wherever blame is to be attached, he is as ready to throw it upon the administration.

Again, sir, as to the charge of not supplying General Scott with sufficient force. This is the first time that I have heard such a

complaint. I know of one fact in regard to that campaign, in which, however, I ground no complaint, and it is this. General Scott discharged several thousand volunteers at Jalapa, long before their time of service expired, and then proceeded to Perote and Puebla, with the remainder of his troops. I know that he sent home two regiments from my own State, months before their term of service expired; and I now find it certainly very difficult to comprehend how it is that General Scott would have sent back these troops, who had distinguished themselves in the field, if he was in need of them, and could not have got along without them.

Now, a word or two upon this question of robbery. The honorable Senator from Delaware perseveres in his attempt to fix upon the supporters of this war his old charge of robbery, and repeats the parallel he has drawn before between this and the case of highway robbery. This charge, let us recollect, is urged by a Senator who has voted for the war from the beginning. He has voted for every war measure, I believe, but he says he turned against it as soon as he found it was a war of conquest. Pray how did he make that discovery? Did he find it in the President's message? If, so he had better examine the message again. The President informed us in his message of last session that he had taken possession of California and New Mexico, and recommended that provision be made for the establishment of civil government in those conquered provinces. He had better refer again to the message asking for the appropriation of three millions of dollars. Why did the President ask for that appropriation? He referred you to the case of the acquisition of Louisiana, in which money was required to be paid in advance, and also to the case of the purchase of Florida, and after referring to these cases illustrative of the grounds upon which he recommended the appropriation, he asked for three millions of dollars. Now, was not the demand of the Executive a clear notice of the intention of the administration to receive territory as a consequence of the prosecution of this war? and not only to receive territory, but to receive sufficient for indemnity, as well for the claims due to our citizens, as for all the expenses of the war? These facts were before us at the last session. Every Senator knew them, and the war bills were voted for, at the last session, with a full knowledge of these facts. Still we are told that because it is proposed to receive territory as indemnity, therefore it is a war of aggression. I repeat that it has been well known—it has been proclaimed in both Houses from the beginning—that the war was to bring territory as compensation or indemnity. I undertake to say that I do not believe that there is a Senator on this floor, nor a human being within the sound of my voice, who did not know the fact that it was intended from the time the war commenced that territory was to be acquired. And yet, though we all knew this—though the President told us so—though he asked for money to pay the first instalment in compensation for the territory so acquired, yet the changes are still rung on the charge that it has recently become a war of conquest.

The war was forced upon us by Mexico. It was just on our part, aggressive on hers. We tried to avoid it and to settle the difficulty by negotiation. Mexico made the attack, we repelled that attack and carried the war into the enemy's country, with a view of getting "indemnity for the past," and, if you please, "security for the future"—security that they never would commence war upon us again.

Mr. CLAYTON.—Did you get that security in the treaty?

Mr. DOUGLAS.—When the gentleman will show me a treaty of peace, I will examine it and tell him whether we have that security. But I am unable to comprehend upon what ground he affirms the immorality of this war. Such a charge, coming from a gentleman who has supported it from the beginning—who voted for it—who did not vote for it ignorantly—who knew at the time the war was declared that the Mexicans had attacked a detachment of our army, is, to say the least of it, very singular. The war was voted with a full knowledge of these facts. I have looked, sir, into the debate—indeed, I was present at the time that vote was given—and I was not able to find a man who doubted the propriety of that declaration, provided that the attack upon our troops was an authorized one. The democratic Senators were asked to pause in order to see whether the attack had been authorized by the Mexican government. And it was at that time that the honorable Senator from South Carolina drew his memorable and novel distinction between hostilities and a state of war. The objection to the preamble was, that it was doubtful whether war existed.—Still we are told that Senators have now found out for the first time that it is a war of conquest!

Mr. BAGBY.—I move that the Senate adjourn.

SEVERAL SENATORS.—Oh! no.

Mr. BAGBY.—I will withdraw the motion provided this debate ceases; but I cannot consent to expose my health night after night by sitting under the influence of this gas, listening to a debate which has been already exhausted.

Mr. CAMERON.—I came here this morning determined to sit out the discussion.

PRESIDING OFFICER.—The question is on adjournment.

The question was then taken with the following result:

Ayes	13
Noes	36

Majority against the motion 1

So the Senate refused to adjourn.

Mr. JOHNSON, of Louisiana, then submitted the following motion:

"To recommit the bill to the Committee on Naval Affairs with instructions to amend it by inserting at the end thereof the following:

"*Provided, however*, That the President shall not be authorized to nominate or appoint any officer of the army or navy, or to order any of the said officers, until it shall be satisfactorily ascertained that the pending negotiations with Mexico for securing a peace with that country, by treaty, have failed."

On this motion the yeas and nays were demanded, and were taken with the following result:

YEAS.—Messrs. Badger, Baldwin, Bell, Berrien, Butler, Calhoun, Clarke, Clayton, Corwin, Crittenden, Davis, of Massachusetts, Dayton, Greene, Hale, Johnson, of Louisiana, Magnum, Pearce, Underwood, Upham, and Webster—20.

NAYS.—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Benton, Bradbury, Breese, Cameron, Cass, Davis, of Mississippi, Dickinson, Dix, Douglas, Downs, Felch, Foote, Hannegan, Hunter, Johnson, of Georgia, Lewis, Mason, Moor, Niles, Sturgeon, Turney, Westcott, and Yulee.—28.

The motion was therefore not agreed to; and the question recurred on the passage of the bill.

Mr. JOHNSON, of Louisiana.—Had the question been taken upon this bill before any proceedings took place upon the treaty, I should have voted for it; and had the amendment which I had the honor to offer to-day been adopted, I should have voted for it, but I think that after the occurrences which have recently taken place, the matter is totally changed. A treaty has been agreed upon and a commissioner has been sent to Mexico, and we have reason to believe that the treaty will be ratified. These forces, therefore, will never be called into the field. The amendment which I offered was intended to prevent the President from appointing these four or five hundred officers, and raising the troops until actually required to be called into the field, which may never be the case, and thereby to save a useless expense of two or three millions of dollars. Under the present circumstances I cannot reconcile it with my sense of duty to vote for this bill.—

I have heretofore voted for all measures for the vigorous prosecution of the war, but the aspect of affairs is now materially changed. I would still have voted for the bill, however, if my amendment had prevailed, or if I could have had an assurance from the chairman of the Committee on Military Affairs, that the President would not make these appointments until they were actually required. We have every reason to suppose that the treaty will be ratified, and besides that the power now exists to fill up the old regiments. I much regret the situation in which I am placed, in regard to this bill, but not having the assurances to which I have alluded, I cannot give my vote for its passage.

Mr. BUTLER.—I am very far from submitting to those who have made an arbitrary rule for deciding this matter without debate, and I now take leave to ask of the chairmain of the Committee on Military Affairs, certain questions to which I expect to receive answers.

Mr. CASS.—I do not feel disposed to answer questions.

Mr. BUTLER.—Well, if the Senator is not able to answer the questions———

Mr. FOOTE.—I hope the honorable Senator will ask me the questions that he proposes to ask.

Mr. BUTLER.—I intend to ask them.

Mr. FOOTE.—If the Senator from Michigan does not, I will answer the questions for the Senator.

Mr. BUTLER.—I fear my friend will answer them too well. I ask the chairman of the committee on Military Affairs, whether it is the intention of the President, if this bill passes, immediately to appoint the officers?

Mr. CASS.—I have not the least objection to answer the question.—I do not know.

Mr. BUTLER.—That is not a very definite answer!

Mr. FOOTE.—If the honorable Senator will allow me to answer him, I will remind him that the Senator from Ohio, on the day before yesterday, in anticipation of all such questions, declared that if there was a prospect of peace, the troops would not march, and if there was a prospect of war, they would.

Mr. BUTLER.—I am not answered yet. The Senator from Michigan knows nothing on the subject?—

Mr. CASS.—I will observe that I sometime ago had a conversation with the President respecting the proposition to make this bill not absolute but discretionary; allowing him to determine whether the force should be raised or not. He thought the suggestion a proper one.

Mr. BUTLER.—I believe that the Senator has answered the inquiry in a kind spirit, although the answer does not altogether satisfy me of the propriety of passing this bill; I am willing, however, to leave it with the House of Representatives to determine. But I must ask another question. Is it the intention of the President to appoint any general officers under this bill, as was done under the bill of last year?

Mr. CASS.—This bill does not provide for them.

Mr. BUTLER.—I do not say they were appointed under the provisions of that bill, but there were general officers appointed: two brigadier generals and four major generals. I only inquire the opinion of the Senator as a military man.

Mr. CASS.—The Senator is entirely welcome to my individual opinion.

Mr. BUTLER.—I ask the honorable Senator from Michigan, as the organ of the administration, whether it is the purpose to add other general officers to those already appointed, for the purpose of fulfilling what we must suppose to be the demands of the service.

Mr. CASS.—I do not know; but it is my private opinion that additional general officers will not be wanted.

Mr. BUTLER.—I believe the honorable Senator has answered fairly. He says he does not know whether it be the intention of the President to appoint these officers immediately or not.

Mr. FOOTE.—Will the honorable Senator indulge me a moment? I have had no confidential communication on the subject, yet I feel authorized to state one fact.

Mr. BUTLER.—What is that?

Mr. FOOTE.—There was a meeting of the members of this body who are favorable to the passage of this bill, and the understanding arrived at was that there was to be no appointments made unless there was, an actual necessity for the troops to be despatched to the field, and I do hope that that meeting, caucus, or whatever it may be called, will unite in enforcing upon the President this determination.

Mr. BUTLER.—These are assurances which in some measure relieve me from the apprehensions which I have entertained. I could have preferred however that the bill should have been recommitted, and a clause embracing such a provision introduced as a proviso to the bill. A majority here however has declined to recommit the bill with a view to amend it, and we must therefore take it, I suppose, according to the provision it contains, and pass it subject to the discretion of the President. There are contingences under which I would put these troops at the disposal of the President unhesitatingly, for even if it be determined to withdraw the array to a line of defence, I am strongly inclined to the opinion that the number of troops that we have in Mexico at present is not sufficient. It appeared to me to be a criminal disregard of human life, to send only about ten thousand men under General Scott to invade an empire, with a population of eight millions. I thought it criminal, sir, a rash reliance upon the gallantry, skill, and patriotism of our citizen soldiers, which no government on earth had a right to expect from its people. Success however has vindicated the course of the administration, success I repeat has vindicated the act, and averted the force of that indignation which would, had the result been otherwise, have deservedly fallen upon the administration. But whether that success depended on the wisdom of the measures which they devised, or upon the gallantry and intrepidity of the officers and men who performed the work is a question which I leave to others to determine.

Mr. CLAYTON.—A few words in reply to the Senator from Illinois. He has undertaken to defend the conduct of the President in admitting Santa Anna into Mexico: first, upon an allegation of his own, that at that time, it was customary to admit Mexicans into Mexico without any restriction. Sir, this is new to me. I do not believe it. It is impossible that *flagrante bello*—after war was declared—there could have been a standing order for their admission. Does the gentleman mean that?

Mr. DOUGLAS.—I mean only what I said. I said not a word about orders; but I ask the gentleman to show me an order prohibiting the entrance of Mexicans into that country even after the commencement of the war. What I said was, that there was a blockade against the introduction of munitions of war, merchandize, &c., but not against individuals; and I refer the gentleman to the fact that there was continual passing and repassing between Cuba and Mexico.

Mr. CLAYTON.—Well now, what answer is that? Why was a pass given if every one had a right to enter the country? and whoever heard before that, *flagrante bello*, any and every person might pass. Sir, the construction put upon the matter by the President was the right one; if it were necessary for Santa Anna to enter Mexico, it was necessary for the Secretary of the Navy to give him a pass.

The gentleman will recollect the great noise that was made by our government in consequence of Paredes being smuggled into Mexico in an English vessel. I do not choose to dwell upon this. But the gentleman says, and it is the first time I ever heard it, that the President did a most praiseworthy thing in passing Santa Anna into Mexico, because, at that time, Paredes was at the head of a monarchical party, and that the admission of Santa Anna was the means of displacing him. Why, what manner of reasoning is that? Did the President prefer to go to war with a republican party instead of a monarchical one? Do our republican institutions teach us such doctrines as these? If Paredes was at the head of the monarchical party, he was the very man for us to put down. With regard to the employment of British gold I undertake to say, that if such had really been the case and the fact had become known in this country it would have had the effect of uniting the people as one man. The President would have required no better circumstance than that a foreign government was sustaining the Mexicans to enable him to procure the instant and unreserved co-operation of every man in the country.

But to come to the real merits of the case. Who ever heard before that Paredes would have been a more formidable antagonist than Santa Anna? Does any man suppose that forty such as Paredes could have rallied as great a force as Santa Anna? He could collect thousands where others would fail to collect hundreds. But I must advert briefly to one or two other points in reference to which the Senator from Illinois has spoken—I have complained that the troops under General Taylor's command were withdrawn in the face of an enemy of four times their number, thus jeoparding his safety and compelling him to fight against vastly superior numbers. I complained that that withdrawal was an act of the administration. The gentleman tells me in reply that the administration is not censurable for this, but that General Scott is alone answerable. And in proof of his position the honorable Senator tells me that he has seen nothing in the public prints to justify the charge that the war department or the administration had done more than appoint General Scott general-in-chief over the army; giving him the general power to act in this matter as he pleased. Now I imagine that if there was nothing more, if the administration gave him this general power, the administration is responsible for his acts. The honorable Senator cannot screen the administration by any ingenuity of his from censure, if censure is to fall any where, because General Scott, in pursuance of power expressly conferred upon him, ordered the withdrawal. But I think that the honorable Senator will find by reference to the documents that the facts are that the administration distinctly understood before General Scott went to Mexico that he was to do this, and that it was indispensably necessary to his success in that great campaign which he was to wage. Where was he to get an army sufficient for the purpose which he had to accomplish? How could he have avoided doing this? Is it supposed that he was to go without these troops; was this idea entertained by the Secretary of War? No: I make no such accusation. And does any man doubt that the whole plan of the campaign was settled here? Does any man doubt that before General Scott left this city it was perfectly understood that he was to receive from General Taylor the forces with which he was to capture Vera Cruz. I do not charge upon the administration the absurdity of ordering General Scott to take Vera Cruz without troops.

The honorable Senator also condescends to reply to another part of my remarks. I have said that General Scott complained that he was left a long time without sufficient troops at Puebla. This the honorable Senator tells me, cannot be so, because General Scott discharged a great number of volunteers before their time of service expired—th s proving that he had sufficient force to enable him to take the city of Mexico without them. Now I believe every body knows the reason why he discharged these volunteers. They were men whose term of service had nearly expired, and it would have expired before they could possibly be made serviceable, and they had refused to re-enlist. He informs the government that he found it would be better under such circumstances, to save the trouble and expense of feeding them any longer, by allowing them to go home, but at that moment, their services and the services of many more were requiste in order to carry on the war with success.

Next the Senator from Illinois, tells me that I must stop complaining, that this war, is a war of aggression and conquest, because, forsooth, he says I voted for the war, and for supplies, after the war was begun. I thought that every body here, and the honorable Senator says he was present in the chamber at the time the vote was given. I thought that every body who heard that vote, distinctly understood my position. We had debated the bill from day to day, denying the truth of the preamble, and insisting on striking out that which we did not believe. If the Senator was here, he heard us on this side implore Senators on the other side, to permit us to divide the bill from the preamble during the war, and heard, when at last the vote was given, many Senators give their votes in these words—"Aye, without the preamble." He must have known, also, that we not only denied the truth of the preamble, but all appealed to the justice and magnanimity of gentleman on the other side, to permit us to divide the bill so as to vote for the supplies, which we believed to be necessary to rescue our army, without voting a proposition declaring war to exist by the act of Mexico which we did not believe. Under these circumstances it was, that we voted fifty thousand men, and ten millions of dollars supplies to our army in peril. But does not the honorable Senator, if he was present, well remember that after our appeal to the other side, Senators on that side rose and said to us, "we agree that you shall protest against the preamble, and you may enter your protest upon the journal of the Senate—at any rate, you shall be understood as voting for the supplies." The Senator from Missouri, and the Senator from Mississippi, the lamented Mr. SPEIGHT, came forward and publicly entered into this understanding with us. Let the honorable Senator look back to the debate of that day. I will speak for itself, however loosely and lamely it may have been reported, as I recollect was the case with the remarks which I then made. In regard to supplies, I have always voted for them, and have differed in this respect from some of my friends on this side, whom I have endeavoured to induce to take the same view that I did. And even now I would vote all necessary supplies. I am anxious to sustain the honor of the army as any man, but the new position which the President takes, and which the honorable Senator denies to be a new position, puts it out of my power to vote for this bill. The Senator says that the same position existed formerly. I am surprised! Why it was declared by the President on all former occasions that it was not the purpose of the administration to

make this a war of conquest. Had I not a right to believe this? But the gentleman says that the three million bill indicated conquest. Sir, there is nothing like it, there is nothing about territory in that bill; it is an appropriation of three millions of dollars, to effect a speedy and honorable peace; that is the language of the bill, it is not stated that the object was to acquire territory by conquest. No, sir, it was not announced until the commencement of this session that territory was to be acquired by any such means.

I regret the necessity for troubling the Senate so long, for I know that the patience of Senators is exhausted; but I desire now to make one remark upon the merits of the bill. We are now, if we pass this and the volunteer bill, to send thirty thousand men to Mexico, in addition to those already there; and this large army is to be raised during an armistice with a country with which we have been treating, towards whom we have been holding out an idea that we desire peace. What will be the effect of such a measure upon them? What would be the effect upon any nation in Christendom, which, when negotiating with another nation, should see that nation deliberately raising thirty thousand more troops. Would not such a raising of troops, pending an armistice, occasion the immediate breaking up of all negotiations. It would be looked upon as a deliberate insult; it would be regarded as an attempt to accomplish that by bravado—by menace—which could not be obtained by argument and fair discussion.

Mr. FOOTE.—I would ask whether it was not a wing Senator who declared that it was our duty to advance with the sword in one hand, and the olive branch in the other?

Mr. CLAYTON.—The gentleman who made that declaration is well able to answer for himself. I thank the Senate for the patience with which they have heard the remarks which I thought it necessary to submit.

Mr. CRITTENDEN.—As the honorable Senator from Mississippi has alluded to me, I will, with the permission of the Senate, remark, that I did say that I believed this war was regarded as a lamentable and deplorable war, even by those who considered it justifiable and warrantable, and that I thought that it would be highly becoming in this republic to adopt a course characterized by magnanimity, and to offer, after every blow that might be struck, terms of peace. I never found fault with too much solicitude to make peace.

Mr. DOUGLAS.—The Senate need not be apprehensive that I shall detain them long. I wish merely to say, that it is true that the honorable Senator from Delaware protested against the preamble to the bill; but the debate shows, and I have read it recently, that the ground of the protest was, that they did not believe that war existed at all, it being doubtful whether Mexico had authorized the attack which had been made by the Mexican troops upon our army.

Mr. CLAYTON.—I beg leave to say, that the Senator is entirely mistaken, as he will find by inquiring of any Senator who was in this chamber at the time war was declared.

Mr. DOUGLAS.—Well, I leave it there. Now in regard to General Scott sending home the volunteers whom he discharged, previous to the expiration of their period of service. I did not say that he had enough of force, for I do not know the fact; but I do know that he sent them back, and I know they refused to re-volunteer; and why? because they were required to re-volunteer for the war, instead of for the expedition to the city of Mexico. Now, in regard to withdrawing the troops from General Taylor, I fear the honorable Senator will not only find it difficult to night, but at any time hereafter, to show that it was the act of the administration, or that the administration ordered General Scott to withdraw them. On the contrary, General Scott being the superior officer in command, took the responsibility of withdrawing those troops. And now, as to the question where he was to get troops if he did not take those. Before the battle of Monterey, General Taylor had something like 16,000 troops; of these he left at least two-thirds inactive, whilst he proceeded to capture the town of Monterey with the remainder. General Scott went down to Mexico as commander in chief of the army; and the withdrawal of these troops was his act. If the gentleman supposed it would reflect any glory upon General Scott, he would have attributed the act to him, there is no doubt. But here is the difficulty. General Scott and General Taylor must both be praised and exalted at the expense of the administration. Their faults, if any there be, must be charged upon the administration, whilst the merit of their proceedings in the prosecution of the war rest wholly with themselves. One general must be played off against the other for political purposes, and the administration be made responsible for their blunders, if there be any, in this Presidential campaign! If gentlemen can succeed in this game, I have no doubt they will make considerable political capital.

Mr. UNDERWOOD.—I desire in justice to General Scott to state a fact, and to ask the Senator from Illinois if it be not so. If I am correctly informed, the time of service of these volunteers would have expired in a month and a half or thereabouts. Does the Senator know the time when these troops would have been discharged by the terms of their enlistment?

Mr. DOUGLAS.—I do not know precisely, but I am under the impression that their time would have expired in July. I know this, however, that the men were willing to go on to the city of Mexico.

Mr. CLAYTON.—What authority had General Scott to enlist these troops for six weeks, or till they entered Mexico?

Mr. DOUGLAS.—None at all; but the Senator will perceive that my position remains altogether untouched. I have shown that General Scott, on his own authority, voluntarily discharged these troops at the very time when the Senator represents him as being compelled to weaken General Taylor's column in consequence of not receiving reinforcements from the War Department.

Mr. NILES.—I rise, sir, to thank the gentlemen who have occupied the attention of the Senate this evening. The subject is so entirely fresh and novel that I might have voted with a great deal of difficulty had it not been for the able arguments which we have heard this evening, by which I have been so much enlightened that I think I can now vote with a tolerably safe conscience! Now, if I receive an answer to one question which I desire to ask I shall be entirely satisfied. I do not know what Senator I had better ask; perhaps the honorable Senator from Delaware will do as well as any other. I enquire then, whether in his conscience he believes it is the destiny of this country, ultimately, to swallow all Mexico or not?

Mr. CLAYTON, (jocularly.)—It depends upon what the people shall do at the Presidential election next fall. That election will answer the Senator fully. Let him wait till that event.

Mr. CASS demanded the yeas and nays on the passage of the bill, which were ordered and taken, with the following result:

YEAS—Messrs. Allen, Ashley, Atherton, Bagby, Benton, Bradbury, Breese, Butler, Cameron, Cass, Dix, of Mississippi, Dickinson, Dix, Dodge, Felch, Foote, Hannegan, Hunter, Johnson, of Georgia, Lewis, Mason, Niles, Sturgeon, Turney, Westcott, and Yulee—28

NAYS—Messrs. Badger, Baldwin, Bell, Berrien, Calhoun, Clarke, Clayton, Corwin, Crittenden, Davis, of Massachusetts, Dayton, Greene, Huntington, Johnson, of Louisiana, Mangum, Phelps, Underwood, Upham, and Webster—19

So it was,

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

On motion,

The Senate adjourned.

SATURDAY, MARCH 18, 1848.

PETITION.

Mr. BREESE submitted an additional document in relation to the claim of Emeline Owens, which was referred to the Committee on Naval Affairs.

EXECUTIVE SESSION.

On motion by Mr. ASHLEY, the Senate proceeded to the consideration of Executive business, and, after a short time spent therein, the doors were again opened.

IMPROVEMENT OF THE HARBOR AT PORT PONTCHARTRAIN.

Mr. JOHNSON, of Louisiana, submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to improve the harbor at Port Pontchartrain, in the State of Louisiana.

THE HEIRS OF JOHN PAUL JONES.

Mr. BRADBURY called up the motion to re-consider the vote whereby the Senate concurred with the House in its amendments to the bill for the relief of the heirs of John Paul Jones, and said: I have been desired by Senators to withdraw the motion for reconsideration, and I therefore propose to call attention to the bill, and then to take such course as shall be found in accordance with the general sense of the Senate. A bill similar in its provisions, passed both Houses of Congress at the last session, and then failed in consequence of being accidentally lost on the last night of the session, on its way from the desk of the Secretary to the room where the President was engaged in the approval of bills. It was not found until the next day, when it was too late to receive the signature of the President. This bill was introduced into the Senate during the first week of the present session, and passed without discussion or reference. It came back from the House by reason of amendments made in that body, not affecting the merits of the bill, which were adopted in concurrence, without notice or division. Since it has been before the Senate, I have examined with some attention the character of the claim. The first section of the bill makes provision for the adjustment of certain balances claimed by Commodore Jones, as due to him from the United States, which I think are equitably due, and ought therefore to be paid. The second section presents a different question. It provides for the payment for the prizes captured from the British by the fleet under the command of Commodore Jones, in 1779, and sent into Bergen —a neutral port, under the dominion of Denmark—which were taken from the captors by the orders of that government, and delivered up to the British authorities. Demand was made upon Denmark, on behalf of the captors, for compensation. That government offered to pay £10,000 in satisfaction, but the offer was declined as inadequate. The claim was treated as a claim of the captors by Dr. Franklin, our minister at Paris, by Mr. Jefferson, his successor, and by Commodore Jones himself. Denmark has never made satisfaction; nor has the claim ever been assumed, cancelled, or abandoned by our government. And I submit that the precedent will be a dangerous one, for the United States to assume the payment of the claims of its citizens upon foreign governments, before satisfaction is obtained, or because they have not succeeded in obtaining it. This, in short, is my view of the subject, for I do not propose to discuss the questions involved. The bill under consideration has passed the stage in which it is amendable. The second section cannot be reached without defeating the bill. I now propose to submit the disposal of the question to the Senate. If it is desired, I will ask a vote upon the motion to re-consider. If not—if it is, on the contrary, the general sense of the Senate, I will withdraw the motion.

Mr. CLAYTON expressed his strong disapprobation of the principles involved in this bill; but under the extraordinary circumstances, he supposed it was impossible that the motion should not be withdrawn. He protested against the precedent of this law as fatal to the treasury, if established as such, and said the bill was one of the strongest evidences of the recklessness of this government in regard to its expenditures.

Mr. PHELPS took a similar view of the subject; after which, upon leave of the Senate, the motion to re-consider was withdrawn.

DEATH OF THE HON. JOHN M. HOLLEY.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

MR PRESIDENT: I am directed to notify the Senate of the death of the Honorable JOHN M. HOLLEY, late a member of the House of Representatives from the State of New York, and to communicate the proceedings of the House of Representatives thereon.

The resolutions from the House of Representatives having been read—

Mr. DICKINSON rose and addressed the Senate as follows: This painful message, Mr. President, devolves on me the melancholy duty of paying a brief tribute to the virtues of the deceased, and of asking the Senate to unite in the customary ceremonies of respect for his memory. The fearful messenger Death has of late been no stranger in these halls. Eight times during the present session have the members of this Congress been called to put on the habiliments of mourning. Eight times have we thus been significantly admonished of the futile tenure by which we hold life and earthly honors. Three members of the Senate and five members of the House of Representatives since the last session of Congress—some at the meridian of manhood, and others full of years and honors—have been summoned to their final account. "The cup goes round, and who so artful as to put it by?"

JOHN M. HOLLEY, the lamented subject of this notice, was born at Salisbury, in the State of Connecticut, in November, 1802, and was educated at Yale, where he graduated with distinguished honors in 1822. Having chosen as his pursuit the legal profession, he spent one year in the celebrated law school of Mr. Gould, at Litchfield, in his native State, and then removed to the State of New York, where he completed the usual course of preparatory studies, and was admitted at the bar in 1825. He soon after opened an office in the village of Lyons, in the county of Wayne, where he acquired an extensive practice, and where he continued to reside until the time of his death. Besides filling various local offices of dignity and trust, he was chosen to represent his county in the assembly of his State in 1838, and again in 1841. In 1846, he was chosen to represent the 27th Congressional district, composed of the counties of Seneca and Wayne, in the 30th Congress, and was, at the time of his election, in the enjoyment of health which gave promise of a long life of usefulness and honor. But, about one year since, he was struck suddenly down with a fit of pulmonary apoplexy, from which he never fully recovered. Being desirous to discharge with fidelity his representative obligations, at the commencement of the present session, though exceedingly feeble and infirm, he repaired to the Capitol, and took part in the organization of the House, and yielded reluctantly to the advice of his physicians and friends, to seek relief in repose and a southern clime. Immediately after the opening of the session he proceeded to Jacksonville, in the State of Florida, where the genial influences of the climate seemed to revive him for a season, and his friends were flattered with the hope of his recovery. But a sudden return of the disease brought with it a fatal termination, and he expired on the 8th instant. He died conscious of the mighty change which awaited him, calm and resigned, in the hope of a glorious future. The companion of his life, who had accompanied him with that fidelity and affection known only to woman, was present at his bedside to smooth his dying pillow and close his eyes in death. She is now returning to her desolate home with all that is mortal of a beloved and faithful husband, to tell her children they are fatherless! Into that sanctuary of private grief I may not obtrude; for alas! how impotent is human consolation.

I had long known the deceased by reputation, and in 1838 was associated with him in the New York Legislature; and though in a different branch, I recollect full well how highly he was there esteemed by all who knew him. He was a citizen of pure morals and correct deportment, a successful and honorable member of the bar, a prudent and able legislator, and was especially beloved for his social and domestic virtues.

Thus lived and thus died JOHN M. HOLLEY, a member of the House of Representatives of the thirtieth Congress of the United States—cut off in the midst of his usefulness, leaving to his family, his friends, and his country, the priceless legacy of an unblemished name.

Mr. DICKINSON then submitted the following resolutions:

Resolved, That the Senate has received with deep sensibility the message from the House of Representatives announcing the death of the Honorable JOHN M. HOLLEY, a Representative from the State of New York.

Resolved, That the members of the Senate, from a sincere desire to show on every mark of respect to the memory of the deceased, will wear the usual badge of mourning for thirty days.

Resolved, That as a further testimony of respect for the memory of the deceased, the Senate do now adjourn.

Whereupon,

The Senate adjourned.

MONDAY, MARCH 20, 1848.

PETITIONS.

Mr. BRADBURY presented a petition of citizens of the county of Penobscot, in Maine, praying the abolition of the slave trade in the District of Columbia, or the removal of the seat of government; the motion to receive which was laid upon the table.

Mr. DOWNS presented a petition of citizens of Louisiana, praying the establishment of a judicial district north of Red river in that State; which was referred to the Committee on the Judiciary.

Mr. ASHLEY presented a petition of citizens of Arkansas, praying the establishment of a mail route from Raymond to Camden, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. CASS presented the petition of E. P. Hastings, praying compensation for his services as pension agent for the State of Michigan; which was referred to the Committee on Pensions.

PRIVATE BILLS.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill from the House of Representatives for the relief of Amzy Judd, reported it without amendment.

Mr. BREESE, from the same Committee, to whom was referred the bill from the House of Representatives for the relief of Benjamin White, reported it without amendment.

Mr. BALDWIN, from the Committee of Claims, to whom was referred the petition of D. A. Watterston, submitted a report accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. BALDWIN, from the same Committee, to whom was referred the memorial of Columbus Alexander and Theodore Barnard, submitted a report accompanied by a bill for their relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. BADGER, from the Committee on Naval Affairs, to whom was referred the memorial of David Myerle, submitted a report accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. FELCH, from the Committee on Pensions, to whom was referred the petition of John H. White, submitted a report accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. DOWNS, from the Committee on Private Land Claims, to whom was referred the petition of William W. Wall, submitted a report accompanied by a bill for the relief of the heirs of John Wall, deceased.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. DOWNS, from the same committee, to whom was referred the bill from the House of Representatives, for the relief of Charles Cappell, reported it without amendment.

SCHOOL LANDS IN FLORIDA.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill concerning school lands in the State of Florida, reported it with an amendment.

AMERICAN HEMP FOR THE USE OF THE NAVY.

Mr. YULEE, from the Committee on Naval Affairs, to whom was referred the joint resolution to promote the purchase of American hemp for the use of the American navy, reported it with an amendment, so as to read as follows:

Be it resolved, &c. That the Secretary of the Navy be, and he is hereby authorized, if in his opinion it will be advantageous to the public interest, to contract for or purchase any quantity not exceeding five [illegible] for the purchase of American hemp, suitable for the use of the United States navy, equal in the average to the best quality with the best imported hemp, and at a price not exceeding the average price of such hemp for the last five years; the hemp thus delivered to be at the place of purchase.

The Senate proceeded to consider said joint resolution, as in Committee of the Whole; and the amendment being agreed to, it was reported to the Senate, and the amendment was concurred in.

Ordered, That the resolution be engrossed and read a third time.

EXAMINERS IN THE PATENT OFFICE.

Mr. WESTCOTT, from the Committee on Patents and the Patent Office, to whom was referred the amendments of the House to the bill of the Senate to provide additional examiners in the Patent Office and for other purposes, reported thereon, with a recommendation that the Senate disagree to the amendments of the House.

Mr. WESTCOTT asked for the immediate consideration of the amendments. The question being about to be put upon concurring in the amendments—

Mr. TURNEY said he hoped the question would be divided and taken upon the first amendment separately. He believed that the salary of an examiner of patents was now some fifteen or eighteen hundred dollars, and he knew no good reason why it should be raised to twenty-five hundred. He thought that this was hardly an appropriate time for an increase of salaries when the country was involved in war, and had no superabundance of revenue to dispose of. He thought it would be proper to concur with this amendment to strike out the twenty-five hundred dollars.

Mr. WESTCOTT remarked that all the members of the committee were unanimous in disagreeing to the amendments of the House, with the exception of the first amendment, and a majority of the committee were in favor of disagreeing to that amendment. The bill as it originally passed the Senate, he said, gave to each of the examiners in the patent office a salary of twenty-five hundred dollars. The House amendment proposed to reduce it to two thousand. The fixing of the salary at twenty-five hundred dollars was on consultation with the commissioner, and those having business with the Patent Office considered it as a matter of the very first importance, as we are obliged to have men of the highest scientific attainments, and who are acquainted with the French and German languages. The Senate will perceive the necessity for an increase of salary when I state the fact, that within the last five years examiners who have received eighteen hundred dollars a year, finding that the salary was not commendation of the service required, and that they could make twice as much money by acting as agents, have resigned their offices. I think that the salary proposed is not too large, and I will mention the fact that the money does not come out of the treasury. The law provides that it shall be taken from the receipts of the Patent Office, and that office has already a fund of some seventy thousand dollars. I hope that the Senate will concur with the recommendation of the committee, and disagree with the amendments of the House.

Mr. DICKINSON.—This is simply a question of demand and supply. In my judgment a salary of twenty-five hundred dollars is necessary, for the reason that you cannot get competent men for a smaller salary. The office cannot be filled by mere politicians or mere clerks. The gentleman filling that office must be an encyclopædia of science, and though he may not be required to converse fluently in German and in French, it is necessary that he should be able to read those languages, because he is required to consult scientific works in the German and French languages, in order to determine whether an invention presented, is a new one. And he must be acquainted with chemistry, in all its details; in short, he must be qualified for one of the most learned professorships in our institutions of learning. Now, you cannot get men possessing these qualifications, for less than twenty-five hundred dollars a year. The number of such men is comparatively small; the demand is greater than the supply. You can get men to take the office for one thousand dollars a year; but you cannot get men who are qualified to discharge the duties for that sum. I am not for high salaries generally, but this is one of those cases which require liberal salaries.

Mr. JOHNSON, of Louisiana.—I do not know that I understand the purpose of this amendment.

Mr. WESTCOTT.—The bill originally proposed to give twenty-five hundred dollars a year to the examiners of the Patent Office. The House struck out twenty-five hundred and inserted two thousand. The committee proposes to disagree with this amendment of the House.

Mr. JOHNSON.—Well, I hope the Senate will disagree to the amendment. A salary of twenty-five hundred dollars is quite a low one. The duties are laborious, and they require men of high scientific attainments. I think that the examiners should have a higher salary than the Commissioner, as they have the whole of the labor to perform. I hope that the Senate will disagree with the amendment.

Mr. TURNEY.—Before the question is taken, I desire to say a single word.

Mr. ATHERTON.—As I perceive that the debate upon this bill is likely to continue, I would like to have it laid over until to-morrow, for it is very desirable that the Senate should proceed with the consideration of the bill making appropriations to supply the deficiencies for the current fiscal year.

On motion by Mr. ATHERTON it was,

Ordered, That the further consideration thereof be postponed until to-morrow.

THE FRANKING PRIVILEGE.

Agreeably to notice, Mr. BADGER asked and obtained leave to bring in a bill to declare the true intent and meaning, so far as respects the franking privilege of members of Congress, of the act approved the first of March, 1847, and of the act entitled "An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege; and for the prevention of frauds on the Post Office Department," passed the third of March, 1845; and for other purposes.

The bill having been read the first and second times, by unanimous consent—

Mr. BADGER.—I shall move a reference of this bill to the Committee on the Post Office and Post Roads; but before the question is put, I desire to occupy the attention of the Senate for a few moments, and particularly to call the attention of my friend, the chairman of that Committee, to one or two observations regarding the purposes intended to be accomplished by the bill, and the present state of the law to which it relates. It will be found by referring to the act passed on the 3d of March 1845, "to reduce the rates of postage," &c. that Congress at that time adopted an entirely new system, with regard to the franking privilege and placed it in the main upon different grounds from those which it previously occupied. The act of 1845 seems to be designed as a substitute for the former law upon the subject, and by implication to repeal it, and this implication is strengthened by the fact that the latter law expressly saves from repeal certain portions of the former. It will be found upon looking at the act of 1845, that the eighth section of it grants to members of the Senate and House of Representatives, delegates from territories, &c. the right to send and receive free of postage "any letter, newspaper, or packet" not exceeding two ounces in weight, during each session of Congress, and for thirty days before and after. The same section declares that they shall have the right "to frank written letters from themselves during the whole year, as now authorized by law." It is therefore clear and beyond controversy, that according to the provisions of the law of 1845, the franking privilege of members of the two houses during the session of Congress, and for thirty days before and after, consists in the power to send and receive free of postage, any letter, newspaper, or package, and that it is perfectly immaterial by whom directed, to whom addressed, or by whom written. There is but one single qualification, that the letter, newspaper, or package, shall not exceed two ounces in weight. If there could be any doubt in regard to the terms embraced in this part of the section, that doubt is removed by the clear distinction that is taken between this franking privilege, during the sessions of Congress, and thirty days before and after, and the franking privilege given for the residue of the year, which is confined to written letters from themselves. It is clear therefore that the act contemplated and declared that during the sessions, members of this house and the other should have the right to frank any letter, any newspaper, any package written or printed, no matter whether it was composed of paper or muslin, no matter by whom directed, by whom signed, with no exception, but the single qualification, that the letter, newspaper, or package should not exceed two ounces in weight. Now I apprehend there might have been in the minds of Congress, reasons for making this discrimination, and for the confining the franking privilege during the residue of the year to written letters from themselves. Whatever might have been the reason, or whether there was any, the distinction is clearly made.—Then, sir, at the last session, we passed an act which was reported by my friend the chairman of the Committee on the Post Office and Post Roads, containing this provision, that members of Congress shall have power to receive, as well as to send—for it will be observed that under the act of '45 they had only the right to send their own letters in the intervening time between the sessions, but they shall have a right to receive as well as to send all letters and packages not weighing over two ounces free of postage, up to the 1st Monday of December following the expiration of their term of office. Now, sir, as far as I am able to perceive, it is not only probable—not only highly reasonable—but it is absolutely certain that as the law now stands, the franking privilege to members of Congress is subject to but one restriction; that is, that the letter, newspaper, or package, shall not exceed two ounces in weight. Well, sir, we are all aware that, recently, by some regulations, a discrimination has been made between packets put up in coarse envelopes, and which are not supposed to be letters, and those which are put up in fine envelopes, which are supposed to be letters; and in the latter case, it is required that the address shall be in the same hand as the frank, or else the postmaster is directed to disregard the frank and charge postage. This I consider to be simply a gratuitous distinction, adopted without any appearance of reason or propriety. The bill, therefore, which I have the honor to submit to the Senate, is intended, in the first place, to declare, so as to put it beyond the possibility of doubt or cavil, what is the law on the subject; not to enlarge or alter the franking privilege, but simply to declare it. I have brought the subject forward, sir, because I desire to have the judgment of the Senate upon it. I feel that members of this body are as much entitled to trust and confidence as any man in the Executive departments. We are personally responsible to our constituents for the abuse of our privileges; and we should not permit ourselves to be responsible to any executive officer whatever. If the rule requiring the address to be in the same hand as the frank applies to letters, why is it not applied to documents also?—the laws making no difference between them. The construction will, perhaps, affect me as little as it will any member. I have always endeavored to avoid putting myself or my friends in the power of any such capricious construction of the law relating to the franking privilege. I have directed every letter and document I have sent, at whatever trouble and inconveniences to myself.

The bill was accordingly referred to the Committee on the Post Office and Post Roads.

FEES IN UNITED STATES COURTS.

Agreeably to notice, Mr. ASHLEY asked and obtained leave to bring in a bill to regulate the fees and costs to be allowed Clerks, Marshals and Attorneys of the Circuit and District Courts of the United States, and for other purposes; which was read the first and second times by unanimous consent, and referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk:

Mr. President: The Speaker of the House of Representatives having signed an enrolled bill for the relief of the heirs of John Paul Jones, I am directed to bring it to the Senate for the signature of their President.

SIGNING OF A BILL.

The VICE PRESIDENT signed the enrolled bill for the relief of the heirs of John Paul Jones.

DEFICIENCY BILL.

On motion by Mr. ATHERTON, the prior orders were postponed, and the Senate resumed the consideration, as in Committee of the Whole, of the bill from the House of Representatives further to supply deficiences in the appropriations for the service of the fiscal year ending the 30th June, 1848.

The question pending being upon agreeing to the amendment proposed by Mr. BENTON, to strike out the words "the Papal States," in line 84, and after "Ecuador," in line 86, insert "and for a minister plenipotentiary to the Papal States," and strike out "twenty-two" and insert "thirty-one"—

Mr. HALE.—I desire to ask the chairman of the committee from which this bill was reported, why this item is inserted among deficiencies of appropriations for the past year?

Mr. ATHERTON.—The fiscal year has not yet expired, and the object is, I suppose, to send the charge d'affairs, or minister, whichever he may be, before the conclusion of the year.

Mr. HANNEGAN.—If I understand the effect of this amendment, it is to change the nature of the mission to Rome, from charge d'affairs, to minister plenipotentiary. I would suggest to those who are in favor of this amendment, whether it would not be better policy, instead of making this embassy a full one, to substitute a minister resident. We might, it seems to me, more properly send to Rome a minister resident with a salary such as that which is paid to our resident minister at Constantinople, and our minister in China. A minister resident has this advantage over a charge d'affairs, that whilst the charge cannot approach the sovereign, the minister resident can. The Senator from Missouri stated the other day, that one object in making this a full mission was, that it might ultimately absorb all the missions, or chargeships to the Italian states. Now we have a very considerable commerce with the Italian states, and in that commerce, American shipping is principally employed. In the dominions of Austria—a country which contains upwards of thirty millions of people, we have but a charge d'affairs. We have nothing but a charge in Portugal, and the same in Belgium. We have considerable commerce with these countries, and it is all in our favor. The temporal power of the Pope is very limited, and of course, as correctly stated by the Senator from North Carolina, it is only in the character of a temporal prince, that a diplomatic agent could be sent by us to the sovereign Pontiff.

In making this suggestion, I wish it to be understood, that I am incapable of being governed by any thing like religious or sectarian feelings. Surely I entertain no prejudice against the Catholic religion, when, on the contrary, I regard it with the highest veneration, looking upon it as I do, as the casket which held through many a long age of persecution and blood, the gem of the Christian faith—holding as I do, too, sir, in the highest possible reverence, the character of the present Pontiff, Pius the Ninth. It has been said by the distinguished Senator from Missouri, who made some very eloquent and appropriate remarks upon this subject the other day, that it would be becoming in us to send a full minister to Rome, which was surrounded by such grand associations. I put this question, however, upon principle, and there is another

power which has, I think, stronger claims to a full embassy. I allude to Switzerland, where now in some of the Cantons exists the only pure democracy which is now to be found on the face of Europe. It would be a higher compliment to our own people—to our own institutions—to send an embassy to Switzerland. Ancient Rome, and modern Rome, are essentially different. It is true, that as the Senator says, Rome still stands upon the banks of the Tiber, yet modern Rome does not occupy the site of that Rome of the elder ages of the world, which must ever possess the highest interest to the imagination and feelings. The modern city occupies the opposite bank, and is separated by the classic stream from the soil on which the Coliseum and the Pantheon stood. All is now a "marble wilderness," where Tully once "launched his moral thunders on the subject soul;" and where the accursed steel of the assassin Brutus, struck at the heart of Cæsar. But, sir, these are not considerations which are now to weigh with us.

I submit to the Senate as a question of expediency, what must be the effect upon Belgium, Portugal, Austria, and the other Italian states if we send a full embassy to Rome? For we all know, whatever may be the progress of liberal principles, in Italy, at this moment, the most despotic governments that ever existed, have prevailed there for the last five hundred years.

Mr. MANGUM.—Do I understand the Senator as offering an amendment.

Mr. HANNEGAN.—I propose to strike out what relates to the mission to the Papal states, and substitute a section providing for a minister resident.

PRESIDING OFFICER.—The Senators object can be accomplished by striking out "plenipotentiary" and inserting "resident," and striking out "thirty one" and inserting "twenty eight."

The question being taken upon this amendment to the amendment it was disagreed to on a division, Ayes 12, Noes 19. The question recurring on the amendment of the Senator from Missouri.—

Mr. HANNEGAN demanded the yeas and nays.

PRESIDING OFFICER.—They were ordered at a a former day.

Mr. CLAYTON.—This bill came to us from the House proposing to send a Charge d'Affaires to the Papal states. The Committee on Finance to which the bill was referred, has reputed the bill as it came from the House without amendments, thus recommending the establishment of this new mission. Such was the judgment of the committee of which I was a member. I concurred in the report, and I see no reason whatever to change it. It seems to me, sir, to be admitted on all hands, that there is nothing in the commercial relations between the two countries to justify any mission whatever, but in my judgment, there is enough connection between the social and political relations of the countries, to authorize it. I have been willing therefore to establish this mission of a charge to the Papal states, but it does seem to me that there is serious objection to going further. Austria is a country with thirty eight millions of people with whom we have extensive commercial relations, and we send to them only a charge d'affaires. We have also extensive commercial relations with some other of the Italian states, with Portugal, with Sweden, with Denmark and to all these we send only a charge d'affaires. I cannot perceive, sir, the necessity therefore of going beyond that grade of ministers which we are accustomed to send to these states. I am perfectly willing, sir, to mark by my vote the sympathy that is felt by the people of this country, for the liberality of the opinions of Pope Pius the IX. I am perfectly willing to go thus far, and in my opinion all that ought to be asked of us is to place these states upon the same footing with the great empire of Austria, the second and most populous of all the states of Europe. And honorable Senators will bear it in mind, that if we proceed to make a full mission now to the Papal states, we may excite bad feelings among the other states whose commercial relations with us are vastly more extensive, than those of the Papal states can be, and to which we now send, and shall probably continue to send charges d'affaires. I am therefore opposed to the amendment, and shall support the bill as it was sent to us from the house, and as reported by the committee on Finance.

Mr. NILES.—This is only one of the missions that are provided for in this bill; there are three others, making altogether four missions to be provided for. As to the policy which has led to this measure, it certainly cannot be owing to the surplus of funds in our treasury. There are, however, four missions to be created—one to Guatimala, one to the Republic of Bolivia, and one to Ecuador. Two of these, I believe, have little or no commerce with us, and whether the mission be political or commercial—what considerations are to recommend them to the favorable action of the Senate, I am not prepared to say. If I believed that they were commercial, that they were calculated in the least degree to promote or extend our commerce, I should be in favor of their establishment. But I believe there is no people on the whole earth, as commercial as we are, whose commercial interests are so little aided by the government as those of the United States. I believe it will be our true policy, and I have long thought so, to furnish to the different countries of this hemisphere commercial agents; for I believe that our commercial interests have been shamefully neglected. Our trade has been declining from year to year, with many of those countries. One of the countries upon this hemisphere with which we have held diplomatic relations—I mean the republic of New Grenada—we have so neglected—for although we have had a charge d'affaires there for years—he has neglected his duty. We have no treaty with that government, and those who have no treaty with them, have to pay twenty per cent. upon their whole trade, which in our case amounted about ten millions of dollars; and the consequence has been the throwing of all this into the hands of our rivals, the British. Two vessels from the port of New York carried on a trade with that country for years, under the flag of Great Britain—a sort of smuggling trade. So entirely was this matter neglected, that our commerce with that country ceased altogether.

Now, I should like to know, if I could, how these missions are to be carried out? How the law is to be executed? Whether men qualified and prepared for the duties which they are required to perform are to be sent there to make themselves useful to our commerce, or whether men will be sent who neither know what their duties are, nor care whether they are performed—mere politicians, stump orators, who are to be rewarded with places for political services. It would be throwing so much money away, and I should be disposed to go against the whole of these missions; but believing that the interests of this country will fully justify the attempt to send missions into these countries, I shall vote for the bill, though at the same time not without very great doubt that it will be money thrown away. But in regard to the mission to the Papal States, I must say that I do not see any sufficient reason for sending an agent there above the second grade. It seems to me that is going far enough to begin with, and if our interests there should hereafter render it necessary to have a diplomatic agent of a higher grade, such a mission can be provided for. Heretofore it has not been deemed necessary to maintain political relations at all with those States, and it seems to me that an agent of the second grade is high enough to begin with. I do not think that his Holiness, the Pope, has any great claim upon this country in any view. The country is a small one, and there are larger in which we have more important interests, and in which are nothing more than charges d'affaires. I shall vote for these missions of the second grade, and I shall do it with very great doubts that the money will be thrown away.

Mr. DAVIS, of Massachusetts.—I was in hopes that my friend from Connecticut, after making a speech against this item of the bill, would have moved to strike it out; but I understand him to say that he will vote for it. I do not know that I am prepared to say that the item ought to be stricken out. I am prepared to say, however, that it demands some explanation at the hands of those who bring it before us. What is this bill? It is not one of the regular appropriation bills. It is a bill for supplying the deficiencies of appropriations for the fiscal year. Four missions then were forgotten in the general appropriation bills. Four missions were left unprovided to by those who made the estimates for the year, and by us who looked into the subject. Now, sir, the title of this bill is probably a misnomer. This is a creation of four new missions at the places which are named in the item which is under consideration. And now we are not quite content it appears to have these chargeships filled; we are not satisfied to establish the second grade of missions, but there is now a motion before us to raise one of them to the rank of minister plenipotentiary. And for what purpose is this minister to the United States! To what end? Why, I think it is sufficiently obvious from what has been said, that it is a mere complimentary thing. It is well understood that there is no commerce, no trade or intercourse with those States which demand, as a matter of business, any notice at all. Will you send out a mission which is a mere complimentary mission? The objection I have to it is, in the first place, that a compliment of that nature is wholly unnecessary. It is not demanded by any circumstances which exist, and it is introducing decidedly a bad precedent. There is a constant effort made to raise the grade of our foreign ministers every where. I think it was only at the last session that we had laid upon our table, a long argument by somebody in which the writer attempted to prove that the interests of this country were sacrificed in reducing the mission to Austria from a plenipotentiary to a charges d' affaires, and we were called upon to restore the mission to its former rank. The arguments however failed to prevail, and our minister remained there in his new capacity, although, I believe, a threat had been thrown out that he would resign.

Now what I desire to know is, how any such emergency has sprung up at this time, as to make it necessary to introduce here four new missions to foreign governments. I desire to know, sir, whether there be anything new in the relations between us and the countries named, anything that has occurred since we were last together, to make it necessary to legislate in this special way upon this subject. I should be very thankful to the chairman of the committee for a little information upon several other points in this bill. I should be glad to know why it becomes necessary to legislate to such an extent, as this bill seems to imply, to supply deficiencies—in other words, how it happens that the estimates which were made to carry us through the year, when we were together at the last session, happened to prove so utterly inadequate for the objects for which they were intended? I should be glad to know how it happened? I can remember very well that it was said on this floor when those estimates were under discussion, that they were inadequate, that they would not carry the government through the year, from the 30th June, to the 30th June, but that you would come here and demand further appropriations in order to

meet the ordinary expenditures. I would be glad to know how it happens that the officers of the government, whose duty it is to make the estimates—are always under such a great misapprehension in regard to the expenditures of particular departments of the government. We have a deficiency for example, in one branch of the army expenditures, of five millions of dollars, and in another of three or four millions. I would be glad to know how it happens that the estimates of a department where the business is so well understood, as in the Navy Department, can be so inaccurate as to fall short some eight or ten thousand dollars, for the pay of the clerks in that department. I find in this bill under the head of the army in the Quartermaster's department, an additional appropriation of five millions of dollars, to carry out the operations of that single department of the army. I find also in the department of clothing and subsistence three millions more are required to meet the expenditures of that department. I will not go into an examination of the various items of this bill, but I should be glad to hear from the chairman of the committee some explanation, and I should be glad to hear him state the amount of money which is proposed to be appropriated by this bill as it came from the House, and also the amount which it is proposed to add by the amendments which are to be inserted here.

Mr. ATHERTON.—The amount appropriated by the bill as it came from the House I believe is a little over thirteen millions of dollars.

Mr. CLAYTON.—I make it over fourteen millions.

Mr. ATHERTON.—I believe it will be found that the bill as it came from the House appropriates for the current fiscal year $13,237,166 98. There has been an appropriation already passed at the present session for the subsistence in kind of the regular army and the volunteers of one million of dollars, which makes the sum for deficiency in the whole over fourteen millions. As it regards the reason why the additional appropriations are required, I can only say that they arose probably from the military operations costing more in some instances than they were expected to cost, from a larger number of troops having been called out and from the military operations having been more extensive than was anticipated when the original estimates were sent in: but all the estimates which are contained in this bill, with the addition of a few slight amendments were contained in the letter of the Secretary which was sent to the Senate at the commencement of the session, with the exception of the four millions which I have mentioned

Mr. HALE.—I do not know that I should make any remarks at all upon this amendment, as I intend to vote against the whole bill, on the ground that it contains appropriations for the prosecution of the war in Mexico. But I beg to call the attention of the chairman of the Finance Committee to the rather singular fact, that our expenditures have become so enormous, that a few "mistakes" in the calculations of the Treasury Department—a few mere slips of the pen, involve a larger amount than the whole annual expenditure during the administration of General Jackson. Then I believe the annual expenditure was about fourteen millions, and here we have a bill for supplying mere deficiencies which calls for nearly sixteen millions!

Mr. ATHERTON.—If the gentleman will spare me one moment, I would beg to remind him, that in the House a clause was added to the bill appropriating $800,000 for the service of the next year, which has nothing to do with the supply of the deficiency in the current year.

Mr. HALE.—Why, that is a very small matter indeed, when our expenses are a hundred millions annually! It appears, however, making the deduction which is now suggested, that according to the report of the Secretary of the Treasury, the appropriations last year amounted to fifty-five millions, and that he expended fifty-nine millions; so that adding the amount involved in the present bill, the whole sum will be about seventy millions of dollars. Now, sir, during the last war with Great Britain, when we were fighting her on all our coasts, and our navy was gaining laurels on every sea on which we had commerce to be assailed and protected, our expenditure was only thirty-two millions.

Mr. ATHERTON.—The Senator is mistaken as to one fact. This deficiency of ten millions is included in the estimate of expenditures of the current year, so that there are only four millions to be added, making the annual expenditure sixty millions.

Mr. HALE.—I have the documents before me. I see by the report of the Secretary of the Treasury, that the appropriations of last year amounted to fifty-five millions; and here is an addition of fifteen millions more, not going into the estimates, but to supply deficiencies. Am I not right?

Mr. ATHERTON.—Does the Senator mean for the current fiscal year?

Mr. HALE.—The year ending 30th June.

Mr. ATHERTON.—In order to get at the amount of the expenditures for this year, the appropriations for the Post Office Department, and the deficiencies of last year must be deducted; and I believe the Senator will find that the result is as I have stated, about sixty millions.

Mr. HALE.—I have not gone into the details of this matter, but I have calculated the amount as I read the document. I wish, however, to call the attention of the Senate and the country to the fact that while it cost us about thirty millions a year to fight the most powerful nation on earth, along our whole coast from Eastport to New Orleans, and whilst our navy was victoriously engaged on every ocean where there was American commerce to be protected, even in the harbors of South America; it now costs us seventy millions of dollars, or sixty millions according to the explanation now given, to carry on this war with Mexico; and that the appropriations are increasing as has been insisted on by the Senator from Connecticut. I merely mention this as a somewhat significant fact. Bye the bye, I hope that when the Senator from Connecticut referred to the danger of appointing "stump orators" and hack politicians, to diplomatic stations, he had no reference to any late nominations which have been made!

But to come to the question before the Senate on the amendment. I confess that I have regarded the recommendation of the President, which has been seconded by the committee, to send a mission to the Papal States, with a great deal of interest and pleasure. I regard it as a sign of progress—as in some sort, the "bringing forth of fruits meet for repentance," that an administration, which for two years past, has been appealing to the lust of war and rapine, and been stimulating all that is brutal in humanity, has so far changed its policy, and is about to appeal to popular passion in a much less exceptionable manner. I have no doubt of the truth of what the honorable Senator from North Carolina, [Mr. BADGER,] has said, that this is a mere pandering to the Roman Catholic voters of this country. I ask my friend if it is not much more reasonable, and rational, and Christian to pander ——

Mr. FOOTE.—Am I to understand that the Senator from North Carolina has preferred so grave a charge?

Mr. HALE.—So I understand him.

Mr. FOOTE.—Did he say "pander?"

Mr. HALE.—If he did not say so, I will say so. I have no doubt of it.

Mr. FOOTE.—Does the Senator understand the term which he has employed?

Mr. HALE.—I have not got a dictionary at hand, and really make no pretensions to great lexicographical knowledge.

Mr. FOOTE.—Did the Senator ever hear of Pandarus?

Mr. HALE.—Oh! I will endeavor to meet the nice taste of the Senator. I will use another term. I will say that, it is fishing for Roman Catholic votes; and I certainly think that this is quite an improvement in the diplomacy of the last twenty-two months, so far as regards the neighboring republic of Mexico. But why should this minister be sent? It is admitted on all hands that we have no commercial interests to be protected in the Papal States. It is designed merely as a compliment to the Pope. Well, if compliment be intended, why not extend it to San Marino, which, amid the changing destinies of Italy, has maintained its republican institutions for hundreds and hundreds of years? Why not first extend this compliment to that ancient republic instead of to the Pope of Rome? And if there be any pretence that we have there commercial interests which require protection, why not send a minister to Hayti, where there are large commercial interests to be protected, having just and well-founded claims on this government, and where our citizens cannot get even a hearing, because we have no accredited agent? It seems to me, sir, that there should be some uniform system adopted with regard to the appointment of our diplomatic agents abroad; and I certainly think that the emergency must be very pressing indeed, which requires the insertion of this proposition in a bill which I had supposed was what it purports to be, a measure for supplying deficiencies in the appropriations. The deficiency is, it appears to me, large enough without adding to it the expense involved in the establishing of this mission.

Mr. FOOTE.—I intend to trespass only a very few minutes on the time of the Senate, and I rise chiefly for the purpose of making some remarks in reference to the extraordinary charge brought against the administration by the gentleman who has just taken his seat. Far be it from me to accuse the Senator of any thing like plagiarism; but I do feel authorized to suggest that at least the laws of good taste were not duly considered in introducing, from any source whatever, however distinguished, such a sentiment as that which so signally deformed a portion of the speech which we have heard from him this morning. He has very loudly and fiercely preferred a serious charge against the administration. After good naturedly confessing that the explanation of his colleague in relation to fiscal deficiencies was so satisfactory that he was not able to show any thing to the contrary successfully, in a fit of desperate earnestness, he has undertaken to suggest—not originally, but by borrowing from the Senator from North Carolina—that this is an attempt on the part of the administration to pander to Catholic feeling—using a term which, in all languages, is recognized as coarse and vulgar. I did not hear the speech of the Senator from North Carolina, and until his silence disappointed me, I had hoped, that the ignoble attempt to excite sectarian feeling in opposition to this bill was original with the Senator from New Hampshire. But the significant and eloquent silence of the Senator from North Carolina evinces that he has been correctly reported, and that with him did originate this most extraordinary accusation. The administration, then, is charged with an attempt to "pander" to Catho-

lic feeling. I shall make no elaborate vindication of the administration against an allegation which I hold to be equally absurd and malignant.

Mr. MANGUM.—I do not know for what reason my colleague does not choose to explain. But I understand that he used no such expression.

Mr. FOOTE.—I am very glad to hear it. I can only say that the colleague of the gentleman who has just sat down, does himself great injustice when he suffers himself to be misquoted at his own presence. The Senator from New Hampshire, then, stands convicted of gross mis-quotation; and if the Senator from New Hampshire, laboring under an erroneous impression, adopted the expression on the ground of authority, and not of its intrinsic merit, I trust he will speedily renounce it. I was about to say that as one of the humblest members of the democratic party, I should disdain an elaborate and formal vindication of the administration against the charge in question, which I have denounced already as alike absurd and malignant, and incapable of any support whatever from any thing that can be called evidence. Pandering to Catholic feeling? I am not a member of any church. I have only had the honor of being born in a Christian country, and have always paid—as I trust I have felt—a decent respect to the religion of my forefathers; and all those religious institutions which I have ever undoubtingly believed to be conservative of the great principles of civil and religious liberty, and affording the surest safeguard which to the mind of man has been ever reserved, for the permanence everywhere of all that is valuable to him as a moral being. I have no partiality for any particular church or creed. But, as an American—as the citizen of a country in which the various forms of belief are alike free, I should scorn myself, if I permitted the existence in my bosom of any such feelings as those attributed to the administration in the debate this morning. Although not a member of a church, I can say with my hand on my heart that I have beheld with emotions of delight the advance of the Christian cause in all the countries of Christendom. In the success of Episcopalians, Catholics, Methodists, and all other religious denominations, I have sympathized with equal warmth. I have never experienced the slightest apprehension in regard to the multiplication of the strength of any branch of the Christian church.—Under our constitution, we have nothing to fear from any such influences as those alluded to.

But it is declared that this is an attempt to "pander" to Catholic feeling in advance of the Presidential election. In the first place, I have to say, that from my knowledge of the clergy and people of the Catholic communion, they would scorn to be used for such a purpose, and I know enough of the administration to assert that no such idea could ever have been conceived by them. Pandering to the Catholics of this country! The gentleman may be more familiar than I am with the basiss of corrupt bargaining for popular suffrages. It is, I trust, a process not common in this country. At any rate, I live in a part of the world where the thing is not practised, and where if practised it would be punished in the most signal manner. I know that demagogueism is to be met with in all sections of the country, and that this business of bargaining for votes is not altogether unknown in various places. I will not say that the history of the Senator, but that his experience and means of observation in the part of the country where he resides may have enabled him to obtain more information in regard to this matter of corrupt bargaining for votes than I have enjoyed. But surely this groundless and illiberal suggestion that the President of the United States, and those with whom he advises, are attempting by this movement to "pander" to the Catholics is a charge not worthy even of the extended notice which I have given it. I advance to another topic on which I will detain the Senate only a moment. I intend to vote for a full mission to Rome, and I have only one reason, but it is with me a potent one. Whatever others may say, I do not hesitate to avow that I recognize the present Pope of Rome, the head of the Catholic church as he is, as the man of the age—the head of the great reform movement of the European world—the man who has dared to borrow light from this country and diffuse it throughout the dominion in ruin. His is the man who has now identified with the cause of civil and religious liberty in the old world; and although not one single dollar's worth of commerce were carried on between this country and the Papal States I would zealously advocate the establishment of diplomatic relations with the sovereign Pontiff. Using the language of the Senator from Massachusetts, [Mr. DAVIS,] I would even, as a complimentary mark of our sympathy, send this mission to the Pope. As the champion of freedom he is worthy of our highest regard—our sincerest reverence—our most devout affection. It is suggested that perhaps Austria may be offended. Well, I do not desire to say anything to offend Austria; but I am sure I should be ashamed of this government if, from fear of offending Austria, it should be restrained from doing what is right in this matter. It has indeed been said that the Pope of Rome is sustained by Austria. Why, can it be forgotten that Austrian bayonets are at this moment opposing freedom in Italy? Do we not know that the cause of liberty has been continually assailed, amid blood, and fire, and desolation, by the armies of Austria? and yet Austria must be propitiated! I think, sir, from what we learn of recent movements in France, and the convulsed state of Portugal, Spain, and the Austrian dominions in the neighborhood of the Rhine, that that power has something else to do at present, besides watching with vigilant jealousy our actions towards Italy and other countries. I believe, sir, that the present is eminently an auspicious moment in which to send an embassy to Rome. Not that I would attempt anything in the spirit of propagandism. Far be it from me to interfere in the conduct of civil affairs in any part of Italy. But, sir, the Pope is leading in the great regenerative movement which already threatens the speedy extinction of monarchical government throughout the civilized world; and does it become us in a spirit of heartless indifference to decline, even a cold and formal recognition of the struggle for popular freedom? Whatever others may do, I am determined to do all I can, with such limited influence as I possess, to advance that cause in Europe, by extending to it my warmest sympathies.

I have meant nothing unkind, and I trust have said nothing unkind; but I honestly believe, that the sentiments of the Senator from New Hampshire are worthy of the severest censure; and having endeavored to express my strong disapprobation of them, I shall not longer trespass on the attention of the Senate.

Mr. HALE.—Perhaps I should make some explanation to the Senator from North Carolina. I certainly did not mean to misquote or misrepresent him. I am sure he will not suppose that I could do so.

Mr. BADGER.—Certainly not.

Mr. HALE.—Now, one word as to what was said which produced such a flood of eloquence from the gentleman from Mississippi. I certainly did not expect that that gentleman and myself would very cordially agree in certain political matters. Our positions on some subjects are wide apart; and, therefore, it does not seriously disturb my equanimity to find him quite antagonistic in reference to these questions. When he came down upon my political position, with all his Jupiter Tonans thundering eloquence, I regarded it as a matter of course. But really, sir, when a gentleman of his refined taste—eloquence of diction—purity of style—chasteness of manner—and everything that contributes to the character of a perfect orator, is compelled, reluctantly compelled, I doubt not, to pronounce my poor efforts vulgar, I do "feel bad!"

Mr. FOOTE.—I did not pronounce the effort vulgar.

Mr. HALE.—It was the language then?

Mr. FOOTE.—No, it was the word "pander;" and if the Senator will refer to the original, he will find that what I say is strictly true. "Vulgar" is derived from the word "*vulgus*," which means the common people; and I meant to say that the word "pander" is common among the masses.

Mr. HALE.—Ah! That is all?

Mr. FOOTE.—Certainly.

Mr. HALE.—Then I am very glad to find that my sentiments are becoming so popular! Now, I do not travel with the dictionary in my pocket, but one of the pages has brought me one of those big dictionaries which we had in the Senate the other day, when the Senator from Kentucky lost so much in not being present to hear.

Mr. FOOTE.—Ah! take care—that may have been in secret session!

Mr. HALE.—If so, it has now got out! I don't know, however, but that if the public were here and listened to our poor debates, they would hardly think that the injunction had been taken off the dictionaries! But I have the dictionary before me, and I find that this "vulgar" word—

Mr. FOOTE.—What dictionary is it?

Mr. HALE.—Compiled by one Sam Johnson! I find, sir, that this "vulgar" word was used in common by that vulgar fellow, Shakspeare; also by one Dryden; one Rowe, and a man who used to write doggerel, one John Milton. All of them used this "vulgar" word "pander!" Now, in its direct application to this very case, I said that I believed that this was an attempt on the part of the administration to "pander" to the Roman Catholic voters, or Roman Catholic prejudices; and I gave credit to the Senator from North Carolina—

Mr. FOOTE.—The Senator has not read the authorities. Will he allow me to look at them for a moment? I do not undertake to deny that the word is to be found in the dictionary, or that Shakspeare used it. But I meant to say that it was a word always intended for purposes of scurrility—of vulgar meaning—and like many other epithets in Shakspeare, not appropriate on all occasions, and certainly not becoming in such a dignified body as this.

Mr. HALE.—I shall read the authorities. Here is one—

[illegible]

Mr. FOOTE.—Very well. Would the Senator affirm that [illegible]?

Mr. CAMERON.—Would the Senator be so good as to read the authority again; some of us on this side did not hear it distinctly?

Mr. HALE.—Certainly, with great pleasure, sir.

[illegible]

Why, sir, if I had searched the dictionary from beginning to end.

I could not have hit upon a word which more clearly expresses what I meant to convey! This is an attempt on the part of the administration to pander to the passions of the Roman Catholic voters. That is what I think. When the honorable Senator from Mississippi says he has great confidence in the administration—

Mr. FOOTE.—Will the honorable Senator allow me to interrupt him for a moment? The most serious part of what I said was not so much a denial of his allegation, as a solemn call upon him for evidence in support of the charge.

Mr. HALE.—I understand.

Mr. FOOTE.—Allow me further to state my proposition?

Mr. HALE.—Certainly.

Mr. FOOTE.—If a person were arraigned as a criminal and no evidence of his guilt was produced, he would certainly go free of punishment; I therefore invoke the Senator to adduce his proofs. I challenge him to the proof.

Mr. HALE.—The evidence is to be found in the absence of all proof to the contrary. This is a fair mode of argument, as the Senator must admit. When there is something palpable on the face of the case—if no other motive than that which strikes the mind as being the palpable motive, is made to appear, then the inference is legitimate, in the absence of all proof to the contrary, that that is really the motive.

Mr. FOOTE.—Suppose the Senator were charged with a grave offence of which he was altogether innocent, though appearances were against him, and if he failed to adduce proof of his innocence, would he then be justly found guilty?

Mr. HALE.—*Non constat!* The conclusion does not follow from the premises—not at all. But the Senator from Mississippi said that Pope Pius the Ninth was "the man of the age." Why, I thought James K. Polk was "the man of the age." I should like to know what right any democrat, sound in the faith, has to pronounce Pope Pius "the man of the age!" I did not propose, however, to go into this question of a mission to Rome. I rose only for the purpose of freeing myself from the charge of using a vulgarism. As modified, however, by the Senator from Mississippi, instead of a charge, it is a compliment. I feel flattered. He says that my sentiment is becoming very common amongst the people. I agree with him. I do believe the people regard this as an attempt on the part of the administration to pander to Roman Catholic prejudices.

Mr. FOOTE.—I hope the Senator will allow me to correct him. I did not say that the sentiment was common amongst the people, but that his language was of a common caste and character.

Mr. HALE.—Well, I am a common man! I do not pretend to be any thing else. And now, having exposed the attempt on the part of the administration as well as I can, I would appeal to Senators; and if there are any other ambitious men in the Senate besides myself, I would call on them to see to it that the man who has prepared this measure doesn't "bring all this grist into his hopper." If there be any other presidential aspirant here besides myself, I think he had better look well to this business. Did the Senator from Michigan speak to me? [Laughter, in which the reply of Mr. CASS was lost to the reporter.]

Mr. HANNEGAN.—When the Senator from Mississippi alluded to the fear of Austria, had he reference to any remarks made by me?

Mr. FOOTE.—I alluded entirely to the speech of the Senator from North Carolina, of which I had read little more than the half.

Mr. MANGUM.—I have but a word to say on this bill. We have all been amused by this lexicographical discussion, which is entirely innocent. But I exceedingly regret that this measure should have been regarded in any other than a purely business point of view. I regard it, and hope I shall continue to regard it, strictly in that light. This government recognizes no such thing as sectarian prejudices or sectarian feelings. We are accustomed to act altogether irrespective of all such considerations. But though I have my prejudices on this subject, and, I hope, with due deference to the opinions of others, yet I am utterly incapable, while sitting here, of acting with regard to any sectarian feelings whatsoever. I shall act in this case purely as a busines transaction. Well, then, what is it in that light? This mission originated in one of two purposes, in either the political or the commercial aspect of the case, or in both. The whole subject of our diplomatic agencies has been frequently spoken of, and I have concurred in the opinion, that the multiplication of so many missions in the States bordering on the Mediterrean has been bad policy. I have thought that it was a very convenient mode of gratifying, perhaps, many of our political friends under all administrations; and I know that a few years ago this matter was the subject of conversation in a very intelligent circle, and that a suggestion was then made which struck me as a wise one, to the effect, that if we could annihilate several of the missions already established of very little political or commercial importance, it might be important to send a full minister to some point in the Italian States, who might concentrate all our interests, commercial and political, and give dignity and efficiency to our diplomatic relations in that quarter of the world. I am willing to admit that in that point of view Rome might be a suitable location for such a mission, as there is at that city a vast confluence from all parts of Europe, and in a political aspect it might be useful. Our commerce with the Papal States is not very great, but it is a matter worthy of consideration.

As to the progress of liberal opinions in Italy or elsewhere, I am perfectly willing to sympathize in all efforts to meliorate the condition of the people, but here in my place I protest not only against all attempts to excite religious feeling or sectarian feeling, but also against the idea that it is the mission of this government to propagate our own views, or in any way to interfere with the internal affairs of any other people. Against religious propogandism and political propogandism I am equally opposed. Whenever I behold shackles and fetters falling from the limbs of men, I rejoice and freely extend my sympathies; but sitting here, in this place, I trust, sir, that nothing shall divert my attention from the duties which belong to this station and the interests to which I am solemnly bound to give exclusive attention. We are here to attend to our own affairs, not to meddle with the domestic concerns of any other people.

I have had some difficulty in determining whether either in a political or commercial aspect any mission was called for at Rome. At all events I have made up my mind to vote against the full mission. I would vote for a minister-resident. We send a minister-resident to Constantinople, the city of the Turk; and also to the heathen in the eastern seas and China. This we do totally irrespective of religious differences, and almost purely from considerations of commercial policy, very little political interest being involved. I confess I do not regard with favor the multiplication of these diplomatic agencies, which does look something like making snug provision for political friends. Without imputing any such motives in the present case, I must say that I have seen evidences of a gradual tendency in this direction under all the administrations. I am desirous of checking it; and I do not know that I could be brought to vote in favor of this measure at all, were it not in order to show that I cannot be affected by any sectarian influence whatever. Of all the great principles which lie at the foundation of our free institutions, I believe that there is none more conservative, and more essential to the security of those institutions, than the principle of universal toleration and equality of all the churches, each being left to the voluntary support of its own members. History has taught us that whenever the church becomes connected with the State—without any imputation on the principle of religion itself—corruption and abuse of power are the result.

Again, I have always thought that the policy of this government in reference to some of the principal European missions was unwise. I would give them more imposing effect. The representatives abroad of this great and wealthy and powerful people ought not to stand at the tail of the whole diplomatic corps of Europe. I would give them more consideration. The money would be wisely spent. It would be wise policy also to provide the material suitable to the place. But, perhaps, in a country like ours, where party must always have large influence, it can hardly be hoped that such appointments will be always the most judicious. I shall vote against the proposed amendment.

Mr. ALLEN.—I have a very few words to say on the matter before the Senate. I shall vote for this mission, and for a minister of the highest grade; because, if there be any reason for the establishment of the mission at all, it appears to me that it should be of the first class. One or two objections have been urged against this measure; and one has been, that it was intended to affect the ballot-boxes in the United States—a conclusion drawn from the fact, that the head of the government, to which it is proposed to send this mission, is a member of a particular church. That objection thus resolves itself into this; that although the mission be sent to a government, yet because the head of that government is the member of a church, therefore it should not be sent. Now, when our constitution required us to keep our hands off this sacred subject of religion, it simply prohibited two things: the establishment of a state religion, and the persecution of any particular religious faith whatever. But because the head of the government to which this mission is to be sent is the member of a church, it is argued that, therefore, the minister ought not be sent.

Mr. MANGUM.—I hope the Senator does not allude to any remarks of mine?

Mr. ALLEN.—No, sir. This mission has nothing to do with the church. It is a mission to a government, not to a priest. It is a mission to a government recognized as such—a terrestrial, not a celestial government—a government known by law to the nations, and sustaining relations as a government to other nations—a government in all essential features, independent of the peculiarity of an ecclesiastic at its head. I say, then, it does not become us, who have no jurisdiction of this sacred subject, to proscribe, or to attempt to proscribe, any branch of the church whatever, or any creed or denomination of Christians. So far as this objection goes, I plead the constitution in answer to it. We have no right to proscribe men or a government on account of their religious opinions. Well then, that objection may be set aside. What is the other? That there is but little commerce with the Papal States. True, but this mission is recommended by the Executive upon other than commercial grounds. It is recommended upon high political grounds—reasons which will outweigh mere commercial considerations—reasons that will stand good so long as there is a tongue to utter the name of freedom in the world. The

President presents as the first of these reasons that, the peculiar political condition of the Papal States—a condition in which it was impossible for him, as the head of a great government of freemen, not to sympathize if he truly represented his countrymen. The liberation of oppressed humanity has but commenced in Italy. A change has been proposed, the object of which is to free the oppressed and diminish the number of the starving. When such a state of things as this is about to transpire in that part of the world most sacred to our classic recollections as well as to the Christian sympathies of our whole people of every denomination, does it become us to stand here and talk about the amount of commerce that floats upon the Tiber, before we expend a few thousand dollars for the establishment of this mission? There is nothing new in all this. The idea did not originate with the President. It is not for the first time heard in this broad land; nor is the policy proposed one which for the first time meets a response in the heart of this people. Many a year ago this government followed the example of all other governments in the world, and tendered its sympathies to a people who were struggling in the same cause. Why, sir, whenever an unfortunate people have been endeavoring to free themselves from despotic authority, and the effort has been crushed by force of arms, every other despot in Europe has sent his minister with congratulations to the successful tyrant. When on the other hand, the people triumph—when as recently in Paris, the people bear upon their shoulders the shattered fragments of a throne, and consume it with fire, and the model of our own constitution is selected, does it become us to stand here and add up the difference between $4,500 and $9,000, in order to determine whether we will stand by and see brother despot congratulate brother despot for his triumphs over the liberties of the people, whilst we dare not offer our congratulations to the people when they triumph over their despotic rulers? No, sir, our government has acted in this matter before this day. A famous resolution was long since moved, in obedience to Mr. Monroe's recommendation, in the House of Representatives, to tender in the form of a legislative vote, the sympathies of the American people to the struggling Greeks. But now, it seems, we are to stand by and behold unmoved the attempt of the head of a government to extend the liberties of his people despite of the opposition of neighboring despots, who fear in the progress of Italian reform, that their thrones may be endangered. We are told that we have no commerce on the Tiber, and that we must on no account expend nine thousand dollars in order to aid the cause of freedom throughout the world! Sir, I hope we shall; and I hope farther, that there will be spirit enough within the walls of this capitol to tender the congratulations of Congress, in the name of the people, to their triumphant brethren in France, before we adjourn. That is what I hope. We know what is going on in the world, and we cannot avoid taking sides—at all events in sympathy—and by all the moral influences that we can bring to bear. We cannot avoid taking sides with the people of Europe without betraying the great cause of human liberty.

We live in an age of the world when great truths are established, too glaring for any man to say, "I look but see not!" One great truth has been established within the last forty days; and I pronounce it one of the most important truths which has been politically established since the foundation of society, and it is this: That armed men no longer afford a guarantee to despotism. Standing armies can no longer be relied on to sustain thrones, but on the contrary mix and mingle with the oppressed multitude and are the first to reduce those thrones to ashes. That is the great truth of the age. It has just been established in France—established in the presence of a hundred thousand bayonets in the pay of the crown! That, sir, is worth more than all the discoveries with regard to steam and electricity that have been made, no matter how much bragging there may have been about the use of these elements. There are but two powers in the government of man now in operation—force and public opinion. Force has failed in the heart of Europe, and the governments there must forever rest upon opinion, and that opinion founded upon the enlightened reason of the people.

I am driven by the nature of the discussion far from my purpose when I rose. But I cannot but think of the events in Europe at this hour, which, in connection with the acts of the head of the Papal States, are by an involuntary association of ideas, brought up in connection with this measure. It is impossible to speak of the recent interesting events in Italy without reference to the regeneration of France. I shall vote, sir, for the establishment of a mission of the highest grade to the Papal States.

Mr. BADGER.—The observations of the honorable Senator from Ohio make it necessary that I should occupy the attention of the Senate for a few moments. I do not propose to follow him in the wide field into which he has entered, nor to question any of his gigantic conceptions with regard to recent events in France; but to come back simply to the consideration of the question before the Senate. The Senator from Ohio stated that some one had objected to the establishment of this mission to Rome, because the sovereign of that country was the member of a particular church, and as in answer to a question put by my colleague, whether the reference was to any remarks made by him, the Senator from Ohio answered in the negative, it occurred to me as possible, that the honorable Senator might have referred to something which fell from me the other day.

Mr. ALLEN.—I may state that I had direct and exclusive reference to the remarks of the Senator from North Carolina, and his argument, which was that the Protestant people of the United States would mark this transaction.

Mr. BADGER.—I understand then, the Senator has just now attributed to me the remark that I had objected to the establishment of this mission because the head of that government is the *member* of a particular church. It is very certain that I said no such thing as the Senator just now attributes to me, and I think it is equally certain that no such thing can be deduced from what I did say. Certainly I never objected to the establishment of this mission because the sovereign of Rome is a member of a particular church. Such an expression never fell from me, and I am certain that I never conceived such an idea. Without professing to have any superior information on the subject; I was certainly aware that the sovereigns of all the countries of Europe with whom we have diplomatic relations, are members of particular churches, or religious communities. However, I will endeavor to re-state my objection, and make it so clear that the ground which I take cannot be possibly confounded by anybody with the error of objecting to a mission to a foreign government, because its head is the member of a church.

This mission must be recommended to us by some considerations either of interest to ourselves, or the general welfare of society. It is recommended by the President on the ground of "recent interesting political events," in progress in Italy, under the direction of the present Pope; and secondly, on the ground of exercising a due oversight over our commercial interests in that part of the world. Now, with regard to the latter, it seems to be conceded, as I understand, by every gentleman in the Senate, who has taken part in this discussion, that we have no commercial interests with the Papal States that require this mission—that as these interests are small and inconsiderable, and have been sufficiently provided for by the three American consuls in the Papal States, so they may safely be left to the same superintendence in future. The honorable Senator looks down with scorn at the idea of troubling ourselves with any such sublunary matters as commercial interests; and, soaring entirely above any of those earthly regions which we occupy, has gone on a transcendental excursion in pursuit of reasons why we should institute this mission to Rome. Now, the President of the United States, in his message, has made the commercial interests of the country one of the grounds on which he thinks this mission ought to be established. Being myself rather a plain man, and not at all given to transcendental views of any kind, I cannot forbear thinking that an American Senate may be more properly engaged in considering if the commercial interests of this country require the institution of this mission. The general impression seems to be that they do not require it. On what other ground is it asked that now, at this particular time, this mission shall be established, and either a minister or charge sent to the Papal states? "The recent political events in Rome," which the honorable Senator from Ohio has spoken of as if there had been some real change in the political condition of the people of Rome—as if Pope Pius the IX. had adopted some measures, by which absolute power should be mitigated, and some degree of popular rights established? The Senator speaks of the Pope as if he were engaged in an effort to establish civil and religious liberty. He speaks of the sympathy which every American heart should feel for all such movements, in every part of the world. Well then when such a movement does take place, I hope I shall have a reasonable and just degree of sympathy for it; but I must have some little evidence of its existence before that sympathy can be awakened. Now I ask the honorable Senator from Ohio, who is no doubt familiar with all these events in Rome, what step the Pope has taken towards the establishment either of religious or civil freedom? Has he granted to the people of his States a legislative chamber? Has he given them any participation in the privileges of government? Has he permitted freedom of speech and of the press? Has he abolished the Censorship? Has he granted universal religious toleration? Has he abridged any portion of the power which he received from his predecessors? Has he interposed a single barrier in any form to the exercise of that despotical control over the subjects which he received from his predecessors and which he means to hand down to those who are to succeed him? Not at all. He has made some municipal reforms. He has shown himself to be a kind and good master to his subjects, but not only has he done nothing by which their condition as the subjects of an absolute sovereign may be mitigated, but he has expressly disavowed the intention of making any such change. But says the Senator from Ohio, we are to send out this mission for the purpose of tendering our congratulations to the people of the Papal States upon the advancement that they have made in the establishment of their liberties under the patronage of their sovereign Pontiff. Do they assemble in conventions? Do they meet in legislative bodies? Have they any representation whatever by which they are recognised as a power in the State, and to which these congratulations can be tendered? Not at all. They are kindly, beneficently governed, and as far as their personal welfare is concerned, they are wisely governed by the sovereign Pontiff. But it seems to me that the Senator forgets the nature of that sovereignty. It is as the first Bishop of the Church that the Pope possesses any temporal power. The government is, as has been very well expressed by Malte Brun:

"An existence unparalleled became forth—human, the earth, on which it only seems [illegible] and for it engage the Heavens from which it looks at kings as its inferiors."

When the Pope dies how is his successor appointed? The suc-

cession is not by hereditary descent; there is no election by the people; the choice is made by the sacred college of Cardinals.

Mr. WEBSTER—(in his seat.)—From one of their own number.

Mr. BADGER.—Yes; and that college consists, I believe, of seventy members—bishops, priests, deacons. They meet and select one of their body as the successor of the late Pontiff, and he derives all his power from that body. They choose the Pope. He is elected by a body of priests, and succeeds to an absolute power over the people of the Papal States. It is, therefore, an absolute, unbroken, and unmitigated, despotism. In using that term I mean no reproach to the present Pontiff, who is, as I sincerely believe, greatly in advance of a large proportion of the distinguished personages who have occupied the Papal chair. But the government is of necessity a despotism, although it by no means follows, that the individual who exercises the power may be in his heart a despot. Yet, the present Pope has made no approximation to freedom in the American sense of the term. What do we understand by freedom? Not merely the protection extended by a kind and beneficent ruler. It is to be subjected to the government of a known law. It is to have guarantees that our rights shall not be invaded; and amongst these rights is the exercise of the elective franchise by the body of the people. It is to enjoy a share in legislation, which is null and void without the assent of our people. Now it is impossible, in my view of it, that the Pope can establish such a system of free government in his dominions. We all know that it is one of the claims put forth by the Sovereign Pontiff, that he was constituted "prince over all nations and kingkingdoms"—"he plucks up, pulls down, destroys, plants, and builds," at his sovereign pleasure—exercising, in short, all those powers claimed by Pope Pius the Fifth, in his famous Bull of excommunication. We know that the church of which the Pope is the head never changes. Other things may change, but the Catholic church changes not. What was once claimed by her is ever claimed by her. It is true in the progress of civilization in modern times, the power to exercise the claimed authority over the nations and kingdoms of the earth has fallen into disuetude, because it can be no longer carried into execution. and because, perhaps, there is no disposition to carry it out. But this power is still claimed. It is impossible then, according to this view of the Papal authority and government, that the Pope could divide the authority with the people of his States, which has been annexed to his spiritual kingdom in order to give it external dignity and respectability.

It seems to me, that when this matter comes to be carefully considered, it must be regarded as simply a mission from this country to the first Bishop of the world, because it is only as an ecclesiastical head that the sovereign Pontiff exercises temporal authority. The point of my objection is; that this is a mission—as the Senator from Ohio supposes to a member of a particular church—but that it is sending a mission to a spiritual sovereign, who is the head of the Catholic church. And I said, and now repeat, that the Protestant communities of this country will regard that step as a great departure from the principles which have regulated our diplomatic intercourse with other nations. I do not object to the mission because the person to whom it is to be sent is a member of a particular church, or because he happens to be the head of the Catholic church. I object to it because he is a spiritual potentate, and there are no interests of the United States in his dominions which require the presence of a diplomatic agent of this country. It is on this ground that I object to the establishment of this mission, and on that ground I would object to a diplomatic mission to the bishop of any church.

I agree in what was said by my friend from Indiana, that if it be our object to testify our respect for free institutions, and republican government in the old world, by the establishment of a mission, we had much better send a minister to the Swiss confederation. But I think my friend might have gone still further. There is one republic, to which the sending of a mission could not be interpreted as evincing any thing else, than a sincere desire to pay homage and respect to a republican government. There is the little republic of San Marino, with its thirty square miles of territory, and seven thousand inhabitants which has existed as a republic for fourteen centuries. It is the oldest sister that we have in the world. She was a republic for ten centuries before this continent was discovered; and if we are disposed to go out of our way, and send missions merely for the purpose of expressing our sympathy with the republican institutions of mankind, here is a case for its unexceptionable exercise. Such a mission could not be regarded in any other light, than as manifesting before the world our reverence for this small but ancient republic.

But I understood the other day—if I correctly followed the remarks of the honorable Senator from Missouri—that he was disposed to establish this mission in consequence of the grand associations connected with Rome. I trust that I can appreciate the classic feelings of the honorable Senator—I trust I am not altogether indifferent to such considerations, but I cannot see how they would justify us in sending a mission for the purpose of testifying our respect to the departed greatness of ancient Rome. I would suggest that the money necessary for the establishment of such a mission had much better be appropriated to sending to Rome and defraying the expenses of some of our young men of genius, as usual without means, who might be employed in studying the works of ancient art, and return to their own country accomplished painters and sculptors, able to adorn their native land with works which might exercise the most important influences in educating and improving the public taste. But I also understood that Senator to suggest, that he would be in favor of making this ultimately a mission for the whole of the Italian States. When that proposition comes before us, it may be worthy of consideration. At present, however, I do not think that any necessity exists for the establishment of this mission. Other gentlemen think differently and will of course govern themselves by their own judgment.

Mr. FOOTE.—The Senator from North Carolina, insists that the Pope has done nothing, and attempted nothing, worthy to be recognized as even indicating a disposition to ameliorate and liberalize the civil institutions of the States over which he bears rule. Of course, sir, the Senator speaks honestly and frankly touching these high matters, and has doubtless expressed himself according to the information he happens to possess upon the subject. He will permit me, sir, notwithstanding, to aver, that up to the present moment, I had thought that there was not an intelligent man in the whole country, of those who do not entirely withhold themselves from a perusal of the newspapers, to whom various measures of political reform, projected and executed by his Papal majesty, of a nature most important and salutary, were not familiarly known. These high acts of civic amelioration I shall not now specify, holding specification in this hall to be needless, except for the instruction of the Senator from North Carolina, to whose particular edification I have not time at present to devote myself. I should have known of the Senator though, why Pope Pius and the measures of his government, are objects of so much solicitude and jealousy to certain European potentates, quite remarkable for their hostility to popular freedom? Why does the emperor of Austria tremble upon his throne, as he hears, from time to time, of the grand movements of national resuscitation, of which the Papal dominions are the theatre? What has convulsed Naples and Sicily, and spread the spirit of political regeneration, through all upper, central, and lower Italy? What has fixed the admiring eyes of the civilized world upon Pope Pius, and his every act and declaration, if, as contended, he has done nothing, and attempted nothing, to restore free institutions to Italy, where they once flourished so illustriously? I leave this topic, sir; perhaps other Senators may choose to lay documentary evidence before this body, in vindication of the Pope of Rome against the cruel injustice done him in this debate. I hasten to make good two propositions, heretofore asserted by myself and others near me, and which have both been denied by the Senator from North Carolina. I have charged the Senator with having objected to this mission, in part at least, upon mere sectarian grounds. This he denies. He has also authorized his colleague to deny for him. that he accused the administration, in the speech made by him a few days since, (and which is now before me, in the National Intelligencer,) of having gotten up this mission for the purpose of propitiating the Catholic voters of the country; or, in the refined phraseology of the Senator from New Hampshire, the administration has been accused of pandering to Catholic feeling for political purposes. It will be sufficient to read from the Senator's own speech to satisfy all who hear me, that neither of the negations referred to are substantiable by evidence. Here are the printed words of the Senator himself.

"But what is the other reason assigned by the President? The recent political events which have taken place in the Papal States, under the direction of the present Pope. In what possible mode, I ask, do these political events make it necessary that we should send a minister to Rome? How are we connected with these political events? What intelligence is it expected that our minister can give us, over these events or the party connected with them; or, in what way will this mission, politically considered, be of service to this country or to the Papal States? What is the character of the political events which are now in progress at Rome? Nothing has ever taken place which in the least embraces any alterations in the form of government that has always obtained in those States. The present Pope is the same absolute master of his people that all his predecessors in time past have been. He has surrendered none of the absolute powers which adorn and strengthen the tiara which he wears. He erected no barriers against the abuse of those powers either by himself or by his successors. He stands now in auto-cal possessed of and exercising all the powers over all his subjects, who are absolute dependents on him for every privilege they enjoy—for every right which they exercise—for every relaxation which has been extended to them from the rigid severity of former days. He is nothing in the world, in comparison with his predecessors, but a good and kind master of his subjects, who are emphatically his vassals. He has made no reform, he has made no surrender of any of the principles of arbitrary power; he has not evinced any disposition to abridge the limits of his authority in the slightest degree. The uncontrollable authority of that scepire which he wields is the same unquestionable and unquestioned dominion which has been exercised by his predecessors. Now, sir, what on earth can induce us at this time to establish this mission to the Papal States? Do we expect to sustain his liberness in pursuing the course which he has adopted? Do we intend to extend to him our countenance and support? Why, in that point of view, I think it may be seriously questioned whether we do not greatly over estimate the position which we occupy, and whether his Holiness will consider himself at all obliged by our countenance and support.

* * * * * * * * *

"To such a mission, sir, I, for one, am opposed. I wish for our Roman Catholic citizens of this country precisely what we all enjoy—the absolute and unqualified possession of all our religious rights. They may make themselves dependent upon, or believe themselves dependent upon, and to be bound in spiritual submission to, any head of their church they please, here or elsewhere. But, rely upon it, the establishment of this mission will be considered, by the great Protestant interests of this country, as one undertaken for the purpose of giving a new character to that particular church of which the sovereign Pontiff is the head. It will be regarded as placing him and his church in this country upon a far different footing from that which is occupied by other religious denominations; and it will be felt throughout the extent of this land that the government of the United States has instituted, in reference to this particular church, a proceeding entirely dissonant from its past policy; and that it has departed, in no small degree, from the principles of universal toleration and that non-intervention in religious matters which the constitution has prescribed. When we look, sir, at the small amount of the commerce of the United States with the Papal States; when we consider the absence of every thing like an effort on the part of his Holiness the Pope to introduce the principles of free government in the Papal States, the idea will force itself upon the minds of all that, were it not for the thousands of foreign Roman Catholic voters in the United States, the efforts of his Holiness to ameliorate the condition of his subjects would have met with less sympathy, and the commerce of the Un-

ted States with the Papal States would have attracted less odium before the occupant of the White House."

Sir, having supplied this full evidence to the Senate, I have no more to say, except this: The Senator from North Carolina has evidently mistaken the age in which he lives. This is no age in which sectarian feelings can be called into action, to disturb the machinery of governments, and defeat the most salutary measures of national policy. It is not in this age of light and knowledge; it is not in this country, where all religions are protected, and all creeds are tolerated, that a wild spirit of fanaticism can be enkindled for the destruction of our social peace, and the disruption of those fraternal ties which bind all true hearted Americans together, as co-heirs of the same blessed heritage, of civil and religious freedom. The Titus Oates's of faction, if there be such men, will have to go elsewhere to execute their wild schemes of disorganization, bloodshed, and massacre. How better could I conclude these remarks than in the words of a brilliant and distinguished orator of the Emerald Isle. "Oh, Prejudice! where is thy reason? Oh, Bigotry! where is thy blush?"

The question was then taken on the amendment by yeas and nays as follows:

YEAS—Messrs. Allen, Ashley, Bagby, Benton, Cass, Dickinson, Dix, Douglas, Downs, Fitch, Foote, Johnson of Georgia, Mason—14.

NAYS—Messrs. Atchison, Atherton, Badger, Baldwin, Bell, Berrien, Bradbury, Butler, Calhoun, Clayton, Crittenden, Davis of Massachusetts, Davis of Mississippi, Dayton, Greene, Hale, Hamegan, Hunter, Johnson of Louisiana, Lewis, Morgum, Mason, Niles, Phelps, Turney, Underwood, Upham, Westcott.—28.

The amendment was therefore rejected, and after some further progress had been made in amending the bill, the Senate,

On motion, adjourned.

TUESDAY, MARCH 21, 1848.

The VICE-PRESIDENT laid before the Senate a communication from William C. Anderson, on the causes of the explosion of steamboilers, and means of prevention; which was referred to the Committee on Commerce.

MEMORIALS ETC., OF THE LEGISLATURE OF ALABAMA.

Mr. BAGBY presented a memorial from the Legislature of the State of Alabama, praying the assent of Congress to an act of the legislature of that State, leasing the canal around the Muscle Shoals, in the Tennessee river; which was referred to the Committee on Public Lands.

Also, a memorial from the same Legislature, praying Congress to pass a law dispensing with an administration on the estates of citizens of that State, who volunteered for the war with Mexico in 1846, and have fallen victims to disease contracted in the service; which was referred to the Committee on Military Affairs.

Also, a memorial from the same Legislature, praying a donation of other lands for school purposes in that State, in lieu of valueless sixteenth sections; which was referred to the Committee on Public Lands.

Also, the response of the same Legislature, to the preamble and resolutions of the Legislature of State of Vermont, on the subject of slavery, and the war with Mexico; and the response of the same Legislature to the Legislature of the State of Rhode Island and Providence Plantations, on the subject of the Tariff and the war with Mexico; which were laid upon the table and ordered to be printed.

Mr. LEWIS presented a memorial of the same Legislature, praying a donation of land for purposes of education; which was referred to the Committee on Public Lands.

Also, a memorial of the same Legislature, praying the payment of interest on advances made by that State for the use of the government during the Creek hostilities; which was referred to the Committee on Finance.

Also, a memorial of the same Legislature, praying the extension of the right of pre-emption to settlers on the public lands in that state; which was referred to the Committee on Public Lands.

Also, a memorial of the same Legislature, praying a donation of public lands to aid in the construction of a railroad in that State; which was referred to the Committee on Public Lands.

PETITIONS.

Mr. HALE presented a petition of D. Lamb and others, citizens of the United States, in relation to the disposition of the public lands; which was referred to the Committee on Public Lands.

Also, a petition of citizens of Baltimore, praying the abolition of the slave trade in the District of Columbia; the motion to receive which was laid upon the table.

Also, eleven petitions of citizens of Pennsylvania, praying the adoption of measures for the abolition of slavery throughout the Union; the motion to receive which was laid upon the table.

Also, eight petitions of citizens of Pennsylvania, praying the adoption of measures for the immediate and peaceful dissolution of the American Union; the motion to receive which was laid upon the table.

Also, a petition of citizens of Pennsylvania and Delaware, praying the adoption of measures for the abolition of slavery throughout the Union; the motion to receive which was laid upon the table.

Mr. UPHAM presented the petition of Sarah Tyler, widow of a revolutionary soldier, praying an increase of pension; which was referred to the Committee on Pensions.

Mr. BENTON presented a memorial of the city council of St. Louis, praying an appropriation for the completion of the harbor at that place; which was referred to the Committee on Commerce and ordered to be printed.

Mr. DIX presented the petition of John F. Howard, praying the establishment of a line of mail steamers between New York and Marseilles, in France; which was referred to the Committee on the Post Office and Post Roads.

Mr. BRADBURY presented a petition of citizens of Waldo county, Maine, praying the establishment of a mail route between Augusta and Bangor, in that State; which was referred to the Committee on the Post Office and Post Roads.

On motion by Mr. UPHAM, it was

Ordered, That the petition of Haym M. Salamon, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

MR. WISE'S CORRESPONDENCE.

Mr. HANNEGAN submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That there be printed fifteen hundred extra copies of the communication of the State Department in answer to a call for the correspondence of Mr. Wise on the subject of the slave trade.

DONIPHAN'S EXPEDITION.

Mr. BENTON submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Senate be directed to inquire into the execution of the Senate's order of January 13th, directing the report of Dr Wislizenus to be printed, and report the progress, if any, made in the execution of the said order.

RETIRED LIST IN THE NAVY.

Mr. YULEE submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Naval Affairs be directed to inquire into the propriety of providing for a retired list in the navy.

PRIVATE BILLS.

Mr. BALDWIN, from the Committee of Claims, to whom was referred the bills from the House of Representatives, for the relief of William Culver; for the relief of John Anderson; and for the relief of the heirs of Matthew Stewart, reported them without amendment.

DEFICIENCY BILL.

On motion by Mr. ATHERTON, the prior orders were suspended, and the Senate resumed, as in Committee of the Whole, the consideration of the bill from the House of Representatives, further to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1848.

The question pending, being upon agreeing to the amendment submitted by Mr. ATCHISON yesterday—

Mr. ATCHISON said: Since I proposed this amendment, I have examined the amendment submitted by the Chairman of the Committee on Finance, and as he is of opinion that his amendment will preclude the necessity for this, although I am not entirely satisfied that such is the case, I am willing to withdraw it.

Mr. ATHERTON.—I do not know whether it provides for the case; but the amendment I proposed, was offered at the instance of the Second Auditor himself; and, unless the proposition of the gentleman comes from the office where the clerks are to be employed, I would prefer not to encumber this bill with it, especially as there must be a bill passed for the next fiscal year, and it can then be acted upon more understandingly than it can now.

Mr. ATCHISON.—I do not wish to embarrass this bill, and as the Senator seems to think that speedy action upon it is necessary, I will withdraw my amendment.

The bill was then reported to the Senate, and the amendments were concurred in.

Mr. BADGER.—As no question has been presented on the mission to the Papal States upon which a vote could be taken directly for or against the establishment of such mission, I will as I am opposed to the mission altogether, move, in order to have a direct vote, to strike out the words "Papal States."

Mr. ALLEN asked for the yeas and nays.

Mr. BADGER.—Of course, if the motion succeeds, I shall follow it by a motion to change the amount of appropriation.

Mr. HANNEGAN.—I will ask the Senator from North Carolina if he will allow me to substitute for the motion which he has made, a motion to strike out the words "Papal States," and to insert in their stead "for the salary of a minister resident at the Papal States, six thousand dollars"

Mr. BADGER.—The honorable Senator will perceive that that motion would not answer the purpose which I wish to accomplish. I wish to strike out the provision altogether. I am opposed to sending to the Papal States a mission of any description, I wish to preclude it entirely.

Mr. WEBSTER.—I heard a suggestion made yesterday by some gentleman in this chamber, which I thought a very proper one, and I would be happy to see it adopted. I understand this is a proposition to make good certain ascertained deficiencies in the appropriations. Is it a proper occasion to introduce new offices, whether chargéships or missions? I should prefer that all these missions, chargéships, or whatever they may be, shall be omitted, and with that view I should be in favor of a motion to strike out the whole proposition which relates to them.

The question being about to be taken on [illegible] to strike out the words "Papal States"—

Mr. WEBSTER said: If my motion is entertained, it is a larger one still; it is to strike out all the propositions for missions, and to confine this bill to what it purports to be, to supply ascertained deficiencies of appropriations for the established branches of the public service.

Mr. DAYTON.—I should like to understand why it is that this appropriation is inserted in this bill. I am myself, however, in favor of permitting the chargeship to stand.

Mr. ATHERTON.—I do not know what difference it makes whether the missions be instituted in this bill, or in the appropriation bill for the next fiscal year. The current fiscal year expires on the last day of next June. The President has recommended that missions should be sent to certain States, and as it was supposed to be desirable that these missions should be immediately provided for, they are inserted in the bill for supplying the deficiencies of appropriations for the current fiscal year. I cannot see that it can make any possible difference whether they be provided for in this bill which provides for the expenses of the year not yet expired, or whether they be provided for in the appropriation bills for the next fiscal year.

Mr. WEBSTER.—I will not press the motion to embarrass the chairman of the committee, I will withdraw my motion.

Mr. DAYTON.—It strikes me that the explanation of the chairman of the Committee on Finance is satisfactory. If these appointments are to be made, and made during the current year, I think this is the proper bill in which to insert them. So much for the place. It strikes me too, that there is no impropriety in sending charges to these several courts, although I should object to a minister resident, if for no other reason, from the fact that in Austria and other States of Europe of more importance—not only in themselves, but as respects our interests, we are now represented by chargés. It is true Austria is only represented here by a chargé d'affaires; but on the other hand the Papal States are not represented at all. What reason can we assign then to the surrounding courts if we dignify that court with a minister plenipotentiary, whilst at the others we have agents of a lower grade? I trust, however, the clause will be permitted to stand as regards chargés. It is not our commercial interests only that are to be regarded in this matter. The vast body of our countrymen who are continually visiting those States will be greatly accommodated by having an agent there; and, as it is a matter of very small importance in a pecuniary point of view, I hope the Senate will allow the provision to remain in the bill.

Mr. BUTLER.—I do not know whether I ought to address my interrogatories to the chairman of the Committee on Foreign Relations, or to the chairman of the Committee on Finance; but I would like to know whether any of the principal Protestant countries of Europe have representatives at the Papal courts?

Mr. MANGUM.—I understand that there has been no representative at that court from any Protestant State, except one formerly from Great Britain. I perceive in the recent proceedings of the British Parliament, that there is a proposition to revive a mission from that country. I was not aware before that one had ever existed avowedly, although it was very well known that Lord Minto had resided there in the capacity of an agent of the British. I believe there is no minister there at this time.

Mr. BUTLER.—I have had some difficulty in bringing my mind to a conclusion upon this subject, and am very much inclined to vote with the Senator from North Carolina, to strike out the mission altogether. I can see no good reason for sending a minister plenipotentiary or a mission of any kind. I cannot very well see what he can do at Rome to forward our interests. If we were to send a mission to the Pope of Rome, it is not to be supposed that we should meet with any reciprocity. It is not to be supposed that our mission would make any impression upon the institutions which are under the direction of that prince, who is the spiritual and temporal head of the Roman Catholic church throughout the world. His government is founded in intolerance and proscription, and it is not to be supposed that he would remit any of that intolerance by reason of being complimented by a mission from us. We are conducting the administration of a government which assumes no jurisdiction over religious matters. Ours is a government which does not allow us to legislate for religion, and I am not willing indirectly to give countenance to a mission for religious considerations whilst I am precluded from doing any thing directly in reference to religion within our own country. If the Pope, as it is said, is determined to carry out reform, I do not think that he does so in reference to any institutions of ours; it would therefore be an idle compliment to the Pope to send a minister there. What would he have to do? To take charge of our commerce? I understand that we have but about one hundred thousand dollars worth carried on with all the Roman States. If, then, there be no commerce to justify the establishment of a mission, it must be created with reference to political considerations. We have no representative here and never will have, probably, from the Pope of Rome, and is it expected that our mission is to have a bearing upon the institutions of that country? Why the last thing the Pope would thank you for, would be for sending a minister in the supposition that he could have any influence at that court. I wish to make no discrimination in compliment to the Pope on the ground of his being at the head of the Roman Catholic Church. If we were to send a charge d'affaires, what business would he find to transact? What occupation would he have? There would be nothing for him to do. He might, it is true, employ himself in examining the ruins of the Forum where Tully declaimed, or he might look from the Tarpeian rock and make himself familiar with those classic scenes and come back with classic associations. According to my present impressions I shall vote with the Senator from North Carolina for I can see no reason so far as regards our relations with the Roman Pontiff or with his dominions for sending a representative there.

Mr. HANNEGAN.—I will simply say in reply to the Senator from South Carolina that it is not proposed to send a minister to the Pope in his spiritual character at all. It is intended to evince sympathy with the progress of liberty, the spirit of freedom which has burst out in Italy, its former cradle, but for so long a period its grave. Pope Pius the IXth, is a potentate as well as head of the Catholic church throughout the Christian world. He has temporal powers, however, which authorize other countries to send ambassadors to him, and I can see no harm that can arise to ourselves in the adoption of the same course. So far as the office of charge d'affaires is concerned, I would say now in explanation of what I shall hereafter do, that if I could have my will I would abolish the office entirely. You send an agent abroad as chargé accredited to whom? Not to the sovereign powers of the country, but to the prime minister. He cannot, in his diplomatic capacity, approach the sovereign, and consequently, it lowers his standing, destroys his influence, and lessens his weight. Abolish it altogether. Fix the salary at the same rate if you please, but change the name. So far as the expense is concerned it is but a trifle, and I do hope that it will not be refused as the mission to Rome is, in some respects, important. As was said by the Senator from North Carolina, Rome is the emporium of the intelligence of Europe. Rome is the fountain of not only the literature but of the political knowledge of all Europe. So far as the objection of the Senator from South Carolina is concerned, that the Pope will send no representative, sir, let me tell it is well understood that if we send a mission it will be reciprocated.

Mr. CASS.—Mr. President, I did not intend to speak upon the question of sending a diplomatic agent to Rome, and had I not received some foreign journals, which contain a good deal of information on topics alluded to yesterday by the honorable Senator from North Carolina, [Mr. BADGER,] I should have contented myself with a silent vote in favor of the proposition. That Senator seemed to call in question, if not the sincerity of the Pope, at least the importance of the reform he has thus far accomplished.

Mr. President, circumstances are occurring in Europe, which give to this whole subject, a new and interesting aspect. Undoubtedly the Papal dominions are neither large in their geographical extent, nor very important in their productions or population. Still however, they compose a state of the third order in Europe, like Portugal, Denmark and Sweden, and which is inferior to Holland, but superior to Greece. It stretches across the peninsula of Italy from the Mediterranean to the Adriatic, having Naples on the south, and the Tuscan and Austrian possessions on the north. It has two principal ports, Civita Vechia on the western coast, and Ancona on the eastern. It has not much commerce, nor are its manufactures or agriculture in a flourishing condition, owing to the abuses of the government and the oppression, which has prevailed there for many centuries. These states form a temporal sovereignty, governed by the Pope, the acknowledged head of the Catholic church. A good deal has been said, sir, about the impropriety of sending a diplomatic agent to an ecclesiastical court. But our relations with the Pope are with him as a temporal prince, and not as head of the Roman Catholic church. In the same manner and position as the head of a great branch of the Christian church, this government has no concern with. But with his dominions we have relations, and policy seems to me to require, that these should now be extended and augmented.

The last packet from Europe has brought us news of striking and stirring events there. A new revolution has broken out in France, and no man can tell when or where will be its end. Its appearance is no less portentous than unexpected, and in various other countries upon the continent of Europe the people are in commotion, feeling their wrongs, asserting their rights, and determined to burst the bonds of oppression in which they have been so long held.

We cannot mistake, and ought not to misunderstand these signs of the times. Human rights are everywhere advancing, or rather man is awakening to a knowledge of his rights, and a conviction of his strength. The desire of liberty is an instinctive feeling in the human breast; but the practical enjoyment of liberty secured against wild licentiousness is a problem sometimes of difficult solution. It was solved here by our institutions, by the nature of our society, and by the intelligence of our people. In fact we were always free; and it was rather the fear of oppression, the fear of the consequences of the establishment of British legislative supremacy in our internal concerns, than any actual oppression, which

drove our fathers to resistance, and taught that blessed lesson of equal rights, which the world, if slow, is sure to learn. But in other countries, under less favorable circumstances, where despotism has entered into the social system the road to free governments is beset with trials and difficulties. The habits of society must be changed, and this itself is no easy task in the old regions of the eastern hemisphere. Effort after effort has often to be made; but experience and knowledge are acquired at every step of the progress, and the public mind is enlightened by the conflict itself. Excesses have taken place, which, while they cannot be justified, find much alleviation in the condition of things. Revolutions are made here by the ballot-box, but in Europe by the cartridge-box. Political intelligence, however, comes with time and experience, and if it comes with trials and sufferings, its advent is not the less certain, and will not prove the less efficacious. National struggles constitute a great school, where lessons of freedom are learned, and though they may be often checked and interrupted, still their progress is onward, and their result we may hope beyond the reach of arbitrary power. We are no propagandists. We acknowledge the right of all other people to establish and maintain their own governments in their own way, content to enjoy the same privilege ourselves. This has always been our principle, and I hope always will be; but we cannot shut our eyes to what is going on in the political world, nor ought we to shut our hearts against the emotions they naturally excite. If we ought not to give them our aid, we can give them our sympathy, and the sympathy of twenty millions of people cannot but exert a happy influence upon the struggling masses, contending for themselves, in our day, for what our fathers acquired for us in theirs.

Now, sir, I do not think that the Pope is liable to the charge of having done nothing to meliorate the political condition of the people over whom he reigns. We must recollect, and make allowances for the difficulties of his position. He cannot under all circumstances act as he would. He is in the neighborhood of strong military powers, opposed by principle and interest to political reforms. His people have been educated, and lived under a condition of things vastly different from ours. And he may well move with a degree of slowness incompatible with our ideas of political progress. But, sir, the London papers that I hold in my hand, received by the last packet, show, that he is still moving, and moving effectually. The following extracts are from the Daily News of February 15, 1848:

"Advices from Rome of the 14th have arrived, and bring the confirmation of the anticipations we lately expressed. Measures are being taken for the establishment of a constitution, the Pope himself only reserving to himself the power of veto, and the cardinal present in Rome to which he put the same question, and whose answer is stated to be favorable. The constitution in time is decided on. Nothing definitive seems to be made out carrying it into effect; but it was said that a mixed commission composed of one and laical would be appointed to prepare a draft of the constitution, which would be published with all convenient speed. Various reports were in circulation. Some, that there would be two Chambers; the higher consisting of Roman princes and cardinals, the second, of members of the council of State, &c. Cardinal Lambruschini supported the measure, as being quite adequate in the present state of Italy, and the only means of establishing union and concord between the superior clergy and the people."

ROME, February 15.

The journals of this morning have come out with red printing ink, to glorify the three constitutional charters of Turin, Tuscany, and Naples. The Pope sent yesterday a circular note to every cardinal in Rome to attend at the Quirinal, and though the consistory was secret its object is not doubted. Cardinal Patrizi, the vicar general of Rome, a retrograde and narrow-minded ascetic, has resigned his office, and is succeeded by Cardinal Vicchi, a man of enlarged understanding, and conversant with human nature.

The Jews of Rome have clubbed to furnish the civics with a field-piece.

The Pope makes no progress towards the performance of his promises! No progress, sir, when it is perfectly known in Rome that a new state of things upon more liberal principles is in preparation! When a constitution is discussed by the government and the people, and as openly announced, as it is confidently expected! No progress, when the journals of Rome are filled with the details of the revolutionary movements in Italy, and commend them to the favor of the Roman people! No progress, when cannon are openly purchased by the Jews and presented to their Christian brethren, formed into a civic guard! Remember where all this is, sir, under the very dome of St. Peter's, in the shade of the Colisseum, and where an unmitigated despotism has prevailed for ages. Has freedom gained nothing, when the seven hills themselves resound with the cries of liberty, and when the Vatican is open to the complaints and the demands of the people? These are pregnant signs, sir. The first step has been taken in that career, where there can be no retrograde movement. If the government had the will, it has not the power to stop it. If it is wise, it may direct it and bring it to a happy conclusion. But that can only be done by convincing the people of their sincerity, and of their disposition to establish liberal principles, suitable to the present age of the world. If this is done, it will be well done. If not, the oft renewed contest between the few and the many will take place, and in these days the many know their strength, and know how to exert it successfully.

It seems to me the Pope has shown himself both a wise and a liberal sovereign. Nothing proves his favorable disposition towards political meliorations better than the unquiet jealousy with which he is regarded by the despotic powers of Europe. Immediately on his elevation to the chair of St. Peter, this feeling manifested itself, in consequence of his avowed determination to reform the errors and abuses of his government. It is not a little curious, sir, that the justice which the Senator from South Carolina, [Mr. BUTLER,] refuses him, Lord Palmerston voluntarily tenders to the course of his policy. In a letter just published from that statesman to the British ambassador at Vienna, dated August 12, 1847, to be communicated to the Austrian government, he says:

"Her Majesty's government have received no information as to the existence of any such scheme as that which Prince Metternich mentions in his second despatch, as being planned for the purpose of uniting the now separate States of Italy in one federal republic; and her Majesty's government entirely agree with his Highness in thinking, for the reasons which he assigns, that such a scheme could not be accomplished. But, on the other hand, her Majesty's government have been convinced, by information which has reached them from a great variety of quarters, that deep, widely spread, and well-founded discontent exists in a large portion of Italy; and when it is considered how full of defects, and how teeming with abuses of all kinds, the present system of government in several of those States, and more especially in the Roman States and in the Kingdom of Naples, are known to be, it cannot be surprising that such evil-ing evils should generate the strongest discontent; and it is very possible that men who feel the full intensity of the grievances under which they now are, and have for a long series of years been, and who see no hope of redress from the present rulers, should take up any scheme, however wild, from which they may fancy they could derive a chance of relief.

"This observation does not, indeed, apply with full force to the Roman States, because the present Pope has shown a desire to adopt many of those much-needed reforms and improvements which in 1832 Austria, in conjunction with Great Britain, France, Russia, and Prussia, urgently advised the late Pope to carry into execution; and it may be hoped that if the Pope is encouraged and assisted by Austria and the other four powers, in removing the grievances of which his subjects have long complained, the discontent which those grievances have created will soon die away.

"But there are other States in Italy, and more especially in the Kingdom of Naples, where reforms and improvements are required almost as much so in the Roman territory; and her Majesty's government would hope that, as no European power is more interested than Austria in preserving the internal tranquility of Italy, so will the great and well-known influence of Austria in Naples be beneficially exercised in encouraging those reforms and improvements which will tend to remove the discontent from which alone would spring any dangers by which that tranquility is likely to be threatened.

"Your Excellency will read this despatch to Prince Metternich, and will give his Highness a copy of it. I am, &c.

[Signed.] "PALMERSTON."

In another letter of September 11th, he says:

"The Austrian government has recently asked, and has received the assent of the government of Great Britain to the principle, that the several States into which Italy is divided, are entitled to defend and maintain their independence; and that this independence ought to be respected, and to be held inviolate by all the other powers of Europe; and her Majesty's government, in expressing their assent to this indisputable proposition, coupled with it another, which they conceive to be equally undeniable, that every independent Sovereign has a right to make, within his own dominions, such reforms and improvements as he may judge conducive to the welfare of the people whom he governs; and that no other government can be entitled to forbid or to restrain such an exercise of one of the proper attributes of independent sovereignty; and her Majesty's government are convinced that the cabinet of Vienna must be ready to acknowledge so plain a political truth. Whatever reports, therefore, may have reached her Majesty's government as to late transactions and recent diplomatic communications in Italy, they are persuaded that the government of Austria cannot contemplate with any authorized any proceedings at variance with the principles above mentioned; and that neither with regard to the King of Sardinia nor with regard to the Pope, can the Austrian government have any intention of converting any measures of internal legislation or administrative reform which those sovereigns may think fit to adopt in their respective dominions, into an occasion for any aggression whatever upon their territories or rights. Her Majesty's government, indeed, would deeply regret the occurrence of events which it would be impossible for Great Britain to view with indifference.

"The crowns of Great Britain and of Sardinia have long been bound together by the ties of faithful and intimate alliance; and Great Britain can never forget or repudiate claims based upon such honorable grounds.

"The integrity of the Roman State may be considered as an essential element of the political independence of the Italian Peninsula; and no invasion of the territory of that State could take place without leading to consequences of great gravity and importance.

"Your Excellency will read this despatch to Prince Metternich, and will give him a copy of it. I am, &c.

[Signed.] PALMERSTON."

This is a remarkable correspondence. The despotism and abuses of the Italian government are distinctly acknowledged, as well as the necessity for changes and meliorations, and the beneficial efforts of the Pope are commended and approved. As soon as the Pope announced his intended reforms, the echo spread through Italy, animating the people of the Italian States, and exciting them to similar and vigorous action. A revolution is in progress in Naples, which, if not terminated by concessions on the part of the King, must end in the fall of the dynasty, or in the establishment of a republic. Whatever event may happen, freedom is sure to be the gainer by the movement. Tuscany, too, has heard and heeded this cry for liberty. And the latest news from there informs us that the "Grand Duke has given a constitution to Tuscany. The news has just arrived here, [Leghorn,] and as I write the fortress is saluting and the bells ringing." It is indeed to be more democratic than that of Piedmont; indeed it could not well be otherwise, as there are not the elements for a purely aristocratic chamber in Tuscany. I avail myself of a steamer starting for Genoa to send this. The King of Sardinia, but recently as deeply imbued with the spirit of despotism as any sovereign in Europe, in a proclamation issued on the 8th of last February, recognizes that the "THE TIMES HAVE KEPT PACE WITH GREATER THINGS;" an admission which is itself a pregnant proof of the progress of political reform, as already made. He lays down the programme of a constitution based upon a representative government, and with limitations and guarantees which will ensure much and provide the way for much more. He concludes with this remarkable paragraph. I have heard sentiments less liberal in places they would quite as well become as the court of Charles Albert:

"May God protect the new era which opens to our people, and may they can enjoy the great liberties acquired, of which they are and will be deserving, we expect from them the rigorous observances of laws in vigor, and the maintenance of the tranquility so necessary to the termination of the task of the internal organization of the State.

"Given at Turin, the 8th of February, &c.

CHARLES ALBERT."

Liberty must often be purchased by sacrifices. But when once established, it is worth all it costs. I am satisfied, that the French revolution, lamentable as many of its occurrences were, has conduced more to political freedom and social regeneration, than any of the events, perhaps I may say than all the events,

which marked the progress of the five preceding centuries. It swept away the accumulated abuses and oppressions of ages, and it seems to have given new vigor to the human faculties as well as new power to human exertion. Let him who wishes to learn the last outrages of licentious power and the degradation of the people, study the history of France before the revolution.

Now, sir, it has been asked, why a diplomatic agent should be sent to Rome? For the same reason that similar agents are sent anywhere, and for other reasons, arising out of peculiar circumstances. We have some commerce with the Papal States, and many American citizens reside there, for longer or shorter periods, led by the study of the fine arts, and by those associations which will always make the eternal city an object of interest to all civilized people upon the face of the earth. This commerce and these citizens require protection. And besides, sir, we occupy an important position in the world. It is proper that we should be represented at the various European courts, where questions are daily arising interesting to us as well as to other nations. Our government may need a better knowledge of events than is furnished by the newspapers of the day. Rome is at all times of considerable importance, even in the political world. To be sure it does not possess much physical strength, but it possesses and exerts a moral power, a moral temporal power, which has often been sensibly felt in the world. And at the present moment the circumstances to which I have alluded have given it additional importance. The eyes of Christendom are upon its sovereign.—He has given the first blow to despotism—the first impetus to freedom. Much is expected of him. I hope and trust he will not disappoint these expectations, and while events are marching to their consummation, the diplomacy of Europe will find full employment at his court, and its ablest professors will be there. Our government ought to be represented there also. It is proper that the interest we feel under circumstances like these, should be displayed, if with proper caution, certainly without concealment.

As to the grade of the minister, I think it should be of the first class. The Congress of Vienna established three classes of diplomatic agents accredited to the sovereign or chief magistrate of a country—ambassadors, envoys extraordinary and ministers plenipotentiary, and ministers resident. The former we neither send nor receive; the two latter belong to our diplomacy. As to charges, they are accredited only to the Secretary of State, and not to the head of the government. Their situation, therefore, is not so favorable, as precedence of position was in those elements in the social and political systems of Europe. For myself I shall vote for a mission of the first class, and if that fails, for one of the second, and failing that, for a chargé. This is precisely one of those periods when, if we appear at a new European court, we should appear under the most favorable circumstances, and I do not think that the difference in pay merits a moment's serious consideration when compared with the objects to be obtained.

A good deal has been said about the political relation between England and Rome. Well, sir, there are no such relations openly subsisting between these two powers. Soon after the reformation an act of the English Parliament prohibited, under heavy penalties, all communication with the Papal court. That act yet remains in force, and no English representative has since then resided at Rome. But from the very necessity of the case, communications have subsisted, though they have been carried on through the English minister at Florence. The British government have, however, in fact, an agent at Rome—Lord Minto, who, though unacknowledged, is truly their representative there. But this position of things is found to be an awkward one, and a proposition is before Parliament to repeal the prohibitive act, passed in an age of intolerance. Public demonstrations, however, have been made against it, and one would scarcely have expected that feelings so unworthy of the times, would have been exhibited in the British capital as appear by the following extract to have manifested themselves:

"PROTESTANT ALLIANCE AGAINST ROME.—A numerously attended meeting was held yesterday at Willis's Rooms, King-street, for the purpose of petitioning Parliament against the measure now meditating diplomatic relations with Rome. The lower part of the room was crowded with the partizans of the Rev. Mr. Tidman. Mr. Plowden, M. P. was occupied elsewhere, in the absence of the Earl of Winchilsea, was elected on motion from the Bishop of Llandaff, and several members of the House of Commons were also elected to attend. Mr. G. R. Clerk proposed the first resolution, to the effect that the measure introduced into the House of Lords was opposed to the Bible as Christians now read it, to the Act of Settlement, and would be a violation of the constitution. Mr. Hope, M. P. in a speech of the most fervid description, moved the second resolution, which was

Matilda of Tuscany, bequeathed her possessions to the Pope. They embraced the patrimony of St. Peter, on the Mediterranean, extending from the mouth of the Tiber, to the present frontier of Tuscany, and the march of Ancona on the Adriatic, with the adjoining district of Spoleto. Large accessions were subsequently made by conquest—Umbria, Romagna, Perugia, Orvieto, Città di Castello, Bologna, Ravenna, and other cities and districts of country. In the 17th century, the Duke of Urbino abdicated in favor of the Pope; and at a still later period, some further additions were made by arms. Thus, the territorial possessions of the Pope are held, like those of other sovereigns, by succession, donation, and conquest. I consider the territorial possessions of the Church, as much the dominions of the Pope, as the territorial possessions of Spain, are the dominions of her Most Catholic Majesty; and I see no more reason to decline diplomatic relations in the first case than in the last, unless there is in other respects a propriety in doing so.

It is true, there is a peculiarity in the form of the Papal government, from the fact that, the temporal head of the State, is also the spiritual head of the Roman Catholic Church. The Senator from North Carolina very justly remarked, that his chief ministers were ecclesiastics. As is well known, the most important political body in the Roman States, is the Sacred College or the Cardinals, who are the princes of the Church. They are seventy in number, the same in number as the disciples sent out by the great Founder of the Christian faith, to preach the gospel to the world. Six are cardinal bishops, fifty cardinal priests, and fourteen cardinal deacons. I believe, the number has been invariable for two hundred and fifty years, though it is not always full. All vacancies are filled by the Pope, who is chosen by the cardinals from their own body. The government is, therefore, an unlimited elective monarchy, or if you please, a hierarchy, of which the Pope is the head.

The government is administered, under the direction of the Pope, by the Secretary of State, who is a cardinal. He is aided by several departments, bureaus, or boards, the chief of which is the Camera Apostolica, corresponding with our treasury department. It is under the charge of the Chamberlain, who is aided by a number of cardinals and subordinates of different grades. There is also the Buon Governo charged with the municipal police of the States: the Sacra Consulta, to which is entrusted the civil and political administration of the provinces; and the Sacra Ruota, the great court of appeals in judicial proceedings. There are several more of these boards, of which I do not remember the names or the functions; but they are all under the direction of cardinals. The Chamberlain is the only one of these executive officers who is appointed for life; and the reason for the distinction is that he administers the government on the death of the Pope for nine days, when a new election takes place; and during that period he has the privilege of coining money in his own name. The Secretary of State, who is the Prime Minister and the confidential adviser of the Pope, besides having the general direction of the administrative functions of the government, presides especially over the Sacra Consulta, or the department for the provinces—to give it a name suited to its functions.

There is another class of official dignitaries of high rank, under the papal government—the Prelates. They are always of noble birth, but not always in holy orders. There are some two or three hundred of these dignitaries employed in various departments of the government. The place of the prelate often opens the way to higher preferment, and is next in importance to a membership of the Sacred College. These are the great officers of the government.

Mr. BADGER.—Will the Senator allow me to ask him—for my recollection is not very accurate, and I am taking a great deal of interest in what he is saying, and listening to him with much pleasure—whether I understand him correctly as saying that these prelates are not always in holy orders? Are they not either in holy orders, or else undergoing an ecclesiastical apprenticeship, which involves the design to take holy orders.

Mr. DIX.—I said they were not always in holy orders, and I believe I am not mistaken. They usually, if not uniformly, fill offices under the government. Some of them are governors of provinces under the denomination of Delegates; and many of them are employed in the executive departments. Some of them become cardinals, but I should not consider it accurate to say of them as a body, that they were undergoing an ecclesiastical apprenticeship.

Let me now turn to the political divisions of the papal States.

The papal dominons are divided into twenty provinces. The first is the Comarca of Rome. The other nineteen are divided into Legations and Delegations. The former are six in number, and have each a cardinal to preside over them. The latter are thirteen in number, with prelates as their presiding officers. Each province is divided into Communes, with peculiarities of local government.

In the provinces the Legations and Delegations have a council, (Congregazione di Governo,) consisting of the Gonfaloniere, or mayor, of the chief town, and from two to five councillors, according to the magnitude and importance of the province. They are named by the Pope, and hold their office for five years. The councillors have no vote; but when they differ in opinion from the presiding officer of the province, their reasons are reduced to writing and sent to the Secretary of State.

Some of the Delegations are divided into districts, with governors subordinate to the Delegate. Each district is again divided into Communes, with their ancient magistrates or conneils. These councils are close corporations, the members of which are self-elected, subject to the veto of the Delegate, and retain their seats for life. A Gonfaloniere, or mayor, elected from their own body by themselves, presides over them. Of these Communes there are some eight or nine hundred, if I remember accurately, with similar forms of administration.

Thus it will be seen that the whole government is as far removed as possible from popular influence. It is from the centre to the extremities founded and administered upon the principles of a close corporation.

The administration of justice partakes of the nature of the political organization. It is founded on the basis of the *Corpus juris civilis* and the *Corpus juris canonici*—the civil and canon law. All criminal proceedings are conducted with closed doors, and the testimony taken in writing. The accused is entitled to the aid of an advocate, called the "*avvocato de poveri*," the advocate of the poor, who is appointed by the Pope and paid by the government. Imprisonment is the chief punishment for crime, fines are rarely imposed, there is no such thing as liberation on bail, and the whole administration of criminal justice is so dilatory that there are always a very large number of persons imprisoned and awaiting their trial.

In all I have said it will be readily seen how much the present head of the Papal States has to reform—in the theme of the government, in its administration, and in criminal jurisprudence. There is no participation by the people in the administration of public affairs. In Tuscany, Napoleon introduced publicity in criminal proceedings, and it has survived all succeeding changes of the government. In Rome it is excluded. Whether it was introduced there by Napoleon after the deposition of the Pope and the establishment of the Kingdom of Rome, I do not know.

When reforms the Pope contemplates, how far he proposes to allow the people to participate in the administration of public affairs through the choice of their own magistrates and the enactment of their own laws, I have until very recently considered doubtful—nor is the extent of the reform he contemplates very distinctly understood now. It will be recollected that a few months ago he called together a council of delegates from the different provinces. I read his opening address to them with great care, supposing it would contain an outline of the political changes he contemplated. He stated that he had called them together for consultation, which seemed to exclude the idea of legislation; that extravagant expectations had been entertained as to his purposes, and that he intended to transmit to his successors unimpaired the authority he had derived from those who had preceded him. Not long before this annunciation was received, I was invited to attend a public meeting in the city of New York, called to express the general sympathy which was felt in his measures of reform. Not being able to attend, I addressed a letter to the committee of arrangements; and there were several other letters written by gentlemen of distinguished character, and some of them occupying high official stations. Not feeling at that time quite sure of the sequel, I did not indulge in the enthusiastic expressions which some of the letters contained. I endeavored to render the Pope full justice. I desire to do so now. And I must say that the recent intelligence from abroad justifies all the expectations which have been indulged in respect to his contemplated measures of reform. He has already done much for good government in Italy. He arrayed himself boldly at the outset against the influence of Austria—an influence which, since the general pacification of Europe in 1815, has been a perfect blight upon the growth and progress of popular freedom. He has resisted fearlessly the designs of that government upon the independence of the Roman people. He has refused to the Austrian troops a passage through his dominions for the purpose of aiding the King of the Two Sicilies in putting down the struggles of the Neapolitan and Sicilian people against the narrow-minded tyranny by which they have been oppressed. He has done more. He has formed a national guard in the Papal States; he has put arms into the hands of the Roman people, and he is preparing them by military exercises for the assertion and maintenance of their own rights. He has, in a word, given an impulse to popular freedom throughout Italy; and it is owing, in a great degree, to him, that constitutional forms of government have been given to the people of Sardinia, Tuscany, and the Two Sicilies.

The late arrival affords us still more gratifying evidence of his movements. Two papers have been put into my hands from which I will read brief extracts. The first is from a letter in the Courier des Etats Unis, dated in Paris, which I will translate literally:

"The sensation of the revolution in Naples has been felt, as I foresaw, in the other part of Italy. The King of Sardinia and the Grand Duke of Tuscany have also given to their subjects a constitution, modelled after the French Charter. Pius the Ninth has promised in a proclamation and in conversation with those around him, something analogous to it. In the meantime, he has changed his cabinet, and has formed a ministry composed almost entirely of laymen. This is a great reform."

The other extract is from the letter of the European correspondent of the National Intelligencer, published in this morning's paper. I will read it:

"The good and conscientious Pope has left nothing as to his power to grant a reformed constitution to his people, fearing that his doing so would interfere with the oath which he took at his accession to office, to hand down the *temporalities* of his kingdom unaigured to his successor. He submitted his doubts to a council of ecclesiastics learned in such matters, and the result is a decision that his yielding to the wishes of the people and the spirit of the times will not be an infringement upon his official oath. It is supposed, therefore, that the people of Rome will soon receive a constitution founded on the same principles as those of Naples, Sardinia, and Florence. His Holiness has advanced a great step by his employment of well qualified laymen in high

positions in the State, which have hitherto been filled by ecclesiastics. Three vacancies lately occurred, and three liberal minded laymen succeeded three churchmen. How much does the world owe to Pius IX.! His liberal conduct first put the ball of reform in motion: it is not destined to stop until it has regenerated Europe."

Thus it appears that the Roman people are to receive from the Pope a constitutional government. And what I consider of great importance as a measure of reform, he has already begun to introduce laymen into his political councils. At the general pacification in 1815 it was understood that the chief ministers of the Pope were to be chosen from the laity. This understanding was violated: and it has been one of the leading causes of public discontent in the Papal States. It has been for a quarter of a century one of the reforms most earnestly sought for; and it may be hailed as the precursor of an ultimate separation of the ecclesiastic and secular branches of the Papal government, by conferring political offices on laymen, and confining churchmen to the exercise of their ecclesiastical functions—an arrangement favorable alike to the State and the Church, by promoting the purity of the one and the prosperity of the other.

While the Pope has much to reform, he has much to contend against—not only from the opposition of those who are hostile to all progress, but from the embarrassed condition of the finances of the Papal States. Some ten years ago the revenues were about nine millions of dollars; two millions and a half were derived from internal taxes, chiefly on landed property; about four millions and a half from the customs, excise, &c.; about nine hundred thousand dollars from lotteries, and the residue from miscellaneous sources. Some of these revenues were collected at an enormous expense. The revenue from lotteries for instance, which yielded nine hundred thousand dollars in the gross, cost about six hundred thousand in the collection, leaving only three hundred thousand in the treasury as an offset to the general demoralization, of which they were the cause. In the same year the expenditures exceeded the revenues about half a million of dollars. Four years ago, I understood the deficiency exceeded a million, and the preceding year a million and a half. From the difficulty of obtaining statistical information, I could not ascertain the amount of the public debt; but from the interest paid on it, amounting to about two millions and a half of dollars, exceeding one quarter of the entire revenue of the Papal States, it must have exceeded forty millions of dollars. It cannot now, I think, be less than fifty millions. It may be much more.

Sir, this is a very heavy pecuniary burden for a small State. The whole superficial area of the Papal States is about thirteen thousand square miles, less than one third the area of the State of New York, and a population, according to the raccolta or census of 1833, of two million seven hundred thousand souls, about the same as the population of New York. While Rome has two hundred and ten inhabitants to a square mile, from the difference in surface, New York has but sixty. The population of the Papal States is very unequally distributed. Only about one-third of the surface is cultivated, and a considerable portion is very thinly inhabited. I doubt whether the population has much increased during the last fifteen years. In 1833, the city of Rome had about one hundred and fifty thousand inhabitants; in 1838, it had less than one hundred and forty-nine thousand—a slight decrease.

The Papal States have some commerce; but little is carried on in her own vessels. There are but two harbors for vessels of any considerable burthen—Civita Vecchia on the Mediterranean and Ancona on the Adriatic. The excellence of both ports is due in a good degree to the Emperor Trajan. There were other valuable ports once, but they have become useless for large vessels. Terracina, the ancient capital of the Volsci, was once a naval station of great importance; but it is now obstructed by deposites of sand. The Porto d' Anzo, the ancient Antium, about midway between Terracina and the mouth of the Tiber, is also obstructed and nearly useless from the same cause.

There is but one navigable river in the Papal States—the Tiber. As there have been some allusions to it in the course of the debate, I hope I shall be excused if I make some references also to its condition as to commerce and navigability. It empties into the Mediterranean seventeen miles from Rome. As it approaches the sea it divides into two channels. On the left arm stood the ancient Ostia. It has long since fallen into ruins, and a modern Ostia stands near it. But from the unhealthiness of the place, it is almost deserted, and the channel of the river is nearly filled up. The right arm is navigable to the sea. On this channel stood the ancient city of Portus; but only the ruins are now visible, and the modern town of Fiumicino has risen up a mile and a half below. The channel is narrow, deep and rapid. The description of Virgil, as he makes Æneas first see the Tiber, is still applicable to it. I do not know that I can quote him accurately, but if I do not, there are gentlemen of classical learning on both sides of the chamber, who will correct me:

> ——Ibam forte Tiberina ad ripam
> Vorticibus rapidis et multa flavus arena,
> In mare prorumpit.

The description is not inaccurate: with rapid whirlpools, and yellow with earth, it bursts into the sea. The current is so rapid, that vessels could only stem it with strong winds: but they are now towed up by steamers. Vessels of small size—among them a steamer—go up to Rome, and at some seasons there is a good deal of freighting done on it. Indeed, the river is navigable for boats to its juncture with the Nera, some forty miles above. But from the rapidity of the current near the city and below, deposits of sand are constantly obstructing the passage, and an annual appropriation of money is made to keep it open.

The exports of the Papal States are not large, but they are numerous. They consist of corn, oil, silk, skins, fruits, wood a substitute for indigo, which grows spontaneously in Southern Italy, and hemp, &c. Wool is exported in large quantities to England. I believe one of the most valuable exports is tobacco, of which they send abroad annually about 300,000 pounds.

They can scarcely be paid to have a commercial marine. Some ninety vessels, averaging probably about eighty tons each, constitute the whole, excepting that of fishing smacks, and small coasters. There are six merchant vessels in the City of New York with an aggregate tonnage exceeding the ninety merchant vessels of the Roman States. This, however, we need not regret; for if we can extend our commercial relations with them, we shall do all the carrying, both for them and ourselves.

Agriculture, the basis of all industry, is in a very depressed state, and from peculiar causes. The great peculiarity of the agriculture of the Papal States is the division of the champaign land into immense farms. The Campagna around Rome, called the "Agro Romano," (the Roman field,) the Maremma extending from the frontier of Tuscany, along the coast to the southward, and the low lands in other districts are owned by a few persons. The farms usually contain several thousand acres. The entire Agra Romano contains over eight hundred and fifty square miles. This tract is in the hands of about forty farmers, or "Mercanti di Campagna," as they are called. The farms are worked on the "Mezzeria" system, or at halves, under the direction of fattori or stewards, who occupy farm-houses on the land, while the owners live in the cities. The same system prevails in Tuscany, where it has worked tolerably well. In Rome it is thought exceedingly unfavorable to agricultural improvement. Something is attributable to the peculiarity of the Roman plain, in respect to climate and health, which renders it necessary to devote the greater part to grazing. In the winter it is covered with cattle and sheep—not less, perhaps, than a million of both, under the guardianship of shepards and herdsmen. As the summer advances, the Campagna becomes too unhealthy to be inhabited, and the cattle are driven to the Sabine hills, and even to the mountains of the Abruzzi. When the harvest season arrives, the heat becomes almost intolerable; and multitudes of the laborers, who come down from the mountains to gather the harvest, perish from the fatal effects of the Malaria. As soon as the grain is gathered, the Campagna becomes a desert until the summer heats are over. Neither men nor cattle are to be seen. The buffalo, who seem to be proof against the heavy pestilential vapors which the burning sun brings out from the humid earth, are almost the only inhabitants of the deserted plain from June to October.

With this imperfect agriculture, a complete monopoly is given to the rural proprietors by the corn-laws of the Papal States. When the price of flour on the Mediterranean is under $9, and on the Adriatic $8 25 per barrel, the introduction is prohibited. It is the same with wheat. When it is under about $1 40 the bushel on the Mediterranean, or $1 20 on the Adriatic, it is not allowed to be introduced. The operation of this system is to give the entire market to the Roman agriculturist, and by excluding the cheaper breadstuffs of the Levant and Austrian provinces on the eastern shore of the Adriatic, to compel the Roman people, in some districts, and in times of scarcity, to eat dear bread.

Notwithstanding the depressed condition of the industry of the Papal States, there is no country capable of a more rich or varied production; and if the measures of reform now in progress shall be carried out, and the social as well as the political condition of the people be elevated by the abrogation of bad laws, I know no State of the same magnitude, which may hope for a higher prosperity.

I have thus, Mr. President, presented some statistical details in respect to the condition of the Papal States—not with the expectation of influencing the vote of any Senator on this floor, but for the purpose of assigning the grounds on which I place my own. I am in favor of establishing diplomatic intercourse with Rome; first, with a view to friendly relations—the object for which most missions are created; and second, with a view to commerce. I repeat, I do not regard the mission as political, unless that term be understood in its broadest sense; and in this view of the mission I am political. I consider it our sacred duty to keep aloof from the internal agitations of European States, and from the movements of their sovereigns and people. We must sympathize with everything that is favorable to freedom; but we can do no more. Our rule of action is non-intervention in the political concerns of the eastern hemisphere; and by a rigid adherence to it, we may with the more confidence insist on an application of the same principle by European States to the political concerns of the independent communities on this continent. I look then, first, to friendly relations with central Italy.

But I look chiefly to commerce. Depressed as the industry of Rome is, I think something may be done to extend our commercial relations and intercourse with her, and perhaps also with Tuscany, lying on her borders. Great Britain has an immense trade with the Mediterranean. She sends every year fifteen millions of dollars in value of her own products into Italy alone, and probably from five to ten millions more of foreign products, which she imports for re-exportation. A portion of this lucrative trade legitimately, should be ours; and I think we may obtain it, if we send a discreet and intelligent man to Italy.

I voted for a minister plenipotentiary, as proposed by the Senator from Missouri, (Mr. BENTON,) supposing it would be followed, if his amendment had prevailed, by a proposition to abolish the

post of charge d'affaires at Naples. The post of charge d'affaires at Turin I would not have touched. Sardinia is distant, and has distinct commercial interests. But we might have sent a minister with full powers to central and southern Italy, to reside a part of the time at Rome, and part of the time at Naples—an arrangement not unprecedented in diplomatic intercourse with states bordering on each other. I thought, in opening diplomatic intercourse with Rome, it should be done in the mode most acceptable. A minister is accredited to the sovereign of the country to which he is sent—a charge d'affaires to the secretary of foreign affairs, or the chief executive department. A minister would be on a footing with the diplomatic representatives of the States of Europe, at the Papal court—a charge will be inferior in grade and in influence. Rome and Naples are but 160 miles apart. Four years ago, a railroad was in a course of construction from Naples to the Roman frontier. It was nearly finished to Capua. Gregory the 16th. the predecessor of ihe present Pope, refused to charter railroad companies. He did not encourage foreign intercourse, social or commercial. Pius the IX, is of a totally different temper. He is desirous of promoting in every way, facilitities for communication, foreign and domestic. He has chartered a company to construct a railway to Civita Vecchia; and another, as I understand, to meet the Neapolitan railroad at Terracina. In two years, Rome and Naples will probably be but five hours apart. The arrangement suggested would, therefore, have been convenient as well as proper. But, as the proposition failed, I shall vote for a minister resident.

Before I conclude, I wish to say a few words on the religious question. I have already said, I do not regard it, in any sense, as a religious mission; nor can I conceive that it can be properly so considered. Gentlemen have gone so far as to suppose that it will be repugnant to the Protestant feeilngs of the country. I cannot believe there is any just ground for such an apprehension. We send a diplomatic representative to the Emperor of China, who claims to be the sole vicegerent of the Supreme Being on earth. We have a minister at Constantinople, and three consuls, salaried officers, exercising diplomatic functions, in Syria—two in the Barbary States, and one in the Empire of Morocco; and the people of all these countries are either Turks, Moors, Berbers or Jews, all utterly denying the authenticity of the Christian faith. And yet, when it is proposed to send a diplomatic representative to a temporal sovereign in Europe, it is objected that the Protestant feelings of the country may be wounded, because he is also the head of a most respectable and important branch of the Christian church. Sir, I cannot comprehend this feeling, and I am, therefore, disposed to doubt its existence. At all events, I shall vote for the appropriation; and trust to my Protestant friends for a just appreciation of my motives.

Mr. BADGER.—It is not my intention to enter into this discussion, for I have already stated the grounds upon which I am opposed to this mission in any form; but simply to make one or two remarks which have been suggested to me by what has been said by the honorable Senators from New York and Michigan. The Senator from Michigan seem to suppose that I have said that the present Pope has done nothing for the amelioration of the condition of his subjects. I am very certain sir, that I never intended to say any thing of the kind, and I do not think I did say it. I have said this, and I repeat it, that while the Pope is a good man, and a wise prince, and I believe has done several things for the present benefit and relief of the people of Rome he has done nothing towards establishing a free government in Rome, that he has done nothing to relax that absolute authority which he has received from his predecessors.

Mr. FOOTE.—Will the Senator allow me to ask him—

Mr. BADGER.—I hope I shall not be interrupted.

Mr. FOOTE.—Have I not a right to explain?

PRESIDING OFFICER.—The Senator from North Carolina does not yield the floor.

Mr. BADGER.—I am speaking now of the views which I have heretofore submitted to the Senate, or which I intended to submit for the purpose of correcting what has fallen from the honorable Senator from Michigan this morning. The position I have taken is, that the Pope has done nothing to secure to his subjects any share in the administration of the government, that he has established no barrier against the use, either by himself, or by his successors, of the absolute power which he possesses. No doubt as a wise Prince he has done many things for which he is entitled to high credit; he is disposed to patronize the present schemes and projects for opening communications by railroads; and the other improvements of the day. He has established a national guard, and put arms into the hands of his subjects. He has endeavored to attract the affection of his subjects, and to engage their personal regard by showing himself solicitous to promote their interests. He has as a wise prince taken measures to prevent the interference of Austrian influence which has always been deleterious to the minor states of Italy as we all know. All this he has done, and for this he deserves credit, but what I mamtain is, that the Pope has yet done nothing to establish a free government in the Papal dominions, and nothing has yet been pointed out by any gentleman who has spoken upon this subject, nothing has been done by him which shows him belong to that class of reformers. The honorable Senator from Michigan after reading an extract from some letter or speech, I did not exactly understand which—of Lord Palmerston——

Mr. CASS.—It was a letter.

Mr. BADGER——a letter of Lord Palmerston in which his Lordship remarks upon the desire of the Pope to make some reforms in the government of his states, remarked that his Lordship had done more justice to the Roman Pontiff, than he had received at my hands. Why I have had no means of determining what his desires or purposes were. I can only ascertain what he wishes to accomplish, by what he does. Well now I ask what has he done? Why it is said he has called a consistory, and that the distinguished ecclesiastics who belonged to it were in consultation upon the propriety of making certain organic changes, and that it is understood that their impressions or opinions, were favorable to the establishment of a constitution, but what kind of constitution is yet unknown. It is remarked that the Pope intends to establish some sort of a constitution. Well this may be so. He may design to do so, and he may accomplish it. When he does accomplish it he will entitle himself to still higher praise than he has yet earned by any thing that is past.

The honorable Senator from Michigan will also recollect that in the address which the Pope himself made to some public assembly, he stated that it was his design to transmit entire to his successors, the same authority which he had received from those who went before him. Whether his Holiness has changed his mind on that subject I know not, but here is a public authentic declaration of his intention, to retain his power undiminished. In opposition to that, we have a rumor that in a consistory, a project for some kind of a constitution has received favorable consideration. We have been also told by the Senator from Michigan, and by the Senator from New York, that all the Protestant powers of Europe, have sent representatives to the Papal court, and that we send representatives to Turkey and China. Now the Emperor of China claims to be the Vicegerent on earth.

Mr. DIX, (in his seat.)—The sole Vicegerent.

Mr. BADGER.—That claim stands exactly on the same foot ing as that of the Pope. But certainly I never objected to sending a mission to his Holiness if the interests of the country required it—if we had commerce to be protected there, or any object connected with the welfare or advancement of the country to be accomplished. That is my view. Show me that the mission can be sustained on such grounds, and every objection which I have urged falls to the ground. But it must be conceded—certainly it has been generally conceded, if I apprehend correctly the remarks of gentlemen, who have taken part in the debate, that we have no commercial interests in the Papal states that require the protection of such a mission. My friend from New York says, that he would gladly see our commerce in Italy and the Mediterranean extended. So should I, but are we likely to obtain the fulfilment of our wishes by this mission to Rome. Assuredly my friend has not given ship-masters a very inviting description of the facilities which the Tiber, either now or as it was in the days of ancient Rome, presents for the profitable prosecution of commere. A river which is described as a whirlpool, and in which the tide is so swift, that it pours itself filled with yellow sands into the ocean; seems to hold out a very uninviting prospect to the eyes of a shipmaster, looking out for some profitable commercial opening. However, it must be conceded at all events, that at present there is no commerce to be protected, and if it is with a prospective view that the mission is to be established, I think that we should give the subject a little more consideration before we adopt such a measure.

The Senator from Michigan does not agree that this can be considered as a mission to the Pope in his ecclesiastical character. It is contended by the Senator, that he is a temporal, as well as a spiritual prince, and that it is in the former capacity alone, we would establish with him this diplomatic relation. Well, now, it is clear, and I think the honorable Senator himself has proved it in his observations, that the temporal authority of the Pope is a mere incident to his ecclesiastical dominion, and the historial account given given to us by the honorable Senator from New York, as to the mode in which the Papal dominion is formed is a striking proof of the correctness of that view of his character.

At first the Pope, though the first Bishop of Italy, was without any temporal authority. A small Dutchy was given to him to which subsequent additions were made either by negotiation or conquest, or the pious donations of members of the church for the purpose of giving dignity and respectability to the Church's head. Indeed the Senator from Michigan tells us that notwithstanding the new regulation introduced for the purpose of getting over all the difficulties in European countries about precedence by which the minister holding the oldest commission of his grade takes rank, yet in every court in Europe, by common consent, the Pope's ambassador takes precedence of the minister of the oldest and most powerful State; and this appears to me to furnish additional evidence of the correctness of my view. For, is it because he is the representative of a temporal prince who has under his authority two and a half millions of people that the Pope's ambassador takes precedence of the ministers of Austria, of Russia, of Prussia, of France, and even of Great Britain, who, since the time of Queen Elizabeth, I suppose indeed from the time of Edward the VIth, has had no formal diplomatic connection with Rome? What is this deference but a token of respect to the great spiritual head of the Roman Catholic Church, who looks through the whole wide

extent of this earth and finds subjects amongst the people of every nation, and tongue, and kindred? Why, I see this morning in the New York Herald, a proclamation of the Pope addressed to Roman Catholics everywhere, in view of the reforms which he is making and the probable hostility which he may provoke in some of the neighboring powers. In that proclamation his Holiness says:

"But we principally—we, the head and sovereign Pontiff of the entire Holy Catholic religion, should we not have in our embrace, and cherish with paternal love, even our most cruel persecutors, who would refuse the name of children to the embrace of their father? It is indeed a great blessing that there is at present in Europe a monarch, who is proud to rule over 2,000,000 of our subjects, [meaning the Queen of England] a nation and of every tongue."

Here the Pope issues his proclamation not to his own immediate subjects in the Papal States, but to the whole Roman Catholic population of the world calling upon them in case of any interference with his projected reforms to render him assistance and enable him successfully to accomplish his desires. His, then, is unquestionably a spiritual sovereignty, a spiritual jurisdiction, and it was upon that ground that I thought, and still think, that the Protestant population of the United States would not only feel deeply aggrieved by the establishment of this mission, but I believe they would have a right to look upon it as giving undue advantage to another section of the Christian church.

Mr. FOOTE.—Mr. President: Circumstances have devolved upon me a painful duty. I am not very conversant with parliamentary usages, but I hope some of these days to master completely that profound and invaluable branch of modern science. I am informed though, by the oldest, most experienced, and most accomplished members of this body, that it is a well understood and universally respected usage of the Senate, that when any Senator is addressing the body, if a brother Senator requests the privilege of explaining, an immediate opportunity of doing so is accorded to him. Well, sir, whilst the Senator from North Carolina was speaking a few minutes since, I rose and courteously asked to be allowed to explain, which the Senator, as I think, most abruptly refused. Sir, I am not too much excited to permit the Senator to explain his conduct, if he choose to do so; though I beg leave to premise, that if an explanation completely satisfactory shall not be immediately rendered, I have words to utter that I presume will be anything but agreeable to the Senator from North Carolina. And now I demand of him, whether, in refusing to yield the floor, when I applied for it, he intended any discourtesy or disrespect to me?

Mr. BADGER.—I shall say precisely what I should have said, if the Senator from Mississippi had not concluded with the observations which he has made. I declined to yield the floor to him, without any idea in the world that such refusal could be an insult or discourtesy to any gentleman in the chamber, but simply because the as I was engaged in replying to what had been said by others in the debate, I did not perceive how any explanation or inquiry which could be given or put by the Senator from Mississippi could aid in the discussion in which I was engaged.

Mr. FOOTE.—I understand the Senator to disclaim all intentional disrespect; and yet his present explanation appears at least to imply some discourtesy, as he seems to have acted upon a presumption not very respectful to me certainly, that I was capable of attempting to interrupt a Senator's speech, by mere impertinence.

Mr. BADGER.—That's no word of mine!

Mr. FOOTE.—Very well. I leave the subject. But now, sir, whilst I am up and in the right humor for further explanations, I will announce, once for all, that whilst I am not much in the habit of reading what is daily published in certain whig newspapers in ridicule and denunciation of my conduct here, and whilst I hope that my sensibilities are not particularly pervious to such petty assailment from mercenary scribblers, yet I could not help noticing the fact that in more than one whig newspaper lately, I have seen it declared to be a formed and deliberate design of certain Senators here to unite their forces for the purpose of reducing me to contempt by cautiously refraining from any direct notice of my remarks, but responding nevertheless to what may come from me deemed worthy of notice, as if the same had originated with others on this side of the chamber. This statement is only deemed important as connected with certain transactions of actual occurrence in this body, and as more or less illustrating what others beside myself have several times observed to take place. I shall not now go farther into particulars, but I take leave to say, that if Senators have conspired to pursue this course towards me, they are perfectly welcome to do so. But I shall nevertheless not be in the least degree restrained from replying to any thing which may be said by them which I shall deem it right thus to notice, and that no arrangement which may be fallen upon, either of the kind mentioned or of any other nature, will preclude me from the full exercise of my rights here as the representative of a sovereign State upon this floor. I beg leave further to say, what I have several times hinted before, that I do most sincerely defer to many worthy gentlemen here, whose superior experience, wisdom, and efficiency, I gladly acknowledge; yet that I claim, in my official capacity perfect equality of power and dignity with the proudest Senator in this hall, and that I shall at all times be prepared to vindicate my rights against assailment from any quarter whatever, whether open and manly or covert and insidious. I conclude with the words of a distinguished member of this body, uttered in this chamber some years since. "This is a Senate of equals, composed of men of individual worth and of absolute independence. We know no masters; we acknowledge no superiors."

Mr. MANGUM.—I do not rise to protract this debate, but simply to state the grounds on which my vote will be given. I have regretted that any irrelevant topics have been introduced. I have listened with great interest to the expositions given to-day, and especially to the remarks of the Senator from New York. He, I know, has had opportunities of acquiring valuable information on the subject of the government of the Papal States, having for some time resided at Rome, and his views are thus entitled to great consideration, for I have been long convinced that the knowledge acquired from books with regard to the social and political condition of mankind is always more or less defective, and is far inferior to that to be obtained by looking at the people themselves. I have also listened with interest to the expression of the views of my colleague on other aspects of the case. His views were presented with great clearness, and on some points his argument was, in my opinion, quite conclusive. But I think our action on this matter should be determined on other grounds entirely. In one point of view, the remarks of the Senator from New York made a strong impression upon my mind. He gave the extent of the commercial traffic of Rome. I understand the commerce of Great Britain with the Papal States amounts to some fourteen millions of dollars.

Mr. DIX.—The commerce in all Italy.

Mr. MANGUM.—Including Naples, Turin and other ports. At these two points we have already diplomatic representatives. I indicated yesterday that this subject had been the topic of a conversation some years ago in a very intelligent circle, and it had struck me very forcibly that we could unite these missions in one of the first grade, which, with the aid of consuls, or consuls general, as might be thought most expedient, would be eminently desirable. Although I go for the doctrine of non-intervention as strongly as any one, and hold that it is no part of our mission to interfere with the creed, civil, religious, or political, of any other people, yet it is in my judgment, vastly important that we should be correctly informed in regard to great political movements in other parts of the world, that may affect our commercial interests and in effect, perhaps, our political condition. In that view, Rome, as the great point of confluence of the intelligence and influential classes of the European world, might be a favorable location for a mission. From that point we might be able to penetrate Austria and other States of Europe, learning many things of importance to us to know.

As regards the religious considerations which have been involved in this case, I repeat what I said yesterday that we cannot allow them any weight. The government of this country is not permitted to descend into contact with any church influences; and it is, I think, one of the wisest provisions in our system of government, that every man is secured in the enjoyment of his religious rights, being free to worship God according to the dictates of his conscience. It is owing to that that we are wholly free from those collisions between sects which have agitated other nations. All the churches stand on the same basis, and alike depend wholly on the voluntary support of their own members. This is as it ought to be; and therefore, in the present case, with me, the religious consideration has not the weight of a feather, I should like to know the religion of the Imaum of Muscat! What, again, have we to do with considerations of the form of civil government in reference to the establishment of diplomatic relations with any country? All we look to is the existence of a recognized government with which we can make commercial treaties; and the only question that presents itself in such a case is whether the commercial inducements are sufficient to authorize the establishment of such a mission. Why, in each of the small insignificant Barbary States, we have an agent for commercial purposes, and charged also with political trusts. Are we influenced by religious considerations in those cases? Not at all. We regard simply our commercial interests, and add to that the great political considerations which may render the agent influential. And here I would again express my desire that a greater degree of dignity and respectability might be given to the diplomatic agents of the United States by a more liberal provision for their support. In this business, Great Britain exhibits her usual sagacity. She has connected herself with every commercial power on the face of the globe—every branch of commerce has been carefully protected in every sea, and wherever she has sent her agents, they appear with a *prestige*—that sort of respectability that grows out of the possession of adequate means to live in a style becoming their position. Perhaps no small degree of the commercial greatness of Great Britain has been owing to the wisdom and liberality with which she has managed her diplomatic missions.

I have regretted the appearance of any excitement on this subject. Certainly in my judgment the subject of itself is not calculated to create any such feeling. The honorable Senator from Mississippi will suffer me to say that his sensibility on this subject, in consequence of the idea that there is any purpose entertained on this side of the chamber by any gentleman to treat him with any less respect or consideration on this floor, than that which is extended to all, has been needlessly excited. I not only do not know of any such design to treat him with discourtesy, but I am sure that no such purpose can be be entertained. There is not any such purpose on the part of my colleague, and I think that the excitement which has been manifested on this subject, has been altogether disproportioned to the importance of the case.

Mr. CALHOUN.—I have had some hesitation in determining upon the vote which I intend to give on this question, and I rise to state the reasons which induce me to vote against the proposition to strike out. In the first place, I may refer to those considerations which have with me, little or no weight. I do not favor this mission because the Pope is a reformer, though I do not at all doubt that he is a very wise and liberal reformer. I am inclined to think that he has gone as far as he ought to go, considering the nature of his power and the people whom he governs; and I do not think the less of him on that account; but on the contrary I am the more favorably impressed by his wisdom in proceeding cautiously. There is very little confidence to be reposed in any reform that originates in force and violence. But, sir, I do not think the fact that the Pope is a reformer, furnishes a sufficient reason for the establishment of a diplomatic mission to the Papal states. I am in favor of non-interference in the highest sense. I wish him well. I desire his success. Although as I believe the Pope will not be able to proceed far, yet he will succeed to some extent in ameliorating the condition of his people. Again, it is to be considered that recent occurrences in Europe may put an end to the present movement of the Pope. A counter movement may be made. He is in favor of proceeding slowly; but there is a people north of his dominion, who are of a very different temperament; and who spring at a bound to the object at which they aim. How far the Pope may be intimidated or influenced by these occurrences, time will show.

As to another consideration which has been presented in this debate, according to my conception, the federal government has nothing whatever to do with religion. The states may act upon that subject, but certainly there is no power here to do so; and we have no right to be influenced at all by considerations of that nature. And here let me say, in reference to a remark made by the Senator from Michigan, that I do hope that rule which he says prevails in Europe with regard to the precedence of the Pope's legate, will not be permitted to operate here. Our established rule is, that the minister bearing the oldest commission in each grade, takes precedence. I feel assured, that to give precedence here to the Pope's legate, upon spiritual grounds, which is the case in Europe, would produce a very undesirable and dangerous excitement. If the Pope should entertain any design of sending a legate to this government, I trust that the precaution of informing him with regard to the difficulty on this point, will be observed.

Nor do I vote for this mission upon commercial grounds. Our commerce with Rome is inconsiderable, and is not likely to improve. It is not sufficiently important to require the presence of a chargé, and has been heretofore very well attended to by our consul. The fact, alluded to by an honorable Senator, that Rome was a point of confluence for great numbers travelling for amusement and instruction, ought not to influence our action.

It may, then, be asked, why I am induced to favor this mission? My reason is to be found in the present political condition of affairs. The Italian States, not under the authority of Austria, and perhaps, I may add, some of these under the control of that power, are in a state of revolution, which, in Italy, may very likely run to some excess. We know that the Pope is the central moving power of this reform. We know that the Pope has the power of controlling these movements. Now, reform in Italy may run into a certain degree of violence and disorder; and it may be very important that we should be able through the Pope to guard our commerce, and protect our citizens engaged in commerce from injury. I believe that Rome is the most favorable point at which you could place a minister, if events in Italy should take a certain direction. The reason is a temporary one, and I should therefore put this mission on a temporary basis. It is possible, that besides affording protection to it, in the event of certain occurrences, through the influence of the Pope, a liberal turn might be given to our commerce in Italy. Though, that, under his immediate direction, is not important, yet the commerce of the whole of Italy is very important, and may be made still more so. A large portion of Italy is admirably cultivated—better perhaps than any other portion of Europe, and is inhabited by a thriving and vigorous population. For these reasons I am induced to cast my vote against striking out the provision of the bill.

Mr. CASS.—I have one word to say with regard to the question of the precedence of the Pope's legate. In Europe, by universal consent, the Pope's legate takes precedence of any member of the same grade in the diplomatic corps. This is not a mere matter of form there. It is a part of the general law, and carries with it some substantial advantages. In this country, of course, the principle is unknown, and I really do not see how the government can be called on to settle such a question.

Mr. CALHOUN.—It has settled it.

Mr. CASS.—Well, I cannot imagine how such a question could arise, except as a matter of etiquette in going to the dinner table.

Mr. CALHOUN.—The Senator certainly must know that as between the diplomatic corps this is a point insisted upon, and that it has been passed upon here. Within my recollection a case has occurred in which swords were drawn between the French and English ministers in the ante-chamber of the Presidential mansion; and during the short period in which I was in the department of State, the point was presented, requiring grave deliberation, so much so that in that case I thought proper to consult Mr. Adams, who had had more experience in such matters.

Mr. CASS.—That case does not apply to the point of my remarks.

Mr. CALHOUN.—It was then established that any minister should take rank according to the date of his commission. Though as between ourselves there may be no question of this kind, yet there can be no doubt that if the Pope's legate, if sent here, should take precedence of all the other members of the diplomatic corps in the face of this established principle, I take it for granted that his claim would not be respected; and the Pope should be apprised of it.

Mr. CASS.—I assure the honorable Senator from South Carolina that were the Pope's minister here, every member of the diplomatic corps would make his bow to him and allow him to pass first to the dinner table.

The yeas and nays were then seconded and taken with the following result:

YEAS.—Messrs. Atchison, Badger, Bernen, Butler, Hale, Hannegan, and Rusk—7.

NAYS.—Messrs. Allen, Ashley, Atherton, Bagby, Bell, Bradbury, Breese, Calhoun, Cass, Clarke, Clayton, Dayton, of Del., Dayton, of Miss., Davton, Dickinson, Dix, Douglas, Downs, Ewing, Foote, George, Hunter, Johnson, of La., Johnson, of Md., Lewis, Mangum, Mason, Metcalf, Moor, Niles, Phelps, Turney, Underwood, Upham, Westcott, and Wilcox—36.

The amendment was then agreed to, and no other amendment being offered, it was

Ordered, That the amendments be engrossed and the bill read a third time.

The said bill was read a third time as amended.

Resolved, That the bill pass with amendments.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendments.

CHURCH LANDS IN FLORIDA.

Mr. JOHNSON, of Louisiana, from the Committee on Private Land Claims, to whom was referred the memorial of the trustees and members of the Catholic church of St. Augustine, submitted a report accompanied by the following resolution:

Resolved, That the memorial of B. Madeore, Vicar General, &c., and the memorial of the trustees and members of the Catholic church at St. Augustine, Florida, and all the accompanying papers, be printed for the use of the Senate, and that the Secretary of the Senate cause the translations of papers filed to be corrected and verified before the same are printed, and all said documents to be transmitted to the Solicitor of the Treasury, who is directed to examine the same and investigate said case, and procure copies of all documents and papers relating thereto, in the public departments or offices, and other testimony that he can obtain, relating to the title of the United States to the property claimed, and communicate the same to the Senate, and make report as to the merits of said case as early as practicable during the present session.

The resolution was considered by unanimous consent, and agreed to.

THE LOAN BILL.

On motion by Mr. ATHERTON, the prior orders were suspended, and the Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives to authorize a loan not exceeding the sum of sixteen millions of dollars; and it was

Ordered, That the further consideration thereof be postponed to and made the order of the day for to-morrow.

On motion,

The Senate adjourned.

WEDNESDAY, MARCH 22, 1848.

MEMORIALS ETC. OF LEGISLATURES.

Mr. DAVIS, of Mississippi, presented a memorial of the Legislature of the State of Mississippi, praying the adoption of measures for ensuring greater regularity in the transportation of the United States' mails; which was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Also, a resolution passed by the Legislature of said State, in favor of the passage of an act ceding to that State a portion of public land for the purpose of improving the navigation of the Big Black river, which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. ATCHISON presented a memorial of the Council and House of Representatives of the Territory of Wisconsin, praying the adoption of measures for the extinguishment of the Indian title to certain lands in that territory; which was referred to the Committee on Public Lands.

PETITIONS.

Mr. DOUGLAS presented a petition of citizens of Peoria county, Illinois, praying that the public domain may be distributed in suitable quantities to actual settlers, not possessed of other lands, without price; which was referred to the Committee on Public Lands.

Mr. CAMERON presented the petition of Rebecca Robeson, widow of a deceased revolutionary officer, praying to be allowed a pension; which was referred to the Committee on Pensions.

Also, the petition of Cadwalader Evans, praying the purchase, by the government, of his patent-right for an invention for preventing the explosion of steam-boilers; which was referred to the Committee on Patents and the Patent Office.

Mr. WESTCOTT presented a petition of citizens of Apalachicola, Florida, praying an alteration of the plan of the light-house now in progress of construction on Cape San Blas; which was referred to the Committee on Commerce.

Mr. MOOR presented a petition of Albert Dole, and others, citizens of the United States, praying certain modifications of the patent laws, and a repeal of the act of February 26, 1845, extending a patent heretofore granted to William Woodworth; which was referred to the Committee on Patents and the Patent Office.

Also, a petition of Albert Dole and others, citizens of the United States, praying an amendment of the 17th section of the act of July 4, 1836, in relation to granting injunctions against patent rights; which was referred to the Committee on Patents and the Patent Office.

Also, a petition of citizens of Maine and Massachusetts, praying that lumber manufactured in New Brunswick, from timber grown in the State of Maine, may be admitted into the United States free of duty.

Mr. MOOR said: As this is a matter of considerable importance to the State I in part represent, as well as to these petitioners, I feel it to be my duty to state some of the facts connected with the subject. In the treaty of Washington is contained a provision for the benefit of the inhabitants of that part of Maine which is watered by the St. John's river and its tributaries, and as the provision may not be familiar to the Senate, I beg leave to read from the treaty:

"It provides 'that the produce of the forest in logs, lumber, timber boards, staves and shingles, grown in so much of those parts of the State of Maine as lies on the river St. John's and its tributaries, having their sources in the State of Maine, to and from the seaport at the mouth of said river, St. John's, and round the falls of said river, either by boats, rafts, or otherwise.'"

This clause was inserted avowedly for the purpose of promoting the interests, and stimulating the industry of the inhabitants of that particular part of the country. There is also another provision which says that the agricultural produce of the state of Maine, passing through the province of New Brunswick, shall be dealt with as it it were grown in that province. Under this provision the authorities of New Brunswick have imposed upon all the lumber of the state of Maine, which passes through that province an export duty. Formerly there was a crown land duty of a shilling a ton, upon all timber cut on the crown land in New Brunswick, but after the passage of the treaty, that duty was remitted, and an export duty was imposed upon their own lumber, and ours also, thus subjecting the timber grown in the state of Maine, which is bound to pass through New Brunswick in order to reach a market at home or abroad, to taxation.

Now the citizens of Maine generally believe that this tax is a violation of, at least, the spirit of the treaty of Washington—if that treaty ever had any spirit. They believe it is a wrong inflicted upon them—that it is an invasion of their rights. I shall on some future occasion call the attention of the Senate to this subject by a resolution calling upon the President for the correspondence which has passed between this government and the government of Great Britain touching this imposition of duties upon American lumber.

The object of this petition is to meet another evil. The lumber of the State of Maine that is cut upon the waters of the St. John's and its tributaries not only meets with this imposition of duties under the provincial law, but it also encounters a legislative enactment at home which denationalizes it. The tariff of 1846 imposes a duty upon lumber imported into the United States, and the construction put upon this is that all lumber which is manufactured in New Brunswick, although it may have been taken from the State of Maine originally, upon re-entering the State is subject to this duty. But that which is cut on the south and west side of the St. John's river on American soil must be manufactured in New Brunswick in order to be fitted for the market—and being manufactured there under the construction given to the law by the Secretary of the Treasury it becomes denationalized, and before it can reach the market a duty has to be paid of some two dollars and a half a thousand. It is to remedy this evil that these memorialists have petitioned Congress. I will state the amount of interest which the State of Maine has in this matter. There are one hundred and forty townships of land drained by the St. John's and its tributaries, and lying on the south and west side of that river, within the State of Maine, each township containing about twenty-three thousand acres, making a territory equal to five thousand square miles, nearly as large as one of the smaller states of the Union. This territory is well timbered, and the enterprise of our citizens has induced them to carry their operations even beyond the highlands, which were divided by Great Britain as the dividing line between this country and the Province of New Brunswick. A large portion of the produce of this vast tract of land must necessarily go down the St. John's river, and in doing so, the owners have to pay a provincial duty of fifty cents a thousand, in addition to the duties of two dollars and fifty cents a thousand—making altogether three dollars a thousand. This amounts to a prohibition. A portion of this land is owned by citizens of the State of Maine and Massachusetts, but chiefly by the two States, and in consequence of these duties lumber, the product of the forests of Maine, is excluded from our own market. For the purpose of urthering the views of the petitioners, I give notice, that I will to-morrow, ask leave to introduce a bill; and for the purpose of calling the attention of the country to the correspondence between our government and the government of Great Britain, relative to our rights under the third article of the treaty of Washington, I have a resolution, which when in order, I will ask permission to offer. I ask that the petition may be referred to the Committee on Finance.

Mr. DICKINSON.—I would suggest that it ought to go to the Committee on Foreign Relations or to the Committee on the Judiciary.

Mr. MOOR.—It seeks for relief from the operation of the revenue laws. The duties now imposed amount to a prohibition. I suppose the Finance Committee to be the appropriate committee. The correspondence when received will go to the Committee on Foreign Relations.

The petition was referred to the Committee on Finance and ordered to be printed.

Mr. BRADBURY presented a memorial of Nathan Cummings and others, citizens of the United States and owners of lands supposed to be, at the time of purchasing, within the limits of the State of Maine, but since ceded by the treaty of Washington to Great Britain, praying that the products of those lands may be admitted into the ports of the United States free of duties.

Mr. BRADBURY said: The petitioners in this case are citizens of the United States, and nearly all of them of the State of Maine. They are, in some respects, similarly situated with those whose petition has just been presented by my colleague. They are the owners of land within the former limits of that State. Congress, with great unanimity, declared our boundary to be such as embraced the region where this land is situated. The purchase was made, as the petitioners alledge, in the full belief that the land was, and would be held to be, within our limits. It was of a very considerable tract, more than two hundred and thirty thousand acres I think, and for which a large amount of money was paid. By the treaty of Washington this land is placed within the Province of Lower Canada. It is valuable principally for the timber upon it; and this timber is now subject to onerous burdens.

The petitioners ask for relief, either by an appropriation that shall afford them adequate compensation for the damages sustained by the cession which placed their land out of the limits of the United States, or by a remission of duties on their lumber, and allowing it to be entered and sold in our own markets duty free. And

they further ask the interposition of this government to procure an exemption of their timber from the export duty imposed on it when passing down the St. John's river.

So far as it relates to timber cut upon lands within the State, the imposition of the export duty by the Provincial government of New Brunswick, is regarded as a violation of stipulations in the treaty of Washington. It is in manifest violation of the spirit of that treaty and of a right intended to be secured.

The petition was referred to the Committee on Finance and ordered to be printed.

Mr. BUTLER presented the petition of Thomas Roll, a revolutionary soldier, praying to be allowed a Pension; which was referred to the Committee on Pensions.

EXPORT DUTIES ON AMERICAN LUMBER.

Mr. MOOR submitted the following resolution for consideration:

Resolved, That the President of the United States be requested to communicate to the Senate, copies of the correspondence which has taken place since August, 1842, between the authorities of the American and British governments in relation to export duties on American lumber exacted or levied by the Provincial or other British authorities in New Brunswick; or copies of such portions of that correspondence as may be communicated without detriment to the public interest.

TARIFF OF FEES IN U. S. COURTS.

Mr. WESTCOTT submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for an uniform tariff of bonds and costs to be allowed in all cases in the courts of the United States; to report by bill or otherwise.

MAIL ROUTE.

Mr. ASHLEY submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Benton in Saline county to Pine Bluffs in Jefferson county, Arkansas.

ISLANDS IN THE MISSISSIPPI AND MISSOURI.

Mr. ATCHISON submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of providing by law for the sale of the Islands in the Mississippi and Missouri rivers, not heretofore surveyed and offered for sale.

PRIVATE BILLS.

Mr. DAYTON, from the Committee on Patents and the Patent Office, to whom was referred the bill from the House of Representatives for the relief of E. G. Smith, reported it without amendment.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom were referred the bills from the House of Representatives for the relief of Jonathan Moore, of the State of Massachusetts; for the relief of Robert Ellis; and for the relief of Catharine Fulton, of Washington county, Pennsylvania, reported them without amendment.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the bill from the House of Representatives to change the name of Photius Kavasales to that of Photius Fisk, reported it without amendment.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the petition of Polly Taylor, submitted a report accompanied by a bill for her relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

U. S. COURTS IN GEORGIA.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the bill from the House of Representatives for dividing the State of Georgia into two judicial districts; and organizing and establishing an additional district court of the United States, with circuit court powers and jurisdiction, reported it without amendment.

RETIRED LIST IN THE NAVY.

Mr. YULEE, from the Committee on Naval Affairs, to whom the subject was referred, reported a bill to promote the efficiency of the navy; which was read and passed to the second reading.

COLLECTION DISTRICT OF NEW ORLEANS.

Mr. DIX, from the Committee on Commerce, to whom was referred the bill from the House of Representatives, relating to the collection district of New Orleans, reported it without amendment.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States by Mr. WALKER, his Secretary:

Mr. President: The President of the United States approved and signed, the 21st instant, the enrolled bill for the relief of the heirs of John Paul Jones.

Ordered, That the Secretary notify the House of Representatives accordingly.

AMERICAN HEMP FOR THE USE OF THE NAVY.

On motion by Mr. YULEE, the prior orders were suspended, and the engrossed joint resolution to promote the purchase of American hemp for the use of the American Navy was read a third time.

The question being on the passage of the resolution—

Mr. YULEE.—As an inquiry was made by my honorable friend the other day, in reference to this subject, I desire now to state to the Senate that this resolution was referred to the Committee on Naval Affairs, and their consideration of it resulted in reporting the resolution to the Senate, with a recommendation for the favorable action of this body upon it, founded upon the previously established system with regard to the purchase of hemp, for the use of the Navy. It will be found by examining the proceedings of Congress, that four or five years ago, a system in reference to American hemp was adopted, and that that system has been pursued by subsequent legislation. The only difference between that and the one now proposed, is that this resolution provides that the Secretary may make the contracts for a period not exceeding five years, and that the receiving and inspecting of the hemp may take place at the place of purchase. The Secretary is of opinion that there will be a considerable saving to the government effected by this plan, because the refuse hemp can be sold to the hunters and trappers. I find that the price of hemp has been as high as one hundred and eighty dollars a ton, and it is expected that the Secretary will be able to procure it for one hundred and ten. This will be a large reduction. And I learn also, that American hemp is of a very superior quality. The committee, therefore, considering the resolution to be in keeping with the system already established by Congress, and that it would probably be of advantage to the Naval service have thought proper to recommend the resolution to the favorable consideration of the Senate.

Mr. NILES moved to amend the resolution by inserting the following proviso—"provided that it shall be received by the Navy department at the average price at which foreign hemp can be procured at the time of delivery."

Mr. HALE.—It seems to me that this bill ought not to pass. It seems to me that the price paid for hemp should not be the price which it has borne for the last five years. I take the same exception which was taken by the honorable Senator from Pennsylvania the other day, that if this article is to be protected, other articles, such as iron and coal should also be protected.

Mr. DOUGLAS.—The object of this bill is not the protection of American hemp, for it can be furnished cheaper than the foreign article. The object is, by authorizing the contracts for a longer period to procure the supply upon more favorable terms. The new method of preparing hemp in the western country involves a considerable outlay, and this enlargement of the time in which the hemp is to be furnished affords an opportunity to those engaged in its preparation to produce the article at less cost to themselves. The resolution contains a restriction, that the price to be paid shall not be above the price of the foreign article, and the department is satisfied that it can be procured for much less.

Mr. HALE.—I have not the least objection to the resolution, so far as it authorizes the Secretary to make constructive contracts for five years. But I do object to giving him permission to give the same price five years to come, that has been paid for five years past. If there is any meaning at all in that portion of the resolution, it had better be stricken out. I shall ask for the yeas and nays in order that those who do not think it right to give this authority to pay this price may record their votes against it.

The yeas and nays were not seconded.

Mr. NILES.—As far as regards the making of long contracts, there can be no objection to the provisions of this resolution, but as the Senator from New Hampshire has said, the price which has heretofore been paid is altogether too high to be made the standard of what shall be paid in future. I am willing to give American hemp the preference in the naval service, provided no more is to be paid for it than the market price. The price to be paid ought not to be discretionary with the Secretary.

Mr. YULEE.—I would suggest to the Senator, that one of the advantages of long contracts over those for one year is to secure the government against the fluctuations in price. In the purchases of hemp the government has had to go as high as one hundred and eighty dollars per ton, and the probability is, that from the disturbances in Europe, for the next five years the price of foreign hemp will be greater than it has been heretofore. The opinion of the Secretary was, that there would be a saving by this arrangement. With regard to the average cost for the last four or five years, I will remark that the terms of the resolution contain a limitation upon the exercise of discretion on the part of the Secretary.

Mr. NILES.—The Senator says that hemp has cost sometimes as much as one hundred and eighty dollars per ton, and that the price recently has been one hundred and ten dollars. The average price then would be greatly beyond what it can be purchased for now.

Mr. YULEE.—The Senator misunderstands me. One hundred and ten dollars is the price at which the Secretary expects to be able to purchase it under large contracts. One hundred and twenty dollars would be the average.

Mr. NILES.—The principle would be the same. The price is now falling. I think we ought not to pay what has been the average for the last five years.

Mr. UNDERWOOD.—The resolution is worded in such a way as to give the Secretary of the Navy a discretionary power over the subject, and I think there are advantages in giving this discretionary power, and in permitting him to make large contracts, because the process of water-rotting hemp is different from the old mode, and the effect of the discretionary power would be to make more advantageous contracts. Those who adopt the process of water-rotting have to go to considerable expense in prepation which they would not do if the sale of the article depended upon the state of things as they now exist. I hope that the Senate will perceive the advantage that will arise out of it and pass the resolution in its present shape. The Secretary is not compelled, in making the contracts, to come up to the average price. He will have the interests of the government in view, I have no doubt, and obtain the contracts upon the most favorable terms. I hope, therefore, that the recommendation of the committee will be adopted.

Mr. BALDWIN.—I would enquire of the chairman of the Committee, whether there is any change made in regard to the necessity of advertising.

Mr. YULEE.—It will not be under this resolution necessary to advertise.

Mr. BALDWIN.—I would be glad if the chairman would explain why it is that advertising will not be necessary under the new system.

Mr. YULEE.—There is but one establishment where the process of water-rotting is carried on, the Secretary will be enabled to make contracts upon terms advantageous to the government by reason of the longer time which the contracts will have to run. And for the same reason there will be no necessity for advertising.

Mr. CRITTENDEN.—I beg leave to make a single remark. The honorable Senator is mistaken in supposing there is but one establishment at which this water-rotted hemp is made. There are several; and it is a matter that is of great importance to the whole western country. I am in favor of this resolution. One reason for dispensing with advertising is I apprehend, that by the terms of the resolution you fix the price which you are to pay, which is not to exceed the average price of the foreign article. This is easily ascertained. The object of competition is generally to reduce prices, here you take an ascertained price and say that you will give that price for five consecutive years. I hope that the resolution will be adopted.

Mr. HALE again asked for the yeas and nays, and they were ordered.

The yeas and nays were then taken on the passage of the resolution, and it was determined in the affirmative as follows:

YEAS—Messrs. Ashley, Atchison, Badger, Bell, Benton, Bermen, Breese, Cameron, Clarke, Critteden, Dix, of Miss. Dixon, Douglas, Downs, Felch, Greene, Johnson, of La. Johnson, of Ga. Miller, Moor, Phelps, Rusk, Spruance, Underwood, Upham, Webster, Yulee—28.

NAYS—Messrs. Atherton, Bagby, Butler, Calhoun, Hale, Hunter, Lewis, Mason, Niles, Turney—10

So it was

Resolved, That the resolution pass, and that the title thereof be as aforesaid

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

THE VOLUNTEER BILL.

Mr. CASS gave notice that as soon as the loan bill shall have been disposed of, he will move to proceed to the consideration of the bill providing for the further prosecution of the existing war between the United States and the republic of Mexico.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

To the Senate of the United States:

I transmit herewith a report from the Secretary of State, with the accompanying documents, in compliance with a resolution of the Senate of the 24th January, 1848, requesting the President to communicate to the Senate, if not inconsistent with the public interest, the correspondence of Mr. Wise, late minister of the United States at the court of Brazil, with the Department of State of the United States.

JAMES K. POLK.

WASHINGTON, March 22 1848.

The message having been read—

On motion by Mr. HANNEGAN, it was

Ordered, That it be referred to the Committee on Foreign Relations and be printed.

THE LOAN BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill from the House of Representatives to authorize a loan not to exceed the sum of sixteen millions of dollars.

The amendments reported from the Committee on Finance were considered and agreed to.

No further amendment being made, the bill was reported to the Senate and the amendments were concurred in.

The question being upon ordering the amendments to be engrossed and the bill to be read a third time—

Mr. ATHERTON addressed the Senate in reference to the financial affairs of the government.

Mr. WEBSTER then took the floor, and on his motion the further consideration of the bill was postponed until to-morrow.

EXECUTIVE SESSION.

On motion by Mr. HANNEGAN, the Senate proceeded to the consideration of Executive business, and after some time spent therein,

The Senate adjourned.

THURSDAY, MARCH 23, 1848.

COMMUNICATION FROM THE NAVY DEPARTMENT.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, accompanied by seventy five copies of the Navy Register for the year 1848.

REPORT OF THE SECRETARY OF THE SENATE.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Senate, made in pursuance of a resolution of the Senate, in relation to the causes of the delay in printing the report of Dr. Wislizenus.

RESOLUTIONS OF STATE LEGISLATURES.

Mr. FELCH presented a resolution passed by the Legislature of the State of Michigan, in favor of the establishment of a mail route from Detroit to Michigan, in that State; which was referred to the Committee on the Post Office and Post Roads and ordered to be printed.

Also, a resolution passed by said Legislature in favor of the passage of an act granting to the St. Mary's Canal Company the right of way over the public lands lying on the route of their canal; which was referred to the Committee on Public Lands.

Mr. FELCH having moved that the resolution be printed—

Mr. NILES said: I observe that an unusual practice is gaining ground in regard to the printing of memorials, and that it is becoming quite a common thing.

Mr. FELCH.—I understand the practice to be that the resolutions of the Legislatures of the different States are ordered to be printed as a matter of course for the use of the Senate.

Mr. NILES.—Is this the resolution of the Legislature?

Mr. FELCH.—It is.

Mr. NILES.—In that case I withdraw my objection.

The resolution was ordered to be printed.

In presenting a resolution from the Legislature of New York.

Mr. DICKINSON said: The subject of the resolution is one which interests not only a great portion of the citizens of my own State, but the agricultural classes generally throughout the Union. It is a subject of the weightiest consideration, but as Congress has other matters before it, I shall not do more at this time than move that the resolutions be printed and laid upon the table, which is, I believe, the usual disposition made in matters of this kind. Without keeping the Senate in further suspense, I remark that it relates to Jethro Wood's patent plough. I ask that the resolution may be also read; I believe that is usual.

Mr. HALE.—I object. It is not the usual course.

Mr. DICKINSON.—Let the Senate decide. I move that they be read.

The motion was agreed to, and the resolution was read by the Secretary, and ordered to be printed.

PETITIONS.

Mr. GREENE presented the petition of John S. Harris, late Deputy Collector and Measurer of the port of Providence, in Rhode Island, praying compensation for his services; which was referred to the Committee of Claims.

Mr. FELCH presented a memorial of citizens of the town of Sault de Ste Marie, in Michigan, praying the appointment of a board of Commissioners for the adjustment of land titles in that place; which was referred to the Committee on Public Lands.

Mr. CASS presented the petition of Sarah Hubbard, praying compensation for property taken and destroyed by the enemy during the last war with Great Britain; which was referred to the Committee of Claims.

Mr. HALE presented a petition of citizens of Carroll county, New Hampshire, praying the establishment of a mail route from Ossipee to Moultonboro', in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. UNDERWOOD presented the petition of Henrietta Bedinger, widow of a deceased revolutionary officer, praying an increase of pension; which was referred to the Committee on Pensions.

PUBLIC LANDS AT FORT SNELLING.

Mr. BREESE submitted the following resolution for consideration:

Resolved, That the Secretary of War be directed to inform the Senate what quantity of public land has been reserved from sale and settlement at or near Fort Snelling on the Upper Mississippi river, stating the quantity on each bank of the river so reserved; the purposes to which the lands are devoted; the amount of forces at that post, average for the last five years; and whether in his opinion the lands reserved on the east bank of the river are really necessary for any military purpose.

DISCHARGED.

On motion by Mr. ATCHISON, it was

Ordered, That the Committee on Indian Affairs be discharged from the further consideration of the memorial of the Mississippi Baptist State Convention, presented the 9th March.

Ordered, That the Committee on Indian Affairs be discharged from the further consideration of the petition of Joseph Newell.

DUTIES ON LUMBER.

Agreeably to notice, Mr. MOOR asked and obtained leave to bring in a bill to admit lumber cut on the territory of Maine, and manufactured in New Brunswick, into the ports of the United States free of duty; which was read the first and second times by unanimous consent, and referred to the Committee on Finance.]

PRIVATE BILL.

Mr. CRITTENDEN, by unanimous consent, asked and obtained leave to bring in a bill for the relief of Col. Robert Wallace, aid-de-camp to Gen. William Hull; which was read the first and second times, by unanimous consent, and referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk:

Mr. President: The House of Representatives have passed a joint resolution relating to the evidence which shall be deemed satisfactory on application for bounty lands, in which they request the concurrence of the Senate.

BOUNTY LANDS.

The joint resolution from the House of Representatives relating to the evidence which shall be satisfactory on application for bounty lands, was read the first and second times, by unanimous consent.

PRESIDING OFFICER.—If there be no objection, this resolution will be referred to the Committee on Military Affairs.

Mr. CASS.—I hope the resolution will not be referred. This is a subject which is very important, and I believe there cannot be the slightest objection to it. I hope it may be considered now.

The Senate proceeded to consider said resolution as in Committee of the Whole, and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said resolution was read a third time, by unanimous consent.

Resolved, That this resolution pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

DUTIES ON AMERICAN LUMBER IN NEW BRUNSWICK.

The Senate proceeded to consider the following resolution, submitted yesterday by Mr. MOOR, and it was agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate, copies of the correspondence which has taken place since August 1842, between the authorities of the American and British governments, in relation to export duties on American lumber exacted or levied by the Provincial or other British authorities in New Brunswick; excepting such portions of that correspondence as may be communicated without detriment to the public interests.

NOTICE OF A BILL.

Mr. RUSK gave notice that on to-morrow, or at some early day thereafter, he would ask leave of the Senate to introduce a bill to regulate trade and intercourse between the several tribes of Indians residing within the State of Texas.

THE LOAN BILL.

The Senate resumed the consideration of the bill from the House of Representatives to authorize a loan not to exceed the sum of sixteen millions of dollars.

Mr. WEBSTER.—Mr. President: On Friday a bill passed the Senate for the raising of ten regiments of new troops for the farther prosecution of the war against Mexico; and we have been informed, that the measure is shortly to be followed, in this branch of the Legislature, by a bill to raise twenty regiments of volunteers for the same service. I was desirous, sir, on Friday, to ex-

press my opinion against the object of those bills—against the supposed necessity which leads to their enactment, and against the general policy which they are apparently designed to promote. Circumstances personal to myself, but beyond my control, compelled me to forego on that day the execution of this design. The bill now before the Senate is a measure for raising money to meet the expenses of the government, and to provide the means as well for other things as for the pay and support of these thirty regiments.

Sir, the scenes through which we have passed, and are passing here, are various. For a fortnight the world supposes us to have been occupied with the ratification of a treaty of peace, and that within these walls—

"The world stint our"

notes of peace—hopes of peace—nay, strong assurances of peace, and immediate peace, have been uttered to console us, and to cheer us. It has been over and over again stated, that we have ratified a treaty—of course a treaty of peace; and, as the country has been led to suppose, not of uncertain, and empty, and delusive peace, but real, gratifying, and enduring peace;—a peace that shall staunch the wounds of war, prevent the farther effusion of blood, cut off these enormous expenses, and return our friends, and our brothers, and our children—if they be yet living!—from a land of slaughter, and a land of still more dismal destruction by climate, to our firesides, and our arms. Hardly have those halcyon sounds ceased upon our ear, until in resumed public session, we are summoned to fresh warlike operations—to the creation of a new army of thirty thousand men for the further prosecution of the war—to carry our power, in the language of the President, still more directly into the vital parts of our enemy and to press home by the power of the sword, the claims that we insist upon against a fallen, prostrate—I had almost said—an ignoble foe! If I may judge by the opinion of the honorable member from Michigan, or other speeches delivered in this chamber, there has not been a time from the commencement of the war, when it has been more urgently pressed upon us, not only to maintain, but to increase our military means—not only to continue the war, but to press it with more vigor—than at the present time. Pray, what does this mean? Or, I ask, is it confessed, then, that we are are no nearer to peace than we were when we snatched up a bit of paper called, or miscalled a treaty, and ratified it? Have we yet to fight it out to the utmost, as if no pacification had intervened? I wish to treat the proceedings of this and every department of this government with the utmost respect. God knows that the constitution of this government—and the exercise of its just powers, in the administration of the laws under it, have been the cherished object of all my unimportant life. But if the subject were not too deeply interesting, I should say that our proceedings here might well enough cause a smile. In the ordinary transaction of foreign relations, in this and all other governments, the course has been to negotiate first, and to ratify afterwards. This would seem to be the natural order of conducting intercourse between foreign States. We have chosen to reverse the order. We ratify first, and negotiate afterwards. We set up a treaty, such as we find it, and such as we choose to make it, and then we send two ministers plenipotentiary to negotiate thereupon in the capital of the enemy! One should think, sir, that the ordinary course of proceeding, was much the wiser—that to negotiate, hold intercourse, come to some arrangement by authorized agents, and then to submit that arrangement to the sovereign authority, to which those agents are responsible—would be always the most desirable method of procedure. It strikes me, that the course we have adopted, is strange—is grotesque. So far as I know, it is unprecedented in the history of diplomatic intercourse. Learned gentlemen on the floor of the Senate, interested to defend and vidicate this course, may, in their extensive reading, have found examples; I know none.

Sir, we are in possession, by military power of New Mexico and California, countries belonging hitherto to the United States of Mexico. We are informed by the President, that it is his purpose to retain them—to consider them as territories fit to be attached, and to be attached, to these United States of America; and the military operations and designs now before the Senate, are intended to enforce this claim of the Executive of the United States. We are to compel Mexico to agree, that that part of her dominions called New Mexico, and that other part called California, shall be ceded to us. We now in possession of these territories it is said, and she is to be compelled to yield the title. This is the precise object of this new army of thirty thousand men. It is the identical object, sir, in my judgment, for which the war was originally commenced—for which it has been hitherto prosecuted, and in furtherance of which this treaty is to be used, but as one of the means to bring about the general result; that general result depending, after all, upon other superior powers, and the necessity of submitting to any terms which we prescribe, to fallen—fallen—fallen Mexico!

The members composing the other House—the more popular branch of Congress—have all been elected since,—I had almost said the fatal,—the remarkable incidents of the 11th of May, 1846; and it has passed a resolution affirming that "the war with Mexico was begun unconstitutionally and unnecessarily by the Executive government of the United States." I concur in that sentiment. I hold that to be the most recent, authentic expression of the will and the opinions of the people of the United States. There is another proposition, not so authentically announced hitherto, but in my judgment equally true—equally capable of demonstration—and that is, that this war was begun, has been continued, and is now prosecuted, for the great and leading purpose of the acquisition of new territory, out of which to bring new States, with a Mexican population, into this our union of the United States. If unavowed at first, this purpose did not remain unavowed long.—However often it may be said that we did not go to war for conquest—*credat Judæus Apella!*—yet the moment we get possession of the territory, it is said that we must retain it and make it our own. Now, I think the original object has not been changed. Sir, I think it still exists in the eyes of those who originally contemplated it—who began the war for it—that it is as attractive to them, and from which they have no more desire to avert their eyes now than they had then, or have had at any time since we have compelled a treaty of cession. We know in our consciences that it is compelled! We use it as an instrument, and an agency in conjunction with other instrumentalities and agencies of a more formidable or destructive character, to enforce the acquiescence of Mexico in the acquisition by us of new territory to form new States—new States to be added to this Union. Every intelligent man knows that there is a strong desire in the heart of the Mexican citizen to retain the territories belonging to that republic. We know that the Mexican people part with their territory—if part they must—with regret, with pangs of sorrow. That we know. We know that the cession is altogether forced; and therefore, because we know it must be forced—because we know that whatever the government, which is our creature, may do or agree to—we know that the Mexican people will never accede to the terms of this treaty, but through an impulse of absolute necessity and the impression made upon them by absolute irresistible force. Therefore we propose to overwhelm them with another army. We propose to raise immediately ten regiments of regular troops and twenty regiments of volunteers, and to pour them in and upon the Mexican people.

Now, sir, I should be happy to concur, notwithstanding all this toesin, and all this cry of all the Sempronius' in the land that their voice is still for war;—I should be happy to agree, and substantially I do agree, with the honorable member from South Carolina that after all, the war with Mexico is substantially over—that there is no more fighting. My opinion in the present state of things is, that the people of this country will not sustain this war. They will not go to the expense. They will not find any gratification in putting the bayonet to the throat of the Mexican people. For my part I hope the ten regiment bill will never become a law. Three weeks ago I should have entertained that hope with the utmost confidence. Events since, have struck me with pain and shaken my conviction. Still I hope it will not pass. And here, I dare say, I shall be called a "Mexican Whig." A man who can stand up here and say that he hopes that what the administration projects for the further prosecution of the war against Mexico, will not be carried into effect is "an enemy to the country;" or, what gentlemen would consider the same thing, an enemy of the President of the United States and his administration, and his party! He is a "Mexican?" Sir, I think very badly of the Mexican character, high and low, out and out. But names do not terrify me. Besides if I am a sufferer in this respect—if I be made the subject of reproach by those stipendiary presses—those hired abusers of the motives of public men—I have the honor on this occasion to be in very respectable company. In the vituperative—the accusative—the denunciatory sense of that term, I do not known a greater Mexican in this body than the honorable member from Michigan at the head of the Military Committee!

Mr. CASS.—I should like the honorable gentleman to explain what sort of Mexican I am!

Mr. WEBSTER.—That is exactly the thing I now propose to do!

Mr. CASS.—I shall be glad to hear the explanation.

Mr. WEBSTER.—In his remarks on this bill in the Senate, the other day, the honorable gentleman told us that his object was to frighten Mexico—it would touch his humanity to hurt her.

Mr. CASS.—Does the honorable gentleman mean to say that I made such a remark?

Mr. WEBSTER.—I mean to say that the gentleman said it twice.

Mr. CASS.—I beg the gentleman's pardon. I said no such thing. Will the gentleman allow me to state what I did say? I remarked that we had two objects to accomplish in raising these regiments; one was, the vigorous prosecution of the war; and secondly, to produce a moral effect upon Mexico by convincing her of our determination, and thereby hold out an inducement to her to make peace.

Mr. WEBSTER.—The gentleman said that his principal object was to "frighten" Mexico, and that that would be more humane than to harm Mexico.

Mr. CASS, (in his seat.)—True.

Mr. WEBSTER.—It is true? Very well, I thought as much. Now the remarkable characteristic of his speech which makes it so much a Mexican speech is, that the gentleman spoke it in the hearing of Mexico, as well as in the hearing of the Senate. We have been accused, sir, of being "Mexican Whigs," because what we say here is heard by Mexico, and Mexico derives countenance and support from what is said here. But the honorable member comes forth and tells Mexico that his object is to frighten her! His words have passed along the wires—they are on the gulf—they

are floating away to Vera Cruz, and when they get there, they will satisfy the Mexicans that after all—after all, "ye good Mexicans our principal object is to frighten you!" And to the end that they may not be frightened too much, he gives them notice that the object is to frighten them! Mr. President, when Snug, the joiner, was to represent the lion, and roar on the stage, he was quite apprehensive that he might too much frighten "the duchess and the ladies;" and, therefore, by the advice of his comrade, one Nicholas Bottom, he wisely concluded that in the heat and fury of his effort, he would show one half his face and say—"Ladies, fair ladies, I would wish you, or I would request you, or I would entreat you, not to fear, not to tremble; my life for yours, if you think I come hither as a lion, it were pity of my life! No, I am no such thing; I am a man as other men are; I'm Snug, the joiner!"

But, sir, in my view of this case—in my view of the proper policy of this government, according to any man's apprehension and judgment, where is the necessity of this augmentation of regiments of the military force of the country? I hold in my hand a note—I suppose substantially correct—of the present military forces of the United States. I will not vouch for its entire accuracy; but I believe it is substantially according to fact. There are now twenty-five regiments of regular troops of various arms, which, if full, would give us a force of 28,960 rank and file, including officers, thirty thousand and odd men. These, with the exception of six or seven hundred men, are now all without the limits of the United States, in field service in Mexico, or on the route to Mexico. These regiments are not full. Casualties and the climate have sadly reduced their numbers. If the recruiting service would now yield ten thousand men, it would not more than fill up those regiments so as to give the field officers their full command. I understand, sir, that the report from General Scott—General Scott! A man that has performed the most brilliant campaign in military annals! A man that has warred against the enemy—warred against the climate—warred against a thousand unpropitious circumstances, and carried the flag of his country to the capital of the enemy,—honorably, proudly, humanely, to his own permanent honor and the great credit of his country! General Scott! And where is he? At Puebla! At Puebla, undergoing an inquiry before his inferiors in office, and other persons not in office, while the high powers that be exercised, and exercised with so much distinction, are turned over to another—I do not mean to say an unworthy gentleman,—but his inferior in military rank and station. But, General Scott reports, as I understand, that in February, there were twenty thousand regular troops under his command and *en route*. Add the thirty regiments of volunteers, and if full they would make thirty four thousand men, officers included over thirty five thousand, and there would be a force of regulars and volunteers amounting to not less than fifty five thousand or sixty thousand men, including the recruits on the way. If my information be exact—and the honorable member from Michigan can correct me if it be not,—I presume that it is correct—in February General Scott had under him in Mexico thirty thousand troops regulars and volunteers. Now, all these troops are regularly officered. There is no deficiency of officers in the line or in the staff. They are all full. Whatever deficiency there is, consists of men. Now, sir, there is a plausible reason for saying that it is difficult to recruit at home for the supply of deficiences in the volunteer regiments. It will be said that volunteers choose to enlist under officers of their own selection—that they do not incline to enlist here as individual volunteers, when the regiment is abroad under officers of whom they know nothing. There may be something in that, but pray, is that does that conclusion lead? Does it not lead to this, that all those volunteer corps must moulder away so far as the privates are concerned and come to nothing; meantime the places of the commissioned officers are continually filled; the regiments being full of officers, although the privates, by casualty or by disease, are reduced to be less in number than the officers themselves? But, however that may be, in regard to the recruiting for the regular service you can fill up the regiments by pay and bounty, according to existing laws, or new laws, if new laws be necessary. There is no reason upon earth why we should now create five hundred new officers for the purpose of getting ten thousand new men. There are officers to command them. All that is wanted is men; and there is a place for the men, and I suppose that no gentleman can stand up here or elsewhere and say, that the recruiting service can go on faster than it will be necessary to go on in order to fill up these deficiencies in the regiments abroad. But now what do we want with a greater force than we now have in Mexico? Without asking what need there is for the supply of deficiencies in the existing regiments, what do we want beyond the thirty thousand regulars and volunteers now in field service? What is the purpose? There is no army to fight. I suppose the enemy has not five hundred men together under arms in any part of Mexico. Except in one instance, perhaps, there is not half that number. Mexico is prostrate. There is no government to resist us. Why, it is notorious that the government is on our side. It is our instrument by which we hope to establish such a peace, and accomplish such a treaty as we wish. As far as I can understand the matter, the government of Mexico owes its life and breath, and being, at this moment, to the support of our arm; and to the hope—I will not say how inspired,—that somehow or another, and at no distant period, there may be pecuniary means arising from our three millions, or our twelve millions, or some other of our millions. What do we propose to do, then, with those thirty regiments that we design to pour into Mexico? Are we going to cut the throats of the Mexicans? Are we going to plunge the sword deeper and deeper into the vital part of Mexico? What do we propose to do? Sir, I see no object, and yet we are pressed and urged to adopt this proposition in its full length—ten regiments of regulars, and twenty regiments of volunteers! We are told, and the public is told, and the public believes, that we are on the verge of a safe and honorable peace. Every man looks out in the morning for tidings of confirmed peace, or confirmed hopes of peace. He gathers it from the administration, and every organ of the administration, from Dan to Beersheba; and yet the warlike operations,—the incurring of additional expenses—the imposition of new charges upon the treasury, are pressed here as if peace was not in all our thoughts, at least not in any of our expectations!

Now, sir, I propose to hold some plain talk to-day; and I say that according to my best judgment and apprehension of matters, the main object of these bills is patronage—office—the gratification of friends. This very measure for ten additional regiments, creates four or five hundred officers, colonels and subalterns, and not them only, for whom I have some respect, but then there come, paymasters,—contractors,—persons engaged in the transport service,—commissaries,—even down to sutlers, *et id genus omne*,—people who handle the public money without facing the foe; one and all, the true representatives if not the true descendants, of corporal Nym, who said

"I will have what belongs to me, by cock and pie, or I can tell the reason why."

Sir, I hope without disrespect to those applicants and aspirants, and those patriots, some of them patriots ready to fight, and those other patriots not willing to fight, but willing to be paid,—I hope—without disrespect to any of them, according to their rank and station, and merits, that they may be all disappointed. I hope, sir, as the weather grows genial, and the season advances, they will, on the whole find it their interest, to place themselves one of these mild mornings, in the cars, and take their destination to their respective places of honorable, private occupation and civil employment! They have my good wishes, that, bidding adieu to the Avenue and the Capitol, and the purlieus of the President's House, they may reach their homes, in good health themselves and find their families all very happy to receive them!

But, sir, *paulo majora canamus!* This war was waged for the purpose of creating new States, near the southern portion of the United States, out of Mexican territory, and with such population as might be found resident therein. I have opposed that project. I am against the creation of new States. I am against the acquisition of territory to form new States. And this, sir, is not a matter of sentimentality, which I am to parade before mass meetings or before my constituents at home. It is with me no matter of declamation, regret, or expressed repugnance. It is matter of firm, unchangeable purpose, to yield to no force of circumstances that have occurred or that I may consider likely to occur; and therefore I say, sir, that if I am asked to-day, whether for the sake of peace I will take a treaty that brings two new States into this Union on its southern boundary, I say no, distinctly no! and I wish every man in the United States to understand that to be my judgment and my purpose. I have said on the southern boundary, because there the present proposition takes its locality. I would say the same of the western, the northern, the eastern, or any other boundary. I would resist to-day, and to the end, here and every where, any proposition to add any foreign territory, on the south or west, north or east, to the States of this Union as they are now constituted and held together under the constitution. I do not want the colonies of England on the north; I as little desire the Mexican population on the south. I resist and reject all, and all with equal resolution; and therefore, I say, that if the question is put to me to-day, whether I will take peace in the present state of the country—distressed as it is—in the exigency of this war, odious as it is—in circumstances so afflictive to the community, and so disturbing to the business of those whom I represent as those which now surround us—I say still that if the question be put to me whether I will have peace, with new States, I say no—no—no! Why? Because, sir, there is no necessity of being driven into the dilemma in my judgment. Other gentlemen may think differently. I own no man's conscience but mine own. I mean to make a clean breast for myself, and I protest that I see no reason whatever to believe that we cannot obtain as safe a peace—as honorable a peace, and as prompt a peace without territory, as with it. The things are separable. There is no necessary connection between them. Mexico does not wish us to take her territory that she may receive our money. Far from it. She yields her assent—if she yield it at all—reluctantly, and we all know it. If she yield, it is the result of force; and there is not a man here that does not know it. Let me say, sir, that if this Trist paper shall finally be rejected in Mexico, it is most likely to be because those who, under our protection prepared it, cannot persuade the Mexican Congress or the Mexican people to agree to this cession of territory. The thing most likely to break up what is now expected to take place, is the repugnance of the Mexican people to part with Mexican territory. They would prefer to keep their territory, and that we should keep our money; or we resolve that we should keep our money and allow them to keep their territory. We shall see. I pretend to no powers of prediction. I do not know what may happen. The times are full of strange events. But I think it probable, that if the treaty which has gone to Mexico shall fail to be ratified, it will be because of the aversion of the Mexican Congress or the Mexican people to

cede their territories, or any portion of them, belonging to their republic.

I have said that I would rather have no peace for the present, than to have a peace that brings territories for new States, and the reason is that I believe we can get a peace just as soon without territory as with it—a peace more safe, more enduring—vastly more honorable to us, the great republic of the western world. I hear gentlemen say, that we have must have some territory—that the people demand it. I deny it; at least I say I see no proof of it whatever. I do not doubt that there are individuals here and there, of an enterprising character, disposed to emigration, who know nothing about New Mexico, but that it is far off; and nothing of California, but that it is still farther off; who are tired of the dull pursuits of agriculture and civil life. I dare say that there are hundreds and thousands of such persons who might wish for territory, in which to seek their fortunes. Whatever is new, is attractive to such minds. They feel the spirit of a borderer, and that is, I take it, to be pretty tolerably content with his condition till somebody passes beyond him; and then his disposition to take up his "traps" and pass beyond him who has passed himself, and sit down farther off, is an irresistible passion. At least, so says that great and sagacious observer of human manners, M. Talleyrand, when he travelled in this country in 1797. But, I say, sir, that I do not find anywhere, nor that there exists anywhere, any considerable, respectable number of persons who think that we want more territory and such territory. There were twenty-four of us last year, who voted against the prosecution of the war for the acquisition of territory, on the ground that we did not want it—southern men and northern men. I believe there were southern gentlemen who concurred in that vote; and who found themselves, even against what might be supposed to be the local feeling and partiality able to sustain themselves upon the ground of the wisdom of the general policy of not seeking for territory, and by the acquisition of territory to bring into our politics certain embarrassing and embroiling questions. I do not learn that they suffered by the advocacy of such sentiments. I rather believe that they triumphed in them, and I believe that through the greater portion of the South—if we can trust what has been said here, through the south-west to a very great extent, the same sentiment is general—that there is no prevalent opinion in favor of new territory and such territory, or of an augmentation of your population and by such population. I need not say that that is, if not the undivided, the preponderating sentiment of all the North. But we think we must take territory. For the sake of peace we must take territory! This is the will of the President! If we do not take it we may fare worse! Mr. Polk will take no less! That is fixed upon! He is immovable! He has put down his foot! He had put it down, sir, on "fifty-four forty," but it didn't stay! I speak of the President of the United States as I speak of all Presidents, without disrespect, but I know no reason why his opinions, his will, his purpose declared to be fixed, should control us any more than our purpose formed upon equally conscientious motives, and I may add, formed under as high responsibilities as those which should control him. We think he is firm and will not move. I should be sorry, sir, very sorry indeed that we should entertain more respect for the firmness of an individual at the head of the government than we can entertain for our own firmness. He will stand out, it is said, against us.—Do we fear to stand out against him? For one, I do not. It appears to me to be a slavish doctrine. For one, I am willing to meet the issue; and to go to the people, over all this broad land. If we will take peace without new States, and the administration will have no peace without new States, I am willing to stand upon that, and trust the people. I do that because in the first place I think it is right; and in the next place I have no distrust of the people. I am not unwilling to put that to their sovereign decision and arbitration.

Sir, I hold this question to be vital—permanent—elementary—in the future prosperity of this country and the maintenance of the constitution, and I am willing to trust that question to the people. I prefer that it should be submitted to them; because it what I regard as a great constitutional principle, or a principle essentially important to the maintenance of the constitution be broken down, let it be the act of themselves. It shall never be my act. I therefore do not distrust the people. I am willing to take their sentiment on this issue, from the gulf to the British provinces, and from the ocean to the Missouri. I am willing to ask them—will you continue this war for territory—for territory to be purchased after all for an enormous price, a thousand times the value of all that is purchased; or will you take peace contenting yourselves with the honor that the country has reaped by the military achievements of its armies? Will you take peace without territory and preserve the integrity of the constitution and the Union? I am willing to go on that for one.

I am willing, sir, to take this issue—peace without new States, keeping our money to ourselves; or war till these new States shall be acquired? That's the question. It is a question for the people themselves. If they support me and those who think with me in the view I take of the matter, very well. If they will have territory—if they will add new States to this Union, why let them do so and they will be the artificers of their own fortunes, for good or for evil.

But, sir, we tremble before Executive power. The truth cannot be concealed—we tremble before Executive power! Mr. Polk will take nothing else than this, and if we do not take this, "the king's anger may kindle," and he may impose still heavier burdens. Now, who, and what is Mr. Polk? I speak of him in no manner of disrespect. I mean only to ask who and what is the President of the United States for the current moment? He is in the last year of the term of his administration—formally, officially it can only be drawn out till the Fourth of March. Why, really and substantially we know that two short months will, or may produce events that render the duration of the official term of very little importance. We are on the eve of a Presidential election. That machinery resorted to, to collect public opinion or party opinion is to be put in operation two months hence. We shall see its result. It may be that the present incumbent of the Presidential office will be again presented to his party friends and admirers for their suffrages for the next Presidential term. I do not say how probable or improbable that may be—perhaps it is not entirely probable—suppose that not to be the result—but then! Why, then, Mr. Polk becomes as absolutely insignificant as any respectable man amongst the public men of the United States—honorable in his private life—valued in his private character—respectable, never eminent in public life, he will from the moment that a new star arises, have just as little influence as you, sir, or I—and so far as respects myself, God knows that will be very little! Sir, political partizans and aspirants and office-seekers are not sun-flowers—they don't

> turn on their pol I when he sets,
> The same face that they turned when he rose."

Now, sir, if the respectable gentleman who is now at the head of the government should be agreed upon, there will be those who will commend his consistency, and be bound to maintain it and the integrity of the party; his friends will require that this should be done. If otherwise, who is there in the whole length and breadth of the land who will care for the consistency of the present incumbent of that office? There will then be new objects. Manifest destiny will have fixed upon some other man. The eulogies are now written; the commendations of the press are already elaborated; I will not say every thing fulsome, but I will say every thing panegyrical is already written out with blanks for names, to be filled when the convention shall adjourn. When manifest destiny shall be reached, then, sir, all these strains of panegyric made beforehand, laid up in pigeon-holes, studied, framed, emblazoned, and embossed, will all come out, and then there will be, there is bound to be, somebody in the United States, possibly, whose merits have heretofore been strangely overlooked—marked by Providence—a kind of miracle—it is a wonder that nobody thought of him before; a fit man, and the only fit man to be at the head of this great Republic. I shrink not, therefore, from any thing that I feel to be my duty, by any apprehension of the power, and importance, and imposing dignity and the power of will which is ascribed to the present incumbent of that office. I wish we had that power of will. I wish we had that firmness—firmness—firmness. *Si sit numen nullum absit.* If we had adherence! I wish we could gather something from the spirit of our brave corps that have met the enemy under circumstances most adverse and have stood the shock. I wish we could imitate Zachary Taylor in his bivouac upon the field of Buena Vista. He said he would remain for the night; he would feel the enemy in the morning and try his position. I wish before we surrender that we could make up our own minds to feel the enemy and try his position, and I think we should find him, as Taylor did, under the early sun on his way to San Louis Potosi! That is my judgment.

But, sir, I come to the all absorbing question, more particularly of the creation of new states. When I came into the councils of he country, Louisiana had been obtained under the treaty with France, and shortly afterwards Florida was obtained under the treaty with Spain. These two countries were known to us. They lay upon our frontiers. They commanded the outlets of the great river. As I have had occasion to say and shall now only repeat without argument, in the first of these instances, the President of the United States, Mr. Jefferson, supposed the acquisition to be unconstitutional; he acted on that supposition. Mr. Madison was then Secretary of State. He proposed that a proposition for an amendment of the constitution should be submitted in order to bring Louisiana into the Union. He drew up the proposition, and it was submitted to Mr. Adams. Mr. Madison did not go upon the general idea that new states might be admitted. He did not proceed upon the notion of a general amendment to the constitution in this respect, but the amendment of the constitution which he proposed and submitted to Mr. Adams, was article 13th, emendatory of the constitution—"The province of Louisiana is hereby declared to be part and parcel of the United States." Public opinion, owing to the great importance of this acquisition, took a turn favorable to the affirmation of the power, without any new constitutional provision. The power was acquiesed in. Louisiana became a part of the Union, and following the example of Louisiana, Florida was admitted. Now, sir, I consider these transactions as past, settled, legalized. There they stand. They are part of our political history. They are facts against which it would be idle at this day to contend. My first agency in these matters was upon the proposition for admitting Texas into the Union. That, I thought it my duty to oppose upon the general ground of opposing all annexation of new States; and I may add, and ought to add in justice, because there was a proposition then before the country, as to southern States having a slave population being represented in the Congress of the United States, upon the ground of inequality. It happened to me, sir, to be called on to address a political meeting in New York, in 1837–'38, after the recognition of Texan independence. I may state now, sir, what I have often stated before, that no man from the first has been a better wisher—a

more sincere well wisher—to the people and government of Texas than myself. I looked upon that achievement of their independence at the battle of San Jacinto as quite extraordinary—almost a marvellous incident—in the affairs of mankind. I was among the first to be disposed to acknowledge her independence, but from the first, and from the first down to this moment, I have opposed as far as I was able the annexation of new States to this Union. I stated my reasons on the occasion to which I referred. I have them in a short abstract before me, but it is hardly worth while that I should trouble the Senate with reading them.

For a few years I held a position in the Executive department of the government. I left the Department of State in 1843, in May. Within a month after another most worthy and respectable gentleman—who came to a very untimely end—had taken my place, I had occasion to know, not officially, but from circumstances, that the annexation of Texas to the United States was taken up by Mr. Tyler's administration as an administration measure, pushed, pressed, insisted on, and I believe that the honorable gentleman to whom I have referred, and for whose memory I entertain much respect—Mr. Upshur—had something like a passion for the accomplishment of this purpose. And I am afraid that the President of the United States at that time suffered his ardent feelings not a little to control his more prudent judgment. At any rate, I saw in 1843 that annexation had become a purpose. I was not in Congress, nor in public life, but seeing this state of things, I thought it my duty to admonish, as far as I could, the country of the existence of this purpose. There are gentlemen—many of them at the North—others now in this capitol, who know that in the summer of 1843, being fully persuaded that this purpose of annexing Texas had been taken up with zeal and determination by the Executive government of the United States, I thought it my duty, and asked their concurrence in an attempt to let this purpose be known to the country. I conferred with gentlemen of distinction and eminence; I proposed some means of exciting public attention to the question of annexation, before it should become a party question; for I had learned that when a matter becomes a party matter, it is in vain to argue against it or argue upon it. But the optimists, the quietests then, who said all things are well and let all things alone, discouraged, discountenanced, repressed, any such effort. They said the North would take care of itself, the country would take care of itself, that it would not sustain Tyler's project of annexation—when the time came the power of the North which was felt in the House of Representatives, would be sufficient to resist the measure. And I could now refer to paragraphs and articles in the most respectable journals at the North, in which the attempt was made to produce an impression, that there was no danger that we should have an addition of new States; that we need not alarm ourselves about it. I was not in Congress when the resolution providing for the annexation of Texas was passed. I only know that up to a very short period before the passage of that resolution, the general impression was in the country where I belonged, that no such resolution could pass. But I have found, sir, in the course of thirty years' exsperience, that whatever measure the Executive government embraces and pushes, is quite likely to succeed. There is a giving way some where. If the Executive government acts with uniformity, steadiness, entire unity of purpose—sooner or later it is quite apt enough, according to my construction of history, too apt to effect its purpose.

Just before the commencement of the present administration the resolutions for the annexation of Texas passed Congress. Texas complied with the provisions of these resolutions, and she was here, or the case was here on the 22d of December, 1845, for her final admission into the Union, as one of these states. I took occasion then to state that I hoped I had shown all proper regard for Texas, that I had been certainly opposed to annexation, that if I should go over the whole matter again I should have nothing new to add; that I had acted all along under the unanimous declaration of all parties, and of the Legislature of Massachusetts; that I thought there must be some limit to the extent of our territories and that I wished that this country should exhibit to the world the example of a powerful republic, without the greediness and hunger of empire. And I added that while I held with as much faithfulness as any citizen of the country, to all the original arrangements and compromises of the constitution under which we live, I never could and I never should bring myself to be in favor of the admission of any states into the Union, as slave holding states, and I might have added any states at all. Now as I have said, in all this I acted under the resolutions of the state of Massachusetts, certainly concurrent with my own judgment, so often repeated, and reaffirmed by the unanimous consent of all men of all parties—that I could not well go through the series of pointing out not only the impolicy, but the unconstitutionality of such annexation. A case presented is this: If a state proposes to come into the Union, and to come in as a slave state, then there is an augmentation of the inequality in the representation of the people, which already exists—an inequality already existing, with which I do not quarrel and which I never will attempt to alter, but shall preserve as long as I have a vote to give, or any voice in this government; because it is a part of the original compact. Let it stand. But then there is another consideration of vastly more general importance even than that; more general, because it affects all the States, free and slaveholding; and it is that, if states formed out of territories thus thinly populated, come into the Union, they necessarily, inevitably break up the relation existing between the two branches of the government, and destroy its balance. They break up the intended relation between the Senate and the House of Representatives. If you bring in new states, any state that comes in must have two Senators. She may come in with fifty or sixty thousand people and more. You may have from a particular State more Senators than you have Representatives. Can any thing occur to disfigure and derange the form of government under which we live more signally than that? Here would be a Senate bearing no proportion to the people, out of all relation to them, by the addition of new states; from some of them only one Representative perhaps, and two Senators; whereas the larger states may have ten, fifteen, or even thirty Representatives, and but two Senators. The Senate added to, augmented by these new Senators coming from States where there are few people, becomes an odious oligarchy. It holds power without any adequate constituency. Sir, it is but "borough-mongering" upon a large scale. Now, I do not depend upon theory; I ask the Senate and the country to look at facts—to see where we were, when we made our departure three years ago, and where we now are; and I leave it to the imagination to conjecture where we shall be.

We admitted Texas—one State for the present—but, sir, if you refer to the resolutions providing for the annexation of Texas, you find a provision that it shall be in the power of Congress hereafter to make four new States out of Texan territory. Present and prospectively, five new States—ten Senators—may come into the Union out of Texas. Three years ago we did this; we now propose to make two States. Undoubtedly if we take, as the President recommends—New Mexico and California—there must then be four new Senators. We shall then have provided in these territories out of the United States along our southern borders, for the creation of States enough to send fourteen Senators into this chamber. Now, what will be the relation between these Senators and the people they represent, or the States from which they come? I do not understand that there is any very accurate census of Texas. It is generally supposed to contain a hundred and fifty thousand persons. I doubt whether it is above one hundred thousand.

Mr. MANGUM.—It contains one hundred and forty-nine thousand.

Mr. WEBSTER.—My honorable friend on my left says, a hundred and forty-nine thousand. I put it down then, one hundred and fifty thousand. Well, sir, Texas is not destined probably, to be a country of dense population. We will suppose it to have near one hundred and fifty thousand population by the best accounts—and I have given over all that I can find. New Mexico may have sixty or seventy thousand inhabitants—such—as—they—are! Say seventy thousand. In California, they are not supposed to be above twenty-five thousand men, but undoubtedly, if this territory should become ours, persons from Oregon, and from our Western States, will find their way to San Francisco, where there is some good land, and we may suppose they will shortly amount to sixty or seventy thousand. We will put them down at seventy thousand. Then the whole territory in this estimate, which is as large as any man puts it at, will contain two hundred and ninety thousand persons, and they will send us whenever we ask for them, fourteen senators. A population less than that of the State of Vermont, and not the eighth part of that of New York. Fourteen senators, and no more people than Vermont! and no more people than New Hampshire! and not so many people as the good State of New Jersey! But then, sir, Texas claims to the line of the Rio Grande, and if it be her true line, why then of course, she absorbs a considerable part, nay, the greater part of the population of what is now called New Mexico. I do not argue the question of the true southern or western line of Texas, I only say that it is apparent to everybody who will look at the map, and learn anything of the matter, that New Mexico cannot be divided by this river, the Rio Grande, which is a shallow, fordable, insignificant stream, creeping along through a narrow valley, at the base of enormous mountains. New Mexico must remain together; it must be a State with its seventy thousand people, and so it will be, and so will be California.

But then, sir, suppose Texas to remain a unit and but one State for the present, still we have three States, Texas, New Mexico, and California. We have six Senators then for less than three hundred thousand people. We have as many Senators for three hundred thousand people in that region as we have for New York, Pennsylvania, and Ohio, with four or five millions of people; and that is what we call an equal representation! Is not this enormous? Have gentlemen considered this? Have they looked at it? Are they willing to look it in the face and then say they embrace it? I trust in God the people will look at it and consider it. And now let me add, that this disproportion can never be diminished; it must remain forever. How are you going to diminish it? Why here is Texas with a hundred and forty-nine thousand people with one State. Suppose that population should flow into Texas, where will it go? Not to any dense point, but to be spread over all that region in places remote from the gulf, in places remote from what is now the capital of Texas, and therefore as soon as there are in other portions of Texas people enough within our common construction of the constitution and our practice in respect to the admission of States, my honorable friend from Texas will have a new State, and I have no doubt he has chalked it out already. Well, then, as to New Mexico there can be no more people there. The man is ignorant, stupid, who has looked at the map of New Mexico and read the accounts of it, who supposes there can be any more people there than there is now; some sixty or seventy thousand. It is an old settled country; the people living along in the bottom of this valley on the two sides of a little stream, a garter

of land only on one side and the other, filled by coarse landholders and miserable peons. It can sustain, not only under their cultivation but under any cultivation that our American race would ever submit to, no more people than there are there now. There will then be two Senators for sixty thousand inhabitants in San Mexico, to the end of our lives and to the end of the lives of our children.

Well now, how is it with California? We propose to take California from the forty-second degree North latitude down to the thirty-second degree, we propose to take ten degrees of latitude along the coast of the Pacific. All along that coast that section are settlements, and villages, and forts; back it is all wilderness and barrenness and Indian country. But if about San Francisco, and perhaps down to Monterey or a little to the North there shall be enough to make up one State, why the people five hundred miles off, in time to come will have another State and then this disproportion of Senators to the people will go on, and must go on, and we cannot prevent it. I say, sir, that according to my conscientious convictions, we are now fixing upon the constitution of the United States, and upon our form of government a monstrosity—a disfiguration—an enormity. Sir, I hardly dare trust myself. I do not know that I may not be under some delusion. I do not know that my head is not turned. It may be that it is the weakness of mine eyes that forms this monstrous apparition. But if I may trust myself—if I may persuade myself that I am in my right mind, then it does appear to me that we, in this Senate, have been acting, and are acting, and are likely to be acting hereafter, a part which will certainly form a remarkable epoch in the history of our government. I hold it to be—to be flagrant—flagrant—and an outrage upon all the principles of a popular representative government and upon the elementary provisions of the constitution under which we live, and which we have sworn to support. But then, sir, what frees the case from this enormity? Why, it is that we stipulate only that these new states shall be brought in at a suitable time. Now, what is to constitute the suitableness of time? Who is to judge of it? I tell you, sir, that the suitableness will come whenever the preponderance of party power here makes it necessary to bring in new States. The time will depend on the state of our politics here, and not upon the condition of these States elsewhere. Be assurred, sir, there will be a suitable time whenever strength, or party power, or votes, are wanting in this Senate. We have some little experience of this. Texas came in suitable time, very suitable! Texas was finally admitted in December, 1845. My friend near me here, (Mr. RUSK,) for whom I have great regard, whose acquaintance I have cultivated with much pleasure, took his seat here, with his colleague, in March, 1845. In July, 1846, those two Texan votes turned the balance in the Senate and overthrew the tariff of 1842, in my judgment the best system of revenue that was ever established in this country. Gentlemen of different opinions think otherwise. They think it was fortunate. They think the Texan votes came in at suitable time. We have now here in New Mexican votes shall come in in suitable time also. I understand it perfectly well. It is a difference of opinion between myself and them. To their policy, to their object, to their purposes, the time was suitable, and the aid was efficient and decisive. Sir, in 1850, perhaps, similar questions may be agitated here—they are not likely to be before—but agitated they will be then, unless some change in the course of the administration of the government take place; and, according to my apprehension, it is likely to general results as flowing from our established system of commerce and revenue, in 1850, two years from this time, we may probably be engaged in a new revision of our system in the work of establishing, if we can, a tariff of specific duties; in the work of protecting, if we can, the domestic industry of this country, and in the work of preventing to some extent, if we can, the overwhelming flood of importations. Suppose this to be the case, and suppose that our opponents require additional strength, that will be exactly the suitable time for two Senators from New Mexico to make their appearance here.

But again, we hear other halcyon, soothing, quieting tones, which quiet none of my alarms, assuage none of my fears, commend me to my nightly rest with no more resignation. It is said we must trust the popular branch of the legislature—we may look to the House of Representatives, the great majority of whom are from the North and Middle States; and we may trust them, that these new States are not admitted sooner than they should be, or admitted for any party purpose. I am compelled by experience, to distrust all such reliance. If we cannot rely on ourselves, when we have a clear and unquestioned constitutional authority, competent to carry us through, I beg to know how we are to rely on others? Have we more respect for the patriotism, the firmness of others than our own? Besides experience shows us, that things of this sort may be sprung upon Congress and upon the people. It was so in the case of Texas. It was so in the 28th Congress. The members of the 28th Congress, were not chosen with the view to decide the question of annexation or no annexation. They came here upon other grounds, political and party grounds, supported by their friends on one side and the other, for reasons not connected with this question. What then? Why the administration sprung the question upon Congress. It obtained a snap-judgment, and carried the measure of annexation. That can be proved by many facts. I will state one. There were four gentlemen in the House of Representatives from Connecticut, elected before this question arose—belonging to the democratic party. They had not been here long, before they entered into the spirit of annexation, and when this became known, remonstrances—public, private, and legislative—were uttered in sounds which any one could have heard, who could hear thunder. Did it move these gentlemen? Not at all. Every one of them voted for annexation. The election came round a few months afterwards, and they were all turned out, but what did those care for that, who had the benefit of their votes? Such agencies, or if it be proper to call them instrumentalities, maintain respect no longer than they continue to be useful.

Sir, we take New Mexico and California. Who is weak enough to think that there is an end? Why, do we not hear it avowed every day, that it is proper for us also to take Sonora and Tamaulipas, and other provinces or States of northern Mexico? Who thinks that the hunger for dominion will stop here of itself? Somebody has said that this acquisition is so mean and lean, and unsatisfactory, that we shall seek no further. In my judgment, sir, you may believe that, if you can believe that a rapacious animal that has made one unproductive foray won't try for a better! But further there are some things that we can argue against with temper, and submit to, if over-ruled, without mortification. There are other things that seem to affect one's consciousness of being a reasonable man, and evince a disposition to impose upon his common sense. And of this class of topics or pretensions, I have never heard of anything, and cannot conceive of anything more ridiculous in itself, more absurd, and more affrontive to all sober judgment, than the cry that we are getting indemnity. Indemnity by the acquisition of New Mexico and California! I hold them not to be worth a dollar, and we pay for them a vast sum of money. We have expended, as everybody knows, large treasures in the prosecution of the war, and now what is there to constitute indemnity? What do gentlemen mean by it? Let us see how this matter stands! We get a country. We get a country in the first instance, either by cession or acknowledgment of boundary—I care not which way you state it—the country between the Nueces and the Rio Grande. What this country is appears from a publication of an honorable gentleman in the other house, in which he quotes an account given by Major Gaines. He says that the country is worth nothing; that he would not hazard the life of a single individual for every foot of land from San Patricio to the valley of the Rio Grande. This gentleman has been there lately, and is well acquainted with the condition of the country. So far then as that part of our acquisition is concerned, I take it for granted it is not worth a dollar.

Now, of New Mexico. Of that forty-nine fiftieths, at least, is a mere barren waste of desert plain or mountain. There is no wood, no timber—little fagots to light a fire are carried thirty or forty miles on mules. There is no natural fall of rains as in temperate climates. The place and scene are Asiatic—enormously high mountains, running up some to the height of ten thousan i feet, with very narrow valleys at their bases, through which streams sometimes trickle along—a carter winds along, through the thread of white sand in the Rio Grande from afar in the Rocky mountains down to the latitude of about thirty three degrees, some three or four hundred miles. There these sixty thousand persons are. In the mountains, on the right and the left are streams whose natural tendencies would be as lateral streams to flow into the Rio Grande, and in certain seasons of the year, when the rains have been abundant in the mountains, some of them do actually reach the Rio Grande, but the greater part of them, always—and all of them for a greater part of the year, never reach an outlet to the sea. They are absorded in the sandy and desert plains of the country. There is no culture anywhere, save that which can be obtained by artificial watering or irrigation. You can have this along the narrow valley of the Rio Grande, in the gorges of the mountains, where the streams are; but you cannot have it down along the course of those streams that lose themselves in the sands.

Now, sir, there is no public domain in New Mexico. There is not a foot of land to be sold by the government. There is not an acre that will become ours when the country becomes ours—not an acre. But, more than this, the country is full of people, such as they are. There is not the least thing in it to invite the settlement of our planters or farmers. There will go, I dare say, speculators, traders, some of them adventurers, tired of the good country in the valley of the Missippi, who desire to better it. I undertake to say there will not be two hundred farmers or planters from the United States in New Mexico in the next fifty years. They cannot live there. Do you suppose they are going to cultivate lands which cannot be made productive in the slightest degree without irrigation? The people that are there produce little and live upon little. I believe the characteristic of our farmers throughout this country is to produce a good deal and consume a good deal. Again, New Mexico is not like Texas. I had hoped, and still hope, that Texas is to be filled up by a population like ourselves—not by the Spanish race—not by peons—not by coarse, ignorant, vulgar landlords, with tribes of slaves around them, predial and otherwise!

Mr. RUSK.—Will the honorable Senator allow me one word? I did not like to interrupt the Senator when he was reading an account of the country lying in the valley of the Nueces. When that country comes to be known, it will be found to be as valuable as any portion of Texas. From its source to its mouth, the valley of the Rio Grande will be found the same thing. I did not choose to interrupt the honorable Senator, but we do not claim it as indemnity, believing it to be our just and equitable right. So far as Mexican population is concerned, there is a good deal of it now in Texas, highly respectable, and amongst them those who have distinguished themselves as patriots, men of intelligence and of

worth. These are coming over and settling in Texas, encouraged by the prospet of peace.

Mr. WEBSTER.—I take what I say in regard to the valley of the Rio Grande, from the statement of Major Gaines. I am glad to hear that there is a part of it fit for the foot of civilized man. I am glad to hear, also, that there are some of the inhabitants of New Mexico, who are not so besotted with their miserable condition, as not to make some effort to get out of the country, and to come into a better.

Sir, I would, if I had time, call the attention of the Senate to a very instructive speech, that was made in the other House by Mr. Smith, of Connecticut. He seems to have examined all our authorities, conversed with all our travellers, corresponded with all our agents. His speech contains all their communications, and I commend it to every man in the United States, who wishes to know what we are about to acquire by the acquisition of New Mexico. New Mexico is secluded, isolated—a place by itself—in the middle of the mountains—five hundred miles, I believe, from Texas.

Mr. RUSK.—Five hundred miles from the settled portions of Texas.

Mr. WEBSTER.—Farther from any where else! It does not belong anywhere. It has no belongings about it. Sir, at this moment, it is absolutely more retired, and shut out from communication with the civilized world, than the Sandwich Islands, or most of the islands in the Pacific ocean. It presses hard on Tyree, and the people are infinitely less elevated in mind and condition, than the people of the Sandwich Islands—far less worthy of our association—far less fit to send their Senators here, than are the inhabitants of the Sandwich Islands—far less worthy are they than the better classes of Indians in our neighborhood. Commend me to the Cherokees, the Choctaws—if you please, to speak of the Pawnees, the Blackfeet and the Snake Indians, and the Flatheads—anything except the "Digger" Indians, and I am satisfied with them, instead of the people of New Mexico. They have no notion of our institutions, or of any free institutions. They, any notion of popular government! Why, not the slightest—not the slightest on earth. And the question is asked, what will be their constitution? It is farcical to talk of such a people making a constitution. They do not know the meaning of the term. They do not know its import; they know nothing at all about it. And I can tell you, sir, that when we have made it a territory, and wish to make it a State, such a constitution as the Executive power of this government thinks fit to send to them, will be sent and adopted. The constitution of our fellow-citizens of New Mexico will be framed in the city of Washington. Now, what says Col. Hardin, in regard to New Mexico—that most lamented and distinguished officer, whom I well knew as a member of the other House, and whose death I did most deeply deplore? He gives a description of New Mexico, and speaks of the people of that country in these terms:

"The people are on a par with their land. One in 200 or 500 is rich, and lives like a nabob, the rest are peons, or servants sold for debt, who work for their masters, and are as subservient as the slaves of the South, and look like Indians; and, indeed, are not more capable of self-government. One man, Jacobus Sanchez, owns three-fourths of all the land our column has passed over in Mexico. We are told we have seen the best part of Northern Mexico; if so, the whole of it is not worth much."

I need not read the whole extract. He speaks of all Northern Mexico, and New Mexico is not the better part of it. Sir, there is a recent traveller, who is not unfriendly to the United States, if I may judge from his works, for he commends us everywhere. He is an Englishman, and his name is RUXTON. I believe his work is in the library, and I suppose that gentlemen have seen it. He gives an account of the morals and manners of these people; and Mr. President, and Senators, I will take leave to introduce you to these, your soon-to-be respected fellow-citizens of New Mexico:

"It is remarkable that although existing from the earliest times of the colonization of New Mexico, a period of two centuries, in a state of continual hostility with the numerous savage tribes of Indians who surrounded their territory, and in constant insecurity of life and property from their attacks, being also far removed from the enervating influences of large cities, and in their isolated situation entirely dependent on their own resources, the inhabitants are totally destitute of those qualities which, for the above reasons, we might naturally have expected to distinguish them, and are as deficient in energy of character and physical courage, as they are in all the moral and intellectual qualities. In their social state—but one degree removed from the veriest savages, they might take lessons even from these in morality and the conventional decencies of life. Imposing no restraint on their passions, a shameless and universal concubinage exists, and a total disregard of moral laws, to which it would be impossible to find a parallel in any country calling itself civilized. A want of honorable principle, and consummate duplicity and treachery, characterize all their dealings. Liars by nature, they are treacherous and faithless to their friends, cowardly and cringing to their enemies; cruel, as all cowards are, they unite savage ferocity with their want of animal courage; as an example of which, their recent massacre of Governor Bent, and other Americans, may be given—one of a hundred instances."

"One out of a hundred instances;" and these are soon to be our beloved countrymen!

Mr. President, for a good many years I have struggled to oppose every thing that I thought tended to strengthen the arm of Executive power. I think it is growing more and more formidable every day; and I think that in yielding to it in this as in other instances, will give it strength, which it may be hereafter very difficult to resist. I think it is nothing else than fear of Executive power that commits us to the support of this war for the acquisition of territory,—fear—fear—and nothing else. In the little part I have acted in public life, it has been my purpose to preserve the people of the United States—what the constitution was designed to make them—our people—one in interest—one in character—one in political feeling. When we depart from that we break it all up. What sympathy can there be between these New Mexicans, these Californians, and the inhabitants of the valley of the Mississippi or of the middle States, or of the eastern States in the choice of President? Do they know the same men? Have they any general consentaneous sentiment? Not at all. An arbitrary government may have territorial governments in distant possessions, because an arbitrary government may rule its distant territories by different laws and different systems. Russia may govern the Ukraine and the Caucasus and Kamschatka by different codes or ukases. We can do no such thing. They must be of us—part of us—or else estranged. I think I see, then, in progress what is to disfigure and deform the constitution. While these territories remain territories they will be troublesome and annoying. They will draw after them a vast expense. It will probably require as many troops on an average as we have been in the habit of maintaining for the last twenty years, to defend these territories from the Indian tribes. We must maintain an army at that distance, and when they become States they are still more likely to give us more trouble than benefit. I think I see a course adopted that is likely to turn the constitution under which we live into a deformed monster—into a curse rather than a blessing—into a great frame of unequal government, not founded on popular representation, but founded in the grossest inequalities; and, I think, if it go on—for there is danger that it will go on—that this government will be broken up. I resist it to-day, and always—whoever falters or whoever flies, I resist—although I see that all the portents are discouraging. Would to God I could auspicate good influences! Would to God that those who think with me on this subject had stronger support. Would that we could stand where we would desire to stand! But with few or alone my position is fixed. If there were time I would gladly awaken the country. I believe the country will be awakened—it may be too late—but by the blessing of God, supported or unsupported, I shall do my duty. I see well enough all the sinister indications, but I am sustained by a deep and conscientious sense of duty, and while supported by that feeling of duty, and while such great interests are at stake, I shall defy all augury, and ask no omen but my country's cause!

EXECUTIVE SESSION.

On motion by Mr. HANNEGAN, the Senate proceeded to the consideration of Executive business, and after sometime spent therein,

On motion,

The Senate adjourned.

FRIDAY, MARCH 24, 1848.

RESOLUTION OF THE LEGISLATURE OF TEXAS.

Mr. RUSK presented a joint resolution passed by the Legislature of the State of Texas, in favor of the establishment of additional mail routes in that State; which was referred to the Committee on the Post Office and Post Roads.

PETITIONS.

Mr. RUSK presented the memorial of Preston Smith and others, in behalf of themselves and other Cherokee Indians, praying the appointment of a Board of Commissioners for the investigation of Cherokee claims under the treaty of New Echota; which was referred to the Committee on Indian Affairs.

Mr. DIX presented the petition of J. Howard and Son, praying that vessels employed by them in the coasting trade may be permitted to touch at the Port of Havana, for the purpose of landing passengers without subjecting their cargoes, on arriving in the United States, to duty; which was referred to the Committee on Commerce.

CHARTER OF THE CITY OF WASHINGTON.

Mr. MILLER, from the Committee on the District of Columbia, to whom was referred the memorial of the corporation of Washington, reported a bill to continue, alter and amend the charter of the city of Washington; which was read and passed to the second reading.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk.

Mr. PRESIDENT: The House of Representatives have passed the bill of the Senate to remit the duty on books, maps and charts, imported for the use of the Library of Congress, with an amendment, in which they request the concurrence of the Senate.

The House of Representatives agree to the 2d, 4th, 5th and 6th of the amendments of the Senate to the bill of the House further to supply deficiencies in the appropriations for the service of the fiscal year ending on the 30th of June, 1848; to the 3d, and 4th of the amendments of the Senate to the 2d bill; and to the 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22d, 23d, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32d, 33d, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42d, 43d, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52d, 53d, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 61st, 62d, 63d, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72d, 73d, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82d, 83d, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, 92d, 93d, 94th, 95th, 96th, 97th, 98th, 99th, 100th, 101st, 102d, 103d, 104th, 105th, 106th, 107th, 108th, 109th, 110th, 111th, 112th, 113th, 114th, 115th, 116th, 117th, 118th, 119th, 120th, 121st, 122d, 123d, 124th, 125th, 126th, 127th, 128th, 129th, 130th, 131st, 132d, 133d, 134th, 135th, 136th, 137th, 138th, 139th, 140th, 141st, 142d, 143d, 144th, 145th, 146th, 147th, 148th, 149th, 150th, 151st, 152d, 153d, 154th, 155th, 156th, 157th, 158th, 159th, 160th, 161st, 162d, 163d, 164th, 165th, 166th, 167th, 168th, 169th, 170th, 171st, 172d, 173d, 174th, 175th, 176th, 177th, 178th, 179th, 180th, 181st, 182d, 183d, 184th, 185th, 186th, 187th, 188th, 189th, 190th, 191st, 192d, 193d, 194th, 195th, 196th, 197th, 198th, 199th, 200th, 201st, 202d, 203d, 204th, 205th, 206th, 207th, 208th, 209th, 210th, 211th, 212th, 213th, 214th, 215th, 216th, 217th, 218th, 219th, 220th, 221st, 222d, 223d, 224th, 225th, 226th, 227th, 228th, 229th, 230th, 231st, 232d, 233d, 234th, 235th, 236th, 237th, 238th, 239th, 240th, 241st, 242d, 243d, 244th, 245th, 246th, 247th, 248th, 249th, 250th, 251st, 252d, 253d, 254th, 255th, 256th, 257th, 258th, 259th, 260th, 261st, 262d, 263d, 264th, 265th, 266th, 267th, 268th, 269th, 270th, 271st, 272d, 273d, 274th, 275th, 276th, 277th, 278th, 279th, 280th, 281st, 282d, 283d, 284th, 285th, 286th, 287th, 288th, 289th, 290th, 291st, 292d, 293d, 294th, 295th, 296th, 297th, 298th, 299th, 300th, 301st, 302d, 303d, 304th, 305th, 306th, 307th, 308th, 309th, 310th, 311th, 312th, 313th, 314th, 315th, 316th, 317th, 318th, 319th, 320th, 321st, 322d, 323d, 324th, 325th, 326th, 327th, 328th, 329th, 330th, 331st, 332d, 333d, 334th, 335th, 336th, 337th, 338th, 339th, 340th, 341st, 342d, 343d, 344th, 345th, 346th, 347th, 348th, 349th, 350th, 351st, 352d, 353d, 354th, 355th, 356th, 357th, 358th, 359th, 360th, 361st, 362d, 363d, 364th, 365th, 366th, 367th, 368th, 369th, 370th, 371st, 372d, 373d, 374th, 375th, 376th, 377th, 378th, 379th, 380th, 381st, 382d, 383d, 384th, 385th, 386th, 387th, 388th, 389th, 390th, 391st, 392d, 393d, 394th, 395th, 396th, 397th, 398th, 399th, 400th, 401st, 402d, 403d, 404th, 405th, 406th, 407th, 408th, 409th, 410th, 411th, 412th, 413th, 414th, 415th, 416th, 417th, 418th, 419th, 420th, 421st, 422d, 423d, 424th, 425th, 426th, 427th, 428th, 429th, 430th, 431st, 432d, 433d, 434th, 435th, 436th, 437th, 438th, 439th, 440th, 441st, 442d, 443d, 444th, 445th, 446th, 447th, 448th, 449th, 450th, 451st, 452d, 453d, 454th, 455th, 456th, 457th, 458th, 459th, 460th, 461st, 462d, 463d, 464th, 465th, 466th, 467th, 468th, 469th, 470th, 471st, 472d, 473d, 474th, 475th, 476th, 477th, 478th, 479th, 480th, 481st, 482d, 483d, 484th, 485th, 486th, 487th, 488th, 489th, 490th, 491st, 492d, 493d, 494th, 495th, 496th, 497th, 498th, 499th, 500th, 501st, 502d, 503d, 504th, 505th, 506th, 507th, 508th, 509th, 510th, 511th, 512th, 513th, 514th, 515th, 516th, 517th, 518th, 519th, 520th, 521st, 522d, 523d, 524th, 525th, 526th, 527th, 528th, 529th, 530th, 531st, 532d, 533d, 534th, 535th, 536th, 537th, 538th, 539th, 540th, 541st, 542d, 543d, 544th, 545th, 546th, 547th, 548th, 549th, 550th, 551st, 552d, 553d, 554th, 555th, 556th, 557th, 558th, 559th, 560th, 561st, 562d, 563d, 564th, 565th, 566th, 567th, 568th, 569th, 570th, 571st, 572d, 573d, 574th, 575th, 576th, 577th, 578th, 579th, 580th, 581st, 582d, 583d, 584th, 585th, 586th, 587th, 588th, 589th, 590th, 591st, 592d, 593d, 594th, 595th, 596th, 597th, 598th, 599th, 600th, 601st, 602d, 603d, 604th, 605th, 606th, 607th, 608th, 609th, 610th, 611th, 612th, 613th, 614th, 615th, 616th, 617th, 618th, 619th, 620th, 621st, 622d, 623d, 624th, 625th, 626th, 627th, 628th, 629th, 630th, 631st, 632d, 633d, 634th, 635th, 636th, 637th, 638th, 639th, 640th, 641st, 642d, 643d, 644th, 645th, 646th, 647th, 648th, 649th, 650th, 651st, 652d, 653d, 654th, 655th, 656th, 657th, 658th, 659th, 660th, 661st, 662d, 663d, 664th, 665th, 666th, 667th, 668th, 669th, 670th, 671st, 672d, 673d, 674th, 675th, 676th, 677th, 678th, 679th, 680th, 681st, 682d, 683d, 684th, 685th, 686th, 687th, 688th, 689th, 690th, 691st, 692d, 693d, 694th, 695th, 696th, 697th, 698th, 699th, 700th, 701st, 702d, 703d, 704th, 705th, 706th, 707th, 708th, 709th, 710th, 711th, 712th, 713th, 714th, 715th, 716th, 717th, 718th, 719th, 720th, 721st, 722d, 723d, 724th, 725th, 726th, 727th, 728th, 729th, 730th, 731st, 732d, 733d, 734th, 735th, 736th, 737th, 738th, 739th, 740th, 741st, 742d, 743d, 744th, 745th, 746th, 747th, 748th, 749th, 750th, 751st, 752d, 753d, 754th, 755th, 756th, 757th, 758th, 759th, 760th, 761st, 762d, 763d, 764th, 765th, 766th, 767th, 768th, 769th, 770th, 771st, 772d, 773d, 774th, 775th, 776th, 777th, 778th, 779th, 780th, 781st, 782d, 783d, 784th, 785th, 786th, 787th, 788th, 789th, 790th, 791st, 792d, 793d, 794th, 795th, 796th, 797th, 798th, 799th, 800th, 801st, 802d, 803d, 804th, 805th, 806th, 807th, 808th, 809th, 810th, 811th, 812th, 813th, 814th, 815th, 816th, 817th, 818th, 819th, 820th, 821st, 822d, 823d, 824th, 825th, 826th, 827th, 828th, 829th, 830th, 831st, 832d, 833d, 834th, 835th, 836th, 837th, 838th, 839th, 840th, 841st, 842d, 843d, 844th, 845th, 846th, 847th, 848th, 849th, 850th, 851st, 852d, 853d, 854th, 855th, 856th, 857th, 858th, 859th, 860th, 861st, 862d, 863d, 864th, 865th, 866th, 867th, 868th, 869th, 870th, 871st, 872d, 873d, 874th, 875th, 876th, 877th, 878th, 879th, 880th, 881st, 882d, 883d, 884th, 885th, 886th, 887th, 888th, 889th, 890th, 891st, 892d, 893d, 894th, 895th, 896th, 897th, 898th, 899th, 900th, 901st, 902d, 903d, 904th, 905th, 906th, 907th, 908th, 909th, 910th, 911th, 912th, 913th, 914th, 915th, 916th, 917th, 918th, 919th, 920th, 921st, 922d, 923d, 924th, 925th, 926th, 927th, 928th, 929th, 930th, 931st, 932d, 933d, 934th, 935th, 936th, 937th, 938th, 939th, 940th, 941st, 942d, 943d, 944th, 945th, 946th, 947th, 948th, 949th, 950th, 951st, 952d, 953d, 954th, 955th, 956th, 957th, 958th, 959th, 960th, 961st, 962d, 963d, 964th, 965th, 966th, 967th, 968th, 969th, 970th, 971st, 972d, 973d, 974th, 975th, 976th, 977th, 978th, 979th, 980th, 981st, 982d, 983d, 984th, 985th, 986th, 987th, 988th, 989th, 990th, 991st, 992d, 993d, 994th, 995th, 996th, 997th, 998th, 999th, 1000th, 1001st, 1002d, 1003d, 1004th, 1005th, 1006th, 1007th, 1008th, 1009th, 1010th, 1011th, 1012th, 1013th, 1014th, 1015th, 1016th, 1017th, 1018th, 1019th, 1020th, 1021st, 1022d, 1023d, 1024th, 1025th, 1026th, 1027th, 1028th, 1029th, 1030th, 1031st, 1032d, 1033d, 1034th, 1035th, 1036th, 1037th, 1038th, 1039th, 1040th, 1041st, 1042d, 1043d, 1044th, 1045th, 1046th, 1047th, 1048th, 1049th, 1050th, 1051st, 1052d, 1053d, 1054th, 1055th, 1056th, 1057th, 1058th, 1059th, 1060th, 1061st, 1062d, 1063d, 1064th, 1065th, 1066th, 1067th, 1068th, 1069th, 1070th, 1071st, 1072d, 1073d, 1074th, 1075th, 1076th, 1077th, 1078th, 1079th, 1080th, 1081st, 1082d, 1083d, 1084th, 1085th, 1086th, 1087th, 1088th, 1089th, 1090th, 1091st, 1092d, 1093d, 1094th, 1095th, 1096th, 1097th, 1098th, 1099th, 1100th, 1101st, 1102d, 1103d, 1104th, 1105th, 1106th, 1107th, 1108th, 1109th, 1110th, 1111th, 1112th, 1113th, 1114th, 1115th, 1116th, 1117th, 1118th, 1119th, 1120th, 1121st, 1122d, 1123d, 1124th, 1125th, 1126th, 1127th, 1128th, 1129th, 1130th, 1131st, 1132d, 1133d, 1134th, 1135th, 1136th, 1137th, 1138th, 1139th, 1140th, 1141st, 1142d, 1143d, 1144th, 1145th, 1146th, 1147th, 1148th, 1149th, 1150th, 1151st, 1152d, 1153d, 1154th, 1155th, 1156th, 1157th, 1158th, 1159th, 1160th, 1161st, 1162d, 1163d, 1164th, 1165th, 1166th, 1167th, 1168th, 1169th, 1170th, 1171st, 1172d, 1173d, 1174th, 1175th, 1176th, 1177th, 1178th, 1179th, 1180th, 1181st, 1182d, 1183d, 1184th, 1185th, 1186th, 1187th, 1188th, 1189th, 1190th, 1191st, 1192d, 1193d, 1194th, 1195th, 1196th, 1197th, 1198th, 1199th, 1200th, 1201st, 1202d, 1203d, 1204th, 1205th, 1206th, 1207th, 1208th, 1209th, 1210th, 1211th, 1212th, 1213th, 1214th, 1215th, 1216th, 1217th, 1218th, 1219th, 1220th, 1221st, 1222d, 1223d, 1224th, 1225th, 1226th, 1227th, 1228th, 1229th, 1230th, 1231st, 1232d, 1233d, 1234th, 1235th, 1236th, 1237th, 1238th, 1239th, 1240th, 1241st, 1242d, 1243d, 1244th, 1245th, 1246th, 1247th, 1248th, 1249th, 1250th, 1251st, 1252d, 1253d, 1254th, 1255th, 1256th, 1257th, 1258th, 1259th, 1260th, 1261st, 1262d, 1263d, 1264th, 1265th, 1266th, 1267th, 1268th, 1269th, 1270th, 1271st, 1272d, 1273d, 1274th, 1275th, 1276th, 1277th, 1278th, 1279th, 1280th, 1281st, 1282d, 1283d, 1284th, 1285th, 1286th, 1287th, 1288th, 1289th, 1290th, 1291st, 1292d, 1293d, 1294th, 1295th, 1296th, 1297th, 1298th, 1299th, 1300th, 1301st, 1302d, 1303d, 1304th, 1305th, 1306th, 1307th, 1308th, 1309th, 1310th, 1311th, 1312th, 1313th, 1314th, 1315th, 1316th, 1317th, 1318th, 1319th, 1320th, 1321st, 1322d, 1323d, 1324th, 1325th, 1326th, 1327th, 1328th, 1329th, 1330th, 1331st, 1332d, 1333d, 1334th, 1335th, 1336th, 1337th, 1338th, 1339th, 1340th, 1341st, 1342d, 1343d, 1344th, 1345th, 1346th, 1347th, 1348th, 1349th, 1350th, 1351st, 1352d, 1353d, 1354th, 1355th, 1356th, 1357th, 1358th, 1359th, 1360th, 1361st, 1362d, 1363d, 1364th, 1365th, 1366th, 1367th, 1368th, 1369th, 1370th, 1371st, 1372d, 1373d, 1374th, 1375th, 1376th, 1377th, 1378th, 1379th, 1380th, 1381st, 1382d, 1383d, 1384th, 1385th, 1386th, 1387th, 1388th, 1389th, 1390th, 1391st, 1392d, 1393d, 1394th, 1395th, 1396th, 1397th, 1398th, 1399th, 1400th, 1401st, 1402d, 1403d, 1404th, 1405th, 1406th, 1407th, 1408th, 1409th, 1410th, 1411th, 1412th, 1413th, 1414th, 1415th, 1416th, 1417th, 1418th, 1419th, 1420th, 1421st, 1422d, 1423d, 1424th, 1425th, 1426th, 1427th, 1428th, 1429th, 1430th, 1431st, 1432d, 1433d, 1434th, 1435th, 1436th, 1437th, 1438th, 1439th, 1440th, 1441st, 1442d, 1443d, 1444th, 1445th, 1446th, 1447th, 1448th, 1449th, 1450th, 1451st, 1452d, 1453d, 1454th, 1455th, 1456th, 1457th, 1458th, 1459th, 1460th, 1461st, 1462d, 1463d, 1464th, 1465th, 1466th, 1467th, 1468th, 1469th, 1470th, 1471st, 1472d, 1473d, 1474th, 1475th, 1476th, 1477th, 1478th, 1479th, 1480th, 1481st, 1482d, 1483d, 1484th, 1485th, 1486th, 1487th, 1488th, 1489th, 1490th, 1491st, 1492d, 1493d, 1494th, 1495th, 1496th, 1497th, 1498th, 1499th, 1500th, 1501st, 1502d, 1503d, 1504th, 1505th, 1506th, 1507th, 1508th, 1509th, 1510th, 1511th, 1512th, 1513th, 1514th, 1515th, 1516th, 1517th, 1518th, 1519th, 1520th, 1521st, 1522d, 1523d, 1524th, 1525th, 1526th, 1527th, 1528th, 1529th, 1530th, 1531st, 1532d, 1533d, 1534th, 1535th, 1536th, 1537th, 1538th, 1539th, 1540th, 1541st, 1542d, 1543d, 1544th, 1545th, 1546th, 1547th, 1548th, 1549th, 1550th, 1551st, 1552d, 1553d, 1554th, 1555th, 1556th, 1557th, 1558th, 1559th, 1560th, 1561st, 1562d, 1563d, 1564th, 1565th, 1566th, 1567th, 1568th, 1569th, 1570th, 1571st, 1572d, 1573d, 1574th, 1575th, 1576th, 1577th, 1578th, 1579th, 1580th, 1581st, 1582d, 1583d, 1584th, 1585th, 1586th, 1587th, 1588th, 1589th, 1590th, 1591st, 1592d, 1593d, 1594th, 1595th, 1596th, 1597th, 1598th, 1599th, 1600th, 1601st, 1602d, 1603d, 1604th, 1605th, 1606th, 1607th, 1608th, 1609th, 1610th, 1611th, 1612th, 1613th, 1614th, 1615th, 1616th, 1617th, 1618th, 1619th, 1620th, 1621st, 1622d, 1623d, 1624th, 1625th, 1626th, 1627th, 1628th, 1629th, 1630th, 1631st, 1632d, 1633d, 1634th, 1635th, 1636th, 1637th, 1638th, 1639th, 1640th, 1641st, 1642d, 1643d, 1644th, 1645th, 1646th, 1647th, 1648th, 1649th, 1650th, 1651st, 1652d, 1653d, 1654th, 1655th, 1656th, 1657th, 1658th, 1659th, 1660th, 1661st, 1662d, 1663d, 1664th, 1665th, 1666th, 1667th, 1668th, 1669th, 1670th, 1671st, 1672d, 1673d, 1674th, 1675th, 1676th, 1677th, 1678th, 1679th, 1680th, 1681st, 1682d, 1683d, 1684th, 1685th, 1686th, 1687th, 1688th, 1689th, 1690th, 1691st, 1692d, 1693d, 1694th, 1695th, 1696th, 1697th, 1698th, 1699th, 1700th, 1701st, 1702d, 1703d, 1704th, 1705th, 1706th, 1707th, 1708th, 1709th, 1710th, 1711th, 1712th, 1713th, 1714th, 1715th, 1716th, 1717th, 1718th, 1719th, 1720th, 1721st, 1722d, 1723d, 1724th, 1725th, 1726th, 1727th, 1728th, 1729th, 1730th, 1731st, 1732d, 1733d, 1734th, 1735th, 1736th, 1737th, 1738th, 1739th, 1740th, 1741st, 1742d, 1743d, 1744th, 1745th, 1746th, 1747th, 1748th, 1749th, 1750th, 1751st, 1752d, 1753d, 1754th, 1755th, 1756th, 1757th, 1758th, 1759th, 1760th, 1761st, 1762d, 1763d, 1764th, 1765th, 1766th, 1767th, 1768th, 1769th, 1770th, 1771st, 1772d, 1773d, 1774th, 1775th, 1776th, 1777th, 1778th, 1779th, 1780th, 1781st, 1782d, 1783d, 1784th, 1785th, 1786th, 1787th, 1788th, 1789th, 1790th, 1791st, 1792d, 1793d, 1794th, 1795th, 1796th, 1797th, 1798th, 1799th, 1800th, 1801st, 1802d, 1803d, 1804th, 1805th, 1806th, 1807th, 1808th, 1809th, 1810th, 1811th, 1812th, 1813th, 1814th, 1815th, 1816th, 1817th, 1818th, 1819th, 1820th, 1821st, 1822d, 1823d, 1824th, 1825th, 1826th, 1827th, 1828th, 1829th, 1830th, 1831st, 1832d, 1833d, 1834th, 1835th, 1836th, 1837th, 1838th, 1839th, 1840th, 1841st, 1842d, 1843d, 1844th, 1845th, 1846th, 1847th, 1848th, 1849th, 1850th, 1851st, 1852d, 1853d, 1854th, 1855th, 1856th, 1857th, 1858th, 1859th, 1860th, 1861st, 1862d, 1863d, 1864th, 1865th, 1866th, 1867th, 1868th, 1869th, 1870th, 1871st, 1872d, 1873d, 1874th, 1875th, 1876th, 1877th, 1878th, 1879th, 1880th, 1881st, 1882d, 1883d, 1884th, 1885th, 1886th, 1887th, 1888th, 1889th, 1890th, 1891st, 1892d, 1893d, 1894th, 1895th, 1896th, 1897th, 1898th, 1899th, 1900th, 1901st, 1902d, 1903d, 1904th, 1905th, 1906th, 1907th, 1908th, 1909th, 1910th, 1911th, 1912th, 1913th, 1914th, 1915th, 1916th, 1917th, 1918th, 1919th, 1920th, 1921st, 1922d, 1923d, 1924th, 1925th, 1926th, 1927th, 1928th, 1929th, 1930th, 1931st, 1932d, 1933d, 1934th, 1935th, 1936th, 1937th, 1938th, 1939th, 1940th, 1941st, 1942d, 1943d, 1944th, 1945th, 1946th, 1947th, 1948th, 1949th, 1950th, 1951st, 1952d, 1953d, 1954th, 1955th, 1956th, 1957th, 1958th, 1959th, 1960th, 1961st, 1962d, 1963d, 1964th, 1965th, 1966th, 1967th, 1968th, 1969th, 1970th, 1971st, 1972d, 1973d, 1974th, 1975th, 1976th, 1977th, 1978th, 1979th, 1980th, 1981st, 1982d, 1983d, 1984th, 1985th, 1986th, 1987th, 1988th, 1989th, 1990th, 1991st, 1992d, 1993d, 1994th, 1995th, 1996th, 1997th, 1998th, 1999th, 2000th, 2001st, 2002d, 2003d, 2004th, 2005th, 2006th, 2007th, 2008th, 2009th, 2010th, 2011th, 2012th, 2013th, 2014th, 2015th, 2016th, 2017th, 2018th, 2019th, 2020th, 2021st, 2022d, 2023d, 2024th, 2025th, 2026th, 2027th, 2028th, 2029th, 2030th, 2031st, 2032d, 2033d, 2034th, 2035th, 2036th, 2037th, 2038th, 2039th, 2040th, 2041st, 2042d, 2043d, 2044th, 2045th, 2046th, 2047th, 2048th, 2049th, 2050th, 2051st, 2052d, 2053d, 2054th, 2055th, 2056th, 2057th, 2058th, 2059th, 2060th, 2061st, 2062d, 2063d, 2064th, 2065th, 2066th, 2067th, 2068th, 2069th, 2070th, 2071st, 2072d, 2073d, 2074th, 2075th, 2076th, 2077th, 2078th, 2079th, 2080th, 2081st, 2082d, 2083d, 2084th, 2085th, 2086th, 2087th, 2088th, 2089th, 2090th, 2091st, 2092d, 2093d, 2094th, 2095th, 2096th, 2097th, 2098th, 2099th, 2100th, 2101st, 2102d, 2103d, 2104th, 2105th, 2106th, 2107th, 2108th, 2109th, 2110th, 2111th, 2112th, 2113th, 2114th, 2115th, 2116th, 2117th, 2118th, 2119th, 2120th, 2121st, 2122d, 2123d, 2124th, 2125th, 2126th, 2127th, 2128th, 2129th, 2130th, 2131st, 2132d, 2133d, 2134th, 2135th, 2136th, 2137th, 2138th, 2139th, 2140th, 2141st, 2142d, 2143d, 2144th, 2145th, 2146th, 2147th, 2148th, 2149th, 2150th, 2151st, 2152d, 2153d, 2154th, 2155th, 2156th, 2157th, 2158th, 2159th, 2160th, 2161st, 2162d, 2163d, 2164th, 2165th, 2166th, 2167th, 2168th, 2169th, 2170th, 2171st, 2172d, 2173d, 2174th, 2175th, 2176th, 2177th, 2178th, 2179th, 2180th, 2181st, 2182d, 2183d, 2184th, 2185th, 2186th, 2187th, 2188th, 2189th, 2190th, 2191st, 2192d, 2193d, 2194th, 2195th, 2196th, 2197th, 2198th, 2199th, 2200th, 2201st, 2202d, 2203d, 2204th, 2205th, 2206th, 2207th, 2208th, 2209th, 2210th, 2211th, 2212th, 2213th, 2214th, 2215th, 2216th, 2217th, 2218th, 2219th, 2220th, 2221st, 2222d, 2223d, 2224th, 2225th, 2226th, 2227th, 2228th, 2229th, 2230th, 2231st, 2232d, 2233d, 2234th, 2235th, 2236th, 2237th, 2238th, 2239th, 2240th, 2241st, 2242d, 2243d, 2244th, 2245th, 2246th, 2247th, 2248th, 2249th, 2250th, 2251st, 2252d, 2253d, 2254th, 2255th, 2256th, 2257th, 2258th, 2259th, 2260th, 2261st, 2262d, 2263d, 2264th, 2265th, 2266th, 2267th, 2268th, 2269th, 2270th, 2271st, 2272d, 2273d, 2274th, 2275th, 2276th, 2277th, 2278th, 2279th, 2280th, 2281st, 2282d, 2283d, 2284th, 2285th, 2286th, 2287th, 2288th, 2289th, 2290th, 2291st, 2292d, 2293d, 2294th, 2295th, 2296th, 2297th, 2298th, 2299th, 2300th, 2301st, 2302d, 2303d, 2304th, 2305th, 2306th, 2307th, 2308th, 2309th, 2310th, 2311th, 2312th, 2313th, 2314th, 2315th, 2316th, 2317th, 2318th, 2319th, 2320th, 2321st, 2322d, 2323d, 2324th, 2325th, 2326th, 2327th, 2328th, 2329th, 2330th, 2331st, 2332d, 2333d, 2334th, 2335th, 2336th, 2337th, 2338th, 2339th, 2340th, 2341st, 2342d, 2343d, 2344th, 2345th, 2346th, 2347th, 2348th, 2349th, 2350th, 2351st, 2352d, 2353d, 2354th, 2355th, 2356th, 2357th, 2358th, 2359th, 2360th, 2361st, 2362d, 2363d, 2364th, 2365th, 2366th, 2367th, 2368th, 2369th, 2370th, 2371st, 2372d, 2373d, 2374th, 2375th, 2376th, 2377th, 2378th, 2379th, 2380th, 2381st, 2382d, 2383d, 2384th, 2385th, 2386th, 2387th, 2388th, 2389th, 2390th, 2391st, 2392d, 2393d, 2394th, 2395th, 2396th, 2397th, 2398th, 2399th, 2400th, 2401st, 2402d, 2403d, 2404th, 2405th, 2406th, 2407th, 2408th, 2409th, 2410th, 2411th, 2412th, 2413th, 2414th, 2415th, 2416th, 2417th, 2418th, 2419th, 2420th, 2421st, 2422d, 2423d, 2424th, 2425th, 2426th, 2427th, 2428th, 2429th, 2430th, 2431st, 2432d, 2433d, 2434th, 2435th, 2436th, 2437th, 2438th, 2439th, 2440th, 2441st, 2442d, 2443d, 2444th, 2445th, 2446th, 2447th, 2448th, 2449th, 2450th, 2451st, 2452d, 2453d, 2454th, 2455th, 2456th, 2457th, 2458th, 2459th, 2460th, 2461st, 2462d, 2463d, 2464th, 2465th, 2466th, 2467th, 2468th, 2469th, 2470th, 2471st, 2472d, 2473d, 2474th, 2475th, 2476th, 2477th, 2478th, 2479th, 2480th, 2481st, 2482d, 2483d, 2484th, 2485th, 2486th, 2487th, 2488th, 2489th, 2490th, 2491st, 2492d, 2493d, 2494th, 2495th, 2496th, 2497th, 2498th, 2499th, 2500th, 2501st, 2502d, 2503d, 2504th, 2505th, 2506th, 2507th, 2508th, 2509th, 2510th, 2511th, 2512th, 2513th, 2514th, 2515th, 2516th, 2517th, 2518th, 2519th, 2520th, 2521st, 2522d, 2523d, 2524th, 2525th, 2526th, 2527th, 2528th, 2529th, 2530th, 2531st, 2532d, 2533d, 2534th, 2535th, 2536th, 2537th, 2538th, 2539th, 2540th, 2541st, 2542d, 2543d, 2544th, 2545th, 2546th, 2547th, 2548th, 2549th, 2550th, 2551st, 2552d, 2553d, 2554th, 2555th, 2556th, 2557th, 2558th, 2559th, 2560th, 2561st, 2562d, 2563d, 2564th, 2565th, 2566th, 2567th, 2568th, 2569th, 2570th, 2571st, 2572d, 2573d, 2574th, 2575th, 2576th, 2577th, 2578th, 2579th, 2580th, 2581st, 2582d, 2583d, 2584th, 2585th, 2586th, 2587th, 2588th, 2589th, 2590th, 2591st, 2592d, 2593d, 2594th, 2595th, 2596th, 2597th, 2598th, 2599th, 2600th, 2601st, 2602d, 2603d, 2604th, 2605th, 2606th, 2607th, 2608th, 2609th, 2610th, 2611th, 2612th, 2613th, 2614th, 2615th, 2616th, 2617th, 2618th, 2619th, 2620th, 2621st, 2622d, 2623d, 2624th, 2625th, 2626th, 2627th, 2628th, 2629th, 2630th, 2631st, 2632d, 2633d, 2634th, 2635th, 2636th, 2637th, 2638th, 2639th, 2640th, 2641st, 2642d, 2643d, 2644th, 2645th, 2646th, 2647th, 2648th, 2649th, 2650th, 2651st, 2652d, 2653d, 2654th, 2655th, 2656th, 2657th, 2658th, 2659th, 2660th, 2661st, 2662d, 2663d, 2664th, 2665th, 2666th, 2667th, 2668th, 2669th, 2670th, 2671st, 2672d, 2673d, 2674th, 2675th, 2676th, 2677th, 2678th, 2679th, 2680th, 2681st, 2682d, 2683d, 2684th, 2685th, 2686th, 2687th, 2688th, 2689th, 2690th, 2691st, 2692d, 2693d, 2694th, 2695th, 2696th, 2697th, 2698th, 2699th, 2700th, 2701st, 2702d, 2703d, 2704th, 2705th, 2706th, 2707th, 2708th, 2709th, 2710th, 2711th, 2712th, 2713th, 2714th, 2715th, 2716th, 2717th, 2718th, 2719th, 2720th, 2721st, 2722d, 2723d, 2724th, 2725th, 2726th, 2727th, 2728th, 2729th, 2730th, 2731st, 2732d, 2733d, 2734th, 2735th, 2736th, 2737th, 2738th, 2739th, 2740th, 2741st, 2742d, 2743d, 2744th, 2745th, 2746th, 2747th, 2748th, 2749th, 2750th, 2751st, 2752d, 2753d, 2754th, 2755th, 2756th, 2757th, 2758th, 2759th, 2760th, 2761st, 2762d, 2763d, 2764th, 2765th, 2766th, 2767th, 2768th, 2769th, 2770th, 2771st, 2772d, 2773d, 2774th, 2775th, 2776th, 2777th, 2778th, 2779th, 2780th, 2781st, 2782d, 2783d, 2784th, 2785th, 2786th, 2787th, 2788th, 2789th, 2790th, 2791st, 2792d, 2793d, 2794th, 2795th, 2796th, 2797th, 2798th, 2799th, 2800th, 2801st, 2802d, 2803d, 2804th, 2805th, 2806th, 2807th, 2808th, 2809th, 2810th, 2811th, 2812th, 2813th, 2814th, 2815th, 2816th, 2817th, 2818th, 2819th, 2820th, 2821st, 2822d, 2823d, 2824th, 2825th, 2826th, 2827th, 2828th, 2829th, 2830th, 2831st, 2832d, 2833d, 2834th, 2835th, 2836th, 2837th, 2838th, 2839th, 2840th, 2841st, 2842d, 2843d, 2844th, 2845th, 2846th, 2847th, 2848th, 2849th, 2850th, 2851st, 2852d, 2853d, 2854th, 2855th, 2856th, 2857th, 2858th, 2859th, 2860th, 2861st, 2862d, 2863d, 2864th, 2865th, 2866th, 2867th, 2868th, 2869th, 2870th, 2871st, 2872d, 2873d, 2874th, 2875th, 2876th, 2877th, 2878th, 2879th, 2880th, 2881st, 2882d, 2883d, 2884th, 2885th, 2886th, 2887th, 2888th, 2889th, 2890th, 2891st, 2892d, 2893d, 2894th, 2895th, 2896th, 2897th, 2898th, 2899th, 2900th, 2901st, 2902d, 2903d, 2904th, 2905th, 2906th, 2907th, 2908th, 2909th, 2910th, 2911th, 2912th, 2913th, 2914th, 2915th, 2916th, 2917th, 2918th, 2919th, 2920th, 2921st, 2922d, 2923d, 2924th, 2925th, 2926th, 2927th, 2928th, 2929th, 2930th, 2931st, 2932d, 2933d, 2934th, 2935th, 2936th, 2937th, 2938th, 2939th, 2940th, 2941st, 2942d, 2943d, 2944th, 2945th, 2946th, 2947th, 2948th, 2949th, 2950th, 2951st, 2952d, 2953d, 2954th, 2955th, 2956th, 2957th, 2958th, 2959th, 2960th, 2961st, 2962d, 2963d, 2964th, 2965th, 2966th, 2967th, 2968th, 2969th, 2970th, 2971st, 2972d, 2973d, 2974th, 2975th, 2976th, 2977th, 2978th, 2979th, 2980th, 2981st, 2982d, 2983d, 2984th, 2985th, 2986th, 2987th, 2988th, 2989th, 2990th, 2991st, 2992d, 2993d, 2994th, 2995th, 2996th, 2997th, 2998th, 2999th, 3000th, 3001st, 3002d, 3003d, 3004th, 3005th, 3006th, 3007th, 3008th, 3009th, 3010th, 3011th, 3012th, 3013th, 3014th, 3015th, 3016th, 3017th, 3018th, 3019th, 3020th, 3021st, 3022d, 3023d, 3024th, 3025th, 3026th, 3027th, 3028th, 3029th, 3030th, 3031st, 3032d, 3033d, 3034th, 3035th, 3036th, 3037th, 3038th, 3039th, 3040th, 3041st, 3042d, 3043d, 3044th, 3045th, 3046th, 3047th, 3048th, 3049th, 3050th, 3051st, 3052d, 3053d, 3054th, 3055th, 3056th, 3057th, 3058th, 3059th, 3060th, 3061st, 3062d, 3063d, 3064th, 3065th, 3066th, 3067th, 3068th, 3069th, 3070th, 3071st, 3072d, 3073d, 3074th, 3075th, 3076th, 3077th, 3078th, 3079th, 3080th, 3081st, 3082d, 3083d, 3084th, 3085th, 3086th, 3087th, 3088th, 3089th, 3090th, 3091st, 3092d, 3093d, 3094th, 3095th, 3096th, 3097th, 3098th, 3099th, 3100th, 3101st, 3102d, 3103d, 3104th, 3105th, 3106th, 3107th, 3108th, 3109th, 3110th, 3111th, 3112th, 3113th, 3114th, 3115th, 3116th, 3117th, 3118th, 3119th, 3120th, 3121st, 3122d, 3123d, 3124th, 3125th, 3126th, 3127th, 3128th, 3129th, 3130th, 3131st, 3132d, 3133d, 3134th, 3135th, 3136th, 3137th, 3138th, 3139th, 3140th, 3141st, 3142d, 3143d, 3144th, 3145th, 3146th, 3147th, 3148th, 3149th, 3150th, 3151st, 3152d, 3153d, 3154th, 3155th, 3156th, 3157th, 3158th, 3159th, 3160th, 3161st, 3162d, 3163d, 3164th, 3165th, 3166th, 3167th, 3168th, 3169th, 3170th, 3171st, 3172d, 3173d, 3174th, 3175th, 3176th, 3177th, 3178th, 3179th, 3180th, 3181st, 3182d, 3183d, 3184th, 3185th, 3186th, 3187th, 3188th, 3189th, 3190th, 3191st, 3192d, 3193d, 3194th, 3195th, 3196th, 3197th, 3198th, 3199th, 3200th, 3201st, 3202d, 3203d, 3204th, 3205th, 3206th, 3207th, 3208th, 3209th, 3210th, 3211th, 3212th, 3213th, 3214th, 3215th, 3216th, 3217th, 3218th, 3219th, 3220th, 3221st, 3222d, 3223d, 3224th, 3225th, 3226th, 3227th, 3228th, 3229th, 3230th, 3231st, 3232d, 3233d, 3234th, 3235th, 3236th, 3237th, 3238th, 3239th, 3240th, 3241st, 3242d, 3243d, 3244th, 3245th, 3246th, 3247th, 3248th, 3249th, 3250th,

to a case which occurred in the last war in which a man lost both his hands, and he was allowed a pension of forty dollars a month.

Mr. TURNEY.—I have no doubt that this man was a very gallant soldier, but it seems to me that the question ought to be whether the general law on the subject of pensions should be modified. I know a man who lost his arms at Monterey, and who is receiving only the ordinary pension, and I will venture to say there is no difference in point of gallantry or bravery between the two individuals. I can see no reason for departure from the established rate of pension in the one case more than in the other. I see no reason why one should have forty dollars a month, and the other only eight or ten. I think that the law should be uniform in its operation; and if you are going to act upon such principles as this bill proposes, your entire revenue will be hardly sufficient to supply the pension list. I am entirely opposed to it. The individual was unfortunate in losing his arms, but not more unfortunate than many others are, and not entitled to more compensation than others who have been equally unfortunate, and who rendered equally important services. I can see no ground for making a distinction, and I am opposed to adopting a rule which will give to one a higher pension than another.

Mr. HANNEGAN.—My attention was called to this case yesterday by a very gallant and distinguished officer who has served not only in the present war, but in former wars. I mean Colonel Harney, who was himself conversant with the facts attending this case. I agree with the honorable Senator from Tennessee, that the pension laws ought to be uniform, but there must be exceptions to all general rules. The ordinary pension of ten dollars a month is sufficient in almost all ordinary cases of wounds, but here is an extraordinary case. This man is incapable of dressing or undressing himself. He is unable to feed himself. He is compelled to have the constant attendance of a servant, and the wages of that servant alone, would be equal in amount to an ordinary pension. As was stated by the Senator from Louisiana, he lost both his arms at the battle of Churubusco. A cannon ball in the first place, carried off his right arm; his captain turned to him, and seeing his mutilated condition, told him to retire. He replied heroically, disregarding his wound—"this gun must be served—I can still do service—I will remain." Scarcely had he spoken, when his other hand was carried away. If ever there was a case which appealed directly to the government to support the individual who is a sufferer in its service, this, I think, is such a case.

Mr. PHELPS.—As one of the Committee on Pensions, I supported this bill on the ground that it was a very unusual case, and such a one as justified special legislation. I imagine that another case of a soldier having been so utterly incapacitated to take care of himself—I do not mean to earn his subsistence, but to supply his ordinary wants—cannot be found. Why should we alter the general pension law for a case that is not likely again to occur? The committee might have reportad a bill for amending the pension law so as to provide for cases in which men had lost both their arms, but in all human probability, such a case will not occur again in fifty years. How is this man to exist on eight dollars a month? He cannot carry a particle of food to his mouth. He cannot put on his clothes, or pull them off. I conceive that if there be a case in which the gratitude and generosity of the government can properly be exerted, it is such a case as this.

Mr. ATHERTON.—I move that this bill be laid upon the table for the present.

Mr. PHELPS.—I hope that the vote will be taken on the bill.

Mr. JOHNSON.—The committee were unanimous in recommending the passage of the bill.

Mr. ATHERTON withdrew his motion.

Mr. TURNEY.—I would like to know upon what principle it is, that we propose to give forty dollars a month to this individual. It is said that he has no relation or friends. This is certainly very strange. He must have lived in a strange community. It is stated that he must have a servant, and that it will take at least thirty dollars a month to pay the expenses of a servant. I believe that one may be procured for five dollars a month. I want to know what is to become of your Treasury if you are going to pay thirty dollars a month to a servant to attend upon pensioners. This principle of making distinctions, is to my mind extremely odious. The distinction in this case is, that the man has been brought here and exhibited in order to excite the sympathy of Senators. There are thousands of individuals at their homes who have been wounded, who do not seek to obtain an extraordinary pension. I ask for the yeas and nays.

Mr. JOHNSON.—This is a solitary case; probably there has not been such another during the whole war. During the last war with Great Britain there was but one such case, and the man was allowed forty dollars a month by a special enactment. The Senator from Tennessee says that a servant can be hired for five dollars a month. I imagine he is mistaken in this, but he does not recollect that the servant must also be boarded and clothed as well as the pensioner himself.

Mr. MOOR.—The pensioner named in this bill entered the army from Maine. He resided in the immediate neighborhood of my colleague, who has taken a deep interest in his relief. As he is not now in his seat, but is engaged on a committee of the Senate, I should move to pass it by informally until he could be present, if I apprehended any danger to its passage.

SEVERAL SENATORS.—Yes, yes, let the vote be taken.

Mr. MOOR.—I will occupy but a single moment. I think I cannot be mistaken in the indications of the Senate. A case of more merit cannot come before us. A soldier returning from the war, with one arm shot off and the other mutilated and rendered useless, and asks for the relief which your general pension laws do not grant for such disabilities. A gallant General of the army informs me that he received these wounds whilst standing at his post and manfully doing his duty in battle; that his disability is beyond that of any man who has come from the field. It is a disability which would very seldom occur. No general law would meet the case. It is not merely a case of absolute inability to earn a subsistence. He is even incapacitated from putting on his apparel without assistance. Only one similar case occurred during the last war with Great Britain, for which the same pension was granted that is provided in this bill. I will not delay the action of the Senate by offering any further reasons.

Mr. DAVIS, of Mississippi.—I am very unwilling to say anything on this subject, but it strikes me as highly necessary that we should pause before we enter upon this career of granting pensions. If you are to give this class of pensions for total disability, you must extend it to those who are disabled from other causes than the loss of their hands. You must extend it to those who are disabled by wounds of the spine, and such cases are numerous. I think we ought to establish some principle which shall be followed in the granting of pensions. If we are not to have an asylum for disabled soldiers—if we intend to adhere to the pension system as the only means of supporting them—we should make a provision for granting a higher pension to those who are totally disabled, in whatever manner their wounds may have been received. I object to special legislation for individual cases, when there are so many of a similar character requiring our aid.

No amendment being made, the bill was reported to the Senate.

The question being upon ordering the bill to be engrossed and read a third time, the yeas and nays were ordered and taken with the following result:

YEAS—Messrs. Allen, Atchison, Badger, Bagby, Benton, Bradbury, Calhoun, Clayton, Crittenden, Dix, Fitzgerald, Mangum, Mason, Miller, Moor, Phelps, Rusk, Spruance, Underwood, and Upham—21.

NAYS—Messrs. Ashley, Atherton, Davis, of Mississippi, Dix, Hale, Hunter, Lewis, Niles, and Turney—10.

So it was

Ordered, That the bill be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That the bill pass, and that the title thereof be as aforesaid

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

THE DEFICIENCY BILL.

On motion by Mr. ATHERTON, the Senate resumed the consideration of the bill further to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th June, 1848.

The question recurred; upon the motion to recede from the first amendment of the Senate, which had been disagreed to by the House, striking out the *proviso* to the item for the pay of two keepers of the public archives in Florida; and it was determined in the affirmative.

Mr. ATHERTON subsequently moved a reconsideration of the vote by which the Senate agreed to recede from this amendment in order to afford the Senators from Florida, who were absent when the vote was taken, an opportunity to vote upon it.

Messrs. WESTCOTT and YULEE strenuously advocated the amendment of the Senate; and insisted that the Senate should adhere to it.

Messrs. HALE, PHELPS, ATHERTON, DAVIS, of Massachusetts, and CRITTENDEN opposed the amendment.

The motion to reconsider was determined in the negative.

THE LOAN BILL.

The Senate resumed the consideration of the bill from the House of Representatives to authorize a loan not to exceed the sum of sixteen millions of dollars.

The question pending was upon ordering the amendments to be engrossed and the bill to be read a third time.

Mr. ATHERTON moved to amend the bill, immediately after the clause requiring the bids to be opened publicly, by adding "and no proposals shall be withdrawn after the same shall have been received at the Department," and explained that the object was to impose upon bidders the obligation of a contract, and thus to prevent the withdrawal of the higher bids in favor of the lower, to the loss of the government, by a combination between the bidders. He remarked that the amendment had been suggested by the honorable Senator from Vermont, [Mr. PHELPS,] and had the approbation of the Senator from Massachusetts, then absent, [Mr. WEBSTER.]

PUBLIC LANDS IN ALABAMA.

Agreeably to notice, Mr. BAGBY asked and obtained leave to bring in a bill to cede to the State of Alabama the lands unsold in that State, belonging to the United States, and remaining unsold after the first day of May, 1848, and for other purposes.

Mr. BAGBY said that in bringing forward this bill, he had two objects in view. The first was to terminate the unpleasant and embarrassing relation of landlord and tenant, between the State of Alabama and the government of the United States. The first section of the bill proposes to cede to the State of Alabama, all the public lands lying in that State, and remaining unsold, on the first day of May next, exempting from the operation of the bill, pre-emption rights, the right to reservations under the Indian treaties, and grants under treaties with foreign nations. The records of the treasury show, that the proceeds of the sales of the public lands in Alabama, exceed by several millions of dollars, the amount paid for the territory lying within the limits of that State to foreign nations, for the extinguishment of the Indian title, and all the expenses of surveying and selling the land.

The second section cedes to the States all the land lying within their respective limits so soon as it is ascertained from the returns in the Treasury Department, that the proceeds of the sales of the lands in such States has re-imbursed the general government all the expenses, as indicated in the first section of the bill. Thus, the Senate will perceive, that the ground upon which this system for the extinction of the title of the United States, in the public land lying in the different States of the Union, is, that the government shall have been reimbursed the purchase money and all the expenses incident to the public those states.

This in itself, is, in my judgment, a consideration of very great weight, entirely sufficient not only to authorize, but to demand the passage of this bill. In addition to this high and weighty consideration of a general nature, there is another, but little inferior in importance; and that is the constant practice of making appropriations of the public land to purposes of internal improvement, in violation of the constitutional power of Congress, and in direct conflict with the rights of the States, and as I believe, the true interest of the people. I do not propose to go at length into these views now, I ask, that the bill may be twice read, and referred to the Committee on Public Lands, and upon the coming in of their report, I shall with the permission of the Senate, perhaps, give my views at more length.

The bill was read the first and second times by unanimous consent, and referred to the Committee on Public Lands.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary :

To the Senate of the United States :

I transmit herewith a report of the Secretary of State with accompanying documents, in compliance with the resolution of the Senate, of the 17th inst., requesting the President to communicate to that body "copies of the correspondence between the minister of the United States at London and any authorities of the British government, in relation to a postal arrangement between the two countries."

JAMES K. POLK.

Washington, March 27, 1848.

On motion by Mr. NILES, it was

Ordered, That it be referred to the Committee on the Post Office and Post Roads, and be printed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk :

Mr. President: The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate for the signature of their President.

The House of Representatives have passed the bill of the Senate to provide for the compensation of Samuel Leech for services in the investigation of suspected title to the Mineral Point District, Wisconsin, with an amendment, in which they request the concurrence of the Senate.

They have passed the bill of the Senate in addition to an act for the relief of Walter Lowrie, and Alex. Grant, approved July 20, 1846.

They have agreed to the resolution concerning the settlement of the accounts of [illegible] in the Navy of the United States, and a number of private [illegible]

I am also directed to ask the concurrence of the Senate.

SIGNING OF A BILL.

The VICE PRESIDENT signed the enrolled bill entitled "An act further to supply deficiencies in the appropriations for the service of the fiscal year ending 30th June, 1848."

CALIFORNIA CLAIMS.

Mr. CASS gave notice that on to-morrow, during the morning hour, he should move to proceed to the consideration of the bill for ascertaining and paying the California claims.

GRANT OF LAND TO LOUISIANA.

On motion by Mr. JOHNSON, of Louisiana, the prior orders were suspended and the Senate proceeded to consider, as in Committee of the Whole, the bill to grant to the State of Louisiana certain lands for internal improvement.

Mr. JOHNSON remarked, that as he would be compelled to leave the city to-morrow in consequence of a domestic calamity, he trusted that the Senate would oblige him by allowing the bill to be acted upon at once.

Mr. BAGBY was sorry that he could not yield to the request of the honorable Senator. The bill contained, as he apprehended, a principle to which he entertained decided hostility. He could not consent that the bill should be allowed to pass without expressing his opposition to it; much less could he suffer it to pass without the usual forms of legislation. It was an attempt to do indirectly that which he had contended throughout his whole public life could not be done directly. Entertaining such views, it would be perceived that he could not assent to the request of the Senator from Louisiana.

Mr. DIX inquired whether the bill had been taken up.

The PRESIDING OFFICER replied that the bill was before the Senate and was open to amendment.

Mr. DIX then remarked that he had not heard the question put on taking up the bill.

Mr. DICKINSON said that it might be all right, but he thought the procedure somewhat singular.

Mr. ASHLEY observed that the bill had been submitted to the Committee on Public Lands at the session before last, and had been amended. The evidence before the committee was quite conclusive that the land was of little or no value, and that great public interests would be subserved by making the grant. The committee unanimously concurred in reporting the bill: and he believed that there was no substantial reason against its passage.

Mr. BAGBY said that to his mind the objections were at all events fundamental and conclusive. The honorable Senator from Louisiana put the bill on the ground that the land was in the first instance to be appropriated to the State and afterwards to the Railroad company for the purpose of constructing their road. Where then was the difference in interposing the State as the *conduit* through which the grant was to be given, and making it directly? It was remarked by the Senator from Arkansas that the land was of little or no value. How had it happened then that it was sought by the State and afterwards by the railroad company? How could it contribute to the construction of the road? He denied that any benefit had ever resulted to the treasury from these grants of land, and asked those who thought otherwise to point to any statistics which presented to the contrary.

Mr. DOWNS said he believed it had been customary to make such grants of lands in other States, and if his recollection was correct a series of resolutions had been offered which would come up hereafter for discussion, and it would then be a more favorable time to discuss the subject than at present. He hoped, then, that as this was a matter in which so many interests were involved there would be no further opposition to the passage of the bill. There was, as gentlemen had said, a plan for a railroad from New Orleans to the Gulf to facilitate the communication with the sea, and the company had obtained the privilege of running their road through the property of private individuals, but they had no authority for passing through the domain belonging to the United States. It was a matter of small value to this government but of much importance to that part of the country; and he hoped, therefore, that all objection would be withdrawn.

Mr. ASHLEY remarked, that when he had characterized the public lands there as being of no value he meant by it, that they were of no value unimproved. According to the evidence before the committee, it appeared that the lands were situated in a swamp and that there was no settlement in the neighborhood; that the location was desirable as the termination of this railroad, and that this improvement might make them valuable. When this bill was originally introduced it proposed to make the grant to the railroad company. The committee, however, were not disposed to make the grant to the company, but they were disposed to make the grant to the State as a portion of the land the State was rightfully entitled to, and inasmuch as other States had received similar grants. All sovereignties were equal, and he could not conceive how it could be just and proper for Ohio and Indiana to receive four or five times as much as other States of the Union out of the public domain. It seemed to him that if the government adopted the principle of making grants of lands to States, these grants should be equal. It was not proposed that the government should construct works of internal improvement, it was merely proposed to make a grant to the State to aid her in making works for internal improvement, as other States had received similar grants. This was the view which had influenced the committee.

Mr. ATHERTON moved that the bill be laid on the table for the present, in order to proceed to the consideration of the special order of the day.

The question was taken, and on a division was decided in the affirmative.—Ayes 29—Noes 12.

MOTION TO RECONSIDER.

Mr. BAGBY moved to reconsider the vote of the Senate, on Friday last, on the passage of a bill granting a pension to Patrick Walker.

Ordered, That the consideration of the motion be postponed until to-morrow.

THE LOAN BILL.

The Senate resumed the consideration of the bill from the House of Representatives, to authorize a loan not to exceed the sum of sixteen millions of dollars.

Mr. NILES.—There seems to be a desire to hurry this bill through, and although under the circumstances I have no disposition to delay its progress, yet I do not know that I shall have a more fitting occasion to say something—as I desire to do—in regard to our revenue system, and in regard to the present state of our finances. I shall take leave therefore to present to the Senate, for a very short time, some considerations on these subjects. I am very well aware, sir, that this is at best but a dry subject, consisting of details and figures, and that I can hardly expect to command the attention of this body to any thing that I may be disposed to suggest; and especially at a time when the whole subject of the revenue and of the finances of the country—in time of war usually considered of the first and highest importance—seems to be regarded now, and to have been regarded at the last session of Congress, as deserving of no attention at our hands. Sir, my honorable friend, the chairman of the Committee on Finance, in opening his Treasury budget here the other day, introduced his remarks by observing that it would be a great descent to come down from considering the state of those countries in Europe which had been brought under consideration, with their new-born and rising liberty, to the examination of the state of our finances. Well, I concur with my honorable friend, that even without assuming any unusual elevation of thought or imagination, but standing here on the footstool of the Senate, it will, I apprehend, be something of a descent, it will be penetrating into a place of obscurity, if not dreariness, to look into the present state of our finances. At the same time, sir, I think it is a duty which we owe to the country to do so, and although this body has no power to originate revenue bills; yet it is not the less a duty which it owes to the country to examine into the state of the revenue and see whether it is in as sound a condition as it ought to be; and if we find it not sound, to look ahead for a few years and see what condition it may be in at the end of one or two more fiscal years.

In regard to this bill I shall vote for it, not because it is such a bill as I could desire to vote for, but because it is the best I can hope to obtain. I suppose we are to have no other. And now, I wish to enquire of the honorable Senator, who is the representative of the Treasury here, whether he is informed that any other financial measure is to be brought before the Senate?

Mr. ATHERTON.—I will say in reply to the Senator, that I do not know of any, but I beg him to recollect that as far as regards the original revenue bills they do not belong to the Senate.

Mr. NILES.—I am aware that it is not the province of the Finance Committee of this body to bring forward revenue measures; but the chairman of that committee is supposed to know the wishes of the Treasury, where, latterly, measures of revenue seem to have their origin, and my inquiry was designed to obtain information from that source if the honorable chairman could furnish it. I presume then, that we are to have no other measure than this, and that this must be regarded as the measure of the session for supplying the wants of the Treasury. This is a bill to supply the Treasury by a loan, and we are to have no other. I shall vote for it, because the Treasury must be provided for, and I have no reason to believe that this bill will more than supply the wants of the Treasury; indeed my belief is, that it will fall short of furnishing enough for all the wants of the Treasury.

I am not disposed to go over the whole of the reports and estimates of the Treasury-Department, for I think probably we may have reason to believe, from all we have seen of them, that they are not entitled to the utmost confidence. We are called on to pass this bill, to supply the deficiencies of the treasury for the present fiscal year—sixteen millions of dollars; twelve millions and a half that are actually wanted for disbursements, and the additional sum as a convenient surplus to facilitate the operations of the treasury. Well, now, sir, I have not forgotten that in January a year ago we had a bill before us for a loan, or the issue of treasury notes, to the amount of twenty-three millions of dollars, with the authority to renew the act of the previous session authorizing the issue of treasury notes to the amount of five millions; and we were then told that that supply would meet the demands of the treasury for the then fiscal year and for the present fiscal year, carrying on the operations of the government until the first of July next. I know it was said then by some gentlemen that they apprehended it would be found insufficient; but such was the estimate from the treasury, such was the view presented here, and under this view the bill was passed. We are now told that twelve millions and a half more is wanted to complete the present year, showing that there was an error in the estimates to that amount, and according to the estimates made at the commencement of the present session, the deficiency was represented to be about eighteen millions of dollars.—Afterwards a mistake to the amount of nearly seven millions was discovered, from which it was claimed that the treasury was to that amount in a better condition than had been supposed; but since then a new mistake has been discovered on the other side, showing that the treasury is not in so good a condition by at least a million and half, as it was supposed to be after the discovery of the first mistake.

Now, sir, these large errors in the reports from the department are not calculated to inspire much confidence in what may come from the treasury on this subject. But it is not my purpose in making an examination to go behind the reports that we get from the treasury. I take them as we find them, and I shall vote for this bill, because I am satisfied that the amount it proposes to supply is at least required. The only question, then, that can be made in regard to this bill, it be ng admitted that this money is wanted, and that there is to be no other proposition for supplying the treasury in a different form by increasing our revenue, or in any other way—the only question that can remain, is, as to the form and mode of supplying this deficiency by way of loan; whether in the form proposed by this bill or by treasury notes, or compounded of the two forms, as was the character of the bill of last year. I did not know but we should have a proposition to amend this bill, by an authority to issue treasury notes. I am satisfied, however, with the bill as it is, though I believe the commercial community will be of opinion that treasury notes would be more favorable to the financial condition of the country—more likely to promote the commercial and financial interests of the country—still I am not sure but a direct loan is on the whole a better mode.

Whilst the condition of our revenue is by no means such as it ought to be in my judgment, and wholly inadequate to the demands of the treasury in time of war, it is gratifying to perceive that our finances in a more limited sense, considered independently of the state of our revenue, are, and have been, in a very satisfactory condition. I think that our finances in this view, are, and have been in a state of soundness, that is unexampled during a period of war in this country or in any other; for the almost necessary operation of a state of war in any country, is to derange its currency, and more or less to effect its commercial and financial interests of every description. This has generally arisen from the unusual use of its credit by the government in one of two forms, and sometimes in both. Either by direct use of the credit of the government in the form of treasury notes, exchequer bills, or whatever they may be called, or by loans, which are merely the use of the credit of banks, or paper issued in some form, which is not money, nor the real representative of specie. We all know very well that during the last war with Great Britain the financial operations of this government were in both of these forms—that treasury notes were issued to a very large amount—that the loans that were made were mere loans of credit, loans made of banks, or capitalists, all of which were satisfied by bank notes; and those notes having a great depreciation in value at the time. These measures, sir, were productive of a great loss to the government, in its direct operations by receiving as money depreciated paper, and indirectly by inflating the currency, and increasing the value of everything which the government had to purchase during a state of war, so that during the whole of the war the value received for the loans made by the government, though nominally eighty per cent., were probably not over fifty per cent. But we have experienced during the present war nothing of this; we have been able to negotiate loans at par, and have, of course, received full value; and by not interfering with the paper currency of the country in any form, we have avoided any dangerous or pernicious inflation of the currency. And these results, permit me to say, are mainly attributable to one great measure, which I feel proud, sir, in having had some little agency after a long struggle in getting through this body, that is to say, the independent treasury law. I believe that law, sir, has had a most salutary effect every way, both upon the finances of the government, the finances of the country, and upon the commerce of the country. It has been tested at a very important period, a period of war, when this government has been called upon to collect and disburse sixty millions of dollars a year, and all this has been conducted by bringing into operation the specie principle without disturbing even in a moderate degree the currency of the country. I should like to know how any measure could be more fully, more satisfactorily tested than this great measure has been during the past two years? And suppose these sixty millions had gone into your banks what would have been the inevitable consequence to all our interests—to the government directly—to the commercial interests of the country; and above all, sir, permit me to say to the manufacturing interests. I avow myself the friend of that interest, yet not more than others. This law has proved a great conservative principle, for though it may not be sufficient, with a very defective system of revenue to sustain that interest; still it has done much towards maintaining it in that state of prosperity which it has experienced for the last two years. If we had received and disbursed paper, what would have been the necessary—the inevitable result? It would have been that the whole revenue, part of it in specie, and the twenty-two millions of specie imported, would have gone into the banks, and it would have been substituted in circulation by the paper of the banks, the result of which must have been an inflation of the whole currency of the country, probably to the extent of fifty per cent at least. This we all know. It is not a state of things to which the country is a stranger. We know the consequence would have been to have given an artificial value to everything, and that the financial result would have been distress in the highest degree, and all the evils and sacrifices of a depreciated currency and ruinous speculation. And on the return of peace under circumstances like these—always hailed with joy—always looked forward to by the commercial classes, as a point of new departure—as the commencement of new and more active enterprises in business—would have been found a period of a terrible re-action; and the high state of prices to which everything had been carried would have had to come down, bringing with it ruinous sacrifices. Instead of that happy period which the country would have a right to expect on

the return of peace, there would have been a long ordeal of two years at least, to be passed before the commerce of the country would have resumed a healthful state. The effects of this period of excitement during the war, on the one hand, and the depression after its close, on the other, we have avoided by the adoption of the great principle of separating the funds of the government from those of the banks, and by restricting our transactions, both as regards the receipts and the disbursements of the finances of the government to specie. I know my friends over the way have condemned this measure very strenuously. It has been made, as is almost every other, a party measure; and if they could get into power, I am very apprehensive that they would, as they did on a former occasion, repeal the law, without being able to substitute any other in its place, and thus revive the deposit system. If I supposed they would regard anything that I might say, I would warn them against a course like this—against doing so foolish a thing. I would warn them against disregarding the results of the experience which we have had upon this subject. I would warn them against reviving a disastrous connection between the treasury and the banking system of this country—bad enough at best, defective enough in any view—but rendered infinitely more so by its connection with the financial affairs of the government. Even Mr Biddle, who is good authority with the other side of the chamber, after his large experience, said that the breaking up of this connection was a good thing both for the country and the banks, for that the connection had always been injurious to both.

Although I think that our finances are sound at this time, and that the affairs of the treasury are going along very well, that it is enabled to perform all its necessary functions: at the same time, I must say, that I think it is a short sighted and unwise policy, to go on as we have done, depending for all the extraordinary demands of the treasury, on a system of loans. I consider this as being a mistaken policy; certainly it is a new policy, new in this country, new I believe, in every other. It necessarily results in creating a large public debt; and that will be the result of that debt, when this war shall be brought to a close, is a question which I believe is involved in some obscurity at present. Still we are all aware that the whole amount of the expenses of the war, have gone to swell the amount of the debt, as the revenue has hardly been equal to the ordinary demands upon the treasury. We have provided no revenue for the war; no war taxes, or revenue of any kind. I believe it is not claimed in any quarter that we have. We have made no provision for the extraordinary expenses of the war. We have a revenue from customs and public lands. Our revenue from customs has not been increased with a view to provide for the expenses of the war, but on the contrary, the law was modified after the commencement of the war, as I supposed at the time, and and as was generally believed, with a view to a reduction of revenue. I know it has since been claimed, that the new system has increased the revenue, that we get more revenue under the present law, than we did under the act of 1842. I think the fact is not so, sir, but however this may be, if it is a consequence, it certainly was not the design or purpose at the time. It was introduced and carried through Congress, as a measure for reducing duties, and thus lightening the burthen upon commerce, and upon the country. Well, sir, I did not concur in that measure. I did not concur in it even as a measure adapted to the condition of the country in time of peace. I believed it was a measure not the best calculated, not the most efficient for revenue, and though many, perhaps a great portion of the people, have been taught to believe that it has proved itself to be a most efficient revenue measure, still I am of the same opinion as I was at that time, that the measure is hardly sufficient for the wants of the treasury, even in time of peace; of course it was altogether insufficient for a state of war, and has forced upon us the necessity of providing for the extraordinary expenses of the war by loans.

Mr. President, before looking into the present state of the finances, I have a few remarks to make in relation to our revenue system for some years back. I believe that the country has been under a very great mistake, in regard to the efficiency of our revenue system, for a long series of years. I remember when we were troubled very much with a surplus revenue, when we had, as was supposed, so much that we did not know what to do with it. I recollect very well at that time, that the honorable Senator from Missouri, told us that we had no surplus. I thought differently, and I voted with the majority. We had an actual surplus; still that surplus was, as the result proved, a mere anticipation of the revenue of future years, and experience has proved that the Senator from Missouri was correct, that we had no surplus, because to judge of the efficiency of your revenue system, you must not take a single year, but a series of years, and if during that series you find a surplus, you will establish a fact to act upon, when you proceed to provide such a state of things. I find on looking back to 1833, when the system of reduction commenced, and tracing it down to 1842, a period of ten years, there was an actual deficiency of revenue from customs, taken in connection with the ordinary land revenue, of about fifty millions of dollars. This was at the very period when Congress was disposing of a surplus revenue, and such has been the irregular action of our revenue system. The revenue from customs during the period to which I have alluded averaged about fifteen millions and a half, while the expenses of the government were not less than from twenty-three to twenty-four millions. If you add then to the revenue from customs, the only remaining revenue, which is that from public lands, say two millions and a half a year, you have a total revenue of eighteen millions, with an average expenditure of between twenty-three or twenty-four millions annually—making a deficiency in the course of the ten years of more than fifty millions. This deficiency was provided for, in the first place by the very extraordinary speculations which took place in the public lands swelling the revenue from that source, in three years, 1835, '36, and '37, to nearly fifty millions of dollars. Twenty-eight millions of this was distributed among the States, leaving, however, a large surplus in the Treasury. But, in addition to this, we had at that time a large fund, the result of former revenues in the stock of the bank of the United States to the amount of seven millions and a half. In addition to these extensive sources of supply, we had to issue Treasury notes during that session, in three years, 1835, '36, and '37, to nearly fifty millions of dollars. Twenty-eight millions of this was distributed among the States, leaving, however, a large surplus in the Treasury. But, in addition to this, we had at that time a large fund, the result of former revenues in the stock of the bank of the United States to the amount of seven millions and a half. In addition to these extensive sources of supply, we had to issue Treasury notes during the administration of Mr. Van Buren, leaving at the close of this administration about six millions outstanding, and the administration coming in immediately after finding the finances in a low state was obliged to have recourse to loans immediately—thus increasing the public debt—until in 1842, before the act of that year went into operation to about twenty-three millions. These facts being so, it is very evident that we have had a deficient revenue from customs for a long period of time. During the three years which followed the passage of the act of 1842, the revenue was something more than the expenditures of the government, making a reduction of the public debt, and leaving at the commencement of the war a debt of about seventeen millions.

During this long period we see that so deficient has been our revenue from customs, that we have been obliged to contract debts in time of peace, to expend the revenues which had been accumulated in former years, all the extraordinary revenues from public lands, and yet leaving us in debt at the commencement of this war, to the amount of seventeen millions.

There is no country in the world that has more ample and reliable sources of revenue than the United States, and still, sir, there are perhaps few in which the revenue has been more unstable, has fluctuated more—at times being suffered to be more than sufficient, and at others, for a long period of years, greatly below the wants of the Treasury. This, sir, has been owing to the instability of our legislation. The Treasury may be compared with a patient, who would be well enough if his kind friends would let him alone; who has naturally a good constitution and good health, but whom, his kind friends persuade, that he is always in a very dangerous situation; that he is actually in a state of disease, or that there is a redundancy in the system—a surplus of health—and that he is threatened with apoplexy or some shock that will suddenly take him off, notwithstanding he is in perfect health; and that he must have medical assistance. But he is not only under the necessity of calling in professional assistance at all times, but the kind of practice which is applied to the case, has undergone such violent changes, as has produced very severe shocks upon the system. For many years he was under the care of what might be called the stimulating school of the profession. They gave him drugs, bark, wine and brandy; but when he arrived at a high state of health apparently, it was said he was in great danger of an attack of apoplexy, and a new course of treatment must be introduced. The patient must be reduced; depletion must be resorted to. Well, this system was commenced, and after going on with it for about ten years, then it was changed; and a stimulating practice again adopted. And what is remarkable, the same distinguished physician who had prescribed the stimulating remedies, suddenly changed his course, and recommended the reducing practice, and followed it for about ten years. Well, after a time—in about three years or so—the patient was fast improving; a new set of physicians were called in—for this patient had a great many friends, and they were all anxious about him—they said that the stimulating practice would not do, and that it would be necessary to go back to the reducing practice. They put the patient upon this new system, and he is there now. This system, when carried into extremes, I think may be called the homœpathic practice; but that system, however valuable in medicine, I think does not succeed in financial matters. The principle of that practice, I believe is expressed by the phrase—

"Similia similibus curantur,"

which being freely translated means, "the hair of the same dog will cure." That may do in medicine, but it will not do in finance; for if you apply it to finance, it must be in this way: whatever creates a disease, will serve to remove it, and hence the remedy for a public debt will be to incre ase the debt; the remedy for public burdens will be to increase them; and the way to pay off one loan will be to create another.

The method for paying off one debt will be to create a new debt. Now, there is another principle in this system which is called the principle of attenuation, which is, as I understand it, that the less creates the greater power; the less the substance the greater the efficacy; the less the cause the greater the effect. This may do very well in medicine, but I do not think it will work in finance. I am not one of those who believe that the way to meet increased demands upon the treasury is to reduce your revenue; nor do I believe that the way to increase your revenue is to reduce the duties. I believe you may attenuate a little too far. I am not in favor of extreme measures in revenue, or in anything else. I believe that the truth lies between extremes.

I have to call the attention of the Senate, after these introductory remarks, to a few statistics, showing the present state of our finances. I think that the statement of the Senator from New Hampshire, connected as it was with loans and treasury notes, reimbursed and re-issued, is calculated to confuse and embarrass very much. I wish to look at the subject independently of every thing of that kind. I wish to look at two simple ideas, that is to say, the income or revenue of the country, and the expenditures of

the country. These two statements will show what our condition is, for whenever expenditures have exceeded the income, there must necessarily be a debt in some form. Sir, there is no avoiding this conclusion. I shall look back, then, to the operation of our revenue system for a few years, commencing with the year ending June 30, '45, when the revenue was $29,769,133, and the expenditures were $29,966,206. We have no certain knowledge, I believe, from the reports from the Treasury Department, of the actual expenses of any given year. What are reported as the expenditures, are the disbursements of the year, and the disbursements of the year may vary very much from the actual expenditures. The expenditures of the last quarter, or a considerable portion of them, are not paid until the first quarter of the next year and part of the expenditures of one year go into the disbursements of the next year. In ordinary times, this may make no great difference; but it is evident, that the difference may be very material, when there is a change from peace to war.

In the expenditures of the year 1845 are included, for the redemption of treasury notes and the loan of 1841 and '43 the sum of $7,527,137, which leaves the actual disbursements for current expenditures $22,430,069. This is considerably less than the expenditure for preceding years, and it is quite possible that there is some error in the statement connected with the issuing and the redemption of treasury notes, as such errors we see have occurred the past year. In the year ending the 30th June, 1846, the treasury report is as follows:

Total receipts,	$29,891,245
Total expenditures,	29,931,111

In the expenditures of this year are included $365,095 for the redemption of loans and treasury notes, making the actual expenditures for current liabilities $27,646,032. The breaking out of the Mexican war, near the close of this year, contributed to swell the expenditures perhaps several millions, although the war was not declared but little more than one month before the close of the fiscal year.

In the year ending June 30, 1847, the receipts and expenditures were—

Total receipts,	$26,346,736
Total expenditures,	59,151,177

Of this sum there was included for the redemption of treasury notes and loans $2,372,398, leaving the actual expenditures of the year $57,078,879, from which deduct the receipts of the year and we find that the excess of expenditure is $30,732,143. This is the result of the first year of the war, according to the reports from the Treasury Department. The revenue was nearly four millions less than had been estimated the year before, and the expenditures some two or three millions more.

I now come to the present fiscal year. The expenditures for this year were estimated in the Treasury report, at the commencement of the last session of Congress, at about forty-five millions. By the report of December last they are estimated at $58,615,660, of which $16,469,194 were for the first quarter, which had been settled at the treasury. Since that report there has been an additional estimate of deficiencies to the amount of four millions, making the whole estimates for the year $62,615,660. If the three last quarters should, on an average, equal the first already ascertained, the expenditures will amount to the sum of $65,874,656. The receipts of the year are estimated:

For Customs,	$31,000,000
Public Lands,	2,900,000
Miscellaneous,	100,000
Total,	$34,000,000

Whether these estimates will be sustained I am not prepared to say. I am not disposed to go into that question, it is a very large sum, however, for us to receive in any condition of our financial system. We have never at any period received as nett revenue a sum equal to this, even in the most excited and inflated state of our trade. I am inclined to think that the estimate is two millions too high; the revenue from customs may possibly amount to twenty-nine millions. I think that the land revenue is estimated too high because it is a million beyond the usual revenue from that source, though there may be more land thrown into the market still there are drawbacks from the soldiers' scrip and land warrants. In regard to the expenditures I cannot speak with confidence, but where the expenditure is so large the estimates would be more likely to be below than above the mark. I am inclined to think, therefore, that the result this year will vary from these estimates some five or six millions, taking the excess of estimated revenue and the increase of expenditures.

Well, sir, taking it as it is, it leaves us at the end of the present fiscal year with a deficiency incurred in two years, of fifty-eight million and a half of dollars.

I have estimated the outstanding war claims at five millions, the land bounties excluded, which will make five millions more, and the expenses under the treaty at twenty millions which will make altogether ninety-eight millions.

Deduct the receipts, $34,900,000, from the estimated expenditure of 62,615,660, and the deficiency is found to be $27,715,660.

Deficiency for the year ending June 30, 1847,	$30,732,143
Deficiency for the year ending June 30, 1848,	27,715,660
Total for the two years	$58,447,803

This statement shows the actual deficiency for the two years of the war, leaving the receipts for Treasury notes and loans, and the disbursement on that account out of the calculation. I now exhibit a statement to show what will be the whole public debt on the first of July next, provided the treaty of peace with Mexico shall be ratified:

Deficiencies for the two years of the war	$58,447,803
Debt existing at the commencement of the war	17,000,000
Outstanding claims growing out of the war, estimated at	5,000,000
Soldiers' scrip and land warrants, estimated at	5,000,000
To be expended under the treaty	20,000,000
Total	$105,447,803
Deduct for the balance in the Treasury, July 1, 1846, which was 9,100,000, leaving in the Treasury as necessary to its action 2,100,000	7,000,000
	$98,447,803

The result, I fear, will not be so favorable as this by several millions. The public debt at the end of the present fiscal year can hardly be less than one hundred millions. And should the war continue, it must be much more. So far as this statement depends on estimates, I apprehend that the revenue is over-stated, and the expenditures and unliquidated liabilities under-estimated. The revenue for the present year, I think, is over-estimated, but not to the extent stated by the Senator from Vermont, [Mr. PHELPS,] who supposed it would fall short seven millions.

Mr. President, I wish now to call the attention of the Senate to the next fiscal year ending on the first of July, 1849: This would be the first year after the peace, should we get peace, and it is important to see what our financial condition will then be under our present revenue system. The Secretary of the Treasury has estimated the revenue of that year at over thirty-five millions, thirty-two of it being for customs. But this estimate is in my judgment altogether too high. It is founded upon the assumption that our exports and imports were to continue to increase; whereas the exports have for the last six months fallen off largely, probably more than twenty millions compared with the corresponding period of last year. This must be followed by a rapid decline of the importations which has already commenced. As the ground on which his estimate was made has failed, the estimate must fall with it.

I assume for the receipts for the next fiscal year, the revenue of the last year, which was a prosperous one for our trade; more so than we have any reason to expect the coming year. I then assume as the basis of the expenditure that of the year ending in June 1846, the last year preceding the war:

Estimated amount for the year ending June 30, 1849.	$26,346,736
Estimated expenditure on the basis of the year 1846.	27,646,032
Add for additional interest on public debt,	5,000,000
Total,	$32,646,032
Deduct revenue,	26,346,736
Deficiency,	$6,319,296

It is true, as I have already stated, that the expenditures of that year embrace two or three millions growing out of the war, yet we can hardly hope to reduce our expenditures, next year or probably any year after the termination of the war, below this estimate as long as the public debt remains. The war must necessarily leave us with increased expenditures which we cannot get rid of. To what point will the army be reduced with our extended frontier? It must be greatly above the former peace establishment. The navy is also increased, the pension list greatly extended, and almost every branch of expenditure considerably enlarged. If there is any correctness in this statement, there must be a deficiency the next fiscal year of more than six millions, and it may reach ten millions.

Now, the great question is, what is to be done in future? We get through the present period very well, but what is to be done in future? And I think this is a question which deserves the serious consideration of Congress and the country. What are we to do if we get peace? We are looking and hoping for peace, while here we are, upon the verge of its attainment with a public debt of ninety-eight millions of dollars, or it may be called a hundred. Now the question is, whether our condition is such that we can in safety go on as we have been going; if we can, then it may be all very well. Our extraordinary expenditures will be stopped and we should know how to provide, for the new peace establishment, somewhat augmented, certainly by the necessity of paying the interest upon the public debt. This is a very grave question, and in my humble judgment no time should be lost in looking at it. We should look it full in the face, and with the courage and determination which is always necessary in cases of this kind; we should set about providing for it immediately. What will be our condition at the end of the next fiscal year? What can we expect to receive from customs? and what from public lands? Can we hope to do better than the result of the last fiscal year?—that is to say, the year ending 30th June last? I know that the Secretary of the Treasury looks for results far more favorable. He has some idea—though it is one in which I cannot concur—that in a state of excited and extraordinary trade the amount received for customs is not to be regarded as an extraordinary revenue, but as a starting point, and that we are to go on increasing our trade; taking the flood-tide of our commerce and revenue, we are to go on from that point increasing from year to year. But this is contrary to all experience in this country, and, indeed, it is contrary to absolute truth, because this extraordinary state of trade, this unusual amount of importations, going beyond the ability of the country, in some degree, and beyond its exports, which is its ability to pay, must unavoidably be followed by a reaction and a falling off of importation, and consequently of revenue.

From these facts it necessarily follows, that instead of going on in a corresponding ratio of increase, you have got to descend in subsequent years. It is true, that during the last fiscal year the balance of trade was in our favor, but how is it at this time? Our difficulties do not arise out of the last fiscal year, but out of the present. And this large revenue of—say twenty-nine millions—the present year is, in part the returns from the exports of last year, and in part is creating a balance against us. Is it not an anticipation of a part of the revenue of subsequent years? Is it not founded in part on an excess of importations beyond the amount of your exports? If so, does it not follow as a necessary consequence, that instead of this increase continuing, there must be a falling off? because your exports of the subsequent year must go to pay for the imports of the preceding year. Take the last year, which was a year remarkable for its import and export trade, and for unusual commercial prosperity, and more than ordinarily free from a spirit of speculation. I was prepared to expect a very large increase in the importations of the year, but large as the importations were, they were less than I expected, considering the amount of our exports, and the result is creditable to the sagacity and judgment of our merchants.

Now, this is an unfavorable state of things. Unfavorable at least upon the revenue of next year. This balance must be paid, and it must be paid out of the revenue of the next year. I have a document here which will show the condition of our exports for the last six months, and for a corresponding period last year. It was received from a commercial friend in New York.

Statement of the exports of breadstuffs, from this country to Great Britain, from September 1, 1847, to March 4, 1848

	Flour, bbls	Meal, bbls	Wheat, bush.	Corn, bush.
From New York	137,062	20,913	177,934	751,170
New Orleans to Feb. 26	13,554	30,166	33,195	282,280
Philadelphia	1,535	19,639		76,149
Baltimore	770	1,596	4,000	88,478
Boston	504	3,100		77,094
Other ports to Feb. 26				21,184
Total	153,445	76,104	215,139	1,337,204
The exports for the same period a year ago, were	1,258,876	249,852	1,273,892	6,931,640
Decrease	1,105,431	173,748	1,058,743	5,594,436

I have computed the value of these exports for cash period in New York, assuming for last years prices, $8 50 for flour; $2 25 for wheat; $5 50 for meal; and $1 12½ for corn; and for the last period the prices ruling at the present time. The total value of the exports for the first period exceeds 22,000,000, and those of the last period a little more than 2,000,000, showing a difference of over 20,000,000 of dollars. The freights for the first period exceeds three millions of dollars, and for the last are less than two hundred thousand, so that the loss on the freights, had it all gone to American citizens, exceeds the whole amount of the exports and freights for the last six months. The facts in this statement were taken from the commercial shipping list, and are presumed to be substantially correct.

This astonishing decline in our exports does not afford a very encouraging prospect for our trade the coming year. The balance against us the present year will be large, probably from twenty to thirty millions. It is ascertained to amount to twelve millions the first quarter.

This diminution does not correspond very well with the idea of the Secretary of the Treasury. He seems to suppose that the very favorable state of trade which prevailed last year was the result almost entirely of the modified state of our revenue laws, and from this he drew the conclusion, that our trade would go on increasing. Now, whether influenced by the modification of the revenue laws may have had, I believe it is generally understood that the increase of trade was owing to other causes, principally to the increased demand for our exports from the failure of the harvest in Europe. This demand having ceased, or greatly declined, our trade must also decline. We have not only lost a large amount in quantity of our exports, but there is also a great decline in their value or price—on many of our staples, at least forty per cent. While the quantity of breadstuffs we have than eighty yer cent., we have lost in price forty per cent. The demand for our breadstuffs in Europe has declined almost to nothing, and in regard to the great staple, cotton, it has fallen off in value about thirty per cent., they having the entire control of the market as far as that article is concerned. I do not see the distinguished Senator from South Carolina, but I would like to call his attention to that great interest of the South, and I think the time will come when he and others at the South, who deem it their duty, as they ought, to take care of that interest, will change their views somewhat. How is it, I would ask, that this great staple has been so suddenly reduced in its value throughout the world? What causes have produced this result? We know the cause which has brought down the price of breadstuffs; it is owing to the fact, that the cause, a short crop, which enhanced the price, has ceased to exist. But what has brought down the price of cotton? Has the world ceased to use the article? It is very apparent that the market for our cotton is Liverpool, and it is there that the price is regulated. The bank of England, and the large capitalists of that country know how to use the power they possess; they use it for various purposes; sometimes for the purpose of drawing specie from other parts of the world to sustain the bank. They can make money scarce, and raise its value at any time; and thus check the demand for cotton, and suddenly strike down the price from the highest point. This they can do in regard to cotton, and the balance of trade is thereby turned against us. The bank and a dozen capitalists can produce a state of things in the money market, which in thirty days will reduce the price of this great staple twenty-five or thirty per cent. I am looking at this matter more particularly as to its bearing on our trade, upon our imports for another year. Our staple articles being greatly diminished both in quantity and in value, of course our imports must be small in amount. Now, if I am asked what remedy for this evil, I answer, the only remedy is, to get, in a greater degree than we now have, the control of this staple ourselves. When we are able to check this absolute control over the market, we can resist combinations of the monied power in England, to strike down the price of this great staple of our country. We now manufacture about one quarter of all the cotton that we raise; if we manufactured one half of it, then the control would be here, or sufficiently so to counteract the monied power of England. We could then hold on to our cotton, manufacture it ourselves and supply a great many of the markets that are now supplied by Great Britain, one half of whose exports are cotton, most of it ours, in a manufactured state. It is not the way to avoid an evil of a like kind in future, to try to shut our eyes to that which stares us in the face.

Sir, it is a fact that the prosperous condition of our trade has been arrested within the last eight months, in a more sudden and more extraordinary manner than it ever was before in the whole course of our history, without any apparent cause on our part. Every interest of the country is arrested, and those very sanguine hopes and anticipations which existed eight months ago, seemed to have entirely vanished; and instead of looking forward to those results which were then anticipated, the men of business are now carefully considering how they can get along, and save themselves from greater embarrassments and difficulties. Sir, what is the condition of our navigating interests? Never was there so great a change in so short a period. It was last year producing an income of a hundred per cent or more, it now produces probably not more than six per cent. And what is the condition of our commercial interest? It was prosperous last year, now it is pretty much at a stand, and the future is full of doubt and uncertainty. And what is the condition of the manufacturing interest, which was thought to be too prosperous a few years ago? It is struggling against great difficulties. Well, how is it with that greatest of all interests, the agricultural, that is the interest which I would like to cherish above all others, the farming, the planting interest? Where are those golden dreams that we were indulging in a few months ago? They are all vanished. And what is the loss in the aggregate to the country? And what will it be another year? Take three cents a pound off your cotton crop, of eleven hundred millions of pounds, and the reduction in its value is thirty three millions of dollars. Take your wheat crop at 114,000,000 bushels, supposing one half of it to be disposable, and take fifty cents from each bushel and you lose about thirty millionsof dollars. Take your corn crop of about 500,0000,000, or more of bushels supposing one-half of it to be disposable and the decline of price at least forty cents a bushel, shows a loss of a hundred millions of dollars. Thus it is with all your interests, they are all in a low and depressed condition; prices low and declining. And if this state of things continues, must not labor, if it does not already, soon feel its paralyzing effect? How sudden and great the change in all the great interests of the country! And where are we to look for the cause? At home or abroad? It is not my purpose to examine into it. There is no interest now producing more than six per cent. Well, here is an immense diminution of the ability of the country to purchase and consume foreign goods, and yet we are told by the Secretary that this consumption is to go on increasing. Why it cannot go on. The people cannot buy if they have nothing to buy with. It is a state of things that cannot continue.

Now, in regard to the future; what is the situation in which we shall be placed at the end of the next fiscal year? We shall have a debt of one hundred millions of dollars to be provided for, the interest of which must be paid, with the current expenses of the government, from a declining revenue. If the ideas of the Secretary of the Treasury could be realized, if this prosperous state of our trade were to go on increasing, we might possibly get along without looking to any new sources for revenue. But if the views which I have taken are at all well founded, and I fear they are but too well founded, the period of reaction is coming, and we are to have a diminished revenue and great embarrassments in our finances. We will have this debt upon our hands with a failing and sinking revenue. The Secretary says that the results of last year were produced by the modification of the revenue laws, and that the cause remaining, the same prosperity of trade will continue. He has carried his imagination to a high pitch. He has extended his calculations to the year 1849, and supposes that our exports will then amount to three hundred and twenty-nine millions, and that our imports will equal, if not exceed that amount. He thinks that the amount of our imports now is very small compared with our domestic exchanges. His theory is that foreign commerce is an exchange of imports for exports. Now, the facts that I have referred to in regard to the extraordinary decline of our exports while our importations are going on, is entirely at variance with any such idea. And, indeed, our whole commercial history is in conflict with this idea. His theory is not only unsupported by fact, but is opposed to our whole commercial experience. We know that at all times, when we have had large importations, this excess

has been followed by a re-action and diminution of exports, carrying them below the ordinary amount. But the calculation of the Secretary is founded on the idea that our trade is to go on increasing—that our imports are to increase—and, of course, that our revenue is to increase in a corresponding degree. But, if what I have stated be true, instead of increasing it will diminish. It must necessarily take this course. Imports cannot be increased without a corresponding increase of exports.

The idea that our imports control our exports is wholly at variance with what we see existing at the present time. They have gone on greatly beyond our exports. The large importations for months past, are the returns for exports of preceding years in part, and in part the result of the crisis in England being sent on British account; and will produce a balance against us, and this balance must soon occasion a re-action in our foreign trade. And there is another circumstance that is operating unfavorably upon our revenue. The price of imports of every kind is reduced twenty-five per cent. In order then to reach the ordinary amount in value, you have to increase the quantity. But the increase of quantity must depend on the ability of the country to consume. This will operate against us, because we must get the amount in value, in order to obtain the revenue, for revenue is founded on value. The country has been told that the present revenue system is more efficient and productive than the one it superseded. But the fact is not so; we ought not to deceive ourselves, or the country. It has been tried under the most favorable circumstances, and found insufficient as a revenue measure. The revenue has fallen off nearly four millions the first year, although a year of unusual commercial prosperity. There is no getting away from this fact; no reasoning nor sophistry can get round it. The Secretary attempts to do so, by selecting a certain period, breaking up the regular fiscal year. He takes the period from December '46 to December '47; a period of extraordinary trade, and the first quarter of which, embracing several millions of revenue belonging to the preceding year, which was occasioned by the change in the revenue laws. You can often select one quarter of a year in which the revenue is double that of another quarter. The result of a limited period amounts to nothing. You must take a series of years, you cannot determine from any one year. The year from December '46 to December '47, was a very remarkable year for trade; and to assume that as a standard, and to hope for an increase from that high point under our new system, is to suppose a result that is contrary to the fact so far, contrary to all sound reasoning, and to the whole past experience of the country.

If the view I have taken be correct, that our revenue must diminish, and that our expenditures cannot by any possibility be reduced below thirty-three millions, it follows that there must be a deficiency of from six to ten millions of dollars for the fiscal year ending the 30th June 1849; and as there will be a debt upon our hands of about a hundred millions, and we are going on with a revenue falling below the annual expenditures, in this state of things, it may be asked when is our condition to be any better. If putting an end to the war expenses is not to help us, what is to help us out of this difficulty? When is this debt to be paid? It certainly cannot be paid by a deficient revenue. How is it to be paid? Sir, this subject does not seem to receive the attention which it deserves. We do not look at it. I do not know but that we are in the condition of Abel Handy in the play. His house happened to take fire, and he was asked why he did not put it out. He said he was thinking about it, but he was waiting to see if it would not go out of itself. Now I think that our Treasury is in a consuming state, if not on fire. And this fire will not go out of itself. This debt will not be paid by a declining and deficient revenue. This is not a result that ever has or ever can follow. What then ought to be done? We can borrow to be sure. I believe the credit of the government is good. But borrowing will not pay our debts. Borrowing will not extricate a country when its finances become embarrassed, and a public debt has accumulated, and when it is in the unfortunate condition of having a revenue that is below its expenditures.

My honorable friend from New Hampshire, on introducing this measure, seemed to think that by procuring a loan, the deficiency could be supplied. I do not know what consolation to give my honorable friend, unless it is what may be derived from the old maxim that "misery loves company," and by referring him to a distinguished functionary of another country, who seems to be in the same dilemma. I observe that the first minister of the crown in England had the same unpleasant duty to perform in Parliament that the honorable Senator has had to perform here. He had to exhibit a budget showing a deficient revenue in a state of peace, though he did not exhibit so great a deficiency as we have here. Still there was a deficiency, and that in time of peace. The statement was received very coldly, even by the friends of the noble Lord. Well, sir, he did not propose a loan, nor did he propose to meet the deficiency by reduction or retrenchment; but he asked for an increase of taxes. He proposed an increase of the income tax. That was received rather coldly, though, between the two, I would prefer to have a tax rather than to drag on depending on loans. And therefore, I think the noble Lord occupied higher ground than my friend from New Hamnshire, the representative of the treasury here, who has brought forward no proposition to give life or vigor to our revenue, but has proposed to drag along under this old system of borrowing with an increasing deficit from year to year, until the credit of the government must eventually be broken down. There is where the thing must end. As with private individuals, so it is with the public; there is no stopping point when relying on a system of loans for supplying public wants. There is no end to it, but you are constantly sinking into debt deeper and deeper. I wish my honorable friend, or those who have the care of the finances of the government, would have imitated the example of the first Lord of the treasury in another country, and have come forward with some measure that would afford some sort of stability, relief, or hope for the future, that we might see some deliverance ahead, from this wretched system of dragging on with a deficient revenue, and helping it out by loans.—A revenue known to be deficient—admitted to be deficient—deficient in time of peace, but still more deficient in time of war. And yet, we go on depending on borrowing, and thus rapidly increasing the public debt, without any provision for its redemption, even on the return of peace. This is a state of things unprecedented in this country. It is plunging headlong, recklessly, unnecessarily, into a public debt. I cannot approve of any such policy as this. I protest against it in every view which can be taken of it. I hold that it is no more justifiable to run up a debt unnecessarily in time of war than it is to do so in time of peace. I protest still more against remaining with a deficient revenue whilst that debt is accumulating. My honorable friend did allude to one source of relief. I wish there was more substance in it. He says this debt is not enormous or alarming, because our population and consequently our resources are increasing, and that our wealth quadruples in twenty years. But will our revenue increase faster than our expenditures?—that is the question for us to consider. Whatever may be the increase of our population—whatever may be the augmentation of the trade of the country—whatever may be the increase of our revenue—if our expenses go on increasing in a corresponding ratio, we get no relief from that source. That this has been the case hitherto, every one, I believe, must be aware. The results of this war must necessarily add greatly to our expenses after its termination, and were it not for the increasing ability of the country, we should be entirely unable to sustain ourselves for a single year. The resource to which the Senator alludes affords no further encouragement than this, that as fast as our expenses increase our ability also increases. But it does not help us out of the existing difficulty.

I prefer taxation to debt. Taxes before debts, I think is a sound maxim. It is, I think, a democratic doctrine. But it does not seem to be the democratic policy of the present day. On the contrary, the maxim seems to be, debts and loans for the present; taxes for the future. This is the policy apparently; unless indeed the debt is to be paid off by repudiation, taxes must follow. Is it not the part of wisdom to provide promptly and in season for these difficulties which are not far distant, but already upon us? We have had, as I have said, a deficient revenue from customs for the last fifteen years. Although the opinion has been prevalent in the country that we could get along more satisfactorily and receive more revenue with a low rate of duty than with higher duties, yet this is a mistake; our experience does not support this doctrine. We have tried it. It is no new experiment. And I can say in regard to the act of 1846, that it is much less an act of low duties than it was represented to be when it was passed. I now think much better of it than I did then. We have tried extreme measures. We have tried fifteen and a half per cent. duties, but we did not find that they filled our treasury to overflowing. It is no new idea, it has been thoroughly tried. We cannot supply the wants of our treasury even in an ordinary state of demands upon it for a peace establishment, with anything short of about thirty per cent. of gross revenue, or twenty-five per cent. nett revenue. And yet we are going on, with this debt on our hands, and that debt accumulating, with a nett revenue system of only twenty-one per cent. We must have recourse to some other expedient than loans before a great while, and the sooner the better. It is our duty not to contribute to delude the public, for I believe a gross delusion has gone abroad that all is well, and that when this war is ended our finances will be in a sound state, while the fact is not so. They will be in a deficient, embarrassed condition, and we shall have a debt upon our hands without any means for its liquidation.

I say, give us something—some resource besides loans. Give us an income tax. A tax upon playing cards, and billiard tables, and fancy stocks. We have tried this method in Mexico, why not try it at home? A very considerable sum might be collected in that way. As it is now, we cannot get along. It is idle to deceive ourselves and the country, or silently acquiesce in a state of things which will tend to embarrassment, difficulty, and finally will result in establishing the most obnoxious high tariff measures that we have ever had in this country. That will be the result.—I wish this remark to be remembered. Our credit might probably fail in a year or two more, and especially if the war should continue, for we seem determined to destroy it, and if that be the policy perhaps the sooner it is destroyed the better. We know there are individuals in the world who cannot, so long as they have any credit, restrain from abusing it, and their only safety is in destroying it. It is so with all the governments of Europe; they have used their credit to the very verge of bankruptcy. England, the wealthiest nation in the world, has used up her credit so entirely that she is now paralyzed, when a great crisis is coming on in Europe. It may perhaps be fortunate for the cause of liberty and the rights of nations, but still it must be mortifying to her pride that she is paralyzed with a national debt. Sir, it was said by one of her most eminent men a few years ago, [Mr. Haskinson,] that the minister who would dare to involve the country in an unnecessary

war, and to increase the burdens of the people by increasing the public debt, would deserve to answer for it with his head. What a spectacle is this great nation, now struggling under an immense debt, with no resource that an expert and able minister can devise, but to increase the most odious tax that can be laid on that or any other country; and to be levied after the people have been taxed in every possible way, for what they consume, and wear, and for the very light of heaven. Over and above all the rest, they are now to be called upon to pay fifty dollars out of every thousand of their private income. This is the consequence of a public debt, which we seem to regard as no great matter, and to suppose that it can be paid off very easily. But experience does not support this idea. We had a little, paltry debt, beginning in Mr. Van Buren's administration, and we have gone on adding to it during a time of peace, some ten or twelve millions, so that when this war commenced we had a debt of seventeen millions.

Sir, is the present a time when we should suffer our revenue to get into a low and prostrate condition? We have received intelligence across the Atlantic, that there has been an astounding explosion in the political state of one of the great countries in Europe, and all Europe will probably be drawn in to the great movement that is going on there. We have commercial and other relations with all those powers. Are we quite sure, that we shall not be involved in difficulty in regard to our commercial, or some other interests in consequence of this universal disturbance, in the countries of the old world? How was it in 1789? Were we not then involved in difficulty; and narrowly escaped being involved in war. The only advantage in our condition over the nations of Europe seems to be, that whilst they are thus weakened and paralyzed—whilst their taxation is as great as the people can bear—whilst they have exhausted their whole power of taxation, in every way that the ingenuity of man can devise, such is not our condition, as our resources are ample. There would be no difficulty in raising a revenue adapted to our condition and wants, if we were disposed to do it. But we have neglected to do it, and probably we shall go on in this same way until the burden of the public debt becomes so great that it can be borne no longer. Would it not be the part of wisdom then, to look the difficulty in the face, and provide some remedy, knowing as we do, that we may be called upon for new and extraordinary expenditures, at a time when we are wholly unable to provide for the ordinary wants of the treasury?

Mr. ATHERTON.—The Senator from Connecticut has intimated that I have been obliged to perform a very unpleasant duty. To be sure it is always somewhat unpleasant to me to be obliged to obtrude myself on the attention of the Senate. But I assure my honorable friend from Connecticut that there has been nothing more unpleasant to me in the discharge of the duties to find myself obliged, in many respects, to differ from one for whose opinions, in past times, I have been taught to cherish so much respect. The honorable Senator says that he believes that the people of this country are at present laboring under delusion with regard to their real condition—that they fancy themselves to be in a state of prosperity, when it is not so. This, sir, reminds me of an anecdote I once heard of two politicians in Glasgow who were engaged in conversation about the national affairs. One was endeavoring to show that every thing was going to ruin—that the public were in great distress, but the other merely replied that really he could not perceive it. To this the former very indignantly retorted that if "he would only read the Glasgow Chronicle he would soon find out how miserable he was!"

Mr. NILES.—I did not say that the people were deluded in supposing that they were in a prosperous condition, for there can be very little delusion on that subject. But I said that delusion prevailed with regard to the condition of the finances.

Mr. ATHERTON.—I certainly did not intend to misrepresent the honorable Senator; but certainly if any delusion prevails with regard to the dreadful condition of the finances, or the prosperity of the country, amongst the people at large, it is not from want of diligent efforts to enlighten them as to their distress. We have heard a great many lamentations on the ruin that was about to overtake the country in its business relations; although it has happened, somehow that from the time these notes were first raised here during this session, the business of the country has been gradually improving, so that we might almost say that "wisdom cries aloud in the streets, yet no man regards her!"

My honorable friend has alluded to what he regarded as some confusion in my statements, and he said that he would give a plain, intelligible view of the subject. I believe that the statement of the honorable Senator was based on the same principles as those on which one of the statement which I had the honor to submit to the Senate was founded. I stated that for the two years the whole expenditures were $117,589,165 72; that the means of the two years aside from Treasury notes and loans, were $70,373,229 45, making the deficiency to be supplied $47,215,936 27. The avails of treasury notes and loans $34,401,900 00, making the deficiency, according to the official reports of the Secretary of the Treasury, $12,814,036 27. But to this must be added $1,401,900 00 for the error which I endeavored to explain in the estimates contained in the treasury report, so that the whole deficiency is $14,215,936 27. Now, sir, the honorable Senator has alluded to the debt which will exist at the end of this fiscal year and he makes it $98,000,000. I cannot account for the manner in which he arrives at that conclusion. Some years ago, I recollect, an imputation was made against an administration of which that honorable gentleman formed a very distinguished part, that it had created a debt of forty millions. I do not suppose that the Senator was very well pleased with the manner in which it was attempted to arrive at that result. How can a debt of ninety-eight millions exist at the close of the present fiscal year? It was impossible to arrive at such a conclusion by any rules of arithmetic. The whole amount of debt created during the existence of the war is thirty-three millions—the amount to be raised by this bill is sixteen millions of dollars, to supply the deficiencies of the present fiscal year; add to this seventeen millions, the amount at commencement of the war, and the result is as clear as any result in mathematics can be, that the debt will be sixty-six millions of dollars. The Senator says that the disbursements of the year are different from the expenditures of the year; and he brings, it seems, within the latter, the expenses which may arise hereafter on account of the transactions of the present year. It is certainly a novel mode of settling the debt of the current year to crowd into it part of the expenditure of last year, and also anticipate future expenditures; and that is the only way in which the Senator can arrive at his conclusion. The Senator, in speaking of the receipts from customs, said that he saw no reason why the estimates of the Secretary should be sustained. So far as returns have been received, there is every prospect that the estimates of the Secretary will not only be fully realized, but be exceeded. The Senator, however, appears to think that the receipts of the custom house during the first year of the operation of the present tariff, afford no satisfactory basis for calculations with respect to the future. Quite as much so it would seem as to take the last fiscal year, five months of which were under the operation of the tariff of '42, and only seven months under that of the tariff of '46! The Senator says that there were two or three millions thrown over into the revenue of the first year of the present tariff, as goods were kept back in the store-house before the first of December, 1846, for the sake of having them returned afterwards when the revenue tariff should go into operation. Now, this tariff had a double effect. Some goods were crowded in, and others kept back. I know that if we can ascertain the amount in store on the first December, 1846; and the amount on the first of December, 1847, it seems to me that taking the difference, we shall arrive at the amount derivable from the considerations mentioned by the honorable Senator during the year. I believe it will be found that there were only about $111,000 worth of duty in the store on the 1st December, 1846, over the amount on the 1st December, 1847. So that, as it seems to me, it follows that the gain from the sources alluded to by the Senator, could have risen only to that trifling amount.

I trust that the Senator did not intend, as his words might seem to imply, to impute blame to me because some measure has not been brought forward in the shape of taxation. He did not vouchsafe his aid by extending any light with regard to his own views on the subject. He did not say whether there should be a tax on tea and coffee, as the Secretary of the Treasury has recommended; or whether he wished us to go back to his favorite system of high duties, in order to raise more revenue. I should have been very happy to have heard from the Senator on that subject. I believe the only articles on which the Senator recommended a tax were billiard-tables and playing cards. Now, I do not know how the Senator might have acted, had the duty of bringing forward this bill devolved upon him; but really, it does not occur to me that he could find any method by which to introduce into the Senate a bill for raising revenue and laying duties, for the sake of enabling us to pay the interest and principal of this loan. The constitution forbids it. Does he hold that it could be properly introduced as an amendment to this loan bill? It seems to me that that would come equally in conflict with the provisions of the constitution. Aside from the constitutional objection, what success could be anticipated for such an attempt when a proposition for a tax introduced as an amendment to this bill has been voted out of order in the other House as irrelevant. Therefore, I think that the Committee on Finance cannot be justly subjected to any blame on this subject.

Mr. NILES.—I spoke of the Senator as the representative of the Treasury Department. He says that he is at a loss to know how I made out the public debt to amount to ninety-eight millions of dollars. The regular debt, according to my calculation, amounts to sixty-eight millions, but to that I added other items; five millions for outstanding claims arising out of the war; one and a half millions for California claims; five millions which must be assumed as debt or be cut off the revenue, which is the same thing, on account of military land warrants; and twenty millions to be paid under the treaty. That is my calculation, and I have no doubt it is below instead of being over the mark.

The Senator asks why I do not propose some financial measure. Well, sir, I do not even suggest my opinion as to what ought to be done. I have only felt it to be my duty to call the attention of the Senate and the country—if anything that I say can reach the public mind—to the real state of our financial affairs. I look for remedies that are to come probably through public sentiment. I complain that when the Treasury takes it in hand, it does not propose something; nay farther, I complain that the Treasury Department now stands in the way of the country doing anything. The department has a system which it will not relinquish. I contend that that system is inadequate; and if the department does not propose another, and throws obstacles in the way of any other, it is not for me to introduce the question, except incidentally, whether a higher rate of duties would produce more revenue. That question, I believe, does not require discussion. It is a self-evident

proposition, and whether it ought to be done or not, is, I think, equally self-evident. Certainly we cannot get along with the present system of finance. But I do not go into that question. I have merely endeavored to point out the state in which we now are, and the prospect which is ahead. From the present condition of things and its results I can see no deliverance whilst the present system is retained—a system of revenue inadequate for a time of peace yet adhered to in a time of war. I do not rise here to propose remedies. That would be idle. I do not complain of the honorable Senator. But I say that there are faults somewhere—a heavy responsibility to fall somewhere, for continuing this state of things. There was an error at the outset. What we ought to have done, is now known to every gentleman. When we incurred our expenditures, we ought to have provided, within the reasonable ability of the country, an additional revenue. I endeavored to call the attention of the Senate to this subject at the last session, but I hardly succeeded. I alluded to it incidentally on one or two occasions, but I met no response. Our honorable friends on the other side, do not, I suppose, sympathize greatly with us, when we get into difficulty—it does not trouble them much; and as to the friends on this side, they seem to be inspired with such confidence in the officer at the head of the finances, that without looking into his calculations very closely, as I apprehend, so long as he says "all is well—and will be better," they rest satisfied. Now I felt it to be my duty, to look into his calculations and his speculations, for such they are, and I have found them wholly unsustained by our experience or by the facts on which they affect to rest. They are, in my judgment, idle speculations.

Mr. ATHERTON.—The Senator has remarked that he did not know how I made out my estimate. I will tell him.

The expenditures for the year beginning July 1, 1846, were	$57,259,477 65
For the current fiscal year, they are	60,905,688 07
Whole expenditures of the two years of the war,	$117,589,165 72
The receipts of the 1st year including balance in Treasury,	$35,473,229 45
Estimated receipts of 2d year, i. e. current fiscal year,	34,900,000 00
Means of the two years aside from Treasury notes and loans,	$70,373,229 45
Deficiency of the two years supplied by Treasury notes and loans,	$47,215,936 27
Whole amount of Treasury notes and loans authorized in the two years,	33,000,000 00
Deficiency to be now provided for,	$14,215,936 27

I have examined the subject with care, and if the statements of my honorable friend from Connecticut differ from mine, I am confident his are incorrect.

Mr. DAVIS of Massachusetts.—I have a question to ask of the honorable Senator who is at the head of the Committee on Finance. Is it his opinion, if the financial affairs of the government were closed up, that the public debt would be less than one hundred millions?

Mr. ATHERTON.—That must of necessity be a matter of speculation.

Mr. DAVIS.—But you have the finances in charge, and if it be your pleasure to state it, I should like to hear your opinion.

Mr. ATHERTON.—The amount of the public liability depends on so many contingencies, that it is impossible to say what it may amount to prospectively. I cannot say how much may be required by a treaty to which the Senator from Connecticut alluded. But I can say that the estimates of the Secretary of the Treasury have been sustained so far as the present year goes, notwithstanding the predictions of gentlemen who averred that we should have only twenty-four millions of revenue, and it seems to me that this should give us some confidence in the estimates for the next fiscal year. If the estimates of revenue for the next fiscal year be sustained, and the expenditures shall not exceed the estimates, (and there is no reason apparent why they should, to any great amount since they are placed at fifty-five millions of dollars,) and supposing the war to continue until a year from the first of July next, only twenty millions of dollars will be required to supply the deficiency of the next fiscal year. The debt authorized since the war began is thirty-three millions of dollars. This bill authorizes a loan of sixteen millions. The debt at the beginning of the war was less than seventeen millions, making at the close of this fiscal year sixty-six millions. The Senator can add for himself the amount of twenty millions for the next fiscal year, and he will arrive at the amount at the close of that year.

Mr. CLAYTON moved to amend the bill by adding at the end of the 4th section, the following words:

"And the principal sum borrowed under the provisions of this act shall be paid thereon as the same shall from time to time become due and payable, out of any money in the Treasury not otherwise appropriated."

This amendment, the honorable Senator remarked, was necessary in order to remedy an important defect in the bill, which had, he presumed, originated in the process of amendment in the other House. As originally drafted the bill did contain a provision for the payment of principal and interest. As it now stood, however, the appropriation clause was wanting. His amendment was to supply the defect.

The amendment was agreed to.

The question being on ordering the bill to a third reading—

Mr. PHELPS remarked that he desired to address the Senate on the bill, but as the hour was late, he would defer his remarks till to-morrow, if it were agreable to the Senate.

EXECUTIVE SESSION.

On motion by Mr. HANNEGAN, the Senate proceeded to the consideration of Executive business, and after some time spent therein,

On motion,

The Senate adjourned.

TUESDAY, MARCH 28, 1848.

RESOLUTION OF THE LEGISLATURE OF MARYLAND.

Mr. JOHNSON, of Maryland, presented a resolution passed by the Legislature of the State of Maryland, requesting the Senators and Representatives of that State in Congress to urge an appropriation for the improvement of the harbor at Havre de Grace, in that State; which was referred to the Committee on Commerce and ordered to be printed.

PETITIONS.

Mr. BENTON presented the memorial of Henry H. Sibley and others, citizens of the United States, residing within the limits of the proposed Territory of Minnesota, remonstrating against a contemplated change in the northern boundary of Wisconsin, and praying the passage of a law for the organization of the Territory of Minnesota; which was referred to the Committee on Territories, and ordered to be printed.

Mr. CAMERON presented the petition of Elizabeth McDougall, heir of Samuel Canstin, deceased, an officer in the Revolutionary army, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. DIX presented the petition of Mehitable Gibbs, widow of a deceased Revolutionary soldier, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. JOHNSON, of Maryland, presented the memorial of Charles Lee Jones, praying an investigation by Congress of alleged causes of complaint in the military discipline of certain companies of volunteers, from the District of Columbia, now in the service of the United States in Mexico; which was referred to the Committee on Military Affairs.

Mr. DIX presented a petition of citizens of Livingston county, New York, praying an investigation of the conduct of the officer discharging the duties of military governor at Jalapa in Mexico, which was referred to the Committee on Military Affairs.

Mr. WESTCOTT submitted documents relating to the claim of Gilbert Dudley; which were referred to the Committee on Military Affairs.

PUBLICATION OF CONFIDENTIAL DOCUMENTS.

Mr. TURNEY submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for the punishment of any person, as may improperly obtain and make public any of the confidential communications made by the President of the United States to the Senate, or such of the confidential communications as, in the opinion of

COLT'S FIRE ARMS.

Mr. RUSK submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Navy be requested to furnish the Senate with any information in his possession relative to the experiments now progressing for the purpose of ascertaining the practicability of discharging fire arms invented by Samuel Colt, and that he be requested to give his opinion as to the propriety of providing by law for the manufacture of the above named arms for the United States; together with such other information on the subject as may, in his opinion, be necessary to enable the Senate to form a correct judgment of the propriety of the right to allow the above named arms to be used in the public service.

RELATIONS WITH BRAZIL.

Mr. CAMERON submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate a copy or copies of the correspondence between the Minister of Foreign Relations of Brazil and Mr. Leal, the Brazilian charge d'affaires at Washington, under date of the 23d May last, and by him communicated to the Department of State; of the notes of Mr. Buchanan to Mr. Leal of the 3d August and the 15th November last; and of the diplomatic correspondence between the said parties, in relation to the claim of citizens of the United States against the Brazilian government, which may be necessary to enable the Senate to form an opinion as to the propriety of the ratification of the convention between the United States and Brazil, signed at Rio de Janeiro on the 27th January last, and which may be made compatible with the public interests.

GILBERT DUDLEY.

Mr. WESTCOTT submitted the following resolution for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire into the propriety and expediency of granting to Mr. Gilbert Dudley, late a soldier in the United States Army, and honorably discharged therefrom,

Mr. WESTCOTT observed that the case of Gilbert Dudley was one of peculiarly a meritorious character. While a mere boy he enlisted at Newark, New Jersey, as a musician, for five years. His term of service expired February 24, 1847, nine days before the bounty land law was passed. He served under Gen. Taylor on the Rio Grande, and was wounded at Palo Alto, and was promoted to a sergeantcy for his gallant conduct in capturing two armed musicians, and carrying them into camp. A lithograph of this feat is among the papers now presented with the resolution. He was unarmed, but discovered them at a little distance from their arms—seized their arms—levelled a gun at them and forced them to march before him as his prisoners. I learn that there are other cases of meritorious soldiers, who were in the battles prior to the passage of this law, but because of their discharge before the law was passed, they are denied bounty lands. I have had some conversation with two members of the Military Committee, the Senator from New York, (Mr. DIX) and the Senator from Mississippi, (Mr. DAVIS,) on the propriety of a general remedial law to meet those cases, and I trust the attention of the Military Committee will be directed to the subject.

The resolution was considered by unanimous consent and agreed to.

MILITARY ASYLUM.

Mr. DAVIS, of Mississippi, from the Committee on Military Affairs, reported a bill to provide for a Military Asylum for the relief and support of invalid soldiers of the army of the United States; which was read and passed to the second reading.

PRIVATE BILLS.

Mr. RUSK, from the Committee on Military Affairs, to whom was referred the petition of David Wilkinson, submitted a report accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. WESTCOTT, from the Committee of Claims, to whom were referred the bills from the House of Representatives for the relief of Bennett M. Dell; for the relief of Stalker and Hill; and for the relief of Reuben Perry and Thomas P. Ligon, reported them without amendment.

REPORT FROM THE COMMITTEE ON PRINTING.

Mr. CAMERON, from the Committee on Printing, to whom were referred the motions to print the memorial of Samuel C. Reid, and the memorial of Robert C. Rogers, reported against printing the same.

RECONSIDERATION.

Mr. BENTON moved to reconsider the vote of yesterday agreeing to the resolution authorizing Mr. Palmer to make certain alterations and additions in his memoir, ordered to be printed; which was agreed to.

On motion by Mr. BENTON, it was

Ordered, That the resolution be referred to the Committee on the Library.

RECOMMITTAL.

On motion by Mr. DIX, it was

Ordered, That the report of the Committee on Pensions on the memorial of Francis O. Dorr and Andrew C. Dorr, be recommitted to said Committee.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk:

Mr. President: The President of the United States has officially notified the House of Representatives that he has approved and signed the joint resolution relative to the evidence which shall be satisfactory on application for bounty land.

The Speaker of the House of Representatives having signed two enrolled bills, I am directed to bring them to the Senate for the signature of their President.

SIGNING OF BILLS.

The VICE PRESIDENT signed the enrolled bill entitled "An act to remit the duties on books, maps, and charts imported for the use of the Library of Congress," and "An act in addition to an act for the relief of Walter Loomis and Abel Gay, approved July 2d, 1836."

CALIFORNIA CLAIMS.

On motion by Mr. CASS, the prior orders were postponed, and the bill for ascertaining and paying the California claims, was read the second time and considered as in Committee of the Whole.

Mr. CASS.—The facts connected with this subject have long been before the Senate. A detailed report containing them has been laid before us, consisting of evidence collected from persons now here, who resided in California at the time when the transactions out of which these claims grew were taking place, and some of them performing important parts in those transactions. You will recollect that a very small military and naval force at the commencement of the war took possession of and overran the country;

Commodore Stockton having the command of the naval forces, and Lieutenant Colonel Fremont of the military. By the most prompt, patriotic and brave acts the whole country was taken possession of, acts highly creditable to the American name. The forces employed were small but they received efficient aid from the American citizens who resided there. It was all done without authority from the government by our forces, with the conscientious co-operation of the Americans residing there. These claims embrace several very distinct heads and the payment of some of them has been guaranteed by Col. Fremont. Only twenty-two thousand dollars of the funds of the government were disbursed during the period of all these transactions, for all the rest the government is personally responsible. The whole amount payable to these patriotic Americas who enrolled themselves under our banners and took part in the proceedings remains due. Besides this, for the monies due for supplies furnished, for horses and for ammunition, the United States still remain indebted. That country is distant and the people who hold these claims have acted in the most patriotic manner Such claims should not be allowed to remain unsatisfied. But there is at present no law upon the subject, and the only way in which the case can be provided for is to send a commission to ascertain the amount of the claims, and in the next place to make compensation. Independently of the circumstances which led to the conquest and possession of the country, facts have been developed relating to land grants—those which are vastly important. It will be seen by looking over the documents that they were about to grant away their whole country to keep it, as they said, from the Methodist wolves. I do not know that it is necessary for me to detain the Senate by entering into particulars. There has been a very minute investigation by the committee, and as many as twenty witnesses have been examined, all of whom were conversant with the transactions and who have revealed every fact connected with them. And really it will be found that some of the bravest exploits that have ever been performed, have been achieved there. As to Colonel Fremont, some of his achievements have been of the most romantic character, and characterized by the utmost promptitude and bravery.

On motion by Mr. DIX, it was

Ordered, That the further consideration of the bill be postponed until to-morrow.

THE LOAN BILL.

The Senate resumed the consideration of the bill to authorize a loan not to exceed the sum of sixteen millions of dollars.

Mr. PHELPS.—There are three aspects in which this subject of the finances may be regarded, three propositions to be answered, three different results to be ascertained. One inquiry is, how do our expenditures compare with our income? Secondly, what is the condition of the treasury with reference to all its obligations and all its resources? And thirdly, what are the available means of the treasury to meet the current expenditures?

In endeavoring to answer these various questions, calculations are made which are apparently inconsistent with each other, and hence frequently, difficulty and embarrassment arise in the investigation of the subject. I shall not enter into a general examination of the subject, but shall confine myself to the points which have been presented by my honorable friend, the chairman of the Committee on Finance.

Amongst the suggestions presented is this: what now is the amount of the national debt? The subject was discussed to some extent yesterday by my honorable friend from Connecticut, and the honorable chairman of the Committee on Finance. I beg leave to remark in the outset, that this is a point not susceptible of being precisely ascertained. The amount of our public debt is uncertain. We can only approximate to the amount. We may, indeed, ascertain its minimum, but its maximum must be determined hereafter. I have made some calculations on this subject, and I ask the attention of the Senate whilst I present them as briefly and clearly as may be in my power. I have made two calculations, very simple, and easily comprehended. In the first place I set down the balance in the treasury on the 1st of July, 1846, regarding that period as the commencement of the war, and taking no notice of any war expenses anterior to that date. The balance amounted to $9,126,239 08. I find that in the fiscal year, 1846 and 1847, the secretary reports that he derived from loans $25,679,199 45. In the year 1847 and 1848, he derives from the same source $13,200,372 55. Thus, then, we have the balance in the treasury at the commencement of the war, and the loan for the two years between June 1846, and June 1848, to which I add the amount to be raised by the present bill of sixteen millions, and also the million and a half which was explained to the Senate as a deficiency originating in consequence of an error in the estimate of the department. The public debt existing previous to the commencement of the Mexican war, amounted to sixteen and a half millions. We have thus run behind hand, to use a homely phrase, to the amount of $32,000,000 To this I add the sum of twenty millions on the supposition that the prosecution of our claims for indemnity against Mexico may result in an expenditure to that amount. That sum amounts in the aggregate to one hundred and two millions in round numbers. Deducting, however, the balance in the treasury on the 1st July, 1846, we have $92,855,000 81 of unliquidated debt in the form of loans in stocks, and loans indirectly by the use of treasury notes. That the debt is as much, cannot, I think, be questioned. How much more it is likely to be, is another question. The honorable Senator from Connecticut added five millions for the great variety of expenditure in connexion with our military operations, not included in the estimated expenditures, and which cannot be estimated beforehand with any sort of precision. I think that he estimates these expenses too low, that he is on the safe side. Adding the five millions, however they will swell the amount to ninety eight or nearly ninety nine millions as estimated by the honorable Senator from Connecticut, though his estimate was made upon a different basis altogether. He took the expenditure and compared it with the revenue assuming the excess of the former as the basis of his calculations. I have taken a different course. I have taken the formal debt and arrived at the same conclusion almost as that reached by the Senator from Connecticut. I have taken the liberty to add—looking forward to the termination of this war at some period or another—the estimated deficiency for the coming year, which the Secretary of the Treasury reports at twenty millions, giving us a debt of at least one hundred and thirteen millions. Thus, I repeat, is the minimum of the debt, what is its maximum will be no one can tell.

I now take another mode of calculation. The Secretary of the Treasury reports the public debt on the first of December last, at forty five millions six hundred and fifty nine thousand dollars. In this amount he does not include the authority to borrow money which he already possessed, and which he reports to us under the head of loans available, at forty two millions. Then there is the loan authorized by this bill and other difference of one and a half millions to which I have already alluded. To that add the twenty millions to be raised for getting out of this Mexican war, and it gives us an amount of one hundred and seven millions. Now if there is any item in these calculations that is subject to cavil, it is that of the twenty millions of estimated deficiency for the coming year. It may be more, but certainly it will not be presumed that it will be less. Let me here advert to a consideration all important in connexion with this subject, that this estimate does not embrace the original debt which has been liquidated. It embraces only the amount of debt which we have put in the shape of permanent debts. Whether we have provided for all is another and very serious question Who can tell the amount of floating unliquidated debt? Who can tell the amount of debt to be added to this sum when we come to close up our accounts and allow all the various indescribable claims—superinduced by this war—that must finally be presented? We have no assurance that with respect to the amounts which I have mentioned of one hundred and seven millions—or one hundred and thirteen millions if you please—that the means thus raised on the credit of the government will be sufficient. We have passed a bill for raising ten regiments of regulars but not a cent of the expense has been embraced in the estimates. All these calculations are made on the expenditures estimated. And yet we have passed a bill for raising ten thousand men, the expense of which is to be added to these calculations. Are these troops to be authorized now with a view of being disbanded during the current fiscal year? Do we want five thousand men to be raised between this time and the 30th July next? If these troops are raised there is not only the expenditure of the current fiscal year, but other expenditures of the coming year to be added. Then we have following upon the heel of the ten regiment bill another bill authorizing the raising of twenty thousand volunteers.—Here, then, are thirty thousand men to be raised in addition to our present military force, and not one cent of this contemplated expenditure has entered into the calculations of the Treasury Department. That is not all: a great variety of expenses are not included. These land bounties that we have in our generosity provided must be included. Then we have the pensions to grow out of this Mexican war, and the miscellaneous claims growing out of other operations, quarter-master and subsistence departments.—Losses also of public property, claims for private property lost; and who can estimate the amount of these expenditures? I found upon my desk the other morning a report upon a claim of an individual, who had served in this Mexican war, giving him indemnity for goods and chattels lost; and I found in the inventory of his property which had thus been lost; I suppose winter clothing, cotton shirts, and boots and shoes which he had carried with him to the field, which had been lost, and for which he desired compensation. If, then, we are going to the extent of paying for all the old boots and shoes and cotton shirts that may be lost in this Mexican campaign, I think that we shall add very largely to the amount of my statement of these miscellaneous claims. A great many horses have been lost, and as I have had to deal with the claims for horses lost in our Indian wars from the time I first had the honor of taking a seat in this Senate to the present day, I can safely say that these campaigns are the best markets for horses in the world. Would to heaven my constituents could find half as good a market for their horses and mules! When we come to estimate all these claims with that degree of liberality which seems to be now in contemplation, I think that it will be found no small addition will be made to the amount of the public debt growing out of this Mexican war. If the government can find any capitalist ready to assume the obligation of the public debt, estimating it at one hundred millions of dollars at this moment, I think they should compromise with him immediately and accept his offer. In my judgment the public debt at this time is nearer one hundred and fifty millions than one hundred millions. Thus, I can give you no details, only that there lies beyond a flood of claims, that probably never will be really ascertained until our places be taken by other men. I leave that subject.

My object now is to approach an important question referred to by the Senator from Connecticut—how is this debt to be met? This is now the great inquiry. Before proceeding to the discussion of that point, however, let me allude for a moment, to the accusation made by the honorable Senator from New Hampshire, in relation to some mistakes which he alleged the Senator from Vermont had made, in the estimates which he submitted some weeks since. The first of these mistakes is said to consist in this: The honorable Secretary of the Treasury, furnishes an estimate at the commencement of the session, of ten millions in the deficiency of the appropriations for the current year. I became satisfied, after some investigation, that by an oversight this difference of ten millions, had not been included in the general estimate of our expenditures. It is now said, I was in error in that statement. Be it so, I am not disposed to go into any calculations to settle the question, but I am rather disposed to go into an adjustment of the error—a correction of the mistake—now. After having sailed amidst the mists and fogs of Newfoundland upon this subject for some time past, if the moment has arrived when new observations can be taken, and our latitude and longitude ascertained, I am very ready to correct our reckoning. How then does this matter stand? In the first statement which I presented to the Senate on a former occasion, I included the addition to the estimated expenditures, but in correcting the error, it became proper to correct errors on the other side, and thus endeavor, if possible, to obtain an accurate result. If I have been in error, I have erred in very respectable company. Immediately after the annual report was communicated to us, we were advised by the honorable Secretary, that a mistake of about seven millions had occurred in his general estimate of receipts and expenditures. How? It seems that by the authority to issue treasury notes, this sum of nearly seven millions, had been realized by the emission of treasury notes. It was not entered on the side of receipts; it was omitted, but the Secretary did enter the balance, $6,285,000 as an available emission of this loan. In my first statement, I charged the Secretary with the actual loan for the year 1846—'47, and with $6,285,000 as the available portion of the loan for the year '47—'48, omitting the actual receipts from this source of nearly seven millions, because it was omitted in the statement from which I took my data. I also charged the Secretary of the Treasury, with his own estimate of deficiency, amounting to fifteen millions and a fraction, as the difference in June, 1848. How then did we stand? When he comes to correct the errors he had received more money, but his deficiency was less. What then was the proper mode of correction? He should have deducted from the fifteen millions deficiency, but added the seven millions to his receipts. The result was, that as the cash received, and the deficiency went to the same column, and was the subject of addition, by subtracting the seven millions from the fifteen, and adding it to the same column as a separate item, it would have made the same result precisely. The result which I brought out at that time, as the excess of expenditures over the income, was $56,820,000. These calculations were made before the error was discovered by the Secretary, and when advised of the error, I deducted seven millions, and thus the result was $49,820,000.

What next? We are told that the deficiency in the appropriations, instead of being ten millions, was fourteen millions. Another mistake! The Secretary wanted four millions more. I charged him with that amount and thus the balance was turned the other way. His mistake of seven millions, in giving the amount of cash received and expended, and the additional excess of four millions in under estimating the expenditures of the current year, gives us seven millions as an offset against the calculations of my friend, and thus it turns out by this correction that the estimate I then made should be increased one million, notwithstanding this supposed error on my part. I have no objection to correct errors—certainly none relating to the department—and I can have no sensibility about the commission of errors growing out of the inaccuracy of the data with which I am furnished. It is apparent, sir, from all the examination which I have been able to give this subject, that the Committee on Finance is groping in the dark, and what is infinitely worse, that the treasury department itself is at fault. Correction after correction is made in the annual reports upon which we usually rely. Nevertheless I do hope, sir, that the department will continue to correct its errors as readily as I myself correct any into which I am betrayed by their inaccuracies.

There is another point upon which I have a few words to say, and that is in reference to the revenue of the year ending June, 1847. I was aware that five months of the year were under the tariff of 1842, and that seven months were under the tariff of 1846; but I remember that the continued operation of the new tariff, which was passed in July, and the warehousing system, passed at the same time, threw back the income of the residue of the year beyond the last of December. In point of fact, I have adverted to the extraordinary fall of the revenue from the passage of that law. The decrease was at the rate of one million, two hundred thousand dollars per month. I am told that I attributed that to the operation of the warehousing system, and it turns out by an examination of the warehouse that goods did not accumulate therein. Well, now, what is the result? They were not imported, and it is unimportant to my purpose whether imported or not. The fact stated by the chairman is entirely unimportant.

But the third error is in relation to the estimates of the receipts from customs. This is an important consideration for us all. It is all important that we should know upon what estimates we can rely in relation to the income from this source and whether these estimates have been correct or not. Certainly it is highly important to us to know in what position we stand, and upon what basis we proceed. In my estimate I put down the revenue for the current year from this source at twenty-four millions. I arrogate to myself no gift of prophecy. I made the estimates upon conditions which were satisfactory to myself, and, I hoped, such as would be satisfactory to others. But I am told that the probability is that the result at the close of the year will falsify my predictions. Sir, I deny the possibility of such a result. My statement was founded upon the assumption that this war was to continue. I reduced the estimate upon the ground that the effect of this war would be to embarrass the country and repress the activity of business operations. I declared at the time that if this war could be closed the commercial business and finances of the country must revive. Now the country is already satisfied that the war is closed. Nothing in my judgment would more truly astound the country than to learn that this war was to be renewed. The apprehension growing out of a state of war have been removed. The pressure is removed, the prospects of the money market are improving. Thus the very state of things is presented for which I made provision in my calculations with respect to the future condition of the finances. There cannot, then, be any falsification of my prediction, if the finances of the country should improve.

But there is another consideration worthy of attention. It is said by the chairman of the committee that we have already received the amount which was estimated as the receipts of the whole year. I admit very frankly that I did not take that into consideration in my calculations. I relied upon the usual course of trade, the wants of the country, the demand for foreign goods, and the ability of the country to pay for them. But the extreme destitution in Europe has interfered with the usual operation of those laws of trade. The commercial distress in England, the individual embarrassments, the bankruptcies that have taken place in that country, have flooded us with their manufactured articles which are poured into this market to be sold at any sacrifice; whilst at the same time we have been enabled to obtain an unusually extended market for our agricultural productions. But it is quite certain that although a temporary stimulus to importations has been given, there must of necessity be a corresponding declination and falling off in the importations, and of course the receipts from customs must be diminished in the same proportion. Whilst thinking upon this subject, having imposed upon myself the duty of addressing the Senate, a New York paper came to hand, containing an article from which I beg leave to read a few extracts. Speaking of the foreign dry goods market, and of the effect of recent information from Europe, the writer proceeds:

"We do not look for any decided improvement in the demand or other foreign or domestic goods, until next spring. The people are now living on their stocks on hand, and once empties the country merchant in his spring purchases, but are mostly near goods, and of course will go very sar to lessen his wants next fall. Under the existing rate of our manufactured duties, it would be a most unnatural course to attempt to import or send any goods to our market except such as are selected at all times—and shipment even of these should be delayed until the present excessive low found rate. As every description of goods in the last price current from Manchester would not it low at the end of June in our market.

"On Thursday auction sales of cloths were made at ruinous low prices, in fact we never knew such immense low, but as low as it was we do not think that purchasers could be found for duplicates at the same price. Fewer of our jobbers will give orders we think for the coming season, preferring to wait and watch the course of events. Some have been a little scorched last season, and have come to the conclusion that it is best to purchase their goods when they want them, than to anticipate the demand."

If the market has been thus glutted, how can we anticipate fresh importations from which the revenue of the last quarter has to be swollen to the amount received in the former part of the year. If the slightest reliance is to be placed upon this article, which comes from a respectable source, it admonishes us not to place reliance upon a continuance of importations; and there is another consideration which I do not wish to discuss at length, but to which I may be permitted to allude. It was presented by the Senator from Connecticut, and it is that our exports have wonderfully fallen off. The exportations of breadstuffs have been reduced almost to nothing; and the price of cotton also has greatly declined. With this declination of exports, how are we to continue those enormous importations? I do not wish to dwell upon this topic; it requires no elucidation, unless indeed it is necessary to combat the absurdity that national economy consists in increasing its old debts. Our exportations must regulate our means; our means should regulate our importations. In my judgment, the honorable Secretary has no reason to congratulate himself, nor the country to congratulate itself, in the present state of things. No state of affairs could be worse, no possible condition of our commerce could be worse than that created by an excessive importation of foreign goods. If there is anything that carries in its train disarrangement in the business of the country—prostration of its commerce, and depreciation of its property, private bankruptcies and public embarrassment—it is precisely the present condition of things.—The revulsion of '36 was the result of similar causes. A revenue derived from such a state of our commerce, is not reliable.

The present state of public affairs on the continent is also eminently worthy of consideration in its bearings upon our financial and commercial prosperity. Events may suddenly arise changing the whole aspect of our commercial affairs. My estimates were formed upon the supposition that the war with Mexico was to continue. If my anticipations be disappointed of course different results may be expected. We are now, as the country hope, at peace or soon shall be. This will have its effect upon the business of the country. There are some other topics connected with

this subject to which I cannot here more than allude. The report of the Secretary is replete, not only with financial information, but a mighty mass of theory upon the general subject of political economy. Of course, I shall not pretend to follow himinto that field.

But there is one topic to which I must allude. It seems to be a matter of surprise that a revolution should take place in Europe without affecting this country. But do we not know that heretofore we have been in debt, and that pressure there, of necessity, produced pressure here, we standing in the relation of debtors. But the pressure created in Europe by a famine produced an enormous demand for our breadstuffs, and money of course went into our pockets. It is, then, not at all wonderful that embarrassment in Europe, instead of affecting us injuriously as heretofore, has operated to our advantage. The circumstance explains itself. But I shall proceed no further. I have thus glanced in a cursory manner at various points presented in the remarks of the honorable chairman of the Committee on Finance, and I can only say, by way of apologizing for the time which I have consumed, that the examination of our own finances and the investigation of our own national economy is worth infinitely more than all the paltry party questions upon which two-thirds of our time is wasted.

Ordered, That the amendments be engrossed and the bill read a third time.

The said bill was read a third time.

On the question "Shall this bill pass?" Mr. HALE demanded the yeas and nays, which were ordered and taken with the following result:

YEAS—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Bell, Benton, Bierce, Butler, Cameron, Dix, of Massachusetts, Dodge, of Wisconsin, Dodge, Dodge, of Iowa, Douglas, Downs, Foote, Hannegan, Houston, Hunter, Jameson, of Maryland, Johnson, of Georgia, Lewis, Mangum, Miller, Moor, Niles, Phelps, Sevier, Tappan, Turney, Underwood, Westcott, and Yulee—28.

NAYS—Messrs. Babcock, and Hale—2.

So it was

Resolved, That the bill pass with amendments.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendments.

EXECUTIVE SESSION.

On motion by Mr. CAMERON, the Senate proceeded to the consideration of Executive business, and after some time spent therein,

On motion,

The Senate adjourned.

WEDNESDAY, MARCH 29, 1848.

RESOLUTION OF THE LEGISLATURE OF NEW JERSEY.

Mr. MILLER presented a resolution passed by the Legislature of the State of New Jersey, in favor of the enactment of a law to provide for the reimbursement of the expenses incurred by William Napton and Alexander F. Arnold in raising a company of volunteers to serve in the Mexican war; which was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS.

Mr. HALE presented a petition of citizens of New Hampshire, praying a reduction of the rates of postage on letters and newspapers; which was referred to the Committee on the Post Office and Post Roads.

Also, a petition of inhabitants of Pennsylvania, praying such amendment of the Constitution of the United States as will abolish slavery throughout the Union; the motion to receive which was laid upon the table.

Mr. DIX presented the memorial of the Society for the reformation of juvenile delinquents in the city of New York, praying to be released from a judgment obtained against them by the United States, for the purchase money stipulated to be paid for the property now occupied by them as a House of Refuge; which was referred to the Committee on Military Affairs.

Mr. BELL presented two memorials of citizens of Tennessee, and a memorial of citizens of Kentucky, praying that an appropriation may be made for repairing the dam at the head of Cumberland Island in the Ohio river.

Mr. BELL having stated the nature of the memorials said: I beg leave to add a few remarks in explanation of the importance of immediate consideration being given to this memorial. The dam to which the memorial alludes was constructed at the expense of the general government about fifteen years ago, and for some time it answered the purpose for which it was designed. About three years ago, however, a breach was made in the dam near the head of Cumberland Island, which occasioned much inconvenience and caused very great losses of property, perhaps more than it would have cost to repair the dam. But the late freshet in the Ohio river has enlarged the breach to such a degree as to threaten to put a stop to navigation altogether during a portion of the year, and to render the navigation exceedingly dangerous during the remaining portion. By the employment of light draught steamers, of late, the river has been considered navigable throughout the whole year, although, since this breach occurred, it has never been entirely safe; and now, unless it be repaired, it is expected that a total stop will be put to the navigation except at the cost of reshipment. Now, the interest that I represent is only a small part of the interests which are involved in this matter. It extends only to the navigation of the Cumberland, or at least, to the valley drained by the Cumberland river, and although that is great of itself—amounting to many millions of dollars in the course of the year—yet that interest is small in comparison with that which exists in all that country which is drained by the Ohio river—which sustains great injury on account of this impediment of the navigation in certain stages of the water. And I beg leave to call the attention of the Senators who represent Illinois, Indiana and Ohio to this subject. A dam was constructed, as I have said, at the head of Cumberland Island extending across to the Illinois shore, intending to throw the channel to the left of the island on the Kentucky side. In consequence of the breakage, however, the whole object is entirely lost; but there is a narrow strait through which every boat has to run the gauntlet. I am told that a single boat during the last season was damaged to the amount of two thousand dollars, having to tranship her cargo. Many boats have been wholly lost. I can speak with some feeling in regard to this matter, having been, on one occasion, on board a boat which, in making that passage, struck, but for several hours we were suspended as it were between life and death, it being a doubtful matter whether the boat would hold together. It was cold and stormy weather at the time, and if the steamer had gone to pieces the probability is that no person who was on board would have reached the land alive.

I am aware of the difficulty which surrounds the subject, but I think that when it is examined it will be found that this does not come within the principle to which objection is attached. The great objection which I deprecate is, that other works of a similar nature will be thought to possess claims equally pressing; but this objection will be removed when Senators consider that this is a work which cannot wait; that the obstruction is considered insuperable, and that every other improvement relating to these rivers can better afford to wait. I beg, also, to call the attention of the members who compose the Committee on Roads and Canals to the subject, and ask them to give it immediate consideration. I ask the attention of the Senate to it at an early day. Sir, the memorialists whose memorials I have presented are but a small portion of those whose interests are involved; there will be many more memorials presented on the same subject, coming from the whole extent of the Ohio river, from Pittsburg to its mouth. I believe the honorable Senator from Kentucky has already in his possession a memorial on the same subject. I trust that the Senate, in view of the circumstances, will indulge me by giving this subject their earliest attention. I now send the memorials to the Chair and ask that one of them, without the signatures, be printed for the use of the Senate, and that they be referred to the Committee on Roads and Canals.

The motion was adopted.

Mr. CRITTENDEN.—Some petitions have been placed in my hands relating to the same subject with those which have just been presented by the honorable Senator from Tennessee. I will not occupy the time of the Senate, after what has been said, with any remarks as to the character of the obstruction which these memorialists seek to have removed. The effect of the breakage in the dam is, at times, to obstruct the navigation entirely, and at others, in the ordinary stage of the water, to render it exceedingly perilous. The dam was intended to improve the navigation by freeing the water on the Kentucky side. This dam has given way to the force of the water and the huge stones of which it was composed cast into the channel, rendering the navigation dangerous in the extreme. The effect of this breakage in the dam is to bar up almost entirely all ingress and egress to and from the Kentucky side of the river. There are attached to these petitions the names of some thousands of persons who are interested in this matter, and I beg to present their petitions and ask that they be referred to the same committee to which the memorials presented by the honorable Senator from Tennessee were referred.

I can hardly suppose that any remarks of mine are necessary to show the great importance of the navigation of this river. I almost fear to speak of its importance lest I might be thought to be influenced by local considerations. But the amount of property that passes through that channel is scarcely to be calculated, and it is increasing every year. The number of lives that are thus hazarded are immense. The whole of this property is put at hazard, to some extent, by this obstruction, and, I think, as the honorable Senator from Tennessee has said, that this application stands upon a ground peculiar to itself. The obstruction is one which the government, in a laudable effort to improve the navigation, has itself placed there. Whether it is to be removed or repaired is a question to be determined by Congress. The petitioners say it will cost less to repair it than to remove it, and when it is made firm and stable it will be of the utmost advantage to the navigation of the river. The government having placed the obstruction there is under an obligation, independently of the question of the power of Congress to improve the navigation of those rivers, to remove it.

The petitions were referred to the Committee on Roads and Canals.

Mr. BENTON presented the petition of Rebecca Heald, praying compensation for property destroyed by the enemy during the last war with Great Britain; which was referred to the Committee on Military Affairs.

Also, a petition of citizens of the State of Missouri, praying the right of pre-emption to certain lands settled and cultivated by them; which was referred to the Committee on Private Land Claims.

Mr. YULEE presented the petition of George E. McClellan, in behalf of himself and a company of mounted volunteers, raised by him during the Seminole war, praying compensation for their services; which was referred to the Committee of Claims.

FLORIDA MOUNTED VOLUNTEERS.

Mr. YULEE submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the President be requested to communicate to the Senate, if not incompatible with the public interest, all documents relative to the services of Captain M. Cohen's company of Florida volunteers, in the year 1840.

LIGHT HOUSES AND BUOYS.

Mr. DAVIS, of Massachusetts, from the Committee on Commerce, to whom was referred the bill from the House of Representatives to change the location of certain light houses and buoys, reported it without amendment.

Mr. DAVIS asked for the immediate consideration of the bill, and in order that Senators might judge of the propriety of giving it immediate consideration, he stated that the object of the bill was

merely to carry into effect an act which had been passed at the last session of Congress, providing for the erection of certain light-houses and buoys. That act provided for the erection of a light-house on the Hudson river, another on the Savannah, a buoy and light-house on the Santee river, and another near Galveston. The Secretary merely asks from Congress, power and authority to change the location of these light-houses, to the erection of which, as at first contemplated, insuperable objections exist. In regard to the one on the Hudson river, it was proposed to be located on certain land for which the owner now demands a very extravagant price, and it is found that another spot can be procured for a very moderate sum. This case is an illustration of the whole, and I ask that it may be acted on now by the Senate, for the reason that the time of year has arrived, when the works ought to be proceeded with.

Mr. BAGBY.—I hope that the ordinary course of business will not be interrupted. I understood, too, that there are appropriations in this bill, of rather questionable propriety.

Mr. DAVIS re-stated the object of the bill.

Mr. BAGBY.—I would inquire whether it involves any additional expenditure of money.

Mr. DAVIS.—Not a dollar, except what was provided for last year. The word money is not used in the bill.

Mr. BENTON.—It is simply to change the site of these light-houses, is it not?

Mr. DAVIS.—That is all.

Mr. BAGBY.—Then I have no objection.

The Senate proceeded to consider said bill, as in Committee of the Whole; and no amendment being made it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

COLONEL ROBERT WALLACE.

Mr. CASS, from the Committee on Military Affairs, to whom was referred the bill for the relief of Colonel Robert Wallace, aid-de-camp to General William Hull, reported it without amendment.

CONGRATULATIONS TO THE FRENCH.

Agreeably to notice, Mr. ALLEN asked and obtained leave to bring in a joint resolution tendering the congratulations of the American to the French people; which was read and passed to the second reading.

Mr. ALLEN asked that the resolution be now read a second time.

Mr. MILLER thought it would be proper to refer the resolution to the Committee on Foreign Relations, and had no objection to the second reading with a view to the reference; but if it was intended to ask for the consideration of the resolution to-day, he must object to the second reading.

Mr. ALLEN thought there was no necessity for a reference, and preferred that the resolution should be acted upon at once.

Mr. MILLER objected to the second reading, as against the rule.

BOUNTY LANDS.

Agreeably to notice, Mr. ASHLEY asked and obtained leave to bring in a bill explanatory of the act entitled "An act to raise, for a limited time, an additional military force, and for other purposes," approved 11th February, 1847; which was read the first and second times, by unanimous consent, and referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The President of the United States has notified the House of Representatives that he approved and signed the 27th instant, the bill further to amend deficiencies in the appropriations for the service of the fiscal year ending the 30th June, 1848.

The House of Representatives have passed a bill making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June 30, 1849, and for other purposes; in which they request the concurrence of the Senate.

INDIAN APPROPRIATION BILL.

The above named bill from the House of Representatives, was read the first and second times, by unanimous consent, and referred to the Committee on Finance.

THE SENECA INDIANS.

On motion by Mr. ATCHISON, it was

Ordered, That the report of the Secretary of War, presented the 19th of January, 1848, in relation to losses sustained by the Seneca Indians, through a late sub-agent of the United States, be referred to the Committee on Indian Affairs and printed.

PUBLIC LANDS AT FORT SNELLING.

The Senate proceeded to consider the following resolution, submitted by Mr. BREESE, on the 23d instant, and it was agreed to:

Resolved, That the Secretary of War be directed to inform the Senate what quantity of land has been reserved from the public lands at Fort Snelling, on the Upper Mississippi, under the treaty or treaties with the Sioux, and what portion of the reserved land is now claimed by the United States as necessary for military purposes.

THE SUPREME COURT.

The Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives supplemental to the act entitled "An act concerning the Supreme Court of the United States," and

On motion by Mr. CRITTENDEN, it was

Ordered, That the further consideration thereof be postponed to, and made the special order of the day for, Friday next.

SAMUEL LEECH.

The Senate proceeded to consider the amendment of the House of Representatives to the bill of the Senate to provide for the compensation of Samuel Leech, for services in the investigation of suspended sales in the Mineral Point District; and it was

Resolved, That they concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

CALIFORNIA CLAIMS.

On motion by Mr. CASS, the prior orders were suspended, and the Senate resumed the consideration, as in Committee of the Whole, of the bill for ascertaining and paying the California claims.

Mr. DIX.—Mr. President: The transactions out of which the claims provided for by the bill under consideration arose, were explained yesterday in the brief but very pertinent and lucid remarks of the honorable Senator from Michigan, [Mr. CASS,] as chairman of the Committee on Military Affairs, before which the testimony substantiating the claims was taken. I hold in my hand the printed document containing this testimony, and before I sit down I will read some portions of it to the Senate, though I may perhaps but present what is familiar to all.

I do not know that any explanation further than that which has already been given by the honorable Senator from Michigan is necessary to vindicate the propriety of passing the bill. The pecuniary obligations for the discharge of which it provides, were contracted in good faith, for the purpose of subduing the country and of expelling from it the military forces of Mexico. In the execution of these objects, the young and accomplished officer at the head of our troops, Colonel Fremont, exhibited a combination of energy, promptitude, sagacity, and prudence, which indicates the highest capacity for civil and military command; and in connexion with what he has done for the cause of science, it has given him a reputation at home and abroad of which men much older and more experienced than himself might well be proud. That the country will do justice to his valuable and distinguished services I entertain not the slightest doubt.

The objects accomplished by Colonel Fremont, as subsequent developments have shown, were far more important than those I have referred to. There is no doubt that his rapid and decisive movements kept California out of the hands of British subjects, and perhaps out of the hands of the British government; and it is in this point of view that I desire to present the subject to the Senate. If these transactions stood alone—if they constituted an isolated case—I might not deem it necessary to call attention to them. But, as a part of a system to all appearances deliberately entered upon and steadily pursued, it seems to me that they may justly claim a more extended consideration than would be otherwise due to them.

While discussing the bill to raise an additional military force in January last, I stated some facts in illustration of the encroachments of Great Britain on the southern portion of the North American continent. I alluded particularly to the movements on the Mosquito coast, where she is establishing herself under the pretence of giving protection to an insignificant tribe of Indians, but in reality to gain possession of a territory not only intrinsically valuable on account of its natural products, but doubly so to her on account of its advantages of position. This occupation does not rest upon the ground of an original establishment on territory unreclaimed from its primeval solitude, or even on territory not reduced to actual possession by its first discoverer. It is a portion of the old Spanish dominion in North America, constituting, after the dissolution of the empire of Spain in the western hemisphere, a part of the confederation of Central America, and now an integral part of the States of Honduras and Nicaragua: and if the power of Spain had continued unbroken, this unjustifiable encroachment would not have been heard of. I stated on a former occasion that the territory occupied in the name of the Musquito nation by Great Britain, contains about 40,000 square miles, nearly as large a surface as that of the State of New York, and that she had recently sought to extend her possession by forcible means to the

river San Juan de Nicaragua, near the eleventh parallel of latitude, one degree further south than the territory actually claimed as belonging to the Mosquitos according to her own geographical delineations.

Nearly a century ago some connexion existed between Great Britain and the Mosquito Indians; but the territory was abandoned by her under treaty stipulations with Spain. When the connexion was renewed I am unable to say. But I believe the first open and avowed attempt to exercise rights of sovereignty over the territory, through consular agents, was in 1843, when Patrick Walker was appointed consul at Bluefields; and this appointment was immediately the subject of a protest by at least one of the South American States.

Before I proceed to give the details of this encroachment, I wish to call the attention of the Senate to the position taken by the Executive of the United States, nearly twenty-five years ago, in respect to the future colonization of this continent by European powers.

In the annual message of Mr. Monroe to Congress, in December, 1823, he stated that in the discussion of the respective rights of Great Britain, Russia, and the United States, on the northwestern coast of America, the occasion had "been judged proper for asserting as a principle, in which the rights of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European powers." In the same message it was declared that we should regard any attempt on the part of European powers to extend their political "system to any portion of this hemisphere, as dangerous to our peace and safety." "With existing colonies or dependencies of any European powers," says the message, "we have not interfered and shall not interfere. But with the governments who have declared their independence, and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition towards the United States."

The two positions assumed by the Executive of the United States were—

1. That there must be no further colonization on either of the American continents by any European power; and

2. That there must be no interference by European powers with the independent States in this hemisphere:

And these declarations were accompanied by the disavowal on our part of all intention to interfere with existing colonies or dependencies of any European Power on this continent.

Of the wisdom or policy of these declarations I have nothing to say; though I must add, that I have always considered the publication of manifestoes, which the government putting them forth is not prepared to maintain at all hazards, as calculated to detract from its dignity and influence.

Mr. Monroe's declarations have not been maintained. They applied to South as well as North America; and during the last five years the Banda Oriental and the Argentine Confederation, have been the theatre of an armed intervention on the part of Great Britain at first, and ultimately of Great Britain and France, which is almost unprecedented in the history of nations, as a violation of the right of every community to regulate its domestic concerns in its own way, without external interference. I will not detain the Senate by entering into the details of these transactions. Suffice it to say, that in 1838, in consequence of internal dissentions in the Banda Oriental, or the Oriental Republic of Uruguay, fomented by foreign officers and residents in Montevideo, General Oribe, the President, resigned, and fled to Buenos Ayres, his rival, General Rexeira, succeeding to his politicalpost. In 1842, Oribe entered the Banda Oriental, drove Rexeira into Brazil, and besieged his successor, Paez, in Montevideo, which was subsequently invested by sea by the Argentine fleet. The interposition of Admiral Purvis, commanding the British fleet, when the Admiral of the French fleet refused to interfere, on the ground that such interference would violate well established principles of international law, has had the effect of prolonging for five years a war, which would otherwise have been speedily decided, and led to a violation of every rule of international duty, through a further intervention in the affairs of the Argentine confederation by the combined fleets of France and Great Britain, under the sanction of their respective governments. Those who desire to know more of these transactions will find a most interesting discussion in the British House of Lords, in the Parliamentary Debates of 1845, vol 83, page 1152. In reply to some inquiries proposed by Lord Beaumont, the Earl of Aberdeen made the defence of the Ministry. He was followed by Lord Colchester, who had been at the Rio La Plata, and who was thoroughly acquainted with all that had taken place. He corrected many of the Earl of Aberdeen's statements, and I think it will be admitted that he left to the Ministry a most unsatisfactory ground of defence. On the principles laid down by Mr. Monroe, it would have been the duty of the United States to interpose for the purpose of protecting the Oriental and Argentine republics from this flagrant invasion of their rights as sovereign and independent States. We have failed to do so—I do not say whether rightly or not; but the impolicy of making declarations which we are not prepared to maintain is strongly exemplified in our inaction.

In the annual message of the President to Congress in December, 1846, the declarations of Mr. Monroe were reiterated, but the application of the principles he asserted was virtually restricted to the continent of North America. Whatever hesitancy there may be in extending the application further, to this extent its assertion and maintenance at all hazards can afford, it appears to me, no ground for a difference of opinion. Our own security depends, in no inconsiderable degree, on the tranquility of the States bordering on us, or in our neighborhood. The interference of European powers in their affairs can have no other effect but to produce distractions dangerous alike to them and to us. We have a right to insist, then, on the principles of non intervention on this continent—a principle lying at the very foundation of all national independence—a principle which cannot be violated without offending against the common welfare and the common interest of the whole civilized world. In connexion with this subject, I desire to say that I have always insisted in the most earnest manner on the duty of non-interference on our part with the affairs of European States. I consider it the more imperative now, when great political changes are taking place, and when the whole continent of Europe may be convulsed to its centre.

In this view of the subject, the encroachments of Great Britain in North America possess an importance which cannot be exaggerated. I begin with Central America, and shall pass on to California, where we have had recent evidence of a deliberate design to obtain possession of the country for the purpose of excluding us.

In February last, I received a letter from a friend in New York, a gentleman of high respectability, extensively engaged in commercial transactions, chiefly with Central and South America, and who formerly held a seat in the House of Representatives, stating that he had noticed my allusion to the affairs of the Mosquito coast, and that he could give me some information on the subject, if I desired it. I immediately made the request, and received from him, about a month ago, a letter, which I will read to the Senate:

NEW YORK, February 28, 1848.

"DEAR SIR: Your favor of the 25th instant is received. In compliance with your request I have hastily drawn up the outline of the information desired.

"In August, 1840, Mr. James C. Bell and myself, New York merchants, called to see a person having great command of advantages at the then newly-created Bluefields, Mosquito nation, Central America, and who desired to form a connexion with a house at New York, in which these advantages would be profitably employed for commercial enterprize. Having, at that time, much business at Belize and Truxillo, I was ready to listen to propositions for increasing my trade with that country, especially to receive their valuable information which I suspected Mr. B. could give me. Mr. Bell stated he was the Secretary to the British consulate at Bluefields, which he assured me was really the government or portion of the Mosquito nation—a tribe of discolute and degraded Indians, scarcely so, called at fourteen, with an income of the consul below, and descended on the Truxillo country for the purpose of collecting the Mosquito quota from those previously conveyed to the British government, on that their claim when questioned could be maintained as a legal demand made on them by the Kings that the office of the British consul was not really the position of any importance, which abounded with such forests of mahogany and other valuable woods on the coast and many miles in the interior on navigable rivers, but *at the proper time* to show, provided sufficient inducements, a number of acres of land to the Mosquito Indians, from the south to 10° of north latitude, comprising San Juan and the rich country of Lake Nicaragua, thus securing the best route to the Pacific, as well as by far the most fertile and productive part of all that section of Central America; that he (Mr. Bell) had made two visits, accompanied by skilful surveyors and engineers, to San Juan, and thence to the interior and to the Lake Nicaragua for purposes of exploration, &c., by order of the government, and received privately to Mr. Walker, the Consul at Bluefields, that he came to the United States to effect on his individual account a connexion with some mercantile house by which to establish branches at Bluefields and at San Juan in advance of its becoming a *British port*, that he had received an exclusive grant for the cutting of mahogany on Bluefields river and adjacent coast; that this connexion with and intimate relation to the consulate at Bluefields, *alias* the Mosquito government, would give him such advantages at San Juan that he could nearly monopolize the interior trade of that place, and ship to the United States large quantities of spars, indigo, cochineal, hides, &c. in exchange for cotton goods, flour, &c.

"Mr. Bell, by written documents and by [illegible] satisfied me fully of the truth of his statements, and I [illegible] to go [illegible] I [illegible] [illegible] [illegible]

the pretence of giving protection to this miscalled nation, Great Britain has extended her sovereignty over a district of country nearly as large as the State of New York or Pennsylvania. She has vessels of war, commanded by British subjects, under the name of the Mosquito navy. And, in a word, she has appropriated to herself a part of the territory of Honduras, and is encroaching on the territory of Nicaragua, against the solemn protest of the Central American States. Her objects are doubtless threefold—

1. To extend her political dominion on this continent;
2. To open new fields for commercial enterprise; and
3. To obtain possession of the most practicable route for a ship canal across the Isthmus, and thus to control the commercial communication between the two oceans.

This last object is naturally regarded as the most important. The route has been surveyed minutely, thoroughly, by a British engineer, and its practicability ascertained. From the Caribbean Sea to Lake Nicaragua, the river San Juan is susceptible of the requisite improvement. The lake is already navigable for vessels of any burden; and from the lake it is less than sixteen miles to the Pacific, with a mean descent of about one hundred and twenty-eight feet. The results of this examination will be found at the end of the first volume of Stephen's work on Central America.

But it is not through her connexion with the Mosquito coast alone that Great Britain is extending herself across the continent. Through her establishment at Belize she is penetrating to the very heart of the peninsula of Yucatan. She had at first only a permission to occupy a small district on the coast for the purpose of cutting logwood, and to enjoy the use of a fishery for the subsistence of the persons employed. This permission was given during the Spanish rule in America. It was confirmed in 1783 by the treaty of Versailles, under very cautious restrictions, and slightly extended by the treaty of London in 1786. The sovereignty of Spain over this territory became, by virtue of the independence of her colonies, of which Yucatan was one, vested in Mexico. But the right of Great Britain to Belize, I am told, has not been recognized either by Mexico or Yucatan. She not only continues to hold the coast, but she has extended herself over a district of about fourteen thousand square miles, embracing one of the most valuable portions of Yucatan; and I believe she claims it by conquest. She is within sixty miles of Chiapas, the Southern State of Mexico; and her chief establishment is said to be a vast depot of contraband. A fierce contest is now going on between the Spanish and Indian races of Yucatan; and the latter, who were once disarmed and harmless, are now found to be abundantly supplied with powder and firearms—many of the latter bearing the stamp of the tower of London. When this contest, marked, as all such contests are, by murder and wanton and savage barbarity, shall have exhausted the combatants, both parties may be willing to take refuge in the power, and find tranquility under the protection of Great Britain. Sir, this is the usual issue of her intervention in the domestic concerns of other States—those especially in which civilization has made but little progress. This is still more likely to be the result when semi-barbarous tribes are intermingled with civilized races, as in the greater portion of this continent to the south of us, and from numbers or local circumstances approaching an equality with each other in point of strength.

I do not make these statements, Mr. President, for the purpose of exciting feeling here or elsewhere. It is a subject which I desire to see considered with calmness and deliberation; but it is one which deeply concerns us. Our tranquility, our political comfort, our commercial interests, are all involved in the exemption of neighboring States from domestic dissensions and violence; and we have a right to see that these mischiefs are not promoted by unauthorized interference from abroad. I do not propose to speak of the right of interference in the internal concerns of other States. On a former occasion I said to the Senate all that I desire to say on that subject. But I hold it to be our right and our duty, when we see questionable movements by foreign powers on this continent, either through their constituted authorities, or through their subjects, supported by the power of the State, to know what are their objects, and to see that the political independence of our weak and defenceless neighbors is not insidiously subverted, and their territorial possessions wrested from them by unwarrantable encroachment.

One of the peculiarities of the system by which Great Britain has extended herself over so large a portion of the globe, is that she usually acts in the first instance by private rather than by public agents. She employs commerce to effect what other governments accomplish by public authority and force. Instead of sending an army or a fleet to take possession of a coast, she sends a trading company. Nothing can be more unsuspicious than the circumstances under which their first lodgment—the germ, perhaps, of a future empire—is made. They only wish some facilities for landing and for shelter while they dispose of their merchandize; they desire to establish a factory, (which, in the British accepta tion of the term, is a house for traders,) and to enjoy some temporary conveniences for traffic. The permission is given, a foothold is obtained, a house is built, a picket, a ditch, an embankment follow. These simple improvements (to use an American phrase) grow insensibly into a settlement, a fortress, and a colony, and the occupation becomes perpetual. Here are British subjects, British property, and British interests to be protected; the honor of Great Britain is concerned, and it will not permit them to be abandoned. Her East Indian Empire, the most vast and lucrative of her possessions, was gained through the agency of a trading company. Through a trading company she gained her first foothold on the northwest coast of America, and obtained for herself in the end some of the best portions of Oregon.

There is another peculiarity in the British system of extension. Colonization is only desired so far as it is coextensive with political sovereignty, She does not labor to civilize or improve where she cannot rule. Commercial interest is the principal, and social improvement the incident, in her progress.

Sir, there were two great systems of colonization in ancient times—those of Greece and Rome—and each distinct in its character. Greece was actuated by no sordid reference to self in the extension of her people. When she sent out her children to colonize distant territories, she let them go forth independent and free. She did not insist on carrying her political sovereignty along with them, and compelling them to pay a servile obedience to it. She sent them out with her benedictions and prayers, to enjoy, unshared by herself, whatever prosperity they could earn by their industry and their valor; and it was through these migrations that the foundations of ancient civilization were laid in southern Italy.

Roman colonization was totally different in its character. Rome, indeed, did not encourage colonization out of Italy in the early days of the republic. In its latter days, and during the early period of the empire, she sent out colonies to distant regions, and retained them in dependence on herself. She desired that all the streams of prosperity which emanated from her should be poured back, in enlarged currents, upon their source. It was a vast system of centralization. Under its influence the heart became distended and gorged, while the extremities were left exhausted and cold, and the whole system fell asunder by force of this inequality.

This is the British system of colonization; it has been more liberal of late, but unless still further relaxed, its fate will be the same. Its great characteristic is dependence on the parent State; its most inflexible formulas, (if I may be allowed the expression,) colonial governments subservient to the crown, commercial regulations framed with an exclusive, and (such is the fatality of all selfishness, individual or national) usually with a mistaken view to metropolitan interests.

It is not for our advantage that this system should be extended. We desire freedom in commercial intercourse. We do not interfere with any colonial systems, however exclusive, where they now exist. We do not oppose their extension in any other portions of the globe. But, having no colonies ourselves, desiring none, looking only to an extension by pacific means, and from the operation of natural laws, over the unoccupied districts of country west of us, we have a right to insist that colonial establishments, exclusive in their character as respects commercial intercourse, shutting out the world except the parent State, and dependent on distant governments, shall not be planted in our neighborhood in violation of the rights of defenceless States. I would not make this principle the theme of a declaration or a manifesto. I would have it quietly announced to those whom it concerns, and firmly maintained against all infringement.

Before I dismiss this part of the subject, I wish to say that I am not unwilling to concede to Great Britain some merit for what she has done for constitutional liberty in the past, nor am I disposed to deny that her colonial system may lead in the end to results of great value to the cause of civilization. She has, in more than one instance, arrayed herself against the progress of arbitrary government in Europe, and asserted principles which lie at the very basis of all free institutions. Through her colonial possessions she is disseminating throughout the globe the intelligence and the civilization by which she is herself distinguished; and, when the political bonds by which her vast possessions are held together shall be rent asunder—a day not distant, perhaps—when the sceptre of her empire shall be broken, the colonies she has planted in every continent and in every sea, will become so many centres from which the lights of knowledge and freedom will be radiated to the darker portions of the earth. While advocating a determined resistance to her encroachments, I am willing, nevertheless, to do her this political justice.

Let me now turn to the subject more immediately in hand—the California claims. The propriety of passing the bill providing for the payment of them has been fully shown by the honorable Senator from Michigan. It only remains for me to consider the subject in connexion with the particular topic which I have discussed.

By the testimony taken before the Committee on Military Affairs, it appears—

1. That Eugenio Macnamara, a Catholic priest, made application to the government of Mexico for a grant of land in Upper California, for the establishment of Irish colonies. The first colony was to be established at San Francisco; the second at Monterey; and the third at Santa Barbara; and the number of colonists was not to be less than ten thousand. There is no date to the application; but other documents show it to have been previously to the 19th of January, 1846.

2. The avowed objects of Macnamara were to keep the Californias out of the hands of the Americans, who are represented, in his memorial to the Mexican government, as an artful and base enemy, and as abhoring the people and the religion of Mexico.

I will read to the Senate some extracts from his original application to the Mexican government. They will be found in the translation at page 19 of the document containing the testimony taken before the Committee on Military Affairs, and in the original Spanish, at page 77 of the same document:

"1. Eugenio Macnamara, Catholic priest and apostolic vicar, came to the country of submitting to your Excellency some reflections on a subject worthy of the attention, much public attention, dealing to the expectation and consideration of Upper California.

"It does not require the gift of prophecy to foresee that with which [illegible] the country will cease to be an integral part of this republic, unless some prompt and and efficacious measure be adopted to prevent [illegible]

"For this reason I propose, with the aid and association of your Excellency to carry forward this project, to place in Upper California a colony of [illegible]. I have a triple object in making the proposition. I wish, in the first place, to increase the cause of Catholicism, in the second to contribute to the [illegible] of a country, new, thirdly, I desire to prevent obstacles in the way of [illegible] occasioned on the score of an irreligious and anti Catholic nature. I therefore pray to your Excellency that these be conceded to me in extent of territory on the coast of Upper California for the purpose I have indicated."

I will also read an extract, at page 24, from his second application, urging attention to the first. It will be found in that section at page 79:

"Your Excellency will excuse me that I return to the charge in this matter, as it is no fine ought to be had in this important affair. [illegible] your Excellency knows well enough that we are [illegible] enemy, who knows no means however [illegible] country, and who abhors [illegible] and [illegible]

"If the means which I propose be not [illegible], your Excellency may be assured that, before another year, the California will become the prey of the Methodist wolves, and the whales country will be consumed with the [illegible]. WHAT I propose the means of repelling them, my [illegible] I have [illegible] inasmuch as I have no personal interest in the affair, save the progress of the holy religion of God, and the happiness of my countrymen. The stigma cast upon us and upon one of our most respectable [illegible] I cannot [illegible] as emanating from a conviction of their truth."

3. The grant to Macnamara, after being submitted to the consideration of the Governor of California, was made on the 4th of July, 1846, and comprised about three thousand square leagues, containing, besides the bay of San Francisco, some of the best lands some of the most important military and commercial positions in California.

4. Macnamara was taken to California in a British sloop-of-war (the Juno) in June, 1846; a British ship of 80 guns, (the Collingwood) commanded by Admiral Seymour, followed in July, and Macnamara was taken away in her.

The extract I am about to read from the affidavit of Col. Fremont will show the connexion between Macnamara's movements and those of the public armed vessels of Great Britain. It will be found at page 14 of the document:

"The fruits of the revolutionary movement thus passed to the United States, and have remained with her ever since. These fruits were very considerable. Besides the peaceable possession of all the northern part of California and the actual force in the field under the independent flag, which immediately was [illegible] the United States, there is good reason to believe, and evidence is now at hand to sustain that belief, that the revolutionary movement prevented a design of the Californians to put their country under the flag of the British, and also prevented the completion of the colonization grant of three thousand square leagues to Macnamara, who was brought to California in the British sloop of war Juno, in the month of June, 1846. Admiral Seymour, in the Collingwood, of 80 guns, arrived at Monterey on the 16th of July. Macnamara was on board the Collingwood when I arrived at Monterey on the 19th, and was carried away in that vessel. The taking possession of that place on the 7th had anticipated him, and the revolutionary movement had checked the designs of the Californians to place the country under British protection; and also prevented the fulfilment of the great grant to Macnamara, the original papers of which I now have here, to be shown to the committee and to be delivered up to the government."

5. In addition to the Macnamara grants, some of the most valuable missions were sold in May and June, 1846, to British subjects, for very inconsiderable sums, showing an evident design, in case the United States should get possession of the California, to keep some of the most valuable districts out of the hands of the government, by converting them, through fraudulent conveyances, into British property.

6. It appears also that a plan was set on foot by the British Vice Consul in California, Mr. Forbes, Macnamara, and others, to put that country under the protection of Great Britain, and at the very moment when it was expected that a war would break out between the United States and Mexico. The time, the circumstances, the actors, all indicate a deliberate design to get possession of California for the purpose of keeping it out of the hands of the United States. The auspices under which a junta was planned and convoked for the purpose of asking the protection of Great Britain are shown by an extract which I will read from the affidavit of Capt. Gillespie, of the Marine Corps, and which will be found at page 28 of the document:

"About this time, June 30, I learned that the junta which was to have established at Santa Barbara on 15th June, and which had been planned and [illegible] and through the agency of Mr. Forbes, the British Vice Consul, and an Irish Catholic priest, by the name of Macnamara, had been prevented from assembling in consequence of the rising of the settlers. This junta was proposed for the purpose of asking the protection of England, and of giving an immediate [illegible] to the treaty of the San Joaquin for the settlement of ten thousand Indians, to be brought to California under the direction of Macnamara. All this intrigue of British agents was broken up by the timely and prompt operations of the settlers, under the direction of Capt. Fremont."

By Lieut. Minor's testimony, which will be found at pages 43 and 44, it appears that the convention or junta was held, and that a majority were in favor of claiming the protection of England—a decision naturally to have been expected, when it is considered under what auspices it was convoked. The extracts I am about to read contain also some interesting facts connected with the movements of the British Admiral:

"The undersigned, a lieutenant in the navy of the United States, has the honor to make the following answers to the interrogatories put to him by your honorable committee:

"The undersigned being in command of the southern district of California during the latter part of 1846, was influenced by Pedro C. Carrillo and [illegible] information thus obtained is founded on facts) that he, the said Carillo, was a member of a junta that assembled at Santa Barbara in June, 1846, for the purpose of declaring the independence of California, and of asking the protection of the United States or Great Britain, that the junta was represented by all of the influential portions of California; that a majority of the same were for claiming the protection of England; that their resolves would probably have been executed had it not been for the war and their fears of an armed force, then on the north side of the bay of San Francisco, under the command of Capt. Fremont. The undersigned has understood from other sources entitled to confidence, that a majority of the people of California desired the protection of England. The opinion he thus formed was strengthened by the fact that an English frigate (the Juno) had, about the time the junta met, landed an English subject named Macnamara at Santa Barbara, of whom it was said that he had obtained a grant from the Mexican government of a large and fertile portion of California, embracing the whole valley of the San Joaquin, from its source to its mouth—a valley, as the undersigned believes, comprising one-third of the richest portion of California. The undersigned believes that the British squadron in the Pacific, commanded by Rear Admiral Sir Geo. T. Seymour, composed then of a larger force than they ever had upon that ocean, were employed in closely watching the movements of the American commodore. Being aware of this fact, Commodore Stont, when he heard of the first battle on the Rio Grande, put under way in the frigate Savannah, then anchored off Mazatlan, for the ostensible purpose of proceeding to California. An English vessel of war weighed soon after the Savannah, and stood in the direction of San Blas, where it was known the admiral was. After cruising in the gulf two days the commodore returned to his anchorage off Mazatlan, when another English ship got under way and stood in the direction of San Blas. The undersigned believes that this was intended to communicate [illegible] the departure of the English admiral. On the 8th of June, 1846, the Savannah again made sail, and, after a passage of 23 days, during which a press of canvas was carried, she arrived at the port of Monterey, in Upper California, on the 7th July, of which day, the ship of Admiral Seymour, entered the harbor on the 15th of July, and the undersigned believes that the admiral was disappointed when he saw the American flag flying on shore."

The testimony of Capt. Hensley, from which I will give a brief extract, and which will be found at page 33, fully sustains the statement of Lieut. Minor:

"I am a resident in California, where I have resided since the autumn of 1843. In the month of May, 1846, I went to San Francisco, where I met with Gen. Vallejo, and had a short conversation with him on the affairs of Upper California. I understood from him that he had recently attended a convention, composed of Gen. Castro, himself, and five others, delegates from the different districts in California, at which the proposition had been made and debated to separate from Mexico, and establish a government in California, under the protection of some foreign power, believed by us to be England; but, as the General positively stated, the majority was not in favor of placing the country under the protection of the United States, though he himself was. Gen. Vallejo was of course guarded in conversing on so dangerous a subject as this was at that time, and from the substance of his remarks, as understood by myself and [illegible] who heard them."

The grant to Macnamara is so connected with the movements of the public vessels and public agents of Great Britain, as to raise a strong presumption that he was secretly countenanced by the British Government. Dr. John Baldwin, whose testimony will be found at pages 46, et seq., states that Macnamara lived in the house of the British consul or charge d'affairs in Mexico, and that he understood in that city in September and October, 1847, a plan had been projected, under the auspices of the British legation, to colonize California with emigrants from Ireland. These facts will be more fully shown by his affidavit, at pages 46 and 47 of the document, from which I will read a single paragraph:

"I resided in the republic of Mexico from the year 1822, until 1838, a period of sixteen years; during which I made the acquaintance of many of the leading men of the country.

"I again entered Mexico (city) on the 14th of September, 1847, and remained there until the 31st of November; during that time I made the acquaintance of the priest Macnamara. From various sources entitled to credit, I was informed that he had, under the auspices of the British legation, projected a plan to colonize California with emigrants from Ireland. His project had met the approbation of the Mexican Government, and he went to California to perfect his plans. In the mean time, it was asserted that the ulterior views of Macnamara was to promote the interest of the British Government and not the Mexican Government. A fierce opposition was commenced in the republican members of Congress, when he should return with his matured plans from California; this resistance became unnecessary in consequence of the conquest of California, by the arms of the United States. Macnamara lived in the family of either the British consul or charge d'affairs in Mexico."

I have referred to the connexion of Macnamara's movements with the public vessels of Great Britain as presumptive evidence of the connexion of the British Government with them. I do not inquire whether Admiral Seymour had special instructions or not. From the declaration of Admiral Purvis, in the intervention of La Plata, it is highly probable that British naval officers cruising in distant seas have general instructions "to protect British interests at all hazards," (I believe that is the phrase,) leaving an unlimited discretion to the officer and giving to the government the advantage of being able to approve or disavow his conduct, as its special cases, according to its own interest. From all the circumstances connected with the transactions in California, we are constrained to believe that the British naval commander was fully apprised of Macnamara's objects, as well as the design to place that country under the protection of Great Britain, and that he was there co-operating in the one, and ready to co-operate in the other. Indeed, by referring to the testimony of Mr. Leker, at page 39, it will be seen that his arrival there had been talked about and expected with a view "to take possession of California."

I have given, Mr. President, a mere outline of the transactions of British subjects and British agents in California. The leading facts are verified by the affidavits of Col. Fremont, Capt. Gillespie, of the marine corps, Lieut. Minor and Midshipman Wilson, of the navy, Col. Russell, Capt. Hensley, Doctor Baldwin, and many gentlemen connected with the civil and military transactions of the Californias after the rupture between the United States and Mexico; and some of the most important circumstances are authenticated by the public records of California which fell into our possession.

It is impossible that the success of these movements should not have brought us into direct collision with Great Britain. We could not have failed to regard them, considered in connexion with her proceedings in Oregon and more recently in Central America, as part of a deliberate design to environ us with her colonies, and especially to shut us out from the Pacific and its extending commerce. From all the facts, we can hardly doubt either that she would have taken possession of the country in her own name, or,

what is perhaps more probable, that she would in the first instance, have taken it under her protection. In this case the drama of the Musquito coast, the performers only being changed, would have been acted over again. A Californian governor, somewhat above the grade of the king of the Musquitos in respectability, but on the same level with him in subservience to the protecting power, would have been put in the foreground, while British subjects would have occupied the country and gradually reduced it into the possession of Great Britain. Thus shut out from the Pacific, our own people would have been met at the Sierra Madre, or perhaps still further east, and the tide of emigration and settlement would have been turned back upon the Atlantic coast. It is in this point of view that these transactions possess the greatest interest and importance, and that the sagacity, promptitude, and decision of your youthful commander in California, at the time the disturbances broke out, have given him the strongest claims on his countrymen. Any faltering on his part—any hesitancy in acting, and in acting promptly—might have cost us millions of dollars and thousands of lives; and it might also have cost us a contest of which the end is not readily foreseen.

Mr. ATCHISON.—I deem it my duty from various considerations to support the main principles of this bill. Many of the claimants are natives of Missouri, and have been known to me almost from my boyhood. The bill proposes to make an appropriation for the satisfaction of these claims for military services in California, and prescribes the manner in which the justice of these claims shall be ascertained. In both these objects I concur. It was the citizens of California under Col. Fremont who made this conquest, and the benefits of that conquest have accrued, as has been properly said, to the United States—and in a financial point of view it will be found that this conquest has been made at less cost than any other during the war.

Mr. President, I can fully justify Col. Fremont in all that he did in California. Indeed he would have deserved the execration of the American people, and he would have received it, had he done less. What were the circumstances? It seems he had taken up his line of march for Oregon. He had left California and had advanced as far as the northern extremity of Llama Lake. He was there overtaken by an officer of the United States who informed him that preparations were making to expel the American settlers from California, upon the groundless pretext that they were about to commence an insurrection against the government. Col. Fremont had then under his command about one hundred and sixty men, and there was in the territory what was called the California battalion, not exceeding three hundred men, composed of those who had gone into that country as emigrants, intending to settle there. What could Col. Fremont have done except what he did do? What could any man who had a heart in his bosom do, when the very annihilation of his countrymen was threatened? When, too, he had authentic information that they were not only in danger from a civilized force, but that the Indians were to be stirred up against them? I appeal to every Senator, what could he have done under such circumstances? Sir, had he not acted as he did, he would have deserved and received the execration of every honest man in the United States. He returned upon the receipt of this information to the valley of the Sacramento, where he had several engagements with the forces of the enemy. This was on the 8th or 9th of May, and here let me remark, that hostilities had commenced in another place. It was upon those days that the battles of Palo Alto and Resseca de la Palma were fought. There was no place for our citizens to retire to. They were but acting upon the first law of nature, self-defence. It was not then known that war was declared, it is true, but they could do nothing else than repel the hostilities with which they were assailed. Col. Fremont as the officer of this government, could not, it is true, have raised the flag of the United States in California; a short time afterwards, however, the news of the war with Mexico arrived, and then the standard of the United States was raised, the stars and stripes taking the place of the grizly bear. Commodore Stockton then took the command, and Col. Fremont was required to raise as many men as he could, to complete the conquest of California. This was done, and in a period of about nine months the work was accomplished. The volunteer forces which he raised, furnished all the necessary supplies and munitions of war themselves, to carry on the campaign. These supplies were purchased by Col. Fremont on the behalf of the government, upon his own responsibility; and it seems to me that the act having been adopted, by this government taking formal possession of the country, government if not legally, is at all events morally bound to make compensation. The government should do one of two things, they should either relinquish all claim to California, or else they should make the necessary appropriation to pay these men. Upon the plainest principle of justice and morality—to say nothing of interest—we must do one or the other. We must either relinquish to these citizens the country which they were instrumental in conquering, or we must indemnify them. They made great sacrifices, and we have made use of their property, and services. It is right then that they should be indemnified. I have had conversations with well informed persons who were there at the time, and they informed me that the emigrants who were then coming to that country, left their families in the mountains, and joined this battalion for the purpose of defending their countrymen, who were already settled in California. I have been further informed that many of them did not receive one cent of pay for many months service. They entered the service well clothed and well equipped, with all the little funds they could spare, making use of their own houses, and thus contributed to the conquest of California. And they did all this upon the assurance of officers of the United States, that they would receive compensation for their services. I could refer you to proofs if it were necessary, but I presume every gentleman has read the testimony. Many of these witnesses I have known a long time, and they are all men of respectability, high standing, and unimpeachable veracity. I hope there will be no objection to the passage of this bill, for I think there can be no question as to the propriety of its passage. There are points however, about which I have some doubt, and that is, whether it is within the constitutional power of Congress to name the commissioners; but, that Col. Fremont and the officers of the battalion—the persons connected with the transactions—should constitute this commission, there can be no question. They can have no interest separate from that of the government, as far as I can see. Their duty will be only to ascertain what claims are just, and allow only such as are of that character. The men who transacted the business are most likely to know the details, and are most capable of judging as to the correctness of the claims. There are only two propositions presented, one is to pay for the services rendered, and the other the appointment of a proper commission to decide upon the claims.

Mr. RUSK indicating a wish to make some remarks upon the subject, the further consideration of the bill was postponed until to-morrow.

EXECUTIVE SESSION.

On motion by Mr. HANNEGAN, the Senate proceeded to the consideration of Executive business, and after some time spent therein,

On motion,

The Senate adjourned.

THURSDAY, MARCH 30, 1848.

PETITIONS.

Mr. DIX presented the petition of Hall J. Kelly, asking a grant of land in Oregon, for services rendered in exploring and developing the resources of that country; which was referred to the Committee on Public Lands.

Mr. HALE presented a petition of citizens of Maine, praying a speedy termination of the war with Mexico, and the abolition of slavery in the District of Columbia; the motion to receive, which was laid upon the table.

Also, a petition of citizens of Erie county, New York, expressing their belief that slavery never had any constitutional existence, and praying the adoption of measures for its abolition throughout the United States.

Mr. HALE moved that the petition be received, and referred to the Committee on the Judiciary.

Mr. DOWNS moved that the motion to receive the petition be laid upon the table; which was agreed to.

Mr. HALE presented a petition from citizens of Mentz, New York, praying an inquiry into the constitutionality of slavery, and the propriety of extending the writ of habeas corpus to every inhabitant of the United States. He thought that this petition did not come within the practice of the Senate in regard to abolition petitions, as it did not ask for the abolition of slavery. He thought it due to the petitioners that the subject should receive the consideration of a committee, and a report be made which would enlighten them on the subject.

Mr. TURNEY moved that the motion to receive be laid on the table.

Mr. HALE demanded the yeas and nays, which were ordered; and it was decided in the affirmative, as follows:

YEAS—Messrs. Allen, Ashley, Atchison, Bagby, Breese, Butler, Calhoun, Davis, of Mississippi, Dickinson, Dix, Dayton, Downs, Douglas, Hannegan, Hunter, Johnson, of Ga., Lewis, Mangum, Moor, Niles, Rusk, Turney, Westcott, Yulee—23.

NAYS—Baldwin, Davis, of Massachusetts, Hale, Miller, Phelps, Underwood, Upham—7.

Mr. PHELPS presented a memorial from citizens of the United States praying the purchase of Mount Vernon by the government; which was laid upon the table.

WRECKS OF VESSELS.

Mr. DAVIS, of Massachusetts, submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Treasury be instructed to communicate to the Senate such information as he may possess, or may be able to collect in regard to wrecks of vessels belonging to the United States during the year which will end the 30th June next, designating the places where such wrecks occurred, the time when, and all other circumstances attending the same which he may deem useful.

PRIVATE BILLS.

Mr. DOWNS, from the Committee on Private Land Claims, submitted a report accompanied by a bill for the relief of Henry Fredien and other citizens of Louisiana.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the bill from the House of Representatives for the relief of the legal representatives of William McKenzie, late a seaman on board the United States' ship Vincennes, reported it without amendment.

Mr. DIX, from the Committee on Commerce, to whom was referred the bill from the House of Representatives for the relief of Elijah H. Willis, reported it without amendment.

CONGRATULATIONS TO THE FRENCH.

The following joint resolution coming up in its order, it was read a second time:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the name and behalf of the American people, the congratulations of Congress are hereby tendered to the people of France upon their success in their recent efforts to consolidate liberty, by embodying its principles in a republican form of government.

Resolved, That the President of the United States be, and he is hereby, requested to transmit this resolution to the American minister at Paris, with instructions to present it to the French government.

Mr. BALDWIN then moved that the resolution be referred to the Committee on Foreign Relations.

Mr. ALLEN.—I have no very great feeling on the subject of this particular motion. I do not know, sir, that it will make a great deal of difference whether this resolution be referred to the Committee on Foreign Relations or retained by the Senate and made the special order of the day for a day in future. I cannot anticipate, sir, what may or may not be the opinion of the members who compose that committee with regard to this resolution; I will however presume to say, that, whatever the opinion of the committee may be, I doubt not they will afford the Senate an opportunity, by a report on the subject, to express its opinion upon the resolution itself or the principles embraced in it. But, sir, it does not seem to me to be one of those propositions which require the intervention of a committee previous to the action of the Senate upon them. It is an isolated proposition—without detail—without complexity—which is presented to the mind of every Senator, and it is therefore of a character, which, it would seem to me, must render it totally unnecessary that it should be referred to a standing or even a select committee. Near the beginning of this session, sir, a resolution was submitted by the honorable Senator from South Carolina [Mr. CALHOUN] in relation to what ought or ought not to be the policy of the government of the United States with regard to Mexico. That resolution looked to a pending state of things, and was in its very nature a complex proposition. It was so much so, and so immediately connected with the action of our government, that I thought—with great deference to the better opinion of others however—that it would be most wise, most circumspect, in every way most judicious, that a resolution of that import—in full view of the actual relations which this country bore to Mexico, at the moment the resolution was introduced—should be referred to the Committee on Foreign Relations. But the honorable mover of the resolution deemed it totally unnecessary that any such reference should be made; and seemed to consider the motion to refer as a motion hostile to the resolution, and as an indirect attempt to evade the consideration of it by the Senate. He therefore opposed the reference, and opposed it with reasons so good, in the judgment of a majority of the Senate, that his opposition prevailed, and the reference was not made according to the motion.

The proposition which I have submitted is a simple, isolated proposition; it presents a solitary question to the minds of the Senate, unembarrassed and unelaborated by any details, a question on which no committee can enlighten the Senate otherwise than by making a report and presenting an argument for or against the specific proposition contained in the resolution. I therefore trust that this reference will not be made, but that the Senate will retain possession of the resolution and fix a day on which it will take it up for consideration and dispose of it in the usual form by a formal vote of the body. Still, sir, I shall not only do that which I am obliged to do—acquiesce in the judgment of the Senate upon this subject, but I shall do it without any further complaint of that judgment, than that such a course may look like an unwillingness on the part of the body to meet this question upon the responsibility of its members, I shall not occupy the time of the Senate any longer. Should it be the judgment of the Senate, that the resolution be referred, I trust that the committee to which it is so referred will report it back in such a form as to give the Senate the command of the question, and not withhold it too long, to enable us to fix a day for its final consideration.

I am not going into a discussion of the question presented in this resolution now. If I were ever so much desirous of doing so, and the Senate ever so much desirous of granting me the honor of its attention, still the cold which I have would prevent me from doing so at present; but I will state, that if any member of this body supposes that this resolution originated inconsiderately without a just appreciation, as far as my mind could appreciate such an important object—without a just appreciation of the effect of its passage, those who entertain this supposition are much mistaken. I duly considered this matter in all its forms and aspects; and never in my whole life have I embraced any proposition with a more thorough approbation of my heart, and my mind, than that which I have submitted in the form of this resolution. I think, sir, that I know what I am about; I think that when I undertake to submit a resolution to express, through the instrumentality of the two houses of Congress, the approval of the American people of this great movement in Europe, that I know what I am about. But, sir, as I said before, I will not go into this matter now; but I hope to have an opportunity of going into it in all its depths, even to its deepest foundations. It was remarked by a distinguished member of this body not long since, that we, now-a-days, hear but little said upon the great elementary truths of public liberty; that the subject seemed to be forgotten. Here, sir, is an occasion for reviving and reviewing the elementary principles of public liberty; and I desire, for one, to contribute my humble efforts to remedy this evil of which we have heard so much complaint—that in our discussions here the public mind has seldom been directed to the great question of liberty, that we were distracted with ideas of conquest, and had lost sight of ideas of liberty. When this discussion shall come up, I desire to go into this

rich subject, and to remedy that defect in our discussions which we have heard of not long since in this Senate. And I shall hope to have the aid, or rather something more than the aid of much abler men than myself upon this floor, for I will not presume that any man, affecting to represent the American people would be unwilling to say on their behalf that they congratulate the French people upon the establishment of the liberties of French, I will anticipate no such result. I shall not ask the yeas and nays upon the motion to refer; but I will hope that the Senate will not refer this resolution to a committee.

Mr. HALE.—I wish, sir, to offer an amendment, and I beg to say a few words in reference to it. When we were counselled by the President of the United States to establish a mission to Rome on account of the occurrence of "recent political events," there was a good deal of discussion as to what the Pope had done. An honorable Senator from Mississippi, [Mr. FOOTE,] thought that the Pope had done a great deal, whilst on the other hand, an honorable Senator from North Carolina, [Mr. BADGER,] thought that his Holiness had as yet accomplished very little. In the case now before us I think it must be admitted that something has been done. The French revolution has not been altogether fruitless. It presents something tangible. I propose, sir, that our resolutions of congratulation should have some meaning, and, therefore, submit the following amendment to the resolutions of the Senator from Ohio:

Add in the 8th line, after the word government, these words:

And manifesting the sincerity of their purpose by instituting measures for the immediate emancipation of the slaves of all the colonies of the republic.

When we send such a resolution as that, sir, the French people will be informed of the object of our sympathy. It will assure them that in our judgment they have indeed done something tangible in the cause of liberty and humanity, on account of which the heart of the American people is filled with joy and gladness. The French people have not made a mere empty declaration of their attachment to the cause of liberty. They have not declared the people free and yet retained their fellow creatures in bondage. They have thus done something which deserves the congratulations of the whole world. I move that the amendment be printed for the use of the Senate, and that it be referred to the Committee on Foreign Relations.

Mr. DOWNS.—I do not perceive any necessity for the reference of the resolution, and as it is obvious that there must be some debate, I think that the better course will be to fix a day for its consideration.

Mr. HALE.—For myself, I should prefer the course indicated by the Senator from Louisiana, but I made the motion to refer in order to meet the views of my friend from Connecticut, [Mr. BALDWIN.]

Mr. CALHOUN.—I do not perceive the slightest necessity for referring this resolution to the committee, and on that point I entirely concur with the views of the mover of it. The resolution is simple; it requires no examination of details, and the Senate is just as competent to form an opinion of its merits as any committee can possibly be.

I do not intend to enter at present, into the great question presented in the resolution. To act upon it now, would in my judgment, be premature. The people of France have done much. They have made a mighty revolution. They have overthrown an old and powerful monarchy; and decreed the establishment of a republic. All this they have accomplished in a very short period, and without any extraordinary bloodshed or confusion. It is indeed calculated to excite our wonder, and, so far as the aim of the French people extends, our lively sympathy. But the time has not yet arrived for congratulation. Much remains to be done. The real work to be performed is yet before them. They have decreed a republic, but it remains for them to establish a republic. If the French people shall succeed in that—if they shall prove themselves to be as wise in constructing a proper constitution, as they have proved themselves to be skilful in demolishing the old form of government,—if they shall really form a constitution which shall on one hand guard against violence and anarchy, and on the other against oppression of the people, they will have achieved,indeed,a great work. They will then be entitled to the congratulations not only of this country, but of the whole civilized world. But if they fail, what then? What then? Can there be a more important inquiry? If France fail, under what form of government will she find herself? I suppose it will be out of the question to go back to a constitutional monarchy. The Bourbon family in all its branches, is, I take it, now odious to the French people. They will hardly think of reinstating the old imperial dynasty of Napoleon. An aristocracy they cannot think of; and what then must be the result if they fail to establish a republic? If it come to contests within, or wars without—if it shall be necessary to resort to force, to repress internal discord, or overcome foreign assailants—quite a possible case—France may find herself in the embrace of a military despotism. Such a result would furnish no ground for congratulation either on our part, or that of the civilized world.

This is, indeed, a mighty movement. It is pregnant with mighty consequences. Whether the result shall prove to be a blessing or a curse to France and the world,depends upon what is coming,rather than upon what has been already done. A revolution in itself is not a blessing. The revolution accomplished by the French people, is indeed a wonderful event—the most striking in my opinion, in history; but it may lead to events which will make it a mighty evil. It is therefore premature to offer our congratulations merely upon a revolution. We must look to the consequences and the end. We must await the termination of the movement. I wish well to France—sincerely do I wish her well! There is no man that breathes who has a deeper or more profound love of constitutional government than I have—not one. But I have never known a period when there was so great a necessity for wise, deliberate, cautious procedure. Great events are before us. There lives not the man who can say what another year may bring forth.

I offer no opinion as to the success or failure of the French people in this effort. I see tremendous difficulties in the way of success—difficulties resulting from the social condition of France, and the composition of her people. I see on the other hand a good deal of encouragement. The success of the French people will, in my opinion, depend, at least in a very high degree, upon the fact whether she can prevent war—that again depending upon two circumstances: one, whether she may have the self-control to abstain from improper interference with surrounding countries; the other, whether they may have the moderation and good sense to abstain from assailing France. Thus far the leading power of Europe has certainly discovered great good sense and foresight. Great Britain has done as she ought to have done; and I trust that every other power in Europe will stand and look on; giving France a fair opportunity to consummate the great work in which she has engaged. It is due to France, to the civilized world, and to themselves, that European powers should observe strict non-interference. If she succeed, it will be an admonition to all Europe, that the time has arrived when they must agree to yield to liberty in a constitutional and a stable form. Thrones will fade away, and freedom and republican institutions become the order of the day. If, on the contrary, standing aloof and avoiding all contest, France shall fail in this great undertaking, after a fair trial, without the interference of other powers, it will do more to put down liberty under a republican form of government, than any other event which could occur.

Now I think that it is due all round that there shall be a fair trial. The first step to that, in my opinion, consists in quiet looking on and as little interference as possible. To France, the people everywhere will extend their sympathy; but I do contend that the governments themselves ought to be prudent and abstemious in the expression of their sentiments. If we, as a government, extend our congratulations in this formal and solemn manner; others may take the opposite and denunciatory course, and between the two, that result will be produced which must inevitably overthrow the revolution—an appeal to arms. That is one reason why this government, looking to the interests of France alone, and with the kindest feeling, ought to be cautious and abstemious in making a move. My opinion, then, is, that the wisest course will be to lay this resolution on the table, expressly on the ground that it is premature. The circumstances by which we ought to be regulated in expressing or withholding our congratulations have not yet presented themselves. When these circumstances do occur, the time for taking up the subject will have arrived. We know that a national convention, called by the provisional government, is to assemble about the middle of next month.

Mr. BENTON (in his seat.)—It will meet on the 20th of next month.

Mr. CALHOUN.—Let us await that important event. Let us await the action of the convention. That will be wise and prudent. Let us not act with precipitation. I move, then, to lay the resolution on the table.

Mr. DICKINSON.—I ask for the yeas and nays.

Mr. UNDERWOOD.—Will the gentleman from South Carolina withdraw his motion for a moment that I may make a single remark?

Mr. CALHOUN.—I cannot withdraw the motion.

The call for the yeas and nays being seconded, they were ordered and were taken with the following result.

YEAS—Messrs Bagby, Baldwin, Benton, Berrien, Butler, Calhoun, Davis, of Mississippi, Dayton, Hunter, Mangum, Miller, Phelps, Upham, and Yulee—14

NAYS—Messrs. Allen, Ashley, Atchison, Atherton, Bradbury, Breese, Cass, Clayton, Crittenden, Davis, of Massachusetts, Dickinson, Dix, Douglas, Downs, Felch, Foote, Hale, Hamlin, Houston, Johnson, of Maryland, Johnson, of Georgia Lewis, Moor, Niles, Rusk, Spruance, Turney, Underwood, and Westcott—29.

So the motion to lay the resolution on the table was not agreed to.

Mr. ALLEN.—On a great question like this, I would not be guilty of the petty trickery of trying to force a vote of the Senate, under the impulse of a great feeling recently excited by so great an event. I do not desire the thoughtless, unreasonable judgment of the Senate, if this body can be supposed to be capable of such a judgment upon such a proposition as this. I seek the deliberate judgment of the Senate, in full view of all the facts upon which that judgment is to be founded, and in order that there may be time for that judgment to be made up, I move that the resolution be made the special order of the day for the first Monday in May.

Mr. BALDWIN.—There is a motion to refer now pending.

The PRESIDING OFFICER.—The motion is to postpone till the first Monday in May.

Mr. JOHNSON of Maryland.—I understand that the motion was to make the resolution the special order for that day.

Mr. CRITTENDEN.—Does not the motion to refer take precedence?

The PRESIDING OFFICER.—The motion to postpone is first in order.

Mr. UNDERWOOD.—I concur entirely with the remarks made by the Senator from South Carolina; but I voted against his motion to lay the resolution upon the table, because I conceive it placed me in a false position. If we had had the resolution upon the table it would have been an act from which inferences might have been drawn unfavorable to those who so voted, in reference to their sympathy with the great movement which has been made by the people of France, and I am free to admit that my heart is with them in every step which they have taken. I have rejoiced in every movement which the French people has made from time to time with the view to the establishment of a republic. But although these have been my feelings, and now are my feelings, strongly cherished, I am admonished to caution by the fact that in all their former efforts they have signally failed. That signal failure, heretofore, admonishes me of the propriety of observing that prudence and caution recommended by the Senator from South Carolina. I think with him, that it is wise to await the result of this great movement. If France succeed, her example will be followed I doubt not by more than the half of Europe. If she fail, not only may the chains of monarchy be rivetted more closely in Europe, but her failure may seriously affect the safety of republican institutions throughout the world.

Now what ought to be done? It seems to me, as we are notified through the press, that the elections in France will shortly take place, that the national convention will soon assemble, and that as the result of the deliberations of that body will reach us before we adjourn, that we ought to await the event, before, as a government, we give expression to our opinions. In the meantime it will be quite becoming in any of us as citizens to tender our congratulations to the French people in this movement. Entertaining these views, and as there is no prospect that we shall obtain the result of the labors of the French convention on or before the day named by the Senator from Ohio, I move to postpone the consideration of the resolution till the first Monday in June.

Mr. DOUGLAS.—I regret that the Senator from Ohio has consented to the postponement of his resolution till the first Monday in May. In my opinion the events which have already transpired fully justify us in expressing our sympathies with the French people, and that there is no good reason for deferring our congratulations till May. The same argument which is now urged against our action till May might then require the postponement of the resolution until December, and then for a series of years. I do not suppose that the people of France will be able to reduce their system of government to perfection, either by the first of May or during the present year. The change of an old form of government to a new one—the organization of the various departments of the government—the putting of the whole machinery into operation—the familiarizing of the people to the new order of things—is the work of time. But they have made a beginning. They have made a glorious beginning. It is indeed a wonderful achievement, and forces our admiration. A revolution accomplished in three days; almost without bloodshed, by moral force, and with no other weapons than hymns of liberty and shouts of "down with the King"—"down with the Ministry"! We have before us the first acts of the provisional government, and in my judgment they present sufficient ground for hope and confidence that the government will be able to carry out what they have begun, with sobriety, wisdom and determination. In looking over the decrees issued by the provisional government from day to day it appears to me that human wisdom could not have devised a more prudent course than they have adopted. They intend to effect a radical revolution. They design to make the new government republican in all its principles and forms; and they have commenced the work in a manner which discovers that the men engaged in it, understand their business. Never—if we except the Continental Congress—has a body of men assembled, which has discovered so much skill and wisdom as has thus far characterized their proceedings.

Why then, I ask, should we defer our congratulations? What credit shall we reflect upon ourselves; or what support shall we render to France, if we withhold our sympathy and our congratulations till the struggle is over? Now is the time when our sympathies are needed. Now is the time when we should extend all the encouragement and support which the expression of our feelings may afford. Now is the time when the people of France deserve our sympathy. Now is the time when our sympathy should be given. They would not thank us for it after the struggle is over and the great work is completed. We propose to make our sympathy dependent upon their success! I suppose if they fail we are to regard them as rebels; and that it is only in the event of their success that they are to be regarded as patriots! Our judgment with respect to the great movement in which France is engaged is to depend upon their success, and not upon the work itself! I do not agree with the gentleman from South Carolina, who says that if the people of France fail, the failure will do more injury to the cause of liberty than any event which can possibly take place. If they fail now, you will find that another movement will be generated which will bring success with it. This is the first step. It may be that they may leap at a single bound from a monarchy to a republic—from comparative despotism to freedom. It may be that it will require a slower, a more protracted process, interrupted and embarrassed by difficulties, subjecting them to trials and sacrifices. The revolution may be the work of years. But whatever may be the process, slow or rapid, our sympathies are with France in this glorious work, and the utterance of those sympathies should be prompt, full and cordial. The fact that the people of France have dethroned the King and peacefully decreed a republic—the fact that they have abolished all titles and orders of nobility—the fact that they have decreed universal suffrage to France—the fact that they have been enabled to act with such a spirit of moderation and wisdom, as to combine all classes, parties, and factions in France—the church, the army, the navy—in one bond of brotherhood, acting in concert and with unanimity in support of the common cause, inspires great confidence in the success of the movement, and I am unwilling to dampen that hope by the expression of any doubts here. The presentation of this resolution, and its postponement for the reason stated, that we doubted the success of the revolution, and that it was not yet safe or prudent to express our sympathy, will have the effect of casting a shade upon this movement. I have no fear of the alternative presented by the Senator from South Carolina, that the expression of our sympathy and congratulations may elicit counter-expressions from other governments. If Russia, Prussia and Austria wish to issue denunciatory declarations, let them do so. Are the people of France likely to be deterred by any declarations from such sources? Not at all. But they do feel deeply interested to know what republican America thinks of this movement, because the United States of America is the only republic upon earth, or the only one that deserves the name. All republicans throughout the world have their eyes fixed upon us. Here is their model.—Our success is the foundation of all their hopes. Shall we, then, turn a deaf ear to the voice that comes to us from France?—shall we hold a silent tongue?—shall we hesitate?—shall we cast a damper on their hopes by expressing a doubt of their success?

I am opposed to withholding or deferring the expression of our sympathy and our confidence. I believe that it is important that we should act and act now. The prompt action of our minister in Paris presents an additional reason for the immediate passage of the resolution. Our minister showed that he thought he was safe in acting in advance of express instructions from his government, and that he was but expressing the sentiments of the people and government whom he represented in tendering his congratulations. I believe he did express the feelings and sentiments of the people of the United States, and I am unwilling, by the postponement of this resolution, to evince any doubt as to the propriety of his conduct. I make this remark not on his account, but in order to show the necessity of putting ourselves right. Why should we postpone the resolution till May? We cannot have learned by that time the action of the convention.—Are we to await the action of that body? Surely not. Surely we are not to be restrained from rejoicing in what has been already done, till we see the work completed. I believe that the work is, indeed, begun, and that the end will be certain triumph, sooner or later, and I pray that it may be achieved in the shortest time.

Mr. ALLEN.—I fully concur in all that has been said by my friend from Illinois, as to the unreasonableness of awaiting the action of the French convention. My desire is, that the resolution should be passed as speedily as possible. In naming the first Monday in May, my object was to meet if possible the convenience and wishes of others, some of whom desired a later day, and some an earlier day. But it is impossible to fix a day agreeable to all, and as I wish speedy action, I shall modify my motion so as to substitute for the first Monday in May, the second Monday in April.

Mr. HANNEGAN rose, and being recognized by the Presiding Officer, was about to address the Senate, when

Mr. FOOTE, who had also risen at the same moment, requested the Senator from Indiana to yield the floor for a very few moments.

Mr. HANNEGAN.—If I surrender the floor to my friend from Mississippi, the inevitable result must be, that I will be obliged to yield to every other gentleman who may desire it. It is evident that this debate, if it proceed, will occupy the whole day, and as there is executive business which requires the action of the Senate, I shall be compelled to make the motion, with great reluctance, that the Senate now proceed to the consideration of executive business.

Mr. DICKINSON.—Let the vote be taken on the postponement of the resolution.

Mr. HANNEGAN.—I am sorry that I cannot consent that the debate should proceed, as it is obvious that it will be protracted.

The motion being temporarily withdrawn,

Mr. FOOTE rose and said: I would not, of course, in the circumstances, think of detaining the Senate by any extended remarks; but I do regret that the Senator from Indiana could not deem it consistent with his duty to yield the floor in order to afford me an opportunity of making a few observations on a subject so important in every aspect, as that which has just occupied the attention of Senate, particularly when other members, entertaining views adverse to those which he and I hold, had been heard at length. I wish it to be understood, that in my opinion, the public sentiment of this country on this subject is matured.

The Senator from South Carolina, as I understand, desired a postponement of the resolution, till the public sentiment had been matured.

Mr. CALHOUN.—Not at all. I said that I desired a postponement of the resolution till we had an opportunity of judging whether the movement in France was a subject of congratulation or not.

Mr. FOOTE.—Well, sir, I think that the events which have already occurred fully justify all that is contemplated in the resolution. I believe that the American people have looked to this matter, and understand it perfectly. In my opinion, the enlightened instincts of this free people have already settled the question so far as the great body of the people could settle it. It would be impossible to find anywhere throughout this broad land, an assemblage of the people, in which it would be at all necessary to awaken their interest or inform their understanding by any discussion of the revolution in France. The excellent remarks of the Senator from Illinois render it unnecessary to enter into any argument against the postponement of our action on the resolution offered by the Senator from Ohio; nor would I have said a word on the subject, but for the fact that the organ of a large and respectable party, published in this city, has in the most solemn and formal manner, expressed sentiments hostile to the movements in favor of freedom in France. That organ is supposed to represent the views and sentiments of a large body of American freemen, and having in this imposing manner uttered its denunciatory declaration, the impression is likely to be made on the French people that there are those in the United States who do not sympathize with them in their struggle for liberty. In addition to that a member of this Senate, whose reputation and influence are diffused throughout the world, has not hesitated to express his apprehension as to the result of the present movements in France. Indeed, the Senator from Kentucky has gone so far as to say that every effort hitherto made to establish freedom in France has been a "signal failure." From that opinion I dissent entirely, and at the proper time, I intend to be heard on the subject. I beg the Senator, then, to prepare himself for a friendly contest on that point. I am prepared to show that the march to freedom in France has been steadily onward during the last fifty years—that not a single retrograde movement has been made, so far as the progress of the great principles of liberty is concerned—and that even under the imperial government, these great principles were continually in the advance.

Mr. UNDERWOOD.—I have no doubt that I did use the expression just alluded to by the Senator, but it was too broad, and is liable to a construction which I would not attempt to sustain. I did not intend to convey the idea that no advance had been made in France in regard to the principles of liberty. On the contrary, I am of course aware that great progress has been made in that respect. But my idea was, that all attempts to establish a republican form of government have heretofore been failures.

Mr. FOOTE.—I am glad that an opportunity has been offered the honorable Senator of explaining his language, which was certainly liable to serious misconstruction both here and elsewhere. His explanation, given with characteristic manliness, is satisfactory to me, and must be so to all. I am delighted to find that his sentiments and mine correspond so perfectly. I will not detain the Senate longer. I have risen only to say that I am prepared for action on the resolution. In my opinion we should not hesitate. To doubt is to damn the cause of freedom in France. Our minister, in the noble spirit which becomes an American freeman, and with something of the moral sublime in action, presuming that the American people would not hesitate on such a question, has tendered, in our name, his congratulations to the republic of France. Shall we now be laggard in this good cause? Let us emulate the conduct of Mr. Jefferson, who hailed the French revolutionists of a former day as brothers and patriots at a time when all the European powers denounced them as rebels! I am prepared to sustain our minister, and deprecate the transmission of any intelligence which might indicate the slightest disagreement in this body on the great subject of the liberty of France. Of course I will not now enter at all upon any discussion of the question. I rose simply to protest in the most solemn manner against the sentiments to which I have alluded, and to challenge courteously those who entertain them to courteous moral combat.

Mr. HANNEGAN.—There is a case of individual liberty now pressing us rather more closely than this question of public liberty, which we will have ample time to discuss, and I therefore renew my motion.

The resolution was then passed over informally, and the Senate proceeded to the consideration of Executive business.

At a late hour, the doors were re-opened, and

The Senate adjourned.

FRIDAY, MARCH 31, 1848.

RESOLUTIONS OF THE LEGISLATURE OF INDIANA.

Mr. HANNEGAN presented a resolution of the Legislature of the State of Indiana, in favor of a law authorizing the location of bounty land warrants issued to the Indiana volunteers, upon the Miami reserved lands in that State; which was ordered to lie upon the table and be printed.

Also, a resolution of said Legislature in favor of increasing the clothing allowance of the volunteers who are now, or hereafter may be, in the service of the United States, in Mexico; which was ordered to lie on the table and be printed.

Also, a resolution of said Legislature, in favor of a law authorizing the location of bounty land warrants, in quantities less than a quarter section; which was ordered to lie upon the table and be printed.

Also, a resolution of said Legislature in favor of a law to graduate and reduce the price of the public lands; which was ordered to lie upon the table and be printed.

Also, a resolution of said Legislature in favor of the enactment of a law to provide for the transportation, at the cost of the Government, of colored emigrants to the Republic of Liberia; which was ordered to lie upon the table and be printed.

Also, a resolution of said Legislature in favor of the reduction of the price of the public lands in the Miami reserve, in the State of Indiana, to actual settlers; which was ordered to lie upon the table and be printed.

Also, a resolution of said Legislature in favor of reducing the rates of postage on newspapers and periodicals; which was ordered to lie on the table and be printed.

Also, a resolution of said Legislature in favor of reducing the price of certain inundated public lands in the counties of Adams and Jay, in that State; which was ordered to lie on the table and be printed.

Also, a resolution of said Legislature in favor of the postponement of the sale of the lands lying in the Miami reserve in that State; which was ordered to lie upon the table and be printed.

Also, a resolution of said Legislature in favor of a grant of public land for the improvement of the Iroquois and Kankakee rivers in that State; which was ordered to lie upon the table and be printed.

Also, a resolution of said Legislature in favor of the establishment of a mail route from Brownstown, in Jackson county, to Nashville, in Brown county, in that State; which was ordered to lie upon the table, and be printed.

Also, a resolution of said Legislature in favor of the surrender to the State of Indiana, on certain conditions, of that portion of the Cumberland road lying within her limits; which was ordered to lie upon the table, and be printed.

Also, a resolution of said Legislature in favor of the establishment of a mail route from Belleville, Hendricks county, to Lebanon, in Boone county, in that State; which was ordered to lie upon the table, and be printed.

Also, a resolution of said Legislature in favor of a law authorizing volunteers who have settled on the public lands in the Miami reserve, to surrender their bounty land warrants in part payment for such lands; which was ordered to lie upon the table, and be printed.

Also, a resolution of said Legislature in favor of the establishment of a mail route from Salem, to Bloomington, in that State; which was ordered to lie upon the table, and be printed.

Also, a resolution of said Legislature in favor of a law directing the payment of the annuities of the Miami Indians, who preferred to remain as citizens of that State; which was ordered to lie upon the table, and be printed.

PETITIONS.

Mr. UNDERWOOD presented a memorial of citizens of Christian county, Kentucky, praying an appropriation for the repair of the dam at the head of Cumberland Island, in the Ohio river; which was referred to to the Committee on Roads and Canals.

Mr. WESTCOTT presented the memorial of Peter B. Dumas in behalf of the heirs of the Marquis de Fougéres, deceased, praying permission to institute legal proceedings to try the validity of their claim to certain lands in the State of Florida.

Mr. WESTCOTT moved that the memorial be referred to the Committee on the Judiciary.

Mr. ASHLEY observed that he could see no propriety in referring this subject to the Committee on the Judiciary. It was an application relating to a private land claim. To be sure there was a question of law involved in it, but he apprehended it did not belong to that Committee any more than any other private claim. He moved that it be referred to the Committee on Private Land Claims.

Mr. WESTCOTT.—I was requested to have the petition referred to the Committee on the Judiciary; but I suppose it is immaterial to which Committee it goes. I shall not therefore object to the motion of the honorable Senator.

The petition was referred to the Committee on Private Land Claims.

Mr. DIX presented a memorial of citizens of Rochester, New York, praying an appropriation for the purchase of Mount Vernon by the United States.

Mr. DIX said he had had some doubts as to the proper committee to which this memorial should be referred. As the Committee on Military Affairs, however, had had under consideration the subject of a military asylum, and it might be that the two subjects would be connected, he would move its reference to that committee.

The reference to the Committee on Military Affairs was ordered.

Mr. BRADBURY presented a petition of ship-owners, merchants, and others, of Saco, Maine, praying that an appropriation may be made for repairing the piers in Saco river; which was referred to the Committee on Commerce.

Mr. HANNEGAN presented a memorial of citizens of Newburg, Indiana, praying that an appropriation may be made for repairing the dam at the head of Cumberland Island, in the Ohio river; which was referred to the Committee on Roads and Canals.

Mr. UNDERWOOD presented the memorial of Nancy Haggard, daughter and heir of William Grymes, late an officer in the revolutionary army, praying the payment of interest on the amount of his seven years' half-pay; which was referred to the Committee on Revolutionary Claims.

On motion by Mr. FELCH, it was

Ordered, That Henry R. Schoolcraft have leave to withdraw his memorial and papers.

On motion by Mr. MILLER, it was

Ordered, That leave be granted to withdraw the petition of the mechanics and laborers in the Navy Yard at Washington.

ADJOURNMENT OVER.

On motion, it was

Ordered, That when the Senate adjourn, it be to Monday next.

STEAM EXPLOSIONS.

Mr. WESTCOTT submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Commissioner of Patents be requested to proceed in the examination of applications for Patents for inventions useful for the prevention of steam explosions, according to his office, in preference to other applications for Patents; and that he report whether the powers of such application as he may deem useful to the Senate, with the other information heretofore called for by the Senate from his office on said subject.

COMMERCE, ETC., OF SIBERIA.

Mr. DAVIS, of Mississippi, from the Committee on the Library, to whom was referred the resolution granting authority to Mr. Palmer to make certain alterations and additions to the memoir heretofore ordered to be printed, reported the same without amendment, and recommended its passage.

The resolution was considered and agreed to.

PRIVATE BILLS.

Mr. BALDWIN, from the Committee of Claims, to whom were referred the bills from the House of Representatives for the relief of Bent, St. Vrain and Company, and for the relief of J. Throckmorton, reported them without amendment.

CIRCUIT COURT PROCEEDINGS.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the bill from the House of Representatives to amend the act entitled "An act to regulate proceedings in the Circuit Court of the United States, and for other purposes," passed August 8th 1846, reported it without amendment.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk:

Mr. President: The House of Representatives have passed a bill authorizing a term of the United States' Circuit and District Courts at Chicago, Illinois, and a bill to make Ship Island in the collection district of Pearl river, a port of delivery, and to authorize the appointment of a Surveyor for said port, in which they request the concurrence of the Senate.

PATRICK WALKER.

The Senate proceeded to consider the motion made on Monday last, by Mr. BAGBY, to reconsider the vote of the 24th instant, on the passage of the bill granting a pension to Patrick Walker.

Mr. BAGBY had made this motion, he said, at the suggestion of several Senators, who desired a reconsideration in order that some general system applicable to such cases might be adopted by the Senate. He had himself voted with the majority on the passage of the bill, and he had not changed his opinion in regard to it, nor would he change his vote. And he would say further, that whenever a case like that of Patrick Walker was presented to the Senate, if he was here, he would cheerfully give his vote for granting forty dollars a month, or whatever sum might be necessary to provide for his support; for he held it to be the imperative duty of the government to take care of their wounded and disabled soldiers.

Mr. DOWNS said he hoped the vote would not be reconsidered. The bill was one which had been introduced by his colleague who was not now in his seat, and it had passed by a large majority. The only object, as he understood, of the reconsideration was that some general system might be adopted, but he could see no good reason for deferring this bill for that purpose. If a general system should be adopted, which would be applicable to this case, there would be nothing to prevent the case being included and this bill would then be inoperative. In the meantime this man ought not to be allowed to suffer for the want of his pension of which he was greatly in need. He doubted very much whether any general system could apply to a case so extraordinary; perhaps the whole war would not present another case like it.

Mr. BRADBURY.—The unfortunate soldier for whom this bill proposes to grant a pension, is one of my constituents who formerly lived in my vicinity, and I have examined his case and must confess it is one in which I feel much interest. It is a case which addresses itself not only to our sympathy but to our sense of justice. A young man in the prime of life enters the service of his country, and while engaged in battle, bravely sustaining the honor of that country, is, by the misfortunes of war, mutilated and made helpless for life. Both hands are lost, and one arm from the shoulder; he has not the power to contribute to his support, nor even to put on his clothes or help himself to his food. He now asks that country for which he fought, to render him justice; and not turn him over to the cold charities of the world. I hope the motion to reconsider will not prevail, and that this bill will not be delayed for any general law. It is a case that general laws will not be likely to reach; and it is not certain that any general law will be adopted by Congress, nor when, if it should. The passage of this bill will not prevent the adoption of a general system. It only does justice for one who now asks it; and a general law can then precisely as well provide for others whose cases have not been reached by special acts.

Mr. NILES.—The honorable Senator from Maine expressed the hope that Congress will do justice to those who have been disabled in the public service. I concur with him in this view; but I wish to make provision with some degree of equality. Now I do not hesitate to say, that if this case is to be made a precedent for legislating in individual cases, you will have a pension list of at least five millions of dollars. This I understand to be a case of disability which deprives the person of all capacity to support himself by any kind of employment. But there are cases which go beyond mere disability. One of the citizens of my own State, near the close of the last war with Great Britain lost his right arm whilst serving in the honorable capacity of major, and he is, in consequence not only totally disabled, but he has been subjected to much pain and suffering. Well, he, and many hundreds of others, I presume, similarly situated, have been knocking at your doors for thirty years, and have been turned away without having any provision made for them. I wish to do this man justice; and I wish to do justice to all as far as I can, but if each disabled soldier is to receive a pension such as this bill provides, we may make up our minds to have a pension list of at least five millions of dollars. I hope the vote will be reconsidered with a view to amend the bill.

Mr. CALHOUN.—I voted for this bill, but on reflection I have been induced to change my opinion. I understand that the subject has engaged the attention of the Military Committee, and that they are preparing a bill which will cover this and similar cases; and under this view, in order to test the principle whether we shall defer this matter a little, and give that Committee an opportunity to act upon the subject, I move that, for the present, the bill lie upon the table.

PRESIDING OFFICER.—The motion now pending is to reconsider the vote by which the bill was passed.

Mr. DAVIS, of Miss.—I will merely remark that I have no objection to the amount to be paid. I am not sure that less would suffice for his comfortable maintenance; and if so much be necessary, so much I am ready, if this system is to be pursued, to vote. But I object to it because it is a special mode of providing for those who are incapacitated so much as not to be able to support themselves; thus holding out a premium to those who solicit in person or through their friends; giving them additional aid which is always withheld from those who are prevented, either by poverty or pride, from making solicitation. I prefer some general measure, such for instance as I proposed a few days ago, for the establishment of a military asylum, where soldiers, war-worn and destitute of friends, may be protected and provided for. This would be *monumentum ære perennius* to the liberality of the government towards those who have become disabled in the public service. I was much pleased with the remarks of the honorable Senator from New York, when submitting a proposition for the purchase of Mount Vernon. He alluded to the propriety of establishing there an asylum for destitute and disabled soldiers.—What place could be more appropriate than the tomb of the father of his country, for the guardianship of war-worn soldiers? What more fitting place, where they might be gathered together, and where all necessary care might be extended to them? It was with the view of adopting some provision of this nature that I objected to this special enactment. I hope that this bill will be allowed to lie upon the table until the Senate decide whether they will adopt a general system. If they decide against it, then will I be ready at all times to give my vote for granting the most liberal pensions to those who have suffered in the public service.

Mr. BRADBURY.—The passage of the bill will throw no impediment in the way of the adoption of a general law to provide for disabled soldiers. My objection to delay in relation to the passage of this bill is that it is uncertain whether a general system will be adopted, and this individual is so situated that delay is to him a denial of justice. I hope that the bill will be allowed to pass, and that the committee will at the proper time bring forward a measure providing for the establishment of an asylum.

Mr. DAVIS.—The committee has already prepared a bill for for that purpose. The Senator certainly cannot suppose that this case is to stand out and be distinguished above all others of a like nature. If every case is to be provided for by special enactment then there will be no necessity for a general law; but the impropriety of such a course must be apparent to every Senator.

Mr. HANNEGAN.—In reference to the remark of the honorable Senator from Mississippi, that those who make personal application are always provided for whilst others are neglected, I can say in defence of the present applicant that his application arises from stern necessity; it is forced upon him; he has no alternative. He has no means of subsistence, and since he has been here he has been dependent upon the generosity of two distinguished officers of the army who are acquainted with his heroic conduct.

Mr. DAVIS.—I hope the honorable Senator does not attribute to me a want of sympathy with a soldier who is disabled and destitute. If a suffering soldier require pecuniary aid, I will go as far as the Senator himself in rendering aid individually, but I desire that our legislation should be uniform and based upon reason, that there shall be an established system.

Mr. HANNEGAN.—Certainly I have no sort of objection to that. On the contrary, I approve of the proposition, but to await the adoption of such a measure is not the way to rescue this man from suffering. All that I ask is, that an act of justice shall be done to this brave soldier.

Mr. MOOR.—I understand the objection of the honorable Senator from Mississippi to this bill to be that a military asylum is to be provided during this session of Congress, and that special enactments for individual relief, will therefore be unnecessary. But I submit to the honorable Senator, whether it is prudent, to say the least of it, to require a man, whose case is so meritorious as this man's is admitted to be, to await the passage of a general law—an event that is by no means certain? Would it not be more consistent with humanity to grant relief without delay?

Mr. DAVIS.—So far from opposing this claim, I am a member of the committee from which the bill was reported, and gave it my concurrence. I only desire that time shall be given to test the question, whether we will adopt a general system or not.

Mr. MANGUM.—I voted for this bill with a good deal of reluctance. I think that this mode of legislation is exposed to all the objections which have been stated. It seems to me that it would be better to let the appropriation be made for a single year, and in case a general system, which will embrace such cases, be not adopted by Congress, the act for the relief this individual can be renewed. If this be assented to, I will vote for the reconsideration.

Mr. DOWNS asked for the yeas and nays upon the motion to reconsider, but they were not ordered.

The motion to reconsider was then, upon a division, agreed to. Ayes 15—Noes 14.

The question recurring upon the passage of the bill—

Mr. MANGUM, by unanimous consent, moved to amend the bill by striking out the words "during his natural life," and inserting "for the period of one year;" which was agreed to.

Ordered, That the bill be engrossed and read a third time.

The said bill was read a third time.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

THE FRENCH REVOLUTION.

The Senate resumed, as in Committee of the Whole, the consideration of the joint resolution tendering the congratulations of the American to the French people.

The question pending was upon the motion of Mr ALLEN to postpone the further consideration of the resolution to, and make it the special order for, the first Monday in April.

Mr. BALDWIN.—When these resolutions came before the Senate yesterday, I moved to refer them to the Committee on Foreign Relations. Subsequently, after the remarks which were made by the honorable Senator from South Carolina, [Mr. CALHOUN,] I acquiesced in the motion made by that Senator to lay them on the table. The Senate, however, did not adopt the motion, and it is now proposed by the honorable Senator who moved the resolutions, that a day be specially assigned for their consideration by the Senate. I am opposed, sir, to the assignment at this time of any day for that purpose, because, I am still of opinion, that a reference of the resolutions to the Committee on Foreign Relations, as originally moved, is the proper course to be pursued in regard to them.

The first resolution declares, "that in the name and behalf of the American people, the congratulations of Congress are tendered to the people of France, upon their success in their efforts to consolidate liberty, by embodying its principles in a republican form of government." The second requests the President to transmit the preceding resolution to the American minister at Paris, with instructions to present it to the French government. Personally, sir, as one of the American people, I yield to no Senator in the expression of my sympathy with the great movement which is now going on for the amelioration of the political and social condition of the people of France, and of the other European states. But as a member of this Senate, I am not prepared to act on these resolutions, or to assign a day for that purpose, until I am better satisfied of our right to act in the manner proposed. I want first to be assured, that we are entitled, as Senators—as members of the Congress of the United States, to speak, at all, in the name and behalf of the American people, in a matter relating to the intercourse of this government with a foreign nation. I had supposed, sir, that every thing relating to the foreign intercourse of the people of the United States, pertained in the first instance, to the Executive. I had supposed that in the distribution of powers and duties among the several departments of our government, the people had confided to the President, alone, the trust of speaking in their name and behalf to foreign nations; and to Congress, the trust of legislating for their benefit.

I am aware, sir, that questions may arise in relation to our foreign intercourse, on which it may be proper and expedient that the sentiments of Congress should be declared. But these are cases where legislation is required, to enable the Executive to carry out his views in regard to the foreign intercourse of the nation.

If the President, deeming it his duty to recognize the independence of a foreign government, or to send a minister to a nation with which the United States have before had no diplomatic intercourse, calls on Congress to make provision for the exigency, then, sir, the matter comes up legitimately for discussion before Congress acting in its legislative capacity, in deciding upon the expediency of granting or withholding the appropriation required.

Mr. ALLEN.—I wish to correct an error into which the argument of the honorable Senator seems to imply that he has fallen. It is not the object of this resolution to make a formal recognition of the French government. The French government asks no government in the world for such recognition. It would be an insult to that government to make any such recognition.

Mr. BALDWIN.—So I understand it. Congress is not called on to legislate for any purpose connected with the recognition of the French republic. We are not asked to aid the Executive by an appropriation, to carry into effect any suggestion or purpose of his, in relation to our foreign intercourse. We are called upon by this resolution, to undertake, ourselves, the direction of the foreign intercourse of this government; to declare that we, as the representatives of the American people, are authorized to speak in their name—announce their sentiments—and request the President to direct them to be communicated as such, to the French government, by the American minister at Paris.

Now, sir, I say the American people are able to speak for themselves. They are able to manifest their own sympathies. They are doing it, sir, from one end of the Union to the other; and that is the proper way for the sympathies of the American people to be manifested on this occasion, unless it be done through that organ of the government, whom they have specially intrusted with the duty of conducting their foreign intercourse. When and how have they ever delegated to us the power to speak in their name, in relation to the concerns of a foreign people?

Sir, if we can tender congratulations in the name of the American people to the republicans of France, on the achievement of their liberties, can we not also tender the expression of their regrets, to the down-trodden subjects of other empires, who yet groan beneath the sceptre of a despot? There are many governments with whom we hold diplomatic intercourse, whose institutions are as little accordant with the views and wishes of the American people as those which have just been so signally overthrown, but have they ever authorized Congress to express their disapprobation for those institutions? To what inconsistencies in the action of the government, would not such a course inevitably lead? To what derangement of the system established by the Executive of conducting its foreign intercourse? By what imperfect lights would Congress necessarily be guided in its action, in comparison with the sources of intelligence, which constant and confidential correspondence with our ministers abroad, places at all times at the command of the President?

It appears to me, therefore, to be obviously proper, that the Executive should take the initiative in all such proceedings; and unless he is under the necessity of applying to Congress for an appropriation to enable him to accomplish his purpose, that Congress should confine itself to the legislative duties assigned to it by the constitution. By the second resolution the President is—

"—requested to transmit this resolution to the American minister at Paris, with instructions to present it to the French government."

Is not this, I ask, the first time in the history of this government, that Congress has undertaken to give instructions to the President in regard to our foreign intercourse? If there be any other instance on record, I am not aware of it. I know of no precedent for such a resolution; but I do know that this matter—of the interference of Congress with the appropriate duties of the Executive, has been discussed on more than one occasion, and the sentiments of both houses of Congress expressed against it.

In 1822, President Monroe, by a special message, communicated his own sentiments to Congress in favor of the recognition of the independence of the South American republics, in order, as he suggested, that "should Congress entertain similar sentiments, there may be such cooperation between the two departments of the government as their respective rights and duties may require." What were their respective rights and duties, to which the President referred? The right of the Executive to recognize the existence of foreign governments, and the right of Congress to make, or withhold, the appropriations necessary to enable the Executive to hold intercourse with those governments. When, therefore, Mr. Monroe invited the cooperation of Congress, it became at once a matter of legislation, and, of course, a proper subject for the action of Congress.

The message was referred to the Committee on Foreign Relations, who reported a resolution "that the House of Representatives concur in the opinion expressed by the President, that the American provinces of Spain which have declared their independence, ought to be recognized by the United States as independent states; and that the Committee of Ways and Means be instructed to report a bill appropriating a sum not exceeding 100,000 dollars to enable the President to give due effect to such negotiation." So, too, in 1823, when Mr. Monroe, in his annual message, brought to the notice of Congress the condition of Greece, then just emerging, after a similar struggle, from the cruel despotism to which she had been for centuries subjected, a distinguished Senator from Massachusetts introduced a resolution "that provision ought to be made by law for defraying the expense incident to the appointment of an agent or commissioner to Greece, whenever the President shall deem it expedient to make such appointment." It was treated, sir, as a matter entirely belonging to the Executive, so far as regarded the intercourse between this government and that of the people whose independence it was proposed to recognize.

This, of course, enabled Congress to enter fully into the discussion of its propriety, and, legitimately, to express the sentiments of the American people, so far forth as it became necessary to embody them in the resolution called for by the recommendation of the Executive. Sir, when the bill from the House of Representatives making the appropriation of $100,000 to defray the expenses of missions to the South American republics, was pending before the Senate, a Senator from South Carolina [Mr. SMITH,] proposed an amendment—

"That no money should be drawn from the Treasury for that purpose, until the President should be fully satisfied that such missions would not interrupt the friendly relations of the United States."

But though every Senator knew that the President was desirous of recognizing the independence of those States, the amendment was rejected by a vote of 28 to 9, on the ground that it was trenching on the peculiar office of the Executive. The whole matter was regarded by the Senate as purely an Executive affair, and that Congress had no right to do any thing more than their duty as legislators required. Well, sir, what legislation is needed now? Is there any? Have we not an able minister in France, through whom it will be the duty of the Executive to communicate the sentiments of the American people, in such terms, and at such time, as on his responsibility he shall deem fit? Has not our minister, already, in his official capacity, anticipating the approbation of his government, been among the first to tender his felicitations to the provisional government of France? Have not our citizens who happened to be in France at the time of the revolution, availed themselves of the occasion to tender with enthusiasm their own congratulations? Are not the American people at home, in every part of the country, manifesting their sympathy in a similar manner? Why then should Congress, in this extraordinary manner be

called on, at this time, to undertake the office of expounding the sentiments of the American people, when the American people have not sent us here for any such purpose? Sir, except so far as they have confided that duty to the Executive, they have reserved to themselves, individually and collectively, the privilege of speaking their own sentiments, according to their own volition, at their own time, and in such a manner as will approve itself to their own judgment.

Sir, I am for maintaining the responsibility of the separate departments of the government. I would neither interfere with the duties of the Executive, nor suffer the Executive to interfere with the duties of Congress. If each department of the government confines itself to the proper discharge of the functions committed to it by the American people, we shall go on harmoniously and regularly, and the voice of the people will be authoritatively declared whenever, and in whatever form, the occasion may require it to be uttered. But, if Congress is to be made the arena for the discussion, with a view to their promulgation, of any sentiments, no matter what, which any member may think proper to propose, in regard to the concerns of a foreign government or people, can we fail to perceive the dangerous consequences to which it will inevitably lead? When the bill making provision for the Panama mission was pending, this question, sir, attracted the attention of both houses of Congress. An amendment was proposed by a member of the House of Representatives, from the State of Delaware, limiting the power of the Executive in regard to the nature and extent of the diplomatic intercourse contemplated by the bill, between the government of the United States and the Congress of Panama. The amendment was at first sustained by a majority of the House, but was afterwards rejected, expressly on the ground that it would be an assumption by Congress of a power which the people had confided to the President alone. A distinguished member of the House from Massachusetts declared, after the amendment was adopted, that he should vote against the bill, "because it introduced one of the most dangerous innovations that had ever been attempted." What was that innovation? Simply, sir, an attempt on the part of Congress to instruct the Executive in the performance of his duty in regard to the foreign intercourse of the government.

Regarding, as I do, the resolutions on your table as liable, in an eminent degree, to the same objections, I am neither prepared at this time to give them my support, nor even to assign a day for their consideration. I do not believe it to be our province to speak for the American people in this matter. I believe they are competent to speak much more effectively themselves, than we can speak for them; and that the voice of the people, in the warm language of their own hearts, embodied in their own resolutions, will be much more acceptable to the people of France, than any cold declarations in their name by the Congress of the United States, whom they never authorized to speak in their behalf.

But, Mr. President, if I was satisfied that it was proper for Congress to speak in the name of the American people, on this subject I entirely concur with the Senator from South Carolina in the opinion that the time has not arrived in which we can, with propriety, adopt the sentiment embodied in these resolutions. The resolutions declare, if I understand their true meaning, that the people of France have succeeded in their efforts to consolidate liberty, by embodying its principles in a republican constitution. Sir, they are only making, now, the first effort to accomplish this purpose. The government of France is not in the hands of those who have been elected by the people. It is either self-constituted or it derives its power from the spontaneous movement of the people of Paris, with whom the revolution commenced. The provisional government is taking its first measures, for obtaining a full representation of the French people in a convention, to lay the foundation for the establishment and maintenance of constitutional liberty. Have they accomplished it? Is liberty consolidated, in the language of the resolution? I do not like the word, sir. It is rather too much in the style of the Holy Alliance to suit my taste. I remember in the famous declaration of their policy, sent out to the world by the allied monarchs, they spoke of it as the only means of "consolidating human institutions and remedying their imperfections." I should prefer some other word, of less equivocal import. I had much rather see liberty diffused through France, to the utmost limits of the realm, than consolidated in the hands of a Parisian regency. It sounds too much like the consolidation of power that centralizes here. And I think, sir, that the Congress of the United States would be much better employed in taking measures to prevent that consolidation of power which is so rapidly going on within the precincts of this capitol, by means of the enormous increase of Executive patronage, than in undertaking to conduct, unasked, the foreign intercourse of the American people.

But, sir, if we are to speak at all in their name, I should prefer that the resolutions be committed to the Committee on Foreign Relations, that they may consider whether the language used is such as the people would approve. I hope, therefore, that the motion for the special assignment of a day for their consideration will not prevail.

Mr. DOWNS.—I was a good deal surprised that there should be any debate at all in this body upon a question on which the people every where are so unanimous; and I must confess that my astonishment has been increased in consequence of the assumption of the leading position presented in the remarks of the gentleman who has just resumed his seat. If this were a question out of which any political capital could possibly be made—if it could be regarded at all in that light, I should certainly congratulate myself and the party to which I have the honor to belong, that the President of the United States had received such substantial aid from an ally so unexpected. A large portion of the time which has elapsed since the assembling of the present Congress, has been occupied in denunciations of the unauthorized exercise of power on the part of the President of the United States. It has been repeatedly alledged that he has transcended the limits of constitutional authority; but the discovery appears to have been just now made that the Executive is the sole depository of any power at all in regard to our foreign relations. I am rejoiced at this remarkable change of sentiment in quarters to which we had not certainly any reason to look for support; and I may surely be permitted to express the hope that whenever a question arises hereafter, either bearing on the Mexican war, or any other question of public policy, with regard to the constitutional powers of the President, it will be admitted on all hands that he has some duties to perform, and some degree of authority to exercise.

For myself, sir, I am really unable to perceive the grounds of distinction which the gentleman from Connecticut has assumed in reference to the action of Congress and the Executive on the question now before us. I cannot see any valid objection to the expression of opinion on the part of Congress. The gentleman indeed asserts that the people did not send us here to tender our congratulations to the French; and that we have not had an opportunity of ascertaining the sentiments of our constituents upon the subject.

Mr. BALDWIN.—I did not object on the ground that we did not know the sentiments of our constituents; but that they had not confided to us the power of speaking in their behalf.

Mr. DOWNS.—I may have misconceived the gentleman, then, in some degree; but I have correctly represented the main ground of his objection to the passage of this resolution. I was about to say in reply that it might be possible that the gentleman had some doubt as to the sentiments of his constituents, but that I could have no hesitation as to those of mine. This is the last question in the world in reference to which I shall deem it necessary to consult my constituents. As for myself, I feel strongly on this subject. It is a natural feeling. What American is there who does not cherish a lively and grateful recollection of the sympathy which we received from France in our own hour of trial? From the period of our revolution the two nations have been united by the tenderest ties of grateful regard. But in the State which I have the honor in part to represent, there are peculiar reasons which operate in producing sympathy with France. The other members of this body represent constituencies almost entirely American. Perhaps fully one-half of the people of my State are French. It is their native language. The actors in this remarkable revolution are of their own blood. They have friends and relatives amongst them. Hence it is that amongst my constituents the feeling of attachment and sympathy is overwhelming. I should then be false to every principle of duty were I to remain silent, and await an expression of the opinion of my State before I gave expression to my feelings on this subject.

The gentleman contends that precedents are against the course which is now proposed; but the cases to which we have been referred in support of that view are not analogous. The government of France is not a new one. It is only a change of administration. I am not familiar with the details of the cases cited by the gentleman, but my general recollection is that in the case of the States of South America, the resolution was introduced by a democratic member from Kentucky, in this very form. I presume, however, that the gentleman will not deny that either branch of Congress may express its sentiments on a question of this kind. There may, indeed, be cases in which the action of the House might not be proper: but in reference to the Senate alone, there is a strong argument in favor of its action, when a doubt might exist as to the propriety of action on the part of the House. The Senate possesses certain Executive powers. It is true, that in questions connected with our foreign relations, the President takes the initiative, but I do not know that that is absolutely necessary. Again, the Senate represents sovereign States—many of which are far more important than a dozen of the petty principalities of Europe.

I hope that the resolution will not be postponed. This expression of sympathy and respect to be of any value, ought to be made promptly, spontaneously, without doubt or hesitation. If we can not give France a hearty greeting, let the resolution be put down at once. Let the thing be done properly, or not at all.

Mr. HANNEGAN here suggested that it was necessary to proceed to Executive business.

Mr. DOWNS yielded, expressing the design of adding a few remarks when the subject should again be before the Senate.

The resolution was then, by unanimous consent, passed over informally.

EXECUTIVE SESSION.

On motion by Mr. HANNEGAN, the Senate proceeded to the consideration of Executive business, and after sometime spent therein,

On motion,

The Senate adjourned.

MONDAY, APRIL 3, 1848.

PETITIONS, ETC.

Mr. CASS presented the proceedings of a meeting of wounded soldiers, who served during the last war with Great Britain, and in the present war with Mexico, held at Watervliet, New York, praying an increase of the present rate of pension allowed to soldiers losing their limbs by wounds r ceived in battle, which were referred to the Committee on Pensions.

Mr. DAVIS, of Massachusetts, presented a memorial of citizens of the United States, praying that an appropriation may be made for the purchase of Mount Vernon, by the United States; which was referred to the Committee on Military Affairs.

Mr. DIX presented the memorial of Horace Southmayd and Son, merchants in New York, praying the reimbursement of certain duties levied on a cargo of goods shipped by them to the port of Tampico in Mexico; which was referred to the Committee on Finance.

Also, a memorial of physicians and apothecaries in the District of Columbia, praying the adoption of measures for preventing the importation of spurious and adulterated drugs and medicines; which was referred to the Committee on Commerce.

Mr. WESTCOTT presented a memorial of the County Commissioners of Hillsborough county, Florida, praying the confirmation of the location of their county seat and a grant of land for the erection of a court-house and jail; which was referred to the Committee on Public Lands.

PUBLIC LANDS IN FLORIDA.

Mr. WESTCOTT submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the commissioner of the General Land Office be directed to report to the Senate, as soon as practicable, an abstract or list of all permits granted under the acts for the adjustment of Florida claims, specifying in different columns the number and date of each permit, names of settlers, designation of land, number of notice, date, person to whom permit was delivered, whether head of family or single man; whether land designated was surveyed and when, and if so its designation by the survey, and the cases and dates when reported as in pursuit; and the reasons therefor; and when and to whom lands included in permits have been sold by the United States; and in what cases settlers have availed themselves of the amendatory act of 1844; and also copies of all instructions for the execution of said laws by the General Land Office; and, also, to report whether, in his opinion, any additional legislation is proper to effect the object of said laws.

THE WYANDOTTS AND DELAWARES.

Mr. ATCHISON, from the Committee on Indian Affairs, to whom was referred the petition of the chiefs and delegation of the Wyandott Nation of Indians, reported a joint resolution to sanction an agreement made between the Wyandotts and Delawares for the purchase of certain lands, by the former, of the latter tribe of Indians; which was read and passed to the second reading.

MICHAEL HOGAN, DECEASED.

Mr. WESTCOTT, from the Committee of Claims, to whom was referred the bill from the House of Representatives for the relief of William Hogan, administrator of Michael Hogan, deceased, reported the same without amendment; and also submitted a report on the subject, which was ordered to be printed.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his secretary:

To the Senate and House of Representatives of the United States:

I communicate to Congress, for their information, a copy of a despatch, with the accompanying documents, received at the Department of State, from the envoy extraordinary and minister plenipotentiary of the United States at Paris, giving official information of the overthrow of the French monarchy, and the establishment in its stead of a "provisional government, based on republican principles."

This great event has occurred suddenly, and was accomplished almost without bloodshed. The world has seldom witnessed a more interesting or sublime spectacle than the peaceful rising of the French people, resolved to secure for themselves enlarged liberty, and conscious in the majesty of their strength, the great truth, that in the enlightened age, man is capable of governing himself.

The prompt recognition of the new government, by the representative of the United States at the French court, meets my full and unqualified approbation, and he has been authorized, in a suitable manner, to make known this fact to the constituted authorities of the French republic.

Called upon to act upon a sudden emergency, which could not have been anticipated by his instructions, he judged rightly of our feelings and sentiments if his government and of his countrymen when, on all occasions throughout his diplomatic intercourse with other countries, he was the first to recognize, so far as it was in his power, the freee government established by the French people.

The policy of the United States has ever been that of non-intervention in the domestic affairs of other countries, leaving to each to establish the form of government of its own choice.

While this wise policy will be maintained towards France, now suddenly transformed from a monarchy into a republic, all our sympathies are naturally enlisted on the side of a great people who, imitating our example, have resolved to be free. That such sympathy should exist on the part of the people of the United States with the friends of free government in every part of the world, and especially in France, is not remarkable. We can never forget that France was our early friend in our severest revolution, and generously aided us in shaking off a foreign yoke, and becoming a free and independent people.

We have enjoyed the blessings of our system of well regulated government for near three fourths of a century, and can properly appreciate its value. Our ardent and sincere congratulations are extended to the patriotic people of France, upon their noble and thus far successful, efforts to found for their future government liberal institutions similar to our own.

It is not doubted that, under the benign influence of free institutions, the enlightened statesmen of republican France will find it to be for her true interest and permanent glory to cultivate with the United States the most liberal principles of international intercourse and commercial reciprocity, whereby the happiness and prosperity of both nations will be promoted.

JAMES K. POLK.

Washington, April 3d, 1848.

The message having been read—

Mr. HANNEGAN moved that it be referred to the Committee on Foreign Relations, and be printed.

Mr. ALLEN.—I will ask if there is any necessity for the reference of the message to a committee, as there is no action asked for.

Mr. HANNEGAN.—It is, I believe the usual and more respectful course.

Mr. ALLEN.—I only desire to say that I do not wish a reference of the subject in this form to interfere with the action of the Senate upon the resolution which I have submitted. I have no particular desire regarding this reference, further than that the action of the Senate upon the resolution shall not be delayed on that account.

Mr. HANNEGAN.—The object is certainly not to delay the action of the Senate upon the resolution of the Senator from Ohio.

The message was then referred to the Committee on Foreign Relations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk:

Mr. President: The President of the United States has officially notified the House of Representatives that he has approved and signed the bill to authorize a loan not to exceed the sum of sixteen millions of dollars.

The House of Representatives have passed the bill of the Senate granting a pension to Ruth Allen.

They have also passed a bill for the relief of Jacob Gideon, and a bill for the relief of Thomas Scott, register of the land office at Chilicothe, in which they request the concurrence of the Senate.

The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate for the signature of their President.

THE FRENCH REVOLUTION.

Mr. ALLEN moved that the prior orders be postponed, and that the Senate proceed to the consideration of the joint resolution tendering the congratulations of the American to the French people.

Mr. CRITTENDEN.—I am very anxious that this resolution shall be acted on, but there is an order of the day relating to a bill of much public consequence, which I think may be disposed of without much occupation of our time. I mean the bill for the reorganization of the Supreme Court, which was reported some days ago. The subject embraced in this resolution is one which may occupy a good deal of time in its discussion, we cannot tell how much. It is certainly a very grave subject, and it will necessarily be debated at much length. I am anxious that the bill to which I have referred, shall not be delayed until the discussion of this subject is concluded, which may not be until a considerable time has elapsed. I therefore must insist upon proceeding with the special order of the day.

Mr. ALLEN.—The bill which has been named by the Senator, will undoubtedly, give rise to a lengthy discussion; to a discussion which will extend through more than one day, perhaps through many days. I do not think that the resolution which I submitted will give rise to a very long discussion. So far as I am concerned notwithstanding the great desire which I have to speak somewhat at large upon the subject, I will waive that privilege rather than be instrumental in postponing, by opening a general discussion, the action of the Senate upon this resolution. I believe that the action of the Senate upon the resolution can be had to night, and the whole matter finally disposed of. I shall not delay the action of the Senate by any set speech, nor am I aware that there is a disposition on this side of the chamber, to make very long or elaborate speeches on the subject, and I cannot help, sir, in this connexion calling the attention of the Senate to one fact, letting that fact carry with it its own argument without any commentary of mine—a fact to justify by precedent, the resolution which I have submitted; and to justify by precedent likewise the speedy action of the Senate. I will read from the journal of the House of Representatives very briefly, and then I will simply ask the Senate to decide upon the motion. On the 10th day of February, 1820, Mr.

Clay submitted in the House of Representatives this resolution upon which the proceedings, which I will read from the journal were had.

Mr. CLAY submitted the following resolution, viz:

Resolved, That the House of Representatives participates with the people of the United States in the deep interest which they feel for the success of the Spanish provinces of South America, which are struggling to establish their liberty and independence; and that it will give its constitutional support to the President of the United States, whenever he may deem it expedient to recognize the sovereignty and independence of any of the said provinces.

The said resolution was read; when

Mr. WOOD moved that it lie on the table, which, being negatived,

Mr. ARCHER, of Maryland, called for a division of the question; and the same being stated to agree to the first member thereof, ending with the word *independence*—

Mr. WOOD moved that the said resolution be postponed indefinitely.

And, the question being taken thereon,

It was determined in the negative.

Mr. FOOT then moved that the said resolution lie on the table, which motion was also negatived: when,

Mr. WOOD moved to amend the same, by adding thereto the following proviso:—Provided nothing in this resolution is intended, nor shall be construed, to have any influence upon the independent exercise of the treaty making power by the President and Senate.

And, the question being taken to agree to the said proviso,

It was determined in the negative.

The question was then taken on agreeing to the said first member of the resolution,

And passed in the affirmative, yeas 134, nays 12.

Mr. MACLAY then moved to amend the second member of the said resolution, by prefixing the following: "That it approves of the course heretofore pursued by the President of the United States with regard to the said provinces."

And, the question being taken thereon,

It was determined in the negative.

The question was then taken to agree to the second member of the said resolution, to wit: from the word *and*, after the word *independence*, to the end thereof,

And passed in the affirmative, yeas 82, nays 66.

Mr. CLAY, and Mr. ALLEN of New York, were appointed a committee to present the said resolution to the President of the United States.

And then the House adjourned.

This was the nature of the proceedings in regard to the resolution which expressed the sympathy of Congress in connection with the sympathy of the people. There were one hundred and thirty-four votes in the affirmative, and but twelve in the negative, and the whole proceeding was accomplished on the same day they were submitted. I will ask for the yeas and nays on my motion to postpone the prior order of the day, and proceed with the consideration of this resolution.

Mr. BAGBY.—When these resolutions were under discussion on a former day I voted to lay them on the table. In giving that vote I desired not to be understood as wanting sympathy with the people of France in the mighty efforts they have recently made to improve their political condition by the overthrow of monarchy and the establishment of a republican form of government in its stead. I yield to no one in attachment to republican principles—not even to my friend from Ohio—and no one admits more cheerfully than I do that Senator's devotion to republican government and the principles of political liberty. I voted to lay the resolution on the table, because I took it for granted from the moment I heard of the great movement in Paris, that our minister at that point would, as early as practicable, send an official despatch to the government of the United States, and that that would be communicated to the Senate. In this expectation, sir, I have not been disappointed. The President has received such a despatch and has just communicated it to the Senate. I approve fully of the course pursued by the American minister, and entirely concur in the liberal and enlightened feeling of sympathy expressed in the President's message. These documents have been referred, properly referred, to the Committee on Foreign Relations, and will form a proper basis for whatever action the Senate may think proper to take in regard to the French revolution. I think that the resolution brought forward by the honorable Senator from Ohio ought to take the same course. It appears to me that this would be more respectful to the people and to the governments of both countries. Sir, in matters of such vast concern to the interests and happiness of mankind as the establishment of governments, something more is necessary than feeling hearts and undoubting confidence. It is a case in which, above all others, we should be guided by the calm lights of truth, reason, caution, and mature deliberation. Impassioned declamation on the part is necessary to stimulate the French people to revolution. That mighty event has been accomplished. It remains to be seen what are to be the fruits of it. If I was certain that I saw in the great movement that has lately taken place, the uprising of the sun of liberty, ascending in majesty and grandeur to its meridian height, and there imparting light and heat, and the blessings of constitutional regulated freedom, based upon true republican principles, to the people of France, I should indeed rejoice with inexpressible joy. If, on the other hand, it was but the lightning's flash and the thunder's roar which preceded that tremendous series of events, which on a former occasion swept like a tornado not only over France, but over continental Europe, carrying the miseries and the horrors of war, havoc and bloodshed in its desolating course and ending in absolute military despotism, it can prove no source of rejoicing with me. I sympathize deeply and sincerely with the people of France, but I have my doubts and misgivings. I hope for the best. Under every aspect of the case I am anxious that the subject shall undergo the investigation of a committee, and that they shall express in a temperate, statesman-like manner, the sympathies and views of the Senate and those of the American people. I have listened with great pleasure to the views expressed by the Senator from South Carolina, [Mr. CALHOUN,] and however widely I may have differed from the Senator on other questions, I avail myself of the occasion to say that his views in relation to this meet my entire concurrence and approbation, and are, if the Senator will permit me to say, highly creditable to his enlarged experience in public affairs, and worthy of the high rank he holds as a statesman, not only in the estimation of his own countrymen, but throughout the civilized world. I shall be compelled, sir, unless these resolutions are taken up in order to be referred to a committee, to vote against the motion.

Mr. DICKINSON.—I rise for the purpose of suggesting that the question is not debatable in its present form. The reason why I make the objection is, that the Senator from Louisiana the other day while debating this resolution upon its merits, gave way to other business, and it is not only depriving that Senator of the privilege to which he is entitled, but reversing the whole order of business to proceed as we are now doing.

Mr. CRITTENDEN.—I wish merely to inquire whether a motion to postpone the order of the day for the purpose of taking up a particular subject is a debatable question.

PRESIDING OFFICER.—It is the opinion of the chair that it is.

Mr. CRITTENDEN.—Well, when I offered that motion, and moved to amend it by substituting another subject for consideration, is not my motion equally debatable, and have we not the two subjects open for debate? If the gentleman can give reasons for taking up the subject which he proposes, may I not also give reasons for taking up another, and thus support my ground of opposition to his motion by showing the necessity for prompt action on the subject which has been made the very order, which has been proposed to be dispensed with? The bill to which I allude had passed the House of Representatives previous to the adjournment of the Supreme Court, and anticipating its passage through the Senate also, the court adjourned to meet again on the first Monday in May, provided the bill should become a law. It is actually necessary, therefore, if the bill is to be acted upon at all, that it should be acted upon in time to give notice to those having business before that court. If its passage be delayed it will defeat the very object and purpose of the bill as effectually as if it were voted down. And this I cannot think Senators will be willing to do, when they understand the necessity for the passage of such a bill. I do not propose now to offer the remarks which I design, and hope to have an opportunity to offer, before the resolution of sympathy is finally acted upon. I am in favor of that resolution, and I do not wish an inference to be drawn from my opposition to its present consideration, that I do not concur in it with all my heart. Still there is time for that expression of sympathy, and there is time for doing the business which is pressing upon us also.

Mr. BUTLER expressed his desire that the bill referred to by the Senator from Kentucky should be proceeded with. If the bill was to be acted upon at all it ought to be taken up now.

Mr. DAVIS, of Massachusetts, remarked that he had received letters of inquiries in regard to what disposition had been made of this bill. He believed that courts were about to be held in several of the Circuits of the United States, and it was highly important that the passage of the bill should not be delayed.

Mr. BENTON.—I believe, sir, we have a rule, which rule is applicable also to the proceedings in the Supreme Court—that unfinished business shall be entitled to preference. It is also the rule of common sense. A bill was in progress last week relating to a matter of great importance, which bill was deferred for reasons which the Senate can well comprehend; its progress was interrupted by a matter of exigency, and those who had charge of the bill yielding to that exigency consented that the bill should be temporarily passed by, with the expectation that the moment that subject was disposed of the consideration of the bill would be resumed. This was my understanding, sir. That particular subject is not yet disposed of, and I wish, therefore, that instead of beginning with any matter the Senate would now go into Executive session and complete the business before it in that capacity, then resume the consideration of the California bill, and when that is done we may go on with any thing else that may be proposed.

Mr. HANNEGAN.—I will state to the Senator that the individual on trial is now under habeas corpus.

Mr. CASS.—The Senate will recollect that some days since I gave notice that I would call up the bill for raising an additional volunteer force as soon as the bill which was then in the hands of the chairman of the Committee on Finance, should be passed. That bill has passed. At that time there were reasons urged by the honorable Senator from Missouri, for bringing forward this California bill. I yielded to those reasons, and immediately thereafter the question regarding the French revolution came up, and that being a great question I gave way to that also. It appeared to me that the testimonial proposed to be given by this country to France, to be worth any thing depended on two considerations—promptitude and unanimity. I did hope that we should have both. It is now certain, however, that one will be wanting if not the other. As far as respects myself I shall feel bound to insist that the bill from the Military Committee shall not be superseded by any other business, and I trust the Senate will pardon me from pressing its immediate consideration.

Mr. DOWNS.—I am aware that there are several bills pressing upon the Senate; but I hold it to be important as was suggested

by the honorable Senator from Michigan, that if we act at all in relation to the subject of the resolution, our action should be speedy; whatever we do should be promptly done. I am willing therefore, although I took but little part in the discussion of the subject when it was before the Senate the other day, to forego the privilege of offering any remarks, and hope that by common consent the vote may be taken.

Mr. DAYTON.—I should hope with due deference to the wishes of the Senator from Kentucky, that the bill in reference to the Supreme Court will not now be taken up, inasmuch as one of the gentlemen of the Committee who takes a particular interest in the bill is not present. It will be recollected in what manner the bill passed from the committee into the hands of the Senate, that it was by a majority only; and I know that if it be taken up it will not lead to a short discussion. This I know not only from what took place when the bill was before the Committee, but from communication with members on both sides of this chamber, who are opposed to the passage of the bill. If it be taken up I question whether we shall see the end of the discussion to-day, or even to-morrow. There is, it seems to me, one obvious reason why the unfinished business before the Senate should be disposed of, so far as the resolution from the Senator of Ohio is concerned. I understood from him some days since, that he had no intention to press it to an immediate vote, that he was willing to postpone it until some future day, or to refer it to the Committee on Foreign Relations. If this be so, may we not make some such disposition of the question, and when it shall return upon our hands again, say what we have to say upon it, and in the mean time dispose of the other business that is before the Senate?

Mr. ALLEN.—All business that has been introduced into the Senate, and is not perfected, is the unfinished business in the usual sense of the term; but the only unfinished business in the strict sense of the term, is the resolution. It is the very business that the Senate had in hand, and which was passed informally by when the Senate on Friday went into Executive session. Now with regard to the day, I did seek with the utmost solicitude to find out the day which would best accommodate the Senate. I named one which was not the day however, which I first had in my mind, it was far more remote than I would have named, but for the sake of gratifying gentlemen who proposed it, I acceded to their wishes. But after naming that day finding that it was as much objected to as any other, I fell back upon the original period. Now we have had the subject several days under discussion, and can complete it this day if we take it in hand. I will offer no obstacle to its completion this day, I will make no speech upon it if gentlemen will take it up—so far as I am concerned it may be voted on in five minutes. I ask for the yeas and nays on the resolution.

Mr. CRITTENDEN.—As I am but little skilled in the rules of this house, having as long as I have been here confided implicitly in the Presiding Officer, I wish to know if the special order of the day may not be called for by the chair as the proper subject for consideration?

PRESIDING OFFICER.—Certainly, if there be no other business in progress before the Senate.

Mr. CRITTENDEN.—There is no other business in progress. There is a motion to postpone the order of the day, and to proceed to the consideration of other business. I conceive that the case of the special order for which I have called is one of great exigency, far more pressing and momentous in its demand upon our immediate attention than is the other business presented, and now being urged upon the Senate for consideration. Sir, delay will defeat this bill effectually. I wonder how Senators can take any other view of it. I am for giving both of the measures pressing upon us for consideration a prompt and immediate attention; but as this bill is one of the greatest consequence to the administration of justice in the whole Union, I hope it will not be postponed. I will say, however, in relation to this resolution, that I think it is due to the subject, at least, to commit it. I have not examined its phraseology myself, and have no other confidence in its fitness than that which arises from my knowledge of the capacities of the gentleman who drew it up. It may be all correct, but I think it is best that we should act prudently and cautiously in the matter, and that it should undergo the revision of a committee. The greatness of the subject, and character of the relations existing between the two nations demand such consideration. I have seen a disposition to delay evinced since it was brought up for consideration, and I had resolved in my own mind to have shortly made an effort for a compromise in order to an early consideration. In going to a committee I would desire it to be speedily reported upon. It may be that something should be added to these resolutions. I think that they are susceptible of improvement by additional resolutions. If we stand in an attitude as a republic to address the French nation, our experience and advice to them as the oldest and strongest republic in the world will not, I think, be regarded as officious or superfluous. For one, I believe it is indispensable to the permanence of the French republic, that her departments should be divided into States, and that she should have State institutions, as well as a national convention or assembly to govern the whole republic. Might we not without making ourselves in some form or other offensive, insinuate some idea of this sort, the carrying out of which would greatly increase confidence in her stability as a republic. Again, instead of placing her seat of government in a great city, liable to be suddenly agitated by tumults, following the advice of Washington, might we not recommend to her the locating of her capital in some quiet and sequestered spot similar to that in which our own capital at present reposes? Would not such action on her part establish greater confidence in the minds of other nations as to the permanancy of her republican form of government? But whether we can venture to make a suggestion of this kind, is a matter for the Senate to determine.

Mr. ASHLEY.—It will be recollected that when this bill was reported back to the Senate it was reported by a majority only of the committee and that there was a protest against it by the minority of the committee. I have no particular preference at what time it shall be taken up. I am desirous, however, that when it is taken up it shall receive a full discussion. I believe it is the most important measure that has been presented to the consideration of the Senate this session. It proposes to materially change the whole judiciary system, as I think, permanently—though it purports upon its face to be but a temporary change—and is the entering wedge to an entire change of that system. I shall object, therefore, to its being taken up for consideration until we can devote a sufficient time to the consideration of its provisions, as well as of all the amendments that may be offered. I will observe further, that the minority of the committee instructed me when the bill came up to offer an amendment. That amendment failed. Since that time I have learned that in another portion of the capitol a system has been introduced which has received unanimous concurrence. I should have been glad of an opportunity to have examined that measure before we act up on this. If we take up the bill now we can hardly expect to go into a full discussion while this other subject is pending, and gentlemen are anxious to engage in this discussion. I hope, therefore, that it will be postponed. I do not agree with the Senator from Kentucky that there is so great a necessity for immediate action. If we pass the bill some ten or fifteen days hence there will be abundant time for notice to reach all parts of the United States at what time the Supreme Court will hold its session.

Mr. DAYTON.—I desire to say emphatically that I am in favor of the passage of this bill, and that I shall vote for taking it up at the very earliest opportunity. Since I expressed a desire that the bill might not now be taken up in the absence of a member of the committee, I find that he is either here or will be here immediately, and therefore the only reason for which I desired its postponement being removed, I shall cordially unite in the effort to bring it before the Senate.

Mr. NILES.—I consider it entirely irregular to proceed in this way by taking a particular bill and giving it preference over all the other business before the body. I hope that on this proposition we shall not be governed in any degree by what has been said in reference to other measures, I was under the impression that the Senator from Ohio desired to take up his resolution for the purpose of fixing a day for its consideration. But if I understand him now, he proposes to take it up for the action of the Senate at this time. I am not prepared this, and if that be the object I shall vote against the motion. I am satisfied that this subject has not received that consideration which its importance demands. It strikes me that the resolution is not expressed in the best form. I do not know what is meant by "consolidation of liberty." But without going at all into this matter, but merely regarding the form of the resolution, and the form of that which has been referred to, as an example, I would say that the House of Representatives in that case were speaking for themselves only. I think that when one government addresses another, too much care cannot be taken in regard to accuracy. I concur with the remark of the Senator from Michigan that if this expression of the feelings of the American people is to be of any avail, it is desirable that it should be expressed with great unanimity, but I do not think there is any necessity for being in haste. Expressions of this kind should come from the people themselves; they do not come well from us. Our action should be deliberate—the result of the well settled judgment of this body. I shall not go further into this matter. I think in regard to the motion, it should be considered without reference to any other subject than that to which it refers.

The question being about to be put, the yeas and nays were again demanded, and they were ordered.

Mr. BAGBY.—I will with great pleasure vote for taking up the resolution, with the understanding that it is to be referred to the Committee on Foreign Relations, or, if the Senator prefer it, to a select committee.

Mr. ALLEN.—The question pending when the Senate went into Executive session on Friday, was to make this resolution the order of the day for this day. There were propositions to amend that motion by the substitution of another day. The object which I have in making the motion that I have made to-day, is, to take up the resolution and to proceed immediately to its consideration, without reference to a committee and without naming another day.

The yeas and nays were then taken with the following result:

YEAS—Messrs. Allen, Ashley, Atchison, Atherton, Bradbury, Breese, Cass, Davis, of Mississippi, Douglas, Dawson, Felch, Foote, Hale, Hannegan, Houston, Johnson, of Georgia, Lewis, Mouton, Rusk, Westcott—21.

NAYS—Messrs. Bagby, Baldwin, Bell, Benton, Berrien, Butler, Calhoun, Clarke, Clayton, Crittenden, Davis, of Massachusetts, Greene, Johnson of Maryland, Mangum, Miller, Niles, Pearce, Phelps, Spruance, Turney, Underwood, Upham—22

So the motion was not agreed to.

Mr. HANNEGAN proposed that the Senate proceed to the consideration of Executive business.

Mr. CRITTENDEN opposed the motion, and moved that the Senate proceed to consider the special order, being the bill to which he had before alluded.

Mr. HANNEGAN.—I will suggest to the honorable Senator from Kentucky that there are very pressing reasons for having an Executive session.

Mr. CRITTENDEN.—I cannot conceive that there is any more pressing business than the consideration of the bill which I have named. I hope that the Senator, therefore, will withdraw his motion in order to give me an opportunity to take that bill up.

Mr. CASS.—What will be the effect of that motion? Will it be to give preference to that subject over all others?

Mr. CRITTENDEN.—That is the very object of my motion.

Mr. CASS.—I trust it will not be agreed to.

Mr. CRITTENDEN.—Let the Senate decide.

Mr. CASS.—The speedy consideration of the bill relating to the California claims is, in my apprehension, still more important than that of the bill to which the Senator referred.

Mr. BENTON.—I am very unwilling, sir, to be pertinacious before the Senate, but here is a bill for appropriations which is entitled, by all the forms of proceeding observed in legislative bodies, to precedence. It is a bill containing appropriations which ought to have been included in the general appropriation bill. It is a subject of that nature which is of itself entitled to precedence; but independently of that, it was delayed only for the purpose of permitting the loan bill to be proceeded with, after the passage of which, the consideration of this bill, it was understood, was to be resumed. It gave way to a matter of exigency which subsequently arose; but when I came here this morning it was with the expectation that it should be no longer deferred. Now, it is proposed that a subject which has engaged the attention of Congress at times for fifty years be taken up; that is to say, whether the Supreme Court of the United States shall be cut loose from the States? That is the question which comes up upon the bill, the consideration of which is urged by the Senator from Kentucky. Shall the Supreme Court be cut loose from the States, and the judges of that court be settled here for life, and become a permanent central and supreme power? That question has been decided at times after the fullest debate. As often as the question was presented fully, it has been decided that it should not be done. There is certainly a great amount of time on the docket of that court; but are you to make the docket less by preventing the judges from going into the circuits to hold courts? You cannot do it. I admit that the pressure of business upon the court is an evil which will require a remedy; but there is one thing I never will admit, that a proper change of the system can be made hastily. I am against all legislation that is done under the cry of "now or never." We have now the stimulating argument addressed to us that the Supreme Court has adjourned to meet in May, and that we must therefore act now upon this subject; and I presume act affirmatively upon it. Now, this is forcing us to perform an immense work in legislation upon something like the cry of "now or never." A subject which has at times engaged the deliberate attention of the two houses of Congress, is now to be acted upon at once, under the argument that it is rendered necessary by a proceeding of the Supreme Court. I am unwilling to go into a subject of this magnitude with the view of acting thus hastily; besides, I do not regard this measure as a remedy for the evil. I hope that the bill will not be taken up until a more proper time; and that it will then be proceeded with deliberately, without any stimulant for action on the part of the Senate, other than the desire to provide a remedy for the existing evil.

Mr. CRITTENDEN.—I am very sorry that the honorable Senator has thought it necessary to oppose this motion, which is merely a motion to take up the bill for consideration; and upon this motion the Senator makes his speech regarding the merits of the bill. The bill has been reported to us by a committee of this body, with a recommendation that it be passed.

PRESIDING OFFICER.—The pending motion is to proceed to the consideration of Executive business.

Mr. CRITTENDEN.—The Senator from Indiana is willing, I believe, to withdraw that motion for the purpose of proceeding to the consideration of the bill which I have mentioned, which is the present order.

PRESIDING OFFICER.—The California bill is the prior special order.

Mr. CRITTENDEN.—I do not know that. It is unfinished business to be sure, so is the resolution of the Senator from Ohio. But I move to take up this bill in whatever form the motion may be most appropriately pronounced. The Senator from Missouri has supposed that this bill presents the great question whether this court shall be cut off and separated from the States entirely, reducing the States to the character of provinces, and establishing a permanent and central power. But, sir, the whole object of the bill is to provide for an exigency growing out of an accumulation of business before that court. Something must be done to get rid of this mass of business, which prevents cases from being heard for two or three years after being docketed. How is this to be done? Unless you provide some way of disposing of this accumulation of business, the evil will increase every day, and it will be as injurious in its effects as the evil which the honorable Senator seems to dread so much.

The motion to proceed to the consideration of Executive business was then agreed to.

After some time occupied in Executive business, the doors were opened, and

The Senate adjourned.

TUESDAY, APRIL 4, 1848.

PETITIONS.

Mr. PEARCE presented a memorial of the Maryland College of Pharmacy, praying the adoption of measures for preventing the importation of spurious and adulterated drugs and medicines; which was referred to the Committee on Commerce.

Mr. MILLER presented the petition of Mary Coleman, widow of a revolutionary soldier, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. BADGER presented the petition of Agnes Freeland, widow of a revolutionary officer, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. JOHNSON, of Maryland, presented a memorial of citizens of the United States, praying an appropriation for the purchase of Mount Vernon by the government; which was referred to the Committee on Military Affairs.

Mr. DIX presented a memorial of G. R. Cox and others, citizens of the United States, praying that the owners of steam-vessels may be required by law, to adopt Evans' safety guard in the construction of their engines; which was referred to the Committee on Commerce.

DOWER CASES IN THE DISTRICT OF COLUMBIA.

Agreeably to notice, Mr. MILLER asked and obtained leave to bring in a bill relating to dower; which was read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary.

PRIVATE BILL.

Agreeably to notice, Mr. PHELPS asked and obtained leave to bring in a bill granting a pension to William Pittman; which was read the first and second times by unanimous consent, and referred to the Committee on Pensions.

INDIAN TRIBES IN TEXAS.

Agreeably to notice, Mr. RUSK asked and obtained leave to bring in a bill regulating trade and intercourse with the various tribes of Indians residing within the limits of Texas; which was read the first and second times, by unanimous consent, and referred to the Committee on Indian Affairs, and ordered to be printed.

COL. ROBERT WALLACE.

Mr. CASS, from the Committee on Military Affairs, to whom was referred the bill from the House of Representatives for the relief of Colonel Robert Wallace, aid-de-camp of General William Hull, reported it without amendment.

BATTLE OF PLATTSBURG.

Mr. CASS, from the same committee, to whom the subject was referred, reported a bill for the payment of the fourth regiment in the second brigade of the third division of the Vermont militia, for services at the battle of Plattsburg; which was read and passed to the second reading.

CHANGE OF REFERENCE.

On motion by Mr. BRADBURY, it was

Ordered, That the Committee on Revolutionary Claims be discharged from the further consideration of the petition of Francis Hutinack, a soldier of the revolutionary army, and that it be referred to the Committee on Pensions.

MESSENGERS, ETC., OF THE SENATE.

Mr. FELCH, from the Committee on the Contingent Expenses of the Senate, to whom was referred on the 10th of February, the resolution to pay two youths employed about the Post-office of the Senate during last session, reported the same back with an amendment, striking out the words "one hundred" and inserting "forty-five."

The Senate proceeded to consider the resolution, and the amendment reported from the committee was agreed to.

The resolution, as amended, was then agreed to

Mr. FELCH, from the same Committee, to whom was referred, on the 10th of February, a resolution to allow extra compensation to messengers of the Senate, reported the same back with a recommendation that it be not adopted.

The Senate proceeded to consider said resolution, and it was not agreed to.

PRIVATE BILL.

Mr. WESTCOTT, from the Committee of Claims, to whom was referred the bill from the House of Representatives for the relief of Archibald Bull and Lemuel S. Finch, reported it without amendment and with a recommendation that it pass.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk:

Mr. President: I am directed to notify the Senate of the death of the Honorable JAMES A. BLACK, a member of the House from the State of South Carolina; and of the proceedings of the House taken thereon.

DEATH OF THE HON. JAMES A. BLACK.

The resolutions from the House of Representatives having been read—

Mr. BUTLER rose and addressed the Senate as follows: The death which has just been communicated by the resolutions from the House of Representatives is an event well calculated to arrest attention and inspire serious reflection. This is the fourth death that has occurred among us during this session—a period of four months—and the ninth occasion upon which we have been called on to go in mourning for the loss of a member belonging to the 30th Congress. These are circumstances that are giving to our session a melancholy celebrity.

My late colleague, the Hon. JAMES AUGUSTUS BLACK, was seized on the 16th of the last month with a violent congestive chill, which terminated in an obstinate and incurable pneumonia, of which he died at his lodgings, in this city, last night, at twenty five minutes after eleven o'clock. Before he was taken ill he had the prospect of many days before him. With a robust constitution, he was in the enjoyment of vigorous health, neither of which had been impaired by previous disease. His last sickness was violent, painful, and protracted, but it was borne with a sustaining fortitude worthy of a man and a Christian.

Our departed friend was born of respectable parents in Abbeville district, South Carolina, and at the time of his death he was in the 57th year of his age. The deceased entered the army in 1812, at the age of eighteen, with the commission of lieutenant, and was promoted to the grade of captain before the close of the war.

Captain BLACK had not, I believe, any opportunity of distinction on the field of battle. But he left the service with the reputation of an excellent officer, having made a strong and favorable impression on the minds of his associates and military comrades. His keen sagacity, penetrating observation of men, his prompt judgment and untiring industry, associated with cordiality and frankness of manner, were qualities that well fitted him for military command. Upon one occasion, whilst he was stationed near St. Mary's, the intrepidity of his benevolence and courage was put to a test called for by a signal exertion to save life. By one of those sudden floods which occur in that part of the country, the bridges, causeways, and houses were submerged and swept away, destroying many lives and property. Captain BLACK, with much peril to himself, found a gentleman, then a young midshipman, now a captain in the navy, insensible and exhausted, floating on the wreck of a vessel. This gentleman, on hearing of the illness of Mr. BLACK, repaired to his bedside, and, inspired by the utmost delicacy of gratitude and friendship, ministered to his wants with the tenderness almost of a woman.

On the close of the war Captain BLACK retired to private life, and engaged in business with characteristic energy and industry. Prior to his election as member of Congress he filled several situations of trust and responsibility. He possessed in an eminent degree the self-reliance of a self-made man; with the peculiarities of deportment and character that made him a popular favorite. From the period of his return to the 28th Congress others have enjoyed better opportunities than myself of forming an estimate of his popular career. But the deep and even affectionate anxiety manifested during his illness, and the profound sensation which his death occasioned amongst those who were particularly associated with him, are honorable commentaries upon his private virtues and his public worth.

At an early period, Mr. BLACK became a disciple of the old republican doctrines, and he ever afterwards maintained them with unflinching firmness and uniform consistency. He has been sustained during his public career by the unshaken confidence of an intelligent, numerous, and wealthy constituency.

A few days before he died he gave expression to his unshrinking faith in the hopes and consolations of the Christian religion. He retained throughout his painful illness the possession of his mental faculties, and one remark which he made is worthy of record, as it affords at once matter of consolation and admonition. He said that a death-bed was not the place to prepare for death, and that he

had not deferred till the last moment the solemn considerations connected with his spiritual welfare. He professed a confident adherence to the Christian faith, and expressed the hope that, through its efficacy, he should enjoy a happy existence hereafter! A few days before his death I approached his bedside, and endeavored to cheer and encourage him. "This is indeed a great trial," he said, "but I will try and meet it as becomes a Carolinian!" Afterwards he said, "I have only one request to make: let my bones rest in the soil of my native land!"

This is not a fitting occasion on which to speak of the domestic relations of my departed colleague. Into that sacred private circle in which the virtues of the husband and the father were displayed, it is not for us to enter. It is consolatory that his wife, son, and brother reached his dying bed in time to receive an affectionate recognition; and that he left this earthly scene with a firm hope of happiness beyond the grave, leaving behind him an unsullied name, and the reputation of a good and upright man.

Mr. BUTLER submitted the following resolutions:

Resolved, That the Senate has received with deep sensibility the message from the House of Representatives announcing the death of the Honorable JAMES A. BLACK, a Representative from the State of South Carolina.

Resolved, That in token of respect for the memory of the deceased, the Senate will attend his funeral at the hour appointed by the House of Representatives, and will wear the usual badge of mourning for thirty days.

Resolved, That as a further testimony of respect for the memory of the deceased, the Senate do now adjourn.

Whereupon,

The Senate adjourned.

THURSDAY, APRIL 6, 1848.

PETITIONS.

Mr. BENTON presented the memorial of Ward and Smith, American merchants residing at San Francisco, Upper California, asking to be allowed interest on money loaned by them for the use of the government; which was referred to the Committee on Finance.

Mr. CASS presented a memorial from citizens of the United States, praying that an appropriation may be made for the purchase of Mount Vernon by the government; which was referred to the Committee on Military Affairs.

Mr. BELL presented a memorial of the Western Cherokee Indians, praying the settlement of their claims under the treaty of August 1846; which was referred to the Committee on Indian Affairs.

Mr. JOHNSON, of Maryland, presented the petition of Eliza Ann Brewer and Mary Brewer, legal representatives of William Rawlings, deceased, a revolutionary soldier, praying to be allowed his bounty land; which was referred to the Committee on Pensions.

Also, the memorial of Henry La Reintree asking the interposition of the Senate to procure him the appointment of a Purser in the Navy; which was referred to the Committee on Naval Affairs.

PRIVATE BILLS.

Mr. PEARCE, from the Committee on the Post Office and Post Roads, to whom was referred the memorial of John Lorimer Graham, late postmaster at the City of New York, submitted a report accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. FELCH, from the Committee on Pensions, to whom were referred the bills from the House of Representatives for the relief of the heirs of William Evans; for the relief of Esther Russell; for the relief of Jonathan Fitzwater; and for the relief of Zilpha White, reported them without amendment.

Mr. ASHLEY, from the Committee on Public Lands, to whom was referred the petition of William W. Wynn, submitted a report accompanied by a bill for the relief of William Wynn.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

THE FRANKING PRIVILEGE.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom was referred the bill to declare the true intent and meaning, so far as respects the franking privilege of members of Congress, of the act of 1st March, '47, and entitled "An act to amend the act entitled 'An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds in the Post Office Department,' passed 3d March, 1845, 'and for other purposes,'" reported it without amendment.

MILITARY STOREKEEPERS.

Mr. DIX, from the Committee on Military Affairs, to whom the subject was referred, reported a bill to increase the pay of Military Storekeepers; which was read and passed to the second reading.

ADVERSE REPORTS.

Mr. UPHAM, from the Committee on Revolutionary Claims, to whom was referred the memorial of the representative of William Russwurm, submitted an adverse report; which was ordered to be printed.

Mr. UNDERWOOD, from the Committee of Claims, to whom was referred the memorial of the administrator of Francis R. Sanchey, submitted an adverse report; which was ordered to be printed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr President: The Speaker of the House of Representatives having signed an enrolled bill granting a pension to Patrick Walker, I have been directed to bring it to the Senate for the signature of their President

SIGNING OF A BILL.

The VICE PRESIDENT signed the enrolled bill granting a pension to Patrick Walker.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

Mr. President: The President of the United States has approved and signed the bill to provide for the compensation of Samuel Leech for services in the investigation of suspended sales in the Mineral Point District, Wisconsin.

CONGRATULATIONS TO THE FRENCH.

Mr. HANNEGAN, from the Committee on Foreign Relations, to whom was referred the message of the President of the United States of the 3d instant, reported a joint resolution tendering the congratulations of the United States to the people of France; which was read and passed to the second reading.

MR. ALLEN'S RESOLUTION.

Mr. ALLEN moved that the prior orders be postponed and that the Senate resume the consideration of the joint resolution tendering the congratulations of the American to the French people.

Mr. FOOTE.—A reason was given the other day against the adoption of this resolution, but whether it was intended to be a philological reason, or a critical reason, I am not able to say.

Mr. HALE.—I rise to a question of order. The motion is to postpone the prior order for the purpose of taking up something else. I understood from the Presiding Officer the other day that such a motion was not debatable.

Mr. FOOTE.—It is not my intention to make any extended remarks, but merely to respond very briefly to an objection which has been raised to the phraseology of this resolution, and to show that it is precisely the phraseology which ought to be used.

Mr. HANNEGAN.—If the Senator will allow me, I will remark that I believe there will be no objection to proceeding to the consideration of all these resolutions together, and then the question will be open for the Senator's remarks.

Mr. FOOTE.—I only desire to say a single word.

The PRESIDING OFFICER.—There is a question of order now before the chair.

Mr. FOOTE.—I ask the decision of the chair upon that question.

The PRESIDING OFFICER.—The decision of the chair was entirely different from that which the Senator from New Hampshire supposed. It is entirely in order to debate the motion to postpone the orders of the day.

Mr. HALE.—I so understood the chair, and from that decision I take an appeal.

Mr. MANGUM.—I hope the Senator will withdraw the appeal. A motion to take up from the table, a subject which has been laid there by a vote of the Senate is not debatable, but a motion to postpone the orders of the day is debatable.

Mr. HALE withdrew the appeal.

The question being about to be put on Mr. ALLEN's motion,

Mr. FOOTE said: I design to occupy only a moment of the time of the Senate, for I do not suppose, that at this stage of the matter, I should be heard in extenso with any degree of patience by the Senate. The Senator from Connecticut the other day objected to the phraseology of the resolution—he objected to the phrase consolidation of liberty in a written constitution. I thought at that time, and think still, that it is the very best language that could be adopted. I believe that the resolution was carefully prepared, and that it has been drawn up in scholastic style, is clear in its phraseology, and expresses precisely what it should express. I considered the phraseology to be simply in accordance with the French idiom; and I regarded it, therefore, as the more suitable compliment to the French government, and was entirely in favor of preserving it unaltered. Since that time I have obtained a work, which, by the way, I commend to the attention of Senators; it is the last work of Lamartine, who is known to all of us as the ablest man perhaps of the age in which he lives, the orator, the poet, the scholar, and the statesman. In this work I find a passage in which the very term to which exception has been taken is employed; and I beg to read one or two sentences: "La nation ayant en soi l'inaliénable souveraineté qui repose dans la raison, dans le droit et dans la volonté de chacun des citoyens dont la collection fait le peuple, avait certes la faculté de modifier la forme extérieure de sa souveraineté, de niveler son aristocratie, de déposséder son église, d'abaisser ou même de supprimer son trône pour régner elle-même par ses propres magistratures. *Or, du moment que la nation avait le droit de*

combattre et de s'affanchir, elle avait le droit de surveiller et de CONSOLIDER les resultats de sa victoire."

Here, sir, we find that this very word "consolidate" is used by Lamartine in the same connexion as that in which it has been employed by the Senator from Ohio. I trust, then, that it will not now be considered, that there is the slightest impropriety in the use which has been made of this word in the resolution.

One more word, sir, and I have done. I believe that gentlemen have taken exception to the language of the resolution without due consideration. We have heard so much apprehension expressed about centralizing government, that they imagined there might be something in this phraseology which favored the idea of consolidating power in a central government. But it gentlemen will look back, and examine the history of our own government, they will find that the word was first used, I believe, by Washington himself, in a sense somewhat different to be sure, when he spoke of "a consolidation of the Union." It is a Washingtonian phrase. I say, with all deference, I am chiefly regardful of what has occurred in France, chiefly disposed to approve of what has taken place, because I see that instead of permitting the liberties of the people to float upon the waves of popular feeling, they are for imitating our example, and consolidating them, in the language of the resolution, in a written form of government.

Mr. MANGUM.—I was about to remark, when I begged the Senator from New Hampshire to withdraw his appeal, in order to make myself clearly understood, that although there may be debate upon a motion to postpone prior orders, and take up a particular subject yet that such a motion did not admit of debating the principles contained either in the measure proposed when taken up, or in those that ought to be postponed for that purpose. Everything on your calender has to be taken up in its course, and nothing lies upon the table except by a vote of the Senate, and when a subject is placed upon the table by such vote, the motion to take it up is not debatable.

The yeas and nays on the motion having been demanded were ordered.

Mr. CRITTENDEN.—I do not know what use there is for taking the yeas and nays. I know of no opposition to the motion. I have been prevailed on, in consideration of the great desire of gentlemen, and for their accommodation, to permit that which is the special order to be passed by, that the resolution of the Senator from Ohio may be taken up and disposed of.

Mr. ALLEN.—If there is to be no contest about it, I do not care about having the yeas and nays. I will therefore withdraw the call.

The question being then put, upon the motion to postpone the prior orders and proceed to the consideration of the resolution, it was agreed to.

Mr. ALLEN.—I shall not trouble the Senate with any extended remarks upon this resolution———

Mr HANNEGAN.—Will the honorable Senator allow me a moment? I included in my motion—when I renewed the motion of the Senator to take up this resolution—the additional proposition to consider at the same time the resolutions reported by the Committee on Foreign Relations.

Mr. MANGUM.—The motion then is to substitute the resolutions reported from the Committee for the resolution of the Senator from Ohio.

Mr. ALLEN.—There is no motion of that sort yet.

Mr. MANGUM.—I make that motion, then; to strike out all the original resolution, together with the amendment, and substitute those reported from the committee.

Mr. ALLEN.—That is a double motion. It is capable of a division, and I shall ask a division of it. So far as it supersedes the amendment proposed by the Senator from New Hampshire it is one thing, and so far as it supersedes the body of the resolution it is another. I shall ask for a division of the question. On this question I barely wish to remark that in the brevity and simplicity of the resolution which I offered, I was governed by a desire to do what I supposed would become one nation speaking to another,to employ brief, emphatic, general, and unequivocal language, to avoid all detail, and to make the resolution expressive of a general feeling in favor of a general principle. In drawing up the resolution I sought to find language to accomplish that object. I sought to find language which I believed to be the most proper, most dignified, and most respectful—when one nation was speaking to another nation—without going into detail or giving any reason for what we did, except the great reason of popular liberty. I knew, sir, that any attempt to go into detail would involve the discussion of all the parts and principles of the French constitution. One Senator wants to commend the French for having taken action with regard to its Colonial dependencies. Another Senator might wish to commend the French for having expressed, in the form of a decree of their government, their will with regard to foreign powers. Another Senator might desire to compliment them more particularly for some decree relative to the internal regulations of France itself; and so on, as each one of the various acts or decrees of the temporary government of France happen to strike the mind of each Senator. Each Senator would like to express himself when you enter into the business of detail; and thus we would have to make a resolution to comprehend every act of the French government in detail in order to gratify the peculiar predilections of every Senator. In order to avoid all these things, and in order to give to this resolution the brevity which struck me as most compatible with the true dignity of one nation speaking as a nation to another nation; for that reason, I say, I submitted the resolution in a single sentence. Every one will perceive, in attempting to go into detail, the unbounded and unnumbered difficulties that would instantly present themselves. To go into detail, we give a reason by the very detail for what we do, and to give a reason for each particular idea proposed. is to make us become rather advisers than congratulators of the French people. I thought it more respectful to the French people and government that we should make a general tender of the congratulations of the American people to the French people for what they have done in its great aggregate, using no words except one general phrase, to express the general love of liberty entertained in this country, and the general hope of the American people that it may be consolidated in France. The only possibility then, of getting a resolution, it seems to me, which would accomplish the great object which all seem to have in view, that of expressing fully and entirely the unanimous feeling of the Senate—the only possibility of getting such a resolution, is to take one that employs general language and avoid every expression of this vast and complicated subject in the various details. I shall therefore, myself, considering the resolution which I submitted for its directness, its plainness, and its brevity—vote against the passage of this amendment.

Mr. NILES.—The objection which has been urged to the resolution of the Senator from Ohio, and which was commented on by the Senator from Mississippi, is a matter of mere verbal criticism. think that the resolution is objectionable in substance. It assumes a state of things which does not exist It goes altogether beyond any information which we have on the subject of the present position of France. It proposes to tender in the name of the people of this country, congratulations to the people of France.—For what? Why, for the success of their efforts in consolidating liberty. Well, this phrase consolidation of liberty, must mean something. I suppose it must mean for the success of their efforts in providing safe guarantees of liberty, without which, liberty cannot be preserved. It must mean this, or something to this effect. Now what information have we on the subject? Why instead of having provided these guarantees, they have done nothing towards the organization of a government in any form. We have information that an existing government has been overthrown, and a temporary or provisional government constituted government, set up in its place. What have been the circumstances under which this provisional government came into existence? It had no legal sanction except the face of circumstances. The only sanction that government had, is the supposed acquiescence of the people of France. I will admit, although the officers of the provisional government seemed to have been constituted by a mere handful of men, who happened to be present in the Chamber, yet I will admit, that the nation so far as we can infer, seemed to have acquiesced and given a sanction to this government, but in what light is it to be regarded? It is a mere temporary government springing out of the exigency of circumstances, and this resolution therefore, goes altogether beyond the real state of things, and undertakes to express the approbation of this nation, for the success of the French, in establishing a free government, a thing which we know they have not as yet done. We all hope that such a result will follow, but can we now speak to this people, tender our congratulations for their success, when nothing has been done? I think the resolution goes altogether too far. I think the resolution is essentially defective in substance, to say nothing of the language, because it goes greatly beyond the facts.

Mr. DICKINSON.—I am not only desirous to congratulate France upon recent interesting events as proposed by the resolutions of the Senator from Ohio, [Mr. ALLEN,] but also to congratulate the Senate and the country upon the healthy progress of opinion here within the last few days. No longer since than Monday last, there was an effort to take up the resolutions, which was resisted and defeated upon the ground, amongst others, that they were premature; but now, without any change of circumstances whatever, they have been taken up by common consent, and notwithstanding the opposition indicated heretofore by several Senators, and this morning by the Senator from Connecticut, [Mr. NILES,] I anticipate their passage by very great, if not entire unanimity. When asked what France has yet done to justify the congratulations of this government, I answer that she has solved a great and interesting problem in human government. America demonstrated to the world that man was capable of self-government, but France has established another great fact, scarcely less important to the oppressed people of Europe, that the force of opinion is mightier than armed men, and that monarchy can be overthrown and deprived of its ill-gotten power by social convulsion. What, we are asked, has France done? Peaceably and unarmed, by the omnipotence of opinion, her people have broken down one of the most powerful monarchies of modern times with all its concomitant enormities and abuses, and have removed every obstacle between thirty-five millions of king oppressed people and liberty. If this is not an achievement worthy of congratulation, I cannot imagine what would be.

The late "citizen king" attained his position by professions of great regard for the rights and interests of the people of France. and although for a time he did not openly throw off all pretence of regard for popular rights, the last ten years of his despotic reign have been characterized by avarice, tyranny and usurpation, and every act that can disgrace even a monarch. In the pursuit of his schemes of ambition and aggrandizement. he had practically limited the right of suffrage to about two hundred thousand of his thirty-five millions of people—those elegible to the popular branch of the national legislature, were few in number, and nearly one half of the late Chamber of Deputies, the nominal representatives of the people, were office-holders under, and in the pay of the executive government. The public debt, and the burdens of taxation had been doubled in a time of profound peace, excepting the Algeria war, which was kept on foot as the out-let for the turbulent and disaffected, and doubled too, in raising and equipping armies, and erecting fortifications, to overawe the people of France, and force them into subjection. The liberty of the press and of speech have been abridged from time to time, to suit the Royal wishes, until in attempting to prescribe the number of citizens who might meet at a public dinner, and frankly discuss the measures of government, he was deposed and driven from his palaces and gardens, and too, like our common progenitor for his sins, forever, and like him, his return guarded by the sword of liberty. The history of his downfall, flight, and humiliation, is ful of interest and instruction. The ablest, proudest sovereign—the wealthiest individual upon earth, seated upon the throne of one of the most powerful monarchies in christendom, sustained by an able ministry, and backed by a standing army of four hundred thousand men, completely armed and equipped, with frowning fortresses commanding every part of the city of Paris, is overthrown and flies from a betrayed and outraged people, literally when none pursues him, in fulfilment of the proverb. His throne is burned to ashes, and scattered to the four winds of heaven, and he a homeless, houseless fugitive, from town to town, from house to house—cold, pennyless, and starving—half clad in borrowed garments, in a miserable fishing boat, seeks refuge in the land of the great rival, and hereditary hater of his race and nation! Sad, but becoming termination of a career black with treachery, perfidy and ingratitude! The image of his predecessor Charles the X. seemed to haunt his imagination, and in his flight he is said to have ever and anon exclaimed—"like Charles the X." But he had not the apology of that weak and imbecile monarch, the tool of a designing ministry. to plead in extenuation of his tyrannous reign, for the citizen king was a sensible and practical man, who gave himself, tone and complexion to his administration, and was capable of estimating truly the consequences which must flow from it. But he was blinded by selfishness and passion, and hastened with his own hand, the ruin of his household. Like the insane, when reason flickers up for a moment with the last pulsations of life, this mad monarch as he was about to leave his native land forever, was blessed with a ray of returning sense, and in words of truthful, interesting import, said to a friend—"I join the Republic frankly and sincerely, for I carry with me the French monarchy, and I shall descend with it to the tomb. I have been the last King of France."

Thus have the people of France thrown off a powerful, corrupt and tyrannous reign, and trodden down every barrier between themselves and civil liberty. Thus have they driven into exile the instruments who have enslaved and oppressed them. Thus much have they already achieved for the cause of oppressed humanity. The future is full of hope, and none can doubt of the ultimate success of this brave and chivalrous people. But if we knew they would again be reduced to the vassalage under which they have so long struggled, and that Louis Phillipe himself would be again placed upon the throne, and they be subjected to his arbitrary sway, they would be none the less entitled to our congratulations for the great and good work they have already accomplished—for the mighty advance they have made in proclaiming to the world freedom of opinion and the rights of man. They have spoken in a voice and language that has already been heard throughout Europe—inculcating the doctrines of liberty and equality—that has brought the oppressed and plundered masses to their feet, with joyous expectation, and has caused corrupt and stultified monarchy to feel its thrones rocking and the earth trembling beneath it.—They have caused industry to hope that it may yet partake of the bread it has earned; and labor, that while it should toil for those whom Providence has taught to look to it for sustenance, no laws, human or divine, can justly require it to support an indolent and beggarly aristocracy, armed and willing to enforce obedience.—Ireland has already caught up the sound, and is looking forward with renewed hope to her hour of emancipation. Austria is ringing with shouts of liberty from Hungary and the Bohemian hills—throughout Italy, Germany, and even in England herself, under pretence of giving, terrified and dismayed monarchy is restoring to man rights which were wrested from him during physical ages.—If there are no precedents for such congratulations, we can easily make one; and we should by all means do so, for the signs of the times clearly indicate that at no distant day, if not during the present session, our congratulations may be extended to other lands than France, upon a like occasion. Let us then congratulate this great nation upon an event so auspicious in her history, and leave future events to the future. If it is said the French people are too impetuous for a republic, it may be answered they are too impetuous for monarchy They have tried every other form of government unsuccessfully, and now, in erecting a republic, if they but copy our federative system—the great secret of our strength—the expectations of the most sanguine must be realized. France in 1798 and 1848 are as unlike as two different nations. In '98, too, our government was an experiment; the little cloud which promised to refresh and fertilize the earth was then no bigger than a man's hand; now its highest hopes and anticipations have been realized, and its blessings have been co-extensive with civilization. France, in an especial manner, has profited by the lessons of wisdom we have taught her, and is prepared to follow our example. She has been thus far eminently successful, and I would extend her congratulations cordially and unanimously, at the earliest moment, and in the most pointed and significant phrase.

Mr. HALE.—I rise to make a few remarks in reference to a suggestion which seems to meet general favor, that the French people have not yet done enough to merit our congratulations; and that we must wait with a cold, calculating, mathematical philosophy, till we see every thing settled and perfected—till we have seen that the seeds of liberty have germinated, spread out their branches, blossomed, and borne fruit before we can thank God and congratulate the people of France for any thing that has been done. These, sir, are not my sentiments. This policy is not in accordance with my convictions or feelings. Nor would this conduct be in accordance with the motives which generally govern human action. When parental love first looks upon the young infant, does it refrain from thanking God till the child has grown to manhood? Does the mother's heart refuse its thanksgivings for her offspring till the infant has become a man? No! Though but the hour after its birth it should be consigned to the grave, yet would parental fondness thank God for the bright vision that had dawned upon it, only to bless it but for a moment. And if the fires of liberty which the French people have lighted up were this moment to go out in darkness—if the next steamer that comes across the Atlantic should carry the tidings that the beacon lights which had been lighted on the continent of Europe had been extinguished forever, yet would I thank God from the bottom of my heart, and congratulate the people of France that they had made that effort to be free! Whether successful or unsuccessful—whether crowned with triumph or not, I rejoice in the present efforts of the French people, and hail the spirit that has given them birth.

But, if the French people had done nothing more than has been stated by the Senator from New York, I confess that they would have had no congratulations from me. When I saw the Senator from New York, representing such a constituency as that which sent him here, rise to tell us what the people of France had done, I thought we should hear something worthy of the congratulations of freemen. But what is the great feat which he represents them as having accomplished? Why, that they had dethroned their King, and driven him a houseless wanderer in borrowed vestments, to the shores of his hereditary foemen! Sir, is not history full of examples of a people goaded by oppression, driven by desperation, making energetic efforts to throw off the yoke of their oppressor, only that they might become the more willing victims of another despot? Is there any cause for congratulating France in that alone? Not at all. If the expulsion of a King is all that they have accomplished, they shall have no congratulations of mine. They did that much before. They expelled Charles the Tenth, and put Louis Phillippe in his room. If they stopped here, it would ill become the American people to offer their congratulations. Have the people of France done nothing more? Have they merely stripped the king of his royal robes and clothed him in borrowed garments? Oh! no. They have done something more than that. They have proclaimed great principles which lie at the foundation of all human freedom, and by the energy and promptitude of their action they have given assurance to the world that they are sincere in their purposes and in the declarations which they have put forth. They have declared the great principle of universal suffrage. The aristocracy of two hundred and forty thousand, which ruled the destinies of France, have been stripped of their monopoly of authority, and every man is now a voter and a citizen. The chamber of nobles is struck out of existence. All titles are abolished. More than that, they have not stopped to measure their ideas of personal, social, civil and religious liberty by the hues of a man's complexion! In the language inscribed upon the bell which stands in the tower of the building where the foundations of American liberty were laid, they have proclaimed "liberty throughout all the land and to all the inhabitants thereof." Compared to that achievement the expulsion of an hundred kings is but as the small dust of the balance. Who cares whether Louis Phillippe landed upon the shores of England clothed in his royal vestments or with the borrowed habiliments of a fisherman? What matters it to humanity —to liberty—to human progress that such are the fortunes of the fallen King?

In the history of nations, as of individuals, there are crises.—There is a moral Rubicon, as well as a physical one, to which we may advance, and there hesitate, and deliberate, then either crossing boldly or receding in dismay. The people of France have come to that perilous and interesting crisis; and if my voice could be heard by the French people, I would mingle with my congratulations a note of warning. I would tell them that if they would be true to themselves—to the hopes of the world—to the destiny of the untold millions that are to follow in their footsteps in succeeding ages, I would say to them, see to it that you seal your fidelity with your blood before you compromise with the spirit of liberty! Let them make no compromise; but let them make clear work of it, and vindicate not only their fidelity, but their consistency, carrying out in its true meaning, its full force and in its

energetic life, the great principles of the doctrines which they have declared. I have sometimes thought, in dwelling upon the history of this republic; and it has been the common talk of the world that in this land was the last hope of freedom—that when the eye of science had revealed in the solitude of the ocean, the continent to which the Pilgrims of New England repaired, that they might here, removed from the temptations, oppressions and luxuries of the old world, erect the sacred temple of liberty, if the effort failed here, it failed forever;—that I had seen indications fearful and fatal, that we were departing from the faith of our fathers, that instead of being true to the first principles of human liberty which we have proclaimed, that we were cutting loose from them, and entering upon the adventurous experiment of a foreign and aggressive war, not for the purpose of promoting liberty, but of extending and perpetuating the institution of human slavery. As I contemplated these things the conviction seemed to force itself upon me that the indications of our success were faint and feeble; that the illustration which we were about to give of the capability of man for self government, was to be the same as that of other nations which had gone before us; and that after our failure the hopes of freedom would indeed be extinguished forever. But in the dawning of this revolution in France, I behold the sun of hope again arise, his beams of golden light streaming along the eastern horizon. I am now inspired by the hope that even if we fail here—that even if liberty should be driven from this her chosen asylum, the divine principle would still live and would find a sanctuary among the people of another land—that when our history should have been written, and our tale told, with its sad moral of our faithlessness to liberty, boasting of our love of freedom while we listened unmoved to the clanking of chains and the wail of the bondmen—even, then, in a continent of the old world light would be seen arising out of darkness, life out of death, and hope out of despair!

I trust that whether these sentiments are to be embodied in the resolution or not, that it will be acknowledged that enough has been done and more than enough to call forth the earnest sincere, heartfelt congratulations of every American.

Mr. BUTLER then rose and was recognized by the chair, but yielded to

Mr. HANNEGAN, who said: Inasmuch as I am placed in a peculiar relation to the question now before the body, I shall accept the floor from the gentleman who has so courteously yielded it, promising to return it to him with Jew's interest hereafter, whenever the opportunity may fortunately occur. I will not detain the Senate by entering into any details of the events which we have all read in the newspapers with regard to the events that have recently transpired in France. It is enough to refer the Senator from Connecticut to those details as furnishing an answer to the objection that nothing has been done to warrant congratulations from America to France.

Mr. NILES.—The Senator entirely misunderstood me. I said that the resolution of the Senator from Ohio went beyond any thing that had been done.

Mr. HANNEGAN.—I am happy to hear the explanation of the Senator, although I still differ with him in his construction of the resolution. The Senator from New Hampshire expressed the hope that the French people might be enabled to persevere even unto the shedding of blood. To that I respond, if it be necessary! But I fervently trust in God, that not one drop of human blood may flow in this great revolution.

Mr. HALE.—I said that I desired the French people might be faithful unto death.

Mr. HANNEGAN.—That of course implies the shedding of blood. But I trust no neck will be brought to the block—that no human misery, but that unmingled human happiness may flow from this great movement.

And now, sir, it is due to the Senator from Ohio and myself that I should make a brief explanation. When the message of the President was communicated to us on Monday last, it was, on my motion, referred to the Committee on Foreign Relations, and I then stated to the Senate that it was not my intention to interfere with his resolution. I will carry out my purpose in that respect; for although as the organ of the Committee, I reported the resolutions which have been read this morning, and although I prefer them as they go farther in expressing my views, yet I will never place myself in a position in which I can, for an instant, be suspected of public or private treachery. I suggested to the Senator from Ohio, in the morning on which he introduced his resolution, that he had better do it at once. I then committed myself to his resolution, and I shall carry out the committal by any vote which I may be called on to give. The resolutions of the Committee on Foreign Relations, indeed, express the same sentiments and feelings as the resolution of the Senator from Ohio, and entirely accord with resolutions which have been prepared by other Senators, amongst them my friend from New York, [Mr. DIX.] They all embody public sentiment and no more. All convey nothing more than what fell from the lips, and came fresh and warm from the hearts of every day-laborer around your capitol grounds, as he exchanged congratulations, and shook hands with his associate, on the intelligence of these glorious events. My friend from Ohio, however, with characteristic boldness—leading, as he always leads worthily, when the great principles of human liberty are at stake—came forward the moment that the tidings reached us and gave notice of his intention to introduce such a resolution. As the originator then of this procedure, to him belongs the credit, let the details be what they may of the action of which the Senate may adopt. And here I may, without impropriety, remark that, to the Senator from North Carolina, [Mr. MANGUM,] is chiefly due the credit of the resolutions reported from the committee. His valuable suggestions in the committee room, reduced my share of their preparation to little more than that of drafting them. But this is of little consequence either to him or to myself. Neither of us seek the "bubble reputation" which is to be gained at the point of a resolution. He, I know, is above it, and I trust I am.

The Senator from Connecticut, [Mr. BALDWIN,] remarked the other day that there were no precedents for this procedure. I think that if he will look back to the period of the first revolution in France he will there discover a precedent in the conduct of Washington himself. When Louis the XVI, communicated to General Washington, then President of the United States, the fact that he had signed the constitution dictated to him by the National Assembly, and that he had given to the French people an extension of the elective franchise and other privileges before unknown, Washington, in a brief message, announced the intelligence to Congress, and it was responded to in separate resolutions by the two Houses, which were transmitted by the President to the King of France. When, at a later period on the establishment of a republic, before the downfall of Robespierre and Marat, we refrained from transmitting congratulatory resolutions; the reason, as will be found in the recollection of Senators, was that we were then in imminent danger of collision with France.

Mr. BALDWIN.—Will the Senator allow me to inquire whether there be any precedent of a joint resolution of the two Houses of Congress, in the name of the American people requesting the President to transmit the resolution to a foreign government?

Mr. HANNEGAN.—I know of no instance of a joint resolution, but the separate resolutions to which I have alluded were of the same import. But I frankly confess, that I dislike the word "precedent," when we are engaged in legislating on such a subject as this! The reason why no precedent has been presented is, that the event itself is without precedent! I have indeed heard objections urged in high quarters. The distinguished Senator from South Carolina has expressed his opinion that we had better defer our action. These and other objections made to the immediate action of the Senate upon these resolutions, I have weighed, as I feel they deserve, with the utmost seriousness. At one time I was inclined—and so expressed myself to the Senator, my friend from Ohio—to postpone action until we should hear of the actual meeting of the national assembly; but all my subsequent reflection tends to the conclusion that we should at once and without hesitation tender to the new republic of France our congratulations. For the life of me I cannot see any evil result in the step. No man will contend against it as an act of interference with the affairs of others, an act that in its remotest consequences can lead to our entanglement in European difficulties. It has ever been the custom of nations to exchange congratulations upon momentous occasions and fortunate results.

In the history of man there has occurred no more signal event than the recent French revolution. It is marked all over, at every step, from first to last, from the highest to the humblest actor, by a moral grandeur that finds its only prototype in the conduct of our own Heaven-guided ancestors. When revolts occur in kingdoms—when man, lashed to phrenzy by all the woes of oppression, rises but to strike a single blow, and fall from the ignominious scaffold to the uncounted grave—when the chains of the oppressor are thus riveted tighter and tighter—when humanity and liberty have been laid together in a common grave—then monarchs have often exchanged congratulations.

At this hour, when emancipated France—emancipated without a crime, without a stain—extends her new-born hand, and from her cradle lifts her smiling front, gazing at us, shall we pause—coldly pause—and give back the look with marble features? or shall we return the smile, and with our heartfelt salutation cheer her to the richer than golden harvest? If there was any thing in these resolutions contrary to the usages of nations, any principle at war with the proprieties of international communication, I should feel bound from this high place to hesitate and weigh every contingent result. But I am unable to discover the rule or the reason against a national salutation from the matron government of republican America to the infant government of republican France. It is in the name of our people that we send the greeting. It is in obedience to the high behests of the ever active, the hundred-eyed genius of our institutions. We send to a recognized government—recognized by all the foreign officials in France, so far as I can learn. Our own minister led the way. I trembled when the first news came, lest he should hang back waiting an example. But I am happy to think he has discharged his duty, he went foremost, and if he had not better for him, far better, that he should never again put his foot upon his native land.

Why shall we not, as representatives of our country and her institutions, salute those who are struggling to imitate us? Monarch can salute monarch, even upon the birth of an infant heir to unlimited despotism, shall we falter in a salutation to the presence of rational liberty. I know the doubt, the fearful doubt, that exists in many of the greatest minds, even some of the most honored fathers that surround me; and I know, too, from conversation on all sides, as well as I can learn, that doubt can only be expressed

by the word solicitude—the deep, deep solicitude with which maternal love watches the first steps of the idolized boy. Will he stumble? will he fall? The fine turned limbs, the flashing eye, forbid the thought. He will walk, and walk to noble and vigorous manhood. This feeling inspires some misgivings, not in the purity of intention which discloses this great struggle, but in the detail which is to seal the result. Her national assembly is, perhaps, too numerous; one-fifth the number would have represented all the departments all the interests of the French people, and avoided the dangers of faction and tumult. But I can feel no doubt of the issue; the descendents of the consecrated Gironde, united with the schools Polytechnique, supported by the press and the intelligence France will avoid the terrible obstacle of the Mountain and the Jacobin on their way to regulated, constitutional liberty.

I trust with abiding confidence in the moderation, the wisdom, the public virtue, the intellect of France. I rest as seated on a rock, upon the steady patriotism of the French people, in sustaining those great intellects who lead the way, pointing to the high destiny of France with all the sublimity of faith, all the fervor of the seer. I dread no rising cloud which my friend from Alabama, [MR BAGBY,] pictured the other day; I will not fear the baleful cloud of anarchy, lighted from every verge by concentric fires, and sweeping on the tempest wings to blast with its thunderbolts the new sprung hopes of freedom and mankind. Perish the thought, the prospect shall be lighted only by the lambent fire of exultant hope!

At this hour the spirit of freedom is on foot in lands and amongst people, where its faintest sighs have been unheard for centuries. Italy, the school boy's theme, the land of his golden dreams—the of old liberty loving German, of Cæsar and Tacitus, are again warmed by the celestial flame, Europe is rocked by a moral earthquake. Every successive throe discloses some new breathing place for the subterranean fire, which long suppressed is bursting with more than volcanic power into the light and the approving presence of God.

Sir, our example has done all this. The oppressed and famine stricken of the old world, have annually flocked by thousands for refuge to us, the only resting place for overtasked humanity. They have drank of the cup, which never exhausts, they have fed at the board, whose necromantic supplies are spread with more than "Bacchanal profusion." They have bowed at the altar of their own God unquestioned, and listened to the ministrations of his priest undisturbed. They have walked by day, and slept by night in security, the rude latch their only guard, and no proud emissary of oppression to wither by his tread, the green sward before their humble door. They have found a home

> "Where gods might love to dwell
> And wander with delight
> Or sit amid its sacred shades."

All this they have written, ship load after ship load, to those they have left behind; and thus the silent and invisible power of the Almighty has brought the masses to the aid of the master spirits, that from their closets have so long invoked the blessings of freedom. But perhaps I wander. I will only add that my vote shall be given with heartfelt pleasure at once for these or any similar resolutions, and I trust that the vote may be taken this day, so that the intelligence may be conveyed to France in the Cambria, which sails on Saturday next. I am not prepared however, to stop at this. When the National Assembly, which is to convene on the 20th of April, shall have closed its deliberations by giving to France a constitution after our own model, I would go farther. I would send a solemn embassage; its members composed of the snow-crowned and most honored servants of our republic, those who have given the energy of long life to liberty and their country, and whose mellow but all radiant light still rests upon the theatre of action. I would send such an embassy in the name, and with the spirit of our people, to fraternise with the descendants of those who shed their blood for our freedom.

Mr. ALLEN.—The course of the distinguished chairman of the Committee on Foreign Relations has been just and generous with regard to this resolution and the individual who originally submitted it. But just and generous as that course has been, it has not been more so than all who are personally acquainted with that Senator were prepared to expect. He has said that I was entitled to the honor of originating this movement. Before I appropriate that compliment to myself, it is just that I should say that in submitting that resolution I did no more than I am fully aware many other Senators proposed to do, and it was but a mere accident which gave mine the priority. It so happened—and that will explain the reason why I chanced to submit the resolution—that on the 20th day of March, a discussion was in progress in the Senate upon a kindred subject, upon a proposition of creating a mission to the Papal States in conformity with the president's recommendation of the President. The President had made that recommendation most properly and wisely because he thought that representing this great nation of freemen it was his duty to take some notice of an event which had for its object so large a benefit, not only to the people of Italy, but by its example to the people of all Europe. He, therefore, recommended that an embassy should be created to the head of the Papal government, and based his recommendation upon those salutary changes which the head of that government proposed. I was of opinion that the President acted wisely and justly in that recommendation. The House of Representatives had manifested the same opinion by providing for that mission; and when it came here as a portion of a bill submitted to us, it became the subject of observation. We received intelligence of the French revolution on the 18th of March. The Senate not being then in session; on the 20th, the first day on which the Senate met after the news had reached us, the debate upon the Papal mission was pending. In some remarks which I made in support of the mission, carried along by the feelings which the recent news of the revolution in France had excited, I expressed the desire and the hope that Congress would embrace some opportunity of expressing the national sympathy and congratulations towards France. Having made the observation I felt it to be my duty to follow it up by submitting the resolution. That is the history of the introduction of the resolution, and it explains the reason why it was offered by me and not some one of the several members of this body who thought alike and entertained the same design. I do not doubt—I cannot doubt—I would be ashamed to doubt—that there could be in point of fact any diversity of feeling in the Senate of the United States on so great an event as that which has occurred in France. Men may doubt as to the proper form in which it behooves us to speak to the French people, and doubt with great propriety. But as to the principle itself, of the obligation which our position imposes upon us to speak a word of encouragement and congratulation to the French people, I believe there can be here no diversity of sentiment whatever. I deem it proper that in all the circumstances I should make this statement. Preferring the brief, concise form, which I gave the resolution, I shall of course vote against any amendment of it.

Mr. DOWNS.—When I yielded the floor the other day to the honorable chairman of the committee on Foreign Relations, I expressed the design of making a few additional remarks on the subject before the Senate, when an opportunity should be presented of doing so. But there seems to be a general desire to take the question without further debate, and certainly I should refrain from saying a single word, if I could consult my own feelings alone. I can hardly do so, however, with propriety in the circumstances in which I am placed, as I had promised to submit some documents recently received from France. I shall at all events be very brief, concurring as I do, with the honorable chairman of the committee on Foreign Relations, that the vote ought to be taken to-day, and promptly. The form of the resolution is, it seems to me, of little importance. For myself, I am equally satisfied with either. While I admire the first on account of its simplicity and brevity, finding nothing in its language to criticise, still, since the President's message has been submitted, and the question comes in a more formal manner from the committee on Foreign Relations, there seems to be some propriety in adopting the mere formal resolution. As I have remarked, however, I am indifferent as to what form the resolution may assume, hoping that all discussion on minor points will be waived, and that the Senate will act promptly.

I regard this French revolution as one of the most extraordinary events in the world's history. We have seen revolutions in France before, and we have seen them in other lands, but according to my recollection, I have neither read in ancient history, nor witnessed in modern times, anything like this event. We have seen a king clothed with almost despotic power—surrounded by large armies —with the city of Paris so fortified that it was supposed to be impregnable, and secure from any assault from within or without—no one seeming to doubt, that during the life of Louis Philippe, disturbance was impossible—immediately after an election which had secured a majority for the king, of upwards of one hundred—in the face of all these things, two short days sufficed to hurl him from power, and drive him in ignominious flight to the shores of a neighboring kingdom. Nor was there any particularly overt act of tyranny to excite the people to rebellion. In the full tide of his success, the people rise against the king, and in a marvellously brief period, with little disturbance, little loss of life, little disorder, they demolish the throne which he had reared with such craft and pains, and take measures for the erection of a republic in its stead. This certainly does seem most extraordinary. But when we come to examine the character of the French people, and the structure of French society, the intelligence and capacity for the enjoyment of freedom, which characterize that people, our astonishment will be diminished. Louis Philippe has had the reputation of a wise prince, and perhaps he was entitled to it. But he made one fatal mistake, and to it he owes his downfall. He thought he was safe because he had a majority in the chambers, and an army of some three hundred thousand men. He imagined that he had the people completely under his control. Here was his mistake. I have been very much struck, sir, in contrasting the policy for some years past, of the French and English governments. The history of British legislation for some years past, has been a history of popular concession. The government has yielded to the demand for reform, and the growing intelligence of the people. Catholic emancipation—parliamentary reform—municipal reform—free trade—all these have been concessions yielded to the people by a monarchical government. That government has had discretion enough to see that it ought to yield, and its sagacity in yielding to the people has saved it from destruction. In France the policy has been entirely different. The legislative bodies have been composed of office holders, the tools and ministers of the King, and obstinately resisting any concession to the people, the government has persisted in opposing the demands for reform, till the people taking the work into their own hands, have pulled the government to pieces and now set about the construction of a system of free institutions.

This revolution is not to be compared to that of '98; a great

change has come over France since that period. It was intimated here in an early part of this debate, that France had failed in her former revolutions. I read her history differently. I know that there was much to weep over in her first revolution, but she emerged from that scene of horror better than she was before. And the empire with all its tyranny under the direction of that extraordinary man, who held the reigns of power, contributed still more to improve her social condition. It was then that the barriers were broken down which formerly existed between the people and the aristocracy. It was then that a more equal distribution of property took place. And the second revolution was a still greater improvement. With these lessons before them, I hope that the people of France in this third attempt will be entirely successful, and fulfil all the wishes of the friends of France and liberty throughout the world. For myself I have no doubt of their success. The ex-King himself, seems to have abandoned all hope of the restoration of monarchy to France' He has expressed in his memorable declaration, to which the gentleman from New York has referred, his deliberate conviction that France must be a republic.

The prompt adhesion of the new government made by the highest officers of the army and of the navy and by the clergy, presents gratifying evidence of the strength and vitality of republican feelings in France. The revolution of '92, might be said to be a revolution against the authority of the church, nay against Christianity itself as well as against kingly power. But in the present movement I rejoice to recognize that spirit of veneration for religion which is one of the surest safeguards of social order, and good government. The Bishops of Paris and Lyons, and other high dignitaries of the church, have concurred most fully and freely in the great movement for liberty. Those who are little acquainted with Catholic countries and the influence of the clergy, can scarcely appreciate the importance of this revolution. I have lived among them, and know how much influence they exercise, making the people humane and benevolent, soothing and tempering their violence of disposition. I have no fears then, sir, for the result of the revolution in France. I believe it will be successful. It may take some time, but with the union of the masses of the people with the wealthy classes of the country, and with the cooperation and assistance of all with the acquiescence of the nobility—with the approval of the royal family themselves, I certainly think that if there could be any doubt about the result of this revolution, this would afford as a strong assurance of a favorable termination.

I shall not take up the time of the Senate by referring to the numerous accounts of this great event which we have seen in the public prints. But I have been favored with two extracts from letters from private individuals, speaking of the occurrences which took place in Paris. These extracts, I think, will enable us to form a better judgment of these occurrences, than the more formal accounts that we have seen. Here is an extract from a letter of a gentleman residing in Paris, to his friend in this country :

"PARIS, February 25, 1848.

"I assure you that *our quarter* has been perfectly quiet, even during the two days of fighting. We scarcely heard a dozen gun shots, and those were fired after the victory, as a *feu de joie*. At the time, or o'clock in the morning, peace is completely restored. Last evening, Mr. G. (a priest) came from his father's at the Faubourg St. Germain, crossing the city through the streets and public squares, which had been the scenes of action through the day, and he only saw persons quietly promenading, and among them a large number of women of all classes—for the ladies were all liberated. Make yourself perfectly easy. I can not certainly be suspected of enthusiasm, but I assure you, I can't help admiring the moral sentiment which pervades this entire population.

Just imagine to yourself the men who had recently carried the Tuileries by assault, and then in possession of the city, acting peaceably to their houses, neither more turbulent nor elated, *and only to say with them the same, which they had won.* Truly it was a sublime spectacle, with which I was most profoundly moved. My advice is for you to remain in America as long as your business requires, neither alter your labors or projects, and continue zealously your systematic industry as heretofore. All will be the same, and will profit by your exertions, whatever may be its form of government. You are there our surest and best guarantee, and we here, have nothing to fear; Let it contrary to all expectations, we should be at all uneasy, the protection of the most republican mantle will still be with us, I need only to invoke your name to obtain it immediately. You know this as well as I do

"PARIS, 8th March, 1848.

"Believe me, the proclamation of the republic has raised you here at least ten ells. You already know, perhaps, that not only the American manifestation, but the Americans, now in Paris, have waited upon and congratulated the provisional government. This double compliment has had an admirable effect. Never has there been so much anxiety to draw closer the alliance; I should say the intimacy with the United States. Do not think of returning before your labors are terminated. Continue your meritorious work among the Americans, which will be your highest glory. France will second you with more zeal than ever.

"Do not give yourself the least uneasiness. Paris never was more quiet than at present, and personal security never more cared for. It requires really an effort of memory to recollect that there was a revolution last week, and that a memorable overbalance of monarchy has been done away. The only difficulty at present is, a little timidity in the money market, which will not last long. I know a noble Frenchman who is about to invest three millions of francs in a banking house, amply secured. My dear friend, we have a right to say with pride, that no republic ever gave a nobler example of patriotism. Adieu. We drank yesterday, (Shrove Tuesday,) your health. There is no one who does not long to see you; but there is no one who will not make the sacrifice, and encourage you not to abandon, but to persevere in the noble aims which we all know are worthy of you."

Here is also an extract from the letter of a lady, relating to the same subject :

"SHROVE TUESDAY.

"Your welcome letter arrived on the memorable day of the great barricades. We were all closely housed, shutters closed, for fear of some accident, which by the by was entirely useless. We feared, as the people were marching towards the barriers, they might break the windows; but they had no such intention—they were going very quietly to liberate the prisoners confined for debt; and we were delighted and amused to see the people liberated—some with a little bundle in their hands—some in their slippers, (not having had time to put on their shoes,) marching gaily and rapidly as if fearing their liberty might be again restrained. Don't believe any exaggerated accounts you may hear. I assure you Paris has never been more tranquil than at this moment."

Now, when within one week after scenes of this kind have taken place, and such moderation, quiet, and regularity are observed, can any body doubt the fitness of the people and their capability to establish a government that will be permanent? I see no cause to doubt or hesitate. I believe their success is certain. The whole account of their proceedings hitherto, is a sufficient guarantee that such will be the case. I cannot doubt, therefore, for a moment, the propriety of passing this resolution. I am sorry that it has been delayed so long. I wished very much that it could have been passed in time to go by this steamer; and I do hope now that there will be no farther delay.

Mr. DAYTON.—It is no part of my purpose to make a speech upon this resolution; but I should have been much better satisfied if the Senator who introduced it, or the committee from which it in part emanates, had been content that it should have laid over for a month as originally proposed, that is, until the first or second Monday in May next. I trust I am not wanting in all those kind, generous feelings, which have been so well expressed by Senators; but it seems to me as though we were giving way too much to the current of popular sentiment. The Senator from Indiana, in the course of his remarks, referred to the fact that the very day-laborers about the capitol were shaking hands and felicitating themselves when the news of the revolution was received. It appears to me, sir, that the American Senate is engaged in very much in the same way. As individuals we may do it—but as legislators, men acting under heavier and deeper responsibilities, it seems to me that we should weigh well each step that we take in this matter.

If there ever was a season when we, the model republic as we glory in calling ourselves to the world, should be cautious as to what we do, it is now. There is, perhaps, no paragraph in our past history, conveying more of wisdom to posterity, than the last and parting address of Washington—when he told us to beware of entangling ourselves with European politics. I admit that this is not an entanglement within the letter, but it is at least within the spirit and meaning of the words of the great Father of his country. I do not mean to say that we may not, under certain circumstances, express our sympathy with any nation in Europe. We may do so in the language of this resolution, mean what it may, for I hardly know what is meant by consolidation of liberty. But, sir, I want first to be sure that the government does consolidate liberty. I want to have, at least, a reasonable assurance that when the government we are about to congratulate shall be sought after, our minister will not have to make a return of *non est inventus*. The honorable Senator from New Hampshire tells us that he would not wait until the child attains to maturity before he tenders his congratulations. Nor I, sir. But I would wait until the child is born. France is *enciente*, only; whether a child will be born, or France have a miscarriage is a thing to be hereafter determined. Sir, there is no government now in France to whom we can tender our congratulations. We are tendering them to the now government of France not to a government that is to be, but to the Provisional government. What is that government? What do we mean by Provisional government? I ask it in all seriousness. It has the name of government, but we cannot regard it as one. With great respect, I say it is no government. Its decrees are no decrees. Its laws are no laws. Its official agents are the creatures, in common parlance, of nobody. We cannot shut our eyes to this fact. Here is a government which puts down the old state of things to-day, and sets up a new state of things to-morrow. By whose act is it done? It is done by the people of Paris. Who are the people of Paris? I mean legally and as compared with the thirty millions of the French people. It is idle, sir, I say it with great respect, to look upon this species of *de facto* power which, for the time being, keeps a kind of order in Paris. It is idle, I say, to look upon it as an existing government which should receive our congratulations. And permit me to say, that the official agents of this *quasi* government feel by what a slight tenor they hold their places. A mob has put down a monarchy yesterday and has raised a republic to-day. They gave life to Lamartine yesterday, they may give death to Lamartine tomorrow. The whole course of action of the agents of this French revolution show that they appreciate the position in which they stand. The Senator from New Hampshire has spoken of something for which they are specially entitled to the congratulations of this government. I again say, sir, that this very thing is but carrying out a mere popular sentiment. The manumission which is accomplished by the mere stroke of a pen is an action too sudden to be relied on. Such vast changes, reforms if you choose to call them so, are not to be consummated in a day, and attended with no evil consequences. Again, sir, if we examine the progress of this *quasi* government we see it pandering to the passions of the populace—we see it raising the wages of labor, opening the bakers-shops to feed the hungry. These are not the ordinary functions of government. We see it redeeming pledges, from the pawnbrokers with the funds of the government, converting the Tuileries into a poor-house, and confiscating the property of the royal family. Can a conservative people like ours be mistaken as to the tendency of these things? The very men who are now legislating thus, feel that they hold their power at the frail tenure of the will of a mob. They feel that they must pander to that mob, if they would maintain the position they hold. Why, sir, I say it with great respect for those intelligent high-minded gentlemen who now hold a species of *quasi* power—they have done the best they can—but do you call this body of men a government—a government to make laws? Whence comes their authority? And it is to this self-styled gov-

ernment—to this child in *embryo*, that we are to tender our congratulations. Sir, they show their want of confidence in the stability of their government themselves. And there are other indications which show that it has no security for its stability. The French funds at one time went down to 25 per cent. And this meeting which is to be held on the 20th of the present month, what is it to be? A meeting of nine hundred men elected by a community, who never elected representatives before. Part of them will come from Algeria. There will be some fifteen or sixteen Algerines. Sir, I speak it with great respect, but when we recollect that this great body of men, enough to form a mob of themselves, are to be elected by a people who have had no experience in these matters, I cannot help distrusting the action of that convention. At all events, let it be as able, pure, patriotic, as it may, I would for one prefer, at least, that we should wait calmly and deliberately, until we shall have seen the matured action of the convention. And if they give a constitution to France, having upon it the face and liniaments of our own, I will tender to them the hand of good fellowship and congratulation. Sir, our minister under the circumstances has perhaps done his duty. He has done enough. It seems to me, I speak it with great respect, that it would be more wise, more statesmanlike to wait the development of events. What is done by a government should be done at least, decently and in order. I consider that a month, more or less, will not diminish the value of our congratulations to the French government; and I do hope, that when these congratulations shall be tendered, we shall find there a government to receive them. I repeat that I have no intention to commit myself to any particular course upon this subject, but it seems to me, that the whole current of debate is certainly running in one direction. It appears to me wiser to await the result of events, and if success crown their efforts, then it will be time for us to tender our congratulations. It will then give me great pleasure to vote for such a resolution; but if I am pressed to vote now, I most respectfully decline voting for the resolution, because I vote without knowledge, without light, at least such a light as would be satisfactory to illuminate my mind in regard to the subject.

Mr. JOHNSON, of Georgia.—As I can see no good reason for the postponement of the resolutions of congratulation to France, introduced by the honorable Senator from Ohio, [Mr. ALLEN,] and those introduced by the Committee on Foreign Relations, I shall vote for the action of the Senate upon them at once.

What shall we gain by delay? The principal, indeed the only reason urged by Senators over the way for it, is, that the convention is to meet on the 20th of the present month, and that we should therefore wait until the result of its deliberations, shall be known, so that we may judge how far the efforts of the French people to establish a republican government, will be successful. That this is desirable, I readily admit. But if we should withhold the expression of our congratulations until France shall have fully succeeded, she would scarcely need our sympathies, nor would it reflect much credit upon us to tender them. The organization of a republican government is not the work of a day, or a month. It may and perhaps will, require years, for the people of France to establish a government which will exhibit to the world the evidences of permanence and stability. The transition from monarchy to her present attitude, has indeed taken place with a rapidity which is, at once, wonderful and sublime. But to ensure success for the experiment, much is yet to be done. A constitution is to be framed and adapted to the character, genius and condition of the people of France. Ancient prejudices and customs are to be overcome, long established forms to be remodelled, well settled social habits to be obliterated; and in a word, the entire mass of the population, to be indoctrinated in the great principles of self-government, and fused into a harmonious and well regulated organization. Can all this be accomplished within the time appointed for the meeting of the French convention? They have not the light of experience to illumine their path; they can only see that which is reflected from our government, and that, at so remote a distance, that it will afford them but partial assistance. Why, sir, our government was established under circumstances far more favorable to success, than those by which the people of France are surrounded. The principles of freedom on which it is based, were planted on this soil by the Pilgrim fathers. They grew with the growth, and strengthened with the strength of the people of the Colonies. They animated them under all the difficulties and embarrassments of Colonial dependence. They nerved their arm in the struggles of the revolution. They fired the patriotism and guided the councils of the convention which framed our constitution. Our government is the wisest in its provisions, the most symmetrical in its proportions, and in all respects, the best calculated to preserve liberty, of any that is recorded on the pages of history. Thus far it has proved most successful, and its machinery has operated with beautiful harmony. Yet, sir, we ourselves characterized it, for more than fifty years, as an experiment; the nations of Europe still consider it as an experiment, and are fondly dreaming that it will, at last, prove to be but a splendid failure. Can it be expected then, that France, under circumstances so much less favorble, shall succeed in a few short weeks or months? For many long generations France has been accustomed to view monarchy as by "Divine right," the only legitimate form of government. The habits of the people, their social organization, their modes of thought and feeling, have all borrowed their cast and impress from the institutions of royalty; and they have been taught to regard as disloyal the very idea of self-government. Their condition differs from ours in another important respect. We were separated by the wide ocean from all other governments, and were therefore free from their intermeddling and jealousies. But France is flanked on all sides by despotic governments, who feel no sympathy with her in her struggles, but who would rather rejoice to see her relapse back into the embrace of despotism. Under these circumstances, I repeat, it cannot be supposed, that in a few months she can present to the world an organized republic, dispensing all the blessings of happiness and well regulated freedom. It seems to me, therefore, Mr. President, that to delay as long as is advocated by the Senator from New Jersey, [Mr. DAYTON,] so far from securing the object which he desires, would be, to defer our congratulations to a time when France will not need them, and it would be no credit to us, to tender them. Hence, if it be proper for our government in any event, to give any expression in relation to the attitude which France has assumed, there is no controlling reason why that expression should be delayed or why it should not be given at once.

Is it proper then, that this government should tender its congratulations on the occasion under consideration? Upon the first introduction of these resolutions, I did entertain some doubt on this point; that is to say, my judgment did not fully second the warm impulses of my heart. That doubt rested upon the fact, that we had no official information of the great events which have burst so suddenly upon the world. The accounts which we had then received from France, were such only as had reached us through the medium of the public press. We had not at that time been officially informed that any thing had transpired. I, therefore, doubted whether it fully comported with the dignity of this government, to take cognisance of events of this character, upon mere newspaper intelligence. But, sir, that doubt, whether well founded or not, (and I am disposed to think it was not,) is entirely removed by the message of the President, communicating the official action of Mr. Rush, and its approval by the Executive, by which he recognized the existence of the new government, and tendered the sympathies and good wishes of the American people. That message and accompanying documents have been referred to the Committee on Foreign Relations, and that committee has reported upon them. Thus far, then, our government is committed to the sentiments expressed in these resolutions, the subject is before us in proper official form; and the question assumes a new and more forcible aspect. Before the receipt of this message, the resolutions stood entirely on their own merits—that is to say—they presented the isolated question of the propriety of their passage, and their rejection could have received no other interpretation by the civilized world, than that of a doubt of the propriety of passing them at this time. But now, their rejection will operate as a censure upon the conduct of Mr. Rush; and to censure him, would amount well nigh to a censure of the French people. I am sure the American Senate is prepared for no act, which might even be tortured into such a construction. I trust also, that this message will produce the same effect upon the mind of the honorable Senator from Connecticut, [Mr. BALDWIN,] and upon the minds of those who agree with him, that it has upon my own. For his leading objection to the resolutions was, that it was the province of the Executive to take the initiative in proceedings of this character. That has now been done. The only question then is, do we really feel in our hearts the sentiments expressed in these resolutions? Do we rejoice at the creation of a republic on the ruins of a monarchy in France? If we have those feelings, we have the unquestionable right to express them here or elsewhere; and if both houses of Congress concur in them, we may embody them into the form of resolutions, and offer them to France to cheer her in her hour of trial, and to evince the deep solicitude of the American people in behalf of the cause of republican liberty. And can there be a doubt that such are the feelings and wishes of the people? What mean these public gatherings? What mean the almost unanimous expressions of the press throughout the wide extent of our country? They are but the echoes of the popular voice.

But the honorable Senator from New Jersey, [Mr. DAYTON,] entertains doubts as to the propriety of passing these resolutions on another ground. He says it was the farewell advice of Washington, that we should avoid all interference with European politics, and adhere strictly to the policy of non-intervention. It is true, sir; and the same policy was promulgated again, in a form more authentic, by Mr. Monroe in 1823, when he proclaimed that any attempt on the part of European nations, to extend their system of monarchy to the States of this continent, would be regarded in no other light than as the exhibition of an unfriendly disposition towards the United States. This policy thus proclaimed has received the sanction of all parties in the United States; and I hazzard nothing in asserting that it is considered fixed and unalterable. I, therefore, am disposed to acquiesce with that Senator, in maintaining it, to its fullest extent. It does not become us to interfere with the political affairs of other nations. The golden rule is applicable; we should do unto others as we would they should do unto us. If we will not tolerate intermedling with us, we must not intermeddle with others. But will the passage of these resolutions be a violation of this rule of action? That is the question. I think not. With whom is France contending? Is she at war with any other power? Is any nation opposing her efforts to change her form of government? No, sir, none; nor has any a right to oppose. It is purely an affair of her own. It is purely a civil revolution. With us it is a fundamental doctrine,

"that is the right of the people, to alter or abolish their form of government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness." The people of France are but exercising this great right which, for the benefit of mankind, was established by the struggles of our revolution of independence. We, therefore, do not interfere with the politics or relations of any nation, by adopting the resolutions under consideration. We do not take sides with France against any antagonist powers. No, sir, it is a contest between the people of France and monarchy—a contest between tyranny and freedom—despotism and republicanism. In sympathizing with France, and tendering to her our congratulations, we do not depart from our true attitude of neutrality, violate no principle of our government, nor commit ourselves to any line of policy for the future, in relation to that nation. All that can be said is, (and who will not glory in it?) that in a mighty struggle between the principles of liberty and those of oppression, we take sides with the former against the latter. It seems to me, therefore, that the apprehensions of the honorable Senator are not founded on a just view of the question which these resolutions present to the Senate.

In relation to the two sets of resolutions which are now under consideration, I shall feel it my duty to prefer those which were reported by the Committee on Foreign Relations. The objection which has been made to the phraseology of the last resolution of the Senator from Ohio, [Mr. ALLEN,] has no influence upon my mind. I allude particularly to the words "consolidate liberty." To such verbal criticism, I pay no more respect, than that which is due to the literary taste of gentlemen who may think proper to indulge in this exercise. But there is an assertion of fact, in this resolution of the Senator from Ohio, which I should be pleased to see modified; and it is this. The congratulations of the American people are hereby tendered to the people of France, upon their "success" in their recent efforts to consolidate liberty, &c. I prefer the phraseology of the resolution of the Committee on Foreign Relations, because more strictly in conformity with the existing state of things. In that, we congratulate the people of France on their success thus far. Now it is true, that a provisional government has been organized, that it has decreed a republican form of government, and ordered a convention of delegates of the people to assemble to carry that decree into execution. This provisional government has been recognized by the United States and other powers. But the great work of framing a constitution, and setting the political machinery in motion is yet to be done. It is, therefore, more strictly correct to say, that France has thus far succeeded, than that she has actually succeeded, in establishing a republican form of government. But whilst I prefer the resolutions of the committee, yet I can very cheerfully vote for those of the Senator from Ohio, if the motion now pending to substitute the former for the latter, should not meet the views of the Senate. I think it due, however, to the deliberation which should characterize the action of the Senate of the United States, that caution should be used not to employ language which conveys more than is strictly consistent with facts as they exist.

It is said, that if we congratulate, it may afford a pretext, for Russia, Prussia, and Austria to abuse, and discourage, and perhaps oppose. But will they not do this in any event, so soon as they may believe their interest, or the cause of despotism require it? Will they be restrained by our silence? Can they gaze with approbation or unconcern upon the heavings of a great political volcano, whose throes may subvert every throne in Europe? No, sir, whenever they shall feel themselves in danger by the conviction, that France is likely to succeed, their murmurings will be stirred; and I shall be most agreeably disappointed if all Europe be not involved in bloody revolutions. Under these circumstances, I feel that France will gain infinitely more by our congratulations, than by our silence. It will encourage the hearts of her people, and make them feel that, while surrounding monarchies secretly desire their failure; yet we, the model republic of the globe sympathize in their every effort, and rejoice in every step of their progress.

The fear has been expressed by some gentlemen, that the whole movement would be a failure. Judging from the past, the opinion has been entertained, that France might ever pass under the yoke of a military despotism, or relapse again into the embraces of monarchy. It is certainly possible, that one or the other of these results may occur. We cannot penetrate the veil of the future, and predict the fate of the people of France. But, sir, whether success or defeat awaits them, I, for one, am prepared to expend our sympathy for, and tender our congratulations to them for the very effort which they have made. It is a noble effort—noble in the feelings in which it originated, and noble in the end which it seeks to accomplish. It is prompted by the love of liberty—devotion to the principles of freedom. It seeks the formation of a republican government on the ruins of fallen monarchy—it aims at the elevation of the masses from the degradation of vassals, to the dignity of freemen.

But, sir, there are many features in the late revolution, calculated to inspire us with sanguine hope of its ultimate success. The manner in which the revolution had its origin, is highly encouraging. It did not spring from the machinations of a few ambitous leaders, seeking their own aggrandizement, by appeals to the prejudices and passions of the popularce. It is not the offspring of infuriated and lawless faction. But it is the spontaneous movement of the people. It is not the angry surges of the ocean which are dashed to pieces by the fury of the element that puts them in motion, but rather the mighty ground swell, whose heaving billows originate in the profound depths of popular feeling and sentiment, at once irresistible and sublime in their motion, bearing before them all opposition. It is the people, struggling for the popular rights of the people; and, sir, where is the power on earth that can bring successful resistance to 36,000,000 of freemen, animated and fired by the invincible resolve to shake off the fetters of oppression? Monarchs may growl and snarl—Russia, Prussia, and Austria, may look with fearful impatience upon the scene, and old England in her heart may contemplate it with scorn; but, sir, this movement in France will awaken such a sensation in the popular heart of all Europe, that these powers will be busily employed in bracing their own thrones against the convulsions of this political eathquake. But, sir, there is another remarkable feature in this revolution which inspires me with strong hope of its ultimate success. That is, the spirit with which it has thus far been conducted. Where else, in the history of the world can you find a solitary example, of a revolution carried on with the rapidity with which this has been accomplished, which has been attended with so little bloodshed, so little violence, so little rapine, so little plunder, so little robbery, so little insubordination? Looking alone to the great and noble end in view—their emancipation from the thraldom of royal oppression—the French people in the utmost fury of their excitement, had scrupulous regard to the rights of property, the claims of helpless innocence, and the obligations of humanity. Are people mad who are governed by a spirit like this? Shall they be called "an infuriated mob," blinded by rage? Sir, if they were mad, there was a method in their madness, and as high unity of design in all their actions, which exhibit the inspiration that fired their bosoms in the cause of liberty.

I will call the attention of the Senate to one striking fact illustrative at once of the origin and operation of the spirit to which I have referred. It has also been alluded to by the Senator from Louisiana, [Mr. DOWNS.] It is the fact, that under the most intense excitement of the people, they were not forgetful of the claims of religion, or of the deference due to its ministers. I hold in my hand an authentic account, published in the Baltimore Sun of the 3rd inst., of the treatment received by a Priest, when it was necessary for him to make his way along the crowded streets of Paris. It proves the presence of a power, which, though invisible, is exercising a potential and salutary influence upon the minds of the people. But the statement speaks for itself, and I beg leave to read it to the Senate.

RELIGION DURING THE REVOLUTION.—The following interesting letter appears in the Univers:

"Sir,—My conscience will not permit me to leave the following facts without publicity. On Thursday, at ten o'clock in the morning, I left, in the costume of an ecclesiastic, the quarter of the Madeleine, to which I had been called for the discharge of my duty. I had to turn to my dwelling in the Rue Potade by the place de la Concorde, but the crowd of people who occupied that place and the constant exchange of fire arms at that time obliged me to gain the Rue de Rivoli. I passed along the Rue de Rohan, the place du Palais Royal, the Rue de Valois, and twenty other streets, as far as the quarter Saint Martin, forced to turn to the right and to the left, and frequently to return back by the way I came. I had to clear fifty barricades. At the entrance of the Rue du Repposir, Place des Victoires, I addressed myself, with confidence, to the men of the people who guarded the barricades. One of them replied, 'Fear not, Monsieur l'Abbe, you are in safety in the midst of us'—Then, entering more than twenty barricades, he said to his comrades, in a loud voice, 'Honor to religion—respect the Priests. Allow this good citizen to pass, and protect him.' I was accompanied to the next barricade with testimonies of respect and words of encouragement. These brave workmen took me by the hand or gave me their arm to conduct me in safety, repeating—'Respect for religion—How this good man is pale.' Frequently stopped by compact masses, and surrounded by armed men, I thanked them for their attention. 'I see (said I to them) that you are the true friends of religion—I have confidence in your generous sentiments—you know that the Priests are the true, the best friends of the people.' 'Monsieur l'Abbe, (replied they with emotion,) we wish certain religious—we wish to respect the Priests—we have need of them for ourselves and for our children.' At one barricade an individual, only one, furiating towards me, cried—'Down with the Priests.' Immediately he was stopped by his comrades, who said aloud, 'Silence, false religious; ever the Priests—we have need of them.' During more than two hours, in the midsts of so many loaded firearms and naked swords, no gun, no sword was directed against the Priest.' At length I arrived at the last barricade, where I was received with the same sympathy. When I reached the top of this barricade, a loud voice in the midst of the crowd was heard crying—Vive M. l'Abbe!' and a great number of other voices repeated the cry. I thanked those brave men—those Christian workmen—and I thank them again. I know not how I can better express my gratitude and my confidence in them than by making known the generous sentiments by which they are animated. In the new era upon which we are entering, the Priests will not be wanting in their duty towards them. They will see that religion and the Priests are the true—the best friends of the people—L'ABBE FONGUET, Prest.'"

The moral which is conveyed by this graphic letter, is of the deepest interest and cannot fail to sustain well founded hope, that a people obedient to such reverence for religion, in an hour of such excitement will succeed in their high and noble purposes. It is a matter of sincere congratulation, that the Catholic church, which is the prevailing church of France fully acquiesces in the new state of things and lends its mighty influence to the cause of free principles. The following manifesto from Count de Montalembert, as an exposition of the attitude of the Catholics of France, towards the new order of things, is deeply interesting in this connexion. I find it also in the Baltimore Sun, as taken from the Paris Univers.

"In the midst of a revolution, the Church remains standing, immortal as truth, liberty, and justice. Under the Republic, as under the Monarchy, we must defend, love, and serve religious liberty. We ought, we can, and we will. We have for pledges of it, on the one side, the unanimous respect with which the victorious people treat religion; and on the other, the firm resolution expressed by the Provisional Government maintain the free exercise of all religion. We have beside, the example of the United States; the French Republic cannot be less just, less liberal, less intelligent than the American one, particularly when the question relates to faith conscience, and family. In this change, so great and so unexpected, we, Catholic above all, have nothing to change; our rights, our duties, our interests remain the same. The colors which we have planted outside, and above all political opinions, are intact. We have not waited until this day to profess the worship of sacred liberty; to declare war on all kinds of oppression and falsehood; to proclaim that the Catholic cause, such as we have always defended it, was not identified with any power, any human cause. We feel inclined to think that the perseverance with which we have for eighteen years

preached up the sovereign independence of religious interests, will aid the French Catholics to comprehend and to accept the new social phase into which we enter. Not one of them has a right to abdicate. They will therefore descend into the arena, with all their fellow citizens, to try claim to all political and social liberties which have to be born, developed, the inalienable patrimony of France. They will descend intent to fulfil a sacred duty, a national duty, a Christian duty. They will place unlimited confidence in the impenetrable designs of God, will show an ardent love for their country, an imperishable devotedness to its glory and its happiness."

In addition to this, the provisional government have publicly called upon the clergy of all denominations, to implore the blessings of the Supreme Ruler of the Universe, upon the people of France, and to bespeak wisdom from above, to guide the deliberations of that assembly, to which, will soon be committed their future destiny. Sir, these features of this great popular movement in France, are calculated to encourage in our minds the most sanguine anticipations of success. How different a spectacle does it present, when contrasted with the revolution of 1790, in which the fatal experiment was made, of discarding all religion, and elevating Reason to the throne of the Divinity.

But, sir, we also find that which affords high encouragement, in the character of their decrees. These decrees are very numerous, entering into detail upon many subjects which look rather strange, and some of them, rather laughable to us, who are unaccustomed to the order of things sought to be abolished. But when we examine them carefully, we find that they embrace the great principles of free government and rational liberty. Time would fail to run over them all. I will notice but two or three.

One remarkable decree, is that abolishing all titles of nobility. How strangely this must sound in the ear of European monarchists! But to us, the principle on which it rests is familiar as household words; for it is but another form of declaring that all men are equal, as did our fathers, when they "pledged their lives, their fortunes, and their sacred honor," upon the altar of liberty. This proposition lies at the foundation of all free government, and France is the first nation of Europe, that has ever ventured the bold experiment of proclaiming it to the world

They have also decreed the freedom of the press and of thought. What fearful weapons are these, against every form of oppression! Freedom of thought comprehends all that is valuable in political, civil, and religious toleration. It was this that kindled the fires of the reformation, and dispelled the dark night of ignorance and superstition, which shrouded the world in the fifteenth century. In the panoply of the invincible armor of a free press and freedom of thought, liberty shall march round the globe, level every throne of despotism and emancipate the nations of the earth. They will be to France, what they are to America, the pillars of the republican fabric.

They have also decreed universal suffrage. What a stride in the cause of freedom! What a striking contrast this presents to the order of things, under the reign of Louis Philippe! With a population of 36,000,000, only about 250,000, enjoyed the right of suffrage. Now every freeman of twenty-one years of age, in the whole republic, is to be entitled to the elective franchise. Population alone, is to be the basis of representation.

We might examine many more of these decrees, and we should find them embodying some great principle, of popular freedom or civil justice. From all which it is manifest, that the revolution is no vague and aimless event, originating in mere enthusiasm, and propelled by a spirit of blind and lawless faction. But that it has its origin in the hearts of the people, and is directed to the accomplishment of a great result, upon sound and rational principles. Therefore, we have more reason to hope for success than to fear defeat; and we may, with entire safety and propriety, tender our sincere congratulations to France, without the apprehension of national mortification at witnessing the failure of her noble effort.

Sir, as a free people, familiar with the blessings of liberty by their enjoyment, we cannot be insensible to any effort, in any part of the globe, to overturn mouarchies and despotisms, and in their stead, to form governments based upon republican principles. We have felt and expressed sympathy with the struggles of other nations. But when we remember that it is France, whom we are called upon to congratulate, it awakens feelings of more lively sympathy. It is the home of La Fayette, in the mention of whose name excites the most pleasant and grateful reminiscences. France was our friend in our own contest for independence, and to her we have ever been united in the bonds of amity. Shall we be unmoved and silent while she grapples with the power of iron-hearted monarchy? I will not, however, indulge in the declamation which these reminiscences are calculated to provoke. Nor will I deny them their legitimate influences upon my mind, in deciding upon the vote which I shall give upon these resolutions.

I had hoped these resolutions, or at least the sentiments contained in them, would have been adopted by the Senate without discussion. Still I respect the opinions of those Senators who entertain honest doubts, as to the propriety of such action at this time. But, sir, I have no language with which to express my regret, not to use a stronger term, that there are certain gentlemen who let no occasion, however unfit, pass without the introduction of a subject always delicate and exciting, and in my humble judgment, disrespectful to the feelings of those Senators who represent the South. I remember that, on the very morning, when a venerable patriot was called from the scene of his labors here, to his reward above—when we were about to engage in paying the tribute of national respect to his memory—when we were called to gaze upon the coffin and the winding sheet, and to contemplate the realities of the future world, this agitating question of slavery was thrust upon the consideration of the Senate.

Mr. BALDWIN.—If the Senator alludes to the resolution which I had the honor to introduce, I will say to him that he is under a misapprehension. The resolution was merely taken from the table, and read without any action being had upon it, and without any desire on my part that it should then be taken up. Senators will bear me witness that I was anxious to postpone informally the consideration of the subject of the resolution, in order that I might have the opportunity of discussing it on some future occasion. This was in accordance with an arrangement which had been made between the Senator from Alabama and myself. I am glad that the Senator has alluded to it now, because it has enabled me to correct a misapprehension which has elsewhere been made.

Mr. JOHNSON.—I am also glad that the occasion for explanation has occurred, for I think some explanation was necessary. It was the character of the colloquial debate which occurred on the occasion alluded to, between the Senator from Alabama, (Mr. BAGBY,) and the Senator from Connecticut—

Mr. BAGBY.—The Senator is under a misapprehension in regard to the occurrence in the debate to which he alludes. I believe that the resolution was then taken up in the morning business, and a motion was made to pass it by informally, failing in that the Senator began the discussion of it. It was at this stage of the proceedings that I addressed to the understanding that had previously taken place between the Senator from Connecticut and myself, and said that I felt bound to adhere to it.

Mr. BALDWIN.—The explanation of the honorable Senator is right except in one particular. He says, that "failing in the motion to postpone informally, the Senator commenced a discussion of the resolution." The fact is, a motion was made by the Senator from Mississippi to lay the resolution on the table; I urged upon the Senate that it should be postponed informally, and commenced stating the arrangement that had been made between the Senator from Alabama and myself. The Senator from Mississippi interrupted me by saying that the motion was not debatable. I appealed to the courtesy of the Senator, not to allow me to debate the resolution, but simply to make the explanation in regard to the arrangement. The Senator replied that it was not a matter of courtesy or something to that effect, and upon that having recently come into the Senate, and not supposing that I had the same right to persevere in making personal explanations that some Senators assume, I desisted.

Mr. FOOTE.—With the consent of the Senator from Georgia, I beg leave to offer a few remarks in response to what has just fallen from the Senator from Connecticut, whose allusion has been both too distinct and pointed, to be allowed to pass unnoticed or unrebuked. The Senator complains that I did not consent to his addressing the Senate, when, at the instance of that gentleman, the Wilmot Proviso was before us, and I had moved its indefinite postponement, (on the memorable morning of Mr. Adams' funeral,) and when I certainly had good reason to believe, that he intended to torture us, and afflict the country by a long, factious, disorganizing harangue—and says, now, that he only rose to make an explanation, without designing to speak at length, in support of his peculiar notions concerning our domestic institutions in the South. The Senator says that when he appealed to my courtesy, I replied, "this is not a question of courtesy." This is true, sir: and I adhere to what I then said. The question which I supposed that the Senator wished to discuss, is with no southern man a question of courtesy, merely. It is one which involves some of our dearest interests, our strongest sensibilities, and puts in peril the safety of the Union itself. It is no question for experimental declamation, or dem gogueical parade. It is not true in point of fact, though, that the Senator from Connecticut, on the occasion referred to, explained his then purpose, as he has now explained it, or surely I should have had no hesitation in permitting even him to be heard. The case is simply this. The Senator from Connecticut, for reasons best known to himself, has thought proper several times to go out of his way to afford to southern Senators, his views on the subject of our domestic concerns, an attitude of which he does not know anything practically, and concerning which, it is to be presumed that his opinions can scarcely be of very surpassing value, either to the present generation or posterity. The bearing and language of the Senator upon this delicate and exciting topic, have been more than once, fierce and menacing. I knew, and the Senate knew too well, the high powers of the Senator as an orator, his volcanic energy as a vehement and soul-rousing declaimer —the resistless majesty of his manner—his astonishing command of felicitous and glorious figures of speech—his herculean potency as a reasoner, and his wondrous capacity for wielding with destructive skill, all the multitudinous weapons of wit, and humor, and sarcasm, to deem it at all safe to permit him to conjure up a hurricane in this hall, whose just effects mights be to shake the Union to its foundations, and bring down upon the devoted heads, all the horrors which our enemies have long desired us to experience. I repeat it, sir, I did say that this is no question of courtesy; I might have said in addition, it is a question of social safety—and, with my consent, no man in the Republic shall ever be permitted, either here or elsewhere, to "scatter fire-brands, arrows and death," expecting, after a while to exclaim: "Am I not in sport?"

The Senator says, that being but a new member of the Senate, he did not deem himself authorized to press his claim to a hearing as the audience was refused him, so pertinaciously as some other Senators have thought proper to do. I understand the Senator

well, and were I ten times duller than I chance to be, I could not fail to understand his allusion perfectly. He designs to revive in the memory of Senators the unfortunate collision between a distinguished Senator from North Carolina and myself, which, though marked at the time with more or less unkindness on both sides, has, I am glad to know, resulted in no sentiments of permanent hostility or alienation on either side, or any feelings whatever which could not easily give way to that cordial friendship and reciprocal esteem which, I rejoice to know, characterize our relations towards each other at the present moment. What right has the modest and peace-loving Senator from Connecticut to allude to this affair at all? From what order of social morals, or parliamentary courtesy, will he declare his authority to mix himself up so abruptly in an affair, which in no way stood connected with him? Really the Senator is about the most amiable, and modest, and unpresuming Senator I ever saw; and I doubt not he will descend to the remotest posterity as "the modest Senator from Connecticut." I rejoice to recollect though, that the Senator's modesty has not been quite potential enough to restrain him very strikingly as one of the speakers of this body—his modesty has not yet altogether frozen his powers of utterance, or caused that eloquent tongue of his to cleave obstinately to the roof of his mouth, or even prevented him from delivering a very considerable number, (when not under such special inspiration as it is his high lot sometimes to experience and evince,) of the coldest, crudest, most confused, most tedious, and intolerable harangues which have ever received utterance in a body so grave and dignified as the United States Senate.

Mr. BALDWIN.—I wish to state to the Senate that in the remarks I made, I did not intend to make the slightest allusion to the Senator from Mississippi; nor according to my present recollection, have I ever made the slightest allusion to that Senator in debate, neither is it my intention ever to make any allusion to him.

Mr. FOOTE.—The Senator says he did not allude to me, and "that to the best of his recollection, he has never alluded to me in debate," and goes still farther, and announces the momentous fact that he does not intend ever to allude to me hereafter. Well, sir, this is the most striking and ludicrous case of short or convenient memory. I tell the Senator, and I gravely urge upon the Senate, that not only did the Senator from Connecticut allude to me, (a fact which he has ventured to deny,) but that it is utterly impossible that he could have intended to allude to any other person. He referred most explicitly to a transaction, well recollected in the Senate, with which my honorable colleague, who is present, well knows he had no particular connection, to wit., the motion to subject the Wilmot Proviso amendment to indefinite postponement; and, looking earnestly at me, alluded to "the Senator from Mississippi" by name—complained vehemently of what was my act, and the act of no one else—cites even the very words I used on the occasion brought under review, and which no other person on earth did use, to wit. that the question then before the Senate was "not a question of courtesy;" and now, when I respond to him, the modest Senator from Connecticut has the audacity to declare, in full Senate, that he had no thought of alluding to me at all. The predicament in which the Senator from Connecticut stands involved by his temerity is such as very much to assuage any mortification which it was natural for me to experience at hearing him announce, with such profound and imposing gravity, that he did not intend to allude to me hereafter. The form of opinion that the Senator's sagacity has been very creditably displayed in the adoption of this resolution of abstaining in future from all allusion to me on the floor of the Senate. Unless his powers as a controversialist can be hereafter very much improved, I shall certainly derive no satisfaction from his selection of me as an antagonist with whom to do battle on this lofty arena; and I would admonish him to be somewhat more certain of his facts hereafter, before he ventures to assail the feeblest member of this body. It is hardly necessary for me to say to the Senator from Connecticut, that my reputation as a private gentleman and as a public man, is not all dependent upon his notice of me here or elsewhere. I hold neither his smiles nor frowns to be "guerdon of a glorious lot;" nor is it even possible for the Senator either to do any thing, or to refrain from doing any thing, which could either affect my standing with the public, or come within cannon-shot of my sensibilities. One thing though is certain, and let it never be forgotten, the Senator has averred that he did not allude to me on a particular occasion, and that he had never heretofore alluded to me; and I have proved by evidence irresistible, that the contrary of what the Senator avers is the only correct statement, of which the facts of the case, as attested by our own records and reports, can possibly admit.

Mr. BALDWIN.—Does the Senator mean to say that I alluded to what passed between him and the Senator from North Carolina? Why, it never occurred to me for a moment! In reply to the Senator from Georgia, I alluded to the fact that I had requested the Senator from Mississippi to withdraw his motion to lay upon the table. But it never entered into my imagination to allude to any thing that had occurred between him and the Senator from North Carolina.

Mr. JOHNSON.—I must now claim my right to the floor.

Mr. FOOTE.—Allow me a single minute. The Senator from Connecticut said at first that he did not intend to allude to me at all. He now confesses that he did. "In reply to the Senator from Georgia," he now says, "I alluded to the fact that I had requested the Senator from Mississippi to withdraw his motion to lay upon the table." So he did allude to me after all! But he declares farther, that he did not design to refer to the affair between the Senator from North Carolina and myself at any rate. Well, I feel assured that the whole Senate so understood him. But as he disclaims it, I will not press it farther. And now I will say to the Senator, that from this time forward forever, I am willing to recognise him as not saying any thing at all. I certainly never should have noticed what has fallen from the Senator at any time on account of its intrinsic merit; nor have I been persuaded to do so by the attic elegance of his well-turned periods, the cataractic force of his declamations—the profundity of his argumentation—or the imposing majesty of his most peculiar manner. Had I not heard him utter sentiments which I held unworthy the dignity of this body—illiberal and unjust towards a particular section of the confederacy, whose interests have been in part consigned to my care, and dearer to the true honor of this great nation, I should never have thought of remarking upon what has at any time been offered as a speech in this chamber, by the Senator from Connecticut. But whether the Senator will hereafter refer to me in debate or not, I wish him to understand that if his course here shall in aught fail to harmonize with what I think it should be, he will not hereafter escape revision at my hands. I came here to assert my own views and those of my honorable and loved constituents upon questions of high public moment, boldly, independently, and if I should be able, efficiently. I came here to meet and repel falsehood, if it should chance to rear its serpent crest in my pathway—to put down calumny—to refute all unfair argumentation—to explode unsound doctrine by whomsoever advanced, to the full extent of my poor powers—and whether I shall awaken commiseration or provoke contempt, before God and my country I declare, speaking from conscientious lips the "words of truth and soberness," that, unmindful of those ridiculous airs of affected dignity which the Senator from Connecticut has so prettily played off before us, I shall, hereafter as heretofore, never fail under any circumstances to castigate the Senator from Connecticut or any other Senator whom I hear talk unworthily or unpatriotically in this grand council-hall of the republic, until I shall become satisfied that he has received due punishment for his offences. Yes, sir, "I will even beard the lion in his den;" armed with the weapons of truth and patriotism. I will assail any antagonist however potent; if possible, I will overthrow him. I will discomfit him, and if need be, disgrace him before the whole republic.

Mr. JOHNSON.—I congratulate the Senate upon the termination of this dialogue. I certainly did not intend to do the Senator from Connecticut any injustice. It seems I am mistaken in supposing the resolutions touching slavery to which I alluded were not introduced that day, but were called up in their order, having been previously offered. I had not the honor of a seat in this chamber when they were presented to the Senate, and not having heard anything of them prior to that time, my error was natural. But I must be permitted to say that the course of that Senator, and the earnestness which he exhibited in reference to the disposition of the resolutions, struck my mind as being in bad taste, to say the least. And judging from the expressions of other Senators on the occasion, I am sure I was not singular in this impression. I remember well the earnest remonstrance of the honorable Senator from Texas, [Mr. RUSK,] against so exciting a topic, at a time of such solemnity—a topic which he feared might shake the Union from its centre to circumference. I remember well the emphatic tone in which the honorable Senator from Ohio, [Mr. ALLEN,] moved to lay the resolutions "on the table, now and forever."—But, sir, it affords me pleasure to be relieved from any erroneous impressions I may have entertained, by the explanation of the Senator from Connecticut. And whilst I regret the fallacy and danger of the doctrines which he maintains and desires to be adopted by Congress, I give ample confidence to the explanations by which he exonerates himself from the imputation of seeking to violate the solemnities of the occasion referred to, by the discussion of the subject at that time.

But, sir, I cannot be mistaken as to the character of the amendment to these resolutions by the Senator from New Hampshire, [Mr. HALE.] If there were any doubt as to the amendment itself, the speech by which he has sought to sustain it, discloses fully the object which it contemplates. Did that Senator suppose that such a movement would receive the sanction of this body?—a movement which congratulates the French people upon a decree of the provisional government for the emancipation of slavery in the French colonies? Then why offer such an amendment on this occasion? Have we any right to interfere in any manner whatever with the internal affairs of France or any other nation? Is it a matter of any concern to us whether the new republic shall or shall not tolerate involuntary servitude? Sir, slavery, from its very nature, is, and must always be, a municipal regulation; and I deeply deplore any attempt to seduce the government of the United States to express any sentiment in relation to its existence in this or any other country. I did hope that we might all, on this great occasion of national congratulation, harmonize as brethren of the same great political family, and for once forget all party distinctions and local prejudices, and give prompt and cordial utterance to the sympathies of the American people in behalf of France.—But it seems that this hope may not be realized. The Senator from New Hampshire can see but little, if anything in the late French revolution, save the decree providing for the abolition of

slavery, worthy of our congratulations. Sir, if there be any one feature calculated to create a doubt in my mind of the final success of this great movement it is this. It looks like seeking to accomplish too much at a single blow—it looks a little as if the spirit of fanaticism is not entirely absent from the popular mind of France. But this shall not produce the least hesitation in my mind to vote for these resolutions. I should not have alluded to the amendment of the Senator from New Hampshire, but that I feel it my duty as a southern man, on all occasions, not only to record my vote against the principle which it contains, but to express as far as I can find adequate language, my utter condemnation of the spirit of fanaticism in which it originates.

Sir, I repeat, our government is already committed to the sentiments expressed by these resolutions. It is committed by the laudable and manly conduct of Mr. Rush, and its approval by the Executive. Their rejection is condemnation of our minister; and I sincerely believe, unjust to the universal sentiments of the American people. Can we hesitate, can we for a moment doubt the propriety of adopting these resolutions. For one, I cannot, I am prepared to vote for either set of resolutions, and as between the two, I prefer those reported by the Committee on Foreign Relations.

Mr. PHELPS.—I shall trespass but a few moments upon the attention of the Senate, and I would not have made even upwards at all were it not for the motion of the chairman of the Committee on Foreign Relations, that the vote is to be taken to-day. The attention of the Senate has been directed, in the course of the debate, to a variety of collateral matter which renders it necessary that I should make some explanation with regard to my own position and the course which I am about to take. I do not often trouble the Senate with explanations of my votes, and for the most obvious reason that, in general, the reasons which members take is not likely to be misconceived. Upon the present occasion, however, some explanation seems to be necessary. I do not desire to be set down as hostile to the advancement of liberal principles, nor as advocating the perpetuity of despotism or despotic institutions. I rejoice in the progress of liberal principles. My attachment to liberty has been confirmed by the experience and reflection of my life; but on the other hand, I do not desire to witness the supremacy of the mob. I must pause before I pronounce a decided opinion upon a revolution so unexpected and coming like an earthquake. Who amongst us can anticipate the results of such a revolution? You, sir, and I are old enough to have witnessed revolution after revolution. We have seen the world in commotion. We have witnessed a revolution in France by which the sympathies of the American people were greatly excited, and which proceeded step by step, from anarchy to an incipient despotism. We saw afterwards the despotism that had threatened Europe and the world tumbled into insignificance by this spirit of revolution. Now we behold the very man who was elevated to the throne by the revolutionary movement of the French people, driven forth a wanderer by the very same people. It is impossible then to trace the results of this revolution. Others may be confident, but before I express any opinion I desire to be permitted to consult my own judgment. That the revolution may result in good is my fervent prayer. I will rejoice as much as any other man upon this floor to see it result in the establishment of a constitutional government like our own over a people like our own; a people not only blessed with free institutions, but capable of sustaining them. True, I perceive great differences between the present movement in France and those which have preceded it. There is not now that disorganization of society—the wretched philosophy—the spirit of vengeance—which characterized the first revolution; but still, I repeat, I must be allowed to pause before I pronounce a decided judgment upon the character of the present movement.

When we come to examine this revolution—I will not say a revolution by a mob but by a collection of the masses—and find that its first feature was the sacking of the Tuilleries and the emptying of its cellars, I do not see a very favorable indication of a fortunate result. We have not yet seen a government established, therefore, I desire to wait until we ascertain whether this violent commotion results in peace, good order, stable government, and security of person and property. I desire to wait until I see indications that the experiment is likely to be successful. Mere revolution is not enough to command the congratulations and sympathies of this people. At one time years since the sympathies of the American people and of the American Congress were expressed in behalf of the South America States. I need not go into an examination of the result of that resolution. It is now one of the strong arguments in support of this war, that we shall take into our hands the government of this poor miserable people, incapable of governing themselves, to whom we offered but a few short years ago our heartiest congratulations upon their success in establishing free and republican institutions. Were we confident that the revolution in France would result in good, in the establishment of liberty and the advancement of the best interests of France, I would not for one moment defer our action, but I cannot tender our congratulations when the result may turn out to be not at all palatable to an American Senate. We have yet to see the formation of a constitutional government in France. These individuals, thrown up in the agitation of a moment, and calling themselves a provisional government do not constitute such a government as can be recognized as the creation of the people according to any constitutional rules. I trust the national convention may succeed in forming and establishing upon a permanent basis a constitutional government. I have my doubts as to the success of universal suffrage spread over that population of thirty millions. I have my doubts as to the qualifications of the men into whose hands will be entrusted the administration of republican institutions. We are in the midst of an experiment then, which has never yet succeeded upon the Continent of Europe, and in the face of all experience we are called upon thus precipitately to tender our congratulations. Why, sir, there was a revolution once in England. Charles X, lost his head, a commonwealth was established, and it endured only while Cromwell lived. With his death the commonwealth came to an end, and royalty was again in the ascendant—for good or for evil—some good grew out of it because the adherents and followers of Cromwell took refuge upon this continent and laid the foundations of the liberty which we now enjoy. We present in this country the only example of a people enjoying self-government and capable of maintaining it. I have yet to learn where the people in Europe are to be found who have tried this experiment successfully. I repeat the expression of my fervent desire that the experiment may now succeed in France, and I have alluded to her former attempts to establish free institutions as an admonition to caution and deliberation in our procedure.

I have thus explained, sir, my position upon this question. I cannot vote for the resolution without such explanation, and I cannot say "no" to this resolution because I cannot be supposed to entertain sentiments adverse to the progress of civil liberty, good government, and human freedom. I vote, therefore—if I vote at all—in favor of the resolution with this explanation, an explanation which I might perhaps have given in fewer words by simply saying, in the language of a distinguished editor, *Nous verrons*.

Mr. HOUSTON then rose and said that he desired to make a few remarks on the subject before the Senate, but as the hour was late, he would, with the indulgence of the Senate, move an adjournment.

Mr. HANNEGAN.—Will the Senator withdraw his motion for a moment?

Mr. HOUSTON.—Certainly, sir.

Mr. HANNEGAN.—I hope that the Senate will not adjourn, but will at once act on one or other of these resolutions. I would call the attention of the honorable gentleman to the fact that on Monday last, by a vote of this body, we refused to consider the resolution of the Senator from Ohio, and the intelligence went out to Europe by the steamer of yesterday. On Saturday next at noon, another steamer sails for Europe, and if we act to-day I am assured that the intelligence will reach the "Cambria" in time to be conveyed by her. If we do not act to-day, it is certain that our action must be deferred till after the meeting of the French National Convention, for the simple reason that many of us are in honor committed to the Senator from Kentucky, [Mr. CRITTENDEN,] to proceed to the consideration of the Judiciary Bill to-morrow and on Saturday. I, myself, am thus committed to the Senator from Missouri, [Mr. BENTON,] to go with him for the taking up of the California Bill next week. The question then is, action now or not at all.

Mr. HOUSTON.—I disclaim any intention of delaying action on this subject; nor have I the least hesitation in the course which I shall take. I shall vote for the resolution, and intend to give it all the support which it is in my power to extend; but it really seems to me to be impossible to terminate the discussion to-day. The President's message will go by the "Cambria" and that will, I am inclined to think, afford a pretty fair indication of the feeling of the American people. In that document, the President has announced that he has recognized and approved the action of our minister in Paris. I therefore renew my motion.

The yeas and nays were called for, but the motion was withdrawn.

Mr. UNDERWOOD renewed the motion, and remarked that the argument of the chairman of the Committee on Foreign Relations did not apply, as the joint resolution could not go out in the Cambria. It had first to receive the action of the House of Representatives.

Mr. DOWNS.—The action of the Senate can be conveyed to Europe.

Mr. UNDERWOOD.—That can be communicated by telegraph to-morrow in season to reach the steamer.

Mr. HANNEGAN.—If the Senator from Kentucky will give me leave, I will state, in reply to the remark which he has just made in reference to a telegraphic despatch, that I was apprised last night, and have been again informed to-day, that in case the resolution passed the Senate to-day, a copy of it will be transmitted to New York by express in time to reach the "Cambria."

Mr. UNDERWOOD.—I renew my motion.

The yeas and nays being called for and seconded, were ordered and taken with the following result:

YEAS—Messrs. Badger, Baldwin, Butler, Greene, Hale, Phelps, Spruance, Bell, Underwood—9.

NAYS—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Benton, Breese, Clarke, Cuttenden, Dayton, of Mich., Dickinson, Dix, Douglas, Downs, Felch, Foote, Hannegan, Johnson, of Md., Johnson, of Ga., Mason, Moor, Niles, Rusk, Turney, Westcott—26.

So the Senate refused to adjourn.

Mr. UNDERWOOD.—I would ask if the motion to postpone the consideration of the subject till the first of June be still pending.

The PRESIDING OFFICER.—It is not now pending.

Mr. UNDERWOOD.—I remarked the other day, that France had signally failed to establish a republic. It was not my design, however, to convey the idea that since 1789, France had made no progress in improving her social and political condition. I simply intended to communicate the idea, that in her efforts to establish a republic she had signally failed, and my object now is to prove it, and to state the reason why she has failed. If the report of this debate should ever be read in France, it would give me great pleasure if the few remarks which I intend to make could be considered by the French people, for in them, I believe, if they were duly weighed, they would find something to aid them in their effort to establish liberty, as the great principles to which I desire to direct your attention are everywhere absolutely indispensable, alike in the establishment and maintenance of free institutions.

It is altogether a mistake to suppose that in regard to the abstract rights of man, the French people—at least a certain portion of them—have not been perfectly well informed since 1789. Since this subject has been presented the other day, I have refreshed my recollection by examing some of the historical works in the Library, and I have found that in all the various constitutions adopted by the French people, the rights of the citizen are, perhaps, just as clearly defined as they are in the constitution of the United States. The rights of life, property, and personal liberty are fully defined; and in some of these constitutions there is a division of the government into the several departments of legislative, judicial, and executive. Now what is the reason that these constitutions have not been executed? It has been the fault of the people. The failure is not traceable to any defect in the principles announced and laid down, but to the individuals who have been incapable of maintaining these principles and administering the government established upon these foundations. Allow me to give a few instances of the inability of the French people to carry out the principles which they themselves had embodied in their written constitutions. France adopted a constitutional monarchy by the written constitution of 3d September, 1791, which was the result of three years labor. Under this constitution one legislative or national assembly of seven hundred and fifty-five members, whose unctions were to terminate at the close of every second year, was established. This constitution provided for a monarchy, but the King was only to reign by the law and by its sanctions. The King might recommend subjects of consideration, but the national assembly only could propose and decree the laws. The power of war and peace and the ratification of treaties were taken from the King and put under the jurisdiction and control of the national assembly. The absolute negative or veto was taken from the King, but he might suspend until the two successive legislatures presented the same law, when he was bound to give his assent. When three successive legislatures deemed amendments of the constitution necessary, a convention or assembly of revision was to be elected for the purpose of amending or reforming the constitution, but their proceedings were to be obligatory without submitting them to the sanction of the King.

On the 1st of October, 1791, the national assembly convened under the new constitution. A decree or law against the emigrants was presented for the approval of the King. He refused to give his assent. On the 30th of May, 1792, the assembly decreed the dissolution of the King's guard. On the 20th of June, 1792, an insurrection commenced against the King and constitution, which became perfectly successful on the 10th of August, by two decrees, one suspending the functions of the King and the other ordering the convocation of a new national convention. On the 2d and 3d of September horrible massacres commenced. On the 21st of September the convention held its first session and abolished royalty. On the 25th of September a republic was proclaimed.

Having passed through scenes of horror, on the 24th of June, 1793, a constitution for a republic was presented to the people, beginning with an excellent declaration of rights in which four terms, "equality, liberty, safety, and property" embraced all. The terms are now reduced to three, "liberty, equality, and fraternity." The constitution of the 24th of June, 1793, in place of the King substituted an executive council of twenty-four members, to be chosen by the legislative body from candidates nominated by the electoral assembly of the departments. This constitution, it is believed, was never put into operation, but was superseded by a decree of the 10th of October, 1793, vesting all authority in a committee of public safety until peace should take place. On the 16th of October, 1793, Marie Antoinette was beheaded. On the 10th of June, 1794, the revolutionary tribunal to punish the "enemies of the people" was created, and this tribunal sent to the guillotine all those suspected of being aristocrats. Blood flowed in torrents. The Christian religion was torn down and denounced, the "goddess of reason" was set up, and Robespierre celebrated the fête or procession in honor of the Supreme Being.

On the 22d of August, 1795, a new constitution was presented with another excellent bill of rights. This constitution made some progress. It divided the legislative body into a council of ancients and the council of five hundred, and prohibited their members from exercising executive or judicial functions. The council of ancients was to consist of two hundred and fifty members, not less than forty years of age. The members of the council of five hundred were required to be thirty years old. The council of ancients could only approve or reject the resolutions of the council of five hundred. Under this constitution the executive power was vested in five directors, to be chosen by the council of ancients from ten persons nominated by the council of five hundred. This constitution was adopted by the people, by a vote of 1,057,390 to 49,977, and went into operation.

Soon, however, the two chambers began to disagree; the directors exercised the most tyrannical powers; two of the directors, fifty-two members of the councils, and scores of other citizens were transported to Guiana, in South America. At length, in the midst of every sort of confusion, Bonaparte, in November, 1799, puts an end to the council of five hundred and the directory with the bayonet, and another constitution, on the 13th of December, 1799, was promulgated. This constitution established the three consuls for ten years indefinitely re-eligible, with Napoleon as premier, a senate of eighty members for life, and a tribunate of one hundred members to be kept up by electing a fifth part yearly, its members indefinitely re-eligible, and a legislative body of three hundred members. By this constitution the consuls *alias* the government, were to propose all laws. The tribunate might discuss them and by a vote adopt or reject. The tribunate were to send three speakers to the legislative body to explain its views in regard to the projects of law proposed by the councils and the legislative body was to decide without discussion. The senate was to have a supervision of the acts of the legislative body and of the government, and to decide their constitutionality, and to suggest what laws ought to be proposed, and what laws ought to be passed, and what improvements ought to be undertaken. The senate was chiefly an advisory, but not an authoritative body. This consular constitution was adopted by 3,011,007 votes to 562. The senate became all powerful in overturning republicanism and establishing the empire. On the 18th of May, 1804, the senate amended the constitution and made Napoleon Emperor as the head of a new dynasty, and made many other changes to establish the empire. Once more, on the 22d of April, 1815, Napoleon "Emperor by the grace of God and the constitution" gave a long amendment to the organic law. This was during the one hundred days' reign.

On the 4th of June, 1814, Louis the XVIII, after he was placed on the throne by the allies, gave the French people a constitution, and on the 9th of August, 1830, Louis Philippe adopted a constitution, which the late revolution has subverted.

I have thus briefly reviewed the forms and the fate of the various constitutions which the people of France have adopted from time to time. It will be at once perceived that the failure of the French people to establish liberal institutions heretofore has not been owing to their ignorance of the principles of free government. The great point to which the attention should be directed is, the necessity of unwavering adherence to the principles of free government. Would to God I could impress on every man in France the importance of that adherence! Every where, when the rights of man are involved, at home or abroad, the paramount duty is to obey a rule. We have French Dorrism in America, and wherever it exists the stability of government is threatened. Unless the principles of free government be adhered to, there can be no liberty. The French people have heretofore committed the fatal error of allowing legislative assemblies to be supreme. Unless they can now act with deliberation, good sense and strict fidelity to principle and rule, there is no hope for them; and I wish them to know that as an American Senator that it is my earnest wish that they may so act.

With respect to the resolutions before us, I was of opinion that we should have postponed any action on them until the future had been somewhat more clearly indicted. But it is manifest that the Senate will act immediately. I shall not renew my motion to postpone, which I am informed is no longer pending. I shall vote for the resolution on the ground, that every effort made by any people to obtain free government does aid in qualifying them for sustaining popular institutions. The effort itself, even if unsuccessful, is salutary. It is like the child learning its lesson Nations cannot be taught the principles of liberty in a day. We did not so acquire our liberties. Our progress was gradual, until now the principles of free government have taken deep root in the American mind.

If the expression of our sympathy will afford any encouragement and support to the French people, they will have it with all my heart It is my fervent prayer, that they may be imbued with that spirit and those principles, by which alone their success can be anticipated and secured! But in justice to myself, I have deemed it proper to make these remarks in order to exhibit the ground on which I desired a postponement of our action.

Some conversation then took place relative to a few verbal alterations in the resolution reported by the Committee on Foreign Relations, which had been suggested, and in which the chairman expressed his concurrence.

The question being called for by several Senators, it was taken on the following amendment offered by the Senate from New Hampshire, [Mr. HALE.]

Add in the 5th line, after the word government, these words:

"And manifesting the sincerity of their purpose by instituting measures for the immediate emancipation of the slaves of all the colonies of the republic."

The yeas and nays were demanded, and being seconded were ordered and taken with the following result:

YEAS—Mr. Phelps—1

NAYS—Messrs. Allen, Atherton, Bell, Bradbury, Breese, Butler, Calhoun, Cass, Crittenden, Davis, of Mississippi, Dickinson, Dix, Douglas, Downs, Felch, Foote, Hannegan, Houston, Johnson, of Maryland, Johnson, of Georgia, Lewis, Mason, Moor, Niles, Rusk, Sprunce, Underwood, Westcott.—28.

So the amendment was rejected.

Mr. CASS.—Mr President, I do not mean to exhibit so much want of tact, as to make a formal speech upon this subject, when the Senate is evidently impatient to come to a decision. I have but little to say, and that little I shall say briefly. It concerns rather the preference, which I have for the resolution of the Senator from Ohio, over the resolutions of the committee, than the general topic under discussion to which there appears to be little positive objection.

What do we propose to do sir? To congratulate the French people upon the liberty which they have just acquired, and the free principles they have established as the basis of their government. We believe that our congratulations at this time will not only be acceptable to them, but useful to the great cause of freedom throughout the world. This tribute, from the oldest and unfortunately I may add, from almost the only republic free from internal dissentions, to a great nation just entering into the career of self-government, will be received and welcomed in France as a proof of interest and solicitude, naturally arising out of the past, and encouraging for the future. And especially will it be acceptable at the commencement of the great work, when the new-born republic finds itself surrounded with powerful monarchical governments, jealous of the progress of liberty, and whose very existence may be put to hazard by the portentous event, which is fixing the gaze of mankind. The expression of our sentiments under these circumstances was a duty due to France, to ourselves, and to the great cause of human freedom; but that duty has become still more imperative by the discussion in which we are now engaged. We cannot halt in our course, and withhold our congratulations, without giving the most serious offence to the French people, and without in fact announcing to the world that the struggle in which they are engaged, will terminate unfortunately, and that they are unfit for those political blessings, which their fathers aided our own to acquire, and which we hope will go down unimpaired to the latest posterity. And what is the objection to the annunciation by Congress of that sympathy which the whole people feel so deeply, and express so plainly? I see none sir. None at all. There is no internal dispute in France as to its government. There is no contest between authority on one side, and rebellion or revolution on the other. The old government has disappeared. The dynasty of the younger branch of the family of the Bourbons has passed into history, as much as the dynasty of the older branch; or as that of Napoleon; aye as much as the dynasty of the Pharoahs. The wise man tells us, that there is a time for all things. These things have had their time, and that time has passed away. It is with the years beyond the flood. The people of France have resumed that power which belongs to them, and I hope and trust they will exercise it wisely, and provide for the establishment of a government protecting the rights of all, and securing internal peace and social order.

I prefer the original resolution of the Senator from Ohio to that reported by the committee. I do not think it is liable to the verbal criticism with which it has been assailed. I think its meaning is clear and obvious. It founds our congratulations upon the successful efforts of the French people to consolidate or strengthen liberty by the establishment of its just principles. This is definite and true, and its great merit in my eyes is, that it throws no doubt upon the future. And because the other resolution does so, is one principal reason why I object to it. I speak of what has been done "thus far," and uses other terms of uncertainty.

Mr. President, doubts hang over this revolution, as they hang over all the works of man. But it seems to me it would be in very bad taste in a public act of sympathy and congratulation like this, to speak in hesitating terms, and to express our doubts at the very moment we tender our good wishes. Certainly the French people are making a great experiment, and how long since we were making one? How long since our own government was an experiment, rather than experience? Mr. Jefferson called it so in his inaugural address, and here in this very Senate, in this sanctuary of liberty, since I have had a seat here, more than once have we heard the most dismal forebodings, the darkest auguries, the wailing, if not the warning-cry, that the death-knell of liberty was tolling, and that we had little else to do, but to prepare her grave. If no nation is to be congratulated upon its progress in the principles of free government, till no clouds of uncertainty rest upon its future, we must content ourselves with being silent spectators of the great and interesting events around us, shutting our hearts to all sympathy, and taking counsel from dishonorable caution, and not from rational hope.

Our desire is to congratulate the French people upon what they have actually done, leaving to Him who holds in his hand the fate of nations, to guide their future destiny by his own good pleasure. They have done enough to merit congratulations from every human being who loves liberty, or who hopes for its enjoyment by the nations of the earth. They have resisted oppression; a series of efforts which, if not resisted, would have shown that they were fit only for the bonds preparing for them; the least of which would have roused up twenty millions of Americans, as one man, to fight the battle of liberty—and to gain it. They have overturned the late government and established one of their own, and with a spirit of wisdom and moderation, which, under all the circumstances, has been rarely equalled in the world. The act of the provisional government—the temporary Fourth of July declaration, I may call it, of the French people lays down many of the just principles of human freedom, which will find a responsive echo in this country.

I fully agree with the honorable Senator from Kentucky, [Mr. UNDERWOOD,] in his excellent remarks, upon this branch of the subject. Whatever may be the result of this movement, the cause of freedom must gain by it. Nations, which have long slumbered in the quiet of despotism, cannot suddenly awake and wisely exercise the new power they find in their possession. Time and experience, and knowledge, are necessary to teach us how to guard general principles by just securities; and while sustaining the rights of all, how to check the passions of each. But, if every struggle is a trial, it is also a lesson. Something is learned at every step. The movement cannot be long either stationary or retrograding. Since the great revolution of 1789, the French people have passed through many trying scenes. They had much to learn, and they have learned much. They have shown, at any rate, that they are not fit for monarchy, or rather that monarchy is not for them. Since that period there have been, I think, twelve or thirteen fundamental changes in the government, about one to every five years. And in the present century, there have been seven different phases of monarchical government, including the temporary and permanent consulships, both of which belonged essentially to that class of power. Now, what chance is there, that such a form of authority can survive the attacks to which it must and will be exposed; especially considering the rapidly advancing opinions of the French people? It cannot be. The experiment of monarchy has been tried and found wanting. The decree has gone forth, and is already executed. There is a vast deal of intelligence in France, and as much true patriotism as in any country under Heaven. The people are high-minded, generous, nimble, impulsive, indeed, but yielding always to noble sentiments. Most cordially do I wish them success, and I will not suffer my hopes to be clouded by apprehensions. Certainly there are difficulties in their way. What people, bond or free, are without them? But there are none, that time and moderation cannot overcome, and none, I persuade myself, that the French people will not overcome. Sufficient unto the day is the evil thereof. If this trial succeed, the destiny of France is fixed and safe, as much so as belonging to any great political effort in the world. If not, it is a step the nearer towards the great consummation of freedom, and the lesson the more for those who are to bring it about.

The question then being on the adoption of the resolution as reported from the Committee on Foreign Relations, a reading of the resolution was called for, and it was read as follows:

A joint resolution tendering the congratulations of the United States to the people of France.

Resolved, &c., That in the name and on behalf of the American people, the congratulations of this government are hereby tendered to the French people, upon the great change in their form of government and their successful efforts thus far to found for their country institutions similar to our own.

Be it further resolved, That the moderation, humanity, regard for order, and veneration for christianity, manifested by the French people, in the accomplishment of their freedom, inspire the confident hope that their deliberations in the organization of the new government will be so directed, under Providence, as to insure the liberty, the true glory, and enduring happiness of a great and enlightened nation.

And be it further resolved, That Congress fully approves the conduct of our minister, Richard Rush, in his prompt recognition of the provisional government of France.

And be it further resolved, That the President of the United States be and he is hereby requested to transmit these resolutions to the American minister at Paris, with instructions to present them to the supreme authorities of the French republic.

On this question the yeas and nays were demanded, and being seconded, were ordered and taken with the following result:

YEAS—Messrs. Bell, Butler, Calhoun, Clarke, Davis, of Mississippi, Dix, Johnson, of Maryland, Johnson, of Georgia, Lewis, Mason, Niles, Phelps, Turney—13.

NAYS—Messrs. Allen, Ashley, Atchison, Atherton, Breese, Cass, Crittenden, Dickinson, Douglas, Downs, Fetch, Foote, Hannegan, Henston, Moor, Rusk, Spriance, Underwood, Westcott—19

The question recurring on the original resolution offered by the Senator from Ohio—

Mr. CRITTENDEN said: I wish to occupy the attention of the Senate for only five minutes on this subject, and it is rather because I differ from some of my respected friends, than with the expectation of enlightening or instructing the Senate, that I desire to make any remarks at all. Some of my friends have supposed that the Senate of the United States ought not to express, because they have no power to express, the congratulations of the American people to the French government in the form of this resolution. I do not consider that there is any question of power involved. We do not exercise any power. We express a sentiment or opinion, and that is all, and that is a right belonging to every individual. It would be strange, then, if we had not that right. It would be strange that on the occurrence of a scene of so animating a character, the Senate of the United States was the only body in Christendom, which was to be perfectly paralyzed, standing as a sort of *caput mortuum* in the midst of the civilized world. No, sir, we have a right to do this. But it is said we ought to delay the expression of our congratulations; that enough has not yet been indicated to enable us to pronounce judgment. I concur in that—enough has not occurred to enable us to pronounce a final judgment; but the question is now presented whether enough has not occurred to make us rejoice and offer congratulations to France and to the world. If we are to wait until all the consequences of the revolution are known, before we make up our minds to congratulate them upon what has been done, when will that time come? The youngest man here will not live to see that day. Either for good or for evil these consequences will extend beyond our day. It is one of the great events of the world—an event full of mighty consequences to mankind. There is no exaggeration in using such language in reference to it. It is the greatest movement in social and civilized life that has occurred within our knowledge—one of the great signs and marks and wonders of the time. It is an event exciting the hopes and fears and tremulous anxiety of mankind.—

I have my fears about it, but I allow my hopes to preponderate. It is, indeed, a mighty work, requiring a great degree of virtue, intelligence, and experience, which is rare in the midst of alarmed Europe. In the midst of hostile crowns and principalities they have made this great experiment. I hope, sir, that the God of truth and liberty will go with them in this mighty trial, and that they are destined to be successful. But whether this revolution itself is to form the basis, to be the proximate cause of a great amelioration in the condition of mankind, I know not, I cannot anticipate. But however that may be, of one thing I am satisfied, that its ultimate consequences cannot but be for the good of humanity. The French revolution in 1792, with all its carnage and tumults, and terror which it spread through the world, of it who can say that from all that blood and carnage good to mankind has not accrued? The earth and the sea have covered up the victims of that revolution. They are no more. They have disappeared from the sight of mankind and we can only look back and mourn over them as over other events that have occurred. But the great principles of liberty involved in that contest, have lived to grow and increase and spread abroad among mankind. A new world of intellect has been opened—a new sense of freedom has been spread through the civilized world. The ideas and principles to which it gave rise, though for a time they seemed to be trampled on by the iron heel of tyranny, yet live; and I trust in God will become more universally extended. So it will be with this revolution. Gentlemen, for reasons no doubt which appear to themselves satisfactory, imagine this to be nothing more than a temporary ebullition of popular feeling, and that it will finally go down in crime and disaster. It may do so, but what has it not already done? It has shown to the world the power of public opinion. Here is an established government with its army of an hundred thousand men at the command of the reigning sovereign, a sovereign who has been seated permanently for seventeen years upon the throne of his ancestors, tracing back his royal descent for centuries, suddenly finding its ramparts broken down; and by what? It was not by the power of a mob under temporary excitement—not by a sudden outbreak of popular feeling. No, sir, there was a great and majestic feeling pervading the whole mass of the people; that feeling it was that took from the sword of his army its edge. The *ultima ratio* of kings was here at an end. Public opinion overruled it. A mighty moral change was proclaimed by a power that is above all thrones—greater, more exalted, more irresistible than all their impregnable ramparts and fortifications! The change is strange and grand! The movement of the people, produced as it was by a deep sense of what was due to themselves, is to be applauded.—Sir, I congratulate them. France may have to go through many disastrous convulsions before she attains her great aim—the establishment of a system of free government. I wish I could believe that this revolution is to be the proximate cause. I am by no means confident that it is so; but I see enough to give me hope. I see enough in the event that has occurred to induce me to congratulate the French people. They have done a great work. It is for this that I congratulate them. It is a work which will be the source of future intellectual and moral influence upon the heart of man. It cannot be otherwise than productive of good, and it is for this we congratulate France, and bid her God speed!

Mr. BUTLER.—Lest my vote upon this subject should be mistaken, I beg to detain the Senate a single moment. If I have manifested any hesitation in regard to this matter it has not been from an aversion to congratulate France upon the formation of a republic. But when the Senate of the United States are called upon to be the organ of the people in the expression of their congratulations, it appeared to me to be proper that any resolution which might be adopted, should be characterized by simplicity of elaboration, and should go forth under the sanction of a beautiful propriety, becoming the great occasion on which we are called upon to act. Had it been left to me, I would have preferred that we should have had all the securities of law—that we should have had the recommendation of the Executive upon which we might act. It was for this reason that I preferred the resolutions which came from the Committee on Foreign Relations. Not that I would detract from the merits of the resolution of the Senator from Ohio—I had another reason. I heard doctrines avowed that were calculated to alarm me. When I offer congratulations to the goddess of liberty, I will not do it with a firebrand in my hand. When I offer congratulations to that goddess, I do it as if she were associated with her sister, the goddess of wisdom. It may be in the wild excitement of France, that we shall see the light of her republic only in the fires that are destroying the very frame-work of society. I have had some distrust, sir, arising from the experience of the past; and if I manifested any distrust on this occasion, it has been from no disinclination to sympathize with France upon forming a republic under the guarantees of a well defined constitution. I am willing, sir, to sanction what the people of France have done; I am willing to give every encouragement to the developement of an enlightened and irresistible public opinion, but I will not sanction all the doctrines and opinions that have come from the provisional government. If I have hesitated it is because what I do, I would do deliberately. I have detained you, sir, longer than I intended.

Mr. PHELPS.—I did not intend to trouble the Senate again, and I shall certainly not detain them long. In reference to the remarks which fell from the distinguished Senator from Kentucky, I have to say, that his course of reasoning rather tended to confirm my doubts. He spoke of the progress of public opinion.—What evidence have we of its progress? In the first place the national guard, who were charged with the safety of the kingdom, broke their trust—the hundred thousand bayonets which were to protect the throne, were pointed against the throne. I am not the advocate of crowns nor of thrones, but what assurance have we that this same public opinion which brought the multitude of Paris, and the hundred thousand troops in concert, may not be brought to bear upon the provisional government, and if it should be, the provisional government could not exist for a moment? If I were satisfied that this combination of opinion would all tend to the establishment of a government which would be permanent, I should be the last one to withhold my vote. But let us look at the probabilities. They are a people that are disposed to revolutions.—When the heir to the throne was presented to the people, and a voice from the gallery cried out, "It is too late!" did it not exhibit a determination to destroy, to listen to no reasoning? Perhaps the man that uttered the expression was not aware of the effect it would produce. But its effect only shows us how slight a thing is sufficient to influence the popular will in that country. If I could anticipate that the result would be the establishment of a free government, I would sympathize most heartily in the movement—it is my fear which prevents me.

Sir, there are considerations connected with this subject from which we all revolt. When the wheel of revolution begins to revolve, who can affect to tell where it will stop? When the doctrines of universal equality are preached, who can tell what effect is to be produced? I am approaching a subject that I have uniformly avoided—a subject from the discussion of which I uniformly shrink. I know its dangers, and if these doctrines of universal equality are to be preached, if they are to receive the sanction of Congress, it behooves gentlemen to inquire of themselves to what extent they will carry us. If we are to give our sanction to every revolutionary effort which prostrates at once existing governmental establishments and domestic relations, it may well become us to inquire to what extent such a movement is likely to be carried. There is one feature in the decrees of this provisional government of which I do not by any means approve. A decree—not a theory on the subject of human liberty—but a decree, cutting up by the roots an existing institution, has been adopted by the provisional government. It is a question affecting ourselves. We have a set of people among us (you may call them fanatics if you please) who in their liberal notions of human liberty, are disposed to quarrel with certain institutions which exist under our government. Sir, I would leave to every portion of the nation the management of their own concerns. But if we are to endorse all the revolutionary movements that are made, where are we to stop? Why, we may have a thousand fanatical theories in our own country, some of them perhaps well founded, but others of the most wild and extravagant description. No man ever saw a revolution in which the doctrines which gave rise to it were not carried to extremes. Before we give our unqualified approbation, then, to what has been done, in my humble judgment, we should await patiently its final consummation; and I confess I am somewhat surprised to find gentlemen on this floor ready to give their unqualified approbation to the proceedings of the French provisional government, whilst they would not listen a moment to petitions humbly presented to Congress upon the point upon which that government has acted. It is suggested they have revoked this decree. If they have, they still stand on the footing that all men are free and equal, that every man has a right to vote, Algerines and all, every man except Negroes. And the very revocation of that decree shows the insincerity of their professions. If an Algerine is entitled to the privileges of a French citizen—if there is equality among all sorts, all grades, all classes, as regards political privileges, upon what principle, in the name of Heaven, is the colored race excluded? I go with the French people in any proposition which to my mind appears rational, but if they in the first place declare this equality, and in the next place make it unequal, I will have nothing to do with any such proceeding. I have made these remarks simply to show that there are very strong grounds to doubt as to what the results of this revolution will be. I hope for the best, but I fear the worst; and, as I said before, I shall prefer that this expression of congratulation for the present be withheld.

Mr. CRITTENDEN.—I listened this morning with great attention to the very able remarks of the Senator from Vermont, and I thought that I noticed an allusion to an unfortunate expression of mine. Like the Senator, I fear for the result, but as far as the revolution has gone it has been marked by nothing but what we must all recognize as favorable, particularly since they have cast off the little piece of extravagance to which the Senator has alluded. I merely wish to acquit myself, sir, of having in the slightest degree approved of that proceeding on the part of the provisional government.

Mr. DAVIS, of Mississippi.—I must ask the indulgence of the Senate for a few minutes, for a purpose similar to that avowed by the Senator from South Carolina, [Mr. BUTLER.] This is rendered necessary by the intimation which has been given, that the absence of so many Senators from the chamber rendered it unadvisable to record the votes upon the final passage of the resolution before the Senate; without such record and without explanation, the preliminary vote given by me would be subject to misconstruction. I voted for the substitution of the resolutions reported from the Committee on Foreign Relations, because they seemed to me coextensive with all which has occurred in France, claiming and receiving the approbation and sympathy of the people of the United

States, and because the committee acted upon information officially communicated by the President, by which the matter was first brought properly before the Senate.

Ever ready, in whatever quarter of the globe it may appear, to welcome a new republic into the family of nations, ever prompt to cheer a people struggling for the establishment and maintenance of popular right, it was not for me to stand listless by when the tidings came of the great, the glorious achievements of our ancient friend and ally, France. Sooner, sir, would I encounter disappointment, sooner see our sympathies come back shorn than refuse to send them forth on an occasion like this. Yet it becomes us to consider the time, the manner of expression used to convey our sympathies—deliberately to consider the extent, and the subject of our congratulations. When a people not prepared, as were the fathers of our republic, by the inheritance of free institutions, are suddenly invested with sovereign power, errors and excesses may be reasonably expected, and whilst it is not our province to correct or condemn, it may be useful, as it is surely proper, to discriminate in our approbation. This appeared to me well and prudently done in the resolutions offered by the committee as a substitute for those of the Senator from Ohio, and constituted the ground of my preference; but I was prepared to vote for either, and have no opposition to offer to those which the Senate in committee have chosen.

With our sympathies for the effort of the French people to establish republican government, we may well mingle our congratulations for the extraordinary exhibition which, in the heat of revolution, they have given of moderation, of self-control, and of regard for human life, that great test of the progress of civilization.—These are high evidences of the fitness of the French people for self-government, and justify the hope that they are prepared for that universal suffrage and equality which they have asserted, and which the Senator from Vermont has chosen as the object of his special condemnation. Equality among the citizens is the only basis on which republican government can rest; it is the foundation on which our own was placed, and where it now securely stands like the house which the wise man built upon a rock, whilst palaces lie crushed upon the sand, or threaten to fall. To assert political equality is to vindicate the dignity of man, to insure the adaptation of government to his condition, and therefore to render it permanent. Revolution is the remedy for violated nature—it can never be directed against a government which rests on the broad basis of popular will, speaking through universal suffrage. The only power to overturn is that which supports such a government, and as it has been called the most advanced, so I think it may be called the most durable form of human institutions. Wherever a class or a family claim to govern by prescriptive right, there must be a struggle between the rulers and the ruled; because the one cannot sympathize with the feelings, or appreciate the wants and the interests of the other. True, all people are not qualified for the highest form of government, and no other country presents so many instructive lessons upon governmental changes as that, the recent revolution in which we are now considering.

Cæsar conquered ancient Gaul and governed it as a province. The inhabitants became citizens of the Roman empire, but their domestic condition was little affected. Rome was extended, but the Romans remained in Italy. When Alaric and Attila descended from the plains of Asia upon the richer regions of Europe, the inhabitants of Germany, driven from their homes, descended in their turn upon Gaul; they came not like the Roman legions, prompted by military enthusiasm and seeking the glory of conquest, but as houseless wanderers to take from the weak, as they had surrendered to the strong. Then the lands of Gaul were wrenched from the original possessors and divided among the conquering chiefs. Now, for the first time in Gaul, the decree of nature was violated, and the inheritance of the land was violently transferred from those who possessed to cultivate it. The progress has been steady, though slow, to return the soil to the people—to bring power from its overshadowing height to the level of the governed. And it is the steadiness of this advance which sustains my confidence in future progress. The grand vassals of the Frank dynasty, like twelve mighty columns, supported the throne high above all contact with the people, alike despising their assistance or assault. These columns fell in the time of Louis XI. and the grand Seignieurie was established by Francis I. The height and size of the columns were diminished, but their number increased, and then came the period of the reformation. The minds of men asserted the right to inquire. The Seignieurie gave way, and the throne sunk for its support to the heads of the aristocracy. It was now within the reach of the people; it had been lowered until, in the language of the Senator from Indiana, [Mr. HANNEGAN,] blood might flow over it. The convention of 1792 proved the power of the people to reach the throne—it showed the ability to destroy, but not the capacity to construct. The assignats gave the people the power to buy and add to the subdivision of the lands of France. Heretofore the throne had approached people by oppression, thenceforward the operation of leveling was to be two-fold—the people were to rise as royalty sunk.

When Napoleon declared on the Champ de Mars that the right of the ruler was wholly derived from the consent of the governed, he uttered a truth understood by those whom he addressed, and which was sentence of condemnation on the divine right of kings. The next step in the natural order of things was to break the line of descent. This was done by the selection of Louis Philippe, to be crowned, not for France, but as King of the French. The throne was now brought down to the heads of the two hundred and sixty thousand landed proprietors. It had now descended to the last step, and it was foretold, I trust truly foretold, that Louis Philippe was the last who should wear a crown in France. For years past many eyes have been turned to France, and speculation has been busy as to the consequences likely to follow on the death of the reigning monarch. Events have been hastened by the abdication of the king, and the conduct of the French people under the severe ordeal they have unexpectedly undergone, proves how worthy they are to possess the power of sovereignty. The throne which had been for fourteen centuries sinking, until it approached within one step of the ground, was borne on the shoulders of the uprising masses and offered a holocaust to the genius of republican government. Why shall we distrust the capacity of the French people for self-government? Who has served a longer probation or passed through schools of harder experience? France, the land of science, with a popular press teeming with political intelligence, —her great capital, the controlling mart of the country, filled with daily papers, and a population of whom it is said not a cook or a boot-black but can tell the name of the chief of each bureau of the government, and the general nature of his duties.

Men fly to a remedy and expect relief which cannot be given. Those who hope from a republic to have their wants supplied must meet with disappointment. Such a government can have nothing to give, save that which it takes from the people. In the language of one of our greatest statesmen, Mr. Van Buren, "too much is expected from government." May this truth, so unpalateable to those to whom it was addressed, be early learned and appreciated by our brethren in France. It was not my purpose to do more than express thus briefly the opinions I entertain, and to announce my approval of the resolutions now to be acted on. They are anticipative of future events in France which, I hope, will soon enable us to pass specific resolutions of congratulation, and to embrace our earliest friend as a brother in the family of republics.

The question recurring on the passage of the resolution, it was decided in the affirmative, without one dissenting voice, as follows:

YEAS—Messrs. Allen, Ashley, Atchison, Atherton, Bell, Bradbury, Breese, Butler, Cass, Clarke, Crittenden, Davis, of Mississippi, Dickinson, Dix, Douglas, Dawson, Felch, Fromentin, Hannegan, Houston, Johnson, of Maryland, Johnson, of Georgia, Lewis, Mason, Moor, Niles, Rusk, Spruance, Turney, Underwood, Westcott—32.

NAYS—None.

The following is the resolution as it was unanimously adopted:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in the name and behalf of the American people, the congratulations of Congress are hereby tendered to the people of France upon the success of their recent efforts to consolidate the principles of liberty in a republican form of government.

SEC. 2. *And be it further resolved*, That the President of the United States be, and he is hereby, requested to transmit this resolution to the American minister at Paris, with instructions to present it to the French government.

On motion,

The Senate adjourned.

FRIDAY, APRIL 7, 1848.

MESSAGE FROM THE PRESIDENT.

A message, in writing, was received from the President of the United States, by Mr. WALKER, his Secretary:

To the Senate of the United States:

In answer to a resolution of the Senate, of the 23d of March, 1848, I transmit herewith a report of the Secretary of War, with the accompanying documents, [illegible] the proceedings of the Court of Inquiry in the case of Lieutenant Colonel Fremont, called for by the resolution of the Senate of the 23d of February, 1848.

JAMES K. POLK.

Washington, April 7, 1848.

The message having been read—

On motion by Mr. WESTCOTT, it was

Ordered, That it be referred to the Committee of Claims.

The following message was also received from the President of the United States, by Mr. WALKER, his Secretary:

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of War, [illegible] the proceedings of the General Court Martial, [illegible] Lieutenant Colonel Fremont, called for by a resolution of the Senate of the 23d of February, 1848.

JAMES K. POLK.

Washington, April 7, 1848.

The message having been read—

Mr. BENTON moved that the message and the accompanying documents lie upon the table and be printed; which was agreed to.

He also laid [illegible] Lieut. Col. Fremont, to the Adjutant General, and a letter from the Adjutant General to Lieut. Col. Fremont, which were ordered to be printed in connection with [illegible].

RESOLUTIONS OF THE LEGISLATURE OF MICHIGAN.

The VICE PRESIDENT laid before the Senate resolutions passed by the Legislature of Michigan, urging upon Congress the propriety of adopting measures for opening the tides to the Sault St. Marie and for bringing the public lands near that place into market; which were ordered to lie upon the table and be printed.

PETITIONS.

The VICE PRESIDENT laid before the Senate a memorial of citizens of the United States, praying that Mount Vernon may be purchased by the government; which was referred to the Committee on Military Affairs.

Mr. BREESE presented the petition of David Penrod, praying permission to change the entry of a tract of land; which was referred to the Committee on Public Lands.

Also, the petition of Jesse Toler, praying permission to change his entry of a tract of land; which was referred to the Committee on Public Lands.

Mr. DAVIS, of Mississippi, presented the petition of Christopher Cunningham, praying a pension in consideration of wounds received at the battle of Buena Vista, in Mexico; which was referred to the Committee on Pensions.

Mr. DAYTON submitted a document in relation to changing the terms of the Circuit and District Courts of the United States for the District of New Jersey; which was referred to the Committee on the Judiciary.

Mr. DIX presented a memorial of citizens of the State of New York, praying that Mount Vernon may be purchased by the government; which was referred to the Committee on Military Affairs.

Also, a petition of citizens of Greene county, New York, praying that the public domain may be laid out in farms and lots for the use of such citizens of the United States as are not possessed of other lands; which was referred to the Committee on Public Lands.

Mr. HOUSTON presented the petition of Manuel Ravena, praying indemnity for loss in consequence of the seizure and condemnation of a vessel and stores by the collector of the port of Galveston in Texas; which was referred to the Committee on Commerce.

THE PRIVATE CALENDAR.

On motion by Mr. MASON, it was

Ordered, That the several private bills on the calendar be made the special order of the day for Friday and Saturday of next week, the 14th and 15th inst. in the order the same are on the calendar, to the exclusion of all other business.

NOTICE OF A BILL.

Mr. BREESE gave notice that on to-morrow, or some early day thereafter, he will ask leave to introduce a bill to authorize the sale of such public lands as have heretofore been reserved for military purposes, and no longer required for such purposes.

ADJOURNMENT OVER.

On motion, it was

Ordered, That when the Senate adjourn, it be to Monday next.

CONGRATULATIONS TO THE FRENCH.

Mr. MANGUM.—I desire to inquire whether the resolutions which were passed last night, are now in the possession of the Senate subject to a motion for reconsideration or not.

The PRESIDING OFFICER.—They are out of the possession of the Senate.

Mr. MANGUM.—Had they been in the possession of the Senate, I should have requested some friend to make a motion to reconsider the vote by which they were passed, with the view of giving gentlemen who were accidentally absent from the Senate when the vote was taken, an opportunity of recording their votes. With regard to myself, I should have voted for the resolution which passed the Senate, with very great cheerfulness. Yet, I would have preferred the resolutions which I had the honor to move yesterday [illegible] and which I have adopted, my vote would cheerfully have been given for the resolution which was adopted by the Senate. The resolutions which were rejected, were the production of the committee on Foreign Relations. They were prepared by the chairman of that Committee, the Senator from Indiana. He entered most cordially into the spirit of any resolution, expressing our congratulations to the French people. And he had committed himself in advance to go for the resolution of the Senator from Ohio. He felt bound, therefore unless he had been voluntarily released, to vote in favor of that resolution. I regret the more, therefore, my absence, from the fact, that owing to the delicate relations which the chairman of the committee bore to the resolutions of the Senator from Ohio, had I been here, my duty would have been to have taken them in charge and presented them under the most favorable circumstances that I could to the Senate. I would desire, and I had hoped, that after the yeas and nays were taken, and there was found to be perfect unanimity in the body, the journal would have been so amended as to have exhibited the unanimous concurrence of all the members. I rise, sir, simply with the view of indicating that the resolution meets with my hearty concurrence.

Mr. ALLEN.—I did not call for the yeas and nays for the very reason given by the Senator from North Carolina. I thought it would be better that the vote should appear unanimous.

CHANGE OF REFERENCE.

On motion by Mr. ATHERTON, it was

Ordered, That the Committee on Finance be discharged from the further consideration of the memorial of Ward and Smith, merchants of the United States residing at San Francisco, Upper California, and that it be referred to the Committee of Claims.

INDIAN APPROPRIATION BILL.

Mr. ATHERTON, from the Committee on Finance, to whom was referred the bill from the House of Representatives, making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June 30, 1849, and for other purposes, reported it without amendments, and gave notice that he will ask the Senate to proceed to the consideration of this bill on Tuesday, the 18th instant.

ADVERSE REPORTS.

Mr. UPHAM, from the Committee on Revolutionary Claims, to whom was referred the petition of Robert Piatt, son of Daniel Piatt, deceased, submitted an adverse report; which was ordered to be printed.

Mr. WESTCOTT, from the Committee of Claims, to whom was referred the petition of Sarah Hubbard, submitted a report, asking to be discharged from its further consideration; which was ordered to be printed.

Mr. UPHAM, from the same committee, to whom was referred the petition of Nancy Haggard, submitted an adverse report; which was ordered to be printed.

PRIVATE BILLS.

Mr. WESTCOTT, from the Committee of Claims, to whom was referred the bill from the House of Representatives for the relief of Charles Waldron, reported it without amendment, and submitted a report on the subject; which was ordered to be printed.

Mr. DOWNS, from the Committee on Indian Affairs, who were instructed to inquire into the subject, reported a bill for the relief of Henry D. Gratiot; which was read and passed to the second reading.

Mr. RUSK, from the Committee on Revolutionary Claims, to whom was referred the memorial of Frederick Vincent, administrator of the estate of James Le Caze, deceased, reported a report accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

SAGANAW TREATY.

Mr DOWNS, from the Committee on Indian Affairs, to whom were referred certain documents relating to the claim of T. S. Wendell, submitted a report accompanied by a bill to provide for the school lands purchased by the United States from the Saginaw tribe of Chippewa Indians in the State of Michigan.

The bill was read and passed to the second reading.

Ordered, That the report be printed, with the accompanying documents.

SETTLERS IN FLORIDA.

Mr. WESTCOTT, by unanimous consent, asked and obtained leave to bring in a bill for the relief of the bona-fide settlers under the acts for the armed occupation and settlement of a part of the Territory of Florida; which was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

FEDERAL COURTS IN NEW JERSEY.

Mr. DAYTON, by unanimous consent, asked and obtained leave to bring in a bill in relation to the terms of the Circuit and District Courts of the United States in and for the District of New Jersey; which was read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary.

THE VOLUNTEER BILL.

Mr. CASS moved that the prior orders be postponed and that the Senate proceed to the consideration of the bill providing for the further prosecution of the existing war between the United States and the Republic of Mexico.

Mr. CRITTENDEN.—I confess that I am very much surprised at the motion of the honorable Senator. He set it out heard the arrangement that was made for taking up the Judiciary bill on this day. The orders of the Senate seem to be no longer of any force. In fact they only seem to apprize gentlemen that they must be very active in getting possession of the floor. I do hope that the gentleman will not at this moment press this motion.

Mr. CASS.—It would give me great pleasure to yield to the wishes of the honorable Senator, but I gave notice long ago that I would embrace every opportunity for pressing the consideration of the bill which I have named. It has already been superseded at various times by pressing business, and I must say that I feel wholly uncommitted as to any arrangement for permitting any other business to take precedence of it. I understand that the Judiciary bill will occupy much time, and indeed I stand committed before the Senate at all times to press the consideration of the bill for raising the volunteers.

Mr. CRITTENDEN.—Did not the Senator vote to make the Judiciary bill the order of the day for to-day?

Mr. CASS.—The volunteer bill was made the order of the day several weeks ago, but orders of the day are superseded almost every day.

Mr. RUSK.—Under ordinary circumstances I would vote to take up the bill which is proposed now before any other business. But yesterday there seemed to be a distinct understanding that if the Senate from Kentucky would give up his right to take up the resolutions of congratulation, we would take up his bill to-day.

Mr. ALLEN.—I am quite anxious to proceed to the consideration of the bill which is the subject of the present motion, but I would suggest to my friend, the Senator from Michigan, that if, as seems more to be the impression, there was an understanding yesterday in regard to proceeding with the bill of the Senator from Kentucky, that it would be but just and proper that the arrangement be acquiesced in, at all events for this day. But if the discussion extends extends beyond to-day then let the bill take its chance of being taken up in preference to any other.

Mr. CASS.—I stated yesterday that I was entirely opposed to proceeding with any other business. I am no party, therefore, to any commitment in favor of the bill of the Senator from Kentucky in the slightest degree, but as it seems to be the prevailing wish to proceed with that bill this day, I will withdraw my motion.

The motion was accordingly withdrawn.

ADULTERATED DRUGS AND MEDICINES.

Mr. DIX, from the Committee on Commerce, to whom were referred the resolution of the Legislature of Mississippi, the memorial of the college of Pharmacy of the city of New York, and sundry other memorials on the subject, reported a bill to prevent the importation of adulterated drugs and medicines; which was read and passed to the second reading.

SHIP ISLAND MADE A PORT OF DELIVERY.

Mr. DIX, from the same Committee, to whom was referred the bill from the House of Representatives to make Ship Island, in the collecting district of Pearl river, a port of delivery, and to authorize the appointment of a Surveyor for said port, reported it with amendments.

Mr. DIX said that with the consent of the Senator from Kentucky, [Mr. CRITTENDEN,] he would ask the immediate consideration of this bill, as its speedy passage was important, and if it went upon the calendar it might be some time before it could be reached.

Mr. CRITTENDEN said the Senator must excuse him, but he was extremely anxious to take up the Supreme Court bill without further delay.

Mr. DAVIS, of Mississippi, explained that there was urgent necessity for the immediate passage of the bill, and that it would take but a few minutes as there would be no debate upon it.

Mr. CRITTENDEN said if there would be no debate he had no objection to taking up the bill.

The bill was then read a second time, considered as in Committee of the Whole, and the amendments reported from the Committee were agreed to.

No further amendment being made the bill was reported to the Senate, and the amendments were concurred in.

Ordered, That the amendments be engrossed and the bill read a third time.

The said bill was read a third time, as amended, and the title was amended.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendments.

THE BAY AT CUMBERLAND ISLAND.

Mr. HANNEGAN, from the Committee on Roads and Canals, to whom were referred several memorials on the subject, reported a bill to provide for the repair and improvement of the dam at the head of Cumberland Island in the Ohio river; which was read and passed to the second reading.

THE SUPREME COURT.

The Senate resumed the consideration, as in Committee of the Whole, of the bill from the House of Representatives supplemental to the act entitled an "An act concerning the Supreme Court of the United States," approved June 17 1844.

Mr. BUTLER.—I have no special interest in this bill, but I am one of the committee who reported it. It has already been announced that the committee were divided, and that the bill not come here, therefore, with the sanction of the whole of the Judiciary Committee. Perhaps it would be proper, however, for me as a member of that committee, to give the more obvious reasons which influenced a majority of the committee. At this time there are on the docket of the Supreme Court 170 or 180 cases, and it is impossible that these cases can be disposed of by the judges under the present arrangement. Probably some of them will remain undecided for years—certainly for three or four years—unless some special legislation is adopted on the subject. The more prominent objections which have been urged to this bill have come from the honorable Senator from Missouri, that it is one of a series of measures which are calculated to cut loose, as he expresses it, the Supreme Court from connection with the States by separating it from its circuit jurisdiction. Mr. President, I have no such purpose myself, and in advocating this bill I am influenced by a desire to do an obvious act of justice to the parties who have appealed their cases, and who have a right to have their appeals disposed of. But this cannot be done without legislation. We have it in our power to remove the difficulty, and it seems to me it is incumbent on us to do it. The bill proposes to afford the required relief by authorizing the Judges of the Supreme Court to extend their sitting from three months, which is now their usual session, to twelve months. That is the essential feature of the bill. I do not understand it to be the purpose of this bill to effect any radical change in the judicial system of the United States. I trust there is no such purpose. If you do not adopt this bill, what will be the consequence? New cases will go on accumulating as fast as others are disposed of, and you will always have the docket so burdened that there must be a delay of three or four years before a case can be heard and determined. If you do pass the bill what will be the consequence? No injury can accrue that I am aware of. It is the contrary, a very great benefit will accrue to parties

who have cases in litigation before that court. A delay of justice is almost tantamount to a denial of justice. What amount of interest may be involved, I am not prepared to say; but whatever the amount may be, the parties who instigate the suit have a right to be afforded an opportunity of having their claims decided. I would be opposed to the bill, if I supposed for a moment that it would have the effect that is attributed to it by the Senator from Missouri, of cutting off the supreme bench from connexion with the States. I have no such design. I am influenced by the mere obvious purpose, that of removing the difficulty under which that court labors.

Mr. WESTCOTT.—I was one of the minority of the committee who opposed the bill, and I still retain the opinions which influenced me in making that opposition, not only for the reason so forcibly expressed by the Senator from Missouri, but for some additional reasons that I will now address. I regard the passage of this bill as paralyzing the effect of the most important part of the business before all the circuit courts of the United States for the next two years. The district judges, it is true, have the power to sit when the circuit judges have not; but there are cases which they are not permitted to determine, and all such cases are necessarily suspended during the time that the circuit court does not sit. A judge cannot try the appeal or writ of error from his own court, and I beg leave to make on one remark in relation to the delay in the Supreme Court. I have taken some pains to ascertain whether it is attributable to the court or to the vast accumulation of cases, and I do not find anything to justify me in saying, that the court is at all in fault. I find that cases are decided as soon after they are brought into court, as they are in the Supreme Court of New York, Massachusetts, and the other large States of the Union. In the State of Virginia, I find that the delay in their highest court is as great. They are not decided for some three or four years after they are taken up. Besides, many of the cases in the Supreme Court, which are cited to us as evidences of delay, are cases which are not pressed. They are passed over by the consent of the parties concerned. I have had cases in that court, and I have found no difficulty in getting decisions upon them. I do not see that there is any delay that need be complained of. I believe that the cases may all be disposed of, in the time which is allotted for the sitting of the court, as the law now stands. For these reasons, and for those urged by the Senator from Missouri, which I regard as all important, I trust the bill will not pass. It is an innovation, a dangerous innovation. If this court is to be constituted into a great central judiciary power, there must be a total reorganization of the judiciary system. There must be circuit courts established with the judges of which this court will have no connexion. I trust the system will not be changed. It is getting along very well. It is a part of the government that ought not to be meddled with without reason, or for the mere convenience of the judges.

Mr. ASHLEY then addressed the Senate at length in opposition to the bill. His speech is given in the Appendix.

Mr. DAYTON.—I desire to make a very few remarks on this bill. Of course I do not propose to follow the chairman of the committee from whom this bill came, through all his objections. We considered them in committee, and did not regard them as militating against the merits of the bill, which lie within a much narrower compass than that which has been assumed by the honorable Senator from Arkansas. It is proper, in the first place, to look to the evil which this measure is designed to remedy. There are data upon the list, as I am informed by the Senator from Kentucky, [Mr. CRITTENDEN,] one hundred and sixty-four cases undisposed of; fifty-two cases having been disposed of at the last session of the court. Assuming then that the same progress shall be made at future sessions of the court, it will require three or four years to dispose of the calendar, while if the present measure of relief be granted, you can dispose substantially of the aggregate of the calendar in a single year—rubbing out old scores, and giving the court a new docket. Such is the present state of the calendar of the Supreme Court, and such is the object sought to be attained by the bill now before the Senate.

Now, what are the objections urged against the passage of the bill? Why, first, it is objected that the bill originates with the judges, and that every other bill relative to the Supreme Court, from 1789 to this hour, originated with them, or through their instrumentality. Now, who are properly to be supposed to be most familiar with the business of the court, and most anxious for its prompt despatch? Sir, we are not to assume that the judges of the Supreme Court of the United States are any other than high-minded, upright and honorable men, desirous of discharging with fidelity and efficiency the high functions imposed upon them by law. It is surely no more than just to those gentlemen, to give them that degree of credit. The court is, then, the very source from which such a measure should emanate with propriety, because it is a source that acts with light and knowledge. And, pray, whence does that very bill which the Senator from Arkansas now proposes as the bill upon which Congress ought to act, emanate? From a majority of the judges of that court; and permit me to say that from consideration of the measure in committee, I am satisfied that if adopted it will produce the very evil which the Senator, and those who think with him, deprecate so much—the separation of the court from the State judicatures, and its continual session here as a central, absolute power. That is the measure of all others most likely to produce the result which the Senator dreads. But I refrain from any remark on that bill till it come before us. At present we have to deal with this temporary law. It provides for the evil. It applies a remedy suggested by the court itself. Is there anything really in the objection that the design is to undermine the present system, and obtain for the court the power of sitting here continually, cutting itself altogether loose from the States? I appeal to the intelligence—to the knowledge of members of the Senate, as to the character of the judges presiding in that court, and ask whether it is possible that such a design can be entertained by them? Those most deeply interested in that court, come here and say—our docket is encumbered by upwards of one hundred and sixty cases. A case coming up now cannot be reached within several years. We ask of you only to allow a prolongation of the term, from three months to one year. We ask no additional remuneration—no additional privileges. We ask only the privilege of laboring continuously for one year, for the purpose of disposing of all the cases on the docket." Such is the appeal and request of the court; and now gentlemen object that this merely covers a design to undermine the present system, and establish a court that is to live here for all time to come, independent of the states! Permit me to ask the Senate with all respect to look at the case as it really exists. There are one hundred and sixty cases on the docket, and that court, with no disposition in the world to put off of labor, ask only that instead of being compelled to adjourn at the end of three months, they may be allowed to labor till the end of the year. One might reasonably imagine that this was a case in which any impeachment of the motives of the court was utterly impossible.

I know perfectly well that there are some inconveniences which may result from the passage of this temporary law, growing out of the condition in which appeals from the district courts may remain during the current year. These appeals may to a certain extent remain undisposed of, but is a comparatively small evil, as compared with the great good which is to be accomplished by the relief of the docket. Gentlemen tell us that delay is not unusual—that in the courts of New York, for instance, cases stand for some legth of time. I grant it, and that very evil has put the courts of New York under foot. It has destroyed them—it has uprooted and overturned the whole judicial system of that state. The evil has gone on increasing from year to year, till the people demolished the courts altogether. Permit me say that the evil, if unchecked, will have the same result here. No business community will, for any great length of time submit to the suspension of business operations for three or four years together, simply because the court has not sufficient power to dispose of the cases on its docket. Something must be done, and the measure now before us if adopted will enable you to apply the remedy in the most unexceptionable manner. No permanent change is sought or intended. I submit, then, whether the objection of the gentlemen is not altogether inapplicable? Whether this be a good bill to afford a permanent remedy is not the question. The Senator informs us that the bill by which it is proposed to apply a permanent remedy has the favorable consideration of a majority of the judges. I believe that the present bill has the approbation of them all. All are willing to come here and labor continuously for a year in order to relieve the docket. This is the whole case, and I submit that the bill ought to pass.

Mr. ALLEN.—I have a very few words to say on this subject. The United States Supreme Court has a jurisdiction, both as regards territory and subject matter, greater than any other judicial tribunal in the world. Every thing, therefore, which relates to the organization of that court, becomes a matter of the gravest importance, and is entitled to the most serious consideration. The judges of the court are elected by the Executive. They are appointed for life. In that respect, the organization of this court is not in harmony with the balance of the political system of this country. It has about it no one single feature by which it is connected either with the States of this Union, or with the people of these States, except it be the circuit feature, which gives the members of the court a direct intercourse and communication with the States and the people of this confederacy. It is in that circuit feature that the strength of this tribunal consists, and the day that that feature ceases to exist in its organization, will the public opinion of this country move upon the subject, and never cease its action, till the tribunal itself is entirely re-organized. If, therefore, I was ever so much disposed to attack this tribunal, and to break it down, the thing that I would first do, would be to encourage the concentration of the tribunal permanently at the capitol of the United States; and its total withdrawal from any communication with the States and people of the Union. I say this to those who may lay a greater estimate upon this tribunal than I do, that if they do not want it to be passed through the burning crucible of the public will, and re-cast in all its elements *de novo*, they had better let this circuit feature remain untouched.

It is proposed here, to relieve the judges of this court from circuit duties for one year. For, it is a bill of relief from the labor and expense of travel. It is a bill of relief and repose. But it is limited to one year. Now, I have observed, and all who have seen as much of legislation as I have, must also have observed, that when you commence legislating by instalment, you never end. You commence in this case by giving this court one year's relief, and the next year, the same reason existing for a repetition of the act, the precedent of the previous year is pleaded as an additional argument for an extension of the relief one year longer. It is the

grant of an exemption from the labor and expense of travel, to the judges of the court; and the same force which is now brought to bear in favor of this bill, through the instrumentality of the present contest of Congress with the judges of the court, will be brought to bear with added strength next session; all the reasons that are now urged being poured forth with the additional one that Congress once did the act. Now, though I have no idea that the gentlemen who advocate this bill, intend any such thing, as I do not suppose that there are any members of this body, who would vote for the permanent concentration of this court here, yet I am convinced that that result will inevitably follow from the adoption of this measure. You commence this business of relief from circuit duty—I care not what the excuse may be,—it is the commencement of a system of relief from circuit duty, freeing them from the labor and expense of travel; and when you commence it, the same reason applying next year for the continuance of it, the same motives which induce us to pass this bill now, being equally influential then, the bill will be renewed and so on *ad infinitum*.—I view this measure, then, as simply a bill to change the judicial system of the United States, though not so designed, yet in its consequences tending to that point inevitably. Viewing the matter in that light it next becomes a subject of inquiry, what will be the effect upon our political organization? What will be the effect of the existence of a fixed and tribunal, acting, the supreme tribunal, composed of men who hold their places for life, and all men all communication with the States and the people of the States—a Washington city star-chamber, under the influences which act upon the capital where the political powers of the nation are all concentrated temporarily? When that kind of a spectacle is presented to the people of the United States, as a permanent institution, and stood twenty-five years, it would become the supreme power of the government. Power is a thing which generates itself—which enlarges itself—which contains within itself the means of its own expansion, sustenance and support. It wants nothing but time to gratify the cravings of its ambition. Whether it be judicial or not, duration is all that it wants to make itself permanent over any other power that is living and trying and struggling for power; if it were permitted to stand twenty-five years, would render the whole constitution a perfect nullity. In less than ten years it would take the place of your Attorney General in all the decisions of the Executive upon law questions, and thereby connect itself with the administrative portion of the government. The idea would be perfectly natural that the Executive would connect itself with the judiciary—would consult its law-officer employed—uniform—and thus the two would mutually strengthen each other, and engross the powers and energies of the government more and more in one spot in Washington city.

Besides, the permanence and existence of the court here would give it large influence over our deliberations in these halls. The very fact that nine men armed with great power, having great repose in and beyond the reaching popular control, being permanently located here, in Washington would react upon the objects of adulation and importunity and court, and men at a distance who wished to achieve illicit objects in this capitol. It would become a cabal. These results would flow inevitably, if it were not for the fact that such a power would call down upon it the curses of the nation too soon to allow it to take hold and mature itself.

I have always been of opinion that the members of this tribunal ought to be elected for a term of years, and that by the people; and it will not be many years before it will be found that I have more lips than mine. All this idea of life tenure of office is akin to that of hereditary power. an idea which is fast losing its hold upon even the European mind. The nature of this judicial organization is altogether inharmonious with the balance of our political system. It destroys the symmetry of our system; and is founded upon an idea which is utterly ridiculous when applied to American society and institutions. It is founded upon the idea of rendering the judiciary independent of the people; and hence we hear it said on all hands—we read it in our horn-books before we come to the bar—we hear it from the bench and the bar, that the judiciary ought not to be elective. The idea of the independence of the judiciary in England was an idea of liberty. It originated in the fact that by the fiction of the English constitution the King was supposed to administer the laws in his own proper person, and to be present on every bench declaring what the law was. When, therefore, the King was absent, he undertook to supply the place of his presence by sending a court to give their judgment, and mandates, which were implicitly obeyed by the juries. It became essential to the liberties of England in this state of things, that the court should be made independent of the crown, and therefore the judges were appointed for life. But ours is an inversion of the English system; and the only mode of reasoning truly with regard to our system is to reason reversely of what would be true with regard to the English system. That which is true of the English system is for that very reason false here.—There should be no independence of any judiciary here. To make the case analagous, the word independence should apply as between the appointing power and the court, and not as between the people and the court. And to make the case still more analagous, there would have to be a supposition that the appointing power had the right to adjudicate, and in virtue of the right, the power to control those whom it had appointed to adjudicate; both of those positions being false, and not entering in anywise into our system. There should be no tribunal in this country independent of the wholesome influence of public will. Our government rests upon that influence. It is that public will which gives sanction and legality to the acts of our government. It is not the thing which we call a constitution that forms the government of the United States. "Ink and paper cannot form a christian," said a celebrated divine more than two hundred years ago, in a sermon preached before the House of Commons Ink and paper cannot form a government, nor can they make a freeman. Government consists in the will of the people—a will dictated by their interests, and the union of their interests constituting the interests of the nation. The public sympathies, the manners, the morals, the sentiments, the reason of the people, constitute our government. The constitution is to the government what a fence is to a farm, and no more. It defines its limits, and keeps out stray cattle.—But the source, and authority, and power of the government is within—in the hearts and sympathies of the people, to be found at the firesides, and in the family circle, in the neighborhood ideas, and associations. There is the government. and in that sense there should be nothing not amenable to the people

This feature, then, in the organization of the Supreme Court is not in harmony with our system; and I would admonish those gentlemen, who do not think as I do on these points, but wish to maintain this judiciary in its present features, that if they do not wish to sound the death knell, they had better not separate the judges for an hour from circuit duties, and direct intercourse with the people of the States. That is the only feature in the system which connects them with the nation; and if that be struck out, the striking out of the court will follow as naturally as the snuffing of a candle issues in darkness.

Mr. CRITTENDEN.—I intend to occupy the attention of the Senate only for a few moments. I regret that gentlemen have chosen this occasion, so unimportant in itself, for the purposes of debating questions and principles which, according to my judgment, are not included in the subject under our consideration.—To what purpose is it to debate the question as to the political character of the Supreme Court of the United States—to debate the question whether it were best to appoint the judges in the manner prescribed for in our constitution, or to change that constitution and make them elective? Where is the necessity of inquiring into the nature and extent of the jurisdiction of the court? Where the propriety, on this occasion, of inquiring into the individual or collective competency of the judges? In no one of any of these particulars, in no regard to any principle or question involved in it as a system, does this bill touch the subject. It takes the court as it is established, as it is organized, as it has always been established—without change or alteration of its jurisdiction, and simply proposes—what? That because of an inconvenient accumulation of business in the Supreme Court of the United States, rendering it impossible for the court to dispose of the business before it in less than two or three years, a remedy should be applied, by which this evil may be obviated. And what is the remedy? This bill simply proposes to authorize the judges of the Supreme Court to hold one session of the court of the year besides that to which they are now limited for the purpose of despatching this accumulated business. Now, what principle is involved in this beyond the simple question of providing a remedy which all admit? Sir, if I understand all the arguments that have any application to this subject, gentlemen would have no objection to this measure if they did not apprehend that it was in ended as a wedge or the commencement, as they expressed it, of another system, having for its object the suspension of the judges of the Supreme Court from all duty in the circuit courts, confining them to the duties belonging to the Supreme Court. Gentlemen imagine this and, therefore, refuse to apply the proposed remedy for an acknowledged evil. They do not suppose that the evil is so great but that it may be borne So it may. And gentlemen speak of the danger of the remedy. Let us examine it. The bill provides for a single year. According to existing laws the next term of the Supreme Court will commence on the first Monday in December next. We are now in the first week in April. Four months of the year have then expired. The three corresponding months of the next year will be occupied by the Court in the transaction of its business, so that the whole peril of the proposed measure lies within the compass of eight months. But, forsooth, if we indulge the Supreme Court—for gentlemen seem to regard it as an indulgence—by granting them permission to come here and despatch the business of the court in that period, great danger is to arise—a new system is to grow up—a new principle is to be evolved which is to relieve the judges of the Supreme Court from all other duties except those belonging to the Supreme Court—and what not serious political consequences will result! I do not apprehend any such thing. The bill itself seems to guard against any such consequences by its limitation to one year. It is proposed solely as a particular remedy for a particular case. But are not these consequences [illegible] I can judge from the opinions that I have heard expressed, who is willing to change [illegible] so far as to separate the judges from the circuit court and limit them to the Supreme Court. I am glad to believe that there is not a single Senator who entertains that opinion. When the Senate then have the issue and consequences in their own hands, I ask, what solid ground there is for any apprehension? Is there any danger that the Senator from Arkansas will be, even in these revolutionary times, so perfectly revolutionized in his opinions as to come back prepared to reverse all his opinions which he has expressed here to-day? Here is an evil which we can correct. This bill proposes to correct it. The

only objection is, that the remedy proposed is one out of which dangerous consequences may hereafter grow; and we have no security for ourselves that that will not be the case. Why, sir, we are afraid of ourselves! If I believed that ever so remotely or possibly this measure could be perverted to such an object as gentlemen seem to apprehend, I would be one of the last to vote for it. But I do not desire to go into this subject. I desire rather to have this bill voted upon than any thing else. If the Senate be against it let it go.

Another remark or two I must be excused in making. It is supposed that this is a bill for the relief of the judges of the Supreme Court. Relieve them for what? It relieves them by requiring them to hold a term of the Supreme Court and discharge all the arduous duties of their office. What relief is there in that? Are these labors less arduous and fatiguing than travelling in the season of the year which has now come, and in any portion or climate of this country from this period till December next? Are these labors less expensive to them individually than travelling in their circuits would be? I apprehend not. But relief it is obvious, is no part of the purpose of this bill. It is only to make it their particular and exclusive duty, within a limited period, to discharge the highest of their duties, the decision of the cases which have accumulated in the Supreme Court of the United States. But the honorable Senator is apprehensive that some cases may not be tried according to law—that some admiralty cases may be delayed to the most tremendous and incalculable detriment to all the parties. And there is another case of which we hear—appeals to the circuit courts. Now litigation may be infinitely more active in the part of the country where the honorable Senator practices his profession so much more profitably than I do; but in the section of the Union from which I come, in twenty years there has not been a case of appeal from the district to the circuit court. And as to the Spanish pirates, the gentleman will agree with me, that our entire coast is free from such a pestilence! But if such a case should occur in these eight months, and a ship-load of pirates should be brought into any port from New Orleans to Boston, this bill permits one of those judges to go there, and hang those pirates *secundum artem*, and as nicely as the Senator can desire!

Mr. ASHLEY.—I extended my remarks to all cases of felony and murder.

Mr. CRITTENDEN.—Well, then, the keeping of a felon out of the penitentiary for a few months in the only possible contingency that may occur. I dare say that in our widely-extended empire, such cases might happen. But do they deserve serious consideration in such a case as that now before us? Some petty robber of your mails—some post boy, or something of that kind, and for the important reason of trying him, all things else must be forgotten, and this remedy for existing known evil, is not to be applied! It seems to me, Mr. President, that the honorable Senator has got his mind a little fevered on this subject, and that he does not view it with that calmness and discretion which usually characterize his labors as chairman of the Committee on the Judiciary. I apprehend that he has allowed his mind to run off, in fact, from the consideration of the particular subject before it, to other principles and questions not at all involved in it, or to minor difficulties that ought not to be allowed any weight. His mind is evidently prejudiced He apprehends that the judges, consulting their own experience, had suggested this bill as a proper remedy for the existing evil, and that that is a sort of Nazareth, out of which no good can come. But as my friend from New Jersey has said, who so well qualified to suggest a remedy as the judges of the court, and are not their suggestions subject to our consideration and judgment? I do not know that the judges have suggested this thing. I know nothing about the fact, but admitting it to be as the gentleman supposes, I derive no prejudice against the measure on that account. Not at all. The judges are very competent persons to suggest a remedy, and the measure is commended to us from that very circumstance.

I do not wish to debate this question; I would rather avoid debate. I desire the decision of the Senate. I have no doubt the minds of Senators are sufficiently made up, and to their judgment I shall bow with all the deference to which it is entitled. I hope, sir, the question may be taken.

Mr. BENTON.—I always regret, sir, when debate takes a personal turn—and when the intentions or wishes or motives of Senators become the subject of remark—the discussion may be regarded as losing become personal. In the little I have said and the little I may say, I leave out of view entirely the intentions of every Senator. I impute to no one a design to separate the Supreme Court of the United States from the States, but I reason from the nature and effect of things. The effect of this measure will be that separation, and it is perfectly immaterial what are the intentions of Senators, or what obligations they may impose upon themselves never to do this again. If a Senator says that he will vote this once and never vote it again, certainly he will do what he says; but it is altogether a personal matter; it depends upon his life—upon his coming here—upon this Senate continuing in time to come, to be exactly what it is to-day. The moment we go into the intention of Senators in regard to our legislation, we fall into the absurdity that the Senate is not only permanent as a body, but permanent in its constituent members—that they are always to sit here, and that having done the thing once they will not do it again. But we are to have successors, and God knows there have been examples enough to show that successors are not at all bound by any resolves of those who preceded them. As reasonable men we would be bound on a recurrence of the evil that now exists to apply the same remedy. That is the point of view in which I regard this question, and while I am ready to admit that every Senator will redeem his pledge and vote against it, I must say that it is only by virtue of his pledge he will be bound, because if this divorce of the Supreme Court from their duties in the States is an appropriate remedy for a surcharged docket now, it must be the remedy in all time to come. Just so often as there is a surcharged docket, this will be the remedy if we agree to it now. Here lies the difficulty. The danger is in admitting this to be the appropriate remedy, thereby making it the remedy in any case which is to occur hereafter, until it become habitual, just as habitual as to pass the bill every year. Thus the application of this remedy will become a matter of course, till at last there will be a general law to divorce the Supreme Court from the States forever.

For myself I look upon this one year plan as the application for the wood which is to make the handle to the axe. Grant but a little bit of wood and the whole forest will be cut down. Begin with these yearly instalments of relief, and where will you end?—Fortified, strengthened, stimulated by this encouragement, that best of all arguments, precedent, will be urged, and the separation of the Supreme Court from the States will be inevitable. That there is a great evil I do not dispute, all admit it. The docket is locked up, and the court cannot meet and despatch causes as they arise. The question is, what is the appropriate remedy? In the first place I say that the remedy we propose to apply is a greater evil than the evil itself; and, secondly, that it is no remedy. The docket will be as it is at present, for we know that if we pass this bill, the appeals must be more numerous than heretofore. I desire time for deliberation in order that the attention of the Judiciary Committee may be directed to the subject. I recollect very well that some years ago a judge of the Supreme Court told me that he could get on very well if it were not for the business of this district—that there is very little limitation with respect to the cases arising here—that the counsel and the parties all live here, and that the court is blocked up with the business of the District of Columbia, which there is no reason in the world to bring before it. It seems to me that there might be some additional limitations imposed which would diminish the number of appeals, but I have not examined this subject for the purpose of ascertaining the appropriate remedy. I can only express the belief that the evil may be remedied without falling into a far greater evil than the one of which we wish to get rid. I am in favor of a remedy ample and complete, or none at all. I am against the application of a little half-way remedy—a temporary instalment remedy—for I believe it will be like all other instalment remedies, renewed until it become habitual.

The judges have separated—they have gone away—some of them are near the discharge of their duties in the circuits.—I think it will be best, in all the circumstances to recommit the bill, and as we have a long session before us, devote time and consideration to the subject; which may result in the application of a permanent and safe remedy, relieving us from the necessity of recurring year after year to a species of remedy, which after all, does not meet the case, and produces a greater evil than that which it was designed to remove.

Mr. BADGER.—I feel great reluctance in rising to say any thing on this bill. I see around me friends who are anxious for its passage, gentlemen whose wishes I delight to promote, and for whose deliberate judgment I entertain the highest respect. But I am deeply impressed with the conviction that the measure now proposed for the action of the Senate is mischievous in its tendency. Without reference to the motives and considerations which have induced its introduction into Congress, and before I make two or three observations on the merits of the measure, as some gentlemen who have spoken on this subject, have stated views in reference to this court in which I did not concur—permit me to say, that I am in every sense of the term, a friend of that court—I regard that institution as one of the wisest provisions of the great charter of our liberties, which our ancestors devised and transmitted to us. I am not opposed to the independent tenure of office, by which, the judges occupy their seats on that bench. I look upon that as the very provision of the constitution of the United States which renders the court not only in the highest sense valuable, but which alone renders it safe; and I should look with horror upon a tribunal of last resort, vested with such high powers, if its members held their office by the tenure of Executive caprice or popular passion and prejudice. Neither am I opposed to this bill on the ground that it may have been suggested by the judges, and is intended to afford them relief. I shall always feel myself prompt and ready to afford any relief, to the gentlemen who occupy a place upon that bench, provided it be in my judgment consistent with the public welfare; and other things being equal, it would be to me a strong recommendation of a measure that it was calculated to afford relief, and manifest a generous consideration on the part of Congress, for those high functionaries upon the efficient discharge of whose duties everything which is in the highest degree valuable to us as American citizens in my opinion greatly depends. Still I am opposed to this bill—I am opposed to it because I am a friend to the court—I am opposed to it because I believe it to be the commencement of a system by which the moral influence and power of that court will ultimately be overthrown; and it will remain either an incubus upon our institutions pressing them with a weight injuri-

ous to the community, or perhaps producing such a state of things in the public mind, as ultimately to destroy the institution itself, or overthrow that independent tenure of office which to me is its highest recommendation. I have no doubt, sir, that the measure is sincerely brought forward simply as a temporary relief for an admitted evil—that it is designed to operate only for a present emergency. But I believe the consequence of it will be, not the necessary and inevitable, but the natural and probable consequence—the ultimate separation of the judges from their circuit duties. We are not to take this bill and look upon it as an isolated measure. This is not the first time within a few years, that Congress has been called to act in reference to the accumulation of business in that court and the means of relieving its docket. In June, 1844, Congress passed an act, having in view the same object and containing two provisions; the first, directing that the term of the Supreme Court should commence not on the second Monday in January, but on the first Monday in December, so as to add five weeks to the term of the court; and the second, declaring that the judges of that court should be discharged from their obligation to attend two terms of the federal courts each year, and should thereafter be under an obligation to attend only one term each year. Now, in my opinion, this second provision in the law of 1844, involved an unwise alteration of the system. I believe that the great difficulty with regard to the connection of the judges of the Supreme Court with the circuits, is, that they do not hold, and from the nature of the case, owing to the extent of our country, cannot hold circuit courts enough; and that, therefore, when Congress authorized a judge of that court to absent himself from one term in the year, they did much to impair the efficiency of the members of the Supreme Court. In my view, it is absolutely essential that the judges of every court of last resort, should be judges constantly in the habit of trying causes in the court below. After all, whatever questions of admiralty law may fall under the jurisdiction of the court of the United States, the most important part of their functions as judges consists in administering the old common law of England, as modified by the different States of this Union. Who formed that common law? Five or six gentlemen in their private chamber or public court at Westminster Hall? No! It was the result of the application of wise and intelligent minds, to the practical operation of the rules they themselves first educed, from the transactions of mankind, and then applied to regulate them. Does any one believe that such a system as the common law, could have been built up in any other way? If so, are we to trust to powers who occupy the highest station, the great paramount authority of preserving, perpetuating and defending these very principles which they were incapable of building up, isolated from the ordinary transactions of judicial business, and sitting in this capitol to publish their decrees to the American people? I have said that in my view, the relaxation afforded by the act of 1844 was unwise and dangerous, but I have alluded to it now, in order to show to what this course is tending. Four year ago, Congress, for the purpose of facilitating the dispatch of business, and enabling the court to reduce it to manageable bounds, added five weeks to the term of the court, and discharged the judges from sitting one term in the circuit courts. What was the result? Was the docket relieved? Is the court now able to control its business? Why we are now called upon to discharge the judges from the obligation, to attend any court in their circuits for one year. They are now by existing law, discharged from riding one of their circuits in the year, and now it is proposed to discharge them for one year, from holding any jury courts whatever!

I think that in view of the past legislation of Congress, and of the consideration suggested by the Senator from Missouri, there is every reason to believe that at the next session of Congress, the necessity for further relaxation will not only not be removed or diminished, but will be increased and urged as a reason for a continuance of more strongly relief. If appeals be so numerous now, when the circuits below do have occasionally two judges for the purpose of hearing and deciding important causes, what may we expect when for a whole year, the determination of every cause important or unimportant, involving whatever amount of property, or whatever perplexing question, will be thrown by the necessity of the case on a single judge? I think that in every important cause, there will be a writ of error or appeal to the Supreme Court, and that twelve months hereafter, you will have just as much reason, nay, greater reason for the passage of a special law.

Then, as I apprehend, if Congress act consistently, applying this remedy from year to year, *toties quoties*, it must come to this, that we shall have three presiding as judges of the Supreme Court of appeals, not mingling with the ordinary transactions of business [illegible] in the courts below—not seeing the rules of evidence practically applied to the cases before them, [illegible] the United States, [illegible] and [illegible] ing them as it were in the administration of their high office—not felt and understood, and realized as part and parcel of this great popular government; but sitting here, alone—becoming philosophical and speculative in their inquiries as to law—becoming necessarily, more and more dim as to the nature of the law of the various States, from want of familiar and daily connection with them—unseen, final arbiters of justice, issuing their decrees as it were, from a secret chamber—moving invisibly amongst us, as far as the whole community is concerned, and in my judgment losing in fact, the ability to discharge their duties, as well as, that responsive confidence of the people, which adds so essentially to the sanction of all the acts of the officers of government.

These are the consequences to which, in my judgment, the measure tends. I am willing, promptly and cheerfully, to extend to the judges, for their own benefit and at their own request, any reasonable indulgence and relaxation which may not be inconsistent with the public good. But the gentlemen who advocate this measure say, here is an evil and we propose to remedy it by special legislation. Now, it has been well said in ancient fable that when the aid of Hercules was supplicated by the unfortunate wagoner, the answer which the god gave was, "Lay your own shoulder to the wheel, and if, after putting forth your own powers you find yourself not adequate to the emergency, then Hercules will help you." I apprehend that the court has no right to expect or ask any special legislation until after it has put its own shoulder to the wheel—until it has fairly applied all the powers with which it is vested by law, in order to accomplish this desirable result. Now, has the court done so? What occasions this accumulation of business? During a session of upwards of ninety days the court decided, as the Senator from Arkansas informs us, about forty cases.

Mr. CRITTENDEN.—Upwards of fifty cases.

Mr. BADGER.—My friend from Kentucky says, from the statement of the clerk, upwards of fifty cases have been decided. I imagine that the two statements are quite reconcilable. The clerk puts down all the cases that have gone off the docket; several cases being involved in one opinion, and some merely docketed and dismissed. Why were not there more cases disposed of? We are all somewhat familiar with the manner in which cases are argued in that court. Now, Lord Bacon has informed us in one of his essays—and no man understood better theoretically, than he, the duties of a judge, whatever might have been his practical discharge of those duties—that one of the offices of a judge, was, "to moderate length, repetition, and impertinence of speech," using the latter term of course in its original and appropriate signification, not as meaning insolence, but irrelevancy. Now, has that remedy been applied by the court? Has the court taken upon itself the responsibility which it ought to have exercised, in order to prevent a waste of the public time by those who happen to gain the ear of the court a little earlier, in debate, indulging in idle and frivolous discussion, felt by the court themselves to be totally immaterial to the decision of the cause? Has the court been careful to prevent discussion of questions which might be regarded as axiomatic in this country—dissertations or scholastic essays, like those delivered to young men prosecuting their studies in a lawyer's office, in the expectation of obtaining a license? It is quite familiar to us all, that in a case which attracted some attention, one of the learned counsel occupied the entire day for the purpose of demonstrating this very difficult proposition in America, that the people are sovereign; and then pursued his argument on the second day by endeavoring to make out the extremely difficult conclusion from the first proposition, that being sovereign they had a right to frame their own constitution! Well, now, if the court sit quietly while gentlemen, from whatever motive, either to gain distinction from an exhibition of their polemical powers, capacity for didactic discussion, or any other reason, occupy the attention of the court with such discussions, what hope, what expectation can be entertained, that this bill will supply any remedy for the evil of a surcharged docket?

I have no doubt if the court had met on the 1st of December, with the resolute purpose of confining the argument of counsel to the questions on record, and refusing to listen to any discussion of any points, which the court considered to be clear and settled, a good deal more than forty cases for the court might have decided one hundred and forty. Gentlemen around me know, that we belong to a profession exceedingly discursive, and that when we have looked into a subject, and imagine that we can make a display, we are very apt to occupy time without consideration of the just claims of those who are to come after us.

A SENATOR—(in his seat.)—And abuse the court if they stop us!

Mr. BADGER.—Yes, and abuse the court if it administer even a gentle admonition. But I ask why was the Supreme Court made independent as regards the tenure of office, and the salaries of its judges placed above control? Surely that it might be independent. I mean to cast no reproach upon the court, far from it. I am aware that the duty to which I have just alluded is one of great delicacy. I can readily appreciate the reluctance with which the court would interpose this rightful power—this unpleasing remedy; and, therefore, if the court had time, I would have no objection to their amiable sufferance of irrelevant discussion. If they could dispose of their business, I have no objection to their [illegible] is equivalent to the [illegible] same thing, as regards us and suitors, or in their grave and difficult question. But there is a case in which the public are interested, in which it is not the time of the court, that is occupied, but the time of the suitors, whose cases are delayed, and whose interests suffer. I insist that in such a case, it is the duty of the court to lay aside all considerations of personal courtesy, and—not with rudeness—for that never can be the duty of the judge; but with moderation, firmness, and decision, to inform counsel, that the time of the court must be strictly applied to the business before them. Independently of the consideration which I have stated, that in my view, the natural and probable result of the adoption of this mea-

sure will be the ultimate discharge of the judges from attendance on circuit altogether; which I would look upon as fatal to the usefulness and moral influence of the court. I object that this is an application to Congress for a special act of legislation to apply a special remedy for a special grievance; and before we shall entertain favorably such an application, it ought first to be shown that the ordinary remedies placed in the hands of the tribunal, have been resorted to, and have proved inefficient. Now, so far from that being the case in the present instance, give me leave to say that all are perfectly aware that the court has interposed no such authority, to shorten needless debate and enable them to dispose of the cases on their docket. But sitting there, and gaining universal favor by allowing every body to talk *ad libitum*, they are obliged to seek this special act discharging them from circuit duty for a year, in order to sit here and accomplish in that time the business which I have no doubt could have been disposed of in the four months in which the court was in session.

Believing then, that the experiment is a dangerous one, on account of the consequences which may flow from it; and, believing, that at all events, it is an application for an act of special legislation, to afford special relief when the ordinary powers of the court, if exercised, would have enabled them to discharge their duty without the necessity of special legislation, I for one cannot vote for the measure now before the Senate.

Mr. PHELPS.—I regard this judicial system which has been in operation some fifty years, and with a very slight interruption ever since the organization of the government, as the best that can be devised for the general government and for the people. I deprecate as much as the Senator from North Carolina, or any other gentleman on this floor, the separation of the judges of the Supreme Court from their circuit duties. The consideration that the separation of the judges of the Supreme Court from their circuit duties would operate very much to the prejudice of the country, is not to be overlooked. I have had my fears, however, that this system, admirable as it is, would have to be abandoned; and that apprehension has been founded upon the fact, that in the first place, the judges have not time to attend to their circuit duties; and that in the second place, the docket of the Supreme Court had became so loaded, that the business of the court cannot be despatched—the very evil which I apprehended as likely to grow out of the extension of our territory, and the utter impracticability of having the duties of the circuit court discharged by such a number of judges as would be proper to be congregated here. If you increase the number of the judges of the Supreme Court with a view to enable them to discharge all the duties of the circuit courts, you have a court too numerous. On the other hand, they cannot, if they be limited to their present number, discharge the duties of the circuit courts. What is to be done? Some remedy must be applied. In my humble judgment, we have this alternative before us. We must either afford temporary relief, or abandon the system altogether. This is the issue presented. Well, not being disposed to abandon the system—preferring to retain it, and for the very considerations suggested by other Senators—I desire to apply some remedy to relieve the court from the accumulation of business here. In my judgment, if an extra session of this court can dispose of this accumulation of business, the court can attend in future to the ordinary discharge of its duties. If this be not done, what is the result? Why, if the docket of this court is allowed to accumulate and increase from year to year, and the community becomes satisfied that the business of the court cannot be despatched, we are driven irresistibly to the very measure which gentlemen deprecate—the separation of the court from the States. In these circumstances there is but one alternative, we must either change the system or we must adopt some temporary measure of relief. I am decidedly of opinion that we should resort to some measure of temporary relief and preserve the system. It is really a choice of evils, and I prefer that course which looks to temporary relief, to either than that which must result in an entire change of the system. As to the recommendation of the Senator from North Carolina I have only to say, that it is easy to talk on this floor about the manner in which the judges should discharge their duties. I confine myself to the subject before us, and allow the judges to go on in their own way.

Here a motion to adjourn was put and lost.

Mr. CRITTENDEN.—What, let me ask, is the condition of the law now? The judges of the Supreme Court may continue in session throughout the whole year, can they not?

Mr. JOHNSON, of Maryland, (in his seat.)—Certainly.

Mr. CRITTENDEN.—There is no limit to the session of the court except what their own discretion imposes. By law the court can now sit throughout the whole year, so long as there is any business before them. What does this bill propose to do? It says, "and the business of the Supreme Court shall receive the undivided attention of the court for one year." They can then obtain this relief by the law as it now stands. But if we order them to do what they can do without an order, lo and behold, infinite danger results to the whole system, and the chamber is filled with grave alarms! I admit that it is wise to be jealous. But that jealous wisdom must have its limit. What do gentlemen fear? If they apprehend evil, why not change the law now? Gentlemen fear a consequence which exists only in their own argument. Does any body desire this consequence? Do not all deprecate it and disclaim it? And yet gentlemen are greatly alarmed at the tendency of this measure—a tendency which they have in their own hands! In this case, literally, men flee when no one pursueth. I hope that the vote may now be taken.

Mr. FOOTE.—Until the debate occurred to which we have just listened, I confess that I was decidedly favorable to the passage of this bill. But some objections to its becoming a law have been preferred, which are too cogent to be resisted, and I shall, contrary to my first inclinations, vote against it. The merits of the bill have been so fully debated, that nothing which I could now say, would aid the Senate in coming to a wise decision concerning it; I shall, therefore, content myself with responding to a single suggestion which has just fallen from the Senator from Vermont. That gentleman seems to be particularly horrified at certain animadversions in which honorable Senators have indulged touching the conduct of those who preside in the Supreme Court of the Union. He appears to be of opinion, that we ought not, under any circumstances, to find fault with the action of a co-ordinate department of the government, and especially with the judicial department. The Senator may, or may not be right in the general doctrine which he asserts; and yet, it is most evident to me, that if any one of the three departments of government decreed by the constitution to be separate and independent of each other, should be allowed to interfere with the action of another in any case, the exception to the general rule should be admitted in favor, either of the Legislative or Executive in preference to the judiciary. Nor do I imagine that there will be much difference of opinion as to the correctness of this proposition among Senators, who attach sufficient importance to the fact, that the judges of the supreme court are appointed, (not elected, either by the people or otherwise,) for life, and are only responsible to the country through the medium of impeachment—a proceeding long since ascertained to be wholly inefficient for the purpose of punishing an unworthy judicial functionary. The occasion is not such as to allow of my objecting in form to the mode in which the members of the Supreme Court of the Union are appointed to their high stations, or to their peculiar tenure of office, which induced Mr. Jefferson to declare this tribunal to be a solecism in our system. I shall not now undertake to review the history of the courts for the purpose of showing how deadly the tendency of its decisions has generally been to what we call republican principles. I shall confine my observations to a single act of one of the judges of the supreme court, of very recent perpetration, which I had hoped would have been long since suitably noticed, and denounced by some other member of this body of more weight and influence in the country than myself; but which having heretofore escaped revision here, I shall take leave now to remark upon. Sir, one of the judges of the supreme court has lately taken it upon himself, whilst the country was engaged in war with a neighboring nation, to throw the whole weight of his personal character and official influence against his own government, and in favor of the public enemy. He has declared the war with Mexico unjust, cruel, and unchristian. He has done more. He has undertaken to dictate to Congress as to the legislation proper to be adopted in relation to this war; and has recommended measures such as would have disgraced the nation, and which no true friend to his country in either house of Congress could ever have sanctioned. He has urged that no supplies should be granted for the support of our army in Mexico—that no authority should be given to Congress for the issuance of Treasury notes, so that the government might be compelled, if the war should be continued, to resort to the most grinding taxation for its sustenance, by the influence of scenes suffering upon our people, to constrain them to demand of the President the recall of our brave troops from Mexico, and the termination of the war without such indemnity for the past and security for the future as can alone secure the national honor. Sir, I have no words strong enough to express the contempt which I feel for such sentiments as this judicial functionary has dared to avow. I know not which most to condemn, the unpatriotic views which he has promulged, or his unblushing audacity in attempting to dictate to Congress as to the course proper to be pursued at this delicate and difficult juncture of our affairs. It is certain that he has been guilty of a high offence against public decency—that he has expressed sentiments which, if acted out, would consign him to the scaffold as a traitor to his country—that he has soiled, and deeply soiled, the pure ermine of justice, with which he stands invested—that he has shown himself anything but a true American in heart, and a wretched devotee to faction in its worst and most accursed form. I will not say that his conduct has been precisely as bad as that of the notorious Arnold; but I do say that our public councils have been profaned by insidious harangues that Lucius Cataline himself would have been ashamed to pronounce; and even the high tribunal where a Marshall was once seen to preside with a majestic dignity which acknowledged no affinity with the low feelings of partizan warfare, has been so discredited by a Presidency-seeking official, that neither gentleman nor patriot can consent hereafter to be elevated to the noblest and most sacred office in the republic, without feeling that he is disgraced even by the attempt to advance him.

Mr. DOWNS.—I confess I agree with the Senator from North Carolina, that much of the evil that we complain of might be remedied by the court itself, still I think it is necessary that the bill should pass. It is not an act for the relief of the court, but for the relief of those who are engaged in litigation before that court—for the relief of the people of the United States. It is said that if this measure be not adopted, another measure will be brought forward that will remedy the evil. I shall be happy to

see a remedy applied, and I see an opportunity now for the adoption of a remedy. There is in my State a large amount of property in litigation. A case was carried to the Supreme Court before the act of 1844 was passed, involving some hundred thousand acres of land, and it still remains undecided, how many years more it will take I do not know. The delay has become positively intolerable. But if the court could be allowed to sit through the year, the docket might be cleared off, and we should then have time to adopt such measures as may be necessary to prevent a recurrence of the evil.

Mr. CALHOUN.—I rise simply to state in a very few words, the reasons that will govern me, in giving my vote on this occasion. It must be admitted on all sides, that this is intended to be only a temporary measure, and that the present system ought to be continued. I believe this is the general impression; such is mine, very strongly. This bill is presented on the ground, that the cases upon the docket have so accumulated, that it requires an extraordinary law—to relieve the judges from their circuit duties for one year—in order to clear them off. Well, what possible assurance have we, that at the end of the year the same reason will not exist for enacting such a law for the next year? It appears to me, that we are inverting the order of things. The first object should be to adopt some measure that would prevent the accumulation of cases in future, and then some measure for disposing of those which now exist. But proceeding as we are, it appears to me, it will be tantamount—without intending it to be so—to a permanent change in the circuit system. Now, I believe there are very few Senators prepared for this; I believe the judges themselves are not. We have ample time during the remaining part of the session—it will probably last three months yet, I should be very glad to think it would terminate in three—surely this will furnish ample opportunity to the Judiciary committee, or if that committee be overloaded with business, to a select committee to take the subject into consideration, and propose some measure that will prove an effectual remedy for the evil that is complained of.

Mr. DAYTON.—The Judiciary committees in both houses have had the subject under consideration. A bill has been reported and is now before the House of Representatives, but any bill that is passed should be a bill calculated to sweep away the accumulation of the cases with which the docket of the Supreme Court is now lengthened. They must be disposed of irrespective of any bill for the regulation of the judiciary hereafter.

Mr. CALHOUN.—I was not aware that there was a bill before the House relating to this subject, but that being the case, it is a reason why this bill should lie upon the table until that bill passes. Let us apply first the general remedy, and then adopt any additional measure that may be necessary. Being strongly desirous that the system should not be changed, and fearing that this bill if adopted will change it, I feel myself compelled to vote against it.

No amendment being made the bill was reported to the Senate.

On the question—"shall this bill pass to a third reading?"—Mr. BAGBY demanded the yeas and nays, which were ordered and taken with the following result:

YEAS—Messrs. Bell, Berrien, Bulter, Clayton, Dayton, Dix, Evans, Greene, Hamlegan, Johnson, of Maryland, Mangum, Mason, Miller, Pearce, Phelps, Rusk, Underwood—17.

NAYS—Messrs. Allen, Atchison, Badger, Bagby, Benton, Calhoun, Dickinson, Fitzgerald, Hannegan, Houston, Huntington, Jarnagin, Lewis, Niles, Sebastian, Sevier, Simmons, Spruance, Turney, Westcott—19.

So the bill was rejected.

Ordered, That the Secretary notify the House of Representatives accordingly.

THE BRIG PALMETTO.

Mr. DIX, from the Committee on Commerce, to whom was referred the petition of Moses D. Hyams, reported a bill to authorize the issuing of a Register to the brig Palmetto; which was read and passed to the second reading.

The said bill was read the second time, by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That the bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

EXECUTIVE SESSION.

On motion, the Senate proceeded to the consideration of Executive business, and after sometime spent therein, the doors were opened, and

The Senate adjourned.

MONDAY, APRIL 10, 1848.

REPORTS FROM THE WAR DEPARTMENT.

The VICE PRESIDENT laid before the Senate a report of the Secretary of War, in reply to a resolution of the Senate of the 29th of March last, respecting the quantity of public land reserved from sale and settlement at and near Fort Snelling on the Upper Mississippi river.

Ordered, That it lie upon the table and be printed.

Also, a report of the Secretary of War, made in compliance with a resolution of the Senate of the 30th December last, in relation to the volunteer force called into the service of the United States; the number of troops in Mexico, belonging to the regular army; and the officers and men who have been killed and wounded.

Ordered, That it be printed.

RESOLUTION OF THE LEGISLATURE OF TEXAS.

Mr. RUSK presented a resolution passed by the Legislature of the State of Texas in favor of the enactment of a law for the reimbursement of the expenses incurred by the troops of that state, called into the service of the United States, in travelling to their place of rendevous.

Ordered, That it lie upon the table, and be printed.

PETITIONS.

Mr. BAGBY submitted documents relating to the claim of H. F. Toulmin, to compensation for injuries done to his property by volunteer troops in the service of the United States; which were referred to the Committee on Military Affairs.

Mr. HUNTER presented the petition of Cyrus H. McCormick, praying an extension of his patent for a reaping machine; which was referred to the Committee on Patents and the Patent Office.

Mr. DICKINSON presented a petition of Manuel X. Harmony, praying indemnity for losses sustained by him in consequence of the seizure and detention of his goods, cattle and servants, while on a trading expedition to Sante Fe, by United States' troops; which was referred to the Committee of Claims.

Also, additional documents relating to the claim of S. J. Bowen; which were referred to the Committee on Finance.

Also, documents relating to the claim of the Seneca Indians to the payment of certain annuities improperly withheld from them by a sub-agent of the United States; which were referred to the Committee on Indian Affairs.

Mr. LEWIS presented the petition of Joseph Knox Boyd, praying compensation for services rendered by him in the burning of the frigate Philadelphia in the harbor of Tripoli in the year 1804; which was referred to the Committee on Naval Affairs.

Mr. DAVIS, of Massachusetts, presented a memorial of citizens of the United States, praying the purchase of Mount Vernon by the government; which was referred to the Committee on Military Affairs.

Mr. HALE presented a petition of inhabitants of Racine county, Wisconsin, praying the enactment of a law prohibiting the acquisition of new territory, unless on condition, that slavery be excluded therefrom; which was referred to the Committee on Foreign Relations.

Also, a memorial of inhabitants of Pennsylvania, praying the prohibition of involuntary servitude in the District of Columbia, and the territories now belonging to, or which may hereafter be acquired by, the United States; the motion to receive which, was laid upon the table.

Also, a petition of citizens of Bradford, Maine, praying Congress to appoint a committee to inquire under what authority the slave trade is carried on in the District of Columbia, and to what extent it is so carried on.

Mr. HALE moved that this petition be received, and referred to the Committee on the Judiciary.

Mr. MASON objected to the reception of the petition, on the ground that it came within the class of petitions, which were not received by the usual practice of the Senate.

Mr. HALE did not consider the petition as one of that character.

The motion to receive the petition was laid upon the table.

Mr. HALE presented a petition of citizens of Chicago, Illinois, praying that a declaration be made by Congress of the determination of the government of the United States, that neither monarchy nor slavery shall be established on territory which they may hereafter acquire; which was referred to the Committee on Foreign Relations.

Also, a petition of citizens of Chicago, Illinois, praying the abolition of slavery in the District of Columbia; the motion to receive which, was laid upon the table.

Also, a petition of citizens of Racine county, Wisconsin, praying the prohibition of slavery in the District of Columbia, and territories of the United States; the motion to receive which, was laid upon the table.

Mr. DOWNS submitted a document relating to the claim of John Rist, to the confirmation of his title to a tract of land; which was referred to the Committee on Private Land Claims.

Mr. CASS presented a memorial of citizens of the United States, praying the purchase of Mount Vernon by the government; which was referred to the Committee on Military Affairs.

Mr. DAVIS, of Mississippi, presented a memorial of citizens of the United States, praying the purchase of Mount Vernon by the government; which was referred to the Committee on Military Affairs.

Mr. CRITTENDEN presented a report on Meteorology made by James R. Espy, to the Surgeon General of the United States army, and moved that it be printed; which motion was referred to the Committee on Printing.

THE PUBLIC PRINTING.

Mr. BADGER submitted the following resolution for consideration:

Resolved, That the Committee on Printing be instructed to inquire into the expediency of repealing the joint resolution approved third day of August, 1846, entitled a "Joint Resolution directing the manner of procuring the printing for the two Houses of Congress."

NOTICES.

Mr. DICKINSON gave notice that he will ask the Senate to-morrow, to take up the bill for the establishment of a branch of the mint of the United States in the city of New York, for the purpose of making it the special order for some future day.

Mr. HALE gave notice that on to-morrow, or some early day thereafter, he will ask leave to introduce a bill in amendment of the various acts relating to Naval Pensions.

BOUNDARY BETWEEN ALABAMA AND FLORIDA.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill in relation to the boundary line between Alabama and Florida, reported it without amendment.

PRIVATE BILLS.

Mr. BREESE, from the same Committee, to whom was referred the petition of Jesse Toler, reported a bill for his relief; which was read and passed to the second reading.

Mr. BREESE, from the same Committee, to whom was referred the petition of David Penrod, reported a bill for his relief; which was read and passed to a second reading.

Mr. DOWNS, from the Committee on Private Land Claims, to whom was referred the bill from the House of Representatives for the relief of Anthony Bessee, reported it with amendments, and submitted a report on the subject, which was ordered to be printed.

Mr. DOWNS, from the same Committee, to whom were referred the bills from the House of Representatives to confirm Elizabeth Burress, her heirs or assigns, in their title to a tract of land; for the relief of James B. Davenport; for the relief of Frederic Durrive; for the relief of Elisha Thomason; for the relief of James P. Sexton; for the relief of the heirs and widow of Francois Gramillion; for the relief of William Triplett; for the relief of Simon Rodrigues; for the relief of Marcus Fulton Johnson; and the bill supplemental to the act approved the 6th day of July, 1842, entitled "An act confirming certain land claims in Louisiana," reported them without amendment.

LAND DISTRICTS IN LOUISIANA.

Agreeably to notice, Mr. DOWNS asked and obtained leave to bring in a bill attaching a portion of the Northwestern Land District, Louisiana, to the District of North Red River, Louisiana; which was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

SALE OF RESERVED LANDS.

Agreeably to notice, Mr. BREESE asked and obtained leave to bring in a bill to authorize the sale of reserved lands, and for other purposes; which was read the first and second times, by

unanimous consent, and referred to the Committee on Public Lands.

THE PATENT OFFICE BILL.

The Senate proceeded to consider the amendments of the House of Representatives to the bill of the Senate to provide additional examiners in the Patent Office, and for other purposes; and it was

Resolved, That they disagree thereto.

Ordered, That the Secretary notify the House of Representatives accordingly.

THE SUPREME COURT BILL.

Mr. FOOTE moved to reconsider the vote of Friday last, by which the Senate refused to order to a third reading the bill from the House of Representatives, supplemental to the act entitled "An act concerning the Supreme Court of the United States," approved June 17, 1844; and

On motion by Mr. MANGUM, it was

Ordered, That said motion lie on the table.

MESSAGES FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

Mr. President: The President of the United States, approved and signed, the bill, entitled, "An act granting a pension to Patrick Wynne."

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

To the Senate of the United States:

I communicate herewith a report of the Secretary of State, together with a copy of the correspondence between the Secretary of State and "the Brazilian Chargé d'Affaires at Washington," called for by the resolution of the Senate of the 29th of March last.

JAMES K. POLK.

Washington, April 10, 1848.

The message having been read, it was

Ordered, That it be printed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed the bill of the Senate for the relief of the legal representatives of George Fehr, deceased, with an amendment, in which they request the concurrence of the Senate.

They have passed the bill of the Senate for the relief of Peter Ingles, senior.

They have also passed a bill to provide for the ventilation of passenger vessels, and for other purposes; and several private bills, and a joint resolution for the relief of H. M. Barney, in which they request the concurrence of the Senate.

HOUSE BILLS REFERRED.

The bills from the House of Representatives to provide for the ventilation of passenger vessels and for other purposes; and for the relief of William Harding, were read the first and second times, by unanimous consent, and referred to the Committee on Commerce.

The bills from the House of Representatives for the relief of John W. Hockett; for the relief of Charles Reeder, Walter R. Johnson, and the legal representatives of Thomas P. Jones; and for the relief of Christopher H. Pix, of Texas, were read the first and second times, by unanimous consent, and referred to the Committee of Claims.

The bills from the House of Representatives for the relief of James Glynn and others; and for the relief of John Perceival, captain in the Navy of the United States, were read the first and second times, by unanimous consent, and referred to the Committee on Naval Affairs.

The bill from the House of Representatives for the relief of Elizabeth Converse, widow of Josiah Converse, and the joint resolution from the House of Representatives for the relief of H. M. Barney, were read the first and second times, by unanimous consent, and referred to the Committee on the Post Office and Post Roads.

The bills from the House of Representatives for the relief of H. Carrington, executor of Paulina Le Grand, deceased; for the relief of Richard Reynolds; granting a pension to John Morrison; for the relief of Francis Hutinack; for the relief of Eliza S. Roberts; for the relief of Seth Morton; and for the relief of Joseph Johnson, were read the first and second times, by unanimous consent, and referred to the Committee on Pensions.

The bill from the House of Representatives for the relief of John S. Conger, was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

The bills from the House of Representatives for the relief of Sarah D. Caldwell, wife of James H. Brigham; and for the relief of Edna Hickman, wife of Alexander D. Peck, were read the first and second times, by unanimous consent, and referred to the Committee on Private Land Claims.

The bill from the House of Representatives for the relief of William M. Blackford, was read the first and second times, by unanimous consent, and referred to the Committee on Foreign Relations.

THE CALIFORNIA CLAIMS.

The Senate resumed the consideration, as in Committee of the Whole, of the bill for ascertaining and paying the California claims.

Mr. BENTON.—Mr. President: These claims grow out of the conquest of California, and are supported by a mass of depositions taken by the Military Committee of the Senate, and printed by its order. These depositions constitute a document of eighty pages, and are full of material, valuable to the public history of the country, as well as to the private rights of the claimants. The Senate, on the application of the committee, have ordered twenty thousand extra copies of this document to be printed—a fact which sufficiently announces its public and national importance; for no extras, much less twenty thousand, are ever printed of merely private papers. It requires a public interest to be concerned before such a thing can be done; and that is eminently the case in the present instance. These depositions concern public history; and no one can understand the history of the United States, as connected with the conquest of California, without understanding them.

The conquest of California was commenced, and its first act finished, before the existence of the Mexican war was known in that country; and this fact standing out incontestably among the events of the times, and presenting a presumptive case of aggression against the United States, very naturally attracted the attention of the committee, and commanded their most searching and thorough examination. The result is before the Senate, in the depositions referred to, and may be examined in detail by every Senator. For myself, I propose only to make a brief, connected story from their ample contents, to rebut in the first place an injurious presumption, and to exhibit afterwards in lucid order the summary of events which gave rise to these California claims, and show that they ought to be paid.

In the month of May, 1845, Mr. Fremont, then a brevet captain of engineers, set out on his third expedition of geographical and scientific exploration in the Great West. War had not then broken out between the United States and Mexico; but affairs were critical between them, and Mr. Fremont was determined, by no act of his, to increase the difficulties, or to give any cause of complaint to the Mexican government. His line of observation would lead him to the Pacific ocean through a Mexican province—through the desert parts first, and the settled parts afterwards, of the Alta California. Approaching the settled parts of the province at the commencement of winter, he left his equipment of sixty men and two hundred horses on the frontier, and proceeded alone to Monterey to make known to the governor the object of his coming, and his desire to pass the winter, for the refreshment of his men and horses, in the uninhabited parts of the valley of the San Joaquin. The permission was granted, but soon revoked under the pretext that Mr. Fremont had come into California, not to pass the winter, but to excite the American settlers to revolt against the Mexican government. Upon this pretext troops were raised, and marched to attack him. Having notice of their approach, he took a position on the mountain, hoisted the flag of the United States, and determined, with his sixty brave men, to defend themselves to the last extremity. Waiting there four days, and not being attacked, he quit his position, descended from the mountains, and set out for Oregon, that he might give no further pretext for complaint by remaining in California.

The United States consul at Monterey, Mr. O. Larkin, gave official information of these events to the Secretary of State, (Mr. Buchanan,) and from these I will read what is necessary to verify the statement which I have made:

"Capt. J. C. Fremont, of the United States army, arrived at the United States consular house in Monterey, on the 24th of January, 1846. Being very anxious to join his party of fifty men at the second place of rendezvous, without the settlement, they having missed the first place by mistake, he remained but two days, in which time, with myself, he visited the commandant general, prefecto, alcalde, and Col. Alvarado, informing them that he was surveying for the nearest route from the United States to the pacific ocean. This information, and that his men were not United States soldiers, was also, by myself, officially given to the prefecto. Having obtained hands and supplies from myself, he returned to his camp; it being well known in Monterey that he was to return when he collected his men. Some fifteen or twenty days after this Capt. Fremont, with his party, encamped at a vacant rancho belonging to Captain Alvarado, (about eight miles from here,) to recruit his men and animals. From thence he proceeded towards Santa Cruz, making short journeys. On the 3d of March he encamped on the rancho of Mr. E. P. Hartwell, where he received letters from the general and prefecto, ordering him out of the country, and to obey the order without any protest whatever, as immediate measures would be taken to compel him to do so. This not corresponding with assurances received at Monterey, it was not answered, and the commandant general ordered the troops to march, and their respective protection his men were to look to. From the 7th to the 10th of March they fortified their camp with a breastwork of logs. Encamped on a high hill, which commanded a view of the surrounding country, with the use of spy-glasses, their movements general and his troops, numbering about two hundred men, at their camp, in the mission of St. John's preparing their cannon. On the 9th instant I sent duplicate letters: one by an Indian, also by two Americans, and the other by a Californian to Capt. Fremont, informing him of the movements of the Californians. The California courier returned to the consulate in about nine or ten hours, bringing a letter from Capt. Fremont, having travelled on that time sixty miles. He reported being well treated by Capt. Fremont and his men; that their breastwork of logs commenced would be sufficient to compel him to leave the country, although his party was so small."—letter, 25th March, 1846.

"Capt. Fremont was well received in this place, and to the last day we heard of him, by the natives individually, who sold him provisions and liked his presence. During his encampment, thirty or forty miles from here, despatches were received by the commandant, General Jose Castro, a native of Monterey, from Mexico, ordering him to drive Capt. Fremont out of this department; which order, with one hundred and seventy or two hundred men present, and over one hundred more daily expected, he pretended to execute. Capt. Fremont left his camp a few hours after he received the undersigned's letter of the 9th of March, (not from fright of General Castro,) as he had been preparing the week before to travel. It is supposed he has gone to St. Barbara, where an American was sent by the undersigned in February with funds and provisions for his use.

"The undersigned has not supposed, during the whole affair, that General Castro wished to go after Capt. Fremont, and was very confident that, with all California, he

would not have attacked him, even had he been sure of destroying the whole party, as five times their number could have taken their place before the expected battle. Capt. Fremont received verbal applications from English and Americans to join his party, and could have mustered as many men as the natives. He was careful not to do so. Although he discharged five or six of his men, he took no others in their place."—*Letter, April 3, 1846.*

This is the official history of the first difficulty with the Californian authorities, and presents the conduct of Mr. Fremont in the most unexceptionable point of view: halting his command upon the frontier; going alone to Monterey; asking and obtaining permission to winter in an uninhabited valley; only raising the flag of the United States when in danger of being attacked; leaving the country as soon as the danger was over; and refusing to receive any of the American settlers into his service, (even to supply the place of discharged men,) that there might be no room for misconstruction of his conduct or for false accusations against the settlers.

The hoisting of the United States flag on this occasion is the only act which requires a word of explanation or of justification. It was complained of as an act of aggression: it was no such thing, but an act of self-protection and of self-defence. It was an appeal to their country, and a proper appeal for an American officer to make when in danger of being unjustly attacked. Mr. Fremont, in his reply to the Consul's communication, in a brief note written in pencil and in view of the enemy, gave the reasons for the act which justified it, and exalted it into an act of devotion and heroism. It was in these words:

"I this moment received your letters, and without waiting to read them acknowledge the receipt which the courier expires immediately. I am making myself as strong as possible in the conviction that if we are unjustly attacked we will defend ourselves, and refuse quarter, trusting to our country to avenge our death. No one has reached our camp, and from the heights we are able to see troops with the glass, marching at St. Johns and preparing cannon. I thank you for your kindness and good wishes, and would write more at length as to my intentions did I not fear that my letter would be intercepted. We have in no wise done wrong to the people or the authorities of the country, and if we are hemmed in and assaulted here, we will die, every man of us, under the flag of our country.

"Very truly, yours, J. C. FREMONT.

"P. S. I am encamped on the top of the Sierra, at the head waters of a stream which strikes the road to Monterey, opposite the house of Don Joaquin Gomez.

"THOMAS O. LARKIN, Esq.,
"Consul for the United States, Monterey."

Such was the reason for raising the flag. It was raised at the approach of danger: it was taken down when danger disappeared. It was well and nobly done and worthy of our admiration—sixty of our countrymen, three thousand miles from home, in sight of the Pacific ocean, appealing to the flag of their country, unfurling it on the mountain top, and determined to die under it before they would submit to unjust aggression.

Turning his back on California, and looking to Oregon as the field of his further labors, Mr. Fremont determined to explore a new route to the Wah-lah-math settlements and the tide-water region of the Columbia, through the wild and elevated region of the Tlamath lakes. A romantic interest attaches to this region from the grandeur of its features, its lofty mountains, and snow-clad-peaks, and from the formidable character of its warlike inhabitants. In the first week of May he was at the north end of the great Tlamath lake, and in Oregon, the lake being passed near its south end by the parrallel of forty-two degrees. On the 8th day of that month a strange sight presented itself—two men riding up and penetrating a region which few ever approached without paying toll of life and blood. They proved to be two of Mr. Fremont's old *voyageurs*, and quickly told their story. They were part of a guard of six men conducting a United States officer who was on his trail with despatches from Washington, and whom they had left two days back while they came on to give notice of his approach, and to ask that assistance might be sent him. They themselves had only escaped the Indians by the swiftness of their horses. It was a case in which no time was to be lost or mistake to be made. Mr. Fremont determined to go himself; and taking ten picked men, four of them Delaware Indians, he took down the western shore of the lake on the morning of the 9th, (the direction the officer was to come,) and made a ride of sixty miles without a halt. But to meet men, and not to miss them, was the difficult point in that trackless region. It was not the case of a high road where all travellers must meet in passing each other; at intervals there were places—defiles or camping grounds—where both parties must pass; and, watching for these, he came to one in the afternoon, and decided in his own mind that, if the party was not killed, it must be there that night. He halted and encamped, and, as the sun was going down, he had the unexpressible satisfaction to see the four men approaching. The officer proved to be Lieutenant Gillespie, of the United States Marines, who had been despatched from Washington the November previous to make his way by Vera Cruz, Mexico, and Mazatlan, to Monterey, in Upper California, deliver despatches to the United States consul there, and then find Mr. Fremont wherever he should be. His despatches for Mr. Fremont were only a letter of introduction from the Secretary of State, (Mr. Buchanan,) and some letters and slips of papers from Senator Benton and his family, and some verbal communications from the Secretary of State. The depositions taken by the committee show the nature of these verbal communications, which were, in substance, that he should watch and counteract any foreign schemes in California, and conciliate the good will of the inhabitants towards the United States. Upon this intimation of the government's wishes, Mr. Fremont turned back from Oregon, in the edge of which he then was, and returned to California.

This is the letter, and I think it right to show it, and to read it, lest any one should suppose it to be of more importance than it is:

"WASHINGTON, November 3, 1845.

"MY DEAR SIR: The bearer hereof, Mr. Archibald H. Gillespie, is about to visit the northwest coast of America on business, and has requested me to give him a letter of introduction to you. This I do with pleasure, because he is a gentleman of worth and respectability, and is worthy of your regard. I do not deem it probable that he will fall in with you; but, if he should, allow me to bespeak for him your friendly attention. He will be able to communicate to you information of the health of Mrs. Fremont and of Col. Benton and his family. From your friend, very respectfully,

"JAMES BUCHANAN.

"J. C. FREMONT, Esq., Oregon."

This is the letter; and of itself signified nothing. But it accredited the bearer, and gave the stamp of authority to what he communicated, and upon this Mr. Fremont acted; for it was not to be supposed that Lieut. Gillespie had been sent so far, and through so many dangers, merely to deliver him that letter on the shores of the Tlamath lake. Mr. Gillespie, in his testimony, has explained all the reasons of the mystery of this letter, and of the verbal communications, and shown that they were precautions to avoid detection in his perilous journey through Mexico in the fall of 1845.

This is not the time or the occasion, Mr. President, to show amidst what dangers and hardships, scientific discovery was pursued by Mr. Fremont in these remote and unexplored regions.—The time may come for telling these things. But the events of a week on the shores of the great Tlamath lake, sketched with the brevity which the occasion requires, may give a glimpse of these hardships and dangers, and of the courage and fidelity with which he was supported by his men.

The night he met Mr. Gillespie presented one of these scenes to which he was so often exposed, and which nothing but the highest degree of vigilance and courage could prevent from being fatal. The camping ground was on the western side of the lake, the horses picketted with long halters on its shore to feed on its grass, and the men, (fourteen in number,) sleeping by threes at different fires; for, though in May, the elevation of the place and the proximity of the snow-clad mountains made the night intensely cold. His feelings joyfully excited by hearing from home—the first word of intelligence he had received since leaving the United States a year before—Mr. Fremont sat up by a large fire, reading his letters and papers, and watching over the safety of his camp while the men slept. Towards midnight he heard a movement among the horses, indicative of alarm and some danger. Horses, and especially mules, become extremely sensitive to danger under long travelling and camping in the wilderness, and manifest their alarm at the approach of any thing strange. Taking a six-barrel pistol in his hand, and, without waking the camp, he went down among them. The moon shone brightly—he could see nothing. Encouraged by his presence the horses became quiet—poor dumb creatures, that could not tell what they had seen—and he returned to the camp supposing it was only some beast of the forest—some wolf or bear prowling for food, that had disturbed them. He returned to the camp-fire; Lieutenant Gillespie woke up, talked with him awhile, and then laid down again. Finally, nature had her course with Mr. Fremont himself. Excited spirits gave way to exhausted strength. The day's ride and the night's excitement demanded the reparation of repose. He laid down to sleep, and without waking up a man to watch, relying upon the loneliness of the place and the long ride of the day as a security against the proximity of danger. It was the second time in twenty thousand miles of wilderness explorations that his camp had slept without a guard—the first was in his second expedition, and on an island in the Great Salt Lake, and when the surrounding waters of the lake itself constituted a guard. The whole camp was then asleep. A cry from Carson roused it. In his sleep he heard a groan—it was the groan of a man receiving the tomahawk in his brains. All sprung to their feet. The savages were in the camp; the hatchet and the winged arrow were at work. Basil Lajeunesse, a brave and faithful young Frenchman, the follower of Fremont in all his expeditions, was dead; an Iowa was dead; a brave Delaware Indian, one of those who had accompanied Mr. Fremont from Missouri, was dying—it was his groan which awoke Carson. Another of the Delawares was a target for arrows, from which no rifle could save him—could only avenge him. The savages had waited till the moon was in the trees, casting long shadows over the camp: then approaching from the dark side, with their objects between themselves and the light, they used only the hatchet and the formidable bow, whose arrow went to its mark without a flash or a sound to show whence it came. All advantages were on the side of the savages; but the camp was saved, the wounded protected from massacre, and the dead from mutilation. In the morning Lieut. Gillespie recognized, in the person of one of the slain assailants, the Tlamath chief who, the morning before, had given him a salmon in token of friendship, and who had followed him all day to kill and rob his party at night—a design in which they would certainly have been successful had it not been for the promptitude and precision of Mr. Fremont's movement. Mr. Fremont himself would have been killed when he went to the horses had it not been that they counted upon the destruction of the whole camp, and feared to alarm it by killing one before the general massacre.

It was on the 9th of May—a day immortalized by American arms at Resaca de la Palma—that this fierce and bloody work took place.

The morning of the 10th of May was one of gloom in the camp. The evening sun of the 9th had set upon it full of life and joy at a happy meeting: the same sun rose upon it in the morning stained with blood, ghastly with the dead and wounded, and imposing mournful duties on the survivors. The wounded were to be car-

ried, the dead to be buried, and so to be buried as to be hid and secured from discovery and violation. They were carried ten miles, and every precaution taken to secure them from the wolf and the savage; for men, in these remote and solitary dangers, become brothers, and defend each other living and dead.

The return route lay along the shore of the lake, and during the day the distant canoes of the savages could be seen upon it, evidently watching the progress of the party, and meditating a night attack. All precautions, at the night encampment, were taken for security—horses and men enclosed in a breastwork of great trees, cut down for the purpose, and half the camp constantly on the watch. At leaving in the morning, an ambuscade was planted—for the foe was known to be lurking about—and two of the Tlamaths were killed by the men in ambush. At night the main camp, at the north end of the lake, was reached. It was strongly fortified, and could not be attacked; but its whole neighborhood was infested, and scouts and patrols were necessary to protect every movement. In one of these excursions the California horse, so noted for his spirit and docility, showed what he would do at the bid of his master. Carson's rifle had missed fire at ten feet distance. The Tlamath bow, arrow on the string, was bending to the pail. All the rifles in the party could not have saved him. A horse and his rider did it. Mr. Fremont touched his horse; he sprang upon the savage, and the hatchet of a Delaware completed the deliverance of Carson.

It was in the midst of such dangers as these that science was pursued by Mr. Fremont, that the telescope was carried to read the heavens, the barometer to measure the elevations of the earth, the thermometer to measure the temperature of the air, the pencil to sketch the grandeur of mountains and to paint the beauty of flowers, the pen to write down whatever was new or strange or useful in the works of nature: it was in the midst of such dangers as these, and in the wildest regions of the Farthest West, that Mr. Fremont was pursuing science, and shunning war, when the arrival of Lieut. Gillespie turned him back into California, and engaged him in the operations which gave rise to the bill which now claims the attention of the Senate.

Mr. Fremont turned back to California, and arrived in the valley of the Sacramento at a most critical and exciting time. Three great operations, fatal to American interests, were then going on, and past remedy, if not arrested at once. These were the massacre of the Americans and the destruction of their settlements in the valley of the Sacramento, the subjection of California to British protection, and the transfer of the public domain to British subjects, and all with a view to anticipate the events of a Mexican war, and to shelter California from the just reclamations of the United States.

The American settlers came to the camp of Mr. Fremont, in the valley of the Sacramento, laid all these dangers before him, and implored him to place himself at their head, and save them from destruction. General Castro was then in march upon them; the Indians were excited to burn their wheat fields and to attack their families. Juntas were in session to transfer the country to Great Britain; the public domain was passing away in large grants to British subjects; a British fleet was expected on the coast; the British Vice Consul, Forbes, and the emissary priest, MacNamara, ruling and conducting every thing, and all their plans so far advanced as to render the least delay fatal. It was then the beginning of June. War existed between the United States and Mexico, but that was not known in California. Mr. Fremont had left the country at peace when he set out upon his expedition, and was determined to do nothing to disturb their relations; he had even left California to avoid giving offence; and to return and take up arms in so short a time, was apparently to discredit his own previous conduct as well as to implicate his government. He felt all the responsibilities of his position; but the actual approach of Castro, and the immediate danger of the settlers left him no alternative. He determined to put himself at the head of the people, and to save the country. To repulse Castro was not sufficient. To overturn the Mexican government in California, and to establish its INDEPENDENCE, was the bold resolve, and the only one adequate to the emergency. That resolve was taken, and executed with a celerity that gave it a romantic success. The American settlers rushed to his camp; brought their arms, horses, and ammunition; were formed into a battalion; and obeyed with zeal and alacrity the orders they received. In thirty days, all the northern part of California was freed from Mexican authority; independence proclaimed; the flag of independence (the bear flag) adopted; Castro flying to the south; the American settlers saved from destruction; and the British party in California counteracted and broken up in all their schemes.

The effects of this decisive and rapid movement can only be conceived from a careful perusal of the depositions. From them it will be seen that deep laid plans, conducted by the British Vice Consul, Forbes, and the emissary priest, MacNamara, were going on to shelter California under the British crown, and to vest its domain in British subjects; that every thing was verging to a crisis, and a British fleet expected upon the coast, when this rapid and successful movement broke up all these designs. And when Admiral Seymour arrived on the 16th of July, instead of an invitation from the California Junta to take the country under British protection, and an invitation from the grantees of principalities to take British interests under his protection, he found the American flag flying over Monterey; Fremont and his riflemen encamped over the town; the British party extinct, and the American triumphant. The effect which the appearance of this daring body of Western riflemen produced upon the minds both of the British and American naval officers, is well stated by Lieut. Minor in his deposition; and, in justice to those men as well as to the truth of his tory deserves to be read here. He says:

"The undersigned was on duty on shore when Captain Fremont arrived with his force at Monterey from the north. The undersigned believes that the appearance of this body of men, and the well known character of its commander, not only made a strong impression upon the British admiral and officers, but an equally impressive and most happy one upon those of the American navy then in Monterey. For himself the undersigned can say, that, after he had seen Captain Fremont's command, all his doubts regarding the conquest of California were removed."

This is the testimony of a disinterested witness—one who himself, in the subsequent operations in California, rendered good service on land, there being no chance for him on the water. It shows that the timely and successful movement of the California battalion, and its sudden appearance at Monterey, simultaneously with the arrival of the American and British fleets, was the turning point in the fate of California. It showed the country was in arms to resist, instead of asking, British protection; and it encouraged the navy to believe that the whole country could be conquered; for without a land force, the naval forces could only have operated along the coast.

And here a great fact presents itself—one which these depositions have consecrated to history, and which belongs to the chapter of events which determine the fate of countries. It is the fact that Fremont's operations determined the action of Commodore Sloat, and induced him to take possession of Monterey, contrary to his intention when he anchored before that town; and thereby anticipated Admiral Seymour, frustrated his designs, whatever they were, and induced him to leave Monterey as suddenly and as mysteriously as he had arrived. The depositions establish this fact, and some reference to their contents will prove what I say; and, first, of the effect of these operations in deciding the action of Commodore Sloat. It is in proof that he entered the bay of Monterey as a friend, on the 2d of July, offering to salute the town, which the authorities declined, on the ground that they had no powder to return it, but probably because the British admiral was expected. On the 5th day of July, the operations of Fremont were heard of, and on the 7th, Commodore Sloat took the town. The testimony of the naval officers (Messrs. Minor and Wilson,) and the Commodore's own correspondence, (pages 70 and 73,) show circumstantially that his action was induced by hearing of these operations; and the testimony of Messrs. Fremont and Gillespie, pointedly prove it. Mr. Fremont says:

"I came down to Monterey with my command, upon the request of Commodore Sloat, to co operate with him; and immediately on my arrival waited upon him, in company with my lieutenant Gillespie, on board the frigate Savannah. Commodore Sloat appeared uneasy at the great responsibility he had assumed. He informed me that he had applied to Lieutenant Gillespie, whom he knew to be an agent of the government, for his authority, but that he had declined to give it. He then wished to know under what instructions I had acted in taking up arms against the Mexican authorities. I answered him that I had acted solely on my own responsibility, and without any authority from the government to justify hostilities. Commodore Sloat appeared greatly disturbed with this information, and gave me distinctly to understand that in raising the flag at Monterey, he had acted upon the faith of our operations in the north. Commodore Sloat soon relinquished the command to Commodore Stockton, who determined to prosecute hostilities to the complete conquest of California."

Captain Gillespie says:

"In reply to the above question of the General's committee, I beg leave to state that at an interview between Commodore Sloat, Captain Fremont, and myself, held on board of the United States frigate Savannah, lying in the harbor of Monterey, in July, 1846, Commodore Sloat manifested a feeling of dissatisfaction that Captain Fremont and myself had not reported ourselves, and the force under our command, to him, and said, addressing both, as near as I can recollect, 'I do not know by what authority you are acting. I can do nothing. Mr. Gillespie has told me nothing; he came to Mazatlan, and I sent him to Monterey; but I know nothing. I want to know by what authority you are acting.' Captain Fremont replied, 'He had acted upon his own authority, and not from orders of the government.' Commodore Sloat then expressed much surprise and distress, and said: 'I have acted upon the faith of your operations in the north.'"

Coincident with these statements is the letter of Commodore Sloat, of the 6th of July, to Commander Montgomery, of the Portsmouth, then in the Bay of San Francisco, who had sent down a launch with the news of Fremont's successes. The letter is dated from the flag-ship Savannah, Bay of Monterey, July 6th, 1846:

"Since I wrote you last evening, I have determined to hoist the flag of the United States at this place to-morrow, as I would prefer being sacrificed for doing too much than too little. If you consider that you have sufficient force or if Fremont will join you, you will hoist the flag of the United States at Yerba Buena, or any other proper place, and take possession, in the name of the United States, of the fort, and that portion of the country."

This settles the great fact that Mr. Fremont's operations determined the action of Commodore Sloat—induced him to change his mind after he had been four days at Monterey—encouraged him to take the town, and to send out orders to hoist the United States flag at other places. On the 16th, Admiral Seymour, in the Collingwood, of 80 guns, arrived; the frigate Juno was previously on the coast: the largest squadron that the British government had ever had in the Pacific ocean was then there; and all the evidence combines to show that the object of this squadron was to watch Commodore Sloat, to follow him wherever he went, to anticipate him in getting to Monterey, and to be in readiness to take California under the British flag, and to do what the protection of British interests might require him to do. This is well and fully shown by the testimony. Lieutenant Minor says:

"The undersigned being in command of the southern district of California, during the latter part of 1846, was informed by Pedro C. Carrillo, and he believes the information thus obtained, founded on facts, that he the said Carrillo, was a member of a junta that was called at Santa Barbara, in June, 1846, for the purpose of declaring the independence of California, and of asking the protection of the United States, or Great Britain; that the minds was represented by all of the inhabited portions of

California, that a majority of the same were for claiming the protection of England; that these resolves would probably have been executed, had it not been for the war, and their fears of an armed force, then on the north side of the bay at San Francisco, under the command of Captain Fremont. The understand has understood from other sources entitled to confidence, that a majority of the people of California desired the protection of England; the opinion for this formed was strengthened by the speech of an English deputy, the June, had, about the time the junta met, landed an English subject, named Macnemara, at Santa Barbara, of whom it was said that he had obtained a grant from the Mexican government, of a large and fertile portion of California, embracing the whole valley of the San Joaquin, from its source to its mouth, a valley, as the understand believes, comprising one third of the richest portion of California. The understand believes that the British squadron in the Pacific, commanded by Rear Admiral Sir George F. Seymour, consisted then of a larger force than they ever had upon that ocean, were employed in closely watching the movements of the American commodore. Being aware of this fact, Commodore Sloat, when he heard of the first battle on the Rio Grande, set out anxiously in the frigate Savannah, and anchored off Monterey, for the sole purpose of proceeding to California; in English vessel of war accosted him after the Savannah, and stood in the direction of San Blas, which it was known the admiral was. After entering in the gulf of Mexico, the commodore returned to the bay of Magallan, when another English ship of war came, and stood in the direction of San Blas. The under signed believes that the manœuvre of Commodore Sloat was intended for the deception of the English admiral. On the 7th of June, 1846, Mr. Macnamara again made sail, and after a passage of twenty three days, during which a press of canvass was carried, she arrived at the port of Monterey, in Upper California. The Collingwood, of eighty guns, the flag ship of Admiral Seymour, entered the harbor on the 19th July, and the undersigned believes that the admiral was disappointed when he saw the American flag flying on shore."

Midshipman Wilson says:

"On the 29th of the same month Admiral Seymour, who had been following us for several months, arrived, and anchored in his flag ship, the Collingwood, 80."

"Upon his vessel's appearance in sight, Commodore Sloat sent orders. I understood, to his commanders of vessels not to be engaging our squadron, to be in readiness, on receipt of the first word from the commodore, to sail for Mazatlan. This evidently became the impression on the minds of his officers that Admiral Seymour must have intended to have prevented our squadron from taking possession of California. All those facts led to the supposition, but for the opposition, and the known intelligence of Colonel Fremont and his party in the north, then by influencing the commodore in his movements, such I fear would have been the result."

This testimony, as to the presumed designs of the British Admiral is fully corroborated by all that was going on in California itself, while Admiral Seymour was watching and following Commodore Sloat on the coast of Mexico and California. During all that time juntas were held, under the management of the British vice consul Forbes, to place the country under British protection, the public domain was passing to British subjects, the arrival of a British fleet in the course of the summer to take possession of California was confidently foretold, and, as a preliminary to this measure, the expulsion and destruction of the Americans was resolved upon, the *bando* or proclamation for their expulsion actually issued, and troops raised and Indians excited for their destruction. The expected arrival of the British fleet connected itself with all these operations, and all these would have been successful had it not been for the success of Mr. Fremont and the people, and so says all the testimony. There is too much of it to read; and, besides, a part of this labor has been anticipated, and well performed, in the luminous and statesmanlike observations of the Senator from New York, [Mr. DIX,] in what he presented to the Senate a few days ago in favor of this bill, and in his exposition of British designs upon this continent. He read some passages from the depositions which show these designs in California; I will read a little more for the same purpose, and especially to show that a British interest was to be created, to claim his protection as soon as the Admiral arrived, and the Americans to be expelled or destroyed to prevent their opposition:

Capt. Gillespie's deposition.—Extract.

"Having joined Lieut Col Fremont upon the 9th May, 1846, upon the northern end of the Tlamath lake, I returned with him to the valley of the Sacramento, and arrived at the settlement upon the 24th of the same month, which was when an news from below, so soon, however, as it became known to the settlers that Capt. Fremont had returned, they came to the camp, bringing to the information that the Indians of the valley were leaving their rancheros and going to the mountains. In some parties they had shown a very hostile feeling, and certainly had been stirred up some foreign influence. Remaining at Lawson's two days, we proceeded down the valley and met Manuel of Neal and Swanton's, upon Bear creek, the report we had received were confirmed, the Indians in that section having taken to the mountains, and had killed an Indian boy in the employ of Mr. Dutton because he had refused to join them. On the 26th the encouragement of hostile disposition on the part of the Indians, men and women, came to Capt. Fremont, begged him to take part against the Indians, and ask them protection.

"About June 30th I learned that the junta which was to have assembled at Santa Barbara upon the 15th June, and which had been planned and arranged by and though the agency of Mr. Forbes, the British vice consul, and an Irish Catholic priest by the name of Macnamara, had been prevented by the counter movements of the insurrection of the settlers. This junta was proposed for the purpose of asking the protection of England, and of giving an immense tract of land in the valley of the San Joaquin for the settlement of ten thousand Irishmen, to be brought to California under the direction of Macnamara. All this intrigue of British agents was broken up by the timely and prompt operations of the settlers, under the direction of Captain Fremont.

Capt. Hensley's deposition.—Extract.

"I have resided in California, where I have resided since the autumn of 1843. In the month of May, 1846, I went to San Francisco, where I met with General Vallejo, one of the most prominent and influential men in Upper California. I understood from him that he had recently attended a convention, composed of Gen. Castro, himself, and other officers, delegated from the different districts of California, at which the proposition had been made and decided to negotiate from Mexico and establish a government in California, under the protection of some foreign power, believed by us to be England. The foreign general pointed out to me the majority was not in favor of peace, the county under the protection of the United States, though he himself was. Gen. Vallejo was of course guarded in conversing on so dangerous a subject as this was at that time, but the above is the substance of his remarks, as understood by myself and others who heard them.

"About the time I heard that Capt. Fremont had returned from the northward, and was then in the upper part of the Sacramento valley. I immediately repaired to his camp, where I informed him of all that I had learned respecting the condition of the country and the designs of the leading men among the Californians, giving it as my opinion that the American residents would have to leave the country or fight for their homes at the same time saying I was sure we would not leave the country.

"Captain Fremont resolved to join the Americans for their safety, and to overthrow the Mexican force in that province.

"The fourth of July was duly celebrated, and on the fifth we organized the 'California battalion,' adopting the 'grizzly bear' as our emblem, requesting Captain Fremont to take command of the battalion and of all the forces and resources of the country, which command he accepted. As soon as it was known that Captain Fremont had accepted the command, the Californian population seemed to become well pleased with the change in affairs, and brought in their property and means of warfare, which they placed at Fremont's disposal. He restored to them and to the American settlers all the horses which had been previously captured or pressed into the service by the Americans, retaining only a number sufficient for the actual wants of the service. He then marched on with the battalion in pursuit of Castro, by way of the Sacramento, sending me with a small party to communicate with Dr. Marsh. When I arrived at Marsh's, I learned that war had been declared between the United States and Mexico, and that Commodore Sloat had arrived at Monterey and raised the Alpine ensign. Returning with this intelligence, I found that Captain Fremont and already learned it, and was on his way to Monterey. I followed and joined him at the mission of San Juan, near Monterey."

Captain Child's statement—extract.

"I know that Gen. Vallejo left Sonoma for the purpose of attending a general council at Monterey, about the time the Irish priest, Macnamara, arrived in California, and a short time before the revolution in that country; and I recollect hearing that the English consul, Mr. Forbes, accompanied him to the Pueblo de los Angeles, for the purpose of seeing the governor in relation to obtaining a grant of land, upon which it was said a colony of British subjects was to be established.

"The revolution, to the best of my knowledge, put an entire stop to such grants and sales."

Captain Owens's deposition—extract.

"The settlers made many applications for help to Captain Fremont, on the ground that they were American citizens. We went down and encamped at the Buttes, about sixty miles above Sutter's. There was a good deal of correspondence between the settlers and our camp, and as the danger seemed near at hand, and there was no other way to get out of it, it was finally agreed to join the settlers and fight the Californians. In this was the revolution began. The settlers were divorced at in self defence. But I do not think that it would have taken place, or that they could have been united together without the advice and protection of Captain Fremont. They had not confidence enough in their own strength to undertake the war without support. Captain Fremont's party was strong and well armed, and went together like one man. The strength of this party and the name of Captain Fremont, as I understood, at once gave confidence and kept the people together both during the revolution and in the war afterwards."

Lieutenant Lakers's deposition—extract.

"About the time Castro was raising men to drive Colonel Fremont out of the country, I was staying at Sutter's Fort, in the Sacramento valley; there was also a large number of American settlers around and near the fort, and Castro's movements excited a good deal of excitement, so much so that many of them wanted to go to Fremont's assistance immediately, and would have gone had not the colonel forbidden any to go on the American fork; after he had left for the Tlamath lake there was a good deal of talk about England taking possession of the country, and many foreigners of the highest standing in the country asserted that they knew that English ships of war were on the coast; and that a British man of war was on the northwest coast, and would be down in the course of the summer to take possession of California. Soon after Colonel Fremont left, Major Gillespie arrived, started after, and brought him back; then commenced the revolution, which, had he not countenanced and aided, I know not what would have been the consequences to the American settlers, women and children included; for, just before his return, there was a meeting of the principal men of the country at Monterey, they there thought it advisable to order all foreigners to leave the country, and published a *bando* to that effect, ordering all foreigners to leave the country by a certain day, or force would be used to compel them to leave; women and children were included in the banishment; and Colonel Fremont returning in the country about that time, and finding that the men in the valley much excited, and the alarm of the women, could not have acted otherwise than he did."

Dr. Baldwin's deposition—extract.

"I again entered Mexico (city) on the 14th of September, 1847, and remained there until the 15th of November; during that time I made the acquaintance of Don Ernest Macnamara, and, from sources entitled to credit, I was informed that he had, under the auspices of the British legation, projected a plan to colonize Californias with emigrants from Ireland. His project had met the approbation of the Mexican government, and he went to California to perfect his plans. In the mean time it was ascertained that the ulterior views of Macnamara were to promote the interest of the British government, and not the Mexican government. A fierce opposition was contemplated by the republican members of Congress when he should return with his matured plans from California; this resistance became unnecessary in consequence of the conquest of California by the arms of the United States. Macnamara lived in the family of either the British consul or charge des affaires in Mexico."

This is a small part—a small part only—of the depositions which establish the great points which I have mentioned, that there was a plan in progress at the time of Mr. Fremont's return from the Tlamath lake to place California under British protection—to transfer the public domain to British subjects, and to expel or destroy all the American settlers; and that this plan was frustrated by the heroic determination of Mr. Fremont to put himself at the head of the people, and to overturn the Mexican government in California. But it is not all the proof which shows the British desire to possess California, and especially the magnificent bay of San Francisco. That desire is no new passion with that power. From the time of the great navigator, Capt. Cook, her eyes have been fixed on the northwest coast of America. Three times, within half a century, have British national vessels surveyed that coast, and especially the bay of San Francisco. Vancouver, Beechey, and Belcher, have each surveyed it, and the bay itself, with all the particularity of the survey of a British sailor. Here is a chart of this bay made by Beechey in 1828, published at the Royal Hydrographic Bureau, exhibiting the most commodious and capacious harbor upon the face of the earth, large enough to hold all the navies of the world, an easy and defensible entrance from the sea, opening out forty miles to the right and left, sheltered from every wind, receiving two handsome rivers, draining a basin of five hundred miles of fertile valleys and picturesque mountains, a healthy and delightful climate, and backed at the distance of one hundred and twenty miles by the lofty ridge of the *Sierra Nevada*, crowned with eternal snow. Upon this bay Great Britain has had her eyes fixed for half a century; and, in June, 1846, at the moment of Mr. Fremont's return from the Tlamath Lake, all her long deferred and cherished inclinations seemed to be on the point of realization. The revolt of the settlers frustrated this ripened hope, in the apparent moment of fruition, and placed the coveted prize under the flag of the United States.

This finishes the first act of the conquest of California. It fin-

jobs the revolutionary movement in favor of independence, and brings Mr. Fremont and his victorious battalion to Monterey—their flag of independence exchanged for that of the United States—themselves uniting with the naval forces—and turning over all the fruits of their successful enterprise to the government of the United States.

The committee, appreciating at its full value all the importance of this revolutionary movement, both as it concerns nations and individuals, and the truth of history, have instituted into it a most searching examination; and the result is what I have stated, and what the document of evidence proves. And their opinion was unanimous that, although this movement was made without the authority or knowledge of the government, and without the knowledge that war existed at the time between the United States and Mexico, yet such being the fact, and the United States having received all the benefits of the movement, they are bound in honor and in conscience to pay all its expenses.

Commodore Sloat returned to the United States; Commodore Stockton succeeded to the command; and here commenced his connexion with the conquest of California. He proposed to complete the conquest by pursuing Castro to the south, and taking the "*city of the Angels.*" But the aid of a land force was indispensable to this enterprise; and here the American settlers again showed their courage and patriotism. Commodore Stockton applied to Fremont and Gillespie to join with their battalion—to serve under him, and obey his orders. They agreed to do so, both men and officers, and this was fully sworn by Commodore Stockton before the late court martial. On receiving the command from Commodore Sloat, he says:

"Immediately sent to Major Fremont to inform him of what had occurred, and to let him know that, if he and Lieut. Gillespie, with the volunteers who were with them, would volunteer to serve under my command so long as I might be in possession of California and do and their services, that I would form a battalion by appointing him Capt. Fremont, major. This was all done in the course of the day, and the next morning, when they were ordered to embark on board the United States ship Cyane, to be landed at San Diego. These men were not of the kind of *personnel* which sometimes compose regular armies. They were principally free American citizens, who had settled in California. They were men of respectability, of influence, and of property; they were no ordinary men, because, when told that I had offered them so per ten dollars a month, they said, as I was told, that they would not accept that pay, that it would not pay their expenses; but that they would volunteer to serve under my command without any compensation."

Thus the men of the battalion passed into the service of the United States without a stipulation for fixed compensation, but with the full expectation that justice would be done them. Mr. Fremont, actuated wholly by public and patriotic considerations, took command under Commodore Stockton. He gave up his independent position; become subordinate to Commodore Stockton; carried with him the men of the country, and ensured the complete conquest of the country; for, without land forces, the conquest could not have been accomplished.

This was the last of July. Leaving their horses on shore, the men immediately went on board the Cyane, sailed down the coast five hundred miles to San Diego, and marched for Los Angeles, distant one hundred and fifty miles. This city (the capital of the Californias) was taken early in August; and with its capture, the conquest of California was complete. But the conquest was to be preserved. The orders to the naval officers were to conquer, hold, and govern California, and to do that, the services of land forces was further wanted. The seamen and marines were wanted on board the vessels; no troops of the United States were there. The further services of Fremont's battalion became indispensable. They demanded twenty-five dollars a month, (which is very near the amount allowed by law to mounted men,) and only remained in service upon condition of receiving it. So testifies Captain Hensley, an officer of the battalion, and a gentleman of character and intelligence, who was examined before the committee. He says:

"I was present when the California battalion was inducted into the service of the United States, and the men then positively refused to serve for eleven dollars per month. They remained in the service without any rate of pay being specified, until, in August, 1846, at the City of Angels, Colonel Fremont ordered me to inquire of my company at what rate of pay they would consent to remain in the service. They unanimously demanded twenty-five dollars per month, and refused to remain any longer in service unless that amount was promised them. I considered the rate of pay demanded by the men as reasonable for that country, and under all the circumstances."

Upon these terms they remained in service to garrison the country.

But a new, and more arduous service was required from the California battalion. In the fall of 1846 an insurrection broke out in Southern California, and the battalion was called upon to join in its suppression. Most of them had returned to the North. Another campaign to the South was required, and many recruits necessary to complete its strength. A body of emigrants had just arrived from the United States, and stopped in the valley of the Sacramento. Leaving their families slightly provided with shelter and subsistence, above two hundred of them joined Mr. Fremont for this new expedition of near seven hundred miles distance. At first it was attempted from the San Francisco bay by sea. Baffled in that attempt, after twenty days' contest with adverse winds, a return to Monterey, and an overland march to Los Angeles, became unavoidable. It was the beginning of winter—the cold rains already set in—a country of defiles and mountains, and in a state of insurrection, to be traversed—and every thing to be procured, and without money. In a few weeks all was ready—cannon mounted, beef cattle procured, six hundred horses collected. It was a march of extraordinary hardship, as well as requiring military skill. Every day many horses perished of hunger and cold, and on Christmas day above an hundred died on the Santa Barbara in a storm of wind and rain, black with the tempest from the Pacific ocean. The march required skill; but it was with something more than a soldier's eye that Mr. Fremont felt it to be his duty to survey the field before him. He knew that the Californians against whom he was going were themselves revolutionists—successful insurgents against Mexican authority—and conscious that they must come either under the American or British flag. Conciliation was his policy. To gain over these people by mildness and justice, instead of crushing them by arms, became his object; and to the attainment of this object all his military movements became subordinate and subservient. San Luis Obispo, a focus of insurrection, the seat of a commandant, and distant one hundred and fifty miles, was to be taken and passed. He conceived the design of a secret march—a surprise—a capture without bloodshed—and the seizure of the insurgent chiefs: and he accomplished that design. The secret march was made—town surprised—and the arrests effected—and effected with the quiet and order of so many civil arrests in one of our peaceful cities. Don Jesus Pico, and some thirty others, were taken. Then an event occurred which gave a decisive turn to the character of the war, and ensured its peaceful and happy conclusion. Don Jesus Pico was particularly obnoxious to the Americans. He had broken his parole—been active in the insurrection—and had sent out an expedition in which Capt. Borrows and some brave men had been killed. He was placed before a court martial, condemned, and ordered to be shot. Mr. Fremont pardoned him, and in that act consummated his policy of conciliation, prevented further resistance to his march, and prepared the way for the capitulation of Couenga. Don Jesus was connected with all the principal families by blood and marriage. He was cousin to Don Andres Pico, a principal chief of the insurrection at Los Angeles. He attached himself to Mr. Fremont; took the side of peace and conciliation; went with him in his march; and contributed to quiet the towns through which they had to pass. The people remained in their houses, offered no resistance, and received no harm. A corps of observation which hung upon his march yielded the maritime pass of the *Punto Gordo* without resistance, and galloped about without giving or receiving any serious attack. The main body of the insurgents at Los Angeles; hearing of his approach, and that he had passed Santa Barbara, marched out to meet him; then, changing their minds, they turned back to the south, and fought the actions of the 8th and 9th of January, with Commodore Stockton. Repulsed, but not routed. (for Commodore Stockton's command was all on foot, and the insurgents all mounted,) they turned again to meet Mr. Fremont, and took post in the pass of San Fernando. They undertook to defend the pass, which being turned by the riflemen, they fell back into the plain of Couenga, famous as a battle field in the strifes of California. Mr. Fremont sent them a message. They agreed to meet him. He went out alone to see them, attended only by Don Jesus Pico, (who had attached himself to him for life and for death since his pardon,) and had an interview with Don Andres Pico and other chiefs. They agreed to capitulate to him, and to nobody but him, declaring that they would take to the mountains "*and die like wild beasts,*" before they would submit to any one but him. The terms were agreed upon, and they were conformable to the law of nations, and to the law of common sense and justice. The insurgents gave up their cannon and public arms, retired to their homes, promised submission to the American authority, and aid in preserving order, and in return were to receive protection, and not to be required to take the oath of allegiance to the United States until a definitive treaty of peace with Mexico should fix their political condition. These terms, agreed upon in person, were reduced to form by commissioners appointed on each side, approved by the respective commanders-in-chief, (Commodore Stockton and Don Andres Pico,) and the war not only terminated and peace established, but the fruits of peace acquired and enjoyed.

This was the conclusion of the war, and was so related by the United States consul at Monterey, (Mr. O. Larkin,) who was a prisoner in the hands of the insurgents at the time of Mr. Fremont's approach to Los Angeles. He says:

"On the 3d or 4th of January news reached the Puebla that Colonel Fremont was south of Santa Barbara, marching to meet the Californian forces. The latter then mustered all they could, to the number of 400 to 500, and encamped two or three days at the mission of San Fernando, awaiting the arrival of the riflemen, and appeared very anxious to have a fight. Information now reached General Flores that Commodore Stockton, with 600 men from San Diego, would soon be in his vicinity. He immediately ordered all the Mexicans and Californias to leave San Fernando, and march to the opposite site of the Puebla to meet the marine forces. * * * * * * *

"On the 13th of January the capitulation of Couenga was signed. * * * * * * *

"The war in California is now over, as far as the Californians are concerned, *and if their manners and customs are tolerated, and common protection afforded them, they will gradually fall into the new order of affairs.* They have had, in different parts, nine hundred men under arms, every man with good horses and a lance, most of them with swords, pistols, rifles, or carbines, every one of them countrymen, to aid them either by choice or force; a perfect knowledge of every hill and valley; yet they did not succeed, and have found their losses in horses and waste of time so great as to prefer peace for the future, under a guaranty of good treatment."

The capitulation of Couenga was the happy conclusion of the war, and is so testified by many witnesses. Midshipman Wilson, a captain in the Californian battalion, says:

"We had frequent skirmishes with parties of the enemy until the *capitulation of Couenga*, which acted almost magically in restoring peace and tranquility to the country; and but for that capitulation, so beneficial in its results, my impression is that the Californians would have carried on a system of guerrilla warfare, by which many lives and much property would have been sacrificed."

Col. Russel, who was chief staff officer in the battalion, and one of the commissioners for making the capitulation, says:

"At the capitulation of Don Andres Pico to Col. Fremont, he and other Californians boldly declared their determination never to submit to any other officer than him, and on the terms granted in the capitulation of Couenga, of which I was one of the negotiators.

"I hesitate not to give it as my decided opinion that the *capitulation of Couenga* on the 13th January, 1847, was the main cause of saving the country from a bloody, vexatious, predatory warfare, that would necessarily have been protracted for a considerable length of time.

"I remained at Los Angeles over two months after the capitulation, and became well acquainted and conversed much with the families in that part of the country, and from all I could learn the good results of that treaty in preventing a guerrilla warfare was fully confirmed."

This was the conclusion of the war, and the restoration of peace, and its fruits. The capitulation of Couenga was the pacification and reconciliation of California. It was the last act in the drama of the conquest, and, like the first movement in the valley of the Sacramento, was done upon the responsibility of Mr. Fremont alone. From the day it was signed, peace and good-will prevailed in the country. Travelling and living became as secure as in any part of the United States. Mr. Fremont could have gone back alone, without arms or guards, upon the line of his march from Los Angeles to Monterey, without interruption from the people, except in the manifestations of their gratitude and affection. He did go back upon it in that extraordinary ride with Don Jesus Pico, and was greeted every where by the hospitalities of the people. He afterwards lived two months as Governor in the capital of the Californias, like any Governor would live in the capital of one of our States, without guards or sentries, or any semblance of military protection, the battalion being sent off ten miles to keep it out of the town.

And thus the same men who began the war finished it. The California battalion, formed out of the California settlers on the Sacramento and the men of the topographical party, (reinforced afterwards by later emigrants from the United States,) finished on the plains of COUENGA the movement which had commenced at SONOMA, and in the same spirit of justice, moderation, and patriotism. In conjunction with the sailors and marines they had twice conquered California before the United States troops arrived in the country. They did it without aid from the United States—without quartermasters, commissaries, and paymasters to carry, feed, and pay them. The fruits of all their labors have been received by the United States, and the bill rendered is only seven hundred thousand dollars—a fraction only of the amount paid to those who arrived after the work was done. It should have been provided for in one of the public bills. It is an appropriation, and of a public nature, and of the most sacred nature. It should at least have had a place in that "*deficiency*" bill of fourteen millions which lately passed Congress; for what can be more deficient than non-payment, for almost two years, for such extraordinary services? Even if this bill is passed at once, and with the least possible delay from legislative forms, it will still be almost half a year before the claimants can begin to touch their pay.

The bill is carefully drawn, both with a view to public and to private justice. It is intended to settle up and pay up at once all just claims, and to close the door for ever upon all false ones. A commission acquainted with the subject, familiar with every transaction, is to go to California, visit every district in which claims originated, call all before them, allow the good, reject the bad, and bar all that are not presented to them. In this way, and in this alone, can justice be done to all parties, just claimants saved from the depredations of agents and speculators, the United States saved from paying false accounts, and California prevented from becoming a mine for the production of false claims for half a century to come. The great and main facts, that services have been rendered, that the United States have received the benefit of these services, and that they have not been paid for, are established by the depositions; the mode of settlement, and the detail of payment is directed by the bill.

Mr. DAYTON then took the floor, with a view of addressing the Senate to-morrow, and the bill was, by unanimous consent, passed over informally.

EXECUTIVE SESSION.

On motion by Mr. HANNEGAN, the Senate proceeded to the consideration of Executive business, and after some time spent therein, the doors were opened, and

The Senate adjourned.

TUESDAY, APRIL 11, 1848.

COMMUNICATION FROM THE TREASURY DEPARTMENT.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, accompanied by a report of the Commissioner of the General Land Office, in answer to a resolution of the Senate of the 22d January, 1847, respecting the quantity of public lands sold, after having been subject to private entry, at different periods

Ordered, That it be referred to the Committee on Public Lands.

RESOLUTION OF THE LEGISLATURE OF NEW YORK.

Mr. DICKINSON presented a resolution of the Legislature of the State of New York, in favor of the enactment of a law allowing full pay to the widows of officers and soldiers killed in battle, or who die of wounds received in the service; which was ordered to lie upon the table, and be printed.

PETITIONS.

Mr. BRADBURY presented a petition of citizens of Corinna, Maine, praying that an inquiry may be instituted by Congress, whether the slave-trade is carried on in the District of Columbia, and under what authority; the motion to receive which, was laid upon the table.

Mr. JOHNSON, of Maryland, presented the memorial of John S. Skinner, of the City of New York, praying, in behalf of the agriculturists of the country, an appropriation of money, to be applied under the direction of the State governments, or as Congress may otherwise direct, to the establishment of institutions for instruction in geology, mineralogy, and vegetable and animal physiology, in civil engineering as applied to road making, bridge building, and other rural architecture, and to instruction in the mechanical principles on which depend the labor-saving properties and efficiency of agricultural implements and machinery!

In presenting this memorial, Mr. JOHNSON said: In presenting this paper, Mr. President, I cannot but express my gratification that it has been committed to my charge. The memorialist himself is not only known, but justly distinguished for the zeal, ability, and efficiency with which, for a period of near thirty years, he has pursued and promoted the great cause of agricultural science. It may, I think, with truth be said, that its present improved condition amongst us is more or less to be attributed to his long and continued efforts. He has not only been its first pioneer, but he has been throughout, and still is in the advance, earnestly striving to remove all remaining obstructions, and to bring it to a state of ultimate perfection. Such is his object in the present memorial; and if he succeeds, as, looking to the real honor and interest of the nation, I trust he will, what incalculable benefit will he have conferred upon the country? Military glory may cause the nation's heart to beat high with gratitude, but it more often dazzles to delude than ends in permanent strength and renown. It is the achievements of civil life which impart to human power its highest value; and, of all the departments of civil employment, the most worthy, the most to be cherished, and especially under a government like ours, is agriculture. To say nothing of the incalculable value of its productions, capable as they are too of continued increase by the proper intellectual improvement of its followers, what strength is not given to free institutions by the uniform and almost necessary virtue of such a population.

And yet, sir, whilst millions have been and are still being expended by us for the arts which teach the destruction of life, how much has been given to this noblest of all sciences, which instructs only to promote, to prolong, and to render life happy and virtuous? Nothing, literally nothing. Sir, the memorialist states, and I have such confidence in his accuracy that I am sure the statement may be relied upon, that of the amount of the disbursements of the government eighty per cent. is for military and naval expenses; that is to say, eighty dollars of every one hundred dollars paid by the people into the treasury is appropriated to the keeping up our military establishments and preparations for war; whilst for agriculture, which exists only for peace and through peace, which brings no wo, but only immense good, not one dollar is given. He reminds us also, and it is a fact eminently worthy of the public attention, that during the whole period of Washington's administration our military expenses were only $11,000,000, whilst for a similar period of eight years, terminating in 1843, they were $164,000,000. It is, sir, a striking and a fearful lesson. It teaches us that, popular as war is, other institutions have in that respect a natural tendency in the same direction, and that the result in the end may be the same—the oppression of heavy and crushing taxation.

He gives us another fact also worthy of notice, and especially worthy of the notice of the agriculturists of the nation. It is this: that from 1789 to 1843 the expenditures of the government, exclusive of payments on account of the public debt, for merely civil objects were $246,620,000, whilst for the same time they were for military and naval objects $538,964,278. And even of this trifling comparative amount appropriated for peaceful purposes only, the agriculturists of the country enjoyed no exclusive advantage. To encourage their department of human labor, to improve their condition, to increase their power, to elevate them in the scale of social existence, not a dollar of it was applied. And yet, sir, what claims have they not had upon the countenance and protection of the government?

To say nothing of the fact which reason establishes and history confirms, that it is with them that the true strength and virtue of a free people are ever to be found, the immense disproportionate wealth that they bring into the common fund persuasively demands for them the fostering hand of all. It is estimated, sir, and the amount is, I incline to think, below the truth, to be $654,387,597—a sum three times greater than the value of the manufacturing industry of the country, and five times greater than that of all the other sources of human industry combined.

I invoke the serious regard of the agriculturists to these facts. They must see in them how commanding are their claims upon the government, and how shamelessly they have been disregarded. The cause is to be found in their want heretofore of union amongst themselves in some movement upon the subject. There seems to be now approaching a propitious time for some joint and effectual effort. Peace, I trust, will soon be seen to hush the noise of war within our own borders. The mighty popular convulsions now heaving with terrific power in the old world promise to subside in the annihilation of arms as an employment. The long-lost or limited liberty of man appears to be on the eve of complete restoration. Civil employment, nothing but civil employment, should be the result: and happiness, and wealth, and power, and true glory will be promoted in proportion as governments devote their means to the proper encouragement of civil life. This, sir, is not the occasion to meet in advance any constitutional impediment which may be suggested to the particular encouragement solicited by this memorial. I content myself, therefore, with saying that a careful examination of the question, founded upon the letter and spirit of the constitution, and the opinions of its fathers, leave my mind in no doubt, in none whatever.

If commerce can be protected and encouraged, and it has been from the beginning of the government to the present day; if manufactures can be protected and encouraged, and they have also been from first to last; if the profession of arms even can be protected and encouraged, and when has it not been, then why may not agriculture and her followers be protected and encouraged?

Without adding a word more, I submit the memorial, and, as I believe there is no committee to whom its reference would be peculiarly appropriate, I move that it be referred to a special committee, and be printed.

Mr. BERRIEN observed that there was a Committee on Agriculture, to which it appropriately belonged.

Mr. JOHNSON then moved that it be referred to that committee.

The motion was agreed to, and the memorial was ordered to be printed.

Mr. HALE presented a petition of citizens of Meriden, Connecticut, praying that Congress may inquire to what extent, and by what authority, slavery exists in the District of Columbia; the motion to receive which was laid upon the table.

Also, two petitions of citizens of Pennsylvania, praying such amendment to the constitution or laws, as shall appropriate the public lands in the extinction of slavery throughout the Union; the motions to receive which were laid upon the table.

Also, two petitions from citizens of Maine praying that an inquiry may be instituted by Congress whether the slave trade is carried on in the District of Columbia, and under what legal authority; the motions to receive which were laid upon the table.

MAPS OF THE BATTLES IN MEXICO.

Mr. DAVIS, of Mississippi, from the Committee on the Library, reported the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Senate be authorized to have [illegible] of the Senate two thousand copies of each of the three maps of the battles in the vicinity of Mexico, at Cerro Gordo, and at the city of Mexico, at Vera Cruz, published from the originals drawn from actual survey by Lieut. Mc'Clellan and other officers of the United States Topographical Engineers; the two hundred copies of each to be on blue drawing paper, the remainder on good thin map paper.

ADVERSE REPORTS.

Mr. MASON, from the Committee of Claims, to whom was referred the petition of James Edwards, submitted an adverse report, which was ordered to be printed.

Mr. MASON, from the same committee, to whom was referred the bill from the House of Representatives for the relief of Wm. Ralston, reported it without amendment, and submitted an adverse report on the subject, which was ordered to be printed.

PRIVATE BILLS, ETC.

Mr. HANNEGAN, from the Committee on Foreign Relations, to whom was referred the bill from the House of Representatives for the relief of William M. Blackford, reported it without amendment.

Mr. HANNEGAN, from the same committee, to whom was referred the memorial of Mrs. Ann Chase, submitted a report, accompanied by a joint resolution for her relief.

The joint resolution was read and passed to the second reading.

Ordered, That the report be printed.

NEW YORK JUVENILE REFORMATION SOCIETY.

Mr. DIX, from the Committee on Military Affairs, to whom was referred the memorial of the Society for the reformation of juvenile delinquents in the city of New York, reported a bill for its relief; which was read and passed to the second reading.

PRIVATE HOUSE BILLS.

Mr. DOWNS, from the Committee on Private Land Claims, to whom were referred the bills from the House of Representatives for the relief of Edna Hickman, wife of Alexander D. Peck; and for the relief of Sarah D. Caldwell, wife of James H. Brigham, reported them without amendment.

HILLSBOROUGH COUNTY, FLORIDA.

Mr. UNDERWOOD, from the Committee on Public Lands, to whom was referred the memorial of the County Commissioners of Hillsborough county, Florida, reported a bill to confirm the location and to grant a quarter-section of public land for the county site of Hillsborough county, in the State of Florida.

SCHOONER TICONIE.

Mr. BRADBURY, from the Committee of Claims, to whom was referred the petition of Henry Williams and others, submitted a report accompanied by a bill for the relief of the owners of the schooner Ticonie.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

MAJOR CALEB SWAN.

Mr. BRADBURY, from the same committee, to whom was referred the memorial of the heirs of Major Caleb Swan, reported a resolution that the committee be discharged from its further consideration.

PRIVATE BILL.

Mr. BELL, from the Committee on Indian Affairs, to whom was referred the petition of Charles Findlay, submitted a report accompanied by a bill for the relief of P. Choteau, jr., and company.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

GEORGE FISHER, DECEASED.

The Senate proceeded to consider the amendment of the House of Representatives to the bill of the Senate for the relief of the legal representatives of George Fisher, deceased; and it was

Resolved, That they concur therein.

Ordered, That the Secretary notify the House of Representatives thereof.

THE AMISTAD CASE.

On motion by Mr. HANNEGAN, it was

Ordered. That so much of the annual message of the President of the United States as relates to the Amistad case, be referred to the Committee on Foreign Relations.

COLLECTION DISTRICT OF NEW ORLEANS.

The Senate proceeded to consider, as in Committee of the whole, the bill from the House of Representatives relating to the collection district of New Orleans and for other purposes; and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

BRANCH MINT IN NEW YORK.

The Senate proceeded to consider, as in Committee of the Whole, the bill to establish a branch of the Mint of the United States in the city of New York; and

On motion by Mr. DICKINSON, it was

Ordered, That the further consideration thereof be postponed to, and made the order of the day for, Monday the 8th day of May next.

ACQUISITION OF TERRITORY AND SLAVERY THEREIN.

The Senate proceeded to consider the resolutions submitted by Mr. BAGBY, on the 25th and 27th January last, in relation to the acquisition of territory by treaty or conquest, and the question of slavery in any such acquired territory.

Mr. BAGBY.—Mr. President:—These resolutions were introduced on the 25th day of January, at which time, there were before the Senate, questions of pressing practical importance, connected with the vigorous and efficient prosecution of the war with Mexico, and claiming the paramount, if not the exclusive consideration of the Senate. They were called up repeatedly, in the progress of the business of the Senate, and at each time, they were so called, I stated distinctly, what I now repeat, that, satisfied as I was upon the fullest, maturest, and most deliberate consideration of the justice of that war, on our part, I would not, so far as depended on my action, permit any other measure, no matter what considerations it might involve, to interfere with the adoption promptly, and at once of the measures necessary for the efficient and vigorous prosecution of the war. I did not believe then, nor do I believe now, in windy, fustian speeches. Action, and not words and noisy declamation, is the appropriate business of men engaged in matters of great concern, not only to this country, but to other countries; not only the present generation, but to after times.

These resolutions embrace four distinct propositions, upon the correct solution of some, if not all of which, in my judgment, the perpetuity of our institutions depend. The first contains a distinct, substantive, and unqualified limitation upon the constitutional power of Congress, to abolish or to prohibit slavery in any State or Territory of this Union. This position is assumed upon the fullest consideration, and after the most mature reflection as to all the consequences proximate or remote; consequences either present or prospective, so far as the action of Congress is concerned. If the correctness of this position is well sustained and deep laid in the constitution, of which I have not the shadow of a doubt, then, the truth and the correctness of it, ought to be adopted and proclaimed. The people of the country ought to be informed, whether, in the opinion of Congress, their rights depend and stand upon the adamantine principles and guaranties of the constitution, or, whether they float in the visionary imaginations of moon-struck philosophers, or pretended philanthropists. I cannot be led now, I cannot be tempted into discussion upon the abstract question of slavery. Whatever it is, those who hold it under the provisions of the constitution, found it either for good or for evil, either as a blessing or a curse, in the path-way of their destiny, and there it will stand until the constitution is changed, or until it is undermined by that insidious torrent, which is ever and anon lashing against it. I have but little fear of either. The second resolution I should not have introduced, but for the daily insinuations here, that the acquisition of territory in a lawful war, was, in the expressive and refined language of the day, land stealing. Whenever the truth and correctness of the proposition contained in the second resolution is seriously controverted, I stand prepared to sustain it fully, and to the whole extent by law, precedent, practice and principle, as recognized by every civilized nation from the earliest periods of authentic history, down to the present time. I will not anticipate objections which I do not think will be seriously urged, and which I know cannot be sustained, either by reason or authority. The third resolution contains a clear and express limitation upon the powers of two branches of the government of the United States; to wit, the treaty-making power and Congress; and declares that neither of these branches in territory to be acquired by the United States, shall have power to exclude slavery as property, from such territory—but that such territory shall be equally free and open to the citizens of each and all the citizens of the United States, without any limitation, prohibition, or restriction, in regard to slaves or any other description of property whatever. The first branch of this proposition restrains the general government from the exercise of any interference with the rights of property in the possession under the constitution, of any portion of the people of the United States: and the second branch contains but a re-assertion and re-affirmance of that great fundamental principle that lies at the bottom of our institutions, that whatever is acquired by common blood or by common treasure, or by both, shall be the common property of all the people of the United States, and equally free to the use, occupation, and enjoyment of all. This proposition rests upon the constitution; it is sustained by every consideration of equity, truth and justice, and fortified by the eternal principles of reason and of right. And, as I had occasion to say on a former occasion, I do not believe there is a man in America with a mind unswayed by local considerations, or unbiassed and uninfluenced by sectional considerations, who believes that property acquired by common blood and common treasure, should not enure to the equal benefit of all the people of all the States of this great and growing nation. What is the constitution of the United States? There is no difference of opinion upon this point. It is universally admitted, by American statesmen, to be a compact between sovereign States. In political power the parties to it are perfect equals. There is no difference in this respect between Delaware and New York, or Rhode Island and

Pennsylvania. If, then, the constitution be a compact between parties, whose rights and powers under it are precisely the same, let us enquire into the causes and considerations that induced the parties to enter into that compact. It was in the language of the preamble to the constitution "to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and our posterity. These were the objects for which the States voluntarily disrobed themselves of a portion of their sovereignty and offered it up a willing sacrifice upon the altar of a common country. They were objects, the permanent security of which constituted a fair and adequate equivalent for the solemn surrender of a portion of that sovereignty, to obtain and establish which, the aspirations of the purest patriots had been elevated, and the best blood of the revolution was spilt—to obtain which, the eloquence of Henry had thundered, and Warren had died. The great question for the consideration of the Senate is, how these objects can be best promoted, secured, perpetuated? To my mind, this is a question of easy solution. It is by carrying out the provisions of the constitution according to their obvious meaning and import, keeping in view the rule equally applicable in the proper construction of all instruments, the intention of the parties, and the objects they intended to secure and provide for at the time they entered into it; guarding with equal vigilance and caution against implication and unauthorized construction on the one hand, and officious interpolation on the other. In a word, by taking the constitution as it is and as its immortal framers intended it to be. I do not propose, Mr. President, to enquire into the power of the government to acquire territory. I hold that to be a point settled, beyond the power of controversy to disturb it. It is a power necessarily, properly, and inseparably incident to the power to declare and treaty making power. I shall content myself, for the present, with enquiring what are the rights of each and all the citizens of all the States of the Union in regard to the territory acquired, either by by treaty or by conquest. And I assert and maintain, in the language of the third resolution, that such territory when acquired by the United States is, and of right ought to be, equally free and open to all the citizens of all the United States, without any limitation, prohibition or restriction in regard to slaves, or any other description of property whatever; and would it, permit me to ask, tend to establish justice, or, to promote its great ends, to declare that when territory had been acquired by the joint efforts, and joint contributions of the people of the slaveholding and the non-slaving States, that the latter should use, possess, and enjoy it *ad libitum*, and that the latter should be excluded from it, unless they divested themselves of their property, and the means of subsistence before they set their feet upon it. The proposition is at once absurd and ridiculous, to state, it, is, at once, to answer and refute it. For the sake of illustration, assimilate the compact entered into by the States at the adoption of the constitution to the case of an ordinary copartnership into which two or more persons had entered for the purpose of promoting, by lawful means, their mutual interests. Suppose in the course of their mutual exertions, sacrifices, and labors, they acquire land by purchase, or in payment of a debt due to the copartners, contracted in the course of the partnership transactions. Is there a man so dead to all the feelings and suggestions of reason, and above all, to the eternal principles of justice, equity, and morality, as to contend that, one or more of said partners would be at liberty, and have a right to the full and interrupted enjoyment of the land thus acquired, and that the other partner or partners should be excluded from it, contrary to, the resolution of the original articles of copartnership or compact between them? And yet, this is the precise monstrosity in law, equity, justice, morality, reason, and common sense, into which those have fallen who contend for the power in the general government to exclude slaves as property, from territory acquired by the United States. I know a distinction has been attempted to be drawn, of late, between territory where slavery exists, at the time of acquisition, and that where it does not. But they cannot dispose of any territory or any other property belonging to the United States with a view to promote the interests of any portion of the people of the United States, and thereby to prejudice or exclude the rights of other citizens of the United States. The foundation of our system, and of every system of free government is, equality of rights. This distinction, whether true or false, real or imaginary, has nothing to do with the question. The true question is, not what are the institutions existing in the territory at the time of its acquisition, but what powers the government of the United States can exercise in regard to it after it is acquired. The title to the territory vests in the United States, and they can dispose of it in the same manner, and under the same rules and regulations, that they can dispose of other property belonging to the United States. The only legitimate object for which territory can be acquired is the formation of new States. We cannot, according to the provisions of the constitution, or the nature and genius of our institutions, hold it as provinces. The colonial system was never in the contemplation of the framers of the constitution, and is not only not contained in any of its provisions, but is at war with all its fundamental principles. Such a system would tend, with inevitable certainty, to a vast and dangerous increase of executive power, and might in the end, overshadow the rights and independence of the States, and subvert the government, and establish a despotism in its stead. Colonial organization would live, and move, and have its being in executive power and patronage, and would end in the destruction of liberty. I am not ignorant that a doctrine different from the one for which I am contending has been asserted in an imposing form, and in some sections of the Union to a considerable extent. Great and intelligent communities, speaking, solemnly through their assembled representatives have asserted the power to be in Congress, and called for its exercise, to exclude, by a fundamental law, slaves as property from all territory to be hereafter acquired. I shall not attempt to investigate or to answer the arguments by which they arrive at this conclusion. I have no doubt they are sincere in the entertainment of these views. Somebody has said, that when a man is determined to believe, the very absurdity of the doctrine confirms him in the faith. I leave them to their reflections, and appeal to the law and the testimony. I consult the constitution, and fearlessly assert that such a doctrine has no support, either in the provisions or spirit of that instrument, or in the more enduring and eternal principles of equality and justice. I warn the advocates of this doctrine, in advance, that they are contending for principles destructive of the constitution—destructive of the rights of the southern states—destructive of equality among the citizens of the United States, and that this Union would not survive the establishment of such a doctrine an hour.

I have listened with apprehension not unmixed with indignation, at the coldness and even hostility with which gentlemen from the free States speak of the institution of slavery, as it exists under the guarantees of the constitution, in some of the States of this Union. After felicitating themselves, with more than Pharisaical righteousness, that they "are not as other men," they, in a spirit of amazing condescension and kindness, charitably assure us they will not interfere with slavery, as it now exists. Was there ever more surpassing impudence? I scorn to accept the charitable donation. I reject the proffered boon. Sir, the people of the slave-holding States do not hold their rights by a tenure so frail and uncertain as the will, or the forbearance, or the concessions, or the gratuity of a majority in Congress. They derive them from a higher and purer source. They derive them from the constitution; and highly as they venerate that instrument, when it ceases to ensure to them the free and full enjoyment of these rights, they will no longer consider it worth preserving. These, sir, are some of my views in regard to the principles involved in the three first resolutions. Before I took my seat in the Senate at the present session, the honorable Senator from New York, [Mr. DICKINSON,] had introduced a series of resolutions, embracing to some, perhaps to the whole extent, the principles involved in those which, at a later day, I had the honor of submitting to the Senate. Anxious as far as a sense of propriety and the paramount obligations of duty would enable me to do so, to avoid the introduction of topics which might subject me to the imputation of being influenced by sectional views, and local considerations, I examined the resolutions brought forward by that honorable Senator with great care, and with a sincere desire, if I could, according to the dictates of my best judgment, upon the principles of the constitution and the rights of the people, to agree with him. After the most thorough examination of his resolutions, and with entire respect for him, I have found myself utterly unable to do so. I therefore brought forward the fourth resolution, which is exactly antagonistical to the resolution of the Senator from New York. His resolution is in these words:

Resolved, That in organizing a territorial government for territory belonging to the United States the principles of self-government, upon which our free system rests, while best promoted, the true spirit and meaning of the constitution be observed, and the confederacy strengthened, by leaving the questions concerning the domestic policy therein to legislatures chosen by the people thereof.

Now, although this resolution does not assert the power of the government in positive terms, it is evidently intended to convey the idea that the territorial legislature chosen by the people, are, and of right ought to be, the exclusive judges of all questions of policy arising in the territory. The correctness of this position I deny to the whole extent. The people of a territory belonging to the United States possess no other rights than those which belong to all unorganized communities, or bodies of men, which flow from the laws of nature, except those which they derive from the United States; and unless it can be shown that the constitution authorizes Congress to impose limitations and restrictions upon them in regard to slavery, they cannot derive that power from Congress. But I do not consider it necessary to discuss this question, or, the still graver one, whether Congress has power to establish territorial governments at all. Although I admit if this were a new question, presented for the first time, I should be at a loss from what particular clause, or provision, or principle of the constitution to deduce it. And, in reflecting upon this subject when these resolutions were brought forward, I stated to an honorable friend near me, whose friendly intercourse and confidence it is my good fortune to enjoy, my own doubts or convictions upon this subject, but said I would not disturb that question when there were so many topics of agitation and disagreement among the people of the United States, who ought to be bound together by the indissoluble ties of fraternal feeling and good fellowship; but would leave it to the uniform, unbroken practice of the government for fifty years. There I am willing to leave it. *Stare decisis*. But to return to the people of the territory. They are of two descriptions. Those who inhabit, or are upon the territory at the time it is acquired, and those who migrate or remove to it afterwards. The rights of the former are defined by treaty stipulation. The latter carry with them rights of citizens of the United States, so far as the possession and enjoyment of property is concerned, and

such political privileges and immunities as Congress may confer upon them, by the act authorizing them to form a temporary government, confining that act, of course, within the limits of the constitution. But the idea that the people residing upon territory acquired by the United States, either by treaty or conquest, are to be entitled to the enjoyment of any right, privilege, or immunity to which the citizens of the United States, or any of them, who may remove to such territory after it becomes attached to the United States, are not entitled, is not only repugnant to every principle and feeling of American liberty and equality, but is in the very teeth and jaws of the constitution. I can readily imagine, Mr. President, why this new-born zeal in favor of the rights of the people of a territory to exclude slaves as property, is exhibited with so much fierceness and pertinacity at this particular juncture in our history. Every body knows that territory is about to be acquired from Mexico, where, it is said, slavery does not exist. But is that territory to be governed by Mexican law after it becomes the property of the United States, and passes under the jurisdiction of our laws? No one in his senses can contend for this. When it becomes American territory, it will be governed by American laws, and American citizens must be entitled to the enjoyment of equal rights upon it, else liberty and equality under our system are but phantoms; and the guaranties of the constitution vain, deceptive, illusions. I shall not stop to inquire whether slavery is a blessing or a curse. It is nominated in the bond. The constitution guaranties it to those who think proper to hold it; and while the constitution exists, they cannot be depraved of it, without doing violence to that instrument. If the constitution be defective in this respect, or any other, let it be amended in the manner provided for by its illustrious framers. But to violate is not to amend—to destroy is not to reform.

I will not trespass further upon the indulgence of the Senate at present. I consider these resolutions as involving considerations of vast importance. I have thought it proper to call the attention of the Senate to them, and all I ask is, that they be postponed until Monday week, and made the special order of the day. Then, if no other Senator desires to discuss them, I shall respectfully ask for a deliberate vote of the Senate upon them.

On motion by Mr. BAGBY, it was

Ordered, That the further consideration thereof be postponed to, and made the order of the day for, Monday the 24th inst.

THE FRANKING PRIVILEGE.

The Senate proceeded to consider, as in Committee of the Whole, the bill to declase the true intent and meaning of the act relating to the franking privilege of members of Congress.

Mr. BADGER observed that as the bill was not in possession of the Senate at the moment, he would move that it be passed over informally; which was, by unanimous consent, agreed to.

CALIFORNIA CLAIMS.

The Senate resumed the consideration, as in Committee of the Whole, of the bill for ascertaining and paying the California claims.

Mr. DAYTON.—It is no part of my purpose to discuss the bill that is before the Senate; but, connecting itself as it does, with the general subject of the war, I purpose availing myself of the opportunity which this bill affords of submitting some general observations on other points. I know full well the disadvantages under which the speaker labors in endeavoring to address the Senate upon the general question under existing circumstances. The remarks that may be made must fall cold on the ear of the Senate, but circumstances of a personal nature make it absolutely essential, if I say aught on this question, that I avail myself of the opportunity of saying it now.

Amid the strife and noise of a conflict, it is, at all times, difficult for parties to realize their true position. Fortunately for us the tumult of the contest has, for the present, ceased. The smoke has cleared away; between the armies of Mexico and the United States an armistice exists. For the first time, since the commencement of the war, we have reached a point from which we may calmly survey the past and profitably consider of the future. It is due to us—it is due to the country that we do so. In May, 1846, war was declared to exist by the act of Mexico. I need not say, sir, that that declaration was wrung—literally wrung under pressure, from this side of the chamber. I then thought, and I now think, that the alternative forced upon us of refusing supplies, or admitting, by way of preamble, the truth of a declaration which we believed to be false, was the exertion of at least an extreme right by a party majority. But right or wrong we met the occasion, and supplies in men and money were granted on demand. We protested then, and since we have repeatedly renewed our protest against the origin of the war, while we have furnished means for its prosecution. This has been charged upon us as a species of moral obliquity—a kind of Jesuitical prudence, justified by no sound principle of reason or of morals. I have ever held otherwise; when war becomes the law of the land, and so exists upon your statute book, it is the duty of every good citizen to sustain and uphold it, till the law be repealed, or what is tantamount, peace be declared. Such have been the principles of action in other countries as well as in this. I will not speak of the British supply bill; but I may refer to the action of the great federal party in the war of 1812. Deprecating the commencement of the war as they did, a major part of the measures for its prosecution were passed without division and by the assent of the party. So, too, in the *quasi* war with France in 1797–'98, brought about against the wishes of the republican party of that day. Mr. Jefferson, as the great exponent of the principles of that party, declared, in a letter written by him, that we must avoid the war if we can, but if it came we must defend ourselves and stand by the country—whether the house be fired from without or from within it was equally our duty to extinguish the flame. This has, indeed, been a principle of action recognized by all parties in this government. It is no new doctrine incorporated into our political creed. It is no Jesuitical pretence, no moral obliquity. It is a principle of patriotic action recognized by all statesmen—all patriots, and in all times.

Well, in these circumstances, the whig party felt it to be its duty to strengthen the arm of the government—to strike, while at the same time it deprecated the consequences of the blow. Now, we have reached a point in the history of this war when the right of private judgment can again vindicate itself. We have before us an enemy, prostrate, wounded, dying; upon his body stands a Colossus, in full armor, unharmed by the contest! I ask, again, have we not now attained a point where we may exercise the right of self-judgment? A point, at which we may say to the strong, cease to war upon the weak? In my opinion we have; and stopping here, what a glorious result is before us? In a military point of view, a foreign war, conducted without a single reverse; in a civil point of view, a peace without a dollar, and without an acre wrested from the enemy without a just equivalent. Well may be it said that a peace made upon the terms offered and accepted, amounts about to this: "indemity for the past," is the hundred millions you have paid; and "security for the future," is the twenty millions you are to pay! The very result which might have been anticipated in the prosecution of such a war. We have now reached a stepping place; some of us have thought it advisable to seize upon the late treaty as the most immediate, most plausible plan of getting rid of the loan; friends have differed among themselves as to our true course of action. I should myself have been willing—I should have preferred that political friends had permitted this matter to rest upon their votes; or, that at all events, that they should have been satisfied to await the removal of the injunction of secrecy, before they published to the world the considerations which had influenced their action in secret session. But the Senator from Massachusetts, not now in his seat, [Mr. WEBSTER,] whose absence I regret, and in the mournful cause of whose absence we all sympathize, has thought it needful to promulgate to his and my constituents the reasons which have influenced him in voting, as he says, against the ratification of the treaty. He "holds," he says, "the conscience of but one man," and he "means to make a clean breast of it." Sir, he is in the exercise of his legal and just rights. But, in "making a clean breast of it," in removing the burden from his own conscience, he has unconsciously and unintentionally, I doubt not, imposed the same burden, with the added weight of his own opinions and arguments, upon the consciences and breasts of other men. It will be for us to say whether we are able to meet the responsibility which is thus invoked before our constituents.

The members of the Senate, at least, however it may be with the public, after what has passed in Executive session, will not feel surprised that I should assume to answer some of the suggestions of that distinguished Senator. His speech was not the beginning, but rather the end of controversy. I would that it had ended where it began. I have no wish to obtain the little ephemeral reputation, which comes from "much talking," or a collision with distinguished antagonists, but whenever an opportunity presents itself, pregnant with great events to the country, I never have, and I never shall shrink from my just responsibilities. I am, for one, prepared to meet the responsibility involved in the ratification of that treaty; and after the speech of the distinguished Senator from Massachusetts, read as it has been in every town, village, and hamlet of my State, I feel as others similarly circumstanced must feel, the necessity of a reply. I am here to answer; I here now declare to my constituents, as I understand I have a right to declare to my constituents, and to the world, my own action upon that subject. I here declare then, that in this chamber, and out of it, in official debate, and by private appeal, in every mode, and by every legitimate measure that I could bring to bear, I endeavored to sustain and enforce the ratification of the treaty. And I say furthermore, if it be of the slightest interest to my constituents to know it, that while its fate was yet in doubt, I first broke ground in its favor on this side of the chamber. For all which I am ready to meet the responsibility which that position demands.

Now, sir, what are the objections which have been urged against the ratification of this treaty? We are first told—and it is the first general objection—that "we have snatched up a paper, called or miscalled, a treaty—negotiated without authority, and then have ratified it"—that reversing the natural order of things, after ratifying the treaty, we have then appointed ministers plenipotentiary to negotiate upon the subject. Now, pray, what is this "bit of paper," which we have "snatched up" in the lineal sense of the Senator from Massachusetts? It is a paper sent to this body by the President of the United States—sent here as a treaty for ratification—sent here legitimately by him as he might send it here. No man can controvert the right of the President to do that; and no man pretends to deny that he may accredit his diplomatic agent in advance to do a particular thing; or he may await the action of that agent, and ratify that act after it has been done. The common principles applicable to the case of an agency constituted

in advance, or by assumption of the acts of the agent afterwards apply here. No man pretends to doubt, then, that the President of the United States had the legal, the constitutional, the rightful power to take this paper, whether negotiated without or with authority, and send it to us for ratification. If that be so, the objection then comes down simply to this, in the language of the Senator, "it is unusual—it is strange." That amounts to but little, and that little when examined grows still less. I admit frankly, that the diplomatic history of this country, and perhaps that of no other can furnish a parallel to this negotiation! I admit that no former administration ever thought of sending such a man on such an errand! But with great respect, I deny that it is an unusual thing for a negotiator to negotiate without authority, or, perhaps, even against authority. Your diplomatic history, and that of every other nation in the world, is full of instances in which the negotiator, from the necessity of the case, assumed for the time being an authority not delegated, and trusted to the recognition of the government afterwards.

But the Senator says that this proceeding is "strange"—that it is "unusual"—that it is "without parallel." In answer, I beg to call upon him or upon any other to show the parallel to such an objection. When have we ever before heard of an objection of this character? The Executive department in the *interim* between two Congresses constitutes a diplomatic agent as he lawfully may, and sends in as the result of the negotiation of that agent, a treaty for our ratification. Can we go behind the record, and instead of looking at the treaty, make a point as to the authority of the negotiator? I say that the history of this government or that of any other does not furnish an objection of such a character. The constitution prescribes when and how you are at liberty in connection with the Executive to look into the character and appoint your negotiator. But after the President exercises his lawful right in the *interim* of Congress, you cannot examine the character of the negotiator. You have no right to raise the objection that the negotiation was without authority if it has been sanctioned by the Executive. If you had such a right, you might over-ride the constitutional authority of the President which allows him to appoint a negotiator without your authority in the *interim* of Congress. When gentlemen then call on us for a parallel of this procedure, we retort and call upon them for a parallel to this objection.

But, again, it is said, that "we have reversed the general order of things"—that our proceeding is "grotesque"—we have in the first place ratified a treaty and then appointed a minister plenipotentiary to negotiate it. I think that is not the true state of the facts. This treaty was negotiated by Mr. Trist. It was sent here for ratification. It was amended. In the meantime the powers of Mr. Trist are gone. We have no accredited agents in Mexico, and after the treaty was ratified by us and about to be returned to that country for the action of its government, we send with it, as we must do, an accredited agent. Is there anything in this at all "grotesque" or "unusual?"

Now, these were the preliminary objections; they affect only the form of our procedure. They touch not the substance—the reason of the thing. The question is in regard to the treaty itself and not in regard to the character of those who negotiated it, or the form in which, under that negotiation, it was presented to us. I now propose to consider the treaty itself. I frankly admit that it is bad enough. I admit that it was no choice of mine. I admit that it was the selection of an alternative—one evil in preference only to a greater evil. We have been told here, that if we did not distrust ourselves and our power, we might meet the difficulty—that one third of the Senate can defeat the treaty now and through all time. I grant it. But, I say, that if that third consists of those gentlemen who have denounced the war from the beginning as unjust and iniquitous—and if they, under those circumstances, were to defeat such a treaty and continue such a war, they ought to feel a sense of their course as though it were written down for them by the light of a sunbeam. We have been forced from the beginning to deal with alternatives. In the beginning of the war we granted supplies, although driven to the alternative of admitting under protest, that that war commenced by the act of Mexico. In the prosecution of the war we have continued those supplies rather than see our armies defeated; and now, at the end of the war, we are willing to vote for a peace with some territory, rather than to take the chance of a continuance of the war and more territory at its close. It has been with us a choice of alternatives from first to last. I will not defend this treaty as a mere matter of bargain. I care not whether the Senator from Massachusetts be right or wrong in the view which he has taken of this as a matter of bargain. I care not whether New Mexico be near to us or far from us; I care not how isolated may be its position; I care not, though her plains be barren, though her hills be desolate. I care not whether "grass grows or water runs"—whether there be "beasts of the field, or fowls of the air, or any creeping thing"—not any or all of these considerations have controlled my action on this subject. In some respects, indeed, I do not know but fewer evils will grow out of this accession of territory if it be the miserable and worthless thing, which the Senator has represented it, than if it were a good fertile country, inviting speedy settlement. But we do at least get something by the treaty. The administration gets San Francisco and San Diego. They are at least of some value. The administration surely has "the fifteen pence in pocket," and for taking this little value they are entitled to the benefit of Falstaff's apology—"Reason, you rogue, reason! Think'st thou, I'd endanger my soul gratis!" But as a mere matter of bargain—something had for something paid—I care not, though the thing be as miserable and contemptible as the Senator describes it. The value of the country never seriously entered into my consideration, as an element in the decision of this question.

But, then, the Senator asks—why not strike out this territory, and take peace without it?" "The things," says the Senator, "are separable." He avers that we can have a peace, just as promptly, just as easily, just as honorably, without territory as with it; and here, sir, is the basis, the groundwork of his whole argument. It is begging the entire question. His whole argument is thus based upon premises erroneous in part. His position is that peace can be obtained as speedily and as honorably without territory as with it. Let us examine it.

With this administration we can have no peace without territory. Again and again, for two years, the administration have declared their determination that territory must be acquired. Gentlemen who have opposed the war, have been calling for peace—peace—peace,—but there was no peace to be had without territory. In the official declarations of the President—in the declarations of heads of departments—in the declarations of the friends of the administration in both branches of Congress, it has been announced to us, to Mexico, and to the world, that they would not even forego to us territory than is acquired by the treaty; and yet I repeat, that the whole of the Senator's argument is based upon the assumption that peace could be had as easily, as speedily, and as honorably without territory as with it! Indeed the President of the United States has gone so far as to recommend that a territorial government be established in the country, long since in our possession, and now ceded to us by that treaty. We have had, too, the official assurance, that if this treaty were rejected, no negotiation would be allowed, or even be attempted for less territory than we now obtain! And I may go farther while on this subject, and add, if there be aught in rumor, the leading members of this administration, and of the cabinet—presidential aspirants too, actually oppose the ratification of this treaty upon the ground that it gives too little territory. Now what becomes of the position that we can have peace as promptly without territory as with it? But, says the Senator from Massachusetts, "feel the enemy," and he may retire before you—"Mr. Polk put his foot down on 54° 40' and it didn't stay down." Sir, the cases differ—differ just as widely as the power of Mexico differs from that of Great Britain! Besides it is but just to the administration, to say that they never pledged themselves to hold on to 54° 40' with the tenacity with which they stand committed to hold on to New Mexico and California; although they did declare very vehemently the right to do so.

I repeat, then, that so far as we can judge from the facts before us, we can have no peace during this administration without territory. If we could, the past history of the administration would be a fable, and the event would give every official assurance the lie. For myself, I do not, I cannot believe it. I am thus compelled to act from the light before me.

"But," says the distinguished Senator, "if the administration do not choose to make peace without territory, I am willing to go before the country on that question; I am willing to put it to the people—' will you bring four States into this Union?'" Ask, sir, when will the Senator present the issue to the people? In a popular election next fall? Well, even if he should succeed upon that issue—which is more than doubtful—he must defer the accomplishment of his object till the following spring; in other words, for the purpose of testing his experiment before the people, this war must continue for another year, at the sacrifice of thousands of lives and a vast expenditure of treasure! But suppose, unfortunately, that the Senator should be mistaken, and that he and I should be disappointed on this issue, what then? The party coming into power, committed as they are on this subject, committed as they doubtless will be still further by resolutions at a certain convention to be held in May next; inflamed by success on this issue, what will be the result? Sir, it will be one of two things: Mexico to the Sierra Madre, or Mexico entire! The Senator says "we tremble before Executive influence—we fear lest the King's anger may kindle;" and "who," he asks, "is Mr. Polk?" Ah! we asked that very question a little more than three years ago—we asked it in verse I believe, and we got an answer in prose! We obtained an answer that satisfied me, at all events, that let Mr. Polk be who he might, or any other candidate be who he may, provided he be a "respectable" man, he was certain of the support and votes of his party. It matters not what star may set or rise, whether it be one of a magnitude that shall fill the naked eye, or some obscure twinkler seen only by the aid of a telescope, as soon as he is selected he will become a fixed star, the sun of a system, and around him will revolve every satellite of power and of party. It is idle to address to me any such question as this—"who is Mr. Polk?" He is, as his successor will be, the mere impersonation of a set of principles—the official head of a great party. This is a subject in which that great party, and every leading man of that party, is committed; they have plighted hand and heart to the cause; they will sustain it, or fall by it.

Now, what are those prospects of success, by which the Senator is emboldened to present this issue to the people? And, addressing myself again, not only to whig friends here, but throughout the country, if I utter unpleasant truths it is not because I do not feel them to be unpleasant. It is needless to look at things as we would like them to be. In questions of this nature we must look at things as they are. The issue which we would thus present

for the determination of the people is this: will you, at the end of the year, at once withdraw your troops without territory? Will you back right out of Mexico? That is the point. There are a great many good and wise men who would at once beg pardon of Mexico, asking forgiveness of God, and bring the army home. But how small their number, compared with the great aggregate of the people! They will scarcely be heard of at the ballot boxes. The Senator from Massachusetts tells us that the vote of the House declaring that this war was "unconstitutionally and unnecessarily commenced" by the administration, is the last public annunciation of popular sentiment upon this subject. Grant it. That declaration passed by a vote of eighty-two to eighty-one. Now, let me try the position of the Senator by the same standard. On the same day on which that vote was given, a resolution was introduced in the House instructing the Military Committee to inquire—mark, a mere resolution of inquiry, which ordinarily passes as a matter of course—to inquire as to the expediency of advising the President to withdraw our forces to the eastern side of the Rio Grande, and negotiate for peace. The question was put to the same House to whose action the Senator triumphantly alludes, and the resolution was voted down by one hundred and thirty-five to forty-one! Now, if the action of that body be taken as affording a significant expression of public sentiment in regard to the commencement of the war, its action must also be taken as affording a legitimate exposition of popular sentiment in regard to the mode in which we are to end this war.

But passing from that House to this chamber, let me inquire what extent of opposition there would have been to the ratification of this treaty if it had been confined to those who made "no territory," absolutely a *sine qua non* to a treaty of peace! It was a case when extremes met—in which the men of "no territory," and the men of "all territory" stood for the time being together. They were held together by external pressure only, and that pressure removed, they were wide as the poles asunder. I might refer to the feeling of the country. It is not an unusual thing, either in public or private life, for a man who has distrusted the justice of his quarrel in the beginning to be unwilling to yield till his foe be completely prostrated. Besides, it is to be recollected that it does not require a very heavy force to determine the vote of many of the States of this Union. There have voters enough now returned from Mexico to determine this question against us on such an issue. The whole aggregate majority of Mr. Polk in 1844 was only 38,801; and in 1836 the majority for Mr Van Buren was only 25,413. There are what voters enough returned from Mexico, or there will be next fall (to say nothing of their kinsmen, friends, and employees,) with every feeling enlisted in behalf of the war to sweep away these majorities twice told, and yet it is supposed we may go with safety into this campaign upon this issue! Sir, is it possible that any one can have forgotten the democratic slogan of 1844? "Oregon and Texas" was then the rallying cry, and it still rings in our ears. Is the scathing taunt of Napoleon to be applied to us? Are we Bourbon-like, "to forget nothing—to learn nothing?" Can we resist the conviction that what "Oregon and Texas" was in 1844, "California and New Mexico" will become in 1848? The hound has not just now opened on the scent; you do not just now hear his deep bay from afar. It is the short, quick, panting yell, ere he leaps upon his prey! And yet it is upon an issue like this, and in the face of a feeling like this that the Senator from Massachusetts advises the whig party to enter the campaign! No, sir; no, sir—It must not be! With every respect for that Senator I more than distrust the wisdom of such counsel. I appeal to the whigs—to political friends the whole country over, if it be wise, if it be statesmenlike to present that issue? The Senator from Massachusetts saw and he felt this thing. He says with truth that "the portents are discouraging." He admits that "the indications are all sinister," but he adds, that "whoever falters or whoever flies, he resists to-day, he resists always." Be it so. The Senator could not do otherwise than resist. He had in times past committed himself so far upon this question against territory that he was hardly at liberty to weigh alternatives. But is it so with us? Is the great whig party so fully, so fatally committed upon this question? Are we bound to stand fast upon

> —"This narrow ledge; a yawning
> Gulf below, a tumbling torrent from above;
> Can we not move?"

Are we spell bound? Forbid it God! Could I believe that the power to acquire territory was yet an open question, or that the constitution clearly forbade it, though the heavens darkened over my head, and the earth trembled beneath my feet, there should I stand!—stand with the Senator—stand with the constitution,

> "Shield it—save it, or perish there too"

But I deny that it is so. I feel that this is a question to be tried according to its effects and consequences, and by my best judgment, aided by the best light that I can obtain, I am persuaded that the alternative of the line offered with present peace is better than war for a year with the chance of peace at its close and no territory. This conviction I declare with the utmost respect for the distinguished Senator from Massachusetts and all others who may differ from me. I hold that upon the issue which they would make up—no peace unless without territory—the whig party cannot survive the year. It will go down to the grave, and all its conservative glorious principles will go down to the grave along with it! With some "wise saw" upon its lips, it will die, doubtless, "the death of the righteous," "rejoicing in the hope of a glorious resurrection!" Its enemies yonder will give it a kingly epitaph: *Hic jacet!*

> "It never said a foolish thing,
> And never did a wise one!"

I take no such issue! I seize upon the first and legitimate means to make peace. If I fail, let the misfortune rest where it may, it will not be here; and I then at least have the privilege of calling upon you, our political adversaries, for all the treasure that is wasted—for those twenty thousand of our young men whose bones are now bleaching in the mountain passes and on the arid plains of Mexico!

But my purpose, sir, was not to arraign others. My purpose is simply to justify ourselves. The Senator from Massachusetts in the further prosecution of his argument tells us, that this treaty gives us the line of the Rio Grande, New Mexico and California; and in view of this acquisition of territory the Senator goes into a statement showing the necessarily sparse character of the population, now and for a long time to come; and he then goes on to speak of the number of States that will be formed out of the territory and the Senators who will then take their places here. In other words, he tells us that fourteen new Senators will take their places here, and in the contemplation of that result, he becomes absolutely struck with horror. He denounces the whole thing as a "monstrosity"—a "disfiguration"—an "enormity" upon the fair framework of our government. He doubts if that, of which he speaks, be real—hesitates whether it be not some phantasm; some horrid delusion! Let us look at this thing calmly. In the first place, permit me to remind the country that the question now before us is not whether Texas should be admitted into the Union. Regard the event as you may, Texas is now here. The admission of Texas is now a foregone conclusion. The number of States that may be carved out of Texas, was settled in the annexation of that country. Arrange the boundaries of Texas as you may, it adds not to, or diminishes the number of Senators which she may at a future day place upon this floor. Let me remark, however, that the ten Senators from Texas, of which the Senator speaks, will not come here in your day, nor in your children's, nor your children's children's day. Be that as it may, the Senator relies upon these ten Senators from Texas in order to make out his position. Sir, he might, with the same propriety, have argued from the admission of Louisiana and Florida or any other territory acquired since the organization of our government. With Texas, then, we have nothing to do. You thus get rid at once of ten out of the fourteen Senators that have alarmed the judgment of the distinguished Senator. These "men in buckram" thus pass away. From fourteen they dwindle at one step down to four! Let us prosecute this matter a little farther. We will find that in reference even to the remaining four, they become "small by degrees and beautifully less." I do not mean to deny that there is a possibility, nay, probability, that at some future day New Mexico may be represented on this floor, and that at some distant day California may be also represented here; nor do I mean to say, that that would not be an evil. But the Senator regards these as pressing, immediate evils; and it is in that aspect that I resist his argument. According to his own description of New Mexico, it is a country perfectly barren and desolate—a miserable selvage of earth, pent up between two mountains—five hundred miles from any where, and twice as far from the next place! Then as to the population, it is a mongrel, pie-bald race, of every shade and hue from the white man down to the negro—very few of the former—a degraded race, and must continue to be degraded. The population cannot increase, because there are as many there now as the country can sustain. If that be so—and unless the Senator has colored or discolored the picture by his fancy—there will not be two Senators from that country in a hurry. Our southern friends are not likely to admit representatives of this pie-baid race with great haste at least on this floor. Besides, there is another difficulty in the way. The Rio Grande runs in the centre of the territory of New Mexico with its population of sixty or seventy thousand, and if Texas adhere to her claim after the treaty as it stood before the treaty, or if you admit the validity of her claims, at least one-half of the territory belongs to Texas, and you can have no new State created there without her assent. I repeat, sir, I am not disturbed by those fears which seem to agitate the Senator from Massachusetts, although I do not mean to deny all force to this objection.

But, then, he speaks of California, and states that there will be at least two new Senators from that quarter. Pray, when are those two Senators to come from California? He speaks of California as a state, and of New Mexico as a state. But they do not come here as states at all. They come here as territories—loose, unorganized territories. And when do you expect that California will be represented on this floor? The Senator speaks of California as a state! What! A state to be admitted into this Union, embracing ten degrees of latitude on the Pacific ocean, and extending from five hundred to one thousand miles into the interior! We can never have such a state admitted into this Union. Before that country can be represented here there must be a population of sufficient extent to authorize the creation of a state, and that, too, within territorial limits bearing some proportion to the extent of the largest states of this confederacy. We must recollect that California is not an agricultural country. It is a grazing country, where the wealth of the inhabitants consists in horses and cattle, and which must of necessity always be sparsely peopled. How long, then, will it be before there will be a population concentrated in a sufficiently small space in California to justify the admission of a state out of that territory? Neither 1850 nor 1860 will

witness such a result. But, says the Senator, "these states will come in at a suitable time;" and that is the only limitation which he imposes. These terms, I grant, mean pretty much what the party in power pleases to say what they do mean.—But in the case of Louisiana, which under treaty stipulations was to be admitted as a State as soon as possible, according to the principles of the federal constitution; and the inhabitants—certainly of a much better class than can be supposed to exist in New Mexico and California, and of greater numbers—demanded admittance at once. They claimed the right to admission as a treaty right; these words, a "suitable time" were intended to invest in Congress a clear discretion over the subject.—But looking at the possible changes which may occur in this body between this period and 1850, it is scarcely within the range of probability that our friends over the way will, at that early day, need two additional Senators from New Mexico and California. I know that these remarks do not sound agreeably in the ear of political friends; but they are, nevertheless, true; and it is folly to shut eyes or ears to the truth.

I pass to another aspect of this question. There was one consideration which very much commended the line of this treaty to my favorable regard. It avoids practically all that wretched question of the "Wilmot Proviso;" and I think that the sober, thoughtful men of the North will, on reflection, view the question in that light. This line of thirty-two degrees, gives us a country, which, I apprehend, can never become permanently a slave country. It grows no cotton, sugar, rice, or tobacco. It is not at all adapted to slave labor. On the contrary, some of our southern friends actually object to the line on the ground that at some future day, it may be the means of surrounding the South with a tier of free States. In connection, then, with this exciting and unhappy question, this view of the treaty is vastly important.—Slavery—speaking with the utmost respect for the feelings and judgment of others—I now hold, as I have ever held, to be a positive institution. It can exist nowhere except by force of positive law. There is no slavery now in this territory which is acquired by the treaty. If a citizen of the South go there with his slave, and that slave escapes and one of his neighbors employ him, the master cannot recover, in a court of justice, either the slave or the value of his labor. If he avers that the slave is his property, he must show that he is so. That can be shown only by municipal law; and I need not say that when called on to show that, the master cannot produce the statute-book of South Carolina. No man carries with him the law of the State from which he emigrates. In all such States there is no code penal and criminal applicable to the slave. If a slave strike his master—if another harbor a slave—there is a penalty imposed. The slave is debarred from the witness stand. Well, when the master carries his slave to California, none of these municipal regulations accompany him. A man stands there as a man, whether he be black or white. The argument then comes simply to this: the country acquired by the treaty is now free; and notwithstanding the argument of my friend from Alabama, [Mr. BAGBY,] I hold that there is no principle better settled than that the laws of the country which we acquire, remain as they were until they are changed by some positive enactment. Now the only remaining question is, can that country ever become permanently a slave country? I hold that it cannot. Thus, then, the adoption of this line practically avoids this great evil. I am opposed to all extension of slavery. I am opposed to the extension of this principle of representation. But while entertaining these sentiments, I am not such a fanatic, and set the world on fire on account of an abstraction—a mere theory, unattended by practical results. Representing a constituency with nothing at all akin to political abolition about them, I rejoice in the termination of this war in a manner which avoids altogether this distracting and dangerous question.

I have expressed my views at some length on a former occasion, upon the constitutional question as to the right of Congress to limit slavery in the territories. While disclaiming all identification with northern abolitionists of any kind or creed, I will sustain the right—the law. Liberal men of the North suffer constantly from being placed in a false position, and ranked side by side with those with whom they have not a single feeling in common. If the South would but understand the feeling of right minded men at the North, it would be seen that there is no substantial difference of opinion between them. Right-minded men on this, as on all other subjects, generally stand together. But in reference to the power to impose this limitation, there is a difference of opinion. I find that in the last October number of the "Southern Review,"—a review which I take this occasion to say, is alike distinguished by its literary excellence, and general ability—my views on this subject are characterized as "ultra latitudinarian." In that article, I find the first labored attempt to sustain this position, that Congress has not power to legislate upon this subject. The reviewer collects all the facts and all the arguments bearing on this subject; and I assure gentlemen that the article furnishes the staple for many a speech, both in Congress and out of it. But it wholly fails to shake my confidence in the soundness of my own views. If Congress has not the power to legislate upon this subject, then the power to do so exists nowhere; and we have then the spectacle presented of a political community, large in number, vast in territorial extent, incapable of legislating upon a subject, which is not only so essential, or will be so essential to their prosperity, but it may be to their absolute safety! Before we arrive at such a conclusion, the argument to sustain it, ought certainly to be unanswerable. Either the power to legislate on this subject exists in Congress, or the whole history of the legislation of the country from the very beginning, has been an assumption. From the beginning, Congress has acted on the principle of possessing this power. After a certain number of inhabitants have been collected in a territory—3,000—then there has been vested in a governor, legislative council, and house of representatives, the authority to make "all laws for the good of the district." This power is thus strictly delegated by Congress, to the territorial legislature, acting with the assent of the governor, the federal appointee, without whose signature no law can be valid. It has indeed been suggested, and I think that the honorable Senator from Michigan squints that way——

Mr. CASS.—(in his seat.) Not squints at it.

Mr. DAYTON.—The honorable Senator hints at it, that this power exists in the people of the territory in their primitive unorganized condition. Now, there is no organization of the people of the territory, except through their legislature, acting under the authority of Congress, and this power the appointee of the Executive. They can have no other mode of exercising any power vested in them. Are they, for the purpose of carrying into execution their own power, to get up some new mode of legislation—to create a kind of *imperium in imperio?* It strikes me that the position is eminently absurd.

But, says the gentleman, Congress takes these lands merely to dispose of them as a trustee; and whenever you construe constitutional law, you must construe it in reference to the object for which the trust was created. How are these territories to be governed in the meantime? How are they to pass through the period of their territorial condition? It is seriously contended that the constitution which gives power to dispose of the territories, and in the language of the constitution, "to make all needful rules and regulations" respecting the territory, is to be confined simply to the enactment of such laws as regulate the disposition of the territories; and yet, under that clause of the constitution, the whole civil and the whole criminal jurisdiction of Congress, by right of dominion, and of the territorial legislatures from the year 1787, down to the present day, has been inactive! I have always contended, as I now contend, that this power vests in the federal government—first, by reason of its general legislative supremacy; and secondly, by express grant; the grant being in the provision of the constitution, which authorizes Congress to make all needful rules and regulations respecting the territories. Sixty years practice under that provision of the constitution has settled, or ought to have settled, its true construction.

If there be any doubt raised in regard to the lands ceded by slave States, we may answer that many of these cessions have been made by free States. New York made the very first cession in 1781. At the time she made that cession, that State could legislate upon the subject of slavery; she conceded all her powers to Congress—no residuum remained; and yet it happens in the act of transfer from one receiver to another, one of those powers has departed—has been lost by some unknown process in political alchymy—it has vanished like a volatile essence, not even emitting an odor to tell of its whereabouts! The federal legislature took just what New York granted; and yet we hear it asserted that Congress has no power to legislate on this subject—that its power is limited to the disposition of these territories! Why, sir, when propositions of this kind are gravely presented for the purpose of sustaining such a position, no mortal man can tell what next may be assumed.

In 1787, I need not remind the Senate, the ordinance relating to the north-west territory was passed, excluding slavery from the territory north of the Ohio. Each and every of the States which have come into the Union, formed out of that territory, come in subject to this restriction. In 1798, the territory of Mississippi was organized, and Congress prohibited the introduction of slaves there from any port out of the United States. In 1804, two territories were formed out of Louisiana, and there again Congress restricted slavery in advance, and in diverse ways; among others, prohibiting slaves from being carried into the territory, unless by their owners, who shall be citizens of the United States; and unless taken there with a view to actual settlement. All the vast territory of Louisiana was settled under these restrictions.—In 1820, it was again declared by Congress, on the settlement of the Missouri question, that slavery should not exist in that State north of thirty-six degrees, thirty minutes north latitude. Congress has again and recently exercised the same power as to the settlement of slaves in Oregon. Are these repeated precedents, coeval almost with the commencement of our government, and coming down to the present, to go for nothing? It does seem to me—I say it with great respect—that if there ever were any doubts on this question, as to the power of Congress to legislate with respect to slavery in the territories, those doubts must be held settled by the past conduct of the government. Thus much in vindication of past votes on this subject. But I will now say again that I trust and hope that as regards the territory north of thirty-two degrees, which we may acquire from Mexico by virtue of this treaty, this question may be at rest. I hold it to be an act of wisdom, as well as of patriotism, to agitate it only when its agitation becomes matter of necessity, and with a view to practical results. But let the north bear it in mind—let it never be forgotten, that if the question be not settled now, the line will probably be pushed, in future, further south; it will go so far south as to incorporate territory which will clearly be slave territory—territory where slaves may be employed, not in agricultural pursuits,

only, but in the productions of the precious metals—the worst, the most fatal of all species of production that can curse the industry, or blight the prosperity of nations.

I have said here, as I said in this chamber in secret session, that the true question—the practical question before us, and the country, was, not whether we would take this territory or no territory, but whether we would take this territory or more territory. This, it seems to me, is the real practical question which presents itself to our consideration. In taking this position I was actuated by no fear of Executive power; no fear of Mr. Polk, as the honorable Senator would seem to intimate; the position was taken upon a calm and careful examination of the state of things by which we were surrounded, and reflection upon what would be the state of things at the end of another campaign; after more treasure had been wasted, more lives expended; after Mexico should have been more effectually and fully broken to pieces on our hands, in a state of utter disorganization. The honorable Senator from Massachusetts even seemed to admit, by inference at least, that it would be well for us to stop here if we could, but, says he, "is there any one weak enough to suppose that possible?" Do they not even now speak of taking possession of Senhora and of Tamaulipas, and of other of the States of Northern Mexico? Sir, I am not to be deterred by the form of this question of the distinguished Senator from giving it an answer. As to this lust of dominion of which he speaks, whether it may stop where it is, or whether "manifest destiny," or something else shall give it a fresh start, neither the Senator nor I can tell. God only knows, and to us at least the future alone will determine; but one thing is certain, that there is less hazard from such a contingency than there is if we permit this lust of dominion to continue its course, unchecked and uncontrolled, now. But, says the Senator, the country obtained is not worth a dollar. Be it so, for the sake of the argument. He knows and I know, that its possession will involve the country in vast expenditures for its territorial government, for its protection from the incursions of Indians, for the establishment of distant military posts. Is not this likely at least to sate the appetite for dominion? But, no, says the Senator; as well might you suppose that "a rapacious animal that had made one unsuccessful foray will not strive for a better." Sir, I always mistrust an argument that comes simply in the form of a metaphor, and I am struck with the fact, that whenever and wherever I have made this suggestion, the Senator, contrary to his wont, has always answered in metaphor. If I have said, take the line that is offered lest worse come hereafter, the answer has been, no, it is of no use, "the appetite grows by what it feeds on;"—it is of no use, "the force of a projectile is but increased by every new application of power;"—it is of no use, 'an animal which has made one unsuccessful foray will strive for a better;"—all metaphor, metaphor! and the Senator's argument carried out in metaphor, amouts to this—a rapacious animal roused to madness, thirsting for blood, is not to be quieted for a time, lest it may gather its strength for another bound. Sir, I hold to nothing of the kind; this lust of dominion may return again—of that the future only can tell—but is it not something—is it not much that for the present we stop it here and now?

But it is said that this treaty may not be ratified. But I believe it will be, but grant that it is not. Are we worse off? Do we not stand rather better in the eyes of humanity, in the eyes of the world? We manifest some readiness for peace; we leave Mexico her nationality; we pay her the full value of at least every thing we take from her? But what to me is more than this, if we succeed in the hoped for result, we end the war—we fix a line which will subject us to fewer evils than any which is likely to be forced upon us by political adversaries hereafter.

These are the views, in brief, which have controlled my conduct upon this question. I have some confidence—an abiding hope, at least, that we have seen the end of this wretched war. I trust that the flag of my country will never again be red with Mexican blood. The gallantry of our troops has carried it through smoke and fire from the coast to the capital—from the waters of the gulf to the very Halls of the Aztec. There, there let it rest; may its every fold fall peacefully around the flag-staff—may not a breath of human passion ever again open one on a Mexican battle field.—I know not how recent events in the European world may have affected the minds of other men, but for myself, I feel that in this strange juncture in the world's progress, America, the great moving cause and example, should be at rest. In peace, there is at this moment to us a peculiar, a moral fitness. If one half that we bear be true, an intense interest must soon attach itself to us, and to our institutions. We are soon to become the cynosure of all eyes—the "observed of all observers," among nations. Consider well, I pray you, the spectacle that we now present, as the great model republic, preying upon, grinding to powder, our weak, helpless, and only almost sister republic. But, sir, it is not only fit in a moral point of view, that we should be at peace, but providential considerations counsel us to the same course. The atmosphere of the old world is portentous of change; her air is thick and murky; the clouds are lurid; nations, like men, are literally holding their breath in momentary expectancy of the burst which may follow, and I tell you, sir, that you have not yet seen even the beginning of the end! I tell you that nations and kingdoms, which are the growth of ages, do not go out without a struggle, nor in a day; I tell you that large classes of men concentrating vast wealth, born to power and dominion, do not abandon their supposed destiny as a thing of yesterday. What, though, a king may be stricken down! What, though, the sons of a king may fall away, like leaves from the oak that is blasted; the great problem yet remains, can 30,000,000 of mercurial Frenchmen, of whom about six or seven millions only can read and write, with no knowledge of free institutions, no experience in the elective franchise, can they be made in a day, an hour, the safe depository of sovereign power? Sir, I distrust the future; it rises before my mind's eye black with anarchy, red with blood. Even although the nations of Europe stand aloof, yet the excited *materiel* of France herself may burst into flame, though chafed by nothing, save the friction of its own parts. Should this be so, the old world will spring to its arms in a day! In the dreadful struggle which must follow, it becomes this republic to stand "at guard." Let her gather in her resources; let her husband her strength; let her stand calm, fixed, unmoved, as the main land, when the distant swell rolls in upon it!

Mr. MASON took the floor, with a view of addressing the Senate, but the usual hour of adjournment having arrived,

On motion,

The Senate adjourned.

WEDNESDAY, APRIL 12, 1848.

PETITIONS.

Mr. DAVIS, of Massachusetts, presented the memorial of Sampson and Tappan, and others, merchants and importers of the city of Boston, praying the reimbursement of certain duties paid by them, and that hereafter duties shall be assessed on merchandize according to the actual quantity received, without regard to the quantity stated in the invoice.

Mr. DAVIS remarked that these memorialists represent that the tariff of 1846 contains provisions which compel them to have the duty assessed on the invoice value; that on many articles, such as liquors, sugars, oils, &c., there is great wastage, either from leakage or evaporation, and the articles, on being landed, fall short in gauge, weight, or measure from the quantity represented by the invoice to have been shipped at the place of exportation, and thus the importers have been obliged to pay duty on the full quantity. They ask that the clause may be so amended that some allowance shall be made, in estimating duties, for any deficiency from the invoice. Although he did not regard it as a very grave or great matter, still he might be pardoned for calling the attention of the Committee on Finance to the subject, and asking that committee to take it into consideration and make an early report.

The memorial was referred to the Committee on Finance.

Mr. CAMERON submitted documents relating to the claim of William Parkeson, a soldier in the last war with Great Britain, to a pension; which was referred to the Committee on Pensions.

Mr. LEWIS presented a petition of John F. Callan and others, citizens of Washington, in the District of Columbia, praying the enactment of a law to incorporate the Washington Gas Light Company; which was referred to the Committee on the District of Columbia.

Mr. RUSK presented the memorial of William Greer, praying the repayment of an amount of postage which he was required to pay on certain vouchers called for in the settlement of his account against the Post Office Department; which was referred to the Committee on the Post Office and Post Roads.

On motion by Mr. BENTON, it was

Ordered, That the petition of Isaac W. Taylor and others, legal reprensatives of Jacques Clamorgan, on the files of the Senate, be referred to the Committee on Public Lands.

On motion by Mr. CLARKE, it was

Ordered, That the representatives of Moses Shepherd have leave to withdraw their memorial and papers.

THE CONSTITUTION.

Mr. BADGER submitted the following resolution for consideration.

Resolved, That the Secretary of the Senate purchase, for the use of the Senate, two thousand copies of the Constitution of the United States of America, with an alphabetical analysis, prepared and published by W. Hickey, provided the same can be purchased at a price per copy not exceeding that paid for 10,000 copies ordered to be purchased by a resolution of the Senate adopted on the 15th day of February, 1847.

PROCEEDINGS OF THE FREMONT COURT MARTIAL.

On motion by Mr. BENTON, it was

Ordered, That three thousand additional copies be printed of the proceedings of the court martial in the case of Lieutenant Colonel Fremont.

REPORT OF THE COMMISSIONER OF THE LAND OFFICE.

On motion by Mr. BREESE, it was

Ordered, That three thousand additional copies of the report of the Commissioner of the General Land Office be printed for the use of the Senate

PRIVATE BILLS.

Mr. HANNEGAN, from the Committee on Foreign Relations, to whom was referred the bill from the House of Representatives, directing the mode of settling the claim of Charles G. Ridgley, reported it with an amendment.

Mr. DIX, from the Committee on Commerce, to whom was referred the bill from the House of Representatives for the relief of William Harding, reported it without amendment.

SALE OF RESERVED LANDS.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill to authorize the sale of reserved lands, and for other purposes, reported it without amendment.

ADVERSE REPORT.

Mr. UPHAM, from the Committee on Revolutionary Claims, to whom was referred the memorial of the executor of Nathan Lamme, submitted an adverse report; which was ordered to be printed.

On motion by Mr. BREESE, it was

Ordered, That the Committee on Public Lands be discharged from the further consideration of the petition of David B. Sears.

CHANGE OF REFERENCE.

On motion by Mr. NILES, it was

Ordered, That the Committee on the Post Office and Post Roads be discharged from the further consideration of the bill from the House of Representatives for the relief of Elizabeth Converse, widow of Josiah Converse, and that it be referred to the Committee on Revolutionary Claims.

DOWER CASES IN THE DISTRICT OF COLUMBIA.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the bill relating to dower, reported it without amendment.

PENSION BILLS.

Mr. DAVIS, of Mississippi, from the Committee on Pensions, to whom was referred the petition of Christopher Cunningham, submitted a report accompanied by a bill for his relief.

The said bill was read the first and second times, by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed, and read a third time.

The said bill was read a third time, by unanimous consent.

Resolved, That the bill pass, and that the title thereof be "An act for the relief of Christopher Cunningham."

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

Mr. FELCH, from the Committee on Pensions, to whom were referred the bills from the House of Representatives for the relief of Thomas Badger; for the relief of Samuel Cony; for the relief of William T. Brady; and granting a pension to John Morrison, reported them without amendment.

LAND CLAIM IN FLORIDA.

Mr. DOWNS, from the Committee on Private Land Claims, to whom was referred the memorial of Peter B. Dumas, reported a bill for the relief of Jose Argote Villalobos Marie Rose Francois Felix Marquis de Fougères, or their heirs or legal representatives.

The said bill was read the first and second times, by unanimous consent, and considered as in Committee of the Whole; and no amendment being made it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

NAVAL PENSIONS.

Agreeably to notice, Mr. HALE asked and obtained leave to bring in a bill in addition to an act for the more equitable distribution of the Navy pension fund; which was read the first and second times, by unanimous consent, and referred to the Committee on Naval Affairs.

SURVEYS IN FLORIDA.

Mr. WESTCOTT, by unanimous consent, asked and obtained leave to bring in a bill respecting certain surveys in the State of Florida; which was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

THE PUBLIC PRINTING.

The Senate proceeded to consider the following resolution submitted by Mr. BADGER, on the 10th inst., and it was agreed to:

Resolved, That the Committee on Printing be instructed to inquire into the expediency of repealing the joint resolution approved third day of August, 1846, entitled a "Joint Resolution directing the manner of procuring the printing for the two Houses of Congress."

THE SUPREME COURT.

Mr. MANGUM moved that the Senate proceed to the consideration of the motion made by Mr. FOOTE, on the 10th inst., to reconsider the vote, on passing to a third reading the bill supplemental to the act entitled "an act concerning the Supreme Court of the United States, approved June 17, 1844."

Mr. ASHLEY called for the yeas and nays on the motion, which were ordered; and, the question having been taken, it resulted as follows:

YEAS—Messrs. Atchison, Bell, Berrien, Breese, Butler, Clarke, Crittenden, Davis, of Massachusetts, Downs, Greene, Hannegan, Mangum, Mason, Miller, Niles, Pearce, Phelps, Rusk, Upham—19.

NAYS—Messrs. Ashley, Badger, Bagby, Benton, Bright, Calhoun, Cameron, Davis, of Mississippi, Dickinson, Dix, Felch, Hale, Johnson, of Georgia, Lewis, Sprunce, Turney, Westcott.—17.

The question recurring on the motion to reconsider—

Mr. ASHLEY observed that the vote which had just been given was the same as that on refusing to engross the bill; in the former case the vote stood yeas 17, nays 19. It was evident, therefore, that the Senate was not more full than when that vote was taken.

Mr. MANGUM thought the Senate was now as full as it was likely to be, and he therefore moved to proceed to vote on the question of reconsideration.

Mr. TURNEY demanded the yeas and nays on the question, which were ordered; and, being taken, resulted as follows:

YEAS—Messrs. Atchison, Bell, Berrien, Breese, Butler, Cameron, Clarke, Corwin, Crittenden, Davis, of Massachusetts, Downs, Greene, Hannegan, Hunter, Mangum, Mason, Miller, Niles, Pearce, Phelps, Rusk, Upham.—22.

NAYS—Messrs. Ashley, Badger, Bagby, Benton, Bright, Calhoun, Davis, of Mississippi, Dickinson, Dix, Felch, Hale, Johnson, of Georgia, Lewis, Sprunce, Turney, Westcott.—16.

The question then recurring—"Shall this bill pass to a third reading?"—

Mr. MANGUM observed that he did not care to press the vote at this time, and if the Senator from Arkansas would intimate any early day for its consideration he would be satisfied.

Mr. ASHLEY named Monday next.

The further consideration of the question was then postponed to, and made the order of the day for, Monday the 17th inst.

THE FRANKING PRIVILEGE.

On motion by Mr. BADGER, the prior orders were suspended and the Senate resumed the consideration, as in Committee of the Whole, of the bill to declare the true intent and meaning, so far as respects the franking privilege of members of Congress, of the act approved the 1st of March 1840, and entitled "An act to amend the act entitled 'an act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the Post-office Department,' passed 3d March 1845, 'and for other purposes.'"

No amendment being made the bill was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time, by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

COMMODORE PARKER.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Commodore Foxall A. Parker, of the United States Navy; and no amendment being made it was reported to the Senate.

Ordered, That it be engrossed and read the third time.

The said bill was read a third time, by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

THE PILOT LAWS.

The Senate proceeded to consider, as in Committee of the Whole, the bill to repeal the act of 20th March, 1837, entitled "An act concerning Pilots;" and

On motion by Mr. DIX, the further consideration thereof was postponed until to-morrow.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives by Mr. CAMPBELL, their clerk:

Mr. President: The President of the United States approved and signed, the 8th instant, the act to change the location of certain light houses and buoys.

The House of Representatives have concurred in the resolution of the Senate tendering the congratulations of the American to the French people.

They have passed a bill making appropriations for the support of the Military Academy, for the year ending the 30th of June, 1849; in which they request the concurrence of the Senate.

The Speaker of the House of Representatives having signed two enrolled bills, I am directed to bring them to the Senate for the signature of their President.

SIGNING OF BILLS.

The Vice President signed the enrolled bills for the relief of Peter Engles, senior; and for the relief of the legal representatives of George Fisher, deceased.

WEST POINT APPROPRIATION BILL.

The bill from the House of Representatives making appropriations for the support of the Military Academy for the year ending the 30th of June, 1849, was read the first and second times, by unanimous consent, and referred to the Committee on Finance.

CALIFORNIA CLAIMS.

The Senate resumed the consideration, as in Committee of the Whole, of the bill for ascertaining and paying the California Claims.

Mr. MASON.—The bill which is under consideration, although it has the very unassuming title of "a bill for ascertaining and paying the California claims," will, I think, be found, on examination, to present matter of very deep interest to the character of our republic, to the history which is to be written hereafter of the existing war with Mexico. It is my purpose, Mr. President, to confine the remarks which I offer to the Senate strictly to this bill, and to the matters necessarily connected with it, as they have been developed in the report of the Committee on Military Affairs which accompanies the bill.

Sir, we have been told by the public press, and somewhat taunted by the press on the other side of the Atlantic, with the charge that the United States of America exhibited to the world the spectacle of a republic waging a war against a sister republic, a war waged on her part as a war of aggression, waged in the lust of dominion for the purpose of conquest, and for the increase of her territory. The same language, I am sorry to say, has been held on the floors of legislation; and if it were true it would form a dark page, and I humbly hope the only dark page so far in the unwritten history of our country. Sir, in relation to this war with Mexico, when the passions of the day have subsided, when reason and intellect shall take a fair and unbiassed survey of it, of the causes that brought it on, and of its conduct on our part, I am satisfied that the character of the country will stand redeemed in the eyes of posterity.

Mr. President, an honorable Senator who sits on the opposite side of the chamber has declared that the war, so much condemned by his political associates as a war of aggression, was, in fact and in truth, a just, a necessary, and an honorable war. I mean the honorable Senator from Maryland—a tribute which the Senator has beautifully paid to the position of an independent statesman, illustrating, as he has done, how difficult a task it is, on some occasions, to bring the broad duty of the patriot within the narrow limits of party obligations. Sir, Mexico began the war. This stands recorded as a fact on your statute book. And although gentlemen may say that the vote they gave, was given under protest, the fact is nevertheless recorded as that which will present the material for history. If I am capable of arriving at truth in a matter passing before my own eyes and under my own observation, I, for one, could not hesitate to declare to the American people and to the world, not only that the war was a just and necessary war, but that it could not have been avoided without dishonor. It was commenced by Mexico in the invasion of one of the States of this confederacy, an invasion by the hostile forces of that country, made under the authorized declaration of the commander of its army, and of the chief executive officer of the government, that they had sufficient cause of war; that cause being the fact, that by an act of the American Congress we had entered into a compact with a sovereign and independent republic, which resulted in a change of the government of that republic—I mean the republic of Texas. I do not desire to go at all into the details connected with the general history of the Mexican war, but I will say this, and might appeal to the world for its proof, that just and unavoidable in its inception the whole conduct and management of the war has spread around our country and its institutions honor in everything; not only in the unparalleled victories obtained by our arms, but in the dignity and the forbearance uniformly shown by this republic to deluded, infatuated Mexico. Every occasion was embraced to hold out to Mexico the right hand of fellowship. Concessions were made which, if to a country really formidable for her military power, might well have subjected our government to the charge of pusillanimity—concessions which she could afford to make, because conscious of her honor, strength, and of the justice of the war, and conscious that Mexico was too weak to admit of such concession being misconstrued.

These California claims, Mr. President, become interesting, in my apprehension, not only because of the circumstances out of which they arose, which were strikingly exhibited on Monday last before the Senate by an honorable Senator from Missouri, [Mr. BENTON,] but because of the fact appearing from the report of the Committee on Military Affairs, that they involve expenditures unauthorized by law, expenditures for military operations, which were conducted without the authority of this government. It becomes important then to the character of our country that these claims which we propose by this bill to recognize and pay,

should be properly and distinctly understood, and their proper place assigned them in the legislative history of this country. If this be not done, future history may refer to them also in evidence of the general charge, that the war originating in a spirit of rapine and conquest, an insurrection was covertly fomented in the remote province of California, as part of the general scheme of extended dominion. The report from the Committee on Military Affairs has made a very full exposition of this matter. The payment of these claims has been recommended to Congress by the Secretary of War in his annual report communicated to us at this session, to which I shall have occasion to advert. But they are brought immediately under the consideration of the Senate in the very unassuming form of a private memorial asking for their payment. It is the memorial of Lt. Colonel Fremont, who, at the time these liabilities and obligations were contracted, was an officer in the military service of the United States. The character of these claims, or rather the character of the military operations out of which they have arisen, is very clearly and succinctly stated in that memorial. It is asserted by Col. Fremont,

"That, in June of the year 1846, being then a brevet captain of topographical engineers in the service of the United States, and employed as such in California, he engaged in military operations with the people of the country for the establishment of the independence of California, before the existence of war between the United States and Mexico was known, and with success—all in said undertaking, the independence of California being proclaimed at Sonoma on the 5th day of July, and the Mexican forces routed and dispersed. That, immediately on hearing of the war between the United States and Mexico, the flag of independence was pulled down, and that of the United States run up in its place, and under the flag military service was rendered to the United States until the conquest was complete, and supplies obtained from the people mostly on credit of certificates given for them. That after the conquest, a temporary government was formed; the expenses of which, like those incurred for military operations, are mostly yet unpaid, and should be paid by the United States, to whom all the benefits of the conquest of California has accrued."

Here, sir, we find the fact distinctly avowed, that a part of these claims which we are called on to pay—and which I am free to admit, from the consideration which I have given to the subject, I feel the necessity and propriety of paying—were incurred in military operations accidentally commencing after war had broken out between the two countries, but before that fact was in any manner known at the scene of operations.

The circumstances attending this war in California I must be permitted briefly to allude to, as they are contained in the report of the committee. In my humble judgment the officer from whose memorial I have read, was fully justified in what he did. But it becomes us the more to ascertain its character, to give to the country the reasons for the judgment which we are about passing on the subject. An officer of the topographical corps of the United States who had been justly distinguished for his scientific explorations in California, and in the adjoining territory of Oregon for some two or three years preceding, found himself in California in the spring of 1846, with an armed party but still a civic one, there by permission of the authorities of California in a pursuit purely pacific for the advancement of general science. He was informed, or rather he saw from the extraordinary jealousy of character which seems to appertain to the whole Mexican people, that sort of suspicion which is incapable of comprehending any broad or elevated principle or object in life—that his only hope to escape from actual military collision with the authorities of California was to abandon the country and to get beyond its jurisdiction, and this, although he had asked their hospitality, and that hospitality had been promised. And thus we are told, that in the spring of 1846, finding that such was the state of feeling around him with the authorities of California he deemed it wise, in order to avoid collision, to abandon the country and to pass into the adjoining territory of Oregon. He did so, and with him his whole party.

Although hostilities had not broken out between this government and Mexico, yet the aspect of affairs was so threatening as to render it expedient in the eyes of the President and of the public functionaries here, to determine that no foreign power, especially that of Great Britain, should avail themselves of, or should seize the opportunity afforded by the weakness and imbecility of Mexico, to possess herself of territory on this continent. Accordingly, an officer was despatched to California for the purpose of conferring with our consul, who was the only public agent of this country then in California, and with Lt. Colonel Fremont, if he should be found there, to concert with them such plans as in their judgment, would be best calculated to frustrate any attempt on the part of any foreign government, should such attempt be meditated, to acquire dominion by colonization or otherwise, within the limits of Mexico or California. We are told, and I am satisfied of its truth, that it was for the purpose of carrying out this view of the government at Washington, that Lt. Col. Fremont was induced to return to California after he had abandoned it. Sir, it is important, in my estimation, that the reason for his return should be distinctly known, in vindication of the conduct of the American government in the management of this affair. We have this in the report of the committee, distinctly stated by Col. Fremont himself, who has assumed the whole responsibility, and properly assumed it. He says that a gentleman, [who was an officer, as I understand, of the marine corps,] brought him a letter of introduction from the Secretary of State, and also one from Col. Benton.

I quote the language of Col. Fremont, from his deposition before the Military Committee:

"He brought me a letter of introduction from the Secretary of State, Mr. Buchanan, and letters and papers from Senator Benton and his family. The letter from the Secretary was directed to me in my private or citizen capacity, and although importing nothing beyond the introduction, accredited the bearer to me as coming from the Secretary of State, and, in connexion with the circumstances and place of its delivery, indicated a purpose in sending it which was intelligibly explained to me by the accompanying letter from Senator Benton, and by communications from Lieutenant Gillespie. This officer informed me that he had been directed by the Secretary of State to find me, and to acquaint me with his instructions, which had for their principal objects to ascertain the disposition of the California people, to conciliate their feelings in favor of the United States, and to find out, with a design of counteracting the designs of the British government upon that country."

That such were the instructions, is confirmed by the officer himself, [Mr. Gillespie.] I quote from his deposition before the committee:

"In answer to the first inquiry of the honorable committee, "Were you charged with any verbal instructions or communications to Colonel Fremont from the government at Washington, or any officer thereof? and if so, please state those instructions or communications, and from whom received?" I have to state, that I was directed by Mr. Buchanan to confer with Colonel Fremont, and to make known to him my own instructions, which, as I have previously stated, were, to watch over the interest of the United States, and counteract the influence of any foreign agents who might be in the country with objects prejudicial to the United States. I was also directed to show to Colonel Fremont the duplicate of the despatch to Mr. Larkin, consul at Monterey.

In answer to the second inquiry "You have said that you communicated the *wishes* of the government to Colonel Fremont; state particularly what you did communicate to him as the wishes of the government?" I beg leave to state, that the answer above contains, as near as I can recollect, what I communicated to Colonel Fremont, telling him, at the same time, that it was the wish of the government that we should conciliate the feelings of the people of California and encourage a friendship towards the United States."

Now, sir, it appears manifestly from the testimony of both of these officers that they carried with them into California no authority either from the Department of State, or from the Military department of the government, to wage any war for any purpose against the people of California, or against their government, but on the contrary, their mission was purely a peaceful one. They were instructed to conciliate and gain the good will, and attract the friendship of the people of California, in order so far as they might be able to do so, to frustrate the designs of the British emissaries, and to prevent them from getting possession of the country. That this was a wise policy on the part of the government, I apprehend there can be no doubt. How was it then when that mission was in reality a peaceful one, that these gentlemen found themselves embarked in military operations soon after their arrival. The report of the Committee on Military Affairs sheds abundant light upon this inquiry. The government of California stimulated doubtless, by foreign emissaries, whose presence was notorious, determined that no American should remain upon its soil. I am not familiar with the Spanish language, but I should apprehend as the Mexicans use it, the idea of "stranger" and "enemy" is expressed by the same word, as in ancient Rome. It is manifest from the whole history of the transactions attending our intercourse with Mexico, that to be a stranger there, was to be an enemy. When these officers returned to California it will be seen, as is fully proved by the documents, that our countrymen who had gone into California and established themselves there, whether with the express permission of the authorities or not, I do not know, but certainly with their acquiescence—were about to suffer from a conspiracy which had been got up against them, measures had been taken to bring down upon them the Indian populations, and a war was about to commence which would involve not only the massacre of the Americans who were spread through the peaceful valleys of California, but would probably involve also the party which accompanied Lieut. Col. Fremont. In such an emergency these officers assumed a very high responsibility. I confess, sir, that I feel instinctively sensitive to the establishment of a precedent, which would sanction, in any degree, acts of war or acts leading to war, on the part of officers of this government within the limits of a foreign power, and I have looked therefore at this matter closely, and I hope, considered it deliberately, and fully concur in the opinion that Col. Fremont and his party, whilst themselves blameless, were thus surrounded by circumstances which left them no alternative between a disgraceful and probably a most unsafe retreat, or uniting with his countrymen who were settled in California, and taking up arms in their own defence. He assumed the responsibility of the latter course, and he carried it out, as he says, successfully, and thus it was that California was subdued, and the settlers saved from destruction, about the very time, that war broke out with Mexico, although the fact that it existed was then unknown in California.

Sir, my object in the remarks with which I am wearying the Senate, is to disconnect the authorities at home from this outbreak in California, and to prove by testimony which cannot be controverted, that the government at home had no part in the insurrection, that the probability of such an occurrence was unknown to the government, and in truth, that it was no party to it either directly or indirectly. This fact is most distinctly stated, also, in this memorial from Lieut. Colonel Freemont, an extract from which I shall presently refer to.

So much for the commencement of the operations in California on land, now for those which commenced at sea. It appears from the documents which are to be found in the report, that Commodore Sloat who commanded in the Pacific, at that time arrived at Monterey. It is stated by Lieut. Colonel Fremont, (after having given an account of his military operations thus far) as follows:

While proceeding against Gen. Castro, authentic information was received that, on the 7th of July, Commodore Sloat had taken possession of Monterey, and hoisted the American flag, upon which the flag of independence was immediately hauled down, and that of the United States run up, and under the flag of the United States all subsequent operations were carried on.

"I came down to Monterey with my command, upon the request of Commodore Sloat, to co operate with him; and immediately on my arrival waited upon him, in company with Lieutegant Gillespie, on board the frigate Savannah. Commodore Sloat appeared uneasy at the great responsibility he had assumed. He informed me that he had applied to Lieutenant Gillespie, whom he knew to be an agent of the gov-

ernment, for his authority, but that he had declined to give it. He then inquired to know under what instructions I had acted in taking up arms against the Mexican authorities. I informed him that I had acted solely on my own responsibility, and without any authority from the government to justify hostilities. Commodore Sloat appeared greatly disturbed with this information, and gave me distinctly to understand that in raising the flag at Monterey, he had acted upon the faith of our operations in the north. Commodore Sloat soon relinquished the command to Commodore Stockton, who determined to prosecute hostilities to the complete conquest of California. He proposed that Lieutenant Gillespie and myself should serve under him, with all the force we could get; which we agreed to, our man doing the same, as Commodore Stockton so fully testified before the court martial; and from that time forward, all my operations were carried on under the orders of Commodore Stockton, or by virtue of commissions bestowed by him. I was appointed by him, major of the California battalion, afterwards military commandant of California, and afterwards governor and commander-in-chief in California; and under all these appointments expenses were incurred, which remain to be paid."

On the 7th of July, then, it appears that Commodore Sloat, commanding the marine, hoisted the flag of his country at Monterey, and took possession of that capital. It is manifest from this evidence that Lieut. Colonel Fremont was accidentally thrown under the necessity of commencing these hostilities, and that neither he or Commodore Sloat, who came shortly after upon the coast, had any authority whatever from their government to wage war against California. Indeed, it appears that Commodore Sloat, in raising the flag the United States at Monterey, did so under the impression that hostilities would not have been commenced on land unless under the authority of the government, or with a knowledge that war had commenced between the United States and Mexico. Now, sir, the Senate and the country may pass its separate judgment upon the acts of Lieut. Colonel Fremont in commencing these hostilities. What I desire is to rescue the government of my country from the possible imputation, that it sought by indirectly stirring up insurrection in a remote province of a sister republic to provoke a war for the purpose of seizing and appropriating her territory. I am free to admit, so far as I can form an opinion from the facts, that this young officer was placed under circumstances in which he could not have acted otherwise than he did. He could not see his countrymen exposed to the merciless attack of the savages, their homes and their fields desolated, and their women and children fleeing before the tomahawk and scalping-knife; he could not have subjected his own men to the dangers which awaited them, without incurring a censure greater than any he could have incurred in taking up arms for their protection. No, sir, I have no censure for this officer for the part he bore in these military operations in California.

The question, then, arises, does it devolve upon this government to pay these claims? Sir, I believe if not *debito justitiæ*, still in justice and equity we ought to pay them. Because these military operations, however unauthorized, were undertaken from necessity and for the protection of our own countrymen thus treacherously assailed, and because the fruits of the victories achieved enure to the United States when its army was sent there in prosecution of the war against Mexico. We must recognize them under this fact and none can complain. Claims that originate against the government under the sanction of law, always find laws providing for their liquidation. Claims that come before us without the sanction of law require special legislation to enable them to be paid. The Secretary of War has recommended the payment of these claims. In his annual report to Congress he says:

"The despatch of Col. Mason, to which I have before alluded, refers to the unsettled claims in that country against the United States, and recommends that immediate measures should be taken to ascertain the amount of such as are well founded, and that provision be made for immediate payment. These claims are principally for property of various descriptions furnished to, or taken by, our forces in the course of the military operations in that country. The delay to pay them has already produced much dissatisfaction, and is prejudicial to the interests of the United States. Some of the officers engaged in this distant service have become personally responsible for debts contracted for the use and in the service of the United States; it is also due to them that provision should be made for paying these debts."

How are they to be paid? The bill appropriates seven hundred thousand dollars, and, in my judgment, so large a sum to be expended in payment of claims which in their character are necessarily, to a great extent, indeterminate and loose, requires that every precaution should be taken to insure justice as well to the government as to the claimants. It is proposed in the bill reported from the Military Committee, that they shall be ascertained and paid under the authority of a commission, to be created for that purpose. I agree entirely with the committee in their recommendations on this point. They are claims of peculiar character; many of them doubtless of small amount would be dependent on evidence that it will be difficult to collect—evidence which must be closely scanned and sifted, to separate such as are fair and just from the unfair and unjust. Such scrutiny cannot well be made, by any other than a tribunal of judical character. Claims which have arisen without the sanction of law should have the closer scrutiny of law, and I know of no better mode for their adjustment than to have a board that shall sit and adjudicate them. It is proposed, however, in the bill which has been reported to create this board, and to appoint by law the officers who are to constitute it, one by name and the others by description.

Mr. President, I apprehend, and I say it with great deference to the committee who have reported this bill, that to create the board in such a manner would be a violation of the constitution of the United States. The bill provides that

"The President be, and he is authorized, to appoint a board consisting of John Charles Fremont, and two officers of said battalion while in service, &c."

The President shall be authorized to appoint Lt. Col. Fremont and two other officers who were in the service. Now, sir, we ought to look carefully into this matter. It is unbecoming, [I say it with all respect,] it is unbecoming I think in the Senate of the United States, or in either branch of the Legislature of this government to trench, in the slightest degree, on the powers which are assigned by the constitution to the Executive. It would be a dangerous precedent. The constitution, for wise purposes, has lodged the power of appointment with the President, giving to the Senate only a negative on that power. Although the terms of the constitution are familiar to every Senator, I will ask leave to refer to them. It provides that the President

"Shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other ministers and consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers, as they think proper in the President alone, in the courts of law, or in the heads of departments."

Thus, sir, by the express terms of the constitution the power of selection is assigned to the President. He shall have power to nominate, and by and with the advice and consent of the Senate, shall appoint first—certain classes of officers, and then "all other officers whose appointments are not therein otherwise provided for, and which may be established by law." This commission then, and the appointment under it if established by law, ought to be filled according to the terms of the constitution, and within the meaning of the provisions to which I have referred. I understand an officer of the government to be one who has any public charge or employment whatsoever. I do not mean this as a strict definition of the term officer, but it is that form of expression which imparts to my mind the clearest conception of what is meant by public officer.

What duty is to be devolved on this board? It is to be a public duty, involving the expenditure of large sums of money. They are to sanction or reject the claims that may be presented; to do justice to the claimants and justice to the government; and these duties are to be discharged by persons who derive their authority exclusively from the government. Can it be said then, that they are not officers within the meaning of the provision of the constitution which I have read. They are officers not only in the general and popular sense, but in the strictest sense, for the discharge of an important trust, the adjudication of claims to a large amount, binding the government by their decisions—which claims are to be paid upon their certificate out of the public treasury—all which powers are derived under authority exclusively imparted to them by the government. Sir, I can entertain no doubt that this board or the officers who are to constitute it, are strictly officers within the meaning of the constitution. If such be the fact, it must necessarily follow that they are to be appointed by the appointing power known to the constitution, viz: by the President, by and with the advice and consent of the Senate.

I have, sir, with the deference which becomes me, made these objections on the bill as it is reported from the committee, and I have made them with reluctance, for it is always with reluctance that I can express opinions different from those of a committee of this body, but it struck me at once, and the more I examined it the more I was confirmed in the opinion that the appointing power does not reside here, that it would be trenching on the rights of the Executive and violating the constitution, though not so intended, if we were to make these appointments by law. It becomes us therefore if we agree to the creation of any board, to do it in the usual form, and leave the power of appointment to the functionary in whom it has been reposed by the constitution. I know of no other mode of attaining this object than by a proposition to send the bill back to the Committee on Military Affairs, with instructions to reform it in this respect. I have drawn the instructions, which I will read to the Senate.

The bill proposes that there shall be three commissioners, I have no particular opinion on this subject. I had thought that one commissioner would be enough, provided he would be associated in some manner with the military commander for the time being in California, but on further consideration it strikes me that it would be as well that there should be two—though the additional expense would be comparatively small—I think it unnecessary. I throw out this proposition for the consideration of the Senate, not being wedded to it in any form as to details which the committee is more competent than I to determine; but I see no mode by which this object can be accomplished without a recommitment.

In what I have said, I have confined myself as I proposed to do, entirely to this bill. I am friendly to the purposes of the bill. I am in favor of paying these claims. But it is important that their character should be understood, so that at a future day, this government may not be implicated for having covertly, or for improper purposes incited the insurrection in California. I move the recommitment of the bill.

EXECUTIVE SESSION.

On motion by Mr. MANGUM, the Senate proceeded to the consideration of Executive business, and after some time spent therein,

On motion,

The Senate adjourned.

THURSDAY, APRIL 13, 1848.

PETITIONS.

Mr. CASS submitted documents relating to the claim of William Lee, to compensation for services as clerk in the Office of the Superintendent of Indian Affairs at Detroit; which were referred to the Committee on Indian Affairs.

Mr. MANGUM presented a petition from citizens of the United States, praying the purchase of Mount Vernon by the government, which was referred to the Committee on Military Affairs.

Mr. BELL presented the memorial of citizens of Louisville, Kentucky, praying an appropriation for the repair of the dam at the head of Cumberland Island, in the Ohio river; which was ordered to lie upon the table.

IMPORTATIONS OF SUGAR.

Mr. DOWNS submitted the following resolution, which was considered, by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to report to the Senate the quantity of sugar imported during the fiscal year ending 30th June, 1847, and the succeeding quarter, the cause of the last quarter, 31st March, 1848; respecting the places from whence imported, and the price, at the place of export of the several quantities, when exported.

VENTILATION OF THE SENATE CHAMBER.

Mr. HUNTER, from the Committee on Public Buildings, reported the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the Secretary pay to John Skirving, for his services in ventilating the Senate during the session, an allowance not exceeding the pay of a messenger, together with one dollar a day for an assistant laborer.

PRIVATE BILLS.

Mr. MILLER, from the Committee on Naval Affairs, to whom were referred the bills from the House of Representatives, for the relief of Edward Quinn; for the relief of David Myerle, for the relief of Stephen Bryan; for the relief of Joseph Bryan; for the the relief of G. F. De La Roche, and W. P. S. Sanger; for the relief of James H. Conley; for the relief of James Glynn, and others; for the relief of Nancy Tompkins; for the relief of Elizabeth Mays; for the relief of Anne W. Angers; for the relief of John Percival, a captain in the navy of United States; and a joint resolution concerning the settlement of the accounts of William Speiden, purser in the navy of the United States; reported them without amendment.

BOUNTY LANDS.

Mr. DAVIS, of Mississippi, from the Committee on Military Affairs, to whom was referred the bill explanatory of the act entitled "An act to raise for a limited time an additional military force, and for other purposes," approved 11th February, 1847; reported it with amendments.

PRIVATE BILLS.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom was referred the joint resolution from the House of Representatives for the relief of H. M. Barney, reported it without amendment.

Mr. BALDWIN, from the Committee on Pensions, to whom was referred the memorial of Francis O. Dorr and Andrew C. Dorr, submitted a report accompanied by a bill for the relief of Gustavus Dorr.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

PUBLIC LANDS IN FLORIDA.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill respecting certain surveys in the State of Florida, reported it without amendment.

ADVERSE REPORT.

Mr. FELCH, from the Committee on Pensions, to whom was referred the petition of Elizabeth McDougall, submitted an adverse report, which was ordered to be printed.

CHANGE OF REFERENCE.

On motion by Mr. FELCH, it was

Ordered, That the Committee on Pensions be discharged from the further consideration of the proceedings of a meeting of wounded soldiers, presented on the 3d instant, and that it be referred to the Committee on Military Affairs.

THE CONSTITUTION.

The Senate proceeded to consider the resolution submitted yesterday by Mr. BADGER, directing the Secretary of the Senate to purchase two thousand copies of the edition of the constitution prepared by W. Hickey; and the question being on agreeing to said resolution, it was determined in the negative.

Mr. ATCHISON moved a reconsideration of the vote upon the the resolution; which was agreed to.

The question recurring upon agreeing to the resolution, it was,

On motion by Mr. BERRIEN,

Ordered, That the further consideration thereof be postponed until to-morrow.

THE DAM AT CUMBERLAND ISLAND.

Mr. BELL moved that the prior orders be postponed for the purpose of proceeding to the consideration of the bill to provide for the repair and improvement of the dam at the head of Cumberland island, in the Ohio river.

The motion was disagreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk:

Mr President: The House of Representatives have passed a bill to amend the act "to provide for the transportation of the mail between the United States and foreign countries, and for other purposes,"

In which they request the concurrence of the Senate.

The Speaker of the House of Representatives having signed the enrolled joint resolution, I am directed to bring it to the Senate for the signature of their President.

SIGNING OF A JOINT RESOLUTION.

The VICE PRESIDENT signed the enrolled joint resolution tendering the congratulations of the American to the French people.

FOREIGN MAILS.

The bill from the House of Representatives to amend the act "to provide for the transportation of the mail between the United States and foreign countries, and for other purposes," was read the first and second times, by unanimous consent, and referred to the Committee on the Post Office and Post Roads.

NOTICES OF BILLS.

Mr. PEARCE gave notice that on to morrow, or some early day thereafter, he will ask leave of the Senate to introduce a bill to incorporate the Washington Mutual Insurance Company and Savings' Institution.

Mr. DAVIS, of Massachusetts, gave notice that on to-morrow, or some early day thereafter, he will ask leave of the Senate to introduce a bill, the title of which he named.

MESSAGES FROM THE PRESIDENT.

A message, in writing, was received from the President of the United Sates, by Mr. WALKER, his Secretary.

Mr President: The President of the United States has approved and signed the bill for the relief of Peter Ingles, senior, and the bill for the relief of the legal representatives of George Fisher, deceased.

THE PILOT LAWS.

The Senate resumed the consideration, as in Committee of the Whole, of the bill to repeal the act of 2d March, 1837, entitled "An act concerning pilots."

Mr. DIX.—Mr. President: A bill in all respects similar to this, was before the Senate at the last session of Congress, but not finally acted upon for want of time. When it was taken up for consideration, I explained the object in view; but as there are many gentlemen on this floor, who were not then members of the Senate, I will recapitulate, as briefly as possible, the arguments urged in favor of the passage of the bill.

The bill proposes to repeal the act of 2d March, 1837, concerning pilots. The act proposed to be repealed, made it "lawful for the master or commander of any vessel coming into or going out of any port situate upon waters, which are the boundary between two States, to employ any pilot duly licensed or authorized by the laws of either of the States bounded on the said waters, to or from said port; any law, usage, or custom to the contrary notwithstanding."

This provision, though equal and fair on its face, is partial and unfair in its operation, as I will endeavor to show.

Before the American colonies confederated together for mutual defence and protection, each regulated its own pilotage. When

they became independent States, and agreed to articles of confederation and perpetual union for their common government, they retained respectively the forms they had previously possessed on the subject. When the constitution of the United States was adopted, and a more perfect union formed between the States, it conferred on Congress the power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." Under this authority, as is supposed, the Congress of the United States passed an act at its first session, providing "that all pilots in the bays, inlets, rivers, harbors, and ports of the United States shall continue to be regulated in conformity with the existing laws of the States, respectively, wherein such pilots may be, or with such laws as the States may respectively hereafter enact for the purpose, until further legislative provision shall be made by Congress."

Three considerations suggest themselves in view of this provision:

1. Congress assumed to possess the authority of legislating on the subject of pilotage, either, as is most probable, under the clause of the constitution I have cited conferring the power of regulating commerce, or, possibly, under the general power to make all laws necessary and proper for carrying into execution the powers expressly given to Congress. I do not intend to deny the authority, rightfully exercised; and I suppose it will be generally conceded that the regulation of pilots is a regulation of commerce.

2. Congress adopted the laws of the States then in force, regulating pilots in those States respectively. By virtue of this adoption these laws acquired all the force of acts of Congress, and all the regulations contained in them thenceforth possessed the same efficacy as they would have had if they had been recited in full in the act adopting them. They became a part of the law of the land.

3. Congress, by referring to and sanctioning the future legislation of the States, in respect to pilotage, virtually clothed them with its own power over the whole subject. It virtually pronounced the regulation of pilots in the several States a fit subject for local or municipal legislation. It was, in effect, a delegation of the power of Congress, whatever that power may be, over the subject of pilotage to the States, to be exercised in *futuro*, until resumed by the delegating authority, or, to use the words of the act, "until further legislative provision shall be made by Congress." This act was passed on the 7th of August, 1789. I believe it was the ninth act passed under the constitution of the United States, and it was for nearly half a century the only act passed by Congress in relation to the subject of pilotage, with the exception of the act of 1792, by which pilots were exempted from the performance of militia duty.

The State of New York commenced the regulation of pilotage for her principal port at an early period of her colonial existence. The first law I find was passed in 1694, more than one hundred and fifty years ago, and about seventy after the first settlement of New Amsterdam. It provided for the appointment of pilots by the Governor and Council, and prohibited all other persons from piloting any vessel into the port of New York under a pecuniary penalty. From that time to the year 1837, the pilotage of vessels to and from the port, was subject to State regulation. In this respect New York stood on the same footing, nominally and practically, with the other States in the Union.

In December, 1836, two shipwrecks of a very distressing character from the extensive loss of life with which they were attended, occurred on Long island—I allude to the Bristol and the Mexico. Neither of these vessels had a pilot; and this fact, combined with a previous course of conduct on the part of the New York pilots, calculated to create prejudice against them in the public mind, led to a strong feeling of excitement. There is no doubt that there was, to a certain extent, just ground for this prejudice. The business of pilotage in the city of New York had grown into a monopoly, and like all other monopolies had run into abuse. No man at this day desires to revive it. The number of pilots was too limited: and they had, by combining and agreeing to share equally the receipts accruing from their joint services, rendered all competition useless, and produced a relaxation of their accustomed vigilance in looking out for vessels and bringing them into port. On the fullest investigation, however, I believe they were exonerated from all direct censure on account of the loss of the two vessels referred to. But the system was not equally faultless; and, on the occurrence of these two disasters, the public attention having been strongly attracted to the subject, the Legislature of New York entered into a full investigation of it. For nearly three months the whole subject was under consideration before committees, or under discussion on the floor of the two Houses. Few subjects of legislation have received a more earnest or critical examination in any deliberative body; and it results in the passage of a law formed with a reference to all the known and alleged evils of the system. A board of commissioners, consisting of five persons, was authorized to be appointed by the governor and Senate of the State. It was made the duty of the board to examine the pilots then licensed, and if found qualified, to license them anew, and also to examine and license every other person of full age and good moral character, making application for the purpose, giving a preference to those, who had served three years as apprentices to licensed pilots. The duties of the commissioners in other respects were carefully defined by this act: the pilots were subjected to rigid regulations; their numbers were increased to meet the extending commerce of the city; all combinations were guarded against, so as to produce a free competition; and the defects in the old system, which time had disclosed, were provided for by appropriate remedies. I have no hesitation in saying, if this act had been permitted to go into operation, fully and fairly, without any interfering or counteracting legislation on the part of Congress, all the evils of the pre-existing system would have been remedied, and all the advantages of a proper competition would have been fully secured without any of the inconveniences, inequality, and injustice, which have resulted from the system now in force. Or, certainly, if its provisions had proved insufficient, the defect would have been cured by further legislation.

But before this act was matured and passed, the act of Congress of March 2 1837, of which we now ask for the repeal, had been hurried through the two Houses of Congress, and the power of regulating pilotage for the City of New York was virtually taken out of the hands of the Legislature of the State. The object of this act of Congress was to open the business of pilotage for the City of New York to the State of New Jersey, with a view to greater competion among the pilots in looking out for vessels destined for that port. I believe there was no other object in view at that time; and it is said to have been on the suggestion of persons in New York that the State of New Jersey was induced to pass a pilot law, as she did a few weeks before the act of Congress passed. I believe the competition in view of the latter act would have been fully secured by the law passed by the State of New York, and passed after the careful investigation to which I have already referred. It broke up the old monopoly: it rendered combinations impossible; and, in a word, it provided a complete remedy for pre-existing evils and defects. Under these circumstances, the interposition of Congress was unnecessary: it came in, not for good, but for ill. It frustrated the proper execution of the objects contemplated by the law of New York: it introduced other interests antagonistic to and in some degree subversive of them: it prevented a proper regulation of the system under the authority of the state. While the New York pilots, under the new system, were subjected to rigid regulations and to an active competition among themselves, they found other competitors in the field under the law of New Jersey, persons exempt from all control by the laws of New York and acting independently of her authority. After submitting to this state of things eight years, the Legislature of New York believing it unequal and unjust to her own pilots, repealed all her laws regulating pilotage, by way of Sandy Hook. The whole subject of pilotage for the principal channel of commerce with the great commercial emporium of the Union is unregulated by law, excepting so far as the laws of New Jersey have been made to operate within the territorial limits of New York. Any person may pilot a vessel into the port of New York, no matter how incompetent he is. The pilots licensed under the New York law of 1837, still retain their licenses, but without legal regulation; a number of individuals have received certificates from a voluntary association—certificates given without a shadow of authority; and the New Jersey pilots are extensively engaged in the business of piloting; but there is no common system of rules established under the authority of the State of New York, to which either of these classes of persons is amenable; and she has by the act of Congress been deprived of the power of establishing a system, to which all shall be required to conform, and the act of Congress prescribes none.

In order that there may be an end to this state of things, we ask for a repeal of the act of Congress, by which it has been produced. The grounds on which the repeal is sought may be briefly stated thus:

1. It is in the highest degree unjust to the State of New York, to take from her the right of providing, by such regulations as she seems proper, for piloting vessels into her principal seaport—the only one, indeed, in respect to which regulations for pilots are required. By authorizing the pilots of another State, licensed and governed by laws, over which she has no control, to take vessels in and out of the city of New York, the State is virtually stripped of a portion of her sovereignty, and the legislature of another State is enforced, without her consent and against her wishes, within her own territorial limits.

2. To allow pilots licensed under the laws of another State to bring in and carry out vessels to and from the port of New York, is authorizing officers of one State to execute public functions within the territorial limits of another. We insist that if Congress, under the constitution, undertakes to exercise the power of regulating pilotage in any other mode than by the adoption of the laws of the States within their own respective limits, it should do so directly, by providing for the appointment and government of pilots, under rules instituted by itself, and not by the offensive, and, as is contended, the unauthorized measure of allowing officers or agents of one State to perform public acts within the territorial limits and jurisdiction of another.

3. The act of Congress is in its operation unequal as a regulation of commerce; and, therefore, in volation of that provision of the constitution which declares that "no preference shall be given by any regulation of commerce, or revenue, to the ports of one State over those of another." Massachusetts has the exclusive regulation of pilotage for the port of Boston, Salem, New Bedford, &c. South Carolina for Charleston, Alabama for Mobile, &c., while New York is not permitted to provide for the regulation of pilots for her principal sea port. While the jurisdiction of the States referred to, is exclusive in respect to pilots for the ports I have named, hers is concurrent with the State of New Jersey. Besides, there is no equality in the existing system, as between the

States of New York and New Jersey, considered by themselves. While the New Jersey pilots receive from $25,000 to $30,000 per annum for piloting vessels to and from the city of New York, no New York pilot that I can learn receives a dollar for piloting a vessel into a port in New Jersey. The advantage is all on one side. The act of Congress, though expressed in general terms, and apparently equal in its effects, is, from local circumstances, partial, unequal, and unjust.

4. The act of Congress was procured through misapprehension, by attributing to the New York pilots disasters for which they were not fairly responsible.

5. If the New York pilots had been responsible for the disasters attributed to their negligence, the defects of the system under which they were appointed, were revised by the legislation of the State of New York, framed with the greatest deliberation, which ought to have been permitted to go into operation without interference by Congress.

6. That the act of Congress has led to dissensions and litigation, not only between citizens of different States, but between different classes in the same State. The pilots of Louisiana have been involved in litigation with the pilots of Mississippi: the pilots of Maryland with those of Virginia. One of the Maryland pilots was thrown into prison for piloting a vessel to Norfolk, and kept there until released under the insolvent laws of Virginia. And it is a striking illustration of the impolicy and the injurious operation of the act of Congress, that where the parties concerned stand on an equal footing, they are unanimous in urging its repeal. It is only when it is unequal in its operation that the repeal is opposed. Thus, the pilots of Maryland, though authorized under the act, to pilot vessels into the ports of Virginia, on the Potomac and Chesapeake bay, and the pilots of Virginia, though authorized to pilot vessels into the ports of Maryland on the same waters, have united in petitioning for its repeal. The State of Maryland also, in view of the operation of the act in that State, remonstrates against it, on the ground that it "permits the conflicting jurisdiction of adjacent States to disturb and derange the best systems of pilotage, which either may adopt." Sir, the only remedy for the evils it has caused is its unconditional repeal, in order that each may be left to regulate its own pilotage for itself, according to the system, which existed for nearly half a century after the organization of the federal government. And I will only add that, in this event, I am sure the subject will be disposed of by New York with a just and liberal regard to her mercantile interest, and in such a manner as to remove all ground of complaint from any quarter.

Mr. MILLER.—This is a subject of deep interest to the commercial and navigating interests of the country, and is of too much importance to be disposed of in the morning hour. I suggested to the honorable Senator from New York to appoint a day for the consideration of this bill, when those interested in the matter might be present, and the Senate be full. I do not propose this morning to enter into the discussion of the subject, or to answer the remarks of the Senator from New York. My object simply is to have an understanding with the Senator, that this bill shall either be set down for a particular day, or if passed by informally now, that an understanding may be had that it will not be called up without previous notice. To one remark of the honorable Senator which he made in the commencement of his speech, I may be permitted to allude, as without reply it might prejudice the interests of some of those who are interested in the bill. It has been stated by the Senator from New York, that this bill was originally passed in a great hurry by Congress, thus insinuating that it was passed without due reflection and deliberation. Now, it is true, that the bill passed without much debate, but I think it can be made perfectly manifest to the Senate when they come to look into the facts of the case, that if there were any hurry, it was owing to the circumstance of the case, and that the bill was promptly passed, in order to afford protection to the lives and property of our citizens. But, however, that may be with regard to the passage of the bill, certain it is, that there has been since abundance of time for reflection. Every year since the passage of this law, down to the present day, these pilots of New York have presented themselves here for the purpose of obtaining its repeal. At one time it received the consideration of a committee of this body, and a report was made, which is now upon the files of the Senate, and ever since the subject has been repeatedly presented, not only here, but throughout the country. It has thus undergone a very attentive examination. After a most mature consideration of the whole subject, the Legislature of New York finally came to the conclusion, that the law as it now stands was a just one, and should be maintained; I speak of the resolution which passed the Legislature relative to this very subject. However, I do not intend to go into the subject now, but merely remark, that if these pilots showed half as much attention to the ships coming into the port of New York as they have to this bill, there would be no ground of complaint. I move that the bill be postponed to a future day.

Mr. DAVIS, of Massachusetts.—If I had supposed that this bill was coming up this morning, I would have brought with me certain documents and papers, which bear upon the subject.—Without going into the matter as fully as I would have done had I been aware that the consideration of it was to be taken up in the morning hour to-day, I may throw out one or two ideas in reference to it. I generally agree with the honorable gentleman from New York, on most of those commercial subjects; but I cannot, in the present case at all concur with his views. In my judgment it is not expedient to repeal this law, and I agree with my friend from New Jersey that this is a measure of very great importance, affecting interests of considerable magnitude, and is not to be passed upon hastily or inconsiderately. The first inquiry that naturally presents itself is, who desires the repeal of this law? So far as I am able to ascertain, the repeal of the law is not sought or desired by any parties except the pilots belonging to the city of New York. I believe that the papers relating to the subject in my possession do not show that any other class of individuals connected with the shipping interest of the country, desire the repeal of the law, except those pilots. And why do they desire a repeal of the law? A brief reference to the history of the circumstances in which the law originated may assist us in answering this question.

It seems that a combination existed among the New York pilots, antecedent to the passage of this law, by which they entered into an arrangement to distribute amongst themselves the fees received from pilotage in that harbor; and that in accordance with this arrangement they divided themselves into parties, going down alternatively to Sandy Hook, and anchoring there, bringing vessels into port with as little inconvenience to themselves as possible. The result was those frightful calamities by shipwreck, to which the gentleman from New Jersey alluded, and which were ascribed to the want of proper vigilance on the part of the pilots. The wreck of the "Mexico," and several other vessels, near the harbor of New York, involving great loss of life and property, attracted much attention to the subject, and the representations made in consequence excited investigation here, and this law was the result. It was said, here is a common port, partly founded by the State of New York and partly by the State of New Jersey. The pilots of New Jersey are not permitted to bring vessels into the harbor which are bound for the State of New York; but they are authorized to bring them into the same harbor, provided they are bound to the State of New Jersey. Now, on this common water, it was said, we will make the right of pilotage a common right, and create a competition, in order to see whether the recurrence of those evils may be prevented. That was the argument which was presented, and under it the law was passed, authorizing the pilots of New Jersey as well as those of New York, to bring vessels into the harbor. What was the result?—The whole evil vanished immediately. Instead of anchoring quietly at Sandy Hook, leaving vessels to grope their way into the harbor as they might, incurring all the dangers of shipwreck, the pilot boats are now often found one hundred miles out at sea in search of vessels. Free competition has been created, shipwrecks in the neighborhood of that harbor are almost unknown, and the pilotage of that important harbor has been placed on a footing highly satisfactory to the merchants, ship-owners, ship-masters, insurance offices, and all intrusted in the navigating and commercial interests of the port. I do not know whether I am authorized to say that there is not a merchant in the city of New York who would desire the repeal of this law; but I think I am authorized to say that every insurance office in that city, the Chamber of Commerce, and the merchants generally are all desirous that the law should remain as it is; and why? Because these interests are safe in the present condition of things, whereas they were unsafe under the former arrangement.

This is a brief, general view of the case; in which the facts will I believe fully sustain me. My friend says that the present system works a little practical injustice towards the State of New York. Why, I have understood the honorable Senator from New Jersey has intimated that the New York pilots have been diligent in season and out of season, since the passage of the law, endeavoring to obtain a repeal of that law; not because they are impelled or justified by any of the great interests involved, but because they desire a monopoly, under the presumption that they will make a proper use of their power if you repeal this law. Well, I am convinced that none of those interested in insurance business or in property afloat upon the ocean, will desire that experiment to be tried. But the gentleman from New York contends that it works some practical inequality—that a certain degree of power is taken from New York, heretofore conceded to her, and which ought to remain there. Now what is the theory of this pilot law? I apprehend that my friend from New York has fallen into a little error, in reference to the exercise of this power by the States. He says, very truly, that in 1789 Congress passed a law recognizing, and perhaps, adopting—I am quite willing it should be so regarded—the then existing laws of the United States upon the subject of pilotage, making the laws of the States their own laws; but they go a step farther than that, and intimate that the laws hereafter passed by the several States shall be the laws to regulate pilotage, and that that is a grant of power to the States under the constitution of the United States. Well now, I apprehend that if the gentleman will reflect for one moment on this view of the subject he will be inclinedto doubt whether that was the intent of that law. I do not think it is legitimately subject to such a construction. Such a view of it is not reconcilable with the constitution. It is quite impossible that Congress should, by its legislative power, change the terms and conditions of the constitution. If this power to regulate pilotage be vested in Congress alone, why, then, Congress can control, by legislation, no power in the States. It is a solecism to assume that Congress can amend or change the constitution by an act of legislation. I think it is necessary only to state that view of the case, in order to have the result to which the mind is led, made perfectly palpable.

Mr. DIX.—I stated that Congress recognized the future legislation of the States, and by so doing virtually clothed the States with power over this subject, to be exercised by them until resumed by the legislative power of the general government. I had no idea that the form of the constitutional power was changed.

Mr. DAVIS.—This is precisely the thing against which I contend. Congress can confer no power by legislative acts, unless conferred by the constitution itself. How then are the State laws to be sustained? It is evident that the States were regarded by Congress as having a concurrent power on this subject. They have exercised it all times, and they by no means derive that power from the legislative action of Congress. The harbor laws, health—regulations, and all that power exercised by the States, the whole system of sanitary laws is based upon the ground, that the States hold concurrent power with the United States. The United States may, when they choose to exercise the power exclude the States, but so long as they are not excluded, the States have a right to exercise the power. However, this is not a very material question. I believe no one doubts the authority of the States to legislate on the subject. The question now before us is simply, whether the law of the United States shall be repealed, and we shall return to the system which existed at the time when this law was made. And what are the reasons urged for the repeal? New York in common with New Jersey exercises jurisdiction with regard to the pilotage over that water by which both States are in part bounded. And it is said that the State of New York cannot regulate her pilotage to her satisfaction. Why not? The State of New Jersey regulates it by law. She finds no difficulty in subjecting the whole system to the control of her law, nor in carrying the law into execution. The State of New York might adopt the same system, and carry it out as successfully as the State of New Jersey. Why then should the law be repealed? It is alleged that the Jersey pilots are incompetent. Well, who is the best judge of that—those who own vessels —those who insure them—those who have property on board—or the pilots themselves? Is it at all likely that the system can be an unsafe one, when for eight or ten years—for eleven years, as I am just now informed by my friend from New Jersey, the system has gone on successfully to the perfect satisfaction of the shipping interest, the insuring interest, the merchants, and all others whose interests are concerned. It is obvious that the sole motive and object of those who seek the repeal of the law, is to regain possession of that monopoly which they formerly enjoyed. I might by adverting to authorities make good the position which I have assumed, that the interests of the country imperatively demand of Congress, that this law should be suffered to remain as it is. Certainly the law should be allowed to stand until the State of New York call upon us by its action to interfere with the present system.

Mr. CASS.—As the morning hour has expired I trust that this subject will be passed over informally, so that the special order may be taken up.

Mr. DIX.—I merely wish to say that I do not intend to continue the debate, but to remark that I do not believe one word has been urged against the bill by the gentlemen who have spoken in opposition to it, which is not susceptible of satisfactory explanation. The gentleman from New Jersey thinks that I am in error in saying that the law was hurried through both branches of Congress. In reply I would simply state, that the bill was introduced into this body on the 28th of February—it not being even leap year—and received three readings the same day. It then went to the other house where it passed in the same manner on the 2d of March, without any debate and very little consideration, as I believe, and after a committee in the other house had reported against any action on the subject. I wish to make this statement in order to correct the Senator in imputing to me any error. I will now move that this subject be passed by informally and the order of the day be taken up. I have no desire to press the matter now; nor shall I call the bill up in the absence of those Senators who may be particularly interested in it.

The bill was then passed over informally.

THE CALIFORNIA CLAIMS.

The Senate resumed the consideration, as in Committee of the Whole, of the bill for ascertaining and paying the California claims.

The question pending was upon agreeing to the motion made by Mr. MASON, to recommit the bill to the Committee on Military Affairs, with instructions to amend it.

Mr. BADGER requested the Senator from Virginia to withdraw his motion for the moment, to afford him an opportunity of offering an amendment.

Mr. MASON assented and withdrew his motion.

Mr. BADGER then moved to amend the bill by striking out the words "the President be, and he hereby is, authorized to appoint a board consisting of" in the 9th and 10th lines of the 2d section, and by striking out the word "which" in the 12th line, and inserting in lieu thereof the words "to be selected by the President of the United States shall constitute a," and by inserting in said line the word "which" after the word "board."

The amendment was agreed to.

Mr. BADGER—I wish to submit a very few remarks without going at all into the history of these claims. The question has been already discussed in a full and satisfactory manner by gentlemen who are perfectly familiar with all the facts. I desire only to submit a few observations to the Senate in reference to the supposed constitutional difficulty relative to the manner in which this board is to be constituted. If I understand the honorable Senator from Virginia correctly, he supposes that this is a bill undertaking to accomplish by direct legislation, what in consistency with the constitution can be done only through the intervention of the action of the Executive—and upon the ground that we propose here by a statute to appoint certain officers of the United States—whereas the constitution declares that officers of the United States shall be nominated by the President, and be by him appointed by and with the advice and consent of the Senate. If this were so, it would follow as a clear and undeniable consequence that the Senate is bound either to reject the bill, or so to alter this provision as to make it conformable to the constitution. But in my apprehension that objection is founded on a mistake. That section of the bill contemplates the doing of nothing that is in violation of the constitution of the United States. It does not propose to appoint officers of the United States in the sense in which the constitution uses those terms in reference to the power of appointment by the President. The constitution necessarily deals in general terms, and it follows as the framers of that instrument, to avoid needless and embarrassing specification use general terms; an interpretation is to be given to the constitution with reference to the existing wants and necessities of the people, and continual reference is to be had to the great purposes which we should suppose were intended to be accomplished by the particular provision under consideration.

Now, in the first place, I do not look upon the persons proposed to be designated by this bill as officers of the United States in the sense of the constitution. It is manifest that there are many agencies, trusts, charges, which the necessities of the government may require, in reference to which the persons who are called upon to discharge and perform those duties cannot be called officers of the United States in the sense in which the constitution uses the term. In one sense they are officers. The duties which they discharge may be said to constitute an office, for there is perhaps no word in the English language of more extensive signification than the word office. It embraces every duty which we are called upon to discharge in our relations to others, whether judicial, executive, administrative, or otherwise; and all the functions which we are called upon to perform—so far as they respect the benefit and happiness of those persons, and which, therefore, places us in the confidential relation of trust towards them—are emphatically offices. The State itself is an office, the duties to be discharged are offices, but the word is used also in a restricted and defined sense. When the government finds it necessary to call upon somebody to examine into an individual claim and to determine whether that claim against the government is just or not, is the person thus chosen an officer of the United States within the meaning of the constitution? If the government of the United States or if Congress think proper to call artists to adorn these halls with pictures and statuary, is the person who is called upon to execute this work an officer of the United States within the meaning of the constitution, and to be appointed with the advice and consent of the Senate? If Congress find it necessary to make a collection of state papers and to have them condensed and arranged, and a general review of the historical and diplomatic transactions of the country executed, is the person who is called upon to discharge that duty an officer of the United States within the meaning of the term as used in the provision of the constitution to which I have referred? I apprehend these questions must all be answered in the negative. And these and other temporary and occasional employments cannot be confounded with those continuing public trusts which, in the constitution, are called offices. I admit that in this as any other moral subject, the boundary which subdivides its different parts, is not, and cannot be defined with exactness, and hence as you advance towards it, you find yourself in some degree of obscurity, and at length find yourself unable to ascertain with precise accuracy to which side of the line a particular class of subjects belongs. But still we have to deal with these as with every other moral subject, by taking the guidance of common sense and reason. And inasmuch as the establishment of a contrary doctrine would involve great practical difficulties in carrying on the government, I should feel content—even if the past history and practice of the government did not furnish any precedents—to give to this term the signification which I have now stated in its connection with the bill before us. But this point has been already decided, and sensible for my own part of the great importance of regarding the constitution as the same at all times and places, I believe that in all cases in which questions have been fully considered and solemnly decided, they should be regarded as settled at once and forever. Gentlemen may differ however in this view of the subject, though it seems to me that in a question of this kind it is absolutely indispensable unless we would fetter ourselves at every step of our progress—that we should yield to what has been the clear undoubted authority of all the departments of this government, legislative, executive and judicial. Let me now refer to a few of the cases of legislation in which the same general principle may be considered as being involved.

6th February, 1817. By the act of this date *John Trumbull*, of Connecticut, was employed to compose and execute four paintings commemorative of the most important events of the revolution, to be placed when finished in the Capitol of the United States.

2d March, 1831. By the act of this date *Gales & Seaton* were designated by name to furnish a publication of State papers under certain prescribed terms and conditions.

2d March, 1833. By the act of this date Matthew St. Clair Clark, and Peter Force, were designated by name to furnish a Documentary History of the Revolution, under certain prescribed terms and conditions.

2d March, 1829. By the act of this date L. Persico was employed to execute two statutes in front of the Capitol, &c.

2d March, 1831. By the act of this date, the employed of *James Parker* was sanctioned, and he was compensated for investigating the account of Robert Arnold, late collector of Amboy.

7th July, 1838. By the act of this date a mission among the wild tribes of Indians of the southwest, by *S. P. Chouteau*, authorized, and an appropriation of $20,000 made for his outfit, and the expenditures growing out of, and connected with bringing on deputations of said tribes, which he has been authorized to do.

7th July, 1838. By an act of this date *Dr. Henry Perrine* was authorized to form a settlement and admit settlers upon certain conditions with a view to promote and encourage the introduction and cultivation of tropical plants in the United States.

29th September, 1789. Act to recognize and adopt to the constitution of the United States the establishment of the troops raised under the resolves of the United States in Congress assembled, and for other purposes therein mentioned, by which all the officers belonging to the military force under the confederation were at once made officers of the United States by force of the act itself.

14th July, 1832. By act for the relief of the legal representatives of Nimrod Farrow, and Richard Harris. Third Auditor of the Treasury, 2d Comptroller, and *Charles Gratiot* were authorized to examine the claims of the said representatives to take testimony and report the same, &c.

This last case is precisely like that now under consideration of the Senate. This bill provides that the board shall be constituted of three individuals, of whom one is expressly designated by name; the other two, to be selected by the President from the officers of the late California battalion. What are they to do? To discharge precisely the same functions as those which devolved upon the commissioners under the provision of the act just cited. We thus find that immediately after the adoption of the constitution there was not thought to be any difficulty in Congress by an act of legislation bringing into the service of the United States a whole class of officers without any nomination by the President, or confirmation by the Senate, or appointment by any person acting in behalf of the United States. These are all legislative precedents; but inasmuch as they were acts of Congress, and all received the approval and sanction of the President of the United States, they involve the undoubted approbation of the legislative and executive departments of this country in regard to the proposition for which I contend—that whatever may be the meaning of the term officer of the United States as used in the constitution, it does not include those commissioners who are employed in the legislative auditing and settlement of accounts, and examination of claims against the government, nor require that the persons who are to discharge these duties should be appointed by the President of the United States. Doubtless, Congress can if it please constitute an office for this purpose if it deem that the best mode of accomplishing the object. But, if in their wisdom they choose, as in the present case, that the duty shall be performed by commissioners, they may constitute that commission in any way which seems best, subject to the usual provision that it meet the approbation of the President of the United States.

But I said that this view of the question has received judicial sanction. Early in the first term of General Washington's administration, an act was passed by Congress to provide for the settlement of claims of the widows and orphans of those who fell in the war. By that law the claimants were directed to apply to the circuit courts of the United States, which were to receive the evidence—examine the merits of the claims, and pass their judgment upon them. What was the view taken of the law by the judges? I read from "American State Papers;" Miscellaneous Volume—p. 49:

"*At a stated circuit court of the United States held for the district of New York, at the City of New York, on Thursday, the 17th day of April, one thousand seven hundred and ninety two, at ten of the clock, ante meridian.*

"Present: The Honorable JOHN JAY, Esq., Chief Justice of the United States; the Honorable William Cushing, Esq., one of the associate justices of the Supreme Court of the United States, the Honorable James Duane, Esq., judge of the district of New York.

"The court proceeded to take into consideration the following act of Congress of the United States, viz:

"AN ACT to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions.

"As, therefore, the business assigned to this court by the act is not judicial, nor directed to be performed judicially, the act can only be considered as appointing commissioners for the purposes mentioned in it by *official* instead of *personal* description.

"That the judges of this court regard themselves as being the commissioners designated by this act, and therefore as being at liberty to accept or to decline that office.

"That as the objects of this act are exceedingly benevolent, and do real honor to the humanity and justice of Congress, and as the judges desire to manifest, on all proper occasions, and in every proper manner, their high respect for the National Legislature, they will execute this act in the capacity of commissioners.

"That as the Legislature have a right to extend the session of this court for any term which they may think proper by law to assign, the term of five days, as directed by this act, ought to be journally observed.

"That the judges of this court will, as usual, during the session thereof, adjourn the court from day to day, or other short periods, as circumstances may render proper; and that they will regularly between the adjournments proceed as commissioners to execute the business of this act, in the same court room or chamber."

It is thus clearly seen that the court recognizes the authority of Congress to constitute the commissioners by name, for they say they will interpret the act as one appointing them commissioners by official instead of personal description. Here, then, we have cases continually occurring from 1789 down to the present day in which the principle for which I contend has been fully recognized and sanctioned. One of these cases is of recent occurrence. I allude to the appointment of an arbitrator in the Pea Patch Island case. I will not trouble the Senate, however, by a reference to those cases. Enough has, I think, been submitted to satisfy the Senate that there is no constitutional impediment to the passage of the bill before it.

Mr. RUSK.—Mr. President: It is my desire to trouble the Senate for only a very few moments in regard to these claims, to the payment of which I have heard no opposition. All seem to admit their justice, and appear to have no objection to the passage of such a law as may be necessary to ensure their speedy settlement. The only difficulty which has been started in opposition to the bill before us, is, that Congress has not the power to name commissioners or appoint an individual—call him what you will, officer, arbitrator, or what you please—to determine the amount of the claims.

This, Mr. President, appears to me to be a strange doctrine, more particularly at a time when so many complaints are heard about Executive patronage and the difficulties into which the extension of it is leading us. It seems very strange that, just at this moment, we should claim for the Executive, without any direct and positive statement to that effect, it is true, but by inference, powers which, as the courts have decided, do not properly belong to him. What is the case before us? Certain individuals have claims against the government of the United States, and, whether they be few or many, one or a thousand, the principle is precisely the same—this Congress has the power, the right, it is their duty, and they are in the daily performance of that duty, to investigate, to look into, and determine upon such claims and provide by law for their payment. They refer similar claims to them for decision, and are in the daily habit of assigning them for examination to the Solicitor of the Treasury, the Secretary of War, the Auditors of the Treasury, and other officers. And for what purpose? Why, sir, to ascertain whether the claims be just. It is not a public or official duty which the individual to whom a claim is thus referred is called upon to perform; it is a private duty, separate and distinct from any official relation. The reference is for the purpose of determining whether the claim be just or not, and if the referee, as arbitrator, determine that it is just, we pass the laws for paying it. Now, sir, this is a reference, not to the officer selected as such, for the purpose, but to the individual, the name of the office being merely used by way of designation or description. It may be contended that this is nothing more than imposing an additional duty upon an officer, whose duties are already prescribed and defined; but this is, in my opinion, a mistake. The duty thus proposed is of a specific and not a public character. We refer, for instance, the claim of A B to the Auditor of the Post Office Department. I would ask, does it therefore follow that we invest that officer with the right, also, to decide upon the claim of C D? Clearly not. Hence it is not an additional official duty imposed, but merely a simple reference of a private matter.

The constitution declares that all officers whose appointment is not otherwise provided for, shall be appointed by the President.—The clause to which I have reference is in these words. Enumerating the powers of the President, it declares:

"He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments."

This is the clause under which it is assumed the proposed appointment is unconstitutional. The question then arises, what is the meaning of the term "officer?" What is the precise interpretation intended to be attached to the word "officer" by the framers of the constitution? Did they use it in its most broad and unrestricted sense? According to its most comprehensive meaning of the term, the performance of any duty may be called an office, and of necessary consequence he who discharges it becomes an officer. Is it not preposterous to suppose that the framers of the constitution intended to use the word in this unconfined sense, and thus indicate that the President should appoint every person to whom any duty may be assigned? It seems to me that the only construction which can be fairly and legitimately put upon this article of the constitution is, that it confines to the appointment of public functionaries or those officers who are attached generally to the service of the government of the United States, and indispensable in carrying out the ordinary administration of its affairs. The word "officer," in this connection, carries with it the idea of permanence and of vacation and succession. According to the common law, officers are said to be of two kinds, public and private. It is laid down, and no one will dispute the assertion, that an attorney at law is an officer of the courts; and yet, no person will venture to contend that, under the provision of the constitution to which I refer, no lawyer can practise in the Supreme Court of the United States, unless he be appointed by the President. Attorneys are admitted to the bar by the permission of the court itself; the authority for the power thus exercised by it is nowhere to be found in the statute book, but is one of the incidents necessarily connected with the due administration of justice. They are, however, officers, nevertheless.

There is a case, Mr. President, in point, which was decided in Virginia, and which goes far to illustrate the difference between a public and a private office. The case referred to is that of B. W. Leigh, who applied for admission to the bar as an attorney.—They had in Virginia a statute requiring all officers to take an oath against duelling. Mr. Leigh refused to take this oath, and after argument and deliberate consultation, the court decided that the office of attorney was not a public office belonging to the

commonwealth, and that, therefore, the applicant was not bound to take the oath.

Now, Mr. President, I will ask whether, if we pass this bill, and appoint Colonel Fremont to adjust these claims, he will thereby become an officer of the government of the United States? So, soon as he shall have performed the duty assigned him, his office, if you please to call it so, will cease to exist. It has reference to private claims, and is precisely of the nature of an arbitration. And, sir, if Congress has not the power to refer a private claim to an arbitrator, who shall determine upon its fairness—unless the President shall nominate and appoint such arbitrator? Then, sir, none of your federal courts have a right to refer a case to arbitration, unless the arbitrators be appointed by the executive. Now, sir, it is under the provision of the constitution, would a court of the United States, having equity jurisdiction, have a right to appoint even an auditor, unless under the sanction of the President's nomination? Establish this doctrine, sir, and you will confer on the President an extent of patronage far greater than that which he at present possesses, and infinitely beyond what, as it appears to me, the framers of the constitution ever intended him to exercise.

But, Mr. President, there are authorities on this subject in addition to the decision of the Supreme Court, already cited by the honorable Senator from North Carolina, [Mr. BADGER.] which is of itself conclusive on this point. I refer to the case of Kendall *vs.* United States, in 12th Peter's Reports. On the 2d of July, 1836, Congress passed a law requiring the Solicitor of the Treasury to determine upon the amount of a claim held by Stockton & Stokes against the Post Office Department, and the law also required that after the Solicitor should have made his award the Postmaster General should pass the amount to the credit of those individuals. The Solicitor of the Treasury did make his award, not as solicitor, but as arbitrator, and it is in this character alone, the court consider him. They, sir, are not found straining phrases, and wresting and distorting the meaning of the constitution, for the purpose of conferring upon him any other or greater power than that intended by the reference, but he is regarded and treated merely as an arbitrator. The Attorney General contended strongly against this award, but he never dreamed of urging that the law of Congress, which made the Solicitor of the Treasury the arbitrator, was unconstitutional. He is regarded in that point of view, throughout the whole proceeding, by the Supreme Court. That distinguished tribunal thought it was competent for Congress to vest the authority in an officer of the government, or in any one else, and under its decision, it seems to me, with all due deference to the opinions of gentlemen more learned than myself, as well as, according to the plain language of the constitution, Congress possesses the perfect right to submit claims against the government to the examination and arbitrament of an officer of the government, a private citizen, or even of an alien; without, in the slightest degree, interfering with, or encroaching upon, the prerogative of the President of the United States.

I read, Mr. President, from 12th Peter's reports, page 611:

"Under the law the Postmaster General is vested with no discretion or control over the decisions of the Solicitor, nor is any appeal or review of them in any manner provided for by the act. The terms of the submission was a matter resting entirely in the discretion of Congress, and if they thought proper to submit such a question to any one, and especially an arbitrator, as an officer of the government, it did not belong to the Postmaster General to control Congress, or the solicitor, in that affair. It is unnecessary to say how far Congress might have interfered, by legislation, after the report of the solicitor. But if there was no fraud or misconduct in the arbitrator, of which none is pretended or suggested, it may well be questioned whether the claimants had not acquired such a vested right, as to be beyond the power of Congress to deprive them of it."

Now, sir, unless I am most grossly in error, this decision of the Supreme Court puts the question at rest, beyond the reach of all cavil or controversy; and I deem it entirely useless to say any thing further upon this point.

The question which next presents itself, Mr. President, is—are these claims to be paid? It is not my intention to enter into a detailed history of the transactions which gave rise to the responsibilities, for which the government is held, as I think most justly, liable; but I will go sufficiently far into the subject to satisfy every unprejudiced mind that the claims are not only just and equiable, but farther, that they are of the most binding and sacred character—that they should be immediately paid, and that the interests of the government will be best promoted by the prompt liquidation and payment of them. What, sir, I would ask, are the nature and character of these claims? What are they? In the early part of the year 1846, we find Col. Fremont, in California, engaged on business totally unconnected with the army, and pursuing his topographical researches. After having obtained authority from the Governor of the province, to make his surveys and examinations, for the purpose of increasing the stores of human knowledge, and having entered upon his scientific labors, we behold him notified, that he must quit the country. This notice was peremptory, and given in a manner highly offensive and insulting. Having delayed a few days after the notice, he was threatened with being driven out of the country. It is probable that, if the order had come without the threat, Col. Fremont would have left, rather than have had any misunderstanding with the local authorities; but, being threatened, sir, he very properly, as I think, took his position with his command of sixty men, and hoisted the flag of the United States, determined to remain until he was prepared to leave; and when he was ready, sir, he quitted the country and when to Oregon. We next find him in Oregon, where he is overtaken by a messenger, an officer of the government, who bore to him a letter, and—there is no use in concealing it, sir—although it purported to be a mere letter of introduction, it was, in reality, an official document, accrediting the bearer of it to Col. Fremont, with a view to the union of the two, in devising some means to counteract the designs of the British emissaries. Captain Gillespie, the officer to whom I allude, in his evidence before the Committee on Military Affairs, states that he was directed to convey the order of the government to Col. Fremont, to watch the interests of the United States in California. This, sir, was the purport of Captain Gillespie's mission, and, so soon as the communication was made to him. Col. Fremont returned to California, under the order of his government, and by its express authority. Immediately after his arrival, the American settlers, who knew him and placed entire confidence in him, called upon him for aid and protection; and under what circumstances was this call made, sir? The families of those settlers, who had been previously invited to take up their abode there, had been ordered, through the influence of British agents, operating upon the local authorities, to leave the country forthwith. A large force of troops was raised to drive out these unhappy people to where they must either perish from starvation, or be exposed to the tomahawk and scalping knife of the blood-thirsty and merciless savages.

Nor is this all, Mr. President. The evidence before the Committee on Military Affairs shows clearly, that the Indians had been incited to commence the work of destruction, by burning up the crops; and the indiscriminate slaughter of women and children. In all this, sir, as I conceive, may be seen the agency of the emissaries of the British government. In what war have we ever been engaged with Great Britain that she did not incite the Indians against us? Yes, sir! And are not the Indians urged on by British agents; overrunning nearly the whole of Yucatan?

It was under such circumstances as these, sir, that Col. Fremont was called upon to prevent the slaughter of the families of the American settlers, and shield them from the horrors of Indian butchery and outrage. What did he then do, sir? Col. Fremont stands in need of no commendation from me; he has established a reputation for himself, by braving dangers and fatigues—a well earned reputation, which had extended itself far beyond the limits of the United States. Had he faltered on this occasion, even for an instant, and refused to listen to the appeal which was then made to him, his lofty fame and wide spread renown would have been blasted in a moment. It would have been lost beyond the possibility of redemption.

From the limited acquaintance which I have with Col. Fremont, I am induced to believe he would have risked, not only his life, but what is infinitely more valuable, his reputation, to gratify his deep feelings of generous sympathy with his distressed countrymen. He obeyed their call, sir, and, so far from meriting any blame for so doing, he deserves for this act alone, the very highest commendation that can be bestowed upon him. His influence operated upon the Indians. They knew him to be an officer of this government, who had incurred the displeasure of the authorities of California. Under these circumstances, he acted promptly, Mr. President, in defence of the American settlers who turned out with all of their disposable means, and made common cause with him, not only against the authorities by whom they were persecuted, but against the British agents by whose influence that persecution had been brought about

The country was declared independent, I believe on the 5th of July. It will be recollected that previous to this time, I think in the month of May or June, Commodore Sloat who had been sent out to the Pacific, wrote to the government here, that he was about to take possession of California, as he found there were British vessels on the coast, having, as he believed, some designs against the country. Shortly afterwards the same officer wrote, that he would not assume the responsibility; and he did not take possession of California, until the operations of Col. Fremont in that quarter had determined him to do it. In a few days I believe, after the declaration of independence was made, he took possession of Monterey, and shortly afterwards, the gallant Commodore Stockton arrived there with orders from his government to take possession.

It will thus be seen, sir, that all of the expenses which were incurred in the operations in that country, with the exception of those which took place during the very brief time preceding the arrival of Commodore Stockton, were incurred with the express sanction of the government, and under the immediate direction of its commanding officer. Shall we then, sir, repudiate these claims? Shall we say to these people "we will not pay you?" Would it be just to do so? Will any Senator within these walls say, that for obeying the best and most humane dictates of his heart—for risking his life and reputation—to preserve women and children from savage butchery, Col. Fremont shall pay, himself, the expenses attending the gallant act—the more especially, when the consequence of that act has been to prevent California from falling into the hands of the British government? Is there any one here who wishes to throw the responsibility on him? I think not.

It seems to me, Mr. President, that our right to appoint an arbitrator, is beyond all doubt, in which opinion, I am sustained by the decision of the Supreme Court. As to the justice of the claims—I have not heard a single whisper to the contrary, and such being the case, I hope the bill will pass, and pass promptly.

There is yet an additional and very powerful reason for its passage. The citizens who gave up every thing for the defence of the country, and who were the means of saving it to the United States, are now in a state of destitution. They are your fellow citizens—it is all important that you convince them by your first act, that your are disposed to be just, and will not postpone the

payment of their equitable claims. This is the way to attach citizens to the government.

It may be well to add that Col. Fremont is the person, who may, with peculiar propriety be charged with the settlement of these claims. He knows the nature and extent of them—it was under his eye that they had their origin—the people concerned have confidence in him. He can do more in my opinion, towards a satisfactory adjustment of them than any other man. I will only say in conclusion, Mr. President, that the way in which the government will best consult its own interest, as well as its honor, is by the settlement of the claims before us, with no grudging and miserly hand, but with a well ordered and discreet liberality, and above all, with the promptness which the peculiar circumstances attending them imperatively demand.

Mr. BUTLER.—This is not a matter which admits of a compromise with inclination. Until I heard this discussion, I had no definite opinion on some of the provisions of this bill. My inclination had been to provide for the payment of the claims, because we had adopted the acts out of which they had grown, and have had the benefit of them. But under the constitution, we have no authority for making this appointment of an officer to settle the claims. The question is asked, is this an office? I will tell you what it is. It is authority to an individual to disburse $700,000; for the payment of what? For the payment of troops. What is he then? In any point of view, he is a paymaster. A paymaster of what? A paymaster of the troops of the United States? I do not mean troops originally employed by the United States, but of whose services the United States have availed themselves, the California battalion. He is neither more nor less than paymaster of the troops who have rendered services to the United States. But he is more than that. His office differs from that of paymaster of regular troops, by giving him greater power; for he is both auditor and a paymaster with discretionary power to decide the claims—his certificate signed by two others, is to be conclusive authority to pay—it must come to that, disguise it as you please. The honorable Senator from North Carolina has undertaken to quote several precedents; but, in my estimation, there is not one of them in point. It seems to me they do not support the case at all. I know there are cases that may be quoted, where Congress, as a legislative body, has assigned to the incumbent of an office already created, new duties. A pre-existing officer may have new duties assigned to him, and he is at liberty to take upon himself those new duties, or not as he pleases. In other instances, functions may be devolved on a recognized public officer, acting under the guaranties of a previous appointment, which he may discharge gratuitously, for the benefit of persons claiming the benefit of the benevolent act of the government—not as obligatory duties, but as gratuities. Where duties are assigned to judges that did not pertain to their office, they might decline to perform them as official duties, whilst they could well discharge such acts without official obligation, as acts of benevolence, for the benefit of individuals as well as for the convenience of the government. There is no one of the precedents that have been quoted, that does not come to this: that an officer may have new duties assigned him, or may perform gratuitous services of his own accord. Another class of cases has been quoted, involving the distinction between an officer and an employment; that distinction is sometimes very nice, and not easily recognized, whilst again it becomes palpable, and may be obviously observed. Take one of the instances referred to by the gentleman from North Carolina. Mr. Trumbull was employed to paint certain pictures for the rotundo of the Capitol. This was an employment referable to contract. It did not devolve upon him any such duties as constitute an office having the complexion of a public trust. It was a specific employment, and not an office like this, requiring discretion and judgment in the disbursement of public monies, under a salary. I could go on and demonstrate the distinction by numerous cases, if I were disposed to enter at large into the subject; but I deem it wholly unnecessary to detain the Senate. The case of the Pea Patch Island has been referred to; I believe the appointment of arbitrator in that case was made by the President.

Mr. MASON.—I believe that the act of Congress in relation to that case, merely requested and authorized the President to have the matter adjusted without indicating how it should be done. He proceeded to carry out the intention of Congress by employing Mr. Sargeant as arbitrator.

Mr. BUTLER.—I do not propose to enter into the argument. I simply stated my reasons generally for regarding this individual, Colonel Fremont, as an officer. He is certainly an officer for disbursing $700,000. If this be not so, I certainly do not know what he is.

Mr. RUSK.—The bill does not authorize him to make payments at all. After he shall have adjudicated the claims, they shall be paid, according to the terms of the act, by some officer of the government.

Mr. BUTLER.—The bill appropriates the money for payment of the claims; and they may be paid by the very officer who adjudicates them, and, in effect, they are paid on his certificate. He is a judicial paymaster, with judicial powers. I will not say that the Legislature might appoint as competent an officer as the President may, nor that Lieutenant Colonel Fremont would not be my choice. He is a gentleman of rare endowments, of rare abilities, and if the selection rested with me, he would be the very individual whom I would select. Let it not be supposed that my objection to the bill arises from any objection to the individual indicated. That is not the ground of my opposition at all; but it rests upon the isolated ground that I have intimated. I trust that the bill will be recommitted, and so amended that the President shall have the nomination of the commissioner.

Mr. RUSK.—I desire to ask the honorable Senator from South Carolina, before he concludes his remarks, to put his construction upon the decision of the Supreme Court, to which I referred.

Mr. BUTLER.—I understand that to be entirely different from the present case. The Solicitor of the Treasury was an officer already in office. You have superadded to his duties, it is true; and to this I do not object. I do not say that after you have appointed a judge you shall not superadd to his original duties the duties belonging to an appellate jurisdiction. I am satisfied of one thing, that this is an officer to disburse or adjudicate $700,000; and that the individual appointed will, to all intents and purposes, be the paymaster of officers and troops in California, instead of troops within the United States.

Mr. BENTON.—The reading of the bill, as to the duties of this officer, will show that there is a mistake on the part of the honorable Senator—that his whole argument has turned upon an entire misapprehension.

This bill has a discrimination between the officers who have the duties to perform of paying money, and the commissioners who have to adjudicate the claims. The one is a board, the other is an officer. The bill provides that the payment of these claims after they are ascertained by a board of commissioners shall be made by an officer, either duly appointed for the purpose or designated by the President. If there be an officer who can be spared from his ordinary duties, the President may direct him to make the payments; but if no one can be spared then one shall be appointed for the purpose. The bill is entirely different from what seems to be supposed by the honorable Senator from South Carolina. It contains an actual provision for the appointment of an officer by the President and Senate for the purpose of making these payments, if they do not find an officer who can be spared:

"Which certificates shall be forthwith paid in California by some officer duly appointed or designated for the purpose."

Thus you see the bill provides for the due appointment of an officer, if no one can be spared, but it leaves it entirely with the Executive government to say whether one can be spared. This shows that the objections of the honorable Senator from South Carolina have turned on a total misapprehension of the provisions of the bill. And when to this misapprehension is added what has been read and re-read by the Senator from Texas in the decisions of the Supreme Court of the United States, that are merely an officer existing have additional duties put upon him, but that any one may be named by Congress to perform a specific duty. Sir, there is a decision of the highest tribunal which is known to this country, which has been referred to by the Senator from North Carolina, in which the judges did not accept cumulatively the duties of arbitrators in their character of judges, but they took upon themselves the duties separately and distinctly, adjourning the court from day to day and taking care to lay aside their judicial character. The case of the Pea Patch Island has been referred to. It was a bill twice passed by the Senate to arbitrate the Pea Patch Island, and in one R. B. Taney and in the other H. Binney named as the commissioner.

This bill came from the Judiciary Committee; a committee presumed to know what the law is. Another bill in 1844 was introduced by a Senator from Delaware, [Mr. BAYARD,] and sent to the Judiciary Committee and reported without amendment. This shows the sense of that committee. The submission is, in one to Mr. Binny, in the other to Roger B. Taney, of Baltimore, in his private character, and not in his character as chief justice! So that these two cases, in addition to those already presented, are to my mind as conclusive as any thing can be that there is full power in Congress to make the appointment. I apprehend, sir, that either the judicial decisions which have been read by the Senator from North Carolina and by the Senator from Texas, and these two cases from our own bills that have been shown here there is nothing further to be said on the point of power.

Now, the question is upon a proposition to recommit this bill, with instructions, and the instructions go to leave out the mass of the claims to be provided for, to leave out all that have been ascertained and adjusted—to leave out all those which are now in this city for payment, and to carry all back to California for settlement there. The bill as drawn, discriminates between those claims, the amount of which has been fixed and allowed and these which are uncertain; and it provides for the immediate payment of the ascertained claims, and for paying the unsettled ones at the proper place, to wit, in California, so as to prevent them from coming into the hands of speculators and agents. The board is only to act on the unascertained claims. The bill provides for paying the expenses of the civil government established by Commodore Stockton, and to pay all just claims arising out of the military operations in California, but the recommitment cuts of all the expenses of the civil government. We know perfectly well that a portion of the navy was directed to proceed to the coast of California to take possession of the country and establish a temporary civil government. The instructions, as drawn up by the Senator from Virginia, cut off the whole of this class of claims. The expenses

of the civil government are cut off, although that government was established under the precise instructions of the President of the United States. The instructions also cut off, as I said before, all the claims which have been liquidated, the amount of which is evidenced by a proper instrument from Commodore Stockton or Lt. Col. Fremont. They cut off also the claims that are payable upon evidence of muster rolls, and also upon authenticated discharges of soldiers. The bill is for the payment of classes of claims, some ascertained; some not; many of those ascertained are now waiting in this city for payment. According to these instructions drawn up by the Senator from Virginia, [Mr. MASON,] they must all go back to California and have their claims examined over again. The instructions go to cut off four classes of ascertained claims, and to send the claimants back three thousand miles to the other side of the continent to have their claims again examined. Lt. Col. Fremont, as Governor of California, drew bills for the payment of the expenses of the civil government. These bills came here, were protested for non-payment, and are now standing against him.

In speaking of that part of the claims which have accrued without the positive authority of the government of the United States, the Senator from Texas has very properly told you that they are only a fraction of the whole amount. They are the claims which accrued in about thirty days, in the beginning of the military operations, during the time when the independent or grisly bear flag was raised—when there were perhaps not three hundred men engaged. It was in the beginning of June that this flag was hoisted. In the beginning of July, Fremont and those with him joined Commodore Sloat, and took the flag of the United States, and soon after went under Commodore Stockton as commander-in-chief. From that time they were acting under the authority of the United States, and it was after that period that the great mass of the claims originated. Only a fraction of them accrued before. I think that by the time we meet again, I shall be able to submit a proviso limiting the unauthorized part of the expenditures and bringing them down to perhaps one-twentieth part of what the bill contains.

Now after having shown that the instructions which have been submitted, go to change the whole character of the bill, and cut off four different classes of the claims and send them back to California—cutting off too the whole expenses of the civil government, cutting off the bills now in this town drawn by Fremont and protested, cutting off payments as discharges muster rolls—after all this, I have to say is, that if the instructions prevail I shall vote against the bill. It was in the month of October last, that Fremont brought this subject before the Secretary of War, and brought to his attention the different classes of claims. One was for the payment of volunteers. His answer was that the case required special legislation. But, sir, it is difficult for me to conceive why it should require special legislation when the naval officers were specifically commanded to establish a temporary government there—when they were peremptorily told that they were expected not only to conquer the country, but to hold it, and to establish a temporary civil government. Was this government to live upon air? Was it to have no support? Does not the order to establish the government carry along with it the right to support it. Sir, I admit no want of authority in the drawing of these bills. We admit that Col. Fremont acted without authority in taking up arms to defend the men, women, and children, whose lives were menaced, not only with the destruction of their fields by fire, but with the horrors of an Indian war. We admit that for about thirty days, he acted without authority from the government, and we own and declare that he made it apparent to the world that he did so by putting up, not the flag of the United States, but an independent flag. He declared that it was not the power of the United States, but a new power, and that very act absolved the United States from it. As soon as it was found that the United States and Mexico were at war, that flag was pulled down, and Fremont and his men passed under the command of Commodore Stockton; not in co-operation with Commodore Stockton, but in subordination to him, upon a written agreement to serve under his brders. That engagement was religiously kept. From that time forth, we admit no want of power, no want of authority. From that time forth we declare there was full authority to do everything that was done, yet the whole mass almost of the claims that are here, arose after that time, and in the pursuance of that for which they had full authority, to carry on hostilities, and to establish, and maintain a temporary civil government. When gentlemen again speak on the subject, and suppose that Fremont incurred several hundred thousand dollars expense without authority, I must beg then to go back to the point to which the Senator from Texas conducted them to day. For a period of thirty days we admit there was no authority. Fremont did an act for which he had no authority; but I will undertake to say, that if General Jackson were alive, he would not be ashamed of such an incident in his life. He would say—"Write it down. I take the responsibility. I saved my countrymen, men, women, and children from the tomahawk of the savage. Write it all down." When Fremont wrote me an account of it from California, he sent me at the same time a blank to send in his resignation if there was any disapprobation of what he had done. To a man of honor and patriotism there are obligations infinitely higher than any that a commission imposes, and in discharge of which commissions will be despised. This was, then, Fremont's case. He saw that his fellow-countrymen were in danger; he acted under a sense of great responsibility, of agonizing responsibility, but in obedience to the dictates of his conscience, and ready and willing to risk a responsibility above that of a military commission—the moral sense of his countrymen! And it has justified what was done. Far from wishing to throw upon the administration, either as individuals or as a government, the responsibility of the act from which the Senator from Virginia, [Mr. MASON,] took so much pains to free them, Mr. Fremont requested, in his late trial, that he might be put upon trial before the court martial for taking up arms without authority of the government. He asked, and in writing, to have that act included in the charges made against him—that there might appear on the record judicially, and forever, an exemption of the government from any responsibility of that act.

Now, what is the motion? To recommit the bill! For what purpose? That the committee may exercise some discretion when they come together; that they may assemble for the purpose of considering the matter, and devising an appropriate remedy? No, sir! the instruction is peremptory. It is an order to the committee to assemble in their committee room, and transcribe the words given to them. It is to make the committee the amanuensis of the gentleman! The committee is to be assembled, not for the purpose of thinking and determining, but for the purpose of transcribing the words that are given to them. Why, the motion is properly the subject of an amendment to be made at your table. It is a proper one for the vote of the Senate, without putting the committee to the trouble of assembling and transcribing it. The whole object may be accomplished if the Senate favors his motion, by leaving out the words in lines 10 and 11 of section 2 from the words "consisting of," to the word "officers." The recommitment would be useless, for the Senate can, if it please, make the amendment itself, and without trouble to the committee, and the delay it would occasion. It would be pernicious, for it would cut off the ascertained claims from payment at once, and send them three thousand miles, to be ascertained over again before paid. It proceeds upon a mistake—that the whole $700,000 was incurred by Mr. Fremont without authority, when only a fraction of that amount, say the one-twentieth part, was so incurred, all the rest being incurred under the command of Commodore Stockton, acting with the authority and approbation of the government. And for this small amount done without authority the government has received and retained all the fruits. It received all the benefit of the whole movement for independence, and it is right, and high time, after almost two years, that it should pay the expenses of it.

Mr. PHELPS.—It appears to me that in any view that can be taken of the subject, the bill requires amendments. The Senator will pardon me for saying that it is neither "fish, flesh nor fowl." It has no precedent anywhere. It appears to me, that this office which is to be created, is an office within the provisions of the constitution. It is a judicial office; for by the terms of the bill, the decision of this board of commissioners is to be final. It is impossible for me to distinguish between the duty conferred by this bill, and the duty conferred upon a vast variety of officers discharging similar duty, whose appointments are required to be made by the President with the concurrence of the Senate. The case of the Pea Patch Island was a mere matter of arbitration. It was a selection of an arbitrator by the parties; because the appointment by the President could have had no validity at all, except by the concurrence of the parties. The act giving the President power to appoint, was nothing more nor less than declaring the assent of Congress. Such cases have no sort of analogy with the present, nor does the authority cited by the Senator, seem to have any direct bearing upon this case. A claim against the Post Office Department, or rather against the government, was directed to be examined by the Solicitor of the Treasury, and officers known to the treasury. He made his award. The Postmaster General attempted to overrule his decision, and the question was raised whether it was consistent for the Postmaster General to reverse the decision of the Solicitor of the Treasury. The decision was, and very properly I think, that inasmuch as Congress had submitted the question to the Solicitor of the Treasury, whose determination should be final, the Postmaster General had no control over it. But it is perfectly obvious, that this is not a question respecting the legality of appointment. The only question was whether by any law, the decision of the Solicitor could be re-examined. I have no hesitation in saying, that Congress when they passed the act in 1792, intended to confer the power upon the board as such, but when the court came to consider it, they came to the decision that it was not intended to confer the power as a legal power. What then? Why if they give effect to the power at all, they must treat it as a power conferred upon them individually, and take the expression to be a mere designation of parties. Was there any question there like the present? Did the court undertake to discuss the question, whether Congress had the power to appoint an officer without consulting the President? Sir, the difficulty in all these precedents is, that the question was not before the court.

The bill was then passed over informally.

On motion

The Senate adjourned.

FRIDAY, APRIL 14, 1848.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States by Mr. WALKER, his Secretary:

To the Senate of the United States:

In answer to the resolution of the Senate of the 28th of March, 1848, I communicate herewith a report of the Secretary of War, transmitting a report of the Head of the Ordnance Bureau, with the accompanying papers, relative to "the repeating fire arms invented by Samuel Colt."

Such is the favorable opinion entertained of the value of these arms, particularly for mounted corps, that the Secretary of War, as will be seen by the report transmitted with Mr. Colt for two thousand of his pistols. He has offered to contract for an additional number at liberal prices, but the inventor is unwilling to furnish them at the prices offered.

The invention for the construction of these arms being patented, the United States cannot manufacture them at the government armories, without a previous purchase of the right to do so. The right to use his patent, by the United States, the inventor is unwilling to dispose of at a price deemed reasonable.

JAMES K. POLK.

Washington, April 13, 1848.

The message having been read, it was

Ordered, That it lie on the table.

PETITIONS.

Mr. BRIGHT presented the petition of Samuel Simonton, heir at law of Isaac P. Simonton, deceased, praying the payment of a sum of money due the deceased, under the treaty of 1837 with the Saganaw Indians; which was referred to the Committee of Claims.

Mr. PEARCE presented the petition of William B. Bend, praying the return of the duties paid on a quantity of merchandize which was destroyed by fire; which was referred to the Committee on Finance.

Mr. CAMERON presented the petition of John Irons, heir at law of J. F. Irons, deceased, late an officer in the army, praying indemnity for loss sustained, in consequence of being robbed of public money placed in his hands for disbursement; which was referred to the Committee on Military Affairs.

Also, the memorial of Catharine Crosby, one of the legal representatives of Thomas D. Anderson, deceased, late Consul of the United States at Tripoli, praying to be allowed in the settlement of his accounts, credit for certain expenditures made by him in his official capacity; which was referred to the Committee on Foreign Relations.

REMISSION OF DUTIES.

Mr. ASHLEY, from the Committee on the Judiciary, to whom was referred the memorial of the Central Rail Road and Banking Company of Georgia, submitted a report accompanied by a bill for their relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. ASHLEY gave notice that he will move to proceed to the consideration of this bill at an early day.

JOHN A. BRYAN.

Mr. ATCHISON, from the Committee on Indian Affairs, to whom was referred the petition of John A. Bryan, submitted a report accompanied by a joint resolution for his relief.

The joint resolution was read and passed to the second reading.

Ordered, That the report be printed.

INSURANCE COMPANY AND SAVINGS INSTITUTION.

Agreeably to notice, Mr. PEARCE asked and obtained leave to bring in a bill to incorporate the Washington Mutual Insurance Company and Savings Institution; which was read the first and second times, by unanimous consent, and referred to the Committee on the District of Columbia.

EVIDENCE IN REGARD TO PATENTS.

Agreeably to notice, Mr. DAVIS, of Massachusetts, asked and obtained leave to bring in a bill to amend an act entitled "An act to promote the progress of the useful arts, and to repeal all acts and parts of acts heretofore made for that purpose," approved July 4, 1836; which was read the first and second times, by unanimous consent, and referred to the Committee on Patents and the Patent Office.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate for the signature of their President.

SIGNING OF A BILL.

The VICE PRESIDENT signed the enrolled bill entitled "An act relating to the collection district of New Orleans, and for other purposes."

RESCINDING OF A RESOLUTION.

Mr. BAGBY moved to rescind the resolution submitted by him some time since, and agreed to, directing the Secretary of War to communicate the proceedings of Messrs. Eaton and Hubley, commissioners under the Cherokee treaty, stating that he had ascertained in a private conversation with the Secretary of War, that the information he desired could be better obtained in a different way, and that he wished to relieve the Secretary from the appearance of disregarding an order of the Senate.

The motion to rescind the resolution was agreed to.

TREATIES WITH CHINA AND TURKEY.

On motion by Mr. ASHLEY, the prior orders were postponed, and the bill to carry into effect certain provisions in the treaties between the United States and China, and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United States in those countries, was read the second time and considered as in Committee of the Whole.

Mr. ASHLEY observed that a necessity existed for prompt action on this bill, and that it was desirable it should be had before the departure of the next vessel preparing to sail for China; and on his motion, it was

Ordered, That the further consideration thereof be postponed to, and made the order of the day for, Wednesday the 19th instant.

THE CONSTITUTION.

The Senate proceeded to consider the following resolution, submitted on the 12th instant by Mr. BADGER, and it was agreed to:

Resolved, That the Secretary of the Senate purchase, for the use of the Senate, two thousand copies of the Constitution of the United States of America, with an alphabetical analysis, prepared and published by W. Hicker, provided that the same can be purchased at a price per copy not exceeding that paid for 10,000 copies ordered to be purchased by a resolution of the Senate adopted 18th February, 1847.

ADJOURNMENT OVER.

On motion, it was

Ordered, That when the Senate adjourn, it be to Monday next.

THE DAM AT CUMBERLAND ISLAND.

On motion by Mr. BELL, the prior orders were postponed, and the bill to provide for the repair and improvement of the dam at the head of Cumberland island, in the Ohio river, was read the second time and considered as in Committee of the Whole.

No amendment being made the bill was reported to the Senate.

The question being on ordering the bill to be engrossed and read a third time.

Mr. BAGBY.—I have but a word to say on the subject of this bill, and would not have said that word, but for the determination I had formed in my own mind to resist the system of internal improvement by the general government, whenever and wherever it is intended to be applied. With entire respect to the feelings of those who advocate this bill, I must be permitted to say that no case can be presented showing more clearly, not only the impolicy, but the enormity of the system. The bill now under consideration is simply this, that inasmuch as one hundred and fifty-five thousand dollars have heretofore been appropriated and expended for the improvement of the Cumberland river, and inasmuch as such appropriation has been ineffectual, or has been rendered so by the natural decay produced by time, therefore, the goverment must appropriate fifty thousand dollars more.

Mr. BELL.—I presume the gentleman was not present when I made some observations on this subject, a few days ago. It is not to benefit the Cumberland river alone, except as one of the tributaries of the Ohio. It is more important to the navigation of the Ohio above that point, as well as to the communication between the Ohio and all its tributaries and the Mississippi. The interest of the Cumberland river is not a tithe of the interests included.

Mr. BAGBY.—Well, sir, when I get down the Cumberland river, I will get into the Ohio. I start where the appropriation commences, and I find that a hundred and fifty-five thousand dollars have been appropriated and expended in the States of Kentucky and Tennessee, in the improvement of the Cumberland river. That river, as the honorable Senator very correctly says, is but a tributary of the Ohio. But the principle is precisely the same,

and involves the question by what authority, by what grant of power does this government derive its rights to improve any river. Indeed, if commentary were necessary on the impolicy of measures of this kind, it never could be more clearly illustrated than by the bill now under consideration. The interests involved according to the honorable Senator, are but a tithe of the whole navigating interests of the Ohio, and yet a hundred and fifty-five thousand dollars have been already appropriated, and the safe navigation of that river has not been completed. It amounts to this, as fast as you ascertain that your appropriations have been improvidently made, or as fast as your improvements yield to the touch of time, you are called on to renew them. This is entirely adverse not only to the principles of the constitution, but to the law of nature itself. There are wide and narrow, deep and shallow places, and according to natural laws, if you remove a shoal at one place to-day, you create a shoal at another place to-morrow; and with the same propriety that you ask an appropriation to remove the first, you may ask one to remove the second. I have been struck with another view which some of my respected friends take upon questions of this kind, and it is this, that it is not the policy or the duty of those who contest these measures on principle to contest minor appropriations, but that they should wait for the greater and more important measure. Do not gentlemen see if we permit ourselves to be defeated day after day detachments, when the great battle comes to be fought, we shall be entirely destitute of power? The question must be met at the threshold. No great and important revolution was ever the result of open and glaring encroachments on the rights of the people. The glorious revolution which resulted in the establishment of the independence of the United States, was not brought about by an open, glaring, and direct assault upon the rights and liberties of the people. It exhibited itself in the insidious form of a three penny tax upon tea. But the patriots of the revolution detected in it, the serpent sting of injustice and oppression, and nobly resolved to resist it. So of the revolution of 1668, the next in importance upon the liberties and the political destinies of mankind to our own. That crafty and unprincipled monarch of the House of Stewart did not dare to make a direct and open assault upon the fragment of liberty enjoyed by the people of England. But the immortal Hampden and his illustrious compatriots saw in the levy of one shilling upon ship money, the chains that were preparing for them and their posterity, and nobly resolved to resist. They looked to the principle involved, and so must we.

This view of the case was forcibly presented by a Senator from Louisiana on a former day. He thought it did not accord with the dignity of the Senate to contest the principle upon the proposition for granting a small slip of land; but gentlemen must see that the principle is the same, whether you apply it to a small stream or the father of rivers itself—to a small strip of land or to the whole valley of the Mississippi. I do not hope to make converts to the doctrine which I hold in regard to this system of internal improvement, and I greatly fear that gentlemen will give way so often to those interests that are pressed upon us from different quarters that when the great day of battle comes, there will but few be found occupying the ground on which Mr. Jefferson placed himself in 1825. That remarkable man said in relation to this very subject, that once let in this doctrine of implied constitutional powers upon the subject of internal improvement, and "you enter a boundless field no longer susceptible of limit or definition."

Believing, as I conscieniously do, that the principle upon which this bill rests has no foundation in the constitution, I shall give my vote against it, and shall continue to oppose every measure of a similar character, while I have a vote to give, or a voice to raise in this chamber.

Mr. CRITTENDEN.—I am satisfied that there is no hope of shaking the opinions of my honorable friend, the Senator from Alabama upon this subject. His mind is distinctly made up. I could be perfectly satisfied not to say a word if I could hope that the attention of the Senate would be drawn to the subject. If there can be any exception from the strict principles advocated by the Senator from Alabama, it seemed to me that this case will constitute that exception. The obstruction to be removed here, is one that has been created by the act of the general government itself. One of its improvements imperfectly made, has given away in such a manner, as to form an almost impassable obstacle in some stages of the water, to the navigation of the Ohio. You have passed an appropriation at this very session to remove an obstruction from the Savannah river, and it has seemed to me, and I did hope, on a former day, when this was the subject of some conversation, that Congress would not consider this case as coming within the general ground of objection to measures for internal improvement by the general government. The object is to remove a particular obstruction, which the government itself has created within the river. If an individual had created such an obstruction the law of the land would compel him as a civil duty to remove it. Should not the general government be permitted to do that which on a general construction of the law an individual would be constrained to do? If the attention of the Senate only, can be drawn to this question, we are content to abide by its judgment without any debate or argument. We do not wish to occupy unnecessarily the time of the Senate. We do not wish to draw into argument or controversy at all, the constitutional principles upon which the Senator rests his objection to measures of internal improvement by the general government; but to submit this case to the Senate as a peculiar case, governed by peculiar circumstances. For myself, I have none of those scruples or doubts on the subject of constitutional power, which the Senator from Alabama seems to entertain; but setting that aside, it seems to me that they do not necessarily enter into our consideration in this particular instance. Who should remove this obstruction? Whose duty is it? Is it the duty of the State of Kentucky? Or of the State of Indiana? Is it the business of the counties on the one side of the river or the other? Who should remove it? If it is not our duty, I should like to know whose duty it is. Is it the duty of the navigator to do it—to stop his boat, rest on his oars, and wait there until he can remove it? How is it to be got rid of? It is a very great river in point of commerce—a very great river. From fifty to a hundred millions of dollars perhaps, is not more than the value of the commerce that passes up and down at this very place, in the course of a year. Sir, I do not intend to occupy the time of the Senate; my object is to end debate; rather to state than argue the question, and invite the attention of the Senate to it; and we shall be content when the case is understood, to abide by whatever judgment the Senate may pronounce.

The question on the engrossment of the bill was then put, and it was

Ordered, That the bill be engrossed and read a third time.

The said bill was read a third time, by unanimous consent.

On the question "shall this bill pass?

Mr. BAGBY demanded the yeas and nays, and they were ordered.

Mr. CALHOUN.—As the yeas and nays have been ordered, I desire, before the question is put, to say a few words. If I understand this case aright, there is an island in the Ohio, a little above the mouth of the Cumberland, dividing the river into two parts, and rendering the navigation difficult; and in order to improve it, a dam was thrown across from the Kentucky side to the island, and by the recent freshets this dam has been destroyed.—Now, although I hold to the doctrine of strict construction, I have not the slightest doubt of the right and the duty of the government to repair this dam, or to remove the obstruction. It is the channel of one of the great navigable rivers which belong to no particular State, but which serves as a highway in which many States are interested; and if it be not done by the general government, it can be done by no power whatever. The States are positively prohibited from entering into a work like this. If the general government cannot do it, it is clear that neither Kentucky nor Indiana will make this improvement; for there is a positive provision in the constitution which prevents them from doing it. Under these circumstances, I hold it to be as clearly the right of the general government, under the provision in the constitution which gives the power to regulate commerce among the States, as it is to repair light-houses or to replace buoys that have been destroyed; and that the objection of the Senator from Alabama is as applicable to the one as the other. I shall give my vote most cheerfully for this bill.

Mr. BAGBY.—I do not understand that Congress is authorized to do everything that the States are not authorized to do, or that the States cannot do.

Mr. CALHOUN.—I did not say that. I say that the right exists under the provision of the constitution which gives to this government the power to regulate commerce among the States.

Mr. BAGBY.—I understood the Senator to say that; I understood him also to inquire if this thing could not be done by the States, how was it to be done. Well, I reply, that supposing it cannot be done at all, still that is no answer to the objection. This government is not authorized to do all that cannot be done by the States, but only that which it is authorized by the constitution to do. This is the great line of difference between the honorable Senator from South Carolina and myself on this subject. With respect to the power to regulate commerce which seems to be connected with the consideration of this bill, it has ever appeared to me, that that was the most untenable ground upon which this system of internal improvement could be rested. The power to regulate commerce is only a power to interfere with something already going on, but in this matter of rendering a river navigable which was not so before, you are not regulating a pre-existing thing. The distinction is as clear as daylight between creating originally, and regulating a thing after it exists. One is a substantive power, the other a mere regulation. I shall not go into this question now, however, but shall avail myself of the occasion when some of those important measures, which gentlemen seem to have in view, come before us to give my views, and to place some limitation if possible on this most alarming power, the power to regulate commerce.

Mr. CALHOUN.—I by no means rest this case on the fact that, because the States have not the power, therefore, the general government has it. I place it on the fact, that the general government has the power to regulate commerce among the States; and that this is a case, which comes within that power. In confirmation of this conclusion, I stated, that the constitution prohibited the States from entering into any treaty or agreement, by which those in the great valley of the Mississippi, could unite and enter into an arrangement, by which the obstructions in that great river and its navigable branches could be removed. I also stated,

that they were common high ways for all those States, and not within the exclusive control of any one, as far as their navigation was concerned, and that it would be monstrous to conclude, that a stream, on which we had as much, or nearly as much commerce, as on the ocean itself, was intended to be left by the constitution, without any power to supervise and improve its navigation. In reply the Senator says, that this government has the right to regulate the commerce already in existence and to create new channels for commerce. That may be admitted, without weakening my argument. The river itself forms the channels, and the commerce existed before the government undertook to improve its navigation, just as in the case of the commerce on the ocean. Now I put it to the Senator, has not this government the right to establish light-houses, buoys, and beacons, under the power of regulating commerce? If so, I ask him to point out the distinction, and show on what principle it can exercise the power in the one case, and not the other. The river, as well as the ocean, is the common high way of the commerce among the States, and its navigation is no more under the control of the States, separately, than that on the ocean. No just distinction can be made between the two cases, and the argument, which can establish the rights of the government to improve the navigation of the one, is equally strong to establish the right to improve the other. Both will have to be abandoned, or both admitted. To make the case, if possible, more parallel and close, I ask the Senator, if the government has not the right to establish light-houses, buoys and beacons, over the lakes?

Mr. BAGBY.—Certainly—wherever your navy floats.

Mr. CALHOUN.—Then suppose a light-house is necessary to the navigation of the Mississippi, can you not erect one? Now, suppose instead of erecting a light-house you guard against the obstruction in some other way, would you not have an equal right to do it in such a way as would be attended with the least expense?

Mr. BAGBY.—I had not the least expectation or desire to enter into a contest with the distinguished Senator from South Carolina. I am happy to agree with him in many things, but this is one of the cases where a point of disagreement necessarily arises. The question has been put, whether I admit the power of the government to erect buoys and light-houses? I do, undoubtedly, to the fullest extent. But instead of deriving it from the power to regulate commerce, I derive it from the express power conferred upon this government by the constitution, to provide and maintain a navy. Light-houses and buoys are as necessary for the preservation of the navy as mechanics are for its construction. I do not understand the erection of light-houses and buoys to be a commercial regulation at all; but for the preservation of the navy, wherever erected, whether upon an inland-sea, or the Mississippi; wherever your navy floats, the erection of a light-house is not a matter for the regulation of commerce, but is a matter indispensably necessary for maintaining the navy.

Mr. CRITTENDEN.—If the existence of government vessels, and the right to preserve them will justify the removal of this obstruction, I can inform the gentleman of a fact, which no doubt he has heard of, that several government vessels have been taken up the river, and are now employed in the service of the government.

Mr. CALHOUN.—One word if the Senator will allow me. There is a naval station in the Mississippi at Memphis, which is important to the government; but what is more, this system of erecting light-houses, buoys, &c., was established before there was a single government vessel. It must then have been regarded as coming under the head of the power to regulate commerce.

Mr. BAGBY.—I want to ask one question of the Senator from Kentucky. This work I understand was constructed by the government. Was it done upon its voluntary motion or upon application of those interested in the navigation of the river?

Mr. CRITTENDEN.—I know of no other application to the government than that made in the ordinary way by the representatives of the States in this body.

Mr. DAVIS, of Mississippi.—Entertaining views similar to those which have been expressed by the Senator from Alabama, viewing the whole system of internal improvement by the federal government, as an assumption of power not conferred by the constitution, and believing that if the power were possessed, the experience we have had shows that its exercise would be inexpedient and demoralizing, I think it necessary to explain why I shall vote for this bill, and to show what peculiarity there is in the case which constitutes it an exception to the general rule. The appropriation is not, as the Senator from Alabama seems to think, to remove a bar in the Cumberland river but it is to repair a dam which the federal government constructed in the Ohio river. For the purpose of improving the navigation of the Ohio, and the passage from the Cumberland into the Ohio river, a dam was built from the "Cumberland Island" to the Illinois shore, which forced the water of the Ohio river into the channel on the Kentucky side, which was by nature the inferior channel of the two; but which was no doubt selected because an incidental improvement would thus be made at the mouth of the Cumberland river. This dam has given way, the artificial advantage to the smaller channel is lost, and the larger one is obstructed by the remains of the work which the federal government erected. The natural navigation being thus impaired, those who are interested in it have a right to expect of this government that it will remove the impediment; at least restore them to their natural advantages. The broken dam is a nuisance, an injury to vast interests, private and public, and having been introduced by this government I hold we are bound to abate it. The practical question is, how can it be most efficiently and economically done? According to the best information in my possession, it will cost less of time and of money, to repair the dam than to remove the debris. Large masses of stone which have imbedded themselves in the sand, could only be removed by immense labor, to be performed only at the lowest stage of water. To remove the dam would, therefore, require that we should wait until after the present favorable season for navigation had passed by, and the injury done by the obstacle during this period would greatly exceed the expense of repair. As a measure of justice and of economy, I shall vote for an appropriation to repair the dam; and thus, at as early a day as possible, to restore the navigation to a condition which I hope will equal, if it does not exceed its natural advantages.

In arriving at this conclusion, my reflections have not brought me to the position of the Senator from South Carolina, [Mr. CALHOUN.] If I were compelled to rely on the power "to regulate commerce" as a justification for this appropriation, my adherence to the doctrine of literal interpretation of the terms of the constitution would compel me to vote against this bill, intimately connected as it is with the interests of the great valley of which I represent a part. To regulate is to make rules, not to provide means. The power was given by the States to the federal government, as part of the great purpose, the establishment of a more perfect union, and the promotion of domestic tranquility. The common agent was entrusted with this power, because it could only be used by the States as sovereigns making treaties with each other, and because its exercise was probably to be a detriment to the commercial interests of our political family, and a cause of dissension among us. The same clause which conveyed this power in regard to the commerce of the States, gave it also in relation to foreign nations and Indian tribes. If the construction were admitted that the power to regulate commerce, carries with it the right to improve the channels through which it is transmitted, there would be no limit to our appropriations within the most remote port which our merchantmen visit, or the least known Indian tribe with whom our fur traders hold intercourse.

Any rule which could be laid down as a limit to the extent which the federal government may constitutionally go in works of improvement, must be found in practice defective, and liable, in the progress of legislation, to be lost sight of unless that rule has within it its own limitation. It might, with great fairness, be urged that the federal government is bound, as one who uses the public highways, to contribute its proportion of the labor necessary to keep them in repair; and if this were an occasion proper to the discussion of the general subject, it might easily be shown that both historically and practically the Ohio river is emphatically a national highway, and entitled as such to all which the federal government has a right to bestow. If appropriations to rivers and harbors were limited to the amount collected by charges imposed upon their commerce we should have a guide and a check to expenditures on their improvement. On our great western rivers, so often selected as the foundation of an argument, a very light tonnage duty would suffice to make all the improvements which have been, or ever will be, required for their successful navigation. The general application of such a rule would impose the burden upon those who receive the benefit of improvements; our legislation would be freed from alliances which corrupt it at the fountain, and overburden the national treasury by appropriations for local objects.

Whilst I agree with the Senator from Alabama in the general principles which he has stated, I disagree with the view which he has taken of the particular case. To tap a stream, or to remove a natural dam, are among the most difficult problems of civil engineering, and admitted to be attended by all the dangers which the Senator has indicated; but to improve the bed of a stream—to increase without radically changing the natural advantages of a national highway, are cases widely differing from those put by the Senator, whether they be viewed as questions of engineering, or of constitutional construction. The cases put by the Senator endanger the natural navigation by drawing off the original pools; or by leaving the highway common to the States, and entering with a canal the territory of a particular State, invade its sovereignty over the soil. These are objections which do not apply to the question before us, if it were presented for original decision; instead of being as it is, a proposition to remedy an evil which the former action of the general government has inflicted.

The Senator from South Carolina, (Mr. CALHOUN,) offers the practice of erecting light-houses and buoys in the harbors on our sea coast, as an argument for the existence of the power to improve the channels of interior commerce. With great deference to the acknowledged ability of that Senator, I differ entirely from his conclusion, and deny the analogy upon which he insists. The erection of light-houses upon our maritime coast, and the placing of buoys to mark the entrance into our harbors, are mainly referable to the power to maintain a navy, and provide for the common defence; though I will admit that the construction of light-houses and buoys may also be drawn from the power to regulate commerce, and for like reasons as apply to the construction of docks, ways, and warehouses. For convenience and security in the collection of imposts, we require goods imported into the country to

be laid down at particular places; thence arises an obligation to facilitate the entrance of vessels to the places so designated, and facility and security being the common benefit of the parties, tonnage duties and port charges are imposed, and serve to create the means for harbor improvements. Surely this cannot be considered parallel to the improvement of the route over which the commerce is to pass.

Mr. DAVIS, of Massachusetts.—How does that agree with the provision of the constitution which gives power to the general government to regulate commerce among the States?

Mr. DAVIS, of Mississippi.—The power to prescribe the rules for commerce among the States was surrendered to the general government, the States were thenceforward deprived of the power to impose restrictions or levy duties upon the commerce of each other, and the federal government received that power under limitations which mark the purpose of those who gave it. Our constitution was to bring the States nearer to each other, and this power, transferred to the general government, it was foreseen would be the fruitful cause of jealousy and strife; the barriers then opposed by some States to the commerce of others were swept away by the compact of union, and no foundation was left upon which they could be rebuilt. All had been done which constitutions can achieve, to give to the people of the United States one commerce and interest. The constitution of these United States is a monument to free trade, and the various clauses in it bearing upon this power to "regulate commerce among the States," show that it was not to give activity to the exercise of it, but to restrain the States, that it was conferred upon the federal government. It was not my purpose to enter into the discussion of the great principles which have been alluded to, but only to point out some of the peculiarities of the case under consideration, which, in my opinion, make it an exception to the general rule, and, therefore, free it from objections which might generally obtain.

Mr. CALHOUN.—As the Senator from Mississippi thought proper to attack the ground on which I rest my support of this bill, while he concurs with me in supporting it, I feel called on briefly to reply to his argument. He says the power to regulate commerce is restricted to the power to prescribe rules, and does not include the power to provide means for its safety and facility. And yet, while he takes this position, he admits the power of Congress to establish light-houses, buoys, and beacons, to point the way into harbors where duties are collected; and thus admits, to that extent, that the power of prescribing rules, includes the power of providing for the safety and facility of commerce. And he thereby admits it to rest on the power to establish ports of entries, and collection of duties. This admission concedes the whole right for which I contend, but places it on grounds far less safe and well-defined. The establishment of ports of entry, and collection of duties, are not confined to the seaboard. They extend on the Mississippi far up the stream, as high as St. Louis and Cincinnati; and on his own showing, Congress has the power, under the regulation of commerce to provide for its safety and facility up to these points, by removing the obstructions in the channel of the river, which might endanger or impede its navigation. He will not, I feel confident, make a distinction between pointing out the danger, and removing the cause of it—between the power of establishing a light house to point out snags and sawyers at night, and removing them. Nor can it be objected that the Mississippi is not navigable for sea-going vessels. Under the power of steam, it is navigated with almost the same facility that it would be, if, instead of a river, it was an arm of the ocean; while its great depth and volume of water admit vessels of as great a tonnage as most of the ports on the coast. Nor is it a sufficient objection to say that its navigation subjects it to great delay, in consequence of low water, or ice. Vessels are often delayed in consequence of adverse winds, or calms, off the ports on the coast; but that is not a good reason why they should not be made ports of entry, and have the entrance into them pointed out by light houses, buoys, and beacons. If it were, the harbor at the mouth of Columbia river would forever remain without these facilities; for vessels have been known to lie before it for months, before they could enter; and when they did, they entered with great hazard.

I do wish to be understood in my remarks to give my countenance to the ground on which the Senator places the power. I regard it as utterly untenable and dangerous, as it would enable Congress to give any extension it pleased to the power. I pass without notice the other grounds on which he places the power "to provide and maintain a navy," as I have already replied to it in answer to the Senator from Alabama.

As to internal improvement—that is improvement within a State, I am as much opposed to the exercise of the power by this government, as either the Senator from Mississippi or Alabama can be. I limit the power for which I contend, to the great highways —common to all the States, and, of course, under the control and supervision of no one—to their exterior intercourse with each other, and not to the internal intercourse, within their separate supervision and control. I feel assured that the ground on which I rest the power, is the only one on which effectual resistance can be made to internal improvements, properly understood. To undertake to give a construction to the power which would include the sea-coast, and exclude its affiux to the Mississippi and the Lakes, must end either in the entire abandonment of the power to establish light houses, buoys, and beacons, or to give unlimited extension to the power of Congress, to regulate commerce both within and without the States.

Mr. DAVIS, of Mississippi.—The Senator from South Carolina has misconstrued the admission made by me as to the right to erect light-houses and buoys. In addition to that which was referable to the navy power, I said there also existed a power incident to the regulation of commerce, to construct light-houses and buoys where necessary to the safety of those on whom our regulations were imposed By making it a consequence of the laws which require imported goods to be landed at particular places, it was sufficiently indicated that the works should be connected with the places thus prescribed. The reference to the tonnage duties and port charges, as laid in consideration of the harbor facilities furnished, certainly exhibited with sufficient clearness the extent of my admission. I believe it was originally the practice to limit appropriations for a harbor, to the amount of port and tonnage duties collected at it. I wish the rule were now in force. No admission has been made by me which can be fairly construed as recognizing the right to expend means drawn from the national treasury upon harbors which have no navigable commerce, and which therefore supply no funds to the government. Least of all can any thing advanced by me be tortured into an admission of the right to go abroad, from the place for which the regulation is made, to create a commerce upon which the regulation shall operate.

The Senator selects landings on the upper Mississippi and Ohio and asks if these are not ports of entry, and if vessels cannot go up to them from the sea. For the latter question I will refer him to his recollections of the trip he made from Memphis, after the celebrated convention held at that place, and then inform him that he was in a very deep river when compared to those he would have passed over, if he had ascended to the ports of entry he has named.

The Senator is certainly aware, that the places named by him as ports of entry, have no foreign commerce brought to them in sea vessels; and if they had he could only apply my admission to the landing place, which would not in the least aid his purpose, or their commerce. It will be long before I admit as an incident to laws prescribing the rules for commerce, that the federal government can create channels through which commerce may flow; or that an act of Congress can make the entrance to a harbor, equal the distance from the sea to the landing for river boats on the head branches of our longest rivers.

If to declare by law a landing on some interior river to be a port of entry, can confer the power to remove all obstructions between that landing and the sea, what limit have we to the burdens which may be imposed upon the industry of the country, to support the visionary or corrupt schemes which theory or selfishness may devise? If under the power to make rules, to enact laws, for the government of commerce, we have the right to appropriate money to provide for it, channels of transportation, who shall discriminate between rivers, and creeks, and canals, and railroads; or who can say that from channels it may not be extended to vehicles for conveyance? So far as we may constitutionally improve our national high-ways, it must be for other purpose than the promotion of commerce; and the power must be drawn elsewhere than from the right to regulate it. The transportation of troops, of supplies, and munitions of war, the transfer of public monies, the proper discharge of the civil functions, and military duties of the federal government, may require the improvement of public high-ways; and under the war power, and the duty to provide for the common defence, it may as far as is necessary be done. This is a necessity which the settlement of our territory removes, it has limitations, both of time and of purpose; not so with improvements for commerce, which will increase with increasing population, and has its application to every town, and village of the Union. The interest of those whom I represent, my own conviction, and feelings unite in resistance to a construction than which none was ever adopted more latitudinous in its nature, or tending to move flagrant abuse. I have admitted that at a place where imposts are collected, where tonnage duties are paid, where imports are required to be landed, that an obligation is imposed to point out the safe approach to the place so designated; the mere declaration that a certain place shall be a port of entry does not fulfil any of the conditions, and if they were all fulfilled, no application could be made of my admission to the route over which the vessel had passed in its voyage.

Mr. CALHOUN.—When the wind is adverse the vessel may lay off for weeks without being able to enter a harbor Buoys and beacons are necessary to point the way into harbors, and therefore they come under the regulation of commerce; and if we can provide these facilities on the sea coast, on what principle is it that we are prohibited from providing facilities on our great navigable rivers? Sir, I hold it to be as clear a power as any in the constitution, demonstrably so, from the meaning which the phrase to regulate commerce had before the adoption of the constitution. I have examined this subject with great care, and I have never examined any question upon which I have come to so decided a conclusion. Sir, it is monstrous to say that where the interests of so many States are concerned, we shall not exercise a power which is so clearly defined. How far it will extend to the smaller rivers I will not undertake to say, but as far as regards the Mississippi and the Ohio, the only result of setting up a narrow construction will be to make the power universal. You must give it the exercise it was intended to have originally or there will be no limitation upon it whatever.

The yeas and nays were then taken on the passage of the bill, and it was determined in the affirmative, as follows:

YEAS—Messrs. Allen, Ashley, Atchison, Badger, Bell, Benton, Berrien, Boorse, Bright, Calhoun, Cameron, Clarke, Corwin, Crittenden, Dana, of Massachusetts, Davis, of Mississippi, Dickinson, Dix, Downs, Felch, Foote, Greene, Hannegan, Mangum, Miller, Niles, Pearce, Phelps, Sevier, Underwood, Upham—31.

NAYS—Messrs. Bagby, Butler, Hale, Hunter, Johnson, of Georgia, Mason, Moor, Turney—8.

So it was,

Resolved, That this bill pass; and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

PRIVATE BILLS UPON THE CALENDAR.

The VICE PRESIDENT announced that the Senate would now proceed to the consideration of the private bills upon the calendar, in pursuance of the order adopted on Friday last, making them the special order for to-day and to-morrow, to the exclusion of all other business.

The following bills and joint resolution were read the second time and considered as in Committee of the Whole; and no amendment being made they were reported to the Senate:

A bill for the relief of Elizabeth Pistole, widow of Charles Pistole, deceased.

A bill for the relief of Jesse Turner.

A bill for the relief of the forward officers of the late exploring expedition.

A bill for the relief of J. F. Caldwell.

A bill for the relief of Nathaniel Kuykendall.

A bill granting a pension to Abigail Garland, widow of Jacob Garland, deceased.

A bill for the relief of Thomas Brownell.

A bill for the relief of Elizabeth Jones, and the other children, if any, of John Carr.

A bill for the relief of Thompson Hutchinson.

A bill for the relief of Thomas Douglas, late United States Attorney for East Florida.

A bill for the relief of Samuel W. Bell, a native of the Cherokee nation.

A joint resolution for the relief of Jonathan Lewis.

A bill for the relief of Oliver C. Harris.

A bill to provide for the settlement of the claim of Henry Washington, late a deputy-surveyor of the public lands in Florida.

A bill for the relief of Reynolds May.

A bill supplementary to an act to authorize the Secretary of State to liquidate certain claims therein mentioned, passed April 18, 1814.

Ordered, That they be engrossed and read a third time.

Said bills and joint resolution were read a third time, by unanimous consent.

Resolved, That they pass; and that the respective titles be as aforesaid.

Ordered. That the Secretary request the concurrence of the House of Representatives in said bills and joint resolution.

The bill for the relief of the legal representatives of Captain Jesse D. Elliott was read the second time, and considered as in Committee of the Whole; and no amendment being made it was reported to the Senate.

The question being on ordering the bill to be engrossed and read a third time—

Mr. HALE.—I am utterly opposed to the passage of this bill or of any thing like it. You are paying the officers of your navy higher salaries than officers of the same grade receive in any country on the face of the earth; and it is for the very purpose of enabling them to defray such extraordinary expenses as they may be subjected to by giving entertainments, and exchanging civilities with persons connected with governments abroad, that you give them those high salaries.

Mr. CAMERON.—The sum proposed by this bill to be granted to the heirs of Commodore Elliot, is but a small part of what was expended by him. It is well known that the purpose for which he was sent to the Mediterranean, was not an ordinary one. He was sent there for the purpose of exhibiting the power and strength of this government. The money which he was obliged to spend, was disbursed out of his own resources, and the sum was so considerable as seriously to injure his private fortune. All has been stricken out of the bill however, except the items which relate to the entertainment of the Sovereigns.

Mr. HALE.—I do not want to say a word about the course of Commodore Elliot, I believe the country remembers, that when he came home he was court martialed.

Mr. CAMERON.—Unjustly.

Mr. HALE.—Well, it may be so; but I believe the King of Greece, and the Queen of Saxe Cobourg were not the only animals he entertained, for I remember one of the charges against him was, that he had so encumbered his vessel with animals, Elephants, Jackass's, &c., that she was disqualified for any service. He had Jackasses heads stuck through all the port holes, and in fact, his ship was familiarly known in the Mediterranean as the Jackass frigate. I believe the first example of voting money for such a purpose as this, was the grant made to Commodore Morgan, and I trust it will be the last. Why are such high salaries granted to our naval officers, unless it is to cover extraordinary expenditures? I believe the estimates for the naval service this year amount to fifteen millions of dollars.

SEVERAL SENATORS.—Between ten and eleven millions.

Mr. HALE.—I think they will be found to be not less than fifteen millions in the aggregate, but eleven is enough for my argument. During the last war with Great Britain, I believe our navy did not cost us more than four or five millions at the utmost, and it has now got up to eleven millions, and is increasing year by year, and in addition to this enormous expense, every time there is an entertainment given by a naval officer, there must be an appropriation made to meet the expense. Sir, I hope the bill will be indefinitely postponed, and upon that I ask the yeas and nays.

Mr. BADGER.—I am sorry that the Senator from New Hampshire has thought it necessary to oppose this bill, and I regret still more that he has felt it to be his duty to indulge in the style of remark which he has addressed to the Senate on this occasion. Commodore Elliot is now no more; while in the service of the country he advanced her interests, and merited her approbation. His memory should at least be entitled to respect. If in his conduct towards those under his command, he did any thing that was calculated to bring reproach upon his name, his conduct was subjected to investigation by the proper tribunal, and he submitted himself to the punishment awarded by that tribunal, whether justly or unjustly, I do not propose now to enquire. But it does seem to me that the remarks of the Senator from New Hampshire, though probably not so designed, for I am sure he would be the last man in the world who would voluntarily inflict injury—are calculated to bring into the consideration of this question, prejudices which ought never to sway an American Senate. According to my judgment there cannot be a plainer case, or one which appeals more directly to our sense of justice.

It is said that the expenses of the American navy are large. Sir, that furnishes no reason why a sum of money which in justice and right ought to be refunded to Commodore Elliot, or to those who represent him, should be withheld. If the expenses of the navy are large he had nothing to do with making them so; he neither created the navy nor fixed its expenses. The expenses of the navy is a matter which has nothing to do with the consideration of this question. This gentleman was sent out in a first class ship not only for the purpose of adding to the stores of American science, but for the purpose of exhibiting American strength. He visits a certain port, and it is announced to him that a sovereign intends to do him the honor to visit his ship. What is he, under such circumstances, to do? He is to say, I belong to a republic; we know nothing about kings and queens; we do not desire the honor of a visit from you; we want none of your company? I am sure that the Senator from New Hampshire would not desire him to act in such a manner as this. Well, the royal cortege comes on board, what is he then to do? Is he to announce to them that he is a member of the Washingtonian cold-water total-abstinence society, and refuse to order refreshments? Why it is preposterous to suppose that either of these courses can be adopted. What is he to do? He is the representative of his country, and he should represent it in a manner that is suitable to its dignity; and he does so at an expense to himself of fifteen hundred dollars. The Senator says that he receives a large salary and that is sufficient for purposes of hospitality. So it is for ordinary hospitality, but not for occasions like these. I think we should be wanting in the duty that we owe ourselves, if we should refuse to reimburse him for this outlay. I hope the bill will not be postponed.

Mr. PEARCE.—The honorable Senator from New Hampshire is mistaken in supposing that the case of Commodore Morgan is the only one in which an appropriation of this kind has been made.

Mr. HALE.—I did not refer to the case of Commodore Morgan as a precedent myself; it was referred to by the committee. In regard to the remarks of the Senator from North Carolina, I should have been exceedingly glad if that gentleman, who generally delivers what he has to say, with so much grace and propriety—had abstained on this occasion from what appeared to me to be an unkind slur on temperance societies. I should be very glad to entertain that honorable Senator in my humble home, but the beverage I should offer him, though he might consider it an insult, would be the best water the country affords. I think the influence of such unkind suggestions, as those made by the Senator are calculated to do vast injury to a cause, which I know is dear to his heart. Now in regard to this claim, I look upon it as establishing a dangerous practice. We shall now have to commence paying for the entertainments given by our ministers abroad. It is by them that the true dignity of the nation is represented, and if there is any propriety in the thing at all, they are the persons who should give entertainments. You will find applications of this kind multiply upon your hands. There will be no end or limitation to it.

Mr. BADGER.—A single remark, sir, and first in regard to enlarging the salaries of our foreign ministers. If the honorable Senator entertains the opinion that they should be increased, I hope he will follow it with a bill, and I give him my word, that he shall have my support. But the honorable Senator is mistaken if he supposes that ambassadors or ministers are subject to any such expenses. Kings and Queens are not in the habit of visiting ministers, but they are in the habit of going on board national ships, from which visits, they expect to derive both pleasure and instruction. All the expenses to which a minister would be exposed of a

similar character, are precisely such as have been stricken out of this bill—the expenses of ordinary hospitality. One word with regard to temperance societies, and I have done. I was not aware that there was anything unkind in what I said. I merely intended to express as well as I could, what might have been the excuses offered by the Commodore. The honorable Senator from New Hampshire has been pleased to say, that he hoped I would visit his part of the country. I have looked forward with the confident expectation, that if business or pleasure called me there, I would even with personal inconvenience to myself, go out of my way to do myself the pleasure of visiting him at his hospitable abode. But I must say this to him, after the announcement he has made, I shall take care when I do make that visit, that it shall be after dinner!

Mr. BERRIEN.—For my own guidance in this matter, I desire to ask a question of the Chairman of the Committee—granting the propriety of this reimbursement by the government to a commander of a vessel, I desire to enquire in what way the actual amount of the expenditure is ascertained. Is it based upon any evidence, or upon the mere statement contained in the memorial?

Mr. CAMERON.—The amount asked for originally was five thousand dollars, which sum was reduced by the committee to fifteen hundred dollars. I do not remember the precise nature of the evidence of the expenditures, but I know that the committee were entirely satisfied of the propriety of granting the latter sum. While up I will say to the honorable Senator from New Hampshire that he has done great injustice to the memory of Commodore Elliott. He was a brave and good man, and his conduct was irreproachable in every respect, except perhaps in this matter, in which he was charged with loading his vessel with animals; and even then he acted under the orders of the Secretary of the Navy.

Mr. BERRIEN.—I made the inquiry because I looked over the papers upon your table, and I found no evidence whatever upon which this claim rests, except the mere statement in the memorial. The committee, I presume, must have access to some sources of information by which they have fixed upon an amount which they will allow. They have an account presented by the memorial, and I perceive they have divided the items of that account into two classes, rejecting certain items as expenditures resulting from the individual hospitality of the officer; others they have allowed as resulting from what they supposed to be the necessity of his situation as a commanding officer of a national vessel. But I do not find that there is any evidence other than the statement of the memorial to authorize a conjecture as to the amount.

The question being taken on the motion for the indefinite postponement, it was decided in the affirmative, by yeas and nays, as follows:

30TH CONG.—1ST SESSION—No. 63.

YEAS.—Messrs. Allen, Ashley, Atchison, Bagby, Berrien, Breese, Bright, Calhoun, Clarke, Cuttenden, Davis, of Massachusetts, Davis, of Mississippi, Dix, Downs, Foch, Hale, Hunter, Johnson, of Georgia, Lewis, Mason, Phelps, Rusk, Sebastian, Turney, Underwood, Upham, Westcott—25.

NAYS.—Messrs. Bagby, Benton, Bolter, Cameron, Dickinson, Foote, Hannegan, Mangum, Miller, Moore, Niles, Pearce—12.

The Senate proceeded to consider, as in Committee of the Whole, the following bills; and no amendment being made they were reported to the Senate:

A bill for the relief of Cmde Taylor.

A bill for the relief of Jeannette C. Huntington, widow and sole executrix of William D. Cheever, deceased.

A bill to authorize the Secretary of the Treasury to make an arrangement or compromise with Manuel M. Gonçalves and heirs obligors, re day of them, for claims on bonds given by them as sureties to the United States.

Ordered, That said bills be engrossed and read a third time.

The said bills was read a third time, by unanimous consent.

Resolved, That they pass, and that their respective titles be as aforesaid

Ordered, That the Secretary request the concurrence of the House of Representatives in said bills.

The bill authorizing the purchase of the papers of Alexander Hamilton, was read the second time and considered as in Committee of the Whole; and no amendments being made it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill were read a third time by unanimous consent.

On the question, "Shall this bill pass?" the yeas and nays were ordered, and it was determined in the affirmative, as follows:

YEAS.—Messrs. Atchison, Bagby, Bell, Berrien, Cameron, Clarke, Cuttenden, Davis, of Massachusetts, Downs, Greene, Hannegan, Mangum, Mason, Miller, Moor, Pearce, Phelps, Sebastian, Upham—19.

NAYS.—Messrs. Ashley, Benton, Calhoun, Davis, of Mississippi, Felch, Hale, Johnson, of Georgia, Lewis, Niles, Turney, Underwood, Westcott.

So it was

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives on this bill.

The joint resolution for the relief of Clements, Bryan and Company, was read the second time and considered as in Committee of the Whole; and no amendment being made it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

On motion,

The Senate adjourned.

MONDAY, APRIL 17, 1848.

RESOLUTIONS OF STATE LEGISLATURES.

Mr. RUSK presented a resolution adopted by the Legislature of the State of Texas, instructing the Senators and requesting the Representatives of that State, in Congress, to use their efforts in favor of the passage of a law to extend the jurisdiction of Texas over one half of Sabine Pass, Lake and river; which was laid upon the table and ordered to be printed.

Also, a resolution of said Legislature instructing the Senators and requesting the Representatives of that State, in Congress, to use their efforts in favor of the passage of a law establishing a chain of military posts in advance of the settlements between Red River and the Rio Grande, and relative to intercourse with the Indians of that State; which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. ALLEN presented a resolution passed by the Legislature of the State of Ohio, in favor of the construction of a railroad from Lake Michigan to the Pacific ocean, upon the plan of Asa Whitney; which was laid upon the table and ordered to be printed.

Mr. DIX presented the petition of Dennis Harris, praying a return of the duties paid on certain wines destroyed by fire in the city of New York; which was referred to the Committee on Finance.

Mr. ALLEN presented a petition of citizens of Mercer county, Ohio, praying that non-commissioned officers, privates, and musicians, who have been promoted to the rank of commissioned officers before the expiration of their term of service, may be entitled to bounty land; which was referred to the Committee on Military Affairs.

Also, the memorial of a committee of editors of democratic newspapers in Ohio, praying such a modification of the present postage law as will permit newspapers to be transported in the mails, free of postage, for a distance of thirty miles from the place of publication; which was referred to the Committee on the Post Office and Post Roads.

Also, a petition of citizens of Ohio, praying such an amendment of the laws regulating the rates of postage as will permit newspapers to be sent free of postage to the distance of thirty miles from the place of publication, or to any place within the county where the same shall be published; which was referred to the Committee on the Post Office and Post Roads.

Also, two memorials of citizens of Ohio, praying a grant of land for the construction of a railroad from Lake Michigan to the Pacific ocean, upon the plan of Asa Whitney; which were laid upon the table.

Mr. DOWNS presented the petition of Thomas W. Chinn and Micajah Courtney, on behalf of themselves and others, praying to be released from the payment of a portion of a judgment rendered against them as sureties of Thomas Gibbs Morgan, late collector of the revenue for the port of New Orleans.

The petition was referred to the Committee of Claims and ordered to be printed.

Mr. CAMERON presented twenty memorials from citizens of Philadelphia, complaining of the monopoly of the Camden and Amboy Railroad and Delaware and Raritan and Canal Companies, and praying as a remedy the construction of a railroad, to be used as a post road, through the State of New Jersey; which were referred to the Committee on the Post Office and Post Roads.

Also, the petition of Benjamin Miller, a soldier of the revolutionary war, praying a pension; which was referred to the Committee on Revolutionary Claims.

Mr. RUSK presented the memorial of John Baldwin, praying the payment of a sum of money due him by the government under a contract for supplying pork for the use of the Navy, and compensation for losses sustained in executing his contract; which was referred to the Committee on Naval Affairs.

Mr. WESTCOTT presented the petition of John Campbell and Company praying compensation for subsistence furnished to a company of Florida volunteers while in the service of the United States; which was referred to the Committee on Military Affairs.

Mr. PHELPS presented the memorials of citizens of the United States praying the purchase of Mount Vernon by the government; which were referred to the Committee on Military Affairs.

Mr. JOHNSON, of Maryland, presented two memorials of citizens of the United States praying the purchase of Mount Vernon by the government; which were referred to the Committee on Military Affairs.

Also, a memorial of American merchants at Rio de Janeiro, and Shipmasters and others, trading to Brazil, praying that the system of reciprocal treaties may be limited to the direct trade with the countries with which they are made.

The memorial was referred to the Committee on Commerce.

Also, a memorial of John F. Weishampel and others, praying the passage of the bill now before Congress increasing the number of examiners in the Patent Office; which was referred to the Committee on Patents and the Patent Office.

Also, the memorial of the heirs of Truman Cross, deceased, late an officer in the army of the United States, praying compensation for certain extra official services rendered by the deceased; which was referred to the Committee on Military Affairs.

Mr. BADGER presented a memorial of the citizens of the United States, praying the purchase of Mount Vernon by the government; which was referred to the Committee on Military Affairs.

Mr. CASS presented a memorial of citizens of the United States, praying the purchase of Mount Vernon by the government; which was referred to the Committee on Military Affairs.

On motion by Mr. DIX, it was

Ordered, That Zebulon Mead have leave to withdraw his petition and papers.

On motion by Mr. CRITTENDEN, it was

Ordered, That Henry Child have leave to withdraw his petition and papers.

CHANGE OF REFERENCE.

On motion by Mr. UNDERWOOD, it was

Ordered, That the Committee on Public Lands be discharged from the further consideration of the petition of the legal representatives of Jaques Clamorgan, and that it be referred to the Committee on the Judiciary.

PATENTS.

Mr. DAVIS, of Massachusetts, from the Committee on Patents and the Patent Office, to whom was referred the petition of Betsey Anderson and others, submitted a report accompanied by a bill authorizing the renewal of a patent for the benefit of the widow and heirs at law of Timothy P. Anderson, deceased.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. DAVIS, of Massachusetts, from the same committee, to whom was referred the bill to amend an act entitled "An act to promote the progress of the useful arts, and to repeal all acts and parts of acts heretofore made for that purpose," approved July 4, 1836, reported it without amendment.

PRIVATE BILLS.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill from the House of Representatives for the relief of Thomas Scott, register of the land office, at Chillicothe, Ohio, for services connected with the duties of his office, reported it without amendment.

LAND DISTRICT IN LOUISIANA.

Mr. BREESE, from the same committee, to whom was referred the bill for attaching a portion of the north-western Land District, Louisiana, to the district north of Red river, Louisiana, reported it without amendment.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk:

Mr. President: The House of Representatives have passed a bill for the relief of those pre-emption claimants upon the Miami lands, in Indiana, who by their services in the Mexican war, are entitled to bounty land, and a joint resolution for the relief of J. Melville Gilliss and others, in which they request the concurrence of the Senate.

HOUSE BILL, ETC., REFERRED.

The bill from the House of Representatives for the relief of those pre-emption claimants upon the Miami lands in Indiana, who by their services in the Mexican war, are entitled to bounty land, was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

The joint resolution from the House of Representatives for the relief of J. Melville Gilliss and others, was read the first and second times, by unanimous consent, and referred to the Committee on Naval Affairs.

COLT'S REPEATING FIRE ARMS.

The Senate proceeded to consider the message of the President of the United States, of the 13th inst., relative to Colt's repeating fire arms; and

On motion by Mr. RUSK, it was

Ordered, That it be referred to the Committee on Military Affairs.

THE CALIFORNIA CLAIMS.

The Senate resumed the consideration, as in Committee of the Whole, of the bill for ascertaining and paying the California Claims.

The question pending was upon agreeing to the motion made by Mr. Mason, to recommit the bill to the Committee on Military Affairs, with instructions.

Mr. BADGER suggested to the Senator from Virginia, [Mr. MASON,] to modify his motion to recommit, so as to leave out the instructions; as the committee might, perhaps, be able to frame a section of the bill so as to obviate the objections entertained to it in its present shape.

Mr. MASON requiesced in the suggestion, and modified his motion so as simply to recommit the bill to the Committee on Military Affairs; which was agreed to.

THE SUPREME COURT.

The Senate proceeded to the consideration, on its third reading, of the bill from the House of Representatives, supplemental to the act entitled "an act concerning the Supreme Court of the United States," approved June 17, 1844.

Mr. ASHLEY addressed the Senate at length in opposition to the bill, in a speech which is given in the Appendix.

Mr. ALLEN.—I desire to make an inquiry of my honorable friend, whether I understood him correctly to say that subsequently to the passage of the act of 1844, there had been but one or two instances in which the judges of the Supreme Court have not held two terms in their respective circuits within the year.

Mr. ASHLEY.—That is what I stated.

Mr. ALLEN.—A friend of mine in the other end of the capitol called my attention, when this bill was up before, to the existence of the act of 1844, which had escaped my attention, not being particularly connected with judicial matters, and I inquired of him why it was that the act of 1844, by which the judges are exempted from half their duties on the circuit, was passed; what reason was given for its passage. His answer was, that it was passed on the recommendation of the judges, or upon their representation, in order to enable them to spend the time that they would otherwise be required to spend in holding more than one term of their respective circuit courts at this capitol, to clear off the docket of the Supreme Court. That was the purpose, as I understand, for which that act was passed.

Mr. ASHLEY.—I will refer the honorable Senator to a table which I have procured, showing the progress of business in the Supreme Court for three years, before and after the passing of that act. In 1842, there were sixty-four cases on the docket; of these, fifty-two were decided. In 1843, there were thirty-six cases decided. In 1844, at the January term, they decided forty-six cases; and again, in the December term—for in that term the act that has been referred to was passed, and by it the terms of the Supreme Court were changed, and extended about six weeks I believe—in the December term forty-four cases were decided. The next year there were sixty-four cases decided. In 1845, there were fifty-three; and in 1846, there were forty-six decided. In the three years preceding the passage of the act, they decided one hundred and thirty-four cases; and in the three years following its passage, one hundred and sixty-three. The addition of eighteen weeks to their time of sitting has made an increase of twenty-nine cases decided by the court.

Mr. ALLEN.—I was induced to turn my attention to that act because its existence seems to be an ample answer to those who urge the passage of this particular bill; for if the object of the Supreme Court be barely to do the central duties of the Supreme Court at this Capital, they have it in their power to do so without further legislation. What is their motive, then, for not doing so when they have it in their power? That is the question. Their only motive for not doing so is this—it is the only way of accounting for it—that they will not clear off the docket when they have it in their power to do so, because they want the cases to accumulate in order that this accumulation may strengthen the reasons for dispensing with circuit duties altogether. That is the only reason that can be assigned for it. They want to get rid of circuit duties altogether. One-half of the circuit duties have been dispensed with in order to enable them to finish up the cases on the docket, yet instead of finishing them they adjourn at the end of March, eight months before they have to meet here again. Why did they not sit here until the last of August and dispense with the spring term of the circuit courts as they were authorized to do, and thus take time to conclude their business here? Sir, if you pass a bill to release them from circuit duties one year, the reasons for a perpetual release will not only be rendered stronger by the state of the docket of this court, but also by the state of the dockets of the circuit courts. The business of the circuits will accumulate in consequence of the absence of the judges from their circuit duties. In the course of one or two years the business of the circuits will be so much increased that additional reason will be given for relieving the judges from either circuit or Supreme Court duties. They will say the augmentation of the circuit duties is so great that we cannot attend at Washington for the decision of cases at all; and, therefore, you must cut us loose from circuit duties or you must appoint somebody else to attend at Washington and perform the central duties there. That will be the argument then. They are preparing evidently for a division of their duties, and they know very well that if they do not attend in the circuits for a year or two the circuit duties will increase to such an extent that they who do the circuit duties cannot come to Washington at all; and there must necessarily be two sets of judges to perform the two classes of duties. This is as plain as anything can possibly be.

What is the argument that is employed here? Give these gentlemen one year; for what? To enable them to pass upon all the cases upon the docket of the Supreme Court. That is the object. Well, how long will it take to do this? Why at the rate at which they proceeded at the last session of the court it will take exactly three hundred and twenty-six days to get through the docket. Their progress was about at the rate of one case in two days. There are on the docket one hundred and sixty-three cases yet to be disposed of, and that will require, according to the rate at which they have been going on, three hundred and twenty-six days. They must sit then for one year to clear off the docket, that will bring us to May next year, which will be after Congress shall have adjourned. The consequence will be that whilst Congress is in session next year we shall be told that the docket has not yet been cleared off, that there are still fifty or sixty cases remaining and that their exemption from circuit duties must be extended for another year.

There is no such spectacle anywhere in these States or, perhaps, in the world as that exhibited by the sessions of our Supreme Court. I did not choose to allude to this matter the other day, and shall only briefly allude to it now. The business of the Supreme Court is a very limited business so far as the personal acts of the judges are concerned. Every man that has ever practised law in a State knows, that the business of a judge in deciding State cases consists, in a great degree, in plodding over old records; reading depositions and long bills in chancery, written in all manner of handwriting—noting down authorities out of this lawyer's library at this end of the town, and that lawyer's at that end of the town—all which labor he incurs himself. One half of the labor of a State judge is physical labor. But how is it with the Supreme Court? All is cut and dried to their hands. I believe that the very record in the cases which come up from the circuits is printed. The arguments of the counsel are printed; they are drawn up with brevity and precision; every authority is stated; the whole work is in fact brought down to the single act of judgment. The ablest counsel in the United States are employed in the causes, for we know that the reputation of a lawyer often depends upon his success in these intellectual conflicts at the bar of the Supreme Court, and thus it is that the labor of the judges of the Supreme Court is exceedingly small when compared to that to which the judges of the State courts are subjected. Nine tenths of the labor of the State judges is superseded in the Supreme Court by the agencies of counsel and the rules adopted by the court. Here then are nine full grown men selected for their legal wisdom—and they are supposed to know some law before they are appointed to this legal tribunal—with the printed facts of the case before them, with the printed references, all the authorities, and with the aid of the ablest lawyers of the country upon each side to detect any fallacy or expose any erroneous authority. Here then are these nine men, with their arms folded, and with what sort of expedition do they get through their docket? I have heard of consultations. Oh, the immense amount of humbug in this world! An idea has gone forth that every case brought to Washington involves some constitutional question upon which the very form and structure of this government depend. It is all nonsense! Nine tenths of the cases which come up here, are of the ordinary character of the cases which are argued and decided in the woods of Iowa, and involve no constitutional question whatever. But they are here—they are before the Supreme Court, and they cannot be decided but by the united wisdom of nine men with black gowns on—the gowns forming a very large part of the tribunal! These venerable gentlemen come up to the capitol at eleven o'clock in the morning and sit a few hours. I believe that they take Saturday as a sort of appendage to the Sabbath, and as an additional release from the toils and labors of life. Now, although I do not wish to raise any clamor against this tribunal, yet I think it does not become us who are intrusted with the affairs of the nation to lend ourselves to any such system as this, or to allow this tribunal to become a mere locality of Washington city, enjoying all the repose and dignity of indolence.

The House of Representatives have a rule which I was always opposed to, and shall oppose any attempt to apply it to any legislative body, but which, nevertheless, I regard as being very well adapted to this judicial tribunal. I refer to the rule limiting speaking. I would be opposed to it as a rule applicable to a legislative body, for two reasons—first, because the representatives represent the people who should never have any restraint put upon their will or their voice; and, secondly, because the question in a legislative body is not what the law is, but what it ought to be; and

that is always a broad question, and gives room for large and extended views. In a court of law, however, the question is what the law is, and that cannot be expanded—cannot be enlarged—cannot be multiplied—because it is applied to a given point. As long as a man talks as a lawyer should talk, confining himself to the points at issue, and is not allowed by the court to talk about what the law ought to be, there will be a limit to his speaking. But, now-a-days, this tribunal listens to a great deal more talking as to what the law ought to be, than as to what the law is, over which alone it has any jurisdiction. If the system be allowed to continue, it will require a dozen such courts to get through with the duty. This is too serious a business to be regarded as a mere matter of personal favor. If it were a matter of personal favor merely, I am as ready as any man to yield it; but sitting here as a body, entrusted with the great interests of the nation, we have no favors to confer upon anybody—none whatever. Therefore, I am opposed to this proceeding. I belive that this bill, if adopted, will eventuate in the destruction of the court; and that is by far the greatest good that is likely to result from it—I mean the destruction of the present organization of the court, which I believe to be radically wrong. I believe the true mode of preventing the evil, is to curtail its jurisdiction as to subject matter.

I contend that the withdrawal of these gentlemen from circuit duties will increase these duties until it will be said, that we must of necessity create separate and distinct tribunals, one in the States and the other here; in other words giving this court a permanent location in Washington.

Mr. CRITTENDEN.—I am aware that this discussion is of a very dry character; and which even the great talent of the gentlemen who have spoken has failed to render particularly interesting; and I confess that it is with reluctance I again rise to address the Senate upon the subject. Happily, the objections which have been urged against the bill, have been of such a nature as to furnish very little justification in occupying much of the time of the Senate in replying to them. The gentlemen who oppose the bill, have selected questions which have nothing to do with the subject before the Senate, and a great portion of their remarks has been addressed to other tribunals. It would appear, indeed, from these remarks, that the Supreme Court has fallen into a condition of the greatest possible imbecility and mal-practice. And gentlemen here, tell us, by way of manifesting their disinterestedness and perfect capacity to judge, that they never had a case in the court, and that, therefore, they have a right to rate and berate this tribunal, and point out in the minutest manner the smallest details of mal-practice. To all that, sir, I have nothing to reply. If that tribunal needed an apologist and an advocate, it is not my function to discharge the duty. I am neither the advocate nor apologist of that tribunal. It is not to vindicate them against any such imputations that I now stand before you. I do not stand here to say that this bill is not intended, as it has been insinuated it is, to be an "entering wedge" as it is called. This bill came to us from another branch of the legislature; and it is founded upon a fact incontestible, and not to be denied by any one, that there has been from some cause or another, say if you please, by the negligence of the judges—such an accumulation of business, that cases now coming up, cannot be reached before the expiration of three years. This bill simply provides a remedy for this evil. It may not be sufficient to relieve the community from this evil, for, sir, the object of the bill is to relieve the community—it is to relieve public justice from the reproachful obstructions which now exist. That is the object of the bill, and it furnishes the reason why I desire to see it passed. I desire to say to these judges—"Come back here—you have left public business undone—come back here, immediately, and finish it, making no apology about the necessity of attendance on circuit courts. Come here and finish this business, which has accumulated, and finish it within a year." That is the language of this bill. Yet gentlemen, because of prejudice against this court, because of errors ascribed to it, and perhaps to some extent justly ascribed to it; for I think there has been some dilatoriness in the performance of the duties of that tribunal, in consequence of an amiable fault in permitting counsel to speak at too great length—but gentlemen, because of prejudice against the court, refuse to grant this temporary measure of relief, which will enable the court to dispose of the public business. And here let me revert to the complaint to which I have just referred, that the court has extended too great indulgence to the counsel. Gentlemen have suggested that some hour rule, or something of that kind, should be applied to the arguments before that court. These gentlemen seem to think that within such a limitation all the law knowledge that could possibly be required in any case could properly be confined. Well, certainly such a rule might lead to economy of time. But I should like to know by what rule gentlemen would limit all the politics in the world. I should like to know what length of time honorable Senators suppose a well stored politician would require, in which to pour out all his treasures of political lore. I cannot say, no more than I would undertake to limit exactly the space and compass within which the law and knowledge of certain counsel are to be confined. But, as I have already said, it is not my purpose to furnish an apology for the conduct of the judges, nor vindicate them against any charges which may be preferred against them. I leave them where I find them, to be judged of by the country. If this bill be not calculated to relieve the country—to relieve litigants and expedite public business I do not desire it to pass. If it do, I trust it will pass.

The great objection to this bill is directed not against what it does, but against that which, in the imagination of Senators, it may be connected with hereafter. It is supposed that this bill will hereafter cut the judges off from all circuit duties. Now, is this a fair deduction from the bill itself? If the bill ever have such a result, it will be because the Senate so decides, and not because of the bill itself. If there is any danger of such a decision on the part of the Senate, it is neither increased nor diminished by this bill. It is objected, however, that if the court be confined to the discharge of its duties here, an additional number of appeals will come up from the circuit courts, making the docket as much loaded as if things continued as they are at present. All this, mark you, sir, in the face of the allegation, that the release of the judges from one circuit in the year should have enabled them to dispose of the business of the Supreme Court! But when it becomes necessary to the argument of gentlemen, the non-attendance of the judges in the circuits is presented as an objection to the bill, on the ground that it will lead to an accumulation of business.

I confess that I have been greatly surprised at the apprehensions which seem to have been excited by this bill. All the evil consequences which have been spoken of, have been attributed arbitrarily, and the more so because every gentleman favorable to the bill, has again and again disclaimed any such objects or designs. It is a measure of very little consequence after all. It merely aims at the correction and prevention of an existing evil. It may prove more or less adequate. I believe that it will be sufficient. I think that we have every reason to apprehend that the respectable gentlemen who constitute that court, will come back here, under this mandate of Congress, and accomplish the work, willingly profiting by the lessons which have been read to them here, and determined to curtail all improper prolixity of discussion before them, and which I am sure cannot be more tedious and irksome to any others than themselves. I do hope, then, that when this matter is coolly and dispassionately viewed—when the utter want of any serious excuse for the tocsin of alarm that has been sounded here, must be admitted, that there will be no longer any objection to the adoption of this experiment for the removal of an acknowledged evil.

Mr. BUTLER.—I reluctantly rise to make a very few remarks at this stage of the debate on this bill, but really I cannot sit patiently, and hear a respectable body of gentlemen, constituting one of the departments of this government made the subject of denunciation and invective, without at least raising my voice to vindicate them against unmerited and gratuitous censure.

Let us look at the facts in this case. In 1844 there were fifty-five cases despatched. In 1845 we find one hundred and thirty-six on the docket. Now, is the Supreme Court responsible for this accumulation of business? Are we to require them to despatch one hundred and thirty six cases in three months, when they were able in the same period to despatch only fifty-five cases? But the gentleman from Ohio, proceeds farther, and assuming that this tribunal is an institution inconsistent with the constitution of the United States, he contends that it ought to be broken down, and attempts to cast ridicule on a respectable body of gentlemen. More than that, the Senator from Ohio arraigns the motives of the judges. He has deliberately alledged, that it is the design of the members of the Supreme Court of the United States, to aggravate the evil of a crowded docket to such an extent, that Congress will be forced into the necessity of reorganizing a supreme appellate court, having no connexion with circuit jurisdiction. Is it possible that gentlemen acting under as high responsibility, and deep a sense of that responsibility as any member of this body, can be actuated by such motives? I do not believe that such a design can possibly be entertained. It is quite easy, however to direct against a tribunal of this character, invested with certain aristocratic attributes, invective which may not be without popular effect. But I am quite convinced that the judges of that court have, to the best of their ability, discharged their duties so as to subserve the great ends of the institution of that tribunal. The closeness with which they attend to the duties of the court, is an evidence of their fidelity. They go into court at eleven o'clock in the morning, and sit till four o'clock. At five they go into consultation, in which they frequently continue till nine or ten at night.

Mr. JOHNSON, of Maryland.—(In his seat.) Often till eleven at night.

Mr. BUTLER.—Next morning the judges go to the library, for the purpose of examining authorities. But why should I enter into any detail of the labors of these judges, when, to all acquainted with the nature of their judicial avocations, the arduous character of it must be well known? But the judges wear black gowns, and because they thus adhere to the ancient usage, they are made the subject of ridicule and contempt! From the very nature of the tribunal, the members of it must, in some measure, be separated from the people; and that is seized upon for the purpose of exciting popular odium. Now, sir, if there is anything on earth that I particularly venerate, it is an independent judicial tribunal? It is the independence of this court, and its elevation above the reach of popular aspirants, that secures to it the confidence of all. When the day comes in which a supreme judicature will be forced to maintain itself by declaiming to the populace from the court-house door, or by resorting to newspapers, or any other mode in which those that aspire to public office seek the attainment of their ends, I shall regard the liberties of the country and the rights of the people, especially the rights of the poor and humble, as sacrificed and destroyed. I repudiate all ideas of making

this tribunal elective by the people. Is it to be supposed that by making those judges elective, you will confer upon them the capacity to decide one hundred and fifty cases in three months, when four years ago it was found impossible, with the utmost diligence, to decide more than fifty-five? I may be permitted to remark that while denouncing the present system, gentlemen have perhaps had in view some project of establishing a separate court of appeals on the Mississippi; and others entertaining the idea that the judges shall be made elective.

As to the allegation that the judges have permitted a waste of time by idle discussion, I would remark that it is very easy to suggest here, rules of action to govern the conduct of the judges, in limiting counsel in the course of argument. For myself, I regard it as one of the most sublime principles to be found anywhere that no man is to be condemned without hearing, and it is a principle incident to our institutions that both sides should have a fair hearing. Justice is not to be sacrificed to mere despatch of business. I believe, indeed, that there was a Virginian judge who was accustomed to say that he could decide a case better after hearing one side. Perhaps his ideas of prompt administration of justice would suit those gentlemen who insist so rigidly upon the despatch of cases in the Supreme Court, by curtailing the arguments of counsel.

For myself, I do not fear any of those evils which gentlemen seem to apprehend, as inevitably to follow from even a temporary separation of the judges of the Supreme Court from the circuit duties. I do not at all believe that this court is likely in such circumstances to grow up into a central, irresponsible despotism. Not at all. There is little danger to be apprehended to the liberties of the country from any such source. The Supreme Court, in my opinion, ought to be a court of law, in contra-distinction to the circuit courts, which must necessarily be governed more or less by the popular will, for juries will mould their decisions to the popular feelings. But the Supreme Court of appellate jurisdiction, ought to be in the highest and fullest sense of the term, a court of law. The evils which some gentlemen appear to apprehend from the passage of this bill, I regard as altogether imaginary. It is because I desire to preserve the present system in all its efficacy, that I advocate the present measure. We must take one of two alternatives. But the Senator from Arkansas says, that if we adopt this measure, the appeals from the circuit courts will be multiplied in consequence of the absence of the judges of the Supreme Court. Well, I have always understood that the most effectual method of preventing the multiplication of appeals was to keep down the appeal docket. When the docket is crowded, the appeals to stay judgment will be numerous. Many of the appeals made, have no other object than to obtain delay, and that is defeated when the cases can be taken up and despatched promptly. If the docket then be discharged, the number of new appeals will be diminished. In the meantime, it is also to be remarked, the circuit court business is not suspended. The district judges will be required to discharge some of the duties of the circuit judge. But the Senator from Arkansas says, that the district judges are old and imbecile. He says that they have not enough to do, and they become incompetent. Well, then, this bill will give them some mental exercise—some salutary employment. It is very likely that the remark of the gentlemen is to some extent quite true. Why? Because the Presidents of the United States are in the habit of selecting political favorites, under the influence of the popular will, as district judges; instead of resorting to the ranks of able and experienced lawyers, who may perhaps, have nothing to recommend them but their competency for the office.

I repeat, sir, that I am in favor of this bill, because it will remedy an acknowledged evil—prevent the multiplication of appeals by discharging the docket, and thus remove one strong temptation to bring up new causes, for the purpose of delay—and preserve the admirable system of our supreme judicature, in all its efficiency and value. It was not my wish to go into the discussion of any topics foreign to the subject before the Senate, but I was compelled to do so, from the denunciations which had been uttered against the judges, by way rather of showing off the rhetorical powers of gentlemen, than of offering solid objections to the passage of the bill.

Mr. ALLEN.—I did not introduce this subject here. The court introduced itself to the Senate; and having done so, the Senate has a right to look at the court and to inquire into the reasons why it has introduced itself here. It is said that we assail the court. That was not my intention I assail only the reasons given for the exemption of the court from a portion of its legal duties.

Mr. BUTLER.—I ask the gentleman whether he did not say distinctly, that he believed it to be the design of the court to suffer business to accumulate, and not despatch it for the purpose of effecting a permanent separation from the duties of circuit court jurisdiction?

Mr. ALLEN.—I did say that, and I repeat it.

Mr. BUTLER.—Very well.

Mr. ALLEN.—I cite the law of the land in proof. Their argument for the bill now before us is, that it is necessary that they should be exempted from circuit duties in order to clear off the docket here. That is the argument. Well, I believe that by the law of the land they are already exempted, and have been exempted for three years, from all their circuit duties, with the exception of the one term of the circuit; and yet, notwithstanding that exception, and when in the last of March they had it in their power to postpone the spring circuit throughout the Union, and proceed with the docket of the Supreme Court, sitting here until the first of August, they adjourned on the first of March, to hold the State courts. They have had then, for three years, the means of doing all that they now ask permission to do. Why have they not availed themselves of the exemption from circuit duties, which has been already given them by law? The object of the act of '44 was to enable them to sit longer at Washington and complete the business of the Supreme Court. I ask why they have not complied with that law? I see no other reason, then, why they should desire the exemption which this bill proposes to give, than to get rid of the remaining circuit term.

But the honorable Senator—who is I know a much better lawyer than I am, understands all these details of legal business very well—seems to arraign me for a suggestion which I made the other day as to the mode in which these judges are appointed. Now it is very well when we undertake to argue a point, that we make the close, consistent with the beginning of the argument. I will take the reason given by the honorable Senator from South Carolina at the close of his speech, as amply sufficient to sustain the argument to which that speech was intended as an answer. The appointing power of these judges he alledges, proceeds upon political and party considerations, and overlooks the great judicial, and, what ought to be the paramount consideration of the interests of the nation, and therefore that the judges are not competent. Now if that argument be good, the conclusion is obvious that the appointing power seould be taken away from the agent who abuses it, and lodged somewhere else. According to the Senator's argument, the President errs in making the selection, and the Senate in confirming it. The President and Senate then are not the authority from whence these judges should derive their political selection. If that fact be so, I say then, go to the people, and I will measure the strength of the argument with the Senator by reference to the recorded history of the country. I undertake to assert, that the people who appoint the President have been wiser in their choice, than the President has been in his selection of judges. The people have selected more able men in proportion to the number, than the Executive power in its appointments to the bench. The first selection ever made by a great people, scattered extensively over a vast country, was the best ever made. The very first exercise of the power of a great people, in the selection of their first officer, was made in favor of that man, whom we all feel pride in calling the "Father of his Country." We have had some eight or nine Presidents since, and notwithstanding what may be said of the political views of the men who have occupied that chair, it must be acknowledged on all hands, that in intellectual strength and general ability, they have been amongst the most distinguished men that ever held power in the world. They were selected by the people too in circumstances exciting in a high degree, and calculated—if anything could give popular passion too great an ascendancy—to give an improper bias to the judgment of the people. But we have only to turn to those States in which the judges are elected, in order to obtain conclusive evidence of the fact that the people would select far abler men than the Executive.

We have two sorts of law in this country—one called common law and the other equity. The equity jurisprudence exerted by our courts is intended to supply the imperfections of the common law, arising from the fact that that common law has originated under the arbitrary impositions of force in the form of the feudal system, and is defective in its abstract justice, so as to make it necessary to call in the aid of civil law. Whence do we derive that civil law? Whence did Europe derive it? It came from ancient Rome and its original principles were laid down and executed by judges elected only by the Roman people. That civil law constitutes a body of jurisprudence, compared with which, all the rubbish of the English common law is nonsense. That law is founded in the eternal principles of justice. Ethics pervade the whole system and not the arbitrary institutions imposed by a barbarous people. Till this day, that law holds its place in France amongst the most enlightened of the European nations—in one of the States of this Union to a great extent, and even amidst the common law of England as we have it in England, and as we have it here. And yet that civil law was laid down by judges elected amid the shouts of the Roman people, and that annually too—before the people had newspapers to read, before they had a press to aid them! Such was the work accomplished under that dreaded influence of popular opinion to which the Senator from South Carolina adverts—a work performed with such precision and knowledge of the principles of justice, that it has outlived for ages the military power which sustained the empire and the empire itself.

I am not afraid then, that to the great tribunal of the people should be confided the election of the judges. We are not without examples of an elective judiciary. I think Mr. Jefferson speaks, in one of his letters, of a judge in one of the New England States elected fifty years successively, notwithstanding all the vibrations of public opinion. If the Supreme Court were made elective, candidates for its bench, would of necessity, be men of the highest legal reputation, and the most exalted character. Only such men would be heard of at all as candidates for that office. In the States that is the case. A man must have attained great eminence in his profession, before his name becomes sufficiently known to make him a candidate, with any reasonable prospect of success. Another reason presents itself in favor of the popular choice of judges. Every selected tribunal may have personal interests hostile to the interests of the nation. It may seek

personal ends inconsistent with the public good, but that is impossible in the case of a tribunal chosen by the people. And the reason is obvious. The interests of the nation, and those of the tribunal chosen by the people must be one. My friend from South Carolina is greatly mistaken if he supposes that the people would attempt to influence judicial decisions. There is an extreme sensitiveness on that very subject in the minds of the people. Hence it is, that in this country the singular and gratifying spectacle is exhibited of judges going into the remotest wilderness unattended, unguarded, and administering the law with perfect security—their judgments respected, and their decisions acquiesced in without a murmur. This arises from the fact, that every man in the United States knows that he has the making of the law in his own hands, and that he who pronounces judgment is the agent of his own selection, subject to constitutional restriction in the administration of his high office.

Mr. FOOTE.—I regret to feel compelled to detain the Senate with a remark or two, quite necessary to be made in order to have my own course in regard to the measure under consideration correctly understood. When this bill made its first appearance before us, I was altogether favorable to its passage. I regarded it as a proposition not intended to effect any serious change in our judiciary system, but designed to supply a remedy for an evil altogether temporary. Whilst the debate which it called forth was in progress, I was much startled by suggestions made by more than one Senator that the bill was designed as an entering wedge to a complete and radical subversion of the existing judicial system, and the substitution of another which seemed to me to be reasonably subject to the many and strong objections urged by several gentlemen of this body. The new plan thus intended to take the place of the old, was one which would limit the Judges of the Supreme Court hereafter to the performance of such duties exclusively as appertain to an appellate tribunal, and would preclude them from the exercise of all authority as men are denied by those who favored the bill, and the very idea seemed to be scouted as utterly unfounded and ridiculous. It so happened though, whilst the discussion was still proceeding, that a printed argument in support of the bill was placed in my hands, which seems to have been laid upon the table of almost every member of this body, urging the passage of the bill chiefly and mainly upon the ground that it was palpably unconstitutional to require of the Supreme Court Judges the performance of duties not to be appellate. This printed argument, whether marked with the highest ability or not I will not undertake to decide, was evidently prepared with singular care, and manifests extraordinary zeal in behalf of the proposed change. I will presently read some extracts from it, in order to show that I am not in error in regard to the character of the document, or the objects of its author or authors, for the name of those concerned in its preparation may, for aught I know to the contrary, be legion. At this moment I will only say, that what I thus heard and read had the effect of alarming my mind as to ulterior results, and I resolved to vote against the measure. It was defeated; after which more than one honored friend among those who advocated the bill urged me warmly to move its reconsideration, alleging as a reason for doing so, that there was not a full Senate when the final vote had been taken, as there would have been, had any serious apprehension been entertained as to its ultimate passage. This application I could not in courtesy refuse, and did therefore move a reconsideration of the question of rejection, which motion prevailing the present discussion has taken place. I am now, sir, as much and even more opposed to the bill than I was originally, nothing having been said here to-day that has in the least degree dispelled my fears as to the effects likely to arise from its adoption; though I certainly give due credit to Senators who disclaim any desire, so far as they are individually concerned, that any such radical change in the judicial system should occur as that alluded to.

And now, sir, having vindicated my own consistency, I hasten to call the attention of the Senate to the printed argument referred to, and beg leave to read only a few extracts in order to show that I cannot be in error touching its true character. On the first page of the document in question, after noticing the severe labors of the Supreme Court judges, the argument proceeds thus:

"Devoting seven entire months laboriously and most correctly assigned to the aforesaid functions, they consume the greater part of the remaining five in innocent rest or recruiting the natural and inevitable wastes of vigor in recent labors, without any escape from their recurrence for the succeeding year.

"In glancing at the origin, progress, and present condition of the original mischief with which we find ourselves so unexpectedly involved, we draw conclusions from things which have no natural connexion, or necessary dependence. A striking characteristic of the common law system is the disproportion of its parts when upon a large scale; for, when we consider the system in which it originated, we find it was designed to operate in a very limited area, and to supply the judges in Equity jurisdiction with the controls of well-defined and settled principles, to be looked to and in imitation of the English Courts. It never believed that it was a universal engine of good when applied to all cases. Even the civil code had impressed lawyers by the flimsy claim to be complete and perfect within its own domain. But by the present petitioner I am told it can not be compared with the machinery of the municipal law extent to the kingdom of England, and capable many of them of sustaining a popular action, great and small, and producing in proportion to its importance all the elements of legislation." &c. &c.

Again, on the second page of the argument, after stating six distinct grounds of distinction between England and this country, in reference to the performance of circuit duties by appellate judges, it proceeds thus:

"The aforegoing considerations, though perhaps unanswerable, or not anticipated by the authors of our judiciary system, are not to a point of sufficiency and uniformity of that system for the present condition of the country."

Again, the pamphlet argument, on the fourth page, thus boldly asserts the unconstitutionality of the present system:

"But connected with this subject there is a far greater consideration—one which ought to control any view that now be taken of it, and is presented in the following enquiry: Is the present organization of the Judiciary system, or is any organization which, like the present, blends in the same officers the functions and duties of the Supreme Court, with the functions and duties of inferior courts, consistent with the meaning and objects, or even with the letter of the constitution? It will facilitate a correct comprehension of this enquiry, to place in a connected view the several provisions of the constitution which relate to the Judiciary. Thus, in enumerating the powers vested in Congress, it is declared art. 1. sec. 8th, clause 10th, that they shall have power to constitute tribunals inferior to the Supreme Court."

In article second, section first, it is provided, "That the Judicial system of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behaviour, and, still, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office."

In section second, clause second, of the third article, it is declared, that "In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction both as to law and fact, with such exceptions, and under such restrictions as the Congress shall make."

The argument then goes on to contend with much ingenuity, and still more earnestness, from the constitutional provisions cited, that Congress never had power to impose upon the judges of the Supreme Court, the performance of circuit duties, concluding one paragraph thus:

"This question naturally arises: Is there any necessity vested in Congress to require of the justices of the Supreme Court the performance of duties not appertaining to the business of the Supreme Court, but wholly separated and distinct therefrom, and which, indeed, experience has shown are incompatible as a burden to, and interference with, the appropriate duties of that Court—duties urgently demanded by the necessities of the country? Every correct interpretation of the 1st. sect. of the 3d art. of the constitution must show that in the separation, both as to personal office and business, was designed between the justices of the Supreme Court, and the judges of the inferior courts, and it may be affirmed that sound policy plainly indicates such a separation," &c. &c.

I will not fatigue the Senate with farther citations from this extraordinary production. What I have read though, I doubt not, will satisfy most of those who listen to me, that there is deeply and cunningly concerted scheme somewhere, in connection with the bill under consideration, so to modify our present judicial establishment as entirely to relieve the Supreme Court judges from the duties of the circuit—a scheme, as I believe, for the many powerful reasons already stated by other Senators, pregnant with the most serious danger to the justice of the country, and even to our republican institutions.

And now, sir, I beg leave to offer a few observations upon what has fallen from several Senators, relative to the necessity of a change in the mode of appointing judges of the Supreme Court of the Union, and in their tenure of office. Sir, I perfectly and cordially concur with all that has been so ably and eloquently said upon this subject, by the Senator from Ohio, [Mr. ALLEN.] My feelings are all much in unison with his upon the present occasion, as they were when he so boldly and promptly brought forward his resolution congratulatory of the French Republic; for which certain members of this body seemed to be as little prepared as they are now for this radical reform which he suggests. My own views upon this subject are not of recent adoption; it has been almost twenty years since I first promulged them. In the State which I have the honor in part to represent upon this floor, the judges, high and low, have been elected for more than fifteen years, for a short term, by the people, and the system has worked so well—the tree has borne such good fruit, that I believe there is no intelligent citizen of the State who is not warmly in favor of it; though when it was originally introduced, it had many and most violent enemies, especially among those whose minds having been devoted to the exclusive study of common law books, had received a bias therefrom which they were not able entirely to eradicate.

Sir, I was most highly gratified to hear my distinguished friend, the honorable Senator from Ohio, [Mr. ALLEN.] refer to the example of Rome as supplying a striking instance of the successful application of the great principle of popular election in connection with the judicial office. Nothing can be more certain, than that the highest judicial officers in the Roman Republic were, for many centuries, exclusively chosen by the people; and that to the successful adjudications of these personages the world is chiefly indebted for that invulnerable system of jurisprudence, the civil law, whose majestic remains yet challenge the admiration and command the deferential homage of civilized men in all countries under the sun. My honorable friend might have gone still farther, and have asserted that even the famous Ten Tables of Rome, which are acknowledged to have constituted the broad and firm foundation of that jurisprudential fabric afterwards known as the *jus civile* of Rome, were themselves of similar origin. Sir, brought across the Atlantic sea, from the classic shores of Greece, they embodied the fundamental principles of judicial science which had first received sanction and become enstamped with commanding authority in Athens and other democratic states of Greece, through the medium of courts whose judges owed their authority to the free suffrages of their enlightened fellow-citizens. Gentlemen who seem to decry this system should remember that at one period of the world's

history it has had the open sanction of Jehovah himself; for the judges of the Israelites were elected by their brethren of the immortal twelve tribes, and, for the most part, so conducted themselves in their high office, as to make brilliantly manifest the discriminating sagacity of the Jewish voters, by whose voices they were raised to the seats of judicial power. I am almost tempted here to remind Senators that our own German ancestors had nearly two thousand years ago, ascertained and proved the value of the popular mode of electing judicial officers; but I hasten to more modern instances, whose authority will be held by all considerate men as entitled to high respect. The people of the good old State of Connecticut are understood to have chosen their judges at one period of their history, for more than a century and a half; nor have I heard that its operation was attended with any mischievous effects. But I beg leave to introduce to the notice of the Senate the example of the State of Mississippi, who took the lead of her sister States of the confederacy by making all her judicial officers elective by the people more than fifteen years ago; and where the system has worked so admirably, that though there was originally much and fierce opposition to its introduction, especially among the learned members of the legal profession, yet I do not now know a single citizen of the State at all, remarkable for intelligence, who is not perfectly satisfied of its surpassing value, and who would not as soon part with any other provision of our organic law as that which secures to our citizens the high privilege of electing their judicial agents. Our new system in Mississippi has supplied the bench of the State with a continued succession of able and upright judges, who might well challenge comparison with the judges of any age or country; whose numerous, able, and learned decisions, published annually in well-bound volumes, I am gratified to know have commanded unqualified respect in every State of the Union. The judges who now preside in the high court of errors and appeals of Mississippi, though they do not sit "gowned" for the administration of justice, would, all of them, adorn the bench of the Supreme Court of the Union; and I may mention it as a remarkable fact, which most forcibly attests the infallible trustworthiness of the system, that one of the present judges of our appellate court, the Hon. William L. Sharkey, a man, whose sterling integrity, deep and varied learning, acute and discriminating mind, have established for him a fame as enduring as the mountains of the land, and commensurate with the republic itself, has been uniformly re-elected by his fellow-citizens for more than fifteen years; though he resides in a district where a majority of the voters differ from him in political sentiment. I should be justly censurable, were I to omit the mention of another case equally illustrative of the value of our Mississippi system of election. There is a major general of our army, who has distinguished himself, I hesitate not to assert, as highly as any officer who has been invested with command in Mexico; whose pure and blameless life, extensive attainments in literature and science, and truly democratic sentiments and manners, had made him more a favorite of our State than any of her sons long before the Mexican war commenced—this personage, whom all Mississippi would from this description acclamatively recognize without my naming him, General John A. Quitman, was one of our earliest chancellors, and, for some years before our new constitution was adopted, administered the whole equity jurisdiction of our State. This gentleman happened to be one of those who, when the popular mode of election was proposed, was decidedly adverse to it, though I am gratified to know that the experience of its benefits has long since satisfied him of its high value. Well, sir, when the new constitution was to be put in operation, whom do you suppose the whole people of Mississippi, without a dissenting voice, and without either solicitation or desire on his part, united in electing to the chancery bench? This same John A. Quitman, whose profound legal learning, sound discriminating mind, laborious business habits, and surpassing ability as an equity judge, attested by numerous decisions before that time rendered, at once attracted all eyes and hearts to him, as the worthiest of all our accomplished jurists, to occupy the sacred woolsack, and enter upon the adjudication of questions more difficult than any other judge of our times has been called on to decide.

Let no man say, Mr. President, that the people of the United States can not be safely entrusted with the power of electing the judges of the Supreme Court of the Union. So to assert is to call in question either the sound sense or virtue of the people, without both of which it is impossible that our republican system can be maintained. Sir, the people are competent to decide upon the merits and qualifications of candidates for judgeships, and are moreover less subject to certain sinister influences calculated to prevent a judicious selection, than any legislative body, or executive and Senate, can possibly be. A single individual, or collection of individuals, may very easily contrive to have an interest wholly distinct from that of the community in general; but the peoples' happiness is the public welfare; and the mass of the citizens may be reasonably expected always to feel inclined to choose the most trustworthy person possible to be obtained for the performance of judicial functions.

Those who seriously question the capacity of the people to make a safe and prudent selection among those who may be presented to them as candidates for their suffrages, would do well to remember, that precisely the same qualities which are supposed to be indispensable ingredients in the character of a good judge, are not less necessary to the character of a respectable barrister. Integrity, strength and activity of mind, legal learning, knowledge of men and things, benevolence of heart and refined complaisance of manners, are equally ornamental to the forum and the bench. Yet, it cannot be denied, that it is the people of whom the litigants in courts are only a portion—the voters if you please—who are constantly discriminating among the members of the legal profession, and so discriminating as almost invariably to bestow the most employment upon those who, on the whole, have proved themselves most deserving of patronage. This is so strictly true, that it would be difficult to mention a case in any part of the Union where a truly meritorious attorney has remained long in obscurity, or failed in a comparatively limited number of years to attain honor and emolument. These were the matured views of Thomas Jefferson, who always contended that the appointment of the federal judges by the President and Senate, and endowing them with power to continue for life, constituted a solecism in our system of government which should be gotten rid of as soon as possible. Such also was the opinion of the most sagacious and practical man who ever held the Presidential office, Andrew Jackson, whose views I have heard freely declared in presence of witnesses easy to be produced, if this mention of his name should be adjudged unauthorized. Mr. Jefferson always had a short answer for those who talked, as we have heard gentlemen do on this occasion, about the importance of having an independent judiciary. He insisted that the idea of independence on the bench was derived from Great Britain—that it there meant independence of the crown in favor of the people, but that independence of the people was exactly the opposite of this, which was the only sort of independence that could be expected to arise from the method of appointing federal judges now in use, and the permanent tenure of office which is provided in the constitution. I confess that I have never seen any mischief which appeared to my mind likely to result to the country at large from keeping alive in the bosoms of all our public functionaries a wholesome and habitual sense of responsibility to the people. The three departments of government in this country—the executive, legislative and judiciary—should, in my judgment, be alike independent of each other, and dependant upon the people, the source of all legitimate authority in a republic.

Now is it true, as many suppose, that the election of judges by the people necessarily imposes upon the aspirants to Judicial honors, the practice of any unworthy acts whatever in order to secure election? To suppose so, is greatly to wrong the enlightened voters of the country. I have opportunities of looking into this matter closely in the State of Mississippi, and I have no hesitation in declaring that there, at least, if a judicial candidate should be seen going through the country making popular harangues, such as we often hear from demagogueical aspirants to political station, and especially if he should undertake to treat at groceries and elsewhere in order to obtain additional votes, as to the disgrace of the times and country is yet seen to take place, he would find himself very soon utterly discountenanced by the voters themselves and compelled to retire from the canvass in disgrace and discomfiture. With all proper deference to the judgment of others, I feel bound to urge that it never was reasonable to expect from a Supreme Court whose members owe their appointment to the President and Senate, the exhibition of that perfect independence of action, which can alone secure the liberties of the country from unauthorised encroachment. It is but natural that the judges should feel more or less partiality for the source whence they have themselves derived power; and accordingly, in the various contests that have from time to time ensued in the Supreme Court of the Union, in which the rights of the States and the fundamental principles of popular liberty have been involved, we find that the decisions of that tribunal, have almost without exception, been rendered in favor of the Federal government, and against the states and people. It is obvious that there is something in the constitution of the court itself calculated to federalise those who belong to it; and it is believed that though many have at different times been appointed to Federal judgeships who were thought to be excellent democrats at the time of their appointment, but few have been able to escape the contaminating influence of such promotion for a longer period than four or five years.

The elder Adams seems to have had very clear and accurate views on the subject; and when Federalism was overthrown at the ballot-box in 1800, and his own defeat had been ascertained, he looked to the Supreme Court of the Union, for the ultimate restoration of Federal ascendancy. Accordingly, he appointed, even up to the last moment of his Presidential term, such judges as he believed could be relied on for the effectuation of a purpose so dear to him. His discernment has been well attested by subsequent experience; for, not only have the decisions of the Supreme Court, a majority of whose judges have been generally, if not always, Federalists in principle, been oftentimes stamped with the most unalloyed federalism; but these decisions, for the most part marked with high ability, however unsound in doctrine, prepared for publication with singular care and circulating in well-bound volumes throughout the Union, have been received into all the law libraries of the country, and have gradually obtained so much control over even the State courts themselves, and the lawyers who attend them, that there is obviously much danger of the entire overthrow of sound principles of government, by the instrumentality of Federal adjudication. This would in fact have been long since the case, but that the political complexion of the Supreme Court was more or less modified by General Jackson and Mr. Van Buren, through the appointment of persons, to supply vacancies occasionally arising upon the bench of the Supreme Court, distinguished as much for their sterling democratic opin-

ions and predelections, as for their fitness in other respects for the discharge of judicial duties.

Entertaining these views, Mr. President, Senators will not be much surprised at my declaring, that I shall be more than willing at all times, to lend a helping hand to the work of constitutional reform, suggested by the Senator from Ohio; and I hope that the day is not far distant, when either the distinguished Senator from Ohio, or some other Senator whose high character and long continuance in the public service, would give weight and dignity to the movement, will bring forward a regular proposition for such an amendment of the Federal Constitution, as will make the judges of the Supreme Court elective by the people of the Union, and limit the period of their continuance, in office to a short term of years, instead of installing them for life, above all responsibility to their fellow-citizens, whose servants and agents they are.

Mr. JOHNSON, of Maryland, then took the floor, with a view of addressing the Senate, but the hour being late,

On motion,

The Senate adjourned.

TUESDAY, APRIL 18, 1848.

PETITIONS.

Mr. JOHNSON, of Maryland, presented the petition of James L. Donaldson, an officer in the army of the United States, praying indemnity for a loss sustained by him in consequence of having been robbed of public money placed in his hands for disbursement; which was referred to the Committee on Military Affairs.

Mr. DIX presented a memorial of ship-owners of the city of New York, praying an amendment by the Senate to the bill recently passed by the House of Representatives, entitled "An act to provide for the ventilation of passenger vessels, and for other purposes;" which was referred to the Committee on Commerce.

Mr. FOOTE submitted documents relating to the claim of the heirs of Joseph McAffee, to the reimbursement of the purchase money paid for certain lands sold by the United States without title; which were referred to the Committee on Private Land Claims.

Mr. UNDERWOOD presented the petition of George F. Raub, representative of Samuel Raub, jr., deceased, praying the purchase by the government of his patent right to Raub's safety-valve, for preventing explosions in steam boilers; which was referred to the Committee on Naval Affairs.

On motion by Mr. BELL, it was

Ordered, That the memorial of Susan Coody and other Cherokee Indians, on the files of the Senate, be referred to the Committee on Indian Affairs.

On motion by Mr. HUNTER, it was

Ordered, That the heirs of Willis Wilson have leave to withdraw their petitions and papers.

QUARTER EIMES.

Mr. NILES submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of providing by law for a coinage of the denomination or value of one fourth of a dime, or two and a half cents, to be composed of silver with an alloy of copper or other metal, and for the accounting piece of the coinage of cents.

STATE PAPERS OF TEXAS.

Mr. HANNEGAN, from the Committee on Foreign Relations, to whom was referred the bill to provide for transcribing certain State papers of the late Republic of Texas, reported it without amendment.

WEST POINT APPROPRIATION BILL.

Mr. ATHERTON, from the Committee on Finance, to whom was referred the bill from the House of Representatives making appropriations for the support of the Military Academy, for the year ending June 30, 1849, reported it without amendment.

LIEUT. J. M. GILLISS, U. S. N.

Mr. MILLER, from the Committee on Naval Affairs, to whom was referred the joint resolution from the House of Representatives, for the relief of J. Melville Gilliss and others, reported it with an amendment.

INCREASE OF THE NAVAL MEDICAL CORPS.

Mr. MILLER, from the same Committee, reported a bill for the increase of the Medical Corps of the Navy; which was read and passed to the second reading.

SETTLERS UNDER THE ARMED OCCUPATION ACT IN FLORIDA.

Mr. BREESE, from the committee on Public Lands, to whom was referred the bill for the relief of the *bona fide* settlers under the acts for the armed occupation and settlement of a part of the territory of Florida, reported it with an amendment; and submitted a communication from the Commissioner of the General Land Office on the subject, which was ordered to be printed.

PRIVATE BILLS.

Mr. MASON, from the Committee of Claims, to whom was referred the memorial of John M. McIntosh, submitted a report accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. MASON, from the same committee, to whom was referred the memorial of A. H. Cole, submitted a report accompanied by a bill for his relief.

The bill was read and passed to the second reading

Ordered, That the report be printed.

Mr. FELCH, from the Committee on Public Lands, to whom was referred the petition of Thomas C. Sheldon, submitted a report accompanied by a bill to provide for the final settlement of the accounts of Thomas C. Sheldon, late receiver of public moneys at Kalamazoo, Michigan.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. FELCH, from the same committee, to whom was referred the petition of Abraham Edwards, submitted a report accompanied by a bill to provide for the final settlement of the accounts of Abraham Edwards, Register of the Land Office at Kalamazoo, Michigan.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. RUSK, from the Committee on Military Affairs, to whom was referred the memorial of Robert C. Rogers, submitted a report, accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

THE CALIFORNIA CLAIMS.

Mr. CASS, from the Committee on Military Affairs, to whom was recommitted the bill for ascertaining and paying the California claims, reported it with an amendment.

NEW YORK AND NEW ORLEANS STEAMERS.

Mr. DIX, from the Committee on Commerce, to whom was referred the memorial of J. Howard & Son, in reporting a bill extending privileges to American vessels engaged in a certain mentioned trade, and for other purposes, said: As he wished to ask the action of the Senate on it this morning, he would briefly explain its object. It authorizes steamships and other vessels, going from one domestic port to another, to touch at one or more foreign ports to land and receive passengers and their baggage, letters, &c. The immediate object is to enable the vessels of a line of steamships about to be established between New York and New Orleans to touch at Havana. As they must under existing laws be considered as engaged in the coasting trade, they cannot go to a foreign port without becoming liable to forfeiture, if they are licensed and enrolled, and without subjecting the merchandize they are carrying from one port to another to impost duties, if they are registered, as they would be engaged in foreign trade. The bill provides against the latter inconvenience and embarrassment by authorizing them, when registered, to touch at one or more foreign ports to land passengers, &c., but not to land or receive goods, and exempting from duty any merchandize they may have on board, on which the impost has already been paid. The committee have made the regulation general, seeing no reason why all vessels should not be put on the same footing. As the line of steam vessels referred to is about to commence operations, he asked the immediate consideration of the bill.

The bill was then read the second time, by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

The question being upon ordering the bill to be engrossed, and read a third time.

Mr. HALE observed that this was an important bill, and he desired that it should lie over until to-morrow, to afford him an opportunity to examine it.

Mr. DIX said he had no objection to the bill lying over for one day; and the question on ordering it to be engrossed, and read a third time was accordingly postponed until to-morrow.

CLEMENTS, BRYAN AND COMPANY.

The joint resolution for the relief of Clements, Bryant and Company was read the third time; and the question being on its passage, it was

Ordered. That it be postponed until to-morrow.

ADJUTANT OF THE MILITARY ACADEMY.

On motion by Mr. BADGER, the prior orders were postponed, and the bill placing the officer who performs the duty of Adjutant at the Military Academy on an equality as to pay and allowances with the Adjutants of the regiments, was read the second time and considered as in Committee of the Whole; and no amendment being made it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That the bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

TROOPS SENT TO MEXICO, KILLED, WOUNDED, ETC.

On motion by Mr. JOHNSON, of Maryland, it was

Ordered, That two thousand additional copies of the report of the Secretary of War of the 10th instant, in relation to the number of troops, regulars and volunteers, sent to Mexico, the number of killed and wounded, the number who have died of wounds or disease, etc., be printed for the use of the Senate.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed the bill of the Senate to authorize the issuing of a register to the brig Palmetto.

They have passed the bill of the Senate entitled "An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the revenues of the Post Office Department," passed the 3d of March, 1845, with amendments, in which they request the concurrence of the Senate.

The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate for the signature of their President.

SIGNING OF A BILL.

The VICE PRESIDENT signed the enrolled bill to authorize the issuing of a register to the brig Palmetto.

POST OFFICE LAWS.

The Senate proceeded to consider the amendments of the House of Representatives to the bill of the Senate in amendment of an act entitled "An act to amend the act entitled 'An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the revenues of the Post Office Department,' passed the 3d of March 1845," and it was

Ordered, That they be referred to the Committee on the Post Office and Post Roads.

NOTICE OF BILLS.

Mr. FOOTE gave notice that on to-morrow, or some early day thereafter, he will ask leave to introduce certain bills, the titles of which he named.

ADVERSE REPORTS CONCURRED IN.

The Senate proceeded to consider the report of the Committee on Patents and the Patent Office, upon the petition of Herrick Aicken; and in concurrence therewith, it was

Resolved, That the prayer of the petition of Herrick Aicken should not be granted.

The Senate proceeded to consider the report of the Committee on the Judiciary, upon the petition of William H. Bassett, and in concurrence therewith, it was

Resolved, That the prayer of the petitioner ought not to be granted.

The Senate proceeded to consider the report of the Committee of Claims, upon the petition of Don Carlos Buell; and in concurrence therewith, it was

Resolved, That the claim of Don Carlos Buell ought not to be allowed.

The Senate proceeded to consider the report of the Committee on the Judiciary upon the petition of Joseph Bouchard; and in concurrence therewith, it was

Resolved, That the prayer of the petitioner should not be granted.

The Senate proceeded to consider the report of the Committee on Naval Affairs, upon the memorial of William M. Glendy; and in concurrence therewith, it was

Ordered, That the Committee be discharged from the further consideration of the memorial.

The Senate proceeded to consider the report of the Committee of Claims, upon the petition of William G. Davis and Mary Ann Davis; and in concurrence therewith, it was

Resolved, That the claim of Mary Ann Davis, for want of sufficient proof, be rejected.

The Senate proceeded to consider the report of the Committee on Indian Affairs, upon the petition of James Edwards; and in concurrence therewith, it was

Resolved, That James Edwards is not entitled to relief.

The Senate proceeded to consider the report of the Committee on Indian Affairs, on the petition of George S. Gaines; and in concurrence therewith, it was

Resolved, That the claim ought to be rejected.

The Senate proceeded to consider the report of the Committee on Revolutionary Claims, upon the petition of Nancy Haggard.

Mr. UNDERWOOD moved to amend the resolution at the close of the report, by striking out the words "be rejected" and inserting "is reasonable and ought to be allowed; and that the petition be recommitted to the Committee on Revolutionary Claims, with instructions to report a bill for the relief of the petitioner."

Mr. UNDERWOOD.—The case involved in the report is this. Some years ago a bill passed both branches of Congress and was approved by the President, allowing commutation pay to the petitioner in this case as the representative of her father. The application now, is to allow interest for the time during which the payment was deferred. The only question is, whether in such a case, the interest ought to be allowed. The petition refers to some hundreds of cases where interest has been allowed. Latterly, however, in some few cases it has been refused; but the question seems to have been pretty well settled by Congress inasmuch as it has been allowed in at least ten cases to one where it has not.

Mr. UPHAM.—The petition does set forth many cases in which interest has been allowed, but it does not furnish the evidence upon which the commutation pay was allowed. I believe in this case, the committee refused to allow the interest on the ground that it was not the practice to do so. Indeed, the committee thought that although the claims were originally well founded, if the petitioner had a right to claim interest it should have been done by application to the Commissioner of Pensions at the time when the claim for commutation pay was allowed. But having allowed the claim to slumber for about fifty years without making any demand upon the government, the committee are of opinion that interest could not accrue until a demand was made.

Mr. UNDERWOOD.—I rise merely to state that no default on the part of the claimant here or of our ancestors, can prejudice the claim of an infant. The evidence will show that her ancestor was killed in one of the early battles of the revolution when she was an infant only a few months old. Of course you could not expect an application by the infant, nor can any thing like laches apply to the case. The passage of the bill heretofore allowing this commutation pay superceded the necessity of presenting the evidence of the claim before the committee, and the petition therefore simply cites the cases in which interest has been allowed, and asks Congress to do her the same justice that has been done in other cases.

The question being put upon agreeing to the amendment, it was determined in the negative.

The question then recurred upon concurring in the report, and it was determined in the affirmative; and it was

Resolved, That the prayer of the petitioner be rejected.

The Senate proceeded to consider the report of the Committee of Claims, upon the petition of George Hervey, and in concurrence therewith, it was

Resolved, That the prayer of George Hervey, agent for the owners and consignees of the English ship James Mitchell ought not to be granted.

LESLIE COMBS.

The Senate proceeded to consider the report of the Committee on the Judiciary upon the petition of Leslie Combs; and in concurrence therewith, it was

Resolved, That the secretary do transmit to the President a copy of the memorial and papers of Leslie Combs, praying the payment by the United States of certain securities issued by the late republic of Texas, with also a copy of this resolution, and the report made in said case, and that the President be requested to cause the same to be communicated to the proper authorities of the State of Texas; and, also, that said memorial and papers be referred to the Attorney General and Secretary of the Treasury, who are directed to obtain full information as to said case, and report thereon to the Senate.

THE SUPREME COURT.

The Senate resumed the consideration, on its third reading, of the bill from the House of Representatives supplemental to the act, entitled "An act concerning the Supreme Court of the United States," approved June 17, 1844.

Mr. JOHNSON, of Maryland.—Had it not been that I rose yesterday to address the Senate on one of the topics connected with this discussion, I should not have troubled them this morning. My motive exclusively to reply to what I thought then, and still think, was a most uncalled for and unjust aspersion upon the judges of the Supreme Court of the United States. I beg leave, however, before addressing myself to the single point which I then intended, to say a word or two upon the bill itself. It presents two questions: the first is, whether there is not an existing evil; the second, whether this bill is not the best, if not the only mode of remedying that evil. The honorable Senator from Arkansas [Mr. ASHLEY] attempted to make the Senate believe that there was no real mischief, and he supposed that he did that by analyzing, as he stated he had done, the number of cases on the docket of the court in order to show how many cases came from the respective States of which this Union is composed; and concluded by seriously telling the Senate that it appeared from his analysis that there were fewer cases from Arkansas and from Maryland pending in the Supreme Court and undecided than there were now to be found undecided in the State courts of Arkansas and Maryland, and thence very logically inferred that there was no evil at all of which any body had a right to complain in the present condition of the docket of the Supreme Court. The Senate, I am sure, is not to be led away by any considerations of this kind. The evil complained of is that there are now citizens of the United States—not States of the United States in their sov-

reign capacity, or having a right to complain in their sovereign capacity—but that there are citizens of the United States appealing for justice to the Supreme Court of the United States, and appealing in vain. And it is for the Senate to say whether, if there can be a remedy to make the appeal effectual, they will not apply it. Sir, if there was but one single cause in the Supreme Court which ought to be tried—if there was but one single suitor whose rights were denied him by his cause by remaining undecided, and it was in the power of the Senate to have it decided, it would be, in my opinion, our duty to provide at once the remedy. The delay of justice may be so great as to amount to a denial of justice. The fruits of the contest cease to be fruits at all, because of the poverty and hopeless poverty to which the party has been reduced before the contest is at an end. And there is now within the limits of the United States many a man and many a woman whose heart is beating anxiously for the passage of this bill in order that they may be vindicated in rights which they fancied we were secured to them by the constitution and the laws. Sir, the very preamble of the instrument which constitutes your form of government tells you that the government itself was created among others for the very leading object for establishing justice. Now what is the state of the docket of the Supreme Court at this time? At the last term there were some forty or fifty cases tried and decided, each one of which had been before that tribunal for at least two or three years; and yet the suitor is led to believe that by your law his cause will be determined at the first term. The mass of the one hundred and sixty-three cases which still remain undecided, are cases which have been two or three years awaiting a decision, and they are likely to continue undecided two or three years longer, unless you pass some such bill as this. Sir, it is a reproach to the jurisprudence of the country; it is a blot upon the fame of the nation which is more truly consulted in administering justice speedily and well between the citizens, and securing to them the rights which the constitution and the laws have promised to secure, than by any thing else that the government can do.

Sir, it has been well said, that almost the entire object of government is accomplished—almost its whole purpose is gratified, when it has secured an honest and competent tribunal to decide disputes between man and man. Yet the Senator from Arkansas supposes that it is no practical wrong—no wrong at all, that there should now be suitors in the courts of the United States, and in its highest court who have been in vain imploring you for three and even four years to have their rights protected by the judicial power, the only power capable of protecting them.

Mr. ASHLEY.—The honorable Senator mistakes what I said. I have not stated that it is not wrong to delay decisions. I admit the wrong. I admit it to be an evil, but I say the Supreme Court has the power to remedy the evil.

Mr. JOHNSON.—I understood the Senator differently; I thought he said it was not an evil comparatively, because a greater existed in the courts of the States.

Mr. ASHLEY.—I said that a much greater evil exists in the subordinate courts.

Mr. JOHNSON.—I am glad I misapprehended the Senator. It is an evil then—and the question is, how is it to be remedied? But, says the Senator, the remedy is in the hands of the judges themselves, and how?—by confining counsel to the points actually at issue. This is more easily said than done. Sir, it is an evil here, and one of which the press is every day complaining, that we talk too much. We do not confine ourselves strictly to the subject before us. The honorable Senator himself, though I do not wish to say any thing disrespectful, affords an exemplification of it. A stronger instance could not be given. The honorable Senator discusses points out of order, and then gravely tells us that the evil in the Supreme Court could be corrected if the court thought proper to correct speaking out of order. Sir, it is an evil, but it is natural to the American character, because the constant attendant upon free institutions. The honorable Senator said too, that he could not imagine any case that would require an argument of more than an hour and a half or two hours. I was not a little surprised to hear such a remark from a chairman of the Judiciary Committee of the Senate of the United States, well versed, as he manifestly is, in judicial matters. He is not to be told, sir, that case after case occurs, in which three, four, five, six, or even ten and eleven hours have been exhausted in argument strictly pertinent in a strain of eloquence directly bearing upon the point at issue, no part of which could have been omitted without spoiling, in some measure, the effect of the whole. Who is to determine when the argument is irrelevant? Such, sir, is the diversity of human intellect, who can tell what course of argument will succeed with each one of the nine judges. Of one which would be sufficient if you were addressing a simple judge would be thrown away as entirely useless, if addressed to some other judge.

It was requisite from the number constituting the tribunal as in the case before a jury, that you should at times elaborate your argument, and present every possible view of the case in order that you may address yourself effectually to the understanding of every judge. But I concede that the speeches are at times entirely too long, and I concede that the court has the power, if they think proper, to exercise it, and that they should exercise it, to restrain them. But it is a very dangerous power to be applied in all cases—exceedingly dangerous—and it is a power, permit me to say to the honorable Senator from Arkansas, of the exercise of which we, a portion of the people of the United States, would complain more than many of the democracy. They would say at once it was interfering with the freedom of speech. There was a case in the Supreme Court at the last term, which involved the constitutionality of the famous Dorr government in Rhode Island. I heard pamphlet after pamphlet, fourth of July speech after fourth of July speech, written and delivered years ago, read before that tribunal to prove that a free people have the right to establish that form of government they think best. Sir, I imagine that if the Chief Justice, speaking for himself and his associates, had said that no such authority should be cited, the press of the country would have run mad, particularly if the result had been, as in all probability it will be, that on the unanimous judgment of that tribunal, the Dorr revolution was nothing but naked and inexcusable rebellion. Besides, sir, as to stopping counsel in their argument, which of the judges is to take it upon himself to do so. Is it to be left to any one of them, to the Chief Justice, to say what point is to be argued and what not? Is he to arrest counsel? My life for it before such a rule is practised for one term, the Chief Justice would be told by some one of his associates, on either side of him, that it was a point on which he wished to be enlightened.

Mr. President, I have said all that I propose to say upon this part of the subject. But there is one other point at which I will briefly glance, before considering the topic which caused me to rise yesterday, and that is as to the remedy for the evil which exists. What is the remedy that is proposed by the honorable Senators from Arkansas and Ohio, [Messrs. ASHLEY, and ALLEN.] If I did not know the elevated character of both the Senators, I should almost be induced to think from the remarks which have fallen from them, that they wish to keep up the present condition of things, in order to bring about the change which they have in view, and which they suppose will lead to good practical results. What is that change? It is the election of the judges by the people, and for a limited period of service. I do not know how the system works in Mississippi, except upon the authority of the honorable Senator from that State, [Mr. FOOTE.] I do not know how it has operated in Arkansas and Ohio, but unless all history is false, unless man's nature has become entirely changed, unless he has become a different being from that which God originally made him, and judging of him as he has heretofore been, it is impossible but that in the end, such a system can be productive of any thing but unmixed mischief. Let us in the first place, sir, see how they are to be elected, if the change be made. Will they be elected by the people? No, sir, the people will have no more to do with it than they have with the election, as times are, of the President of the United States. They will be elected by a convention.—New York changed the tenure of office of her judges, and changed the mode of their appointment, by the late modification of her constitution, and her judges have recently been elected; and in what manner? By the nomination of a political convention, and if we could make this change now, the convention which is announced to meet in Baltimore sometime in next month will be found nominating our judges, as well as the President. It will be a party contest, and we shall have the melancholy spectacle exhibited—a spectacle pregnant with nothing but evil, not only of having the rights of a minority, subjected to a legislative majority—subjected to the action of a party Executive; but, the most direful of all political ills, we shall have them subjected to the decision of a partisan Judiciary. Sir, when such a day comes, the history of this nation will have been told. The constitution, of which we are so justly proud, as it came to us from our ancestors, will not be worth the parchment on which it stands inscribed. No man will then feel secure in his rights of person or of property; and I say it with no disrespect of the people—with no distrust of the people—with no distrust of a majority upon any of these subjects upon which a majority ought to act, but regarding what has ever been the nature of mankind, and consulting the whole history of the civilized world, I state to the Senate and the country, that if the day come when our judiciary is to be selected by a party, and for a limited term, by a popular vote, the rights of the American people will not be as valuable as were those enjoyed by the French people before their late revolution.—Sir, it is not only that the mode of appointment is wrong, but that the other provisions to which both the learned Senators refer, make it still more pregnant with danger, that is the times of appointment, the tenure of office, the re-eligibility of the judges; for you will find judges turning their action upon the bench with a view to re-election, as we find political men guiding their action every where, with a view to the same result. And if there happens to be any particularly, or supposed particularly, influential man around them, whether lawyer or client, upon whom it may be supposed their election depends, they will have especial regard to his interests, and exert all possible means of conciliation towards him. No, sir, the men who framed the constitution of the United States knew the peril of such a judiciary. They were the men, too, of an age deeply versed in man's history, and deeply imbued with all the principles of freedom which he is capable of enjoying; and of course imbued, too, with a sense of justice without which freedom cannot survive. If you look at the proceedings of the convention which formed the constitution, you will find that there was not a single man who suggested that the tenure of the judiciary should be limited. Not one. What is the inevitable result of a change in both of the particulars I have stated? If the present system has worked wrong; if it now works wrong, why is it? Because it is not practicable, not physically practica-

ble, for the judges of the Supreme Bench to discharge all the duties imposed upon them.

Mr. President, some two or three years ago I made an excursion to Europe, and there, among the many things that I observed heard, which made me love and admire my own country more even than when I left it, was to hear from men whose praise is worth having, that that which distinguished the United States more than any thing else, in the judgment of Europe, was the able, pure, and elevated character of our judicial decisions. It is unnecessary to name names; if I were to do so, the Senate would at once see that the compliment was sincere, and must have been deserved, or would not have been paid. In speaking of the late Chief Justice of the United States and Mr. Justice Story, I heard not only from one, but from many, that the world had rarely produced such men; and yet the decisions referred to in those opinions are now by some of ourselves supposed to have come from a tribunal vicious in its organization, because wrong in its mode of appointment. And yet those very decisions would have done honor to any judiciary of any nation upon earth. Among other things the foreigners to whom I allude, said what I felt to be true, with the exception of one or two instances, and they of very recent occurrence, that the ability and purity of our bench was owing in a great measure, in their judgment, not only to the mode of their appointment and the tenure of office, but also and materially to the entire separation of the judiciary from all the political questions and aspirations of the day. There are one or two exceptions of modern origin, and I trust in God they will stand the only exceptions to the general character of our judicial tribunals.

"Sir, the honorable Senator from Mississippi, [Mr. FOOTE,] the other day, in terms unpleasantly harsh to my ear, if he will permit me to say so, thought proper, in reference to one of those instances, to speak of an appeal recently made by one of the justices of the Supreme Court to the citizens of the United States, upon an exciting political subject of the times—an appeal which no one regretted more than I did, and which I am satisfied, in his cooler judgment, the distinguished judge himself will, with the exception of one or —an appeal which every sincere friend of the judge and of the court greatly lamented, because he could not but feel that it has cast something like a shade upon the past absolute and unsuspected purity of the whole bench. But, sir, the judgment of the public, in its almost universal censure of the step, will effectually guard against its repetition. In my opinion, Mr. President, a judge should be seperated not only while he is upon the bench, but forever, from all the agitating political topics of the day. Once a judge, he should be ever a judge. The ermine should never be polluted, nor suspected of pollution; it should be the very type of justice of herself—pure, spotless, faultless.

Now, sir, to the purpose which caused me to trouble the Senate at all—a word or two in reply to the honorable Senators from Ohio and Arkansas, [Messrs. ASHLEY and ALLEN.] I am sure they will pardon me for saying, because I believe they will do me the justice to believe that I say it in all sincerity, that their assault upon the judges was not only most unjust and unnecessarily harsh, but totally unfounded. Those Senators, sir, can hardly have been aware of the force of their own language, and especially must that have been the case with the honorable Senator from Ohio. What was it, sir? That the judges have, at all times, been themselves the authors of all applications to Congress for change and relief from their circuit duties which have been made. The honorable Senator from Arkansas, a few days ago, stated that these changes have been effected by them at their instance, for their ease and their comfort; and among others, that the act of June 3d, 1844, relieving them from one half of their circuit duties, had been passed at their instance. The honorable Senator said yesterday, which caused me inexpressible surprise, that the act of 1844 was passed for the very purpose of enabling the court to cure the then evil, the accumulated business of the Supreme Court, and prevent its recurrence, and that it was amply competent to accomplish that object; but that the judges availed themselves of the law to save themselves from circuit duty without complying with the law, which as a substitute for circuit duties imposed upon them Supreme Court duties. Sir, as to one of the judges, I know—and I am sure it is true of all, that charge has not a shadow of foundation. If one can, without impropriety, be allowed in debate, to indulge in expressions of personal friendship, the relation in which I stand to the present Chief Justice, I tell both of these Senators that there never was a more harsh, unjust, and unfounded aspersion made upon any man, if he is to be considered as falling within its scope. A gentleman over seventy years of age, constitutionally feeble, I know that up to the very moment of his coming to Washington to perform the duties of his high station here, he has ever presided in his own circuit in Maryland; and I know that the day after he leaves his business here, he is often to be found in his Maryland circuit, where he is now, performing circuit duties. And I may be pardoned for saying, that whatever differences of opinion may be entertained of his conduct as a public man, before he was called to adorn the bench, no man lives who can point to error or imprudence of his, except, it may be, some error of judgment—and if there be any error of that kind I am yet to learn it—since he has been upon the bench. Studiously abstaining from all the party contests of the day, he has devoted himself to his judicial duties, with an industry, learning, and ability, which challenging admiration, have proved him to be a worthy successor of a judge, whose fame fills the world of jurisprudence. To say of an ornament of this description that he gets the act of 1844 passed by a false pretence, (for that is the substance of the charge,) and that having secured it, he avails himself of it to relieve himself from a portion of his duty, without seeking or caring to accomplish the object which we were told it was designed to accomplish, is to charge him with a crime.

What is true of him will be true of all the other judges; and who are they? How came they to occupy the places they fill? Sir, I rejoice—no matter how they came there, no matter what were the motives for putting them there—and it is a fact eminently calculated to establish the wisdom of a life tenure of office, that the moment they got there, they became judges, emphatically judges, ceasing to be politicians, (if they ever were) divested of every political prejudice, men pure and unspotted, looking to duty as their guide, and duty alone. Who put them there? Who put these men there, thus denounced by the honorable Senator from Ohio? Why, sir, nearly all of them were selected by him, who the friends of the honorable Senator were in the habit of saying, was second only to Washington—the others with the exception of only one, I believe, by him whose chief boast it was, that he would "tread in the footsteps of his illustrious predecessor." Now, sir, is it not a little singular that judges—gentlemen of pure and spotless character in private life before they were appointed, and against whom not a whisper of suspicion has been heard from any quarter, should for the first time, be denounced in the Senate, by their former political friends on this floor, as having been false to their duty—as having designedly brought about the present condition of things in the court, and in order to effect a change in the judicial system, for their own advantage. The honorable Senator from Mississippi, read to us the other day some pamphlet, anonymous I believe it was—which as I understood him, had changed the original opinion he had entertained on the subject of this bill, in order to prove to the Senate that it was seriously contemplated by the judges to throw off their circuit duties, upon the ground that they were unconstitutionally imposed upon them. Sir, if every judge has asserted this, I will not say that he is unfit for his station; he stands upon that question alone. The language of the constitution is that the judges shall be vested "in one Supreme Court," and in such inferior courts, as the Congress may from time to time "ordain and establish." Under this power, it was originally a question whether the judges of the Supreme Court could be made judges of the inferior courts. But it was decided long ago, that they could. Millions and millions of dollars have been decided under the law, devolving circuit duties upon them, and many a poor man has expiated his offences under it, and however unwilling the court may generally be to stop counsel in argument, I will venture to say they would not suffer the constitutionality of their law to be questioned before them. Now, sir, permit me to ask these honorable Senators what is to be gained by fulminating such anathemas against the judges of the highest tribunal in the country? What character is to be established by it, what reputation, what honor in the eyes of the world, is to be won by it? What practical good will it do among our own citizens, what is to be accomplished by it? It can only tend to shake the confidence of the public in the integrity of the highest tribunal of the country. To shake the confidence of the public in the Senate of the United States, bad as that would be, would be nothing in comparison with creating an impression upon the public mind, that the judiciary of the country is not to be trusted. Sir, it has been our pride, and we have just cause to be proud of it, that—as far as I know—in no single instance has the American judiciary been found to be corruptible. Honor is synonymous with the bench. The people know that they can go there with the certainty that their rights will be protected. They regard the judges as men of the highest learning and ability, governed in all their actions by the strictest virtue, elevated and adorned by everything which can confer moral dignity upon man; yet the two honorable Senators think they are doing a great public service by denouncing our highest judges before the world and the country, as corrupt. For, though they do not use the term corruption, they use language that admits of no other meaning. But, suppose it were all true—as it is all false—what argument does it furnish against this bill? The Senators propose no change of the system; they suggest no impeachment of the judges; they condemn them without a hearing. What is to become of the suitors before the court? Are their cases to remain unheard, and undecided, because some Senators on this floor doubt the integrity of the judges? March up, gentlemen, to the line to which your opinions properly carry you. Get your impeachments ready—bring in the judges here for trial! No such course is dreamed of.

Now, sir, as to the labors of the bench. Both the honorable Senators said, I believe, that they knew nothing of the labors of the bench. The Senator from Arkansas told us that he had seldom been in the Supreme Court. The Senator from Ohio attempted to distinguish between the labors of the judges here, and the labors of judges in the inferior courts; and tells us, though he knows little of either, that in the latter the duties were much the most oppressive. Why, sir, the Senator has not the most remote idea of the labors of the bench; and I may say it with no disparagement to him, because he has pursued a different course of life from the profession of the law, which, of course, he would have adorned had he pursued it. Sir, the labors of these judges are herculean. Their physical labor breaks them down at the end of six or seven weeks. The arduous labor which he has undergone has alone brought the Chief Justice to the very verge of death, some three or four times since he has been placed upon the bench, one of its most illustrious ornaments. The Senator from South

Carolina, [Mr. BUTLER,] told you of their labors, yesterday. I know them, perhaps, still more intimately than he does. They meet at eleven o'clock, and hear arguments until four. They then retire to their rooms; dine at five; go into consultation almost every day at seven; sit until nine, ten, eleven, or twelve at night. In the morning, generally, their opinions are prepared, books have to be examined, records are to be pored over. Yes, sir, records, many of them of themselves almost frightful to look at, even, with a view to the mere reading, which is absolutely necessary, in order to be certain that no error is made—records of two, three, four, or five hundred pages to be gone over word by word—authorities without number, owing to the multiplicity of reports to be examined; and no judge does his duty if he does not look at every thing that is exhibited before him. Look at the reports of their decision Every term gives us a volume of eight or nine hundred pages—sometimes two volumes, almost entirely the result of their own labors. Why, Mr. President, how do we feel here after one of our long sessions, lasting until seven or eight o'clock at night? Let each one judge of others as he would have others judge of him. Who leaves this chamber after the excitement of a debate, and particularly after a long session, without being mentally and physically exhausted? Why, during our late secret sessions when a subject relating to a foreign negotiation was occupying our attention, and our sittings extended to eight or nine o'clock at night, what was our situation? A judge of the Supreme Court is obliged to be up at day-break, having little or no time for relaxation or even sleep. We go to our sleep, and sleep long, and come back here only at 12 o'clock on the following day, having, comparatively, no morning labor for the body or the mind. The labors of a former day finds us nevertheless exhausted, and what have we done in comparison unto the labors of the Supreme Bench? I say it with no reflection upon this body—no one holds in higher estimation than I do, the intellectual qualities of its members—but what are our labors compared with those of the judges? They are nothing, literally nothing. I have seen them, sir, barely able to hold a pen in the morning, because of the utter prostration of the nervous system by the labors of the antecedent night. Yet, compelled to be in court at 11 o'clock—compelled to take up new cases heaped upon them continually, and forced to go through the same routine of labor from day to day until the hour of final adjournment arrives. Sir, they deserve to be honored and applauded instead of aspersed. They have not done more, because they cannot do more. Sir, they are all, and should be all comparatively old men. I do not wish to see young men placed upon the bench of such a tribunal. There is many a crude thought in the mind of a young man which the reflection of riper years enables him to see the folly of. They ought to have arrived at the period when man is found to possess the greatest vigor of mind and a matured experience. What is the result? The mind has become matured, but the body has, in a degree, decayed. The physical strength has been wasted whilst the mental power has increased. No one is able to go through the labor of sitting for ten or twelve weeks in succession, engaged in duties of this description, without suffering the exhaustion which necessarily follows. I have heard it intimated, that the business of the court may be somewhat diminished by repealing the 28th section of the judiciary act, and by increasing the pecuniary amount which can be carried by a writ of error into the Supreme Court. As to the repeal of that section of the Judiciary act, I hope, sir, it may never be done. It is the most conservative provision in the law. The very Union has, I am satisfied, been preserved by it. It would not continue, in my judgment, even now that most of the constitutional questions are supposed to be settled, twenty years without it or without some equivalent substitute. Such a remedy as that, therefore, would be worse, ten thousand times worse than a disease. Any evil, sir, but that most direful of all evils, the disruption of our Union. Loss of freedom is alone to be compared to the loss of the Union. Nor, indeed, can freedom be lost, if the Union is in good faith preserved. But if you do both, that will not get clear of the present evil. It is one which cannot be obviated in any other way than by a law authorizing the judges of that court to give their exclusive attention to the business of the court until it is concluded. At the end of the year, you will find the docket will be entirely free. As a measure called for imperatively, in order that justice be done between suitors, then this bill or something like it should pass.

Mr. ALLEN.—The Senator who has just taken his seat, is not only an able lawyer by the common consent of this whole country, but he is likewise a very adroit and skilful advocate of whatever he undertakes to defend. He is too much so, not to know the great advantage which that party in every controversy has, who can impress the tribunal with the belief that he has been attacked, and that therefore he is on the defensive. For that reason the Senator from Maryland represents the Supreme Court as the object of assault, and as the object which is therefore entitled to public sympathy, at the very onset of the case. This is skilful. It is professional. It shows that the gentleman understands how to advance and maintain the position which he takes. But how is it that this tribunal has been assailed? Who brought it here? Who put their case upon the docket? We did not. Here is one of the departments of this government, which by its friends asks a change in its business. It is a public department, transacting public business, under the laws of the land, by which that business is prescribed. The members of that department come forward and ask the legislative authority of the country to pass a law exempting them from the performance of a certain portion of their duties. That is the state of this case. The reason assigned for granting this request is, that they are not competent to discharge the duties prescribed under the present law. It is said that they have not time to do the business of the Supreme Court at Washington City. In answer to that, we allege that they have time, and that by a bill passed three years ago, we exempted them from a portion of their duties.

Mr. BADGER.—(In his seat,)—Four years ago.

Mr. ALLEN.—Four years ago by express law, we exempted them from a portion of their duties, in order that they might have time to attend to all the business at Washington; and we now ask why have they not completed the docket? To that question the honorable Senator makes no reply, and yet it is the turning point in this case. Although I am not profoundly skilled in legal matters, or legal advocacy, having withdrawn at a very early age from that profession, and devoted myself to other pursuits, yet I am enough of an advocate to know where the true point of the case lies, and to hold the adverse party to it. I therefore reply to the whole of the argument of the able Senator from Maryland, by asking him again to answer this question. Why did the court not dispense with the spring circuit, and sit six or eight months at Washington, in order to discharge this docket? That is the main point here. The court desire by the present bill to get rid of the whole of the circuit duties for one year. Now if having been exempted from one half of these duties for three years, the docket is crowded with one hundred and sixty odd cases, how can it be expected that a total exemption from these duties for one year will remedy this evil?

The honorable Senator from Maryland pronounces a eulogy upon the Chief Justice; in every word of which I acquiesce. I am no enemy to the Chief Justice, or any other man on that bench. I believe that I voted to confirm a majority of the members of that court. I stood by the Chief Justice when he wanted a friend. When he was in need of a friend I was at his back Then as now I was among the foremost of his friends. I stood by the other judges of that court, when they were before this body, when they needed friends, and when my absence would have consigned them to other stations than places upon the bench of the Supreme Court. I stood by one of these judges, when at the hour of one at night it was necessary to send the Sergeant-at-Arms to procure the attendance of a sufficient number of members, to obtain the confirmation of his appointment. And now I stand by all the judges, and likewise by the country. But I am charged with assailing the tribunal, because I will not give them the power to do that which the law already empowers them to do, but which they have not done. The honorable Senator from Maryland in his great zeal to defend the court, although not assailed, expressed the opinion that what I have said here amounts to a charge of corruption against that court. Such an idea never entered my mind. I had no more idea of charging any member of that tribunal with corruption, than I had of charging the Senate with corruption. But when they come and ask me to relieve them from the duty of attending circuit court, and at the same time it is plain that they have not released themselves from holding the first circuit, though the law authorizes them so to do, I must ask them the question, why have you not employed the six or eight months of the preceding year to discharge this docket? The law authorized you to do it. The honorable Senator says that the Chief Justice is in favor of this measure. If my memory serves me right, I think I have something like a tolerably good reason to believe that the Chief Justice is not exactly in favor of this bill. I have not conversed with him upon the subject, but I think I have heard an account from other sources, that the Chief Justice is not in favor of the adoption of this bill.

Mr. JOHNSON, of Maryland.—I had intended to say a word upon the point which the Senator supposes I have not answered. The act of 1844 relieves the judges from attendance upon one circuit, but it does not say whether the spring or the fall circuit shall be the term from which they are to be exempted. The same act makes it the duty of the court to be in Washington upon the 1st Monday in December. Well, some of the circuit courts are held at such a distance from this city that the judges cannot hold these courts and be here by the first Monday in December. So that some of the judges are compelled to pass by the fall circuit, obliging the court to adjourn at such a period as will enable them to attend the spring circuits. Whilst up, if the Senator will permit, I will take occasion to read a single sentence from a private letter, which, in the present circumstances, I feel at liberty to do. In a letter dated in Baltimore, on the 14th of this month, the Chief Justice remarks that a Senator who had taken part in this debate was not aware of the state of business in the Supreme Court, and adds, "I am convinced that the public interests require the passage of this bill, and upon that account it has always been, and still is, my earnest wish that the Senate pass the bill now before them."

Mr ALLEN.—In answer to the explanation of the Senator from Maryland, that the circuit court duty is arranged so as to render the act of 1844 ineffective, I would say that this bill ought to be made to amend that act so as to conform the circuits to the assembling of the judges. I predicated my remarks upon the answer given to the question proposed by me to the chairman of the Judiciary Committee, who said that there had been but two or three instances of superior courts being held since the act of '44. If there be an error then, the error is not mine. If, however, the

Senator was right in the statement that there had been but one or two instances of more than one term being held in each court since this act was passed, it is a sufficient answer to the argument of the Senator from Maryland, that this act conflicted with the holding of these courts. I deemed it necessary to make these observations without going into the general matter, and would now only make one remark. When this discussion first commenced, I saw what it would lead to, and I admonished the friends of this bill and the friends of this court, that if they wished to see this tribunal retain its present organization, they should do nothing to cut it loose from its communication with the States and the people. I stated to them the circuit feature of the system was the only one that connected the Supreme Court of the United States with the people of the States; that it was to that extent something of a popular institution, and that upon that feature rested the strength of the popularity of the court with the country, and that the moment they separated the tribunal from its intercourse with the States and the people of this Union, and gave it a central, separate, isolated existence, as a sort of Washington star chamber, that moment they would find the public mind calling for a reform in the judicial system. That was the language which I held at the beginning of this discussion, and every thing that has transpired since, confirms me in the justice of that view.

Mr. BUTLER.—For myself I can speak of one of the judges of the Supreme Court, Judge Wayne. It will be no favor to him to pass this bill. He has performed circuit duty during the last fall, and I may say the same of several others. It is not to relieve them of circuit duties, that they desire the passage of this measure. Whilst up allow me to say that in speaking of the nominees of the President, it was entirely in reference to such as had been referred to by the honorable chairman from the Committee on the Judiciary. He spoke of them as unworthy magistrates as imbecile and incompetent. In my remark I had reference to the observations of the honorable chairman himself, and I did not wish to be understood as having gratuitously made any charges against the character of any gentleman.

Mr. BADGER next addressed the Senate.—He alluded to the various matters which had been in his opinion unimportant, which had been irregularly brought forward in connection with the bill. It was solely with reference to the merits of the measure itself, that he desired to occupy a very few moments of the time of the Senate. If any other gentleman designed to attribute corrupt or unworthy motives to the judges of the Supreme Court, he certainly disclaimed any such design, or any such feeling. His opposition to the bill was based upon the principle which he had stated in his remarks a few days since. It was because he was in the highest sense of the term a friend of the court, that he opposed the bill. He believed that it was essential to the efficiency of that court, that the judges should attend to circuit duties. The fact that the exemption from one circuit in the year had not prevented the accumulation of business in the Central Court, afforded abundant evidence that the remedy proposed by the bill would be ineffectual, except upon the view presented by his friend from Maryland, which he would presently notice. If the judges commencing in December had occupied that month, and the five succeeding months in the sessions of the Supreme Court, commencing in 1845, pursuing it in 1846, and continuing it in 1847, it was impossible to avoid the conviction that these one hundred and sixty odd cases could not have been left upon the docket. Nay, there could not have been forty cases left upon the docket. But it was stated by the Senator from Maryland, that by the continued term of the court the judges became broken down and exhausted in body and mind. Be it so—could they not have taken relaxation by keeping the court formally open, adjourning from day to day, for a month, if necessary? Again it was argued that some of the fall circuits were so late that the judges could not attend to them, and be here in December. Could there not have been judges enough to form a quorum on the first Monday in December, suppose that for the first fortnight in that month, they could not attend to business, still was there not the remedy open to themselves of continuing these sessions to the spring? It was then, to his mind, very evident that the act of 1844 might have been adequate to relieve the docket. He would be very sorry to imagine that the judges were capable of wilful neglect of their duties. He felt more and more convinced of the propriety of the views which he had expressed the other day, with regard to their permission of idle and unprofitable discussion. He was confident that all members of the bar of character and intelligence would acquiesce in the adoption of any rule by which the arguments before the court should be restrained within due limits. As for the denunciations of the press, to which the honorable Senator had alluded, he thought that was a consideration not deserving of any attention in the present case. The judges had been made independent in order that they might act entirely irrespective of any such influence. He had heard nothing in the course of the debate which satisfied him that there was any necessity for the passage of the bill. The Senator from Kentucky had remarked, that the judges had the power to omit their circuit duties, and that this bill was only designed to compel them to do so. Certainly the judges could not have misunderstood the purport of the act of 1844, which was passed at their instance, and which sufficiently expressed the will of the legislature. It seemed to him that the power of the court was already ample to relieve it of the accumulation of business, and believing, as he had already said, that the natural and obvious tendency of the measure now before the Senate, if adopted, will be the separation of the judges from the daily legal business of the country—to shut them out from the view of the people, whose rights they determined—and to produce the most deleterious consequences; he, therefore, must vote against it.

Mr. ASHLEY then briefly summed up the arguments which he had advanced against the bill, and replied to the objections which had been urged in its favor. The remarks of the honorable Senator will be found embodied in his speech on this subject, in the Appendix.

Mr. CRITTENDEN.—If there were any other consideration than my anxiety to have a decision upon this bill, it would induce me to refrain from making any lengthened observations. I will endeavor, in a very few calm remarks to-day, to close what I have to say upon the subject; and I would embrace this opportunity to say, that if any of the observations which I have made in the course of the debate on this bill, have given offence in any quarter, I regret it very sincerely. I have never seen a measure, sir, which seems to me so unimportant and inconsequential in itself, excite so much alarm. The bill does not propose to alter or change the present federal judicial system of the United States in principle or in the slightest degree. The measure is intended simply, as one of relief—of temporary relief—and has no tendency to any disturbance of the system, and yet it seems to strike upon the minds of wise men—I do not speak ironically—with serious alarm. Well, what is the bill which threatens to make the Supreme Court judges exclusively the judges of that court, and to lead to the establishment of another set of judges for the performance of circuit duties? Four years ago, the Congress of the United States sensible, that at the ordinary term of that court, they could not despatch the business, passed the law referred to by the gentleman from North Carolina, providing that the judges should omit one circuit, and employ the time which would have been thus occupied, in the discharge of the duties of the Supreme Court, giving them discretion in the matter. That law has failed to produce the intended effect. I charge the judges with no neglect; I vindicate them from no charge of neglect. It is an admitted fact, that the bill had no sort of effect.

It has been argued that they might have continued in session until all the business was done, but that is not the meaning of the law according to my views

It is argued that if the judges had thought it necessary, or had considered that their Supreme Court duties were more important than those of the circuit court, they would have continued their session. The argument is that it was upon a sense of duty that they went to their circuits. I ask gentlemen if there is no other way of accounting for it? I ask those gentlemen especially, who are desirous that indulgence should be extended to the court, can they not imagine that after a session of three months and a half, the judges may have been so much exhausted as to have felt themselves incapable of continuing their labors in the Supreme Court? May not this be a reason of their adjournment? There may have been those among the judges who thought it best to go on with the business of the Supreme Court, but there were others who were disposed to attend to their circuit duties. In this way the law has proved inoperative—it has not prolonged the session of the court a single hour. They adjourn just in time to go to their circuits, as before. It furnishes a cause, or apology, for adjourning. The inutility, then, of your law, so long as it leaves them a choice to adjourn or not, at their pleasure, is apparent.

What does this bill propose? Not to give a choice to the judges, in the matter—not to make it dependent upon circumstances whether they shall continue their labors in the Supreme Court or not: but it declares that they shall come here and confine their attention to the duties of the Supreme Court until the docket is discharged, if it can be done within the space of one year. Now, what objection can there be to the passage of such a bill? When the act of 1844, to which reference has been made, was passed, there was no such sensitiveness manifested; there were none of those constitutional arguments which we now hear; there were then no invectives against the court. The subject was calmly considered. Congress was of opinion that a remedy was necessary, and they determined to provide the remedy, by dispensing with one term of their circuit duties. That remedy has proved inefficient, and the reason is apparent—because it was left discretionary with the judges to proceed with their Supreme Court duties, or not, as they pleased. If you wish to render the remedy effectual, say, in the language of this bill, that the business of the Supreme Court shall receive their undivided attention.

Gentlemen argue that the court can apply the remedy by a curtailment of argument, and a strict application to business.—Well, this is a matter wholly within the discretion of the court, and one which we cannot well control. But I should hope, now that the subject has engaged public attention, that a greater economy of time will be practised when they again meet, and I have no doubt the business of the court will be despatched in such a manner as to give entire satisfaction. I believe the judges will come here anxious to accomplish the purposes which Congress has avowed to be so desirable. By this bill Congress declares to them, "we are not disposed to seperate you from your circuit duties; we intend no change in the system; we intend only to apply a particular remedy for an existing evil; we do not want the reproach to exist, that justice is delayed; we would have you come together and continue in session until the business is transacted." That is the purport of the bill. It is declared by all, that there is no intention to make a permanent change in the sys-

tem; and yet there is a singular sensitiveness, a singular sensibility on the part of some gentlemen who are afraid—who seem determined to be afraid, that it will lead to some consequences that are not reasonably connected with it. It is a matter of mere apprehension. These are feelings that I have no doubt are sincerely entertained, but I say to gentlemen they are fallacious. I feel so far as regards my own opinion no apprehension. There is no gentleman on this floor who more regrets the existence of the evil complained of than I do, and that is one of the strongest reasons why I am in favor of providing this temporary remedy. If the business goes on accumulating as it has done, what is to be the consequence? Gentlemen must recollect that the business of the court is likely to increase itself daily. The retardation of the business becomes the motive for making an appeal; and if we can entertain such a supposition as that the object is to draw Congress into the adoption of some change in the system, what better mode could be taken than by allowing the docket to increase *ad infinitum*. This bill has for its sole and exclusive object and purpose to take away any such pretext, and to enable the public business to be speedily transacted. It is a matter of no great consequence as far as I humbly conceive to the principles of the government, or to any principles touching our judicial system. Sir, I have occupied more time than I had intended; I am much more anxious for the decision, in order that we may have done with the question, than for anything else.

The question was then taken by yeas and nays, and was determined as follows:

YEAS—Messrs. Bell, Berrien, Breese, Butler, Crittenden, Davis, of Massachusetts, Greene, Hannegan, Hunter, Johnson, of Maryland, Mangum, Mason, Miller, Phelps, Rusk, Underwood, Upham—17.

NAYS—Messrs. Allen, Ashley, Atherton, Badger, Bagby, Benton, Bright, Calhoun, Cameron, Cass, Corwin, Davis, of Mississippi, Dix, Felch, Foote, Hale, Houston, Johnson, of Georgia, Lewis, Moor, Niles, Sprouance, Turney—23.

Mr. BADGER then gave notice that he should move to go into Executive business to-morrow at one o'clock, on a matter that was of some importance.

On motion,

The Senate adjourned.

WEDNESDAY, APRIL 19, 1848.

PETITIONS.

Mr. NILES presented the petition of William Pennover, a revolutionary soldier, praying to be allowed a pension; which was referred to the Committee on Pensions.

On motion by Mr. WESTCOTT, it was

Ordered, That John S. Harris have leave to withdraw his petition and papers.

CUBA VESSELS.

Mr. WESTCOTT submitted the following resolution for consideration; which was ordered to be printed

Resolved, That the Committee on Finance be instructed to bring in a bill repealing "An act concerning tonnage duty on Spanish vessels," passed June 30, 1844, or to modify the said act so as to allow Spanish vessels from Cuba to trade between that Island and any port of the United States upon the same footing as to tonnage duties as the vessels of other foreign countries are allowed to trade between the ports of their country and the ports of the United States.

NOTICE OF A BILL.

Mr. HALE gave notice that on to morrow he will ask leave of the Senate to introduce a bill relating to riots and unlawful assemblages in the District of Columbia.

EVANS' SAFETY GUARD.

Mr. DIX, from the Committee on Commerce, to whom was referred the petition of citizens of the United States, praying that all steam vessels may be compelled to carry "Evans' safety guard," submitted a report, which was ordered to be printed.

The Senate proceeded to consider said report, by unanimous consent, and in concurrence therewith, it was

Ordered, That the Committee be discharged from the further consideration of the petition.

WASHINGTON GAS LIGHT COMPANY.

Mr. CAMERON, from the Committee on the District of Columbia, to whom was referred the petition of J. F. Callan and others, reported a bill to incorporate the Washington Gas Light Company; which was read and passed to the second reading.

INSURANCE COMPANY AND SAVINGS INSTITUTION.

Mr. CAMERON, from the same Committee, to whom was referred the bill to incorporate the Washington Mutual Insurance Company and Savings Institution, reported it without amendment.

ADVERSE REPORTS.

Mr. UNDERWOOD, from the Committee of Claims, to whom was referred the petition of Richard P. Dove, submitted an adverse report; which was ordered to be printed.

Mr. WESTCOTT, from the Committee of Claims, to whom was referred the petition of John S. Harris, late deputy collector at Providence, Rhode Island, submitted an adverse report; which was ordered to be printed.

GRADUATION BILL.

The Senate proceeded to consider, as in Committee of the Whole, the bill to reduce and graduate the price of the public lands, and for other purposes; and

On motion by Mr. BREESE, it was

Ordered, That the further consideration thereof be postponed to, and made the order of the day for, Monday, the first day of May next.

ILLINOIS RAIL ROAD.

The Senate proceeded to consider, as in Committee of the Whole, the bill granting to the State of Illinois the right of way and a donation of public land for making a railroad connecting the Upper and Lower Mississippi with the chain of Northern Lakes at Chicago; and

On motion by Mr. DOUGLAS, it was

Ordered, That the further consideration thereof be postponed to, and made the special order of the day for, Wednesday, the 3d day of May next.

CHANGE OF NAME.

On motion by Mr. BERRIEN, the prior orders were suspended and the Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives to change the name of Photius Kavasales to that of Photius Fisk.

Mr. ASHLEY.—It is not my intention to offer any formal opposition to this bill, but merely to state the objection I entertain which is this—I think the act is entirely unnecessary. I have no doubt that this individual has now full authority by law to change his name if he pleases; to legislate therefore is idle. It was for this reason that I opposed this bill in committee.

Mr. BERRIEN.—This bill finds a precedent in the action of Congress in relation to one of the commanders of the American navy. The individual who is an applicant here, is a citizen of the District of Columbia. He is a Chaplain in the navy, and from the circumstance of his being an orphan boy—having become so at the age of four or five years—he was adopted and educated by an American missionary, whose name he now asks to adopt, as an evidence of his gratitude. Since it finds precedents in former legislation—since it can be attended with no injury to any body—since it is to gratify a feeling laudable in itself, I hope the bill will be allowed to pass.

No amendment being made, the bill was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time, by unanimous consent.

Resolved, That the bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

COUNTY SEAT IN FLORIDA.

On motion by Mr. UNDERWOOD, the prior orders were postponed, and the bill to confirm the location, and grant a quarter section of the public land for the county site of Hillsborough county, State of Florida, was read the second time and considered as in Committee of the Whole, and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time, by unanimous consent.

Resolved, That the bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

MESSAGES FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: I am directed to inform the Senate that a motion has been made today, under a rule of the House, to reconsider the vote of the House on yesterday, passing the Senate's bill entitled "An act in amendment of an act, entitled 'An act to regulate the postage,' approved the [illegible] March, 1845," more effectually to correct the abuse of the franking privilege, and for the prevention of frauds on the revenue of the Post office Department, approved March, 1845," with amendments, and which was yesterday transmitted to the Senate, and respectfully to request the return of said bill and amendments to the House for the action of the said motion to reconsider.

On motion by Mr. BADGER, it was

Ordered, That the Committee on the Post Office and Post Roads be discharged from the further consideration of said bill and amendments.

On motion by Mr. BADGER, it was

Ordered, That the Secretary return said bill and amendments to the House of Representatives agreeably to the request of that House communicated this day.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed an act to authorize the citizens of Ozark county, Missouri, to enter [illegible] section of land for the seat of justice in said county; in which they request the concurrence of the Senate.

The said bill was read the first and second times, by unanimous consent, and it was

Ordered, That it be referred to the Committee on Public Lands.

THE SPECIAL ORDER.

Mr. ASHLEY moved that the Senate proceed to the consideration of the special order of the day; being, he remarked, the bill to carry into effect certain provisions in the treaties between the United States and China and the Ottoman Porte.

Mr. BADGER.—I shall not oppose the motion if the subject does not lead to debate. If it does, I will move that it be passed over in order that I may make the motion, of which I apprised the Senate yesterday, to go into Executive session.

Mr. ASHLEY.—I hope that the special order will be taken up: it can, if there should be debate, be passed by informally.

Mr. CASS.—I hope it will not be taken up. There is other business which ought to precede it. The bill for raising volunteers has been long deferred.

Mr. HALE.—I would like to be informed by the honorable Senator from Michigan, if he has heard any news from Mexico which makes it expedient or necessary to pass that bill? Is the country threatened with any imminent danger in case it is not passed? Is there likely to be an invasion of this country by Mexico?

Mr. CASS, (jocularly.)—There may be to-morrow or the next day,if this bill is not passed.

Mr. ASHLEY.—This bill was made the special order some weeks ago, and I have been endeavoring, from time to time, to bring it up. It is a matter which is deemed of very considerable importance by the administration, that the action of Congress should be had upon this bill, or some one of a similar character, in order that it may be sent out by the vessel which the government is about to de-patch to China.

The motion of Mr. ASHLEY was agreed to.

NEW YORK AND NEW ORLEANS STEAMERS.

The VICE PRESIDENT announced that the special order of the day was, the bill extending privileges to American vessels engaged in a certain mentioned trade, and for other purposes; and that the question was upon ordering it be engrossed and read a third time.

Mr. ASHLEY.—That is not the bill to which my motion refers, but I have no objection to taking it up for the purpose of having the vote of the Senate upon it, provided there be no debate.

The VICE PRESIDENT stated that the bill was the first special order, as unfinished business.

Mr. HALE.—This bill was postponed at my request. I have since examined it, and have no objection to it; I hope it will pass.

The consideration of the bill having been resumed, it was

Ordered, That it be engrossed and read the third time.

The said bill was read a third time, by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

JUDICIAL POWERS TO MINISTERS AND CONSULS.

The VICE PRESIDENT announced that the second special order was the bill to carry into effect certain provisions in the treaties between the United States and China, and the Ottoman Porte, giving certain judicial powers to Ministers and Consuls of the United States in those countries.

The bill having been partially read—

Mr. DAVIS, of Massachusetts.—I suggest to the honorable chairman of the Judiciary Committee the inexpediency of reading this bill further. He was kind enough a few days since to ask my opinion in regard to it, and I feel bound to declare to the Senate that I am entirely convinced that it will require very considerable amendment before the bill can be made to answer the purpose for which it is designed. It relates to a matter of great delicacy and of vast importance, and it involves greater difficulties than I was aware of until I examined into it. It is simply an attempt on our part, under the treaty with the empire of China, to extend the jurisdiction and laws of the United States over our citizens and other persons there to some extent by establishing a judicial system of our own within the territory of China. It is a very complicated and delicate subject, and one difficult to be disposed of. I have been in conference with my friend the Senator from South Carolina in regard to this subject, and I believe that he concurs with me in thinking it a difficult and complicated subject. I trust, however, there are no insuperable difficulties, and that a bill may be framed to answer the purpose designed to be accomplished by this bill, but it should be done with much care and deliberation. I hope the honorable chairman of the Judiciary Committee will allow us a little more time to consider of the matter, and consent that the bill be postponed until a future day.

Mr. ASHLEY.—I did not intend, when I made the motion to take up this bill, to insist upon the immediate action of the Senate upon it. I am aware of the difficulty which surrounds the case, and the more I have examined it the more I have been convinced of the difficulty. My purpose was this: It will be recollected that a bill passed the House of Representatives last year and received the unanimous recommendation of the Committee on the Judiciary of the Senate, but it failed to receive the action of this body in consequence of being deferred until too late a period of the session. I have, on several occasions, endeavored to bring the subject up for consideration without being able to succeed, and in order to do every thing that I possibly could to prevent delay, I have procured the proceedings of the British government in relation to this matter, and all the documents that have a bearing on this subject, and have had them placed in the possession of every Senator. All that I desire now is to have the bill placed in such a position upon the calendar, that it may be proceeded with from day to day until it is completed, for if we do not act upon the subject soon we may reasonably expect an interruption to our trade in that quarter.

Mr. DAVIS.—I hope the honorable Senator does not suppose that I have the slightest inclination to delay the consideration of this bill. I see the necessity there is for the passage of some law of this kind, but I see also the difficulties that exist. I have not been able to mature my own views in regard to it, and am not at all prepared to enter into the discussion of it at this time.

Mr. BUTLER.—I have investigated this subject, as well as the documents with which I was furnished, enabled me to do, and I have become satisfied, that it is essentially requisite that any enactment that we may make in regard to it, should be well matured. The purpose of the bill is to make a code of laws for our citizens in China, a code to be administered by persons who are not lawyers. It is a matter then which requires caution. I hope that a day will be set apart for its consideration, and that every Senator who takes an interest in the subject, will be present when it is considered.

Mr. BADGER —I hope the bill will be passed by informally, but before I make a motion to that effect, I beg to suggest to the honorable Chairman of the Judiciary Committee, that there is a very serious difficulty at the very commencement of the formation of such an enactment as this. The rule by which it is proposed by this bill, that contracts shall be decided, and crimes punished, is the common law, and the statute law of the United States. Now it is perfectly well known, that the United States has no common law of its own.

I move that the bill be passed by informally.

Mr. ASHLEY.—It would be better to have some day fixed for its consideration.

Mr. BADGER.—I have no objection to that.

Mr. DAVIS.—I suggest to the honorable Chairman that I could probably submit such views as I entertain upon the subject as soon as Monday next.

Mr. ASHLEY.—I am quite willing that it should be postponed until Monday next, and then made the special order of the day.

On motion by Mr. ASHLEY, it was

Ordered, That the further consideration of said bill be postponed to, and made the order of the day for, Monday next, the 24th instant.

EXECUTIVE SESSION.

On motion by Mr. BADGER, the Senate proceeded to the consideration of Executive business, and after some time spent therein, the doors were opened and,

The Senate adjourned.

THURSDAY, APRIL 20, 1848.

RESOLUTION OF THE LEGISLATURE OF MISSISSIPPI.

Mr. DAVIS, of Mississippi, presented a resolution passed by the Legislature of that State, approving the measures adopted by the government in the prosecution of the war with Mexico, and in favor of the adoption of measures for its speedy termination; which was laid upon the table and ordered to be printed.

PETITIONS.

Mr. DIX presented a petition of citizens of the United States praying that the process of ventilating passenger ships may not be confined, by law, to the use of any particular apparatus; which was referred to the Committee on Commerce.

On motion by Mr. BELL, it was

Ordered, That the Committee on Indian Affairs be discharged from the further consideration of the memorial of the Western Cherokee Indians.

TERRITORY OF MINASOTA.

Mr. DOUGLAS, from the Committee on Territories, to whom was referred the bill to establish the territorial government of Minasota, reported it without amendment.

The Senate proceeded to consider said bill; and

On motion by Mr. DOUGLAS, it was

Ordered, That the further consideration thereof be postponed to, and made the special order of the day for, Wednesday, the 26th instant.

TERRITORY OF NEBRASKA.

Mr. DOUGLAS, from the Committee on Territories, to whom was referred the bill to establish the territory of Nebraska, reported it without amendment.

The Senate proceeded to consider said bill; and

On motion by Mr. DOUGLAS, it was

Ordered, That the further consideration thereof be postponed to, and made the special order of the day for, Wednesday, the 26th instant.

TERRITORY OF OREGON.

On motion by Mr. DOUGLAS, the prior orders were postponed, and the Senate proceeded to the consideration of the bill to establish the territorial government of Oregon; and it was

Ordered, That the further consideration thereof be postponed to, and made the special order of the day for, Wednesday, the 26th instant.

THE SUPREME COURT.

Mr. BADGER, by unanimous consent, asked and obtained leave to bring in a bill to promote the despatch of business in the Supreme Court and to repeal the 2d section of the act approved June 17th, 1844, entitled "An act concerning the Supreme Court of the United States;" which was read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary.

On motion by Mr. JOHNSON, of Maryland, it was

Ordered, That said bill be printed.

THE CALIFORNIA CLAIMS.

On motion by Mr. BENTON, it was

Ordered, That the amendments reported by the Committee on Military Affairs to the bill for ascertaining and paying the California Claims, be printed.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

To the Senate and House of Representatives of the United States:

In pursuance of the provisions of the joint resolution of the 13th instant, authorizing the exchange of ratifications of the treaty of peace, limits, and settlement between the United States of America and the Mexican Republic, signed at the city of Guadalupe Hidalgo on the 2d instant, I have appointed Nicholas P. Trist, of Louisiana, commissioner on the part of the United States, and he has accordingly proceeded to the city of Mexico, and has exchanged ratifications of the treaty with the commissioners appointed on the part of the Mexican Government.

I transmit herewith a copy of the treaty, and also of the instructions given to the commissioner of the United States.

JAMES K. POLK.

WASHINGTON, April 20, 1848.

ADJOURNMENT OVER.

On motion, it was

Ordered, That when the Senate adjourn, it be to Monday next.

PROTECTION OF PROPERTY IN THE DISTRICT OF COLUMBIA.

Agreeably to notice, Mr. HALE asked leave to introduce a bill relating to riots and unlawful assemblies in the District of Columbia.

Mr. HALE.—I wish to make a single remark in order to call the attention of the Senate to the necessity of adopting the legislation proposed by this bill. The bill itself is nearly an abstract of a similar law now in force in the adjoining State of Maryland; and also in many other States of the Union. The necessity for the passage of the bill will be apparent to the Senate from facts which are probably notorious to every member of the body. Within the present week large and riotous assemblages of people have taken place in this District, and have not only threatened to carry into execution schemes utterly subversive to all law, with respect to the rights of property, but have actually carried these threats into execution, after having been addressed, upheld, and countenanced by men of station in society, whose character might have led us to suppose that they would have taken a different course, and given wiser counsels to those whom they addressed. It seems to me, then, that we have approached a time when the decision is to be made in this capitol, whether mob-law or constitutional law is to reign paramount. The bill which I now propose to introduce simply makes any city, town, or incorporated place within the District, liable for all injuries done to property by riotous or tumultuous assemblages. Whether any further legislation on the part of Congress will be necessary, time will determine. But I may be permitted to say, that at the present moment we present a singular spectacle to the people of this country and to the world. The notes of congratulation which this Senate sent across the Atlantic to the people of France on their deliverance from thraldom, have hardly ceased, when the supremacy of mob law and the destruction of the freedom of the press are threatened in this capital of the Union. Without further remark, I move that this bill be referred to the Committee on the Judiciary.

Mr. BAGBY.—I rise for the purpose of giving notice that whenever that bill shall be reported by the committee—if it ever should be—I shall propose to amend it by a section providing a sufficient penalty for the crime of kidnapping in this District. I was struck by a remark made by the Senator from New Hampshire. He adverts to the rejoicing of the people of this country at the events now in progress in Europe, and thence infers that the slaves of this country are to be permitted to cut the throats of their masters. I shall certainly, sir, attend to this subject.

Mr. HALE.—To avoid misapprehension I purposely abstained from saying a word in regard to any thing that might even be supposed to lie beyond the case which it is the object of this bill to meet. I did not make the most distant allusion to slavery. I refrained from it purposely, because I wanted to present to the consideration of the Senate the simple question of the integrity of the law and the rights of property unembarrassed by considerations of the character alluded to by the honorable Senator from Alabama. I shall cordially unite with that honorable Senator in favor of a law against kidnapping; because, if I am correctly informed by individuals upon whose testimony I place the most implicit credit, one of the most outrageous cases of kidnapping was committed within sight of this Capitol, no longer ago than yesterday, and that too in the case of an individual having in his pocket an injunction issued by the highest judicial authority in this district, the Chief Judge of the circuit court, restraining all persons from molesting him. Yet, in violation of that injunction, he was forcibly seized, not only without law, but against law—not only in utter neglect, but in flagrant contempt of the most sacred guaranties of the constitution. This outrage was perpetrated within the limits of the city, in the very neighborhood of this Capitol. I will go then with the Senator from Alabama heart and hand in the adoption of any legislation for the prevention of such outrages, but I must say, that that is very foreign to the object of the bill which I have introduced.

Mr. BENTON.—There is some very pressing business awaiting the action of the Senate, and I do not know that the remarks which have been made are applicable to any motion pending at present. May I ask if there be any question pending?

The PRESIDING OFFICER.—The question is, "Shall the Senator from New Hampshire have leave to introduce his bill?"

Mr. CALHOUN.—What is the bill?

The PRESIDING OFFICER.—The bill will be read.

The SECRETARY then read the bill which is as follows:

A Bill relating to riots and unlawful assemblages in the District of Columbia.

Be it enacted &c. That if any person or persons shall, by force, or by threats or menaces, unlawfully assemble together, or shall be unlawfully, riotously, or tumultuously assembled together, to the disturbance of the public peace, and shall unlawfully demolish, pull down, or destroy, or begin to demolish, pull down, or destroy, any dwelling house, any house or building, used or designed by any person, or body politic, or corporation, as a place for the transaction of business, or deposite of property, any ship or vessel, ship yard, or lumber yard, any barn, stable or other out-house, or any articles of personal property, shall be injured or destroyed, or if any property therein or thereon, shall be taken away, injured or destroyed, by any riotous or tumultuous assemblage of people, the [illegible] of the damage so done shall be recovered by civil action of trespass, &c., [illegible] against the county, town or city within whose limits such [illegible] shall have been committed.

SEC. 2. *And be it further enacted*, That in any suit instituted under this act the plaintiff or plaintiffs may declare generally, and give the special matter in evidence.

Mr. CALHOUN.—I suppose no Senator can mistake the object of this bill, and the occurrence which has led to its introduction. Now, sir, I am amazed that even the Senator from New Hampshire should have so little regard for the laws and the constitution of the country, as to introduce such a bill as this, without including in it the enactment of the severest penalties, against the atrocious act which has occasioned this excitement. Sir, gentlemen, it would seem, have at last come to believe that the Southern people and Southern members have lost all sensibility or feeling upon this subject. I know to what this leads. I have known for a dozen of years to what all this is tending. When this subject was first agitated, I said to my friends, there is but one question that can destroy this Union and our institutions, and that is, this very slave question, for I choose to speak of it directly. I said farther, that the only way by which such a result could be prevented, was by prompt and efficient action—that if the thing were permitted to go on, and the constitution to be trampled on—that if it were allowed to proceed to a certain point, it would be beyond the power of any man or any combination of men to prevent the result. We are approaching that crisis, and evidence of it is presented by the fact, that such a bill upon such an occurrence, should be brought in to repress the just indignation of our people from wreaking their vengeance upon the atrocious perpetrators of these crimes or those who contribute to them, without a denunciation of the cause that excited that indignation. I cannot but trust, that I do not stand alone in these views.

I have for so many years raised my voice upon this subject, that I have been considered almost the exclusive defender of this great institution of the South, upon which not only its prosperity, but its very existence depends. I had hoped that younger members who have come into this body, who represent portions of the country at least as much interested as that from which I come, might have taken the lead and relieved me from the necessity of ever again speaking upon this subject. I trust we will grant no leave to introduce this bill—that we will reject it, and that if anything be referred to the Committee on the Judiciary, it will be to make penal enactments, to prevent these atrocities—these piratical attempts—these wholesale captures—these robberies of seventy odd of our slaves at a single grasp. Delay is dangerous on this question. The crisis has come, and we must meet it—and meet it directly—and I will add we have ample means to meet it. We can put the issue to the North; if you continue to disregard the provisions of the constitution in our favor, we shall, on giving you due notice, retaliate by disregarding those in your favor. If you do not regard the stipulations of the constitution in our favor, why should we regard those in your favor? If your vessels cannot come into our ports without the danger of such piratical acts; if you have caused this state of things by violating the provisions of the constitution and the act of Congress for delivering up fugitive slaves by passing laws to prevent it, and thus make it impossible to recover them when they are carried off by such acts, or seduced from us, we have the right, and are bound by the high obligation of safety to ourselves, to retaliate by preventing any of your sea-going vessels from entering our ports. That would apply an effectual remedy, and make up the issue at once on this, the gravest and most vital of all questions to us and the whole Union. I do not intend to make a long speech on this occasion, but I would have felt myself to be lacking in my duty to the people of this District—to the people of the South, and to the people of the United States, had I not raised my voice against the introduction of such a bill on such an occasion.

Mr. WESTCOTT.—I am not going to make a speech on this bill, for the simple reason that I intend, after a few observations, to move to lay this motion for leave to introduce the bill, upon the table, to stop debate, and ask for the yeas and nays.

Mr. CALHOUN.—The bill is not yet introduced.

Mr. WESTCOTT.—The Senator from New Hampshire asks leave to introduce the bill, and I move to lay it upon the table.

Mr. CALHOUN.—Better reject it. I trust we will meet it directly, and reject it.

Mr. WESTCOTT.—I did not understand the honorable Senator from South Carolina; but, now that I do, I am perfectly willing to adopt his suggestion.

Mr. CALHOUN.—I would greatly prefer to meet the motion directly and reject it.

Mr. WESTCOTT.—I have no objection to that, and had taken but another mode of attaining that object. In answer to the suggestion of the honorable Senator from South Carolina, that it was the duty of other Senators, representing the South, to speak on this matter, I will state one reason only why I could not do so. I could not trust my own feelings when I heard the Senator from New Hampshire introduce this bill. Sir, there has been no outbreak—no violence in this District. There has been no disturbance except on the part of a set of men who, it seems, have come into this District for the purpose of assailing slave owners in the peaceable enjoyment of their property, secured to them by the constitution which we have all sworn to support. There has been public indignation manifested by an assemblage of those who have been thus wronged, but has there been any violence as yet?—any destruction of property? No. It may be wondered that there has not been. And when the Senator from New Hampshire proclaims that there is danger of this, I call upon him for his testimony in relation to this matter. Where does he get the evidence that any portion of the property of citizens of this District is to be burned down or destroyed? I was present last night, as a spectator, at a large assemblage of citizens of this District. I heard law officers of this District and other gentlemen speak on the occasion, but I heard nothing by any means so incendiary as I have heard since the honorable Senator from New Hampshire took his seat upon this floor. It is true, indignation was expressed, but leading citizens of this District and slave-holders declared that they were averse to any act of overt violence; indeed, this assemblage which has been called a tumultuous mob, peaceably appointed a committee of fifty citizens to wait on the editor and request him to remove what they supposed to be an incendiary publication which had provoked this excitement. I have only to say, sir, that I readily yield to the suggestion of the honorable Senator from South Carolina.

Mr. DAVIS, of Mississippi.—The Senator from South Carolina has remarked that he expected that younger members of this body would notice the motion of the Senator from New Hampshire to introduce a bill the purpose of which is the protection of incendiaries and kidnappers. I have only to say that it is from no want of accordance in feeling with that honorable Senator, but from deference to him who has so long and so nobly stood foremost in the defence of the institutions of the South, that I remainee silent. It was rather that I wish to follow him than that I did not feel the indignation which he has so well expressed. The time has come when Congress should interpose the legislation necessary for the punishment of those men who come within our jurisdiction, acting in fact and in morals as incendiaries—coming here within the legislative limits of Congress, to steal a portion of that property which is recognized as such by the constitution of the United States, and, therefore, entitled to our protection. Is this District to be made the field of abolition struggles? Is this chamber to be the hot bed in which plants of sedition are to be nursed? Why is it that in this body, once looked to as the conservative branch of the government—once looked to as so dignified that it stood above the power of faction—that we find the subject of this contest so insulting to the south—so irritating always when it is agitated—introduced on such an occasion? Is this debateable ground? No! It is ground upon which the people of this Union may shed blood, and that is the final result. If it be pressed any farther, and if this Senate is to be made the theatre of that contest, let it come—the sooner the better. We who represent the southern States are not here to be insulted on account of institutions which we inherit. And if civil discord is to be thrown from this chamber upon the land—if the fire is to be kindled here with which to burn the temple of our Union—if this is to be made the centre from which civil war is to radiate, here let the conflict begin. I am ready for one to meet it with any incendiary, who, dead to every feeling of patriotism, attempts to introduce it.

Mr. FOOTE.—On the 4th of March, 1837, the American people of all parties assembled at this capitol for the purpose of witnessing the inauguration of a President of the United States. That President was a northern man. I had the honor of listening to his inaugural speech, and in it he wisely and patriotically asserted a principle of which I approved at the time, which I still admire, and which has a close affinity to the question so suddenly presented to this body. Martin Van Buren dared to declare in his inaugural speech that though it was his opinion—and it certainly is not mine—that Congress has the power to abolish slavery in the District of Columbia, yet he conceived that the act could not be done without the most odious and unpardonable breach of faith towards the slave States of the confederacy, and especially Maryland and Virginia. This declaration, not altogether unexpected, gave temporary quiet and satisfaction to the South. I had thought, until recently, that there were very few men in the republic, claiming anything like a prominent standing among their fellow-citizens who entertained a different opinion from that thus expressed, or who, if entertaining it, would undertake to express it in the national councils of this republic. But the abolition movement has not been quite so successful as some desired it to be, and now we see plain indications that individuals—for I cannot conscientiously call them gentlemen—asserting themselves to be champions of freedom—have resolved to carry into execution a scheme—an attempt to remove by any means whatever all the slaves now within this District, so that those who have been in the habit of retaining slaves in their possession will be discouraged from bringing others here; and that citizens who may hereafter settle here, will of course, on the principle of obvious pecuniary policy, decline bringing such property with them; and that, then, in this covert and insidious manner, the abolition of slavery in the District of Columbia may be accomplished.

The attempt to legislate directly upon this subject in the national councils is at war with the constitution, repugnant to all principles of good faith, and violative of all sentiments of patriotism. With whomsoever it originates, this movement made directly or indirectly, within Congress or out of it, which has been so justly denounced by my colleague, is simply a nefarious attempt to commit grand larceny upon the owners of slaves in this District. I undertake to say that there is not a man who has

given his countenance to this transaction in any shape, who is not capable of committing grand larceny: or, if he happened to be a hero, as such men are not, of perpetrating highway robbery on any of the roads of this Union. He is not a gentleman. He would not be countenanced by any respectable person anywhere. He is amenable to the law. I go farther, and I dare say my sentiments will meet the approbation of many even who do not live in Slave States, and I maintain, that when the arm of the law is too short to reach such a criminal, he may be justly punished by a sovereignty not known to the law. Such proceedings have taken place, and there are circumstances which not only instigate, but justify such acts. I am informed upon evidence on which I rely, that this very movement out of which the bill originates, has been instigated and sanctioned by persons in high station. It is even rumored, and it is believed by many—I am sorry for the honor of this body to say so—that a Senator of the United States is concerned in the movement. Certain it is that a member of another body, meeting in a certain Hall, not far distant, was yesterday morning engaged in certain reprehensible contrivances, and that but for his abject flight from the place of his infamous intrigues, he would have been justly punished—not by the mob—but by high spirited citizens convened for the purpose of vindicating their rights, thus unjustly assailed.

Why is it that this question is continually agitated in the Senate of the United States—that it is kept here as the subject of perpetual discussion? Is it simply that gentlemen wish to be popular at home? I suppose so. Is it because of their peculiar sympathies for that portion of the population which constitutes slavery as recognised in the South? What is the motive? Is the object to attain popularity? Is it to gain high station? Is it to keep up a local excitement in some portions of the North, with the view of obtaining political elevation as the reward of such factious conduct? But I care not for the motives of such acts. I undertake to say that in no country where the principles of honesty are respected, would such a movement as that now attempted, be promoted, or even countenanced for a moment. I feel bound on this occasion to say that the bill proposed, could not have any good object. What does it declare? It declares that any attempt on the part of the people of this District, through the only means which they may have in their power, to protect their property, and prevent it from being taken from them, either by stealth or open robbery, shall subject them to be mulcted in heavy pecuniary damages! It amounts then to this, that if hereafter any occurrence similar to that which has recently disgraced the District should happen, and the good people of the District should assemble and proceed to the vessel in which their property had been placed, and the captain of which had become the agent in the nefarious transaction, and should then and there dare to use the only means to prevent that vessel from sailing, and their property from being taken away before their eyes, they would be compelled to pay heavy pecuniary damages. It is a bill, then, obviously intended to cover and protect negro stealing. It is a bill for the encouragement and immunity of robbery! That is its true character, and whatever opinion the gentleman's own self-sufficiency may induce him to entertain of his own conduct on this occasion, I only tell him now the judgment which every honest man will pronounce upon it. If the object of the Senator was as I have described it, and as is apparent on the face of the bill, he is as guilty as if he had committed highway robbery. I regret it, but I am obliged to use harsh terms, but they are true. The Senator from South Carolina asserted with great truth, that the time had come when the South should not only let her voice be heard, but disclose to all her enemies that she not only knows her rights, but "knowing, dare maintain them"—maintain them by all constitutional means—by all legal expedients—if necessary by bloodshed. The Senator from New Hampshire is evidently attempting to get up a sort of civil war in the country, and is evidently filled with the spirit of insurrection and incendiarism. He may bring about a result which will end in the spilling of human blood. I say to him, however, let him come forward boldly and take the proper responsibility. Let him say, "Now I am ready to do battle in behalf of the liberties of my friends the blacks, the slaves of the District of Columbia." Let him buckle on his armor—let him unsheath his sword, and at once commence the contest, and I have no doubt he will have a fair opportunity of shedding his blood on this holy cause on the sacred soil of the District of Columbia. If he is really in earnest, he is bound, as a conscientious man, to pursue his course which cannot be persevered in, without all those awful scenes of bloodshed and desolation long anticipated by good men in every part of this republic. When, I ask, was it that southern men ever undertook to invade the repose and happiness of the North? I hope I may be pardoned in making this suggestion. I do not wish to institute any invidious comparisons. I thank Heaven I have an abiding confidence in the good sense, the virtuous patriotism, and regard for the rights of property, of my northern brethren; and I believe that there are many of them, of both parties, who are perfectly sound upon this question; and who will condemn the act of this morning. The South has been forbearing. She has exercised more than complaisance—more than forbearance. But when, I ask, has any southern man, occupying a seat in either House of Congress, attempted to interfere with any local interests in the North?

All must see that the course of the Senator from New Hampshire is calculated to embroil the confederacy—to put in peril our free institutions—to jeopardize that Union which our forefathers established, and which every pure patriot throughout the country desires shall be perpetuated. Can any man be a patriot who pursues such a course? Is he an enlightened friend of freedom, or even a judicious friend of those with whom he affects to sympathize, who adopts such a course? Who does not know that such men are practically the worst enemies of the slaves? I do not beseech the gentleman to stop; but if he perseveres, he will awaken indignation everwhere, and it cannot be that enlightened men, who conscientiously belong to the faction at the north, of which he is understood to be the head, can sanction or approve every thing that he may do under the influence of excitement, in this body. I will close by saying that if he really wishes glory, and to be regarded as the great liberator of the blacks—if he wishes to be particularly distinguished in this cause of emancipation, as it is called, let him instead of remaining here in the Senate of the United States, or instead of secreting himself in some dark corner of New Hampshire where he may possibly escape the just indignation of good men throughout this republic—let him visit the good State of Mississippi in which I have the honor to reside, and no doubt he will be received with such hosannas and shouts of joy as have rarely marked the reception of any individual in this day and generation. I invite him there, and will tell him beforehand in all honesty, that he could not go ten miles into the interior before he would grace one of the tallest trees of the forest, with a rope around his neck, with the approbation of every virtuous and patriotic citizen, and that if necessary, I should myself assist in the operation.

Mr. HALE.—I beg the indulgence of the Senate for a few moments. Though I did not exactly anticipate this discussion, yet I do not regret it. Before I proceed further, as the honorable Senator from Mississippi has said, that it has been asserted, and he thinks on good authority, that a Senator of the United States connived at this kidnapping of slaves, I ask him if he refers to me?

Mr. FOOTE.—I did.

Mr. HALE.—I take occasion then to say, that the statement that I have given the slightest countenance to the procedure, is entirely without the least foundation in truth. I have had nothing to do with the occurrence, directly or indirectly, and I demand of the honorable Senator to state the ground upon which he has made his allegation.

Mr. FOOTE.—It has been stated to me and I certainly believed it, and believing it I denounced it. I did not make the charge directly. My remarks were hypothetical. I am glad to hear the Senator say that he has had no connection with the movement, but whether he had or not, some of his brethren in the great cause in which he was engaged no doubt had much to do with it.

Mr. HALE.—The sneer of the gentleman does not affect me. I recognize every member of the human family as a brother, and if it was done by human beings it was done by my brethren. Once for all I utterly deny, either by counsel, by silence, or by speech, or in any way or manner, having any knowledge, cognizance, or suspicion of what was done or might be done until I heard of this occurrence as other Senators have heard of it. And I challenge any one who entertains a different opinion to the proof, here, now, and forever. I go farther than that. I never have counselled, advised, or aided in any way, and with my present impressions, I never shall counsel, advise, or aid in any way, any encroachment upon the constitution in any of its provisions or compromises. If the constitution be not broad enough for the protection that I claim, I will go without it. I trust that on this subject I have been sufficiently understood. I deny in general and particular not only cognizance but all knowledge of any such movements.

Whilst I am up let me call the attention of the Senate to the case of a man whom I am proud here and elsewhere to call my friend—the editor of the "National Era." This gentleman in a card published in the "National Intelligencer" of this day declares—

> A paper is now, been circulated that the editor of the National Era was on several occasions, on the recent attempt of a number of slaves to escape on the brig Pearl, in company with and encouraging the flight and himself, encouraging the conveyance of said slaves. Without intending to assail no more than a mere conviction with the slaveholding interest, I am willing to say, once for all, that I am not, and never have been, in any way, directly or indirectly, connected with any movement for the escape of slaves, or with any movement having that object in view, and that I am entirely innocent of the charge of inducing slaves to escape from their masters. I am opposed to slavery as a violation of the natural rights of man, as a sin against God, and as a crime against the country, but I am opposed to it in the spirit of peace, and by the use of those means only which are sanctioned by the principles of the Gospel of Christ.

The position which he has taken is thus laid down in the first number of his paper, and he republishes it in his card:

> "Believing that the extinction of slavery can be effected in accordance with constitutional and legal principles, and that the existence of unconstitutional and illegal measures will but retard its progress, we cannot work with anti-constitutionalists. We cannot encourage disunion at the North, even if we could persuade ourselves that the dissolution of the present Union would be the best means of overthrowing slavery. We shall therefore, as we have heretofore, refuse to encourage the spirit and measures of disunion. We shall labor to secure the abolition of slavery by appeals addressed to the conscience, kindness, and intelligence of the people.
>
> "In Congress we shall support all measures calculated to limit the area of slavery, to prevent the admission of new slave States into the Union, to abolish the internal slave trade, and to abolish slavery in the District of Columbia, whenever a majority of the citizens of the District petition for it. We shall oppose the admission of any more slave States into the Union, even if Texas should come in as a condition of her admission. We shall oppose the extension of the area of slavery in any way, and shall favor the abolition of slavery in the District of Columbia, whenever a majority of the citizens of the District petition for it. We shall oppose the admission of any more slave States into the Union, even if Texas should come in as a condition of her admission. We shall oppose the extension of the area of slavery in any way, and shall favor the abolition of slavery in the District of Columbia, whenever a majority of the citizens of the District petition for it.
>
> "

in the recent transaction which has excited so much feeling, neither myself nor any person connected with me had any share whatever; that the transaction in fact became known to me only through the general report.

"I write this to disabuse the public mind, so that those who do not personally know me may not be imposed upon by any misapprehension of my position. Certainly I feel a great repugnance to being assailed for what I have never done or dreamed of; but if illegal violence be inflicted upon me for writing and printing freely about slavery or any other subject which I may on an American citizen's rights, she will suffer the truth, in the confident hope that when passion and prejudice shall have been dispelled justice will be done to my character. But I will not suppose that they who are rejoicing in the enfranchisement of the press in Paris, will themselves put fetters upon the press in Washington."

Mr. CALHOUN.—(in his seat.)—Does he make any denunciation of the robbery?

Mr. HALE.—He had quite enough to do in defending himself, and it was no part of his duty to denounce others.

Mr. CALHOUN, (in his seat.)—I understand that!

Mr. HALE.—I appeal to the sense of justice of the Senate, and ask what justification there can be for assailing the character and property of a man who knew no more of this occurrence than any of its members? I appeal to the honorable Senator who spoke so eloquently of the high and chivalric ideas of right which are entertained in his section of the country—

Mr. FOOTE.—I ask the Senator—and beg to remind him that twenty millions of people are listening to his answer—in the circumstances of the case, evidently known to him, does he suppose that this occurrence could have taken place without extensive, countenance and aid from men of standing in this District, whether members of Congress or others?

Mr. HALE.—I have no doubt that those persons could not have got away without some aid. It is enough that I have disclaimed all knowledge of it. I thought that when the honorable Senator was speaking more than twenty millions of people were listening. He invites me to visit the State of Mississippi, and kindly informs me that he would be one of those who would act the assassin, and put an end to my career. He would aid in bringing me to public execution—no, death by a mob. Well, in return for his hospitable invitation, I can only express the desire that he would penetrate into some of the dark corners of New Hampshire, and if he do, I am much mistaken if he would not find that the people in that benighted region would be very happy to listen to his arguments, and engage in an intellectual conflict with him in which the truth might be elicited. I think, however, that the announcement which the honorable Senator has made on this floor of the fate which awaits so humble an individual as myself in the State of Mississippi, must convince every one of the propriety of the high eulogium which he pronounced upon her the other day, when he spoke of the high position which she occupied among the States of this confederacy. But enough of this personal matter.

I think, if I did not misunderstand the honorable Senator from South Carolina, that he is surprised at the temerity of the Senator from New Hampshire in introducing this bill. Let me ask, what is this bill? What is this incendiary bill that has elicited such a torrent of invective? Has it been manufactured by some "fanatical abolitionist?" Why, it is copied, almost word for word, from a law on the statute-book which has been in operation for years, in the neighboring State of Maryland. It has no allusion, directly or indirectly, to the subject of slavery. Yet I am accused of throwing it in as a firebrand, and in order to make war upon the institutions of the South!—How? In God's name, is it come to this, that in the American Senate, and in the year of grace, one thousand, eight hundred and forty-eight, the rights of property cannot be named, but the advocates of slavery are in arms, and exclaim that war is made upon their institutions, because it is attempted to cast the protection of the law around the property of an American citizen, who appeals to an American Senate! It has long been held by you that your peculiar institution is incompatible with the right of speech; but if it be also incompatible with the safeguards of the constitution being thrown around property of American citizens, let the country know it! If that is to be the principle of your action, let it be proclaimed throughout the length and breadth of the land, that there is no institution so omnipotent—so almighty—that even the sacred rights of life and property must bow down before it!

Do not let it be said that I have introduced this subject. I have simply asked that the plainest provisions of the common law—the clearest dictates of justice—shall be extended and exercised for the protection of the property of citizens of this District; and, yet, the honorable Senator from South Carolina is shocked at my temerity!

Mr. BUTLER.—Allow me to ask one question with perfect good temper. The Senator is discussing the subject with some feeling; but I ask him whether he would vote for a bill, properly drawn, inflicting punishment on persons inveigling slaves from the District of Columbia?

Mr. HALE.—Certainly not, and why? Because I do not believe that slavery should exist here.

Mr. CALHOUN.—(In his seat,)—He wishes to arm the robbers, and disarm the people of the District.

Mr. HALE.—The honorable Senator is alarmed at my temerity,—

Mr. CALHOUN.—(In his seat,)—I did not use the word, but did not think it worth while to correct the Senator.

Mr. HALE.—The Senator did not use that term?

Mr. CALHOUN.—No. I said brazen or something like that.

Mr. HALE.—The meaning was the same. It was brazen then! that I should introduce a bill for the protection of property in this District—a bill perfectly harmless, but which he has construed into an attack upon the institutions of the South.—I ask the Senator and the country wherein consists the temerity? I suppose it consists in the section of the country from which it comes. He says that we seem to think that the South has lost all feeling. Ah! There is the temerity. The bill comes from the wrong side of a certain parallel! Why, did the honorable Senator from South Carolina imagine that we of the North, with our faces bowed down to the earth, and with our backs to the sun, had received the lash so long that we dared not look up? Did he suppose that we dared not ask that the protection of the law should be thrown around property in the District to which we come to legislate?

I desire no war upon the institution of slavery in the sense in which the Senator understands the term. I will never be a party to any encroachments upon rights guaranteed by the constitution and the law—not at all. I wish no war but a war of reason—of persuasion—of argument; a war that should look to convincing the understanding, subduing the affections and moving the sympathies of the heart. That is the only war in which I would engage. But it is said that the time has come—that the crisis has come, and that the South must meet it. In all candor and honesty, then, let me say, that there could not be a better platform on which to meet the question, than that presented by the principles of this bill. There could not be a better occasion than this to appeal to the country. Let the toesin sound. Let the word go forth. Let the free North be told that their craven representatives on the floor of the Senate, are not at liberty even to claim the protection of the rights of property! The right of speech was sacrificed long ago. But now is it to be proclaimed, that we cannot even introduce a bill looking to the execution of the plainest provisions of the constitution, and the clearest principles of justice for the protection of personal rights, because gentlemen choose to construe it into an attack upon that particular institution?

I ask again, what is it that has produced this strife, called up these denunciations, excited all this invective which has been poured upon me as if I were guilty of all the crimes in the decalogue? I call upon the Senate and the country to take notice of it. I ask, on what do gentlemen of the South rely for the protection of any institutions on which they place any value? It will be answered upon the constitution and the law. Well, then, if the safe guards of the constitution are rendered inadequate to the protection of one species of property, how can it be supposed that there will be protection for any? It is because I desire to maintain in all their strength and utility, the safe guards of the constitution, that I have introduced this bill for the protection of property in this District. And here let me tell the Senator from Alabama, that he will have my full co-operation in any measure to prevent kidnapping. I shall expect him to redeem his pledge. Again; I am shocked to hear the honorable Senator from South Carolina denounce this bill as a measure calculated to rebuke those citizens from the expression of their just indignation.

Mr. CALHOUN.—If the Senator will allow me, I will explain. I said no such thing. But I will take this occasion to say that I would put as soon argue with a maniac from bedlam, as with the Senator from New Hampshire, on this subject.

SEVERAL SENATORS.—"Order—order."

Mr. CALHOUN.—I do not intend to correct his statements.—A man who says that the people of this District have no right in their slaves; and that it is no robbery to take their property from them, is not entitled to be regarded as in possession of his reason.

Mr. HALE.—It is an extremely novel mode of terminating a controversy by charitably throwing the mantle of maniacal irresponsibility over one's antagonist! But the honorable Senator puts words into my mouth which I never used. I did not say that the owners had no property in their slaves. I said that the institution exists, but I have not given any opinion upon the point to which the Senator has alluded. I have never said anything from which the sentiment which he imputes to me could be inferred. It does not become me. I know, to measure arms with the honorable Senator from South Carolina, more particularly since he has been so magnanimous as to give notice that he will not condescend to argue with me. But there is more than one man in this country, who has, whether justly or unjustly, long since arrived at the conclusion, that if I am a maniac, on the subject of slavery, I am not a monomaniac, for I am not alone in my madness. But, sir, I am not responsible here or elsewhere for the excitement that has followed the introduction of this subject. I intended simply to give notice of a bill calculated to meet the exigency. The honorable Senator from Florida calls upon me for proof of the necessity of this legislation, and says that no violence has been committed in this District. I don't know what he calls violence.

Mr. WESTCOTT.—There has been no violence except the running away with some negroes.

Mr. HALE.—Well, I believe that some hundreds of individuals assembled in front of a printing office in this city, and assailed the building with missiles, obliging the persons engaged in their usual employment to abandon their legal occupation. If that does not come up to the gentleman's definition of violence, I do not know

what does. I was desirous of introducing this subject without an appeal to any matters whose might be supposed to be behind. I believe that these matters have nothing to do with the subject under consideration. But other gentlemen have chosen to give this subject a different direction. Now, in the bill which I have had the honor to introduce, the provisions are almost identical with the law which has been in existence in many of the States, and is now on the statute book of Maryland. To its enactment here, exception has been taken, and I am quite willing that the country should know the grounds on which opposition is made. If the subject be painful it has not been made so by me. As to the threats which have been made of bloodshed and assassination, I can only say that there have been sacrifices already, and there may be other victims, until the minds of all shall be awakened to the conviction that the constitution was made as well for the preservation of the freedom of discussion, as for the protection of the slave owner.

Mr. WESTCOTT.—I should like to know of the Senator from New Hampshire if he can say, that any non-slaveholding State in this Union has passed a law by which, in case of the abduction of a slave by an abolition mob, the county or town is to be made responsible for the act.

Mr. HALE.—I do not know, sir.

Mr. WESTCOTT.—It is time enough then, when such a law is passed to protect the property of slave-owners, to talk of a law to indemnify for the destruction of property of abolition incendiaries.

Mr. FOOTE.—The Senator seems to suppose that I wished to decoy him to the State of Mississippi. I have attempted no such thing. I have thought of no such thing. I have openly challenged him to present himself there or any where uttering such language and breathing such an incendiary spirit as he has manifested in this body, and I have said that just punishment would be inflicted upon him for his enormous criminality. I have said farther that if necessary, I would aid in the infliction of the punishment. My opinion is, that enlightened men would sanction that punishment. But says the Senator that would be assassination! I think not. I am sure that the Senator is an enemy to the constitution of his country—an enemy of one of the institutions of his country which is solemnly guaranteed by the organic law of the land—and in so far he is a lawless person. I am sure, if he would go the State of Mississippi or any other slave State of this confederacy and utter such language, he would justly be regarded as an incendiary in heart and in fact, and as such, guilty of the attempt to involve the South in bloodshed, violence and desolation, and if the arm of the law happened to be too short, or the spirit of the law to be slumberous, I have declared that the duty of the people whose rights were thus put in danger would be, to inflict summary punishment upon the offender. But, says the Senator, victims have been made and there are other victims ready. I am sure that he could not persuade me that he would ever be a victim. I have never deplored the death of such victims and I never shall deplore it. Such officious intermeddling deserved its fate. I believe no good man who is not a maniac, as the Senator from New Hampshire is apprehended to be, can have any sympathy for those who lawlessly interfere with the rights of others. He, however, will never be a victim! He is one of those petty desperadoes—a windy speaker—a——

Mr. CRITTENDEN.—If the gentlemen will allow me, I rise to a question of order. Good breeding ought to be observed, and I hear on all sides language that is not becoming. I call the gentleman to order for his personal reference to the Senator from New Hampshire.

Mr. FOOTE.—I only said in reply to the remarks of the Senator from New Hampshire ——

Mr. CRITTENDEN.—I did not hear what the Senator from New Hampshire said, but the allusion of the gentleman from Mississippi, I consider to be contrary to the rules of the Senate.

Mr. FOOTE.—I am aware of that. But such a scene has never occurred in the Senate—such a deadly attempt on the rights of the country.

Mr. JOHNSON, of Maryland.—Has the chair decided?

Mr. FOOTE.—Let my words be taken down.

The PRESIDING OFFICER. In the opinion of the Chair the gentleman from Mississippi is not in order.

Mr. FOOTE.—What portion of my remarks is not in order?

The PRESIDING OFFICER. The Secretary will state that the question of order is not debateable.

Mr. WESTCOTT.—I ask whether the words objected to are not, according to the rule, to be reduced to writing?

Mr. FOOTE.—I pass it over. But the Senator from New Hampshire has said, that if I would visit that State, I would be treated to an argument. Why I would not argue with him! What right have they of New Hampshire to argue upon this point? It is not a matter with which they stand in the least connected. They have no rights of property of this description, and I rejoice to be able to say, that a large proportion of the intelligent and patriotic people of New Hampshire, do not concur in the views expressed by the Senator this morning. They take the ground that the people of the United States, the constitution and the Union, have guaranteed the rights of the South, connected with this property, and that the people of New Hampshire have no right at all to meddle with the subject. Why is it not a fact, that gentlemen, members of this body, amongst them the distinguished Senator from Massachusetts, whom I regret not to see in his place, are known to be more or less hostile to the institutions of domestic slavery, but have never entertained the doctrine, that the Congress of the United States, has any jurisdiction whatever, over the subject? They have held that any attempt directly or indirectly, to effect abolition or to encourage abolition by congressional legislation is at war with the spirit and letter of the constitution.

Mr. HALE.—Will the Senator allow me to inquire if he can point out a single instance, in which I have made any aggression upon the rights of property in the South?

Mr. FOOTE.—That is the very thing I am about to show. When the Senator from New Hampshire undertakes to assert that those northern man who do not concur with him are "cravens," he uses language of false and scurrilous import. It is not the fact that his language will be re-echoed in any respectable neighborhood in New England. His sentiments will find no response or approval in any enlightened vicinage in New England, and therefore he has no right to say that those who are faithful to the principles of the constitution and fail to re-echo the fierce, fanatical, and factious declarations of the Senator are "cravens" in heart, and deficient in any of the noble sentiments which characterize high spirited republicans.

Mr. HALE.—I did not use such language.

Mr. FOOTE.—Did the Senator not use the word "craven"?

Mr. HALE.—If the Senator will allow me, I will inform him that when the Senator from South Carolina remarked that he supposed it was thought that the South had lost all feeling, I replied by asking if it was supposed that the North had no sensibility, that we had bowed our faces to the earth with our backs to the sun and submitted to the lash so long that we dare not look up?

Mr. FOOTE.—The declarations of the Senator from New Hampshire just amount to this, that if he met me on the highway and addressing me gravely or humorously—for he is quite a humorous personage—should say I design to take that horse which is now in your possession, and then announce that he wished to enter into an argument with me as to whether I should prefer that the animal should be stolen from the stable or taken from me on the road. How could I meet such a proposition? Why I should say to him, either you are a maniac, or, if sane, you are a knave. And yet this very case is now before us. The Senator from New Hampshire introduces a bill obviously intended to rob the people of the District of their slaves. I will read it and show that such is the import of the bill. I do not know any thing about the paper to which reference has been made. It has been sent to me as to other Senators during the winter, but I always refrain from opening it. The editor of it may be an intelligent man. I have heard that he is. He is certainly an abolitionist. It may be that he has not in his paper openly avowed, as the Senator from New Hampshire seems very plainly to indicate, that he has approved of this late attempt to steal the slaves from this District. But the publication of such a paper has tended to encourage such movements.

Mr. HALE.—When did I avow that I approved of this movement?

Mr. FOOTE.—I will shew it from this bill. I challenge the Senator to produce any such statute from the statute-book of any State of this Union.

Mr HALE.—I have said that the bill is in substance identical with one of the statutes of the State of Maryland. I have that statute before me and will hand it to the Senator.

Mr. JOHNSON, of Maryland.—Allow me to see it.

Mr. FOOTE.—How are we to understand the Senator. He will not acknowledge that his object is to encourage such conduct, and he shuns the responsibility. When we charge upon him, that he himself has breathed in the course of his harangue of this morning the same spirit which has characterized this act, he says most mildly and quietly, "by no means—I have only attempted to introduce a bill correspondingly substantially with the law on the statute-books of most of the States of this confederacy." And the Senator supposes that all of us are perfectly demented, or do not know the nature of the case, the circumstances, or the motives which have actuated the Senator. Will he undertake to assert, that he would have ever thought of such a bill if these slaves had not been abducted from the District, in opposition to the consent of their owners, by the parties engaged in this marauding expedition? He cannot deny it; and, therefore, I am authorized to come to the conclusion, that he introduced the bill for the purpose of covering and protecting that act and encouraging similar acts in future. What is the phraseology of the bill? (The honorable Senator here read the bill.) Who doubts now that the object of the Senator from New Hampshire was to secure the captain of vessels and others engaged in any attempts by violence to capture and steal the slaves of this District? No man can doubt it. Then, I ask, have I used language too harsh, and is it not a fact, that the Senator is endeavoring to evade a responsibility which he is not willing to acknowledge?

Mr. HALE.—Will the Senator give way for a moment? I will read an extract from the law of Maryland to which I re-

ferred. Will the Senator be good enough to look at my bill while I read?

An act relating to riots

SEC. 1—Be it enacted by the General Assembly of Maryland, That from and after the passage of this act, if any country or incorporated town, or city of this State, any church, chapel or convent, any dwelling house, any house used or designed by any person or any body politic, or corporate, as a place for the transaction of business, or deposite of property, any ship, ship yard or lumber yard, any barn, stable or other out-house, or any articles of personal property, shall be injured or destroyed, or if any property thereon or thereon shall be taken away, injured, or destroyed, by any riotous or tumultuous assemblage of people, the full amount of the damage shall be recovered able by the sufferer or sufferers, by suit at law against the county, town or city, within whose jurisdiction such riot or tumult occurred. [Provided, however, that no such liability shall be incurred by such county, incorporated town, or city, unless the authorities thereof shall have had good reason to believe that such riot or tumultuous assemblage was about to take place, or having taken place, should have had notice of the same in time to prevent said injury or destruction, either by the mob police or with the aid of the citizens of such county, town, or city, it being the intention of this act, that no such liability shall be devolved on such county, town, or city, unless the authorities thereof having notice, have also the ability of themselves, or with their own citizens, to prevent said injury: Provided further, that in no case shall indemnity be received where it shall be satisfactorily proved that the civil authorities and citizens of said county, town, or city, when called on by the civil authorities thereof, have used all reasonable diligence, and all the powers entrusted to them for the prevention or suppression of such riotous or unlawful assemblies.]

SEC. 2—And be it enacted, That in any suit instituted under this act, the plaintiff or plaintiff-may declare generally, and give the special matter in evidence.

The honorable Senator will surely now do me the justice to say, that the bill was not drafted with reference to any particular case, such as that to which he refers. I had not the remotest reference to the protection of individuals concerned in transactions of that character; but if I should undertake to say, that I had not reference to demonstrations growing out of that transaction, I should be saying what was false, for it was these demonstrations which induced me to introduce the bill.

Mr. FOOTE.—In one breath the Senator makes two directly contradictory assertions. He says that he did not draw the bill in reference to this case, and in the same breath declares that he did! He disclaims in one moment that which he avows in the next! I am sorry that I have occupied the attention of the Senate so long. I have felt deeply on this subject. We have witnessed this morning the first attempt on this floor to violate the constitutional rights of the South, and I hope it will be the last. I trust that the indignation of the country will be so aroused, that even in the quarter of the country from which he comes, the Senator from New Hampshire, although he seems to be not very approachable, will be made to feel ashamed of his conduct.

Mr. MANGUM.—It has been now about fourteen years, I believe, since the Senate very wisely by the concurrence of the ablest and most distinguished men on both sides, came to the resolution to exclude discussion upon the inflaming topic of slavery; and that when abolition petitions were presented, upon the question of reception, a motion should be entertained—which motion is not debatable—and the vote taken upon it, to lay the motion for reception upon the table. There has been ever since this rule was established, a steady and uniform adherence to it, but I am sorry to perceive that there is latterly a disposition manifesting itself to depart from the salutary rule of action which the Senate thus wisely prescribed for itself. Upon this question of slavery we know there are different opinions entertained in different quarters of the Union. I stand here representing the interests of one portion of that Union, but I could not, if I would, bring myself to a state of excitement and alarm in consequence of any menaces that might be thrown out. I stand upon the constitutional compromises; and while I would not invade the rights of others, I am very sure that the sound portion of the community will not invade our rights. Why should we pursue this discussion? Is it believed that we are to be reasoned out of our rights? Are we to be reasoned out of our convictions? No, sir. Then why discuss the subject? Why not stand upon our rights; upon our constitutional compromises? Why not stand thus perfectly passionless, but prepared to defend them when they shall be assailed? But are they to be assailed? Sir, nothing has occurred during this session that has afforded me more satisfaction than to hear from some of the ablest and most distinguished men in this Union, the declaration that while they are opposed to an extension of the area of slavery, they are not disposed to trample upon the compromises of the constitution. This is our strength. It is to be found in the patriotism of those who love the institutions of our country better than party. I believe the great body of the people are prepared to stand upon the compromises of the constitution. It is upon this ground that I stand content and passionless, and if I know myself I shall ever continue to do so.

Sir, no good can result from this discussion. I shall vote against the reception of the bill at this time. And why? Because I think that the occasion which is selected for its introduction is a very unhappy one. It seems to grow out of the occurrence of an unwarrantable trespass, recently committed upon the rights of the citizens of this District, without being directed to the prevention of such aggressions in future, but on the contrary, having for its object the suppression of the manifestations of the feelings of indignation which such acts naturally create. We, who are the only legislators for the District of Columbia, are not informed of their wants and wishes in regard to legislation upon this subject. If the people of this District require any other laws than they already have, for the purpose of protecting their property against unlawful violence, let them indicate to us their wishes; and I shall be ready to lend a willing ear to their request, and to aid in passing such a law as in my judgment may be necessary for their protection. If on the other hand, the citizens of this District, should require other and more penal laws for the purpose of protecting their slave property, I shall be as ready to vote for a bill for that purpose. But I shall never vote for the one nor the other, when I find them pressed forward by gentlemen of extreme opinions—gentlemen from remote portions of the Union, having few feelings in common with the citizens of the District.

Sir, upon these subjects I am accustomed to look to the silent operation of the law for the protection of all our rights. In the State from which I came there is no excitement in regard to these subjects. If I know any thing of the character of that loyal, steady, fixed, and moderate State, there is no State in the Union which will hold to her principles and her rights with more firmness than that State. But we appeal to the silent operation of the law; we know nothing of mob law, or of Lynch law; we know nothing of excesses of this description. Although I have lived to be an old man, most of the time in North Carolina, I have never seen any thing in that State approximating even to a spirit of popular tumult.

Mr. FOOTE.—Will the honorable Senator allow me to ask him whether in the case of a conspiracy to excite insurrection among the slaves, it would not in his opinion justify mob proceedings?

Mr. MANGUM.—Oh! my dear Sir, in former years we had a compendious mode of disposing of such cases. We have now a mode equally certain, though not so compendious. Upon a matter of that nature, we take a strong ground. But I am not to be driven hastily into legislation that is proposed by gentlemen who entertain extreme opinions on either side. I am accustomed to look to the people of the District for an exposition of their wants in regard to legislation. They necessarily understand them better than we can do. Upon their suggestion I am prepared to act either in providing penal enactments for the protection of their slave property, or for protecting other descriptions of property from mob violence. I do not intend to enter into the question as to the propriety of making property holders, to some extent, answerable for any damage that may accrue from such violence, where they have a police in existence. I understand that in Maryland, they have such a law applicable to towns and cities where they have a police. But entertaining the views I do, believing that this movement is wholly inexpedient on this occasion—having no evidence that it would be proper on any occasion, but perceiving that the proposed measure has grown out of excitement, I move that the motion for leave to introduce the bill lie upon the table, and upon that question I ask for the yeas and nays.

Mr. CALHOUN.—Will the Senator be good enough to withdraw that motion for a moment?

Mr. MANGUM.—Certainly.

Mr. CALHOUN.—If there is any responsibility in regard to this question, that responsibility is on me.

Mr. MANGUM.—No, sir, I do not take it so. I feel that the responsibility is upon the inopportune presentment of a bill of this sort, so soon after the transactions which have recently taken place in the District. That is my notion. I think the responsibility is upon the introducing of such a measure, at a time when excitement exists all around us.

Mr. CALHOUN.—I am very happy to hear that such is the opinion of the honorable Senator; but I disagree with my worthy friend, the Senator from North Carolina, in several particulars. I do not look upon a state of excitement as a dangerous state. On the contrary, I look upon it as having often a most wholesome tendency. The state to be apprehended as dangerous in any community is this; that when there is a great and growing evil in existence, the community should be in a cold and apathetic state. Nations are much more apt to perish in consequence of such a state, than through the existence of heat and excitement. Nor do I agree with the Senator from North Carolina, in thinking that this is an analagous case to that of the question as to the reception of petitions on the subject of slavery; for we all know that in reference to the latter the question was whether the Senate was not bound to receive petitions in all cases and all subjects. Now here is a case in which there is no doubt whatever. All admit that the question of granting leave, is a question depending upon the voice of the Senate as a matter of discretion—there is no question of right whatever. Now, I submit to the Senator from North Carolina, whether under the circumstances of a bill of this kind, introduced at such a moment, to subject the worthy citizens of this District to a high penalty without containing a single clause for the punishment of those who commit outrages upon them, and deprive them of their property—without a single expression against such marauders, must not be considered a most extraordinary measure, let it come from whatsoever quarter it may? Can any man doubt, that whether intended or not, the object of this bill is to disarm the worthy citizens of this District so as to prevent them from defending their property, and to arm the robbers? That is the whole amount of it. The Congress of this Union is the legislature of the District of Columbia; and what is our duty on this occasion? It is to protect these our constituents, who have no other protection but ours. It is our duty to stand forward in their behalf when the extraordinary spectacle is presented

to us, of a vessel coming to our wharves, under the color of commerce, and of the men belonging to that vessel silently seducing away our slaves, and getting nearly a hundred of them on board, and then moving off with them under cover of the night, in order to convey them beyond our reach. What is our duty under these circumstances? Is it not to take up the subject, as I trust the Committee on the Judiciary will do, and pass a bill containing the highest penalties known to the law, against pirates who are guilty of acts like these?

I differ also from my honorable friend from North Carolina, in this respect. He seems to think that the proper mode of meeting this great question of difference between the two sections of the Union is to let it go on silently, not to notice it at all, to have no excitement about it. I differ from him altogether. I have examined this subject certainly with as much care as my abilities would enable me, and if I am not greatly deceived, if I have any capacity to perceive what is coming, I give it as my most deliberate opinion, that if such course is pursued on our part, and the activity of those philanthropists on the other side be permitted to go on, the result of the whole will be, that we shall have St. Domingo over again. Yes, and worse than that. Now, sir, we have been asleep, and so far from the thing being stationary, it is advancing rapidly from year to year. What has taken place within the last few weeks in the Legislature of New York? There was provision in the constitution protective of the rights of the south on this subject, and what was it? That the States shall deliver up fugitive slaves that are found within their limits. It is a stipulation in the nature of an extradition treaty—I mean a treaty for delivering up fugitives from justice. Now, what duty does this impose upon the States of this Union? It imposes upon them, upon the known principles of the law of nations, an active co-operation on the part of their legislature, citizens and magistrates in seizing and delivering up slaves who have escaped from their owners. What has been done by the Legislature of the State of New York? I speak on the statements of newspapers which have not been contradicted. They have passed a law almost unanimously, there being but two votes against it—making it penal for a citizen of that State even to aid the federal officers in seizing and delivering up slaves. They not only do not co-operate, they not only do not stand neutral, but they take positive and active measures to violate the constitution and to trample upon the laws of the Union, and yet we are told that things are going on very well and will go on well if we only let them alone; that the evil will cure itself. This is what has been done in the State of New York. The only stipulation in the constitution which confers any benefit upon us, is, without the least regard to faith, trodden in the dust. And New York stands not alone in this matter; many other States have adopted similar measures. Pennsylvania, at the session before last, adopted one, not going to this extreme, but not falling greatly short of it. And what has taken place under that law? A most worthy citizen of Maryland, upon his attempting to recapture his slave, is murdered—that is the proper term—and the perpetration of the act goes in a great measure unpunished. There was a trial and some one may have been found guilty, but little was done. I could go on and consume the whole day in tracing, step by step, the course by which every stipulation in favor of this description of property has been set at nought in the northern States. Now, if all these are the fact, I put it gravely and solemnly to our brethren of the northern States, can this thing go on? Is it desirable that it should be passed without condemnation? Is it desirable that the South should be kept ignorant of all this? I put these questions. No, no. The very inaction of the South is construed into one of two things—indifference or timidity. And it is this construction which has produced this bold and rapid movement towards the ultimate consummation of all this. And why have we stood and done nothing? I will tell you why. Because the press of this Union, for some reason or other, does not choose to notice this thing. One section does not know what the other section is doing. The South does not know the hundredth part of all that has been done at the North. Now, since this occurrence has taken place, a suitable occasion is presented for gentlemen to rise here and tell the whole Union what is doing. It is for the interest of the North as well as the South. I do not stand here as a southern man—I stand here as a member of one of the branches of the legislature of the Union, doing the whole, and desiring to save the whole. How are you to do it? It can be saved only by justice, and how is justice to be done? By the fulfilment of the stipulations of the constitution. I ask no more—as I know myself. I would not ask a particle that did not belong to us, either in our individual or confederated character. But less than that I never will take. Sir, I hold equality among the confederated states to be the highest point, and any portion of the confederated states who shall permit themselves to sink to a point of inferiority—not defending what really belongs to them, as members, sign their own death warrant, and in signing that, sign the doom of the whole. Upon the just maintainence of our rights—not only our safety depends, but the existence and safety of this glorious Union of ours. And I hold that man responsible, and that state responsible, who do not raise a voice against every known and clear infraction of the stipulations of the constitution in their favor. This is a proper occasion, and I hope there will be a full expression of opinion upon it. I hope my friend from North Carolina will reconsider his motion, and not press it. Let us meet this question at once.

Mr. DOUGLAS.—I have listened to this debate with a good deal of interest. But while I have seen considerable excitement exhibited on the part of a few gentlemen around me, I confess that I have not been able to work myself into any thing like a passion. I think that probably the Senator from New Hampshire has done much to accomplish his object. His bill is a very harmless thing in itself; but being brought forward at this time and under the present circumstances, it has created a good deal of excitement among gentlemen on this side of the chamber.

Mr. CALHOUN, (in his seat.)—Not the bill—the occurrence.

Mr. DOUGLAS.—On the occurrence I desire to say a word. In the first place, I must congratulate the Senator from New Hampshire on the great triumph which he has achieved. He stands very prominently before the American people, and is, I believe, the only man who has a rational nomination for the Presidency. I firmly believe that on this floor to-day, by the aid of the Senator from South Carolina, and the Senators from Mississippi, he has more than doubled his vote at the presidential election, and every man in this chamber from a free State knows it! I looked on with amazement for a time, to see whether there could be an understanding between the Senator from New Hampshire and his southern friends, calculated to give him encouragement, strength and power in the contest. But I know that those distinguished Senators from the South, to whom I have referred, are incapable of such an undertaking, yet I tell them that if they had gone into a caucus with the Senator from New Hampshire, and after a night's study and deliberation had devised the best means to manufacture abolitionism and abolition votes in the north, they would have fallen upon precisely the same kind of procedure which they have adopted to-day. A few such exciting scenes sufficed to send that Senator here. I mean no disrespect to him personally, but I say with his sentiments, with his principles, he could never have represented a free State of this Union on this floor but for the aid of southern speeches. It is the speeches of southern men, representing their States going to an extreme; breathing a fanaticism as wild and as reckless as that of the Senator from New Hampshire, which creates abolitionism in the north. The extremes meet. It is no other than southern Senators acting in concert, and yet without design, that produces abolition.

Mr. CALHOUN.—Does the gentleman pretend to say, that myself and southern gentlemen who act with me upon this occasion, are fanatics? Have we done any thing more than defend our rights, encroached upon at the north? Am I to understand the Senator that we make abolition votes by defending our rights? If so, I thank him for the information, and do not care how many such votes we make.

Mr. DOUGLAS.—Well, I will say to the Senator from South Carolina, and every other Senator from the South, that far be it from me to entertain the thought, that they design to create abolitionists in the North, or elsewhere. Far be it from me to impute any such design! Yet I assert that such is the only inevitable effect of their conduct.

Mr. CALHOUN.—(in his seat.)—We are only defending ourselves.

Mr. DOUGLAS.—No they are not defending themselves!—They suffer themselves to become excited upon this question—to discuss it with a degree of heat and give it an importance, which makes it heard and felt throughout the Union. It is thus that abolition derives its vitality. My friend from Mississippi, [Mr. FOOTE,] in his zeal and excitement this morning, made a remark in the invitation which he extended to the Senator from New Hampshire to visit Mississippi, which is worth ten thousand votes to the Senator, and I am confident that that Senator would not allow my friend to retract that remark for ten thousand votes!

Mr. FOOTE.—Will you allow me?

Mr. DOUGLAS.—Certainly.

Mr. FOOTE.—If the effect of that remark will be to give to that Senator all the abolition votes, he is fairly entitled to them. Had the Senator from Illinois lived where I have resided—had he seen insurrection exhibiting its fiery front in the midst of the men, women, and children of the community—had he had reason to believe that the machinery of insurrection was at such a time in readiness for purposes of the most deadly character, involving life, and that dearer than life, to every southern man—had he witnessed such scenes, and believed that movements like that of this morning were calculated to engender feelings out of which were to arise fire, blood, and desolation, the destruction finally of the South, he would regard himself as a traitor to the best sentiments of the human heart, if he did not speak out the language of manly denunciation. I can use no other language. I cannot but repeat my conviction, that any man who dares to utter such sentiments as those of the Senator from New Hampshire, and attempts to act them out any where in the sunny South, will meet death upon the scaffold, and deserves it!

Mr. DOUGLAS.—I must again congratulate the Senator from New Hampshire on the accession of five thousand votes! Sir, I do not blame the Senator from Mississippi for being indignant at any man from any portion of this Union, who would produce an incendiary excitement—who would kindle the flame of civil war—who would incite a negro insurrection hazarding the life of any man in the southern States. The Senator has, I am aware, reason to feel deeply on this subject. But I am not altogether unacquainted with the peculiar circumstances of the sections of the

country to which he has alluded. I have lived a good portion of my life upon the immediate borders of a slave State. I have seen the operation of such excitements as those of which he speaks, upon both sides of the line. I can well appreciate the excited feeling with which gentlemen in the South must regard any agitating movement to get up insurrections amongst their negro servants.

Mr. DAVIS, of Mississippi.—I do not wish to be considered as participating in the feeling to which the Senator alludes. I have no fear of insurrection, no more dread of our slaves than I have of our cattle. Our slaves are happy and contented. They bear the kindest relation that labor can sustain to capital. It is a paternal institution. They are rendered miserable only by the unwarrantable interference of those who know nothing about that with which they meddle. I rest this case on no fear of insurrection; and I wish it to be distinctly understood that we are able to take care of ourselves and to punish all incendiaries. It was the insult offered to the institutions which we have inherited that provoked my indignation.

Mr. FOOTE.—Will the honorable Senator allow me to make a remark?

Mr. DOUGLAS.—With a great deal of pleasure.

Mr. FOOTE.—If it be understood that I expressed any fear of insurrection which might grow out of this movement it is a mistake. I said that such an audacious movement as this could not be tamely submitted to without encouraging its authors to proceed; and in that, I think, all who have spoken on this side of the chamber concur.

Mr. DAVIS, of Mississippi.—I did not intend to imply that my colleague had taken any such course as that which I disclaimed. His ground was that which the peace and security of the South has justified, and which will, of necessity, be their position in future. When Dr. Johnson heard that a man, whose life had been a course of villainy, had committed suicide by hanging himself, he replied, "it was a right, that a life which had been uniformly oblique, should be terminated by a perpendicular."

Mr. DOUGLAS.—All that I intended to say was that the effect of this excitement—of all these harsh expressions, will be the creation of abolitionists at the North.

Mr. FOOTE.—The more the better!

Mr. DOUGLAS.—The gentleman may think so; but some of us at the North do not concur with him in that opinion. Of course the Senator from New Hampshire will agree with him, because he can fan the flame of excitement so as to advance his political prospects. And I can also well understand how some gentlemen at the South may quite complacently regard all this excitement, if they can persuade their constituents to believe that the institution of slavery rests upon their shoulders—that they are the men who meet the Goliah of the North in this great contest about abolition. It gives them strength at home. But we, of the North, who have no sympathy with abolitionists, desire no such excitement.

Mr. CALHOUN.—I must really object to the remarks of the Senator. We are merely defending our rights. Suppose that we defend them in strong language; have we not a right to do so?—Surely the Senator cannot mean to impute to us the motives of low ambition. He cannot realize our position. For myself, (and I presume I may speak for those who act with me,) we place this question upon high and exalted grounds. Long as he may have lived in the neighborhood of slaveholding States, he cannot have realized any thing on the subject. I must object entirely to his course, and say that it is at least as offensive as that of the Senator from New Hampshire.

Mr. FOOTE.—Will the Senator from Illinois allow me a word?

Mr. DOUGLAS.—In a moment. I am sorry that the honorable Senator regards my language as offensive as that of the Senator from New Hampshire. Will he allow me to remark, in the first place, that I did not suppose that I should ever be classed with the Senator from New Hampshire or the subject of slavery; and, in the next place, that I did not say anything disrespectful to the Senator from South Carolina, or any one associated with him on this question. I did not impugn his motives. I said explicitly that I did not regard him as being actuated by any but the purest motives. He felt indignant at the recent occurrences, and his indignation, I regarded as being natural and proper. We of the free States share in that indignation. But I said that the Senator from South Carolina, by the violent course pursued here, had contributed to the result which we deplored, and that abolitionism at the North was built up by southern denunciation and southern imprudence. I stated that there were men of the North who are ready to take advantage of that imprudent and denunciatory course and turn it to their own account, so as to make it revert upon the South. I announced in plain terms that truth—a truth which every man from the free States can fully realize—and, sir, I too feel upon this subject, inasmuch as I have never desired to enlist, and never shall enlist under the banners of either of the radical factions on this question. I have no sympathy for abolitionism on the one side, or that extreme course on the other, which is akin to abolitionism. We are not willing to be trodden down whilst you hazard nothing by your violence, which only builds up your adversary in the North. Nor does he hazard any thing; quite the contrary—for he will thus be enabled to keep concentrated upon himself the gaze of the abolitionists, who will regard him as the great champion of freedom who encounters the distinguished Senator from South Carolina and the Senator from Mississippi. He is to be upheld at the North because he is the champion of abolition; and you are to be upheld at the South, because you are the champions who meet him; so that it comes to this, that between those two ultra parties we, of the North who belong to neither, are thrust aside. Now, we stand up for all your constitutional rights, in which we will protect you to the last. We go for the punishment of burglary, stealing, and any other infringement of the laws of this District; and if these laws be not strong enough to prevent or punish those crimes, we will give to them the adequate strength. On the other hand, we go for enforcing the laws against mobs, and any destruction of property by them; and if the law be not strong enough to suppress them, we will strengthen it. But we protest against being made instruments—puppets—in this slavery excitement, which can operate only to your interest, and the building up of those who wish to put you down. I believe, sir, that in all this, I have spoken the sentiment of every Northern man, who is not an abolitionist. My object was to express my deep regret, that any such excitement should have grown out of the introduction of this bill.

Mr. FOOTE.—I had supposed that I had already sufficiently explained myself. No Southern man has ever introduced this question into the halls of legislation. Of this, the Senator must be well aware. If he knows an instance to the contrary, I should be extremely glad to be informed of it. The question is not now brought up by any movement of ours; it is forced upon us by the Senator from New Hampshire. The South has been silent, resting firmly, discreetly, and with dignity, upon her rights which are guaranteed to us by the constitution. It is only in defence of her acknowledged rights, that she undertakes to say anything. The Senator from New Hampshire has now introduced a bill which is calculated to produce mischief. Are we to remain silent?—or if we use language of just indignation are we to be charged with endeavoring to make ourselves popular in the South? Let me say to the Senator from Illinois, that this is a most ungenerous proposition. He says that no unworthy motives lie at the foundation of this measure. Why I can imagine no more unworthy motive than unprincipled demagogueism. I would scorn myself—if I could for a moment permit myself—to give countenance to anything so unworthy. I would say with all possible courtesy to the Senator from Illinois, for whom I entertain the highest respect, and whose general feelings of justice for us in the South, we all understand and appreciate, he will permit me to say to him, in a spirit of perfect courtesy—that there are various ways of becoming popular. Our constituents will have confidence in us, if they see we are ready here to maintain their interests inviolate. And it may be also, that the Senator from New Hampshire will strengthen himself in proportion as his conduct is denounced. But I beg the Senator from Illinois to recollect, that there is another mode of obtaining that popularity, which is expressed in the adage—"*In medio tutissimus ibis*," and that there is such a thing as winning golden opinions from all sorts of people, and it may be that a man of mature power—young and aspiring, as he may be to high places, may conceive that by keeping clear of all union with the the two leading factions; he will more or less strengthen himself with the great body of the American people, and thus attain the high point of elevation to which his ambition leads. But if the Senator from Illinois thinks that a middle course in regard to this question, is best calculated to serve his purpose, he is mistaken.

Mr. DOUGLAS.—The Senator has hit it precisely when he says that sometimes the course advised in the familiar adage which he has quoted, is, indeed, the course of duty and of wisdom. I do believe that upon this question, that is the only course which can "win golden opinions" from reflecting men throughout the country.

Mr. FOOTE, (in his seat.)—"Golden opinions from all sorts of people."

Mr. DOUGLAS.—In the North it is not expected that we should take the position that slavery is a positive good—a positive blessing. If we did assume such a position, it would be a very pertinent inquiry, why do you not adopt this institution? We have moulded our institution at the North as we have thought proper; and now we say to you of the South, if slavery be a blessing, it is your blessing; if it be a curse, it is your curse; enjoy it, on you rest all the responsibility! We are prepared to aid you in the maintenance of all your constitutional rights; and I apprehend that no man, South or North, has shown more consistently a disposition to do so than myself. From first to last, I have evinced that disposition. But my object was to inform the people of the South, how it is that gentlemen professing the sentiments of the Senator from New Hampshire, get here; how it is that they will see others coming here with similar sentiments, unless they reflect more calmly and coolly, and take a different course; and how this imprudent and violent course is calculated to crush us who oppose abolitionism. If any unpleasant feeling has been excited by these remarks of mine, I regret it. I know that it is not always pleasant to tell the truth plainly and boldly, when it comes home to an individual. But what I have said is the truth, and we all know it and feel it.

I think the introduction of this bill has been ill-timed. I doubt its expediency in any circumstances; but brought up at present, it is peculiarly calculated to produce unnecessary excitement; and I will never consent to the introduction of such a bill under the present circumstances. I am willing to instruct your committee to inquire whether any formal legislation be necessary for the purpose of suppressing kidnapping, mobs, rioting and violence in the District of Columbia. I am prepared to meet the responsibility of passing the most stringent laws against any illegal acts. That is my position.—My views in relation to this subject are well known. I have always supported by my vote the rule excluding abolition petitions. I voted with you of the South to sustain it. It was repealed against my vote. I was ready to stand by it as long as it was necessary for you protection. I will vote for any other measure necessary to protect your rights. But I claim the privilege of pointing out to you how you give strength and encouragment to the abolitionists of the North, by the imprudent expression of what I grant to be just indignation, and which you deem it to be necessary so to utter in self-defence.

Mr. HANNEGAN.—No man in this Senate can more sincerely regret than I do, the obtrusion of this most pernicious question into this body to-day. It has fallen upon us like a dark and withering simoon, as it always does when it enters the halls of legislation. My views and principles upon the subject have been expressed at different periods in both houses of Congress during the last fifteen years. They are entirely unchanged, and will, I presume, be carried by me unchanged to the grave.

I cannot fully coincide, in this instance, with my friend from Illinois, with whom on most occasions I am so happy to agree. I can never admit as a fact here, that the Senator from New Hampshire in agitating this question at this inopportune and most inauspicious moment, whatever may have been the course of others, has increased the number of his supporters among the enlightened people of this country. I do not think that the course which he has pursued this day, has been, in the slightest degree, calculated to advance his views—if he have any, and I do not say that he has—in relation to the Presidency. Neither do I impeach the motives of the honorable Senator in bringing forward this bill thus inopportunely. It is to be presumed that the bill has had its origin in that high-wrought state of feeling with which he has embarked in this cause, as in all others which he embraces. I will not for an instant suffer myself to suppose that any thing improper lurks beneath or behind this movement. Nor, on the other hand, do I find fault with the manner in which this movement has been met, on the part of gentlemen representing in this body the rights and interests of the people of the South. If they had failed to meet it and denounce it, they would have been recreant to their high trust—recreant to their most sacred obligations—recreant to the constitution of their country. Has there not been just cause of excitement in the breasts of those gentlemen? If the scene enacted in the last week, furnishes no justification for that excitement, I should like to know what could! Let us pause, Mr. President, for a moment and look at this case. A piratical vessel steals into your river, bearing the false colors of honorable commerce, anchors at your wharf, and receiving on board nearly one hundred of the domestics of this District, makes all sail to carry off its cargo of plunder! Was the South to sit in silence and without alarm, behold this audacious outrage? As well expect a man to fold his arms and remain unmoved, when the serpent which has crawled into his abode, uncoils itself upon his hearthstone, and its deadly hisses ring in the ears of his children! As well ask him to sit still and exhibit no excitement, as to call upon one-half of this Union to be unmoved in the circumstances which now surround us! Sir, had these gentlemen not manifested these feelings, they would, indeed, have been what the Senator from New Hampshire denominates those of the North who conscientiously sustain the solemn obligations imposed by that oath which you administered to support the constitution of the United States and all its guaranties—they would, indeed, have been in this case, craven, craven!" They would have been unworthy the companionship of MEN!

I have taken my stand on this question, and I shall maintain it at all hazards. I may see all my own political prospects withered before my eyes, in consequence of the course which I pursue on this question; but that consideration deters me not from the discharge of duty. If my constituents think proper to desert me on this occasion, still I shall not shrink. Let it be remembered, I look the storm in the eye, and I defy the thunderbolt! If I fall, I shall fall with the approval of my own conscience, and the preservation of my own self-respect. I seek no higher earthly reward. Not insensible to the approbation of the people or the press when my course deserves it, yet I have no fear of their clamor or invective, so long as I am sustained by a conscientious sense of duty. In the spirit of the memorable sentiment of the great Mansfield, uttered in one of his famous charges, I say "it is true I love popularity; but it is that popularity which follows, not that which is run after!"—I desire that alone which springs from strict and steady adherence to the dictates of my own conscience.

In this case, Mr. President, we have commenced at the wrong end. In the closing remarks of my friend from Illinois I entirely concur. I should desire to see this subject brought before the Senate in the form of a general resolution directed to the Judiciary Committee, whose first care it should be to devise some law for the prevention and punishment of kidnapping in this District—this piratical robbery of slaves. That being done, I would go as far as the Senator from New Hampshire, or any man, in the suppression of mobs. From the bottom of my heart I despise mobs. I never knew of a mob, I never heard or read of a mob, whatever the spirit in which it originated, that did not result in the commission of atrocities at which humanity shuddered. The laws of the land should be competent for the punishment of all offences. But I do not know that there has been any riot in this District. There has been no violation of the rights of property by a mob; and I have no fears that the citizens of this District will not be able to preserve their high and enviable reputation as a community of law and order, by abstaining from every thing like a resort to violence and force. They will, I am confident, abide in the protection of the law against any violation of their rights.

Mr. DAVIS. of Massachusetts.—I wish, before the vote is taken, to say a word or two for the purpose of placing myself right with regard to this matter. I am not very apt to be carried away by any of the excitements that sometimes have existence in this chamber; and I cannot say, at this moment, that I participate at all in the excitement which seems to exist in the minds of many gentlemen here. What is the question that is presented for this body to decide? A stranger coming into this chamber would suppose that we had some measure under consideration which concerned the deepest interests of slavery—that we were about to pass judgment upon some question affecting that great interest—that we were about to legislate upon the subject in some way that would affect it in a manner injurious to the rights of those who own property of this description. Now, I think that whoever has listened to the reading of this bill, must be satisfied that there is no such thing contained in it. If I understand it, it proposes nothing which has any special reference under any construction that can be given to it, to that particular description of property. We have laws which make municipal corporations liable for damage resulting from violence done to property by popular tumults, where such corporation is remiss in its duty in enforcing order and obedience to the law. If I understand the proposition of the honorable Senator from New Hampshire, he intends nothing more than to give security to property. He proposes nothing beyond this. This is the whole matter under consideration. But gentlemen say this is an unpropitious moment to introduce a question of this sort; and why unpropitious? Because, if I understand them rightly—and I learn the fact for the first time—a mob has assailed the office of a newspaper in this city, and has rendered it uninhabitable. Well, how does this connect itself with the question of slavery? Why, it is said that from this office a newspaper issues, which is called an abolition paper. Suppose all this to be true, it is added by the Senator from New Hampshire that this paper is conducted in a temperate manner, that is employs temperate language, addressing itself to the reason and the understanding of the public; and that no complaint has been made against it by the public. Well, how far this mobocratic action is to be attributed to another event which has happened in this District, is not for me to say. Some gentlemen seem to suppose that it has some connection with it.—If it have, I am unable to see it. The Senator from New Hampshire thinks he introduces a measure, and proposes to make the corporation liable for the damages committed, in case they refuse to do their duty and enforce the law. Well, such a law exists in many of the States. But it is said that this is a very peculiar state of things. Here was an abolition press at work in this building. Let me ask gentlemen whether they propose to stop the operations of the press; whether, in other words, they propose to take away from it its freedom? It seems to me that we might learn a lesson, if we would, from what is going on, on the other side of the Atlantic. The agitation of this question alone—the freedom of the press—has overthrown many of the thrones of Europe.

Do you propose by measures of violence, or by any other mode, to put an end to the discussions of the subject, either by speeches or through the medium of the press? Whoever undertakes a work of this description has got an herculean task upon his hands—a task which he will find himself wholly incompetent to accomplish. Well, why is it that the Senate flies in the face of this measure, and objects to its reception? And I put it to the calm consideration of the Senator from South Carolina, and those who think with him, whether the inference I have made will not be made throughout the country; and whether it will not be considered every where, an assault upon the liberty of the press, and of speech—whether it will not be irresistible, and whether it will not make a lasting impression upon the public mind. I think the people will reason in this way, upon the subject, and that they will hold out to us, as the duty of this body, to take the subject into consideration. Send it to a committee, let it be examined, and not presume, as the honorable Senator from South Carolina does, that because its provisions do not cover the whole subject, it cannot be made to cover the whole. If it does not answer the views of gentlemen, it can be made to do so. Then why fly in its face? Why take this very unusual course of refusing to receive the measure at all? Why, simply because, by construction and inference it is supposed to have some connection with the question of slavery. Now, is this wise? Is it prudent? Does it best accomplish the object which gentlemen have in view, which is to protect this kind of property? I have ever been one of that class of persons who have, at all times, considered themselves bound by the terms of the constitution on this subject, and have stood ready to support the guaranties contained in that instrument. But, at the same time, I must confess that I thought the honorable Senator

from Illinois, in the remarks which he made here, uttered a great deal of wholesome truth. I thought he administered some wise, and prudent, and salutary admonition in those remarks, worthy of the consideration of all parties here; and I hope they will have their effect. I hope a little reflection—a little consideration—will induce gentlemen to change the course they have adopted on this subject, and to permit this measure to take the usual course of legislation. Suppose we do come to a discussion on the question, where, let me ask gentlemen, is the harm of discussion? Why, gentlemen ask what right have you to discuss our rights of property in slaves? By what authority do you claim the privilege of inquiring into this matter? Sir, we may have no right to disturb this right of property; we may have no right to affect to title to it in any way; no such rights may be claimed. Nevertheless, no one will deny to any citizen the right to discuss the character of property of this kind, and the effect which laws have upon such property. Who denies this right, and where is it denied? It belongs to freedom of discussion, to the freedom of speculation which exists in every free and untrammeled mind. Men may advance very absurd notions; they may reason very preposterously; they may reach very absurd conclusions, but while the whole matter lies in discussion very little, in my judgment, is gained by terming that discussion incendiary in its character. Why do you expect to satisfy the public mind when mankind discusses the question of slavery, however important it may be to any portion of this country, and express their opinions in regard to it—do you expect to put them under foot by saying it is incendiary? If any gentleman flatter himself with hopes, and expectations of this description, he is destined to be disappointed. This discussion will go on, and the way to meet error is by confronting it with truth. Let the discussion go on; let it be free everywhere. My own opinion is, that all considerate minds here and everywhere are entirely disposed to adhere to the guaranties and compromises of the constitution, and instead of being weakened by discussion, they are at every step strengthened; they at every step become firmer and stronger bonds of union. Let no one try, if he can, to suppress discussion. Every attempt to stop it will result, as in Europe, in one general sentiment, which will trample under foot the power that attempts to suppress it. This will be the effect of such attempts. I invite then my friends to meet this question boldly, fearlessly, and not let this subject go to the public in the form in which it now presents itself—as a bill presented here—relating to nothing but the protection of property against the violence of a mob, and denied admission to this hall and that table, because supposed to have some indirect connexion with the question of slavery. Let us take, sir, a more manly view of the subject—one that accords better with the character of high minded men. Let it take its course here. Let it go to a committee; let that committee examine it, and if it does not, from any cause, meet your approbation when it comes to be considered, then let other measures take its place—let it take its fate. But nothing, sir, is to be gained by this unusual course. I assure the gentlemen who represent this slave interest, that instead of gaining they lose much very much.

Why, Mr. President, cannot every gentleman see, and see plainly, that when this bill comes to be published, when the terms in which it is conceived come to be read and understood, it will be seen that it is a measure differing in no essential material point from laws existing in many of the free States and free countries everywhere—and as a Senator near me says in some of the slave States—making corporations under certain circumstances liable for the violence of mobs? And whoever takes the ground that this bill has been brought in at an unpropitious moment, and for that reason denies it admission, assumes a responsibility that he will sincrely wish by and by to get rid of. What have we to do with the present movement, sir—with the particular and peculiar circumstances which surround the question? In my judgment, nothing at all. I do not undertake to say what the motives were, of the Senator from New Hampshire, in introducing this bill; it does not become me to inquire into them. It is enough for me to know that if the printing office of the Union or National Intelligencer were assailed and injured by a mob, that it would be my duty to inquire how it happened, and whether farther provisions were required in addition to the present laws of the District in order to suppress such disturbances. The care and deliberation, I should feel myself bound, under such circumstances, to exercise with regard to the property of others, I should exercise in this case. The same measure of justice I should mete out in other cases, I would mete out in this. The protection which I would feel it my duty to give to the property of others, under all circumstances. I would give in this case. And if it turns out that this care is unworthily bestowed, that it does not demand legislation, then let it take its destiny. But this is not the way to deal with it. It does not, in my judgment, have the sanction of deliberation. I have always been of the opinion that nothing has been gained by the opposition to the introduction of petitions here. I believe if the subject had been left open, and we had been allowed to go into the consideration of the subject, gentlemen would have found less excitement existing, than has been created by the opposite course. It would have tended much more strongly, in my judgment, to tranquilize and harmonize the public mind. Under all the circumstances, then, how are we to act? I think the question is a very plain one. Things are brought in and made to bear strongly on the minds of gentlemen which do not belong to this question at all. I shall vote for the reception of the bill, in order that it may take the usual course of legislation.

Mr. BUTLER.—From the course which this discussion has taken, is clearly indicated the approaching storm which will ere long burst upon this country. I am persuaded that the part of the country which I represent is destined to be in a minority—a doomed minority. I feel satisfied that all that we have to look to for protection are the guaranties of the constitution, and the compromises made under it; and I feel as well assured as I do of any sentiment I ever uttered, that these guaranties will be violated—as well assured as I am that the compromises which have been made have been disregarded. I feel that the sentiment of the North against the institution of slavery is advancing with the certainty of the malaria from the Pontine marshes—with the certainty of all progressive movements, and there is no disguising it.

Why, on all occasions—whether of domestic or foreign consideration—the slave question is obtruded upon us. When a resolution was offered in this body in the name of the nation to congratulate the French people upon the commencement of their efforts in favor of the establishment of republican principles, an amendment was offered to congratulate them upon the confiscation of some of the property belonging to the people—to especially congratulate them on the emancipation of their West Indian slaves. Let it be proposed to acquire territory by the joint arms—the united exertions of the people of the whole Union, and we of the South, are forced to submit to the insult of having it proposed, that the soil purchased and enriched by the blood of southern troops would be polluted by their occupation of it, after a treaty of peace, when brought into comparison with those who claim superiority over them by virtue of their institutions. Sir, we are thus insulted every morning of our lives by the presentation of petitions of individuals, and resolutions of States, stigmatizing southern institutions as unworthily connected with this confederacy, going to show that the guaranties of the constitution will be, as the compromises have been, disregarded. But before I approach this part of the subject, I beg to address to you a few remarks upon the bill which is offered for our consideration. What is the bill, sir? It proposes to require from the inhabitants of this District to enter into bonds—for it amounts to that—to indemnify all persons who shall suffer losses by means of a mob—to indemnify all persons for any possible trespass that may be committed upon them by irresponsible violence. Now, I must be permitted to say that this is a sort of legislation, that is not to be found in that part of the country in which I live. I think it is unknown in the States south of the Potomac. Why should we be called on to pass a law at this time, to give indemnity for trespasses committed by a mob? If I were satisfied that the existing laws of the District, were inadequate to the protection of the property of the citizen, I do not know that I should be averse to the adoption of some measure that might be calculated to control the movements of a mob. But what is the fact? Why, that the laws are inadequate to the protection of the owners of slaves against those who are disposed to interfere with that species of property, whilst other species of property has adequate protection. I put the question to the honorable Senator from New Hampshire, whether he will agree now to bring in a law to give additional security to slaveholders, by the enactment of penalties, and I am told by that gentleman "no; the law I would introduce would be of entirely a different character; one to confiscate their property by the emancipation of slaves in the District of Columbia." And to destroy and undermine the institution, all influences are left to effect their silent work: the press, private counsel, influence of opinion. Here in the District of Columbia a paper, addressed to slaves as well as to others, is issued, inculcating in the minds of the slaves the right to rebel; a more than right: a duty—leading them to acts that are inconsistent with their peace and happiness, and such as will certainly inflict cruelty upon deluded human beings, by seducing them into a condition which compels their masters to use them with greater severity. This is like kindling a fire in the middle of a dry prairie, and expecting it not to burn with certain destruction. I ask the gentleman if he is willing to afford protection to the holders of slave property, and I am answered that slaveholders are entitled to no protection. Am I expected to stand here and under the forms of constitutional legislation, give my support to measures, which must destroy one of the institutions under which we live? I solemnly believe that the gentlemen from the North are not sensible of the tendencies of such measures as they are proposing. When the constitution was formed its provisions were adopted in good faith, and I had hoped that some portion of the same spirit which actuated the framers of that instrument, would be found pervading this body at this time. That good faith, if it were to be found, would preserve to us the guaranties which are provided in the constitution, and I tell gentlemen that our fathers would never have consented to come into the confederacy if they believed that these encroachments would ever have been made, and that too under the authority of their joint constitution. The spirit of fanaticism never commenced to prevail until it was ascertained that the tide was running against us, but from that moment, about 1820, the time of the Missouri compromise, it has gone on with accelerated rapidity, and it now forms one of the dangerous elements of sectional ambition. My colleague has alluded to some of the evidences of this. When the constitution was adopted it was one of its provisions, not implied, but expressed in terms sufficiently explicit, that if slaves escaped there should be a cooperation on the part of the authorities of the State to which they fled to deliver them up, and as the understanding of the terms such until recently was the practice. In 1793 an act was passed making it penal for any one in any of the non-slaveholding States to harbor or conceal a slave; and there is another important commentary contained in

that law, that by that very act provision is made that State courts shall use their authority to aid in delivering up fugitive slaves. That act was made to provide the mode of delivering up runaway slaves. It was made on the assumption that they should be delivered up under the provisions of an extradition treaty. The measure received the general concurrence of Congress and the people. This act looked to good faith for its execution and enforcement. It had the sanction of the wisest men of all sections, not as speculative theorists but as practical statesmen, who looked to actual, and I must be permitted to say, mutual interests. When the law was proposed, what would southern men have thought if they had been told that the courts should afford no such relief, and that it would be criminal for State officers to give assistance? Why, sir, they would have gone no further with compromise, but being the stronger party they would have looked out for their own security. The act was made in good faith to coure the provisions of a compromise, to procure a delivery of a slave to his master. How has that act been treated? A law has been enacted in the State of New York, one in Massachusetts, and I believe I could name a dozen other States where similar laws have been passed, declaring that the State courts have no jurisdiction over that matter, and that it belongs exclusively to the federal jurisdiction. Here, then, is one of the compromises of the constitution entirely disregarded, and laws have been passed interposing obstacles to the recapture of slaves, such as would make it nugatory and dangerous for the owner to make the attempt to reclaim his own property.

In Massachusetts it is made criminal under high penalties for constables to aid in apprehending a fugitive slave; and for jailors to allow their prisons to be used for safe-keeping—a law of precisely the same import has been passed in Rhode Island, and of similar import in nearly all the States north of Maryland. To the North we can look for no aid in apprehending this species of property. So far from fulfilling the provisions and compromises of the constitution, it is made criminal for citizens and officers of non-slaveholding States to fulfil the duties of good citizens; and yet we are told that the compromises of the constitution, and its express guaranties, entered into by our ancestors, will be observed in good faith. And that is to be our security—the security of good faith; and by those who have shown that they cannot resist the temptations of ungenerous jealousy, or criminal ambition! This is worse than resting on a broken reed; or to find a sword where you expected a shield. In all cases where controversies have arisen under such laws, the Supreme Court has decided them to be unconstitutional. Do they stop there? Would to God I could say they did. What is our condition when our property of this kind—property recognized by the constitution—is taken away from us? Can we appeal to their tribunals? Why, we are treated by them with scorn. Can we appeal to their municipal officers? They point to the act, and say, we are prohibited. But, worse than all, it is made the interest of political aspirants to excite a feeling of aversion to slaveholders. They have constitutional rights, but no power to enforce them. Yet I am told, rely on compromise, and, at any rate, "that it is unbecoming in the South to manifest excitement—that we must keep perfectly quiet—not be alarmed, it is all perfectly right." When the fire is burning around me, I am told that I must keep cool—that I must not discuss the matter, with anything like heat. We have a right to discuss it. It is proper for us to vindicate our rights; and I wish there was an adequate issue to put them to a full trial. I say to gentlemen that the crisis is approaching—not by any action of the South, but is forced upon us; and if the horrors of a civil war do come, which God forbid—

> "Turn cast not us: I did it;
> Strike not thy ivory hooks at me."

I declare solemnly before Heaven, that I believe that we are in a doomed minority, and that it is the duty of the South to take some means to avert the evil. I have no confidence that the guaranties of the constitution will be regarded. I have no confidence in those who choose to preach to me of good faith, while I have examples of its flagitious violations, and tell me all is well when I see ruin impending over me. I wish I could have confidence. I am told that when a measure of this kind is proposed, it is our duty to give it all the forms of legislation. I should be glad, indeed, if I could discover in it anything calculated to defend the rights of the people whom I represent. The issue must come. Ambition will avail itself of it; the elements of its developments, and of mischief are contained in it. I believe from the course which this discussion has taken, that many gentlemen will vote for this bill, but if they do, they will do an act, the effects of which they do not appreciate. Gentlemen do not understand the feelings of the South. I have no fear of insurrection, nor the dangers of slave property. If we were in the midst of a war to-morrow, I tell the gentleman, that we of the South would feel as safe in the midst of a slave population as in the midst of a free. We will see more of this in other forms—I make the prediction, that should any part of Mexico come into the acquisitions of this Union, there will be provisions introduced to prohibit slavery. The whole territory of the South is to be put into the power of those who tell me that "*in medio tutissimus ibis*," as they express it. Oh, yes, they are very good judges of the middle course, but as good judges as they are when they undertake to pursue the middle course, they keep it so long as it is their interest, and no longer. What a security for moderation on our part—and confident reliance on the good faith of those who have never kept it! I have expressed myself with some warmth, but I hope the Senator from New Hampshire will, at least, do me the justice to say that it has not been without provocation. I have avoided epithets and violent denunciations, because I am prepared for grave issues when solemn determination and not violence must be resorted to. I am willing to wish the Union safe, but to be so it must preserve right, and maintain constitutional obligations. I cannot resume my seat without expressing the high gratification with which I have listened to the eloquent remarks of the honorable Senator from Indiana, [Mr. HANNEGAN.] He has taken the high-minded and independent course which his character entitled us to expect. I am confident that he will be fully sustained by all true-hearted patriots throughout the Union.

Mr. CAMERON.—I rise merely to defend my own State—that great State which I have the honor to represent—on a single point which has been alluded to by the distinguished Senator from South Carolina, [Mr. CALHOUN.] That Senator has done injustice to Pennsylvania, (unintentionally, doubtless,) in comparing a recent law of her's with an act of the late Legislature of New York. The New York statute, it is said, makes it a penal offence for any of her citizens to aid in the arrest or restoration of fugitive slaves to their owners. The law of Pennsylvania is a widely different affair. Her act of 1826 made it the duty of the State officers to aid in the arrest of slaves; which act, as has been stated by the colleague of the Senator, was rendered null by the decision of the courts. The last act, therefore, is merely a declaratory one, setting forth the fact that those officers were not required by the State laws to render such aid. The duty of the citizens remains unchanged, and is in no way affected.

No attempt has been made by Pennsylvania to interfere, in any way, with the power or authority of the general government, nor the duty of the citizens to that government. The marshal or his deputy can call to his aid a sufficient posse at any time, when it may be necessary to sustain the laws of the Union; and no act in the history of Pennsylvania can be pointed to, which will show that she has, in a single instance, been wanting in a due regard for the guarantees of the constitution, and the compromises under it. Nor will she ever be. The Senator alluded, also, to a disturbance in Carlisle. Undue importance has been attached to that affair, the persons concerned in it were tried, and those found guilty were properly, and I may add, severely punished. They are still incarcerated within the walls of a penitentiary. As to the death of a citizen from another State, I am positively assured that he was the victim of disease, and that his death was not at all attributable to this disturbance.

Pennsylvania has no sympathy with the ultra abolitionists. She has within her borders no fanatics as a body. She may have, and doubtless has, a few individuals who join in these movements of the ultra abolitionists; but they have no aid or countenance from the great body of her intelligent people. A very few men—honest and well-meaning, no doubt—sympathize with the Senator from New Hampshire in doctrine and feeling; but the masses of the people are entirely willing to leave the domestic institutions of other States where they properly belong—in their own hands. They feel that they have no right whatever, under the constitution, to interfere with them. What they claim for themselves, they cheerfully accord to others—the right to regulate their own affairs. They are opposed to slavery in the abstract, and have long since abolished it within their own borders. They are willing, as they should be, to let other States act for themselves in this and other domestic matters.

I am not surprised at the feeling evinced upon this subject by southern Senators. It is natural, and not to be wondered at. We have seen a vessel come within sight of this capitol, upon which floats the proud flag which, I trust, will ever remain as the emblem of our happy Union, and in the dead of night decoy and carry off nearly a hundred negroes, the property of citizens of the District. They feel that if such a state of things is tolerated here, in the very presence of the government, to them the guaranties of the constitution are utterly useless—the safeguards and compromises upon which they have been relying are only mockery. I differ in toto from the Senator from Illinois, with regard to the effect of the agitation of this question. If anybody is injured by it, it must be the Senator from New Hampshire, and his friends. Nor do I believe that this body should be deterred from discussing any question, from a fear of its effect upon the presidency. The South, as well as the North, have interests which they value infinitely above the mere question as to who shall fill the presidential chair. And why shall they, therefore, not be excited? In the excitement growing out of the recent outrage, to which I have alluded, the Senator from New Hampshire has gravely introduced a bill, purporting to be a bill to protect the property of citizens of this District; but, rightly viewed, it is a bill calculated to encourage similar outrages. What could have induced him to introduce such a measure at this moment of excitement? He has brought forward this question to-day, as he does often, for his own amusement. It can do no good, except perhaps to extend his popularity.

Mr. HALE.—I call the gentleman to order.

The PRESIDING OFFICER.—Will the Senate reduce to writing his point of order.

Mr. HALE.—Certainly. The words are these: "The gentleman from New Hampshire has introduced this measure, as he has many others, for his amusement."

The PRESIDING OFFICER.—In the opinion of the Chair the Senator is not out of order.

Mr. HALE.—I must take an appeal from that decision.

The question being put upon the appeal; the decision of the Chair was sustained—ayes 23, noes 5.

Mr. CAMERON.—The bill itself is wholly uncalled for. No citizen of the District has called for it; and it would be unjust to force upon them a law for which they had not asked—to say nothing of the inapplicability of its provisions to the circumstances of the District. Whenever any such measure is needed, the people of the District will ask for it; and when properly digested by the committee through which they are represented here, it will receive the due consideration of Congress.

But I rose only for the purpose of putting my State right on a point or two on which her position seemed to be misapprehended—not to discuss this question at length. She needs no vindication at my hands. Her citizens are an intelligent and reflecting people, strongly attached to the confederacy under which they have prospered so greatly. They will abide by the constitution to the last. An occasional excitement may for a moment have misled a few of her citizens; but it has ever been only momentary, and has passed away with the occasion. Much of the recent excitement on this subject may be fairly attributable to the far-famed Wilmot proviso. That is now numbered among the things that are passed, and its results will soon be forgotten. Famous as it was [illegible] a time, there are none now in Pennsylvania "so poor as to do it reverence." An occasional occurrence may give it a temporary importance. Some one may take hold of it, as heretofore, to give himself a local popularity or a general notoriety. He may be encouraged by a recent appointment here, which seems like a reward for having agitated this question, and procuring the instructions by a legislature to her Senators to vote for it in this body. But that will amount to very little in the end, and will die forgotten as a dream. I move that the Senate adjourn.

The motion being temporarily withdrawn—

Mr. CALHOUN said: I rise simply to state upon what grounds I made the assertion that the act of Pennsylvania was similar to the act of New York, but did not go so far. The act of New York makes it penal even for the citizens of New York to aid the federal officers. The act of Pennsylvania does not, but makes it illegal for her magistrates and citizens to co-operate, except with the federal officers. Now, the provision of the constitution of the United States requires an active co-operation on the part of the State, its citizens and magistrates, in the delivery of fugitive slaves, and anything short of that is a violation of the constitution, and calculated to destroy the efficiency of the law of the United States in reference to that subject. To that extent the law of Pennsylvania, as well as that of New York, is unconstitutional.

Mr. CRITTENDEN.—What is the motion pending?

The PRESIDING OFFICER.—The Senator from Pennsylvania made a motion to adjourn, but gave way to the Senator from South Carolina.

Mr. CRITTENDEN.—I intend to renew that motion. I think after the excitement we have all witnessed to-day, we will be better prepared to decide with the deliberation which usually marks the proceedings of this body, at a future session. I move, therefore, that we now adjourn.

Mr. BENTON.—Will the gentleman withdraw the motion for a moment? I move that the paper be printed.

Ordered, That the bill be printed for the use of the Senate.

Mr. JOHNSON, of Maryland, then gave notice, that should the Senator from New Hampshire have leave to introduce his bill, he would move the following resolution:

Resolved, That the committee to whom was referred the "Bill relating to riot and unlawful assemblages in the District of Columbia," be, and they are hereby, instructed to amend the said bill by inserting a section on the same for the effectual protection by peaceful petition, or otherwise, of the citizens of the District, and other citizens of the United States, in the undisturbed possession and ownership of their property as slaves in such District.

On motion,

The Senate then adjourned.

MONDAY, APRIL 24, 1848.

CREDENTIALS.

Mr. ASHLEY presented the credentials of the Hon SOLON BORLAND, appointed a Senator by the Governor of the State of Arkansas, to fill the vacancy occasioned by the resignation of the Hon. AMBROSE H. SEVIER; which were read.

The VICE PRESIDENT administered the oath required by law to Mr. BORLAND; and he took his seat in the Senate.

THE FRENCH CELEBRATION.

The VICE PRESIDENT laid before the Senate a communication from the Executive Committee of a general meeting of the citizens of Washington, inviting the Senate and its Presiding Officer to join in the celebration of the recent French Revolution and the other Republican movements in Europe, arranged to take place to-day; which was read.

PETITIONS.

Mr. HANNEGAN presented the memorial of the Ohio and Mississippi Rail Road Company, praying to be allowed the right of way over the public lands in Indiana and Illinois for the use of that company; which was referred to the Committee on Public Lands.

Mr. CAMERON presented the memorial of the Board of Trade of the city of Pittsburgh, Pennsylvania, praying the enactment of a law to provide additional security against the explosion of steam boilers on board of vessels propelled by steam; which was referred to the Committee on Commerce.

Mr. JOHNSON, of Maryland, presented a memorial of citizens of the United States, praying the purchase of Mount Vernon by the government; which was referred to the Committee on Military Affairs.

Mr. HALE presented four petitions of citizens of New York, praying that an investigation may be made by Congress in relation to certain allegations made against the officer discharging the duty of military governor at Jalapa, in Mexico; which were referred to the Committee on Military Affairs.

Mr. PEARCE presented a memorial of citizens of Baltimore, Maryland, praying the purchase of Mount Vernon by the government; which was referred to the Committee on Military Affairs.

Also, four memorials from citizens of Philadelphia, complaining of the monopoly granted to the Camden and Amboy Rail Road and Delaware and Raritan Canal Companies, and of the right assumed by the Legislature of the State of New Jersey to impose duties upon all passengers and merchandize carried across the State, and praying for the survey of a route for a post-road between the cities of New York and Philadelphia, to be used for the construction of a railroad; which were referred to the Committee on the Post Office and Post Roads.

Mr. ASHLEY presented a petition of citizens of Arkansas, praying an additional grant of land for the purposes of education in that State, and the right to enter other lands in lieu of such school lands as are unfit for cultivation; which was referred to the Committee on Public Lands.

Mr. DIX presented the memorial of Sarah Ann Hart, widow of Benjamin F. Hart, praying that the pension heretofore granted to her may be continued; which was referred to the Committee on Naval Affairs.

On motion by Mr. DIX, it was

Ordered, That the memorial of Sarah Ann Hart, widow of Benjamin F. Hart, and the memorial of Joel Kelly and others, sureties of Benjamin F. Hart, deceased, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. CLAYTON, it was

Ordered, That the petition of Arnold Nandain, on the files of the Senate, be referred to the Committee of Claims.

THE LIBRARY OF GEN. WASHINGTON.

Mr. CLARKE submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Library be, and they hereby are, directed to ascertain from the present owners of the library of the late General George Washington whether the same is now for sale, at what number and price the books in said library, and at what price the same can be purchased by Congress.

PROCEEDINGS AND DEBATES.

Mr. BELL submitted the following resolution for consideration:

Resolved, That the Reporter of the Senate be directed to supply each member of the House of Representatives with a copy of his reported proceedings and debates of the United States Senate for the present Congress; the expense to be paid out of the contingent fund of the Senate.

Mr. BELL asked the immediate consideration of the resolution, as he presumed no Senator would object to it. It was simply a courtesy that was due to the members of that body.

Mr. TURNEY would remind the Senator that the House had already the Congressional Globe, in which appeared the proceedings as well as the debates published *in extenso*, and that if they desired the proceedings and debates of the Senate, they could supply themselves. He would prefer, therefore, that the resolution take the usual course, and lie over one day.

The resolution was laid over.

CLAIM AGAINST PORTUGAL.

Mr. CLARKE submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the President of the United States be requested to furnish to the Senate copies of such correspondence in the Department of State at the American Chargé Affairs in Portugal in relation to the claim of the owners of the ship Niles, of Warren, in the State of Rhode Island, upon the government of Portugal, for payment of compensation obtained by the officers and applied to the use of that government. Also, copies of any correspondence between our Charge and the Minister of the Portuguese government relating to the claim for, and payment of said cargo, together with such papers as are in the department substantiating the claim.

JUDICIAL POWERS TO MINISTERS AND CONSULS.

Mr. DAVIS, of Massachusetts, submitted an amendment which he designs to offer to the bill to carry into effect certain provisions in the treaties between the United States and China, and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United States in those countries; which was ordered to be printed.

RECOMMITTALS.

On motion by Mr. CAMERON, it was

Ordered, That the bill of the Senate to incorporate the Washington Mutual Insurance Company and Savings Institution be recommitted to the Committee on the District of Columbia.

On motion by Mr. MASON, it was

Ordered, That the bill from the House of Representatives for the relief of William Ralston be recommitted to the Committee of Claims.

ADVERSE REPORT.

Mr. FELCH, from the Committee to audit and control the contingent expenses of the Senate, to whom was referred the resolution submitted by Mr. BENTON, on the 15th March, to compensate James Moore, reported it with the recommendation of the Committee that it be rejected.

PRIVATE BILLS.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom was referred the memorial of William Greer, reported a bill for his relief; which was read and passed to the second reading.

Agreeably to notice, Mr. BRIGHT asked and obtained leave to bring in a bill for the relief of Gamaliel Taylor, late Marshal of the United States for the district of Indiana, and his securities; which was read the first and second times by unanimous consent, and referred to the Committee on the Judiciary.

UNITED STATES DISTRICT COURT IN ALABAMA.

Mr. LEWIS, by unanimous consent, asked and obtained leave to bring in a bill to change the place of holding the District Court of the United States for the middle district of Alabama; which was read the first and second times by unanimous consent, and referred to the Committee on the Judiciary.

PRODUCE OF THE PUBLIC LANDS.

Agreeably to notice, Mr. FOOTE asked and obtained leave to bring in a bill to amend an act entitled "an act to appropriate the proceeds of the public lands, and to grant pre-emption rights;" which was read the first and second times by unanimous consent, and referred to the Committee on Public Lands.

JOHN LORIMER GRAHAM.

On motion by Mr. PEARCE, the prior orders were postponed and the bill for the relief of John Lorimer Graham, late postmaster in the city of New York, was read the second time and considered as in Committee of the Whole; and no amendment being made it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time, by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

SURVEYS IN FLORIDA.

On motion by Mr. WESTCOTT, the prior orders were postponed and the Senate proceeded to consider, as in Committee of the Whole, the bill respecting certain surveys in the State of Florida; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time, by unanimous consent.

The question being taken on the passage of the bill, it was

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

MILITARY LAND WARRANTS.

On motion by Mr. BREESE, the prior orders were postponed, and the bill to require holders of military land warrants to compensate the land officers of the United States for services in relation to the location of those warrants, was read the second time and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time, by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

BRIDGE OVER THE EASTERN BRANCH.

On motion by Mr. CAMERON, the prior orders were postponed, and the bill to provide a free communication across the eastern branch of the Potomac, in the District of Columbia, was taken up for a second reading; when,

On motion,

The Senate adjourned.

TUESDAY, APRIL 25, 1848.

PETITIONS.

Mr. BREESE presented the petition of L. P. Singer, praying compensation for services in carrying the mail, which was referred to the Committee on the Post Office and Post Roads.

Also, the petition of Frink and Hadduck, praying compensation for their services in carrying the mail; which was referred to the Committee on the Post Office and Post Roads.

Also a memorial of the Commissioners of Fayette county, Illinois, praying that authority may be conferred on the State of Illinois to collect tolls on that portion of the Cumberland road lying within her limits, for the purpose of raising funds for the repair of said road; which was referred to the Committee on Roads and Canals.

Mr. CAMERON presented a memorial of the Professors of the National Medical College in the city of Washington, praying that an appropriation may be made for the support of the Hospital in that place, which was read and referred to the Committee on the Committee on the District of Columbia.

Mr. CLAYTON presented two memorials of citizens of Philadelphia, complaining of an alleged monopoly granted to the Camden and Amboy Railroad and Delaware and Raritan Canal Companies, by the Legislature of the State of New Jersey, and praying the construction of a railroad, as a post road, between the cities of New York and Philadelphia.

Mr. CLAYTON.—I shall not at this time go into any detailed statement of the facts presented in this memorial. The memorialists complain of what they regard as a grievance in an act of the State of New Jersey, establishing a railroad company, which enjoys a monopoly of the route between the cities of Philadelphia and New York. They complain that the tolls on this road are excessive—that the exactions from people of other States of the Union are much greater than those imposed upon the people of New Jersey—that the people of other States are compelled to pay four dollars fare, while the citizens of New Jersey themselves are charged with a toll of only three cents per mile, being a little more than one half the amount exacted from citizens of other States passing over the road. I shall not, however, as I said, go at present into this subject, but merely ask a reference of the memorial to the Committee on Post Offices and Post Roads. I know nothing of the facts stated in the memorial, except on common rumor and report, and from what I have understood, I believe that the facts are correctly stated. The subject, however, will receive the consideration of the committee, who will be prepared to report to us whether the prayer of the memorialists ought to be granted, which asks, as it will be perceived, for a survey of the route with a view to further action on the part of the general government.

Mr. DAYTON.—I am certainly somewhat surprised at the statement made by the honorable Senator from Delaware. That newspapers, and newspaper writers should at any time attempt to excite prejudice against local companies in order to subserve rival interests, or from any other motive, is not surprising. But that the Senator from Delaware should give a species of *quasi* authority to such statements does strike me with surprise. I have no hesitation in saying, that this entire statement in reference to the alleged extortions practised by these companies upon the public, under the authority of the State, is an entire mistake. In the first place in reference to the fare. For some seventy or eighty miles the amount of fare by the charter of New Jersey is fixed at three dollars. That is the maximum. There is an additional charge of one dollar, but that is imposed by running on the Pennsylvania side of the river. So far as the Legislature of New Jersey is concerned, giving them a direct line from city to city, the maximum fare is three dollars.

Mr. JOHNSON, of Maryland, (in his seat.)—They hug the Pennsylvania shore!

Mr. DAYTON.—The State of New Jersey has nothing to do with it. Then, in regard to the amount of toll ten cents is levied upon each passenger. Not a very unusual or heavy charge; for you are to recollect, that the stock and dividends of the company do not, as in other States, pay a cent tax. The whole amount which the State now receives as tax from the Camden and Amboy Railroad Company, is a tax of ten cents a head. I believe that the toll levied on the road between Washington and Baltimore is fifty cents, for one-third of the distance.

Mr. PEARCE.—One-fifth.

Mr. DAYTON.—The amount paid by the Camden and Amboy Railroad is nothing more than a fair tax. The stockholders now receive some 12 per cent. as a dividend, I believe, and the stock sells at 140 for 100 par value, and yet the State of New Jersey is charged with playing the extortioners on the public by taxing the company. It is a question between the company and the public, and not between the public and the State. But I do not wish to go into the minutiæ of the matter at the present moment. If the memorial be referred to the committee, I doubt not, if they think it a matter within the jurisdiction of the federal legislature; and that we have no peculiar rights within our own limits, they will look into the facts and report for the information of the Senate and the public.

Mr. MILLER.—I must also express my surprise at the presentation of this memorial. One remark was made which is altogether unfounded. It was said that the State of New York, by law, authorized the increase of the rate of fare taken from citizens of other States, and that the State received a portion. There is no such law in existence. The State of New Jersey, at the time of the passage of these acts, and by way of contract I suppose, to prevent any future tax upon the company and its stock, fixed the amount of tax at ten cents a head on the passengers. That was nothing more than a mode of taxation agreed upon between the State and the company, and it might as well be said that a toll of ten cents levied on a bridge, fixed by a State legislature, and authorized by the statute, was a tax imposed by the State upon persons travelling through the State. It is nothing more than the ordinary tax, and a very small one, upon the amount of capital. But I should like to understand how it is that our good friends in Philadelphia come here to Congress and ask it to interfere with our local institutions—to ask Congress for the purpose of breaking down, as they say, a monopoly in New Jersey—to create a right of way through our limits for the people of other States. This is a new question truly, and I call the attention of my honorable friend from Connecticut, the chairman of the Committee on the Post Office and Post Road, to take this affair into serious consideration.

Mr. CLAYTON.—Before I proceed to reply to my friends from New Jersey, I will take occasion to read a very short letter addressed to me with the memorial. My correspondent, who is one of the most respectable citizens of Philadelphia, says:

> "We are getting very tired of monopolies in this part of the country, and I must beg the favor of your presenting the enclosed memorials, signed by many of our respectable citizens, on the subject of that of the Camden and Amboy Railroad Company. It is one more of those instances which something must be done. They are oblivious to all remonstrance, and I feel very much encouraged by "Railroad kings," when they are compelled to be passing through their dominions, and look us out of house and home, to consideration of all usage."

I shall now ask for a reading of the memorial.

The SECRETARY then read the memorial, which is as follows:

> To the Senate and House of Representatives
> of the United States of America assembled:
>
> The memorial of the undersigned citizens of Philadelphia, respectfully sheweth:
>
> That, on the thirty-first day of March, 1832, the Legislature of the State of New Jersey passed an act, entitled "An act to incorporate the Camden and Amboy Railroad and Transportation Company," by the provisions of which the said company were granted, for the term of twenty-five years, the exclusive right of transporting passengers and merchandize on that portion of the railroad constructed by the said company, which extends from the city of Camden, on the Delaware river, to the city of Amboy, on the Raritan river, in New Jersey, and the exclusive right to navigate in steamboats the waters of the Raritan river, to the point where the railroad constructed by the said company terminates, for the purpose of connecting the said railroad with the steamboats employed in the business of transporting passengers and merchandize on that important link in the chain of communication between the northern and southern portions of the Union.
>
> That, in consideration of this and other grants, the said Companies conveyed to the State of New Jersey a large portion of their real and personal estate, and agreed, in addition thereto, to pay to the said State transit duties on all passengers and merchandize carried across the State, to wit: ten cents per head for all passengers, and fifteen cents per ton for merchandize, except coal, hay, straw, manure, and emigrants, for every passenger, and eight cents for every ton of merchandize carried on said canal.
>
> That, in consideration of the privileges and Companies, the passengers, merchandize, and coal have been, and the people of New York and Philadelphia have submitted to three-fold [illegible] on the same road.
>
> That on the fifteenth day of March, 1837, the Legislature of the said State enacted another law, by virtue of which the said Companies were authorized to charge the sum of four dollars for each passenger carried on any of the railroads of the said companies to and from the said cities by day, and five dollars by night, provided that they should not be charging of the State one half of any sum they should receive for the [illegible] might charge for each passenger so carried.
>
> That these unconstitutional monopoly, and exclusive privileges, your memorialists believe, to the constitution of the United States, to impose, at its pleasure, duties upon all passengers and merchandize entering into, and departing from its territory, and has constituted the said Companies its agents for the collection of those duties.
>
> That the [illegible] of the said Companies, by the [illegible] of other States, and thereby to exempt its own citizens from the payment of taxes for that purpose.
>
> That while thus taxing the citizens of other States, the said State endeavors carefully to guard its own citizens from the effects of the monopoly thus granted, it being specially provided in the law which authorizes a charge of five dollars on passengers [illegible] New York and Philadelphia, that the fare between [illegible] shall not exceed [illegible] the same distance would not exceed [illegible] every mile.
>
> That in the exercise of their [illegible] the said Companies have imposed duties upon passengers and merchandize, the said State has thus destroyed that competition which is absolutely requisite for securing moderation of charge, frequency of communication, and rapidity of transport.
>
> That [illegible] the said Companies, being [illegible] these united companies [illegible] would be under a system of free competition, while communication is infrequent, and transportation far less rapid than on other roads.
>
> That on account of the [illegible] the Company, and to the several subcompanies to whom this monopoly is farmed out, exceeds, as your memorialists have reason to believe, two millions of dollars, and consequently that the tax directly imposed upon the people of the States of the Union considerably exceeds a million of dollars.

That in addition thereto it imposes a heavy amount of indirect taxation in various ways, as we are—

By deterring persons engaged in trade from travelling to attend to their own affairs, and thus compelling them to pay commissions to a vast amount.

By preventing the free interchange of commodities between the several portions of the Union, but more particularly between the cities of New York and Philadelphia.

By compelling the shipment by sea of vast quantities of merchandize, thus causing delay and frequent loss of property.

By preventing that free intercourse between the people of the various portions of the Union, so essential to their own improvement, and to the harmony and prosperity of the Union itself.

That the amount of indirect taxation thus imposed considerably exceeds that of the direct taxation; and that your memorialists believe that it would be well worth making it at treble that amount.

That because of the existence of the monopoly thus secured to these Companies, the Post Office Department has found it all times difficult to make satisfactory arrangements for the transportation of the mail, and that the system of correspondence between the cities of New York and Philadelphia and the intervening populous towns and cities, is in a high degree unsatisfactory: whereas were competition permitted, the mail would be carried more cheaply, more frequently, and more rapidly, as your memorialists believe, than in any other portion of the Union.

That by the constitution of the United States, your Honorable Bodies are empowered to establish post roads, and that in the exercise of that power your predecessors have caused roads to be made through Maryland, Virginia, and other States.

That the difficulties there to be removed were merely natural ones that would in time have been removed without their aid, whereas the difficulty here existing is an artificial one, that the people themselves are not, and never can be competent to remove.

Your memorialists believe, therefore, that this is a case requiring the special interventions of the Supreme Authority of the Union. They have, for many years, been heavily taxed in the payment of exorbitant charges for the transportation of themselves and their merchandize, and they see no prospect of relief from any action within the State of New Jersey itself, which has just now granted to this Company a further extension of its powers. They therefore respectfully pray that your Honorable Bodies will be pleased to direct the survey of route for a post road between the city of New York and Philadelphia, the line of such road to be established under the perpetual control of the Union, and to be used for the construction of a railroad, the said road to be constructed by the United States, or by a Company to be formed by virtue of an act of Congress empowering the Postmaster General to make, or contract to make the same thereto as he may deem best calculated to secure to the people of the Union, for themselves, their correspondence, and their merchandize, frequency and rapidity of intercourse, and moderation of charge.

Your memorialists would desire to call the attention of your Honorable Bodies to the fact, that while by the construction of this road the convenience and advantage of the people of the Union will be greatly promoted, the Post Office Department will thereby be enabled to contract for the transportation of the mail free of expense, and the War and Navy Departments will also be enabled at all times to pass both men and munitions of war at a cost less by more than one-half than is now demanded for them, and that thus the measure now proposed is one the adoption of which must greatly benefit the National Treasury.

And your memorialists will ever pray, &c.

Mr. CLAYTON.—Now I do not know what portion of the memorial which has been read, my friends from New Jersey undertake to deny. The first and most material of the statements is this, that the State of New Jersey has, under a contract with this company, giving it an exclusive right to carry passengers over this route, denying to herself during the continuance of the charter, the right to charter any other company. This she has done for a certain consideration. The whole power of the State over the subject of roads and canals, is given by this charter to this particular company, so as to inhibit the State to charter any rival company. Now if that be not what is called by the memorialists a monopoly, and an odious monopoly, I do not know what can deserve that name. I wish to know whether my friends from New Jersey deny this fact stated in the memorial. If they do not, then the statement which I made in presenting the paper, that this was an odious monopoly, or was held to be so by the public, is certainly sustained. Here, sir, is an allegation by these most respectable memorialists—who, I have no manner of doubt, state what they believe to be true, and what I myself suppose to be true—that there is a considerable level upon the people of the United States for going across the State of New Jersey on this rail road, for the benefit of the State of New Jersey, which they consider to be unjust, because this sum is contracted for entirely to the benefit of the State of New Jersey, and goes into its coffers. They say that the State has derived a revenue from this company, of more than a million of dollars. Now be it more or less, the half or the quarter of that sum, I say it is unjust to the rest of the people of the United States.

Mr. MILLER.—(In his seat.) The State does not receive a quarter of a million.

Mr. CLAYTON.—I give the statement of the memorialists—but let the sum be what it may, I contend that the exaction is unjust. It ought not to be extorted from the people of other States. The memorialists say farther, that one of the acts of the legislature makes a discrimination between the toll charged upon the people of New Jersey, and the people of other States. They allege that the people of New Jersey are charged for way-fare three cents per mile, or a sum not exceeding three dollars, whilst citizens of other States are charged four dollars between Philadelphia and New York; and they say five dollars in the night time.

Mr. MILLER.—There is no such law in existence.

Mr. CLAYTON.—All that will undergo the examination of the committee. These memorialists then consider themselves greatly aggrieved by this monopoly. And my friend says that the general government has no right to interefere. Then I suppose the general government has no right to establish a post route across the State of New Jersey. I shall not debate that question now. Let it go before the committee and they will form their judgment upon it. If they think it is an unjust monopoly, and that the government of the United States has the power to establish a post route, I trust we shall grant the prayer of the memorial, and order the survey to be made. If there is a constitutional inability in Congress to make the law, of course we can do nothing. And if the State of New Jersey can thus extort a tax from the citizens of other States, every other State may do the same. Thus if the example of the State of New Jersey in the matter is to be sustained, we may predict with great certainty, that the other States through which people are compelled to travel, upon that great thoroughfare from North to South, will also lay transit duties, and the result will be a general oppression upon the travelling community, which has hitherto been unexampled. If all this be right on the part of New Jersey, what will prevent Maryland from doing the same thing?

Mr. MILLER, (in his seat.)—She does the same thing.

Mr. CLAYTON.—No. She has granted, as her Senators say, no monopoly. New Jersey stands alone. What is to prevent Delaware from doing the same thing? She has two rail-roads and a canal passing through her limits. If this transit duty can be sustained in one State, why it will be sustained in others, and the consequence will be, that which I have just suggested, a general system of oppression upon the whole travelling community. I do not now intend to go into the question whether there is a constitutional power in Congress to make post routes in the State of New Jersey, because I desire to call the attention of the committee to the facts and the law in the case, leaving them to investigate it. The memorialists are men of the highest respectability; and whether their statement be true or false, can be easily ascertained. In the hands of the committee I therefore leave the subject.

Mr. MILLER.—If the Senator will permit, I beg to state that there is no monopoly in this case in the sense in which the gentleman understands it. There are two roads between the city of Philadelphia and New York, on which the great travelling takes place. The Camden and Amboy rail-road was originally from Camden to South Amboy. Then there is one from Trenton, passing through Princeton, New Brunswick and Newark, an independent road entirely, competing with the other road. These charters were intended to induce parties to invest money in these undertakings, and are quite similar to the charters granted to other roads by Maryland and Delaware, providing that no other rail-road should be constructed within a certain distance of the road constructed by the company to whom the charter is given. If the gentleman means that when a State incorporates a railroad company, and secures to them for a certain number of years the right of carrying freight and passengers on other railroads free of competition, that a monopoly is created, I think that the States of Maryland and Delaware have also created monopolies, for the travelling between Baltimore and Philadelphia, is entirely under the control of one company; and if the State of New Jersey has thought proper to secure to the company this right for a number of years, and has thus created a monopoly; we have monopolies all over the United States. I am somewhat surprised to hear the Senator say that Congress ought to look into this "odious monopoly."—Does he undertake to assert that any one of the independent States of this Union has not a right to give what is called a monopoly, in order to secure her citizens, or other persons who may invest money in canals or railroads, the right of exclusive use for a certain number of years, and that Congress must interfere for the purpose of suppressing this so called monopoly? This, it appears to me, would be a direct interference with State rights of considerable importance. I do not stand here for the purpose of defending this company; I believe the rate of fare is too high, but that is a matter entirely between the company and its customers. I do not see what right we have to interfere. But the city of Philadelphia complains. Now, this Camden and Amboy railroad, for nearly one half the way, traverses the State of Pennsylvania. They own or control a road under the law of Pennsylvania, and I have not inquired into the matter in order to ascertain whether that be a monopoly or not. If it is not, the people can open a new road, because the State of Pennsylvania has the control of that road, and I therefore think that if there is any ground of complaint from the city of Philadelphia, she should apply to the legislature of her own State.

Mr. CLAYTON.—I am glad to hear the Senator admit that the railroad company charges too much; and that if we can relieve the people of the United States constitutionally from this monopoly, we ought to do it. My friend has referred to the legislature of the State of Delaware. He is in error in regard to her legislation, on this whole subject. She has two railroads, in which a capital of six millions has been invested. I believe all the tax she receives from both these roads, is about one or two thousand dollars a year each—not enough to pay her for her trouble in legislating for the benefit of the companies who own these roads. She has also a large canal, which cost three millions of dollars, and does not levy one dollar of taxes upon it; and she has bound herself never to lay a tax upon it. I said that this was a monopoly, if the statements of the memorialists were true; and the Senator from New Jersey says it is, for he admits that the State of New Jersey has prohibited herself from constructing another railroad within ten miles, or within some considerable distance of this one. It is impossible for passengers to go between the two cities in the same time, if they be driven to a railroad route more than ten miles from either of the cities. Therefore the charge of monopoly is fully sustained. It was not my design to say anything upon this subject, and I hope I have not said anything offensive to the feelings of my friends from New Jersey. I have great respect for that State and for her Senators on this floor; but as citizens of the United States do complain of this act of legislation, I can have no hesitation in call-

ing it to the attention of the appropriate committee of this body, in order that if any action be necessary, it may be adopted.

Mr. DAYTON.—I have but a single word to say. In my opinion we are engaged in a debate with which the Senate of the United States has nothing whatever to do, and the Senator from Delaware knows that very well. Will he, as a lawyer, as a Senator, say that Congress has any thing in the world to do with such a matter? He has carefully eschewed saying any thing of the kind. But it was not in reference to the petition that my associate or myself desired to make any remarks, it was to correct the erroneous impression which might be made that the State of New Jersey played the extortioner. Against that impression our feelings revolted, and when there is a *quasi* authority given to these statements by the allegations made directly, by the Senator from Delaware in presenting this petition, we deem it but respectful to the Senate as well as just to the State which we have the honor to represent, to say that the statement is incorrect. The Senator says that we are mistaken with respect to the legislation of Delaware, and it is very likely to be the case that gentlemen may be mistaken when they speak of the legislation of States to which they do not belong. The "respectable correspondent" of the Senator from Delaware speaks about being "kicked out of the cars," though he does not say exactly if *he* has been the victim. I am confident that he is entirely mistaken in reference to the acts of which the memorialists complain, and that their statements with respect to them have just as little foundation as that about being "kicked out of the cars." The State derives ten cents for each passenger, and we exact the same charge from our own citizens that we do on the stranger. Now we know that there are public works in Pennsylvania, and almost every other State, the stock and dividends of which are taxed by the State, and the same thing exists in New Jersey only in another shape. The difference between the legislation of New Jersey and other States in this respect are only in the form in which the tax is laid.

Mr. MILLER.—The statement is that the company receives two millions per annum one-half of which goes to the State. I wish the Senator would make that good.

Mr. CLAYTON.—What I say myself I always make good. I have made no statement on my own authority in respect to this matter which is not susceptible of proof, but I referred the Senate to the memorial, and upon that alone I relied for the main facts in the case, of which I myself do not know any thing.

Mr. DAYTON.—I can only say—the Senator not backing the memorial by his own authority—that its contents are entirely incorrect from beginning to end.

Mr. CLAYTON.—I cannot suffer this remark of the honorable Senator to pass. I have not a shadow of doubt that the great leading statement contained in the memorial is strictly true, viz: that the State of New Jersey created this monopoly in order to prevent a rival corporation from entering into competition with it. That neither of the gentlemen can deny. It will not do, then, for them to say that all the statements of the memorial are incorrect. The statement to which I have just alluded is true, and I believe that the others are true also. I know very well that the people of other States complain of this as an oppressive monopoly. There cannot be so much smoke without some fire. It is impossible that there can be so much complaint without some just cause for it.

Mr. CASS.—If this discussion is to continue I must move to lay the subject on the table, in order that the Senate proceed to the consideration of the bill providing for the settlement of the California claims.

Mr. CLAYTON.—I trust the gentleman will allow me to press my motion to refer the memorial?

Mr. CASS.—Certainly.

The motion to refer the memorial to the Committee on Post Offices and Post Roads was then agreed to.

CLAIM OF THE CHOCTAW INDIANS.

Mr. ATCHISON, submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be requested to cause to be laid before the Senate a report from the Attorney General, in respect to the [illegible] claim of the Choctaw Indians, under the treaty of Dancing Rabbit Creek, of the 27th September, 1830, and the [illegible] thereof, with the opinion [illegible] and the [illegible] thereon, as the [illegible] and the [illegible] of the late January [illegible].

THE PUBLIC PRINTING.

Mr. BADGER submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Printing be instructed to inquire into the [illegible] of the Public Printing, and [illegible] to the Senate and House of Representatives [illegible] to the Senate [illegible].

ADVERSE REPORT.

Mr. UPHAM, from the Committee on Revolutionary Claims, to whom was referred the bill from the House of Representatives for the relief of the heirs and legal representatives of Rignald *alias* Nick Hillary, reported it without amendment, and submitted an adverse report on the subject; which was ordered to be printed.

COLT'S REPEATING PISTOLS.

Mr. RUSK, from the Committee on Military Affairs, to whom was referred the message of the President of the United States, of the 14th instant, relative to "Colt's repeating fire-arms," submitted a report accompanied by a joint resolution, requiring the Secretary of War to purchase five thousand of Colt's repeating pistols.

The joint resolution was read and passed to the second reading.

Ordered, That the report be printed.

PRIVATE BILL.

Mr. BELL, from the Committee on Indian Affairs, to whom was referred the documents in relation to the claim of William Lee, reported a bill for his relief; which was read and passed to the second reading.

WABASH AND ERIE CANAL.

Agreeably to notice, Mr. HANNEGAN asked and obtained leave to bring in a bill entitled "An act in addition to an act therein mentioned;" which was read the first and second times by unanimous consent, and referred to the Committee on Public Lands.

RECOMMITTAL.

Mr. UNDERWOOD moved that the bill from the House of Representatives for the relief of David Myerle, be recommitted to Committee on Naval Affairs.

CALIFORNIA CLAIMS.

Mr. CASS moved that the prior orders be postponed, and that the Senate proceed to the consideration of the bill for ascertaining and paying the California Claims.

Mr. HALE.—I think that common fairness and candor requires that the Senate should take up my motion for leave to introduce the bill of which I gave notice a few days since. I have been accused of being an enemy to the constitution, and of being "a high way robber," in bringing forward that bill. The charge has gone out to the country, on the wings of the press all over the land, and I feel that it is only just that the Senate should vote upon the motion. I do not care in what form the question may be put. All I desire is a vote, and I ask that it be taken by yeas and nays.

The motion of Mr. CASS was agreed to upon a division—yeas 25, nays 9—and the Senate proceeded to consider the bill for ascertaining and paying the California Claims.

The amendment reported from the Committee on Military Affairs, to whom the bill was recommitted, was read as follows:

Strike out all after the word "delay" in section two hundred and [illegible] of the bill and insert the following:

And no such certified claim shall be paid until it be examined by the late quartermaster of the California battalion, J. C. Fremont, and by the late commissary and the late paymaster of the battalion, Captain Hensley and Major Reading, and allowed by them or a majority of them; and payment of such unascertained claims, as soon as allowed and certified, shall be made to the claimants in California by such proper disbursing officer as may be appointed to accompany the fleet that may convey all claims not presented and allowed within one year and a half from the time of passing this bill shall be forever barred; and the compensation of the volunteers provided for according to that of their respective ranks in the late battalion, and shall be paid out of the appropriation contained in this bill, and shall make return of their proceedings to the War Department. And the mounted non-commissioned officers of the battalion shall be paid as mounted riflemen, and in full of all claims for lost horses, for any loss whatever, in full of all claims for forage, as well as for pay, rations, and use and risk of horses, shall be paid as follows: First sergeant, thirty five dollars and twenty-five cents per month; other sergeants and corporals, thirty-two dollars and twenty five cents per month; musicians, twenty-seven dollars and twenty five cents per month; privates, twenty-seven dollars and twenty-five cents per month.

Mr. MASON.—I am unable to perceive that the objection which I presented to this bill, a few days since, has been in the slightest degree obviated by the amendment which has just been read. The objection which I urged was, that the bill created offices, and appointed certain officers to fill them, which was in violation of the constitution. The honorable Senator from South Carolina, [Mr. BUTLER,] who, as everybody knows, is a very able jurist, at once took the distinction so well known to the common law, between an "office," and an "employment." That was met by the Senator from North Carolina, [Mr. BADGER,] who endeavored to show that this mode of appointing officers was sanctioned by legislative and judicial precedents of which he cited several examples. Deeming this a matter of vital importance, inasmuch as it is of the highest moment, that we should not trench upon the rights of the Executive, I have taken some pains to look into these precedents, and into the authorities generally; and the result of that investigation has satisfied me that the supposed precedents are altogether unsatisfactory.

The bill originally proposed to create a board by name, *eo nomine*, consisting of Lieut. Col. Fremont and two other officers of a certain class. The objection made was, that that involved the creation of an office, and by law appointed officers, with the duty of adjudicating certain claims against the United States. Now, the amendment proposes, not to create a board *eo nomine*; but that the unascertained claims shall not be paid unless they have been previously examined, and allowed by three gentlemen whose names are given—John Chas. Fremont, Captain Hensley, and Major Reading. The amendment farther provides, that these gentlemen who are thus to examine these claims shall be compensated according to their respective ranks in the late Cali-

f

ornia battalion. What then does the amendment provide? Why, substantially the very same thing which was provided in the original bill—that these claims are to be examined, adjudicated, and determined upon evidence which shall be laid before these individuals; and when ascertained by them to be correct shall be paid, without further inquiry, by a proper disbursing officer, out of the public treasury. Now, I cannot for my life see any shadow of difference in the substance of this thing, whether you call these three gentlemen, examiners of claims, or a "board" as they were styled in the original bill. It is further provided in the amendment, that all claims shall be barred, which are not presented to these officers for their examination within one and a half years after the passage of the bill—thus during that year and a half, these gentlemen are to continue in the employment of the government, I say in office under the government, at a fixed rate of compensation, to be paid them for the discharge of the duties of that office. Now, the precedents cited by the gentleman from North Carolina, on a former day, were as far as I could understand, in every instance, precedents of mere employment, not of office, by which certain persons were engaged to discharge a certain specified duty; and the employment was to cease when that duty had been performed. He cited cases of artists employed to paint pictures, and execute statuary for the decoration of this Capitol. I have not now the list of cases cited by the gentleman, but I recollect that amongst them was one in which he conceived, that the very case now before us was presented. It was the case of Mr. Choteau, who was employed to visit the Western Indians, and conduct a deputation from them to the seat of government.

Now, sir, I find in the horn book of the law—and this is purely a legal question—that Blackstone thus defines the meaning of the term office:

"An office is a right to exercise a public or private employment, and to take the fees and emoluments thereto belonging—whether public, as those of magistracy—or private, as those of a steward, bailiff, and the like."

"Every man is a public officer, who has any duty concerning the public, and he is not the less a public officer, when his authority is not confined to narrow limits—he is an officer in the state, as the constable is in a town, which makes him a public officer, and not the extent of his authority."

So much for the meaning of the term "office." Now to distinguish between an "office" properly such, and a mere "employment"—I will take the honorable Senator from North Carolina, [Mr. BADGER,] back to the black letter, in the times of Charles the Second, and refer him to a case decided in the King's Bench in 1658, reported in 2d Liderpin, page 142, where the Chief Justice Glyn, thus strikingly draws the distinction—He says:

"I hold in this case, that the grant be the words concessimus," to Sir John Gates is good. I conceive that the consideration of the case upon the point, they not pertaining to office, but an employment—and that there is more than a verbal distinction between them."

Now to explain my distinction between an office and an *employment*. I hold that although every office be an employment, yet conversely, every employment is not an office. As if I agree with one to make my lawyer or to plough my land—or to herd my flock—these are *employments* and differ from the duties of my patron, which is an office.

The difference between a "duty continuing" and a duty which ends when the particular object is attained, is here strikingly drawn. In the State of Maine, I find that there was a decision of the judges on this point which I have examined with some care, and which I think fully sustains the view which I have presented.

It will be found reported in 3d Greenleaf, page 482—The question submitted to the Judges of the Supreme Court of that State, by the Governor was, whether an agent appointed by him for the preservation of the timber on the public lands, was to be considered an officer, within the meaning of the constitution of that State—and by the unanimous opinion of the judges, it was decided that he was not—then such agent held no "office," but merely an "employment," under the State—the judges say:

"There is a manifest difference between an "office," and "employment" under the government. An office is that to which certain duties are attached, for the performance of which power is given, and a salary or fees are allowed by the government in consideration of the performance of the duties of the office."

I find the same distinction taken in a case decided by the Supreme Court of Pennsylvania—"Binns' case" reported in 17th, Sergeant and Rawle. Binns had been appointed by Mr. Clay, when Secretary of State, to print certain public papers, &c., for that department, being at that time an alderman of Philadelphia, and the question was, whether this appointment by Mr. Clay made him an officer of the federal government.

It was decided by a majority of the Court, that it was a mere employment, and not an office, and the case in Liderpin was referred to for the distinction.

I apprehend then if there be any foundation for this distinction resting upon the authorities I have cited, that it at once disposes of the whole class of cases of "employment" cited by my honorable friend from North Carolina. The painting of pictures—execution of statuary—the compilation of State papers, are "employments" properly within the meaning of that term.

Then as to Choteau's case, also cited by the Senator from North Carolina. It is found in the law of appropriations for Indian annuities, &c., passed July 7th, 1838—in which amongst a long series of appropriations is the following, viz: $20,000.

"For expenses of mission of A. P. Choteau amongst the wild tribes of the South West, including his outfit, and the expenditures growing out of, and connected with [illegible]."

And this is cited by the honorable Senator, as an instance where one by law was clothed with an office, or made an officer, as is proposed by the bill under consideration.

Now I understand that the intercourse with the Indians is a matter purely pertaining to the Executive. The President is the organ of intercourse with those tribes as he is of that with foreign nations. It is an executive function; and when he deems it right and proper to conduct deputations from those Indian tribes to the seat of government, he can give the necessary orders to that effect. He reports the fact to Congress, and an appropriation is made to defray the expenses. I cannot then perceive any analogy between the case cited and that now before the Senate—There was another case presented by the honorable Senator from North Carolina which struck me with some force at the time, and of which I have made an attentive examination. I refer to the act of Congress, September, 1789, by which it was enacted.

"That the establishment contained in the resolve of the late Congress of the 3d October 1787, except as to the mode of appointing the officers, and except as to the number provided, be and the same is hereby recognized to be the establishment of the troops in the service of the United States."

The "resolve of the late Congress," thus referred to, was a resolution of the old Congress under the articles of confederation, and will be found in their journals, volume 4th, pages 786—7, in these words:

"*Resolved*, That seven hundred non commissioned officers and privates be raised for the term of three years, unless sooner discharged"—

which were to be furnished in certain proportions, by certain states.

In 1789, the federal government had been organized under the present constitution, and this recognition of a levy of troops merely by a resolve of the old Congress the Senator construes into a legislative appointment, of all the officers who were to command those troops. Surely the honorable Senator could not have read attentively the law which he quoted, or he could not fail to see, that the point for which he cited it, is strictly against him—the law in express terms excepting "the mode of appointing the officers," which was to conform to the provisions of the constitution, then recently adopted. So much, sir, for the precedents cited by the Senator from North Carolina.

I now come to the case cited by the honorable Senator from Texas—the case of the mail contractors. A resolution or law passed the two Houses of Congress, referring a matter in dispute between these contractors and the government, to whom? To an officer of the government—the Solicitor of the Treasury. Does any one doubt—has it ever been doubted that the Congress of the United States have authority to prescribe new duties to existing officers, provided these duties are not inconsistent with the rights of the officer for the time being? That was all that was done in the case in question. The Solicitor of the Treasury is an officer of the government, and the first question before the court was, whether the Postmaster General could exercise any discretion in carrying out this law of Congress—whether *virtute officii* he could exercise that power; and the next question was whether the District Court of the District of Columbia could exercise jurisdiction in the case by writ of Mandamus.

Mr. RUSK.—Will the Senator allow me to ask a single question? I desire to ask if when an act of Congress is brought before the Supreme Court, it would not be wanting in duty, if it failed to inquire into the constitutionality of that act?

Mr. MASON.—I would answer the Senator by stating that, whether the Supreme Court of the United States would, or would not enquire into the constitutionality of the act, would depend upon the preliminary inquiry whether any constitutional question was raised in the case. If there was a constitutional question raised and it were relevant to the matter at issue, I take it for granted that the Supreme Court would determine it. In the case alluded to, the Senator relies upon a loose expression of one of the judges who delivered the opinion that it was competent to Congress to devolve the duty upon that officer or any body else.

Mr. RUSK.—Three of the judges made use of that expression.

Mr. MASON.—It is perfectly immaterial. The honorable Senator well knows, that when you invoke a precedent, and rely upon it as authority, you must have a case, where the point in question is directly adjudged. These loose dicta of the judges if relied upon as precedents, and more especially in constitutional questions, will lead us heaven knows where.

There was another case cited by the Senator from North Carolina, in which certain duties were devolved upon the judges. The court considered the act, and decided that it was perfectly competent to the legislative branch to accumulate any duties they thought proper upon the existing officers of the government. To prescribe new duties to the judiciary, although it were a coequal department of the government, provided the duties prescribed were of a judicial character. But in the case cited the court decided, and as I apprehend, correctly, that the duties prescribed by the act were not judicial. When they had so decided, they had done all that judicially came before them. What then? They determined as benevolent and patriotic men, that although they were not bound by law to discharge these duties, yet that they would for the purpose of carrying out the benevolent designs of the law makers; and they say farther in this recital, that the duties would be discharged by them gratuitously. Having first protested against any right on the part of the legislature to impose such duties upon them, they say that they will act as commissioners in order to carry out the views of Congress. I apprehend that this case does not present any authority for the position taken by the honorable Senator from North Carolina. Surely he cannot mean to affirm

that the legislative exposition of the right of Congress to create an officer.

But, sir, on this whole subject of precedent, I enter a protest. I am free to admit that the opinions of judges and Senators with respect to the constitution have great weight, but no authority. I deny that the precedents cited are to be regarded as authoritative in this case. I hold it to be as much the duty of the Senate to respect the rights of the Executive as it is to take care that the Executive does not trench upon their's. If it is true that this is an office, properly such, within the meaning of the constitution, it is our duty to avoid doing violence to that constitution, and interfering with a power that does not belong to us—the power of appointment to office.

We are to inquire from the nature and extent of the duties to be imposed in this case, whether they come within the legal meaning of the term "office." Nothing is changed in the amendment but the language of the bill. Precisely the same trust is expressed. Duties to the same extent are devolved. The same amount of money is to be passed upon and adjudicated—to be disbursed in fact by the persons named, though the existing law to pay it and with their own hands. They are to be compensated for the discharge of these duties. They are to continue in office, if necessary, for eighteen months. What are their duties? Why, to pass upon a series of unliquidated claims, the character of which are unknown to us—in the territory of California, some three thousand miles distant—and then to pass upon, and, in fact, draw upon, when spot, all the property of these gentlemen in the money to be paid. If this be not an office within the definition of the Maine judges I do not know what is. The expenditure of such a large sum of money on account of claims assumed *ex gratia*, by this country is a grave affair. It should be entrusted to a board of officers appointed in the manner prescribed by the constitution. All the safeguards which the constitution has thrown around the public treasury, should be respected in this instance. Certainly, I cannot be supposed to imply any distrust of the gentlemen named in the bill, not one of whom have I the pleasure of knowing at all. When I speak of safeguards, I mean those legislative safeguards provided by the constitution and the laws, and which are always regarded when expenditure of public money is involved.

If the Senate reject the amendment reported by the committee, I shall offer one with the view of creating this board in the usual manner giving the power necessary to adjudicate these claims, and placing the appointment of the members of the board, where I contend the constitution has placed it, in the hands of the President and Senate.

Mr. BADGER replied, enforcing the argument which he had presented in favor of the measure before the Senate, and rebutting the objections urged by the Senator from Virginia.

Mr. BENTON rose and said: The amendment reported by the committee proceeds upon the principle that the claims in California heretofore ascertained and allowed by the officers under whom they originated shall be forthwith paid, and those not ascertained shall not be paid until examined and allowed by the same officers. Mr. Fremont and his staff officers allowed those which are ascertained; the same officers, by the amendment, are to allow the remainder before they can be paid. This is the principle of the amendment. It appoints nobody to do any things it only names the persons without whose examination and allowance the unadjusted claims shall not be paid. They were officers of the battalion under whom the claims originated and were settled, as far as that has been done, and whose legal capacity to pass upon the claims is revived and continued, if the government chooses to have the claims examined before they are paid, or chooses to save the parties from coming from California to Washington to solicit payment individually from Congress. That they are the proper persons to allow or reject these claims, and the only ones who can do it with justice to the United States and to the claimants, is manifested from the depositions, where their knowledge of the whole subject is fully shown. Capt. Hensley was commissary and quartermaster; Major Reading was paymaster. Both were cognizant of the claims, one in doing the acts which originated them; the other in settling them, so far as he could. The deposition of Capt. Hensley, (a gentleman of character and intelligence, with whom the committee became well acquainted,) establishes this fact, and shows that he and Major Reading, from their respective positions in the battalion, were best acquainted with the claims, and were called by their offices to make an estimate of their amount before he left California. At page 37 of the document of depositions, he testifies thus, in answer to a question from the committee:

"As commander and commissary, I furnished him [Fremont] with the necessary funds to pay the troops, and he appointed me special Commissary to collect the claims, and directed me to make an estimate of the amount. The Navy [illegible] opinion of the whole amount [illegible] and I had the best means to ascertain the amount."

"Question. Did you [illegible] Major Reading [illegible] paymaster and [illegible] in the battalion? Answer. I [illegible] he [illegible] thousand dollars. Major Reading was operating in the north with Col. Fremont, and myself with Com. Stockton in the south."

From this answer of Capt. Hensley to the committee's question as well as from the tenor of other depositions, and the very nature of their places in the battalion, it is clear that he and Major Reading are the proper persons to be associated with Mr. Fremont in allowing or rejecting these claims. They know every transaction, and cannot be deceived. They know every claimant and cannot be imposed upon. They know the true from the false in every instance, both of men and transactions. They can do justice, and that upon their own knowledge. Their own characters are concerned in rejecting false accounts, and preventing their names and acts from being made the means of imposition upon the United States.

At pages 35 and 36 of the document, Capt Hensley shows that all supplies were scarce and dear, and the dearer because necessarily obtained without money, there being none furnished by the United States. He says:

"After the capture of Angels were taken by the United States forces Capt Gillespie [illegible] government, and I acted as assistant quartermaster for the forces stationed there. After the insurrection broke out in September 1846, provisions and supplies of all kinds could only be obtained at the most extravagant prices, the whole surrounding country being in the hands of the enemy."

And he gives a statement of prices fully sustaining this declaration:

Horses	$50 to $75
Saddle horses, valuable [illegible]	50 to 100
Beeves	6 to 10
Sheep	6 to 10
Beans	4 to —
Indian corn	100 to $200 Ans. $150
Powder	$2 per pound
Lead	$1 to 2 per pound
Cheese	100 [illegible]
Flour [illegible]	25 to 50 per head
Brandy	$20 per [illegible] gallon
Soap	2 to 3 per pound
Tea	5 to 10 [illegible] pounds

At such prices as these, except for the horses and cattle, which are below the price of the same in the United States, and without money to pay down, amounts soon run up high; but still small for the great results produced in conquering the country, and pacifying it, before the United States troops arrived.

A great error prevails in the minds of some Senators as to the authority for incurring these claims. The Senator from Virginia [Mr. MASON] classes them all as unauthorized. It is a great mistake. The claims arising from unauthorized operations limit themselves to about thirty days of time, and to the expenses of a force of less than three hundred men. They limit themselves to the operations under the flag of independence—from the first week in June to the 10th of July—when the flag of independence was abandoned, that of the United States adopted, and the battalion went into service with the navy. From this time forth all expenses were duly authorized, the naval commanders acting under special orders from the President to conquer, retain, and govern California.—These orders began in October, 1845, in anticipation of the war, and were continued by successive orders of the most urgent kind. Those of July 12, 1846, though they did not arrive until operations were over, were issued in the very time that Mr. Fremont was in the act of joining the naval forces, and show what the intention of the government was at that time. They were addressed to Commodore Sloat, and said:

"[illegible] have informed you of the intentions of the government, relative to the war with Mexico [illegible] and California.

"You are hereby commanded, should you [illegible] on receipt of this order, to possess yourself of such ports in Upper California [illegible]. The object of the United States has reference to *ultimate peace* with Mexico, and it, *at that time*, the basis of the *uti possidetis* shall be established, the government expects *the only war forces* to be found in Upper California [illegible] of Upper California. This will bring with it the necessary civil establishment. Such a government should be *established* under your protection."

These instructions are positive in themselves, and refer to previous instructions. They correspond with all the previous orders to the navy. That branch of the public force was charged in advance, and in anticipation of the war, with the conquest of California whenever war broke out. They were to conquer the country; they were to hold possession of it till peace; and they were to establish a civil government for its temporary administration.—The naval commanders were to do this, and did do it. Commodore Stockton took command in July, immediately after Mr. Fremont came to Monterey, and under his orders all subsequent military operations were carried on, and the civil government established, the expenses of which now remain to be paid. Commodore Stockton received from the government for prosecuting the conquest of California; Commodore Sloat was censured and recalled for not doing it; and Mr. Fremont and his battalion were a part of Stockton's forces, and acted under orders from him.

The very day this letter of the 12th of July was written at Washington, Mr. Fremont was on his way to Monterey, to aid Commodore Sloat to do the very thing which these reiterated instructions required him to do. He was fulfilling, to the letter on that day, the orders which were emanating from Washington. At the distance of 3,000 miles, and without orders, he was doing what the government wished done, and what the naval commanders could not have done without a land force.

The letter of recall to Commodore Sloat, dated August 13, 1846, shows not only that the naval commanders were required to conquer, retain, and govern California, but that they would be censured and superseded for not doing it. Here is that order, dated, as I have said, on August 13, 1846—by a strange coincidence the very day that Stockton and Fremont were entering the city of the Angels, and putting the finishing hand to the conquest of California. Hear it:

"U. S. NAVY DEPARTMENT, Washington August 13 1846.

"Commodore: I [illegible] have received your letter, No. 51 of June 6, from which [illegible] have not been aware of the existence of [illegible] between the United States and Mexico, you continued in a state of *quiescence*, and did not carry out the instructions of June 24, 1845, framed to be executed even in the event of

the mere declaration of war, much more in the event of actual hostilities. Those instructions you were ordered to carry out *at once.*'

In my letter of August 5, 1845, the receipt of which you acknowledged on the 28th January, 1846, referring to them, I said: *In the event of your* you will obey the instructions recently addressed to you via Panama." In my letter of October 17, 1845, of which you acknowledge the receipt on the 17th of March, 1846, referring to these instructions you remove, I said further: 'In the event of actual hostilities between the Mexican government and our own, you will so dispose of your whole force as to carry out most effectually the objects specified in the instructions forwarded to you from the Department, in view of such a contingency.' And surely there is no ambiguity in this language.

And in my letter of the 23d of February last, sent through Mexico, I remarked:—'This letter is sent to you overland, enclosed, as you suggest, to Messrs. Mott, Talbot & Co., Mazatlan, and you will readily understand the reserve with which it is written.

The Department, on August 5, 1845, had also told you 'that your force should not be weakened, while hostilities are threatened by Mexico.' Your course was particularly approved in detaining the frigate Constitution.

The Department will lose this more urgent necessity than as yet appears, existed for the otherwise premature return of that vessel.

The Department willingly believes in the purity of your intentions. *But your* caution not to do wrong has led you into a most unfortunate and unmerited inactivity.

Very respectfully, your ob't serv't,

GEORGE BANCROFT.

Commodore JOHN D. SLOAT,
Commanding U. S. naval forces in the Pacific Ocean.

This is the letter recall of Commodore Sloat; recalling him for inactivity; for delay in commencing hostilities; for his unfortunate anxiety not to do wrong. It is full proof, not only of authority to act, but of blame for not acting. Commodore Stockton succeeded Commodore Sloat. He acted, and Fremont with him; and the mass of these claims—the whole, except the insignificant amount accruing during the first thirty days, under the flag of independence, arose under the command of Commodore Stockton, and were doubly authorized, both by his position as commander on the California station, by the reiterated orders to the naval commanders, and by the express approbation of his conduct since he returned home.

The operations without authority limit themselves, then, to about thirty days of time at the commencement, and will not require forty thousand dollars to pay them; and for that sum the United States received more than the amount at the time. in horses, cattle, cannon, and muskets, taken from the enemy, and delivered to the United States, or used in her service. Eighteen brass cannon, two hundred and fifty stand of muskets, four or five hundred cattle, and nearly double as many horses, taken under the independent flag, went to the United States. These materials of war went to the United States, and were worth full fifty thousand dollars in money. The United States received, then, in materials of war, more than it is asked to pay for these unauthorized operations. She received horses, cattle, cannon, and muskets to more than the value; and we are ready to put a proviso to the bill limiting the amount to be paid for these operations to a less sum than the value of the articles actually received. But this would be but a poor way of settling the account. The United States received *all* the fruits of the revolutionary movement: she received *all* the benefits of the movement; and these benefits were of a kind not to be weighed or measured against money. She received all the northern half of California, conquered to her hand, before the naval forces began to act; and this half so received by her has remained tranquil in her hands ever since. It broke up the juntas for transferring the country to the protection of Great Britain, and stopped the grants and sales of the public domain to British subjects, and arrested the proceedings in the Macnamara grant of three thousand square leagues before the grant was complete, and all the original papers of which have been brought to the United States. It induced Commodore Sloat to change his mind after he had been five days at Monterey, and decided him to take possession of the place, thus anticipating the arrival of the British admiral by a few days, and converting his arrival into benefit instead of harm. For when he did arrive, finding the place in possession of the United States, he saw that his mission was at an end, and went off as suddenly and mysteriously as he came, abandoning California to its new masters, and putting an end to all hope of British protection. Finally, it saved the American settlers from destruction, gave a body of organized and victorious land forces to the United States to act with the navy, and presented to the view of the British admiral that camp of mounted riflemen which had such a discouraging effect upon his mind and such an encouraging one upon the minds of the naval forces.

These were the benefits received by the United States from the movement under the independent flag. They are above price, and beyond dispute. The historical depositions taken by the committee prove every thing, and the dispatch of Commodore Sloat to the Secretary of the Navy, of July 31, 1846, coincides with the sworn testimony in showing the happy effects all this had upon the British admiral's visit, converting it into a benefit instead of a mischief. He says:

"On the 16th the British admiral, Sir George F. Seymour, arrived in the Collingwood, 80. An officer was immediately sent to tender him the usual courtesies and the facilities of the port. He was subsequently furnished with a set of topgallantmasts and other spars for his ship, and sailed on the 23d for the Sandwich Islands.

"The visit of the admiral was very serviceable to our cause in California, *as the inhabitants fully believed he would take part with them, and that we would be obliged to abandon our conquest; but when they saw the friendly intercourse existing between us, and found that he could not interfere in their behalf, they abandoned all hope of ever seeing the Mexican flag during our occupancy again.*"

Thus the British admiral disappointed the expectations of the British party in California. He came, as they expected, but when he came he did nothing. He did not interfere in their behalf; he behaved friendly. He went off in a few days, carrying with him the emissary Macnamara, and on his departure the inhabitants lost all hope of ever seeing the Mexican flag again flying in California. Thus was California saved from passing, like the Mosquito coast, and so many other places, under British protection. California was saved! And how came it to be saved? Because Mr. Fremont, his topographical corps, and the settlers had overturned the Mexican authority before he arrived—had extinguished the British party—had induced Commodore Sloat to take possession of Monterey, and he himself, with his battalion, had come down to the coast to second the operations of the navy. This saved California. All the depositions attribute these results to Mr. Fremont's movement; and his coming down to Monterey to join the naval forces was the crowning act of his whole conduct. It was decisive upon the minds of both British and Americans. It showed a land force, already victorious over the Mexican authorities, ready to act with the navy. A camp of mounted riflemen suddenly appearing, and as if by magic, was an impressive sight both to British and Americans. It discouraged one as much as it encouraged the other, and assured the conquest of all the remaining part of California. Lieut. Minor, of the navy, then in Commodore Sloat's squadron, has well testified to all this. He says:

"The undersigned was on duty on shore when Captain Fremont arrived with his force at Monterey from the north. The undersigned believes that the appearance of this body of men, and the well known character of its commander, not only made a strong impression upon the British Admiral and officers, but an equally important one upon those of the American navy; that, in Montana, [Monterey?] the undersigned can say, that, after he had seen Captain Fremont's command, all his doubts regarding the conquest of California were removed."

Such is the testimony borne by Lieut. Minor to the decisive effect which the appearance of Fremont's riflemen made upon the minds of both British and Americans at that time. It was certainly a strange and impressive spectacle to see a body of American riflemen at such a place, and at such a time—three thousand miles from home—on the coast of the Pacific—already victorious over the Mexican authorities, and ready to co-operate with the naval forces in repulsing British interference, and in pursuing the conquest of California to its conclusion. Immediately after they went to sea under Commodore Stockton—sailed five hundred miles down the coast, and disembarked for new services on land. But I forbear. The object of these few remarks was to show, not the services of the California battalion in the whole war, but only for the first thirty days, while acting under the flag of independence, without a knowledge of the Mexican war, and without orders from the government. I mean only to show the value of these services, and that all their fruits went to the United States; and that the amount to be paid for these services under this bill will be less than the value of the horses, cattle, arms, and cannon delivered to the United States, to say nothing of benefits of a different kind, above price and above calculation.

The bill and the amendment reported by the committee are drawn with the view to settle up and to close up forever this business of the California claims. It is obvious what a mine of fraud they must become if not settled up and closed up quickly and forever. For this purpose the claims are to be examined on the spot where they occurred before they are allowed. They are to be examined by those who know the truth and justice of every transaction—able to detect at once all false or exaggerated claims—and barring forever all that are not presented and allowed within the limited time. It also closes up another source of fruitful and almost perpetual claims—*that of claims for lost horses.* This is a most expensive incident of the mounted service—great in itself, and great in its continuance, and hard to be brought to a close. This amendment, if adopted, will prevent all such claims from coming up from California. It will close them all up at the start. It makes an allowance for forage, at the rate of twelve and a half cents a day, in addition to the forty cents a day for the use and risk of the horse—an allowance justly made, as no forage was ever furnished the California battalion by the United States, and the horses were subsisted upon grass while watched and guarded by the men. The whole compensation is made into a gross sum, (consisting of the items of pay, clothing, use and risk of horse, and forage,) and offered in full of all demands for horses lost for any cause, or by any means whatever. It would doubtless be advantageous to the United States to settle with all their mounted forces on the same terms.

On motion,

The Senate adjourned.

WEDNESDAY, APRIL 26, 1848.

PETITIONS.

Mr. PEARCE presented the petition of Ann Jeffers, widow of a revolutionary soldier, praying a pension; which was referred to the Committee on Pensions.

Mr. WESTCOTT presented the petition of Major William Bayley, praying to be discharged from liability for certain public property which has been applied to the service of the public; which was referred to the Committee on Military Affairs.

On motion by Mr. PEARCE, it was

Ordered, That the petition of Littleton D. Teackle, on the files of the Senate, be referred to the Committee on Claims.

PORTRAIT OF GENERAL TAYLOR.

Mr. BADGER submitted the following resolution for consideration:

Resolved, That the Committee on the Library be instructed to procure the full length original portrait of General Zachary Taylor, painted by William G. Brown, of Richmond, if the same can be obtained at a price deemed by the committee to be reasonable.

Mr. BADGER asked for the immediate consideration of the resolution; but, objection being made, it lies over one day under the rule.

NOTICE OF A BILL.

Mr. BRIGHT gave notice that on to-morrow, or some early day thereafter, he will ask leave to introduce a bill to make Madison, in the State of Indiana, a port of entry.

PROCEEDINGS AND DEBATES OF THE SENATE.

The Senate proceeded to consider the following resolution, submitted on the 24th instant by Mr. BELL:

Resolved, That the Reporter of the Senate be directed to supply each member of the House of Representatives with a copy of his report of the proceedings and debates of the United States Senate for the present Congress, the expense to be paid out of the contingent fund of the Senate.

Mr. BELL.—I do not know that it is necessary to say anything more in addition to the remark I made upon introducing this resolution, that I consider it but a suitable courtesy to be shown by us towards the House of Representatives. It may be proper to state, however, lest gentlemen may suppose that the suggestion came from the Reporter of the Senate, that I had no communication with that gentleman on the subject, further than to inquire of him whether it would be practicable, from the nature of his engagements, to furnish copies of his reports to the House, which I considered to be due to that body as a matter of courtesy; and, I did not stop to inquire whether this additional number of the reports should be paid for out of the funds of the Senate, or the House. As my colleague suggested the other day, they may be paid for out of the funds of the House; but I will remind him that there can be no material difference, because the two funds are in effect the same, derived from the same source, and applied to the same object, the payment of the expenditures of the two houses of Congress. In regard to whether it is expedient to continue the arrangement under which the debates of the Senate are reported, it is not necessary to express an opinion at this time; that is a matter to be determined hereafter, but so long as it continues, I think it is but a matter of comity that the members of the House should receive those reports, and I trust that my colleague will forbear his opposition. I was somewhat surprised to find that it had not been done before; I supposed that the reports were furnished to the House, and some gentlemen around me were under the same impression. I can conceive no possible objection, and I hope the resolution will be adopted.

Mr. TURNEY. I cannot for my own part perceive the necessity for passing this resolution to furnish the House with the reports of our proceedings and debates. I believe it is a thing that has never been done. If the members of the House require these reports, they can procure them for themselves. But I have another objection. Notice has been given by an honorable Senator from Missouri, that he intends to move to rescind the resolution under which the Reporter of the Senate has his engagement, for reasons stated by him, one of which was, that these reports cost three times as much as they could be procured for. The members of the House of Representatives cannot be much at a loss for the reports of the Senate, because they have the Congressional Globe and Appendix. I was opposed to the resolution for employing a reporter originally, because I believe it to be unnecessary, and I was the more opposed to it upon the assurance of the Senator from Missouri, that we were paying three times as much as the work was offered to be done for by Blair & Rives. This resolution does not specify the amount to be paid for these reports which we propose to furnish to the House; this with me is a decided objection. If the House order them for themselves they will procure them at a specified rate, or by a contract under which they will obtain them at a reasonable price. I move that the resolution be referred to the Committee on Printing.

Mr. CLAYTON.—I think the motion offered by the Senator from Tennessee is eminently proper, and ought to be adopted by us. It is urged as an objection that the House can purchase these reports, or obtain them by contract, under a resolution to be adopted by itself. I think it will readily occur to every one that it would be improper for the House to contract with our officer. Under all the circumstances, I can see no propriety in the proposition that the House should make any such contract. But I rose not to speak in reference to this resolution merely. Something has been said by the Senator from Tennessee, [Mr. TURNEY,] in regard to the report of our debates, which I think demands a reply. Sir, I have been a long time a member of this body, and I venture to say that we never had any think like accurate and full reports until we adopted the resolution appointing this reporter. Any Senator who has been here many years, and has observed the reports of the debates in this body, will concur with me in this. I do not mean to say that we have perfect reports even now; I know there are defects, but I believe those defects do not flow from any fault on the part of the Reporter, but from our own fault in not furnishing an adequate amount to enable him to employ a sufficient number of Reporters, and to procure the printing to be promptly done. It is true, the reports are delayed sometimes for several days, but we can readily understand why. The officers who are reporting for us, have been compelled, often during this session, to report debates lasting through six or eight hours, and not to give two or three speeches only, but the whole debate. This is a difficult thing to be done by so few reporters; and it is easily perceived, that for the sum appropriated, the work cannot be done more speedily than it is. I trust that we shall never abandon the system, but go on and perfect it. I should recommend that instead of abandoning the system, which has been found to be better than any other, we should set about perfecting it, by furnishing a sufficient sum to pay for the printing of the reports promptly, for I think that all must concur with me, even the Senator from Tennessee himself, that the expense is nothing in comparison with the importance of the reports both to this body and the country.

Mr. TURNEY.—In relation to the accuracy of our reports, I do not mean to say any thing further than this: that I believe they are not more accurate than they were last session, and not more accurate than they are this session as given in the Globe.* There is no improvement at all. The Senator from Delaware says we are not paying enough. Why, the newspaper press of this city proposed to report for the Senate at a rate of compensation not exceeding the half of what we are paying. A committee of the Senate made a report on the subject some years ago, and named the amount which they considered necessary to defray the expense of reporting the debates of the Senate, and we are paying double and more than double, as much as any estimate that has been made; and yet it is urged as a reason for not getting our reports furnished, according to contract, that we are not paying enough. We are paying more than double what you have to pay for the Globe and Appendix. I do not see any use for having reporters employed at all, but as we have them, if the House desires to be furnished, let them make their arrangement. I am opposed to the plan of one House undertaking to supply the other with reports of its debates. It is introducing a new principle. It will be forcing upon them perhaps what they do not want. I am opposed to it altogether.

The question being put upon the adoption of the resolution—

Mr. TURNEY demanded the yeas and nays on agreeing to the resolution, which were ordered, and it was determined in the affirmative, as follows:

YEAS—Messrs. Atherton, Badger, Bell, Benton, Berrien, Bright, Calhoun, Clay, Clayton, Crittenden, Dickinson, Dix, Downs, Foote, Hale, Hannegan, Jarnagin, Johnson of Maryland, Mason, Moor, Pearce, Rusk, Sebastian, Underwood, Upham, Westcott—26.

NAYS—Messrs. Allen, Atchison, Bagby, Breese, Butler, Cameron, Dayton, Johnson of Georgia, Lea, Fetes Phelps, Sturgeon, Turney, Yulee—13.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk.

Mr. President: I have the honor to inform the Senate that the House of Representatives have passed a bill entitled "An act to change the name of Photius Kavasalos to that of Photius Fisk."

*The report furnished to the Senate by contract are republished in the Globe.—REPORTER.

RIOTS IN THE DISTRICT OF COLUMBIA.

The PRESIDING OFFICER.—The next subject for the consideration of the Senate, is the motion of the Senator from New Hampshire, [Mr. HALE,] for leave to introduce a bill relating to riots and unlawful assemblies in the District of Columbia.

Mr. BENTON moved to postpone the prior orders, and proceed with the consideration of the bill for ascertaining and paying the California Claims, which was the unfinished business of yesterday.

Mr. HALE said the morning hour had not yet expired, and he thought the leave he had asked to introduce a bill ought to be first disposed of. He had no disposition to debate the subject, but he desired to have a vote. If the object of the motion to take up the California hill was to evade a vote upon the leave he had asked to introduce his bill, he must ask the yeas and nays upon it.

The yeas and nays were then ordered upon the motion to take up the California Claims bill, and it was decided in the affirmative, as follows:

YEAS—Messrs. Allen, Atchison, Atherton, Badger, Bagby, Bell, Benton, Breese, Bright, Clarke, Cass, Crafton, Cuthbert, Davis, of Mississippi, Dayton, Dix, Felch, Houston, Johnson, of Maryland, Johnson, of Georgia, Lewis, Mangum, Mason, Moor, Pearce, Rusk, Spruance, Underwood, Westcott—29.

NAYS—Messrs. Calhoun, Douglas, Hale, Niles, Phelps, Turney, Upham—7.

THE CALIFORNIA CLAIMS.

The Senate then resumed the consideration of the bill for ascertaining and paying the California Claims.

The question pending was upon agreeing to the amendment reported from the Committee on Military Affairs.

Mr. MASON moved to amend the amendment by striking out the first fifteen lines, and the word "department" in the sixteenth line, and inserting in lieu thereof:

"And for the purpose of ascertaining the justice and amount of the residue of said claims, a board is hereby established, to consist of three fit and competent persons, to be nominated by the President, and by him appointed, by and with the advice and consent of the Senate, which board shall sit at different places in California, and to give certificates for the amount due, which certificates shall be forthwith paid in California by some proper officer duly appointed or designated for that purpose."

Mr. MASON.—If the honorable Senator from Kentucky will yield the floor for a moment, I would like to state the specific object which I have in view, in offering an amendment to the amendment reported by the committee. It is to strike out so much as constitutes these gentlemen by name to be a board of commissioners, and to substitute this phrase: "a board to be appointed by the President." I offer this amendment, and while up, I will remark that I do so for the purpose of testing the sense of the Senate; upon it I ask for the yeas and nays.

Mr. UNDERWOOD.—But for the constitutional question that has been raised upon this occasion, I should have contented myself, in all probability, with giving a silent vote. Like the gentleman from North Carolina, I have great respect for precedents, judicial and legislative. But those precedents, to entitle them to respect, should always be settled upon due deliberation; and at the time when they are settled, the attention of the body, whether it be judicial or legislative, should be called to the importance of the subject upon which the precedent is about to be established.—Now, if there has been any formal discussion of the Senate or the House, on this important subject, has a direct bearing upon it, no gentleman who has heretofore participated in the debate, has taken occasion to bring forward any evidence of that discussion, to show that upon arriving at a conclusion, it was done upon mature deliberation, and after full discussion. This, then, as far as I know, is the first time this important question has been brought up and discussed to any considerable length. I do not propose, by any means, to make a long speech upon the subject. I rise, principally, to give my views in regard to two of the cases which the honorable Senator from North Carolina brought forward as precedents to govern our conduct on this occasion; and to show as far as I may be able, that those precedents, thus brought forward and relied on by him, are not, in effect, precedents which ought to govern in this case. The first case to which the attention of the Senate is called, is the one that was decided in '92, by Judges Jay, Cushing and Duane. If I understand that case aright, it operates against the argument of my honorable friend; and if any proper conclusion can be drawn from it, it does seem to me to be adverse to the passage of this bill, as it comes to us from the committee. It is necessary to look for a moment at the law which those judges, in '92, were called upon to enforce. It was an act to provide for the settlement of claims of widows and orphans—claims previously barred by the lapse of time, and to regulate the claims of invalid pensioners.

Now the object of the act which the judges were required to execute, after the limitation had been taken off these claims was this: they were directed to ascertain what widows and what orphans were entitled to the half-pay of the deceased officers, whose half-pay had been granted to them by the Continental Congress. They had another duty, and that was to ascertain what officers were entitled to such half-pay by virtue of the law of the Continental Congress. And what do the judges say in reference to these duties? They say they are not judicial duties, and therefore they decline performing them as judges, but say they will do it as commissioners. What is the argument now based upon this decision? The argument is that, by judicial determination, Congress may legislate so as to appoint a commissioner. I do not deny this; but, you must take into view the nature of the duty which the commissioner is to perform, in order to apply the constitutional test. It will be seen by the decision of these judges, that they recognized the right of Congress to appoint commissioners to enquire and report upon what the legislation of Congress might act. No one ever denied that this may be done. It is the every day practice for either House, to appoint a commission to ascertain facts upon which their legislation shall be based. That is merely an employment as it has been properly defined. It is not a judicial or legislative office, but merely an employment, the result of which is to constitute the basis of future action of some department of government, or of all of them combined. The case before the judges was of that description. And when they reported the facts and their opinion upon them to the Secretary of War, as the act of Congress required them to do, he had the right to carry into effect or suspend the decision of the judges at his decision. This power conferred upon the Secretary to control the action of the judges, proved to their satisfaction that they were required to perform were not judicial; because, if judicial, they must be final and conclusive, unless revised, affirmed, or annulled by a higher judicial tribunal, and not by one of the Executive departments or by Congress. The action of the judiciary, under the constitution, cannot be revised and controlled by the Executive or Legislative departments of the government; and because their action was subjected to a control of that kind, they decide that the duties required of them were not judicial.

The judges were required by the act, to report to the Secretary of War, and when they did report to him, the Secretary had a right, as will be found upon examing the act, to suspend or control their judgment, and further, that it should be submitted ultimately to the revision of the legislature. What does this prove? It proves that the judges were nothing more than commissioners to ascertain facts upon which the war office and legislative department, were to act subsequently to the ascertainment of those facts. What is the case of Gratiot brought forward by the gentleman from North Carolina as a precedent to govern us? He was appointed by act of Congress to unite with two officers of government, to ascertain and report upon facts, but their action was not to be final. I have taken the trouble to look into the act, and I find that they were directed merely to inquire into the facts and make a report. Now how do these cases stand? They show that Congress may appoint a commission to ascertain facts for the future action of the legislature, and this I contend, is not an office within the meaning of the constitution. What is an office within the meaning of the constitution? That instrument has divided the government into three departments, the executive, the legislative, and the judicial. By those departments, all the business of this vast country of ours is conducted. These departments embrace the business of the entire government. The whole business is classified, and the classifications of the business are such, as all men of ordinary intelligence can understand. Now if it be mere preparatory information for these departments, or any of them to act upon, that you are desiring to obtain. I admit that it presents itself according to the distinctions taken in the books not in the form or nature of an office. But if it be the final disposition of the business, that can only be done, I conceive, under the constitution by the agency provided in that instrument. What is the case here? Why this case is finally to dispose of seven hundred thousand dollars, and there is no appeal. According to this bill there is to be no revision on the part of either the Executive, the judiciary, or the legislature. It differs from all the cases then, that have been found inasmuch as the final appropriation of several hundred thousand dollars is to be made by the commissioners appointed by this act. Is it not of sufficient importance to require the constitutional agency of the country to dispose of it. What is this constitutional agency? It is the employment of an executive, a legislative, or a judicial officer. I rose to give this answer to the cases cited by my honorable friend, and to show that they do not apply as precedents in this case, and if they do not, we have only to take up the constitution and construe it for ourselves, not being trammelled by any former action of the Senate, or of any other branch of government. Having reached the conclusion, that the bill could not be sustained in its present shape, I shall vote for the amendment of the honorable Senator from Virginia.

Allow me one more remark, and I have done. I have no personal acquaintance with Mr. Fremont. I have admired the man from character. I have read with pleasure the valuable information he has given with regard to the country in which these operations have taken place. I, therefore, am not actuated in the remarks which I have made by any feeling of hostility towards him, or disinclination, that he should be appointed. If I could be influenced by any feeling at all, it would be in favor of his appointment; and I would readily go for the bill were it not in consideration of the paramount claim which the constitution has upon me. I will also remark, that I perceive this bill allows a greater amount than Colonel Fremont has estimated would be sufficient to pay the claims. I suppose the committee had their reasons for enlarging the amount, but I would like to hear why it has been enlarged? I find his report fixes the amount at less than five hundred thousand dollars. He gives an enumeration of the items, and his estimates seem to be quite liberal. I merely refer to this thing, hoping some gentleman will inform the Senate, why it is the committee thought proper to enlarge the amount.

Mr. BENTON.—Will the Senator have the answer now?

Mr. UNDERWOOD.—I shall be glad to hear it sir.

Mr. BENTON quoted from the testimony taken before the committee.

Mr. UNDERWOOD.—I had not examined that part of the testimony, but I see the basis of their action now.

Mr. DAVIS, of Mississippi.—I think the Senator might have gone much further into the matter of the services rendered by the battalion. I do not intend to occupy the time of the Senate by entering upon any extended argument—that has been fully done by others—but simply to call the attention of the Senate to the subject of constituting by legislation a legal agent. And I will make a supposition. Suppose those officers had remained in the service, it would be demanded of them, that their vouchers should be perfected on the ground where the claims arose. And what is this bill for? Nothing more than to give an opportunity to send those very persons, who, if they had remained in service, would have been selected to discharge that duty, by reason of the offices which they held, to perfect the vouchers for those unpaid claims in California. That is the whole purpose of it. It creates no office; it does not even create an agency. It only limits the payment of the claims in California, to the vouchers which have been thus perfected. If the President does not choose to rely upon the certificates of these commissioners he will require the vouchers to be examined at the Auditor's office. This is the plain view of the case. This is the extent to which it is necessary to legalize the acts of the persons herein named, hence they were named, hence their compensation is fixed at precisely the same rate to which they would have been entitled had they remained in the service. It merely places them back in a position to render that service which they would have performed if their office had not been extinct. I have been somewhat surprised to hear gentlemen arguing upon the question as to the difference between an officer and an agent. I have no desire whatever that they shall be considered as officers. My purpose is merely to legalize the certificates of these commissioners so that they may supersede the necessity of any further formality by ourselves or otherwise.

Mr. NILES.—The yeas and nays having been called for on the amendment of my honorable friend, the Senator from Virginia, I beg leave to give a very brief explanation of my vote upon this subject. The amendment which was reported from the committee as a substitute for the original provisions of the bill has obviated the difficulty which was supposed to exist at that time, and the question now is whether there is still a difficulty. The original bill provided for the establishment of a board to examine and decide upon these claims, to consist of one person named, and two others described as officers of a certain corps. This provision was clearly in conflict with the constitution, as it directed that the appointments were to be made by the President, with the concurrence of the Senate, and, at the same time specified the persons he should appoint. Whilst admitting that the appointment belonged to the President, it undertook to restrain and limit his power. This could not be done, as his power is derived from the constitution and cannot be restrained by law. This struck me at the time as not only exceedingly novel, but as being actually a limitation on the constitutional power of the Executive. To direct the President whom he shall nominate, is a manifest limitation of the power which belongs to him under the constitution. Now, however, we have a different proposition offered to us, and what is it? It is that in one of the sections of the bill certain persons are designated to carry into effect one of the objects of the law. These persons are not called a board, not designated as filling *eo nomine* any office whatever. Still they have a very important duty to perform, and that is neither more nor less than to execute the law that we are about to pass, at least all that part of the law which provides for examining and adjudicating the claims. Another part of the law provides for their payment, which is to be done by a person to be appointed by somebody, and of course, if we provide by law for any public duty, and do not provide for the appointment of the person to discharge that duty, the constitution in such case directs that the President shall do it. The first portion of the duty then required by this act, we propose shall be performed by the persons named in it. That is the whole matter; and gentlemen cannot make any thing else of it. It is a question whether Congress can themselves execute their own law, because whatever we do by our agents, we do do ourselves. I am not going into any nice examination of these points, but there is clearly no precedent for such a proceeding. I believe the thing never was attempted before. Can Congress execute their own law? Why gentlemen must see that that would be to confound executive and legislative powers. Are we to appoint our own agents to execute our laws? I say, what is the use of having an Executive department at all? The duties of these individuals are of a judicial, a ministerial character, they certainly are not legislative, not such duties as belong to us to discharge ourselves, or by our agents. And if we undertake to do it, we are undertaking to withdraw from the Executive, that which properly belongs to him. And what will be the accountability of these men? To whom will they be responsible? Who can remove them? Who can give instructions to them? Can the President? No, sir, he can have nothing to do with them, any more than he can with a committee in this body. They are substantially a committee of this body. I hope the time is remote when a precedent of this kind can be set. I can say with my honorable friends that I am far from being disposed to increase the Executive power, but at the same time, I am not for depriving the Executive of the power that rightfully belongs to him. I am not for assuming by the legislative department of this government, any Executive function, because it must tend to produce a conflict between the departments which may lead to the destruction of our whole system. How was it in England during that long struggle between prerogative and privilege—prerogatives of the crown, and privileges of Parliament? I know it is said that the President has a veto upon our acts, and can by it, protect his rights. Still that is no reason why Congress should attempt to encroach upon them. Sir, it is the principle with me in all cases, with regard to questions of power, or where a reasonable doubt exists, with regard to the power of Congress, to give the benefit of that doubt to the constitution. But in my judgment, this is not a case of doubt. It is a case perfectly clear, unless it can be made plain, that in some way you can get around the provision of the constitution which has separated, the Executive power being a ministerial power, from the legislative power. We are endeavoring to combine the two when we propose to execute our own law. The only example that has the slightest bearing upon this case, is the action of Congress upon private bills; but is there not a manifest distinction between private and public acts? A private act is not one that requires the action of the Executive; and everything in such a bill which is operative, and has the force of law, is nothing more than authority to some officer, to do an act specified. As for example, to pay money. We investigate the case here either in the Senate or by committee, and direct a sum of money to be paid. The law is executed by the public officer. Such arbitrators do not execute a public trust; they only make the investigation which a committee might make. But, sir, a public law is a different thing altogether. The Executive is sworn to execute the laws of the country, and we create for him such duties as we please, within the limits of the constitution. If we direct a new service to be performed, and either provide officers, or throw it upon those already appointed, the duty devolves upon the Executive in a greater or less degree. Because if you direct the appointment of new officers, these appointments devolve on him, and if the duty is thrown upon existing officers, he has to superintend their action, and you cannot withhold from the Executive that duty. But I ask, if in this case the Executive can remove these men or withdraw from them their power, and if he cannot, then would it be consistent with the constitution that the appointment should be made in this way? This is not a slight matter, I mean of keeping the various branches of the government separate; it is a great fundamental principle. I can therefore support no such provision as this in its present, or in its original form; and the omission to give these agents any distinctive name or character, or even to define their course of proceeding, will not at all help the matter, because they are to execute the law; the bill recognizes them as public officers, I think by providing a rate of compensation. If we can do this, we can pass a law dispensing entirely with the Executive department of the government. It is very easy to see that in this way we could withdraw the whole Executive duty from the regularly constituted officers.

I am not disposed to take up the time of the Senate, but this question involves an important principle. We are getting around the constitution, and the fact that it is done in this covert manner is no recommendation. I am rather more suspicious of it on that account. I do not like that feature of the amendment. I would not vote for a loan which should bear on its face an apparent design to evade and get round the constitution. There is too much of an appearance of an attempt to escape the difficulty by keeping it out of sight—too much the appearance of a studied purpose to cheat the constitution, to cheat the Executive, and to cheat the public. This renders the provision much more objectionable with me, instead of relieving it from the constitutional difficulty. I shall vote for the amendment of the Senator from Virginia, not that I dislike the nominations. If they were made in a constitutional manner, I should have as much confidence in those gentlemen, especially one of them, from my knowledge of his public character and services, as in any individual that could be named. Still in all legislative acts I would rather have the guards which the constitution furnishes, and if the bill can be so amended, it will remove all hesitation on my part. It will, I think, remove the difficulty entirely.

Mr. PHELPS.—This is a matter of very great importance; for if a precedent of this kind be set now, it must unquestionably lead to collision between the different branches of the government. If, however, the construction given by the Senator from Mississippi be a correct one, it goes very far to remove the constitutional objection. If this be merely a measure to provide the mode of obtaining the testimony in order that it may be laid before the departments, there can be no objection to it. But the amendment strikes me as carrying upon its face a very different import. It provides that no claim shall be paid unless examined and allowed by these persons. Now, in my understanding of the term allowed, it involves a judicial power. If they determine against a claim, if they disallow it, it is not competent for any of the departments to allow it. No department has power to interfere.

Mr. DAVIS, of Mississippi.—Will the Senator allow me to ask him whether, at the close of this war, the duty of the disbursing officers, the commissioners and quartermasters will not have to be continued for six months, in order to bring up their accounts and their certificates, which will have to be placed in the department exactly as it is proposed to be done here?

Mr. PHELPS.—No doubt the regular distribution of power is the subject of legislation. There is no doubt that Congress can add to the duties of any officer, or transfer duties from one officer to another. Congress has, from time to time, conferred specific duties, but this is a totally different matter from the appointing of officers. But I was remarking upon the feature in the amendment that these men shall allow such claims as they think just, and if they disallow any, nothing but new legislation will cover the case; and if their allowance or disallowance is to be conclusive, is it not conferring upon these men judicial authority, and a judicial authority which is not open to revision, but which is conclusive upon the government itself? But whether their authority be judicial or not, the consideration hinted at by the Senator from Connecticut, has been from the beginning decisive with me. What are their powers? They have power to act upon and decide claims against the government—is this not an official duty? How are these powers exercised now? By the departments. You have a numerous class of executive officers, whose duties are exclusively confined to these subjects. You have auditors in the several departments whose appropriate and principal duty it is to decide upon claims. Now, if we take these powers which the constitution has placed in the hands of these persons, and confer them upon our own appointees, the result is that the appointing power of the Executive is worth nothing; it is entirely useless. This consideration has been decisive with me from the beginning. This bill takes from the officers, established by law, the exercise of their appropriate powers, and confers these powers upon the nominees of Congress. This being the principal official duties of these officers, is that duty to be changed into the character of an employment at your discretion? Does it change the duty because you choose to give it a new denomination? No, sir, the duty is precisely the same, and the objection returns upon you. This bill proposes to take from the accounting officers of the Treasury powers and duties conferred upon them by law, and to place these powers and duties in the hands of persons not appointed agreeably to the provisions of the constitution. If you can do this in one instance, you can do it again. If you once adopt the principle that you can withdraw from these men their power and confer it upon whom you please, can you not withdraw from the departments all their power and place it in the hands of your own nominees? It seems to me there is no avoiding this conclusion. Take any branch of the public service, and if you can once enter upon this course you can carry it to the end. Under these circumstances, without troubling gentlemen or myself with a lengthened discussion, I have merely to say that, if this is an official duty in the hands of these officers of the government, it is so in the hands of our appointee. The duties cannot be changed. And, in my humble judgment, if we can give these duties to whomsoever we please, we can go far enough to make the whole corps of officers appointed by the President entirely useless. I am not in favor of setting such a precedent, which would have the effect of opening the door for a further assumption of power.

Mr. CRITTENDEN.—I find that gentlemen the most competent to judge of questions of constitutional power, differ in opinion upon this subject. That would be a sufficient reason with me—if I had no opinion of my own on the constitutional question—to vote in favor of the exercise of the power now in controversy, by Congress rather than by the President. I prefer to see it exercised by Congress as a safer and less dangerous depository of power than the Executive. If it were matter of doubt as to where the power belonged, I should prefer, that it should be placed in the hands of Congress. I am not, however, without an opinion on the constitutional question. I know the powers of government are divided into legislative, executive and judicial; but I know another thing, that this division cannot, in the nature of things, and of the constitution of governments, be perfect and exact. There will necessarily be a small mixture of powers, and this is as requisite as the alloy in your coin. Take your courts of justice—are there not discretionary rules enforced by them independently of enactments affecting the rights of parties? Undoubtedly. You give them power to prescribe rules of practice, and it is necessary that they should have that power. Take the executive department of the government. Are his powers as existing in practice within the limits of the constitution merely ministerial? How often, in the course of his duties, does he exercise a power which, in an abstract point of view, may be regarded as legislative? So with the legislative branch of the government. How can it get along without some portion of executive power—such a portion as is necessary or incidental to the wholesome exercise of the power with which we are unquestionably vested. I do not propose to enter at large into the subject, but merely to call the attention of gentlemen to this view of the matter. The question is whether the provision contained in this bill is an assumption of the power which belongs to the President—an usurpation of his power.—Is it not our constitutional and legitimate province to provide for the payment of these claims? Undoubtedly. Without legislative provision, there could not be the payment of a dollar; and no other power than Congress has a right to provide for that payment. It is a legislative duty. We can prescribe the rules of evidence that shall govern in the establishment of these claims, and the form and mode of their authentication is entirely within the discretion of Congress. We may direct them to be paid in California or in Washington. We can direct them to be paid by a paymaster, or whomsoever we will. We may prescribe the rule of evidence as to the number and description of witnesses upon whose testimony we can rely. We may declare that we will not rely upon California witnesses; they are out of the limits of our criminal jurisdiction. We cannot punish them if they swear falsely. We may therefore exclude their testimony; or we may say we do not choose to trust to that sort of testimony alone. If then, we may do this, can we not point out certain men, and say on these men we can rely; and those claims which they allow shall be paid? We have a right to say in what manner and with what qualification they shall be paid; and in this point of view—contemplated in this aspect—is it not a proper and judicious mode of legislation? It seems to me so, sir; it seems to me that we need not shrink back from it. It may appear, upon a refined construction, to come in conflict with the executive power to appoint to office. But it is rather as witnesses, than as officers of government that these gentlemen are to act. The claims in question originated through their agency, and under their authority as officers of the government. They, of course, are best acquainted with the subject, and cannot be imposed upon by fraudulent claimants.

The object of the bill is, that none of these unliquidated claims shall be allowed unless their validity and amount be certified to by persons upon whom we can rely; and I really do not see how these constitutional questions can be raised, except by an ingenious and refined turn of argument. They do not arise naturally out of the case. We are but giving to the certificates of these gentlemen the same legal operation that they would have had, if they had continued in service. Sir, if we are to admit, to the utmost extent, the claim set up for Executive power, it seems to me that we should find it in the end very inconvenient indeed. It is admitted that there is a distinction between an office and an employment, a nice legal distinction. If gentlemen will search further they would find that there is an admitted legal distinction between an office and a power. Every power that may be granted is not an office. A particular power is, in common language, as distinguishable from an office as an employment. What is this, then, but a mode of legislation by which we are to designate the persons that are to exercise a particular power—that of authenticating and certifying to certain claims? To say that we cannot do this, would be to make the Executive government essential to every agency and every particular power to be created; that we could do nothing in fact without the agency of the Executive; that his power must be invoked in every instance; that the legislative department is an inert mass, requiring the touch of the executive to give it life and vitality. Let us take care that we do not run into an extreme on the one hand or the other. It is our duty to preserve every constitutional power belonging to the executive; but the tendency of our government has not been heretofore calculated to create any alarm of encroachment upon that power. In the nature of things, the encroachment which is to be feared is the encroachment by executive power. But there is no invasion here of executive power. There is no attempt to steal, or to cheat him of his power.

There is but one other question, and upon that I need say nothing—it is, whether Congress is disposed to pay these claims or not. I think we are bound to pay them. They have originated in a manner that is not regular, I admit. They have grown up under peculiar circumstances. These services have been valuable to the country. They are such as we would have directed if we had been acquainted with the circumstances; and it is but just and proper that we should legalize them. Upon every principle of equity we are bound to pay the claims. The parties claiming compensation are entitled, upon every consideration, patriotism, hardihood, courage, and the sacrifices incurred in rendering these services, and by every other consideration that can entitle men to remuneration. The courage and conduct of Col. Fremont have signalised his name. His services were peculiar, attended with great responsibility to himself—characterized by great firmness and humanity, as well as devotion to his country. The expenses incurred in the performance of those services, were incurred under his own orders and those of his quartermaster and commissary, and upon their liquidation and authentication of them, we can most safely rely. And, in my judgment, the mode of settlement prescribed by this bill, is constitutional and proper.

Mr. ALLEN.—Like every other man who is sworn to support the constitution of the country, I should be extremely unwilling even to run the risk of a violation of it, and if I believed that there was just foundation for a reasonable doubt as to the constitutionality of the amendment offered to this bill, I should unquestionably vote against it; but I have no such doubt and I shall therefore support it. It is a mistake to suppose that there can be nothing done on the part of, or for the government of the country, except by an "officer" under the constitution of the United States. An officer under the constitution of the United States derives his appointment from one of three sources, first, from the President of the United States; secondly, from one of the heads of departments; thirdly, from a court. The constitution is perfectly clear on the subject. It declares that

"He (the President) shall have power, by and with the advice and consent of the Senate, to make treaties provided two thirds of the Senators present concur; and he shall nominate, and by, and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may, by law, vest the appointment of such inferior officers, as they think proper in the President alone, in the courts of law, or in the heads of departments. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session."

So that every officer under the constitution of the United States

whose appointment is not provided for in the body of the constitution, must derive his appointment from the President, or the heads of departments or from a court: for Congress is not authorized to vest the appointment of any officer, by law, in any body but in the President, in the head of a department, or a court. This is the language of the constitution, and I state it with the view of directly calling the attention of the Senate to another matter. Congress, it appears cannot vest the appointing power in any officer of this government, if that officer be not the head of a department. This being the case, let us see what Congress has done. I go not back to the individual instances that have been cited, but to the uniform practice of Congress—to no solitary case that may have been a subject of particular attention, but to the uniform practice of Congress for the last sixty years. By the constitution Congress is directed to take measures for ascertaining the number of inhabitants every ten years. They have ordered that the marshals of the United States shall proceed to make a count of the whole population and return them within a given period of time. This is the duty of an officer of the United States called a marshal, whose office is created by law and whose appointment is made by the President of the United States. But can the marshal go into every county of his State and make a count of the people? By no means. Consequently Congress has created agents to assist the marshals. Congress has by law authorized the marshals of the several States in the Union to appoint assistants to aid them in counting the people. Are these assistants "officers" within the meaning of the constitution? I hold they are not. Because they are neither appointed in the constitution, nor by the President, nor by one of the heads of the departments, nor by a court, but appointed by a subordinate executive officer in each of the States—to wit: the marshal. Congress may vest the appointment of such officers in the courts of law, and they would then be officers in the strict sense of the term; but when appointed by the marshal they are not officers—still they derive their emolument from the public treasury and are denominated in law not marshals but the assistants of marshals. More than a thousand such were created by law in 1839. Why are they not officers? Because they do not derive their existence through any of the *media* known to the constitution, through which officers only can be appointed. The law did not create them officers, because their duty, like the duty intended in this case, was temporary in its nature. Here is the act, sir. The number of these appointees of the marshal is not limited. He may appoint any number he pleases. (The honorable Senator here read an extract from the law, wherein it is provided that the marshals shall have power, and are required to appoint one or more assistants in each city or county in their respective districts.)—These assistants of the marshals are to do what? To aid him in the performance of his official duty. Because it was physically impossible for him to do it alone; and yet they are not officers—not one of them deriving his appointment from any of the sources indicated in the constitution. I happened to have my attention called to this subject, from the fact that the marshal of Ohio having appointed assistants, as he was authorized to do under the act of '29, the fall elections came on, and one gentleman who was his assistant, became a candidate for election to the Senate of Ohio. He was elected by a legal majority of votes, and his seat was contested, on the ground that he was an "officer" of the United States, the constitution of that State declaring that no man who held an office, under the general government was eligible even as a candidate to a seat in the legislature. I was employed as counsel for the contesting candidate, and Mr. Ewing was employed on the part of the sitting member. The result was that the sitting member retained his seat upon the ground that he was not an officer of the United States. Here, then, is a large class of public functionaries, who are not officers under the constitution of the United States—who are not recognized as officers, for the reason that they do not derive their appointments from any source pointed out by the constitution. But what is the practice of the federal government continually? Does not the executive department constantly employ special agents? Have they not recently sent agents to Europe, to collect information which the government supposes will be valuable? Does not the Postmaster General constantly send out agents to superintend the external operations of that department? Are there not numberless cases of appointments, where the persons appointed are not known to the law as officers?

But the strong ground on which I rest the whole matter is the uniform practice of Congress itself—six times repeated in public acts—directing the appointment of a large body of men to discharge public functions, and yet not one of these men being an officer within the meaning of the constitution. They have to take an oath. The same law that directs their appointment, prescribes the oath, and fixes their salary; yet all this does not create an office. This is a strong case, sir, and one which cannot well be answered. There is a public duty to be performed. Congress assigns that duty to the marshals of the United States, and authorizes them to appoint assistants, who are not officers under the constitution because Congress has no right to confer upon the marshals the power of appointing officers.

What is the present case? It is nothing more than for the adjustment of claims, which to all intents and purposes legally, are now pending before Congress. It is a congressional business. It is not a claim pending before the Executive department, because it is admitted on all hands, that the way in which these claims accrued was irregular, and therefore, that neither the Executive nor any of the departments can adjust them. They have accrued under no known law. The President cannot appoint an agent to adjust the claims, nor could he adjust them himself, if they were laid before him to-day; neither could one of his subordinate officers. It is a business exclusively belonging to Congress. It is precisely like the matter that was referred to Mr. Sargent, and by law. The claims then are before Congress. It is our business to adjust them; and we propose to appoint a man to stand between the public treasury and the claimants, and see that justice is done to them and the government. It is as if we sent the matter to a committee. It is precisely like the investigation and examination of our own personal accounts in this body. They are claims which have no validity until we give them validity. It is our business. Well, shall it be said here, that in a matter pending before Congress we have no power to prescribe the mode of ascertaining the truth?—that we cannot assign the investigation of these claims to a committee? Why, who dare assert that the constitution stands between us and such a power as that? None, sir. We can pass a resolution this very hour, instructing the Judiciary Committee to do the very thing that it is proposed that these men, that are named in the bill shall do, and that because it is our business and not the Executive's. We are here to adjust claims, which we are under no legal but a high moral obligation to pay, and which because under no legal obligation, cannot go before the Executive department. If this case were now before us in the form of a memorial, could we not refer the claims to some committee of this body, to do the same thing these men are required to do? Shall we be told that it is the business of the Executive? This is all I that I intended to say on the subject, but if I were to indulge myself in commenting upon the events out of which this claim grew, I should be inclined to occupy some of the time of the Senate, in giving my opinion in regard to the conduct of Lieut. Colonel Fremont, and the gallant men under his command. But that opinion could confer nothing upon a name which has acquired greater renown in this country, than that of any other man of his age who now breathes its air. I say, sir, that Fremont is—and if I was called on to speak under oath on the subject, I would declare, I believe him to be the most meritorious man of his age now living in this country. Nor is this my opinion of him just now, or recently formed; for at the opening of the war with Mexico, I took occasion to suggest his name in connection with a command in the war which would have enabled him to exert that military genius and energy which I knew him to possess, and by which he would have conferred yet greater services on his country, and upon his own name still greater renown.

Mr. BUTLER.—I did not, the other day, enter into the debate in any spirit of controversy. At the time I made my remarks it was understood that the vote was about to be taken, and all that I intended was to explain my views, and to assign the reasons which would govern my vote. I then said, and I have heard nothing since that is at all calculated to induce me to change my opinion, that the gentleman nominated in this bill, would have all the duties and more than the authority of a paymaster. Place the matter in whatever light you will, his duties will at last involve those of a paymaster. By reading one or two lines, I believe I can as well illustrate my views as if I were to elaborate them for half an hour. The persons named are to allow the claims, and then they are to be paid by one who is acknowledged to be an officer—to be appointed as all other officers are—that is to be nominated by the President, and confirmed by the Senate. And let me ask, who has the greater duty to perform, he who audits and ascertains what shall be paid, or the paymaster who checks out the money. One forms a judgment and issues, in effect, a peremptory order, and the other is obliged to obey it. To say that a man who is simply intrusted with the payment of money shall be styled an officer, whilst those who are required to say how much shall be paid, and to whom, are not to be regarded as officers, seems to me to involve the mathematical paradox that the minor can contain the major proposition. The difference is this: the president of the bank orders the note to be paid, and the cashier pays it; yet, according to the reasoning of gentlemen, the cashier is the only officer. You can put it otherwise. I do not intend to chop logic, however; I have taken a palpable view, and if I am wrong in that, I am wrong altogether. My view is this: every appointment for the discharge of a duty, which requires judgment and discretion, in the administration of the public treasure of the nation, is an office; and I say that, from the humblest paymaster, who pays a private soldier, up to the Secretary of the Treasury—in the case of every appointee whose duty it is to administer a public trust—he is an officer. I recognize a distinction between this and the employment of a man to do a specific piece of work. Let it be put in this way. Let us ascertain whether the duties to be performed involve a trust. Suppose the claimants come here with their petitions; I might very well say with the Senator from Ohio, we could investigate the claims; but admitting that we could, we may grant a claim directly, by our committee, but the moment we appoint an agent to represent us, and to have vested in him such duties as may be imparted and delegated by legislative authority, it constitutes a public trust, involving official duties for the public. He then should have a power of attorney, under the constitution. If a commissioner were to be appointed to decide and report on all claims, I take it, he would be regarded as an important officer. If a commisioner were to be appointed to sit here, I take it, it would be regarded, and very properly, as a high office, requiring all the guaranties of the constitution, before it could go into operation. Can this be distinguished from such a case? If such a trust will not con-

stitute an office, I confess I am at a loss to know what is sufficient. The Senator from North Carolina said, I believe, that an office involved succession; but it does not do so always. That would not be a test by which this question could be solved. I agree with the Senator from Connecticut, that no appointment should be made under legislative authority, for the reason that there would be no control over the officer thus appointed. Suppose the persons appointed go into California and continue their investigations for four or five years. If they are appointed by the President, their appointment may be revoked; but if they are appointed by the legislative department, the President has no control over them. It does seem to me that those who have to settle these claims have much higher duties involved in their agency, than those who are merely required to pay them. I have very little difficulty in regard to the subject. It seems to me to be a very plain matter, otherwise I would not have supported the amendment.

Mr. CASS.—I think that the course recommended by the committee is the correct one. One point, however, has been touched upon which I think it would be proper to mention. These operations took place at a great distance off, and under peculiar circumstances. A great responsibility devolved upon the officer at the head of the expedition; and I think he is entitled to great credit for the course which he pursued in getting possession of the country. That country has now passed under our jurisdiction; and the operations which took place have thereby been legalized. Suppose we had foreseen what has taken place and has since been adopted as our act, what course would have been pursued in regard to these expenses? The officers would have had nothing more to do than issue their requisitions to the quartermaster and the means would have been furnished, and the accounts paid on the spot and then settled by the proper accounting officer of the treasury. Here you will have not only the requisition of the officer in command, but you will have the additional security of the other officers in the investigation of the propriety of each particular expenditure. These accounts must be settled, and if you send persons unacquainted with the condition of affairs under which the claims arose, it will be utterly impossible for them to arrive at proper results. We all know how easy it is to set up spurious claims in such cases. These were the considerations which operated with the committee. There was almost a parallel case decided in regard to Florida, a case embodying the very principle involved in this case. If the honorable Senator from Kentucky has got that act in his possession I would be glad if he would read the case.

Mr. CRITTENDEN.—The Senator from Delaware has it on his table.

Mr. CLAYTON read from the act of 3d March, 1845, "providing payment for certain military services in Florida."—*Laws U. S.*, v. 745.

Mr. BADGER.—I believe there are some other gentlemen who desire to address the Senate on this bill, and as it is necessary to have a brief executive session, I move it be passed over informally.

EXECUTIVE SESSION.

On motion by Mr. BADGER, the Senate proceeded to the consideration of Executive business, and after some time spent therein,

On motion,

The Senate adjourned.

THURSDAY, APRIL 27, 1848.

PETITIONS.

Mr. DAVIS, of Massachusetts, presented the petition of David Baker, praying an extension of his patent for an improvement in the Curvilinear saw-mill; which was referred to the Committee on Patents and the Patent Office.

Mr. JOHNSON, of Maryland, presented the petition of Richard T. Merrick, an officer in the army, setting forth the loss of his vouchers after he had deposited them in the hands of the proper accounting officer of the government, and praying the settlement of his accounts upon the principles of justice and equity; which was referred to the Committee on Military Affairs.

Mr. MOOR presented a memorial of citizens of Ellsworth, Maine, and a memorial of citizens of Bangor, Maine, remonstrating against the admission of lumber cut in the State of Maine, and manufactured in the British Province of New Brunswick, into the ports of the United States free of duty; which were referred to the Committee on Finance.

Mr. HALE presented a petition of inhabitants of Winnebago county, Illinois, praying the enactment of a law prohibiting the acquisition of any new territory by the United States, unless on condition, that slavery be forever excluded therefrom; which was referred to the Committee on Foreign Relations.

Also, a petition of inhabitants of Winnebago county, Illinois, praying that two slaves, sold to satisfy a judgment in favor of the United States against the estate of a debtor to the government, may be emancipated, and the money refunded to the purchases; also, the enactment of a law to prohibit the sale of that species of property for any debt to the government, and to forbid the holding of slaves by any officer of the United States; which was referred to the Committee on the Judiciary.

Also, a petition of inhabitants of Winnebago county, Illinois, praying the repeal of all laws that authorize or recognize slavery, except as a punishment for crime; the motion to receive which, was ordered to lie on the table.

On motion by Mr. MOOR, it was

Ordered, That the petition of the heirs of John Riggs, deceased, on the files of the Senate, be referred to the Committee on Revolutionary Claims.

INTERNATIONAL EXCHANGES.

Mr. BENTON submitted the following resolution, which was considered, by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be authorized and directed to purchase one hundred copies of Heckey's edition of the constitution of the United States, and to deliver the same in the name of the Senate of the United States to Mr. Alexandre Vattemare, of Paris, to be distributed by him in France, according to his system of national exchanges of books.

MANUFACTURE OF FIRE-ARMS FOR THE UNITED STATES.

Mr. CLAYTON submitted the following resolution for consideration:

Resolved, That the Secretary of War be, and he hereby is, directed to report to Congress:

First.—How many public armories there are belonging to the United States in which fire arms are manufactured, and where the same are located, and the date of commencing manufacturing operations in each.

Second.—How much actual capital is and has been invested in such armories; and what proportion in each for sites, buildings, power, permanent machinery, etc.; specifying the amounts under separate heads to date of report.

Third.—How much money has been expended annually in each of said armories for the manufacture of arms, in salaries, wages, and materials, or in any of the elements entering into all the current expenses of manufacturing such arms, independently of fixed capital and the interest thereon.

Fourth.—How many small arms have been produced annually from each of the said armories, all the cost of construction, and how many of the various descriptions of arms, and of what descriptions, are now in serviceable condition.

Fifth.—What number of arms have been condemned from time to time, and what disposition has been made of condemned arms at the government armories, and if sold, at what prices.

Sixth.—How many small arms and munitions of war have been procured from other sources than from the government armories; and from what sources and in what amounts; if by private contracts, at what prices for each description; if from other governments, from which and at what price.

VENTILATION OF VESSELS.

Mr. DAVIS, of Massachusetts, from the Committee on Commerce, to whom was referred the bill from the House of Representatives to provide for the ventilation of passenger vessels and for other purposes, reported it with amendments.

On motion by Mr. DAVIS, of Massachusetts, it was

Ordered, That the further consideration of said bill be postponed to, and made the order of the day for, Monday, the 1st of May.

FOREIGN MAILS.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom was referred the bill from the House of Representatives to amend the act to provide for the transportation of the mail between the United States and foreign countries, and for other purposes, reported it with amendments.

THE PRIVATE CALENDAR.

Mr. MASON gave notice that on to-morrow, at one o'clock, he will move to proceed to the consideration of private bills upon the calendar, and devote the remainder of the day thereto.

PAYMENT OF INTEREST TO ALABAMA.

Mr. BAGBY moved to postpone prior orders, in order to proceed to the consideration of the bill authorizing the payment of interest on the amount advanced by the State of Alabama to the general government pending the Creek hostilities in 1836 and '37.

Mr. PEARCE remarked that he desired to offer an amendment to the bill, and wished that the consideration of the bill might be postponed till another day, in order that he might prepare his amendment which had for its object the extension of the general principle of the bill.

Mr. BAGBY said that at the hazard of a little seeming unkindness to the Senator, he must press the motion. A postponement of the bill would be tantamount to its defeat at this session, and he would take the liberty of suggesting that his friend from Maryland, who did not, as he understood, object to the bill, could introduce his proposition in the form of a separate bill.

Mr. PEARCE had no desire to delay action on the bill; but he regarded it as manifestly proper that the principle should be made applicable to other States.

Mr. MANGUM said that the bill should be allowed to remain in its present position.

Mr. BAGBY reiterated his apprehension that if the proposition of the Senator from Maryland were connected with the bill, it would lead to fatal delay.

The question was then taken upon the motion to postpone the prior orders, for the purpose of taking up the bill named, and it was determined in the affirmative.

The Senate proceeded to consider said bills, as in Committee of the Whole, and the amendments reported from the Committee on Finance were agreed to.

No further amendment being made, the bill was reported to the Senate, and the amendments were concurred in.

The question upon ordering the bill to be engrossed and read a third time—

Mr. PEARCE explained that his amendment would not in the least militate against the bill. As the bill had been taken up out of its order he was not prepared with his amendment. All that he desired was to make the principle of the bill applicable to Maryland and other States similarly situated.

After a brief conversation in which Messrs. BAGBY, ATHERTON, R. JOHNSON, and PHELPS took part, relative to the circumstances in which the claims of the State of Alabama provided for in the bill, arose,

Mr. PEARCE asked that the bill be passed over informally.

Mr. BAGBY acquiesced in order to allow the Senator to prepare his amendment.

The said bill was then passed over informally.

PORTRAIT OF GENERAL TAYLOR.

The Senate proceeded to consider the following resolution, submitted yesterday by Mr. BADGER:

Resolved, That the Committee on the Library be instructed to purchase the full length original portrait of General Zachary Taylor, painted by William G. Brown of Richmond, if the same can be obtained at a price deemed by the Committee to be reasonable.

Mr. HALE.—I desire to know whether it be in order to address such an order to the joint committee?

The PRESIDING OFFICER.—It is addressed to the Library Committee of the Senate only.

Mr. HALE.—I move that the resolution be laid on the table.

Mr. HANNEGAN.—I beg to ask one question. Has there ever been a full length likeness of General Washington or of General Jackson ordered by the Senate?

Mr. BADGER.—I do not know that there has been.

The yeas and nays were then demanded on the question, and being seconded were ordered, and taken with the following result:

YEAS—Messrs. Allen, Atchison, Atherton, Bright, Felch, Hale, Hannegan, Mason, Sturgeon, Turney, Underwood—11.

NAYS—Messrs. Badger, Bagby, Bell, Borland, Cameron, Clarke, Clayton, Crittenden, Davis, of Massachusetts, Dayton, Johnson, of Maryland, Johnson, of Georgia, Mangum, Moor, Niles, Phelps, Spruance, Upham, Westcott—19.

The question recurring on the adoption of the resolution—

Mr. HANNEGAN moved to amend it by striking out the words "General Zachary Taylor," and inserting "Generals George Washington, Andrew Jackson, Winfield Scott, and Zachary Taylor."

Mr. HALE.—I move to amend the amendment as follows:

Add "and all the full length portraits of all the Generals in the American army."

Mr. UNDERWOOD.—I desire to make a very few remarks on this motion. I voted in favor of laying this proposition on the table in order to avoid what we just now witnessed, and what you will always witness whenever a measure of this sort is introduced. I protest against the introduction into this body of any movement of this character, because calculated to excite the heated feelings and partizan views of the members. We are sent here, as I believe, to legislate for the great interests of the American people and not to occupy ourselves in purchasing pictures to form a picture gallery. We do not come here for the purpose of naming one popular man to the exclusion of others, thus exciting debate as to who is most deserving of honor and distinction. If Gen. Taylor receive the nomination for the Presidency I feel very certain that I shall vote for him. I will yield to no gentleman on this floor in admiration of Gen. Taylor. I hope I have also a deep feeling of gratitude to the "father of his country." Although politically opposed to General Jackson, yet I respect and admire his character. So with regard to Gen. Scott. There are many others that I might name, for whom I entertain the same feelings, but without further remark I beg to submit that the resolution is inexpedient.

Mr. HANNEGAN—(in his seat.)—There is General Butler from your own State.

Mr. UNDERWOOD.—Yes, and a schoolmate and associate, and a man whom I am proud to say here and every where, all must respect for his honesty and elevated character, however they may differ from him in political matters. I ask, sir, if we have not already seen enough to convince us of the impropriety of diverting our attention from the legitimate business of the country, in order to select individuals on whom to bestow honor and distinction?

Mr. BADGER.—I had not the slightest expectation when I presented this resolution, either that it would produce or was calculated to produce any species of excitement. I offered this resolution for the purchase of a portrait of Gen. Taylor because we can obtain one which is said to be an excellent likeness, painted from life. It is now exhibted in the rotunda of the capitol, and there seemed to me to be a very evident propriety in the government obtaining possession of it. I hold that there is no member of this body who does not know, that every American citizen is ready to acknowledge that that distinguished and illustrious general, has, by his military services, shed unfading lustre on the arms and character of our country. And I assure my friend from Indiana that when he brings forward his resolution for the purpose of purchasing a full length portrait of the "father of his country," of Gen. Jackson, and of Gen. Scott, he will not find me in the slightest degree disposed either to withhold my assent from his proprsol, or to embarrass it by throwing around it, propositions not calculated to advance his object. The amendment which he proposes makes the resolution absolutely nonsensical. The resolution has for its object the purchasing of a certain full length portrait of General Taylor, executed by a particular artist. It does not designate an individual who is to execute a portrait, but it directs the purchasing of this portrait. Now the resolution would be perfectly absurd if a provision were introduced into it, that there are other portraits to be purchased, to be executed by this artist. I was in hopes that my friend from Indiana would have allowed it to be adopted without embarrassing it with this amendment. I assure him that he cannot introduce a proper resolution to testify respect for any distinguished gentleman without receiving my hearty approbation. Now with regard to the objection of my friend from Kentucky, that the Senate came here to attend to the great interests of the American people, it meets my hearty concurrence. I agree to it out and out. I do assure him that I never entertained a contrary opinion in my life, but when he says that we were not sent here for the purpose of forming a picture gallery, does he recollect that he is pronouncing a solemn judgment of censure upon the American Congress, almost from the commencement of the government? I am sure, observant as he is, he cannot so often have passed from this chamber, to the other, or when a member of it, from that House to this chamber, without seeing that we have been actually engaged in preparing a picture gallery. And what is a very remarkable circumstance, so far from thinking it beneath the dignity of an American legislature, sent here to attend to the national interests, we have purchased many portraits and busts for the purpose of adorning this edifice.

Mr. DAYTON, (in his seat.)—Not exactly "adorning" it!

Mr. BADGER.—The gentleman says not for the purpose of adorning the edifice. Well, that is a matter of taste. But we have gone farther. We have not only been in the habit of purchasing pictures, portraits of individuals, and placing them in our halls; but we have also purchased statues not intended to represent American citizens at all, and sculpture not like any thing in the heaven above nor on the earth beneath nor in the waters under the earth. So that I must be permitted to say that the objection of the Senator from Kentucky has been made rather late in the day. I proposed the resolution in good faith, and I hope that my friend will not insist on complicating it with any amendments, but that the sense of the Senate will be taken immediately upon it.

Mr. ALLEN rose, but yielded to

Mr. HANNEGAN, who said: I am confident that there is no American any where, be he who he may, who holds in higher esteem than I do the eminent services of General Taylor. His patriotism, his valor, his good conduct upon all occasions have won my sincerest regard. But to my mind, sir, there is something invidious in the proposition before the Senate. A Presidential election is approaching and the name of that distinguished soldier stands prominently among the list of those who aspire to the possession of that empty bubble. It is for that reason, in the first place, that I regarded this resolution as out of place. But again, it signalizes General Taylor above all the illustrious men that have adorned your country's history. What is the proposition? To buy the full length portrait of General Taylor and suspend it, I suppose, in one of the panels of the rotunda, or perhaps in the Senate chamber, excluding the "father of his country," Marion, Erin's trusted son, Wayne, Lincoln, and he who fell first at Bunker Hill! Where have you full length portraits of these heroic men? Let me say here, that I have never seen but one life-like full length potrait of the "Father of his country"—taken in the vigor of life—in the bloom of manhood—just after the close of the revolutionary war. Has the nation purchased that picture? Has any man asked the nation to purchased it? It was on occasion of an accidental visit to Princeton, in New Jersey, that I had the pleasure of beholding this soul-stirring picture—Princeton, where his fame first began to approach that proud and glorious zenith from which it never receded! In the college hall of that respectable institution I saw this inestimable portrait, gracing the very frame from which the likeness of George the III was struck by a cannon ball in the battle of Princeton. The portrait was taken at private expense; and it is the only life-like full length portrait of the "Father of his country," taken in '83. Not one human being has ever applied to Congress to bring it here to adorn these walls! And now, sir, I am reminded of what I saw last Saturday amid the hallowed shades of Mount Vernon. On a visit to that sacred spot, I saw what is called a Sarcophagus, of American marble, and I like it none the less for that, though it is not perhaps as fine as the Parian marble! and on the stone which resting on poor, crumbling brick-work, covers the ashes of Washington and his wife, sleeping side by side, I found this inscription:

"By the permission of Lawrence Lewis, the surviving executor of George Washington. This sarcophagus is presented by John Struthers, of Philadelphia, marble mason, A. D., 1837."

"By John Struthers, of Philadelphia." I reverence the man who had heart enough to do it for the "Father of his country!" But talk not to me of patriotism upon an occasion of this kind, so long as the representatives of the country into which he absolutely breathed existence, and to which he gave all the glory of his imperishable name, have left to an obscure private individual the erection of his tomb! And now you propose to select a living man and an aspirant to the Presidency, his heart warm and beating, and signalize him by this public mark of distinction! Well, perhaps I too may vote for him—I do not know—it is impossible in these times of change to tell what men may do! But I do maintain that there is an indelicacy in this proposition which must prevent me from giving it my approval. Where is your monument to the memory of Washington? To you, "Old Virginia," I look for the removal of the stain which this neglect has affixed upon us! You will not surrender his ashes—and you never should—but you alone should give him a monument that should tower to the skies!

Mr. BADGER.—I beg to make an explanation in regard to the remarks of the Senator from Indiana, but I do not propose to enter into any animated discussion on this subject. I do not see any necessity for that, though I listened with great pleasure to my friend from Indiana. The resolution, as I have already remarked, does not propose that a full length portrait should be executed. It is simply a proposal to purchase a full length portrait which happens to be here.

Mr. HANNEGAN—(in his seat.)—Why not buy the full length portrait of Washington from Nassau Hall, and that of Jackson from New Orleans?

Mr. BADGER.—The proposition was made by me, because there were friends of Gen. Taylor here who said that this is an excellent likeness. Now, if there be no objection to the propriety of this thing in itself, why not adopt the resolution? I do not know where the full length portrait of Gen. Jackson which it is proposed to purchase by my friend from Indiana, is to be obtained.

Mr. BUTLER—(in his seat.)—What picture do you propose to buy?

Mr. BADGER.—The full length portrait of Gen. Taylor, now in the rotunda.

Mr. HANNEGAN—(in his seat.)—A burlesque of him I have no doubt!

Mr. BADGER.—Well, it may be so; but his friends say it is an accurate likeness.

Mr. UNDERWOOD.—My friend from North Carolina supposes that my faculties of observation are very obtuse.

Mr. BADGER—(in his seat.)—Quite the contrary.

Mr. UNDERWOOD.—He supposes that I cannot have noticed the other pictures in the rotunda, and the statuary which adorns the capitol.

Mr. BADGER—(in his seat.)—Or deforms it!

Mr. UNDERWOOD.—Or deforms it, then. Now, I think there is a manifest distinction between the proposition of the gentleman and the case of these pictures. The panels in the rotunda were expressly designed for pictures, and I regard those historical paintings as altogether distinct from the formation of a picture gallery. I think that this innovation on the practise of the government with regard to this matter, is most inopportunely commenced in the case of the living instead of the dead. No one's epitaph ought to be written till after his death. We ought to be cautious in our commendations of those who are alive, and particularly those who are situated as General Taylor is at present. It does, as my friend from Indiana, says, look somewhat invidious—a little like rendering personal homage to the man in consequence of the position which he now occupies before the American people. As I have already intimated, I feel deeply interested in every thing that relates to General Taylor. He is a great favorite of mine; but I dislike movements of this sort, in the face of the American people, at this particular juncture, selecting him in preference to the "Father of his Country" or any of the great men of the past. I think the proposition had better be dropped. Not that I would for a moment suggest the propriety of doing so, in order to prevent the remarks which might be made upon our conduct if we were to adopt the resolution. I would not myself be influenced by any such intimidation, and I am equally confident that it would not operate on any member of that body. But I think that it will be altogether in better taste to set aside the proposition. It may be that the adoption of a system of this kind, for the decoration of our public buildings here with portraits of distinguished citizens here, would stimulate laudable ambition; but I am rather inclined to think that it would strike the American people with some surprise.

Mr. ALLEN.—This resolution does not, I believe, purport to be a joint resolution, though it is addressed to a joint committee, and there is, therefore, as I understand, some irregularity in it. But if the Senate be disposed to overlook the irregularity, I have no particular objection to going into the business of commemorating the achievements of the generals of the republic in painting, executed at the public expense, provided, that in order to avoid even the appearance of injustice to others while doing justice to others, the resolution be made sufficiently comprehensive. To be such, it ought to contain within itself something like a system under which the government may act hereafter, and for that purpose I move to strike out all after the word "instructed" and to insert the following:

"To procure to be provided and placed in the Rotunda full length portraits of all the Generals of the republic who may, as generals-in-chief in fields of battle, have achieved victories for which they have received the thanks of Congress."

Mr. DAYTON.—It is no part of my purpose, sir, to embark in this argument. I merely desire to say in reply to my friend from Indiana, that with some knowledge of the feelings of those gentlemen who control the institution of Nassau Hall, the federal government is not rich enough to purchase the full length portrait of Washington to which the gentleman alludes.

Mr. HANNEGAN, (in his seat.)—I do not believe it is.

Mr. DAYTON.—It is within the bounds of possibility that if that should turn out to be the only full length portrait of General Washington, and at any time hereafter it should become a matter of necessity to the federal government to have such a portrait here, it might be presented by that institution to the government. But as a question of dollars and cents, of buying and selling, it is not a thing to be thought of between the parties. My purpose was to make that single remark, and to say, that for one I am always ready to grant these little appropriations for the purpose of distinguishing our illustrious men. I would be glad if the federal government could obtain the full length portraits, or any other memorial, of all the Presidents of the United States, and any other men who stand a head above their fellows—whether it is Jackson, Taylor or Scott.

Mr. HANNEGAN.—Will the Senator allow me to ask him a question? Why distinguish soldiers above statesmen? Where are your portraits of the two Adams—of Jefferson—of Madison—of Monroe,—of a living man, Martin Van Buren, who, although you did not support him, you must admit has rendered the most eminent services to his country?

Mr. DAYTON.—May I beg to remind the Senator that that very remark proceeded from my lips. I said that I should be most happy if the federal government should procure portraits of every one of those eminent civilians. There are many whom I could name, Alexander Hamilton, for instance,——

Mr. HANNEGAN.—(In his seat.) Yes, and John Hancock, and Henry Clay.

Mr. DAYTON.—And many more—republican and federal—whig and democrat. I should gladly see their portraits here, instead of the statue of Columbus, looking like a man rolling ninepins, and the girl frightened, lest the ball should fall on her toes! And it seems that the opposite pedestal is to receive another groupe in equally good taste—a groupe of four figures, illustrating the "triumphs of civilization over savage life,"—a female protecting a child, and standing over her, a savage with a raised tomahawk, and behind the latter, a white man holding back his arm! Certainly, I should greatly prefer making an appropriation to decorate the capitol with portraits of eminent citizens, rather than with such "works of art!" But I did not intend to trespass on the time of the Senate.

Mr. HALE.—I think that this discussion must convince the country of the present extraordinary redundance of great men! They seem to spring up on all hands. I have been revolving in my mind some plan by which the homage which is to be paid them, may find a proper merit. Let a standing committee "ON GREAT MEN" be appointed, whose business it will be to report to us at each session of Congress! The Senator from Indiana has alluded to the neglect with which the "Father of his Country" has been treated. It has been worse than neglect! We have not only neglected to purchase any full length portrait of Washington, but we have disgraced the most beautiful grounds in the country with one of the most ill-conceived statues I have ever beheld. I allude to Greenough's statue. It resembles rather some one of the heathen deities, which, I can hardly say, for it is sometime since I looked into Tooke.

A SENATOR.—Jupiter Tonans!

Mr. HALE.—And a very poor one at that! But this discussion has disclosed another fact, that while there are so many illustrious men whose ears are forever closed to the voice of censure or applause, an attempt is made to select a living man with whose likeness to decorate these halls! Sir, I belive that it is quite time enough to talk of thus distinguishing men when they have passed through all the trying vicissitudes of life. I cordially concur with the gentlemen from Indiana and New Jersey, that we should look to the walks of civil life for objects of respect and homage. I go farther. There is at this moment in our land a female who has done more for humanity, Christianity, and the elevation of man above all that afflicts and degrades him, than a thousand so-called heroes. I refer to that illustrious woman whose "works of mercy and labors of love" are known all over the land, and through whose exertions an hospital for the insane has recently been commenced in the State of Tennessee—Miss Dorothea Dix—a name which will live so long as all that is most estimable in human nature shall command the respect of mankind!

If in order, sir, I move to lay this whole subject on the table.

The motion was decided in the affirmative by yeas and nays as follows:

YEAS.—Messrs. Allen, Atchison, Atherton, Benton, Breese, Bright, Butler, Douglas, Felch, Hale, Hannegan, Lewis, Mason, Niles, Pearce, Rusk, Spruance, Sturgeon, Turney, Underwood, and Yulee—21.

NAYS—Messrs. Badger, Bagby, Bell, Borland, Cameron, Clarke, Clayton, Crittenden, Davis, of Massachusetts, Dayton, Foote, Greene, Johnson, of Maryland, Upham, and Westcott—13.

THE CALIFORNIA CLAIMS.

The Senate then resumed the consideration of the bill for ascertaining and paying the California Claims.

Mr. MASON briefly replied to the remarks of the Senator from Missouri, contending that the constitutional objection to the bill had not been at all obviated by the amendment reported by the committee, and of course his argument against the bill was unaffected by it. The Senate would determine whether he was right in his view of the constitutional question. As to the precedents relied upon by the Senator from North Carolina, he had shown that they were not at all appropriate to the present case. He need not remind the Senator, that in a court of law there was no authority but that of a decision of an appellate court upon the point in question. Short of that, the decisions of courts were only persuasive, and entitled to respect. All he desired in this case was, to impose all the safeguards which the constitution provided.

Mr. CLARKE then addressed the Senate at length in favor of the bill. His speech is given in the Appendix.

Mr. RUSK.—I desire to trespass on the patience of the Senate for a moment only before the vote is taken. It seems to me that if any question can be settled, the constitutional difficulty here has been. We find in cases precisely similar, that Congress some seven or eight times has acted just as this bill proposes, by referring claims, for the purpose of ascertaining their justice, to persons who are not officers of the government, and such reference has never been considered, so far as the legislation of Congress is concerned—as constituting the individual to whom such reference is made an officer of the government. There can be no distinction so far as this reference is concerned, between the duty to be performed by the referees, and the duty of an arbitrator to whom a case is submitted by a court. Both perform the same sort of duties. It is competent for Congress, of course to pay the claims without testimony, as well as with the best, or the weakest

testimony. It is for them to determine what evidence will satisfy them. They may take the certificates of officers or of individuals cognizant of the origin of the claims, and they may determine those to be sufficient testimony upon which they will authorize the proper officers of the government to pay the claims. That is all that is asked in this case. And it seems to me strange, I say it with the utmost respect for the opinions of those who differ with me, it must I am sure proceed upon this ground alone that they make a mistake in supposing that the right to appoint officers by the President is not inherent in him but confided to him by the constitution, and is more a duty than a right—it does appear to me strange I say, that such should be the conclusion at which Senators arrive, that it is the duty of the President, and not merely a right which he may exercise or not, to fill up such offices as Congress may create by law. What is it that is proposed by this bill? We determine by it, that those claims which are just, shall be paid. The question then is, what testimony will be required to assure us of their justness? The bill proposes that Colonel Fremont, who was the commander, together with the paymaster and quartermaster of the troops who performed the service, shall furnish the evidence upon which the government will authorize their payment. And it does seem to me, that there can be no difference in point of constitutional right, whether we declare that the evidence shall be furnished by these gentlemen or by the officers who have been appointed under all the forms prescribed by the constitution. If there be a difference, which, I confess, I am unable to perceive, then Congress has violated the constitution in several instances, because they have repeatedly referred cases to individuals who were not officers. A case was referred to yesterday, where a law was passed for the payment of some half dozen companies of troops in Florida. How were they to be paid? Why, upon the testimony of two individuals with the approval of the governor of the State. Were they constituted officers of the government of the United States? If they were, they would necessarily have to be appointed by the President. But they were nothing more than arbitrators, or rather examiners for ascertaining and satisfying the government of the justice of the claims. Then, as I said before, if we are wrong in this, Congress has been wrong seven or eight times. The Supreme Court has been wrong in making decisions which they were not authorized to make. Nothwithstanding, with all the arguments which I have heard to the contrary, I insist that the case I read is conclusive of this very point in controversy. That case was on a mandamus requiring Mr. Kendall to perform the award of the solicitor of the treasury. Five judges were in attendance. Two of them dissented from the opinion given by the court—one of the dissentients being the Chief Justice—upon the ground that it was not a subject for a mandamus. If, in dissenting from an opinion of this description, the law that they were required to enforce had been unconstitutional, would it not be a reflection upon the Chief Justice—who took different ground from a majority of the judges—to imagine that he would never once have alluded to the fact of unconstitutionality? Three of the judges say expressly that Congress had the power to pass a law authorizing an officer, or any one else, to determine a claim against the government.

There seems to be another question started upon this subject, and that is the authority under which the claims originated. I wish briefly to explain this authority, and to show the grounds upon which the government ought to recognize the claims. What were the facts in the case? In the year 1845, before the war broke out between this country and Mexico, Commodore Sloat, with a large naval force, is despatched into the Pacific ocean; and for what purpose? To take possession of California. Nobody has contended that this was not the purpose for which the armament was sent there. The Navy Department afterwards, upon sending him leave of absence on account of ill health, gave him something of a reprimand because he had not proceeded to take possession of California at an earlier period. It appears, then, that the sending of the squadron into the Pacific, was not for mere amusement, but for a specific object. It was known that a war was likely to take place, and it was known that England was desirous of obtaining, if not full possession, at least commercial advantages in California. The armament is sent there; and afterwards an officer is sent by the land route with a letter which has been said to be a mere letter of introduction to Col. Fremont. What did Fremont consider it his duty to do after receiving that letter? Had he not gone back, the country would have been in possession of the British. He returned; and it is highly creditable to him that he did so, and these claims accrued in consequence of the military operations which ensued. Will Congress now say that they are going to refuse the payment of these claims, because one of the most gallant officers of the United States, dared to assume the responsibility of defending his countrymen from a merciless foe? For about sixty days only, were the operations of Col. Fremont carried on, previous to the receipt of positive instructions—borne by Commodore Stockton—to take possession of the country. There can be no question as to the policy of the government. So far from being deserving of any blame, the Executive is entitled to the highest credit for foresight and sagacity. Had he not been as prompt as he was, we may be assured from what is now going on in Yucatan, that Macnamara would have been in possession of California. It is not the time now to go into an enquiry of what California is worth to us, in regard to the extension of our commerce or otherwise; it is now in our possession. I will venture the assertion, that at the end of ten years from this time it could not be purchased from the United States for two hundred millions of dollars. This country has been saved to us, in a great measure, by the promptitude, vigilance, and foresight of this officer. The question comes simply to this. If we are willing to avail ourselves of the advantages which the services of these individuals have procured us—actuated, if you will, at the same time by a desire to save themselves and their families—in saving a country which is worth two hundred millions of dollars, exposing them to beggary, refusing to pay them, why then let us vote against this bill. If you are willing to pay for their services then the only question is, whether Col. Fremont and those named in the bill are the proper individuals for the government to trust in investigating the claims. They are, in my opinion, the only individuals that can with propriety be selected. Suppose you select three greedy office-seekers, of whom there are so many to be found about the purlieus of the Capitol, they would not understand the nature of their duties, whilst the persons named in this bill know precisely what the claims are.

I am willing to trust Col. Freemont. In the first place I believe he is well qualified for the task; and for selecting him, we have another reason. He is a young man who has acquired a distinguished reputation, and that reputation furnishes us a bond that he will do nothing to cast a shadow upon his character.

Mr. BAGBY.—I take this occasion to say, that the vote I shall give will be given without the least reference to the distinguished gentleman who is named in the bill. I agree with the Senator from Texas, that he is a man of extraordinary merit and abilities. If my testimony were of any avail, to enhance the estimation in which he is held, he would have it to the full extent. Indeed, if the passage of this bill were dependednt only upon his merits, I venture the assertion that the bill would receive the unanimous sanction of this body. Neither have I any hesitation as to the propriety of paying these California Claims. They ought to be paid. They are as meritorious claims as were ever presented to the Congress of the United States. But I leave out these views entirely, and come to the great question involved, that is, the question of constitutional right between two departments of this government. No matter what may have been the practice of Congress or the decisions of the Supreme Court, they have no proper application to the case now before the Senate. I say it with entire respect for the decisions of that court, I think it is no disrespect to the chief justice to differ with him in opinion, because es "Homer sometimes nodded," the wisest men may sometimes err in judgment. In the proceedings of this body, I am not to be bound by the decisions of the Supreme Court upon constitutional questions. The course of reasoning by which I satisfied my mind in regard to this matter was this. I asked myself, who would have investigated these claims provided they had arisen within reach of the ordinary operations of the Treasury? Can there be any doubt that these accounts would have been investigated by constitutionally appointed officers, and then have gone before the proper accounting officers of the treasury? Inasmuch then, as they cannot be disposed of by reference to the regularly constituted officers of the government, the question comes up how are they to be disposed of? Why, by a law making provision for the appointment of officers, with the same powers that those officers would have for adjusting the claims. I have had no difficulty on the subject from the beginning. I regard the amendment reported by the committee, as precisely the same in substance, in effect and operation, as the bill itself. The same thing is to be done, though in a different manner. It always pains me to differ from the views of a committee, composed too, of the ablest men in the body—but I confess, they have not satisfied my judgment, and by it I must be governed. I dissent from the view taken by the Senator from Kentucky, who says that in doubtful cases, we should exercise the power ourselves. My doctrine on the subject of doubtful power, has always been to abstain from its exercise altogether. But upon this point I have no doubt, and I shall therefore vote for the amendment of the Senator from Virginia.

Mr. BREESE said he wished to make one remark. When the bill was reported by the Committee on Military Affairs, organizing as it did, a board with officers and salaries, and appointing those officers by law it was against that provision of the constitution which gives the appointment of officers to the President by and with the advice of the Senate, and he therefore should have voted against the bill for that reason. The amendment, he thought, obviated the objection he entertained, and it seemed to him that the whole case was now in a very small compass. It is nothing more than this: certain claims are alleged to exist against the United States, but from their peculiar nature cannot be adjusted by the officers of the Executive department. Congress then declares by this bill, that if J. C. Fremont, Captain Hensley, and Major Reading, who know all about these claims, will certify to their extent, we will pay them by an officer to be appointed for that purpose; and this, he said, seemed to be most clearly within the constitutional competency of Congress, and he therefore should vote for the bill as amended.

Mr. WESTCOTT said he desired to say a very few words in explanation of the vote he was about to give. He should vote against the amendment of the Senator from Virginia, and for the amendment reported by the Military Committee. When the bill was first introduced, and in the shape it was in before it was recommitted and the amendment made by the committee, he expressed the opinion that he should not vote for it as it then was. He objected to the clause designating Col. Fremont by name, as he

regarded it as an encroachment on the power delegated to the President under the constitution. The amendment had obviated the difficulty he then had in some degree. He would not say that his convictions were entirely clear—the question was one of some doubt. But when he reflected that the Executive power of appointment, and of conferring official patronage was the most fearful in our institutions—that its corrupting tendencies and effects were of the most dangerous character;—when the fact stared him in the face, that it has had for years a most pernicious influence upon the action of the government, he felt disposed to circumscribe it in every and any case in which he could do so without plainly and palpably violating the constitution. This is not such a case of palpable, undoubted violation. I find precedents for it approved by Presidents who would not have submitted to encroachments on their power. Among them, one in 1845, passed with reference to the payment of volunteers in Florida, is directly in point. The regiments of Colonel Brown and Major Garrison, and several companies of volunteers, were ordered to be paid at the Treasury on muster rolls to be verified by the oaths of their officers and approved by the Governor of Florida. These officers had been out of service for years, and Florida was made a state the very day this law was passed, and the office of territorial governor therefore became defunct. I regard that law as a precedent that I may, in voting on this bill, follow with safety, and especially when, if there is no constitutional difficulty, all admit the bill in this provision will be judicious. The President must concur in the bill before it becomes a law. If he regards it as an encroachment on his constitutional powers, he can protect himself by rejecting it. I have no idea that under the precedents existing such difficulty will be made.

Mr. CALHOUN.—Before the question is put, I desire to state the reasons upon which I shall feel myself compelled to vote for the amendment offered by the Senator from Virginia. I have bestowed upon this case that attention which the magnitude, both of the principle and the amount of money involved, seemed to me to demand; and after the best consideration that I have been able to give it, I have been brought to the conclusion that the original bill as reported by the committee, and the amendment which the committee now propose to substitute for it, are both unconstitutional. In order to understand whether this opinion of mine be correct or not, it will be necessary to understand what are actually the provisions contained in the bill and the amendment, and what is the object intended to be effected? We are told by two of the members of the committee that the object is, to prescribe the evidence on which the claims are to be allowed, and that the persons named are to act in the character of witnesses. If so, the bill and amendment are strangely drawn. I find not a word about evidence or witness, or having the least reference to either, and the language used excludes the possibility that the object was such as they allege. They are vested with the function to examine and allow, and not to testify. They act as a board of commissioners. The majority decides, and their decision is final. By what abuse of language, then, can individuals performing such functions be called witnesses, when they are of a character so wholly different? Two other members of the committee assign a very different object. They allege that it is intended to enable the three individuals named in the amendment, to perform that which they would have performed at the time, had they had funds in their hands to meet the expenses incurred; that is, to enable Col. Fremont to perform the functions of commander, and the other two, those of paymaster and quartermaster respectively. To judge of the correctness of this allegation, it will be necessary to ascertain what additional functions they would have had to perform, if they had been in funds at the time. None whatever, but to pay as the expenses were incurred, instead of giving certificates for the amount. Col. Fremont had performed all his functions as commander, as fully as if the ample funds had been furnished, and none but those of the paymaster and commissary had any left unperformed. Now, I ask, is it the object of this bill, or the amendment reported by the committee, to enable them to perform their unexecuted functions? Is it proposed that either of these disbursing officers shall perform the function of paymaster or commissary, or that Col. Fremont should perform that of commander? There is not a provision to that effect. Their functions are to be entirely different. In the first place, instead of acting in their individual capacity and on their individual responsibility, as they would, if the duties attached to each had been performed at the time, they are to act as a board of commissioners to be governed by the votes of the majority, and be exempt from all responsibility. Their functions are as dissimilar as is their character. Instead of performing the duties of commander, paymaster, and commissary, they are to examine and allow the claims against the government without being subject to any restriction, either as to rule or evidence. Indeed, in not a single particular does the provisions of the bill or amendment, correspond with the object which the members of the committee allege was to be effected. But suppose they corresponded in every particular, would it get clear of the constitutional objection, which the allegation is intended to avoid? How can Congress vest by law, the functions to execute duties which appertained to these individuals in their official characters, now when they are no longer officers? That is the question. What are these functions? Do they partake of the character of office, or that of mere employment? The answer is to be found in the fact already stated, that they appertained to them in their official character, and could only be performed by them in that character; and we have just as much power to invest them with all their other functions as these—to appoint them to the full exercise of all, as of a part. The one would not be more clearly and directly usurp the rights of the Executive than the other.

But I regard the functions proposed to be conferred on these individuals, as not only very difficult, but of a far higher character than those which they had to perform, had they been furnished with funds. They partake of those belonging to the highest order of the fiscal officers of the government, to whom they would have had to account, had the expenses been paid when incurred.—To understand who those officers are, and to what extent those individuals would, in that case, have been held responsible, I will state the process to be gone through before their accounts would be allowed. They would, in the first place, have to present them to the proper bureaus of the War Department—the Commissary to the Commissary-General, and the Paymaster to the Paymaster-General. Then they would have undergone an administrative examination. What its nature is, can best be understood by giving the process. Take for instance the Commissary. He would have had to exhibit the orders under which he made his purchases. They would have to state the number or amount of articles, and where necessary their description. These orders would have to be presented to the Secretary of War for his approval, if there should be any doubt of their propriety, judged of in reference to the number of troops, or the nature of the service. He then would have to exhibit his vouchers to show that the prices of the articles were reasonable, and would have to furnish evidence to that effect. If, on examination, all were found correct, the Commissary-General would endorse his approval, and pass them over to the proper Auditor of the Treasury for his examination and audit. From him, they would pass to the Comptroller-General of the Treasury, who would review the whole; and then, if approved, the account would be allowed and the officer credited. Such is the careful and refined process prescribed by law, and regulation for the settlement of military accounts, and such the process through which those now in question would have had to pass, if the officers had been in funds, and had paid them at the time. By the provisions of this bill and amendment, the whole process is all laid aside. The very officers who would thus have been held responsible to account for the proper application of every cent placed in their hands, are authorized to examine and allow their own accounts; and their certificates allowing them, are made as conclusive of their justice and correctness, as would have been their allowance on the final settlement of the Comptroller. They, in a word, are invested in effect with all the functions of these high and responsible officers. Indeed, they are invested with far higher. The latter are bound by law and established rules, but they are bound by neither. They act under their own unlimited discretion, and are bound to establish no rules and keep no record; nor has the Paymaster, or whoever may hold the funds, any discretion as to payment. Their certificates are the only voucher necessary to the settlement of his account, so that there is no responsibility anywhere. I venture to assert that there is no example in all our legislation of an act of the kind; and to cap the climax, these individuals are to be appointed by an act of Congress to perform these high official functions, which otherwise would have to be performed by officers who hold stations among the highest under the government—and all this on the ground, that the functions they would have to discharge are mere employments, and not offices!

I do not oppose this monstrous measure on the ground of opposition to Col. Fremont, or either of his associates in this high commission. Of the latter, I know nothing; but I have a slight acquaintance with the Colonel, and am so favorably impressed as to him, that I would as readily trust him as any other individual. But a regard for the constitution and the great fundamental principle, that no man shall be a judge in his own case, which embraces this, that no man should settle his own account, compels me to oppose it. It has been attempted to bolster it up by precedents, but without success. Not one has been cited that is applicable, and if there were hundreds to the point, they could have no weight where the constitution and the fundamental principles of justice are so palpably violated. This I believe to be the first time that the question of our power in like cases has been formally discussed. It is of great importance that our discussion, in so leading a case, should be right.

But, Mr. President, I hold that if there be any doubt in this case—if it be not clearly right—there are reasons of a delicate character why the measure should not be adopted. It would be indelicate for me more fully to explain myself; but I will be understood, when I say, there are circumstances attending it which are calculated to induce the belief, should we adopt the measure, that we have been actuated more by the feeling of *esprit du corps* than we ought to be. We all know how liable we are to be influenced by those with whom we are associated in the discharge of our duties, and with whom we hold daily intercourse. We ought to allow for it, and guard against it, especially in a case like this, involving the constitution and a fundamental principle of justice.

Having said so much upon the amendment reported by the committee, I must say that I have objections even to the amendment offered by the Senator from Virginia, although as I prefer it to the amendment offered by the committee, I shall vote for it. My opinion is that the simple way of adjusting all these claims, is to appoint two or three able officers belonging to the army, upon whom such duties appropriately devolve, and send them there to settle these expenses as far as they can be legally settled.

Mr. RUSK.—Mr. President: The honorable Senator from South Carolina, [Mr. CALHOUN,] is, I think, mistaken when he supposes that the positions assumed by the chairman, and two of the members of the Military Committee are in opposition, or inconsistent with the grounds which the honorable Senator from Kentucky, [Mr. CRITTENDEN,] and myself have taken upon this bill. The chairman of the committee, sir, stated in his remarks, that this bill only required the persons named in it to do now, that which they had a right to do, and which it was their duty to have done when they were in office, and to this I can see no constitutional objection. Are not officers who have ceased to be such, constantly required to go on and settle, and adjust accounts which were made while in office? The honorable Senator from Kentucky and myself have not been driven in support of this bill to any untenable position. We took the ground, sir, that the act of the persons named in this bill, in certifying to the amount, and justice of the claims, should be made the evidence upon which the proper officers of the government are required to pay them. It pertains to the authority of Congress to pay the debts of the United States. They have the right to judge of their amount and justness. They may order payment without evidence. They may require the weakest or the strongest testimony. They may, if they choose, make the certificate of an officer, a court of justice, or a private individual, evidence of a debt against the United States upon which to base an order for its payment.

You have laws now, making the bare certificate of an officer evidence, upon which you require the proper officers to make payment. The proper department is now required by law to issue a bounty warrant to a disabled soldier, upon the certificate of the captain of the company, or a surgeon, that he is disabled. The honorable Senator, [Mr. CALHOUN,] starts two other objections to this bill: First, that it makes these officers judges in their own case, and authorizes them to certify to their own claims against the government. Now, sir, does anybody suppose this would be the effect of this bill? Certainly not. They could not, under its provisions, certify their own claims; nor would their own delicacy permit them if they could.

The other objection is, that it is conferring a high power without any responsibility. All will admit, that if this campaign had been conducted from the beginning under the authority of the government, Colonel Fremont could have made his requisitions to any amount. The quartermaster would have been bound to furnish the supplies; and the paymaster to have paid the money.

But, sir, this bill provides responsibility with which I am content. Past experience proves that an oath may be violated—a pecuniary bond disregarded. But, sir, when you have the guarantee of the character of a man, who has a due regard to character, and as high a reputation to lose as the honorable Senator, concedes to Colonel Fremont; then, sir, you have the strongest security which man can give for good conduct.

On motion,

The Senate adjourned.

FRIDAY, APRIL 28, 1848.

REPORT FROM THE COMMISSIONER OF THE LAND OFFICE.

The VICE PRESIDENT laid before the Senate a report from the Commissioner of the General Land Office, made in compliance with a resolution of the 3d instant, calling for a statement of permits granted under the acts for the armed occupation of Florida.

On motion by Mr. WESTCOTT, it was

Ordered, That it be printed, and that fifteen hundred additional copies be printed for the use of the General Land Office.

RESOLUTIONS OF THE LEGISLATURE OF LOUISIANA.

Mr. JOHNSON, of Louisiana, presented a resolution passed by the Legislature of the State of Louisiana, expressing their admiration of the efforts of Pope Pius the Ninth, to extend within his dominions the principles of civil liberty, and in favor of the establishment of diplomatic relations between the government of the United States and the Court of Rome; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Also, a resolution passed by the same Legislature, in favor of the enactment of a law to extend the jurisdiction of the State of Louisiana over certain portions of the Sabine river; which was referred to the Committee on the Judiciary, and ordered to be printed.

Also, a resolution passed by the same Legislature, in favor of the enactment of a law to reimburse the Parishes of St. Mary, St. Martin, Lafayette, and Vermillion, the money paid for the purchase of certain land records in the District of Attakapas, in the State of Louisiana; which was referred to the Committee on Public Lands, and ordered to be printed.

Also, a resolution passed by the same Legislature, in favor of the establishment of a Light-house at the mouth of Sabine river; which was referred to the Committee on Commerce and ordered to be printed.

Also, a resolution passed by the same Legislature, in favor of extending the port of Shieldsborough, in the District of Pearl River, to Cat and Ship Islands; and the erection of Light-houses on Ship Island and Proctor's Shell Bank, in the State of Louisiana; which was referred to the Committee on Commerce, and ordered to be printed.

Also, a resolution passed by the same Legislature, in favor of the establishment of a Navy Yard at Algiers, or some other place on the Mississippi river, within the limits of that State; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Also, a resolution passed by the same Legislature, in favor of the establishment of a mail-route from Winsborough to Monroe in that State; which was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Also, a resolution passed by the same Legislature, in favor of the adoption of measures to prevent the deterioration of that species of sugar cane called the Riband cane, which was referred to the Committee on Agriculture, and ordered to be printed.

PETITIONS.

Mr. UPHAM presented a memorial of citizens of Vermont, praying the purchase of Mount Vernon by the government; which was referred to the Committee on Military Affairs.

Mr. CAMERON presented two memorials of citizens of Philadelphia, Pennsylvania, praying that a territory west of the Mississippi river may be set apart for the permanent home of the Indian tribes inhabiting the United States; which were referred to the Committee on Indian Affairs.

Mr. MASON presented a petition of citizens of the counties of Shenandoah and Frederick, Virginia, praying the establishment of a post route from Gravel Spring to Woodstock in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. NILES presented a memorial of citizens of New York, praying that Congress may authorize the construction of a railroad between the cities of New York and Philadelphia, for the purpose of facilitating the transportation of the mail and relieving the public from an alleged monopoly; which was referred to the Committee on the Post Office and Post Roads.

On motion by Mr. PEARCE, it was

Ordered, That the Committee on the Library be discharged from the further consideration of the memorial of Thomas F. Gordon, and that it be referred to the Committee of Claims.

IMPORTATION OF SUGAR.

Mr. JOHNSON, of Louisiana, submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to report to the Senate the quantity of sugar imported into the United States during the last and during the three preceding years; the places from whence imported; the quantity of the several qualities, and the prices, respectively, at the places of export.

THE LATE JOHN QUINCY ADAMS.

Mr. HALE submitted the following resolution for consideration:

Resolved, That the Secretary of the Senate procure, for the use of the Senate, 5,000 copies of the addresses made by the Speaker and the members of the House of Representatives, and of the addresses made to the Senate, together with the discourse of the Rev. Mr. Gurley, upon the occasion of the death of the Hon. John Quincy Adams: Provided they can be obtained upon the same terms that 20,000 copies of the same were furnished to the House of Representatives.

CALL FOR INFORMATION RESPECTING APPOINTMENTS.

Mr. JOHNSON, of Maryland, submitted the following resolution for consideration:

Resolved, That the President of the United States be requested to inform the Senate whether any officers are now in the military or civil service of the United States, under a continuation from the President, which have not been submitted to the Senate, and, if there be any such appointments, that he state the date of such appointments, and why it is that it has not been in the power of the President to submit them to the consideration of the Senate.

PRIVATE BILLS.

Mr. MASON, from the Committee of Claims, to whom was referred the petition of Eugene Van Ness and John M. Brush, executors of Nehemiah Brush, submitted a report accompanied by a bill for their relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. MASON, from the same committee, to whom was referred the petition of Gad Humphreys, submitted a report accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. UNDERWOOD, from the same committee, to whom was referred the bill from the House of Representatives for the relief of Jacob Gideon, reported it with an amendment.

THE SUPREME COURT.

Mr. DAYTON, from the Committee on the Judiciary, to whom was referred the bill to promote the despatch of business in the Supreme Court, and to repeal the second section of the act approved 17th of June, 1844, entitled "An act concerning the Supreme Court of the United States," reported it without amendment.

NOTARIES PUBLIC.

Mr. BADGER, by unanimous consent, asked and obtained leave to bring in a bill to authorize Notaries Public to take and certify oaths, affirmations, and acknowledgments in certain cases; which was read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives by Mr. CAMPBELL, their clerk:

Mr. President: The House of Representatives have passed a bill of the [illegible] entitled "An act for the relief of certain officers and soldiers who have been engaged in the military service of the United States in the late war with Great Britain, and for the location of bounty land warrants," in which they request the concurrence of the Senate.

The said bills were severally read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

THE PUBLIC ARMORIES.

The Senate proceeded to consider the following resolution, submitted yesterday by Mr. CLAYTON, and it was agreed to:

Resolved, That the Secretary of War be, and he hereby is, directed to report to Congress:

First.—How many public armories there are belonging to the United States in which [illegible] are manufactured, and where the same are located, and the date of commencing operations in each.

Second.—How much capital is and has been invested in such armories; and what proportion in each for sites, buildings, power, permanent machinery, etc.; specifying the amounts under separate heads to date of report.

Third.—How much money has been expended annually in each of said armories for the manufacture of arms, in salaries, wages, and materials, or in any of the elements entering into all the current expenses of manufacturing such arms, independently of fixed capital and the interest thereon.

Fourth.—How many small arms have been produced annually from each of the said armories, all the cost of construction, and how many of the various descriptions of arms, and of what descriptions, are now in serviceable condition.

Fifth.—What number of arms have been condemned from time to time, and what disposition has been made of condemned arms at the government armories, and if sold, at what prices.

Sixth.—How many small arms and munitions of war have been procured from other sources than from the government armories; and from what sources and in what amounts; if by private contracts, at what prices for each description; if from other governments, from which and at what price.

TONNAGE DUTIES ON SPANISH VESSELS.

The Senate proceeded to consider the resolution, submitted by Mr. WESTCOTT, to repeal or amend the act of June 30, 1834, concerning tonnage duty on Spanish vessels; and

On motion by Mr. WESTCOTT, it was

Ordered, That it be postponed to, and made the order of the day for, Monday, the 8th day of May next.

PAYMENT OF INTEREST TO ALABAMA.

Mr. PEARCE moved that the prior orders be postponed, for the purpose of resuming the consideration of the bill authorizing the payment of interest on the amount advanced by the State of Alabama to the general government, pending the Creek hostilities in 1836 and 1837.

Mr. CLAYTON hoped that the bill would not be taken up in the absence of the Senator from Virginia, [Mr. HUNTER,] who had been obliged to return to his home in consequence of sickness in his family.

Mr. PEARCE said that he had no intention to change or modify the bill, but only to add a general provision.

The bill was then taken up and the following amendment was offered by Mr. PEARCE:

Sec. 2. *And be it further enacted*, That the proper accounting officers of the Treasury Department, be and they are hereby authorized and directed to liquidate and settle the claims of the several States, whose claims have not been heretofore fully liquidated and settled according to the principles of this act, against the United States, for interest upon loans or money borrowed, and actually expended, by them respectively, for the use and benefit of the United States, during the last war with Great Britain; as also interest upon money by said States respectively drawn from a fund upon which they were then receiving interest, and which was by them so expended as aforesaid, and upon money so borrowed and expended as aforesaid, which debt was discharged by said State by the transfer of a fund upon which the State was receiving interest.

Sec. 3. *And be it further enacted*, That on ascertaining the amount of interest as aforesaid, due to the said States respectively, the following rules shall govern; to wit:

First. That interest shall not be computed on any sum expended which is not evidenced by the amount which has been or shall be refunded or repaid by the United States.

Second. No interest shall be paid on any sum for which the States did not either pay or lose interest as aforesaid.

Third. The rule prescribed by the Supreme Court of the United States at its January term 1839, [13 *Peters*, 371,] shall be the rule for adjusting these accounts, viz: interest shall be calculated up to the time when a payment has been or shall be made. To this interest the payment shall first be applied, and if it exceed the interest due the residue shall be applied to diminish the principal. If the payment fall short of the interest the balance of the interest shall not be added to the principal so as to produce interest.

Sec. 4. *And be it further enacted*, That the amount of interest, when ascertained as aforesaid, shall be paid out of any monies in the Treasury not otherwise appropriated.

Mr. PEARCE.—There is nothing new in the principle of the bill reported by the Committee on Finance. The principle has been recognized on more than one occasion in this body. Many years ago it was recognized in the case of the claims of Maryland arising out of advances made in the last war; and it was also recognized in the case of South Carolina in 1831. The case of South Carolina differed somewhat from that of Maryland. In that case the State had borrowed money and incurred a debt which was liquidated by the transfer of a fund from which she had derived interest. The State of Maryland borrowed money for the purpose of repelling the incursions of the enemy during the last war. She created a stock for that purpose and discharged the debt by the transfer of United States stock which she held. The principle applied to these cases by the committee was that when the State had lost interest it was entitled to it. I propose to make the principle general and apply it to all cases of State claims against the government for money advanced in the war of 1812 which have been recognized and admitted. I do not propose to settle any of the disputed claims, but only to meet those claims which have been admitted. That is the object and effect of the first section of the amendment. The second section goes a little farther, and is rendered necessary by the very extraordinary rule adopted by the accounting officers of the Treasury department in the calculation of interest. The rule has been that when the claim is made up of principal and interest, and payments are made by the United States, they are applied to the reduction of the principal. This is manifestly unjust, and is entirely contrary to the equitable rule observed in transactions between individuals. I have proposed, therefore, sundry rules intended to modify and correct the rule adopted by the accounting officers.

Mr. ATHERTON.—It seems to me that there ought to be some examination as to the results to which this amendment would lead if adopted. I concur entirely with my friend from Delaware as to the propriety of postponing this subject till the Senator from Virginia, who has had charge of the bill, who has examined the cases, and is familiar with all the facts, shall return. Aside from that, it seems to me that this amendment contains some principles proposed to be applied to the calculation of interest in the cases of claims against the government, which demand our attentive examination. I suggest, therefore, to the mover of the amendment, that it be printed in order that we may have an opportunity of examining it, and that in the meantime the subject be laid over informally.

Mr. PEARCE acquiesced in this suggestion.

The PRESIDING OFFICER.—Does the Senator name any particular day for the consideration of the subject.

Mr. PEARCE.—We propose to wait until the Senator from Virginia returns.

Mr. LEWIS.—I hope the Senator will feel bound as soon as the Senator from Virginia returns, to call up this bill.

Mr. PEARCE.—I shall do so.

Mr. BAGBY.—I wish to make a single remark. I think it is evident that the apprehensions which I expressed yesterday, are about to be confirmed, certainly not on account of any design on the part of the Senator from Maryland, but because as I said, the delay of this bill will be tantamount to its defeat at the present session. The bill contains but one single distinct proposition, and that is this, whether when a certain amount of money has been advanced by a state, and applied to the uses of the general government, the general government will, when it acknowledges and pays the amount of the principal, pay the interest upon it.

On motion by Mr. PEARCE, it was

Ordered, That the further consideration of said bill be postponed until to-morrow; and that the amendment be printed.

FREE BRIDGE OVER THE EASTERN BRANCH.

The bill to provide a free communication across the eastern branch of the river Potomac in the District of Columbia, was read the second time and considered as in Committee of the Whole.

Mr. ATHERTON inquired if there was any report on this bill.

The PRESIDING OFFICER.—There are no papers accompanying the bill.

Mr. CAMERON remarked that the whole District was interested in the passage of the bill which had been unanimously reported by the Committee.

Mr. HALE moved to amend the bill by adding the following section:

"*And be it further enacted*, That the Secretary of the Treasury be directed to purchase on the same terms the bridge over Piscataqua river, between Portsmouth, New Hampshire, and Kittery, in Maine."

Mr. HALE observed that he did not know of any authority in the general government to purchase bridges in this District, if they had not authority to purchase bridges elsewhere.

Mr. CAMERON could hardly suppose that the Senator from New Hampshire was serious in proposing his amendment. The cases were not at all parallel. It was to be recollected that the government owned seven millions of property in this District, for which no taxes were paid; and it was only a small act of justice to make the bridges free.

Mr. HALE did not know whether the Senator from Pennsylvania was in earnest or not. The bridge named in his amendment was similarly situated to the bridge in the bill. It was a bridge leading to property owned by the government—to the navy yard at Kittery, Maine.

The question was then taken upon agreeing to the amendment of Mr. HALE, and it was determined in the negative.

No other amendment being offered, the bill was reported to the Senate.

On the question, "Shall this bill be engrossed, and read the third time?" Mr. ALLEN demanded the yeas and nays, which were ordered, and it was determined in the affirmative, as follows:

YEAS—Messrs. Badger, Benton, Cameron, Clarke, Clayton, Crittenden, Davis, of Massachusetts, Davis, of Mississippi, Dayton, Foote, Greene, Hannegan, Houston, Johnson, of Maryland, Johnson, of Louisiana, Pearce, Phelps, Sprnance, Sturgeon, Underwood, Upham, Westcott, and Yulee.—23.

NAYS—Messrs. Allen, Atchison, Atherton, Bagby, Breese, Douglas, Felch, Hale, Johnson, of Georgia, Moor, Niles, and Turney.—12.

The said bill was read the third time, by unanimous consent.

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

SETTLERS UNDER THE ARMED OCCUPATION ACT

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of the *bona fide* settlers under the acts for the armed occupation and settlement of a part of the territory of Florida; and

On motion by Mr. WESTCOTT, it was

Ordered, That the further consideration thereof be postponed to, and made the order of the day for, Thursday the 4th day of May next.

THE PRIVATE CALENDAR.

Mr. MASON, in accordance with the notice given yesterday, moved to proceed to the consideration of private bills upon the calendar.

Mr. BADGER suggested that it would be better to dispose of the California claims bill, which could be done to-day, and he would then join cheerfully in promoting the views of the Senator from Virginia.

Mr. MASON acquiesced in the suggestion, and observed that he should move to proceed with the private calendar as soon as the California bill was disposed of.

THE CALIFORNIA CLAIMS.

The Senate then resumed, as in Committee of the Whole, the consideration of the bill for ascertaining and paying the California claims.

Mr. CLAYTON.—In rising yesterday to address the Senate on this bill, it was my design to suggest that some amendment was necessary. In my opinion it ought to be provided that the commissioners or persons who are to examine these claims, should be sworn or affirmed to discharge the duties with fidelity. I did not suppose, until the honorable Senator from South Carolina, who last addressed the Senate on this subject, mentioned it, that there was an idea entertained by any one that either of the persons to whom the bill proposed to entrust the examination of these claims, was to decide upon a claim in which he was personally interested. I do not suppose that any such thing was intended on the part of the gentlemen who advocated the bill; or that those high-minded men who were named in the bill, would decide on their own compensation. But, in order to preclude the possibility of that, I shall propose an amendment to prevent these commissioners from settling any claims in which they or either of them may be personally interested. It has been also said in the course of debate, that these claims were, or would be, the subject of extensive speculation. That objection may be easily obviated by an amendment, and before I proceed to the few remarks on the constitutional question which I intend to submit to the Senate, I give notice that I intend to offer an amendment which I will request the Secretary to read.

The SECRETARY then read the amendment, which is as follows:

Add the following section:

SEC. 3. *And be it further enacted*, That the persons hereby appointed to examine the said claims shall, before they enter upon the duties assigned to them, be first duly sworn or affirmed to faithfully perform the duties required of them by this act; and that in no case shall any one of said commissioners act on any claim in which he or any of them is personally interested. And no claim, whether any claim has been presented or not to the original board, for a greater sum than shall be allowed by the original board, the agent shall be allowed to more than receive for the claim, with lawful interest on the amount.

Mr. CLAYTON.—This amendment, I think, obviates all objections which have been fairly taken in debate—with the exception of the constitutional objection.

It is contended that the Congress of the United States has no power under the constitution to name the persons who shall ascertain the amount of claims which they are called upon to settle; but that all such persons are "officers" to be appointed only by the President, by and with the advice and consent of the Senate. I do not concur in that construction of the constitution. It is my opinion, after giving to this subject all the investigation that I am capable of bestowing upon it, that the Congress of the United States has the right necessarily incident to its general legislative power to appoint persons to take testimony for them; or to arbitrate claims between the government and any private individuals; or to settle and adjust the amount due from the government to these individuals. I hold that Congress possesses this power, as anecessary and indispensable part of its legislative power. The constitution confers upon Congress all the legislative power given by that instrument. Among the trust powers of Congress, expressly mentioned in the constitution, is the power to pay the debts of the United States, and to exercise all other powers necessary and proper, to carry that power into execution. The power to pay the claims due from the government to individuals, was a right devolved upon the legislative body when the constitution first went into operation; and Congress has exercised that power from the earliest period to the present day, in every case and form in which it thought proper to exercise it.

I shall not go through the statute book to show how often Congress has appointed an arbitrator to settle a private claim between an individual and the government. Some cases of that description are of recent occurrence, and it is true, as was remarked in the progress of debate, that an arbitrator in the case of the Island on which Fort Delaware stands, was named to settle the controversy, between the claimants in one State, against the general government, holding under the title of another State, by two bills which passed this body. I grant that two, three, or half a dozen precedents, will not settle a question of constitutional law. But if we can show that from the very origin of the government, down to this time, Congress has been in the habit of designating individuals, to settle and adjust claims between the government and claimants—and that such has been the practice of the government *ab urbe condita* down to this time—if the principle has been settled by the Supreme Court of the United States, and proclaimed judicially, then, we are justified in regarding this question as settled, if anything can be considered as settled and determined. Allow me to read from the judicial declaration of the chief justice of the Supreme Court, two passages for the purposes of explaining what, in my opinion, ought to be regarded as the principle binding upon us.

"*A contemporary exposition* of the constitution, practised and acquiesced under for a period of years, fixes the construction, and the court will not shake or control it."

"It will probably be found, when we look to the character of the constitution of the United States itself, the objects which it seeks to attain, the powers which it confers, the duties which it enjoins, and the rights which it secures, as well as to the known historical fact, that many of its provisions were matters of compromise of opposing interests, requiring that no uniform rule of interpretation can be applied, which may not allow, even if it does not positively demand, many modifications in its actual application to particular classes. Perhaps the safest rule of interpretation, after all, will be found to be, to look to the nature and objects of the particular powers, duties, and rights, with all the light and *aids of contemporary history*, and to give to the words of each, just such a construction and force, consistent with their legitimate meaning, as to fairly secure and attain the end proposed."

I think, then, it is clearly established, so far as precedents can settle it, that Congress has a right to name the individual who shall settle and adjust these claims. Honorable gentlemen have adverted to the precedent quoted by the Senator from North Carolina, on my right, where the judges of the Supreme Court sitting then as judges of the circuit court of the United States, exercised the power of determining upon the claims of the widows and orphans of those who had died in the revolutionary war. And I have not heard any satisfactory answer given to that decision, though I have been an attentive listener to the very able argument presented by the gentleman from Virginia and others, who have spoken on the subject. What did the chief justice with his associates decide? Why, that in cases of this description, where Congress devolved upon them the duty of deciding upon claims against the government, they had the right to do it; and they actually went on, and did adjudicate and settle the claim, which they could not possibly have done, if they had considered that the constitution of United States had been violated by Congress in the passage of the act, calling upon them to examine the claims of the widows and orphans, to the pension allowed the relatives of those who had fallen in the revolutionary war. Some of those learned and able judges, were among the men who formed the constitution; they all ranked among the fathers of the republic; and it is impossible that they could have proceeded to settle and adjudicate these claims under that law, if they had believed that there was not any constitutional power of Congress to pass this law. They say, after quoting the law:

"As, therefore, the business assigned to this court by the act is not judicial, nor directed to be performed judicially, the act can only be considered as appointing commissioners for the purposes mentioned in it by *official* instead of *personal* designations.

"That the judges of this court regard themselves as being the commissioners designated by this act, and therefore as being at liberty to accept or decline that office."

They then proceed to say that they will perform the duties assigned by the act, and they do perform them. I contend, then, that in so doing they have decided the whole question now pending before the Senate. They have determined—and it is impossible to construe the act in any other way—that the Congress of the United States has the right to appoint commissioners to settle claims against this government. What manner of answer is it to say that they do not act as judges? It is not by virtue of any judicial power that they proceed to act, but being designated as individuals to exercise a power not conferred upon them as judges at all, they proceed to settle these claims; and in doing so I contend that they have affirmed the power of Congress in the whole matter.

Mr. MASON.—Will the Senator allow me to ask him whether the law of which he is now speaking was not confined altogether to giving power to these judges to take evidence only, and that they were to report to Congress and not to adjudicate the claims?

Mr. CLAYTON.—They had power not only to take evidence but also to decide upon the claims. But the honorable gentleman must admit that if Congress had the right to appoint them to take evidence, the whole case is yielded.

Mr BUTLER.—As this precedent seems to be relied upon, I would ask my honorable friend from Delaware whether that power was not conferred by Congress upon the supposition that it was competent for Congress to add to the judicial functions of the judges by requiring them to perform this office; and whether it was not, therefore, simply conferring additional duties upon officers already in existence?

Mr. CLAYTON.—I think I can answer the Senator by referring him to the language of the judges. He will perceive from that, that it is not the addition of a new judicial power.

Mr. BUTLER.—I am aware that the judges assumed the performance of duties without salary, but my inquiry was whether Congress did not act upon the supposition that they were adding to the judicial duties of the judges. The point of the decision was, that Congress had attempted to devolve upon them duties which did not belong to them.

Mr. CLAYTON.—Will the Senator allow me to read again from the decision of the judges? [He then read the whole decision.]

The court then say that they were not appointed as judges. The term "judge," is merely *descriptio personæ*, and the effect and meaning which the court assign to the act, is nothing more than if Congress had said when passing the act, that John Jay, and his associate judges by name—without calling them judges—should perform this duty. That is precisely what the judges understood by it, as is apparent from their decision; and therefore I contend that this precedent covers the case and settles the whole question now before Congress.

The Chief Justice of the United States says—"the best light for construing the constitution is contemporaneous history," and I

am one of those, like most of my profession, who have great reverence for well considered precedents. Congress has exercised this power, not only in this case, in which the judges of the Supreme Court solemnly affirmed the power, but in a great many other cases, in which no human being ever questioned the existence of the power. It is difficult to state how many cases there are of this description. I will take one case which occurred in my own recollection as a member of Congress. I refer to the act of Congress of the 14th of July, 1832, by which the third Auditor of the Treasury, the second comptroller, and Charles Gratiot were authorized to examine the claims of the legal representatives of Nimrod Farrow and Richard Harris. If it had not been for the fact that the name of Charles Gratiot was inserted in that bill as one of the commissioners, we should have been met by the answer given to other precedents by honorable gentlemen, that the new office or the new duty of commissioners was conferred upon an officer already existing—an objection which, by the by, I think has no force whatever. But in this case, the precedent is not liable to that objection. One of the commissioners was named, by his individual designation, and no person made any constitutional objection. Another precedent is furnished in a bill which I had the honor myself to report when Chairman of the Committee on the Judiciary. I alluded to the bill for the relief of Stockton and Stokes, authorizing the Solicitor of the Treasury to adjust and settle controversies between the Postmaster General and these individuals. I recollect very well the history of that bill. We heard counsel on the subject, and having, as we supposed, become possessed of all that could be urged on both sides, looking to the interest of the government, as well as justice to the individuals concerned, we came to the conclusion that it would be best to refer the whole matter to Virgil Maxey, who then happened to be Solicitor of the Treasury. We did not refer the subject to him, because as Solicitor of the Treasury, it was his duty to investigate it, but because he was a competent arbitrator, and we were all content that he should decide the controversy. This, then, is another instance like that of the Supreme Court, in which the officer selected to examine and decide claims against the government, was named by his official character as a *designatio personæ*, to indicate the individual who was to perform the duty. This matter also came before the Supreme Court, which incidentally decided the question. For if there had been any constitutional objection to the settlement of the matter by this officer, the question would have arisen on the trial, which is reported in 12th Peters' Reports. The language of the court in this case has been already quoted by the Senator from Texas, (Mr. RUSK.)

Here the court say expressly, that it was in the power of Congress, and in their discretion, to appoint any one to settle claims against the government, and thus we have an entire concurrence in the opinion given by the court in 1792, in the case of the adjudication of the claims of widows and orphans. So far, then, as the question has been presented before the Supreme Court, I maintain that that court never doubted the power of Congress, but on the contrary, has given opinions entirely irreconcilable with the idea, that Congress has not the right to appoint these commissioners.

The true question to be decided is this: Is the appointment of these persons necessary and proper, in order to enable us to legislate on the subject matter of these claims? Honorable gentlemen in the course of debate, have generally given it as their opinion, that the individuals named in this bill, are the very men that ought to decide upon these claims—the very men upon whose testimony they would wish the matter to be settled. They are not willing to entrust the adjudication of so important a matter in California to strangers, and persons who know nothing of it, or persons in whom they have not equal confidence with that which they repose in Mr. Freemont, and the gentlemen associated with him. They are not willing to pass the bill with the names of other persons in it or without an assurance that these men in whom they place confidence, will be appointed to adjudicate the claims. I ask, then, can any man in these circumstances, undertake to say that it is not indispensably necessary and proper to the due exercise of your legislative power, that you should have the right to name the man who shall settle these claims? It is in vain to say, that these very individuals may be appointed by the President, and with the advice and consent of the Senate. Before I vote for the bill, I desire to know not only what the President may do, but without any possibility of being deceived. I desire to be assured that these are to be the very men to do it. On that ground I vote. I am not willing to trust their settlement to other men. In this opinion many, may most members of the Senate concur. Have we not therefore right to say, that these men shall settle these claims—that they shall decide before the claimants receive seven hundred thousand dollars out of the public treasury? I never before heard until this discussion arose, that there was any doubt as to the constitutional power of Congress to arbitrate a claim of an individual against this government. It certainly is a new principle that Congress has no such power. I never heard it advanced before. I will not undertake to consume the time of the Senate by reviewing the many cases which have presented themselves bearing upon this question, but shall content myself with the general declaration, that I hold the power to ascertain the justice of claims against the government is a necessary incident to the legislative power; and carries with it the power to appoint the person or persons to decide upon the claims. Other cases might be relied upon on which I will not dwell. In one the governor of Florida was appointed to approve the claims before they could be paid. In many others the different auditors and secretaries have been selected for a similar duty, and Congress has been in the constant habit of imposing such duties on any officer or person it saw fit to select without reference to any other consideration than his fitness for the performance of it as an individual. I know very well that a legislative precedent is not considered entitled to much weight unless the subject has undergone discussion; but these cases are amongst the many which go to show that Congress has never heretofore doubted its right to appoint persons to settle claims against the government. On the other hand it is said that there are several instances in which the President has appointed commissioners to settle claims of individuals against the government, as in the cases in which the funds provided by a treaty with foreign governments have been distributed by commissioners appointed by the President, by and with the consent and advice of the Senate. These cases are referred to for the purpose of showing that Congress cannot appoint commissioners in this case. If, however, this argument proves anything, it proves the very reverse of that which is intended. If, in these cases, the President and Senate had the power without authority of Congress, why were the clauses authorizing this mode of appointment inserted in the acts of Congress? Surely, if the constitution gives the power and the authority of Congress was not wanting, these clauses conferring upon the President and Senate the power to appoint commissioners should have been left out. Why were they inserted? Their insertion is a clear proof that those who drew the laws thought that it was necessary, that Congress should authorize in this case the appointment of commissioners by the President and Senate. Instead, then, of being precedents against the right of Congress which I now advocate, they are against the right of others to appoint without the consent of Congress.

It is somewhat remarkable that now, and for years past, discussion on the powers of the different branches of the government should run more frequently upon and against the powers of Congress, than upon the powers of the Executive. In former days there was a great of jealousy of Executive power. But now the order is reversed. Power is stealing from the many to the few, and from the few to one. The order of the day is now to advocate the exclusive right of the President of the United States to interfere in cases, where, if Congress be denied the power to appoint commissioners, they cannot properly legislate! This is Executive encroachment with a vengeance! I have never been the advocate of Executive power, and I never shall be. I stand by the rights of Congress as I understand them, and as explained to me by the judges of the courts of the United States. I hold, that if this power be denied to us, it will be sometimes impossible for us to legislate as we think right. We shall in such cases have to pay claims as the President thinks right. If we have not the right to prescribe the rules of evidence which are to govern in the decision of these claims—if we have not the right to name the persons in whom we have confidence that are to settle and adjust them, it is impossible that we can get through the labor, either by committee otherwise, of examining them all, and consequently we never can to our own satisfaction discharge the duty which devolves upon us. I am, therefore, altogether opposed to the amendment of the honorable gentleman from Virginia.

There was one remark made yesterday by the Senator from South Carolina, to which I desire to advert. I understand him as objecting to the bill because we appointed a paymaster or disbursing officer without demanding and obtaining security. If the objection of the gentleman from South Carolina be worth any thing against the bill or amendment reported by the committee, does it not lie with all its force against the amendment proposed by the gentleman from Virginia? The amendment of the gentleman from Virginia, which proposes to take from Congress the right to name the commissioners and to give it to the President, contains the very same provisions in regard to the disbursing officer who is to pay these claims in California. If the disbursing officer is not to give security according to the bill, there is certainly the same insecurity in the amendment of the Senator from Virginia. But in my opinion there is no danger of insecurity in either case. A disbursing officer must necessarily give security. In this case we shall have the security which we have in all other cases; and we want no more. With regard to the other objections of the Senator from South Carolina—(I mean the objections independent of the constitutional objection)—the amendment which I had the honor to submit, and which I intend to offer at the proper time obviates all these objections. It precludes these gentlemen from deciding in any case in which they may be themselves interested. It cuts up by the roots all the objections which we have heard urged about the danger of speculating in these claims, and subjects these commissioners to the same responsibility—the same oaths which in all other cases are enjoined upon persons in their situation.

I have not thought it necessary in discussing this question to enter into the consideration of a matter which was very much debated here, whether these persons are not "officers" within the meaning of that clause of the constitution which gives the President the power of appointment. I do not care whether they are called officers or not. You may find half a dozen definitions of the constitution gives the legislative power to Congress, and another clause confers the power of appointment upon the President. The two clauses must be construed together, and the power of appointment given to the President of the United States, must not be so construed as to conflict with the legislative power of Congress. In every case in

which the appointment or designation of the commissioner or officer is necessary to the due discharge of a legislative function, the great constitutional provisions that ordain Congress, and give it legislative power, confer the power to make this appointment. The general appointing power of the President of the United States, and the power incident to the discharge of legislative functions, which rests in Congress, are entirely reconcilable. If the argument of the gentleman on the other side were sound, it would deprive us of the power to appoint commissioners to take evidence. If good for anything, the argument is good for that extent; if not, it is good for nothing.

In my judgment, then, the amendment of the honorable gentlemen from Virginia, is liable to constitutional objections, and does not remove those which have been urged against the bill. I shall, therefore, vote against it, and when the bill comes up for consideration, I shall move the amendment which I have had the honor to send to the desk of the Secretary.

Mr. JOHNSON, of Maryland.—When this bill came from the committee in the first instance and was first seen by me I regarded it as being most clearly objectionable upon the ground which I am now about to discuss—as trenching upon the constitutional power of the Executive. I was not here when the bill was discussed as it originally stood; but I suppose may infer that in the opinion of the majority of the Senate that discussion was fatal to the bill, and that the reference to the committee was made in order to get rid of the objections which were urged in that debate. Now, as preliminary to the remarks I propose to offer, I beg leave to recall the attention of the Senate to the provision in the original bill so far as it is material to the point at issue. It was this:

"And for the purpose of ascertaining the justice and amount of such part of said claims as have not been allowed or authenticated by either of said officers, the President be, and he is authorized, to appoint a board, consisting of John C Fremont, and two officers of said battalion while in service."

The decision of the board was to settle the whole controversy as between the government of the United States and the claimants; and the objection to the provision was that Lieut. Col. Fremont was one of the parties named by Congress to constitute the board. Since then the bill has been again before the committee; and, I suppose, with a view to obviate the objection which seemed to be apparent on the face of the bill to some, and, as I believe, to the majority of the Senate, or it would not have been recommitted, the present amendment has been proposed. In my opinion it does not obviate the objection. The original bill named Lieut. Col. Fremont, and limited the choice of the President in the selection of the others to two officers of the California battalion. The provision of the amendment is:

"And no unascertained claim shall be paid until first examined by the late commander of the California battalion, J. C. Fremont, and by the late commissary and the late paymaster of the battalion, Captain Hensley and Major Reading, and allowed by them or a majority of them; and payment of such claims so allowed and certified, shall be made to the claimants in California by some proper disbursing officer, duly appointed or designated for that purpose."

So far, perhaps, it was within the power of the Executive. But that did not answer the purpose. The purpose is not only to exclude claims which shall not have been examined and allowed by Lieut. Col. Fremont, but to provide for the payment of the claims which shall be so allowed; and with a view to that object the amendment goes on to say

"And all claims not presented and allowed within one month after the time of passing this bill shall be forever barred; and the compensation of the examining persons shall be according to that of their respective ranks in the late battalion, and shall be paid out of the appropriation contained in this bill, and shall make return of their proceedings to the War Department."

Now, with all due deference to the committee, if the original bill was liable to objection, the amendment is, if possible, still more objectionable. The objection to the original bill was, that we took from the Executive the appointment of one member of a board, to consist of three persons, limiting the Executive in the selection of the remaining members, and the object of the committee, in good faith of course, and, as they supposed perfectly legitimate, was to avoid that objection. Their amendment provides for the appointment by Congress of all the members of the board. It is quite immaterial whether the word "appoint" be found in the law or not. It depends upon the character of the duty to be performed. The original bill says that the judgment of the board is to be final and conclusive on the subject of all the claims—final against the government where the claims are allowed—final against the claimants where disallowed.

Without attempting to show that the provisions in both cases are precisely alike, or that if there be any difference it is rather against the amendment, I now proceed to enquire, what is the character of the duty to be performed? I suppose there can be no doubt that that duty is no more nor less than judicial in its character—strictly judicial; that this board constitutes an inferior court to decide between the United States and suitors to the United States, whether anything, and if anything, what is due to them by us? Is it not judicial? Why, if these claims are all known and admitted by the United States, pay them at once. If the claimants are known, and the amount due to each is known, let it be paid at once. It is because the claims of these individuals are not admitted, or, because, if there be any admitted to exist, the amount is not admitted, that it has become important to appoint a board to ascertain the facts, and to decide upon the facts, and the law which is to settle the existence of the claims as well as the amount to be paid. The duty of the board then is a judicial duty. If I have read aright the opinion given by the Supreme Court upon the act relating to the pensions, widows and orphans, so much relied upon by my friends from North Carolina and Delaware, [Messrs. BADGER and CLAYTON,] so far from being an authority to support the proposition which they advocate, it is, I think, directly the other way. First, it has been introduced as a legislative construction; and, secondly, as a judicial interpretation. A word on both. To what weight is it entitled as an instance of legislative construction? The very judicial interpretation relied upon by my learned friends on the other side shows, that in the opinion of the judiciary it was not entitled to any weight in that aspect. I have got the law before me, and no man can read it without perceiving that the question asked by the honorable Senator from South Carolina [Mr. BUTLER,] can be answered only in the affirmative. What did Congress think when they passed that act? That they had authority to exact of the judges the performance of the duties imposed. Why, clearly, they thought that they had the authority to impose upon the judges the duty of carrying out the provisions of that act. Whether it was in the contemplation of Congress that the duties were judicial or extrajudicial is quite immaterial. So far as the act proves any thing of the opinion of Congress upon the question of constitutional power, it demonstrates that they thought they had a right to exact of the judges the performance of these duties. Had they any such authority? Let us go to the opinion relied upon for a different purpose, and we will find that the judges unanimously decided that if the functions which they were called upon to discharge by that act, were not judicial, Congress had no right to impose them upon them. Why, then, did they undertake to exercise those functions? They go on to say, that the duties devolved upon them by the act did not partake at all of the judicial character—that they look to other employments and other functions, and, therefore, Congress had no power to impose those duties upon them. But still they proceeded to execute the provisions of the act—and why? Because they considered themselves merely as commissioners, although named by their official designation—that they were called upon to perform a mere ministerial duty, in the discharge of which they were willing to accede to the request of Congress. How did they come to that conclusion? Upon two grounds, that what they were to do in the act was not final, and that the whole was to be returned to the Secretary of War. This is their language:

"That neither the *legislature* nor the *executive* branch can constitutionally assign to the *judicial* any duties but such as are properly judicial, and to be performed in a judicial manner.

"That the duties assigned to the circuit courts by this act are not of that description, and that the duties shall does not appear to us to comprise them as such, inasmuch as it subjects the decisions of these courts made pursuant to those duties, first to the consideration and suspension of the Secretary of War, and then to the revision of the Legislature; whereas, by the constitution, neither the Secretary of War, nor any other executive officer, nor even the Legislature, are authorized to sit as a court of errors on the judicial acts or opinions of this court.

The provision of the law to which they referred was this.

SEC. 4. *And be it further enacted*, That the Secretary of War, upon receipt of the proofs, certificate, and opinion aforesaid, shall cause the same to be duly filed in his office, and place the name of such applicant on the pension list of the United States in conformity thereto: *Provided always*, That in any case where the said Secretary shall have cause to suspect imposition or mistake, he shall have power to withhold the name of such applicant from the pension list, and make report of the same to Congress at their next session.

As a legislative construction it is entitled to no weight. If it proves any thing, it proves that Congress thought they had a right to impose the duty on the judges; the judges decided otherwise. As a judicial construction it proves nothing but this: if you are disposed and I am willing to admit that you may draw that inference, that the judges would have taken into consideration the constitutionality of the act. What is this bill? Why it makes the persons named the judges to examine the facts and decide upon them. It appropriates the money just as this board shall think that the money ought to be appropriated. It distributes the money just as the board thinks proper. Now I know that there is a difficulty not only in relation to the particular question which is before the Senate, but in relation to many other questions as to the respective powers of the various departments of the government. It is not in every instance easy to draw a distinct line, but that does not prove that there does not exist a line of demarcation between their separate powers. It has been proposed frequently for many years past, to constitute a board to decide upon all claims existing now or hereafter against the government. Now I put it to Senators whether it is in the power of the legislature to appoint that board. What says the constitution?

"He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law, vest the appointment of such inferior officers, as they think proper in the President alone, in the courts of law, or in the heads of departments.

Can any body doubt that the three individuals named in this act will be officers of the United States, called upon to discharge these particular functions. What are they, if they be not? Are they the officers of the Congress of the United States, contra-distinguished from officers of the United States? Is there such a thing known in the constitution, as an officer of the legislative power as contra-distinguished from an officer of the United States, except when in the words of the constitution the legislative bodies are authorized to appoint their own officers? No. The moment these commissioners come into existence by this act they

at once become officers of the United States. The only question remaining is, are their functions such that they would be considered as having been appointed merely for the purpose of discharging some duty not falling within the range of those duties contemplated by some law of the United States The honorable Senator from Delaware [Mr. CLAYTON] tells us that he will not stop to inquire whether these gentlemen will not, if this law should pass, be officers of the United States within the meaning of these terms as used in the constitution. He has found out a new power in Congress, and what is that? It is in the terms "necessary and proper." How did he make it out? Several Senators who have spoken on this subject, and perhaps all have agreed that there are no three men in the United States so well qualified to decide upon these claims, as the gentlemen named in the act, and thereupon the Senator from Delaware gravely concludes that as we have authority to pay the debts of the United States, and to pass all laws necessary to carry into execution these laws, we must have the authority to appoint these men.

Mr. CLAYTON.—I said that it was a necessary incident to our legislative powers.

Mr. JOHNSON.—Just so. Let us examine that position. Why we have sometimes thought on this side of the chamber, that there was a great deal of misconduct in some of the Executive departments. In the opinion of some of us the Secretary of the Treasury has not faithfully discharged his duty. The Secretary of War has also been occasionally denounced for neglecting his duty, or for mal-administration of his office. Well now we have the authority to lay and collect taxes, to raise and support armies. These are legislative powers. Will the Senator contend that in order to carry out these powers with efficiency and fidelity, we must have some authority to appoint the officers, who are to collect the taxes, and conduct the operations of the army. It is a legislative power under the constitution to raise and support armies. There are certain men in the United States, in the opinion of Senators, who alone are able to march the army to the field and conduct it to victory. Have we then the power to appoint these officers? To make the declaration of war effectual—to effect our object in raising an army, it may be in our opinion obsolutely necessary—and I mention the name in no invidious sense—to place at the head of the army General Winfield Scott. Have we a right then to place him by law at the head of the army? Again, we have a right to levy duties and lay taxes, to pay the public debt, and provide for the general welfare of United States. It is a very material matter to be considered, in carrying out that power, to whom shall be entrusted the duty of collecting taxes. I trust one man, and distrust another. Because we are clothed with legislative power to lay duties on imposts, and are invested with authority to pass all laws necessary and proper to carry into execution all our legislative power, we will name the collectors!—I defy the ingenuity of man—I speak now of the argument of the Senator from Delaware—to avoid the conclusion, that the reasoning of the honorable Senator, if pushed to its legitimate result, must take from the Executive powers which have never been questioned. The honorable Senator has remarked, and perhaps with a good deal of truth, that the tendency of the times is to curtail the legislative and enlarge Executive power. It gives me no alarm and never has at any period. I believe now, as I have ever believed, that the power conferred upon the Executive by the constitution in two of the particulars most censured, and, in the opinion of some, the most practically mischievous, is indeed the most wholesome grant of power to be found in the instrument. I mean the power of the veto and the power of appointment to office. I believe, as firmly as I do in my own existence, that this noble government could not have lasted to the present day, if the power of the veto had not formed a part of the Executive power, not that it has not been abused, and in some cases improperly exercised, but because its existence has prevented such mischievous, ruinous, and tyrannical legislation as would have caused the Union to fall into fragments. It is this power that secures to the smaller States all their rights. What do we often see? Popular passion, excited and inflamed, finding its way into the halls of legislation, and the rights of the minority trampled upon in violation of all the guarantees in the constitution. And what more than anything else, prevents the successful assaults of popular passion upon the guaranties of the constitution, except the knowledge that there exists in the government one man who can stop it until the question is submitted to the sober good sense, better thought, and matured consideration of the people? As to the power of appointment to office, if I were called upon to take a part in the formation of the constitution to-morrow, I should give the power to the Executive. No man feels higher respect for the Senate of the United States, or Congress, than I do; but there is no one, at all familiar with the constitution of legislative bodies, who could, I think, consent that either house of Congress should exercise such a power. I admit that there have been abuses of this power, for where power is great in human hands, it will be abused. But to talk of the abuse of this power in the hands of the Executive, and that a remedy is to be found in taking it upon ourselves, is the extreme of folly. Were the power of appointment to office vested in Congress, the most mischievous, ruinous results would follow. The number of the "Federalist," upon the subject, is entitled to great consideration, and addresses itself most favorably to the understanding of the American people, written by Alexander Hamilton, who ever wrote with a pen which illumined every page on which it was employed. He shows that it was not only better to place the power in the hands of the President, but that it was necessary to do so. But what right has my friend from Delaware to suppose that the President of the United States, finding the three persons named in the bill to be the best qualified men in the country, will not appoint them to discharge this duty? I have a right to infer, if he is an honest man, and I am not here to say he is not—if he is an intelligent man, and I am not here to deny it, that the same evidence that satisfies the Senate that these men ought to be appointed, will satisfy and ought to satisfy the President. But, again: how does the Senator know that the judgment of the Senate, which he imagines to exist—and I believe it does, so far as I know with respect to these individuals—will be the judgment of the House? They are to go through an ordeal of two hundred and thirty members of the other house. I do not speak of the present instance, but party considerations may come to interfere with the selection of individuals to perform the duties devolved upon them by acts of Congress, if the power of appointment is to be lodged in the hands of these legislative bodies. Suppose the House does not decide that these are the best men to be selected, and that they insert instead of this provision, such a one as has been proposed by the Senator from Virginia, [Mr. MASON,] would my friend from Delaware, then reject the bill? Why, certainly, he could not say that he would not pass the bill, because unless these men were appointed, our legislative power will not be properly exercised. I am very far from saying a word in disparagement of either of the gentlemen named in the bill. I think they are qualified for this office, but what I mean to say is, and I say it with all the confidence which we can have in such a case as this, that it will be a great deal better to appropriate the seven hundred thousand dollars at once, and pay the money into the hands of Lieut. Colonel Fremont forthwith, and let him go to California and pay the claims, than strike, as I conceive we shall do in the passage of this bill in its present form, a blow at the constitution.

A word on another topic, and I have done. My friend from Texas, [Mr. RUSK,] yesterday, and on a former occasion in which he addressed the Senate upon this bill, stated that the judgment of these arbitrators, or whatever you may term them, would be nothing more than evidence of the existence of these claims. It is not so. I fully admit, that we can by a committee of our own body, have testimony taken upon which the Senate is to act. I admit that we may authorize testimony to be taken before any tribunal existing, or we may create for the purpose a tribunal to take it and report it to us, and on which we are to act in our legislative capacity, and order to enable us to act in that capacity. But this is not the character of this bill. What these commissioners are authorized to do, is not to collect the evidence, but to decide the case. They are to make no report to us, upon which we are afterwards to decide, but they are of themselves and by themselves, in the exercise of their own judgment, to settle forever the question, whether there are any California claims, and if any, what they are, and how much is due. It is as strictly judicial, as absolutely final upon the whole matter in dispute, between the claimants and the United States, as would be the decision of the Supreme Court of the United States, if it could get there, and a decision of that tribunal be pronounced upon the case.

Mr. BADGER.—Before I proceed with the remarks which I design to offer, it is proper that I should make a preliminary statement, because it is just to others, and because I ought to apologize for having so often trespassed on the attention of the Senate. The particular provision of this bill, which has excited so long, and so earnest a discussion, was a provision suggested and insisted upon in the committee by myself. It originated with me, and with no one else. So far as I know, until I suggested it, it was thought of by no else; and I suggested it, of course, under the impression that we had a right to adopt the provision, which I still entertain, notwithstanding the observations of my friend from Maryland; and because I chose in devolving the power to dispose of this amount of public money, in the peculiar circumstances of these claims, to know the persons on whose decision and award the money was to be disposed of. Without entering into any inquiry, which I must say was unnecessarily brought forward by my friend from Maryland, as to what, or what would not be the action of the President of the United States, if the selection was left to him, I, for one, did not choose to commit the selection as a general and indefinite subject of choice to the discretion of the President or any body else. But in making provision for the ascertaining and payment of claims against the United States, arising in the peculiar circumstances which characterize these California claims; to be investigated and decided upon in a foreign country, I, for one, was not willing that this duty should be devolved upon any but the persons selected by ourselves.

After this statement, I beg the attention of the Senate to some observations in reply to the remarks which fell from my friend from Maryland. In the first place I wish to notice an observation made by the Senator from Virginia, (Mr. MASON.) He said, if I understood him aright, that I knew that in courts of law, nothing was considered as authority, except the decision or adjudication of an appellate tribunal.

Mr. MASON.—If the Senator will allow me, I will state what I said. I remarked that the Senator from North Carolina well knew that in a court of law, no decision was taken as authority but that which had been made directly, upon the point under consideration. I mean by that, that in a subordinate court the decision of an appellate court is the law of the court.

Mr. BADGER.—So I understood the Senator. Before I proceed to examine the nature and character of the precedents relied upon here, allow me in reference to that point to say, that so far from understanding it to be as the Senator from Virginia supposes I understood that the authority which guides a court of law embraces not only the case of an express adjudication made upon the point and made in a higher tribunal, but that in the sense in which we use the term "authority," courts of law consider themselves bound by their own adjudication even when they do not constitute the appellate tribunal. They feel themselves bound by the course and practice of their own court. They feel themselves bound by the judicial course of proceeding of their predecessors in office. But what do we mean by this being bound? Why, of course, not bound in the sense in which an inferior tribunal is bound to execute the decision of the superior court. The inferior tribunal is bound to obey, and can be compelled to obey. But by authority I mean those judicial measures which morally coerce the determination of the judge, whether they satisfy his understanding as a lawyer or not. There can be of course no physical coercion—the judge is not liable as he would be for his contempt of the mandate of a superior tribunal; but he is judicially coerced to take that ground because it has been so decided. I beg to refer to what has been said by two or three distinguished judges on this subject. [The honorable Senator quoted from Coke, Kenyon, and others.] These, then, are the great principles upon which courts of justice recognize not only adjudicated cases, but the constant practice of the courts as being authority to direct them in the decision to which they came; and though upon examination it appears that "wisdom willeth to the contrary," they cannot for that reason disregard it. They must understand that if there had been just foundation for objection, it would have been taken by some of the counsel or judges, and that the point would not have been permitted to pass *sub silentio*. It is a necessary, inevitable rule. Notwithstanding what may be said by gentlemen in theory, and said with great sincerity, as it was said by the Senator from Virginia, and I know that what he speaks here and elsewhere, he speaks sincerely, yet, in point of fact, we cannot get along with the administration of this government without habitual reference to the precedents established by those who have gone before us.

I now beg the attention of the Senate to what was said by my friend from Maryland, in order to escape the force of the decision of the judges in 1792; and let me say that what was ruled by them is of paramount importance, both on account of the person who wrote it and the time when it was written. That eminent person, Chief Justice Jay, who presided in the circuit court which came to this conclusion was not only entitled to all confidence and respect on account of the most pure and unsullied integrity—integrity never surpassed by that possessed by any human being—not only on account of his eminent legal learning and high mental powers, but because it so happened that besides being contemporaneous with the adoption of the constitution and the discussions upon him, he furnishes us with almost an authentic interpretation of that instrument. He had studied it in all its parts, and the time when this decision was made was immediately after the constitution was put into operation. There was no party excitement—no heats to distract the judgment or mislead the proper exercise of the understanding—no distrust of the great and good man then at the head of this nation, as he stood prominently before the world at large. It was a question decided simply upon its intrinsic merits. Well, now let us see what was decided. My friend from Maryland and myself do not agree as to the decision. He contends that the judges decided that the duties devolved upon them were judicial. Why? Because the judges were to do nothing but simply to collect testimony, and, in the next place, they were not to decide judicially, but to report to the head of the department. I think my friend is entirely mistaken as to what the enactment is. The judges were not merely to collect testimony, for the second section of the act provides:

[The honorable Senator read the section which has been already given.]

Well, now, did the judges understand that they were merely to get together and collect testimony? No. The act confines them to no such duty, but requires their decision to be made, their opinion to be written, and transmitted to the head of the department. The decision of the court was both according to the act as it plainly reads, and what is more important on the present occasion, as the judges understood it. They understood it to be an act under which they were to take testimony, form an opinion, and certify a decision. The honorable Senator from South Carolina, (Mr. CALHOUN,) shakes his head. He will have an opportunity when I have concluded, to show that I am in error. The words of the act I have read, and they sustain me in the view which I have taken.

Mr. CALHOUN.—I shook my head because the practice of the Office is quite the contrary.

Mr. BADGER.—What Office?

Mr. CALHOUN.—The Pension Office—under the direction of the War Department. The practice is entirely different.

Mr. BADGER.—I have not said one word about the practice of the Pension Office. It may be anything or nothing.

Mr. CALHOUN.—The Senator spoke of the decision of the judges as being final in the pension cases.

Mr. BADGER.—I stated, as a pertinent answer to the Senator from Maryland, that the judges of the circuit court of the United States did not consider that they were discharging a mere ministerial function in collecting testimony, but that they were to come to an opinion and certify their decision; and one of their objections to the act was that their decision was to be reconsidered, and did not operate by its own power. The judges say that they decline to execute the duties imposed upon them. The duties imposed upon them were not judicial, and the Legislature did not contemplate them to be judicial. What then did the judges do? This is the real point of the matter. This is an act of Congress, which says that the judges of the circuit courts shall exercise certain functions. The judges say, that as judges of the circuit court, Congress has no right either to compel us to exercise these functions, or to confer them upon us. So far as the act was an attempt to confer anything upon the judges, as judges, it was, so far as the opinion went, annulled. What do the judges say next? That they will understand the act as appointing them commissioners by official instead of personal description. For instance, the judges say that they will understand this act to mean, that in the State of New York, John Jay, and the other two judges named, shall be commissioners. Then the judges assume that Congress could by the act have appointed three commissioners by name, for the ground upon which they act is, that Congress have appointed three individuals, not as officers, describing them by their official instead of personal description. They say it is a tender of an office to them; for they say "as therefore the business assigned this court by the act is not judicial, nor directed to be performed judicially, the act can only be considered as appointing commissioners for the purposes mentioned in it by official instead of personal descriptions." The judges regard themselves as the commissioners designated by this act; and, therefore, being at liberty to accept or decline that office; and what did they do? Why, they proceed to accept the office and discharge the duties of it; and with an extreme solicitude to show that they had not assumed these duties as judges, they adjourned the court from day to day as usual, and in the intervals heard this evidence, and formed the opinion which the law required. How is it possible, if this case is to be respected, that the ingenuity of man can get over it? What is the case now before the Senate? It is to appoint certain persons to discharge certain functions, which the gentlemen on the other side say, constitute an office. Well, in a certain sense of the word "office," I shall not deny it. But it said, that we have no power to designate those as the individuals who are to perform these duties. But precisely the same thing was done in the act of '92, and the judges declared that Congress had the undoubted power to name these commissioners, and that they had the right either to accept or decline the office of commissioners, on which they proceed to accept and discharge the duties.

My friend from Maryland has discovered a very ingenious mode of getting rid of the weight of this. He says that the judges in that case determined that the duties were not judicial; and that, therefore, there is no precedent here, and why? He says that the duties conferred upon the persons named in the amendment to the bill are strictly judicial duties. His whole argument is based upon that, and yet, if I understand it, he has no objection to the amendment offered by the honorable Senator from Virginia. Let us look into this for a moment. He has asked, very triumphantly, if under the constitution there are any officers known except officers of the United States? I reply by another interrogatory—is there any judicial power known under this constitution, but the judicial power of the United States? I presume the answer must be in the negative. Well, then, is my friend willing to vote for the provision proposed by the Senator from Virginia? The provision of the constitution is clear and express, that the whole judicial power of the United States—there is no exception—shall be vested in one Supreme Court, and in such inferior tribunals as the Congress may from time to time ordain and establish; and that the judges of all these courts shall hold their office during good behaviour. Now, if my friend be sincere—and no doubt he is, there is no man more sincere than he, as there is no man more generally correct, but on this occasion he is, I think, singularly mistaken—if he be correct in maintaining that the powers to be exercised by these commissioners are judicial powers, must he not admit that they cannot be conferred except upon a court of the United States? This is clear. The constitution is imperative. No human ingenuity can make a difficulty about it. Well, now, he must take one side or the other. If the power be judicial, he cannot confer it upon the commissioners; he must confer it upon a court. If it be not a judicial power within the constitution of the United States, the argument of the Senator falls to the ground. He may take either horn of the dilemma. It is impossible that he can escape from it, with all his learning, and acuteness, and long experience in the courts, that it is a judicial power or it is not. He affirms it to be judicial. Then it can be vested only in a court of the United States. If not judicial, his argument falls, for it is based upon that assumption.

I do not understand the Senator as denying that Congress may appoint an arbitrator. So far as I know, that has not been denied by any gentleman who has spoken on the subject. Are not the functions of arbitrators judicial? How are they described in the ordinary language of the books? An arbitrator instead of being a judge appointed by public authority to decide, is a private judge nominated by the parties in the controversy. Can any thing be clearer? What was the question about the Pea Patch Island?

Mr. BUTLER. (in his seat.)—Did the Senator ever hear of an *ex parte* arbitrator?

Mr. BADGER.—I shall notice that before I have done. The Senator is something like my honorable friend from Maryland, he did not survey the whole ground, before he ventured his position! It is conceded that we can appoint an arbitrator. It is beyond dispute that the functions of an arbitrator are judicial. It is, therefore, manifest, whatever other difficulty may exist, that so far as the argument of my friend from Maryland which he brought forward with a considerable air of triumph and announced as conclusive, if conclusive against any thing it is against the bill in neither of the forms contemplated; and makes it necessary that we should establish a court and make judges for good behaviour. But I was about to remark that this unusual mode of interpretation would place us in this extraordinary position. He says that to audit and settle accounts against the United States is a judicial power within the constitution of the United States, and that the judicial power cannot by law be treated otherwise than as a judicial power. And yet he admits that we may authorize any of our committees, if we please, to examine into these claims, to produce the evidence and to furnish it to us, and that then we can decide the claims, and that when we have come to an conclusion, we can act upon it and pay the money. Well, then, if to examine into claims be a judicial power, where did Congress get that power? Where can it be devolved according to the plain letter of the constitution, but in the courts of the United States? What is the result? We cannot adopt such an interpretation of the constitution. It would not only make the constitution mischievous, but impracticable. It would make it not only inoperative as beneficially as it might operate, but would prevent it from moving at all. If this rule be true, the business of government cannot be carried on a day. Are not claims settled, audited, determined upon, and paid by your committee of accounts in this chamber, and when so settled, are paid by disbursing officers of this body from the contingent fund, placed at their disposal? As was said by my friend from Kentucky the other day, is it not clear, and such must be the effect, that to a certain extent there are powers of an Executive character which we exercise, of a legislative character, that the judges exercise, and of a judicial, that we exercise? How are we to ascertain the true boundaries upon this subject? I humbly apprehend by no other possible rule than that of plain common sense, unless we intend to embarrass ourselves at every step by technical difficulties. We are to interpret the constitution according to the sense in which it was formed by the plain men who were its authors, and put it into execution. We are to continue to carry it out as it has been executed heretofore, without a doubt expressed from any quarter sufficiently eminent to have it handed down to us. As was well said, by my friend from Delaware, Congress is charged with this special duty, of paying the debts of the United States, and is it not a strange and extraordinary interpretation to say, that Congress may not ascertain and pay the debts of the United States, without calling in the action of the Executive branch of government to assist them? That is the necessary result of his argument, when pushed to its extreme. We cannot even pay the charges against our contingent fund, without an appeal to the Executive—if the argument of the gentleman from Maryland be sound. The whole government becomes impracticable, if such be the true interpretation of the constitution.

The case put by the Senator from Maryland, about appointing a general to take charge of the army, so far from interfering with my argument, strongly confirms it. We propose to ascertain and pay a debt. That is the exercise of a function conferred upon us by the constitution. With regard to this case also, the honorable Senator entirely overlooks the fact, that although Congress has the power to declare war, and therefore as I conceive—though some gentlemen do not even admit that as an incident to the power of declaring war—the right to declare the purpose for which the war is to be waged, yet it is conceded by all, that as the President of the United States is, by the constitution of the United States, commander-in-chief of the army of the United States, the actual direction of the army must be in his hands. Therefore, if we were to undertake by law to appoint officers in his army, it would be obviously a violation of the constitution. My friend also lays down that where the power in question is purely legislative, it follows that Congress has a right to adopt just exactly the agents for its execution, that they deem most proper. Where the power is of an Executive character, the officer must be appointed by the President.

My friend from Maryland conceives that the amendment is more exceptionable than the original provision of the bill, because the latter named only one of the persons, whereas the former names all three. Now, I say on the contrary to him, that for that very reason I consider the amendment a great deal better than the bill; for what is the objection with respect to the constitutional power? Beyond all doubt, if we name one of the gentlemen, we can name the three; and, therefore, the amendment remains on the same footing as if one only were named. I had supposed that it was generally understood that the amendment would be satisfactory; not, as the Senator from Maryland supposes, that the recommitment was made because a majority of the Senate was opposed to the bill, but because some Senators were of opinion that debate and difficulty would ensue. Some debate had sprung up, and it was thought advisable to avoid the delay which discussion would occasion, and that therefore it was advisable to present an amendment which would obviate the objections that had been urged.—What does the bill propose? He says that it devolves judicial powers. What are they? Why there are certain claims, the amounts of which and the persons to whom due, are not ascertained. This bill appoints three persons, with authority to examine into these claims, and provides that upon their certificate the claims shall be paid. Now, the Senator admits that Congress has the right to prescribe rules of evidence, and this bill only provides that the certificates of these commissioners shall be evidence of the justice of these claims. He admits that there is no objection, provided they all shall undergo the supervision of Congress or heads of departments. But if Congress has the right to prescribe what shall be *prima facie* evidence, where is there a constitutional prohibition against their prescribing what shall be conclusive evidence? What is the course of all legisiative bodies? Some evidence they make presumptive, some *prima facie*, some absolutely conclusive, beyond which none of the parties can go. The very recital in the preamble of a general statute of the existence of a certain state of facts is not only high evidence, but as I conceive conclusive evidence in every court. In England, even the statement of certain facts in a proclamation issued by the sovereign, and published in the state gazette, is *prima facie* evidence in all courts of the existence of such facts. All governments exercise this power, and the business of no government can go on without it. What are these men to do? I am not disputing about terms, but about the substance of things. No matter whether they certify to the existence of claims upon their own knowledge, or by the knowledge of others communicated to them, their certificate is nothing but an authority to the proper paymaster or disbursing officer to pay the amount which is ascertained to be due. I have said that I do consider it highly expedient to appoint these commissioners. An unbroken course of action on the part of this government, and, if I am capable of understanding it, the solemn decision of a high tribunal shows that Congress have the power to confer upon these persons the power to discharge the duties prescnted by the bill before the Senate.

Mr. CALHOUN.—I rise, before the question is put, to make a very few remarks on the amendment of the Senator from Delaware to the amendment reported by the committee, which will, I suppose, in point of order, be put first. That amendment provides that these officers, commissioners, or whatever they may be called, shall be sworn to perform their duties faithfully; secondly, that they shall not decide upon any claims in which any of them may be interested; and thirdly, that in cases where any claim has been transferred, the assignee shall receive no further compensation than the amount which they paid for the claim with legal interest. This amendment deserves a good deal of consideration. I am struck with the use of the word "appoint" in it. It says "the persons appointed to perform these duties." If you look to the amendment reported by the committee, you will find that the use of the word "appoint" is most carefully eschewed. You cannot find that word, nor any one of tantamount meaning, in the amendment, from beginning to end. I will not say that this avoidance of the use of that term was designed, but, certainly great care seems to have been taken to avoid the use of this word. Now, without going into verbal criticism, let me ask what is the force of the word "appoint?" You do not "appoint" to an employment; that was never heard of. You "appoint" to office. It is the specific word which is always used in that connection, and, therefore, I have been struck at the occurrence of this word in the amendment of the Senator from Delaware. The human mind is a curious organ; and the force of habit will often lead to the use of terms of which the person may not be conscious. I take this to be a case of that description. The term "appoint" is legitimate in this connection, and has crept into the amendment, though carefully avoided in the original bill and amendment of the committee. Again, the amendment acknowledges that the exercise of the powers conferred upon these commissioners is liable to be very greatly abused. Without this amendment the bill would allow the commissioners to decide upon claims in which they are personally interested. It is well to guard against that. Not that I suppose that these officers would abuse the power, but there is a liability to abuse. The amendment indicates another great abuse to which there is a liability under the original bill. These claims in the wilds of California are in the hands of persons who know nothing of their value—who are conversant only with Mexican faith, which is no faith at all; and as they put very little value upon Mexican paper, they may estimate all other paper equally low, and may have passed off these claims for a bagatelle. Here is an obvious source of great abuse against which the original bill and the amendment of the committee do not make the slightest provision. But while attempting to guard against this abuse, the Senator ought to have guarded against all other abuses, and from stem to stern the whole of it is subject to abuse. What is the whole amount of this thing? You withdraw from the regular settlement to which all such claims in all other cases are subject, claims against this government to the amount of seven hundred thousand dollars, and transfer their settlement to the three individuals named in this amendment.

There is not a particle of responsibility in the whole matter.—There is nothing comes before the government but the certificate of these gentlemen. The importance of the routine of examination before all the regularly constituted officers, can only be appreciated by those who have had some practice in it. I claim the honor of instituting this process of examination, and it has saved to the government many thousands of dollars annually. When I became Secretary of War, I found all the accounts were sent up to the Treasury without passing through the War Department at

all. I found there were great abuses. An act was passed, drawn up by myself, in which I inserted the provision, that all accounts should pass through the several bureaus, and if all was found to be right after examination, they should be endorsed by the heads of the bureaus, before presentation at the Treasury for payment. What was the effect of this? I found the medical department costing the government a hundred thousand dollars a year. I brought his expenditure down to twenty-five thousand. Other expenditures were subjected to the same process. The clothing accounts were reduced two-thirds—the quarter-masters' accounts one-half. The expenditures of the department were brought down from four millions to two millions one hundred thousand.

From the heads of bureaus the acounts were sent to the Auditor, an officer whose name indicates his duty; and then to the Comptroller, the highest officer of the Treasury, before they were finally paid. And you give to these gentlemen the same power that is confided to all those officers. Can this be right? None of these officers have equitable jurisdiction, yet these gentlemen are clothed by this bill with unlimited powers. All this may be very safe in the present case. That is not the question I make at all; but is it safe as a precedent? I put it solemnly to gentlemen opposite.

Mr. RUSK.—I simply wish to ask this question. If this expedition had been under the authority of the United States, and Colonel Fremont had been commanding on detached service, would it not have been competent for him to have made the requisitions, and for the quartermaster to have supplied them on the spot, and for the paymaster to have paid the amount there without going through these forms which the honorable Senator from South Carolina has been describing?

Mr. CALHOUN.—No question at all about that; but each officer would have acted, in that case, upon his individual responsibility.

Now, I put this important question: If you appoint this board of officers, where is the responsibilty? What duty is to be performed by the officer who is to pay the claims allowed by this board? No other than that which the Secretary of the Treasury would have to do in regard to accounts which had regularly passed through all the forms of examination. The certificate of the board is his warrant for paying the money, and he is relieved from all responsibility. We have had precedent after precedent quoted which are not at all analogous. A very brief view will enable us to determine as to whether the duties assigned to these men are official duties or not; whether their functions are those of officers or not; certainly they are official duties of the highest character. Is the commissary general not an officer? They perform his duty, or ought to do it. Is the Auditor not an officer? They must perform all his duties, or ought to do it. Is the Comptroller of the Treasury not an officer? They are to perform all his duties, or ought to do it. And yet performing all these duties, it is solemnly argued here, day after day, that they are not to discharge official duties, that they are not officers. If they are not, in the name of Heaven what are they? Extend this case. It is not only in California that military operations have been carried on; we have had some in New Mexico, and some further south under General Taylor; others on a larger scale under General Scott. Are you willing to adopt the same process in these cases? Who would dream of such a thing? Who would be bold enough to come here and propose that General Scott and his paymaster, and his commissary should constitute a board to adjust all the accounts, and draw, and pay away the money. Who would say that this would be a safe depository of power? Who would say, if they were authorized thus to act, that they would not be officers to all intents and purposes, such as I have described. Can any one doubt it? There may be greater reason for deviating from the ordinary process in settling these claims, but the cases are in every respect analogous, and there are a thousand cases where the difficulty would be as great as in California. Why, the whole country would be startled, amazed, at the adoption of such a course of proceeding as this.

Mr. CLAYTON.—I will briefly reply to the objections that have been raised by the Senator from South Carolina to the amendment which I have offered. His first objection is, that I have used the word "appointed" in reference to these gentlemen who are to settle these claims in California. I am entirely willing to modify the phrase, and substitute the word "designate," or "name," but the word appoint is in itself a word of the same import. I have a dictionary here of the highest authority, and I find that the first definitions of the word "appoint" are to "allot," "assign," or "designate," and as an illustration the following is given: "Aaron and his sons shall *appoint* every one his service." So much for that. Now for the second objection of the honorable Senator.

The Senator commenting on the report of the committee says, that under such a provision Colonel Fremont, and those associated with him, will be authorized to settle their own claims. I offered my amendment, not because I supposed that it was contemplated by the committee, that they should settle their own claims, but because the objection was raised yesterday, and it was to exclude any such inference. The committee said nothing about whether they were to settle their own claims or not, nor have I ever heard it suggested as being necessary, when a man is appointed as a judge, or to decide upon claims, that there should be an express provision accompanying the appointment, that he should decide no case of his own. Such a thing is unnecessary. Yet, I introduced this into the amendment for the purpose of excluding any possible inference that they might do so. As to the other point, it merely provides, that if any any persons speculate in these claims, they shall not speculate to the disadvantage of the government. But the gentleman leaves the amendment, and goes into a discussion of the general subject. His objection is to the payment of the claims in this way. He says they should be subjected to the ordinary forms of examination, and the number of offices through which they would necessarily pass will furnish a salutary check. It was for the very purpose of preventing the monstrous injustice that would be done to the individuals who have these claims, that the measure was introduced. Who are these claimants? They are men residing several thousand miles away—men destitute of means—and to say that they shall come here and pursue their claims is to say, that they shall never receive a dollar. The object of the measure is to afford a competent tribunal where they may be heard, and their claims adjusted. The gentleman objects, because the usual formalities will not be observed. How is it in all cases where commissioners have been appointed? Take the treaty of Paris, or the treaty respecting the Spanish claims. The certificates of the commissioners in those and all similar cases, were by law made conclusive evidence of the claims, and when presented at the department they were immediately paid. The certificates of the board of commissioners in this case will be precisely similar to those of the commissioners in the cases to which I have referred. We desire to prevent these poor men from being subjected to the necessity of travelling to Washington, or of losing their claims altogether, by paying them upon the spot where they arose.

Mr. CASS.—I desire to say one or two words in answer to the honorable Senator from South Carolina. He has foreseen a great many difficulties which are to be encountered if this measure be adopted. It will be recollected there are two principal and substantial reasons for adopting it: one is, that the claims exist in a region exceedingly remote, and it is utterly impossible for these persons to come here and settle their accounts. If you require them to do so, it amounts to a refusal of justice. To compel them to go through the ordinary course of application and the usual form of authentication of their claims, you defeat the very object you have in view. The second reason is, as the honorable Senator from North Carolina has said, you take upon yourselves the advantages of the conquest, and you are morally bound under such circumstances to pay the claims. If we had pursued the ordinary course, we should have done what? We should have sent disbursing officers to California, with funds to meet the requisitions of the quartermaster in obedience to the orders of the commanding officer. Let me say to the Senator from South Carolina that these accounts will go through the departments, and there will be precisely the checks which he desires. What testimony is required in the case of the disbursements made for the army under General Scott? Nothing but the requisitions of the commanding general and the receipts of the parties. The honorable Senator wishes to have an investigation as to the justice or proper rate of charges. I believe that is a thing unheard of. The money is paid on the requisition of the commanding officer. If fraud appears to have been practised—if any thing appear which excites suspicion, the necessary information is required to be produced before the accounts are permitted to be paid. But if you require the administrative officers to judge of the propriety of the expenses authorized by Gen. Scott, how are you to get your money back again? All the guaranty you have is the character and position of your officers, and that you have got here; and, as I said, if you pursued the ordinary course you would have the certificate of the commanding general, and you will have more than that in this case, you have the guarantee of the three gentlemen who compose the board. Now, I do not know what the gentleman means when he talks about being interested. Have you any law making it felony or a crime at all to be interested. I do not know why fraud is to be presumed in such a case as this more than in any other. Fraud may be practised in California, and it may be practised in Mexico, and, if it appear, the matter will be investigated, and the payment checked.

The honorable Senator alluded to the fact, that the certificates might get into other hands. So they may. Every man knows that on the frontier when a quartermaster gives a certificate, and it goes out into the neighborhood, it is generally circulated at a depreciation; indeed, I have known them sacrificed at one quarter their value. It is not peculiar to these claims, but incident to all, when the government is not ready to make payment. I repeat, sir, if you subject these claimants to the necessity of coming here to recover their claims, you put it altogether out of their power to receive payment.

Mr. CALHOUN.—No one supposes that these claimants are to come here to recover their claims. The question is first, by whom will you allow them to be investigated and paid, by persons appointed by yourselves, and wholly irresponsible, or by persons appointed in conformity with the requisitions of the constitution? The next question is, will you have them settled by the very men who incurred the expenses? There being a necessity for knowledge in regard to the claims, I should think it very desirable to appoint some officer who served in California to be a member of the board. My opinion is, that the true way is to send a quartermaster and commissary there, and if necessary, to add a third person. Take any officer. I have no objection that it should

be Colonel Fremont. He gave the orders, and very properly. I have no doubt; those orders must be presented to the commissary, and be fortified by his endorsement.

Mr. DAVIS, of Mississippi.—In the progress of this discussion allusions which I consider equally unjust as unkind, have been made in relation to the conduct of the committee by whom this bill and amendment were reported. It was within the knowledge of the committee that indeterminate claims against our government for supplies furnished to the battalion of Colonel Fremont, existed in California, and that the failure to make payment in these cases had produced a dissatisfaction which could not be otherwise than dangerous to whatever interests we may have in that remote country. To silence complaint, to appease discontent, and to secure our government against fraud, and the future annoyance of manufactured claims, the plan which the committee have adopted was presented to the Senate. It approximates as nearly as the present state of the case will allow the established usage, and the bill as amended seemed to us beyond the reach of constitutional objection. It has been said that the word "appoint" was carefully avoided. Sir, the purpose of appointing officers was not entertained; and it, therefore, required little care to avoid the use of any word which would convey such an idea. Claims which could not be settled by the accounting officers of our government were presented to our consideration. We believed them to constitute a just demand against us, and a bill was introduced to legalize them. The first and controlling question is, will Congress declare them to be valid, if this be decided in the affirmative. Payment must be ordered as a consequence. and there remains but the minor consideration, the manner of discharging the admitted obligation. A portion of the debt is established by regular vouchers, which it is ordered shall be paid as ascertained claims. If Congress receive the testimony to these cases as sufficient, and order payment thereon, have we not the same right to specify how the validity shall be determined of those which are denominated unascertained claims? Surely the decision can be made by us as to what testimony shall be deemed sufficient to establish whether a claim be a debt of this government or not. Otherwise it would be idle for us to entertain any proposition to examine a claim presented to our consideration.

The Senator from South Carolina treats this as an ordinary case of army disbursement, and seems to me to confound the rights of those who furnish supplies to our troops with the accounts of the disbursing officers of the army. It is the latter which are adjusted, as he states, in the auditing offices here. The payment for the supplies furnished to our army is ordinarily made in the field by the appropriate officers, and first heard of here through the accounts of those by whom the disbursements were made. If the commissary and quartermaster, and paymaster, to this battalion in California had been supplied with funds these claims would have been paid as they arose. The whole case was an irregular one, and if deemed worthy, requires an unusual course in relation to it. Hence the proposition for special legislation. The officers named in the bill were those under whose orders, or by whom the debts were contracted; they have ceased to be officers, and it is proposed to revive their functions so far as may be necessary to complete their vouchers, and to determine how far by their former official acts, they have rendered their government responsible. It is not only true that they are best qualified to do justice between the parties, but is further true that they alone can give to these claims the form which will admit of their being finally audited by the United States Treasury.

The commanding and purchasing officers of the California battalion, and they only can reduce these claims to the established forms, and give to them their appropriate character. But those who held such positions in this case, are no longer in the service, to give force to their acts, it is necessary by law to revive the functions of their expired offices. This it is proposed to do to the extent required, for the purpose declared, and no further. Those who deny the justice of these claims, those who refuse to acknowledge the responsibility of our government for the debts contracted by the persons named in the bill, when they were officers of the California battalion, may properly object to the extension of these ex-officers, to the end that they may perfect their accounts; but such as admit our obligation to pay for the purchases they made for the use of that battalion, are, I think, constrained to grant to them such powers as will enable the government justly to discharge its obligation to its creditors. The connexion of the persons named in the bill with the transactions out of which the claims arose, instead of being an objection, as has been assumed, constitutes the only sufficient reason for having named them. Such is the connexion which all commanding and disbursing officers necessarily have to army expenditures and purchases. Had the campaign been regularly ordered and supplied, these persons would, in their official character, have made purchases and payments upon just such accounts as it is now proposed to authorize them to prepare. That payment may be made by an officer of the government, who is to be provided with funds for that purpose. The supposition that the check imposed by the auditors in other cases is to be here dispensed with, is entirely erroneous. A power is given to the persons named in the bill, which will enable them to perfect their accounts, but as they have ceased to be officers, it is not proposed to entrust them with funds for payment. If the President shall choose to avail himself of the means provided in this bill, he will give his instructions, and it is fair to suppose that they will require all accounts to be as fully vouched as they would have been had payment been made by these persons when they were officers. The disbursing officer who may be sent out will, of course, only make payment upon fully authenticated vouchers, and his accounts will be subject to the same revision here, as would have been made had the claims been paid originally. The amount, though certainly important, is small, compared to the disbursements which have, in the progress of this war, been made by individual Quartermasters. The paying officer in this case, will give to the government the same assurance of integrity and accuracy which is possessed in other cases, where officers are entrusted with sums vastly disproportionate to their bond. The good faith which has heretofore been kept in our army disbursements does not warrant apprehension upon the present occasion.

To maintain the credit of the government so as to exclude distrust from entering into the calculations of those who sell to our officers, is an obligation which it requires no argument to enforce, but more than usual care is demanded, when, as in this instance, our dealing has been with those who have the best means to know our intentions, and who may be supposed most ready to suspect our integrity. Nor should time be allowed to accumulate, and the value of the claims to depreciate, in the hands of original holders, or be transferred to others who seek to speculate on the fears or necessities of those who have become creditors of the government. At the present session of Congress the committees of both houses have reported upon a case of deferred payment of a claim growing out of supplies furnished to our troops in Florida, that a decision which placed the rights of the claimant under the rules applicable to a disbursing officer was not reputable to our government. Disreputable, and truly unfortunate will it be, sir, when those who supply our army with food, or clothing, or transportation, shall be required to wait until the purchasing officer shall have submitted his accounts to the scrutiny of the auditing officers of his government, with hopes and fears dependent upon the decision, but with the certainty, if it be adverse, that his property is gone, and that no redress is left to him.

The question which contains all others is, will you legalize the "California claims?" If so, then the direct and just mode is to send those in whose official action these claims originated, to collect the vouchers, and perfect their accounts, to the end that prompt payment may be made.

Mr. WESTCOTT.—The amendment of the Senator from Delaware asserts a rule which I should be sorry to see carried into effect in relation to any claim whatever. I have heard a great deal about speculations, and no doubt there is a great deal of speculation carried on, but it appears to me that the mode proposed to suppress speculating is a most shocking one to be adopted by the government. What is it? A B has a claim—C D buys it—and the government puts the profits of the transaction when they pay C D into their own pockets. I can well understand that there must be great depreciation in the value of claims. Already a year or two have elapsed since the claims accrued, and there is no certainty now that this bill will pass. Who, then, supposes that a purchaser would give the full amount? And if he do not, are we to punish him as if he had committed a crime? There would be some more justice in this if the motion I am about to make should prevail. It is to strike out that part of the amendment of the Senator from Delaware which relates to the purchasers of claims, or else to add to it these words: "but the residue shall be paid to the original claimant." I do not see any right on the part of this government to set itself up as a legal tribunal to try the rights of the original claimant and his assignee. I do not see any propriety in the government meddling in these accounts. If the government owes a hundred dollars, let them pay it honestly, and if there is any difficulty between the claimants, let them settle it between themselves. I have no idea of the government mixing itself up in such matters. I will ask for a division of the subject; for I cannot vote for this bill if it contain such a provision as this. I have seen the principle attempted to be carried out arbitrarily by the accounting officers of the government in former times, who set themselves to decide questions between the assignees and the original holders of claims.

Mr. CLAYTON.—The object of that part of the amendment was to prevent imposition upon the government by speculators, and I consider it desirable that some such provision should exist. With regard to the suggestion made by the Senator from Florida, that the amount of discount from the claim which the speculator has possessed, shall be paid to the original holders, I have not the slightest objection to it. I am quite willing that the government shall be held responsible for the whole amount, but I do not wish that the speculator should receive that for which he has not paid value.

Mr. FOOTE.—There is a matter which requires our attention in Executive session, and as I see no probability of taking the vote upon this bill to night, I move that the Senate proceed to the consideration of Executive business.

Mr. CAMERON.—I hope the honorable Senator will withdraw that motion, and allow the question to be taken upon the bill. I shall be compelled to leave the city in the morning, and I am anxious to give my vote upon the bill.

Mr. FOOTE.—With the understanding that the vote be taken, will withdraw the motion for the present.

Mr. MANGUM.—I move that the Senate adjourn.

SEVERAL SENATORS.—Oh, no, proceed with the bill.

Mr. MANGUM.—I withdraw the motion.

Mr. FOOTE.—I hope my motion for an Executive session will now be entertained, and for that purpose I move that the further consideration of the bill be postponed until to-morrow.

Mr. MASON.—Let the vote be taken on that motion as a test, whether we will vote upon the bill.

The question being taken on the postponement, it was not agreed to.

Mr. CLAYTON modified his amendment by adding the words suggested by the Senator from Florida.

The question being about to put on agreeing to the amendment offered by Mr. CLAYTON, the amendment was read.

Mr. UNDERWOOD.—I voted to lay this bill over until to-morrow, hoping that the Senate would reflect upon the subject. What right have we to interfere with contracts between individuals? It is a subject of legitimate contract.

Mr. RUSK.—They are not legal obligations, consequently they are not the subject matter of bargain and sale. We make them legal by this bill, and in legalizing them we have a right to control them.

Mr. UNDERWOOD.—Equitable claims are the subjects of sale.

Mr. CLAYTON.—The claim is good for nothing in the hands of the speculator, until we make it good for something. We by this bill, make it good to the full amount paid by the speculator, and I am willing to go no further in his favor, but I am willing to give to the original holder the whole. Thus the government will make nothing out of it, but the original claimant will be protected.

Mr. UNDERWOOD.—I desire to make another remark or two, because I look upon this matter as one of some consequence. The suggestion I made, is attempted to be obviated by the Senator from Delaware, by saying that there is claim legal or equitable.

Mr. CLAYTON.—I do not say they are not equitable.

Mr. UNDERWOOD.—If equitable, then they are the subject of contract between man and man; and if they be the subject of contract, there may be contracts already made, and this government is attempting to annul them, and set aside those contracts. That is the effect of it. If that be no claim at all either of a legal or equitable character, then there is no utility in your enactment. I deny that you have a right to do any thing of the kind. In any point of view, what position do you occupy? You say that valuable services have been rendered to the country; that the people of California have rendered services of which you are deriving the benefit, and while you acknowledge this, you say there is no right legal or equitable, which can be the subject of contract.

But how will this operate in another point of view? Suppose I have one of these claims and sell it for one half of its amount, according to this amendment, one-half will come to me, when the final settlement is made by the government. If the purchaser then comes to me and says, I purchased this claim of you, and paid your price for it, what would I, as an honest man be bound to do under these circumstances? Why, most undoubtedly, to hand him the whole of the money. It was a fair legal transaction, the money was advanced by the purchaser, and received by me. I should be only fulfilling an obligation, which honor and conscience would render imperative, by paying over to him the money. This is what would be done by those who are honest, whilst the dishonest, considering themselves absolved by the act of Congress from the obligation to refund the money, would refuse to do so. Now I am not willing by the adoption of this amendment to sanction any of those principles, and I hope the bill will be postponed, and that the Senate will reflect more maturely upon the matter.

Mr. DAVIS, of Mississippi, called for a division of the amendment.

The question was then taken upon the first clause of Mr. CLAYTON's amendment, (as modified,) to the amendment reported from the Committee on Military Affairs; and it was agreed to. It is as follows:

SEC. 3. *And be it further enacted*, That the persons hereby designated to examine the said claims, shall, before they enter on the duties assigned to them, be first duly sworn or affirmed to faithfully perform the duties devolved on them by this act; and that either one of them, or either of them, examine or allow any claim or which he or one of them is personally to receive any part.

The question was then taken upon the remaining clause of Mr. CLAYTON's amendment, as modified, which is as follows:

And in all cases where any claim has been assigned or transferred by the original claimant, the assignee shall be allowed no more than he paid for the claim and the residue of the claim shall be paid to the original claimant.

And it was determined in the negative.

The question was then taken on the amendment of Mr. MASON, and it was determined in the negative, as follows:

YEAS.—Messrs. Bagby, Butler, Calhoun, Foote, Johnson, of Maryland, Johnson of Georgia, Mangum, Mason, Moor, Niles, Turney, Underwood and Yulee —13.

NAYS.—Messrs. Allen, Atchison, Badger, Benton, Breese, Bright, Cameron, Cass, Clarke, Clayton, Davis, of Mississippi, Douglas, Felch, Hannegan, Houston, Johnson, of Lousiana, Rusk, Sprunce, Sturgeon, and Westcott.—30.

The amendment reported from the Committee on Military Affairs, as amended, was then agreed to.

No further amendment being made, the bill was reported to the Senate, and the amendment concurred in.

Ordered, That it be engrossed and read a third time.

The said bill was then read a third time, by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

EXECUTIVE SESSION.

On motion of Mr. FOOTE, the Senate procedeed to the consideration of Executive business, and after a short time spent therein,

The Senate adjourned

SATURDAY, APRIL 29, 1848.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States by Mr. WALKER, his Secretary:

To the Senate and House of Representatives of the United States.

I submit for the consideration of Congress a communication received at the Department of State, from Mr. Justo Sierra, containing copies of two letters, and also a communication from the Governor of that State, representing the condition of the extreme suffering to which that country has been reduced by the insurrection of the Indians within its limits, and soliciting the aid of the United States.

These communications present a case of intense suffering and misery which cannot fail to excite the sympathies of the human heart. From these and other sources of information, it appears that the Indians of Yucatan are waging a war of extermination against the white race. In the early part, thousands in cold blood, age and sex, but not to death, no circumstances, all who fell within their power. The inhabitants, gone stricken and destitute of arms, are flying across the extensive peninsula towards the coast; and their expulsion from their country, or their extermination, would seem to be inevitable, unless they can obtain some immediate assistance.

In this condition they have, through their constituted authorities, implored the aid of the government to save their lives from destruction, offering, as one that should be granted, to transfer "the dominion and sovereignty of the Peninsula" to the United States. Similar appeals for aid and protection have been made to the "Spanish and the English governments."

Whilst it is not my purpose to recommend the adoption of any measure with a view to the acquisition of the "dominion and sovereignty" over Yucatan, yet, according to our established policy, we could not consent to a transfer of this "dominion and sovereignty," either to Spain, Great Britain, or any other European power. In the language of President Monroe, in his message of December, 1823, "we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety." In my annual message of December, 1845, I declared that "near a quarter of a century ago, the principle was distinctly announced to the world, in the annual message of one of my predecessors, that the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European power." This principle will apply with greatly increased force, should any European power attempt to establish any new colony in North America. In the existing circumstances of the world, the present is deemed a proper occasion to reiterate and reaffirm the principle avowed by Mr. Monroe, and to state my cordial concurrence in its wisdom and sound policy. The reassertion of this principle, especially in reference to North America, is at this day but the promulgation of a policy which no European power should cherish the disposition to resist. Existing rights of every European nation should be respected, but at the same time our safety and our interests, that the efficient protection of our laws should be extended over our whole territorial limits, and that it should be distinctly announced to the world as our settled policy, that no future European colony or dominion shall, with our consent, be planted or established on any part of the North American continent.

Our own security requires that the established policy thus announced should guide our conduct, and this applies with great force to the peninsula of Yucatan. It is situate in the Gulf of Mexico, on the North American continent; and from its vicinity to Cuba, to the Capes of Florida, to New Orleans, and indeed to our whole southwestern coast, it would be dangerous to our peace and security if it should become a colony of any European nation.

We have now authentic information that, if the aid from the United States be not granted, such aid will probably be obtained from some European power, which may hereafter assert a claim to "dominion and sovereignty" over Yucatan.

Our existing relations with Yucatan are of a peculiar character, as will be perceived from the note of the Secretary of State to their commissioner, dated on the 24th of December last; a copy of which is herewith transmitted. Yucatan has never declared her independence, and we treated her as a State of the Mexican republic. For this reason, we have never officially received her commissioner, although this is the case, we have, to a considerable extent, recognized her as a neutral in our war with Mexico. Whilst still considering Yucatan as a portion of Mexico, if we had troops to spare for this purpose, I would deem it proper, during the existing war with Mexico, to occupy and hold military possession of her territory, and to defend the white inhabitants against the incursions of the Indians, in the same way that we have employed our troops in other States of the Mexican republic in our possession, in repelling the attacks of savages upon the inhabitants who have maintained their neutrality in the war.

But, unfortunately, we cannot at the present, without serious danger, withdraw our forces from other portions of the Mexican territory now in our occupation, and send them to Yucatan. All that can be done, under existing circumstances, is to employ our naval forces in the Gulf, not required at other points, for their relief. But it is not to be expected that any adequate protection can thus be afforded, as the operations of such naval forces must, of necessity, be confined to the coast.

I have considered it proper to communicate the information contained in the accompanying correspondence, and I submit to the wisdom of Congress to adopt such measures as, in their judgment, may be expedient to prevent Yucatan from becoming a colony of any European power, which in no event could be permitted by the United States; and at the same time to preserve her white race from extermination or expulsion from their country.

JAMES K. POLK.

Washington, April 29, 1848.

The message having been read,

Mr. HANNEGAN moved that it be referred to the Committee on Foreign Relations, and be printed.

Mr. CALHOUN.—Before that question is put, I rise to express my regret that the President should place this recommendation on any other ground than that of humanity. If I heard the message aright, he asserts the principle as deduced from Mr. Monroe's declaration, that when the people of any portion of this continent is placed in the condition in which Yucatan is, and either party should be compelled to apply to us for protection, we should interpose and protect them, to prevent the interference of England, or some other foreign power. A broad and dangerous principle, truly! It goes far beyond Mr. Monroe's declaration. It is difficult to say what limits can be fixed to it, or to what it would carry us, if reduced to practice. I take this early opportunity—for experience has brought me to strike at once on the introduction of an objectionable measure—to express my surprise and regret, that the President should seize such an occasion as this to recommend the occupation of Yucatan by our army, or a portion of it, if it could be spared, from Mexico. It is startling. Who can tell to what it would lead; and where it would end? How strange to recommend it at such a time, on the ground, if we did not occupy it some other power might! In the present condition of Europe, there is no more probability that England, or any other power there, would seize on Yucatan, than that I, as an individual, would. Who can suppose, engroped as she is, and all other powers in that quarter of the globe are, with questions connected with their existence, that they could, for a moment, entertain an idea of the kind? England has enough to attend to at home. Who can tell what may be her condition? The supposition of the possibility of such a step on her part, seems to me strange and unaccountable. I did hope that the experience of the Mexican war—that precipitate and rash measure, which has cost the country so dearly in blood and treasure, would have taught the administration moderation and caution, and induced them to shun any course of policy calculated to plunge the country in a similar cost and sacrifices. Who can form an estimate of the expenditure, the sacrifice of life, and the difficulties, to which the adoption of the President's recommendation in this case would lead? The condition of Europe ought to admonish us against taking it.

What are the causes which have lead to its present upheaving, and the reeling to and fro of all her governments? What are those which are assigned for the overthrow of the French monarchy, and the danger that threatens the British with the same fate? Among the prominent is the heavy burden imposed on the people, which has crushed them to the earth, and which has been continually increasing. It is charged, that the onerous burden imposed on the people of France by the mighty wars of Napoleon, instead of being diminished, were actually increased, under the government of its late monarch, and that those imposed on the people of England to resist his gigantic power, are as great as they were at the end of the mighty contest between the two powers, allowance being made for the depreciation of the currency. Are we not fairly liable to the same charge? Has their been any alleviation of the burden imposed on our people by the payment of the debts of the revolution, or the war of 1812? Are our expenses less than they were in the war of 1812, allowing for the depreciation of the currency during that conflict? Those who have not attended to the subject would be surprised, on comparing the expenses of the government now, with what it was during Mr. Monroe's administration. It terminated in 1825, twenty-three years ago. The average expenditure of this administration did not exceed $10,000,000 annually, deducting the payment of the principal and interest of the public debt. It is difficult to say what it is now; it will probably be not less than $30,000,000. It is true, our population has increased, but it has probably not more than doubled, while our expenses has increased three-fold. And yet, heedless of consequences, it is proposed to adopt a course of policy before we have extricated ourselves from the burden and losses of the Mexican war, which may lead to expenses and sacrifices of which no one can form even a conjecture. I am willing, on the score of humanity, to go as far as we can with safety and propriety, in this case. How far that is, I am not prepared to say; but I cannot possibly support the course of policy recommended by the President, as I understand the message. I am not certain as to what he intends, but be it such as I suppose, or not, I cannot but regret that he should mix up what ought to be an appeal purely to our humanity, with the considerations he has. The case of Yucatan is indeed an awful one. In the midst of our sympathy we may derive instructions from it. The people of Yucatan, after they threw off the Spanish yoke, acting on the idea that all men are qualified to enjoy the blessing of liberty, and ought of right possess it, liberated the large mass of their population, consisting of aborigines in a state of ignorance and subjection, and raised them to a level with themselves, by making them citizens. The result is such as we this day witness. They were too ignorant to appreciate liberty, or exercise the rights it conferred; and instead of gratitude, they have turned round and murdered those who conferred it on them, and laid waste and devastated the country. Such are the fruits of a misguarded, misjudging philanthropy, combined with erroneous political notions, which is so prevalent at the present time, in more enlightened and civilized countries, but which whenever reduced to practice must lead to disastrous consequences.

Mr. HANNEGAN.—I cannot but think that the honorable Senator from South Carolina has misconceived to a very great extent the reasons assigned by the President for making the recommendation which he has made. I am inclined to think the Senator must have mistaken the nature of the message, and I would now proceed to set him right upon the subject, but for a reason which I suppose is known to every Senator, on account of which I intend to move an adjournment. It is out of respect to a member of this body, who is at this moment in the agonies of death. I dislike that the discussion should be proceeded with at such a time; and I, therefore, move that the Senate do now adjourn.

Mr. FOOTE.—I hope the honorable Senator will withdraw his motion for a moment, in order that I may make a suggestion in reference to what has been said by the Senator from South Carolina.

Mr. HANNEGAN.—If the debate be allowed to proceed, it will occupy the whole day.

Mr. DAVIS, of Massachusetts.—Will the gentleman allow the question to be taken on a motion to print, before he moves an adjournment?

Mr. HANNEGAN.—Certainly.

Mr. FOOTE.—I rise for the purpose of urging on the honorable Senator from Indiana, whose official station as chairman of the Committee on Foreign Affairs, seems to indicate the peculiar propriety of a suitable response to what has fallen from the honorable Senator from South Carolina, being offered by him. The unhappy condition of one our most worthy associates in this body, so pathetically alluded to by the Senator from Indiana, might well prevent a long debate at the present moment. But yielding to none in sympathy for my suffering friend, and his distressed family, I feel bound to insist that at least a few remarks should be made by some Senator in defence of the Executive message so pointedly and as I think, unjustly assailed, by the Senator from South Carolina. The speech of the Senator from South Carolina going out without any reply is well calculated to engender prejudice and diffuse error, as I am sure, in relation to a great question, involving most deeply the honor and welfare of the republic, and which, in several of its bearings, is one of peculiar delicacy in the present condition of our country and the civilized world. I hope the honorable Senator from Indiana will consent to say something at once in defence of the message; if he will not, as he seems unwilling to do, I feel bound to say, before I yield the floor, what I am convinced will be justified by the reading of the document in question, when it shall have been examined, that it has been most surprisingly misunderstood by the Senator from South Carolina, who, "taking the question at the first pop," as he styles it, has entirely failed to interpret the language of the message with even an approximation to his usual accuracy in such matters. I have read the message, at the clerk's table, and feel authorized to insist that had the distinguished Senator from South Carolina done himself and the country the justice to examine it before he indulged the harsh strictures to which we have listened, he never would have uttered two-thirds of what we have heard from him on the present occasion. I solemnly invoke a complete suspension of the public judgment in regard to the message until it shall have been printed and dispassionately examined.

Mr. HANNEGAN.—I feel as much anxiety to reply to what has fallen to the Senator from South Carolina, as the Senator from Mississippi can do, but from the fact I have stated, I feel a disinclination to do so at present.

On motion,

The Senate adjourned.

MONDAY, MAY 1, 1848.

DEATH OF MR. ASHLEY.

The journal having been read, Mr. BORLAND rose and said:

Mr. President: My official introduction into this chamber has been marked with calamity, and overcast with gloom. The first of its public duties that has devolved upon me is of deep solemnity, and its performance is undertaken with feelings of oppressive sadness.

Just one week ago, a venerable form—in the fullness of life, and the seeming vigor of perfect health—rose in his place, and, in a voice well known and respected here, announced my position in this assembly. That form will not rise again in this presence: for it now lies lifeless and cold as a clod of the valley. That voice will be heard no more within these walls; for it is hushed in death. In return for the kind courtesy of presenting me, as his colleague, to this company of honorable Senators, I pay but the poor and painful tribute of making known his final separation. The last act of his public life was my introduction: the first of mine must be his obituary.

CHESTER ASHLEY, a Senator from the State of Arkansas, is no more. He breathed his last, at his lodgings in this city, on Saturday last, the 29th of April, at fifteen minutes before 2 o'clock, in the afternoon. On Sunday of last week, he felicitated himself upon the perfection of his health. Soon after breakfast, the next morning, he complained of slight indisposition; but so slight as hardly to command a second thought. At the usual hour he proceeded to his place in this chamber. When the journal had been read, he did me the favor to present my credentials, as his colleague. A few minutes after his indisposition increased; he had the sensation of chilliness, and leaving the capitol, returned to his lodgings. That evening I found him deeply jaundiced, and in the delirium of fever. This latter symptom had usually marked even his slightest indisposition—as is very common with individuals of large brain and sanguine temperament. His family, however, thought him not seriously ill—certainly not in danger. But on Thursday morning he had grown evidently worse, and a distinguished physician of the city was called to see him. His condition was found to be such, even then, as to afford little hope of his recovery. Another eminent practitioner was consulted, and the same opinion given.

On Friday morning I was invited to make a third party in the professional consultation. But there was no ground for hope. An intense and extensive inflammation had seized upon the bowels, and, in my opinion, upon the liver also; and was of that type, occasionally encountered, which, setting at naught the highest science and the best directed efforts of human skill, run, almost from the very outset, steadily and rapidly into a fatal termination. I had seen similar cases before; and I am particularly reminded by it of that of the late Senator Fulton, who was, alike in station, in disease, and in death, the predecessor of him whose loss we now deplore.

Colonel ASHLEY was a native of New England. He was born at Westfield, in Massachusetts, on the 1st day of June, 1790; and, consequently, at the time of his death, was in the fifty-eighth year of his age. When an infant of only three months, he was carried by his parents, who removed thither to the town of Hudson, in New York. He grew up, engaged in the practice of the law, and resided there about twenty-seven years; then migrated to Illinois, where he remained about two years; and subsequently visiting the territory, of what is now the State of Arkansas, in 1819, determined to make his residence at Little Rock. Here he soon fastened on the southern bank, some three hundred miles above the mouth of the Arkansas river. Soon afterwards he married in Missouri, and removed, with his young family, to his home in the wilderness.

At that period, a settlement in what was truly "the far west," was no trivial undertaking. It required a high degree of enterprise to encounter the privations, hardships, and perils of frontier life—now so much talked about, but then actually endured. An uncommon share of mental forecast would alone suffice to ascertain a point so wide a range, which must become the centre of important operations, from which settlement and civilization must radiate, and then throw back an accumulated interest. A firmness, fixedness, singleness of purpose, true to its object as the needle to the pole, was alone capable of abiding the full development of the little cloud of improvement, then no bigger than a man's hand, which was, within a quarter of a century, to cover with its golden drapery the whole horizon. Yet many a New England boy—many a stripping, from anywhere this side the mountains, impelled by the irrepressible spirit of progress, guided by a judgment so clear in its perceptions, and so rapid in its combinations, as to seem intuitive, and sustained by a will as potent as as the lever of Archimedes, has exhibited all the high qualities I have mentioned; and that, too, in the construction of imperishable monuments—not monuments like the towering pyramids of Egypt, barren of utility as the wastes of sand they overlook—nor like the huge walls of the Roman colliseum, within which human beings were wont to be degraded to the cruel level of wild beasts; but of monuments of a purer order, of a loftier structure, of more comprehensive proportions—dedicated to the higher sentiments of the human heart, and adapted to the true wants of human society—monuments made up of the wilderness reclaimed and converted into cultivated fields; of the towns, with their bristling spires, which crowd our thoroughfares; of the teeming commerce of our "inland seas;" and, above all, of the millions of freemen who sleep securely under their own roof trees, and stand in conscious sovereignty upon the fertile soil of their own broad acres. In a word—the noble aggregate of these monuments is before the world, in the peerless prosperity of "the great west." I have selected the New England boy, the cis-montane stripling, as the type of a class. And of that class, it would be difficult to find a more characteristic representative than the individual of whom I am here to speak, whether we regard the vigor, the perseverance, or the success of his exertions.

At the age of 29 years, without patrimony, without resources of any kind, except those he possessed in his acute and comprehensive intellect, his high purpose, and indomitable will, but recently married to a woman of congenial spirit, he landed at Little Rock, and entered upon the practice of the law, which was necessarily restricted then, and for several years afterwards, almost exclusively to cases before the territorial courts involving the titles to land, and personal violence among a border population. In attending to these cases, of which, on account of his high intelligence and untiring industry, he soon obtained a large proportion, he was frequently required to traverse, as his circuit, the whole country which now forms the State of Arkansas, and portions of that included in Missouri. Even for one who participated in them, it would be difficult to depict the scenes incident to professional life, in times and under circumstances when the law was administered almost without books—the courts often held in the open air—the leathern thong serving the place of prison walls, and the ready ride that of the jolly sheriff. Then the land had no roads—the streams no bridges—the country, for many miles between certain points of settlement, was unmarked by human habitations. Through all this, the course of the young lawyer was onward and upward—undismayed, unchecked by difficulties, which seemed, indeed, but to excite to still greater activity the strong energies of his nature. Storing his mind from books whenever the means were within his reach, he was ever improving his powers by those exercises among men, and in the practical affairs of life, which qualify the man of business to be useful to his fellows, while giving due attention to his own interests. But it is not necessary that I should follow up in detail the steps of him I would represent. It is of results, and not the particular means of their accomplishment, I have to speak. And if the results attained by my deceased colleague may be the measure of his worth, then in the successful his exertions, he has established a reputation for wisdom and sagacity which might satisfy the ambition of any man. Devoting himself assiduously to the business of his profession, he suffered not the contagious example of political aspiring to lure him from the high and holy purpose of making provision for the wants and comforts of the interesting family he was gathering around him. Until the frosts of more than fifty winters had bleached his locks, we find him in the walks of private life, with unflagging industry and unabating vigor raising upon the foundations he had already laid the superstructure of affluence for his children. He was at length successful; and as if Providence—ever propitious to those who are laborious in useful pursuits—had been watching his career, so soon as he had completed the provision for his own household, a station of high public trust—the station he held in this chamber—was presented to his acceptance. Although he had long enjoyed a high character for ability, and ever felt a deep interest in the public welfare, it was not until the month of April, 1844, that he entered actively into the political movements of the country. At that time a warm party contest was commencing, and his talents were called into the service upon the democratic electoral ticket of Arkansas. Well and nobly did he justify the confidence and fulfil the expectations which had induced his selection. With an activity rarely witnessed in one of his years, he traversed the whole State, through the heats and rains of summer; with zeal and power he advocated the principles, and urged upon the people the measures of his political faith; and while all confessed his fidelity and efficiency in the cause he espoused, even those who most suffered from the blows he dealt so fast and forcibly, were the last to be offended at the manner of their infliction. He accomplished one achievement in that canvass, which stands unparalleled, I apprehend, in the annals of political controversy. He actually converted from the "error of his ways" one of the electors on the opposing party ticket—caused him to withdraw from the contest—and enjoyed the satisfaction of knowing that, in the autumn election, he voted for the democratic electors. From this, some idea may be formed of the character of his services. *Ex pede Herculem!* In the month

of August of that year, the excellent, the estimable Fulton died. Almost all eyes were at once turned to the accomplished elector as his successor. So, when the General Assembly of the State convened in November, the popular expectation was realized, and Col. ASHLEY was elected to a seat in this body to fill the unexpired term, without any regular opposition, and by an almost unanimous vote. In 1836 he was re-elected to the same high station for six years from the 4th day of last March. From these demonstrations, an estimate may be formed of the place he occupied in the hearts of his people—of the standing he had at home—in the territory of which he had been among the earliest pioneers—in the State he had helped to found, and with whose growth he had grown, and with whose strength he had strengthened. Of his standing and his reputation here, I am not competent to speak from personal observation. To those whom I address, he was better known. But if I may judge from the distinguished position you assigned him, even as a new member in the business of this body, it is certain that he fully sustained the reputation for ability with which he came here. And from those indications which never deceive, for they are of the heart, so abundantly furnished by the anxious throng of his brother Senators about his death-bed—by the quivering lips and tearful eyes of hosts of friends—by the touching solemnity of this chamber—I gather testimonials to his heart's goodness; laurels for the crown of his private worth, of far more real value than those which may be commanded by the brightest corruscations of mere intellect—far more enduring than "the bubble reputation" snatched from the cannon's mouth.

If to be great, a man must perform with ability his public trusts; so, to be good, he must sustain worthily his private relations. In my opinion, no man can be wholly unhappy who is surrounded with an amiable family; nor can he be otherwise than good, if he devote himself with fidelity to the happiness of that family. I am aware, sir, that I am approaching a sacred subject—fitter for discussion in narrower and less public walls than these. But I merely allude to it in illustration of the finest feature in the human character—I mean domestic affection—a feature strikingly predominant in the otherwise strongly marked character of my deceased colleague. Many who now hear me have noticed and admired, as all must respect, this endearing characteristic. It distinguished him at home, wherever he was known. But if he loved his family, he was loved by them in return. If his investment of the heart's best treasures in this noblest of institutions, sanctioned of Heaven and known among men, was munificent, he was not without reward—well and punctually was he repaid with usury. Even had business disappointed, or ambition failed him, he had this rich and efficient wresource, which no power on earth could destroy. The tide of domestic affection and happiness at home, like the fabled Pactolus, rolled its golden sands, in attractive beauty and unfailing abundance, along his pathway of life.

But, sir, if the strong cords of pious sympathy, which bind the members of a family together, confer the truest happiness upon those within the charmed circle—the severance, and, above all, the sudden and unexpected severance of those cords, is productive of the hardest agony the heart can know. That this is so, I have but to refer to that scene which I have but recently left. But who shall describe that? Surely I shall not attempt it. Sir, though I am, comparatively, but a young man, my pursuits in life, and my own sad experience, have made me familiar with scenes of suffering—too often of death. As a duty, I have trained myself to look upon the sufferings, even the dissolution of my own sex, not with coldness of heart, I trust, but with some degree of composure. But the sight of a woman's sorrows—and of sorrows such as I have had to witness within the last few days—has, I confess, unmanned me—has made me a very child in feeling; and in those manifestations I have seen the strong man, full of life, and hope, suddenly cut down—not afraid to die, but unwilling to leave those he loved so tenderly. His agony was touching. I bowed my heart in humility before that Power who has created, and who may destroy all things, while I confess the emptiness of earth and the fleeting vanity of all human pursuits. But, sir, it was the heart-breaking of that noble and devoted wife, who, for more than a quarter of a century, had spread the balm of her affection about his heart, and smiled away his cares, while she leaned upon him for that support and protection which was never withheld—it was the utter prostration of that lovely daughter, who, like an angel of grace, hung about his pillow, endeavoring to repay his early and never failing care, with those offices of affection which the heart of woman alone knows when to offer, as her hand alone can apply:—it was these things, sir, which overeame me—under these my heart has sunk. From the scene of these occurrences, I have come here to speak of their subject. No wonder, then, I am unable to do him justice; no wonder that language fails to do the bidding of my own full heart, and falls far short of your desires.

But, sir, gloomy as the picture we contemplate undoubtedly is, it is not entirely without relief. Deep as its shades confessedly are, the light is not wholly excluded. Our friend has died, and his loss has brought agony to the hearts of survivors; but, as he lived not without usefulness, so he has died not without hope. He gave abundant and heart-cheering evidence, in that hour when deception is never practised, and self delusion rarely indulged—on his death-bed, and when he knew he must die—in that solemn and soul-trying hour he gave abundant and heart-cheering evidence that he was a patriot and a Christian. It has been my fortune to stand by many beds of death, in the retirement of domestic privacy, surrounded by all the endearing associations of home and friends. I have seen brave men die upon the field of battle, when nerved by all the appliances of enthusiasm—the clash of arms and the shouts of victory. But I can say with perfect truth, that never have I seen any man meet death (although unwillingly) with more calm courage or pious resignation. Among his last words, addressed to his family, with great self-possession, and in tones of emphatic sincerity, were these—and they are worthy of remembrance: "Pray for the welfare of our country, and prepare to meet me in Heaven."

Mr. President, my relations toward all of the three Senators from Arkansas have been peculiar. Though not yet five years a resident of that State, it has been my fortune to succeed one of them upon this floor—to have attended, as a friend and medical adviser, in the dying hours of the other two; and, in reference to the last, to pronounce his eulogy. Sad have been these latter relations; and strange are the mutations which they mark upon the calendar of human affairs! May Heaven grant me strength to sustain the responsible duties to which I have succeeded.

The honorable Senator then offered the following resolutions:

[illegible]

Mr. BREESE.—Mr. President: In rising to second the motion of the honorable Senator, who has just made the solemn announcement of the death of one of our honored associates—an event alike startling and sudden—I may be permitted, I hope, without intrusion, to add a few words to the beautiful eulogium he has so feelingly pronounced. I fear, in so doing, I shall disturb the harmony of its language, whilst it is yet vibrating on the ear, and interrupt that generous flow of feeling it has so universally inspired. Yet, sir, there are circumstances in the life of the deceased, and of him who now addresses you, to which it may not be improper, on this mournful occasion, to advert, and which prompt me to offer a slight tribute to his memory. It is, sir, thirty years since we met for the first time in the then far-off wilderness of the west, he my senior by many years, then a practising lawyer, I a student, preparing for that honorable profession, both buoyant with hope, with bright and promising world before us, and both entering it with an ardor and a determination to win a name. Professional business in the winter of 1819–'20, called the deceased temporarily, as he then thought, to Arkansas, from which he did not return. Common report, which reached the friends he had left in Illinois, told them of the high standing he had acquired at the bar of that State; and that he had, by proper exercise of his talents, amassed a large fortune. I never saw him again, however, until I met him to associate in this chamber, at the second session of the twenty eighth Congress. Our acquaintance was at once renewed, and we had much to speak of the varied yet similar fortunes a quarter of a century had achieved for us. In the next Congress, we were associated on two of the most important committees of this body; we lived together at the same house, and an intimacy was established mutually cordial and sincere. Knowing him as I did, Mr. President, I may be permitted to say that to every task to which he was called, he brought to its accomplishment untiring industry, great research, and an unflagging zeal seldom surpassed. His talents were of no common order, and he was never found unprepared upon any subject committed to his charge; and with six years' service still before him, who knows to what high honors he might have attained? The character of his mind was investigating; and, aided by a pleasing manner, always courteous and often energetic, he was enabled to make his views well understood by the Senate, and to produce a marked effect upon its deliberations. As a public man, sir, he was valuable, and gave certain promise of great usefulness and distinction.

In his disposition, the deceased was eminently social: his suavity of manner—his unruffled temper—his freedom from irritation by all those little annoyances that disturb the pathway of our lives, was a subject of common remark to those who were intimately associated with him. But it was in the family circle he shone most conspicuous as an [illegible] connected with those delicate relations of life in which humanity is exhibited in its most captivating form. In all of these, sir, he was a model and an example, lavishing all the tenderness of his nature upon those dear objects of his love, who returned it with the most sincere and devoted affection, and to whom it was permitted to receive his last sigh at that dread moment which must come upon us all. How terrible is this blow to them, who, but a few days ago, were all joy and gladness, now sobbing in anguish over his inanimate remains, conscious—painfully conscious—they are never more to feel the pulsations of that heart which beat alone in love for them; and as they take their lonely way back to their home, how agoniz-

ing will be the thought that they have parted forever with the idol of their hearts—their protector—their father—their dearest friend—and that his place at their once happy board is to be vacant forever!

How quick, Mr. President, is the passage from the Senate to the grave! How fleeting and transitory the hopes and promises of this life! And how full of warning should be this sad event, so sudden and so startling, prompting us to recur often to the injunction, "Be ye also ready," for no one of us can tell at what moment that awful summons may break upon our ear! No one can tell when the dread messenger may appear.

"Leaves have their time to fall,
And flowers to wither at the north wind's breath,
And stars to set; but all,
Thou hast all seasons for thine own, O Death!"

The resolutions were then adopted; and,

On motion,

The Senate then adjourned.

THE FUNERAL SOLEMNITIES.

TUESDAY, MAY 2, 1848.

Shortly before 12 o'clock, the Committee of Arrangements and pall-bearers, with the coffin containing the body of the deceased Senator ASHLEY, entered the chamber, followed by the Senator and Representatives of Arkansas, the widow, daughter, and personal friends of the deceased. The President and his Cabinet entered immediately afterwards, and were soon followed by the members of the House of Representatives.

There were also present several officers of the army and navy, members of the corps diplomatique, and other distinguished gentlemen.

The services commenced with an impressive and eloquent prayer by Rev. Mr. Gurley. The funeral discourse was delivered by Rev. Mr. Slicer, from 1 Peter, 24th and 25th verses: "For all flesh is as grass, and all the glory of man as the flower of the grass: The grass withereth, and the flower of the grass fadeth away; but the word of the Lord endureth forever."

The services being concluded, the funeral procession moved from the capitol in the following order:

The Chaplains of both Houses of Congress.
Physicians who attended the deceased.

Committee of Arrangements of the Senate of the United States:

Mr. Hannegan,	Mr. Butler,
Mr. Greene,	Mr. Dayton,
Mr. Houston,	Mr. Mangum.

Pall-Bearers:

Mr. Bagby,	Mr. Breese,
Mr. Davis, of Mass.,	Mr. Hale,
Mr. Johnson, of Md.,	Mr. Atchison.

The family and friends of the deceased.
The Senator and Representative from the State of Arkansas, as mourners.
The Sergeant-at-Arms of the Senate of the United States.
The Senate of the United States, preceded by the Vice President of the United States and their Secretary.
The Sergeant-at-Arms of the House of Representatives.
The House of Representatives, preceded by their Speaker and Clerk.
The President of the United States.
The Heads of Departments.
The Chief Justice and Associate Justices of the Supreme Court of the United States, and its officers.
The Diplomatic Corps.
Judges of the United States.
Officers of the Executive Departments.
Officers of the Army and Navy.
The Mayor of Washington.
Citizens and Strangers.

Having reached the Congressional burying ground, the remains of the deceased Senator were temporarily deposited in a vault, from which they were afterwards removed to their final resting-place in the State of Arkansas.

WEDNESDAY, MAY 3, 1848.

PORTRAIT OF BARON DE KALB.

The VICE PRESIDENT laid before the Senate a communication from William Brent, stating that he had received, addressed to his care, from Robert Walsh, Consul of the United States at Paris, a portrait of General Baron de Kalb, for the purpose of being presented to Congress as an offering from the surviving members of the family of de Kalb; which was read.

PETITIONS.

Mr. MOOR presented the petition of Abraham Cousins and others, heirs of Robert Libby, deceased, a revolutionary soldier, praying to be allowed arrears of pension; which was referred to the Committee on Revolutionary Claims.

Also, a memorial of citizens of Aroostook county, in the State of Maine, praying that lumber cut in that State and manufactured in the British Province of New Brunswick, may not be admitted into the ports of the United States free of duty; which was referred to the Committee on Finance.

Mr. STURGEON presented a memorial of citizens of the United States, praying the purchase of Mount Vernon by the government; which was referred to the Committee on Military Affairs.

Also, three memorials of citizens of Philadelphia, Pennsylvania, praying that a territory west of the Mississippi river may be set apart for the permanent homes of the various Indian tribes inhabiting the United States; which were referred to the Committee on Indian Affairs.

Mr. CRITTENDEN presented a memorial of citizens of the United States, praying the purchase of Mount Vernon; which was referred to the Committee on Military Affairs.

Mr. JOHNSON, of Maryland, presented two memorials of citizens of Philadelphia, Pennsylvania, praying that a territory west of the Missippi river may be set apart for the permanent homes of the various Indian tribes inhabiting the United States; which were referred to the Committee on Indian Affairs.

Mr. BORLAND presented the petition of John B. Luce, praying the reimbursement of the expenses to which he was subjected by a prosecution instituted against him for acts done while in the discharge of his duty as an Indian agent of the United States; which was referred to the Committee on the Judiciary.

Mr. CASS presented the memorial of Patrick Masterson, a revolutionary soldier, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. JOHNSON, of Louisiana, presented the petition of William Pittman, a soldier in the last war with Great Britain, praying to be allowed a pension; which was referred to the Committee on Pensions.

On motion by Mr. STURGEON, it was

Ordered, That the legal representatives of Jesse D. Elliott, deceased, have leave to withdraw their petition and papers.

THE LATE SENATOR ASHLEY.

Mr. HANNEGAN submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Assistant Doorkeeper of the Senate be directed, when requested by the widow of the deceased, to convey the remains of the Hon. CHESTER ASHLEY, late Senator of the United States from the State of Arkansas, from the metropolis of the United States to the residence of the family of the deceased, in that State; that the expenses attending the same be paid out of the contingent fund of the Senate; and that the Secretary of the Senate pay the widow of the deceased, from the contingent fund, whatever sum may become due for per diem compensation and mileage.

Mr. BORLAND submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Vice President be requested to communicate to the Executive of the State of Arkansas information of the death of the Hon. Chester Ashley, late a Senator from said State.

COLORED CITIZENS OF FREE STATES.

Mr. HALE submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire what legislation, if any, be necessary to secure to the colored citizens of the non-slaveholding States the privileges and immunities guaranteed by the constitution of the United States to citizens of each of the States.

THE YUCATAN MESSAGE.

On motion by Mr. HANNEGAN, it was

Ordered, That the message of the President of the United States, of the 29th April, relative to affording aid to the people of Yucatan, be referred to the Committee on Foreign Relations.

PRIVATE BILLS.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the bills from the House of Representatives for the relief of Hervey Jones; for the relief of Richard Reynolds; for the relief of Seth Morton; for the relief of H. Carrington, executor of Paulina Le Grand, deceased; and for the relief of Joseph Johnson, reported them without amendment.

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That the report of the Committee on Invalid Pensions of the House of Representatives, relating to the bill for the relief of Joseph Johnson, be printed.

ADVERSE REPORT.

Mr. PHELPS, from the Committee on Finance, to whom was referred the petition of John W. Leuchs, submitted an adverse report; which was ordered to be printed.

UNITED STATES COURTS IN ILLINOIS.

Mr. WESTCOTT, from the Committee on the Judiciary, to whom was referred the bill from the House of Represedtatives authorizing a term of the United States' circuit and district courts at Chicago, Illinois, reported it without amendment.

On motion by Mr. WESTCOTT, the Senate proceeded to consider said bill, as in Committee of the Whole, and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

THE WIDOW OF COMMODORE BARNEY.

On motion by Mr. CRITTENDEN, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives for the relief of Mrs. Harriet Barney.

Mr. NILES remarked that he thought there was a law providing for all such cases as that presented in the bill.

Mr. CRITTENDEN expressed regret that the chairman of the Committee was not present for the purpose of explaining the circumstances which renderred the passage of the bill necessary. But he supposed that it would be sufficient to state that the lady for whose relief the bill had been reported, had not been included in the general law to which the honorable Senator referred, in consequence of her pension not having expired till a few days after its passage.

Mr. CALHOUN asked for a reading of the report, which was then read, setting forth the fact just stated by the Senator from Kentucky.

Mr. YULEE observed that it was the intention of the Naval Committee to report a general bill, which would cover this case. He perceived that this bill came from the Committee on Pensions; but the subject had been before the Naval Committee, and as he had remarked, it had ordered a general bill to be reported which would meet this case.

Mr. CRITTENDEN replied that he greatly preferred the bill before the Senate to any bill before the Naval Committee, of which he knew nothing. The case of this lady came clearly within the spirit of the general law which had been passed, but for the circumstance which he had mentioned, she had failed to obtain the benefit of that law.

No amendment being made, the bill was reported to the Senate

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

ARREST OF FUGITIVE SLAVES.

Mr. BUTLER, from the Committee on the Judiciary, to whom was referred the resolution of the Legislature of Kentucky asking the passage of a law for the recovery of fugitive slaves, submitted a report, accompanied by a bill to provide for the more effectual execution of the third clause of the second section of the fourth article of the constitution of the United States.

Mr. BADGER.—Has the report been printed?

Mr. WESTCOTT.—No, sir.

Mr. BUTLER.—I will take the liberty of reading the report.

Mr. CRITTENDEN.—I think it will be better to print it, as it will be very imperfectly understood from the mere reading of it.

Mr. BUTLER then read the report, having briefly stated the circumstances in which it originated, and the general objects of the bill accompanying it.

The bill was read and passed to the second reading.

The report accompanying the report having been read—

On motion by Mr. ATCHISON, it was

Ordered, That it be printed, and that ten thousand additional copies be printed for the use of the Senate.

Mr. BUTLER, from the same Committee, to whom was referred the memorial of citizens of western Pennsylvania, praying the repeal of the law imposing a fine for harboring a slave, submitted an adverse report thereon.

PRIVATE BILL.

Mr. UNDERWOOD, from the Committee of Claims, to whom was referred the bill from the House of Representatives for the relief of Charles Reeder, Walter R. Johnson, and the legal representatives of Thomas P. Jones, reported it with an amendment; and submitted a report on the subject, which was ordered to be printed.

AMERICAN COLONIZATION SOCIETY.

Mr. UNDERWOOD, from the same Committee, to whom was referred the memorial of the American Colonization Society, submitted a report accompanied by a bill for its relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

WEST FELICIANA RAIL ROAD.

Agreeably to notice, Mr. FOOTE asked and obtained leave to bring in a bill for the relief of the West Feliciana Railroad Company; which was read the first and second times, by unanimous consent, and referred to the Committee on Finance.

VACANCIES IN COMMITTEES.

On motion by Mr. WESTCOTT, it was

Ordered, That Mr. BUTLER, of South Carolina, be appointed chairman of the Judiciary Committee, in the place of Mr. ASHLEY, deceased, and that the Vice President appoint a member of said committee to fill the vacancy occasioned thereby.

Mr. MOOR was appointed.

On motion by Mr. BREESE, it was

Ordered, That a member be appointed by the Vice President to fill the vacancy in the Committee on Public Lands occasioned by the decease of the Hon. Mr. ASHLEY.

Mr. BORLAND was appointed.

On motion by Mr. WESTCOTT, it was

Ordered, That a member be appointed by the Vice President to fill the vacancy in the Committee on Printing, occasioned by the decease of the Hon. Mr. ASHLEY.

Mr. BORLAND was appointed.

THE PUBLIC LANDS.

On motion by Mr. BREESE, it was

Ordered, That fifteen hundred copies of the report of the Commissioner of the General Land Office, in answer to a resolution of the Senate, respecting the guaranties of public lands sold from time to time, and the quantity remaining unsold, be printed for the use of the Senate.

MESSAGES FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed the bill of the Senate for the relief of John Black, late consul of the United States at the city of Mexico.

They have also passed a bill to attach a portion of the southwestern land district, Louisiana, to the district of Red river, Louisiana; a joint resolution in reference to evidence in applications for pension; and sundry private bills, in all of which they request the concurrence of the Senate.

NOTICES.

Mr. WESTCOTT gave notice that on to-morrow or some future day, he will ask leave to introduce the following bills: An act respecting the public archives in the State of Florida, and an act to grant the Everglades and certain lands contiguous thereto, in the State of Florida, to said State upon certain conditions.

Mr. BELL gave notice that on to-morrow, or some future day, he will ask leave to introduce a bill to authorize the district court of the United States, for the district of Tennessee, to hold special terms.

Mr. BORLAND gave notice that on Monday next, he will ask leave to introduce a bill to grant to the State of Arkansas, the public lands lying within that State; remaining unsold on account of overflow by the water courses, for purposes of internal improvement, and other purposes, in the discretion of the State, to be executed by authority of the State government.

Mr. MANGUM gave notice that on to-morrow, or some future day, he will ask leave to introduce a bill, the title of which he named.

Mr. CASS gave notice that on to-morrow, at one o'clock, he will move to proceed to the consideration of the volunteer bill.

Mr. ATHERTON gave notice that on to-morrow, he will move to proceed to the consideration of the West Point appropriation bill.

GRANT OF LAND TO ILLINOIS.

Mr. DOUGLAS moved that the Senate proceed to the consideration of the bill granting to the State of Illinois, the right of way and a donation of public lands for making a railroad connecting the upper and lower Mississippi with the chain of northern lakes at Chicago; which had been made the special order for this day.

Mr. HALE.—I would inquire whether my motion for leave to introduce a bill does not come up as unfinished business?

The PRESIDING OFFICER.—That will come up as a matter of course, if the motion of the Senator from Illinois does not prevail.

Mr. HALE.—I only ask that the Senate will give leave or refuse it.

Mr. DOUGLAS.—My bill is the special order of the day.

Mr. HALE.—Mine is the special order of the morning.

Mr. DOUGLAS.—The morning hour has passed.

The motion of Mr. DOUGLAS was then agreed to, and the Senate resumed the consideration of said bill as in Committee of the Whole.

Mr. CLARKE then remarked that one of the Senators from Indiana who desired to offer an amendment to the bill was not present, and in his absence he hoped that the consideration of the bill would not be pressed.

Mr. DOUGLAS hoped that the bill would not be laid over.—He would gladly insert the amendment to which allusion had been made. He would now move as an amendment, that a clause be inserted in the second section of the bill, including the Northern Cross railroad, extending from the Mississippi via Springfield to the Indiana line in the direction of Covington.

Mr. CLARKE reiterated the expression of his desire that the consideration of the bill should be postponed in consequence of the Senator from Indiana.

Mr. DOUGLAS remarked that if the Senator from Indiana was not satisfied with the amendment, he should pledge himself to move a reconsideration of that vote.

Mr. NILES.—I would inquire of the honorable Senator who has charge of the bill, what is the quantity of land which the bill proposes to grant?

Mr. DOUGLAS.—I have not made the calculation. The grant of land is for alternate sections—six miles on each side.

Mr. NILES.—For the whole length of the road—what is the length of the road?

Mr. DOUGLAS.—Four hundred miles.

Mr. NILES.—Four hundred!

Mr. DOUGLAS.—The lands have been for sale for a period of twenty-two years, at a dollar and a quarter an acre, and have not found purchasers, for the reason that they are situated in large prairies, distant from a market, and without timber. If by constructing a railroad, the means of transporting timber be provided, there can be no doubt the alternate sections will be readily sold for two and a half dollars per acre.

Mr. NILES.—The gentleman gives a very fair explanation!.

Mr. DOUGLAS.—I am happy to hear it!

Mr. NILES.—I have another inquiry to make. Does the bill absolutely vest the lands in the State, whether the railroad be made or not?

Mr. DOUGLAS.—No. There is a provision that if the road be not completed within fifteen years, the lands revert to the United States; and if any portion should be sold, the purchase money is to be refunded. There is also a provision securing the free use of the road to the United States government, for the transportation of its troops, army and navy supplies, and all their public property of every description.

Mr. NILES.—Is there any provision for carrying the mail?

Mr. DOUGLAS.—There is not. But if the distinguished chairman of the Committee on the Post Office offer a reasonable and liberal provision to that effect, I shall have great pleasure in accepting it.

Mr. JOHNSON, of Maryland—(in his seat.)—There ought to be such a provision.

Mr. DOUGLAS.—I shall cheerfully insert such a provision, and add a clause to the effect, that in case of disagreement between the Department and the State, the district court shall decide.

A SENATOR—(in his seat.)—The mails ought to be carried free.

Mr. DOUGLAS.—Oh, no! That could hardly be asked. But I am willing to accede to any reasonable provision.

Mr. NILES.—Well, if the United States give the means of making the road, I do not think it would be unreasonable to ask that the mail should be carried without charge. I understand that it is proposed to grant a portion of the public domain equal to six miles in width for a distance of four hundred miles. That is almost as ample a proposition as we have before us for the construction of a railroad to the Pacific. The projector of that road asks for a little larger breadth of land, and proposes to make the whole road out of the land granted to him, making it free to the United States. This road is for the benefit of the State of Illinois, to be under the management of that State and to be owned by that State. This bill is designed to put into the treasury of the State the value of this large amount of public lands, in order to enable it to construct this road. What that value may be I will not undertake to say. It is undoubtedly very considerable—equal to the minimum price of the land, and perhaps considerably more. I cannot vote for this bill. I cannot even make the proposition suggested by the honorable Senator to secure what might perhaps inure to the convenience and benefit of the United States in relation to mail service, because I believe the whole thing is wrong—wrong in view of the constitution—wrong in view of any sound principles of policy and justice in relation to the whole of the States of this Union. I admit no power in this government to make a railroad in this or any other form. Our attention was directed the other day to a very great inconvenience and evil under which the whole country labors in relation to a railroad across the State of New Jersey; and in that case I almost wish we had such a power as is claimed by those who advocate this bill; but I have never been able to satisfy myself that such a power does exist.—To say that we can get round the constitution by granting the public lands, instead of taking the money directly out of the treasury, is certainly trifling with the judgment of this body. It means the same thing. The whole thing is wrong, and cannot, in my judgment, be sustained at all, without a violation or latitude of construction of the constitution entirely unjustifiable. I hold that this system is entirely incompatible with any rational construction of the constitution, or any just interpretation of that instrument—What is this principle? Why it is this: that you may exercise this power where the government of the United States have a certain description of property, and no where else; that you may take the public land and make railroads or other public improvements, in the States where the public lands happen to be, from the funds thus obtained. I am utterly at a loss to know how the existence of public lands in a particular state, gives any additional claim on these grants from the general government, so far as the policy and constitutional justice of these grants are concerned. I know it is contended that benefit accrues to the general interest of the United States, and it has even been claimed, that this consideration sets aside the constitutional difficulty. I never could see the force of that reasoning; and in this case it is particularly difficult to perceive its force, when we recollect that according to the provisions of the bill, the land to be selected is not confined to the immediate vicinity of the road. This is a simple proposition to grant the proprietorship of these lands for the benefit of a work of internal improvement, which is to be owned by a particular State. Now I believe it is founded upon the most manifest injustice. If we are to make appropriations for the benefit of works of this kind, they should be made on some general principle—some system which will inure in some degree to the common benefit of all the States of this Union.

I do not propose, however, to go into a general discussion of the question. I know it will be of no avail. I have seen all this before, and I know the result. I suppose this bill will pass. I think it is proper that some provision for the conveyance of the mail should be inserted, but recollecting that I once offered such a proposition, and that it was voted down, I do not feel disposed to offer any amendment on the present occasion. I shall content myself with asking for the yeas and nays,

Mr. DOUGLAS.—I have drawn up an amendment in relation to the transportation of the mails, which I think will be satisfactory.

Mr. DOUGLAS read his amendment, as follows:

Add the following: Section — And be it further enacted, That the United States mails shall be carried over such roads under the regulation of the Post Office Department at a reasonable price, as for other railroads, and in case of disagreement between the State and the proper agents to the above, the matter in dispute shall be referred to the United States district judge for said State.

Mr. CRITTENDEN.—My only purpose was to suggest to the honorable Senator to offer such an amendment as he has done, with which all my objection to the bill is removed. Such a provision is necessary in order to prevent exorbitant exactions for carrying the mail; there being no mode of conveyance that could compete with the railroad in point of speed, the company would have a complete monopoly, and be enabled to impose their own terms. It is necessary, therefore, that they should be laid under some restriction as to price. Sir, I rejoice to see a portion of the public domain of the country applied to such a purpose as this, for I do not know a more natural or more wise purpose to which it could be applied, than to improve and settle the lands themselves. That will be the effect of this appropriation. The intercourse that will be facilitated also by this measure, the in establishment of this road is very important, connecting as it will the waters of our western rivers with the waters of the lakes. I hope the bill will receive the sanction of the Senate. And in regard to the constitutional question, it is a certain and undeniable fact, that there has not been a President of the United States—there has not been an administration since the formation of the government, by whom an appropriation similar to this has not been sanctioned—not one administration from Washington down to this day, that has not given its sanction to such a grant. Old Colonel Zane had a grant made to him for marking out the first footpath in Ohio, and preparing the way for settlement. If anything can be settled by precedent, this has been; but I am told by some gentlemen, that constitutional questions cannot be so settled, but must be left open; that the wisdom and experience of our predecessors must be disregarded, and that such matters must be made the subject of endless and everlasting experiment. If anything can be settled by precedent, if anything can be fixed as fundamental law by the unanimous approval of the wisest men—such men as Washington himself, and such Congresses as have existed since the formation of our constitution—this is such a question. I have no doubt myself, either as to the constitutional right of Congress to make the grant, or of the wisdom and sound policy of such a measure.

Mr. BAGBY.—Mr. President: Several years of observations upon the current and the tendency of sentiment, and of action in this body in regard to this subject of internal improvement, has satisfied me that there is but little hope or prospect of resisting it successfully. Nevertheless, there are some few of us, who with due respect for the views and opinions of those who differ from us, considering ourselves as somewhat faithful among the faithless, consider it our duty to resist it to the last, no matter what form it may assume, or by what arguments it may be sustained, or by what means it may be attempted, to accomplish it. In addition to the question with respect to the constitutional power of Congress, exercised either directly or indirectly, to engage in works of internal improvement in the States, and which the Senator from Kentucky, [Mr. CRITTENDEN,] seems to think has been settled by the hoary practice of unbroken years under preceding administrations, but which can have no decisive influence with me in construing the constitution; there is another feature in this bill connected with the public policy of the country, from the correctness of which I entirely dissent. In order to be distinctly understood, I place my opposition to this bill upon two grounds, its unconstitutionality and inexpediency. For a period of time, at least of long, perhaps longer, than this proposition to grant rights of way and alternate sections of public land to make railroads in the States where the public lands are situated has existed; there has also been a proposition to graduate and reduce the price of the public land.

Contemporaneously and *pari passu* with this proposition to reduce and graduate the price of the public land, a proposition is brought forward, the direct and inevitable tendency, and the avowed object of which is, to increase the price of the public land throughout the whole extent traversed by this railroad, which is said to be four hundred miles, from one dollar and twenty-five cents to two dollars and fifty cents per acre. Indeed this is the argument mainly relied upon by the advocates of the bill to relieve it from its unconstitutionality, and to sustain its expediency—that is to say, the advocates of the bill contend that, although it may be true that Congress would have no right to appropriate any portion of the public land for the purpose of making railroads or other improvements in the States; if that proposition stood by itself and unconnected with any other, yet that inasmuch as the government is the proprietor of all the public lands, it is entirely competent for Congress to give way one-half of the public land, provided such giving away will double the value of the remainder. Now, to make the most of this proposition, it only leaves the government in *statu quo*. For if you give away half the land it is necessary to double the price of the remaining quantity in order to break even. But the idea of increasing the receipts into the Treasury by the enhanced value of the land in consequence of granting a right to run a railroad through it, is a complete delusion. I will tell what will be the effect of these unconstitutional grants to make roads and canals. In the first place, you will compel those who purchase these lands to pay double what they would have to pay the government for them; and, in the next place, you will cheat the government out of the additional dollar and a quarter which you put upon the land under the pretext of making remuneration for the alternate sections. For it may be safely affirmed, that when the price of the lands come to be graduated and reduced, that those lying in the States to which these enormous grants have been made, will stand precisely upon the same footing with those lying in the States to which no grants have been made. But by far the most serious aspect in which this question can be viewed, is the constitutional one. My own opinion is, that Congress has no power to touch a drop of water or blade of grass or a grain of sand in any one of the States of this Union, except for the purposes enumerated in the constitution; that is, for forts, arsenals, and dock-yards. If they have let it be shown. It

is said, however, that they have power to dispose of the public land. No doubt about that. But they have no power to dispose of it for unconstitutional purposes, unless the constitution was intended to be destructive of itself. It is not the disposal of the land that violates the constitution. It is the object to which it is to be applied that forms the test of constitutionality. I do not question the power of Congress to give away the public land, but insist it shall not be used to break down the constitution. But the Senator from Kentucky relies upon precedent to sustain the principle involved in this bill. Unfortunately, Mr. President, in the progress of our history as a nation we have furnished precedents for almost every thing. For a period of forty years embraced in that history we we have had a bank of the United States, and under the administration of one of the patriots of the revolution, and who, in the language of his great cotemporary and illustrious rival, who set the ball of the revolution in motion, the alien and sedition laws were passed. And yet, I apprehend, if the proposition before the Senate was to revive the alien and sedition laws, or to re-charter a bank of the United States, the honorable Senator would receive but a very small reinforcement from this side of the chamber, however powerfully and cogently he might sustain it by precedent. Divest and strip this measure of the extraneous considerations that have been thrown around it in the course of the discussion, and what does it amount to?

It is admitted the road cannot be made without a donation of these valueless lands. It is admitted that the road is to be constructed out of the proceeds of the sale of the land; and that making the road is the consideration upon which the grant of the land is founded. Disguise it as you may, it is nothing more nor less than this—Congress is informed of the great importance of a rail road from Chicago to Cairo, in the State of Illinois, but is informed that Illinois cannot make the road for want of means, and therefore, Congress is asked to appropriate the land embraced in this bill, and does it upon the express condition that the land thus appropriated shall be applied to that object. Is not this the true state of the case? The government of the United States by this bill appropriates, in the State of Illinois, a quantity of land amounting at one dollar and twenty-five cents per acre, to nearly two millions of dollars to make a railroad from Chicago to Cairo. The government appropriates the land, from the proceeds of the sale of which the road is to be made, and without which it cannot be done; and making the road is the consideration for appropriating the land; the appropriation is to be void and of no effect, unless the road is made in the time named in the bill, and yet it is gravely contended that the finger of the government is not seen or its hand employed in the transaction at all! Sir, it seems to me there can be no understanding so shallow as to be imposed upon by such reasoning as this. Whoever furnishes the means to do a thing causes the thing to be done. It is the main-spring that sets the machine in motion. that imparts action and vitality to it. But, sir, the evil does not stop here. In many, perhaps in most of the States in this Union, there is no public land; and if you grant to the States in which there is public land, a sufficient quantity to make a railroad four hundred miles long in each, thereby withholding from, and keeping forever out of the treasury the amount for which the land would sell, with what justice, what equity, what show of plausibility even can you refuse to the States in which there is no public land an equal amount of money? How could you refuse old Massachusetts or Virginia, where the fires of liberty were first kindled, and the cradle of freedom was first rocked? Is there any difference in principle or effect between withholding from the Treasury that which, without your action would flow into it, and taking an equal amount from the Treasury after it had been actually paid in? I defy human ingenuity to point out a valid distinction between the two cases. Sir, this is a monstrous system. I will not go now into the influence, the pernicious influence it must exert upon the legislation of the country. Already there are before Congress propositions of various kinds for works of internal improvements amounting to twenty millions of dollars, at a time when we are staggering under a load of debt. Fasten this system upon the country, and all the great measures that illustrate the glory and efficiency of this administration will be labor lost. The revenue tariff, the independent Treasury, all the anticipated benefits and advantages of free trade; all these proud triumphs of party conflicts, and of sound policy, will wither and perish under its influence. You are not only, as I believe, inflicting a serious wound upon the constitution, but you are opening a mighty gulf that will swallow up your treasury, and exhaust your resources, and render a system of exhorbitant taxation certain, inevitable.

The Senator from Kentucky misunderstood me, if he supposed I contended, that as many Presidents had sanctioned the constitutionality of a bank of the United States, as he says, have approved of the principles contained in this bill. What I said was, that a bank had existed for forty years in the history of the government, and had been finally overturned by the concurrent action of the President, and a large majority in both houses of Congress, and by the approving voice of the people. I cited this to show that political precedents could not, and ought not to be relied upon with too much confidence, because the opinions, like the fashions of the world, pass away. The Senator from Kentucky puts it on the ground, that nearly all the Presidents, down to the present time, had sanctioned the principle contained in this bill. Some, doubtless, have. I trust I am not deficient in veneration, and respect, and gratitude for the great and good men who have gone before us on the stage of public life, many of whom have disappeared from it forever. But under the full and continuing influence of all these emotions I, like the Senator from Kentucky, am sometimes a little jealous of executive power, and cannot always yield full credence and entire acquiescence to the correctness of presidential interpretations of the constitution. And with the permission of the Senator, I will go one step further, and say, that there is another class of great respectability, talents, and patriotism, not altogether unknown in this our day and generation, with the correctness and orthodoxy of whose interpretations of the constitution I cannot fully concur—I mean those who aspire to be Presidents. Indeed, sir, as an humble citizen of the republic, I have been troubled in this respect, and at times have almost despaired of ever being able to arrive at the true construction of the constitution, or of keeping pace with those who, at stated periods, once in about four years take that venerable instrument into their own hands. Nothing seems to sharpen the powers of interpretation so keenly, to give such scope and expansion to the views and the understanding, and to inspire so lofty, enlarged, and disinterested a patriotism as a prospective view aided by the hope of occupation of a celebrated mansion at the other end of the avenue, familiarly known as the White House. It is wonderful to see how it vivifies and invigorates the understanding, and brings all the latent powers and energies of interpretation into play. Under its powerful and almost superhuman influence, pushed forward by feelings of the most elevated patriotism, gentlemen are willing literally to go about doing good. It enables them to find a remedy for the most extreme cases—to find a measure for any pattern and almost every fashion of legislation. And in nothing does this improved, almost sublimated faculty of interpretation, exhibit itself with such wonderful facility as it does in regard to this subject of internal improvement. If it is desired to construct in one of the States a railroad four or five hundred miles long, costing a couple of millions or thereabout, all that is necessary is to represent the government as a great land holder, fully authorized to give away one half of the land in order to enhance the value of the remainder, and compel the people, purely for their own good, to pay double price for it; and if any should be so sceptical or wavering as to manifest a want of faith in the efficacy or the soundness of this doctrine, their doubts are removed, or they are strengthened and confirmed by a body of well arranged and approved precedents. "This land service," however, like all terrestrial means, is rather adapted to things upon a limited scale, and cannot be conveniently applied to more than one State. In fact, I believe there is still an hiatus in the system, and that no precise and appropriate remedy has yet been discovered for a case in which two States are interested. This system being adapted to obtuse intellects and plain thinkers, like my friend from Connecticut and myself, somewhat an odd one, seems to be best adapted in its application to odd numbers; but if a case can be made out in which more than two States are interested, it assumes the aquatic form and the three States principle. In the correct application of this principle, however, you are not only compelled to take water, but what is worse, you have to stick to it. For, although, in the proper execution and fulfilment of this principle you may, under the power "to regulate commerce," spend a hundred millions to remove an obstructive river, you cannot spend a sixpence to get around the obstruction, although it would be just as beneficial in every possible or conceivable respect.

Mr. CRITTENDEN.—I have but a single word to say upon this subject. I know from a long acquaintance with my friend from Alabama, how strict and how strenuous he is in his construction of the constitution. As far as precedent is concerned, there have been a great many more in favor of the exercise of this power than there have been in the favor of the exercise of the power to which he has alluded. There have been I believe fifty to one. It is not one precedent alone that can establish and settle a particular point, but a succession of opinions and of experiments. A concurrence of opinion among men heretofore, certainly must be allowed to have some influence in our determination. Whether the precedents for a bank of the United States are, in number or force, sufficient to establish its constitutionality, is a matter to be left open for future determination. I can only say, that Mr. Madison considered that precedents had established the question, and he acted upon that opinion by giving his sanction to a law establishing a bank of the United States. And Mr. Madison was a wise and good man. But as to this power of granting the public lands it has been exercised—I believe I do not speak in exaggeration when I say—a hundred times! There has not been a President of the United States who lived through his term of service who did not give his sanction to such a measure. There is an instance in regard to the Senator's own State. How many acres did we give to make a canal around the Muscle Shoals?

Mr. BAGBY.—Four hundred thousand.

Mr. CRITTENDEN.—Yes. Four hundred thousand acres

Mr. BAGBY.—And all thrown away.

Mr. CRITTENDEN.—That has nothing to do with the question of power. I have myself no hesitation or doubt on the subject, but I do not expect to be able to change the opinions of the gentleman. This proposition asks only about three times as much land as has been thrown away in an ineffectual attempt to make a canal in Alabama. We have made grants of public lands for the establishment of institutions in certain States. This proposition is free from the objection which might be made in those cases.

Here it is upon our own land that the improvements are to be made, and they will contribute to enhance the value of these lands. This certainly affords us an object and motive for interesting ourselves. We make the grant of a portion precisely upon the consideration of an improvement of the rest. We may be deceived in this expectation, but it is a reasonable one; and I have no doubt myself it will be realized if the work should be accomplished.

Mr. NILES.—The Senator from Kentucky says that grants of this character have been made under every administration. I believe the Senator is entirely mistaken; no such bill was ever introduced into either house until recently. According to the best of my recollection neither Jackson nor Van Buren gave any sanction to propositions of this kind. President Jackson attempted to limit and restrain these schemes for internal improvement, and for a time he succeeded in the attempt. What is a proposition for a grant of public land, for the construction of a railway, but an attempt to use the funds of this government, in co-operation with the state authorities, in matters of internal improvement? Is it anything different from this in principle? Not at all. President Jackson limited this power to the improvement of water courses, and not to the erection of original modes of communication; and President Van Buren, I am well assured, acted upon the same principle. The Senator says he has no doubt as to the constitutional question. I do not propose to argue that question now. If I were to do so, I should not expect to raise a doubt in the mind of that honorable Senator. I believe he is so fortunate as not often to be troubled with constitutional doubts, but I acknowledge I am often troubled with them, and they are very annoying. Some gentlemen, of whom the Senator from Kentucky is one, are generally free from any of these constitutional scruples, which I feel the force of almost every day. They, I have no doubt, take a more liberal view of the constitution. They look not to the letter of the constitution but to results, and whatever tends to the improvement of the country, according to their doctrine, comes within the constitution somewhere. I confess that I have a more limited rule, and I have felt it to be a point of duty to take care that the constitution is not infringed, in regard to these grants of power. We are mixing up our authority, with state authority, to accomplish what? To accomplish a work in which the States are immediately interested, and it being exclusively a State object, there cannot, constitutionally, be any joint action, or cooperation. We cannot interfere with it in any way. If it be a federal object, then let us execute it. But I rose merely to remind the Senator from Kentucky, that he is mistaken when he asserts that all the administrations have sanctioned propositions of this description. I know there have been numerous grants of public lands to the States, and perhaps some of them were limited to objects of internal improvement. But the limitation amounted to nothing. The States were left at liberty to exercise their own discretion. That is a very different exercise of power. Here is a specific object for public improvement in which we cooperate, to which we contribute our agency, to which we contribute funds. This is a very different case from a simple grant of land. In the act of 1842, providing for a general system of distribution of the public lands among the States, half a million of dollars is given for such objects. But that act did not pass during the administration of any of those Presidents, who have been at all inclined to adhere to what is called a strict construction of the constitution. It arose under different auspices. I merely rose to set the Senator right, in regard to his statement, that all the administrations had sanctioned propositions of this kind.

Mr. BENTON.—I have no intention to consume the time of the Senate on this question. I have been long enough here to have voted for the original grant to the State of Illinois, for the purpose of connecting Lake Michigan to the Illinois river, by means of a canal. When I gave that vote, I did not expect to remain in these councils until the object intended to be accomplished, should be attained. I did not expect the good fortune of seeing the United States made into an island, by a canal connecting the waters of the Lake Michigan, with those of the Mississippi, in my life time. But it has been done, by the aid of a grant of land to the State of Illinois; and I presume without that aid, the work would hardly have been undertaken, much less been accomplished. Now, however, the work has been completed, and the United States is to-day, an Island! Leaving the Gulf of Mexico at New Orleans, or the Atlantic at New York, you may go as you choose, around the United States without touching land. The result, then, of a grant of land to the State of Illinois, by Congress, has been prodigious, and even if there were no other advantageous result, than the vast facilities afforded to our internal navigation, it well compensates us for parting with some acres of land, over which this government then wielded a barren sceptre. I have no reason to regret that vote. I rejoice in it. I have not the same degree of reason to rejoice in the vote which I also gave in favor of appropriating nearly half a million to the State of Alabama, for the purpose of making a canal around the Muscle Shoals. But I do not consider that that appropriation was lost. Though the contemplated work has not been executed, yet there have been great advantages gained by the conveyance of the land out of the hands of those who make little use of it, into the hands of those who use it beneficially. The land has passed from the possession of the United States to that of individual citizens of the country, who cultivate it, and render it subservient to the wealth and prosperity of the State in which it is, and also of the United States and the benefit of our treasury. I do not, therefore, consider any of those grants as unprofitable; but, on the contrary, I fully concur in the opinion, that a great public object is gained in the transfer of these lands from those by whom they are not cultivated, to those by whom they are made productive.

I shall, with great pleasure, vote for the bill before the Senate; and hope that the construction of the contemplated railroad will produce similar beneficial results to those effected by the canal. The length of the road makes no difference to me. If it be a long road it is still within the limits of the State. It might be six miles longer, and not pass beyond those limits. The State of Illinois is one of the first in the Union in point of territorial extent. It must contain nearly forty millions of acres.

Mr. BREESE.—(in his seat.)—Thirty-five millions.

Mr. BENTON.—Of which a great proportion consists of public lands.

Mr. BREESE.—(in his seat.)—Fifteen millions of acres.

Mr. BENTON.—Fifteen millions of acres! It is appalling to think of it, that the people of a young State are to purchase, with money, the whole extent of the soil! That is not the way in which any country in the world can be settled. The old States were not so settled. The young States would feel themselves greatly exhausted—greatly thrown back in their career of prosperity and usefulness, if obliged to pay for the whole of these lands. It is, therefore, a great public object gained to convey these lands from the possession of the federal government to the individual citizens of the States. With regard, then, to the constitutional question, I think that by the same power by which we made the grant to Alabama for the construction of a canal, we may make this grant to Illinois. I see no sort of difficulty in extending this kind of aid to the States, in order to effect great public objects, universally beneficial when accomplished. I shall therefore vote for the bill with a great deal of pleasure.

Mr. BUTLER.—I do not know how far this subject is connected with a general system of internal improvement to which I have radical, abiding, and constitutional objections. I shall take some proper opportunity to express my opinion upon that question. I do not know that this is the proper occasion, but I am afraid there is too much truth in the remark made by the honorable Senator from Missouri, that there is a gap in the constitution through which our money has been flowing. And there is little prospect of restraining the current. There is no such thing as recovering what we have lost. I might say in regard to it *nulla vestigia retrorsum*. All has been running one way—westward. The Nile was considered a god, and worshipped by the Egyptians. The Mississippi has also become a god. Under the pretence of assisting the States we are giving—not money, but the equivalent of money, on the ground that we have a right under the constitution to bestow our bounties where, when, and for what purpose we please. Is it a matter depending entirely upon legislative determination? There appears to be no limitation by which the tendency of these measures can be controlled; they are all tending one way. If it were proposed to give five millions of dollars in money, there would probably be objection raised on the ground of want of constitutional power; but it is proposed to give up four hundred miles of land, extending from Chicago to Cairo, a tract four hundred miles in length, and six in breadth. This you are to give to the State of Illinois to enable her to accomplish her enterprize of constructing a railroad, on the ground, that as she has already received land for a like purpose, she must also receive this additional grant. I do not say, that under the articles of the constitution this government has not the right to dispose of the public lands; but I never will give my consent to such disposal, except it be by some system of equal justice to all the States—some system having in view the benefit of all parts of the Union. I have no idea of throwing out the bounties of this government to this place, or to that, merely because they happen to be asked for by those particular sections of the country. I shall take an opportunity when the matter comes up in a more tangible form to express my opinion more fully in regard to the evil which is likely to grow out of this course of proceeding on the part of the general government, for I see it is becoming utterly without limitation.

Mr. CRITTENDEN.—There was one remark made by the honorable Senator that is so utterly new to me, that I cannot pass it by without notice. He says that the bounties of the government have been tending westward. We, of the West, have been constantly arguing, that all the means of this government are expended upon the Atlantic frontier. There cannot be a greater mistake than to suppose that this government is pouring out its wealth upon the West. The prosperity of the West is not the result of the expenditures of the general government there. Where are all your ship-yards, and your custom-houses? They are not in the West. If Kentucky constitutes any portion of the West, I think the honorable Senator will hardly be able to show that much of the treasure of this government has been expended there.

Mr. BUTLER.—I do not think that the State of South Carolina has received a dollar from this government.

Mr. CRITTENDEN.—More public money I will venture to say has been expended in the city of Charleston, first and last, than has been expended in the whole State of Kentucky. And this remark will apply generally in regard to all the western

States. It must be so naturally. Your fortresses are scattered along the Atlantic border. Your ship-yards and custom-houses are there; and there the public money is expended. More public money has been laid out in the building of one custom-house in New York than has ever been expended in the whole State of Kentucky. The Senator is entirely mistaken. I do not wish the West to be supposed to be monopolizing the bounties of this government, to be drawing all the wealth in that direction. The lion's track is entirely the other way. The wealth comes from there.

Mr. CASS.—As I intend to vote for this bill, I wish to say a very few words in regard to it. The subject has been often before the Senate, and the Senator from Connecticut has as often reiterated his scruples, taking the same ground that he has taken to-day, and carefully avoiding the grounds upon which the bill rests. This bill does not touch the question of internal improvement at all. It asserts no right on the part of this government to lay out a road or to regulate the construction of a road. The federal government is a great landholder; it possesses an extensive public domain, and we have the power, under the constitution, to dispose of that domain; and a very unlimited power it is. The simple question is, what disposition we may make of the public lands. No one will contend for the doctrine that we cannot give them away to a State. As the Senator from Kentucky has said, every President has signed bills asserting the principle that these lands may be disposed of by the general government, without restriction as to the purpose of such disposition. We may bestow them for school purposes, or we may bestow a portion for the purpose of improving the value of the rest. What right have you to sit still and see your lands growing in value through the instrumentality of individuals without rendering any aid in furtherance of that object? It is the settlement of the lands that makes them valuable. It is the settler who converts the howling wilderness into fruitful fields. It is the labor and the enterprise of the settler that has given you in the West a magnificent empire, and one which has arisen within so brief a period that it is almost incomprehensible. When I told the story in Europe that I had crossed the Ohio when there were scarcely twenty thousand people in that country, and that it now contained five millions, they did not laugh in my face to be sure, but they did not believe what I said. There is no parallel in the history of man; no such splendid tribute to human industry and enterprise since the first man went out of the garden of Eden. It is not twenty-five years ago that I sat all night in a canoe at the head of the pond at Chicago, there being no other habitation in which we could obtain shelter from the mouth of the Illinois to the mouth of the Chicago river; and now it is one of the great highways of travel between the northern lakes and the ocean. Sir, I hope the gentleman will put this upon its true ground, leaving out the constitutional question and taking alone into consideration what is your duty as landholders in a new country; a country, too, which must derive its improvement from the industry and enterprise of your own population; where every stroke of the woodman's axe redounds to your advantage. The man who sits down with his family in the wilderness to make for himself a home evinces more moral courage than the man who goes into battle. No man who has not experienced the difficulties and dangers he has to encounter can estimate them. I appeal to the Senator from Connecticut to look at it in this point of view. He is from an old country where such improvements have been ready made to his hands by his great, great grandfather. Roads have been made, and bridges built for his accommodation; but he must recollect that his cotemporaries, his friends around him, his children perhaps, are going into this new country and enduring privations to make that valuable which was not so before.

Mr. NILES.—No doubt my honorable friend's construction of the constitution satisfies his own mind, but he will excuse me for saying, that I cannot permit him to construe the constitution for me. I admit there is no question of jurisdiction as to the right to dispose of the lands, but the question recurs, is the object here proposed such an one as the federal government can take under its jurisdiction. I hold that the power of the government as to the disposal of the public lands is limited, if not in express terms, it is so by other grants of power; and those who believe with me that this power is not an unlimited power, must feel the force of the difficulty I have suggested. I am not going to argue the question; but I must be permitted to set myself right on this point. Although this government has unrestricted power to dispose of the public domain, yet if they attempt to apply it to an object with which the constitution does not authorize them to interfere, then they are exceeding the bounds of their authority, and their act is unconstitutional. I am not disposed to question the importance of this work, but I say it is one with which we have nothing to do. The Senator from Kentucky is certainly somewhat in error in regard to the money for the sale of the public lands being drawn from the west. A very small portion of it is drawn from the State where the lands lie. How can it be so, unless the citizens of that State buy the lands on speculation. Sir, the public lands are bought by my constituents and yours; by people from the old States; by emigrants from Europe; and the very inducements that we hold out to settlers, by offering them the very best lands for cultivation at nominal prices, instead of being a source of gain to the United States, is an expense which we incur for the purpose of bringing in population and wealth. My constituents have invested their money and bought up the lands in the honorable Senator's State, and, I believe most of them have taken with them a little change over and above what was necessary for the purchase of their farms. I consider there is no more hardship imposed upon one State more than another; and in regard to works of internal improvement, I can refer the Senator to some quite as important perhaps as any that he speaks of, that have been constructed in the middle and eastern States without making a call upon the national treasury at all. I might refer him to the Erie canal, a considerable work, made by the State through which it runs. I might refer him to the extensive railroads through all the eastern States. We are glad to see our brethren of the west endeavoring to compete with us. I will not complain even if they excel us. But I think there should be something like justice in the administration of the funds of this government, and if the public domain is to be looked to for objects of this kind, then I say with the Senator from South Carolina, that we should have some system of equality. I can see no reason why one of the old States, whose people fought for this land, and who, at least, incurred the perils and hazards common to us all in the revolution, by which this immense western domain was acquired, should not be permitted to share in some degree—if this property is to be appropriated for these purposes. But it is my opinion that the wisest and best thing we can do with it, is to hold on to it as a permanent source of revenue. I see no hardship in this. The Senator from Missouri talks about the advantage of getting it out of our possession. Can he suppose that by parting with it to State corporations, its settlement is accelerated? No, sir. It can only be settled as the wants of the people—the cultivators of the soil—require it. And I think the best disposition that could be made of it, is to retain it in possession of this government until it is wanted for actual settlement. It is taken up fast, and the faster the better for the resources of the country; but you cannot force settlement by any legislation, in any judgment, not even by graduation.

Mr. BUTLER.—One word to my honorable friend from Michigan. If he supposes that I entertain any feelings of sectional bigotry, he is mistaken. I have a high admiration for the West, and always rejoice as much as any one, at its prosperity and advancement. For the old Atlantic States to make war upon the West, would be like the mother chiding the child. I am more disposed to consult and promote the interests of the West, than to retard them, but it strikes me as singular, that the West while it was young, asked no aid from the government, but now that it has become strong, it seeks assistance. I have no objection to the expenditure of the funds of the government for the advantage of the States, provided there be uniformity. When the property of the government has been expended in the Eastern States, an equivalent has been given. I ask the gentleman to point out an instance in which the money of the government has been expended in improvement in the State which I represent. But I have a high regard for the West. It is destined, I have no doubt, to fulfil the ardent anticipations that have been formed for it. My remark was, that I was indisposed to give money or land without an examination of the object for which it was to be given, and without having regard to some system that would operate with justice and equality. I shall not hesitate to vote an appropriation for any constitutional purpose; but I must be permitted to examine for myself. These are matters that admit of no compromise. They are matters that must be decided according to our constitution; because if we permit an array of precedents—measures heretofore insidiously brought in under one pretext or other—to govern our decisions, we shall find such precedents accumulating upon us, constitutional barriers will be broken down, and we shall find ourselves weaker and weaker every day, and less able to resist the tide of encroachment, until we have no other constitutional guide save that which is prescribed by our legislation.

Mr. CALHOUN.—The question in this case is a very simple one. We are authorized by the constitution to dispose of the public lands. Here is a public improvement, projected either by the State or by individuals in the State through which it will pass; and by which the value of the public lands will be enhanced. If then, it will add to the value of our lands, ought we not to contribute to it? Would we not, as individuals, thus act? This is not a novel principle. It has been acted upon for more than twenty years. The case of the canal connecting the Illinois river with Lake Michigan is a striking one. There, alternate sections were given to make a canal, and I suppose I can appeal with confidence to the Senators from that State, whether the lands reserved to the United States were not disposed of afterwards readily?

Mr. BREESE, (in his seat.)—Thousands of acres were disposed of which would otherwise never have been sold.

Mr. CALHOUN.—I have seldom given a vote the result of which gratified me more, than the vote which I gave on that occasion. I then presided in that chair which you now occupy, and gave the casting vote. I take to myself, therefore, some share in the credit of that magnificent improvement. Indeed, I do not think that there is a principle more perfectly clear from doubt than this one is. It does not belong to the category of internal improvements at all. It is not a power claimed by the government as a government. It belongs to the government as a landed proprietor. And I will add, that it is not only a right but a duty, and an important duty. Now, what has been considered an equitable arrangement between the government and the State which may undertake an improvement passing through the public lands? Long since it was agreed that the grant of ultimate sections was a fair contribution on the part of the United States considered as a proprietor; and from which the United States would be a very great

gainer. It appears to me to be an equitable arrangement, and I doubt whether, in any case, either of a canal or a railroad passing through the public lands, the United States will not be a gainer. To that extent I am prepared to go, be the road long or short; if it be long, you gain the more; if it be short, you gain the less; and you contribute in proportion to your gain.

But while I approve of this principle, it seems to me upon a hasty examination of the bill, that it goes beyond the principle; and to that extent I cannot approve of it. for I put my views in this and in all similar cases upon principle, and not upon the ground of internal improvement at all, nor the power of the government to engage in such works. I observe that the bill provides that the State may locate the lands elsewhere in cases where lands adjacent to the line of the proposed road have been herctofore sold or otherwise disposed of. Now, it appears to me that that is going beyond the power of a proprietor. I think that the principle had better be adhered to strictly. I do not think six miles too great a breadth; but it appears to me to be ample—to be a very fair contribution on the part of the United States. There is also another difficulty which may be removed. I see that a period of fifteen years is allowed for the completion of the road. This is a very long period; but I do not object so much to it as to the absence of any restriction which will prohibit the State of Illinois from selling it out in the meantime. It is true the bill provides that if the road be not finished in fifteen years, the State shall refund the amount. Now, I object to the reestablishment of the relation of debtor and creditor, between the general government and the State; therefore, there ought to be a provision, that the sales should be proportioned, I do not say exactly proportioned—to the progress of the work. That can be easily managed. If the Senator who has charge of the bill, will upon due reflection accord to these suggestions, I shall most cheerfully vote for the bill, otherwise, I shall find great difficulty in doing so.

Mr. DOUGLAS.—I hope the honorable Senator will allow the bill to pass, as it stands. We do not propose to sell the lands until the work be completed, when of course their value will be greatly enhanced. We design to adopt the same plan which was followed in the construction of the canal.

Mr. CALHOUN.—Of course I do not wish to embarrass the bill. Let me suggest to the honorable Senator from Illinois, that if confidence be created in the successful completion of the work within a reasonable time, the attention of capitalists will be invited, and money may be borrowed on the lands.

Mr. DOUGLAS.—I would remind the honorable Senator that the work undertaken by Alabama, failed in consequence of its being left to capitalists.

Mr. BREESE.—I will state that the provisions contained in this bill are precisely the same as those of the bill making an appropriation for the Illinois canal. The only security we have, that the work will be done, is by keeping the lands in our possession until it is completed.

Mr. BAGBY.—Before the exception was taken by the Senator from South Carolina, I had brought it to the notice of the Senator from Connecticut. But my objections lie deeper. I understand the Senators from Illinois and Michigan to put this measure, which is clearly one of internal improvement, upon the ground of the proprietorship of the public domain being in the United States. Let us see how far this doctrine will carry us. If it is good for anything, it is good for everything. Do I understand the Senator from Michigan correctly?

Mr. CASS.—I will answer the Senator. The general government has no power to make any railroad or canal through any State; but the disposal of a portion of the public domain to raise the value of the rest is clearly within the power of this government.

Mr. BAGBY.—The honorable Senator from Michigan is still more latitudinous in the interpretation of the constitutional powers of Congress over this subject, than the Senator from South Carolina. The Senator indulged in strains of fervid eloquence upon the effects of this system in carrying the gladsome lights of civilization, education, intelligence, and refinement into the wilderness, thereby causing it to bud and blossom as the rose. Every school house, every church you erect, says the honorable Senator, is directly conducive to this great end. I say so, too. But who is to erect them? Has Congress power to erect school houses and churches in the States? The answer must be, no. And yet they have the same power to do that, that they have to build railroads; and I do not believe the exercise of it would be half so dangerous. The powers claimed for this government by the Senator from Michigan are appalling to all who retain even a faint and lingering sense of the importance of a strict construction of the constitution and the rights of the States—they are unlimited and illimitable. I was also unable to discover the force of the analogy which the Senator from Michigan attempted to draw between the principle involved in the bill now before the Senate, and the pre-emption system. The great object of the pre-euption is, to secure to the settler upon the public land the benefit of his labor upon it, and a home for his family, in exclusion of all others, at a dollar and a quarter an acre. This is, in my opinion, a most laudable and highly commendable policy, well worthy of the attention and most favorable consideration of Congress—a policy which, in my judgment, ought long since to have been carried much further. But the effect of this bill is, instead of securing a small tract of land to settlers at a dollar and twenty-five cents an acre, to compel them to pay two dollars and fifty cents an acre for it.

There was another view of the new States submitted by the Senator from Michigan to the country, of which I cannot at all subscribe. I do not consider it necessary to engage in these schemes of unconstitutional internal improvement in order to induce the natives and enterprizing people of tho United States to emigrate to them. They are not mere places of refuge, vast bowling wildernesses, where it is necessary for the government to carry the torch of civilization and improvement in advance. Not at all. It is true, they have their hardships and privations, difficulties and dangers; but they present glorious fields for the display of enterprize, energy, fortitude, genius, and talent; and where these qualities are certain to meet with an adequate reward, of which the Senator from Michigan, if he will allow me to say, is at once an example and illustration. I, sir, emigrated to the State of Alabama at as early an age, though without having conferred upon others half the benefits, or secured for myself half the distinction which he enjoys, and as well deserves, as did the Senator of Michigan. But, sir, I have never repented, never regretted it, and never shall. I look back through the lapse of years that are passed, to the scenes of privation, of hopes and expectations and excitement in the early settlement of Alabama, without any other regret than that they can never more return. The new States and territories are the appropriate spheres for new hands, new heads, new hearts: and if the young men of the rising generation would, instead of lingering around the scenes and the graves of their ancestors, dear as they are to their reverence and to their affections, to the associations of youth and the recollections of childhood, fly to the uncultivated wilds of the new States and territories, carrying with them the sound principles of religion, morality, and patriotism, inculcated by parental counsel, solicitude, and affection, it would tend more to increase the true glory, and secure the permanent prosperity of this country than all the railroads, steam engines, and trading machines, which the enterprize of individuals and the unconstitutional prodigality of the government combined, will be able to construct or invent in a century to come.

Mr. CASS.—The Senator has entirely misunderstood the purport of my remarks. I never alluded to increasing the price of the public lands. To that I am totally opposed. I hope the price will be brought down. What I said was this: Whatever price you fix, the land is perfectly valueless until people begin to go there. Your land must remain unsold until improvements are made.

Mr. BAGBY.—I would ask if the object of granting land to construct this road be not to enhance the price of the lands adjoining?

Mr. CASS.—I thought I answered that question before. Without the advantages afforded by the improved state of communication, your lands will not be entered, settlers will not go there.

Mr. BAGBY.—I understand; they ask for this amount of land to make the road, with the assurance that it will have the effect of carrying up the minimum price of the remaining lands to two dollars and fifty cents per acre.

Mr. CALHOUN.—If the effect of the construction of the road be only to bring the lands more readily into market so as to sell for one dollar and twenty-five cents, it is, in point of fact, an increase of value. But, I believe that the remaining sections, after alternate sections have been sold, will sell more readily for two dollars and fifty cents an acre than for one dollar and twenty-five cents at present. It is for this reason that I am in favor of the measure. And yet the gentleman can see nothing in all this but impure motives, disguises of expression, as if every one who differed from him must be actuated by sinister and improper views. Sir, I wish to do justice to every one. No doubt the gentleman is influenced by honest views; and he has no right to doubt the honesty of mine. We are told that our system of improvement applied to inland seas is going to absorb all the means of the general government. This is a subject to which I have given some attention, and I lay it down as my deliberate opinion that two hundred thousand dollars annually supplied for the Mississippi and its great navigable branches will keep them in the most complete navigable order; whilst the losses which occur annually in the present condition of these rivers cannot be less than two millions of dollars. And yet gentlemen are willing that they should remain in their present condition. As far as the valley of the Mississippi is concerned, I will say that that portion of the country has received a smaller portion of the public money than any other section of the country. It will require a larger sum annually to keep up the light-house system on the coast, with the buoys and beacons, than it would to keep the Mississippi and its branches in a proper navigable condition. These are great inland seas. I hold it to be perfectly clear that Congress has a right under the constitution, to dispose of the public lands to the best advantage. And I shall cheerfully give my vote for any measure, by which they may be so disposed of as that the greatest pecuniary benefit will accrue to the treasury.

Mr. FOOTE.—I will state that as far as I am concerned, my own mind was perfectly satisfied on this subject last winter, by the arguments of the Senator from South Carolina, and others. I have thought ever since that period, as I did before, that there were

certain questions on which the brethren of the democratic party, so to speak, might well differ. I did not believe then—and up to this period I could not expect it; that any member of the democratic party would feel himself authorized to use to other members the strong language which the Senator from Alabama has used. More especially as it might be deleterious to the interests of the State which he represents, in reference to measures of public improvement. What does he say? He quotes from Milton, comparing himself with the angel, the only faithful among the faithless. The Senator from Alabama is to be recognized as the Abdiel, the only faithful among the faithless, and we are the devils to be thrust forth over the battlements of the Senate! This language is rather strong. We have investigated the question as well as the Senator from Alabama, with the best lights that we could obtain. We have examined it, and having, consentaneously made up our minds, it does seem to me, he might have acknowledged that we were not quite so bad as the devils, and that he was somewha inferior to the angel to whom he modestly compared himself. He has thought proper to allude to certain members of this body as aspirants for the Presidency, and I certainly think his allusions were most unkind. Let, me, for a moment, show the Senator that if there is any virtue in the old adage, "that it is a bad rule that will not work both ways," he is in an unfortunate position; for if all of us concur with the Senators from Michigan and South Carolina, Illinois, and with others who have spoke in reference to the constitutionality of the measure—if it is true that there are aspirants for high political distinction, it follows that the Senator from Alabama, the only faithful among the faithless, is alone in such an attitude before the country, that he is forbidden, henceforward and forever, to cherish the idea of advancement. I regret much to hear it; for he is one of those gentlemen, whose abilities and the soundness of whose principles. I have long admired, and I shall have much pleasure in assigning him a higher political station than the one he now occupies.

Mr. BAGBY.—I am not conscious, after all that has been said, of having impugned the motives of any man. Indeed, I think those who have taken the trouble to attend to my course, during the seven years I have had the honor of a seat in this body, will do me the justice to say, that I have never been so forgetful of myself, or unmindful of the respect due to others, as to violate any order of the Senate, or any rule of decorous debate. And yet, the Senator from South Carolina, [Mr. CALHOUN,] rises with imposing gravity, and charges me with having assailed his motives; and the Senator from Mississippi, with his accustomed chivalry, and who always has a speech on hand to relieve a friend, charges me before the Senate, with having been guilty of unkindness and discourtesy towards the Senator from South Carolina, and the Senator from Michigan, and of having arraigned the whole list of Presidential candidates. Under what rule the Senators from South Carolina and Michigan appear by attorney, in the person of the Senator from Mississippi, it is not my province to inquire. That is a question to which I am not a party. To be convinced, Mr. President, that in any thing or in any way, I had manifested a want of kindness, would indeed give me real pain. To that charge of the Senator from Mississippi, made in behalf of the Senators from Michigan and South Carolina, who, all things considered, ought to be considered as able to take care of themselves, I must plead not guilty. With respect to the other count, a want of courtesy, I assert entire innocency, so far as intention is involved. And although deeply impressed with a sense of my imperfections, as far as polished manner and high parliamentary decorum are concerned, and even somewhat impressed with the necessity of improvement and instruction upon that subject, I must still much lower than I stand in my own estimation, in these particulars, and judging of the capacity he has heretofore exhibited in this respect in this body, before I can be induced to avail myself of the services of the Senator from Mississippi as an instructor. I am almost as clear and decided in this, as I am in regard to the constitutional principle involved in this bill. And it will require stronger symptoms of improvement in capacity to become my preceptor, than I have yet witnessed in the Senator from Mississippi, to induce me to change it. The Senator says that so far from a disposition to do me injustice, he had even thought of me for higher distinctions than those I now enjoy. This, sir, may be evidence of the Senator's partiality for me, and certainly is of the activity of his intellect, or of his imagination; for I assure him in all sincerity, that he has indulged thoughts of my promotion and advancement, that never entered into my head. And whilst I thank him, as I do, most sincerely, I trust he will pardon me for saying that I think he has on hand already nearly as much weight as he can conveniently carry, without burdening or encumbering himself with any concern about me, or my promotion. When I spoke of Presidential candidates, and their peculiar aptness and readiness at felicitous interpretations of the constitution, I was replying to my friend from Kentucky, who was in my eye, and who, with his accustomed modesty did not think it worthy of a passing reply, and near enough to have been in my hand, and had no idea or expectation of bringing down upon myself, the grave rebuke of the Senator from South Carolina, or the spirited, and as I think, gratuitous attack of the Senator from Mississippi.

Mr. CALHOUN.—The Senator will permit me to say that I did not make the remark in any such connection.

Mr. BAGBY.—The connection existed, however, in my remarks to which the Senator referred, and it is inseparable as sin and death. Without intending to arraign or impugn the motives of any one, I was glancing rapidly, and with serious apprehension, I admit, at this system of indirect internal improvement by the general government in all its bearings and ramifications in different sections of the Union, and contemplating the fearful extent to which it would probably be carried. And having got to the end of the Illinois railroad, my mind not being altogether as well disciplined as that of the Senator from South Carolina, I did venture a short aquatic excursion in order to test the correctness of the three State's principle. But if I cannot express my views in regard to the constitutionality of measures without being charged with arraigning the motives of Senators, I shall, indeed, consider myself most unfortunate. I participated in the views so eloquently expressed by the Senator from Missouri, who always takes an enlarged and comprehensive view, when he represented the United States as an Island under the influence of this great system of internal improvement. No one, I trust, rejoices more sincerely than I do, at the growth and prosperity of the country. I must, in justice to myself, however, as well as to others, and above all to what I consider the true construction of the federal constitution deny myself any merit in the construction of railroads, cutting canals and prodigal expenditures to improve inland seas.

Mr. FOOTE.—Will the Senator allow me to make a single remark?

Mr. BAGBY.—Certainly.

Mr. FOOTE.—I believe it will tend to adjust the difficulty. The subject of discussion being the inland seas, the Senator from Missouri claims the authorship of the project of their improvement, reaching as far back as twenty-five years ago. I presume, therefore, he must be the Senator to whom the remarks of the Senator from Alabama were applicable.

Mr. BAGBY.—Here again it is my misfortune to differ with the Senator from Mississippi. Unlike that Senator, my views in regard to the improvement of these inland seas do not depend upon circumstances. They depend upon my own views in relation to the constitutional power of Congress over the subject, and whether the idea of inland seas originated with my friend from Missouri, or the Senator from South Carolina, is wholly immaterial to the question at issue. I would as soon take the doctrine of the Senator from South Carolina, in relation to this subject, with all its imperfections on its head, as that of the Senator from Missouri, who has never took me to task for an honest difference of opinion with him. With all my respect for him—and no one can have more than I—I have on various questions ventured to differ from him frankly, boldly, openly, without being charged with discourtesy, and without incurring the danger of a breach of that friendship which it is among my highest pleasures to enjoy. I know the magnanimity of the Senator from Missouri too well for that. The Senator from Mississippi was mistaken in another respect. I did not say that I alone was faithful among the faithless. And if my future elevation, or promotion, or advancement, in the estimation of the Senator depends upon that, I shall at least stand in *statu quo*. I said distinctly that there were some few of us—and I am sorry to know and to feel that there are not more—who, with perfect respect for the opinions of others, considered ourselves as somewhat faithful among the faithless; and I should, indeed, have been unkind, if not discourteous, to the Senator from Connecticut, (as well as others,) who has uniformly resisted with great ability the principle which he and I believed to be involved in this bill, and whose voice I trust, will long be heard in this chamber in opposition to it.

Mr. FOOTE.—I understood him as quoting the language of Milton precisely, that is, in the singular number.

Mr. BAGBY.—Here again the Senator from Mississippi misunderstood me, as he will always misunderstand me when he supposes I quote poetry in the discussion of constitutional questions I never quote poetry to aid my interpretation of the constitution—never! Upon all such occasions, I leave that delightful region to the full and uninterrupted possession of the Senator from Mississippi, than whom no one could fill it better.

Mr. FOOTE.—If the Senator from Alabama stands in need of no teaching, he stands in need of no modesty. I merely suggested, and did it kindly, that the Senator was guilty of some degree of discourtesy. But the Senator has thought proper to resent my remarks, which were intended in all courtesy and kindness. One other observation. The Senator says he did not intend to single out himself. He intended to include the Senator from Connecticut. He intended to have two angels. He quotes the language of poetry, but wishes to be understood as not quoting it much. When he quotes, I hope he will quote truly, or he will do injustice to one of the most classic writers that England ever produced. And I will take occasion to say, that whether he meant to stand alone, or to be associated with the Senator from Connecticut, it only suggests this, that he either stands alone in separating from his party, or he stands in a woful minority.

Mr. CALHOUN.—The Senator from Alabama, when speaking of the enhanced price of land, certainly alluded, though with-

out intending any direct application probably, to disguised motives.

Mr. BAGBY.—I used this expression, "disguise the question as you may." This is all I intended by the expression I used.

The question being upon ordering the bill to be engrossed and read a third time, the yeas and nays were ordered, and it was determined in the affirmative, as follows:

YEAS—Messrs. Allen, Atchison, Badger, Bell, Benton, Bodisel, Breese, Bright, Cass, Clarke, Crittenden, Davis of Massachusetts, Dougla[illegible], Felch, Foote, Greene, Hannegan, Houston, Johnson, of Louisiana, Mangum, Spruance, Underwood, and Westcott—24.

NAYS—Messrs. Atherton, Bagby, Butler, Calhoun, Hale, Johnson, of Georgia, Lewis, Niles, Sturgeon, Turney, and Yulee—11.

So it was

Ordered, That the bill, as amended, be engrossed and read a third time.

The said bill was read a third time, by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

On motion,

The Senate adjourned.

THURSDAY, MAY 4, 1848.

PETITIONS.

Mr. CLAYTON presented two memorials from citizens of Philadelphia, Pennsylvania, praying that Congress may authorize the construction of a railroad between that city and New York to facilitate commercial intercourse, and the transportation of the mail between those cities; which were referred to the Committee on the Post Office and Post Roads.

Mr. CLAYTON remarked that the memorialists alluded to the fact that the statements made in their memorials had been contradicted on the floor of the Senate, and expressed their willingness to be examined touching the same before any Committee of the Senate.

Mr. HALE presented a petition of citizens of Boston, Massachusetts, praying that the privilege of the writ of habeas corpus may be extended to every inhabitant of the United States, and that it be made a penal offence to hold in restraint, or to inflict punishment on any such inhabitant without due process of law; the motion to receive which was laid upon the table.

Mr. BENTON presented four petitions of settlers on, and claimants to, the reservation of land in the county of Lee, in Iowa, praying the enactment of a law to quiet their titles; which were referred to the Committee on Private Land Claims.

Mr. JOHNSON, of Louisiana, presented resolutions passed by the Legislature of that State, in favor of the establishment of mail routes from Natchitoches to Shreveport; from Natchitoches to Vernon; from Minden to Shreveport; from Vernon to Simpson's store; and from Harrisburg to Athens, in that State; which were referred to the Committee on the Post Office and Post Roads.

Mr. YULEE presented a communication from citizens of Florida, addressed to the Senators and Representatives of that State in Congress, requesting them to use their efforts to procure the establishment of a mail, by steamboat, from Charleston, South Carlina, to Key West, and an appropriation for a light-house and buoys at Musquito Inlet in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. LEWIS presented the petition of Henry W. Paine, praying that Congress will authorize the construction of one or more steamships, under his superindence, according to an improved plan of which he is the inventor; which was referred to the Committee on Naval Affairs.

Mr. WESTCOTT presented a presentment of the grand jury of the counties of Orange and St. Lucie, in Florida, in favor of granting additional mail facilities to the inhabitants of those counties; which was referred to the Committee on the Post Office and Post Roads.

DIPLOMATIC SERVICES OF COMMODORE BIDDLE.

Mr. STURGEON submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of granting compensation to Commodore James Biddle for the diplomatic services he has rendered as acting Commissioner to China.

POST ROUTES IN LOUISIANA.

Mr. JOHNSON, of Louisiana, submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing in the State of Louisiana, the following mail routes, to wit: A mail route from Natchitoches to Shreveport, along the bank of Red river; a mail route from Natchitoches to Vernon, the county seat of the parish of Jackson passing by Harper's and Drake's store in the parish of Natchitoches; thence by the most convenient route to Vernon; a cross route from Minden, by the way of Bossier Point and Belleview, to Shreveport, and to be extended to Vernon, so as to pass through the Indian village, and to Simpson's store on the Claiborne road in Ouachita parish; a mail route from Harrisburg in the parish of Catahoula, passing through or through what is generally known as the Punches and Rizor settlements in said parish, thence on the most public route to the town of Vernon in the parish of Jackson, thence on the most direct route to Dugdemona in the said parish, thence to the town of Athens in the parish of Claiborne.

CORRESPONDENCE WITH THE REPRESENTATIVE OF YUCATAN.

Mr. CALHOUN submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate all the correspondence between the Secretary of State and Don Justo Sierra, the representative of the government of Yucatan, if not inconsistent with the public interest.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The President of the United States approved and signed, the 3d instant, the enrolled bill entitled "An act to change the name of Photius Kavanaks to Photius Fisk."

PUBLIC ARCHIVES OF FLORIDA.

Agreeably to notice, Mr. WESTCOTT asked and obtained leave to bring in a bill respecting the public archives in Florida; which was read the first and second times by unanimous consent, and referred to the Committee on the Judiciary.

PRIVATE BILLS.

Mr. BADGER, from the Committee on Naval Affairs, to whom was referred the memorial of F. Montmolin, praying an amendment to the bill from the House of Representatives for the relief of David Myerle, submitted a verbal report asking that the Committee be discharged from the further consideration of the memorial, and recommending the passage of the bill without amendment.

The report was concurred in, and the committee discharged accordingly.

Mr. PHELPS, from the Committee on Pensions, to whom was referred the memorial of Elizabeth Monroe, reported a bill granting a pension to Elizabeth Monroe; which was read and passed to the second reading.

WABASH AND ERIE CANAL.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill from the House of Representatives, entitled "An act in addition to an act therein mentioned," reported it without amendment; and asked the unanimous consent of the Senate to its immediate consideration.

No objection being made, the Senate proceeded to consider said bill, as in Committee of the whole, and no amendment being made it was reported to the Senate.

Ordered, That it pass to a third reading.

Mr. BAGBY objected to the third reading of the bill at this time, but subsequently withdrew his objection, and

The said bill was read a third time.

Resolved, That this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

RETIRING LIST FOR THE ARMY.

On motion by Mr. DAVIS, of Mississisippi, the prior orders were postponed and the bill to increase the efficiency of the army, by a retired list for disabled officers, was read the second time and considered as in Committee of the Whole.

Mr. CLAYTON remarked that this was a very important bill, and he hoped the vote would not be pressed upon it at this late hour, without time for an examination of the subject.

On motion by Mr. DAVIS, of Mississippi, it was

Ordered, That the further consideration of the bill be postponed to, and made the order of the day, for Monday next.

NOTICES OF BILLS.

Mr. ALLEN gave notice that on to-morrow, or some early day thereafter, he will ask leave to introduce a bill, further to extent the time for locating Virginia Military Lands Warrants, etc.

Mr. ATCHISON gave notice that on to-morrow, or some early day thereafter, he will ask leave to introduce a bill to grant to the State of Missouri the right of way, and a donation of public land for the purpose of making a railroad in that State.

TEMPORARY OCCUPATION OF YUCATAN.

Mr. HANNEGAN, from the Committee on Foreign Relations, to whom was referred the message of the President of the United States on the subject, reported a bill to enable the President of the United States to take temporary military occupation of Yucatan; which was read and passed to the second reading.

Mr. HANNEGAN asked the unanimous consent of the Senate to the second reading of the bill at this time, not with a view to immediate action, but that it might be made the special order for to-morrow, at one o'clock.

No objection being made the bill was read the second time, and is as follows:

An Act to enable the President of the United States to take temporary military occupation of Yucatan.

SEC. 1. *Be it enacted, &c.* That the President of the United States be and he is hereby authorized to take temporary military occupation of Yucatan, and to employ the army and navy of the United States to assist the people of Yucatan in repelling the incursions of the Indian savages now overrunning and devastating that country.

SEC. 2. *And be it further enacted*, That the President be and he is hereby authorized, and empowered to furnish, on such terms and conditions as he may deem proper, to the white population of Yucatan, such arms, ammunition, ordnance, and other military means as they may need, to enable them to resist and repel the Indian hostilities now waged against them, and to restore peace and security to their country.

SEC. 3. *And be it further enacted*, That the President be and hereby authorized and empowered to accept the services of any additional number of volunteers, to supply the place of such as may be withdrawn from that service by virtue of this act, provided their services shall be required; the same to be raised for service during the war with Mexico, agreeably to the provisions of the act of May 13, 1846, and March 3, 1847.

Mr. HANNEGAN.—I move that this subject be made the special order for one o'clock to-morrow.

Mr. BADGER.—I hope not. It is too soon.

The question was put, and decided in the affirmative.

Mr. BADGER asked for the yeas and nays.

Mr. CALHOUN.—I am in favor of deferring the consideration of the subject for a few days. The bill was only laid upon the table yesterday.

Mr. BADGER—(in his seat.)—To-day—it has just been reported.

Mr. CALHOUN.—It seems to me there is a necessity for additional information. I hope the Senator will name another day.

Mr. BADGER—(in his seat.)—Let it be Monday next.

Mr. HANNEGAN.—I have no disposition to press unnecessarily this or any other measure. But, sir, this is an extraordinary exigency, such as has never, perhaps, before presented itself. If we act at all—if we be sincere in our profession of sympathy for those people—we must act at once. An hour may be of infinite value to them. A day may involve their existence—the existence of every living being with white blood in its veins within the territory of Yucatan. For this reason alone, and because every Senator is as fully in possession of the facts now as he could be next week, I am anxious that the consideration of this measure should be entered upon at once. The message discloses all the facts necessary to our action. The correspondence has been before us with the message for several days. Every Senator has had a full opportunity to judge of the merits of the whole question. These are the considerations, sir, which influence me in moving so early a day.

Mr. CALHOUN.—It may be, and I presume it is the case, that this is a great exigency. But I do hope that this Senate is not to be forced on every occasion to act upon an emergency. From looking over the correspondence very hastily, I perceive that even before the 7th of March last, the administration was fully apprized of the state of affairs in Yucatan. They have taken their time to deliberate, and surely a few days may be allowed to the Senate. I have no disposition to occasion any unnecessary delay whatever. I am willing that Monday next should be the day fixed for the consideration of the subject.

Mr. HANNEGAN.—I may state that I have seen letters from some of our naval officers in that vicinity—describing the present dreadful state of affairs. Lieut. Murray Mason states the fact that the beach is darkened with women and children naked and perishing from hunger. They have not sufficient means to feed them. Commodore Perry's letter is almost as strong. Mr. Mason is stationed there. Our naval force has not the means of affording food and shelter to the numbers that are flocking to the coast. Every hour they are expecting the assault of the merciless savages who according to their well known rules of warfare, butcher without regard to age or sex.

Mr. CASS.—It appears to me that this is one of these things which to be well done, should be done speedily. The appeal which is made to us is very strong. Providence has placed us in some measure at the head of the republics of this continent, and there never has been a better opportunity offered to any nation to fulfil the high duty confided to it than the present affords to us. I see no reason for delay. I believe the feeling of the country is altogether in favor of the adoption of the measures which have been recommended. I do not believe that there is a Senator present—I will not say who has not entirely made up his mind—but is strongly inclined to vote either for or against the measure, and to whom any farther information would not be at all necessary. If we have any disposition to aid these people, it should be, as my honorable friend from Indiana has said, manifest at once by decisive action. It is a case of crying necessity. I think the last accounts left the Indians besieging the capitol of the country. It is a war of extermination. It is precisely one of these wars in which a nation ought to engage on the side of humanity.

Mr. HALE.—I would enquire of the chair, whether any answer has been received to the resolution of enquiry submitted by the honorable Senator from Alabama, passed some four weeks since, calling for the propositions submitted by various States of the Mexican Republic?

The PRESIDING OFFICER.—The chair is under the impression, that an answer has not been received.

Mr. HALE.—I submitted an amendment to that resolution which was accepted by the mover of it.

Mr. HANNEGAN.—Yucatan was not amongst the States to which the resolution referred.

Mr. HALE.—I desired to include Yucatan, and for that purpose offered my amendment, which I have remarked was accepted by the honorable gentleman from Alabama. I should be very happy to be in possession of the information for which a call was then made.

Mr. FOOTE.—I must confess that I feel greatly surprised at the attempt made on the present occasion to procrastinate our action.

Mr. CALHOUN.—Does the Senator mean to charge me with a design to delay the action of the body?

Mr. FOOTE.—I know precisely what I intend to state. I understand that the Senate at the present time—so far as the fact can be ascertained upon a superficial examination of the body, and from the indications all around—is divided into two classes, one of which is for immediate action, that speedy action which has been so judiciously advised by the Senators from Michigan and Indiana; and the others—I hope it is composed of a very small number, is in favor of delay. To the former class I belong. And I was about to express the surprise, amounting to a most profound sentiment in my bosom, that there should be the least doubt in any mind with reference to the propriety of speedy action upon a question of so much importance, and seriously involving the honor and welfare of this nation. I am particularly surprised—I say it with the most perfect respect—that this suggestion of delay should come from the quarter whence it emanates. The Senator from South Carolina the other day, with more than his usual impetuosity (I trust, certainly not with all that deliberation and formal gravity which ordinarily characterize his course in this body, when the President's message was received, arose, and apparently with much excitement, avowed his hostility to the recommendations of the Executive. He indulged in language of recrimination and censure. He was prepared then to take the question at the first hop—to enter at once upon it, and he made a speech somewhat extended, quite ingenious, and decidedly unkind towards the administration—in reference to the message and the recommendations which it contained. All this the Senator did on the spur of the moment. Now, however, so far as we have reason to know anything on the subject, or form any conjecture, I believe I may say, with the utmost respect for the Senator from South Carolina, that he regrets the precipitation of his conduct on the occasion to which I have alluded. Now, he is not ready to proceed. He was ready to declare his opinions at once upon the message and the views contained in it, and he did express them at some length in a speech which is now circulating far and wide throughout the republic, has even gone beyond our shores, and is well calculated to produce the most injurious impression. I believe that that speech has been already detrimental to the cause which now demands our consideration. I believe that already some error has been diffused, and some prejudice excited by the remarks of the honorable Senator. Why is it, then, that the Senator is not now prepared to go on? Why is it that he desires this bill to lie upon our table, for what length of time I do not know? Why is it that he asks for delay on a question on which, when first presented, he was prepared to pronounce his opinion, and to utter a most fierce and vindictive philippic against the administration for daring to send that document here?

We hear in various high quarters denunciations of this administration for its tardiness in regard to this matter. It has been accused of disregarding the most important interests of the country, and in other quarters equally influential and respectable, we hear much complaint, that an attempt has been made improperly to hurry the action of this body in relation to this subject. Well, sir, I believe the Senate is now prepared to act upon this matter, and to act in opposition to the views of the Senator from South Carolina. Every intelligent Senator must have made up his mind, to some extent at least, in regard to the simple proposition contained in the bill. We must all feel it to be painfully true that instead of our being over hasty in this body, we are in general, most shamefully tardy in our legislation; and our tardiness seems unfortunately, to be proportioned to the magnitude of the matter on which we are called to deliberate, and the pressure of the exigency in which it is presented. When we were invited to adopt resolutions of sympathy with the people of France, the Senator from South Carolina and a few others, were not at all prepared to cooperate with us. The action proposed was too quick for him. He wished time to deliberate—to consider the matter—to ascertain whether the new government of France was likely to succeed. Happily for the honor of the country, and the cause of freedom, we have, by a majority of this body, evinced our readiness to proceed with that promptitude, which such an occasion demanded. So it was in regard to the various measures connected with this war. Frequent attempts were made to postpone our action. When the country was known to be in a state of real suffering and surrounded with perils, there were those who counselled and endeavored to procure delay. The Senator from South Carolina is mistaken when he supposes that there is any particular body of men here who always raise an emergency. I have known no emergency to arise here that was not real and substantial. I have known no attempt made to quicken the legislation of this body unduly. In the case now before the Senate, the Senator from Indiana, who is, as I understand, thoroughly acquainted with the subject, has presented reasons which should induce us at once to unite with him in giving immediate consideration to this grave and important matter. I can conceive no reason for delay. Indeed,

no reason has been given, except that the case is one of grave importance, of extraordinary magnitude, and that, therefore, it would be improper to proceed too rapidly to act upon it. I think the Senator from South Carolina might be prepared to act, at all events, to-morrow. He was prepared a few days since to condemn, in the strongest manner—whether justly or not will be seen hereafter—the recommendations contained in the message. I do hope that the Senate will not delay its consideration of the measure proposed.

Mr. CALHOUN.—I did not know that the message had been printed, and laid upon our desks till this morning. I have cast my eyes over it, however, and I see enough in it to induce, on the part of the Senate, the greatest degree of caution. If the peace and welfare of this country are of any value, the recommendations presented in this message call for the most deliberate and cautious consideration. There is, indeed, a great deal upon the score of humanity to excite our attention to this subject. I believe there is a wretched state of things in Yucatan, whether we can relieve it or not is another question. The Executive have not been in any hurry in this business. If the Senator from Mississippi will look to the document which has been laid upon our desks, he will find that the letter from Mr. Sierra of the 7th March complains that he had written previous notes to the Secretary of State, to which he had received no answer; and these notes gave an account of the atrocities perpetrated in Yucatan, as forcibly and fully as any subsequent communication. Now, if the Executive took from the 7th of March till this day, time to consider the matter, surely we are entitled to one or two days in which to consider so grave a subject as this—for it will turn out to be one of the gravest subjects, full of complication and difficulty.

Now, I am not to be intimidated. I know how to discharge my duty here, whether alone or in company. My duty I know, and I cannot be driven from it. We were once urged into a war, precipitately and hurriedly, for which we have paid dearly. I trust we shall not be driven into another war, and perhaps a more complicated one, in the same rash and precipitate manner. I desire delay, because it appears to me to be necessary, in order that we may obtain all the information. Many notes which have passed between Mr. Sierra and the Secretary of State have not been published, if we may credit that gentleman's statement. There is no communication here from the Commodore on that station, who could give us a great deal of information; no direct information as both the origin and the character of the war, which should be known to us before we act. In my opinion, the document before us is very imperfect, and one days' delay is necessary before we make our decision.

Mr. FOOTE.—I regret very much to hear the Senator talk about attempts to intimidate. I understand this sort of language very well. I have heard it before. I trust I am one of the last persons who would attempt to use the language of intimidation any where. The respect which I entertain for the honorable Senator from South Carolina, who is a gentleman of known moral and physical courage, inflexible will, and the utmost fearlessness of character, prevents the supposition that I could be so silly as to attempt, on any occasion in this body, to use arts of intimidation in reference to him. I do trust that there was nothing in my manner or in my language to authorize such an idea. It is true I did express myself in the language of surprise and regret. I did say that I thought that the Senator from South Carolina when so ready the other day to denounce this message, might have been equally prepared now to decide upon precisely the same subject as that embraced in it.

Mr. CALHOUN.—If the honorable Senator will give way for a moment I will state by way of explanation, that I expressed my regret that the President should mix up a question of pure humanity, with high political considerations, connected with the general policy of the country.

Mr. FOOTE.—I suggested to the Senator after he had made his remarks the other day, that an attentive examination of the message might convince him that he had misunderstood the document. I am satisfied that such will be the fact. I was urging, and I still urge, that if the Senator was prepared the other day to discuss the merits of the message, he must be equally well prepared to do so now. I see no reason for the postponement desired by the Senator. I would not have alluded to what fell from the Senator from South Carolina the other morning in reference to this subject, but for the conviction which I entertained that his denunciation of the administration demanded some notice. He now says, that the President has mingled up other considerations with those of humanity, and of that the honorable Senator complains. Well, I would remark, that in the discussion of this message the Senator has thought proper upon the spur of the moment to mingle up another matter with the subject before us, with which, it certainly has no connection whatever—with which it has no legitimate affinity that can be imagined by any one but himself. What was that subject? The war with Mexico! He said that the President of the United States should have learned from that war, the danger of precipitate action. I felt at the time, all must have felt, and the Senator from South Carolina was bound to recollect what the public will be at no loss determine, that the responsibility of this war with all its evils—all its horrors—all its loss of of life—all that enormous expenditure of money so strikingly presented by the honorable Senator the other day, is not to be charged upon this administration. The responsibility of that war rests upon a man of exalted intellect, unwavering patriotism, inflexible temper, who, in obedience to a call of a former Executive of this nation, left his quiet home in South Carolina to come to the succor of the government, at that time much perplexed by the concerns which occupied its consideration; and the application for whose aid was, as I have understood, unanimously sanctioned by this body.—"He came, he saw, he conquered!" He arrived in Washington. He assumed charge of the duties of the State department. He conducted the movement of Texan annexation to its conclusion. It was the most signal act of his life. He performed it boldly—fearlessly—in defiance of menaces from various quarters. It had been predicted before that event, as it was afterwards, by various distinguished individuals, that Texan annexation would lead to war. The Senator from South Carolina was bound to perceive that there was much danger that these predictions would be fulfilled. The Mexican minister had openly proclaimed that Texan annexation would be recognized in Mexico, as just cause of war. The Senator from South Carolina, with his keen perception, might almost have anticipated with certainty, that the act would "let loose the dogs of war," in Mexico. But with that boldness of character which belongs to him, and with none of that timidity which it seems he supposes I have suspected him to possess, he dared to do what he believed was necessary for the honor of the country, and the safety of the South. I speak of a delicate matter, but I wish to speak frankly. He regarded it also, as an act of justice to our brethren in Texas. The measure was accomplished, and war followed. Thus began the Mexican war—the wretched war of which the Senator from South Carolina spoke the other day. The war which has cost so many lives, and such a large expenditure of treasure; but sir, a war in which every American who fell, met a glorious death. Texan annexation, then, was in part, the cause of this war; but it was a righteous war, and one into which the administration was justified in entering. But the administration did nothing more than sanction what had been done by its predecessors. We inherited the war from the administration, of which the Senator from South Carolina was the principal member. In the State to which I belong, humble as I am, I have ever been the advocate of the policy of the honorable gentleman from South Carolina, with regard to Texan annexation. I passed through the State from one end to the other, vindicating that act, as the act of the Senator from South Carolina. I endeavored to repel the denunciations which had been uttered against him in various quarters, even in this body. His friends everywhere gloried in that measure, and omitted no opportunity of defending him against the ill-will and aspersions, which it provoked against him. And, when the war occurred, what course did his friends throughout the Union pursue? Did they endeavor to shuffle themselves out of the responsibility of the act? No—they boldly avowed that to him and them belonged the glory and the responsibility of the measure. We had a right to annex Texas, but we were bound to suppose that it was at least probable, that annexation would lead to war. It did lead to war. But the Senator from South Carolina says, that the war has been brought on by this administration, and that from it, they should have learned a signal lesson, and be warned against the danger of precipitate conduct in future. Now I believe, that in this body, among those who have undertaken to express themselves in reference to the causes of the war, there are only two or three opinions. Some have said that it was Texan annexation; others, the movement of the army to the Rio Grande; and others again have said, as I have endeavored to maintain, that it was the act of Mexico—however instigated, that brought on the war. I believe that the Senator from South Carolina, has insisted that the movement to the Rio Grande, for which he holds the administration responsible, brought on the war, and that those engaged in the annexation of Texas are not to be held responsible. It will hardly do to urge this view of the subject very strenuously now, inasmuch as it begins to be understood that General Taylor claims the responsibility in part of this movement of the army. He saw the danger of an immediate invasion of our soil; he beheld a strong concentration of hostile forces on our border; he almost heard the fierce threatenings of the foe; and he asked the consent of the government to be allowed to defend his country in the only mode deemed by him possible. I pronounced in this chamber several months since, without the least personal acquaintance with Gen. Taylor, that it was impossible that he would be mean enough to deny his own recommendations to the government, or attempt to evade the just responsibility flowing therefrom. I predicted that he would repudiate the sophistical vindication attempted in his behalf by some of his friends and supporters here. It appears that I was not in error on this point, and it remains to be seen whether these same military movements, denounced so fiercely on former occasions, when supposed to be chargeable to a democratic administration, will be as strongly complained of now that they are ascertained to have originated with a whig Major-General of our army. But to return to the Senator from South Carolina and his public course in connection with the war now so much deprecated by him. I insist again and again, and I shall never cease to insist that whether the movements on the Rio Grande, or annexation, or foreign instigation, caused the war, certain it is, that when annexation did take place, there were indications not to be mistaken, that influences would be set to work to bring about a war, if we dared to do an act that we were bound to do, and by a failure in the accomplishment of which, the national character would have been disgraced. The Senator from South Carolina dared to do his duty, and the country gave him full credit for it. I insist that it is too late for him to attempt to avoid the just responsibility of his own

noble conduct; and I hope he will not be offended at my saying so. I intend no intimidation—I mean no discourtesy. I speak warmly, but frankly and sincerely. Useful as has been his life, brilliant as have been his achievements, notwithstanding the extraordinary intellectual power which he has always displayed, and the reputation for purity, not only unsullied, but beyond question in every quarter of the globe, it is his misfortune—if I may call it so—justly or unjustly—to have been often charged with originating measures and not afterwards standing up fully to those measures in all their consequences. I do not undertake to prefer this charge. He has often vindicated himself against it, but not always satisfactorily to all. Some have said, and he will permit me to say it, that he is responsible as a former advocate of a national bank. Yet, surely, he does not now admit any responsibility on this subject. Again, at different times he has been accused, by various individuals, on such evidence as appeared to be satisfactory to them—of being the father of the protective system; but at the present time he would not think of assuming any responsibility upon that score. His friends, at different times, have been called upon to vindicate him against the charge of being in favor of various other measures, which I need not now name—among them internal improvements—to which he afterwards manifested hostility. It has been even said that he is actually the father of the whole system of internal improvement which once overshadowed the country, and as we believed, seriously menaced the welfare and freedom of its citizens. Yet, I believe that he has not been known lately to assume any responsibility upon that subject. I do not say that these charges are just; but I insist upon it, that the Senator is so surrounded by circumstances of this character, that he is bound to be a little more circumspect than other individuals, else men will get into the habit of saying, that the Senator from South Carolina originates vast projects for the advancement of his country's prosperity and his own personal fame; and that yet, when their remote effects turn out to be disastrous, he is found denying all responsibility or account of those acts, and casting it upon those who have had the good fortune to be elevated by the suffrages of their fellow-citizens to high situations, and whose duty it is simply to take care, so far as they can, to guard the country against those consequences which have inevtably followed the adoption of the measures proposed by him.

So it is with this war. I insist that every man who has fallen in Mexico, if murdered, (as has been strongly suggested by the honorable Senator, in consequence of the imprudence and folly of this administration,) would—if he could arise from the grave and assume the attributes with which the bard of Avon has invested the dramatic Banquo—come to the bedside of the Senator from South Carolina in the stillness of the night, and say to him—

"Thou all my murderer!"

Nor could the Senator respond in the words of Macbeth:

"Shake not thy gory locks at me—
Thou canst not say I did it."

Yes every million of money expended in this war, which the Senator from South Carolina deems so unjust, so wretched in every point of view, is, for the reason I have given, justly chargeable upon him more than upon any man in this nation. Let the Senator, then nobly assume the responsibility of his acts. He has received credit for them, and he will receive still more credit from posterity. Let him unite with those friends who have been always associated with him, and defend the most noble achievement of his life instead of burdening others with the task of vindicating it.

In relation to this particular matter, I am sure that the Senator must be satisfied that the occasion is urgent. There is ground for the most serious apprehension, in consequence of delay. The Senator from South Carolina is bound to sustain us in every thing connected with this war; we have a right to claim his zealous, efficient, untiring support. I hold that we have a right to complain of him. I will not denounce him; I will not attempt any thing so shocking to the sensibility of every man of good taste, as would be an effort to cast ridicule upon him. I prefer no charges, but I say that we have a right to complain, that during the whole course of this administration the Senator has either withheld from us his support, or has given a slow, reluctant, cold acquiescence to its measures. His conduct has been such as to authorize the public in general to recognize in him one of the greatest enemies of the administration. It ought not so to be. Why? First, for the reasons that I have stated. Besides, the great issue of 1844 we got from him; we carried it triumphantly; we placed a man in the Presidential chair who boldly assumed the responsibility of discharging his duty to the constitution and the country; and we carried out the views of the Senator from South Carolina, as that Senator no doubt would have done if he had occupied the Presidential chair. But I give him the credit of absolute consistency in his whole course since March, 1844.

Mr. President, I cannot bring these remarks to a close without expressing the deep regret which I feel that the course of the distinguished Senator from South Carolina should have not only justified the strictures in which I have indulged, but have made it indispensable to a just appreciation of the administration in power that the whole truth about the origin of the war should be at last plainly told. I lament that I have been felt compelled in addition to declare that this administration has much reason to complain of the hostile conduct of the Senator and some of his leading friends ever since its career of authority commenced. Never, I believe, has the Senator from South Carolina been known to defend this administration, or to commend it even in terms of the most moderate laudation. He has seen it surrounded with difficulties from the beginning, the most serious of which had been entailed upon it by the administration which had preceded it; he has seen arrayed against it continually, many of the ablest and most influential politicians in the country, whose energetic and steadfast hostility had been evidently called into action chiefly by that extraordinary devotion manifested on all occasions by this administration for those great and invaluable principles of democratic policy, to the maintenance of which the Senator from South Carolina owes so large a share of that enduring fame which he has acquired as a statesman. He saw this administration, in the very outset of its career, boldly place itself upon the very ground that had been proudly occupied by the enlightened and high souled statesmen of South Carolina for years before; he saw free trade principles asserted and successfully maintained by it, in all their amplitude, for the first time in our annals. He saw his favorite independent treasury system adopted and enforced also. He beheld a gigantic scheme of internal improvement, so dangerous to the rights of the States and the freedom of the citizen, prostrated by the fearless exercise of the veto power, that truly conservative feature of our system, for the retention of which in the constitution of the republic, and its triumphant vindication in this body on a memorable occasion, the country owes such a debt of gratitude to the Senator from South Carolina himself. He saw the country engaged in a troublesome and expensive war—calumniated, denounced, belied by thousands in every form which malignant opposition could assume; and yet the Senator from South Carolina has either been found in the Senate room speaking and voting against this administration, or giving a cold and reluctant support to its measures. When did he withhold censure, when any pretext, even merely plausible, was afforded to him? How many speeches designed and calculated to bring the administration into discredit, and to counteract its favorite measures of policy, have we not all heard from that Senator in the last seven years? How often have we been him surrounded by distinguished members of this body, avowed opponents of the administration, from whose lips he was receiving the language of warm congratulation and gratitude for the efficient service which he had just rendered to their cause! Sir, how are we to account for the conduct of the honorable Senator from South Carolina? What are we to think of it? How shall we characterize it? To what mysterious motives are we to attribute it? Instead of calling to let rumor do the Senator himself, attempt the full elucidation of these points; being content for the present, with having suggested them, and by doing so, to have administered a seasonable warning to democrats every where no longer to rely upon the Senator from South Carolina for the maintenance of their principles in the only manner in which they can ever be maintained—by sustaining those who, amidst the most fearful responsibilities which any administration in this country has ever had to encounter, have never wavered for an instant in their support; an administration, whose whole career has been marked with the most distinguished success both abroad and at home—and which is destined, as I confidently believe, to descend to posterity with as much of true glory as any which has ever been entrusted with power in any age or country under the sun.

Mr. CALHOUN.—I certainly had no expectation when I asked further delay of a few days in relation to this subject, that it would give rise to so long a debate. I am sure the Senate will not expect me to undertake to repel the various charges of the Senator from Mississippi, old as well as new. I rise to make only a very few remarks upon a general subject with which these charges have been connected. In the first place, I have given this administration as full and complete support upon all occasions as my conscience would permit. There has not been a single measure of theirs, to which I could give my support, to which that support has not been given. I yielded to the administration upon the question of the tariff, though the modification of it did not entirely suit me. I yielded upon the treaty, upon all the measures of preparation. I have dealt with this administration as I have dealt with all administrations from the time I first entered Congress. I have given no administration, whether friendly or unfriendly to it, my support upon any measure that I thought to be wrong; and I have supported all measures that I thought right. I have acted irrespective of party upon all occasions. I think it proper, also, to make a few remarks relative to the annexation of Texas. I repel no charges against me for being the author of annexation. It is an act of which I never can repent. It was an act of necessity, indispensable at the time, and will be so considered hereafter. But we all took ground, Mr. Polk and the whole of us, that it was not a measure necessarily involving war, that we had recognized Texas, that we had a right to annex her, and that annexation was no just cause of war on the part of Mexico. We introduced the measure upon that ground, and in my opinion successfully. If any thing has brought discredit upon that measure it is this war with Mexico; and as far as I am concerned or my reputation is concerned, I have a right to complain. I deny that the war was a necessary result of annexation.

Mr. FOOTE.—If the honorable Senator will allow me a moment, I will inform him that I said that war did not necessarily grow out of annexation; but that at the time annexation was effected there were circumstances which I enumerated, and of which the Senator from South Carolina must have been cognizant, which excited the apprehension that if annexation took place war must follow.

Mr. CALHOUN.—The Senator must permit me to act upon my judgment; whether I owe a debt of gratitude to Mr. Polk or not; whether I am bound to support this war because the author of it, must be decided according to that judgment. I deny that the war necessarily grew out of annexation. On the contrary, I speak with the full knowledge of the circumstances connected with the subject, when I say, that in my opinion the war could have been avoided by using ordinary discretion. I go farther. In my opinion it required a great deal of mismanagement to make the war. I was about to say, it required something like ingenuity, but that would be improper. I do not believe that the administration intended war; it would be a serious charge to say they intended war. It would be an impeachable offence to say they intended war, when they ordered General Taylor to the Rio Grande. But I ever believed that the movement could not be made without producing war. Can any man doubt it? They were told it would produce war. Amongst those with whom I conversed on this subject there was very little difference of opinion; and that was known to be my opinion from the first. With the view of preventing war I stated that opinion to the President. The gentleman entirely mistakes my course with regard to the administration in speaking—not as an organ but as one ardently attached to it—when he charges me with being its enemy, and as having come to assail it. I took my seat here with great reluctance, and was rather compelled to come than otherwise; but believing I might be able to do something to avert a war with respect to Oregon I came; with the most leading desire to co-operate with the President; and no man knows it better than he does. I held frequent conversations with him in the kindest manner, and never spoke an unkind word with regard to the administration except when assailed in this body. So far from being the assailant, I appeal to the older Senators here, who have been much longer members in this body than the Senator from Mississippi, if I ever spoke an unkind word except when compelled to do it. I believe the first instance in which I became the assailant was when this message was sent in, and then because I believed there is greater depth and danger in it than appears on the surface. It has upon the face of it the bearing of a question of humanity, but there is a complexion about it leading to consequences of which it is hard to foretell the termination. These, however, are topics which ought to be left for the discussion; and I regret exceedingly that the Senator from Mississippi has compelled me to say so much. I would be ashamed of myself, if I could permit myself in any case to be governed in my course, by enmity or friendship, for any administration. I never have been so governed and never shall. I look to the public interests in the discharge of my duty, and if I be mistaken it is because I am honestly mistaken.

Mr. HALE said he desired to express great gratification at the occurrence of this debate. The causes and origin of the war had been discussed frequently in his own and the neighboring States. Indeed this was the great question of the age; had however much matter of glorification gentlemen might find in it, it was one which would stamp itself in indelible characters upon the history of the time. He did not say what the judgment of posterity might be, though he had his own convictions with regard to it, to which he had given expression on a former day; and which became daily deeper and stronger. But he desired to state the reason why he felt gratified at the debate. Whenever he had alleged that the war had grown out of annexation, and that the measure itself had been effected for the purpose of extending slavery, he had been accused of saying that which was not true. He was glad that he could now appeal to one who could not be considered a partial witness, for proof of the allegation that this war had grown out of the annexation of Texas, and that the object of that measure was the protection of the interests of the South.

Mr. FOOTE.—I might have said that out of annexation necessarily grew the Mexican war; and that I was perfectly willing to meet the responsibility of that statement. But I was more cautious than the Senator seems to suppose. I said that there were circumstances at that time which I enumerated that authorized the opinion, which was entertained in various quarters that war would be produced by annexation. I believe that annexation was the remote cause of war.

Mr. HALE said he was happy to hear the explanations of the honorable gentleman, as he did not wish to misapprehend his position. He hoped that the attention of the country would be called to the debate, and he thought that out of doors it would excite vastly more interest than it had awakened in that chamber. Before the interruption of the honorable Senator he had remarked that he would call to the stand, one who would not be considered a partial witness, and ask him to testify under the responsibility of his senatorial oath and declare that this war had grown, not necessarily, but simply grown out of annexation. If he understood the Senator from Mississippi, he said that if there was any man in the whole country that should have sustained the war, it was the Senator from South Carolina, because he was responsible for annexation. And further than that the Senator remarked that annexation was necessary for the protection of the interests of the South. He wished to know if the Senator was now perfectly understood?

Mr. FOOTE.—My remarks were hastily made; and, perhaps, I enumerated some circumstances which the Senator has not thought proper to notice. I alluded to prognostications in 1844, with respect to the results of annexation. And amongst them, I had reference to a speech made by a distinguished Kentucky statesmen at the city of the Oaks, in North Carolina, which contained such predictions, predictions which were frequently repeated in certain other high quarters among the whigs, and possibly among other persons calling themselves Liberty men in New England, which may have had considerable influence in encouraging Mexico to go to war. I also had reference to foreign influence; to British and, perhaps, to French influence. Guizot and his associates were certainly opposed to annexation; and it was not an improbable supposition that they gave some encouragement to Mexico. I did say also, that amongst the objects which the Senator from South Carolina had in view in annexation, one was the security and safety of the South, at that time certainly menaced, as we now all know in connection with that subject. But I did not mention that, as the primary object of annexation. I alluded to it as an incidental object.

Mr. HALE believed that he now understood the Senator, and he had called the attention of the Senator to the subject, for the purpose of guarding against any misapprehension. He had not thought of undertaking the task of following the gentleman from Mississippi in all his flights of oratory. Far be it from him to attempt any thing of that sort! All that he desired was to call the attention of the country to the fact, that the Senator from Mississippi had added his testimony to that of his friend from Tennessee sitting not far from him. [Mr. TURNEY,] that the Senator from South Carolina, inasmuch as he was the author of annexation, was responsible for the war; and that annexation was intended to secure the interests of slavery. He was confident that the candor of the Senator from Mississippi would induce him to admit, that when he said that annexation was due to the safety of the South, he meant simply that it was necessary for the protection of slavery. That was the position to which he had desired to direct public attention; and an account of which he regarded this debate as so interesting and important. It had now been asserted and established by one of the archons of the tribe, one of the chieftains of the camp, that the people of the United States were this day engaged in a foreign aggressive war, growing out of a measure intended for the protection and sustenance of slavery. That is the admission without any paraphrase.

Mr. FOOTE.—I did not use the word "aggressive."

Mr. HALE.—I do not say that the Senator did.

Mr. FOOTE.—I made no such acknowledgment as the Senator represents. I said that it was a defensive war on our part, occasioned in part by the performance of an act which a distinguished Senator from Massachusetts, not now in his seat, in his Springfield speech openly affirmed to be justifiable, and on account of which Mexico had no right to complain.

Mr. HALE.—When the Senator from Mississippi undertakes to close my mouth by no higher authority than the Springfield speech of the distinguished Senator from Massachusetts, I can only say that that is not my catechism. I am not bound by any such opinions. The Senator had spoken of seers who predicted this war, well, among their number was Martin Van Buren. In one of his celebrated epistles, written just before the convention, that gentleman laid down the principle that we could not consistently with the relations that we then sustained with Mexico annex Texas, without giving just cause of war. That was in May, 1844; but in November of the same year, the thing was entirely different. History will tell the true causes of the extraordinary metamorphosis of circumstances which had, in a few months, so completely changed the aspect of the question.

But he would leave that subject. As to the bill before the Senate, he did not think there was any danger growing out of it, because, by the constitution of Yucatan, slavery has been entirely abolished in that territory. The honorable Senator from South Carolina indeed, had attributed all the evils under which the people of Yucatan labored, to the abolition of slavery. While that honorable Senator views the institution so favorably, as to regard the present relations of Yucatan as a righteous judgment from Heaven for doing away with so Divine an institution, all who felt alarmed about the annexation of Yucatan, might repose their heads upon their pillows in perfect peace and security. As to the declaration which Mr. Polk has made relative to the adoption of the principle avowed by Mr. Monroe, it never was and never could be the policy of the United States in the sense which Mr. Polk conceived it. The moment that such a policy would be attempted, the great maxim of Washington, "Peace and friendship with all, entangling allowances with none," would be departed from; and the nation would embark in a wild quixotic scheme, entirely at variance with the constitution and institutions of the country. With respect to the question of humanity, while certainly anxious to do everything which he consistently could do, in response to its call, yet he could not forget the humanity that was due to his own countrymen—a humanity which involved the hopes of the world, looking with intense and painful interest to the policy and progress of the United States—a humanity which regarded the interests of unborn millions hereafter—a humanity that regarded the interests of the oppressed of all climes, anxiously looking to the beacon light, ever cheering them in the desolation of despair. No doubt Don Quixotte was inspired with great humanity when he encountered the wind-mill. Besides, a treaty of peace and amity had just been made between the United States and Mexico, by which the former was bound to withdraw their forces from all the territory of

latter. A boundary line had been agreed upon. Would it not then be in direct violation of that treaty to send to Yucatan any portion of the forces of the United States, without the consent or cooperation of the Mexican government? He did not throw out this in a spirit of cavilling, but suggested it as one of the serious difficulties which presented themselves to him in the way of adopting the measure before the Senate.

Mr. WESTCOTT.—I feel bound to make a point of order, without any particular reference to the Senator from New Hampshire. But it appears to me that this debate is out of order. We have already wasted two hours on the motion, merely to fix a day for the consideration of the bill. There is important business before the Senate which ought to be taken up.

Mr. FOOTE.—I hope the debate will be allowed to go on; if not, as my remarks were somewhat extended, I would beg to say in vindication of myself—

Mr. WESTCOTT.—I had no particular reference to the remarks or course of argument of any gentlemen.

THE PRESIDING OFFICER.—In the opinion of the chair, the debate has undoubtedly been very discursive; but the chair does not think that at this stage it will be warranted in arresting it.

Mr. CASS.—The question is whether this bill shall be taken up to-morrow. That it should be taken up to-morrow seems to me a matter of absolute necessity. The honorable Senator from South Carolina argues, as a reason for the postponement of the consideration of this bill, that the administration was apprised of the facts on the 7th of March.

Mr. CALHOUN.—(in his seat.)—Before that time.

Mr. CASS.—But they had not come to a decision upon the matter. When the subject was presented to our consideration, the facts were all before us. What, in the meantime, has the government been doing? They have been collecting information, until finally they received a communication directly from the government of Yucatan, detailing the progress of events, which had rendered it essentially necessary that some civilized nation should interpose, else the white population of Yucatan would be swept out of existence. All the information which can possibly be acquired has been obtained by the Executive. What additional information can possibly be procured and laid before us between this time and Monday next? The message was published last week. It states all the facts. There is not another fact which can possibly be obtained, necessary to guide our action. This is a direct appeal to the humanity of this nation, and nothing can be gained by procrastination. At the date of the last accounts, the Indians were besieging the capital, and the population was fleeing to the coast and fortified places. Application had been made to Cuba for aid, and a vessel had been despatched by the governor of that island. Every consideration urges the propriety—the necessity of immediate action.

I must be allowed to say that I heard with extreme regret the Senator from South Carolina speak of "this wretched war." Whether he referred to its inception or progress, he considered it "a wretched war."

Mr. CALHOUN.—(in his seat.)—Rash and precipitate.

Mr. CASS.—I am happy to hear the explanation. My impression was that the Senator had used the term "wretched."

Mr. CALHOUN.—I do not undertake to correct always. All who were here at the time will recollect what took place on the day previous to the declaration of war. The President's message was communicated to us, and on motion of the Senator from Missouri, [Mr. BENTON,] that portion of it relating to the raising of an additional military force, was referred to the Committee on Military Affairs, and the other portions of it to the Committee on Foreign Relations. My view in voting in favor of the motion was that we might grant the military force at once to meet any emergency, and take time upon the declaration of war. But the two were united, and the very next day the whole was voted at a single dash. I was anxious for deliberation, because I did not believe that we should make a formal declaration of war at that period. My opinion was that we should raise a provisional force, without adopting formal war measures, and then await the action of Mexico.

Mr. CASS.—The recollection of the Senator is perfectly correct; and his statement is entirely consistent with that which I was about to present. The war, in his opinion, was "rash and precipitate," because we did not wait in order to ascertain the views of the Mexican government. The Senator labored with his usual ability to induce us to wait till we ascertained whether it was the act of the Mexican government. The forces of Mexico had crossed the Rio Grande in order of battle. The Senator wished to ascertain whether it was the act of the Mexican government. He now knows that it was their act. He now knows that he was in error, and that we were right in our judgment. Had we waited till the end of time we could not have ascertained any thing more than was known at the time.

Mr. CALHOUN rose, and was about to address the chair.

Mr. CASS.—I shall yield to the Senator with pleasure when I conclude, but I am not now making any statement calling for explanation—I am reasoning on the facts before us. We know that it was the act of the Mexican government, and I ask the Senator, had we waited for any length of time, could we have ascertained any thing more? The forces of Mexico had crossed the Rio Grande and attacked our troops. We had a right to regard that as an act of war. Every nation would have so viewed it, and would have acted accordingly.

With regard to annexation, which so much connects itself with this subject, I have no hesitation in declaring that it was the cause of the war. I never doubted it. The great democratic party of the country has pronounced the same decision. The President has said it. Mexico said it from the first moment that the suggestion of the annexation of Texas was presented down to the last moment. Mexico declared it through her minister here; and through our minister there. She declared again and again that if we annexed Texas she would go to war. We did annex Texas, and Mexico fulfilled her threat. But this is a double question.—It is a question of fact and a question of political casuistry. I believe it is now pretty generally conceded by all except the warmest political partizans that annexation was no just cause of war. I hope that there is scarcely one member of this body who will affirm the contrary. The honorable gentlemen from Maryland and Texas, [Messrs. JOHNSON and RUSK,] have placed the title of the United States to the Rio Grande in a very clear point of view. If that be so, of course we had a right to march an army thither; if not, we had the right which every nation possesses, and which we have exercised, to march there and repel the attack of the enemy. No government would be justified in waiting till the enemy struck the blow in the place and manner which he chose to select. In this case our decision was right, and subsequent facts show clearly that Mexico meant to attack us. In one sense, then, as a question of political casuistry, annexation was not a cause of war; but as a question of justice, involving our character before the world it was just cause of war.

Mr. CALHOUN.—It is very painful to me to be thus called upon so often in this irregular debate. I chose to say that this was a "rash and precipitate war," and gentlemen think it necessary to enter into a formal argument to show that it was not. Would it not have been enough if they had said that they thought differently? But there is always, it seems to me, a lurking suspicion in the minds of the gentlemen that their cause is not a good one; for I have never known a case in which there has been so much effort at all times to prove that the war was just and necessary. These frequent explanations, this argument at all times, to prove the justice of this war, do not indicate a well settled state of mind. I am at issue with the Senator from Michigan, as to the fact that the Mexican government authorized the war. Arista may have authorized it. Paredes may have authorized it. But that is not the question; it was the Congress alone that could have authorized the war. But the Congress was not in session, and therefore could not have made the war. The same mistake is made on our own side. The gentleman says that we had a right to order General Taylor to repel the attack. If he means that the Congress of the United States had the right to do so, I agree with him. Now I put the argument to the Senator; and let him answer it if he can.

Mr. CASS, (in his seat.)—I shall.

Mr. CALHOUN.—I am about to put the argument. The resolution of annexation admitted that there was a disputed boundary, because it expressly provided that it should be settled by the United States. Now, the utmost claim that Texas ever made was to the Rio Grande. I do not say that the Rio Grande was the boundary; that is another question. But Texas admitted that it was disputed. If there were any disputed territory it must have been east of the Rio Grande. Now, I beg the attention of the gentlemen to this question to which I ask a specific answer. How are disputed boundaries to be settled? Is it not in one of two modes—by treaty or by war? If by treaty, the settlement is made by the President and the Senate; if by war, the war power is exclusively with Congress. After the treaty power had exhausted itself, as the Senator and all have assumed, is it not perfectly clear that the settlement of the disputed boundary could be made only by the Congress of the United States? We had a right to order General Taylor to the Del Norte, to repel invasion. It was not the President who had the right to issue that order, but Congress who ought to have been called upon to do it. The same error, then, was made on both sides. It was only Congress who could make war on either side. The authority of Paredes, and the authority of the President of the United States, were no more than blank paper; therefore, the war was illegally and unconstitutionally made. I do not choose to argue this question, unless when assailed, and my views called in question. The gentleman says that annexation was a just cause of war.

Mr. CASS.—I said that in point of fact Mexico went to war on this account, but that in point of justice, she had no right to view it as a cause of war.

Mr. CALHOUN.—The Senator said that Mexico threatened war and went to war. Who does not know that she fumed and fretted; but was that any reason why we should take a high stand and force a resort to arms? Not at all. Paredes showed a strong

desire to terminate the controversy without war. It was he or his minister who made a proposition to Mr. Black, looking to an accomodation of the difficulties between the two countries. True, it came to nothing, but it evinced the disposition of the Mexican authorities to settle the controversy without war. Herrera was turned out; but there were circumstances connected with his removal, aside from the proposition which he had made with this country. I have been informed, on good authority, that the gentleman afterwards appointed as Secretary of Legation, was in Mexico at the time that this communication was made by the Secretary of State to Mr. Black, our consul, late at night, at his own house, and under strong protestations of the absolute necessity of secrecy. I understand that the information was made public. Mr. Black is here; and if I am wrong I can be corrected. But the fact has been stated, that the gentleman to whom I have referred, before he left Mexico, divulged it, and that the proposition that had been made, thus came to the knowledge of the people of Mexico. These facts do not show that the Mexican authorities had a fixed and resolute desire to make war upon us. On the contrary, we are thus furnished with evidence that there was a desire to make peace, and I feel the deepest conviction that having settled the Oregon question, the Mexican question would have settled itself, if General Taylor had not been obliged to take up the time of the Senate by these remarks in my own defence. I had not the slightest idea that any debate would have arisen. My sole object in asking for delay was to obtain an opportunity for examining the case.

Mr. HANNEGAN.—It seems to me that the question before the Senate, has entirely disappeared from the view of honorable gentlemen. In order to obtain prompt action in a case in which all admit the necessity of speedy action, I have asked that the bill before the Senate should be made the special order for to-morrow. Instead of addressing ourselves to this simple question, we have again entered upon that wide field, over which we have been travelling for the last five years. The Texas question entered the Senate at the same time that I had the honor of becoming a member of the body; and although it has been constantly ever since presenting itself, I must confess that I did not anticipate that it would be found to be at all connected with the present question. The causes of the war, too, must be dragged into the discussion! I had have hoped that all that would have been left for the debate on the volunteers bill, which my friend from Michigan, before me, is so anxious to get up. But my object in rising now is, to repel certain implied charges made by the Senator from South Carolina. He charges the administration with delay in communicating this matter to Congress.

Mr. CALHOUN.—I only said that the administration did not regard the subject as one of so much urgency, inasmuch as they had full knowledge long ago of these calamitous occurrences in Yucatan. By no means censured them for what they had done, but expressed the opinion that as they had had an opportunity for deliberation, it was proper that the Senate should also have time to form their judgment.

Mr. HANNEGAN.—The delay was occasioned in consequence of the endeavors of the administration to collect information.

Mr. CALHOUN.—We have not a particle of that information.

Mr. HANNEGAN.—Pray whose fault is it? On last Saturday, this message and the accompanying documents, were ordered to be printed, on Monday morning they were laid upon our desks.

Mr. CALHOUN, (in his seat.)—I did not see the publication until to-day.

Mr. HANNEGAN.—I received mine on Monday. The House of Representatives did not pursue the course which has been taken here. When they received the message they immediately called upon the department for the correspondence. They have received other correspondence of the Navy Department and the officers in the gulf. I have got some copies of this correspondence, and will lay them on the table of the Senate. The note of Mr. Sierra of the 8th of April presents in stronger language than I can possibly command, the reasons which should induce immediate action on the part of the Senate. It states the facts. They are truly appalling. All I ask is, that the Senate should enter at once upon the consideration of the subject.

Mr. NILES.—This debate has been remarkably pertinent; and has at least proved one thing, the propriety of giving gentlemen time to prepare their speeches. All the old questions of the war are, it seems, to be discussed over again. We are to have second and third editions of these speeches; and I do not know but that we may run as high as the seventeenth edition. Now, however good these speeches may be, they have become somewhat obsolete—there is not much freshness about them; and, therefore, I think it would be well to give a few days delay for preparation.

It is very certain, sir, that we do need additional information on this subject. The bill is one involving principles of the gravest character. I, for one, want additional light before I can be prepared to act upon it. I do not now propose to go into the merits of the question. The bill does not propose mere temporary relief, it goes beyond that; and the view presented by the Senator from New Hampshire is important. There certainly should be some deliberation before we interfere with a civil war in any other country. We should proceed with the utmost caution. I am opposed to legislating under impulse. We should act promptly, I admit; but our duty to the country requires that we should act with great deliberation.

The administration have done no doubt what they supposed to be their duty, and I hope the Senate will do its duty. I must say I can see no propriety in acting hastily, as though under the whip and spur, upon great questions of this kind. I have known such action here, sir; at least attempts of the kind. I have heard it declared in regard to great measures, some few years ago, that it was "now or never." Sir, I do not wish to act in any such impulsive manner. I do not choose to act under coercion, or in the manner that is implied by such a remark as that. I think we should act as promptly as the nature of the circumstances will permit; but at the same time, that our duty to the country requires that we should not act without giving to the subject all the consideration which its importance demands. And, as I said at first, I believe the delay of a few days will expedite our final decision; for gentlemen will have an opportunity to digest it, to settle their own judgments, and to narrow the debate, and confine the discussion to the essential points in the case.

Mr. CALHOUN.—One word in justification of the course which I shall pursue. It is important that we should have a knowledge as to the nature of this conflict in Yucatan. I have never seen the documents relating to the matter until this morning. I have had no information except such as is contained in the public papers, and upon such information I never act. I desire to have the official information, for which the Executive department waited so long before they made up their minds to act in this matter, which calls so loudly upon their humanity. As soon as I get that information I shall be ready to act.

The question was then taken upon the amendment proposed by Mr. CALHOUN, to the motion of Mr. HANNEGAN, making the bill the special order for "Saturday next," instead of "to-morrow," and it was, upon a division, determined in the negative:

For the amendment - - - - - - - -	13
Against it, - - - - - - - - -	17

Mr. HALE then moved to amend the motion by substituting "Monday next," for "to-morrow."

Mr. HANNEGAN demanded the yeas and nays, which were ordered; and the question being taken, it was decided in the negative, as follows:

YEAS - Messrs. Bagby, Benton, Bell, Calhoun, Clarke, Clayton, Cunningham, Dickinson, Greene, Hale, Johnson of Louisiana, Niles, Sevier, Underwood, and Upham - 13.

NAYS - Messrs. Allen, Atherton, Atchison, Bagby, Benton, Borland, Breese, Bright, Butler, Chas. Dayton, Miller, Moore, Pearce, Phelps, Rusk, Sturgeon, Tappan, Turney, and Woodbridge - 21.

The question was then taken on Mr. HANNEGAN'S original motion, to postpone the bill and make it the special order for to-morrow, at one o'clock, and it was agreed to.

On motion,

The Senate then adjourned.

FRIDAY, MAY 5, 1848.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. WALKER, his Secretary, in answer to a resolution of the Senate of the 4th instant, transmitting the correspondence between the Secretary of State and the representative of Yucatan.

On motion by Mr. HANNEGAN, it was

Ordered, That it be printed.

VIRGINIA LAND WARRANTS.

Agreeably to notice, Mr. ALLEN asked and obtained leave to bring in a bill further to extend the time for locating Virginia military land warrants, and returning surveys thereon; which was read the first and second times by unanimous consent, and referred to the Committee on Public Lands.

GRANT OF LAND TO MISSOURI.

Agreeably to notice, Mr. ATCHISON asked and obtained leave to bring in a bill granting to the State of Missouri the right of way and a donation of public lands, for making a railroad connecting the town of St. Joseph on the Missouri river, with the town of Hannibal, on the Mississippi river, which was read the first and second times by unanimous consent, and referred to the Committee on Public Lands.

UNITED STATES' COURT IN TENNESSEE.

Agreeably to notice, Mr. BELL asked and obtained leave to bring in a bill to authorize the District Judge of the State of Tennessee to hold a special term; which was read and passed to the second reading.

Mr. BELL.—I trust that there will be no objection to the passage of the bill at this time. It is one to which I cannot conceive there will be any objection. It is purely of local interest, and there is a necessity that it should be passed at once, in order to be of any avail. The distance between the two exterior counties of the State is between two and three hundred miles; and there is but one district judge who is required to hold two terms in each year. It is desirable that the privilege should be given to him to hold a special term in order to expedite the business. I trust there will be no objection.

Mr. WESTCOTT.—I feel myself bound to object to any bill, for altering the plan for holding courts in any State, until it has received the approbation of the committee, and has been regularly reported.

Mr. TURNEY, (in his seat).—It does not propose to change the place of holding the courts.

Mr. WESTCOTT.—There are a number of applications of that sort from several States of the Union, and the Judiciary Committee has had a great deal of difficulty in regard to them. Much confusion is likely to be created, and no bill ought to be passed, until it has gone through the regular course. I must insist on my objection.

Mr. BELL.—It is merely for the convenience of the judge, to enable him the better to despatch the business belonging to his court. I do not see why the Judiciary Committee should be troubled with a local matter of this kind. It does not derange the judicial system at all; but if the Senator from Florida insists on his objection, I suppose we must submit to the delay, and allow the bill to go to the committee. I trust, however, it will be speedily permitted to pass.

Mr. BUTLER.—I hardly think it is a bill of such a character as to require that it should be referred to the Committee on the Judiciary. I understand that it is simply intended to supply an omission.

Mr. BELL.—I will state further to the Senator from South Carolina, that it is simply authorize the judge to hold a special term whenever he may find it expedient, on account of any obstruction which may have prevented him from holding the court at the appointed time.

Mr. BUTLER.—On principle then it is neither more nor less than I have said, to supply an omission in regard to a matter that is incident to almost all the courts I have ever known. Some of the bills that are before the Judiciary Committee are very embarrassing, so far as regards the creation of new circuits, or additional judges. And any amendment of any kind that is calculated to introduce a new feature ought to go before the committee, in order to be reconciled with the general system. I think, however, that this bill does not come within that description.

Mr. WESTCOTT.—From what I gather in regard to this bill I shall feel myself bound to oppose it. The expenses of our judiciary system are a subject of great complaint; and these expenses are being continually augmented under one pretext or another. One mode of increasing the expense is, by creating additional places for holding these federal courts. Virginia, I believe, has five or six separate places at which courts of the United States are held; Tennessee has two or three districts, I believe. The grand jurors, petit jurors, marshals, and officers of the court all will get their per diem at these special terms, which laws like this now proposed allow, adding enormously to the expense of the judiciary system. I have resisted the attempt to get these increased expenses, during all the time I have been a member of the Judiciary Committee. I hope the bill will be referred to the committee.

Mr. BELL.—The Senator seems to misunderstand the object of the bill. But I suppose his objection is available, no matter upon what ground he places it. The bill must of course go to the committee.

Mr. TURNEY.—It does seem to me that there can be no necessity for a reference of this bill to a committee.

The PRESIDING OFFICER.—A single objection is sufficient to prevent the action of the Senate upon the bill without a reference.

The bill was then read the second time by unanimous consent, and referred to the Committee on the Judiciary.

NAVAL PENSIONS.

Mr. YULEE, from the Committee on Naval Affairs, reported a bill renewing certain naval pensions for the term of five years, and extending the benefits of existing laws respecting naval pensions to engineers, firemen, and coal heavers in the navy, and to their widows; which was read and passed to the second reading.

PRIVATE BILL.

Mr. YULEE, from the same committee, reported a bill for the relief of commander James M. McIntosh; which was read and passed to the second reading.

ADVERSE REPORTS.

Mr. YULEE, from the same committee, to whom were referred the petitions of John H. Williams; Passed Midshipman John L. Worden; Susan T. E. Williamson, widow of Charles L. Williamson; Henry La Reintree, and of Samuel Raub, submitted adverse reports thereon; which were ordered to be printed.

PRIVATE BILLS.

Mr. WESTCOTT, from the Committee of Claims, to whom was referred the bill from the House of Representatives for the relief of John Morgan, reported it with an amendment; and submitted a special report on the subject, which was ordered to be printed.

Mr. WESTCOTT, from the same committee, to whom was referred the bill from the House of Representatives for the relief of G. de Lirac, reported it without amendment.

Mr. WESTCOTT, from the same committee, to whom was referred the bill from the House of Representatives for the relief of William T. Holland, reported it without amendment; and asked the unanimous consent of the Senate to its immediate consideration.

The bill was then considered, by unanimous consent, and passed over informally.

THE ADAMS TESTIMONIAL.

The Senate proceeded to consider the following resolution, submitted on the 28th ult. by Mr. HALE:

Resolved, That the Secretary of the Senate procure, for the use of the Senate, 5,000 copies of the addresses recently the Speaker and the members of the House of Representatives, and of the addresses made to the Senate, together with the discourse of the Rev. Mr. Gridley, upon the occasion of the death of the Hon. John Quincy Adams: Provided that it can be obtained upon the same terms that 20,000 copies of the same were furnished to the House of Representatives.

Mr. TURNEY moved to lay the resolution on the table.

On this question a division was called for, and no quorum voted.

The PRESIDING OFFICER again put the question on the motion to lay the resolution on the table.

Mr. ALLEN demanded the yeas and nays, which were ordered, and it was determined in the affirmative as follows:

YEAS—Messrs. Allen, Atchison, Atherton, Bagby, Borland, Breese, Bright, Butler, Calhoun, Cass, Chittenden, Felch, Foote, Houston, Johnson, of Georgia, Lewis, Moor, Niles, Sturgeon, Turney, Underwood, Westcott, and Yulee—23.

NAYS—Messrs. Baldwin, Bell, Clarke, Clayton, Davis, of Massachusetts, Greene, Hale, Johnson, of Maryland, Johnson, of Louisiana, and Upham—10.

So the resolution was laid on the table.

DEFERRED NOMINATIONS.

The Senate proceeded to consider the following resolution, submitted on the 28th ult. by Mr. JOHNSON, of Maryland, and it was agreed to:

Resolved, That the President of the United States be requested to inform the Senate whether any officers are now in the military or civil service of the United States, under appointments from the President, which have not been submitted to the Senate; and, if there be any such appointments, that he state the date of such appointments, and why it is that it has not been in the power of the President to submit them to the consideration of the Senate.

HOUSE BILLS REFERRED.

The bill from the House to amend an act entitled "An act supplemental to the act entitled "An act providing for the prosecution of the existing war between the United States and the republic of Mexico,"" was read a first and second time, and referred to the Committee on Military Affairs.

The joint resolution from the House extending the time for the erection of certain lighthouses, was read twice, and referred to the Committee on Commerce.

RECONSIDERATON.

Mr. ALLEN said the Senate had adopted a measure of some importance (alluding to the resolution just agreed to) without their attention being drawn to it, and he moved, therefore, that the vote be reconsidered.

Mr. JOHNSON, of Maryland.—I will inquire whether the Senator voted for the resolution.

Mr. ALLEN.—I believe that the resolution was passed *sub silentio*, and that it attracted no attention.

Mr. JOHNSON, of Maryland.—The question I put is whether the Senator voted for the resolution; because, unless he did, he cannot move a consideration.

Mr. ALLEN.—Why really I do not think I voted at all; but I will ask somebody who did vote, to move the reconsideration.

Mr. BREESE.—So far as I am informed, it is the constant practice for any member to move a reconsideration.

Mr. BAGBY.—I am certain I did not vote, for I did not hear the resolution read.

The PRESIDING OFFICER.—In the opinion of the chair, a motion for reconsideration cannot be made except by some Senator who voted for the resalution.

Mr. JOHNSON, of Maryland.—I would ask the Senator from Ohio, what his object is in having the vote reconsidered.

Mr. ALLEN.—My object is to call the attention of the body to the question which the resolution presents, and that is, whether it is in order for the Senate of the United States, to demand of the President his reasons for not sending in his nominations within a given time? Has not the President an equal right to demand of the Senate, why they have not confirmed his nominations?

Mr. JOHNSON, of Maryland.—If the Senator means to discuss the question, I have no objection at all that he should move the reconsideration, in order that we may have the discussion at once.

The question being put, on the motion to reconsider, it was agreed to.

The question recurring upon the adoption of the resolution.

Mr. HANNEGAN inquired whether it would not necessarily lie upon the table for one day under the rule?

The PRESIDING OFFICER replied that it would not.

Mr. ALLEN then moved that the resolution be laid upon the table.

Mr. JOHNSON, of Maryland.—I thought the Senator was about to discuss the question.

Mr. ALLEN.—My only object was to call the attention of the Senate to the subject, in order that no incautious proceedings of this kind should be had. I believe there is no instance upon the journals of this body, of the Senate having demanded of the President, why he had not done a particular thing, which, by the constitution, he has a right to do at any time during the continuance of the session. If it be in order to call upon the President now, to shew cause why he has not sent in the nominations, it was quite as much in order to do so on the second day of the session; and by a parity of reasoning, the President would have an equal right to call upon the Senate to know why we have not confirmed his nominations, or rejected them, within a given time.

Mr. HANNEGAN moved that the Senate proceed to the consideration of the special order.

The motion was agreed to.

THE YUCATAN BILL.

The Senate resumed, as in Committee of the Whole, the bill to enable the President of the United States to take temporary military occupation of Yucatan, which is as follows:

A Bill to enable the President of the United States to take temporary military occupation of Yucatan.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States of America is hereby authorized to take temporary military occupation of Yucatan, and to employ the land and naval forces of the United States for the protection of Yucatan in repelling the invasion of the Indian savages now waging war against the inhabitants of that country.

SEC. 2. *And be it further enacted*, That the President be, and he is hereby authorized and empowered to purchase such arms, ammunition, ordnance, and other military means as they may need to enable them to resist and repel the Indian hostilities now waged against them, and to employ for that purpose such officers, soldiers, etc.

SEC. 3. *And be it further enacted*, That the President of the United States be authorized and empowered to accept the services of [illegible] to enable him to supply the place of such as may be withdrawn from their present duty, by virtue of this act. *Provided*, That no officer shall be employed [illegible] during the war with Mexico, [illegible] and forty-six, and Mexican and [illegible] and forty-seven.

Mr. HANNEGAN.—When the message of the President was received, and before it was referred to the committee, I entertained the hope that action, and prompt and decided action, would be taken, in pursuance of the recommendation of the message, without debate, or at least without opposition. I am satisfied, however, from what has transpired, that we have opposition to anticipate, and in opening the matter at this time, I shall confine myself to a very few observations, and those mostly in reply to the suggestions which fell from the Senator from South Carolina on Saturday. Those suggestions—for they were suggestions rather than arguments—comprise I believe the only objections that have been, or can be offered upon the merits of the question, and without further premise or preface, I shall at once proceed to consider them in the order in which they present themselves to me. The Senator expresses his surprise that the President should have taken an occasion of this kind to recommend to Congress the armed occupation of Yucatan even for a temporary period. He pronounces it to be in his opinion most inopportune; and points with alarm to the results which are to follow. But the distinguished Senator has failed to point out the results which he seems to considerer so formidable. I, myself, after the closest and most deliberate scrutiny which I have been able to give to the subject have been unable to discover the alarming dangers which, like a hidden ledge of rocks beneath the smooth surface of the sea, in the Senator's apprehension, are covered by the plain and explicit language of the message. The meaning of the message, it appears to me is obvious; the case is there plainly and clearly stated, and it is also fully given in the documents which accompany it. Yucatan applies to the United States for assistance to protect her people against the barbarous savages who are pursuing them, of wives and families to the ocean. They appeal to us by every obligation which men hold dear to come to their rescue, or else in a few short months from this period, they must cease to exist. The President presents the case to Congress, and the committee to whom the subject was referred, report a bill as strictly in accordance with the recommendation which the message contains as a bill can be drawn. We propose by the bill to leave it to the discretion of the President to furnish to Yucatan munitions of war, and all necessary means of defence and protection. We propose moreover to allow him to abstract from Mexico, or from any part of the United States, sufficient force to meet and drive back the savages who perhaps before this day are in possession of the capital of Yucatan. We propose to go no farther than this. The President does not ask for the permanent occupation of Yucatan. The bill expressly prohibits the thought; it declares by its title that it shall be but a temporary military occupation. No man has dreamed as yet, so far as I know, of the permanent occupation of the territory of Yucatan. There are motives, however, which may lead us to such a result. As the Senator from South Carolina has remarked, we may be led we know not where. Considerations may arise which will lead us beyond our first intentions, and render it imperative that we should convert this temporary occupation into something more. I am thus frank in the outset, for I desire no disguise. Let it be remembered, however, that these are my own individual feelings and opinions; and that I speak only for myself.

Sir, there is a most formidable power in Europe menacing American interests in that country, and let me add American institutions too. That power is hastening with race-horse speed to seize upon the entire Isthmus. Heretofore, by slow degrees, according to her usual policy, England has got possession of various points along the gulf coast of the Isthmus. Now, sir, we have authentic information that at this hour, despite the assertion of the Senator from South Carolina—whose information and whose opinions I always hold in the most profound respect and veneration—despite the statement of the Senator, that England has enough to attend to at home, and will not attempt to interfere with the affairs of Yucatan, we have authentic information that she has interfered in the affairs of Yucatan already. England has seized upon the territory of the Belize. She holds that absolutely. Farther south the whole Mosquito coast is in her possession; and if not openly, by her agents she has advanced her troops and actually seized upon the southern portion of Yucatan, under the pretence of taking care of British interests there. England "enough to do take care of her own affairs at home!" England never saw the day when "she had enough

to do at home." Since the remarks of the Senator from South Carolina were made on Saturday, the steamer has arrived with the intelligence, that while all the other powers of Europe are convulsed and distracted with internal dissensions, England has had the ability, without shedding a single drop of blood to allay the tempest that was threatening to disturb her domestic tranquility, and to laugh at the threatenings of her disaffected subjects! England never yet had "enough to do at home" to prevent her from extending her power all over the habitable globe. England cherishes the design, at this moment, to secure the most practicable route for an artificial means of communication between the two oceans, and to effect that object she is gradually and rapidly absorbing the entire Isthmus. Unless we act, she will accomplish her purpose. Does any man suppose for a moment that the miserable traffic in dye-woods, which is the principal article of commerce there, is what is leading England so steadily and regularly to seize, foot by foot, all the territory of which she can obtain possession in that quarter of the globe? No! It is the great and mighty object, which I have just indicated. In Yucatan she has another and a higher object. She has in fact a double purpose. The first relates to herself, but the second strikes directly at us. Look at the position of Yucatan! Look upon the map—see how she stands out in almost juxta-position with Cuba! She shakes hands with Cuba! The possession of Yucatan by England, would soon be followed by the possession of Cuba. I entertain no doubt that if she secure Yucatan now, five years hence we shall see her in possession of Cuba. I doubt it no more than I do my own existence. I doubt it no more than I doubt that the trees will put forth their leaves, and that the grass will renew itself next spring. It is inevitable.—Every indication points to it. The conduct of England tends directly to it. We have, I may say, the information that at this very hour she is taking steps to accomplish that object. Give her Yucatan and Cuba, and what will be the result? That very instant the Gulf of Mexico will be under her control. It becomes *mare clausum!* The whole coast of the United States, from Cape Sable to the mouth of the Rio Bravo—a coast, with all its sinuosities, nearly two thousand miles in extent—is as locked in as it possibly could be by fortified positions. Cuba has been called the key of the gulf. Yucatan and Cuba combined are the lock and key. Place them in the hands of England, and she controls the mouth of the Mississippi, as absolutely as she controls the mouth of the Thames! We shall not be able to go in or out without her permission. Is it not enough that she holds all the maritime power of the North Atlantic coast? Is it not sufficient that she holds Halifax, standing out as it does—that mighty observatory, the most prominent feature of the coast? Shall we stand still, quietly folding our arms while she is proceeding thus to hem us in and encircle us with her possessions? Shall we, by rejecting this bill, show that we are willing to acquiesce in her aggressions?

Sir, will the American government stand quietly by and see England take possession of Yucatan—and if we refuse to act she will do so, for she is acting in advance—she has taken the first step; the Governor of Jamaica has been already appealed to, and he will probably respond to that appeal before we act? Are we told our arms and refuse to render assistance to drive back the savages and protect Yucatan, the probability is—nay it is a certainty—that England will seize upon Yucatan and afterwards upon Cuba. There is one feature in this correspondence, to which I especially desire to call the attention of the Senate, to show the design of England. The allusion, in one of the letters of Mr. Sierra, the commissioner of Yucatan, is so broad as not to be misunderstood; that England is absolutely, through her agents, furnishing these Indians with arms and munitions of war to enable them to pursue this horrible massacre.

Mr. JOHNSON, of Maryland.—Does the Senator say that the British government is doing this?

Mr. HANNEGAN.—Yes! I say that England through her agents is furnishing these Indians with arms. The Indians who are driving the inhabitants to the sea coast are armed with British muskets, bearing the mark of the Tower of London. It is more than suspected that they are supplied through the instrumentality of Mr. Patrick Walker, the British agent at the Belize, where England has established a depot of arms. Where else do they procure them? In one of the communications to the Secretary of State the allusion to this fact, is so broad that it almost amounts to a distinct charge. I put it then to the Senate, if we stand quietly by, if we are deaf to the appeal now made to us, if we refuse to respond to it, that inevitable result will be, that England will seize upon both Yucatan and Cuba. The honorable Senator from South Carolina has declared, that this was a most inopportune and improper moment for the President to express opinions of this kind. Why? What is there in the affairs of the world to make it so? If England, as the Senator anticipated, when he made the remark, was upon the verge of internal commotion, would she therefore be incapacitated from carrying out her designs? England, says the Senator, will no more think of taking possession of Yucatan, or throwing her troops into that province, than he, as an individual would think of seizing upon that province. Will he then be good enough to account to the Senate and the country for the steps which she has been taking, and in which she persists? She has seized by violence, or by fraud, every foot of land which she holds south of Yucatan? Sir, I am satisfied that under no circumstances will England construe our language or our course as disrespectful to her. But even if she does it will not matter a hair with me. If we interpose the great principle laid down by Mr. Monroe, reiterated by Mr. Polk, England will hold hands off! Never—never will she plant her foot where we have placed ours firmly! It is only when our hesitation or our tameness shall encourage her, that she will present her advancing front. I trust no Senator thinks that I am weak enough to believe that she is afraid of us. No! The English heart never knew fear. But it is not her interest to fight us. For no cause short of the sacrifice of her honor—of her character—of her reputation—would England fight us, simply because it is not her interest to fight us. If her interest led her to engage in conflict with us, if her honor was involved, if her character or reputation were at stake, though she had read in the book of doom, that the result would be her national annihilation, I believe she would fight us or any other nation on the face of the earth. Such is the indomitable character which England has ever exhibited. But she has an eye ever open to her interests. The destruction of British interests would be the consequence of a war with the United States. This she knows full well.

Mr. President, the Senator from South Carolina in the course of his remarks, brought before us once more, the phantoms of debt and taxation, in order to deter us from taking a step in this matter—those frightful phantoms which are continually held up to our view *in terrorem*. No proposition looking to no less extension, looking to our aggrandizement, or to an increase of the national prosperity can be made, without being met by such opposition as this. Why, sir, to what must we come? If we are not to defend our honor, because of the debt that must follow; if we are not to reach out our hands and secure a position vitally important to the interests of the country, because a little debt must follow, what are we to do? Are we to fold our arms and stand inert? No alternative is left us. We will find ourselves in the position of the Portuguese government some centuries back. When the question of constructing a canal was agitated, the resolution was taken that it would be impious to construct it, because if the Almighty had designed there should be a communication, he would have made it himself! Are we to be thrown back upon such a position as this? Our population has increased, our prosperity has advanced, all the elements of national greatness have been multiplied, and yet because our annual expenditure has proportionably increased, he regards it as a proof of wasteful extravagance! The Senator points us to the present condition of Europe, and directs us to the example of England and France. He says that in the accumulation of a debt, necessarily leading to enormous taxation, one of them, an old long existing government, has at last found its grave; and the other, as he anticipated, was about to follow it. Sir, there must be a similarity in systems, before there can be any similarity traced in results. There can be no possibility of a true parallel being drawn between the governments of France and England, and that of the United States. The nature of our institutions, the extent of our territory, everything in and around us, forbids the idea that we shall ever see the hour when our people, like the people of England and of France, will be compelled to pay a tax for the very light of heaven! It cannot be, sir. The Senator from South Carolina, too, by way of censure of the existing state of things, pointed back to the administration of Mr. Monroe, during the whole eight years of which, I believe the Senator was a member of his cabinet

Mr. CALHOUN—(in his seat.)—Yes, sir; nearly the whole.

Mr. HANNEGAN.—The Senator stated that the average annual expenses during Mr. Monroe's administration, was about ten millions of dollars.

Mr. CALHOUN.—(in his seat.) The ordinary expenses of the government.

Mr. HANNEGAN.—Now, does the Senator require his attention to be directed to the striking contrast between the circumstances of the country at that period, and the present time? We had not at any period of Mr. Monroe's administration, ten millions of people. Where were, then, our boundaries? Since that period, our population has increased three-fold. I believe it is a moderate estimate to place it at twenty-four millions; and how vast has been the extension of our borders! It is only necessary to point to Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, or New Orleans, as illustrative of our extraordinary increase and progress in all the most essential elements of national greatness. Look at New Orleans, already rivalling the mighty commercial emporium of the North on our Atlantic border; and look at St. Louis with its one hundred thousand inhabitants, yet at the commencement of Mr. Monroe's administration it was little more than a collection of huts of Indian traders! Then, there is Pittsburg, with a population of an hundred thousand inhabitants, which was then a mere point of embarkation for emigrants passing down the Ohio. My friend from Kentucky [Mr. CRITTENDEN] knows how long it then took to perform the journey to Washington on horseback. Since that time we have shot to the foot of the Rocky Mountains—have passed beyond them—and are now resting on the shores of the Pacific! All the resources of vast territories, unrivalled for productiveness and fertility, have been brought to light. Our internal commerce has literally grown up since that hour; for before we had comparatively none. Yet the Senator from South Carolina complains that our expenses have increased from ten to thirty millions! Well, there is something to show for all this augmented expenditure. Is it to be supposed that ten persons shall be able to subsist on that which only sufficed for the sustenance of two?

The Senator admitted the other day that it would be justifiable to act on one ground presented in the message of the President. He remarked that we would be justified in acting on the ground of humanity; but he said at the same time that he did not know how far or to what extent the President ought to go.

Mr. CALHOUN—(in his seat.)—How far *are* ought to go.

Mr. HANNEGAN.—I thought that he included the President. He was not prepared to say, then, how far we ought to go. I ask if we move at all, can we stop short of what the bill proposes? Will you merely send them food and raiment? Of what avail would such a measure of relief be, unless accompanied by arms and munitions of war? Would you send food and raiment to feed and clothe dead bodies? If you send them not troops and munitions of war, of what avail is your sympathy, unless you mean to "hold the word of promise to the ear, and break it to the hope?" We confine ourselves within limits, as close and strict, as could possibly be imposed in the circumstances. I repeat, that it is not the intention of the committee, in draughting this bill, to retain permanent possession of the territory of Yucatan, unless there should be an absolute necessity for it; and of course the whole thing is within the control of Congress. It is the first time in my life in which I have found a gentleman approving of a measure on account of one good reason assigned for it, and in the same breath, announcing his opposition to it, because another reason, which, in his judgment, is a bad one, is urged in favor of its adoption. I have always understood, that according to all sound rules of argument, if nineteen bad reasons and one good reason were given for any measure, the good one was sufficient to outweigh all the bad ones! It seems that with the honorable Senator from South Carolina, the rule has been reversed, and that the bad reason overrules and vitiates the good! The Senator also alleges that the message of the President goes far beyond the doctrine announced by Mr. Monroe. Now, sir, the President quotes the language of Mr. Monroe, and it seems to me from an attentive examination of the subject, that Mr. Monroe goes beyond the President! In the first place, I beg to remind the honorable Senator, that Mr. Monroe embraced in his declaration both the North and South American continents; while Mr. Polk has uniformly restricted himself to the former. In the annual message of Mr. Monroe to Congress, in December, 1823, he stated, that in the discussion of the respective rights of Great Britain, Russia, and the United States, on the north-western coast of America, the occasion had

> "been judged proper for asserting as a principle, in which the rights of the United States are involved, that the American continents, by the free and independent position they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European powers."

In the same message it was declared, that we should regard any attempt on the part of European powers to extend their political system to any portion of this hemisphere as dangerous to our peace and safety." The message says:

> "With existing colonies or dependencies of any European powers we have not interfered, and shall not interfere. But with the governments who have declared their independence, and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition towards the United States."

To my poor judgment that is as strong language as Mr. Polk has ever used; and if it is to be regarded as offensive to quote it, or allude to it now, I desire to know why it was not denounced when it was first uttered? I desire to know how it happens that on the first attempt to carry out in practice the spirit and meaning of the memorable declaration, the Senator from South Carolina should think proper to denounce it, when he was certainly committed to it himself as a member of Mr. Monroe's cabinet? I await the explanation of the honorable Senator. If it be offensive to him now that the danger is impending, and when we are invoked to maintain it, by our regard for the common but hallowed ties of humanity which bind the whole human family, why was it, I ask, that at the hour of its adoption—the hour not merely of its adoption by the administration of James Monroe, but of its instalment into the great American heart, for I regard it as one of the cardinal doctrines of the American political creed—no voice of denunciation was raised against it; and that opposition to it has been reserved until the moment that it is about to be put into practice?

Sir, I hold that it is a fundamental principle of our system, that there shall be no intervention in the affairs of the North American people by any European power. The Senator from South Carolina must certainly have given his assent to that doctrine at the time when it was embodied in the message of Mr. Monroe. I happen to know the history of this memorable sentiment. I obtained it some four or five weeks before his death from that illustrious man who for more than half a century adorned the political annals of this country, and whose name will live while the sun shines in brightness in the heavens! I speak of John Quincy Adams. This declaration was so endeared to me by its true and lofty patriotism, that I sought an interview with that venerable man, in order to make some inquiries in relation to this very subject. He gave me an interview of two hours. He has descended to the tomb, and there can be no indelicacy in relating the substance of the conversation. He stated to me that Mr. Monroe was in the habit, when preparing his message, of calling upon the different members of his cabinet for suggestions in relation to the affairs of their respective departments. About this period the governments of Mexico, Central America, Columbia, and so on, had succeeded in establishing their independence, and these interesting and important events were the subject of conversation between Mr. Monroe and Mr. Adams. Mr. Monroe asked him what duty was indicated to the United States by the occurrence of these gratifying changes in the aspect of affairs upon this Continent. Mr. Adams replied that it would be a proper occasion on which to announce this principle to the world. He was requested by Mr. Monroe to reduce it to writing. Next day Mr. Adams returned to President Monroe that declaration, which, with possibly a few slight verbal alterations was incorporated in the message. Was it meaningless? No, he replied. It was fraught with meaning, and intended to convey all that it expresses. And Mr. Adams added, that neither the Senator from South Carolina nor any other member of the cabinet heard of it until he heard it read in the message. I asked, did it mean that we should appeal to arms? No, was the reply—that when an attempt of this kind was made, we should first resort to negotiation, and exhaust it; and negotiation having failed, it would then be time to consider the question of peace and war, which would depend entirely upon the importance of the object.

The declaration was officially communicated to the ambassadors of the various European powers represented here. The English minister instantly protested against it. The other European ministers silently acquiesced, with the exception of the Russian ambassador, who took it with a *quasi* protest, announcing his intention of communicating it to the Emperor for instructions, but the opinion of the Emperor was never returned. Now, I have the authority of that venerable man in making this statement, which I committed to paper on the evening of the day on which I had the interview. It shows that Mr. Monroe and Mr. Adams meant something of that character whether others meant any thing or not. I think it presents a principle upon which alone I would be willing to place myself on the present occasion. I withdraw the appeal to humanity altogether, and I take higher ground. Let us say to the people of Yucatan, that we will act—we will preserve you from destruction—we will prevent the seizure of your territory by any foreign power.

I have spoken at greater length, sir, than I designed, but situated as I am in relation to the measure before the Senate, I could not well have said less. Thanking the Senate for the kindness with which it has heard me, I conclude by imploring you to act speedily if you act at all.

Mr. CLAYTON.—I desire very briefly to state the reasons why I cannot vote for the bill. It goes beyond the recommendation of the President, as I understand it. He does not propose to take military possession of the province of Yucatan. He merely proposes to send our naval forces in the Gulf, not required at other points, to relieve the white inhabitants from the war which is waged against them on the coast.

Mr. HANNEGAN.—The Senator will acknowledge that it is not my habit to interrupt a gentleman when he is addressing the Senate, but I beg that he will allow me to read an extract from the President's message.

Mr. CLAYTON.—I have the message before me, but I shall be very happy to allow the Senator to read any extract from it.

Mr. HANNEGAN.—I am under obligations to the courtesy of the honorable Senator. The President says:

> Whilst still considering Yucatan as a portion of Mexico, it would from its geographical position, be proper, if we deem it proper, during the continuance of the war with Mexico, to occupy and hold military possession of her territory, and to defend the white inhabitants against the incursions of the Indians, in the same way that we have employed our troops in the State of the Mexican republic in our possession, in repelling the attacks of savages upon the inhabitants who have maintained their neutrality in the war.

Mr. CLAYTON.—The President adds:

> But, unfortunately, we cannot at the present, without serious danger, withdraw our forces from other portions of the Mexican territory now in our occupation, and send them to Yucatan. All that can be done, under existing circumstances, is to employ our naval forces in the Gulf, not required at other points, to afford them relief. But it is not to be expected that any adequate protection can thus be afforded, as the operations of such naval forces must, of necessity, be confined to the coast.

I do not then understand the President as being at all responsible for this bill. He has not recommended it. He has said that during the continuance of the war with Mexico we cannot spare the troops, but if he could spare them, he would take military possession of this as of other Mexican provinces; and he would hold it how long? Why, during the continuance of the war with Mexico. The President has not proposed to retain possession of Yucatan an hour longer than the continuance of the contest between us and Mexico. But what does the bill propose? To take military possession, and retain it indefinitely. My honorable friend from Indiana says for his part, he would go still farther, and he says he is prepared for the permanent annexation of Yucatan to the United States. I propose to restrict myself, however, to the bill itself; and I ask the Senate of the United States whether they are prepared to take military possession of this province, a part of Mexico, and hold it for an indefinite period, even after the war shall have ceased?

Mr. HANNEGAN.—The message says "temporary occupation."

Mr. CLAYTON.—That is true. What does it mean? How long is the occupation to last? Why, just as long as you please. The gentleman does not propose any limitation at all, as to the time during which this occupation is to continue. The first question which meets me, and I think will meet others, is this: how

does this bill consist with the treaty stipulations which we have recently offered to Mexico? I desire to know from any of the gentlemen who support this bill, or who have intimated a desire to support it, how they can do so consistently with these treaty stipulations? I suppose I am at liberty to say, that we have offered a boundary line to Mexico, and pledged ourselves by treaty, that it should be forever the boundary between Mexico and the United States. Now, Yucatan is, as the President says in his message, at this moment a part of Mexico. We have never recognized her independence. Like many of the other Mexican States she has been occasionally in a state of revolution. But there can be no doubt, that if a treaty of peace should be finally made between this country and Mexico, Mexico would resume her empire over that State. It is now claimed by her, that she has never relinquished her title to Yucatan; and I presume she never will relinquish it. Again, we have stipulated also, after declaring that this shall be the boundary line between us and Mexico, that after a certain period we shall withdraw our troops from every part of that republic. Yet this bill proposes without reference to the continuance of the war, to take and hold military possession of one of the most important provinces of Mexico. It seems to me with all deference to the honorable chairman of the Committee on Foreign Relations, that this bill violates the treaty in both particulars; first, in reference to the line, and secondly, in respect to our removal of the troops.

Again, it seems to me, that this is a most unfortunate time to make a proposition for the military occupation of any portion of Mexico. I fear the effect of it. It is said that the Mexican Congress is about to assemble at Queretaro, and we have strong hopes that that Congress will ratify the treaty between us and Mexico. Now if at the first moment, after that Congress shall assemble they learn that there is a bill actually pending before the Congress of the United States, which has passed one branch of that Congress, whose provisions are directly in conflict with the solemn stipulations of the very treaty, which they are asked to make with us—that it provides that we are to take and hold one of their most important provinces, I put it to honorable gentlemen, what will be the opinion which that Congress will entertain of our good faith? Will they not believe, notwithstanding all your professions that you are acting from principles of humanity alone, that your real object in making this whole movement, has been, to violate the treaty, to disregard its provisions, and that you now stand ready on the slightest pretext, to cast it to the winds to acquire more Mexican Territory?

Mr. JOHNSON, of Maryland—(in his seat.)—Then there is the armistice.

Mr. CLAYTON.—Sir, as it is suggested, what are you to do with the armistice? That is now in force, and in direct violation of it, you propose to send troops into Mexico! Why this bill appears to me to be so plain a violation of the treaty; and the negotiations which have been entered into between us and Mexico, that I trust it never can obtain the assent of the Senate of the United States.

In regard to those principles of humanity, on which we are called upon to act, I am very willing to adopt the suggestion made by the President of the United States; if he, who ought to understand the subject and doubtless does much better than I do, is of opinion that by sending some portion of our naval force, now in the Gulf, for the relief of these suffering people, their lives may be saved without our being involved in a war. To that extent I am willing to go with all my heart. What I object to is, entering into a war with either the Indians or Creoles of Yucatan, at this or any other time. If we are to act on the great principles of humanity, I desire to know if we are not to have some regard for the health and lives of our own gallant soldiers, who, after having fought through one of the most brilliant campaigns on record, in Mexico, are now, by this bill, to be sent away to Yucatan? I apprehend that there is not a more destructive climate in the world than that of Yucatan for our soldiers. Our army is for the present in Mexico. Are we now at the commencement of the summer months to order the embarkation of any portion of that army at Vera Cruz, or any other point, for Yucatan? Or are they to be marched thither? If you send them there, how many of them are destined to return to their native country?

Mr. HANNEGAN, (in his seat.)—The country around Merida, the capital of Yucatan, is represented as being quite salubrious.

Mr. CLAYTON.—There are various representations on that subject. It is certainly said, that the country through which you approach Merida is extremely unhealthy. Why, before our army went to the Rio Grande it was stated that the country there was very healthy, but how many of our most gallant countrymen perished on the banks of that pestilential river? I take it, that the tropical climate of Yucatan is still more destructive. While fully disposed to carry out the principles of humanity in reference to these Yucatecos, I desire the Senate of the United States to have some regard for the health and lives of our own countrymen. I understand that there are about fifty thousand of the white race in Yucatan, and that nine-tenths of the population consist of Mexican Indians. How many lives have been sacrificed in this conflict? I know not, and I have no means of ascertaining. It has been said, and I believe on credible authority, that the Spanish race is unable to raise an army of more than two thousand men. I suppose then, that we are called upon to send an equal number; and that, with that force, we are to encounter as many assailants as these four hundred and fifty thousand Mexican Indians can muster. I do not know what may be the result of that conflict should we engage in it. I desire a little more light before I engage in such a conflict. I know very well, that we fought with our whole army, a few thousand Indians in Florida for many years, at a cost of about forty millions of dollars. And I know, also, that we have another fight with 40,000 Camanche warriors on our hands, if the Mexican treaty be ratified. Now, I do not desire too many fights on our hands at one time. Aware of the disposition and determination of my countrymen, that if once they enter into a fight with these people, or any other, they never will cease until they have conquered, at whatever cost of blood and treasure; as one of the Senators of the United States I desire to enter upon this business with great caution. I deprecate precipitate action. I desire information to guide my action. The principle of intervention in the affairs of other nations, carried out in this bill, is inconsistent with the farewell admonitions of the father of his country, and with the whole policy of the government under our earlier Presidents. If we adopt it now, it will react upon us at some future day.

I do not think that this is an appropriate time for discussing the question of the war with Mexico. That subject has been already exhausted. I trust that no such issue as that of farther annexation of territory will be brought into the coming Presidential election. I trust that no such issue as that, shall ever again be presented to the American people. We have got into a war, which my friends on the other side as well as myself, regard as having terminated gloriously, so far as the success of our arms is concerned. How much it has cost us, we do not know; and probably we shall not ascertain for a year to come. We have acquired, by that war, that which many regard as an absolute curse, and others as a blessing. Which of these opinions is the true one, remains to be decided. But I think it is a most unfortunate thing to agitate the country about annexation at this moment, and I hope that my friends on the other side do not intend any thing of the kind. I content myself with adding to what I have already said, that I think this measure in direct conflict with the treaty between this country and Mexico, and that from all that I can see of it, if adopted, it will be most disastrous in its consequences. If we do any thing for the relief of Yucatan, it should be done with the consent of the Mexican government. If we enter upon a crusade against these Indians, it ought to be with the consent and cooperation of Mexico. If, without obtaining that consent and cooperation, we embark in this movement, in my judgment, the negotiation of the treaty will be broken up, and Mexico will charge us with having acted in bad faith. For these reasons, sir, I must vote against the bill.

Mr. DAVIS, of Mississippi.—I have no disposition to follow the Senator from Delaware into any discussion of the treaty, or the probabilities of future annexation. On the treaty, I consider my lips yet sealed. The subject of future annexation, I leave to the future. The President's message distinctly announces that he seeks no annexation of Yucatan. It is not the acquisition of territory to which he directs his attention. He merely points out the sole motive which has prompted him on this occasion, to invoke the action of the legislative branch of the government. Nor do I conceive it necessary at present, to assert that principle, which, when the time arrives, I, like others, shall be ready to maintain; the non-intervention of European powers, in the affairs of the North American continent. I do not think that that principle is involved in this question. We are at war with Mexico. Yucatan is recognized as a part of Mexico; standing neutral, it is true, through the greater part of the war, but on one occasion, throwing off her neutrality, and identifying herself with Mexico, in her war against the United States. Being thus a part of Mexico, the Mexican war covers Yucatan. The President requires no more than a sufficient force to enable him to prosecute his military operations in Yucatan or elsewhere, to save him from the necessity of applying to Congress, for any action at all. It is well known, that a response to his application for an increase of the army, has been long delayed. The measure has been long discussed in this body, and it remains to be seen, how long action upon it may be deferred in the other branch of Congress. In these circumstances, an urgent demand for the presence of American troops in Yucatan, arises; and the President calls upon Congress to give him the means to carry out what was his plain duty, as the chief officer of the Executive government. A portion of that country, against which we made war, and rendered especially helpless by our act of invasion, calls to us in a voice of deep suffering for aid. That is the ground upon which I put this question. This measure is an incident of the Mexican war, which past legislation has declared and recognized.

The President only asks for troops to enable him to carry out an object, entirely consistent with the prosecution of the war against Mexico. It is true that he alludes to the present condition of Yucatan in connection with Great Britain. This is no new announcement. We have seen Great Britain year after year extending her naval stations, until by a line of circumvallation she almost surrounds the gulf of Mexico. We see her posts at telegraphic distances from the banks of the Bahamas to the mouth of the Oronoco. And certainly we may be jealous of any attempt on her part to seize a cape which actually commands the entrance into the gulf from the Carribean sea.—The chairman of the Committee on Foreign Relations has appropriately connected with this the question of the pos

session of Cuba. Yucatan and Cuba are the salient points commanding the gulf of Mexico, which I hold to be a basin of water belonging to the United States. Whenever the question arises whether the United States shall seize these gates of entrance from the South and East or allow them to pass into the possession of any maritime power, I am ready for one to declare that my step will be forward, and that the cape of Yucatan and the island of Cuba must be ours.

Mr. CLAYTON.—Will the honorable gentleman allow me to ask him a question?

Mr. DAVIS.—Certainly.

Mr. CLAYTON.—Suppose there should be a negro insurrection in Cuba, and that from motives of humanity Great Britain should interfere and take military possession of that island, for which course we are about to make a precedent, would the honorable Senator hesitate to go to war?

Mr. DAVIS.—Not a moment!

Mr. CLAYTON.—It is the answer that I expected.

Mr. DAVIS.—I have no confidence in the humanity of Great Britain, the great slave-trader of the world. If she should interfere, on any pretext, in the affairs of Cuba, in order to obtain a footing there, I would regard it as a proper occasion to interfere. Great Britan has already attempted, under a pretext of establishing an hospital on the island of Cuba, in connection with her slave ships, to build up a Gibraltar to overlook the Spanish Moro Castle; and if the government of Cuba had yielded to that demand, the weak court of Spain not denying it, I would have considered it as demanding the immediate interference of the United States. The very necessity of defending the United States requires that we should take whatever steps should be necessary always to secure the freedom of the great point of exit and entrance to a large portion of the American coast. But I understand the question of the Senator as making the interference of Great Britain in the affairs of Cuba a parallel case with the present.

Mr. CLAYTON.—I put that case to show the Senator the effect of his own declaration.

Mr. DAVIS.—I saw the conclusion, and was prepared for it.

Mr. CLAYTON.—It is a foregone conclusion.

Mr. DAVIS.—If we were not at war with Mexico, and a war of castes had sprung up in Yucatan, in which we had no right as a belligerent power to interfere, however I might have been pained in beholding the spectacle, I should have viewed it as I did the case of Guatemala, in which the Indian race triumphed, and established, as I will concede to the Senator a better government than Guatemala ever had before. It such were the case at present I would stand quietly by, and let the people decide which race should rule them. But I place this case of Yucatan, solely on the ground of the Mexican war. I have not yet seen any convincing proof that Great Britain has interferred. She has been asked to send some troops, and I believe has sent three companies of artillery.

Mr. CLAYTON.—Is there not an armistice now existing?

Mr. DAVIS.—That originally constituted a difficulty with me, which by one best calculated to construe it, has been removed and does not now interpose any ostacle to my action. I am not apprized at what date that armistice expires, but I think it will come to an end before we can possibly get troops to Yucatan. Again, that armistice points directly to the fact that no new posts are to be taken in Mexico, except on account of hostile movements on her part. Here is a movement, the result of which, we cannot determine. It is like the war of factions all over Mexico. It may be for the purpose of interferring with the progress of the American army in the conclusion of the treaty. Is the Senator from Delaware prepared to say it is not?

I do not rely upon the argument of the honorable Senator, the chairman of the Committee on Foreign Relations, based upon the fact that these Indians have been furnished with arms, bearing the Tower mark. It does not follow from that fact, that these arms were furnished by Great Britain. Cæsar, Frederick, and Napoleon the three greatest generals, have demonstrated that celerity of movement is the great groundwork of military success. Great Britain aware of the value of the maxim has been constantly reducing the weight of her arms. The Tower muskets have been condemned and sold as unfit for service. Hence, they are found all over the South American States.

Mr. HANNEGAN.—Has not Great Britain established a great depot of arms at the Belize?

Mr. DAVIS.—Certainly, I am aware of that fact. If she was sending muskets there, however, she would send them from her own armories, and of the present standard. Those Tower muskets were also found in the hands of the Mexicans, having been purchased by those who could obtain only cheap arms, or had less skill in the use of them. Great Britain may be interfering in the affairs of Yucatan, but I am not prepared to jump to that conclusion. Like ourselves she may only be answering the call of humanity; or she may be insidiously arming the Indians. But whether it be the one or the other, it is immaterial to my argument. I take the ground that as we are at war with Mexico, we have a right to establish posts in any part of Mexico, if it be necessary to the prosecution of that war; and if Great Britain steps in when we have prostrated the Mexican government, to take advantage of the condition of affairs and seize Yucatan, we have the right to interpose. We are the belligerent power; we may take up positions within that territory; and with the highest motives of humanity and policy assert our right to exclude any other power from seizing Mexico, or any portion of her territory in the present prostrate condition to which she has been reduced by us. In my judgment, therefore, the President has placed the question on the true ground.

I rise to offer an amendment to the bill, upon the ground simply of the urgent demand which exists for the immediate increase of the army, and to give power to the President to call out troops to supply the place of those withdrawn from the army for the purpose of holding posts in Yucatan. With these introductory remarks, I beg to offer my amendment.

The amendment which is as follows, and is a substitute for the whole bill, was then read:

Be it enacted, &c., That the President be, and hereby is authorized and empowered to accept the services of an equal number of volunteer troops to supply the place of such as may be withdrawn from their present duty, to answer to the exigent demand for the immediate presence of a portion of our army in Yucatan: *Provided*, Their services shall be required. The same to be raised, in service during the war with Mexico, agreeably to the provision of the act of May, [illegible] eighteen hundred and forty seven.

Mr. UPHAM.—I would ask if the President has not the right now to increase the army to the extent of twelve thousand volunteers?

Mr. DAVIS.—The President is authorized to call out a certain number of volunteers by regiments. These regiments were called out. They have wasted away in the service, and it would take perhaps the number named to fill up the ranks of regiments already existing in the volunteer service, but the only way in which that can be done is by recruiting, and recruiting for volunteer regiments has been found to be so difficult, that no one looks to it as a means of increasing the army with the rapidity required by this exigency.

The Senator from Delaware, I may remark before I resume my seat, represents Yucatan as a sickly country, and speaks of the sufferings of our troops in Mexico. Now, I do not believe that the interior, either of Yucatan or of Mexico are sickly, but when new troops are sent to a tropical climate in the summer season, exposed to the inclemencies of camp life, and put upon soldier's fare, they are liable to contract disease, partly in consequence of their want of knowledge of the proper mode of encampment, and of the best means of protecting themselves. Hence the necessity for sending into a new country troops that have had some experience; and in sending out fresh volunteers, they should be mingled for a time with troops that have been in service, from whom they can learn all the necessary means of taking care of themselves in a climate, the peculiarities of which are to be learned.

Mr. CRITTENDEN.—It appears to me that the amendment of the honorable Senator from Mississippi, entirely changes the character of this bill, and that it is simply a proposition to increase the military force employed in the war with Mexico. In that point of view there is no occasion for this measure whatever. My honorable friend from Michigan [Mr. CASS,] has been laboriously marching forward—slowly, I acknowledge, but not the less diligently—for the last two months, at the head of his twenty thousand militia men! They are, indeed, now pretty well advanced, and every day the word has been "forward—march!" Where is the necessity, then, for introducing this special bill for the purpose of making an uncertain and indefinite augmentation of the army, instead of taking the bill which has already been proposed, providing for an army commensurate with all the exigencies of the war? The amendment makes this bill nothing more than a provision for the general purposes and exigencies of the war, according to the discretion of the Executive who has the management and control of it—nothing more. The twenty thousand volunteer bill has the same purpose for its object. Why then introduce another measure to effect the same object? If there be any new exigency, demanding the augmentation of the twenty thousand volunteers, we have only to amend that bill and enlarge that measure. The bill now before the Senate has a peculiar and especial object and purpose which have been explained to us by the honorable chairman of the Committee, and by the message of the President of the United States. My friend's amendment cuts loose the bill from the object of the President altogether. The object of the President is to rescue an unhappy people overwhelmed by a savage foe. That is his object. But the amendment proposes to increase the army so as to give to the President a force adequate to affect the military occupation of the country as a measure in our war with Mexico. But, sir, we may have, and I trust that at this day we have, a treaty ratified which is to give peace to this country and Mexico. What then becomes of the message of the President and the object of this bill, if you connect this warfare in Yucatan as merely incidental with your war in Mexico? If the war with Mexico is terminated by a treaty of peace, the incident goes along with it, and you do not interfere at all. The amendment of the gentleman has for its object the following up of purposes of war, and the abandonment of the purposes of peace and preservation proposed by the message under consideration.

If the exigencies of this war, or the interests or honor of this country require it, I am prepared to vote for any additional number of men that may be necessary for the general purposes of the war. But as to this particular measure, and this particular ob-

ject proposed by the President, it seems to me that it is subject to great objections—objections of the gravest character. This interposition in Yucatan is not proposed by the President as a part and parcel of the Mexican war, for the Mexican war has for its object the prostration of our enemy; and Yucatan, he says, is a portion of Mexico, and therefore our enemy. So far from having any destructive purpose of war, the measure proposed has for its object purposes of preservation and charity. It is in that point of view that it seems to me to be subject to very grave objections. It seems somewhat surprising to me, that it has not been thought necessary to accompany this certainly extraordinary proposition with an official copy of the armistice lately made between the forces of the United States and those of Mexico—an armistice extending to and beyond Yucatan. I hear differences of opinion expressed among gentlemen, how far the measure proposed might be consistent with the armistice? I cannot conceive—though I have not lately seen a copy of that armistice, never having seen an official copy of it—that it would be by any possibility consistent with it, to give to either party the privilege of extending itself, or making additional preparations for war. That is not the object of an armistice. Can it be possibly supposed, that under the terms of this armistice, we could extend our military occupation over all Mexico? No. And I can scarcely conceive of a construction of any armistice which could allow us to take military possession of a province of the enemy, not in our possession when the armistice was made.

Mr. DAVIS, of Mississippi.—I beg to call the attention of the Senator to the fact that there was an express provision in the armistice, that in the case of any military movements being made, we had the right to send our troops to counteract them.

Mr. CRITTENDEN.—I suppose it may be fairly inferred that that provision had reference only to such military operations as were supposed to be hostile to us.

Mr. DAVIS, of Mississippi, (in his seat.)—Yes; I have no doubt such was the understanding of the provision.

Mr. CRITTENDEN.—Let it be recollected that this civil war raged in Yucatan at the very time that the armistice was made, and if the understanding had been that Yucatan was not included in the terms of the armistice, it would have been mentioned and so stipulated. But I may be mistaken about this armistice. I think, however, we should know precisely what it is, before we enter upon a movement which may be in violation of its terms. Suppose, however, all this difficulty removed. Our humanity is invoked in behalf of a suffering people; and the question is whether it is sound policy on our part, on such an occasion, to engage in a foreign war. I hope I am not destitute of the proper feelings that belong to us on such an occasion; but it seems to me, that such a step would be an exceedingly perilous one, leading us into new and untried scenes of public policy. The proposition wants a definitiveness, that would enable us to determine, with any degree of certainty, what would be the consequences of this step. The bill provides for a military occupation of Yucatan, as a thing distinct from, and independent of, our war with Mexico. I suppose it is so considered by the honorable chairman of the committee.

Mr. HANNEGAN signified his assent.

Mr. CRITTENDEN.—Then, how long is the occupation to continue? To what extent? Every thing, sir, is here boundless, both as regards time and space! Is it not a perilous step, then, which we are called upon to take? We are called upon, then, from motives of humanity, to involve our country, to an extent of which we know nothing, in foreign difficulties, foreign wars, and vast expenditures of the public money. How far ought we to go? Are we not transgressing altogether that principle of non-intervention, which lies at the foundation of the security of nations? It is not merely a sound rule of domestic policy, but it is a great principle, which seems to me to be necessary to the preservation of nations in their distinct and independent character. If this doctrine of the right of intervention be generally admitted, the ambitious nation which seeks aggrandizement and extension of power, will employ every pretext and be satisfied with the slightest reasons, to act upon the principle. The consequences will be apparent. The violation of the principle of non-intervention is calculated to fill the world with distress, discord and war! It will produce atrocities every where, at which humanity would shudder. The intervention of one nation on the pretence of humanity, would furnish the pretext for another to interfere, and in order to check the inhumanity which they would charge upon the former. And thus wars originally made for peace and preservation, will be multiplied one upon another. We make war upon what we call the savages of Yucatan, to prevent them from murdering, or to punish them for murdering the white inhabitants of Yucatan. England, or France, or Spain, makes war upon us; because she alleges we have interfered needlessly, and are unnecessarily putting to death the aboriginal inhabitants of the country. Thus, sir, war is got up on all sides in the name of humanity; and in the name of humanity there is a continued slaughtering war spreading throughout the world. It may be so. Ought we not then to be a little careful—however laudable may be the motives which impel us—however active may be our feelings of benevolence—that we do not suffer ourselves in this instance, to violate one of these great principles upon which the security and peace of men, and of nations repose—lest by our misjudged humanity, and by the dangerous example which we set we aid in the subversion of the peace and order of society, and add to these very evil which we deprecate, and in the vain hope of averting which, we embark in this war? There will be wars; there will be rumors of wars. And when will they cease, or how are they to be made to cease? By our interposition, or the interposition of the army of any single nation? No. It is a higher and mightier Power alone that can stay the course of war, destructive war, unjust war, waged in various quarters of the globe. How many unjust wars are now going on in the world? How many wars comparatively are just? Very few. There are but few of which history gives any account. Mr. President, are we to enter upon these new schemes? Ours has been the safe doctrine, and policy, of non-intervention. We meddle with none, and we allow none to meddle with us. We cannot take too much care to maintain that policy, now, and forever. We shall acquire more honor in that way than in any other. We shall contribute most to the great principle of peace among men, by that course, rather than by adopting active intervention upon whatever plausible pretext. It is the safest and best course for us—not that I would not if it were in the way, save those who are assailed, succor the distressed, rescue the feeble from the hands of the murderer; but we cannot upon general principles undertake the correction of these excesses, and the persecution of these savages, by any general system of national policy. We cannot as a nation step out such a course of policy. If we do, we bring upon ourselves general destruction, and do not accomplish the object at which we aim.

But, Mr. President, there is beyond all this, an entire want of the necessary information upon this subject that will enable us to interpose with justice. We hear but one side upon this question I am without information as to the other side of the question. I am entirely without information as to the merits of this warfare, which is waged in Yucatan. Its mode is said to be an unlawful one, one of indiscriminate slaughter? That is wrong in itself, whatever may be the merits of the controversy. But before we interpose, we ought to know something of the merits of the controversy itself. Who complain? Are they the majority of the people of the country? Undoubtedly they are the mere minority. They must be in a minority, or how could they come here as men, and seek as suppliants for the assistance of a foreign nation?—And are we, without examination, simply upon the cry of the minority, to interfere and take up arms and unsheath our swords against the majority? Why, to do so, would be in violation of the principle that we recognize as the foundation of government. We presume here, that the majority is right, and it seems to me but fair that we should carry out the principle. The persons against whom this complaint is made of carrying on an inhuman warfare, are the aboriginal inhabitants of the country. What is their condition? I am, for one, but very imperfectly informed respecting it.

Mr. HANNEGAN.—(in his seat.)—They are savages.

Mr. CRITTENDEN.—I do not understand it so. If so, what a mighty reproach it must be to the men who are calling to us for assistance.

Mr. HANNEGAN.—The whites muster but two thousand troops.

Mr. CRITTENDEN.—For three hundred years they have governed these people, and been teaching them religion, and giving them knowledge and education. And now they come and tell us that these people are still savages, when church and state have had them under their direction for three hundred years. They must have been very badly governed, and the government must have been a very unjust one, at least a very unparental one, if after three hundred years of subjection, they are still in their savage state. Now, I apprehend my friend is a good deal mistaken. They may be savages in point of education and information, in comparison with what we have called savages. The relation which they sustain in Yucatan is not the relation which the savages of our country have borne towards us. These people are citizens. There is no such thing as slavery there in the legal sense of the term.

Mr. CLAYTON.—(in his seat.)—They have the right of suffrage.

Mr. CRITTENDEN.—They enjoy civil rights. But such civil rights and such enjoyment of them as the laws of Spanish colonization have left, to the conquered people of South America. A state of subjugation I acknowledge; but what are these people attempting to do in Yucatan more than has been done by these people in Guatemala, which we have considered as a government, and to which we send a diplomatic agent? What are they doing, but what has been successfully done by the people of Guatemala about twenty years ago, when one of their chiefs, at the head of the Indian population—who would be better understood in this country if we were to call them native Mexicans—or the aboriginal inhabitants of the country—throwing off the yoke of the Spaniard, established a government for themselves? They have risen up against the descendants of the Spaniards, by whom they were first conquered, have overthrown them, and have governed that country very well from that time to the present. I know of no difference between these Indians and those who are termed savages in Yucatan; but I may be mistaken. I wish a great deal more information than I now have, before I can venture to vote for this bill. If our humanity must interpose, I would rather send an umpire to examine into the justice of the case, before

we should take part with either side. Let us, at least, at least judges before we become executioners. It seems to me extremely unwise, and manifestly unjust, to enter into a controversy on the character of matter and judge, without knowing anything whatever, of its merits. While I say all this, there is nothing short of entangling ourselves with this principle of intervention, as now presented, nothing short of adopting it as a principle of policy, that I would not be willing to do, to rescue the descendants of these Spaniards, the white possessors of Yucatan, from the cruelties to which they are now exposed in a servile warfare. We may infer that from the parties engaged in it. Who are they? We all know. They are the aboriginal inhabitants of the country, who for three hundred years have been the victims of mis-government and cruelty; for three hundred years they have suffered the oppression of the Spanish yoke. They have worn it upon their galled necks. That the warfare between these two races after the accumulation of such a debt of wrongs now should be characterized, as it is, as opposed to all the dictates of justice and humanity will not be regarded as surprising by any one who knows Latin-American history. But I would not stand by and, if I could prevent it, behold the accomplishment of this work of vengeance. I would assert it, if I could. I would negotiate between these parties. I would put them at peace, one with the other; and if I could not succeed, and found that one party was, without cause, murdering their innocent neighbors, I would not hesitate for a moment to arrest the blow. But as for banishing an army of our own citizens to that territory there to remain, I know not how long, that is another question altogether. How long are they to remain there? Suppose the savages recoil and flee to the fastnesses, of which we are informed in these documents, there to nourish the vengeance which our interposition has restricted, will it not be only to pounce upon their prey as soon as we are absent? Does not the [illegible] from Indiana perceive that our occupation of the territory may be almost interminable. If our object be to protect the inhabitants must we not remain there to protect them, until the vengeance of the Indians be extinguished? And how long will it be till these fifty thousand of the white race shall become strong enough to protect themselves? Are we to stay there till that time shall arrive? To consummate our act of humanity we are bound to do so. We are not to protect them for a day and have them slaughtered on the morrow. In order to make our interposition effectual the army must remain there, and it is because I want information that I cannot now act upon this bill, assuring the gentleman at the same time that there is no duty of humanity, none of its tenderest obligations which I do not stand ready to perform, so far as I can do so consistently with the great national trust which is committed to me as one of the Senators of the United States.

Our first duty is to ourselves, and our own fellow-citizens. Our first duty is to our own country. That discharged all that we can do for the benefit of mankind, all that we can do to raise up the fallen, and relieve the distressed I am willing to do, but when you demand of me this particular act of interposition, I want to know all the circumstances which can guide me in forming a judgment of the probable extent of that service to which by my vote I have committed my country. How many men will we be bound to furnish by this bill? How much money will we be called upon to expend? How long have you bound us to this service? All these questions we ought to be prepared to answer for ourselves, in order that we may answer them to our constituents. At present I can answer none. I must, therefore, vote against this bill.

Mr. DAVIS, of Massachusetts, I understood the senator from Kentucky, his objection to the bill as I have proposed to amend it, arises out of the existing armistice between the United States and Mexico. In addition to the stipulation before mentioned by me, the Senator will find two general exceptions to the condition of the armistice. One to restrain the Indians from predatory incursions upon the Mexican settlements; the other, where armed men may be found banded together acting without the authority of either of the contracting parties. The first case gives the right to pass limits of present occupation, the second makes it the duty of both contracting parties to suppress such lawless or insurrectionary movements. Within one or other of these exceptions the contemplated campaign in Yucatan must be included.

Mr. FOOTE.—I do not propose to occupy much of the time of the Senate. Indeed, I paused to see if some other gentleman would not proceed to address the body; but discovering there is no one who seems disposed to rise, and having a few remarks to make, I may as well, perhaps, proceed to reply to a portion of the speech of the Senator from Kentucky.

The chief Executive of this republic is the most unfortunate man in the world. The Senator from South Carolina has no objection at all to the proposition presented to us, except that the President did not confine himself exclusively to the high ground of humanity; whilst on the other hand, his placing it on the ground of humanity constitutes, with the Senator from Kentucky, an insurmountable objection. It is quite impossible that the President can conform to the taste and judgment of both these distinguished Senators. If he can make an approximation it would seem, to the views of both, it is as much as can be reasonably expected to be accomplished. The distinguished Senator from Kentucky ought to be the last to object to this measure on the ground of humanity. That Senator is the great teacher of humanity. It was from his eloquent lips that I heard last year, when sitting behind the bar of this chamber, a most stirring appeal in favor of humanity, every word of which went to my heart; every argument that he uttered had more or less influence upon my understanding. It was an appeal in behalf of the suffering Irish. The Senator from Kentucky, with that commiserative sympathy for the sufferings of his fellow-beings, which constitutes equally his ornament as a private citizen and his glory as a high-souled statesman, brought forward and sustained by his irresistable eloquence, a measure for the relief of the starving sons and daughters of Erin, which did the highest honor to his heart, and, as I think, imparted additional dignity to his character as a public man. From him we all learned, on the occasion referred to, that one of the highest duties which a government like ours can perform, is that of looking out sometimes beyond our own borders, and administering to the wants of others who have, strictly speaking, no legal claim to our bounty. Then he informed us that we owed it to our own character as one of the civilized nations of earth, to evince on all suitable occasions, the absence of every thing like cold-hearted selfishness, or apathetic indifference to the happiness of other human beings, wherever situated—whether located in our own vicinage, or separated from us by the wide Atlantic. The Senator now instructs us, as I understand him, very differently, indeed. He advises us to look closer to our own concerns as a nation, and suggests that our charity will be most judiciously displayed by confining its cheering influence to domestic objects. I was not prepared for this second lesson from the distinguished Senator, nor do I see how he can enforce the views which he at present enunciates, without somewhat impairing the glory which he has heretofore acquired as a political philanthropist. Sir, the case of intense human suffering which has been so pathetically presented to us by the Senator from Indiana, has been seldom surpassed in the annals of civilization; the picture of wretchedness, destitution, murder, ravage, and desolation, which has been so glowingly delineated by the chairman of the Committee of Foreign Relations, needs no additional coloring from me, in order to be enabled to awaken, in all who shall behold it, sentiments of sorrow and shame, and of intense indignation.—The evidence submitted to us of present distress, and the ten times greater distress which is obviously threatened, is so conclusive, that I am persuaded that we cannot refuse the aid demanded by the unfortunate people of Yucatan, without incurring the most profound and lasting disgrace which has ever been incurred by any great nation, in ancient or modern times. It was certainly not thus that Rome was seen to act when the Grecian colony of Marseilles appealed to her for protection against the barbarians who menaced her with destruction; nor can we extract one justifying precept from the whole code of pagan ethics, for such a course of disgraceful inaction as that to which we are advised. One of the most distinguished of the classic historians of Rome has told us—

Idem velle atque idem nolle, ea demum firma amicitia est—and surely we all feel, sir, how closely the sympathies of human hearts become intertwined, and how powerfully our own sensibilities are often awakened to the duties of heaven-born charity, by finding that the objects presented to us for commiseration and relief, are persons whose moral and intellectual qualities are entirely in unison with our own. In the case now under consideration, we learn that civilized men have been overrun by barbarians—that their towns and villages have been burnt down or otherwise destroyed—that their property has been seized upon—that thousands have been massacred in cold blood, "without distinction of age, or sex, or condition"—that their merciless enemies are still pursuing them, and are determined still to pursue them, with all the nameless horrors of the most infernal savage warfare, until the whole white race in Yucatan shall have been utterly exterminated, and all the vestiges of civilization shall be made to disappear throughout that unhappy country. Men, women, and children cry out to us in tones of agony that pierce the sky—fellow Christians devoutly implore our protection—a civilized race invokes us to shelter them from the unsparing violence of enraged barbarians; and when we propose to administer, in moderation, some small aid to those who are bound to us by such tender ties of moral and religious brotherhood, we are coldly urged to pause—to wait until we can send a special agent to Yucatan, to ascertain who is in the wrong, the civilized class, or their barbarian enemies; after which we will be able to act more understandingly and with less risk of committing some mistake in the affair!! I should certainly have sooner expected such admonitions from any other quarter than the one whence it has emanated on the present occasion. So much for the question of humanity; I will not enlarge upon it; it cannot be necessary in this illustrious body.

And now, sir, let me examine for a moment the other question growing out of the celebrated recommendation of Mr. Monroe, concerning which we have of late had so much discussion, both here and elsewhere. This chances to be no new topic, but has been much and ably debated, at different periods, in both houses of the national legislature; but the doctrine of non-interference on the part of the European power in the concerns of this continent, has, so far as I am informed, had comparatively few opponents any where. I regret to know that the wisest and most salutary principle announced and acted upon by the administration of Mr. Monroe, has met with the sternest and most deadly opposition from a surviving member of the cabinet by which it was, at the period of its original announcement, unanimously approved. I have heard from various sources heretofore the history of this part of Mr. Monroe's messages; and that it was unanimously and deliberately sanctioned by his whole cabinet, we have all long since learned from contemporaneous history, and we would equally have inferred it from the fact, that no protest against it [illegible]

to the public attention, and no disapprobation has been at any time insinuated, even by the Senator from South Carolina, now so vehement in his denunciations, until very recently, indeed. In confirmation of this statement, I beg leave to read a short extract from a memorable speech, delivered in the other wing of this capitol, by the distinguished Senator from Massachusetts, now so unhappily detained from his seat here by domestic afflictions, in the year 1826. The gentleman alluded to, thus spoke in reference to the declaration of Mr. Monroe, of late grown so odious to some of its former friends:

"It has been said, in the course of this debate, to have been a bravado upon the occasion. It was, I have still and again declared. It was understood, immediately after the delivery of the message, and decidedly approved by every one of the President's advisers at that time."

When this account of the matter was given in the House of Representatives, by the distinguished Senator from Massachusetts, the Senator from South Carolina was presiding in this body, must have read the speech, and yet did not undertake to deny the correctness of the assertion contained in it relative to the unanimous and deliberate approval of the principle now in question by the whole cabinet. I think he will have to admit at least, that, if under this message of Mr. Monroe, his countrymen have been led into error, and have been persuaded into the adoption of a principle now deemed by him so unsound and dangerous, he is himself not altogether free from censure in the premises.

But, Mr. President, I hold the declaration of Mr. Monroe in as much respect now as I have ever done heretofore; and I am gratified that the present Executive has so strikingly and repeatedly manifested his own deliberate regard for it. It asserts a principle which, I am satisfied, is indispensable to the stability of our republic, our safety from foreign violence, and our exemption from influences unfriendly to our peculiar institutions. I shall not enter at this time into a labored vindication of Mr. Monroe's declaration; perhaps its wisdom has been sufficiently established by experience. I will, however, read a few extracts from the speech already referred to, supposing that they may be not without some pertinency and cogency upon the minds of those who hold the opinions of the distinguished gentleman by whom it was delivered, in special respect:

"Sir," said the gentleman alluded to, "I agree with those who maintain the proposition, and I contend against those who deny it, that the message did mean something, that it meant much; and I maintain, against both, that the declaration effected much good, answered the end designed by it, did great honor to the foresight and the spirit of the government, and that it could now be taken back, retracted, or annulled, without disgrace. It met, sir, with the entire concurrence, and the entire approbation of the country. The tone which it uttered found a core sounding response in the breasts of the free people of the United States. That people saw, and they rejoiced to see, that, on a fit occasion, our weight had been thrown into the right scale, and that, without departing from our duty, we had done something which was calculated powerfully for the cause of civil liberty—one general glow of exaltation—one universal feeling for the gratified love of liberty. One conscious and proud perception of the considerations which the message suggested to the people had burned which needed to be pervaded all bosoms. Possibly the public enthusiasm went too far: it certainly did go far.

"But, sir, the sentiment which this declaration inspired was not confined to ourselves. Its force was felt every where by all those who could understand its object, and foresee its effect. In that very House of Commons, of which the gentleman from South Carolina [Mr. Hayne] was a member, how was it received? Not only, sir, with approbation, but, I may say, with the utmost enthusiasm.

* * * * * * *

"I have been a good deal surprised at the declaration against European colonies in America. The late President seems to have thought the moment a good one to put on record a solemn protest to the powers around of the principle which had already been acted on. Great and important principles, it was feared, might be approbated, from the establishment of new colonies in America, having a European origin and a European connection. Attempts of that kind, it was obvious, might possibly be made, amidst the changes that were taking place in Mexico, as well as in the more southern States. Mexico bounds us, on a vast length of line, from the Gulf of Mexico to the Pacific ocean. There are many reasons why it should not be desired by us, that an establishment, under the protection of a different power, should occupy any portion of that space. We have a great interest, that, though all the vast territories rescued from the dominion of Spain, our own means might have its way protected by treaties with governments existing on the spot. These views, and others of a similar character, rendered it highly desirable by us, that these new States should settle it, as part of their policy, not to allow colonization within their respective territories. True, indeed, we did not rest our right to aid us in maintaining such a course for ourselves; but we had an interest in their assertion and support of the principles as applicable to their own territories."

And now sir, having, as I think, vindicated both the ground of "humanity" and that of "policy" which have been taken in the President's message, I will offer one or two observations further upon the latter of them. I confess, Mr. President, that whilst I would be willing to do all that Yucatan requests, because I deem her suffering people entitled to our sympathies, I am not wholly unmindful of the fact, that if we do not grant her assistance she is likely to receive it from other powers—from England especially. She has made application for aid and offered to surrender the territorial dominion of her country either to Spain or Great Britain, if we refuse to recognize her as entitled to our sympathetic regard. Suppose we do refuse the succor applied for, and Great Britain, more mindful of her national honor as well as her policy, should grant it, and proceed to take possession of the country, (all of which she is certain to do, as I think no one can doubt who has examined the documents upon our table,) what will we say then? What will we do? Will we then go back to the message of Mr. Monroe, and order her to retire from her newly acquired domain? Or will we submit to her retaining possession of Yucatan? If we do, then it is plain that Cuba will also shortly be in British possession. Long has England been sighing for this rich prize; and nothing has deterred her from seizing upon it but the declaration of Mr. Monroe, and the well-founded belief which she entertained that that declaration would be maintained by arms if necessary. Let her ascertain once that our government has resolved to cower before her, and to permit her to colonize again on this continent, and she will own Cuba and all Mexico up to the Rio Grande, in less than ten years from the present time. No man is excusable for not comprehending this branch of the policy of Great Britain; it has been developed in a thousand instances, many of which are too recent to have been forgotten by any member of this body. But, sir, I take it for granted that were we even to allow Great Britain to get possession of Yucatan, and thus open the way to farther conquests on the American continent, the citizens of this republic would never permit her to hold it in her grasp. They would prefer going to war to submitting to evils worse than war. If we would and ought to be resisted in the case stated, I earnestly ask, why shall not war be averted by the only means capable of being used for that purpose; viz—the present occupation of Yucatan ourselves as proposed to us? Sir, I confess that I am willing to go farther in securing our country from prospective dangers than this bill proposes to go. I should be willing to acquire Cuba at once from Spain, by purchase, on just and equitable terms. We have reason to believe that the present is a particularly favorable period for attempting this important movement. If we neglect our interest in this matter, no reasonable man can doubt that the opportunity of obtaining this noble island will have passed away forever. With Cuba and Yucatan we will have complete control of the Gulf of Mexico, and of all the commerce that floats over its surface; we will have it in our power to establish at once a direct communication between the Pacific and Atlantic oceans; we will be able to secure to ourselves the rich monopoly of the East India trade; we will be safe in every direction from foreign assailment. Without both Yucatan and Cuba—(and doubtless they must shortly belong to the same power)—to what inconveniences and dangers must we always be exposed? Other Senators have pointed these out so particularly, that it is unnecessary for me to dwell upon them.

But the Senator from Kentucky supposes that we sustain the same relations to Yucatan and Cuba that the powers of Europe do—that we have no greater right to complain of their interfering in the affairs of this continent, than if this intervention should occur in Europe; or, rather that we have no more right to complain of such intervention by any European power than that power would have to complain of such intervention on our part. That Senator seems to place no value upon the circumstance of local proximity; and yet this circumstance has been relied on by a distinguished statesman of the whig school, in a speech which has already supplied me with several valuable extracts for the edification of his brethren of this body, as authorizing even a declaration of war, by the United States, against any power of Europe who should undertake to possess herself of Cuba, either by conquest or purchase. I read for the instruction of Senators on the other side of the chamber, as follows:

"I now proceed, Mr. Chairman, to offer a few remarks on the subject of Cuba—the most important point of our foreign relations. It is the hinge on which interesting events may possibly turn. I pray gentlemen to review their opinions on this subject before they fully commit themselves. I understand the honorable member from South Carolina to say, that if Spain chose to transfer this island to any power in Europe, she had a right to do so, and we could not interfere to prevent it. Sir, this is a delicate subject. I hardly feel competent to treat it as it deserves; and I am not quite willing to state here all that I think about it. I must, however, dissent from the opinion of the gentleman from South Carolina. The rights of nations, on subjects of this kind, are necessarily very much modified by circumstances. Because England or France could not rightfully complain of the transfer of Florida to us, it by no means follows, as the gentleman supposes, that we could not complain of the cession of Cuba to one of them. The plain reason is, that the transfer of Florida to us was not dangerous to the safety of either of those nations, nor fatal to any of their great and essential interests. Proximity of position, neighborhood, whatever augments the power of injuring and annoying, very properly belongs to the consideration of all cases of this kind. The greater or less facility of access itself is of consideration in such questions, because it longs, or may bring, weighty consequences with it. It justifies, for these reasons and on these grounds, a full control of that island, in the sense I have mentioned. By treaty with a foreign power, Mr. Jefferson obtained a province. Without any alteration of our constitution, we have made it part of the United States, and its Senators and Representatives, now coming from a remote region, are here among us. Now, sir, if, instead of being Louisiana, this had been one of the provinces of Spain proper, or one of her South American colonies, he must have been a madman, that should have proposed such an acquisition. A high convention of its convenience, arising from proximity, and from close natural connection, alone reconciled the country to the measure. Considerations of the same sort have weight in other cases.

"An honorable member from Kentucky, [Mr. WICKLIFFE,] argues, that, although we might rightfully prevent another power from taking Cuba from Spain by force, yet, if Spain should choose to make the voluntary transfer, we should have no right whatever to interfere. Sir, this is a distinction without a difference. If we are likely to have contention about Cuba, let who will contend, we must assert rights, and not commit ourselves. And, sir, if we have any right to interfere at all, it applies as well to the case of a peaceable, as to that of a forcible transfer. If nations be at war, we are not judges of the question of right in that war; we must acknowledge, in both parties, the mutual right of attack, and the mutual right of conquest. It is not for us to set bounds to their belligerent operations, so long as they do not affect ourselves. Our right to interfere, sir, in any such case, is but the exercise of the right of reasonable and necessary self-defence. It is a high and delicate exercise, one not to be made but on grounds of strong and manifest reason, justice, and necessity. The real question is, whether the possession of Cuba by a great maritime power of Europe, would seriously endanger our own immediate security, or our essential interests. I put the question, sir, in the language of some of the best considered State papers of modern times. The general rule of national law, is, most undoubtedly, quite otherwise in the transactions of other States. There are, however, acknowledged exceptions, growing out of circumstances. These exceptions, it has been properly said, cannot, without danger, be reduced to precise rule, and incorporated into the ordinary diplomacy of nations. Nevertheless, they do exist, and must be judged of when they arise, with a just regard to our own essential interests, but in a spirit of strict justice and delicacy also towards foreign States.

"The ground of these exceptions is, as I have already stated, self-preservation. It is not a slight injury to our interest—it is not even a great inconvenience that makes out a case. There must be danger to our security, or danger, manifest and imminent danger, to our essential rights and our essential interests. Now, sir, let us look at Cuba. I need hardly refer to its present amount of commercial connection with the United States. Our statistical tables, I presume, would show us that our commerce with the Havana alone is more in amount than our commercial intercourse with France and all the other countries. But this is but one part of the case—no the most important. Cuba, as is well said in the report of the Committee of Foreign Affairs, is placed in the mouth of the Mississippi. Its occupation by a strong maritime power would be felt in the first moment of hostility, as far up the Mississippi and the Missouri as

our population extends. It is the commanding point of the Gulf of Mexico. See, too, how it lies in the very line of our coast-wise traffic, interposed in the very highway between New York and New Orleans. Now, sir, who has estimated, or who can estimate, the effect of a change which should place this island in other hands, subject it to new rules of commercial intercourse, or connect it with objects of a different and still more dangerous nature? Sir, I repeat that I feel no disposition to pursue this topic on the present occasion. My purpose is only to show its importance, and to urge gentlemen not to prejudice any right of the country, by assenting to propositions which, perhaps, may be necessary to be retracted.

"And here I differ again with the gentleman from Kentucky. He thinks that, in this as in other cases, we should wait till the event comes, without any previous declaration of pretentions upon subjects important to our own rights or interests. Sir, such declarations are often appropriate means of preventing that, which, if unprevented, might be difficult to redress. A great object in holding diplomatic intercourse, is frankly to expose the views and objects of nations, and to prevent, by candid explanation, collision and war. In this sense, the government has said that we could not assent to the transfer of Cuba to another European State.

"'On suppositions?' Do gentlemen think we can? If not, then it was entirely proper that the intimation should be frankly and seasonably made. Candor required it, and it would have been unpardonable; it would have been injustice as well as folly to have been silent while we might suppose the transaction to be contemplated, and then to complain of it afterwards. If we should have a subsequent right to complain, we have a previous right, equally clear, of protesting; and if the evil be one which, when it comes, would allow us to apply a remedy, it not only allows it, but it makes it our duty, also, to apply prevention."

And now, Mr. President, what remains for us to do, but to support this bill, simply and heartily, in the form in which it has been offered to us by our committee. I see no necessity for material amendment of any kind; and I feel bound to declare that I am particularly opposed to the amendment introduced by my worthy colleague, which, in my judgment, would seriously jeopard the success of the measure contemplated. For, if our sending troops, munitions of war, and money to Yucatan, be made to depend on the continuance of the war with Mexico, it may happen that we may get intelligence of the ratification of the treaty in Mexico just after the passage of this bill through both houses of Congress, and we shall thus be compelled to refuse the aid requested, solely for want of adequate legislation. Having ample confidence in the Executive, I am willing to commit the whole matter to his discretion, and have no doubt that his action will be wise, energetic, and successful.

On motion,

The Senate adjourned.

MONDAY, MAY 8, 1848.

RESOLUTIONS OF STATE LEGISLATURES.

Mr. DIX presented a resolution passed by the Legislature of the State of New York, in favor of the payment of the claims of American citizens, for spoliations committed by France prior to the year 1800, which was read, and ordered to lie on the table and be printed.

Mr. DIX, in presenting the resolutions said, he owed it to the Legislature of the State of New York, and to himself to observe, that during the second session of Congress, after he had the honor of taking his seat on this floor, this subject came before the Senate, and he was appointed a member of the Select Committee, to which the application of the claimants was referred. A majority of the committee were in favor of satisfying the claims, and to report a bill for that purpose. In one respect in which an honorable Senator from North Carolina, [Mr. MANGUM,] not now in his seat, he had dissented from the opinion of the majority of the committee, and it had become his duty to oppose the report, and to defend the position of the minority. Though they had both regarded the cases of the claimants as special grounds of liability, they did not think it could, either in justice or in equity, be thrown directly or indirectly upon the public Treasury. He had seen no cause to change the opinion he had then formed after the most careful examination he had been able to give to the subject, though we regretted to find his opinion at variance with that of the Legislature of the State he had the honor in part to represent here; he should, if the resolutions contained an instruction, pay a cheerful obedience to them. But it will be observed that the Legislature has not given to the resolutions such a binding force, the Senators and representatives in Congress are "earnestly requested" to support the claim. He would, therefore, only add, that if the subject should come before Congress, he should pay to the request of the Legislature the most respectful consideration.

Mr. PALMER presented a resolution passed by the Legislature of the State of Vermont, in favor of the construction of a railroad from Lake Michigan to the Pacific Ocean upon the plan proposed by Asa Whitney; which was ordered to lie upon the table and be printed.

PETITIONS.

Mr. STURGEON presented a petition of citizens of Philadelphia, Pennsylvania, praying that a Territory west of the Mississippi river, may be set apart for the permanent homes of the various Indian tribes inhabiting the United States; which was referred to the Committee on Indian Affairs.

Mr. DAVIS, of Massachusetts, presented a memorial of citizens of the United States, praying the purchase of Mount Vernon by the government; which was referred to the Committee on Military Affairs.

Mr. DICKINSON presented a memorial from citizens of New York, praying that authority may be given for the construction of a railroad between that city and Philadelphia, to facilitate commercial intercourse and provide for the transportation of the mail; which was referred to the Committee on the Post Office and Post Roads.

Mr. GREENE presented a petition of Nancy Jolison, praying a pension, which was referred to the Committee on Pensions.

Mr. BENTON presented a petition from citizens of Oregon, asking the immediate extension of the laws of the United States over that Territory, and donations of land to settlers therein; which was ordered to lie on the table and be printed.

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That the petition of Villeneuve Le Blanc, on the files of the Senate, be referred to the Committee on Private Land Claims.

EXTENSION OF THE CIRCUIT COURT SYSTEM.

Mr. YULEE submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of extending the circuit system to the districts of St. James, State of Louisiana, on the west bank of the Mississippi river, to be called St. James.

THE LAW OF COPY RIGHT.

Mr. DAVIS, of Massachusetts, submitted the following resolution, which was considered by unanimous consent and agreed to:

[illegible]

INCREASE IN THE NUMBER OF REGIMENTS, ETC.

Mr. JOHNSON, of Georgia, submitted the following resolutions, which were considered by unanimous consent and agreed to:

[illegible] hereafter, each State and Territory to have two midshipmen for each representative [illegible] eight to ten at large, irrespective of actual residence, and that they report upon each of the abovenamed subjects by bill or otherwise.

[illegible] LAW.

Mr. JOHNSON, of Maryland, submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the President be requested to communicate to the Senate all the information [illegible] which he had before him when his recent message, relative to that country, was sent to Congress; and whether [illegible] coalition.

NOTICE OF A BILL.

Mr. DOUGLAS gave notice that on to-morrow, or some early day thereafter, he will ask leave to introduce a bill to grant the right of way, and a donation of public land, to the State of Iowa, for the purpose of constructing a railroad.

RIGHT OF WAY TO INDIANA.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the memorial of the Ohio and Mississippi Railroad Company, reported a bill to grant the right of way through the public lands to the State of Indiana for certain purposes; which was read and passed to the second reading.

[illegible]

Mr. BREESE, from the same Committee, to whom were referred the bills from the House of Representatives for the relief of those pre-emption claimants on Miami lands in Indiana, who, by their services in the Mexican war, are entitled to bounty land; and to authorize the citizens of Ozark county, Missouri, to enter less than a quarter section of land for the seat of justice in said county; reported them without amendment.

Mr. BREESE, from the same committee, to whom was referred the bill from the House of Representatives in relation to military land warrants, reported it with an amendment.

[illegible] OF LEGISLATURE

[illegible] Mr. BREESE, it was

Ordered, That the Committee on Public Lands be discharged from the further consideration of the memorial of the legislature of Alabama in relation to the assent of Congress to an act leasing the canal round the Muscle Shols, and that it be referred to the Committee on Roads and Canals.

PRIVATE BILLS.

Mr. HANNEGAN, from the Committee on Foreign Relations, to whom was referred the memorial of the personal representative of William A. Slacum, reported a bill for the relief of the personal representative of William A. Slacum; which was read and passed to the second reading.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom was referred the joint resolution from the House of Representatives for the relief of George R. Smith, reported it without amendment.

[illegible] BILLS.

Mr. TURNEY, from the Committee on Patents and the Patent Office, to whom was referred the petition of James Harley, reported "that the committee be discharged from the further consideration thereof;" which was referred to.

Mr. WESTCOTT, from the Committee on the Judiciary, to whom was referred the memorial of Sarah Ten Eyck widow of Conrad Ten Eyck, submitted a report asking that the committee be discharged from the further consideration thereof on the ground that the committee, at this and former sessions, had declared "that verdicts and certificates of juries finding balances in favor of de-

fendants, when sued by the United States, cannot be received as evidence."

CHANGE OF REFERENCE.

On motion by Mr. DAYTON, it was

Ordered, That the Committee on Patents and the Patent Office be discharged from the further consideration of the petition of Cadwallader Evans, and that it be referred to the Committee on Commerce.

FEDERAL COURTS IN NEW JERSEY.

Mr. DAYTON, from the Committee on the Judiciary, to whom was referred the bill in relation to the terms of the circuit and district courts of the United States for the district of New Jersey, reported it without amendment.

DISTRICT COURT IN TENNESSEE.

Mr. DAYTON, from the Committee on the Judiciary, to whom was referred the bill authorizing the district judge of the State of Tennessee to hold a special term, reported it without amendment, and asked its immediate consideration.

The Senate proceeded to consider said bill, as in Committee of the Whole, and no amendment being made it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

PUBLIC ARCHIVES IN FLORIDA.

Mr. WESTCOTT, from the Committee on the Judiciary, to whom was referred the bill respecting the public archives in Florida, reported it with an amendment, and asked its immediate consideration.

The Senate proceeded to consider said bill, as in Committee of the Whole, and the amendment was agreed to.

No further amendment being made, the bill was reported to the Senate and the amendment concurred in.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent

Resolved, That this bill pass, and that the title thereof be as aforesaid

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk:

"Mr. President: The House of Representatives have passed bills for the relief of John B. Smith and Simeon Darden; for the relief of Thomas H. Leggett; for the relief of Lot Davis; for the relief of William H. Wilson; and for the relief of Amos Bull, in which they request the concurrence of the Senate.

HOUSE BILLS REFERRED.

The bills from the House of Representatives for the relief of Amos Bull; for the relief of John B. Smith and Simeon Darden; and for the relief of William H. Wilson, were severally read the first and second times by unanimous consent, and referred to the Committee of Claims.

The bill from the House of Representatives for the relief of Lot Davis was read the first and second times, by unanimous consent, and referred to the Committee on Naval Affairs.

The bill from the House of Representatives for the relief of Thomas H. Leggett, was read the first and second times, by unanimous consent, and referred to the Committee on Finance.

DISCHARGED.

On motion by Mr. LEWIS, it was

Ordered, That the Committee on the Post Office and Post Roads be discharged from the further consideration of the petition of Joseph Nock.

PRIVATE BILL.

Mr. DAYTON, by unanimous consent, asked and obtained leave to bring in a bill for the relief of John W. Simonton; which was read the first and second times, by unanimous consent, and referred to the Committee on Naval Affairs.

GRANT OF LAND TO ARKANSAS.

Agreeably to notice, Mr. BORLAND asked and obtained leave to bring in a bill to grant to the State of Arkansas certain unsold lands, subject to overflow, for purposes of internal improvement, education, and other purposes, in said State; which was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

AID TO YUCATAN.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to enable the President of the United States to take temporary military occupation of Yucatan.

The question pending was upon agreeing to the amendment submitted on the 5th instant, by Mr. DAVIS, of Mississippi.

Mr. HOUSTON addressed the Senate at length in favor of the bill. His speech is given in the Appendix.

Mr. NILES intimated his intention to submit some remarks upon this bill, but desired an opportunity to examine the documents which had recently been laid before the Senate, upon the subject to which the bill related.

Mr. GREENE.—I am informed that there is some Executive business to be transacted, and as it is late in the day, if there be no objection, I will propose that the bill be passed over informally.

Mr. FOOTE.—There is an urgent matter of business to be transacted in Executive session.

Mr. HANNEGAN.—If the Senator from Connecticut is not ready to proceed with the discussion of this bill, I suppose some other Senator is ready. It is very important that the bill should be speedily passed.

Mr. JOHNSON, of Maryland.—I understand the honorable Senator from Connecticut to say that he desires to examine the documents connected with this subject. They were laid upon the table only this morning I believe, and I suppose there are not three Senators who have seen them. The Senator is naturally desirous of informing himself first of the facts out of which this particular measure has grown. Now, I understand the chairman of the Committee on Foreign Relations to say that it is a matter of vast importance, which demands instantaneous action on the part of the Senate. If it be so all important, this is, of itself, a sufficient reason why it should be well considered. But I am surprised to hear from the Senator that it is a matter demanding instantaneous action. Why, if I understand the matter aright, the subject has been before the Executive for six months. The papers are now laid upon our tables, and we are asked to involve the nation, if such is to be the decision of Congress, in all the perils of a protracted and uncertain warfare against savages. I trust that Senators will see that it is due to the President, that it is due to the nation, to say nothing of the Senate that we should have full time to deliberate before being called on to act upon a measure so vitally important.

Mr. FOOTE.—It seems to me that there has been sufficient time for an examination of the documents that have been laid upon our table; and that Senators ought to be prepared to act upon at this moment. In reference to a remark of the Senator from Maryland, he will allow me to say that the Executive has not been in possession of all the facts relating to the case of Yucatan, for six months as the Senator supposes. New facts have been communicated from time to time. I trust that if the Senator from Connecticut is not ready to proceed this morning, that there is some other Senator, who desire to discuss this bill who may be ready.

Mr. HANNEGAN.—The Senator from Maryland will recollect that the message was communicated to the Senate on last Saturday week, and ordered to be printed; that on Monday it was referred to the committee, and reported back on Thursday. The Senator will perceive, then, that I have not demanded instantaneous action. I had hoped, however, that the Senate would take action to-morrow upon the subject, for the reason that if we act at all it is necessary that we do so at an early period. When we come to read the accounts that have been placed upon our tables this morning, they will be found to amount to a mere corroboration of what we have already heard. The delay in communicating to us the facts of the case by the President was because he was waiting until all the information relating to the subject had been obtained.

Mr. JOHNSON, of Maryland.—I do not wish to be understood as censuring the Executive at all—

Mr. HANNEGAN.—I will state another fact connected with this subject to show the reason why I deem it of the utmost importance that we should act promptly upon this subject. It is that if we do not act promptly, not only will the people of Yucatan suffer in the meantime for the want of assistance, but the result will be that on the arrival of our troops we shall find an English force there, and who will pretend to say that he can foresee the consequences to be apprehended from such a state of things?

Mr. JOHNSON, of Maryland.—I was about to say that it was not my purpose to censure the Executive. The message was sent on Saturday week, but so far as I can understand from examining the papers accompanying the message, the facts were laid before the Executive six months ago. I now understand the Senator from Indiana to say that this is true, but that the Executive waited until further information was received, and I desire to ask the Senator if that information is not contained in the documents that have been laid upon our tables this morning.

Mr. HANNEGAN.—I reply to the Senator that it is not any new or additional information, it is merely in corroboration of that

which has already been put into our possession. The subject has been before the Senate for upwards of a week, and the Senator has not thought proper to call for any information in addition to that which was communicated with the message.

Mr. JOHNSON, of Maryland.—I had presumed that the President of the United States, in sending to the Senate a message like this, would have sent with it all the information relating to the case. I understand now, however, from the Senator from Indiana, that the information he has sent, is information on which the Executive did not act, and that the information that induced him to act is not communicated to us. I was not aware of this before. I supposed that what was laid upon our tables this morning, was every thing that the Executive was in possession of at the time he sent in the message, but, if it is not it affords another reason why we should act deliberately, and, I propose, if the subject be postponed, to call upon the President for all the information.

Mr. HANNEGAN.—It it were proper to allude to the proceedings of another branch of Congress, I could inform the Senator that a call was promptly made and promptly responded to by the communication of letters from commodore Perry, and from Lieut. Murray Mason who have been upon that station, in confirmation of the statements already communicated. Much as I dislike the mode of debate by question and answer, yet, if the Senator from Maryland will allow me, I will ask him, suppose we delay action and that authentic information comes to us that England is in possession of Yucatan, how would he then act?

Mr. JOHNSON, of Maryland.—When I get such information I shall be prepared to answer the Senator. About the time when the annexation of Texas was proposed, we heard a great deal said about the design of England to interfere and take Texas under her protection. We heard a great deal about England's coquetting with Texas, and we were told that if we did not annex her, she would annex herself to England—that the affair was pregnant with danger. Now, if the honorable chairman will permit me to put the same question to him in relation to every part of the continent. According to the doctrine of Mr. Monroe, we must take charge of the whole continent. How do we know but that the forces of England are now crossing the Atlantic with the view of seizing upon some portion of the continent, and if this is to justify us in involving ourselves in a state of war, we shall be engaged in war continually! I think that one war at a time is quite enough, we have got little from it except glory. And it is a little extraordinary that there should be an effort to force upon us now a measure like this, when we have it confessed by the chairman of the Committee on Foreign Relations, that the very information without which the President would not have acted, he has not thought proper to communicate to the Senate. I am a little surprised, and I cannot help expressing my surprise, that he should not have communicated it without being interrogated. I propose now to ask him to communicate all the information in his possession.

Mr. CALHOUN.—There are two questions involved in this matter. One is the danger of England taking possession of this country before we can; but in my apprehension, there is no necessity for hurrying on that account. The other question is that of humanity. According to the provisions of this bill, we can render no aid for months to come. The only aid that can be furnished is in the hands of the President. I mean the naval forces—and I trust he will use them with the utmost effect. He has ample power to do so without the authority of Congress. I trust that the Senator from Connecticut will be permitted to have to-morrow for presenting his views to the Senate.

Mr. HANNEGAN.—So far as aid can be extended by the naval forces it will be to a very limited extent indeed. I dislike very much to have this question delayed. One word in reply to the Senator from Maryland. I put the case of England taking possession of California. If England puts a hostile foot there, she meets an enemy to oppose her, there is no similarity at all between the cases.

Mr. JOHNSON, of Maryland.—Does the honorable Senator mean to say, that we have both Californias, and mean to hold them?

Mr. HANNEGAN.—Sufficient unto the day is the evil thereof. I hope her foot will not be placed there; if it should be, I would hold it right to drive her off without hesitation. England may be coqueting says the Senator, it is a strange species of coquetry.

Mr. JOHNSON, of Maryland.—I did not say so.

Mr. HANNEGAN.—The Senator said that Texas and England had carried on a little game of coquetry.

Mr. HOUSTON.—Will the Senator be good enough to state upon what authority he founds a charge like that—for it is certainly a serious charge.

Mr. JOHNSON, of Maryland.—I said that Texas had coquetted with England, but I did not intend to bring it forward as a charge against Texas, or her worthy representatives. If the Senator will allow me, I will recall to his recollection, that on a certain occasion when he was making a pilgrimage with General Jackson, and was at New Orleans, where the people received them with great eclat, in a speech that he made there, he said—if the papers of the day correctly reported his remarks—that there was a little coquetry in the manner of England towards Texas.

Mr. HOUSTON.—I am glad that the Senator has afforded me an opportunity of replying to a charge that was utterly unfounded. It was corrected in a communication the next day, sent to an editor, which he never thought worth while to publish. What I said was, that if Texas had been guilty of coquetry with England, she would be perfectly justifiable, in consequence of, the indifference with which she had been treated by the United States. It was true that, after the United States had treated Texas with indifference and even repulsion, some influence was brought to bear upon the public mind to dispose it more favorably towards Texas. The agent of the United Stafes in Texas was a gentleman who felt deeply interested in the matter; and from a want of becoming courtesy on the part of the authorities of Texas towards the British agent, his apprehensions were greatly excited. No pains were taken to allay or counteract these apprehensions. The agent of the United States was at liberty to draw his own conclusions, and I would have thought it very indelicate to have instructed a minister of this enlightened government to extend civilities to any one which were not agreeable to himself.

Mr. HANNEGAN.—I have only to say that this coquetry, like most coquetry, would have resulted in the most serious consequences, had not the United States determined to annex Texas. It would have resulted fatally for Texas. The honorable Senator from New York, in a speech some eight or ten days since, laid so clearly before the Senate, the rapid stride that England is making along the Isthmus, that it would be folly for me to advert to it again. The gentleman said that England is ready to grasp Yucatan. Has she not already seized possession of the most fertile part of that country called the Balize?

It is England through her agents, that has stirred up the Southern Indians against the white people. The gentleman is not satisfied, because the President has not communicated every thing to us. What does the President do? He communicates to your body the transactions, he gives you all the substance, all the information that any man can reasonably ask, and yet it does not satisfy the Senator! Yucatan being a province of Mexico, and being overrun and laid waste by savages, applies to us for protection, simultaneously with England, whose object we are told, is to seize upon Yucatan. The question is then, will you wait and allow her to do so? That would involve at once the question of war or peace between the United States and England. The governor of Jamaica has been applied to, and I have not the slightest doubt, that without waiting to hear from home, he will respond to the call that is made upon him. Mr. Sierra says, that unless they receive aid within two months, Yucatan must cease to exist, and yet we are to sit here day after day, without coming to any determination. I have ever been in favor of the largest liberty in debate, but in such a case as this, when we are called upon by every consideration of justice and humanity, out of regard to our own government and its institutions, we ought not to hesitate a moment.

Mr. DAVIS, of Mississippi.—The honorable Senator from Indiana, the chairman of the Committee on Foreign Relations, has presented the emergency in such a strong light that it ought to be sufficient to induce the Senate to act upon the bill, but if not sufficient, then I hope the bill will be passed over until to-morrow, and give place to a bill reported by the chairman of the Committee on Military Affairs, for raising twenty regiments of volunteers. I hold that if we are to do any thing, it must be done immediately, that Great Britain may find us in the occupation of the country, otherwise we may be compelled to come in collision with that power. If the bill be passed over, then I hope the chairman of the Military Committee will press his bill, and that it will be passed this day.

Mr. CALHOUN.—I think that the Senate must be satisfied by this time of the correctness of what I said, when the message first came in, that there was a great deal in it to produce deliberation. When certain words were used in a message—I am always on the look out. Here comes a quiet message of but few lines, merely intimating that it is possible, and only possible, that Great Britain may take possession of Yucatan.—But there is not a particle of information which leads us to apprehend such a result. The original basis of the recommendations of the President, however, is the question of humanity. But connected with this, there is presented the supposition that there is actually danger of an English war for the possession of Yucatan. That, I regard, as the merest fiction. This is not, in my opinion, any such exigency as requires us to act at once, except as relates to the question of humanity.

Mr. CRITTENDEN supported the motion of the Senator from Mississippi, to lay the bill on the table, and reiterated his objections to the bill itself.

Mr. WESTCOTT.—I am in favor of the suggestion of the Senator from Mississippi, [Mr. DAVIS;] but not on the grounds advanced by the Senator from Kentucky, [Mr. CRITTENDEN,] and I will state my reasons. I am in favor of measures being adopted by this government with respect to Yucatan, like those indicated in this bill. I have heard a great deal said about sympathy and humanity, and so forth for one of the belligerent parties in Yucatan, and that it should influence our action on this bill. These considerations, in this matter, have not a feather's weight with me. My sympathy, as a Senator, is for my own country—my care for its

honor and its interests. I don't know, nor do I care, any thing about the quarrel between the different hostile parties in Yucatan. My vote and action is induced by totally different considerations. It is true, and that is all that I regard it as important to know, that Yucatan is now the theatre of a civil war. Under the pretence of sympathy or humanity, or of protecting the interests of her subjects, Great Britain is sending troops into that State. I have had sent to me a newspaper, published at Campeachy, on the 31st of March, 1848, called "*El Amigo del Pueblo*," which I have now in my hand, with a translation of it, showing fully the state of affairs on this point in Yucatan. It states that the British governor of the Balize had sent to a town or village in Yucatan, called Bacalar, "three companies of troops for the object of protecting the interests of British subjects in the town of Bacalar." I am satisfied, from the past courses of Great Britain, that the object stated is a mere pretence—a pretext for getting possession of the country and holding it. She got possession of the Balize some sixty odd years ago, by a diplomatic fraud followed up by force. By the treaty of peace between her and Spain in 1783, he secured the right to cut logwood in Honduras, but the sovereignty was not ceded by Spain to her, and Great Britain was even required to demolish all forts she had created there; (Vide Chalmers collection of British Treaties, vol. 2, p. 233,) and yet she has sent and kept troops there, has a governor and other officers, and a custom house there, and has assumed and exercises all the powers of sovereignty. So she took possession of the islands and keys on the coast opposite to the Balize, though not in the treaty. She has never faltered at the mode or means of accomplishing her designs upon territory, or important military or naval positions belonging to another nation. Gibralter and Malta, and the Bahamas, are held by her because they are such positions. She is now ready to pounce down on Yucatan, and she will hold it, because it will also, in her hands, be such position—nay, she has already got it within her grasp.

Mr. President: It is important for our interests that she should not continue to hold Yucatan. She hates us, and there is not much love lost. She wants Yucatan as an important naval position, from which she can, in time of war, harass and annoy our commerce in the Gulf of Mexico, and that which goes through the Caribbean sea farther south, and as a military outpost, from which she can assail the five States lying on the Gulf. Sir, the northern point of Yucatan is but 250 miles from the southernmost point of Florida, and but 60 miles from Cuba, and less than 400 from Jamaica. Look at the map of my State; for nearly a hundred miles the Lucayo or Bahama islands lay a long side of her, and with a population of emancipated slaves, many employed in vessels of small burthen, and being from fifty to sixty miles only from us. These are within our coast at pleasure, and seek to interfere in the occupations of our citizens. They have often aided slaves to abscond, and have harbored them, and as the Senator from South Caroina, [Mr. CALHOUN,] can state, while he was Secretary of State; they harbored several fugitive slaves, who fled across the Florida straits to Nassau, N. P., in a stolen boat, after perpetrating an atrocious murder, and yet, when demanded by the United States, and an officer sent in public a vessel for them, and though they were in Nassau, in violation of the tenth article of the Ashburton treaty, the British authorities refused to yield up the felons, though evidence of the murder and felony was furnished duly authenticated—being copies of the indictment found against them in Florida This infamous violation of the treaty, is yet unatoned for! Great Britain covets Cuba, and unless we keep a sharp look out, will get it. Does any body doubt it? If there is any one who does, I would ask them to listen to a part of Lord George Bentinck's speech in the House of Commons, on the 3rd of February last, in a debate about the West Indies and slavery, and emancipation and sugar, and this country. I call the attention of the Senator from South Carolina, to his language.

"He (spoke agreed with Captain Pilking on The would never put down the slave trade so long as it depended upon blockading 10,000 miles of coast. He would do what Captain Pilkington recommended—strike at the head, and not at the hornet. He would not send an army to destroy every individual hornet, but go to the hornet's nest at once, and smother that nest of the slave trade which now existed in Cuba. Hear, hear. He had stood on the *Tyne* quay, in conjunction with a United States citizen, to which it was stated, that if the United States did not possess herself of Cuba, Great Britain would, and that England had a greater claim by one hundred fold to Cuba, than the United States had to Mexico, because a sum of £45,000,000, was due to British subjects upon Spanish bonds, and Cuba was hypothecated for the payment of that debt. And why did the Americans think that Great Britain would like to have possession of Cuba? Because they knew she could never put down the slave trade so long as it was carried on at Cuba, in its present form. He would therefore say at once, *let them take possession of Cuba, and settle the question altogether*; let th m obtain upon it for the just debt due, and too long asked in vain, from the Spanish government. Hear, hear. *It would put an end to the slave trade, it would save much waste of blood and treasure, and it would be cheaper than the course we are now pursuing.* If the people of this country thought it right to spend £150,000,000, *in putting down slavery*, and running our colonies besides, would it not be cheaper *policy to put an end to the cause by securing Cuba?*

The CHANCELLOR of the EXCHEQUER (Sir Charles Wood) but would you secure the Brazils as well?

Lord GEORGE BENTINCK said, "the case of Cuba stood upon its own merits, and upon the debt of £45,000,000, due to British subjects from the Spanish government Then, depend upon it, when Great Britain possessed Havannah, as once she did, in 1762, when she held it for about a year and then exchanged it for the Floridas, and when she could cut the trade of America in two, no more boasts would be heard of what the United States could do, such as that which was not long ago uttered by one of her military officers, who declared that they never would be satisfied until Uncle Sam had set his right foot upon British Canada, and his left upon California, embrace the whole of the eastern seaboard, and throw his leg, like a freeman, over the whole continent of South America to Cape Horn, with Cuba for a cabbage garden. That was the course which should be taken, to put an end to slavery and slave trading, and that having been done, there would be no difficulty in the British planter going to the coast of Africa and obtaining, not by purchase, not by war, but by the inducement of freedom and good wages, any number of Africans he might require for the cultivation of the soil. He thanked the house for having so long listened to him. (Hear, hear.) As he had said before, if any one should choose to take a more decisive and immediate course for affording relief to the British planters, a course which he should think most desirable,—he should not consider himself precluded from supporting such a proposition; but, feeling himself without the power of carrying such a resolution through the house he was prepared to go into the committee, resolved to examine into all the different modes by which relief could be afforded, and if he could not obtain all he desired, he would accept all he could get for the planters in our East and West Indian possessions. (Hear, hear.) The noble lord concluded by moving for a select committee to inquire into the present condition and prospects of the interests connected with and dependent on sugar and coffee planting in Her Majesty's East and West Indian possessions, and to report to the House how far it is expedient to consider whether any and what measures can be adopted for the purpose of affording relief."

This was the language of one of the most distinguished statesmen of Great Britain, in his place in Parliament.

Mr. CALHOUN.—I am very glad that the Senator has called my attention to the declaration of Lord George Bentinck, and I take this opportunity of exposing what I regard as a very fraudulent proceeding, on the part of newspaper editors in this country. Lord George Bentinck is hostile to the present administration in England. When he made the declaration the British ministry in the grossest manner utterly disavowed it, and yet our editors have printed and published in every direction the remarks of Lord George Bentinck without publishing the contradiction. But the fact is as I have stated, that an express disavowal was made by the British ministry in the strongest possible language.

Mr. WESTCOTT.—The interruption of the Senator prevented me from adverting to the course of the British minister in the next sentence I should have uttered, as I have seen that course stated in the same report from the London Times from which I copied the remarks of Lord Bentinck. I may be in error, but I am quite certain, the British Chancellor of Exchequer, (not Lord John Russell,) in reply, confined his speech to the declaration that he should not follow Lord George in his remarks, and that he could not accede to his suggestions. I do not remember any emphatic repudiation of them. But it is not Lord George Bentincks declaration alone, that I rely on to prove the designs of Great Britain on Cuba, and, as it follows of course, on Yucatan. Besides the possession of these places, and whether she gets possession of them or not, she seeks to emancipate the slaves in Cuba, and to strike the southern portion of this confederacy through its domestic institutions. She has avowed her design to see slavery abolished on this continent, and that her efforts will be directed to effect it. Her policy towards us is consistent with this avowal. She meddled in the Texas affair—she meddled in California and Mexico, and is now interfering in Yucatan. Her agents made the Mexican treaty and it is more for their advantage than it is for ours. Are the Southern States of this confederacy prepared to see the slaves in Cuba emancipated by the efforts of Great Britain—and then to see her in possession of Yucatan, and populate it with a colony of manumitted negroes from Jamaica. My State will not assent to such a state of things, while my voice can be heard to protest against any line of policy that will result in it. Why sir, Florida would be surrounded by a cordon of foreign colonial governments, the population of which would be emancipated slaves, under the control of the worst enemy of the United States, While Cuba is not disturbed by British intrigues—while Spain is allowed to remain in quiet possession of that beautiful Island—while abolitionism is not allowed to foment incendiarism, then I would not interfere with Spain in her dominion over it. We do not covet it, unless our enemy seeks to obtain it as a means to work us injury in peace or in war. Before Great Britain is allowed to take it, I trust those who may be in the administration will resist it by force. Rely upon it, Great Britain looks to Yucatan with similar views, as she looks to Cuba. With respect to it I would observe the same policy. I would go to war with her for it.

Mr. CRITTENDEN would ask the Senator from Florida if the government meant to take possession of Yucatan under this bill and hold it permanently?

Mr. WESTCOTT.—If Great Britain attempted to retain possession of it, I hope our government will, and I would resist Great Britain's attempts by force.

Mr. CRITTENDEN.—That is not an answer to my enquiry. Does the Senator design to take possession of Yucatan at once and retain it, and, should it be necessary, by military force?

Mr. WESTCOTT.—That depends on circumstances. If Great Britain makes any attempts to hold, or if the country becomes derelict of government, I certainly would do so. Yucatan was of the utmost importance to the United States. I have not time, and this is not the proper occasion to go into this part of the subject, but I can show it is important to us. As to its present condition being any evidence that it was no agricultural country; every body knows that the Spanish and Mexicans, and half Indians that reside there, are not the people to develope the agricultural resources of a country. Twenty-seven years ago, when under Spanish rule, there was scarcely a white inhabitant within a hundred miles of what is now a flourishing city in Florida, exporting upwards of six millions of agricultural products annually, and the surrounding country settled with planters of cotton, sugar, rice, and corn, though that country was then denounced by travelling writers, newspapers, and in Congress as valueless. Yucatan can be made valuable as an agricultural country but if not, and if held by us merely as a naval station it will render the possession of Cuba to Great Britain for the objects she wished, comparatively worthless.

Mr. President, I am in favor of carrying out the principles pro-

claimed by President Monroe in his messages of 1823 and 1824. I regard his declarations to amount in substance to an announciation to the world, that no European monarchical power would be allowed, thereafter, to extend or increase its empire or dominion in this country. I am for standing by these declarations at all hazards. And, sir, it is a mistake to suppose that this was the first time in the history of this government that a President of the United States advanced such doctrine. In 1811 President Madison advanced it, and carried it out. Congress sanctioned it by practical and efficient action. I allude to the acts of Congress passed in 1811, with reference to the taking possession of the Floridas. We were then at peace with Spain—had no dispute with her—Great Britain, it was suspected, was seeking to get hold of the Floridas. Not half the evidence of her designs as to the Floridas existed, that exists as to her designs, on Cuba and Yucatan. Mr. Madison addressed a special secret message to Congress, and it was acted upon it with closed doors.

Mr. JOHNSON, of Maryland.—Give the dates if you please.

Mr. WESTCOTT.—The message is in the 3d vol., American State Papers, title Foreign Relations, page 695; see also page 591, for other papers; and it advances the doctrines and policy declared in the law and resolution I shall quote. It is dated January 3, 1811. The resolution and laws are to be found in 3 vol., Statutes at Large, page 471. I will refer to them particularly.

Congress, in secret session, January 15, 1811, passed a resolution resolving:

That taking into consideration the state of Spain and of her Vice-roys in America, and the use that may be made by the enemies of the United States of the ports and territories bordering on the Gulf of Mexico, it is not compatible with the present duty and disposition of the United States to permit any part of the said territories, now in their possession, to be occupied or taken possession of by any foreign government; and that, rather than such occupation or possession should take place, they will, in full confidence of the good faith of the proprietors of the said territories, and of the just regard of other powers to the rights of the United States, accept the same, to be held subject to the future disposition of the United States: and that a due regard to the protection of the said territories against hostile occupation, and to the tranquillity of the neighboring country, requires that provision should be immediately made for occupying the said territories, or any part thereof, in case of an apprehended occupation by any foreign government.

On the same day it passed, in secret session also, an act authorizing the President "to take possession of, and occupy all, or any part of, (the Floridas,) in case an arrangement has been or shall be made with the local authority of the said territory for delivering up the possession of the same or any part thereof to the United States, or in the event of an attempt to occupy the same, or any part thereof, by any foreign government," &c.; and it authorized the employment of the army and navy which he deemed necessary for that purpose, and it appropriated money to effect the object; and it further authorized the President "to establish within the territory aforesaid a temporary government," with military, civil, and judicial powers, &c.; and March 3, 1811, it passed, in secret session also, another act directing said law and resolution not to be published with the other laws.

In 1811 part of West Florida, west of Perdido, was taken possession of, and occupied, and held under this authority; and February 12, 1812, another act was passed authorizing the President to continue to hold it, and we did hold it till Spain ratified and confirmed our possession by the treaty of 1819. In 1811, and 1812, and 1813, under these laws troops were also sent to East and West Florida, west of the Perdido, but subsequently withdrawn at the close of the war with Great Britain.

Here is the action of Congress carrying out the doctrine claimed to be Mr. Monroe's twelve years before his message.

Mr. President, I am for standing up to these principles and doctrines. I would not retreat one inch. Maintain them by the power we now possess, treble that we could wield in 1811. The case of Yucatan is one that calls for their being put into force. For this reason, and not from any affected sympathy shall I support the administration in sending troops to Yucatan; and I would not leave the President to act on his own responsibility, I would make it his duty by express law. It is due to the country, and it is due to the chief magistrate, that the action of Congress should be had, by which he can be governed, and faction cannot impute unconstitutional proceedings to him if it should involve us in a contest with another power.

The bill was then passed over informally.

On motion,

The Senate adjourned.

TUESDAY, MAY 9, 1848.

PETITIONS.

Mr. DICKINSON presented a petition of Seneca, Onondaga, and Cayuga Indians, praying the reimbursement of expenses incurred in an ineffectual attempt to emigrate to the territory assigned them in the southwest, and that homes may be provided for them in the northern portion of the United States; which was referred to the Committee on Indian Affairs.

Mr. STURGEON presented a memorial of citizens of Philadelphia, Pennsylvania, praying that a territory may be set apart, west of the Mississippi river, for the permanent homes of the various Indian tribes inhabiting the United States; which was referred to the Committee on Indian Affairs.

Mr. BORLAND presented the memorial of the representatives of William Armstrong, deceased, praying compensation for his services as United States' Indian agent; which was referred to the Committee on Indian Affairs.

Mr. HOUSTON presented a memorial of citizens of Philadelphia, Pennsylvania, praying that a territory west of the Mississippi river may be set apart for the permanent homes of the various Indian tribes inhabiting the United States; which was referred to the Committee on Indian Affairs.

BUOYS ON THE COAST OF FLORIDA AND GEORGIA.

Mr. YULEE submitted the following resolution, which was considered, by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the necessity of making further provision for buoys at Nassau Bar, in Florida, and at St Andrew's, St. Simon's Sapello, St. Catharine's, Ossabaw, and Warsaw, in Georgia.

SUPERINTENDENT OF THE ANTE-CHAMBER.

Mr. BADGER submitted the following resolution for consideration:

Resolved, That the resolution adopted on the 21st of December last, authorizing the Vice President to appoint a superintendent of the Senate's ante-chamber, be, and the same is hereby repealed.

COMMITTEE ON ENROLLED BILLS.

On motion by Mr. UPHAM, it was

Ordered, That two members, to be appointed by the Vice President, be added to the Committee on Enrolled Bills.

Mr. JOHNSON, of Georgia, and Mr. BORLAND were appointed.

MESSAGES FROM THE PRESIDENT.

The following message was received from the President of the United States by Mr. WALKER, his Secretary:

To the Senate of the United States:

I communicate herewith a report of the Secretary of War, together with the accompanying documents in compliance with the resolution of the Senate, of the 25th April, requesting the President to cause to be sent to the Senate, a copy of the opinion of the Attorney General, with copies of the accompanying papers, on the claim made by the Choctaw Indians, for $3,000, with interest thereon, from the date of the transfer, being the difference between the cost of the stock, and the par value thereof transferred to them by the Choctaw-ws, under the convention of the 17th January, 1837.

JAMES K. POLK

Washington, May 8, 1848.

The message having been read, it was

Ordered, That it be referred to the Committee on Indian Affairs.

To the Senate of the United States:

In answer to the resolution of the Senate of the 8th instant, requesting further information in relation to the condition of Yucatan, I transmit herewith a report of the Secretary of the Navy, with the accompanying copies of communications from officers of the Navy on the subject.

JAMES K. POLK.

Washington, May 9, 1848.

The message having been read, it was

Ordered, That it be printed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed a bill to amend an act, entitled "An act to raise for a limited time an additional military force, and for other purposes," approved February 11th, 1847, in which they request the concurrence of the Senate.

The above named bill was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

UNITED STATES' COURTS IN NEW HAMPSHIRE.

Mr. MOOR, from the Committee on the Judiciary, to whom the subject was referred, reported a bill to change the place of holding the Circuit and District Courts in the District of New Hampshire, which was read and passed to the second reading.

PRIVATE BILLS.

Mr. YULEE, from the Committee on Naval Affairs, to whom was referred the petition of Michael Hanson, reported a bill for his relief; which was read and passed to the second reading.

Mr. DIX, from the Committee on Military Affairs, to whom were referred the documents relating to the claim of Emiline Owens, reported a bill for the relief of the legal representatives of Thomas J. V. Owens; which was read and passed to the second reading.

Mr. UNDERWOOD, from the Committee of Claims, to whom was referred the petition of Calvin Read, submitted a report accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

CHANGE OF REFERENCE.

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That the Committe on Pensions be discharged from the further consideration of the bill from the House of Representatives for the relief of Francis M. Holton, and that it be referred to the Committee on Naval Affairs.

NOTARIES PUBLIC.

Mr. DAYTON, from the Committee on the Judiciary, to whom was referred the bill to authorize Notaries Public to take and certify oaths, affirmations and acknowledgments in certain cases, reported it with an amendment.

PAY DEPARTMENT OF THE ARMY.

Agreeably to notice, Mr. DIX asked and obtained leave to bring in a bill concerning the pay department of the army; which was read the first and second times, by unanimous consent, and referred to the Committee on Military Affairs.

JUDICIAL DISTRICT OF ARKANSAS.

The Senate proceeded to consider, as in Committee of the Whole, the bill to divide the District of Arkansas into two judicial districts; and

On motion by Mr. BORLAND, it was

Ordered, That it be recommitted to the Committee on the Judiciary.

MESSAGE FROM THE PRESIDENT.

The following message, was received from the President of the United Sates, by Mr. WALKER, his Secretary:

Mr. President: The President of the United States has this day approved and signed an act, for the relief of John Black, late Consul of the United States at the city of Mexico; an act for the relief of Cunningham Cunningham; and a joint resolution respecting contracts for coals for the use of the American navy.

DEFERRED NOMINATIONS.

The Senate resumed the consideration of the resolution submitted by Mr. JOHNSON, of Maryland, on the 28th ult., in relation to military and civil appointments made by the President during the recess of the Senate, and not yet nominated for confirmation.

Mr. JOHNSON, of Maryland.—The honorable Senator from Ohio the other day objected to this resolution on the ground, that it was unconstitutional to demand of the President his reasons for not having sent to us for confirmation the appointments that he has made during the recess of Congress. Although in my opinion it is not obnoxious to this objection, yet to remove all difficulty I will move to strike out the latter part of the resolution, so as to make it call upon the President to know merely whether there are officers, civil or military, holding commissions, whose appointments have not been communicated to the Senate.

Mr. ALLEN.—The amendment which the Senator proposes to make in the resolution does not entirely remove my objection to it. If the Senate has a right to call upon the President at all for information in regard to such a subject as this, he has an equal right to call upon the Senate to know what they have done, or intend to do in regard to matters before them. I think the thing is entirely irregular and unconstitutional; and I, therefore, move to lay the resolution on the table.

Mr. JOHNSON, of Maryland.—I had hoped that the amendment which I have suggested would have removed the objections of the Senator from Ohio, and have induced the Senate to adopt the resolution at once; but I was disappointed. I understand the Senator now to say, that any such resolution of inquiry would be irregular and unconstitutional.

Mr. ALLEN.—Any resolution in regard to the appointing power.

Mr. JOHNSON.—I understand the honorable Senator; he told us the other day that it was in conflict with the provisions of the constitution, which confers upon the Executive authority to appoint to all vacancies that occur, in the recess of Congress, and that such commission would be in force until the end of the succeeding session. There is other pressing business before the Senate, and it would, therefore, be improper in me at this time to occupy its attention upon this question, but I must be permitted to say, that I think the honorable Senator from Ohio will perceive that the provision to which he has alluded, that such appointment was to continue during the next session, was merely intended to give the Executive a reasonable time; but it must not be supposed that the Senate is to be deprived of a reasonable time to act upon the nominations after they are sent in. In order that there should be no interruption in the service to be performed by any officer so appointed the provision was, that he should continue to hold his appointment during the continuance of the session unless he should in the meantime be displaced. Now it is a little singular—I am not to be understood as finding fault with the power of appointment of the President, but it is a little singular that there are none of the powers of this government that have received so latitudinarian a construction as this power of the Executive. It has happened more than once that the decisions of the judiciary departments of the government have been denounced as usurpations. So far as the Executive is concerned, if he keeps within the letter of the constitution it is supposed that he acts in obedience to its spirit. No man can be so blind as not to see, that the investment in the President of the appointing power during the recess of the Senate, is a matter arising from the necessity of the case for the purpose of keeping the government in existence. But we have been in session now for upwards of five months, and we are yet without official information in regard to appointments to office that have been made since our last session.

For the first time in the history of this government almost—nay, for the very first time—we have sent abroad our army, and our navy charged with the duty of conquest, by way of indemnity; that conquest to be prosecuted until indemnity was fully obtained. At the commencement of the war we gave to the Executive authority to raise fifty thousand troops. He discharged that duty, I will venture to say, not improperly. More field officers were required, and authority was given to the Executive by Congress to appoint those officers. He appointed them in obedience to that authority, and in addition to this he has appointed other officers during the recess of the Senate. Why is it that these appointments have not been sent in? Is the government paying nothing for the services of these officers? Are they not now receiving their pay and emoluments? I have said—and I meant it in no invidious sense—that we have a certain Brigadier General Pillow in the service, upon whom the chief command would have devolved in case of the happening of a certain event. Why is it that his appointment has not been sent to us for confirmation? Why is it that he, upon whose bravery, and skill, and judgment, the success our army might have depended, is to be the mere appointee of the President? There are also others who have been appointed in the same manner. There is a certain Brigadier General Cushing, who is now sitting in judgment on the commander-in-chief of the army. Why has not his appointment been sent in? Is it because the President has not had time? The question is an insult to our common sense. For ought the President can know these commissions would not stand an hour if they were submitted to the calm judgment, and impartial decision of this body; and I was struck with surprise—a surprise that would have been still greater a few years back—to hear it declared on this floor that we have no right to make an inquiry of the President concerning such appointments. The Senator from Ohio, when he moved a reconsideration of the resolution, cited an authority to show that the President had the right to fill vacancies, and argued from this that he had the right to keep these appointees in office without communicating their appointments to the Senate; that he might withhold such communication if he pleased, until the end of the session. We are, then, according to the honorable Senator, to have these nominations thrown in upon us, if the President chooses to do so, at the last hour of the session, when there is no time remaining for us to decide upon them; and if we interrogate the President, it is an irregular and unconstitutional proceeding. How much more irregular would it be for the President to withhold the nominations until the last day, when the Senate would be entirely without the means of determining intelligently regarding such nominations. I trust that the Senate will pass the resolution, and I ask for the yeas and nays.

Mr. ALLEN.—So far as regards the merits of General Scott, and the merits of the court of inquiry now sitting upon his acts, and so far as regards the Executive in connection with either one or the other, I burn the whole matter over from the Senate to the hands of General Scott himself and Secretary Marcy. I will not be a party to any proceeding that is intended or calculated to arraign the court of inquiry now sitting in Mexico, and to prejudice the results that may follow from that court of inquiry by a condemnation of the court itself. When the proceedings of that tribunal shall have been completed, when the facts on which they have proceeded, and their adjudication upon those facts, shall have been made known to the public, it will be quite time enough to bring it forward as a subject for public discussion. But there are some observations of the Senator from Maryland which I cannot permit to remain unnoticed. His argument seems to be predicated on the idea that the President of the United States is a mere individual, and not a department of this government; that the President of the United States is a sort of appendage to the Senate—a sort of Sergeant-at-Arms—having no powers given to him by the constitution. The idea, sir, is revolutionary of our institutions. The Executive is a department of the government; that department has powers which it is sworn to maintain and depend against the encroachments of the other departments of the government, and which that department cannot allow to go to decay or into disuse, any more than we can the powers entrusted to us, without a manifest dereliction of duty. A law cannot be made by the legislation of Congress alone; it must receive the sanction of the Executive. The Senator from Maryland supposes the case of the President withholding the nominations until the last day of the session, and puts the question to us, how is it possible for us then to act upon them. The Senator must remember that if the President were to abuse the powers given to him in the constitution, he would be censurable; but, that abuse of power on his part would not transfer the power to the Senate; his responsibility to the people is a sufficient guaranty against the abuse of his power. He is bound to communicate to us his nominations within a reasonable time, and to recommend all such measures as he believes to be of paramount importance to the public interests. What has been the constant practice of the Senate? Has it not been to keep back measures until the last moment of the session? Suppose the President, at about the middle of the session, should send in a message enquiring of the Senate, why they did not pass such and such a bill? Would we not consider it an interference with our privileges? Yet we propose to do this very thing, under the supposition that the President is bound to accommodate himself to our wishes, as a sort of appendage, or officer of the Senate.

The amendment proposed to be made by the honorable Senator, in his resolution, does not at all reconcile it to my judgment. If you have a right to demand a fact, you have a right to demand reasons. The whole thing is entirely irregular.

On motion by Mr. HANNEGAN, the resolution was passed by informally, for the purpose of proceeding to the consideration of the special order.

THE YUCATAN BILL.

The Senate resumed, as in Committee of the Whole, the bill to enable the President of the United States to take temporary military occupation of Yucatan.

Mr. NILES.—Mr. President: Sir—Before entering upon the consideration of the merits of this bill, I have to notice the extraordinary urgency with which we are pressed for the immediate action upon it; and the reluctance which has been manifested to allow time for a full and fair discussion of the subject. No one I hope, desires any thing more than this; and certainly I wish as speedy a decision as is consistent with that discussion, which the great importance of the subject demands at our hands.

But I am the more surprised at this unusual urgency, on looking at the correspondence between Mr. Sierra and the Secretary of State, and learning the length of time which this subject has been pending before the Executive branch of the government. There it has slept for months; but the moment it is sent here, we are reminded of the urgency of the case, and called on to act immediately without taking time to debate, or consider a question involving such important principles and consequences.

Mr. Sierra has been here about six months; his first note was addressed to the Secretary of State, on the 17th of November. On the 24th he wrote the second note, and received an answer from the Secretary on the 4th of December. These notes related to our occupation of Laguna and the collection of duties. On the 15th of February he addressed another letter, and another on the 24th; these letters did not solicit assistance from the United States, but they explained the difficult and critical situation in which Yucatan was placed, and claimed certain rights on the ground that Yucatan was neutral in the war. These letters were followed by others on the 7th of March, the 3rd of April, and 18th of April, without any answer having been returned. The last was received in the absence of the Secretary, and the chief clerk, Mr. Appleton, addressed a note to Mr. Sierra, acknowledging the receipt of all these letters, and informing him that when the Secretary returned, he would call his attention to them. In his note of the 3d of April, Mr. Sierra says that he has made his note short, hoping "that from the brevity of it, the honorable Secretary would find time to read it." A pretty plain hint, certainly, that he considered that his previous letters had not been read.

The letter of the 18th of April appears to have covered a remarkable document from the governor of Yucatan, which, after depicting in dark colors the sufferings of the people and the critical condition of Yucatan, proposes to surrender up the dominion and sovereignty of the country to the nation which will save it.—

"I have, therefore, thought myself warranted to appeal to the extreme measure suggested by our great necessity—that of soliciting the direct intervention of powerful na-

tions, offering the dominion and sovereignty of the country to the nation which will assume the charge of saving it."

Whether it was the communication of this document which produced a more favorable consideration of the pressing solicitations of Mr. Sierra for assistance, I will not undertake to say. But down to this period, the pressing and urgent appeals of Mr. Sierra appear to have received no attention. The distressed and suffering condition of Yucatan, appears to have been before the Executive department of the government for months, without any action having been taken in relation to it, or so much consideration given to the subject, as to answer the letters soliciting our assistance. But the very day the subject is laid before the Senate, we are told that the case is one of such extreme urgency that we must not take time to consider it, but must act at once. It becomes a case of life or death, and will not admit of any delay; the people of Yucatan may all be destroyed whilst we are debating the question of our interposing for their relief. Sir, if the Executive branch could take months for consideration, we may, I think, take a few days to consider a subject involving such vital principles, and which may be attended with such serious consequences. This, I believe, is due to the country, and due to ourselves.

Mr. President, to judge of the propriety of passing this bill, and to appreciate the force of the objections which stand in the way of its passage, we must first consider what the bill is—what it proposes to do. The first section authorizes and directs the President to take temporary military occupation of Yucatan, and to employ the army and navy of the United States to assist the white population of the country in the war in which they are now engaged with the Indians. This is not a very important and a very extraordinary measure. It is not exactly a declaration of war, yet it involves a war and all its responsibilities—a war which may be protracted and troublesome. But it is something more than a declaration of war; as the bill on its face looks to acquisition and conquest. War may lead to conquest, but this bill, on its face, directs the President to take possession of a foreign country and establish a military government over it. A military occupation will of course supersede the existing government, as has been the case in other parts of Mexico where we have had a military occupation. This, then, is a bill to take possession of Yucatan, and establish our authority over it. I know it is said that the occupation is to be temporary; but when will a temporary occupation cease? Not, certainly, until the causes which induced the occupation have ceased to exist, and as they will not be likely soon to disappear the occupation will become permanent.

And on what grounds is it claimed that so extraordinary a measure as this can be justified? Two have been assigned: first, on the ground of policy; and second, on the ground of humanity, our interference having been solicited by the government of Yucatan. These two grounds do not stand well together. If we interfere and take possession of the country from considerations of policy, the world will give us very little credit for our humanity. They are inconsistent with each other; one looks to our own interest, the other to the interest of the people of Yucatan. That we might interfere and assist the people of that country in a way to rest on grounds of humanity will not be denied. But the manner provided in this bill, really excludes all idea of humanity, and makes the measure strictly one of policy. And the honorable chairman [Mr. HANNEGAN,] who reported the bill had the candor to admit that this was mainly a measure of policy. His remarks were almost entirely confined to that view of the question. To justify the measure on either ground, it becomes important to see what is the political condition of Yucatan. Like every other people, Yucatan must be regarded in one of three political aspects: either as an independent State, possessing and exercising the right of sovereignty, as a dependency of Mexico, or in a state of revolution, having thrown off the yoke of Mexico, yet not having established its independence so as to be recognized as one of the family of nations.

No one claims that Yucatan is an independent State; she does not claim it herself. The most that she claims is that she has thrown off the authority of Mexico, and that she has been neutral in the war between the United States and Mexico. Our government have, in some respects, recognized her neutrality, but in others have regarded her as a part of Mexico. We have taken and still hold Laguna, one of her ports where we have collected duties as in other ports of Mexico in our possession. But in what light does Mexico regard Yucatan? She certainly regards her as one of the States of that republic. How then can we take possession of that country without giving offence to Mexico? If we establish our authority there it will exclude the authority of Mexico; we must hold the country against Mexico. If we were not now in a war with Mexico, this would be regarded by her as an invasion of her territory, and would certainly involve us in a war with Mexico. But our occupation was in pursuance of a request of Yucatan would be no justification to Mexico, as long as she regards Yucatan as a part of her territory. It would be another Texas affair, with this important difference, that Yucatan has not yet asserted her independence, and has not been recognized as an independent State by any nation, not even by the United States. Her consent, therefore, would amount to nothing. It would be no answer to the complaints of Mexico to say that we had taken possession of this department of hers for purposes of humanity, to assist the people in defending themselves against the Indian population.

But how will this measure stand in view of our present relations with Mexico. We have ratified a treaty of peace with that republic, and sent out commissioners to procure its ratification by the Mexican government; and an armistice has been entered into suspending military operations. Can we take military occupation of one of the States of that republic without violating the armistice? Can we make war on the Indian population of one of the States consistently with the armistice? The Indians are citizens, and a part of the Mexican population. To show in what light the Indians are received in Yucatan, permit me to read an extract from one of the letters of Mr. Sierra:

"[illegible] the special [illegible] Peace [illegible] who [illegible] from Yucatan, [illegible] [illegible] [illegible]

vernment, above all others, ought to hold sacred, because it strikes at the very foundations of free government. It is the principle which belongs to a free people; which is, that they should take care of their own affairs. Is it consistent with this principle, to take possession of a foreign state, and take part in a civil war in which it is engaged? Why, sir, a proposition of this kind needs but to be fully understood, in order to show its fallacy. It does not admit of argument, because stating it, carries with it the argument. Are we to undertake to control by force the destinies of this people, and because they are in a terrible state of tumult, and civil anarchy, are we to settle their difficulties by taking possession of the country, putting down one party and setting up another? What sort of government will you give them? Will you attempt to force your own principles of government upon them, or will you consult their wishes, and attempt to set up such a government as they may ask at your hands? Sir, this matter is beset with difficulties at every step.

I wish to say something, Mr. President, in regard to this doctrine which has been said to have been held by President Monroe; and which is very gravely spoken of as the settled and established policy of this country. We must look to the circumstances of the nations in this hemisphere and in Europe at the time the declarations of Mr. Monroe were made, and to which they were applied, to form a correct opinion of them. These were not abstract declarations of principles to govern the action of this government, but declarations applied to the then existing state of the countries in Europe and America. I have examined the two messages of 1823 and 1824 which contain his doctrines. Some years previous to that, the Spanish colonies in this hemisphere had asserted and declared their independence. But Spain refused to acknowledge them, but still asserted her dominion over them. Mr. Monroe did not deny the right of Spain to re-establish her dominion over them; much less did he assert the right of the United States to interfere between Spain and her colonies, or to set itself up as the arbitrator and guardian of all the nations in this hemisphere. What he declared was, that the political system of Europe must not be extended to America to control the destinies of these Spanish American countries. He did not mean the monarchical system of Europe as some seem to suppose, but that combination among the great powers, sometimes called the Holy Alliance, which divided and disposed of the small States of Europe according to their pleasure. This is the system to which he alludes when he says, "we should consider any attempt on their part to extend their system to any portion of this hemisphere, as dangerous to our peace and safety." It was that arbitrary system of the balance of power, maintained by the allied powers of Europe, and which virtually annihilated all the small States, which Mr. Monroe declared could not be extended to this hemisphere. This was to prevent the allied powers from assisting Spain in the re-subjugation of her revolted colonies, which he said, had assumed and were capable of maintaining their independence. When the time had arrived for acknowledging the independence of those countries, Mr. Monroe acted cautiously and prudently. A resolution was introduced in the other chamber urging and stimulating the Executive on to action. He acted in a manner which it would be well, perhaps, for us to imitate in this case. He sent out commissioners to ascertain the condition of these countries, and whether they had effectually secured and were able to maintain their independence as States. Being satisfied of this fact, he acknowledged their independence. In the meantime, a peculiar state of things had transpired in Europe. The several powers on that great continent had combined against one great power, one great man. The result of that combination, called the Holy Alliance, was the overthrow of this one great power. This Holy Alliance, or combination among the great powers of Europe, was intended to control the power and direct the destinies of all the governments of Europe. Spain was a member of this Alliance, and at this time was attempting to reclaim her possessions in this country. She refused to acknowledge the independence of these States years and years after we had acknowledged it. Mr. Monroe then looking at the state of affairs in this country, and then at the situation of things in Europe, and the allied this belonged to the United States, as the great power on this continent, so far to interfere in behalf of the Spanish American States, as to declare to the civilized world, that we would not permit this European alliance to extend its system to any portion of the American continents. It was this combined system, this assumption of power on the part of the great powers of Europe, to dispose of the nations of the earth, according to their sovereign will, that Mr. Monroe said should not be extended to this hemisphere, taking in the southern as well as the northern continent. Gentlemen may well say with propriety, that this sentiment was heartily responded to by his countrymen; though there has been no occasion to put it into practice. After a while the combination was broken up; and soon after, Spain acknowledged the independence of these States on this continent. This is one of the positions of Mr. Monroe; and has no connection whatever with the right of intervention, as now asserted, in the concerns of foreign powers; no connection with the idea which seems to be assumed, that Mr. Monroe claimed for the United States, as the principal and only great nation in this hemisphere, the right to dictate to, or control the destinies of all others, or assumed the obligation to protect them. His was not the doctrine of interference, but of resistance to the interference of others. He was a man of too much good sense to have contended for the right of intervention in the manner which is asserted. He had no such idea.

What further does Mr. Monroe say? In connection with this view, he says, in direct reference to the condition of the Spanish American states in this hemisphere, that

"The American continents, by the free and independent condition assumed and maintained, are henceforth not to be considered as subjects of future colonization by any European power."

What did he mean by this? I think nothing more than what is contained in his first position, as it has direct reference to the ability of the countries on these continents to maintain their independence. He meant no more than that those countries ought not to be forcibly reduced to colonies by any European power. Did he mean that no European power could establish colonies in any unoccupied territory they might have in this country? Certainly he could not mean taat; because he admits taat the existing rights of European powers could not be disturbed. It was, then, only an elaboration of the first doctrine, that the countries here are capable of maintaining their own independence, and could not be disturbed or subjugated by any European power. What is there in all this that supports the idea that it was the purpose of Mr. Monroe to watch over all the countries of this hemisphere, and to repel interference in any one of them without regard to the idea whether it was an encroachment upon our rights, or such an invasion of the rights of other independent nations, as might endanger our own safety; but merely as being the great power on this continent, we had the right and were under obligation to regulate the affairs of all other countries, as far as regards European interference? Has Mr. Monroe ever laid down any such principles of power on our part?

Now, I might contend that, even if Mr. Monroe's ideas were so extensive and comprehensive as seems to be claimed, they were in direct conflict with the settled policy of national intervention with respect to the rights of all nations which has ever been recognized by this government since the days of Washington. I might contend that the assumption that this direction of affairs on our part has been recognized by and become the established policy of the country, has not the least support in the world. Why, if we understand Mr. Monroe as going that length, and to say there shall be no further colonization by any European power, no enlargement of their possessions in this country, I beg to ask for the proof that such doctrine has received the sanction of the other departments of the government, or the people of the country. How can it be claimed that this policy has been acted upon in any instances?—This doctrine, asserted in 1823-'24, when this message was put forth, will not harmonize very well with the recent arrangement made with Great Britain in respect to Oregon. I know that treaty was very unacceptable to my honorable friend, the chairman of the Committee on Foreign Relations. In this case of dispute concerning Oregon, we claimed the whole, our title was clear and unquestionable—yet, in the face of this doctrine, that no European power might extend their possessions on this continent, we not only gave the country up, but allowed the principle to be applied to a territory which we zealously asserted belonged to us.

Mr. HANNEGAN.—Will my honorable friend allow me to put one question? I dislike to interrupt, but would ask, if our title was clear and unquestionable, why did my friend from Connecticut vote for the treaty which surrendered that territory to Great Britain?

Mr. NILES.—I alluded to the opinions of my honorable friend from Indiana, and others, that our title was clear and unquestionable. I certainly never so considered it; if I had, I should not have voted for the treaty.

There was another instance, that of the northeastern boundary, where there was not only a yielding to an extension of European dominion here, but in a case where we at least claimed, and in my judgment, possessed a good title. In the settlement of that important treaty, we gave away, or relinquished, about one-third of the State of Maine, to which I think our title was clear and unquestionable. I hope, however, we shall be able to sustain the principle so far as respects our own territory, and in perhaps defending territory immediately contiguous to us, where it is in imminent danger of falling into the hands of a foreign power, and thus hazarding our own security. That, I believe, is the length and breadth this principle ought to be, or can be carried. There are some other departures from this principle, that I might enumerate. Our honorable friend will remember that there was a very fair occasion to bring up this doctrine—this convenient doctrine of Mr. Monroe in regard to what was called the Panama mission. My honorable friend from Mississippi has quoted very liberally from the speech of the Senator from Massachusetts on that very occasion.

Mr. FOOTE.—The honorable Senator from Connecticut misunderstood me on this point. I expressly said, as he will discover from my printed remarks, that the extract referred to from the speech of the Senator from Massachusetts, was introduced for the edification of the whig members of this body.

Mr. NILES.—Very well; good enough authority any way. It may be used on either side. But I should have been pleased, had he quoted from another gentleman more distinguished in his position—I refer to the President of the United States. He did not, I think, sanction this doctrine. He, with others, adhered to the old doctrine. The democracy on that occasion, and but shortly after Mr. Monroe's time, stood upon the old doctrine of non-intervention. That was then, as it ever had been, the democratic doctrine, yet the policy of all parties. The proposed convention

or congress at Panama, involved the same principle as the case under consideration. It was to regulate, by some system, the concerns of the different nations in this hemisphere, and to secure all against European aggression and colonization. This measure, very unwise, as subsequent events proved, was recommended and sustained by President Adams, with all his learning and ability; but as it involved a dangerous principle of foreign intervention, it was, after a warm and able debate, put down by both houses of Congress, and there the thing ended. Let us look further and see how the doctrine stands of resisting colonization in this whole hemisphere. What has this nation done in opposing British encroachments and aggressions, perhaps called so properly? Look at her acquisitions upon this continent, and below us, too! Great Britain, through some treaty in '83, acquired the right of cutting logwood at Balize—the right of establishing a factory there for trade, but no right of territorial jurisdiction; yet, through the exercise of that right, she has extended her possessions until she has acquired a large province—a province embracing the most fruitful and valuable part of Yucatan, and I will venture to say, that the trade of Balize is ten to one of the trade of Yucatan, even before these disturbances occurred. This is not all by any means. What has she acquired still further south? They have possessed themselves of a province called the Musquito Coast, through the force of a deed or will, from some Indian chief, and thus extended her dominion there. This is not all. Travel over the earth, and then you may attempt to describe the aggressive inroads of that power. I saw this very day an account of their aggressions in Venezuelan Guyana. They had some possessions in Guyana, which they have extended, until they have absorbed the whole of what was Spanish Guyana. The writer of the statement I saw, and who seems to be well informed on this subject, says that in 1841 they encroached upon Spanish Guyana to the amount of twenty thousand square miles. Since then they have swelled the amount of their possession, until now they occupy a portion of country one hundred and eighty thousand square miles in extent. These things are successfully going on, while we are engaged in carrying out the great doctrine of Mr. Monroe by a quiet acquiescence, and I believe the Executive branch of this government has not yet sent the first diplomatic note to this power, saying that these things would not do. It is too late in the day, sir, to take ground quite so high as this put forth by my honorable friend from Indiana. It is too late in the day; and it is a ground which ought never to have been taken, because it was one that we never could have maintained. It would have led to a perpetual war with the world, or at least with England, the mightiest power in it. She is the only power we have any fears of collision with. There has been a serious disturbance upon the La Plata. England and France have both been acting the part of mediators or invaders there. Were their objects and purposes inquired into by us? Did we seek to repel their interference? The difficulty was carried on in a portion of this hemisphere. We might have had reason to apprehend that the result of their combined intervention would have been the establishment of the power of one or both of these nations permanently and extensively. At least it might have been supposed that they would gain in substance the control of that portion of the country. Have we interfered in this matter? Not at all—not at all. All these things have taken place since the declaration of Mr. Monroe in 1823-'24. In a mere suppositious case we are told that our interest requires, not to interfere diplomatically, not to protest against a foreign power taking possession of Yucatan, but upon the mere assumption that she may be thus taken possession, we are called upon to seize the country and occupy it ourselves. Sir, that is one part of the doctrine.

Mr. President, I thought it proper to examine these doctrines to which such importance is attached of late, and which are assumed to be the established policy of the country, although they never seem to have been recognized by any action of the government. But if we were to admit this to be a settled policy, it is sufficient to say that there is in this case no facts to justify our interference. There is not the first fact before the Senate. There are no facts to prove any design on the part of the British or of Spain to take forcible possession of the peninsula of Yucatan. Not one. Now, sir, as far as any right of interference by one independent power with another is concerned, all writers on the laws of nations agree in saying that the case must be an extreme one, the danger must be imminent, to justify such an act, one which will admit of no other remedy. We are called upon to interfere in the civil affairs of Yucatan upon a mere supposition or suspicion that England may possibly interfere if we do not. It may be possible, as of many other things. Can a mere supposition or suspicion of this nature be any justification for our interference? It may be said further, that England has already been called upon to interfere. True; but she has been treated precisely in the same way that we have been treated; the same appeal and offer have been made to both nations. Supposing England was to interfere under this solicitation of the government at Yucatan, have we any right to complain of such a course on her part? Even if there were any interference on the part of England, it would not be *prima facie* a case of aggressive interference. Because her aid has already been solicited, as well as ours. Spain has interfered; she has sent two ships of war to the coast of Yucatan. I recently read an account that two ships of war from Cuba had arrived on the coast of Yucatan, and were doing what they could to aid the sufferers, taking them on board and furnishing provisions, arms and ammunition. Can we complain if any other nation, who happens to be European, do precisely what we propose to do, on precisely the same basis, that is the relief of the suffering people of this distracted State? The Senator from Indiana has the candor to admit that there might be a state of things, in which, if we take possession, we shall be forced to hold on. That would not at all favor the measure, however, in my judgment. There are difficulties enough in the way before you moot that point. Is this measure to assume the character of acquisition or annexation? If so, it becomes infinitely more important.

I have a few words, Mr. President, to submit in regard to the expediency and advantage of our interfering in this matter, and the probable consequences which may follow to ourselves. Aside from all the difficulties I have partially alluded to, if it should appear that our interference can be of no essential service to the people of that country; that it will involve great sacrifices on our part, sacrifices not only of money, but lives; that it will involve us in a war which will be as with all Indian wars, a very trouble-some one—even aside from all the great principles which impede our way at every step, I ask whether it will be wise and prudent to interfere in the extraordinary manner this bill proposes to do? Now, sir, what does my honorable friend suppose we have to do, admitting that all these difficulties did not exist? What are we to do? We must in the first place take this war upon our hands; and in order to do that, we have got to decide a question to which I have not hitherto alluded, that is, the merits of this controversy, or the causes of the civil war now prevailing in that country. We have got to decide whether this is a war precisely of the character exhibited to us by Mr. Sierra; that is, that it is not exactly a civil war, but a war of savages against a civilized people—a war of extermination, carried on by a horde of savages against the unoffending white population; a war of races. Now, have we sufficient, or the requisite information to decide this question? We are to look on both sides of the question. This is the course justice and humanity points out. Can we decide this question with our present meagre information, with that degree of confidence and justice with which it ought to be decided? Can we, with our present knowledge of the matter, take upon us the high responsibility of calling upon our own citizens to hazard their own lives, and assist in shedding the blood of others who have never injured us?

This is no trivial concern. This not a question as to the right of intervention, but whether we know enough about the merits of the controversy to justify our adopting and carrying out the extraordinary measures proposed. We are to take sides on this question. We are to become a party to this war, and are to assume that it is on the one hand a war of extermination carried on by barbarians, and on the other, a war of self-defence, a resistance to the murderous incursions of savages. It may be so. But I ask whether there is anything before us to justify our assuming such a position, attached to which are consequences so very solemn, not only to that country, but to our own citizens. Why, I have just read from this report, that these so called savages are citizens of the State of Yucatan. They have been admitted as equals into society. The white citizens of that country, says Mr. Sierra, have made great efforts to elevate, educate, instruct even to Christianize them. They are, then, according to this authority, a portion of the people of that country. To a great extent they are a civilized and a Christian people. They are Catholics, I believe, and we are to be called upon to aid in what? Why, in their utter extermination. This is, as is said, truly a war of extermination. For one, sir, I would hesitate long before I would give a vote to take the responsibility of exterminating this race, to say nothing about exposing and hazarding the lives of my own countrymen. I should like, for one, to know more upon this subject. I find that the correspondence laid before us sheds no light on the question, how this controversy begun. The statement, also, of Mr. Sierra, affirming that there were no factions existing in the state, does not seem to be entirely true. He doubtless supposed it so at the time, and there may be a total absence of the exhibition of factions to-day, and yet to-morrow they may came forth in all their evils. We know that during the short period of our war with Mexico, the condition of Yucatan has assumed three or four different phases. But there are factions. There are two parties, and dissentions among the whites as well as this controversy with the natives. No longer than the 5th of last month I find that the then governor, believing it might tend to harmonize and unite the people, and thus strengthen their hands in the struggle in which they were engaged, resigned his office, doubtless in favor of the rival leader of the other hostile party. Mendez, the then governor, resigned in favor of Barbachina. This measure seems to have been designed to unite the two parties, and to enable them more effectually to defend themselves against the assaults of their savage foe, and to strengthen their hands against their common enemy, the Indians. But such was the bitterness of feeling between the two parties, that it had a directly contrary effect, for of the eight thousand men who composed their army at the time, about one half, comprising the partisans of Mendez immediately returned to their homes, reducing the army to some four thousand men. Sir, we know nothing of the occasion of this difficulty. I believe that the report received to-day, containing the correspondence with the Navy Department, throws some light on the origin and causes of this war; but I have not had an opportunity to examine it. The correspondence in the two messages offered very little light—in fact, Mr. Sierra seems to avoid going into the orgin of these controversies. Traced to its

source, I think it will be found that this war at present existing in that country, is one of the deplorable evils resulting from their divisions. Sir, is it not improbable that the degraded native population of that country, who, for three long centuries, have been in a state of complete subjugation, and whose is moral characteristic, according to Mr. Sierra, is stupidity, should, of their own accord, after having endured oppression so long, from some strange feeling newly sprung up in their breasts, unite their strength, and form an offensive league against their ancient oppressors? Sir, there are, there must have been, other causes of this difficulty, of which we at present know nothing.

Sir, when foreign intervention takes place it is supposed to be for peace. When any intervention with the the affairs of other nations is undertaken, it is assumed to be, upon the ground of humanity, and looks to the interests of both of the contending parties. Intervention looks to the great interests of peace, and is the enemy of war. It is only on this ground that it can receive the least justification. Can we do that in this case? This is a war of one portion of inhabitants against another portion, whom they regard as their oppressors; and can we by a display of force induce these people to yield? Can we dictate terms, or a treaty, compromise or settlement of their difficulty? What do they say themselves? I saw an article in a paper published at Mexico, in which the superior class are speculating upon the probabilities of receiving aid from this country. Nothing short, says the writer of annexation, will be of any use to them. He further states, that their application to be annexed to this country would be successful; that the abolitionists and the democratic party are all in their favor, and he thinks that the southern whigs will be likely to favor the proposition too. On the whole, he declares the prospects to be very favorable. The principal and most striking feature of this article however is, when the writer states that after annexation is secured they, the Yucatanese, will be saved from further trouble with the savages, as they will be immediately exterminated by us. That is what they want sir. This statement I found copied from the Mexican paper, the La Patria, in the Herald of this morning.

A few words in reference to the consequences to ourselves. We know something in regard to Indian warfare. Who, and what are these Indians that are to be exterminated? What is their number? What their prowess? What their mode of warfare? What their ability to sustain a war with the United States? Let us see what Mr. Sierra says upon the subject:

"The numerous hordes of that race fall with opposing rapidity upon the defenseless villages, massacre the inhabitants, and then withdraw to the mountainous fastnesses of the country, carrying away their booty, and dividing among them all the spoils of war. The ferocity of the want of that race, the habits with which they support all kinds of privations, the extraordinary rapidity of their movements, all these circumstances have given to this species almost invincible."

Such are the people we are called upon to assist in exterminating. They are without artificial wants, subsisting in a state of nature, living on little or nothing, and sallying forth with astonishing rapidity, falling upon hamlets and villages, devastating them with fire, and then retreating far from pursuit to their forests and fastnesses. The governor expresses his opinion of them still more strongly. He says:

"The white race—the civilized class of this State—is now attacked in an atrocious and barbarous manner by the aboriginal caste, which, rising simultaneously in insurrection, is committing every species of outrage and exterminating wherever it can. Everything is ravaged and destroyed, the towns are delivered to flames, and all, without consideration of sex or age, who fall into the bloody hands of these barbarians, are murdered without pity, and with the most cruel tortures. Their forests, their fastnesses, their customs, and other particular circumstances, render the Indians terrible enemies; and when to this is added their numbers, excessively superior to those of the other castes, it will be at once seen how difficult it is to restrain them, and how easily they may succeed in many points in which an opposite force and the difficulty becomes the greater, in consequence of the want of funds to support the expenses, and to obtain the necessaries for carrying on the war."

Here the governor says, that these Indians have become terrible enemies. Mr. Sierra states that they are vastly superior to his own people. In all the accounts which we have had of this cruel war with all its terrible devastations, I have never seen any account of the first battle that has been fought, or the first stand that has been made by the white population of that distracted country. It appears that they have a small force in the field, but whether it is that they are afraid to fight, I know not, I cannot say; as yet they appear to have had no skirmish, nor made any resistance however slight to the desolating progress this formidable people are continuing. Now, sir, if we engage in this war we assume upon our hands no small undertaking. I know our soldiers are brave, and probably one thousand of our troops would oppose a more formidable resistance to the incursions of these Indians than the whole military force of Yucatan. But, sir, from the extracts which I have just read, it will be readily perceived that these people will be the most difficult enemy to exterminate that could be encountered in any war. They are not to be found. They are not to be met on the field of battle. They retire when pursued to their almost inaccessible retreats and fastnesses. What can be accomplished even if we pass the bill and send an armed force into that country? Why suppose that we do back this people, for it will not be so easy to exterminate them, and the terrified inhabitants return to their homes, those whose homes have been suffered to remain. Can we after thus driving back the Indians, leave the whites to their own defence? Can we withdraw our forces and leave the people in security? Will they not be exposed to the same inroads the moment our troops are withdrawn? Why, sir, our possession of that country must be a perpetual one. Will not the same necessity remain for continued relief? We can afford them after all, sir, no substantial aid, unless it is given through a permanent occupation of that country, and as I have already stated, that is the aid to which they look forward, and the precise kind of relief which they desire. They are expecting and hoping that the strong arm of this government will thus be extended to their relief. And that is the question, whether we are prepared to do it? Nothing short of permanent possession, or the total extirpation of that race, will do any good; our sacrifices will otherwise be made in vain. The question as I have said, simply comes to this, whether we are prepared to take the people of that country under our care and protection through the medium of annexation, or whatever we may call it, and to afford to them the security which they seem unable to secure to themselves?

Mr. President, I think if we were to pass this bill upon any ground, either of humanity or policy, we would be subject to the charge of inconsistency by our constituents at home. The position of this country is almost identical with that of Texas before annexation. It is true Yucatan has not been recognized as an independent power, but she has thrown off the yoke of Mexico. Texas appealed to us for relief in the same way. But we could not interfere or give her aid, and was there not a desolating war raging within her borders? It is not necessary to remind Senators of the scenes of the Alamo, where the laws of war were utterly disregarded, and a war of extermination similar in kind, though not in degree to the present case, was carried on by the Mexicans. Well, sir, we refused Texas aid, and yet her inhabitants were bone of our bone, and flesh of our flesh. I might refer, sir, to other cases more remote to be sure, but perhaps more similiar in their nature to the one at present under consideration. I would not be understood as saying that it is not proper to extend any assistance to this people in their extremity, and perhaps we ought to go so far as to supply them with arms and munitions of war. But I speak of our making ourselves a party to this war. During the glorious administration of Mr. Jefferson, distinguished for a liberal and humane spirit, there were similiar scenes which occured on our borders? Who has forgotten the fate of San Domingo? We did not interfere then, sir. Was not that a case that appealed to our sympathy and humanity? Was it not a case within our borders as much so as in the present one of Yucatan? The result, as we well know, was the extermination of the white race.

Sir, let us for a moment contrast this bill with a resolution recently passed by this body, and see if there be not some little doubt existing as to the purity and consistency of our present design. I need not remind the Senate of the very interesting subject lately before us, growing out of the great movement in the old world, considered in this body, not in the form of legislation to be sure, still certainly in a form assuming to express the sentiments of this great people, thus giving it a higher character than its ordinary expression might be entitled to. We have, after much deliberation and contemplation upon the matter, adopted a resolution expressing our concurrence with, and congratulations at, the rising of the lower classes of people in one of the great nations of Europe, and upon the success of their efforts in overthrowing the higher and aristocratic classes of their society. That I take to be the character of the revolution in a great degree. And it has been called the revolution of the blouses. The men in frocks, the sons of toil with their bronzed faces and hard hands accomplished the revolution, and we have expressed our approbation at the result of their efforts. And now, sir, we are about to express our opinion of a revolutionary movement, of a civil war in another part of the world. Having congratulated the blouses in one country upon overthrowing the power and ascendancy with all their privileges, and influence enjoyed by the higher classes, we are now about to pass a law, making ourselves a party with the higher classes in another country, to overthrow and even exterminate the lower classes or more degraded portion of the population. These people have been vastly more oppressed and degraded than the lowest ranks of the French inhabitants. All will admit, I think, that these two acts would not stand very well together.

We were told, Mr. President, by the honorable chairman who has brought forward this bill, that if we did not assume the occupation and protection of this country, England will take possession of it, and then we shall be called upon, in accordance with the great doctrine of Mr. Monroe, as that Senator understands it, to displace, or expel her, and thus become involved in a war with that mighty power. If the Senator's idea is right upon this subject, it is giving to this bill a higher character than it has been supposed to possess. If this is so, we are not only to assume the responsibility of consequences, already referred to, resulting from becoming a party to this war, but we also hazard a war with the only nation capable of doing us any essential or permanent injury. But may there not be equal danger of a war with England, if we interfere with Yucatan in the first instance? But, sir, if we place the offer of our aid merely on the ground of humanity, for a suffering people, and if this is to be regarded only as a work of charity on the part of any nation that performs it, surely if we step in and take the work into our own hands, England cannot but thank us for so doing! If England interferes with a design to extend her dominion over that country, it will be immaterial to her, whether she be there first or not; she will not relinquish her object, because we get the start of her.

Mr. HANNEGAN.—I remarked, that we could not foretell the consequences if we encountered English troops there.

Mr. NILES. I believe I understand the Senator's position clearly.

Mr. HANNEGAN.—I said for my own part, I would be in favor of expelling her.

Mr. NILES.—The Senator assumes that that is the course which we should be bound to pursue. But I will not dwell upon that point, as I have no apprehensions either one way or the other. I know her policy has been an aggressive and grasping one; but I believe that the time has arrived when that policy has reached its culminating point. I believe that the general sense of the British nation has been brought to bear upon the subject, and that there is at this time serious doubts in the public mind in England, whether the whole colonial system is not a burden upon their hands. In a statement contained in the leading journal of London, the Times, speaking of the government's sending three small ships of war to the Mosquito country where they have some difficulty, it condemned the measure in the strongest terms, affirming that "it was not a time for small wars." The Times was astonished at the action of the ministry at a time like this in relation to a country so remote and worth so little. Sir, what is the prevailing spirit of the day in England as well as elsewhere? Is it not in favor of free trade and the overthrow of the colonial system? Whether these measures will be carried to the extreme so as to occasion the total abandonment of the present system is somewhat doubtful. If it goes that length, there will be nothing more absurd than that England should wish to have a single colony on the face of the earth. Colonies do not add to the power or strength of a nation; on the contrary, they are a source of weakness. They are points to be defended; thus scattering the force and power of every nation holding them. It is only the advantages of position that colonies afford, and this is more than counterbalanced by the difficulty of defending them. It is the monopoly of their trade, found in the colonial system, that renders colonies of any value or importance, and if this relation is destroyed these dependencies will become extremely feeble. Sir, if this system is abandoned the British colonies will be our colonies. We will have their trade and commerce. I speak now of her colonies upon this continent on our borders. The idea that England is about to interfere with Yucatan for her own aggrandizement is as improbable and as unfounded as any thing that can be well conceived of. The power and ambitious schemes of England are constantly brought in view. It seems to be with some gentlemen here, sir, a very fruitful topic, and brought to bear upon various occasions as to what ought to be our policy in extending our dominion or territory; also as a subject of serious consideration the encroaching power of Great Britain and the danger of that power. We are constantly told of her hemming us round by the extent of her possessions, of her superior commercial advantages on the lakes, the gulf, every where; and it is assumed that there is something very alarming, hazardous to our peace, or trade, in all this. Why, sir, I view the matter in a very different light. I would assert our rights in every respect against Great Britain in all cases, but independent of existing rights, viewed merely with reference to any danger, present or remote, from the increase or extent of the possessions of Great Britain on this continent, I regard all such apprehensions as utterly vain and futile, and unworthy of a great people who ought to have confidence in their own position and strength. Who knows but what the settlements and progress of Great Britain upon this hemisphere are, in the course of events and the dispensations of Providence, to prove elements of strength and prosperity to this country? Who knows but what her aggressive policy, her strenuous exertions to build up her power here, are all to enure to our benefit, commercially, and perhaps territorially. Do gentlemen suppose that the possessions of the British empire can remain and be held together and controlled by her with her present political system? Such calculations may, and probably will prove as fallacious as those made by the late King of France. He was strengthening and building up power which he thought would be available against any dangers that might assail him from within or without.—He had control over military establishments, fortifications, and all the elements of power, greatly exceeding that of any other nation on the globe. But when the day of trial came, what became of all this apparent strength? It fell like the rotten reed. Thus may it be with the power of Great Britain. Arbitrary and unnatural systems held together by force, have lost their terrors. Who can tell what events a few years will produce? Changes are even now going forward in the British empire, at home and in her colonies, and the condition of that country may, in a very short period, be entirely different from what it is at this time. Her American colonies may become independent; or they may become annexed to our confederacy. Sir, these British possessions are vastly more valuable to us, to our trade, than the portions of this continent so much talked about. All these Spanish countries put together in comparison with the British possessions, are but a mere bagatelle. Why, sir, the trade of the British colonies in our own products, amounts to some nine or ten millions of dollars annually; whilst that of all the Spanish American colonies, excepting Cuba, do not equal half that sum. And what have we to fear from British power here? Are gentlemen afraid that we shall be attacked in our own territory, or that our commerce may be cut up? Sir, we have nothing to fear at home from any power or all the powers of the earth. This is the strangest country in the world, both in respect to internal disorder or external violence; all Europe combined, ought not to give us the least uneasiness except in regard to the sacrifices which might follow. We know our strength. We see that the whole people here are, or may be, in the shortest period organized into a military force equal to any in the world. We see that the people of Europe are of two different elements and cannot be relied upon to act together. Sir, to trouble ourselves about the growth of British power is one of the idlest things in the world. I do not say that there might not be cases of Great Britain's attempting to possess herself of countries which might endanger our commerce—Cuba, perhaps, would be one, which would demand our resistance. But I speak of the general idea of the growth of British power on this continent. We have no more reason to fear from it than we have from Mexico.

Mr. President, the policy on which this bill rests, fear of a supposed extension of the dominion of a foreign power on the one hand, and a design of extending our own dominion on the other, if such an idea can be allowed, I regard as unsound and dangerous. This spirit of jealousy in regard to the strength of any power on this continent is, in my judgment, not only a very unwise, but a very dangerous policy. What is to be the result if we resist every attempt—which seems to be the idea of the honorable chairman and others—on the part of any foreign government to establish or extend their dominion here? Will we not be kept in a constant states of war or preparation for war? Will not the adoption of such a policy change our character, perhaps, imperceptibly, to that of a military people, and lead to a steady enlargement of our military and naval establishments? Will it not entail upon us a national debt and change, in some degree, the spirit of the people, and in process of time, the spirit if not the form of our institutions? Whilst seeking to avoid imaginary evils we may fall upon real evils. These evils we may run into under a republican form of government as well as under a monarchical. The evils resulting from overgrown military establishments, are a public debt, and the withdrawal of so large a portion of the industrial power of the country, to be maintained at the expense of the remaining portion. Look at France, with a military establishment of five hundred thousand men! If she expects to get relief from the burdens arising from this military establishment and a national debt, its legitimate offspring, by a mere change in the form of government, she will find herself entirely mistaken. My honorable friend, chairman of the Committee on Foreign Relations, in alluding to the remarks of the gentleman from South Carolina, who adverted to the impolicy of hazarding an additional war, at the time when we were involved in a heavy public debt, said that when any great measure for extending our dominion—I suppose he meant our resisting foreign colonization in this country, or the carrying out the great principle of lust of dominion—whenever there was any occasion for adopting any such great measure, the Senator from South Carolina was constantly bringing forward the "phantom of a national debt." Sir, the people of England and France, and all the States of Europe, seem at last to have found that a national debt was no phantom, but rather a sad reality. And shall we enter upon a policy which has brought such calamities upon Europe. And I hope the Senator will pardon me for saying that I think we are progressing in this matter very respectably; and that a national debt of one hundred millions is not to be called a phantom. I think if not sensible now of the reality of a national debt, with this convenient mode of getting along, by making loans, that when we get peace, and shall find it hardly admissible to go on by a system of loans, and we come to be thrown back upon our own real resources, the actual revenues, that, then, the honorable gentleman will be convinced that a national debt is something more than a phantom. And with my views of our present resources, and looking to the present disturbed condition of Europe, and the effect it must have upon our trade. I am inclined to fear that the Senator may find that the public debt is a reality, and our revenue a phantom. I hope it may not be so, Mr. President. I have got through what I have to say in opposition to this bill. In regard to the request contained in the message, and the appeal made to us, I would go for assisting this suffering people as far as may be consistent with the established principles of this government—with maintaining our neutrality in this war as in all other wars, and of abstaining from improper interference with the domestic concerns of this, as of all other nations. I am of the opinion that something might be done without violating these principles. Whatever measure may be proposed in accordance with those principles for their relief, I assure the honorable chairman I will go as far, if not farther than himself, in carrying it out. Possibly we might go so far as to supply that people with arms and ammunition; I am not prepared to say, but that I would go to that length, but that would be the extent to which I would go. We have hitherto maintained a prudent, just and safe course of policy upon this subject, and I earnestly hope that no untoward circumstances, no emergency in neighboring States, no affecting appeal to our feelings, will induce us to depart from it. Any departure might be fatal to our best interests; and we might find it difficult to get back into the path in which we have so far walked with safety, and which has given to this country a degree of prosperity, an exemption from the evils of war, and a freedom from disturbances and entanglements which has fallen to the lot of no other nation. If then we have thus far steadily pursued this policy with a success and prosperity almost unequalled, I hope and trust the Senate will consider long and seriously upon the subject before they pass a bill which, in my judgment, involves a departure from established principles, and which will expose us to new sources of difficulty, and become an example for the future, fraught with danger and evils which no one can foresee, and no human sagacity control.

On motion,

The Senate adjourned.

WEDNESDAY, MAY 10, 1848.

PETITIONS.

Mr. GREENE presented a memorial of citizens of Rhode Island praying the purchase of Mount Vernon by the government, which was referred to the Committee on Military Affairs.

Mr. DICKINSON presented a memorial of citizens of Champlain, New York, praying the removal of the port of entry from Plattsburg to Rouse's Point, in that State; which was referred to the Committee on Commerce.

Mr. DIX presented the petition of the heirs of Charles Newbold, deceased, praying remuneration for the benefits which have been derived from the use of the cast iron plough invented by the said Charles Newbold; which was referred to the Committee on Patents and the Patent Office.

Also, two petitions of citizens of the United States praying that the heirs of Charles Newbold may be remunerated for his invention of the cast iron plough; which were referred to the Committee on Patents and the Patent Office.

On motion by Mr. HUNTER, it was

Ordered, That John England have leave to withdraw the documents relating to his claim.

POST ROUTE IN LOUISIANA.

Mr. JOHNSON, of Louisiana, submitted the following resolution, which was considered, by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from New River post office, on the east bank of the Mississippi river, to Galvestown, in the State of Louisiana.

CHEROKEE CLAIMS.

Mr. JOHNSON, of Maryland, submitted the following resolution, which was considered, by unanimous consent, and agreed to:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the claims of such Cherokee Indians as remain east of the Mississippi by commutation, for removal and subsistence, and report such measures, if any, as in the opinion of the committee should be adopted for the adjustment of such claim.

PRIVATE BILLS.

Mr. DAVIS, of Mississippi, from the Committee on Pensions, to whom was referred the petition of Nehemiah Brush, submitted a report accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. JOHNSON, of Louisiana, from the same committee, to whom was referred the petition of William Pittman, submitted a report accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. JOHNSON, of Louisiana, from the same committee, to whom the following bills from the House of Representatives were referred:

An act for the relief of Joel Thatcher.
An act for the relief of John Knight.
An act for the relief of Benj. Reifsnyder.
An act for the relief of Wm. Paddy.
An act for the relief of Isaac Bayless.
An act for the relief of Arthur Wilson.
An act for the relief of Benj. G. Perkins.
An act for the relief of Beniah Wright.
An act for the relief of John Savage,

reported them without amendment.

THE PRIVATE BILL CALENDAR.

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That Friday next be assigned to the consideration of private bills.

COMMITTEE ON ENROLLED BILLS.

Mr. BORLAND being, on his motion, excused from serving on the Committee on Enrolled Bills, it was

Ordered, That the vacancy be filled by the VICE PRESIDENT; and

Mr. GREENE was appointed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The President of the United States approves and signed, the 9th instant, an act to make State Lands in the respective districts of Peoria, a part of deliverey and location of the appointment of a deputy surveyor for said port; an act authorizing a term of the United States' Circuit and District Courts at Chicago, Illinois; an act to provide for the pre-emption of certain lands; and for the relief of Harriet Barney; and a joint resolution of thanks to Major General Taylor.

The House of Representatives have passed a joint resolution providing for the payment of the regiment of Texas mounted troops, called into the service of the United States, under the requisition of Colonel Curtis in the year 1847, and for other purposes; in which they request the concurrence of the Senate.

The said joint resolution was read the first and second times, by unanimous consent, and referred to the Committee on Military Affairs.

AGRICULTURAL AND MANUFACTURING STATISTICS.

Mr. UNDERWOOD, by unanimous consent, asked and obtained leave to bring in a joint resolution requiring the Commissioner of Patents to report annually upon the prices of labor and the productions of agriculture and manufactures; which was read, passed to the second reading and ordered to be printed.

SETTLERS UNDER THE ARMED OCCUPATION ACT.

On motion by Mr. WESTCOTT, the prior orders were postponed, and the Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of the *bona fide* settlers under the acts for the armed occupation and settlement of a part of the territory of Florida.

The amendment reported from the Committee on Public Lands, was agreed to.

The amendment submitted by Mr. WESTCOTT, to strike out in the third line of the second section all after the word "thereof," down to, and including, the word "Office," in the eighth line of the said section, and insert in lieu thereof "were or are not legally subject to donation under the said acts on any account whatever," was agreed to.

Mr. UNDERWOOD moved further to amend the bill by inserting between the words "frontier" and "thereby," in the twelfth line of the first section, the words "south of said line specified in said act of 1842;" which was agreed to.

No further amendment being made, the bill was reported to the Senate; and the amendments were concurred in.

Ordered, That the bill be engrossed and read a third time.

The said bill was read a third time.

Resolved, That the said bill pass and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

DEFERRED NOMINATIONS.

The Senate resumed the consideration of the resolution submitted by Mr. JOHNSON, of Maryland, on the 28th ultimo, respecting appointments made by the President during the recess of the Senate.

The resolution was read, as follows:

Resolved, That the President of the United States is requested to inform the Senate whether any officers are now in the military or civil service of the United States, under appointments from the President, which have not been submitted to the Senate; and if there be any such appointments, that he state the date of such appointments, and why it is that it has not been in the power of the President to submit them to the consideration of the Senate.

Mr. JOHNSON, of Maryland, addressed the Senate in support of the resolution, and in reply to some remarks made by Mr. ALLEN at a former day. Without concluding, the hour for the special order having arrived, Mr. JOHNSON gave way, and it was

Ordered, That the further consideration thereof be postponed until to-morrow.

A report of Mr. JOHNSON's remarks will be found in the Appendix.

THE YUCATAN BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to enable the President of the United States to take temporary military occupation of Yucatan.

Mr. CASS.—Mr. President: Before I proceed to the direct consideration of the subject before the Senate, I beg leave to recall a remark made by the honorable Senator from Connecticut in the discussion of yesterday, and to correct an error into which I think he has fallen. In deprecating the prompt action of Congress in this matter, the honorable Senator justified our delay by the delay of the Executive; and I thought with an appearance of harshness, if not of severity. He said the subject had been before the President for some weeks, perhaps for some months, without any decision; and he seemed to draw the conclusion, that we might now require an equal time to determine upon our legislative course. There is an essential difference, however, between the action of the Executive and of the legislative departments upon this subject. I believe it is about two months since the melancholy state of things in Yucatan was first made known to this government, and its interposition implored. It was a new question, involving very serious considerations. We all feel this; for they are pressed upon us more and more at every step of our progress. However urgent were the claims of humanity, the necessary information for discreet action was not in the possession of the Executive. The commissioner of Yucatan had indeed made his representation; but it required to be fortified by less partial information—by the reports and opinions of our own officers, who were acting upon the coasts of that country, and who were acquainted with its present condition, and the causes that led to it. Well, sir, it took time to procure these facts through this channel, and, as soon as they were procured, the President determined upon his course, and transmitted the message now under deliberation. Certainly gentlemen do not desire the same time to discuss such a question as this, as was necessarily consumed in the collection of information. The great points of the case are before us, and the application now comes, not merely from the Yucatan commissioner, but from the legislative department of the government in solemn decree, and from the Executive of the country. It is a case of overwhelming overpowering necessity. While we are deliberating, the sad action is going on; and however prompt we may now be, we may not be prompt enough for the circumstances. The fate of the country may be decided before we can send any relief. At any rate, let us redeem ourselves from the reproach of indifference or unnecessary delay. This is one of those great cases for human action, where to do well is to do promptly, and where too much caution will show that we are unequal to the position in which we find ourselves placed.

I need not recall the condition of Yucatan. The message itself, with the accompanying documents, the information which daily reaches us through the public journals, and the discussion here, have put us in possession of the true state of things in that unhappy country. It is divided between the two races of Spanish and of aboriginal descent, and the Indians have obtained the superiority—have descended from the high country upon the low, and are driving the white race before them to death or to the ocean. It is a war, if that can be called a war, where the fighting seems to be all upon one side, of destruction and extermination. Not figuratively, because here and there a man is killed or a plantation laid waste, but literally, rigidly; for nothing is spared, neither man nor his works, and fire and the sword accompany the Indian army, and do their work without pity as without remorse. And, under such circumstances, is a duty of humanity, which no one in this country calls in question. But, owing to the peculiar features of our own constitution, many doubt whether this government has the power to grant it. Though I believe, sir, we may clearly interpose in such an extreme case of national suffering, as was done many years since for Caracas; yet, as this question does not lie in my way, I shall not turn aside to seek it. All may hold the claims of humanity to be a strong inducement for action, when conjoined with other motives for legislative interposition, which render our action equally constitutional and expedient. This question intimately connects itself with the prosperity and (I had almost said) the safety of our country. We have reached one of those epochs in the progress of nations to which the historian looks back with interest, and whence he traces much of the good or evil they encounter in their career—one of those epochs which impress themselves upon the character of a country, and when vigorous counsels are equally dictated by justice and by wisdom, while timid and irresolute measures are sure to be followed by political weakness and by the contempt of the world.

The principle advanced by Mr. Monroe, many years since, in two of his messages to Congress, which denounced any future attempt of the European powers to establish new colonies in this country, has been brought into this discussion, and, in fact, necessarily connects itself with it. This principle has been reasserted by the present Executive upon the same general considerations which influenced the action of his predecessor. It was a wise measure, fully justified by received principles of the law of nations and by the actual circumstances of our country. The honorable Senator from Connecticut, [Mr. NILES,] considers the reiteration of the principle by the present Executive, and perhaps its original announciation by Mr. Monroe, as the claim of a right to regulate all the affairs of this continent, so far as respects Europeans. But this, sir, is an entire misconception of the whole subject. It has, however, prevailed somewhat extensively, both here and elsewhere, though it seems to me that the slightest consideration of the messages referred to would have corrected, or rather prevented, this flagrant error. Neither of these Presidents, the past nor the present, assumed to interfere with any existing rights of other nations upon this continent. Neither of them called in question their right to hold and improve the colonies they possessed, at their own pleasure. Such an assumption would have been equally obtrusive and ineffectual; and how the opinion could have prevailed that has been advanced, no one can tell; for, in the documents themselves, the true doctrine is cautiously guarded, and existing rights considered as unassailable. The object which these statesmen had in view was to prevent the colonization of any portion of this hemisphere; to announce to the world, that when any of the colonies planted upon it escaped from European thraldom, they should not be again subjected to that comparatively humiliating condition. The Spanish colonies had shaken off the yoke of Spain, and had asserted their independence. The struggle had been going on some time, and it was apparent to all the world, except to the world of Spanish obstinacy, that, if not prevented by external force, it would terminate, as it has terminated, in their admission into the great family of nations. It was obvious that European complications might arise, in consequence of the necessities of Spain, and of her recklessness in pushing the contest, which might affect the fate of these countries. French or English assistance might be asked for, and rights conveyed which would induce these powers to take part in the struggle, with a view to take part in the spoils that might result from it. This was the evil foreseen, and the declaration of this country was one of the remedies to avert it. On this, as upon many other occasions, we halted in our course, and did not come up to our own work. Such declarations as those referred to, when made by the head of a European nation, are made authoritatively, because he who pronounces them has the power to enforce them. They become settled maxims of policy, and other nations are aware that they cannot be interfered with, except at the hazard of war. But it is far different here. Great principles of conduct depend essentially upon public sentiment, and can only be enforced by the action of Congress. Public sentiment in this country has, I believe, with unusual unanimity, approved this principle; but Congress has never, by action or declaration, given it the sanction of its authority. It has rested, therefore, barren among our archives, only to bear fruit when the legislature of the country adopts it as its own. My honorable friend from Ohio, [Mr. ALLEN,] with that sagacity and energy which mark his political course, seeing this state of things, and foreseeing its consequences, endeavored some two years since to draw the attention of Congress to this subject, and to procure its authoritative action. But he failed—not, however, from the want of those exertions which ought to have insured success; and we have come down to the present day with this great principle—recommended, indeed, but not asserted, by the only body which has the power to give effect to the assertion.

Mr. President, a few brief reflections will, I think, satisfy us that this measure is as just as it is important; and now, when we must discard or embrace it, it is our duty to examine the considerations which are connected with it. That law which regulates the intercommunication of nations, is not rigid and stationary. It rests, indeed, upon certain fundamental principles of right and wrong; but many of its principles change with the changes of nations, and accommodate themselves to the progress of society and to the existing opinions of mankind. Illustrations of this principle are familiar to every reader of modern history. They are to be found in the questions which have been agitated about the Baltic; the Black sea; the right of England, claimed and exercised at one time, to control the navigation of what she called her narrow seas; about the equally absurd claim of Spain, which she actually enforced for many years, to prevent the vessels of other nations from sailing within the neighborhood of her American colonies; and about the right of the Pope to partition the new continent among the powers of the old. I have not had time to advert to the historical authorities, but I am strongly impressed with the conviction, that when the Portuguese government had been transferred to Brazil, and the permanent condition of the two countries became the subject of consideration in Europe, it was contended, and, I believe, admitted, that the two nations must be eventually separated, if the government remained in Brazil, as the principle could not be admitted that European nations might become the colonial establishments of the American powers. This was assumed as a kind of family law belonging to the nations of that hemisphere, necessarily arising out of their condition.

When this continent was first settled, its true destiny seems never to have occurred even to the most sagacious statesman. The colonial establishments were formed and settled for the purpose of commerce and profit, and were held only for the benefit of the metropolitan governments. The memory of this condition of things survives in the word plantations, yet retained as the name of one of our States, and indicating the object of its early establishment; and, in the term general court, the appellation of the legislature of several members of the confederacy, identical with the name of the directing power of large corporations in England—such is the East India Company and the Hudson's Bay Company—and which belonged to the corporations whose powers were transferred to New England, but without the slightest apparent conception of the true consequences that were to follow. This *utilitarian* principle is manifest in the whole course of English legislation, and of executive administration, respecting these States, then colonies of that country. Why, sir, it has been said—rather I suppose in illustration and reproach, than as a literal fact, but still true enough to a great extent—that even a horse shoe nail could not, by law, be made in America, but must be manufactured in England. Every war in Europe was a war upon this continent. Governments, comparatively imbecile, like those of Spain and

Portugal, and in the last stages of political decrepitude, owned and controlled half the world. Magnificent regions, destined by God to be inhabited by millions of human beings, penetrated by great arteries, divided by lofty mountains, where were emboweled the riches of the earth—prairies and pampas, and forests, as boundless in extent as they might be rendered fertile in their productions—all these gifts of nature to man were locked up, rendered useless by the wretched policy or the little miserable intrigues of the courts of Madrid and of Lisbon.

Such was the condition of this continent, when we came upon the scene of political action as one of the independent powers of the world. New interests then arose, and a new party to assert and protect them. With the change in our situation, came changes in our rights and duties. It was obvious that many old things must pass away. The first link in the chain of servile connection between Europe and America was broken. When the whole connection should be dissolved, became thenceforth only a question of time. For a while, however, we had too much to do with the present, to take any accurate survey of the future. Emerging from a terrible war, our first object was to repair its ravages, and recover from its material effects. We had then to consolidate our government, and to accommodate our institutions, State and general, to the new circumstances of our position; and while we were doing this, that tremendous storm arose in Europe, which swept over the Old World, and, during its progress, involved all the nations of the earth, directly or indirectly, either in its operation or its effects. Until this passed away, the government of the United States had no opportunity to investigate and assert the new principles arising out of their independence and their connection with the other communities of the American continent. But the revolution of the Spanish colonies gave them this opportunity; and their increased power gave to the Executive—if it did not give to Congress—the confidence necessary for decisive action. There was an American interest upon this hemisphere, separate from the European interest. The powers inhabiting it, besides their more general relation with the nations of the earth, had a policy more peculiarly their own. The questions leading to war in Europe were almost as endless as many of them were futile. They were wars of succession, of interest, of aggrandizement of resentment, and of almost every other passion which sways the human breast. Minions and favorites and mistresses, acted upon imbecile sovereigns and corrupt cabinets, and the peace of the world was sacrificed to the most despicable motives. It would really appear in some of the wars of modern times as though power were sometimes placed in unworthy hands, to show how far human forbearance can be carried, and the dignity of human nature degraded. We desired to live out of the sphere of such operations, and we could not do so if they were brought into close contact with us. Political propagandism has no place in our policy. We prefer our own form of government, from a conviction that it is best calculated to promote our happiness; and we rejoice when other nations are willing and prepared to adopt it, from an equal conviction that it will promote theirs. But with a determination to judge for ourselves, we leave to them the same right. Certainly it is interesting to us, that the States of this continent should be republican as well as independent. We can assimilate more readily with them, and we believe their condition will be safer and more permanent. But whatever form of government they might choose to adopt, it was for their interest and ours, that they should advance in all the elements of improvement, moral and material; that their powers should be developed, and their own industry opened to the world, and that of the world to them. Connected with the uncertain and ever-changing fate of European sovereigns, their condition would not only be precarious, continually exposed to war, but the sources of their prosperity would be locked up, as the miser locks up his treasures, which he will neither use himself nor suffer to be used by others. The honorable Senator from Connecticut, has put to us the *argumentum ad hominem*, and has said that we are inconsistent in our principles, because we do not interfere with France and England in their operations in the La Plata. Certainly the war which has been waging there is one of the most unjust in modern times; but still it is an open, publicavowed war—not, it is said, for the purposes of aggrandizement, but with the professed view to terminate the hostilities which had long been going on between the independent States on that river. The honorable gentleman, as I before said, has misconceived the nature of the principle. We do not deny the right of the powers of Europe to go to war with the American States, when they have cause to do so; and of this they must judge for themselves. When these wars, however, are undertaken for the purpose of recolonizing any portion of this continent, or when that consequence is obviously to flow from them, then will come the time to test the true principles of our action.

Beside these considerations, arising out of the material and intellectual progress of the American States, there was another more immediately affecting us, and which we could not neglect. One of these States, and the most important among them, was coterminous with us along the whole extent of our southern frontier. Any convulsion, internal or external, affecting her, could not fail to engage our attention, as it could not fail to affect our interest. Continually attached to a European sovereignty, she would be continually exposed to the vicissitudes which such a state of things must necessarily bring with it; and war upon the ocean and the land, would expose our borders to ever-renewing dangers. And she, too, is intimately connected by position and character with the States south of her, and their dangers would be hers.

But it is objected, that this principle is at war with the salutary rule of non-intervention laid down by Mr. Jefferson, and now regarded as one of the received maxims of our policy. Sir, this is not so. These declarations on the subject of European recolonization are not for the purpose of interfering with other powers, but to prevent other powers from interfering with us. No man will carry this doctrine of non-intervention so far as to say that it prohibits us from preventing the action, united or single, of other nations, who seek the adoption of measures affecting our interest and safety. If a league were forming among the great powers of Europe, which, under whatever pretence, was seeking the establishment of a principle which would give to England the control of the commerce of the world, must we sit still and calmly await its consummation? Is ours a cloister, if we do not, we shall interfere in the affairs of other nations? and then, when the time of trial comes, be compelled to resist by arms, when a firm interposition and declaration of our resolution during the progress of the diplomatic measures might have thwarted the objects of ambition, disguised under the pretence of philanthropy? Thus to interfere is no improper intervention, but a high dictate of duty, demanded by the true principles of public safety.

We desire no union of the American States; no league to involve us in their difficulties, or they in ours; no Panama mission to open a grand negotiation, and to open likewise a career of complicated diplomatic relations, as difficult to define in their principles as to control in their practical operations. We desire the most perfect independence for all of them, and the most amicable relations among themselves and with us. But we are determined, so far as depends on us, that no European family principles shall come to find an abiding place upon this continent, and to involve in wars, that do not interest them, the various states which occupy it.

And, thanks to this "wretched," and "miserable," and "unjust," and "rash and precipitate war," our voice will now be heard and heeded through the world. Yes, sir, that war, thus characterized, has shed a flood of glory upon this country which will irradiate its history for generations yet to come. Its cost! its cost! is daily dimmed into our ears, as though there were nothing to be regarded but money in the conduct and character of nations. It has cost much money—I do not deny it; though I believe it has been prosecuted with as much economy as is practicable in such distant and extensive operations. I regret the cost, as I regret the necessity of the war which led to it. But should we never get one foot of territory from Mexico as an indemnity—and appearances seem now to indica e that infatuated councils may prevail in that unhappy country, and that we may be compelled to hold on to the whole—but if we should never get one foot, as an American citizen, loving my country, and having cause to love her, I would not sell my share of the glory we have acquired for many times my share of the expense it has cost. It is not mere glory which this war has brought us, though that is one of the essential elements of national power; but it is character, and distinction, and position, and beyond these strength and safety. Our territory is henceforth holy ground. No hostile foot will pollute it. No foreign power will attack us. No other war, I verily believe, will be necessary for long years to come. Paradoxical as it may appear, we shall have fought ourselves out of war. We were comparatively unknown. Our flag, indeed, was every where the emblem and the evidence of our commercial activity and enterprize. But our power to defend it was little understood—I might rather say, utterly disregarded. But the great experiment has been made, and we take our acknowledged rank among the powerful nations of the earth. The decree has gone forth, and he who runs may read it. The entire political separation of this continent from Europe is not a question of fact, but of time. That event must come, and appearances augur that it will come speedily. We may well leave it to its own fulness of time without any improper interference on our part.

But we are now called upon to make a practical application of the great principle I have been considering. The condition of Yucatan, and the considerations connected with it, bring this subject directly before us. We can enforce the doctrine; but we cannot enforce it without discharging the duties which it brings with it. And if we do not enforce it, we shall expose ourselves to eternal self-reproach and to the contumely of the world.

I have already briefly alluded to the condition of Yucatan. Its civilized population is divided, not between the ocean and the frowning fortifications which drive it back, and where no human being can live, but between the ocean and ruthless barbarians, possessing as little mercy as the sea into which they are driving their wretched victims. It is one of those great cases in human affairs which override all other considerations. Yucatan has a right to go where she can, with her sovereignty in her hand, and demand protection from the powers of the earth, and offer her own allegiance in return for it. She has gone to England and to Spain, and she has come to us. She prefers our action to theirs; but if she cannot get the one, she must accept the other. As to Spain, any effective aid or any design of aggrandizement is probably equally out of the question, and we have England alone to look to in the solution of the question presented to us. If we do not act, will she render the assistance demanded, and accept the consideration which may accompany it? That she may do so, without giving us any just cause of offence whatever, and thus accomplish her mission without being involved in any controversy with us, is too clear to be called in question. Interest, therefore, and humanity, as well as the principles which from all time have regulated

her political conduct, prompt her to accede to the demands of the government of Yucatan. The distinguished Senator from South Carolina [Mr. CALHOUN] thinks she will not; but, whether he comes to this conclusion from the facts in her past history or from the circumstances of her present position, it seems to me it is erroneous and unsafe.

I shall not enter into any review of the system of English acquisition. I shall briefly allude to the subject, not in the spirit of censure—though, indeed, there is too often reason enough for that feeling—but merely to recall the principles of her policy, and to judge what she will do by what she has done. The distinguished Senator from Kentucky [Mr. CRITTENDEN] asks, and with some emphasis, what England wants of such a barren country as Yucatan? I ask him, in return, what she wants of such barren rocks as Gibraltar, and St. Helena, and Aden, and all the other barren rocks, and islets, and positions, which she has seized and now occupies through the world? Why, sir, they are towers—some of them watch-towers, and others towers of safety—upon that wall of circumvallation, thus beautifully designated the other day by the honorable Senator from Mississippi, [Mr. DAVIS] with which she has surrounded the world.

Mr. CRITTENDEN.—Will the honorable Senator allow me to make an inquiry?

Mr. CASS.—Certainly.

Mr. CRITTENDEN.—Will the Senator be pleased to tell me—for I am uninformed and ignorant upon this point—how near a man-of-war or seventy-four gun ship can approach the promontory of Yucatan?

Mr. CASS.—I intended to advert to the subject connected with the inquiry of the honorable Senator in another part of my remarks, but I will now anticipate it. The application of steam power to armed vessels has introduced an improvement which may occasion an entire change in naval warfare. It is difficult to foresee its consequences, or the effect it may hereafter produce. One thing, however, is certain, that armed steam vessels, of a size and draught suitable to the navigation they are designed to encounter, will take a decisive part in naval operations. Depots for fuel become, therefore, of paramount necessity for commercial nations. Without them, their steam navigation will be circumscribed and inefficient. With them, to furnish the supplies required to vessels as they call for them, the world may be circumnavigated, and steam power every where used. Now, sir, we have no places of deposit any where but at home, and England has them every where. She has selected her positions for that purpose, with that foresight which marks her character; and she will keep them at all times supplied with abundance of necessary fuel. The advantages she will derive from this system of policy are sufficiently obvious; and we must depend upon our energy to meet them as we best can when the proper time comes. Now, sir, if England possesses the promontory of Yucatan and the island of Cuba, she will build steam vessels suitable to the harbors which may be found there; vessels of a light draught of water, but carrying a few heavy guns, and capable of commanding the ourlet of the gulf—floating batteries, in fact, almost equal in efficiency to permanent batteries, ready to be stationed in the narrow channel, and completely to command it.

Mr. CRITTENDEN.—The honorable gentleman has not answered my question. Again I would enquire whether there is any port in Yucatan into which a seventy-four can enter?

Mr. CASS.—I am aware, sir, that the water in the neighborhood of Yucatan is shallow, and there are places where large vessels cannot approach within some miles of the land. But I repeat, that this consideration becomes comparatively unimportant, when we look to the nature of the vessels which will be employed, and upon the protection they will find even upon a shallow coast.

Mr. CRITTENDEN.—Again I ask the honorable Senator, how near a seventy-four gun ship can approach the promontory of Yucatan?

Mr. CASS.—Mr. President, I cannot give a direct and professional answer to the question of the honorable Senator. Our maps of Yucatan are imperfect; and how near ships-of-the-line can approach its coast, I do not know. But I beg the Senator to recollect that no government in its senses, possessing the point of Yucatan and the opposite point of Cuba, would employ heavy ships-of-the-line permanently to command the channel between them. It would employ steam vessels of light draught, but of great power, which might control in the various inlets to be found there. In looking at the eastern point of the promontory of Yucatan, it will be seen that the island of Cosamel stretches along it for some miles, with a considerable channel between the island and the main, which has probably a depth of water for vessels of a medium burden, and which would afford them adequate protection.

[Since this colloquy, an official copy of a recent British survey of the coast of the promontory has been received at the office of the coast Survey, in this city, and Lieutenant Porter has been good enough to furnish me with the following memoranda from it, which answers the inquiries of the Senator from Kentucky, and place in a stronger light than I had even anticipated, the value of the points of Yucatan and Cuba:

"There is a fine harbor for any size vessels under the island of Mujeres, the east ermost point of Yucatan; and it is protected from the winds in every direction.

"Both the harbors of Ascension and Spiritu bay are good; the latter capable of holding a large fleet of the heaviest kind of English frigates and war steamers. These positions may be made to command the outlet of the gulf."

"There is good anchorage off the northwest point of the island of Cosamel; the island appears on most of charts as Point Cune, but there is no such place."

"Spiritu bay would contain a hundred steamers of the largest class, and any number of the smaller class."

"There is also fine anchorage at the northwest point of the island of Cuba for any size vessel—6 1-2 to 7 fathoms."]

The territorial acquisitions which England has made through the world, have been selected with great sagacity; some for the purposes of power and commerce, and others as positions where her vessels can find protection and be refitted, and where supplies for their necessities can always be found. She holds the southern points of four continents, and entire possession of the fifth. The whole commerce of the world passes before her gates. The Falkland Islands, near Cape Horn give her the command of the passage round our hemisphere. The Cape of Good Hope gives her an equal control of the navigation of Southern Africa. Aden is the key to the Red Sea. The southern points of Asia, Cape Comorin, on the east side of the bay of Bengal, and the Malacca cape, on the west, are commanded; the former by Ceylon, and the latter by Singapore: and to these she has recently added a part of Borneo and Labuan, in the Indian Archipelago. New Holland, in the great Southern Pacific Ocean, is one of her colonial dependencies, and its harbors are essential to the navigation of that region. Hong-Kong is her foot-hold upon the Chinese Empire, equally available for the purposes of commerce now, and of ambition hereafter. The rock of Gibraltar, which frowns over the entrance into the Mediterranean, is at the southern extremity of Europe, and has been held by her for a century and a half, to control its commerce, and is among the last positions from which she will retreat.

So much for the policy of England as deduced from her conduct. If the distinguished Senator from South Carolina draws his conclusion that she will not interfere in the concerns of Yucatan from the circumstances of her present position, I think his views are quite as unsafe as if it were drawn from her established system of action. Certainly there is much in her existing condition to excite her own solicitude, and the attention of the world. The honorable Senator from Connecticut thinks she has reached, as he says, her culminating point. Perhaps she has; but I shall not venture to speak dogmatically upon that question. I leave to a rasher or to a wiser man than I am, to pronounce what is to be her future fate. I sincerely hope that the political convulsions which seem now to be shaking the frame of the English government, if not of English society, may pass away, leaving the principles of freedom and equality perfectly established, and those exclusive privileges which elevate the hundreds and press down the millions forever abolished. To free England from many of the arbitrary tendencies which prevail there, would be to do more for human liberty than almost any other political measure now to be attained. She is yet the stronghold of many principles at war with human happiness; and if she surrendered to the advancing spirit of the age, the example would exert a most salutary effect upon the other nations of Europe. But however this may be, sir, England is not to be annihilated, nor her spirit, nor intelligence, nor energy destroyed. She will have a government, be it monarchichial or republican; and she is not going suddenly to change the identity of her character—an identity which belongs as much to nations as to individuals—to relinquish all her projects of aggrandizement, and to abandon, without effort, the high position she holds in the world. Why, sir, republics are as jealous of their rights, and as firm in their determination to defend them, as the proudest monarchies. Every schoolboy can tell us of the bright days of Greece and Rome, when power was exercised by all, and when all were equally interested in the glory and prosperity of their common country. And we see the prevalence of the same spirit in modern times, when Venice, and Genoa, and Holland, almost governed in succession the commerce of the world, and when the French republic marched over Europe, prostrating the ensigns of royalty in its victorious career. The nations of the old hemisphere will come out of their internal struggles fitted, I trust, to enjoy free institutions, and prepared to maintain them, and determined to be rivals henceforth—not in war, but in intelligence, in industry, and in productiveness.

In recalling the history of English territorial acquisition, I do not recollect one in the long list—except, perhaps, Scotland, which was joined to her, or rather which she joined by succession—which was not made by the sword. And is it probable she would reject one, if peacefully and voluntarily offered to her? When did she put aside, even with the affectation of coyness, the crown of territorial aggrandizement? When did she say *Nolo episcopari*, with the mitre within her reach? And think you, sir, that she will commence her career of moderation, when the functions of conqueror and protector can be united without guilt and without reproach—when she can gratify at once her ambition and her philanthropy—and when the same act will elevate her character and extend her dominion? To believe all this, is to reject the lessons of experience and the motives of human conduct, whether personal or national. History, we are told, is philosophy teaching by example. If the examples of aggrandizement in the history of England, furnished by her conduct under ever-varying circumstances, and too often with an utter disregard of the dictates of justice and the opinion of the world, do not teach us the philosophy of her past action, and the probability of her future, we may as well close the records of human experience, and abandon events to the doctrine of chances, seeking neither to control nor direct them. I think, sir, we might have safely arrived at the conclusion, even prior to this debate, that Yucatan would not apply to England for assistance in vain, unless there were controlling circumstances to

forbid her interference. But, as if to rebuke us for any doubt upon the subject, since this discussion commenced, it has been ascertained that at least four companies of British troops have marched into the Yucatan country from Balize. This is the act of the colonial authority; and the movement itself is not sufficient to excite any apprehensions as to ulterior designs. But it is one of the signs of the times, and shows pretty clearly that the colonial government expected support at home. What the several West India governments may do, is not known. If they follow the same course, a formidable force may be collected in Yucatan. Now, I do not undertake to say what the English government will do under existing circumstances. Much may depend upon considerations, both external and internal, not to be appreciated here. The honorable Senator from Connecticut asks if we could complain, should England grant the assistance which we refuse? Certainly not, sir, and it is this very view of the matter which excites my solicitude. I have no belief that England, at this moment, when the waters around her are all troubled, would take possession of Yucatan by force. But, invited there by the Yucatese people, under a pressing emergency, she has a right to go there—and to remain there, too, if she will—as a proper consideration for her services.

I now come, Mr. President, to other, and perhaps graver considerations, directly or indirectly involved in this question. The gulf of Mexico is the reservoir of the great river of the North American continent, whose importance is as difficult to realize, as it is the value of the country which must seek an outlet to the ocean through its waters. That country is nearly equal to all Europe in extent, embracing twenty-five degrees of latitude and thirty-five of longitude upon the great circles of the globe. This vast basin extends from the summit of the Alleghany to the summit of the Rocky mountains, and its population now equals eight millions. The man yet lives who was living when almost the first tree fell before the woodman's stroke in this great domain, and the man is now living who will live to see it contain one hundred millions of people. Already the hardy western pioneer has crossed the barrier of the Rocky mountains, and the forest is giving way before human industry upon the very shores that look out upon China and Japan. The Mississippi is the great artery of this region; which, drawing its supplies from the fountains of the north, pours them into the ocean under a tropical sun, and drains, in its own course, and in the course of its mighty tributaries—tributaries in name, but equals and rivals in fact—the most magnificent empire which God, in his providence, has ever given to man to reclaim and enjoy. I have myself descended that great stream two thousand miles in a birch canoe, admiring the country through which it parses in a state of nature, and lost in the contemplation of what that country is to be when subdued by human industry. The statistics of such a region in years to come is a subject too vast for calculation. Its extent, fertility, salubrity, means of internal navigation, and the character of the people who will inhabit it, baffle all efforts to estimate its productiveness, the tribute which its industry will pay to the wants of the world, and the supplies which the comfort and habits of its people may require.

During the palmy days of Napoleon, it is said, that one of his projects was to convert the Mediterranean into a French lake. England has nearly done what defied the power and ambition of the great conqueror. She has almost converted into an English lake in time of war. Gibraltar commands its entrance. Malta the channel between Sicily and Africa, and the Ionian Islands the waters of the Levant. There were good reasons for believing, a short time since, that England was seeking to obtain a cession of the island of Crete, the ancient kingdom of Minos, which would give her the port of Canea, that I found one of the most magnificent harbors in the world, equally capacious and secure. If England, in the pursuit of the same system, should acquire similar commanding positions in the Gulf of Mexico, that great reservoir would become a *mare clausum*, and no keel would plough it, nor canvass whiten it in time of war, but by her permission. Now, sir, looking to the extent of our coast in that direction—to the productions which must pass there to seek a market—to the nature of our population—and to the effect upon all these, which a permanent naval superiority would produce—where is the American who is not prepared to adopt any measures to avert such a calamitous state of things? Who can fail to see the nature of the predatory warfare which England would carry on, in all times of hostilities, from her various positions, which would encircle the Gulf, from the Bahamas to Cuba and to Yucatan? And who can also fail to see that even in time of peace, her many harbors would become places of refuge for a certain class of our population, and that perpetual collisions would occur, involving the peace of the two countries?

The Gulf of Mexico, sir, must be practically an American lake for the great purpose of encouragement to exclude other nations from its enjoyment, but to prevent any dominant power, with foreign or remote interests, from controlling its navigation. It becomes us to look our difficulties in the face. Nothing is gained by blinking a great question. Prudent statesmen should survey its as far as may be possible for it. We have a right, as Moses at Carmel, like that of Judea, not prophet to ascend it, and to warn us against a coming storm. But the lame of every citizen is a Mount Carmel for us, whence he can survey the approaching cloud, even when no bigger than a man's hand, which threatens to overspread the political atmosphere, and to burst in danger upon his country. It should be a cardinal principle in our policy, never to be lost sight of, that the command of the Gulf of Mexico must never pass into foreign hands. Its great geographical features indicate at once our safety and our danger. From the southern point of Florida to Yucatan, the chord of the arc does not probably exceed two hundred and fifty miles—a shorter distance than that from Yucatan to Vera Cruz. From the southern point of Florida to Cuba, it is not more than forty miles; and from the western extremity of Cuba to the peninsula of Yucatan, it is not more than sixty miles. These two outlets—the latter into the Caribbean sea, and the former into the Atlantic ocean—do not, therefore, exceed one hundred miles in their united width, and together make the exit and entrance of the Gulf. Opposite the mouth of the Mississippi, is the noble harbor of Havana, almost within sight of which the whole commerce of the gulf passes. England has already got the Bahama Islands, with the port of Nassau, and other positions. So long as Cuba and Yucatan are held by their present possessors, neither we nor the commercial world have anything to fear from English projects, whatever they may be. But let their dominion be transferred to England, and where are we? The mouth of our great river might at any time be hermetically sealed, and the most disastrous injuries inflicted upon us. One important step in the command of the outlet of the Gulf of Mexico she has already taken by the possession of the Bahamas. If she gets peaceable possession of Yucatan, by our remissness, she will have taken the second. Cuba may be the last. I will ask the distinguished Senator from South Carolina if he would advocate the interference of this country by force, if England were attempting by force to take possession of Yucatan? And if he would—and I believe he would—how can he consent to permit her to do peacefully what we may peacefully prevent? I have already, sir, alluded to the effects which steam navigation is to produce upon the commercial and military marine of the world, and the various harbors and inlets of these possessions would be rendezvous whence armed steam-vessels would issue to prey upon our commerce, to close the great channels of communication, or to carry on marauding expeditions against our coast. England has recently extended her possessions so as to include Balize, by the acquisition of Indian territory.—The honorable Senator from New York, [Mr. DIX,] brought this subject before us some time since, and exposed the details of her tortuous policy. The Musquito king, as he is called—the chief of a tribe of Indians occupying a portion of the coast—somehow or other passed under English papilage. It is said that he made the Queen his residuary legatee, and thus the country and its inhabitants have gone to increase the dominion of England. A cheap mode, this, of acquisition—much more economical than Indian councils, Indian presents, and Indian annuities.

Mr. President, many of the great principles of national action depend on existing circumstances. There are few mere questions of abstract right in the intercourse of nations. Peaceable acquisition of territory, or acquisitions in a just war, can give no offence unless to nations whose safety they endanger. Where this is the case, they may be protested against, or resisted, if necessary. It is a question which each nation must judge for itself, and upon its own responsibility, but one which it ought to judge fairly. Much of the public law of the world is founded upon this principle of safety, and the elementary works abound with its illustrations. Traces of it are to be found in all the questions about the balance of power in Europe; in the disputes concerning Malta, and Algiers, and Belgium, and many other subjects which have engaged the attention of governments and formed the labors of diplomatists. Its perversion has, no doubt, led to abuses, as has the perversion of many other principles; but its foundation rests in the nature of things. Self-defence is as incident to communities as to individuals, and a provident forecast requires us to watch any dangerous projects of domination, and to provide for them as we can. I repeat, that a nation under these circumstances must judge for itself. Proximity of situation, the nature of the intercourse resulting from it, commanding positions to do injury, and other considerations, are all elements to be taken into view. In my opinion, we owe it to ourselves to avow distinctly to the world, that the attempt to procure the transfer of Cuba from Spain to any other nation, whether peaceably or forcibly, would be resisted by the whole power of this country. To others, it may be a question of territorial aggrandizement, or of mercantile cupidity; but to us, it is a question of necessity, I had almost said of political life or death. It would become the gate to close the great river of our country. The waters of that river, thereafter as heretofore, would reach the gulf, but its commerce would never reach the ocean. The distinguished Senator from Kentucky says, that while we reproach the ambition of England, we go on acquiring, and asks where we shall stop. I do not know where we shall stop. That decree is probably not yet written. But we seek no acquisition which can injure England, and we desire, in turn, that she should seek none which will injure us.

The principles involved in this system of policy have already been asserted and acted upon by the United States. They will be found in the proceedings respecting Florida, in the acts of Congress of 15th January, 1811, of March 3, 1811, and of February 3, 1813. It was then declared that the influence which the destiny of territory adjoining the United States may have upon their security, tranquillity, and commerce, is a just motive for interference; "and that the United States cannot see any part of the territory pass into the hands of any foreign power; and that a due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said country."

I understand from one of our associates in this body, who is not likely to be deceived, that either in the biography of Mr. Jeffer-

son, or in his correspondence, similar views are expressed by him respecting the condition and importance of Cuba, and the interest which the United States have in its ultimate fate. I have not had time to ascertain the fact by reference to the works referred to. If it is so, it is but one proof the more of the sagacity of that great patriot and statesman, and of the decision of character which marked his course through life. I have run my eye, however, over his correspondence on the subject of Florida, and I find the true doctrine enunciated and defended there, as distinctly as it is asserted in the acts of Congress I have quoted, and which received the sanction of his friend and successor, Mr. Madison.

I trust that the intrigues of no nation will ever compel us to take forcible possession of Cuba. But it seems to me that the more the subject is examined, both here and in Spain, the more obvious it will be, that it is the interest of both countries that the island should be ceded to us for a reasonable consideration. But the details of such a question are better fitted for diplomatic arrangement than for legislative discussion. I shall, therefore, not enter into them here, contenting myself with expressing the hope that the whole subject will not fail to engage the attention of every existing administration till a successful result is obtained. Such negotiations are delayed or hastened by the condition of things in Europe, and by events, which though they cannot be foreseen, yet exert a decisive influence when they occur. And our Executive should be ready to give to these a proper direction.

Unfortunately for the stability of the Spanish monarchy, for almost a century and a half—since the death, indeed, of the last king of the house of Austria—Spain has been convulsed by questions of succession and by family difficulties, which have exhausted her power and almost ruined her prosperity. The vast empire acquired by the romantic but barbarous exploits of Cortez and Pizarro and Almagro, has fallen to pieces, and but a fragment of it remains—a sad memorial, as it were, of departed greatness. The jewels in her crown have been reft from it, and it has lost all its splendor. Looking at the present condition of Spain, there is no reason to hope that the difficulties immediately before her are less grave than those she has passed through. Internal tranquility seems yet far off, and external circumstances are equally unfavorable. The disposition of the few colonial dependencies she yet retains will come up for discussion every time she is involved in a domestic or a foreign war. The fate of the island of Cuba will be thus uncertain, to its own injury and to our danger.

Doubts have been expressed here as to the designs of England upon Cuba. Well, sir, we have no direct evidence upon that subject, nor can we expect to have it. England is wary in her negotiations; and they have often become known but by their consummation. But rumors—those precursors of coming diplomatic events—have prevailed for many years that she entertained this design, and they have been firmly believed both in Europe and in this country. It has been repeatedly said that she had demanded the island, either in absolute conveyance, or as a mortgage for the payment of the debts due to her people: and also to satisfy the claims she herself had for the expenditures made on account of Spain in her great struggle with Napoleon. These rumors have been credited by our own government; and, in 1840, during Mr. Van Buren's administration, Mr. Forsyth, who then presided over the Department of State, so honorably for himself, and so usefully for his country, called the whole subject to the attention of our diplomatic agent at Madrid. He stated the conviction that these efforts had more than once been made; and then bringing to the notice of our chargé the great importance of Cuba to the United States, and to their indisposition to see it transferred to any other power, he directed him to make proper representations to the court of Madrid upon the subject.

Mr. CASS.—More recently, sir—indeed, during the present session of Congress—a discussion arose in the British House of Commons, confirming all the rumors to which I have alluded, and which may well excite our apprehensions, and call upon us for decisive action. On the 4th of February last Lord George Bentinck, one of the principal statesmen of England, and the leader of the tory party in the House of Commons, in a discussion on the slave-trade, said:

"He had read on the Tuesday extract from a United States paper, in which it was stated that if the United States did not possess the cost of Cuba, Great Britain would; and that England had a greater claim by one hundred fold to Cuba than the United States had to Mexico, because a sum of £45,000,000 was due to British subjects, and Cuba was hypothecated for the debt, &c. He would, therefore, say at once, let them take possession of Cuba, and settle the question altogether; let them distrain upon it for the just debt due—and too long in vain—from the Spanish government."

He added:

"They would put an end to the slave trade if they could emancipate the slaves of Cuba."

Credat Judæus Appella. Let him who will, believe that any motive of philanthropy enters into this system of policy. The cloven foot peeps out below, where the speaker says:

"Then depend upon it, when Great Britain possessed the Havana, as once she did in 1762—when she held it for almost a year, and then exchanged it for the Floridas, and WHEN SHE COULD CUT THE TRADE OF AMERICA IN TWO, no more boasts would be heard of what the United States could do," &c.

These are plain thoughts, sir, and plainly spoken, and spoken by a high man in a high place.

Mr. CALHOUN.—The design was disavowed by the British minister.

Mr. CASS.—I do not find it so, sir. What the British minister said was anything but a disavowal. Here it is—all he said upon this subject. The speaker is the Chancellor of the Exchequer, the organ of the British cabinet upon subjects of commerce:

"Neither did he propose to follow his noble friend through his arguments in support of the proposition that we should foreclose upon Cuba, and take possession of that dependency as a lien for the benefit of the Spanish bondholders."

Mr. CALHOUN.—There is somewhere a more direct disavowal.

Mr. CASS.—I cannot find it, sir, and I think the Senator from South Carolina is in error. But it matters little whether it is so or not. Formal disavowals cost but little, and prove nothing.

Mr. CALHOUN.—Lord George Bentinck is not a member of the British cabinet, nor is he at the head of the tory party.

Mr. CASS.—I know he is not in the cabinet, sir; but he certainly leads the tory interest in the House of Commons, and speaks the sentiments of a large portion of the English politicians. My object is to show that the acquisition of Cuba is one of the objects of British policy. And I certainly do show it, when I show that the project is distinctly avowed and recommended by a leading member of the House of Commons, exerting a powerful influence over one of the two great parties into which the country is divided, and who, in the mutation of English politics, may be prime minister to-morrow.

Mr. WESTCOTT.—If the Senator from Michigan will permit me, I desire to make one or two remarks touching this part of the subject.

Mr. CASS.—Certainly.

Mr. WESTCOTT.—When interrupted on the day before yesterday, by the honorable Senator from South Carolina [Mr. CALHOUN,] upon my quoting Lord Bentinck's speech of the 3d of February last, with a declaration by that distinguished Senator, that the newspaper press of this country had improperly suppressed an emphatic and decided rebuke, or disavowal, by the British minister, in his place in the House of Commons, of Lord George's suggestions, I had not at hand the newspaper from which I had copied the part I quoted. That paper was the leading tory paper in England—the "London Times," of the 4th of February last. I had seen in the same paper the observation made by Sir Charles Wood, the Chancellor of the Exchequer, in reference to that part of Lord George's speech, which the Senator from Michigan has just read; and, as I then stated, I should have adverted to it in the next sentence I uttered. I did not, and do not now, regard the observation of the Chancellor of the Exchequer as very strong or decided; and, in fact, I considered it rather an equivocal dissent from the suggestions of Lord George. After the declaration of the Senator from South Carolina, in the pointed terms used by him, I was apprehensive that I had overlooked some part of the speech he referred to, and I again read the report in the newspaper. The debate in the House of Commons on the 3d of February, as reported in the "Times" of the 4th of February, and as continued on the 4th, and reported in the "Times" of the 5th, from the concurrence of the reports, and particularly those of the debate of the 4th, reported on the 5th, (most of them being full of statistics and calculations,) it is apparent the reports were furnished or corrected by the speakers themselves. Excepting a remark of another member towards the close of the debate, [Mr. Labouchere] on the 4th, when Lord George's resolution was adopted, I find the sentence quoted from the Chancellor of the Exchequer, and one other to the same effect, is the only part of the debate referring to the suggestion as to Cuba by Lord George. I think it is by no means an explicit disavowal by the British government of not having any intention to acquire Cuba; but rather a dissent as to the mode and means suggested by Lord George of acquiring it. So, the other notice of Lord George's suggestion, that I have referred to, applies only to the mode proposed. I firmly believe the British government intend to have Cuba, and Yucatan, and Porto Rico, if they can get them; and one great reason is, that the possession of either will aid them in carrying out their hostile schemes with reference to the United States, as avowed by Lord George Bentinck. I only desire to set myself right in this matter, and Lord George Bentinck's speech may now pass for what it is worth.

But, Mr. President, in self justification, for venturing to express the opinion I entertain, as to the designs of Great Britain, I will refer to some other evidence. It is of high authority. It is a letter written by the honorable Senator from South Carolina, then Secretary of State, written in 1844, to William R. King, our minister to France.* I will give extracts when I publish these remarks. I would call the special attention of the Senate,

* *Extracts from Mr. Calhoun's Letter to Mr. King, dated August* 12, 1844.

After referring to the interference of England and France against the annexation of Texas, and urging that the wilderness lying between Mexico and the British possessions, it is our "destiny to occupy," &c., by a "peaceful" system of "accession," &c., and after deprecating acquisition by conquest, the Secretary of State proceeds to say of this system, &c., as follows:

"If it should not be resisted in its course, it will probably fulfil its destiny, without distressing our neighbors or putting in jeopardy the general peace; but if it be opposed by foreign interference, a new direction would be given to our energy, much less favorable to harmony with our neighbors and to the general peace of the world. The change would be undesirable to us, and much less in accord with what I have assumed to be primary objects of policy on the part of France, England, and Mexico.

"But, to descend to particulars, it is certain, that while England, like France, desires the independence of Texas, with the view to commercial connexion, it is not less so that one of the leading motives of England for desiring it is the hope that, *through her diplomacy and influence, negro slavery may be abolished there, and ultimately, by consequence, in the United States and throughout the whole of this continent.—That its ultimate abolition throughout the entire continent is an object ardently de-*

and of the country, to that letter. In it the Senator from South Carolina refers to Lord Aberdeen's impudent avowal, that the British government desired that slavery should be abolished on this continent, (and in the West Indies and Cuba, of course.) I will not, however, comment on that letter. It fully sustains my opinions expressed the other day, and, in fact, if I err, it has been one chief cause of being misled. It seems to me no unprejudiced man can read that letter, and the documents respecting the Texas negotiation, and not be fully satisfied that it is the settled design and confirmed policy of Great Britain, from which she will not swerve till accomplished, or till she encounters from this government resistence of such character, and such mode, and by such means, that will deter her from going to extremities, to assail the southern portion of the United States, through its domestic institutions; and, as one means of effecting this, she covets Yucatan, and Cuca, and Porto Rico, and the Brazils, and will get hold of them by fair or foul means, if she can.

Mr. CALHOUN.—A letter of mine being alluded to, I hope the Senator from Michigan will give me an opportunity to say a word or two in reference to it.

Mr. CASS.—Certainly.

Mr. CALHOUN.—I had no doubt at all at the time that letter was written, that Great Britain had entertained serious views of abolishing slavery all over the world, as far as her efforts would avail. But since that time—and I may say it with an honest pride, partly, I believe, in consequence of the effects produced by the letter alluded to, but mainly in consequence of the complete failure of abolition in her West India possessions, and the ruinous results to which it has led, a great change has taken place in her opinions and feelings. In looking over the late discussions in Parliament on the subject of the sugar duty, I found language used in reference to abolition and its effects, as strong as any I used in my letter to Mr. King, to which the Senator referred, and this not by one or two speakers, but by many. I believe the change has been so entire upon this subject in Great Britain, that her statesmen are actually looking to the virtual resuscitation of the slave trade, to restore the prosperity of her West India possessions. As to the other point in regard to the possessions of Great Britain on this continent, I shall postpone what I have to say to another occasion. As to the declaration of Lord Aberdeen, referred to in my letter to Mr. King, and which chiefly induced me to write it, it has passed away with the circumstances under which it was made, and the great changes which have since occurred. Our danger is no longer from Great Britain, but our associates in our federal Union. If we wish to guard ourselves against the destructive consequences of abolition, we must direct our efforts in that direction. Against danger from any other quarter in that respect, we are safe.

Mr. WESTCOTT.—Since the day before yesterday I have looked at the debate in the House of Commons on the 3d of February, which I then referred to. It was on a motion by Lord Bentinck, to inquire as to the West Indies sugar duty, &c., which was adopted on the 4th. The Times of the 4th and 5th of February contain, as I have stated, all the debate. Except the remarks of Sir Charles Wood, the Chancellor of the Exchequer, I have referred to, and a query he put to Lord George while he was speaking about Cuba: "But would you seize the Brazils as well?" and except some remarks of, on the 4th of February, by another member, (Mr. Labouchere.) I have not discovered one word in the whole report disavowing, repelling, or censuring Lord Bentinck's suggestions. The general eminent men spoke on that occasion, but I do not find that the Premier did. His name is not given as one of the speakers. It must have been another debate that the Senator from South Carolina saw reported, which he has mistaken for this. Nearly all of the speakers deprecate the effects of emancipation in their colonies; and say it has been destructive of their property, injurious to the emancipated slaves, and ruinous to the interests of Great Britain with respect to the colonies. I regard these effects and results as but subsidiaries to her designs as to us, and Cuba, and Brazil. I have other authentic evidence which I may hereafter submit to the country, tending to show that British intrigues are constantly exerted to instigate the adoption of the emancipation system in Cuba. Her Bahama emancipees infest the coasts and shores of my State, and entice slaves to runaway; and as the Senator knows, while he was in the State Department the authorities of Bahama refused to deliver up several runaway murderers under the treaty, which fugitives had been slaves in Florida. My State is but fifty miles from the Lucayo, or Bahama Islands, and but sixty miles from Cuba. If Great Britain succeeds in her designs upon Cuba and Yucatan, we shall be nearly surrounded on the eastern and southern sides of my State by free negro colonies, separated from us by a narrow strait only. She will persevere till checked by us by a firm and decided course. She meddled in the Texas affair, and in Mexico and California. She may affect to change, but she has not changed her policy. She cannot retrace her steps, and establish slavery, and she wants Spain, and Brazil, and the United States to follow her in her folly. She proposes to import Coolies, Kroomen, and Chinamen to the West Indies to supply the place of her manumitted slaves—this experiment will fail. If there had been any disclaimer of the hostility to the United States displayed by Lord Bentinck, or disavowal of coveting Cuba, or of an intention to persevere in the efforts to abolish slavery on this continent, I should not have credited it very highly, but there is none such, as the Senator from South Carolina supposes, in the debate I referred to as reported in the Times. I will send the Senator the papers when the Senator from Michigan is done with them, and he will find I am correct.

---

dered by her, we have decisive proof in the declaration of the Earl of Aberdeen, delivered to this department and of which you will find a copy among the documents transmitted to Congress with the Texan treaty: that she desires to abolish in Texas, and has used her influence and diplomacy to effect it there, the same on ment, with the correspondence of this department with Mr. Pakenham also to be found among the documents, furnishes proof not less conclusive: *that one of the objects of abolishing it there is to facilitate its abolition in the United States and throughout the continent, as manifest from the declaration of the Abolition party in those countries, both in this country and England.* In fact, there is good reason to believe that the scheme of abolishing it in Texas, with the view to its abolition in the United States, and over the continent, originated with the prominent members of the Anti-Slavery party in the United States, and was first broached by them in the so-called world's convention held in London in the year 1840, and through its agency brought to the notice of the British government.

* * *

"It is too late in the day to contend that humanity or philanthropy is the great object of the policy of England in attempting to abolish African slavery on the continent. I do not question but humanity may have become one of her leading motives for the abolition of the African slave trade, and that it may have had a considerable influence in abolishing slavery in her West India possessions, aided, indeed, by the fallacious calculation, that the labor of the negroes would be found as profitable, if not more so, in consequence of the measure. She acted on the principle that tropical products can be produced cheaper by free African labor and East India labor than by slave labor. She knew full well the value of such products to her commerce, navigation, navy, manufactures, revenue, and power. She was not ignorant that the support and maintenance of her political preponderance depended on her tropical possessions, and had no intention of abandoning them voluntarily, or from mistaken philanthropy. That object, when the scheme of abolishing slavery in her colonial possessions was adopted. On the contrary, she calculated to combine philanthropy with profit and power, as is not unusual with Britain. Experience has convinced her of the fallacy of her calculations. She has failed in all her objects. The labor of her negroes has proved far less productive, without shunning the calculation of having improved their condition."

And, then, after proving by his statistical statement's, from English publications, that the result of abolition had been ruinous to British interests, he proceeds:

"This is seen and felt by British statesmen, and has opened their eyes to the crisis which they have committed. The question now with them is, how shall it be counteracted? What has been done cannot be undone. The question is, by what means can Great Britain *regain and keep a superiority in tropical cultivation, commerce, and influence?* Or shall she be reduced, *and other nations be suffered to usurp* the supremacy, even to the extent of supplying British markets, to the destruction of the capital already vested in their production? These are the questions which now profoundly occupy the attention of her statesmen, and have the greatest influence over her councils.

"In order to regain her superiority, she not only seeks to revive and improve her own capacity to produce tropical productions, but to diminish and destroy the capacity of those who have so far outstripped her in consequence of her error. In pursuit of the former, she has cast her eyes to her East India possessions, to Central and South Africa, with the view of developing their resources, and even to restore, substantially, the slave trade itself, under the specious name of transporting free laborers from Africa to her West India possessions, *in order, if possible, to conquer precisely what those who have refused to follow her suicidal policy.* But these all afford but uncertain and distant hopes of recovering her lost superiority. Her main reliance is on the other alternative, *to cripple or destroy the productions of her successful rivals. There is but one way by which it can be done, and that is by abolishing slavery throughout this continent*, and that she openly avows to be the constant object of her policy and exertions. *It matters not how or for what motive it may be accomplished, whether by her diplomacy, by the force of opinion, by acts of Congress, by whether the motive be humane or selfish, without regard to manner, means, or motive, the thing itself, should it be accomplished, would put down all rivalry, and give her the undisputed supremacy in supplying her own wants and those of the rest of the world*, and thereby more than fully retrieve what she has lost by her crimes. It would give her the monopoly or tropical productions, which I shall next proceed to show.

"What would be the consequence, if this object of her unceasing solicitude and exertions should be effected by the abolition of negro slavery throughout this continent, some idea may be formed from the immense diminution of productions, as has been shown, which has followed abolition in her West India possessions. But, to form as that has been, it is nothing compared to what would be the effect, if she should succeed in abolishing slavery in the United States, Cuba, Brazil, and throughout this continent. The experiment in her own colonies was made under the most favorable circumstances. It was brought about gradually and peaceably, by the steady and firm operation of the parent country, armed with complete power to prevent or crush at once all insurrectionary movements on the part of the negroes, while she had changed to maintain to the full the political and social ascendancy of their former masters over their former slaves. It is not at all wonderful that the change of the relations of master and slave took place under such circumstances, without violence. But it does not follow that order and peace should have been since preserved. Very different would be the result of abolition, should it be effected by her influence and exertions, in the possessions of other countries on this continent, and especially in the United States, Cuba, and Brazil, the great cultivators of the principal tropical productions of America. To form a correct conception of what would be the result with them, we must not look to Jamaica, but to St. Domingo, for an example. The change would be followed by an unforgiving hate between the two races, and end in a bloody and deadly struggle between them for superiority. One or the other would have to be subjugated, extirpated, or expelled, and desolation would overspread their territory, as in St. Domingo, from which it would take centuries to recover. The end would be, that the superiority in cultivating the great tropical *staples would be transferred from them to the British tropical possessions.*

"They are of vast extent, and those beyond the Cape of Good Hope possessed of an unlimited amount of labor, standing ready, by the aid of British capital, to supply the deficit which would be occasioned by the abolition of slavery in the countries of the United States, Cuba, Brazil, and other countries, cultivated by slave labor on this continent, so soon as that increased price, in consequence, would open a path". It is the successful competition of that labor which keeps the power of the great tropical staples so low as to prevent their cultivation with profit, in the possessions of Great Britain, by what she is pleased to call free labor. If she can destroy its competition, *she would have a monopoly in those productions.* She has vast tracts unoccupied, affording an unlimited supply, vast and fertile possessions in both Indies, boundless command of capital and labor, and ample power to suppress disturbances and preserve order throughout her wide domains.

"It is unquestionable that she regards the abolition of slavery in Texas as a most important step towards this great object of policy, or under the name of free labor, and everything, and the defeat of the same object in Texas would be followed by incalculable to the abolition of slavery there. She is too sagacious not to see what a check it would give to slavery in the United States, and how certainly its abolition with us would abolish it over the whole continent, and thereby give the monopoly in the productions of the great tropical staples, and the command of the commerce, navigation, and manufactures of the world, with an established naval ascendency and political preponderance. *To this contest the Texas would be exclusively bound and confined.* It would destroy, in a great measure, the cultivation and production of the great tropical staples, amounting annually in value to nearly three hundred millions of dollars—the fund which stimulates and upholds almost every other branch of its industry, commerce, navigation, and manufactures. The whole, by their joint influence, are rapidly spreading population, wealth, improvement, and civilization over the whole continent, and verifying by their overflow the infinity of European theories increasing its population, wealth, and advancement in the arts, in power and civilization."

All the documents respecting the negotiations with Texas, are replete with proofs of the disposition of England to assail our institutions as the distinguished Senator so ably shows in that letter; and which policy she will not renounce, and dispute all disavowals with unabated earnestness and sleepless vigilance.

Mr. CALHOUN.—I made no declaration in my letter to Mr. King, that Great Britain desired to get possession of Cuba. I referred to the consequences of her policy. It was the disavowal of the British minister in Parliament of an intention to seize Cuba, as Lord Bentinck suggested, to which I referred. I am satisfied, that in relation to this subject, so far as Great Britain is concerned, we should not allow ourselves to be troubled concerning her course of policy. Our real difficulty lies at home.

Mr. CASS.—I do not know that any one proposes, under existing circumstances, to send forces to Yucatan with any design of holding permanent possession of the country. The President in his message openly disclaims any such view, and our proceedings here are based upon the same determination. We go there to aid the Yucatecos in this their day of extremity; not only in obedience to the dictates of humanity, but as a great measure of public policy, to prevent that region from falling into other hands. Our duty fulfilled, tranquility restored, and the government of the country placed in the exercise of its legitimate functions, we shall have discharged our trust, and can then retire with safety and with honor.

A great deal has been said here, sir, respecting the connection between Yucatan and Mexico, and of the difficulties which this connection places in the way of our action. I am not going to enter into the casuistry of politics upon this subject. It is no place for subtle distinctions—into the "sophisms and abstruse speculations" (to use the language of Mr. Sierra) by which equity and justice are mystified. The political bonds which have heretofore united those two countries, always sat loosely upon both; and he who forms his judgment of their connection by the principles of our own confederation, will sacrifice truth to a false analogy. Yucatan was a sovereign State. It joined the Mexican confederacy, and became one of its members upon the terms prescribed in the act of union. How often those terms have been violated, and that union virtually dissolved, I do not stop to inquire. One-tenth part of the abuses perpetrated in the name of the Mexican government, if perpetrated here, would long ago have rent this league asunder, and would have reduced it to its original elements. The State of Yucatan is now overrun by a domestic enemy. Protection is due to her from the Mexican confederation. It is one of the very cases for which she yielded up her sovereignty, and almost the principal one where the aid of the general government can be needed. But that protection is not granted. Perhaps it cannot be; and perhaps it would not be, if it could. Be this as it may, the result to Yucatan is the same. She bartered her allegiance for protection. They must go together; and this principle is now everywhere acknowledged. The rights of the Mexican confederation are (if I may so speak) artificial, and the confederation itself destructible. But the rights of the States are permanent, and their sovereignties indestructible. Their governments are responsible for the safety and happiness of their people, and they must control the measures which are necessary to secure them. In this case, the government of Yucatan is endeavoring to fulfill its duty; and as they have a right to go anywhere for aid, so any one has a right to aid them, unless prevented by paramount considerations. If we were at peace with Mexico, as England and Spain are, we should have the same right which they have to render this assistance. The very extremity of the case creates its own principles. Does the existing war with Mexico limit our rights or control our duties in this respect? Certainly not, while the war is going on; for during that time we can carry on our operations wherever we please, and for what purpose we please, throughout the whole Mexican confederacy. But it has been objected, during the course of this discussion, by the Senator from Delaware, [Mr. CLAYTON,] and the Senator from Kentucky, [Mr. CRITTENDEN.] and the Senator from Maryland, [Mr. JOHNSON,] that the existing war with Mexico interposes insuperable obstacles to our action. I think this opinion is founded in error, which a little reflection will remove. The object of an armistice is to keep two military parties within given positions, and to prohibit any operations or increase of force during its continuance—generally to give time for negotiating a peace. But the very basis of such an arrangement is, that no change take place within the limits of one party, which would render the situation of the other at the close of the armistice, should war be resumed, worse than at the commencement. They merely rest upon their arms till again called into action.

Now, sir, this fundamental principle is violated in the case of Yucatan; and whether, from the want of inclination, or the want of power in the Mexican government to prevent it, is equally indifferent to us in the exercise of our rights. A war is raging within the Mexican line of the armistice, if Yucatan is a part of Mexico; and if it is not, this question is at an end; and this war may change the entire condition of that country, which to-morrow, by the termination of the armistice, we have a right to occupy. An enemy is advancing there, who is seizing the cities and towns, and may hold the fortifications, and whom, if let alone, we may find it difficult to dislodge. The authority of the power making the armistice is practically disavowed; and a party has come forward, who neither claims its rights nor acknowledges its obligations. Why, sir, if a French army were in Germany, and restrained in its operations by a temporary armistice, does any one suppose it would remain inactive, and suffer some other power to interpose and take possession of the very State against which it was engaged in hostilities? If the Indians should approach San Luis, as they are now approaching Merida, must we remain inactive in the neighborhood, and see it taken and destroyed, and our means of further prosecuting the war vigorously thus essentially impaired? No, sir, an armistice brings duties as well as rights with it; and among these duties, the most important is to preserve the relative condition of the parties unchanged.

It has been also said, sir, that as a peace with Mexico would interfere with our action in this case, and might complicate our relations with that country, and as peace may speedily come, we ought not, therefore, to interpose under existing circumstances.

I am not at all satisfied, sir, with this view of the case; because—

1. We do not propose to go to Yucatan for the purpose of conquest, but of protection; not to assail the Mexican government, but to discharge its duties. Our action will be independent of the condition of peace or war, and consistent with the most amicable relations between us and Mexico. Our duties, therefore, will not cease the instant a peace is formed, but must continue till the Yucatese people are placed in safety. As soon as Mexico will put herself between them and their danger, with efficient means for action, we shall retire, and leave the governments to discharge their own duties.

2. We could not retire before, because we should find ourselves in conflict with independent savages—independent for the time being—and should have a right to finish it, or to see that it would be finished, and not precipitately to flee from it, leaving our object unaccomplished.

A good deal has been said here, sir, respecting the condition of the inhabitants of Yucatan, both civilized and savage. Our information upon the subject is not so precise as we could desire; still the great features of the two races, both natural and political, are sufficiently obvious. The white race has been assailed by the colored race, and the war, whatever may be the causes of its origin, has become a war of extermination. All the accounts from our own officers, as well as from other sources, public and private, speak of the assailing party as we should speak, under similar circumstances, of our Indians; and Commander Bigelow calls them "ruthless Indians." I have conversed with two intelligent officers who are now here—Lieutenant Porter of the navy, and Lieutenant Slack of the marine corps—both of whom have been among these people, and both of whom represent them as inferior to our Indians, as well in intellect as in physical conformation. Certainly the description of them given by the honorable Senator from Connecticut, the result of his inquiries, agrees in its essential points with the characteristics of the red man of our own forest. That honorable Senator, however, spoke of them in connection with the workmen of Paris, whom he called the BLOUSES, from the frocks which they wear, resembling the hunting-shirts of our western pioneers, and the frocks of the English ploughman. But the Senator, if he meant to intimate, as I thought he did, that there were any points of resemblance between the French republicans and the Mexican Indians, except those common to the family of man, knew little of the former, and elevated the latter much higher in the scale of humanity than they now are, or I am afraid, ever will be. I will not take upon myself the defence of the Parisian people. They do not need it; and their noble conduct during the recent convulsions in France is sufficient to redeem them from any aspersion.

[The extracts which follow were not read in the Senate, but they are inserted here in order that the true condition of things in Yucatan may be understood. They are taken from documents then just laid upon the table, but which have since been printed.

I understand there is but one exception in the correspondence of our officers with the government, from the general opinion of the low condition of—

"Lieutenant Hernden, a highly respectable young officer, who dates his report on the 16th March, 1848, offers a very brief service on the station. He derived his information at Sisal, where Barbachino is more popular than Mendez. In transmitting his report Commodore Perry, in his letter of the 17th March, does not express any concurrence of Lieut. Hernden's speculations."

Lieutenant Hernden was led to suppose that the Indians were induced to rise in consequence of some difficulties growing out of the removal of Barbachino from the governmeut of Yucatan, and the substitution of Mendez in his place; that promises were made to them by the partizans of the latter, which were finally violated; and that some outrages were committed upon them, and some of them killed in the collection of a tax. All this, if so, would seem utterly insufficient to account for this great outbreak, and for the shocking cruelties which attend it. But there is reason to doubt the correctness of Lieutenant Hernden's information on this subject, as it is not corroborated by other accounts, and as he is obviously in error in some important particulars. He supposes "that the whole matter is a party quarrel," in which, however, he thinks those who originated it may be utterly overwhelmed by the elements they have put in agitation. He obviously underrates the danger of the country, and says—

"That the people of Merida, Sisal, and its neighborhood, entertain much less fear of the Indians and their hostilities than those of Campeachy," &c.

He also says:

"That a gentleman of intelligence, whom he encountered at Sisal, spoke with great confidence of the ability of the whites to resist the Indians, and seemed very confident and much at his ease."

"In further confirmation of my opinion," he adds, "that this is not a war of class, another gentleman of the country, of good standing, Don Simeon Peon, who is the owner of several haciendas in the interior, stated that the Indians in his employment had asked for arms, for the purpose of defending his property."

Lieutenant Hernden, it appears, was at Sisal but about a day;

a time entirely too short to ascertain the true condition of the country. Subsequent accounts prove that his opinion respecting the progress of the Indians is entirely erroneous. Barbachino has taken the place of Mendez, but this political change has been followed by no favorable change in the war. The correspondence with Commodore Perry comes down to the 15th of April; and between that day and Lieutenant Hernden's speculations, affairs had grown worse and worse.

The consul at Campeachy says, on the 23d of March, "that the Indians are gaining strength every day."

Lieutenant Mason, under the same date, says:

"The Indians are gradually and successfully taking the country. They are now about a hundred miles from Merida, in large force. Merida, Sisal, and Campeachy will finally be taken."

Commander Bigelow, on the 25th of March, reports that "things are daily getting worse in Yucatan."

Lieutenant Mason, on the 7th of April, reports:

"In my conversation with the ex Governor Mendez, of Yucatan, he informs me that it is impossible for the whites to resist the Indians, who are destroying every town, village, &c., killing men, women, and children. The Indians now number about sixty thousand, and are divided into four columns."

The same officer reports on the 18th of March:

"My opinion, from information that I can collect, is, that unless Yucatan can get troops, &c., from some foreign power, she is lost, and that within a few months."

Lieutenant Glasson, in a letter dated April 2, says:

"That at Selam, about 120 miles to the eastward of Campeachy, he boarded a small vessel crowded with persons flying to the island of Cozumel, where there was an English settlement,* for an asylum."

Lieutenant Glasson landed at the town of Selam, and found there a large number of persons from the city of Valladolid, who had fled at the capture of it by the Indians. He conveyed one hundred and twenty-one of them in his vessel to Campeachy. He also reports:

"That the Indians were within seven or eight leagues of Selam, and that *they destroy every habitation, and put to death all whom they meet.* The accounts of those whom I brought here give a most heart rending description of the unfortunate condition of the country. Something must be done, either by us or some other power, or the whole country must fall into the hands of the Indians."

Commodore Perry, on the 13th of March, in urging the necessity of assistance, says:

"The whites have lost all hope of checking the advance of the Indians; and that the states ents set forth in the papers transmitted by him are not in the least exaggerated; and that unless assistance is received, the whole country will be laid waste, and the numerous towns and villages of the interior destroyed."

The Commodore also says, in a letter of the 15th of April, that—

"The Indians were still gaining ground; and the whites, without attempting the least defence, continued to fly towards the coast."

And the very latest news from Yucatan, given us through the means of the public journals, fully confirms all these statements and anticipations.

"At the last accounts, (says the most recent arrival,) the Indians were within one day's march of Campeachy, in vast numbers, and with no abatement of their design of a general massacre of their opponents. Their war-cry was 'Death to both black and white—man, woman, and child—all save the red man.' They claim to be 250,000 strong, and say the country rightfully belongs to them, and they will possess it, and insure possession by the massacre of all their opponents."

These descriptions, sir, are terribly graphic; and they make known to us as well the awful condition of the country as the characteristic features of the race which is producing it. It is very probable, sir, that these Indians may have been oppressed. Such, indeed, is, perhaps, the inevitable consequence of the effect of power exercised by a civilized caste over a savage one. We read this truth in our own history, and we feel it in our own days. We are not guiltless with respect to the Indians, who have fled for generations, and are still fleeing, before our advancing settlements, and to whom there seems no rest but the grave. And the reproach made by the honorable Senator from Kentucky against the Spanish races in Yucatan, that they have not improved the condition of the Indians, is as applicable to us as to them. Our attempts at civilization have been almost utter failures. Whether these failures have originated in the inherent difficulties of the subject or in injudicious efforts, it would be difficult to decide with certainty. They are great obstacles to improvement in the fixed habits of the Indians. They change almost as little as the nomadic Arabs, who are essentially now what they were in the days of Abraham. There are but two occupations becoming an adult male Indian, and these are fighting and hunting. He may go to war to acquire glory, and he may go to the chase to procure meat and furs. But he must not work; if he does, he is dishonored; and all the labor is thrown upon the women, whose condition is equally harsh and servile. This was originally a fundamental provision of Indian society, and it was too agreeable to the stronger party to be easily surrendered. It has certainly given way very much to circumstances, but it still exerts a powerful influence upon the aboriginal race. But, whatever may have been the condition of the Yucatese Indians, whether attached to the haciendas as peons, or roaming through the forest, there can be no justification for their present conduct.

It is said, indeed, that they have a right to vote; and having been admitted to the enjoyment of political privileges, the war they are waging is a civil war, looking to a change of government by a revolution. The constitution of Yucatan may have said they are fit to vote, while their own moral constitution may say they are not fit for it. A false philanthropy may have given them the political qualifications of citizens, while wholly destitute of the necessary intellectual qualifications. Their present conduct shows that they are utterly unprepared to exercise political power—as much so as our Indians, whose conduct they closely imitate in this war of extermination. The Yucatese government, in this extension of the right of suffrage, have made an unhappy experiment, as they now find to their cost. Such high privileges are not to be tampered with. Here, thanks to our condition, the very broadest exercise of political rights is extended to all, for all may safely exercise them. Long habit and education have qualified our citizens to participate in all the powers of government, and this institution is the very corne rstone of our whole political fabric. This war in Yucatan is a war of races, not of parties—for physical existence, at least on one side, not for political power. The advancing savages, it appears, have elected a chief, as their ancestors probably did in remote times, and as many of our tribes do at the present day. Their cruelty stamps them with the true character of savages, and this consideration is enough to demand our interposition, without adverting to any other. Certainly, we are accustomed to associate a good deal of cruelty with civil wars, and especially with Spanish civil wars. But these contests do not sweep before them entire races, and utterly destroy whole countries; and, when fought for political rights, they cease immediately or gradually, with the attainment of their objects. But no such spectacle as this has been seen in the world since the catastrophe on St. Domingo, which seems to have been the exact prototype of the events now going on in Yucatan. The white race is totally subdued, broken in spirit, and fleeing before their pursuers; still no mercy is shown, and the object is obviously extermination, and not political power.

In this state of things we are urged to stop; to get information, as though we did not know all we could know, so far as the claims of humanity are concerned, and to examine and discuss all the casuistry of politics before we place ourselves between the barbarians and their victims. We might as well stop to investigate the cause of a destructive fire before we consented to aid in putting it out. And while we talk, other powers may discharge the claims of humanity, and take possession of the country they protect.

We must recollect that it is the actual recognized government of Yucatan which calls on the world for assistance, not to guard its power, but to secure the existence of its people. Let us discharge the conjoined duties of humanity and policy, and leave the internal questions between the two races to be adjusted after the one is saved from the vengeance of the other.

The honorable chairman of the Committee on Foreign Relations alluded to the reports which have reached us, that the Yucatese Indians have been furnished by the British agents at Belize with the arms which have enabled them to carry on this merciless warfare. The fact is distinctly intimated by Mr. Sierra, the commissioner of Yucatan; and, I understand, reported, if not credited, by some of our officers. It has been called in question here, and principally, I believe, from its very atrocity. The honorable chairman stated that the guns had the English Tower mark, and had, therefore, been manufactured for the government; and he drew the conclusion—logically enough, I thought—that this circumstance furnished presumptive evidence of their distribution by British authorized agents. The honorable Senator from Mississippi, however, [Mr. DAVIS,] supposed that these guns might have been sold by the British government at home, in consequence of their having been made before some of the recent improvements in fire-arms, and that they had thus found their way to the traders, and from them, in the usual course of traffic, to the Indians. This may be so, sir; for a similar disposition is sometimes made of arms become antiquated. But I am not aware that this has recently taken place; and I had supposed the old stock on hand had long since been exhausted. I am not well enough acquainted with the habits of these Indians, to tell you what kind of arms they use; but they must be very different in their habits from our Indians, if they prefer English muskets for hunting. And if they do not, I do not suppose that these muskets could become articles of traffic at Belize, or why the traders should be furnished with supplies of them. I have, however, sir, seen such things in my time; and as they have occurred elsewhere, they may have occurred in Yucatan. I am not about to prefer a bill of indictment against England, as the honorable Senator from Connecticut thinks some of us are too prone to do. But I am not disposed to reject the lessons of history, because the truths it teaches may be harsh and unacceptable. I know that arms have been furnished to Indians within the United States by the agents of the British government, and by the directions of that government; and I may thence draw the legitimate conclusion, that such an act is within its code of political ethics, and may be done when called for by political considerations. The measures to which I refer, took place when the distinguished Senator from South Carolina [Mr. CALHOUN,] presided over the Department of War, and connected his name so permanently and so brilliantly with the history of its administration. He came to it, sir, when it was languid, exhausted by the exertions of a terrible war, and when it was comparatively without order or energy; and he left it in a high state of organization, prompt in its administration, economical in its expenditures, and with a pervading spirit controlling all its branches. I can wish his successors no more fortunate termination of their labors, than that they should retire from them with a reputation equal to his. Reports

* This fact is new here; an actual permanent British establishment on the coast of Yucatan, near the point, and capable of commanding the entrance of the gulf.

of the distribution of arms by the British authorities to the Indians in the United States were repeatedly made to him, and the matter became the subject of formal diplomatic representations to the British government. I think the Senator from South Carolina must have a general recollection of the affair.

Here Mr. CALHOUN gave a sign of assent.

For many years the various Indian tribes, as far as the Mississippi, and some of them west of that river, were annually invited to Fort Malden, at the mouth of the Detroit river, where large supplies of arms, of ammunition, and clothing, and of other articles of taste or comfort, agreeably to their habits, were distributed to them. I speak of years of peace. If I went back to years of war, I could tell another tale—a tale of human flesh—of American flesh—sold in the market like butcher's meat in the shambles. But I forbear. When, however, peace returned, and found large bodies of warlike savages filling that portion of our country, it found also that their attachments to England were kept alive by the subsidies given to them. Our whole frontier was held in a state of greater or less alarm, and all the outbreaks which took place among them could be traced to the ascendency acquired over them by this system, and to the purposes to which it was directed. They came to the great English storehouse as regularly as the ox that knoweth his owner, and the ass his master's crib; and they were fed from that crib, and many a deed of destruction was the consequence. After some years, however, and owing probably to the remonstrances of our government, the depot was changed, and was established at Drummond's Island, in Lake Huron, then almost without the sphere of our observation. When, however, the Indians receded, and Drummond's Island passed under our jurisdiction, another change was made; and perhaps more changes since that time, for, owing to other occupations, I have lost sight of the subject for some years. I suppose, however, that much is not done now, as from the increase of our power, and the annihilation of the power of the Indians upon that frontier, England could hardly count upon their services during war, and would therefore feel little disposition to subsidize them during peace. So much for philanthropy.

I prefer, sir, the bill reported by the chairman of the Committee on Foreign Affairs to the amendments proposed. I do so because, among other reasons, I like to call things by their true names. The bill expresses clearly the objects we have in view, and the motives which influence us. And our operations under it may be continued till the conflict is terminated, or till the Mexican government can interpose with sufficient vigor for the protection of the Yucatese people. And a peace with Mexico would not thus compel us to retire before the Indians at the very moment the exigency might be the most urgent.

Some objection has been made to the provision for the armed occupation of the country. I do not object, sir, either to the expression or to the power. If we go to Yucatan at all, we must go there not as subordinate allies, but with a right to control and direct all the operations we may deem necessary. Assuredly we could not think of placing our officers under the authority of the Yucatese government, timid and incompetent as that government has shown itself. And it ought to be distinctly understood, that wherever our forces move in Yucatan, during this period of convulsion, they move with a right to take any positions they may deem expedient, and to carry on all the operations which circumstances may require. I have not had an opportunity carefully to examine the amendments, having only heard them read, but they seem to indicate our proper course of action less satisfactory than the original bill itself.

Mr. President, great interests are committed to our keeping. We are not, we cannot be isolated. The eldest of the independent States upon this continent—and, I may say, without the charge of partiality, the most advanced in civilization and improvement—our course and our example must exert a decisive influence for evil or for good, upon its future destiny. The honorable Senator from Connecticut alluded to an incident gratifying in itself, and illustrative of the progress of sound political opinions. He referred to a journal of Merida, the capital of Yucatan, which contained an article speculating upon the probability of our consenting to the annexation of that country, and warmly advocating the measure. This is a tribute rarely paid to the institutions of other nations, and as little as any other to the government of England. Something has been said, and harshly said, of an emergency in this case, and something more of a crisis—of war, and of its cost and consequences. Well, sir, there are cases of emergency, both in the lives of communities and of individuals, which demand speedy and decisive action, and this is one of them—cases when promptness is wisdom, and when timid counsels are sure to bring dishonor, if not disaster. As to a crisis, the word has become so familiar to my ears, and the idea to my mind, that both have long since lost all their terrors. I have been upon the stage of action almost half a century, and during the fifty years which composed it we have had a crisis about fifty times; some graver and some lighter, but each grave enough, in the opinion of the prophets of political evil, to destroy our constitution, and with it the last hopes of liberty. But we have gone on increasing in numbers and improvement, and in all the elements of power and prosperity, with an accelerated pace before unknown in the history of the world. And at no period of our progress had we more reason to humble ourselves in thankfulness to Providence than at this very moment, when many of the powerful governments of the world are falling around us; when society seems elsewhere almost in a state of dissolution; while our institutions are not only unassailed, but, to all human appearance, beyond the reach of assault; while our government is growing stronger in the affections of the people, as time and experience multiply the proofs that it is best adapted to our condition, and that it brings with it as great a measure of political happiness as is probably compatible with human society. I concur fully in the opinion so well expressed by the Senator from Connecticut, and first advanced by Mr. Jefferson, that it is the strongest government upon the face of the earth; the strongest for the purposes of good, and the weakest for the purposes of evil, because controlled by an intelligent people who watch and restrain it. This characteristic I have heard well illustrated by the honorable Senator from Ohio, [Mr. ALLEN,] in a manner peculiarly his own. Our government, like the pyramid which stands upon its base, has a broad foundation, which cannot be shaken; while many another government in the world stands upon its apex, and is liable to be overthrown by the slightest shock assailing it. Our constitution is almost the only one where a revolution is impossible; because, if I may so say, it has nothing to revolve to. Fundamental alterations belong here to the ordinary power of the people, and may be made by their will as readily as the slightest changes in our policy or legislation. I have yet to see the first man in this broad land who professes a desire to exchange this government for another; and in the whole range of human experience, where can as much be elsewhere said with truth?

The state of the Old World, while it is in singular contrast with our own, excites the liveliest sensibility here. Its "throes and convulsions," to use the forcible expression of Mr. Jefferson, are portentous of radical changes. The arrival of every steam-packet is watched with anxiety, and its earliest news is sent instantaneously by the telegraph, almost to the verge of our republic. And after all the gloomy vaticinations of the English government, and country, and press, respecting the duration of our institutions, and the opinion, so often expressed, and I may say the hopes so long entertained by many, that they would soon pass away, and give place to a monarchical government, we exhibit to the world the unexampled, and I may say the sublime, spectacle of a people, looking across the ocean to Europe, watching the progress of the striking and stirring events which threaten to overturn all its established powers, and which may terminate in new combinations of society; while their own social and political systems were never more prosperous in themselves, nor ever dearer to the great people who protect them, and in turn are protected by them.

EXECUTIVE SESSION.

On motion by Mr. BREESE, the Senate proceeded to the consideration of Executive business; and after some time spent therein the doors were opened, and

On motion,

The Senate adjourned.

THURSDAY, MAY 11, 1848.

PETITIONS.

Mr. STURGEON presented a memorial of citizens of Philadelphia, Pennsylvania, praying that a territory west of the Mississippi river may be set apart for the permanent homes of the various Indian tribes inhabiting the United States: which was referred to the Committee on Indian Affairs.

Mr. BALDWIN presented a petition of citizens of New Haven, Connecticut, praying a reduction of the rates of postage on letters and newspapers; which was referred to the Committee on the Post Office and Post Roads.

Mr. DICKINSON presented a petition of citizens of the counties of Clinton, Franklin, and St. Lawrence, in New York, praying the removal of the port of entry from Plattsburg to Rouse's Point in that State; which was referred to the Committee on Commerce.

Mr. UNDERWOOD presented a petition of citizens of Simpson and Logan counties, in Kentucky, praying the establishment of a mail route from Franklin in that State, to Springfield, Tennessee; which was referred to the Committee on the Post Office and Post Roads.

On motion by Mr. ATCHISON, it was

Ordered, That the Committee on Indian Affairs be discharged from the consideration of the petition of Patrick Marantette.

ADVERSE REPORT.

Mr. ATCHISON, from the Committee on Indian Affairs, to whom was referred the petition of James Wilkins, submitted an adverse report.

DEFERRED NOMINATIONS.

The Senate resumed the consideration of the resolution submitted by Mr. JOHNSON, of Maryland, on the 28th ultimo, respecting appointments made by the President during the recess of the Senate; and it was

Ordered, That the further consideration thereof be postponed until to-morrow.

ORDER TO PRINT.

On motion by Mr. WESTCOTT, it was

Ordered, That the report of the Committee on the Judiciary upon the petition of citizens of Western Pennsylvania, made the 3d instant, be printed.

ADVERSE REPORTS CONCURRED IN.

The Senate proceeded to consider the report of the Committee on Pensions upon the memorial of George Petty; and it was

Resolved, That the prayer of the petition be not granted.

The Senate proceeded to consider the report of the Committee on Finance upon the memorial of Hugh Munro McLean; and in concurrence therewith it was

Ordered, That the Committee be discharged from the further consideration of the memorial.

The Senate proceeded to consider the report of the Committee on Patents and the Patent Office upon the petition of Aaron Carman; and in concurrence therewith, it was

Resolved, That the prayer of the petition be not granted.

The Senate proceeded to consider the report of the Committee on Pensions upon the petition of Asahel Kingsley; and it was

Resolved, That the prayer of the petitioner be not granted.

The Senate proceeded to consider the report of the Committee on Patents and the Patent Office upon the petition of Hezekiah L. Thistle; and in concurrence therewith it was

Resolved, That the prayer of the petitioner should not be granted.

The Senate proceeded to consider the report of the Committee of Claims upon the petition of Volney E. Howard, Bainbridge Howard, and David Shelton; and in concurrence therewith it was

Resolved, That the petition of Volney E. Howard, Bainbridge Howard, and David Shelton, with the accompanying papers, be referred to the Secretary of the Senate to the Solicitor of the Treasury, and that said Solicitor be and he is hereby directed to examine the facts of said case, and if necessary, to call upon the petitioners may submit to him, and that he make a full report thereof to the said case to the Senate; and that in the meantime the Solicitor be authorized, in his discretion, to suspend proceedings against the petitioners.

The Senate proceeded to consider the report of the Committee on Military Affairs upon the memorial of Joshua Shaw; and in concurrence therewith it was

Ordered, That the committee be discharged from the further consideration of the memorial.

The Senate proceeded to consider the report of the Committee of Claims upon the petition of Sarah Hubbard; and it was

Ordered, That the committee be discharged from the further consideration of the petition.

The Senate proceeded to consider the report of the Committee on Revolutionary Claims upon the memorial of Robert Piatt, heir and legal representative of Daniel Piatt; and it was

Resolved, That the prayer of the petition be rejected.

The Senate proceeded to consider the report of the Committee of Claims upon the memorial of the heirs of Major Caleb Swann; and in concurrence therewith it was

Ordered, That the committee be discharged from the further consideration of the petition.

The Senate proceeded to consider the report of the Committee on Revolutionary Claims upon the memorial of Nathan Lamme's executor; and in concurrence therewith it was

Resolved, That the prayer of the petition be rejected.

The Senate proceeded to consider the report of the Committee on Pensions upon the petition of Elizabeth McDougall; and in concurrence therewith it was

Resolved, That the prayer of the petition ought not to be granted.

The Senate proceeded to consider the report of the Committee of Claims upon the petition of Richard G. Dove; and it was

Resolved, That the prayer of the petition be rejected.

The Senate proceeded to consider the report of the Committee on Commerce, on the petition of certain citizens of the United States, relative to "Evans' safety guard" for steam engines; and in concurrence therewith it was

Ordered, That the committee be discharged from the further consideration of the petition.

The Senate proceeded to consider the report of the Committee of Claims, upon the petition of John S. Harris; and it was

Resolved, That the committee be discharged from the further consideration of the petition of John S. Harris, and that he have leave to withdraw the vouchers filed by him.

The Senate proceeded to consider the report of the Committee on Finance upon the petition of John W. Louchs; and it was

Resolved, That the prayer of the petitioner cannot be granted.

The Senate proceeded to consider the report of the Committee on Patents and the Patent Office upon the petition of James Harley; and in concurrence therewith it was

Ordered, That the committee be discharged from the further consideration of the petition.

The Senate proceeded to consider the report of the Committee on Patents and the Patent Office upon the petition of Joseph Nock; and in concurrence therewith it was

Ordered, That the committee be discharged from the further consideration of the petition.

The Senate proceeded to consider the report of the Committee on the Judiciary upon the petition of Sarah Ten Eyck; and it was

Ordered, That the committee be discharged from the further consideration of the petition.

The Senate proceeded to consider the resolution submitted on the 15th March last, to compensate James Moore for services rendered, and the report of the committee to audit and control the contingent expenses of the Senate thereon, and in concurrence with said report, the resolution was disagreed to.

THE YUCATAN BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to enable the President of the United States to take temporary military occupation of Yucatan.

Mr. DAVIS, of Massachusetts.—In the few remarks which I propose to make upon this subject, I shall not attempt to confine myself to the amendment, which alone is appropriately under discussion, or to discriminate between the amendment and the bill, but rather to the general question which is presented for the consideration of the Senate. Some time ago, sir, we were admonished that a message would be sent in by the Executive, demanding our immediate attention—a message emergent in its character, relating to a matter, as was generally understood in the Senate, which admitted of no delay. The message came here, sir, accompanied by certain documents; and thereon a bill was reported, the title of which you have just read—a bill, sir, proposing to take temporary military occupation of the State of Yucatan, and proposing not to send our assistance, as many suppose, to a coun-

try distressed and demanding aid from our humanity, to save the inhabitants from extermination; not to send them troops to assist in maintaining their jurisdiction over their territory, and thus establishing their authority, but to take possession in our own name, and maintain it in our own right, by establishing a government of our own. It is not, therefore, a mere question of humanity, but one of appropriation to our own use, and therefore involves considerations of very grave character, and for one, I am greatly obliged to the honorable Senator from South Carolina, who so promptly met this subject at the outset, and warned the public of its importance. It comes here, sir, assuming, as a pretext, the claims of humanity. That was the principal ground upon which, at first, it was placed. There has been information repeatedly demanded since upon the subject, and we have, I believe, no less than three instalments of documents and messages now in print, which have been furnished by the Executive, which are now lying on my table, furnishing information relative to this subject; and, sir, upon what basis does the matter stand at this moment? If I may be permitted to express an opinion, with all due respect to gentlemen who take contrary positions, I would say that all grounds of humanity are substantially abandoned, and that we are called on now to act upon a question of expediency. It seems to me, sir, to have assumed that shape and form, and for one, I am greatly obliged to the chairman of the Committee on Foreign Relations for his frankness. He did not, in the course of his remarks, omit to urge our duty on the score of humanity; still he chiefly discussed the higher and more important bearing of the question—the expediency of acquiring the territory for our own use. The chairman of the Committee on Military Affairs, the distinguished Senator from Michigan, who occupied our attention through the day, yesterday, employed the greater portion of his time in laboring to prove that it is not only expedient, but our duty to take possession in some way or by some means, which he does not very satisfactorily explain, of the whole coast of the Gulf of Mexico; and why is this necessary or expedient? Because, argued the gentleman, it is for the interest of this country so to do. We have, he urged, a great commerce passing through this gulf, which may be interrupted by others, if they possess the adjacent country, and therefore we ought, for our own security, to hold the whole coast. That is the argument, sir, stripped of all plausibility; this the object to be attained, and we are to begin by making Yucatan our own. Without at present dwelling longer upon this aspect of the case, it is enough for me here to say, that the question has now become a very important one. It has become one that demands the gravest consideration of this government, and may involve consequences of a very alarming character.

First, then, sir, it is desirable to understand why it is that the Yucatanese apply to us for aid, and an armed force; and secondly, the terms upon which it is proposed that we shall lend our aid and assistance. We are told, sir, that in Yucatan there exists a civil war, and that one of the parties engaged in the contest applies to the United States for assistance. This party is represented to be the existing government of Yucatan—a government that sends here the representation that she has no power to hold in subjection the opposition existing against it; and is incapable even of supporting itself against that opposition; and that the force arrayed against it is so irresistible in its character, that unless assistance is extended to her in order to drive it back, it will eventually overwhelm the government, if it does not exterminate the white race altogether. That is the substance of the representation made on this subject. That, according to the statement of the commissioner, is the condition of the party which applies to us for assistance. Sir, it is said to be a contest between races—castes of men. I deny this, Mr. President. If it be meant, when that assertion is made, that there is an insurrection in which the whole Indian or indigenous race of Yucatan are arrayed against the white population, I affirm that the contents of the documents upon our table justify no such conclusion. On the contrary, one of the officers of our own government, Mr. McKenney, of the navy, in his despatch, points out the extent of this rebellion—the portion of the country in which it has and does rage, and the number of the population engaged in it. He estimates the number of these Indians thus engaged, including all ages and sexes, at one hundred and twenty thousand. Now, it appears, as an indisputable fact, that the whole amount of this class of the population of Yucatan is between five and six hundred thousand. The exact amount I am unable at present to determine to my own satisfaction, but gentlemen all around me estimate it to be greater. Of these five or six hundred thousand Indians, then, only some one hundred and twenty thousand are engaged in an insurrection or civil war. The remainder are passive and obedient to all existing law. I deny then, sir, that this is a war between the races waged generally in Yucatan. It embraces only an inconsiderable portion of the indigenous or Indian race, and is not a general rising to exterminate the whites. These despatches emphatically confirm this view. This same officer, (Mr. McKenney,) as well as others, inform us that the mixed race, partly Spanish, partly Indian, have their sympathies and feelings upon the question in dispute, which are decidedly with the Indians. I might notice, sir, another fact stated by one of our own officers in his despatch that this war was not commenced without cause or provocation given to the Indians on the part of those who appeal to us for aid. Sir, we have heard but one side of the question, stated in such terms and with such aggravations as self-interest dictates. Are these Indians at war as has been suggested, for the love of blood, or from a desire to exterminate their white associates, or is it because they have been wronged, and are now seeking redress by force of arms? I need not enter here upon the injustice that has been done to the race from time immemorial, but I may state their recent wrongs, I may say that it was through their aid and instrumentality that eleven thousand of the Mexican troops, under the command of Santa Anna, in an invasion of the State of Yucatan by the Mexican government, were expelled from the borders of that province. Sir, they may be ferocious, but if the evidence is reliable, they are a brave and fearless people. In consequence of the aid thus furnished them by the Indians against their invaders, the government of Yucatan promised them to remit the capitation tax, an odious, oppressive exaction. Their then Governor Mendez, who, by one of their pronunciamentos superseded one Barbachano holding the situation, refused to abide by the terms of his own agreement. He gave orders to have the tax collected, though he had been paid with blood for the remission; a refusal followed, and the consequence was, as Lieut. Herndon of the navy states, some of the Indians were butchered. That is the way, sir, the war began, in bad faith and cruel murder by Mendez and his party. The government refused to fulfil their solemn arrangement entered into with this humble, but brave people, refusing the privilege which they had purchased with their blood, and the result is, what might be anticipated from such treachery, a civil war. That, sir, I understand to be the present condition of these races—the origin of the war.

We find, sir, that these Yucatanese, who come here soliciting our assistance, are represented in the despatches, not only as the weaker party, but as a pusillanimous, miserable people, utterly incapable of defending or protecting themselves, proof of which will be found in the letter of Commodore Perry. Lieut. Mason, who has associated with them freely, calls them a cowardly race, and another of our officers expresses it as his opinion, that they are incapable of making any substantial defence against the resolute force arrayed against them. At page 17 of same despatch it is said, that after having raised an army, and giving to it something like organic form, a large portion of the soldiers deserted. This is the general character of the party we are invited to assist against an Indian force, which the fears of this flying people have never magnified beyond four thousand.

Sir, the evidence to which I have adverted is derived from our own officers and the Yucatanese commissioner, and gentlemen can easily satisfy themselves by reading the papers, if I err in affirming that this is not a war of extermination between races. The Indians had just cause for revolt in the bad faith of Mendez. We have seen that this refusal to remit the capitation tax led to bloodshed. The ambition of wily leaders with their partizans, alike devoid of good faith and patriotism, converted the struggle into a party contest, headed by the former Governor on the one hand, and the man in power on the other. An officer in the navy declares them to be politicians engaged in partizan warfare, in which each assails the other with such force as he can command.

We learn from the same papers what the character of the people is, whom we are called upon to subdue. Need I add to what I have said, that it is through their gallantry and services, barbarians as they are represented to be, that the army of the Mexican States, when they waged war upon Yucatan, were expelled from the country. I do not mean that this is stated in so many words in these despatches, but it is an irresistable inference from the facts therein stated, if we take in connection with them, the incapacity of the whites to make resistance. Sir, what are the numbers of this class applying for protection, compared with that of the Indian population? These Indians not only have strength, fortitude, and courage, but we are often assured by the evidence before us, that their numbers greatly exceed those of the Spanish population. They constitute the principal portion of the inhabitants of that country. We are asked, then, sir, to interfere between these two races, both acknowledged citizens of the State, to establish the power and authority of those of Spanish descent, amounting to some 50,000, and to bring into subjection the aboriginal inhabitants, as well as the mixed race, amounting to some 600 000. Mr. President, is the class of Indians referred to, what they are represented to be by the commissioner, and in this debate, savages? Do they deserve to be placed among the races of barbarians? It is a fact, that when the constitution of Yucatan was formed years ago, these people were admitted to all the rights of citizenship, and that they have exercised these rights as fully and as unqualifiedly from that period to the present, as any other of the inhabitants of that State. This fact is stated in various places, upon the authority of many individuals, and among them the commissioner. He informs us that they were not only admitted to all the rights and privileges of citizenship, but have held many offices in the State, and have filled many political stations of honor and responsibility. I think too, it must be within the recollection of many gentlemen, that one of this race of Indians, I know not whether a Yucatanese, represented the Mexican government in a diplomatic station here. By what right, then, do you call this whole people a race of savages? By what right do you stigmatize them as uncivilized, degraded savages? The larger portion of them are probably in a comparative degraded condition; but they have had the benefit of an intercourse with civilized society for some three hundred years, and it is idle to say that they have not profited by it. I do not understand them to be a set of nomadic tribes; but in the main, a people who have fixed habitations, live by cultivation of the soil, or are collected in villages, towns, and cities, the same as other inhabitants of that country.

I do not suppose this description of their way of living is applicable to all, but it is to a portion of them, and a large one too.

Now, sir, what are we asked to do? Why, to take military occupation of this country. The Senator from Alabama explained and developed the meaning of this term a little in the amendment which he offered. We are to take and keep possession of the country until the weaker portion of the people are capable of protecting themselves, or the Mexican government is able to render them suitable protection. Now, if these one hundred and twenty thousand Indians, including men, women, and children, are sufficient to expel the Mexican people from the country, and to cause them to send a representative here to beg our assistance, how long, allowing we take possession, shall we have to wait for this people to grow sufficiently strong to take care of themselves? If these savage people have expelled Mexican armies—one of five thousand, and another of eleven thousand, at different times from the country—how long shall we have to keep possession of Yucatan before Mexico herself would be able to afford the requisite protection? When, I ask, sir, in view of these circumstances, is this temporary occupation to end? Mr. President, while we are playing upon the word "temporary" do we not mean, in reality, a permanency, a continuous occupation of the territory? The facts and circumstances of the case, justify us in this interpretation. Who is to decide upon the period when they will be able to take care of themselves? This question, in my opinion, is easily answered. The portion that comes here for aid, do not mean to take care of themselves. The boon they chiefly desire, as every gentleman will learn by reading the despatches relating to this matter, is not protection against the Indian race so much as against the Mexican States. They are most anxious to obtain, at our hands, the assistance requisite to repel aggression from the United Mexican States, because of the rebellion they have entered into, and the course they have pursued, for which they will be, as they fear, visited with retributive vengeance by the remaining confederated States. The United Mexicans will not so much protect them, as hold them accountable for treasonable desertion; and this is the last thing they desire, as I shall soon show by their attempts to frustrate the pending treaty. They want to be protected against these States, instead of looking for protection from them; and this is not a matter of inference from the evidence, but one of direct avowal in the most unequivocal language.

Now, Mr. President, I do not propose to dwell on, or reason upon these facts, for they speak a language plain, strong, and conclusive in its character, needing no aid from argument. It is enough to state the plain history in its simplest form, to show at once the issue which is raised. Mexico is chiefly feared, and the only remedy for this is, permanent occupation. We do not propose to lend aid to another power, but to take possession, or, in one word, to annex. I am greatly obliged to the Senator from Michigan, who, I think, in the elaborate argument which we listened to yesterday, devoted himself mainly to the question which is really to be settled. It is in fact a question of annexation, and we are to decide whether we will assume a permanent, lasting jurisdiction over the country, and take the responsibility which will come with it. That is the real inquiry. Sir, I cannot avoid, in looking over these papers, in listening to the arguments of gentlemen and their conclusions, with the probable consequences, calling to mind some of the history of this government. It is a recent matter that Texas was introduced here; and how came she to be united to us as an integral part of this Union? And what have been the consequences? The facts surrounding that event were, in some respects, similar to those now before us; but in others, dissimilar; though on the whole, the question was much less pregnant with mischief than the one we are now to decide. She had been separated by rebellion from the Mexican States. Not only was she separated, but her independence had been recognized by the United States and several European governments, and for herself, for several years, she had maintained an independent jurisdiction over the territory which she had conquered. A war, however, existed between her and the parent country, notwithstanding her assumed independence; and it was said, that if we should annex Texas we should also assume the war, because Mexico had never surrendered or abandoned her right to subject the rebellious State to her code. That was the reasoning adopted. And although the President was pleased to say in his first annual message, delivered in December after his inauguration, that the annexation of Texas was a bloodless victory and a peaceful achievement, yet every body knows and sees at this moment, this country is involved in a war, wasting our blood and treasure, produced by that annexation. I know there are politicians who sometimes stand up—I don't know whether they believe it or not—and argue that annexation did not bring war with it. But I give my friend, the Senator from the State of Texas, [Mr. HOUSTON,] full credit for his frankness upon this subject. He told us, in so many words, the other day, that it did bring war with it; and that we were now engaged in hostilities with Mexico in consequence of the act of annexation. The same opinion was expressed by some of the distinguished members on the other side of the chamber, in a debate which took place at the last session. This opinion has been thus openly avowed as a fact. And if it were not, there are other facts, sustaining that declaration too clearly to have any doubt. Is there not, then, a resemblance between the state of affairs at the time Texas applied for admission into this Union, with the state of affairs now existing in relation to Yucatan—a resemblance too identical to escape observation? Texas applied for admission when in a state of war with the States of Mexico, caused by her secession and rebellion. Now, I do not say that a state of war exists between Yucatan and the States of Mexico, but I do say, that Yucatan claims to have rebelled against the Mexican government, and to consider herself, in consequence of that act, to be in a neutral position towards the United States, and to fear punishment from Mexico for disobedience, as soon as she is able to inflict it. Her course has not been marked by firmness of purpose, or adherence to principle, but is more the result of caprice or weakness in Mexico, than of fortitude or fixed purpose in herself. After the commencement of the war, although some difficulties existed between Mexico and Yucatan, she voluntarily bowed her neck and gave in her adhesion to Santa Anna, the Dictator, and cooperated with him, while she believed success would follow his arms. She claimed to be a State of Mexico, an integral part of the confederacy, but when the day of disaster came—when defeat followed defeat—and Mexico, in its greatest extremity, demanded the aid and support of all her citizens, then it was that Yucatan, abandoning her sister States, took refuge under professed neutrality. The posture which she occupies is equivocal, and affords little proof of attachment to principle or patriotism. The President says in regard to the war with Mexico, that the relation of Yucatan to the other Mexican States, has hitherto prevented the United States from recognizing her as an independent State. The President manifestly considers Yucatan part of confederated Mexico, notwithstanding her professions of neutrality, and is not alone in his opinion. One of the Senators on the other side of the chamber, states that the only ground upon which the proposed interference can be justified, is, that a war exists between Mexico and the United States, and Yucatan being an integral part of the Mexican States, we have a right to enter it with an armed force, and to take possession. According to the argument, therefore, our right to interfere is derived from the fact, that Yucatan is now a Mexican State, and belongs to the confederacy, and neither is a nation nor an independent State. Her position, therefore, is far less favorable for annexation, than that of Texas when she applied for admission into our Union. Texas was recognized by the United States, as an independent State before she asked for annexation; and then sought it, not only by her government, but the whole people requested it. This was the posture of Texas. She was in rebellion, and so is Yucatan. The government and the people of Texas approved of the measure, while only a faction—a weak, contemptible minority of the people of Yucatan, with the civil powers falling, I believe actually fallen from their hands, demand it—not from regard to us, but for protection against their own fellow-citizens. They ask us to wage war upon their neighbors in a civil contest against the many, for the benefit of the few—while the only pretext of right which we have to engage in such a controversy, is founded on the fact, that we are at war with Mexico.

They entreat us to do this, and assume the responsibility which belongs to it, which will prove to be nothing less than a prolongation of the war, which we have been exerting ourselves to bring to an end. While, therefore, there is, in many important features, a resemblance between Texas and Yucatan, yet the posture of the former was such as to be comparatively free from objection, when she asked for annexation and yet it produced a calamitous war, which is not yet ended, nor is it at all certain; when it will be—a war that is wasting the valuable lives of our citizens, and loading us with an accumulation of debt, which will oppress us for many years. It is too manifest to admit of doubt, that if under existing circumstances, we enter Yucatan to settle domestic quarrels, and for the purpose of establishing our authority there, we shall be in the greatest danger of interrupting the negotiations now going on, and of perpetuating the war.

But I have thus far, followed out chiefly the views of those who profess to be influenced by humanity. There are, however, other reasons alleged for the adoption of this measure, which throw all considerations of humanity into the shade. Indeed, I cannot help thinking that humanity is already substantially laid out of the question, and we are meditating in its stead an ambitious aggressive policy. Humanity, I fear, has become a mere pretext to cover other designs.

The Senator from Michigan hardly condescended to notice the argument of humanity, but placed himself on other, and in my opinion more alarming and dangerous ground. What did he undertake to establish in an elaborate speech, as the doctrine which ought to prevail in this country? Why, that we shall possess ourselves of the whole coast along the Gulf of Mexico. I do not know that he advised to direct interference by violence, but if I did not misunderstand him altogether, he thought it wise and expedient, that the policy of this country should be directed to that contingency with a great earnestness. It may be very convenient for this country to possess the Gulf of Mexico, and we may have the greater security to our borders as the result. A desirable object, truly. But it is worthy of the consideration of the Senate, whether it is expedient to compromit the peace of this country, and wade through blood and desolation, to the attainment of such an object. Whether in a word, it is desirable to provoke hostilities with countries capable of doing us much greater mischief than Mexico.

I was not, Mr. President, quite able to see the force or justice, in the reasoning adopted by the Senator from Michigan. He sketched at much length the geographical position of Mexico, also of Cuba, and the breadth of the channels leading into and out of the Gulf, and enjoyed by the commerce and navigation of the world. He proceeded to extend his ideas, sir, in proportion to the

extent of his subject, shadowing forth views of our glory, of our brilliant destiny, and of the necessity which existed, in order to the continuance of that glory and prosperity, of taking possession of the gulf coast, to make room for the trade and population of this country. Did he go far enough, sir? If the honorable gentlemen could acquire all he aims to possess, embracing the coast of the entire gulf, together with Cuba, would his object be accomplished? commerce and navigation then be out of the reach of English power? Look at the track of trade, and you will find that the West India and Bahama Islands, are all in the way to your primary ownership. There is as much, and more necessity for possessing them, as for possessing either of the other points alluded to. In one channel, the great highway of our trade, lies the Bahamas, with every means of annoyance, good harbors and abundant resources, and in the other, Jamaica, equally potential, and as controlling from position, as Malta is in the Mediterranean. What will he do with another difficulty that exists? He proposes to possess himself of Yucatan. Very well, where is Belize, and who possesses it? This colony lies in the limits of Yucatan, and is possessed by the English, not as marauders, as has been thrown out, but under lawful title. They have undoubted possession of that country, and that possession is sanctioned by all the solemnities of ancient date. Who that has been attentive to the history of commerce and navigation, does not know that the English have had establishments upon the waters of the Bay of Honduras for centuries? For a period of eighty years they held jurisdiction over a considerable portion of the Mosquito coast. At the time of the treaty of 1783, which established the independence of this country in the general settlement made, not only between Great Britain and the United States, but between Great Britain, Spain, and France; a treaty was agreed upon between Spain and Great Britain in which a provision was inserted authorizing England to occupy and enjoy forever this country called Belize, for the purpose of cutting logwood. That right they have enjoyed until the present time. When my learned friend proposes to dispossess the Yucatanese of their country, and to annex it to the United States, because the safety of our trade demands it, I desire to know whether he means to annex Belize, and if this is intended by the bill?

Mr. WESTCOTT.—The honorable Senator from Massachusetts misunderstands that treaty, if he supposes it grants to Great Britain any of the sovereignty of the country. It merely grants her the right of cutting logwood.

Mr. DAVIS.—I am under no misapprehension with regard to that treaty. I stated that its terms were such as to authorize the English to reside there and cut logwood—a grant of the right of possession made to them forever without limitation. They were authorized to build towns and occupy exclusively this territory designated in the treaty; but while authorized to do this, they were required to demolish all fortifications. I know of nothing, however, in that treaty which forbids their maintaing a navy as large as they please, and anchoring it in the Belize or otherwise using the waters for its convenience. There is nothing in the treaty which restrains Great Britain from thus using the ports, or employing them for any purposes of navigation. The Belize has the best harbors in the whole country. If, then, we do not annex it, the Bahamas, Jamaica, &c., have we got rid of Great Britain or any other country that has possessions in the gulf or upon the highways leading to it? Have you warded off the dangers that the honorable Senator apprehends? Sir, he will not have gained an inch towards his object. This treaty, to be sure, did not grant the sovereignty of the Belize to the English, but it gave them the privilege of maintaining their possessions there, which is just as good a grant for all practical purposes as the sovereignty itself, and any interference brings with it just as serious consequences. I can see no difference whatever.

The Senator from Michigan drew a very flattering picture of our future prosperity. He spoke of the person being now alive that would behold in the valley of the Mississippi, as I understood him, some one hundred millions of inhabitants, with all the wealth, grandeur, and commercial activity, that would grow out of that vast industrial people. This he offered as a reason why we should press forward by any means that could justify us, and under the declaration of Mr. Monroe, if we can find no better authority, giving to it an interpretation which nobody but ourselves can acquiesce in, to possess ourselves of this portion of the country, first to make room for our growth, and, second, for fear of being interrupted in our trade and commerce by some other trading or ambitious power. I think the Senator from Michigan has mistaken the true design and popular spirit of this government entirely. I speak of what it ought to be, sir, and with reference to the elements of which it is composed. We are a responsible government, ruling under the authority of the people of the country. They appoint their own agents or delegates to Congress, and invest whomsoever they think proper with a practical exercise of the constitutional provisions for legislation. Now, sir, such a government as this, wherein public opinion is supreme, demands a state of peace. A sagacious, enlightened, comprehensive public mind can alone be its only safe guide, as it is the soul of public liberty, its breath, its vitality, and this soul must be nursed in the lap of peace. It is not a government that is to flourish under the old idea of the monarchical and despotic states of Europe, that true fame consists in a long and brilliant history of military achievements. They spread their principles, both political and religious, by the sword, literally living and dying by it. But, sir, what is such propagandism worth what will it come to? We may by unparalleled bravery and skill raise our flag in foreign countries, and like the Romans, establish what we call free governments, but all seed thus sown by violence and bloodshed, will, I fear, fail to produce the peaceful fruits of public liberty. I would ask, Mr. President, if it is not infinitely better to rely for success upon the convictions of men, upon the dissemination of just and equitable principles, upon the doctrines of peace, upon the practical fulfilment of the doctrines of equal rights and equal privileges? These are not the doctrines of the bayonet, sir. You may carry the name of the republic to South America, you may plant your standard entirely around the Gulf of Mexico, you may hold through your great power possession of Yucatan, you may assert your authority to Cuba, and even as far as the West India and Bahama Islands, but what have you gained when you have done all this? If you have not carried free principles there, and respected in others those rights which we demand for ourselves, of what avail are all your efforts—all your achievements? None at all. Oppression is not the less odious because it is done in the name of a republic—violation of rights is not the less painful to endure because inflicted in the name of a free people. All this must be obvious. And, now, Mr. President, I earnestly desire the Senator to consider what the peace of the last thirty years has done for us and for mankind! That period of peace, sir, has done more for the human race—more to elevate and improve the condition of man, than all the wars that have raged from the days of Alexander down to the present time. I reflect with amazement upon the progress of free and enlightened principles in a state of peace, when I see in a despotism like that of Austria a mere volition of public sentiment, crushing the overshadowing powers of a great and ancient dynasty. This is the work of peace, sir, and does any one believe that if war had been continued, moral power could have attained this ascendency? This is what belongs to free institutions—to mind left to freedom of action—to mind which finds repose to deliberate. Every act of wrong done, sir, by us upon a neighboring nation, brings ignominy not only upon us, but upon our principles. We should stop, then, Mr. President, and consider what we do before we carry our bayonets into Yucatan for the purpose of uniting that country to this. Again, we should consider, sir, whether, if we administer our government in the spirit which belongs to our constitution, and fully demonstrate to mankind, whose friends we profess to be, the justice and equality it asserts—the privileges to the person and to property which it secures—its tolerance of opinion on all subjects—the enterprize to which it gives birth—and the unexampled prosperity which it secures—whether all these countries will not, from witnessing our example of moderation, justice, equality, and security, drop into our arms, seeking of their own free will our friendship, association, and protection? Sir, the time will come, if we so conduct our affairs, when they will eagerly embrace us, and desire to belong to a family of states where such principles find root and grow to maturity. My word for it, sir, this is the way to conquer nations, and vastly more effective than the bayonet. What has England done in the six hundred years she has held possession of Ireland to harmonize and reconcile the people? Has she conquered and subdued their free spirit? Has she reconciled them to their condition? Is Ireland not hostile and rebellious to her authority at this day? Does she not remember that she was subjugated by conquest, and feel the degradation now? Will Poland forget, even if her condition is or should be improved, to feel that she is the victim of ambition?—No, sir, the sword is the most dangerous of all ties of union; the disgrace belonging to defeat, and subjugation is seldom effaced.

Mr. President, the Senator from Michigan is endeavoring to harmonize the ambitious love of conquest with the gentle spirit of a free government, which aspires not to the glory of arms but to the elevation and improvement of our race—nothing can be more incompatible with the genius of free institutions, than the interposition of military force. It has, at all times, been the deadly enemy of popular liberty. I say, therefore, that every proposal to extend our territory or principles by force, is greatly to be deprecated. Whoever does it, labors under a great mistake, if, as the friend of public liberty, he attempts to engraft upon us the feudal notion, the ancient idea, that power is to be obtained and principles propagated by force of arms, by the shedding of blood. That idea, sir, does not belong to our institutions; it does not belong to a generous, but to a selfish spirit. It does not belong to freedom of conscience, or to a philanthropy which aims to elevate and improve mankind; and we ought to repudiate it. Give us peace, Mr. President, so that men may pause, reflect, and examine into their rights and consider the means by which they are to be maintained, and the methods by which the grievous burdens which have been loaded upon them by wars, and by an unnatural social organization, may be mitigated or totally removed. It has already been demonstrated, sir, that all you need to do, is to let the human mind become acquainted with its own condition and high destiny. What has already taken place in many parts of Europe will be repeated elsewhere. We behold there but recently the arms fall from the hands of the soldier, the sword from the hands of the officer, because the people have been wise enough to see where their common prosperity lies; and that the means by which to secure it are not to be found in arms or the shedding of each other's blood. Never was there a greater mistake made, than when this country took that attitude. Gentlemen are congratulating themselves on our increasing power and glory, the result of the bravery of our citizens. Who, sir, ever doubted the valor and courage of our citizens in a cause which demands patriotic sacrifice. In such a cause, it is not too much to say that they are invincible. They

are always strong when they act from convictions of right—but whatever success may attend us in prosecuting wars of conquest, the result will as certainly ruin us as it did Rome.

Sir, there is another difficulty which seems to trouble the minds of many gentlemen. England, say they, is ambitious; England is strong and powerful; England is for clustering together nations and establishing in them her power and her principles. I shall do no more than justice to my own feelings when I say, that I am often pained in reflecting upon these considerations, when I call to mind England's history. I am not unmindful of her aggressions, and of the pretexts by which she has often possessed herself of the territory of others, nor of the manner in which she has demonstrated her power when she has obtained possession. All this is too obvious to admit of any doubt or mistake. When she is about to commit an aggression, what does she do? She sets up some plausible pretext, claims she has been wronged some way or other, and thus she justifies not only the infliction of punishment, but conquests which she makes perpetual. She begins just as we are preparing to begin with Yucatan, by helping the weaker party. Rome did that, sir, and it was a favorite policy by which she overrun Asia, Africa, and Europe. Who does not know that a very large portion of the Roman Empire was annexed by this process. A party or faction, incapable of protecting itself, sent to her for assistance, offering, perhaps, the sovereignty as a consideration for her aid. Of course the aid was given, and the sovereignty claimed as the reward, whether offered or not; and thus kingdom after kingdom were brought into subjection to her power. England has spread her Empire in the east by precisely the same process. The Senator from Michigan pertinently enquired, when England put her foot down in any place does she voluntarily take it away? I fear she has seldom if ever yielded territory which she thought to be useful to herself. When Rome interfered to aid a weaker faction, did she ever subsequently find a state of things existing which induced her to relinquish her misnamed protection? Never. If remonstrance was made, what was the answer? It was, that the condition of the people was improved, and Roman institutions were better than their own, and remonstrance was of no avail. And what is the answer of England when remonstrance is made concerning such aggressions? Her reply is of the same tenor. We give you a better government; you have greater security to your persons; larger liberty than before; what have you to complain of? That is the course of reasoning adopted, sir; and although it implies a violation of every principle of liberty, and an utter disregard of the opinions and happiness of others; yet, in ambitious minds, it is a justification even of bloodshed. Are we not falling gradually into this same process, and bringing odium both upon our name and our principles? When we wish to advance our frontier a little, do we not find some plausible pretext which we set up as an argument wherewith to satisfy the world? But does it satisfy our own judgment? If we were to be placed in the condition of these we undertake to annex to us, whether they will or not, would we be satisfied with the same course—with a declaration that our condition would be improved. Of this we prefer to be our own judges. We do not desire to have even happiness thrust upon us against our will, nor do we admit that others have the right to decide questions for us and to compel our acquiescence. Sir, the great principle of safety every where, is non-intervention. The great and fundamental principle which lies at the very root of public liberty, is the right of a people to judge for themselves and maintain such institutions as they please and in the way they please, provided they do not interfere wrongfully with others. They may appear absurd to us, but if they find happiness in maintaining them, no means of violence employed to demonstrate such an error can be justified. It is a privilege of the free to act from conviction, but to force opinions or views of policy upon others is a violation of the first principles of freedom. It is said, Mr. President, that there is danger if we do not take possession of Yucatan, that some other country will. Who is to do it? England it is said—ambitious England, and we are to seize it for fear she will take possession. Mr. President, let us proceed in such a matter with deliberation, and act upon evidence. England might have done it long ago if she had desired it. There are, in the documents which are upon this table, however, some statements which it is affirmed should be considered as conclusive proofs of a purpose on the part of Great Britain to indulge in this scheme of aggrandizement. I find in these papers no proof whatever that the English government by any act, movement, or claim, have set up any pretension to Yucatan. These despatches warrant no such conclusion. Her citizens at the Belize trade with all the castes and parties of Yucatan when they come there for that purpose. The whole proof of such interference in any form, upon analysis, dwindles into suggestions or insinuations which furnish no suitable evidence to influence our minds. Is it not worth while to stop and consider our past history, before proceeding further in our aggressive career upon mere idle rumor? What did the Senator from Texas tell you standing in his place the other day? What was said to us a year ago, by gentlemen on the other side of the chamber? It was this, that although it was boldly asserted in messages sent to this body, and published officially through the country, that England would take possession of Texas if we omitted to do it; although it was so often reiterated, by authority and without authority, that the people began to believe it, yet the Senator, who from his official station could not be otherwise than well informed upon the subject, pronounced in substance the whole affair to be a humbug, got up to excite the public mind here, and to foster the scheme of annexation. I do not mean to assert that I use his language when I say it was humbug, but I believe I do no injustice to his meaning. He used the gentler terms of diplomatic intercourse, which was got up, no doubt, for the express purpose of alarming the people, and of exciting their apprehension of such an act on the part of England. This belief, he gave us to understand, was encouraged, that it might give facility and despatch to the meditated annexation. My friend from Maryland, [Mr. JOHNSON,] among his reminiscences the other day, referred to a speech made by the Senator from Texas at New Orleans, long since, wherein—as it was represented—the Senator asserted that all these rumors about the designs of the English upon Texas were mere coquetry played off upon the United States. This precise declaration the Senator from Texas disclaimed. But in making the disclaimer, he used language quite as significant, proving that the whole matter was utterly without foundation. Those, therefore, who plumed themselves on the discovery, that the despatch of Lord Aberdeen disclaiming all interference, was a diplomatic humbug, were themselves humbugged.

When we listen to these idle stories and insinuations contained in the despatches, which the commissioner does not dare to call facts, is it not worth while to place them in juxtaposition with the other fact, that he is anxious for the annexation of that State to this Union? Lest these insinuations and suggestions should not be heeded—lest this kind of argument should not have sufficient force, and act with sufficient despatch, the government of Yucatan, then falling to pieces, under the assaults of Barbachino, and also of the Indians, came forward with a direct and unequivocal offer of the sovereignty of that country, not only to the United States, but also to England and Spain, if they, or any of them, would interfere and give them the aid and protection which this minority of the people deemed essential to their safety. In other words, a sinking party offer their country for sale. The consequences which such a proposition may involve, if we treat it as an offer to us, and expect the whole reward, will more fully appear if we trace the matter a step further. We are officially informed that Spain is already on the ground with three ships of war, and has furnished a quantity of arms and ammunition to these people, pursuant to their request. What will she expect in return? Does she demand the sovereignty? She has complied with the request made to her, and her good offices and acts of interference have been very acceptable to these people. But yesterday—I speak it on the authority of the Senator from Michigan, who seems to have credited it—there was a rumor that no less than four companies of British troops have been marched to the aid of these Yucatanese. Now, sir, suppose we send a body of men there. Spain, England, and the United States will be there; and the sovereignty of the country is promised to each power that renders aid. How will the question of sovereignty be settled, as each power cannot have a fulfilment of the promise? Mr. President, if my apprehensions are correct—if such a supposed state of things should come to pass—if all these powers should meet in Yucatan, each with a military or naval force, or both, in my opinion, we would find ourselves in a position, from which to extricate us without a rupture of peaceful relations, would demand more wisdom and moderation than I am prepared to concede to the present administration. There must be imminent danger of conflict when three such powers meet in pursuit of an object which but one can obtain. When we shall meet two of the old powers of Europe under such circumstances, if the same ambitious desire of acquisition which influences us stimulates them, can the questions which will arise be discussed, or the plunder be disposed of, without a rupture among the parties? If the doctrines of Mr. Monroe, as expounded by the President, are to be enforced as the established policy of the country, we shall be fortunate if we do not find ourselves arrayed in war against Mexico, England, and Spain. Why should we rush into such folly, and disregard the manifold blessings which an indulgent providence has in store for us? The Senator from Michigan would say, Perhaps, if in his seat, that this arrival of Spanish and British aid at Yucatan was the result of the action of the colonies of Cuba and Jamaica, and not direct assistance from those two great powers themselves.—But suppose Great Britain and Spain—as they will do, I think—sanction the action of their colonies, as they have an undoubted right to do, because these troops are furnished on the assumption that their governments will approve of the measure. If this should occur, then it behooves the Senate of the United States to consider what it does, when it proposes to send troops into Yucatan, and to reflect upon, and weigh well the consequences that may probably result from such a course of policy. It is hinted, and pretty broadly asserted, without any proof, however, that the English furnish these Indians with arms and ammunition, and that they are thus encouraging the rebellion. Now, this same commissioner who brings this case before us for consideration, makes a very singular declaration in one of his despatches. He says that they the (Yucatanese) could easily and cheaply have bought the arms they wanted of the English at Belize, but they preferred to obtain them from the United States. According to this statement, then, sir, these very people who are said to be encouraging this rebellion by placing arms in the hands of the Indians to prosecute this war, are at the same time willing to sell arms cheaply and freely to the other party. Could there be a more striking proof of the fact, that all these statements about arms mean nothing more, than that either of these parties who choose to purchase at Belize, can do so if they have the means? If there were any such sinister purpose as has been suggested, if the English were anxious to strengthen and arm these Indians in

order to overthrow or exterminate the whites, surely they would not be found selling arms and ammunition to the very men whom they wished to put down.

The President of the United States, in his message to us adverting to the doctrine advanced in 1823, by Mr. Monroe, then the President of the United States, has taken occasion twice or three times in the course of that message, to say that he considered this doctrine recognized by him in his annual message, the year before last, to be the established policy of the United States. He has not condescended to shadow forth the interpretation which in practice he would give to that policy, nor to state by what acts or opinions of this government, expressed in the forms of the constitution, it has received such sanction as to authorize the declaration, that it is our established policy. The Senator from Michigan, who is very apt to see things through the Executive medium, while he approves of the declaration of Mr. Monroe, does not consider it to be the established policy of the country; but his whole argument is but a commentary carrying out this text. Mr. President, I should be glad to notice in a suitable way this declaration, and the construction given to it, but I have not the power left which is requisite for that purpose. It must suffice for me to remark—that it has become in the minds of such as adopt it an authority, justifying any and all schemes of aggression or ambition, under the assumed pretension that we have a right so far to regulate the affairs of this continent, as to determine who shall hold sovereignty here, and under what form of government. This declaration was arrayed against the settlement of the Oregon question. It is now to be maintained against any European power which may attempt to acquire territory any where in this vast new world. Yucatan has offered her sovereignty to England on the same terms upon which she has proffered it to us—suppose England avails herself of it, and becomes the purchaser of the country, or suppose Yucatan or any other State voluntarily delivers itself over to England to be governed by her authority—this, according to the views of the President, we not only have the right, but are bound by an established policy, to interfere and expel England because we deny her right to colonize upon this continent. We who traffic in nations—and when we cannot buy, conquer them to make acquisitions—have a monopoly, a patent right to this peculiar trade and hold the right to restrain others from engaging in it. Yucatan may sell herself, but we alone have the right to purchase. If England enters Yucatan under the invitation of its government, upon the assumption that she too has a right to trade in sovereignties, and we denying this right, meet her there, how is a rupture to be avoided? If we stay away we may be content with a war of words, but if armed forces meet, and ours is, as it must be, under the command of the President, how can he avoid carrying out what he avows to be our established policy?

Mr. President, can any reasoning illustrate more satisfactorily, not only the folly but the peril of assuming toward others such a posture as the President assigns to us? No administration down to the present, ever thought of giving such a construction to this declaration—we have in no instance interfered with or objected to the arrangements of other nations.

Mr. President, I feel confident that there must be some misapprehension about the opinions of the President now, or his sentiments have undergone some change. He took part as a member of the House of Representatives, in a great debate upon the Panama mission some twenty years ago.

In that debate, as gentlemen will find by consulting the speeches then delivered, this declaration of Mr. Monroe occupied a large share of the attention of the members, who criticised it very freely, and I recollect very well listening to the President among others at various times upon that subject. But I shall not trust my memory in this respect. What I wish to draw the attention of the Senate to is this: that if Senators now give a fair construction to the declaration of Mr. Monroe, and do not strain the principle which he is said to have avowed, and the President concurs in these sentiments, he has very much changed his own opinion since the period of that debate. I do not assert that he has changed his opinions, but leave it for every gentleman who hears me, to compare the views he then put forth, with those now before us, and judge for himself. A little explanation may be useful to make the then existing state of things understood. What, then, was the cause of that discussion? I will briefly answer that according to my recollection! it was this, some seven or eight republics had suddenly sprung into existence, having thrown off the colonial bondage of Spain, and established free popular sovereignties for themselves. There was a strong sympathy, a kindly feeling for these States by us; we were anxious to encourage and countenance them as far as was consistent with our own safetey, and the rights of others. They believed it to be important to them to have a harmonious understanding, not only among themselves, but with us, invited the United States to meet them at Panama in a congress representing the sovereignties of this continent. The design was, that each government should be represented by one or more diplomatic agents, and if any thing was agreed upon, it should not be binding unless sanctioned by the treaty making powers of the parties.

They were to meet, as was said, to commune, confer, and consult upon great questions relating to the advancement, elevation, and improvement of our race. None but moral means were thought of. Military force, swords, and bayonets were not to be employed to propagate their principles or to enforce their reasoning—all was pacific, and all principles were to find their way, not by the aid of force, but through conviction. It was believed they would consult as to the best and most successful means of enlightening the human mind, and strengthening its moral tone, and thus give just support to free principles—that they would consider the vast importance of toleration in religion, and of separating Christianity from the corrupting influences of evil power. It was thought, too, that international law would not escape their attention and it was hoped, among other things, that they would do something for the freedom of the seas by establishing the principle that free ships should make free goods. It was believed, moreover, that they would recommend improvements in commercial intercourse, which would promote trade by removing many obstacles, and prove mutually beneficial, by increasing mutual interests and uniting all in stronger bonds of friendship. And further, Mr. President, as it was known that these republics which were then at war with Spain, meditated an invasion of Cuba, for the purpose of wresting it from the dominion of that kingdom—it was confidently believed that this matter would not only be considered, but that the plan of invasion would be abandoned and Cuba be left a colony of Spain.

These, Mr. President, were some of the topics which it was believed would engage the attention of this congress of nations; and I might, no doubt, add, that they would probably consider whether the Holy Alliance was such a combination as would demand, on their part, any countervailing influence of the free governments. The President of the United States nominated two ministers plenipotentiary to represent the United States in this congress, and upon these nominations a long and animated debate occurred in the Senate, while upon the appropriation for it there was a similar debate arose in the House of Representatives. Although nothing could be done which would not come here for sanction before it could be binding—although the use of nothing but moral power was meditated—although the whole thing resolved itself into a mutual conference, a friendly consultation about the common good and the common prosperity—yet in that debate it was earnestly contended that such a step was full of danger—that it was a fearful departure from established policy—that our interests were best protected and promoted by avoiding all alliances and entanglements with foreign powers, and few gentlemen advocated this policy of non-intervention, even for the purposes of consultation, more decidedly than the President. His opinions are left on record, and if there be some shades of difference between the member from Tennessee and the President, now anxious for a wider fame, the change of position may possibly account for it. If the Senate will be a little patient, I will read a few paragraphs from the second volume of the Register of Debates, second part:

"Mr. Poinsett offered the following

"*Resolved*, That it is the opinion that the right and duty of the House of Representatives, when called on for appropriations to defray the expenses of foreign missions, to deliberate on the expediency or inexpediency of such missions, and to determ ine accordingly, is a constitutional right and duty, not to be controverted by the Executive.

"*Resolved*, That it is the opinion of this House that the sending of ministers on the part of the United States to take part in the deliberations of the congress of South American nations at Panama, would be a total departure from the uniform course of policy pursued by this government, from the adoption of the federal constitution to the present period, and might, and in all probability would, have a tendency to involve the nation in entangling alliances, and endanger the neutrality and relations of amity and peace, which at present happily subsist between the United States and the belligerent powers, Old Spain and the southern republics of this continent.

"*Resolved, further*, That it is inexpedient to send ministers, on the part of the United States, to take part in the deliberations of the said congress of South American nations, at Panama, and that it is inexpedient to grant any appropriation to defray the expenses and outfit of any such ministers."—*Gales & Seaton's Debates of Congress*, p. 2105, *Tuesday, April* 11, 1826.

This, sir, was the opinion of the President when a member of Congress, that it would endanger the peace and safety of these United States to be represented in that congress, and that the whole thing was entirely inexpedient; and while he held this he also held that Congress was under no obligation to make the necessary appropriation for a minister duly appointed. I will read also from a speech delivered by the same gentleman in the House upon the same subject. He says:

"The proposed mission to Panama was without a precedent in our history, was novel in its character, and, in his judgment, dangerous to the best interests of the country."

This language, sir, is very happily adapted to the present occasion—is very emphatic and full of meaning. He continues:

"This [said Mr. P.] is a portentous and very important crisis in the history of this country, and every patriot should be at his post. We are about to depart from our ancient and plain republican simplicity, and to become a great and splendid government. Few occasions would occur on which we are called upon by the President to change the whole policy of the country as adopted by our fathers, and so happily pursued by their posterity, down to the present period. He called on gentlemen, before they abandoned the present safe policy of the country, to ponder well what they are about to do."—p. 2482.

Sir, I hope this opinion of the President then, will not be without its influence on this body. Ponder well what you are about to do. One sentence more, and I have done:

"Before he concluded [Mr. P. said] he would say a word in relation to the pledge [Mr. Monroe's declaration] which it was said the nation had given to the South American people. When the message of the late President of the United States was communicated to Congress, in 1823, it was considered, should have been, a the mere expression of opinion of the Executive, submitted to the consideration and deliberation of Congress; and designed, probably, to produce an effect upon the councils of the Holy Alliance, in relation to their supposed intention to interfere in the war between Spain and her former colonies. That effect it probably had in aiding in producing; and if so, it has performed its office. The President had no power to bind the nation by such a pledge. The sound and sober judgment of the people of the United States has not been brought up to the conclusion that we could in any event make common cause with the republics of the South, or involve ourselves in the calamities of war in their behalf. All our sympathies, all our good feeling, were with them; we wished them success, but self-preservation is the first law of nature and of nations: we were, then, as he hoped we still were, unprepared to depart from our settled policy. As a strong evidence of what the opinions of this House then were, the present Secretary of State, then a member of the House, had submitted a resolution responding to the sentiments of the message of the President. The Greek resolution was submitted, too, at the same session by the honorable member from Massachusetts.

the fever was up; we seemed to be then, if we ever had been, prepared to go on a political crusade in behalf of others. The sober judgment of the House interposed, the Greek resolution shared its fate, and sleeps upon the table.

"Mr CLAY saw clearly that the same fate inevitably awaited his South American resolution, with only this difference, that it would probably have been negatived by a much more overwhelming majority. It was not called up."—p. 249.

I might, sir, read much more advice and argument from the speeches of the President equally important for the cautious admonitions contained in them. What, I pray the Senate to consider, called forth these warnings, these forebodings of evil? This great alarm was excited by a proposal to send to the republics of South America two diplomatic functionaries clothed simply with the power to consult and confer together for the peace, safety, and prosperity of the free governments of this continent. The President then saw great danger in any departure, however inconsiderable, from the old and safe policy of non-intervention. He feared not only all entangling alliances, but all association whatever, and evidently holds it to be a triumph that the resolution of Mr. Clay, in response to Mr. Monroe's declaration, was defeated, and that the resolution offered by Mr. Webster in regard to the Greeks shared the same fate. "The fever [says the President] was then up." Yes, sir, the fever of sympathy with nations struggling for their freedom, and none other. They were weak, feeble powers, it is true, making no great figure in this noisy world, but still liberty was as dear to them as to Frenchmen, and they contended manfully for it, and achieved it without the countenance of the President. The declaration of Mr. Monroe is couched in a manner not to be misapprehended. Its force and validity is justly denied, and it is placed on the footing of an Executive opinion called forth by the combination of the Holy Alliance; but having performed its office, which amounted to nothing, as it was obligatory upon no body, it was substantially, in 1826, obsolete. There is truth in this, Mr. President—it was dead, buried, and forgotten until the President dug it up, breathed into it new life, and now declares it to be (Executive opinion though it is, and nothing more) the established policy of the country. His language in his message of April 29th, 1848, is in regard to the dominion and sovereignty of Yucatan, as follows:

"Yet, according to our established policy, we could not consent to a transfer of this dominion and sovereignty" (Yucatan) "either to Spain, Great Britain, or any other European power. In the language of President Monroe, in his message of December, 1823, 'we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.' In my annual message of December, 1845, I declared that 'near a quarter of a century ago this principle was distinctly announced to the world in the annual message of one of my predecessors,' that 'the American continents, by the free and independent condition which they have acquired and maintain, are henceforth not to be considered as subjects for future colonization by any European power.' This principle will apply with greatly increased force, should any European power attempt to establish any new colony in North America. In the existing state of the world, I deem it proper on this occasion to reiterate and reaffirm the principle avowed by Mr. Monroe, and to state my cordial concurrence in its wisdom and sound policy."

Sir, I have not strength to pursue this subject, but the reading of the opinions of 1826, and those of 1845, and 1848, when it became necessary to justify the Executive policy in regard to Texas, Oregon and Yucatan, will present the contrast, and exhibit the change which circumstances have wrought upon a remarkably cautious policy, to one which is marked, I might say, comparatively with arrogance and presumption.

I must refrain from further comments, Mr. President, that I may notice one topic more, which must not be omitted. What effect, I would ask, Mr. President, if we send an army to take temporary military occupation of Yucatan, is it to have upon our pending treaty with Mexico? The Senator from Michigan seemed to think, that the only obligation which attached to any armistice, was simply to keep within the limits prescribed by the parties. I take it, of course, that he would do all that is required to be done in the agreement, and leave undone those things which would violate our faith or tarnish our honor. The question is a plain one. If an army of ours arrives in Yucatan, while we are negotiating a treaty with Mexico, what effect will such a course have upon the ratification of that treaty? Will not a step of this description defeat or be likely to defeat the treaty? There are gentlemen dissatisfied with the instrument, who, no doubt, desire its defeat. To such, the accomplishment of a scheme of this description, would no doubt be acceptable. But aside from all influences of this description, we find Mexico claiming Yucatan, as one of the States of her united confederacy. We have taken from her Texas, under circumstances much less aggravated than those under which we now propose to take possession of Yucatan. If, under such circumstances, we send down troops to occupy Yucatan, even on the condition contained in the amendment, viz: that the occupation should continue only until the inhabitants can protect themselves, or until the Mexican government protects them, would not such occupation be equivalent to perpetual, and would not the Mexicans so view it? If, while engaged in solemnly ratifying this treaty with Mexico, we are thus intent upon seizing another province that belongs to her, will she ratify it under such circumstances? Unless we have misconceived her character entirely, unless we have failed to comprehend the irrascibility of her temper, and her impatience under insult, it is evident that every step towards the ratification of the treaty will be suspended, the moment she becomes acquainted with our course. In connexion with this probable event, I desire to call the attention of the Senate to the fact, that this commissioner from Yucatan, had no sooner learned that a treaty would probably be entered into, than he sent a formal protest to the President, through the Secretary of State, remonstrating against the ratification, unless provision was made in the treaty, for the protection of the Yucatanese, against the vengence of the Mexicans. This commissioner is not the advocate of peace, nor is his State, if he represents her sentiments. His first wish is to keep us embroiled in war, till Yucatan falls into the possession of the United States. All his letters have been written, and his facts, if facts they are, have been stated under this bias. Shall we, sir, act upon such evidence? Hear his language in a brief quotation:

"Various rumors have been in circulation, during the last few days, in reference to a treaty of peace between Mexico and the United States, and even the terms of the treaty have been stated. As long as these rumors remained within the sphere of rumor, I did not think it opportune or expedient to make Yucatan the subject in a matter which, for that unfortunate country, is a question of life and death, and to which, therefore, it is not and cannot be indifferent; but as it now appears to be certain and indubitable that this treaty exists, and has been sent to Washington to receive the proper ratification, the time seems to me, to have arrived to raise the voice of Yucatan before the government and people of the United States, in order to protest in due form against such a treaty. Whatever may be the estimation or attention conceded to this protest, my conscience dictates the obligation of making it and submitting it to the government of the republic."

Again, further along in the despatches I find still stronger language used by the commissioner:

"A treaty of peace, in which Yucatan is not freed from the fury of the mandarines of Mexico, on account of its conduct in the present war, or is not left at liberty to seek for admission as a free and sovereign State in the vast confederacy of the United States, which it most ardently desires as most advantageous for it; a treaty of peace containing no provisions of this nature is, I repeat, eminently prejudicial to Yucatan, which cannot and ought not to see itself thus sacrificed without at least uttering a cry of complaint, without taking some measure to demand justice.

"For these reasons I protest, in the name of my government and of the people of Yucatan, against the terms of this treaty; and I demand that in any event, the lot of Yucatan should be assured in it."

That is the language of Mr. Sierra the commissioner, which very plainly discloses his feelings and wishes. We can judge from these facts, how much interest Yucatan has, to defeat the ratification of this treaty, and to prolong the war with Mexico, and also by what means she proposes to accomplish her object. What else ought we to expect from a rebellious province? Mr. President, I have been constrained to pass over many facts, quite as important as those quite as full of interest, as those which I have commented upon. It is a matter demanding the gravest and most deliberate consideration of the legislature. A false step is full of peril, as it may involve consequences from which we should find it difficult to escape, without great sacrifices. War is, under any circumstances, pregnant with evil, both to the morals and the best interests of the people. We now feel the truth of this remark, and the whole country feels it. It is the last means by which our principles can be strengthened, or our prosperity promoted.

It is our duty, then, not unnecessarily to prolong it, or rashly to rush into new contests. But we cannot set ourselves up as the guardians of the nations on this continent, or prescribe rules of conduct to Europe in its intercourse with such nations, without rousing feelings of resentment, which cannot fail to beget hostility; we cannot do to others what we condemn in them without subjecting ourselves to the charge of arrogance, selfishness, and injustice. It is not for us to dictate to others, the kind and extent of intercourse which they establish, for this involves a violation of the most obvious principles of right. We have never ceased to denounce the assault upon the Danish fleet by the English, and the partition of Poland as shameful acts of aggression, nor can we perpetrate similiar wrongs under pretexts however plausible, without incurring censure. It requires a very extraordinary case of threatened danger to ourselves, to authorize an interference with the admitted rights of others.

No such case now exists, authorizing interference for our own safety. I have looked at this proposition in its aspects, and though we have arrived slowly at the truth, by one revelation after another, enough now appears, to admonish us to pause, and in the language of the President in 1826, to ponder upon what we are about to do. No one can foresee where the adoption of this measure would lead us. Will any one dare to say, it will not bring with it the continuance of the present war, or that it may not involve us in one greatly more calamitous? I hope, Mr. President, we shall not abandon the old republican track, for that travelled by despots and ambitious chieftains, which leads to military glory and ends in the burdens of taxation, which bow down the industrial classes in sorrow and ignorance. Divine Providence has opened a brighter and better path before us, and it remains to be seen whether we have the good sense and judgment to follow, and thus avoid the great evils which oppress the nations of Europe.

Mr. President, if Yucatan is an object of compassion, I would not be backward in fulfilling all the duties of humanity, nor would I be scrupulous as to the exercise of power for that end. I would, if it can be done without entangling ourselves in dangerous responsibilities, send her arms if the crisis demands, and shipping to take the population away. But, sir, I cannot help feeling that the appeal to our humanity comes, under all the circumstances, with little favor, and stands, to say the least, on statements that ought to be very carefully scrutinized before they are admitted as the basis of action. Beyond this it is very plain, that our duty and our interests forbid us to go. All beyond this is too doubtful to justify the steps which are proposed. I have, Mr. President, done this subject, I am aware, very imperfect justice, but if attention has been awakened to its importance, my object is accomplished.

On motion,

The Senate adjourned.

FRIDAY, MAY 12, 1848.

REPORT FROM THE STATE DEPARTMENT.

The VICE PRESIDENT laid before the Senate a report of the Secretary of State, made in compliance with a resolution of the Senate, on the memorial of A. A. Frazier; which was read and ordered to be printed.

PETITIONS.

Mr. DAVIS, of Mississippi, presented the petition of David Hunt, praying the confirmation of his title to certain lands; which was referred to the Committee on Private Land Claims.

Mr. DICKINSON presented a petition of citizens of New York, praying the removal of the port of entry from Plattsburg to Rouse's Point in that State; which was referred to the Committee on Commerce.

On motion by Mr. BAGBY, it was

Ordered, That Dudley Walker have leave to withdraw his petition and papers.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their clerk:

Mr. President: The House of Representatives have passed a bill for the admission of the State of Wisconsin into the Union; in which they request the concurrence of the Senate.

The said bill was read the first and second times, by unanimous consent, and referred to the Committee on Territories.

GRANT OF LAND TO IOWA.

Agreeably to notice, Mr. DOUGLAS asked and obtained leave to bring in a bill granting to the State of Iowa, the right of way and a donation of public land for making a railroad connecting the Mississippi and Missouri rivers; which was read the first and second times by unanimous consent, and referred to the Committee on Public Lands.

LAND CLAIMS.

Agreeably to notice, Mr. JOHNSON, of Maryland, asked and obtained leave to bring in a bill to amend the act approved 17th June, 1844, entitled "An act to provide for the adjustment of land claims within the States of Missouri, Arkansas and Louisiana, and in those parts of the States of Mississippi and Alabama south of the 30th degree of north latitude, and between the Mississippi and Perdido rivers;" which was read the first and second times, by unanimous consent, and referred to the Committee on Private Land Claims.

PAYMENT OF INTEREST TO ALABAMA.

On motion by Mr. BAGBY, the prior orders were postponed, and the Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing payment of interest on the amount advanced by the State of Alabama to the general government, pending the Creek hostilities in 1836 and 1837.

The amendment submitted by Mr. PEARCE, when the bill was last under consideration, was agreed to.

30TH CONG.—1ST SESSION—No. 78.

No further amendment being made, the bill was reported to the Senate; and the amendment was concurred in.

Ordered, That the bill be engrossed and read a third time.

The said bill was read a third time.

Resolved, That it pass, and that the title thereof be "An act authorizing the payment of interest upon advances made by the State of Alabama, for the use of the United States government, in the suppression of the Creek Indians hostilities of 1836 and 1837, in Alabama, and for other purposes."

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

BOUNTY LANDS TO OFFICERS PROMOTED FROM THE RANKS.

On motion by Mr. DAVIS, of Mississippi, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill explanatory of the act entitled "An act to raise for a limited time an additional military force and for other purposes," approved the 11th February, 1847, with the amendments reported thereto.

The reported amendments having been agreed to, the bill was reported to the Senate, and the amendments were concurred in.

Ordered, That the bill be engrossed, and read a third time.

The said bill was read a third time.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

DEFERRED NOMINATIONS.

The Senate resumed the consideration of the resolution submitted by Mr. JOHNSON, of Maryland, on the 28th ult., on the subject of Executive appointments in the recess of the Senate.

Mr. JOHNSON, of Maryland, resumed and concluded his remarks in support of the resolution; a report of which will be found in the Appendix.

Ordered, That the further consideration of the resolution be postponed until to-morrow.

THE PRIVATE CALENDAR.

Mr. JOHNSON, of Louisiana, moved that the Senate proceed to the consideration of the order assigning this day for the consideration of private bills.

On motion by Mr. CAMERON, it was

Ordered, That the consideration of private bills, which for this day was assigned, be postponed.

EXECUTIVE SESSION.

On motion by Mr. CAMERON, the Senate proceeded to the consideration of Executive business, and after some time spent therein,

On motion,

The Senate then adjourned.

SATURDAY, MAY 13, 1848.

PETITIONS.

Mr. CALHOUN presented a petition of citizens of Charleston, South Carolina, praying a reduction of the rates of postage on letters and newspapers; which was referred to the Committee on the Post Office and Post Roads.

Mr. DAVIS, of Mississippi, presented the memorial of J. Anthony King and Cuyler W. Young, proposing to organize a volunteer force, to be received into the service of the United States, for the purpose of suppressing the insurrection in Yucatan; which was referred to the Committee on Foreign Relations.

Mr. DIX presented the petition of J. Howard & Son, of New York, praying to be allowed to use two Spanish war steamers as part of a line of steamships which they propose to establish between the port of New York and certain Spanish and Mexican ports; which was referred to the Committee on Commerce.

Mr. MASON presented a memorial of physicians, chemists, and others, citizens of Alexandria, Virginia, praying the adoption of measures to prevent the importation of adulterated and spurious drugs and medicines.

Ordered, That it lie on the table.

Mr. DICKINSON presented a memorial of citizens of Washington, in the District of Columbia, praying the purchase of Mount Vernon by the government; which was referred to the Committee on Military Affairs.

Mr. DOUGLAS presented a memorial of citizens of the United States residing in Oregon, asking that the laws of the United States may be extended over the territory, and that donations of land may be granted; which was referred to the Committee on Territories.

Mr. BADGER submitted additional documents relating to the bill for the relief of David Myerle.

Ordered, That they lie on the table, and be printed.

IMPORTATIONS OF IRON AND COAL.

Mr. DAYTON submitted the following resolution, which was considered, by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury furnish the Senate with a statement of all the iron and manufactures of iron imported into the United States from the 1st of July, 1847, to the 1st of May, 1848, designating the different kinds of iron, and the value of each kind, and, also, the value of the manufactures thereof, and the quantity and value of all mineral coal imported during the same period.

POSTMASTER OF THE SENATE.

Mr. BAGBY submitted the following resolution for consideration:

Resolved, That John M. Jameson, postmaster of the Senate, be continued here after yearly in charge of the post office, at the same per diem he now receives.

The Senate proceeded to consider the said resolution; and

On motion by Mr. NILES, it was

Ordered, That it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

LIEUT. JOHN CASSIN, UNITED STATES NAVY, DECEASED.

Mr. JOHNSON, of Maryland, submitted the following resolution, which was considered, by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be requested to send to the Senate all the papers filed by Mary Cassin, widow of the late Lieutenant John Cassin, of the United States Navy, in her application for a pension.

DELAY IN PRINTING.

Mr. DAYTON submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate inquire and report to the Senate why the document relating to the proceedings of the arbitration in the matter of the island on which Fort Delaware is situate, commonly called the Pea Patch, has not been printed according to the order of the Senate.

ACTING DOOR-KEEPER.

Mr. HANNEGAN submitted the following resolution, which was considered, by unanimous consent, and agreed to:

Resolved, That N. J. Holland act as assistant door-keeper of the Senate during the absence of the sergeant in conveying the remains of the Hon. CHESTER ASHLEY to the State of Arkansas.

CONSULATE OF MUSCAT.

Mr. HANNEGAN submitted the following resolution for consideration:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of establishing the consulate of Muscat, in the dominions of the Imaum, upon the same footing with those of Tangiers, Tripoli, and Tunis, in the Barbary States.

ARMING THE MILITIA.

Mr. DOUGLAS submitted the following resolution, which was considered, by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of amending the law, approved 23d April, 1808, appropriating annually $200,000 for arming the whole militia of the United States and territories, so as to increase the same to an amount equal to the present wants of the country, and report by bill or otherwise.

AID TO YUCATAN.

Mr. Clarke submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be requested to inform the Senate whether all or any part of the navy stationed in the Gulf of Mexico has been ordered to proceed to the coast of Yucatan, for the protection of the white population of that country; and, if so, to transmit to the Senate a copy of such orders, and also a copy of any advices from the commander or officers of the squadron of a date later than those already communicated.

CASE OF A. A. FRAZIER.

On motion by Mr. WESTCOTT, it was

Ordered, That the report of the Secretary of State, on the memorial of A. A. Frazier, be referred to a select committee, to consist of five members, to be appointed by the VICE PRESIDENT; and

Mr. WESTCOTT, Mr. RUSK, Mr. FOOTE, Mr. JOHNSON of Maryland, and Mr. DICKINSON, were appointed.

PRIVATE BILLS.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom the following bills from the House of Representatives were referred—

An act for the relief of Thomas Flanagan.

An act for the relief of Parmelia Slavin, late wife of John Blue, deceased

reported the same without amendment.

RECIPROCITY WITH CANADA.

Mr. DIX, from the Committee on Commerce, to whom were referred several memorials on the subject, reported a bill to admit certain articles of the growth or production of Canada into the United States free of duty, upon the condition that the like articles of the growth or production of the United States are admitted into Canada free of duty; which was read and passed to the second reading.

RETIRED LIST IN THE NAVY.

On motion by Mr. YULEE, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill to promote the efficiency of the Navy.

On motion by Mr. YULEE, it was

Ordered, That the further consideration thereof be postponed to, and made the order of the day for, Monday, the 5th day of June.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have again passed the bill of the Senate to amend an act entitled "An act to amend the act entitled 'An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the revenues of the Post Office Department,' passed the third of March, one thousand eight hundred and forty-five," with amendments, in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to the bill last mentioned.

Resolved, That they agree to so much of the amendments of the House of Representatives as proposes to insert an additional section; and disagree to the residue of their amendments.

Ordered, That the Secretary notify the House of Representatives accordingly.

THE YUCATAN BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to enable the President of the United States to take temporary military occupation of Yucatan.

Mr. MILLER.—If this were simply a question whether we should relieve the people of Yucatan from a sudden and overwhelming calamity, it would receive my cordial and hearty support. Beside the high Christian duty of humanity, there is to my mind a moral sublimity in the aspect of a great nation like ours, stopping in its career of power, of war, and of conquest, to listen to the cry of suffering and helpless women and children, and performing an act of pure disinterested benevolence. This I hoped

would have been the position taken by our government towards Yucatan. But in this I have been mistaken; selfishness has triumphed over benevolence, love of dominion has superseded the love of peace, and the measure stripped of all its high claims of humanity, is now presented to us as a cold, calculating project of national policy. I will endeavour to show that that is the character of the proposition submitted to us in the message of the Executive, of the 29th of April, and embodied in the bill now under consideration

On the 21st of April last, Santiago Mendez then Governor of one of the States of the Republic of Mexico, sends a communication to our Executive, representing that that State was suffering under the calamity of a domestic war, asking the aid of our government, and offering, in case the relief be granted, to transfer the dominion and sovereignty of his country to the United States.

This is certainly a very liberal, and a very singular proposition; it implores our charity, and at the same time proffers a most valuable donation to us. It is alike tempting to our humanity and to our selfishness; it appeals at once to our generosity as a Christian people, and to our love of dominion as an ambitious nation. There is here such a mixing up of opposite motives for action, that if we accept the proposition, it must be ever doubtful whether we were moved by feelings of humanity, or by the love of dominion; whether we save Yucatan from the horrors of a civil war, for the sake of its people, or whether we save the people for the sake of taking Yucatan to ourselves. Upon looking at this strange proposition, the first inquiry is, who and what is he, who thus proposes to deal with the calamities of his country, and proffers her dominion and sovereignty for present help, in time of need, who, as it appears from his own communication, is going from court to court, and crying out like a drowning woman, in the poetic language of the Senator from Michigan, [Mr. Cass,] "save me and take me?" Why, sir, it is a certain Mr. Santiago Mendez, and, who is Santiago Mendez? The documents on your table give you his official authority and character. He was, at the date of his communication to our government, 25th March, 1848, Governor of Yucatan, but I do not find any evidence whatever showing, that as such Governor, he was clothed with authority to transfer the sovereignty of his State upon any emergency. The only authority pretended is the following article contained in a decree made by the Congress of Yucatan on the 14th January, 1848.

ART. 1. "The government is empowered to take any measures, executive or legislative, which it may judge necessary, for the restoration of peace, the consolidation of order, and the amelioration of all the branches of the public administration."

By the third article of the same decree, it is declared:

"These powers shall cease on the 1st of September next, when the chambers meet at the second constitutional period."

There is no authority conferred by this decree for the extraordinary proposition, to cede the sovereignty of the State of Yucatan. But if he ever had any authority for that purpose, that authority had ceased before his communication was presented to our Executive, and that fact was known to the President when he sent the proposition to us by his message of the 29th of April. As early as the 4th of April, Commander Bigelow, then at Laguna, writes to Commodore Perry—

"We have accounts from Yucatan which state the troops stationed at Texax, on learning of Barbachano's having superseded Mendez in the Presidency, immediately took up the line of march for Campeachy, and abandoned their position. The parties appear to be as divided and hostile to each other as ever; or, perhaps, the troops who wished to retreat, took advantage of the change in the government to screen their cowardice."

And on the 15th of April, Commodore Perry informs the Navy Department that

"Governor Mendez has resigned in favor of his political rival, Senor Barbechano, which measure has, it seems, produced increased dissensions among the troops.—(See enclered extract from the report of Commander Bigelow.")

Thus it appears that before the 21st of April, the day on which this proposition was presented to our government, Governor Mendez had been superceded by his political rival Barbechano, and it appears that this change in the Executive officer, was the cause of renewing party hostilities among the people of Yucatan, and of producing dissension in that country; and that the troops took advantage of the change in the government to screen their cowardice, abandoned their position of defence against the Indians, retreated to Campeachy, and left the people of Yucatan exposed to the very calamities from which we are now asked to relieve them. But this is not all. These documents show that the civil war now raging in Yucatan, was instigated by the conduct of Mendez and his party, that for the purpose of advancing his own ambitious views, he first excited the Indians against his political rival, by promises of relief from an odious and oppressive tax, and then, after he had attained power by their aid, not only broke his promises, but cruelly inflicted other outrages upon their persons. Commodore Perry in his letter of the 16th of March, says:

"In the removal of Miguel Barbachino from the government of Yucatan, about six months since, and the substitution of Santiago Mendez, the Indians were engaged by the Campechenos in support of Mendez, with promises of a remission of the capitation tax and other indulgences; but when Mendez was elected, the tax was claimed; the Indians refused, and in its collection some of them were put to death. Outrages also on the families of some of the chiefs of the Indians seem to have been perpetrated by some officers from Campeachy; and hence the fears of the Campeachenos, and the comparatively secure feelings of the inhabitants of Merida and its vicinity.

"Among the gentlemen whom I met at the commandant's, was Don Pedro Camara, said to have been a leading man of the Barbachino party before its expulsion from office. This gentleman spoke with great confidence of the ability of the whites to resist the Indians, and seemed very confident and much at his ease. All of which further inclined me to the belief that the whole matter *is a party quarrel*, in which that of Barbachino has the best, and that of Mendez the worst, though they may have put elements in agitation which may overwhelm them both, and leave room for Spanish interference and assistance."

So much for the character, official and personal, of Santiago Mendez, who now asks our humanity in exchange for the sovereignty of his country.

I desire now to trace the history of this proposition. The causes that induced it, and the reasons and motives which have caused our Executive to entertain the measure. In November, 1847, Mr. Justo Sierra, styling himself "Commissioner and Special Agent of the government of Yucatan, near that of the United States," opened a correspondence with our Secretary of State. In his first letter, dated 24th November, 1847, he relates the grievances which Yucatan had sustained at the hands of Mexico; and that, in consequence of these grievances, Yucatan was taking measures "which will probably end in a special declaration of its absolute independence;" that Yucatan had maintained "the most rigid and honest neutrality in the war now existing between Mexico and the United States." He then presents two requests to our government:

"1. That the duties now imposed at Laguna, under the authority of the United States, on the vessels and productions of Yucatan, may be abolished.

"2. That the naval forces of the United States may cease to occupy the port of Laguna and island of Carmen."

Here I would remark in passing, that as late as November last, Yucatan asked no protection from us; but, on the contrary, begged that we would withdraw our naval forces from her ports, and permit her to enjoy the rights of a neutral power.

Mr. Buchanan, in his answer, dated 14th December, to that communication, grants the first request and refuses the second. The reasons for his refusal are stated by the Secretary, as follows:

"The position of Yucatan is peculiar. The President cannot recognize her as a sovereign and independent State. She must still be considered as a portion of the Mexican republic, yet as neutral in the existing war. Had she preserved her neutrality from the commencement of hostilities until the present period, it is more than probable the naval forces of the United States never would have taken possession of Laguna. It is true that a contraband trade in arms and munitions of war was carried on between that port and the neighboring province of Tabasco; but yet we might have borne this injury rather than have exercised the unquestionable right of arresting it by seizing any portion of a State which professed neutrality. But the extraordinary Congress of Yucatan, by their decree of the 25th August, 1846, converted her neutrality into open war against the United States. After she had thus made herself our enemy, the port of Laguna, on the 23d December, 1846, was unconditionally surrendered to our forces. It is true that Yucatan has again become neutral, but it cannot be denied that she has ever since been distracted by civil dissentions, and that the enemies of neutrality and partisans of Mexico are in open rebellion against her government."

As this is the only letter from our Secretary in answer to the numerous communications made to him by Mr. Sierra, I ask the particular attention of the Senate to three important facts asserted by the Secretary.

First. That the President could not recognize her [Yucatan,] "as a sovereign and independent State." She must be considered as a "portion of the Mexican republic."

Second. That although she professed neutrality, the extraordinary Congress of Yucatan, by their decree of the 25th of August, 1846, converted her neutrality into open war against the Untes.

Third. That although she has again become neutral, it cannot be "denied" that she has ever since been distracted by "civil dissentions," and that the enemies of neutrality and partisans of Mexico are in "open rebellion" against her government.

These admitted facts will be found of the highest importance in the consideration of that subject; and I shall return to them again under another branch of my argument.

Next, we have a series of letters from Mr. Sierra representing the suffering and helpless condition of the white citizens of Yucatan under a cruel and exterminating savage war, and asking, in the name of humanity and civilization, aid from the United States in money, arms, and military force. To this appeal to our humanity, there is no response from the Executive. He is as cold and as silent as the grave. The commissioner then strikes another cord; he appeals to our national pride and jealousy, and hints, that if the United States does not grant the aid asked for, England, France, or Spain will be appealed to; and then very dexterously quotes to the President his own message against European interference upon this continent. He also names our generous sympathy towards the Greeks and the Pope of Rome. Yet there is no response. The cry of suffering women and children is still unheard. The President does not find in any of these things sufficient consideration to induce him to grant protection to Yucatan; and the savage exterminating war goes on. Now, sir, what must be the opinion of the world in regard to such an application. This man comes here, and tells us that the women and children of Yucatan are about to be massacred by the savages; that the white population is about to be sacrificed; and he asks us in the name of humanity to help them, and if we do not, they will go to our rival and ask her aid. Thus he holds out a threat, that in case we refuse his application, the sovereignty of Yucatan will be transferred to England. This is like the case of a man, who, when his house is on fire with his family in it, goes across the street, and coolly approaching his neighbor, would exclaim, "My wife and children are in danger of being burned; come and rescue them, and in return for your humanity, I will give you a deed for the house." And then to follow out the illustration, if the neighbor should turn a deaf ear to the call, the supplicant would say, "Well, if you don't agree to the bargain, I will go and treat with your friend over the way." How would such a proposition be received by any honorable man? He would doubtless rush to the succor of the helpless woman and children; but the proposition he would treat with scorn,

and be tempted almost to thrust its author in the flames. And yet this has been the way in which our humanity has been approached by the commissioner of Yucatan.

On the 23d of February, 1848, the treaty of peace between the United States and Mexico is sent into the Senate. Of the terms of that treaty I cannot speak; but it appears Mr. Sierra had his eye upon this treaty, and is quite well informed of its provisions. Sir, on the very next day, the 24th of February, he presents to our Secretary of State a formal protest against its ratification. In this most remarkable protest, Mr. Sierra seems to forget the dependance and helplessness of his State, and assumes the tone and authority of a sovereign prince, claiming the right to interfere in the negotiations of our government. He commences by telling us that this treaty contains a question of life or death for Yucatan; that it is a hasty affair, and made by those who had "no authority or commission for that purpose;" that it is null and void and will not be submitted to by the people of Mexico, and that even Yucatan "will not crouch servilely before peril however grave." He then refers again to the situation of Yucatan, and concludes by protesting that

"A treaty of peace, in which Yucatan is not freed from the fury of the mandarines of Mexico, on account of its conduct in the present war, or is not left at liberty to seek for admission as a free and independent State, like the Republic of the United States, which at most ardently desires such advantageous result, a treaty of peace containing no provision of this nature is, I protest, eminently prejudicial to Yucatan, which cannot and ought not to see itself thus sacrificed without at least uttering a cry of complaint, without taking some measure to demand justice.

"For these reasons I protest in the name of my government and of the people of Yucatan, against the terms of this treaty; and I demand that in any event the lot of Yucatan should be assured in it."

This protest expresses no fear of the Indians—it asks no aid of the United States against savage extermination. The alarm proceeds from another quarter. Mexico is about to make peace with the United States—Yucatan has been declared part of Mexico by our government—she is in a state of rebellion against the general government of Mexico, and in the event of peace the withdrawal of our army from Mexico, that republic may compel Yucatan to return to her allegiance. To avoid this result, and not that of extermination by the Indians, Mr. Sierra asks the interference of our government. It is not to save her from the savages of Yucatan, but to protect her against what he calls the mandarines of Mexico, that our aid is now solicited for Yucatan.

Strange to say, that this most novel and meddlesome protest—full of bad faith towards Mexico, with whom we were then holding negotiations of the most delicate and honorable character, is received and entertained by our Executive without rebuke or reply. Thus stood the matter until about the 20th of April, when the official communication from Governor Mendez offering the dominion and sovereignty of Yucatan to the United States, was presented to the Executive. Then it was that our Executive first waked up to the cry of humanity, which had been ringing in the ears of the nation for months, and a few days of anxious cabinet consultation, he sends a message to Congress in which, after depicting the sufferings of the people of Yucatan with a pathos that almost excites our sympathy to tears, concludes by submitting

"to the wisdom of Congress to adopt such measures as, in their judgment may be expedient, to prevent Yucatan from becoming a colony of any European power, which, in no event, could be permitted by the United States; and, at the same time, to rescue the white race from extermination or expulsion from their country."

In this proposition humanity is made a secondary consideration, a mere incidental object. The ruling motive for our action is, to prevent Yucatan from becoming a colony of any European power, at the same time, that is, while we are contending for the great object, the dominion of the country, to rescue its white inhabitants from extermination and expulsion.

When I first heard that message read, I was at a loss to know what measure we could adopt, acting in our legislative capacity, to prevent Yucatan from becoming a colony of any European power; for if there be any real danger of this result, and we have, as is contended, the right to interfere, it was the duty of the President, in his Executive capacity, to say to such European powers, that the government of the United States would not permit them to interfere with the sovereignty of Yucatan. But, sir, the Committee on Foreign Relations have solved the difficulty. The way to prevent Yucatan from becoming a colony of any European power, is to take her ourselves—first, by an armed occupation, for the purpose of rescuing the white race from extermination, and then by annexation, in order to secure the permanent dominion of the country. This is the object of the bill reported by the committee, as explained by the honorable chairman, and also by the Senator from Michigan [Mr. Cass.]

The honorable chairman urges the immediate passage of the bill, and tells us that England is proceeding "with race-horse speed" towards Yucatan, and that unless we get there soon, she will get in before us. The Senator from Michigan, still more alarmed by the emergency of the occasion, sees, or imagines he sees, England there already, not only in possession of Yucatan, but also of Cuba, with towers and fortifications on the land and armed steamers on the sea, cutting our commerce in two, commanding every entrance into the gulf, and thus imprisoning our trade within a line of strong military and naval positions. Under this grand national view of the subject, what becomes of our humanity for the poor women and children of Yucatan? In this race for dominion, the exercise of our philanthropy towards the white race of Yucatan is to end in a contest between England and the United States over the graves of the Yucatecos, for the possession of a depopulated country.

Into what a strange and false position do gentlemen place England and America! The two great Christian and civilized nations of the earth turning a deaf ear to the cry of humanity, and each gazing with covetous eye upon a defenceless and wo-stricken country, and each under pretence of giving aid to its wretched people, seeking an opportunity to establish dominion. The eagle and the lion watching the same prey, and whether the eagle shall strike before the lion has time to leap, is the question which now fearfully agitates the minds of honorable Senators.

Now, what becomes of all the cry about the suffering women and children, and those considerations of humanity which were dwelt upon so eloquently by the honorable Chairman of the Committee on Foreign Relations? The effort now appears to be, not to repulse the Indians, but drive off England in order that we may take the country to ourselves.

In my opinion, the Executive of the United States, ought not to have entertained this proposition in the form and manner in which it was made, and for the object proposed. I do not mean to say that he should have shut his ears against the cry of humanity, but that while he yielded to the call of humanity, it was his duty to reject the proposition to interfere with the civil and political relations of Yucatan, as insulting to our honor, and pregnant with bad faith towards Mexico, with whom we are holding negotiations of the most delicate nature. I have already alluded to the fact, that Yucatan is one of the States of the republic of Mexico. It has been acknowledged to be such by the Secretary of State, and by the President himself. Here, then, comes one of the States of the republic of Mexico, and proposes in return for this supplicated aid, to cede her sovereignty and dominion to the United States. Now, I submit this proposition, that if we were this day at peace with Mexico, and such a proposal were entertained by our government, it would in itself be an act of war, because of necessity it must lead to war. But the honorable Senator from Michigan, entertains the opposite opinion. He says that if we were at peace with Mexico, we could lawfully entertain this proposition to take armed occupation of Yucatan. Why, the idea is monstrous! Suppose one of our States should think proper to place herself in a position somewhat adverse to the general government? Suppose a majority of the people of that State of a certain caste, should take advantage of this isolated position of the State, and should rise in rebellion against the whites—could that State, while we were at peace with Great Britain, go to that country and say, here is a domestic war; we are about to be exterminated; come save us and take us, and Great Britain should entertain that proposition, and in Parliament gravely discuss the question whether they would send an army into South Carolina, or Alabama, for the purpose of helping that State, and to take armed occupation of it, without the consent of the United States, would not the conduct of Great Britain be regarded as hostile to us, and tantamount to war? Yet that is precisely the case here. The President proposes to take armed occupation of one of the States of Mexico, under the offer of its sovereignty, and the Senator from Michigan says, that in time of peace, we would have a right to do so. To sustain his opinion, the honorable Senator asserts that Yucatan is now politically separated from Mexico, as much as China. How does he make that fact out in the face of the acknowledgment of our own government, that Yucatan is part and parcel of Mexico?

But, sir, we are not in a state of peace with Mexico, our relations with that republic are of a peculiar character at this moment. For the last two years a bloody and disastrous war has been raging between us. The civil and military power of Mexico have been overthrown by the valor and skill of our army. To save herself from utter annihilation, Mexico has been forced to yield to our demands two of her northern States, upon condition that we would permit her to retain, in peace, the balance of her territory. Negotiations for this purpose are now going on, and our commissioners are now in Mexico, urging in good faith, I trust, the consummation of a treaty of peace and amity between the two nations. Yet at a time like this, and under circumstances like these, we are holding a secret intrigue with the governor of one of the southern States of Mexico, and entertaining a proposition which is to separate that State from the Mexican republic, and annex it to our own. We are doing that, too, without consulting Mexico, and in the face of the admitted fact, that Yucatan "is a portion of the Mexican republic."

We have heard much of the bad faith of Mexico; but if it be true, as has been said, that the treaty now under negotiation contains, on our part, a stipulation not to interfere with any of the other States of Mexico without the consent of her general government, what will be said of our national honor and faith, if we should now, even before the ink is dry which records our covenant of non-interference, seize upon Yucatan? It is evident, to my mind, that if this project is to be persevered in, it will be the means of either continuing the present war, or the cause of a new war with Mexico. It has been admitted, on several occasions, on this floor, by the friends of annexation, that the annexation of Texas was, if not the immediate, yet the remote cause of the present war with Mexico. Is there not a similarity in the two cases? Our interference with Texas commenced with the cry for aid against Mexican oppression and cruelty. Our citizens, in defiance of law and of General Jackson's proclamation forbidding their interference with the internal affairs of Mexico, passed into Texas, joined in her revolution, and wrested that State from the dominion of Mexico. Then came the cry of English interference, and the danger of Texas becoming a colony of some European power. The safety of the Union—the extension of the area of freedom, ending

in annexation, and followed up by a war with Mexico. Do not Senators see, in the Yucatan affair, the beginning of the same process? First, we have humanity to excite our sympathies; thence fear of England to arouse our national jealousy; thence armed occupation, to be followed by annexation, all making out a cause immediate or remote, for another war with Mexico. With the history of our present difficulties with Mexico fresh in his recollection, the President could not fail to see that the measure now recommended by him was the act, of all others, most calculated to excite the suspicions of Mexico, and to defeat the treaty which he professes to see speedily consummated. It has been said, in certain quarters, that this treaty was forced upon the Executive, and that although he recommended its ratification, he was not at heart in favor of the measure. I cannot permit myself to believe that the President is capable of any such double dealing, upon a question of such high importance to the honor and peace of the country as this. Yet it must be admitted, that this untimely interference with one of the States of Mexico will, whether intended or not, cast suspicion upon the sincerity of our government, as to its professions for speedy peace with Mexico. The people of the country rejoiced at the first prospect of peace. They desired to see this miserable war with Mexico brought to a speedy termination, and longed to be assured that our difficulties with that unfortunate country were finally adjusted. Proud of the glory achieved by our gallant army, and believing that no other advantage to the country could result by the further prosecution of the war, they did expect that the first opportunity to restore honorable peace to the country would be embraced by our government.

I have already shown that the proposition to cede the sovereignty of Yucatan to us, had a close connexion with the depending treaty of peace between us and Mexico; that it was not made until after that treaty had been sent to the Senate; and that the object of Yucatan in making the proposition was to induce this government to relieve her from the terms of the treaty; to save her not from the Indians, but from the power of Mexico. May further it is now quite evident that this proposition of Yucatan was made for the purpose of defeating peace. Let us, then, beware how we entertain it, and thereby disappoint the earnest desire of the country for a speedy adjustment of our Mexican difficulties.

If there ever was a time in our history when all the great interests of the country demanded peace, and speedy peace, it is now—on this very day. The nations of the old world have been suddenly thrown into a state of revolution. The policy of foreign interference, of national intermeddling, is now receiving the bitter fruits of its labor. The proud monarchs of Europe, who set themselves up to regulate the affairs of the world, are now unable to defend their own existence. Ancient thrones are tottering upon their foundations; and which shall stand, or which shall fall, is a question belonging to the news of the day. Europe, still disturbed in all her political and commercial relations, yields the control of the world's commerce to our industrious, peaceful, enlightened from its investments in the old world, seeks employment under the safety of our institutions; and labor, and enterprise, and wealth, escaping from beneath the tumbling ruins of despotism, seek safety in our temple of liberty. In this momentous crisis in the world's affairs—in this hour of confusion to nations—at this moment, when the clouds of war are gathering thick and dark over the eastern horizon—when we see the lightning's flash and hear the distant thunders roll, with wisdom, policy and duty do we turn to see the bow of peace span our clear western sky! Wipe off the little speck of war from our political horizon—cease this contest for worthless Mexican territory, and give us peace, immediate and permanent peace, and you will secure to your country the dominion of the sea—the control of the commerce of the world.

I will now notice the reasons assigned, as well by the President as by Senators, for the adoption of this measure. They are two: First—to prevent European interference for the sake of dominion. Second—to rescue the white population of Yucatan from an exterminating Indian war. In support of the first reason, the President says:

"We have now authentic information that if the aid asked for from the United States be not granted, such aid will probably be obtained from some European power which may hereafter assert a claim to "dominion and sovereignty" over Yucatan."

If the President means by this that we have authentic information that some European power will grant aid to Yucatan for the sake of humanity. The fact is undoubtedly so; for Spain has already granted such aid, and is preparing to afford more. But, sir, I have looked in vain through these documents for any evidence going to show that such aid has been, or will be, furnished by any European power, for the purpose of asserting a claim to dominion and sovereignty over Yucatan. It is true, we have opinions and suspicions given and entertained by Mr. Sierra and others, upon this point, but there is not a single fact proved to sustain these opinions and suspicions. On the contrary, the facts stated prove that they are unfounded. The suspected European powers named in these documents are France, Spain, and England. As to France, Commodore Perry, in his letter of the 19th of March, says:

"I have it direct from the French consul here, that the government of Yucatan has more than twice within a few years back, applied to France for permission to hoist the French flag, and to become a French colony, but their proffers have as often been declined."

Spain has also been appealed to through her authorities in Cuba, and it is true, that she has listened to that appeal, and granted relief, but how, and for what object? Not by taking possession of the country for the sake of dominion, but by promptly sending part of her naval force there, to give protection and succor to such of the white inhabitants of Yucatan, who might fly to the sea coast for protection against a savage foe. And for fear that her motives might be suspected, she disclaims in advance, all intention to interference with the civil and political relations of Yucatan. The instructions given to her naval commander, are worthy of our notice. I will read part of them:

"That the presence of his vessel on the coast of Yucatan is merely protective, and has no hostile character whatsoever."

"Thus on this principle only, will we be allowed to grant assistance to the Spaniards or to other inhabitants who may look for protection under us, that

"Lastly, after having earnestly repeated to the commander of the 'Chimros,' that he should spare the desires that animate the authorities of Cuba, to be assisting the inhabitants of Yucatan, to whom they are linked by ties of blood and friendship, he was further directed to effect a landing on the beach, if it should be necessary to do so, in order to protect the lives of men, women, and children, in case that they should be attacked within range of his musketry; but that under no pretext should the landing party advance more than ten yards from the seashore."

Upon these instructions, the official organ of the government of Yucatan, under date of the 8th of February last, remarks: (I read from the documents before us.)

"From the respect the independence and sovereignty of Yucatan and the interests of each, in order that it would, in no manner be understood that, pending the political and social situation of the country, they had an intention of subjugating it by the establishment of a certain domination.

"And that it is that honors more than anything else, the generous officers of her Catholic Majesty, in the island of Cuba, who offer us their protection, moved only by the holy love for afflicted humanity."

Who does not see and feel the beauty and justice of this sentiment? The conduct of the Spanish authorities on this occasion, is worthy of the best days of old Spain, and instead of exciting our jealousy, should command our imitation.

But England is the power referred to. England will take advantage of the political situation of Yucatan, put the aid if we do not, and then "assert a claim to dominion and sovereignty over Yucatan." Now, sir, there is not a particle of reliable evidence before us, to show that the government of England entertains any such illegal and dishonorable design toward the sovereignty of Yucatan. The nature and the character of all the information we have upon this point, are expressed in the following extract from a letter of Commodore Perry, dated 13th March. He says:

"The Texian consul represents the opinion that England may, in view of obtaining an increase of territory in the bay of Honduras, and possession of the harbors of Ascension' and 'Espiritu Santo,' on the east coast of Yucatan, be induced to furnish aid in troops and munitions from the settlement of the Balize, and a person is now in the city, professing to be an agent sent expressly from Jamaica to enter into some arrangement with the Yucatan government. This information is given for what it is worth, in my own mind, it has little weight."

We have, it is true, the opinions and surmises of Mr. Sierra. He says he has reason to believe, that the British government will interfere. From what does he make such an inference? From the fact that British arms have been found in the hands of Indians, obtained, as he supposes, from the British agent at the Balize. He has not even proof of the fact, but if he had, would it follow the government of England had such an intention, because some of her subjects may have sold arms to the insurgents? Why since our war commenced with Mexico, it is said, I hope without foundation, that some of our own citizens, not being overburthened with patriotism, have sold arms to the enemy. The idea of charging the government of England with the intention to seize the dominion of Yucatan, because some of the Indians obtained arms from some of the subjects of that government residing at the Balize, is perfectly preposterous. We may talk about the probability of Great Britain seizing upon Yucatan, in order to excite our watchfulness, but we must remember that such probabilities are not sufficient for governments to act upon. We must have some evidence of her moving in the matter, before we can make her action the reason for our interference.

But, sir, when we consider the political relations of Yucatan, it is all idle to say that England will seize upon the dominion of that country. We know that an act of this kind would, under existing relations between the United States and Mexico, be an act of war; she would have two wars at once upon her hands—war with Mexico for seizing upon one of her States, war with the United States for interfering with a country with which we are at war, and now blockaded by our fleet, and subject to be conquered by our armies. Even by the laws of war, England at this time could only be permitted to appear in Yucatan either as the ally of Mexico or of the United States. If she comes seeking conquests for herself, a conflict of arms is certain, and war inevitable. When then the honorable chairman expressed his fears of the immediate interference of England, and told us that she was proceeding "with race horse speed," to take possession of Yucatan, he must have overlooked entirely this view of the case. This cry of England's interference with the nations on this continent has lost its effect upon me; it has been dinged in our ears for the last six years. On all occasions relative to our foreign relations, we are threatened by the fear of England. The present administration has lived with the fear of England continually before its eyes, and is likely to die under the same dreadful apprehension. This fear of England, real or affected, has done much for us in the way of acquiring foreign dominion. The cry commenced with the annexation of Texas, and it succeeded so well in that case, that the government was induced the next year to raise it again upon Oregon, but then it did not succeed quite so well, it being checked by a little real fear of English power entertained by the Executive.

In the fall of 1845 this spectre again haunts the mind of the

President; a rumor had reached the State Department that an Irish priest by the name of Macnamara, had gone to California on board of an English ship of war, that he was about to purchase a large tract of land at a very low rate, too, for the purpose no doubt of establishing an English colony there. Our government takes the alarm, and despatches Capt. Gillespie with secret instructions to Col. Fremont, to watch and counteract the movements of England. Forthwith California is revolutionized. Mexican authority overthrown, and the country reduced to our possession, we being at the time when these secret orders were given, at peace with Mexico. Thus we obtained possession of California through fear of England. Again when peace was first proposed with Mexico, we were told that if our army were withdrawn from Mexico in her present distracted condition, England would enter and seize upon the country. We must, therefore, hold on to all Mexico for fear of England. And now, when a call for the exercise of humanity is made to us from Yucatan, we disregard the appeal, until the fear of England comes in to excite us to action, and then under the pretext of rescuing women and children. The President gravely recommends that we take measures to prevent Yucatan from becoming an English colony. With due deference to the opinions of honorable Senators, I think that this continual reference to the fear of English interference, is unbecoming the honor and dignity of this nation. It smacks a little of cowardice, to be thus shaping our course to avoid direct contact with the power of England. If there be any real danger of interference by England with the independent governments on this continent, and if it be our settled policy to resist that interference, why not act openly and decidedly upon the point, and tell England in plain English, that any movement of hers towards this object, will be resisted by the government of the United State. Surely such a course would be more manly and honorable, and would at once relieve us from that duress of morbid fear, which frets and excites the Executive on all occasions.

Much has been said in the course of this debate about Mr. Monroe's declaration, relative to European interference with the nations upon this continent. This principle seems to have taken a strong hold upon the President's mind, and for fear that we may forget it, he quotes it in almost every message sent to Congress. It is recited in the message now before us, as follows,

"That we should consider any attempt on their part, to extend their system to any nation of this hemisphere, as dangerous to our peace and safety."

Mr. Monroe also avowed another principle, that,

"The American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European power."

The latter cannot be applied to the case of Yucatan, for she is one of the States of Mexico, and cannot therefore be made the subject of colonization. If, therefore, Yucatan is to be interfered with by any European power, it must be by overthrowing her present government, and establishing foreign dominion in its stead. It was this system of European politics—the system of the Holy Alliance to which Mr. Monroe alluded—the declaration first above cited, and against the extension of which system to our hemisphere, he solemnly protested, as dangerous to our peace and safety. Thus understood, this declaration of Mr. Monroe, may be considered as a solemn pledge on our part, to sustain the independence of the States on this continent, against the domineering interference of foreign powers. It is a general principle, maintaining in the broadest terms the great doctrine of non-interference—a doctrine, as binding upon the United States as upon those of Europe. Yet the President cites this principle of Mr. Monroe, as authority for us to interfere with the domestic difficulties in Yucatan, to separate her from the Republic of Mexico, and forcibly to connect her sovereignty to ourselves. This, sir, is, in my opinion, an utter perversion of the principle, converting it into a selfish dogma, and applying its restrictions to all the world, except ourselves. What do we propose to do by this bill? Is it to maintain the independence of Yucatan against English interference and power? Not at all. The independence of Yucatan is not thought of. The object is, as now avowed, to anticipate England, by interfering ourselves, for the purpose of extending our dominion over one of the States of Mexico. The Jews had a notion that many of their laws applied to the heathen world, and not to themselves, and they frequently acted under this literal construction. Hence the divine rebuke which they received: "thou wilt say, thou shalt not steal; dost thou steal." "thou that sayest, "thou shalt not covet, dost thou covet?" May we not likewise say to Mr. Polk, you, who sayeth to England, thou shalt not take Yucatan, will you take Yucatan? you, who sayeth, thou shalt not interfere, will you interfere? The application now attempted to be made of Mr. Monroe's principle, makes it a more selfish rule of action, under which you exclude others from plunder in order to take it all yourselves. I think Mr. Monroe would be somewhat astonished to hear that his declaration had been used for such a purpose.

The second reason assigned for our interference is, to rescue the white race from extermination or expulsion by the Indian race. The population of Yucatan is divided into two general classes or castes—the Indians or natives, numbering about 400,000 and the whites, or Spaniards about 120,000. Both are citizens under the constitution of Yucatan, and have a voice in the affairs of government. These Indians, called savages by Mr. Sierra, are citizens under the constitution of Yucatan, and as such, they being largely in the majority, they have a right to regulate the political affairs of their country. Their right to do so, is also acknowledged by Governor Mendez, for it was by the aid of the Indian population, solicited by him, that he overcome his political rival, and obtained power, and which, as I have already shown, he afterwards abused by oppressing the Indians. Now it may be, and I confess such is my opinion formed from an examination of the evidence before us, that the war now raging in Yucatan, is a civil war between the two classes of her citizens, concerning the administration of the government. The Indian citizens being in the majority, and having the political power, have overcome the white citizens, and are now in their turn using power, as is said, with cruelty and injustice. The white citizens divided among themselves, and panic-stricken, fly to us for aid, and the President proposes to grant the aid, by taking armed occupation of the country. If we do this, we must take sides with the minority, and make war upon the majority of the citizens of Yucatan. Now, sir, while I am as anxious as any Senator here, to put an end to that cruel strife, and to rescue the women and children of Yucatan from the horrors of a civil war, I am not willing to send our army into that country for the purpose of driving out, or exterminating the Indian population, who, by the law and constitution of the country, have the right to govern it. But they are mere savages, and the honorable Senator from Michigan, [Mr. CASS,] is of opinion that they ought not to have been admitted to the right of citizenship, that they are two ignorant for the safe exercise of so high a privilege. I understand that some of these Indians, either of the whole or the half blood, rank among the first citizens in Mexico, holding high and responsible stations under that government. One of them, Mr. Rehon, was, I believe, Secretary of State. The same gentleman who held a correspondence with Mr. Shannon, and proved himself quite equal to our minister, Almonte, also belonged to that so-called savage race. But I was astonished to hear the honorable Senator from Michigan, take the ground that a majority of the people of this country ought not to be permitted to control its government. This is not very democratic. It is the doctrine of the aristocracy of Europe. Louis Phillippe thought the Blouses of France ought not to vote, that they were too ignorant to be entrusted with that high prerogative, but the blouses thought otherwise, they rose in their power, and by force expelled the royal family from France. Whether the blouses of Paris will exercise their newly acquired rights with more humanity than the nations of Yucatan, is yet to be seen. But the Yucatecos have this advantage over their compatriots of Europe, while they are many, contending for rights already secured to them by the constitution of the country, the blouses are fighting against the constitution of France, in order to obtain privileges which they never enjoyed before. If we should adopt the policy of interfering in a case of this kind, we shall have our hands full for years to come. But it is said, that this is a war of races—the Indian against the white races. If that be a ground for our interference, we have grossly neglected our duty heretofore. The case has existed for centuries. Every civil war in Mexico—and there have been many of them more cruel and sanguinary than the present one—from the conquest of Cortez to this time, has been a war between the races of that ill-fated country—between the Indians (whole and half blood,) and the Spaniards. The great war of the revolution, commenced by Hidalgo in 1807, and which finally secured the independence of Mexico from old Spain, was a war of races or castes; an exterminating war too, in which, the native born Spaniard was slaughtered or expelled from the country. In the long and bloody history of those cruel and exterminating wars which were, for centuries, waged by old Spain against the Indians in her provinces, we have no account of the humanity of Christian nations for aid and succor to the red man. Men, women, and children, were cruelly murdered or hopelessly enslaved. Tribe after tribe were exterminated, and nation after nation sacrificed on the altar of Spanish dominion; yet there was none to interfere and stay the hand of the destroyer. But now, at the first cry of the white man for aid against Indian revenge—revenge, too, provoked by his own bad faith—our humanity is excited to fever heat, and the military power of this Christian nation is to be forthwith sent into Yucatan to fight the battles of the Spaniard against the Indians. I will have nothing to do with this war of races in Yucatan.

In conclusion, I desire to notice some of the remarks made by the distinguished Senator from Michigan. In the enlarged view taken of this subject, by that Senator, he considered the question of humanity as of little importance. He places our action upon the high grounds of national security, commerce, and dominion. And he calls upon us to take this opportunity to secure there national advantages against the grasping power of England. He looks upon Yucatan as a great commercial position—a site for a "tower of observation," overlooking the trade of the gulf—a safe harbor for a fleet of English steamers, and then tells us, that in a national point of view "it is a question of life and death to us," whether we or England have possession of Yucatan. But in order to invest Yucatan with this importance, the Senator has been obliged to look a little beyond that territory, to the adjacent islands in those latitudes. He has, I think, been acting under the advice of General Jackson, who said:

"Tear off every bit from the constitution first, and grapple more in order to be near to them islands."

The Senator has been looking at the latitude and longitude of Cuba, its relative and commanding position, and its liability to be seized upon by England. That Cuba is the last jewel of the kind

in the crown of Spain. That one of these days, the jewel may fall off, or, what I think, is more likely to happen, be found, as many other crowned jewels now days are, in the market. In that event, we must be ready to pick it up, or purchase it. The Senator says he would not take Cuba by force of arms. He prefers negotiation, but would, at all hazards, not permit her to fall into the hands of any government but our own. Now, sir, to drop the figurative language of the Senator, I understand him to be of opinion, that under the circumstances in which Yucatan is placed, and for the reasons he assigns this government, ought now to take possession of Yucatan with a view of annexing it to the United States; and in case there should be danger of Cuba passing into the hands of any other power, we should also seize upon that island, and annex it to our Union of States. This is making rapid advancement in the policy of annexation.

The case of Cuba, now anticipated by the Senator, is likely soon to be before us for action. It will be here before the next administration is over, and, as the honorable Senator may, if his party succeeds, hold a commanding position in that administration, and where, he will permit me to say, I should be happy to see him, provided we do not fill the place by a good whig—his opinions upon the subject of the annexation of Cuba, will be received with deep interest by the country. This question will come, if it comes at all, within the next four years. The revolutions in Europe are not yet over. The crown of Spain may shake and fall next. Cuba, unprotected by the mother country, may be subjected to civil war, like Yucatan. It may be a war of races too. A commissioner will present himself to our next President, and tell him, that Cuba is deserted by Spain, that a cruel war is raging there—and then appealing to our humanity for aid, accompanied with a threat, that if we do not grant the relief, England will, and Cuba will be lost to the United States. Thus, will this crown jewel be placed at our feet. True, it is of the ebony order, yet quite tempting. Would the honorable Senator pick it up and place it in our republican wreath, and thereby add one or two more slave states to the Union?

But I do not participate in the Senator's anticipated fears, that England will seize upon Yucatan and Cuba if we do not. England at present has enough to do at home in keeping her subjects in order, without interfering with the governments on this continent. The Canadas are more likely to demand her attention than either Yucatan or Cuba; and, judging from the signs of the times, England is more likely to lose the provinces she has upon this continent than to acquire new ones. Neither can I see that imminent danger to our commerce and to our national safety, which that Senator sees, in case Yucatan and Cuba were in the possession of England. The control of our commerce, or of the commerce of the world, does not depend upon positions on land—upon towers and fortifications overlooking and commanding narrow straits and narrow isthmuses. It is not Gibralter, nor Malta, nor the Musquito coast, nor any other position on land, that secures to England the control of commerce. It is her power and position on the broad sea which gives her the advantage. The nation that would control the world's commerce, must control the element upon which it floats. The mistress of the sea will be the mistress of commerce. England may seize upon Cuba; she may cover the Isthmus of Yucatan all over with threatening fortifications; yet, as long as our proud navy can ride in triumph "o'er the dark blue sea," I fear no evil to our commerce.

The Senator says that England, in possession of these positions, will "cut our commerce in two." Sir, she has done that very thing already, but not in the way suggested. We have done it for her; your free trade policy, the tariff of 1846, more than cuts our commerce in two; it gives England the best half. She is now successfully competing with us in every workshop and upon every mart of trade in the Union. England does not seek her barren coasts and thinly populated provinces for the purpose of extending her commerce. She looks to our millions of heads and mouths to cover and feed, as a far richer commercial prize—give her this advantage for a few years more, and she will not contend with us for this miserable Yucatan, with its 400,000 Indians and 120,000 white inhabitants. When and where has England ever dared to interfere with our foreign commerce? Do we not at this moment divide commerce with her the world over? Do not our ships go wherever her ships go—our flag waving side by side with hers on every sea? And can it be supposed that she now contemplates the destruction of our commerce by seizing upon Yucatan and Cuba? The supposition is visionary and idle.

The nations of Europe have enough to do to take care of themselves. They are now feeling the result of the policy that is attempted to be revived by us. This policy of interfering with other portions of the world—this grasping disposition to take that which belongs to others—one nation seeking to control the concerns of another—has left the nations of Europe in a condition in which they are hardly able to take care of themselves. Had Napoleon, in the early portion of his career, listened to the good spirit which advised him to stand upon the soil of France, he would have passed down to his posterity one of the most glorious empires that ever descended from sire to son. And if England, with all her historic fame, her pride, her wealth and power—if England is to go down in this wreck of nations—one cause of her overthrow will be found in the extension of her dominion abroad, to the neglect, and at the expense of her people at home. And shall we, with these disastrous examples before our eyes, undertake to continue the same policy?

I was struck by a remark made a few days since, by the Senator from Illinois, [Mr. DOUGLAS,] that it was high time that we should recall our attention from foreign nations, and attend, for a short time, to the interests of our own country. For the last four years, most of our time, and money too, have been employed in looking after other countries. The administration has, with the coldness and stability of a statue, stood with its back to the country, and its face towards foreign dominions. No domestic interest, no internal improvement, could obtain a hearing, or elicit a response, unless it was now and then a cold negative thrown over the left shoulder in the form of a veto. Now—for I agree with the Senator from Illinois—that it is high time that our government turn round, and look into the country—open its eyes and its ears to the wants and demands of the people. The field of observation—cultivated and uncultivated—is broad enough for the exercise of all its faculties. There are rivers to be cleared of obstructions, and harbors to be improved for the security of our inland commerce.

The Senator from Michigan, in the close of his speech, very eloquently describes the rapid improvement of the country since the time, forty years ago, I think, when he descended the majestic rivers of the west in a bark canoe, the adjacent country then being a wilderness. It is true, that since that day the industry and enterprise of our people have settled and improved that wilderness, until it now teems with population, and overflows with all the necessaries and luxuries of civilized life; but this has been the result of the enterprise of our people, with no aid from the government, other than that flowing from our free institutions.

But how is it with those majestic rivers, down which the Senator's bark canoe so smoothly glided? Have they been improved? No, sir, the same snags and bars are there still, interrupting and destroying, every year, our internal commerce. Thus, while the people have long since cleared up the wilderness, the government has not found time or opportunity to clear out the rivers. Nay, further, we are now told by the President, that although there be power enough in the constitution to acquire foreign dominion without limit, there is no power in that instrument to improve the rivers and harbors of our country—at all events, not until this foreign war is over. I trust the time has come when we are about to get rid of all our foreign difficulties—when the government, released from the burdens of foreign war, may devote itself to the great interests of peace—to our domestic affairs—to the promotion of the virtue, the prosperity, and the true glory of our own country.

On motion,

The Senate adjourned.

MONDAY, MAY 15, 1848.

MESSAGE FROM THE PRESIDENT

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

To the Senate of the United States:

I communicate herewith a report of the Secretary of the Navy, together with the correspondence therewith, in compliance with the resolution of the Senate of the 13th instant, requesting information as to the measures taken for the protection of the whale-ships of Nantucket by the naval forces of the United States.

WASHINGTON, May 15, 1848. JAMES K. POLK

Ordered, That it be printed.

PRIVATE BILLS.

Mr. WESTCOTT, from the Committee on Patents and the Patent Office, to whom was referred the petition of Bancroft Woodcock, submitted a report accompanied by a bill for his relief.

The bill was read and passed to a second reading.

Ordered, That the report be printed.

Mr. WESTCOTT, from the same committee, to whom was referred the petition of Obed Hussey, submitted a report, accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

ORDER TO PRINT.

On motion by Mr. WESTCOTT, it was

Ordered, That the memorial of A. A. Frazier and Alvin Baker be printed for the use of the Senate.

CONSULATE AT MUSCAT.

The Senate proceeded to consider the following resolution, submitted on the 13th instant, by Mr. HANNEGAN:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of establishing the consulate at Muscat, in the dominions of the Imaum of that name, having with them of Persia, Tripoli and Tunis in the Barbary States.

THE INSTITUTION OF SLAVERY IN TERRITORIES.

Mr. BAGBY stated that certain resolutions submitted by him some months ago, upon the subject of the institution of slavery in the territories of the United States, were, on the 11th of April, made the special order for the third Monday in May—this day. As the Senate was engaged in the consideration of another special order, of practical importance, he would not interfere with it; but he now gave notice that he would call up the resolutions during the morning hour to-morrow, and if no Senator desired to discuss them he would ask for a vote upon them.

SCHOOL LANDS IN FLORIDA.

On motion by Mr. YULEE, the prior orders were postponed and the Senate proceeded to consider, as in Committee of the Whole, the bill concerning school lands in the State of Florida.

The amendment reported from the Committee on Public Lands was agreed to, and the bill was thus reported to the Senate, and the amendment concurred in.

Ordered, That the bill be engrossed and read a third time.

The said bill was read a third time.

Resolved, That the bill pass, and that the title thereof be as follows, viz:

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

DEFERRED NOMINATIONS.

The Senate resumed the consideration of the resolution submitted by Mr. JOHNSON, of Maryland, on the 28th ultimo, respecting appointments made by the President during the recess of the Senate.

Mr. BORLAND.—Mr. President: It is with reluctance that I undertake to speak in the midst of those who in every respect, and particularly by experience here, are so much better qualified than myself to do so. But it is my opinion—and I deem it my duty to express it—that the proposed call upon the President is inquisitorial, and beyond the just power of the Senate.

I do not know whether I was in my seat when this resolution was introduced and passed a few days ago. At any rate, I did not hear it, nor hear of it, until the motion to reconsider it was made by the honorable Senator from Ohio, [Mr. ALLEN.] And I doubt whether more than a dozen Senators, even if so many, heard any more about it than I did. I apprehend that even by most of those who were cognizant of its introduction it was regarded as an ordinary resolution of inquiry, which no Senator would hesitate to pass, nor the President object to answer. But, be that as it may, now that I do hear of it, now that I do know its character, I am glad that it has been reconsidered, and I feel bound to protest against its adoption.

What is the resolution, sir?

Resolved, That the President of the United States is requested to inform the Senate whether any officers are now in the military or civil service of the United States, under appointments from the President, which have not been submitted to the Senate; and if there be any such appointments, that he state the date of such appointments, and why it is that it has not been in the power of the President to submit them to the consideration of the Senate.

I am aware that its author has agreed to modify it—has agreed to inquire only "if there are any names not yet sent in." This does not, in my opinion, materially alter the question. It is still an inquiry about a certain kind of appointments; and it is the subject, not the terms of the inquiry, which gives it the character to which I object.

This resolution, and especially its modification, is in few words; and, "at the first blush," seems very common place in character, and harmless in purpose. And so far as the motive of its author is concerned, I will not believe, will not entertain the suspicion, that any wrong was intended. The inward purpose of the mover was, doubtless, as harmless in intention, as his resolution is fair in its outward seeming. But, sir, apart from motives and intentions, I cannot help entertaining the opinion that this new occupant of "the meal tub," however thickly whited over, will prove to be a true and veteran specimen of the feline race. I will not say, "in face an angel, and in heart a cat;" but yet a grimalkin—ay, sir, "a political grimalkin;" not, perhaps, "purring over petty schemes of personal aggrandizement," but not without claws; and they, too, of unconstitutional length.

To drop this homely figure, I believe this resolution, so simple in its first appearance, will be found, upon inspection, wholly unauthorized by the constitution, and justly liable to instantaneous rejection.

In this matter of appointment to office, the relation between the President and the Senate is established by the constitution—and not otherwise. Now, sir, that portion of the constitution establishing this relation is contained in a single passage, and in words too few and plain to be misunderstood. It is found in article 2, section 2, and clause 2, and is in these words:

"And he [the President] shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law."

I have searched the constitution with some care, and I am unable to find another line, word, or syllable in relation to any joint agency or duty, between the President and Senate, in relation to appointments to office, whether civil or military. But, sir, it is not all that may be found in the constitution in relation to appointments to office by the Senate or the President, separately. Let us see what other provisions there are in this connexion—not of joint agency, but of separate and independent action, on the part of these two departments of the government. Clause 5, section 3, article 1 of the constitution is in these words:

"The Senate shall choose their own officers, and also a President *pro tempore* in the absence of the Vice President, or when he shall exercise the office of President of the United States."

Under this clause of the constitution, did the Senate not, at the commencement of its present session, appoint its Secretary, its Sergeant-at-arms, its Doorkeepers, and its President *pro tempore*? By whose aid, co-operation, or joint agency, did it exercise this authority? Did the President of the United States interfere in any manner? Did he send here to inquire whether that authority had been exercised? Even if the appointment of any one, or all of the officers of this chamber I have named, had been delayed or neglected, could he rightfully, or would he have presumed to play the inquisitor, or demand of this Senate if this duty had been performed, or ask a reason for the delay or neglect? Certainly not, sir. And why not? Because the sole authority to make the appointments in question has been vested in the Senate—in the Senate alone, by the constitution, as I have quoted it. The exercise of this authority—free from restraint or interference, because conferred, and therefore guarantied by the constitution—has been enjoyed since the original organization of the Senate. Certainly no President has been found so unmindful of the constitution he had sworn to support, as to overstep the barriers it sets up to him, and invade the authority it confers upon another department of the government, in terms so plain and palpable as these. Had any President done this, then would I say his act was not only inquisitorial, but entirely beyond the sphere of his proper power.

But, sir, it is not the Senate alone upon which the constitution confers this "separate" and "independent" authority to make ap-

pointments to office. Clause 3, section 2, and article 2, of the constitution, is in these words:

"The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session."

To whom is the power to appoint here given? To the Senate? No. To the Senate and President jointly? No. To the President, "by and with the advice and consent of the Senate?" No; but to the President, alone and exclusively. Really, sir, this clause, as I remember to have heard it construed by the honorable Senator from Maryland, (whose eminent character every one respects,) that I almost doubted the fidelity of my own recollection, as well of the constitution itself as of those high authorities whom I was early taught to consult for its faithful interpretation, in the light of first principles. I was staggered, however, but for a moment. By reference, I find my memory was not at fault, in the one case or the other. The constitution remains the same as when I first read it—among the first things I learned to read; and the oracle gives out the same interpretation as when first consulted. It follows, instead of saying, as does the latter construction, that the positions of the Senator from Maryland. In doing so, I trust he will not suspect me of a vain reliance on my own judgment, nor yet of a slavish obedience to authority. I rely no further upon my own judgment than every man is bound to do from a sense of duty. And the authority, in this instance, I yield respect to, is one which I apprehend, the Senator himself will acknowledge to be deserving of as implicit faith. I will not, at this late day, attempt a work venerable from age—venerable from the circumstances under which it was written—and the more to be venerated still from the great ability, the pure motives, and the holy purposes of its authors. It is a work, sir, from the hands of those great and good men who had conducted our country through the storms and perils of the Revolution—who had proved the insufficiency of the Confederation—who had formed the constitution, and who then came forward, in these pages, to explain and recommend to the people the fundamental law of the land, upon which might be raised, and in accordance with their good advice has been raised, this great Republic—the proudest monument to public virtue and political wisdom the world has ever known. The work is that collection of essays called the "Federalist;" and the particular number (67) from which I will read, was written by Alexander Hamilton. In explanation of this very power of appointment to office, he says:

"The propriety of [illegible] appointments by the President alone is [illegible] recess of the Senate, is explained by the consideration that the vacancies intended to be filled will happen during the recess, and that it would frequently be impossible to [illegible] appointments [illegible] the Senate, and still more difficult to [illegible] the Senate, and still more difficult to [illegible] the Senate, and still more difficult to

tion has, in express terms, fixed their duration. If them, we would

deliver it. In whatever aspect, then, we regard the resolution, it

good one is probable. Now, sir, in considering this matter, under

perfect propriety, might withhold the names of the officers in

itation, with the termination of the war. Is it not the hope and expectation of our people—is it not the belief of many in this

pointments, when those already made extend beyond the time for

the circumstances of the case, and without evidence to right reason

than to allow the appointment to end by limitation, and pass quietly out of the

of the court of enquiry. And yet the proceedings of that very court were

delay.

I say none of this by authority. For neither with the President, nor with any one in his confidence, have I ever interchanged allusions, even the most distant, to this subject. I have but suggested what occurred to my own mind, under the rule of rejecting even the suspicion of censurable motives when good ones are not improbable. I judge the honorable Senator under the same rule. I cannot adopt another for the President.

"raw-head-and-bloody-bones" of possible disaster, conjured out of the contingent loss of the General-in-chief, and Gen. Pillow's succession

which is of prior date to Gen. Pillow's commission, and therefore

Stuart fallen in battle, or been dethroned, no detriment would have come to the army or the country. With however much of gallantry,

was provided who would not have failed to wield them as well and as wisely.

of authority, their comparative frequency, severity, and danger, have really been into parts altogether foreign to the subject he had proposed to the Senate. It is not, as I understand the question,

vernment has been well or ill administered in times past; but merely whether the Senate shall commit a present usurpation. That is the question I have considered; and upon it I am bound to vote in the negative.

day that if these temporary appointments should not be made permanent before the present session of the Senate shall terminate, the President would have the power to fill them again after the adjournment. With all deference, I must dissent from this opinion. It is so

nate" that the President has the power of appointment. In the contemplation of the constitution these would not be such vacancies.

mind it is self-evident. Besides, it has been settled, so far as precedent can settle such a question, upon a principle recognized by the Senate in 1825, and acquiesced in ever since. And for the authority of precedent I go no farther than the argument of my honorable friend from South Carolina [Mr. Preston] to the Senate.

precedents are before me, if any one wishes to examine them.

I have said nothing, and I have nothing to say, in relation, direct or remote, to the individuals holding these temporary commissions. They make no part of the merits of the question before the Senate. They are foreign to the subject, and to my purpose. But even if they were involved in this discussion, there is a reason why I should say as little as possible in regard to them. The conduct of some of them is now the subject of investigation before a tribunal provided by the laws. Before that tribunal, all the facts necessary to an impartial opinion will be discovered. There, without a knowledge of those facts, and not empowered to pass upon their character, I am unwilling to sit in judgment, or even express an opinion, favorable or unfavorable; and I am unwilling that the Senate should say or do anything calculated to forestall public opinion, or unduly influence the action of the tribunal in charge of the cases.

I have considered the resolution in relation to the constitution and other existing laws; and the examination has satisfied my own mind, at least, that its adoption will violate them all. I shall therefore, vote against it.

Perhaps it may not be improper to notice, in passing, some of the remarks of the honorable Senator from Maryland, upon the general politics of the country—particularly upon some of the prominent men and movements of political parties.

He has manifested a disposition to revive some of the old issues which have marked the division of our people into two great parties for many years. But upon the merits of these, I do not see the necessity, even if I had the ability, to enter the arena against him. I am of opinion, that even among those with whom he claims party affiliation, he will find adversaries more equally his match—foes more worthy of his steel. Upon the Bank, I set against him his own "giant of the North," who declares it "obsolete." Upon a Protective Tariff, I array against him "the Sage of Ashland," in the compromise act of 1833. But lest that may not be considered fairly, because violated in the first paroxysms of power, I bring to its aid the mass even of the whig party, small and great, who, as they gaze upon the tomb of its abominations, are daily exclaiming—*requiescat in pace!* The distribution of the proceeds of public land sales, has, I believe, no advocate anywhere. The recognition of our "inland seas," as objects of improvement within the constitutional limit of "national and necessary," is common, I believe, to both parties. But the Bankrupt Law! Which is that polished shaft in the series of that "superstructure," which was to rise, and shine, upon the broad foundations laid for it on the floor of this chamber, in 1841? Where, now, is that political leech which was to cure all the the ills of individual speculation and improvidence? Alas! sir, it has met even a worse late than its fellows. Not only have its brethren cast it off, but its own insatiate parent, Saturn like, has devoured it. But the other day, in another room in this Capitol, he who spoke it into existence, wrung the last drops of life-blood from its feeble heart, and as he swallowed it, to the great edification of his hearers, pronounced this epitaph:

But for a sweeping renunciation, and entire repudiation of the whole system of measures which marked the accession of the whigs

whole State, not long since a recognized leader of the whig forces in the other end of the capitol. He has recently condemned the whole batch—bank, protective tariff, distribution, unconstitutional expenditures of public money, bankrupt law, and all. And, in doing so, I verily believe he is a pretty fair exponent of the sentiments of at least three-fourths of the American people, of both political parties. And yet, in the face of all this—after being driven from every position they have ever occupied, or voluntarily retiring from it—with their guns all spiked, or turned upon their retreating columns, the party to which the Senator belongs, very

I can conceive no parallel to this, unless Santa Anna, when routed "horse, foot, and dragoons," at Cerro Gordo, had cried out to our forces, as he fled "lay down your arms, and submit to my conquering leg!—there is no difference between us!" The demand is modest, no doubt! But the Senator must excuse us, if, valuing our principles we adhere to them; if, mindful of our advantages, we maintain them; if, satisfied with our measures, we prosecute them; if, conscious of our strength, we make use of it. We claim to have seen the light, and are unwilling to relapse into the dark ages of monopoly. Our hands are upon the democratic plough, and we cannot turn back from an implement whose glittering share has so effectually torn up the fallow-land of whiggery.

Of the flagellation the honorable Senator has inflicted upon John Tyler, and the

the homely but expressive phrase of an Ohio editor, "He is your own coon—it is your own privilege to skin him." But, in simple justice, I will add, that, in my opinion, the organization—the very existence of the whigs, as a party, is, this day, owing to the course of John Tyler. Had he not interposed his vetoes, the whig party would have been utterly overwhelmed by the indignation of a de-

made, but impossible to be per-

formed. He served as the scapegoat for [illegible] he looked otherwise been lost, and who have not been as grateful as they should be.

"The great embodiment" [illegible] ing. Of him, and such treatment to him, [illegible] lament of Antony over Cæsar's dead body, [illegible] sympathies of every generous heart. "But [illegible] had stood against the world! [illegible] reverence!"

Of the democratic party, and the interests in the coming contest, which seem to attract so much of the Senator's concern, I have only to say, we are in good hands, as the result will prove next week, in his own monumental city. And another thing he may be very sure of, whoever we may choose as our leader, will be one whose principles are involved in no [illegible] be found in opposition to the origin and conduct of a war to which he owes his only chance for the Presidency.

Mr. President, recollecting the oath I took at your hands the other day, and believing I [illegible] (though not intentional) violation of the constitution, a sense of duty forbade my saying less than I have said. I shall [illegible] regret the necessity which has caused me to trouble the Senate at all.

On motion by Mr. HANNEGAN, it was

Ordered, That the further consideration of the resolution be postponed until to-morrow.

TEMPORARY OCCUPATION OF YUCATAN.

The Senate resumed, as in Committee of the Whole, the bill to enable the President of the United States to take temporary military occupation of Yucatan.

Mr. CALHOUN.—The President in his message recommends to Congress to adopt such measures as [illegible] to prevent, in the first place, Yucatan from becoming a colony of any European power; and in the next place, to prevent the white inhabitants of that territory from being exterminated or expelled. In support of the latter, he informed the Senate that there is now raging a cruel and devastating war, on the part of the Indians against the whites; and that unless [illegible] aid they will be destroyed or driven from the country. In support of the other recommendation, he states that the government of Yucatan has offered to the governments of Great Britain, Spain, and the United States, the dominion over the country, in order to obtain aid. The President also informs the Senate, that unless we grant aid, some other power will; and that ultimately, it may assert its dominion and [illegible] result which, he informs us, would be in contravention of the declaration of Mr. Monroe, and which must on no account be permitted. The committee on Foreign Relations, in order to carry out these recommendations, have reported a bill which is now before us; the first section of which provides for taking military occupation of Yucatan, as recommended by the President.

Such are the recommendations of the President, and such the measure recommended by the committee. The subject is one of great magnitude. It is pregnant with consequences, both near and remote, which may deeply affect the peace and interests of this country. It demands the most serious deliberation. I have bestowed upon it full attention, and have arrived at a conclusion adverse to the recommendations of the President, and the report of the committee. I propose to show in the first place, that the case of Yucatan, even as stated by the President himself, does not come within the declarations of Mr. Monroe, and that they do not furnish the slightest support to the measure reported by the committee.

In the message referred to, that of 1823, Mr. Monroe makes three distinct declarations. The first, and by far the most important, announces that the United States would regard any attempt on the part of the Allied Powers to extend their system to this country, as dangerous to our peace and safety. To show that the case of Yucatan does not come within this declaration, all that will be necessary is to explain who were the Allied Powers, the object of their alliance, and the circumstances in which the declaration itself was made. The Allied Powers were the four great continental monarchies—Russia, Prussia, Austria, and France.—Shortly after the overthrow of Bonaparte, these powers entered into an alliance called the "Holy Alliance;" the object of which was to sustain and extend the monarchical principles as far as possible and to oppress and put down popular institutions. England, in the early stages of the alliance, favored it. The members of the alliance held several Congresses, attended either by themselves or their ambassadors, and undertook to regulate the affairs of all Europe, and actually interfere in the affairs of Spain for the purpose of putting down popular doctrines. In its progress, the alliance turned its eyes to this continent in order to aid Spain in regaining her sovereignty over her revolted provinces. At this stage, England became alarmed. Mr. Canning was then prime minister. He informed Mr. Rush of the project; and gave to him at the same time the assurance, that if sustained by the United States Great Britain would resist. Mr. Rush immediately communicated this to our government. It was received here with joy; for so great was the power of the Alliance, that even we did not feel ourselves safe from its interpositions. Indeed, it was anticipated, almost as a certain result, that if the interference took place with the governments of South America, that the Alliance would ultimately extend its interference to ourselves. I remember the reception of the despatch from Mr. Rush as distinctly as if all the circumstances had occurred yesterday. I well recollect the great satisfaction with which it was received by the cabinet. It came late in the year [illegible] long before the meeting of Congress. As was usual with Mr. Monroe upon great occasions, the papers [illegible] be duly apprised of all the circumstances, and be prepared to give his opinion. The cabinet met. It deliberated. There was long and careful consultation; and the result was the declaration which I have just announced. All this has passed away! That very movement on the part of England, sustained by this declaration, gave a blow to the celebrated alliance from which it never recovered. From that time forward, it gradually decayed, till it utterly perished. The late revolutions in Europe have put an end to all its work, and nothing remains of all that it ever did. Now, by what ingenuity of argument—by what force of sophistry, can it be shown that this declaration comprehends the case of Yucatan [illegible]

And yet, the President has quoted that very declaration in support of his recommendation; but in a manner changing entirely its meaning, by separating it from the context as it stood in the mes[illegible] in connection with a portion of his message which made it refer to Great Britain, Spain, or other European powers. The change has made the declaration so inconsistent and absurd, that had it been made by Mr. Monroe, as it stands in the President's message, it would have been the subject of the severest animadversion and ridicule, instead of receiving, as it did, the approbation and applause of the whole country. It would have placed England in the false position of acting against us and with the Holy Alliance in reference to the Spanish American republics; and it would also have placed us in the position of opposing Spain in her efforts to recover her dominion over those states; and, finally, it would have involved the absurdity of asserting that the attempt of any European state to extend its system of government to this continent— [illegible] and safety of our country.

The next declaration was, that we would regard the interposition of any European power to oppress the governments of this continent, which we had recently recognized as independent, or to control their destiny in any manner whatever, as manifesting an unfriendly disposition towards the United States. This declaration, [illegible] state of circumstances, and may be considered as an appendage to the declaration to which I have just alluded. By the governments on this continent which we had recognized, were meant the republics which had grown up after having thrown off the yoke of Spain. [illegible] gles. They had hardly yet reached a point of solidity; and in that tender stage, the administration of Mr. Monroe, thought it proper not only to make that general declaration in reference to the Holy Alliance, but to make a more specific one against the interference of any European power, in order to countenance and encourage [illegible] like the other belonging to the events of the time, has passed away [illegible] case of Yucatan come within this declaration? Has there been any interposition in the affairs of Yucatan on the part of any Eu[illegible] in this declaration?

But it may be said, although the case of Yucatan is not expressly comprehended in the declaration, yet it is so by implication, as it is meditated by England, for after all, that is the government which is meant in the message, under the general terms [illegible] meditates such interference, and the chairman of the Committee on Foreign Relations distinctly avows that opinion. Has England, then, manifested any disposition to interfere in order to oppress the people of Yucatan, or to change the character of their government from a republic to a monarchy? We have no evidence whatever on that point. It is true that the commissioner from Yucatan, Mr. Sierra, would insinuate as much. He speaks of the Indians who are in hostility to the white people of Yucatan as having obtained arms from the British. He speaks with some degree of uncertainty, however, and is unable to say whether the arms were given or not, and cannot state how they were obtained by the Indians. He speaks also of the hostile temper of England, and gives several indications of that kind. But in answer to all that his own letter furnishes a conclusive reply. He tells us that the people of Yucatan could themselves have obtained an abundance and cheap supply of arms from the Balize, without stating why they were not permitted, or why they did not obtain them. In my opinion the cause is different from that stated by the Senator from Massachusetts. It was owing to the fact that Yucatan was not considered as a neutral power, but as a part of Mexico; as far as the introduction of arms were concerned, and arms were in consequence made contraband, and, therefore, they were pre[illegible] the government of the British agent or people at the Balize. One of the members of the committee goes a little farther, and says that the settlement at Balize have sent arms and a military force along the coast of Yucatan, without stating any particulars. I do not find any evidence of [illegible] fact is the fact

or not; but if it be a fact, it still remains to be shown whether that was intended to relieve the people of Yucatan of [illegible] and occupying the territory. [illegible] said boldly and distinctly, that England meditated occupation of the country, and that we ought to pass this measure in order to prevent it. But the President himself does not put it upon this ground. He does not make this charge. He says, if we do not grant aid, England may; and that after granting it, she *may*—there is no stronger expression used—*may* ultimately assert her dominion and sovereignty over Yucatan. This is the utmost charge made by the President. Now, the question arises—suppose this contingency should happen, would it bring the case within the declaration just quoted? Not at all. England does not announce as a hostile power. She does not come to oppress Yucatan. [illegible] and only [illegible] termination and expulsion by the Indians, according to the statement of the President himself. Again, suppose England does assert her sovereignty, does that bring the case within the declaration? Not at all; for the declaration is directed against interpositions to change the government and oppress the country. But in this case the tender of sovereignty is voluntarily made on the part of Yucatan. The acceptance of it may be objected to, and it may be contended that we ought not to allow it. I waive that subject for the present. I assert, however, without possibility of contradiction, that the case even then does not come within the declaration. The President himself gives strong indications that in his opinion it does not, for although he refers to this declaration in the body of the message, he does not say a word in regard to it when he comes to make his recommendation; in that he calls upon Congress to prevent Yucatan from becoming a colony to some foreign power. That shows on which of the three declarations he rests his recommendation. It is upon the third and last, which refers to an entirely different subject. That declaration is, that the continents of America, by the free and independent condition which they have assumed and maintained, are not, henceforth, to be considered as subjects of colonization by any European power. It is upon this last declaration that the President relies. In the case of Yucatan, then, comprehended in the declaration? I expect to show that it is not, with just as much certainty as it has been established that it does not come within the two former.

The word "colonization" has a specific meaning. It means the establishment of a settlement by emigrants from the parent country, in a territory either uninhabited, or from which the inhabitants have been partially or wholly expelled. This is not a case of that character. But before it may be properly, I do not intend the force of my argument, to go into a history also of this declaration of Mr. Monroe. It grew out of circumstances altogether different from the other two. At that time there was a question between Great Britain and the United States on one side and Russia on the other. All three claimed settlements on the northwest portion of this continent. Great Britain and ourselves having common interest in keeping Russia as far north as possible, the former power applied to the United States for co-operation; and it was in reference to that matter that this additional declaration was made. It was said to be a proper opportunity to [illegible] especially to the subject of the north-western settlement and the other portions of the continent were thrown in, because all the rest of it, with the exception of some settlements in Surinam, Maracaibo, and thereabout, had passed into independent hands.

Now, having stated the history of these declarations, I contend that the word "colonization," does not apply to the case of Yucatan. That is the case of surrendered sovereignty over a people already there—a people who have tendered it, and if accepted, freely accepted on the other side. Is that "colonization?" Can it be considered [illegible] accepting it Yucatan may become a province, or to use the appropriate term that she employs, a "possession" of Great Britain—but not a colony.

When the chairman of the Committee on Foreign Relations addressed the Senate a few days since, he related a conversation which he had with Mr. Adams, in reference to this declaration, and according to his statement, if I heard him aright, and he be correctly reported, Mr. Adams in applying his observations to the whole of these declarations, stated that it all originated with himself, and was unknown to the other members of the cabinet, until it appeared in Mr. Monroe's message. There is certainly must be a mistake either on the part of Mr. Adams, or that of the chairman of the Committee on Foreign Relations, as to the two first of these declarations. The history of the transaction, the Senator will perceive, if he examine the documents, shows distinctly, that the subject came through Mr. Rush, originating, not with Mr. Adams, but Mr. Canning, and was first presented in the form of a proposition from England. I recollect, as distinctly as I do any event of my life, that all the papers in connection with this subject, was submitted to the members before the cabinet met, and were duly considered. Mr. Adams then in speaking of the whole as one, must have reference to the declaration relative to colonization. As respects that, his memory does not differ much from mine. My impression is, that it never became a matter of deliberation in the [illegible] the Oregon question was before the Senate. I stated it in order that Mr. Adams might have an opportunity of denying it, or asserting the real state of the fact. He [illegible] and I presume that any statement is correct. That declaration was inserted after the cabinet deliberations. It originated, I believe, as has been stated, entirely with Mr. Adams, and it is, in my opinion, owing to this fact, that it is not made with the precision and clearness with which the two former are.—It declares without qualification that these continents have asserted and maintained their freedom and independence, and are no longer subject to colonization by any European power. This is not strictly accurate. Taken as a whole, these continents had not asserted and maintained their freedom and independence. At that period Great Britain had a larger portion of the continent in her possession than the United States. Russia had a considerable portion of it, and other powers possessed some portions on the southern portion of this continent. The declaration was broader than the fact, and exhibits precipitancy and want of due reflection. Besides, there was an impropriety in it when viewed in conjunction with the foregoing declarations. I speak now in the language of censure. As to them in concert with England, on a proposition coming from herself—a proposition of the utmost magnitude, and which we felt at the time to be essentially connected with our peace and safety; and of course it was due to propriety as well as policy that this declaration should be strictly in accordance with British feeling. Our power then was not what it is now, and we had to rely upon her co-operation to sustain the ground we had taken. We had then only about six or seven millions of people, scattered, and without such means of communication as we now possess, to bring us together in a short period of time. The declaration with respect to colonization striking at England as well as Russia, gave offence to her, and that to such an extent that she refused to cooperate with us in settling the Russian question.—Now, I will venture to say that if that declaration had come before that cautious cabinet—for Mr. Monroe was among the wisest and most cautious men I have ever known—it would have been modified, and been expressed with a far greater degree of precision, and with much more delicacy in reference to the feelings of the British government.

In stating the precise character of these declarations, and the manner in which they originated, I have discharged a double duty; a duty to my country, to whom it is important that these declarations should be correctly understood, and a duty to the cabinet of which I was a member, and am now the only survivor. I remove a false interpretation, which makes safe and proper declarations improper and dangerous.

But it is not only in these respects that these famous declarations are misunderstood by the chief magistrate of the country, as well as by others. They were but declarations—nothing more—declarations, announcing in a friendly manner to the powers of the world we should regard certain acts of interposition of the allied powers as dangerous to our peace and safety; interposition of European powers to oppress the republics which had just arisen upon this continent, as manifesting an unfriendly disposition, and that this continent having become free and independent, was no longer the subject of colonization by European powers. Not one word in reference to resistance. There is nothing said of it; and with great propriety was it omitted. Resistance belonged to us, to Congress; it is for us to say whether we shall resist or not, and to what extent. But such is not the view taken by the present chief magistrate. He seems to hold these declarations as imposing a solemn duty on him as chief magistrate to resist on all occasions; and not only to resist, but to judge of the measure of that resistance. He tells us in this very message that it is not to be permitted in any event that any foreign power should occupy Yucatan. That is language for us to hold, not for the chief magistrate. And in conformity with that, he sends in a message without giving us one particle of evidence as to those great political considerations which influenced the cabinet decisions as stated on this floor, in declaring whether we shall occupy the country or not. I speak it not in the way of censure. I state it only as a matter of fact, deducible from the message itself, and as evincing undoubtedly a great and dangerous misconception of these celebrated declarations. But that is not all. He tells you in the same message, that these declarations have become the settled policy of this country. What, the declarations? Declarations are not policy and cannot become settled policy. He must mean that it has become the settled policy of this country to resist what these declarations refer to; to resist, if need be, by an appeal to arms. Is this the fact? Has there been one instance in which these declarations have been carried into effect? If there be, let it be pointed out. Have there not been innumerable instances in which they have not been applied? Certainly; and more. The declarations, under this broad interpretation, were disavowed entirely three years afterwards by the vote of the republican party, when the administration of Mr. Adams endeavored to apply them by sending ministers to the Congress at Panama, as will be seen [illegible] and the proceedings on the subject. And let me say—for it is proper that I should make the declaration on this occasion—that there has been an entire revolution between the two parties in this country in reference to [illegible] At the commencement of our government, and down to a late period—I will mark it—the commencement of Jackson's administration, the policy of the republican party was to avoid war as long as war could be avoided, and to resort to every means to avert its calamities. The opposite party, without being a war party, had not so decided an aversion to war. The thing is now reversed; and hence, I, who have endeavored to maintain the old ground of the party for years on all questions connected with our foreign relations, have been compelled to co-operate with gentlemen on the opposite side, and to resist

those in the midst of whom I stand. Now it is not and never has been the established policy of the country. And if it should ever become so, to the wide extent to which these declarations have been interpreted to go, our peace would ever be disturbed—the gates of our Janus would ever stand open—wars would never cease.

What the President has asserted in this case, is not a principle belonging to these declarations; it is a principle, which in his misconception he attempts to engraft upon them, but which has an entirely different meaning and tendency. The principle which lies at the bottom of his recommendation is, that when any power on this continent becomes involved in internal warfare, and the weaker side chooses to make application to us for support, we are bound to give them support for fear the offer of the sovereignty of the country may be made to some other power and accepted. It goes infinitely and dangerously beyond Mr. Monroe's declaration. It puts it in the power of other countries on this continent to make us a party to all their wars; and hence, I say, if this broad interpretation be given to these declarations we shall forever be involved in wars.

But in disavowing a principle which will compel us to resist every case of interposition of European powers on this continent, I would not wish to be understood as defending the opposite, that we should never resist their interposition. That is a position which would be nearly as dangerous and absurd as the other. But no general rule can be laid down to guide us on such a question? Every case must speak for itself—every case must be decided on its own merits. Whether you will resist or not, and the measure of your resistance, whether it shall be by negotiation, remonstrance, or some intermediate measure, or by a resort to arms—all this must be determined and decided on the merits of the question itself. That is the only wise course. We are not to have quoted on us on every occasion general declarations, to which any and every meaning may be attached. There are cases of interposition where I would resort to the hazard of war with all its calamities. Am I asked for one? I will answer. I designate the case of Cuba. So long as Cuba remains in the hands of Spain, a friendly power, a power of which we have no dread, it should continue to be, as it has been, the policy of all administrations ever since I have been connected with the government, to let Cuba remain there; but with the fixed determination which I hope never will be relinquished, that if Cuba pass from her it shall not be into any other hands but ours. This, not from a feeling of ambition, not from a desire for the extension of dominion, but because that island is indispensable to the safety of the United States; or rather, because it is indispensable to the safety of the United States that this island should not be in certain hands. If it were, our coasting trade between the gulf and the Atlantic would, in case of war, be cut in twain, to be followed by convulsive effects. In the same category I will refer to a case in which we might have most rightfully resisted a foreign power, and that is the case of Texas. It has been greatly misunderstood. It sprung up in the midst of party excitement, when a large portion of both parties were opposed to annexation; and when it was difficult, if not impossible to get a fair hearing. I never supposed, as has been stated on this floor, that Great Britain intended to subject Texas to her power. That was not my dread. What was dreaded was this: Texas being a small power, and Great Britain having a free and large commercial intercourse with her, and we almost none, although "bone of our bone and flesh of our flesh," she would gradually have been wedded to her affection for us. Gentleness of mind and aversion for us, would have been the result. That is the inevitable tendency between nations having coterminous limits. At that very time there were several questions between this country and Texas, which, had it not been for tho most amicable feelings which subsisted between us, would have ended in hostilities. A long line of more than a thousand miles illy defined the boundary between us and Texas, to become involved constantly in war with her, supported by Great Britain and Mexico as her allies. I saw all this—I saw clearly, that it was a case to resist interposition, and that there was no other mode by which resistance could be made, except by annexation, and therefore I was in favor of annexation.

But I was asked by one of the members of the Committee on Foreign Relations, if I would be in favor of resisting Great Britain if she sould assert sovereignty and dominion over Yucatan? I answer, I would not. And for irresistible reasons. I would not, because the country is, to a great extent, a most worthless one. Nearly one half is destitute of a single stream—rocky and barren throughout the greater part; and it is only by means of the artificial reservoirs of water, that they are enabled to live through the dry season. I would not, because the possession of Yucatan would contribute nothing to the defence of the passage between it and Cuba, which is represented to be so important to our commerce. It is not without its importance—it is important to the inward trade, but not at all to the outward trade of the gulf. There is a constant current of wind and water setting in that direction, of which vessels going to New Orleans, or any other port on the gulf, may avail themselves. But on coming from those ports, they almost invariably take their way between Florida and Cuba, and thus the passage between Yucatan and Cuba is the inlet to the gulf, but not the outlet from it. That is entirely, or nearly so, between Cuba and Florida. I speak in reference to coasting vessels. In voyages from Europe they pass south of Cuba.

But I take higher grounds. If it were not only an inlet, but an outlet, the occupation of Yucatan by England would add nothing to her power in cutting off our trade. Yucatan is very destitute of ports—there is not a frigate port laid down in the charts on the whole Peninsula, unless that at the Balize be so. But with or without Yucatan, Great Britain possesses an uncontrollable power over the passage whenever she chooses to exert it. If ever we should be engaged in a war with her, there is not a single vessel of ours, even if we were in possession of Yucatan, that could enter the gulf by that passage. The passage from the gulf between Yucatan and Cuba does not, as seems to be supposed, lead directly into the Atlantic, but into the Carribean sea, which is that portion of the Atlantic ocean, having on its north and west side Yucatan and Cuba; on the east the Windward Islands; and on the south all that portion of South America extending nearly from Oronoco to Yucatan. Great Britain has the complete command of that sea, the island of Jamaica being in the middle of it. Jamaica abounds with the finest ports, and the most commodious naval stations. In addition to that, she has the Balize, which is nearer the point of Yucatan than Laguna or Carmen on the opposite side of the Peninsula next the gulf, and which is the only port on that side in which even a sloop of war can enter, and of course the Balize is better calculated to command the passage. In addition, she possesses many of the Windward Islands to the east, and hence the complete command of the Carribean sea, and will continue to possess it so long as she retains the ascendancy on the ocean. It would be thus locked up effectually against us in time of war. In time of peace we do not need it. But I would not take military possession of Yucatan, if I were certain Great Britain would, for another reason. Not only because it is worthless, but because it would impose on us a very heavy cost both in men and money, first to take possession and then to keep it. The extent to which our expenditures would go no man can estimate; we have no data on which we can act. The population is between five or six hundred thousand, of which only fifty thousand are said to be whites and mixed blood. The Indians, originally a very peaceful and quiet people, unaccustomde to arms, from being frequently called into the contest between the factions and the war with Mexico, have become accustomed to them, and possessed of some military knowledge. They were represented as very active, capable of marching rapidly, and in the habit of flying to the mountains to escape from their pursuers. In that climate, among the most arid upon earth, when these people fly before us, how or when will this war come to an end? It may prove another Seminole affair. Who can answer what will be the sacrifice of men and money?

But an Indian war would not be the greatest danger to which we would be exposed. To attempt to take military possession, with a view to prevent England from asserting sovereignty and dominion over the country—if that indeed be her intention—would bring us into certain conflict with her, and, it may be, with Spain, too. They, as well as we, are implored to accept the sovereignty, on condition of defending the existing government against the Indians. Suppose they, as well as we, should accept the offer, and that we should find them with an armed force, prepared to take possession? Must it not lead to a direct conflict of arms, unless one or the other gives way? Would we be prepared, in such a case, to back out? And if not, what reason have we to suppose that others will not be as resolute to carry out their object as we are? Would not a conflict be inevitable? That such would be the result, is anticinated by Mr. Sierra himself, who, speaking in reference to it says that the condition of the country would be, in that case, "infinitely more unfortunate than it is now, because in addition to all the evils of the present war it would be exposed, on the other hand, to become the theatre of another war." Are we prepared to occupy the country by military force, as recommended by the committee, at the risk of so great a hazard? I am not. I am in favor of peace, whenever it can be maintained consistently with the honor and the safety of the country. I can see no such necessity in this case, even on the supposition stated, as to have our peace and safety put in jeopardy, as I think, by the present. Never was the future more uncertain. Events occur with electric rapidity. No man cantell what may come to-morrow, and never was there a time when caution was more necessary—when there was stronger inducement to husband our resources—to avoid quarrels and wars, or any thing that can involve us in difficulty in order to stand prepared to meet emergencies as they arise. He who looks abroad—he who looks at the eastern horizon, and does not see the necessity for caution, is blind to the future.

I would not take military possession even under the contingency I have stated, for another reason. It would be a breach of good faith. Not long since we agreed upon the terms of a treaty with Mexico. That treaty, before this time, has been acted on, or is about to be acted on, by the Mexican government, and until it is acted on we are bound in good faith to observe it. If it is acted on favorably, it becomes a permanent obligation. We have considered Yucatan as part of Mexico, as one of the States of the Mexican republic. It is not comprehended within the line which is proposed to be drawn between us and her. We could not seize upon that State in conformity with good faith; nor could we in conformity with the armistice, for the same reason. The armistice makes some exceptions, but this is not one of them.

I have now stated my reasons against the measure reported by the committee to carry into effect the message of the President, recommending that we should adopt the measure to prevent Yucatan from becoming a colony of a foreign power. I now proceed to consider the next—to adopt measures to prevent the white population from being exterminated or expelled from Yucatan. And here let me

express my regret, that the President should, in the same message, unite two measures of such different characters, one an appeal to our humanity, which I would as far as we could with propriety act upon promptly and at once. The other, involving the highest considerations of policy, and which requires much time and much deliberation. It is among the most complicated questions ever presented to this body, and by no means the least important. Why these different questions have been mingled, I am not prepared to say. The emergency for the one seems to have existed long before the other. Danger to the white population has been known to exist since the middle of February, but the message has only been recently communicated to us. During this long interval, if there was appealing to our humanity had been brought forward, we might long ere this have rendered efficient aid. But whatever may be the effects of the delay in reference to these Yucatanese, they are not chargeable to us. Higher considerations in reference to us—considerations of policy, demand of us deliberation, and that deliberation, I trust, will be given, in despite of the charge of unnecessary delay. But I pass on to the question of humanity.

If this be a war of races in reality—if the white race be not responsible for this war—if they have used all manly exertions, and exhibited due courage in repelling the danger, strong indeed would be the appeal to my sympathies. I have no aversion to any race, red or black, but my sympathies are for the white race. I have not been so much sophisticated by misguided philosophy or false philanthropy, as to lose the natural feelings which belong to me. I go further. If this be a case of war between the races of the Indian and the white without just cause, risen and threatened the massacre and extermination of the white race, who have acted so generously towards them, as to raise them from the condition of slaves or serfs to the condition of citizens and freemen—this would present a strong case on the score of policy for interposition, connected with considerations belonging to progress, civilization, and liberty. It was the Spanish *or* white race, and in that we include the mixed races, who overthrew the Spanish power, and have throughout evinced the greatest attachment under all circumstances to republican government, refusing to yield in any degree according to the well known Spanish character. They have all the wealth, and comprise nearly all the intelligence of the country; and on their ascendancy, in my opinion, depends the future progress of civilization and liberty of Yucatan. It is true, they are not very elevated in their sentiments, nor very well informed on political subjects; but they are far better informed, and far more elevated in sentiment, than the Indian race can possibly be. If they can maintain themselves, there is some hope that Yucatan may go forward, that intelligence may increase, and that, at some future day, they may be prepared to look for a higher position than at present. If the white race be overthrown, and Indian ascendency established, there will be a directly opposite tendency to end in a despotic government, like that of Hayti. Perhaps, a capable man may at first be elevated to power, and may govern tolerably well, but it will undoubtedly follow the course of Hayti. The tendency of power will be downwards, until it come down to the very bottom, and end in a savage state.

But if there are powerful considerations why we should interfere as far as we could with propriety for these reasons, there are very powerful ones why we should act with great caution. The case of Yucatan does not stand alone. All the causes operating there to produce the present state of things, are operating in all the portions of this continent south of us, including Mexico, down on the western side of the Andes to Buenos Ayres, and on the western to Chili. All, all, are in great danger of falling into the condition in which Yucatan is now placed. The history of all has been the same. The white and mixed races led in casting off the yoke of Spain. They, every where, elevated the Indian race to an equality with themselves. It was done most imprudently, and conveys a solemn lesson. They conferred upon the Indians full political rights, subjecting them at the same time to unequal civil burdens. While they gave them the power to vote—to wield political power—they imposed a tax upon them exclusively of a most onerous character, so as to throw almost the whole burden of supporting the government and the church upon them. If the order had been reversed—if they had given them all civil rights, and dealt out to them more sparingly political rights, elevating the more intelligent, and extending the basis of suffrage as the intelligence of the Indian population increased, a very different result might have taken place. All these South American states consist of the same population, whites, mixed, and Indians. The African population is small. All will, I fear, be agitated in turn. The whole of them, it is to be feared, will be subjected to one melancholy fate, and be overthrown in spite of all that we may do. But I [illegible] the case of Yucatan. The magnitude of the subject, however, should teach us caution. Whatever we do in this case, we set a precedent; we affirm a principle; and every one knows the force of precedents and asserted principles upon a population like that of our country. You will have to follow it in all other cases. Even now, Venezuela is involved in a war every way similar. How it may end we know not. Guatamala has gone through the process. She is already under Indian authority. A man of remarkable character, if report [illegible] the government—things may go very well in his time, but how they are to manage afterwards who can tell? Look at the subject. Are we to declare now by our acts that, in all those cases, we are to interpose by force of arms if need be—and thereby become involved in the fate of all these countries? Ought we set such a precedent? No. The first duty of every nation is to itself, and that is the case preeminently with the United States. They owe a high duty to themselves. To pursue a line of policy what will secure their liberty. The success of their great political system will be of infinitely more service to mankind than the securing of the ascendancy of the white race in the southern portion of this continent, however important that may be. But if instead of pursuing this wise policy, such a course be entered upon as that recommended in the message of the President, I fear that sooner or later the ruins of our government will be added to those which have fallen within the last few months. But while I see the greatest reason for caution, I think that this government, upon all occasions, ought to give encouragement and countenance, as far as it can with due policy, to the ascendancy of the white race—that it ought to be the guardian of the civilization, progress, and liberty of this continent, in reference to those portions of it where they are exposed to this danger. I will not say that in no case should we ever give them military aid, but if there be a case which will justify that, it must be an extraordinary one, to be judged of by its intrinsic merits, and not governed by a general rule.

I have said that if this be a case of war between races—if the white race be not responsible for it—if they have been patriotic and courageous in their own defence, it would present a strong appeal to my sympathy. Is it a war of races? I have examined the case with all the lights before me, and I shall now state the conclusion to which I have arrived. It is now, I believe, substantially a war of races, but was not so at the beginning. It seems that from the beginning of the government of Yucatan, there have been violent factions, accompanied by a disposition on the part of the factions to call in the aid of the Indians; and in order to obtain their aid as voters, certain promises were made to them which have not been well fulfilled. It would seem that in this case one of the factions, to secure the Indian vote, promised the reduction of the capitation tax—an enormous burden which presses them to the earth. The conflict originated, it is said, in this wise: in the contest for power between Mendez and Barbachino, the partizans of the former, about Campeachy, made proposals to the Indians to reduce the capitation tax. Mendez in consequence of these overtures obtained the aid of the Indians and was elected governor. But when he got into power he did not fulfil his promises. Instead of removing the taxes, he enforced their collection rigidly, which produced some disturbance.—It seems farther—for this is an inference rather than a statement—that the question of the war between the United States and Mexico entered into the quarrel, and that Barbachino leaned to the side of Mexico, while Mendez took the side of neutrality, which preponderated. It would also seem that the Indian opposition was at first feeble. In the midst of the conflicts of the contending factions, it grew and became at length so important and threatening, as to occasion alarm and consternation. There was almost no display whatever of courage on the part of the white population; and very little evidence of patriotism throughout the whole affair. All this tends very much to weaken my sympathies. Were the case confined to the male population. I should have little or none. But there are helpless women and children, whose wretched condition, on the score of humanity, demands interference. I may add, that there is some information inducing the belief, that it is not altogether even now a war of races. Barbachino is now in power, and such has been the violence of faction, that a large portion of the forces of Mendez has withdrawn from the army, on the change in the government. I will state in this connexion, what perhaps should have been said before, that the intelligence brought by a late arrival at New Orleans, establishes beyond all controversy, that England has not been implicated in the affair. It appears that even the British settlement at the Balize is threatened by Indians—that the last captured city is not more than one hundred miles distant from that settlement—and that a dispatch had been sent for additional troops from Jamaica. This apprehension of an attack, had resulted from the British settlement having sent down a few vessels to the coast of Yucatan, to pick up the miserable fugitives. If there had been any suspicion as to the conduct of that settlement, or British subjects in that quarter, these facts ought to put an end to them forever.

How far ought we to go then on the score of humanity? I think that all the naval force which we can spare should be sent to relieve these helpless people, and that we should supply food and raiment for their present necessities, and convey them wheresoever they desire to [illegible] Cuba or elsewhere. In a word, we should do all that humanity requires. But I cannot agree to carry out the provisions of a bill which authorizes the President to use the army and navy to take military occupation of the country. No considerations of humanity, or of the ascendancy of the white race in Yucatan, justify, in my opinion, the adoption of such a course of policy. It is now clear that the white population, including the mixed race, is so prostrated and feeble, and the Indians so powerful, that not a hope remains of re-establishing the permanent ascendancy of the whites. We can, doubtless, by force, subject the Indians and reinstate the whites in power; but the moment that we withdraw the former state of things will recur. We will thus be perpetually engaged in this work. Now, I am not willing to incur the danger and the cost of maintaining the ascendancy of the whites. I am not willing to have this task, which does not belong to us, attached to our government.

I come now to the amendment of the Senator from Mississippi, [Mr. DAVIS.] As between the bill and the amendment, I prefer the bill. They both propose the same thing. It is true the amend-

ment says only that the President shall have the power, without prescribing what the President is to do with it. But the President has told us what he will do. He has told us as clearly as if it was put in the amendment. His object is to take military occupation of Yucatan—temporary to be sure, but it must end in permanent occupation. Now I would rather do that with our own sanction directly, which the President proposes to do, than under the cover of this amendment. Nor am I reconciled to the amendment by the preamble offered by the Senator from Alabama. I think the Senator had not seen all the documents when he offered that preamble. It does not reach the case. It presupposes an obligation on the part of the government of the United States to defend the white race there, because we had so crippled Mexico that she could not afford them protection. I believe I state the substance of the preamble correctly.

Mr. LEWIS assented.

Mr. CALHOUN.—The case is very different from what the preamble supposes. Yucatan does not look to Mexico for protection. On the contrary, they are more alarmed at the danger they have to fear from Mexico than from the Indians. Unfortunately for themselves, they assumed a position of neutrality, or, as they say, of independence. They thereby became traitors in the eye of Mexico; and no doubt they will be held responsible as such. Hence we see, Mr. Sierra makes a strong and powerful remonstrance against the treaty with Mexico. Nay, he goes so far as to say, that as a matter of good faith, that the United States should not permit Yucatan to be sacrificed. There has been, in my opinion, a good deal of mismanagement in reference to this whole affair. The people of Yucatan were recognized as neutrals or not, just as suited the pleasure of the President. So far as the collection of revenue was concerned, they were not neutral; as far as the importation of arms into the country was concerned, they were treated as belligerents, and the arms were made contraband of war, lest they should be transferred to Mexico. What has been the effects? Among them has been this, and they complain of it, that they have been kept destitute of arms and means whereby to defend themselves in this contest. On reviewing the whole case, however, I think that the white population of Yucatan, have, in a great measure, themselves to blame. The factious conflicts—fierce and maniacal, in which they have been engraged, which have kept them contending to the last, have involved them in these frightful calamities. But the administration are not wholly irresponsible. They knew that Mendez had declared neutrality, if not independence, and approved of it. They beheld the progress of those Indians. They witnessed their devastations, and instead of interfering to defend those who had declared themselves to be our friends, stood by with arms folded! Thus have they incurred a very heavy responsibility. They ought to have given no countenance to their claim of neutrality and treated them as one of the Mexican States, or ought to have fully recognized their neutrality and independence. On the contrary, by regarding them as a Mexican State or as a neutral and independent power, as best suited their convenience, they have placed the people of Yucatan in an awful condition, by leaving them unprotected from the fury of the Indians, and exposing them to be treated as traitors by Mexico; and we are now appealed to, at this late period, to remedy the evils resulting from this fluctuating and uncertain policy when they are no longer curable; but by incurring hazards and sacrifices we cannot be justified in making.

Mr. BAGBY.—I wish to say a few words in reference to this subject, but as it is now late perhaps it would be more agreeable to the Senate that the subject should be passed by for the present. I move that the further consideration of the bill be postponed until to-morrow.

Mr. CASS.—Will the honorable Senator allow me to make one remark to the Senator from South Carolina; to state one fact which, perhaps, has escaped the recollection of the honorable Senator, which is, that there is a very excellent harbor at the extreme point of Yucatan. I saw a map the other day which shews one of the best harbors that there is to be found in all that region, having four fathoms and a half of water. The map that I refer to I consider to be the very best authority; it was in the possession of an officer recently returned from the gulf, Lieut. Porter.

Mr. CALHOUN.—I have not spoken on this subject without taking pains to be thoroughly informed. That which the Senator represents as a port, is not a port; it is an open harbor. If I were to name the gentleman on whose authority I relied, I am sure it would satisfy the Senator. I may name him—Lieut. Maury. But this does not touch the question. Let the gentleman answer the reasons I have assigned for the position that, even with Yucatan in our hands, in case of a war with England that entrance to the gulf would be completely closed against us in consequence of her command of the Carribean sea.

Mr. CASS.—I will answer very readily, and I think clearly. The coast on the extreme point of Cuba is an excellent coast, and notwithstanding the information of Lieutenant Maury, I will venture to say, that there is an excellent harbor on eastern Yucatan. Now, in respect to the effect of this, the gulf stream we all know enters the Carribean sea between Cuba and Yucatan. Of course vessels readily enter here, and by the power of steam will as readily make their exit. With the possession of the two points on the opposite side of this channel, we can contend successfully against any power. The narrower the channel, the greater will be our ability to command the navigation of the channel. I know that cruisers may come in between Cuba and Florida, but it is very difficult for them to do so. I repeat that notwithstanding the information of Lieut. Maury, or any body else, there is a harbor, and an excellent one on the coast of Yucatan.

Mr. CALHOUN in reply stated that Great Britain already possessed the command of the entrance to the gulf, and that in the event of war with her not a single vessel of ours could enter.

Mr. CASS.—One moment. The distinguished gentleman speaks of the ascendancy of England on the ocean. If that ascendancy is to be guarded against, I trust that it will be so most effectually by the ascendancy which we will ourselves acquire. We have had a very successful contest with her already, and I do not think we have reason to dread her superiority upon the ocean. But it is our interest to take care that she does not occupy positions surrounding us like lines of circumvallation around a fortress. It is our duty to ourselves, and to those who come after us, to prevent this if we can. Now, what is clearer, than that a fine harbor on the point of Yucatan would enable us to command the entrance into the gulf? It would be of immense advantage; but give Great Britain that position and the point of Cuba, and she can shut the channel against us.

Mr. CALHOUN.—The gentleman says that we must contend with the naval supremacy of Great Britain. Well, that is a great proposition. I do not deny it. But that is a different question altogether from the defence of this passage. If the gentleman aims at contending with the naval supremacy of Great Britain, let him do so in the proper mode. Let him avoid the expense of this Yucatan war. Let him put the navy into an efficient condition. If he aims at commanding the American seas, let him indulge no longer in his warlike enterprizes, which exhaust the means that ought to be applied to the support of the naval force.

Mr. CASS.—The distinguished Senator will pardon me, but I do not precisely understand what his views are respecting the nature of re-colonization.

Mr. CALHOUN.—I said nothing about it. I spoke of colonization.

Mr. CASS.—But I desired to ask what the Senator's views are. Will he allow me to ask him if he considers Jamaica a colony of England?

Mr. CALHOUN.—It is a "possession" of England.

Mr. CASS.—I should like to know, then, the meaning of the word "colony."

Mr. CALHOUN.—How far Jamaica is a colony of England, it is not necessary to discuss. The expression in Mr. Monroe's message is "colonization." Colonization is the act of colonizing, or sending out inhabitants to a country, to colonize, to settle peacefully in a country. I ask if the conquest of a country is colonization?

Mr. CASS.—The act of conquest is not colonization, but the moment you conquer and reduce a country to subjection, you have a colony. The doctrine for which Mr. Monroe contended was, that European powers should not plant colonies on this continent.

Mr. CALHOUN.—Should not colonize.

Mr. CASS.—Very well; that they should not colonize. Mr. Monroe distinctly disavowed interference with existing rights. What did he mean, if colonization did not mean going somewhere where they had no right to go? They could not found any new ones, if they had not the right to establish colonies in their own lands.

Mr. CALHOUN.—I shall restate the case and the gentleman may make as much as he pleases of it. The language of Mr. Polk is this: that obtaining aid from Great Britain, Yucatan may tender her sovereignty, and Great Britain may assert dominion over the country; in one word, connecting this expression with the document itself, it means that if Great Britain sends a force there, and obtains the sovereignty of Yucatan, it will be a case of "colonization." Would it be so? Not at all. It would be a case of tendered sovereignty, accepted by Great Britain.

The further consideration of the bill was then postponed till to-morrow.

Mr. FOOTE.—Will the honorable Senator allow me to ask him a question.

Mr. CALHOUN.—No.

Mr. FOOTE.—It is quite immaterial whether the Senator submits to be chatechized or not, as I perceive it to be altogether an easy task to show, without the aid of any response from him, that he has committed a mistake in regard to the meaning of a plain English word, which, but for the admitted gravity of his character would be abundantly amusing. The Senator has undertaken to attach a meaning to the term "colonization" wholly different from its ordinary acceptation, and as little justified by its acknowledged derivation from the original latin. *Colonia*, in latin, meant, what colony in English also means, "a company or body of people, transplanted from their mother country to a remote province or country, to cultivate and inhabit it, remaining subject to the pa-

rent country, or maintaining certain filial relations therewith indicative of its origin." According to the Senator, Yucatan would not become a British colony were the country to possess her permanent possession in the manner apprehended by many of us, though it should hereafter become ever so densely peopled by British settlers, carrying with them into this new field of colonial enterprise, British institutions and British laws, and remaining under the protection and control of the parent nation. Colonization, we learn from the Senator from South Carolina, now for the first time certainly with some of us, can only take place in a region which chances at the time to be utterly void of inhabitants. If the Senator has fallen into no error upon this interesting point, then will it be very easy to show that the genuine colonizing process has never gone on at all in the world; for, certainly, the pages of authentic history furnish no account of the migration of any considerable number of human beings from a peopled country to one destitute of inhabitants. Colonists, organizing new settlements, have commonly found them already occupied by earlier inhabitants of the soil, whether aboriginal or not, and have been constrained either to conquer or conciliate the earlier occupants. In order to evade the interpretation affixed by the Senator from Michigan to the famous declaration of Mr. Monroe, it is evidently necessary to misconstrue the term "colonize" as the Senator from South Carolina has thought proper to do; but I warn those who are inclined to agree with him, that they have first to forget many of the most instructive and interesting scenes in history, both ancient and modern, to consign to everlasting oblivion Cecrops and Cadmus, and Queen Dido—the Grecian colonies in Asia Minor along the Thracian Chersonesus—along the borders of the Euxine—in Southern Italy and France—in Africa, and the numerous isles which bespangle the Mediterranean, from the most easterly point of the Levant, even to the pillars of Hercules—the colonies of Genoa, Venice, and Florence—of Britain, Spain, France, Holland, Portugal, and Denmark—all these we shall have to forget entirely before we can concur with the Senator from South Carolina, touching the true meaning of the term "colonize." We shall have even to disregard the history of our own forefathers, who recognized themselves as colonists of Great Britain, because they came across the Atlantic under the sanction of the mother country, and for a long time remained under her protection. We shall also have to overlook the obvious fact, that there is no part of North or South America where Spaniards have attempted to colonize, even where the famous "colonial system of Spain" has been enforced, that was not densely peopled at the period when the first European settlements were attempted. It is impossible for the Senator to recover from the hopeless embarrassment in which he has deliberately plunged himself; either the plain doctrine of Mr. Monroe must be utterly abandoned, or Great Britain be prevented from obtaining footing and dominion in Yucatan now or at any future time, upon any pretence whatsoever.

VENTILATION OF PASSENGER VESSELS.

On motion by Mr. DAVIS, of Massachusetts, the Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives to provide for the ventilation of passenger vessels, and for other purposes.

The bill, having been amended, was reported to the Senate, and the amendments concurred in.

Ordered, That the amendments be engrossed and the bill read a third time.

The said bill was read a third time as amended.

[illegible] That the [illegible] inform

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendments.

PRIVATE BILL.

On motion by Mr. CAMERON, the prior orders were postponed and the Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives for the relief of William P. Brady.

Mr. ATCHISON desired some reason for taking up this bill at this time, without waiting for its regular turn when private bills should be considered?

Mr. CAMERON explained that Mr. Brady was a poor man, who had spent his all in the service of the country, and that even his household goods were now under execution, and in the hands of a constable. The pension granted him by the bill, would be the means of saving him from utter ruin.

Mr DIX desired to know why the pension allowed in this case was greater than usual?

Mr. ATCHINSON, also, desired to know how it happened that this case did not come within the general provisions of the pension law?

Mr. JOHNSON, of Louisiana, called for the reading of the report accompanying the bill, which gives all the particulars of the case, and it was read by the SECRETARY.

The bill was then reported to the Senate.

Ordered, That it be read a third time.

The said bill was read a third time.

Resolved, That the bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion,

The Senate adjourned.

TUESDAY, MAY 16, 1848.

PROCEEDINGS OF THE PEA PATCH ARBITRATION.

The VICE PRESIDENT laid before the Senate, a report of the Secretary of the Senate communicating the reasons assigned by the printers to Congress for the delay in printing the proceedings on the Pea Patch Arbitration; which was read and ordered to be printed.

PETITIONS.

Mr. DIX presented the memorial of J. Howard & Son, praying that the privileges allowed to American steamers trading to the port of Havana, in Cuba, may be granted to Spanish steamers trading between that port and the United States; which was referred to the Committee on Commerce.

Mr. STURGEON presented a memorial of citizens of Trenton, New Jersey, praying the removal of obstructions to the navigation of the Delaware river at the Periwig Shoals in that river; which was referred to the Committee on Commerce.

Also, the memorial of William Greer and Company, praying the patronage of the government to a periodical publication, called the "Mirror of the Patent Office;" which was referred to the Committee on Patents and the Patent Office.

Also, two memorials of citizens of Philadelphia, Pennsylvania, praying the construction of a railroad between that city and New York, for the purpose of facilitating commercial intercourse and the transportation of the mail; which were referred to the Committee on the Post Office and Post Roads.

Mr. BORLAND presented a memorial of citizens of Arkansas, praying the purchase of Mount Vernon by the government; which was referred to the Committee on Military Affairs.

Mr. LEWIS presented the petition of Elijah Pratt, praying compensation for the use, by the government, of certain valves, in violation of his patent right; and the purchase of his invention by the United States for the Pontooneer service; which was referred to the Committee on Military Affairs.

ADMISSION OF WISCONSIN.

Mr. DOUGLAS, from the Committee on Territories, to whom was referred the bill from the House of Representatives for the admission of the State of Wisconsin into the Union, reported it without amendment.

Mr. DOUGLAS gave notice that he will ask for the consideration of this bill on Thursday next, as it is desirable that it be passed with the least possible delay.

PRIVATE BILL.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom was referred the memorial of Samuel W. Chilson, submitted a report accompanied by a bill for his relief.

The bill was read and passed to the second reading.

RECOMMITTAL.

On motion by Mr. DOUGLAS, it was

Ordered, That the bill to establish the Territory of Minnesota be recommitted to the Committee on Territories.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed the bill from the Senate to require the holders of military land warrants to locate and survey the land offered by the United States for services in relation to the location of those warrants.

They recede from their amendments to the bill of the Senate in amendment of an act entitled "An act to amend the act entitled 'An act to reduce the rates of postage to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the revenues of the Post Office Department,' passed the 3d of March, 1845."

They concur in the amendments of the Senate to the bill to provide for the ventilation of passenger vessels, and for other purposes.

They have passed bills of the following titles:

An act to refund money for expenses incurred, subsistence or transportation furnished, for the use of volunteers during the present war, before being mustered and received into the service of the United States.

An act to continue, alter, and amend the charter of the City of Washington, in which they request the concurrence of the Senate.

They have passed the bill of the Senate extending privileges to American vessels engaged in a certain mentioned trade and for other purposes, with amendments in which they request the concurrence of the Senate.

SLAVERY IN TERRITORIES.

The Senate proceeded to consider the following resolutions submitted by Mr. BAGBY on the 25th and 27th January last:

1. *Resolved*, That Congress has no constitutional power to establish or prohibit slavery in any State or Territory in the Union.

2. *Resolved*, That property in slaves is legitimate and recognized by law and universally recognized by the laws and the universal practice of civilized nations.

3. *Resolved*, That if territory is hereafter acquired by the United States, either by treaty or conquest, it shall be inexpedient for the present exercise of power in Congress to exclude slavery from such territory, either by treaty stipulation or by act of Congress; but such territory shall be equally free and open to the citizens of all the United States, without any limitation, prohibition, or restriction in regard to slaves, or any other species of property.

4. *Resolved*, That whenever the people of the Territories acquired may form a constitutional power to exclude slavery from such territory; and that the people or Legislature of a Territory cannot be legally restricted in the exercise of this power by them by Congress in the act authorizing them to form a territorial government. And inasmuch as Congress has no power to exclude or prohibit slavery in any Territory of the United States, they cannot delegate such a power to the Legislature of a Territory, or the people thereof.

Mr. BAGBY said that if no Senator desired to discuss the resolutions, he would ask for a vote upon them now.

Mr. BADGER inquired if the resolutions were now before the Senate.

THE PRESIDING OFFICER replied in the affirmative.

Mr. BADGER then remarked that there were at present many other questions before the Senate, at least, of more pressing importance than the resolutions of the Senator from Alabama. Besides, an opportunity would be afforded of discussing the subject matter of the resolution on various measures, which awaited the action of the Senate; and therefore with the highest respect for the source from which they had emanated, he moved to lay the resolutions on the table.

Mr. FOOTE asked the gentleman from North Carolina to withdraw his motion for a moment, in order that he might make a single remark.

Mr. BADGER assented on condition that the motion should be renewed by the Senator from Mississippi.

Mr. FOOTE then said that he, among others, desired to be heard at full length, before any action should be taken on the subject of the resolutions. In his opinion, it would be proper to pass the resolutions over for the present. But should the motion to lay upon the table be pressed, he felt bound to say that he should vote for it, because he believed that no good, but evil would result from an extended discussion of the subject at the present time. He was not prepared at this time to assert authoritatively, even what might turn out to be sound doctrine on this momentous subject. Measures of the highest practical moment require the action of the Senate, which would be delayed, and might be embarrassed by a discussion of the resolutions. He therefore felt disposed to support the motion of the Senator from North Carolina, which he would renew.

The motion having been again temporarily withdrawn—

Mr. BAGBY remarked that he had stated some days ago, that after the indulgence which he had received at the hands of the Senate, when the resolutions should be called up, he should not propose to discuss them, unless some other Senator did. His views were entirely different from those of the Senator from Mississippi. He did not believe that there was any question involved in these resolutions, in regard to which the mind of the Senate was not as well made up now as could be at any time hereafter, or ever. In obedience to the pledge which he had given, he would not press a vote, if any gentleman desired to address the Senate. But if the motion to lay upon the table should be persisted in, he wished the Senate to understand that he should consider the vote upon that motion as a test question upon the principles involved in the resolution. He asked for the yeas and nays.

Mr. BADGER begged that the Senator would allow him to make a single remark. The Senator from Alabama had said that he wished the vote upon the motion to be considered as a test vote. That was the very sense in which it was intended that the vote should be given: but it by no means followed that in voting to lay the resolutions on the table, any Senator pronounced an opinion upon their subject matter. There were a great many truths in the resolutions in which he himself believed most firmly, but should most decidedly object to embody in that form, for the purpose of being pressed upon by the Senate. Without pronouncing any opinion weatever with regard to the resolutions—without saying whether he had, or had not, made up his mind to any one or all of them, his view in making the motion was, that no good could possibly result from the expression of the opinion of the Senate in that form upon the questions raised. It was with that view he made the motion to lay upon the table.

Mr. FOOTE remarked that in consequence of the observation of the Senator from Alabama, that he should consider this a test vote, upon the principle contained in the resolutions, he felt himself entitled to a word of explanation. In voting to lay upon the table he could not consider himself as voting against the resolutions. The Senator from Alabama was at liberty to place whatever construction he pleased upon that vote, in the face of this explicit declaration; but he believed that the public would hardly be inclined to concur with him, in regarding that vote as having been given on the subject matter of the resolutions, despite of the express and explicit announcement to the contrary. The Senator from Alabama seemed to suppose that the resolutions could be very easily acted upon—that they embraced very plain propositions—that they were in fact so simple that no gentleman could have any difficulty in coming to a conclusion respecting them. The gentleman's conduct, however, seemed to be somewhat at variance with that opinion, for he had made a very elaborate, ingenious, solid, learned, not to say convincing, argument on these very resolutions. Now, either the question was not so plain, when the Senator undertook its discussion, and he had made them plain by his overwhelming argument; or, it was somewhat complex originally, and remained so. At all events he did not regard the vote upon the motion as by any means a test vote upon the resolutions.

Mr. DICKINSON also disclaimed the idea of the vote being regarded as a test. The resolutions were, to some extent, in conflict with those which he himself had the honor to introduce some time since, although in some points they agreed. He desired to say something upon them, before the Senate acted upon them, and he should therefore prefer that the resolutions be passed over informally, or laid upon the table for the present.

Mr. WESTCOTT.—I rise merely to say that I object to any vote on an incidental question, and not a direct vote on a measure proposed being made a test vote. I shall vote against the motion to lay on the table. I shall do so not merely because I am in favor of the doctrines advanced in these resolutions, but because I regard a different course the most proper one. There are several different sets of resolutions on this subject before the Senate. One set offered by the Senator from New York, [Mr. DICKINSON,] another set offered by my colleague, [Mr. YULEE,] and those offered by the Senator from Alabama, [Mr. BAGBY,] now before the Senate. The principles maintained in them, that Congress or a territorial legislature has no power to prohibit slavery in the territories, it is known, I contend, for as true. But the phraseology of those resolutions does not precisely suit me. For instance, I do not like the precise language of the conclusion of the last resolution of the Senator from New York, even as modified at the suggestion of the Senator from Mississippi [Mr. FOOTE.] It is ambiguous—not explicit enough—and it leaves the true position to deduction and inference. Again, the conclusion of the first resolution of my colleague would be more acceptable to me, if, instead of asserting that the "people of the several States" of the confederacy are the depositories of the sovereignty of the people of a territory till their own State government should be established, if modified so as to declare that the people of the territory were themselves the depositories of their own sovereignty, but that it could not be exercised by them being in abeyance and dormant till their own State governments was organized, for this I conceive to be the true theory. I hold the American doctrine to be, that all political sovereignty is inherent in, and springs from the people of the local political community, over whom such sovereignty is to be exercised. They may be so situated as not to be able to exercise it, but in this country no other authority can, for the reason that it is inherent in them alone. This is the condition of the people of a territory. As to Congress, it has no more right to exercise such sovereignty than the legislature of an adjoining or any other State. But this discussion is perhaps unnecessary. The slight variance in opinion between my colleague and myself on this collateral point is of little consequence, and I candidly concur as to the correctness of the principles so ably sustained by him, as to the main questions involved in the resolutions. As to the resolutions of the Senator from Alabama, now before the Senate, I can vote for them cheerfully, but they do not, I think, go far enough, or rather are not full enough. I hope all the resolutions will be referred to an appropriate committee, to report in lieu of them others carefully drawn in such terms that all who sustain the leading doctrines can vote for every word of them. It is difficult for an individual Senator to draft a resolution that in its terms will suit all. I hope these resolutions will not be laid on the table, but will be referred for the object suggested. My chief object, however, in rising was to protest against this mode of making test votes.

Mr. BAGBY rose but yielded to

Mr. BADGER, who had risen simultaneously and who said, I now renew my motion to lay on the table.

Mr. BAGBY said that he certainly had not yielded the floor for the purpose of allowing the Senator from North Carolina to cut him down. He hoped the motion would be withdrawn for a few moments.

Mr. BADGER.—I will withdraw the motion if the Senator renew it, and would not withdraw it.

Mr. BAGBY could not promise to do that.

Mr. BADGER said he supposed, then, he must yield and withdraw the motion.

Mr. BAGBY then repeated that he did not desire to prevent discussion; but on the contrary he had stated that if any Senator desired to discuss the resolutions, he should not press them to a vote until the Senator had been heard. He thought that the object of the Senator from North Carolina might be accomplished by passing over the resolutions informally.

Mr. BADGER replied that his express object was to prevent discussion; and without intending any disrespect to any gentleman, he would now press his motion to lay the resolutions upon the table.

Mr. BAGBY demanded the yeas and nays upon the motion to lay the resolution on the table, which were ordered, and it was determined in the affirmative, as follows:

YEAS—Messrs. Allen, Atchison, Badger, Benton, Bright, Cass, Clarke, Clayton, Dickinson, Dix, Evans, Foote, Geyer, Hamlegan, Johnson of Louisiana, Mallory, Mason, Niles, Rusk, Sturgeon, Underwood, and Upham—24.

NAYS—Messrs. Bagby, Calhoun, Dawson, Mississippi, Hunter, Lewis, Mason, Pearce, Westcott, and Yulee—9.

So the resolutions were laid on the table.

JOHN MITCHELL.

On motion by Mr. UPHAM, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives for the relief of John Mitchell.

Mr. UPHAM successively stated the circumstances in which the bill had originated.

Mr. BREESE objected on the ground that the petitioner had not been in the service of the United States.

Mr. UPHAM explained that the petitioner at the time when the accident, by which he had been mutilated, occurred, was acting under the orders of an officer in the army of the United States. It was in firing a national salute at the city of New Orleans that the accident had happened to this individual. Pensions had been frequently granted in similar cases, without any objection being made. Had this individual been a soldier or a sailor in the service of the United States: and his case had come regularly within the pension laws, there would have been no need of legislation in his favor. He hoped that no objection would be made to the bill for the relief of this unfortunate man.

Mr. BRIGHT knew nothing of the particular merits of the bill except from what he had derived from a reading of the report; and unless he misunderstood that report, there was nothing in it tending to show that the petitioner had been at all connected with the United States. In his opinion, the passage of the bill would be a pernicious precedent, under which persons injured by accidents in celebrating political victories—accidents which frequently occurred—might appeal to Congress for relief.

Mr. JOHNSON, of Louisiana, remarked that it appeared from the report, that when the accident occurred, the petitioner was employed on board the United States steamship Alabama.

Mr. BREESE said that he did not know there was any such vessel in the service of the United States.

Mr. JOHNSON stated that the Alabama had been chartered by the government.

Mr. DIX suggested that as the morning hour had expired, and as the principle involved in the bill appeared to be a new one, requiring some deliberation, the bill should be passed over informally.

Ordered, That the further consideration of the bill be postponed until to-morrow.

NAVAL PENSIONS.

On motion by Mr. YULEE, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill renewing certain naval pensions for the term of five years, and extending the benefits of existing laws respecting naval pensions to engineers, firemen, and coal-heavers in the navy, and to their widows.

Mr. YULEE submitted an amendment to the bill, which was agreed to; and the bill was then reported to the Senate, and the amendment was concurred in.

Ordered, That the bill be engrossed and read a third time.

The said bill was read a third time.

Resolved, That the Senate concur in the amendment of the House of Representatives to the bill entitled "An act [illegible]

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

DEFERRED NOMINATIONS.

The Senate resumed the consideration of the resolution submitted by Mr. JOHNSON, of Maryland, on the 28th ult. respecting appointments by the President during the recess of the Senate; and

On motion by Mr. ALLEN, it was

Ordered, That the further consideration thereof be postponed until Thursday next.

INDIANA STATE BONDS.

On motion by Mr. BRIGHT, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill authorizing the Secretary of War to surrender certain bonds of the State of Indiana, held by the United States, to the agent of State, for said State of Indiana.

The amendments reported from the Committee on Finance were agreed to.

Mr. CLAYTON said the bill directed the Secretaries of War and of the Treasury, to surrender to the agent of the State of Indiana, bonds of that State, amounting to $265,549 53, being the principal and interest due them—these bonds being held in trust for the Chickasaw and other Indians. The bill also directed the Secretaries to receive in lieu of the sum due the new stocks proposed to be issued, under the act of the legislature of Indiana, of January 19th, 1846, and a supplement passed January 27, 1847. The value of the stocks to be raised in lieu of the bonds held now by the government in trust for the Indians may be understood only by reference to the legislature of Indiana.

It was undoubtedly a wretched precedent set by the government, to invest the money of these Indians in State bonds. The bonds were bought at par. No interest has been paid on them since the 1st July, 1842. The Indians must, or ought to receive the whole sum from the government, and the United States ought not to bear any loss that may arise from the investment. It was a better speculation, however, than the Arkansas interest of the Smithsonian legacy.

If the documents submitted to them were entitled to confidence, the State of Indiana had done every thing in her power to settle her debts on the best terms for her creditors. Her public and domestic debt was stated at $15,271,250, besides the sum secured by State bank bonds. By the acts of her legislature referred to, she has created new stocks to pay the debt—one-half to be paid by new State bonds, and the other half by Wabash and Erie canal stock. The European creditors of Indiana have yielded their assent to this new arrangement, and many other creditors residing in this country have done the same. They consider it the best that can be made for the creditors of the State, and I am quite satisfied they are right in that opinion. The State can certainly pay five per cent. on one half her debt, and the great Wabash and Erie canal when completed, will, if the opinion of the engineer's, who have estimated its value be correct, eventually pay the other half. At any rate, this is the best bargain the government can now make, and I am strongly induced to support the bill, by the fact that the refusal of this government to accede to the arrangement, would jeopard a measure eminently calculated to sustain the sinking credit of one of the sovereign States of this Union, and to save her from the stain of repudiation. All the States are deeply interested in saving her credit, and she is now making a noble effort to uphold it. I hope the bill may pass.

Mr. BRIGHT.—The effect of this bill is nothing more nor less than to grant an extension of time to the State of Indiana. There is nothing in the bill which can be construed into the grant of a gratuity to that State. She is unable, at present, to pay her debt, but is honest and anxious to pay it. She believes that by the operation of that act, transferring one-half the debt to the Wabash and Erie Canal, she will be able, in twenty years, to liquidate her entire indebtedness.

The eight hundred thousand acres of land heretofore given by the general government will enable the State to complete the canal; and when completed, it will doubtless pay a fair interest upon the investment. The presumption is, that it will be worth all that it has cost. If the least reliance can be placed upon the estimates which have been made, that will be the result. Provision is thus made for the payment of one-half of the debt; the other half it is proposed, shall be paid by direct taxation; and, according to our estimate, founded upon the present basis of taxation, that indebtedness will be liquidated by the year '70 or '71. If the Indians for whom these bonds were purchased, should need the money between the present time and that period, it is possible that the general government will be called upon to step forward and liquidate the debt; but with the full assurance that by the time I have mentioned she would be fully reimbursed. The question, however, is whether the general government is not as much interested in the reputation of the several States, as it is in sustaining its own credit. Indiana, in consequence of an unfortunate movement, became involved in great pecuniary embarrassment, and was not able to meet her obligations. But she is unwilling to repudiate. She is anxious to discharge her obligations; and in order to aid her in fulfilling this cherished desire, she asks the surrender of these bonds, on the terms proposed by the bill. Nine-tenths of the private creditors of the State have accepted the terms of the act read by the Senator; and that affords satisfactory evidence of the just and equitable character of the proposed arrangement.

The bill was then reported to the Senate, and the amendments were concurred in.

Ordered, That the bill be engrossed and read a third time.

The said bill was read a third time.

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

ADVANCES FOR VOLUNTEERS.

The bill from the House of Representatives to refund money for expenses incurred, subsistence or transportation furnished, for the use of volunteers during the present war, before being mustered and received into the service of the United States, was read the first and second times, by unanimous consent, and referred to the Committee on Military Affairs.

CHARTER OF THE CITY OF WASHINGTON.

The bill from the House of Representatives to continue, alter, and amend the charter of the city of Washington, was read the first and second times, by unanimous consent.

Mr. MILLER asked that this bill be now considered, without the formality of a reference, it being, in effect, the same bill that had already been reported from the Committee on the District of Columbia.

Mr. HANNEGAN had no objection to this course, provided it was understood that no debate would arise.

The Senate then proceeded to consider said bill, as in Committee of the Whole.

No amendment being made, the bill was reported to the Senate.

Ordered, That it pass to a third reading.

The third reading of the bill, on this day, being objected to by Mr. ATHERTON, it was, under the rule, postponed until to-morrow.

NEW YORK AND NEW ORLEANS STEAMERS.

The Senate proceeded to consider the amendments made by the House of Representatives to the bill extending privileges to American vessels engaged in a certain mentioned trade, and for other purposes; and

On motion by Mr. DIX, it was

Ordered, That they be referred to the Committee on Commerce.

THE YUCATAN BILL.

The Senate resumed the consideration, as in Committee of the Whole, of the bill to enable the President of the United States to take temporary military occupation of Yucatan.

Mr. BAGBY.—In the discussion of this measure, two points have been made, upon the establishment of either of which, it is deemed proper by some of those who are in favor of the measure, that it should be adopted.

The one, sir, is the point of humanity, and the other is the great point of public policy. In regard to the first I have but little to say; for, however much I may be in favor of this great and ennobling quality of the human soul, which is allied to faith and hope, and is said to be greater than either, I do not consider that in my capacity as a legislator, a representative or a statesman, I have anything to do with dispensing charity. I shall, therefore, in the views which I propose to submit in regard to the measure which is now pending before the Senate, place the position which I intend to assume mainly on the ground of policy.

I do not believe—and I never have believed—although there are a great many precedents, and of the very highest authority, to show that this government has authority to assume the province of a great Almoner, though a man in his individual capacity may go to the utmost extent to which his feelings of humanity and benevolence may prompt him. Upon the question of policy involved in this bill now pending, I have clear, distinct, and decided views; and whether I shall be able to refer those views to anything that has been done in the previous action of this government or not, I believe that a case has occurred, and that the time has arrived, when it becomes necessary and proper for the government of the United States to assume a substantial, immovable, position in regard to this question. I have said that I shall not discuss this question upon the great principle of humanity; but if I should be able to satisfy the Senate that that principle can be best preserved and maintained by pursuing the course pointed out by a sound and enlighted policy, I shall derive from it an additional argument in favor of the adoption and pursuit of that course which I think the Senate should on this occasion adopt. I have been somewhat struck with the view which seems to be taken of the manner in which the question came before the Senate. It has been mainly discussed on what is understood to be, and what is asserted to be, the recommendation of the President of the United States. Judging from the tenor of the message, the President does not seem to be acting under that branch of his power in regard to this subject, which authorizes and enables him to recommend certain measures for the adoption of Congress; but under the other branch of his power, which makes it his duty from time to time to communicate to the Senate such information as he may deem proper in regard to the interests of the Union. This message, which has been so much dwelt upon, and especially by my honorable friend from Massachusetts, contains no recommendation from the Executive; but it simply communicates the information in his possession, and very properly asks Congress to determine what course, under the circumstances of the case, it is proper to adopt. There is no recommendation, whatever, in the message. There is, it is true, the assertion of a great principle of policy, clear and distinct. The principle of humanity is asserted, which does credit to the chief magistrate, and

to every man in the Union. There is not a more praiseworthy motive that can actuate a man. But on neither the principles of humanity, nor on that of policy, does the President make any request upon Congress. Entirely the reverse, he, after communicating the facts, he says, in the concluding paragraph of the message, that he submits it to the wisdom of Congress to do that which may be necessary in the premises.

I have first said that I do not discuss this question as to its connection in the Executive, either for our purposes of discussion, but I said I take the information imparted to this body by the President, for precisely what it is worth, and nothing more. There is no recommendation—there is no principle set out any particular course of action for Congress to pursue. Taking the common-sense view statesman, concerning the position he does, he states that in regard to the state in which Yucatan is placed I have received certain information, and that information I communicate to Congress, and I submit to their wisdom to take such action as they deem proper under the circumstances. This, then, I take it for granted, is the question now to be considered, what is proper for Congress to do, considering the deplorable state of Yucatan—considering the present situation of the United States and considering the present condition of the whole world, what is the proper course for Congress to pursue in regard to Yucatan? Well, some one who is more in the habit of arriving at conclusions than I am, may come to a different one, but from the moment that this message was submitted to the Senate, I had no doubt as to the course proper for Congress to pursue in regard to it. In arriving at this conclusion, I endeavored, as far as possible, to look at all the causes which should prompt us to act, and at all the consequences which would follow from our action.

I shall not attempt to place this question upon the doctrine advanced by Mr. Monroe a quarter of a century ago, because I do not think that that doctrine sustains the course which it is proposed that the United States shall take, neither do I think that it forbids it. I think it is entirely separate and apart from it. What is the doctrine advanced by Mr. Monroe, and by the bye, I must here be permitted to say, that the doctrine has been to some extent, miscalled the doctrine of Mr. Monroe, or his cabinet. Neither Mr. Monroe, or any member of his cabinet, ever conceived this doctrine originally. It originated in a discussion which took place at a distance of more than three thousand miles from the seat you now occupy. At the time it was first suggested, questions of grave import, not only to the government of this country, but more interesting to the government of the country in which the discussion took place, on the other side of the Atlantic. The highly respectable, most judicious, and to do him no more than justice, I may say, distinguished minister of this country, at the court of St. James [Mr. Rush] in his conversations and correspondence with Mr. Canning, first conceived the idea upon which the doctrine is founded. The question, as far as Mr Rush regarded the American, and Mr. Canning the British government were concerned, was simply this: What course was it proper for the two governments to pursue in regard to the numerous South American republics that about that time sprang into existence? The ministers of both countries were occupied with the consideration of what would be best for the commercial interests of their respective countries. And if you will trouble yourself to read the correspondence, you will see that the American minister at London, in 1823, months prior to the promulgation of the doctrine here, planted himself upon that post, and I hope eternal foundation, on which the affairs of the United States, I trust, will always be conducted. Looking through the political telescope, he saw that these South American governments were about to commence a career which would prove to be of more or less advantage to our own, and to the improvement of the political and social condition of mankind. He said this is a new question, we cannot depart from the principles laid down at the origin of this government. We must see to what the establishment of these republics must lead. On the other hand, Mr. Canning wanted to see how far their establishment would go to affect British interests in particular, and the policy of Europe and the Holy Alliance. It is, therefore, a mistake to trace the doctrine back to Mr. Monroe. But, we must do justice to all in an inquiry of this nature. After the question had been well discussed, well matured, and distinctly understood, Mr. Rush communicated to this government the course that England was disposed to pursue, and the great question arose, whether it would be safe and prudent for England and the United States to take the lead in settling the policy proper to be pursued in reference to the South American republics. I mention these facts, not for the purpose of detracting from Mr. Monroe, or any member of his cabinet, but of doing justice to all men, of all parties, and placing it on the true ground where it must always stand. I have a word to say in regard to the policy of Mr. Monroe, as it has always been understood. That the policy is founded upon the soundest principles of expediency, I have not now, nor have I ever entertained the slightest doubt. But the policy of Mr. Monroe, except in extreme cases, is not, and never can be the fighting policy of this country. It is a doctrine which diplomatically you may contend for, but I feel as well assured as I do of any fact, that it is a policy, which except in extreme cases, it will not do to fight for. What is the policy as it seems to be understood here? It is this: That if in regard to colonization—although I shall not go into a critical examination of the meaning of the term—that if in regard to the question of colonization on this continent, if the interests of the United States should come into conflict with the interests of another nation, therefore, the United States in pursuit of this policy, must assert the doctrine laid down in Mr. Monroe's message in 1823, and if necessary, they must fight to maintain it. Well, sir, anxious as I am, I hope to guard the interests of the United States at home and abroad. I never can agree, that if a question should grow out of the diplomatic or political relations of any two countries of the world, and as in the case I have supposed, it should become necessary for the government of the United States to say—however necessary it may be upon principles of expediency to acquire Yucatan or any other country, which a government of Europe might desire to obtain, I would not say, I would not say, because I do not believe, that the government of the United States, except in a case where it would be necessary for its own preservation, would be justified in going to the full extent of the doctrine laid down in Mr. Monroe's message, and contended for now. Sir, treaties are but bargains, or contracts. The only difference between a treaty and all other bargains or contracts is, that ordinarily bargains are made by individuals, but that a treaty is neither more nor less than a contract or bargain between nations. Well, suppose the case to occur, that Great Britain and the United States both desire to possess a tract of country, territory, province, or colony, or by whatever name you please to call it. I take it for granted that nations are like individuals—if they have the power to make treaties, they have the power to enforce them. And suppose that Mexico should prefer selling this province of Yucatan to England, is there any principle of national law, is there any principle of justice, or morality which would prevent them from doing so? I put the question to lawyers, to judges, to politicians, to statesmen. Can there be but one answer? Are the parties able to contract, do they contract, and are all the elements present necessary for entering into a contract? If so, the contract must be valid. It is competent for you, merely because you desire to have the benefit of the contract, to say that it shall not be made with any other nation, or if made, it shall not be binding. An honorable friend [Mr. Bradbury] makes a suggestion which comes to the same thing. The matter must be capable of being contracted for. That does not alter my position at all, because I hold that this government, where they are not limited, has the power to contract. Arbitrary governments always have possessed and exercised that power, and this government has also the power, and I think has a right to do it. I, however, do not place my advocacy of this bill upon that ground at all, because I do not think the application of the doctrine at all necessary. I do not go at all into the constitutional question. In regard to the doctrine laid down in Mr. Monroe's message, we have a right to do this or not, as we please. I put it upon that principle. There is a time in the affairs of men, and in that of governments, too, when it is proper to act, and if I had been casting about for a state of affairs, in which the government of the United States were at liberty to do the very thing which they are called on to do by this bill, that state of affairs exist more emphatically now in regard to the proposition before the Senate, than it ever has in regard to any question of the same character, and I think I may go further and say, than it ever will in regard to any question that can arise hereafter. The circumstances of the case make it entirely appropriate. Now, sir, I do not pretend to apprehend—I should be uncandid if I should do so—any great danger from British interference; but at the same time that I make this admission, I cannot be blind to the present position of Great Britain, nor to the fact that she has at all times, and on all occasions, manifested an eager and almost irrepressible desire to extend her dominions, and that the lion's paw was ready to grasp wherever there was a probability of making a successful seizure. It is for the purpose of avoiding the state of things which might arise from this desire on the part of Great Britain, to seize upon that which properly does not belong to her, that I maintain that this is the appropriate, the chosen time for doing that which this measure proposes to do. The great danger apprehended by the honorable Senator from Massachusetts—and I always listen to the views of that honorable Senator with pleasure, however much I may be compelled to differ from him—was that we might by pursuing this policy, perchance become involved with one of the most powerful nations on earth. What would Mexico, or the Indians of Yucatan, or the enemies, composed with Great power, great reason, so far as prudential considerations are concerned, for advocating this measure is, that we now have an opportunity of carrying it out without the danger of coming in contact with any power on the face of the earth, or of opening the temple of Janus at all. I know that my honorable friend must appreciate and understand the present condition of Europe. He must be aware that Great Britain is not, at this time, in a situation to spare any force for conquest on this continent; or, in fact, to attend to any other affairs than her own. Then, I ask my honorable friend, whether his objections to this measure, being the danger of collision with Great Britain, and, if I can show him, that there is less danger of that collision now than at any former time, and in all human probability than there will be at any future time—I ask him whether, as far as this consideration is concerned, this is not the appropriate and chosen time for the government of the United States to act. Sir, it is elevating to man, it is elevating to a government to talk about great principles of morality and public virtue, and all those things which furnish the highest embellishment of private character, but every man, sir, at your time of life, or mine, or that of the Senator from Massachusetts, must know that governments and men must be more or less the creatures of circumstances. The opinions of some of the old philosophers was, that man was but a bundle of circumstances; that man had no separate, dis-

tinct, independent, substantive existence, but was a mere bundle of circumstances. Unless, therefore, this thing be radically and fundamentally wrong in itself, I ask, have circumstances ever arisen, or will circumstances ever arise, in which it would be safer for the government of the United States, to do that which is proposed to be done by the bill now under consideration. I do not put it upon Mr. Monroe's policy, nor upon the policy of any body else, but upon the mere fact, that this seems the appropriate time when the thing should be done. There is no fundamental objection to doing it, and the only question is, are circumstances auspicious at the present moment. Taking this view of the question, though I listened attentively to the arguments of the Senator from Massachusetts I at once arrived at the conclusion, that it was proper to be done, and that this, above all other times, was the proper time for doing it. I do not stand here to give or to receive alms. That is not the business of the Senate of the United States, and to whatever extent they proceed in this matter, they take from the people that which belongs to them. I know that two cases have been cited. I remember them both. One was made the foundation for the other. The case of Caracas visited by a great and overwhelming calamity—the other, the case of Ireland. If I wished to address myself to the popular feeling, or if I wished to address myself to all the best sympathies of the human soul, I would sympathise in the case of suffering Ireland, but I would do it as a man; I would not do it as a legislator. You have not the power. I defy the production of any proof to show that you have the power to tax the people of this country to bestow charity upon the people of other countries. The cases cited, therefore, have not the slightest impression or effect on me; I place this measure exclusively on the ground of policy. Well, what are the reasons derived from considerations of policy? The honorable Senator from South Carolina says, that this is a grave and important question, and that, therefore, great caution is necessary. Well, sir, I say so too; but, there is a time when that caution has exhausted its effect. It is necessary in the formation of the determination which precedes action. That is the province and office of caution. It is for the purpose of enabling those who are disposed to do so, to exert that valuable quality in arriving at correct conclusions. But, after having exhausted all the arguments and reasons for the policy, does not the time for action arrive? After having given to all these reasons for caution their proper force, we are called on to act upon the measure itself. Weigh the measure upon the question of policy—as is the duty of the government to do—and, when that is done, then comes the time for action. It is said by the honorable Senator on the other side who addressed us last, that this is not one of those extreme cases which would justify the government of the United States in asserting a principle which cannot be sustained upon the great principles of international law, or of public policy. Well, that may be so. I grant Yucatan may not be of so much importance to us as some other points on this continent; but no matter what the value or importance of it, I ask if the principle is not precisely the same? Here is a time, here a case, in which the sovereignty or dominion of a portion of this continent is offered to the American government without the danger of collision with any other power, and they are to determine whether they will receive it or not.

Suppose the case to happen that was put by the Senator from South Carolina. Suppose we attempt to apply the principle, and they refuse to act upon it, I ask, if their refusal will not

Well, now, I do not profess to know much about the advantages, political, commercial, naval, or otherwise of Yucatan, but I know this—I know that it is adjacent to the territory of the United States, and I know that we now have an opportunity of taking it without incurring a risk, Great Britain and all other countries of Europe not being in a situation to interfere. The only difficulty I have had on the subject is this—whether the adoption of such a measure now, comported with the existing state of things between this country and Mexico. I leave Great Britain, France, Spain, and all European countries entirely out of the question. Is there any thing in the condition of affairs between this country and Mexico, which would render it improper to adopt the measure at this time, because, even in regard to Mexico, miserable and degraded as she is, I would preserve that good faith which the immortal man, whose likeness hangs above your head, inculcated to be observed towards all nations. What are those relations? I am not going into the causes of the war, although there are incidents connected with the war, which prove, more than any thing has ever proved in the history of the country, the indestructibility, the immortality of truth. There are considerations connected with the history of the war which enable a man to feel the divinity stir stir within him—there are considerations connected with the war which enable the dim crepuscular light of human reason to penetrate the veil of the future, and look through it and discern the majesty of truth. My honorable friend, the Senator from Missouri, no doubt understands this, but I pass it by. I am not going into the Mexican war, I shall merely touch upon some of the incidents connected with the origin of it.

Why, sir, in regard to Yucatan, viewed in connection with our relations to Mexico, if I were disposed to put this question, and discuss it on the ground of humanity, I should derive the strongest argument that I could possibly employ from the existence of our relations with Mexico. We were at war with Mexico; that war has been suspended, if not terminated by negotiations of a treaty of peace, not sanctioned on their side I judge, as every body knows; but, sir, Mexico is a subdued, a conquered country, and is it not the duty of the government of the United States, having conquered Mexico, to extend that protection to the people of Yucatan which the government of Mexico herself might have been able, and if able, ought to have extended if she had not been conquered by the government of the United States. This is our relation in regard to Mexico. Will you deprive that government, by having conquered and overcome her in a thousand well fought fields—will you deprive her of the power of protecting the people of Yucatan, or any other portion of her population, and after having done that, and stepped into her shoes, will you say to her, that we will not perform the office of humanity which you, if we had not interfered and conquered you, ought to have performed, and would have performed? It is, therefore, I think, not only the policy but the duty of the United States, considering the relations now existing between this country and Mexico, to afford that protection, not only to the people of Yucatan, but to every other province and state of Mexico, that Mexico herself, if she had been a stable and strong government ought to have extended, if we had not occupied the position we now do in regard to her. And my honorable friend from Indiana will find no difficulty in carrying out, with his usual ability, the policy of the administration in putting it upon this ground.

Mr. HANNEGAN.—I did put it upon that ground.

Mr. BAGBY.—I am aware of that. It is not only the duty of this government on the ground of humanity connected with policy, but it becomes the indispensable duty of the government for other reasons, to do every thing which, by the measure before you, you are called on to do. I need not remind you that the conqueror comes into possession of the country—he occupies that possession in all respects as the conquered previously occupied it. This is our position in regard to Mexico. I, therefore, have no difficulty upon that score, not the least. My honorable friend from Connecticut—and he knows when I call him my friend it is no holiday phrase—seemed to think that there were views and projects concealed behind this measure, not disclosed by the message nor fairly demonstrated by the bill itself. Well, sir, that may be; I speak for myself, and myself alone; I have not exchanged a word with any member of the administration in regard to this question since it has been before the Senate of the United States, and, therefore, I know not what their views are; but I will tell you what mine are, and I believe they agree with the views of the people of the United States in regard to the policy which this government should pursue. I have a right to speak for myself, sir; you know that I voted for the treaty, not because I thought it was the best that could be made for the protection, promotion, and advancement of our interests; not at all. I voted for it because it was the proposition made by this government, though under a state of things widely different from that which existed at the time the treaty was made; and, as I said before, I would not involve the government of the United States in an act of bad faith, even with miserable, degraded, faithless Mexico. I voted for it for the purpose of giving Mexico the opportunity of pausing again for a moment upon the brink of her destiny before she took the plunge from which neither time nor circumstances would redeem her. I voted for it for that reason, not because I did not want any more of her territory—and I tell my honorable friend from Connecticut that I do not want any of her territory—but I know it is fashionable in the section of country in which I live, and I suppose somewhat so in the ancient and venerable province of New England, a quality which they have inherited from their ancestors, to consider it perfectly lawful, when our neighbors are tumbling and going to ruin around us and no longer able to retain their possessions, to take possession of them if we can get them fairly. Now, that is precisely the state of things, not only in regard to this underrated province of Yucatan, but it is precisely the state of things in regard to the whole of Mexico. No man who looks at the condition of things there can doubt it. Well, but it is said that my honorable friend from Michigan is disposed that the temple of Janus shall be always open, and he would have his park of artillery always playing.

Mr. CASS.—Not always.

Mr. BAGBY.—He will do me the justice to say that I was not one of the war inevitables. But this is not the war policy—it is the peace policy. You are called upon to do this under a certain state of things, and the only question is, whether those circumstances are favorable for the doing of the thing now. Whatever may be the views of the honorable Senator now, I know he had a taste for war some time ago. I have no such taste, and in order to avoid war, I am in favor of doing this thing now, because I do not think it will involve us in war. Has there been a time within your recollection—has there been a time since the reformation, when Great Britain was so little in a condition to interfere with the affairs of other countries, as she is at this present moment. I think not. I am, therefore, in favor of the adoption of this measure, not only because it belongs more properly to us than to any body else—not only because I am satisfied that there is no principle to be violated by it, but I am in favor of it for the reason, that it is less likely to be productive of war now, than it ever will be in your lifetime or mine. There was another agument used against the passage of this bill, which struck me with as much force as almost any other. It was this—That because this was not a case of the highest importance, therefore we ought to let it alone. Well, do not Senators perceive that if they pretermit the principle which they contend for in this case, they set an example of the abandonment of it, which will be dwelt upon in every case that may arise here-

after. I do not believe in the importance of Yucatan either for the purpose of agriculture or commerce; but the great question with me is, whether you can ever get it on better terms, or with less difficulty than you can at present, and whether it is not better for us to take it than permit any body else. That is the question. Well, a further question is, whether by adopting the other ground, the other course of policy, you will not effectually rule out the other great principle involved, to wit: the principle of humanity. No man can doubt, that if we take the country we shall have to protect, to maintain, to occupy it. This, therefore, would have all the effect of accomplishing the ends of policy and the ends of humanity at the same time. A good deal, sir, not of censure or abuse, that has been disclaimed in every quarter, but a good deal of indirect censure has been cast upon the administration because of its course in regard to this measure. It has been said that the information has been withheld from the Executive department so long that it has literally expired. This may be true or it may not; but we have heretofore had sufficient proof to convince us, that a speedy communication of papers by the Executive is not always sufficient to insure the speedy consideration or action of this body. Before it was suspected or dreamed of that a treaty of peace would be formed, the honorable Senator from Michigan, as organ of the Committee on Foreign Affairs, of which he is so able a head, brought forward the ten regiment bill, and I ask if the same reasons for procrastination that are urged now, were not urged then? I suppose that some of my honorable friends on the other side will say, there is no necessity for haste, for though a communication might be sent with hot haste, it would be treated as the ten regiment bill was treated; therefore, I do not think—exercising that sort of courtesy which ought to prevail between different branches of the government—we ought to complain of the President; for we know, that no matter with what speed a communication is made to us, it has not the least effect upon this body. Unless, therefore, Senators were better prepared to act upon this bill some time ago than they are now, I do not see what could have been gained by an earlier communication.

Mr. President, this administration, like all things human, is passing away. It is no administration of mine, except so far as its principles are concerned, and as was said in regard to another great man,

> "While he lives, none can check his wrong acts; none can urge to the mark of their admiration: it will pass without effect over the adamant of his

I place this administration upon its merits, not upon the individuals who compose it, because they are, like most others, not above the lot of fallible humanity. I thank God, that though we have two parties, we have but one country. I admit that it not only requires great prudence and caution, according to the honorable Senator from South Carolina, in producing such a state of things as exists, not only in regard to the Mexican war, but in regard to another great question.

You are told, and the country was told, that it required great mismanagement to bring about this war with Mexico. Well—that may be so. All that I know about it is—and I do not include myself—that some of the soundest intellects in this country said that it would not require any management, or mismanagement on the part of the government of the United States, in order to produce a war with Mexico, but that if certain things were done, war would result inevitably—if the honorable Michigan will allow me to use the term. It was said here, said in Mexico, and said in Texas. The President of Texas, now a Senator on this floor, and his colleague, both said, that if Texas was annexed under the resolutions, as they passed the House of Representatives, war would be inevitable. Is it just therefore, I ask, to say, that in consequence of the mismanagement of this administration, we have been involved in a war with Mexico? Just as well might you say that the glorious scenes of Bunker Hill and Lexington were the causes of the war between this country and Great Britain. They were the glorious effects growing out of the war they were no more the causes of the war than the moth that buzzes about the candle is the cause of giving light. But it is said that this administration not only brought on the Mexican war by mismanagement, but that they have mismanaged this Yucatan business. How mismanaged? Why, because they have not sent the navy to the aid of the people of Yucatan. Well, the navy in the condition of the coast which has been so well described, would be just as ineffectual for overcoming the savages in Yucatan as the attempts of the Lilliputians were in overcoming Gulliver, because there is not a port upon that coast which you can approach, and yet gentlemen say that the navy is the only means that could have been, or ought to be employed. It is so much easier to find fault with what others do than to do right ourselves, that I am not at all astonished that this argument is made. It is the easiest thing in the world to find fault without examining or understanding, but the existence of the fault ought to be well substantiated before judgment is passed upon it. My honorable friend from Connecticut—and I am happy to say that in regard to many things we think and act alike—seems dreadfully alarmed about this manifest destiny. Well, I do not know whether those who use the term understand it. I do not know whether they believe in manifest destiny or not; but I thank God, I do believe in it. I see, in the realization of it, all that constitutes my hopes in life, and it will be my consolation in death. But I do not understand manifest destiny to be the policy of statesmen or the tricks of politicians. I understand the sort of manifest destiny which I embrace, to be the application of the proper instruments to the carrying out of the great design of Providence. That is what I understand by manifest destiny. And how can it be better applied than in regard to the miserable and degraded races, which occupy, not only Yucatan, but the whole of Mexico. My views, sir, in regard to Mexico have been strangely misunderstood. It has been said that I am in favor of taking all Mexico. So I would—not in violation of the rights of any government, or of any individual, but as certain as the sun shines, if we do not somebody else will have all Mexico. It does not depend upon the humanity or upon the avarice, upon the spirit of aggrandizement or the ambition of the government of the United States. It depends upon a cause much more certain and effectual in its operation, and if there be a man alive, who believes that Mexico ever has had, or ever will have a well regulated, settled, established, permanent government, must have some testimony on the subject that I have not. The idea of the Senator from South Carolina is, that we must act with caution, that we must adopt a course of masterly inactivity. Well, if I had never had experience touching the adoption of such a course, I have no doubt I would have been one of the most strenuous advocates for masterly inactivity, because I am slow in habits of thought, and more slow in acting. But how it is possible to distinguish between this case, and the situation in which Texas was placed in regard to British interference, I cannot imagine. The same arguments were then urged regarding British interference. The doctrine which I can never forget, but which I can never relish, was applied here with the effect of the scorpion lash. "Now, or never," was the cry.

I happen to have before me—though I shall not stop to read it, the clear, distinct expression of the opinions of the President of Texas upon that subject, viz: that Texas was about to be sold to England. He said, that if any man entertained such an opinion, he was a much fitter subject for a lunatic asylum, than he was for a place either among Texan or American statesmen. If, therefore, it was necessary for us to act "then or never" in regard to Texas, as the lion's paw was about to be laid upon it, I ask how is it that the same argument and the same reason should not be brought to bear in the case of Yucatan, as in the case of Texas. Well, I think I can account for it. We are all very fond of our own pets, but not so fond of the pets of others. I regretted another thing; I regretted to hear the distinguished Senator from South Carolina say—because he has always been considered one of the ornaments, and one of the chief supporters of the Democratic party—I regretted to hear him say, that in regard to the foreign policy of this government, he had been compelled to co-operate to a very considerable extent with gentlemen on the other side of the chamber. We all knew that—it was not necessary for the Senator to tell us that. He said that the foreign policy of this government for years past had driven him into co-operation with gentlemen of the opposite party. Well, how is this, and why is it, is there any thing in the policy advocated or recommended by Senators on the other side, that comes nearer to the great republican doctrines upon which the gentleman from South Carolina commenced his political course, than there is in that pursued on this side of the chamber? And, if there be, I ask what it is. What is there in the foreign policy of this government which conflicts to any extent, or at all, with the uniform, unbroken practice of the republican party? I suppose it arises from that kind of individual preference which every man, and especially every statesman conceives for the views for his own selection. I consider it my duty, humble as I may be, to say in the presence of the Senate, that there is nothing in the course pursued by this administration which justifies the distinguished Senator in separating himself from the party to which he has always professed to belong. I have been astonished at another thing. We were told that great caution was necessary in the promotion of our opinions in regard to this measure. Well, I concede to the distinguished Senator the ability to make up his opinion with more promptitude, and with less preparation than almost anybody else. However much caution and deliberation may be required on the part of others, he is prepared to take the subject on the wing; or, as he said, at the first hop. In regard to this very case, he pronounced the proposition to be bad the very moment it was suggested, and sounded the note of alarm against it.

I am in favor of doing something in regard to Yucatan. The question is, what is necessary and proper to be done. I have examined the President's message, and I assure you that he does not recommend anything to subject him to the imputations cast upon him. He informs the Senate of the condition of the people of Yucatan—he adverts to the doctrines laid down by Mr. Monroe—he invokes the great principles of humanity, and submits to the determination of Congress, whether they will take any steps in the matter or not. Now the question is, what ought Congress to do? I will tell you what I think Congress ought to do. What I, for one, am disposed to do. I have no disposition to negotiate or diplomatize about, I take the question as it presents itself; and, forasmuch as we have placed Mexico in a condition in which she cannot preserve and protect and maintain the rights of the people of Yucatan herself, therefore it becomes our duty to do it. Notwithstanding the force of my honorable friend from Connecticut, and notwithstanding the saving provision embraced in the preamble and proviso brought forward by my honorable colleague—because they are only explanatory of the bill—if we take possession, if we take military occupation of Yucatan, I think we should hold it. They tell us they are incapable of taking care of themselves—that they have already cut loose from Mexico, and that if they had not, Mexico could take care of them, for she

cannot take care of herself. I am, therefore, without infracting the rights of anybody, any government, or any nation, in favor of taking temporary military occupation of Yucatan, for two reasons—first, because it is our duty to do it; and, next, because it is our interest to do it. Well, where duty and interest combine, I think we should not hesitate; and in regard to this measure, I think there is a perfect combination of interest with duty; and I think above all, that there never will be such another opportunity when we shall be so little embarrassed by circumstances either abroad or at home, as that in which we are called on to act in regard to this question. I shall therefore vote, without regard to the particular form in which the measure may be put—for I should be willing to vote for any measure that will enable us to occupy Yucatan most effectually, until she is prepared either to sustain herself, to go back to Mexico, or, what I think much more probable, until she is annexed to the United States. It may be a hard bargain for us. It is said to be a land of lizzards and snakes. But I never heard of but one land where there were no reptiles; but whatever may be the condition of Yucatan in this respect, I would go forward, notwithstanding all the lizzards and snakes that may be found in that country. There is a sensible difference of opinion in regard to what would be the result of this temporary occupation; but I am in favor of this occupatian, leaving the result to futurity; and I am in favor of taking occupation immediately, and of holding it, until we ascertain what is best finally to be done with it. That is my opinion in regard to Yucatan.

On motion,

The Senate then adjourned.

WEDNESDAY, MAY 17, 1848.

MEMORIAL OF THE LEGISLATURE OF MASSACHUSETTS.

Mr. DAVIS, of Massachusetts, presented a memorial and resolutions of the Legislature of that State, in favor of the reduction of the rates of postage; which were laid upon the table and ordered to be printed.

MANNER OF PAYING THE INTEREST ON THE PUBLIC DEBT.

Mr. NILES submitted the following resolution for consideration:

Resolved, That the Secretary of the Treasury be directed to report to the Senate such information as may be in the possession of the Treasury Department, in regard to the manner in which the interest on the public debt has been paid at Boston, New York, Philadelphia and other places at which the interest on the public debt is paid; and particularly that he inform the Senate whether, in any instance, payment has been made in any other medium than gold or silver.

NEW YORK AND NEW ORLEANS STEAMERS.

Mr. DIX, from the Committee on Commerce, to whom were referred the amendments of the House of Representatives to the bill extending privileges to American vessels engaged in a certain mentioned trade, and for other purposes, reported the same back with a recommendation that the Senate concur therein.

The Senate proceeded to consider said amendments; and it was

Resolved, That they concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

PRIVATE BILL.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions to whom was referred the bill from the House of Representatives for the relief of William Vice, reported it without amendment.

ADVERSE REPORT.

Mr. BRIGHT, from the Committee on Naval Affairs, to whom the documents relating to the claims of Hugh Wallace Wormley were referred, submitted an adverse report; which was ordered to be printed.

THE PATENT OFFICE BILL.

Mr. WESTCOTT, from the Committee of Conference, on the part of the Senate, on the disagreeing votes of the two Houses on the bill, "to provide additional Examiners to the Patent Office, and for other purposes," submitted the following report.

"That after full consultation, the Committee recommend that the Senate do recede from its resolution disagreeing to the following amendments of the House to said bill, viz:

1st. The amendment striking out the words in line 17 to line 20, section 2, "and he shall also require to be paid a fee of five cents per volume, for examining the records of the Patent Office."

2d. The amendment striking out the words in lines 2 and 3, section 3, "that the Commissioner of Patents is hereby authorized to appoint," and inserting in lieu thereof "that there shall be appointed in manner aforesaid."

And that the said amendments be agreed to by the Senate.

And the Committee recommend that the House recede from its amendment in line 17, section 1, striking out the words, "twenty-five hundred," and inserting the words "two thousand," and agree to said section as it passed the Senate, with the following proviso to be added to said section:

"*Provided*, That the power to extend Patents now vested in the Board composed of the Secretary of State, Commissioner of Patents, and Solicitor of the Treasury, by the 18th section of the act, approved July 4, 1836, respecting the Patent Office, shall hereafter be vested solely in the Commissioner of Patents; and when an application is made to him for the extension of a patent according to said 18th section, and sixty days' notice given thereof, he shall refer the case to the principal examiner having charge of the class of inventions to which said case belongs, who shall make a full report to said Commissioner, of the said case, and particularly whether the invention or improvement secured in the Patent, was new and patentable when patented, and thereupon the said commissioner shall grant or refuse the extension of said patent upon the same principles and rules that have governed said Board, but no patent shall be extended for a longer term than seven years."

And the committee recommend that said bill be passed so amended.

STATISTICS OF AGRICULTURE AND MANUFACTURES.

The joint resolution requiring the Commissioner of Patents to report annually upon the prices of labor, and the productions of agriculture and manufactures, was read the second time.

RECOMMITTED.

The joint resolution for the relief of Clements, Bryan and Company, was read a third time; and

On motion by Mr. MASON, it was

Ordered, That it be recommitted to the Committee of Claims.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed their bill of the Senate explanatory of the act entitled "An act to raise for a limited time an additional military force, and for other purposes," approved 11th February, 1847, with an amendment, in which they request the concurrence of the Senate.

They have passed bills of the following titles:

An act making appropriations for the payment of Revolutionary and other pensions of the United States for the year ending the 30th June, 1849.

An act to authorize the issuing of a register to the brig Encarnacion.

An act extending to John Whitsell's heirs the privilege of purchasing a quarter section of land which was given to him by an act approved March 2d, 1839.

An act to amend the act entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant preemption rights," approved September 4th, 1841—in which bills they request the concurrence of the Senate.

HOUSE BILLS REFERRED.

The bill from the House of Representatives making appropriations for the payment of revolutionary and other pensions of the United States, for the year ending the 30th June, 1849, was read the first and second times, by unanimous consent, and referred to the Committee on Finance.

The bill from the House of Representatives extending to John Whitsell's heirs the privilege of purchasing a quarter section of land which was given to him by an act approved March 2d, 1839; and the bill to amend the act entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved September 4th, 1841, were severally read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

BRIG ENCARNACION.

The bill from the House of Representatives to authorize the issuing of a register to the brig Encarnacion, was read the first and second times, by unanimous consent.

The Senate proceeded to consider said bill, as in Committee of the Whole, and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time, by unanimous consent.

Resolved, That this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

BOUNTY LANDS TO OFFICERS PROMOTED FROM THE RANKS.

The Senate proceeded to consider the amendment of the House of Representatives to the bill explanatory of the act enrtitled "An act to raise for a limited time an additional military force, and for other purposes," approved 11th February, 1847; and it was

Resolved, That they concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

CHARTER OF THE CITY OF WASHINGTON.

The bill from the House of Representatives to continue, alter, and amend the charter of the city of Washington, was read a third time; and it was

Resolved, That this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

SCHOOL LANDS.

On motion by Mr. JOHNSON, of Louisiana, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill to authorize the relinquishment of the sixteenth section, in certain cases, and the selection of other lands in lieu thereof.

No amendment being made the bill was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

ROBERT FURKIS.

On motion by Mr. GREENE, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill authorizing the payment of a sum of money to Robert Furkis.

Mr. GREENE moved to amend the bill, so as to increase the sum allowed from "four hundred dollars" to "seven hundred dollars."

Mr. GREENE.—This bill has passed this body twice, once granting the sum of five hundred dollars, and afterwards four hundred dollars, with interest from 1813 or '14. The committee have now reported a bill by which they have proposed to give the sum of four hundred dollars only. Without reading the report which accompanies the bill, I will briefly state the facts upon which the bill is founded. Robert Purkis was a seaman in the coasting trade in the winter of 1812. The vessel in which he sailed was captured and despatched under the command of a prize master and three men for one of the ports in the British possessions. Purkis being the only man left on board, of the original crew, advised the officer in command that the vessel was not safe unless the dead lights were put in below. The officer, with two of his assistants, having gone below to perform this work, Purkis slipped the companion way over, and fastened it with a nail and hammer; and it being dusk, he then presented his hammer at the head of the man at the helm, who, supposing it to be a pistol, suffered Purkis to take possession of the helm, and he bore away for an United States port. If this had been done by a man in the service he would have been entitled to four hundred dollars prize money, one hundred for each man. He was then a young man, and insolvency was less an object to him than at a later period. He asked nothing of the government then, for he had strength and ability to take care of himself. He is now an old man, poor, sick and infirm. His application has been tendered here some three years, and he now asks Congress, not to pay him the four hundred dollars and interest, which would amount to something like eleven hundred dollars; but, according to the amount the committee propose to give him, it will be about seven hundred dollars in all. There can be no objection, I apprehend, in this case, on the ground of a violation of precedent, because the whole thing is a gratuity. It is not a debt, technically speaking, that the government owes to this man; but it is an equitable claim, for services, which, if performed on board another vessel, would have entitled him to this amount. It is a violation of no principle. If we make it a gratuity, we can make it according to our sense of what is equitable and just towards this man. I think there can be no hesitation on the part of the Senate to make the grant; there cannot be a worthier object.

Mr. WESTCOTT.—The committee, I believe, was disposed to allow the full amount of $400 with interest. To this I strenuously objected; but I have since had conversations with the Senator from Rhode Island on the subject, and I am strongly of the opinion that interest ought to be allowed. I was somewhat doubtful at first, whether the conduct of this applicant was of such a nature as entitled him to the grant. But I have wholly satisfied myself upon that point.

Mr. GREENE.—The circumstances attending the case are perfectly well known in the State from which I come, as in a small State like that may very naturally be the case. I may state also that there is a precedent—an act somewhat similar to this, compensating a citizen of South Carolina for a service of a like kind as early as 1815 or 1816.

The question was then taken upon agreeing to the amendment, and it was determined in the affirmative.

No further amendment being made, the bill was reported to the Senate and the amendment was concurred in.

Ordered, That the bill be engrossed and read a third time.

The said bill was read a third time.

Resolved, That the bill pass, and that the title thereof be "An act [illegible]."

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

NOTARIES PUBLIC.

On motion by Mr. BADGER, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill to authorize notaries public to take and certify oaths, affirmations, and acknowledgements in certain cases, together with the amendment reported thereto.

The reported amendment having been agreed to,

Mr. BADGER moved further to amend the bill by adding the words "District of Columbia" after the word "Territory," wherever the latter occurs in the bill; which was agreed to.

No further amendment being made, the bill was reported to the Senate, and the amendments were concurred in.

Ordered, That the bill be engrossed, and read a third time.

The said bill was read a third time.

Resolved, That this bill pass, and that the title thereof be "An act [illegible]."

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

CLAIMS FOR LOSSES IN THE FLORIDA WAR.

On motion by Mr. WESTCOTT, the prior orders were postponed, and the bill providing for the obtaining testimony in relation to claims for losses sustained in the late Florida war, was read the second time and considered as in Committee of the Whole.

Mr. WESTCOTT.—I will state that this bill has been carefully prepared by the Committee on Claims. The object is to provide for taking testimony in relation to losses occasioned by Indian depredations during the late Florida war. The bill contains a section which expressly provides that the government shall not be made liable for these claims, by reason of any proceedings taken under its provisions.

Mr. BREESE.—I would like to hear the honorable Senator explain why there should be a difference in the mode of proceeding in relation to claims arising in Florida from that in relation to claims in other States. I can use no other earthly reason why a separate commission should be established for the purpose of taking testimony in relation to claims in Florida. There is, I believe, a bill now before the House for establishing a general system for taking testimony in relation to claims. I think it will be better to postpone action upon the subject until that bill comes before us.

Mr. WESTCOTT.—I will answer the gentleman in regard to the importance of establishing this commission. It is of importance as regards the expenditure attending the collecting of testimony in relation to these claims, which will not, under this bill, exceed $2,000. It is important, in this view, to my own State, but of still more importance to the government. As far as regards any liability to be assumed by the government, under the operation of this bill, it is expressly guarded against. It is important to the government for this reason. These claims are of a peculiar character; there are many of them which are admitted to be good, whilst this is denied in regard to others; but all of them, good, bad, and indifferent, if this commission be not established, must come here to be investigated, and many of the witnesses are officers who are in the army, and now in Mexico. The cases are all dependent upon a very nice principle; the government is liable in some, and not liable in others. I believe that without some such measure as this, claims which have no good foundation will be allowed beyond the amount which this commission would cost. In regard to the House bill, I have no more idea it will pass, than I have that a dozen other projects that are before this body will be adopted. Besides, I am not prepared to vote for that bill. I am not for increasing the number of Federal officers, who, for the most part, devote very little attention to their business. I cannot conceive of a greater good than the establishment of a board for examining claims generally; but from what I have heard, I have no idea that bill will pass. I trust the honorable Senator from Illinois will withdraw his opposition, and that the bill will be allowed to pass.

Mr. CLAYTON.—The honorable Senator from Florida announces to us, that when the bill comes here from the House, he will be prepared to vote against it. Now, I take this opportunity of telling the honorable Senator, and all who are opposed to that bill, that I shall vote for it, and I hope there will be a majority on this floor to sustain it. This is not, however, the time to discuss that bill. In my judgment, this bill is to lay the foundation for the expenditure of millions of dollars out of the Treasury. The Senator thinks it will diminish the amount of claims, to be finally paid by the government. I am of the directly opposite opinion. Here we have appoint a commission to go into Florida, and hunt up testimony in favor of these claimants. Why should we, as the Senator from Illinois has suggested, adopt a more liberal rule in regard to claimants in Florida, than in regard to other claimants. Is it because of distance merely? There are other States equally distant; they would have a right to make the same application, and we shall never know where to stop.

Mr. WESTCOTT.—I will state that a similar provision was adopted, after the war of 1812, for taking testimony on the northern frontier.

Mr. CLAYTON.—Yes sir. But a bad precedent should not be followed. On a former occasion, when a bill was pending before the Senate for the payment of money in a case in which I thought the individual was entitled to relief, I recollect that opposition was offered by the Senator from Florida, on the ground that he was no more entitled to relief than all other claimants, who, upon the principle recognized in our acts of Congress heretofore, were entirely disregarded by the government. It was contended that this government was bound to pay for all depredations in the destruction of property, whether committed at the time, when such property was in possession of the military force of the United States, or not. I am not willing, and I trust the Senate is not to go beyond the original principle. Now, this bill provides for taking testimony in all cases. Whether the evidence furnishes the foundation upon which we have been in the habit of acting, or not; and I take it, that the honorable Senator will insist that we are bound to pay for taking all this testimony. Where are we to stop? I say again that it will bankrupt the treasury; I am opposed to the principle. With respect to the bill before the House, if we should not succeed in establishing a board of examiners, let us pursue the same course that has been pursued heretofore in relation to all claims under similar circumstances.

Mr. UNDERWOOD.—If the bill which is said to be pending in the other branch of Congress passes that branch, I shall be inclined to vote for it. But whether that bill comes here or not, my opinion is, that this bill, or something like it, ought to be adopted. I was a member of the committee that prepared the bill. It is not exactly the project that I presented to the committee, but, because my particular notions did not prevail, I do not feel the less inclined to support that which the committee resolved to present. It is not, as gentlemen seem to suppose, the policy that claimants in Florida shall be placed upon a different footing from that of

claimants in other parts of the United States. It is not to discriminate in favor of Florida claims. Far from it. But it is to prescribe a rule by which the interests of the government shall be protected. That was the leading motive of the committee. It was the motive by which I was influenced, at least, and I take this occasion to say to the Senate, that unless some such rule is established, we never shall have justice administered to the claimants. The object of this bill is to get clear of the evil of *ex parte* testimony. And any gentleman who compares the southern claims the Senate has thought proper to assign to me, will see day after day, and hour after hour, the great danger there is in doing injustice to the government, from the fact that all evidence before us is *ex parte*, exhibiting apparently good claims against the government, when, at the same time, if they were thoroughly sifted, there would be no foundation for them to stand upon. Sir, I could give you instance after instance of this in regard to these very Florida claims. The establishment of a commission would, in my humble judgment, save thousands if not hundreds of thousands of dollars to the government. Does not every body know that the history of our judicial proceedings has established the propriety and necessity of rejecting in all questions between individuals, *ex parte* testimony? And will you disregard the importance of a rule which has been sanctioned for a thousand years?

Mr. BERRIEN.—What sort of general system is proposed to be adopted?

Mr UNDERWOOD.—I will answer the Senator. The provisions of the law which I proposed, were somewhat like these—that every private claimant against the government shall, in the first instance, present his petition to the District Court Judge. The Judge shall issue a commission, and appoint an individual to take testimony on the part of the government, and transmit that testimony for the action of Congress. The committee did not think proper to adopt this project, and when I found it was likely to fail, this question presented itself to my mind. Here is a very numerous class of cases growing out of the Creek and Seminole war existing upon the frontier of the United States; more of that class having been presented for the consideration of the committee than from all the rest of the Union together. Now, if I cannot get a general law applicable to all cases, it seemed to me good policy to get a law applicable to this numerous class of cases. Not being able to get all I wanted, I was disposed to take part, rather than none at all. That is the policy upon which I acted, and it seems to me that is a wise policy for the Senate to adopt. My opinion is, that if the matter be placed in the hands of commissioners industriously disposed, twenty times as much as the expenses of the commission will be saved to the government.

On motion by Mr. HANNEGAN, it was

Ordered, That the further consideration of the bill be postponed until to-morrow.

THE YUCATAN BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to enable the President of the United States to take temporary military occupation of Yucatan.

Mr. DIX.—Mr. President, I said yesterday, when I offered the amendment which you have just announced as the question first to be decided by the Senate, I should be quite willing that the vote should be taken upon it without discussion; but that if the debate proceeded, I should have something to say in support of my motion. I find the whole subject is to be further discussed; and so many enquiries have been addressed to me, by members of this body, in relation to the particular object of the amendment, that I feel myself called on to explain it. I shall, at the same time, avail myself of the opportunity to make some remarks upon the general question. In doing so, I feel that I shall labor under some disadvantage, as I was not present during the first week of the discussion, and have not had time since to read the printed report; so that it is possible I may, in the remarks I shall make, cover ground which has already been better occupied by others.

The question presented to us by the bill we are considering, is not in itself a very simple one; and it appears to me that it has been converted, perhaps not unnecessarily, into one of still greater complexity. I shall endeavor, in what I have to say, to divest it of some, at least, of its complications.

The State of Yucatan is distracted by an internal conflict between the different classes of which her population consists. She has applied to us, and to other nations for aid; and she tenders her political sovereignty to any power which will take her under its protection. Sir, there can be no higher evidence of the hopelessness of the condition to which she is reduced. And I recollect no other instance, in modern times, at least, in which a State has offered to surrender its nationality to a foreign power, for the purpose of being protected against itself. The President has called our attention to the subject in a special message; and I think he would have been indefensible if he had not done so. He submits no proposition to us, but leaves it to the judgment of Congress to determine what measures shall be adopted to prevent Yucatan from becoming the colony of a European power, and to rescue the white race from extermination or expulsion. The Committee on Foreign Relations, in pursuance of the suggestion of the President, has reported a bill authorizing him to take temporary possession, or occupation of the country, and providing arms, munitions of war, ordnance, and troops for that purpose.

The first suggestion which occurs to us, is, that this is an internal dispute, in which, under ordinary circumstances, we could not properly take part. We insist on the principle of non-intervention in the affairs of other independent States. We hold every violation of this principle, to be an offence against the common order, and the common tranquility of civilized society. We insist upon its observance by other nations. Our first duty, then, is to observe it ourselves.

Is there any thing in the peculiar relations of Yucatan to the United States, and to Mexico, which would authorize us to interpose and perform a high duty of humanity, without violating the rule I have stated. Upon the solution of this question, the propriety of our interference mainly depends. In my judgment, from the examination which I have been able to give to the subject, the circumstances do warrant our interference in some efficient mode; and I shall be happy, if I can succeed in making this conviction as apparent to the mind of the Senate, as it is to my own. In attempting to do so, it will be necessary to examine the relations, past and present, of Yucatan to Mexico, and the existing relations of both to us.

Yucatan, I believe, was never comprehended in the vice-royalty of Mexico, under the old Spanish dominion—at all events, excepting for purposes of revenue. She was under a separate government, or captain-generalcy, and communicated directly with the court of Madrid. In 1821, she succeeded in establishing her independence without the aid of Mexico; and when the empire was formed under Iturbide, she became united to it under certain conditions. On the fall of Iturbide, and the dissolution of the empire, she again became independent. When the constitution of 1824 was adopted by the United Mexican States, she became a member of the confederation, with the distinct declaration, that her connexion with it should continue only so long as that constitution was preserved inviolate. In 1834, when the constitution of 1824 was subverted by Santa Anna, she became independent a third time. But an army was sent against her by Santa Anna, I believe under the command of his brother-in-law; Merida, the capital, was taken, her militia disbanded, some of her principal citizens banished, and she was in fact reduced to the condition of a military despotism under the authority of the central government of Mexico. The same attempt was made on Texas, who was happily more successful than her southern sister, in repelling it.

This state of things continued until 1840, when Yucatan threw off her subjection, proclaimed her constitution, and was on the point of declaring her independence, when a negotiation was entered into with Mexico, which resulted, in 1841, in a treaty leaving her a part of Mexico, but with certain separate powers in respect to her constitution and laws, and, I believe, especially in regard to her revenue, which was left independent of the general revenue system of the republic. This treaty, though executed by commissioners on both sides, and agreed to by Yucatan, was never ratified by Mexico; and in 1842 another army was sent into Yucatan—Merida was again invested—Campeachy was bombarded for several months; but in the following year, the Mexican forces were defeated or withdrawn; and at the close of 1843, she became again united to Mexico, with some reservations of sovereignty beyond those possessed by the other Mexican States. In consequence of the bad faith of the Mexican government, and the differences that were constantly springing up between them, she declared on the first of January, 1846, the connection dissolved; and in March of that year, when war between the United States and Mexico was considered imminent, she refused to furnish men and money on the requisition of the central government. In August, 1846, about two months after the commencement of the war, an extraordinary Congress was convoked in Yucatan, chiefly through the influence of the friends of Santa Anna, who was then in Cuba, and by a majority of one vote he was declared to be the President of Mexico. This decree, however, was soon after annulled—and the declaration of the first of January, 1846, was revived and ratified with the popular sanction. From the commencement of the war, therefore, except for the very brief period I have mentioned, Yucatan has maintained an attitude of strict neutrality.

Notwithstanding these repeated charges, I doubt whether the severest critic on the policy of Yucatan with Mexico can be considered complete. Her withdrawal from the Union has never been sanctioned by Mexico; nor is it quite apparent that her position, past or present, carries with it the attributes of an effective and an unqualified independence. In a qualified sense, indeed, she may be said to have been independent, but we have constantly treated her as a part of the Mexican republic, though abstaining from acts of hostility against her on account of her refusal to take part in the war against us. She complains, that while not considering her as an enemy, we have nevertheless not treated her as a friend or a neutral. We have occupied the port of Laguna, in the Island of Carmen—one of the islands which nearly shuts out Lake Terminos from the southern portion of the Gulf of Mexico. The ground of this occupation on our part, was, that a trade in contraband was carried on between that port and Tabasco, which was hostile to us, and which borders on Lake Terminos.

Such, then, is the political condition of Yucatan, an integral portion of Mexico, having no active participation in the war against us, and maintaining, for the most part, a strict neutrality. The peculiar relation in which Yucatan stands to Mexico, and to us, undoubtedly complicates the question of our interference in her domestic affairs. We have entered into a treaty with Mexico; and although we are not permitted here, to speak definitely with

regard to its stipulations, enough has been made public in a legitimate way, to show that we are precluded from undertaking any hostile enterprise against any portion of the Mexican territory or people. An armistice has been agreed on, and is now in force, preparatory to the evacuation of the country, in case the treaty is ratified. These facts have become matters of public notoriety, not through the action of this body, but through the acts of the two governments, legitimately performed in execution of the preliminary articles of agreement. Under these circumstances, it appears to me, that the military occupation proposed by the bill, even though temporary, may be considered incompatible with a strict construction of the treaty. As I have already said, we have constantly treated Yucatan as a part of Mexico. The President so considers her in his special message calling our attention to the subject. This being conceded, the stipulations of the treaty are as applicable to her as to any other department or State of the Mexican republic. We can only do in respect to her, what we may do in respect to Jalisco, Tobasco, or any other of the Mexican States. Military occupation, in its commonly received sense, implies, if carried out, a displacement or subversion of the existing government. It would be no defence to say that Yucatan voluntarily submits to our power. Should we be authorised, this treaty being in force, to occupy by military force the State of Tobasco for instance, if the local government were willing to submit to us? No, sir. I apprehend that the sanction of the central government would be necessary to warrant it. In like manner, Yucatan, being a part of Mexico, it appears to me that the military occupation of that State by us would require the sanction of the central government. This rigid construction of the treaty may seem technical and over-scrupulous. Perhaps it is so. But in all matters involving the inviolability of international engagements, the strictest performance of stipulations is not only the part of prudence, but of imperative duty. We should afford no pretence for imputing to us an act of bad faith. Now, it is only to the form of the interposition—to military occupation and its incidents—that I object. And I trust my friend from Indiana, the chairman of the Committee on Foreign Relations, [Mr. HANNEGAN,] will not adhere to the first section of the bill with tenacity, if he shall be satisfied that there is any other form of intervention which is unobjectionable, and that will, at the same time, accomplish the same end—which will avoid all pretext for the imputation of violating the treaty, and yet enable us to effect every legitimate object of the interposition. And here I desire to say, that I approve of the first and second sections of the bill, providing arms, munitions of war, and troops, to put an end to the war of devastation in Yucatan. I know nothing more revolting in the history of modern times, than the exterminating warfare carried on by the aboriginal against the European races. Neither age nor sex, nor even the sanctity of religion is respected. The infant is slaughtered at the mother's breast; the priest is immolated at the altar. It is not legitimate warfare; it is cold-blooded, atrocious murder.

So far as we are permitted, by international obligations and by constitutional forms of political organization at home, I am disposed to interfere for the purpose of putting an end to transactions so repugnant to every dictate of humanity, and every principle of civilization. I am willing to vote for the 2d and 3d sections of the bill. For the 1st section, I have proposed a substitute, which I will now read:

[illegible]

The difference between the original section and the substitute is this: the former authorizes the President to take military occupation or possession of Yucatan. The substitute authorizes him to employ the army and navy to assist the government of Yucatan in putting an end to the unnatural warfare carried on within that State. In the first case, the government would be virtually superceded; in the second, we should act in conjunction with it. And, sir, if we should decide to act, I should entertain a strong hope that our interposition might be speedily effected. With the moral power of our victories in Mexico, a discreet officer going there, as much in the capacity of pacificator as a combattant, might, aided by a small force, be able to restore harmony and peace between the contending parties.

But for the treaty with Mexico, and the armistice entered into with a view to its execution, I think the President would be fully authorized, in the conduct of the war, to do all that is proposed by the bill. It is the peculiar relation in which we stand to Mexico, of which Yucatan is a part, which presents, in my judgment, an impediment to military occupation. As it is, the treaty being in force, I think if we had troops to spare in Mexico, they might be sent into Yucatan by the President, to aid the government in bringing about a termination of hostilities. If the Indians should attack the Mexican settlements in Coahuila or Durango, or any other portion of the republic, does any one doubt that we might detach a portion of our troops in Mexico to aid those settlements in defending themselves, without violating the armistice or the treaty? It would be an act of friendship and of mercy—not an act of hostility; and it is only against offensive operations, that the treaty and the armistice are intended to guard. The honorable Senator from Mississippi, [Mr. DAVIS,] suggests that the terms of the armistice require that we should interpose, whenever a necessity arises, to protect any part of the Mexican republic from the incursions or attacks of the Indians, that we have so interposed, and he considers it to be applicable to this case. Under this view of the subject, the interposition of Congress is required, rather with a view to provide the President with the means, than to confer upon him the authority to act. But, in placing the army and navy at his disposal, for a special purpose by law, it seems proper to define the conditions under which they shall be employed. This is done by the substitute, which declares that he shall act with the concurrence of the government of Yucatan. Thus all pretence of violating the treaty or the armistice will be obviated.

Is there any violation of international obligations, so far as they depend on principles of public law, in extending to Yucatan the required assistance? I think not. We are already in the occupation of a portion of Yucatan. Our fleet has, for a long time, been in possession of Laguna, and thus commanded a large portion of the coast. We have exercised, not only military, but political authority there, holding stations, imposing duties, and collecting revenue. Indeed, Yucatan complains, that by this very assumption, or exercise of authority, we have deprived her of her revenues, and diminished her ability to provide against the exigencies in which she is placed. This is one of the grounds on which she appeals to us for succor. She asks us to give back to her, in one way, the means we have taken from her in another. In this view of the subject, it is as much redress as aid, which she seeks.

Sir, I think there is some truth in what she says. But, whether that be so or not, the very fact that we are in the occupation of a portion of Yucatan, takes the whole case out of the ordinary rule of non-intervention. We occupy one of her sea ports under the laws of war. To aid the existing government under such circumstances, in subordination to its own wishes, in restoring tranquility and putting an end to domestic dissensions, cannot be declared a violation of the rule, that one nation shall not interfere in the domestic concerns of another. Indeed, but for the treaty, we might interfere without the consent of the government, having already partial occupation. It is only the obligations arising under it that make such consent necessary at all.

If we were at peace with Mexico and Yucatan, I confess I should very much doubt whether we could, on any consideration of humanity, interpose between parties engaged in intestine conflict with each other, however strong our inclination might be. I will not say that there are not obligations of duty to our fellow men, which rise above all the restraints of political organization and government. But it must be a very extreme case, which can authorise us, even from motives of humanity, to exercise powers not expressly conferred by the constitution and laws, by which we are governed. Nothing, perhaps, short of an exigency threatening to uproot the very foundations of civilized society, or concerning our own self-preservation, would warrant any other than a strictly constitutional exercise of power. But I see no such embarrassment in this case. Under the laws of war—by virtue of the occupation of one portion of Yucatan—it appears to me that we may perform, in respect to any other portion, every obligation which humanity dictates and enjoins. I have no hesitation, therefore, so far as the right of interposition is concerned, to vote for the second and third sections of the bill, and I am willing to vote for the first section so amended, as to make our interposition subordinate to the government of Yucatan, to make it an act of friendship to her, without being an act of hostility to Mexico.

Mr. President, in discussing the bill providing for the satisfaction of certain claims in California, I stated that the Indians in Yucatan were abundantly supplied with arms; and that some of these arms were of British manufacture. I did not intend to intimate that they were furnished by the government of Great Britain, or by agents acting under her direction or authority. I supposed then, as I suppose now, that they were, for the most part, procured from British traders at Balize, in the way of exchange; and I have been confirmed in that belief by an article in a British newspaper published at Kingston, Jamaica, stating that an exterminating war was carried on by the Indians in Yucatan, by means of arms procured from British traders, and condemning the latter for engaging in a traffic which was the source of so much wanton cruelty and inhumanity.

By another article taken from the same paper, it appears that a commissioner has been sent from Yucatan to Balize, to invoke the observance of treaty stipulations by Great Britain, in respect to the sale of arms and ammunition to the Indians. I will read it to the Senate:

[illegible]

This traffic has been carried on in violation of an ancient treaty with Spain; and not very ancient either. By the treaty of London, 1786, it was expressly stipulated by Great Britain that she would strictly prohibit all her

[illegible]

Mr. Sierra, in one of his notes to Mr. Buchanan, states that the British authorities at Balize, have consented to prohibit the sale of arms and ammunition to the Indians, though he expresses a doubt whether the assurance will be observed in good faith. I should have inferred from the assurance thus given, that the obligations of the treaty referred to, were recognized as of binding force, though the pledge might have been given from motives of humanity.

But I find by an article in the Times, a newspaper published

at Balize, that the British authorities have refused to recognize the obligation of the treaty of 1786. I will read an extract from it, that what I say may not be misunderstood.

[redacted]

Here follows the stipulation which I have quoted. The Times then continues:

[redacted]

must be, however, known to all, that none of the neighboring Spanish republics can [redacted] that all the caution which can be exercised by our merchants, should be exercised to prevent powder or arms being sold to the Indians; and even as a matter of mercantile speculation, we think that it will even mainly be of more importance to our trade [redacted]

These remarks are in the nature of a strong appeal to the humanity of the merchants. It does not appear by this article what effort the British authorities at Balize have made, if any, to prevent the sale of arms and ammunition to the Indians. But it does appear, that they deny the obligation of the treaty of 1786. And, certainly, the inference is, that they have not interposed from motives of humanity, and prohibited the traffic; for, if they had, this appeal by a newspaper to the humanity of the merchants, would have been [redacted].

Mr President, it would be a very harsh judgment to suppose that the British authorities at Balize had connived at the trade for the purpose of expelling the Spanish race, and thus facilitating the extension of the dominion of their own sovereign. Even if it were for the interests of Great Britain to do so, such a supposition should not be made without the strongest evidence. But, sir, I do not think it unreasonable or harsh to suppose this contest is encouraged by British traders, who have pecuniary interests there, and whose gains might be increased by the expulsion of the Spanish race; for, in that event, the whole peninsula would fall under the dominion of the Indians. British subjects would more readily gain a foothold there; having once gained it, they would be protected by their government, and it would not be surprising to see the protection of Great Britain extended over the Indian population. It appears to me that we cannot doubt such a probability without wilfully closing our eyes against light. This process of extension is in progress at the very moment when we are discussing and doubting it. Let me state a few facts in reference to the settlement at Balize, to which I have already referred. It was first recognized specifically as a British settlement by the treaty of Versailles in 1783, though there is a provision in the tripartite treaty of 1763, (that which terminated the old French war here,) recognizing the right of Great Britain to occupation in that quarter generally. But the treaty of 1783 is the first in which the settlement is distinctly recognized. The right of occupation was given for a specific purpose. It gave only the right to cut logwood, build houses and magazines for the convenience of the workmen and their families, and to enjoy a free fishery for their subsistence on the coast. Great Britain expressly stipulated to demolish all fortifications, if there were any, and to erect no more. The sovereignty of Spain was expressly reserved. The limits of the territory, in which these advantages were to be enjoyed, were carefully defined. I have traced them on the map, and I find they did not exceed an area of two thousand square miles, if the rivers Hondo and Balize, the northern and southern boundaries, are accurately laid down. By the treaty of 1786 they were extended south to the river Sabun, making, at the utmost, an area of four or five thousand square miles. According to Arrowsmith's London Atlas, published in 1840, that settlement has an area of fourteen thousand square miles—three times its original extent.—Nor is this all. By the Encyclopædia Britannica and Martin's British Colonies, it is claimed to have an area of more than 62,000 square miles—a surface exceeding that of the entire Peninsula of Yucatan. In what direction it is proposed to extend the settlement in order to comprehend these sixty or seventy thousand square miles of surface, does not appear. It is left in doubt by the respectable authorities I have named, under the most ungeographical declaration that "the inland boundaries are ill defined," though they were most critically defined by the treaties of 1783 and 1786. With this shadowy boundary, which leaves every thing undetermined, excepting on the side of the Bay of Honduras, the sea, where nature has drawn a line, which man cannot make uncertain, it may be defined hereafter according to circumstances. They may be extended north into Yucatan, south-west into Guatemala, or south-east into Honduras, and in the latter case form a junction with the territories of the Musquito king.

And, by the way, the name of this newly created sovereign reminds me that there are some indications of extension further south, which are not very easily reconciled. By the treaty of Versailles, Great Britain stipulated that her subjects should abandon all other portions of the Spanish continent and retire within the limits of the settlement at Balize. By the treaty of London, she stipulated to evacuate the country of the Musquitos *eo nomine* as well as the continent in general, and the islands adjacent, without exception. I believe she did evacuate them, and I am not aware that she has occupied the country of the Musquitos again in her own name. But she has done what is equivalent to occupation, she has taken the king of the Musquitos under her protection, she has assumed to define the limits of his dominions, she has given notice to the Central and South American governments that they are not to interfere with those limits; she has sent ships to the coast and troops into the interior, maintaining the former there under the name of the Musquito navy. She is encroaching on the Central American states, attacking forts, appropriating territory, and making war on the people. It is only about a month ago that we learned she had attacked and taken possession of the town of Nicaragua, and killed some seventy or eighty of the Central Americans. She has recently sent black troops there, not only from Jamaica, but from New Providence on the confines of Florida, to maintain the authority of the Musquito king, the chief of a band of naked Indians, himself scarcely more elevated on the social scale than his followers. His throne a sand hill, his sceptre a reed, his robe a blanket, he puts armies and fleets in motion, speaks to the nations through the mouths of British diplomatists, and invades the territories of neighboring states by sea and land, with

[redacted]

I do not hesitate to say that so broad a farce as this has never been enacted, with so much gravity, by a respectable state. It would be a farce under all its aspects, were it not for the encroachments upon the Central American states, of which it is the source. To them it is a matter of the most serious import, and it has met their solemn and repeated protests.

[NOTE.—It is due to fairness, inasmuch as some of the arguments contained in the text are drawn from constructions put upon treaties and other public records by the Central and South American states, to exhibit the grounds on which Great Britain rests her claim to the authority she is exercising in the country of the Musquitos. They are as follows:

1st. "Sometime after the conquest of Jamaica by the expedition sent forth by Oliver Cromwell in 1656, the Musquito king, with the concurrence of his chiefs and people, placed themselves under the protection of Charles the Second; and the governor of Jamaica, in the name of his sovereign, accepted this union, and promised them the royal protection."

2d. In 1749 a fort was erected by a British force from Jamaica, and the royal flag was hoisted, "thus making a formal publication to all the world, and to the crown of Spain, that the independent country of the coast was under the direct sovereignty and protection of Great Britain."

3d. "From this time until the conclusion of the war of 1756, the Musquito shore continued to be a military, federal, protected province of Great Britain."

4th. In 1675 a council of government was appointed, a court of common pleas, &c.

5th. The Musquito nation was never subjugated by Spain, but always retained its independent character; and "the Musquito territory is still an independent country, and one over which Spain never had the least control or occupation."

6th. "None of the anarchical states of Central America have any right by occupation, or by recognition, to the Musquito country."

7th. "It is clearly shown in the works of writers well acquainted with the Musquito shore, such as Dampier, Falconer, Trobisher, Bryan Edwards, Hodgson, and others, that the tribes under the Musquito kings have been independent ever since the downfall of Montezuma, and have had a recognized territory appertaining to themselves, and governed by laws administered by their own hereditary kings."

These are, in brief, the grounds of the British claim to the protection she is exercising over the Musquito territory, and more especially over the proceedings of the British naval forces at St. John's on the Musquito coast," and they are stated in her own language. The quotations above made are chiefly from Macgregor's Progress of America, 739 et seq.

It is unnecessary to add that some of the material facts are contradicted by the States of Central America.

In respect to the town and river of San Juan de Nicaragua, Great Britain contends that the government of Central America first established a town down the river San Juan, and established a custom house on the north side of the river, which the Spainards had never before occupied, in 1836; that it was done without the consent of the king of the Musquito coast, who had previously granted the territory, where it was established, to a British subject; that the Central American flag did not appear there till 1843; and that the "administrador," or collector of customs, on the application of a British officer, gave a written acknowledgment, that he had hoisted the flag by courtesy, and not as of right, and that the port was claimed by the king of Musquito.

She also states, that the Musquito authorities, have remonstrated against the occupation, and that these remonstrances having failed, her naval forces have been sent to aid them in taking possession of the place.]

About three months ago I stated, in some remarks on a military bill before the Senate, that Great Britain has recently set up a claim to San Juan de Nicaragua, and I prophesied at that time, from the indications I saw, that she would at no distant period, take forcible possession of that place. She has done so already. The prophecy has become history, written like many other transactions of the same nature, in letters of blood. I also stated, that one of the great objects of this extension was, to command a route for a ship canal across the continent, narrowed there to an isthmus. This route has been critically surveyed and examined

from the Caribbean sea, up the river San Juan, to Lake Nicaragua, from Lake Nicaragua to Lake Leon, and from Lake Leon to Realejo on the Pacific. Surveys, drawings, maps, plans, diagrams, estimates—every thing that pertains to, and precedes the construction of public works, have been carefully prepared. I believe these evidences and achievements of a high intellectual and social civilization, are not pretended to be the work of the Musquito king; but it would not be surprising if her claim to execute this great enterprise of uniting the two oceans, should be asserted in his name—certainly not more surprising than some other things which have been recently done under the same auspices.

The river San Juan de Nicaragua, is one degree south of the southern limit of the Musquito territory. According to British maps, that territory extends only to the 12th degree of north latitude. The river empties into the Carribean sea at the 11th parallel. But she has recently claimed that it extends to the 11th with an intimation, as I understand, that it may possibly extend to the 10th, or even the 9th, which would include a part of Panama.

Before I quit this part of the subject, I will read to the Senate, an extract from the Despatch, another British newspaper, published at Kingston, Jamaica, reciting the grounds on which this claim rests:

"The ... Mosquito, to be, as ... quito government, which they paid a toll up the river San Juan, have been forcibly ... otherwise, and, these being defined, England bound herself to support the integrity of the King's dominions. The result of this survey was to attach the whole of the river San Juan to the dominions of Mosquito, and the Bay of Kay Gorgona also consequently, about a day's sail, formally ... of the United States."

Such, according to this authority, is the claim of Great Britain to the Musquito territory, which she expressly stipulated by treaty to evacuate—a claim resting upon an arrangement with the Musquito government, which has never been recognized by the Central Americans as an independent State—a government, in fact, alleged to have been established, or rather got up in its present form by Great Britain herself, and it would seem from this statement, which is sustained by other evidence corroborating it, that she examines documents, *ex parte*, traces boundaries, settles them without consultation with those whom they vitally concern, binds herself to support them, and acts accordingly. A more summary execution of the law of force cannot readily be found.

Since the meeting of the Senate this morning, I have received a copy of a notice from the British Consul General in Central America, addressed to the principal secretary of the supreme government of Nicaragua, in September last. It is translated from the English into Spanish. I have only had time to look at it, so as to see its purport; but I will read it now to the Senate, translating it back into English.

BRITISH CONSULATE GENERAL, Guatemala, ... September, 1847.

To the principal Secretary of the supreme government of the State of Nicaragua.

SIR—Circumstances having arisen of various nature, ... the State of Honduras and Nicaragua, concerning the ... of the dependencies of the ... dom of Mosquito, Her Britanic Majesty's government after carefully examining the various documents and historical registers which exist relative to the subject, is of the opinion that the territorial right of the King of the Mosquitos should be maintained as extending from Cape Honduras to the mouth of the river San Juan, and I am ... to bring to the supreme government of the ... of Honduras and Nicaragua, as I have now the honor of doing, that the government of Her Britanic Majesty ... the King of Mosquito ... and protection of the ... Kingdom.

His ... indifference any attempt to usurp the territorial rights of the King of Mosquito, who is under the protection of the British Crown.

I have the honor to be, sir, your obedient servant,

FREDERICK CHATFIELD.

Copy: Department of Foreign Relations of the superior government of the State of Nicaragua. Managua, October 14, 1847. SALINAS.

It will be seen by this notice, that Great Britain lays the foundation for a claim, in behalf of the Mosquito King, to territory south of the river San Juan, leaving the boundary undefined. This note bears date the 10th of September last. And it is a curious fact, that in an official note, bearing date the 24th of the same month, addressed to the government of New Grenada, no intimation is given of such a claim south of the river San Juan. I read the last mentioned note while addressing the Senate on the California claims; and the omission is the more extraordinary, as the British government can hardly be unadvised that New Grenada claims, jointly with the Central American States, the coast of the Carribean sea, not only to the river San Juan, but as far north as Cape Gracias a Dios. The object of the commissioner, it seems, was, object, must be left to conjecture. It may have been accidental, or it may be that Great Britain did not think it advisable to alarm, at this juncture, the most stable of the governments having an interest in the question, by putting forth a claim so well calculated to excite uneasiness.

With these evidences of a fixed purpose of extension and aggrandizement of Great Britain in this hemisphere; with our vivid recollection of the tenacity with which she asserted her claim to territory on our north-eastern boundary and in Oregon—territory remote from her, chiefly valuable because it encroached on us, and curtailed the limits for our expansion; with the still more fresh and vivid recollection of the transactions in California, with a view to obtain a large and valuable portion of that territory for British subjects;* with these evidences of a purpose, open and palpable, to extend her own dominion upon this continent, if not to prevent the extension of ours; I am really surprised that any one can doubt that she would avail herself of the first opportunity of gaining an ascendancy in Yucatan. It borders upon her own settlement at Balize, and is separated from it, according to her own representation, by a boundary "ill-defined." Sir, I must say that I know no parallel to this incredulity, excepting in the state of things in Athens, which produced the third Philippic of Demosthenes—in the blindness which would not see an enemy in Philip, when Phocis, and Pher, and Elis, and Olynthus, and the two and twenty cities of Thrace had fallen into his hands. I do not make the comparison because I fancy any other resemblance between the historical features of that epoch and this. In other respects, the parallel fails. I do not wish any member of this honorable body to see an enemy in Great Britain. I do not so consider her myself. I consider her as a friend; I desire that she may continue so—at most a rival, in commerce, in the generous competition of industry, and in the extension of civilization and freedom. I do not envy her, or its legitimate possessors, the dominion over the torrid plains of Central America—that crust of earth parched by a raging sun above, and heated by volcanic fires beneath. Much less do I regard her extension in our neighborhood, with apprehensions for our safety. We have long since grown beyond the dimensions in which there was any danger to be apprehended from the extension of other nations upon this continent, no matter how clearly this may be brought into contact with us. But I ... in progress, because it brings with it any serious cause of apprehension, on our own account, but that we may not coldly turn away our faces when weak and defenceless neighbors are invaded and despoiled. For myself, sir, I cannot help seeing in Great Britain a spirit of aggrandizement which is perpetual in its progress, not on this continent alone, but in every other portion of the globe where there is territory unoccupied, and too often where there is territory occupied by those who are too weak to defend it. I believe, also, whether this conflict in Yucatan shall terminate in the expulsion of the Spanish race, or the discomfiture of the aboriginal, that her boundary will be likely to be extended farther into the interior. That "ill-defined" boundary may become defined, and with greatly enlarged dimensions.

Mr. President, I have nothing more to say upon this point, excepting that I do not support the bill, because I think the occupation of Yucatan by us is necessary to keep it out of the hands of European powers. I am not sure that I could, except under very extraordinary circumstances, be induced to advocate the military occupation of a country for such a purpose. But if we see movements of foreign powers on this continent, and especially in our near neighborhood, which are suspicious, we have a right to call on them, through the ordinary channels of diplomatic intercourse, to know what are their objects; and if we do not receive frank and satisfactory answers—if we have reason to believe that those objects are in violation of the great principles of international right, or dangerous to our tranquility, or even our interests, we may properly take such measures of precaution or prevention, as the exigency of the case shall require. I do not undertake—indeed it might not be very easy—to assign the precise measure of provocation which would justify resistance on our part, or the extent to which resistance might be rightfully carried. Every emergency must be left to be determined by a wise and considerate regard to its attending circumstances. But of the existence of such a right of resistance on grounds of international law, I do not entertain the slightest doubt.

And here, Mr. President, I must ask the indulgence of the Senate, while I look hastily into the nature and origin of the right. Every sovereign State is to be considered under two aspects. The first, concerns its interior relations—the relations which exist between the governing and the governed, or, in other words, between the government and the people. The second, concerns its exterior relations, or its relations with foreign States.

The first class only is ordinarily the subject of internal or municipal regulation. The constitution of the United States, for instance, regulates the relations of the federal government to the States and to the people. It scarcely touches the exterior relations of the country, excepting so far as it declares in what departments the powers of making war, peace, and treaties, and appointing ambassadors shall vest. Now, it is quite apparent that there is a numerous class of exterior relations wholly untouched by the constitution, not always regulated by treaty stipulations. They arise out of the natural rights and obligations of sovereign States, and are regulated by usage, by the general international law which has grown up and ... sequence of all civilized communities. One of our vessels, public or private, cannot go ten miles from the land without becoming subject to an international code, not founded upon the internal laws of States, whether organic or administrative, not regulated ordinarily by treaty stipulations between them, but as old, nevertheless, as the Consolato del Mare, and deriving its force from public consent.

These rights and duties are co-relative. What one nation is bound to do, any other may call on it to perform. We cannot live

* NOTE.—In connection with this subject, I deem it due to ... to state that Lord Palmerston has instructed Her Britanic Majesty's representative at Washington "to contradict, on all occasions, the unfounded assertion that Her Majesty's government has been taking any steps whatever to acquire any footing in California," and that this instruction came to my knowledge after this speech was delivered.

in the general obscurity of nations, without observing those rules ourselves; but can we consent that they shall be violated by others where our safety or interest is concerned. There are obligations of this sort applicable to the Indians as well as the whites. Once these is, that no nation shall interfere with the internal concerns of another. As a member of the great family of nations, we have a right to insist that this rule shall be observed. In all cases, where the rule or the principle is settled beyond dispute, any member of the general society of nations is as fully warranted in calling upon any other member to respect it, as any member of this confederacy is authorized to call upon another to observe the obligations of the fundamental compact. The only question that can arise, is one of practical prudence—how far we shall deem it expedient to interpose to prevent a breach of international obligations. I have always contended that, even for this purpose, we ought not to interfere with the movements of European powers, when those movements relate to questions strictly European. And I have insisted with the same earnestness, that there should be no interference on their part, with the internal concerns of the independent States in this hemisphere, and especially in our near neighborhood, involved as our interests, political and commercial, are in their tranquility and exemption from domestic agitations.

If I am asked for the origin of the right on our part to interpose for the purpose of preventing a breach of international obligations, I refer again to the general code by which all civilized States are governed. As to the mode I have nothing to say. I repeat, every emergency must be determined by the surrounding circumstances in which it is presented. Whether we shall interpose at all is a question of prudence—a question undoubtedly to be disposed of with the greatest deliberation, when it is proposed to make it the basis of practical conduct.

But I do not put our intervention in this case upon the ground either of resisting unauthorized interference on the part of other nations, or of anticipating and preventing it. I place it upon the peculiar circumstances in which we stand in relation to Yucatan—circumstances which seem to me to impose on us an obligation independently of all considerations even of humanity. We have taken possession of the principal outlet of trade in her chief staple productions, and the principal inlet for the foreign commodities, which she received in exchange. We have appropriated her revenue to ourselves. We even went so far as to impose duties on her own products, carried from one of her ports to another, though as soon as this was ascertained to be the case, directions were very properly given by the President that they should be discontinued. We have thus not only taken her own revenues, but we have imposed on her people new burthens by taxing the transit of rticles which were previously exempt from duty. I do not intend to intimate that we have done any thing not essential to the successful conduct of the war. In regard to the revenue which we have collected at Laguna, I have endeavored to ascertain the amount; but I learn that the accoun s are kept in connection with other receipts and disbursements, so that time is required to separate them. The Navy depa.tment, however, has been able to ascertain that the amount collected has been between fifty and sixty thousand dollars for a portion of the last year—the returns for the year not being complete. But this does not show the amount that we have diverted from the treaty of Yucatan. We all know that war is the great enemy of commerce; and it must readily be seen, that the effect of our hostile operations in Mexico has been to diminish the ability of Yucatan to meet the exigency in which she is placed. It seems to me, that if she had no other claim than this—in addition to the consideration that she has been neutral throughout the contest—she might very properly call upon us for aid. If we cannot act from motives of humanity—if we feel constrained to regard this question as one to be determined according to the coldest and most rigid maxims of political prudence, may we not find, nevertheless, in the circumstances I have stated, an appeal to our justice which we cannot readily set aside. I think so; and it is upon this ground chiefly, that I place my support of this bill.

In performing this act of justice, it is a grateful reflection, that we may also perform one of humanity—one we are entitled in turn, for the moment, to claim the paternal duty of our own towns, overrunning provinces—a duty imposed on us by the prosecution of hostilities with Mexico—to the more congenial office of extinguishing the flames of internal discord, and of reconciling classes which are waging against each other an exterminating war. Sir, I cannot fancy a more striking contrast in the social and political condition of two nations, than that which exists between the United States and Yucatan—in the prosperity and tranquility of the one, and in the disorder and desolation of the other. The law presides here in her majesty, spreading her broad shield over all. Industry and the arts, helpless infancy, decrepit age, life, liberty, property, all th[illegible] and [illegible] protected by the power of a moral opinion, which lies at the foundation of the established order of government and society, and upholds both. If we turn to our Central American neighbor, the whole picture is reversed. Law, order, friendly association, all are lost. Parties, classes and castes—all have perished. The moral and physical ties, which render life desirable and human possessions secure, have been forcibly rent asunder. Towns and villages have been given to the flames, and their wretched inhabitants to the sword. Plantations have been ravaged; farm houses sacked, demolished, burnt; property plundered where it could be carried away, and destroyed where it could not. Men, women, and children, driven from their homes, if, indeed, they are so fortunate as to escape the fury of their remorseless pursuers, rush to the sea in the hope of finding some passing vessel which may take them from the blackened and desolated land. Sir, this is a mere outline of the picture of devastation which Yucatan presents. I would not, if I could, undertake to fill it up with its loathsome and revolting details. I do not draw this sketch, imperfect as it is, for the purpose of making an appeal to the sympathy of the Senate. I only present it for the purpose of adding a final remark.

Mr. CLAYTON.—Will the honorable Senator allow me, before he concludes, to ask him a question? Is the Senator satisfied in his own mind, that there is, at this moment, a war raging between the Indians and the whites in Yucatan?

Mr. DIX.—I am perfectly satisfied of the fact. All the testimony that I have seen, tells me that such is the case. I think there can be no doubt of it.

Mr. President, as I said, I desire only to make a single remark more. If honorable Senators shall think with me that it is our right and our duty to interpose; if they shall consent to act in the mode proposed by the bill, or in some other mode, which may seem to them more free from objection; if the effect of our interposition shall be to put an end to this unnatural warfare, to restore peace to Yucatan, to give back her desolated fields and plains to industry and order, and the empire of law, it will constitute, in the sight of civilization and humanity, a far more ennobling triumph, than a dozen victories won for the ex.ension of empire at the point of the bayonet and the cannon's mouth.

Mr. HANNEGAN.—It is due to the honorable Senator from New York that I should state, that since he commenced his speech, in addition to the information contained in the Baltimore Sun of this morning, I have received further intelligence upon which I rely with a confident assurance in my own mind, of its correctness, that a treaty has been made between the contending parties in Yucatan. The heads of this treaty are given in the Sun. For my own part, I think the treaty a proper, liberal, and just one to both of the parties concerned. The information which I have received, to be sure, comes from a private source, but one on which I can rely—and I think, therefore, that a treaty has positively been concluded. Under such circumstances, I feel it due to the Senator, due to the country, and due to myself, that I should not press the question at this time. I will will move, then, that the bill be passed over informally, until we can receive official information concerning the matter. This treaty is made between one of the principle leaders of the savages and the white population. The war of extermination has, therefore, ceased at least for the present; the interests of the United States are secure from injury in that quarter, while a state of war with Mexico continues, inasmuch as the landing of any troops by a foreign power, without our consent, would be an act of direct aggression, according to all the recognized law of nations.

Mr. DIX.—I regret very much that I did not receive this information this morning.

Mr. HANNEGAN.—The Senator will permit me to say, that as I knew that he would upon this, as upon all occasions, make an excellent speech, I was unwilling to deprive the Senate and myself of the pleasure of hearing it.

Mr. UNDERWOOD.—I hope the gentleman's motion will prevail, though it cuts off my speech. I wish, however, to assign an additional reason why it should prevail. Mr. Sierra first applied for assistance in the month of February last; renewed his supplications for aid repeatedly through the months of March and April. About the latter end of April he hints that perhaps his letters were too long; and that the Secretary had been deterred on that account from reading them. He then wrote a very short letter, assigning its brevity as one reason why he hoped the Secretary would condescend to read it. Here, then, are two months of incessant application to the humanity of this government to interpose and save the women and children of Yucatan from slaughter, and their towns and villages from conflagration. But to all these applications the Executive turned a deaf ear. No interposition is thought of until the 21st of April, when Mr. Sierra communicates a paper from Governor Mendez, offering the dominion and sovereignty of Yucatan. Just as soon as that offer is made, and the tender of a price for our exercise of humanity is given, then the President of the United States makes a communication to Congress and about a week afterwards the whole subject is placed before us. Now, if the Executive could wait till two months after the application was made before it moved at all, it seems to me, that in the face of the information, that a treaty has been concluded between Mr. Pat—as I believe the Indian leader is called—on one side, and Mr. Barbachino on the other, this bill should not be pressed upon the Senate. If the intelligence which we have received be not confirmed, I shall then claim the privilege of making my speech.

Mr. HANNEGAN.—I am rather inclined to think that I may felicitate myself that, after all, I have not been the means of depriving the Senator from Kentucky of an opportunity of making his speech. He has made quite a speech in the few words which he has addressed to the Senate. But let me remind the Senator that he does not stand alone; for I knew several Senators here, who are quite as anxious, and as ready as the Senator from Kentucky to address the Senate. Indeed, I was myself under the impression, that probably in accordance with the rules of the Senate and parliamentary usage, I had a right to close the debate, inas-

much as I had the honor of introducing the bill. But cheerfully, and without any hesitation, I surrendered that privilege, and waived every personal consideration, or rather, as I suppose it may more properly be called, vanity, than any thing else—believing that duty called for the sacrifice. Let me add, that the attack upon the administration which the Senator from Kentucky has just made, has been repeatedly made in the course of this debate. I stated twice, on a former occasion, that the reason why the administration did not act sooner, was, because they were waiting to hear from our own officers in the gulf, to whom orders had been issued, to collect information and transmit it to the department. Does the Senator from Kentucky need to be informed by me, that Mr. Sierra, to whom so much importance has been attached, was not here in a recognized diplomatic capacity; that he was, in fact, no more than a private citizen of Yucatan? He was called a commissioner, to be sure, by the province of Yucatan; and come here with that title. But could we recognize him in that capacity? Why, sir, no man would have gone further than the Senator from Kentucky, in denouncing the conduct of the administration, if they had received this gentleman as a diplomatic agent. Yucatan had no power to appoint a commissioner; and Mr. Sierra was here only as a private citizen.

Mr. NILES.—I am perfectly willing to acquiesce in the postponement of this bill till we obtain additional information. At the same time, I must say, I am somewhat surprised that the postponement should be preferred by my honorable friend, on the ground of the information that has been recently received. I believe that my honorable friend and others have advocated this bill mainly, I might almost say exclusively, on the ground of policy, with the view of meeting at the threshold the assumed aggressive policy of England. Now, if that be the consideration on which the bill was upon us, why postpone it? There is no evidence at all that the designs of England, if they ever existed, have been abandoned. Certainly, if Great Britain has such a settled purpose, as has been ascribed to her, we have no evidence that she will not pursue it. The argument of humanity has, I understand, been given up. The argument of policy still remains. Yet I am gratified that my honorable friend is content to waive the consideration of the bill; and am encouraged to hope, that he has a stronger feeling on the ground of humanity, than he has lively apprehension of this grasping power of England, which seem constantly to haunt his imagination.

Mr. HANNEGAN.—I should be much better prepared to answer the Senator from Connecticut, if I could upon this, or any other question, which has presented itself to the Senate, since I have had the pleasure of being associated with him on this floor, ascertain from his declarations, what his real opinions are, and what course he is resolved definitely to pursue. But, I must candidly confess, that up to this moment, I have never been able to gather from the declarations of that honorable gentleman, the course which on any subject, he intended to adopt. Only a few days since, the Senator from Connecticut addressed the Senate at length, in opposition to the whole proposition before the Senate. Now, I understand him, if I can understand him at all, as urging its adoption on the score of humanity. Need I tell the honorable Senator, who represents a portion of the shipping interest of this country, in reply to his remark relative to apprehensions of English power there, that we have a squadron in that vicinity, which will know what to do, should Great Britain attempt to land any troops there.

I do not desire one hair of the high ground upon which I placed this question at first. But circumstances have changed the case. I am satisfied that there has been a treaty concluded between the two races in Yucatan. I have no doubt of it; and in such circumstances, I would be playing the part of a demagogue and imposter, before the Senate and the country, if I should press the adoption of the bill. It was only the great emergency of the case that impelled me to act. But now we have the assurance, that the war of extermination has, for the present at least, been brought to a close; and while the war continues between the United States and Mexico, the presence in Yucatan of a foreign armed force would, as the Secretary of the Navy correctly says, be regarded justly as an act of war upon us.

Let me advert for a moment to the consequences of the concealment of the intelligence just received from Yucatan, if I had been capable of doing so. Four hundred marines have been already ordered from Alvarado to Laguna. Now, does any man in this country suppose, that in case of the presence there also of a British armed force, a conflict could be avoided, unless the two countries had united in a common object? No. Unless an alliance for some high and holy purpose should be contracted between England and the United States, whenever and wherever the banners of the two powers shall be displayed in the same field, while the notes of "God save the King!" and "Rule Britannia!" are answered by the inspiring strains of "Hail Columbia" and the "Star Spangled Banner," on that day the rays of the setting sun will fall upon clashing steel and an ensanguined plain!

I have only to add in reply to the insinuation of the honorable gentleman from Connecticut, that so far as I have been able to judge of his course, it is in this instance as much at war with the interests of his constituents, and it has uniformly been at war with the former political professions with which he entered upon public life.

Mr. NILES.—I am not to be shaken in my course by any one, not even by the Senator from Indiana. And neither he nor any other individual has any right to assail my course. That course has been dictated by my own conscience, and I am quite willing that my votes and my speeches during the whole period of myser vice here should be subjected to the severest test which the gentleman may choose to appiy. I am quite willing to be tried by those principles which that honorable gentleman and myself have professed to maintain. It is by that test that I expect to stand or to fail in the estimation of those who regard my course or character as of sufficient consequence to merit examination. I have stood by those principles, and it is not for me to say whether my honorable friend has stood by them or not. These principles in regard to our external policy are pacific. They are the principles of that school in which I was initiated into political life. I see with regret, with pain, a departure from those principles, and I see my honorable friend on all occasions taking the lead in that departure. I see him standing at "fifty-four forty"—I see him to the very last attempting to defeat a treaty which is to restore peace to this country. I see him now attempting to pursue what my judgment teaches me to regard as an uncalled-for and rash measure, which might, and probably would, involve this country in difficulties which no human sagacity can foresee—in a war of conquest—in entanglements with the whole of these Spanish American countries—and does the gentleman suppose that in resisting a measure like that, I am to be charged with departing from that policy and those principles which characterize the old democratic school in which I was brought up? Sir, the gentleman and others have forgotten those doctrines which once distinguished not by profession merely, but in practise and in action, the course of that party!—The gentleman says that he cannot tell how I shall act on any question from what I say. Sir, if my course here has not been frank, and open, and independent, and fearless, I do not know what course I could have pursued that would have deserved that character. I have no diguises here or elsewhere. I speak what I think. I, to be sure, have been called upon to condemn, in some cases, a general course of policy, when, in the peculiar circumstances of the particular question before us, I have given my vote for that measure. But my views have not been concealed; they have not been hid; they have been open to the face of day. I have held myself, however, responsible to no one but my own conscience and my constituents. I have been as altogether regardless of any other consideration as any member upon this floor can possibly be. My public life is approaching its close. I wish only to end it as I have pursued it, in the honest and fearless discharge of my duty, and a steady devotion to those principles now deserted by so many who professed adherence to them. Whoever else may desert those principles, during the little time that I may remain in public life, I, for one, shall stand fast by that faith, and if it go down, it shall not go down by any treachery of mine—by any yielding up of those principles to any considerations of expedience or temporary policy, or truckling to the powers that may at any particular time desert the affairs of the government.

I had no intention to offend the Senator. I did take the liberty to allude to what I believe to be a just view of this question—that although I was entirely satisfied as to the disposition of it, yet I believed that the matter had been misconceived from the beginning. I did also allude to the position which the honorable gentleman had assumed, with others, that this was a measure of policy; that gentlemen had presented the question on two distinct grounds of policy. One of these grounds was, that the bill was sustained by the declaration of Mr. Monroe, that it was our duty and interest to resist the extension of the power of any European nation upon this continent, meaning England, as the distinguished Senator from South Carolina said. The other ground was, that the possession of Yucatan was necessary for the security of our commerce. I had no concurrence with the Senator in either of these views, and I stated the ground of my opinions in the speech which I made a few days since. And rather as a matter of mere pleasantry, called the attention of the Senator to what I regarded as inconsistency in his conduct. I remarked that I saw nothing in the information recently received which had changed the grounds on which the honorable Senator advocated the bill.

I will not trespass on the time of the Senate. I regret very much that I should have offended the honorable Senator. Our relations have always been of the most friendly character. This has been the first instance in which any unkind disposition has been manifested by him. I think he has unwarrantably arraigned my conduct, in reference not to this measure only, but for the whole period in which I have had the honor to have a seat here. I deny his right, or that of any other man, thus to arraign me. However, I am quite prepared to meet any gentleman on this issue. I have ever adhered with strict fidelity to those principles with which I set out, and my own conduct has been actuated by a sincere desire in truth, consistency, and honesty to promote the interests of the country.

Mr. HANNEGAN.—It was no intention of mine to arraign the course of the Senator from Connecticut. It never could have been my intention to arraign the course of any Senator here on account of any act which he might see proper to do. Simply, by way of retaliation on account of what I regarded as an uncalled for and unprovoked attack upon myself, I considered that attack unjustifiable, and it was perhaps somewhat warmly repelled. But even in the moment of repelling that attack, I felt no unkindness towards the Senator from Connecticut. My only object was to defend myself, and correct an unjust imputation, but I have no unfriendly feeling towards the Senator. The words which he has just spoken

have already erased even the memory of the attack which I thought at the time he had wantonly made. Let me say here, sir, that were I to leave this Senate to-morrow, never to return to it again, the proudest, dearest, and most cherished recollection of my life, would be that I believed I left it in the enjoyment of the kindest relations towards every member of the body. The marks of confidence and friendship with which I have been honored since I became a member of this august body, have made an impression upon me which can never be effaced. I might, indeed, employ the emphatic language of Queen Elizabeth, when [illegible] "Calais" would be found written on her heart, and say that the sentiment thus inspired has been engraven on my heart in characters which even death will not obliterate.

The Senator does me injustice when he represents me as being foremost on every occasion in manifesting a disposition to plunge the country into a war. There is no man who more highly appreciates the blessings and the glory of peace, or who regards with greater pain than I do, the necessity of our appeal to arms. I know well, that but for the peace which has existed for the last thirty-three years, the United States could not possibly have attained their present point of prosperity and grandeur. War would have retarded our every step. We would still have been in the condition of infancy in every sense, instead of exhibiting, as we now do, although but an infant in years, all the noble proportions of manhood in his prime. Peace I believe to be the true policy of the country. It is our mission. The people of the United States love peace rather than war; but it is peace not purchased by servility or disgrace. They love peace for its own sake, because it elevates the condition of men, and is the surest pathway to national greatness. But as I have just said, it is honorable peace alone that they love—peace preserved consistently with the rights, honor and interests of the country. Peace on any other terms, they would spurn as infamous. Hence it is, that sensible of the value of peace, and anxious to maintain it, I shall always be prepared to take the highest stand, and most determined position, whenever the honor or interests of the country are in the slightest degree endangered or assailed; because nations are always more likely to succeed in their purposes of right when boldly asserted, than when they assume the attitude of supplicants and beggars.

Mr. FOOTE.—I cannot withhold the language of surprise at a portion of the remarks which have just fallen from the honorable Senator from Kentucky. That gentleman complains that the President has been too dilatory in calling the attention of Congress to this Yucatan affair—urges that the people of that unhappy country have been, for months past, in a condition to need such aid as that which is now proposed to be given them—seems to be of opinion that such a measure as that under consideration should long since have been recommended by the Executive—and yet the Senator from Kentucky is one of the members of this body who has uniformly voted and spoken in decided and zealous opposition to all measures having in view the strengthening of our army in Mexico, so as to enable us to preserve the possession of that portion of the country which is already occupied by us. How the Senator reconciles his former course with his present censures, I think it would be a little difficult for him to explain.

But, sir, my object in claiming the attention of the Senate at this time, is chiefly to respond to a very extraordinary remark which we have heard this morning from the Senator from Connecticut. That Senator has ventured to accuse the democratic party of having abandoned its ancient principles—of having discredited [illegible] the proposition that the democratic party, formerly known as the peace party of the country, has become distinguished of late by that fondness for war, which, he insists, was in former times the distinguishing characteristic of their opponents. This suggestion has not originated with the honorable Senator from Connecticut but was quite earnestly urged in our hearing the other day by the Senator from South Carolina, now in his seat, [Mr. CALHOUN.] Sir, I have no objection to any thing which may be offered to our consideration by either of these gentlemen in vindication of his own character for political consistency, provided, that in defending himself, he avoids doing injustice to others. But when, in order to rescue themselves from the discredit of imputed apostacy, they undertake to inveigh against the whole democratic party, and charge us with such shameless inconsistency as they have unjustly imputed, I feel called on to say something in reply, if for no other reason, in order that the truth of history may stand vindicated.

I feel assured that the assertion, now for the first time ventured upon, so far as I am informed, that the peace party of the republic has been always, until lately, known as the democratic party, and the war party as the whig, or federal party, will surprise the whole nation; and I doubt exceedingly whether such an assertion is not as well calculated to give offence to consistent and honest whigs as to democrats. In taking a retrospective view of the history of parties in connection with this interesting point, I find that it was at an early period of the war of 1812, that a high-souled son of the Palmetto State first made known to his countrymen and the world those rare intellectual powers which have since procured for him the universal respect of all who are capable of appreciating extraordinary qualities of mind, devoted to the furtherance of great public designs. In the other wing of this capitol it became the duty of this personage, then young, and energetic, and full of enthusiasm, to respond to one of the most remarkable public speakers, in some respects, that has ever made his appearance in this country. I allude to John Randolph, of Roanoke. The war with Great Britain was the subject of debate. The young representative from South Carolina was in favor of the war, and all the great measures of the period connected therewith; and the speech which he delivered on the occasion referred to, asserted, with a boldness which has never been surpassed, with a logical power seldom, if ever equalled, and with a fierce and fervid eloquence which Demosthenes himself might have envied, all those noble patriotic views and sentiments which then prevailed in the republican party of the period, and so honorably distinguished them from their federal opponents. The youthful orator was the chief champion of the war, and he saw standing by him, and co-operating heartily and efficiently in unison with him, a favorite son of Kentucky, who has since acquired a celebrity and influence which few persons in our day have enjoyed. Were these two young advocates and defenders of the war policy of the government federalists? Was it the republican party at that time that denounced the war with England, and refused in Congress to vote supplies of men and money for its prosecution? Was it the republican party in New England that refused to rejoice over the victories of that war? Was it the republican party in Massachusetts that refused to permit the prison-houses of the State to be used for the confinement of British prisoners of war? Was it republican hands that supplied the famous blue lights which were once seen to glimmer along the New England coast? The simplest peasant in the land would experience no difficulty in answering these questions, and even lisping childhood has been known to grow eloquent in discussing them.

Again: when, some years since, a broker-king attempted to do deep pecuniary wrong to a certain portion of our citizens, and the heroic President of that bright period in our annals, announced to Congress his determination, if properly sustained by the legislative department, to obtain speedy and full redress, though war with France might be the result, what party then sustained the honor of the country? Who, in Congress, voted in support of the proposition to arm the President with such powers as might enable him to maintain the honor of the republic, and who against it?

Sir, I shall pursue this subject no further; and I deem the necessity which has been imposed upon me of alluding to such humiliating incidents in our history as a nation at all. And now, Mr. President, what is the attitude of the Senator from South Carolina, the gentleman who accuses the whole democratic party of abandoning most of its ancient principles, which he himself, as he says, has alone been found always ready to maintain and carry out? Yes, sir, what is the attitude at the present moment of the personage who announces himself most gravely, as the political Abdiel, of this perverse and wicked generation, "among the faithless, faithful only he?" Why, he is opposed to a vigorous prosecution of the war with Mexico, though his own Texan annexation policy undeniably brought it on. He could not vote for a full mission to Rome, and could not vote even for sending a minister of subordinate grade, to his Papal majesty, without announcing solemnly in our hearing, that he was not at all influenced by sympathy for the grand movements of social and political reform now in progress in Europe. He would not vote in support of resolutions, expressive of sympathy merely, in behalf of the French people, when the distinguished Senator from Ohio, [Mr. ALLEN,] with his characteristic magnanimity, ventured to introduce them in this body. He had then no confidence in the competency of the French people to govern themselves. He augured the worst results from their revolutionary movements; and when the vote upon the resolutions was to be taken, the Senator from South Carolina was not to be found in his seat. These, sir, are melancholy details; but they are too true to be denied. And now, sir, what remains for us to do? Shall we still recognise the Senator from South Carolina as a democratic leader, entitled to control the councils of our party in the face of such facts as have been mentioned? Shall we obey his mandates, or yield to his persuasions, when, more than twelve months ago, he deliberately, in a published letter which we have all seen, formally read himself out of both the great political parties of the country? For my part, I feel bound to say, that I recognize the Senator from South Carolina as the most deadly and dangerous enemy of the democratic cause, who is now to be found in the republic; and, desiring to commit no breach in our present relations of social amity, I am compelled to declare my deliberate conviction, that the safety and true honor of the nation will be best consulted by [illegible] South Carolina, for wise and salutary counsels. For, to all who have observed his course this winter, it has been most apparent that he is not now, what he was in the outset of his public career. Whether it be that the flow of years has chilled his native enthusiasm of temperamen, or the disappointment of cherished wishes has soured and disgusted him with his former political associates, or the organ of caution has in some way become unduly enlarged, while the organ of hope has been diminishing, I am not prepared to determine. But I must take leave to lament on this occasion, as I do most painfully and profoundly, that the illustrious chief, who was once joyously and proudly hailed as the noblest champion of our cause, to be found in all Israel—a very Samson Agonistes in combat with our foes—has, under influences visible, yet mysterious, permitted those invincible locks, beneath which lay concealed strength, such as God has seldom, if ever, given to mortal man besides, to be shorn away by profane Philistine hands, and himself to be delivered into the power of his unforgiving and mocking enemies, bound, blind, and impotent, save for purposes of indiscriminate destruction. Alas! alas! and yet alas! Our long trusted and world-renowned Palinurus has permitted himself to grow slumberous at his post, and has

tumbled into mid-ocean, whilst his hands still firmly grasped the rudder of State; and now, if the last hopes of the Trojan people shall be rescued from the innumerous perils of the briny deep, it will be because some Æneas will promptly seize the helm, and steer boldly and at once to the destined port. Another image, yet more horrific, suggests itself to my excited and tortured fancy. I behold the rocky shore of Sicily: yonder stands the huge Cyclopean shepherd, of more than Herculean dimensions, and whose single-eyed vision has been accustomed to survey, at a glance, all the wonders of the land and ocean, for many miles around his capacious cave; now he looks serenely upon his flocks who repose at his feet—now he sees in the distance the boiling whirlpool and the frowning rock. "Will he, oh will he," permit that cunning Greek, whom he holds captive, to consign him to unseasonable slumber? Will great Polyphemus sleep whilst that same wily Greek shall sharpen his own club, tear away from him his precious organ of sight, and leave him howling along the shore, to dwell in solitude, in darkness, and in desperation forever? It will be for the future to decide these great and momentous points.

On motion,

The Senate adjourned.

THURSDAY, MAY 18, 1848.

REPORTS FROM DEPARTMENTS.

The VICE PRESIDENT laid before the Senate a report of the acting Secretary of the Treasury, made in compliance with a resolution of the Senate, showing the quantity and value of sugar imported into the United States during the years 1844, 1845, 1846, and 1847; which was read and ordered to be printed.

Also, a report of the Secretary of the Navy made in compliance with a resolution of the Senate, accompanied by the papers filed by Mary Cassin, with her application for a pension; which was read and referred to the Committee on Naval Affairs.

PETITIONS.

Mr. PEARCE presented the memorial of Sarah A. Mackay, widow of a deceased army officer, praying the renewal of her pension; which was referred to the Committee on Pensions.

Mr. JOHNSON, of Louisiana, presented a petition of citizens of the parish of Natchitoches, Louisiana, praying an appropriation for improving the navigation of Red river; which was referred to the Committee on Commerce and ordered to be printed.

Mr. CLAYTON presented a memorial of citizens of Bucks county, Pennsylvania, praying the construction of a railroad between the cities of New York and Philadelphia, for facilitating commercial intercourse and the transportation of the mail; which was referred to the Committee on the Post Office and Post Roads.

Mr. CRITTENDEN presented the petition of Johnson Price and Alexander R. McKee, praying a grant of lands in the Territory of Oregon, for the purpose of occupation and settlement; which was referred to the Committee on Public Lands and ordered to be printed.

On motion by Mr. DAVIS, of Mississippi, it was

Ordered, That J. Anthony King and Cuyler W. Young, have leave to withdraw their petition.

CONSIDERATION OF PRIVATE BILLS.

Mr. JOHNSON, of Louisiana, submitted a motion that Friday and Saturday of this week be assigned for the consideration of private bills.

Mr. ATHERTON said that he would be very happy to agree to the proposition if some reservation were made, by which the military appropriation bill might be taken up to-morrow. It was important that that bill should be acted upon, as it made appropriation for the board of examiners at West Point, which would assemble early in June next. He did not suppose that the bill would give rise to debate.

Mr. JOHNSON, of Louisiana, replied that he had no objection to the understanding, that the bill referred to should be taken up to-morrow morning.

Mr. BRIGHT was not disposed to object to the motion, provided the bill providing for the admission of Wisconsin into the Union, should not be delayed. The chairman of the Committee on Territories had been unexpectedly called from the chamber yesterday, and owing to that circumstance, the bill has not been taken up to-day.

Mr. JOHNSON suggested that the bill might be taken up to-day.

Mr. BRIGHT remarked that there were some estimates necessary to be made, in case any member of the body wished to be informed of the precise condition of the lands hitherto granted for purposes of internal improvement. If the Senate, however, should consent, he would be very glad to call up the bill to-day.

Mr. JOHNSON said he would, for one, agree to taking up the bill.

Mr. BRIGHT replied that he had just been reminded that the Senator from Ohio was entitled to the floor to-day, and as the Wisconsin bill would doubtless occupy some time, he did not wish to interfere with the arrangements for the day.

Mr. DAVIS, of Massachusetts, observed that there were several important public measures awaiting the action of the Senate, which, it appeared to him, should not be set aside by private bills. Among these measures was the bill relating to the administration of justice under the terms of a treaty between the United States and the Chinese empire—a bill somewhat complicated, and which had been unduly suspended, as it was very probable that the public interests were now suffering in consequence of delay in acting upon it.

Mr. DICKINSON then moved that the motion be laid upon the table.

A division was called for with the following result:

Ayes	17
Noes	13
Majority for the motion	4

So the motion was laid on the table.

EMORY'S AND ABERT'S REPORTS.

Mr. CASS submitted the following motion for consideration:

Ordered, That the Secretary of the Senate deliver to the Bureau of Topographical Engineers for distribution, two hundred extra copies of Lieutenant Emory's report, and two hundred extra copies of Lieutenant Abert's report, ordered to be printed, of the expedition from Fort Leavenworth to the Pacific, under General Kearny.

MOTION FOR A RECESS.

Mr. BADGER submitted a motion that when the Senate adjourn on Monday next, it be to the following Thursday.

Mr. ATHERTON objected to the consideration of the motion.

Mr. BADGER said he had submitted the motion only as an act of courtesy to the other side of the chamber, and as it was objected to, he would, with the consent of the Senate, withdraw it.

Leave being granted, the motion was withdrawn accordingly.

PRIVATE BILL.

Mr. YULEE, from the Committee on Naval Affairs, to whom was referred a memorial of Sarah Ann Hart, submitted a report, accompanied by a bill for the relief of the representatives and sureties of Benjamin F. Hart, late a purser in the United States Navy.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

LIGHT HOUSES.

Mr. DAVIS, of Massachusetts, from the Committee on Commerce, to whom was referred the joint resolution from the House of Representatives extending the time for the erection of certain light houses, reported it without amendment.

PRIVATE BILL.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom was referred the petition of L. P. Sanger, submitted a report, accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

DISCHARGED.

On motion by Mr. YULEE, it was

Ordered, That the Committee on Naval Affairs be discharged from the further consideration of the memorial of John Crosby; from the further consideration of the petition of Henry M. Paine; and from the further consideration of the petition of citizens of New Buffalo, Michigan, for a naval depot.

PAYMENT FOR HORSES, ETC., IN THE MILITARY SERVICE.

Mr. TURNEY, by unanimous consent, asked and obtained leave to bring in a bill to revive the act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved January 18, 1837, and the acts approved October 14th, 1837, and August 23d, 1842, amendatory of the same; which was read the first and second times, by unanimous consent, and referred to the Committee of Claims.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed a bill making appropriations for the payment of navy pensions for the year ending 30th of June, 1849; in which they request the concurrence of the Senate.

The House of Representatives have agreed to the report of the committees on the disagreeing votes of the two Houses on the bill entitled "An act to provide additional Examiners in the Patent Office, and for other purposes."

The Speaker of the House of Representatives having signed six enrolled bills, I am directed to bring them to the Senate for the signature of their President.

SIGNING OF BILLS.

The VICE PRESIDENT signed the following enrolled bills:

An act to require the holders of military land warrants to compensate the land officers of the United States for services in relation to the location of those warrants.

An act in amendment of an act entitled "An act to amend the act entitled 'An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the revenues of the Post Office Department,'" passed the 3rd of March, 1845."

An act for the relief of William P. Brady.

An act to provide for the ventilation of passenger vessels and for other purposes.

An act to continue, alter, and amend the charter of the City of Washington.

An act to authorize the issuing of a register to the brig Encarnacion.

ADDITIONAL EXAMINERS IN THE PATENT OFFICE.

The Senate proceeded to consider the report of the conferees on the disagreeing votes of the two Houses on the bill to provide additional Examiners in the Patent Office and for other purposes; and it was

Resolved, That they concur therein, and that the bill be amended accordingly.

Ordered, That the Secretary notify the House of Representatives thereof.

DEFERRED NOMINATIONS.

The Senate resumed the consideration of the resolution submitted by Mr. JOHNSON, of Maryland, on the 28th ultimo, in relation to Executive appointments in the recess of the Senate.

Mr. ALLEN addressed the Senate at length in opposition to the resolution, and in reply to the argument of Mr. JOHNSON, of Maryland, delivered at a former day. A report of his speech will be found in the Appendix.

Ordered, That the further consideration of the resolution be postponed until to-morrow.

RECESS ORDERED.

Mr. BELL submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That when the Senate adjourns on Monday next, it be [illegible] on Thursday.

EXECUTIVE SESSION.

The Senate then proceeded to the consideration of Executive business, and after some time spent therein

On motion,

The Senate adjourned.

On Monday the 22d instant, the Senate met and immediately adjourned.

FRIDAY, MAY 19, 1848.

MESSAGE FROM THE PRESIDENT

The following message was received from the President of the United States by Mr. WALKER, his Secretary:

To the Senate and House of Representatives of the United States:

I transmit to the information of Congress a communication from the Secretary of War, and a report of the Commissioners of the Civil Affairs, relative to the settlement of the claims for losses of vessels, &c. with a view to the appropriations required to carry the provisions of the treaty into effect.

JAMES K. POLK

Washington, May 19, 1848.

The message was read.

PETITIONS.

Mr. CLAYTON presented a memorial of citizens of Bucks county, Pennsylvania, praying the construction of a railroad from Philadelphia to New York, to facilitate commercial intercourse and the transportation of the mail between those cities; which was referred to the Committee on the Post Office and Post Roads.

Mr. CLAYTON presented the petition of William H. Rogers, attorney of the United States for the district of Delaware, praying compensation for extra official services, which was referred to the Committee on the Judiciary.

Mr. DIX presented the petition of Edward A. Buttolph, praying that the papers found on the person of Major Andre, at the time of his capture, and now in his possession, may be purchased by Congress; which was referred to the Committee on the Library.

Mr. STURGEON presented the petition of William Norris and Company, praying to be allowed drawback of duties on imported iron used by them in the manufacture of steam engines, and re-exported; which was referred to the Committee on Commerce.

Mr. BREESE submitted documents relating to the claim of William L. Wigent, to the right of pre-emption to a quarter section of land; which were referred to the Committee on Public Lands.

Mr. BREESE submitted documents relating to the claim of Charity Herrington, to be confirmed in her right of pre-emption to a tract of land, together with a petition of citizens of Geneva, Illinois, on the subject of said claim; which were referred to the Committee on Public Lands.

COMPENSATION TO ASSISTANT TREASURERS

Mr. BRIGHT submitted the following resolution, which was considered by unanimous consent, and agreed to.

Resolved, That the Committee on Finance be instructed to inquire into the expediency of providing, by law, for the payment of a fair and just compensation to the various assistant treasurers of the United States, appointed in pursuance of an act to provide for the better organization of the Treasury, and for the collection, safekeeping, transfer and disbursement of the public revenue," who are not now specially provided for in said act.

PATENT OFFICE REPORT.

Mr. BADGER submitted the following motion for consideration:

Ordered, That twenty thousand copies of so much of the annual report of the Commissioner of Patents, received during the present session, as has been ordered to be printed by the House of Representatives, be printed for the use of the Senate.

MESSAGE FROM THE PRESIDENT

The following message was received from President of the United States, by Mr. WALKER, his Secretary:

Mr. President: The President of the United States approved and signed this day the following acts:

An act to repay to the heirs of Matthew Lyon, deceased, the fine imposed upon him under the sedition law, and remitted by President Jefferson.

An act in addition to an act entitled "An act to amend the act entitled 'An act to regulate the collection of duties on imports and tonnage,' and for the prevention of frauds upon the revenue," passed the 3d of March, 1845.

Ordered, That the Secretary notify the House of Representatives accordingly.

MESSAGE FROM THE HOUSE

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed a bill entitled "An act for the relief of William Tee, of Portsmouth, Virginia," in which they request the concurrence of the Senate.

The President of the United States this day approved and signed the following acts:

An act to continue, alter, and amend the charter of the City of Washington.

An act to provide for the ventilation of passenger vessels.

An act to authorize the issuing of registers to the Big Encarnacion.

An act for the relief of William P. Brady.

HOUSE BILLS REFERRED.

The bill from the House of Representatives for the relief of William Tee, of Portsmouth, Virginia, was read the first and second times by unanimous consent.

Ordered, That it be referred to the Committee on Pensions.

The bill from the House of Representatives making appropriations for the payment of navy pensions for the year ending 30th June, 1849, was read the first and second times by unanimous consent.

Ordered, That it be referred to the Committee on Finance.

SPANISH STEAMERS.

Mr. DIX, from the Committee on Commerce, to whom was referred a memorial of J. Howard and Son, reported a bill concerning Spanish steam vessels; which was read the first and second times by unanimous consent, and considered as in Committee of the Whole, and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

Mr. DIX, from the Committee on Commerce, to whom was referred the memorial of J. Howard and Son, reported a bill authorizing the issuing of registers to the Spanish steam vessels Tuderte and Cetro for a limited time; which was read the first and second times by unanimous consent, and considered as in Committee of the Whole, and no amendment being made, it was reported to the Senate.

Ordered, That it be engossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

PRIVATE BILL

Mr. WESTCOTT, from the Committee of Claims, reported a bill for the relief of Manuel X. Harmony; which was read, and passed to the second reading.

ADJOURNMENT OVER

On motion, it was

Ordered, That when the Senate adjourn it be to Monday next.

MILITARY ACADEMY

The Senate proceeded to consider, as in Committee of the Whole, the bill making appropriations for the support of the Military Academy for the year ending the 30th of June, 1849; and having been amended, it was reported to the Senate, and the amendment was concurred in.

Ordered, That the amendment be engrossed, and the bill be read a third time.

The said bill was read a third time as amended.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendment.

THE PRIVATE CALENDAR.

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That the previous orders be postponed for the purpose of considering the private bills on the general orders, which will not give rise to debate.

The bill for the relief of George Center was read the second time, and considered as in Committee of the Whole; and

On motion by Mr. UNDERWOOD, it was

Ordered, That the further consideration thereof be postponed until to-morrow.

The bill for the relief of John Milliken and others was read the second time; and

On motion by Mr. FELCH, it was

Ordered, That the further consideration thereof be postponed until to morrow.

The following bills were read the second time, and considered as in Committee of the Whole :

A bill for the relief of Benjamin I. Cahoone

A bill for the relief of Messrs. Cook, Anthony, Mahon, and Crowe

A bill for the relief of William H. Prentiss

A bill for the relief of Anna J. Hassler

A bill for the relief of William Parmeter.

A bill for the relief of David Currier.

and no amendment being made, they were reported to the Senate.

Ordered, That they be engrossed and read a third time.

The said bills were read a third time by unanimous consent.

Resolved, That they pass, and that their titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

The bill for the relief of the widows and orphans of the officers, seamen, and marines of the brig of war Somers, was read the second time and considered as in Committee of the Whole, and no amendment being made, it was reported to the Senate.

The blank in the 10th line having been filled with the word "twelve," it was

Ordered, That the bill be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

The Senate proceeded to consider the following bills, as in Committee of the Whole :

An act for the relief of Mary Brown, widow of Isaac Brown

An act for the relief of John Mitchell

An act for the admission of the State of Wisconsin into the Union

and no amendment being made, they were reported to the Senate.

Ordered, That they pass to a third reading.

The said bills were read a third time.

Resolved, That the said bills pass

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion by Mr. CAMERON, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives for the relief of David Myerle.

Debate arising —

On motion,

The Senate adjourned.

THURSDAY, MAY 25, 1848.

PETITIONS.

Mr. BRADBURY presented the memorial of Clifford S. Worthley, asking the establishment of a mail route from Augusta to Bangor; which was referred to the Committee on the Post Office and Post Roads.

Mr. DIX presented the memorial of the Steam Navigation Company of New Jersey, and the New York, Boston, and Providence Railroad Company, asking remuneration for maintaining a light-boat on the Eel-grass shoal, in Fisher's Island Sound; which was referred to the Committee on Commerce.

Mr. BENTON presented the memorial of J. Quinn Thornton, asking that the laws of the United States may be extended over the Territory of Oregon, and that donations of land may be made to settlers in said Territory.

Mr. BENTON said the memorialist had lately arrived in this country; that the memorial was replete with valuable information connected with the operations of the inhabitants of the Territory; and he should, therefore, move that it be printed; which motion was agreed to.

PRIVATE BILLS.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom was referred the memorial of Trick and Haddock, submitted a report accompanied by a bill for their relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

CREEK INDIAN WARRIORS.

Mr. BELL submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be and is hereby directed to furnish the Senate with a list of the Creek Indians who were killed or wounded, or who died while in the service of the United States during the late war in Florida, with the dates when they were severally killed or wounded or when they died, together with a statement of the several facts connected with their respective cases.

ADJOURNMENT OVER.

On motion, it was

Ordered, That when the Senate adjourn, it be to Monday next.

MODE OF PAYING THE PUBLIC INTEREST.

The Senate proceeded to consider the following resolution, submitted by Mr. NILES, on the 17th inst.

Resolved, That the Secretary of the Treasury be directed to report to the Senate such information as may be in the possession of the Treasury Department in regard to the manner in which the interest on the public debt has been paid at the Boston, New York, Philadelphia, and other places in which the interest on the public debt is paid, and particularly that he inform the Senate whether in any instance payment has been made in any other medium than gold or silver.

Mr. NILES.—I offer this resolution in consequence of information which I received from a friend, as the violation of the express provision of a law, and I thought it proper that the subject should be inquired into. I do not know how long the practice has prevailed; but that it has prevailed, I am well assured. I refer to the fact of placing the funds of a government in a bank, and of disbursing the bills of that bank in the payment of government dues. This practice is a direct violation of the provisions of the sub-treasury act. The object of that law, as every one knows, is to provide that the transactions of the federal government, both as regards receipts and disbursements, shall be in a constitutional currency. Having, myself, been one of the early and steadfast friends of that measure, I desire to see it honestly executed.

Mr. DAVIS, of Mississippi.—I certainly have no objection to an inquiry; but I submit to the Senate, whether it is fair, that the heads of departments should be called upon at the bidding of irresponsible persons, to make replies to inquiries, and have their time, which ought to be applied to the discharge of their official duties, thus occupied. I do not say that what the Senator complains of has not been done, but we ought to be furnished with some evidence of the fact. It is very easy to make a charge of this kind, but before the Senate act upon it, I think they should require some evidence of the justness of the charge.

Mr. NILES.—I am surprised that the honorable Senator should object to the passage of this resolution. It is a mere matter of inquiry. As I have already stated, the resolution is offered in consequence of information received from a very high private source. I am also surprised that the honorable Senator should regard the resolution as being an attack upon the Secretary of the Treasury. I have no idea that the Secretary has been conniving at the practice to which I have alluded. It is the act, I believe, of a subordinate officer. But whoever is in fault, I certainly think it is a very strange position to assume, that we are not to inquire whether a very important law has been faithfully executed or not. I am not prepared to say upon whom the blame will fall; but this I say, if such a practice has prevailed, it is a gross abuse, and should be inquired into. When we passed this act, we were told by those who were opposed to it, that it would have no practical effect; but all have been forced to admit since it has gone into effect, that its operation has been highly salutary in every respect. I am surprised to hear the honorable Senator from Mississippi say, that we must not even inquire whether there has been any abuse. The resolution merely asks for information.

Mr. DAVIS.—The Senator will understand that the objection I make, is solely upon the ground of information being derived from an irresponsible source. If the Senator says he believes that such abuse exists, I have no objection to the adoption of the resolution; but I certainly do object to all these harrassing calls upon the Departments, which are calculated to occupy the time that might be more usefully applied in the discharge of their official duties.

Mr. NILES.—I have full confidence in the source whence this information comes; I am satisfied there has been abuse, and I desire that it shall be brought to the notice of the Secretary.

The question being taken upon agreeing to the resolution, it was determined in the affirmative.

On motion,

The Senate adjourned.

MONDAY, MAY 29, 1848.

RESIGNATION OF SENATOR CASS.

The VICE PRESIDENT laid before the Senate a letter from the Hon. LEWIS CASS, resigning his seat in the Senate of the United States, as one of the Senators from the State of Michigan; which was read.

On motion by Mr. FELCH, it was

Ordered, That the VICE PRESIDENT be requested to inform the Executive of the State of Michigan that the Hon. LEWIS CASS, one of the Senators from the State of Michigan, has this day resigned his seat in the Senate of the United States.

PETITIONS.

Mr. HALE presented a memorial of citizens of Philadelphia, Pennsylvania, praying the construction of a railroad between New York and Philadelphia, to facilitate commercial intercourse and the transportation of the mail between those cities; which was referred to the Committee on the Post Office and Post Roads.

Also, three petitions of citizens of the State of Maine, praying that an inquiry may be instituted by Congress into the existence of the slave trade in the District of Columbia, and under what authority of law the same is carried on; the motion to receive which was laid upon the table.

Also, a petition of female inhabitants of the United States, praying the withdrawal of the United States' army from Mexico, and the re-establishment of peace with that republic; which was referred to the Committee on Military Affairs.

Mr. FELCH presented the petition of Jedediah Gray, praying a pension for an injury received while a soldier in the ordnance department of the army; which was referred to the Committee on Pensions.

Mr. BELL presented the memorial of Samuel F. Read praying compensation for a horse taken for the use of the United States in the Florida war; which was referred to the Committee of Claims.

Mr. DOWNS presented two memorials of citizens of the State of Louisiana, praying the purchase of Mount Vernon by the government; which were referred to the Committee on Military Affairs.

Also, a petition of citizens of Louisiana, praying the establishment of a judicial district north of Red river in that State; which was referred to the Committee on the Judiciary.

Mr. CRITTENDEN presented the memorial of Lawrence M. Morton and others, clerks in the pay department of the army, praying an increase of compensation; which was referred to the Committee of Claims.

Mr. NILES presented the petition of Candace Munn, widow of John G. Munn, deceased, a soldier in the last war with Great Britain, praying to be allowed a pension; which was referred to the Committee on Pensions.

On motion by Mr. BAGBY, it was

Ordered, That the petition of Wade Allen, on the files of the Senate, be referred to the Committee on the Post Office and Post Roads.

LIGHT HOUSE ON LONG ISLAND.

Mr. WEBSTER.—At the last session of Congress a sum of money was appropriated for building a light house at the western end of Long Island Sound. I learn that no progress has been made in the erection of this light house in consequence of some obstacle that has occurred. I wish, therefore, to submit a resolution of enquiry in regard to it, and hope that the Senate will adopt it. It calls upon the Secretary of the Treasury for information as to what cause has occurred, if any, to defer the building of this light house; and I take occasion to say, that very recently, in consequence of the want of a light at the place designated by the law of Congress, authorizing the erection of the light house, the government itself has sustained a very heavy loss.

Mr. WEBSTER then submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury inform the Senate what progress has been made in the erection of a light house on Execution Rock, since the 3d of March, 1847, and what causes have occurred to delay the completion of that work.

MESSAGE FROM THE PRESIDENT

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

To the Senate and House of Representatives of the United States:

I lay before Congress the accompanying memorial and papers, which have been transmitted to me by a special messenger, employed for that purpose by the Governor and Legislative Assembly of Oregon [illegible] government which the inhabitants of that territory [illegible] necessity of their condition, organized for themselves. The memorialists are citizens of the United States. They [illegible] their present perilous and distressed situation, they earnestly invoke the aid and protection of their government.

[illegible] vicinity have recently raised "the war-whoop and crimsoned their tomahawks in the blood of their citizens;" that they apprehend that "many of the powerful tribes inhabiting the upper valley of the Columbia have formed an alliance for the purpose of [illegible] and fear that they do not possess strength to repel the "attack of so formidable a foe and protect their families and property from violence and rapine." They conclude their appeal to the government of the United States for relief by declaring: "If it be [illegible] and daughters in Oregon, she surely will not refuse to do it now, when they are struggling [illegible] summer's sun shall have dispelled the snow from the mountains we shall look with glowing hope and restless anxiety for the coming of your laws and your arms."

[illegible] December, 1846, and again in December, 1847, this recommendation was repeated.

The population of Oregon is believed to exceed twelve thousand souls, and it is known to have [illegible] Oregon. The dangers to which our fellow-citizens are exposed are so imminent that I deem it to be my duty again to impress on Congress the strong claim which the inhabitants of that distant country have to the benefit of our laws and the protection of our government.

I therefore again invite the attention of Congress to the subject, and recommend that laws be promptly passed establishing a territorial government, and granting authority to raise an adequate volunteer force for the defence and protection of its inhabitants. It is believed that a regiment of mounted men, with such additional force as may be raised in Oregon, will be sufficient to afford the required protection. It is recommended that the forces raised for this purpose should engage to serve for twelve months, unless sooner discharged. No doubt is entertained, with proper inducements in land bounties, such a force can be raised in a short time. Upon the expiration of their service many of them will doubtless desire to remain in the country and settle upon the land which they may receive as bounty.

It is deemed important that provision be made for the appointment of a suitable number of Indian agents to reside among the various tribes in Oregon, and that appropriations be made to enable them to treat with these tribes, with a view to restore and preserve peace between them and the white inhabitants.

Should the laws recommended be promptly passed, the measures for their execution [illegible] and agents [illegible] ments in Oregon.

JAMES K. POLK

WASHINGTON, May 29, 1848.

The message having been read—

Mr. BRIGHT moved that the message be referred to the Committee on Territories, and be printed.

Mr. BADGER moved to amend the motion to print by including the documents.

Mr. ATCHISON could see no necessity for a reference to the Committee on Territories. That committee had already done all that was recommended by the President in reference to the establishment of a territorial government, by reporting a bill for that purpose. If the message was referred at all, it should be to the Committee on Military Affairs, in order that they might report upon the subject of the regiment of mounted volunteers.

The message was then referred to the Committee on Military Affairs, and, with the accompanying documents, was ordered to be printed.

CHANGE OF REFERENCE.

On motion by Mr. DIX, it was

Ordered, That the Committee on Commerce be discharged from the further consideration of the petition of William Norris and company, and that it be referred to the Committee on Finance.

ADVERSE REPORTS.

Mr. YULEE, from the Committee on Naval Affairs, to whom was referred the bill in addition to an act for the more equitable distribution of the navy pension fund, reported the same without amendment, and submitted an adverse report on the subject, which was ordered to be printed.

Mr. YULEE, from the same committee, to whom was referred the petition of Abel Gregg, the memorial of John Ericsson, and the memorial of Ann Kelly, submitted adverse reports thereon; which were ordered to be printed.

On motion by Mr. YULEE, it was

Ordered, That the Committee on Naval Affairs be discharged from the further consideration of the memorial of Sarah Ann Hart, and from the further consideration of the memorial of Sarah Hebard.

PRIVATE BILLS.

Mr. YULEE, from the Committee on Naval Affairs, to whom was referred the bill for the relief of John W. Simonton, reported the same with amendments.

Mr. BADGER, from the Committee on Naval Affairs, to whom was referred the bill for the relief of Frances M. Holton, reported the same without amendment.

VIOLATION OF SECRET.

Mr. BUTLER, from the Committee on the Judiciary, who were instructed to inquire into the subject, reported a bill to punish violations of the secret proceedings of Congress; which was read and passed to the second reading.

ADVERSE REPORT.

Mr. BRADBURY, from the Committee of Claims, to whom was recommitted the petition of Amos Holton, reported a resolution:

That the evidence [illegible] Amos Holton [illegible] ought not to be granted, [illegible] special law, [illegible] [illegible] ton of the [illegible].

EMORY'S AND ABERT'S REPORTS.

The Senate proceeded to consider the motion submitted by Mr. CASS, on the 18th instant, that the Secretary of the Senate furnish the Bureau of Topographical Engineers with two hundred copies of Lieutenant Emory's report, and two hundred copies of Lieutenant Abert's report; and the motion was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

MR. PRESIDENT: The House of Representatives have passed the bill of the Senate for the relief of Edward Hunter, of the State of Missouri, and for other purposes. Mr. W. Bell, a member from Tennessee, [illegible] the United States in May.

They have passed a bill to explain [illegible] An act to [illegible] the compensation and [illegible] [illegible] to [illegible] to be [illegible] [illegible] [illegible] approved March 3, 1845; a bill amendatory of an act entitled "An act amendatory of [illegible] Department of the government of the United States in the District of Columbia, approved March 3, 1845;" and several private bills, in all of which they request the concurrence of the Senate.

The Speaker of the House of Representatives having signed [illegible] enrolled bill, I [illegible] [illegible] the Senate [illegible].

SIGNING OF BILLS.

The VICE PRESIDENT signed the enrolled bills for the relief of Mary Brown, widow of Jacob Brown; for the relief of John Mitchell; and for the admission of the State of Wisconsin into the Union.

[illegible] BILLS REFERRED.

The bill from the House of Representatives for the relief of the legal representatives of Lieut. Francis Ware, was read the first and second times, by unanimous consent, and referred to the Committee on [illegible].

The bill from the House of Representatives for the relief of Lewis Benedict, was read the first and second times, by unanimous consent, and referred to the Committee on Private Land Claims.

The bills from the House of Representatives in explanation of an act entitled "An act to appropriate the proceeds of the public lands and to grant pre-emption rights," and in addition to "An act to confirm the survey and location of claims for lands in the State of Mississippi, east of the Pearl river and south of the 31st degree of north latitude," approved March 3, 1845, were severally read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

The bill from the House of Representatives for the relief of Levi H. Corson and for other purposes, was read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary.

The bills from the House of Representatives for the relief of the owners of the Spanish brig Restaurador; and for the relief of Philip J. Fontane, were severally read the first and second times, by unanimous consent, and referred to the Committee on Commerce.

The bill from the House of Representatives for the relief of Joseph Perry, a Choctaw Indian, or his assignees, was read the first and second times, by unanimous consent, and referred to the Committee on Indian Affairs.

The bills from the House of Representatives for the relief of Anna Yarrington; for the relief of Hugh Riddle; for the relief of Maurice R. Simons; for the relief of Eliphas C. Brown; for the relief of Henry N. Halstead [illegible] for the relief of Henry Dempsey; for the relief of John Farnham; for the relief of Andrew Flanegan; for the relief of William Gott; for the relief of Catharine Huffman; for the relief of Mary Ewer [illegible] Wood; for the relief of Gideon A. Perry; for the relief of Fielding G. Brown; for the relief of Joseph Taylor; for the relief of Mary W. Thompson; and for the relief of John Haup, were severally read the first and second times, by unanimous consent, and referred to the Committee on Pensions.

The bills from the House of Representatives for the relief of the heirs of Joseph Gerard; for the relief of the legal representatives of Captain George R. Shoemaker; for the relief of Elisha F. Richards; for the relief of Mrs. Mary B. Renner; for the relief of John P. B. Gratiot; and the legal representatives of Henry Gratiot, and for the relief of Archibald Beard, and twenty-one other Tennessee volunteers, were severally read the first and second times, by unanimous consent, and referred to the Committee of Claims.

The bill from the House of Representatives amendatory of an act entitled "An act amendatory of the act entitled 'An act to to incorporate the Provident Association of clerks in the civil department of the government of the United States, in the District of Columbia,' approved 3d March, 1825," was read the first and second times, by unanimous consent, and referred to the Committee on the District of Columbia.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

MR. PRESIDENT: The President of the United States approved and signed, on the 27th instant, the following acts:

An act to [illegible] privileges to American vessels engaged in a certain mentioned trade, and for other purposes.

An act [illegible] [illegible] entitled "An act to [illegible] for a limited time an additional [illegible] [illegible] [illegible] approved 19th February, 1847.

An act to [illegible] additional Examiners in the Patent Office, and for other purpose.

COMMITTEE ON MILITARY AFFAIRS.

On motion by Mr. BADGER, it was

Ordered, That Mr. BENTON be the Chairman of the Committee on Military Affairs in the place of Mr. CASS, resigned, and that the vacancy in the committee be filled by the Vice President.

Mr. BORLAND was appointed.

REPAYMENT OF ADVANCES.

On motion by Mr. TURNEY, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives to refund money for expenses incurred, subsistence and transportation furnished for the use of the volunteers during the present war, before being mustered and received into the service of the United States.

THE PRESIDING OFFICER stated that this bill had been referred to the Committee on Military Affairs.

Mr. TURNEY had prepared an amendment which he designed submitting, and in order to afford the committee an opportunity to report the bill, he moved that its further consideration be postponed until to-morrow; which was agreed to.

INDIAN APPROPRIATION BILL.

On motion by Mr. ATHERTON, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1849, and for other purposes, together with the amendments reported thereto from the Committee on Finance.

The reported amendments having been agreed to, the bill was reported to the Senate and the amendments were concurred in.

Mr. ATCHISON stated that he had been instructed by the Committee on Indian Affairs to offer an amendment to the bill; and, in order to afford him an opportunity to prepare it, he moved to postpone the further consideration of the bill until to-morrow; which was agreed to.

FOREIGN MAIL SERVICE.

On motion by Mr. NILES, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives, to amend the act to provide for the transportation of the mail between the United States and foreign countries, and for other purposes, with the amendments reported thereto.

Mr. NILES.—Several amendments have been made to the bill from the House by the committee without introducing any new principle, or changing the principle of the bill, but merely to perfect the law. And in addition to these amendments, the committee have reported two or three new sections relating to the foreign mail service generally, which are in some measure independent of the bill as it came from the House, but are nevertheless connected with the general subject. I desire the attention of the Senate to the reading of these amendments, and I will then briefly explain their purposes and objects.

The amendments having been read by the Secrtary.

Mr. NILES proceeded.—The new sections that have been introduced by the committee of the Senate are intended to give effect, so far as it can be done, and to secure the rights of this government under the act of 1845, relating to this branch of the service. That act provides that the United States shall at any time have the option of taking the ships employed in carrying the mail, into the service of the government as war ships, upon a valuation to be made by disinterested parties, but there is no provision to enforce that section of the act, and in the event of the stock of the mail transportation companies being in the hands of foreigners in case we shall be involved in a war, this whole interest must remain in the hands of our enemies. Whilst we are paying large sums to keep these mail lines we have no security against the possession of the vessels, efficient as they are for service, falling into the hands of our enemies. Such a state of things might exist, and it seems to me important therefore, that we should provide against such a contingency. I, for one, am prepared to provide some penalty by imprisonment or otherwise, in case of the failure or refusal on the part of the contractors, or the corporation, to deliver over the ships for the use of the government. The next section merely gives to the Postmaster General the right to exercise authority over these lands in the same manner, as over the service generally, in order to enforce regularity. The third section relates to transfers of British contracts, which have already become a matter of speculation.

In regard to the bill as it came from the House, it is a measure strictly retaliatory, and is intended exclusively to operate upon Great Britain. It is known to the Senate that a few years ago we established a line of mail steamers to Bremen, touching at Southampton, in England, cogsisting of four steamers. It was supposed that we would have a fair chance for competition in the carrying of letters and packages, but instead of that, the British government in a very unfriendly spirit, not only enforced against our mails the general law of the country, but imposed an equal charge upon all letters coming into the country, or passing out, to and from the United States, to that which was exacted when the letters were conveyed by their own steamers. Some years ago, when they established the Cunard line, they modified their law as regards postage, and reduced the rates of postage. At the same time a discretionary power was vested in the Lords of the Admiralty, I believe, or in some board, to raise the postage upon foreign letters. This board exercised their power, and made the letters contained in our mails subject to the same charge as the letters conveyed in their own mails. In addition to this, they would not suffer them to be distributed at Southampton, but sent them to London. This proceeding was calculated to depreciate very much the value of our mail service, and of course could not very well be submitted to. Mr. Hobbie, who was then our agent, in regard to the foreign mail service, opened negotiations with the British government on the subject, and those negotiations were continued for a very considerable time, and various propositions were made on both sides, but the result was, that they could come to no satisfactory arrangement. They proposed that the sea postage should go to the parties who conveyed the letters. This was fair enough upon its face, but it would have thrown the payment of the greater portion of that postage upon us, because they carry nearly all the letters—they carry at present probably a hundred letters to our one; to this, however, our negotiator could not agree. There was another difficulty, and that was in regard to transit postage. Upon this point no arrangement could be made, and the negotiations were broken off. There seems, then, to be no other course for us but to retaliate, and to place upon their mail precisely the same rate of postage which they place upon ours. That is the object of this bill. The bill does not impose the increased postage, but it authorizes the Postmaster General, with the concurrence of the President, to do it, and thus to place our mail service upon an equal footing with that of Great Britain. At the same time, it must be confessed that it will be inconvenient for the public. It is a state of things not at all desirable; but we have no other means of defending ourselves against the exactions of Great Britain, who has acted in a far less liberal spirit towards us in regard to postal arrangements, than she has towards the different countries of Europe. If this bill passes it will make the postage on all letters carried out in our mails, or in the English mails, 44 cents, including the inland postage. The bill is not intended to be a permanent law, but merely a retaliatory measure, in the hope that when the British government finds that their mails will be subjected to the same charges and burdens as our own, in consequence of the illiberal course which they have pursued, they will agree that the charges shall be brought down to a reasonable and moderate rate. Both countries will probably relinquish, as I think they ought to do, the seaport duties on letters brought in the mails of the other. If we do not adopt a measure of this description, the entire monopoly of this mail service will eventually go into their hands. The question is, whether we will adopt this measure and maintain our rights, and force them to come down to a reasonable rate, or suffer the matter to go on as it is, and allow our mails to become, in a measure, useless, and permit the whole service to be thrown into the British lines, and have our letters subjected to double postage. The bill also authorizes the Postmaster General to impose a corresponding rate of duty on letters crossing in private vessels. Whether it be necessary to exercise this power or not, I am not prepared to say; but it was thought proper, by the committee, that if we adopt a measure on the subject, that it should cover the whole ground; and as their law contains a provision of this kind, that it might be proper for us to make our law applicable to all inter-communication, whether in public or private ships.

Mr. DAVIS, of Massachusetts.—I wish to ask the honorable Senator, in case this matter should be arranged in a satisfactory manner, is there any power to suspend the operation of this law?

Mr. NILES.—I will answer the honorable Senator. The bill does not impose the increased rate of postage; it merely authorizes the Postmaster General, with the concurrence of the President, to do so; and I suppose, of course, that they can withdraw that increased rate at any time that they may think proper.

Mr. DIX.—I desire to ask the honorable Senator from Connecticut whether his attention has been called to the fact, that one of these steam lines has borrowed money abroad of a foreign government or corporation, and that the stock of the company is mortgaged to that foreign government or corporation; and if so, whether it may not be an evasion of the provisions of this law?

Mr. NILES.—It is somewhat questionable what the extent of their power would be to dispose of these ships; still that has no immediate connection with the main object of this bill. But these facts led the committee to introduce the section that has been read, to enable the government to take possession of these steam ships, by paying a fair price for them, whenever, in their discretion, they may deem it advisable so to do. We are expending some seven hundred thousand dollars a year to keep up these vessels, as part of public ships, and when a contingency arises, in which they would be required by the government, we might find that we had no power over them, and that they might be sold to the enemy.

Mr. DAVIS, of Massachusetts.—From the construction of the provision to which the amendment of the honorable Senator refers, I had supposed that this was a matter of contract between the United States and those persons who undertook to construct the vessels. I suppose that it might well enough be doubted whether after the contract was concluded and subscribed by the parties, it would be competent for one of the parties to introduce new covenants into it. If they have such power, then this act will be necessary; therefore, I do not know that it is worth while to make any objection to it, but I very much doubt whether the government would wish to have these vessels under any circumstances. The material question is upon the principle contained in this bill in regard to postal arrangements. I regret very much to learn from the remarks of the honorable Senator, what we have been before apprised of, that the two governments have failed to make any satisfactory arrangement, and that the interests of the public are likely to suffer from not having the postage reduced to the lowest rate. The controversy that exists has a tendency precisely contrary to that of seeming the public interests; it has a tendency to increase, instead of diminishing the rates of postage; this is contrary to the spirit of the age. I regret still more to learn, that all negotiation on the subject is considered by the honorable chairman of the committee as hopeless. I was in hopes that the honorable Senator would have stated the precise difference in money which is charged on a sheet of letter paper transmitted in our own steamer, and one transmitted in a British steamer: that is the additional amount of money we are required to pay on such piece of paper. I do not know that it is very material, but the tendency is, as I understand it, to discourage the transmission of letters in the American line of steamers. I do not know that there is any other way to remedy this, than by authorizing the Post Office Department to make corresponding charges and yet it is a matter of great regret that we should be brought to this extremity, for the public must be the sufferers by such an arrangement. If this be the only remedy, we must meet it as well as we can, and it is time to meet it, if we have reached the point at which negotiation wholly fails. I hope, however, that is not the case. I hope no such view is entertained. But it seems to be considered necessary that some such law as this should be passed, and I am not prepared to say that it should not; on the contrary, I am prepared to adopt some measure which shall ultimately place this matter upon a proper footing that is, as I consider it, no other than a cheap system of postage. The experience of mankind in this respect, is favorable to a cheap system. Cheap postage has been every where successful, and there is no reason why it should not be cheap on the ocean as well as on land. I believe that the revenue to be derived from the conveyance of the mails under a cheap system of postage will be considerably increased. Taking it for granted that the details of this bill have been made, under the supervision of the honorable chairman, substantially correct, I shall very cheerfully give the bill my support.

Mr. NILES.—A letter conveyed in the British mail pays twenty-two cents postage if delivered at the port at which the steamer lands, but it pays four cents in addition if sent to any other office, whilst a letter carried in our mails will have to pay forty-four cents going either way, together with the inland postage in England, and the inland postage here, making it at least double upon letters conveyed in our mail. So the law now stands. Under these circumstances it is not to be supposed that many letters will be conveyed in our mails, the tax being so onerous, but the result will be to give the whole mail service to British ships. But it is believed that this act will in a very short time bring about an arrangement that will be satisfactory. They profess to be willing to arrange the matter on principles of recipro

city, but when it comes to the carrying it out practically, there is no reciprocity.

Mr. DAVIS, of Massachusetts.—I am inclined to think that the honorable Senator had better permit the bill to be amended, so far as not only to impose the increased duties, but to suspend its operation in the event of a satisfactory arrangement being made.

Mr. NILES.—I certainly have no objection to such an amendment, if there be any doubt as to the power, but I think it is obvious that that power is necessarily implied.

Mr. HALE moved to strike out from the first section of the bill, that portion of it which gives to the custom house officers, their agents or servants, power to open and inspect any packages, or parcels, found on board of vessels, which are supposed to contain mailable matter. This power he considered was liable to most outrageous abuse, and ought not to be entrusted any where.

Mr. NILES.—The honorable Senator will recollect that this provision does not apply to our own vessels, it applies only to foreign steamers or mail ships; and if we undertake to impose charges upon mailable matter, we must do it in a way that will be effective, so as to prevent smuggling. We must be able to ascertain whether our law is evaded or not.

The question being put on Mr. HALE's amendment, it was negatived.

The question was then put on the reported amendments, and they were agreed to.

The bill was then reported to the Senate, and the amendments concurred in.

Ordered, That the amendments be engrossed, and the bill read a third time.

The said bill was read a third time, as amended.

Resolved, That the bill pass, with amendments.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendments.

DAVID MYERLE.

The Senate resumed the consideration, as in Committee of the Whole, of the bill from the House of Representatives for the relief of David Myerle.

Mr. UNDERWOOD moved to amend the bill by adding a proviso, that before the payment of any portion of the sum to the said Myerle, he shall give bonds, to be approved by the Secretary of the Treasury, conditioned, for the repayment of all sums advanced to him for the purchase of hemp or for labor, or enable him to fulfil his contracts with the government.

I beg the Senate's attention to this matter. When it was last before the Senate I heard from various quarters the suggestion that it was almost outraged mercy proceeding on my part, to propose a proviso of this kind by adding such a provision to the bill, and I believe that I have yet heard the same suggestion made.

I ask a claim of indulgence of the Senate for a few moments, while I state the circumstances of this case. The process which I have adopted is not without precedent. I will mention a case precisely in point. Messrs. [illegible] Harris entered a contract with the government for the building of a fort on the Gulf of Mexico near Mobile. I believe. In the course of the work they became entitled to receive from the government, some seventy or eighty thousand dollars. They petitioned the government, and ultimately a bill was passed to pay them the money, but in that bill was inserted a proviso precisely similar to the one which has just been read to the Senate; providing, that before payment of the money a bond should be executed by Farrar and Harris for the distribution of the money among those who had furnished labor and materials for the erection of the fort. Now the question is, whether Congress ought ever to set a precedent of this kind? I heard it suggested the other day that the parties ought to be left to the courts of justice, and it was asked, are we about to erect ourselves into a Court of Chancery, and undertake to apportion this money among the claimants? You have already set the example in the case of Farrar and Harris, and the reason was, that they had become hopelessly insolvent, and if the money went into their hands, they might pay it over to preferred claimants, and those individuals who had furnished materials and performed work in the erection of the fort would go altogether unpaid. Was Congress to sit by and see this great injustice perpetrated upon those individuals? Congress in that case thought differently. What is the amendment proposed here? The amendment is, that this individual, before he receives the money, shall give bond and security, conditioned for payment for the hemp, and for the labor in preparing it, out of which this sum of twenty thousand dollars accrued to him as a debt due by the government. What were the facts to which I called the attention of the Senate the other day? Myerle drew orders upon Monmollin and Cornwall, which were accepted and paid by those gentlemen, in payment of his purchases to the amount of some fifteen or twenty thousand dollars, the vouchers for which are now in my desk, and yet these gentlemen are to be subjected to the tender mercies of Myerle, and run the risk of losing their claim altogether. I am informed that Myerle—in fact he admits it in his memorial—is insolvent, and yet he is to be paid, whether those gentlemen who furnished him with the means of fulfilling his contract with the government ever get their cent or not, and they are to be told that they may resort to the courts of justice. I have looked a little into this matter, and I am constrained to say that the courts furnish no remedy—none whatever. It was suggested, let them file their injunction. No such thing can be done. In my State the matter has been fully tested and settled. The government of the State allowed a man of the name of Divine a sum of money for the performance of a piece of work. A creditor of Divine endeavored to obtain payment of his claim by an injunction upon the money thus granted by the government. The case was taken into court and the injunction sustained, but being carried to the appellate court the judgment was reversed, and on the reversal of the judgment, the very case that is now before the Senate entered into the contemplation and reasoning of the court, and they decided that such a thing ought not, and could not be done. The court said, and most correctly in their opinion upon the case, what would be the consequences to the government of the United States, if every contractor for carrying the mail, where labor is the consideration for the emolument, was liable to have the money promised him by the government arrested before it comes into his hands. Does not every man see at once that he cannot go on with his operations under such circumstances? This is on'y one illustration, and I might adduce many, but I will not detain the Senate. The case of the contractor for carrying the mail illustrates the whole subject. So in this case. Suppose this contract had not been broken up suppose this man was still going on with the performance of this contract, and receiving annually from the government his fifty or a hundred thousand dollars to purchase hemp; if he did—not receive this promised compensation from the government regularly, how could he obtain his supplies of hemp for the purpose of manufacturing the article for the use of the government? It is impossible. The idea that the creditors of the contractor can step in and lay an injunction upon the money that is payable by the government would be utterly inconsistent with the proper fulfilment of the contract. I know there has been a practice cleared of laying injunctions upon a principle of courtesy between the departments and those who are setting up claims against each other, but it has never been considered obligatory upon the departments. And they are not upon principle bound by any judicial order, restraining them from paying over the money. But the idea is altogether untenable for another consideration. Can you sue the government? No, sir. Can you indirectly sue the government under the pretence of making the treasury or any other department of the government a party to the suit? Certainly not. That point was settled in the very case to which I have alluded in the State of Kentucky. Our constitution requires that the legislature shall pass laws by which the government shall be sued. The legislature has not yet thought proper to carry out that constitutional provision. Can the government of the United States be sued? No, sir. But is not in substance a suit against the government, when an attempt is made to seize money in the hands of the Treasurer of the United States, and to pass a judicial sentence by which he shall be made to pay this money to any particular individual. It is nothing else but a suit against the government. You subject in this way, if it can be done, the whole Treasury of the country to judicial determination, but it is a thing that cannot be done. Now, if you cannot sue the government, or get at it through its Treasury Department, how can the courts of justice accord to the suggestion of the furnish a remedy? It is utterly impossible. But another thing, pass this bill without some such provision as I have offered, and this man can transfer every dollar before the passage of the bill, and thus you put it in his power to deprive the men who furnished the hemp and the labor to prepare, it of every dollar that is due to them. When partners in manufacturing, or any other class of business fall out, they are something like relations who quarrel, they become more hostile, more bitter, more vindictive, more disposed to thwart each other, than people under any other circumstances whatever. These partners, then, in this arrangement, having fallen out, you need expect no sort of justice or equity to be practised between them, but if there are other creditors, it will be among them that the money will be distributed; and those persons who have furnished the means to purchase the hemp and to manufacture it, will never get one dollar. Now, in view of these things, and in view of the precedent which Congress has set in the case of Farrar and Havris, I ask the Senate whether, with all these facts before them, they can pass this bill, giving to this man twenty thousand dollars, whilst the individuals upon whose capital the money was earned are to go away unpaid? That is the question. I have discharged my duty as far as I can in bringing these facts before the Senate. It is for them to dispose of the matter. It does seem to me that the papers which I laid before the committee justified the introduction by them of such a provision as I have offered.

Mr. BAGBY.—I understand that my honorable friend, the Senator from Kentucky, has no objection to the passage of the bill; in other words, he has no objection to the appropriation of the $20,000 in satisfaction of this contract between Myerle and the government, but he calls upon the Senate to constitute itself a court of chancery for the purpose of distributing this fund among Mr. Myerle's creditors. This is the position which, I understand, has been taken by the honorable Senator, and in justification of this course he finds one precedent. There may be others for all I know; but with entire respect for the honorable Senator from Kentucky, and for the legislative body which passed the law in the case of Farrar and Harris, and their creditors, I must be permit

ted to say that it is a precedent much more honored in the breach than the observance.

Mr. UNDERWOOD.—Will my honorable friend indulge me for a moment?

Mr. BAGBY.—With great pleasure.

Mr. UNDERWOOD.—A friend near me has furnished me with another precedent, and as the honorable Senator from Alabama contends that the precedent furnished by the case of Farrar and Harris would be more honored in the breach than the observance, I will give him an opportunity to apply his doctrine to this case also:

In the act of March 3d, 1839, to pay Peter Bagby, junior, for the loss sustained by him in the necessary performance of his contract for manufacturing a large portion of Pennsylvania, the 2d section provides: "That the said Bagby shall not be entitled to any benefit from this act, until he shall have furnished evidence to the satisfaction of the Secretary of the Treasury, and filed the same in the Treasury Department, that the respective laborers whom he employed in his services under his contract with the government, shall have received compensation for their labor; or until he shall have filed with the Secretary of the Treasury a satisfactory bond that the balances, if any, justly due to such laborers, shall be fully satisfied by the said Bagby."

Now, all that I ask is, that this man should pay for the hemp furnished, and for the labor employed in preparing the hemp for the use of the government—that he should pay the farmers for their hemp and the workmen for their labor. I think these precedents ought to be honored by their observance, but I am very willing to hear from the Senator from Alabama, that honor consists in their breach and not in their observance.

Mr. BAGBY.—I admitted that there might be other precedents. I said then what I now repeat, that all these legislative precedents are more honored in the breach than the observance. The powers of this government are not all confined to the legislative department; a portion of them belong, according to the arrangement of our system, to the judiciary department. And I ask the honorable Senator from Kentucky if it comports with his idea of correct legislation, for this branch of Congress to constitute itself a court of chancery, not for the purpose of inquiring into the validity of contracts between the government and individuals, but to interpose in the settlement of claims between individuals with which the government has no concern? Now, if these parties were known in this contract, then they ought to come in for their appropriate share in the appropriation, but after the bill has passed through one branch of Congress, we are told, for the first time, that there were persons connected with the transaction, not to be sure having any claims upon the government, but having private business arrangements with Myerle, and that Congress ought to interfere and settle accounts of those who are not known at all in the contract with the government. I ask the honorable Senator, are they known here as at all connected with this contract?

Mr. UNDERWOOD.—They were certainly not parties to the contract with the government, but Myerle made a contract with them by which he was permitted to draw upon them to the amount of twenty thousand dollars, in order that he might be enabled to fulfil his contract with the government, which he could not have done except by their assistance. That is the relation between the parties.

Mr. BAGBY.—I understand it precisely so. I have no doubt of the existence of the facts precisely as the Senator states them. But those persons who now claim a distributive share, if not the whole of the appropriation, were entirely unknown in the contract. The question to be determined, then, is, not whether those persons have claims against Myerle, but whether the government is under any obligation to provide by law for the payment of such claims, the government not being a party to them. Why, it is a monstrous proposition, that if A entered into a contract with the government to do a specific thing, the government is not to pay the sum stipulated to be paid until it casts about and ascertains all the creditors of A, in order to distribute the money among them.—And I ask the honorable Senator what justice there is in the amendment he proposes, when it goes to secure the rights of but two of the creditors and excludes all the rest? My honorable friend asks whether it is consistent with honor to allow this individual to receive the amount of his claim without making provision for the distribution of the money to those who furnish the materials and the labor. I understand honor to consist in a compliance with the obligations resting upon the government in good faith, leaving individuals who have no connection with the government to take care of themselves. This is not the appropriate tribunal to act between Myerle and his creditors. I do not go now into the claim of Myerle, but I say if he has a valid claim, and it is incumbent upon Congress to make a distinction at all, all the creditors should be included, and the benefit should not be confined, as is here proposed, to a portion of those creditors, in fact to two only, while there are doubtless many others whose claims are equally meritorious.

Mr. UNDERWOOD.—My honorable friend is entirely mistaken in supposing that this amendment is intended for the benefit of two creditors only. It provides not only for them, but for all others who furnished material or labor. In fact, I would prefer leaving out the names of individuals, and let it be expressed in general terms, as it is in reality intended, for the benefit of all those who furnished hemp or labor. I do not contend that this government should constitute itself into a court of chancery for the purpose of making a distribution of this fund among all the creditors of Myerle. Far from it. I would not be willing to go that length. All that the amendment proposes is, to provide for the payment of those who are instrumental in enabling Myerle to fulfil his contract, because it is from their means in material and labor furnished that the government receives the advantage to be derived from the fulfilment of the contract.

Mr. BAGBY.—I am only mistaken in part. Instead of providing for all the creditors of Myerle, the amendment only proposes to provide for one class.

Mr. UNDERWOOD.—The purpose is to pay those who made advances of the means to enable Myerle to carry on his business, and complete his contract.

Mr. BAGBY.—I understand that. I understand that these men advanced money to enable Myerle to fulfil a contract to which they were not parties, and in which they were not known. But if these men, who advanced the money, are entitled to the consideration of this government, are not the other classes of his creditors equally entitled—for instance, those who furnished subsistence to the men who performed the work?

I am now going at no examination of Myerle's claim at this time. It may be a valid one, or it may be invalid. The question at present is, not to assess it instead of confining itself to its proper province of legislation, going to assume judicial functions as in the case of Farrar and Harris? There is another serious objection, if it be not a constitutional one, to the adoption of such a provision as is here proposed. It is the easiest thing in the world, when a claim looks definitely in running through, to increase the number of claimants and to bring all their artillery, their weight, influence, and exertion, to bear upon it. It is urged that Congress should provide by legislation for the material furnished by individuals who are unknown to the government; but let me tell gentlemen who seem to think there is soundness in this principle, that they will have enough to do to investigate and to provide for the payment of those with whom the government has made contracts. That will give us ample employment, as the bills which are from day to day laid upon your table, most evidently testify.—There is but a single principle involved in this matter. You have but to inquire whether there has been a contract between Myerle and the government, which cannot be carried out by Myerle. If there is, you are bound to legislate so as to enable the contract to be fulfilled, but beyond this you cannot go. This is peculiarly a case for a court of chancery. The honorable Senator from Kentucky says, that in his State the courts exercise jurisdiction in such cases. I have no doubt about that; but I am astonished to hear that the ground upon which they do so exercise jurisdiction, is not the great principles of law, but by a sort of courtesy towards individuals. The injunctions are granted upon courtesy alone. If it depends upon no stauncher foundation than that it ought to be stopped instantly. They have no right to exercise that sort of courtesy. But the reason assigned by the Senator from Kentucky, by the court in Kentucky, affords a strong additional reason why Congress should not do that which, by his amendment, the Senator calls upon us to do. He says they refuse to do it for the reason that the government, according to existing laws, could not be sued; that they could not grant that relief indirectly which could not be done directly. I ask, what is the purpose of the gentleman's amendment? Is it not for the purpose of doing that which the principal party himself could not do in the State of Kentucky? As I said before, I shall not go now into an investigation of Myerle's case. My only purpose is, to prevent this engrafting of judicial power upon the legislation of Congress.

Mr. BENTON.—I believe the Senator from Kentucky has informed us that he has got the papers relating to this case locked up in his desk.

Mr. UNDERWOOD.—They are; and I have unfortunately forgotten to bring the key.

Mr. BENTON.—I should be very glad if the Senate could have an opportunity of looking at those papers, for I have some knowledge of this case; in fact, I am acquainted with all the circumstances attending it from the commencement, and I think that if the papers were examined the Senate could have no hesitation as to how they should act. In the meantime, I wish to say half a dozen words respecting this case. I think that Myerle is not entitled to receive any thing.

Mr. UNDERWOOD.—I have not looked into that.

Mr. BENTON.—That is a part of the subject that might as well be looked into before twenty thousand dollars are voted. But as to the second part my mind is pretty well made up. It so happened that this contract for furnishing hemp was undertaken to be performed in the county of Woodford, in Kentucky, where I happened to be at the time, and it so happened that I knew every thing about it. I knew that Myerle could not make a purchase of hemp at all, unless he gave the acceptances of merchants who were known.

Mr. UNDERWOOD.—That is the case.

Mr. BENTON.—That is one class of claimants in connexion with this contract. Then comes another class having a more intimate connexion with it. I understand that McMullen, in consequence of his acceptances in favor of Myerle, and in consequence of the mutual profits which they were to derive from the

contract, became implicated as a partner, and was sued thirty, forty, or fifty times in all possible ways, and judgments recovered against him in all these cases, which judgments he had to pay, amounting altogether to a large sum of money, very nearly, if not quite, twenty thousand dollars. No such bill as this shall ever pass by my vote, without knowing who is substantially to be benefitted, or who were the persons who, in reality, fulfilled the contract. Myerle could not advance the means, and he would have been wholly unable to complete his undertaking, had he not been assisted by the advances made by these individuals. I am not at all satisfied that Myerle is entitled to the money, and I should prefer that the bill should lie over for the present, until a further examination can be had.

Mr. UNDERWOOD.—Let the bill be passed by informally for the present.

Mr. BADGER.—I shall have no objection to passing the bill by for a day or two, but as the subject has been gone into this morning, and as I, by direction of the committee to whom it was recommitted, reported the bill back to the Senate, I beg leave to occupy the attention of the Senate for a few moments in presenting to them what I consider is the true question for their determination. We have, at present, nothing to do with the question of the propriety of allowing to David Myerle twenty thousand dollars. The amendment supposes that sum to be justly due, and it proposes, before Myerle shall receive the money, that he shall enter into a bond, conditional, to satisfy Montmollin and Cornwall, and every other person who may have made advances towards enabling him to fulfil his contract with the government. The question is, whether this amendment is a proper one to be annexed to the bill. In the first place, I agree entirely with the Senator from Alabama in considering it as an irregular and improper mode of legislation, and that if the two cases adduced by the Senator from Kentucky as precedents, were in reality precedents which could apply to this case, I think also with the Senator from Alabama, that they would be much more honored in the breach than the observance. This bill proposes—upon a claim set up by an individual as between him and the government in which, if any body is entitled to receive a penny, he is the only person that is entitled to it—that the government, in paying the debt which they justly owe, shall impose a condition to be performed by the party who is to receive the money; that the government shall look beyond their contract: beyond the party they contract with, and compel him to give security that he will discharge certain liabilities which, it is said in point of equity and conscience, he is bound to discharge towards other persons. I cannot understand the equity of such a proceeding on the part of the government. In my judgment, it is the exercise of a power that ought not to be assumed by Congress. It is a power, the exercise of which equity does not warrant. In a moral sense a government stands in no different position than an individual does towards an individual to whom they owe money. An individual, when he pays a debt, has not the right to impose a condition upon the person receiving payment. It is, therefore, as I apprehend, a vicious principle of legislation. But the cases referred to by the Senator from Kentucky, are not like the one under consideration. We have before us nothing to show upon what ground Congress acted in imposing the restrictions which they imposed in those cases; but we have enough to show this, that they were cases between the government and contractors who had executed certain work, and in those cases the law required that the contractors, before they received their money, should enter into stipulations to pay for the labor and for the materials used and absorbed in the work. And in the other case, Congress seems to have proceeded in those two cases upon the idea, which we have prevailing in some of the States, that persons who furnish labor and material upon a building contract, are not regarded in the light of general creditors, but as having a lien upon the building for the payment of their debt. My honorable friend from Kentucky very dexterously speaks of the subject, as if certain poor farmers had furnished the material and the labor for fulfilling this contract, and it was proposed to give Myerle the money, and to prevent them from being paid. But there is no such question before the Senate. Every farmer has been paid, and paid with the means furnished by Montmollin and Cornwall under stipulations between them and Myerle. It is not the case of farmers who have advanced their hard earnings, and their labor going unpaid, but it is the case of men who, for their own advantage, made advances to Myerle, and who are now calling on Congress to interpose and convert them from general creditors into a sort of mortgage creditors. The case, putting it upon its best footing, stands thus: these are men who made advances of money to Myerle without stipulating for any lien or security—without stipulating that they should be considered as partners—without any reference to the contract from beginning to end. They have then, no more claim for the interposition of Congress than any other men in the world who may have advanced money to Myerle. Then the question is, whether, at this day, Congress is going to exercise this sort of jurisdiction, and to determine that if a man have a claim against the government, and we pass a bill to pay it, we have a moral right—we have the power we all know—but have we the moral right to require that he shall give security before he is paid, that he will disburse the money that he has earned. Where is thing to end? Must you go through all the ramifications of these various contracts and stipulations, and find out who is the man who is to be the object of your bounty? Sir, you cannot do it. The case under consideration is one in which the only person known to the government is Myerle. When the case again comes up, I hope to be able to show that David Myerle is a meritorious subject for the interposition of Congress; that he is entitled to the sum of money that is proposed to be given to him by this bill, and indeed to much more, but that is not the question now before the Senate. David Myerle undertakes, under an arrangement with the Secretary of the Navy, to introduce a new principle in the preparation of hemp, an object in which every one has an interest. Myerle being the only person known to the government, according to my view of the subject, this case is ended by the passage of the bill granting him the money to which he is entitled. But it is said that under some sort of attachment, or trust process, I know not what, if this was the case of an ordinary debtor, the funds might be attached or seized in his hands, and detained there until by a compulsory process, they are paid over to his creditors, but that in this case the thing cannot be done, and therefore Congress must provide for the case expressly. If this appeared to be a case in which Montmollin and Cornwall had come forward, either with a view to advance the public interests, or from a desire to aid and assist a man to get forward, who, by the exercise of his industry and care, was endeavoring to fulfil his contract with the government; if it was either patriotism or benevolence that guided them, there would be some reason for our interposition. But the slightest attention to this matter will show that their only object was to make money by a most exacting and usurious transaction. Allow me to call to the attention of the Senate to one clause of their agreements. Myerle agrees to give Montmollin and Cornwall his acceptances, payable in three and four months in the city of Boston, to enable them to make the necessary advances and he also agrees to allow them two and a half per cent. for endorsing and negotiating his bills, and one per cent. interest upon them, and the difference of exchange between Lexington and Boston. I certainly think I cannot be mistaken in saying there is no kind of justice, either legal or equitable, in our listening to any claim whatever, founded upon such a contract as that. Why it is gross usury. Two and a half per cent. as the consideration for accepting the bills, the difference of exchanges, and then one per cent. a month interest. Sir, if we have the power to interpose at all, and if it be proper to exert that power in any case, it certainly cannot be proper to interpose for the benefit of usurers, to men who are seeking to make a profitable speculation. But I have objection to this amendment. The amendment is founded upon the idea that these people were in some sense partners in this transaction. My honorable friend from Kentucky repeatedly spoke of them under the description of partners. He told us that partners after disagreement always manifested the utmost bitterness towards each other. But these men were not partners in any sense. If they had come forward avowedly for the purpose of enabling Myerle to execute his contract with the government, with the understanding that they were to be paid or fail with him, why beyond all doubt, having thus become parties to the contract, they would be entitled to be provided for in the bill. But that is not the case; there is no reference or allusion to their becoming partners or parties to the contract. It is a mere stipulation between Myerle and Montmollin and Cornwall by which the latter expected to make a handsome profit, not only in the way of commission upon their advances, but also twelve per cent. per annum upon the money so advanced. It is said by the honorable Senator from Missouri that these men have been made responsible as partners, that they have been sued, and that judgments have been recovered against them. That may be very true, but it would not give them the rights of partners. A man may by his act become liable as a partner in the same manner as he may become liable as an executor to an estate, without in either case being entitled to the rights which appertain to an individual in such a capacity. But there is still another objection. These men strip themselves of every shadow of claim upon the consideration of Congress by withholding their co-operation in the prosecution of the claim, until after they found that a bill had passed the House of Representatives, and then all at once eagerly coming forward and thrusting themselves upon the Senate as joint claimants, whilst this poor fellow Myerle has been soliciting his claim before Congress for many years. When he called upon these men to aid and assist him in prosecuting the claim, they would have nothing to do with it; but as soon as the bill passed the other House they come forward and endeavor to procure the annexation of this amendment.

Upon the whole, it seems to me that the objections to the proposed amendment are simply these. In the first place the principle of the amendment is vicious in toto; and in the next place, if you look into the merits of the claim of these individuals you will find it is neither legal or equitable; and thirdly, this application is an after thought. For after leaving this poor fellow Myerle to forward his claim as he best might, until it is matured, and ready to be passed, then for the first time do we hear any thing of the claim of these individuals. Then what species of justice would it be towards Myerle to oblige him to give security to the government in the sum of twenty thousand dollars to discharge all his liabilities? Why he is broken down—he has got nothing—he has sustained losses upon losses in consequence of this contract. Who is going to be his security? The Senator from Kentucky will not. The necessary consequence will be this, he cannot receive one cent of the money, and he will be obliged to bring himself to the attitude of supplication to these men, Montmollin and Cornwall, and be content to receive at their hands such pittance as they may think proper to allow him.

Mr. CRITTENDEN.—I rise rather for the purpose of recalling the attention of the Senate to the two other acts of Congress which contain provisions similar to that now proposed, than for the purpose of making any observations in regard to the subject.

I must confess that I have hardly ever heard a more technical argument in a court of justice than that made here by the honorable Senator from North Carolina. What was the course taken by Myerle after having entered into his contract with the government? I do not wish to speak harshly of him, but it is only consistent with the truth to say, that he had no credit; his only letter of credit was his contract with the government. Whose money bought this hemp? That is a little fact that weighs nothing in the technical argument of the honorable Senator. Whose money bought it? The money of Montmollin and Cornwall. Who is to be paid? Myerle. Whose hemp was it? According to law and technical title, it was the hemp of Myerle. But you are appealed to as the highest tribunal in the country to dispense equity—for I trust that in our legislation we are to regard the principles of equity. Will you then pay the man who has but the technical title, and who may pocket the money, to the disparagement of those who expended their means in the purchase of that for which you are now called upon to pay? But the gentleman is altogether opposed to act the part of a court of justice; yet when he comes to that part of the case relating to the contract between Myerle and Montmollin and Cornwall, he finds out, that there is usury in the contract, and that it is therefore of no validity. The usury, he insists, destroys the whole equity of the case. The law of contract, he says, does not tolerate usury.

Nothing can possibly be more equitable, than the claim of Montmollin and Cornwall; and Myerle, in reason, substance, and in sense, is a mere name; just as much so as John Doe. The honorable Senator might as well contend that John Doe is the substantial farmer. Does not the record say so? We are under no obligation, the gentleman says, to any person but Myerle. What obligation are you under to Myerle? Is it an obligation you can go into a court and sue upon? No. What is it then? It is the high moral obligation to do right and justice. Well, when you are doing right and justice, will you do it by halves? will you pay money to a mere name, or will you look behind that name and see the real sense and substance of the transaction, and make your payments accordingly? I should do the latter; that would be my judgment; and it is all that these men ask. Myerle comes here claiming pay for hemp that never belonged to him. Sir, there needs no on a precedent on a subject of this sort, principle is enough, and the principle is plain here. "Poor Myerle," the gentleman says. Myerle is the subject of sympathy—for what? For what does he claim our sympathy, or our equity? He has borrowed other people's money on the faith that the hemp furnished to the government shall produce that money. The money should therefore go to the creditors. But "poor Myerle" desires to put this money in his own pocket, and cast his creditors adrift. He certainly would not be "poor Myerle" long. It is surprising to me that this plain view of the case does not strike honorable senators as the one Congress should adopt. But gentlemen seem to apprehend that Congress will be involved in much difficulty hereafter, if they assume such jurisdiction. But this sort of legislation is altogether a matter of discretion. If a man comes forward with a doubtful or questionable claim, Congress may say we do not see the justice of it—we cannot allow the claim. That Montmollin and Cornwall advanced the money, is admitted. Shall we refuse then to reimburse him because doubtful cases may be advanced? When these cases occur we may reject them, but we cannot divest ourselves of our power to investigate such cases and ascertain their validity. It is a power that has been exercised in numerous instances. So clear and undoubted a claim as this has seldom occurred; it is a claim that is engrafted with that which Myerle sets up; it is incorporated with it, and inseparable from it; and yet we are called upon to throw aside all considerations of substantial equity, and say, it was in this name the contract was made, and in this name it must be paid, and we thus discharge our obligation. Yes, you discharge your obligation literally, I admit, but you do not do it equitably and justly. Will the Senate, with its high and equitable power, not do what a court of equity would do? I do not mean a court of equity acting in this case merely, but acting upon a class of cases. Myerle goes to these men and says to them, I have not the means to fulfil my contract; furnish me the means, and you shall be repaid out of the proceeds of the contract. They do so; making it a joint stock affair. Now, how would equity dispose of such a case? Without a further remark, the proposition is so plain, that I cannot but indulge the hope that Congress will agree not to take Montmollin and Cornwall out from the mass of creditors of the same description with himself, but allow the whole class who participated in furnishing the means for the fulfilment of the contract to be provided for by this act.

Mr. BADGER.—My honorable friend from Kentucky, who always sees things very clearly, not only expresses his perceptions with great force, but in his view what he deems to be right is so absolutely apparent, that he is surprised that every other person does not look upon them exactly as he does. The honorable Senator says that the name of Myerle in this case is nothing more than John Doe in legal proceedings. I can only say, that this is certainly a strong and extravagant figure of speech. David Myerle undoubtedly contracted with this government. The government is not in the habit of treating with imaginary persons; and I am inclined to believe that the Senate will, at all events, presume that they have a real and substantial individual before them in the person of this contractor. My honorable friend says that the facts in this case are clear, and that the claim of Montmollin and Cornwall is clearly equitable—that there is no doubt about it. But if my honorable friend will look into the papers in the case he will find—unless he takes it for granted that whatever one party says is true, and whatever the other party says is false—that there is no such equity in the case of Montmollin and Cornwall at all. My honorable friend says that if doubtful cases come before Congress, it will be proper not to exercise that discretionary power which he recommends should be exercised in this case. With great deference to my honorable friend, it seems to me that it is surrendering the whole question. The honorable Senator from Kentucky says that a court of equity would do. I understand it to be equity, never to give relief to a party upon a usurious contract under any circumstances. If the party who has lost money upon usurious considerations, obtains an advantage over the borrower, and the borrower comes into court to obtain relief, the court, before it extends relief to him, obliges him to pay the amount really borrowed with legal interest. I believe I used the expression that this poor fellow, Myerle, after the passage of this act, with this proviso attached to it, would be in a very singular and embarrassing situation, as undoubtedly he would. My honorable friend, emphasizing the word with scorn, says he would soon cease to be poor. One thing is very certain, if a man admitted to be insolvent is not to receive what is due to him, until he enters into bond that he will pay over over to other parties what is due to them, there is no reasonable prospect that he will receive his dues at all. If this is to be the course taken by Congress in this case, it makes the claimant, "poor Myerle," in a very signal and emphatic sense. To wit: proving a debt due to him from the government, and there being a provision annexed to the acknowledgement of the claim which prevents him forever from deriving any advantage from it. The advocacy of this proviso seems to be founded upon the supposition that these individuals were to be allowed to participate in the benefit of the contract without any stipulation to that effect. They negotiated bills—for what purpose? For the advantage of receiving 2½ per cent. for their acceptance, the difference of exchange, and the small interest of 12 per cent. per annum; and until this bill was passed by the House, no one had the slightest idea that they were in any way connected with the matter. That they had no right to demand a lien, is evident from the fact that up to this time they refused to furnish any statement, or to have any thing to do with soliciting the claim; but the bill having received the sanction of one branch of Congress, they now come forward and set up their claim.

Mr. UNDERWOOD.—The Senate is now thin, and with a view of having a full vote when the matter is finally disposed of, I will move that the further consideration of the bill be postponed until the day after to-morrow, and be made the special order of the day for that day. I desire this, because I wish to produce the papers relating to the case; and those papers, I think, will seem such facts as will enable the Senate to dispose of the case satisfactorily. But allow me, before I make that motion, to give a case to illustrate the principle which the Senator from Alabama condemns so strenuously, and I put the case to him, to know whether, with his sense of justice, he will adhere to the opinion he has expressed. In time of war, you put into the hands of a contractor, or an agent who makes a contract with the government, fifty or a hundred thousand dollars, and send him to purchase a thousand mules. He exhibits his contracts to those who have property of the kind, and expends the money which the government has advanced to him; but there is still due him fifty or a hundred thousand dollars. The farmers who furnished him, find that this contractor has spent the money, and has obtained their property on credit, and they represent the case of this fraudulent agent to the government; and they say we did not make the contract, it is true, but we furnished the property, and before you pay the amount due on the contract, we ask you to compel the contractor to give some sort of security that we shall be paid. Now, it seems to me, that that case is precisely analagous in principle to the one before us. You have got the hemp and the labor. The men who paid for them do not want this man to get hold of the money, because if he does, they will never get a cent. Now, I would like to know what the Senator from Alabama would do in such a case?

Mr. BAGBY.—As far as the hemp is concerned, I am rather inclined to think that Myerle and the Kentucky clients of my honorable friend are about equally interested; but in regard to the question which the honorable Senator has put to me, I will answer, that if a person in time of war obtain advances on the faith of a contract, I should say that the persons furnishing the property should be paid; but if the consideration for making those advances was an usurious contract, amounting as in this case, to about 17 per cent. on the advances, I would let the horses slip their halters and go back to their owners. These men did not inquire whether Myerle had a contract with the government, but they said if you give us your bills, with a commission of 2½ per cent., with a difference of exchange, and 1 per cent. a month on the money advanced, we will accommodate you with the funds—not relying upon the credit of the government at all, but having in view the profit that was thus to accrue to them from the transaction. I will say, with the Senator from North Carolina, "poor David Myerle"—poor indeed. He has not only to meet the enactors of the govern-

ment, but he has to go through the hands of these extortioners. The honorable Senator over the way says, that it would be the duty of a court of equity to relieve these creditors of Myerle, and therefore that we ought to do it. Sir, those who go into court should go with clean hands, they should not go as these creditors must, relying upon a transaction unjust, inequitable, and iniquitous in all its phases. I do not propose to go into the merits of the bill at this time; I am merely discussing the amendment. I am glad that the Senator has proposed a postponement of the subject, for I think we shall be able, when it again comes up, to make up a much clearer case, and to show the manifest impropriety of attaching to the bill such a proviso as is here proposed.

Mr. UNDERWOOD.—The honorable Senator from Alabama used the expression, "my Kentucky clients." I wish to inform him, that upon this floor I have no clients. I know nothing about the gentlemen, except that they handed me their papers the other day, and as a Kentuckian, it was my duty to pay some attention to the subject. I may conclude, from the reply of the Senator to the case which I put to him, that his heart is so much like my own, that he could not help acknowledging that he would remunerate the owners of the property. By that acknowledgment, he is committed, as far as the principle is concerned; and if I can show, when the case comes up again, that the usury which he complains of interposes no bar, then he will be bound to support the proviso which I have offered. I want to produce the papers, and when they are examined, I believe they will furnish sufficient evidence to convince the Senate that these persons are entitled to a reasonable remuneration. Even if the contract were usurious, it would not be vitiated on that account in Kentucky, as my honorable colleague has explained. The law only relieves from the excess of interest over six per cent.; the balance of the contract is good; it will not deprive the party of his right to claim the amount actually advanced with the legal interest.

The bill was then postponed, and made the special order of the day for Wednesday.

On motion by Mr. UNDERWOOD, it was

Ordered, That the further consideration of the bill be postponed until Wednesday next.

On motion,

The Senate adjourned.

TUESDAY, MAY 30, 1848.

REPORT FROM THE TREASURY DEPARTMENT.

THE VICE PRESIDENT laid before the Senate a report of the Second Auditor of the Treasury, made agreeably to law, accompanied with such accounts as have been rendered by persons charged or entrusted with the disbursement of moneys, goods, or effects, for the benefit of Indians, from the 1st of October, 1846, to the 30th of September, 1847; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PETITIONS.

Mr. YULEE presented a petition of citizens of Hamilton county, Florida, and James county, Georgia, praying the establishment of a mail route from Troupville, Georgia, to Columbus, in Florida; which was referred to the Committee on the Post Office and Post Roads.

Mr. DIX submitted additional documents in relation to the claim of Elijah Pratt, for remuneration for the use of his patent valves; which was referred to the Committee on Military Affairs.

Mr. FELCH presented a memorial from citizens of Wisconsin, praying that the next census may contain a return of the number of freeholders in each State and Territory of the Union; which was referred to the Committee on the Judiciary.

Mr. DAVIS, of Massachusetts, presented the memorial of citizens of Boston, Massachusetts, praying the purchase of Mount Vernon by the government; which was referred to the Committee on Military Affairs.

Mr. DOWNS presented the memorial of the judges and members of the bar of New Orleans, with a report of the committee of the Louisiana bar, asking that the practice in the circuit and district courts of the United States in all civil cases may be made to conform to that of the courts of that State, remarked—This is an important subject, and I wish the early action of the Senate upon it. In 1824 an act of Congress was passed providing that in civil cases, the practice of the courts of Louisiana should be adopted by the United States courts for that district, and for many years this was carried into effect, as it was understood that the practice of the courts of Louisiana was adopted by the United States courts. But in 1835, in a case brought up from the United States court to the Supreme Court of the United States, it was decided that there being no equity jurisdiction given to the courts of Louisiana, the federal courts must exercise equity jurisdiction there, as in the other states—that the constitution required it. The courts contended, that the principle applied to all civil cases, but unfortunately at the bar of Louisiana they misunderstood the law, and our own courts decided that they had no equity jurisdiction, consequently they have discarded our practice in Louisiana, and adopted the English system, which is entirely unknown in that State. If it were a mere matter of procedure, the bar and citizens of Louisiana would not object to it. But it is so hard to distinguish between procedure and the principles of the law itself, that it has actually in practice decided principles of law opposite to the jurisprudence of our own State. The very case in which the question was settled was a most extraordinary one. The case was first decided by our own courts, and finally by the Supreme Court of the United States, when the parties had had the advantage of all the privileges which the law gave them, and a final decision was made, it was suggested by the counsel of one of the parties, that if they changed their domicil and got a residence in another State, the decision might be different. They did get a residence in another State; they again brought their suit, the former decision was overturned, and property to an immense amount changed hands. This was only the commencement of the difficulty. Then arose the suit, in which millions of dollars worth of property in the city of Fayette were involved, the parties obtained a residence in another State, not that justice was denied them in their own State, but with a view to overthrow the jurisprudence of Louisiana. When the decision was made a few years ago in the case of Livingston, so oppressive was it, that the bar of Louisiana immediately adopted resolutions remonstrating against it. They were sent here, but for some reason or other they have not been acted upon. When I came to the Senate I found that a memorial similiar to this had been presented and referred to the Judiciary Committee, and as usual at the commencement of a new session, it was called up and referred again. On my asking the chairman of the committee to take up the subject at an early period, he stated to me that there were objections to the memorial, serious objections, resting upon constitutional grounds, and upon enquiring what those objections were he showed me a communication which he had received on the subject, and a most extraordinary communication it was. That communication is the cause of this memorial being presented. At the time the former memorial was presented, a member of the bar of another State, who perhaps had some intention of locating himself in Louisiana, presented, I will not say a strong remonstrance, but a strong letter, arraigning, not only the bar, and the judges, but the whole system of jurisprudence of Louisiana. And this was communicated privately to the chairman of the committee, and remained upon the files of the committee for twelve months, until discovered by myself. The objections contained in this communication were so extraordinary, that they absolutely required the notice of the judiciary and bar of Louisiana. In order that the facts might be fully developed, not secretly, but publicly, the communication was sent by me to the bar of Louisiana. They have forwarded a new memorial for the purpose of having the whole subject fully examined. I hope then that the subject which has been so long pending, and in which the rights of the citizens of Louisiana are deeply concerned, will be taken up by the committee and reported upon at an early day. I know it is a question which may be considered in some degree local, but if the committee will do us the favor to report a bill, which is very simple, merely embodying the provisions of the act of 1824, it will give us an opportunity of showing that it is highly improper that the change should be made in the jurisprudence of Louisiana which has been attempted. I therefore move that the memorial, with the accompanying report of the members of the bar, and the resolutions of the Legislature, be printed and referred to the Judiciary Committee.

The motion was agreed to.

On motion by Mr. HALE, it was

Ordered, That Mary Furber have leave to withdraw her petition and papers.

CHEROKEE CLAIMS.

Mr. ATCHISON submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That a select committee of three be appointed by the President of the Senate to examine into the report upon the memorial of certain Cherokee claimants presented to the Senate, complaining against the conduct of the Commissioner of Indian Affairs, in adjusting the different heads of claims by him appointed under the Cherokee treaty of 1835 and 1836; and that said committee have power and they are hereby directed to send for persons and papers, and to compel the attendance of witnesses, and to report to the Senate such evidence as may be furnished to them, and upon to be given by the witnesses touching the matters of complaint contained in miscellaneous House document No. 80, the present session, and that said committee report whatever in their opinion, the claimants are entitled to.

Mr. ATCHISON, Mr. JOHNSON, of Maryland, and Mr. HOUSTON, were appointed said committee.

COMMITTEE DISCHARGED.

On motion by Mr. YULEE, it was

Ordered, That the Committee on Naval Affairs be discharged from the further consideration of the memorial of the surviving officers and crew of the United States' brig Somers; from the further consideration of the memorial of Ebenezer Whitten; from the further consideration of the memorial of William Davis; from the further consideration of the memorial of the officers and crew of the United States' ship Warren; and from the further consideration of the memorial of the United States' steam frigate Missouri.

AFFAIRS IN YUCATAN.

Mr. FOOTE submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be requested to send to the Senate, if not incompatible with the public interest, a copy of any communication from Commodore Perry, or from any other authentic source, containing additional information connected with the existing condition of affairs in Yucatan.

CLOSE OF THE SESSION.

Mr. ATCHISON, by unanimous consent, asked and obtained leave to bring in the following joint resolution, which was read and passed to the second reading:

Resolved, That the present session of Congress be closed by the President of the Senate and the Speaker of the House of Representatives by adjourning their respective Houses at 12 o'clock meridian, on the first Monday of July next, and that the next session of Congress be held the first Monday of October next.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed the bill of the Senate concerning Spanish steam vessels.

The Speaker of the House of Representatives having signed the enrolled bill, I am directed to bring it to the Senate for the signature of the President.

SIGNING OF A BILL.

The VICE PRESIDENT signed the enrolled bill to provide for the purchase of the manuscript papers of the late James Madison, former President of the United States.

INDIAN APPROPRIATION BILL.

On motion by Mr. ATHERTON, the prior orders were postponed, and the Senate resumed the consideration, as in Committee of the Whole, of the bill from the House of Representatives making appropriation for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes for the year ending on the 30th June, 1849.

Mr. ATCHISON, by direction of the Committee on Indian Affairs, submitted the following amendment:

For compensation to Richard M. Johnson, of Kentucky, assessed in 1841 by [illegible] for the purpose of opening [illegible] through the square in which his residence in the city of Washington is situated, and for the use of which the said city has never received any compensation, the sum of [illegible] dollars, being the amount of the award of said commissioners.

The PRESIDING OFFICER.—In what part of the bill does the Senator propose to insert his amendment?

Mr. ATCHISON.—The amendment will be appropriate in any part of the bill; but, perhaps it may be as well that it should be introduced into the latter part of it.

Mr. ATHERTON.—The Senator from Missouri seems to suppose that his amendment is not only appropriate to this bill, but that it belongs equally to any part of the bill. I agree with the Senator. It certainly belongs to one part as much as it does to another, for it seems to me that it belongs no where in the bill. I do not intend at present to go into the merits of this claim; for, if I understand the amendment, it is nothing else than a private claim, and ought to stand upon the same ground as other claims that are presented to Congress. The amendment proposes to pay the very large sum of ten thousand dollars to Colonel Richard M. Johnson for buildings that have been occupied as a Choctaw academy, in consequence of the removal of that academy. I can see no reason why any other claim that is before Congress should not just as well be appended to an appropriation bill as this claim. If the claim be meritorious, it can be acted on by the Committee of Claims, or by the Committee on Indian Affairs, if its consideration is thought to belong more appropriately to that committee, and they can report a bill for its payment. There is a rule in the House of Representatives which forbids a grant of money being included in an appropriation bill, or appended as an amendment thereto, or an item of appropriation being increased, except in pursuance of the authority of a law already passed. Now, here is a general appropriation bill for fulfilling stipulations with Indian tribes, and what justice, I ask, is there in appending to this bill this private claim of Colonel Richard M. Johnson, leaving out of the question altogether the merits of the claim? It seems to me that it is important that we should attend to the principle which has been observed almost uniformly here, of keeping appropriation bills as far as possible free from those amendments which introduce new subjects—subjects which may not have undergone the scrutiny of a committee, or which do not come here on the recommendation of any of the departments; because, if such a course is pursued, it tends to render the appropriation bills nothing but omnibuses to carry through improper grants of money, and to accomplish all sorts of schemes of corruption. I do not contend that provisions may not be inserted, and very properly inserted, in appropriation bills to limit and guard the appropriations made in pursuance of existing laws; and I even admit that those guards may go so far as to repeal or modify, in some measure, existing laws; but it is very important that we should adhere to the principle I have mentioned—to keep appropriation and authorizing new sources of expenditure or expenditures not authorized by laws already existing. I therefore hope that this statement of the objections that exist to including this grant in this appropriation bill will be sufficient; for the Senate must perceive, that unless the principle to which I have referred be adhered to, the appropriation bills might be loaded with every bill on the Secretary's table—every claim, every bill, no matter for what object, might be introduced as an addition to the appropriation bills, and they would at last absorb the whole business of the Senate.

Mr. ATCHISON.—I think, sir, that the Senator may be very readily answered in regard to the objections he has made, upon this ground, that he omits [illegible] the examination of a committee of this body—the Committee on Indian Affairs, to which a memorial of Col. Johnson was referred early in the session. We have examined it carefully, and we believe the claim to be a just one; and the committee instructed me, when this appropriation bill came up, to offer the amendment which I have now offered, believing it to belong appropriately to this bill, it being a matter intimately connected with, and growing out of the administration of Indian affairs in this country. I concur with the honorable chairman of the Committee on Finance, that it would be highly impolitic and a violation of the rule to which he has referred, to attach this item to the appropriation bill, if the matter had not undergone the examination of a committee. The gentleman makes no objection, I believe, to the justice of the claim, but objects to its introduction here merely on the ground of irregularity. But I think it can be made manifest by the former action of the Senate that there is no impropriety in treating this matter in the way I propose.—All that Col. Johnson asks is compensation for his buildings, which are now entirely useless to him, the Indian academy having been broken up; and the compensation proposed to be given him is put at the very lowest valuation of the property. If there should be any difficulty or doubt about the justice of the claim, I will ask that the report be read.

Mr. ATHERTON.—My honorable friend from Missouri does not state the objection I made to the full extent. My objection was not solely that the subject had not been examined by a committee. Are there not various other claims here which have been examined by a committee, and which are just as meritorious as this? Why should they not be appended to an appropriation bill? The principle which I consider objectionable, is the attaching to appropriation bills subjects that are foreign to the bills themselves, creating a kind of necessity that they shall be adopted, or else that the appropriation bills must be lost. One of the objections to the introduction of this amendment is, that it exposes us to a conflict between the two houses. Suppose we should be satisfied of the justice of the claim, and the other house not satisfied, then a question comes up upon a collateral matter which endangers the passage of an appropriation bill that is necessary for carrying on the operations of the government. In regard to the merit of this claim, I believe that Col. Johnson has been fully paid and more than paid in rent for the use of his buildings. He has been paid over and over again. I would like to know what evidence there is before the Committee on Indian Affairs to sustain this claim of ten thousand dollars I would like to hear the report read if a report has been made.

Mr. ATCHISON.—The objection comes very strangely, I think, from the chairman of the Committee on Finance on the ground of an increase of appropriation, that gentleman having himself inserted in the bill an increased appropriation for Indian agents.

Mr. ATHERTON.—The Senator will find there is no increased expenditure authorized by the bill.

Mr. ATCHISON.—The second section of the bill provides that, "That from and after the thirtieth of June, eighteen hundred and forty-eight, no moneys which have been, or may be, appropriated for the purposes of education or any other object, shall be expended for any such object elsewhere than in the Indian country."

By the operation of this section the Choctaw academy is discontinued. Then here is another section that cannot, according to the doctrine of the honorable Senator himself, properly be inserted in an appropriation bill, and I had intended at the proper time to move that it be stricken out:

"That for the Indians east of the Rocky mountains, there shall be two superintendents of Indian affairs, with a compensation each of one thousand six hundred dollars per annum, &c."

Now, if this be proper to be inserted in an appropriation bill of this description, I cannot see why a just claim, growing out of our relations with the Indians heretofore, would not be still more appropriate. But the gentleman calls for the reading of the report; I will send it to the Secretary. The report is fully sustained by the evidence, which can also be read if the gentleman desires it.

The report was read by the Secretary.

Mr. ATHERTON.—In reply to the suggestion of my honorable friend from Missouri in regard to a portion of this bill not properly belonging to an appropriation bill, I mean that portion which relates to the discontinuance of the academy, I suppose his objection is, that it alters an existing law. But I do not know that there is any law which establishes a Choctaw academy.

Mr. ATCHISON.—The honorable Senator mistakes my meaning. What I say is, that the argument comes strangely from a member of the Committee on Finance, against this amendment, which I move to strike out those two clauses to which I have referred as inappropriate to this bill.

Mr. ATHERTON.—I believe I stated, when I addressed the Senate before, that I could conceive of no possible objection to the insertion of anything that was calculated to limit, or guard the appropriations contained in the bill. In fact, when I was a member of the other House, I took an appeal from a decision made upon this very matter, upon the ground that you could not, in an appropriation bill, alter an existing law. The House decieed that an appropriation authorized by an existing law might be limited and guarded by a provision inserted in an appropriation bill, although it might impair the force, or even repeal the provisions of the existing law. In regard to the increase of salary of the Indian agents, to which the Senator has referred, I will remark that the bill provides for limiting the salary of the sub-agents, while it slightly increases the salary of the agent, and it also limits the number of agents and sub-agents, the usual number having been rendered unnecessary by the removal of various Indian tribes. The aggregate expenditure, then, for Indian agencies, is very materially reduced. I have given the subject a very thorough examination, and that examination has extended through several years. There was a bill which passed the House of Representatives some years ago, containing the very provisions which are embodied in this bill, to limit the expenses of our Indian agencies. And I have a letter from the Commissioner of Indian Affairs, which shows the propriety of limiting and providing for those expenses, as is done in the clause which the Senator from Missouri objects to, and which also shows, that by such a provision a saving may be made in the expenses of Indian agencies and sub-agencies of about ten thousand dollars a year. Those expenditures will be diminished by this clause to that extent annually. Therefore, I think that the clause comes within the principle which I stated as applicable to appropriation bills. But, sir, this academy was never established by law. The treaty of Dancing Rabbit Creek; which provides the fund upon which this school was first started, provides also that the money shall be expended within the

Indian country. But some difficulty grew up between the Indians, or some of their chiefs and the missionaries, and there was a request made through Mr. Ward, who I believe was a relative of Col. Richard M. Johnson, that there should be a school established without the limits of the Indian country; and an arrangement was made by which Col. Johnson was to take a certain number of Choctaw youths—twenty five I believe was the original number—and provide instructors for them, each of these youths paying him, I believe, a hundred and twenty dollars a year for board and tuition, and eighty dollars in addition for medical attendance, clothing, &c. For this first number of twenty-five scholars, there was allowed $120 00 for rent. There were afterwards other Indian youths added to the school, and each one of all those that were added, was charged ten dollars a year for the rent of the buildings. I find, on referring to a letter in document 129 of the 26th Congress, 2d session, which contains a great deal of information on the subject, that one reason why Col. Johnson was willing to take these youths was, as he states, that he had buildings ready for the purpose—that he had a house suitable for their accommodation, and another house for the accommodation of the teachers and their assistants, and of the superintendents. There are many letters from Col. Johnson, in which he expresses his sense of the benefit that would be conferred upon him by having the charge of these youths. But this was not the whole amount that was allowed for the education of these twenty-five Indian youths. There was a sum allowed as a salary for the superintendent; there was a sum allowed for the teachers, and there was a sum allowed as an infit and outfit of clothing for each scholar; a sum also for the conductor for taking the scholars there making the whole expense for each scholar, not less, I believe, than 250 or 300 dollars. In a short time other tribes began to send their sons to this school. There are some letters among the documents, containing importunities addressed to Indian agents to intercede with their respective tribes to send their children to this school; and no efforts seem to have been spared to obtain a large number of scholars. I cannot find in this document, and it contains all the letters at that time in the War Department, that Col. Johnson, after the starting of this school, ever expended any additional sum in the erection of buildings, except on one occasion, and then it appears he expended a thousand dollars. Well, for every additional scholar he was paid $200 for board, tuition, medical attendance, &c., besides the allowance for infit and outfit, and the expense of the conductor; and there was also paid ten dollars each for assistant instructors and also ten dollars for each scholar, as appears by this document, for rent. I may as well here read what Col. Johnson says in a letter written in September 1825, about the buildings:

"A number have been erected to take them from other persons in the country, who have consigned them to me to board and educate, &c. I have a house with three rooms, twenty by thirty feet, which I half appropriate exclusively for their accommodation. I have another house with two rooms, twenty feet square, which will do for the teacher to live in, and one room for the school."

It appears there has been paid for the first 25 boys	$300 00 each.
For salary of superintendent	500 00
For rent of buildings	120 00 per annum
For all other boys	200 00 each.
Towards teachers	10 00 "
For rent of buildings	10 00 "
Interpreter superintendent's salary	200 00 per annum
Additional paid to Creeks for teachers	200 00 per annum.
There has also been paid for entertaining meetings	1,050 00
For postage annually	50 00
For the use of the spring per annum	1 00 for each scholar.

A SENATOR.—One dollar for each swallow? (A laugh.)

Mr. ATHERTON.—For each scholar. I may as well observe here, that in a communication from Mr. Crawford in 1840, I find that he says he had made an agreement with Colonel Johnson, that this school should be discontinued in two years from that time, and in the meantime he desired that as many youths should be sent to the school as possible in prospect of its discontinuance. So that I apprehend the discontinuance of the school at this time, cannot operate a very great inconvenience upon Colonel Johnson. And I believe it is a well settled opinion with those who are familiar with Indian affairs that schools should be established in their own country, and that the boys should not be sent to distant places to receive their education. But in order to ascertain how much has been expended for the additional scholars, it becomes necessary to refer to the number of scholars.

I find that in 1826, there were in the whole sixty scholars; in 1827, ninety-six scholars; in 1832, one hundred and fourteen scholars; in 1835, one hundred and seventy-four scholars; in 1838, one hundred and thirty-four scholars; in 1841, one hundred and eighteen scholars, and so on. It will thus appear that there must have been paid in the whole for rent since 1826 over twenty thousand dollars—or nearly at the rate of one thousand dollars per year.

A SENATOR.—How much for the spring?

Mr. ATHERTON.—I have not calculated that. It does not appear that there was ever a contract made between the government and Colonel Johnson, that in case he kept up this school, which he was very anxious to do, payment should be made for the buildings when the school was discontinued. And there was no understanding that the school should always be continued; on the contrary, as long ago as 1840, there was an understanding that it should be discontinued in two years from that time. I believe it has been wisely discontinued for the benefit of the Indians, and I believe, taking all things into consideration, there is doubt enough thrown upon this claim to show that it ought not to be included in this appropriation bill, and that it ought to undergo another examination before it receives the sanction of the Senate.

Mr. BELL.—I agreed to the report in this case in committee, but I confess I was not aware of the array of facts that have been adduced by the Senator from New Hampshire, or I should have felt it my duty, as a member of the committee, to have examined more minutely into the grounds of objection against the claim when the case was presented to the committee. Although it was an application that was not founded upon any legal obligation, and had not the authority of any existing law to support it, yet it was presented to us strongly, whether this allowance ought not to be made under existing circumstances. Perhaps we were influenced in some degree by the character of Colonel Johnson—by the station he filled under this government—by our knowledge of his warm and generous disposition, in consequence of which he failed to profit, as he might have done, from whatever sums of money he may have received for his public services; perhaps, I say, we might have been influenced in some degree in pressing the matter at this time, as an amendment to this appropriation bill by these considerations; for I admit the practice of the other house has been—and it ought also to be adopted as the practice of this body—to prevent passing through Congress claims which have not undergone proper investigation. But it did seem to the committee that this was an appropriate season for making this appropriation, on the ground that this was the first year in which the annual allowance that has been made to Colonel Johnson for the maintenance of this school has been suspended, and I, for one, supposed that he was not prepared to anticipate that he was about to be deprived of his school. I should like to know now from the honorable Senator from New Hampshire, whether he has any certain information that Colonel Johnson entered into an agreement in 1840, that the school should be suspended?

Mr. ATHERTON.—I have a letter in my hand from T. Hartley Crawford, dated April 9th, 1840, in which he says—

"I have Colonel Johnson's agreement [not a final draft] terminating the concern for two years from the last January."

Mr. BELL.—Well, I should like to know how it has happened that the school has continued up to this date? But I can easily imagine, that a proposition for a discontinuance of the school might have been made at that time, and yet, that Colonel Johnson might have been encouraged by the competent authorities of the government to continue the school; and that it has been his business, his means of subsistence, that the superintendence of the education of these Indian youths may have been his only reliance for subsistence since that time. It was upon this ground that the committee thought that this appropriation would recommend itself to the special favor of the Senate and the House, in consideration of the peculiar circumstances of the case. But I confess, I should not be disposed to press its incorporation in this appropriation bill, had I not supposed—and I believe the committee entertained the same supposition—that Col. Johnson had not been warned until a very recent period at least, that the appropriation for the maintenance of the Indian academy would be cut off. I do not think there is very great weight to be attached to some of the arguments of the honorable Senator from New Hampshire, against admitting this appropriation now. It is but a proper indemnity and compensation for the sudden discontinuance of the school; and if it should cause any dissention—dissension it cannot cause—but if there should be any reason existing, after this body shall have voted the appropriation, why, the House should disagree to it, I presume it is a matter that the Senate will not insist upon. It can cause no dissention therefore. The question it seems to me is: is this a claim that is proper to be allowed, come before the Senate at whatsoever time it may, and if it be a proper claim, is it fit and proper under the peculiar circumstances of the case, that the allowance should be made to Col. Johnson now, at the time when you stop the annual appropriation for his school? Does the claim address itself sufficiently strong to the sense of justice, or the sympathies of this body, to induce them to grant an allowance at once? If so, it may be done very properly, I think, in this bill; for it is not likely that it would be granted during this session by a separate bill.

Now in regard to these extraordinary sums of money, which appear to have been voted heretofore in support of this school, I would like to know from the honorable Senator from New Hampshire, in what manner he has made his calculations of the aggregate amount of rent, which he says has been allowed to Colonel Johnson? Whether it is an inference of his own from an allowance in some one year, or whether he knows from the statement before him, that it is not based upon such an inference on the part of the department?

Mr. ATHERTON.—I have the statement of the Commissioner of Indian Affairs.

Mr. BELL.—I know. But it seemed to me from the reading, that the statement of the aggregate was but an inference.

Mr. ATCHISON.—I have a document from a very respectable gentleman—the superintendent of the Choctaw academy—which may throw some light upon the subject. I will ask the Secretary to read it.

[It was read by the Secretary.]

Mr. BELL.—I was proceeding to remark that I did not think the Commissioner of Indian Affairs meant to state what was not true; nevertheless, from the reading of the statement it seemed to

me that the estimate of the aggregate receipts was founded upon an estimate of some one or two years only; and I still think there is some mistake; but if the Senator from New Hampshire has examined for himself I shall not debate it any further. But in reference to the rent charged upon the pupils of the academy, it may be reasonably supposed that it was not more than sufficient to repair dilapidations. And neither Colonel Johnson nor any one else could have supposed that when the school was established by a decree of the government, under whose sanction the buildings were either originally constructed or kept in repair, for the purpose of accommodating the school, the property was to fall upon his hands as a dead loss. Even though he has been allowed an annual rent, it does not give him an equivalent if the school is not continued. And in regard to arguments founded upon the letter written by Col. Johnson in 1825, that he had buildings already erected calculated for the accommodation of the school, we find within three or four years afterwards that, instead of having twenty-five pupils, as originally contemplated, he had sixty Choctaw youths, and this additional number of course required additional buildings. But at a still later period we find the number rising up to a hundred and seventy-five. Did not this require additional buildings? There were inspectors of the school as well as superintendents, and it is a fair inference to suppose that the accommodations provided for these Indian youths were such as those inspectors approved. I infer that they were substantial and comfortable buildings, and when he provided accommodation for one hundred and seventy-five scholars I infer that his expenditure must have been at least as considerable as the committee assumed. And in regard to the large sum of money which is said to have been received by way of rent, it must be remembered that the accounts run through a long series of years. Take any of the employees of government, and calculate the amount received by them for a series of years, and you will have an imposing sum—fifty, a hundred, or two hundred thousand dollars, according to the magnitude of the business.—What sort of argument would that be against a claim for losses addressed to the equity and justice of the government at the closing up of the individual's connection with the government, when suddenly dismissed from employment? And that is Col. Johnson's case. He has been dismissed from his employment. I perceive a very invidious item enumerated among the charges, viz: a charge for the use of a spring. This, I presume, was for some specific reason. For what period of time was the charge made?

Mr. ATHERTON.—The account states $1 00 each for the use of the spring per annum. It would appear to be an annual allowance.

Mr. BELL.—I should distrust very much the correctness of such a statement. I will venture to say that the charge was made under very peculiar circumstances, if it were in reality ever made at all. I should like to see some satisfactory explanation of that item. I have thought it proper to make these remarks, although I did not anticipate the necessity for saying a word in regard to this subject. I do not know but I have given the subject as attentive consideration as any member of the committee, although it was not expressly within my charge. I was aware, from my knowledge of Indian affairs generally, that considerable sums of money had been appropriated for the maintenance of this Choctaw academy. What the amount was I did not know, but I took it for granted, and still suppose, that the allowance for providing accommodations for the scholars and keeping the buildings in repair, was no more than was just and reasonable for that purpose; and I am of the opinion that Col. Johnson, upon whom the employment of providing for the education of these Indian youths was conferred by the government, had a right to suppose that while he continued to discharge his duty properly, as he did do under the supervision of the government from year to year, the employment would be continued to him. But having been deprived of it, he has an undoubted right to ask and receive indemnity from the government for the property, of the use of which he is now deprived.

Mr. CRITTENDEN.—I do not intend to delay the Senate upon this subject beyond a very few moments, for the purpose of making a single remark in reference to this charge—which seems to have sounded very invidiously in the ears of some gentlemen—of one dollar for the use of the spring. It is tolerably well known, I think, that there is such a watering place as Saratoga, and that the waters there are paid for by those who drink them. There is in the neighborhood of this school also a watering place, if it may be signified by the name of a mineral spring. The spring, I believe, is on the land of Colonel Johnson, but it has been, and no doubt was at the period alluded to, in the hands of some person other than Colonel Johnson, who rented the lands from him, and thus it is, that we find a charge made by the holder of the spring for the use of it during the year, as well as of all the little improvements that are usually made at such places. I presume that the money charged does not go into the pocket of Colonel Johnson, but that it goes to the temporary holder of the spring, for I will venture to say, and I do so confidently, that it is not a charge running through the whole period of time during which the school existed. I rose merely for the purpose of giving this explanation, and of saying further, that it seems to me that this claim comes to us well authenticated as claims generally do when they receive the sanction of Congress. When a claim has been under the examination of a committee as respectable at least as the committee of this Senate, such a committee for instance as has had the investigation of this claim, and they report unanimously in favor of it, I do not hold myself bound to investigate it further: but feel that in good faith I may rely, and that I had better rely, upon the opinions of those gentlemen who have given it their investigation, than to depend upon any hasty judgment that I may form on hearing any casual testimony in this Senate. I rely upon the judgment of the committee, and nothing it appears to me has been adduced here to controvert that judgment. Sums have been exaggerated by casting up the various amounts received during a long period of years, but nothing can be more fallacious or delusive. Colonel Johnson has received a certain amount for the rent of this property. If that proves any thing, it does not prove that too much rent has been paid, but it proves that the property is of sufficient value to command that rent. It proves that the use of the property, and this property has been left useless upon his hands in consequence of a change of policy on the part of the government in regard to the education of these Indian youths, it being considered better that they should be educated within the interior of the Indian country. Gentlemen object to the incorporation of this item into the Indian appropriation bill upon the ground of incongruity; but as the honorable Senator from Missouri has remarked to us, it is connected with the subject of our relations with the Indian tribes, it grows out of those relations. This is therefore the proper place for it. It seems to me to be peculiarly appropriate to this bill, because this bill has laid the foundation for this claim, on the part of Colonel Johnson, and responsibility on the part of the government. Besides the objection that has generally prevailed against connecting private claims with appropriation bills is, that doubtful claims might sometimes be allowed to pass, rather than that the whole appropriation should be defeated; and in the ordinary course of legislation this is a practice, that it is better to avoid, but that objection cannot apply to this case which has been fully investigated by a committee, and as has been well remarked by the honorable Senator from Tennessee, this bill itself creates the occasion on the part of Colonel Johnson for making such complaint to the government, and laying before us such claim. And if he is to be compelled to wait until the injury to him has been consummated by the operation of this bill before any provision is made for redress, the injury that he must suffer will be so much the greater. This, I think, is a sufficient reason to show that this bill is not an inappropriate place for this claim.

Mr. BAGBY.—I should like very much to vote for this amendment if I could do so with propriety. I have a great respect for the opinions of the committee by whom it has been recommended, and in the next places, I trust I have a proper appreciation of the services of Col. Richard M. Johnson. But notwithstanding these considerations, it is impossible for me, according to my views of propriety to countenance it to the least extent. I think it is out of place in connection with this bill, but that is a matter of minor consideration. I think it is out of place to attach it to this bill or to any other, or to vote for it if presented in a bill by itself. What is the proposition? In 1825 Col. Johnson informed the government that he had buildings fit and appropriate for this Choctaw school. He describes them, gives guage and dimensions, and we are informed that the buildings originally cost $10,000. Since that time, according to the proof we have before us, all the expenditures incurred by Col. Johnson in extending the buildings have been $1.000. Call it then, if you please, eleven, or even $12,000, and how does the case then stand? Why, having received for upwards of twenty years what he charged for the use of his buildings—after having been paid for the board, tuition, clothing, medical attendance for the scholars in his academy, as well as all minor charges for wood and water, medicinal waters, if you please; after having received all this, what does he call upon the Senate to do now? You are called upon to pay what the property was originally estimated to be worth. That is the proposition. According to this doctrine, if you lease your property for twenty years on your own terms, and get extra considerations allowed you in the bargain, you must, at the end of the twenty years, by way of indemnity, be paid the full original value of the property. I ask if there is any justice, equity, or sound policy in the pursuit of a course of this kind? No, sir. I think I, see in one remark which fell from the honorable Senator from Tennessee, the whole motive for this grant, and it is highly creditable to him. I wish I felt at liberty to allow the same motive to prevail with me. But the question is, whether the Senate is to be guided by considerations merely of sympathy and respect, in acting upon a matter of this kind. Sympathy has weight with me, but it is the worst possible argument that can be urged for our action in this body. If I were to recur to one part of the history of Col. Johnson, my sympathies would carry me all lengths; but I must say in regard to his connection with the Choctaw academy, I have no sympathy at all. That institution has been of no benefit to this government, and it has been of no benefit to that degraded and miserable nation. It has been like all other cases in which the white man has taken charge of the Indian, it has been profitable to the white man, but it has been useless, if not ruinous to the Indian. I regret and I cannot refrain from the expression of that regret—to see a man of Col. Johnson's high and respectable station in life pursuing a claim of this kind, a claim which if it had emanated from a man of ordinary standing, could not, I apprehend, receive the sanction of this body for a single instant. It can only be the influence of the name of Col. Johnson that can secure its passage, whether attached to this bill, or in a separate form. Suppose this case—suppose an ordinary countryman of the interior had stipulated twenty years ago to lease a house to the government, and

that the government had not only paid him the price agreed upon, but had actually paid him more, and he were to insist, that in addition to all this the government must now pay him the entire value of the property, I ask if any Senator would sanction an appropriation of that kind.

Mr. BELL.—It is not an appropriation of that kind.

Mr. BAGBY.—I understand it to be so.

Mr. BELL.—I wish to correct the honorable Senator upon this point. The argument is placed, among others, expressly on the ground that Col. Johnson had a right to suppose that this school would be continued.

Mr. BAGBY.—I understand that, and I understand that these buildings were in the possession of Col. Johnson in 1825. He says so himself, and goes on describe them, showing their adaptation to this use. And the only expenditure he has incurred since that time is $1,000. From 1825 then, down to the present time, he has received what is an equivalent for the use and occupation of his property—he has received more than the government stipulated to pay—and whether the lease extended through the whole time or not, so far as Col. Johnson is concerned, he has received payment for his property down to the present time. During the whole of that period he has got all that he was entitled to receive according to the terms upon which the Choctaw academy was undertaken. And after having thus leased his property to the best advantage during all that time, and gotten the best of the bargain, the proposition now is to pay him what the property was worth at the time when it was first leased. As I said before, if this proposition came from some private American citizen who had undertaken the impossible task of making civilized people out of Choctaw savages, it would not be entertained for a moment. And I do not think it ought in this case.

Mr. WESTCOTT.—When this amendment was first proposed, I made up my mind to vote for it, although when I did so, I was not fully apprised of all the circumstances of the case. I would call the attention of the Senator from New Hampshire to what I conceive to be an inconsistency between the argument he now advances, and an argument of his the other day in regard to an amendment proposed to another appropriation bill. The argument now is, that this item ought not to be inserted in this bill, because it has not been submitted to the Committee on Finance.

Mr. ATHERTON.—I did not state that.

Mr. WESTCOTT.—Well, the Senator objected because it was not germain to the bill. The other day an amendment was proposed to an appropriation bill which was before the Senate, an amendment that went a great deal further than this, for it proposed to abolish an office. I objected to it, because I thought it improper to be inserted in an appropriation bill, but it was sustained, and I was obliged to accede to it, although the argument advanced in its favor, it appears to me, was very inconsistent with the argument now urged. There is one point to which the honorable Senator from New Hampshire adverted, upon which I should like a little further explanation. It is in reference to this charge for the spring. I do not understand that this charge can in any way interfere with the proposition contained in this amendment. I understand that the accounts have been allowed by the proper accounting officer in years past. Why it is now brought before the Senate I cannot conceive. Were not the accounts just and right? I presume they were. I presume the accounting officer required a full explanation of all the charges. Why, then, is it thrust before the Senate? Is it for the purpose of embarrassing the Senate with the idea that it was a frivolous and trumped up account? full of charges that ought not to have been allowed? and thereby prejudice the Senate against this claim?

Mr. ATHERTON.—If my honorable friend from Florida had attended to my remarks, he would have found there was no inconsistency between the position I took the other day and the present. In regard to the amendment proposed to the appropriation bill which abolished an office, I stated expressly that I had contended in the House of Representatives that it was legitimate to limit and guard an appropriation, and even to go so far as to repeal a law for that purpose. But that was altogether different from the principle of increasing an appropriation or adding an appropriation not authorized by law. And I adverted to the rule of the House which forbids the introduction of a clause in a general appropriation bill for an expenditure not authorized by law, and I submit to the honorable Senator from Florida, that that was exactly the position that I took the other day. As to the charge for the spring I meant nothing invidious against Col. Johnson, for whom I have the highest respect both personally and politically. But it was included in the statement which was furnished me by the Commissioner of Indian affairs to show the whole of the expenses that were incurred for this Indian school, and reckoning all the expenses, I believe it will be found that there is no equal number of white boys have paid so much. Indeed, I have a letter from the President of an academy in Ohio, offering to receive pupils for a much lower sum. But I will not go into this subject. I have no wish to detain the Senate longer, but I must say that there seems to be some misapprehension in the mind of the honorable Senator from Tennessee with regard to the appropriations for the education of the Indians. This money comes from the Indian fund, which is set apart by the treaty for that purpose, and the money is paid under the superintendence of the War Department without any specific appropriation by Congress.

Mr. BELL.—The appropriations for the Choctaws come out of the Treasury I believe.

Mr. ATHERTON.—Not by specific appropriation for each item. But is it contended that this sum is to come out of the Indian fund? And is it contended that there was any agreement on the part of the government that they would pay for the buildings when the school was discontinued? Nothing of the kind. It was distinctly entered into the contemplation of any one, that after having received compensation for the use of his buildings during that long period he should come forward with a claim of this sort. And I may mention further, that in 1833 there were five hundred dollars expended by the government in buildings with a view to change this school into a manual labor school. Now I submit, that on the admission of the honorable Senator from Tennessee himself, this subject requires investigation. What does the Senator state? He states that the facts I have disclosed were unknown to him.

Mr. BELL.—What facts does the Senator mean?

Mr. ATHERTON.—About the sum received by Colonel Johnson for the rent of his buildings.

Mr. BELL.—What I meant to say, was not that I did not know he had received rent. That appears in the report of the committee. But in regard to the amount of the rent we had no estimate.

Mr. ATHERTON.—At any rate the honorable Senator seems not to have been aware of this agreement made by Colonel Johnson in 1840, that the school should be discontinued, and there are other things I believe of which he was not aware. Now when the gentleman acknowledges that the subject has not received full investigation by the committee, how can he undertake to say that we ought to pass the claim? It seems to me that this very statement of the honorable Senator shows that it would be unsafe and unjust towards the treasury of the United States, that this sum of ten thousand dollars should be granted thus hastily by being appended to this bill.

Mr. ATCHISON.—I wish to call the attention of the Senate to the statement of Col. Johnson himself, as to the inception of this agreement, as it assumes to be, that he should be remunerated. He states that it was the express understanding between himself and the Secretary of War, that if the school was removed, he was to be indemnified.

Now, it seems to me that this is the only point for the Senate to determine. Whatever he may have received, unless it be in fulfilment of this agreement, it seems to me as entirely aside of the question. It is proved by two witnesses, that these buildings must have cost some $10,000, or more. Well, according to the honorable Senator from New Hampshire, the rent paid has amounted to somewhat over $20,000. for a period of twenty-two years, and the reports having required this sum, Col. Johnson has not received one cent for his buildings. According to the account stated by the honorable Senator from New Hampshire himself, the cost of the repairs has exceeded 10 per cent. on the value of the building. In twenty years, then, the amount expended for repairs would be equal to the original cost.

If there was an understanding or agreement such as this between Col. Johnson and the Secretary of War, the government is bound to recognize the claim. But, independently of that, as I stated in the outset, it has been the uniform practice of the government, whenever missionaries have erected school houses for the education of the Indian within the limits of the United States, whence they have been removed west of the Mississippi, to make appropriations to pay for the buildings. This was the case with one establishment in Missouri, within my knowledge. The missionaries at the Harmony Mission had been receiving the fund appropriated by the government for education at that point. They erected the buildings at their own cost, and they were paid for by the government afterwards, when a treaty was made with the Indians, by which they agreed to remove beyond our territory; the same thing occurred in relation to the Chippewa, the Cherokee, and the Choctaw missions. Congress has acted upon it time and again, and made similar allowances. I admit there is no testimony of the agreement with Secretary Barbour, other than Col. Johnson's own statement.

Mr. WEBSTER.—That ought to be sufficient.

Mr. ATCHISON.—I think so.

Mr. ATHERTON.—Do I understand the Senator to state that for the first twenty-five Choctaws Col. Johnson expended $5,000 in buildings?

Mr. ATCHISON.—And the additional buildings cost upwards of $5,000 more.

Mr. ATHERTON.—Col. Johnson states in his letter to the War Department in 1825, that he was provided with buildings.

Mr. ATCHISON.—Col. Johnson states afterwards that the additional buildings cost him $5,000.

Mr. ATHERTON.—The only statement of additional expense that I can find in the documents is the amount of about $1,000.

Mr. NILES.—We all know the distinguished gentleman to whom it is proposed to make this grant, and we all entertain a

high opinion of him; and if, upon any principle of justice, equity, law, or usage, I could vote for it, I should certainly do it with a great deal of pleasure. And I have been carefully watching the progress of this debate for something upon which to rest my vote. Now, there have been two grounds stated, which seem to afford about as reasonable a pretext as any I have discovered. One is, that which the honorable Senator from Tennessee, who is a good lawyer and a competent judge, refers to. He places it upon the ground of loss of employment; but I do not know whether the honorable Senator alluded to the petitioner having lost his public employment or his particular employment of taking care of these Indian youths. I think the former is rather the stronger ground, and I would like to vote upon that principle if I could. It would be a very convenient one, that we should all have an infit, or outfit, it may be more properly called, I suppose, when we go out of employment. I should have been glad if the distinguished gentleman had remained in employment; but the question is now brought up, whether, upon a comprehensive philanthropic view of this whole subject, we cannot, in the exercise of that large and liberal spirit which belongs to Congress, do something in the way of remuneration for loss of employment. If I could, I would do it cheerfully; and permit me to say that there is no man in this country for whom I would do it more cheerfully. But I have some doubts upon another point that was touched upon by the honorable Senator from Missouri, which seems to present an important fact. Now, if this fact were made out it might influence my vote, for after all this is simply a matter of contract. What did the government contract with this petitioner about, and what was the extent of the contract? If there was any contract going beyond the annual payment *per capita*, or in some form, for service in taking care of the Indian youths, why, certainly, we ought to act in good faith and carry it out to its fulfilment. I certainly give as much credit to the statement of Col. Johnson as any one, but the statement is very loose in itself. It is a statement that Mr. Barbour, when Secretary of War, made some sort of promise or suggestion that he should be indemnified. But Mr. Barbour had no right to give such a promise—he had no right to enter into such an undertaking on behalf of the government. According to the argument of the Senator from New Hampshire, his opposition to this claim is based upon the fact, that these buildings were in existence when the original contract was made. Well, now, with every disposition to vote for this amendment, I must say that the weight of testimony is against the claim; for it seems to have been a contract proposed, in fact, on the ground that Col. Johnson had the necessary accommodations.

Well, what else is there in the case upon which I can rest my vote? Possibly I might vote for it on the ground of an equivalent. It is an old saying that one good service should be rewarded by another. Now, this gentleman, as we all know, has performed a long service and a very useful one in both houses of Congress.—He was a very industrious and useful member. He did also a great deal of out-door service. I believe, in fact, he has rendered more service, both in his seat in either house, and by his labors out of Congress, in aiding petitioners to obtain their private claims, than any other man that has ever been in Congress. Well, now, considering the importance of his services in this particular way—his generous feelings—his desire to be useful—his liberality—his readiness to serve all who had transactions with the government—considering how much he has done in this way, I think we ought to be very liberal towards him, and act in the same spirit which he always manifested. If I could vote for the bill upon that ground I certainly would; for I believe this claim in that respect is stronger than any other that has ever been before Congress, or probably ever will be. I recollect one case of a private claim in which the Vice President was called upon to give a casting vote. The claim rested, I believe, upon a basis that no one could discover, but it was advocated with a great deal of eloquence and ingenuity. It was the case of a lady, too, a daughter of Governor Madison, who applied for a grant of $5,000. She had no claim to a pension, although her husband, it is true, had fought gallantly in the Indian war, and had been wounded from head to foot, and, no doubt, was a cripple; and under these mysterious circumstances, the case having been ably argued, when it came to the vote there was precisely a tie, and the distinguished gentleman who is now here with his petition had to give the casting vote. He made a very feeling speech—not touching upon the point, however, for the case had no point—but he spoke feelingly of the daughter of Governor Madison, and of the wrongs of woman in general, and wound up by saying, "the chair votes for the woman." Now, there is no woman in this case, but the woman's advocate has come here himself, and the question is, whether we ought not to exhibit towards him a little of that generosity which so eminently distinguished him. I would like to vote for it upon that ground, but I am afraid it would be establishing a dangerous principle. On the whole, if I were to vote for this claim at all it would be on the principle of an equivalent—in consideration that he voted for all claims. He voted for claims having less foundation than this, actuated by a spirit of benevolence and liberality.

Now, I think I have given you a view of all the merits there are in this case. If there is any thing more I would be glad to hear it stated by any gentleman, for I am anxious to vote for the bill.

Mr. BUTLER.—I would like to know from the honorable chairman of the committee, whether it is proposed to compensate Col. Johnson for buildings that were erected at the time when he entered into his engagement with the government, for I think there is a very great difference between giving him compensation for buildings which he erected expressly with a view to accommodate the school, and buildings which were already upon his land.

Mr. WEBSTER.—I do not think that this claim, whatever its merits may be, should be prejudiced by any charges made by Col. Johnson against the government, or by any allowance from the government in times past, for the education and maintenance of these Choctaw youths. That matter is closed. The accounts between him and the government are all settled. Nor do I think the fact of any importance, that in 1840 he entered into an agreement or understanding that he would discontinue this school; because it is abundantly apparent that the government did not wish him so to do. For from that time to the present, as I understand, the government has paid him the usual allowance. I think the precise equity of this case has been hit, in one word, by the honorable Senator from South Carolina, that Col. Johnson should be remunerated for the buildings which he has actually erected for the accommodation of this school. When the school was first established, it appears he had certain buildings already on his plantation, erected of course for other purposes, which he was willing to convert to this use, upon the understanding that he should be allowed a reasonable rent; and, as stated by the honorable Senator from Missouri, that when the school should be discontinued, he should have some equitable remuneration. Well, I can conceive that under the circumstances, even for buildings already erected, and found on his plantation, if his school should be suddenly discontinued, there might be a very equitable ground for the understanding, that in that case he should have some compensation; and the written paper which is before the Senate, in which Col. Johnson states that he had the promise of the Secretary of War that compensation should be made to him, is, I think, very fair proof. A statement of that sort under his own hand is, at all events, sufficient to satisfy me. But there are the additional buildings that were erected when the school was enlarged, for the purpose of accommodating the school, and therefore I presume for no other purpose, and erected at a cost of $5,000 as seems to be set forth in the documents that have been read. This creates an entire new equity; and now by the action of the government the school is discontinued—as I think very properly—and the business of educating these youths transferred to the tribes to which they belong. I think unquestionaly there does remain in equity a claim of justice on behalf of Col. Johnson to be allowed what is reasonable for the capital expended in the erection of these buildings, which have now become of no use in consequence of the termination of what may be called a tenure at will, in consequence of the sudden discontinuance of the establishment, without previous notice to him, or without enabling him in any way to turn the property to account. This seems to me to be the equity of the case; and therefore if the gentleman who has the charge of this matter will reduce the sum to be allowed to the cost of the buildings, proved to have been erected for this particular purpose, I shall give it my support.

Mr. ATCHISON.—The proof is not directly to the point on this question. Col. Johnson states that after the treaty of Dancing Rabbit Creek, when the number of pupils at the school increased, it became necessary to increase his accommodations, and that he expended after-wards some $5,000. And we have the testimony of two gentlemen before the committee, who state that all the buildings used were worth considerably over ten thousand dollars. I suppose it would be fair to say that the value of those erected after the commencement of the school is about $5,000.

Mr. BUTLER.—But there is another consideration. The buildings are worth something now.

Mr. ATCHISON.—Not at all, they are utterly useless. But I would be willing to leave the matter in this way—I would allow the Commissioner of Indian Affairs to ascertain the value. And if the Senate will do me the favor to postpone the subject until to-morrow morning, I will propose the amendment in that shape.

Mr. BELL.—Will the Senator allow me to make a single remark? My honorable friend from Connecticut rests his opposition to this claim upon the ground that at the time the school commenced in 1825, Col. Johnson had buildings already erected. It is true he had, but what number of scholars were they capable of accommodating? Twenty-five pupils was the original number that constituted the school. At a subsequent period the school was enlarged, the number of scholars was increased, and of course additional accommodations were required. The number at last amounted to one hundred and seventy-five, and although he might have had originally accommodation for twenty-five, yet after this accession of number there would be one hundred and fifty to be provided for. The cost of the buildings he was bound to erect under instructions from the War Department, when he was expected to receive the forty additional pupils after the treaty of Dancing Rabbit Creek, amounted to $5,000; and these were upwards of a hundred pupils received afterwards, for whom accommodations were to be provided. That is the ground upon which the $10,000 is recommended to be allowed.

Mr. BAGBY.—The proposition, I believe, is to postpone the bill until to-morrow.

Mr. ATCHISON.—Perhaps it would be better to take the vote upon this proposition now, and if it should not be agreed to, it can be submitted in a modified form to-morrow.

Mr. BAGBY.—I had hoped that the subject would be postponed, that an opportunity might be afforded for further examination; for although I have great respect for the statement of Col. Johnson, yet before voting upon a matter of this kind, I desire to be informed whether there is any evidence in regard to this contract on the files of the War Department? And I desire information on another point. I desire to know what the practice of the government has been with reference to these school houses after the schools have been abandoned. Finding that I am mistaken in supposing that the matter is to be postponed until to-morrow, and as the distinguished Senator from South Carolina is in his place, who has had great experience when in the War Department in regard to these schools, I should feel greatly obliged to him if he would state what the practice of the government has been.

Mr. BADGER.—I hope the Senator from Missouri will have no objection to let this matter lie over until to-morrow.

Mr. ATCHISON.—I have none.

Mr. BADGER.—I am strongly disposed to vote for this claim, but if the question be pressed at this time I shall be compelled to vote against it. And I desire also to ask the Senate's attention to a matter of business for about five minutes, in Executive session, before the adjournment.

The further consideration of the bill was then postponed until to-morrow.

EXECUTIVE SESSION.

The Senate then proceeded to the consideration of Executive business; and after some time spent therein,

On motion,

The Senate adjourned

WEDNESDAY, MAY 31, 1848.

CREDENTIALS.

Mr. BORLAND presented the credentials of the Hon. WILLIAM K. SEBASTIAN, appointed a Senator by the Executive of the State of Arkansas, to fill the vacancy occasioned by the decease of the Hon. Chester Ashley.

The credentials were read; and the oath prescribed by law was administered to Mr. SEBASTIAN, and he took his seat in the Senate.

PETITION.

Mr. HALE presented a petition of citizens of Sandusky city, Ohio, praying the removal of the seat of government of the United States to Cincinnati, in that State.

Ordered, That it lie on the table.

MR. RUSH'S CORRESPONDENCE.

Mr. MASON submitted the following resolution, which was considered, by unanimous consent, and agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate the correspondence had by Richard Rush, while minister to the Court of France, with the Secretary of State and the minister of the United States at Paris, relative to the claim of the government of France, presented to it at the solicitation of the President, and how the same was done without injury to the public interest.

ATLAS FOR THE COMMITTEE ON COMMERCE.

Mr. DIX submitted the following resolution, which was considered, by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be authorized to purchase an Atlas of the United States for the use of the Committee on Commerce, and pay for the same out of the contingent fund.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

To the Senate of the United States:

I transmit, herewith, reports from the Secretary of State and the Secretary of the Navy, with the accompanying correspondence, which contain the information called for by the Senate in their resolution of the 30th instant, relating to the existing condition of affairs in Yucatan.

JAMES K. POLK.

Washington, May 31, 1848.

The message was read.

Ordered, That it be printed with the accompanying documents.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives concur in the amendments of the Senate to the bill making appropriations for the support of the military academy for the year ending the 30th June, 1849.

The House of Representatives have passed bill entitled "An act making appropriations for the support of the Post Office Department for the year ending 30th June, 1849," to which they request the concurrence of the Senate.

The President of the United States has approved and signed the following acts:

An act for the relief of John Mitchell.

An act for the relief of Mary Brown, widow of Jacob Brown.

An act for the admission of the State of Wisconsin into the Union.

The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring them to the Senate for the signature of their President.

SIGNING OF BILLS.

The VICE PRESIDENT signed the following enrolled bills:

An act for the relief of Edward Bolon.

An act for the relief of Edward Brownell.

An act for the relief of Sumner W. Bell, executor of the last will and testament of [illegible].

An act for the relief of Reynolds May.

An act concerning Spanish steam vessels.

An act making appropriations for the support of the Navy for the year ending the 30th June, 1849.

HOUSE BILL REFERRED.

The bill from the House of Representatives, making appropriations for the support of the Post Office Department for the year ending the 30th of June, 1849, was read the first and second times, by unanimous consent, and referred to the Committee on Finance.

SELECT COMMITTEE ON CHEROKEE CLAIMS.

Mr. ATCHISON having been, on his motion, excused from serving on the select committee appointed yesterday on the memorial of certain Cherokee claimants—

On motion by Mr. HOUSTON, it was

Ordered, That a member be appointed by the VICE PRESIDENT in the place of Mr. ATCHISON; and

Mr. JOHNSON, of Georgia, was appointed.

THE TEXAS NAVY.

On motion by Mr. YULEE, it was

Ordered, That the Committee on Naval Affairs be discharged from the further consideration of the bill to authorize the President to increase the naval establishment of the United States.

ADJOURNMENT OF CONGRESS.

The resolution for closing the present session of Congress and fixing a day for the commencement of the next session, was read the second time and considered as in Committee of the Whole.

Mr. ATHERTON.—I hope the consideration of this resolution will not be pressed at present.

Mr. TURNEY.—I move that it be referred to the Committee on Finance.

Mr. ATCHISON.—I can see no propriety in referring the resolution to any committee, much less to the Committee on Finance. I do not know that it increases or diminishes the expences of the government in any manner. My object in introducing the resolution, which I did after consulting with various gentlemen, was, to avoid, if possible, sitting in the months of July, August, and September, the most disagreeable portion of the year. The public business will be equally promoted by the arrangement which the resolution proposes. The appropriation bills, and all measures of vital importance, can be passed before the 1st of July, and then there will probably be no necessity for the transaction of any further business before the 1st of October. It is said, that if we have peace with Mexico, we must adopt various measures of legislation for disbanding the forces, establishing territorial governments, &c. That can all be done in October, and we shall have avoided sitting here during the warm months, that unhealthy season of the year.

Mr. BAGBY.—It appears to me that the agitation of the question embraced in this resolution at the present time, can do no good. The length of the present session ought, and will depend materially on the fate of the treaty now pending in Mexico. Until that is ascertained, I think it would be improper to fix upon any time for the termination of the session. For the present, therefore, I move that the resolution be laid upon the table.

Mr. BADGER.—I would ask the honorable Senator to withdraw that motion for a moment, to enable me to offer an amendment.

Mr. BAGBY.—Certainly.

Mr. BADGER.—I propose the following amendment to be inserted at the close of the joint resolution:

"And that all business pending before Congress, shall be resumed in the stage in which it may be left at the close of the present session of Congress."

Mr. ATHERTON.—I hope the consideration of the resolution will not be pressed now, for it appears to me that the Senate is not prepared to fix the time for the adjournment. In the first place, there are a great many appropriation bills that have not been acted upon; and in the next place, the considerations referred to by the Senator from Alabama concerning our relations with Mexico, ought to have some weight. And there is another important subject that has been pressed upon the attention of Congress by the President, and that is the establishment of a Territorial government in Oregon; and the events that have recently taken place in that country, would seem to render it imperative that something should be done before the adjournment of Congress. Under all these circumstances, I think it would be most proper that the resolution should lie upon the table.

Mr. BAGBY.—A single remark. The very instant we hear from Mexico the resolution can be taken up and acted upon.

Mr. MILLER.—I desire to make one suggestion. I am in favor of the adjournment as proposed, but I have some doubts whether we can, by joint resolution, fix the time of meeting for the next session of Congress. I am inclined to think that it must be done by an act of Congress, and not by joint resolution. I perceive that in 1812 and 1813 there were two instances in which Congress fixed the time for the commencement of the following session, and it was done in both cases by the passage of a law, and not by joint resolution.

Mr. ATCHISON.—I have no objection to alter the form of the proposition, although I believe that Congress may, by joint resolu-

tion, appoint the time for the commencement of the next session. In regard to the form of the resolution, I care nothing about that; my object is simply to avoid sitting here during the hot months. If the treaty is ratified by the Mexican government at all, we must receive news of it within a week or ten days I suppose; and whatever legislation may be requisite, in case there be any thing that will require the immediate action of Congress, in consequence of the ratification of the treaty, and it should be found that it could not be completed within the time limited by the resolution for the continuance of the session, it will be a very easy matter to rescind it. But I have always observed this, that when the time is fixed for the adjournment, we generally work up to that time, and more business is done in one week than in three, when the time for the adjournment is not fixed. My impression is, also, that ninety days will be too short a time for the transaction of the business that will come before Congress at its next session. By meeting on the 1st of October and resuming the business where we leave off, as proposed by the Senator from North Carolina, we shall be able to accomplish all that we will have to do. If this matter is to be postponed, I would prefer that a day certain should be fixed for its consideration. I will move, therefore, that the consideration of the resolution be postponed until next Monday week.

The motion was agreed to.

OREGON BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish the territorial government of Oregon.

Mr. BENTON from the Committee on Military Affairs, to whom was referred the message of the President of the United States on the subject, moved to amend the bill by adding the following section:

"SEC. 20. *And be further enacted*, That the President of the United States shall be and he hereby is authorized to accept for service in Oregon, for the term of twelve months, unless sooner discharged, one regiment of mounted volunteers to be organized in the same manner and with the same number of commissioned officers, including those of the Quartermaster, Commissary and Medical Departments, non-commissioned officers, buglers and privates, as are provided for a regiment of regularly mounted volunteers mustered into service under the act 'providing for the prosecution of the existing war between the United States and the Republic of Mexico,' approved May 13, 1846, and other acts supplementary and supplementary thereto. And the said mounted volunteers shall be entitled to the same pay, clothing, rations, allowances and bounty land as are provided by existing laws for the volunteers received into service under the several acts hereinbefore referred to.

The amendment was agreed to.

Mr. HALE moved to amend the bill by adding the following section:

"SEC. 21. *And be it further enacted*, That the inhabitants of said territory shall be entitled to enjoy all and singular the rights, privileges, and advantages granted and secured to the people of the territory of the United States northwest of the river Ohio, by the articles of compact contained in the ordinance for the government of said territory, on the 13th day of July, 1787; and shall be subject to all the conditions, and restrictions, and prohibitions, in said articles of compact imposed upon the people of said territory; and the existing laws now in force in the territory of Oregon, under the authority of the provisional government established by the people thereof, shall continue to be valid and operative therein, so far as the same be not incompatible with the principles and provisions of this act; subject, nevertheless, to be altered, modified, or repealed, by the government and legislative assembly of the said territory of Oregon; and the laws of the United States are hereby extended over and declared to be in force, in said territory, so far as the same or any provision thereof may be applicable."

Mr. LEWIS remarked that this bill involved a most important principle, and he desired some time to examine it.

Mr. HALE.—This is, indeed, an exceedingly important bill, and involves a most important principle. It involves the question whether the privileges extended to the inhabitants of the territory north-west of the Ohio, shall be secured to the people of Oregon. I concede to the Senator from Alabama that the principle is the most important that can come before Congress or the country. It is the great question of the day, upon the proper solution of which hang the destinies of this country. I hope, then, some day will be fixed for the consideration of the bill. I am willing that it should be an early day—say Monday next.

Mr. BRIGHT.—I hope that the motion to postpone this bill will not prevail. In addition to the general obligation to furnish the people of Oregon with a government, recent events, developed in the last message of the President, imperiously demand that we should pass this bill immediately. If we desire to extend aid to our fellow-citizens in that distant region, it is absolutely necessary that we should act promptly. The Indians are in a state of hostility. They are massacreing the white inhabitants. Military aid is implored in the most pathetic tones. A messenger has arrived within a few days, bringing a memorial from the provisional government presenting a case which must, I am convinced, satisfy every man who examines the facts that immediate military aid is necessary to save those people from destruction. The amendment offered by the Senator from New Hampshire involves a question which he remarked was full of interest and very important; but I hope that it will not be discussed at length on this bill to the consumption of time which is now invaluable to the people of Oregon. I shall insist upon a vote upon the bill to-day, and I hope that it may be passed before we adjourn.

Mr. CALHOUN.—I should be glad to obtain some information from the chairman of the committee.

Mr. BRIGHT.—He is unavoidably absent.

Mr. CALHOUN.—I desire to know whether it is the intention of the friends of the bill to incorporate this amendment with the bill?

Mr. BRIGHT.—For myself I can answer that I shall most assuredly vote against the amendment.

Mr. CALHOUN.—If I could be assured that that was the sense of the Senate, I would certainly have no objection to the discussion of the bill to-day. But if it be otherwise, on a question of this magnitude I should feel myself bound by every consideration of the duty which I owe to the Union, and to the section of the country which I represent, to give it a most decided resistance. I hold the amendment to be a most flagrant violation of the constitution. I regard it as involving the degradation of nearly one-half of the States of this Union, who claim to be full equals here, and who intend never to yield that full equality. Now, I should be very glad to hear from the several sections of this body whether it is intended to vote this down at once so as to permit the bill to pass promptly. If not, I shall certainly agree to the postponement of the bill.

Mr. NILES.—It has been stated that an extreme urgency exists requiring the immediate passage of this bill. I believe that it is a measure important in more respects than one, and I am not at all prepared to act upon it to-day, not having examined the details. In any view of it, it is a most important measure, and besides we have had the novel question raised and elaborately discussed, whether we have any right to legislate for these territories at all. A great principle, as well as the interests of the people in this remote region, are involved. I had certainly supposed that some day would have been fixed for the consideration of the bill, in order that all might have known when it would be taken up, and have an opportunity of examining it with the attention which it demands.

But we are told that there is a great urgency, and that this urgency demands the immediate passage of the bill. What is the urgency? It does not arise out of the bill, but is another matter entirely. We know the condition of the country. They ought to have a military force there undoubtedly, but that is an independent measure entirely; and it is very much to be lamented that the action of this body a year ago, looking to that very state of things, and providing a force adequate for the protection of these distant settlements, has, it seems, entirely failed in consequence of this unfortunate war with Mexico. I do not censure the Executive, but the fact is so, and those people have been left, as I understand, without the protection of a single company of armed men to meet any emergency of this nature, which might have been reasonably apprehended. I am willing to act promptly so far as this point is concerned, and take up the proposition of the Senator from Missouri as an independent measure, in order to provide without delay a military force adequate to the protection of those defenceless people; and then do what we thought we had done years ago. But I am not prepared to act on the bill before the Senate, when any great principle important to the whole Union, and forcibly calculated in some degree to disturb and agitate the country, is presented, we owe it to ourselves and the country that it should be reasonably and properly discussed. The discussion is important and ought not to be repressed. I desire to see if we have jurisdiction over those territories, and if so, the nature of that jurisdiction. I wish to see the nature and extent of our authority over that country, and the character of the government which is to be established there, if the territory be in the Union.

Mr. HANNEGAN.—I feel no hesitation in expressing my conviction of the propriety of the conclusions of the Senator from South Carolina. It is proper that the views of all sections of this body should be made known. I am free to say in the first place, that I shall vote against the amendment, and that I am utterly at a loss to perceive the necessity or propriety of presenting it to the Senate in existing circumstances. Why, sir, every foot of Oregon lies north of the forty-second parallel of latitude, while the line of the Missouri compromise, the principle of which has, I believe, on all occasions, been conceded by the South, is fixed at 36° 30′. Let me ask then, is there a sane man on this continent who can believe for an instant that slavery can reach the shores of the Pacific? What would they do with their slaves in that region? Why, sir, there is as much likelihood of slavery being found in Oregon, as there is that it can be found in Canada or Maine. This is well known—must be well known to those who introduce this amendment for the purpose of testing what they are pleased to call a great principle. But it is only an abstract principle, and can never have any practical application to this case for the simple reason, just stated, that no man will ever attempt to carry slaves into Oregon. Where then, I ask, is the propriety, not to say patriotism or humanity, of presenting a question which must provoke protracted angry debate, in an hour of trial like the present, at a moment when the agonizing cry of twenty thousand of our brethren, left unprotected in that distant region, pierces our ears? Those American citizens who have been permitted to remain there without our protection, are surrounded by enemies of all colors. The Indians are not their only foes. The Hudson's Bay Company are not the friends of the American settlers in Oregon. Already the work of massacre by the savages has begun. Our brethren appeal to us for aid. They call upon us to save them from utter annihilation—our action must be prompt—it must be decided. There is no time for delay. I appeal, then, to every American, be his party name what it may, and I ask, will you turn a deaf

come the cross for the purpose of discussing this idle, wild and wicked question—but such it is in all circumstances, and now pre-eminently so. I trust that a vote may be taken at once and the measure be voted down. Every gentleman who might be willing in other circumstances to give his support to the Wilmot Proviso, will for the sake of justice and humanity now vote affirmatively on this appeal for the people of Oregon.

It will be idle, sir, to send a military force, without at the same time organizing a territorial government. What! will you send a regiment of raw recruits to that remote region to be subject only to the orders of officers of their own selection? The people of Oregon are without laws for the prevention and punishment of the greatest crimes. You must then, in sending a military force to aid them, send at the same time a government to maintain order and control that military force itself. I fervently trust, sir, that the Senate will take immediate action on the bill before them.

Mr. BENTON.—Only three or four years ago, the whole United States seemed to be inflamed with a desire to get possession of Oregon. It was one of the absorbing and agitating questions of the continent. To obtain exclusive possession of Oregon, the greatest efforts were made, and it was at length obtained. What next? After this acquisition of the entire continent, and having thus obtained exclusive possession of Oregon in order that we might govern it, we have seen session after session of Congress pass away without a single thing being done for the government of a country, to obtain possession of which we were willing to go to war with England! Year after year and session after session have gone by, and to this day the laws of the United States have not been extended over that territory. In the meantime a great community is growing up there, composed at this time of twelve thousand souls—persons from all parts of the world, from Asia as well as Europe and America—and which, till this time, have been preserved in order by compact among themselves. Great efforts have been made to preserve order—most meritorious efforts, which have evinced their anxiety to maintain their own reputation and that of the country to which they belong. Their efforts have been eminently meritorious; but we all know that voluntary governments cannot last—that they are temporary in their very nature, and must encounter rude shocks and resistance under which they fall. Besides the inconvenience resulting from the absence of an organized government, we are to recollect that there never yet has been a civilized settlement in territory occupied by the aboriginal inhabitants in which a war between the races has not occurred. Down to the present moment the settlers in Oregon had escaped a conflict with the Indians. Now the war between them is breaking out; and I cannot resist the conviction that if there had been a regularly organized government in that country immediately after the treaty with Great Britain, with a military force to sustain it—for a government in such a region so remote would be nothing without military force—the calamities now impending over that country might have been averted.

But no government was established; and now all these evils are coming upon these people, as every body must have forseen they would come—and in the depth of winter they send to us a special messenger, who makes his way across the Rocky mountains at a time when almost every living thing perished in the snow; when the snow was of such a depth that nothing could penetrate to the bottom of it. He made his way across, however, and brings those complaints which we now hear. They are in a suffering condition. Not a moment of time is to be lost. If the bill were passed this [illegible] session, I hoped—[illegible]—would require the utmost degree of vigor in the execution of it to be able to send troops across the Rocky mountains before the season of deep snow. They should cross the mountains before the month of September. I was in hopes then, that on this occasion there would be nothing to delay action—that we should all have united in deploring that for years the proposition to give these people government and laws has been defeated by the introduction of a question of no practical consequence, but which has had the effect of depriving these people of all government, and bringing about the measures which have taken place, and in which the benevolent missionary has fallen in the midst of his labors. All the calamities which have taken place in that country have resulted from mixing up this question, which has not a particle of practical value, with all the measures which have been introduced for the organization of a government in Oregon. All the laws passed by the Congress of the United States can have no effect on the question of slavery there. In that country there is a law superior to any which Congress can pass on the subject of slavery. There is a law of climate, of position, and of nature herself, against it. Besides, the people of the country itself, by far the largest number of whom have gone out from slaveholding States, many of them from the State of Missouri, in their organic law, communicated to Congress more than a year ago, and printed among our documents at the last session, declare that the law of nature is against slavery in that region. Who could think of carrying slaves to the Lake of the Woods, and who would think of such a law as Congress, which should say that slavery should or should not exist there? I was in hopes, then, that this bill would be allowed to pass through this morning. And it was in order to avoid delay that I did not make a separate bill to raise the regiments necessary to sustain the government there. I did hope that on this occasion, when a great practical measure of the highest importance, which has been delayed for years, and which delay has brought on the measures of which we now hear—this question which has already produced these calamities, would not have been introduced, and that some other opportunity would have been taken for its discussion. There will be opportunity enough for its introduction or discussion. The doors of legislation are open to it as a separate measure. I trust even now that this question will not be permitted to delay our action. The delay of a few days here, will be the delay of a year in Oregon. Delay at all, now, is delay not for a week or a month, but for a year, during all which time these calamities will continue.

I have paid some attention to the character of the Indian population beyond the Rocky mountains, both in Oregon and California. I have availed myself of all possible opportunities of becoming acquainted with that race, and from all the information which I have been able to obtain respecting them, I believe that their characteristics are essentially different from those of the race on this side of the mountains. They have not that detestation and scorn of labor which distinguish the Indians on this side. They are more docile, more tractable. More easily taught the arts of industry, they readily accept seeds and agricultural implements. They are not unwilling to engage in the art of cultivation of the soil. The missionaries lived in peace with these Indians, and the Indians were their laborers; they have done the immense labor of the country, which they were taught by the missionaries, who have benevolently superintended them for three quarters of a century. On account of these traits of character, I regarded these Indians with peculiar interest, and I had hoped that we would have escaped in that region the calamity of an Indian war. I am convinced that if it had not been for the loss of the Oregon bills heretofore, by the intervention of this question, which has twice sunk them upon this floor, we should have experienced the happiness of making a settlement on the coast of the Pacific, without beholding the red man and the white man shedding each others blood. I believe that if we had passed these bills when they ought to have passed, without mixing up with them this pestiferous question, we would have escaped the calamities of the present day, and all that may be in store for us growing out of this Indian war.

With respect to the question itself, I am ready to meet it in every shape and form. Let me here say, that no gentleman on this floor must assume to be the Representative of the fifteen slaveholding States. I assume to represent one—no more than one—and if I can satisfy my constituents, my duty is performed. I invade no gentleman's bailiwick, and no one shall invade mine. Let every one speak for himself. This federal government was made for something else, than to have this pestiferous question constantly thrust upon us to the interruption of the most important business. I am willing to vote down this question at this moment; I am ready to take it up and act upon it in all its extent and bearings at the proper time, when its consideration will not interrupt and destroy important measures. What I protest against is, to have the real business of the country—the pressing, urgent, crying business of the country stropped, prostrated, defeated, by thrusting this question upon us. We read in holy writ, that a certain people were cursed by the plague of frogs, and that the plague was everywhere. You could not look upon the table but there were frogs, you could not sit down at the banquet but there were frogs, you could not go to the bridal couch and lift the sheets but there were frogs! We can see nothing, touch nothing, have no measure proposed without having this pestilence thrust before us. Here it is, this black question, for ever on the table: on the nuptial couch, every where! So it was not in the better days of the republic. I remember the time when no one would have thought of asking a public man what his opinions were on the extension of slavery, any more than what was the length of his foot; and these were happy days, which although gone by, are remembered, and may, perhaps, be brought back.

We ought to vote down this amendment as a thing which should not be allowed to interrupt our action. Our action should not be delayed a single moment. This cruel war, which cannot continue in Oregon without extending to California, must be stopped without delay. Oregon and California must be saved from the desolation of an Indian war. Whatever opinions may be entertained upon the subject of slavery, let us agree on this point, that we will give law and government to the people of Oregon, and stop, if we can, the progress of this Indian war. On that point, I, for one, am ready to vote now. As to the slave question, I am ready to meet it to the fullest extent at a proper time.

Mr. HANNEGAN remarked that the massacres had already commenced in California.

Mr. WESTCOTT.—Mr. President: I do not claim to have any particular partiality for what, since the capitulation of 5th August, 1846, is called Oregon, over any other portion of this country, but without such feeling, I will not yield to any Senator, in sincere desire to see a proper government established there as soon as possible, and all the protection and aid that the people may need promptly afforded by the United States. It seems to me, however, that the course pursued heretofore, and that proposed now to be adopted, as well as much of what has been said now, and at other times, and elsewhere, is entirely unnecessary and out of place, and imputations have been made entirely erroneous in point of fact, and wholly unjust. The honorable Senator from Missouri, [Mr. BENTON,] has charged that the question of slavery in Oregon has been "thrust" upon the country heretofore, and upon the Senate now unnecessarily, and as a "firebrand," and for sinister purposes. This I agree to. But when this acousation is applied to

Southern men—to Southern Senators acting here, or elsewhere, and especially to myself, (and that the honorable Senator intends such application that he has made it decently in respect to others, than here, fully proves.) I met the charge in advance in the Journal of the Senate and its files, as furnishing conclusive record evidence of its injustice.

Sir, this question of slavery as connected with Oregon, has not been [illegible] upon the country, or upon a Senate in the north, or by any Southern Senator. It was [illegible] national politics by the South. The South has acted on the defensive throughout. When [illegible] of Congress, (January 18, 1847,) a bill in effect precisely the same as that now reported to the Senate by the Committee on Territories, and now under consideration, was [illegible] and sent here. [Bill number 571.] It was referred to the Judiciary Committee on the same day. [illegible]

On the 25th of January, 1847, the committee reported the bill back to the Senate, with sundry amendments. On the 29th of January, having discovered important omissions, I moved for its recommitment to the same committee, and it was ordered. I had ascertained that the laws of the "provisional government" of Oregon which it had adopted, excluded slavery, and that some were of a character that could not be acknowledged by the United States. On the 10th of February, 1847, the committee again reported back the bill fully amended, and the bill and amendments were ordered to be printed. [illegible]

your files, none of the peculiar friends of Oregon moving to take it up till March 3, 1847, the very last day of the session! On that day, late in the afternoon it was called up, but regarding it too late to enter upon the discussion it was anticipated it would cause, I moved to lay it on the table. The ayes and noes were called on that motion, and it was sustained by a vote of 26 to 18. Surely the South are not responsible for the delay that took place after the bill was reported by the Judiciary Committee.

Mr. President, I have a copy of the House bill as passed at the last session and sent to the Senate, with the amendments finally reported by the Judiciary Committee, as I have stated, now before me. Sir, that bill—the House bill of last session—"thrust" this question of slavery, as connected with Oregon, before the Senate and the country. It contained two distinct provisions excluding slavery from Oregon; prohibiting in effect southern citizens from just and equal participation in that portion of the common property of the confederacy. The first prohibition was by the adoption by it in express terms of Nathan Danes' ordinance of 1787, respecting the northwest territory. Nobody pretends that this ordinance applies to Oregon, our title to which originated and has been consummated since it was made. [illegible] ordinance was necessary to make it extend to Oregon. Nor did the Missouri compromise, which only applied in terms to the country acquired in [illegible] to Oregon. Hence other exclusions must be resorted to. The second prohibition was by the adoption of the temporary association called the "provisional government" of Oregon. These laws prohibited slavery in Oregon in the very words of the ordinance of 1787. I repeat, sir, it was thus this question was "thrust" upon the South. They could not evade or avoid it.

Well, sir, the Judiciary Committee at the last session struck out the provision in the House bill that extended the ordinance of 1787, retaining that which adopted the laws of the territorial provisional government—but added amendments to it, the most important of which I will now read from the bill as reported, and which I hope will be printed at length in any report that may be made of my remarks. [Mr. W. here read as follows, adding, that the words in italics were the amendments adopted by the Judiciary Committee, and the words in brackets stricken out.]

"The existing laws now [illegible] the good [illegible] and [illegible] and [illegible] [illegible] [illegible]

[illegible] land not exceeding six hundred and forty acres to each person in said partnership, subject to all the provisions of this law. And whenever such partnership is dissolved, the members shall record the particular parts of said tract as may be allotted to him: *Provided*, That no member of said partnership shall hold a separate claim at the time of the existence of said partnership.

[illegible]

The amendment of the Senator from New Hampshire is therefore superfluous, for slavery is excluded from Oregon without it, by both bills.

Mr. HALE.—I must submit to the Senator from Florida that my amendment was accepted from the House bill of this year, the same as the House bill of last year, and that it is not in the Senate bill now under consideration.

Mr. WESTCOTT.—I understand that very well. It is precisely what I have stated. What I say farther, however, is, that the honorable Senator must have mistaken the effect of the Senate bill, for without his amendment it contains the same prohibition of slavery in Oregon by the adoption of the laws of the provisional government, and hence there is no necessity for his amendment to carry out his object.

Mr. HALE.—Will the Senator allow me one word? The 12th section of the bill now under consideration I conceive does not cover the whole ground contained in my amendment. I have not before me some question at any rate on that point. The House bill of last session, and the House bill of this session contain the amendment I offer.

Mr. WESTCOTT.—What I assert is that in one of the Territorial laws of Oregon, called the organic laws, enacted in 1845, before the treaty, by what is called the "provisional government," which has never been authorized or sanctioned by Congress; what I say is, in one of these laws laid before the Senate at last session, and printed by order of the Senate, and contained in the volumes of Senate documents, there is a provision expressly excluding slavery forever in Oregon. I have not the volume of documents at hand to refer to. I will get it and refer to the law as soon as I have the opportunity. I am satisfied Senators know the fact to be as I state. The Oregon Territorial law is so. By the 12th section of this bill now under consideration, these laws are expressly adopted, and sanctioned, and confirmed by Congress. These laws, printed by order of the Senate, were sent here by this provisional government. They are authenticated as correct. Now, I ask Senators whether this bill does not "thrust" this slavery question before the Senate by proposing to adopt and confirm these laws as valid and in force, now and hereafter? I ask if the adoption of these laws by Congress is not as virtual, as complete, and as an effectual prohibition of slavery in Oregon, as would be effected by the adoption of the ordinance of '87 or the express adoption in a direct mode of the terms of the Wilmot Proviso?

Sir, I agree with what was said by my honorable friend from Indiana, [Mr. HANNEGAN,] in relation to this question not being with respect to Oregon of any practical importance. I coincide with him as to the improbability of slaves ever being taken to that region and held there.

Mr. HANNEGAN.—There are not ten slaves in the whole territory, and never will be, with or without any restriction.

Mr. WESTCOTT.—I have no question of the fact as stated by the Senator, and though practically the proposed exclusion may be of little consequence to the South, yet it is for that very reason that I feel bound, under the circumstances, to resist the course proposed by those who are inimical to her institutions. Why is this thing attempted to be thrust upon us? Why, if there is no necessity for the exclusion of the South, is the exclusion forced into our legislation. It is for one of two objects equally objectionable, and alike pernicious in character. It is either to get an entering wedge—to establish a precedent to be followed in other cases where the exclusion would have practical effect, injurious to the South, or it is to perpetrate a wanton outrage, to inflict a gratuitous insult upon the South, and excite her to courses that men are apt to adopt when outraged. This attempt to stain your legislative records with a reproach to her by this odious exclusion, is uncalled for by any conduct of the South, or of her Senators or Representatives, or of her politicians. They have not sought to force their institutions upon the northern or western States. From the outset they have been satisfied to be let alone, and to let things take their natural course. In territories where slavery would not probably be adopted, they have not deemed it necessary to insist upon a valueless paper privilege. They have only insisted upon the principle of non-interference. But when it is sought to establish in Oregon, unnecessarily, without any one reason requiring it, an odious precedent for all time to come, and as a principle, her representatives here would be recreant to their duty if they did not resist such a course. By this exclusion, slaveholders are held up as tainted as lepers, as unfit to live in Oregon with slave property. They are prohibited from enjoying the benefits of that common property of the confederacy, on an equal footing with the citizens of the non-slaveholding States. The proviso I proposed at last session as a substitute for this invidious and insulting exclusion, recognizes our equal rights, and so far as our legislation here, or the legislation of the territory, can secure them, it does so, subject of course to judicial decision as to the powers of Congress, and the powers of the territorial legislature on this subject, and which are eminently judicial questions. The amendment I propose, I repeat, is all the South desire, and it seems to me unless there is a determination to encroach upon her rights and outrage and insult her, the concession made by it will be met in a corresponding spirit.

But, Mr. President, there is another consideration to which I would call the attention of the Senate as important with reference to this bill. In my judgment the bill as reported to the Senate, is, in its details, exceedingly objectionable. I have understood that its provisions have been borrowed from the acts organizing the territories of Iowa and Wisconsin. They may have been applicable to those territories—interior countries—and yet be very inapplicable and inappropriate to a country bordering on the sea upwards of four hundred miles, and which must have ere long considerable foreign commerce—a country as dissimilar from Iowa and Wisconsin as it can well be, and requiring different laws.

The Judiciary Committee, when the House bill was referred to them, examined its details attentively. They spent two or three days in correcting and amending what they regarded as defects, and to render it suitable to Oregon.

They struck out the proviso to the first section referring to Indian lands, for the reason that although proper in a territory where the Indians occupied lands by treaty, it was not proper in Oregon, and especially in connection with other proposed legislation as to lands in Oregon by the same bill, and by another important bill reported from the Committee on Public Lands by the Senator from Illinois, [Mr. BREESE,] not now in his seat.

Various amendments were reported by the Judiciary Committee, relating to the duties of the federal territorial officers, and the powers and duties of the legislature and judiciary demanded by the geographical position of Oregon; by the fact of many of her inhabitants being foreigners—claimants under the Hudson's Bay Company, and others having rights of a peculiar character, acquired under the treaty of 1846. The great distance of Oregon from the most remote western settlements required peculiar legislation, adapted to the exigencies this circumstance might occasion. Iowa and Wisconsin had been long owned and possessed exclusively by the United States, and were peopled by our own citizens, while Oregon had been recently in the joint occupation of Great Britain and the United States, and many British subjects residing there, who desired to become citizens of the United States. I presume Iowa and Wisconsin had no courts of admiralty, and never can have such courts, until the principle broached within a few years past, that the admiralty jurisdiction extends wherever it is done is established by the Supreme Court of the United States, as a part of the novel code which may be created ere long under its decisions. But it will be found, I imagine, that Oregon, with her extensive Pacific coast, and her waters flowing into that ocean, and the valuable foreign commerce she must have in the course of a few years, must also have admiralty courts established there. The amendments reported by the Judiciary Committee contain all the legislation that it occurred to them was necessary as to these various subjects. But for their alterations made with respect to the duties of the officers of the territorial government in its organization, I doubt if all of the difficulties that would arise under the original House bill, could be obviated by the most judicious officers you could send there. No expedients they could resort to, would prevent such difficulties, and consequently dissatisfaction would ensue. The amendments propose provisions regulating the claims of the Hudson's Bay Company, and of individual settlers to real estate arising under the treaty. There are, also, provisions regulating the proper proceedings to be adopted by the foreigners, denizens of Oregon, who wish to become citizens of the United States, and other alterations, modifications, and additions to the House bill, the result of three days assidious labor by the committee, with no purpose except to give them a good government. The difficulties which have occurred in Congress respecting expenditures and arrearages of appropriations for territories are still present against which these amendments. So, too, proper provisions which the original bill does not contain for the prosecution and punishment of crimes against the federal government and against the local government also are made.

To correct all the errors and blunders of the original bill in the Committee of the Whole of the Senate would take several days, and be attended with a great deal of time, and occasion delay. I shall therefore move to substitute the judiciary bill of last session, as amended, for this bill, unless this bill is committed for the purpose of amendments being made similar to those reported by the Judiciary Committee.

As to an early decision of this matter, there is not a Senator on this floor who is more anxious for it than I am, if that decision is a just and wise decision. I wish the speedy establishment of a government in Oregon, founded on just principles. I do not wish a partial and unjust, and withal a bungling, ill-arranged government fastened upon her. Instead of this, I desire a government organized under which she will prosper, and ere long become one of the independent sovereignties of the Union.

Mr. BRIGHT.—The committee have no disposition to press this subject, provided Senators are not prepared to act upon it to-day. I thank the Senator from Florida unapprehends the 12th section of the bill. With a view of enabling Senators to consider the matter, and believing that it will expedite the passage of the bill, I will move that it be made the special order of the day for to-morrow, one o'clock.

Mr. WESTCOTT.—My motion to substitute the bill reported as amended at last session by the Judiciary Committee, I presume is before the Senate. Senators suggests to me to modify it by moving to strike out all after the enacting clause of this bill first, and then move to insert the amended bill, and I will do so; and as the consideration of the bill is to be postponed, I move that the amendment be printed.

Mr. BRIGHT.—I hope that course will not be taken. We desire early and decisive action. The printing cannot be had in time for to-morrow.

Mr. HALE.—The amendment proposed by the Senator from Florida is not in order. My amendment was first proposed, and is now proposed while it is pending, to strike out the whole after the enacting clause.

Mr. WESTCOTT.—I desire no advantage in any way. I will give notice now, that on to-morrow, when this bill is taken up, I shall, at a proper time, offer the amended bill as a substitute, either section by section in detail, or as a whole, and in the meantime I will presently move to print it. I am assured the printing can be done by to-morrow.

Mr. HALE.—I suggested Monday week as a suitable day for the consideration of this bill, because it is not likely from circumstances known to Senators, next week there will be a full Senate. I have now a word to say with regard to the propriety of introducing this amendment at this time. The honorable Senator from Indiana who sits nearest to me, has said that there is no sane man in the United States, who can imagine the probability of the occurrence of the evil against which the amendment proposes to present a barrier. I can tell him that there is one man, sane or insane, who does not apprehend that evil; I believe that this amendment is absolutely necessary. It is not a mere abstraction. I could not undertake to say whether it is pestiferous or not; but it has meaning, vitality, and energy in it. It means something, and it will effect something. With all deference to the better judgment, long experience, and great ability of the honorable Senator from Indiana, I must say I have felt pained to find opposition to this measure coming from the State of Indiana—to find her Senators ranked amongst the opponents of this principle. If I had been called upon to point to one of the proudest monuments ever raised to the wisdom and philanthrophy of human legislation, I would have pointed to the State of Indiana, and called an admiring world to look upon her proud position, her glorious career, her more glorious prosperity, her intelligent statesmen, her industrious population, and her ample means in everything that gives dignity to a people. I would have pointed to all that, as one of the most enduring monuments of the wisdom, patriotism, and foresight, of the ordinance of '87. I would have said, sir, that Mr. Jefferson needs no "monumental stone" to mark his fame, or tell his history to posterity, so long as the proud State of Indiana lives and her history is known to the world! And when I see the Senator from Indiana coming forward and repudiating the application of this principle to the territory which we acquire, it seems to me as if the children had forgotten the mother who nourished and brought them up; it appears to me as if they had forgotten the true foundation of their highest prosperity and their proudest hope. We are told by another Senator, whose voice I was sorry to hear utter such language, that this is not the time for its discussion. He is ready, he says, to meet this question. I only wish that he had told the country how he would have met it!—but that this was not the time for its consideration. "This is not the time!" When will the time come? I have heard that cry so long that I am tired of it. I heard it in New Hampshire over and over again. I have heard strong anti-slavery men, Wilmot Proviso men, declare that the time has not arrived. It reminds me of one of the immense operators in the land speculations of '37 and '38. He gave his notes for hundreds and thousands of dollars, but when called upon at the period of their falling due for payment, his reply was that he was willing to pay the whole, "but the time had not yet come." I ask in Heaven's name, when shall the time come when it will be proper and legitimate for this government to take action upon the subject? There have been those in years long gone by, who standing upon the moral circumstances of the nation, have descried the dark cloud that was threatening to over spread the whole country, but yet they have told us, "the time has not yet come." The tocsins of alarm have been again sounded, and again we continually hear the cry, "the time has not yet come." What do we now see? The little cloud at first no bigger than a man's hand, has overspread the whole land with its blackness, and the crushings and thunderings of the storm are heard drowning the cry of liberty; and yet we are told in the language of the song—

"There's a good time coming—wait a little longer."

When will the "good time" come? You are about to establish a territorial government over this country, giving it civil institutions, and impressing upon it legislation which is to characterize and mould its progress through all future time. We are told in relation to this country, not that the principle proposed to be applied to it is an unjust one, but that its recognition at the present time is uncalled for and inopportune. Sir, I know no time but the present. There have been opportunities presented, but they are past and gone forever. With respect to the future, God only knows what is in store for us. In His providence he has given us the present moment, and I know no time or moment more appropriate for the application of this principle given to us to act upon, than the present.

It was said by the honorable Senator from South Carolina, that this measure was insulting to one-half of the States of the Union. Was the adoption of the ordinance of '87 an insult? This amendment which I have the honor to present, only adopts the provisions of the ordinance of '87, which had the sanction of a very large majority of those enlightened men who were engaged in constructing the fabric of this government. This principle has had the sanction of the wisest and best men that ever adorned the history of this or any other country. If ever there was a measure in human legislation, the humanity, wisdom, and policy of which have been sanctioned by the development of the future, the ordinance of '87 may fully claim such merit preeminetly over any measure of legislation ever adopted. I confess that for some time I have been endeavoring to collect statistics, some facts, and my own thoughts upon this subject for the purpose of presenting them to the consideration of the Senate and the people of this country, but the more I have dwelt upon it, the wider the field has grown. Feeble as I know my own efforts to be at the best, the longer I have studied, the more I have felt my utter inability to do justice to it, and the more I have regretted the necessity that has fallen upon me to say something in behalf of this great measure. Sir, why seek to avoid this question, to put it off? It will come, we must meet it, and the sooner we meet it the better. I agree with the gentlemen who take opposite views of this question, when they say that the best way is to meet it at once. The two antagonistical principles are human freedom and human slavery. They are irreconcilable in the very nature of things. The increased facilities for travel, and the revolutions of modern science by which the emanations of human thought are sent from one extremity of the Union to the other, almost with the rapidity of their creation, all, all are tending to hasten the period when this issue must be met and decided. It must be decided whether this great confederated republic is to be true to the principles with which it sprung into life. It is time that we have settled the true meaning of the phrase in the Declaration of Independence, "that all men are created free and equal;" and whether, so far as the action of this government is concerned, it is to be denominated a mere rhetorical flourish, fanfaronade, or whether it is one of the fundamental, elemental principles upon which the action of this government is to be carried on. It is time, sir, that this subject was met and decided.

The honorable Senator from Missouri thought that this pestiferous subject of abolition was like the frogs of Egypt. I do not know but that it may be so here, but I can tell him there is another subject lies a little deeper than abolition, that is like the frogs to us. It meets us at every turn; it controls literature and religion, as well as the politics and legislation of our land. That subject is human slavery; and what we want is, in any action of this government upon it, as far as may be, to be let alone. Take care of your institutions, and bless yourselves as you may with it, but do not force it upon other States or territorial governments. Do not baptise other portions of this country, whether they will or no, with slavery, or what we are pleased to consider, the guilt of this institution. When you come to being the action of the general government to bear upon this subject, and come to establish governments for your territories, how idle it is to say that this government has nothing to do with this question. Sir, you cannot avoid it. The action which the legislative or the provisional government has taken, or the laws that may be passed under the mere imposing form of a territorial government granted by Congress, must be submitted to your approval.

I do not intend to discuss the measure, but simply to justify myself for its introduction on this occasion. Sir, I am not to be intimidated, nor can I be driven by any language that may be used—whether I am termed sane or insane—from pressing this matter as often as may be. Such a course on my part, I believe to be my bounden duty, while I hold a seat in this Senate. Neither am I to be intimidated by threats or intimations, or insinuations that this measure is calculated to destroy this Union. I do not believe that the Union is endangered. But let the consequences be what they may, I am willing to place myself upon the great principle of human right—to stand where the word of God and my own conscience concur in placing me, and there bid defiance to all consequences. And in the end, if this Union, bound as it is to the hearts of the people by so many endearing associations, has no other principle of cement than the blood of human slavery, let it sunder!

Mr. HANNEGAN.—I presume, sir, that there is not a Senator here that cherishes for an instant the desire to intimidate or threaten the Senator from New Hampshire for the course which he seems to think proper to pursue, so long as that course is restricted within the laws of propriety and parliamentary rules. I know not, if there be any such; and take it upon myself to defend the Senate, and say there are none such here. I thank the Senator from New Hampshire for the kind care he has seen proper to bestow upon Indiana and her representatives. It was a voluntary guardianship he extended to us, and of course he will expect no remuneration for it. But in her name, sir, I solemnly decline his protection. Let me tell him that that perfection and state pride—that elevation

of one sector which he has just revoked, has been attained by an unqualified repudiation of the principles which govern and control him. She would not have been this day where she is, had she cherished these principles. The course of Indiana, sir, and of her Senators [illegible] high, honorable, patriotic and [illegible] boy [illegible] the question. We oppose them—we [illegible] have [illegible] appeals to the assassin's knife [illegible] night torch of the incendiary. The Senator from New Hampshire [illegible] those who act with him, [illegible] else. In the name of God, from whom should that appeal come but from this very South against whom your assaults are continually directed! When has she assailed the North? In no instance, then, has she ever asked, and at this hour she asks no concession at the hands of Congress—none at all. But the Senator from New Hampshire, at the very moment when the cry so beautifully described by the distinguished Senator from Missouri is ringing in our ears—when outraged humanity, the agonizing cries of men, women, and children appeal to us as their natural and only protectors—comes forward and invokes a protracted, useless, idle, and pestilerous discussion—for that word properly expresses its [illegible] character—[illegible] humanity! And in the adoption of a course of this kind, he declares he finds his justification in that Holy Book to which he has alluded. But, sir, I have never read it, never!——

A VOICE.—"Never read it!"

Mr. BUTLER.—Yes, sir, I have read it all, perhaps [illegible] and to as much profit as him whose colder heart suggested the thought and expression. The Senator from New Hampshire disclosed, however, his true feelings and motives, and the feelings and motives of those [illegible] [illegible] [illegible] [illegible] come between freedom and slavery, as he terms it, and that sooner than that slavery should continue, let the constitution which has guarantied it, perish. Is this fit language for the Senate of the United States? Is this fit language for any American assembly? Sooner than preserve the constitution as it is handed down to us by our fathers, let the government perish—let wild anarchy, blood and misrule prevail. These are his sentiments; and are they taught in the Bible? No, sir. The Bible never taught, inculcated such a policy or such principles?

Mr. BRIGHT then moved that the bill be made the special order for to morrow at one o'clock.

Mr. DAVIS, of Mississippi.—I would remark, Mr. President, that it has long been my earnest desire to see a territorial government established in Oregon. I desired it before the bill to terminate the joint occupation of that territory with Great Britain was passed. The extinguishment of the Indian title in the valley of the [illegible] [illegible] [illegible] [illegible] Britain would have enabled us to establish a territorial government. This would have been more desirable to the inhabitants and emigrants in Oregon than the repeal of the joint occupation of the country then held by Great Britain and the United States conjointly. From that day I have desired to see a bill passed establishing a territorial government in Oregon, yet I desire all due deliberation in order to secure stability to the laws which we may enact. This matter was long under the consideration of the Judiciary Committee, and if referred to them now would be reported back almost immediately. Amendments are required by the peculiar condition of this country. By adopting the laws of Iowa or Wisconsin for the government of Oregon, we adopt laws of an unsuitable character and inapplicable to territory lying along the coast. One of the members of the Judiciary Committee, the Senator from Florida, who is familiar with the legislation requisite for a territory lying on the sea coast, in the deliberations and legislation of the committee at last session, I doubt not will be able to provide for all these difficulties. The bill providing for troops to protect Oregon I hold to be very essential to the best interests of that country, and should be passed immediately. If this amendment is to create discussion and delay, I hope it will be withdrawn in order that we may take the necessary action for the immediate protection of Oregon. But if the Judiciary Committee, as I suppose it will, report immediately such amendments as are required and enact the whole together, this will remove all disposition to discuss or delay this bill. I therefore would suggest that the Senator from Indiana would move that this bill be committed to the Committee on the Judiciary, and if it be proper, with instructions that it be reported immediately back to the Senate.

Mr. BERRIEN.—I beg to suggest to the Senator from Mississippi that his object is attained in the amendment made by the Senator from Florida. The bill which is now before the Senate is precisely similar to the one sent up here by the House at the last session. That bill was referred to the Judiciary Committee, was examined with great care, and the result of their deliberation was presented to the Senate in the bill which the Senator from Florida now moves as a substitute for this bill. If this subject be recommitted, the Judiciary Committee having this bill of last session in view as a substitute for the present one, would do nothing more than report. I am reminded by Senators near me that as this bill came from the Committee on Territories, it should not be recommitted, but committed to the Judiciary Committee. I would again suggest to the Senator from Mississippi that his purpose will be accomplished by the motion of the Senator from Florida. I understand the question before the Senate is to postpone this matter until to-morrow, and that the amendment of the Senator from New Hampshire is until Monday week; the question then recurs upon the longest period. I hope the Senate will not acquiesce in the longer period, but only postpone until to-morrow. In the meantime gentlemen will have an opportunity of examining the bill as reported by the Judiciary Committee at the last session, and will then probably proceed to immediate action. It is desirable on all hands that this territory of Oregon should have an organized government. It is suggested to me as unprecedented to take a bill out of the hands of one committee and place it in the hands of another. I confess I do not perceive the force of this suggestion. I might of my own individual act present the House bill reported at last session by the Judiciary Committee as an amendment, which would of course be received, and the action is as valid when such an amendment is reported now through the Judiciary Committee. What appears to me to be the universal desire, sir, is to give an efficient government to Oregon, for we are all deeply impressed with the necessities of that people as exhibited to us in the late intelligence from that country. I desire, for one, to concur in that course of legislation which shall bring the action upon this bill to the speediest termination.

Mr. DAVIS.—I [illegible] [illegible] the objects of my motion was, that the Committee on the Judiciary might examine whether, from the changed condition of Oregon, it would be necessary to make any alterations in the bill reported at the last session.

Mr. BRIGHT.—The result of the motion of the Senator from Mississippi will be to delay action on this bill, a course which every friend to Oregon wishes to avoid. Our object is to get a direct vote to the bill immediately, so that the people of Oregon may not only have a territorial government, but be protected in the enjoyment of that government. The only difficulty that seems to exist, arises out of the interpretation given to the twelfth section of the bill. I find that the Senator from South Carolina, a member of the Committee on Territories, and the Senator from Florida disagree as to the object of that amendment. My object is to give an opportunity of comparing the amendment of the Senator from Florida with the twelfth section, so as to avoid the very issue presented this morning. If we are to discuss the question presented in the amendment of the Senator from New Hampshire, we may not get a vote for ten or twelve days upon the bill.

Mr. CASS.—[illegible] appear to me very material whether the motion made by the Senator from Indiana or the Senator from Mississippi prevail. I do not think there will be any loss of time if we adopt the motion of the Senator from Mississippi. The Committee on the Judiciary continues, as respects its members, nearly the same as at the last session, and the bill doubtless would be reported forthwith. The simple advantage in favor of the motion of the Senator from Mississippi is, that upon a review of the whole bill something may require modification. I am in favor of early action. I do not wish to interpose delay further than that which my duty to my country imperatively demands.

Mr. DAVIS, of Mississippi.—I will withdraw my motion as it does not seem to be necessary.

Mr. BUTLER.—I wish to make one remark by way of explanation. This bill was sent down to the Committee on Territories of which I am a member. There are four on that committee. When the bill was sent down to us, I recollected saying that I was [illegible] [illegible] [illegible] when it was discussed before. I supposed the bill would come up in the form proposed by the Senator from [illegible] [illegible] [illegible] The parts which were struck out of the bill were in these words:

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] United States [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

THURSDAY, JUNE 1, 1848.

PRESIDENT PRO TEMPORE.

The VICE PRESIDENT being absent, the Senate proceeded to the election of a President *pro tempore*, as the constitution provides:

Whereupon,

On motion by Mr. BENTON, seconded by Mr. MANGUM, it was

Resolved, That the Honorable DAVID R. ATCHISON be elected the President, *pro tempore*.

On motion by Mr. BENTON, it was

Ordered, That the Secretary wait on the President of the United States and inform him that the Senate is now organized, the Vice President, absent, and has elected DAVID R. ATCHISON President, *pro tempore*, for the present session; and that a communication from the House of Representatives is

RESOLUTIONS OF THE LEGISLATURE OF OHIO.

Mr. ALLEN.—I have received from the Executive of Ohio a number of resolutions passed by the General Assembly of that State in relation to matters which come within the action of Congress. The first of these resolutions expresses the opinion of the State that an act of Congress shall be passed to reduce the price of the public lands on either side of the Wabash and Erie and the Miama extension canal in that State. There was a cession made by Congress to the State of alternate sections of the public land to the extent of five millions of acres, and the alternate sections reserved by the government to itself were doubled in price by the act of ceding the other alternate sections to the State. Time has gone on and a large proportion of these alternate sections reserved by the general government remain unsold, the State having reduced the price of those sections that were ceded to her by the federal government. The consequence is, that these lands being, to some extent put out of the market, by the doubling of the price of them, remain unoccupied, and being so unoccupied and unsettled are of course unproductive. Besides this, they reduce the usefulness and value of the canal by keeping a wilderness on each side. There is therefore a reasonableness as well as policy in the request of the General Assembly asking that the price of the lands be reduced. I will ask that the resolutions be printed and referred to the Committee on Public Lands.

The motion was agreed to.

Mr. ALLEN.—There is another resolution which was communicated to me at the same time, and which had passed the General Assembly of the State expressing the opinion of the State of Ohio in regard to the manner in which territories acquired by the United States should be treated when it becomes necessary to organize them into States. As this resolution, sir, is one of some interest and moment, I desire that it may be read and laid upon the table and printed.

The resolution declaring that so much of the ordinance of Congress of 1787 as relates to slavery should be extended to the territory which may be acquired from Mexico, was read by the SECRETARY, laid upon the table, and ordered to be printed.

Mr. ALLEN.—I present also a resolution of the General Assembly of the State expressing their desire that the postage on letters and newspapers should be reduced. I desire that this resolution should be printed, and referred to the Committee on Post Offices and Post Roads.

The motion was agreed to.

Mr. ALLEN also presented resolutions passed by the Legislature of the State of Ohio, declaring it to be within the constitutional power of the federal government to construct harbors and improve rivers; in favor of an appropriation for improving harbors on the north-western lakes, and condemning the exercise of the Executive power in relation to the act of the last session of Congress making appropriations for that purpose.

Ordered, That they lie on the table, and be printed.

Mr. ALLEN also presented resolutions passed by the Legislature of the State of Ohio, relative to the powers and duties of Congress in arresting the encroachments of the Executive department of the government upon the legitimate province of the legislative department, and approving the course pursued by the honorable Thomas Corwin, one of the Senators of that State in Congress, in regard to the Mexican war.

Ordered, That they lie on the table, and be printed.

PETITION.

Mr. DOWNS presented a memorial of judges and members of the bar of New Orleans and other parts of Louisiana, praying that the rules of proceedings in all civil cases in the courts of the United States in the State of Louisiana may be made to conform to those practised in the courts of that State; which was referred to the Committe on the Judiciary.

REPORT OF THE SMITHSONIAN REGENTS.

Mr. DAVIS, of Mississippi, submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That there be printed additional copies of the report of the regents of the Smithsonian Institution [illegible] for the use of the Senate.

LAWS OF THE UNITED STATES.

Mr. BUTLER, from the Committee on the Judiciary, to whom was referred the joint resolution authorizing the Secretary of State to furnish the clerk of the district court of the United States, for the western district of Virginia four copies of Little and Brown's edition of the Laws of the United States, reported it with an amendment.

PRIVATE BILL.

Mr. BUTLER, from the Committee on the Judiciary, to whom was referred the bill from the House of Representatives for the relief of Levi H. Corson, and for other purposes, reported it without amendment.

REFUNDING EXPENSES OF VOLUNTEERS.

Mr. RUSK, from the Committee on Military Affairs, to whom was referred the bill from the House of Representatives to refund money for expenses incurred, subsistence or transportation furnished for the use of volunteers during the present war before being mustered and received into the service of the United States, reported the same without amendment.

The Senate proceeded to consider the said bill as in Committee of the Whole; and on the motion of Mr. TURNEY, it was amended by adding the following section:

"*Be it further enacted*, That in refunding moneys under this act, and the resolution which it amends, it shall be lawful to pay interest at the rate of six per cent. per annum to all persons and to States, corporations, or individuals in all cases where the State, corporation, or individual paid or lost the interest, or is liable to pay it."

The bill was then reported to the Senate, and the amendment was concurred in.

Ordered, That the amendment be engrossed, and the bill read a third time.

The said bill was read a third time, as amended.

Resolved, That this bill pass, with an amendment.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendment.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives concurs in the resolution [illegible] an exchange of the Senate [illegible] to amend the act in addition to the act to prevent the importation of foreign convicts into the United States, approved March 3, 1847, with an amendment.

The House has passed a bill regulating the appointment of clerks in the Executive departments, and for other purposes; in which they request the concurrence of the Senate.

INDIAN APPROPRIATION BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1849, and for other purposes.

The question pending was upon the amendment submitted yesterday by Mr. BELL.

The amendment was read as follows:

Add the following sections:

"SEC. — *And be it further enacted*, That the Secretary of War cause to be ascertained the number and names of such individuals and families, including each member of every family of the Cherokee nation of Indians, that remained in the State of North Carolina at the time of the ratification of the treaty of New Echota, May 23, 1836, and who have not removed west of the Mississippi, or received the commutation for removal and subsistence, and report the same to the Secretary of the Treasury; whereupon, the Secretary of the Treasury shall set apart, out of any moneys in the treasury not otherwise appropriated, a sum equal to fifty-three dollars and thirty-three cents for each individual ascertained as aforesaid, and that he cause to be paid to every such individual, or his or her legal representative, interest at the rate of six per cent per annum on such per capita, from the said 23d day of May, 1836, to the

[illegible] the passage of the bill, and consume such time as they may think proper to the subject. [illegible] [illegible] interest at the rate aforesaid.

[illegible] [illegible] [illegible] [

more consideration than it is likely to receive, as an amendment, to this bill. It is not an appropriation, strictly speaking, in pursuance of any existing law, because the question arises distinctly, whether the law or the treaty authorizes this appropriation or not; and therefore it falls within the objection which I have heretofore stated, as applying to amendments to appropriation bills. If I understand the honorable Senator from Tennessee, this amendment, if adopted, directly involves an expenditure of between eighty and a hundred thousand dollars; and if the principle is recognized by Congress, it involves an expenditure, in other cases, of a million and a half of dollars—a sum much larger than the whole amount appropriated by this bill.

Mr. BELL.—I stated, that in my opinion, the government would not be liable to pay the whole of the expenses that have been extravagantly incurred in the removal of the Indians. The principle in the two cases is not precisely the same, although there is a similarity between them.

Mr. ATHERTON.—Still it is to be inferred, that if Congress decide in favor of the principle embraced in this amendment, it affords a colorable pretence in favor of a claim upon the treasury, which involves a million or a million and a half of dollars. It seems to me, then, considering the importance of this subject, there cannot be that consideration given to it, when offered as an amendment to this bill, which its importance requires; and I may state here that this subject has been under the consideration of the Commissioner of Indian Affairs heretofore, and a very long report has been made, I believe, by Mr. Crawford, a former commissioner, against the claim embraced in this amendment. There has been also a very long and elaborate opinion given by a former Attorney General, [Mr. Mason,] against this claim, and that opinion has been approved by the Executive. The whole subject has been under consideration by the Executive department, and after the most mature deliberation and investigation, the opinion of the executive officers has been adverse to the claim. Not only that, but I understand that at this very session the Committee on Indian Affairs, upon a memorial relating to this subject, made an adverse report, or at all events requested to be discharged from the consideration of the memorial. I think I have seen a report to that effect, made by a gentleman who was formerly chairman of the Committee on Indian Affairs. In order to show the importance of this subject, I will ask that a letter from the Commissioner of Indian Affairs be read. But in the first place, to show what I conceive to be the impolicy of attaching this amendment to the Indian appropriation bill, I will state that the subject is under consideration by a committee of the House, and that there is a diversity of opinion on the subject, and that there will undoubtedly be a full discussion of the subject in the committee and in the House. It is important that we should have all the information that will be elicited by that discussion.

Mr. BADGER.—The question under consideration of the Senate is admitted to be important, but it by no means follows that it is difficult. On the contrary, I think a little attention to the remarks of the honorable Senator from Tennessee will show that it is a matter of plain right, and so far from the amendment being an evasion of the principle for which the honorable Senator from New Hampshire so strenuously insists, this very sum which is now sought to be appropriated by the proposed amendment, ought to be inserted in the very bill which the chairman of the committee has reported to the Senate. It is an Indian appropriation bill, by which a sum of money is proposed to be appropriated for the benefit of the Indians, to which sum they became entitled under a treaty with the United States.—So far from its attachment to this bill being irregular—so far from its being a violation of the strictest rule of exclusion suggested by the Senator from New Hampshire, it is only a just and necessary attempt on the part of the Committee on Indian Affairs now to insert in this bill a provision which ought to have been in it when the bill came originally before the Senate. Now, I will undertake to show, if the Senate will give me their attention for five minutes, that there is no difficulty whatever in regard to their title to this allowance—that it is as clearly and as undoubtedly due as any salary is due under the laws of the United States to any officer of the government, and that the difficulty interposed to the payment of it furnishes an additional evidence of the mode in which these public contracts with the Indians had been habitually interpreted by the agents of the United States, entrusted with their interpretation and the carrying them into effect. By the 8th article of this treaty it is stipulated that the United States shall remove the Indians to their homes west of the Mississippi, at the expense of the United States, and shall furnish them with subsistence for one year after their arrival there; and then the article has this provision:

"And they shall be allowed in full for all claims for the same twenty dollars to each member of their family, and in lieu of their own scant rations they will be paid the sum of thirty three dollars and thirty three cents of their pro-

By this article it is clear that a *per capita* provision of twenty dollars for removal, and thirty-three dollars and thirty-three cents for subsistence is to be given to all Indians. Then by the 12th article it is expressly declared that—

"Those individuals and families of the Cherokee nation that are averse to a removal to the Cherokee country west of the Mississippi and are desirous to become citizens of the States, where they reside, and such as are qualified to take care of themselves and their property, shall be entitled to receive their due portion of all the pecuniary benefits accruing under this treaty for their claims, improvements and *per capita*, as soon as an appropriation is made for this treaty."

Now, sir, the only *per capita* personal benefit mentioned or alluded to in any part of the treaty, is the payment of these two sums to the Indians who remove themselves. It follows, then, with the clearness of the conclusion of a demonstration, that if the Indians who remove themselves were entitled to this personal benefit, *per capita*, the Indians who chose and were permitted to remain were entitled to it also. The treaty declares this in so many words. The Senator from New Hampshire says that long papers have been written, and repeated decisions made by the Commissioners of Indian Affairs, adverse to this claim. The length of the papers furnishes no recommendation to me. It neither makes them more agreeable to read, nor, in my judgment, more satisfactory in arriving at a conclusion. It is said also that the subject ought to undergo an elaborate discussion. To what purpose? Why should that which is plain be long discussed? If the subject has been examined by the Executive department, and they have, by a perverse interpretation, caused to be withheld from these helpless men that which is justly due to them, in my judgment it is a reason why Congress should now act promptly and do them justice. The committee in the other house have reported the precise provision which my honorable friend from Tennessee proposes to attach to this bill. Under these circumstances, why should not the appropriation be made, and made at once. The question is said to be important. Certainly, sir, the expenditure proposed by this bill is not important on account of the mere amount of it. It is said that other cases will come forward, if the principle in this case be allowed. Be it so. What answer is that? If eighty thousand dollars be justly due, shall we refuse to allow it because another man may have a claim for a little more? It seems to me to be a singular argument with which to meet a claim presented to the American Senate. But the question is important in another aspect. It is not only evident that the Indians who are permitted to remain should receive this sum of money, but it is also plain to demonstration that the chiefs who signed the paper so understood it; and, although ten years have passed away, they have not received that which the government stipulated to pay to them, and they are restless and discontented under a sense of wrong, and are becoming disagreeable and troublesome and dangerous neighbors; and I appeal to the Senate, that the importance of doing justice to them makes the mere amount of money sink into comparative insignificance. Shall we consider, discuss, debate the subject, and in the meantime permit the peace of North Carolina to be violated? Shall we run the hazard of having the quiet that now exists broken up and destroyed? And to what end? What is proposed to be accomplished by it? Is it to preserve the due and orderly observance of the rules under which appropriation bills are to be considered and passed? Sir, such rules should be, under such circumstances, dispensed with. But is it true that any rule will be violated? I think not.

But there is another consideration. The honorable Senator from Tennessee has presented this amendment in the most unexceptionable form. The sum of money to be appropriated is not to be paid to the Indians until it shall be ascertained who of the Indians that remain have not received the benefit contemplated by the treaty. And for the benefit of such only is the interest upon the money to be paid until they think proper to remove themselves to the West, and so soon as they do so, and only then, is the principal to be paid. Now, here is a measure which is calculated to produce the most beneficial effect upon the State which I have the honor in part to represent. It is holding out an inducement to these Indians to remove. Some of them are good and valuable citizens—others are of a different character; and the object is to hold out to these of the latter character an inducement to remove themselves beyond the Mississippi, and relieve us of their inconvenient and dangerous neighborhood. In my judgment it is a perfectly simple question, and if we look at the terms of the treaty, it appears to me to be a plain, obvious, and evident duty towards the Indians, that we should make the appropriation. By passing it we shall accomplish two objects at once—we will secure the peace and quiet of the State, and thus subserve the interests of humanity, and we will at the same time do an act of plain and simple justice towards the Indians.

On motion by Mr. BRIGHT, it was

Ordered, That the further consideration thereof be postponed until to-morrow.

OREGON BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish the territorial government of Oregon.

The question pending was upon the amendment submitted yesterday by Mr. HALE.

Mr. BUTLER said a bill to organize a territorial government for Oregon, containing essentially the provisions of this bill, with the exception of the 12th section, had been reported more than a year ago by the Judiciary Committee. At last session the bill came up from that committee with important, and, as Mr. B. thought, unexceptionable modifications. At this session it had been committed, not to the Judiciary, but to the Committee on Territories, of which he, Mr. B., was a member. He was certain that the bill had been before that committee while he was present. On that occasion he had insisted that the 12th section should be stricken out or so modified as to contain no provision, one way or the other, on the subject of slavery. Upon examination it appears

now that it does contain such a provision—perhaps a double provision. The laws of Iowa are extended to Oregon. [illegible] may not in terms contain the prohibitory provisions of the ordinance of '87. As Iowa came within the Missouri compromise, it was unnecessary that their laws should contain such provisions; but the 12th section contains this provision:

[illegible]

These laws contained in express terms, and in its language the prohibitions of the ordinance of '87. The bill has therefore been reported without the sanction of a full committee, or by a misconception of its true but correct provisions. He was sure that nothing wrong or deceptive could have been intended by the chairman, who was absent. Mr. B. said he wished he were present to make explanation. He presumed, however, that the bill had been finally acted upon in committee when he, Mr. B., was not present.

The gentleman from New Hampshire now proposed another prohibitory clause, thus shingling over the 12th section with cumulative anti-slavery prohibitions. He had been, and was willing to strike out the 12th section, so that there might be no mistake one way or the other on the subject of slavery. He presumed, however, thus the questions must rest, and if so, they were properly presented in the amendment offered by the gentleman from Florida, to suit the bill of last session.

Mr. BRIGHT.—I unite with the honorable gentleman from South Carolina in regretting that the chairman of the committee is not present. I apprehend that the bill would not have been called up in his absence, if it were not for the peculiar circumstances by which we are surrounded. A communication from the President of the United States informs us of the condition of things in Oregon, which demand our immediate action upon this measure, in order not only that a territorial government may be organized there, but also that a military force may be sent out to protect the people. It would be useless for myself in the absence of the chairman of the committee, but I think when this bill was reported by him I fully understood it. This bill is, I believe, substantially and almost word for word identical with that which passed the House of Representatives at the last session. When it came to the Senate it was referred to the Committee on the Judiciary, and by them reported back with certain amendments. It is substantially the same bill as those by which Wisconsin and Iowa were brought as territories into this Union. I understand that the Senator from South Carolina and some other gentlemen object, and but for it there would be no difficulty in their minds as to the propriety of the passage of the bill. The 12th section of the bill is before us. It provides

"That the inhabitants of said territory shall be entitled to [illegible] and impositions, and to pass and [illegible] rights, and the necessary [illegible] ity of the peace, and [illegible] same be not repugnant to the provisions of the [illegible]

This section does not differ from the bill organizing a territorial government in Iowa and Wisconsin, except in the last clause of the section which I have just read. It appears that among the provisional enactments in the present organic law of Oregon there is one providing that neither slavery nor involuntary servitude otherwise than for the punishment of crime, whereof the parties shall be duly convicted shall exist in said territory. Now, by the passage of this bill with the 12th section, this enactment remains in force unless the territorial legislature see proper to alter, modify, or repeal it. In the act bringing Wisconsin into the Union as a territory; the [illegible] Wisconsin territorial bill. I cannot now [illegible] ordinance with the additional clause recognizing the enactments of the provisional government. Let me read the amendment offered by the Senator from Florida.

"Sec. 12. [illegible] ways be entitled to the benefits of the writ of habeas corpus and the trial by jury, of a [illegible] for such [illegible] fines shall be moderate, and no cruel or unusual punishment shall be inflicted. No man shall be deprived of his liberty or property but by the judgment of his peers or the law of the land, and should the public exigencies make it necessary for the common preservation to take any person's property or to demand his particular services, full compensation shall be made for the same. And in the just preservation of rights and property, it is understood and declared that no law ought to be passed or [illegible] force in the said territory that shall, in any manner whatever, interfere with or affect private contracts or engagements, bona fide and without fraud, previously form ed."

Mr. WESTCOTT.—Will the Senator permit me to remark that the provisions are copied from the ordinance of 1787, from the constitution of the United States, and from the bill of rights of various States in the Union; and that similar provisions existed in the law organizing the territorial government of Florida?

Mr. BRIGHT.—I have nothing to say with reference to the portion of the amendment which I have read. I now approach that which is important and about which we differ.

"The existing laws now in force in the territory of Oregon, under the authority of the provisional government established by the people thereof, shall continue to be valid and operative therein, so far as the same be not incompatible with the principles and provisions of this act; but the [illegible] of such territory shall be construed to restrict citizens of any of the United States, or of any territory thereof, from emigrating with their property to, and settling and residing in said territory, and holding and possessing their property therein, and fully participating in all the benefits, advantages, privileges, and immunities thereof on a [illegible] act hereafter passed by the legislative assembly of said territory shall be construed to restrict citizens of any of the United States, or of any territory thereof, from emigrating with their property to, and settling and residing in said territory, and holding and possessing their property therein, and fully participating in all the benefits, advantages, privileges, and immunities thereof on a [illegible] [illegible] laws which shall operate in restraint of, or detriment to, the full enjoyment of such rights [illegible] provision thereof, may be applicable."

The effect of that amendment would be to take from the territorial legislature of Oregon the right to do their own legislation, to declare that the laws now in force under the provisional government should remain in force until modified, altered, or repealed by the legislature, except that they could not alter, modify, or repeal so much of the law as relates to the right of citizens of the United States to emigrate to that territory, taking with them [illegible]

We would avoid that difficulty if we could. I apprehend, however, that we must meet it here. As I remarked before, this bill is identical with those which brought Iowa and Wisconsin into the Union, in addition to the clause recognizing the action of the provisional government. I do not desire now to say any thing in re- [illegible] from Florida. As I remarked yesterday, if we act efficiently in this case, we must act early. If the principle involved in the amendment is to be discussed at length, I apprehend that this measure cannot be passed in time to afford that relief to the people of Oregon which all admit should be extended to them. The remarks of the Senator from Missouri must have convinced every one that we should act immediately. I regret, then, that a [illegible] duced the Senator from New Hampshire to raise this question at this time, and under existing circumstances. It is, I suppose, conceded on all hands that the country for which we propose now to legislate, has nothing to fear from slavery. Its soil, climate, geographical position, all forbid a conclusion of that kind, and therefore I regret that the Senator could not have permitted the bill to pass without presenting such an issue. In my anxiety to pass this bill, I would consent to strike out the twelfth section, if I believed it did not materially effect the bill. But if that section be struck out, the whole bill will be disjointed. I am not at present prepared with any substitute for that section which could take its and effect the object which it has in view. I have only place, in conclusion, to remark, that I believe this bill is as perfect as [illegible] serving as much as relates to this abstract question.

Mr. FOOTE inquired if the Senator from Indiana would not agree to strike out the twelfth section?

Mr. BRIGHT.—I cannot consent without the assent of the Senator from Missouri.

Mr. WESTCOTT.—I desire to put an interrogatory to the Senator from Indiana in relation to the construction of a clause in this section as it now stands. I allude to that clause which says that the people of Oregon shall be entitled to all the rights, immunities, and privileges heretofore secured to the people of the territory of Iowa. If I am right in my construction, that is an adoption of the Iowa organic law, and an adoption also of the [illegible] the second clause of this twelfth section had that effect.

Mr. BRIGHT.—I stated that the fourth section of the enactment of the provisional government excluded slavery from that territory; and that the adoption of the twelfth section would continue that act in force until the legislative authority of the territory saw fit to alter, modify, or repeal it.

Mr. WESTCOTT.—Will the Senator answer the inquiry, whether the reference to the law of Iowa is not also a virtual exclusion of slavery from Oregon? Whether it is not a virtual adoption of the ordinance of '87?

Mr. BRIGHT.—I do not so understand it.

Mr. BAGBY.—Is the question now on striking out the twelfth section?

The PRESIDING OFFICER replied that it was not.

Mr. HALE asked if it would be in order for him to renew his motion after the vote upon the amendment of the Senator from Florida?

The PRESIDING OFFICER replied in the affirmative.

Mr. HALE.—Then I withdraw my amendment.

Mr. WESTCOTT.—I object.

Mr. HALE.—I ask leave to withdraw it.

The question being put, leave was granted to the Senator from New Hampshire to withdraw his amendment.

Mr. WESTCOTT.—I desire that the bill should be amended in detail, and therefore moved that in the first section all after the word "provided" be struck out.

Mr. BRIGHT.—I believe that by striking out the twelfth section we will be able to pass the bill without any delay.

Mr. FOOTE hoped that the Senator from Florida would withdraw his proposition, which, in his opinion, presented the point in a more complicated manner.

Mr. WESTCOTT.—The gentleman misunderstands my motion. The first section of the bill is now before the Senate, and I moved to strike out all after the word "provided." My object is

to perfect the details of the bill, as I cannot vote for it unless it be corrected in the details in almost every section. I consider the details of the bill exceedingly crude and objectionable, and not applicable to this territory, without reference to the question of slavery at all.

Mr. BADGER.—Allow me to make a suggestion. I understand that it is proposed by gentleman on the other side of the chamber, that by common consent, the question should now be taken on striking out the twelfth section.

Mr. WESTCOTT.—I have no objection to that.

Mr. BRIGHT.—My object in consenting to that was that the bill might pass without farther debate; and under the impression that the Senator from Florida would not embarrass the bill with amendments. I apprehend that the bill is quite as perfect as it could be made in his hands. I move then to strike out the twelfth section.

Mr. YULEE.—I would inquire whether a proposition has not been made by my colleague which has not been withdrawn?

Mr. WESTCOTT.—I have no objection that the question should be now taken on striking out the twelfth section.

Mr. HALE.—I withdrew my amendment for the purpose of enabling the Senator from Indiana, who seems very desirous of getting the bill through, to present it in its present shape for the final action of the body. If, however, after having withdrawn that amendment the bill is to be further amended by striking out this twelfth section, thereby leaving the people of that territory infinitely worse off than they now are, I shall feel bound to renew my amendment, and press it as well as I may. It was solely because I was desirous of removing any impediment to the passage of the bill, and at the earnest request of several Senators upon the other side of the House friendly to the bill, that I withdrew my amendment. But if the bill is to be emasculated by the elision of this section, I must insist upon my amendment, and endeavor to satisfy the Senate that it ought to be adopted. Not wishing to detain the Senate now, I ask for the yeas and nays.

Mr. CALHOUN.—I think that upon reflection, Senators will perceive that the difficulty will not be removed by striking out the twelfth section. I am not desirous to create any delay. Never have I raised a single question in this Senate, except when a hostile one has been offered. I have ever acted upon the defensive, and on the defensive I intend to stand. Now, every Senator will see, that although the twelfth section be struck out, the difficulty will not be removed, as the laws of the territory will still exist. There are three questions involved in this entangled affair. The first is, the power of Congress to legislate upon this subject, so as to prevent the slaveholding portions of this Union from emigrating with their property into any territory. The next question is the right of the inhabitants of a territory to make a law excluding the citizens of these States from emigrating thither with their property; and the third question is the power of Congress to vest the people of a territory with that right. All these questions come up, and cannot be avoided. I regret it exceedingly. The short cut is the one proposed by the Senator from Florida. As I understand, the Judiciary Committee of last session, after a great deal of deliberation, reported a bill providing an amendment to meet this case precisely, upon the constitutional compromises—that the territory is open to all the citizens of the United States—that it must remain open, and cannot be closed but by the people of the territory when they come to form their own constitution, and then they can do as they please. Now, I wish no delay. If there is to be a discussion, it would be better at once to separate the military portion reported by the Committee on Military Affairs from the other, and pass it. But the other question is upon us, and cannot be avoided, as far as I can see, except by the course that I have indicated. It has not been brought up by me, or by those who think with me. The well considered bill of last year was much more satisfactory in its details than this. Certainly I am not willing, for one, to blink the question by eluding the amendment of the Senator.

Mr. MILLER.—The question, as I understand, is upon striking out the twelfth section. The objection to the laws of the provisional government is founded on the fact, that they abolish slavery in Oregon. So that by striking out this section, we shall affirm in the first place, that Congress has no right to extend the ordinance of '87 to Oregon; and in the second place, that the people of Oregon have no right by law, to abolish slavery. This, then, is the question on which the Senate is called upon to vote. A Senator near me, [Mr. DAVIS, of Massachusetts,] suggests the inquiry, by what authority can slavery be created? This doctrine goes further than anything I have ever heard. In the act admitting Wisconsin into the Union, it was expressly declared—

"That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the State, contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby forever prohibited: *Provided, always*, That any person escaping into the same, from whom labor or service is law fully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid."

The same principle was applied to the Territories of Iowa and Wisconsin. I have risen merely for the purpose of stating the position of the question before the vote is taken.

Mr. DICKINSON.—I am one of those who recognize the authority of territorial legislation; and I am happy to see that the Senator from from South Carolina concurs with me, for he announces, if I understand him, that we are bound to recognize the legislation of the people of Oregon.

Mr. CALHOUN.—The Senator is entirely mistaken. The people of a territory can act as they please so far as the territory itself is concerned.

Mr. DICKINSON.—I did not expect that the Senator intended to go further. But he recognizes a provisional government.

Mr. CALHOUN.—I do not recognize its right to exclude citizens of the United States.

Mr. DICKINSON.—I am quite ready to strike out the twelfth section, and thus leave the people of Oregon precisely where I desire them to stand, with the right to pass their own local and domestic laws. I am equally willing to retain it. But as for the amendment of the Senator from New Hampshire, I shall vote against it in every shape and form.

Mr. HALE.—It has been withdrawn.

Mr. DICKINSON.—I understand that it is to be renewed. I shall also vote against the amendment of the Senator from Florida, and vote for organizing this government in its simplest form, leaving this question where we found it; allowing it to take care of itself under the constitution and local government.

Mr. BAGBY.—The part to which the Senator from New York has alluded, is one to which I intended to refer as likely to occasion difficulty in the final action on this bill—the right of a territorial legislature to legislate on the subject of slavery. Early in the present session of Congress I introduced a series of resolutions embracing my distinct and unalterable views in regard to this whole subject. And the more I have reflected upon the positions assumed in those resolutions, the more I have become confirmed in the belief that they were not only sanctioned by every principle of the constitution as it now stands, but by every consideration of sound policy and equality, not among the States of this Union, but the people of the Union. These resolutions declared three things; first, that the people of a territory of the United States possessed no political power except that derived from the Congress of the United States in the act authorizing them to form a temporary government; second, that Congress itself possessed no power to exclude a portion of the citizens of the United States with their property from such territories; and, third, that forasmuch as Congress possessed no such power, it could not be delegated to the territories. Can there be any doubt about the correctness of either of these positions? I put it to the sense of justice of this body, whether it be right, proper, and constitutional, to say that this government can exclude any portion of the people of the United States with their property, from territory owned by all the people of the United States? I ask on what such a right could be founded? I am not now going to question the power of this government to acquire territory, or to exercise any constitutional right over that territory; but I take the ground, without fear of contradiction, that they have no more right over the territory belonging to the United States than they have over other property belonging to the United States. Because the only constitutional provision on the subject, which I have no doubt is quite familiar to you, places territorial and all other property on the same footing. But what are you now called upon to do? To exercise that right of property merely over territories belonging to United States. And do you stop there? No. You are about to erect a barrier around one of those territories over which a portion of the people can never leap, unless they leave their property behind them. That is the effect of their proposition now before the Senate.

I differ with the distinguished Senator from South Carolina with regard to the provisions of this bill as they will stand after the the twelfth section is struck out. That section constitutes the great eye-sore with me, and with it out I am prepared to vote for the bill. It is for this reason that I am in favor of authorizing the people of Oregon to form a temporary government, sufficient for all purposes of protection, and subordinate, as of course it will be to the future action of Congress. The doctrine, I have ever contended for by the Senator from New York, is the most monstrous one ever advanced by any statesman in the United States, although I regret to say it has been maintained by able, distinguished, and the Senator will permit me to add, even more experienced men than himself. Will you allow a territorial legislature to pass a fundamental law and give sanction to it, by which any portion of the citizens of the United States shall be excluded from the territory of the United States? I know it is said that the whole of this territory lies beyond a certain parallel of latitude, and I admit that in all human probability, slavery never will exist there. I have no expectation that slavery will ever be found there, but if that be true, I ask whence the necessity and propriety of attempting from day to day, to throw this barrier around that territory for the purpose of keeping out an institution which gentlemen tell us by no possibility can ever be introduced there? These attempts have but one object, and that is to engraft upon the laws of this country a doctrine known to be repulsive to a large portion of the people of the Union. The effect of it is—I hope the Senator from New Hampshire does not design it—to cast a direct, unnecessary, and gratuitous insult in the teeth of the people of the South.

Mr. HALE.—Will the gentlemen allow me to remind him that I have withdrawn my amendment; I have removed my firebrand, and it is a Southern one which is now burning.

Mr. BAGBY.—Yes. I know that Northern fires burn more slowly than Southern fires. But the Senator from Michigan has told us that he will kindle his fire again.

Mr. HALE.—Not the Senator from Michigan—another Presidential aspirant!

Mr. BAGBY.—The aspirants are so plenty that there is some little confusion. But I pledge myself if this principle of abolition or exclusion, or whatever else you may please to call it, touches or taints this bill at all, so far as I am concerned the people of Oregon will go without a government to the day of judgment. Now, whence the necessity, whence the propriety of thrusting this measure forward when we were told by those who advocate it that it is wholly unnecessary, as by the law of nature slavery must forever be excluded from that territory.

I had not the honor of being in public life when the Missouri compromise, as it is called, was adopted; if I had been I should have voted against it for two reasons. First, because there was no right to compromise any of the provisions of the constitution; and second, because it was no compromise at all. It was an arrangement by which the fire which then burned, was smothered for a time, only to break out upon us continually ever since, and which I fear may eventually destroy the constitution. It was a concession by one party, whilst the other folded its arms determined at a future day to ask for more. Never can I consent to have this principle again engrafted upon any bill. I deny in toto the principle, that the moment a few thousand people get possession of the public land, they have a right to institute a territorial government by which any portion of the people of the Union can be excluded from it. The Senator from New York contends that the power is inherent in the people. What! An unorganized community cannot possess any political power, if they did, why call on Congress to authorize them to form a territorial government? Inherent rights attach to men as individuals, but not as communities. The effect of the doctrine contended for would be to give to these unorganized aggressions of individuals the same political power as is possessed by the largest and oldest States of the Union.

As I said, I am willing to vote for this bill as it is, provided the 12th section be stricken out.

Mr. FOOTE expatiated briefly upon the course of the Senator from New Hampshire, alluding very emphatically to the dangerous consequences which the agitation of this subject was likely to produce in the coming election.

Mr. HALE.—It seems to me there is some inconsistency in the views of some gentlemen of the Senate. I am accused of embarrassing this subject by the introduction of a proposition, which seems especially to alarm the Senator from Mississippi, who regards it as calculated to affect the Presidential election. Now, to quiet the fears of the honorable gentleman, I will tell him, in all honesty, that so far as I am advised, my friends do not anticipate running a ticket in that election in the State of Mississippi.

Mr. FOOTE.—I will tell the Senator that I should not be apprehensive of the result of running any such ticket in the neighborhood where I reside. Any other ticket than that of Cass and Butler I have not thought of; and, if I had, it would be with such scorn as would not allow me to feel the least apprehension.

Mr. HALE.—Well, the candidates will feel "very bad" at this announcement, no doubt! But I rose for the purpose of saying that this is no movement of mine. I have thrown in no firebrands. On the contrary, I have been trying to remove them. Complaints are made that a pestiferous question has been introduced; that a firebrand has been thrown into the Senate—a question introduced that is likely to produce agitation. I can only say, that it has been my purpose to remove any such cause of agitation. For one sir, I want the country to understand what this proposition is. I have always done ample justice to the people of the South. I have said to my friends at the North, when you hear these men you know them, you can see them hard. They are not like that contemptible animal that I have not seen described in any history of animated nature I have read, a "Northern man with Southern principles." They are bold and open. They tell you what they want, and how they want it. When you deal with such men you can understand them. Stripped of its verbiage, then, the proposition before us is simply this: that slavery is one of the natural and inherent rights of property which belong to the people of the South, over which this government or the government of the territory has no control. I hope that I have now stated correctly the extent of this proposition. If it goes any farther, I hope it will be so announced. The people of the North have been desirous to get down to low-water mark, just as far as the requisitions of this institution required them to go; but, after they had bowed so low that their back was almost broken, they have been told that there was a still lower point to which it was necessary that they should go. It has now, however, come to this—that a claim is set up to an absolute, inherent, indefeasible right, with which neither Congress nor the people of a territory have any right to meddle. Well, now, is it possible that anybody acquainted with the legislation of this country from its foundation, can listen patiently to such pretensions? Was the ordinance of '87 an insult to the South? If so, why has it not been found out before? Why have they permitted that standing insult to remain upon the legislation of the country? How has it happened that, with their peculiar sensitiveness to insult—their chivalric sense of honor—their keen perceptions——

Mr. BAGBY.—I did not say that the action of this government, in any respect, upon any subject, was an insult. I asked this question: If, when gentlemen on the other side admitted it was not necessary to interpose this obstacle to the admission of slavery into that territory, it was not an insult to the South to propose it?

Mr. FOOTE.—If the 12th section be stricken from the bill, there will be nothing remaining to which any one favorable to the institutions of the South could in the least degree object. The laws of Oregon will be still in force.

Mr. HALE.—I desire to know if that section be stricken out, and the bill remain as it is, whether the institution of slavery will exist in the territory of Oregon?

Mr. FOOTE.—I shall come to that by and bye.

Mr. HALE.—I understood the Senator as advancing that proposition.

Mr. FOOTE.—Impulsive as I am, I do not choose to commit myself by any hasty assertion. I was endeavoring to reconcile the Senator from Alabama and the Senator from South Carolina, and those who concur with those gentlemen, with those of us who are opposed to all agitation on the subject, and who believe that by striking out this clause all difficulty will be removed in regard to the question concerning which we all feel so much solicitude. I will not now express an opinion upon the subject, although I will be prepared at the proper time, not only to express my views, but to act upon it. But when I listened to the eloquent and powerful speech of the Senator from Missouri yesterday—a speech that all must have listened to with a thrill of admiration—I felt that I was listening to the arguments of a wise man and a patriot, when that Senator urged upon us that we should attend to the business of the hour—that we should perform the duty which existing circumstances called upon us to perform in behalf of the feeble and suffering people, and that we should avoid all factions and agitating discussions upon the question of slavery, which he considered, and which I conceive, has no connection with the subject before the Senate. If this 12th section be stricken out, the people of the territory of Oregon will be exactly in the same condition in which the people of the various territories of the United States have found themselves from time to time. They will have that power to legislate which the constitution of the United States allows them, and no more. They may go on if they choose and reenact all those constitutional enactments which they have heretofore adopted; and if they raise the question of slavery, it will come for adjudication before the courts of the country, and I trust there will be wisdom and patriotism enough in those tribunals to decide it according to the constitution and the best interests of the community. I have my own views in regard to the matter, and at the proper time I shall not hesitate to express them. There are resolutions here, presented by the Senator from New York, which are lying upon the table for the present. When they come up for discussion I shall announce my views and opinions—humble as they may be—but at present I am unwilling to embarrass this subject with any such discussion. And I invoke the Senator from Alabama, if he concur with me, to vote in support of the motion to strike out the 12th section, leaving the bill in such a shape as by a fair interpretation of it, I think ought to satisfy the honorable Senator, and all that think as he does, on the subject of slavery. I hope I am understood as simply being opposed to the agitation of the question. I know it can do no good to the question now before us, or to the country at large; it may enable certain individuals who have, at the present time, the sympathies of the abolitionists of the North, to obtain a little increased popularity, or it might—a thing not quite so lamentable, but yet lamentable—it might enable the men in the South, who have their designs also, so unduly to excite the public mind there, as to weaken the chances of success in the Presidential campaign, of the great party with which I am allied. I will avow that one motive with me in keeping down excitement is to prevent the enfeeblement of the great democratic party. Efforts have been made to excite the public mind upon this pestiferous question to induce the people of this country to support no individual for the Presidency who lives north of Mason's and Dixon's line. Therefore, I propose to take some safe ground, and to give to the people of Oregon the protection which they stand in need of, keeping out of these halls, for the present, the discussion of this pestiferous question. Thus, I think, we shall show ourselves as having acted the part of wise statesmen and patriots.

Mr. HALE.—I did not refer to the gentleman from Alabama, but to a remark of the honorable Senator from South Carolina, who said, if I did not misunderstand him, that the proposition was insulting to one-half of the States of this Union—a sentiment in which I believe the Senator from Mississippi concurred.

Mr. FOOTE.—It seems to me that when the gentleman from New Hampshire renews his amendment, his remarks may be in place, but I doubt their propriety now. He certainly is not justified in making them on the ground that he is responding to me.

Mr. HALE.—If the honorable gentleman says he did not say any thing, I certainly do not mean to say any thing to him. But

I was proceeding to inquire how it happened that these very sensitive gentlemen, with their keenness of perception and quickness of resentment, had not before this time found out the insult under which they have been grieving for more than half a century? Why, sir, did they not make the discovery when the bill for the admission of Iowa as a territory was before this body? That bill contained, in express terms, the very provisions contained in the 12th section of the bill now before us, which is now deemed so insulting, and denounced as a firebrand. I find that the question on the motion to lay that bill upon the table was taken by yeas and nays, and decided in the negative by a large majority, many Southern members voting against it.

Again I ask, why did not the gentleman then discover this insult to the South? With all respect to these gentlemen, I must say that I can have very little sympathy with that exquisitely nice sense of honor which cannot find out an insult until it becomes to be sixty years old! The honorable Senator from Alabama said, that by no possibility could slavery be introduced into this territory, and that therefore the insult was the more mortal. Pray, sir, who then is fighting for an abstraction? The amendment has been withdrawn. The bill is before us just as it was reported by the Committee on the Territories, and yet these very gentlemen so sensitive to insult, wish to introduce an amendment giving them liberty to carry slaves into territory where they say they never want to carry them, and never can carry them. Who, then, now, brings in an abstraction? Who thrusts a pestiferous question upon us? Who seeks to mar the harmony of the "party?" Who desires now to disturb the prospects of the most eminent and illustrious ticket that is to sweep the country, and annihilate all opposition? Does the disturbance come from firebrand abolitionists? Not at all, sir. It comes from this very sensitive quarter of the Union so prone to cast reproaches against every body who introduces this subject of abolition, as they are pleased to call it, and who, the moment it is withdrawn, bring it in themselves!

I know that I stand here under peculiar circumstances; but I can appeal to gentlemen on the other side of the Senate in proof of this statement, that I was applied to by those for whose opinions I have deep regard, to withdraw the amendment, in order that they might proceed with the bill. At their request I did withdraw the amendment, in order that their feelings of humanity that had been appealed to so eloquently by the honorable Senator from Missouri, to the profound agitation of the sympathies which stir the benevolent heart of my friend from Mississippi, might be gratified. I do not desire to be obstinate, or to embarrass or to impede the action of the Senate. I am not at all desirous of claiming a right to any of the hard names which have been flying so thickly around me, and, therefore, at the risk of offending those whose judgments I regard as much as those of any around me, and who have stood by me when their sympathies were worth something, and their votes worth more, I consented to withdraw this pestiferous amendment, this firebrand, in order to ascertain if I could not produce a little harmonious action here. But what has been the result?—Something more pestiferous still is introduced; and when I reminded the honorable Senator from Alabama that I had withdrawn it, he says that no doubt I intend to introduce it again.

Mr. BUTLER.—Will the gentleman allow me to ask him a question? I unuerstand that the honorable gentleman has withdrawn his amendment for the present only, with leave to introduce it again after the amendment of the gentleman from Florida had been disposed of; so that he let his firebrand burn out, when he saw another one likely to be used, with the intention of restoring his own afterwards.

Mr. HALE.—The Senator makes a statement; when he puts his question, I will endeavor to answer it.

Mr. BUTLER.—I ask the gentleman whether he did not withdraw his amendment with a distinct notice that he would introduce it again?

Mr. HALE.—I will answer the Senator. I asked the Presiding Officer of the Senate, if I withdrew the amendment this time, and suffered the question to be taken on the amendment of the Senator from Florida, then pending, whether it would not be in order to introduce the amendment again; to which he replied in the affirmative. I then withdrew the amendment, giving notice that I reserved to myself the right to renew it if I thought proper. I can have no hesitation in stating what my intention was. It was this: if the bill was allowed to remain as it was, I did not intend to renew my amendment; but, if other doctors went to dose it, I meant to try my medicine again. I believe the Senator now understands me.

Permit me to say, that I differ entirely from the gentlemen on the other side, who have laid down the proposition, that property in slaves stands upon the same foundation as other property mentioned in the constitution. If I had time and opportunity, I might present to the Senator ample authority for the distinction which I thus announce. I might bring judicial decision of the highest authority, from almost every one of the Southern States, to establish the proposition. Slave property is the mere creation of local, municipal law; and when, by consent of its owner, it is removed from the territorial limits of that municipal law, it ceases to be property; the thing then merges into a man; and, although he may afterwards return to the territory in which the character of property was affixed to him, he cannot be recaptured and made a slave. I believe that I have one of these decisions before me, and I may refer to it.

Davis vs. Jaqua, 5 Harris & Johnson, 107. Stewart vs. Oakes. Note, Maryland Court of Appeals, 1823, 31 volume U. S. Digest, page 172, note 12.

By the law passed December 17, 1792, chap. 103, sec. 2, "cases which shall hereafter be brought into the Continental suit, and kept therein one whole year together, or so long at different times as shall amount to one year, shall be for

The facts are: This petitioner was the slave of the defendant, who is a citizen of Maryland, and resided therein prior to 10th of January, 1783, and has resided there ever since. That he owns a stone quarry in the State of Virginia, where he has been in the habit of taking the petitioner for a number of years past, for the purpose of working in the quarry, making the time of the petitioner's being in Virginia, in the whole, upwards of one year. The defendant never resided in Virginia, except for the purpose of quarrying stones as aforesaid, and always returned to this State, (where his family constantly remained) as soon as he got a sufficient number of stones to supply his manufactory at Baltimore. The petitioner never applied to any court of record, or competent tribunal, in Virginia, for the purpose of obtaining his freedom under the laws of that State. The petitioner was always brought back to this State by the defendant without being compelled thereto by any force or violence. The several times in which the petitioner remained in Virginia were subsequent to the passage of the above-mentioned law of Virginia.

Under this state of facts the Court of Over and Terminer discharged the prisoner from slavery, and the Court of Appeals confirmed the judgment.

Take that single case, and you have a most forcible illustration of the difference that exists between property in men and property in things.

Would it be for a moment contended, that the title of the owner of a horse in Virginia would be extinguished if the horse were twelve months out of the State? It is then a decided principle, that this right, instead of being a natural, indefeasible right, is a qualified one, dependent upon the local municipal legislation of the government that undertakes to establish it. Not long ago, it was decided in England by Lord Mansfield, that in "Sommerset's" case, the common law and civil law were both against the right or wrong, whichever you may please to call it; and, wherever it exists, I venture to say, I may challenge its advocates the world over to find a decision of any respectability in which it will not be held, that the right, wherever it exists, exists solely by virtue of the local legislation establishing it; and that, when the individual goes beyond the limits of that legislation, he becomes free—that right in this country being qualified by the provision of the constitution requiring States to surrender fugitive slaves.

Without going any further South, I might stand here till the shades of evening should fall upon us, detailing to the Senate, in language which I might poorly attempt to imitate, the desolating and demoralizing influence of this institution upon every interest of a State. I might go to Virginia, and selecting my authorities from among the most eminent statesmen that have adorned this country, both of the living and the dead, bring to you volumes of testimony as to the desolating effects and influences of this institution, compared with which, the wildest fanaticism, against which you rail, would be stale and insipid. But I forbear. Let me, however, advert to one fact which has impressed itself upon my memory with peculiar force. I have seen it in the other House. I have listened to it and read it. When gentlemen of the free States have descanted on the evils of slavery, and the iniquity of this government lending itself to its further extension and perpetuation, gentlemen from the slaveholding States have immediately retorted and said, "You have fastened it upon us—it was the avarice of New England merchants engaging in this trade, and the avarice of the mother country, which fastened this institution upon us against our consent; and now, whilst you are enjoying the fruits of this traffic in the wealth which by it you have amassed, why reproach us with it?" Now, let me in all candor and kindness ask these gentlemen if there is justice in their reproach, why shall we subject ourselves and our posterity to the same reproach, from the inhabitants of the territory over which we are about to organize a government? Why should we incur the reproaches of those unborn millions who are hereafter to inhabit these regions? Why should we, by our conduct, now justify them in saying to our descendants, "Why was it that, when you knew the enormity of this evil, when you were loading with reproaches the cupidity of eastern merchants engaged in this loathsome traffic, when all the calamities which this institution visits upon every people amongst whom it exists were visibly before you—why was it that you determined that these hills and valleys should be baptized in the guilt of its blood and tears?" Will we not, sir, justly earn these bitter reproaches, if, by our action now we extend to this region that which all admit to be an evil—and that too, when the people who now inhabit it, themselves profiting by our sad experience, and warned by our mournful example, have, in the birthday of their history, declared that they desire to put far from them the accursed thing? The honorable Senator from Mississippi, however, has revealed a secret which a great many men less honest and impulsive than himself would have studiously concealed. It is not that justice, and liberty, and humanity, and truth, stand in the way; but, Oh! it is the danger of splitting the "party" at the next Presidential election.

Mr. FOOTE.—I did not intend to say any such thing as that imputed to me by the Senator from New Hampshire. I stated that I considered the question as not naturally and properly arising at this time; and I said also that I considered its effect from whatsoever quarter introduced, would be of a most mischievous charac-

ter; that it would embarrass, as the Senator from Missouri observed yesterday, our action upon this bill. I said in addition, that I was unwilling that such agitation of this question should occur here, as would give to heartless demagogues in New England a pretext for that line of conduct which signalizes them, and which no right minded man and true patriot would ever think of pursuing. The motives attributed to me by the Senator from New Hampshire would place me upon a level with such company as the Senator—if the newspapers reported him correctly—a few days ago enjoyed in New York, when fraternizing, as I suppose he calls it, with his colored brethren and his colored sisters. I always take what falls from the honorable Senator, *cum grano salis*—with due allowance, for I know that he has certain interests at home that he is bound to regard: and that there are certain newspapers constantly applying the lash to him, in order to goad him into the expression of more violent and denunciatory language against the representatives of the South.

Mr. HALE.—I do not know but that the remarks of the Senator do require some notice at my hands. This is not the first occasion on which remarks of a somewhat similar character have been made by the honorable Senator from Mississippi. I believe that I may be permitted to say that I can appeal to every gentleman in the Senate, on both sides of the chamber, that, ever since I have been a member of the body, I have never on any occasion—in the Senate or out of it—so far forgotten myself as to be wanting in that respect, that courtesy, and that kindness which ought to characterize the intercourse of gentlemen and christians. I believe that, in the hearing of the Senate, I can appeal to every man to bear me witness, that on no occasion, even when standing alone, my views misrepresented, my principles denounced, and my person threatened, have I so far forgotten myself as not to remember what was due to the proprieties of this chamber, and to every individual with whom I come in contact. I can assure the honorable Senator from Mississippi, and I think he cannot deny it, that attacks and allusions, such as he has made, whatever their effect—if they had any effect—may have been upon others, they reached not me. And now I leave the honorable Senator. I leave him secure in the enjoyment of all the glory, all the reputation, and all the self-satisfaction which he may gain here or elsewhere, now or forever, by any such course as that which he has thought proper to pursue.

Mr. FOOTE.—Do I understand the Senator as saying that I demeaned myself?

Mr. HALE.—Very far from it!

Mr. FOOTE.—A single remark. It was only yesterday that we heard from the Senator from New Hampshire a denunciation of the Union. His remarks fell gratingly upon my ears, as I presume they did upon the ears of gentlemen around me. If the Senator considers that when guilty of such conduct he is to be free from rebuke, he has made a great mistake.

Mr. HALE.—I am exceedingly unwilling to make myself the subject of remark before this body. I did not come here for that purpose. But it has been forced upon me, and I must say a word in vindication. The Senator is entirely mistaken when he represents me as denouncing the Union.

Mr. FOOTE.—Did not the Senator say that he would urge his amendment, even if its adoption should lead to the dissolution of the Union?

Mr. HALE.—No such thing! I said that on this question we must take a course which commends itself to us as a right—that, having found where the right was, we must abide by it, regardless of consequences—and that if the result should be that which was talked of so much—the dissolution of the Union—if it shall be found that this glorious Union of ours, endeared as it was to us by so many cherished associations, had no other principle of cement but the blood of slavery, let it sunder! That is just exactly what I said. Who, then, speaks of reproach upon the constitution? Who rakes up the ashes of the illustrious dead, and pours contempt upon the living, but the man who would come forward and declare that the cement of this Union is slavery?

Mr. FOOTE, (in his seat.)—Nobody says it!

Mr. HALE.—Well, then, I have not said that the Union ought to be dissolved. [A laugh.] The honorable Senator has undertaken to administer to me a great deal of reproof, and advice, and caution, and perhaps he will think I speak in irony when I say I thank him—I thank him! I am not so old or so obdurate that I am not willing to be taught. I surely evince my docility when I say that I am willing to learn Senatorial manners from the gentleman from Mississippi; but permit me to say in all kindness—and I mean no unkindness to anybody—I do think that when the Senator from Mississippi undertakes to give advice, and talk about "windy and gusty harangues" and "antics," and so forth, he mistakes his calling! I think he has need to repeat this line of the poet—

> "O! wad some power the giftie gie us,
> To see ourselves as others see us!"

I think that if he occasionally reflected on that line, he would not be found giving me any lectures again.

Once for all, I desire to say that we have strong convictions upon this subject. We believe that slavery is an evil—a moral, political, social evil. In the expression of that belief we do not go beyond the declaration of many distinguished citizens of the Southern States. I believe that the legislation of this country, from the adoption of the constitution to the present time, has been continually subservient to this institution; and, so far from believing as gentlemen on the other side have said, that they stand upon the defensive, I believe that this legislation has been constantly aggressive. I believe that we are now engaged in a war, costing us more than fifty millions annually, for the perpetuation of this institution. I think I can call witnesses from the other side of the Senate to prove, that at least one gentleman has furnished me with his deposition in perpetual remembrance of this fact. But I do not need it. The fact stands out so boldly in the history of the country, that neither the present age nor posterity can be in any doubt with regard to it.

I have trespassed longer than I intended upon the attention of the Senate. The subject is by no means a pleasant one to me; but, unpleasant as it is, so long as I have the honor of a seat upon this floor, I shall on every fitting occasion—of which I myself must be the judge—within the rule of the Senate, and that propriety and decorum which become a body of gentlemen, introduce any thing that, in my judgment, falls within the range of legislation, be it "pestiferous" or not—let it endanger the success of any ticket—be it illustrious or ignoble; and when I offend against the proprieties of this place, or that decorum which should prevail amongst men, I am willing to submit to whatever rebuke the Senate in its wisdom may see proper to administer. But because this is an unpalatable, unwholesome, and pestiferous subject to the minds of some men, is there to be freedom of debate on every other subject, and for every other man but myself on this subject, and to me that freedom is to be denied? No, sir; and I only regret that there have not been others, abler and older men, to raise their voices before the Senate, speaking out what I know and what they know to be the deep convictions of their constituents on this subject. I regret that this great issue, upon which the destinies of the country are dependent, should by the force of circumstances, or the sense of propriety of those around me, be left in such feeble hands. But unequal as I am to the task, feeble as are my powers, overwhelming as are the odds against me, entertaining these convictions, I must press them upon the consideration of the American Senate and the American people. Permit me to say, in no spirit of intimidation or menace, that the people are a vast way ahead of any of those who talk here upon this floor on this subject. A deep feeling on this subject sways the hearts of the American people—a feeling which is gathering strength, and never can be repressed! In the Empire State, the heart of the young democracy has been touched—they have arisen, with the strength of another Samson, and have snapped asunder like burning tow the withes with which they have been bound. And where is that other giant of the West, that stretches itself in the peaceful valley of the Ohio? A feeling is swelling in men's hearts there, the strength and importance of which are but little appreciated here. Perhaps the extent and depth of that growing tide of popular sentiment will not be fully developed until the last experiment be made on their endurance, in the nomination of him whose fame has been acquired in a war which they detest.

I leave this subject for the present. It certainly cannot be more unpleasant for the Senate to listen to me, than it is to me to be compelled to utter these truths here. I am sensible that these poor efforts of mine, repeated, as the honorable Senator from Mississippi has said, tautologically, over and over again, are irksome and wearisome. I would to God that some other man might rise up, not belonging to the ranks of a proscribed few—might rise up here to advocate these great truths! Would to Heaven that some other man might rise up and speak, so that the Senate and the nation should know that when he spoke his State and his party spoke those truths which are so unwelcome, coming from a man whose party subjects him only to the scorn of Senators. If I am running the race of popularity, I have chosen a strange road to it. Let me assure gentlemen that there is no office within the gift of the Executive or the people that I solicit. Never shall I condescend to flatter popular prejudice or popular passion. I shall content myself with the enunciation of what I believe to be the truth upon such occasions as my own judgment may command, willing to bide my time and await the consequences.

Mr. FOOTE.—The Senator speaks of being instructed by me. I can only say to him, that if I should undertake the task of instructing him—an office of which I am not at all ambitious—I believe every Senator will concur with me in the opinion that I must despair of ever being able to teach the Senator to demean himself here in the manner that most appropriately becomes a Senator of the United States.

On motion,

The Senate took a recess,

FRIDAY, JUNE 2, 1848.

REPORTS FROM THE TREASURY DEPARTMENT.

The President *pro tempore* laid before the Senate a report of the Secretary of the Treasury, made in compliance with a resolution of the Senate, relative to the causes which have delayed the erection of a light-house on Execution Rock; which was read, and ordered to be printed.

The President *pro tempore* laid before the Senate a report of the Secretary of the Treasury, accompanied by a report, by Professor R. S. McCulloh, of scientific researches on hydrometers, prepared under the direction of the superintendent of weights and measures; which was read.

On motion by Mr. DOWNS, it was

Ordered, That ten thousand copies thereof be printed for the use of the Senate, together with a reprint of the three former documents or reports which relate to the same series of scientific researches on sugar, hydrometers, &c., made by Professor McCulloh, under the superintendence of Professor A. D. Bache.

PETITIONS.

Mr. CALHOUN presented a memorial of merchants and other citizens of Charleston, South Carolina, praying that a contract entered into between the Postmaster General and certain citizens of Charleston for carrying the mail between that place and Havana, in Cuba, may be approved by Congress; which was referred to the Committee on the Post Office and Post Roads.

Mr. HUNTER presented the petition of John R. Bryan, administrator of Isaac Garretson, deceased, late a purser in the navy, praying the reimbursement of money expended for office rent; which was referred to the Committee on Naval Affairs.

Mr. BREESE presented the petition of Mary Ann Bronaugh, widow of a deceased volunteer officer in the Mexican war, praying to be allowed a pension; which was referred to the Committee on Pensions.

On motion by Mr. WESTCOTT, it was

Ordered, That Bancroft Woodcock have leave to withdraw certain original papers filed with his petition, upon depositing in their stead copies of the same.

AMERICAN FLAG FROM MEXICO.

Mr. DAVIS, of Mississippi, presented to the Senate a flag transmitted by General Twiggs, being the first national flag of the United States raised on the palace in the city of Mexico.

Mr. DAVIS, of Mississippi.—General Twiggs, of the United States army has transmitted to me for presentation a flag. It derives its importance from the fact, that it is the first flag that was raised over the fortress of the city of Mexico after the capture of that city—one of the most brilliant achievements that history records. Our troops, from the time of marching to the Rio Grande up to this last and great event of the war, were every where met by immense and overwhelming numbers of troops, disciplined and armed like themselves. Though this disparity of numbers, like that which renders some of the ancient conflicts memorable, of itself reflects honor upon the American name, yet the success of our arms is the more to be admired from the fact, that the disparity is rendered still greater by the means of warfare that is employed. Formerly, when troops fought with the pike and javelin, they were compelled to approach so near each other, in order to render effective these small missiles as to bring the opposing ranks almost in contact. But now the immense range which artillery gives to operations on the battle field, affords to that army which has the larger number of troops, if they have equal skill, an immense advantage, and under those converging fires which they may bring to bear upon the enemy, the smaller force is obliged to fight at great disadvantage. Still the proud heart of the American soldier quailed not, and in every encounter our troops were victorious. It is not my purpose now, however, to dwell on the events of the campaign, but merely to present this flag, which is associated with one of the most brilliant events of the war, and bears upon it the marks of the balls of the enemy, and ask that such action shall be taken as the Senate may deem proper.

Mr. DAYTON.—It is thought to be proper, I believe, this flag having been presented, that some resolution should be proposed for the purpose of indicating the proper action to be taken in regard to it. By a reference to the course of proceeding which has been adopted in past cases, I find that it has been customary to deposit flags taken from the enemey in the Department of War, and that it has been customary to deposit any thing of this kind in the Department of State. I believe the sword of Washington was deposited there. A flag presented by the government of France at an early day to this government, was deposited there. I have no resolution prepared at my table, but I beg to suggest to the Senate a resolution of this character.

Resolved, That the President of the Senate be requested to have the flag which is now presented, deposited in the Department of State.

Mr. DAVIS, of Mississippi.—I wish barely to remark to my honorable friend that this is a case without a precedent. It is not a trophy of war to go to the War Department, nor anything presented to the federal government by another power, which would make it appropriately belong to the Department of State. It is the flag which your own army has sent home as a memento of the many battle-fields upon which it has been borne triumphantly; and especially as a memento of that last great and brilliant achievement by which the capital of the enemy was won. It has been sent, not to be buried in any of the departments, but I trust to be hung conspicuously some where under the action of the Senate itself.

Mr. DAYTON.—I shall certainly be most happy to concur in any suggestion the honorable Senator from Mississippi may make in regard to it, but I did suppose that a depository worthy of the sword of Washington, might perhaps not be unworthy of the flag that was first raised by our army in the capital of Mexico. Even, sir, the memorial presented by a foreign government, the first republic of Europe at this day, might I think, indicate to us a proper place of deposit for the flag now presented by our gallant army in Mexico. But if any place more appropriate be suggested it will receive my hearty concurrence. None can appreciate the offering more highly than I do. I will most cheerfully concur, therefore, in any suggestion that may be made by the Senator from Mississippi, or any other gentleman to indicate a more fitting place of deposit. May I beg that the subject may be passed over for the present, in order that a resolution may be prepared?

Mr. DAVIS, of Mississippi.—I have no objection to that. But I certainly think that the Senate ought to take the flag under its own charge.

The further consideration of the subject was then postponed until to-morrow.

PORTRAIT OF BARON DE KALB.

Mr. DAVIS, of Mississippi, from the Committee on the Library, to whom was referred the letter of William Brent, submitted the following resolution for consideration:

Resolved by the Senate, (the House of Representatives concurring,) That the portrait of Major General the Baron de Kalb, presented by his surviving family, be placed in the Library of Congress.

THE FLORIDA TREATY.

Mr. WEBSTER, from the Committe on Foreign Relations, to whom was referred the bill further to carry into effect the provisions and stipulations of the 9th article of the Florida treaty with respect to certain losses of Spanish subjects in West Florida, reported the same without amendment, and submitted a report on the subject.

On motion by Mr. WESTCOTT, it was

Ordered, That the report be printed, and that five hundred additional copies be printed for the use of the Senate.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

Mr. President: The President of the United States approved and signed, the 31st May, the following acts:

An act to provide for the purchase of the manuscript papers of the late James Madison a former President of the United States.

An act concerning Spanish steam vessels.

An act for the relief of Reynolds May.

An act for the relief of Edward Bolon.

An act for the relief of Samuel W. Bell, a native of the Cherokee nation.

An act for the relief of Thomas Brownell.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate, for the signature of their President.

SIGNING OF A BILL.

The PRESIDENT *pro tempore* signed the enrolled bill to refund money for expenses incurred, subsistence or transportation furnished for the use of volunteers during the present war before being mustered and received into the service of the United States.

CLERKS IN THE DEPARTMENTS.

The bill from the House of Representatives regulating the ap-

pointment of the clerks in the executive departments, and for other purposes, was read the first and second times, by unanimous consent, and referred to the Committee on Finance.

OCEAN MAILS.

The Senate proceeded to consider their amendments to the bill of the House of Representatives to amend the act to provide for transportation of the mail between the United States and foreign countries, and for other purposes, amended and disagreed to by the House of Representatives; and, it was

Ordered, That they be referred to the Committee on the Post Office and Post Roads, and that the amendments be printed.

THE OREGON BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish the territorial government of Oregon.

The question pending was upon the motion of Mr. BRIGHT to amend the bill by striking out the 12th section.

Mr BRIGHT.—When the bill was under discussion yesterday, I moved to strike out the 12th section, under the expectation that the motion would lead to no debate, and that the action of the Senate upon the bill, instead of being retarded, would be hastened. But being disappointed in this expectation, and being satisfied that there is nothing in that section which is contrary to the rights of citizens of the United States, I now withdraw that motion, and shall insist upon the vote being taken upon the bill as it stands.

Mr. BERRIEN.—I am very desirous myself to avoid the discussion which I think will be the inevitable result of the course which seems now about to be taken; and with the view if possible to accomplish that object, I renew the motion which has been just withdrawn by the honorable Senator from Indiana, to strike out the 12th section, and upon that question I ask for the yeas and nays.

They were ordered.

Mr. WESTCOTT.—I beg leave, before entering into the discussion of the main question, and before the vote is taken on the motion to strike out the 12th section, to make one or two suggestions as to matters that have not been adverted by any Senator, and which have no reference to the subject of slavery.

This section adopts all the laws of the association called the "Provisional government of Oregon," contrived in that country in 1845 by the residents there, comprised of citizens of the United States and British subjects, and half-breed Indians, employees of the Hudson's Bay Company, before the treaty was made, and while the country was in the joint occupation of the United States and Great Britain under the old conventions. No law, either of this government or that of Great Britain, authorized this provisional government, or those laws. Are Senators prepared to adopt all these laws in this way? I ask Senators do they know what these laws are? Have they read them at all? We are called on to confirm and adopt them all by wholesale, in a lump! It seems the Committee on Territories that reported this bill had not these laws before them! Some of the committee, at any rate, had no knowledge of some of their provisions, particularly that excluding slavery, till I directed notice to them on this floor on Wednesday last. But I refer to all these laws of every kind, to their provisions on every subject, and particularly to that read on yesterday by the Senator from Indiana, [Mr. BRIGHT,] excluding slavery. Senators in favor of adopting them, must, I think, not know their purport and effect. They cannot have examined them and ascertained what they are. They have not been fully submitted to us in such mode and form that we can ascertain what they are. Sir, some of them, I know, are of a very peculiar and extraordinary character. There is authority given in their organic regulations to their legislature to pass some of a novel character in this country. Under that authority, I am informed, they have established a "sumptuary" law there. They have prohibited the introduction, by sea or by land, of ardent spirits into Oregon, and authorized it to be seized and destroyed in a summary way.

Mr. HALE.—Good!

Mr. WESTCOTT.—The Senator from New Hampshire says "good!" He would, perhaps, vote for such a law. I will not discuss the point with him; but what will he say, when he is informed that the same law authorizes a kind of Lynch court, without a regular prosecution and jury trial, to punish the person accused of its violation. How this law can be enforced consistently with the impost laws and other laws of the United States, will be a difficult question to be answered? I will not discuss the policy or propriety of such temperance regulation by law; but I would submit that a State legislature, much less a territorial legislature, and above all such a "provisional" concern as this in Oregon, has no power, by proceedings of this kind, to nullify all the revenue laws of the United States, by prohibiting the introduction of merchandize—the introduction of which is a source of revenue to the government. I ask Senators to consider this question.

And I present another view of this subject. Suppose it should be found, on an examination of these territorial laws of this "provisional government" of Oregon, that they had attempted to establish a religion there connected with the government—that they had excluded Catholicism, Presbyterianism, or Methodism, and adopted Mormonism as the established religion of Oregon, by express law. Can Senators say they have not done so? The Senate is utterly uninformed respecting it. The provisional government had just as much power and right to do this, as it had to exclude slavery. Both are acts of sovereignty. Sir, if they had the power to exclude slavery, they had the power to exclude every religious sect except the Mormons. Had not Senators as well look to those laws carefully before they adopt and confirm them by a clause of eight lines in this 12th section. By sanctioning these laws in this blind and lumping way, we may be giving force to such enactments, and to all sorts of enactments, equally irreconcilable to the policy and principles of our institutions. I have looked attentively at these regulations called the "organic law" of this "provisional government." I find their legislature or council is expressly authorized by it to exercise all the attributes of sovereignty of an independent nation! It can "declare war!"—regulate the Indians!—"regulate the currency!"—and imports and exports in every way; and the occupants, who made this organic law, American, British, and half-breed Indians, have parcelled out the public lands among themselves in tracts of 640 acres each, in a most liberal and statesmanlike mode! Why, sir, it has been denied that the sovereign States can pass such laws, and yet we are asked to sanction and confirm all the acts of this association of squatters and adventurers called the "provisional government," and to confirm all the rights claimed to be derived from them, and in a lump, and blindly! How much of the public lands in Oregon will remain, worth any thing, if these laws are confirmed, is a proper inquiry that we should have answered, before we pass this bill as now presented. I trust Senators will reflect before they vote to adopt these laws.

Again, there is a preliminary question to which I desire to direct the attention of the Senate, and which, in my humble judgment, is an important one. What is this "provisional government?" From whence is its authority derived? What competent power authorized it? Who formed it? It is a mere voluntary association of individuals—squatters and settlers on the public domain there—some Americans—some British subjects—the employees of the Hudson's Bay Company—Scotch, Canadians, Bois Brulees or half-breed Indians, and foreigners of all nations, aliens to the United States, who have patched up a few regulations for their own conduct, and to enable them to get hold of the best lands in advance of the emigrants, and this is styled a government! This concern, framed by such people, some subjects of monarchical governments, we are invoked to swallow at one mouthful. They clothe themselves with all the high attributes of sovereignty, and we are called on to sanction the assumption, and without full examination of their acts. By such course we make their acts our acts. It should be recollected also that this provisional government was made partly by British aliens residing north of 49°, before we gave up all between 49° and 54° 40'. They helped to make these regulations. It would, it seems to me, be quite as well to adopt the charter of the Hudson's Bay Company at once, and perhaps it would be in as good keeping with the whole business. So far from the United States or Great Britain ever having given permission to establish these laws or this government, they are in the teeth of the acts of the British Parliament relating to that country, and we never passed any law on the subject. These laws never received the sanction of this government in any wise.

The "provisional government," it is said, was formed from necessity. Be it so. When that necessity ceases, the government should cease and give place to a legally constituted government. It is to my mind preposterous to ratify and adopt their loose and fugitive legislation in this way. That the association was formed before the treaty was made, and while Oregon was in the joint occupation of the United States and Great Britain, and by the stragglers there of all nations and of no nation, is enough for me to reject it and its laws. Without having seen their laws, or at least all of them—for but a part are here and printed—we are begged to adopt, ratify, and sanction this government, and all of its laws, and yield all the rights that may be claimed under them; and without satisfactory knowledge of them or of their effect. Sir, I repeat, without reference at all to the question of slavery—if that was stricken out, I, for one, have no idea of doing this. If all about slavery in this bill is made right—if an express provision is inserted allowing it in Oregon, the proposition to adopt all the laws made there by the occupants of that country, more than half of whom were subjects of a foreign power, occupying also a country since cut off from Oregon and given to the English, is a monstrous proposition. I cannot give it my support under any circumstances. I would as soon think of adopting the laws of a band of Indians for a territorial government established in the country where they reside. I have deemed it my duty to make these suggestions, and I do trust Senators will not hastily render the cry of "great necessity for immediate action" and so forth, ratify and sanction this "provisional government" and its laws. I defer remarks on the other question, that of slavery, till a more proper time will arrive for the expression of my views and opinions at length. I would observe that the amendment I propose, by the adoption of the Judiciary Committee bill, modifies and qualifies the adoption of these laws so as to avoid all difficulties. It continues them till the end of the first session of the legislature, abrogating all inconsistent with the principles and provisions of the constitution and laws of the United States and of the bill itself.

Mr. TURNEY.—I regret very much that this motion has been withdrawn by the Senator from Indiana. I had thought when he

made the motion to strike out the 12th section, that it was upon the principle of establishing a common ground or platform upon which the North and South might meet. That it was intended to leave this question of slavery to be regulated by the people of that territory in such manner as suited their wishes; to leave to that people the power to regulate their own institutions. This I thought was a principle upon which all might rally and all might stand, as upon one common ground. But he has thought proper to withdraw that motion, and now the motion is made by a Southern man, and for the first time since the foundation of the government we are to have a sectional vote on the question of slavery, with the exception of a few Southern men perhaps voting with the North upon that question. What, then, is to be our position, if we stand thus divided here? If the question is to be forced upon us in this way, what is to be the effect of it in the territory of Oregon, when you force Southern men to say that they have no common platform on which they can meet the people of the North? We are told by the democracy of the free States that there is no common ground on which they can meet us on this question of slavery. They cannot meet us upon democratic principles. But it appears that we are to assume the principle here, that upon the organization of a territorial government, that you will exclude all the citizens of the South from the enjoyment of their property in such territory. Why, sir, this is monstrous—it is alarming, and gentlemen will feel its consequences in November, if they force the question upon us in the shape in which now is, according to their localities. I had hoped that a common platform had been fixed upon which all might rally and stand by mutual consent. But, sir, we are now to violate that principle, and establish the principle, upon the organization of a territorial government, of excluding a portion of the citizens of the United States from the privilege of going into territory belonging to the United States and there enjoying their property. Sir, you are about to make this a paramount question in all future elections. You will make every thing else depend upon and yield to it. I appeal to Senators to reconsider their determination and to permit this section to be stricken out; for if we cannot meet upon this common ground, this equitable and just ground, we can meet on none. I hope the section will be stricken out, for if it be not, I shall be compelled to vote against the bill. I can vote for no bill in which such a provision is contained. Whenever it is assumed here to exclude slavery by direct legislation, I shall take my leave; I can participate in no such legislation. I had hoped the motion, coming from the quarter it did, would have been persisted in and sustained, and that all would have united in allowing the people of the territory of Oregon to regulate their own institutions according to their own inclination—placing the matter upon the ground of non-interference, and enabling the North and South harmoniously to unite. But the question has come, and perhaps it is as well that it should come now as at any other period, although I had hoped it would not have been forced upon us, and that we might have united upon the common ground of non-interference. Every body knows that so far as Oregon is concerned, it is to be a free country. Nobody expects a slave ever to breathe in that territory. It is the principle, therefore, that we contend for, and which I had hoped would have been maintained, for if that principle is to be abandoned and nothing else proposed to be substituted for it, upon which the North and South can meet as upon common ground, then we shall be completely at sea. It cannot be expected that the South is to yield every thing, nor will she. If you have the power to adopt this course of legislation, compelling this to be the exclusive question in future elections, it will not be very hard, I think, to predict what will be the result.

Mr. BADGER.—Before the question is taken upon the motion now pending before the Senate, I desire, in a very brief manner, to state the grounds upon which I shall give my vote for retaining the 12th section of the bill. If I understand the state of the case it is simply this: the inhabitants of the territory of Oregon, in consequence of Congress having passed no law to establish a territorial government there, were left in a situation absolutely requiring that some voluntary organization, by which they could have the protection of law, should be established. They have consequently organized themselves under the direction of what is called a provisional government, and that provisional government has established certain laws for the government of the people of the territory. Congress is now about to pass a bill to establish a regular territorial government under the authority of the United States. The effect of the passage of this bill, if the particular clause in question is stricken out, will, as I apprehend, be clearly this: that all the legislation established by this provisional government for the regulation of the territory in its previous condition and in its now present condition, must instantly cease, *ipso facto*, upon this bill receiving the sanction of the President; and the consequence will be, that the people of the territory must be left, not only without any local government, as they have heretofore been, but without the privilege which they have heretofore enjoyed of making regulations for their own preservation. Every thing that has been done will necessarily cease to exist the moment this law is passed. Every act which is adopted by any of the new authorities of the territory, for carrying into execution any of the laws for the security and peace of the country, for enforcing the rights of its citizens, and for punishing violations of those laws, will be an act of usurpation, an act illegal and void in itself. Months will probably elapse before any steps can be taken under this law in that remote and distant part of the country, to put the new system of government which this bill provides into effectual operation. It seems to me, therefore, to result, necessarily, that Congress must, if a due regard is to be paid to the interests of those people, introduce some provision to save them from the inconvenient and dangerous situation in which the passage of this law, without such provision, would necessarily place them. They have adopted certain laws, and we must either, by a provision in this bill, give temporary effect and force to the whole system of laws which they have established, or we must, if we legislate on the subject at all, make a selection from those laws giving force and effect to some, and excluding from force and effect others of which we do not approve.

If I understand the objections which are urged by the Senator from Georgia to this provision of the bill, it is this: the provisional government has established a prohibition against the introduction of slavery into the territory. And it is supposed the retaining this provision in the bill, will have the effect of extending the ordinance of 1787 over that territory. In the first place, I apprehend that in the sense in which that ordinance operates in the territories over which it has been extended, and to which it was originally applied, no such effect or operation is given to it by the provision contained in this bill. Where that ordinance is in force, either by its own original and proper application, or by extension of law over the territories of the United States, it is a permanent, fixed, and paramount law, irrepealable by the authorities of the territories and states to which it extends, and supposed to control the legislation and render all the municipal regulations of those states and territories subordinate to this particular prohibition. Whether it be so or not in regard to the territory to which it originally applied, it is certain, as I apprehend, that this 12th section will give no such effect and operation to that ordinance as it stands among the laws of the provisional government of Oregon. If this bill is passed without this provision its whole authority ceases instanter. The bill proposes to give a certain degree of validity to it by the provision contained in the 12th section. But the effect of that section is, to fix upon the territory no provision of that sort, to embarrass it with no irrepealable act of legislation, but to give to this, as to every other of the laws adopted by the people of the territory, the simple effect and operation of municipal regulations, to be modified, altered, or repealed, at the pleasure of the territorial government. For myself, I have no particular solicitude whether this provision be put in the bill or left out, but I can see no objection to its remaining in the bill, for it leaves to the people of the territory in this, as well as in other particulars, the regulation of their own affairs. I do not adopt the notion entertained by some gentlemen, and gentlemen too of very high eminence and consideration in this country, that Congress has no rightful authority to legislate for a territory. On the contrary, I believe that Congress has full, supreme, sovereign power to legislate for the territories. I believe that it has the right to pass any regulation to be applied to the territories acquired by the United States, and that any regulation is within the power of Congress which Congress seems proper to adopt. I do not hold, therefore, that the inhabitants of a territory have any inherent right at their own will and pleasure to act in opposition to the superior power and better judgment of Congress in regulating this or any other subject. While they continue in their territorial state, in my judgment they are subject to the supreme power of the Congress of the United States, as representing the sovereignty designated by the term "United States of America," to which the territories are ceded, or by which they are acquired. But while I hold this doctrine, and do not believe that it would be an usurpation of power in Congress to undertake to regulate this matter, I still think it is more according to the genius of our system of government to allow the inhabitants of the territories to establish their own municipal rules and regulations, than that we should undertake to assume the direction of them into our own hands; and that when we have said, that the particular regulation here adopted shall be enforced as the municipal law of the territory until altered by competent legislative authority, we have done what involves no violation of principles; we have done what is entirely consistent with our notions of liberty, entirely consistent with those elementary principles upon which our institutions are founded; and that Congress has but restrained as far as justice requires, irregular legislation on the part of the territory. With these views I am disposed to vote, and shall vote, for retaining this section in the bill; at the same time, if it had been the continued disposition and pleasure of the gentleman who has charge of the bill, and the determination of the Senate by common consent, to leave out that provision, I should have had no objection. I do not consider that it is indispensably necessary, but when called upon to vote on the question, whether it shall be stricken out, perceiving no error in the provision, and believing it under the circumstances to be expedient, I shall vote for retaining it.

Mr. RUSK.—I regret that the honorable Senator from Indiana thought proper to withdraw his motion; for I saw in that motion a ground upon which we might all meet, and harmoniously proceed in giving to the territory of Oregon a government. In my opinion, the Senator from North Carolina is greatly mistaken, if he supposes that when we strike out this section it repeals any law of the provisional government. It is a general principle of law, that all laws that have been enacted remain in force unless specially repealed. The 15th section of this act is in these words:

SEC. 15. *And be it further enacted*, That all suits, process, and proceedings, civil and criminal, at law and in chancery, and all indictments and informations, which shall be pending and undetermined in the courts established by authority of the provisional government of Oregon, within the limits of said territory, when this act shall

take effect shall be transferred to be heard, tried, prosecuted, and determined in the district courts hereby established, which may include the counties or districts where any such proceedings may be pending. All bonds, recognizances, and obligations of every kind whatsoever, valid under the existing laws within the limits of said territory, shall be valid under this act; and all crimes and misdemeanors against the laws in force within the said limits, may be prosecuted, tried, and punished in the courts established by this act; and all penalties, forfeitures, actions, and causes of action, may be recovered under this act, the same as they would have been under the laws in force within the limits composing said territory at the time this act shall go into operation.

Here every thing is provided for relating to the civil and criminal administration of justice, and the 12th section is neither more nor less than what is declared here, with the addition that it is the direct action of this government on the subject of slavery; such action as I hoped we would have avoided. But in regard to the apprehensions of the Senator from North Carolina, that we are leaving to the local government of the territory no power to legislate upon this subject,—

Mr. BADGER.—The honorable Senator misunderstood me. I did not mean that we were leaving them no power to legislate; but, that by striking out the 12th section and adopting this bill without it, we annihilate their enactments and leave them without any.

Mr. RUSK.—I differ from the honorable Senator. We do not repeal their laws; there is not a single word to that effect in this bill; and it is a general principle, that all laws continue to exist until they are specially rapealed, or expire by limitation. The 15th section is sufficient to keep them in force, and the 12th section is entirely useless, unless it be thought necessary to bring up this vexed question.

Mr. WESTCOTT asked for the reading of some of the enactments of the provisional government of Oregon.

They were read by the Secretary.

Mr. BUTLER.—If I were not a member of the Committee on Territories, I would not again trespass on the attention of the Senate. But it is evident that the 12th section of this bill does not appear with the sanction of a full meeting of that committee. Yesterday I made some remarks explanatory of the relation which I sustain to the bill. It was under discussion before the committee on one occasion when there were but three or four present; and since I have reflected on the facts, I have become entirely satisfied that I was uncompromisingly opposed to that section of the bill, and insisted on its being struck out. It was retained, and came here with the sanction of only two members of the committee, in conflict with the printed bill, a bill deliberately prepared and well digested by one of the ablest committees that ever reported on a subject of this kind—I allude to the bill reported by the Judiciary Committee at the last session. In my apprehension, the provisions of that bill were entirely unexceptionable; and yet, with a view of avoiding the agitation of this subject, I yielded yesterday to the suggestion that if the amendments were withdrawn, this section might be struck out, so that all objection might be obviated, which might come from any section of this confederacy; leaving to the inhabitants of Oregon, in the organization of the government which we are now about to give them, the entire control of the subject, within the rightful limits of territorial jurisdiction, without indicating by definition or description what those limits shall be. To say in advance that they shall not allow slavery to exist, or to impose a restriction, if not wrong in itself, is odious in its intendment. It is more than probable that ultimately the people of Oregon will have no such institution as slavery among them; and that, too, under physical laws more powerful in influence than any that we can impose. What laws their territorial legislature may think proper hereafter to pass, I will not anticipate. It is only when they become a State that they have a perfect jurisdiction on the subject. It is not likely that Congress will ever, under its revising power, exercise a controlling influence over the legislature of the territory. All that we of the south now ask is, that no principle, by implication, may be engrafted on our legislation to be held up as a precedent, or as a rebuking concession, upon other and more real occasions, involving our interests. Here my friend from North Carolina, for whose opinion as a lawyer I entertain high respect, rises up and contends that blindly, without intelligence, we shall adopt a legislation for Oregon—that we shall recognize the legislation of the provisional government without full knowledge of it. That is a blind faith to which I shall never yield on any occasion. I am quite willing to leave them the right to adopt hereafter the laws which they may have made, but I can not go to the extent which is now proposed, and recognise their right by the power incident to, or inherent in, as some contended, their territorial, condition to exclude slavery. An important principle, it will be seen, is here involved; and I cannot consent to a principle which I regard as an utter heresy. We have the sole right to legislate for territories, and we can exercise it either through the agency of Congress, or through delegated authority conferred upon the territorial government. But in the present case it is maintained that the right belongs exclusively to the territorial government, and that we are to be bound by its action. I can never concur in that opinion. It is a convenient proposition I admit. I will not say that it is likely to enter into the political canvass for the Presidency. I have no doubt that by many the opinion is honestly entertained, but I would be guilty of treason to the interests of my constituents, if I permitted them to be mixed up with the contests of the day for the Presidency. I trust I shall never give up my birth-right for a mess of pottage.

Mr. BADGER.—I intend to occupy only a few minutes in reply to my friends from Texas and North Carolina. My friend from Texas supposes that without any recognition by Congress of the municipal regulations made by the people of this territory, they will nevertheless continue in force until they shall be repealed by some legislative authority. And he supposes further, that the fifteenth section of the bill does precisely, by necessary implication, that which the twelfth section does in express terms. Putting these two propositions together, I must confess that I was surprised to hear my friend say that we stood in a different position in relation to the subject which produces the objection, by striking out the twelfth section. If he be correct in the proposition that without any sanction, direct or implied, on our part, these regulations continue in force as laws until they are altered or repealed, why, then, by voting for a bill which contains no repeal or disapprobation of any one of these laws, he does indirectly keep them all in force; and how has he avoided the difficulty which he supposes to exist in retaining the twelfth section? And, again, if the fifteenth section of this bill impliedly recognizes and establishes the laws now in force until they are repealed, does not my friend see that the subject stands precisely in the same attitude, that the law has precisely the same legal effect, as if the twelfth section were retained? There is no conceivable difference in the effect and operation of an implied sanction of an act, and an express sanction of it. If the sanction be necessary to give validity and an implied sanction be given, the validity is given. If it be not necessary to give sanction to the act, it follows as a necessary consequence, that with, or without it, it is in force. Nor is it true that the particular provision to which the Senator has referred, says nothing about any body of laws, that may have been established there. But if he will look to that sanction in connection with the position which he himself has laid down, it follows according to my apprehension, as the direct and inevitable consequence that in my friend's view of the case, the striking out or the retention of the twelfth section of the bill, is a matter of perfect indifference. But how is the fifteenth section an establishment of existing laws? It is just and proper to observe that the provision made in the twelfth section. The twelfth section adopts the laws, and the fifteenth proceeds to declare that processes and proceedings in courts of justice, may be taken in courts established by this act, for the purpose of giving validity to these existing laws. It may be true, that the fifteenth section standing by itself, would have the force of law to carry into effect all municipal regulations there. If so, why object to the twelfth section, which does the same thing in terms. I hope that my friend from South Carolina, does not understand me as saying that there is an inherent right or authority in these territories, to set themselves above congressional legislation. My doctrine upon that subject is directly the contrary.

Mr. BUTLER.—I did not understand the Senator as taking that ground. But I remarked that in my opinion, such an inference might be drawn from his reasoning. My essential objection was, that in recognizing the validity of these laws, we will be obliged to recognize many of which we know nothing. I was afraid of recognizing the principle that an accidental occupation of a country by squatters, could exclude any except those who acceded to the terms which they prescribed.

Mr. BADGER.—I look upon the territories of the United States, whether acquired by cession or conquest, as subject absolutely to the legislative authority of Congress. I hold that they have no power of legislation, except that which is conferred upon them by Congress, with every limitation and restraint that Congress thinks proper to interpose; and that it is in the power of Congress at any and at all times, while they continue as territories, with or without reservation, in the law establishing the territorial government, to repeal or abolish any laws they please, supplying their place with any other they may deem proper. I differ from my friend from Texas, in the supposition that these regulations will have the force of law after the passage of this act unless repealed. To make that follow, you must have a condition of things in which some legally existing government, existed previous to the time when you passed the act, extending your legislation over it. But in my view, these regulations in Oregon exist only by mere sufferance. The people of Oregon, without the permission of this government, had no power to establish any government. Their regulations sprung out of the necessities of the case, and existed by sufferance, not by right. The moment, therefore, that Congress exercises its constitutional power in the establishment of a government, the sufferance under which they before acted is at an end, and every regulation is necessarily swept away unless Congress recognizes it and gives it force and validity. I do not suppose that my friend from South Carolina imagined that it would follow as a consequence from any position that I had taken, that Oregon could claim as a right the negotiation of the recognition which they had established. My friend permitted himself, I think, to get a little excited in speaking on this subject. I deny the right of these people to have any of their laws recognized and put in force. We have an absolute power to sweep all from existence and replace them by such as we think proper. But the the question of power and the question of expediency are different. The people of Oregon, in consequence of our omission—I will not say our neglect, for I mean nothing of reproach upon Congress, and I am aware of the circumstances which prevented our action at the last session—but in consequence of our omission to act, were thrown into a condition in which self-preservation required the

adoption of certain regulations. The gentleman from Florida has alluded to the pomp and circumstance with which they have established their fundamental law providing for the right of declaring war, and many other things, appropriate only for the condition of an independent people. All these regulations are of course utterly void. The land is ours. It can be given away only by us. The power of war and peace is vested in us by the constitution of the United States, and can be vested by us nowhere else. Every regulation of that territory is reduced in its recognition by the twelfth section of this bill to a mere municipal regulation, subject to repeal at any moment when the proper authority deems it expedient. My friend from South Carolina says, that in giving effect to these regulations without examination in detail, we may give effect to laws which are unjust. Perhaps we may. But does my friend propose that we should institute any such particular examination of these laws, selecting from them such as we may approve? Certainly not. Every law which is contrary to the constitution of the United States, or to any law of the United States applicable to the subject, or to any provision contained in this bill, is of course utterly void. I confess then I have not been able to see the force of any objections that have been urged to the twelfth section. I should indeed have been perfectly willing to strike it out by common consent in order to prevent exciting debate. Certainly no such debate shall grow up by any thing I shall say, but when the friends of the bill insist on retaining this section, to which I can see no objection, I shall vote for it.

Mr. RUSK.—I have but a few words to say. I do not understand my friend from North Carolina as controverting the proposition which he laid down as to the laws of the country remaining in force until they are altered or repealed, whatever may be the change of jurisdiction. Nor is the objection which he raises in my opinion well founded, that these laws are by this fifteenth section recognised, and that if they wanted validity that section gives it to them, and that, therefore, that section does by implication that which the twelfth does directly. I do not agree with my friend by any means, that the operation of the two sections would be in effect the same. In my opinion it is impossible to avoid the conclusion, that by the twelfth section we affirm the principle which the people of Oregon have incorporated in their laws in reference to the subject of slavery. Why not postpone this evil day if we can avoid it? According to the admissions of all, there is no necessity whatever for the affirmation of such a principle in this case. My principle is non-interference. I do not wish either to force or to restrict slavery. But I shall not go into an argument on that question. The fifteenth section does all that is required; and with regard to it there is no difficulty. I hope that the friends of the bill will reconsider their determination, and let this vexed question remain in abeyance. I cannot vote for any proposition excluding the citizens of the country from any part of the United States.

Mr. NILES.—Mr. President: I have a few remarks to submit on some of the questions raised by this bill, and I may as well offer them at this time as at any other. As this bill involves the question of slavery in one of its forms—always a delicate subject, nothing but a strong sense of duty could induce me to take any part in this debate. During the time I have been honored with a seat in this body, I have always forborne to enter into any discussions upon that subject when it has come up, as it often has, in the form of abstract propositions. But it now comes before us in a different aspect, being directly connected with legislation, with the establishment of a territorial government in Oregon. In this view of the question now before the Senate, it is not an abstraction; nor can I perceive the justice of the remark, that any proposition affirmative either of the principle of absolute freedom, or of that of an opposite character, is to be regarded as a "firebrand" thrown into the Senate.

We are now called upon to pass a very important act—an organic law to establish a government for a distant people; and the question is, whether in undertaking this great work—laying the foundation for a mighty empire which is to spring up on the shores of the Pacific Ocean, facing Asia as we face Europe—we shall transplant there, the sacred principles of freedom, which have taken root in our midst, and by which we have become a great people among the nations of the earth. That is the question, and it is no small question. Whether the people of that distant region are to continue a part of this confederacy, or whether, as is quite probable, they are to assume the character of a separate and independent nation, still the responsibility now devolving upon us is the same. Our duty is the same whether they are to remain under our jurisdiction as part of us, or to grow up into an independent State under our auspices and guardian care.

What, then, is the particular question before the Senate? If I was to judge from the debate, there is no question here as to the exclusion of slavery; the only question is, as to how far it is proper to go in favoring the introduction of slavery; whether we shall actually incorporate it into the institutions of that distant and rising people, or shall so shape their organic laws as simply to encourage its introduction; leaving the door open, and asserting the right, that it may insinuate and establish itself there. The difference is between those who are for establishing by law the principle of slavery, who occupy the extreme ground, and the more moderate advocates of the same object. The former, as I understand from the remarks of some of them, the gentleman from Alabama who sits nearest to me, [Mr. BAGBY,] and the distinguished Senator from South Carolina [Mr. CALHOUN,] maintain, that under the constitution, slavery becomes the supreme law of all our territories—I state their position in my own language—and that it is not in the power of Congress, nor in the power of the people inhabiting a territory to abolish slavery—that is above the reach of both, resting on the solid foundations of the constitution itself. Well, I profess to be a steadfast and firm supporter of every legitimate and constitutional principle, whether it operate in favor of my views and the interests of my constituents or not. If I could believe that the position which I have just stated was well sustained, however reluctantly I might come to such a conclusion, my friend from Alabama would find me standing by him in supporting even a proposition so hostile as I know that to be with the spirit of the age. But this proposition is one very easily understood. I do not propose to discuss it at length; but as I understand, it rests on the simple idea of the right of private property. Well, now, it is certainly one of the strangest propositions I ever heard, and if any thing could add extravagance to a proposition in itself so extraordinary, it would be the fact that it emanates from the Senators from Alabama and South Carolina, and others who are *par excellence*, the advocates of state rights. What does this proposition mean? Why, nothing less than this: that the right of property depends upon the sanction of the federal government! Where, I ask, are your "state rights" if we have the power—the responsibility of guaranteeing private property to the citizens of the various States? If we can protect it we can invade it. We have the power or we have it not. It is idle to discuss a proposition which, upon the face of it, in my humble judgment, requires only to be stated to show the fallacy of it. Private property is that which the laws of the States constitute property, and we have nothing to do with it here. The rights of property do not depend on the constitution or laws of the federal government.

Mr. CALHOUN.—I have great respect for the honorable Senator, and I depart from my usual rule in interrupting him. But we do not rest this question upon that foundation. I rest it upon the comity of the States of this Union. The territory of Oregon is the territory of the United States, and by the United States we mean the States in their federal capacity as members of this Union. I rest it upon the additional fact, that the States in their federal capacity are equal and coequal, and being so, no discrimination can exist between those who hold and those who do not hold slaves.

Mr. NILES.—The explanation is such as I expected, and it does not affect my statement of the question. The honorable Senator rests his position on the ground of equal rights guaranteed to citizens of all the States, which would be violated, as he alledges, if citizens from any of the States should be prohibited from entering any of the territories and enjoying the same rights of prosperity there which they enjoyed in the States from which they removed. Does this prove any inequality of rights among the citizens of the different States? Will not their rights of property and all other rights be the same in the territory? It is no inequality that all the rights of property which exist in the different States may not exist in the territory; these are State rights, created by the State laws, and held under State authority. They are not rights derived from the federal constitution, nor upheld by it. They may cease when a citizen removes from the jurisdiction of the State where they were enjoyed. The rights of property, and the rights of persons in their social relations, do not depend on the federal constitution, but on the constitution and laws of the States. For Congress to interfere with either in a State, would be a most flagrant invasion of State rights. Can this government regulate the titles to lands, the descent of property, or the rights of master and servant? We all know that these matters belong exclusively to the States. And in regard to the territories, although we have exclusive legislation, and may, if we please, regulate property there, still, even in that view of it, the argument, as I conceive, can derive no support whatever. I admit that we might legislate in these territories. That we have not done. We have delegated that power—we have constituted local governments based on organic laws. But were we to legislate, could we introduce the laws of all the States there? Would it be possible for us, however inconsistent they might be with each other, to establish the laws existing in all the States in relation to property in a territory? What is property in one State is not property in another. Every one must see the impossibility of such a system of legislation. The argument of the honorable Senator, based on the equality of the States, thus falls to the ground.

It is impossible that the citizens of every State should enjoy the same rights of property in a territory that they may have enjoyed in the States from which they removed, as the rights of property are different in the several States. Nor can this be said to occasion any inequality or injustice. The power and jurisdiction of Congress over a territory is entirely different from what it is in a State. In the latter it is defined and limited; in the former it is exclusive and local. It does not operate upon the citizens of the States, and affects only the people of the territory. Those who emigrate there necessarily part with all their State rights of property and persons, and can only enjoy such of either as is consistent with the laws of the territory. And those laws, whether emanating from Congress or the legislative councils of the territory, are merely local territorial laws. Was Congress to legislate, we should, in the first place, look to the interests of the people of the territory. We are called upon to act for them. Our first duty is to consult their wishes and interests; and in the next place, I admit, we should look to the establishment of equal and exact justice as regards all the States as far as that may be practicable.

But we certainly cannot incorporate the laws of all the States into the institutions of a territory. That would be impossible. We cannot make that property in a territory which is recognized as property by the laws of some of the States, without conflicting with the laws of others. In this, as in all other cases, the majority must decide; and it can only be suggested in our hands, there is no constitutional restriction one way or another. It is a question like all others where there is no check but to the power, in which the minority must submit. I have no doubt where the majority is in this case. A proposition, I say, resting on this ground can not be constitutionally required to introduce slavery into Oregon, is, to say the least of it, a very strong one. It makes this federal government the propagandist and supporter of slavery! Hitherto I believe the doctrine has been in the South and every where else, that this government should let slavery alone—that we have recognized it in the States and ought not to touch it. As long as my friends from the South occupied that ground, I always stood with them, and so long as they stand there, I shall sustain them. We have now been told again and again that it was a State institution—a State interest—that the federal constitution had recognized it as such—not as an institution existing under our authority or sanction—and that we had no right to introduce it in any way. But the proposition now advanced goes much farther, and presents a new question. It connects this government with slavery—it makes slavery a federal right—an institution now established by an act of Congress, indeed, but which is a part of the constitution itself! I will presently notice the more qualified statement of the doctrine; but that is the proposition now presented in its length and breadth. I ask by what authority is slavery to be introduced into Oregon? By authority of the territory? No. Even in this qualified form of the proposition, it is by your authority—by the federal authority—by the act or acquiescence of the government. To that I am not prepared to accede. I have always voted here in favor of maintaining the rights of the south, to the utmost limit to which I believed the constitution secured and guaranteed them. I do not use the word "compromise." It has no application here. "Guaranty" is the proper term. All the States to the confederacy have guaranteed slavery. Our militia may be called out to protect it. All that I am prepared to sustain. But when I am called on to employ the authority of this government for the purpose of introducing slavery into territory now free, a new question is presented, and it is one to which, I believe, the people of this country will give a decided negative. They will never sanction such an exercise of the federal authority. I am not here to excite irritation, or to use the language of menace; but, I ask, do gentlemen suppose that the free States will send representatives here to take an active agency in the introduction of slavery into free territory? Do they think that the moral sentiment of the North will justify this?

The second proposition is not so extravagant as the former, and yet I think it amounts to pretty much the same thing. In the one case we are called upon to incorporate the principle of slavery; in the other to permit it to be done—to leave it to introduce itself if it can, either with or against the will of the people of the territory. The right of the people to govern is a just and popular idea; but it applies only to independent, organized communities possessed of sovereign power. It cannot possibly apply to the people of this territory, who do not possess one particle of sovereignty. We are called upon to exercise sovereign power over this territory. If the sovereignty is in the people of the territory, then we cannot pass this bill. I am not prepared to leave to the people of a territory the question of the establishment of slavery there. I do not think that that would be an honest and faithful discharge of our duty. I know it is said the climate, and other geographical causes, will inhibit the establishment of slavery there. But that is a circumstance with which I have nothing to do. I will not here as a legislator to speculate about the probabilities of the introduction of this great evil, or of the necessity of asserting any of the great principles of freedom. Our ancestors did not act in that way, either in the establishment of their State or federal constitutions. The illustrious statesmen of old Virginia did not so act when they proposed their ten amendments to the federal constitution. None of them perhaps were necessary; yet they deemed it wise and prudent to throw every safeguard around the rights of the States and the people, and her enlightened statesmen were not prepared to ratify the constitution without the security which those amendments afforded. On the same consideration we have those declarations of the great principles of liberty in our bills of rights in all the States. Why do you provide that there shall be no established religion? Why do you protect the sacred rights of conscience? Why do you provide that the habeas corpus shall not be abolished? Why do you establish the right of trial by jury? Sir, the question comes up before us, and we are bound to meet it. Without disrespect to any one, I must be permitted to express the regret with which I perceive a disposition on both sides of the chamber, to evade and avoid the great question which now presents itself, and which, I must add, cannot be blinked. All the efforts to evade it must prove unavailing. The amendment of the Senator from Florida [Mr. WESTCOTT] brings up the extreme principle contained in the bill of the last session, asserting the first proposition to which I have directed the attention of the Senate. We must meet that probability. Then there is the proposition of the ordinance of '87. Now, do honorable Senators suppose that standing here as we do, the representatives of ten of the sovereign States of this Union, instructed to engraft the principle of freedom upon all the territories of this Union, that when we have a bill before us by which the foundations of a new empire are to be laid, it is possible to evade and avoid this great question? I do not know what my honorable friends, the Senators from New York, who sit here very much at their ease, may say on this subject; but I believe they have been instructed twice over to assert this great principle of the ordinance of '87 in reference to any territorial bill. The people of the "Empire State," through their local legislature, have on two occasions instructed their Senators here to declare their sentiments on this great subject. I believe I have myself received similar instructions. However, as regards myself that circumstance exercises but a small influence upon my course. Independent of all instructions, I feel called upon in this instance to discharge a solemn duty. The question cannot be avoided. It is upon us. It must be met.

I have said that I cannot accede to the proposition even in its qualified form. I cannot consent to the extension of slavery by quiet acquiescence. I do not believe that that acquiescence would be consistent with what is due to ourselves or the country. Have we no opinion on this subject? Have we no judgment of our own as to whether it will be better for that country, or for the Union, that one or other of these principles should be incorporated into the institutions to be established there? If we have an opinion, why should it not be expressed? Are harmony and concord—harmony may be endangered by the assertion of a great principle! And we have been told of a "platform." Let me remind gentlemen that there is but one platform on which we can stand in regard to this or any other questions—the platform of the constitution. That is the standard by which all questions are to be decided. I would not go out of my way to bring up any disturbing questions; but when a question arises, whatever its character, I would meet it fearlessly and look it boldly in the face, and give my vote according to my own judgment.

The debate on the present question seems to me to have been all on one side. I think that the great principles of liberty—of equal rights—have not been heard to large at least more than one voice raised in this chamber in their vindication. These great principles are not without tongues among the people. On this subject the people are not asleep. In many of the States they have spoken audibly. But the misfortune is, that in their State legislatures, their representatives speak one voice, whilst their representatives here, farther removed, and surrounded by other influences, often speak a very different voice. How long this is to continue is not for me to say. For my own part I have no wish to avoid this question. I believe that a decision of it will tend to quiet the public mind.

It is proposed to strike out the 12th section of the bill before the Senate, leaving the question of slavery to be decided by the people of the territory. This section is better nothing, because its asserts the principle of freedom in this government when it goes into operation; and it also does recognize the fact, that the people of Oregon are a free people. By adopting this section, we also declare that we establish a government for this people in conformity with their own wishes. But strike that section out, and where do you stand? Why, in that case, you reverse the fact; you introduce a new system of legislation in regard to territorial government never known heretofore. I would call the attention of the Senate particularly to this point. I find on an examination of our whole legislation on this subject, that from the organization of the territory of Ohio, down to the present time, Congress has acted upon one settled principle—both in the establishment of territorial governments, and in the admission of States into the Union—and that principle has been, to take he condition of the people as it existed at the time, as the basis of their action. Ohio being free from slavery, was organized as a free territory. Then came Mississippi, in which a different state of facts existed. What did Congress do in that case? It recognized the existing state of things, and did not assert the principle of the ordinance of '87. An effort was made in the case of Missouri to set aside this principle, but it did not succeed, and Missouri was admitted as she was. Now we find the settlers in Oregon are a free people. They have voluntarily organized a provisional government, and expressly excluded slavery; we cannot doubt what their will and purpose are. And shall we not recognize their action as the basis of our legislation? Shall we not carry out their wishes, which they have expressed in the most solemn form? Will you force upon them an institution which they do not desire? I know it has been said, and it may be repeated, that this matter must be left finally to the people; and this is true, when they become a sovereign State. But that is no reason why in organizing a territory we should not engraft upon their institutions the true principles of freedom. We possess and exercise the sovereignty over them. We cannot delegate it entirely to them. Their condition is a fact which must regulate our action. They are a free people—I use the term in no offensive sense by implication, for we are all free; yet the law of slavery is no part of free institutions. They have not introduced, and do not desire this law. Shall we then not assume this action of the people of that territory as the basis on which, under our care and guardianship, the superstructure of the government of that people is to be raised? Shall we now depart from principles which have been heretofore recognized by both parties [illegible]?

Mr. WILSON of T.—I understand the Senator to say, that in the territory acquired by the treaty of Louisiana, Congress recognized the existence of slavery there. In two-thirds of that territory, by express action of Congress, slavery has been excluded.

Mr. NILES.—I said that in the organization of territories, and

in admission of States to this Union, we had always respected the condition of the people—that we had uniformly recognized and respected the existing state of things.

Mr. WESTCOTT.—Slavery has been excluded by the adoption of the ordinance of '87 and the Missouri compromise, in at least two-thirds of the Louisiana purchase, and without a shadow of right. It existed in that territory under Spain.

Mr. NILES.—The 12th section of this bill may not be worth much, but it is better than nothing. It asserts the principle of the ordinance of '87 with some qualification That principle has been already recognized by the people of Oregon. The question is before us now. I, for one, wish to see it settled, so far as we have the power to settle it. If we settle it now, we get rid of it forever, so far as the action of this government is concerned. If this section is expunged, the question is left open to be agitated in Oregon, and in this country.

It has been suggested that this question is a political one—that slavery has become an element of political power. That it enters into the action of the federal system, not only as forming a basis of representation in one of the houses of Congress, but much more extensively as a controlling influence at all times in the administration of the general government. Well, this is a difficulty which, like all other difficulties, must be met. It is a difficulty which did not exist, in my judgment, in the early stages of this government, and hence we find, that instead of decreasing, as was no doubt anticipated, the excitement and interest on this subject has become greater. The question must be disposed of, however, according to the judgment of the majority, in which the minority must acquiesce. Not long since, the honorable Senator from South Carolina, [Mr. CALHOUN,] went into a consideration of this subject, and spoke of aggression upon the South, and of the alarming increase of power in the free States. I made some remarks at the time in relation to that point, and may now repeat my conviction, that the fact is entirely the other way. Do we not all know that our Southern friends have for a long period enjoyed the highest offices of the government—that the supreme executive has been monopolized almost exclusively by them since the existence of the confederacy—that they have supplied almost exclusively the presiding officers in the other house, who appoints the committees and controls its action—that they have usually had the central press here under their control, which forms and directs public opinion—and that thus, however strange it may seem, it is nevertheless true, that the element of slavery whatever it may be locally, has exerted in the federal government a controlling influence. It serves to unite and bind together all of the States where it prevails, giving them a concentration and power which when exerted, has never yet been successfully opposed. It renders all other questions subordinate to it; and although political and other divisions may prevail, yet this principle is a bond of union which overrides and controls all others, and in no small degree consolidates all the States subject to its influence, and enables them to move with united force and power, and by taking advantage of the divisions which always prevail in the free States, they have been enabled to exercise an influence over the affairs of the confederacy, greatly disproportioned to their numbers, if not dangerous to the interests of other sections of the Union. Nor has its concerted and united action been confined to this subject alone. Often when the North and the West have been divided on great political questions, the South has presented an unbroken front, which has been decisive of the issue.

Mr. President, it is not difficult to perceive where the real question lies on the present occasion. It is a struggle for power! Every one must see, that so far as the right of carrying slaves into a remote Northern territory is concerned, the present question has very little importance. No, sir, it is a struggle for power! Now, sir, I believe the South is already too strong It exercises a preponderating influence in the affairs of this government. I believe that if this preponderance continues the North must yield to it as it has yielded to every profession of the South under this syren song of "harmony!"—"harmony!—"concession!"—"concession!"—there will be danger to the Union. We all know what this cry for harmony and concession means—it is an appeal to the North to give way, and it has always been successful, and will be on the present occasion. The result is foreshadowed in the reluctance manifested on both sides of the chamber, to come forward and sustain the great principle of freedom. Yes, sir, the North will give way, if on this occasion it can be said to have made a stand. No one can mistake the influences operating on both sides of the hall—the great principle of freedom may be sacrificed to political power. I fear, sir, that if this course of action continues, the salutary balance of power in our system will be lost, and one portion of its machinery will acquire an undue momentum which may derange the whole. Then there will arise the danger of reaction. That is a danger always to be apprehended from a long continued exercise of power in a particular direction, and an unwise subserviency and yielding to it on the part of those against whom it is exercised. In these cases a point is at last reached when forbearance ceases to be tolerable, and reaction comes marked perhaps with more power than discretion. I desire to avert such a crisis. I wish to see restored to the free States that influence—that equality—that control in the affairs of the government which I think justly belongs to them, but which in my judgment they have not heretofore exercised.

Pray, sir, is not the slave power seen and felt every where in the action of this government—in all its departments? Who meets with most favor from it? Those who stand on the side of freedom, or those who advocate the opposite principle? Why I believe it is very well known in this body, that there is a class of men in our land who are as much proscribed as if they were felons. I do not justify their course; but ought any portion of our citizens to be proscribed for their opinions, however mistaken? They are called fanatics—abolition fanatics! No one of them can receive office under this government any more than though he had been convicted of treason against it! I have known cases in which the cry of "mad dog" has led to the rejection of men in these halls who did not really belong to that proscribed class. Is it right that this principle should enter so deeply into the administration of this government? Is it just—is it in accordance with those great principles of human liberty in which we are all accustomed to glory, that such a prejudice should be permitted to produce a perfect proscription of a class of our fellow citizens?

Mr. WESTCOTT.—I feel bound to call the Senator to order. The point of order I make is that it is never allowable to refer to the acts of the Senate in Executive session until the injunction of secrecy is taken off, which he does do when he asserts that nominees have been rejected on account of their anti-slavery opinions. It is not on my own account I object to this. I do not hesitate to say that I have and shall continue to vote against any nominee who I believe is tainted with abolitionism to any office, as I would against any incendiary. With respect to the alledged cases put by the Senator, Senators cannot defend themselves without referring to the facts. Hence a reference to them by the Senator is out of order.

Mr. HALE.—The Senator from Florida must reduce the words not in order to writing.

Mr. WESTCOTT —The call to order is not for exceptionable language or verbal impropriety. It is to the range of the speech I except—it is for reference to secret Executive proceedings prohibited by our rules that the call to order is made. The words need not be reduced to writing in such a case.

Mr. NILES.—Shall I proceed.

THE PRESIDING OFFICER —The Senator from Connecticut is in order—the chair so decides. The Senator will proceed.

Mr. NILES.—Every territorial government is founded upon the principle of regulating their own internal affairs within certain limits, and those limits are, that they shall not violate the constitution and laws of the United States, nor interfere with the primary right to dispose of the soil, and certain other great principles of freedom, which it is deemed more safe and proper that Congress should affirm and establish. I hope the section may not be stricken out.

Mr. BUTLER.—I desire to ask the honorable Senator, whether under the guaranties of the constitution, the tribunals of the country would not be bound to recognize slave property, yes even the tribunals of his own State?

Mr. NILES.—That question has been settled long since by the adjudication of the courts.

Mr. BUTLER.—I know it has where a slave was brought from a foreign country; but I desire the opinion of the Senator as to a suit, say an action of trover for a slave brought in his own State. If you was the judge how would you decide it?

Mr. NILES.—I would not give much for your suit, [a laugh.] I have not touched the subject of the rights of property in slaves in the States, but have confined my remarks to the immediate question before us—the power and duty of Congress in respect to slavery in territories, where we have exclusive legislation, and if slavery is carried there it must be carried by the authority or acquiescence of Congress. I have entered into this debate with reluctance, and have studiously avoided going beyond the limits the occasion called for.

Mr. President, I have concluded what I have to say on this subject, and leave its decision with the Senate; if not deeply affecting any immediate interests of the country, it is highly important to the character and honor of the republic, and the cause of human rights. The debate on this subject, which has been going on the last three days, has afforded me any thing but agreeable reflections. Had any of the liberal and enlightened men of the old world been here to have witnessed our proceedings, they would not, I fear, have been impressed with the most exalted idea of the estimation in which liberty and human rights are held in this free country. Could they have been otherwise than astonished, that at a period like the present, when liberty, awakened from its long sleep, is agitating all Europe, and rousing up the downtrodden people to the most heroic efforts for the vindication of their rights, that such a question could be the subject of serious debate in the American Senate?

What is this question? It is not the question which has really been before the despotic governments of Portugal and Prussia—it is not the question which formed the subject of the thoughts and efforts of that great philanthropist, Wilberforce, during a whole life—it is not the question which has recently commanded the attention of the Provisional government of regenerated France, and which they have transferred to the national assembly—no, sir, it is not the question of the abolition of slavery, nor is it a question as to the restriction of slavery, nor a question as to the amelioration of the condition of those who are the subjects of slavery; no, sir, but it is a question as to the extension of the area of slavery. This

is the question upon which the American Senate—in the middle of the 19th century—before the eyes of the world—at a time when new ideas of liberty are springing up in Europe—upon which the Senate of this model republic—holding ourselves up to the world as an example for all other nations—upon which the Senate of the United States has been for three days engaged in grave debate—a question as to the form, and to what extent, and under what local provisions, slavery shall either be engrafted upon, or permitted to introduce itself into a territory where it does not exist—where the people have repudiated it—where, as far as we know their views, they have set their faces against it.

Mr. President, it is desirable that this bill should pass; we have too long neglected to extend our jurisdiction over the people of Oregon and afford them our protection. I feel anxious to vote for the bill, but if the 12th section is stricken out, I shall be compelled to vote against it. But with that section it is not what it ought to be. It ought to contain, without qualification or restriction, the principle of the ordinance of '87. I hope to have an opportunity to give my vote for such an amendment. Can we not, in the assertion of human rights, come up to the line where our ancestors stood sixty years ago? Can we not assert those principles of freedom which they then proclaimed, and which have, from that day to the present time, when occasion called for it, been repeatedly reaffirmed. And are we now, in this age of progress, to be gravely deliberating whether we shall not repudiate the principle altogether? We are not proposing to introduce any new principle—not endeavoring to make any advance. I am considered rather behind the age. I do not profess to belong to the party of progress, and God forbid that I should belong to that progressive party which advances backwards in the cause of civil liberty; which, instead of advancing and adopting a more liberal and comprehensive and enlightened policy, proposes to fall back upon antiquated ideas, and to extend and perpetuate an institution originating in a barbarous age, and equally in conflict with every sound idea of enlightened government as it is with every true feeling of humanity.

Mr. DOWNS.—I am very sorry that the debate upon this bill, which was entirely unexpected to me at least, should have taken the turn it has this morning. I supposed yesterday that there was a general understanding, it being that there was a sufficient number of Senators in favor of the bill, with one modification, to secure its passage, that this twelfth section should be stricken out. This was the understanding of the majority of the committee. The gentleman who acts in behalf of the committee in the absence of the chairman, assented to that course. I am very sorry he has changed his course, and has this morning withdrawn his motion to strike out the twelfth section. I agree with the honorable Senator from Missouri [Mr. BENTON,] that in acting upon this bill it is wholly unnecessary to introduce the question of slavery. A bill so important as this should be passed without raising unnecessarily that vexed question. I believe I may say I regretted its introduction as much as any member of this body. I wish to be understood upon this subject. I hold not extreme opinions on the extension of slavery into new territory. I stop a good deal short of the opinion, it is well known, which some gentlemen upon this floor entertain. I do not choose to pursue it as far at present as some gentlemen do. I have been considering the modification, forbearance, for no denunciations, for standing where we have always heretofore stood. I have never contended that by operation of the constitution of the United States in a new territory, slavery necessarily existed. I have assumed no such position. That is a question which has not been much discussed. I do not choose to commit myself fully upon it. But I may say that no man up to this time, ever heard me express a desire to be exonerated from an expression of my opinions. I do not ask it now. But it requires further illucidation. My present impressions are these: I am willing to leave the question where, I believe, a large portion of the people of the United States are willing that it should be left, viz: with the people of the territories themselves. Hence it was that I hoped this bill would be permitted to pass without requiring the express declaration of Congress as to the position they will take upon this exciting question. Now, upon what right, or upon what ground can those who hold a different opinion object to this course? According to their own principles, they ought not to object for a moment. Their first principle is, that by the constitution and laws as they exist, in new territories slavery cannot exist. It is not contended that it was ever established there, it cannot therefore exist according to their own doctrine. The whole weight of argument seems to be against those who insist that Congress should now interpose. Where is the necessity if their principle is correct? But in this case it is not left a blank. The people of Oregon have moved in regard to the subject. They have passed an ordinance, made a provision, which I think is tantamount to the amendment proposed by the Senator from New Hampshire [Mr. HALE,] prohibiting slavery as though there was a doubt about the existence of the prohibition there, or that we supposed they had provided for its establishment. Now, does striking out the twelfth section interfere with it in any way? Not at all. Not in the least. I was astonished at the strange position assumed by the honorable Senator from North Carolina [Mr. BADGER,] that unless this proposition was adopted all their laws would be abrogated. It was sufficiently answered by the honorable Senators from Texas and South Carolina, [Mr. RUSK and Mr. BUTLER.] But I presume there are very few in this Senate who entertain that opinion. Those laws were adopted in Oregon under extraordinary circumstances. This government had failed to extend its laws over them. It was necessary that they should have laws for their government. It is perfectly immaterial whether the act recognize them or not; they were adopted because they had no other laws there. They will, so far as they are incompatible with the constitution and laws, cease when our laws are extended over them. I know not by what authority, except by consent of the people, they have any operation at all, even now; but by whatever authority they have will remain, it is certain—whatever you enact here, until your new system goes into operation, and then when not inconsistent.

Why, then, should those who contend that slavery ought not to be extended to Oregon, raise this question here? In the first place, according to their own principle, there can be no danger of what they wish to avoid. In the next place, they have a positive enactment of the provisional government forbidding it. In addition to that, there cannot be a man who believes for a moment that slavery can exist there. You cannot induce a man holding slaves to go there with his slaves. It would be perfectly useless. Every body seems to admit that. Upon these three grounds then, the case stands clearly against us. You have it all your own way. And yet it is insisted here now without object, and therefore insultingly, that this measure must be rammed down our throats *nolens volens!* Is this the spirit of brotherly love, compromise and concession, in which our glorious Union originated? Could it have grown up under the influence of such feelings? Will it last while such are indulged? These are thoughts on which we ought all to ponder and to pause. I have never yet despaired of the Union, I hope I never shall. I am not disposed to brood over evils that may never come. But such a measure, at such a time, under such circumstances, offered voluntarily as a boon one day and snatched back the next—unnecessary, not practical, as useless to you as the[f]pound of flesh to the Jew, but death to us, is, it is painful to confess no omen of good! It cannot be contended that there is a necessity for it.

Mr. President, some gentlemen may have been surprised at the concessions of the honorable Senator from New Hampshire, [Mr. HALE,] the other day when he withdrew his amendment; but they see now, I have no doubt, that the gentleman understood what he was doing. Whatever may have been considered as to concession in the withdrawal of that amendment at the time, it is evident now that the question of the Wilmott proviso is as clearly and distinctly involved in the 12th section of this bill as in the amendment. And when the amendment of the honorable Senator from Florida was also withdrawn, it was understood that the bill should be passed without either; but now the head of the committee has abandoned that position and withdrawn his amendment, and I regret to say we are back in the same position in which we were before the amendment of the Senator from New Hampshire was withdrawn. And we have no choice. It amounts to the same thing. I do not think this ought to be pressed upon us, under the circumstances, at this time.

I had no idea of saying a word upon this subject. Upon this, as upon most other questions, my disposition is to hear, and to be informed, not to speak, but I was so much astonished at the course taken this morning, I felt it to be so unpropitious a course to produce harmony on this subject, so calculated to lead to evil consequences, that I could not resist the inclination I felt to raise my voice against it. I do not intend to enter into the general discussion upon this subject. I believe the die is cast. Gentlemen see that this question must be met, and perhaps it may as well be met here as any where else. It seems to be the necessary tendency of the proceeding of to-day; still at this stage of the debate I am not disposed to enter into the discussion of the subject at large although there were some remarks made by the Senator from Connecticut, [Mr. MILES,] that are so extraordinary, that I would consider myself derelict in duty if I were to permit them to pass without notice. But here be it remarked as in all other phases of this matter, we act on the defensive. I shall not attempt to quote the precise words of the Senator, but merely state the substance of some of the points made by him. As I understand one of his positions is, that the power of this government rests with the South. That there is a preponderance of power and most of the high offices are held there, and that that power is maintained by the institution of slavery. Now I do not think there is any cause for a complaint of this kind. I do not believe that it ever entered into the designs or thoughts of the people of the South, that this predominance in relation to public offices should prevail in the South. If it has existed, it has arisen in the natural course of events, and not from any design on the part of the South. If it has happened that more distinguished officers of the government have come from the South to say that they have been brought into office by the power of this slave question, is an assertion which has no foundation. But gentlemen say that the greater number of Presidents have been taken from the South, and that it has been through the influence of this slave question. You might as well say that the man who fought at the head of our army for our liberties in the revolution, and who was by acclamation placed in the Presidential chair afterwards, attained these honors by means of the slave question. Why was it that he was placed in the most distinguished position in the revolutionary war? Why was it that the sinews of war were placed in his hands? It was not by a caucus of Southern men, it was not upon Southern soil, but in the North. He did not assume his command in the South. Did it enter into the conceptions of either the North or the South, that he was placed there because he came from the South? Not at all, but because

he had rendered more service to the county than any other man. He was consequently the people's choice. The same almost might be said of other Presidents and high officers from the South —whoever pretended that Jefferson, Madison, Monroe, Jackson, Marshall, and others like them, owed their high places and honors to the slave power as it is called? Who thought of such a thing when they came into power? No, sir, blame us not if we have had more high offices than you—it was not our fault—we left these things to the natural course of the government. If you had had the same or a greater preponderance we should not have complained—but can you not see other causes for this preponderance—they may suggest themselves to all minds—the history of the country suggest them—but I shall not here state them. There are some things in this government besides offices. I dislike to institute comparisons, they are always offensive, but when such distinctions are raised we must advert to them. We cannot, when we enter into battle, always choose our own weapons, we must be governed in some degree by those with whom we have to contend. When we are taunted with the insinuation that we are overrunning the Union with our slave power, it is, I must say, a most unmerited and unjust accusation. There are some things as valuable and as dear to us as office; there are some things that come more directly home to our firesides than office, for instance your commerce and your trade, how does the comparison stand there? Take your inland trade. What have been the operations between the North and the South? The North has grown up under the compromises of the constitution, which have borne most oppressively in some cases upon the South. They have borne us to the dust, yet we have not complained. We have seen our substance taken away from us; we have seen the manufacturing resources of the North built up by the commerce and labor of the South;* we have seen their ships in every part of the globe laden for the most part with the products of the South; we have submitted to it all and complained but little. We have depended upon the action and operation of the constitution for a mitigation of these oppressions. It comes slow and grudgingly when it comes at all. I believe I may safely say for all the South, you may have every President from the North, if he be a man in other respects as acceptable, and no man in the South will raise his voice against it. The people of the South do not come to this government for office; politicians may struggle and contend for offices, but I speak of the great body of the people of the South. They do not care a straw for your offices. You may have all your Presidents and your Secretaries for the next fifty years and we will never complain. We consider that Union a solemn compact; we wish to abide by it, and not reproach our brethren of the North. The interests of the South without the aid of this Union, might have gone on very well—I will not say as well—but I will say that the South could have better dispensed with the Union than the North, and if I were disposed to pursue this question further, I would ask what would a certain portion of the North be without the Union? Where would have been employed the ships of Massachusetts and New Hampshire? Where would have been the sale for their productions? Where the value that is given to every little stream of water that flows through their sterile hills? Where the price that is paid for their granite and their ponds of ice, enriching them more than our fertile fields? Give all the wealth that has gone from the South to the North back again, and walls of granite, and palaces, and towns, would rise there also. Reproach us not, then, for any supposed advantage on account of the institution of slavery, or any other peculiar advantage we have under the constitution. You have the best of the bargain, and you feel, and you know it. We do not complain, neither should you.

Another position assumed by the gentleman is, that the question presented here is, whether we shall adopt slavery in Oregon or not, whether we shall carry it beyond the boundary where it already exists? I cannot for my life, understand why the gentleman places it upon this footing. He says it has been the custom heretofore, to leave the territories where we find them in regard to this subject. Do we propose to make any provision for the establishment of slavery in Oregon? If I should come and ask to be permitted to take my negroes to Oregon, then the case would be different. But who would ever think of conveying his slaves there? With what propriety can the gentleman say that slavery ever will exist there? I am willing to let the matter stand as it is; to say nothing about it. I do not wish to agitate the question. And I would go further, and enter into a compact, that not only upon this occasion, but upon no occasion hereafter, shall the question be agitated. I believe the whole South will agree with me. We have not introduced the subject. Our proper position on this question is defensive. All that we wish is, that we may not be encroached upon. Has the South contended that where slavery does not exist it shall be extended? Never has any such proposition been set up by the South, and never will it be. But we were told yesterday, by the Senator from New Hampshire, [Mr. HALE,] that the interests connected with slavery, had produced the Mexican war; that the war grew out of the annexation of Texas, and that annexation was the offspring of the slaveholding interest. When the history of this war comes to be written impartially, it cannot be imputed to the South. But I shall not go into that question now. It is not necessary to do so. When Texas first succeeded in establishing her independence, when the question was first mooted of the annexation of Texas to the United States, I recollect distinctly that many of the people of my State took decided grounds against it, in consequence of the danger that the agricultural interests of the State might be interfered with. That ground was taken by many of the presses of the country, but, sir, this question of slavery began to be agitated at the North. You must recollect a most extraordinary occurrence that took place here in March, 1843, when a formal manifesto was sent out from the free States against annexation in relation to slavery, in which the most violent attack were made on the South.* Where was the necessity of thus attracting the attention of the whole world, and agitating the subject at that time? Who commenced it? Was it the South?

Here was the commencement of the agitation—the South was all quiet. We left it to the decision of the people whatever that decision might be. But for that proclamation and the feelings to which it gave rise, annexation might have been long delayed. As it was then, so it will be again. We do not start the question, but when the question is made, it is not the character of the South to pass it by. They will expostulate with their friends in the North—they will do all that dignity and a sense of honor permit them to do, to prevent it; but when it comes they will meet it as it ought to be met. They will stand firm as did our fathers in the revolution. They have done so already, and it is their glory that they have done so. They would have been unworthy of their ancestors if they had not done it, and I assure gentlemen they will do it still. But do not place us in a false position; it is your own aggression. Let us, then, bury the question, and sweep upon the altar of the constitution that it shall not be exhumed. If you will not do so, take your own course; but, I beg of you, when you come to speak of us and of our acts, speak of us as we are, and of our acts according to their true interpretation. Speak of us as being encroached upon and as resisting—not as endeavoring to carry our institutions where they are not acceptable. The South, willing as she is to make concessions, is not so fond of them as to make useless concessions.

---

* Mr. Webster in his speech at Faneuil Hall, on the 6th of November, 1846, said:

"Has not the constitution given the people great prosperity? Has it not made our flag float in every sea on earth? Has it not fostered our manufactures? Where would Massachusetts have been without it? NOT THE MASSACHUSETTS SHE NOW IS."

* "The appeal was preceded by the celebrated speech of Mr. J. Q. Adams," from the 16th of June to the 23d of July, 1838—and of which he said, "the session of Congress closed before I could finish," and at Braintree on the 11th of September, 1842, and by the speech of Mr. Webster on March, 1837. Here also is an unanswerable address, and sustained from it. How was the gauntlet first thrown at us, as it was run, and began we took it up—because we were compelled in self-defence to take it up—or to accede of encroaching on other portions of the Union!

"The address itself is not to the people of the United States, but: *To the People of the Free States of the Union.*" It is dated on the 31st of March, 1843, and signed by twenty-one abolition members of Congress, as follow:

John Quincy Adams,	Seth M. Gates,	William Slade,
William B. Calhoun,	Joshua R. Giddings,	Sherlock J. Andrews
Nathaniel B. Borden,	Thomas C. Corwin,	John Mattoy,
Christopher Morgan,	Joshua M. Howard,	Victory Bonfoye,
Hiland Hall,	David Hoard,	Truman Smith,
Thomas W. Williams,	George N. Briggs,	Charles Hudson,
Staley N. Clara,	Archibald L. Linn,	Thomas A. Tomlinson.

This document ought to be read by every man of the South. I can now furnish only a few quotations. It commences, "We, the undersigned, in closing our duties to our constituents, and our country, as members of the twenty-seventh Congress, feel bound to call your attention very briefly to the project long entertained by a portion of the people of these United States, still pertinaciously adhered to, and int nded soon to be consummated, OBLIGNATION OF TEXAS TO THE UNION.

"In the course of business incidental to the last days of the session of Congress, we have not time, did we deem it necessary, to enter upon a detailed statement of the reasons which force upon our minds the conviction that this project *is by no means abandoned*. That a large portion of the country interested in the continuance of domestic slavery and the slave trade in these United States, have solemnly and unalterably determined *that it shall be speedily carried into execution*. That by this admission, a new slave territory and slave States, the undue ascendancy of the slaveholding power in the government shall be secured and riveted beyond all redemption.

"The open avowal of the Texans themselves, the frequent and anxious negotiations of their own government, the resolutions of the various States of the Union, the numerous declarations of members of Congress, the tone of the Southern press, as well as the direct application of the Texan government, make it impossible for any man to doubt that annexation and a formation of several new slaveholding States, were originally the policy and design of the slaveholding States and the Executive of the nation.

"Although perfectly aware that many important and controlling objections to annexation exists, aside from the question of slavery, we have, in this address, confined ourselves principally to that, because of its paramount importance, and because *the dreadful consequences of union are exclusively against that ground*."

The address then proceeds to quote some opinions of Mr. Webster, in March, 1837, as follows:

"We all see that by whomsoever possessed, Texas is likely to be a slaveholding country, and I frankly avow my entire unwillingness to do any thing which will extend the slavery of the African race on this continent, or add other slaveholding States to the Union.

"In my opinion the people of the United States will not consent to bring a new, vast, unbounded, slaveholding country, large enough for half a dozen States, into the Union. IN MY OPINION THEY OUGHT NOT TO CONSENT TO IT. This subject has not only attracted attention as a question of politics, but it has struck a deeper toned chord. It has aroused the religious feeling of the country. It has taken strong hold on the consciences of men.

"He is a rash man, indeed, and little conversant with human nature, and especially has he a very erroneous estimate of the character of the people of this country, who supposes that a feeling of this kind is to be trifled with or despised. It will assuredly cause itself to be respected." He concludes by saying, "I see, therefore, no political necessity for the annexation of Texas to the Union."

The address from Mr. Adams and others then proceeds:

"We hesitate not to say, that annexation effected by any act or proceeding of the federal government, or any of its departments, WOULD BE IDENTICAL WITH DISSOLUTION. And we not only assert that the people of the free States ought not to submit to it, but we say with confidence they *would not submit to it.*" It then concludes with the following appeal:

"To prevent the success of this nefarious project—to preserve from such gross violation the constitution of our country, adopted expressly to *secure the blessings of liberty*,' and not the perpetuation of slavery—and to prevent the speedy and violent dissolution of the Union, we invite you to unite, without distinction of party, in an immediate expression of your views on this subject, in such manner as you may deem best calculated to answer the end proposed."

Mr. HOUSTON.—I propose, with the view of bringing this unprofitable, if not injurious discussion to a termination, to offer the following amendment to be inserted after the word "equity" in the ninth line of the twelfth section, with the hope that it will render the bill acceptable to Senators, and do away with the objections that have been urged against it. The section will then read thus:

"That the regulations and restrictions [illegible] and immunities heretofore granted and secured to the inhabitants of the province of Iowa, &c., &c."

I offer this amendment, sir, without any remark, and wish the vote taken upon it, if it be in accordance with the judgment of the Senate.

The amendment was agreed to.

Mr. CALHOUN.—I would be very glad if the honorable Senator would inform us whether, under the provision as it now stands, the people of the South emigrating to that territory would be permitted the enjoyment of their property as in the States where they now reside.

Mr. HOUSTON.—I can say to the gentleman that my object is to have protection extended to the people of Oregon. They require an organization to protect them against the surrounding tribes of Indians, and for the purpose of establishing such an organization as the constitution of the United States guarantees to them without reference to the subject of slavery; for I consider that a matter with which Congress has nothing to do. So far as the constitution has guaranteed the right to them, so far they will be in the possession and enjoyment of it. It is a question to be determined by the judiciary of the United States, and any law enacted by Congress that would be incompatible with the constitution, would be utterly void. I am for extending to the people of Oregon all the privileges that are accorded to the people of that part of the country from which I come. I will premise that I have no idea that slavery will ever be extended to that portion of the United States; nor have I any idea that any person from the South—any person from that part of the United States lying south of latitude 36° 30′ would desire to emigrate with his slaves to a region inclement as that is, and incompatible as it is with the labor. I cannot conceive that it is inconsistent with the slaveholding interests in this country, that the citizens of that territory should inhibit slavery. But I act upon the principle which I find to be established, and by virtue of which Texas was admitted into the Union. I find it was a point conceded, established and laid down, that north of 36° 30′ slavery was clearly prohibited by the joint resolution that brought Texas into the Union. Whether the principle recognized by that resolution, and by the Missouri compromise, is to extend to Oregon, must be a matter for future adjudication. These are my opinions in relation to this subject. But I do not conceive that it involves the slaveholding interest in the least. I wish to guarantee to the people of Oregon all the rights that belong to them; and any laws not incompatible with the constitution that may be in existence in Oregon, I desire shall continue in existence and enure to their benefit. I would be the last man to wish to do any thing to prejudice the interests of the South, but I do not think that on all occasions we are justified in agitating this mooted question. I am not one of those who feel disposed to croak, and who feel alarmed whenever the subject is alluded to, believing that a crisis is at hand, and that the Union is about to be dissolved. I have too much confidence in the integrity, intelligence and patriotism, not only of gentlemen upon this floor, but of the people of this Union. The little agitations that may arise in this hall or elsewhere are not calculated to affect the great interests of the Union. Our institutions are too valuable, and have cost too large a price to be easily parted with or disturbed. The intelligence of the people have taught them to appreciate those institutions. They consider them a sacred legacy left them by their fathers, and they will not allow the petty schisms and agitations which may prevail for a time among politicians to endanger their safety. If I come into this Union under a compromise, I will stand upon that compromise, upon it I will plant myself; feeling no apprehension of any encroachment being made by the North upon the rights of the South, so long as they are not goaded by an untimely and uncalled for assertion of rights and privileges which are guaranteed by the constitution under which we live. For these reasons I offered this amendment, in the hope that it would meet the views of every gentleman, as it embraces the constitutional interests of every section. These questions are always unpleasant to me, but when I see them made the instrument of a little brief excitement, I do not dread the result if an appeal be made to the intelligence of the people of this Union.

Mr. CALHOUN.—If I understand aright the explanation of the honorable Senator, his object is to avoid any decision on this question on the part of the Senate.

Mr. HOUSTON.—That is the object.

Mr. CALHOUN.—The most simple form of effecting that object is to strike out the section. No change is in reality made by the amendment. That is my judgment. All must desire to act in light rather than darkness. In order, therefore, that we may have time for deliberation, I move that the amendment be printed, so that it may be before us to-morrow.

Mr. DAVIS, of Massachusetts, here moved an adjournment.

Mr. HANNEGAN hoped that the Senator would withdraw his motion—that the amendment would be agreed to, and that the Senate would then go into Executive session.

Mr. CALHOUN strongly objected to pressing the amendment, and insisted that it did not in the slightest degree vary from the original section.

Mr. BERRIEN contended that the amendment would be entirely nugatory, and that the provisions of the bill would remain just as they were. The question before the Senate and the country was, and he desired the people of the South to understand it, the extension of the provisions of the ordinance of '87 to the territory of Oregon.

Mr. UPHAM renewed the motion to adjourn.

A division was called for, and it resulted as follows:

Ayes	24
Noes	29
Majority against the motion	5

Mr. WESTCOTT then moved that the bill be passed informally over until to-morrow for the purpose of going into Executive session.

Mr. BRIGHT desired a vote upon the bill immediately.

Mr. WESTCOTT said this was a question of vital importance, and he did not wish to see any attempts to apply the gag.

Mr. BRIGHT disclaimed any such design. He thought that there was an evident desire on both sides of the chamber to put the question to test, by obtaining a vote to-day.

Mr. MANGUM apprehended that it would not be possible to obtain a vote to-day.

Mr. HANNEGAN pressed his motion for an Executive session. He was quite willing to sit till Monday morning, if a decision of the question could be obtained; but if it was the will of the majority that the bill should be postponed, he must acquiesce.

The yeas and nays were called for, and being ordered, were taken, with the following result:

YEAS—Messrs. Atchison, Badger, Baldwin, Bell, Berrien, Butler, Calhoun, Cooke, Cuthbert, Dayton, Fairfield, Archibald Gray, of Mississippi, Dayton Davis, Hunter, Johnson of Georgia, Lewis, Morgan, Miller, Niles, Sebastian, Spruance, Turney, Underwood, Upham, Woodbridge, and Yulee—24.

NAYS—Messrs. Allen, Ashley, Bagby, Benton, Borland, Bradbury, Breese, Bright, Dickinson, Dix, Fitch, Foote, Hannegan, Huntington, Moor, Rusk, and Sturgeon—17.

The Senate then entered into Executive session, and after a short time spent therein, adjourned.

SATURDAY, JUNE 3, 1848.

PETITION.

Mr. STURGEON presented a memorial from citizens of Philadelphia, Pennsylvania, praying that a post road may be established and a railroad constructed between the cities of New York and Philadelphia; which was referred to the Committee on the Post Office and Post Roads.

COMPENSATION TO LABORERS.

Mr. HALE submitted the following resolution, which was considered by unanimous consent, and referred to the committee to audit and control the contingent expenses of the Senate:

Resolved, That Lloyd Wahon and Sylvester Gray, laborers in the service of the Senate, be allowed, the former two dollars, and the latter one dollar and fifty cents, per day, to date effort from the commencement of the present session of Congress; to be paid under the direction of the committee to audit and control the contingent expenses of the Senate.

HOUR OF MEETING.

Mr. DOWNS submitted the following resolution, for consideration:

Resolved, That on and after Monday next, the Senate will meet at 11 o'clock A M

RECESS ORDERED.

On motion by Mr. HANNEGAN, it was

Ordered, That when the Senate adjourns on Monday next, it will adjourn to meet again on Thursday.

PRIVATE BILL.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom was referred the petition of Wade Allen, reported a bill for his relief; which was read and passed to the second reading.

PRE-EMPTION RIGHTS.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill from the House of Representatives in explanation of an act, entitled "An act to appropriate the proceeds of the public lands, and to grant pre-emption rights," reported it without amendment, and recommended its immediate passage.

The Senate proceeded to consider the said bill as in Committee of the Whole; and no amendment being made it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed the joint resolution of the Senate in favor of Daniel Sharp and Benjamin F. Hough, officers of the Senate for the relief of W. B. Slaughter, late assistant door-keeper of the House of Representatives, with amendments in which they request the concurrence of the Senate.

They have passed the bills of the Senate for the relief of Joseph Wilson; for the relief of Charles L. Ball, late secretary of Pensacola Railroad; for the relief of James and Baker; and for the relief of Richard Bloss and others.

They have also passed a bill to prohibit the importation of adulterated, deteriorated, and misnamed medicines, and several private bills, in which they request the concurrence of the Senate.

PALMER'S MEMOIR.

On motion by Mr. DIX, it was

Ordered, That two thousand additional copies be printed of the memoir of Aaron H. Palmer on the State, resources and capabilities for commerce of Siberia and other countries of the East, with the accompanying additional map, for the use of the Senate,

STATISTICS OF AGRICULTURE AND MANUFACTURES.

On motion by Mr. UNDERWOOD, the prior orders were postponed, and the Senate proceeded to consider as, in Committee of the Whole, the joint resolution requiring the Commissioner of Patents to report annually upon the prices of labor, and the productions of agriculture and manufactories.

Mr. BENTON.—This resolution, it seems to me, is opening a field for inquiry which has no limit, no boundary. It proposes a collection of facts gone by—things of no more value than the contents of last year's almanac. It proposes to ascertain the prices of produce and manufactures, and the price of labor every where during yast years. When you have got these facts collected what are you going to do with them; and in the first place, how are you to get them. The Commissioner of the Patent Office is ordered to collect them, but I take it, he has his hands full already with his business of patents, and his new department of collector of agricultural statistics. The examination of patents is in arrears about how many months? Can any Senator inform me?

A SENATOR.—Seventeen months.

Mr. BENTON.—The proper business of the Department is so much in arrear, that people having business with it are applying continually to members of Congress and officers of government, to have their patents extended. The proper business of the office is now greatly in arrear, and yet we are going to create new duties for the Commissioner; we are going to open a new office for him, compared to which his present office is nothing in point of labor or expense. It is a matter that will occupy the whole of his time, and will require the services of a great number of individuals all over the United States. And when their communications are received, how are they to be verified? Are you going to have a man appointed at every place where labor is performed, where produce is sold, to collect this information? What will be the expense attending such a proceeding, and when the matter has all been collected, what will it cost to print it? The collection and the printing will amount to more than the expenses of the two Houses of Congress, and after all, what will be its practical utility? People are guided in their business transactions by the prices current of the day, and not by prices as they have been in years past. It will require at least two or three years to collect and publish the information here proposed, and when published it will be of no value whatever. I can see nothing in the proposition but an undertaking that will be attended with boundless expense, the result of which when accomplished, will be of no more value than the contents of last year's almanac.

Mr. UNDERWOOD.—I regret very much to have introduced a proposition which excites the opposition of the gentleman so experienced as the Senator from Missouri. If I had entertained the least idea that the consequences likely to result from this proposition would be such as the honorable Senator has indicated, I should never have introduced it. If I had thought that the resolution was susceptible of being construed according to the interpretation put upon it by the Senator from Missouri, I would never have introduced it. But I have taken the precaution to converse with the Commissioner of Patents in regard to the expense that will attend this matter, for I anticipated that some objections might be made on the score of expense, and I was informed that there would be no additional expense. If the Senator from Missouri will examine the resolution, he will find that the whole agency to be employed in procuring this information is the Post Office Department. And he will find further, that all that will be necessary for the Commissioner of Patents to do, will be to address a circular stating the information required to the various postmasters throughout the country, and when the matter is returned, compile it for publication. It is not intended, as the Senator from Missouri seems to suppose, that in collecting these statistics we shall go into any very great minutiæ. I do not contemplate any thing of the kind. But if the gentleman is apprehensive, that the resolution will be too searching, that it will be needlessly minute in regard to agricultural statistics, I am willing to insert only the leading articles, the staples of the country, leaving out all minor productions. But, says the gentleman, after all the information is obtained, it will be of no more use than a last year's almanac. In that I differ with him. I had designed, in framing and offering this resolution, to obtain information, which, if it can be obtained, will be of paramount utility to this country. I have heretofore felt the necessity for such information, and I will give an example which will illustrate the whole subject. How is your army supplied? How is your navy supplied? Where does the food, clothing, and other articles, costing you some hundreds of thousands of dollars annually, come from? You obtain them by contract, and I recollect some ten or fifteen years ago, looking into the accounts for the supplies furnished the army, I saw in one instance that a contractor employed to furnish oats, had given double and treble the price for which they could be procured. Now had there been published information such as it is here proposed to be published, you would have had a guide in regard to the prices which ought to be paid, and the Department would not have been liable to be imposed upon. There is, it appears to me a utility, in a work of this kind which cannot be denied. Suppose you have but one report from each State in the Union, or at least the various reports be reduced into the compass of one article, and you will have but about thirty columns of matter of an ordinary size newspaper. The gentleman's objection in regard to the expense of printing may be entirely removed. It cannot cost a thousand dollars, and will any one say, that the information will not be worth that much, even

if it have no other utility than that which I have pointed out—of furnishing something like a check upon extravagant expenditure in the contracting department of the government. This is the inducement with me in offering the resolution, and I regret very much that it has excited the opposition of so distinguished a gentleman as the Senator from Missouri. That the proposition should meet with so strong an opposition from a gentleman of so much practical knowledge and one who has occupied a place so long upon this floor I exceedingly regret. If I could discover the evil which he apprehends I would most assuredly withdraw the resolution. But believing that it would be useful, and that it would cost little or nothing, I hope the Senate will give it a favorable consideration.

Mr. BENTON.—If the honorable Senator feels so much regret that his proposition has met with opposition from me, in order to get rid of that opposition it would be very easy for him to withdraw his resolution. But he does not withdraw it. The Senator says he has no idea that a work of this kind will be attended with the expense I have supposed. Does the Senator remember when the Patent Office was charged a few years ago with the collection of agricultural statistics, they produced a work of about fourteen hundred pages, the printing of which amounted to some ninety thousand dollars? Did any body suppose when the thing was ordered that the expense was to be so great? No, sir. But that book of 14,00 pages is nothing compared to what would be produced under this resolution. To carry out the object proposed, the information must be minute and universal, and when fifteen or twenty thousand Postmasters now in the United States have burthened the mails with answers to these interrogatories, in a way in which every one will do for himself, you will have a mass of documents which you have never dreamed of. How many clerks would it be necessary to employ to digest all this matter under the proper heads? And when it is all prepared and digested, you have only gone through the preliminary steps. Then comes the printing of your hundred thousand volumes, and that is not all. They must be distributed. This is an immense labor, and when distributed, then comes the great point of what earthly use would it be. The gentleman says that some oats were bought for the government on one occasionat double price. Does it require any such book as this to detect a transaction of that kind? Did the gentleman find it out by any such book? Is there a human being who, for practical purposes, would look into it? No, sir. For practical purposes every one will look at the prices current at the present time, and not at those paid at some former period. There is no knowledge of past prices that can alter the present prices in the market. Will it show gentlemen in the cotton growing region what they may expect to receive for their cotton? The recollection of prices would be of no avail, in fact every body will recollect what they have heretofore received, without the assistance of such a book. The utility of it then dwindle's down to the subsistence department of the government, in case they should want to buy more oats. Gen. Gibson, and Gen. Jessup are, I apprehend, better acquainted with the prices of the various articles necessary to be purchased for their various departments than to allow the government to be imposed upon. I saw once a communication to Congress concerning an enormous price that had been given on the frontier of Missouri for coal. It appeared to have cost the government $13 a bushel, it was so carried out in the account stated, that the enormity of the item created a great deal of excitement, but when the original account came to be examined, it turned out to be 13 cents. I hope the gentleman will reconsider the matter and withdraw his resolution, but if it is persisted in, I want further time to pursue the matter, and to convince the gentleman, as well as the Senate, that the republication of old prices current can be of no value to any body.

Mr. UNDERWOOD.—I was sincere in the regret which I expressed at meeting the opposition of the distinguished Senator, but when I express regret of that kind, however sincere, I am governed nevertheless by my judgment, and by the reasoning of gentlemen here. And when the Senator from Missouri addresses himself to that judgment, he must do it in a different style from that of sarcasm and ridicule. I expressly told the gentleman that the case to which I referred regarding the purchase of oats, was merely an individual case in illustration of the whole subject. There is a great deal of labor employed by the government in the building of fortifications, vessels, &c., in addition to the public money that is paid out for the subsistence and clothing of the army and navy, and for all these branches of the service you will find tables such as are here proposed extremely useful. I have as much confidence in the heads of the departments of subsistence and clothing as the Senator from Missouri. I have the utmost confidence in their judgment, skill, and fidelity, as officers of the government, but, notwithstanding that I have such confidence, does it follow that this information will be of no value? But you have set an example for this thing—you set it every ten years. Look at your last census. Look at the columns you have devoted to information of this very character, and where is the difference between my proposition and the means taken by you to obtain similar information, which you have obtained and paid for. There is this difference: I propose to obtain it annually, and in such a way as that it will cost nothing to obtain it. If it should be afterward deemed unadvisable to incur the small expense that will be necessary for printing it, will not the gentleman have it in his own power to dispose of that question? Are you not willing to put it in the power of Congress to say whether such a document shall be printed or not? It appears to me there can be no such danger of running into excessive expense, as the Senator from Missouri seems to apprehend. I have already informed him that I have no desire to go into minutiæ. I only wish to reach the great manufacturing and agricultural statistics, a work in which you have set me the example every ten years; and I desire they should be collected more frequently. I have made these remarks without being more anxious perhaps than many other Senators that the resolution should be passed. I do not intend to consume any more time upon the subject at present. If the Senate is not ready to act, I have no objection that it shall lie over until some future occasion.

Mr. BRIGHT moved that the further consideration of the resolution be postponed until to-morrow.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill from the House of Representatives for the relief of Emanuel Berri and John M. Keese, was read the first and second times, by unanimous consent, and referred to the Committee on Commerce.

The bills from the House of Representatives for the relief of John Ozias; and authorizing the Secretary of War to issue a duplicate of land warrant number 1469, which originally issued in favor of Adam Hart, February 3d, 1829; were severally read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

The bills from the House of Representatives for the relief of H. D. Johnson; for the relief of the legal representatives of Robert Fulton, deceased; and for the relief of Thomas B. Graham, were severally read the first and second times, by unanimous consent, and referred to the Committee of Claims.

The bill from the House of Representatives for the relief of William Fuller and Orlando Saltmarsh, was read the first and second times, by unanimous consent and referred to the Committee on the Post Office and Post Roads.

The bills from the House of Representatives for the relief of Anna Griffin, of the county of Wyoming, State of New York; for the relief of William Butler; for the relief of Artemas Conant; granting a pension to Ruth Hallenback; for the relief of Jesse Washington Jackson; for the relief of James Fugate; for the relief of Samuel Gray; for the relief of Lizin B. Canfield; for the relief of John Hibbert; for the relief of Daniel H. Warren; for the relief of Nathaniel Shiflet; for the relief of Lewis Hastings; and for the relief of Skelton Felton, were severally read the first and second times, by unanimous consent, and referred to the Committee on Pensions.

ADULTERATED DRUGS.

The bill from the House of Representatives prohibiting the importation of adulterated, deteriorated, and misnamed medcines, was read the first and second times, by unanimous consent, and considered as in Committee of the Whole; and

On motion by Mr. DIX, it was

Ordered, That it lie on the table.

PRIVATE BILL AND RESOLUTION.

The Senate proceeded to consider the amendment of the House of Representatives to the bill for the relief of William B. Slaughter, late Secretary of the Territory of Wisconsin; and it was

Ordered, That it be referred to the Committee on Territories.

The Senate proceeded to consider the amendment of the House of Representatives to the joint resolution for the relief of David Show and Solomon T. Corser; and it was

Ordered, That it be referred to the Committee on the Post Office and Post Roads.

THE OREGON BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish the territorial government of Oregon.

Mr. FOOTE.—I hope the Senator from Georgia will consent that this provision shall be further amended in order to make it as perfect as possible. I move to insert after the word "inhabitants" the following words:

"Shall prior to the [illegible]"

I will add a short explanation, although I do not know that any is necessary. I understand that an objection, and a very serious one, is made, that notwithstanding the amendment that has already been made in this section of the bill, yet if the proceeding part of the section be retained without any modification, the same evil will still exist. I do not concur in that opinion, nor do I concur in the opinion that any amendment in any part is necessary; but with a view of cutting off all argument and objection, I have moved this amendment.

Mr. BRIGHT.—As far as I am authorized to speak, as one of the members of the committee, I will say that there is no objection to this amendment being inserted.

Mr. WESTCOTT.—I am not certain that I correctly understand to what the amendment is intended to apply. It it applies to the ordinance of 1787, it is one thing, and if it applies to the "provisional" government of Oregon it is a very different thing. Perhaps it is intended to refer to the laws of Iowa and Wisconsin, or the legislation of the future legislature of Oregon. I hope the Senator will inform us specifically as to which it is intended to apply, and its effect and object. Whatever may be the object in my opinion, it does not change the effect of this 12th section in the least. I learn, it is supposed this amendment will leave the question about slavery to the decision of the judiciary—to the Supreme Court of the United States. How, I ask? In what mode will it be brought up to the Supreme Court? Under what law? By what process? In which cases, civil or criminal? What power have the Supreme Court to decide as to the operation of the ordinance of 1787, or the laws of Iowa and Wisconsin, or the laws of the "provisional" government of Oregon. The case of Scott vs. Jones, 15 Peters, shows that under the present acts of Congress, that court has no jurisdiction. In Michigan some years ago, while there was a territorial government there, the people held a convention and formed a State constitution, without an act of Congress authorizing such proceeding. Their legislature under that State constitution, passed a law the constitutionality of that law was contested; and in order to have a decision, the case was brought up to the Supreme Court. Justice Woodbury delivered the opinion of the court, deciding that the federal judiciary had no cognizance of the case. So it has been the decision in relation to the ordinance of 1787. On this point I refer to 2 Peters' reports 505. The law to give the Supreme Court jurisdiction, under the 25th section of the judiciary act, must be an act of a State legislature. None of the other laws of Congress conferring the appellate jurisdiction of the Supreme Court under the constitution, have any more applicability to cases that will arise under this act of Congress, than the 25th section of the judiciary act. Of what use, then, is this amendment? We are told that the laws of Iowa and the ordinance, and the laws of Oregon, are only to apply according to the principles of the constitution and the laws of the United States—and we are left without any remedy, except from the inferior tribunals which you create by this act of Congress—without any remedy whatever to enforce rights, which it is said the constitution and acts of Congress guarantees to every citizen. Besides, I wish to be satisfied what particular clause of the federal constitution applies to the cases now presented. I hope it will be cited. In my humble opinion, the constitution of the United States does not contain any express provision on the subject. It contains no clause but that in the 4th article, referring to territories. The decision of the Supreme Court of the United States in the case in 1st Peters, 547, maintains the true ground as to the territories. Why, sir, the reference, it seems to me, might as well be to Magna Charta, or the constitution of France, or the constitution of the State of Massachusetts, or of Mississippi, as to the constitution of the United States and acts of Congress. I object to this amendment, and to that offered on yesterday by the Senator from Texas, [Mr. HOUSTON.] First, because the federal constitution contains no provision that can operate on the ordinance of 1787, or on the laws of Iowa or Wisconsin, or the laws of the "provisional" government, or their sanction by this bill, or on the laws of the future territorial legislature of Oregon. If I am wrong, I hope the clause will be cited. The right to take slaves to Oregon from the slave States rests on the fact that there is nothing in the constitution prohibiting it. In the second place, if there be such provision, it does not require an act of Congress to make it operative. I have been taught to believe the constitution is the paramount law, and if it applies, does not need an act of Congress to sanction and adopt it. And in the third place, this amendment is delusive and deceptive, (I do not use the word offensively,) without affording any shield or security for the reasons just stated; and even if I err on this point, in not affording any judicial remedy—not prescribing the mode and means of resort to the judiciary. If the effect is any thing, it is that the amendment recognizes a naked right, without giving any remedy. It is perfectly inefficacious. It does not change the effect of the bill in any shape or manner whatever. I shall not vote for the amendment, therefore, because I think it utterly inoperative.

Mr. FOOTE.—I do not perceive now, nor did I at first, the imperious necessity for the argument of the Senator from Florida. It is very easy to show that the decision of the Supreme Court, to which he has referred, has nothing to do with the question now under consideration. But as it desirable that this bill should be passed with as little delay as possible, I shall throw no obstacle in the way by interposing any lengthened remarks after the lucid arguments of the Senator from Florida, not one word of which was pertinent to the question. He said he considered this amendment as amounting to precisely the same thing as that offered by the Senator from Texas yesterday. That is true. I intended to make it so in substance. The Senator from Florida is not now to be informed for the first time, that there are gentlemen who contend that every citizen of the United States has a right to go into each one of the territories, and demand the recognition there of such property as he possesses. Well, if these gentlemen be right, it must be obvious to all that my amendment is very material, in order to make the bill conform to the constitution, and to shut out all objection.

Mr. UNDERWOOD.—We have a bill before us proposing to establish a territorial government in Oregon, and to extend the laws and jurisdiction of the United States over that territory. We propose to appoint a governor and judges, and other officers to administer the system of jurisprudence that is now about to be introduced for the first time in the territory of Oregon. And when this bill takes effect; when the governor and those judges are thus invested with authority in Oregon, the principles of the constitution of the United States will be obligatory upon them, and if you insert a clause in this bill declaring that they shall be obligatory, it amounts to nothing, because they are so necessarily; for, after the organization of the territory, and the appointment of this governor and these judges, the constitution of the United States becomes the supreme law of the land; and every right to which citizens of the United States are entitled under it, the citizens of that territory will be entitled to by virtue of its existence there as the supreme law. I am, therefore, opposed to saying any thing in this bill, by way of giving legislative effect to the constitution and laws of the United States in that territory. When the gentleman from Connecticut, and the gentleman from New Hampshire addressed the Senate yesterday, I endeavored to get the floor, for I wanted to say something in reply to what had been said by both gentlemen. And I intend now briefly to notice some of the positions taken by them, which, I think, as a southern man I ought to notice. The Senator from Connecticut, in the course of his remarks expressed the opinion, that the South, in consequence of its being a slaveholding country, was more united than other sections, and that, in consequence of that union growing out of the institution of slavery, we possessed an undue political influence, and had been managing all the affairs of the government favorably for southern interests, and in opposition to the North. I want to investigate this position and see upon what foundation it rests. It does seem to me that the Senator from Connecticut was mistaken when he supposed that the people of the South were politically united more than the people of the North. Why look at the past. You see Tennessee and Kentucky, adjoining States, occasionally differing in political sentiments, and giving different votes in reference to the Presidential election, and if you look at the whole southern portion of the United States you will find, not in one, but in many instances, the different States taking different courses in regard to their political conduct, precisely as at the North. And I think that when the opinion is advanced, that in consequence of the existence of the institution of slavery we are more consolidated and united, and have an undue influence in wielding the affairs of this government, it is a mistake. But assuming for argument sake that it is the case, though I utterly deny it, what is the remedy that the people of the North propose for this evil as they conceive, in consequence of which we are regarded as possessing more political weight and power in this Union than we ought to have? The remedy is to attack this institution which exists among us; and you see the assault made on all occasions when it can be brought about. Against this course I protest and complain. How is it here? Is this discussion in which we have been engaged for two or three days of any practical moment? It is admitted on all hands that it is not. It is conceded by every one that this institution will not exist in Oregon. Well, sir, with this confession why is it, that when a bill of this sort is before the Senate we cannot proceed with it without introducing such remarks as we have heard from the Senator from Connecticut, and the Senator from New Hampshire? I admit, that looking to the great accession of territory which we shall obtain if the treaty with Mexico be ratified, lying south of 36° 30', territory which we did not own at the time the Missouri compromise was formed, what we do now may become a matter of some consequence; and I do not know but the movement that is now made may have in view ulterior matters that may hereafter come before Congress to be settled. And I think, that in the movement and the speeches I have referred to, I can see a disposition on the part of Senators from the Northern portion of the United States to restrict in every possible way every thing like the extension of the institution of slavery over any portion of our acquired territory, as well as of that which we now possess. It was remarked by one of the gentlemen, that in this nineteenth century, when the principles of liberty seemed to be bursting forth in every part of the world, and shackled humanity about to throw off its chains, it becomes us to arrest the progress and extension of slavery. But the Senator who made the remark ought to have remembered, that the great principle of self-government, which, I hope, may be extended to every part of the world, the great principle of popular right arises from the capacity of mankind to govern themselves. It is not a thing to be enforced upon them. What is the course the North is taking? In no offensive sense I must be permitted to say, that it really seems to me to be a little pharisaical—blessing themselves that they are better than their neighbors, and saying, you shall not have such institutions as you please, but shall take such as we prescribe for you. Is this the great democratic principle of the age? Is this the principle of self government? No, sir; it is the principle of monarchy—it is the principle of despotism. With the view of preventing, as you say, the extension of slavery, you assert a principle by which you prescribe to other people the rules by which they shall be governed. I ask you if it be not arrogant assumption on your part to prescribe institutions for other people, while you deny the right of others to intermeddle with your own?

Now, what do we, who advocate the striking out of the 12th section, contend for? We simply say, leave the matter to the people of Oregon. They have already declared that slavery shall

not exist among them. But when they did so this government had given the people of Oregon no authority to legislate; and consequently their anti-slavery declaration was an unauthorized act. By the bill before us, for the first time we concede to them the right to make laws, such as their circumstances and interests may require. In doing this, all that I ask is, that we may not prescribe the social institutions they shall adopt. Leave them free to act and it is to be presumed that as they have acted heretofore, so will they act again. By taking this course you will avoid that arrogant presumption, which, it seems to me, attaches to any people who undertake to prescribe for others a system of laws which are not to operate upon themselves. This is just the position which the people of the South occupy. They say to the people of the North, do not undertake to prescribe a system of laws which cannot operate upon you, but which operates upon us. Leave us free to adopt our own system, and when you do that, you are acting on the principle of self-government. But just as soon as you interpose, and say that we shall adopt this particular system, to that extent we become subject to your power contrary to our own volition and judgment, and to that extent we are manacled and made your slaves. Do you not treat the people of Oregon in this way when you say they shall not have slavery if it be their desire? Does it not involve you in that arbitrary and domineering doctrine I have adverted to? You undertake to say you will not leave them free; you undertake to say you will prescribe for them a rule—one which, as I have already said, however, can have no practical effect. But you undertake this on the ground that you have a right to it, because it is territory which belongs to the United States. And at the same time you have declared in this very bill that the people of that territory shall legislate for themselves—that they shall modify, repeal, and change the laws they have adopted. You have conceded to them all legislative power, and when you have done that where is the propriety of prescribing how it shall be exercised? All you have to do is, to extend your constitution and laws over them, and that constitution and those laws will be enforced by the judiciary.

Since the 1st day of January, 1808, according to the constitution and act of Congress approved on the 2d March, 1807, the people of the United States have been prohibited from introducing any slaves into the country from abroad. Well, if you cannot bring in slaves from abroad, does it increase slavery to permit those which you have to scatter themselves over more States than one? You may say that they will propagate faster if you send them to other States, than if you confine them to one. Is that your humanity? Is that the abolition humanity of the Senator from New Hampshire? Would he pen them up and keep them within circumscribed limits, because, by extending into new territory they would increase more rapidly? Sir, I hope that arguments such as these will never be advanced here.

In my opinion, all nations have the right to change or modify their fundamental laws of government. The Declaration of Independence upon which the abolitionist harps from morning to night—of the equality and freedom of men by birth, from nature, contains the very principle I am now adverting to, viz: that all people when their form of government becomes irksome to them, have a right to change or modify it. You may prescribe rules to the people of Oregon so long as they remain under your jurisdiction as a territory, but when they form a State, and as such become admitted into the Union, if they choose to alter the laws to give them, they are at perfect liberty to do so. And if they choose to introduce slavery for the first time, by repealing your legislation prohibiting it, or to retain the institution of slavery where it previously existed, you have no power to prevent it. If Ohio or any other State subject to the ordinance of '87 were now to change her constitution and admit slavery, can this government in consequence of the change, drive her out of the Union? Have the laws to control a State in this particular. Why then shall we undertake to handcuff and manacle a territory?

Mr. DAYTON.—As the Senator from Kentucky is so distinguished for his professional reputation, as well as his statesmanlike views, I am anxious to hear a distinct enunciation of his principles as to the right of the federal government to exclude slavery in the territories under its jurisdiction. Did I or did I not understand him to admit the existence of that right?

Mr. UNDERWOOD.—I admit that during the existence of territorial governments, you have a right to legislate for them within the limits of the constitution of the United States. It is said, however, that there is a constitutional prohibition to the passage of a law prohibiting slavery in a territory, but I am inclined to think there is none; I am moreover inclined to the opinion that slavery cannot exist in a territory without the positive sanction of law tolerating it. However, I do not desire to go into that matter now. I desire to see how this apparently difficult subject can be treated constitutionally so as to harmonize the mind of the country upon it. This is the object of my rising. The idea was advanced here the other day that this slave power was a great evil to the North, and augmented the influences of the South so as to give it an undue preponderance over the remaining portions of the country. Now, sir, in a few words, I propose to show you that the course of the North on the subject of slavery, if carried out fully, will only tend to an augmentation instead of a dimunition of this evil of which the North, groundlessly as I think, complains. What is the proposition of remedy from the North? Why, that we should emancipate our slaves. Well, suppose we do it, will that lessen the slave power as it is called? Under the constitution three-fifths of our slave population are estimated in making up our federal number, and to that extent we have political weight on account of our slaves. But just as soon as our slaves are made free, then the whole of them are estimated in fixing our federal number, and therefore, unless we confer upon the emancipated slave the right of suffrage, we shall gain by this northern remedy additional political weight equal to the two-fifths of our slaves not now estimated. At present our slave population gives political power as three to five. The North complains of this as unjust, and proposes a remedy which will increase the power! Was there ever such infatuation before presented to a gazing people! Look at your constitution; I beg Northern men to consider that instrument. At present we have a political influence growing out of our slave population as three to five. But destroy the institution of slavery, make all the slaves free, let them count in the table of population every ten years as free, and as free men, have proportionate consideration in securing to the South additional members of Congress and Presidential electoral votes, the free white population will alone be gainers by this augmentation of Southern power. It does astonish me when I hear gentlemen from the North get up here and talk about our political influence and power, and suggest a remedy for the alledged evil, by desiring us to set the slaves free, while at the same time they are adopting constitutional provisions to prevent emancipated slaves from emigrating to the free States, as in the case of Illinois, and expelling them by mobs, or threatening to do it, when they do emigrate, as was the case with the Randolph negroes, thus compelling them to remain in one section of the country. Sir, you are confining them entirely to the South; and is this your humanity?

Do you suppose, sir, that if this scheme of the Northern abolitionist prevails, that we are going to extend the right of suffrage to our black emancipated population? Sir, I believe in New York and many other of the free States of the North, this subject has been extensively discussed, but have they been willing to allow the negro population equality of suffrage? In South Carolina, Mississippi, and Louisiana, slaveholding States of the South, where the majority of the inhabitants are blacks, if this right were extended to them, the white population would be placed under the power of the blacks; and in other slaveholding States they are so numerous, that if entitled to the right of suffrage, they might and would exercise a controling influence in our elections when there was the least division in sentiment among the white population. Do you expect that we are going to extend to that class, a privilege which would in its consequences upturn the entire state of things at the South, revolutionize our social order, lead to perpetual struggles and contentions among castes, and most probably bring life and property into eminent danger? It is not worth while to talk to us of matters of this sort. Our opinion upon this question is settled; and we have proclaimed this doctrine of liberal and political equality, of giving the black man the right of suffrage, of enabling him to control the government of many of the Southern States, you preach a doctrine against all reason and common sense, and one that you do not understand. Look at Yucatan and Hayti, and what do you see now going on in both these countries? Their towns and villages red with human gore. A horrid civil war prevails in both these countries, originating in the difference of race and lineage existing with the belligerent parties. The Indians cannot harmonize with the white men. The negro feels jealousy and hatred, bitter and irreconcilable towards his kinsman the mulatto, and wars are the consequence. I make these remarks, telling you at the same time that among the people of my own State slavery is not regarded as a blessing. I believe the majority of the people of Kentucky would gladly rid themselves of the institution, could it be done by separating the two races. While I make this acknowledgment, I assert that there is not, among the white population in Kentucky, one in a thousand who is not opposed to the abolition doctrine of political and social equality. Now, if the people of the North have any idea of forcing this doctrine upon us, we can only say that extermination is the preferable alternative. But what do we of the South propose in relation to this matter? We say let the people of the territories settle the question for themselves; cease this eternal agitation, and try to harmonize upon the principles of the constitution, as did our fathers of old. The position we take can be occupied harmoniously by every portion of this Union; and if our northern brethren will only join us, we shall present to the world such a spectacle of national prosperity and concord as has never been witnessed on the face of the earth.

But the gentleman from New Hampshire goes a little farther He thinks—and if I am not mistaken the Senator from Mississippi, (not now in his seat—alluding to Mr. FOOTE,) concurs with him in opinion—that this question of slavery is to influence in a great degree, if it does not control, the approaching Presidential election. I understand the gentleman from New Hampshire to say that in case the whig convention at Philadelphia nominates a certain individual for the Presidency, to wit: General Taylor, of Louisiana, then the abolition feeling on the banks of the Ohio would roar like thunder against the nomination. Upon this point I desire to make a remark or two. Heretofore the people of the United States have had good sense enough not to allow the question of slavery to influence the question of the Presidential election. Is this question now to be introduced as a new element in the election for President of the United States? Are we to be told that the people of the free States will not vote for a slaveholder—that if the convention dare put in nomination such a man, they will

seal the political fate of the whig party, and consign it to perdition? Hitherto we have acted with our whig brethren of the North in selecting a candidate for the Presidency upon the platform of great measures of national policy. We have inquired in relation to the doctrines of revenue, protection, finance, internal improvements, and the veto power, and how these great questions would be controlled or affected by the individuals selected for office. Sir, when great measures of this kind, vitally affecting the public interests, are forgotten, and the subject of slavery is to be the test of the fitness of a candidate for the Presidency; and the fact of his residing in the sunny South, and a slaveholder, is to array the voting masses of the North against him—when this new test is made by the North we shall see a manifestation of southern feelings, if not of southern power, you little expect. I am not one of those, sir, who prophecy the dissolution of the Union. I do not say that even this test applied would occasion it. But I am extremely anxious, in the administration of the affairs of this government, to suppress all sectional asperities and jealousies, and to induce the people of the North and South to think and act upon this question in a fraternal manner, so that bitterness, mutual hatred, and useless agitation may cease. It is not in the nature of man to stand a system of eternal goading; all men are entitled to enjoy peace and quietness at their homes and in their families as natural rights. The agitating abolitionist does not accomplish any thing for the benefit of the slave. He does disturb the peace and quiet of families, by exciting fears in weak minds, which, instead of operating in favor of the emancipation of the slave, only tighten the chords which bind him. In my own State the northern abolitionist has greatly retarded the work of emancipation by his unwelcome attempts to intermeddle with our affairs, and his arrogance in assuming to instruct us in a matter exclusively our own. And because we do not act with the precipitancy he recommends, the flood-gates of calumny are hoisted, and we are deluged with insults and slanders. Now, sir, when all these things are taken into consideration, in connection with the new qualification for office which is threatened, and by which the men of the South are to be victimatized at the North, it is high time for us to look around and to ascertain, if we can, what we ought to do to rid ourselves of annoyance, and to maintain an equality of political eligibility with citizens of the free States.

The whigs of the South have stood by the whigs of the North, in advocating and sustaining measures in which we of the South felt that our pecuniary interests were rather injured than promoted; but convinced that these measures were beneficial, regarding all the States as composing but one great whole, we did not hesitate for the sake of a common country and for the general welfare, to take upon ourselves some seeming disadvantages. When all this is forgotten, and a new proscriptive test is applied to whigs of the South by those of the North, when southern institutions are to be overturned, and southern men proscribed, although I do not threaten, still I will say, there is danger of a resort to some revolutionary remedy to rid the South of supposed or real evils.

This new anti-slavery test is nothing less than the introduction of an amendment to the code of proscription for opinions sake, which has been heretofore exercised, with a view to get men out of office for the benefit of those who desired to get in. The amendment is designed to exclude from the highest office in the gift of the people, all slaveholders, and thus to appropriate the Executive department and all its patronage to the use of the citizens of the free States, and those who do not own slaves. It is about the same thing to close the door against merit, and thus prevent a patriot from receiving office, and to eject him from office without a fault, to make room for a partizan and favorite. The practice of removing from office in order to provide for favorites, has become almost a cardinal doctrine with all political parties of the country. I have been opposed to it from the time it was first started, and I shall oppose it till I die. The application of this new anti-slavery test is of the same proscriptive character. A word or two more upon this subject and I have done.

I felt it my duty to express my sentiments upon this question, because I believe they are the sentiments of that quarter of the country from which I come, and that upon them we can all harmonize. Gentlemen at the North speak of the preponderance of the slave power, when physically and numerically the North has the advantage. Look at the greater number of representatives from the free States in the other end of the capitol. Look at the disparity here when Iowa and Wisconsin shall be represented, for Delaware can no longer be classed with the slaveholding States. This institution of slavery operates against a dense population, so that the South may never become so populous as the free States at the North. Look also at the greater number of square miles of territory lying North of 36 30 the Missouri compromise line yet to be settled and formed into free States. Where, then, is the foundation of your supposed danger? A gentleman near me [Mr. DAVIS, of Mass.] says that I do not notice the dough-faces. Now, sir, if there be men at the North who have been considering the evils I have presented, who are not willing to be eternally goading and tantalizing us on this subject, and who say that they can harmonize with us on the great principles of the constitution given us by our fathers, call them dough-faces if you will, but I say that they stand on the true constitutional ground—the ground on which we have hitherto and always can harmonize. Do not gentlemen at the North perceive that the course which many of them take upon the subject of slavery, and especially if it is to be made a new test of eligibility to the Presidential office, tends to produce at the South a political alliance, offensive and defensive, with those who they are pleased to denominate "dough-faces?" Let whigs at the North forget all old issues as soon as they please—let them go for Cass, California, Cuba, and Cape Horn, if they choose, rather than support the conservative nominee of the whig national convention in case he should be a slaveholder. Let them distinctly come out like the gentleman from New Hampshire, [Mr. HALE,] and threaten us with anti-slavery thunder storms. When all that is done, and we of the South distinctly see it, then you may look for unified action in the South, and I tell my northern whig brethren that if those who they denounce as dough-faces can make a diversion in our favor, they will find that notwithstanding we are the weakest party, slavery becoming the great test, that the maxim "divide and conquer," will be engraved on the southern escutcheon. If we can divide the North, our whole weight will be thrown into one end of the scale, and we shall justify this course before God and man, upon the ground that it is the only thing left us whereby to escape the chains which northern fanaticism is forging for us. Sir, I believe such a state of things will be fatal to the best interests of all parties, and I give a timely warning in the hope that the North may consider and avoid the danger. It is for the North to take its course. The duty of the South is, to watch the signs of the times and to be ready to meet any emergency.—Formerly when a fugitive slave or a fugitive from justice, no matter for what indicted, escaped from any of our slaveholding States to a free State, he was delivered up and sent back without any difficulty; but let a man now, from New Hampshire for instance, go to the South, kidnap a slave and bring him into one of the free States of the North, no matter what kind of application may be made to the governor, or authorities of the State, he will not be surrendered and returned for trial to the State where he committed the offence. This proves, sir, that the feelings of mutual confidence, affection, and reliance upon the good sense and principles of all the States of this Union have greatly fallen off since the formation of the constitution. The South retaliates by passing laws oppressive upon the seamen of the North, and in violation of the constitution of the United States. When is this thing to end?—There is no end to it. It is a perpetual caustic application to an old sore, and cannot be remedied unless you harmonize upon the principles I have laid down. Place yourselves right upon the principles I have advocated, strike out of the bill every thing which can have the remotest bearing upon slavery, and leave the matter to be settled by the people of Oregon, as they have the right to do, and you will get clear of all difficulty. I go further; I wish the people of Oregon to settle it themselves; I do not desire to prescribe that they shall make their territory a slave or a free territory, but simply wish to leave the matter with them to decide for themselves. Had this course been adopted in the first place, the bill could have been passed in five minutes, and saved a useless and irritating discussion.

I hope I have given no offence in any thing I have said. I thought that the remarks by the gentlemen from New Hampshire and Connecticut [Mr. HALE and Mr. NILES] ought to be answered, and that their incorrectness might be shown very plainly. I was confident that it might be made manifest that the evil complained of, if removed by universal emancipation at the South, would enlarge the slave power in a new form and under a new name, instead of decreasing it. It would no longer be said that our slaves gave us political power; but it would be said that we had a free negro power, more dangerous to the North, in proportion as five is to three, than the slave power so much harped upon by the abolition choir.

Mr. BALDWIN.—Mr. President: In rising to address the Senate on the question now under discussion, I do not regard myself as the representative of any local or sectional interest. I stand here as a Senator in the Congress of the United States, in the performance of a duty imposed by the constitution, to legislate for the whole country in such manner as will best promote the common interest and welfare of the people of the United States, as one people, in providing for the government of a portion of our national domain. It involves, in my judgment, no question of State or individual right; but is purely a question of national policy and justice. It will be my endeavor to treat it as such, and neither to indulge in, or give occasion for, crimination or recrimination, in any remarks I may deem it my duty to make.

The people of the territory of Oregon having established themselves on the public domain, without the assent of the government of the United States, to whom the jurisdictions pertains, had no inherent right of legislation which the United States are bound either to recognize or confirm. Their legislation was the offspring of necessity alone; and their laws while unconfirmed, can be regarded as obligatory only by the tribunals of their own creation. They assert no claim to independence, but entreat us to confer on them the privileges of a lawful community, by the organization of a territorial government. Year after year they have petitioned for this boon. And as during all this period they have been left by the United States without any system of government, or laws for their protection, the Committee on Territories have, with great propriety, inserted in the bill the provision to give validity to their past legislation, which it is now proposed to erase.

The honorable Senators from Texas, [Mr. RUSK,] and from Louisiana, [Mr. DOWNS,] have urged the adoption of the amendment on the ground that there is no necessity for the section proposed to be erased, because without an express recognition of their validity, the laws enacted by the superceded government would continue in force till repealed. And the honorable Senator

from Texas, also supposes that there is an implied recognition of their validity in the 13th section of the bill. Both of these propositions may well be doubted. The adoption of the territorial government proposed by this bill supersedes the old system entirely. It treats the existing government established by the people of Oregon as a nullity. It contemplates no transfer of jurisdiction. It is unlike the case of a cession of territory received from an existing government, whose validity is necessarily recognized by the act, and whose laws continue until they are repealed. Such would undoubtedly be the case, in regard to the laws of New Mexico and California, in the event of the ratification of the treaty with Mexico.

But suppose it were true, that the laws enacted by the provisional government of the people of Oregon would continue in force without this provision, as the honorable Senator supposes—not by their own inherent power, but by the acquiescence and implied assent of this government—what harm would be done by the express recognition contained in the section proposed to be erased? Why should we be unwilling to declare openly on the face of the bill what we really intend? Why leave it to be implied, and expose our citizens to the hazard of a doubtful construction, by rejecting the clear and intelligible provision contained in the bill as reported by the committee? It appears to me that under the circumstances in which the people of Oregon have been placed, there is an obvious propriety in the express recognition by this government of all their proper acts of past legislation.

The people of Oregon, convinced of the evils of slavery, and aware of the advantages resulting from its exclusion as exhibited in the unexampled growth and prosperity of the States composed of the north western territory, have enacted what they denominate a fundamental law, forever prohibiting involuntary servitude in the territory. This law, among others, would be confirmed by the section proposed to be stricken from the bill. The honorable Senator from South Carolina, [Mr. CALHOUN,] and the honorable Senator from Alabama, [Mr. BAGBY,] have announced to the Senate the novel, and to my mind alarming doctrine, that Congress has no power to legislate so as to prevent a citizen of a slave State from emigrating with his slave property to any of the territories of the United States, and there holding them in servitude; that the people of the territory have no right so to legislate; and that Congress has no power to vest such authority in the territorial legislature. This doctrine the honorable Senator from South Carolina deduces from the equality of the States in the federal compact, from which he infers that no discrimination can be made between those who hold slaves, and those who do not.

Sir, what have the State governments to do with this question? What right of theirs is involved in the legislation of Congress for the government of the territories of the nation? The constitution of the United States was ordained and established by the people of the United States. It was made for, and adopted by the people of the United States, as one people, to enable them by means of the national government thereby created, to exercise in the manner prescribed, the powers specifically confided to that government for the accomplishment of the great national purposes set forth in the preamble to the constitution.

Before the Declaration of Independence, the several States being mere colonial dependencies of the British empire, the people of all the colonies owed allegiance to the King. The same constitution, and the same common law were appealed to as the source and guardian of their civil and political liberties.

While yet owing this common allegiance, they united to resist oppression, and to demand redress from their common sovereign. The Congress of 1776 was not composed of delegates from sovereign States, but from colonial legislatures owning and acknowledging allegiance to the British crown. They consequently had no authority, and could have none under such an appointment, to declare a dissolution of the connection of the colonies with Great Britain.

In making that ever memorable declaration, they did not, therefore, act as delegates of colonial legislatures, but as representatives of the people of the United States, then, for the first time, speaking as "ONE PEOPLE," and announcing their sovereignty to the world. It was the unanimous declaration of the thirteen United States of America, assuming to speak as ONE PEOPLE at the same moment that they passed from the condition of colonies to that of States. It was an authoritative declaration of persons assuming a right to a make it, in the name of the American people, that they no longer owed allegiance to the British crown.

That declaration when ratified and sanctioned by the people in whose name it was made, has the same force and effect as if previously authorized. It was the exercise by the American people, as a nation, of the highest attribute of sovereignty, claiming a right to establish for themselves an independent government. The declaration thus put forth in the name of the whole, was sustained by common efforts and sacrifices, and confirmed by a treaty which acknowledged their claim to equal rank among the nations of the earth. The several colonial jurisdictions became at the time of the Declaration of Independence, States, with an inherent power in the whole American people, to provide for their common welfare by a confederacy of States or a consolidated government. They chose the former and failed in their experiment.

The convention of 1787, which formed the constitution of the United States, was composed of delegates from the several States in their separate political capacities. They were appointed pursuant to a recommendation of Congress, "to prepare, amend, and alter the articles of confederation." They had no power conferred upon them directly by the people, and consequently had no authority in their name to organize a government, which should operate on individuals, in any other way than through the State legislatures. But the members of the convention were convinced that the system they were delegated to revise, was wholly inadequate to the exigencies of the country. The experiment regarded with such intense interest by the friends of liberty throughout the world, was on the verge of irretrievable ruin. The system of legislating for States in their political capacity, had been proved by experience to be wholly insufficient; and it would have been so from the beginning, had not the external pressure by the common enemy, kept them united for the purpose of defence. They were now divided among themselves; distracted with jealousies industriously fomented by aspiring demagogues, a prey to internal dissention, without credit, and almost without respect of foreign nations.

The wise men who composed that convention perceived that unless a more perfect union could be formed, it would be in vain to attempt to secure for themselves and their posterity, the blessings of that liberty, which it had so long been the object of their united efforts to acquire. Assuming a responsibility required by the occasion, they determined to abandon the instructions under which they were convened, and in the name of "the people of the United States," to form one nation of the confederate States, with a constitutional government, specifically invested by the people with every power deemed needful for the accomplishment of the great objects enumerated in the preamble to the constitution, a government to which allegiance should be due from every citizen.

Now, as each individual, before the formation of the federal constitution, owed allegiance only to the State to which he belonged, it was necessary that the new government, which required to a great extent the transfer of that allegiance to itself, should be adopted, not only "by the people of the United States," in whose name it was ordained, but by the people of each of the States in their separate political capacity.

It was not enough that it should be adopted by a majority of the people of the United States, unless it had likewise the assent of the people of each particular State, since they alone, to whom the sovereignty pertained within their particular limits, had a right to transfer the exercise of such of its attributes as the common welfare required to the government of the Union.

It was competent for the people in the several States, if they pleased, to unite in the adoption of a constitution which should make them one nation for all purposes, and entirely subvert the governments of the several States. But this could only be done legally by the people of each State in its separate convention assembled with the consent of the existing government. Hence the necessity, as well as the propriety from considerations of convenience, of submitting to the people in their State conventions for ratification, the constitution which was ordained in the name of the people of the United States.

The constitution when ratified took effect according to the manner of its adoption by the convention, as the act of the whole community upon whom it was to operate. All the people became "citizens of the United States," as well as citizens of their respective States.

The President of the United States, Senators, &c., are required by the constitution to be "citizens of the United States;" and the crime of treason, which necessarily implies allegiance, is created and defined. The government of the United States having been adopted by a majority of the people of the United States, and of each State, is, to the extent of its powers, just as much the government of the people of the United States in their sovereign capacity, as the government of each individual State is the government of its people. The object of both governments is the same: to exercise in the name of the people, powers derived from the people for the protection and preservation of their rights and liberties. Neither government is sovereign or can exercise any power whatever, except so far as it is entrusted by its own people with the attributes of sovereignty, or the exercise of legislative power. Neither can impose laws on its citizens except by their consent. When the government of the United States acts, it acts upon individuals as citizens of the United States. When the State government acts, it acts upon them only as citizens of a State.

Whatever may have been the case before the adoption of the constitution, the people of each State are not now sovereign within the limits of the State. The constitution of the United States is paramount to the constitution as well as to the laws of the States. The people of the United States have prohibited the States from doing many acts which, before the adoption of the constitution, they might lawfully have done. These are limitations of the sovereignty of the people of the several States, imposed and secured by the concurrence of the people of the United States. It is not the government of the United States that speaks in these prohibitions. It is the people of the United States. They are imposed not on the legislatures of the States alone, but on the States themselves—on the people of the States as organized communities.

Mr. BORLAND here put one or two interrogatories to Mr. BALDWIN respecting the positions he had assumed.

Mr. BALDWIN replied, by reading from a judicial opinion of the late Chief Justice Marshall, as follows:

"The government of the United States is a government of the people; its powers are granted by them, and are to be exercised directly on them, and for their benefit. Although limited in its power, the government is supreme within its sphere of action; and its laws, when made in pursuance of the constitution form the supreme law of the land."

Mr. BORLAND here stated that the Supreme Court was a tribunal whose decisions were binding upon the courts of the country, but not upon the legislature of the United States; nor could their decisions authoritatively define the powers of this government. Neither did he recognize the authority of Chief Justice Marshall, the mere opinion of a distinguished jurist, as worthy of greater consideration on the constitutional powers of the government than the opinions of Thomas Jefferson and James Madison which were directly opposed thereto.

Mr. BALDWIN.—I must address myself, then, to Senators who do acknowledge the authority of of that august tribunal, and of the eminent judge whose sole employment it was, through a long and glorious life, to expound and elucidate the constitution and laws of his country:

"In construing this question," says Chief Justice Marshal, 4 Wheaton, 402, "the counsel for Maryland have deemed it of some importance, in the construction of the constitution, to consider that instrument, not as emanating from the people, but as the act of sovereign and independent States. The powers of the general government, it has been said, are delegated by the States who, alone are truly sovereign. It would be difficult to sustain this proposition. The convention which formed the constitution was indeed elected by the State legislatures; but the instrument, when it came from their hands, was a mere proposal, without obligation or provisions to it.

"It was reported to the existing Congress with a request that it might be submitted to a convention of delegates, chosen in each State by the people thereof under the recommendation of its legislature, for their assent and ratification. When they set they act in States. But the measures they adopt do not, on that account, cease to be the measures of the people, or become the measures of the State governments. The assent of the States in their sovereign capacity is implied in their calling conventions. The people were at liberty to accept or reject it."

What, then, are the powers of Congress over the territories of the United States? Has Congress power to prohibit or to authorize the prohibition of human slavery in a territory in which it does not exist? This power has been exercised from the origin of the government. It was exercised under the confederation by the ordinance of 1787, with the assent of the delegates from every State. And almost immediately after the organization of the government under the present constitution, an act was passed containing the necessary provisions in order that the ordinance might "continue to have full effect." It was exercised again in what is called the Missouri compromise, and in the organization of the territorial governments of Wisconsin and Iowa.—For the source of the power of Congress to legislate for the government of the territories, resort has commonly been had to that clause in the constitution which empowers Congress

—"to dispose of and make all needful rules and regulations respecting the territory or other property of the United States."

But I think it is also expressly conferred, as incident to the power of acquiring territory, by the provision

"that Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States." &c.

If the constitution vests in the government of the United States the right to acquire the dominion or sovereignty over new territory, which has not, by becoming a State, acquired the power of self-government, thereby creating the necessity for legislation, Congress must pass the proper and necessary laws to meet the exigency. It follows, therefore, that Congress must judge what laws are necessary and proper for the government of the territory, according to the spirit of the constitution, and most conducive to the general welfare and interests of the people of the United States. The States, as such, have no interest in the territory acquired by the nation to justify their interference with its government. No citizen of a State has a right to go there with, or without his property, till Congress gives him the liberty. Congress may, if it judge it best, keep the territory wholly unoccupied, as was proposed in regard to the territory between the Nueces and the Rio Grande; or it may dispose of the land to immigrants from abroad; to free people of color; or to the Indian tribes. If Congress deem it most promotive of the general interest to provide for its settlements as free territory, excluding no one, but securing to every inhabitant his personal liberty, whose rights, I ask, are violated?

When a citizen of South Carolina emigrates with his property to settle in another State or territory, he ceases to be a citizen of the State which he has abandoned, or to have a claim on her sovereignty for his protection. He goes upon the public territory as a citizen of the United States, and is entitled to the rights, privileges, and immunities of a citizen of the United States, under the laws of the territory and to nothing more.

If the citizen of South Carolina emigrates to a slave State with his slaves, though he does not carry with him the slave laws of South Carolina, he carries with him what those laws regarded as property, and which by the comity of the State to which he has come, will, in accordance with their own laws, continue to be so regarded. But the condition of the slave there will be governed, not by the laws of South Carolina, but by the laws of the State into which his master has brought him to reside. If the citizen of South Carolina, instead of going with his slave to a slave State, should take him to Massachusetts, he would there be regarded as a freeman. Why? Because there is no slave law there that recognizes the right of man to hold property in man; and the law of comity never prevails in favor of a law which violates the law of our own country, or the law of nature. Yet if the same citizen had brought his horse to Massachusetts, he would, of course, have remained his property still, because the horse, like any inanimate property, is every where the subject of ownership.

If, on the other hand, the slave escape from South Carolina and come as a fugitive to a free State, the master is authorized by the constitution to retake him wherever he can find him, for the purpose of carrying him back to the State under whose laws he was held to service or labor.

But the convention which formed the federal constitution, though they recognized slavery as existing in regard to persons held to labor by the laws of the States which tolerated it, carefully excluded from the constitution every expression that might be construed into an admission that there could be property in man. Mr. Madison objected to a clause as it was originally reported, on the ground "that it admitted that there could be property in men," an idea which "he thought it wrong to admit into the constitution;" and it was altered in conformity with his wishes.

What, then, is the property which a slave-owner has in his slave? It is just that power which the laws of the State or territory in which he resides confer. If those laws do not recognize slavery as there existing, it is nothing; for the laws of the State he has left have ceased to operate. In every community in which the law of nature is uncontrolled by positive law, all men are free and equal in regard to their personal rights. Slavery is a *status* contrary to the law of nature. It had its origin in force, and can exist, as a legal relation, only by positive law. This is not the doctrine of the free States alone; it has the sanction of the highest judicial authority in the slave States, as well as in the free. In a volume of reports by the honorable Secretary of the Treasury (Walker's Rep. 36) is contained a decision of the Supreme Court of Mississippi, that

"Slavery does not exist by the law of nature. It exists, and can exist, only through municipal regulation."

In the same volume, p. 83, it is said by the court:

"In the constitution of the United States slaves are expressly designated as persons. The right of the master exists not by force of the law of nature, but by virtue only of the positive law of the State."

The Supreme Court of the State of Louisiana, in a case reported in 14th of Martin, 404, say that the relation of owner and slave in the States of this Union in which it has a legal existence, is a creature of the municipal law.

The Supreme Court of Kentucky, also, in 3 Marshal, 470, say:

"Slavery is sanctioned by the laws of this State, but we consider it as a right existing by a positive law of a municipal character, without foundation in the law of nature."

This, too, is the doctrine of the common law, and fully sanctioned and sustained by the Supreme Court of the United States.—Hence it was that when the ordinance of 1787 declared that slavery should not exist in the territory North-West of the Ohio, all slaves then there, or afterwards brought there by their masters, became free.

If the proposition of the honorable Senator from South Carolina be true, it would follow that the moment foreign territory is acquired by treaty or otherwise, it becomes, *eo instanti*, slave territory, having local laws to sustain the unnatural relation of owner and slave—laws which cannot be abrogated while the territorial government shall endure. I should like to know what sort of slave laws would come into existence by virtue of the action of the President and Senate in the formation of a treaty, or of the operation of the constitution of the United States, *proprio vigore*, on the territory acquired. The property of the South Carolina slaveholder is just that control over the life of another which the laws of that State give him. The property of a Delaware slaveholder being that alone which the milder laws of Delaware confer—a right to other thing. The offspring of the one are slaves for life, while those of the other are but servants for a time. Which of these slave laws are to spring into existence in the territories of the United States? Or, are the inhabitants and territorial authorities to be required to become skilled in the *code noir* of all the States, so as to be able to administer them in all their variety? No, sir. Unless a slave law is enacted by Congress or by the people of the territory by their authority, the natural law of liberty, as proclaimed by our fathers, will remain in full force. And whoever removes there with his slave, comes into a jurisdiction where no law exists to retain him in servitude.

But, sir, if this be not universally conceded to be the law, I would not leave it as a matter of doubt, in the organization of a territory now free. Not only is there now no slave law existing in Oregon, but the people have endeavored, by a fundamental law, to secure themselves against the introduction of slavery. Why should the people of the United States desire to inflict it on them with all its attendant evils? Will the people of the United States be benefitted by so doing? Will the people of Oregon be benefitted? Senators who oppose this prohibition admit that, in its practical operation, no public interest will be prejudiced by it.—They say that slavery can never be profitably introduced into Oregon. Then, why not suffer the prohibition to continue? Other Senators entertain a very different opinion. There is nothing invidious in this prohibition. It is in accordance with a policy universally approved at the organization of the government, and which has immortalized the names of the authors of the ordinance of 1787. The territory is equally open to the immigration of the free laborers of the Southern as well as of the Northern States.—The number of slaveholders, in relation to the entire free population of the Southern States, is comparatively small. A large proportion of the emigrants from the South are not slaveholders. They go to avoid the evils of a system which inevitably tends to the dishonor of free labor, and to subject them and their families to innumerable privations. To those who desire to emigrate with their slaves immense and fertile regions are now open and unoccupied, far ex-

ceeding in extent the territory which invites the settlement of the free laborer of the North and South.

We are here to legislate on this question as American statesmen for the promotion of the common welfare, and not of merely sectional interests. The territories acquired by this government beyond the limits of the States, must be as completely subject to its jurisdiction, in all proper subjects of legislation, as those of a State are to the jurisdiction of the State government. The people of the territories have no constitutional rights, as such, until they are extended to them by Congress, as they are in the bill under consideration, and in every act for the government of a territory. It seems preposterous to claim, then, that in a territory beyond the jurisdiction of any State, whose inhabitants have ceased to be the citizens of any State—a territory in which slavery has never existed, its exclusion in accordance with the desire of its inhabitants, can be regarded as a violation of any State or individual rights under the constitution of the United States. No citizen has any such interest in the common property of the Union as to render it unjust for Congress to deny to him the right of settling upon it with his slaves. If so, it would be equally unjust to give power to the people to exclude him, by their admission into the Union as a State, so long as any portion of the soil within its limits continued to be the property of the United States. If it is competent for the State of Virginia, Massachusetts, Connecticut, or New York to prohibit the continuance of slavery within those States respectively, it follows that there is nothing in the nature of slave property which prevents it from being the object of exclusion by any government exercising the powers of sovereignty over the territory of the United States, without the limits of a State. The clause in the constitution of the United States providing for the surrender of fugitive slaves, implies the truth of the principle I have asserted. By that article slaves are regarded as persons from whom service may be due, under the laws of the States in which slave laws have force, and the right to keep them there in servitude by virtue of those laws, is declared and secured. This right being acknowledged to that extent only, it follows that an escape by a slave, or his forcible abduction from the State whose laws hold him in servitude, is regarded as a violation of duty—a wrongful act, which, consequently, does not confer on him the right to be regarded as a freeman in the State to which he has fled or been forcibly carried, if his master desire to retake him for the purpose of subjecting him again to servitude in the State from which he fled. The same provision applies equally to the relation of master and apprentice for a time. The provision in the constitution is founded on a principle somewhat analogous to that which provides for the surrender of fugitives from justice. It gives extra-territorial force to the local law just so far as is necessary to prevent the fugitive from gaining his liberty, by what the law of his domicil regards as a wrongful act. But it has been invariably decided, that if the owner of a slave voluntarily takes him into a State where no law exists to impair the natural equality of rights, the slave is free.

Mr. BERRIEN.—Suppose he is shipped on board of a vessel bound from one slave State to another on the high seas?

Mr. BALDWIN.—On that question I may perhaps differ in opinion from some Senators whose views on this subject are generally coincident with my own. In my judgment he ought to be free. If negroes, originally belonging to the State of Maryland or Virginia, are shipped as merchandize on board of a vessel to be transported on the high seas to a Southern market for sale, by virtue of what law, I ask, are they holden as property, while sailing under the flag of the United States, without the territorial limits of either of those States? Does the vessel carry with her any portion of the sovereignty of the State of Maryland or Virginia? If those States had been separate and independent sovereignties, like Spain or France, the laws of the State under whose flag they were sailing would have determined the personal relations of the individuals on board. The vessel, while on the high seas, would have been regarded, with all on board, as still under the jurisdiction of the State to which she belonged. But under the constitution of the United States, the sovereignty of the several States is confined to their territorial limits. The jurisdiction over our vessels at sea is national. Commerce and navigation by sea are subject to the exclusive regulation of Congress. Our vessels are vessels not of a particular State, but of the United States, whose flag they bear; and offences committed on board of them at sea are offences against the sovereignty of the United States. The slave laws of Maryland and Virginia, therefore, could have no force of themselves on board a vessel on the high seas, any more than they would have in the territory of Iowa over a slave who had been voluntarily sent there by his master. The constitution of the United States confers no power on the government to establish or regulate the institution of slavery. It forms no part of the duty of the government in the exercise of its power "to regulate commerce among the several States," to protect or recognize as legitimate commerce the traffic in, and transportation of slaves by sea as merchandize. But as Congress have in fact passed a law to regulate the coastwise transportation of slaves, it has been supposed that during their passage on shipboard, their former legal relation would continue.

Sir, I cannot regard this as a merely local question, affecting the people of Oregon alone. It is a great question of national policy involving responsibilities and consequences affecting the whole American people, and fixing for all future time the destinies of our immense territorial acquisitions bordering on the Pacific. We have not acquired this territory for the mere purpose of giving room for the expansion of our population. We have room enough already and to spare, for generations yet unborn. It is regarded as an object of national interest from its position, its capabilities of sustaining a vigorous and industrious population, and of opening to our enterprising citizens new avenues to the trade and commerce of the world. It belongs to the nation—to the people of the United States, as an organized community. It is for us, acting as their representatives, discarding our sectional feelings, and regarding it as a national question, to judge of what will most conduce to the welfare of the whole people, and now—while the territory is all free—to decide for all time to come whether it will promote the common weal, and be in accordance with the spirit of our institutions to plant slavery there, or to exclude it.

Who that bears in mind the countless blessings that have been and are now enjoyed by the great States, whose unexampled prosperity has filled the once north-western territory with a prosperous and happy people, and added so much to the wealth, and to the strength and glory of this republic, in consequence of the exclusion of slavery by the ordinance of 1787, can wish to deprive the people of Oregon of the opportunity of imitating this glorious example? Have we not a common interest in whatever will promote the prosperity and add to the strength of our possessions on the borders of the Pacific? Will it aid us in the performance of our common duty of defending them against foreign aggression, to introduce what Mr. Madison declared to be "an element of imbecility and weakness" in their midst? Would it not tend to increase, as it has done elsewhere, the danger of war with the surrounding Indian tribes, as well as with the people of the adjoining territories? And, if so—which would seem to be quite apparent—have we really a duty imposed upon us by the constitution, to extend and sustain the institution of slavery from the shores of the Atlantic to the Pacific ocean? Is that the guarantee which is found in the constitution?

No, sir; it is our duty to exercise the powers conferred by the constitution for the promotion of the greatest good of the people of the United States, in harmony with those great principles of human right and liberty, which this whole people, as a people, have united to declare and establish. Those principles can never authorize Congress to create slavery, or any other institution founded in violation of the laws of nature, nor to disturb the compromises of the constitution by laying the foundation for the establishment, in the free territories of the Union, of new States to be admitted with a slave representation to increase the inequalities already existing.

Mr. HALE then took the floor, and moved that the further consideration of the bill be postponed until Monday; which was agreed to.

Mr. BADGER, by unanimous consent, submitted the following amendment, which he proposed as a substitute for the amendment submitted by Mr. FOOTE this morning:

SEC. 12. After the word "inhabitants," insert the following—"but shall not be subject to the restriction expressed in the sixth article of the compact contained in the ordinance of seventeen hundred and eighty-seven, for the government of the territory of the United States northwest of the river Ohio."

Mr. FOOTE said that this amendment was the result of a conference between the Senator from North Carolina and himself, and accepted it as a modification of his own.

OUR FLAG FROM MEXICO.

Mr. DAYTON submitted the following resolution for consideration:

Resolved, That the VICE PRESIDENT be requested to have the flag of the United States first erected by the American army upon the Palace in the capital of Mexico, and now to be presented, deposited for safe keeping in the Department of State.

Mr. DAYTON briefly pointed out the propriety of the resolution, and showed by reference to precedents, that this disposition of the flag was in accordance with the established practice of Congress.

The resolution was agreed to.

EXECUTIVE SESSION.

On motion by Mr. HANNEGAN, the Senate proceeded to the consideration of Executive business; and after some time spent therein,

The Senate adjourned.

MONDAY, JUNE 5, 1848.

CREDENTIALS.

Mr. NILES presented the credentials of the Hon. ROGER S. BALDWIN, elected a Senator by the General Assembly of the State of Connecticut, to fill the vacancy occasioned by the death of the Hon. Jabez W. Huntington; which were read.

The oath prescribed by law having been taken by Mr. BALDWIN, he took his seat in the Senate.

MAP OF OREGON AND CALIFORNIA.

Mr. BENTON presented to the Senate a map of Oregon and California, prepared by J. C. Fremont in obedience to a resolution of the Senate.

Mr. BENTON —At the session of the Senate before the last, an order was passed directing the compilation of a map of Oregon and California, from materials collected by Mr. Fremont in his first and second expedition, and also such as he might collect in his third expedition. The map has been compiled. So far as the materials extend, they have been all worked up. The map exhibits the western part of this continent more fully and perfectly than it has ever before been known. Mr. Fremont takes out no copy right for any thing that he has done. The map was prepared, as I have said, under the order of the Senate, and now awaits its disposition. Believing that a map upon a reduced scale would be useful to the country, Mr. Fremont has furnished also a projection of such a map, which can be readily lithographed or engraved. Accompanying the map is a geographical memoir of about forty or fifty pages which illustrates the map, and is intended to accompany it. Having brought the matter to the notice of the Senate, I will offer the following resolutions:

Resolved, That the Secretary of the Senate be authorized to contract for lithographing and printing ——— copies of J. C. Fremont's map of Oregon and California, reduced from the original according to the projection to be furnished by the said J. C. Fremont.

Resolved, That there be printed for the use of the Senate, the same number of copies of J. C. Fremont's geographical memoir on Upper California, and in illustration of his map of Oregon and California, the examination and printing of said memoir to be subject to the revision and correction of the author.

The Senate proceeded to consider said resolution, by unanimous consent, and the blank in the first resolution having been, on motion by Mr. BREESE, filled with "twenty thousand," they were agreed to.

RESOLUTIONS OF THE LEGISLATURE OF RHODE ISLAND.

Mr. CLARKE presented a resolution passed by the Legislature of the State of Rhode Island, requesting the Senators and Representatives of that State in Congress, to urge upon that body the abolition of slavery in the District of Columbia, or the immediate removal of the seat of government of the United States within the limits of some one of the non-slaveholding States; which was read, laid upon the table, and ordered to be printed.

PETITIONS.

Mr. BORLAND presented a memorial of citizens of Arkansas praying the purchase of Mount Vernon by the government; which was referred to the Committee on Military Affairs.

Mr. DOWNS presented the petition of Robert W. Richardson, praying the confirmation of his title to a tract of land; which was referred to the Committee on Private Land Claims.

Mr. BENTON presented a petition of citizens of Missouri, praying the establishment of a Western Armory at Cape Girardeau in that State; which was referred to the Committee on Military Affairs.

VACANCY IN THE JUDICIARY COMMITTEE.

On motion by Mr. DOWNS, it was

Ordered, That the PRESIDING OFFICER fill the vacancy in the Committee on the Judiciary occasioned by the absence of Mr. MOOR.

LAND DISTRICT IN LOUISIANA.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill from the House of Representatives to attach a portion of the North-western Land District of Louisiana, to the District north of Red river, Louisiana, reported it without amendment, and asked for its immediate consideration.

The Senate proceeded to consider the said bill as in Committee of the Whole, and no amendment being made it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

INCREASE OF THE MEDICAL CORPS OF THE NAVY.

On motion by Mr. MILLER, the prior orders were postponed and the bill for the increase of the medical corps of the Navy was read the second time, and considered as in Committee of the Whole.

Mr. BREESE.—Will the the honorable Senator be good enough to explain the necessity for the bill?

Mr. MILLER.—It may be shortly explained by a reference to a letter of the Secretary of the Navy. Owing to the severe service required of the medical corps during the last two years, that corps has been reduced to such an extent, that there is not now a sufficient number of medical officers to perform the service. Many of the surgeons, and assistant surgeons, are returning from the service in such a condition that it is impossible that they can be again employed for a length of time. I will send to the chair a letter from the head of the Bureau, addressed to the Committee on Naval Affairs.

The letter was read by the Secretary.

Mr. BREESE moved to amend the bill by inserting after the word "President" the words "by and with the advice and consent of the Senate;" which was agreed to.

No further amendment being made, the bill was reported to the Senate, and the amendment was concurred in.

Ordered, That this bill be engrossed and read a third time.

The said bill was read a third time, by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The President of the United States approved and signed the 31st of May, the bill entitled "An act making appropriations for the support of the Military Academy for the year ending the 30th of June 1849;" and, the 2d instant, the bill entitled "An act to refund money for expenses incurred, subsistence, or transportation furnished for the use of the volunteers, during the present war, before being mustered into the service of the United States."

JUDICIAL POWERS TO MINISTERS AND CONSULS.

Mr. DAVIS, of Massachusetts, moved that the prior orders be postponed, and that the Senate proceed to the consideration of the bill to carry into effect certain provisions of the treaties between the United States and China and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United States in those countries.

Mr. DIX.—This is a measure of great importance, and I would say to the Senator from Massachusetts that it ought to be considered in a full Senate.

Mr. DAVIS, of Massachusetts.—The Chairman of the Judiciary Committee is desirous of speedy action on the bill.

Mr. BUTLER.—I am in favor of the consideration of this bill. If it is to be acted upon at all, it ought to be passed at this session. It is an important subject and should not be delayed.

Mr. DAYTON.—I have no special objection to the consideration of this bill, beyond that which connects itself with the business before the Judiciary Committee generally. There are a number of bills that have been reported from that committee which are important. One reported by myself, concerning the surrender of fugitives from justice, is particularly so. I have not moved in the matter, but have left it take its course on the calendar. If the business of the Judiciary Committee is to be taken up out of its course, I think the order of the business as reported by the committee ought to be observed.

The question being put on the motion to take up, a division was called for, which resulted: ayes 9; noes 14.

No quorum voting—

Mr. BADGER demanded the yeas and nays.

They were ordered.

Mr. WESTCOTT —I am perfectly willing to take up this bill whenever the Senate is full, for I think it is one of those bills which require that every member of the Senate should be present. I

do not agree with the honorable Senator from Massachusetts, that the bill will not give rise to discussion. I regard it as one of the most important questions that can be presented to Congress. I do not think a more flagrant violation of the constitution can be perpetrated, than to establish courts in a foreign country, and give plenary powers to our judges there. It appears to me to be a startling proposition. It may be that I do not understand it, though I have read the bill attentively. It may be that I do not yet understand how it is to be carried into operation. I certainly look upon it as a most pernicious bill, and hope it will not be taken up until there is a full Senate.

Mr. DAVIS, of Massachusetts.—The question is merely whether you will do your own hanging or let the Chinese do it.

Mr. CAMERON.—I have no particular objection to the consideration of this bill, but I think the business ought to be taken up in its regular order.

The question being put upon the motion to proceed to the consideration of the bill, it was determined in the negative as follows:

YEAS—Messrs. Atchison, Atherton, Badger, Baldwin, Berrien, Butler, Dana, of Massachusetts, Downs, Hunter, Mason, Norris, Spruance, Underwood, Upham, and Webster—15.

NAYS.—Messrs. Benton, Borland, Bradbury, Breese, Calhoun, Cameron, Davis, of Mississippi, Dawson, Dickinson, Dix, Felch, Lewis, Rusk, Sebastian, Turney, Westcott, and Yulee—17.

PATENT OFFICE REPORT.

Mr. BADGER moved that the Senate proceed to the consideration of the resolution heretofore submitted by him, ordering the printing of 20,000 copies of so much of the annual report of the Commissioner of Patents, as had been ordered to be printed by the House of Representatives.

Mr. WESTCOTT desired that the resolution should be deferred until the public printer should have laid upon their tables, as he had promised to do, a bound copy of the work referred to by the resolution, which had been prepared for the House of Representatives, in order that they might examine the work.

Mr. BADGER.—Every body has seen them.

Mr. WESTCOTT.—I have not.

Mr. BADGER.—But the session is drawing to a close.

Mr. WESTCOTT.—It will occasion no delay.

Mr. CALHOUN.—I do hope we shall know something about the size of the document before we order it. I believe the Senate two years ago ordered a somewhat similar document which cost them about ninety thousand dollars—a document made up of scraps for the most part. For my own part I am utterly opposed to the whole affair. I hope the resolution will not be taken up.

After some further conversation, the question being put, there were on a division ayes 16 and noes 7.

No quorum voting—

On motion,

The Senate adjourned.

THURSDAY, JUNE 8, 1848.

PETITIONS.

Mr. BADGER presented the petition of Gaspard Tochman, praying the passage of an act authorizing a change of the venue of certain suits to which he is a party, now pending before the United States Circuit Court for the District of Columbia, to the United States Circuit Court for the District of Maryland; which was referred to the Committee on the Judiciary.

Mr. CALHOUN presented the petition of Maria Caldwell Robertson, representative of James Caldwell, deceased, praying the payment of certain outstanding loan office certificates; which was referred to the Committee on Revolutionary Claims.

ADJOURNMENT OVER.

On motion, it was

Ordered, That when the Senate adjourn it be to Monday next.

THE SOUTHERN MAIL.

Mr. PEARCE, from the Committee on the Post Office and Post Roads, to whom was referred the resolution of the Senate of the 17th January last, upon the subject, submitted a report accompanied by a joint resolution to authorize and require a renewal of a contract for carrying the mail.

The joint resolution was read and passed to the second reading.

Ordered, That the report be printed.

PRIVATE BILLS, ETC.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom the following joint resolution and bills from the House of Representatives were referred, reported the same without amendment:

Joint resolution relative to evidence in applications for pension.

An act for the relief of Anna Yarrington.

An act for the relief of Anna Gitlin, of the county of Wyoming, State of New York.

An act granting a pension to Ruth Hollenbace.

An act for the relief of Eliza A. Mellon.

An act making appropriations for the payment of navy pensions for the year ending 30th June, 1849.

An act for the relief of William H. Wilson.

An act for the relief of Amos Bull.

An act for the relief of Maurice R. Simons.

An act for the relief of Henry N. Halsted.

An act for the relief of John Farnham.

An act for the relief of Andrew Flanagan.

An act for the relief of William Gott.

An act for the relief of Catharine Hoffman.

An act for the relief of Mary Pike.

An act for the relief of Gideon A. Perry.

An act for the relief of Joseph Taylor.

An act for the relief of Mary W. Thompson.

An act for the relief of John Haup.

CHANGE OF REFERENCE.

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That the Committee on Pensions be discharged from the further consideration of the report of the Secretary of the Navy, communicating papers filed by Mary Cassin, in her application for a pension; also from the further consideration of the following bills:

An act for the relief of William Butler.

An act for the relief of Robert Ramsay;

and that the same be referred to the Committee on Naval Affairs.

PRIVATE BILLS.

Mr. BREESE, from the Committee on Public Lands, to whom were referred the petition and documents relating to the claim of Charity Herrington, reported a bill for the relief of Charity Herrington; which was read and passed to a second reading.

Mr. BREESE, from the same committee, to whom was referred the petition of William L. Wigent, reported a bill for the relief of William L. Wigent, which was read and passed to a second reading.

THE JEFFERSON PAPERS.

Mr. MASON, from the Committee on the Library, to whom was referred the memorial of Thomas J. Randolph, submitted a report, accompanied by a bill, authorizing the purchase and publication of the papers and manuscripts of the late Thomas Jefferson.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of Executive business; and after some time spent therein,

On motion,

The Senate adjourned.

MONDAY, JUNE 12, 1848.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

To the Senate of the United States:

I communicate herewith a report from the Secretary of State, together with the accompanying documents, in answer to a resolution of the Senate of the 31st ultimo, "requesting the President to communicate the correspondence (not heretofore communicated) between the Secretary of State of the United States and the Minister of the United States at present near the government of France."

JAMES K. POLK.

WASHINGTON, June 9, 1848.

The message having been read—

On motion by Mr. MASON, it was

Ordered, That it be printed, and that five thousand copies, in addition to the usual number, be printed for the use of the Senate.

CREDENTIALS.

Mr. BRADBURY presented the credentials of the Hon. HANNIBAL HAMLIN, elected a Senator by the Legislature of the State of Maine, to fill the vacancy occasioned by the decease of the Hon. JOHN FAIRFIELD; which were read.

The oath prescribed by law having been administered to Mr HAMLIN, he took his seat in the Senate.

REPORT FROM THE WAR DEPARTMENT.

The PRESIDENT, *pro tempore*, laid before the Senate a communication from the Department of War, in answer to a resolution of the Senate of the 28th of April last, in regard to the expenses of the national armories, the cost of arms, and the quantity of arms made, procured, condemned and sold; which was read.

Ordered, That it lie on the table.

PETITIONS.

Mr. WEBSTER presented the petition of Daniel G. Ingraham, heir and legal representative of Joseph Ingraham, deceased, praying compensation for certain manuscript journals of two voyages to the northwest coast of America, in 1787 and 1791, which were used for the purpose of substantiating the claims of the United States to territory on that coast; which was referred to the Committee on Foreign Relations.

Mr. JOHNSON, of Maryland, presented two memorials of officers and non-commissioned officers of the District of Columbia and Maryland regiment of volunteers in Mexico, contradicting certain allegations, contained in a memorial of Charles Lee Jones to Congress, against the conduct of the officer commanding that regiment, and praying that an investigation of the matter may be directed by Congress; which were referred to the Committee on Military Affairs.

Mr. DICKINSON presented the memorial of George C. De Kay, praying the reimbursement of money expended by him on account of the frigate Macedonian, while employed in transporting provisions for the relief of the distressed population of Ireland and Scotland; which was referred to the Committee on Naval Affairs.

Mr. BRADBURY presented the petition of Isaac Davenport, heir of Joseph Davenport, deceased, a revolutionary soldier, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. DAVIS, of Mississippi, presented the memorial of James Ferrell, a soldier in the Mexican war, praying an increase of pension; which was referred to the Committee on Pensions.

Mr. BRADBURY presented a petition of citizens of Maine, praying the discontinuance of the mail from Weld to Andover, and the establishment of a mail route from Mexico to Byron in that State; which was referred to the Committee on the Post Office and Post Roads.

Also, the petition of the heirs of Isaac Worthen, deceased, a revolutionary soldier, praying to be allowed arrearages of pension; which was referred to the Committee on Pensions.

Mr. DAYTON presented a memorial of citizens of Trenton, New Jersey, praying the removal of obstructions in the Delaware river; which was referred to the Committee on Commerce.

Mr. WESTCOTT presented the memorial of George Colee, Postmaster at Picolata, in East Florida, praying an increase of compensation; which was referred to the Committee on the Post Office and Post Roads.

On motion by Mr. ATHERTON, it was

Ordered, That the heirs of Phineas Babcock have leave to withdraw the documents relating to their claim.

THE WAR CORRESPONDENCE.

Mr. BADGER submitted the following resolution for consideration:

Resolved, That there be printed for the use of the Senate ——— copies of Executive Document No. 60 of the House of Representatives of the present session, entitled the Mexican war correspondence.

CHARGE OF THE CAPITOL AND GROUNDS.

Mr. BADGER submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings be instructed to inquire into the expediency of transferring to the Secretary of the Senate and Clerk of the House of Representatives the charge of the Capitol and grounds, now exercised by the Commissioner of Public Buildings; and also into the expediency of abolishing the office of Superintendent of Public Buildings, and for other purposes connected therewith.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed a resolution fixing a time for the adjournment of the present session of Congress; in which they request the concurrence of the Senate.

They have also passed a resolution to cause the lamp and staff to be removed from the dome of the capitol; in which they request the concurrence of the Senate.

The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate for the signature of that President.

SIGNING OF A BILL.

The PRESIDENT, *pro tempore*, signed the enrolled bill of the House of Representatives entitled "An act to appropriate the proceeds of the public lands and to grant pre-emption rights."

RETIRED LISTS FOR THE ARMY AND NAVY.

On motion by Mr. YULEE, the prior orders were postponed and the Senate proceeded to consider the bill "to increase the efficiency of the army by a retired list for disabled officers," and the bill "to promote the efficiency of the Navy."

Mr. YULEE moved that said bill be referred to a select committee.

The further consideration of the subject was postponed until to-morrow.

JACKSON AND BRANDON RAILROAD.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill from the House of Representatives to amend an act entitled "An act to appropriate the proceeds of the sales of the public lands," approved September 4, 1841, reported it without amendment.

On motion by Mr. DAVIS, of Mississippi, the prior orders were postponed, and the Senate proceeded to consider the said bill as in Committee of the Whole.

No amendment being made, the bill was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

PRIVATE BILLS.

Mr. BREESE, from the Committee on Public Lands, to whom were referred the following bills from the House of Representatives, reported them without amendment:

An act for the relief of John Ozias.

An act authorizing the Secretary of War to issue a duplicate of land warrant No. 1469, which originally issued in favor of Adam Hart, February 3d, 1823.

An act extending to John Whitesides heirs the privilege of purchasing a quarter section of land which was drawn to him as a soldier, prior to March 2d, 1830.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the petition of John Leroy, submitted a report accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. JOHNSON, of Louisiana, from the same committee, to whom was referred the bill from the House of Representatives for the relief of Fielding G. Brown, reported it with an amendment.

THE PATENT OFFICE REPORT.

The Senate proceeded to consider the motion submitted by Mr. BADGER, on the 19th ult., that 20,000 copies of so much of the annual report of the Commissioner of Patents received during the present session as has been printed by the House of Representatives, be printed for the use of the Senate.

Mr. WESTCOTT moved to amend the same by striking out 'twenty thousand" and inserting "fifty thousand," and adding at the end thereof the following:

"to be bound in like manner; and also five thousand copies of the residue of said report containing the laws relating to Patents, and the legal decisions thereon; and that one thousand copies of each be given to the Commissioner of Patents for distribution."

Mr. WESTCOTT.—I hold in my hand the book which has been printed under the resolution of the House, and which I propose shall be bound in like manner as this volume is, for the use of the Senate. The House has ordered 100,000 copies, and I propose that we shall have half that number. The work has been considerably abridged, and the printing will not cost over thirty-seven and a half cents per copy.

Mr. CALHOUN.—The Commissioner of Patents, I believe, has already more duties than he can attend to. If gentlemen propose to divide the duties of the department, and have one individual to attend to the internal affairs, be it so. But I ask them to reflect before burthening the Commissioner with duties which he cannot perform. With regard to the merits of this work I will not express any opinion at present, but will content myself with asking for the yeas and nays upon the motion.

Mr. HALE.—I shall have to vote against the amendment, and against the original resolution, whether amended or not. Since we have got into this book-making business, applications from all quarters are multiplying, and we shall find rather a serious difficulty in supplying all the demands, as it is to be done gratuitously. Solomon said, "to the making of books there is no end." It strikes me, that in his time there was no beginning, in comparison with what we have at present. I am opposed to the whole of it.

Mr. BADGER.—I have the misfortune on this occasion to differ with the honorable Senator from New Hampshire, and I regret that his zeal for preventing the publication of information for the people had not broken forth a little earlier. I regard this information as of more value to the people of the United States than the large amount of political matter which has been published from time to time by Congress. We have published, I think, 20,000 copies of the report on military affairs on the California claims, and we have ordered a large number of copies of the proceedings of the court martial in the case of Lieut. Col. Fremont. And I think it must be admitted that the people of the United States have far less interest in—far less desire to possess those papers than the report now proposed to be printed. For myself, I cannot estimate the precise value of these papers. I am neither a farmer nor a planter; but it is admitted that they are of great value to the agriculturist, and I do not think that an expenditure of money could be made that would be more advantageous to the people who are engaged in industrial pursuits in the cultivation of the soil. And as it is their own money which is to pay for the printing, I am exceedingly sorry that gentlemen should find fault with it. The Senator from South Carolina says, if we propose to establish a domestic department, let it be done. When that question comes up we will consider it. He says also, that the duties of the Commissioner of the Patent Office are too great. If so, let them be reduced. This does not increase the amount of his duty. This report is already made; and it will not increase the labor of the Commissioner, or promote the establishment, directly or indirectly, of any home office, by ordering it to be printed. I will not go into the propriety or impropriety of preparing this report; but I am clearly of opinion, that having been prepared, it is desirable that it should be printed.

Mr. CAMERON.—This Patent Office is the only branch of the government that sustains itself. It has a large fund to its credit in the Treasury which has been received from the patentees of inventions. It is but just then, that a portion of this fund should be appropriated to such a purpose as will benefit the very class of people from whom it was derived, and they are chiefly the farmers and mechanics of the North. This document is one of peculiar interest to the northern portion of the country. I receive communications daily from my constituents asking when it is to be published. We publish other works for which we pay thousands and hundreds of thousands of dollars.

Mr. WESTCOTT.—Our own speeches among the rest.

Mr. CAMERON.—Yes, our own speeches, a thing I have always regarded as being very unwise, and I hope that before the session is over, we shall put a stop to it. But the subject treated of in this book is of the utmost interest to our farmers; and if we publish at all, I think that 50,000 will not be too large a number.

Mr. HALE.—The Senator from North Carolina is astonished that I should interpose an objection here, because I had interposed no objection to the printing of something else. Now, it is exactly for the reason that the printing of this document can be objected to without rendering the person who objects obnoxious to any accusation against his patriotism. If the document had contained any thing political, or any thing relating to the army or navy, and I had objected to its being printed, my patriotism would probably have been impeached—I would have been set down as being indifferent to the interests and glory of the country; but here is a document that is separate and distinct from all such considerations. About its merits I have nothing to say, nor about the anxiety of individuals to obtain it. But there are many other books that the people would like equally well to obtain. I dare say if you were to print a hundred thousand copies of Dicken's last novel, it would be equally sought after. One word in regard to a remark of the Senator from Pennsylvania. He says this money ought to go back to the inventors, who have paid it for their patents. But it is not proposed by this resolution that it shall go to them at all. The books are to be put into the possession of members to be distributed amongst their friends. I think the system is wholly wrong. If the people want the book, they ought to procure it as they do all other valuable books.

Mr. WESTCOTT.—I wish to make one or two observations, in order to correct what I conceive to be a misapprehension. The expense incurred in printing the report from the Patent Office last year was a large amount—I believe about ninety thousand dollars—but the volume was more than twice as large as this, and the cost was more than one-third more for each page. This report, so far as relates to agricultural matters, is under the direction of the act of Congress, which prescribes that it shall not exceed three hundred pages. In respect to the objection that it is a work not necessary to be printed for the use of Congress, I will ask if, in the case of any document, of which we order ten, twenty, thirty, or forty thousand copies printed, so large a number is necessary for the use of Congress alone. We print, at the beginning of each session, the Executive message, at a very large expense, to distribute among our constituents. For what purpose? Why, to give them political information. Sir, I desire to give them this, not for the purpose of giving them political information, but for the purpose of relieving them from what has become nauseating to them. In relation to our own speeches, we pay $12,000 a year I believe, for having them published. But this book is much more valuable to the people than our debates. They will read it with much more interest. The printing of the additional number proposed here, will not cost any thing like the proportional expense of a smaller number. I have been informed that it has been stereotyped; and the expense will be but little. I am induced, however, at the suggestion of the Senator from North Carolina, and others, to withdraw my amendment, and propose 30,000.

Mr. NILES.—I supposed that this matter had been settled by the action of the Senate some years ago. It was very much debated then, and it seemed to be the general sense of the Senate that the whole proceeding was wrong, and that it should be stopped. I supposed that appropriations for this purpose had been abandoned. My objections to them rest upon two grounds. In the first place, it is an abuse—there never has been any law to sanction it; and in the next place, I do not think it is within the proper action of Congress to make appropriations for printing and publishing books in this way. If any thing be done in this matter, it should be by constituting a board or bureau, to be regulated by law, in order to give authenticity to its proceedings. The present practice is altogether too loose and irregular. It grew up in this way: a few days ago the Commissioner of Patents was authorized to collect agricultural statistics, and very soon we had placed upon our table a book of 400 pages, the whole of which might have been contained in a pamphlet of twenty pages, and was so intended by Congress. The Senate was startled to see so large a document produced under so small an authority as that merely authorizing the commissioner to collect some tables of statistics on the subject of agriculture. Now we have a report, but not so voluminous certainly, of the same character. There has been no authority given by Congress even to prepare for publication such a report as this, nor is there any proper authority on the part of the Senate to order its publication. It is not a report of the action of any bureau or branch of this government. It has nothing to do with the service of the government in any of its parts, but is simply a book of agriculture. It may be a valuable book, but the question is, whether it belongs to the Senate to publish such a book. I think it is going beyond our proper duties. The Senator from North Carolina says that it is more valuable than many documents that we publish. That may be. The New Testament would be more valuable than any document that we have ever published. But that is not the point. The question is, whether it comes within our province. Book making is not our business; and if we publish a book on agriculture, we may, with the same propriety, publish books upon all other subjects. It is true, that in point of form this comes to us as a report of one of the officers of the government, but it does not come within the duties of that officer; it does not come even within the provision for collecting the statistics. This volume does not consist of statistics—it is made up of essays on the subject of agriculture. Being in the form of an official document, it seems to be regarded as such, whereas it has not the character of authenticity, accuracy, and of truth, which belong to such a document. It gives statistics in part of the agriculture and trade of the country, but how are they obtained? From no official sources. They are mere voluntary contributions made to this officer by his correspondents. There is nothing here of that authentic character which entitles it to public confidence as a public document. We are told that 100,000 copies have been ordered by the House. That, I think, is quite sufficient,

and the Senate having a few years ago repudiated this whole proceeding, I hope we shall adhere to that course.

Mr. CALHOUN.—It is said that the money that is to be appropriated for the printing of this book is to be taken from a fund that has been collected from inventors in payment for their patents, the cost of each patent, I believe, being about $30. This fund is set apart, and out of this we now propose to print this book for distribution. Now, I put the question, what right have we to take from the inventors this sum, and to give it to any one portion of the country? If the expenses of the office do not require that the fees be so high, why not reduce them? Why should we sacrifice one class of people to benefit another class? It is said that this is for the benefit of the farmers and planters. How many will it benefit? Fifty thousand is but a small portion of the whole number of agriculturalists in this country. You propose to take the expenses out of a fund collected from one class of individuals in the community and bestow it upon a small portion of another class. You have just about as much right to do this as you have to take the money out of the Treasury. I put it solemnly to the Senator from North Carolina, whether he can justify himself in taking it out of this fund?

Mr. WESTCOTT.—Will the honorable Senator allow me a single remark? The Senator from Pennsylvania was mistaken in regard to one fact to which the Senator from South Carolina has adverted. The expense of printing this book is not to be paid out of the Patent Office fund, but out of the contingent fund of the Senate. Nevertheless, it is true, as the Senator stated, that there is a large balance in favor of the Patent Office in the Treasury.

Mr. CAMERON.—It is true, this expense will be paid out of the contingent fund of the Senate, but a large fund has been collected from inventors, and I am prepared to go not only with the Senator from South Carolina to reduce the fees of that office, but also to make some disposition of the funds that have been thus collected.

Mr. CALHOUN.—I do not know where this money is to come from, but I believe firmly that it is to be taken from that fund. I ask the Senator to inform me what has become of that fund, if it is set apart by law and does not go into the common treasury? But be that as it may, we are not to take money out of the treasury to give it to one particular class of citizens, to make a mere donation to a particular class of individuals. Sir, the whole thing is wrong. It is unjust.

Mr. BADGER.—The Senator from South Carolina looks upon these appropriations of money for disseminating information, as being improper. It is unfortunate that the Senator should differ entirely from both Houses of Congress. Congress has been constantly engaged in placing information before the American people; and I have heard no answer yet to my question, why we ordered the printing of so large a number of those voluminous reports, that of the Committee on Military Affairs, and the trial of the court martial in the Fremont case.

Mr. CALHOUN.—I rose in my place at the time, and stated my positive and decided objection.

Mr. BADGER.—Did the Senator call for the yeas and nays?

Mr. CALHOUN.—No.

Mr. BADGER.—Well, then, he merely took occasion to state his opposition. Now here it is proposed to publish valuable information, and the Senator from South Carolina supposing that the money is to be taken out of the Patent Office fund, opposes it on the ground of injustice. But it turns out that we are taking it out of the contingent fund of the Senate. It is money belonging to the American people, and it is to be devoted to furnishing them information. But the Senator from South Carolina objects also, because it is impossible to put the book into the hands of every man in the United States. If that argument is good for anything, it will apply equally to every document that we publish. We diffuse the information as widely as the nature of the case will admit. This is desired by the people a great deal more than the President's message, documents, and the expense is to be paid out of their money. I think, therefore, that it would be very well for the Senate to gratify them.

Mr. JOHNSON, of Louisiana.—I consider this, of all the documents published by Congress, to be the most important to the mass of the people of this country, and it certainly seems to me strange that the Senate should refuse to print it. I think that a very large number ought to be printed. I have had numerous applications from my constituents for copies of this document.

Mr. CALHOUN.—With regard to the California report, when that report was presented here by the honorable Senator from Michigan, chairman of the Committee on Military Affairs, I objected to the printing of the large number proposed. Mr. Cass rose and stated that it was a most important document, and that it was necessary to the understanding of the claims, and the printing was accordingly ordered. But there is a vast distinction between a document which has a direct bearing upon the action of Congress, and one which has not. What act of legislation is ever expected to grow out of this report of the Commissioner of Patents? With regard to subjects connected with legislation, it is necessary that documents should be printed to enable our constituents—at least the intelligent portion of them—to understand how we perform our duty here. It is said that this document is sought for by the people, and that its publication will be popular. No doubt it will be popular with those who get the books, but will it be so with the people from whom the money comes with which the expense is to be paid. The tax-paying part of the people have a right to know what is going on here, but this is not the sort of document that will inform them.

Mr. UNDERWOOD.—I hope this document will be printed, and I hope it will not only be printed as it now is, but that the Senate and House will take measures to make it more perfect by the adoption of the resolution which I offered the other day. Now, what does Congress do in regard to publishing? They give twenty-five or thirty thousand dollars to purchase the Madison papers, twenty-five or thirty for the purchase of the papers of Alexander Hamilton, and there is now a bill before Congress for the purchase of Mr. Jefferson's old manuscripts to print. Now, I make a great distinction between matters of that sort and propositions such as we have now before us. But gentlemen who vote very readily their twenty or twenty-five thousand dollars to buy up old manuscripts that have been lying in the private chests of old families for centuries, it seems to me, act very strangely when they refuse to vote to print a document, for the printing of which we have been appealed to by the people more than for any other. What did you do the other day? You determined to have, I do not know how many, maps engraved at a very considerable expense, resulting from a partial survey of Oregon and California, and a geographical memoir printed to go along with them. If you incur so much expense thus early to publish a partial exploration of those countries, what will your expense be hereafter? You cannot turn to our past proceedings here without finding appropriations of hundreds of thousands of dollars for objects, it seems to me, that are useless in comparison with the present. I admit that one abuse cannot be justified by another, but I deny that this is an abuse in view of what we see every day passing around us. What is the nature of this document? It contains statistical information on the subject of the productions of the country, a subject which constitutes the very foundation of legislation, daily and hourly, and if you embrace my resolution you will have the whole information in regard to supply and prices.

[The honorable Senator referred to instances in which the Secretary of State had heretofore been authorized to obtain for publication, statistics of the prices of commodities purchased at foreign ports.]

Here is the very thing which I have proposed shall be done in reference to the productions of our own country, and this is pronounced by the Senator over the way to be of no more value than the last year's almanac. I am for making our Patent Office and statistical bureau for collecting that information upon which our legislation will be in a great degree based.

The question was then taken upon agreeing to the amendment of Mr. WESTCOTT, as modified, and it was determined in the affirmative, as follows:

YEAS—Messrs. Badger, Borland, Bertrand, Bronse, Cameron, Corwin, Crittenden, Davis, of Massachusetts, Downs, Felch, Greene, Hamlin, Johnson, of Maryland, Johnson, of Louisiana, Mangum, Pearce, Rusk, Sebastian, Sturgeon, Underwood, Upham, Webster, and Westcott—24.

NAYS—Messrs. Atchison, Atherton, Bagby, Bell, Butler, Calhoun, Davis, of Mississippi, Dickinson, Dix, Hale, Hunter, Lewis, Niles, Turney, and Yulee—15.

The question recurring on the motion as amended—

Mr. DICKINSON said: I have long seen that there would come a stopping place to this book-making business by Congress. I should regret that the stopping place should be at this particular document, if it could be elsewhere. But for the present I clearly perceive that it cannot be stopped here, or any where else; however, I shall vote against it. I voted against the amendment, and although it was adopted, I shall still vote, however ineffectually, against the resolution. We are getting a great repute for book-making. A great proportion of the letters received by Senators, contain application for books. I had a few days ago a letter from a stranger, in these words:

"SIR: Please send me a blue-book; as they are scarce and difficult to be obtained, and cost a trifle."

Of course I was very happy to comply with so modest a request. On another day, as I was passing over to the House of Representatives, I was met by a pleasant and obliging gentleman, who asked me if I was a member. I answered in the affirmative. He then said that Congress was about to publish a book upon Odd Fellowship, and wished that I would procure him a copy. I told him that I had not the honor to belong to the order, and would probably not be furnished with any of the books—that he had better apply to some other member. Somebody, no doubt, had been practising a joke upon this individual, but it goes to show the reputation Congress has for book-making. The circumstance of people being desirous to receive books from members is no answer to the objection against the practice. It is of course regarded by the constituent as a compliment when a member sends him a book, and I regard it as a compliment to receive a request for one. But Congress has gone far enough in book-making; it will have to be ended. It has been well remarked by the Senator from South Carolina, that there is nothing in this document which concerns legislation. We are undertaking the instruction of the people in agriculture—we are undertaking to instruct them how to produce. If we could instruct them how to consume, it would be more to the purpose. It is gratifying, to be sure, to be able to send books, but you can send to but comparatively few, and when you send to

one you disoblige others who have an equal claim. I repeat, that I regret to begin with this document, but I have made up my mind to resist every proposition of this sort.

The motion, as amended, was then agreed to, as follows:

Ordered, That 30,000 copies of so much of the annual report of the Commissioner of Patents received during the present session as has been ordered to be printed by the House of Representatives be printed for the use of the Senate, to be bound in like manner, and also 5 000 copies of the residue of said report, embracing the laws relating to patents and the legal decisions thereon, and that 1,000 copies of each be given to the Commissioner of Patents for distribution.

DRAWINGS AND ENGRAVINGS.

Mr. WESTCOTT submitted the following resolution for consideration:

Resolved, That the Secretary of the Senate be authorized to pay, out of the contingent fund of the Senate to Charles L. Fleischmann such sum as the Commissioner of Patents may certify is reasonable, and the Committee of the Contingent Fund may approve of, for finishing the drawings and engravings for the publication by order of the Senate, of Patent Office report.

CLOSE OF THE SESSION.

The joint resolution from the House of Representatives fixing a time for the adjournment of the present session of Congress, was read the first time; and it was

Ordered, That the further consideration thereof be postponed until to-morrow.

HOUR OF MEETING.

The Senate proceeded to consider the resolution submitted by Mr. DOWNS, on the 3d instant, that on and after Monday next the daily hour of meeting of the Senate be 11 o'clock, A. M.

Mr. DOWNS modified the resolution by striking out "Monday next" and inserting "this day."

The question being put on agreeing to the resolution it was determined in the negative.

NOTICES OF BILLS.

Mr. BORLAND gave notice that on to-morrow he should ask leave to revive an act authorizing certain soldiers in the late war with Great Britain to surrender bounty lands drawn by them, and to locate others in lieu thereof.

Mr. WEBSTER gave notice that on to-morrow he should ask leave to extend the benefits of an act entitled "An act to establish a uniform rule of naturalization, and to repeal the acts heretofore passed on that subject," to the wives and children of citizens.

INDIAN APPROPRIATION BILL.

The Senate resumed the consideration, as in Committee of the Whole, of the bill from the House of Representatives making appropriation for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes for the year ending on the 30th June, 1849, and for other purposes.

The question pending was upon agreeing to the following amendment, heretofore submitted by Mr. BELL:

SEC. . *And be it further enacted*, That the Secretary of War shall cause to be ascertained the number and names of such individuals and families, including each member of every family of the Cherokee nation of Indians, that remained in the States of North Carolina at the time of the ratification of the treaty of New Echota, May 23, 1836, and who have not removed west of the Mississippi, or received the commutation for removal and subsistence, and report the same to the Secretary of the Treasury; whereupon, the Secretary of the Treasury shall set apart, out of any moneys in the treasury not otherwise appropriated, a sum equal to fifty-three dollars and thirty-three cents for each individual ascertained as aforesaid, and that he cause to be paid to every such individual, or his or her legal representative, interest at the rate of six per cent per annum on such per capita, from the said 23d day of May, 1836, to the time of the passage of this act; and continue annually thereafter said payment of interest at the rate aforesaid.

SEC. . *And be it further enacted*, That whenever hereafter any individual or individuals of said Cherokee Indians, shall desire to remove and join the tribe West of the Mississippi, then the Secretary of War shall be authorized to withdraw from the fund set apart as aforesaid, the sum of fifty three dollars and thirty three cents, and the interest due and unpaid thereon, and apply the same or such part thereof, as shall be necessary to the removal and subsistence of such individual or individuals, and pay the remainder, if any, or the whole, if the said Indians or any of them shall prefer to remove themselves, to such individuals or heads of families, upon their removal west of the Mississippi.

Mr. ATHERTON.—This amendment is not only important in itself, but important as regards the question which it involves. I hope I shall be so fortunate as to have the attention of the Senate whilst I endeavor briefly to explain my objections. The amendment declares that the number of Cherokees who remained in North Carolina and the other States after the treaty of '36, shall be ascertained, and that the Secretary of the Treasury shall set aside $53 33 for each Indian who thus remained. It provides further that interest shall be paid upon this sum from the time of the ratification of that treaty at the rate of six per cent., and that it shall be paid to the Indians *per capita*, the principal remaining to be paid to them whenever they think proper to remove, but the interest is to be paid to them whether they remove or not. It is not the intention, I believe, of this proposition that they shall be removed. Indeed, I believe that they state in their memorial their express design to remain. The proposition in itself involves an amount of about one hundred thousand dollars. The number of Cherokees remaining is large enough to make the principal amount to over sixty thousand, and the interest will amount to over forty thousand. It will create a charge upon the Treasury, then, of upwards of a hundred thousand dollars. But, as I shall show hereafter, this is not the full extent of the importance of the amendment. I said the other day that this proposition, whether the money is due to the Indians or not, did not properly belong to the Indian appropriation bill. It is a mere claim—it is put forth as such by Mr. Thomas on behalf of these Cherokees, and the claim has been rejected over and over again by all the officers who have had charge of the department for twelve years past, and not only rejected by them, but it was brought before Congress and reported upon adversely on two occasions. It is again pressed upon Congress, and it is contended that it should be inserted in this appropriation bill. It is pressed by numerous agents who have their activity sharpened by those expectations which are usually entertained in such cases, when they have the United States for a pretended debtor, and the Indians for their clients, especially when the amount claimed is a large sum. I understand the Senator from North Carolina to state that there could be no difficulty whatever about this claim. I understand him to contend that it arose from the construction of the treaty itself, and that was the reason he urged it as being introduced into the appropriation bill. This, I contend, is an implied admission on the part of the Senator from North Carolina, that unless the claim arises from the legal and proper construction of the treaty, the ground would be abandoned by him, and that if it was a claim arising merely upon equitable grounds it should stand upon its own merits in a separate bill.

Mr. BADGER.—I do not admit that it is necessary to show that the claim arises from the legal construction of the treaty, in order to make it a proper subject to be inserted in this bill. I offer that as a conclusive reason why it should go into the bill.

Mr. ATHERTON.—I understood, also, the honorable Senator to suggest that this subject had received the attention of a committee of the House, which had reported unanimously in its favor. I beg leave to correct the gentleman. So far from the committee having been unanimous in its favor, there was an able, and as appears to me, conclusive minority report made against it. On one subject the committee were unanimous, and that was in the opinion that the terms of the treaty do not embrace this allowance. Permit me to read the following extract from the minority report—

"The committee are unanimous in the opinion that the terms of the treaty, construed in the most liberal manner, do not embrace the allowance."

The committee are unanimous in the opinion that the terms of the treaty do not embrace this allowance. I also understand the Senator from North Carolina to suggest that the opinion of the Commissioner of Indian Affairs and of the Attorney General were founded on the presumption that this ought not to be paid out of the Indian fund, and did not express an opinion as to whether it was required by the terms of the treaty.

Mr. BADGER.—I referred only to the opinion of the Attorney General.

Mr. ATHERTON.—Well, I will inform the gentleman that the opinion of the Attorney General is founded on the terms of the treaty itself; and distinctly concludes that the terms of the treaty do not embrace this allowance. A reference to the clauses of the treaty affords the most convincing argument on this point. The 8th article of the treaty of New Echota, is in these words:

ARTICLE 8. The United States also agree and stipulate to remove the Cherokees to their new homes, and to subsist them one year after their arrival there, and that a sufficient number of steamboats and lagoage wagons shall be furnished to remove them comfortably, and so as not to endanger their health; and that a physician well supplied with medicines, shall accompany each detachment of emigrants removed by the government. Such persons and families as in the opinion of the emigrating agent, are capable of subsisting and removing themselves, shall be permitted to do so; and they shall be allowed in full for all claims for the same, twenty dollars for each member of their family; and in lieu of their one year's rations, they shall be paid the sum of thirty-three dollars and thirty three cents, if they prefer it.

So it seems by this article it was provided that the United States should remove the Cherokees to their new home west of the Mississippi, and subsist them for one year after their arrival there.—But it is also provided that, if in the opinion of the agents any of these Cherokees should be capable of removing themselves, they should be allowed twenty dollars for removal and thirty-three dollars and thirty-three cents in lieu of their rations. Now, strange as it may appear after reading these words, this allowance of fifty-three dollars and thirty-three cents, which was to be in the nature of commutation money for removal and subsistence to those who removed themselves, it is now urged should be paid, not only to those who have not removed, but to those who declare that they do not intend to remove. And not only so, but that interest shall be paid to them from the date of the treaty up to this time. It appears to me that the words of the treaty are clear and unambiguous, and that it never could have been intended that those who remain should receive any such allowance. What was the object of the treaty? It was that the Indians should be removed. Why, to allow to those who remain this sum, which was intended as commutation for the expenses of those who removed, would be treating the Indians who remained better than those who went. It would in fact be offering a bribe, an inducement to remain. But there is another clause which puts this construction beyond all doubt.

The 8th article also provides as follows:

Such Cherokees [as a resolve at present out of the nation, and [illegible] west, [illegible] two years west of the Mississippi shall be entitled to allowance for removal and subsistence as above provided."

Now if all, whether they remained or went, were to be entitled to removal and subsistence, where was the use of providing that those who should in two years emigrate, should have the benefit of the commutation above provided? Besides it was by this article not even provided, that all who should emigate, should have the benefit of the commutation, but only such as in the opinion of the emigrating agent, "were capable of subsisting and removing themselves." The words of the article are so clear and unambiguous, that it is impossible to make them clearer by comment. But it has been contended by the Senator from North Carolina, that the 12th article of the treaty contains a provision which shows that those Indians who remained in North Carolina, are entitled to commutation for the expenses of their removal west of of the Mississippi, and that those who never went to "their new homes" are entitled to commutation for subsistence for "one year after their arrival there."

Now, sir, is there any thing in the 12th article which makes it incumbent on us to place upon the 8th article and the treaty itself, such a forced and unnatural construction? On the contrary, the 12th article confirms the construction which arises irresistibly from the clear and unequivocal language of the 8th article.

"Article 12. Those individuals and families of the Cherokee nation that remain upon the removal herein provided for, and become citizens of the States where they reside, and such as are qualified to take care of themselves and their property, shall be entitled to receive the same quantity of land and money, secured to them by the second, third, and fourth articles of the treaty of [illegible] and the fifth article of the treaty of [illegible]."

"All the personal benefits accruing under this treaty for their claims, improvements, and *per capita*." The word "claims" is no where used in the treaty to include removal or subsistence; but the latter, when intended to be included in any clause is with "claims," is specifically mentioned. "Claims" uniformly refers to demands for spoliation and debts against the nation. The omission of removal and subsistence in the 12th article fortifies the construction arising from the clear language of the 8th article, instead of contradicting it. It will not be pretended that the term "improvements" can, by any reasoning, be made to include removal or subsistence. The "*per capita*" mentioned in the 12th article alludes to what is provided in the fifteenth article. Indeed, there is no other *per capita* distribution provided for in the treaty since the language of the 8th article provides commutation only for those who, in the opinion of the emigrating agent, were able to remove and subsist themselves. Permit me to read the 15th article, which again fortifies the clear intention of the 8th article:

"Article 15. It is expressly understood and agreed between the parties to this treaty that after deducting the amount which shall be actually expended for the payment for improvements, ferries, claims for spoliations, *removal, subsistence*, and debts, and claims upon the Cherokee nation, that the additional quantity of land and goods for the poorer class of Cherokees, and the several sums to be invested for the general national funds provided for in the several articles of this treaty, the *balance, whatever the same be, to be equally apportioned to each individual of the Cherokees entitled to the* Cherokees as may [illegible] to the country [illegible] &c. &c.

This brings me to another view of the subject. The amendment of the Senator from Tennessee provides that this amount shall be paid out of the Treasury of the United States. The treaty expressly provides, as appears from the article just read, that the removal and subsistence expenses shall be paid out of the Cherokee fund. It becomes then a question of no small importance. Formerly, when the contest was between the different sections of the tribe, those who had gone west and those who did not go, it was contended by John Ross and his party that those who remained should not receive the allowance, on the ground that it was to come out of this five million fund, and that the balance to be distributed would thereby be lessened. But now, when the proposition is to take it out of the Treasury of the United States, they all come in together demanding that the allowance shall be paid even to those who do not remove. But, sir, this five million fund was not the only money set apart for their use. The government has acted with great liberality towards them. There was a supplemental treaty made, in which it was provided that six hundred thousand dollars should be granted to them, and that this should be in full for all claims not provided for in the treaty. And this was not all. In 1838 there was another appropriation made of over a million of dollars to pay, among other things, for subsistence; and it was recommended on the ground that it was better to do too much for them than too little. They have been allowed every thing to which by possibility they could be entitled. Now, is it pretended that because this additional allowance was made, the government is therefore bound to pay for their removal and subsistence out of the treasury? No, sir, the proceedings of Congress show that this conclusion is entirely negatived. The report made by Judge White states expressly, that this is a voluntary grant to the Indians. Judge White, in his report recommending the allowance, uses the following language:

"They believe the five millions of dollars given by the treaty as the difference in value between the countries exchanged, and the six hundred thousand dollars before mentioned, allowed for spoliations, and as a fund for removal, constitute a very liberal consideration on the part of the federal government; yet the committee would feel much better satisfied that [illegible] If, therefore, the committee could add any additional [illegible] of money can be made a means of hastening them to their new homes—of dispensing with the use of a large military force, and of insuring confidence in the justice of the government, and of restoring harmony and good feelings, they believe economy, humanity, and peace will be [illegible]."

It would certainly be rather hard upon the government of the United States if this liberality on its part is to be made a ground for further and extortionate demands, and not only so but that the money should be paid out of the Treasury—for it includes also that question. The amount paid already under this treaty, which, it was supposed would have cost us five millions of dollars, is over seven millions. The Indians refused to go for a long time, and it became necessary to call out the military force. Indeed, reckoning all the expenses incurred under the treaty, they cannot be estimated at less than ten millions of dollars. And if we are to establish the principle, that those who remained are to be entitled to the same allowance as those who went, and that the money is to be taken out of the Treasury, I ask what can prevent those Indians who have already been removed, from coming forward and claiming the same allowance out of the Treasury? Nothing can prevent it.

If you allow from the treasury of the United States commutation for removal and subsistence to those Indians who did not go west, on what ground could you refuse to those who have removed, the same sum from the treasury also? But is that all? No, sir; the principle of this amendment would pledge you to pay interest also. And suppose the expenses and subsistence of the Cherokees who have gone west and have been paid out of the Cherokee fund, as expressly provided by the treaty, to amount to three millions of dollars, the interest on that would amount to two millions, and you have a claim of five millions on the treasury involved in your action on this amendment. It seems to me that this is too important a question to be decided at once by way of amendment to an appropriation bill. But the extent of the impolicy and impropriety of thus deciding it depend also on other circumstances which I will state. It is well known that there has been much difficulty among the emigrating Cherokees. Disputes and quarrels have arisen, even going as far as bloodshed. There was also much complaint that the Cherokee fund had been charged with expenses not properly belonging to it. To decide finally on all these matters, and to restore peace and harmony to the Cherokees, the President appointed commissioners to examine the whole subject, and all the questions growing out of the treaty of New Echota. They made a report, and there was another treaty negotiated, based principally on the recommendations of the commissioners, and ratified in 1846. That treaty provides, in the 3d article, that whereas certain sums for rents under the name of improvements and spoliations, &c., &c., had been improperly paid out of the five million fund, the United States shall reimburse the fund the sum thus paid.

The 9th article provides that the United States shall make a fair and just settlement of all moneys due to the Cherokees, and subject to the *per capita* division under the treaty of New Echota—which settlement shall embrace all money properly expended under said treaty, and shall embrace, among other things, all sums paid for removal and subsistence, and commutation therefor, the aggregate to be deducted from the fund, and the balance paid *per capita* according to the treaty, &c.

The Commissioner of Indian Affairs has recently, at this session, made a report, pursuant to this treaty, on this whole matter, to show the grounds for a "just and fair settlement." The subject in all its bearings must come before us. Why should we, then, in this incidental manner, by way of an amendment to an appropriation bill, prejudge this case, without seeing all its consequences and looking into all its relations?

But this is not all. The very question to be decided and prejudged on this amendment, on which our sympathy is attempted to be excited for the North Carolina Indians, is solemnly submitted to us in relation to the whole Cherokee nation. The 11th article of the treaty of 1846 is as follows:

"Article 11. Whereas the Cherokee delegations contend that the amount expended for the one year's subsistence, after their arrival in the west of the eastern Cherokees is not provided for by the treaty of [illegible], it is hereby agreed that that question shall be submitted to the Senate of the United States for its decision, which shall decide whether the subsistence shall be borne by the United States or the Cherokee funds; and if by the Cherokees, then to say whether the subsistence shall be charged at a greater rate than thirty-three dollars and thirty-three cents per head; and also the question whether the Cherokee nation shall be allowed interest on whatever sum may be found to be due the nation, and from what date and at what rate per annum."

We are thus called upon to prejudge in this incidental manner the whole of this great question, thus solemnly submitted to us in Executive session.

Sir, as I said before, if we allow to those Cherokees who remain their commutation for removing, and for rations, out of the treasury of the United States, with what face can we hereafter say, when the question is submitted to us, that all the other Indians shall not be entitled to the same allowance? We shall thus involve the treasury to the extent of five millions of dollars; and where such an amount is involved, is it to be wondered at there is great activity on the part of the agents of these Indians? I believe I have stated enough to show the importance of this question, and I trust the Senate will give it that consideration which its magnitude demands.

Mr. BELL was proceeding to address the Senate at length upon the bill, when

Mr. MANGUM interposed, expressing a hope that the Senator would defer his remarks until to-morrow, when there would be a more full attendance of the Senate.

Mr. BELL acquiescing, the further consideration of the bill was then postponed until to-morrow.

EXECUTIVE SESSION.

On motion by Mr. WESTCOTT, the Senate proceeded to the consideration of Executive business; and after some time spent therein,

On motion,

The Senate adjourned.

TUESDAY, JUNE 13, 1848.

PETITIONS.

Mr. SEBASTIAN presented a memorial of citizens of Arkansas, praying the purchase of Mount Vernon by the government; which was referred to the Committee on Military Affairs.

Mr. BUTLER presented the petition of James Chapman, administrator of Thomas Chapman, deceased, late collector of the port of Georgetown, South Carolina, praying the payment of an amount due on account of the proceeds of a cargo condemned and sold in that port for a violation of the non-intercourse act; which was referred to the Committee on the Judiciary.

Mr. RUSK presented the memorial of George C. Hutter, an officer in the army, praying to be allowed arrears of pay; which was referred to the Committee on Military Affairs.

Mr. DIX presented the memorial of Solomon T. Nicoll and James Clinch praying compensation for a quantity of tea furnished them for the use of the navy; which was referred to the Committee on Naval Affairs.

Mr. CALHOUN presented a memorial of merchants and other citizens of Charleston, South Carolina, praying an appropriation for the erection of a new custom-house at that place; which was referred to the Committee on Commerce.

Mr. BELL presented a memorial of the Delegates of the Cherokee Indians, praying the final settlement of their claims against the United States agreeably to the treaty of 1846; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. WESTCOTT presented a memorial of the Mayor and Board of Aldermen of Pensacola, Florida, praying a grant of certain lots in that place for municipal purposes; which was referred to the Committee on Public Lands.

Mr. HALE presented a memorial of citizens of Ohio, praying the removal of the seat of Government of the United States to Cincinnati, in that State; the motion to receive which was laid upon the table.

Mr. HALE demanded the yeas and nays upon this question.

Mr. DAYTON.—The question has been decided and the decision announced.

Mr. HALE then asked leave to withdraw the petition.

Mr. STURGEON called for the reading of the petition.

It was read by the Secretary, as follows:

"That whereas recent events, as well as the indications of past years, have rendered it but too painfully manifest that the liberty of the press and freedom of speech in our Houses of Congress are no longer, on all subjects, safe and untrammeled at our seat of government in its present location, but menaces are boldly and openly uttered to a rash and destructive from a lawless mob for sentiments uttered on the subject of slavery, and members of Congress are exposed to insult and personal violence from the rudest kind and occasion for words spoken or debate in their respective Houses on the same subject.

The prayer of your memorialists, therefore, is, that measures be immediately taken by your honorable bodies for the removal of the seat of government as speedily as convenient from its present location to some new site, within the bounds of some free State, where the rights of the press and the privilege of parliament in the persons of members of Congress may be more fully respected and secured.

Your memorialists would also further suggest that what renders such a change still more proper and called for, is the fact that in the unparalleled growth of our country the present seat of government, however central it may have been in its original selection, is now far east as well as south of the centre of the voting population. They would, therefore, venture to present the city of Cincinnati, in the State of Ohio, as a place in which, from its more central position, as well as its other numerous and great advantages, would be specifically suitable for the new location.

Finally, as a further reason in behalf of such a change of location, your memorialists would urge the fact of the slave traffic so extensively carried on within the bounds of the District, and in sight of the very capitol itself, thus disgracing our country by making *that* ought to be the *citadel and sanctuary of liberty, the great slave mart of the Union.*"

The question was then taken upon the motion of Mr. HALE for leave to withdraw the petition, and was determined in the negative, as follows:

YEAS.—Messrs. Davis, of Massachusetts, Greene, Hale, Niles, Phelps, Upham, and Webster—7.

NAYS.—Messrs. Atchison, Atherton, Badger, Bagby, Bell, Berrien, Borland, Butler, Cameron, Davis, of Mississippi, Dayton, Dickinson, Dix, Dowas, Felch, Hamlin, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Lewis, Mangum, Mason, Pearce, Rusk, Sebastian, Sturgeon, Turney, Underwood, Westcott, and Yulee—31.

Mr. HALE—I rise to a question of order. The Senate have refused to receive the petition, and now refuse to let me have it. I desire the chair to state whether the reception of the petition being refused, it does not belong to me?

Mr. MANGUM.—The paper does not belong to the gentleman. It belongs to the Senate, and lies upon the table. And permit me to say, that I admire very much the firmness and consistency of the Senate in this matter. Until the Senator from New Hampshire came here, during the last twelve years, this subject has been allowed to rest. If the gentleman came here to agitate for a small party, I hope, at least, that the Senate will not be moved by any such attempt. I say again, the petition is not his. Under the action of the Senate, it lies upon the table.

Mr. NILES.—The petition is not at all within the rule which directs that petitions on the subject of the abolition of slavery shall not be received, but that a motion to receive the same shall be laid upon the table. It is a petition for the removal of the seat of government. The remark of the Senator from North Carolina, therefore, is not called for. The petition, although it is perhaps frivolous, is not within the rule, as the Senator supposes.

The PRESIDENT, *pro tempore*, overruled the point of order raised by Mr. HALE.

THE PRIVATE CALENDAR.

Mr. MASON submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That Fridays and Saturdays next, the 16th and 17th instant, be assigned for the private bills on the calendar; and that the same then take precedence of all other business.

FRENCH AND SPANISH GRANTS.

Mr. JOHNSON, of Louisiana, submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of making an appropriation to pay the extra compensation allowed to the Judge of the United States District Court for the State of Louisiana by the act of 1824, to enable claimants of land under French and Spanish grants in Louisiana to try the validity of their titles.

THOMAS F. GORDON.

Mr. WESTCOTT, from the Committee of Claims, to whom was referred the memorial of Thomas F. Gordon, submitted a report, which was ordered to be printed.

CHANGE OF REFERENCE.

On motion by Mr. MASON, it was

Ordered, That the Committee of Claims be discharged from the further consideration of the memorial of the Clerks in the Pay Department of the army at New Orleans, and that it be referred to the Committee on Military Affairs.

HORSES DESTROYED IN THE MILITARY SERVICE.

Mr. WESTCOTT, from the Committee of Claims, to whom was referred the bill to revive the act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved January 18, 1837, and the acts approved October 14, 1837, and August 23, 1842, amendatory of the same, reported it without amendment.

PRIVATE BILLS, ETC.

Mr. MASON, from the Committee of Claims, to whom was recommitted the joint resolution for the relief of Clements, Bryan and Company, reported it without amendment.

Mr. MASON, from the same committee, to whom was referred the bill from the House of Representatives for the relief of William Ralston, reported it without amendment.

COMMITTEE ON THE JUDICIARY.

Mr. PHELPS was appointed a member of the Committee on the Judiciary, in the place of Mr. MOOR.

BOUNTY LANDS.

Agreeably to notice, Mr. BORLAND asked and obtained leave to bring in a bill to revive an act authorizing certain soldiers in the late war with Great Britain to surrender bounty lands drawn by them, and to locate others in lieu thereof; which was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

NATURALIZATION LAWS.

Agreeably to notice, Mr. WEBSTER asked and obtained leave to bring in a bill to extend the benefits of an act entitled "An act to establish an uniform rule of naturalization and to repeal the acts heretofore passed on that subject," to the wives and children of citizens.

Mr. WEBSTER.—I yesterday asked leave of the Senate to introduce a bill further to extend the provisions of the naturalization laws of the United States. The main object of the bill is a very simple one. I will endeavor to state it, with all possible brevity, in the hope that when the committee shall have examined the bill, and shall have reported, it may pass without much delay, as it is

certainly somewhat of an important object. The difficulty which exists in the case respects the national character of children of American parents born abroad. It would seem that, by the existing law of 1802, without a very violent construction of its provisions, children now born abroad of American parents resident abroad, whether in a public capacity, like that of ministers or consuls, or private persons travelling for pleasure or on business, are not to be deemed and taken to be citizens of the United States. The question or difficulty arises in this way. The phraseology of the act of 1802 is, "that children born abroad of parents who heretofore have been, or now are, citizens of the United States, shall be deemed and taken to be citizens of the United States themselves." But there are in the act no prospective words; it does not say that children born of parents who have been, or now are, or hereafter shall be, citizens of the United States. And therefore the thing has reached this point, that American citizens born since the year 1802, who may consequently be forty-six years of age, now going abroad temporarily with their families, either for business purposes, public or private, or for the sake of travel, and having children born abroad, those children are excluded from citizenship by the necessary construction of that law.

It is the opinion of commentators (Justice Story, Judge Kent, and others) that this clause was vaguely drawn. The phrase was intended to be applied to naturalized citizens, but it cannot be so construed. The object that I have in view, then, is to provide again for what was provided for by the act of 1802, and make it extend to the future, and apply to all the children of American parentage in cases where such parents have gone to reside temporarily abroad, still preserving their allegiance to the United States. There are other provisions in the act concerning which there may be different opinions perhaps, but this is the main one, and I think it will recommend itself to all, and I hope, if the committee find the law to be as I understand it to be, they will report this bill, and that the Senate will give it enactment in the form I have given to it.

The bill was read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The Speaker of the House of Representatives having signed five enrolled bills bills, I am directed to bring them to the Senate for the signature of their President.

SIGNING OF BILLS.

The PRESIDENT, *pro tempore*, signed the following enrolled bills:

An act for the relief of Joseph Wilson.

An act for the relief of Jones and Boker.

An act for the relief of Richard Bloss and others.

An act for the relief of Fernando Fellanax.

An act for the relief of Charles L. Dell.

RETIRED LISTS IN THE MILITARY AND NAVAL SERVICE.

On motion by Mr. YULEE, it was

Ordered, That the bill to increase the efficiency of the army by a retired list for disabled officers, and the bill to promote the efficiency of the Navy, be referred to a select committee, to consist of five members, to be appointed by the PRESIDENT, *pro tempore*.

CLOSE OF THE SESSION.

Mr. BERRIEN moved that the Senate proceed to the consideration of the joint resolution from the House fixing upon a day for the adjournment of the present session of Congress.

Mr. ATHERTON said he hoped the motion would not prevail, for he thought they were not yet prepared to act upon that resolution. Several Senators were absent who would probably be in their seats by Monday next, and it would then be quite soon enough to take up the resolution. The Senate was not now in a situation to fix a day for the adjournment. The principal appropriation bills had not been acted upon, and there were other measures of importance remaining undisposed of. It seemed to him that the Senate ought to keep the question as to the time of adjournment within its own power, until they could safely fix upon a time with a certainty of being able to complete the business that remained to be done.

Mr. BADGER was in favor of proceeding to act upon the resolution, for until the time of adjournment was fixed the business would not be conducted with a view to its speedy conclusion. If the time were not fixed, probably by the 1st of July the business would be no further advanced than it was at present.

Mr. DICKINSON hoped that they would be able to adjourn at as early a day as that named in the resolution, but it seemed to him that the resolution should not be acted upon now, as the chairmen of the most important committees were absent; there might be legislation connected with the termination of the war, that would necessarily extend the session somewhat beyond the seventeenth of July.

Mr. DAVIS, of Mississippi, observed that in regard to any legislation that would be required in reference to the army, it would have to be speedily completed, otherwise the troops would be disbanded before it could have any effect. So far then as the Military Committee was concerned, there need be no delay in acting upon the resolution. It was rather unfortunate for sound legislation, that we were standing upon the verge of a Presidential canvass. How far that would influence their legislation, he would leave for older Senators to decide; for himself, he would prefer to leave all important matters for a new session, which would be free from such influences.

Mr. BERRIEN said the question at present was, whether the Senate would proceed to consider the resolution. He concurred very fully in the sentiments expressed by the Senator from Mississippi. He thought the experience of the last week had shown that it was not likely that there would be a speedy disposal of the public business until the time for adjournment was fixed. He thought it would be well to postpone until another session all business that could be postponed.

Mr. BAGBY thought the time specified in the resolution from the House would give ample time to enable Congress to dispose of all the business. It was true, the chairmen of two important committees were absent, but he would venture to say that if the session were prolonged for six months there would be more absentees than there were at present.

Mr. BUTLER had no objection to fixing a day for the adjournment, but he was satisfied that the time specified in the resolution would not enable Congress to complete the business which remained to be done. The most important business of the session still remained to be acted on, and if this resolution were adopted it would have to be done in the space of four weeks, and done also in the midst of much confusion. He did not perceive that there need be so much haste to fix a day for adjournment, for they would, it was more than probable, be obliged to rescind the resolution if they should adopt it.

Mr. BERRIEN suggested that the objection against fixing an early day for adjournment might be removed by amending the resolution, in accordance with the proposal of the Senator from North Carolina, so as to resume at the next session the business which might be left unfinished at this, precisely where it was at the close of the session.

Mr. RUSK hoped the resolution would not be taken up this morning. It was a matter which required deliberation. There was a great deal of business remaining to be done. A treaty of peace had been concluded with Mexico, and much legislation was necessary, not only in relation to disbanding the army, but what was far more important than any other legislation that had been referred to, there must necessarily be territorial governments formed for our newly acquired possessions. It was more important that they should have governments than that there should be one formed for Oregon, situated as they were with a population composed partly of Americans and partly of Mexicans and Indians, and being at present under military rule.

Mr. DAYTON observed that upon the proposition to take up, Senators seemed to be making such suggestions as applied to the merits of the question. In regard to the Senate not being full, he believed it had not been more full at any period of the session, and in regard to the absence of the chairmen of the committees, he believed the business of those committees was as well known to other members of the committees as to the chairmen. The Senator had asked why this indication of impatience to adjourn? He thought there was but little impatience manifested; the 17th of July was quite late enough for Congress to sit, unless they intended to sit the whole summer. If the resolution were adopted, and in the meantime any thing should occur to require a prolongation of the session, there would be no difficulty in the way whatever. He thought he might safely appeal to every member of the Senate to say whether the Senate did not always anticipate the House in working up the business on their calender. The House having fixed the day the Senate might safely adopt that day, because they were always able to dispatch their business with a rapidity unknown to the popular branch. They were not, however, to assume that the House would refuse to enlarge the time if the business of the country required it. There would be no difficulty, then, to be apprehended from fixing upon an early day, and, as had been observed, the business would not be likely to be dispatched until the time was fixed.

Mr. JOHNSON, of Louisiana, remarked that there were upwards of two hundred bills now upon the calender which were prepared for the action of the Senate, and it was utterly impossible, at the rate at which they had been progressing, that one-half of these bills could be acted on within the time specified in the resolution for the adjournment. If these bills were left without the action of the Senate, they would all have to be re-examined by committees—the whole business would have to be commenced *de novo*. He was as anxious as any one, but he did not think they were prepared at this moment to fix the day for adjournment.

Mr. CALHOUN said there was no Senator more anxious to return home than he was, but he could not reconcile it to his sense of duty to agree to an adjournment until they were enabled to dispose of the important measures that were to be acted upon. Every gentleman must perceive, upon a view of the calender, that it was utterly impossible that the business could be completed with-

in the time fixed by the resolution. It was said that this was an embarrassing and inconvenient time for the transaction of business. He would admit it, and he lamented that it was so; but inconvenient as it was, it was not so inconvenient as it would be next session. Senators who had been here for a number of years would bear him out in saying, that the session that brought in a new President was a session in which little or no business could be done. So that the postponement of the business now was not a postponement to the next session, but a postponement to the session after the next. There never had been a session when there was greater urgency for the finishing up of the business. Many of the questions which they would have to discuss, would of course involve important considerations, bearing upon the Presidential election; but were they for that reason to shun them? There was the greater reason for discussing them, in order that the people might be fully informed of their true bearing. He thought the resolution was premature. It ought to be allowed to lie upon the table a few days until they ascertained what progress could be made. He regarded it as perfectly fallacious to hope that they could finish even the bills that required immediate action.

The question being put upon the motion to proceed to the consideration of the resolution, a division was called for, and it was determined in the negative. Ayes 16, noes 21.

COMPENSATION FOR HORSES IN THE MILITARY SERVICE.

Mr. TURNEY moved that the prior orders be postponed and that the Senate proceed to consider the bill to revive the act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved 18th January, 1837, and August 23d, 1842, amendatory of the same.

The question being put upon the motion to proceed to the consideration of the bill, it was determined in the affirmative. Ayes 20; noes not counted.

The Senate proceeded to consider said bill as in Committee of the Whole.

Mr. BADGER desired the Senator from Florida, or the Senator from Tennessee, to explain the character of the legislation that was to be continued by this bill.

Mr. WESTCOTT referred to and read the acts of Congress which was proposed to be revived.

Mr. BADGER inquired in what manner the value of the property was to be ascertained.

Mr. WESTCOTT replied that proof was required to be furnished to the War Department.

Mr. BADGER.—What is the maximum price to be allowed for each horse?

Mr. WESTCOTT.—Gen. Jessup's letter written in the case of Lieut. Buel, which is printed, says one hundred dollars.

Mr. DAVIS, of Mississippi.—I believe the Senator will find that there is an act relating to this subject, passed in 1846, which is yet in existence, and to which he has not referred.

Mr. WESTCOTT.—That act does not, I apprehend, relate to the point which is aimed at in this enactment.

The PRESIDING OFFICER.—Is the Senate ready for the question?

Mr. DAYTON.—I trust not. The act referred to by the Senator from Mississippi has not been read. I would like to have a clear understanding as to whether that act does not involve the very point embraced in this bill, or will not conflict with it.

Mr. WESTCOTT.—I apprehend there is no conflict between the two which should prevent the passage of this act. There was an omission in the act of '46. It certainly could not have been intended by that act that the forty cents should be the compensation for all risk. The cases intended to be provided for by this act are not included in the act of 1846, and they are cases in which, as the law now stands, the volunteer can claim no remuneration for his loss.

Mr. BORLAND.—I wish to inquire of the honorable Senator from Florida what is his understanding of the 9th section of the act of 1846? I do it for the purpose of calling his attention to a recent decision of the Third Auditor in regard to that portion of the section which excepts horses actually killed in action. My understanding is, that the intention of that section is to provide that the volunteer shall be paid the value of his horse. It provides that he shall receive forty cents a day for the risk arising from other causes than actual battle, and when the horse is killed in action I suppose he is to be paid for. By a recent decision, however, of the Third Auditor, no horse is to be paid for at all. My inquiry is, whether the Senator considers that horses actually killed in action are to be paid for under the act of 1846?

Mr. WESTCOTT.—I do conceive so.

Mr. BUTLER.—Not the horses of volunteers?

Mr. WESTCOTT.—Yes, sir.

Mr. BORLAND.—It is an act directly applied to volunteers.

Mr. WESTCOTT.—And provides that forty cents a day shall be paid for the "use and risk" of the horse, except in the case where a horse is killed in action. Whether the forty cents is to be paid up to the time when he is killed, and then his value, I do not know. By the term "use and risk," I suppose it was only intended to cover that sort of risk which horses suffer by going into hard service.

Mr. BORLAND.—I would suggest to the honorable Senator from Florida, that in view of the recent decision of the department upon the subject, some provision in addition to what he proposes, should be made, inasmuch as the decision of the department is in conflict with the Senator's opinion.

Mr. DAVIS, of Mississippi.—I dislike to continue this colloquy, and it is particularly disagreeable to me in this case, where my duty is on one side and feelings on the other. I conceive that the act of 1846 was designed to cover precisely such cases as are contemplated by this act. Horses lost by accident, and perhaps by neglect, will form the mass of claims presented for payment. The injustice of the decision to which the Senator from Arkansas refers is palpable, when you consider that an officer has only to present his account and it is paid; but when a private has his horse killed he can get no compensation. I think there ought to be a provision of this kind, but the great mass of claims that will come up arise out of horses having broken their tether and escaped. And the Senator from Florida entirely misconceives the law. Horses turned out to graze are frequently lost. But this is not a parallel case. It was a part of their contract to furnish their own forage, and they were compensated for it in the gross.

Mr. DOWNS.—Do I understand the Senator to say that volunteers furnish their own forage?

Mr. DAVIS.—Certainly.

Mr. DOWNS.—How was it in Mexico?

Mr. DAVIS.—I ask the honorable Senator from Arkansas whether the volunteers there did not furnish their own forage?

Mr. BORLAND.—It was always furnished by them, except upon the march from the Rio Grande to San Antonio, when it could not be obtained.

Mr. DAVIS.—To revive the law of 1836, overlooking an act amendatory of that law, is not, in my opinion, the proper course.

Mr. WESTCOTT.—This bill is similar to one reported in the House, and was considered sufficient to embrace all the cases that could arise under the law. I will read the cases again, and I think the Senator will be satisfied that there is a misconception on his part. With regard to compensation for the use or risk, this bill refers explicitly to such cases, so that there can be no difficulty. The bill has not received from me so much attention as it would, had it not been reported in the House. If the bill is to be postponed, I prefer that it should be referred to the Military Committee.

Mr. NILES.—I was about to move to postpone the bill until Monday next, but if the gentleman desires it, I have no objection that it be referred to the Military Committee. I only desire to act understandingly. As I understand it, the bill proposes to revive an act providing compensation for horses lost in the public service, and it appears there is a law in existence, the provisions of which are certainly different from those which existed when the act proposed to be revived was passed. I am not prepared to say that some new provision should not be made, but I want an opportunity to examine what that provision should be.

Mr. DAYTON remarked that it was evident at the first glance, that the bill was so loosely expressed, as to cover a vast aggregate of claims against the government. The maximum allowance for horses killed in action was one hundred dollars, and yet the per diem allowance for "use and risk," amounted to one hundred and fifty dollars per annum. He was, therefore, strongly impressed with a conviction of the propriety of the suggestion of the Senator from Florida.

Mr. BORLAND stated that the remarks of the Senator from New Jersey as to the maximum value allowed for horses killed in battle applied only to the regular army, and not to the horses owned by privates in the volunteer service, which were valued by a board appointed for the purpose. In many cases a private whose horse had been valued only at sixty dollars, was obliged to supply the loss of the animal by purchasing another at a cost of perhaps double the sum. Fully one-half of the horses of volunteer soldiers were lost before they ever got into action, subjecting the owners to great additional expense. The allowance of forty cents per diem was intended only as the ordinary "use and risk." It did not cover for instance, the risk incurred in express riding, which almost invariably resulted in the loss of the animal. There was also the great loss attendant on the deficiency and bad quality of the forage. He contended that adequate provision should be made for the payment of the just claims of the volunteer privates, who were obliged to yield obedience to the orders of superiors, and had no discretion in the care of their horses.

Mr. TURNEY was opposed to sending the bill to the Committee on Military Affairs, although he had no objection to passing it over informally till to-morrow, so that Senators might have an opportunity of examining its provisions. But resolutions on the same subject from the legislature of Tennessee, had been referred early in the session to the Military Committee, and there had been

no report on them. He was, therefore, not authorized to expect speedy action on this bill if it was sent to that committee. He could not conceive how any objection could be urged against the bill unless it was proposed to change the whole legislation of Congress heretofore on the subject.

Mr. DAVIS, of Mississippi, said that the resolutions to which the Senator from Tennessee had alluded, were submitted to the Senate from Texas, [Mr. RUSK,] who had, he believed, prepared a report upon the subject. The resolutions were, therefore, in the hands of one who was thoroughly acquainted with the subject, and no doubt a report would be made in due time.

Mr. RUSK said he rose simply for the purpose of remarking that early in the session, the resolutions alluded to were referred to the Military Committee, and then placed in his hands. He had as yet made no report, because he had observed that the question had come up in the House of Representatives, and he had awaited the action of that body. As to the bill before the Senate, he was well satisfied with it and should vote for it, although, perhaps, it went a little too far. As a matter of economy, however, he thought that this was the best arrangement that could be made. If a general law were made, all cases must come up to it, and the applications for relief would stop there.

After some further conversation, the bill was referred to the Committee on Military Affairs.

REMOVAL OF THE LAMP AND MAST FROM THE DOME OF THE CAPITOL.

On motion by Mr. WEBSTER, the Senate proceeded to consider the resolution from the House of Representatives directing the removal of the lamp and mast from the dome of the capitol; and it was

Resolved, That they concur therein

Ordered, That the Secretary notify the House of Representatives accordingly.

FOREIGN MAILS.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom was referred the amendments of the House to the bill to amend the act to provide for the transportation of the mail between the United States and foreign countries, reported the same back with a recommendation that the Senate recede from its third amendment and concur in the amendments of the House to the amendment of the Senate.

Mr. NILES asked for the immediate consideration of the report.

Mr. HALE objected, and the report was laid over.

REMISSION OF DUTY ON RAILROAD IRON.

On motion by Mr BUTLER, the prior orders were postponed and the Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of the Central Railroad and Banking Company of Georgia.

No amendment being made, the bill was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That the bill pass, and that the title thereof be as aforesaid

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

On motion,

The Senate then adjourned.

WEDNESDAY, JUNE 14, 1848.

PETITIONS.

Mr. DIX presented the petition of Daniel G. Garnsey, an officer in the last war with Great Britain, praying compensation for his military services; which was referred to the Committee on Military Affairs.

Mr. FELCH presented a memorial of citizens of Michigan praying the purchase of Mount Vernon by the government; which was referred to the Committee on Military Affairs.

HOUR OF MEETING.

Mr. ATHERTON submitted the following resolution for consideration:

Resolved, That the daily hour of meeting of the Senate shall be 11 o'clock, A. M., until otherwise ordered.

ORDER TO PRINT.

On motion by Mr. BADGER, it was

Ordered, That the report of the Secretary of War relative to armories and the manufacture of arms by the United States, made in compliance with a resolution of the Senate, be printed.

THE TREATY WITH MEXICO.

Mr. MANGUM submitted the following motion for consideration:

Ordered, That 20,000 copies of the proceedings of the Senate in Executive session on the treaty with Mexico, and of the documents from which the injunction of secresy has been removed by the resolutions of the Senate of the 31st May and the 2d instant, be printed for the use of the Senate.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

Mr. President: The President of the United States approved and signed, the 13th instant, the following acts.

An act for the relief of Fernando Fellanay.

An act for the relief of Jones & Baker.

An act for the relief of Richard Bloss and others.

An act for the relief of Charles L. Dell.

An act for the relief of Joseph Wilson.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The Speaker of the House of Representatives having signed two enrolled bills, I am directed to bring them to the Senate for the signature of your President.

SIGNING OF BILLS.

The PRESIDENT, *pro tempore*, signed the following enrolled bills:

An act to attach a portion of the North Western Land District, Louisiana, to the District north of Red River, Louisiana.

An act to amend the act entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights."

PRIVATE BILL.

Mr. BADGER, from the Committee on Naval Affairs, to whom was referred the bill from the House of Representatives for the relief of Robert Ramsay, reported it without amendment.

DISCHARGED.

On motion by Mr. ATHERTON, it was

Ordered, That the Committee on Finance be discharged from the consideration of the petition of John Golder.

APPROPRIATION BILLS.

Mr. ATHERTON, from the Committee on Finance, to whom was referred the bill from the House of Representatives making appropriations for the service of the Post Office Department for the year ending the 30th of June, 1849, reported it with an amendment.

Mr. ATHERTON, from the same committee, to whom was referred the bill from the House of Representatives making appropriations for the payment of Revolutionary and other pensions of the United States for the year ending June 30, 1849, reported it without amendment.

PRIVATE BILLS.

Mr. DOWNS, from the Committee on Commerce, to whom were referred the following bills from the House of Representatives, reported them without amendment:

An act for the relief of the owners of the Spanish brig Restaurador.

An act for the relief of Philip J. Fontain.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the following bills from the House of Representatives, reported them without amendment:

An act for the relief of Artemas Conant.

An act for the relief of Jesse Washington Jackson.

An act for the relief of Nathaniel Bissett.

An act for the relief of Hugh Riddle.

CHANGE OF REFERENCE.

On motion by Mr. JOHNSON, of La., it was

Ordered, That the Committee on Pensions be discharged from the further consideration of the bill from the House of Representatives for the relief of Wm. Tee, of Portsmouth, Virginia, and that it be referred to the Committee on Naval Affairs.

ADVERSE REPORTS.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom were referred the following bills from the House of Representatives, reported them without amendment, and that the same ought not to pass:

An act for the relief of Daniel H. Warren.

An act for the relief of Sarah Wood.

COMPENSATION FOR HORSES LOST IN THE MILITARY SERVICE.

Mr. BORLAND, from the Committee on Military Affairs, to whom was referred the bill to revive the act entitled "An act to provide for the payment of horses and other property lost or destroyed while in the military service of the United States," approved 18th January, 1827, and the acts approved 14th February, 1837, and August 23, 1842, amendatory of the same, reported it with amendments.

The Senate proceeded to consider said bill and amendments as in Committee of the Whole, and the amendments having been agreed to, the bill was reported to the Senate, and the amendments were concurred in.

Ordered, That the bill be engrossed and read a third time.

The said bill was read a third time, and the title was amended.

Resolved, That this bill pass, and that the title thereof be "An act to revive the act entitled 'An act to provide for the payment of horses, and other property lost or destroyed while in the military service of the United States,' approved January 28, 1837, and the acts approved October 14, 1837, and August 23, 1842, and the last proviso to the act of March 3, 1843, amendatory of the same."

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

TEXAS MOUNTED REGIMENT.

Mr. RUSK, from the Committee on Military Affairs, to whom was referred the joint resolution from the House of Representatives providing for the payment of a regiment of Texas mounted troops called into the service of the United States under the requisition of Colonel Curtis, in the year 1847, and for other purposes, reported it with an amendment, and asked for its immediate consideration.

The Senate proceeded to consider the said resolution as in Committee of the Whole; and the amendment having been agreed to, it was reported to the Senate, and the amendment was concurred in.

Ordered, That the amendments be engrossed, and the resolution read a third time.

The said resolution was read a third time, as amended.

Resolved, That this resolution pass, with an amendment.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendment.

ISAAC GARRETTSON, U. S. N., DECEASED.

Mr. YULEE, from the Committee on Naval Affairs, to whom was referred the bill for the relief of John R. Bryan, administrator of Isaac Garrettson, deceased, late a purser in the United States Navy, reported the same without amendment, and submitted a report on the subject; which was ordered to be printed.

DISCHARGE OF TROOPS.

Mr. BENTON, by unanimous consent, asked and obtained leave to bring in a joint resolution to regulate the discharge and payment of the temporary troops returning from the Mexican war; which was read and passed to the second reading.

Mr. BENTON gave notice that he should ask the Senate to proceed to the consideration of the resolution to-morrow, and on his motion it was

Ordered, That it be printed.

WAR CORRESPONDENCE.

The Senate proceeded to consider the following resolution submitted by Mr. BADGER, on the 12th instant:

Resolved, That there be printed for the use of the Senate ——— copies of Executive document No. 60 of the House of Representatives of the present session, entitled the Mexican war correspondence.

Mr. NILES thought that it was unusual for the Senate to order the printing of House documents. Besides he did not know the character of the document.

Mr. BADGER replied that it contained the correspondence relative to the Mexican war.

Mr. DOWNS enquired whether it embraced the last correspondence?

Mr. BADGER was not certain that it did.

Mr. MANGUM said he should like to see the resolution amended by making it embrace a good deal of the correspondence communicated to the Senate in Executive session.

Mr. BADGER then remarked that he was willing that the resolution should lie over another day, merely filling the blank at present.

Mr. TURNEY objected to filling the blank.

Ordered, That the further consideration of the resolution be postponed until to-morrow.

DRAWINGS AND ENGRAVINGS.

The Senate proceeded to consider the following resolution submitted by Mr. WESTCOTT, on the 12th inst., and it was agreed to:

Resolved, That the Secretary of the Senate be authorized to pay out of the contingent fund of the Senate to Charles L. Fleischmann, such sum as the Commissioner of Patents may certify reasonable, and the Committee of the Contingent Fund may approve of, for finishing the drawings and engravings for the publication in order of the Senate, of Patent Office report.

INDIAN APPROPRIATION BILL.

The Senate resumed the consideration, as in Committee of the Whole, of the bill from the House of Representatives making appropriation for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes for the year ending on the 30th June, 1849, and for other purposes.

The question pending was upon agreeing to the following amendment, heretofore submitted by Mr. BELL:

Sec. — *And be it further enacted*, That the Secretary of War be authorized to continued the number and names of such individuals and families, including each member of every family of the Cherokee nation of Indians, that remained in the State of North Carolina at the time of the ratification of the treaty of New Echota, May 23, 1836, and who have not removed west of the Mississippi, or received the commutation to remove it and subsistence, and to pay the same to the Secretary of the Treasury; whereupon, the Secretary of the Treasury shall set apart, out of any moneys in the treasury not otherwise appropriated, a sum equal to fifty three dollars and thirty three cents for each individual ascertained as aforesaid, and that he cause to be paid to every such individual, or his or her legal representative, interest at the rate of six per cent per annum on such per capita, from the said 23d day of May, 1836, to the time of the passage of this act; and continue annually thereafter said payment of interest at the rate mentioned.

Sec. — *And be it further enacted*, That whenever, hereafter, any individual or individuals of said Cherokee Indians, shall desire to remove and join the tribe West of the Mississippi, then the Secretary of War shall be authorized to withdraw from the fund set apart as aforesaid, the sum of fifty three dollars and thirty three cents, and the interest due and unpaid thereon, and apply the same or such part thereof, as shall be necessary to the removal and subsistence of such individual or individuals, and pay the remainder, if any, or the whole, if the said Indians or any of them shall prefer to remove themselves, to such individuals or heads of families, upon their removal to the West.

Mr. BREESE moved that the Senate now proceed to the consideration of the bill providing for the establishment of the territorial government of Oregon.

Mr. DAYTON hoped that the Indian appropriation bill would first be disposed of. It had already occupied several days to the exclusion of other business, and as it was likely that a vote could be had upon it speedily, he trusted that the Senate would resume the consideration of it in order to dispose of it finally without farther delay.

Mr. BREESE said that the Indian appropriation bill would undoubtedly consume the whole day. All knew the importance of the Oregon bill. It had been brought to the notice of the Senate by a recent message of the President, and immediate action upon it was absolutely necessary.

The question was then put, and on a division being called for, it was decided in the negative, by ayes 14, noes 19.

The Senate then resumed the consideration of the Indian appropriation bill, the question pending being upon the amendment offered by the gentleman from Tennessee.

Mr. BELL addressed the Senate in support of his amendment. He said, it is well known that this question grows out of a treaty with the Cherokee Indians, made in the year 1835, commonly called the treaty of New Echota. The principal stipulation of that treaty was, that the whole country held by the Cherokee tribe of Indians, and lying in four States of the Union—Georgia, Tennessee, Alabama, and North Carolina—should be ceded to the United States in consideration of the sum of five millions of dollars. When it came to be finally settled and ratified by the Senate, it was provided by the 15th article that the whole expense of removal and subsistence of the Indians west of the Mississippi was to be paid out of this fund. But after the main articles of the treaty were ratified, a portion of the Cherokee delegation memorialized the President of the United States, suggesting that by the terms of the treaty at the time it was entered into by that portion of the nation called the treaty party, they understood that the United States were to bear the expenses of the removal of the Indians, in addition to the payment of the five millions given in consideration for their country. Upon the message of the President, the Senate took up that subject for consideration, and resolved, that in addition to the five millions, they would pay the expense of the removal of the Indians; which was provided for in a supplemental article of the treaty. But this further difficulty arose. The Cherokee Indians of North Carolina, about the time of the ratification of the treaty, sent on their agent here to inquire how their interests were to be effected, and they learned, it seems, to their astonishment and suprise, that their country, as well as that of the treaty party, was ceded to the United States by this treaty of 1835, and it became a question of interest to them, to ascertain what provision was made for the security of their interests. They found that no reservations were made in their favor, except that they had the privilege of purchasing their lands at the minimum government price. They also discovered, on examining the treaty, that much the larger portion of the benefit extended by it would inure to the Indians emigrating west of the Mississippi. They protested against the ratification of the treaty until these questions should be in some manner settled to their satisfaction, and I propose now to show by a brief reference to the articles of the treaty—to the communications of the Executive, and to the course taken by Congress on this subject, that the Indians remaining in North Carolina have a just ground to appeal to the Congress of the United States for the appropriation which is asked in the amendment.

I will read again, a part of the 8th article, as there are now some Senators present who were absent when I had the honor of addressing the Senate on a previous occasion:

"Such persons and families as, in the opinion of the emigrating agent are capable of subsisting and removing themselves shall be permitted to do so; and they shall be allowed the full value of all claims for the same, twenty dollars for each member of their family; and in lieu of their one year's rations, they shall be paid the sum of thirty three dollars and thirty three cents, if they prefer it."

The next article, bearing upon this question is the 12th, and to it I beg to direct the attention of the Senate.

"ART. 12. Those individuals and families of the Cherokee nation that are averse to a removal to the Cherokee country west of the Mississipp, and are desirous to become citizens of the States where they reside, and such as are qualified to take care of themselves and their property, shall be entitled to receive their due portion of all the personal benefits accruing under this treaty for their claims, improvements, and *per capita*, as soon as an appropriation is made for this treaty."

Now, the North Carolina Indians were no parties to this original treaty. They were not represented in the council which made the treaty. But their whole country was ceded. They took the benefit of the permission given by the 12th article to remain east of the Mississippi; and the question arose, what were those personal benefits to which they were entitled? Their country had passed out of their hands, and they could acquire territory in no other way than by purchase like other citizens of the United States. The only provision in their favor was, that they had a right to purchase at the minimum government price. They contended, then, that they were entitled to the full proportion of the consideration given for the whole country in proportion to their number; which was, as I have ascertained, about twelve hundred and fifty at that period; and when they came to look at this 12th article, they became doubtful whether it did secure to them this commutation for removal and subsistence. The argument of the Senator from New Hampshire was, that as they did not remove west of the Mississippi, they could not be entitled to the commutation. But the treaty gave them the privelege of remaining east of the Mississippi. The whole country belonging to the Cherokees was sold for five millions, and the North Carolina Indians contended that if those Indians who chose to emigrate were entitled to commutation out of the common fund, those who remained east of the Mississippi had an equally good claim to it.

Now, I will attempt to show in what manner these Indians became satisfied that they would be safe in acquiescing in the treaty. For the sake of convenience, I will read from a document which contains extracts from the various papers on the files of the departments relating to this subject. The commissioners to whom the project of the treaty was committed by the then President, General Jackson, received instructions from the Secretary of War, under the direction of the President, and from these instructions I shall now read an extract:

"ART. 14. Those individuals and families of the Cherokee nation that are averse to a removal to the Cherokee country west of the Mississippi, and are desirous to become citizens of the States where they reside, and such as, in the opinion of the agent, are qualified to take care of themselves and their property, shall be entitled to receive their due portion of all the personal benefits accruing under this treaty, for their claims, improvements, ferries, *removal and subsistence*; but they shall not be entitled to any share or portion of the funds vested or to be expended for the *common benefit of the nation*."

Now, as I have remarked, these Cherokees of North Carolina were not represented in the council, and when they learned that without their knowledge or consent, their country had been ceded away, they naturally sent an agent to Washington to inquire as to the facts, and if it were not in their power to interfere with the ratification of the treaty, directing him to ascertain what consideration they were to receive. Their agent was informed that they were entitled to all the personal benefits of other Indians, whether they emigrated or not, and they were assured by the government, that if that were not a fair construction of the treaty, the President of the United States would apply to Congress for a settlement of the difficulty. That this was the express understanding at the time, will be seen by reference to the statement of the commissioner himself. I will show from the documents, that the commissioner acted in strict conformity with the instructions which I have read:

"Those individuals and families of the Cherokee nation that are averse to a removal west of the Mississippi, and are de sirous to become citizens of the States where they reside, and who, in the opinion of the commissioner or the agent of the Cherokees east, are qualified to become useful citizens, and competent to manage their business with discretion, shall be entitled to receive their due proportion of all the personal benefits accruing under the treaty, for their claims, improvements, ferries, *per capita* allowance and subsistence here, and shall be entitled to a pre-emption right of one hundred and sixty acres of land, to include their improvements, within that part of the Cherokee nation which lies within the States of North Carolina, Tennessee, and Alabama: this right of pre-emption to extend to all those heads of families of the above description who now reside within these States, or shall be found resident thereon and having improvements on the first day of June, 1836, and the certificate of the commissioners shall entitle them to their right of pre-emption."

There is other testimony of a similar nature; but the extracts which I have read are sufficient to show the understanding on the subject. Had that not been the understanding, and if this objection had been made at the time, the supplemental article would have been insisted upon by the opposition as a matter of course, on the ground that it was but just and equitable that these Indians of North Carolina should be allowed their fair proportion of the fund.

I conceive that it is hardly necessary to proceed any farther. This five million fund, as I stated the other day, has, according to the report of the commissioner of Indian Affairs, dwindled to an hundred and eighty-four thousand dollars; so that if the construction of the Executive government be correct, all that these North Carolina Indians can receive, after having lost every acre of their land, will be some ten or twelve dollars a head. Yet, as I have been told by gentlemen who profess to know, their lands have been sold for half a million of dollars. Now they are to be put off with twelve thousand five hundred dollars. Ten years have elapsed since they were stripped of their country, and they have not received a dollar. My own opinion is, that the report of the Commissioner of Indian Affairs will not stand the test of strict examination, and that a million of dollars will be found yet remaining of the fund. That, however, is yet to be examined. The committee have not yet come to a conclusion upon it. But even under the most favorable construction that can be given to the articles of that treaty, these Indians cannot receive more than fifty odd dollars *per capita*. I may here remark, that the settlement of this question cannot be at all affected by the decision on another question to which allusion has been made, as to the claims of the Western Cherokees. In order to show how far the government has committed itself, it may be necessary to refer to one of the supplemental articles of the treaty of 1835.

I will admit that this estimate fell very short of the expenses of the removal, but I read it only for the purpose of showing that the Senate of the United States confirmed the construction of the delegation from the Cherokees in relation to the question whether the expense of removal was to be paid out of the five millions. By making this additional appropriation the Senate have so far sanctioned the claim of the Cherokees to have this expense paid independently. Let us now see how much farther the government has committed itself in relation to this question. It will be remembered, that notwithstanding the liberal provision of this treaty, much the larger proportion of the Cherokees refuse to remove, and it became necessary in 1838 to send an armed force into the Cherokee nation, in order to coerce the emigration. Several of their chiefs were then sent to Washington in order to prevent this military coercion; and I ask the attention of the Senate to what was stated to that delegation at that time:

[Mr. BELL here read the statement.]

Now, this is worthy of attention. Here is an executive officer of this government, in 1838, who is entrusted with the subject, pledging the government to the payment of the entire expense for the removal of the Cherokees west of the Mississippi—that is, in addition to the supplemental article, whereby it was agreed that the original intention of the Senate was to pay the charges of the removal. The War Department pledged itself to these chiefs that the entire expense of removal would be paid. Now, let us see what the Senate did do:

"SEC. 2. *And be it further enacted*, That the further sum of one million forty seven thousand and sixty seven dollars be appropriated, out of any money in the treasury not otherwise appropriated, in full, for all objects specified in the third article of the supplementary articles of the treaty of 1835, between the United States and the Cherokee Indians, and for the further object of aiding in the subsistence of said Indians for one year after their removal west. *Provided*, That no part of the said sum of money shall be deducted from the five millions stipulated to be paid to said tribe of Indians by said treaty: *And provided further*, That the said Indians shall receive no benefit from the said appropriation unless they shall complete their emigration within such time as the President shall deem reasonable, and without coercion on the part of the government."

Here was an appropriation made by the Congress of the United States to the Cherokees in 1838, two years subsequent to the ratification of the treaty, in pursuance of a pledge of the Executive government that the entire expenses of their removal would be paid. I think, then, that the 12th article of the treaty was intended to include the North Carolina Indians; my argument is irresistible. But if by accident or design provision for them was omitted, the error should now be rectified. If the omission were accidental, it should be supplied; if it were designed, there was premeditated fraud, and justice should now be done.

Mr. MANGUM.—After the lucid exposition of the Senator from Tennessee, which appears to me to be entirely conclusive, I do not of course design to enter into the argument. I rise simply for the purpose of presenting a statement of facts. When this treaty of 1835 was under the consideration of the Senate, it encountered great opposition, and was ratified with great difficulty. The senior Senator from South Carolina must recollect the circumstances attendant upon the ratification of that treaty. At that time the administration brought its whole force to bear upon the ratification of the treaty. It was openly announced that if the Senate refused to ratify the treaty, the Indians would be abandoned to the policy of Georgia. One of the great questions was whether the treaty was in truth and in fact made by the proper representatives of the Cherokee nation. In the first instance, the agent who represented the Cherokees of North Carolina was very decidedly opposed to the ratification of the treaty. He appealed to the Senators from North Carolina—of whom I myself was one—to interpose our efforts, so as to procure for those whom he represented at least equal justice. This appeal led to an examination and construction of the articles of the treaty; and the honorable Senator from Tennessee has informed you what that contemporaneous construction was. We acted on that construction, and had it not been considered sufficiently clear and satisfactory, the treaty would not have been ratified. My recollection is distinct, that the treaty was ratified by a vote of thirty to fifteen—the precise number required by the constitution. I voted for the ratification, and it was one of the most reluctant votes I ever gave in this body, knowing well in advance that without my vote the treaty could not have been ratified. I call the attention of the honorable Senator from South Carolina to these circumstances connected with the history of the treaty, and have only to add that it seems to me that as all the officers of the government at that time acquiesced in that interpretation of the articles of the treaty, that the Senator from Tennessee now insists upon any subsequent view of the subject by officers of the War Department ought not to be admitted. I hold that the Congress of the United States is bound in good faith to execute this treaty according to the terms in which it was understood at the time of its ratification.

Mr. CALHOUN.—The Senator from North Carolina having made an appeal to me, I will state that I very well remember the transaction to which he has alluded—I mean the time and circumstances in which this treaty came before the Senate. I was in toto opposed to it, because I considered it to be no treaty at all. My mind was directed to that point mainly, and if I do not recollect the incident alluded to by the Senator from North Carolina, I have no doubt of the accuracy of his recollection. This treaty affords a remarkable example of the danger of making a treaty with parties who have no power to make a treaty. It came here and was ratified, Senators for one reason or other, voting for it, although they knew it was no treaty at all. What has been the consequence? We have already paid about ten millions of dollars to twenty-five thousand Cherokees, because of this fraudulent transaction, and the account is not yet closed. As far as these North Carolina Indians are concerned, I am inclined to think favorably of their claim after a hasty examination of the facts of the case. One remarkable fact has occurred in the execution of this treaty. The very parties who gave us all the trouble have received every thing, and the parties who stood by us have received nothing. Ross and his party have received all the benefits, while the emigrating party and the North Carolina Indians, have fared very badly. Ross, a man of decided talents, assumed the superiority, or made the others subordinate, slaughtering them as he pleased, and the government of the United States who had persuaded the people to go, stood by with folded arms. These poor Indians, living in the mountains of North Carolina, an ignorant and unoffending race, had, I suppose, very little agency or control in the business of the treaty, and have received very little, if any benefit.

Mr. MANGUM.—The Senator from South Carolina is correct in his recollections as to the treaty; and in corroboration I will state, that the policy of Georgia being to seize upon the land without giving any consideration for it at all, when this treaty, or this instrument purporting to be a treaty, was pressed by the Executive under the threat that if not ratified, the Indians would be left to the sword of the Georgians, or abandoned by the government. I was induced to vote for it, in the hope that the Indians would get more for their lands by the treaty than otherwise.

Mr. BERRIEN.—What does the Senator mean by the "sword of the Georgians?"

Mr. MANGUM.—Only that Georgia meant to have all the lands.

Mr. BERRIEN.—Georgia never asserted more than her own rights as she claimed them from the United States, by virtue of the cession which she had made to the United States. The idea that Georgia was ever disposed to draw her sword against a defenceless people like the Cherokees within her borders, is an idea which I am sure the Senator from North Carolina does not intend to convey, and would be most unjust to the State of Georgia.

Mr. MANGUM.—I am a little unfortunate it appears, in the figurative manner in which I have expressed myself. All I meant to say was, that Georgia believed she had a right to the lands of the Indians, and intended to have them; whether any sword was to be used in the case or not, depended, I suppose, very much upon the conduct of the Indians.

Mr. BERRIEN.—All that I desire to be understood in this case is, that there was no state of circumstances which authorized the idea either literally or figuratively, that the sword of Georgia was to be directed against these Indians. They were within the limits of the State of Georgia. Georgia had ceded to the United States a vast extent of territory, in consideration of which, the United States stipulated to extinguish the Indian title within her limits, and the State of Georgia called upon the United States to fulfil their contract. The action upon the Indians, therefore, was the action of the United States, and not the action of the State of Georgia.

Mr. ATHERTON.—One thing has been made manifest by this discussion, and it is this: It is not now contended that by the terms of the treaty of New Echota the North Carolina Indians have a legal claim to their commutation for removal and subsistence. I hope that I was fortunate enough to satisfy the Senate in my remarks the other day—and indeed I believe it is conceded by the Senator from Tennessee—that according to the words of that treaty, no such claim can be urged. Now, certain certificates as to what was the understanding of the Indians after the negotiation of the treaty, are presented as evidence of the claim. The Senator from Tennessee has quoted from Mr. Schermerhorn. I shall not now inquire whether at any time after the negotiation of the treaty, that gentleman became an attorney of the Indians. But in regard to the six hundred thousand dollars appropriated in pursuance of the supplemental article, and the one million appropriated in 1838, as a further addition to this five million fund, it must be obvious that both of these sums were considered by Congress as a voluntary grant made in consequence of the complaints of the Indians. In the supplemental act, however, nothing is said about an allowance for the removal. The six hundred dollars were appropriated in full for all claims for subsistence, and all other claims. It was meant as a compromise, to close all these complaints. But this was not all. In 1838, in consequence of the unwillingness of the Indians to remove, a further appropriation of one million was made in accordance with a report by Judge White—a distinguished predecessor of the Senator from Tennessee—which distinctly placed the appropriation upon the ground of a voluntary grant.

The question is not whether the North Carolina Indians have been hardly dealt with or not. If they have been dealt with hardly—if they have been deprived of their lands without just compensation, let a bill be brought forward, and I will go as far as the farthest in doing justice to them. But I am entirely opposed to concluding the judgment of the Senate on an important question in regard to the whole Cherokee nation, by adopting this amendment. Do not put this claim of the North Carolina Indians upon a ground which will preclude us hereafter, from objecting to a construction of the treaty which binds us to pay all these sums for subsistence and removal out of the United States treasury. The question of payment of interest has also been concluded by this amendment. The interest in this case, amounts to two-thirds of the principal, and if we adopt this precedent, it will involve the United States treasury to the amount of five millions. I insist that this question is not legitimately presented to us in an amendment to the Indian appropriation bill. I am quite willing to meet the question; but let it come up and be decided in the proper way.

Mr. NILES said that he was a member of the body at the time when the treaty was made. The Senate had then made what they considered full and ample provision for the removal of these Cherokees. The main difficulty that then existed in the minds of Senators to the ratification of this treaty was [illegible] was negotiated with only a portion of these Indians, whereas we could take possession of the country occupied by the whole tribe, when one half of it protested against entering into any such treaty. Whether the understanding then was that the expenses of the removal would amount to some five millions he was not able to say. His conviction was that they thought the allowance a very large one; the obligation that existed, as he had before said, to the ratification of the treaty by the Senate, being that they considered that the treaty was made only by a portion of the nation, thus forcing the remainder, contrary to their wishes, to give up the possession of their country.

In regard to the fact stated, that nearly all of the sum of five millions appropriated to carry into effect the provisions of the treaty, had been expended upon the removal and subsistence of these Indians that had gone west of the Mississippi, he would say that it was appropriated by the Senate, if he could correctly judge their opinion, with the full conviction that it would be amply sufficient for the compensation of the Indians, for improvements made in their country, as well as for the expenses of their removal. But it had turned out that nearly the whole sum had been expended in their removal; the object of justice to those who remained therefore, that the Senate had in view when they ratified the treaty, had of course been entirely frustrated. Those who removed had got possession of a fine section of country in the west; those who remained had got nothing. It appeared to him then that inasmuch as the object which the Senate had in view of doing justice to all, had failed in reference to those who had remained behind, it was the clear and manifest duty of the Senate to make such allowance to those Indians who had remained in proportion to the benefit we received from the possession of their country, as was contemplated at the time the treaty was ratified. Such allowance would be in entire conformity with the provisions of the treaty.

There was a fact which he thought should deeply influence the minds of Senators, and that was, that the portion of the Indians who remained behind were not parties to the treaty that had been made. They had never given their consent to it. That portion which was the active party to the treaty had stipulated, it was true, that the benefits of it should result to all, but those benefits having failed to accrue to those who remained, were we not, he would ask, called upon by every consideration of justice, to see that they were not despoiled of their country, or of the allotted remuneration? He thought it would be an act of manifest injustice to these Indians who were not represented here, should the Senate act to the contrary.

Another point raised in this case by the honorable Senator from Tennessee independent of the construction given to the treaty, was that their removal was forced upon the government; it was obliged to act in order to save these people from engaging in the unhappy controversy that existed in relation to the various tribes in the State of Georgia. This government had stipulated to extinguish the Indian titles within the limits of Georgia, and was therefore compelled to act, and to use every expedient in their power to get these Indians out of the jurisdiction of Georgia. With a view to this object the treaty was brought to the Senate, and they had voted for it with the full conviction that it made ample provision for remunerating these Indians in full for their country and their improvements upon it. The government had went beyond the stipulations in the treaty. They had made promises, which promises had received the sanction of both Houses of Congress, that in addition to the sum granted, the expenses of their removal should be paid. Even this ground, in his opinion, was not so strong as the one he had at first assumed, viz: that inasmuch as those remaining had been despoiled of their territory through the treaty, acceded to only by another portion of their tribe, and as thus the provisions of that treaty had not inured to their advantage, it was perfectly clear that they had received nothing at our hands and consequently were fully entitled to remuneration in some form or other. How that compensation should be rendered he was not prepared to say, but at any rate it should be made speedily and to their satisfaction.

Mr. ATHERTON wished to correct an erroneous impression on the part of the Senator from Connecticut. He understood him to take the ground that the whole or nearly all of the five million fund, with the additional sums granted, had been expended in removal and subsistence, and that there was nothing left to pay for improvements. Now, he would state that the improvements had been paid for. If the Indians had been paid nothing for improvements, it was because they had none to be paid for. As it was his impression that the general government received no benefit from their lands, he would enquire of the honorable Senator from Tennessee, whether the State of North Carolina claimed the land of these Indians, or whether it came into possession of the general government?

Mr. BELL replied that the general government had no right to it; the land belonged to North Carolina.

Mr. ATHERTON could not but think it would be better to wait until they should receive the report of the settlement made by the commissioner, in regard to the sums expended hitherto out of the five million fund, and see how much remained to be distributed *per capita* among the Indians before they proceeded to grant them further remuneration. These Indians stood upon the same ground as those of other States. If they had been deceived or despoiled, he was willing to reimburse them; but he thought this an improper mode of paying them for removal and subsistence west, when they had not been removed. The Senate could not decide how much the Indians would be entitled to until they had ascertained the amounts of the five million fund remaining under which they would be entitled to a *per capita* allowance.

Mr. BERRIEN desired to be informed by the chairman of the Committee on Finance whether he was in possession of any information that enabled him to contradict the statement made by the Senator from Tennessee, that these North Carolina Indians had in fact received nothing under the treaty.

Mr. ATHERTON stated in reply, that they had received payment for their improvements the same as other Indians. They

had not received any thing for removal or subsistence, nor their *per capita* allowance.

Mr. BERRIEN would put the question specifically. Did it come within the honorable Senator's knowledge that any payment whatever had been made to these North Carolina Indians?

Mr. ATHERTON was not able to say positively whether any had or had not been made. If they were entitled to any thing by the terms of the treaty, they had received it.

Mr. BERRIEN understood the Senator from New Hampshire, then, as saying, that, to the best of his knowledge, if these Indians of North Carolina were entitled to any thing under the treaty they had received it; but that, in point of fact, he did not know that they received any thing for their improvements.

Mr. ATHERTON would inform the Senator from Georgia that the Commissioner of Indian Affairs had stated that payment for improvements had been made to all the Indians.

Mr. MANGUM believed that the fact was true that some of the Indians resident in North Carolina had received payment for for improvements, but it was not the case with all. In the county of Haywood, to his own certain knowledge, there were some seven or eight hundred of them who had not received a cent.

Mr. ATHERTON was now enabled to reply to the question of the gentleman from Georgia. The 17th article under the treaty provided that a commission be appointed to examine into these claims for improvements. That commission had reported once or twice; and in their final report it was stated, all the Indians that had presented their claims had been paid.

Mr. BERRIEN thought that he now understood the true position of the question. A considerable portions of the Indians of North Carolina had not received any thing under this treaty—had been despoiled of their lands under authority of this treaty, and received no compensation for them. Now, the objection made by the chairman of the Committee on Finance was not to the justice of these claims, but to their payment in this mode. He objects to a provision being made for their payment by the amendment offered by the Senator from Tennessee—not merely on the ground that it comes improperly as an amendment to a bill like the present, but because it will have the effect of concluding the decision of the government in regard to certain other conflicting claims. In his judgment, that objection was of no avail. He considered the claims of these Indians to be perfectly valid under the evidence furnished in the treaty. The government was bound, unless willing to submit to an imputation of gross injustice and oppression, independent of the faith furnished by the provisions of the treaty, to do justice to them. He did not rely upon the conversations made at the time of the treaty, which might be supposed to be merged into the original instrument after being executed, but he relied upon that great and broad principle relating to treaties that the true intent and meaning of their provisions is to be ascertained; not merely by looking at the words of the treaty itself, but at the circumstances under which it was negotiated. He took it that there was a very broad distinction recognized in law between the interpretation given to an instrument of this sort, preceded by a conversation supposed to be merged in the written instrument, agreed to be the expression of the will of the parties concerned, and a private instrument executed between individuals.

In respect to these Indian treaties he would ask, how negotiated, and by whom negotiated? This government drew up a treaty, and through its agent presented it to a certain tribe of Indians for their concurrence, and not in one instance out of ten did it occur in which, in negotiating with this unlettered people, any other interpretation was given to the treaties than that made by the legislation of this government. These people did not look to the strict letter of the treaty so much as they did the instructions given them orally. He confessed that he viewed this question as totally independent of the treaty stipulations. He considered that these Indians were not parties to that treaty, and had been either deluded or coerced into an acceptance of its terms. Whether the five million fund had or had not been exhausted, he regarded it as the duty of the government to provide immediately for the reimbursement of their claims.

Mr. ATHERTON represented that the rights of the Indians might not depend upon the question whether this fund was saved to their benefit, but that the rights of the treasury might depend upon it. It would, in his estimation, make no difference to the Indians whether they were paid out of this fund or out of the treasury.

Mr BERRIEN agreed with the honorable Senator from New Hampshire that the condition of the treasury might be affected by such payment. But the obligation of the government to do immediate justice to these people, in any view of the subject, was so evident to his mind, that he thought it would be wrong for the government to be influenced in its duty in this matter by the state of the funds.

Mr. ATHERTON considered that the obligation of the government was not the same. The obligation of the government might be to pay it out of the fund or out of the treasury, but it made no difference to these Indians, whether they paid out of the fund or out of the treasury. It was a question which would interest the Western Cherokees, whether their fund should be diminished or not; but it did not affect the North Carolina Indians whatever. As he had before stated, these Indians had had the same opportunity as other Indians to present their claims for improvements, first for allowance and then for payment. Some five or six years ago, a commission had set under the 17th article of a treaty with certain Indians, to decide upon the allowance of compensation for improvements. The decision of that body, of whom Mr. Schermerhorn was a member, was conclusive. All the claims presented to the commissioners were allowed and paid. These North Carolina Indians were placed on the same ground. They had their claims always allowed when presented and substantiated to the board of commissioners.

Mr. BERRIEN still insisted that the obligation of the government to pay these Indians immediately remained the same, whether the five million fund was or was not exhausted. It would make no essential difference to the Indians whether they were paid out of the fund or the treasury, provided they were paid immediately; but if these Indians were to want the decision of the government in regard to the state of the fund, of course they could not have the benefit of the provision made in the treaty, for the immediate liquidation of the debt due them.

Mr. BUTLER remarked that he was very anxious to understand the matter then before the Senate, inasmuch as it would be a precedent by which to be guided in the settlement of similar questions. The case, if he understood it right, was as follows: A treaty had been made in North Carolina, to which these Indians now remaining there, were not parties conveying away their whole country, of which they were part possessors. Immediately after they were apprised of the fact that their land was to be taken from them, at the time the treaty was being considered in the Senate, they sent in a form of protest, stating to the government that they had no agency in forming the treaty, and that they were about to be displaced from their possesssions without their consent. The government told them in reply, that they (the Indians) should not be bound by the language of the treaty, and that if they would be quiet and not disturb the negotiation going on, they would undertake to pay them an equivalent to that which the others had received. So they rested quiet under the expectation that the United States would carry out their agreement in good faith. In his opinion, the government should either pay them out of the treasury of the United States, or should compel the Indians at the West to pay it out of their fund. He would be glad to see the government pay the amount directly out of the treasury.

Mr. WEBSTER supported the amendment. These North Carolina Indians had parted with their possessions, and were equally entitled with those who had emigrated to the benefits of the treaty. It might be true, that in general in regard to contracts, the conversation of parties, or the understanding of parties at the time the contract was made, could be referred to in evidence of the meaning of the terms and stipulations afterwards reduced to writing. Probably the rule was not applicable to the same extent to treaties. But however that might be in general, a very indulgent consideration he thought, should be given to the Indian parties in all our treaties; because they were more likely to pay attention to what was said than to what was written. They heard the talk and conversations in council, and if they were satisfied with them, there was very little probability of their seeking to know what had been reduced to writing, and what had been omitted. Saying nothing upon the general equity of the case, but upon the mode of considering this treaty, there was one consideration almost conclusive with him. It was a universal rule of law and justice, that whether conversations that have been held before the contract is reduced to writing, may be cited to prove its true meaning, the conduct of the parties after the contract is formed, will show clearly how they understood it. He remembered in the course of some trial, that he found a remarkable expression of that opinion by a distinguished chancellor of England. Tell me, said the chancellor, how the parties immediately after the contract was made, understood it, and I will tell you what the contract meant. Now, it is quite evident from the understanding which existed between these Indians and the government, immediately after the treaty was made that they were entitled to their allotment of the other amount therein appropriated. The Indians have all along expected it themselves. He thought, then, that in accordance with a well settled rule of construction of written contracts, these acts of the parties subsequent and immediately subsequent to the execution of the contract, were proper evidence to show the intentions of the parties. An allowance ought, then, to be made, he contended, to those North Carolina Indians.

Mr. ATHERTON asked permission, inasmuch as the honorable Senator from Massachusetts had alluded to the correspondence in regard to the treaty, to read from a report upon this subject by the Commissioner on Indian Affairs, who quoted from a report of commissioners appointed to examine into this question. The commissioners said:

"that nothing more was intended to be paid by the United States for the possessions of the Cherokees east of the Mississippi, than the sum of $5,000,000, as recited in certain by the letter of Gen. Cass, Secretary of War, dated March 7, 1835, in reply to the observations inclosed by John Ross. Their delegation, under date of March 5, 1835, inquire of Gen. Cass 'whether we are to understand from your communication of this date, that the five millions referred to in the Senate resolution past the 23d ultimo, Indians for all their land and possessions east of the Mississippi river, as containing also the expenses of transportation and subsistence in removal, and for subsistence for twelve months after their new homes, for blankets, guns, &c.; or whether that sum is an offer, as really appears from the resolution to be, only for the extinguishment of the Cherokee title to lands east of the Mississippi river, and for the houses and improvements

of the Cherokee Inhabitants situated thereon ; and that the United States will in addition pay the expenses of transportation and subsistence in their removal, &c. To this Gen. Cass replied, that "the sum of five millions would be offered for your claims east of the Mississippi will, I have already informed you, be accepted for your entire rights now. The application of it will be such as you desire. A preparatory deed to individual rights. Nothing more will be paid for improvements, reservations, or any other object whatever. In giving to you the full value of your property, the United States comply with all the demands of justice upon them."

As he had remarked before, the supplemental article said nothing about subsistence. It alluded to claims that had been set up on the part of the Indians for expenses of removal, &c. From Judge White's report to the Senate, it would be seen that he considered the addition to the extra six hundred thousand dollars appropriated for their removal, &c., of one million as a voluntary grant. He placed it on the ground that the committee felt that too much should be done for the Cherokees rather than too little.

Mr. WEBSTER suggested that, of course, General Cass and all the other Secretaries following him had refused to make these payments, or the claims would not be then before the Senate for their consideration.

Mr. ATHERTON begged leave to inform the Senator from Massachusetts that this letter was dated before the ratification of the treaty in 1835.

Mr. WEBSTER knew that. If he had rightly understood the remarks of the honorable Senator from New Hampshire, he had not touched the point he meant to submit for the consideration of the Senate. The Senator attempted to show that if paid, the claims should be paid out of the five million fund. He (Mr. W.) did not enter into the question of the fund, for the fund was exhausted, run out, to a certain extent, and of course the claims could not be paid. The point he wished to present to the Senate was, that these Indians had a right to the money, first, upon the general principles of equity, they having surrendered their property to the United States ; and, secondly, as being within the provisions of the treaty, subsequently acknowledged by both parties.

Mr. ATHERTON rejoined, that this was what he had complained of in the amendment, because it provided for the payment of the claims out of the treasury of the United States.

The question was then taken upon agreeing to the amendment, and it was determined in the affirmative, as follows :

YEAS — Messrs. Atchison, Badger, Bell, Benton, Berrien, Bouligny, Buchanan, Calhoun, Downs, Greene, Hale, Johnson, of Louisiana, Lewis, Mangum, Miller, Niles, Parker, Rusk, Spencer, Tallmadge, Underwood, Upham, and Webster — 22.

NAYS — Messrs. Attherton, Bagby, Barrow, Bates, Black, of Mississippi, Dayton, Dickinson, Dix, Fulton, Hunter, Preston, Johnson, of Georgia, Mason, Sebastian, Simpson, Tipton, Wall, Wardell, and Wilkins — 17.

Mr. RUSK moved to amend the bill by inserting the following section :

SEC. — *And be it further enacted*, That the President of the United States be and he is hereby authorized by and with the advice and consent of the Senate, to appoint one Superintendent of Indian Affairs, and such number of sub-agents as he may deem proper necessary, for the Indians residing in the States and Territories, and that the same be compensated for and that an appropriation be made of any money in the Treasury not otherwise appropriated, for the payment of the salaries of the said officers, and to enable the President to comply with the treaty entered into by the United States with the said Indians.

Mr. RUSK deemed it necessary, perhaps, to make a few words of explanation in relation to the amendment, and as to the reason why he had offered it to the present bill. Some time since a treaty had been entered into between the commissioners appointed by the United States and the Indians residing in Texas, by which various favors were to be granted them ; among others a blacksmith was to reside among them to keep their tools and implements in order. The Indian appropriation bill following that treaty, by one of its sections authorized the President to employ for the time being, a temporary agent among the Indians in Texas, and made an appropriation for paying his salary. The condition in which these Indians were now placed, he said, was a peculiar one, and unless means were taken to change it, there was reason to apprehend a bloody Indian warfare on the frontiers of Texas. The most of the Indians there had emigrated from the United States. They were remnants of some ten or twelve tribes, and were the only ones the Texans had any difficulty with. These Indians had gone there against the wishes of the Texans, and in direct violation of a treaty between the United States and Mexico, the benefits of which were to enure to Texas. With the Camanches they had had no trouble. He thought, too, that there rested a strong obligation upon this government to assist in removing the difficulty, inasmuch as in 1834 the United States entered into a treaty with the Caddo Indians, on the condition that they should leave their territory forever. With the very arms and ammunition they had received from the United States at that time, these Indians had gone over into Texas and had committed serious outbreaks upon the inhabitants. It was impossible, he urged, that one agent could attend to these remnants of twelve tribes, scattered over a vast tract of 700 or 800 miles of wilderness country. The amendment appropriated a sum sufficient to carry out the provision of the treaty of the United States.

Mr. BELL stated that the Committee on Indian Affairs had had the matter under consideration, and had a great deal of trouble with it. They had, however, agreed upon a report not yet made. The difficulty was in regard to the authority, if any, which this government had, to exercise control over the Indians within the boundaries of Texas. The proposition finally agreed upon was a provisional one, viz : that if the legislature of Texas would concede the power to the general government of the United States to control the Indians in Texas, and impose the laws over them usually prescribed in the territories of the United States, that a law defining these powers of the United States government should go into immediate effect, and the President be empowered to appoint the necessary officers to carry out the intentions of the government. The officers or agents hitherto appointed had acted without any obligation being entered into on the part of Texas to control her own citizens. Any one acquainted with the situation of Indians generally, knew very well that some authority was needed to resist the encroachments of white settlers upon Indian territory. The power asked for by the general government was such as simply related to the removal of difficulties existing, or that might arise, between the Indians and the neighboring settlers. At present the government had no such power or authority within the limits of Texas.

Mr. RUSK would simply refer to the laws of Texas upon the subject. He would read the second article of the treaty which had been ratified between the government of the United States and these Indians, which defined the powers of jurisdiction given to this government over the Indians :

"ARTICLE 2. It is stipulated and agreed by the said tribes or nations, and their associate bands, that the United States shall have the exclusive right of regulating trade and intercourse with them, and they do hereby engage to afford protection to such persons, with their property, as shall be duly licensed to reside among them for the purpose of trade and intercourse, and to their agents and servants ; but no person shall be permitted to reside among them as a trader, who is not furnished with a license for that purpose, under the hand and seal of the superintendent to be appointed by the President of the United States, or such other person as the President shall authorize to grant such licenses, to the end that said Indians may not be imposed on in their trade; and if any license trader shall abuse his privilege by unfair dealing, upon complaint by the chiefs to their agents, and proof thereof, his license shall be taken from him, and he shall be further punished according to the laws of the United States ; and if any person shall intrude himself into trade without such license, upon complaint he shall be dealt with according to law."

As he had before said, there were some twelve tribes of these Indians with whom all the difficulties had occurred. Among them were the Shawnees, the Delawares, the Kickapoos, the Cherokees, the Creeks, and the Seminoles, who had all come over from the United States. The Caddos would come over and commit depredations in Texas and then fall back into Louisiana ; and though he did not wish to allude to himself, yet he would say that in consequence of these depredations he raised a force, and following them into Louisiana, took away their arms and ammunition, compelling the agent of the United States to keep them within their own limits. For this conduct he had been severely censured by the government of Louisiana, and by members of the House of Representatives. These Indians were doing injustice to the United States; they had gone into Texas in violation of the treaties of the United States, and was not this government authorized to restrain and subdue them ?

Mr. BELL was of opinion that the amendment proposed by the honorable Senator from Texas would not effect the purpose he desired to have accomplished. There were no provisions for the prevention by law of the inroads of these Indians in this amendment. The amendment did not cover the whole ground ; it was no remedy for the evil. The passage of the proposition to be reported by the committee to pass a law authorizing the appointment of a proper number of agents, and this agreement to exercise certain powers of restraint over the Indian tribes within the boundaries of Texas, and also the white settlers. At present there is no definite Indian boundary fixed upon, and how could an agent tell whether an inroad had been made upon Indian or upon Texian territory ? We should adopt the same rules of intercourse as were adopted in the early action of this government in regard to all the large tribes west of the Mississippi. He was in favor of the most decided and liberal provisions on the part of this government for the restraint of the difficulties brought on by the Indians in Texas, but such restraint could only be maintained by the general government, with the express sanction of the legislature of Texas. The treaties formed prior to the annexation of Texas by that occurrence were involved in doubt, or at least had become somewhat invalidated.

Mr. RUSK had no doubt that it would suit these Indians, Cherokees and others, to establish a boundary in Texas when they were actually intruders on the soil. They would no doubt be very thankful for the opportunity of laying claim to a portion of her domain. The honorable Senator from Tennessee had stated that the annexation of Texas had divested the existing treaties of their former force and validity.

Mr. BELL acknowledged that they ought to have been carried out in good faith, but that they were really not now to be relied upon, and thought that there ought to be some new arrangements made.

Mr. RUSK.—That is just what this amendment proposes. It authorizes the President to comply with the provisions of the treaty, and send a sufficient number of agents to control the Indians. The small amount proposed in that amendment to be applied to support of agents for the settlement of these difficulties, was nothing in comparison to what it yet might cost Texas and the government of the United States. Should an Indian war ensue, Texan blood in profusion would have to be shed, and perhaps hundreds of thousands of dollars appropriated by the general government before it could be suppressed. The authority of a United States agent would be recognized and acknowledged, because it was well known that the United States would maintain the power of its representatives. The Indians would, therefore, be compelled to move back without bloodshed.

Mr. ATCHISON had but a very few words to say in reference to the subject. He would inform the honorable Senator that a bill would be reported from the Committee on Indian Affairs to-morrow, which would answer all the purposes the Senator from Texas desired to have accomplished. It had been unanimously agreed upon by the committee; they having by investigation become satisfied that there was danger of an Indian war resulting from the difficulties that had taken place. The President had appointed an Indian agent for Texas called a special agent. That agent had represented to the Indian Department that he was entirely unable to restrain the intercourse between the citizens of Texas and the Indians; and unless that could be done, peace could not be maintained. When the agent forbid any white man settling on the Indian territory, they replied that intercourse did not exist between the Indians and the United States, and that they were citizens of Texas, and would acknowledge no jurisdiction, no legislation beyond that of Texas. The intercourse of the United States did not reach Texas, and could not, unless through the medium of the legislature of Texas. Hence the appointment of Indian agents whose authority would not be recognized in Texas, without the consent of the legislature of Texas, would be worse than a farce. The bill, as he remarked, that would be reported to-morrow, would do all the Senator proposed to do by his amendment, and so soon as the authorities of Texas would consent to its provisions being enforced in Texas, and give the United States the requisite power to restrain the Indians the government would put their powers in force. As to the itinerant Indians that lived out of the State, Texas had a right to keep them off by force or to call upon the general government for a sufficient number of troops to drive them away.

Mr. RUSK disliked to be troublesome, but in regard to the reference spoken of to the legislature of Texas for authority to subdue and restrain these Indians, he would say that the legislature of Texas would not meet again for two years, so that this bill could not be acted on during that time. To be sure, if Texas chose to convene an extra session of the legislature, and pay four times the amount involved in the amendment he had offered, the bill might be passed upon at an earlier period. The United States had made a treaty with these Indians—they were dissatisfied because of the non fulfilment of some of its stipulations, and it was the duty of the government to send out agents to settle and arrange the matter. His amendment embraced all that was necessary to be done at the present time.

Mr. WESTCOTT.—I am much surprised at the remarks of the Senator from Tennessee, [Mr. BELL,] and of the chairman of the Committee on Indian Affairs, [Mr. ATCHISON.] They say it is the opinion of the President, Secretary of War, Commissioner of Indian of Indian Affairs, and of the committee of which those Senators are members, that without the express assent of Texas by her legislature, the federal government has no jurisdiction or control over the Indians resident within the State of Texas. They argue that therefore it would be wrong to adopt this amendment. I recollect well when the treaty with the Texas Indians, concluded by the late Col. Butler, was submitted to the Senate for ratification, it was opposed on the same ground. I was with the opposition before the matter was fully discussed. An honorable Senator from Arkansas, then at the head of the Indian Committee, now in Mexico, [Mr. SEVIER,] to sustain the rights of the federal government to make the treaty, referred to the constitutional provision, giving to it the right to "regulate intercourse with the Indian tribes." It is true, the United States does not own the territory where those Indians reside, but there is no exception in the constitutional delegation of power. The United States have made treaties with the Senecas, Stockbridge, Brothertown, and other Indian tribes, in States where the federal government had no claim upon the land. The treaty was ratified by two-thirds of the Senate; and I had supposed the question of jurisdiction was settled. I have no difficulty about it. Since that treaty was ratified, (Texas acquiescing) I conceive the United States have as much right to control the Indians in Texas, as the Indians in any other part of the Union. If not the making and ratification of that treaty was a solemn farce, and the treaty itself a dead letter.—I became satisfied that the United States had the right to make the treaty, and the right to execute it, or adopt any other measures, regulating the intercourse of the whites with the Indians, in conformity to their policy. Texas owns the land, subject to the Indian claim of occupancy, and it is to be presumed that Texas, by her laws will, by its laws respecting the Indians, have special reference to the right of Texas to the land—to the necessity of the Indians retiring before the white emigration, and the preservation of peace and quiet on the frontier. As to the question of the right to control these Indians by the federal government, and the right to regulate their intercourse with the border settlers, it can be exercised without special law, under the military power delegated by the constitution. The United States can establish military posts along the border, and inhibit the whites or Indians from crossing either way the military line. As to these Texas Indians, the United States have not acted in good faith with Texas. I know, personally, that about the year 1833 or 1834, several hundred Indians were sent from Apalachicola, Florida, into the then republic of Texas. They made a treaty with the United States, stipulating that they would remove themselves "west of the Mississippi;" and instead of going west of the Arkansas, when the Creeks and Cherokees went, they joined the Musquito Indians in Texas, and some of them soon after became concerned in attacks upon, and massacres of, the Texan frontier settlers; and some of them were killed in battle by Texans under the command of the Senator from that State, [Mr. RUSK.] Our Indians are continually crossing the line of Texas. We were bound to restrain them. Now what was the amendment proposed? Merely the appointment of superintendents and agents to reside among these Indians to keep them in order. Could Texas object to this; or does any one suppose that she would do it? If she does the officers need not go there at all. But it is said the Indian intercourse laws do not extend to Texas. All the laws of the United States extend to Texas by the terms of the acts of annexation and admission. There is no exception. The Texian legislature has, by joint resolution on your table, printed by your order, asked for military posts, and agreed to these Indian agents.* The case of Georgia and her Indians has been alluded to. That case was entirely different. Georgia owned the land, and the United States had expressly stipulated to extinguish the Indian title and remove the Indians; and all the difficulty occurred from the United States not fulfilling this stipulation, Georgia got tired of waiting and undertook to enforce her own rights herself, in her own way, by State action. I do not pretend now, if the State of Texas by legislative action, should resolve to coerce the Indians within her limits, to remove further west, that the United States could properly resist such State action. But, without it, all the intercourse laws of the United States with respect to the Indians, can be enforced against individuals whether whites or Indians. The object of this amendment was the peaceful regulation of the Indians, through the influence of the agents proposed to be appointed, and the few thousand dollars proposed to be expended may save the expenditure of two hundred thousand six months hence in an Indian war. It appears strange that Senators should base opposition to this bill on the anticipation that Texas will resist or object to a measure for the protection of the lives and property of her frontier citizens, even if the power of the United States should be considered questionable. I shall therefore vote for the amendment.

Mr. ATHERTON remarked that in common with the other members of the committee who had addressed the Senate, so far as he had examined the subject, he could not see what right the United States had to jurisdiction over the Indians of Texas, unless authority was given her by the State Legislature of Texas. In the appropriation bill before the Senate, an appropriation of fifteen hundred dollars for a sub-Indian agent for Texas was made, and it was supposed that nothing further would be necessary until the bill framed with particular reference to a removal of the difficulties was reported from the Indian Committee. By the intercourse laws of 1834, the definite jurisdictional boards of the United States did not extend to Texas. Texas had preserved jurisdiction over all her lands and it was only by her authority that the general government could exercise any power within her limits.

The question was then taken upon agreeing to the amendment, and it was determined in the negative, as follows:

YEAS—Messrs. Benton, Bagland, Bradbury, Calhoun, Dixon, of Mississippi, Felch, Hamlin, Mangum, Rusk, Sebastian, Sturgeon, Turney, and Westcott—13.

NAYS—Messrs. Atchison, Atherton, Badger, Bell, Bermen, Butler, Corwin, Davis, of Massachusetts, Dayton, Dickinson, Dix, Downs, Greene, Hale, Hunter, Johnson, of Georgia, Mason, Miller, Niles, Pearce, Spruance, Underwood, and Yulee—23.

Mr. SEBASTIAN moved a postponement of the bill until to-morrow, in order that he might submit an amendment which he intended to offer.

The motion was agreed to.

EXECUTIVE SESSION.

On motion by Mr. DIX, the Senate proceeded to the consideration of Executive business; and after some time spent therein,

On motion,

The Senate adjourned.

30TH CONG.—1ST SESSION—No. 91.

---

* Joint resolution in relation to the Seminole and requesting our Representatives to procure the passage of such of Congress concerning military posts on the frontier, and relative to intercourse with Indians.

SEC. 1. *Be it resolved by the legislature of the State of Texas*, That our Senators and Congress be instructed, and our Representatives requested, to use their influence in procuring the passage of an act establishing a chain of military posts and rangers of the settlements between Red river and the Rio Grande; and that said posts shall be removed from time to time as the settlements advance.

SEC. 2. That we also recommend that in any Congressional enactments concerning Texas Indians, suitable provisions may be incorporated requiring the Indians against the United States, and the commandant of the towns in the government agree stationed on our frontier, to confer with the governor of Texas, that they may jointly co-operate in pursuing such policy as may best tend to the preservation of the peace, and the protection of the Indians and the protection of the rights of our citizens.

SEC. 3. That the governor be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

JAMES W. HENDERSON,
Speaker of the House of Representatives.
JOHN A. GRIER,
President of the Senate.

Approved March 29, 1848.

GEO. T. WOOD.

† The foregoing is a copy of the original joint resolution on file in the State Department.

W. D. MILLER,
Secretary of State.

THURSDAY, JUNE 15, 1848.

THE VICE PRESIDENT.

The Hon. GEORGE M. DALLAS, Vice President of the United States, and President of the Senate, resumed the chair.

REPORT FROM THE WAR DEPARTMENT.

The VICE PRESIDENT laid before the Senate a report of the Secretary of War, made in compliance with a resolution of the Senate, of the 28th ultimo, showing the number of Creek Indian warriors killed or wounded, or who had died while in the service of the United States during the war in Florida, and the arrears of pay due to each of them, which was read and ordered to be printed.

PETITIONS.

Mr. ATCHISON presented the petition of John H. Eaton, praying the reimbursement of the cost of a horse purchased by him from the United States, which proved to be unsound; which was referred to the Committee of Claims.

Mr. BUTLER presented a petition of citizens of Charleston, South Carolina, praying that the spirit ration in the navy may be abolished; which was referred to the Committee on Naval Affairs.

Mr. CAMERON presented a petition of citizens of Philadelphia engaged in commerce and navigation, praying an increase of the naval establishment of the United States; which was referred to the Committee on Naval Affairs.

PUBLIC STABLE.

Mr. HUNTER, from the Committee on Public Buildings, reported the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That it is inexpedient at present to erect a public stable, as proposed in the resolution of the Senate of the 19th instant, referred to the Committee on Public Buildings and Grounds, to be built on the south square east of the Capitol, and that the committee be discharged from the further consideration of said resolution.

FREMONT'S MAP OF OREGON AND CALIFORNIA.

Mr. BENTON submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That one hundred copies be printed for the use of the Topographical Bureau, one hundred for the use of Colonel Fremont, and one hundred for the use of Lieutenant Fremont, of Fremont's Geographical Memoir, in illustration of his map of Upper California.

RECRUITING SERVICE.

Mr. ATCHISON submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of War be requested to inform the Senate whether any, and what, number of recruits have been enlisted since the 30th day of May, 1847, in addition to the 14,000 authorized by the act of that date.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. PRESIDENT: I am directed by the United States to inform the Senate that the President of the United States has approved and signed an act of this House of the following title: An act to appropriate the proceeds of the public lands, and to grant pre-emption rights."

The House of Representatives concurs in the amendment of the Senate to the joint resolution providing for the payment of the regiment of Texas mounted troops called into the service of the United States under the requisition of Colonel Curtis, in the year 1847, and for other purposes.

They have passed a resolution in relation to the transportation and discharge of the military forces of the United States at the close of the war with Mexico, which they request the concurrence of the Senate.

And the House of Representatives has passed the enrolled joint resolution of the Senate, providing for the payment of the regiment of Texas mounted troops called into the service of the United States under the requisition of Colonel Curtis, in the year 1847, and for other purposes; to which they desire the concurrence of the Senate.

And the House of Representatives has passed the enrolled joint resolution of the Senate, providing for the payment of the regiment of Texas mounted troops called into the service of the United States under the requisition of Colonel Curtis, in the year 1847, and for other purposes.

I am directed to bring it to the Senate for the signature of their President.

PASSING OF A JOINT RESOLUTION.

The VICE PRESIDENT signed the enrolled joint resolution providing for the payment of the regiment of Texas mounted troops called into the service of the United States under the requisition of Colonel Curtis in the year 1847, and for other purposes.

TRANSPORTATION AND DISCHARGE OF TROOPS.

The joint resolution from the House of Representatives in relation to the transportation and discharge of the military forces of the United States at the close of the war with Mexico, was read the first and second times, by unanimous consent.

Mr. BENTON.—I would inquire if that resolution is not a counterpart of the one which I presented yesterday morning to the Senate?

The resolution was again read by the Secretary.

Mr. BENTON.—It is the same precisely. I have no objection that the Senate should proceed at once to its consideration, as it has come into our hands at the very moment when, according to the notice I gave yesterday, I was about to call up the one which I introduced. I move that the Senate proceed to the consideration of the resolution now.

The PRESIDING OFFICER.—With the unanimous consent of the Senate, this resolution will now be considered as in Committee of the Whole.

Mr. BREESE.—I do not quite understand the resolution. It seems to me there will be some little difficulty, if it be adopted as it stands at present. So far as the officers of the marine corps are concerned, a regulation has been adopted by which first lieutenants have been made captains, and second lieutenants have been made first lieutenants. The military law does not recognize the promotion of officers in that way, except the appointments are made to fill vacancies. Now, if this joint resolution passes, what becomes of these classes of officers? They cannot go back to their original rank; they have had regular promotion. But by the passage of this resolution, these second lieutenants will be thrown out of the service—the corps will be disarranged—the others must be transferred back. Besides, it seems to me to be premature to act upon this resolution now, before we have received the proclamation of the President. It is possible that he may recommend—though I do not say that he will—an addition to the military force of the country. Our frontier will be almost entirely undefended; and it seems to me to be absolutely necessary that there should be an increase of the military force. I give this opinion without any very accurate knowledge of the subject, I confess. But in regard to the marine corps I do not see how the difficulty that I have adverted to is to be got over, if this resolution should be adopted.

Mr. BENTON.—If the Senator desires a postponement of the subject, I will not press the vote to-day. Perhaps the difficulty which the Senator has stated may be removed upon a little further consideration. In the meantime, however, I will myself offer an amendment to the resolution. In every case in which officers have been disbanded at the conclusion of the war, there has been an allowance made to them of three months pay, in order to cover their loss of time, and expense in returning home. This was done at the conclusion of the war in 1815, and it has been the case at the conclusion of all wars. I therefore offer this amendment:

"And all commissioned officers so discharged, shall be entitled to receive three months pay in addition to their regular compensation by law."

It is taken from the act of 1815, and embraces only commissioned officers. Non-commissioned officers have their land bounty and other allowances. It is for three months' extra pay only, in order to cover their expenses in returning home.

Mr. CAMERON.—I move to amend the amendment by including "non-commissioned officers, musicians, and privates." It is true that they get their land, but experience has taught me that although they do get their lands eventually, it is a long time before they get them; and they undergo great privations. I move that these words be added to the amendment.

The question being taken upon the amendment to the amendment, it was determined in the affirmative. Ayes 25, noes not counted.

The question then recurred upon agreeing to the amendment as amended.

Mr. ATCHISON said: I would inquire if this amendment includes all the troops that are discharged, of those who enlisted but who have never reached Mexico, as well as those who have fought? If it were so modified as to embrace those only who were in the army at the time of the war, I should have no objection; but as it stands, I apprehend it will put those who have never been in Mexico at all upon the same footing with those who have fought. It seems to me preposterous to place them all upon the same footing.

Mr. WEBSTER. I take somewhat of a different view—indeed an entirely different view, from that adopted by the Senator from Missouri. He says the amendment will embrace many soldiers who have not smelled powder. The greater their misfortune! And you may say the same of the officers. The impulse of any honorable person, officers or soldiers, is to enter into and pass through the service with distinction, and if he has failed in an opportunity to obtain that, it is his misfortune. I believe if you look at the progress of officers and soldiers, whose fate it has been, not to be able to face the enemy, you will find it is to them a subject, not of rejoicing, but of regret. I know no principle for any such distinctions as was intimated by the Senator from Missouri. Those who enter the service take their chances, they hazard the climate, and the climate is ten times more fearful than the swords of all the

soldiers in Mexico. Why then make the distinction? And besides, if you make the distinction in regard to soldiers, why not in regard to officers? They have been occupied going hither and thither, without meeting the enemy. Sir, put them all on the same footing. We are bound to presume that all, both officers and men, have entered the service not only with the rational view of receiving their proper reward, but the view also of meeting the enemy and distinguishing themselves in battle. I am for placing them all exactly upon the same ground, and if this proposition does not embrace all the soldiers equally, I, for one, cannot concur in it.

Mr. BENTON.—The words of the amendment are, I believe, "all commissioned officers so discharged."

Mr. CALHOUN asked for the reading of the amendment.

It was again read by the Secretary.

Mr. BENTON.—Thus you see it is narrower in its application than is apprehended by either of the gentlemen who have spoken. It is limited to those who will be discharged under the resolution. Having now brought this subject to the attention of the Senate, I should prefer that it lie over for final decision, until to-morrow.

Mr. ATCHISON.—I wish to make one remark by way of explanation, in regard to what was said by the Honorable Senator from Massachusetts. I agree with him, that it is the misfortune of these men that they did not smell gunpowder. It was no fault of theirs. But, sir, my remark was intended to apply only to those who were lately enlisted, and who, perhaps, have not reached Mexico at all. I would ask the Senator from Massachusetts if it be proper, that those who have been recently enlisted, and have not been in service at all should receive in addition to their bounty land, three months additional pay, whilst the soldier, who has fought during the whole war, and encountered all the hazards of the climate, receives nothing more? That is the view that I take of the subject.

Mr. WEBSTER.—I dare say that under the proposition as it is, some five hundred or a thousand men may receive this quarter section, who have not worked very hard for it, who have not encountered any particular danger, and have not been exposed to any particular severity of climate. But we cannot in such cases graduate our bounty with such precision. If we adopt the amendment which the Senator suggests, we may shut out five hundred persons who may be supposed not to deserve the proposed bounty, and in doing so, we may perhaps retain what properly belongs to a hundred very deserving men. Now, I think it is better to make the rule general. If there is bounty and grace falling on those who are not entitled to reward, then they have it. But let bounty and grace fall upon those in the mass who have certainly entitled themselves to it.

NOTICE.

Mr. DICKINSON gave notice that on Monday next, he would ask the Senate to take up the bill reported by him to amend the naturalization law.

The object of the bill he would simply state, was to entitle those persons who had taken the proper preliminary steps, to avail themselves of the benefit of the law, though they may have been temporarily absent from the country in Mexico or elsewhere, during the period of residence required by the law as it now stands.

Mr. BENTON moved that the resolution lie upon the table; which was agreed to.

EXTENSION OF THE NATURALIZATION LAWS.

Mr. BERRIEN, from the Committee on the Judiciary, to whom was referred the bill to extend the benefits of an act entitled "An act to establish an uniform rule of naturalization and to repeal the acts heretofore passed on that subject" to the wives and children of citizens, reported the same with amendments.

Mr. BERRIEN.—I beg to say that when this bill was introduced the other day by the Senator from Massachusetts, that honorable Senator presented to the Senate certain considerations which rendered it important that the bill should be speedily acted upon by the Senate. With regard to that portion of the bill which provides for the condition of the children of parents, citizens of the United States, which children are born out of the limits of the United States, under the act of 1802 the provision is confined to children of parents who were in life at the time, and by the lapse of time it is therfore becoming inoperative. The act of 1802 supercedes the act of 1795, which included all citizens of the United States, without reference to time. It has been thought expedient by the committee to reinstate the provisions of the act of 1795, and thereby the children of citizens of the United States born abroad will be themselves citizens of the United States. That is the first provision. The second provision is to give the right of citizenship to an alien *feme covert*, being married, to a citizen of the United States. We propose to limit the provision to such *feme coverts* as shall continue to reside w thin the United States. The first provision is, I think, of such importance as to induce the Senate to give it immediate consideration. I therefore move that the bill be now considered.

The Senate proceeded to consider said bill and amendments as in Committee of the Whole.

Mr. WESTCOTT.—I hope this bill will not be pressed to-day. I was not satisfied with it, even as amended, in the committee, and am not prepared to vote for it. I prefer the amendments, which alter the original bill, greatly to it. I do not know that I have any great objection to the first section of the bill as amended. It re-enacts an old repealed law merely. But I should like to examine the subject more closely. I wish to see why that law was repealed. I think there should be in all laws on the subject of naturalization provisions requiring positive and direct acts, by the persons which it may make citizens, indicative of their intentions to avail themselves of the law, such as renouncing all foreign allegiance, and taking the oath of allegiance to this country. I do not see the propriety of Congress severing the natural allegiance of any foreigner to the country of his birth by a naked act, without any expression on his part of his wishes, or even assent, to a change of his allegiance. With respect to foreign countries who may claim the allegiance of such person, it strikes me such law is exceptionable, even if we have the full right thus to sever such allegiance. I suggest this for the consideration of Senators.

As to the second section as amended, I shall, as at present informed, vote against it; but I desire it postponed, that I may draw the attention of more experienced Senators to its phraseology and its effects. It makes, by its own force, every foreign female, nay, "every woman married, or who shall be married, to a citizen of the United States, and shall continue to reside therein," a citizen of the United States. I am not exactly prepared to say what effect this may have. What are the rights intended to be conferred on such female by this bill? What will be her political rights? What her civil rights? What change does this bill work? What advantages will she acquire—what disadvantages will she avoid? These, in my judgment, are all pertinent questions, which, I trust, Senators will understand well before they decide on this bill. One effect, I think, I understand clearly. In some of the States an alien widow takes no dower. In some an alien of either sex cannot take lands by descent, or devise, or by purchase—in fact, cannot hold lands at all. By this bill, if passed, it seems to me, all these females who are made by it citizens of the United States, avoid the effect of those State laws. But one single condition, "to continue to reside in the United States," is required. She is not, if of foreign birth, required to abjure her foreign allegiance, renounce her fealty to her native country, and swear allegiance to this. No expression or manifestation by her of her wish to become a citizen is required, except mere residence with her husband here. This fact, whatever her feelings and intentions, is all sufficient. Under this bill a foreign female, after residence here long enough to get the property, this bill, I suppose, is intended to give her a right to claim and hold, could return to her own country, and say she never owed us allegiance, never was a citizen of the United States, and deny the force and effect of the law to make her such citizen and dissolve her natural allegiance against her wishes! Could a foreign female be prosecuted for treason upon the mere facts of marriage and residence being proved? While married, the residence is held by law to be under the constraint of the husband. I hope Senators will consider the practical operation and effect of this section before it is adopted. The chief difficulty, I have, however, is, that this section of four lines will so operate upon and affect the local laws of the State I have referred to, respecting dower, descents, and devises, and aliens holding lands, that every State in the Union having such statutes must, as soon as this bill passes, resort to affirmative, positive legislation to meet the alteration in the laws of nations respecting allegiance, and in the common law as to *feme covert* aliens. This bill virtually repeals or changes the effect of all these laws of the States. It creates the necessity of an immediate revision by the States of all their statutes, on the subjects I have mentioned, to meet these new rules of allenage and citizenship established by an act of Congress! Can it be that such power is possessed by Congress? Can it, under the delegation in the constitution of the United States, "to establishing an uniform rule of naturalization," do this? If so—if, by our legislation, we can thus change the effect of all these laws of the States in an instant—it is a tremendous power. We could at once, by four lines of a law, admit every foreigner of every country to citizenship without residence or any other condition! It seems to me the sole object of this law is thus to affect the rights of alien females to property under the State laws. There can be none other; for they cannot have any mere political rights of value to them. I would also call the attention of Senators to the phraseology of this section allowing any female who has or may marry a citizen to become herself a citizen, no matter what country she came from. It strikes me the terms are somewhat too broad. I object to the preamble of the bill also as superfluous and useless, and that I shall move to strike out.

Mr. WEBSTER.—I would suggest to the Senator from Florida to withdraw his objections to considering the bill now: accept the amendments, strike out the preamble, have the bill printed as amended, and let it go over to Monday next, by which time Senators can examine it.

Mr. WESTCOTT.—I am entirely agreed to such a course. All I desire is, that the bill shall not be decided finally to-day—not until its provisions and effect can be fully considered.

The amendments having been read by the Secretary—

Mr. CALHOUN.—I had no idea that this bill was coming up to-day. It requires, I think, some consideration.

Mr. WESTCOTT.—The question is only to be taken upon the amendments.

Mr. CALHOUN.—Well, the amendments may be important. I desire an opportunity to examine them. I therefore move that the bill and amendments be printed.

Mr. WEBSTER.—I hope that the honorable Senator from South Carolina will allow the amendments to be adopted, and he will then have an opportunity to consider whether he has any objection to the provisions of the bill. I will suggest further to the honorable Senator, that the bill as it was sent to the committee contained some provisions of a debatable character, and the committee has stricken them all out. I wish the honorable Senator would allow the amendments to be acted upon.

Mr. CALHOUN.—It would then be too late to offer any opposition to them.

On motion by Mr. WESTCOTT, the preamble to the bill was stricken out.

The amendments reported to the bill were agreed to; and it was

Ordered, That the bill be printed, as amended, and that the further consideration thereof be postponed until to-morrow.

CHANGE OF REFERENCE.

On motion by Mr. RUSK, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the resolution of the Legislature of Tennessee in favor of compensating certain companies of mounted volunteers.

On motion by Mr. TURNEY, it was

Ordered, That the said resolution be referred to the Committee of Claims.

ADVERSE REPORTS.

Mr. MASON, from the Committee of Claims, to whom was referred the memorial of Ann B. Cox, submitted an adverse report, which was ordered to be printed.

Mr. BUTLER, from the Committee on the Judiciary, to whom was referred the petition of inhabitants of Winnebago county, Illinois, presented the 27th April, submitted an adverse report.

PRIVATE BILL.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom was referred the bill from the House of Representatives for the relief of William Fuller and Orlando Saltmarsh, reported it without amendment.

UNITED STATES DISTRICT COURT IN LOUISIANA.

Mr. BUTLER, from the Committee on the Judiciary, to whom the petitions of certain citizens of Louisiana, for the establishment of a judicial district, were referred, submitted a report accompanied by a bill for the better organization of the District Court of the United States within the State of Louisiana.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

SHIP CANAL AROUND THE FALLS OF ST. MARY'S, MICHIGAN.

Mr. FELCH, from the Committee on Public Lands, to whom was referred the resolution of the Legislature of Michigan, in favor of granting a right of way and certain public land to a canal company, submitted a report accompanied by a bill granting to the State of Michigan the right of way and a donation of public land for the construction of a ship canal around the falls of St. Mary's, in said State.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

PRIVATE BILL.

Mr. BRADBURY, from the Committee of Claims, to whom was referred the petition of the legal representatives of John G. Mackall, deceased, submitted a report accompanied by a bill for their relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

LAND CLAIMS IN MISSISSIPPI.

Mr. BORLAND, from the Committee on Public Lands, to whom was referred the bill from the House of Representatives supplemental to an act to confirm the survey and location of claims in the State of Mississippi, east of the Pearl river, and south of the 31st degree of north latitude, approved March 3, 1845, reported it without amendment.

UNITED STATES DISTRICT COURT IN ARKANSAS.

Mr. WESTCOTT, from the Committee on the Judiciary, to whom was recommitted the bill to divide the District of Arkansas into two judicial Districts, reported the same, and submitted a special report on the subject.

MEXICAN WAR CORRESPONDENCE.

The Senate resumed the consideration of the resolution submitted on the 12th inst. by Mr. BADGER, for the printing of an Executive document of the House of Representatives No. 60; and the blank having been filled with "five thousand," the resolution was agreed to, as follows:

Resolved, That there be printed for the use of the Senate 5000 copies of Executive document No. 60, of the House of Representatives of the present session, entitled the Mexican war correspondence.

THE TREATY WITH MEXICO.

The Senate proceeded to consider the following motion, submitted yesterday by Mr. MANGUM, and it was agreed to:

Ordered, That 20,000 copies of the proceedings of the Senate in Executive session on the treaty with Mexico, and of the documents from which the injunction of secrecy has been removed by the resolutions of the Senate of the 31st May and the 2d inst., be printed for the use of the Senate.

INDIAN APPROPRIATION BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1849, and for other purposes.

Mr. SEBASTIAN submitted the following amendment:

Strike out the whole of the third section, and strike out in the 17th line of the first section, the words "twelve thousand six hundred and sixty-eight" and insert in lieu thereof "eighteen thousand" and strike out in the 18th and 30th lines of the same section the words "eight hundred and seventy" and insert in lieu thereof "one hundred and fifty."

Mr. SEBASTIAN.—The object which I propose to effect by the amendment, is to prevent a reduction in the establishment of the agencies and sub-agencies upon the western frontier, and restore it to the condition in which it was found at the last session of Congress. By the act of 1834, and subsequent acts of 1837, and '46, there were successively established a number of agencies and sub-agencies, increasing in number as our Indian relations were enlarged, until about twenty-seven were created, the aggregate authorized by the different acts. This bill proposes to reduce the number, so that the maximum shall not exceed fifteen, and confers upon the Executive the power to enlarge the number whenever a change in the position of the tribes, or their relations may render it necessary. I have examined into the history of the legislation upon this subject, and of this particular feature in the bill, and can see no propriety in the proposed reduction, nor can I see that the reduction when made will effect any thing more than a nominal relief to the Treasury at present, at the price of peace and security on the frontier. This economy is ill-timed and uncalled for, and amounts in its results to the most prodigal extravagance. It has been the policy of the government heretofore, to establish twenty-seven agencies and sub-agencies, in order to secure the protection of the frontier, and maintain internal peace among the tribes. We can much less submit to their withdrawal now, when we have but little other security for the maintenance of order and quiet. During the war with Mexico, the army on the frontier has been withdrawn to other fields of operation, the posts left without garrisons, the country without defence, while our chief safeguard and protection has been found in a well ordered system of agencies extending into every tribe, as organized by the laws to which I have referred. This has been the most effectual means on our part of enforcing our intercourse laws; regulating their local affairs, and municipal measures, and maintaining in their integrity the established relations towards them and each other. As yet the policy of the government has never carried protection as far as we were entitled to it by the circumstances under which the different tribes were transplanted, and domiciled on our frontier, exposing us to many of the evils which caused their removal. As yet it is unknown what portion of the army, when reduced to the peace establishment may be awarded to frontier defence. While our arm of defence is entirely withdrawn and it is uncertain when, and with what strength it may be restored, it is unwise and impolitic to impair the strength and efficiency of the remaining barrier left. I am opposed to the reduction therefore because it is breaking down this barrier, destroying this protection, and weakening the security which it has heretofore afforded. The maintaining of agencies among the tribes is the least obnoxious mode of superintending their affairs, and discharging our duties towards them. They regard them with favor and with pride, and plume themselves upon their privilege of a separate and distinct agency. It is the visible evidence of their nationality, their independence and protection, which their weakness derives from our strength. It is the connecting link between them and the federal government. Devoted to the distinct interests of the tribe, transacting their separate business, the agent possesses their confidence, and through this is enabled to exert an influence otherwise unattainable. Destroy this separate agency, confederate them under one agent—attempt even this limited Union among discordant elements, and you give rise to discontents, jealousies of the weaker tribe against the stronger, suspicions of partiality upon the part of the agent, and by destroying their confidence in his integrity, destroy his efficiency, and defeat the whole policy of the government in these establishments.

This bill proposes to enlarge the number when the altered posi

tion of the tribes may, in the opinion of the President, require it. This is leaving a measure of present necessity to the future. By striking out this section, as I desire, the bill will then leave the whole matter in the hands of the President, where it is to be lodged by existing laws. By the act of 1834 he is authorized, when it can be safely done, to reduce the number of agencies. This power has never yet been exercised. I presume no necessity has been seen for it. The President, and Secretary of War, and the Head of the Indian Bureau have not, in any official and responsible form, recommended it. I prefer the provisions of the old law, which fixes the higher number of agencies, with the power of reduction, to this bill, which reduces the number, and grants the power to enlarge the number in future. The old law gives the best security, and if at any future time the number ought to be diminished, the discretionary power to do so is left where it ought to be, in the President. This is better than making an inflexible iron rule on the subject, which right or wrong, effects a reduction in our agencies, at a time, when of all others, we need them most. I oppose this feature as a reform, because it will be attended with immediate confusion. As a step in economy, it is taken at the wrong place, and will be followed by large expenditures in the future, when perhaps a simple expenditure of money may be too late to avoid the consequence of an error now.

Mr. BORLAND.—I propose submitting a few remarks in support of the amendment offered by my colleague, for the purpose of calling the attention of the Senate to the peculiar situation of the State of Arkansas in regard to the Indians. It is differently situated from all other States. The policy of the government has been to send almost all the Indians upon the western frontier, and they have not at any time granted us adequate protection from those Indians. The consequence has been, that disturbances have arisen upon our western frontier, creating for the federal court the greater amount of its business, and imposing a heavy expense upon the government. As a matter of justice, then, to the people in the western portion of that State, and as a matter of economy to the general government it is important that we should have some adequate protection; at all events, that we should have more than we have hitherto had. The circumstances of the withdrawal of the troops of which my colleague has spoken renders it necessary that, instead of a diminution of agencies, they should be increased. The necessity for additional security and protection to be afforded to us on the western frontier became so great in 1844, that the second regiment of dragoons was raised to protect us against the incursions of the Indians, and against the disturbances which were occasioned mainly by disputes and conflicts among the different tribes. These disturbances can only be prevented by having a strong military force there, or else by having additional agencies established among the Indian tribes. I make these suggestions in addition to what has been stated by my colleague, for the purpose of directing the attention of the Senate to the importance of adopting this amendment.

Mr. ATHERTON.—I hope the amendment will not prevail. I should be as averse as any one to do any thing to endanger the security of those who reside near these Indian territories, or which might lead to any difficulty among the Indians. The Senator says he can find no recommendation from the department, which embraces the section he proposes to strike out. Sir, this reduction of the expenses of superintendents and Indian agents has been made by the House, with the full concurrence of the Committee on Indian Affairs. On account of the change that has been made in the situation of many of the troops, this reduction can be safely and properly made; and it is in pursuance of the wish and recommendation of the Commissioner of Indian Affairs that it has been introduced. I believe that, instead of diminishing, it will increase the efficiency of the agencies; and I certainly think it is important in one respect, because the bill so sent to us from the House does diminish the expenses of Indian agencies in the aggregate to the extent of about ten thousand dollars. I have here a statement of the distribution which it is proposed to make of these agencies and sub-agencies among the Indian tribes:

[Mr. A. here read a paper containing an account of the proposed distribution of agents and sub-agents among the Indian tribes.]

This is not the first time that this subject has been before Congress. A bill was passed by the House last session containing in the two first sections the same provision for retrenchment of agencies as in this bill. That bill contained also other provisions. The department had not then obtained all the information necessary to enable them to decide upon the propriety of the reduction. Therefore, when the bill came to the Senate the two first sections were stricken out, with the view of obtaining further information before acting upon the subject. The department has now obtained that full information, and is of opinion that the reduction can safely and properly be made, and it is therefore introduced into this bill. But there is something further in regard to this matter. The bill to which I have alluded, after having been amended in the Senate, was passed, and became a law. It contained in the third section the following proviso, and that is part of the law on the subject at this time:

"And the superintendents, agents, and sub-agents shall be furnished with offices for the transaction of the public business, and the agents and sub-agents with houses for their residences at the expense of the United States; and with the assent of the Indians, be permitted to cultivate such portions of land as the President or Secretary of War may deem proper."

Now this allowance for officers and dwelling houses and of certain portions of land to cultivate, was made to the agents and sub-agents in consideration of a reduction of their salaries, as contained in the two first sections of the bill; and those sections having been stricken out, the reduction did not take place. The agents and sub-agents then if this amendment prevail, will be entitled to the whole of their old salaries without any reduction, and in addition to that, to the dwelling houses to be built by the government as well as the portion of land allowed them to cultivate. The salary of an agent which is now fifteen hundred dollars, is proposed by this bill to be reduced to twelve hundred dollars. The number of agents is diminished, and the number of sub-agents somewhat increased, and it is supposed that they will be equally efficient. Now it will be perceived, that the adoption of the amendment proposed by the Senator from Arkansas will create much confusion. And upon the whole, as it is the opinion of the department that this saving can be properly made, and as the recent change in the position of the troops made by the department renders it unnecessary to keep up the present number of agencies, I do hope the amendment will not prevail. In many cases more than one tribe occupy the same territory, and the business can therefore be done by one agent as well as by two, for the two tribes thus mingled together—as for instance, for the Choctaws and Chickasaws, for the Creeks and the Seminoles. There is no good reason I think why this reform should not be carried out.

Mr. SEBASTIAN.—The statement which the honorable chairman of the committee has made to the Senate, shows the fallacy of the ground upon which this reduction is proposed, and I am convinced now that the department has been wanting in that full information which is necessary to bring them to a correct understanding of the subject. I am surprised to find the honorable gentleman embracing the Creeks and Seminoles under the same head. Those tribes were formerly of kindred blood, it is true, yet circumstances have occurred which have arrayed them against each other. There are at this time, difficulties of the most irritating character existing, which are now under consideration of the department; and the affiliation of those tribes is an object which the department has been trying to effect, and in which thus far they have most signally failed. There is a deep seated jealousy on the part of the Seminoles against the Creeks, and they have refused to come to any terms with them, on the ground that power will always steal from the weaker to the stronger, and that the Creeks will consequently exercise undue power over them; and now we propose to join them together, and to allow one agent to transact the business of both tribes. It is proposed also that the Chickasaws and Choctaws shall be united, and that there shall be but one agent for both, and yet I am informed by persons acquainted with those tribes, and whose personal knowledge enables them to speak confidently on the subject, that their relations towards each other are of such a character that the business of those tribes cannot be transacted by the same agency. And their relations with each other are becoming more complicated, for it is always the case that as a nations advance in civilization, their rights become of a more complicated nature. It is an historical fact, that in regard to all those nations residing in the west, they have had feuds, and exterminating wars in days gone by, the recollections of which still remain, and if not sufficient to destroy all intercourse they at least create that degree of prejudice, which renders it impossible that you can combine them under the agency of one man. When you attempt it, you not only effect no good purpose but destroy the very policy of the government. It is impossible that your agent could have the confidence of both tribes, he must loose that of one or the other. The whole plan of reduction is a fallacy. It is calculated to defeat the very policy of the government; and when you propose to reduce the number of agencies from twenty-seven to fifteen you might as well consolidate them at once, and let one man attempt to do the whole business. The duties of these agents as laid down in the act of 1834, are of such a character that one man cannot perform the duties of more than one. He is required to reside upon the spot, and is required to perform the specific duty of enforcing the intercourse law and preventing all violation of it. He is required to keep out intruders. It is utterly impossible that one man could perform the duties of several agencies, it would an amount of physical labor, that would destroy his efficiency entirely. As to the reduction of salaries, the present compensation is only a reasonable one; and you can get no person who is qualified to discharge the duties for a smaller sum. They are entirely shut out from all civilized life, and are exposed to much danger and fatigue. I am utterly opposed to the reduction, it will prevent the possibility of obtaining competent men.

Mr. ATHERTON.—The honorable Senator does not refer to the fact, that accompanying this reduction of salary is a provision, by which the agent is entitled to a house and land to cultivate. This makes it more than equal to the old salary; and if this amendment should be adopted, they would be entitled to the old salary still, in addition to the house and land.

Mr. BUTLER.—I have not a very intimate knowledge in regard to this matter, but I am satisfied of one thing, that the attempt to confound different tribes together, and to have but one agent for two tribes, will be found to be impracticable. It is in vain to attempt to assimilate what is entirely dissimilar. You will only create jealousies on the part of the Indians, and, as the Senator from Arkansas has said, it will be altogether out of the

power of any one agent to superintend the affairs of several tribes, and to keep out those irresponsible intruders—those whites who are thrusting themselves into the Indian country, and by whom the disturbances that occur there are principally occasioned. As to the Cherokees, I am not sure that an agent should be sent to them at all. Many of them are enlightened and are capable of administering the law among themselves. That is an agency that I would be very willing to get rid of. But if you attempt to confound the Creeks and Seminoles together, they will fall out within one year from this time, and the very purpose of the government will be defeated. If you undertake to appoint one agent for two tribes, you will be but sowing the seed of dissension and disunion.

Mr. RUSK.—I have no doubt that the whole Indian system might be better regulated, but I shall certainly oppose this reduction. I think it is ill-timed and not at all economical. The salary of these agents is altogether too low. The result in running them down to $300 will be, that you can get no man who is qualified to accept the appointment. The only men that you will be able to get will be such as are incompetent to discharge the duties, and who, instead of preserving peace and quiet, will only produce difficulties. You will not be able to make the Indians understand the reason for the reduction; they will see that there is a change in the policy of this government, and they will imagine that you are withdrawing from them—that you are attempting to break off your relations with them. The frontier people have been protected heretofore by a considerable military force, but now they will have to depend upon the proper management of these agents and sub-agents for the preservation of peace and quietness. Every one knows that there have been difficulties among the various tribes, and those difficulties have been increased in consequence of the withdrawal of the troops. They are no longer under that terror, and it depends now solely upon the capacity of these agents whether those disturbances will be restrained or not. It is a very bad time, I think, to make a change of this description; and I think it is bad policy in the way of economy, for I believe that difficulties will arise that will require ten times more expense than the whole expense of the agencies. It is wrong policy, in my opinion, to commence a system of economy in regard to the deiences of your western frontier. Here is the place where one ought to commence. Around this capitol you might find subjects for reduction. There are many officers of large salaries that might well be dispensed with. But I cannot consent to any such reduction as proposed by this bill, particularly at this moment, when there is no other check upon the Indians.

Mr. ATCHISON. I have but few remarks to make in addition to what has been said by the Senator from Arkansas. We have now about 165,000 Indians on our western borders, according to the last census. It is proposed that the number of agencies shall be reduced to the extent of nine, I believe, for the sake of saving some $10,000. It appears to me that the proper course to be pursued for the purpose of reducing expense, and at the same time to secure efficient agents is, to get rid of all the sub-agencies. Their aggregate salaries amount, perhaps, to $15,000. My impression is, that it would be better to dispense with these sub-agents, for the reason that you cannot get a man who is qualified to discharge the duties for the salary you propose to allow to your sub-agents. The moment you send out a man with that salary, that moment he commences speculating upon the government, upon the Indians, and upon all connected with him. You should engage capable men and give them good salaries. Of all the officers of the government there are none that ought to be more carefully selected than those that have to discharge the duty of Indian agent. Get rid of the sub-agents, and, if need be, establish a larger number of agencies with large salaries—$1,500 at least. But this bill proposes to reduce the salary of the agent to $1,200. I concur with the Senator from Texas, that we are beginning at the wrong end to economize. I have in my possession a memorandum stating the exact number of Indians of each tribe, and where the tribes are located, and I am satisfied that, with a smaller number of agencies, we could not get along. And here let me remark that some of these agents, whose salaries you propose to reduce, are entrusted with the disbursement of large sums of money, sometimes extending to $50,000 in a year. It seems to me it would be a narrow-minded policy to undertake to reduce the salaries of these agents. I can conceive of no reason for making such reduction, except it be that some of the agents are obnoxious to the government.

Mr. BUTLER, (in his seat.)—The government is ambitious of great reforms.

Mr. BENTON.—I believe this is a proposition to make a change in the Indian system, by a proviso to an appropriation bill. In my opinion it does not belong to an appropriation bill at all. An appropriation is for the purpose of applying money to some object previously authorized by law, or to an object which has been sanctioned by some committee, to which that particular subject or branch of business properly belongs. The Finance Committee has nothing to do with the Indian system. There is a committee whose business it is to consider of all changes that are necessary to be made in that system. According to my understanding, then, the proper committee of the Senate has not had that subject before it. The Indian Committee has not had that subject before it; and I must say that I consider it vicious legislation to undertake to make such a change by a mere proviso in any appropriation bill whatever. It is contrary to all usage. I think, then, that this proposition for an alteration in our Indian system ought to be stricken out of this bill and sent to the Indian Committee to be by them examined and reported upon. If they find it necessary to make the alteration, they may bring it before the Senate. The reason assigned for the alteration is that it will make a saving of $10,000 a year. But how is the alteration to work? It may save $10,000 in salaries, and occasion an expenditure of a larger amount in some other way. It may cut off at one place and put on at another. I am opposed to this mode of legislation; $1,500 was the old established salary of an Indian agent, and I can see no good reason for a reduction, nor can I see any good reason for changing the salary of the sub-agents from $750 to $800. It will not make any alteration in the character of the sub-agent. The only sensible alteration—when I say sensible I mean such as will produce a sensible effect—the only practical alteration is that proposed by my colleague. I really think that this subject ought not to be introduced into an appropriation bill, and that any proposition for an alteration in the system ought to come from the appropriate committee.

Mr. ATHERTON.—This provision was not introduced into this bill by the Committee on Finance. It came to the committee, having been adopted by the House, and upon an inquiry by the Committee of the Indian Affairs, whether this proposed reduction and alteration in the salaries met with the concurrence of the department, the committee were informed that it did; that it was upon consultation with the department that this provision had been inserted in the bill. And not only so, but it appears that this matter has heretofore been a subject of consideration in Congress, and that a bill at the last session passed the House containing the same provision, which provision was stricken out in the Senate for the purpose of enabling the department to get further information on the subject. That information has been obtained, and the department is satisfied that the reduction can with propriety be made. And as I have said, I cannot see any impropriety in introducing into an appropriation bill a provision to limit and guard the appropriation contained in the bill. It is certainly within the spirit of the rule, and such has been the practice of the Senate. If I understood the Senator from Missouri, [Mr. ATCHISON,] he contends that the salary of the sub-agents is not sufficient. Do I understand the Senator correctly?

Mr. ATCHISON.—What I said was this. I would recommend that the number of agents be increased, and sub-agents dispensed with altogether. Where an agent is necessary at all, give him a salary of $1,500. I contend that no man who is fit to be an Indian agent would go there for a smaller sum.

Mr. ATHERTON.—It seems to me that if we are to diminish the number of agents in the whole, and increase their salary, it is in conflict with the argument of the Senator from Arkansas, who contends that we must have one agent for every tribe. To do this we must increase the number to a great extent. And it is admitted by the Senator from Missouri that there is some change required. Now, to a certain extent, that change is provided by the section which it is proposed to strike out. He says that the sub-agents are not responsible men. What is the proposition here? It is to increase the salary of the sub-agents, and not merely to increase it from $750 to $800, but they are to have also a house provided for each, at the expense of the government, and to be allowed a portion of land to cultivate.

Mr. ATCHISON.—I would ask if it has not been the uniform practice of the government to pay for the agent's houses?

Mr. ATHERTON.—I suppose not, because this provision was made in the bill which passed the House, and of which the two first sections were stricken out in the Senate. In regard to appointing one agent for two tribes, concerning which it has been said by some gentlemen here that it would be impossible for him to discharge the duties, it is considered by the department that it would render him more efficient, inasmuch as the interests of the two tribes would become identified. I am informed that the Chickasaws and Choctaws are very much mingled together in the same territory, and that the same is the case in regard to the Creek and Seminoles. There can be no necessity for keeping up two agencies when one would do as well.

The question being taken upon agreeing to the amendment, it was determined in the affirmative.

No further amendment being made the bill was reported to the Senate.

The question being upon concurring in the amendments agreed to in Committee of the Whole, Mr. ATHERTON asked that they be taken separately.

The amendments reported from the Committee on Finance were concurred in.

The question being upon concurring in the amendment proposed by Mr. BELL—

Mr. HUNTER.—I know it is a difficult task to attempt to induce the Senate to change its action, but the amendment is in my opinion so objectionable, that I feel bound to say a few words in relation to it. This amendment proposes to allow the Cherokee Indians who remained in North Carolina the commutation for removal and subsistence, which by the 8th article of the New Echota treaty was to be given in consideration, (as I think,) of

their removal. It not only allows them interest upon this sum from the date of the treaty, but it provides that the money shall be paid out of the Treasury of the United States, notwithstanding the express provision of the 15th article which prescribes that the expenses of removal and subsistence shall be taken from the fund of five millions.

The amendment has been sustained upon various grounds. The Senator from North Carolina maintains that it is justified by the express terms of the New Echota treaty. The Senator from Tennessee abandoning that ground as I inferred from tde course of his argument, maintains that the United States are bound to the money, by the assurances given the Indians by the commissioner who negotiated the treaty. The Senator from Connecticut relying upon none of these reasons, is yet willing to vote for the amendment because he is convinced that the North Carolina Cherokees have never received a sufficient compensation for their land, and he desires to remedy the injustice even in this indirect manner. I have exrmined the position of each of the Senators and with great deference for authorities which I highly respect, I must be permitted to say that I differ from them. It is obvious, that the 8th article of the treaty which made this allowance for compensation to the Cherokee Indians on account of the expense of removal and subsistence for one year after they reached their new homes, was designed to induce the Indians to emigrate, and that the allowance was given in consideration of their removal. From the very nature of the stipulation, it is apparent that it never could have been designed to give this allowance to those who did not emigrate. But it is maintained that under the 12th article of the treaty, the Indians who remained east of the Mississippi are entitled to the allowance; because it provided that they should have their due proportion of all the advantages secured to the others. It seems to me, that the opinion of the Attorney General on this point is clear, convincing, demonstrative. It is surely obvious from the very terms of the treaty, that the allowance was not to be extended to those Indians who did not remove. Those who removed, actually expended the money in their emigration, and were therefore, justly entitled to the allowance. Having thus removed to a new home, where they were not at first able to obtain subsistence, they were entitled to the commutation for subsistence. Those who remained, of course did not incur the cost of removal, nor were they exposed to the inconvenience and difficulty of obtaining subsistence arising from emigration to a new country. The "claims" refered to in this 12th article, were claims upon considerations or conditions presented by the treaty. In this respect all the Cherokees were placed upon the same footing, and those in North Carolina were entitled to claim upon the same principles and conditions as those who removed west. But it does not follow as necessary to this equality, that because those who emigrated were compensated for the expense of their removal and subsistence after they reached their new abodes, that therefore those who did not remove and expended nothing for that purpose, should receive a similar allowance. There is no equality in this. As well might you say that the Indian who had suffered nothing from spoliation should receive as much as those who had incured losses from this cause. The one would be a gratuity, the other a compensation for losses actually sustained.

But there is another consideration arising out of a just construction of this article of the treaty, which, in my judgment, demonstrates conclusively, that it never was designed to allow the commutation to the Indians who remained east of the Mississippi. What are the words of the treaty? That those who remain east shall have their due proportion of the personal benefits secured by the treaty for "claims, improvements, and *per capita*."—Now, it will be remembered that this *per capita* allowance is that to which each member of the tribe would be entitled, after all legitimate expenses should be paid out of the fund. Amongst their legitimate expenses, the 15th article of the treaty expressly includes those for removal and subsistence, and as you increase these last, you diminish the fund for ultimate distribution The Indians who removed west, expended all they received for commutation of removal and subsistence in emigrating. To them this commutation was a compensation for expenses actually incurred. But the Cherokees who did not remove, expended nothing for that purpose and such an allowance would be a mere gratuity. And yet these last would receive as large a portion *per capita* of the fund to be distributed as those who emigrated in compliance with the wishes of the government. Is it not clear, therefore that if the Indians who remained east should be paid the commutation for removal and subsistence, they would receive an undue proportion of the fund? Had this been the true construction of the treaty, it would have held out an inducement to the Indians to remain instead of emigrating. But it is well known that the object of the treaty was to induce the Indians to remove. The Senator from Masssachusetts, however, says that according to the maxim of some English chancellor, in construing a contract, the meaning of the instrument is to be determined by the subsequent conduct and understanding of the parties. We have been informed by the chairman of the Finance Committee as to the understanding of the Commissioners of Indian Affairs, Secretaries of War, and Presidents with regard to the true construction of this treaty; that understanding clearly was, that these Indians who remained were not entitled to the allowance for removal and subsistence. It is true that there have been exceptions to this construction of the treaty in some allowances made in cases arising in Georgia. I have enquired into those cases, and I have ascertained that some advances were made on the assurance that the Georgia Indians would remove and the sum, thus paid was charged to them as their share of the *per capita* allowance when it was found that they would not emigrate. So far as the conduct and understanding of one of the parties are concerned, it is clear then, that it never was intended to give these North Carolina Indians who did not remove the commutation for removal and subsistence.

But the Senator from Tennessee rests the claim of these Indians on another ground; the assurances which, it is alledged, they received at the time of the negotiation of the treaty, from the United States' Commissioners, and more than all, upon the words in the *projet* of the treaty inserted by order of President Jackson, which, as he thinks, were calculated to induce a well founded belief in the minds of the Indians, that those who remained East would receive this allowance. Doubtless that argument made an impression on the minds of others as it did upon my own; an impression which was not removed till I examined the documents and became convinced that there was nothing to justify the inference which the Senator drew. I do not remember at this moment the number of the article to which reference is made, but I can state the substance of it.

Mr. BELL.—(In his seat.)—It was the fourteenth article.

Mr. HUNTER.—It instructed the commissioners to assure the Indians who remained East, that they would be entitled to their due proportion of all personal benefit accruing from this treaty for claims, improvements, removal and subsistence, but that they would not be entitled to any portion of the fund to be expended for the common benefit of the nation. It will be perceived, then, that according to the *projet* of that treaty, these Indians were not to be entitled to the *per capita* allowance, but as the treaty was formed this provision was changed and one still more beneficial to the Indians was made in the eighth article of the treaty, which allowed them a share in the *per capita* distribution in lieu, I suppose, of the commutation for removal and subsistence mentioned in the *projet* and omitted in the treaty. Subsequent circumstances changed the case, and the treaty differed from the *proje*. Again, the Senator from Tennessee refered to a certificate from Mr. Schermerhorn, and one from Mr. Hanson, an agent of the Cherokees in relation to the assurances which the former gave the Indians. In relation to this matter I think that the distinction taken by Mr. Crawford, one of the former Commissioners of Indians Affairs is a very sound one. He says that parole evidence may be taken in explanation of a treaty, but not in contravention of it. We must abide by the written instrument as the authoritative expression of the understanding of the parties, which they committed to writing, which was signed by the commissioners on both sides, and on which the Senate and the President acted. Need I point out the peculiar danger of applying any other rule of interpretation to these Indian treaties, fruitful sources, as we know them to be, of every species of fraud? Shall we suffer the commissioners who negotiate a treaty to come here, and by testimony to contradict their own work, setting up a different understanding from that expressed in their own written instrument? The Senator from Georgia says that this agent is a most respectable man, but I am informed by the chairman of the Finance Committee that he was attorney for the Cherokees, laying his claims for services at twenty thousand dollars; and that he had already received nine thousand dollars. Surely, then, he cannot be regarded as a disinterested witness. But whether he was or was not, I maintain that Schermerhorn cannot bring forward parole evidence of the assurances which he, as commissioner, gave the Indians, not only discrediting, but contradicting his own work.

I hold that no man who reads that treaty can arrive at any other conclusion than that one manifest intention was to discriminate between those who remained east and those who emigrated west of the Mississippi and in favor of the latter.—Yet this Mr. Schermerhorn says that those who remained were to be entitled to the commutation, although they never did remove! I know that in relation to these Indian treaties and these Indian tribes, we should act in a spirit not merely of justice, but of liberality; but really the question is now presented to us in a shape which forces upon us the consideration, whether an Indian treaty is worth any thing at all; for if the Indians can come here, in the face of positive treaty stipulations, and set up another and contradictory understanding upon the testimony of those who negotiated the treaty—if that system is to be permitted, the Indian treaties might as well be at once expunged.

I am not called upon to enter into the question whether this is a treaty or not. The Senate ratified it, and must now act upon it. But the Senator from Connecticut placed the question on another ground, creditable to his heart, and he sustained it as ably, as it seems to me, such a view could be maintained. He says that the North Carolina Indians received nothing for their lands, and it was but just that they should be paid. Since the debate of yesterday, I have made inquiries on this point, and have ascertained that the Senator was mistaken. The North Carolina Indians have received all that the others received, except that, by remaining east of the Mississippi, they did not enjoy any share of the magnificent domain which was granted by the United States government. Their claims have been allowed whenever, under the same circumstances and upon the same consideration, the claim of a western Cherokee would have been allowed. They are entitled, too, to a share in the *per capita* distribution of the Che-

roker land, and they have only to remove to the magnificent domain provided for them in the west, to participate equally in all the benefits enjoyed by their brethren. In point of fact, I am assured by the Commissioner of Indian Affairs, that a considerable sum has been paid them. I do not know the exact amount, but individuals amongst them have received as much as two hundred dollars for improvements. In short, the North Carolina Indians have received all the benefits provided in the treaty, and if these were insufficient, the remedy is not to be found in a false construction of the instrument, but in a separate bill to rectify the original wrong. We can thus consider that case separately upon its own merits, and without prejudging another of much larger amount, whose decision may be seriously effected by the precedent established in this instance. It is known that the Cherokees who have removed now set up a claim, that the expense of this removal shall be paid from the United States Treasury, and not out of the Indian fund, as provided by the 15th article of the treaty. The amount thus claimed is large. I know not precisely how large—but I am informed that it is nearly $3,000,000. This question is submitted to this body for arbitration, and as yet has not been acted upon.—Now, if we depart from the express provision of the treaty, and pay the North Carolina Indians from the United States Treasury, and not from the fund charged with these expenses, will not the western Cherokees have a still stronger claim upon the Treasury? Then claim is for compensation for expenses actually incurred—the other is a clear profit. The very position of this amendment in a general appropriation bill, will add to the force of the precedent. According to rule and usage, these bills are designed to appropriate for objects already provided for by law. This item cannot be properly introduced here unless the treaty—which is the only law bearing upon the subject—requires it. This very circumstance will be used as indicating the opinion of the Senate upon the interpretation of the treaty. If, then, there be any who vote for this amendment, not because they believe these Indians entitled to commutation for removal and subsistence, but because they think they have received too little under the treaty for their land, let them require a separate bill and place the case upon its true grounds. If compensation for the lands be the object sought, this amendment does not attain it. We are informed that these lands sold for $500,000. Mr. Thomas their agent, values these lands and improvements, I think, at $2,500,000. How, then, can this amendment, providing a payment of from $60,000 to $80,000, be considered as an equivalent for so much property? It does not even profess to be given upon any such consideration, nor will it be so deemed hereafter, when the whole subject comes up, as come up it will, for our decision. Would it not be far wiser, safer, juster, to consider all the parts of this complicated Cherokee case together, and make a formal and satisfactory adjustment of these complicated difficulties.

I am willing to deal with this subject in a spirit of liberality, but I am entirely opposed to the mode of disposing of it which is proposed by the amendment. Let a separate bill be introduced. Place the claims of these Indians on the true ground—not on the stipulations of this treaty, but on the consideration that justice has not been done them; and that the reparation for the wrong should now be made. I am unwilling to prejudge another case submitted to us for arbitration; and commit ourselves to such a construction of the treaty as is involved in the amendment. Even on the ground of propriety I regard the amendment as objectionable. We cannot deal intelligently with new and complicated subjects of Indian legislation in a general appropriation bill. We have seen in this very case an illustration of the bad policy of interpolating amendments in bills with which they cannot be legitimately connected. No sooner had the Senator from Tennessee succeeded with his amendment than the Senator from Texas offered another proposing a new system of legislation in relation to the Indians of his State. The Senator from Tennessee himself protested against the introduction of that amendment.

With the best disposition in the world, I doubt our capacity to benefit these wild Indian tribes by pecuniary grants. I do not believe that you can confer the benefits of money upon those who know nothing of its uses or value, by placing it under their own control. Our past experience does not justify us in hoping for much good from such attempts. Take the very tribe whose case we are in part considering, and towards whom this government has evinced so liberal a spirit. In exchange for some 7,000,000 of acres of land east of the Mississippi, we have given them 13,800,000 acres of far more fertile soil west of that river. We have already given them more than $7,000,000 in addition to this magnificent domain, far more valuable than that which they left behind them, and what has been the result? The two Senators from South Carolina, who have each had opportunities of knowing something of the history of this tribe, assure us that the great body of the people have derived little or no benefit from the generous provisions made in their favor. The chiefs and the speculators have monopolized nearly all of the pecuniary advantages of the treaty. Can we hope for much happier results when we come to repeat the same experiment with the North Carolina Indians? Still, sir, I am willing to consider the measure if presented in a separate bill, in a spirit of liberality. If I shall be convinced that we have dealt unjustly by them, I shall be ready to make a just provision, provided it be done in such a manner as to secure the benefits of that provision to those who have suffered. But let us strike this amendment out of this appropriation bill; and let the case of these Indians come up with that of their brethren who have removed west, who are certainly entitled to more sympathy than those who remained east contrary to our policy and wishes.

The further consideration of the bill was postponed until to-morrow.

TRANSPORTATION AND DISCHARGE OF TROOPS.

The Senate resumed, as in Committee of the Whole, the consideration of the joint resolution from the House of Representatives to regulate the discharge and payment of the troops returning from the Mexican war.

Mr. BENTON, by unanimous consent, withdrew the amendment proposed by him this morning.

No amendment being made, the resolution was reported to the Senate.

Ordered, That it pass to a third reading.

The said resolution was read a third time by unanimous consent.

Resolved, That this resolution pass.

EXECUTIVE SESSION.

On motion by Mr. MANGUM, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were opened, and,

On motion,

The Senate adjourned.

FRIDAY, JUNE 16, 1848.

RESIGNATION OF MR. BAGBY.

The VICE PRESIDENT laid before the Senate a letter from the Hon. ARTHUR P. BAGBY, resigning his seat in the Senate of the United States as one of the Senators from the State of Alabama, which was read.

On motion by Mr. LEWIS, it was

Ordered, That the Vice President be requested to inform the Executive of the State of Alabama that the Hon. ARTHUR P. BAGBY has this day resigned his seat in the Senate of the United States.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed a resolution relating the reports to be annually made to Congress by the heads of the several Executive Departments, and requiring the same to be prepared immediately after the close of each fiscal year, and forthwith communicated for publication in which they request the concurrence of the Senate.

The Speaker of the House of Representatives having signed an enrolled resolution I am directed to bring it to the Senate for the signature of their President.

ANNUAL REPORTS FROM DEPARTMENTS.

The above-mentioned resolution from the House of Representatives was read the first and second times, by unanimous consent, and referred to the Committee on Printing.

SIGNING OF A RESOLUTION.

The VICE PRESIDENT signed the enrolled joint resolution in relation to the transportation and discharge of the military force of the United States at the close of the war with Mexico.

LEAVE TO WITHDRAW PETITION

On motion by Mr. BADGER, it was

Ordered, That the heirs of John H. Pratt have leave to withdraw their memorial and papers.

THE PRIVATE CALENDAR.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of George Center.

Mr. UNDERWOOD.—This bill involves a principle, which, if decided in favor of the bill, will operate in a great many other cases, and upon its decision a great deal of money depends. The principle ought to be decided, so that the Committee on Claims may hereafter have a guide for their conduct in similar cases. The bill gill gives to Mr. Center $5,569 80-100 for property that was destroyed in Florida by command of Major Pierce, when it was found necessary to abandon the military post under his command at Maccanopy, to prevent it from falling into the hands of the Indians. The point is, is the government under such circumstances bound to pay for the property? I will put this case: Suppose a town to be attacked by the enemy, and I, a private individual, found that I was unable to save my property, would I not destroy it rather than let it fall into the enemy's hands? Another consideration: Suppose you determine to pay for the property, what would it be worth under such circumstances, when it cannot be protected? Yet this bill proposes to pay the full value of the property. Indeed, independently of all other circumstances, I believe that the property is valued entirely too high.

Mr. MASON.—The principle which is announced on the part of the committee is this—and I apprehend it is one which will meet the entire approbation of the Senate—that when in a state of war it is found necessary to destroy private property for the public good, or when the public service requires it, and the property is destroyed by order of the commanding officer, the public must pay for it. The Senator from Kentucky seems to assume that if the property had not been destroyed by the public authority, the Indians themselves would have destroyed it. I do not know how this may be, but the naked principle, I apprehend, is fully established, that the government is bound to pay for the property destroyed by its orders.

Mr. BREESE.—Is there any evidence going to show that it was in the power of the individual to remove his property?

Mr. MASON.—No evidence was taken in regard to that fact, and I apprehend none was necessary.

Mr. WESTCOTT.—The principle involved in this case has received the sanction of both Houses. [Mr. W. here referred to various cases of a similar character, in which the claim for loss of property had been recognized and paid.] The principle is, that where property is destroyed by the command of a military officer to prevent it from falling into the hands of an enemy, the government is liable; and it appears to me that the Senator from Kentucky overlooks one very material point. How supposes that if the property had not been destroyed by order of the commanding officer, the Indians would have destroyed it. *Non constat*. The Indians would have taken the property, and it would have afforded them a great deal of aid. They might have fired the houses, but they would have taken the store goods and would have been enabled by the means to carry on the war more successfully. With respect to the government being liable, I apprehend there can be no doubt. As to the objection of the honorable Senator, that the valuation of the property is too high, it appears to me that the government in such a case as this ought to be liberal. The owner of his property from the time it was destroyed, if it had not been destroyed, would have been worth far more than the valuation that is put upon it.

Mr. PHELPS.—It seems to me that this bill introduces an entirely new principle, and one which I have never known to be sanctioned by the Committee of Claims. This is not a case of the taking of property for public use. It is the case of the destruction of property by the hazards of war. And the question arises, to what extent is the government liable for losses thus sustained. If the force stationed at that post had been overpowered it would unquestionably have been a case in which property was sacrificed by the hazards of war. And what difference does it make whether a destruction of property arises in that way, or whether it be destroyed through necessity by the authority of the commanding officer? If the officer was justified in destroying it there must have been a strong probability that it would fall into the hands of the Indians. If this be admitted, what has the claimant lost? He is in no worse condition in relation to his property than if it had been destroyed by the Indians.—The Committee of Claims have never admitted any claim for the loss of property, unless it were upon the ground that its loss arose from being applied to the public service, as where property is occupied for military purposes. Inasmuch as the property was exposed to destruction in these cases by the occupancy of the government, the government is liable. This however is not the fact here. That is simply a case where by reason of inability on the part of the government to protect a post, the property is lost, and it raises this simple question, whether in case of war, if the means of the government is insufficient, and loss of property is thereby occasioned, it is to be compared to the case of the government taking the property and converting it. The cases appear to me to be very different.

Mr. YULEE.—It is evident that the honorable Senator is under a misapprehension in regard to what has been the former legislation of Congress in reference to such cases as the present. This is a case of peculiar hardship, and after examination I am sure that the Senate will not refuse to concur in the report of the committee. Mr. YULEE proceeded to set forth the facts of the case, and made a strong appeal to the Senate, in view of those facts on behalf of the claimant and in favor of the allowance of the claim.

Mr. BADGER.—I have heard with a great deal of satisfaction the statement of the honorable Senator, but I perceive that we are not likely to arrive at a termination of this debate, and with the view of disposing of other business about which there may not be so much controversy, I move that the bill be laid upon the table.

The motion was agreed to, upon a divison. Ayes 21, Noes 0.

So the bill was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill directing the Secretary of the Navy to purchase from Dr. James P. Espy his patent right for the conical ventilator, and no amendment being made, it was reported to the Senate.

Ordered, That the bill be engrossed and read a third time.

The said bill was read a third time.

Resolved, That the bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

The bill for the relief of John Millikin and others, to secure certain rights to pre-emption in the State of Louisiana, and for other purposes, was read the second time, and considered as in Committee of the Whole; and

On motion by Mr. BADGER, it was

Ordered, That it be referred to the Committee on the Judiciary.

The bill to allow arrearages of pension to Hugh W. Dobbin, an officer in the late war, was read the second time, and considered as in committee of the Whole.

Mr. FELCH.—I would remark in regard to the merits of this case, that Col. Preston entered the army in the last war as a volunteer; and that he performed highly meritorious services on the Canada frontier. He was wounded and his health was greatly impaired. He and others also in the army who merited promotion, declined it, in consequence of the pecuniary sacrifices they would be obliged to make. It is on account of the peculiar meritorious services of this officer that the committee selected this case in which to report a bill, in order to have the sense of the Senate upon it, that the committee might be directed in their action upon bills of a similar kind.

Mr. HALE.—May I ask if the action of the government in cases of this sort has not hitherto been uniform?

Mr. FELCH.—It appears by reference to the past action of Congress that in the years '35–'36, bills were passed giving arrearages of pensions in cases similar to that now before the Senate. It appears also that there are cases in which the application has been refused. There is, therefore, no established rule. And the cases being numerous, the committee thought it desirable that there should be some settled and uniform practice.

Mr. HALE.—I would also ask whether, in the case of a pension to a wounded soldier, the law is not imperative that the pension shall commence at the time of the passage of the act?

Mr. FELCH.—Undoubtedly.

Mr. HALE.—I make this inquiry because I had charge of a petition and presented it to the House a few years ago, praying for arrears of a pension, and the committee reported that the practice of the government had been uniform against the allowance of arrearages, and that no pension could be allowed until after the time when the evidence in the case was completed.

Mr. PHELPS.—I really desire that the Senate should consider this matter, with the view of removing the perplexity which arises from opposite courses of action in regard to cases that are similar. I remember many applications for arrearages of pensions which have been refused, and I remember also that in 1842 we granted a pension to an individual, and two years afterwards we gave him arrearages. It is to be borne in mind that in these cases the pension is a mere gratuity—it is a matter of generosity, and Congress may, therefore, direct the pension to commence at any period, without reference to the practice of the department, founded upon the construction of the pension law. But in this case, and in the case of all officers wounded in the late war, the very law under which the troops were raised, entitled them to pensions. And the argument insisted upon is, that by the terms of their enlistment a right to the pension is secured to them, and they say with great force that the moment they are wounded the right becomes a vested right. Well, if the party is entitled to the pension upon the ground I have suggested, there is no principle which will justify the government in delaying or suspending it, until after the production of the evidence. In all cases of legal right the right is perfected without waiting for the production of testimony.—Without expressing any opinion in regard to the merits of the case, I will say that there is a degree of plausibility in the arguments that were adduced before the committee, and if I were driven to a vote without further reflection, I would adopt that view and say that the government was bound to recognize the right.

Mr. HALE.—If the principle suggested by the Senator from Michigan be conceded it will open a very wide field for legislation.

[Mr. H. read from the report made in the House of Representatives in the case to which he before referred, being the case of a soldier who had been discharged from the service in 1812 disabled, and who did not get his pension until 1838. In this case arrearages were refused.]

If we are going to depart from the principle now, it ought to be by a general law.

Mr. ATCHISON.—For the purpose of testing the question, I move that the bill be recommitted with instructions to the committee to report against the bill.

Mr. DICKINSON.—I hope that will not be done. I hope that this case will be decided upon its merits. That will not prevent the committee from bringing in a general bill.

Mr. HALE.—In order to test the question I will move that the bill be laid upon the table.

The motion was withdrawn, however, at the request of

Mr. JOHNSON, of Louisiana, who remarked, that the officers who entered the volunteer service in the last war entered it under an implied contract, that in case of being wounded they would receive pensions. There was a good deal of difficulty experienced in filling up the army, and strong inducements were held out for men to enlist, and this guarantee of a pension was one of those inducements. The rules of the department, continued Mr. JOHNSON, are very rigid. Too much so I think. They require that a particular kind of testimony shall be adduced before the pension shall be granted, and that evidence is sometimes difficult to be procured.

Mr. DAVIS, of Mississippi.—I think that if additional proof were wanted, it has been furnished in this debate, that there ought to be a general bill to cover cases of this description. This case was presented for the purpose of testing the principle, and I will state frankly that it was presented because it was the strongest case which the committee had before them, amongst a very large number; and there are, no doubt, numerous other cases that will come in; and if the principle of allowing arrearages is to be allowed in this case, I give notice that I will vote for it in all other cases. Our pension system, as it is now extending itself, must become a great burden upon the treasury. There was a time, at an early period of this republic, when men entered the service prompted by pride and patriotism. Men who are in the possession of large estates are not the proper recipients of pensions. We shall in a short time build up a pensioned aristocracy—pensions ceasing to be the bounty of the government, as they were originally designed, to those who had suffered in the service and were in indigent circumstances. I shall vote for the recommitment, in order that there may be a general law prepared, and I hope the committee will attach a provision that before a pension shall be granted, indigence shall be clearly established.

Mr. NILES desired that the general measure should be reported, in order that the subject might be examined and disposed of one way or the other. The regulations respecting pensions for the army are much less favorable than for the navy. He could see no reason for any such distinction; there ought to be uniformity. With regard to cases like the present, they certainly could not be very numerous, as those who were engaged in the war of 1812 were now far advanced in age, and there was the greater necessity therefore for doing something for them. His gallant friend from Mississippi did not seem so kindly disposed towards those who had served and been disabled in the army, as he would have expected him to be. The Senator, (continued Mr. NILES,) says that he would never grant a pension until he had inquired whether these men were indigent or not. Indigent! Who wants to inquire into a matter of that kind? Was there ever a soldier that was not indigent—I might almost say an officer? Sir, they are all indigent. And the pensions that you now give them should take effect from the time the right accrued, if you would do equal and common justice to all.

Mr. WESTCOTT.—I am so unfortunate as to differ with almost every gentleman in regard to this subject. I think the present system is precisely the correct one. I shall vote in this case for the allowance of the pension, because I believe that the applicant was a very meritorious officer; but I cannot vote for a general law for granting arrearages in all cases, because you cannot make a law that will apply equally to all cases.

Mr. HALE renewed his motion to lay the bill upon the table.

The motion was agreed to upon a division. Ayes 22, Noes 7.

So the bill was laid on the table.

The bill for the relief of James F. Sothoron was read the second time, and considered as in Committee of the Whole; and no amendment having been made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time, by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

The bill for the relief of the heirs and legal representatives of William Grayson was read the second time, and considered as in Committee of the Whole; and

On motion by Mr. BADGER, it was

Ordered, That it lie on the table.

The Senate proceeded to consider, as in committee of the Whole, the following House bills:

An act for the relief of George Newton

An act for the relief of Rose Voss

An act for the relief of Jesse Young.

Ordered, That they lie on the table.

The bill for the relief of David N. Smith was read the second time, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

The bill for the relief of John Caldwell, was read the second time and considered as in Committee of the Whole; and

On motion by Mr. FELCH, it was

Ordered, That it lie on the table.

The bill for the relief of John P. Baldwin, owner of the Spanish brig Gil Blas, was read the second time and considered as in Committee of the Whole; and

On motion by Mr. UNDERWOOD, it was

Ordered, That it lie on the table.

The following bills were read the second time, and considered as in Committee of the Whole:

A bill granting a pension to John Clark

A bill to provide compensation to William Woodbridge and Henry Chapman, for services in adjusting titles to land in Michigan, and for other purposes

A bill for the relief of the heirs of Jean T. Perry, Josiah Blakely, Nicholas Jarrot, and Robert Morrison.

No amendment being made, said bills were reported to the Senate.

Ordered, That they be engrossed and read a third time.

The said bills were read a third time by unanimous consent.

Resolved, That the said bills pass, and that their respective titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives thereto.

The Senate proceeded to consider as in Committee of the Whole, the bill for the relief of Silas Waterman; and no amendment being made it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

The bill for the relief of John Devlin, was read the second time and considered as in Committee of the Whole.

Mr. WESTCOTT remarked that when this bill was referred to him by the Committee on Claims, he was very much opposed to its allowance. He went to see the fifth auditor about it. The auditor wrote him a letter which was on file, satisfactorily demonstrating the justice of the claim. The man had worked thirteen months for the United States, and as he had no pay for his labor, he thought he should receive it.

Mr. BADGER moved to lay the bill on the table.

Mr. NILES regarded the bill as involving an important principle; and as contrary to the express law on the subject. It was a rule that where authority was given to employ clerks temporarily in any of the departments, the head of the department was authorized to pay for such service out of the contingent fund of that department. It appeared in this case that the head of the department would not pay for these services out of the contingent fund. It did not appear even that this person was employed by the head of the bureau who had the authority to do so if his services were required. He remained more as a volunteer with a view to a place than any thing else, which was a common practice; so much so that if a clerk were to leave his situation one day, there would be a candidate for it the next.

Mr. WESTCOTT contended that the person alluded to in the bill had been requested by the head of the bureau to assist in performing the duties of clerks who were necessarily absent. In regard to the payment of the claim out of the contingent fund of the department in which his services were bestowed, he would say that payment was refused because of the limited amount of the fund.

Mr. UNDERWOOD had went into the committee with his mind set against the payment of all claims of this character. Thousands of dollars were paid by the government to persons hired to perform the duties of clerks receiving regular salaries and put in office for four years. But upon examination he had found that oftentimes many of these persons were incompetent to perform their allotted duties, or were sick, and it became necessary to appoint some person to discharge those duties; he was therefore of opinion that claims for services performed under such circumstances should be paid. It was impossible to prevent their occurrence.

Mr. NILES could not sanction any such course as this, in any of the departments. If any new and unexpected business arose in any of the departments, as was the case this winter with the Land Bounty and Pension Office, the head of that bureau with the concurrence of the head of the department, might employ a larger number of clerks. But in the ordinary business of a department the contingent fund of that department was the proper source from which the claim should be liquidated.

Mr. CALHOUN briefly expressed his concurrence with the views already presented in opposition to the principle attempted to be established by the passage of this bill.

No amendment being made, the bill was reported to the Senate.

On the question—"shall this bill be engrossed and read a third time?" it was determined in the negative.

On motion by Mr. CLAYTON, it was

Ordered, That the Committee on Territories be discharged from the further consideration of the amendments of the House of Representatives to the bill for the relief of William B. Slaughter, late Secretary of the Territory of Wisconsin.

The Senate proceeded to consider said amendments; and it was

Resolved, That they concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Phineas Capen, administrator of John Cox, deceased, of Boston.

Mr. WESTCOTT.—The facts are, a sailor enlisted in the naval service at Boston. He sailed in a public ship, which returned to New York. He died abroad. One of his ship-mates took out letters of administration, in regular form, from the surrogate of New York, and drew from the department the deceased's arrears of pay, about $400. Since then the sailor's relatives in Boston got letters there, and demanded the same arrears. Having been once paid to a regular administrator, the department refuses. It is alleged the New York letters are void—that the surrogate had no jurisdiction, as the deceased's domicile was Boston—as he had no estate in New York, owed no debts there, and that the letters were obtained by fraud, the administrator falsely stating he was the deceased's brother, and assuming his surname. (Cox.) and giving insolvent sureties, one a negro. The proofs of these allegations are *ex parte* affidavits of claimant's attorney, and heirs, and others of hearsays and reports, and are wholly unsatisfactory. It is not pretended that any attempt has been made to set aside or revoke the New York letters, or that the department had any notice of the alleged fraud. It paid the arrears upon letters of administration duly authenticated, and fair and regular on their face. If the allegations made be all true, the claim now made is not one of legal right. If an individual debtor of the deceased had paid the New York administrator under similar circumstances, he would have been discharged. Nay, the New York administrator could have sued him, and coerced payment; and before the letters were revoked and regular proceedings had, he could not have resisted payment by showing the facts alleged. If Boston was in fact the domicile, it does not render the New York letters void, or affect the jurisdiction of the surrogate of New York. It only affects the distribution of the personal estate of the deceased. The department were bound by the act of June, 1812, to recognize these letters, and had no right or power to go behind the legally certified letters, and inquire as to domicile or the sufficiency of sureties, or decide as to the imputed fraud. It is questionable if it could, with propriety, delay payment till legal proceedings to revoke the letters could be had in New York; for, if all the allegations be true, the letters are voidable only, not void. *Bona fide* payments by an individual in such case would be a discharge; and so Williams and Toler, and other writers on the law of administration, lay down the rules, and so are the adjudged cases in England and in this country. The only exception is when the letters are a shear nullity on account of being granted by a court that had no jurisdiction whatever. Establish the rule asked for, and the departments will never be safe in making payment to any administrator. Under the law of 1822 it was bound to pay upon the letters granted in the States. The payment was valid. Grant this case, and thousands of petitions will be sent here and millions of dollars will be asked for on like grounds; and there is danger of collusion between parties to defraud government.

On motion,

The Senate then adjourned.

SATURDAY, JUNE 17, 1848.

CENSUS OF 1850.

Mr. DAYTON, from the Committee on the Judiciary, reported a joint resolution in reference to the next census; which was read and passed to the second reading.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed the following bills:

An act for the appointment of an additional Associate Justice of the Supreme Court of the United States for the circuit consisting of the State of California; and

An act to provide for applications for the renewal of patent rights in certain cases in which they may expire during the recess of the Senate.

THE PRIVATE CALENDAR.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Phineas Capen, legal administrator of John Cox, deceased, of Boston; and no amendment being made, it was reported to the Senate.

Mr. BALDWIN stated that this individual had owned real estate in Boston. He shipped on board a vessel, and died on the voyage. There was due him at the time of his death, the amount specified in the bill, some hundreds of dollars. After the vessel returned, a stranger professing to be the brother of the deceased, applied to the Surrogate of New York, where deceased had never domiciled, and there obtained letters of administration, giving a negro destitute of property as a bond. Through these letters this Cox, the pretended brother, obtained the amount due him at the time of his death.

The committee, after due examination, were of opinion that the letters were null and void, that it was a fraud upon the rightful administrators, and that the administrators of the deceased were entitled to the payment of the claim.

Mr. B. proceeded to advocate the payment of the claim, representing that the court of New York had no jurisdiction over the property of the deceased, and urged it as a duty upon Senators, to inquire whether this was really a case within the jurisdiction of New York; of course, if it was not, there was no justification for the payment of the claim already made by the officer of this government, and the United States were bound to pay it over again.

Mr. WESTCOTT remarked, that in regard to the jurisdiction of the New York court to grant letters, he would defy any lawyer to adduce a single authority of any weight, showing that domicil had any thing to do with it. Domicil controlled the distribution of personal estate, but it had no other effect. Administration was granted every day where the deceased never had a domicil. As to this payment by the department, he would refer to the Supreme Court reports to show it was correct. 14 Peters, Rep., 11, and to Ealer, 130 and to Allen vs. Dundas, 3 Term Rep. 125. The last was a case of forged letters.

Mr. BADGER stated that they were not forged letters, but letters obtained on a forged will.

Mr. WESTCOTT was satisfied. The Senator had corrected him rightly. The suit was brought by the rightful representative against the assistant treasurer of the British navy, who had paid arrears of pay to a fraudulent claimant under such letters. The British courts decided the payment was a good discharge. In that case the fraudulent letters were first set aside.

Mr. CALHOUN wished the Senator would state the point precisely, whether the letters on which the department paid the money in this case were those in force and valid, and whether they had since been revoked?

Mr. WESTCOTT would inform the Senator that they were still in force and valid. Congress was asked to set them aside, to declare them void, in the most loose and ex parte affidavits of fraud—and so forth, which a court of law or equity would not listen to for a moment. [Mr. W. here read extracts from the affidavits.] He would apply the same rules to government that he would to individuals. If this claim was allowed, it would be fraught with danger. The departments would not be safe in paying an administrator in any case. If the United States were liable in this case, there would be claims made for large amounts paid under similar circumstances. The claimant's remedy was a suit against the New York administrators and his sureties, and if they were insufficient by the neglect of the New York surrogate, a suit against him. Put this claim on the ground of a gratuity merely, and it would be much stronger than as it was now preferred. It was the only ground on which it could in his judgement be at all sustained.

Mr. WESTCOTT moved to lay the bill on the table, and the question being taken, resulted as follows:

Ayes	16
Noes	17

So the motion was negatived.

Mr. BRADBURY urged the justice of the claim, and hoped that Congress would not shelter itself behind judicial decisions to avoid the payment of it. The objection urged by the Senator from Florida might be a bar to the payment in a court of law, but the appeal was here made to the equity and sense of justice of Congress. The deceased sailor had faithfully served his country, and earned the amount claimed. He had died in the service, and his relations by law entitled to administer on his estate, had, on information of his decease, taken out letters of administration and demanded payment of the governmen of the wages faithfully earned. They had done this promptly. They had been guilty of no neglect. And in such a case Congress should not shelter itself behind a technical rule, to defeat the claims of justice.

Mr. MASON dissented from the report of the committee. It might be true that the court that granted the letters was imposed upon, but the fraud should not operate on the government. The money had been paid at the department, and as a matter of law and necessary policy, ought not to be paid again.

Mr. BUTLER was of opinion that the payment in this matter was made in good faith, and, under the act of 1812, was legal and proper. The claim might be allowed as a gratuity, on the principle on which pensions were granted, but not by law. The payment was good in law.

Mr. UNDERWOOD thought the United States could not clear themselves of this or any other similar claim until they had paid the proper person. The case had been settled before. [Mr. U. here cited the precedent.] The question was whether the United States should suffer from frauds of this character, or the individuals who claimed justice at their hands?

Mr. CALHOUN regarded the principle advanced in favor of the payment of this claim as an unsafe one. He believed it would leave the United States if carried out, without protection in the payment by the departments of similar claims in future. It would establish a dangerous precedent.

On the question, "shall this bill pass to a third reading?"

It was determined in the affirmative. Ayes 22, Noes 18.

The said bill was read a third time.

Resolved, That this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

The Senate proceeded to consider, as in Committee of the Whole, the resolution relating to errors and defective returns in certain surveys, plats, and field notes.

Mr. FELCH said, the report in this case, with the documents printed therewith, were long, and instead of asking their reading, he would recapitulate briefly the facts stated, and the relief sought by the petitioners. The bill proposed to pay to certain purchasers of land in the township of Salem, in Michigan, damages for deficiency in the quantity of land purchased by them, or their grantees from the government. This deficiency was owing to the false and fraudulent surveys and returns made by the surveyor acting under the government.

The original survey of the township in question, was made in 1816, by Joseph Waupler, a deputy under Edwin Tiffin, then surveyor general of the district including Michigan.

In 1842 the purchasers memoralized Congress on the subject of the erroneous surveys, and the consequent loss of a portion of their land. The committee of the Senate, to whom the matter was referred, conferred with the Commissioner of the General Land Office, and he directed a re-survey of the township.

In accordance with this order, a re-survey was made in 1844, by Harvey Park.

In February, 1845, the Senate adopted a resolution calling on the Secretary of the Treasury for information as to the progress of the survey ordered by the Commissioner of the General Land Office.

In December, 1845, the Secretary of the Treasury made his report, accompanied by the returns of the Commissioner of the General Land Office, and surveyor general, under whose charge the re-survey was made in 1841.

In August, 1846, a joint resolution was passed by Congress requiring the Commissioner of the General Land Office to appoint some suitable person to ascertain and report the amount of damages sustained by the purchasers, or their assignees, by reason of

the false and fraudulent surveys and returns of the lands. This resolution required the person so appointed to visit the premises in question, and to make his return from a personal examination.

In January, 1846, Lucius Lyon, the surveyor general of the district in which Michigan is situated, was appointed, and in September of the same year he made his report.

The documents above mentioned established beyond controversy the fact, that the returns of the original surveys were false and fraudulent. The whole township was found, on the re-survey, to contain 631-23 acres, less land than was reported as the result of the first survey. The whole township had been sold to 275 purchasers, of whom 147 had received more than the number of acres described in their patents. This excess was 382.15 acres. The remaining 128 purchasers found therefore a deficiency in the lands purchase by them of 1013.38 acres. The purchase money for this land was received by the government, while the land was never obtained by the purchasers. Of the 60 miles of sub-division lines in the township reported by the surveyor to have been run and marked, 24¼ were in fact never run, and the lines of the remaining portion, although actually surveyed, were grossly erroneous. It was to be expected that surveys in a wilderness country would necessarily be subject to errors of minor importance. The surveyor general had consequently, in his report of the damages sustained by the settlers on these lands, deducted one-fortieth part of the whole tract surveyed for ordinary errors, for which, in his opinion, no compensation should be made. It was, not however, of mere ordinary errors that the petitioners complained. It was of the extraordinary deficiency in the quantity of land purchased of the government, and paid for by them, that they asked compensation.

The purchaser of lands in a wilderness country, such as was this when these purchases were made, had little means of ascertaining lines or boundaries. To run out the lines by chain and compass would be impracticable to most persons making entries at the land office; to trace them out, even when faithfully run by the surveyor, could seldom be done. The chief reliance for the purchaser must, therefore, be had first in his general knowledge of the locality selected by him; and secondly and chiefly, in the plots and field notes at the land office. He had a right to inspect these for information, and to presume they were correct, and relying upon the representations there found, he made his purchase. It was no fault of his if, through their misrepresentation, he was deceived. The government representing them to be correct, was the vender, and should see to it that no false representations were made to the purchaser. The case provided for by the bill under consideration was a case of that description. The frauds of the deputy surveyor, the agent of the government, had supplied false plats to the office, misrepresenting both the boundaries and the quantity of the land purchased, and referring to lines as run and marked which had never been surveyed. The purchasers had paid their money on the faith of the representations of the government. The bill provided for compensation to each purchaser or his assignee, according to the resolution under which the report of damages was made by Mr. Lyon.

The re-survey by the government in 1844, made very material changes in the boundaries of these different tracts of land. In some instances improvements were transferred to the occupant of the adjoining farm, and the whole arrangement of the premises were, in some instances, disarranged. Farms had been transferred from the original purchasers from the government to others; and the present owners, purchased at comparatively high prices. These purchasers also were misled by the fraudulent returns, and were, by the re-survey, deprived of portions of the premises for which they had paid. The estimate of damages, as reported by Mr. Lyon, was based upon the actual value of the premises of which they had been deprived in consequence of the errors and frauds above mentioned. The value of the lands was estimated at its actual worth at the time of the personal examination by Mr. Lyon, rejecting the value of the improvements, and supposing the land to be in an uncultivated state. The compensation provided by the bill was, therefore, a mere act of justice.

Mr. NILES enquired of the Senator from Michigan what was the amount of damages as reported by the surveyor general, and at what rate per acre for the deficient land?

Mr. FELCH replied that the total amount of damages allowed, according to Mr Lyon's report, was $10,618 72, and the total number of acres deficient was 1,013.38. The estimate of Mr. Lyon also included a small sum to some six individual owners for money paid out in ascertaining the defects, and other matters incidental to the defective survey and returns.

Mr. NILES objected to the payment of any thing more than the amount paid by the purchasers into the Treasury for the deficient land. He said the case of the applicants was certainly a case of merit, but the government had never, to his knowledge, done more in such cases than to restore to the purchaser his money. This was the only rule which could, with safety to the Treasury, be applied. He was willing to grant that in the case of these settlers, but nothing more.

Mr. FELCH replied that this would be no adequate compensation to the owner, a portion of whose land was cut off by the re-survey, and especially to those who purchased from the original owners at a high price, and who trusted as much as the first purchaser to the returns and plats made by the government. The damages ascertained by the commissioner in accordance with the resolution of Congress, gave only the amount of damages actually sustained by the owners of the land, and this bill was in accordance with that resolution and the return under it.

On motion by Mr. NILES, it was

Ordered, That the bill lie on the table.

The Senate proceeded to consider, as in Committe of the Whole, the bill for the relief of the legal representatives of Francis Cazeau, late merchant at Montreal; and,

On motion by Mr. WESTCOTT, it was

Ordered. That it lie on the table.

The Senate proceeded to consider, as in Committee of the Whole, the following bills.

An act for the relief of the legal heirs of John Sawyer, deceased.

An act for the relief of the legal representatives of James Beach, deceased.

and no amendment being made, they were reported to the Senate.

Ordered, That they pass to a third reading.

The said bills were read a third time.

Resolved, That they pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

The following bills were read the second time and considered as in Committee of the Whole:

A bill authorizing the sale of part of a lot in the city of Washington, and for other purposes.

A bill for the relief of J. W. Nye, assignee of P. Barry, and H. Stewart.

and no amendment being made, they were reported to the Senate.

Ordered, That they be engrossed and read a third time.

The said bills were read a third time.

Resolved, That they pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

Mr. DICKINSON moved that the Senate reconsider the vote of yesterday, on passing to a third reading the bill for the relief of John Devlin; and it was

Ordered, That this motion lie on the table.

On motion by Mr. CAMERON, it was

Ordered, That the Committee on printing be discharged from the further consideration of the resolution defining the reports to be annually made to Congress by the heads of the several Executive departments, and requiring the same to be prepared immediately after the close of each fiscal year, and forthwith communicated for publication; and that it be referred to the Committee on Finance.

After the consideration of Executive business,

The Senate adjourned.

MONDAY, JUNE 19, 1848.

MEMORIAL OF THE CHICAGO CONVENTION.

Mr. WEBSTER presented a memorial of a convention of delegates from the different parts of the Union, assembled at Chicago, Illinois, in favor of the improvement of harbors and rivers by the general government.

Mr. WEBSTER.—It is known to the Senate that in the autumn of last year a large convention was holden at Chicago, in the State of Illinois, to take into consideration the subject of improvements of the rivers and harbors in the country, and especially in the West. That convention adopted certain resolutions expressive of their opinions and sentiments, and directed that a committee be appointed to address a memorial to the two houses of Congress. That committee, in the performance of its duty, has prepared a memorial, and placed it in my hands to be presented to the Senate. I can only say that it is a very respectful paper, and in my judgment, an able paper. It brings to the consideration of the two houses of Congress an important subject, about which there is known to be a good deal of diversity of opinion. In presenting this memorial, I have thought it my duty to refer to a case and to a precedent case for a precedent to direct me as to the motion which I should address to the Senate. That case is, the course that was pursued upon the presentment here, in 1846, of the proceedings of the Memphis convention upon the same subject. That, also, was a very important paper, and one that was generally read, and although probably this which I now present, takes a different view in some respects, they are both ably drawn, argumentative papers. When the Memphis memorial came to the Senate, it was presented to its consideration by the honorable Senator from South Carolina, who moved that it be referred to a select committee consisting of five members, to be appointed by the Vice President. Following that precedent, I now move that the memorial be printed for the use of the Senate, and that it be referred to a committee of five members, to be appointed by the chair.

Ordered, That it be referred to a select committee consisting of five members, to be appointed by the VICE PRESIDENT; and

Mr. WEBSTER, MR. DAVIS, of Mississippi, Mr. BREESE, Mr. JOHNSON, of Maryland, and Mr. BORLAND, were appointed the committee.

Ordered, That that the memorial be printed.

Mr. WEBSTER gave notice, that in pursuance of the course taken in the case of the Memphis memorial, he would probably at some time hereafter, move the Senate to print the same number of copies of this memorial that were printed in the former case.

PETITIONS.

Mr. HALE presented a petition of citizens of Rosendale, Wisconsin, remonstrating against the appropriation of any portion of the public lands to the construction of a railroad from Lake Michigan to the Pacific ocean; which was referred to the Committee on Public Lands.

Mr. WEBSTER presented the memorial of Charles Colburn, praying compensation for his services as yeoman in the naval service; which was read and referred to the Committee on Naval Affairs.

Mr. TURNEY presented the petition of Samuel Rush, William Tyler, and George S. Gaines, late Choctaw commissioners, praying to be allowed their travelling expenses; which was referred to the Committee on Indian Affairs.

Mr. STURGEON presented a memorial of citizens of New York, praying the construction of a railroad between Philadelphia and New York, to be used as a post-road to facilitate commercial intercourse and the transportation of the mail between those places; which was referred to the Committee on the Post Office and Post Roads.

Mr. LEWIS presented the memorial of B. Marshall and others, delegates of the Cherokee nation, praying the final settlement of the claims of that nation against the United States; which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. WESTCOTT presented the petition of Daniel Morgan in behalf of himself and the officers and soldiers of a company of mounted Florida volunteers, praying compensation for their services in the Florida war; which was referred to the Committee on Military Affairs.

SEATS OF MEMBERS.

Mr. DOWNS submitted the following resolution for consideration:

Resolved, That a member leaving the Senate, shall not, directly or indirectly, assign [illegible] members, but vacant seats shall be assigned by the President from a ballot for that purpose, and a drawing to the date of the second of their names.

OFFICERS IN THE CUSTOM HOUSE AT BALTIMORE.

Mr. JOHNSON of Maryland, submitted the following resolution for consideration:

Resolved, That the Secretary of the Treasury inform the Senate of the whole number of officers employed in and about the custom house of the United States in the city of Baltimore, with the amount of compensation to each; and that he also inform the Senate whether the number of such officers at the same custom house on the 4th of March, 1845, and the compensation allowed to each.

INDIAN CLAIMS.

Mr. DAVIS, of Mississippi, by unanimous consent, asked and obtained leave to bring in a resolution, to authorize the adjudication of certain Indian claims under the act of 23d of August, 1842; which was read the first and second times by unanimous consent, and referred to the Committee on Indian Affairs.

SHAW AND CORSER.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom was referred the amendment of the House of Representatives to the joint resolution in favor of David Shaw, and Solomon T. Corser, reported thereon.

The Senate proceeded to consider the said amendment; and it was

Resolved, That they concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed a bill for the relief of the legal representatives of Joshua Kennedy, deceased; in which they request the concurrence of the Senate.

The President of the United States approved and signed, the 14th instant, the following enrolled bills, and transmitted a report on—

An act to attach a portion of the North Western Land District of Louisiana, to the district north of Red River, Louisiana.

An act to amend an act entitled an act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights, approved September 4, 1841.

A joint resolution providing for payment of Texas mounted troops called into the service of the United States under the requisition of Col. Cross, in the year 1845, and for other purposes.

A joint resolution in relation to the transportation and discharge of the military forces of the United States at the close of the war with Mexico.

INDIAN AFFAIRS.

Mr. ATCHISON, from the Committee on Indian Affairs, to whom was referred the bill from the House of Representatives for the relief of Joseph Perry, a Choctaw Indian, or his assignees, reported it without amendment.

Mr. ATCHISON, from the same committee, to whom was referred the bill to regulate trade and intercourse with the Indian tribes residing within the limits of the State of Texas, reported it with an amendment.

PRIVATE BILL.

Mr. UNDERWOOD, from the Committee of Claims, to whom was referred the bill for the relief of Alborne Allen, reported it without amendment.

GRANT OF LAND TO MISSOURI.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill granting to the State of Missouri, the right of way and a donation of public lands for making a railroad connecting the town of St. Joseph, on the Missouri river, with the town of Hannibal, on the Mississippi river, reported it with an amendment.

On motion by Mr. BREESE, it was

Ordered, That the documents accompanying the bill be printed.

JUDICIAL.

Mr. BUTLER, from the Committee on the Judiciary, to whom was referred the memorial of Mary Ann W. Van Ness, reported a bill to regulate appeals from the trial of issues in the District of Columbia; which was read and passed to the second reading.

Mr. BUTLER, from the same committee, to whom was referred the petition of Gaspard Tochman, reported a bill to authorize the change of venue in certain cases; which was read and passed to the second reading.

ADVERSE REPORTS.

Mr. WESTCOTT, from the Committee of Claims, to whom was referred the bill for the relief of Thomas B. Graham, reported the same without amendment, and submitted an adverse report on the subject; which was ordered to be printed.

Mr. WESTCOTT, from the same committee, to whom was referred the bill for the relief of the legal representatives of James Porterfield, deceased, reported it without amendment, and submitted an adverse report on the subject; which was ordered to be printed.

PRIVATE BILL.

Mr. WESTCOTT, from the Committee on the Judiciary, to whom was referred the bill for the relief of Gamaliel Taylor, late marshal of the State of Indiana, and his securities, reported it with an amendment, and submitted a special report on the subject; which was ordered to be printed.

AMENDMENT OF THE NATURALIZATION LAWS.

On motion by Mr. DICKINSON, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill to amend the act entitled "an act for the regulation of seamen on board the public and private vessels of the United States, passed the 3d of March, 1813.

The bill having been read for information—

Mr. UNDERWOOD.—I would like to be informed by the honorable Senator whether, in case an individual makes application for naturalization, and then leaves this country and resides in another for the five years, or a part thereof, he will be entitled, under this bill, to naturalization.

Mr. DIX.—It is a mere question of residence. The 12th section of the act proposed to be amended, provides that the individual applying for naturalization shall reside for the continued term of five years within the United States. It is proposed to leave that as it is. But the bill goes further and says, "without being at any time during the five years out of the territory of the United States." The Supreme Court of the State of New York has decided, that although an individual had been for five years a resident of the United States, yet having casually set his foot on the Canada shore during that time he was not entitled to be naturalized.

Mr. UNDERWOOD.—I am satisfied. I understand that the five years residence is to be made complete; that if the individual has within the five years been absent one year, he must continue one year longer a resident of the United States, so as to make the five years complete.

Mr. BREESE.—As the law now stands, an individual may be four years and eleven months a resident of this country, and if he then goes beyond its limits, he loses the benefits of his four years and eleven months residence.

Mr. CALHOUN.—It seems to me that some provision is necessary to be attached to this bill, to say how long the temporary absence may continue. There is another bill now before Congress on the subject of naturalization, and I would suggest that this bill be allowed to stand over, so that we may have the whole subject before us at once.

Mr. DICKINSON.—I am unwilling that this bill shall be delayed. The subject has been before Congress for several sessions; and every one must see that there is a pressing necessity for the passage of the bill. It is a mere question of domicil, and that is a question that we cannot regulate by legislation with any more distinctness than it is done by the common law. Temporary absence at present, whether voluntary or involuntary, deprives the individual of the benefits of our naturalization law; whereas, according to sound reason and common sense, if the individual manifest the intention to preserve his residence within the country it ought to be sufficient. He is required by this bill in case of temporary absence to produce to the court evidence of the *animus revertendi*. If that is not sufficient protection, I do not know what would be sufficient. I hope that we shall have the action of the Senate upon the bill now.

Mr. WESTCOTT.—When this bill was reported by the Judiciary Committee, the session before the last, and also at this session, in consenting to the report I did not commit myself to the support of the bill. I feel bound to vote against it; and I will state briefly the reasons. In the first place, the naturalization law originally required as an evidence of a man's good feeling towards the institutions of this country, that he should have resided in the country, and not have been out of it for the continued term of five years. It seems to me that this evidence was as little as we could require of foreigners who emigrate hither; although in one instance where they come here under 18 years of age, a continued residence of three years only is required. By the bill upon your table this policy is done away. A British or French sailor can come into this country and petition for naturalization, and he can be out of the country all the time that has been formerly prescribed as the period of residence, and he can nevertheless be naturalized. The only question which is submitted to the court when he applies for naturalization is, had he the intention to return? Did he intend that his residence should be in this country in the interim? I object to leaving this question of intention to the judiciary in the loose manner in which this bill provides. Affidavits of an *ex parte* character are to be submitted to any judge, and even some of the inferior judges are to have jurisdiction in cases of naturalization. It will occasion an abuse of the naturalization laws. I would, by a special act, if there was a case of a volunteer who had been in Mexico, who had filed his petition for naturalization, provide for such case. But this act was not intended to apply to such cases; because the bill was brought before Congress long before the Mexican war commenced. The effect of the bill will be to change the whole policy of our naturalization laws, and I feel bound to vote against it.

Mr. BERRIEN.—If the bill which is urged by the Senator from New York shall be passed, the law will be this: To entitle an applicant for naturalization to the benefit of his petition, he must have resided five years continuously in the United States. That will be the law of the land. If during those five years, he shall have been temporarily absent from the United States, then it will be a subject for inquiry by the court, whether that absence has affected the residence which he had before acquired. To entitle any person to admission as a citizen of the United States, under the law as it will stand if this bill passes, he must, in the first instance, have acquired a residence in the United States, and that residence must continue for the term of five years, as specified in the law. If, then, I say, he is absent from the United States within that time, the question for the court to determine will be, whether that absence has been such as to destroy the residence which he had previously acquired. If he is absent temporarily on business, maintaining his residence with the intention of returning, the term of his absence will not be abstracted from the five years of residence. But as the law now is, though a man should come here and obtain what he designed to be a permanent residence, and should make his application for admission as a citizen, and should continue in contemplation of law and common sense, during the whole five years a resident, yet if he puts his foot across the boundary of the United States, voluntarily or involuntarily, during the five years, he has to begin and go over the whole course of residence again, dating from the period when, after this temporary absence, he returned to the United States. Now, there seems to be no just reason for this. I can see no objection to investing the court with the right to determine what is a residence and what is an abandonment of residence. If a man leaves the United States temporarily with the intention of returning, in the meantime maintaining his domicil here, I see no reason why the court should not be invested with the power of determining the question as to [illegible] as to whether the residence is maintained or abandoned.

No amendment being made, the bill was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

THE SUPREME COURT.

On motion by Mr. BADGER, the prior orders were postponed, and the Senate resumed the consideration, as in Committee of the Whole, of the bill to promote the dispatch of business in the Supreme Court, and to repeal the 21 section of the act approved June 17, 1844, entitled "an act concerning the Supreme Court of the United States;" and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time; and it was

Ordered That the further consideration thereof be postponed until to-morrow.

THE [illegible] MAIL.

Mr. PEARCE moved that the prior orders be postponed, and that the joint resolution to authorize and require a renewal of a contract for carrying the mail be read the second time and considered as in Committee of the Whole.

Mr. ATHERTON opposed the motion. He hoped the Indian appropriation bill would be taken up. It was now nearly finished, and he thought it would be good policy to finish that bill before proceeding with any other business.

Mr. DIX.—I concur with the Senator from New Hampshire as to the propriety of finishing the Indian appropriation bill before proceeding to any other business that will lead to debate; but I hope that the honorable Senator will allow a bill that is now upon the table to be taken up and disposed of. I mean the bill relating to the importation of adulterated drugs and medicines.

Mr. BERRIEN.—Having introduced the resolution upon which this joint resolution is founded, I hope the motion of the Senator from Maryland will prevail. The country at large is suffering very much from the condition of what is called the great northern and southern mail. There is a very full report made by the committee to whom the subject was referred which will, I trust, without debate, satisfy the Senate of the necessity of proceeding in the manner proposed by the committee. And I do not know a subject that is much more exigent at this moment than of restoring that state of things that existed antecedent to this interference in this great northern and southern mail line, and removing the grievance

under which the people are laboring. This resolution was introduced some months ago, but from circumstances beyond our control, action upon it has been delayed. A very full report has been prepared, and it will present the case to the Senate in such a manner that it may be readily comprehended.

The question being taken on the motion to take up the resolution, it was, upon a division, decided in the affirmative. Ayes 16, noes 11

Mr. UNDERWOOD.—It this resolution passes it seems to me that it ought to be amended by authorizing the Postmaster General to pay to Graham and Finnell such a sum as will be a proper compensation for the loss of their contract for carrying the mail in stage coaches. The effect of the resolution will be to interfere with and put an end to that contract. Mr. Graham has called my attention to this matter, and I thought it my duty to bring it to the notice of the Senate. He asks to be indemnified for any losses they may sustain by having their contract at this early period annulled. I, therefore, move that the resolution be amended so as to authorize the Postmaster General to pay to Graham and Finnell such sum of money as will compensate them for the loss of their contract.

Mr. PEARCE.—It seems to me that the amendment is unnecessary. All contracts by law in relation to the department may be rescinded, and upon being rescinded the Postmaster General is authorized to make such allowance as is suitable. I know of nothing special in this contract which should make it an exception to the general rule.

Mr. UNDERWOOD.—I will state why the amendment is perhaps necessary. There is such a law as the gentleman alludes to where the department voluntarily discontinues a route, not where it is done by the legislation of Congress. But here, by your legislation, you force the department to discontinue this mail route, and you do it, too, at the very commencement of the service under the contract. Where the department has complete control over the matter, they will allow the individual a reasonable compensation, but here just as soon as the performance of the duty commences, as soon as the expense of preparation has been incurred, you discontinue the service by your legislation, and then you limit the compensation under the old rule which the Senator from Maryland speaks of, to compensation for three months' service. Three months' compensation the Postmaster General is authorized to allow, and he cannot transcend that amount. My amendment proposes to allow him to make such compensation as the peculiar circumstances of the case require.

Mr. PEARCE.—If you adopt such a course as this in one case, you must necessarily do so in others. Besides, it does not follow that you must continue the contract to these gentlemen merely because you have commenced it. All contracts are subject to interruption, and this being the case, I apprehend there is no good reason for the adoption of this amendment.

Mr. NILES.—I do not entirely concur in this resolution, yet I am not altogether disposed to oppose it.

Mr. PEARCE.—It is the amendment which is now the subject of discussion. I have confined such observations as I have made to the amendment proposed by the Senator from Kentucky. When that is disposed of, I propose to enter upon the subject of the resolution.

Mr. NILES.—In regard to the existing arrangement for carrying this southern mail, as I understand from my colleague on the committee, by whom this report was made, the contractors are now paid more than has heretofore been paid to the railroad and steamboat company for the same service. This resolution, however, is suspending the operation of the general law, which fixes the maximum allowance for railroad service. Though I think it requires that something should be done, still I should feel very reluctant to weaken the force of the law, or furnish an example for other companies to demand exorbitant prices above the maximum fixed by law, and thereby embarrass the department, and compel them to apply to Congress for authority to comply with such exorbitant demands. During the administration of Mr. Tyler, there was some difficulty experienced in regard to the transportation of the mail upon this route, and the matter being referred to him, he established an arbitrary rate to be allowed to the company upon that route, irrespective of the maximum fixed by law. This I consider a very bad practice. I believe that to authorize the Postmaster General to renew the arrangement made by Mr. Tyler. And with regard to the services that have been commenced, to which reference has been made, they will necessarily be discontinued, but under the general law, in all cases where services have been performed wholly or in part, the department is authorized to allow three months' extra pay for damages. And if any thing more is required, the parties have to make their application here.

The question being taken upon the amendment, it was negatived.

Mr. PEARCE.—The great northern and southern mail, for many years prior to the last two months, has been carried upon the river Potomac on the route between Baltimore and Richmond; but by the present route, which is much longer, the time occupied in conveying the mail is double the travelling time. The delay of the mail is as much as twenty four hours, and there is no saving of expense effected; on the contrary, the expense of conveying the mail is increased. The Postmaster General has taken the contract from the railroad and steamboat company, because he supposed their charges exceeded the maximum, which, according to his construction, the law authorizes him to pay to such companies. Now, the only reason offered by the Postmaster General against this resolution is this: He says that if Congress directs a restoration of this contract all the railroad companies will demand an increased allowance. But this railroad and steamboat company are differently situated from other transportation companies, and they are entitled to a somewhat larger allowance, for they are subjected to considerable hazard in navigating the Potomac during the winter, and are obliged to incur the expense of providing ice boats, in order to prevent any interruption to the regular conveyance of the mails. And it is to this source that they look chiefly for the means of their support during the winter, there being then but little travel. This furnishes a consideration why there should be no reduction of price, so far as this route is concerned. I have no doubt that the Postmaster General was actuated by a desire to save the public money, but it seems to me that the accommodation of the public should be preferred to the mere object of saving a small sum of money.

Mr. BRADBURY inquired whether the department in case, this contract were annulled, would not be exposed to heavy damages for the breach of the contract?

Mr. PEARCE.—I think not.

Mr. BRADBURY.—Will the Senator consent to amend his resolution so as to provide that the department shall not pay damages?

Mr. PEARCE.—Certainly not. It would neither be consistent with propriety, nor a proper dignity on the part of Congress. I think we ought, at least, to pay any damage that may be occasioned by the action of the government. I have a letter, however, from the agent of the steam-packet company, in which he states that the company will assent to the change, and that they will make no demand for damages. There remains, then, only Mr. Mayo, a party to the contract, and his claims will not exceed six thousand dollars for the year. His demand cannot be so great as the damages we are every year sustaining under the present arrangement.

Mr. BRADBURY.—I am certainly desirous that every facility should be afforded for the transportation of the great southern mail. But I understand the department was exceedingly desirous of making a contract with this company, and that it proposed the highest rate that the law authorized; and that the company refused to transport the mails and threw them off. I have heard nothing which goes to show that the sum offered by the Postmaster General was not a fair and adequate price. By yielding to the demands of the company in this case, and paying an extravagant price, it appears to me, we shall be placing the Post Office Department at the feet of railroad corporations throughout the whole country. If the company can throw off the mail, and then can come here and enforce the department to contract with them at a higher rate than is paid to others, what company will not do it? I think the application is to the wrong tribunal; it should be to the Legislature of Virginia, to impose a penalty for a refusal on the part of the company to carry the mails.

Mr. HUNTER.—The Virginia legislature, I beg to inform the gentleman, has no right to impose any penalty upon the railroad company, nor to interfere in the matter in any way.

Mr. BRADBURY.—I regret that Virginia should place herself in the power of a corporation of this kind; and I sincerely hope that Congress shall not do the same thing.

Mr. PEARCE.—The Legislature can hardly assume to dictate to a corporation that is already in existence, as to the manner in which they shall carry on their business. But in fact, the Legislature of Virginia was in session when this was made public, and they took no action upon it.

Mr. HALE.—I hope the Senate will not pass this resolution, for it looks to me like a very dangerous precedent. Here is a controversy between the Post Office Department and a railroad company. I know nothing about the merits of the case, but I know this, that if the power of the Post Office Department is not sufficient to meet the case, then the remedy should be by general law. If we pass this resolution other corporations will take the same course that has been taken by the company in this case, and there is no knowing when applications of this kind will end. These corporations are all, I imagine, desirous of making the most out of the capital invested, provided it be done fairly. And when it is known that this corporation has been enabled to set themselves up, and demand a greater allowance from the department, and that the Postmaster General has succumbed to the demand, my word for it, there will be others following the example. How long will it be before the experiment will be tried by corporations at the East, by the Boston, New York, and Philadelphia railroad companies, and that New Jersey railroad which we have heard so much about lately, with its perpetual charter, how long will it be before they come and ask that special contracts be made with them? If the law is not sufficient as it stands, or if a wrong construction has been put upon it, remedy it by a general law; for it seems to me that this is the most injudicious and ill-judged compliance with the exorbitant demands of a company. And I hope it will not be adopted.

Mr. BERRIEN.—The Senator from New Hampshire claims from the Senate a refusal to adopt this resolution with the distinct avowal that he knows nothing of the merits of the case; and most assuredly in the observations he has made, he has vouched that acknowledgement. This is not an application to Congress to except a particular case out of the operation of the general law; it is an application to correct a misinterpretation of a general law. It is not an application to yield to the extravagant demands of a company, but to enable the Postmaster General to renew the contract with that company upon terms such as those which existed for four years previous to the formation of the present arrangement.

Mr. RUSK.—The resolution requires the Postmaster General to return this contract at the same rate of remuneration that the company has been receiving for the service for four years. And this change will save at least $4,000 a year, as shown by the report, in the actual cost of the transportation of this mail. And it will save a good deal more; because, as it is now arranged, a great loss of time is experienced. What is the result? It is that communications are made by telegraph, and the revenue of the department is reduced. How the Senator from Maine can come to the conclusion that the department is about to suffer in a pecuniary point of view by making this change, I cannot conceive.—The amount to be paid would certainly be less, and the time consumed in conveying the mail would also be less. The resolution simply requires that the contracts shall be returned to them at the same rate that they received for four years preceding the present.

Mr. BRADBURY.—In consequence of the conduct of this railroad company in refusing to transport the mails, the department was forced to enter into new arrangements, suddenly, under such circumstances that the new contracts were necessarily made at great disadvantage. Hence the price paid is greater than the probable average cost. But the question of cost is not the material question. It is a general one, and important in its consequences. It is, whether the Post Office Department shall be forced, by an application here, to yield to the demands of this corporation, and pay it at a greater rate than that which is paid to any other railroad for similar service—and at a greater rate than is authorised by law, according to the construction given to the acts of Congress on the subject by the present Postmaster General and by his predecessor in office. He was anxious to contract with this company, and offered the highest rate of compensation paid any where. No one can doubt but that the price offered was a liberal and ample compensation for the service required. No one has here asserted that it was not. If I recollect correctly, the rate offered was $237 50 per mile per annum, for a single daily mail. The average cost for the great mail between this city and New York is $150 per mile per annum for a single mail, or $300 for one twice each day. No special reasons are urged in this case tending to show that this company would be subject to more inconvenience or expense, in conveying the mail, than is usually incurred. On the contrary, it is said that the hours for the departure and arrival of the mail are well accommodated to the public travel. No extra train would, therefore, have to be run at hours unsuited for general travel. This, then, is not a case presenting any especial claims for exemption from the general rule.

If Congress does not exempt it there will be no difficulty in securing its services. It will come to the terms offered by the department. I will refer to a case which occurred last year, as I am informed, of the refusal of a railroad company in Connecticut (the Hartford and New Haven road, I think,) to carry the mails at the rate allowed by the department. The company demanded a higher rate. The department refsed to submit to the demand. Other arrangements were made. The public complained, and, in the first moments of excitement, were disposed to throw the blame upon the Postmaster General. A discussion of the facts led to the conviction that the department was in the right, and the company in the wrong. The people then began to petition the legislature for the repeal of the charter of this corporation, and it soon yielded to the force of public opinion, and entered into an arrangement to transport the mails on reasonable terms.

If in this case, however, the Post Office Department is forced into the making of a special contract, we may rest assured that other corporations will take the same course. Our other railroads throughout the country, will increase their demands; and, if not complied with, will throw off the mails as soon as the existing contracts expire, and then come to Congress through their friends to compel the department to give them their price. It appears to me to be most unwise to adopt such legislation as will lead to consequences so pernicious. As the expense incurred in making the new contracts was occasioned, according to my view of the subject, by the fault of the rail company in refusing to carry the mails at a fair price, I offer the following amendment:

[The amendment provided that there should be deducted from the amount of compensation to be paid to the railroad company, the amount of damages which would arise from the discontinuance of the existing contracts.]

Mr. PEARCE.—The Senator is certainly not aware of the facts of this case. He stated that this company threw off the mails; and intimated that they had acted in a manner that was disreputable, with a view to extort from the department a better contract. It is right that I should state the facts as they really are

[Mr. P. read from the correspondence between the Postmaster General and the agent of the company, to show the true position of the company.]

There was no disposition here to throw off the mails. The Postmaster General was notified forty days before they refused to carry the mails, that they would not carry them at that rate.—The amendment is one which it will be highly improper to adopt

Mr. UNDERWOOD.—It seems to me the proper enquiry for us is, what would be a reasonable compensation for the performance of this service? While I am willing to vote a reasonable compensation, I am altogether unwilling to go beyond that.

Mr. PEARCE.—It would be a very difficult matter to show precisely what would be a reasonable compensation. The company is subjected to extraordinary expenses in order to convey the mails at all seasons of the year with punctuality. It is to be presumed that Mr. Tyler intended to make such arrangement as would be just and fair, and he allowed the company the same compensation that they now ask.

Mr. JOHNSON, of Maryland, asked for the reading of the amendment.

It was read by the Secretary.

Mr. BRADBURY.—I would suggest that, as the resolution now stands, it does not provide for the rescinding of the existing contracts for the transportation of the mail, nor appear, upon its face, to be based upon the offer of one of the present contractors, to relinquish his contract without claim for damages. It is defectively drawn up. This offer should appear, and it should be made condition that, before entering into any new contract, the department should be released from all claim for damages under contracts already made. I am desirous that an arrangement should be made with the railroad company referred to, for the transportation of the mail, whenever it can be done consistently with the interest of the country at large, and so as not to place the Post Office Departmot at the feet and under the control of railroad corporations. The passage of the resolution without amendment would place the department hereafter within the power and at the mercy of these corporations. It is said that the sum in controversy is not large, as one of the present contractors will make no claim for damages, and that of the other cannot extend to a large amount. I have no doubt, then, that if we stand firm and leave the department to contract with this railroad company at the highest rate paid in the country for the transportation of the mails, upon the condition that there shall be deducted from the amount to be paid the damages arising under the existing contracts, an arrangement on this basis can be made, and that shortly. The company will not stand out if we do not compel the department to yield. The sum to be deducted will diminish the receipts of the company for a year only; afterwards there will be no diminution from the amount that will be annually received by it.

Mr. PEARCE.—I suppose that Congresscannot annul a contract, but may direct the transfer of the mail to another route, leaving the contractors at perfect liberty to lay claim to, and obtain damages. The southern mail line has expressed its willingness, by a letter that is now on file, to the transferment of the carriage of the mail to these new contracting parties by the railroad route. And the other of the two old contracting parties cannot claim a very serious or large amount for damages by the annulment of their contract. The damages to be paid, in my opinion, will be less than what the government and the whole community, North and South, are now losing every day by this present circuitous, tortuitous route.

Mr. YULEE.—I shall cheerfully give my support to the resolution presented by the Committee on Post Offices. I trust no amendment will be made to the bill. The delay in the transmission of the mails hitherto upon this route has been positive injury to the whole community of the North and South, more particularly to the commercial classes. I was disposed, at the early part of the session, to sustain the action that the Postmaster took in this matter, in confident hope that he would have made it his duty to have sought out some other remedy for this evil, after his refusal to give to the corporation of the railroad that bid for the carriage of the mail, the sum they asked. As he has not proposed any remedy, and as it is impossible for the community longer to suffer under this evil, I accept the remedy offered by the Committee on Post Offices, in the full assurance that they have taken the utmost care to guard the country from being improperly imposed upon, or the Treasury from unjust extortion. Of course, if imposed upon, we can remedy the matter in future legislation.

Mr. ALLEN.—This is the first attempt, within my remembrance, of substituting Congress for a department in the making of contracts on the part of the federal government———

A SENATOR.—There have been several cases of a similar character.

Mr. ALLEN.—If there have been other cases it only proves how dangerous it was to begin this business. If there had been no first case, this one would not now be before us for consideration. The making of contracts is a matter of administration, not of legislation. If we begin this business of bringing these powerful corporations into the two Houses of Congress to bid for contracts.

it is not difficult to perceive what manner of legislation will grow up here. When these railroads were first employed, all who knew anything about corporations knew that they would extort money for the transportation of the mails. These corporations well knew how great was the anxiety of one part of the Union to receive intelligence from the other part and vice versa. They knew how easy it was to get up the cry, "lest the government lords not intend to the transmission of intelligence to the people." They knew they could use this very plea of popularity and patriotism as a means of extorting unjustly, money from the public treasury. Congress knowing how feeble the power of one branch of the government is in opposition to these corporations all over the Union when they brought forward this plea, passed a general law—all they could do—fixing a limit beyond which these companies should not be permitted to extort from the department, though at the same time allowing them four times the amount of money for their labor that these companies would exact from a private mail for doing the same thing. This act is predicated upon the transportation of the mail in stage coaches, when on most of the routes the charge was more than twice that which it can now be done for. We are asked to disregard this general law—condemn the action of the Post Office Department—take sides with these corporations, and invite the combination of all these railroads for the purpose of extorting money from the public treasury, from one end of the Union to the other. And public men are to be terrified from doing their duty by the cry that the people of the several States will be deprived of the means of transmitting intelligence, unless the government accedes to the terms of these corporations. There must be an end put to this thing. Now is the time, and this is the place, to take a stand against these corporations and sustain the government against yielding to their unjust extortions. They have another advantage, because they put in the plea that they can furnish the public more rapidly with intelligence. But notwithstanding all that they urge in support of their unjust extortions, I would never employ a line headed hereon on the continent, to carry a single letter over any part of the United States, that submit to this imposition. The government ought never to be subject to these combinations. Two hundred and thirty-seven dollars and fifty cents it is said is the maximum price per mile given to all other companies; but this company claims two hundred and sixty dollars. If we yield in this case we must yield in others. I shall vote against the whole proceeding.

Mr. WESTCOTT.—I suppose that Senators were fully aware at the time they passed the joint special legislation on a matter in which more or less constituency of general interest seemed to the objection to the proposing legislation between the Executive Department and the Senators, but they were put down by the Democratic Senator from Ohio.

In passing upon this matter it becomes us, I think, rather to enquire whether the public mischief proposed to be removed is of a character that requires the legislation proposed, and if it be, whether the necessity has not devolved upon us to accede to the terms offered rather than to indulge in general denunciations against corporations and monopolies. I have taken some pains to collect facts in relation to this matter, more particularly because the portion of the State which I represent is deeply interested in it.

It is unreasonable and preposterous, in my estimation, that the whole tier of States from North to South should have their business and be encouraged merely because of the slight sum in dispute of some two or three thousand dollars. Suppose the payment of it be an extortion, shall we derange the commercial affairs of the whole country rather than submit to an imposition of some two or three thousand dollars? In regard to the true construction placed upon the law by the Post Office Department relating to this subject, I have been satisfied with the fact that we have not been furnished with the opinion of the law officer of the government upon it. It is a serious public mischief, and if there is so great a principle involved in it, as that it becomes the department to subject the States to the mischief of which we are now complaining. I submit to Senators that we ought to be furnished with the opinion of the law officer of this department as to the true construction of the law. My opinion is that the construction placed upon the law is erroneous. The fact is the mischief results from a mere angry difference between the head of the Post Office Department on the one hand, and the head of this railroad company on the other, and is too small a matter to be made the foundation upon which this great public mischief is to be continued. It does not, in my opinion, show a retaliatory or vindictive spirit on the part of this railroad company, when it carried the mail from July to September with out a contract. It appears to me that the company wanted to do what they could to have the matter go right.—But, allowing there is extortion used, are we not as liable to be imposed upon by private individuals as by public corporations?—Railroad companies can have no competition, and if they charge exorbitantly we can only submit to the imposition.—It has been remarked that the States of Virginia did not bring her railroad companies under such restraint as would prevent extortion. I would say that Virginia has set an example in regard to her railroads that very few other States have followed. She has compelled the railroads throughout the State to carry munitions of war and troops free of charge. I have seen troops travelling through my own State free of expense, and in other States have seen them compelled to pay for their travel. This thing, if an imposition will remedy itself in the course of time. Gradually, yet surely as railroad and other lines of travel increase, the work will be done.

Mr. WESTCOTT.—It is proper for me to make an explanation of my vote, inasmuch as in conversation with one or two Senators, as the resolutions were about being called up, upon my then understanding of them, I stated that I should probably vote for them. The discussion that has taken place has awakened my recollection of a debate I heard at an early period of this session in the other House on the same subject, and to some facts that had escaped my memory. I represent here a frontier State at the very southern extremity. Since I have been in Congress my colleagues and myself have again and again sought to obtain some mail facilities for our citizens, and what is the result? Though she is a young State, and immigration constantly taking place by purchasers of public lands, yet for three years past our mails and post offices have been decreased instead of increased. I will not say who is to blame, but between the Postmaster General and Congress together our present mail arrangements have been useless, and are in fact, nuisances. In our whole State south of Tampa we have no mails in the interior. The Atlantic and Gulf coasts, from Key West for several hundred miles, have no mails whatever. Key West has no mail. You are building extensive fortifications at Key West and the Tortugas, and your engineer officer there did not hear officially of your appropriations for the works until six months after they were passed. A million of dollars of wrecks of eastern, northern, and foreign vessels occurs annually on that reef, and the letters to the owners and underwriters have to be sent to Havana, or to the North, by vessels that happen to stop in at Key West. Several thousand settlers on the peninsula in the interior below Tampa are without mail facilities, the nearest post office being 20, 30, 40, 70, or 100 miles from the settlements. Manitee and Sarasota, on the west coast, and Miami, on the east coast, are refused mails. None of the islands or keys have mails. This very morning I received a letter written forty days ago, and the writer of which lives in a settlement of forty thirty families, and who have to send it thirty miles to a post office. This is the state of things in the lower part of our State. In the upper part it is but little better. We are allowed a sulkey or horse mail, I forget which, which carries along once a week, penny's worth, from the metropolis (Tallahassee) to Pensacola in West Florida, and some trifling horse mails running off latterly to perhaps a dozen points in a distance of three hundred miles into the country supplying the main roads. We had some years ago four-horse coaches and steamboats on this route, or rather in West Florida, but the General Post Office refused to pay a fair price, and it had to be abandoned. So in East Florida we have a mail from Tallahassee to Jacksonville and St. Augustine, which, I believe, by the contract is to be carried in a buggy. Now, for all these routes I know there were reasonable bids for post coaches and other modes of conveyance by which the mails would have been an accommodation to our citizens, but they were not accepted. There were bids to carry the mails in steamboats and vessels where they could not be carried by water. They were all said to be too high. Ten thousand dollars a year would have supplied these good roads, with what is now paid, and every section of the State could have been supplied properly. The revenue of the Post Office would have been increased, not perhaps to a corresponding amount to the outlay at first, but in a year or two, and the government would have made ten times that sum in the increased sales and settlement of the public lands. Settlers are now deterred from purchasing lands, as they do not like being cut off from all communication with the other parts of the United States. They want to know what we are doing here. Our election returns cannot get to the seat of government of the State for weeks after they should be. The cost of one contested election in the other House in 1845–6 would have given us good mails for five years. The Florida delegation have again and again come to get something done. When we go to the Postmaster General he protests to Congress. He says our mails won't pay, and refuses to some act of '25 or '45 which, he says, prohibits him from establishing routes that are unprofitable to a certain extent, and so forth. He discontinues our post offices for similar reasons, having first caused such result by refusing reasonable mails in proper conveyances. Under the present system our mails may not pay, and they ought not to pay, and I hope they won't pay. Citizens send their letters by private conveyance. I am obliged every day to send my letters for South Florida to a commercial house in New York, and they forward them by vessels to Havana or Key West, as opportunities offer. I get my letters from South Florida in the same way. If you will establish proper mails and proper offices, they will pay in a few years. Why not send some of our army and navy steamers to make occasional trips to Key West along the coast? It would cost little more than these vessels and officers cost doing nothing, or at any rate doing little good.

Mr. PEARCE.—I take great pleasure in informing the Senator that the Post Office Committee have included a provision in the bill of this session for a mail to Key West.

Mr. WESTCOTT.—So I understand, and I know the House refused it a day or two since, and I know also that we have had, I believe, every session something or other proposed or reported by different committees, but we never get the mails. It is the mails we want. I confess I have no patience with the middle States on this subject. They seem to think the government belongs to them exclusively, and especially that all the mail facili-

ties should be given to them. This Richmond mail, it is said, does not, without the proposed new arrangement, go fast enough by a day or two. A Senator near me says twelve hours. The Postmaster General and this Virginia railroad company dispute about the sum of $3,000, or thereabouts, and a wonderful fuss and rumpus is made. It is a terrible affair, and Congress are invoked to coerce the Postmaster General to yield to the corporation. I am told this resolution is for the benefit of my State, in common with all the southern States. Every thing, I am told, is to be of great advantage to the South, but it never turns out so. I don't value the benefit to Florida a fig. What difference does it make to us, whether we get our mails two days less or two days more, in 10, 15, 20, or 30 days? It is of very little consequence. I am quite certain it is of no benefit to those Floridians who don't get any mail at all; for instance, in the whole country below Tampa, at Manatee, Sarasota, Miami, or the islands and keys of Key West.—You pay millions upon millions for foreign mail steamers running every where, all sorts of splendid arrangements for the Atlantic cities and middle and eastern States, but the frontier States are shamefully neglected. Hundreds of thousands are spent in the middle States, and the States at the extremities are refused a few thousand dollars for necessary mails. I am told it is worse in Texas than it is in Florida. I wish my friend, the Senator from Texas, [Mr. RUSK,] would in his place tell the Senate what he said to me the other day about the mails there. I feel that the present state of things is a great grievance, and I have pretty much made up my mind, though I may change it, that so far as any vote of mine goes, unless there is a little more justice and equality dispensed to my State in the way of mails, not one of the appropriations for mail steamers, and the foreign ones especially, will be established. Nor shall I favor any of the facilities as to increased speed, &c., further, for which the middle States are so urgent at every session, while the extremities are entirely neglected. I do not blame the Postmaster General so much on this subject as I do Congress. We are denied the laws necessary to compel the Post Office Department to do us justice. The petitions of our citizens and resolutions of our legislature are never reported upon. They sleep in the committees unnoticed. I have been told also that one reason why we are denied our mails is, that the corporation monopolies of the middle and eastern States exhaust so much of the resources of the department that it cannot aid us. This argument is important in this case. The sum required in this case to increase the speed, or expedite the mail twelve hours between this and Richmond, would give us a semi-monthly mail to Key West for a whole year, and I am in favor of its being so applied, as being the most useful application. As long as all the revenues of the department are expended about the Atlantic cities and about the centre of the government, the people in the States at the extremities will be neglected. I wish to witness some apparent equality and fair play in this mail business. I shall vote against the resolutions for these reasons.

Mr. RUSK.—The law recognizes that a mail shall be transported regularly between New Orleans and Galveston, Texas, and it has been carried under a contract which permitted the contractor to carry it or not, as he chose. I would complain not of the law, for that has made ample provision for the transportation of the mails, but of an act of the Postmaster General.

The question being taken upon the adoption of the amendment, the result was as follows:

YEAS—Messrs. Allen, Atherton, Benton, Buchanan, Bradbury, Brown, Bright, Davis, of Mississippi, Dickinson, Dix, Fulton, Foote, Hubbard, Johnson, of Georgia, Niles, Sebastian, Tipton, and Westcott—19.

NAYS—Messrs. Bagby, Baldwin, Barrow, Bates, Calhoun, Camden, Clarke, Clayton, Corwin, Dana, of Massachusetts, Davis, George, Huntsman, Jarnagin, Johnson, of Maryland, Johnson, of Louisiana, Lewis, Mangum, Mason, Miller, Pearce, Preston, Rusk, Spence, Simmons, Underwood, and Wright—27.

So the amendment was rejected.

Mr. DAVIS, of Massachusetts.—I voted against this amendment, and do not like to vote for the resolution, but I suppose I shall. The amendment seemed to me to be absolutely preposterous. In relation to the subject matter of the resolution the difficulty is to get any other mode than by railroad conveyance that will transmit the mails with equal despatch. If the Senator from Ohio can bring blooded horses that will beat the steam horses, I am sure, for one, I would employ them even at greater expense in order to show these corporations that we were not to be imposed upon. If the sum demanded in this case is exorbitant I do not see but that we are forced to give it. I give my support with some little reluctance, and because at the same time I have no means of controlling the evil until there is raised up a steam competition, as has been the case on other mail routes.

Mr. HALE then offered an amendment providing that the price paid shall not be higher than is paid for similar service to other companies.

Mr. CAMERON.—I do not approve of special legislation upon a subject of this kind, though in this perhaps it is requisite. I do not think the charge of this railroad for carrying the mail exorbitant; neither do I in relation to the other mail routes. I think that the railroads have reduced their prices, I know that the originators or first stockholders of railroads, generally have been losers instead of gainers. The first proprietors lose; the men of capital who buy up the roads constructed and ready for use, making the money. We should view this matter in the light of a business transaction. In private life we pay the price asked for an article or not, as we choose. So in this case, we may give the price asked or not.

Mr. ALLEN.—Even the Senator from Pennsylvania admits that railroads get more than they ought to have. If then they get more than they ought to have, it is quite a sufficient reason why we should not increase the amount which we are to give them. The Senator says that railroad companies are like individuals, and have a right to say, "give us our price or not as you choose." And because they have that right, the government must acquiesce in their demands without any regard to justice or propriety, without any regard to the taxed population out of whose pockets the sums demanded are to come. Suppose we reverse the proposition and say that government has a right to employ railroads or not to employ them. The answer to this is, that the people demand that we should employ railroads so as to have information more rapidly transmitted from one part of the country to the other. So while the company has the right to carry or not as it chooses, the government is under the positive necessity of paying the price that may be demanded. The Senators from Massachusetts and Virginia talk in the same strain, and it would appear in this large body of able men, that no other mode of argument can be found. If you pay, this company three hundred dollars a mile this year, you will have to pay if they choose to charge it, four hundred dollars the next year, and so on through all future time.

If this be a good argument, that we must pay these companies what they ask, why are they limited in their charges for the transmission of men and freight? The legislatures grant charters restricting the amounts to be exacted for freight and travel, knowing that otherwise the public would be liable to unjust and exorbitant charges. This is the time and place to make a stand against these combinations. In the fixed maximum that we have made in regard to the price of mail conveyance per mile throughout the Union, we have allowed too much, nevertheless let us stand by it. We should stand, on this occasion, in such a position, as to show the people that we are interfering between the railroads and their pockets. Money does not come from the mines, but from the pockets of the people. I have been informed that in one of the Congressional contracts that was made, seventy-five thousand dollars were paid for the transmission of the mail from Mobile to New Orleans; and that since the expiration of that contract, the Post Office Department contracted with the same contractors on the same line, for twenty four thousand dollars. This single example shows how very incompetent large bodies of men are to enter into the minute details, always necessary to be looked into, of a contract. The Senator from Pennsylvania thinks that the price of transporting the mails has not been increased but diminished. I have been informed by a person sitting near, that in Virginia, upon a line where the mail was formerly transmitted for five thousand four hundred dollars, it now costs twenty-four thousand dollars. Let us here take our stand against these monopolies; and go before the people with the taxes in one hand, and the mail in the other. The people are willing to pay taxes for intelligence, but they are not willing to pay five dollars for one dollar's worth of intelligence. This a question between taxation and intelligence. Let the people know who are these extortioning monopolies who are taxing their pockets, and all these combinations of monopolies will be broken up. I would refer to the general contentment of all the other railroads, to show that Congress has found a criterion by which we can meet out justice to these railroads hereafter. Let us then stand by it. It is not the little amount of money in dispute that I regard in this matter; it is the principle, the precedent we shall establish. I move to lay the resolution on the table, unless some other gentlemen is desirous of making some remarks upon the question.

Mr. PEARCE.—I wish to say a few words only. The act of 1839 establishes the principle that no larger sum than three hundred dollars per mile shall be given for one or more daily lines upon a railroad. Now, this steamboat and railroad route together, by which the mail for the sake of dispatch, is now proposed to be carried, is one hundred and thirty-one miles in length. You give to the railroad between Baltimore and Philadelphia thirty thousand dollars a year, and the distance being one hundred miles, of course they get the amount prescribed by law, three hundred dollars per mile. By this new railroad route two hundred and sixty dollars per mile is asked, a smaller amount by the steamboat route, so that they get less than the maximum price or amount prescribed by law. The whole dividend declared by this company during the last ten years, amounts to less than five hundred thousand dollars, an average rate of 3½ per cent. If they have received an exorbitant sum from the government hitherto, it was not exorbitant enough to pay the ordinary interest.

Mr. UNDERWOOD.—I rise for the purpose of stating that I think we should not be subjected to any extortions from corporations, similar to what the Senator from Ohio has referred. The line of telegraphs established, will be a check upon extortions of that character. Commercial information, and the great business affairs of the nation, are being communicated every day with the rapidity of lightning through that source, and sooner than submit to extortion of any kind, I doubt not that private correspondence can submit to some inconvenience for a short period. I go for this resolution simply on the ground that the committee who investigated it, and the gentlemen who reported it, state that the sum asked is a reasonable one. If I thought the demands of any company extortionate I would never submit to them. I would

stand up here in the face of the country, and protest against all such exactions. I think that we may vote for this bill without incurring the danger pointed out by the Senator from Ohio.

Mr. DAVIS, of Massachusetts.—The last ten years, I think, have developed two things in regard to postal arrangements. One is that the public expect the mails to be carried with the greatest despatch. That is a settled matter. The other is not equally well settled. A few years since we had a great deal of controversy about the mails; expresses were established on a large number of lines, and letters were carried for five and ten cents, which, by the government mail, would cost eighteen and twenty-five cents. The public mind North and East was tending very rapidly to dispense with all your postal arrangements. Now, if gentlemen mean to make despatch tardy in its progress, and expensive to the public, the result will be that the people will take this whole matter into their own hands; and you will find that a law will be passed authorizing private expresses to run upon mail and railroad routes. What becomes of your extreme and thinly settled portions of the country then? How will they be accommodated in regard to mails? These very railroads and corporations would be glad to exclude every express upon these roads that they could—to have no private expresses at all. When one man can do the business of twenty, of course the loss to the railroad must be considerable. I would guard as much as I possibly could, against imposition, looking mainly to the great public interests of the country.

Mr HALE.—In answer to the suggestion of the honorable Senator from Kentucky, of voting for the resolution under protest, and bidding every body to take notice of it, I apprehend the protest would not be worth much, and that the company would be vastly obliged by his vote, and very little incommoded by the protest. For one, sir, I am going to protest against the vote. The gentleman from Massachusetts says that certain sentiments have been gaining strength in the public mind. I would say that other principles are gaining strength, in my estimation, far more patriotic. When the people see an officer of the government endeavoring to discharge his duty conscientously, they will sustain him, and they will put up with a great deal of inconvenience, and be discommoded a great deal in their business, before they see him sacrificed, because he is determined to carry out the principles of the law. Where is this thing to end—the field is illimitable. As soon as we enter the field of the Postmaster General we have precedent, and may do the same in the army and navy departments. We might as well dispense with the whole at once, if every time one of the contracts proves disadvantageous Congress is to repudiate the action of the heads of the departments. If the law relating to this subject is defective or inefficient, let us amend it. This action of Congress is not only an impeachment of the Postmaster General, but of Congress and the President, for it goes on the assumption that the existing laws are insufficient to remedy the evil, and that the officers elected to carry them out are incompetent to fulfil their duties. This evil being general in its character, requires general action to remedy it. In reference to the statement of the honorable Senator from Georgia, that my remarks demonstrated nothing new upon the subject, I would say that if I knew nothing about the matter, I am not entirely alone in that position, nor have I been very much enlightened by the suggestions of the honorable Senator himself. Another suggestion made is that because it is a very little extortion we ought to submit to it. May not the evil increase; and if we are compelled to pay three thousand dollars this year, are we not as likely to pay four or six thousand dollars next year, and so on in proportion every succeeding year? Let the action of the government be consistent with itself, its former acts, and the general administration of the laws throughout the land, and not depart, upon the occurrence of any little inconvenience from the operation of general laws, to apply special legislation to remedy it. I renew the motion of the honorable Senator from Ohio to lay on the table.

The question being taken upon this motion, resulted as follows:

YEAS—Messrs. Allen, Atherton, Atchison, Benton, Borland, Bradbury, Breese, Bright, Davis of Mississippi, Dickinson, Dix, Felch, Foote, Hale, Hamlin, Hannegan, Johnson of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Lewis, Mangum, Mason, Miller, Pearce, Pennybacker, Rusk, Spruance, Sturgeon, Underwood, Upham, Yulee—29.

NAYS—Messrs. Badger, Baldwin, Berrien, Butler, Calhoun, Cameron, Clarke, Corwin, Crittenden, Davis of Massachusetts, Dawes, Dayton, Doble, Johnson of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Lewis, Mangum, Mason, Miller, Pearce, Phelps, Rusk, Spruance, Sturgeon, Underwood, Upham, Yulee—29.

So the motion to lay on the table was not agreed to.

Mr. JOHNSON, of Georgia, then offered the following amendment:

[illegible]

A brief conversation here took place between Messrs. WESTCOTT, ALLEN, and MASON, as to the connection of the old and new contracting parties on the mail route.

Mr. ALLEN supported the amendment of the Senator from Georgia, remarking that if the old contracting party were willing, as it declared it was, and as he was bound to believe, to give up its contract without claiming damages, he thought it would not be opposed to having its declaration appended in the form of a proviso to the resolution. Subsequent Congresses took no notice of arguments made by Senators concerning a law as precedents—of nothing but what appeared on the face of the law in general.

Mr. BRADBURY stated that the Baltimore Steam Packet Company had sent to the committee a letter, expressing their readiness to give up their contract without claiming damages; and that reference should be made to this offer in the resolution, so that this company should be bound by it, or the department released from making any new contract in consequence of its repeal.

Mr. PEARCE read from a letter he had received from the agent of the company, stating that the board had directed him to inform the Post Office Department that they were willing to relinquish their contract without charge for damages.

Mr. JOHNSON, of Georgia, would inquire where would be the hardship upon the company of adding the proviso he had submitted to the resolution? The moment the Senate passed the contract, this company would have the government in their power. When embracing one set of difficulties, he thought they should see ourselves clear of another set that was likely to impede them.

No amendment being made, the resolution was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said resolution was read a third time.

On the question, "Shall this resolution pass?" it was determined in the affirmative, as follows:

YEAS.—Messrs. Badger, Baldwin, Berrien, Butler, Calhoun, Cameron, Clarke, Corwin, Crittenden, Davis, of Massachusetts, Dawes, Dayton, Greene, Hunegan, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Lewis, Mason, Miller, Pearce, Phelps, Rusk, Sturgeon, Upham, Underwood, Yulee—29.

NAYS.—Messrs. Allen, Atherton, Benton, Borland, Bradbury, Breese, Bright, Davis, of Mississippi, Dickinson, Dix, Felch, Foote, Hale, Hamlin, Johnson, of Georgia, Niles, Sebastian, Turney, Westcott.—19.

On motion by Mr. PEARCE, the last mentioned vote was reconsidered, in consequence of an accidental omission in printing the resolution.

On motion, the vote ordering the resolution to a third reading was also reconsidered.

The resolution was then amended, on the motion of Mr. PEARCE, so as to conform to the original, and it was

Ordered, That it be engrossed and read a third time.

The said resolution was read a third time.

[illegible]

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

On motion,

The Senate adjourned.

TUESDAY, JUNE 20, 1848.

CREDENTIALS.

Mr. FELCH presented the credentials of the Hon. THOMAS FITZGERALD, appointed a Senator by the Governor of the State of Michigan to supply the vacancy occasioned by the resignation of the Hon. Lewis Cass; which were read, and the oath prescribed by law was administered to Mr. FITZGERALD, and he took his seat in the Senate.

REPORT FROM THE WAR DEPARTMENT.

The VICE PRESIDENT laid before the Senate a report of the Secretary of War made in compliance with a resolution of the Senate showing the number of recruits who have been enlisted in the army for and during the war with Mexico, within the last ninety days; which was read.

PETITIONS.

Mr. PEARCE presented the memorial of Emily Maria Pinkney, daughter of a Naval officer who was drowned while in the discharge of his duty, praying to be allowed a pension; which was referred to the Committee on Naval Affairs.

On motion by Mr. JOHNSON, of La., it was

Ordered, That the petition of Margaret Duval, and the petition of Littleton Bailey, on the files of the Senate, be referred to the Committee on Private Land Claims.

On motion by Mr. UNDERWOOD, it was

Ordered, That William Nation and Rachael Davis have leave to withdraw their petition and papers.

MESSAGE FROM THE HOUSE.

The following Message was received from the House of Representatives, by Mr. CAMPBELL, their clerk:

Mr. President: The House of Representatives have passed bills of the following titles, in which they request the concurrence of the Senate:

An act granting further time for selecting claims for bounty land warrants, and for other purposes.

An act further to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office.

An act to regulate the exchange of certain documents, and other publications of Congress.

An act to regulate the postage on newspapers, and for other purposes.

I am directed to inform the Senate that, in the absence of the Speaker, the Hon. [illegible] Speaker pro tempore.

DISCHARGED.

On motion by Mr. RUSK, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the memorial of Albert Pine.

PRIVATE BILLS.

Mr. RUSK, from the Committee on Military Affairs, to whom was referred the bill from the House of Representatives, for the relief of Dr. A. G. Henry, of Illinois, reported it without amendment.

Mr. MASON, from the Committee of Claims, to whom the following bills from the House of Representatives were referred

An act for the relief of B. O. Payne.

An act for the relief of Isaac H. Bates

reported the same without amendment.

ADVERSE REPORTS.

Mr. MASON, from the same Committee, to whom was referred the petition of Arnold Nandain, submitted an adverse report, which was ordered to be printed.

Mr. MASON, from the same Committee, to whom was referred the bill from the House of Representatives for the relief of Mrs. Mary B. Penner, reported the same without amendment, and submitted a special report on the subject; which was ordered to be printed.

Mr. UNDERWOOD, from the same committee, to whom was referred the bill from the House of Representatives for the relief of Almedias Scott, reported the same without amendment, and submitted a special report, which was ordered to be printed.

Mr. WESTCOTT, from the same committee, to whom was referred the bill from the House of Representatives for the relief of H. D. Johnson, reported it without amendment, and submitted a special report on the subject, which was ordered to be printed.

PRIVATE BILLS.

Mr. UNDERWOOD, from the same committee, to whom was referred the bill from the House of Representatives for the relief of the widow of Elijah Bragdon, deceased, reported it without amendment.

Mr. WESTCOTT, from the same committee, to whom was referred the bill from the House of Representatives for the relief of Eleanor B. Watkins, widow of Gassaway Watkins, reported the same with amendments, and submitted a report on the subject, which was ordered to be printed.

Mr. WESTCOTT, from the same committee, to whom was referred the bill from the House of Representatives for the relief of Samuel A. Grier, reported it with an amendment, and submitted a report on the subject, which was ordered to be printed.

PRESENTATION TO FRANCE.

Mr. PEARCE, from the Committee on the Library, reported a joint resolution authorizing the presentation to the government of France of a series of the standard weights and measures, which was read the first and second times, by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said resolution was read a third time by unanimous consent.

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

HOUSE BILL REFERRED.

The bill from the House of Representatives giving further time for satisfying claims for bounty lands, and for other purposes, was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

VATTEMARE'S SYSTEM OF NATIONAL EXCHANGES.

The bill from the House of Representatives to regulate the exchange of certain documents and other publications of Congress, was read the first and second times, by unanimous consent.

Mr. PEARCE remarked that the subject had already been under consideration with the joint Committee on the Library, and there was no necessity for a reference of the bill. He hoped, therefore, that the Senate would take up the bill and act upon it at once.

The Senate proceeded to consider said bill as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time, by unanimous consent.

Resolved, That the bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

BOUNTY LANDS.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill from the House of Representatives giving further time for satisfying claims for bounty lands, and for other purposes, reported it without amendment.

The Senate proceeded to consider said bill as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time by unanimous consent.

Resolved, That the bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

HOUSE BILL REFERRED.

The bill from the House of Representatives further to extend the time for locating Virginia Military Land warrants, and returning surveys thereon to the General Land Office, was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

The bill from the House of Representatives making appropriations for certain fortifications of the United States for the year ending the 30th of June, 1849, was read the first and second times, by unanimous consent, and referred to the Committee on Finance.

The bill from the House of Representatives for the relief of the legal representatives of Joshua Kennedy deceased, was read the first and second times, by unanimous consent, and referred to the Committee on Indian Affairs.

The bill from the House of Representatives to regulate the postage on newspapers, and for other purposes, was read the first and second times by unanimous consent, and referred to the Committee on Post Office and Post Roads.

The bill from the House of Representatives to provide for applications for the renewal of patent rights in certain cases, was read the first and second times, by unanimous consent, and referred to the Committee on Patents and the Patent Office.

PREVENTION OF THE IMPORTATION OF ADULTERATED DRUGS.

On motion by Mr. DIX, the prior orders were postponed and the Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives prohibiting the importation of adulterated, deteriorated and misnamed medicines.

Mr. DIX moved to amend the bill, by striking out all after the enacting clause and inserting the bill on the same subject reported from the Committee on Commerce of the Senate. He said the bill before the Senate was passed by the House of Representatives, I believe, without opposition. It was unanimously reported by a select committee of seven members of that body, who were also members of the medical profession. Before that bill was reported, a similar bill had been reported by the Committee on Commerce of the Senate. This bill I propose to substitute for the other; it differs in some respects, though not very materially, in its main provisions; and the committee are of opinion that it is, in some respects, better in its phraseology. I, therefore, move to strike out all of the bill after the enacting clause, and insert the substiture, which I will send to the Secretary's table. The bill has been long on our files, and, I presume, Senators are familiar with its provisions. Unless it is necessary, therefore, I will not take up the time of the Senate for a moment, for the purpose of explaining it. I will only add that the bill was reported by me as chairman of the Committee on Commerce, under its instructions, and with my concurrence.

Mr. DICKINSON.—I do not intend to vote against this bill, but I cannot refrain from the expression of my aversion to this species of legislation. Nor do I believe that the passage of the bill will prevent the evil for which it is intended to be an effectual remedy. The material for the manufacture of these adulterated drugs will be sent here, and the only difference will be that they will be compounded on this side, instead of the other side of the water. To make the bill effectual, it should provide that these drugs should not be compounded here—that no apothecary should sell them—no physician prescribe them, and no patient swallow them! I apprehend the passage of the bill will be of very little avail.

Mr. DIX.—Mr. President: This subject was brought before the Senate by a large number of medical gentlemen in different parts of the country, by colleges of medicine and pharmacy, and by joint resolutions of the Legislature of the State of Mississippi.

When the subject was first presented, I confess I had great doubt about the propriety of legislative interference upon the general principle that trade should be as little restricted as possible, and that the keen-sightedness of private interest would always reject what is false and worthless, and put the proper estimate on what is genuine and valuable. But on further consideration, and especially on becoming acquainted with the circumstances out of which the application arose, I became satisfied that legislation was not only proper but necessary to guard life and health against the dangers resulting from the use of medicines which are either wholly counterfeit or spurious, or which are so deteriorated by age or adulterations, as to be unfit for medical purposes.

The committee understand that, for a number of years, such medicines have been imported in large quantities, and that the evil is constantly increasing. They understand, also, that in most countries in Europe it is unlawful to administer medicines which are either not genuine, or which, in point of purity and strength, fall below the established standards in those countries. I have not had time to examine the laws of other countries excepting those of Great Britain, where I find very restrictive regulations in force in relation to the business of apothecaries.

As long ago as under James I. certain persons were incorporated, under the name of "The Master, Wardens, and Society of the Art and Mystery of Apothecaries of the city of London," with perpetual succession, &c. This corporation had certain powers in respect to the examination of drugs and medicines in apothecaries' shops. With certain modifications these powers were continued in force by the act of 55 George 3, chap. 199, passed in 1815. They authorized the society, or persons nominated by them and properly qualified to go into any apothecary's shop, to search, survey, prove, and determine whether any medicines, simple or compound, were "wholesome, meet, and fit for the cure, health, and ease of his Majesty's subjects," and if found "false, unlawful, deceitful, stale, unwholesome, corrupt, pernicious, or hurtful," the statute required that the said medicines should be burnt or destroyed, and the persons having them in possession were subjected to certain fines and penalties specified by the act.

The consequence of these restrictions in other countries is, that inferior and adulterated drugs and medicines are sent to the United States, as we have no custom-house regulations to prohibit or prevent their importation. The evil has at length become so great, that it has led to the extensive and highly respectable applications to Congress, on which the action of the committee was founded. And, I may add, that scarcely a week has passed during the last two months without bringing some new complaint.

The complaint of the memorialists was not limited to the fact that the United States appeared to have become a receptacle for refuse and spurious drugs; but it stated, also, that a system of adulteration in the preparation of medicines had grown up abroad, with the express purpose of introducing them into the United States. At my request, the officer who is charged with the examination of imports of this character, with a view to ascertain the duty to be assessed on them, furnished me with a statement, which is too long to be read, but from which I will give, from my recollection, some facts touching the most striking of these deceptions and frauds—for such, I think, they may be properly termed.

He stated that he had, in the period of three months preceding the last of March, passed about 7,000 pounds of rhubarb root, wholly unfit and unsafe for use. Some of it was deteriorated by age, some worm-eaten, and some wholly deprived of its virtues by decoction, for the purpose of making the extract. It was invoiced at a cost varying from 5 to 14 cents, while the East India rhubarb varies from 35 to 45 cents the pound, and the Russia and Turkey rhubarb from $1 25 to $2 50 the pound.

The Peruvian bark, one of the most useful medicines in all parts of the country, and particularly in those which are subject to intermittent fevers, is imported in large quantities of inferior value. It is bought up at auction, sent to drug-mills, in which it is ground and pulverized, and its sensible qualities imitated; and in this form it is administered, to the sacrifice of health, and sometimes undoubtedly of life. It comes chiefly from Europe, and is invoiced from 2 to 7 cents the pound, while the South American article costs from 60 to 80 cents the pound. The officer to whom I have referred states that he has passed thousands of pounds during the past year, like the rhubarb root, deteriorated from age, or rendered worthless by the artificial extraction of its medicinal virtues. The medicinal extracts are also imported in a very impure state. They were formerly "prepared with great care, and of uniform strength," but they are now not only made from refuse and inferior drugs, but greatly adulterated"—not possessing half the proper efficacy of the pure.

I will only detain the Senate by referring to two other medicinal preparations—the blue-pill and the sulphate of quinine, or salts of the Peruvian bark—the former, in general use in all parts of the Union, and especially in the warmer latitudes, and the latter in the newly settled districts in the west.

The blue-pill consists of 33⅓ per ct. of mercury, in combination with conserve of roses and extract of liquorice in like proportions. Large quantities are imported in an adulterated state; and, according to an analysis by Professor Reid, of the New York college of Pharmacy, they are found to contain—

Mercury,	7.5
Earthy clay,	25
Prussian blue,	1.5
Starch in conjunction with clay,	2
Soluble gum, gum arabic,	34
Insoluble organic matter,	12
Water,	18
	100

The mercury and the earthy clay—the former being little more than one-fourth of the latter—are equal to about the quantity of mercury in the genuine blue-pill mass; so that the adulterated has only about one-fifth part of the proper proportion of mercury.

Let me now say a word about the sulphate of quinine, or salts of Peruvian bark, in which our friends in the fever and ague districts are so deeply interested. There are said to be various modes of adulteration. The most common is to combine it with salicine or salts of the willow bark, which possess similar properties, but are greatly inferior in strength. They bear a strong resemblance, and are not readily distinguished from each other, except by an experienced druggist, though I believe the two salts are distinguishable by the difference in the forms of crystallization. It is represented that they are put up in the same manner as the genuine, and with the names of some of the most distinguished and honorable foreign manufacturers fraudulently labelled on them. When the western practitioner administers these spurious preparations, he is astonished at the obstinacy of the disease, when, if he knew the truth, his astonishment would all be bestowed upon the extent of the fraud practised on him and the public. In order to produce the desired results, he is compelled to give spoonfuls where he should give grains. In this process the disease, perhaps, gets beyond his control, or is aggravated by the very prescriptions which were designed to relieve it.

I have referred to but very few of the articles which are imported in an adulterated state, or under spurious names. There is an extensive catalogue which I have not touched. The only question is whether the legislative authority should be interposed to prevent their importation. If so, it has been asked, why it should not, on the same principle, be invoked to prevent the importation of adulterated liquors or articles of food? It is believed that a just distinction may be made between them. The preparation of medicines is a matter of science. The principal countries of Europe have their standards, to which all honorable manufac

turers conform. The ingredients, which are combined to form a particular preparation, must be uniform in purity and strength, otherwise they cannot be prescribed in given quantity with any certainty of producing the expected effects. The moment the standard is departed from, the practice of medicine becomes unsafe, and at a certain limit it becomes exceedingly hazardous. There are uncertainties enough about the treatment of diseases under the most favorable circumstances, without multiplying them by the use of spurious medicines. I am as strongly opposed as any man can be to any useless restrictions upon the freedom of trade and commerce. If life, as well health, were not at stake, there might be great doubt about the propriety of legislating on this subject. But the physician is dependent, in a great degree, on the apothecary. He does not ordinarily, especially in the large cities, prepare his own prescriptions. He relies on the apothecary to prepare them from pure and genuine ingredients. The apothecary is, in turn, dependent on the wholesale druggist for the medicines which he purchases. He is not always able to distinguish the genuine from the counterfeit; and even when he is, he may be compelled, by the activity of competition, to purchase inferior medicines in order to secure his accustomed profits. The only remedy, then, within our control would seem to be to prevent their importation. It is true, as my colleague suggests, that if they come in pure, they may be adulterated at home. But the evil may be diminished by the provisions of the bill; and State legislation may still further lessen it by providing guards against domestic adulterations.

Such, Mr. President, are some of the evils the bill is intended to guard against. And with this explanation of its objects, and of the circumstances under which the attention of the Committee of Commerce has been directed to the subject, the whole matter is respectfully submitted to the judgment of the Senate.

Mr. DAVIS, of Mississippi.—The subject of this bill has excited a great deal of interest in the State which I have the honor in part to represent. It provides against an evil which has been long felt, and which has been increasing in magnitude. So serious has the evil become, that in one of the principal towns of the State the physicians have associated themselves together in the establishment of an apothecary's shop, at which alone their prescriptions are made up. The fact is notorious, that adulterated drugs are prepared in Europe expressly for the American market. At a large establishment in Belgium the sulphate of quinine is manufactured in an adulterated form in immense quantities, and sent here with the French mark upon it. The label is well counterfeited, and the fraud can be detected only by a skilful analytic chemist. Opium is also imported in a depreciated form after the extract has been made. This evil is peculiarly felt in the western country, for it is on these drugs, which are the principal subjects of adulteration, that the physicians mainly rely in the treatment of the diseases which are most prevalent there; and besides the number of regular apothecaries is comparatively small, drugs being usually sold in the general stores. I am satisfied, from conversation with gentlemen in New York, connected with the collection of the revenue, that this bill will have a salutary effect; and I trust that it may be passed immediately.

Mr. DAVIS, of Massachusetts.—The substance of the bill has been recommended by the most distinguished physicians and apothecaries in the country. If the manufacture of adulterated drugs be commenced here, it can be dealt with by our domestic legislatures. Let the general government, in the meantime, do all it can as far as the subject is exclusively under its control.

Mr. BORLAND.—I feel very desirous that this bill should pass; and I rise merely for the purpose of adding my approval of the views presented by the Senators who have advocated it. There is perhaps some propriety in the expression of my approbation of the bill, inasmuch as a good many years of my life have been spent in the practice of medicine, and I have thus had frequent opportunities of observing the magnitude of this evil. The use of adulterated drugs has been so general that the profession of medicine has been brought into disrepute, and to this fact I attribute in a great degree the success of empiricism in this country. It may be true that the bill may not entirely remedy the evil, but certainly it will have a most important influence in effecting that object. The cause of humanity and science appeals to the Congress of the United States to interpose their authority for the suppression of this crying evil. Congress alone can prevent the importation from abroad of these adulterated drugs, and if the manufacture be attempted here, it can be dealt with by the local Legislatures.

Mr. CALHOUN.—I approve entirely of the object of this bill, but I must say that I have little confidence in its effecting the object intended, and may in some respects do harm. The evil can be remedied only in the manner alluded to by the Senator from New York [Mr. DIX,] as has been done in Europe, by making the vendors of the article responsible. All other attempts will fail, and the public mind will be lulled into false security. The people supposing that our action has effectually remedied the evil, will be imposed upon perhaps more than ever.

Mr. DIX intended to have said when he was up before, that this subject was before a national convention of medical gentlemen from all parts of the country, held in Baltimore about two months ago. They were unanimously in favor of this measure from their practical knowledge of existing evils, and their only objection to it was that it was not sufficiently restrictive. The committee were of opinion, however, that we should go no farther than the provisions of the bill.

In respect to a suggestion from the Senator from South Carolina, he would only say that this bill proposed only to diminish one evil, that of importing adulterated medicines. It was all the federal government could do. The evil of domestic adulterations must be reached, if they could be at all, by State legislation. The States could not reach the former evil, and it is for this reason we propose to do what we can to remedy it.

The amendment having been agreed to, the bill was reported to the Senate, and the amendment was concurred in.

Ordered, That the amendments be engrossed, and the bill read a third time.

The said bill was read a third time as amended, and the title was amended.

Resolved, That this bill pass with amendments.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendments.

THE SUPREME COURT.

On motion by Mr. BADGER, the prior orders were postponed, and the Senate resumed the consideration of the bill to promote the dispatch of business in the Supreme Court, and to repeal the second section of the act approved June 17th, 1844, entitled "an act concerning the Supreme Court of the United States," on its third reading; and

On motion by Mr. BUTLER, it was

Ordered, That the further consideration thereof be postponed until to-morrow.

INDIAN APPROPRIATION BILL.

The Senate resumed the consideration of the bill making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1849, and for other purposes.

The question pending was upon concurring in the amendment submitted by Mr. BELL, which had been agreed to in Committee of the Whole.

Mr. BELL.—I was answering the argument of the Senator from Virginia when the Senate adjourned the other day, and I was proceeding to show the fallacy of the honorable Senator's argument, in which he was contending that these Indians, according to the *projet* of the treaty, were not entitled to commutation for subsistence and removal, because, as the Senator said, the *per capita* allowance was not included. If it is not included in the *projet* of the treaty it certainly is in a schedule that accompanies it. And the provision of the 14th article only goes to say, that those Cherokees who choose to remain east shall not be entitled to the fund which was appropriated for the common benefit of the tribes going west. When the Senator from Virginia asked the other day what was the consideration given for this allowance for removal and subsistence, I inquired of the Senator in return if the lands of the Indians—if the entire country ceded by the Cherokees—was not a sufficient consideration for any stipulations in their behalf. He stated that the Indians had been paid for their improvements. So they may have been, but that was a distinct specification. Some of them had made valuable improvements, erected excellent buildings, and some of them were in possession of profitable ferries. They were entitled to be paid for these things. But the Senator asks, what further claims can they have upon the government? Their claims for spoliations, he says, were satisfied. Spoliations by whom? By the people of the United States committed upon the property of the Indians! Was the payment for these spoliations an equivalent for their lands? Certainly not. I have shown that to those who desired to remain east the President has said, you shall have your commutation money though you do not go west.

[Mr. B. here read from a speech of the commissioner of the Indians as one of the councils that was held for the purpose of forming the treaty.]

This was the council preceding that at which the treaty was ratified. This clause shows the *per capita*; this supplies the omission; shows how the commissioner who negotiated the treaty understood it. And we have also the evidence of Rogers, and of Hanson of Georgia, who are stated by the Senator from Georgia to be most respectable authority, that those Indians who remained were to be entitled to the same commutation as those who removed west, and Mr. Schermerhorn, also, says that this was the case.—I stated in my former argument, that if it were true that this commutation was not granted by the treaty, it would be a gross fraud upon the Indians, because the evidence shows that they so understood it—the commissioner so informed them—that they should have the commutation for removal and subsistence although they remained east. If it were taken out of the five million fund, it would be grossly unjust towards the Indians. That portion of the Cherokees who have emigrated west have been paid at the rate of upwards of one hundred dollars each, and one hundred and eighty thousand dollars only remain for the payment of this *per capita*. And this is all they are to receive for the country which they sur-

rendered, and which has been sold for half a million of dollars, as has been stated here, for the government did not permit them to retain an acre of their land. So much for the justice of the claim, so much for the understanding of the parties at the time the engagement was entered into; so much for the gross injustice that will be done to the Indians if you do not grant this allowance, and so much for the outrageous fraud that will be perpetrated upon the defenceless Indians by a powerful people, who make treaties and then construe them according to their own will and pleasure.

But it is said, that the Senate, if they admit the principle in this case, are in danger of pledging themselves to the payment of much larger sums; and that we should therefore wait and consider further before we decide. I have stated, I repeat, that these Indians have waited already, for their just dues, thirteen years, and how much longer does the Senator from Virginia wish them to wait. It is said by the Senator from New Hampshire, and repeated by the Senator from Virginia, that the Indians in North Carolina have received their equal portion of their claims for improvement, and for ferries, and for spoliations. If they have received $1,500,000, for spoliations and improvements, then one-fifth of the entire tribe that reside in North Carolina, only received $150,000, according to the Senator's own exposition of the facts derived from the commissioner of Indian Affairs; being one-tenth of the whole sum. Every step that you advance in this investigation, shows the injustice that has been done to the Indians east. But, sir, to whom were these allowances for improvements made? They were made to the richer and more thrifty Indians; those who had made considerable improvement—for none other were paid for—leaving the great body of the Indian family in North Carolina, without the payment of a single cent.

Now, sir, as to the other points at issue in the amendment. As to the payment of interest. The 12th article of the treaty stipulates, that all the personal benefits, or allowances, shall be paid to the Indians of the Cherokee tribes that remained east, as soon as an appropriation was made for that purpose. Strictly speaking, the interest is due upon the commutation fund from the date of the ratification of the treaty, or perhaps a year or two after, by way of a reasonable allowance of time, for the settlement of the accounts between the United States and all the Indians, in order to ascertain what was done, and to take the census, so as to ascertain how many Indians were determined to remain east; and, therefore, as I said, I have no objection to the proposition to reduce the interest that is to be paid. But it is said, why pay this out of the Treasury of the United States? why not pay it out of this $184,000, the remainder of the Indian fund? Because that is already a fund that is due to the Indians. You cannot take the interest upon a debt due to them in '35 or '40, out of a general fund, stipulated to be paid to them for their property. With what propriety can you diminish the fund that has been set apart for the Indians, by taking a part of it to pay the interest upon the whole? I think there is no plausible ground for taking the interest out of the five million fund. And I think when you come to investigate the whole question, although it would require too much time to go over all the arguments now, you must come to the conclusion upon the clearest and strongest grounds, that the money should come out of the Treasury.

Mr. HUNTER.—The Senator from Tennessee supposed I had gone a little out of the way to make an attack upon the Committee on Indian Affairs. The Senator is entirely mistaken. I only asserted that this proposition is entirely out of place in the Indian appropriation bill.

[Mr. H. read and commented upon the 5th and 12th articles of the treaty, contending that a wrong interpretation had been upon them by the Senator from Tennessee, and the Senator from North Carolina. He maintained in reference to the word claim, that it was designed to include only those claims, for which there was a sufficient consideration; and that the consideration for a claim of this nature was the act of removal; and that it was as reasonable to permit those Indians who had received nothing for spoliations, to come in and participate in the funds, as it was to allow to those who did not remove, commutation money. He went further and asserted, that according to the construction which they put upon the 12th article of the treaty, those Indians who did not remove, were placed upon a better footing than those who did remove.]

But the Senator from Tennessee has insisted, that if the treaty did not bind the United States, to make this allowance to the Cherokees in North Carolina, we were nevertheless bound by the assurances which had been given to them by the President and the commissioner. Sir, I pointed out when I was up before the difference between the 14th article of the *projet*, and the 8th article of the treaty. But, sir, the Senator refers to certain assurances given by the commissioner to the Indians, that the Indians who remained east were to have this allowance. I confess, I did not understand how it was, that this mistake could have arisen, if it was a mistake, but I think I can see how the Senator might have fallen into it. The gentleman has confounded the *projet* with the treaty. But I say, as I said before, I would not permit a commissioner who had executed a treaty to come here and substantiate his understanding of it by parole evidence. The written instrument expresses one thing, and he says in his testimony some years afterwards, that it meant another thing. If we proceed in this way it is manifest that it will hereafter be difficult to avoid applications of a similar kind. But the Senator from Tennessee says, that there is no magnanimity in saying that we will deal liberally and justly. Well, sir, I do not think that any great magnanimity is requisite. I am willing to act liberally and justly. I am willing to do all that can reasonably be required. I do not say I would give them less than they are entitled to, but I object to this mode of doing it, because it is permitting a claim to be set up for removal and subsistence to which they are not entitled. But there is another objection which I think the Senator from Tennessee has not fairly met. This bill proposes to take the money out of the Treasury of the United States. Now I ask, if they are entitled to this allowance at all, is it not manifest that it should come out of the five million fund? If we take the money out of the Treasury, will not those who have removed west, have a right to come and claim a similar allowance? They have a better and stronger claim. I admit that the Indians who remained in North Carolina have not received so much benefit from the treaty as those who removed west, and it was the design of the treaty, that they should not. It was the design of the treaty that they should all remove west, and there receive lands as valuable as those in the east. But if any remained, it was intended to make a difference between them and those who removed. The Senator from North Carolina, and the Senator from Tennessee, seem to be ignorant as to what the North Carolina Indians have received. They say they have received nothing, and yet I find upon a reference to a statement of the Commissioner of Indian Affairs, that they have received about one hundred and eighty thousand dollars.

Mr. BELL.—That was under a prior treaty.

Mr. HUNTER.—It was an allowance as I understand it, made under this treaty. And now, if this *per capita* fund is reduced by the enormous allowances for removal and subsistence to those Indians who have gone west, it is not the fault of the treaty, it is the fault of those who have managed the business so badly. I cannot believe that it was intended to give the Indians the benefit of the provisions of the treaty unless they removed.

Mr. ATHERTON moved to amend the amendment by adding thereto the following:

Provided, That the amount herein appropriated to be known to the credit of the said Cherokees of North Carolina, and the amount required to be paid to those Indians entitled to the commutation fund, under the treaty of New Echota and not herein appropriated for.

Mr. NILES.—At this stage of the question, this amendment is undoubtedly proper. The allowance is claimed upon several grounds, and as one ground in particular it is claimed under the provisions of the treaty, and upon that ground, the amendment is proper. The United States have kept this fund in trust, and when the matter ultimately comes up for settlement we may have to add to fund, but inasmuch as this application is made upon the ground of the treaty, in that view of it, it is entirely proper and satisfactory ground. I hope the amendment will be adopted.

Mr. BELL.—I want to state in regard to this whole question, that I have no other desire than that justice shall be done to these Indians, and to the government. With regard to taking the interest out of the remainder of the five million fund which is now reduced it appears to $184,000, it would absorb the principal part of the fund out of which they are entitled to receive their *per capita*. It is their fund already; and supposing the Indians that remain to be but 1250, when this sum comes to be divided amongst them, after taking out the interest they will have but some 10 or 12 dollars a piece about one-fourth part of what they are entitled to as commutation money. The Senator may vote to take it out of this fund, but it is only robbing one fund to pay another. If the Senate choose to adopt the amendment, I can only say that I have discharged my duty in laying before them the claims of these Indians. It is in the power of the Senate to manage it in this way if they think proper, but it is certainly an extraordinary mode of discharging our obligations, to pay to these Indians interest out of their own money.

Mr. PHELPS.—I have listened with a good deal of attention, and it has struck me that if the proposition should be adopted, the money must necessarily be taken out of the Indian fund. The Senator from Tennessee insists, not so much upon the construction of the treaty, as he does upon the consideration that the treaty was misrepresented to the Indians; that they were deceived. But certainly if the Indians understood that commutation was to be allowed them, they certainly must have understood that it was to come out of this fund. I confess I can see no possible grounds upon which this should be made a charge on the Treasury of the United States. On the contrary I can see many very satisfactory reasons why it should not be. If you make an allowance to one portion of the portion of the tribe out of the Treasury, you will be called upon when other allowances are granted to pay them from the same source. With respect to the allowance to these Indians who remained, the conclusion at which I have arrived in my own mind, is, that although the United States undertook to remove them, it was to be at the expense of the Indians ultimately. Here is a stipulation that certain allowance is to be given on condition that they remove. The removal being a condition precedent. The stipulation must be taken with the condition. It cannot be converted into an absolute grant of so much money. It is to be made absolute only by complying with the condition.—This seems to me to be the true interpretation. But it is said the treaty enumerates all the benefits, including their improvements, and *per capita*. What does this term *per capita* mean? Who most unquestionably, as the attorney general tells you in his opin-

ion, a division of the residue of the funds, after compensation has been made for expenses incurred. But it was said that the *gospel* or draft of the treaty furnishes a true interpretation of the understanding of the negotiators. The draft enumerated, not only the *per capita*, but the allowance for removal and subsistence. But it is said that certain representations were made at the time of negotiating the treaty which we were now called upon to substantiate. But if we are to be governed by the treaty at all, we must take it as the Senate ratified it. I cannot, for one, lose sight of the dangerous tendency of legislating, not upon the treaty as ratified by the Senate, but for the purpose of carrying into effect the subsequent explanations of intention as certified to by any individual however respectable. I am willing, as I doubt not the whole Senate are, to do justice to these Indians if any injustice has been done them; but I am not willing that it shall be done in this way. I dislike to have such an appropriation inserted in an appropriation bill, and have it sustained upon general considerations of previous injustice to the Indians.

I do not consider this a fit subject to be engrafted upon an appropriation bill. It is a case which very few seem to understand: it seems to be a question of a complex character growing out of the whole course of negotiation with these Indians. Let it then stand by itself. Let it come up at a proper time, when the Senate can enter into its examination, and decide upon its merits irrespective of any other subject.

Mr. ATHERTON.—I merely wish to say, in regard to the interest provided for by the amendment of the Senator from Tennessee, who objects to its being paid out of the Cherokee fund, that there is no reason that can operate against the payment of the interest out of that fund, if interest is to be paid at all. My amendment does not embrace the question whether interest is to be paid, but if interest is to be paid, it provides that it shall be paid out of that fund. If this amount is due to the North Carolina Indians, it is due upon the ground of the treaty. And if interest is also due, there is no reason why the interest should not be paid out of the Cherokee fund, as well as the principal itself.—There is no pretence that the treaty provided that this sum for removal and subsistence should be paid out of the Treasury. Is it pretended by the Senator from Tennessee that any assurances were given to the Indians that it should be paid out of the Treasury? Not at all. In all the proceedings of the government in relation to this matter, it is distinctly kept in view that this allowance is to come, not out of the Treasury, but out of the Cherokee fund; and the additional appropriations that had been made, were made upon the condition that they were to be in full for all the claims the Indians might have. They were voluntary grants, not required by the treaty, but given merely to induce the Indians probably to remove. This claim has been submitted to various Secretaries of War, and their opinions have been uniform against it.

Mr. BELL.—Having offered this proposition to the Senate, I might, according to forensic usage, have the privilege of replying. But I shall not take up the time of the Senate. I merely wish to say that both the Senator from New Hampshire and the Senator from Vermont have totally denied the ground upon which I placed my amendment, and I think I have a right to ask my honorable friend, the Senator from Vermont, who is a member of the Committee on Indian Affairs, whether he has paid the slightest attention to the subject until this discussion arose.

Mr. PHELPS.—The only information I have derived is from what has taken place here recently.

Mr. BELL.—I wish further to state, that the Senator is mistaken in regard to every leading fact or argument upon which his position is founded. The Senator says that he understood this expense of removal and subsistence was to be paid out of the Indian fund, and the Senator from New Hampshire still persists in arguing the question upon that ground, notwithstanding that, upon three separate occasions, I have read authority to show that that was not the understanding.

Mr. PHELPS.—I said I understood that the expense of removal was to be paid out of the Indian fund, because the 15th article of the treaty expressly so stated. I presume that if the Indians are competent to enter into a treaty, they must be bound by it.

Mr. ATHERTON.—The agreement that was signed by Mr. Thomas and the Indians themselves, recognizes the fact that the money for removal and subsistence was to come out of this fund. I have a letter from the Secretary of War to General Scott, who was engaged in the removal of the Indians, in which it it stated, that the expense was to come out of the fund, and that in no event would the Executive deem it expedient to recommend to Congress to increase the fund.

Mr. BELL.—That is not at all contradictory of what I said.

The question being put upon agreeing to the amendment to the amendment—

Mr. ATHERTON demanded the yeas and nays, which were ordered, and it was determined in the negative as follows:

YEAS—Messrs. Atherton, Benton, Bibb, Buchanan, Buckner, Calhoun, Clay, of Alabama, Dickinson, Dix, Dawson, Foote, Hamlin, Hunter, Johnson, of Ga., Mason, Pierce, Sturgeon, Tallmadge, Tappan, Woodbridge, Wright—20.

NAYS—Messrs. Badger, Bagby, Barrow, Bell, Berrien, Bigler, Clarke, Corwin, Davis, of Massachusetts, Greene, Hale, Huntington, Johnson, of Md., Johnson, of La., Lewis, Mangum, Miller, Niles, Pearce, Rusk, Simmons, Underwood, Upham—24.

So the Senate being equally divided, the Vice President determined the question in the negative.

On the question to concur in the amendment of Mr. BELL, as agreed to in Committee of the Whole—

Mr. ATHERTON demanded the yeas and nays, which were ordered, and it was determined in the affirmative as follows:

YEAS—Messrs. Badger, Baldwin, Bell, Bibb, Berrien, Butler, Clarke, Corwin, Davis, of Mass., Downs, Greene, Hale, Huntington, Johnson, of Md., Johnson, of La., Lewis, Mangum, Miller, Niles, Pearce, Rusk, Simmons, Underwood, Upham—24.

NAYS—Messrs. Atherton, Bagby, Benton, Brodhead, Buchanan, Calhoun, Clay, of Ala., Dickinson, Dix, Felch, Foote, Hamlin, Hunter, Johnson, of Ga., Mason, Phelps, Sturgeon, Tallmadge, Tappan, Westcott, Woodbridge, Wright—19.

The question recurring on concurring in the amendment of Mr. SEBASTIAN, as agreed to in Committee of the Whole, it was determined in the affirmative.

Mr. HANNEGAN submitted an amendment, authorizing the Secretary of War to issue certain certificates to the Pottawattamies, which was agreed to.

Ordered, That the amendments be engrossed, and the bill read a third time.

Mr. ATHERTON objected to the third reading.

The PRESIDING OFFICER stated that it did not require the unanimous consent of the Senate for the third reading of the bill on this day.

Upon the question—"shall this bill be now read a third time?"—it was determined in the affirmative.

The said bill was read a third time.

The question being on the passage of the bill—

On motion,

The Senate adjourned.

WEDNESDAY, JUNE 21, 1848.

REPORT FROM THE TREASURY DEPARTMENT.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Treasury, made in obedience to a resolution of the Senate, showing the amount of bonded money received at each of the custom houses of the United States, in each year from 1833 to 30th June, 1847, and the amount expended in each year for the same period; which was read and ordered to be printed.

PETITIONS.

Mr. ATCHISON presented a petition of citizens of Missouri, praying the establishment of a mail route from Sand Hill to Kinksville in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. JOHNSON, of Maryland, presented the memorial of L. Warrington, for himself and the officers and crew of the United States slooop-of-war Peacock, praying the payment of certain prize money due them and improperly retained in the Treasury; which was referred to the Committee on Naval Affairs.

COURT OF INQUIRY AT SALTILLO, MEXICO.

Mr. MANGUM submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the President be requested to communicate to the Senate, if not, in his opinion, incompatible with the public interest, the proceedings of the court of inquiry which convened at Saltillo, Mexico, January 12th, 1847, and which was constituted for the purpose of examining into certain matters relative to an alleged mutiny in the army at Buena Vista, Mexico, on or about the 22d and 23d of August, 1847, which is said to be charged against the officers by the United States Major Paine of the regiment of North Carolina volunteers, and to the proceedings had relating to the facts connected with the dishonorable discharge of certain officers of the North Carolina volunteers.

THE PRIVATE CALENDAR.

Mr. MASON submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That Saturday next, the 24th of June, be assigned for the consideration of private bills, and that at one o'clock P. M. on that day the Senate will proceed to the consideration of those bills to the exclusion of all other business.

PRIVATE BILL.

Mr. BRIGHT, from the Committee on Revolutionary Claims, to whom was referred the petition of the legal representatives of George Gibson, deceased, submitted a report accompanied by a bill for their relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

ADVERSE REPORT.

Mr. WESTCOTT, from the Committee on the Judiciary, to whom was referred the petition of John B. Luce, submitted an adverse report, which was ordered to be printed.

PRIVATE BILLS.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom the following bills, from the House of Representatives, were referred:

An act for the relief of James Fugate.

An act for the relief of Samuel Gray.

An act for the relief of John Hibbert.

An act for the relief of Lewis Hastings.

An act for the relief of Elphas C. Brown—

reported the same without amendment.

DISCHARGE AND RECOMMITTAL.

On motion by Mr. BUTLER, it was

Ordered, That the Committee on the Judiciary be discharged from the consideration of the bill for the relief of John Millikin and others, to secure rights of pre-emption in the State of Louisiana, and for other purposes, and that it be recommitted to the Committee on Public Lands.

PRIVATE BILL.

Mr. BERRIEN, from the Committee on the Judiciary, to whom was referred the petition of James Chapman, administrator of Thomas Chapman, submitted a report, accompanied by a bill, for the relief of the legal representatives of the late Thomas Chapman, formerly collector of the port of Georgetown, South Carolina.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

REDUCTION OF POSTAGE.

Mr. NILES, from the Committee on the Post Office and Post Roads, reported a bill to reduce the rates of postage; which was read and passed to the second reading.

Mr. NILES said: Mr. President, I am authorized and directed by the Committee on the Post Office and Post Roads to report the bill which I hold in my hand for the reduction of the rates of postage. It is a measure to which the public mind has been directed of late, one perhaps second to no other in importance, and, if carried out, cannot fail of being productive of the most beneficent results to the whole people. We have legislated for the army and navy, for war and for peace, for futurity and posterity, for New Mexico and California, and not forgetting in our discussions the interests of Mexico and Yucatan. But what have we done to advance the convenience or the interests of the people in their private, social, or commercial relations?

Without intending to go into a discussion of measure at this time I propose to state some facts, accompanied with a few suggestions, to go before the public with the bill, my principal object being at this time to call attention to the measure, to call out the public judgment upon its merits. I shall not probably ask for the final action upon it at this session, now drawing to a close, but shall hope to obtain for it the favorable consideration of Congress at its next session, sustained, as I am quite sure it must be, by the powerful influence of an enlightened public opinion.

Had it not been for the existence of a war, bringing a heavy charge upon the Treasury, with a revenue depending mainly upon loans, I should have felt it a duty to have brought this measure to the attention of the Senate early in the session, and endeavored to have obtained its sanction to it; but whilst the war continued, with an increasing debt, I could not consent to throw additional burdens upon the Treasury, as this bill may temporarily, even for the attainment of a boon so important to the whole people as I believe this measure will prove to be.

But, the war being ended, I now, by the direction of the committee, bring forward the measure; but as the finances are unsettled, as neither the exsenditures nor the revenue, on the return of peace, can for some time be known, we do not propose to have the law go into operation until July, 1849.

This bill is simple in its provisions, and is substantially the penny postage system. It establishes three cents as the uniform postage on letters not exceeding half an ounce in weight, and the same sum for every additional half ounce or fractional part thereof, the postage to be prepaid, and if not so prepaid the postage to be five cents.

The postage on newspapers, pamphlets, and other printed matter, which has always been complicated, is somewhat reduced and greatly simplified by adopting a uniform principle of taxing by weight, discontinuing all distinctions between newspapers and other periodicals, or between periodicals and non-periodicals. Newspapers and all other publications are to be charged one cent postage for any distance, when the weight does not exceed one ounce, and the same for every additional ounce or fractional part thereof. Newspapers of the common size, such as the two principal papers in this city, weigh a trifle short of an ounce. To this general rule there is one exception intended to favor the country or interior presses—reducing the charge to half a cent on papers not sent more than fifty miles from the office of publication, and not weighing over one ounce. Some of the committee had doubts as to the propriety of this exception, but it was thought best to present it for consideration.

The bill contains some provisions, not hitherto introduced into our system, which prevail in Europe, for the collection, depositing, and delivery of letters in the large cities. It is believed that by judicious arrangements these provisions may be executed with very little expense, and which must afford great conveniences, and in connexion with the low rate of postage, greatly contribute to the increase of mail communications.

Mr. President, of the great benefits of this reform to the whole people in an economical, social, and commercial point of view, no one can doubt. Indeed, their importance can hardly be fully appreciated, and, in my judgment, they cannot well be over-estimated. This system is a near approximation to a universal frank, for a rate of postage so low that the poorest person will hardly regard it, is almost equivalent to a free communication. It was my desire to have fixed the rate at 2½ cents, if we had a coin of that denomination—a quarter dime, which I think desirable. But as it will be easier to descend than to ascend, we thought it best to adopt the rate of three cents at this time.

The great benefits of the system being admitted, the only doubt there can be is as to its success in a financial point of view. But in this respect any more than in regard to the advantages of the measure, it is not now to be viewed as an experiment. It rests upon a principle well established, the efficiency of which has not yet been fully developed, even in England, where the system has been in operation more than seven years. This principle is the increase of consumption, or of letters bearing a certain proportion to the lowness of the charge. But the full results of this principle cannot be immediately realized; the increase goes on from year to year; and, what is remarkable, after its first and most powerful

effect has been realized, the principle appears to retains its power in about the same degree, and the increase continues about the same for a series of years, and perhaps for an indefinite period. Such has been its result in England. The system has been in operation there now going on eight years. The first year the increase was one hundred and twenty-three per cent., and for the subsequent six years from twenty to thirty per cent.; the last year it was about twenty-three per cent.

In support of these statements, as well as to show my opinion of the importance of this great measure, I cannot forbear to read a letter from Joseph Hume, the Distinguished English reformer. It was addressed to our Minister in London, and dated the 2d March, 1848:

"DEAR SIR: I have the pleasure to send you the copy of a paper I have prepared at the request of Mr Wells, of Boston, to show the practical success of the reduction of letter postage in England. The reduction of the postage, the change of system, and the increase of correspondence, have been so great, that no other government can adopt the same measure without deriving great benefit from it. Among the many reasons that I can produce in favor of the measure, that has had and will have the greatest influence, is the improved and cheaper communication, socially, and commercially.

"I wish, as much as possible, that the communication by letter, newspapers, and pamphlets should pass between the United States and Great Britain as between Great Britain and Ireland, as the intercommunication of knowledge and kindly feelings must be the result, tending to the consolidation of friendly intercourse, and to maintain peace, so desirable to all countries."

Appended to this letter is a table showing the progressive increase of letters in England since the adoption of the penny system of postage. From this it appears that in 1839, the latt year of the old system, the number of chargeable letters was 76 millions; in 1840 it increased to 169 millions; in 1841 to 196½ millions; in 1842 to 208¾ millions; in 1843 to 220½ millions; in 1844 to 242 millions; in 1845 to 271½ millions; in 1846 to 299¾ millions; in 1847 to 322 millions. The progressive increase the last year was quite equal to the average for the whole period, except the first year. And this progressive increase is the result of the new principle, as under the old system the revenues of the post office had been nearly stationary for twenty years, amounting to about two millions and a quarter per annum. In 1847 the gross revenue fell short of what it was previous to the change to the low rate, about £400,000. But Mr. Hume, in a letter to a gentleman in Boston says: "I am informed by the General Post Office that the gross revenue this year will equal, it is expected, the gross amount of postage the year before the postage was reduced." Such has been the financial result of the system of low postage in England. But the principle has by no means exhausted its power; the ratio of increase was nearly as great the last as the preceding years, excepting the first. It may, therefore, be considered as established that the low principle will, when its power is fully exerted, be as efficacious in respect to revenue as the principle of higher rates. But it requires time to realize its results. It has been in operation eight years in England, and the increase still goes on, in a corresponding degree, with former years. In eight years the increase has been nearly five hundred per cent. The efficiency of this principle depends on two elements: first, the increase of consumption; and, secondly, the attraction of all letters into the mail.

In this country, as far as the experiment has been tried, the result has been equally successful andsatisfactory. The reduction by the act of 1845 was only a half-way measure. It was a reduction of about fifty per cent.; the average rate of postage at that time was about thirteen or fourteen cents, and it was reduced to two rates of five and ten cents, being an average of seven and a half. This bill will be a reduction of more than fifty per cent. upon the present rates. But the effect of an equal per cent. reduction by this bill on present rates, with the reduction by the act of 1845, must be much greater on the increase of letters, as that law still left the rates comparatively high, whilst this bill will reduce them to little more than a nominal sum. The act of 1845 can have had little or no effect on letters subjected to the lowest rates of postage under the former law, as the reduction was only one and a quarter per cent, whilst the present bill will reduce that rate nearly fifty per cent.

Although the act of 1845 was but a halfway measure, and could not be regarded as introducing the principle of the low or penny system, yet its influence on consumption has been very great. The whole number of chargeable letters in 1844, as appears by the report of the Postmaster General, was 24,267,552, which yields a revenue of $3,525,260. The number of chargeable letters, including ship letters, during the year 1847, was 52,173,480, being an increase of one hundred and twenty per cent. in two years under the operation of the present law establishing five and ten cent. rates. The revenue from letter postage last year was $3,254,512, including $200,000 paid for the government postages, being only $270,658 less than the letter postage in 1843 under the system of high postages. In two years, therefore, the revenue has nearly come up to what it was previous to the reduction; and, by the reduction of half a million in the expenses of transportation, from the provisions of the act of 1845, the whole revenues the last fiscal year were quite equal to the expenses of the department. The result of the partial reduction by the act of 1845 is much more favorable than any of the advocates of that measure at the time anticipated, and cannot but be regarded as affording the strongest evidence that the low postage will prove as successful and as efficient for revenue in this country as it has in England. That the revenues would equal the expenses of the department in two years no one, when the reduction was made, anticipated. And it is estimated by the Postmaster General that the whole revenues the current year will amount to $4,313,157, being more than an average of the revenues of the department for nine years preceding the reduction. Such has been the gratifying and truly astonishing success of the partial reduction of postage in this country.

Under these circumstances, the measure now proposed by the committee cannot be regarded as involving any great responsibility in a financial point of view. It may be assumed, however, that, for a few years, it would throw some charge upon the Treasury; perhaps the first year some half a million of dollars.

I have made the following calculation, based on the same rate of increase of letters as has been realized by the reduction in 1845, although I think the increase will be found to be much greater:

An increase of sixty per cent. to the number of chargeable letters last year will make $83,477,280 letters for the first year; which, at three cents, will yield a revenue of - $2,504,318
Add ten per cent. for double letters, is - - 25,041
For government postages, now allowed - - 200,000

$2,729,359
For newspapers, &c. - - - - - - 600,000

$3,329,359

By this calculation the letter postage would fall off the first year a little over half a million, as compared with the last year. But the increase of letters would continue for a series of years, if not indefinitely, so that the revenue would have a steady and certain increase, and, in all probability, would soon be found equal to the expenses of the department.

Of the immense benefits of this great measure, in a country like ours—so extensive, with a population so generally educated, and where there is so much activity and enterprise of every kind, stimulated by our expanding railroad system, it is not my present purpose to speak. All must see that they would be great; and no one, perhaps, can fully estimate their extent or importance. And, it may be added, that these benefits would be universally diffused, extending to all interests, to all classes, and to almost every individual in the country.

TITLE TO LANDS IN ARKANSAS.

Agreeably to notice, Mr. SEBASTIAN asked and obtained leave to bring in a bill to revive and extend the provisions of an act entitled "an act to settle the title to certain tracts of land in the State of Arkansas," which was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

INDIAN APPROPRIATION BILL.

The Senate resumed the consideration of the bill, (on its passage,) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1849, and for other purposes.

At the suggestion of Mr. ATHERTON, the amendment which had been adopted upon the motion of the Senator from Arkansas was, with his assent and the unanimous concurrence of the Senate, modified.

Resolved, That the said bill pass with amendments.

Ordered, That the Secretary request the concurrence of the House of Representatives in these amendments.

EXECUTIVE SESSION.

On motion by Mr. HANNEGAN, the Senate proceeded to the consideration of Executive business, and after some time spent therein, the doors were again opened.

REVOLUTIONARY PENSION BILL.

The Senate proceeded to consider as in Committee of the Whole, the bill making appropriations for the payment of Revolutionary and other pensions of the United States for the year ending 30th June, 1849: and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

PRIVATE BILLS.

The bill granting a pension to William Pittman, was read the second time and considered as in Committee of the Whole; and

On motion by Mr. JOHNSON, of Maryland, it was

Ordered, That it lie on the table.

The Senate resumed as in Committee of the Whole, the consideration of the bill for the relief of George Center; and

On motion by Mr. YULEE, it was

Ordered, That the further consideration of the bill be postponed until to-morrow.

JUDICIAL FILES.

The Senate proceeded to consider [illegible] in Committee of the Whole, the following bills:

A bill concerning testimony.

A bill to change the time of holding the terms of the circuit court of the United States in the District of Maine.

And having been amended they were reported to the Senate and the amendments were concurred in.

Ordered, That they be engrossed and read a third time.

The said bills were read a third time.

Resolved, That they pass and their titles be [illegible].

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

On motion by Mr. DIX, the prior orders were postponed and the Senate proceeded to the consideration of the bill for the relief of the Society for the reformation of Juvenile delinquents, in the city of New York; and it was read the first and second times, and considered as in Committee of the Whole.

Mr. JOHNSON, of Maryland, asked an explanation of the object of the bill.

Mr. DIX made a brief statement. The bill simply proposed to release the Society in question, from a judgment of $4,000, which they were unable to pay, and for the satisfaction of which they possessed no property that could be appropriated.

No amendment being made, the bill was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That the bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

JUDICIAL DISTRICT OF ARKANSAS.

On motion by Mr. BORLAND, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill to divide the district of Arkansas into two judicial districts.

Mr. BORLAND.—I desire simply to call the attention of the Senate to the necessity that exists for the passage of this bill. Almost all the business in the federal courts originates in the Indian country, in the western portion of the State. The court is held at present in the centre of the State, at Little Rock, and very great expense is incurred in bringing witnesses and the parties interested from the remote part of the State to the place where the court is held. It is proposed to divide the State into two judicial districts, and allow a court to be holden at Van Buren for the western district. It will require but one judge to hold both courts. There will have to be only the appointment of an additional marshal and district attorney, and a clerk of the court.

Mr. ATCHISON moved to strike out the fourth section of the bill. He had no objection to authorize the judge to appoint a clerk, but he did not see any reason why an additional marshal and district attorney should be appointed. It was unnecessarily increasing the expenses of the judiciary of the State.

Mr. BORLAND.—The increased expense will be but a few hundred dollars—not exceeding four hundred—for the salaries of those officers; whilst the advantages that would accrue to the public will be very great. The principal compensation to those officers is derived from fees; and they are entitled to mileage for travel. So that, if you make one set of officers perform the duties of both courts, their mileage will amount to as much as their salaries; besides, to perform the duties properly that are required of them on the frontier, it is necessary that they should reside there. Thus a more speedy and certain execution of the law would be secured.

Mr. WESTCOTT.—I should be very glad, if I could consistently with what I conceive to be right, vote for the motion of the Senator from Missouri; but I feel compelled to vote against it, upon the very ground that the Senator urges in its favor. The striking out of that section would occasion the expenditure of several thousand dollars more every year than would be expended if it were retained. The principal business of the court arises out of the disturbances that occur on the western frontier. And under the present arrangement the parties and witnesses in these cases have all to be brought to the eastern part of the State, a distance of several hundred miles, at a very great expense. A great proportion of this would be saved by the establishment of a separate judicial district for the western part of the State. I do trust that the bill will pass without alteration; for I think it exceedingly necessary that it should pass. The only question is, whether the present marshal shall be required to perform the duty for both districts, or whether another shall be appointed. I am in favor of appointing another.

Mr. BORLAND.—I will simply remark, that personal considerations are altogether foreign to the question. As respects the present marshal, I take pleasure in saying that he is my personal friend; but if he were ten times more my friend than he is I would not let that consideration have any influence.

Mr. HANNEGAN.—I dislike very much to interpose an objection to a proposition of my honorable friend from Arkansas, but I am constrained to enter my objection to this bill. The business of the courts in Arkansas certainly cannot require such a division as this bill contemplates. There are but five States in the Union which are divided for judicial purposes—New York, Pennsylvania, Virginia, Tennessee, and I believe Alabama—all of which States have a dense population. In Missouri the jurisdiction of the district court may be said to extend even to the Rocky Mountains, and yet they have no more than one judicial district, although the population of that State is seven or eight times greater than the population of Arkansas, yet no one has ever asked here for a division of her judicial district. The territory of Arkansas is a wide-spread territory, to be sure, but it is not more extensive than that of Illinois, Michigan, or Ohio. It has not a tenth of the population of Indiana, and yet we have never thought of dividing our State into judicial districts in this way, and thus increasing our expenses. It would be establishing an outrageous precedent to give to a State with a small and sparse population two distinct attorneys and two marshals, and pay them for doing nothing—literally for doing nothing.

Mr. BORLAND.—I am a little astonished at the violent opposition of the Senator from Indiana. He seems not to be acquainted with the nature and extent of the business in the couris of Arkansas. The fact that there may be very few offenders against the law is more creditable to her than otherwise; but on the score of expense, the gentleman seems to think that the proposed arrangement would be outrageous. If he will examine the report of the committee, and consider the matter in its true light, he would find that it would be a saving of expense—a saving of thousands of dollars to the government.

Mr. ATCHISON.—It is not at all strange that the Senator from Florida should advocate this bill. It is known to every Senator that he desires to procure the passage of a bill to divide Florida, not into two, but into three judicial districts, and to have the duties discharged, not by one, but by three sets of officers, and that State has a smaller population perhaps than Arkansas. I have no objection to furnish all reasonable facilities; I have no objection to allowing them two districts; but this is my objection: I can see no reason why, if one judge can discharge the duties, one marshal and one district attorney may not. I am perfectly willing to allow the Senator all he asks in the way of facilities for holding the courts, but there can be no necessity for the additional district attornies and marshals, unless there is a necessity for an additional district judge. If you impose this additional duty without additional salary upon the district judge, why not let the district attorney and the marshal discharge the duties of both districts as well as the judge? But I am not at all satisfied of the necessity of dividing the State into two districts. When this bill was under discussion before, I called the attention of the Senate to the fact that you were giving to the district court circuit court jurisdiction. At present, I believe, the district court has jurisdiction in criminal offences only in such cases as amount to misdemeanor, and in civil cases the jurisdiction is limited to a certain amount, whilst the circuit court has jurisdiction in all cases of felony, and in civil cases has unlimited jurisdiction. You are changing, then, the whole system of practice as it applies to these district and circuit courts, and the amendment which I proposed was intended to remedy this evil. If you strike out the 4th section I think the bill will be comparatively harmless, but retaining that section I cannot give it my support.

Mr. WESTCOTT.—The Senator from Missouri says it is not surprising that I should advocate this bill, because I advocate the establishment of three districts in my own State. Now, the Senator must pay very little attention to the business which is done by the Senate. If the Senator will take the trouble to refer to the remarks I made, he will discover something of the nature of the business to be transacted by the courts in Florida, which differs somewhat from that of States in the interior. Our courts are not for us, but for citizens of the western and eastern States who have cases in admiralty there. I believe there is no necessity for an admiralty court in Missouri. With respect to the establishment of this additional district, the Senator says there is no necessity for it. I differ from the honorable Senator entirely. I have examined the amount of business in that State, and I find that the circuit court of the United States is overburthened, and I find that there is great expense occasioned by bringing witnesses from the Cherokee country. Some of them have been brought three or four hundred miles to attend the federal court in cases which the district judge could have tried just as well as the circuit judge. And it is for this reason that we propose to invest the district judge with circuit court jurisdiction.

Mr. DOWNS.—I think the Senator from Indiana and the Senator from Missouri are both greatly mistaken in regard to this matter. This bill cannot increase the expenses, and it is certainly calculated to contribute very much to the convenience of the public and to facilitate the administration of justice. The great object is, to bring the court as near as possible to where justice is to be administered. It is an established principle that the jury shall be taken from the vicinage or neighborhood, but this cannot be done when you hold the court in one corner of the State. I

think that you should, in all cases, endeavor to make it as convenient as you can for the parties litigant. Instead of obliging them to run across the State, you should bring the court to them. There cannot be an objection on the score of expense; in fact, the expense will be greatly diminished, and justice will be more promptly administered.

Mr. HALE.—I would call the attention of the Senator from Missouri to one fact in relation to the amendment which he has offered. I find that the 35th section of the judiciary act passed in 1789, makes it imperative on the President to appoint a district attorney and marshal in every district, so that if this act be passed without the 4th section it will be the duty of the President to appoint those officers.

After some further observations the question being taken upon the amendment, it was, upon a division, adopted. Ayes 21, Noes 9.

The bill was then reported to the Senate, and the amendment was concurred in.

Ordered, That it be engrossed and read a third time.

Resolved, That this bill pass, and the title thereof be as aforesaid.

The said bill was read a third time.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

PRIVATE BILL.

The bill for the relief of the personal representative of William A. Slacum, deceased, was read the second time, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

On motion,

The Senate adjourned.

THURSDAY, JUNE 22, 1848.

REPORT FROM THE TREASURY DEPARTMENT.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Treasury, accompanied by a communication from the Commissioner of the General Land Office, and a report of Dr. David Dale Owen, containing geographical explorations in the Chippewa district of Wisconsin and the northern part of Iowa; which was read and ordered to be printed.

PETITION.

The VICE PRESIDENT presented the petition of James W. Day, messenger to the President of the United States, praying to be allowed additional compensation; which was referred to the Committee on Finance.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed a bill entitled "An act for the relief of the widow and children of Joseph Hemphill, late a Representative from the State of Pennsylvania," and request the concurrence of the Senate.

The House of Representatives concur in the amendments of the Senate to the bill prohibiting the importation of adulterated, deteriorated, and unmanned medicines.

They have passed the bill from the Senate to amend the act entitled "An act for the regulation of seamen on board the public and private vessels of the United States," passed the 28th of May, 1813.

NAVAL APPROPRIATION BILL.

The bill from the House of Representatives this day received for concurrence, was read the first and second times by unanimous consent, and referred to the Committee on Finance.

PRIVATE BILL.

Mr. BRADBURY, from the Committee of Claims, to whom was referred the bill for the relief of Daniel Robinson, reported the same without amendment.

MAIL CONTRACTORS.

Mr. BREESE, agreeably to notice, asked and obtained leave to bring in a joint resolution for the relief of such persons as may have incurred the disability of the 28th section of the "act to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof," approved July 2d, 1836; which was read the first and second times, by unanimous consent, and referred to the Committee on the Post Office and Post Roads.

HOUR OF MEETING.

The Senate proceeded to consider the resolution submitted by Mr. ATHERTON, which was amended and agreed to as follows:

Resolved, That the hour of meeting of the Senate shall be 11 o'clock until otherwise ordered.

SUPERINTENDENT OF THE ANTE-CHAMBER.

The Senate proceeded to consider the resolution submitted by Mr. BADGER, the 9th of May, respecting the appointment of a superintendent of the ante-chamber of the Senate.

After some conversational debate—

Mr. MASON moved that the resolution lie on the table.

The question being taken, resulted: Ayes 13, Noes 14. No quorum voting.

The question being again stated upon the motion to lay the resolution on the table, the yeas and nays were demanded, and it was determined in the negative as follows:

YEAS.—Messrs. Allen, Atherton, Benton, Boland, Bradbury, Breese, Bright, Esther Dix, Foote, Hannegan, Hunter, Mason, Niles, Sebastian, Sturgeon, Turney, Westcott, and Yulee.—19.

NAYS.—Messrs. Atchison, Badger, Baldwin, Bell, Berrien, Calhoun, Clayton, Corwin, Davis, of Mississippi, Downs, Hamlin, Johnson, of Maryland, Johnson, of Louisiana, Mangum, Miller, Phelps, Rusk, Sturgeon, and Upham.—19.

The Senate being equally divided, the VICE PRESIDENT determined the question in the negative.

Ordered, That the resolution be referred to the Committee on the Contingent Expenses of the Senate.

ADJOURNMENT OF CONGRESS.

On motion by Mr. ATCHISON, the Senate resumed the consideration of the resolution from the House of Representatives, "That the President of the Senate and the Speaker of the House of Representatives adjourn their respective Houses on Monday, the 17th day of July next, at 12 o'clock, meridian.

Mr. BADGER moved to amend the resolution by adding the following:

"And that the next session of Congress be held on the Monday of next, and that all business shall be resumed at the condition in which it is left at the close of this session."

Mr. ATCHISON suggested that the blank be filled with the third Monday in October.

Mr. BADGER remarked, that it was suggested by his friends around him, that that would be an inconvenient period. It was the time of harvest with the planters of the South; he would therefore move that the blank be filled with the second Monday in November.

Mr. ATCHISON.—I believe it is admitted on all hands, that if Congress adjourns in July, the next session of ninety days, will be too short for the transaction of the public business; and I doubt very much whether, if we make the next session commence on the 3d Monday in October, we shall even then, be enabled to transact the business that will remain unfinished. It was upon this consideration that I offered a resolution some time ago, that Congress should adjourn on the first Monday in July, and meet again on the first Monday in October, and with the additional object of avoiding the heat of summer.

Mr. CALHOUN.—It is my impression that the Senate can do more business in one month henceforward, than in two months after its next meeting. I believe this body has never permitted the business before it to go over to be revived at the next session. In every point of view, it is unparliamentary and dangerous. An adjournment now, without completing the business before us, will have the effect of postponing that business, not until the next session, but until the session after the next. At the next session we shall scarcely be able to do any thing at all. The only chance for us is to continue where we are, and go on with as much dispatch as possible; and if we do this, I should think that within a month we might get through with the greater part of the business. I am as desirous to return home as any one; I feel as much inconvenience from remaining here; but I am willing to encounter that inconvenience, for the sake of accomplishing as much as possible of the public business, whilst we have it now in a partial state of preparation before us. With regard to meeting in October, a more inconvenient season could not be named for those of us who are planters. I do hope that the resolution will be laid upon the table for the present, and that we will proceed with the business before us with all possible dispatch.

Mr. BERRIEN.—I doubt whether it would be respectful to the House of Representatives to hold this resolution in our possession without acting upon it. They have concluded by the vote which they have given, to adjourn on the 17th day of next month, and it appears to me, that we ought to determine at once, whether we will concur with them or not. With respect to our incapacity to transact the business at the next session, it will, I think, be removed by adopting the proposition of the Senator from North Carolina, that the business shall be resumed at our next meeting precisely where we shall have left off at the close of this session. The objection of the Senator from South Carolina will apply to the meeting of Congress so early as the 3d Monday in October. The Presidential election will then be pending, and no doubt there will be a good deal of excitement, but if a period be somewhat later fixed upon, that objection will be obviated, for probably a greater calm will exist immediately after the storm shall have subsided, than at any other time. I do not conceive that there will be any great inconvenience in our re-assembling on the second Monday in November. As to our continuing the business, so as to take it up in the same condition in which we leave it, the Senator from South Carolina says that this is an unparliamentary and dangerous course. I admit that it is not the usual course of parliamentary proceeding, but the danger to be apprehended from such a course, I am unable to perceive. A short time only will elapse between our adjournment and our next meeting, and we shall have the same committees. I do not apprehend that the delay of a few days more or less, can endanger the transaction of the business that is pending.

Mr. ATCHISON.—If it has not been the practice of the Senate to take up the unfinished business where it was left off at the preceding session, I believe it has been the practice of the House. If Congress, at the next session, was going to be constituted of entirely different members, the objection of the Senator from South Carolina to a continuance of the business, in an unfinished state to the next session, would be a valid objection; but it does seem to me that the gentlemen who constitute our committees, and from whom we derive our information, cannot, in the short space of three months, forget the state of the business which they themselves have investigated with so much care. The Senate will be then composed of precisely the same members as now, and we

shall be as well prepared, nay better prepared, after a short recess, to resume and conclude the business, than we are now, worn out, as we are, by a protracted session. I admit there is a great deal of business that ought to be transacted, and that speedily, but it is impossible that it can be brought to a close within three weeks. It will require three months of constant industry. I should be unwilling to vote for the adjournment of Congress on the 17th of July without adopting the amendment proposed by the Senator from North Carolina. With regard to the objection that has been suggested to our meeting in October, on account of the Presidential election being then pending, I believe the people of the United States will be able to elect a President without the assistance of the two hundred and ninety members of Congress. Parties are pretty equally balanced in the two Houses. I believe the difference is not more than ten or fifteen, and I do not think that would at all affect the result.

Mr. CLAYTON.—This subject, since I have been a member of this body, has been frequently before us for consideration. Many years ago the matter was fully canvassed in this, as well as in the other House, and it was the general sentiment of both branches, that it would be better if we could shorten the long sessions, and lengthen the short ones. There was scarcely any difference of opinion on this point, and after debating it, we passed a bill which was intended to operate permanently, directing that in future the session should commence on the 1st Monday of November. There was a constitutional objection to it, and while the President admitted the expediency of the law if it could be passed constitutionally, yet upon the ground of unconstitutionality he put his veto upon it. The only course then for Congress was by joint resolution to make their own regulations by adjourning to such time as they thought proper. Such is the course proposed now to be adopted, and I for one, for the same reason that I voted for that bill, am in favor of this proposition. I recollect very well when we passed the bill to which I refer, the matter was much canvassed, the convenience of gentlemen from all sections was consulted, and I should think that the day fixed in that bill would be the most appropriate for the next meeting of Congress, viz: the first Monday in November. With regard to the Presidential election, I do not know that we can do better for the country than by attending to our own duties here, and leaving the election to other hands. It is suggested that there will be too much excitement among the members to admit of a proper attention to the business of legislation. I have no such apprehension; I believe there is quite as much excitement now as there will be then, and I fancy there is quite as much danger of precipitation in the business now as there will be then. I know from what observation I have made, that at the close of a long session in July or August, we pass more important bills without due consideration than we do during the previous months of the session. We become worn out with constant attendance here during the heat of summer, and if we can have the pleasant months, instead of the months of July and August for the transaction of the business, it certainly seems to me desirable that we should take that course.

Mr. BUTLER.—In order to afford ourselves an opportunity for the transaction of all the necessary business, we must either protract the session or meet at an earlier day than that indicated by the amendment. I am extremely anxious to return home, but there is business here which requires to be disposed of, and I should infinitely prefer proceeding to dispose of that business at once, to being obliged to return here in October. There are many matters which I desire should be disposed of before the Presidential election. I wish to have a very clear prospect before me before I vote, or recommend my constituents to vote one way or the other. I do not wish the canvass to be conducted in the dark.

Mr. ATHERTON.—It has been suggested by the Senator from Georgia that it would be disrespectful to the House to postpone action upon this resolution, but I think there can be nothing of the sort inferred from our delay, because as far as I recollect, it has been the common practice of the Senate to retain such resolutions coming from the House until it was ascertained that the business could be disposed of. It is well known that all the appropriation bills have to originate in the House, and that the Senate has to act upon them in very considerable haste. It is important, therefore, that the Senate should know when they are to be put in possession of those bills. The most important of them are still in possession of the House. It seems to me, taking all things into consideration, that there will not be, between this and the 4th of March next, a period so favorable for the transaction of the public business as the month that is to follow this very day. As to the inconvenience of remaining here during the warm weather, I believe I feel that inconvenience as much as any one; but I appeal to Senators, whether a summer session is not more healthy than a winter session. There are fewer cases of illness and mortality among us in the summer than in the winter. If we can conclude the business by the 17th of July, I shall be as willing as any one to concur in the resolution. But it seems to me that we cannot now say that we can properly despatch the business that is now before us within that time.

Mr. BRIGHT.—The hour for the consideration of the special order has arrived, and I must insist upon calling it up unless the motion I am about to make shall be acted upon without debate. I believe that if we fix upon the 31st of July for the adjournment, it will probably suit all parties. I move to insert the 31st of July.

Mr. FOOTE.—Mr. President: This question of adjournment has awakened more feeling in the Senate, and given rise to a much more extended discussion than any of us anticipated. Heartily concurring in all that has been heretofore said in opposition to fixing a day, at this time, upon which the deliberations of Congress at the present session shall be made to terminate, I seize the opportunity of stating an additional consideration which of itself would be of sufficient cogency to control my action upon this subject. There is, at least, one measure, before the adoption of which, Congress, in my judgment, should never consent to adjourn. I allude to the organization of territorial governments in Oregon, California, and New Mexico. I know that there are questions of peculiar delicacy and importance involved in the contemplated establishment of territorial governments in the regions named; but I am only the more desirous, on that account, that they should be boldly met and promptly decided. If these questions remain open during the Presidential contest it is impossible to conjecture what consequences may arise. The intense excitement now raging in two opposite quarters of the confederacy, and every day growing more and more intense, may put at hazard the Union itself, and will certainly call into being two sectional factions, divided by a mere geographical line, which will never cease to war upon each other as long as the Union shall continue. I regard the present as far the most auspicious period which will ever occur for obviating this great danger, and once more restoring fraternal amity and concord.

Besides, sir, I am willing to confess that I am not a little desirous of ascertaining, ere Congress shall adjourn, of what precise material the whig party is composed—whether that party, if it can reach the seats of authority once more, will be inclined to enforce its ancient views of governmental policy, or will be content, as has been promised by certain leading gentlemen of that party, to permit the policy of the present administration to remain undisturbed. There is still another point upon which I desire to obtain a more satisfactory explanation than has heretofore been given. Will General Taylor, if elected, be willing to use the veto power against the Wilmot proviso? On this subject his language has been so far most painfully ambiguous and contradictory; and in the two sections of the Union he is claimed both as friendly and adverse to this accursed measure. Nor has the language of his friends and supporters in the two Houses of Congress been more satisfactory. Sir, the people are resolved not to be hood-winked any longer by the dexterous tacticians of party; they are resolved to have explicit declarations of opinion from all who aspire to their suffrages in regard to this all important question. No arts of evasion or subterfuge will any longer avail those who have heretofore practised them. Should the whig leaders here be compelled to show their hands and avow their real principles and designs, the speedy overthrow of their party could not be possibly avoided.—This they well know; and therefore it is that so much anxiety has been evinced by certain gentlemen to bring about an immediate adjournment. I am not willing to gratify them at the expense of the country, and I shall therefore, as I have already said, vote against fixing any particular day of adjournment for the present.

I am free to acknowledge that the conduct of whig Senators in desiring to avoid a positive committal upon the great questions now in agitation, is in excellent keeping with the course pursued by the convention of their party which lately assembled in Philadelphia; which remarkable body is known to have met and adjourned without the least declaration of principles, or the most remote allusion to the objects which they desire to attain. The fabled journey of Æneas to hell was not a whit more mysterious than the movements of those wise men who the other day were seen counselling together in Independence hall. Truly may it be said of them, as of the son of Anchises and the Sybil, *ibant sola sub nocte*. Nor was the idea of the golden offering to Proserpine entirely forgotten among them; for did not the President of this famous body, even in his opening speech, announce to the multitude who surrounded him, boldly to inscribe upon their banner the significant motto: "To the victors belong the spoils"? I am decidedly of opinion, that we are bound as liberal men to make more or less allowance for the members of the Philadelphia convention; we should not perhaps censure them too severely for not laying down a regular party platform for the opening Presidential campaign. It had been undoubtedly ascertained among them, that no political creed could be devised to which any considerable number of their body would be able to subscribe, and, therefore, was it judged most discreet to forego entirely the consideration of every thing like principle. Availability and the spoils of office were alone looked to. It was not desired to give offence to any who might be inclined to support General Taylor on any possible ground; and the utmost care was accordingly employed to avoid the introduction of topics which might produce disputation, and develop contrariety of sentiment. It was resolved, in the language of St. Paul, "to be all things to all men," at least for a season; or in the well known words of a distinguished whig of Virginia, it was deemed politic to extend the whig "net so widely as to catch birds of every feather." Such was the conduct of the whig convention of 1840, and succeeding then in deluding the people, it is hoped that similar arts may be equally successful at the present time. Sir, it shall not be my fault if the game of 1840 shall be played over again successfully; I am resolved that the whig leaders, here, at least, shall avow their principles, and explain those of their Presidential candidate, or permit the most unfavorable presumptions to be deduced from their silence.

Mr. MANGUM.—I do not perhaps very well comprehend the matter to which the honorable Senator from Mississippi refers, when he speaks of certain whigs not being willing to meet the questions that are before the country. I speak for nobody but myself when I say that there is no question that I am not ready to meet, and meet fully. And I think I speak the sense of my friends on this side of the chamber, when I say there is no question that we are not all prepared to meet. And I think I may therefore say to the Senator from Mississippi, that he may dismiss from his mind any suspicion or alarm, if he be capable of feeling it, that any movement will be taken here to avoid meeting any question whatever that may be raised. It is true, as the honorable Senator has said, we have spread our drag-net, and we expect to bring up a great many fish from the great deep, that have not been found hitherto in the whig net. The purpose of every gentleman, I apprehend, is to do the public business, and no one who has turned his attention to the business that is now pending, can suppose it is possible to dispose of it properly before the 17th of July, and with the view of avoiding the difficulties that will result from leaving a great amount of business unfinished, to be perfected hereafter, it is proposed to elongate the next session by meeting in November or October. It is therefore simply a question of convenience, and upon that point, without any very tenacious views in regard to it, I consider it a matter of great inconvenience that we should be obliged to meet here in the autumn; and I believe with the Senator from South Carolina, that if the Senate will set itself earnestly to work, we shall be able to accomplish more by the first of August than if we meet in October. The committees are now fresh from the subjects they have examined, and we shall proceed with greater facility than we can possibly do after a recess. I am disposed to yield very much to the personal inclination of our friends who are in favor of an early adjournment, but I suppose every Senator must perceive that if we adjourn on the 17th of next month, and meet at the usual time next year, it will be impracticable to accomplish all that remains to be done. I think that the further consideration of this resolution should be postponed for the present—say until next week.

Mr. BRADBURY.—I am in favor of acting upon the resolution now; for all past experience has shown, that when a day is fixed for adjournment, the Senate will work up to it, and complete the business within the time. If it be supposed, however, that the day named by the House will not give us an opportunity to complete the business, let the resolution be amended by substituting the 31st of July. I hope, at all events, the resolution will be acted on without further delay.

Mr. FOOTE.—I always regret to be compelled to differ from my distinguished friend from Maine, who has just addressed the Senate, but on this occasion, I find it impossible to avoid it. The honorable Senator from North Carolina (Mr. MANGUM) has done me the honor to notice some of the suggestions thrown out by me upon the question of adjournment, and has expressed a willingness to do battle in behalf of the Presidential ticket, lately nominated at Philadelphia. This is exactly what I expected from the chivalry of that gentleman; I fear though that he will find himself but slenderly supported by his customary allies in this chamber; and it is still more certain that in venturing upon discussion, he does not pay the least respect to the example of discreet silence set him in Philadelphia; where were assembled men professing free trade principles, and ultra-protectionists; men in favor, even yet, of a National Bank, and men who avow themselves opposed to banks and banking in any tangible shape and form; Independent Treasury men, and men opposed to the Independent Treasury—men opposed to the Mexican war, and men in favor of it; no territory men, and men whose appetite for territorial acquisition can only be satisfied by all Mexico and Cuba into the bargain—friends of the Wilmot proviso, and enemies to all restrictions upon settlement in our territorial domain of any kind whatsoever, save what the settlers shall themselves impose. Will the Senator from North Carolina have the goodness to inform the Senate and the country, with what class of his supporters it is, that General Taylor concurs? It would be a pity that any of his present friends should be disappointed by his course as President, should he chance to be elected. I am afraid they might be tempted to denounce him as a traitor, as it is well known they did Mr. Tyler under similar circumstances. If the Senator from North Carolina, then, can in advance inform us what Gen. Taylor's political opinions are, I feel certain he will do much present good and prevent future misunderstanding among the friends of that distinguished personage. Whether he will strengthen the General very greatly for the present canvass is perhaps more doubtful; though I regard the experiment as decidedly worthy of trial. In the absence of a clear and satisfactory exposition of the General's political opinions from the convention which nominated him, I have been disposed to look to other sources for information, and the result of my scrutiny I will proceed to lay before the Senate. I find that the newspapers sustaining his pretensions all recognize him as a whig, and, as such, in favor of that whole class of measures understood to be embraced in what is known as whig policy. This is certainly contradictory to declarations which some of us encountered last winter in the social circles of Washington, when it was freely and positively asserted by several who were presumed to speak by authority, that Gen. Taylor, if elected, would not be inclined to disturb the measures of domestic policy so successfully put in operation by the present administration; but inasmuch as no written assurance has been given by Gen. Taylor, at least none that it has been deemed safe to promulge, of his willingness to play the part of a democratic President, though taken up by the whig party, and to be elected to the Presidency, if at all, by whig votes, I suppose we shall have to regard him as a genuine and unadulterated whig of the most approved Clay and Webster stamp. There is one point, however, upon which the newspapers of the whig party seem to differ very widely indeed. I allude to the Wilmot proviso. For it is a striking fact that whilst the southern whig editors all set him down as a zealous and inflexible pro-slavery man—whose pecuniary interests as a large slaveholder will insure his firm and steady opposition to all attempts to restrict the extension of domestic slavery, by Congressional legislation, within its present territorial limits; the newspapers of the whig party in that section of the Union where this system of slavery is not tolerated by law, and where the fiercest opposition is exhibited to its farther diffusion, without a single exception, so far as I have been able to ascertain, have presented him to their respective readers as a Wilmot proviso man, and as such prepared, if elevated to the Executive chair of the nation, to withhold his veto from this noxious measure—thus permitting it to become one of the permanent laws of the republic. I dislike exceedingly to run into detail upon this head; but holding it to be quite important that the South should understand the ground upon which the partisans of the ranger to whom she stands exposed on this vital point, I shall take the liberty of laying before the Senate and the country a few extracts from leading whig journals of extensive circulation in the free States of the Union, from which the general course of the editors sustaining General Taylor's pretensions in that section of the confederacy, may be easily inferred:

And, first, I will read an extract from the "Daily Democrat," published at Rochester, New York, which is as follows:

"And how is the precise difference between General Gen Taylor. It is possible that Gen. Taylor sometimes doubts of the existence of prohibiting slavery in the territories, and that he would not originate or recommend such a measure.

"It may even be that he denies, in the case of Gen Cass, as to the grant of power to Congress to legislate for them on this subject. But Taylor tells us that the personal opinions of the Executive ought not to control the action of Congress; nor *ought his objections to be interposed when questions of constitutional power* have been settled by the various departments of government, and acquiesced in by the people.

"Now, we are entirely willing to rest the power of Congress to restrain the extension of slavery, upon its having been settled by all the departments of government, and acquiesced in by the people. We can show that it has been exercised in respect to six territories by a perpetual interdiction of slavery, and in four others the legislative power of Congress over slavery has been asserted in the way of limitation and regulation. That every President has in some way recognized the existence of this power—that it has been solemnly declared by the courts of the United States, and at nearly every session, all those of every State—Slave-State, Taylor, inclusive—hound and pledged not to interpose objections, if he entertains any, to arrest or defeat the action of Congress."

Next, a short extract from the "Boston Atlas" claims attention. It reads thus:

"We are not unaware that there are some among us who are reluctant to yield to Gen. Taylor their support, even though the nominee of the Philadelphia convention. We feel assured that they can be but few.

"Let them, if they really mean to be *right*, and to act for the best, and with *clear consciences*, consider whether they really have any good grounds for their hesitation to support Gen. Taylor; and above all, let them take into view the fearful responsibility they will take upon themselves, if by their opposition they bring upon the country all the awful consequences involved in the election of Lewis Cass. Let them ponder these things well. Let them learn—as they will learn, if they will not be deaf and blind to the truth—that Gen. Taylor is a whig in principle—is in favor of peace—opposed to all war—believes slavery to be a curse to the country, and desires its extermination—and is opposed to the further extension of slave territory."

Next, I will invite notice to an extract from the "Toledo Blade," published in Ohio:

"Suppose Gen. Taylor declines expressly in his letter, written two years and a half to James M. Tache, Esq., then editor of the "Cincinnati Signal," that he considers the ordinance of 1787 the best code of laws for the government of a new territory, in existence. Now, what is the prominent feature of this ordinance? Is it not, clearly, that no slavery shall exist in the territory for which it was framed? Here is the doctrine of the Wilmot proviso fully endorsed. If the language of Gen. Taylor means anything, it means every thing, and although he may, from his peculiar location and occupation, as an extensive planter, find it necessary to hold slaves himself, it does not follow that he should approve of the extension of the evil of slavery into territory more free, any more than that Lewis Cass, who has spent so little in a free State—whose sympathies and associations have all been with free laborers—should not approve of it. Gen. Cass, we believe, is not suspected of entertaining any other than the most radical views in favor of an extension of slavery. If he does, the platform erected for him by his party and his own letter of acceptance and endorsement, greatly belie him.

"Again, his views upon the qualified use of the veto, restricting it to matters that are clearly unconstitutional, and never to be employed against a mere Congressional vote, are stronger safeguards against the extension of slavery, than any personal pledges of opposition. This is power and authority; it is the opinion of a wise head and good heart, upon a subject which of itself is the very fountain of all law. Would Gen. Taylor veto the Wilmot proviso? Would he dare to say to the assembled Congress of the United States, it is unconstitutional to pass such a law, especially after his endorsement of it in his first letter, after declaring his opposition to the war, and after expressing a determination to avoid the use of the veto, except in the most extraordinary cases? We do not believe it!

"How is it with the locofocos? Their platform tells a different story. They oppose the Wilmot proviso, favor the use of the veto, approve of the war and its results. Now, with such doctrines what else can be expected than that, if Cass should be elected to the Presidency, every wish of the most violent pro slavery men would be immediately gratified? We could expect nothing else, for these are the principles of their doctrinal, nominating convention."

Next, an article from the Cincinnati Gazette will be found worthy of attention:

"The nomination of General Taylor by the whig national convention is responsive to the authoritative voice of the popular will of the whigs of the Union, legitimately expressed in the mode and manner which they themselves provided.

"In April, 1847, the editor of the Cincinnati Signal sent to General Taylor an editorial article, in which is the following:

"'The only path of safety for those who may hereafter fill the Presidential office is to rest in the discharge of Executive functions, and let the legislative will of the people find utterance and enactment. The American people are about to assume the responsibility of framing the institutions of the Pacific States. We have no fears for the issue. If the arena of the high debate is the assemblies of the people and their re-

presentative hall. *The extension over the continent beyond the Rio Grande of the ordinance of 1787 is an object too high and permanent to be baffled by Presidential vetoes.*"

"To the article from which the above extract is made, General Taylor responded, in a letter of date May 18, 1847, acknowledging his high opinion and decided approval of the views and sentiments.

"Here, it will be noticed, that General Taylor *decidedly approves* of giving to the will and acts of Congress 'force and effect,' unrestricted by kingly *veto*, and that no Executive veto *should prevent the extension of the ordinance of 1787 over newly acquired Mexican territory.*"

The following extract from the "Pittsburg Journal," one of the strongest Wilmot proviso papers in the country, will be found to the same effect:

"The position of General Taylor in regard to this all important question is perfect ly satisfactory to the whigs of the North. What we desire as a President is, that he shall not interpose to defeat the will of the people, as expressed through Congress. In the language of Mr. Fowand, the whigs want nothing that they cannot obtain through the action of Congress.

"General Taylor's position is one which will make him the executor, not the dictator, of the public will.

"If the Wilmot proviso is adopted by Congress, General Taylor as President, will not veto it.

"We regard General Taylor as opposed to the extension of slavery, although a southern man.

"The extract from Mr. Ashmun's address, which we published above, is the ground upon which we go into the support of General Taylor. The ground is one, firm and safe."

Let me now call attention to the address which has just been issued by the State Central Whig Committee of Ohio to the voters of that State. The whole address is too long to have read; but the succeeding extract will plainly show what are the views of the whigs of Ohio in regard to General Taylor's principles, and especially as to his views on the Wilmot proviso:

"It would doubtless have been more consonant to the Whigs of Ohio that a candidate been selected whose residence and associations would have naturally inclined him to agree with us in full on this subject. His residence and associations, however, have not blinded General Taylor to the evils of the institution of slavery, and the moral depravity of its extension. On the subject of slavery extension, the views of General Taylor are freely expressed in his approval of the sentiments contained in the following extract of a letter published in the 'Cincinnati Signal' of April, 1847, and sent by the editor to General Taylor:

"The only path of safety for those who may hereafter fill the Presidential office is to rest in the discharge of Executive functions, and let the legislative will of the people find utterance and enactment. The American people are about to assume the responsibility of framing the institutions of the Pacific States. We have no fears to trust to see in the arena of the high debates the assemblies of the people and their representative halls. *The extension over the continent of the Rio Grande of the ordinance of 1787 is an object too high and permanent to be baffled by Presidential vetoes.*"

"To the article from which the above extract is made General Taylor responded in a letter of date May 18, 1847, acknowledging his high opinion and decided approval of the views and sentiments.

"Here, it will be noticed, that General Taylor *decidedly approves* of giving to the will and acts of Congress 'force and effect,' unrestricted by kingly *veto*, and that no Executive veto *should prevent the extension of the ordinance of 1787 over newly acquired Mexican territory.*"

In addition to these testimonials, I beg leave to suggest to gentlemen not already apprised of the fact, that a certain manifesto has been recently addressed to the whigs of Massachusetts, by one of her representatives in Congress, and who was also a member of the Philadelphia convention, which, if not expressly contradicted by Gen. Taylor during the Presidential canvass, will bind him as an honorable man to throw no obstacles, as President of the United States, in the way of the Wilmot proviso. I allude to the circular of Mr. Ashmun to his constituents, which has evidently constituted the basis upon which the whigs of Massachusetts have come to the support of General Taylor. That document reads as follows:

"General Taylor has never been my preference, but I believe him to be a true whig, an honest and sensible man, opposed to the *acquisition* of Texas, with moral and conservative principles, opposed to further enlarging the boundaries of our Union, and, although he lives in the latitude where slavery is tolerated, yet I do not believe that the institution will ever extend to it. He has never been a propagandist, and he will never in the slightest manner interfere with the action of Congress when it shall forbid the existence of slavery in our newly acquired territories. Let the representatives of the people and of the States be left free to act upon that question, uncontrolled by executive influence and executive veto, and we are safe. I need not, I am confident, give to you any assurance that whenever the question, in any form, shall be presented during my official term, the rights of humanity shall find in me an unyielding advocate. The issue will soon come. It is to be met in the halls of Congress; and then it is to be decided, in all probability, during the continuance of Mr. Polk's administration. Let the people of the free States look to their representatives!"

Such is the condition of things in New England and the free States generally, in regard to General Taylor's attitude upon the Wilmot proviso. I do not charge him in direct terms with being at heart favorable to the Wilmot proviso; but I do insist, and with the utmost confidence, too, that if elected without further explanation, his supporters among the "conscience whigs," as they are called, will have great right to complain of any attempt on his part, as President, to defeat their favorite measure by the interposition of the Executive veto. And, now, sir, I again appeal to the friends of General Taylor in this body for some assurance as to the conduct of their Presidential candidate on this subject should he chance to be elected, as they seem now so confidently to anticipate. Our candidate has come out plainly and unequivocally, and magnanimously risked his election upon the soundness of his views. Should he be chosen President, his friends can not properly withdrawn restrain him in the exercise of the veto power upon all measures deemed by him unconstitutional, and he has declared his opinion that the Wilmot proviso is unconstitutional, in phraseology too explicit to be misunderstood by the dullest intellect in the republic. But if Gen. Taylor's position as a Presidential candidate is so objectionable for the reasons now stated, how much more objectionable does he become when regarded as associated with Millard Fillmore, of New York, upon the whig ticket? Mr. Fillmore has been known all his life, and no man here or elsewhere will dare deny it, to have been a thorough-going whig of the true Boston stamp; he is the author of the tariff of 1842, and has never wavered in the support of ultra whig principles. I am not authorized to charge him with being an abolitionist, but no one can safely contradict the assertion that, whilst a member of the House of Representatives in Congress, he gave more than one vote which strongly smacked of abolition. His general course as a politician is well known to the country; but as all are not familiar with the incidents which have marked his public life for several years past, I deem it prudent to read on this occasion an extract from a letter which I have just received from an accomplished and honorable friend of mine in the State of New York, whose means of obtaining correct information on this subject are such as few persons living possess, and whose reputation for veracity and fairness authorize me to avouch, as I solemnly do, the perfect accuracy of his whole statement:

ALBANY, June 19, 1848.

My dear sir: I am taught to look to your town of the 19th instant as the term which I have invited (subject to other appointments) for the anti-abolition meeting Mr. Fillmore within my reach.

You are not mistaken in the fact that Fillmore was Wilmot's friend. He was, out and out, the leader who gave the anti-slavery movement its first impulse in this State. Nobody has doubted his sincerity in this regard. He left Congress under the impression that the Democratic party in certain States (big numbers, some of the wealthy, the largest, because its politics favored their purses, while others and the poorest men, never imagined that the movement was a matter to be compromised, nevertheless, fraternally associated together. It was manifested in the convention, but most important of all, in the State office in the State, by the whig Electoral ticket of October, with the knowledge that his views were in perfect coincidence with those of the convention and with those of both parts of the ticket.

You may remember that the democratic State convention met at the close of last September and on the first ballot nominated for governor Hunkers offered two prominent "barnburners," and that upon that issue the faction known by that name, led off Dix, Dickinson, Young, George Rathbun, J. Van Buren, &c., &c., deserted, opposed, and with the whigs, voted against the democratic tickets. The whig State convention, held the next week, adopted the identical resolution refused by the democratic convention, as follows:

Resolved, That while the whig freemen of New York, represented in the convention, will faithfully adhere to all the compromises of the constitution, and zealously maintain the reserved rights of the States, as a matter of right, they are impelled, forced when the question must be met, from an opposite quarter, to avow the extension of slavery into territory now free, or which may be hereafter acquired by any action of the government of the Union.

This whig convention nominated Fillmore by acclamation. The address adopted by the convention avowed the doctrines of the resolution, and resolved that to the great principle and object of the campaign it would devote its whole energies, and not one more or less than it was willing to give. The votes of New York, compared with Ohio, do not seem to be in proportion in Fillmore & Co.'s favor, and could I see men to personate our principles.

The whigs of the New York will stand to State convictions, to the whigs of the State, was as follows, (Oct. 25,) in behalf of Fillmore & Co.:

The whigs of New York are confident that they will carry the State upon the issues now set forth. They have confided in the people, and have exerted no inability to the free men and free labor of the North—the masses—and have not been disappointed. Democratic bargaining, democratic intrigue, democratic log-rolling, democratic plundering—they have seen brothers, partners, old partners, statesmen truckling, bending, yielding to that power for the sake of participating in its patronage, disgracing themselves, and prostituting their high powers to base, debasing purposes. They have seen the spoils with which usurpers and tyrants in all ages reward the instruments they use to accomplish their ends. This you have seen, and deplored its consequences, and you have labored with zeal and fidelity in vain to avert them. But now a more glorious object opens to your view. You have before you a renewed and striking instance of that great and blessing trait, that the Almighty, in his infinite wisdom, has invested and gifted man that the indulgence of an evil and vicious course, whether in moral or political action, carries with it the seeds of its own punishment, but also its own corrective. Elated with its unexampled success, the SLAVE POWER has become so exclusive, imperious, and dictatorial, that the concurrence of its agents is called a compact to be a virtue, and now for the first time in the history of our government our eyes beseech, and our ears are greeted with the glad tidings, that a degraded and overbearing majority of the States of the North are determined at once and forever to put limits to the bounds of slavery within our glorious Union, and to say to it, "thus hast thou come, but thus shall no farther go." Our opponents, the democrats of St. Lawrence, with a generous outpouring of God's holy Sabbath, will lighten the occasion and the deed, but a reader in a place the extension of slavery on the table, upon the strange and anomalous ground that the question of setting bounds to slavery was a federal question, and a convention of *freemen*. On the following week another convention of *freemen* rescued this resolution from the contempt with which its predecessor had treated it, BY UNANIMOUS ADOPTION. And now we stand to the issue against the democracy—the Democracy of New York—a party which, in point of power and energy which the spirit of true freedom never fails to inspire, and at the going down of the sun on the night of the election of November in the Empire State, through her ballot-boxes, shall proclaim, in tones of thunder, in the language of the immortal Jefferson—and man are by nature free and equal—and let there shining of Heaven, before the sun sets on the following day, scatter the glad tidings throughout the length and breadth of our country, that honester and braver New Yorkers do not contribute a greater amount of the bones of Liberty.

I need not say to the whig State committee, men and men of the greatest active, and influential characters and supporters of Mr. Fillmore.

"The Evening Journal" is the organ of the whig party and of Mr. Fillmore, at Albany. It is the leading whig paper in the State. From the moment of Fillmore's nomination, October to the close of the canvass it was filled with able articles and appeals. The contest seemed in that quarter, as in the State address, to have no other point or issue. And every day the support of the proviso was urged as the great rallying point of the whig cause and their candidates, and their candidates and their candidates were assailed in the fiercest manner as its enemies. I could send you numerable extracts, showing that the burden of the whig labors for Fillmore & Co. was the support of the proviso principle.

In our State new democratic men are engaged in the cause of *Free* and *Fit* ones, and upon the same grounds the same papers support him. The Evening Journal of this afternoon says:

"We will adhere unflinchingly to every sentiment we have uttered against the extension of slavery, and to every measure we have proposed to obtain one from Mexico. In supporting General Taylor we are rendering to the cause the best service in our power. General Cass, a thorough doughface, has sacrificed freedom for a Presidential nomination. He stands pledged to veto a free soil bill should Congress send such a bill to him. General Taylor, on the other hand, though a *slavery man* as it exists, is pledged to *extend the Ordinance of 1787 over all new territory that may pass to the market.*"

The letter of New York will be a large one. We could not have expected the leading "barnburners," led by King, J. Van Buren, and others, and no doubt with the approval of the senior Mr. Van Buren. And we must admit of a proviso school and pretended democrats will nominate their *candidates* for President and Vice President either at their convention on the 22d, or at an adjourned convention in August, intended to embrace a wider range of delegates from other States.

It may be counted, we think, that the great body of the democrats of the State will support the national democratic nominations; that many whigs will refuse to support General Taylor; and that out of the State, if not in it, we shall gain in one from all we lose in the other. At all events, you may rely upon our best efforts to sustain the democratic cause and its candidates.

"One thing is certain, that if the South shall fail to support Cass and Butler with open and manly support on principle, on whose side—North—consistency and fidelity to Taylor and Fillmore from the party which has put and sustained the proviso—and denounced the southern or slave power in every form of epithet and hostility that can be used hope afterwards to receive a fair and just position in the Union.

"With great respect, your obedient servant.

Extracts referred to in the preceding letter.

[From the Evening Journal October 11, 1847.

"Our opponents will be active; they have every thing at stake; their hopes of success in Presidential contest rests upon the result now. They have pressed into this election the issue (the proviso) upon which that contest will hang. If by the election of Hungerford & Co. (the candidate opposed to Fillmore) the Wilmot proviso is condemned; the enemies of that principle will be emboldened, and they will have a right to be. If the extension of human bondage is sanctioned by the freemen of the Empire State, the advocates of slavery will have a right to deem the institution in accordance with views of the North. Such a result must be avoided. New York must not endure the inhuman principle so boldly broached by the Administration. It would be in the highest degree disgraceful; but this disgrace can only be avoided by the repudiation of the men who are laboring to bring it about, and the election of those Fillmore & Co. who are pledged to the Wilmot proviso."

[From the same, October 13.]

"The pensioned emissaries of slavery in this State have made a distinct issue. By voting down an endorsement of the Wilmot proviso they superadded to every other issue that issue, more important than all others, slavery or freedom. It is between us whose favor the verdict of the ballot-box will be rendered."

[From the same, October 20.]

SLAVERY OR FREEDOM.—The approaching election will decide the question whether the electors of New York are in favor of freedom or slavery. The order has gone out from Washington, and been proclaimed here by the emissaries of the general government that the Empire State must succumb to the slave power. For the first time in our political history the State convention of a great party, (the democratic party,) has ignobly spurned a resolution protesting against cursing free soil with human slavery. The issue is distinctly raised—the appeal is boldly made to the ballot box. *Every anti-democratic ballot to be cast in favor of the Hungerford ticket is cast in favor of the Wilmot proviso.* The election of the nominees of a convention born of bribery and fraud, would be hailed as a triumph of slavery; their defeat would inspire a well founded hope of the ultimate triumph of the great principle for which every true man is contending."

[From the same, October 27.]

"DEFEAT OR VICTORY.—The last note of preparation has come from the conservators. The true and faithful workingmen of the whig party are ready and eager for this contest. The people appreciate the momentous issue involved in this contest. They know that questions of infinitely greater importance than the success of any party are at stake. The result of the contest will decide whether slavery or freedom has the popular verdict. This was made an issue by order of the general government. The freemen's resolution, (the proviso,) was spurned by a fraudulently constructed majority at Syracuse. They even refused it the poor formality of a direct vote. They ignominously laid it upon the table. But the people spoke: they must despue its author, thank him for the issue, the resolution contemptously smothered will be resurrected from dishonor. It was trampled upon by a subservient majority, but it will be magnified through the ballot-boxes. That which was condemned by the "doughfaces," will be exalted by the people."

[From the same, October 28.]

"Strike for freedom! The emissaries of the general government smothered the white man's resolution (the proviso.) Let the traitors be remembered at the ballot boxes. Let the potent voice of New York be heard in idignuciation of the revenants who would tarnish her fair fame by a compulsory endorsement of slavery. Strike for freedom!"

[From the same, November 1.]

"SLAVERY OVERSHADOWING FREEDOM.—The territory demanded of Mexico by Mr. Trist, as a condition of peace, is large enough to form five States as large as New York. With the boundaries of slavery thus enlarged, what has the North to expect but a perpetuation of the dominion of slavery?"

[From the same—same date.]

"Slaves are claimed and held as property; they are not recognized as men, or allowed to enjoy any of the attributes or rights of mankind. But, while at the North property qualifications for voting have been expunded, the South votes for its slaves. In all the southern States five slaves give two votes. This monstrous inequality has been tolerated as one of the compromises of the constitution; but let us not extend this odious principle—let us not add new slave territory that slavery may increase its political power."

[* Of course Fillmore and company were recognized every where as entertaining these sentiments, and as the champions and standard-bearers of the party avowing and enunciating these principles, as the character of all the proceedings of all the county conventions and meetings."]

[Resolutions unanimously adopted at the whig general meeting in the city of New York approving the nomination of Fillmore and company.]

"*Resolved*, That we earnestly deprecate, and will resist to the utmost, the extension of human slavery under our laws and our flag, into any territory previously free from that scourge. We deny the constitutional right to extend and establish it, and we call on all who love liberty, whatever their name or party, to unite with us in averting the evil and reproach of propagating bondage from this boasted land of freedom.

"*Resolved*, That in Millard Fillmore and * * * on the whig State ticket, we have candidates of more integrity, undoubted capacity, unsullied character, and unwavering whig principles, whom we are proud to eulogise and point to as *champions* of our cause, and we will give them that support which they eminently deserve, and which our country's good emphatically requires at our hands."

Such, then, are the political characteristics of the gentleman selected by the whig convention in Philadelphia to be voted for in connection with General Taylor, and under the principles of that personage who, in the event of General Taylor's death before the expiration of his official term, would have charge of the Executive department of the government at this critical period in our history. I now solemnly call upon the friends of this ill-omened ticket to deny one single fact which I have stated in regard to Mr. Filmore, or to confess that they are striving for the election of a man to the Vice Presidency of the Union, and opening the way, in the event named, to the Presidency itself—of a person who, in many respects, is more objectionable as a politician than any individual who has ever heretofore been able to obtain a nomination at the hands even of a whig convention, since the system of nomination was first adopted.

Mr. MANGUM.—It has not been my purpose to enter upon this debate, nor will it be any part of my purpose to endeavor to protract it, but some of the remarks of the Senator from Mississippi certainly require a few observations in reply: for instance, the charge is very distinctly insinuated, if not made in direct terms, that this portion of the Senate is endeavoring to avoid questions that are before the country, and with the view of accomplishing that object, that we seek an early day of adjournment, so as to be incompatible with the proper transaction of the public business. Now, let me appeal to the magnanimity of the Senator to remember who introduced the question of adjournment to-day. It was introduced by the Senator from Missouri, who has never been suspected of whiggery, I believe. I have avowed already that I am willing to meet any of these questions; and supposing that every gentleman here has felt as deep a sense of self-respect as I have, I take it for granted that every Senator is willing to meet them. The Senator concedes to me, personally, that I would not avoid any question. But he asks me to look at the convention lately held in Philadelphia; and asks me if I do not know that it was made up of blue light federalists, of abolitionists—of birds of every feather, as he expresses it—men of all political creeds. Sir, it may be so. I have had very little to do with any party matters. I was not one of those who participated in that convention, nor have I examined minutely the character of the delegates, nor have I examined the Baltimore convention, to see how it was constituted—perhaps it included also some of the party colored, ringed, streaked, and speckled politicians—

Mr. FOOTE.—The Baltimore convention was composed of a band of brothers, who dared to avow their principles.

Mr. MANGUM.—I will come to that point by and by. We are taunted with not having laid down principles for the whig party to be governed by. Sir, are not the principles of the whig party known? Does the sun in Heaven require to be painted on a shingle? Is there a man in the country who does not understand the principles of that conservative party which has saved the destinies of this country? Do we shrink from responsibility? No, no, no, sir. We are not of that progressive character, that every six months we have to make a new platform. You might as well attempt, with a pocket handkerchief, to shut out the light of the sun as to shut out the principles of the whig party. All the world knows them. But it is remarked here, that we have got a candidate of such a character that gentlemen cannot take hold of him—they do not know what he is. The democracy at Baltimore, it is said, have had the chivalry to stand out in the open field, inviting their opponents to the attack, whilst the whig party are endeavoring to dodge the blows that are aimed at them.—Sir, it will be something rather new to the people of this country to be informed that old "Rough and Ready" dodges any blows; and I apprehend that the principal part of the misery of the gentleman, at this day consists in the fact, that the character of the man of whom he complains has overpowering an influence, that even abolitionism, as it is supposed to exist at the North, is crouching and succumbing to it day after day. Those whom he leads to the field, whether they be volunteers from the commencement, or eleventh hour men, as we have seen on the field of Buena Vista, will do their duty nobly. The blows will fall thick and fast, and I hope my honorable friend from Mississippi, for whom I have a great respect, will escape at least with his life. But it is said that the democratic party stand out fearlessly in the open field. Sir, they are a bold, sagacious, formidable power in this country, as its history has shown; they are progressive, and they have a bold leader, if the people would only not make so much noise as they did at Cleveland! so that the democratic principles could be heard! I have a great deal of kindness and regard for the standard bearer of the democracy, but at Cleveland some unobtrusive things propounded certain troublesome questions to our friend, the nominee of the Baltimore convention.

A SENATOR.—The questions came from the democracy.

Mr. MANGUM.—No, they must have been whigs in disguise who propounded them, and the noise of the crowd was so very embarrassing that the questions could not be answered. The truth is, that under the oppression of the hot weather, and the fatigues of a hasty journey, the standard bearer of the democracy did not stand out in the open field as, according to the Senator from Mississippi, the Baltimore convention did. Well, it is good that there should be harmony among brothers. This Baltimore convention was quite harmoniously conducted so far as the Empire State is concerned, and I understand that this day is big with the fate, not "of Cæsar and of Rome," but of the chosen standard bearer and of the vauntedplatform of the convention. I perceive that at a meeting recently in Charleston, a very prominent young gentleman of the democratic party has been denouncing this platform, and he went so far as to charge the convention with hypocrisy. As to these platforms, they can be made on occasion to suit a given purpose; they have been so made.

We have taken a gentleman very much on trust, I confess; but he is a whig, and he is the purer perhaps from not having been trained, disciplined, and perhaps indurated in the school of politics. He who has been true to every duty, public and private, capable of meeting every emergency, will be found, whether he belong to the Abbott Lawrence school of whiggery, or any other, to answer all the just expectations of his friends. Gentlemen complain that they cannot get hold of him; they do not know any thing about his politics. Why, that is only a renewal of Santa Anna's complaint. Santa Anna said Taylor was whipped by him, but he was so stupid that he didn't know it. It is asserted that he is a Wilmot proviso man. I do not know any thing about it.

It may be so. I have no personal acquaintance with Gen. Taylor. I have never had a letter from him, but I am willing, looking to the integrity of his character, the soundness of his understanding, and his unchanging patriotism, I am willing, I say, to put into his hands the destinies of the South. So with regard to Mr. Fillmore, I know only that he is a true whig and an accomplished gentleman, and I believe that whatever views may be entertained by either of those gentlemen upon abstract questions, they will be at all times ready to make any personal sacrifices upon the altar of their country, if such should be necessary for the preservation of the Union.

Mr. FOOTE.—I am certainly quite gratified at finding that the honorable Senator from North Carolina concurs with me touching the appropriateness of the present occasion for the discussion which is now in progress. He seems to be quite astonished though that any one should find it at all difficult to understand the present principles of the whig party. Whiggery, says he, is the sun in Heaven, irradiating and refreshing with its heat all surrounding nature. Well, sir, I have seen it somewhere mentioned that in ancient times there was once a theory afloat which asserted the existence of two distinct species of stars in the firmament—one class of which emitted rays of light, whilst the others emitted rays of darkness. I think all who have witnessed this debate will acknowledge that if whiggery be really a sun, it is not such a sun as supplies any large quantum of illumination; or that like the veritable Phebus, its brightness is too intense to allow the substance of which it is composed to be ascertained by the casual beholder—being, perchance, as the poet expresses it, "dark from excess of light."—If the Senator from North Carolina will deign to permit a little of the light in which that sun of whiggery of which he has spoken must abound, to fall upon those opake spots which now stand for whig principles, I am sure that he would confer a great favor upon many, and do not a little service to the country. Will the Senator from North Carolina be kind enough to tell us whether the whig party, if they get into power, will again struggle to establish a national bank?

Mr. MANGUM.—I will answer the Senator, but I will not now interrupt him.

Mr. FOOTE.—If the Senator shall answer satisfactorily, he will be more successful than any of his party have been lately. I see the Senator from Delaware (Mr. CLAYTON) in his place; and I am reminded of a certain published letter of his, issued in the autumn of 1846, in which he proclaimed the existence of the old party issues. Does he adhere to what he then declared?

Mr. CLAYTON.—The letter to which the Senator refers was in relation to a protective tariff. That was the only subject embraced in it.

Mr. FOOTE.—I think the Senator is mistaken; but it matters not; the Senator from Delaware then insisted upon the restoration of the tariff of 1842, and I understand him yet to do so; and doubtless he expects General Taylor to aid in its restoration. Well, sir, if General Taylor will explicitly acknowledge that he is in favor of the tariff of 1842, I can assure his friends that his supporters in the South will soon dwindle to a corporal's guard. But let me ask the Senator from North Carolina, who has undertaken to give us information in regard to General Taylor's politics, to tell us whether he is in favor of the independent treasury. What are his views in relation to the Mexican war? Did he, or does he, approve or disapprove the conduct of his own government in prosecuting that war? Was he really, as Mr. ASHBURN asserts, opposed to the annexation of Texas? Was he opposed to our receiving territorial indemnity from Mexico? Would he, if President, veto the Wilmot proviso or not?

The Senator from North Carolina has announced to us that he has determined to support General Taylor, because he knows him to be a Whig, and recognizes him to be a well-informed politician. This is really surprising. General Taylor himself acknowledges his utter ignorance of politics, bewails his want of mature ideas on the subject, and declares that he has paid no attention to questions of party politics for forty years, and yet he is now lauded for his vast political knowledge, and high competency as a statesman. It would be gratifying to many to be able to find out the school at which he has succeeded in acquiring proficiency in statesmanship so rapidly. No other such instance of success in the accumulation of knowledge has heretofore occurred in the history of the world: and I can hardly believe that another such instance will occur in all future time. Since he is really so well-informed at present in politics, it is still more wonderful that he keeps his learning so much to himself. Surely he should not hide his light under a bushel. I have heard it said, that there was this striking difference between intellectual acquisitions and acquisitions of every other kind: man is so constituted, that if he obtain a new idea, he feels actually unhappy until an opportunity is afforded him of communicating it to others. General Taylor's case is clearly an exception to the general rule; for he is as absolutely silent now upon all political topics as he was when confessedly in a state of profound ignorance.

It has pleased the Senator from North Carolina to assail the standard-bearer of the democratic party, our admired candidate for Presidential honors, in a style and manner far more unkind than I had anticipated; and yet I cannot perceive that he has done him the least injury. The fact is, the character and qualifications of our candidate are such as to make it impossible for his adversaries to weaken him by assailment, however ingenuous or malignant. The whole American people know him to be a man of the highest abilities, of large attainments in science, thoroughly accomplished in all things appertaining to the management of public affairs, sober, industrious, persevering, frank, independent, wise in counsel, fearless in action, of unblemished reputation in private life, and possessed of every quality which can confer dignity or secure friendship. His history as a public man is familiar to the whole world. I shall not now dwell upon it in detail. It is entirely unnecessary. But I trust I may be pardoned for saying thus much: for more than six months past, I have known him familiarly; I have been a close observer of his conduct in this body, and have listened to his sage counsels in privacy; and it has ever seemed to me, that it would have been impossible for any man whom I have known, or of whom I have read, to discharge all the duties of a wise and patriotic Senator, with more complete success than I have seen them performed by him. During his connection with the management of public affairs, no man has had to encounter more difficulties, or to meet more new and perilous questions than he has; and yet no one can justly charge him with having on any occasion recoiled from responsibility, or with having in the least degree wearied with continued well doing. Whilst among us in this body, he was oftentimes thrown into collision with the ablest debaters and most skillful tacticians that the whig party could supply; very peculiar efforts have been oftentimes made, as the result of special arrangement and combination, to bear him down or to embarrass him; but gentlemen will permit me to aver, that I remember no conflict in which he was worsted by his antagonists, or in which he failed to acquire new honor from the encounter. His great simplicity and manliness of character enabled us always to ascertain his true attitude upon every public question, when most others were holding themselves in reserve; and he is the last man in the nation who could seek official advancement by concealing his opinions—giving conflicting assurances to adverse factions, or who could permit himself to be shuffled into high station by mere dexterity and chicane. He is before the country, avowing openly the well known creed of his party; to all the resolutions of our national convention he has publicly and cordially subscribed; and upon most of the principles involved therein, he has heretofore been compelled to act in the course of his career as a public man. Well might he say, as he did say lately in his letter accepting the nomination to the Presidency:

> "The offer, gentlemen, comes in profession of political faith. Receiving my first appointment from that able, patriot, and great expounder of American democracy, Mr. Jefferson, more than forty years ago; the intervening period of my life has been chiefly passed in the service of my country, and has been marked by many vicissitudes and been attended with many trying circumstances both in peace and war. If my conduct in those situations, and the opinions I have been called upon to form and express from time to time, on all the great party topics of the day, do not furnish a clear exposition of my views respecting them, and of the sincerity and entire sincerity of my faithful adherence to their practical application, wherever and whenever I may be required to act, any thing further I might now say would be mere delusion, unworthy of myself, and justly offensive to the great party in whose name you are now acting."

Such is our candidate for the Presidency, and such his opinions; who does not perceive the injustice attempted to be done him on this occasion by charging him with attempting to conceal his principles the other day at Cleaveland, when he was rudely and presumptuously catechised in a vast crowd, amidst a scene of tumult and confusion, which had he attempted to speak at length, would have subjected him to every sort of misinterpretation and consequent misrepresentation? When the candidate of the whig party shall have avowed a single principle clearly and unequivocally, his advocates here may have some little ground to complain of General Cass's conduct at Cleaveland; but until that distant day, a day which I fear is never to be realised, I would admonish them to be as silent as the grave itself upon this subject.

I believe I may venture to assure gentlemen also, that there is not much danger of our candidate for the Presidency flooding the country with electioneering letters during the canvass, as General Taylor has done; and I will go further, and engage that not a single letter will ever be published over his signature of which he will not be the sole author, and whose style shall not plainly bespeak its origin. But how is it, on the subject of letters, with General Taylor? Why, the number of his epistles is legion; and such wondrous variety do they exhibit both in phraseology and substance, as to have filled his friends with regret, and to have called forth commiseration even from his enemies. Some of these famous letters are short, concise, and nervous; others are long, verbose, and meaningless; others glitter with all the meretricious ornaments of a false rhetoric; whilst others again are full of false grammar, confused ideas, involved sentences, and the most rude and unpolished nonsense. One or two of these letters are supposed to have been written in this city and forwarded to him for signature at his place of residence in the far southwest; and these bear indubitable tokens of having been concocted by old stagers in politics for the purpose of deceiving and deluding. I venture to assert that General Taylor cannot by possibility be the author of all these letters; and I defy any of his friends here to rise and assert that they do so believe.

Mr. President: I feel that I should poorly perform my duty on this occasion were I to omit to allude to a personage, whose name cannot be mentioned anywhere without awakening sentiments of respect and admiration, and who, among all true whigs, has been for a long time regarded as the very personification and embodiment of their principles as a party. Henry Clay! Henry Clay!! "*Clarum et venerabile nomen!*" So spoke of him lately in our hearing an eloquent Senator, who is no longer one of our body—

the justice of whose commendation I felt bound to admit in full Senate. Where is Henry Clay? In retirement! How? By the cruel ostracism of an ungrateful party—a party first organized by him upon its true platform—a party which learned all its principles from his eloquent lips—sustained by him, defended by him, sometimes led to victory by him—when hope seemed forever to have abandoned the whig standard, and when all other voices but his had grown silent from utter despair. His high abilities, his heroic fearlessness, his noble energy of character, his unsurpassed eloquence, his profound devotion to the whig cause, his thorough knowledge of men and parties, his masterly dexterity as a party tactician, the deep and firm hold which he held upon the popular feeling—all, all, have been forgotten, overlooked, disregarded, almost mocked at and despised; and oh! shame upon such heartlessness! such cruel and insulting disregard of his sensibilities! a man has been nominated in preference to him, who professes utter ignorance of whig principles—who disdains to be recognized as the exponent of the whig creed, who has not even voted at an election in forty years, and he too, a military chieftain! yes a military chieftain!! Though Mr. Clay had more than twenty years ago, denounced the election of a mere military chieftain to the Presidential office as worse than war, pestilence, and famine combined!! Sir, such an instance of flagrant injustice has never before been perpetrated by party man- agers in any age of the world. The great leader of the whig hosts after being persuaded to allow his name to be used in the Philadelphia convention, in his old age, when even party enmity had almost softened into friendship, and respect, and veneration, has been cast out, reprobated, trampled under foot, massacred by professing but false friends, and I may almost say, buried, without the decencies of a public funeral! since the days of Julius Cæsar nothing has occurred equal to this enormity. Surely it was not necessary that this man too should die by the violence of his own friends! surely it was not necessary to butcher him in a manner so cruel, so barbarous. If the time had come to make a victim of such a man, surely he ought at least to have been "carved as a dish fit for the gods," not "hewn as a carcass fit for hounds." "But yesterday, the word of this man, might (with his own party,) have stood against the world, now lies he! there, and none so poor as do him reverence." But, sir, I prophesy that true men will yet arise to avenge his martyrdom, and that those who have been heard exulting over fallen greatness will be yet made to feel the punishment which their perfidy deserves; I warn them to prepare their ears for the indignant denunciations of a hero in despair whose mighty

> Spirit, raging for revenge
> With Ate by his side come hot from hell,
> Shall, in these confines, with a monarch's voice
> Cry Havoc, and let slip the dogs of war—
> That his foul deed shall appal above the earth
> With carrion men groaning for burial."

Mr. MILLER.—Mr. President: I did hope that this resolution, fixing the time for the adjournment of Congress, might have been considered without its being mixed up with the politics of the day. Surely we can agree upon an adjournment, however we may differ upon Presidential candidates. But the Senator from Mississippi (Mr. FOOTE) says he will not consent to an adjournment until sufficient time is given to discuss what he calls the great issues before the public. He wants time to examine the respective creeds of the two great political parties. To talk them over; to "hammer them out;" so as to exhibit them to the people so plainly that when we look first upon this and then upon that, we will be able to judge between them. Now, for my part, I am not willing to stay here this hot weather for any such idle purpose. To enter into such a field of controversy would be to convert this Congress into a long parliament, endless in talk and fruitless in any good results to the country. But the Senator is determined to know, before we adjourn, something more about the whig creed, and asks us to explain and define it by our speeches and votes here. For my part I do not think that the whig creed has been reduced to the point where it becomes necessary to define its position. It is an old proverb, "That good wine needs no bush."

Mr. FOOTE.—Will the gentleman allow me to refer him to that passage of Scripture which advises not to put new wine into old bottles?

Mr. MILLER.—Yes, sir; but the Senator will find that our old bottle is strong enough to hold the wine until the 4th of March, when I shall be very happy to drink a glass with him: he will need a little exhilaration about that time. We will take it at the White House.

But as to the whig creed, it needs no Congressional certificate to give it character or currency. It is not like some new publications of the day which require the endorsement of a legislative subscription to introduce it into notice. No, sir, our creed is a standard work; the people have read the book before to-day. It needs no notes nor comments from us.

But the Senator insists upon trying the issue here. At first, I was at a loss to know the precise issue intended. The Senator, however, has with his usual frankness told us what the issue is. It is the Wilmot proviso. The position of the two candidates upon this question he wishes to investigate. He wishes to compel us to show our hand upon this point. Now, it is a rule in pleading that he who tenders an issue to his opponent, should be sure that the pleadings on his own part are all right. Is the honorable Senator sure that the opinions of General Cass are certain and fixed upon the question of the Wilmot proviso? Is he ready to make a true issue upon that point? I know that the last expressed opinions of General Cass are against the proviso, but I also know that within two years past, he was the open and strenuous advocate of that measure; that he was so during the last two sessions of Congress is known to many Senators here. There is evidence written and unwritten upon this point; and, as the Senator has provoked the trial of this issue, I feel it due to the occasion to call the attention of the country to certain facts which took place in the Senate at the first and second sessions of the last Congress. These facts are still within the recollection of many Senators who now hear me. The debate which called them forth was one of considerable excitement, and I have no doubt the statements which I am about to make will be recollected by many who were present on that occasion. Part of what I shall state, will be found in the debates and public prints of the day, and part, owing to the hurry and confusion attending the last days of Congress, were not fully reported. I will proceed with the statement.

At the first session of the twenty-ninth Congress, the two million bill, as it was called, came to the Senate from the House, with the Wilmot proviso in it. On the last day of the session, (10th of August, 1846,) and about half an hour before the time fixed for the adjournment of Congress, the bill came up for consideration when the Senator from Alabama (Mr. LEWIS) moved to strike out the proviso. The Senator from Massachusetts (Mr. DAVIS) took the floor against the amendment and in favor of the proviso, and spoke until a few minutes before the adjournment. No vote was taken upon the question, and the bill was lost for want of time to act upon it.

As soon as Mr. Davis had taken his seat, General Cass came over to his side of the Senate, and with much earnestness said, in the presence of the Senators, that he regretted much that Mr. Davis had by his speech prevented the vote from being taken; that he (General Cass) and every democratic Senator from the free States, would have voted to sustain the proviso; that Mr. Allen would have led off, and all the rest would have followed; that he was very sorry that they had been deprived of the opportunity of voting upon it; that it would have settled the question, and Gov. Davis was responsible for defeating that result.

These expressions made a deep impression upon my mind at the time, and that impression was increased when, after the adjournment of Congress, I saw in several newspapers published at the North, democratic and whig, unjust charges made against my honorable friend from Massachusetts for having defeated the proviso, when we all knew that the object of his speech was to sustain that measure.

That day, on his way home in the cars, Gen. Cass spoke of the subject frequently and publicly, in the presence of several gentlemen, to the same effect and expressed much disappointment at not having been able to record his vote in favor of the proviso. He afterwards expressed the same opinions in New Jersey, and also, as I have been informed, in New York; but of this I have no personal knowledge.

At the next session of Congress, (March 1, 1847,) the three million bill came before the Senate, but without the Wilmot proviso in it. The Senator from Vermont [Mr. UPHAM] moved to amend the bill by inserting the proviso, when Mr. Cass rose and, in a speech of some length, opposed the amendment. This speech is reported, and I refer Senators to it. Recollecting what had taken place at the previous session, I rose at once, and expressed my astonishment at the course of the Senator from Michigan, so directly in variance with the sentiments declared at the last session, when the same measure was before the Senate. I also stated what had taken place on that occasion, and repeated what I understood General Cass to have said in the Senate, as I have before stated, and then called upon him to give to the Senate and to the country his reasons for the sudden change in his opinions upon a subject of so much importance.

General Cass, in reply to me, commenced by saying that he was surprised at the extraordinary course of the Senator from New Jersey, in calling him to an account for his opinions, but said he was prepared for it, and then took from the drawer of his desk a manuscript speech, memoranda, which he read to the Senate. He did not deny the statement made by me; but said, in substance, that he had not changed his opinions expressed the session before upon the subject of the proviso, but that that was not the occasion for the bill in which to apply the proviso; that the object of the bill then before the Senate was to enable the President to conclude a treaty of peace with Mexico. That he did not wish to do any thing which might delay peace. That it would be of no use to attach the proviso to this bill, but that the question should be reserved until we acquired the territory. It was a question of time with him. That this was not the time nor the occasion. He also spoke of the resolutions of instructions from Michigan, which he had presented during the session, and to which I had referred him, and said that he had examined them, together with the resolutions from other non-slaveholding States, and that all these resolutions looked to some permanent provision or fundamental law; he did not think they were intended to apply to the bill then under consideration. This was the position of General Cass, in March, 1847. At that time he was still in favor of the Wilmot proviso, but doubting as to the time when and the nature and character of the law by which it should be enforced. He continued to maintain this position, as far as the public were informed, until December last, when it became necessary for certain candidates for the Presidency to declare their views on the subject of the Wilmot

proviso. To show what the Senator from Mississippi calls a "clean hand," on the 24th of December last, General Cass makes this show. It will be found in what is called the Nicholson letter. I have it before me. In that letter he says:

"The Wilmot proviso has been before the country some time. It has been repeatedly discussed in Congress and by the public press. I am strongly inclined to retain my opinion that a great change has been going on in the public mind upon this subject, in my own as well as others; and that doubts are seriously arising as to the questions that the principle involves should be kept out of the Union. Legislation is left to the people of the confederacy on their respective local institutions."

Thus it is seen that the issue which the Senator has tendered in the person of his candidate is somewhat of a confused character. First, we have the earnest friend, then the doubtful supporter; and, lastly, the out and out opponent of the Wilmot proviso. It is not for me to censure this change of position. Every man has the right to correct his opinions when new lights are shed upon the subject. But it must be admitted that the change in this case has been very rapid. Passing from one extreme to the other—from an anxiety for Congress to act at once upon the measure, to a denial of any power in Congress to act at all. Whether the democratic candidate will stand by his last position or return to his first love, will depend upon subsequent events and considerations.

The democracy of Cleveland, when they met a few days ago to welcome and do honor to their candidate, and put certain questions to him, (which the noise and confusion of the meeting prevented him from answering,) had not been informed of the last opinions and convictions of the candidate upon the Wilmot proviso. They, nor his neighbors and friends, knew what his former opinions were upon this subject, and, in their simplicity, believed that the opposite opinions which had lately been attributed to him were but the slanders of his political opponents. They therefore took advantage of the first occasion to give to their candidate an opportunity to refute the slander, and to set himself right before the democracy of the North. The candidate, however, did not embrace the opportunity offered; the noise and confusion of the meeting prevented him.

But the Senator desires to know what are the opinions of Gen. Taylor upon the question of the Wilmot proviso. Answering merely for myself, I can only say that I have no information upon that point. I do not know that Gen. Taylor has expressed any opinion, either for or against that measure; but I can assure the honorable Senator that, whatever may be the opinions of the old hero upon that subject, they are honestly entertained, and whenever he takes a position he is in the habit of maintaining it. The whig party is willing to trust him upon that subject, in the full confidence that, whatever may be his private opinions, he will administer the government according to the constitution and in the true spirit of our free institutions. But, sir, whatever may be the opinion of Gen. Taylor upon this subject, he certainly has the advantage of his opponent in this, that, although he may be taunted for not having avowed those opinions, he is not subject to the charge of having expressed them both ways.

It does not become me, neither is this the place nor the occasion, to defend the personal and political character of General Taylor. That character is fully understood and appreciated by the country, and, although he has spent the most of his life in camp, and away from the strife of politics, he has, on certain occasions and under great emergencies, shown of what stuff he is made. He is, to commence with, an honest man, possessing strong common sense; intelligent and patriotic, prompt in action and successful in execution; cool, circumspect, and heroic; and has, when placed under the most adverse circumstances, nobly sustained the honor and glory of his country, and won for himself the gratitude of his countrymen. Sir, he will go to the Presidential chair on the fourth of March next as he went from Point Isabel to Fort Brown, no matter what may be the number or the strength of the enemy in the way. But, after all that has been said by the Senator against our candidate, the sum and substance of his opposition will be found at last in the fact that Gen. Taylor is a WHIG. That fact made him the standard-bearer of our party, and it is that fact which makes him so obnoxious to the Senator and his party. Had not Gen. Taylor been a whig, or could he have been made any thing less than a whig, the democratic party would have gladly made him their candidate. We all know that, before Gen. Taylor's politics were generally known, that North, strong movements were made in several northern States to bring him out as the democratic candidate; but, as soon as it was ascertained that he was a whig, and a Clay whig too, they all forsook him and fled. I support Gen. Taylor because he is a whig, and the Senator opposes him for the same reason; and let me tell the Senator that, if Gen. Taylor had been a democrat, and not a whig, that sympathetic eulogy which he has just pronounced on that great statesman of the day, Mr. Clay, might, with some qualifications, have been used to sooth the disappointment of the present nominee of the Baltimore convention.

The Senator has expressed much apparent sympathy for that distinguished statesman, who has been long known as the leader of the whig party. The Senator says that we have forsaken the "embodiment" of whig principles; that we have discarded Henry Clay. Not so, sir. We know, and that Senator knows, that for the last twenty years Mr. Clay has been the mark for the poisoned arrows of the adversary. Day and night have they shot at his bosom, and nothing would have delighted our opponents more than to have had another chance at him. In such a fight the whig principles could not have had fair play, and we should only have sacrificed our glorious old leader without winning the battle. But, sir, we now present you another embodiment of whig principles in the person of Gen. Taylor. Now, try your arrows upon him. He has stood many a hard fight, and has never been beaten. As our standard-bearer, he will enable us to give effect to our principles, and to secure to the country a good conservative whig administration in all the departments of the government. But I will not pursue this subject any further. I only rose to show that there were difficulties and uncertainties on both sides of the issue tendered by the Senator from Mississippi. We had better have these matters tried by the country in November next.

Mr. FOOTE.—I congratulate the country upon the prospect suddenly opened upon us at last, of obtaining a little insight into this heretofore mysterious and incomprehensible thing called whiggery. The Senator from New Jersey evidently supposes that he has given us some explanation of what has so long and so profoundly perplexed the public mind; and I hope that he may have more or less succeeded. I confess, though, that I am not yet greatly illuminated, and I am disposed to think it would require a series of lectures equally edifying, with that to which we have just listened, to enable me to arrive at a perfectly satisfactory conclusion. I have propounded plain questions in regard to the present principles of the whig party, and General Taylor's opinions in particular; and how am I answered? Why, just as I expected to be—with vague generalities, and clamorous commendations upon General Taylor's military achievements. Really, but for my high respect for the Senator from New Jersey, I should feel powerfully tempted to exclaim: *Parturient montes, nascitur ridiculus mus.*

Mr. President, we have heard from the Senator from New Jersey, what he seemingly regards as quite a serious accusation against our Presidential candidate; he charges him with having at one time entertained impressions more or less favorable to the Wilmot proviso, and runs into a long and tedious citation of particulars in order to make good his accusation. I confess, I do not know precisely what has been the mental process through which General Cass may have advanced to the deliberate conclusion, which he so explicitly announced to the public some six months ago. He may have been, and I suppose was, upon a superficial examination of the question, at one time inclined to yield to grave legislative precedents, and to suppose that Congress possesses authority to legislate in opposition to the extension of slavery in territories newly acquired. I know that this notion was widely adopted some year or two ago, by some of the soundest patriots, and wisest men of the nation. But it is a fact, which no truthful man here or elsewhere will ever contest, that the country is chiefly, if not alone indebted to General Cass's overwhelming argument in the last Congress, for the defeat of the Wilmot proviso, which was then negatived; and I know that he has been more prompt and efficient in opposition to the proviso during the present Congressional session, than any other man in this body. That he ever made up his mind maturely to sanction the proviso, I feel authorized positively to deny; and although I was a witness of the Senatorial scene to which the Senator from New Jersey alludes, when he says he charged General Cass with being a Wilmot proviso man, and he acknowledged it, my recollection of what occurred on that occasion, is very different indeed from that of the honorable Senator. I certainly understood General Cass as formally declining at the time any distinct declaration of opinion; and I remember well, that though the Senator from New Jersey evinced in his aspect and demeanor, not a little exultation over his imagined triumph, I thought then, as I still do, that he was most signally discomfited.

I have said that I suppose it possible that General Cass's mind may have undergone some change upon the question; but I confess that my belief is reason for so supposing, is that in his admirable letter of Mr. Nicholson of Tennessee, last December, he uses the following language:

"The Wilmot proviso [illegible] only engaged and engage [illegible] opinion that a great change has been going on in the public mind upon this subject, in my own as well as others; and that doubts are seriously arising as to the questions that the principle involves should be kept out of the Union. Legislation is left to the people of the confederacy on their respective local institutions."

"I am satisfied [illegible] that I have [illegible] that Congress [illegible] no appropriate [illegible] about our territories."

Briefly, then, I am opposed to the exercise of any jurisdiction by Congress over this matter; and I am in favor of leaving to the people of any territory, which may [illegible] the regulation of their domestic concerns [illegible] principles of the constitution.

Now it cannot be necessary for me, in this enlightened and philosophic age, to inform the Senator from New Jersey that every change of opinion upon new and complex questions, does not necessarily imply either weakness of intellect, or insincerity of heart. If this were so, to what profound contempt would every leading statesman now living, or who ever has lived, be consigned! Why, sir, a wiser saying has never been uttered than *humanum est errare*; man must sometimes err; God alone can escape error of judgment, perceiving as he does, all the bearings of every question whatever, whether remote or proximate, at a single glance, and standing in no need of what we call the process of ratiocination, in order to arrive at correct conclusions. But man with his limited faculties must oftentimes find his first impressions not such as

will stand the test of sober reasoning and mature contemplation and feel himself called upon to renounce such impressions, even at the hazard of being charged by illiberal adversaries, either with inconstancy of judgment or want of honesty. If there be a member of this body who has never yielded up an opinion once adopted, "let him throw the first stone." That there is one man in the nation that might be able to assert with truth, that he has never changed a political opinion, I do not at all doubt; that person is the whig candidate for the Presidential office: but his good fortune in this respect is alone to be attributed to his having no political opinions to be changed. Whether he will always remain in a condition so felicitous, remains to be seen hereafter.

Mr. MANGUM.—As a matter of personal duty which I owe to a friend in North Carolina, I deem it proper to say, that the odious doctrine which I have heard attributed to the President of the late convention in Philadelphia, was only alluded to by him as a doctrine of the democratic party. My purpose is to do justice to Governor Morehead; I know the gentleman well. The man does not live who is more incapable of adopting the odious principle, "to the victors belong the spoils." I will read the remarks of that gentleman as I find them in the paper which I hold in my hand. And I appeal to every Senator, if there can be more magnanimous, patriotic, elevated sentiments, than those which are breathed in these remarks.

[Mr. M. here read from a report of Gov. Morehead's in support of the statement he had made.]

The sentiments here expressed have no assimilation to that which the Senator has attributed to him. Victory with the whig party is only useful as it enables us to elevate the American character, and to give energy and stability to American institutions. I will take another occasion to answer the various interrogatories of the Senator, as the hour is late, although I am perfectly ready now.

Mr. FOOTE.—I feel sure that I have quoted the language alluded to correctly; and before this debate shall terminate, I will read from a Philadelphia paper precisely the words I have complained of. I am not responsible for any change of phraseology which Gov. Morehead's friends may have afterwards judged it prudent to advise.

A motion was made that the Senate adjourn. It was negatived, upon a division. Ayes 18, Noes 22.

Mr. MANGUM.—I am ready to answer, as far as my knowledge extends, the various interrogatories of the Senator; but I shall have very little hope that he will derive any substantial benefit from the information. Notwithstanding the gentleman's acuteness, I shall hardly be enabled to enlighten him; for he has avowed in his speech this evening, that the whig doctrines are incomprehensible to him. If he has lived all his life without understanding what they are, he can hardly expect that I should, at this day, furnish him with that clear conception which he seems so desirous to obtain. But I am asked what is the opinion of the whig party with regard to the expediency of establishing, and power of the government to establish, a national bank? I think I can have no difficulty in answering that question. In accordance with what I understand to be the universal whig sentiment, they do not doubt the power of the government to establish a national bank. Washington did not doubt it; Madison did not doubt it; Jackson did not doubt it. But I have yet to learn that there is a whig in the United States, at this time, who contemplates the establishment of a national bank at all; and certainly not as a party measure.

Mr. FOOTE.—My inquiry was as to the view of the standard bearer of the party in regard to this subject.

Mr. MANGUM.—I have no express authority to speak for General Taylor; but I derive authority as a whig to speak for the standard bearer of the whig party, and for the whig party itself, and I repeat, that there is not a whig within my knowledge, in the United States, who, by mere party power, would construct a national bank. I answer the Senator's question then, by saying that the party complain of no such thing as the establishment of a national bank. Then I am called upon to say what General Taylor's sentiments are with respect to annexation. I do not know whether the question has reference to past annexation or to the annexation of more territory. I have always understood that General Taylor, with the united whig party, or an overwhelming portion of them at least, were opposed to the annexation of foreign territory in all cases in which it could not be brought in with perfectly harmonious feelings. I am also informed that General Taylor is opposed to taking his neighbor's property by force of arms; and I honor him for it. I believe, in this respect, that he harmonizes perfectly with the entire whig party of this Union. I do not know a whig who would have been in favor of taking from Mexico the territory which we have recently acquired, if the enormity of the act were not somewhat mitigated, by knowing that we are paying its value fourfold. I am asked what is the opinion of General Taylor upon the subject of a tariff. I will here inquire of the honorable Senator, if those glorious visions of free trade, with which he has been delighted, are likely to be realized under the expected democratic administration? Is that the way they propose to pay a debt of one hundred and fifty millions? I had supposed that those haleyon dreams had passed away, even from the heated imaginations of the gentlemen opposite. Your present tariff, according to authentic statements, statements in which I have entire confidence, would not raise twenty-two millions of dollars during the next fiscal year, but for the large loans lately effected, much of which may come here in the shape of dutiable imports. Where are the other eighteen millions of dollars to come from? I take it for granted that Gen. Taylor admits the doctrine—all the evidence that I have seen confirms it—that fair encouragement and protection should be extended to our domestic manufactures. But I think hereafter we shall not have much controversy on this subject, because, arrange the tariff as you will, you cannot be able to meet the absolute necessities of the government. Those necessities cannot require much less than forty millions annually—to pay interest on the national debt, to contribute moderately to a sinking fund, and to meet the current expenses, that must be much enlarged by the necessary enlargement of the army required by the multiplication of military posts at vast distances, and of difficult and expensive accessibility. I am asked the opinion of General Taylor on the independent Treasury. On that subject I have no detailed information; I think it is a matter of very little moment.—The government will hardly have money enough to put it to any inconvenience. But every whig is against it. As I have once before said in this body, I believe that a degree of importance has been attached to this subject to which it never was entitled. Its value has been magnified. I have looked upon it as a sort of stratagem to divert the public mind, being in itself incapable of doing good, or very great injury. However, that is only my individual opinion. Again; I am asked what is the opinion of General Taylor on the subject of the Wilmot proviso. Well, sir, a little by play has sprung up here that has really made me feel somewhat uncomfortable, has given me some apprehensions as a public man, that in the event that General Cass comes into power it is not certain what he may do. I am ready to admit that a magnanimous man may change his opinion, and not hesitate to avow the change, but when a gentleman who has been forty years in public life, and who must be supposed to be familiar with all questions of this magnitude, avows contradictory opinions, it is to be presumed, that the latest edition is the one to which he will adhere. We may expect young men to change their opinions, but when the mind attains a degree of maturity that may be supposed to exist after forty years meditation upon a question of great public interest, we have a right to expect some stability, and when we see a sudden change we must conclude that it indicates either infirmity of purpose, or sinister design. Sir, as regards General Taylor's opinion upon the Wilmot proviso, I have no express information, but I am willing to rely on his patriotism, intelligence, and sound sense, upon his conservative character as developed in every transaction of his life. As I said before, the whole South will put their trust in him without any misgivings. I have reason to suppose that General Taylor has announced his sentiments in the Allison letter. Sir, the great advantage, in my opinion, which General Taylor possesses over his adversary is this, that his opinions are not contradictory. General Taylor holds, I believe, that the public sentiment constitutionally expressed should in all cases prevail, where it does not come in conflict with constitutional law.

Mr. FOOTE.—Does General Taylor regard the Wilmot proviso as constitutional, or not?

Mr. MANGUM.—Upon that point I can give the gentleman no information, because I am not one of the initiated. I am somewhat in the condition, perhaps, of a new recruit. I have not sought information, but I am sure of this, that the question is safe in his hands. I can express what my own opinions are. I have a very clear opinion that Congress has no power, either negative or affirmative, over the subject. But I think I may say this, that whatever General Taylor may do on the subject of the veto, he will never be found in the category of Jefferson's that I have heard of; and here I desire to make an interrogatory—I desire to know the fact, as a curious incident in history. A certain harbor bill of ours, an omnibus containing a good many things, was most ingeniously constructed with the President's approbation, and in the other branch of the legislature an amendment was made to it in reference to the canal near Louisville. It was given out by the devoted friends of the President that if a single word in that bill should be altered it would be vetoed. And I understand that my unfortunate friend, Col. Tibbatts, who introduced the amendment, was at last compelled to have it voted out. The bill passed the other House, and it passed here, and after all it met the veto. It is a curious incident, and ought to be written. But what I say is, that General Taylor, if elected, will not act in this way. What General Taylor says, he will do; what he promises, he will execute; if it goes up to 54° 40' he will stand there, although Santa Anna with all his legions, or the British lion with all its power, should assail him. But as to this Wilmot proviso. It is argued from the Signal letter that Gen. Taylor must be a proviso man. I do not understand it so. But, sir, we are taunted over and over for not having put before the country the whig platform. Sir, this great whig party of ours stand upon the platform—yes, I may say without irreverence, the sacred platform—of the venerated fathers of the republic. It stands where, in the early ages of our history, Washington, Madison, and others, the purest and ablest men that the country ever saw placed it. Sir, perhaps the gentleman, in his extensive reading, knows something of Mahomet. He promulgated certain doctrines for the guidance of his deluded followers, and as often as he found that any of the dogmas became obnoxious, and in conflict with his practice, he kept expunging them and substituting others. So it is, it appears, with the democratic

doctrines. They are changing from time to time. I have no doubt that democracy is as pure in politics as Mahomet in religion. We do not worship at that shrine, however. This Signal letter man, however, has quit us, and my friend from Mississippi—he will pardon me for calling him so—may sleep of nights. The truth is, the Senator will have to make up his mind to the fact that there will be an utter route of the democratic party. I am sorry to say so to my friends over the way; for, although I have pride in victory, I have none in triumph.

Now, I want to ask the honorable Senator a few questions in regard to matters upon which I think the country is vastly interested in endeavoring to obtain information. In reference to Gen. Taylor, I think it is very likely that the country takes this view. They know him to be equal to every occasion. That safe, unerring sagacity, that steady judgment, as steady as his integrity is immoveable: that faculty of weighing and judging—the highest of the human mind—the great faculty of the father of his country—all these furnish a full guarantee for a liberal confidence. No man living has been exposed to more trying situations and vicissitudes—with a formidable enemy in front, to say nothing of the guerrillero fire in the rear. No, not even the illustrious Scott, the first captain of the age, and the worst treated man in Christendom, has been more exposed—and yet General Taylor is found justly equal to the occasion—and while building monuments of glory for his country more durable than marble, as durable as history, yet seemingly wholly unconscious of having done more than a naked act of common duty.

When called to the head of the government, he will call around him the ablest, wisest, and purest of his friends, his political sanhedrem—and after hearing all, he will then rely upon his own sound judgment, as did Washington before him.

Mr. FOOTE.—Who will be of that council or sanhedrim?

Mr. MANGUM.—I know not, but suppose I were to name our friend Crittenden as one?

Mr. FOOTE.—I ask the Senator whether Mr. WEBSTER will make one of the council?

Mr. MANGUM.—Mr. WEBSTER was cut up "horse, foot and dragoons" in the Philadelphia convention—and yet he has had the magnanimity to give in his adhesion to the nomination. He could not have done less with honor, than abide the decision of our recognized organ—the national whig convention. His eminent ability entitles him to any position in his party or country. I know nothing of his wishes, or General Taylor's intentions in this respect. I should hardly think he would descend to a place in the cabinet. This chamber is the true theatre of his fame.

But it is said that General Taylor has written some of the weakest, as well as some of the most polished letters. I know not who writes General Taylor's letters, but I know this, that when he writes, he generally writes to the purpose; and that these same letters have done more to overthrow the democratic party than even his military renown. They are characterized by simplicity and force—they exhibit truth in all its nakedness, and yet in all its beauty. But the honorable Senator has his sympathies excruciatingly touched by the overthrow—the ungrateful and heartless overthrow of Mr. Clay at Philadelphia. In a gush of feeling and sympathy as sincere as it is eloquent, he announces that Cæsar is dead and buried. As the friend of Mr. Clay, I am rejoiced to find these evidences of a returning sense of justice to the illustrious merits of that great man. If any thing could mitigate the deep sense his friends entertain of the hard measure dealt out to Mr. Clay, it would be the hope that Mr. Clay, now out of the public eye for public place—for when in the field, the terrors with which he inspired democracy left him no chance for justice. But now Mr. Clay may live to witness a deep and universal sense on the part of his countrymen of the eminent merits of his patriotic life. But "Cæsar is dead!" The ancient Cæsar, when he greatly and gracefully fell, had yet the fortune to leave his Antony who gave tongues to wounds, and made even the stones to mutiny at the disaster, of Rome.

Our modern Cæsar—greater than the ancient, will find myriads of Antonies in the ranks of the great democracy—their tears and all. I don't say crocodile tears—for I think the naturalists say it is all a mistake about crocodiles shedding tears—but tears of deep, hopeless and unavailing sorrow at the overthrow and death of our Cæsar—aye, and we may expect them wreathed in willow, and bearing bouquets to make sad pilgrimages to his "political grave," to wet it with their tears and bestrew it with roses, by way of consecrating his memory in the affections of his countrymen, and perchance with the better purpose—in expiation of the iniquitious vituperations, revellings and calumnies they heaped upon him while living. Yes, the Senator does him no more than justice; he is the very first in our ranks—a man worthy of all honor, but in the degeneracy of the age, and under the bitter vituperation of his enemies, it would be impossible perhaps that he could carry the whig banner successfully through the contest. But we have another and a glorious old hero, who will nobly sustain every assault that is made upon him. But as to our friend General Cass I understand the Senator to say that he had never seen him in debate here that he had not been able to overthrow his antagonists. Was the Senator here in the time of 54° 40'? In those days there was a Golish, that came from a State on this side of the Rocky Mountains. He came how? With a spear? No. With a beam? No. But as if with one hand he had torn up by the roots, the noblest of his own Missouri forest trees as if they were grass, and in the other carried the spear of his own Rocky Mountains, and heaped them all—mercilessly, remorselessly, and unrelentingly, upon the devoted but philosophic head of the giant of 54° 40', the nominee of the Baltimore convention. With what patience, endurance, and commendable philosophy he bore it all, I need not say. But I, who witnessed this war of the democratic gods, and more than all, the suffering, felt that I would not have undergone it for a nomination for the Presidency—nor for the office itself. But if the Senator did not overthrow his antagonist on that occasion, I suppose it was because he was a democrat. I would like to know what Gen. Cass would do, if elected, and the river and harbor bill should be passed by both Houses? I understand that he voted for the bill when it was before the Senate. I have seen a very interesting letter of the General's, written since the nomination, in which he gives his entire approbation, as I understand, to the course taken by this administration; and I believe that Mr. Cass would not have been the democratic candidate this day, but for that veto.

Mr. FOOTE.—Mr. Polk declared that he would not be a candidate for re-election.

Mr. MANGUM.—But the truth is, the honorable Senator knows, that Mr. Polk is patriotic, and seeing his party hard pressed, he would have come to the rescue. But I want to know—Gen. Cass having in his letter of acceptance endorsed all the leading measures of the administration, and this being one—what he will do when President, in the event of such a bill being again passed by Congress? And I want to know in regard to this new platform of the democratic party, which, according to the distinguished Mr. Yancey, is not the true platform. By the way, I hope the honorable Senator from Mississippi sustained no injury at the downfall of the platform in New York a few days ago.

Mr. FOOTE.—There was no harm done.

Mr. MANGUM.—No, sir; the Senator must be accustomed to it as a sort of practising lesson, for the great downfall of next November. But let us come back to the subject of the democratic platform. I wish to know whether it includes internal improvement? General Cass having expressed his approval of all the acts of this administration, I take it for granted he will be against all bills for opening harbors and improving rivers. The Senator has somewhat taunted me with having given in my adhesion to Gen. Taylor, without knowing what his views and principles are. Now, I should like to know how it happens that he has given in his adhesion to Gen. Cass without knowing what he would do if elected. I will pursue these inquiries from day to day. I take it for granted that as Mr. Cass approves all the measures of this administration, my honorable friend from Ohio [Mr ALLEN] is left in the lurch, whilst his ancient friend and compeer is sunning himself south of 49. Suppose that this fair sunny country of New Mexico should be created into a territory, and our friends at the north here, who are visited with many visions, should succeed in getting an act passed declaring that a man who goes there with his servants shall be prohibited from claiming their services, I would like to know what Gen. Cass, in the event of his being President, would do in such a case? Would he veto the bill?

Mr. FOOTE.—Congress has no power to legislate on the subject.

Mr. MANGUM.—Then of course he would veto it. I have not read Mr. Cass's letter, because I did'nt know but that by the time I got through there might be a new edition of it. I should like to know, in the event that the new territory should determine to exclude slavery, and the question should come here, as it must, to receive the approbation of Congress, what would the President do in that case?

Mr. BUTLER.—Will the honorable Senator give way for an adjournment. This debate has assumed a latitude which was not anticipated.

Mr. MANGUM.—I will yield the floor to the gentleman if he will allow me one moment, that I may get an answer to this question; for I shall sleep more calmly after I obtain an answer to it. [A laugh.] I want to know, in the event the people of New Mexico determine to exclude slavery from their territory, and both Houses of Congress concur in passing an act to that purpose, what course would Mr. Cass take if elected President, in reference to such a case?

Mr. FOOTE.—Mr. Cass has set forth his views in the most conspicuous manner in his letter of acceptance.

On motion,

The Senate adjourned.

FRIDAY, JUNE 23, 1848.

CREDENTIALS.

Mr. BENTON presented the credentials of the honorable HENRY DODGE, chosen a Senator by the Legislature of the State of Wisconsin; and the oath prescribed by law was administered to Mr. DODGE as he took his seat in the Senate.

THE PRIVATE CALENDAR.

On motion by Mr. MASON, it was

Ordered, That the Senate will proceed to the consideration of private bills at 12 o'clock to-morrow.

PETITIONS.

Mr. PLEICH presented a memorial of citizens of Washington, in the District of Columbia, praying the purchase of Mount Vernon by the government; which was referred to the Committee on Military Affairs.

ABOLITION OF SLAVERY IN THE DISTRICT OF COLUMBIA.

Mr. HALE submitted the following resolution for consideration:

Resolved, That the Committee on the District of Columbia be instructed to report a bill for the abolition of slavery in said District.

PRIVATE BILLS.

Mr. UNDERWOOD, from the Committee of Claims, to whom was referred the bills from the House of Representatives for the relief of P. B. Gratiot, and the legal representatives of Henry Gratiot, reported the same without amendment.

Mr. BALDWIN, from the same committee, to whom the following bills from the House of Representatives were referred—

An act for the relief of the heirs and representatives of David Redick, of South Hingham, deceased;

An act for the relief of the heirs and representatives of Captain George R. Shannahan, deceased;

An act for the relief of Chs. Vanmeter and John F. H. Vanmeter;

reported the same without amendment.

INDIAN CLAIMS.

Mr. ATCHISON, from the Committee on Indian Affairs, to whom was referred a resolution to authorize the adjudication of certain Indian claims under the act of 23d August, 1842, reported the same without amendment.

THE CHOCTAW ACADEMY.

Mr. ATCHISON, from the Committee on Indians Affairs, to whom the subject was referred reported a bill to compensate R. M. Johnson for the erection of certain buildings for the use of the Choctaw academy, which was read and passed to the second reading.

ORDER TO PRINT.

On motion by Mr. ATCHISON, it was

Ordered, That the document accompanying the joint resolution to authorize the adjudication of certain Indian claims under the act of 23d August, 1842, be printed.

RICHARD FIELDS.

Agreeably to notice, Mr. TURNEY asked and obtained leave to bring in a resolution for the relief of Richard Fields, which was read the first and second times by unanimous consent, and referred to the Committee on Judiciary Affairs.

The Senate proceeded to consider the resolution submitted the 19th inst., by Mr. DOWNS respecting the assignment of seats in the Senate.

On motion by Mr. BADGER, it was

Ordered, That the resolution lie on the table.

FOREIGN MAILS.

The Senate proceeded to consider their amendments, amended and disagreed to by the House of Representatives, to the bill to amend the act to provide for the transportation of the mail between the United States and foreign countries; and it was

Resolved, That they recede from their amendments severally to the House of Representatives, and concur in the amendment of the House of Representatives to the 5th amendment by the Senate.

WYANDOTTS AND DELAWARES.

The joint resolution to sanction the agreement made between the Wyandott and Delawares for the purchase of certain lands by the former of the latter tribe of Indians, was read the second time and considered as in Committee of the Whole; and no amendment being made it was reported to the Senate.

Ordered, That the resolution be engrossed and read the third time.

The said resolution was read a third time.

Resolved, That the resolution pass, and that the title thereof be as aforesaid

Ordered, That the Secretary request the concurrence of the House of Representatives.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The Speaker of the House of Representatives having signed certain enrolled bills and an enrolled resolution, I am directed to bring them to the Senate for the signature of their President.

They have passed the joint resolution from the Senate authorizing the presentation to the Government of Turkey of a series of the standard weights and measures of the United with an amendment.

They have also passed the bill from the Senate respecting certain surveys in the State of Florida with an amendment; in which amendments they request the concurrence of the Senate.

TESTIMONY RESPECTING LOSSES IN THE FLORIDA WAR.

The Senate resumed, as in Committee of the Whole, the consideration of the bill providing for the obtaining of testimony in relation to claims for losses sustained in the late Florida war.

Mr. DICKINSON had no doubt that the words should be struck out—that it seemed to him that the bill would still be defective. There should be a provision for the cross-examination of witnesses.

Mr. WESTCOTT said that the bill did contain such a provision.

Mr. DICKINSON replied, that he was aware of it; but it was to be conducted by the judge. There should be some one to conduct it on the part of the government. If the duty of cross-examining witnesses and recording testimony devolved upon the officer who was to decide upon the admissibility of evidence and the propriety of pursuing it, it was obvious that great embarrassment would be the result.

Mr. WESTCOTT contended that if the bill were as the Senator from New York supposed, his objection would be effective.—But in order to obviate the objection of the Senator from Connecticut, that the commissioner should not be merely the attorney of the government, the bill was so amended as to meet that objection. The only objection that seemed to strike members of the Senate, when it was under consideration the other day, was, that it enacted a special law for Florida, and that there was an impropriety in it inasmuch as a proposition to establish a general board of claims had been presented to Congress. But the species of claims for which this bill was intended to provide could not be determined by that board. The expense attendant upon the procuring of witnesses, say, the transmission of depositions by mail, would cost the United States more than the salary of the commissioner.

Mr. DICKINSON still insisted on his objection.

Mr. WESTCOTT suggested that the District Attorney might be required to attend and act as attorney for the government.—The President could appoint him, and it would be preferable to have him from another State.

Mr. DICKINSON said that he had anticipated that suggestion. He did not object to the cost of the plan proposed by this bill, for these claims went by tens of thousands of dollars. But the commissioner should not have double duty cast upon him. The duties of attorney and commissioner should be separate, and be discharged by different individuals. As the system, if adopted, must be extended to every State and territory in which Indian depredations had been committed, it was, in his opinion, advisable to start fair.

Mr. CLAYTON was in favor of the bill if it could be so modified as to make its provisions consistent with the previous action of the Senate in cases of this description. He supposed that no one imagined that the government was bound to pay the claimants in all these cases. The principles which had governed the Senate in the payment of claims on account of Indian depredations were well settled. Wherever private property was taken for public use, or destroyed in consequence of the United States troops occupying places as military posts, the parties had received adequate compensation; but it never was contended, as he understood, that the government ought to pay every person whose pro-

perty had been destroyed in that Florida war. Where then was the necessity of taking testimony in cases in which it was not intended to pay a farthing? Why incur the expense and trouble of taking testimony to establish the fact that such a man's house was burnt by the Indians, when it was known in advance that the government did not intend to pay? If the bill were so amended as to provide that testimony should be taken only in those cases in which the government were bound to pay, he would willingly vote for it. There was much force in the remarks of the Senator from New York, that in taking testimony there ought to be some ground interposed in behalf of the United States.

Mr. WESTCOTT stated that there was an express provision inserted in the bill by the honorable Senator from Kentucky, requiring the commissioner to cross-examine the witnesses in regard to the value of the property and every incident connected with the case.

Mr. CLAYTON said it seemed to him that the government should be represented. The commissioner was to act in some sort as a judge. It was proper that there should be some one then to protect the interest of the government, especially when the claims were of such magnitude. When the testimony would be returned, and whole volumes of it presented, would it not be argued that cases of great hardship have been disclosed, and that although not coming within the rule of action heretofore adopted by the Senate, yet that justice and humanity require that provision should be made for them? If Congress commenced in this way, where were they to end? They would be obliged to pay not only the claimants in these cases, but all claimants for Indian depredations in all other cases. There would be no end to it, and the result would be the expenditure of millions upon millions of the public money in cases in which the government had not heretofore felt bound to make payment.

Mr. MASON remarked that the bill had been considered with some care, and with a design to prevent, if practicable, the impositions which the committee have reason to believe had been, and would continue to be practised on the government through these claims from the State of Florida. He had no objection that in accordance with the suggestion of the Senator from the State of Florida, the commissioner should have authority to determine whether it was or was not a claim which ought to be allowed.—The bill made provision that the petition must be filed before the commissioner, and the character of the claim be fully set forth.—The real object of the bill was to obtain testimony on the spot. It was insisted by the Senator from New York that there should be some officer or agent, under the authority of the bill, to represent the government. But he did not see any reason why the bill should be encumbered, or the expenses increased by adding an agent. He saw no impropriety in assigning to the commissioner the duty of taking testimony on both sides.

Mr. UNDERWOOD remarked that the object of the bill was to protect the interests of the government. With reference to the objection of the Senator from Delaware, in relation to the taking of testimony in cases where the government did not mean to pay, he would remark that it was impossible to say, without examination, whether the case fell within the description given by the Senator from Delaware, or not. Of course the commissioner would be vested with some discretion as to the cases into which an examination was to be instituted. He thought that the experience of members would satisfy them of the value and propriety of such an arrangement as the bill proposed.

Mr. BADGER concurred with the gentlemen from New York and Delaware in their objections to this bill. He contended that there should be in this, as in all other legal cases, a rule of relevancy by which the commissioner would be enabled to determine whether the testimony offered was proper or not. It was certain that in the bill there was either no restraint upon the admission of evidence, or the matter was left to the discretion of the commissioner. It seemed to him then that the objection was well founded, and that the bill ought to describe the classes of cases in reference to which the testimony was to be taken, and that the relevancy of testimony to be taken by the commissioner should not be determined by the exercise of an arbitrary discretion on his part. He had several other objections to the bill, with which he would not now trouble the Senate. He was glad to find the highly respectable Committees of Claims, in both houses, engaged in devising some general system by which these claims upon the government should receive a full and satisfactory examination and settlement. He asked for the yeas and nays upon the question.

Mr. WESTCOTT remarked that if the Senator from North Carolina had examined the bill attentively he would have seen that there was no ground for his objection. In the first place he had mistaken the object of the bill. The commissioner was not to act as judge except with regard to relevancy of testimony.

Mr. BADGER remarked that the bill expressly declared that the commissioner should give a written opinion on the merits of the case.

Mr. WESTCOTT reminded the Senator, that in order to obviate the objection of the Senator from Connecticut, that very sentence had been stricken out.

Mr. BADGER asked if the decision on the relevancy of testimony was not a judicial decision?

Mr. WESTCOTT replied that the commissioner merely occupied the position of an arbitrator between the parties. The decision was to be left to Congress.

On motion of Mr. BRIGHT, it was

Ordered, That the further consideration of the bill be postponed until to-morrow.

THE OREGON BILL.

Mr. BRIGHT moved that the prior orders be postponed for the purpose of proceeding to the consideration of the bill to establish the territorial government of Oregon.

Mr. BRIGHT demanded the yeas and nays on his motion, which were ordered; and it was determined in the affirmative as follows:

YEAS—Messrs. Allen, Atchison, Atherton, Benton, Borland, Bradbury, Breese, Bright, Davis, of Mississippi, Dickinson, Dix, Downs, Felch, Fitzgerald, Foote, Hale, Hunter, Henderson, Houston, Hunter, Lewis, Mason, Niles, Rusk, Sebastian, Sturgeon, and Turney—25.

NAYS—Messrs. Badger, Baldwin, Bell, Berrien, Butler, Clarke, Clayton, Corwin, Davis, of Massachusetts, Greene, Johnson of Md., Johnson, of La., Miller, Phelps, Simmons, Underwood, Upham, and Westcott—18.

The Senate then resumed, as in Committee of the Whole, the consideration of the bill to establish the territorial government of Oregon.

Mr. BUTLER hoped that the gentleman from North Carolina would excuse him from any want of courtesy in moving, yesterday, an adjournment while he had the floor. His expectation when he did so was, that he would be allowed by the Senate to resume his remarks to-day.

Mr. MANGUM said that it was wholly immaterial whether he spoke that day or another. Any one who was acquainted with the Senator from South Carolina knew that he was the last one that could be charged with want of courtesy.

Mr. WESTCOTT stated that he was as much in favor of taking up the Oregon territorial bill as any one, but it was because the Senator from North Carolina was entitled as a matter of courtesy, if not of right, to the floor this morning, that he voted against its being taken up.

Mr. BRIGHT observed that at the time he made the motion he had not the Senator's position in mind. He was asked the day before to yield the floor a few moments, and the result was a debate which consumed the entire day.

Mr. MANGUM was perfectly content with the decision of the Senate.

Mr. YULEE would call the attention of the Senate before the debate on the bill was proceeded with, to a section which might require some alteration unless it contained then what was designed by the committee. He found by the first section of the bill it was proposed to cover the whole of our possessions west of the Rocky Mountains, so that it would include California and all the rest of the country under the title of Oregon. He would call the attention of the Senate particularly to that fact.

Mr. BRIGHT said he had stated, when this bill was before the Senate the other day, that the chairman of the Committee on Territories was absent; and that the portion of the committee left did not exactly understand each other with reference to the bill at the time it was reported. The Senator from South Carolina had stated that he did not understand the 12th section of the bill or he should not have consented to the report. The Senator from Florida does not understand the first section. He hoped the bill would be passed as it was read, without any alteration. The question then before the Senate was upon the amendment offered by the Senator from Mississippi.

Mr. HANNEGAN remarked that the territory was north of the parallel of 42°.

The PRESIDING OFFICER stated that the amendment pending was the one offered by the Senator from Mississippi, in the following words:

After the word "inhabitants" insert the following—"but shall not be subject to the restriction expressed in the sixth article of the compact contained in the ordinance of seventeen hundred and eighty-seven for the government of the territory of the United States northwest of the river Ohio."

Mr. DIX suggested that that was offered as an amendment to the amendment of the Senator from Georgia.

Mr. FOOTE regarded it as an amendment of the 12th section. It was a proposition emanating from the Senator from North Carolina, and accepted by him as a substitute for the amendment which he had originally made.

Mr. BERRIEN explained that his motion was to strike out the 12th section. The motion, as he understood it then before the Senate, was the amendment offered by the Senator from Mississippi, and as soon as that was disposed of then came up his motion to strike out the whole section.

Mr. BRIGHT would state the question as he understood it.—The Senator from Georgia made a motion to strike out the 12th section. The Senator from Mississippi moved an amendment, and accepted as a substitute the amendment offered by the Senator from North Carolina. The vote was first to be taken on the

amendment, and after that upon the motion of the Senator from Georgia to strike out.

Mr. DAVIS, of Mississippi.—I do not see what [illegible] attached to the amendment which is proposed. It [illegible] treatment, it seems to me, to declare a [illegible] nobody ever supposed would be here. Nothing can be more apparent from the history of the case, than that the ordinance of '87 has nothing to do with it. The ordinance of '87 is confined to the territory northwest of the Ohio river. The exclusion of slavery in Iowa was the result of the Missouri compromise. The organic laws of Iowa have no reference to the ordinance of '87, therefore that ordinance has no application here.

Mr. BADGER.—As I suggested the amendment accepted by the Senator from Mississippi as a substitute for his, it is, perhaps, proper for me to state, notwithstanding the adverse opinion of his colleague, that that proviso has some meaning in it. He says that the restrictions of the ordinance of '87 cannot apply to the territory of Oregon. Now, if the introductory words of the twelfth section were stricken out there would be no necessity for the introduction of the pending amendment. But the case arises in this way. The introductory words of that section confer upon the inhabitants of the Territory of Oregon all the rights, privileges and immunities of the inhabitants of another territory. Upon looking back into the provisions contained in the laws of "another territory," we find they confer all the rights, privileges and immunities given in the laws passed by another territory.—Then, by recurring to them we find that the laws of "another territory" put in force the restrictions contained in the 6th article of the ordinance of '87. Now, I agree with the Senator from Mississippi, who has just taken his seat, that the words contained in the section as it stands, do not put in force the restrictions contained in the ordinance of '87. But this amendment excludes any conclusion that might be made that those general words could have been intended to embrace the restrictions contained in the ordinance of '87. It will leave this 12th section in its certain effect and operation beyond dispute or controversy, just as if the present introductory clause of that section were stricken out; and it will guard against any conclusion being drawn from the introductory words of the section; which words, though not directly referring to the ordinance of '87, yet, upon tracing back and looking into the laws of the territories referred to, one after another, as I before said, will be found to be the result of the rights, privileges and immunities conferred by the ordinance of '87.

Mr. DAVIS, of Mississippi.—I would ask if it was the purpose of the Senator from North Carolina to conclude this question, why he did not at once declare that the inhibition against slavery, as in Iowa, was not extended to Oregon?

Mr. BADGER.—There are different ways of doing the same thing.

Mr. JOHNSON, of Maryland.—I was not here when this bill was before the Senate, and perhaps I have put an improper meaning on the amendment of the Senator from North Carolina, who has just spoken. I rise merely to state what I consider to be the true interpretation of the bill as it originally stood, and of the amendment proposed by the Senator from North Carolina. I think I cannot be mistaken, looking at the 12th section of the bill as it came from the committee, that slavery in the territory referred to will be excluded by it, because it is now excluded in the territory of Iowa. Slavery is now excluded by a provision of the provisional government of Oregon. The 12th section defines the position in which the territory of Oregon is to stand:

"[illegible] legislative [illegible] and [illegible] of the territory of Oregon, [illegible] inhabitants."

That means precisely the same thing as if you were to add the words, "and no others." They have no rights, privileges or immunities, except those we are about to grant. Their whole existence will depend upon our grant; and if we tell them they shall have no rights, privileges or immunities other than those given to the territory of Iowa—as the inhabitants of the territory of Iowa have no right to establish slavery—then we inhibit to the inhabitants of Oregon the establishment of slavery therein, whether they desire it or not. That is not all. We are about to say by enactment that the provisional government of Oregon is the legitimate body to establish or abolish slavery within its limits. Do we not say by this 12th section that the provision they made is all right? Do we not concur with the people of Oregon in the opinion that slavery shall not prevail within her limits when we say—

"[illegible] of the [illegible] valid and [illegible] most of them."

If by the laws of Oregon slavery has been excluded there by this section, you are about to say that that exclusion is right. But you go a step further, and say that that exclusion shall be permanent until put an end to by the people of Oregon who are there now. Citizens of the South may desire to go there with their slaves, but cannot, for two reasons, if you pass the bill in the form in which it now stands. First, they cannot go, because the rights, privileges, and immunities granted to Oregon are the same as those granted to Iowa, and they cannot go into Iowa. Secondly, the moment you cross the threshold of that territory with one of your slaves that moment he becomes free by virtue of the local laws of Oregon, [illegible] you are now about to pass. If you pass the law as it now stands slavery will be just as forcibly prohibited in the Territory of Oregon as if you were to attach to this bill the Wilmot proviso.

But even if it was doubtful—which I maintain it is not—whether slavery will be inhibited in the Territory of Oregon by the passage of this bill, I contend that it will be made certain by the acceptance of the amendment of the Senator from North Carolina.—What is it, sir? It does not propose to alter a single word in the provision of the 12th section, but leaves it as it came from the committee. Let us see how it reads:

"[illegible] United States."

Now, sir, what is the effect of this proposed amendment? By the 6th article of the ordinance of '87, slavery is prohibited in the territory of Iowa; and by the restrictions of the 6th article, slavery is prohibited within certain sections of territory and is allowed by not being prohibited in certain other sections. What is to be effected by this amendment? Is it to allow slavery? If it is, it is inconsistent with the bill. Is it to prohibit slavery? If it is, it is prohibited in the bill. Is it to leave the bill as it stands? It is even so. In effect it leaves the bill precisely where it was before. There is one of three consequences necessarily resulting from this amendment. It either authorizes slavery, or prohibits slavery, or does nothing. Now, sir, is there any thing in the 6th article of the ordinance of '87, which authorizes slavery in the territory of Iowa? Is there any thing in that article which prohibits slavery in Iowa? No, sir. Why, then, incorporate it? Is it intended to say, by referring to these provisions of the ordinance of '87, that we mean as far as Congress is concerned to authorize the people of the country to establish or prohibit slavery? That is not its purpose. It has no object.

Do you seek, Senators from the North, to prohibit slavery at all times in new territory? Do you, Senators from the South, say that such a provision is right? Let us know it, and see the platform upon which you stand. Sir, the case is clear. Pass the bill as it stands, and slavery will never be allowed within the territory of Oregon. Let the people know the true design of this bill. Do not pass a bill couched in such phraseology that it will remain at least a matter of doubt, whether it is its purpose to exclude or establish slavery. I wish the Senators from the South to be aware of the fact, that if they pass this 12th section either with or without the amendment, slavery is just as effectually prohibited in the territory of Oregon as if they attached to the bill what is called the Wilmot proviso.

Mr. FOOTE.—As my object in accepting the amendment of the Senator from North Carolina was simply to nullify the odious feature of the 12th section, I will state that in conformity with the suggestions of several Senators, the amendment will be withdrawn.

Mr. BADGER.—I will consent cheerfully to the withdrawal of my amendment after I have said a word or two in explanation of it. My friend from Maryland stated when he began, that he was not here when the bill was before discussed, and therefore, left us to infer that he was not very well acquainted with the particular provision, and what the effect and bearing of the 12th section. If my friend had not stated this fact, he will allow me with all good feeling and respect to observe, that his observations made on the subject of the amendment would have sufficiently manifested it. He says this amendment has one of three effects, it either authorizes slavery, or prohibits it, or does nothing. This statement, coming from a gentleman so singularly accurate in his phraseology, appears to me to be a remarkable one. He says the effect of this amendment will be to prohibit slavery in the territory, that it will rather have that effect or none at all. He bases his argument upon this—that the section gives to the inhabitants of the territory the same rights, privileges, and immunities, which were possessed by the people of the territory of Iowa, and as slavery was prohibited in Iowa, it followed that slavery would also be prohibited in the territory now proposed to be established. Now, sir, I do not deem the conclusion drawn by my friend, a correct one. Sir, if we mean to extend a perpetual prohibition of slavery over this territory, the amendment of course would have no effect, but if we do not, the amendment is absolutely necessary. The purpose of this statute is to confer upon the people of Oregon, the rights, privileges, and immunities, already conferred by a statute of the United States upon the people of Iowa. What they are we learn by referring to the statute. It provides,

"That the inhabitants of the said territory shall be entitled to all the rights, privileges [illegible] to the Territory of Iowa and to its inhabitants."

When we come to read this statute in the laws of Iowa, making reference to the rights, &c., of the people of Iowa, we find that we are just as far from understanding upon the face of it what is the subject matter of the declaratory enactment, as we were before. We are, therefore, under the absolute necessity of turning back, and referring to the statute containing an explanation of the rights, &c., of the people of Wisconsin, to which the statute in the laws of Iowa on this subject refers. Upon referring to it we find,

"That the inhabitants of said territory [illegible] rights, privileges, and immunities [illegible] the United States north west of the river [illegible] ordinance for the government of the territory [illegible]

Hence, the provision of this bill [illegible] of Oregon the rights, privileges, and immunities [illegible] the people of Iowa. But as the statute confers no particular privileges upon the people of Iowa, [illegible] the people of Wisconsin, we have to look [illegible] Wisconsin in order to ascertain what are the privileges referred to. There are, then, no privileges conferred, no rights granted or allowed, except those specified in the articles of compact in the ordinance of '87. The question, then, naturally presents itself, inasmuch as the territory of Wisconsin is subject to the whole of the articles of compact contained in the ordinance of '87, including restrictions as well as grants, is it the intention of these general words contained in this 12th section to put in force in the territory of Oregon the restriction of that ordinance, as well as the grants? It seems to me that it is not at all out of place, if we do not mean to put the restrictions in force, to say so. I [illegible] according to my interpretation of the matter, that granting to these inhabitants of Oregon the rights, &c., specified, does not put in force the restrictions enumerated. But in accordance with the 12th section as it stood, but inasmuch as I learned from gentlemen conversant with this subject, who entertain rather different opinions as to the general merits of the question, that they were not willing to admit that the words of the clause, as they stood, did not put the restrictions in force; therefore, that there should be no misunderstanding on the subject, I wished to say upon the face of the bill that it was not intended to put the restrictions in force.—Suppose that, instead of this general reference, the words of the statute should read—

"That the inhabitants of the said territory [illegible] and immunities, privileges, and rights [illegible] of the territory of Iowa [illegible] compact contained in the [illegible] Northwest [illegible] ordinance [illegible]

Would not its meaning be clear and intelligible? And what this enactment would do in the way I have supposed it should read, is just as effectually done by the amendment. In order to make the question clear and indisputable, I proposed the insertion of my amendment. If by any interpretation of this law the prohibition contained in the ordinance of '87 is applied to and made binding on the inhabitants of that territory, then you preclude those inhabitants from any control whatever over the subject. Even if it was their unanimous opinion that no prohibition can be put upon the introduction of slavery, they could not alter the restrictions, because of a fundamental enactment put in force there beyond their control. Whereas, regarding the restrictions of the ordinance of '87 in their application to this territory but as a dead letter, then the allowance or disallowance of slavery in this territory must depend upon something else besides the ordinance. What does it depend upon? It depends upon the territorial legislation of the whole of the people of Oregon now living there; and that is just exactly where I want to place it. As I have already said, I believe Congress has absolute control over this whole subject. I do not consider that territories have any jurisdiction over the question of slavery, except as Congress confers it upon them by giving them legislative power to act upon it. Congress has a right to pass any law it pleases in regard to the government of territories. But the power and the expediency of passing them are two very different things. In my view they should be left to the legislation of the territory itself. It is more in accordance with the genius of our institutions and the habits of our people to permit those persons who inhabit a territory to draw up their own laws, rather than to impose laws upon them. It is said by the honorable Senator from Maryland, that inasmuch as we give effect to the laws already passed by that territory, until they shall otherwise be altered by territorial legislation, slavery cannot, in point of fact, be admitted there. Probably it never will. I know that the people do not want it, and I have not the slightest disposition to put it upon them.

The Senator from Florida states that among the laws there is another monstrous proposition—that they have actually prohibited the introduction into the territory of any ardent spirits, declaring that it should be seized. What disposition they propose to make of it, whether to destroy it or not I do not know, at all events the right to such property the moment it enters their territory becomes null and void. Now my opinion is that such a provision would be a very unwise one, and that it is a clear innovation of the rights of property; for it matters not whether a man enters the territory with a cask of old French brandy or a negro slave, if he crosses the territorial line he loses all right of property in the first species of property mentioned. There may be more or less of wisdom or folly in such restrictions, but they are regularly engrafted portions of their civil municipal regulations, the same as the regulations of any other country. Now the regulation of slavery which exists in consequence of positive law, for I believe it does not exist in nature, the same as this subject of temperance, in my opinion should be left entirely with the people of the territory. We have the absolute right to take their regulation out of their hands if we please; but for one I should not feel discontented if the people of Oregon should prevent me from going into their territory with any articles of property, be it a slave or ardent spirits. As I have said before the ordinance of '87 exists not in relation to the territory of Oregon; if slavery be prohibited there the prohibition must be traced to some other source. But I am willing to [illegible] legislated upon by the inhabitants of Oregon as they choose. I am willing to give validity to all their laws. I see no reason why we should except the law relating to slavery more than any other. If they choose to make laws prohibiting slaveholders or spirit dealers removing there, let it be so. Let them regulate their own affairs. If the amendment is without [illegible] the extraordinary words of the 12th section.

The amendment was here withdrawn.

Mr. BERRIEN.—I [illegible] the 12th section of this bill, not for the purpose of provoking the discussion which has followed; and I also abstained at the time I made it from offering any suggestions in favor of it. My purpose was to have a distinct vote upon the question which was presented by that section, whether you mean to exercise the legislative authority of this government to inhibit slavery in the territories of the Union? I am glad that the Senator from Mississippi and the Senator from North Carolina have unitedly withdrawn the amendment which they proposed, which amendment I consider with all due respect to the gentleman from North Carolina as perfectly nugatory—as a mere waste paper. I desire to see this question presented to the American Senate for their consideration unembarrassed by any amendment which might veil from the public view the real question at issue. I believe it is the first time in the history of our legislation that the grant of such rights, privileges, and immunities, as had been already granted to another territory, included an imposition of restrictions binding upon that other territory, so as to render it necessary to get rid of those restrictions by a special act. Now if the enactment of the 12th section provided that the laws formerly the inhabitants of Oregon should be subjected to the provisions of the law establishing the territory of Iowa—if by any general expression the whole provision of law incorporating the territory of Iowa had been inserted in this bill—then its result would be, that the burdens and disabilities as well as the grants and privileges would have been included in such an enactment. If the amendment could have any effect at all, how could it be reconciled with the subsequent provisions of the same section that the laws of the provisional government shall continue in force until altered by the legislature? Every one can perceive that the laws of the provisional government are a nullity, and have no force or validity except as you give it to them. These laws were supposed to have a certain degree of force, from the fact that there was a body of American citizens within that territory, permitted to go there by federal authority, and yet not protected by federal legislation. Out of such a state of things it was supposed arose a necessity which entitled these to form a government for themselves. Now the answer to this case of supposed necessity is this. If, *ex necessitate*, these people were invested with powers to form a government to regulate each other, the necessity in which the authority originated must limit the exercise of the power. There was no necessity for the extension of that assumed authority which could authorize them to say, who hereafter should come into their territory. The idea is not to be tolerated for a moment, that the first settlers in this region of country should get together, form a provisional government, and say to the citizens of the United States, scattered throughout the Union, to whom the country belonged, that nobody should come there except such persons as they shall specify. That is a proposition too monstrous to be thought of for a moment, yet it is but little short of it to maintain the proposition I hear maintained upon this floor, and which is maintained elsewhere, that you can delegate by any act of authority that can be exercised by this government to these few straggling settlers the right to say who among the citizens of the United States shall or shall not be permitted to enter their territory. I consider that the political heresy in the one case is equivalent to the other, except that in the latter case we shall have permitted ourselves to delegate a power which we do not possess.

I regret exceedingly the course this debate has taken; but gentlemen having seen fit to discuss it in a manner which imposes upon one, situated as I am, and standing in the relation that I do to a certain portion of the people of the Union, the duty to advance respectfully yet faithfully, the sentiments which they feel, and to maintain the rights which they hold sacred, I shall do my whole duty, as far as I may be able, to them and to my country. I presume the question now to be taken is upon the motion to strike out the 12th section, now unencumbered with any amendment.

Mr. JOHNSON, of Maryland.—The question before the Senate is whether the 12th section shall stand or not. My habitual deference to the opinions of the Senators from North Carolina and Georgia would lead me to doubt the convictions of my own judgment upon almost any question, if I found them to be at variance with that judgment; but in this case I am really obliged to adhere to the original opinions formed when first I saw the bill. The question is upon the true interpretation to be given to the 12th section—does it extend to the territory of Oregon, the prohibition to be found in the 6th article of the ordinance of '87? I hold that it does. The gentlemen from North Carolina and Georgia say that as the bill stands the restrictions of the 6th article of the ordinance of '87, will not apply to the territory of Oregon. I go in directly for the opposite conclusion. My friend from North Carolina—as he had a right to do—contented himself with expressing the naked opinion. The Senator from Georgia stated that it was the first time he had heard it maintained that a grant of rights, privileges, and immunities involved a prohibition

or restriction. Whether, as a general rule of interpretation, the prohibition is not right, it is not necessary at present for me to say, though if it be like all other general rules, it is liable to exceptions. Now, I propose in a word or two to state why, if it be the rule, it does not apply to the case before the Senate. The territory for which we are here about to legislate is now without the aid of any legislation by Congress. It has no constitutional right in the sense in which the several States have these rights, as yet. They are entitled, in this territorial condition, to the benefit of some of the provisions of the constitution for the protection of individual liberty and the rights of property; but as far as privileges flowing out of legislation, or the rights of legislation, are concerned, they are utterly destitute of them. We are now about to grant them; and the question is how shall we grant them? The proposition is not to grant them all the rights, privileges, and immunities now possessed by any one portion of the people of the United States, but to grant them rights, privileges, and immunities in qualified terms. And how qualified? The bill says we give them—

"All the rights, privileges and immunities heretofore granted and secured to the territory of Iowa and to its inhabitants."

What are they? We find by the 12th section of the territorial laws of Iowa, that

"The inhabitants of said territory shall be entitled to all the rights, privileges, and immunities heretofore granted and secured to the territory of Wisconsin and to its inhabitants."

Not satisfied when we come to legislate for Iowa with investing them with all the rights, privileges, and immunities possessed by the people of Wisconsin, and leaving open to enactments whether a grant of that description shall be subject to all the qualifications imposed upon the territory of Wisconsin, Congress goes on to say that

"The inhabitants of said territory shall be entitled to all and singular the rights, privileges, and immunities granted and secured to the people of the territory of the United States northwest of the river Ohio, by the articles of compact contained in the ordinance for the government of the territory, passed on the 13th of July, 1787."

What are the conditions, restrictions, and qualifications to be found in that compact? Here they are, sir:

"There shall be neither slavery nor involuntary servitude in the said territory otherwise than in the punishment of crimes, whereof the party shall have been duly convicted."

You are, then, about to give to the people of the territory of Oregon all the rights, &c. of the people of the territory of Iowa. All the rights? What are they? Have they any right to legislate upon the question of slavery? No, sir. They have only the rights conferred upon the people of the territory of Wisconsin. And what are they? They are the rights conferred by the sixth article of the ordinance of '87. And what are they? Rights limited and qualified; not approving of the right to establish slavery northwest of the Ohio river.

Thus you have the result before you. Pass the bill as it stands, and the moment a southern man with slave property attempts to enter the limits of Oregon, that moment he becomes dispossessed of his slaves. A judge of one of the supreme courts recently expressed it as his opinion, that in territory recently acquired where slavery did not exist by the local laws, it could not be made to exist, except by some legislative act of Congress. The opinion was based upon the ground that the local law, no matter what its origin, the moment it came within the limits or jurisdiction of the United States became the law of territorial intercourse with the United States as effectually as if it had legitimately originated by the power of Congress. Slavery does not exist by the laws of New Mexico, California, and Oregon; and the proposition thus laid down in respect to these territories is, that slavery cannot be extended to them without active legislation to that effect on the part of Congress. Now, if this is a question about which jurists entertain such a decided opinion, as did this one, pass this bill, and the argument now in their hands is strengthened, and becomes irresistible.

Mr. DIX—The question before the Senate is on striking out the 12th section. Upon that motion I wish to speak.

Mr. WESTCOTT moved that the question be postponed until Monday next, in order to give the Senator from New York a full opportunity to speak to it.

Mr. DIX took the floor, and it was

Ordered, That the further consideration of the bill be postponed until Monday next.

DAVID MYERLE.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of David Myerle.

Mr. UNDERWOOD remarked that the pending question before the Senate on this subject was the amendment to the bill. He had modified the amendment in two particulars in consequence of some remarks offered by the Senator from North Carolina during the progress of the debate upon the subject a short time since in which these modifications were suggested and their reasonableness satisfactorily advocated. The first was an allowance—the insertion of a clause allowing to Myerle —— dollars for the expenses incurred while attending upon the committees of Congress and securing information respecting the claim. This blank could be filled up with twenty three or more hundred dollars, or whatever amount Congress thought D. Myerle justly entitled to for his expenses. The second modification was in relation to Myerle's giving bonds for the re-payment of all sums advanced to him for the payment of lemp or labor, and to enable him to fulfil his contracts with the government. It may be possible that Myerle could not give the requisite security, could not get it; and therefore the amendment as it originally stood would do him great injustice. He [Mr. U.] had so modified the amendment as that if Myerle could not give the required security, that the money should be withheld for six months by the Secretary of the Treasury until a suit at law could be instituted when the chancellor would of course dispose of the money. Mr. U. here entered into a full explanation of the terms of the contract and of facts connected with the case, citing from numerous documents as he proceeded confirmatory evidence of the statements presented. He contended that Myerle was a man destitute of means, that he had drawn upon Montmollin and Cornwall almost wholly for the funds that enabled him to proceed with the contract; and that therefore in the allowance of the claim of Myerle, Congress should provide as far as practicable for the re-imbursement of Montmollin and Cornwall, Myerle's two principal creditors.

Mr. BERRIEN briefly reviewed the merits of the claim. The proposition submitted to the consideration of the Senate by the honorable Senator from Kentucky, to make Montmollin and Cornwall the principal general creditors in the case, he regarded as a most extraordinary one. The claim of Myerle rested upon no such small basis as that of violation of contract. It was a claim asking indemnity for losses incurred in a perilous experiment upon which he had adventured all he was worth at the instance of this government. Myerle did have means when he undertook to fulfil the contract. In making the agreement with Montmollin and Cornwall, Myerle had been the subject of usurious exactions. The whole responsibility, and of the contract and the loss that might be incurred in case of failure in the quality of the hemp to be prepared for the government was to fall upon Myerle.

Mr. BERRIEN here yielding the floor for a moment—

Mr. BENTON said he was well acquainted with all the facts in the case, and was prepared to prove them when more time was afforded for doing so.

The further consideration of the bill was then postponed.

On motion,

The Senate adjourned.

SATURDAY, JUNE 24, 1848.

REPORT FROM THE SOLICITOR OF THE TREASURY.

The VICE PRESIDENT laid before the Senate a report of the Solicitor of the Treasury, on the claim of the Rev. R. Madeon to certain lands occupied by the government of the United States, at St. Augustine, Florida; which was read, referred to the Committee on Private Land Claims, and ordered to be printed, with such of the documents accompanying the same as the committee may deem proper.

REPORT FROM THE TREASURY DEPARTMENT.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Treasury, made in compliance with a resolution of the Senate, in relation to the necessity of a new custom house at the city of Charleston, South Carolina; which was referred to the Committee on Commerce.

PETITIONS.

Mr. DIX presented a petition of citizens of Rochester, New York, praying that the Tonawanda band of Seneca Indians may be compensated for their lands taken by the United States under the treaties of 1838 and 1842 with the Seneca Indians; which was referred to the Committee on Indian Affairs.

SIGNING OF BILLS, ETC.

The VICE PRESIDENT signed the following enrolled bills and enrolled resolution:

An act giving further time for satisfying claims for bounty lands, and for other purposes.

An act for the relief of Phineas Capen, administrator of Jean Cox, deceased, of Boston.

An act for the relief of Silas Waterman.

An act for the relief of the legal representatives of James Brown, deceased.

An act to regulate the exchange of certain documents and other publications.

An act for the relief of the legal heirs of John Snyder, deceased.

An act to prevent the importation of a bill dated [illegible] upon [illegible] of the United States.

An act making appropriations for the payment of revolutionary and other pensions of the United States, for the year ending the 30th June, 1849.

An act to amend the act entitled "An act for the regulation of seamen on board the public and private vessels of the United States," passed the 3d March, 1813.

An act for the relief of William B. Slaughter, late Secretary of the Territory of Wisconsin.

A resolution in favor of David Shaw and Solomon T. Corsen.

ADVERSE REPORTS.

Mr. DOWNS, from the Committee on Indian Affairs, to whom was referred the petition of certain Seneca, Onondaga, and Cayuga Indians, submitted an adverse report, which was ordered to be printed.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the memorial of Mary Morris Foot, submitted an adverse report, which was ordered to be printed.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the petition of Levi Wells, submitted an adverse report, which was ordered to be printed.

PRIVATE BILL.

Mr. DOWNS, by unanimous consent, asked and obtained leave to bring in a bill for the relief of W. Woodward, which was read the first and second times, by unanimous consent, and referred to the committee on the Post Office and Post Roads.

ABOLITION OF SLAVERY IN THE DISTTICT OF COLUMBIA.

The Senate proceeded to consider the resolution submitted by Mr. HALE the 23d instant, that the Committee on the District of Columbia be instructed to report a bill abolishing slavery in the District of Columbia; and

On the question to agree thereto—

Mr. WESTCOTT demanded the yeas and nays, which were ordered, and it was determined in the negative, as follows:

YEAS.—Messrs. Baldwin, Clarke, Corwin, Davis, of Massachusetts, Hale, Miller, Upham—7.

NAYS.—Messrs. Allen, Atchison, Atherton, Bell, Berrien, Borland, Bradbury, Breese, Bright, Butler, Calhoun, Davis, of Mississippi, Dickinson, Dix, Douglas, Dowse, Felch, Fitzgerald, Foote, Hamlin, Houston, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Lewis, Mangum, Mason, Niles, Rusk, Spruance, Sturgeon, Turney, Underwood, Westcott, Yulee.—36.

OFFICERS OF THE CUSTOMS AT BALTIMORE.

The Senate proceeded to consider the resolution submitted by Mr. SOHNSON, of Maryland, the 19th instant, relative to the number and compensation of officers employed at the custom house at Baltimore; and the resolution was agreed to.

PORTRAIT OF BARON DE KALB.

The Senate proceeded to consider the resolution submitted the 2d instant, by Mr. DAVIS, of Mississippi, respecting the portrait of Baron de Kalb, presented to Congress, and the resolution was agreed to.

DISCIPLINE OF THE NAVY, ETC.

On motion by Mr. YULEE, it was

Ordered, That so much of the bill from the House of Representatives making appropriations for the naval service for the year ending the 30th June, 1849, as relates to the discipline and organization of the navy, and improvements of navy yards, be referred to the Committee on Naval Affairs.

Mr. ATHERTON moved that the vote agreeing to the motion last mentioned be reconsidered; and it was

Ordered That the further consideration thereof be postponed until to-morrow.

RECONSIDERATION AND REFERENCE.

On motion by Mr. BREESE, it was

Ordered, That the vote ordering a report of the Secretary of the Treasury communicating a report of Dr. David Dale Owen on certain geographical explorations, to be printed, be reconsidered; and that the report be referred to the Committee on Public Lands.

ADVERSE REPORTS CONCURRED IN.

The Senate proceeded to consider the report of the Committee of Claims on the memorial of Ann B. Cox; and in concurrence therewith, it was

Resolved, That the prayer of the petitioner be rejected.

The Senate proceeded to consider the report of the Committee on the Judiciary, on the petition of certain inhabitants of Winnebago county, Illinois, and in concurrence therewith; it was

Resolved, That it is inexpedient to grant the prayer of the petitioners.

The Senate proceeded to consider the report of the Committee of Claims, on the memorial of the legal representatives of Reuben Lassiter; and in concurrence therewith, it was

Resolved, That the prayer of the petitioner be not granted.

The Senate proceeded to consider the report of the Committee on the Judiciary, on the petition of citizens of Pennsylvania, praying the repeal of the act imposing a fine for harboring a fugitive slave; and in concurrence therewith, it was

Resolved, That it is inexpedient to grant the prayer of the petition.

The Senate proceeded to consider the report of the Committee on the Judiciary, on the petition of Susan C. Randall and others; and in concurrence therewith, it was

Resolved, That the prayer of the petitioners ought not to be granted.

The Senate proceeded to consider the report of the Committee on Revolutionary Claims, on the petition of John S. Russworm, and in concurrence therewith, it was

Resolved, That the prayer of the petitioner be rejected.

The Senate proceeded to consider the report of the Committee of Claims, on the petition of John J. Sanchez, administrator of Francis R. Sanchez, and in concurrence therewith, it was

Resolved, That the prayer of the petitioner be rejected.

The Senate proceeded to consider the report of the Committee on Naval Affairs, on the petitionof Hugh Wallace Wormley; and n concurrence therewith, it was

Resolved, That the prayer of the petitioner ought not to be granted.

The Senate proceeded to consider the report of the Committee on Indian Affairs, on the petition of James Wilkins, Jr. and in concurrence therewith, it was

Resolved, That the prayer of the petitioner ought not to be granted.

COMMITTEE ON ENGROSSED BILLS.

On motion by Mr. DOWNS, it was

Ordered, That two members to be appointed by the VICE PRESIDENT, be added to the Committee on engrossed bills.

NOTICE OF A BILL.

Mr. HAMLIN gave notice that at some early day he will ask leave to bring in a bill creating Bangor, in the State of Maine, a port of entry.

PRESENTATION OF WEIGHTS AND MEASURES TO FRANCE.

The Senate proceeded to consider the amendment of the House of Representatives to the resolution of the Senate authorizing the presentation to the government of France, of a series of the standard weights and measures of the United States; and it was

Resolved, That they concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

SURVEYS IN FLORIDA.

The Senate proceeded to consider the amendment of the House of Representatives to the bill respecting certain surveys in the State of Florida; and it was

Resolved, That they concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk :

Mr. President. The House of Representatives have passed the bill of the Senate to authorize the settlement of the account of Joseph Nourse deceased, with an amendment in which they request the concurrence of the Senate.

They have passed bills of the following titles; in which they request the concurrence of the Senate.

An act for the relief of Dr. Adolphus Wislezenus.

An act for the relief of William Parker.

An act for the relief of Joshua Barney, United States agent.

An act to authorize the issuing of a register to the Schooner James.

HOUSE BILLS REFERRED.

The bills from the House of Representatives for the relief of Dr. Adolphus Wislezenus; and for the relief of Joshua Barney, United States' agent, were severally read the first and second times, by unanimous consent, and referred to the Committee of Claims.

The bill from the House of Representatives for the relief of William Parker, was read the first and second times, by unanimous consent, and referred to the Committee on Pensions.

ISSUING OF A REGISTER.

The Senate by unanimous consent, proceeded to consider as in Committee of the Whole, the bill from the House of Representatives entitled " An act to authorize the issuing a register to the Schooner James;" and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time, by unanimous consent.

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

REFERENCE.

The Senate proceeded to consider the amendment of the House of Representatives to the bill to authorize the settlement of the account of Joseph Nourse ; and it was

Ordered, That it be referred to the Committee on Claims.

THE SUPREME COURT.

The Senate resumed the consideration of the bill, on its third reading, to promote the dispatch of business in the Supreme Court, and to repeal the 2nd section of the act approved June 17, 1844, entitled " An act concerning the Supreme Court in the United States," and having been amended by unanimous consent ; it was

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

THE PRIVATE CALENDAR.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of George Center; and no amendment being made, it was reported to the Senate.

After debate on the question—" shall the bill be engrossed and read a third time ?"

It was determined in the negative, as follows :

YEAS—Messrs. Bridger, Benton, Bermin, Bedford, Butler, Calhoun, Clarke, Dodge, Downs, Largeaude, Greene, Huntington, Johnson of Maryland, Johnson of Louisiana, Lewis, Mason, Miller, Westcott, Yulee—19.

NAYS—Allen, Atchison, Atherton, Baldwin, Breese, Bright, Clayton, Davis, of Mississippi, Dickinson, Dix, Felch, Foote, Hale, Hamlin, Houston, Johnson, of Georgia, Mangum, Niles, Phelps, Spruance, Sturgeon, Turney, Underwood, Upham—21.

On motion by Mr. DIX to reconsider the vote last mentioned, it was

Ordered, That the further consideration of the motion be postponed to Monday next.

The Senate proceeded to consider, as in Committee of the Whole, the following bills.

An act for the relief of Russell Goss.

An act for the relief of Barclay & Livingston, and Smith & Thurger and company

An act to change the name of the steamboat Charles Downing, to the Calhoun, and no amendment being made, they were reported to the Senate.

Ordered, That they pass to a third reading.

The said bills were read a third time.

Resolved, That they pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

The following bills and joint resolution were read a second time and considered as in Committee of the whole.

A bill for the relief of William B. Stokes.

A bill to confirm to the legal representatives of Joseph Dedrick the location of a certain New Madrid certificate.

A bill for the relief of Samuel Grice.

A bill for the relief of Stalker and Hill.

A bill for the relief of George V. Mitchell.

A bill for the payment of Charles Redmond.

A bill to relinquish the reversionary interest of the United States in a certain Indian reservation in the State of Alabama

A bill for the relief of Alfred Wren.

Joint resolution for the relief of H. B. Gaither.

and no amendment being made they were reported to the Senate

Ordered, That they be engrossed and read a third time.

The sail bills and joint resolution were read a third time.

Resolved, That they pass, and that their titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Benjamin Adams and Company, and others.

Mr. WESTCOTT.—I am not satisfied as to the justice of this case without further explanation. These claims to have duties returned on different pretexts are becoming enormous. Why, sir, great outery is made about petitions for relief for property destroyed by Indians in a frontier State, or for provisions furnished your troops, and these kind of claims for return duties from the eastern cities are ten times as large in amount. I am suspicious of all of them. I have seen enough of them to satisfy me, they should be watched closely. I will relate an incident that occurred this session as to one of them. A bill passed the House to pay it. It was referred to the Committee on Claims and given to me to examine. I did so, it seemed all fair and honest, very plausibly got up. It contained no reference or allusion to the fact, that it had been formerly before Congress and rejected. So I reported the bill to the committee and it ordered a report to the Senate. About that time a former distinguished Senator from Maine [honorable GEORGE EVANS] was here on a visit, and he observed to me that he was surprised I had let that claim pass, that it was an old customer and referred me to the Senate records, showing it had been examined by Mr. Woodbury and himself, and rejected. I had the bill committed again to the Committee on Finance. As to the pretexts on which this character of claims are founded, they are as plenty as blackberries. I am opposed to the whole practice on principle. The importer uses the government and its laws as machines to make money out of the consumer. He imports his goods under a specified rate of duty, say a high duty, sells them to the consumer at the enhanced price occasioned by this duty, and then endeavors to get a part of the duty returned.—This speculation should not be encouraged. If encouraged, under our general warehousing system, we cannot alter the tariff, but those petitions will come pouring in upon us to remit the duties as to all the goods in store, and all will be sold not to have been sold. We shall have all sorts of speculations on our legislation as to tariffs, in advance of the passage of the laws. We shall see the importers here exerting themselves to get laws passed to enable them to apply to have duties refunded. I object to the whole system. The United States might as well ask the importer to pay when a tariff is raised, the additional duties on all the goods he has in store, and which he will sell at an advanced price. In this case, I should like the Senator from New York to inform the Senate, how it comes that this claim originated in 1832, and has not been paid before this. Its age gives it a suspicious character. It looks rather stale. I know nothing about it in any way, but all these kind of claims I feel bound to watch closely.

Mr. DICKINSON thought the whole matter lied in a nut shell. In the 18th section of the laws of '32, it was provided that a certain class of goods in public stores after 3d March, 1833, should not be charged over five per cent. On the 2d of March, 1833, an act was passed charging upon this class of goods a duty of fifty per cent. The claimants in this case had their goods warehoused under the first act, and demand a return of the additional forty-five per cent. exacted by government, as they contend, unjustly.

Mr. DAVIS, of Massachusetts, trusted that this claim would be allowed. It had been long before the Senate, and had been favorably reported upon a great number of times. There might be some objection urged to the policy of the payment of the claims for return duties, had duties not been refunded in many other similar cases. The precedents were numerous and the principle was settled.

Mr. NILES viewed the principle involved in the question of refunding the duties claimed as a very important one. If he understood the matter, the goods were substantially imported when taken out of the warehouse by the owners for use. There were several million of dollars worth of goods in warehouse, and consequently the precedent to be established in this case would materially affect the Treasury.

No amendment being made, the bill was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time.

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

The bill for the relief of Frederick Dawson, James Schatt, and Elisha Dane Whitney, was read the second time, and considered as in Committee of the Whole.

Mr. HALE suggested that as the bill was a very important one, and involved a new principle in the legislation of the government, that it had better lie over for the present. If it came up then, it would do away with all other bills. He would move that it be laid on the table.

Mr. JOHNSON, of Maryland, hoped that the bill would not lie over. If the bill was important, so much the greater reason why it should be considered immediately.

Mr. CLAYTON was desirous that the Senate should proceed with the consideration of the bill. It was a matter of elaborate investigation at the previous session, and the committee had made a full report in favor of the bill. In consequence of the press of business, the bill was not acted upon at the last session. It was now nearly the close of the present session, and the claim had not been settled yet.

Mr. DOWNS thought it was very likely that he should vote for the bill, but would rather it be made the special order for some other day—Monday perhaps—inasmuch as to take it up then would be to do away with any further action that day upon many important private bills.

Mr. HALE urged that if the bill be taken up then, it would do away with all further business. It involved the important question of the assumption of State debts, not of all the States, but of one State, to an amount exceeding five hundred thousand dollars. Of course such a bill would receive the attention of the democratic Senators on the other side of the chamber, inasmuch as the non-assumption of State debts was one of their cardinal principles. He would not now express any opinion upon the merits of the bill.

Mr. WESTCOTT said he hoped the bill would not be passed by. The Senator from New Hampshire did not seem to understand the character of the bill. It is true it had some relation to Texas—but it was not for the United States to pay a debt of Texas—it is to pay her own debt, and a debt the moral obligation to pay which was as strong as any debt the United States ever owed. He hoped the Senate would not repudiate a just debt in the way the Senator urged. The passing by the bill was equivalent to its loss at this session. He supposed it would be opposed in the House, and if so at this late period of the session it could not pass. He should vote to proceed with the bill.

Mr. BRIGHT was opposed to the consideration of the bill then. He desired to go on with the private calendar. Instead of half a million, the bill involved an amount of over a million of dollars. He could not consent to its being made the special order of either one of the first three days of the coming week, inasmuch as the Oregon territorial bill was entitled to those days.

Mr. CLAYTON did not apprehend that the discussion of that bill would consume much time or occasion very great delay. The case was too clear to admit of doubt. Upon the act of annexation of Texas to the United States this government had pledged itself to assume certain responsibilities of Texas, and this case was one of them. The claimants had built the Texan navy, and had not as yet been paid for the vessels that composed it. The United States, in annexing Texas, took possession of her navy, and the debt incurred in building the navy came with that possession. It was a question whether this government should redeem its own plighted faith. The United States would, in all human probability, lose nothing, inasmuch as Texas had agreed to reimburse the United States for the outlay with land.

Mr. BRIGHT would say nothing in reference to the merits of the bill, although it was apparent that if the doctrine of the assumption of State debts was involved in the question before them, as was stated by the Senator from New Hampshire, it would lead to a lengthy discussion. He earnestly hoped that it would be passed over for the present, and the private calendar be taken up.

Mr. TURNEY must insist that this was not a private bill. It was a bill to be sure, appropriating certain amounts of money, but involved at the same time a great principle, whether this government should engage in the purchase of lands from Texas. In consideration of the assumption of the debt of Texas for these ships, the United States was to be reimbursed with land by Texas. He was prepared to vote against the bill whenever it was taken up. He did not desire to purchase lands from Texas to be given away to railroad and other companies. The land he considered as merely put in to avoid the question of the power of this government to liquidate State debts. He hoped the bill would lie over, as all knew there would be a protracted discussion upon it whenever it was brought up.

Mr. JOHNSON, of Maryland, had understood in common with many other Senators, that the true mode of proceeding with this calender was to take up the cases as they stood on it. The friends of the bill had not proposed at any time to take it up out of its regular order, and had even suffered other bills that were not entitled to precedence to be acted upon. The bill was reached now; and could its importance be reasonably regarded as an objection to its present consideration? The larger the claim upon the government the greater the duty he thought of Congress at once to act upon it. He spoke knowingly when he said that it was the extent of this claim that had made bankrupts of the claimants. In regard to the suggestion thrown out by the Senator from New Hampshire, most particularly by the benefit as he had said of gentlemen on the other side of the chamber, that to pay this claim would be an assumption of State debts, he would say that it was no such thing. The claim rested on a different foundation. There was no man more opposed to the assumption of State debts than he would be, or than would be every member on that side of the floor. They went in common with others for the payment of State debts, but it was a payment to be made by the States themselves. The bill before them however involved claims on the United States.

Mr. HALE inquired if this was a claim against the United States, why it was not provided in the bill that the appropriation was to be made for the payment of their own debt?

Mr. JOHNSON of Maryland, would ask in reply whether the United States and Texas did not both owe it, inasmuch as the United States had assumed it by the treaty of annexation? Texas while struggling for her independence, had purchased ships for which the claimants were then demanding pay—for her Navy—and had given security for the payment. What was that security? The security was that the builders of the ships were to be paid two hundred and eighty thousand dollars—he was not sure as to the precise amount—in cash and bonds to the amount of about one hundred thousand dollars, said bonds to be paid in the course of some fifteen or fifteen years. How were the bonds to be paid? The interest on them annually, and the principal at the end of the allotted time of credit. How was their payment secured? The revenues and duties to be collected in the State were pledged to their payment on the face of a bond. Now the United States had thought proper to annex Texas, and had taken from Texas the power to collect duties, &c. The money with which we were carrying on the government, was in part derived from the revenues of Texas. Was it not incumbent then upon this nation if it wished to rank as honest among the nations of the world, inasmuch as it had possession of the means wherewith Texas designed paying their debts, to promptly discharge the obligation it had incurred by the act of annexation. He trusted the bill would have an immediate consideration.

Mr. FOOTE made a few remarks in reply to an allusion of the Senator from Maryland; after which the ayes and noes were ordered and taken upon the motion to lie on the table; and it was determined in the negative.

YEAS—Messrs. Allen, Atherton, Benton, Bradbury, Breese, Bright, Carver, Dana, of Missouri, Dickinson, Dix, Downs, Finch, Fitzgerald, Hale, Hunter, Houston, Johnson, of Louisiana, Niles, Phelps, Turney—20.

NAYS—Messrs. Badger, Balcam, Bell, Berrien, Butler, Calhoun, Clarke, Clayton, Dana, of Massachusetts, Foote, Greene, Hunter, Johnson, of Maryland, Johnston, of Georgia, Lewis, Morgan, Mason, Miller, Rusk, Spruance, Sturgeon, Underwood, Upham, Westcott, Yulee—25

Mr. MASON then advocated briefly the immediate consideration of the bill.

Mr. JOHNSON, of Louisiana, was opposed to the consideration of the bill at the present time, because there were many private bills of pressing importance that should be acted upon immediately. He moved a postponement of the further consideration of the bill.

The question was taken, and resulted as follows:

Ayes	14
Noes	22
Majority against the motion	8

So the motion was rejected.

Mr. HALE was not prepared at that moment to discuss fully the principle of the bill, but would say a few words in reference to it. What was the debt the bill proposed to pay? The amount was immaterial; the principle involved was the thing at issue. Whose debt was it? It was said by the Senator from Maryland that it was the debt of the United States. When asked if the debt of the United States, where was the propriety of remunerating Texas for paying it, the Senator from Maryland had taken the

Yankee privilege of answering his question by asking another—whether the United States and Texas could not both owe it? If Texas and the United States both owed the debt, it consisted in the relation of principal and surety. The debt originally was not incurred by the United States but by Texas while an independent government. The Senator from Maryland had said also, that we could not maintain the character of an honorable nation without paying this debt. He wished that the United States had no worse imputation upon its character, in the transactions upon this subject commencing with the United States. But how did this matter stand? He would speak from memory concerning it. Negotiations were entered into between the United States and Texas for the annexation of Texas to the United States. A treaty was formed and in that treaty an express provision was made that the United States should pay, to a certain amount, the debts of Texas; a provision particularly being made for this very debt. That treaty was submitted to the Senate, and not receiving the favorable consideration of two-thirds of its members, was rejected. And one of the reasons given by some of those who voted against the treaty was, that there was a provision incorporated in the treaty for paying the debt of Texas, which they did not believe the United States had a right to do. This was a reason assigned, that made the treaty objectionable. It was said that we were bound by political faith to pay this debt, because by the act of annexation we had pledged ourselves to do it. If there was any force in that argument, he thought it would apply to every debt of Texas. Texas had pledged herself by a bond to apply her revenues and land to pay this debt; and he would ask, what was the implied faith given by any independent government, when they borrowed money and gave security for its payment? Was not the property of the nation, and the faith of every man in it pledged to the payment that these debts should be paid? This was a debt higher than a mortgage debt although technically speaking, it was a mortgage upon everything she possessed, her faith, her lands, her revenues. Whether put in the bond or not, the distinction in that country had always been maintained. It was an act of morals, however it might be viewed in law. This, then, was a bill to pay the debt of Texas. The fact was admitted on the face of the bill. And if that was so, where he would inquire, was the necessity of the United States stepping in and paying it? Why not, he would ask, let Texas transfer her land to these claimants? Texas was bound to pay the debt eventually. The bill proceeded upon the assumption that she would reimburse the United States. If the United States paid the debt, it was upon the assumption that Texas would ultimately return the amount paid by the United States. He asked the Senate to pause before they entered upon such a system of legislation as that. From the time the system of the assumption of State debts had been broached, the democratic party had set their faces against it like a flint. It was said also that the whig party were opposed to it. But why did they not stand up to their profession? It had been fastened upon them just like the system of internal improvements. A large majority of the Senate on both sides of the chamber, would get up and say they were opposed to the system of internal improvement. But let a bill come before them granting alternate sections of land, say in Indiana for that purpose, and these same Senators would say they were opposed to the system of internal improvements but were in favor of the passage of that particular bill. So with many other similar grants; and so it was in this case. Gentlemen were opposed to the assumption of State debts by Congress, but were in favor of the particular bill before them. He could conceive of no case in which the principle of the assumption of State debts could more plainly present itself than in that. It was a naked proposition, that the United States should come forward and endorse the note of Texas whatever the amount, and take a mortgage security on her lands to pay the endorsement. He had looked into the bill with an earnest desire to record his single vote in favor of it. But he was compelled to look upon it as one of the most alarming steps the government could take. It was a maxim of wisdom to oppose the first step. When once taken, it was hard to retrace it. While in the House of Representatives, Sidney Smith forwarded him a memorial from England, requesting this government to come forward and redeem the plighted faith of the States, which had been violated to an immense amount in their monetorial transactions with that country. Now if that bill in relation to Texas was to receive the favorable consideration of Congress, if we were to assume the debts of Texas, he was in favor of even handed justice. If the debts of one State were to be assumed, why not the debts of all the others? If the United States did not meddle in this transaction, it would leave Texas in the same position as that in which the other States stood, that is where she could pay her own debts. It was argued that the government took possession and made use of the custom house revenues of Texas, thus using up her resources wherewith to pay her debts. Did it not do the same with the States wherein Philadelphia, New Orleans, Charleston, and New York were located, and where it collected the largest proportion of its revenue, and did it pay the debts those of States? In addition to that, when Texas was annexed to the United States, the whole title and sovereignty of the land within her borders, was left to her sole and undisputed control, mainly upon the ground that as the United States did not meddle with her debts, the United States should not take her soil but leave it to pay those debts.

It was said by an honorable Senator, that he did not believe the United States would have a dollar to pay of this debt of Texas, in the end. If the passage of this bill then, was but a mere surrender of a great principle without any benefit to those for whose sake we were about to pass it, he trusted it would not be made. He had not gone into the minute features of the bill, as he did not desire to use declamation on the subject. They could not alter things by altering names; their essential character would remain the same. And so in the case before them, it was a bill to assume the debts of Texas, whatever name was given to it. He trusted the Senate would pause, and consider well the consequences before they acted on it favorably.

Mr. WESTCOTT said he had expected, that before any objection was made to this bill, as is usual, the committee that reported it would have been permitted to explain it, or, at least, that the report accompanying the bill would have been read. But the honorable Senator from New Hampshire, in the eagerness of his opposition, could not wait for this, or even for the bill to be read, but denounced it violently, as it seemed to him, (Mr. W.,) manifestly without knowing its purport or effect.

Mr. HALE.—I would say to the Senator, that I know the general character of the bill, and had my attention attracted to it some time ago. I had no idea of improperly forestalling the judgment of the Senate, or prejudicing the bill by the remarks I made, nor any discourtesy to the committee or any Senator.

Mr. WESTCOTT.—The Senator seems laboring under some hallucination with respect to this bill; for in no other way can his discourse about the assumption of State debts, and other bad things, be seems to think are connected with it, be accounted for, unless perhaps because the claim originated in the South and in Texas. If he will read the bill and report attentively, his intelligence, I am satisfied, will convince him that his objections are chimeras of a fervid imagination.

[Mr. W. read the bill and report and commented upon them.]

Mr. W. said that the claimants had, while Texas was an independent republic, bought for her a navy, and armed and equipped it. Texas gave them her bonds for the amount due them, pledging her duties on imports for their discharge. When Texas was annexed, by the express terms of annexation the United States received that navy and its armament, equipment, &c., or, at least what was left of it. We paid nothing for the vessels we received.

This bill provides, in substance, that the United States shall pay claimants the value of these vessels, arms, equipments, &c. so received by us—and received, too with a knowledge that they had not been paid for; upon four conditions:

1. Texas should agree to the arrangement.
2. Claimants should also agree.
3. The claimants transfer to the United States their bonds and vouchers to the amount paid.
4. That Texas transfer to the United States lands equal in value to the amount paid to redeem the bonds.

The arrangements are deemed just, and are proposed by the committee solely and exclusively on the ground that we received the vessels without paying for them, and knowing that they had not been paid for by Texas. A moral obligation rests on this government, under these circumstances, to pay the value of the property it received. The bill does not go one inch further than this. It does not propose to assume the whole debt—it does not involve millions—nothing like it—it is all a mistake to contend it does any thing of the kind. The report and bill of last session were different. It proposed to pay the whole debt. Mr. W. said he did not advocate that bill, and he should not have voted for it. He could not agree this session in committee, to report the bill of last session.

Mr. BUTLER.—If the Senator would allow, he would explain the circumstances under which the report of last session was made. It was argued that the Committee of Claims should decide early, so as to have the case acted on. He was unable to meet the committee, and informed the other members that he agreed the report should be made without committing himself for or against the bill.

Mr. WESTCOTT proceeded.—He did not perceive what the project of the assumption of the State debts, which had been alluded to, had to do even with the bill of last session. Mr. W. said he was as much opposed to the assumption project as any body, but that the bill had nothing in it of the kind That bill recognized the entire claim as a debt due from the United States, on the ground, chiefly, that the hypothecation of the revenues of Texas, which was the claimants' security, was nullified by the annexation, and that those duties were now collected and received by the United States. To this he could not assent. The owning of this debt could not better even Texas legislation, with respect to her tariff, if she had not been annexed much less prevent her from coming into the Union. It made the United States in no wise liable for it. Mr. W. said this claim was expressly referred to in the 5th article of the treaty of annexation which was not accepted, and it was stipulated $250,000 should be paid by the United States. This showed we had notice when Texas was admitted under the resolutions. [Mr. W. referred to the treaty and read the article.] He said he put the claim exclusively on the ground that we had received some of the vessels, armaments, &c. knowing they were not paid for, and he limited the claim to the value of the property received by the United States. He argued that the same rule would make an individual liable in law. Between individuals the donee of property who takes it of a donor knowing that it is not paid for, the voluntary transfer is

void unless he pays the amount due for it; and this is sound equity and law? We paid not a cent for this property. It was a gift—a voluntary transfer by Texas to us, that she might conform to the federal constitution prohibiting a State to own a navy. Unless we took the vessels from Texas as the price of admission, he would like to be informed what the United States had paid, or was to pay Texas for them. He hoped it would not be said we took them as pay for admission.

Mr. TURNEY how much does the bill allow?

Mr. WESTCOTT.—I will satisfy the Senator as well as I can on that point presently. I will first say, however, that whatever we pay, Texas is to give us an equivalent in lands. We want these lands for the live oak on them—for our Navy. Within the last few years we have paid two or three hundred thousand dollars for live oak. Most of our navy live oak is got from Florida, Louisiana, and Texas. What the amount to be allowed had to do with the liability of the United States, and the principles on which the claim was based he did not perceive, but he would show what the amount would probably be as nearly as he could.

Mr. BADGER.—Will the Senator permit me to ask what bearing the facts he has stated as to the value of the live oak in Texas and the policy of the United States buying it has upon the question of the liability of the United States to assume this debt?

Mr. WESTCOTT.—I fear I shall be unable to do so, as the Senator does not see it at once. I am afraid I should fail to convince him by a speech here, but I will, though it is a difficult task, try to convince him in a private way. I will try to save time by refraining here in debate.

Mr. TURNEY.—I hope the Senator will not omit to answer me as to the amount this bill proposes to pay. How much does he suppose it will take to satisfy this claim, if this bill is passed.

30TH CONG.—1ST SESSION—No. 97.

Mr. WESTCOTT.—The Secretary of the Navy under the sanction of the President settles that. The committee had no data by which to ascertain the value of the vessels, armaments, &c. received. All there referred to the Secretary of the Navy and President. This much that I can answer, except that I do not suppose it will amount to $150,000. I hope the Senator is satisfied.

Mr. TURNEY.—Not at all. If we pay this claim, we should pay all the arrears of pay of the Texan soldiers who won her independence.

Mr. WESTCOTT.—I regret my inability to satisfy the honorable Senator. I believe the claim as recognized by this bill is just. It does not follow that we should pay the claims the Senator refers to if we pay this—but if we had received property of Texas which these soldiers had captured from Mexico, and had taken possession of it, and if we had paid nothing for it, we should in honor and honesty pay them. I consider the plighted faith and honor of the United States demand the passage of this bill. I believe the honor of the United States will be stained if it does not do justice in this case. It will be the most disgraceful kind of repudiation. I have always thought, and I still think the honest and honorable course for the United States to have pursued in regard to the debts of Texas was to have taken her lands and agreed to pay her just debts. But this case stands on no such general principle. It stands on the receipt by the United States of the identical property, never paid for by Texas to claimants, and agreed for by us to Texas. I think on this ground the United States should aid claimants in collecting it. I have done my duty in this case to myself and to the committee that directed me to report the bill, and I have no feelings in this any more than any other claim I think to be just.

On motion,

The Senate adjourned.

MONDAY, JUNE 26, 1848.

PRESIDENT PRO TEMPORE.

The VICE PRESIDENT being absent, the Senate proceeded to the choice of a PRESIDENT, *pro tempore*, as the constitution provides.

On motion by Mr. BENTON, it was

Resolved, That the Hon. David R. Atchison be appointed President of the Senate, *pro tempore*.

On motion by Mr. BENTON, it was

Ordered, That the Secretary wait on the President of the United States and inform him that the Senate, in the absence of the Vice President of the United States, have chosen the Hon. DAVID R. ATCHISON President of the Senate, *pro tempore*; and that the Secretary make a similar communication to the House of Representatives.

CREDENTIALS.

Mr. DODGE presented the credentials of the Hon. ISAAC P. WALKER, chosen a Senator by the Legislature of the State of Wisconsin; which were read.

The oath prescribed by law was administered to Mr. WALKER, and he took his seat in the Senate.

CLASSIFICATION OF WISCONSIN SENATORS.

Mr. BENTON submitted the following resolution; which was considered, by unanimous consent, and agreed to.

Resolved, That the Senate proceed to ascertain the classes in which the Senators from the State of Wisconsin shall be severally arranged, in conformity with the resolution of the 14th May, 1789, and the constitution provides.

On motion by Mr. BENTON, it was

Ordered, That the Secretary put into the ballot box two papers of equal size, one of which to be numbered one, and the other to be blank; that each Senator from the State of Wisconsin draw out one paper; that number one shall entitle the Senator to be placed in the class whose term of service shall expire the 3d day of March, 1849; that the Secretary then put into the ballot box two other papers of equal size, numbered two and three; that the Senator who shall have drawn the blank shall then draw one of these papers; that number two, if drawn, shall entitle the Senator to be placed in the class whose term of service will expire the 3d of March, 1851; and number three in the class whose term will expire the 3d day of March, 1853.

Whereupon,

The papers above mentioned, numbered one, and a blank, were put by the Secretary in the box, and Mr. WALKER drew the paper numbered one; and is accordingly in the class of Senators whose term of service will expire the 3d day of March, 1849.

The Secretary then put the papers numbered two and three into the box; and Mr. DODGE drew the paper numbered two; and is accordingly in the class of Senators whose term of service will expire the 3d day of March, 1851.

THE PRIVATE CALENDAR.

Mr. JOHNSON, of Louisiana, submitted a resolution, which was considered, by unanimous consent, and after being amended, was agreed to, as follows:

Resolved, That hereafter, after 12 o'clock, hours be set apart for the consideration of Senate private bills, to the exclusion of all other business.

JONES AND BOGER.

Mr. WESTCOTT submitted the following resolution for consideration:

Resolved, That the First Comptroller of the Treasury be directed, as soon as practicable, to examine into and report to the Senate the facts and circumstances connected with the settlement of the claim of Jones and Boger, for the refund of the amount of duties paid under a misapprehension of the facts, and that he state upon what principle of construction or decision of the Comptroller or Secretary of the Treasury allowances or payments under said act.

PETITIONS.

Mr. NILES presented the memorial of John T. Sullivan, praying compensation for executing the binding of the laws and instructions to postmasters for the use of the Post Office Department; which was referred to the Committee on the Post Office and Post Roads.

TITLE TO LANDS.

Mr. UNDERWOOD, from the Committee on Public Lands, submitted a report, accompanied by a bill, to vest the title of the United States in the purchasers of certain lands sold under execution against Gordon D. Boyd.

The bill was read and passed to the second reading.

Mr. UNDERWOOD.—This is a bill by which the Solicitor of the Treasury supposes he will be able to save something like $20,000 to the government. The facts, very briefly, are these: A gentleman by the name of Boyd being receiver of public money in Mississippi, became a defaulter some years ago, and it appears that he had issued certificates acknowledging the receipt of large sums of money for land in his own name. Not a dollar of this money, however, was received into the Treasury. The government recovered a judgment against him for a large amount, and the execution which was issued was levied upon these very lands which he returned as being the purchaser of himself, and the purchasers at the sale under the execution, were allowed to give bond and security to the government for the payment of the purchase money in one and two years. They afterwards refused to pay, owing to the difficulty growing out of the peculiar state of the title. No patent had been issued in the name of Boyd, against whom the execution was issued, and whose lands they were said to be at the time of the sale under the execution. The purchasers, therefore, refused to redeem their bonds. Suits were brought against them, and the attorney for the northern district of Mississippi reports the facts, suggesting the difficulty that exists about the title, and suggesting also that the purchasers will avoid their contracts unless Congress interposes. The Solicitor of the Treasury brings the subject before the Committee on Public Lands, and a bill has been reported which provides that the marshal shall convey these lands to the purchasers, with the view of securing to them whatever title Boyd may have in the land; and that upon filing the deed the government shall issue patents for the lands to the purchasers under the execution, who will thus obtain good titles, and they will redeem their bonds, and $20,000 will be saved to the government.

The said bill was then read the second time, by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

LIGHT-HOUSES, BUOYS, ETC.

Mr. DAVIS, of Massachusetts, from the Committee on Commerce, reported a bill making appropriations for light-houses, light boats, buoys, &c., and providing for the erection and establishment of the same; which was read and passed to the second reading.

ARKANSAS VOLUNTEERS.

Mr. BORLAND, from the Committee on Military Affairs, to whom was referred the memorial in behalf of certain Arkansas and other volunteers, reported a bill to allow pay and subsistence to certain Arkansas and other volunteers, who have been prisoners of war in Mexico; which was read and passed to the second reading.

RAILROAD TO THE PACIFIC.

Mr. BORLAND, from the Committee on Public Lands, to whom the memorial of Asa Whitney was referred, submitted a report, accompanied by a joint resolution, to require the Secretary of War to cause a survey and exploration of routes for a railroad from the Mississippi river to the Pacific ocean.

The resolution was read and passed to the second reading.

Ordered, That the report be printed.

PRIVATE BILL.

Mr. DOWNS, from the Committee on Private Land Claims, to whom was referred the petition of Robert W. Richardson, submitted a report, accompanied by a bill, for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

MAIL CONTRACTORS.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom was referred the joint resolution for the relief of such persons as may have incurred the disability of the 28th section of the act to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof, reported the same without amendment.

The Senate proceeded to consider, as in Committee of the Whole, the joint resolution last mentioned; and,

On motion by Mr. JOHNSON, of Maryland, it was

Ordered, That the further consideration thereof be postponed until to-morrow.

RECONSIDERATION.

The Senate proceeded to consider the motion submitted yesterday by Mr. ATHERTON, to reconsider the vote on agreeing to the motion of Mr. YULEE to refer to the Committee on Naval Affairs so much of the bill making appropriations for the naval service for the year ending 30th June, 1849, as relates to the discipline and organization of the navy, and improvements of navy yards; and the motion by Mr. ATHERTON was agreed to.

Mr. YULEE had, thereupon, leave to withdraw his motion; saying that he would examine further into the subject and renew it, if he should deem it proper to do so, hereafter.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed a bill concerning the taking of oaths in the District of Columbia in which they request the concurrence of the Senate.

The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate for the signature of their President.

TAKING OF OFFICIAL OATHS IN THE DISTRICT OF COLUMBIA.

The bill from the House of Representatives concerning the taking of official oaths in the District of Columbia, was read the first and second times, by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time, by unanimous consent.

Resolved, That this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

THE OREGON BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish the territorial government of Oregon.

Mr. DIX.—Mr. President: During the present session of Congress, propositions have been repeatedly introduced into the Senate involving the question of slavery. I have abstained from all participation in the discussions to which they have given rise, because I considered them as abstract propositions having no direct practical bearing or effect. The measure before us is of a different character. It contemplates an act of legislation; it proposes a law containing provisions to be enforced and to control the inhabitants of a district of country more than two hundred thousand square miles in extent. By this act we are literally laying the foundations of a future empire. It is a subject eminently practical; and therefore I speak.

The questions, to which the discussion of the bill has given rise, are of the highest moment. They concern the power of Congress over the territory belonging to the United States, and especially in respect to slavery in such territory. Nor is this all. They involve not only the authority of Congress, under the constitution, to regulate the domestic concerns of the persons inhabiting or occupying the public domain, beyond the limits of the States, but they may affect, for an indefinite period, the social and political condition of entire communities. They may vitally concern the prosperity of the future millions who are to fill the valleys and cover the hills of Oregon; and it is due to the magnitude of the subject, that it should be discussed with calmness and without asperity either of feeling or of language. Conducted in such a spirit, discussion, even if it were unnecessary, could not do harm, however widely we may differ, or however delicate the questions with which it has to deal. Indeed, it is always possible the very conflict of opinion may strike out light and truth, and furnish a basis for an amicable adjustment of differences, which would otherwise have been irreconcilable. It may be a vain hope to expect to harmonize those who are now so wide apart; but if it prove a delusion, it may nevertheless be profitable to indulge it. It may, at least, serve to moderate the tone of discussion.

In the course of the debate on this and other kindred topics, various propositions have been advanced; and they have been sustained with distinguished ability. Some of these propositions are repetitions of the same general assumption under different phases. For instance, it has been assumed that the citizens of any State in the Union have a right to go into any territory belonging to the United States, and take with them whatever is recognized as property by the local law of the State from which they migrate. It is also assumed that the inhabitants of a territory cannot, by any legislative enactment, prevent the citizens of any State in the Union from coming into the territory with whatever the local law of such State recognizes as property. These are little else than verbal modifications of the same proposition; or, at least, the one is a necessary consequence of the other. On the other hand, it is contended that the inhabitants of a territory belonging to the United States have an inherent right to regulate their own domestic concerns for themselves, wherever the jurisdiction of the soil they inhabit may reside, and without being overruled by the sovereign political power, to which they are subordinate.

There is a question which lies beyond all these propositions, and which, if it can be satisfactorily answered, must be decisive of them all, because it includes them all. Has Congress the right, under the constitution, to legislate for the territory of United States, organize governments for the inhabitants residing in such territory, and regulate within it all matters of local and domestic concern? I believe this question can be satisfactorily answered in the affirmative, that the power, to this unlimited extent, can be sustained—1st, by cotemporaneous exposition of the meaning of the constitution and the intention of its framers; 2d, by judicial interpretation; and 3d, by the whole practice of the government, from its foundation to the present day.

This is the fundamental question I propose first to discuss. I shall lay aside all consideration of subordinate propositions.—These necessarily fall, if the other can be established. My purpose is, to attempt to establish it; and in all I have to say I shall endeavor to be strictly argumentative.

The power of regulating all matters concerning the public domain I think may be fairly considered a necessary incident to the power of acquiring territory; and this not only in respect to the disposition which may be made of the naked soil, as it has been denominated, but in respect to the classes of persons who are permitted to occupy it, and the conditions of the occupation. I consider this unrestricted power, as an inseparable incident of sovereignty, to be exercised by the supreme authority of the organized community or State in which it resides. The power of acquisition is itself unrestricted by the terms of our social compact, so far as the objects of acquisition are concerned. It is incidental also. It is derived from the power of making war and treaties; and the limits to the exercise of these powers are to be found in fundamental rules and principles applicable to all organized societies.

But I do not, for the purposes of my argument, place the power on this ground. I assign to it an origin less likely, I think, to be questioned. I place it on that provision of the constitution which gives Congress "power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

I am aware that this clause of the constitution has recently received a construction which confines the action of the government in respect to the public demain to the narrowest possible limits—a construction which leaves to Congress the mere right to regulate the mode in which the public land shall be surveyed, brought into market, and sold, without any power to regulate the political or municipal affairs of those who settle upon it, while they are acquiring the requisites usually exacted as conditions of their admission into the Union. This construction is subversive of every idea of sovereignty in the State (I use the word in its largest sense) as the owner of the soil. It reduces the government of the United States to the condition of a mere individual proprietor of land, without a single attribute of political power. Such a consequence could never have been contemplated by the framers of the constitution as likely to be drawn from the clause in question. On the contrary, I am satisfied they regarded it as conferring a power of the most plenary nature. I shall endeavor to make this apparent to the Senate; and in doing so, it will be necessary to look at the history of the clause of the constitution referred to.

On the 18th of August, 1787, Mr. Madison introduced into the federal convention, then engaged in framing the constitution, a series of propositions, in order to be referred to the Committee of Detail. Among them were these: To authorize Congress—

"To dispose of the unappropriated lands of the United States.

"To institute temporary governments for new States arising therein."

On the 23d of August, Mr. Rutledge, from the Committee of Detail, made a partial report on Mr. Madison's propositions, and on others submitted by Mr. Pickney on the 20th. Mr. Madison's propositions, above quoted, providing for the disposal of the unappropriated lands and the institution of temporary governments for new States arising therein, were not reported by the committee. But, on the 30th of August, Mr. Gouveneur Morris introduced the clause respecting the territory belonging to the United States, which, with a few immaterial verbal alterations, is now a part of the constitution. After Mr. Luther Martin had offered an amendment, which was rejected, the clause was adopted, Maryland alone dissenting.

It may not distinctly appear at first glance what Mr. Madison designed by the institution of temporary governments for "new States arising within" the unappropriated lands. It might be supposed that he intended to provide for their temporary government as States after their erection or formation. But those who are familiar with the parliamentary phraseology of that day, will have no doubt that the term States was used as we now employ the term territories.

But be this so or not, it is certainly not fair to say, as has been said, that it shared the fate of the proposition to confer upon Congress the power to grant charters of incorporation, to establish a university, and to construct canals, &c. These propositions were distinctly presented to Congress, and formally and decisively negatived by a direct recorded vote, as may be seen by referring to the proceedings of the convention on the 14th of September.

It was not so with Mr. Madison's proposition in respect to the

unappropriated lands of the United States. The most that can be said is that the committee were not in favor of it in the second form. There was no vote on it in that form in committee.—R. M. Johnson. The proposition of Mr. Morris, which as now reported the constitution, was manifestly, from its terms, as well as the circumstances and the subject matter, intended as a substitute for it. It was adopted almost without opposition. The power it is construed to confer has been exercised from the earliest period in our history. The attention of the convention was distinctly drawn to the subject by Mr. Madison; and it is difficult to believe that an authority so general as that of making "all needful rules and regulations" respecting the territory belonging to the United States, (the term regulations being used at that time much as we now use the term laws,) could have been conferred without question, if it had been intended to withhold the power of providing for the government of the individuals inhabiting it, until they were admitted into the Union.

On the 13th of July preceding, the Congress of the confederation had passed the celebrated ordinance of 1787, in relation to the territory northwest of the Ohio river. This fact could hardly have been unknown to the members of the convention. Congress, it is true, was sitting in New York, while the convention sat in Philadelphia. I believe the proceedings of both were with closed doors; but the members of the latter were doubtless made acquainted with the proceedings of the other. This fact—the coincidence in point of time—may have some slight bearing upon the intention of the clause giving Congress power to dispose of and make needful rules and regulations respecting the territory belonging to the United States.

The opinion of Mr. Madison has been quoted to prove the illegality of the ordinance of 1787. This being conceded, it cannot by any supposed consequence or analogy have any bearing on the power of legislation by Congress, under the constitution, in respect to the prohibition of slavery in the territories of the United States. The ordinance, as we know, was passed by Congress under the articles of confederation, though it was ratified by the first Congress which assembled under the constitution. Any inference from the proceedings of the one, so far as the question of power is concerned, would be wholly inapplicable to the other. But I hold, and shall endeavor to show, that the very argument in which Mr. Madison denied the authority of Congress, under the articles of confederation, to pass the ordinance of 1787, had for its object to prove the necessity of such a power in Congress under the constitution, and that it proceeded upon the supposed existence of the power.

The usual reference to prove the illegality of the ordinance is to the opinion of Mr. Madison, in the 38th number of the Federalist, which was written by him. I will read an extract from it referring to the western territory:

"We have seen the inconveniency of referring the power of making proper rules and regulations for the territory to the States which may be formed out of it, at periods when they will have outgrown the infancy of their own governments. We have seen the indispensable necessity of some such provision to maintain the tranquillity of the public mind in the new States themselves. And we must have seen in every point of view the propriety of vesting the general government with the requisite powers. A law or two has already been passed for the government of the territory northwest of the Ohio, which will require the sanction of the new Congress. Other laws will unquestionably be requisite during the period that will intervene between the establishment of the general government and the date at which the new States may be admitted into the Confederacy. All these supplemental provisions to the system will be expected from the first session of the first Congress. To have made no provision for these objects would have evinced a want of foresight which could not be excused. To have made them dependent on the will of the new States would have been to forget the importance of the end, and to trust the accomplishment of it to the hazard of unnecessary delays, if not contingencies which might never happen. To have vested in the old Congress the power of passing them would have been a flagrant violation of the rights of self-government which belong to the existing Congress. To have compelled the future Congress to ratify the acts of their predecessors without knowing what they were, would have been a humiliating sacrifice of their constitutional authority."

What was the object of this reference? Was it to pass a useless comment upon the conduct of Congress in exceeding its powers? By no means. He adds:

"Will it be said that the power of establishing temporary governments for the new States is not contained in the enumeration of powers, and therefore cannot be implied as incidental to the other powers? The answer is at hand that temporary governments are only means to the obtaining the greater end of permanent governments; and that the former cannot be less incidental to the latter than the appointment of officers is incidental to the execution of any other power. In all cases of doubt, the end must decide as to the means. Can a government be perpetuated without the appointment of officers? Can it be supposed that the articles of confederation would have been chargeable with the omission of a power to provide for the appointment of officers, if they had given a power to declare war, to borrow money, and to emit bills of credit? Can it be supposed that a government would be incomplete and unable to perform its trust which wants the means of performing its most ordinary acts? Can a government be said to be invested with the legislative power of regulating commerce with foreign nations, among the several States, and with the Indian tribes, which does not possess the inferior power of establishing post-roads? In short, can a government be properly clothed with any power or any object of power, however manifest may be the propriety of the one or the importance of the other, if it be not supplied with every power necessary for the attainment of the object, or the reasonable exercise of the power?"

The whole article taken together, and not judged by a single extract appears, to me to lead almost irresistibly to the conclusion that Mr. Madison regarded the new system of government, the constitution, as supplying defects which had led to abuse and usurpation under the old, the confederation: that he considered the former as remedying the very defects which had imposed on Congress the necessity of overstepping the constitutional limits of their power; that he viewed the provision of the constitution authorizing Congress "to dispose of, and make all needful rules and regulations respecting, the territory" of the United States, as conferring the power which, in his opinion, Congress had usurped, and as giving legality, under the constitution, to proceedings which he condemned, under the confederation, as void of constitutional authority.

Happily, sir, we are not left to mere inference in respect to the opinions of Mr. Madison on this point. If we turn to the 43d number of the Federalist, also written by him, we shall find a direct reference to the clause in the constitution concerning the territory of the United States. If there were any doubt before, I think this would dissipate it. He is speaking of certain powers conferred on Congress by the constitution. He says:

"These are the principal powers which have been conferred on the federal government by the proposed constitution. The propriety of every one of them will be placed in the clearest light by a recurrence to the deficiencies of the old system. We shall proceed to this review in the same method which has been observed in considering the other parts of the plan, conforming ourselves to the natural distribution of the subject."

He next quotes the clause giving Congress "power to dispose of, and make all needful rules and regulations respecting, the territory" of the United States, and adds:

"The propriety of this provision is so clear in itself, and has been so recently explained, that little need be said upon it. The only question that seems to have been raised concerning it is whether it does not amount to an unnecessary grant of power to the federal government, by implication. 'No power,' says the objector, 'can be implied as necessary unless without it the grant of the principal power would be nugatory. Therefore, as the power of disposing of the unappropriated lands of the western territory is not necessarily implied in the power of disposing of the public domain, it cannot be necessarily implied in any other power.' This mode of reasoning is very common, and very fallacious. Whenever a power is given by the constitution to do a thing, and a right inseparably incident to the power is not given, it must be concluded that it was intended to withhold the right. Reasoning upon this principle, a power to raise armies by the constitution would imply a power to prohibit the raising of armies; for the latter power is inseparably incident to the former. A power to make war would imply a power to prohibit the making of war, because the latter power is inseparably incident to the former. A power to borrow money would imply a power to forbid the borrowing of money, for the same reason. It is evident that this mode of reasoning would be inconsistent with the common sense of mankind, with the practice of all governments, and with the constitution itself. The power to make treaties, which is only implied from that to appoint ambassadors, is restrained in various cases by the express declarations of the latter. The power to coin money is restrained from the authority to regulate foreign coin. The power to declare war is restrained from the power to grant letters of marque and reprisal. The power to call forth the militia to execute the laws of the Union is restrained from the power to provide for organizing, arming, and disciplining them. The power to appoint officers and admit members to the bar is restrained from the power to establish uniform rules of naturalization throughout the United States. The power to dispose of the unappropriated lands of the western territory is not necessarily implied in the power of disposing of the public domain, but it is necessarily implied in the power of making all needful rules and regulations respecting the territory belonging to the United States. The former power is restrained from the latter, and the latter is restrained from the former."

By the former, is meant the power of admitting new States into the Union—a power which he had adverted to as supplying a defect in the articles of confederation, and as avoiding the evil of usurping the exercise of an indispensable authority. Would he have denominated it a "power of very great importance," if he had regarded it as limited to a mere sale of the public lands? Would he have said it was required by considerations similar to those which show the propriety of the former"—the admission of new States—unless he had considered it as having "supplied a defect," as in the other case to which he had referred, and empowered Congress to do what it had done in respect to the northwestern territory without authority? There were other territories beside that northwest of the Ohio to be provided for. South Carolina had at that very time ceded to the United States her interest in the territory east of the Mississippi, now comprised in the States of Mississippi and Alabama; North Carolina and Georgia were expected to cede what now constitutes Tennessee, and the residue of Mississippi and Alabama. Mr. Madison, in the 38th number of the Federalist, written a year after the ordinance of 1787 was adopted, obviously alluded to those two last cessions as reasonably to be expected. How were these territories, and that which South Carolina had ceded to be provided for—how were temporary governments to be erected—how were officers to be appointed for them—how was the authority of the United States to be extended over them? Was it not under the clause of the constitution authorizing "all needful rules and regulations" to be made? Was it not in contemplation of these organic arrangements for the communities which would arise within that territory then acquired, and expected to be acquired, that Mr. Madison pronounced that clause as conferring "a power of very great importance?"

If we take these two numbers of the Federalist, (the 38th and the 43d,) the reasonings of which are directly connected by himself, in conjunction with his subsequent participation in legislative acts, by which the ordinance of 1787 was enforced, and similar provisions were applied to other portions of the public domain, his interpretation of the constitution in respect to the powers of Congress over the territory of the United States, cannot well be doubted. But, if any lingering doubt should remain in respect to Mr. Madison's opinion as to the right of Congress to legislate in respect to the municipal concerns of the persons residing upon the territory belonging to the United States, it will be removed by his declaration in Congress in 1790, that, though Congress was restricted by the constitution from taking measures to abolish the slave trade, yet there was a variety of ways in which it could countenance abolition, "and regulations might be made in relation to the introduction of them [slaves] into the new States to be formed out of the western territory."

I have been thus particular in explaining Mr. Madison's opinion, not only on account of the high authority which it carries with it, but because, from the manner in which it has been cited, it might seem to support conclusions which, in my judgment, derive no strength from it whatever.

Let me now call the attention of the Senate to the acts of Congress by which this construction of the constitution is supported, for the purpose of exhibiting the force it derives from legislative precedents.

I. The ordinance of 1787 was recognized by chapter 8, 1st session 1st Congress. The preamble recites that "it is requisite certain provisions should be made," &c., in order that the said ordinance may continue to have full effect." There was no division in either House upon its passage. There seems to have been no objection to it. Mr. Madison's name occurs on the Journal of the proceedings of the day on which the bill passed the House, of which he was a member. He was doubtless present, and concurred in the measure.

This first precedent which I cite, has all the force of contemporaneous exposition. It is coeval with the birth of the new government. It may be almost denominated the work of the framers of the constitution. It is recorded among the earliest acts by which that instrument was put in operation. It is one of the first footsteps by which the movement of the new government is to be traced out of the darkness in which its dawn was enveloped, into the clear, broad sunlight of its stability and strength. The act was signed by General Washington.

That the ordinance was not deemed by its framers, or by the Congress which continued it in force, incompatible with any degree of freedom from restraint, which may be justly claimed as essential to political liberty, is apparent from the terms of the instrument itself. The articles, of which the sixth and last prohibited slavery, were expressly declared to be adopted,

"for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory; to provide also for the establishment of States, and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest."

Several considerations suggest themselves in connection with this subject.

1. Neither the framers of the ordinance nor the first Congress considered the perpetual prohibition of slavery in the northwestern territory inconsistent with the admission of the States to be formed out of it into the Union on "an equal footing with the original States." Neither the actual tenure of slaves, nor the right to hold them, could have been considered essential to the full fruition of the political liberty which the States possessed as members of the Union.

2. The prohibition was not considered inconsistent with the

terms of cession of the territory by Virginia in 1784, which required that the States to be formed out of it should be

"republican States, and admitted members of the federal Union, having the same rights of sovereignty, freedom, and independence."

These rights of sovereignty, freedom, and independence, therefore, which the members of the federal Union enjoyed, were by the Congress of the confederation, and the first Congress, deemed fully possessed, although the right to hold slaves was prohibited. Virginia concurred in passing the ordinance in the Congress of the confederation in 1787, and in continuing it in force in the first Congress under the constitution in 1789.

Whatever doubt there may be as to the original validity of the ordinance, I believe, its authority has always been respected by responsible tribunals. I will read a decision from the Supreme Court of Louisiana, in the case of Merry vs. Chexnaider, 8 Martin's Reports, (new series,) 699:

"*Appeal from the court of the First District.*

"Porter, J., delivered the opinion of the court. The plaintiff sues in this action to recover his freedom, and from the evidence on record is clearly entitled to it. He was born in the neighborhood of Natchez, since the cession of that country to the United States, during the government of the Lieutenant-Governor, under the ordinance of 1787, which declared that there could be therein neither slavery nor involuntary servitude. This ordinance fixed forever the character of the population in the region over which it is extended, and takes away all inducement from the future adventurer to become a settler. Policy of cession by Virginia did not require Congress of the power to make such a regulation.

"It is therefore ordered, adjudged, and decreed, that the judgement of the district court be affirmed with costs."

This decision was pronounced in 1830, and it fully sustains the view of the subject I have taken.

II. On the 7th of April, 1798, an act was passed for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Mississippi territory. This act authorized the President to establish therein a government in all respects similar to that in the territory northwest of the Ohio river, except the sixth article of the ordinance of 1787. It then prohibited the importation of slaves into the territory from any place without the limits of the United States. This act was passed ten years (less a few months) before Congress was authorized by the constitution to prohibit the importation of slaves into the States which were originally parties to the federal compact. This provision of the constitution applied only to the then existing States. It did not extend to the States thereafter to be formed, or to the territories of the United States; a fact of the highest importance, if it is to be regarded as a limitation of a vested power. The exercise by Congress of the power of prohibiting the introduction of slaves into the Mississippi territory from foreign countries appears to have passed without opposition. I find no division in either house on that clause of the bill. This fact shows the undisputed interpretation put at that day on the constitution of the United States in respect to the powers of Congress over every matter of domestic concern in the territory belonging to the United States, and especially over the subject of slavery, the most delicate of all. There was a direct exercise by Congress, in respect to the territories, of a power which was positively prohibited in respect to the States existing at the adoption of the constitution. This act passed under the administration of the elder Adams.

III. At the first session of the 6th Congress, chapter 41, laws of 1800, an act was passed to divide the territory belonging to the United States northwest of the Ohio river into two separate governments. This act created a territorial government for Indiana in all respects similar to that provided by the ordinance of 1787 for the government of the northwest territory. This precedent reaffirms the principle contained in the ordinance. The act was signed by the elder Adams.

IV. On the 26th of March, 1804, an act was passed dividing Louisiana into two territories, and providing for the temporary government thereof. All that part of the territory south of the 33d parallel of latitude, now the southern boundary of Arkansas, was erected into the territory of Orleans

The 10th section of the act had three provisions in respect to slavery in the territory: 1. The importation of slaves, from any place without the limits of the United States, was prohibited; 2. The importation, from any place within the limits of the United States, of slaves imported since the 1st May, 1798, was prohibited; and. 3. The importation of slaves, except by a "citizen of the United States removing into said territory for actual settlement, and being at the time of such removal *bona fide* owner of such slaves," was prohibited.

When this section was under discussion in the Senate, a motion was made to strike out the last clause, and it was negatived by a vote of 19 to 9. Among the votes in the negative were John Breckenridge and John Brown of Kentucky, Jessee Franklin of North Carolina, James Jackson of Georgia, Samuel Smith of Maryland, Thomas Sumpter of South Carolina, William H. Wells and Samuel White of Delaware; 8 of the 19 from slaveholding States.

The House journal does not show any opposition to this section. The vote on the final passage of the bill was 66 yeas and 21 nays. Of the latter, only 7—one-third, of the whole number—were from slaveholding States

The territory of Orleans appears to have remained subject to these restrictions—at least all but the first—until 1812, when it was erected into a State, with the name of Louisiana. At least I can find nothing to the contrary. On the 2d March, 1805, an act further providing for the government of the territory was passed, by which the ordinance of 1787 was applied to it, except the sixth article, prohibiting slavery forever, and so much of the second paragraph as regulated the descent and distribution of estates. But, by the 8th section of the act, the act of March 26, 1804, dividing the territory of Louisiana, which was limited in its operation to one year and to the end of the next session of Congress thereafter, was continued in full force until repealed, excepting so far as it was repugnant to the act of 1805. The restrictions on the importation of slaves were not repugnant to that act, and they must have been continued in operation. I state this fact because it has been supposed and asserted that the act of 1804 was repealed the next year; as though Congress had passed it inconsiderately, and had thus early become convinced of the illegality of the restrictions upon slavery which it contained. But the construction of the act of 1805 is so obvious that the repeal cannot be admitted without judicial interpretations showing it. I find none. On the contrary, I find a decision of the Supreme Court of Louisiana, showing that those restrictions were continued in force. I will read an extract from it to the Senate:

"Formerly, while the act dividing Louisiana into two territories was in force in this country, slaves, introduced here in contravention to it, were freed by operation of law; but that act was merged in the legislative provisions which were subsequently enacted on the subject of importation of slaves into the United States generally."—*Governor Bennet vs. Executor's heirs*, 5th, Supr. Court of Louis. 1849.

The general law referred to, went into operation on the first of January, 1808. If, therefore, there was, as this decision shows, a merger in 1808, there could have been no repeal in 1805.

There cannot be a stronger case to show the control Congress has exercised over the subject. Slavery existed in Louisiana when it was ceded to the United States. Congress did not impose any restriction on the tenure of slaves then held in the territory; that might have impaired vested rights of propriety under the local law, which the United States had covenanted in the treaty of cession to maintain and protect. But Congress not only proceeded, at once, to prohibit the importation of slaves from foreign countries, but to prohibit their introduction from the States of the Union, excepting when accompanying and belonging to citizens of the United States moving into the territory to become residents. This was to impose restrictions upon its extension, even within the territory in which it existed. It was a direct prohibition of the domestic slave trade. It was an exercise of power, in respect to the territories, which Congress did not possess in respect to the States. It was an anticipation, by four years, of the time at which Congress was authorized to prohibit the importation of slaves into the original States. This act was signed by Jefferson.

V. On the 11th January, 1805, an act was passed establishing the territory of Michigan, with a government "in all respects similar to that provided by the ordinance of Congress, passed on the 13th day of July, 1787, for the government of the territory of the United States northwest of the river Ohio."

VI. On the 3d of February, 1809, a similar government was established for the territory of Illinois. These two last acts also passed under Mr. Jefferson's administration.

VII. On the 4th of June, 1812, an act was passed "providing for the government of the territory of Missouri," and the laws and regulations in force in the district of Louisiana were continued in operation.

VIII. On the 3d March, 1817, a government was formed for the territory of Alabama, and the laws then in force within it as a part of Mississippi were continued in operation. These acts were passed under Mr. Madison.

IX. On the 2d March, 1819, the territory of Arkansas was formed from the territory of Missouri, and a government established for it.

X. On the 6th March, 1820, the inhabitants of Missouri were authorized to form a constitution and State government, and slavery was prohibited in all that part of the territory of Louisiana north of 36° 30′ north latitude. In this exercise of legislative power, the greatest latitude is given to the authority claimed under the clause of the constitution respecting the territory of the United States.

XI. On the 30th March, 1822, an act was passed for the establishment of a territorial government in Florida, containing provisions making it unlawful "to import or bring into the said territory, from any place without the limits of the United States," any slave or slaves.

These three acts were passed under Mr. Monroe's administration.

XII. On the 20th April, 1836, an act was passed "establishing the territorial government of Wisconsin," securing to the inhabitants "the rights, privileges, and advantages" secured to the people of the northwestern territory by the ordinance of 1787, subjecting them to "the conditions, restrictions, and prohibitions" contained in said ordinance, and extending the laws of the United States over them. This act was signed by General Jackson.

XIII. On the 12th June, 1838, a territorial government for Iowa was established, and the laws of the United States extended over. This act was signed by Mr. Van Buren.

And here, Mr. President, I close this rapid specification of legislative precedents, commencing with the first Congress, and running, with a current of authority uninterrupted and almost unopposed, through more than half a century, down to the present day.

By looking through these acts, it will be found that the power of governing the persons occupying the territory belonging to the United States has been exercised by Congress in almost every form, and for a great variety of purposes, municipal as well as

political. Officers have been appointed, their qualifications prescribed, the right of suffrage fixed, limited, and extended, the descent and distribution of estates regulated, courts organized and their powers defined, personal rights secured, and, in general, the whole power of legislation has been controlled by Congress through the supervision it has retained over the laws passed by the respective legislative assemblies of the territories.

Let me now see how far this exercise of legislative power has been sanctioned by judicial interpretations. I quote from decisions of the Supreme Court, the highest judicial tribunal in the United States. That court, in reference to the clause of the constitution giving Congress power to dispose of, and make all needful rules and regulations respecting, the territory belonging to the United States, say:

"The power given in the clause [to make rules and regulations respecting the territory of the United States] has been exercised by Congress from the commencement of the government, and has been uniformly recognised by all departments of the government, and by all the courts of justice. It was necessary to confer it upon the government of the United States, which was charged with the duty of providing for the settlement and admission of the new States. *The Canter's Cotton Tree Marshall Company vs. Canter*, 1 Peters, 542.

"The term 'territory,' as here used, is merely descriptive of one kind of property, and is equivalent to the word land. It does not mean that the power of Congress over it is more or less than any other property belonging to the United States; and this power is vested in Congress without limitation, and has been exercised and recognised from the foundation of the government in all the forms which the various circumstances of the territory required. Indeed, the words of the constitution are unlimited, and comprise within them every description of property belonging to the United States. And in the case of *Mitchell vs. Wheaton*, 422, the Chief Justice, in giving the opinion of the court, speaking of this article and the powers of Congress growing out of it, applies it to the territorial governments, and says all admit their constitutionality. And again, in the case of the American Insurance Company vs. Canter, (1 Peters, 542,) in speaking of the cession of Florida to the United States, he says: 'Perhaps the power of governing a territory belonging to the United States, which has not, by becoming a State, acquired the means of self government, may result necessarily from the facts that it is not within the jurisdiction of any particular State, and is within the power and jurisdiction of the United States.—The right to govern may be the inevitable consequence of the right to acquire territory. Whichever may be the source whence the power is derived, its possession is unquestioned.' *Strode vs. Stockton, Marshall's Kentucky Reports, 2 Volume, 11. The American Insurance Company vs. Canter*, 1 Peters, 542.

I might refer to other decisions of the court, in which the same principle is recognized, though less directly perhaps, but sustaining the same interpretation of the constitution, and giving validity to the legislative precedents I have cited. Writers on constitutional law (Rawle, Sergeant, Story) concur in this construction. In short, it is believed that no power exercised under the constitution of such magnitude as that of governing the territories belonging to the United States has been more uniformly acquiesced in from the formation of the government to the present day, and in all its departments, legislative, executive, and judicial. No system of rules would be safe, if its authority could be disputed and overturned, in the face of such comprehensive and long continued sanctions. Government, law, social and political order, would become unstable, uncertain, and worthless, as a consequence either to or property or life, if their foundations could be thus sapped and undermined by logical subtlety and refinement—by new versions of the constitution at war with its ancient interpretations, and running counter to the whole course of the public administration from the earliest period of time.

And here, Mr. President, I dismiss the question of power. If, as I think, the affirmative is sustained, something, nevertheless, remains to be considered. A power may be constitutional, and yet may not be right to exert it. Its exercise must be justified by considerations of public or private advantage: it must not work either public or private wrong. I propose to consider it under this aspect.

And, in the first place, I intend to say nothing in regard to private interests excepting this—that there is no proposition before us to interfere with slavery where it exists—no restriction on the exercise of private or personal rights within the sphere of the local laws under which they arise. The question before us is, whether slaves shall be permitted to be introduced into Oregon, or whether their introduction shall be prohibited. It is a remote territory, generally conceded (though in this I do not concur, as I shall hereafter explain more fully) as not likely to be occupied by slaves, if they were allowed to be carried there. From this fact it is generally admitted to be unfit for slave labor must divert the question of all practical infringement of private rights, even in the estimation of those who take extreme views of the subject. I shall therefore consider it only in its bearing upon the great public interests.

Mr. President, I consider this question, in the form it has assumed, as involving the extension of slavery. I consider it so under the motion to strike out the 12th section, which substantially prohibits the introduction of slaves into Oregon. But it is made so more particularly by the amendment offered by my friend from Mississippi, [Mr. DAVIS,] which provides—

"That nothing contained in this act shall be so construed as to authorize the prohibition of domestic slavery in said territory whilst it remains in the condition of a territory of the United States."

I understand this as an assertion of the right to carry slaves into Oregon both against the interference of Congress, and the desire of the inhabitants to exclude them. I understand it as maintaining the right to introduce domestic slavery into Oregon. This is extension, and against the wishes of the inhabitants who have prohibited its introduction. Let me, then, present some considerations concerning this whole subject of extension.

Those who oppose the extension of slavery to wider limits believe that such extension promotes the multiplication of slaves. On the other hand it is contended that it makes no addition to their numbers, but merely spreads them over a broader surface. This position is believed to be wholly inconsistent with all the received laws of population. The tendency of the human race is to increase in a compound ratio of the extent and productiveness of the surface on which it is sustained. The highest possible impulse is given to this increase in an unoccupied country, distinguished for its fertility, and offering certain rewards for the products of labor. This is the character of our own soil. Wherever slave labor can be carried, it will, for a time, be productive. Missouri affords a strong illustration of the truth of this proposition. That State lies wholly north of 36° 30′ north latitude, excepting a strip about thirty miles wide on the Mississippi, running down to the thirty-sixth parallel, and yet, though so far north, slavery made rapid progress there after her admission into the Union. By the census of 1820, there were 10,222 slaves; in 1830, 24,820, an increase of one hundred and thirty-five per cent. in ten years; and in 1840, 58,240, an increase of one hundred and forty per cent. in ten years. For several years the slave population increased more rapidly than the free. In all new and fertile soils, where the demands for labor are urgent, this will be the inevitable result. The multiplication of the human species is governed by laws as inflexible and certain as those which govern the reproduction of vegetable life. In both, the stimulus, whatever it may be, constitutes the law of the increase. I am aware that the ratio of increase in Missouri, both in respect to the white and the black race, was materially modified by immigration; and to that extent the result is independent of the application of the principle I have stated. But it can hardly be denied that our surface, productive surface, is the great element of our extension. It is this alone which has carried the ratio of increase far beyond that of any other people. If we had been restricted to the area of the thirteen original States, how different would have been the result of our decennial enumerations! The same principle governs the white and the black races. The laws of labor, subsistence, and population, act on both, though not everywhere with the same intensity.

If these conclusions are true, that enlargement of the surface over which slavery is spread carries with it, by force of invincible laws, a multiplication of the race held in bondage: in other words, a substantial increase of the number of slaves. Extension in respect to surface is multiplication in point of number. The two propositions cannot be legitimately separated either in reasoning or in practice. In this view of the subject the extension of slavery is a reproduction of its original irresistible tendency in increasing it, and in this respect it has a moral bearing, to which the great mass of the community cannot be indifferent.

Mr. President, in providing for the government of our territories, while they continue subject to the exclusive regulation of Congress, no view of the subject would be complete which overlooks the part we are performing in the great movement of civilized society on both sides of the Atlantic. Let us turn our attention to some of the considerations which suggest themselves in connection with this point. It requires no powers of prophecy to foretell that we are destined to spread ourselves over the greater portion of the American continent on this side of the great lakes—south to the densely peopled portions of Mexico, and west to the Pacific. Nor is it an idle dream of the imagination to foresee in our political organization the foundations of an empire increasing more rapidly, and destined to expand to broader limits, than the Roman republic: not an empire, like that, founded in war, and propagating itself by brute force; but an empire founded in peace, and extending itself by industry, enterprise, and the arts of civilization.—Rome, in receiving into her bosom the surrounding population as she conquered them, instructed them in the art of war, and made them the instruments of new aggressions. We receive into ours the surplus population of the Old World, to instruct them in the arts of peace, and to secure the triumphs of civilization across the western continent. There is nothing in the history of human society so calculated to exalt it as the spectacle we present—receiving into the bonds of friendship, and admitting to the rights of citizenship, the surplus of the over-peopled and over-governed countries of Europe. These annual additions constitute an element of no inconsiderable force in the ratio of our progression. In the last quarter of a century—about the same period which the duplication of our numbers—we have received, from the United Kingdom of Great Britain and Ireland alone, nearly a million of immigrants; and from continental Europe, we have had large additions. These drains, on the one hand, and accessions, on the other, are not only likely to continue, but to increase in force. A surplus population, provided for by emigration, is certain to be regularly reproduced. Europe, therefore, will not be numerically weakened by these annual drains, even though they should be indefinitely augmented; and every addition to our numbers from abroad renders the force of immigration more intense, by relaxing the ties which bind to their native soil the kindred multitudes left behind.

For an indefinite period, then, we may calculate on large and constantly increasing additions to our population by immigration; and the natural multiplication of our own people, under the impulse of the powerful stimulants contained in a soil of extraordinary fertility, and in the superabundant supply of food, will doubtless maintain our past rate of increase, and give us, at the close of the present century, a hundred millions of inhabitants.

One of the most interesting and important problems, both for the American statesman and philosopher, is to determine of what race or races this vast population shall consist; for on the solution which future generations shall give to it, will essentially depend

the prosperity of the community or communities they will constitute, and their ability to maintain such a form of government as shall secure to them the blessings of political liberty, and an advanced civilization. In a general survey of the races by which the earth is peopled, though the varieties are infinite, there are but four grand divisions—the Asiatic, the Caucasian, the Ethiopian, and the Indian. The whole surface of Europe, with some inconsiderable exceptions, is occupied by the Caucasian race—by the descendants of the energetic and independent tribes, which, from the shores of the Caspian, have, in different eras, spread themselves over Germany and western Europe, and laid the foundations of nearly all the civilization the world contains. From this Indo-Germanic or Caucasian race we are ourselves descended; and we are doing for the New World what they did for the Old—spreading ourselves over and subduing it—not, indeed, by arms, but by the arts of peace. In whatever portion of Europe emigration to the United States takes its rise, it brings with it homogeneous currents. The same blood fills the veins of all. If shades of variety exist in the intellectual and physical characteristics of the multitudes who come among us, it is to be traced to the influences which diversities of soil, climate, and government have exerted upon them in the different sections of Europe in which their lot has been cast. In the great outlines of their physiognomy, animal and moral, they are identical, and they are distinguishable from all other races by peculiarities not to be mistaken.

I believe it to be in the order of Providence, that the continent of North America, with the exception perhaps of some inconsiderable districts, is ultimately to be peopled by the same race which has overspread Europe, and made it what it is in science, in wealth, in civilization, and in morals. We may, by a misapplication of the means at our command, thwart for a season the divine purpose; we may postpone the consummation of the end we have to accomplish; but the deeply-seated causes which are at work will ultimately triumph over all obstacles. Years, possibly centuries—(and what are centuries in the history of nations and empires?)—I say possibly centuries may be necessary to complete this process; but it must, in the end, be completed. I believe it may be satisfactorily shown that the free black population in the northern States does not increase by its own inherent force. I doubt whether it is fully reproduced. In four of the New England States—Vermont, New Hampshire, Rhode Island, and Connecticut—the black population, from 1820 to 1840, materially decreased. In New York, Massachusetts, and Maine there was an increase during the same period; but this was doubtless due to the immigration of manumitted blacks from the South, finding their way to the principal commercial States. Without these accessions, the result in these States would probably have been the same as in the four New England States referred to. Under the most favorable circumstances, it is, and must continue to be, an inferior caste in the North. It counts nothing in the estimate, physical or intellectual, of the strength of the body politic. Even where the forms of its admission to the privileges of freemen are complete, it is an excluded class. Let the liberal and the humane do what they may, they cannot change the unalterable law of its destiny. Public opinion at the North—call it prejudice, if you will—presents an insuperable barrier against its elevation in the social scale. My own State has recently, by a majority of about one hundred and thirty thousand votes in two hundred thousand, refused to place blacks on the same footing as whites in the exercise of the elective franchise. Illinois and Connecticut have, I believe, done the same thing by decided votes. A class thus degraded will not multiply. This is the first retrogradation. The second almost certainly follows. It will not be reproduced; and in a few generations, the process of extinction is performed. Nor is it the work of inhumanity or wrong. It is the slow but certain process of nature, working out her ends by laws so steady, and yet so silent, that their operation is only seen in their results. I am not sure that this fact is so supported by statistical data that it can be considered settled beyond doubt. If it were, it might solve a great problem in population in the United States—a problem full of consequence and of instruction for our guidance—that manumitted blacks, as a class, do not multiply, and perhaps are not reproduced.

Is it the part of wisdom or humanity to promote the extension or increase of a race which has its destiny written in characters not to be mistaken or effaced—an extension adding nothing to the public prosperity or strength, and enlarging the basis of human degradation and suffering?

What is the true policy of the country, looking to its rapid growth and to the steady extension of our people over the unoccupied portions of this continent? Sir, there is grave cause for reflection in the unexampled increase of our population by its inherent force, and still more in the vast accessions annually made to our numbers by immigration. The public order and prosperity depend, in some degree, on giving to these accessions, foreign and domestic, a uniform and homogeneous character. We could not divert the current of immigration if we were disposed to do what every dictate of humanity repels and condemns. It is in the vast and fertile spaces of the West that our own descendants, as well as the oppressed and needy multitudes of the Old World, must find the food they require, and the rewards for labor, which are necessary to give them the spirit and the independence of freemen. I hold it to be our sacred duty to consecrate these spaces to the multiplication of the white race. Our part is to see, also, as far as in us lies, that this new material is made to conform to the political organization, of which it is to become an integral part. I have always believed this object would be best accomplished by a liberal policy. The federal government can do nothing in this respect. The State governments must do all—rather perhaps by acting upon future generations than the present—by establishing schools, by the removal of restrictions upon the application of labor and capital, and by emancipating industry, under all its forms, from the shackles of privilege and monopoly.

If we were to look to the rapid increase of our own population alone, without reference to external accessions—accessions annually increasing and with a constantly-accelerated force—I should hold it to be our duty to promote, by all just and constitutional means, the multiplication of the white race, and to discourage, as far as we properly can, the multiplication of every other. Reason and humanity, acting within the limits of the constitution, will define the mode and extent of the agency we may exert over our destinies in this respect. With regard to the policy of peopling this continent by the highest race in the order of intellectual and physical endowment, there can be no difference of opinion. No man can hesitate to say whether the condition of this continent, in all that concerns its government, morals, civilization, prosperity, strength, and productiveness, would be most likely to be promoted by peopling it with the race from which we sprung, or with the descendants of the Ethiop and the Calfre. There may be portions of the southern States in which the climate and objects of cultivation require the labor of blacks. I pass by all considerations of this character for an obvious reason. If there are portions of the Union which can only be cultivated by the African race, they are embraced within the territorial boundaries of organized States, over whose domestic condition and relations the federal government has no control. The question concerns only them, and I forbear to touch it. But admitting the necessity of slave labor there, the admission furnishes no argument in favor of the extension of the African race to territories in which no such necessity exists.

The character of the population, by which this continent is to be occupied, is a subject of vital importance to every section of the Union. The strength of the whole is concerned, and with its strength its security from external aggression and interior disorder and violence. The nearer the great body of our people—those especially who till the earth—approach the same standard in intelligence and political importance, the more likely we shall be to maintain internal tranquility in peace, and bring to the common support in war the united strength of all. A degraded class is always, and must be, by force of immutable laws, an element of insecurity and weakness. I will not say that the North is as much interested in this question as the South. But we have a very deep interest in it. Manumitted slaves come to us in considerable numbers. They will continue to do so in spite of any discouragements we may oppose, and without the aid of compulsory legislation on the part of the States in which they are manumitted. All such additions to our numbers are in the highest degree undesirable. They add nothing to our strength, moral or physical; and, as we fill up, their tendency is to exclude whites to the extent that they contribute to supply the demand for labor. If the fifty thousand free blacks in New York were to be withdrawn, their places would be filled by an equal supply of white laborers. Our strength and our prosperity would be proportionably increased by substituting white citizens for a class laboring under civil disqualifications, and excluded, by the force of opinion, from all share in the concerns of government. We desire and need independent, not dependent classes. We have, then, a deep interest in this question, first as a member of the common Union, and next as a community in some respects independent and sovereign. In both relations it concerns our permanent welfare, and we can ver consent or contribute—by any act, by inaction, by acquiescence, express or implied—to the extension of slavery to regions in which it does not now exist.

It is generally conceded that there is nothing in the climate or productions of Oregon, which requires the labor of blacks. If this be so, slavery, if introduced, would gradually give way in the competition with free labor. Notwithstanding this inherent tendency in slavery to wear itself out in districts to which it is not indispensably necessary, it will be profitable for a time in new countries, where there are lands to be brought under cultivation, and where there is an urgent demand for labor. But for a temporary purpose—with the assurance that it must eventually be eradicated—would it not be unjust and unwise, considering the question in its political bearing alone, to decline to exclude it, and to make the prohibition absolute?

Gentlemen have said this is not a practical question—that slaves will never be taken to Oregon. With all deference to their opinions, I differ with them totally. I believe, if permitted, slaves would be carried there, and that slavery would continue at least as long as in Maryland or Virginia. The Pacific coast is totally different in temperature from the Atlantic. It is far milder. Lines of equal temperature—isothermal lines, as they are technically denominated—traverse the surface of the earth in curves of varied eccentricity in reference to the parrallels of latitude. These curves are no where, perhaps, greater than on this continent. In the latitude of Nova Scotia, which is bound for nearly half the year in fetters of ice, snow on the Pacific does not lie more than three or four weeks. In the valley of the Wilhamette, above the 45th degree of north lattitude—the parallel of Montreal—grass grows the whole winter, and cattle are rarely if ever housed. Green peas are eaten at Oregon city, in the same parallel, at Christmas. Where is the corresponding climate to be found on

this side of the continent? Where we sit—near the 39th? No, sir, far to the south of us. The latitude of Georgia gives on the Pacific a tropical climate.

When I say this is a practical question, I do not rely on reasoning alone. The prohibition of slavery in the laws of Oregon was adopted for the express purpose of excluding slaves. A few had been brought in, further importations were expected; and it was with a view to put a stop to them that the prohibitory act was passed.

Shall we, then, refuse to ratify this prohibition. Are we unwilling to extend to the inhabitants of Oregon a privilege they ask for themselves? Shall we, by our judgment, solemnly pronounced here, declare that the territory of Oregon shall be open to the introduction of slaves, unless the people, through their legislative assembly, re-enact the prohibition? I might go further, and ask, in reference to a proposed amendment, whether we are prepared to say, against the wishes of the inhabitants, that the introduction of slaves into Oregon shall not be prohibited?

Mr. President, I desire it not to be understood, in putting these inquiries, that I am in favor of leaving to the inhabitants of territories the decision of a question not only affecting them, but of vital importance to the prosperity of the whole community. I have always regarded it as one of the high duties of the federal government to give direction and shape to the institutions of the inhabitants of a territory while preparing themselves for admission into the Union. This temporary subordination was deemed necessary for the northwest territory, even though settled by the unmixed population of the thirteen original States, trained to self-government and to the exercise of political rights under institutions of the most faultless character. How much more necessary is such a supervision now, when territories are becoming annexed to the Union inhabited by the most heterogeneous races, and wholly unused to the enjoyment or exercise of rational freedom?

An honorable Senator from North Carolina [Mr. BADGER] denominated this submission of power to the inhabitants of the territories a republican measure, or as in accordance with the genius of our republican institutions. Sir, it was not so considered in former times—in the earlier and better days of the republic. Let me state some historical facts touching this question.

In 1805, an act was passed for the government of the territory of Orleans. While the bill was under discussion in the Senate, certain amendments were offered, the effect of which would have been to give the inhabitants of the territory of Orleans the management of their own domestic concerns, uncontrolled by Congress. The journal of the Senate does not show by whom the amendments were offered; but on searching the records of that period, I find the manuscript copy endorsed, "Mr. Tracy's motion to amend bill." I think this may be regarded as the original, to which subsequent attempts to emancipate the territories from the control of the federal government, before they have the population necessary to give them a representation in Congress, may be referred.—Whatever the doctrine may be considered at the present day, it derived little support from republican sources then. It was brought forward by Mr. Tracy, an able and respectable federalist from Connecticut. On the division, which was called on his motion to strike out for the purpose of inserting his amendments, it received but eight votes, including his own. They were given by Timothy Pickering and John Quincy Adams, of Massachusetts; Uriah Tracy, the mover, and James Hillhouse, of Connecticut; James A. Bayard and Stephen White, of Delaware; Simeon Olcott, of New Hampshire; and James Jackson of Georgia. With the exception of Mr. Jackson, all these gentlemen were federalists, for it was not until several years later that Mr. Adams acted with the republican party. Some of them were among the brightest ornaments of the federal party of that day, both in respect to talents and private character, and all were strenuous opponents of Mr. Jefferson's administration. Against these eight ayes were twenty-four noes, given by the great body of Mr. Jefferson's supporters and some of his opponents. Among the former were Baldwin of Georgia, Giles of Virginia, and Smith of Maryland. The supporters of the measure were, with one exception, federalists, and opponents of Mr. Jefferson's administration. Its opponents were chiefly republicans, and supporters of his administration.

At the same session of Congress memorials were presented to both houses of Congress from the inhabitants of the territory of Orleans, and from the district of Louisiana. The former prayed to be admitted immediately into the Union, and insisted that they had a right to such admission under the treaty of cession. The latter asked for a territorial government; the whole territory, or district of Louisiana, as it was called, lying north of the 33d parallel of latitude, having been virtually subjected, in respect to the administration of its legislative, executive, and judicial powers, to the government and judges of the Indiana territory. In both cases the inhabitants prayed for the privilege of importing slaves. These memorials were referred, in the House of Representatives, to a committee of which Mr. John Randolph was chairman.

On the 25th of January, 1805, Mr. Randolph made a report, which will be found at page 417 of volume 20, American State Papers, printed by Gales and Seaton, concluding with a resolution—

> "That provision ought to be made by law for extending to the inhabitants of Louisiana the right of self-government."

This resolution was agreed to on the 28th of January, without a division.

Mr. Randolph's report, while asserting that "every indulgence, not incompatible with the interests of the Union," should be extended to the inhabitants of Louisiana, and while declaring that the object of the committee was

> "organization of Louisiana a government of its own choice, administered by officers of its own appointment."

Maintained at the same time, that in

> "any question under the extension of this privilege to the new-born citizens, it [illegible] should be [illegible] guided by wise and [illegible] policy. At one time it may be [illegible] a prohibition of the importation of foreign slaves, equally dictated by humanity and policy, [here follows an enumeration of other restrictions,] to which may be added, (for further security,) that [illegible] never be changed by Congress, within a limited time after the r[illegible] assembly to the [illegible]."

The report of Mr. Randolph asserts, to the full extent, the right of Congress to provide for the government of the territories, to impose on them such restrictions as were demanded by the interests of the Union, and to prohibit the introduction of slaves from foreign countries, as a measure of humanity and policy.

Such was the action of the two houses of Congress on this subject, involving the question of yielding to the inhabitants of territories the control of their own domestic affairs, and exempting their legislation from the supervisory and repealing power of Congress. If we regard it as a party measure, all the republican sanctions of that day were against it. And if we consider it as a political question, to be determined, with regard to its complexion, by a reference to the genius of our institutions, it is singular that those who were most deeply imbued with the spirit of republicanism should have been arrayed against it.

Let me now examine for a moment the question immediately before us. A motion is made to strike out the 12th section of this bill. The section provides, first, that

> "the inhabitants of the said territory shall be entitled to all the rights, privileges, and immunities heretofore granted and secured to the territory of Iowa, and to its inhabitants."

Second, that

> "The existing laws now in force in the territory of Oregon, under the authority of the provisional government established by the people thereof, shall continue to be valid and operative therein, so far as the same be not incompatible with the provisions of [illegible] unless otherwise altered, modified, or repealed by the governor and legislative assembly of the said territory of Oregon."

Third, that

> "The laws of the United States are hereby extended over and declared to be in force in said territory, so far as the same or any provision thereof may be applicable."

In order to see what rights, privileges, and immunities the people of Oregon are to acquire, we must refer to the act organizing the territory of Iowa. The 12th section of this act provides

> —"that the inhabitants of the said territory shall be entitled to all the rights, privileges, and immunities heretofore granted and secured to the territory of Wisconsin and its inhabitants," &c.

We must next have recourse to the act organizing the territory of Wisconsin. The 12th section of this act provides

> —"that the inhabitants of the said territory shall be entitled to, and enjoy, all and singular the rights, privileges, and advantages granted and secured to the people of the territory of the United States northwest of the river Ohio, by the articles of the compact contained in the ordinance for the government of the said territory, passed on the 13th day of July, 1787; and shall be subject to all the conditions and restrictions and prohibitions in said articles of compact imposed upon the people of the said territory."

It will be seen that there is an essential difference in the language of the two sections. The 12th section of the act organizing the territory of Iowa secures the rights, privileges, and immunities, secured to the territory of Wisconsin and its inhabitants, including the ordinance of 1787; but it does not expressly impose the conditions, restrictions, and prohibitions contained in that ordinance. I suppose the exclusion of slavery from the northwest territory by the ordinance is to be referred rather to the class of restrictions and prohibitions than to that of privileges and immunities. Under such a construction of the act, slavery would not have been excluded from Iowa by the 12th section of the act establishing a government for that territory, nor would it be excluded from Oregon by that portion of this bill which secures to its inhabitants "the rights, privileges, and immunities heretofore granted and secured to the territory of Iowa and its inhabitants."

I know there is a difference of opinion in respect to the true construction of the 12th section of the act organizing a government for the territory of Iowa. The Senator from Maryland, [Mr. JOHNSON,] whose legal opinions are entitled to great weight, is of opinion that the slavery restrictions contained in the 12th section of the act organizing a territorial government for Wisconsin, from which territory Iowa was taken, are embraced in the 12th section of the act establishing a government for the latter. The Senators from North Carolina and Georgia, [Mr. BADGER, and Mr. BERRIEN,] consider the conditions, prohibitions, and restrictions, imposed by the ordinance of 1787, on the one hand, and the rights, privileges, and advantages, secured on the other, as distinct, substantive propositions, of which, the latter only are embraced in the 12th section of the last named act. And although I will not undertake to decide between them, I confess this seems to me the most reasonable construction. Practically, this question was of no importance as to Iowa, as slavery was excluded from that territory, which was a part of Louisiana, by the Missouri compromise.

Let us now look at the next provision of this section, which I consider the most important. It declares that the laws now existing in Oregon shall continue to be valid and operative, &c.

One of these laws contains a prohibition of slavery. I will read it; it is article one, section four, of the organic laws of Oregon:

"These shall be neither Slavery nor involuntary servitude in said territory, otherwise than for the punishment of crimes, whereof the parties shall be duly convicted."

This prohibition is adopted by the section I am considering; and the exclusion of slavery will, for the time, be as complete as though it were expressly prohibited by an adoption of the amendment offered by the Senator from New Hampshire, and subsequently withdrawn by him. That amendment subjected the territory of Oregon to the restrictions and prohibitions of the ordinance of 1787. It would have been a perpetual exclusion of slavery; and in this respect it differs from the 12th section as it stands. For instance: under this section the inhabitants of Oregon might rescind or repeal the law prohibiting slavery; this act of repeal would go into immediate effect, and slaves could be introduced into the territory. The sixth section, however, provides that all laws passed by the Governor and Legislative Assembly shall be submitted to Congress, and if disapproved, shall be void and of no effect. If such an act of repeal should be passed, it would bring the question again before Congress for its approval or disapproval. Such an act is certainly very unlikely to be passed by the legislative authority of the territory. Still, the positive prohibition contained in the ordinance of 1787 is preferable as making a final disposition of the question; and it is in accordance with the whole legislation of the country in respect to territories situated like this. I shall, therefore, at a proper time, unless some other Senator does so, offer an amendment to that effect.

I regret exceedingly, Mr. President, to have taxed the patience of the Senate so long; but I believed I was performing a duty to high principles, and to the State I have, in part, the honor to represent; and no consideration could induce me to shrink from the performance of it.

Before I conclude, I desire to state some positions which I took last winter, in discussing what was termed the three million bill. I thought then, and I think still, that they constitute the only practical and reasonable basis for the settlement of this question. They were these:

1. All external interference with slavery in the States is a violation of the compromises of the constitution, and dangerous to the harmony and perpetuity of the federal Union.

2. If territory is acquired by the United States, it should, in respect to slavery, be received as it is found. If slavery exists therein at the time of the acquisition, it should not be the subject of legislation by Congress. On the other hand, if slavery does not exist therein at the time of the acquisition, its introduction ought to be prohibited while the territory continues to be governed as such.

3. All legislation by Congress in respect to slavery in the territory belonging to the United States, ceases to be operative when the inhabitants are permitted to form a State government; and the admission of a State into the Union carries with it, by force of the sovereignty such admission confers, the right to dispose of the whole question of slavery at its discretion, without external interference.

These positions were in substantial accordance, as I supposed, with the declared opinions of the Legislature of New York; and they have been recently re-affirmed, so far as the exclusion of slavery from territory in which it does not now exist is concerned.

I believe this to be the only just, equal, and reasonable basis on which this question can be amicably settled. Such a result may be hopeless. Extreme views on both sides may defeat all adjustment of it on friendly terms. If so, I shall have the consolation of reflecting that while my own opinions lie between those extremes—while they have been advanced, as I trust, in language no one can deem offensive, they have been maintained with a steadiness which ought always to accompany settled convictions of right and duty.

Mr. President, I conclude by saying for New York, as I think I am authorized to say by her legislative resolutions, that while she will adhere steadfastly to all the compromises of the constitution, and while she will resist all interference with slavery in the States as unauthorized and disorganizing, she will never consent to its extension to territory in which it does not now exist, and especially where it is now prohibited. On the contrary, she will, in every constitutional mode, oppose all such extension, as of evil tendency in government, wrong in itself, and repugnant to the humanity and the civilization of the age.

Mr. CALHOUN.—It appears to me advisable, that if this discussion proceed it should proceed upon this amendment. It distinctly presents the question at issue. Whereas the section proposed to be stricken out endeavors to effect the object by indirection and abstraction. The country will far better understand the question that is made upon this amendment. I think, therefore, the debate had better proceed upon the amendment. I do not desire to speak at this stage of the debate, but if no other Senator is ready to take the floor, I shall have no objection to deliver my sentiments to-morrow.

On motion by Mr. CALHOUN, it was

Ordered, That the further consideration of the bill be postponed until to-morrow.

PATENTS FOR LANDS.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the issuing of patents in a certain class of cases, and for other purposes; and having been amended, it was reported to the Senate and the amendments were concurred in.

30TH CONG.—1ST SESSION—No. 98.

Ordered, That this bill be engrossed and read a third time.

The said bill was read a third time, and the title was amended.

Resolved, That the bill pass, and that the title thereof be "an act for the issuing of patents for lands in the State of Louisiana."

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

PRIVATE BILLS PASSED.

The Senate proceeded to consider, as in Committee of the Whole, the following bills:

An act for the relief of Edna Hackett, wife of Alexander D. Fisk.

An act for the relief of William Ralston.

An act for the relief of Thomas Scott, Register of the Land Office at Cincinnati, Ohio, for services connected with the duties of his office.

No amendment being made, they were reported to the Senate.

Ordered, That they pass to a third reading.

The said bills were read a third time.

Resolved, That they pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

JUDICIAL.

The Senate proceeded to consider, as in Committee of the Whole, the bill supplemental to the act passed the 9th day of May, in the year 1846, entitled "an act to retrocede the county of Alexandria, in the District of Columbia, to the State of Virginia," and having been amended, it was reported to the Senate, and the amendment concurred in.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time.

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

W. B. SLAUGHTER, OF WISCONSIN.

Mr. MASON, by unanimous consent, asked and obtained leave to bring in a joint resolution to explain an act passed 24th June, 1848, entitled "an act for the relief of Wm. B. Slaughter, late Secretary of the Territory of Wisconsin;" which was read the first and second times, by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said resolution was read a third time.

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered. That the Secretary request the concurrence of the House of Representatives therein.

LAND CLAIMS IN MISSISSIPPI.

The Senate proceeded to consider, as in Committee of the Whole, the bill supplemental to an act to confirm the survey and location of claims for lands in the State of Mississippi east of the Pearl river, and south of the 31st degree of north latitude, approved March 3, 1815; and having been amended, it was reported to the Senate, and the amendment was concurred in.

Ordered, That the amendments be engrossed, and the bill read a third time.

The said bill was read a third time.

Resolved, That this bill pass with amendments.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendments.

SURVEY OF THE MOUTH OF RED RIVER.

The Senate proceeded to consider, as in Committee of the Whole, the bill to provide for a survey of the mouth of the Red river; and no amendment being made, it was reported to the Senate.

Mr. WESTCOTT moved that the bill lie on the table; and on this motion he demanded the yeas and nays, which were ordered, and it was determined in the negative, as follows:

YEAS.—Messrs. Atherton, Bright, Butler, Davis, of Mississippi, Dickinson, Hamlin, Houston, Hunter, Johnson, of Georgia, Lewis, Mason, Turney, Westcott, and Yulee—14.

NAYS.—Messrs. Atchison, Badger, Bell, Bradbury, Clarke, Clayton, Corwin, Davis, of Massachusetts, Dix, Downs, Felch, Greene, Johnson, of Maryland, Johnson, of Louisiana, Miller, Niles, Phelps, Sebastian, Spruance, Sturgeon, Underwood, and Upham—22.

Ordered, That the bill be engrossed and read a third time.

The said bill was read a third time.

Resolved, That this bill pass.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

On motion,

The Senate adjourned.

TUESDAY, JUNE 27, 1848.

THE WASHINGTON MONUMENT.

The PRESIDENT, *pro tempore*, laid before the Senate a communication from the committee on arrangements, in behalf of the Washington National Monument Society, inviting the Vice President and Senators in Congress to attend the ceremony of laying the corner stone of the Washington national monument, on the 4th day of July next; which was read.

Mr. CLAYTON submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Senate will receive and attend the ceremony of laying the corner stone of the Washington national monument, on the 4th day of July next.

MEMORIAL OF MISS D. L. DIX.

Mr. DIX presented the memorial of Miss D. L. Dix, praying a grant of public lands, for the relief and support of the indigent insane within the United States; and said:

I rise, Mr. President, to present a memorial from Miss Dix, who is well known to the American public for her disinterested efforts in ameliorating the condition of the indigent insane. For many years her time, her health, and her pecuniary means have been freely spent in this charitable service. Through her perseverance and through the impression produced by the information which she has gathered, institutions have been reared in different parts of the country; the wealthy have contributed from their abundance, and States laboring under heavy burdens of debt have already taxed themselves for the relief of a class which, of all others, has the strongest claim to our sympathy and support.

The memorialist asks that a portion of the public lands may be appropriated for the purpose of affording relief and support to this unhappy class in each State of the Union. Her memorial contains a mass of interesting and instructive information, derived partly from public sources, and founded partly on her own personal observation; and her application is supported by reasonings and facts which cannot fail to make a strong impression on the mind and the feelings.

It is due to her to say that she comes before the Senate with the greatest reluctance, but that she has yielded to a sense of duty, which has overruled all personal considerations, in behalf of the cause of humanity, which she pleads.

I will read to the Senate a very few passages from the closing pages of the memorial.

[Here Mr. D. read a part of the memorial.]

I ask, Mr. President, that this memorial may be printed. Its object is purely public, and its purpose is co-extensive with the universality of the moral disease which it aims to relieve. It does not concern one State alone, but all. And in view of the importance of the subject, I also ask that it may be referred to a select committee, to be appointed by the presiding officer of the Senate.

Ordered, That the memorial be printed, and that it be referred to a select committee, consisting of five members, to be appointed by the PRESIDENT *pro tempore*; and

Messrs. DIX, BENTON, BELL, HANNEGAN, and DAVIS, of Massachusetts were appointed the committee.

On motion by Mr. HALE, it was

Ordered, That five thousand additional copies of the said memorial be printed for the use of the Senate.

WHITNEY'S RAILROAD TO THE PACIFIC.

Mr. NILES, by unanimous consent, asked and obtained leave to bring in a bill to set apart and sell to Asa Whitney, of New York, a portion of the public lands, to enable him to construct a railroad from Lake Michigan to the Pacific Ocean; which was read the first and second times by unanimous consent.

On motion by Mr. NILES, it was

Ordered, That the bill be referred to a select committee to consist of five members, to be appointed by the PRESIDENT *pro tempore*, and

Messrs. NILES, CORWIN, LEWIS, BELL, and FELCH were appointed the committee.

JOHN MCGARR.

Mr. BENTON, by unanimous consent, asked and obtained leave to bring in a joint resolution in relation to the naval pension of John McGarr; which was read the first and second times by unanimous consent.

Mr. BENTON remarked that the bill might lie on the table until to-morrow morning, and he would then ask its passage by the Senate.

JOSEPH NOURSE, DECEASED.

Mr. MASON, from the Committee of Claims, to whom was referred the amendment of the House of Representatives to the bill to authorize the settlement of the account of Joseph Nourse, deceased, reported thereon.

The Senate proceeded to consider the said amendment, and it was

Resolved, That they concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

JONES AND BOKER.

The Senate proceeded to consider the resolution submitted yesterday by Mr. WESTCOTT, relating to the act for the relief of Jones and Boker.

Mr. WESTCOTT said that since he had proposed the resolution, deeming it might be possible there was some mistake, although he did not believe there was, he had had another conversation with the Comptroller of the Treasury, and had directed his attention to the explanations given by gentlemen here, and he had informed him that his first information was correct.

Mr. HALE stated that his objection to the resolution was chiefly this: that he thought there was manifest impropriety in one branch of the legislature directing an executive officer to suspend the action of a law which had been passed by both Houses of Congress, and had received the sanction of the President.

Mr. TURNEY suggested that the resolution had better be passed over until they obtained further information.

Mr. NILES.—The resolution is virtually repealing a law that we have passed, and that too upon a mere suggestion coming from a subordinate officer of the government. These gentlemen, Jones and Boker, are as respectable merchants, I believe, as any in the country, and yet this suspension of the law, is to be predicated upon the assumed fact, that they have practised a fraud upon the government. I suppose we have the facts as well made out in this case, as in most cases. It can hardly be deemed possible, that these men have received the money which they are now applying for; still, if so, I should not wish the bill to take effect by any means. The resolution might be differently worded, however, making it the duty of the accounting officer to enquire into the facts; and to ascertain whether the notes have been paid. But to repeal a law which has gone through all the forms of legislation by a mere resolution, seems to me rather an unwarrantable proceeding.

Mr. BADGER.—I entirely concur with the Senator from Connecticut. The securities no doubt have been paid under a forged endorsement, and we are passing this resolution upon the ground that the money has been received by the persons whose names have been thus forged, and that they have been guilty of practising a gross fraud upon the government. It would be highly unjust to cast a censure of this kind upon these individuals without a thorough investigation.

Mr. WESTCOTT.—I understand there is an error in regard to one thing, and that is the simulation of the name. I am told that their names were not forged, but that there was a blank endorsement upon the notes, and that the notes were improperly obtained by those to whom they were paid. And I will here say, that I understand that it can be all reconciled without any imputation against them. The only object of the resolution is to give the Comptroller of the Treasury authority to suspend action until the matter can be properly investigated.

Mr. BADGER.—It may be true, that the officers of the executive department are as competent to decide matters of this kind as the two Houses of Congress; but in this particular case Congress has thought proper to decide, and they have put their decision into the form of a law, and it has received the sanction of the President. Now, I, for one, am not for passing a resolution devolving upon an officer of the executive department authority to say that what we have done shall have no effect, if he thinks we have determined erroneously. At the same time I think it is due to ourselves that the matter should be reinvestigated by ourselves through our committee.

Mr. RUSK.—I have no objection that the matter should be reinvestigated. My impression is that upon investigation it will be found that the error is in the office, and not in the individuals for whose relief the bill was passed. I have a distinct recollection of the circumstances under which it was passed. One of these individuals being in one of the western States, these Treasury notes were sent to him, made payable to his order. The mail was robbed, and the name of the individual to whom they were made

payable was forged upon the notes, and the fiscal agent of the government redeemed the notes with this forged endorsement. I have no objection that the resolution shall be referred to any committee.

Mr. BADGER.—Which would be the proper committee?

Mr. RUSK.—The Committee on the Post Offices and Post Roads, I suppose.

Mr. BADGER.—I move that the resolution be referred to that committee.

Mr. WESTCOTT.—I have no objection to the reference.

The motion was agreed to.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

Mr. President: The President of the United States approved and signed, the 24th instant, the following acts:

An act for the relief of William B. Slaughter, late Secretary of the Territory of Wisconsin.

An act to amend an act entitled "An act for the regulation of seamen on board the public and private vessels of the United States," passed the 30th day of March, 1843.

A resolution in favor of David Shaw and Solomon T. Carey.

NOTICE OF A BILL.

Mr. HALE gave notice that on to-morrow, or some early day thereafter, he would ask leave to bring in a bill to prevent speculation in the public lands, and to open the same to actual settlers and cultivators.

COMMITTEE ON ENGROSSED BILLS.

The PRESIDENT *pro tempore* announced the appointment of Mr. FITZGERALD and Mr. WALKER as the additional members of the Committee on Engrossed Bills, in pursuance of the resolution of the 24th instant.

THE OREGON BILL.

The Senate resumed as in Committee of the Whole, the consideration of the bill to establish the territorial government of Oregon.

Mr. BRIGHT.—When this bill was first before the Senate, it was represented that the 12th section contained objectionable features, by many gentlemen on this floor; and, as having this bill in charge, I felt inclined to obviate the objection. I was one among the number of those who believed that the 12th section was not very important to the bill. Entertaining this opinion, and with the view of preventing the agitation of this exciting question, I moved to strike out that section. But what subsequently occurred induced me to withdraw the motion. It was renewed, however, by the Senator from Georgia, thus raising the very question which I intended, if possible to avoid. Following that motion is the amendment offered by the Senator from Mississippi, which involves the agitation of the same question, connected with other circumstances that are now transpiring in this country in such a way, that I really think the Union is endangered. Under these circumstances, I am induced to lay before the Senate a paper, which, at the proper time, I shall move as an amendment to the bill. If the amendment of the Senator from Mississippi be voted down, and if the 12th section be stricken out—or be that as it may, I intend, at the proper time, to propose the adoption of this amendment; and I am acting upon my own judgment, and from a sense of duty, believing that if the principle contained in it be adopted it will satisfy—I will not say the entire country, for I believe there is a set of men in the country who are determined not to be satisfied—but the great body of the American people; and that it will restore peace and harmony to the country. It is neither more nor less than the Missouri compromise.

"*And be it further enacted*, That in all the territories ceded by the United States, including Oregon, New Mexico, and Upper California, which lie south of 36° 30' north latitude, slavery nor involuntary servitude in the said territory otherwise than in the punishment of crimes, whereof the party shall have been duly convicted, shall be, and is hereby, forever prohibited: *Provided always*, That any person escaping escaping into the same whose labor or service is lawfully claimed in any State or territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or services as aforesaid."

Mr. BERRIEN.—I renewed the motion made by the Senator from Indiana to strike out the 12th section, expressing my desire that no debate should take place upon it; and I manifested that desire by abstaining myself from saying one word on the subject. The question, therefore, which now agitates the country, is not brought before it by my motion. And I concur most cordially with the Senator from Indiana in the desire he expressed to withdraw this agitating question, not merely from the consideration of Congress, but from the consideration of the American people; for I feel, with him, that it is a question which deeply menaces the security of this Union. I shall be glad, therefore, at the proper time, to consider the motion which the Senator is disposed to submit. At present my purpose is merely to acquit myself of the imputation of having forced this subject into a discussion which I did desire most anxiously to avoid.

Mr. BRIGHT.—I hope the Senator from Georgia did not understand me as censuring him at all for the renewal of the motion. I certainly intended nothing of the kind.

Mr. CALHOUN.—There is a very striking difference between the position on which the slaveholding and non-slaveholding States stand in reference to the subject under consideration. The former desire no action of the government; demanded no law to give them any advantage in the territory about to be established; are willing to leave it, and other territories belonging to the United States, open to all their citizens, so long as they continue to be territories, and when they ceased to be so, to leave it to their inhabitants to form such governments as might suit them, without restriction or condition, except that imposed by the constitution, as a prerequisite for admission into the Union. In short, they are willing to leave the whole subject where the constitution and the great and fundamental principles of self-government place it. On the contrary, the non-slaveholding States, instead of being willing to leave it on this broad and equal foundation, demand the interposition of the government, and the passage of an act to exclude the citizens of the slaveholding States from emigrating with their property into the territory in order to give their citizens and those they may permit, the exclusive right of settling it, while it remains in that condition, preparatory to subjecting it to like restrictions and conditions when it becomes a State. The 12th section of this bill is intended to assert and maintain this demand of the non slaveholding States, while it remains a territory, not openly or directly, but indirectly by extending the provisions of the bill for the establishment of the Iowa territory to this, and by ratifying the acts of the informal and self-constituted government of Oregon, which, among others, contains one prohibiting the introduction of slavery. It thus, in reality, adopts what is called the Wilmot Proviso, not only for Oregon, but, as the bill now stands, for New Mexico and California. The amendment, on the contrary, moved by the Senator from Mississippi, near me, [Mr. DAVIS,] is intended to assert and maintain the position of the slaveholding States. It leaves the territory free and open to all the citizens of the United States, and would overrule, if adopted, the act of the self-constituted territory of Oregon and the 12th section, as far as it relates to the subject under consideration.—We have thus fairly presented the grounds taken by the non-slaveholding and the slaveholding States, or as I shall call them for the sake of brevity, the northern and southern States, in their whole extent for discussion.

The first question which offers itself for consideration is: Has the northern States the power which they claim, to exclude the southern from emigrating freely, with their property, into territories belonging to the United States, and to monopolize them for their exclusive benefit?

It is, indeed, a great question. I propose to discuss it calmly and dispassionately. I shall claim nothing which does not fairly and clearly belong to the southern States, either as members of this federal Union or appertaining to them in their separate and individual character; nor shall I yield any which belong to them in either capacity. I am influenced neither by sectional nor party considerations. If I know myself, I would repel as promptly and decidedly any aggression of the South on the North, as I would any on the part of the latter on the former. And let me add, I hold the obligation to repel aggression to be not much less solemn, than that of abstaining from making aggression; and that the party which submits to it when it can be resisted, to be not much less guilty and responsible for consequences than that which makes it. Nor do I stand on party grounds. What I shall say in reference to this subject, I shall say entirely without reference to the Presidential election. I hold it to be infinitely higher than that and all other questions of the day. I shall direct my efforts to ascertain what is constitutional, right and just, under a thorough conviction that the best and only way of putting an end to this, the most dangerous of all questions to our Union and institutions, is to adhere rigidly to the constitution and the dictates of justice.

With these preliminary remarks, I recur to the question. Has the North the power which it claims under the 12th section of this bill? I ask at the outset, where is the power to be found? Not certainly in the relation in which the northern and southern States stand to each other. They are the constituent parts or members of a common federal Union; and, as such, are equals in all respects, both in dignity and rights, as is declared by all writers on governments founded on such Union, and as may be inferred from arguments deduced from their nature and character. Instead, then, of affording any countenance or authority in favor of the power, the relation in which they stand to each other furnishes a strong presumption against it. Nor can it be found in the fact that the South holds property in slaves. That, too, fairly considered, instead of affording any authority, for the power furnishes a strong presumption against it. Slavery existed in the South when the constitution was framed, fully to the extent in proportion to their population as it does at this time. It is the only property recognized by it; the only one that entered into its formation as a political element, both in the adjustment of the relative weight of the States in the government, and the apportionment of direct taxes; and the only one that is put under the express guarantee of the constitution. It is well known to all conversant with the history of the formation and adoption of the constitution, that the South was very jealous in reference to this property; that it constituted one of the difficulties, both to its formation and adoption, and that it would not have assented to either, had the convention refused to allow to it its due weight in the government, or to place it under the guarantee of the constitution. Nor can it be found in the way that the territories have been acquired. I will not go into particulars in this respect at this stage of the discussion. Suffice it to

say, the whole was acquired either by purchase out of the common funds of all the States, the South as well as the North, or by arms and mutual sacrifice of men and money, which instead of giving any countenance in favor of the power claimed by the North, on every principle of right and justice, furnishes strong additional presumption against it.

But, if it cannot be found in either, if it exists at all, the power must be looked for in the constitutional compact, which binds these States together in a federal Union; and I now ask can it be found there? Does that instrument contain any provision which gives the North the power to exclude the South from a free admission into the territories of the United States with its peculiar property, and to monopolize them for its own exclusive use? If it in fact contains such power, expressed or implied, it must be found in a specific grant, or be inferred by irresistable deduction, from some clear and acknowledged power. Nothing short of the one or the other can overcome the strong presumption against it.

That there is no such specific grant may be inferred beyond doubt, from the fact that no one has ever attempted to designate it. Instead of that, it has been assumed—taken for granted without a particle of proof—that Congress has the absolute right to govern the territories. Now, I concede, if it does in reality possess such power, it may exclude from the territories who or what they please, and admit into them who or what they please; and of course may exercise the power claimed by the North to exclude the South from them. But I again repeat, where is this absolute power to be found? All admit that there is no such specific grant of power. If, then, it exists at all, it must be inferred from some such power. I ask where is that to be found? The Senator from New York, behind me, [Mr. DIX] points to the clause in the constitution, which provides that "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States." Now, I undertake to affirm and maintain beyond the possibility of doubt, that so far from conferring absolute power to govern the territories, it confers no governmental power whatever; no, not a particle. It refers exclusively to territory, regarded simply as public lands. Every word relates to it in that character, ane is wholly inapplicable to it considered in any other character but as property. Take the expression "dispose of" with which it begins. It is easily understood what it means when applied to lands; and is the proper and natural expression regarding the territory in that character, when the object is to confer the right to sell or make other disposition of it. But who ever heard the expression applied to government? And what possible meaning can it have when so applied? Take the next expression, "to make all needful rules and regulations." These regarded separately, might indeed, be applicable to government in a loose sense; but they are never so applied in the constitution. In every case where they are used in it, they refer to property, to things, or some process, such as the rules of court, or of the Houses of Congress for the government of their proceedings, but never to government, which always implies persons to be governed. But if there should be any doubt in this case, the words immediately following which restricts them to making "rules and regulations respecting the territory and other property of the United States," must effectually expel it. They restrict their meaning beyond the possibility of doubt to territory regarded as property.

But if it were possible for doubt still to exist, another and conclusive argument still remains to show that the framers of the constitution did not intend to confer by this clause governmental powers. I refer to the clause in the constitution which delegates the power of exclusive legislation to Congress over this District and "all places purchased by the consent of the legislature of the State in which the same may be for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings." The places therein referred to are clearly embraced by the expression, "other property belonging to the United States," contained in the clause I have just considered. But it is certain, that if it had been the intention of the framers of the constitution to confer governmental powers over such places by that clause, they never would have delegated it by this. They were incapable of doing a thing so absurd. But it is equally certain, if they did not intend to confer such power over them, they could not have intended it over territories. Whatever was conferred by the same words in reference to one must have been intended to be conferred in reference to the other, and the reverse. The opposite supposition would be absurd. But, it may be asked, why the term territory was omitted in the delegation of exclusive legislation to Congress over the places enumerated? Very satisfactory reasons may, in my opinion, be assigned. The former were limited to places lying within the limits and jurisdiction of the States, and the latter to public land lying beyond both. The cession and purchase of the former, with the consent of the State within which they might be situated, did not oust the sovereignty and jurisdiction of the State. They still remained in the State, the United States acquiring only the title to the place. It, therefore, became necessary to confer on Congress, by express delegation, the exercise of exclusive power of legislation over this District and such places, in order to carry out the object of the purchase and cession. It was simply intended to withdraw them from under the legislatures of the respective States within which they might lie, and substitute that of Congress in its place, subject to the restrictions of the constitution and the objects for which the places were acquired, leaving, as I have said, the sovereignty still in the State in which they are situated, but in abeyance, as far as it extends to legislation. Thus, in the case of this District, since the retrocession to Virginia of the part beyond the Potomac, the sovereignty still continues in Maryland in the manner stated. But the case is very different in reference to territories, lying as they do beyond the limits and jurisdiction of all the States. The United States possess not simply the right of ownership over them, but that of exclusive dominion and sovereignty; and hence it was not necessary to exclude the power of the States to legislate over them, by delegating the exercise of exclusive legislation to Congress. It would have been an act of supererrogation. It may be proper to remark in this connection, that the power of exclusive legislation conferred in these cases must not be confounded with the power of absolute legislation. They are very different things. It is true that absolute power of legislation is always exclusive, but it by no means follows that exclusive power of legislation or of government is likewise always absolute. Congress has the exclusive power of legislation as far as this government is concerned, and the State legislatures as far as their respective governments are concerned, but we all know that both are subject to many and important restrictions and conditions which the nature of absolute power excludes.

I have now made good the assertion I ventured to make, that the clause in the constitution relied on by the Senator from New York, so far from conferring the absolute power of government over the territory claimed by him, and others who agree with him, confers not a particle of governmental power. Having conclusively established this, the long list of precedents, cited by the Senator, to prop up the power which he sought in the clause, falls to the ground with the fabric which he raised; and I am thus exempted from the necessity of referring to them, and replying to them one by one.

But there is one precedent referred to by the Senator unconnected with the power, and on that account requires particular notice. I refer to the ordinance of '87, which was adopted by the old Congress of the confederation while the convention that framed the constitution was in session, and about one year before its adoption, and of course on the very eve of the expiration of the old confederation. Against its introduction, I might object that the act of the Congress of the confederation cannot rightfully form precedents for this government; but I waive that. I waive also the objection that the act was consummated when that government was *in extremis*, and could hardly be considered *compos mentis*. I waive also the fact that the ordinance assumed the form of a compact, and was adopted when only eight States were present, when the articles of confederation required nine to form compacts. I waive also the fact, that Mr. Madison's declared, that the act was without shadow of constitutional authority, and shall proceed to show, from the history of its adoption, that it cannot justly be considered of any binding force.

Virginia made the cession of the territory north of the Ohio, and lying between it and the Mississippi and the lakes, in 1784. It now contains the States of Ohio, Indiana, Illinois, Michigan, Wisconsin, and a very considerable extent of territory lying north of the latter. Shortly after the cession, a committee of three was raised, of whom Mr. Jefferson was one. They reported an ordinance for the establishment of the territory, containing among other provisions one, of which Mr. Jefferson was the author, excluding slavery from the territory after the year 1800. It was reported to Congress, but this provision was struck out. On the question of striking out, every southern State present voted in favor of it; and what is more striking, every southern delegate voted the same way, Mr. Jefferson alone excepted. The ordinance was adopted without the provision. At the next session, Rufus King, then a member of the old Congress, moved a proposition, very much in the same shape of the sixth article (that which excludes slavery) in the ordinance as it now stands, with the exception of its proviso. It was referred to a committee, but there was no action on it. A committee was moved the next or the subsequent year, which reported without including or noticing Mr. King's proposition. Mr. Dane was a member of that committee, and proposed a provision the same as that in the ordinance as it passed, but the committee reported without including it. Finally, another committee was raised, at the head of which was Mr. Carrington, of Virginia, and of which Mr. Dane was also a member. That committee reported without including the amendment previously proposed by him. Mr. Dane moved his proposition, which was adopted, and the report of the committee thus amended became the ordinance of '87.

It may be inferred from this brief historical sketch, that the ordinance was a compromise between the southern and northern States, of which the terms were that slavery should be excluded from territory upon condition that fugitive slaves, who might take refuge in the territory, should be delivered up to their owners, as stipulated in the proviso of the 6th article of the ordinance. It is manifest from what has been stated that the South was unitedly and firmly opposed to the provision when first moved; that the proposition of Mr. King, without the proviso, was in like manner resisted by the South, as may be inferred from its entire want of success, and that it never could be brought to agree to it until the provision for the delivery up of fugitive slaves was incorporated in it. But it is well understood that a compromise involves not a surrender, but simply a waiver of the right or power; and hence in the case of individuals, it is a well established legal principle, that an offer to settle by compromise a litigated claim, is no evidence against the justice of the claim on the side of the party making it. The South, to her honor, has observed with fidelity her engagements under this compromise, in proof of which, I appeal

to the precedents cited by the Senator from New York, intended by by him to establish the fact of her acquiescence in the ordinance. I admit that she has acquiesced in the several acts of Congress to carry it into effect; but the Senator is mistaken in supposing that it is proof of a surrender, on her part, of the power over the territories which he claims for Congress. No, she never has, and I trust never will, make such a surrender. Instead of that, it is conclusive proof of her fidelity to her engagements. She has never attempted to set aside the ordinance, or to deprive the territory, and the States erected within its limits, of any right or advantage it was intended to confer. But I regret that as much cannot be said in favor of the fidelity with which it has been observed on their part. With the single exception of the State of Illinois—be it said to her honor—every other State erected within its limits have pursued a course and adopted measures, which have rendered the stipulations of the proviso to deliver up fugitive slaves nugatory. Wisconsin may, also, be an exception, as she has just entered the Union, and has hardly had time to act on the subject. They have gone farther, and suffered individuals to form combinations, without an effort to suppress them, for the purpose of enticing and seducing the slaves to leave their masters, and to run them into Canada beyond the reach of our laws—in open violation, not only of the stipulations of the ordinance, but of the constitution itself. If I express myself strongly, it is not for the purpose of producing excitement, but to draw the attention of the Senate forcibly to the subject. My object is to lay bare the subject under consideration just as a surgeon probes to the bottom and lays open a wound, not to cause pain to his patient, but for the purpose of healing it.

Mr. HANNEGAN.—I am not aware that there is any such law in Indiana.

Mr. CALHOUN.—I spoke on the authority of a report of one of the committees of this body.

Mr. BUTLER.—In that report I alluded particularly to the northern and New England States: and Illinois, I believe, was the only exception.

Mr. CORWIN.—Will the Senator allow me to inquire, what law on the statute-book of Ohio prevents the recapture of fugitive slaves?

Mr. CALHOUN.—My colleague can doubtless refer to the law. I made the statement on the authority of his report.

Mr. CORWIN.—There is no such law in Ohio.

Mr. CALHOUN.—I am very happy to find that it is so; and I should be equally happy if the Senator will make it out that there are no organized bodies of individuals there for the purpose of pilfering our slaves.

Mr. CORWIN.—Am I to understand the Senator, when he spoke of "incorporated individuals," as referring to the Legislature."

Mr. CALHOUN.—No; merely organized individuals—a very different thing from corporations.

Mr. BUTLER.—On that point I refer the Senator to the documents on the files of the Senate. If the gentleman desires to call out explanations of that kind, he can be gratified.

Mr. CALHOUN.—I come now to another precedent of a similar character, but differing in this, that it took place under this government, and not under that of the old confederation; I refer to what is known as the Missouri compromise. It is more recent, and better known, and may be more readily despatched.

After an arduous struggle of more than a year, on the question whether Missouri should come into the Union, with or without restrictions prohibiting slavery, a compromise line was adopted between the North and the South; but it was done under circumstances which made it no wise obligatory on the latter. It is true, it was moved by one of her distinguished citizens, [Mr. Clay,] but it is equally so, that it was carried by the almost united vote of the North against the almost united vote of the South; and was thus imposed on the latter by superior numbers, in opposition to her strenuous efforts. The South has never given her sanction to it, or assented to the power it asserted. She was voted down, and has simply acquiesced in an arrangement which she has not had the power to reverse, and which she could not attempt to do without disturbing the peace and harmony of the Union—to which she has ever been adverse. Acting on this principle, she permitted the territory of Iowa to be formed, and the State to be admitted into the Union, under the compromise, without objection; and that is now quoted by the Senator from New York to prove her surrender of the power he claims for Congress.

To add to the strength of this claim, the advocates of the power hold up the name of Jefferson in its favor, and go so far as to call him the author of the so called Wilmot proviso, which is but a general expression of a power of which the Missouri compromise is a case of its application. If we may judge by his opinion of that case, what his opinion was of the principle, instead of being the author of the proviso, or being in its favor, no one could be more deadly hostile to it. In a letter addressed to the Elder Adams, in 1819, in answer to one from him, he uses these remarkable expressions in reference to the Missouri question:

"The banks, bankrupt law, manufacturers, Spanish treaty, are nothing. These are occurrences, which, like waves in a storm, will pass under the ship. But the Missouri question is a breaker on which we lose the Missouri country by revolt, and what more God only knows."

To understand the full force of these expressions it must be borne in mind that the questions enumerated were the great and exciting political of the day on which parties decided. The banks and bankrupt law had long been so. Manufactures, or what has since been called the protective tariff, was at the time a subject of great excitement, as was the Spanish treaty, that is the treaty by which Florida was ceded to the Union, and by which the western boundary between Mexico and the United States was settled from the Gulf of Mexico the Pacific ocean. All these exciting party questions of the day Mr. Jefferson regarded as nothing compared to the Missouri question. He looked on all of them as in their nature fugitive; and to use his own forcible expression, "would pass off under the ship of State like waves in a storm." Not so that fatal question. It was a breaker on which it was destined to be stranded; and yet his name is quoted by the incendiaries of the presen day in support of, and as the author of, a proviso which would give indefinite and universal extension of this fatal question to all the territories! It was compromised the next year by the adoption of the line to which I have referred. Mr. Holmes, of Maine, long a member of this body, who voted for the measure, addressed a letter to Mr. Jefferson, inclosing a copy of his speech on the occasion. It drew out an answer from him which ought to be treasured up in the heart of every man who loves the country and its institutions. It is brief. I will send it to the Secretary to be read. The time of the Senate cannot be better occupied than in listening to it:

To John Holmes

MONTICELLO, April 22, 1820.

I thank you, dear sir, for the copy you have been so kind as to send me of your speech delivered to your constituents on the Missouri question. It is an excellent production on that theme. I had for a long time ceased to read newspapers, or pay any attention to public affairs, confident they were in good hands, and content to be a passenger in our bark to the shore I shall never see. But this momentous question, like a fire bell in the night, awakened and filled me with terror. I considered it at once as the knell of the Union. It is hushed, indeed, for the moment. But this is a reprieve only, and a final sentence. A geographical line, coincident with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper. I can say, with conscious truth, that there is not a man on earth who would sacrifice more than I would to relieve us from this heavy reproach, in any *practicable* way. The cession of that kind of property, (for so it is misnamed) is a bagatelle, which would not cost me a second thought, if in that way, a general emancipation and *expatriation* could be effected: and gradually, and with due sacrifices, I think it might be. But as it is, we have the wolf by the ears, and we can neither hold him, nor safely let him go.—Justice is on one side, and self-preservation in the other. Of one thing I am certain, that as the passage of free slaves from one State to another, would not make a slave of a single human being who would not be so without it, so their diffusion over a greater surface would make them individually happier, and proportionally facilitate the accomplishment of their emancipation, by dividing the burden on a greater number of conjurors. An abstinence, too, from this act of power, would remove the jealousy excited by the undertaking of Congress to regulate the condition of the different descriptions of men composing a State. This certainly is the exclusive right of every State, which nothing in the constitution has taken from them, and given to the general government. Could Congress, for example, say, that the non-freemen of Connecticut shall be freemen, or that they shall not emigrate into any other State?

I regret that I am now to die in the belief, that the useless sacrifice of themselves by the generation of 1776, to acquire self government and happiness for themselves, is to be thrown away by the unwise and unworthy passions of their sons, and that my only consolation is to be, that I live not to weep over it. If they would but dispassionately weigh the blessings they will throw away, against an abstract principle, more likely to be effected by union than by scission, they would pause before they would perpetrate this act of suicide on themselves, and of treason against the hopes of the world. To yourself as the faithful advocate of the Union, I tender the offering of my high esteem and respect.

THOMAS JEFFERSON

Mark his prophetic words! Mark his profound reasoning!

"It [the question] is hushed *for the moment*. But this is a reprieve only, not a *final sentence*. A geographical line coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper. I can say, with conscious truth, that there is not a man on earth who would sacrifice more than I would to relieve us from this heavy reproach, in any *practicable* way. The cession of that kind of property, (for so it is misnamed) is a bagatelle, which would not cost me a second thought, if in that way, a general emancipation and *expatriation* could be effected: and gradually, and with due sacrifices, I think it might be. But as it is, we have the wolf by the ears, and we can neither hold him, nor safely let him go.—Justice is on one side, and self-preservation in the other. Of one thing I am certain, that as the passage of free slaves from one State to another, would not make a slave of a single human being who would not be so without it, so their diffusion over a greater surface would make them individually happier, and proportionally facilitate the accomplishment of their emancipation, by dividing the burden on a greater number of conjurors. An abstinence, too, from this act of power, would remove the jealousy excited by the undertaking of Congress to regulate the condition of the different descriptions of men composing a State. This certainly is the exclusive right of every State, which nothing in the constitution has taken from them, and given to the general government. Could Congress, for example, say, that the non-freemen of Connecticut shall be freemen, or that they shall not emigrate into any other State?

I regret that I am now to die in the belief, that the useless sacrifice of themselves by the generation of 1776, to acquire self government and happiness for themselves, is to be thrown away by the unwise and unworthy passions of their sons, and that my only consolation is to be, that I shall live not to weep over it."

Twenty-eight years have passed since these remarkable words were penned, and there is not a thought which time has not thus far verified; and it is to be feared will continue to verify until the whole will be fulfilled. Certain it is, that he regarded the compromise line as utterly inadequate to arrest that fatal course of events, which his keen sagacity anticipated from the question. It was but a "reprieve." Mark the deeply melancholy impression which it made on his mind:

"I regret that I am to die in the belief, that the useless sacrifice of themselves by the generation of 1776, to acquire self government and happiness for themselves, is to be thrown away by the unwise and unworthy passions of their sons, and that my only consolation is to be, that I shall live not to weep over it."

Can any one believe, after listening to this letter, that Jefferson is the author of the so-called Wilmot proviso, or ever favored it? And yet there are at this time strenuous efforts making in the North to form a purely sectional party on it, and that, too, under the sanction of those who profess the highest veneration for his character and principles! But I must speak the truth: while I vindicate the memory of Jefferson from so foul a charge, I hold he is not blameless in reference to this subject. He committed a great error in inserting the provision he did, in the plan he reported for the government of the territory, as much modified as it was. It was the first blow—the first essay "to draw a geographical line coinciding with a marked principle, moral and political." It originated with him in philanthropy, but mistaken views of the most dangerous character, as I shall show in the sequel. Others, with very different feelings and views, followed, and have given to it a direction and impetus, which, if not promptly and efficiently arrested, will end in the dissolution of the Union and the destruction of our political institutions.

I have, I trust, established beyond controversy, that neither the ordinance of 1787, nor the Missouri compromise, nor the precedents growing out of them, nor the authority of Mr. Jefferson, furnishes any evidence whatever, to prove that Congress pos-

sesses the power over the territory, claimed by those who advocate the 12th section of this bill. But admit, for the sake of argument, that I am mistaken, and that the objections I have urged against them are groundless—give them all the force which can be claimed for precedents—and they would not have the weight of a feather against the strong presumption which I, at the outset of my remarks, showed to be opposed to the existence of the power. Precedents, even in a court of justice, can have but little weight, except where the law is doubtful, and should have little in a deliberative body in any case on a constitutional question, and none, where the power to which it has been attempted to trace it does not exist, as I have shown, I trust, to be the case in this instance.

But while I deny that the clause relating to the territory and other property of the United States, confers any governmental, or that Congress possesses absolute, power over the territories, I by no means deny that it has any power over them. Such a denial would be idle on any occasion, but much more so on this, when we are engaged in constituting a territorial government, without an objection being whispered from any quarter against our right to do so. If there be any Senator of that opinion, he ought at once to rise and move to lay the bill on the table, or to dispose of it in some other way, so as to prevent the waste of time on a subject upon which we have no right to act. Assuming, then, that we possess the power, the only questions that remain are—whence is it derived? and, what is its extent?

As to its origin, I concur in the opinion expressed by Chief Justice Marshall, in one of the cases read by the Senator from New York, that it is derived from the right of acquiring territory; and I am the more thoroughly confirmed in it from the fact, that I entertained the opinion long before I knew it to be his. As to the right of acquiring territory, I agree with the Senator from New York, that it is embraced, without going farther, both in the war and treaty powers. Admitting, then, what has never been denied, and what it would be idle to do so in a discussion, which relates to territories acquired both by war and treaties, that the United States have the right to acquire territories, it would seem to follow by necessary consequence, that they have the right to govern them. As they possess the entire right of soil, dominion, and sovereignty over them, they must necessarily carry with them the right to govern. But this government, as the sole agent and representative of the United States—that is, the States of the Union in their federal character—must, as such, possess the sole right if it exists at all. But if there be any one disposed to take a different view of the origin of the power, I shall make no points with him, for whatever may be its origin, the conclusion would be the same, as I shall presently show.

But it would be a great error to conclude that Congress has the absolute power of governing the territories, because it has the sole or exclusive power. The reverse is the case. It is subject to many and important restrictions and conditions, of which some are expressed and others implied. Among the former may be classed all the general and absolute prohibitions of the constitution; that is, all those which prohibit the exercise of certain powers under any circumstance. In this class is included the prohibition of granting titles of nobility; passing *ex post facto* laws and bills of attainder; the suspension of the writ of *habeas corpus*, except in certain cases; making laws respecting the establishment of religion, or prohibiting its free exercise; and every other of like description, which conclusively shows that the power of Congress over the territories is not absolute. Indeed, it is a great error to suppose, that either this or the State governments possess in any case absolute power. Such power can belong only to the supreme ultimate power called sovereignty, and that, in our system, resides in the people of the several States of the Union. With us, governments, both federal and State, are but agents, or, more properly, trustees, and, as such, possess, not absolute, but subordinate and limited powers; for all powers possessed by such governments must from their nature be trust powers, and subject to all the restrictions to which that class of powers are.

Among them, they are restricted to the nature and the objects of the trust; and hence no government under our system, federal or State, has the right to do any thing inconsistent with the nature of the powers entrusted to it, or the objects for which it was entrusted, or to express it in more usual language, for which it was delegated. To do either would be to pervert the power to purposes never intended, and would be a violation of the constitution, and that in the most dangerous way it could be made, because more easily done and less easily detected. But there is another and important class of restrictions which directly concern the subject under discussion; I refer to those imposed on the trustees by the nature and character of the party, who constituted the trustees and invested with the trust powers to be exercised for its benefit. In this case it is the United States, that is the several States of the Union. It was they who constituted the government as their representative or trustee, and entrusted it with powers to be exercised for their common and joint benefit. To them in their united character the territories belong, as is expressly declared by the constitution. They are their joint and common owners, regarded as property or land; and in them, severally, reside the dominion and sovereignty over them. They are as much the territories of one State as another,—of Virginia as of New York; of the southern as the northern States. They are the territories of all, because they are the territories of each; and not of each, because they are the territories of the whole. Add to this the perfect equality of dignity, as well as rights, which appertain to them as members of a common federal Union, which all writers on the subject admit to be a fundamental and essential relation between States so united, and it must be manifest that Congress, in governing the territories, can give no preference or advantage to one State over another, or to one portion or section of the Union over another, without depriving the State, or section over which the preference is given, or from which the advantage is withheld, of their clear and unquestionable right, and subverting the very foundation on which the Union and government rest. It has no more power to do so than to subvert the constitution itself. Indeed the act itself would be its subvertion. It would destroy the relation of equality on the part of the southern States, and sink them to mere dependants of the northern, to the total destruction of the federal Union.

I have now shown, I trust, beyond controversy, that Congress has no power whatever to exclude the citizens of the southern States from emigrating with their property into the territories of the United States, or to give an exclusive monopoly of them to the North. I now propose to go one step farther, and show that neither the inhabitants of the territories nor their legislatures have any such right. A very few words will be sufficient for the purpose; for of all the positions ever taken, I hold that which claims the power for them to be the most absurd. If the territories belong to the United States—if the ownership, dominion and sovereignty over them be in the States of this Union, then neither the inhabitants of the territories, nor their legislatures, can exercise any power but what is subordinate to them; but if the contrary could be shown, which I hold to be impossible, it would be subject to all the restrictions, to which I have shown the power of Congress is, and for the same reason, whatever power they might hold, would, in the case supposed, be subordinate to the constitution, and controlled by the nature and character of our political institutions. But if the reverse be true—if the dominion and sovereignty over the territories be in their inhabitants, instead of the United States, they would indeed, in that case, have the exclusive and absolute power of governing them, and might exclude whom they pleased, or what they pleased. But, in that case they would cease to be the territories of the United States, the moment we acquired them and permit them to be inhabited. The first half dozen of squatters would become the sovereigns, with full dominion and sovereignty over them; and the conquered people of New Mexico and California would become the sovereigns of the country as soon as they become the territories of the United States, vested with the full right of excluding even their conquerers.—There is no escaping from the alternative, but by resorting to the greatest of all absurdities, that of a divided sovereignty—a sovereignty, a part of which would reside in the United States, and a part in the inhabitants of the territory. How can sovereignty—the ultimate and supreme power of a State—be divided? The exercise of the powers of sovereignty may be divided, but how can there be two supreme powers?

We are next told that the laws of Mexico preclude slavery; and assuming that they will remain in force until repealed, it is contended, that until Congress passes an act for their repeal, the citizens of the South cannot emigrate with their property into the territory acquired from her. I admit the laws of Mexico prohibit not slavery, but slavery in the form it exists with us. The Puros are as much slaves as our negroes, and are less intelligent and well treated. But, I deny that the laws of Mexico can have the effect attributed to them. As soon as the treaty between the two countries is ratified, the sovereignty and authority of Mexico in the territory acquired by it becomes extinct and that of the United States is substituted in its place, carrying with it the constitution, with its overriding control over all the laws and institutions of Mexico inconsistent with it. It is true, the municipal laws of the territory not inconsistent with the condition and the nature of our political system would, according to the writers on the laws of nations, remain, until changed, not as a matter of right, but merely of sufferance, and as between the inhabitants of territory, in order to avoid a state of anarchy, before they can be brought under our laws. This is the utmost limits to which sufferance goes. Under it the peon system would continue; but not to the exclusion of such of our citizens as may choose to emigrate with their slaves or other property, that may be excluded by the laws of Mexico. The humane provisions of the laws of nations go no farther than to protect the inhabitants in their property and civil rights, under their former laws, until others can be substituted. To extend them farther and give them the force of excluding emigrants from the United States, because their property or religion are such as are prohibited from being introduced by the laws of Mexico, would not only exclude a great majority of the people of the United States from emigrating into the acquired territory, but would be to give a higher authority to the extinct authority of Mexico over the territory than to our actual authority over it. I say the great majority, for the laws of Mexico not only prohibit the introduction of slaves, but of many other descriptions of property, and also the Protestant religion, which Congress itself cannot prohibit. To such absurdity would the supposition lead.

I have now concluded the discussion, so far as it relates to the power; and have, I trust, established beyond controversy, that the territories are free and open to all of the citizens of the United States, and that there is no power under any aspect the subject can be viewed in by which the citizens of the South can be excluded from emigrating with their property into any of them. I have advanced no argument which I do not believe to be true, nor pushed any one beyond what truth would strictly warrant. But, if mistaken, if my arguments instead of being sound and true, as

I hold them beyond controversy to be, should turn out to be a mere mass of sophisms, and if in consequence, the barrier opposed by the want of power, should be surmounted, there is another still in the way, that cannot be. The mere possession of power is not of itself sufficient to justify its exercise. It must be in addition shown, that in the given case it can be rightfully and justly exercised. Under our system, the first enquiry is; does the constitution authorize the exercise of the power? If that be decided in the affirmative, the next is: can it be rightfully and justly exercised under the circumstances? And it is not, until that too is decided in the affirmative, that the question of the expediency of exercising it, is presented for consideration.

Now, I put the question solemnly to the Senators from the North: Can you rightly and justly exclude the South from territories of the United States, and monopolize them for yourselves, even, if in your opinion, you should have the power? It is this question I wish to press on your attention, with all due solemnity and decorum. The North and the South stand in the relation of partners in a common Union, with equal dignity and qeual rights. We of the South have contributed our full share of funds, and shed our full share of blood for the acquisition of our territories. Can you, then, on any principle of equity and justice deprive us of our full share in their benefit and advantages? Are you ready to affirm that a majority of the partners in a joint concern have the right to monopolize its benefits to the exclusion of the minority, even in cases where they have contributed their full share to the concern? But to present the case more strongly and vividly, I shall descend from generals to particulars, and shall begin with the Oregon Territory. Our title to it is founded first, and in my opinion mainly, on our purchase of Louisiana; that was strengthened by the Florida treaty, which transferred to us the title also of Spain; and both by the discovery of the mouth of Columbia river by Capt. Gray, and the exploration of the entire stream, from its source down to its mouth, by Lewis and Clark. The purchase of Louisiana cost fifteen millions of dollars; and we paid Spain five millions for the Florida treaty; making twenty in all. This large sum was advanced out of the common funds of the Union, the South, to say the least, contributing her full share. The discovery was made, it is true, by a citizen of Massachusetts; but he sailed under the flag and protection of the Union, and of course whatever title was derived from his discovery, accrued to the benefit of the Union. The exploration of Lewis and Clark was at the expense of the Union. We are now about to form it into a territory; the expense of governing which, while it remains so, must be met out of the common fund, and towards which the South must contribute her full share. The expense will not be small. Already there is an Indian war to be put down, and a regiment for that purpose, and to protect the territory, has been ordered there.—To what extent the expense may extend we know not, but will not, improbably, involve millions before the territory becomes a State. I now ask, is it right; is it just; after having contributed our full share for the acquisition of the territory, with the liability of contributing, in addition to our full share of the expense for its government, that we should be shut out of the territory, and be excluded from participating in its benefits? What would be thought of such conduct in the case of individuals? And can that be right and just in government, which any right minded man would cry out to be base and dishonest in private life? If it would be so pronounced in a partnership of thirty individuals, how can it be pronounced otherwise in one of thirty States?

The case of our recently acquired territory from Mexico, is, if possible, more marked. The events connected with the acquisition are too well known to require a long narrative. It was won by arms, and a great sacrifice of men and money. The South, in the contest, performed her full share of military duty, and earned a full share of military honor; has poured out her full share of blood freely, and has and will bear a full share of the expense; has evinced a full share of skill and bravery, and if I were to say even more than her full share of both, I would not go beyond the truth; to be attributed, however, to no superiority, in either respect, but to accidental circumstances, which gave both its officers and soldiers more favorable opportunities for their display. All have done their duty nobly, and high courage and gallantry are but common attributes of our people. Would it be right and just to close a territory thus won against the South, and leave it open exclusively to the North? Would it deserve the name of free soil, if one half of the Union should be excluded and the other half should monopolize it, when it was won by the joint expense and joint efforts of all? Is the great law to be reversed—that which is won by all should be equally enjoyed by all? These are questions which address themselves more to the heart than the head. Feeble must be the intellect which does not see what is right and just, and bad must be the heart, unless unconsciously under the control of deep and abiding prejudice, which hesitates in pronouncing on which side they are to be found. Now, I put the question to the Senators from the North, what are you prepared to do? Are you prepared to prostrate the barriers of the constitution, and in open defiance of the dictates of equity and justice, to exclude the South from the territories and monopolize them for the North? If so, vote against the amendment offered by the Senator from Mississippi, [Mr. DAVIS,] and if that should fail, vote against striking out the 12th section. We shall then know what to expect. If not, place us on some ground where we can stand as equals in rights and dignity, and where we shall not be excluded from what has been acquired at the common expense, and won by common skill and gallantry. All we demand is to stand on the same level with yourselves, and to participate equally in what belongs to all. Less we cannot take.

I turn now to my friends of the South, and ask, what are you prepared to do? If neither the barriers of the constitution nor the high sense of right and justice should prove sufficient to protect you, are you prepared to sink down into a state of acknowledged inferiority; to be stripped of your dignity of equals among equals, and be deprived of your equality of rights in this federal partnership of States? If so, you are wofully degenerated from your sires, and will well deserve to change condition with your slaves; but if not, prepare to meet the issue. The time is at hand, if the question should not be speedily settled, when the South must rise up, and bravely defend herself, or sink down into base and acknowledged inferiority; and it is because I clearly perceive that that period is favorable for settling it, if it is ever to be settled, that I am in favor of pressing the question now to a decision—not because I have any desire whatever to embarrass either party in reference to the Presidential election. At no other period could the two great parties into which the country is divided be made to see and feel so clearly and intensely the embarrassment and danger caused by the question. Indeed, they must be blind not to perceive that there is a power in action that must burst asunder the ties that bind them together, strong as they are, unless it should be speedily settled. Now is the time, if ever. Cast your eyes to the North, and mark what is going on there; reflect on the tendency of events for the last three years in reference to this the most vital of all questions, and you must see that no time should be lost. I am thus brought to the question, How can the question be settled? It can, in my opinion, be finally and permanently adjusted but one way, and that is on the high principles of justice and the constitution. Fear not to leave it to them. The less you do the better. If the North and South cannot stand together on their broad and solid foundation, there is none other on which they can. If the obligations of the constitution and justice be too feeble to command the respect of the North, how can the South expect that she will regard the far more feeble obligations of an act of Congress? Nor should the North fear, that, by leaving it where justice and the constitution leave it, she would be excluded from her full share of the territories. In my opinion, if it be left there, climate, soil, and other circumstances would fix the line between the slaveholding and non-slaveholding States in about 36 30. It may zigzag a little, to accommodate itself to circumstances—sometimes passing to the North and at others passing to the south of it; but that would matter little, and would be more satisfactory to all, and tend less to alienation between the two great sections than a rigid, straight, artificial line, prescribed by an act of Congress.

And here, let me say to Senators from the North, you make a great mistake in supposing that the portion which might fall to the South of whatever line might be drawn, if left to soil, and climate, and circumstances to determine, would be closed to the white labor of the North, because it could not mingle with slave labor without degradation. The fact is not so. There is no part of the world where agricultural, mechanical, and other descriptions of labor are more respected than in the South, with the exception of two descriptions of employment—that of menial and body servants. No southern man—not the poorest or the lowest—will, under any circumstance, submit to perform either of them. He has too much pride for that, and I rejoice that he has. They are unsuited to the spirit of a freeman. But the man who would spurn them feels not the least degradation to work in the same field with his slave; or to be employed to work with them in the same field or in any mechanical operation; and, when so employed, they claim the right, and are admitted, in the country portion of the South, of sitting at the table of their employers. Can as much, on the score of equality be said for the North? With us the two great divisions of society are not the rich and poor, but white and black; and all the former, the poor as well as the rich, belong to the upper class, and are respected and treated as equals, if honest and industrious; and hence have a position and pride of character of which neither poverty nor misfortune can deprive them.

But I go further, and hold that justice and the constitution are the easiest and safest guard on which the question can be settled, regarded in reference to party. It may be settled on that ground simply by non-action—by leaving the territories free and open to the emigration of all the world, so long as they continue so, and when they become States, to adopt whatever constitution they please, with the single restriction, to be republican in order to their admission into the Union. If a party cannot safely take this broad and solid position and successfully maintain it, what other can it take and maintain? If it cannot maintain itself by an appeal to the great principles of justice, the constitution, and self-government, to what other, sufficiently strong to uphold them in public opinion, can they appeal? I greatly mistake the character of the people of this Union if such an appeal would not prove successful, if either party should have the magnanimity to step forward, and boldly make it. It would, in my opinion, be received with shouts of approbation by the patriotic and intelligent in every quarter. There is a deep feeling prevailing the country that the Union and our political institutions are in danger, which such a course would dispel, and spread joy over the land.

Now is the time to take the step, and bring about a result so devoutly to be wished. I have believed from the beginning that this was the only question sufficiently potent to dissolve the Union, and subvert our system of government; and that the sooner it was

ment and settled, the safer and better for all. I have never doubted but that if permitted to progress beyond a certain point, its settlement would become impossible, and am under deep conviction that it is now rapidly approaching it, and that if it is ever to be averted, it must be done speedily. In uttering these opinions I look to the whole. If I speak earnestly, it is to save and protect all. As deep as is the stake of the South in the Union and our political institutions, it is not deeper than that of the North. We shall be as well prepared and as capable of meeting whatever may come, as you.

Now, let me say, Senators, if our Union and system of government are doomed to perish, and we to share the fate of so many great people who have gone before us, the historian, who, in some future day, may record the events tending to so calamitous a result, will devote his first chapter to the ordinance of '87, as lauded as it and its authors have been, as the first in that series which led to it. His next chapter will be devoted to the Missouri compromise, and the next to the present agitation. Whether there will be another beyond, I know not. It will depend on what we may do.

If he should possess a philosophical turn of mind, and be disposed to look to more remote and recondite causes, he will trace it to a proposition which originate in a hypothetical truism, but which, as now expressed and now understood, is the most false and dangerous of all political error. The proposition to which I allude, has become an axiom in the minds of a vast majority on both sides of the Atlantic, and is repeated daily from tongue to tongue, as an established and incontrovertible truth; it is, that "all men are born free and equal." I am not afraid to attack error, however deeply it may be entrenched, or however widely extended, whenever it becomes my duty to do so, as I believe it to be on this subject and occasion.

Taking the proposition literally, (it is in that sense it is understood) there is not a word of truth in it. It begins with "all men are born," which is utterly untrue. Men are not born. Infants are born. They grow to be men. And concludes with asserting that they are born "free and equal," which is not less false. They are not born free. While infants they are incapable of freedom, being destitute alike of the capacity of thinking and acting, without which there can be no freedom. Besides, they are necessarily born subject to their parents, and remain so among all people, savage and civilized, until the development of their intellect and physical capacity enable them to take care of themselves. They grow to all the freedom, of which the condition in which they were born permits, by growing to be men. Nor is it less false that they are born "equal." They are not so in any sense in which it can be regarded; and thus, as I have asserted, there is not a word of truth in the whole proposition, as expressed and generally understood.

If we trace it back, we shall find the proposition differently expressed in the declaration of independence. That asserts that "all men are created equal". The form of expression, though less dangerous, is not less erroneous. All men are not created. According to the Bible, only two, a man and a woman, ever were, and of these one was pronounced subordinate to the other. All others have come into the world by being born, and in no sense, as I have shown, either free or equal. But this form of expression being less striking and popular, has given away to the present, and under the authority of a document put forth on so great an occasion, and leading to such important consequences, has spread far and wide, and fixed itself deeply in the public mind. It was inserted in our declaration of independence without any necessity. It made no necessary part of our justification in separating from the parent country, and declaring ourselves independent. Breach of our chartered privileges, and lawless encroachment on our acknowledged and well established rights by the parent country, were the real causes, and of themselves sufficient, without resorting to any other, to justify the step. Nor had it any weight in constructing the governments which were substituted in the place of the colonial. They were formed of the old materials and on practical and well established principles, borrowed for the most part from our own experience and that of the country from which we sprang.

If the proposition be traced still farther back, it will be found to have been adopted from certain writers on government who had attained much celebrity in the early settlement of these States, and with whose writings all the prominent actors in our revolution were familiar. Among these, Locke and Sidney were prominent. But they expressed it very differently. According to their expression "all men in the state of nature were free and equal." From this the others were derived; and it was this to which I referred when I called it a hypothetical truism. To understand why will require some explanation.

Man, for the purpose of reasoning, may be regarded in three different states: in a state of individuality; that is, living by himself apart from the rest of his species. In the social; that is, living in society, associated with others of his species. And in the political; that is, being under government. We may reason as to what would be his rights and duties in either, without taking into consideration whether he could exist in it or not. It is certain, that in the first, the very supposition that he lived apart and separated from all others would make him free and equal. No one in such a state could have the right to command or control another. Every man would be his own master, and might do just as he pleased. But it is equally clear, that man cannot exist in such a state; that he is by nature social, and that society is necessary, not only to the proper development of all his faculties, moral and intellectual, but to the very existence of his race. Such being the case, the state is a purely hypothetical one; and when we say all men are free and equal in it, we announce a mere hypothetical truism; that is, a truism resting on a mere supposition that cannot exist, and of course one of little or no practical value.

But to call it a state of nature was a great misnomer, and has led to dangerous errors; for that cannot justly be called a state of nature which is so opposed to the constitution of man as to be inconsistent with the existence of his race and the development of the high faculties, mental and moral, with which he is endowed by his Creator.

Nor is the social state of itself his natural state; for society can no more exist without government, in one form or another, than man without society. It is the political, then, which includes the social, that is his natural state. It is the one for which his Creator formed him, into which he is impelled irresistibly, and in which only his race can exist and all his faculties be fully developed.

Such being the case, it follows that any, the worst form of government, is better than anarchy; and that individual liberty, or freedom, must be subordinate to whatever power may be necessary to protect society against anarchy within or destruction from without; for the safety and well-being of society are as paramount to individual liberty, as the safety and well-being of the race is to that of individuals; and in the same proportion the power necessary for the safety of society is paramount to individual liberty. On the contrary, government has no right to control individual liberty beyond what is necessary to the safety and well-being of society. Such is the boundary which separates the power of government and the liberty of the citizen or subject in the political state, which, as I have shown, is the natural state of man—the only one in which his race can exist, and the one in which he is born, lives, and dies.

It follows from all this that the quantum of power on the part of the government, and of liberty on that of individuals, instead of being equal in all cases, must necessarily be very unequal among different people, according to their different conditions. For just in proportion as a people are ignorant, stupid, debased, corrupt, exposed to violence, within and danger from without, the power necessary for government to possess in order to preserve society against anarchy and destruction, becomes greater and greater, and individual liberty less and less, until the lowest condition is reached when absolute and despotic power become necessary on the part of the government, and individual liberty extinct. So on the contrary, just as a people rise in the scale of intelligence, virtue, and patriotism, and the more perfectly they become acquainted with the nature of government, the ends for which it was ordained, and how it ought to be administered, and the less the tendency to violence and disorder within, and danger from abroad; the power necessary for government becomes less and less, and individual liberty greater and greater. Instead then of all men having the same right to liberty and equality, as is claimed by those who hold that they are all born free and equal, liberty is the noble and highest reward bestowed on mental and moral development, combined with favorable circumstances. Instead then of liberty and equality being born with man; instead of all men and all classes and descriptions being equally entitled to them, they are high prizes to be won, and are in their most perfect state, not only the highest reward that can be bestowed on our race, but the most difficult to be won, and when won, the most difficult to be preserved.

They have been made vastly more so, by the dangerous error I have attempted to expose, that all men are born free and equal, as if those high qualities belonged to man without effort, to acquire them, and to all equally alike, regardless of their intellectual and moral condition. The attempt to carry into practice this, the most dangerous of all political error, and to bestow on all, without regard to their fitness, either to acquire or maintain liberty—that unbounded and individual liberty supposed to belong to man in the hypothetical and misnamed state of nature, has done more to retard the cause of liberty and civilization, and is doing more at present than all other causes combined. While it is powerful to pull down governments, it is still more powerful to prevent their construction on proper principles. It is the leading cause among those which have placed Europe in its present unsatisfied condition, and which mainly stands in the way of reconstructing good governments in the place of those which have been overthrown, threatening thereby the quarter of the globe most advanced in progress and civilization, with hopeless anarchy, to be followed by military despotism. Nor are we exempt from its disorganizing effects. We now begin to experience the danger of admitting so great an error to have a place in the declaration of our independence. For a long time it lay dormant, but in the process of time it began to germinate, and produce its poisonous fruits. It had strong hold on the mind of Mr. Jefferson, the author of that document, which caused him to take an utterly false view of the subordinate relation of the black to the white race in the South; and to hold, in consequence, that the latter, though utterly unqualified to possess liberty, were as fully entitled to both liberty and equality as the former; and that to deprive them of it, was unjust and immoral. To this error, this proposition to exclude slavery from the territory northwest of the Ohio may be traced, and to that the ordinance of '87, and through it the deep and dangerous agitation which now threatens to engulph, and will certainly engulph, if not speedily settled, our political institutions, and involve the country in countless woes.

Mr. BERRIEN.—It will be my duty, considering the relation in which I stand to those whose interests are materially affected by the proposition that is now before the Senate, to assign briefly the reasons which have influenced me in taking the course which I have taken in regard to this subject; but I think the views presented in the able and eloquent address which the Senate has heard to-day from the Senator from South Carolina, will afford sufficient food for reflection for at least one day. I therefore move that the further consideration of the bill be postponed until to-morrow.

Mr. HALE.—If the Senator from Georgia will allow me a moment, I will call the attention of the Senate to a piece of history that was referred to by the Senator from South Carolina, in which I think he made a mistake. That honorable Senator stated, as I understood him, that the Missouri compromise was forced upon the country by the votes of the North, the South being against it. I have the Journal before me, and I will read a few of the names given on that question. Upon the question, whether the resolution should be engrossed and read a read a third time, the following gentlemen voted in the affirmative.

[Mr. HALE read the names.]

Mr. CALHOUN.—That was not the vote upon the compromise.

Mr. HALE.—It was upon the resolution which contained the compromise.

Mr. JOHNSON, of Md.—That vote was taken after the compromise had been determined upon.

The motion to postpone the further consideration of the bill until to-morrow was agreed to.

POST OFFICE APPROPRIATION BILL.

The Senate proceeded to consider, as in Committee of the Whole, the bill making appropriations for the service of the Post Office Department for the year ending the 30th of June, 1849.

Mr. BADGER moved to amend the bill by adding thereto the following section:

"SEC. *And be it further enacted*, That the Postmaster General be, and he is hereby authorized and required to renew the engagement now in force existing for the transportation of the great southern and northern mail by the Richmond, Fredericksburgh and Potomac railroad and steamboat company, at a price not exceeding that which was paid by the present Postmaster General for the transportation of said mail up to the month of July, 1848."

Mr. ATHERTON moved to insert the words "by way of Key West."

Mr. WESTCOTT moved to amend the amendment by adding the following:

"By way of Key West, calling at Savannah;"

Also the following:

"And for transportation of the mail by said line, or by other steamers to such other places on the coast of Florida as the Postmaster General may deem practicable and expedient, five thousand dollars."

Mr. WESTCOTT.—I will merely observe, that this amendment was submitted to the Postmaster General, who gave it his approval.

Mr. BUTLER.—Do I understand that by the original contract the mail steamers were to touch at Key West?

Mr. ATHERTON.—That was specified in the contract.

Mr. BERRIEN.—The amendment as it now stands, contemplates that these vessels shall touch at Key West and other places in Florida.

Mr. ATHERTON.—The amendment offered by the Senator from Florida, has no reference to the proposition which I submitted. I proposed the insertion of Key West in order to make the law conform with the contract.

The amendments were adopted.

Mr. BERRIEN.—I move to amend by inserting the following: "By way of Savannah," and to strike out "forty-five" and insert "fifty thousand dollars."

My purpose is to ask the Senate to provide that the mail line which is established between Charleston and Havana, passing by Savannah, shall stop at that port for letters and for passengers. I do not know why Senators, who are particularly interested in the passage of this bill, should consider themselves under the necessity of opposing this amendment. The Postmaster General was authorized by an act of the last session to contract for the transportation of the mail from Charleston to Havana, thence to Chagres, thence along the Pacific coast to Astoria; and the sum of $100,000 was appropriated for that purpose. For the smaller portion of the route for which he was authorized to contract, he did enter into a contract for the sum of $45,000. That contract is for the transportation of the mail from Charleston to Havana, passing by the intermediate ports, and bringing those two places into immediate and exclusive connection. In the first place the distance covered by this contract is probably not more than one-fifth of that contemplated by the law making the appropriation. In the next place, it is to give to the port of Charleston the exclusive benefit of this mail route. Why should this preference be given to Charleston, passing by all the other ports which lie in the direct route to the terminus which has been fixed upon by the Postmaster General?

Mr. BUTLER.—So far as I can see, there can be no reason why we should not consult what is refined on the part of Savannah. If it accords with the views of the Post Office Committee, I can say for the contractors, that they are willing to accede to the terms.

Mr. BERRIEN.—I am very glad to find that all obstacles are removed. I believe now there can be no objection to the adoption of the proposition.

Mr. ATHERTON.—I hope if the amendment of the Senator from Georgia be adopted, it will not be made imperative, but that it will be left discretionary with the Postmaster General, because otherwise it may be found impossible to carry out the contract. It may be impracticable for these steamers at all times to touch at Savannah. The state of the water may not permit them to go up to the city.

Mr. BERRIEN.—I think the answer which I can give to the chairman of the Committee on Finance will be satisfactory. I am appealing to the justice of the Congress of the United States, for I do not choose to be placed at the tender mercies of the Postmaster General. The city of Savannah has already experienced the evil resulting from the course that that high officer has thought proper to pursue in relation to it upon this very subject of the transportation of the mails. There was an act of Congress passed, which required the Postmaster General to transport the mail between Charleston and Savannah by sea. In defiance of that act he transported it by land, subject to all the casualties and delay of land conveyance, and when he was implored by memorials, and by various officers of the administration to give them a daily mail by sea, he imposed these terms—an act which shows what confidence we can repose in his liberality and justice—he required that the United States should not pay more for transportation by sea, than he could get the mail transported for by land, and the Central Railroad and Banking Company of Georgia were compelled to pay the difference, amounting to about $6,000. These are the burdens which the Postmaster General has imposed upon the people of that State. I claim, that if the mail be established between Charleston and Havana, passing immediately by the mouth of the Savannah river, it should stop at that city. I am willing to allow them the necessary additional compensation for travelling seventeen miles back and forward, but I am not willing to leave it to the discretion of the Postmaster General whether the mail shall stop at Savannah or not. Let not the chairman of the Finance Committee entertain the least thought that it will embarrass the Postmaster General. The sum appropriated is sufficiently large to cover the expense. But to remove all doubt, I have proposed to amend the amendment by substituting $50,000. I trust, therefore, that the Senate will do to me, and to my constituents, the justice to pass the bill in this form; entertaining, no doubt, after the assurances given by the Senator from South Carolina that the contract will be accepted by the contractors. The chairman of the Committee on Finance proposes to compromise this matter by saying they shall stop at Savannah "if practicable." A mail line has been established from New York to Savannah, which is to stop at Charleston "if practicable." Vessels that can cross the bar at Charleston can always go up to Savannah. We are in the one case directing that the mail that goes to Savannah shall stop at Charleston "if practicable," and now it is proposed that the mail which goes from Charleston shall stop at Savannah "if practicable." It will be exhibiting us to the community, I think, in rather a ridiculous attitude.

Mr. NILES.—It appears to me that the Senator is laboring under a misapprehension in regard to the whole subject. He seems to regard this as a domestic line. On the contrary, it is a foreign mail service; and a foreign line must depart from, and return to, the same point. The idea that this foreign line should be compelled to stop at other ports on the coast is inconsistent with the service itself. This is a line not for Havana only, but for all the West India islands, and it is supposed it will lead the British to discontinue their mail service there, which is burdensome to them, when they find there is a line established by us. To accomplish this, we must have certainty and regularity, which we are told cannot be attained if the steamers are compelled to go up at Savannah. I cannot yield to the claim, because I know it will lead to other claims, which, if allowed, will impair the value of the whole line.

Mr. BERRIEN.—I am complimented by being told, that in a matter that immediately concerns my constituents, I am acting under a total misapprehension of the subject. Whether the misapprehension be with me or the Senator from Connecticut, may be determined by looking at the act under which this mail service is authorized. The law originally authorized the transportation of the mail from Charleston to Havana, and thence to Chagres, touching at St. Augustine. Now, what departure from this contract would it be to authorize the mail steamer to touch at one additional port lying directly within her path?

Mr. CALHOUN.—I have not the slightest indisposition to afford every accommodation to Savannah that may be reasonable and proper, but I hope the Senator from Georgia will not, in this instance, insist upon his amendment, as it may have the appearance, at all events, of interfering with the contract

The question being taken upon the amendment, it was agreed to.

Mr. YULEE moved to amend by inserting St. Augustine, so that the mail steamers should touch at that port, but opposition being manifested, he withdrew the motion.

Mr. BADGER then moved to amend by adding the provisions contained in the resolution which passed the Senate the other day authorizing the Postmaster General to renew the former contract for carrying the southern mail.

Mr. ATHERTON opposed the amendment, and after a short discussion, the question being taken by yeas and nays, it resulted thus—Yeas 15, Nays 27.

The bill was ordered to a third reading, and by unanimous consent it was read a third time and passed.

The question being put upon agreeing to the amendment proposed by Mr. BADGER, the yeas and nays were demanded by Mr. BRADBURY, and it was determined in the negative, as follows:

YEAS—Messrs. Badger, Berrien, Clarke, Clayton, Corwin, Davis, of Massachusetts, Greene, Houston, Johnson, of Maryland, Johnson, of Louisiana, Miller, Rusk, Spruance, Underwood, Yulee—15.

NAYS—Messrs. Allen, Atchison, Atherton, Benton, Bagland, Bradbury, Breese, Bright, Butler, Calhoun, Dayton, of Mississippi, Dickinson, Dix, Douglas, Felch, Fitzgerald, Foote, Hannin, Henderson, Johnson, of Georgia, Lewis, Niles, Pledg., Sebastian, Sturgeon, Turney, Walker, Westcott—27.

The bill having been amended was reported to the Senate, and the amendments were concurred in.

Ordered, That the amendments be engrossed and the bill read a third time.

The said bill was read a third time.

Resolved, That this bill pass with amendments.

Ordered, That the Secretary notify the House of Representatives in those amendments.

EXECUTIVE SESSION.

After the consideration of Executive business,

The Senate adjourned.

WEDNESDAY, JUNE 28, 1848.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed the resolution from the Senate to explain the act passed 24th June, 1848, entitled "an act for the relief of William B. Slaughter, late Secretary of the Territory of Wisconsin." Also, the bill from the Senate for the relief of the bona fide settlers under the acts for the armed occupation and settlement of a portion of the Territory of Florida.

They have passed a bill giving the consent of the government of the United States to the State of Texas to extend her eastern boundary, so as to include within her limits one half of Sabine Pass, Sabine Lake, and Sabine River, as far north as the 32d degree of north latitude; in which they request the concurrence of the Senate.

The Speaker of the House of Representatives having signed ten enrolled bills and two enrolled joint resolutions, I am directed to bring them to the Senate for the like signature of their President.

SIGNING OF BILLS AND RESOLUTIONS.

The PRESIDENT, *pro tempore*, signed the following enrolled bills and enrolled joint resolutions:

An act respecting certain surveys in the State of Florida.

An act to authorize the settlement of the account of Joseph Nourse, deceased.

An act for the relief of William Ralston.

An act for the relief of Thomas Scott, Register of the Land Office at Chilicothe, Ohio, for services connected with the duties of his office.

An act for the relief of Edna Hickman, wife of Alexander D. Peck.

An act concerning the taking of official oaths in the District of Columbia.

An act to authorize the issuing of a register to the Schooner James.

An act to change the name of the steamboat Charles Downing, to the Calhoun.

An act for the relief of Barclay & Livingston, and Smith, Thurger and company.

An act for the relief of Russell Goss.

A joint resolution authorising the presentation to the government of France, of a copy of the standard weights and measures of the United States, and for other purposes.

A joint resolution to explain an act of 24th June, 1848, entitled "An act for the relief of W. B. Slaughter, late Secretary of Wisconsin."

HOUSE BILLS REFERRED.

The bill from the House of Representatives giving the consent of the government of the United States to the State of Texas to extend her eastern boundary, &c., this day received for concurrence, was read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary.

PRIVATE BILLS.

Mr. MASON, from the Committee of Claims, to whom was referred the petition of George Poindexter, submitted a report, accompanied by a bill for his relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom the following bills from the House of Representatives were referred, reported them without amendment:

An act for the relief of Jonathan Slyter.

An act for the relief of William Parker.

ADVERSE REPORT.

Mr. FELCH, from the Committee on Pensions, to whom was referred the petition of Isaac Davenport, submitted an adverse report: which was ordered to be printed.

BOUNTY LANDS.

Mr. BORLAND, from the Committee on Public Lands, to whom was referred the bill to revive an act authorising certain soldiers in the late war (with Great Britain) to surrender bounty lands drawn by them, and to locate others in lieu thereof, reported it without amendment.

The Senate proceeded to consider the said bill as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

JOHN MCGARR.

The joint resolution in relation to the naval pension of John McGarr was considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

The said resolution was read a third time, by unanimous consent.

Resolved, That this resolution pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

JONATHAN FITZWATER.

Mr. BORLAND moved that the prior orders be postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives for the relief of Jonathan Fitzwater.

Mr. BORLAND.—The circumstances of the case are these: Jonathan Fitzwater went, some years ago, to the city of Mexico to reside. After the commencement of the war, being desirous of serving his country, he came to me, I being then a prisoner of war in the city of Mexico. I gave him a letter to the American commanding general at Puebla. He reached Puebla after considerable difficulty and obtained employment. The letter which I gave him communicated some information which was deemed important, and it was forwarded by Col. Harney to be sent to the United States. Before reaching Vera Cruz, however, it was taken by guerillas and sent to the Mexican government. It was published in the "Diario," and Fitzwater being favorably mentioned in it, he was pointed out as a fit object for vengeance if ever he should be caught. Since the arrival of our army in Mexico he has been constantly in the service. On the 18th of August he was sent forward with a reconnoitering party commanded by Captain Thornton; and the same ball that killed Captain Thornton inflicted a very serious injury upon him. He is now compelled, on account of the bad feeling existing against him in Mexico, to leave that country and come home with the army. I believe all the officers have joined in a recommendation that he should be put upon the pension list, considering him, on account of the meritorious services he has rendered, to be well deserving of the American people. The House of Representatives has passed a bill granting him a pension of $20 a month for life. That is the bill which I wish to call up.

The Senate proceeded to consider said bill, as in Committee of the Whole: and

No amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

THE TEXAS NAVY.

The Senate proceeded to consider, as in Committee of the Whole, the bill to authorize the President to increase the naval establishment of the United States; and,

On motion by Mr. RUSK, it was

Ordered That the further consideration thereof be postponed to Thursday, the 6th day of July next.

APPLICATIONS FOR PENSIONS

The Senate proceeded to consider, as in Committee of the Whole, the resolution relative to evidence in applications for pensions; and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said resolution was read a third time.

Resolved, That this resolution pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

MAIL CONTRACTORS.

On motion by Mr. BREESE, the prior orders were postponed, and the Senate proceeded to consider the joint resolution for the relief of such persons as may have incurred the disability of the 28th section of the act to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof, approved July 2, 1836.

Mr. JOHNSON, of Maryland, submitted an amendment, requiring the Postmaster General to report each case in which he may remove the disability from any mail contractor to Congress, together with his reasons therefor.

The amendment having been agreed to, the joint resolution was reported to the Senate; and the amendment was concurred in.

Ordered, That it be engrossed and read a third time.

The said resolution was read a third time.

Resolved, That the said resolution pass; and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

FORTIFICATION BILL.

Mr. ATHERTON, from the Committee on Finance, to whom was referred the bill from the House of Representatives making appropriations for certain Fortifications of the United States for the year ending the 30th of June, 1847, reported the same with an amendment.

The Senate proceeded to consider the said bill, as in Committee of the Whole, together with the amendment reported thereto.

Mr. ATHERTON.—I will state in regard to this amendment, that the recommendation comes from the department which has charge of this subject. When the estimates came in, the title to Pea Patch Island had not been settled, but it having now been settled, it is deemed proper that progress should be made in the erection of the fort. The condition upon which the United States received the cession of that island, was that they should erect and maintain a fort there. I believe it is a well-known fact, that there is no suitable fortification in the neighborhood of the city of Philadelphia, and that it is absolutely necessary that one should be erected at this place.

Mr. NILES inquired if the question as to title was definitively settled.

Mr. ATHERTON replied that it was.

Mr. CLAYTON.—There is but one objection to this proposition, and that is that the amount is too small—a million should be appropriated. For nearly seven years past the title to the island has been in controversy. That question has been settled and the title of the United States is now nearly perfected. In the grant which was made by the State of Delaware of this island to the United States, there is a condition such as the gentleman from New Hampshire has mentioned, that if the United States neglect for ten years to keep up a fortification upon the island, the title shall revert to the State. Now long periods of sometimes elapse between the time the government has neglected to fulfil this condition, and it is necessary that something should now be done. There is no fortification at present, and there is no other point from which Philadelphia and the various towns upon the river above Philadelphia, can be successfully protected from a hostile fleet.

The amendment having been agreed to—

On motion, it was

Ordered, That the further consideration of the bill be postponed until to-morrow.

THE OREGON BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish the territorial government of Oregon.

Mr. BERRIEN.—Mr. President: From the first moment when I took my seat in this chamber, up to that in which I now address you, I have studiously abstained from intruding upon the Senate the distracting question which this bill forces upon our consideration. I have not permitted those who hear me will bear witness to the truth of the declaration—I have not permitted my conduct to be governed by sectional considerations. I have sedulously endeavored to regulate it by a just regard to the interests of the country, and of the whole country—to the rights of the American people, unembarrassed by local considerations. If I am driven from that position to-day—if in vindication of the rights of a portion of that people—my own immediate constituents, who have honored me by their confidence—if in defence of their rights, I enter upon a discussion from which I have hitherto abstained, let those who hear me bear in mind that this unwelcome task is forced upon me, by the advocates of this bill. On this question of slavery, in every aspect in which it can be presented, our position—the position of the united South, is truly stated by the Senator from South Carolina, [Mr. CALHOUN.] We ask but simply to let us alone—leave us to the enjoyment of our domestic institutions, in which we cannot discover the evils which affright the imaginations of others, and do not punish us for adhering to them, by denying to us the common rights of American citizens. You refuse this. The bill before the Senate, stamps the peculiar institution which exists in the community in which we live, as one which is beyond the pale of legislative protection—as one which is so obnoxious, by its own intrinsic impurity, as to require you in the exercise of your legislative authority, to deny to the citizens of the South—to those of every slaveholding State, a right to participate in the common benefits which belong to all the citizens of the United States. Under such circumstances, we would be recreant to self-respect, we would be faithless to the memory of our fathers, who have lived in the midst of these institutions, fulfilling all their duties, as men and as citizens, and who have gone to their rest with unstained reputations, if we could sit here in silence.

I repeat to you, sir, it is all we ask, let us alone. With our domestic institutions, authorized and protected by our own laws, and recognized and guaranteed by the federal constitution, we are contented and happy—we do not ask your assistance to uphold them—we cannot submit to your interference with them, directly in the States where they exist, or elsewhere, and indirectly by denying to us the enjoyment of a common right, because of their existence among us. We say to you, continue to enjoy in full measure the blessings which Providence has allotted to you—the free soil and free labor which commend themselves to your taste, and are approved by your judgment, but let us alone—leave us to the enjoyment of those institutions which we have received from our fathers, and do not seek, because we prefer them, to deprive us of our common rights under the constitution. You refuse to listen to this appeal. The framers of this bill, and its advocates in this chamber, force this discussion upon us, and it must be met.

You are about to organize a government for the territory of Oregon, and not content with providing the several departments which will be necessary to municipal legislation, to judicial interpretation, and executive enforcement of the laws which may be enacted, you propose in the exercise of your sovereign will to establish as a fundamental law of the territory, the inhibition of slavery, and thus to exclude the citizens of one-half of the States of this Union from all rights of ingress into this territory, carrying with them their slave property. This is to be accomplished, too, in a manner not quite consistent with the dignity of an American Senate—not by a direct enactment—by an open avowal of your purpose, but by the adoption of what, by a singular perversion of language, are denominated the laws of the provisional government of Oregon, one of which contains this inhibition. I have, therefore, moved to strike out the twelfth section of the bill, which proposes this adoption, and thus to leave the question of the existence or non-existence of slavery in that territory, to the unembarrassed decision of those who are alone competent to decide it—to the people of the territory in the formation of their constitution. If this motion should prevail, I have proposed to follow it by another to substitute in lieu of the twelfth section of this bill, the corresponding section of the bill prepared by the Senate's committee at the last session. It is indifferent to me, however, whether the object which I have in view be accomplished in this mode, or by the adoption of the amendment in the form of a proviso, moved by the Senator from Mississippi, [Mr. DAVIS.] What I desire is, that Congress should abstain from an act of usurpation—from the exercise of a power not conferred by the constitution.

You propose by legislative act to declare that slavery shall not exist in the territory of Oregon. I deny your power to do this, and thus the issue is formed between us.

In discussing this question, I will pursue the course adopted by the Senator from New York, [Mr. DIX] and followed by the Senator from South Carolina, [Mr. CALHOUN] and inquire,

1. Has Congress the power to prohibit slavery in the territories of the United States?

2. If Congress has such power, is it just, expedient, consistent with the spirit of the constitution to exercise it?

On this question of the power to inhibit slavery in the territories, there are three distinct opinions. The first assigns it without limitation or control to Congress. The second ascribes it to the territorial legislature, subject of course to the revision of Congress. The third opinion denies it both to Congress and the territorial legislature, and affirms it to be the exclusive right of the people, to be exercised in the formation of their constitution, preparatory to their admission as a State, leaving it an open question during the existence of the territory. It is the first of these opinions which is maintained by the advocates of this bill, and which, therefore, I proceed to examine. Let me, however, say in advance, that the importance of this question is not seen, and cannot be felt, if we confine our attention exclusively to the territory of Oregon, which is the only one embraced in this bill. Notwithstanding the suggestions of the Senator from New York, [Mr. DIX] as to the variation of climate, in the same parallels of latitude, on the Atlantic and Pacific coasts of this continent, I think the better opinion is, that slavery cannot exist in Oregon because slave labor will not be valuable there. The inhibition of it in this bill can, therefore, be made, as it seems to me, but with one of two purposes. Either you desire to avail yourselves of every occasion to stamp our domestic institutions with the seal of your reprobation, or you propose to assert this power now, in relation to a territory where slavery cannot exist, and where, therefore, its assertion for any present effect is nugatory and useless, that having thus obtained its recognition, you may apply it hereafter to those other territories, for which Congress will soon be required to establish territorial governments. It behooves the South now, therefore, to look to their rights, lest they should be concluded hereafter by the precedent which will be established in this case.

I propose, then, to examine the question, whether Congress has the power to do what this bill proposes. My purpose will be to endeavor,

1. To trace the power of Congress to organize a territorial government, to its true source; and

2. To show that it is subject to limitations, which exclude all right of interference with the question of slavery in a territory.

The Senator from New York [Mr. DIX] has taken a leading part in this discussion, and has presented to the Senate an argument manifesting extensive research, and great ability. The spirit in which it was conceived has enabled me to listen to it with respectful attention. The power of Congress in the organization of a territorial government, to prohibit slavery in a territory, is traced by the honorable Senator to the 3d section of the 4th arti-

cle of the constitution of the United States, which is in these words:

"The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claim of the United States, or of any particular State."

I cannot acquiesce in this opinion. I think the terms of this section are entirely too limited for the extensive power which it is attempted to deduce from them. The provision of the constitution has a subject on which it proposes to operate, through the medium of an agent which it designates. That agent is Congress.—That subject is the territory, or other property of the United States. Put the words of the section in their natural order, and they will stand thus:

"Congress shall have power to dispose of the territory or other property of the United States, and make all needful rules and regulations respecting the same."

Surely, these rules and regulations must relate to property alone, for nothing but property, the territory, or other property, is made subject to the disposal of Congress. The language, too, is applicable to property only—to territory considered as property—not to persons, or to jurisdiction to be exercised over them. It is a power "to dispose of." This expression is applicable to property, and accordingly it is applied to "the territory, or other property belonging to the United States." The term "belonging" has a like reference to property, and not to persons. Congress is empowered to "make all needful rules and regulations" respecting this territory, or other property belonging, &c., &c. When it is remembered that the unsettled lands of the United States were looked to as a source of revenue, and that Congress was to establish a system for their disposal, the intent and purpose of these terms will be readily understood. It was under the power thus conferred, that Congress was to provide all needful rules and regulations for the sale (disposal) of these lands in any territory of the United States, and of any other property belonging to them. If beyond this it were necessary to add any thing to the argument of the Senator from South Carolina [Mr. CALHOUN] on the true interpretation of this section, the proviso furnishes an additional and, as I think, an unanswerable reason in favor of that for which I contend. Let it be remembered that the title to large quantities of unlocated lands, lying within the chartered limits of several of the States, was in controversy between those States and the United States—the former claiming them as their individual rights, the latter asserting that as they had been won from a common enemy, by the united efforts of all the States, they ought to enure to the benefit of all. While this controversy was yet undetermined, the constitution was framed, and it seemed proper, therefore, while giving to Congress a power to dispose of the public lands, to avoid all interference with the controversy between the United States and the individual States. Accordingly, it is provided in the last clause of the section, that "nothing in this constitution shall be so construed as to prejudice the claims of the United States, or of any particular State," obviously to restrain Congress from disposing of any public lands, the title to which was contested by any State. Considering the section a mere authority to dispose of public property, this proviso is appropriate, but if you look to it as conferring jurisdiction over persons, it is not merely inapt, but absurd.

And now, sir, I leave this verbal criticism. The Senator from New York has manifested his own apprehension of the insufficiency of this section considered in itself, to authorize the exercise of the power for which he contends, and has, therefore, endeavored to sustain it by calling to his aid cotemporaneous exposition, legislative precedents, and judicial decisions. My duty, then, is to examine these references, to ascertain whether they are capable of propping the magnificent, but tottering fabric, which rests upon a foundation in itself so insignificant.

And, first, of cotemporaneous exposition.

The honorable Senator supposes that in the history of the proceedings of the convention, he finds what is calculated to sustain the construction of this section for which he contends. Upon looking into those proceedings, as they are disclosed in the Madison papers, it appears that a report was made by a committee in which, among others, was a provision that Congress should have power to establish temporary governments in the territories. It seems that this report was not adopted, but that the convention substituted for it the section as it now stands in the constitution, and because the proposal expressly to invest Congress with the power to establish territorial governments, was thus distinctly presented to their view, and because they substituted for it the clause which we are considering, the honorable Senator concludes that in the judgment of the convention, the one must have been deemed equivalent to the other. Now, sir, it seems to me that such an inference could not be deduced from these proceedings, without entering upon the consideration of them with a foregone conclusion. There was a distinct proposal to invest Congress with power by an express clause in the constitution to organize territorial governments—not merely to dispose of property, but to exercise jurisdiction over persons. That proposal was not adopted, but in lieu of it the convention inserted a provision in its terms applicable to property alone. On every fair principle of construction, this was a rejection of the first proposal, silent it is true, but as emphatic as language could have made it.

The opinions of Mr. Madison.—The Senator from New York next supposes that he finds in the views of Mr. Madison, as they are expressed in the 38th and 43d numbers of "The Federalist," an authority which is favorable to his argument. This book was written expressly for the purpose of recommending the constitution, to secure its acceptance by the people of the United States. It was a eulogy upon that instrument, especially as contrasted with the articles of confederation. The great object was to show the defects of the latter, and the efficiency of the provisions made in the new constitution to supply those defects. The particular subject under consideration in the numbers referred to, was the power to admit new States, a power expressly provided for in the constitution, which had been exercised by the Congress of the confederation, without legitimate authority, and which had only been acquiesced in under a conviction of the necessity in which it originated. And then Mr. Madison asks: Why will you not adopt a constitution, which by its express provisions on this subject, investing Congress with the power to admit the new States, supersedes the resort to this dangerous mode of proceeding, which finds its only justification in the plea of necessity? He then adverts to the section we are considering, as another important provision in the new constitution, but without expressing any opinion as to its construction. This is the substance of what Mr. Madison says in the two numbers of the Federalist, and I submit that they do not support the inference of the Senator from New York.

But these are only the skirmishers which precede the main body of the argument of the honorable Senator. It is to legislative precedents and judicial decisions that he looks for the establishment of the construction of this section of the constitution for which he so earnestly contends. I ask the attention of the Senate to a brief review of those precedents and decisions.

Legislative precedents.—The first legislative precedent on which the Senator from New York relies, as evincing the authority of Congress to interfere with slavery in the territories, is the act passed on the 7th August, 1789, recognizing the ordinance of 1787, and adapting its provisions to the new form which the government had assumed. This was followed by several acts, by which that ordinance was applied to the States created in the northwestern territory.

Mr. President, if there be any peculiarity in the opinion which I entertain of this celebrated ordinance, I claim for it only the dispassionate consideration of Senators. I proceed then to say, that this ordinance, so much denounced on the one hand, and eulogized on the other, so far as relates to the question we are considering, has had, in my judgment, a very undue degree of importance ascribed to it. Whether you look to the ordinance itself—to the recognition of it in 1789, or its subsequent application by Congress to the several States created under it, there is nothing in all or any of these considerations which can in the remotest degree affect the question of the power of Congress, under the constitution, to inhibit slavery in the territories. Consider, sir, under what circumstances, and by whom this ordinance was adopted—who were the parties to the articles of cession on which it was founded, and what was its object. The parties to that cession were the State of Virginia on the one hand, and the United States on the other; and the object of the ordinance was to give effect to the cession, by which Virginia had transferred to the United States both soil and jurisdiction in the territory to which it applied. Its provisions were then to be tested by the terms of the cession made by Virginia, to which it was intended to give effect; and if it conformed to these, no man might be permitted to question its validity. Now, Virginia was a sovereign State. Her sovereignty was as yet undiminished by the concessions subsequently made by the several States, on the adoption of the federal constitution. She stood alone and absolute in her sovereignty, unfettered in the exercise of her legislative power save by her own constitution. She was proprietor of the soil, and had sovereign jurisdiction over persons in the northwestern territory. She had the same right of legislation there as over any portion of the State. It was competent to Virginia to abolish slavery in that territory or throughout the State, or in advance to declare that it should not exist there. The rights which she possessed she had power to transfer to others. She did transfer to the United States both soil and jurisdiction of, and over that territory, and as her alience, the United States acquired whatever right Virginia had. The only question then which could arise, would be whether the Congress of the confederation was competent to receive the transfer. I agree that in the infinite variety of the human mind, its illimitable capacity to generate controversy on any, and on every subject, this might have been a question, but subsequent events have relieved us from whatever difficulty it presented. Congress did receive the cession, after a scrutiny of the title of Virginia, and was thereafter estopped to question that title, and bound to fulfill the conditions on which she had received the transfer of it. It was an "engagement entered into before the adoption of the constitution," which, by the 6th article of that instrument, was declared to be "as valid against the United States under this constitution, as under the confederation." The act of 1789, therefore, which recognizes and adopts the ordinance of 1787, and those subsequent acts which apply its provisions to the States which were formed in the northwestern territory, were not passed in the exercise of the power conferred by the constitution, to make rules and regulations for the government of territories, but in simple fulfilment of the engagement entered into by the Congress of the confederation, manifested by the acceptance of the cession from Virginia.

But the Senator from New York does not stop here. He refers to the acts of Congress which prohibit the introduction of slaves into the territories of Mississippi and Louisiana, and would infer

that since this was done while they were territories, it was an exercise of the power to regulate slavery in the territories of the United States. I submit to you, sir, that the honorable Senator has misapprehended the source of the authority exercised by Congress in those laws. It was the commercial power under which they were passed—under which Congress claimed the right to regulate the traffic in slaves in the United States and its territories, not the power to make rules and regulations for the disposal of the territories; and this, too, has been questioned in their own supreme judicial tribunal, by more than one of the learned judges who preside there. If, then, the act of 1789, adapting the ordinance of 1787 to the new form which the government had assumed, and the subsequent acts passed on the formation of the several States in the northwestern territory, were but the fulfilment of an engagement entered into before the adoption of the constitution, and by it rendered obligatory on the new government, as we have seen—and if the acts in relation to bringing slaves into Mississippi and Louisiana are referable alone to the commercial power, then it is clear that the construction of the section which gives to Congress power to dispose of the territories and other property of the United States, for which the Senator from New York contends, can receive no aid from the acts to which he has referred. These legislative precedents, therefore, vanish as the mists of the morning.

Passing from these, the Senator from New York next endeavors to establish his proposition by a reference to judicial decisions.—I confess, sir, I was startled by the assertion, that this power, as derived from the clause we are considering, and in the extent which the Senator claims for it, had ever been sanctioned by judicial decision, but I was relieved by the reference to the cases which were cited to prove it. I will not detain the Senate by reading them. A very brief reference to them will serve to show that they do in fact decide nothing in relation to the question we are considering. The first is the case of McCullough vs. the State of Maryland, 4 Wheat., 420. Now, the moment this case is mentioned, every professional man recognizes the fact that it is totally inapplicable to our present enquiry—that the question which we are now considering did not come before the court in any aspect of the case, and consequently could not have been decided. The question in that case was, whether Congress had power to establish a bank, and if incidentally, in illustrating his opinion, any one of the judges had asserted that Congress had established territorial governments under the clause on which the honorable Senator relies, he will agree with me that such an assertion would not have been a judicial decision, but a mere *obiter dictum*, entitled to just so much respect as the legal attainments of the individual expressing it, could secure for a hasty opinion given on a subject which was not under the consideration of the court.—What was said by the court in that case was as follows: "The power to 'make all needful rules and regulations respecting the territory, or other property belonging to the United States,' is not more comprehensive than the power 'to make all laws which shall be necessary and proper for carrying into execution' the powers of the government. Yet all admit the constitutionality of a territorial government, which is a corporate body." Certainly the constitutionality of a territorial government, created by Congress, is universally admitted, but how does that decide that the power of Congress is derived from this clause? The court did not intend to decide, and did not, in fact, decide that question.

The case next referred to by the Senator, is that of the Cherokee Nation vs. the State of Georgia, 5 Pet. R., 44, in which the question was, whether this Indian tribe was a foreign nation in that sense, which would enable them to maintain their suit in that court. And in illustrating his opinion on this question, one of the judges adverted to the fact, that Congress had established territorial governments in territory yet occupied by Indian tribes; and did not, therefore, deal with them as nations. This case may, I appreciate, be dismissed without further remark.

The case of Gratiot vs. the United States, 14 Pet. R., 537, is next referred to. There the question was, whether the power given to Congress to dispose of the public lands was limited to a power to sell, or included also a power to lease. It was a grave question, if gentlemen please so to consider it, for the decision of so high a tribunal, but certainly cannot aid us in our present enquiry, the object of which is to ascertain whether under a power to dispose of the public lands, Congress has jurisdiction over the persons occupying them—a pretension, the assertion of which would involve us in immediate controversy with several of the States of the Union.

The remaining case is that of the American Insurance Company vs. Canter, 1 Pet. R., 542. It approaches the question which we are considering, and leaves it undecided. The question in controversy in that case was the validity of a sentence of a Court of Admiralty in the Territory of Florida. The government had been organized by Congress, and the territorial legislature had established the court. The validity of the sentence was affirmed, and the right of Congress to establish the territorial government, but whether that right was derived from this particular clause of the constitution, or resulted by necessary implication from the power to acquire territory, as in that case by treaty, was left undecided in that, and in every other case which has fallen under my observation.

These are all the judicial decisions which have been referred to by the Senator from New York, and I think it must now be obvious that they cannot subserve the purpose for which they were cited.

I have stated in an earlier part of this argument, the several opinions which are maintained in relation to slavery in the territories, of which the first asserts the power of Congress—the second that of the territorial legislature, subject to the disapproval of Congress; and the third that of the people of the territory, when assembled in convention to form a constitution preparatory to their admission as a State. I have been examining the first of these opinions, not with a view to deny the existence of the power, but to ascertain whether it is derived from that clause of the constitution on which the Senator from New York relies for its support, and I trust I have shown that it cannot be so derived.

The second opinion is, that the power to decide whether slavery shall or shall not exist in a territory, belongs to the territorial legislature, subject of course to a disapproval of their acts by Congress. Now, sir, I cannot, by any effort of imagination, conceive of a greater bundle of absurdities than is involved in such a proposition. It assumes that Congress has no original power over the subject, but that it belongs to the territorial legislature. Yet all the powers which are exercised by that legislature are to be derived from Congress—and thus Congress is made to confer a power which it did not possess—and then though it had no original power over the subject, it may still negative, and render invalid, the act of the territorial legislature.

There is yet another opinion, and that is that the power to determine this and all other questions connected with it, belongs to the people of the territory, not while they are in the chrysalis state, exercising the delegated and limited powers conferred upon them by an act of Congress, but when they have increased in numbers sufficiently to form a State constitution, with a view to admission into the Union. That, as I understand it, is the southern ground, and this is the view which in behalf of my constituents I desire to present to the Senate.

But there is another branch of the subject, the consideration of which is more important. It is that which conceding the power of Congress to establish territorial governments, from whatever source the power may be derived, nevertheless limits its exercise, denying the right of Congress to interfere with the subject of slavery. I have said, and endeavored to maintain, that the power of Congress over the territories, in the extent which is claimed for it, cannot be derived from the clause of the constitution, on which the Senator from New York relies—but I do not, therefore, deny its existence. On the contrary, if I am asked whether Congress has the power to establish territorial governments, I answer the enquiry in the affirmative: without doubt it has, but it is a power which though exclusive, is not unlimited. It results from our nationality—from the power to make war, and to conclude treaties, and the consequent right to acquire territory. The right to acquire includes the right to use—to enjoy—and government is indispensable to use and enjoyment. Such is the doctrine stated by Chief Justice Marshall in the case of the American Insurance Company and Canter, before referred to. Thus the power to govern results from the power to acquire, and that is itself consequent to the war and treaty making power—but it is a power limited to the single purpose of governing the territory until it is in a condition to govern itself by the formation of a constitution preparatory to its admission as a State. It springs from the relation of principal and dependent, and is limited by the duration of that dependence. The purpose is to train up a nation of freemen, and to fit them to share in the privileges of this Union. Whatever is necessary to this object, Congress is authorised to do, and bound to do, and equally to abstain from every other exercise of power. When the territory becomes a State—or rather when its people form a State constitution with a view to admission into the Union, they have the exclusive and sovereign right to decide between free and slave labor—and if the spirit of the constitution is conformed to, they will be left free to decide that question unembarrassed by any previous legislation of Congress.

I desire briefly to recapitulate the foregoing positions, to connect them with the argument which follows. You desire the power to acquire territory. How? Not by an express grant, but by implication from the war and treaty making power. You desire the power to govern the territory acquired. How? Not by an express grant, but by implication, as necessary to the enjoyment of the territory acquired—and this power is vested in Congress. Why? Because by the constitution all legislative power is vested in that body—and legislative power must be exercised in framing the organic law of a territory. But the power, though exclusive, is not unlimited. It must be exercised within the pale of the constitution, for the specific purpose, the necessity of accomplishing which gives rise to the implication, and since it concerns a subject in which all have a common and an equal interest with a strict regard to that communion and equality of interest. It cannot violate the right of a citizen, which is derived from or recognized by the constitution. It cannot indefinitely prolong the nonage of the territory. In relation to a common property, it cannot violate the equality of right which belongs to every citizen.

In organizing a territorial government, Congress is bound to give security to the inhabitants of the territory, to respect the rights of the citizens of the United States, in and to the property, while it remains common, and to provide for the termination of its dependent territorial condition as soon as the inhabitants are in sufficient numbers to be admitted into the Union. Meanwhile, it is a common property, which every citizen has an equal right to enjoy. Congress may regulate the manner of enjoyment, but that regulation must not be inconsistent with the equality which be-

longs to a common property. It is in strict analogy to, or rather it is the precise case of, a corporation holding a common property. On this subject Vattel says, book 1, ch. 20, p. 113:

"If the members of a corporation have an equal right to the use of the common property, &c. But in order that no one may encroach upon the rights of the corporation, each member must necessarily have a right to the whole property, provided that his enjoyment be not inconsistent with that consistent and equal which every other member possesses in a common right of property. Thus a common stock may determine the use of a common forest or a common pasture, either admitting to it all the members indiscriminately, or to a certain number, or to certain families, or by turns, &c. But if the use of the common property be granted to any one member, or to any number, in such a manner as to make a distinction in the division, he receives less or more than that of the others."

Now, if this principle be true, if it is obviously just in its application to the property of a corporation, who does not perceive its precise analogy to, or rather its actual identity with, the principle which is involved in the question under consideration? The several States of this Union, associated under our federal charter, constitute one great corporation, of which the citizens of the several States are corporators; and the federal government represents the body of the corporation. The territory of the United States beyond the limits and jurisdiction of any individual State, whether acquired by conquest or by treaty, is so acquired by the common efforts of all the citizens of the United States, and constitutes one vast common, belonging to the corporation, to which every corporator has an equal right. In the exercise of your legislative power, constituting the body of the corporation, you may prescribe the manner in which this common property may be enjoyed, but you must take care that your regulations are "not inconsistent with that equality which ought to be preserved in a communion of property." You may regulate its enjoyment in such manner as may be most conducive to the interest of all, but you cannot "exclude any one of the number," or "introduce a distinction to his disadvantage." The territory of the United States is the common property not of this government, but of all the citizens of the United States. As their general agent, invested with legislative power, Congress has the right to organize a government for this territorial dependency, and under the clause of the constitution, so often referred to, to make all "needful rules and regulations for the disposal" of the soil; but whether, in the exercise of the one power or the other, this principle of equality, which is inherent in, and inseparable from, a common property, must be sacredly adhered to. You cannot forbid any citizen from entering into such territory. You cannot limit the right of ingress to any given number of States, which you will designate by name, in exclusion of the rest. You cannot confine that right of entry to the non-slaveholding States, and exclude the slaveholding States from enjoying it. These propositions will not be denied. If it seemed to you expedient to settle this territory exclusively with laborers, to exclude all non-producers, and capitalists, literally to execute the curse consequent on the sin of our first parents, that man should earn his bread by the sweat of his brow, and to force him to do so by his actual manual labor in the cultivation of the soil, your powers would be inadequate to such a purpose; for you could not deny to the citizen the right of taking with him the means of dispensing with daily labor. As a general proposition it will be admitted that you could not make the right of emigration dependent upon the condition that the emigrant should leave all his property behind. If not, whence do you derive the right to distinguish between different kinds of property? Is it not obvious, that the exercise of such a right would lead inevitably to the inequality, which we have seen is forbidden in relation to that in which numbers have a common and an equal interest? You would do by indirection, what would be obviously inadmissible by a direct exercise of power. You cannot provide by law that the inhabitants of New Hampshire, Connecticut, and other non-slaveholding States, and they alone, shall be permitted to settle in Oregon. You cannot say that the inhabitants of those States shall have any exclusive privileges in the entry and occupation of the public lands there. You cannot declare that they shall have the right of entering and occupying those lands at a lower price per acre, or on more favorable terms as to the time of payment, than you allow to emigrants from the slaveholding States. You cannot forbid an emigrant from a non-slaveholding State taking his property into the territory. By what authority do you exercise such a power in relation to the emigrant from a slave State? Do you not perceive that it violates the principle of equality, indirectly, to be sure, but as palpably as if the inhibition to the citizen of a slaveholding State were enacted in terms. Consider its effects. The citizens of the non-slaveholding States will exercise their right of emigration, because they are permitted to take their property with them without restraint. The citizens of the slave-holding States, on the other hand, is denied, as we have seen they are. Thus a territory which belongs to all the citizens of the United States, in which the interest of each one is undeniably and exactly equal to that of any other, will be exclusively enjoyed by the citizens of one half of the States of the Union.

I inquire of Senators, on what principle such legislation can be justified? Why may not a southern planter as well as a northern farmer take with him the means by which they pursue their respective occupations? If the one is disposed to cultivate the soil, and the other to become a herdsman, why has not one as much right to take his negroes with him as the other has to take his flock? The Senator from Connecticut [Mr. BALDWIN] answers this inquiry by saying that negroes are not property; and fearing that this is too large a proposition, corrects himself by saying that they are not property, at least in the sense in which this term is applied to other objects of property. Now, sir, I desire to inquire whence has the Senator derived this distinction? Is it founded upon any principle of reason? Is it sustained by any recognized authority? Is it not a mere phanton of an imagination excited in the pursuit of a particular theory? Has not man, in all time, been the property of man? What page of history, sacred or profane, does not attest this truth? What distinction do the laws of a State, where slavery exists, make between this and every other species of property? What distinction do the laws of the United States make? What is property in a slave? It is the right to his service and labor. You cannot deal with him as with inanimate or merely animal subjects of property. Justice, humanity, the laws of the State forbid it. His life is protected. To kill him is murder. His person also is under the guardianship of the law. You cannot inflict unnecessary and excessive whipping. You cannot withhold from him proper food and sustenance nor comfortable clothing. And you cannot require from him more labor than he is able to perform. For the first-mentioned offence the slayer would be liable to be punished as for the murder of a white man. For the others, he would be subject to indictment, and punishable by fine and imprisonment.—(Hotchk. 779.) I speak of the laws of my own State; but I doubt not there are similar laws in the other slaveholding States. Still the right of property remains. It is a right to his service and labor. The Senator from Connecticut [Mr. BALDWIN] contends that slavery is created by statute, and has no existence beyond the limits of the State enacting it, and relies upon the decisions of certain State courts to support his position. The honorable Senator mistakes the extent of those decisions. In their utmost limit, they merely affirm that a slave who is brought within the limits of a State whose laws forbid slavery, thereby becomes free. Now, how far these decisions can be sustained in relation to a slave, the property of a citizen of the United States, who is merely travelling through, not commorant in a State where slavery is prohibited, is a question which may hereafter be submitted to the decision of the Supreme Court of the United States. I do not deal with it now, because it is not material to my present purpose. With reference to the question which we are considering, all that it is necessary for me to maintain is, that the property of a master in his slave continues beyond the limits of the State in which he dwells, and until he comes within the jurisdiction of a State where slavery is forbidden by law; for if this position be sustained, it necessarily follows that a citizen of the United States owning a slave may emigrate with him to the territory of Oregon, and still hold him there, because there is no law in that territory which forbids slavery—nor any other law of any description—it having been universally conceded, in the progress of this discussion, notwithstanding some contrary pretensions in the commencement of it, that the regulations agreed upon and adopted by some organizations on the public lands in that territory cannot be dignified with the name or invested with the efficacy of laws.*

The question recurs as to the proprietary interest of the master in his slave. Is it confined to the limits of the State in which he lives, or does it continue to exist beyond those limits? The cases referred to by the Senator from Connecticut do not touch that question. They only decide that it ceases when the slave is voluntarily brought within the limits of a State whose laws forbid its continued use. The Maryland case cited by the Senator is equally inapplicable. That was decided under a law of Virginia, which forbade a non-resident slave from remaining in that State, beyond a certain limited time, and it therefore still leaves open the question we are considering.

Mr. President, having I trust, shown that the cases referred to by the Senator from Connecticut, do not sustain the position for which he contends, which is that the proprietary interest of a master in his slave, ceases when he carries him beyond the limits of the State in which he resides, I proceed to state this proposition. Slaves are recognized as property not merely by the laws of the State in which the owner resides, but also by the constitution and laws of the United States; and consequently within the sphere of the operation of that constitution, and of those laws, the proprietary interest of the master must continue to exist.

Slaves are recognized as property by the constitution of the United States. I have before said that property in a slave, is a right to his service or labor. The constitution, art. 4, sec. 2, describes a slave as a "person held to service or labor," and provides that such slave escaping into another State, shall not be discharged from service or labor under any law or regulation of that State, but shall be delivered up on claim of the party to whom such labor or service may be due—that is to his owner. Now, consider, the

* In the remarks submitted to the Senate on this occasion, I confined myself to the right of a proprietor of slaves in the Territory of Oregon, because such was then the subject of the bill. A different question will be presented in relation to New Mexico and California. There are existing laws in those territories which forbid slavery; and the inquiry will be, whether those laws will continue in force after the exchange of flags under the treaty. Reserving the full consideration of this question for its appropriate occasion, I make now the following brief remarks:

The general rule is, that the pre-existing laws of a conquered or ceded country continue in force until altered by the nation acquiring it; but this rule is subject to modifications. Whatever relates to political organization must be excepted. The laws of a savage tribe would cease immediately on the cession of their territory to a civilized nation. Laws conflicting with the rights of American citizens, secured by the constitution of the United States, must cease to operate in New Mexico and California from the moment of their delivery. An American Protestant can no longer be denied the free exercise of his religion there. The system of peonage can no longer exist there. The constitution of the United States will become the supreme law in those territories, as it is elsewhere in the United States of which they will henceforth form a part. The Mexicans who choose to remain here, by the terms of the treaty, the privilege of becoming American citizens, of being incorporated into our Union, of enjoying the privileges secured by our constitution. An American citizen going there cannot be denationalized—divested of those privileges, and subjected to Mexican laws.

slave in this case is beyond the limits of the State, whose laws, it is said, and they alone create the slavery to which he is subject. According to the argument against which I am contending, his master cannot hold him by virtue of those State laws. Yet, he is still recognized as a slave, as a person held to service or labor. I inquire by what law is his condition of slavery thus recognized? And the answer is by the supreme law of the land—by the constitution of the United States. But this supreme law does more. It not only recognizes him as a slave, although he is beyond the limits of the State, under whose laws alone it is said he is held in slavery, but it still holds him to this condition of slavery, although he is within the limits of a State whose laws absolutely forbid the existence of slavery. Thus, then, if slavery is created by the law of a State, the constitution of the United States comes in and of that law where it cannot operate by its own intrinsic force, and controls and silences the conflicting provisions of the laws of another State within whose limits the slave is found. If these two States were sovereign independent States, not united by the federal bond which constitutes us one people, and which we have all agreed to consider as the supreme law, the owner of the slave would have no claim but upon the comity of the State in which he was found for his delivery. The prohibition of slavery by such States would be imperative and resistless. It is made to yield—to what? Not to the law of the State, which it is said constitutes the man a slave, for he is beyond the limits within which that law can operate, but to the constitution of the United States which recognizes him as a slave and enforces his surrender.

Look now at the practical operation of this clause of the constitution, remembering that the question which we are considering, is whether a slave ceases to be so when he passes beyond the limits of the State, under whose law he is held as a slave, and this will, if possible, be still more obvious. The laws of Virginia allow, and those of Massachusetts forbid slavery. A slave from the former State escapes into the latter, his owner pursues and claims him. Now, if the argument of the Senator from Connecticut be correct; if the slave can no longer be held as such, because the laws of Virginia have ceased to bind him, then unless some other law intervenes to operate upon him, the answer of the authorities of Massachusetts would be, this man has ceased to be your slave; he is beyond the reach of your laws which held him in slavery; he is under the protection of ours, which secure to him his freedom. The authorities of Massachusetts will not give this answer, and why? because another law does intervene; because the supreme law of the land, the constitution of the United States declares that a "person held to service and labor" under the laws of one State and escaping into another State, shall not be discharged from such service or labor under "any law or regulation" of that other State, "but shall be delivered up on claim of the party to whom such labor or service may be due." The constitution provides that the fugitive shall not be discharged—but why is this? If the argument of the Senator can be maintained, he is already discharged by the mere fact of being beyond the limits of the State, whose laws held him in slavery. The framers of the constitution did not take the same view of this subject with the Senator from Connecticut. They did not think that the man was discharged from having passed beyond the limits of Virginia. On the contrary, they held that he was still a slave, and provided that he should not be discharged, but should be delivered up to his owner.

Mr. President, it is indeed singular, at this late day, when this government has been administered under the existing constitution for nearly three-score years, that it should be a question whether the property of a man in his slave, in other words, whether slavery is recognized by the constitution of the United States. Why, sir, it lies at the very foundation of your government; it is a basis of representation; an elemental principle of your constitution, without which that constitution would never have existed, and in conformity to which it is daily administered. The constitution declares that representatives shall be apportioned among the several States according to numbers, "which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years and excluding Indians not taxed, three-fifths of all other persons." Now, no one doubts that the other persons here spoken of were the slaves of the South, who are thus made to institute a basis of representation of the foundation of your representative government—an elemental principle of the constitution itself. You call this a compromise, which you say you are disposed to observe, but not to allow the principle which it affirms to influence your legislation. Well, it is a compromise, just in the same sense in which every other stipulation in the constitution, in relation to which a supposed diversity of interests gave rise to conflicting opinions, which were ultimately reconciled is a compromise. In every other sense it is a positive stipulation—a mutual agreement—*a sine qua non*, a condition without which the constitution could not have been formed. You proposed a representation according to numbers, and were answered by the South that the nature of their occupations would necessarily forbid the density of population which would grow up in other States, and therefore they claimed the representation of three-fifths of their slaves—a political power to be exercised by them as their owners. You acquiesced in the reasonableness of this claim then, and it became a part of our constitution, an express, well understood stipulation in the bond which unites us, and which you are bound to fulfil now, not merely literally, but in its spirit and according to its intent.

But however this may be, whether it be a compromise which you reluctantly yielded, or a stipulation in which for the sake of Union you freely acquiesced, there it is, a part of the constitution, which we are all bound to observe. We recognize it in the daily operations of our system—here, everywhere, where government has a function to perform. It encounters you in this chamber, in the other extreme of the capitol, in the Executive mansion, nay, if you please so to consider it, it darkens the judgment seat. Can we then be told, and told here, that slavery is not recognized by the constitution of the United States, that it depends, and depends only on the laws of the State where it exists? It is plainly written in the charter of our Union. Break that charter if you will, we will not; but do not hold us to its stipulations without fulfilling them on your part according to their spirit and intent.

Slaves are also recognized as property by the laws of the United States.

In the decennial apportionment of representatives among the several States, conforming to the provision of the constitution to which I have just referred, Congress has included three-fifths of the slaves, and in imposing direct taxes has made this recognition yet more distinctly. I refer among others to the act of 1813, 3, Pet. laws U. S., 22. The third section declares that direct taxes shall be laid "on the value of all lands, lots of grounds, with their improvements, dwelling-houses, and slaves." The seventh section relates to the land to be required of the property "taxable as aforesaid," and includes "slaves" by name. The tenth section provides for the valuation of "slaves." The eleventh relates to the "slaves" of absentees. The twelfth provides for the assessment of the value of the the "slaves." The twenty-first section authorizes the collector to enforce the collection of the tax "by distress and sale of the goods, chattels or effects of the persons delinquent," and when these are insufficient, the twenty-second section empowers him to sell so much of the real estate as may be sufficient to satisfy the tax. By the act of the 26th April, 1816, 2 Peters laws U. S., 302, in the sixteenth section it is provided "that in all cases in which a tax shall be charged for slaves, the real estate of the person charged therewith may be sold therefor, in the same manner as for a tax due thereon; but no slave sold for taxes shall be purchased on behalf of the United States." By a previous law the goods and chattels of a delinquent in which his slaves were included, were first to be proceeded against before his real estate was sold; and by this section real estate might be sold for a tax assessed on slaves, it is presumed to protect the government against the concealment of such slaves from the collector.

Thus, then, it appears that Congress proceeding to carry into effect a clause of the constitution, has imposed a tax upon slaves *eonomine*, and in the same manner as it has taxed other property, that it has provided for the return, assessment, or valuation and sale of the slaves so taxed, and without doubt there are many persons who now hold slaves or their issue, under a title derived from the United States, by purchases at sales made by their officers under the authority of these laws, as well as by sales under judgments obtained by the United States, and yet it is said here in the Senate of the United States, that slaves are not recognized as property by the laws of the United States.

Again. Senators will probably recollect the inquiry which I took the liberty to address to the Senator from Connecticut, [Mr. BALDWIN,] in the course of his argument, viz: Whether a slave embarking in the service of his master on board of a vessel in the port of Charleston, and proceeding to St. Augustine would thereby become free, as soon as he passed beyond the limits of South Carolina, and the answer of that Senator, that in his judgment that slave would be free. The honorable Senator is aware that Congress has passed a law expressly recognizing the relation of master and slave, in precisely such a voyage, for he says, "as Congress have in fact passed a law to regulate the coastwise transportation of slaves, it has been supposed that during the passage the former legal relation would continue;" and yet because the vessel is sailing under the flag of the United States, and not of the particular State in which the owner and his slave reside, the Senator gravely expresses the opinion that such a slave would become free. Without doubt he is sincere. Far be it from me to question his sincerity; but testing the entire argument of the honorable Senator by this exemplification of his legal acumen, I think I may be spared the necessity of doing more than exposing the fallacy of this position. The negro in question is supposed to have been a slave in South Carolina—to take a common case the body servant of his master. That master desirous of going to St. Augustine, taking his servant with him, goes before the collector of the port in company with the captain of the vessel, and there in conformity to the requisitions of the act of Congress of the 2d march, 1807, 2 Peters laws U. S., 429, they make out and subscribe duplicate manifests of this servant, specifying his name, sex, age, stature, &c., with the name and place of residence of the owner or shipper, and delivered them to the collector, &c., before whom the captain with the owner or shipper must make oath that this negro was not imported or brought into she United States, from and after the 1st day of January 1808, and that under the laws of the State he is held to service or labor. Thereupon the collector is to certify these proceedings on the manifesto, one of which he is to deliver to the captain with a permit authorizing him to proceed to the port of his destination. These are the provisions of the act of Congress in relation to vessels of forty tons or more, "sailing coastwise from any port of the United States to any port within the jurisdiction of the same, having on board any negro, mulatto or person of color, for the purpose of transporting them to be sold or disposed of as slaves, or to be held to service or labor." The act, moreover, pro-

vides for the granting of a permit to land such slaves on the arrival of the vessel at her port of destination.

Now, sir, here is a law of the United States which expressly recognizes the slavery of this negro, which authorizes his transportation from the State under whose laws he is held as a slave to another State, there to be sold or disposed of as a slave, or to be held to service or labor, which requires the evidence of the ownership before this permit is granted; and yet we are told that by this act of transportation thus regulated and authorized by an act of Congress, this man becomes free. I will not trespass upon the time of the Senate by a further exposure of the fallacy of such a position.

The Senator from New York [Mr. DIX] has adduced the *obiter dicta* of learned judges in support of his argument on this question, whether negroes are recognized as property by the laws of the United States. I present, therefore, not a mere *obiter dictum* of Judge Baldwin in the Supreme Court of the United States. In the case of Groves, et. al. vs. Slaughter, 15 Pet. R., 449, he says:

"I feel bound to consider slaves as property by the law of the States before the adoption of the constitution, and from the first settlement of the colonies; that this right of property exists independently of the constitution, which does not create, but recognizes and protects it from violation, by any law or regulation of any State, in the cases to which the constitution applies. It was a property of the new Revolution, and the practical construction of the declaration of independence that 'necessity or expediency' justified the refusal of liberty to persons of a particular color, and that those to whom their services were due were their owners—1 Laws U. S., 34, 35—In the 7th article of the preliminary treaty of peace with Great Britain, there is this expression 'negroes or other property.' (Id. 198.) Also, in the 7th article of the definitive treaty (id. 204) which conclusively shows the then accepted understanding of the country; and that it was not different after the adoption of the constitution, appears as conclusively by the 1st article of the Treaty of Ghent, which refers to 'any slaves or other private property.' (Id. 604.) It would be a strange position, indeed, if we were to consider slaves as persons merely, and not property, in our commercial relations with foreign nations; and yet declare them to be 'private property' in our diplomatic relations with them, and in the most solemn international acts from 1782 to 1815."

To show that this reference has more authority than that of a mere *obiter dictum*, I quote what the learned judge says in reference to it:

"In other times, and in another department of this government, I have expressed my opinion on this subject. I have done it in judgment in another place."—*1 Baldwin R., 576, &c.*

Now, sir, I claim to have established my position that negroes held to service and labor under the laws of a State, are recognized as property by the constitution and laws of the United States in the same sense in which every other object of man's dominion is considered as property—nay, even in a higher sense, since under that constitution and those laws they give to the owner political rights which no other species of property can impart. But if this is so—and if the territory of Oregon is the common property of the people of the United States, why should the holder of these slaves be denied the right of going with them into this common territory? In the settlement of these States our ancestors brought with them from Great Britain such of her laws as were applicable to their condition here. Is not the same thing true of emigrants to Oregon, and with reference to the laws of the United States? In what spot within the limits of the Union, or its dependencies, does not the constitution operate, and constitute the supreme law? Is the emigrant to Oregon, beyond the pale of its protection, withdrawn from the sphere of its influence? Does he cease by that emigration to be a citizen of the United States?—What hinders such a citizen from going to Oregon, taking his slaves with him? We have seen that they are recognized as slaves by the constitution, beyond the limits of the State in which they live—why not within the limits of that territory? Certainly not because slavery is forbidden there, by what the framers of this bill have been pleased to denominate the "laws" of Oregon. Their want of validity is admitted by the express adoption of them in this bill. It is the authority of Congress, not of the legislature, or convention of Oregon, which is to inhibit the existence of this institution there. We do not ask you to legislate for its allowance, but to abstain from legislation—to leave us free to go there with our slaves under the protection of existing laws. The Senator from Connecticut [Mr. BALDWIN] tells us that a negro in Oregon, being beyond the sphere of the laws which held him in slavery, would become free. Why would not an apprentice in like manner, be discharged from his indentures? The relation of master and apprentice is protected and regulated by the laws of the State in which the contract of apprenticeship is entered into, in the same manner as that of master and slave, and the operation of the State laws is as limited in the one case as in the other.—But if the Senator is satisfied of the validity of his own argument—if a negro held in slavery here, would become free by being carried to Oregon, why pass this bill? Whence the necessity of prohibiting by law that which is already forbidden—that which cannot legally exist now? The very fact of the insertion of such a provision in this bill, is a concession of the invalidity of the argument by which it is attempted to sustain it.

I have thus endeavored to show that Congress has no right to interfere with slavery, either in the States or in the territories—that slaves are property in like manner as any other object of man's dominion—that they are recognized as such by the constitution and laws of the United States—that their condition remains unchanged in every portion of the United States, or its dependencies, unless they become commorant in a State whose laws forbid slavery—that whether slavery shall or shall not exist depends upon the will of the States, and of the people of the territories, to be exercised in the formation of their constitution preparatory to their admission as States into the Union—an exercise of sovereign will which Congress has no constitutional power to influence or to embarrass by any previous legislation. But,

2. If Congress has such power, is it justly expedient, consistent with the spirit of the constitution to exercise it?

Those who advocate the exercise of this power may be divided into two classes, who act upon principles, not merely distinct, but antagonist to each other.

The first consists of statesmen, who dream of extended empire, and coldly calculate on the most approved principles of political economy, the best means of stocking it with an efficient population.

The second is composed of gentlemen who are horror stricken at the contemplation of the evils of slavery—who denounce an institution of which they know nothing, with a confidence which is exactly proportioned to their ignorance of it—who mourn over calamities which have no existence but in their own distempered imaginations, and are therefore conscientiously opposed to the extension of slavery. A word or two in relation to each of these—remarking first that the concurrence of action between the advocates of this bill, thus impelled by considerations so variant and conflicting, leads irresistibly to the conclusion, that beyond all these, the preservation and enlargement of the preponderating influence of the non-slaveholding States in the councils of the Union, is the governing motive.

The Senator from New York. [Mr. DIX] who belongs to the first of these classes, openly avows his purpose. He dreams of extended empire. In imagination he sees the stars and stripes of this republic floating over the North American continent. This is our destiny, dimly foreshadowed in the earlier discussions of the session, and now more distinctly exhibited to our view. The northern portion of this continent, in its whole extent, is to be subjected to our sway. The honorable Senator considers it as the sacred duty of an American statesman, to acquire and preserve it as an asylum for the oppressed. In this labor of love his sympathies are, however, excited only by the sufferings of the Caucasian race, and for them alone is this refuge to be reserved. The sons of Africa who dwell among us, are not to be permitted to intrude. It is found to be a well settled principle of political economy, that in proportion as you add to the comforts of a people, you promote the increase of their numbers. If the negroes of the United States were suffered to join in this adventure, and become the cultivators of a rich and virgin soil, under the influence of a more genial climate, the increase of their comforts and consequent multiplication of their numbers would conflict with the views of the honorable Senator. He considers it a sacred duty to promote the increase of the Caucasian race, and the decrease of every other. The negroes of the United States (the argument is equally applicable to the free negro and the slave) must, therefore, remain pent up within their present limits—in many of the States working lands which are worn by long continued cultivation, and which yield a scanty return for their labor—that their numbers may decrease in obedience to this law of political economy, while the Caucasian emigrant from foreign shores, the favored occupant of a richer soil, revelling in comfort, shall increase, multiply, and replenish these western wilds. And why should not this same principle of political economy be made to apply to the mongrel races which now inhabit the country which we have acquired, and are hereafter to acquire in extending our sway over the North American continent? They surely will not be fit coadjutors with the Caucasian race in the great scheme of political regeneration contemplated by the Senator from New York, and they, too, must, therefore, be subject to the operation of this law of political economy, by which the increase of their numbers will be checked.

Sir, this scheme is alike offensive to my judgment and my feelings. On the score of policy and of humanity it is equally exceptionable. I abjure with a feeling, which each successive movement of this administration only serves to render more intense, all farther acquisition of territory. We have already more, much more than we govern well. The improvement of what we have would furnish ample scope for all our energies, for a time beyond which it is not wise to anticipate, lest in the vain pursuit of future and distant projects, we sacrifice present and actual advantages. If this question of territorial acquisition, whether for the Caucasian or any other race, could be presented simply on its own merits, an overwhelming majority of the American people would promptly reject it; but it is always accompanied by precedents which inflame the passions and bewilder the judgment. Heretofore the glory of our arms with some, the anxious desire for peace on almost any terms with others, reconciled us to the injustice of coercing our neighbor to remove his landmarks, and now, instead of deploring an event which has brought upon us this distracting discussion, the Senator from New York recalls us to the recollection of our destiny, in order to familiarize us to the contemplation of the boundless empire which his imagination discloses to his view.

Mr. President, in every form in which this enlargement of territory is proposed, I have resisted and will resist it, always with the qualification which I have heretofore stated, and need not repeat. It is unnecessary. We have an extent of territory which is commensurate with all our wants, present and prospective. It is injurious. It retards the improvement of the rich heritage which we possess, by diverting our efforts and our means to the gratification of this lust of territorial acquisition. What noble, valuable, and durable benefits might have been secured to the country by applying to its improvement the millions which have been expended in the prosecution of the Mexican war! It is dangerous. The federal principle is capable of expansion, and has received a

to an extent of which our fathers never dreamed: but now this has its limit, an extent beyond which the central government will be too feeble to resist the repeated shocks to which that extension will expose it. I pray you also to observe, sir, that in this project of the honorable Senator, every consideration of humanity to the blacks which has been heretofore in the foreground in these assaults upon the peculiar institutions of the South, is quietly but entirely laid aside. They are to be destroyed, (the process is gradual, by checking their increase,) to make room for a more efficient population of the Caucasian race.

The second class which I have mentioned consists of those who are horror-stricken by the contemplation of the evils of slavery.—They are influenced by higher considerations than those which enter into the cold calculations of the Senator from New York. They are free soil men; the very idea of slavery is horrible to them. They cannot tolerate the thought that this free government should participate in any measure which may sustain an institution so steeped in iniquity; nay, that it should abstain from any measure which may destroy it. Now, sir, if there be any warrant for opinions like these—if these denunciations have any foundation in truth and justice—if slavery, as it exists in the States of this Union, be what it is represented to be in some of our public presses—if the denunciations which are uttered here be at all consistent with the fact—if this domestic and cherished institution of the South be flagrantly unjust, violative of the principles of humanity, incompatible with every dictate of religion, with every emotion of piety, what are we, who live in the midst of it, who tolerate it, sustain it, defend it—who have received it from our fathers, and mean to transmit it to our children? What are we but outcasts from every principle which is dear to man in his association with his fellows, and yet more sacred in his accountability to his God? If these things be true, then in all those qualities which ennoble man, which enable him, *Deo juvante*, to fulfil his duties to God and his fellow-men, we must shrink from a comparison with the citizens of the non-slaveholding States of this Union. Justice, humanity, the love of God and our neighbor, in all those virtues which belong to man, they are our superiors. Is there any man, the citizen of any free State, who will have the arrogance to claim this superiority for them or for himself? And yet such a claim is the direct consequence of these denunciations. Sir, as the representative of a people among whom this institution exists—knowing them and honoring them, with no desire to offend any man, but with something more than a mere desire to fulfil my duty, and my whole duty to them, I feel bound calmly but frankly to say, and to say here, that these denunciations of slavery as it exists among them, are the result of an ignorance of the institution, its practical operation and effects, which could alone impart to them the confidence with which they are uttered. I will not humble myself or them by entering upon their vindication, but I propose an inquiry.

Is there any full-grown man who hears me, who is endowed with the ordinary share of intellect, which God in his mercy allots to his creatures, who does not know that, on this subject of slavery, a man's opinions and feelings in relation to it depend upon the place of his birth, his education, his association, the habits and feelings and institutions of the community, in which he lives? Does any many doubt this? Let him for a moment consider it. A man is born, educated, and continues to reside in a non-slaveholding State; he knows nothing of the institution practically—nothing from his observation—but from infancy to age, he has been accustomed to hear of its horrors. The tales of the nursery first affrighted his infant imagination, and pictures of men languishing in chains, or writhing in torture, and of a tyrant master piying the lash which inflicts it, which he finds in his school books, rivet upon his young mind the impression which they were calculated to make. Can you wonder that such a man grows up with an innate, irrepressible horror of an institution which is productive of so much misery? And when, having attained full age, he mingles with the elders of the land, and finds that there are also political considerations to strengthen his opposition to it, that the preponderance of his party at home, may depend upon the activity of that opposition, are you surprised that he comes here prepared to denounce this institution with an ardor which is proportioned to the value of the stake for which he plays, and a confidence which is the exact measure of his ignorance of its practical operation and effect?

Another man is born, educated, and resides in a State where slavery exists. The institution is familiarized to him in the earliest moments of his life. It is sustained by the parents whom he reveres and loves. In their mild and gentle rule he sees nothing of the horrors, in the cheerful and merry countenances of the slaves he beholds none of the sufferings, which are elsewhere said to attend it. The nurse who has watched over his infancy, on whose bosom he has reposed, whose breast has been to him a fountain of life, is a slave—his first playmate—the companion of his boyish sports—the sharer of his childish revellings—is a slave. In his earliest wanderings from the paternal roof, an aged domestic of the family, his companion, protector, and guide, to whom he looks with affection and respect, is a slave. They who have watched over him in his hour of sickness, whom he has seen ministering to his aged parents with affectionate assiduity on their death-beds, and mourning their departure with a sorrow which would not be comforted, these, too, are slaves. Can you wonder that such a man, with a consciousness that he is not a tyrant, with the conviction that his slaves are cheerful and contented, sees in this institution none of those horrors which affright the imaginations of others?

Which of these two men has formed the most correct estimate of this institution? The one knows nothing of it personally; his judgment has been formed on the representations of others, whose means of information were as imperfect as his own. The other has grown up with it—witnessed its operation and effects—daily observing them from infancy to manhood. Let those who hear me judge.

Take another test. The citizen of a non-slaveholding State, who has grown up with a cherished horror of slavery, and has found, on arriving at manhood, a superadded motive for opposition to it, as a political institution, is tempted by the love of adventure or by whatever cause, to migrate to a slave State. The institution, in its practical operation, is now before him, and he has thus an opportunity to confirm or correct the opinions he had formed. What is the result? His horror of slavery ceases. He sees a body of laborers cheerful and contented; he finds that the quantum of labor is less than is demanded elsewhere; he sees them fed, clothed, and ministered to in sickness and old age; he associates with their owners, and among them meets men who are honest and humane, often distinguished for their piety and for the exercise of charity in its best sense. He becomes reconciled to the institution, and very soon is himself a slaveholder. A man brought up in a slave State, sometimes, though the instances are more rare, removes to a non-slaveholding State. He does not change his opinions. Instead of sympathizing with or withstanding denunciations of an institution which he feels to be misrepresented only because it is misunderstood.

The first will change his opinion—almost universally does so. The second rarely, if ever. A Senator near me speaks of instances of such change as within his knowledge. It may be so. I will not doubt it; but they are sufficiently rare to form exceptions, which only prove the rule. The suggestion of the Senator has brought to my recollection instances, not of persons born in a slaveholding State, but who had removed there, and become slaveholders, who, returning to the States from whence they came, underwent a second change of opinion, and denounced slavery as a mortal sin. My recollection also furnishes me with the fact that they had first qualified themselves for this second migration, by selling their slaves, and pocketing the proceeds of the sale. Sir, I assert a fact, which every man, whose opportunities of observation have enabled him to speak to it, will affirm, that it is precisely those persons who have removed from free States and become slaveholders, who are most severe in their exactions from their slaves. It is perfectly natural that it should be so. They know these people only as laborers for whom they have paid a price, and demand from them the labor which they have been accustomed elsewhere to see performed. They have not, it is impossible that they should have, towards them the same feelings of kindness and forbearance as those have who have been born and brought up in the midst of them—who have played with them, and labored with them—who have laughed with them, and wept with them—and who, in hours of sickness and sorrow, have ministered to, and been ministered to, by them.

I trust, sir, the institutions of the South stand vindicated from the imputations which have been cast upon them—that however our northern brethren may be disposed to question their policy, they will agree that they are not so steeped in iniquity as to exclude those who tolerate them from their right to participate equally in the enjoyment of that which is the common property of the people of the United States. And now I ask, can this exclusion be within the spirit of the constitution?

Mr. President, the Senate has been told, and unfounded as it is in fact, the declaration will be reiterated, that the South has originated this discussion, that they are agitating this distracting question. I say simply and frankly, the fact is not so. The discussion is forced upon us by our northern brethren. If they had contented themselves with organizing a government for the territory of Oregon, leaving the question of slavery untouched, this discussion would never have arisen. Why, sir, look at the practical operation of the 12th section of this bill. It proposes by an act of legislation, doubtful at least, in relation to the question of constitutional power, to exclude the citizens of one half of the States, from all participation in a territory which is the common property of all. It says that slavery shall not exist in the territory of Oregon—that southern men shall not be permitted to go there with their slaves. We do not ask you to say that slavery shall or may exist in that territory, that we may be permitted to go there with them. We ask you simply to withdraw your prohibition, to say nothing, and then there can be no discussion. You tell us that slavery exists only by force of State laws, that the moment we pass the boundary of the State they are free, that Oregon is a free territory, and that if we carry our slaves there they will become free. Then why legislate to forbid slavery there? If you are right, the thing is already done to your hands. Prove the sincerity of your belief by withholding the prohibition, and leave us to test the correctness of our opinion, by carrying our slaves there in the absence of such prohibition. You will not do this; you insist upon the enactment by which slavery is forbidden. By so insisting, do you not manifest your own conviction of the fallacy of your opinion?

You admit the right of the people of the territory when they come to form a State constitution, to determine the question whether slavery shall or shall not exist there. Now look at the practical operation of the course which you propose, upon the exercise of that right. You forbid slavery so long as Oregon remains a territory; no slaveholder can go there with his property, and of course will not go. When the question comes to be settled, it is then to

be decided exclusively by citizens from the free States. Who does not foresee how it will be decided? and who does not as plainly see that this decision will be produced by your previous legislation? You cannot but be aware how much this question at this moment agitates the Union. You know that hundreds of demagogues mounted on this political hobby, are distracting the American people. The South is comparatively tranquil, but when you come to apply to other territories adapted to slave labor, the principle which you will have established by passing this bill, you will awaken a feeling which it will be difficult to repress.

I do not desire the extension of slavery. Personally I am opposed to the acquisition of territory, and I believe that my constituents would profit more by the improvement of the lands which they possess, than by emigration to any other. If slavery is extended by the acquisition of territory, and without any act of legislation on our part, it must result from the operation of our constitution and laws. If we have resisted the acquisition, we are not responsible for its consequences. But to gentlemen who voted for the treaty with Mexico, and who now make an outcry against the extension of slavery, I say you voted for the extension of slavery when you voted for the acquision of territory, unless in violation of the plainest principles of justice and the manifest spirit of the constitution, you meant to appropriate that territory to one-half of the States, excluding the remainder from all participation in it.

One more consideration: the country is separated into two great political parties, who are divided on principles which they respectively believe to be important to the best interests of the country. I affirm the sincerity of my own convictions, and accord to others what I claim for myself. The principles which we respectively maintain, concern the great interests of the nation; but every thing must yield to the excitement which is produced by this agitating question. The free soil demagogue, mounted on his political hobby, breaks through your ranks, and both parties are thrown into confusion.

To my political friends—to those with whom I have voted in resisting the acquisition of territory, I say, adhere to the principle which governed you then. You sought to exclude this question from our national councils by resistance to territorial acquisition. In this you have failed. What remains but to refuse all legislative interference with a question so pregnant with danger to the integrity of the Union? I address myself also in a perfectly respectful spirit to gentlemen on the other side of the chamber—to my political opponents. To them I appeal to adhere to those principles of policy which they have recently and publicly proclaimed. In the resolutions of the democratic convention at Baltimore, I find it solemnly resolved as a cardinal principle of democratic faith,

"That Congress has no power, under the constitution, to interfere with, or control the domestic institutions of the several States."

And again:

"That all efforts of the abolitionists, or others, made to induce Congress to *interfere with questions of slavery*, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences; and that all such efforts have an inevitable tendency to diminish the happiness of the people, and endanger the permanency of the Union, and ought not to be countenanced by any friend of our political institutions."

I address myself to gentlemen, some of whom participated in the deliberations of that convention, and united in the affirmance of these resolutions—all of whom are "friends to our political institutions"—I appeal to them to say, if this bill which inhibits slavery in one of the territories of this Union is consistent with that resolution. I ask them if it is not an "interference with the question of slavery"—if it is not at least an "incipient step in relation thereto;" and then I inquire if as "friends to our political institutions" they will lend themselves to a measure which they themselves have recently and publicly declared to be "calculated to lead to the most alarming and dangerous consequences"—to "have an inevitable tendency to diminish the happiness of the people and endanger the permanency of the Union." However we may differ on other subjects, I offer them my adhesion to this principle of democratic faith, and pray them to adhere to it. With the privilege which belongs to those of a common faith, I warn them against an interference with the question of slavery, by taking even an incipient step in relation to it.

One other question, and I have done. You tell us that you will not interfere with slavery in the States—that you will respect what you denominate the compromises of the constitution, and so long as it is kept within those limits we may enjoy it, or suffer under it as we can—that beyond these we cannot pass—especially that it cannot enter into the common territory of the Union, all which you intend hereafter to appropriate exclusively to yourselves.—You tell us that slavery is an outrage upon human rights—a violation of the laws of God—a crime which must be excluded from the camp—and that unless we quickly submit to those terms, the Union is not worth preserving. Now, I propose to you a question, and I pray you to answer me. As men, as honorable men, do you believe that this is the spirit in which the constitution was formed? If in the convention which framed it, your fathers had addressed this language to ours, do you believe that this Union would ever have existed? Do you not believe that the men of the South would have indignantly rejected a proposal so degrading to them as men, and as freemen? If they had tamely submitted to so arrogant a demand, would your patriot sires have deemed them fit associates for freemen? Would they not rather have united their political destinies with the slave, than with his master—with the untutored Africans, rather than with the craven wretches who held them in bondage, without the spirit to assert their own rights against their equals?

Mr. UNDERWOOD.—I beg leave to read to the Senate, and ask that it may be printed, an amendment which I contemplate offering to the amendment proposed by by the Senator from Indiana. And while I am up allow me to state what I conceive to be some difficulties growing out of the amendment proposed by the Senator from Indiana, which my amendment is designed to obviate.

[Mr. UNDERWOOD read the amendment of the Senator from Indiana.]

Now, sir, I wish to bring to the consideration of the Senator from Indiana, and the Senate, this state of the case. Suppose I emigrate from Kentucky with my slaves, and settle south of latitude 36° 30′, what is my condition in reference to the property thus emigrating and settling south of that line? The amendment of the Senator from Indiana is entirely silent upon this state of the case. We have been informed by gentlemen on this floor, that the institutions and laws of the newly acquired territories are not changed by our assuming jurisdiction over them; and we have also been told that if we take slaves into a country, the jurisdiction of which we have newly acquired; and the laws of which are unchanged, those slaves, upon being taken there, immediately become free. If this doctrine be correct, the effect of my honorable friend's amendment is just this. It will be a positive declaration that slavery shall never exist in any of the territories thus acquired north of 36° 30′. Now, my object is, if we are to compromise and settle this question, to do it so plainly and boldly, by meeting the question in all its aspects, that for all time to come, there shall be no difficulty in regard to it. And hence I propose to offer an additional proviso, that emigrants from any State or territory of the United States going into the territory of New Mexico or California, may carry with them any description of property, and that they shall be protected in the use and enjoyment of such property during the existence of the territorial government of the United States in those territories. Should they become States, this description of property will be subject of course to the State laws. But I wish to obtain a pledge, while the gentleman is exacting from us that north of 36° 30′ there shall be nothing like slavery—that south of that line, when any property that is recognized by State laws, shall be removed into any newly acquired territory, it shall be protected.

The amendment was read and ordered to be printed.

On motion by Mr. PHELPS, it was

Ordered, That the further consideration of the bill be postponed until to-morrow.

EXECUTIVE SESSION.

After the consideration of Executive business,

On motion,

The Senate adjourned.

THURSDAY, JUNE 29, 1848.

PETITION.

Mr. DAVIS, of Massachusetts, presented a memorial of certain citizens of Boston, praying the survey of a route, and the construction of a railroad between the cities of New York and Philadelphia, to relieve the community from an oppressive monopoly; which was referred to the Committee on Roads and Canals.

CHURCH PROPERTY IN FLORIDA.

Mr. JOHNSON, of Louisiana, from the Committee on Private Land Claims, to whom was referred the report of the Solicitor of the Treasury on the claim of the Rev. R. Madeon, submitted a report accompanied by a resolution authorizing the submission of certain claims to arbitration.

The resolution was read and passed to the second reading.

Ordered, That the report be printed.

VIRGINIA MILITARY LAND WARRANTS.

Mr. CORWIN, from the Committee on Public Lands, to whom was referred the bill from the House of Representatives further to extend the time for locating Virginia military land warrants and returning surveys thereon to the General Land Office, reported the same without amendment; and asked for its immediate consideration.

The Senate proceeded to consider the said bill, as in Committee of the Whole, and, no amendment being made, it was reported to the Senate; and

On motion by Mr. PHELPS, it was

Ordered, That the further consideration of the bill be postponed until to-morrow.

THE BOUNDARY OF TEXAS.

Mr. BUTLER, from the Committee on the Judiciary, to whom was referred the bill from the House of Representatives giving the consent of the government of the United States to the State of Texas, to extend her eastern boundary so as to include within her limits one-half of Sabine pass, Sabine lake, and Sabine river, as far north as the 32d degree of north latitude, reported it without amendment, and asked for its immediate consideration.

The Senate proceeded to consider said bill, as in Committee of the Whole, and, no amendment being made, the bill was reported to the Senate.

Ordered, That this bill pass to a third reading.

The said bill was read a third time.

Resolved, That the bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

NAVAL APPROPRIATION BILL.

Mr. ATHERTON, from the Committee on Finance, to whom was referred the bill from the House of Representatives making appropriations for the naval service, for the year ending the 30th of June, 1849, reported it with amendments.

RICHARD FIELDS.

Mr. DOWNS, from the Committee on Indian Affairs, to whom was referred the resolution for the relief of Richard Fields, reported it without amendment.

The Senate proceeded to consider the said resolution, as in Committee of the Whole, and, no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said resolution was read a third time.

Resolved, That the resolution pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this resolution.

LIMITS AND JURISDICTION OF LOUISIANA.

On motion by Mr. BUTLER, it was

Ordered, That the Committee on the Judiciary be discharged from the further consideration of the resolution of the legislature of Louisiana, presented the 28th of April, on the subject of the limits and jurisdiction of that State.

PORT OF ENTRY AT BRAZOS, TEXAS.

Mr. RUSK, agreeably to notice, asked and obtained leave to bring in a bill to establish a port of entry at the Brazos de Santa Iago, in the State of Texas; which was read the first and second times, by unanimous consent, and referred to the Committee on Commerce.

PORT OF ENTRY AT BANGOR, MAINE.

Mr. HAMLIN, agreeably to notice, asked and obtained leave to bring in a bill to make Bangor a port of entry for ships or vessels, coming from and beyond the Cape of Good Hope; which was read the first and second times, by unanimous consent, and referred to the Committee on Commerce.

CHICAGO CONVENTION.

The following motion was submitted by Mr. JOHNSON, of Maryland, and considered by unanimous consent.

Ordered, That ten thousand copies of the memorial of the convention at Chicago be printed for the use of the Senate.

Mr. BRIGHT moved that the further consideration of the motion be postponed until to-morrow; and on this question he demanded the yeas and nays, which were ordered, and it was determined in the affirmative, as follows:

YEAS—Messrs. Allen, Atchison, Atherton, Borland, Bradbury, Breese, Bright, Butler, Davis, of Mississippi, Dickinson, Dix, Dodge, Downs, Fitzgeral, Foote, Hale, Hamlin, Hunter, Mason, Niles, Sturgeon, Turney—22.

NAYS—Messrs. Badger, Bell, Clarke, Clayton, Corwin, Davis, of Massachusetts, Greene, Houston, Johnson, of Maryland, Johnson, of Louisiana, Phelps, Rusk, Spruance, Underwood, Upham, Walker—16.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States by Mr. WALKER, his Secretary:

Mr. President: The President of the United States approved and signed, the 26th instant, the following enrolled bills, and enrolled joint resolution:

An act respecting certain surveys in the State of Florida.

An act to authorize the settlement of the accounts of Joseph Nourse, deceased.

A resolution to explain an act passed 24th June, 1848, entitled "An act for the relief of William B. Slaughter, late Secretary of the territory of Wisconsin."

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed the following bills, in which they request the concurrence of the Senate:

An act to change the times for holding the district courts of the United States in the western district of Virginia, and for other purposes.

An act to incorporate the Washington Gas Light Company.

The Speaker of the House of Representatives having signed two enrolled bills and and an enrolled resolution, I am directed to bring them to the Senate for the signature of their President.

The President of the United States approved and signed the 26th instant the following acts:

An act making appropriations for the payment of revolutionary and other pensions of the United States, for the year ending the 30th June, 1849.

An act to prevent the importation of adulterated and spurious drugs and medicines.

An act to regulate the exchange of certain documents, and other publications of Congress.

An act for the relief of the legal representatives of James Brown, deceased.

An act for the relief of Silas Waterman.

An act giving further time for satisfying claims for bounty lands, and for other purposes.

An act for the relief of the legal representatives John Snyder.

An act for the relief of Phineas Capen, administrator of John Cox, deceased, of Boston.

SIGNING OF BILLS AND RESOLUTION.

The PRESIDENT *pro tempore* signed the following enrolled bills and enrolled joint resolution:

An act for the relief of Dr. Adolphus Wishizenus.

An act for the relief of the *bona fide* settlers under the acts for the armed occupation and settlement of a part of the Territory of Florida.

Resolution relative to evidence in applications for pensions.

OREGON BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish the territorial government of Oregon.

Mr PHELPS.—Mr. President: It was not my purpose when this debate commenced, to take any part in the discussion of a subject which I had studiously chosen to avoid, as a subject of an irritating, troublesome, and perplexing character. But, sir, I have been induced to change my purpose, in consequence of the course

which has been taken in the debate. Doctrines have been advanced, which, in my judgment, are at war with the constitution. Positions have been taken which I regard as wholly untenable; and claims have been set up in relation to the slave-holding power which I deem it my imperious duty to resist. It is a very important question whether this power, existing as it does in certain portions of the Union, can arrogate to itself a principle of self-extension in defiance of the power of Congress, and in defiance of local legislation. Sir, this pretension is, in my judgment, wholly inadmissible. I had supposed that a proposition so inconsistent with what has heretofore taken place, would not have been advanced. We have heard a good deal of the Missouri compromise. That compromise, if I understand it, fixed upon the line of north latitude 36° 30', as the line of demarkation between what are called the free and the slave States. I had supposed, that by virtue of that compromise, the territory of the United States north of that line was to be forever exempted from the institution of slavery. But, sir, we are now told, whatever may have been the purport of the compromise, that we possess not the power to exclude slavery from any portion of the territory of the United States. If this position is tenable—if it can be made out that Congress has no power over this subject, as connected with its territorial legislation, then, indeed, the Missouri compromise fails as a compromise, for want of power to make it and want of power to give it effect. Sir, I repeat, if this pretension is defensible, which claims to exempt this institution from all legislation, and claims for it the right to extend itself over these territories in defiance of our legislation; if this pretence be well founded, then, indeed, there is no earthly authority that can restrain it.

But, sir, before I admit the justice of this position, I may be permitted to examine the ground on which it is founded. And, in the outset, I deem it utterly immaterial whether the power of Congress over the territories of the Union is to be derived from the express grant of power in the constitution, to make rules and regulations for the government of the territories; or, whether it be derived from the power which is incident to this government, because essential to all governments, of acquiring territory by conquest or purchase, which carries with it the right to govern. It has been argued that the express provision of the constitution extends the legislative power of Congress over these territories no further than the subject of property is concerned; and that legislation over persons is not included. It is, however, conceded on the other hand, that it is incidental to this government to acquire territory, and if the power to acquire territory be admitted, the power to govern is of course involved. But, sir, all this discussion is, in my humble judgment, unimportant. From whatever source the power is derived, it is too late now to deny its existence. It was asserted before the formation of the constitution. It was not denied or prohibited by the constitution itself when adopted. It has been exercised from the first existence of the government down to the present day; scarcely a session of Congress has passed in which the existence of the power has not been recognized in the most emphatic manner—indeed the bill before us assumes the power; and every discussion, every question that is raised in the face of this bill as to what it is, or what it should be, proceeds upon the same assumption.

Sir, my first position is, that let the power be derived from what source it may, it is a general, an exclusive, and therefore unlimited power. If you attribute the power to the right of acquisition —to the war-making power—to the capacity of the government to acquire territory, its jurisdiction over it is necessarily unlimited, because no other sovereignty can exist. By the very act of cession which made this territory the property of the United States, all previous sovereign power, all prior legislative power, becomes at once extinct. The power of Congress becomes supreme and the only power that can thereafter exist. Well, sir, if it be true that this legislative power over the territory is unqualified and unlimited, and if Congress possess this general legislative power, the only remaining question is, whether this institution is a legitimate subject for the exercise of that power. It has been claimed from the outset, by those who vindicate the institution, that this is a proper subject to be regulated by the local legislature. It is upon this ground, viz: that the subject falls within the exclusive province of State and local legislation, that the slaveholding States have denied the power of Congress to interfere with the institution within the States. It is upon this ground, questioned, denied by nobody, that Congress have uniformly disowned and repudiated that power of interference. But the power of local legislation over the territories is in Congress as absolute and unlimited as the corresponding power is in the State legislature. Nay, if you derive the power of Congress from the faculty of acquisition incident to all governments, it is more absolute and unlimited because untrammeled by the restrictions of the State constitutions. If this subject be a fit subject for legislation in the one case it is a fit subject in the other. It seems to me that the conclusion is inevitable—that Congress possesses the same power of legislation upon this subject within the territories of the Union, that the States do within their own jurisdiction.

I admit that the legislative power of Congress is limited in some respects; I admit that Congress can grant no patent of nobility in these territories any more than in the States; I admit that the restrictions in the constitution upon the legislation of Congress are to be observed; but, sir, I ask gentlemen on the other side to point out the restriction in the constitution which prohibits us from legislating upon this subject. Sir, if the power is not general, if it is not unlimited and exclusive, if any restrictions are imposed upon it by the constitution of the United States, let those restrictions be pointed out. Let gentlemen refer us to the article, the section, the clause in the constitution of the United States which interferes in this particular with the general legislative power of Congress. No gentleman has referred us to any portion of that instrument which involves such a doctrine; and I think I may say with confidence, that no gentleman will make the attempt.

But, sir, from what source is this restriction attempted to be derived? Is it from the nature of the subject? Various analogies have been stated to illustrate the position that there is inherent in the subject itself something which involves a restriction upon our action. The Senator from South Carolina asserted that the power was vested in Congress in trust; and he argued from analogy that the power of Congress as trustee was restricted. Sir, the great mistake is, that things are treated as identical which are in their very nature different. I admit that all the powers of government are held in trust for the benefit of the people, but I do not admit that this trust has any analogy to an ordinary legal trust. The very element of legislative discretion which enters into every grant of political power puts an end at once to the analogy. No two things are wider apart than political power vested in a legislative body, to be exercised in legislative discretion, and a mere legal power vested in a trustee at law, which involves no discretion, whilst that which involves the highest discretionary power known to our system of government. An argument drawn from an analogy of this sort would be denying to the legislature a discretion in this matter, because a similar discretion is not attached to a legal trustee.

Equally unfortunate was the Senator's analogy, which he endeavored to derive from a comparison of the common property of the people of these States in their territories to an ordinary partnership. Had the Senator taken the case of a corporation acting by the will of the majority, he would have found a closer analogy. The interest of the people of these States in the territories is a corporate interest. The Senator from Georgia [Mr. BERRIEN] adopts this analogy, and he cites Vattel to establish the position, that although a corporation may, by vote of the majority, regulate the mode in which each corporator may enjoy his corporate property, it cannot deprive him of that property. He need not have cited authority for a position so obviously just, and one which no one, I trust, is disposed to question. Sir, I shall endeavor to show that this question of the admission of slavery into these territories is not a question of right, but one which relates to the mode of enjoyment, and in that light is a question of expediency only.

Sir, the argument of the honorable Senator from South Carolina [Mr. CALHOUN] and the honorable Senator from Georgia [Mr. BERRIEN] is in substance this. These territories, it is said, are the common property of the Union; the citizens of each and every State have equal rights and privileges in relation to them. It is insisted that the citizens of every State have an equal right to emigrate to and dwell in those territories, and to carry thither and retain their property—that is is to say, their slaves. And it is further insisted, that any act of Congress which interferes with this right, and prevents the transfer of this description of property is a violation of the rights of the slaveholding States, destructive of their interests and of that equality of right which is assumed to exist. Such a proceeding, it is said, is virtually appropriating the common property of the Union to the use and benefit of one portion of the people to the exclusion of others.

Sir, in every aspect of this argument, and in all its parts, it is fallacious. So far as it is built upon the supposed inequality between those who are assumed to have equal rights, I confess it is beyond my comprehension.

Whatever may be the determination of Congress, whether any restriction is imposed in relation to slavery, or whether it is admitted freely and without restriction, every citizen of the United States stands upon the same footing. If it be admitted, he may either take his slaves there or not, as he pleases. Whatever may be the decision of Congress in regard to this matter, all stand upon the same footing—the rule is uniform. If slaves are admitted, are they not admitted for the benefit of all? And if they are excluded, are they not excluded for the benefit of all?

Although I am not disposed to question the general truth of the proposition upon which the argument rests, to wit, that every citizen has a right to emigrate to the territories with his property, I am disposed to deny its application. And in order to determine how far it is applicable to the question now before us, it becomes necessary to inquire, what is meant by property in slaves. It is property founded upon a domestic relation, and may be compared to the interest which a parent has in the services of his child; and it bears a still closer resemblance to the relation of master and servant; for, let me remark, the constitution of the United States denominates slaves not as property, but as "persons held to service," which is in my judgment the proper designation. The property which a master has in the services of his slave, if you choose to adopt that language, is the property which the master has in his apprentice. This property, then, is dependent upon a domestic relation, it is incident to it, and can exist nowhere where that domestic relation does not exist. The next inquiry is whether this domestic relation is a subject of local legislation? The Senator from Georgia asked with a good deal of emphasis, whether if a master from a State in the Union where apprenticeship is recognized, takes his apprentice to a part of the Union where it is not recognized, he will loose the service of his apprentice. I answer unquestionably, yes. The apprenticeship being subject to the lo-

cal jurisdiction only, and the local power being as applicable to the relations of master and servant as it is to any other question that can arise in connexion with mere municipal regulations. But there is another principle which stands in the way of the argument of the Senator from Georgia. The Senator must be aware that when he removes with his property into a new jurisdiction, he holds that property subject to the local legislation of such new jurisdiction. Sir, what is the principle which obtains throughout the civilized world upon this very subject? Is it not the common judgment of the whole civilized world, that a slave taken into a jurisdiction where slavery is not recognized becomes *ipso facto* free? Is not this the doctrine of every civilized nation upon earth? and is it not the doctrine that is recognized by every State in the Union? This property is what? Is it that species of property which is recognized everywhere? No, sir. And here is another difficulty in the argument of honorable gentlemen. When they tell me that citizens of every State have a right to emigrate to the territories of the United States and hold their property there, I answer that you may carry such property as is recognized as such everywhere by the common consent of nations and the commercial world, but you cannot carry with you the peculiar regulations of your own country, which create a property that is unknown elsewhere. The Senator from Georgia saw fit to denominate this distinction as a chimera of the imagination. If it is, it has found its way into the imagination and into the jurisprudence, and commended itself to the judgment of every civilized people. If there be no distinction between this species of property and that kind of property which is recognized everywhere, how happens it that the title of the property is lost by carrying it from one jurisdiction to another? If you carry your merchandize from Virginia to New England, it will be recognized there as fully and absolutely as the property of their own people, but if you take those persons who are held in servitude, they recognize no such property, and under that jurisdiction they necessarily become free. If you take your cotton or merchandize of any description to England, your right to it is recognized and protected by the law of nations; any unlawful interference with that property becomes a subject of national discussion, and if unatoned for, a legitimate cause of war. Is it so with this species of property? Will Great Britain admit your right to follow your fugitive slaves there, or will you make it a cause of war if she does not? The Senator from Georgia himself admitted that if a master take his slave into a free State voluntarily, it is a virtual manumission. If you take property then to Oregon, you hold it there subject to the local laws; and if you take persons there whom you call property and they do not, your title is forfeited. This is admitted to be a principle of law by gentlemen of the slaveholding States. I am a little surprised that the Senator from Georgia should have seen fit to bestow upon this distinction thus recognized in the jurisprudence of the United States, and of every other country, the epithet of a chimera of the imagination.

But sir, what is this property? It is a species of property which is recognized in certain localities only. If it be of that character which is recognized and protected as property by one local legislature, and not protected or recognized by another, is it, or is it not a proper subject for local arrangement? Its very basis is local; it stands upon that principle, and that alone; and yet we are told that although this is the basis upon which this species of property rests, yet after all, Congress possessing the exclusive power of legislation over the territories has no control over it. But, the pretension does not stop here. It is said that the citizens of the slaveholding States have a right to carry their institutions into the territories of the United States, and that you have no power to prevent it. When this pretension is set up, the question becomes this, not whether citizens of the United States have a right to emigrate to this territory with their property, but whether they have a right to carry with them their peculiar domestic and municipal regulations, and substitute them for the laws which you choose to establish. Such a doctrine would place the slaveholding power above the legislating power. If they have a right to claim exemption within your territories from the operation of your laws, they may claim a right to follow your armies in your career of conquest, and to plant the standard of slavery upon every inch of the wide dominion which your power and your ambition combined may bring under your dominion. Instead of extending the area of freedom you would carry abroad the standard of slavery; while the slaveholding power, thus stalking in the wake of your victorious armies and appropriating to itself your successive acquisitions, would render itself co-extensive and coeval with the boasted "destinies" of this country. Sir, I solemnly protest against the pretension which tramples legislative power under foot—which sets all human authority at defiance, and arrogates to itself the right to extend its peculiar institutions wherever it chooses to plant its footsteps.—Sir, before I admit this doctrine, objectionable as it is to me, and, the Senator will permit me to add, offensive as it is to the people of a great portion of this Union, I wish to see the foundation upon which this pretension rests; I desire to see the clause in the constitution which ties your hands and mine. It is insisted that the constitution recognizes this species of property. How does it recognize it? In the first place it recognizes slaves as persons held to servitude, as persons entitled to representation in these halls. They are at this moment represented here as a portion of the population of this Union, and yet we are told they are property—mere merchandize. If these people are persons and not property, upon what principle is it contended, that when they emigrate to your territories they do not go there subject to the laws which prevail there? The fallacy of the argument consists in the denomination that is given to them, in supposing them property such as is recognized by the common judgment of the civilized world. It consists in putting them upon a footing which they ought not to occupy, and which no logic can make them occupy. The constitution recognizes the insitution so far as this: it authorizes the recapture of slaves, or, to use the language of the constitution, "persons held to service." It is a mere recognition of the rights of the master in the State where he resides, and upon whose municipal regulations his rights rest. But how far does this provision go in recognizing the right of slavery? It goes no farther than I have mentioned—than simply to authorize the recapture of persons escaping. Suppose the master choose to take his slave into a free State, what becomes of his right? Why, as the Senator from Georgia himself observes, it is a voluntary manumission. I would like to ask the honorable Senator where he finds the provision which authorizes the extension of this institution by its own voluntary act, not only without the sanction, but in defiance of local legislation? This right of recapture is one thing, and the right to transport slaves from one State or territory to another and plant the institution there, is another thing; and while the honorable Senator claims this right of recapture, he is forced to admit that any voluntary removal of slavery where slavery is not recognized, amounts to manumission. The recognition of the constitution falls infinitely short of the conclusion to which the honorable Senator comes. He claims the right to plant the seeds of this institution in Oregon. Yes, sir, to plant them every where; and while you are extending the "area of freedom," he is covering that "area of freedom" with a cloud of slavery. I repeat the question: In which provision of the constitution is such a doctrine to be found? In what provision can you find the basis from which such an inference can be drawn?

Mr. BUTLER.—I would ask the honorable Senator whether he supposes that the mere passing from a slaveholding State, with slaves, *animo revertendi*, would render them free?

Mr. PHELPS.—I hold that the master who takes his slaves into a free jurisdiction, whether it be *animo revertendi* or not, emancipates them; and I hold that this emancipation does not depend upon the will of the master, but rests upon the principle of a change of jurisdiction. The master, by placing himself and his slave in any jurisdiction, subjects himself, his slave, and the relation between them, to the local laws of that jurisdiction. The same result would follow if the slave escapes. In the absence of the constitutional provision for recapture, the fugitive slave arriving upon the soil where slavery is not recognized, becomes free. This is the doctrine of the English common law. We have been familiar with it from our childhood. I need not repeat the language of the celebrated Irish orator, with which all are familiar, to establish the position that the moment a slave sets foot upon the soil of England the shackles fall.

We have proof of this in a recent transaction. The slaves of the Creole who mutinied, overpowered their masters and took refuge in New Providence, were not surrendered by the British government, but your application was refused. The same thing occurred in the case of the slaves of the Amistad. We refused to regard them as property and declared them free. This doctrine, I believe, has been sanctioned every where wherever there has been any thing like judicial action on the subject. It has been recognized by your own Supreme Court. Sir, I am asked if I approve of this doctrine thus held by the courts. I answer without hesitation, yes; because the converse of that doctrine would place the slave power above all the institutions of this government. If the converse of this doctrine were to obtain, and the property of the master in his slave were to be recognized every where, it would be in the power of the slave-owner, by a simple transfer of what he calls property, to establish the institution in any of the States, in disregard of its laws and in defiance of the wishes and power of the people. Such a result is too monstrous to be claimed on the one hand, or admitted on the other. The provision of the constitution for the reclamation of fugitives, so often cited as importing a constitutional recognition of slavery, is itself founded upon the very doctrine for which I contend. Without this doctrine the provision is unnecessary. It is because the relation of master and slave is not recognized, and would not be enforced out of the jurisdiction tolerating slavery, that the provision became necessary. Sir, the doctrine for which I contend is that upon which the whole slaveholding portion of the Union have relied for the protection of their peculiar institutions, and of that species of property which is incident to them. If slaves are to be regarded as mere property—mere merchandize, what shall prohibit Congress in the exercise of its admitted power to regulate commerce—from regulating the traffic among the States? Sir, it is upon this ground, and this only, that slaves are not to be regarded in the light of mere property; that this power on the part of Congress has been resisted; and on this ground, and this only, has the power been disowned.

I find no fault with this provision for the reclamation of fugitives. I am perfectly content that these slaves should be reclaimed. I cheerfully concede to the slaveholding portion of the Union all that they can reasonably demand, and will aid in maintaining their rights as they are recognized by law and founded in the compromises of the constitution. But I am unwilling that they should impose this institution upon people by whom it is not desired. As I have already remarked, every person that chooses to emigrate to the territory of Oregon can go there with such rights as the local laws recognize. He can claim no other. He

can claim no immunity or exemption from the jurisdiction under which he chooses to live. All he can ask is to stand upon the same footing as his fellow-citizens. But, says the Senator from Georgia, we shall not stand on an equality, because we cannot take our slaves there. But, cannot the territory be occupied, possessed and enjoyed, without a slave population? Is it indispensably requisite to the enjoyment of territories of the United States that we should carry this institution into them? Can they not be peopled, and cannot these new communities grow up and prosper without the aid of this institution? For the first time, I believe, in my life. I have heard doubts expressed as to the constitutionality and propriety of this prohibition of slavery. Be it constitutional or not, when gentlemen tell me they cannot enjoy their rights without the aid of a slave population, I ask them to look at the territory to which the ordinance of '87 applies, and then tell me whether this institution is so indispensable to the enjoyment of territory. Visit Ohio—that mighty State which is but a few years old—and behold the results of this prohibition of slavery. That as a civilized community is hardly as old as my recollection—for I recollect very well when the first considerable emigration to Ohio took place.—They were enabled to occupy that territory and to lay the solid foundations of the great and growing prosperity of that State without the aid of a slave population. Will it be pretended that the rights of that people were impugned or violated by excluding this institution? Did they not live there and flourish without it? Can the people of the South then not live in Oregon without their slaves? Can they not be as successful without them as the people of the North have been in planting their settlements in the West? Is slavery really necessary to the progress of this people?

Let gentlemen compare the present condition of that portion of our Union covered by the ordinance of 1787, with the older States where slavery exists, and they will find the answer. The argument that the exclusion of slavery will exclude the people of the slaveholding States from the benefit of the territory assumes that the territory cannot be peopled, cultivated, occupied and enjoyed without the aid of slave labor. If this is not made out the argument fails. If the arts and occupations of civilized life can be established then, and the great ends of the social system and of civil government attained, without the institution of slavery, then the institution is a mode of enjoyment merely, not essential to the rights of the proprietors, and therefore a legitimate subject of regulation by the majority—in other words, of legislation.

You cannot, of course, deny to any of the common proprietors their right to share in the common property; but certainly you can regulate the mode in which they can enjoy it. You can make all all these regulations which are necessary for the common benefit and adopt such legislation as may best promote the prosperity and happiness of the whole. If, in the exercise of your judgment, a particular institution stands in the way of the accomplishment of this great object of the common good, you can prohibit it. This question of slavery in the territories is reduced, then, simply to the mere mode of enjoyment of that which is the property of all. The question of slavery in the territories thus becomes a legitimate subject of legislative action. It is a mere question of expediency—of sound legislative discretion. I oppose these doctrines to the proposition that we possess no power to arrest the progress of this evil—that we cannot prevent the seed from being planted—that the only power on earth that can interfere is that of the people of the territories when they come to form a State constitution. Sir, prevention is altogether better than cure. It is easier, as the melancholy experience of the country illustrates, to prevent the introduction of this system than to eradicate it when once established.

The Senator from Georgia desires that before the formation of these State constitutions, the slaveholding interest shall be represented there. Sir, I desire no such thing. The extreme difficulty and danger, perhaps I might say the impossibility of eradicating the institution when once planted, is an insuperable objection.—This consideration of the hazard, the peril of so radical a change in the domestic arrangements of any people, constitutes the great bulwark of slavery at this moment—the only plank upon which the institution stands. Remove it and the institution is gone.—Point out the mode in which it can be abolished consistently with the peace and the security of the slaveholding community, and the whole system sinks under the pressure of the moral sentiment, the principles and the policy of the age in which we live.

Sir, I would not subject the people of the territories to such imperious necessity. If they are to be the ultimate judges of this matter, leave them an election. Do not impose upon them an institution which, however offensive it may be to them, they may not be able to get rid of if they would.

But the question recurs as to the expediency of the provision in the bill. It seems that the people of Oregon have established something like a temporary government for the preservation of peace and order until the legislation of Congress shall interpose.—By these regulations slavery is prohibited, and this bill, as it stands, gives the sanction of Congress to that prohibition. The proposition now is to strike out this provision, which virtually give effect to the action of the people of Oregon. Hon. Senators have emphatically claimed the right to disregard this prohibition and plant the institution of slavery in the territory, in despite of the action of Congress and the wishes of that people. But they have altogether, while pressing their claims, omitted to enumerate the blessings that are to flow from such a procedure. The moral, political and social blessings that are to spring from this institution in Oregon have not been described. We have not heard a syllable with respect to the aid that the people of Oregon are to derive from this institution in their career of civilization. The high and important influences which slavery is to exercise upon their prosperity and happiness have not been touched upon. This omission is certainly remarkable. If we are called upon to force this institution upon the people of the territories, let us know at least some of the benefits that are to grow out of it.

Sir, there are many reasons why slavery should not be planted there. The country is not adapted to such an institution. The soil, the climate, the character of the resources of the country, and I may add, that of the population likely to occupy it, all forbid its introduction. In what one particular can the people of the territory be benefitted by extending this institution there? But the question is, whether we shall force this institution upon them? Whatever effect you give to their laws, they may be regarded as expressing their sentiments and wishes. Are you prepared then, to impose upon the people who are just laying the foundations of their social fabric, an institution which they have thus solemnly repudiated. The honorable Senator from Georgia says that all the people of the South desire is to be let alone. All I ask on behalf of the people of Oregon is, that they should be left free to choose their own institutions. I would not obtrude upon them an institution which is offensive to them.

It is not my purpose to go into a discussion of the merits or demerits of the institution of slavery. I trust I indulge no fanaticism on the subject. I have no desire to display before the Senate its supposed horrors or to entertain honorable Senators with the thousand and one stories of its atrocities—all doubtless exaggerated, and many utterly false—which constitutes the aliment upon which fanaticism feeds. Much less am I disposed to impute it as reproach to the people of the South that this institution exists. It is an institution inherited from their fathers—entailed upon them—and whether they choose to retain or abandon it—whether it can be got rid of at all, and if so, how, are questions which I am willing to leave to the people of the South themselves as the persons most interested, and best qualified to judge. The vindication of the people of the South by the honorable Senator from Georgia, against the charges alluded to by him, was, so far as I am concerned, unnecessary. I am willing to add my testimony, that my observation, so far as it has gone, though it has not been very extensive, sustains all that he said on that point. I have found the condition of the slaves infinitely better than what I had supposed it to be.

But, sir, I choose to deal with this this subject not as a matter of reproach to the people of the South, not as a question of morals, but as a political question, of transcendant importance, to be determined by our legislation. In that point of view I regard it, and in that aspect I feel at liberty to discuss it. Sir, I am confident that I speak the sentiments of three-fourths of the people of this country, and of a very great proportion of the people of the slaveholding States, when I say that the institution itself is an evil and a curse. When I say that it is an evil of which they would get rid in a moment if they could do it with safety, I believe I speak the general sentiment of the slaveholding States. Very few men at the present day can be found willing to defend this institution, as in its origin and inception just or expedient. Who is there at this day, if the institution were not in existence amongst us, who would raise his voice in favor of the introduction of the first colored slave. Who, indeed, would not protest against it not only as an outrage upon humanity, and as incompatible with the fundamental principles of our institutions, but as introducing a political evil to endure to all generations, increasing in magnitude and in danger, the consequences and the termination of which no human sagacity can foresee. And yet, with this sentiment in relation to the institution pervading our people, we are called upon to extend it. The honorable Senator from Georgia seems to be alarmed at the idea of the institution being pent up in some of the old States. Why should it not be pent up? Where is the necessity of inflicting the institution—if gentlemen will pardon the phrase—on territories where it does not now exist? I can conceive of but one consideration which should excite anxiety in this particular, and that is the accumulation of the slave population and the necessity of a safety-valve to the increase of that population. If the institution is limited it is not necessary that the population should be pent up. Admitting the force of this consideration, the question results still—whether that increase, if it should be thrown off, should be thrown off upon the rest of the world as freemen or slaves? Shall they be sent forth in the character of freemen, to aid in the extension of civilization over our immense territorial domain, or shall they be sent as slaves, extending and perpetuating an institution acknowledged on all hands to be an evil? Will you let these men, created in the likeness of their Maker, go forth free—possessed of all the rights and advantages which the God of nature has bestowed upon us all—or will you send them forth as the representatives of this relic of a barbarous age, and the living monuments of the insincerity of your professions? Sir, I am opposed to this extension of an institution which I hold to be utterly at war with the opinions and moral sentiment of the age. The sense of the Christian world, and I may add of the civilized world, is universally against it. Shall we set set the example of perpetuating and extending an institution which the whole civilized world, with the exception of a portion of our own people, have combined to exterminate.

Sir, I desire to preserve something like consistency in our action. It is but a few weeks since, in this chamber, we passed

resolutions of sympathy with the people of France, congratulating them upon the events that had transpired there. We have seen the throne demolished. We have seen aristocratic and hereditary distinctions, sanctioned by time, and venerable for age, abrogated. We have seen the masses rising in their might, and amid the throes of revolution, prostrating their arbitrary, and as they deemed them, tyrannical and oppressive institutions, and proclaiming the doctrines of universal liberty and political equality. Nay, more, we have seen the shackles stricken from the African, and as one of the first fruits of the revolution, the whole system of African slavery exterminated at a blow—fully, absolutely, and forever, in all the dominion of the new republic. And we raised aloud the voice of approbation and of sympathy. Yet, while the resolutions are yet floating to their destination, as if in mockery of our professions, our congratulations and our sympathy, we are engaged in extending the same system of African slavery over the immense region now subject to our dominion, and preparing the way for its further extension to our future acquisitions. While we are congratulating the world upon the progress of the great principles of human liberty, and the overthrow of ancient despotisms, shall we be called upon to propagate a system of slavery which reduces our fellow-man to the condition of a brute—which converts a being, created originally in the likeness of his Maker, into an article of merchandize, like the beast of the stall? Let us be consistent. Let us prove the sincerity of our professions by our action.

Sir, I have had occasion heretofore to express my alarm at the spirit of conquest and aggrandizement which has infatuated and debauched the country. Happily, for the present at least, that spirit has been quelled. How long it may slumber—how soon it may awake to covet new acquisitions—how soon it may seek to grasp Canada, or the West Indies, or the remainder of Mexico, time and the dispensations of Providence will disclose. But nothing, certainly, was further from my expectations than to find the Senate of the United States promulgating the doctrine that in our career of conquest, while professing to extend the area of freedom, we are in reality adding to our possessions only for the purpose of carrying slavery in our train, and planting this relic of barbarism wherever the stars and stripes may float in triumph.

Sir, I did not intend to detain the Senate so long. This controversy upon the subject of slavery is one which heretofore I have endeavored to avoid. I had cherished the hope that what is called the Missouri compromise might have proved effectual, to some extent at least, in the settlement of this agitating and troublesome question, and that in the end the threatening storm which still hangs over us might be averted. But if the compromise is to be undermined because the power to make it is denied—if the genius of slavery is to exalt itself above all power—if it is to intrude upon our territories without our leave and in defiance of our prohibition, a new issue is made, more difficult than any heretofore presented. If gentlemen are satisfied with the Missouri compromise, perhaps the country may be also satisfied. But if that is to be overthrown, and not only so, but if we are to be told that we can impose no prohibition, prescribe no boundary to this institution, the prospect of the settlement of this question is forever at an end. It can be adjusted and settled only when these arrogant and offensive pretensions are withdrawn.

Sir, I would gladly have remained silent on this subject, but after listening to the doctrines which have been advanced in this debate, I am driven to enter my solemn protest against them by an imperious sense of duty to myself and my constituency.

Mr. MASON obtained the floor; and

Ordered. That the further consideration of the bill be postponed to Monday next.

FORTIFICATION BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making appropriation for certain fortifications of the United States, for the year ending the 30th June, 1849, with the amendments reported thereto, and the reported amendments having been agreed to—

Mr. UNDERWOOD moved further to amend the bill by adding the following section:

"SEC. — *And be it further enacted*, That the sum of $50,000 be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to be expended, or so much thereof as may be necessary, under the direction of the Secretary of War, in the improvement of the dam at the head of Cumberland Island, in the Ohio river."

Mr. ATHERTON opposed the amendment on the ground of its impropriety in such a bill as the present. It was very important that the Senate should act upon the bill at once.

Mr. BENTON supported the amendment. He felt it his bounden duty to call the attention of the Senate to the subject. They were now very near the close of the session, and they all knew that great measures were frequently lost at such a period merely because there was not time to give them a few moments consideration. The amendment proposed to remove an obstruction to the navigation of the Ohio river, which affected the commerce of the whole line, and which had been occasioned by an improvement made in that river by the power of the federal government. Both Houses of Congress, uniting with the Executive under various administrations, had sanctioned that improvement, and he held it to be decided that it was the work of the federal government. He then described, from personal observation, the very serious obstruction to navigation, occasioned by the present condition of the dam at Cumberland island and strongly insisted on the immediate action of Congress, for the purpose of repairing the injury, and remedying the delays and dangers arising from the dilapidated condition of that dam, frequently causing great sacrifice of property, and sometimes of human life.

He had himself been detained frequently in consequence of this obstruction. On one occasion, in which he was accompanied by his family, the passengers were all obliged to leave the boat, and wait until with very extraordinary exertions and the aid of other boats they were enabled to pursue their journey. He had in his hands a letter, written by a gentleman, worthy of credit, which described the serious injuries constantly occurring to the commerce of that river. It presented the Whole story in a mech more impressive manner than could be done by any language of his own, and he therefore begged to read it to the Senate.

WASHINGTON JUNE 24, 1848.

SIR: In compliance with your request, I have the honor to submit to you a brief statement of the substance of my information relative to the condition of the dam in the Ohio river, at Cumberland island, for the last two months, derived promptly from communications received from individuals entitled to the highest consideration, residing in the neighborhood of the great public nuisance, and very dangerous obstruction to the navigation of that important river. The re-sult of this information is, that ever since the latter part of April last, with occasional intervals of freshets of short duration, the navigation of the Ohio, at Cumberland island, by reason of the late breach in the dam at that place, has been partially and at times almost entirely suspended, except for flat boats and steamers of small size, and many of these latter have only been able to pass through the breach comparatively empty, and at great hazard. Since the breach in this dam was formed, caused by an extraordinary flood in the river, many steamers have been detained by this obstruction for near a week at a time, and at a cost of from five hundred to one thousand dollars, and as high as two thousand dollars each. Captain Shelmess, commander of the steamer Peytona, a gentleman of intelligence and great moral worth, who has been navigating the Ohio for more than thirty years, gives it as his opinion that during the summer of 1847 the dam at Cumberland island caused a loss to owners of steam and flat boats of a sum largely over one hundred thousand dollars. And this gentleman asserted to me that a single detention at this dam of the steamer Peytona, in the summer of 1847, caused to him a loss of over two thousand dollars, although the steamer was saved. The enclosed memorial sets forth the true condition of this public work for two years past, and is signed by more than ten thousand petitioners, living on or near the Ohio, who are well acquainted with this dangerous obstruction to the commerce and navigation of this great river.

In low water there is no safe channel for boats navigating the Ohio, except through this dangerous breach; and on account of the frightful rapidity of the current rushing through it, dashing over the rugged and projecting rocks, it is often found utterly impossible for steamers having engines of moderate power to stem this current without the aid and assistance of larger boats, having greater power, stationed above the dam to row them through by means of large cables.

Many flat boats, freighted with ponderous cargoes, descending the river, and attempting to pass through this dangerous breach, are totally lost, leaving oftentimes the unfortunate owners wholly bankrupt, to bewail their losses, without the consolation of knowing that a single tribunal in the country will hear their humble petition for redress against the power that created the nuisance, and thereby destroyed their hopes and their fortune.

I have the honor to be, your obedient servant,

P. C. LANDER.

Hon. THOS H. BENTON

The honorable Senator remarked that he could corroborate every word of the letter, and concluded by an earnest appeal to the Senate, in favor of the immediate adoption of measures for the removal of this dangerous obstruction to the navigation o f the western waters, which had been created by the federal government.

Mr. CLAYTON had nothing to say in opposition to the views of the Senator from Missouri in relation to the result of the improvement at Cumberland Island. He was himself favorable to the improvement of rivers and harbors; but this was a fortification bill, and he could not see any propriety in appending to it the amendment which had been proposed. The fortifications and defences of the country had been signally neglected for many years past, and this was the first bill which had been proposed for a long period providing for putting them into a proper condition, and preventing them from going to ruin. The effect of inserting the amendment must be manifest to all who heard him. Other propositions of a similar character would follow. If the amendment were successful, he should at once move a proposition to improve the harbors of his own State. The Senator from Maryland said he would do the same thing, and thus they would have a harbor bill and fortification bill combined; leading inevitably to the defeat of a measure in the necessity of which all agreed—the improvement and preservation of the fortifications of the country.—All were aware that the Executive would veto the bill if it provided for the improvement of rivers and harbors. He made no objection to the proposition of the Senator in itself. He was a friend of internal improvements, and had voted for improvements on that very river; but this was not the occasion to present such a proposition. He trusted it would not receive the approbation of the Senate, unless it was designed to defeat the passage of the bill.

Mr. BELL earnestly hoped that the amendment would be added to the bill. The dam for the improvement of which the appropriation was asked, was daily presenting fresh and dangerous obstructions to the navigation of the Ohio river. It had been urged by the Senator from Delaware, that the bill should be appended to an general improvement bill. This could not be done because they had none; neither could it be expected that there would be any. It was then said put it to some other more appropriate bill. This could not be done because the navy, the army, and the diplomatic appropriation bills had all been passed; and allowing that they had not, this was as appropriate a bill, he thought, as any to which it could be attached. If it was not appended to this bill, it could not be attached to any other bill this session: and to let the bill go by itself would be to have it laid by until the next session, inasmuch as the House would never be able to reach it upon the calendar before the time for the regular adjournment. It was because it was absolutely necessary that the appropriation should

be made this session, that he had pressed the attachment of the bill to the appropriation bill for fortifications. If it were not made, the river would not be entirely free from obstruction until the next two years had elapsed. If they did not get the appropriation until the coming winter, they would have to wait until the succeeding summer before the improvements could be made, and it would not be until the following year that the obstructions would be entirely removed. The government had created the obstruction in this river, and it ought to remove it. For this simple reason he could not think that the President would veto the bill. Gentlemen who felt an interest in the fortification bill, need not suppose that it was in danger because of this proposed appendage of a bill for the removal of an obstruction in river navigation. Allowing that the President should find himself under the necessity of vetoing it, they could by a suspension of the rules in both Houses, pass the bill by a large majority in twenty-four hours after its rejection by him. The Senator from Delaware had said that if this bill was to be appended to the fortification bill, that there were some improvements to be made in the harbors of his State, which he thought extremely necessary, and for which he should desire to bring in a bill and have attached to the bill of appropriations for fortifications. He would ask the Senator from Delaware to contrast the importance of the improvements he desired made, and that contemplated by the passage of the bill before them. In the case of this obstruction proposed to be remedied, the commerce and navigation of the entire West was threatened with an almost total suspension. He hoped Senators would take into grave consideration the importance of the improvements contemplated, and would attach the amendment appropriating the requisite amount for the construction of that improvement, to the fortification appropriation bill then under consideration.

Mr. UNDERWOOD wanted to call the attention of the Senate to what he considered a new feature in the legislation of the country. He referred to the appropriation of some forty thousand dollars asked for at the 63d line of the bill, for the construction of a sea wall upon an island which the government did not own. The bill also stated on the face of the appropriation, that not a dollar could be expended until the government had procured a title to the property upon which the fortifications were to be built. In regard to the amendment then under discussion which he had proposed to the fortification bill, he would say that he regarded it as appropriate an opportunity as could be offered for doing it this session. It was indispensably necessary that it be attached to some appropriation bill this session, or it would be laid over until the next.

Mr. ATHERTON observed that the appropriation alluded to by the Senator from Kentucky was an appropriation for the completion of fortifications in Boston harbor; and the sea wall proposed to be built around the island was recommended by the engineer of the military department of the government as necessary, in order to keep the island from being washed away, and to the completion of the defences for Boston harbor. The improvement contemplated in this bill was in strict accordance with the plan for fortifications in Boston harbor originally laid out. In regard to the amendment, embracing a bill for appropriations for internal improvement, he considered it as out of place in a bill for appropriations for fortifications. If they departed from the principle upon which the Senate had hitherto acted in this matter, it would lead to great confusion.—Each appropriation bill that would be presented would become but the omnibus for the passage through of bills of a totally dissimilar character. It was said this was a case *sui generis*—so important as to authorize departure from a general rule. The Senate was called upon to pass a bill containing it, in the expectation that if sent to the House by itself, it would not be taken up. How did they know that the House would not take it up? If it was of such pressing importance it was not to be presumed that the House would so far neglect its duty to its constituents as not to give it the necessary consideration it was entitled to. How did we know but that the House of Representatives would insert amendments recommending other internal improvements when sent back; and thus we would have a general system of internal improvements engrafted upon a system for the defence of the country—for the construction of fortifications. He would have the bill pass upon its merits, and not forced upon the House of Representatives by being appended to another bill totally different in its general nature. This was the only way, he thought, that our legislation could be preserved uncorrupted.

Mr. JOHNSON, of Maryland, asserted, that judging from the opinion laid down by the President in his veto messages, he was authorized to say that this bill, if it went to the President with the amendment for an appropriation for internal improvement annexed to it, would be rejected, and receive his veto. Inasmuch, then, as Mr. Polk, after a careful and thorough examination of the subject, was satisfied that the general government had no power to improve rivers in the United States, and had told us that we had no power to improve rivers, it was perfectly idle to inquire what was the cause that rendered it necessary to make such improvements, whether it was the act of God or of this government. Rivers must remain unnavigable, because the President had said that this government had no power to remove obstructions. This was the condition of things in which this country had been placed by its Chief Magistrate; but he felt bound to say, that if, when presented to the suffrages of the people in '44, he had proclaimed his opinions upon this subject in the manner that he had in his veto messages, he would never have been vouchsafed the opportunity to defeat, by his action, measures of such public importance as the one then before them. Many of those who had worked hardest to secure his election were opposed to his views upon this subject, and in favor of the bills he had vetoed. The amendment, as was evident on its face, was not congruous to the fortification bill; and must certainly lead to its rejection by the President.

Mr. DOWNS knew by practical observation the necessity of the improvements to be made by the passage of the amendment. When before the Senate on a previous occasion he had voted for the bill. He thought it should become a law, and that it was an exception to a general rule. Nevertheless, he was not in favor of forcing legislation upon either of the Houses of Congress. He thought that the House of Representatives and the President of the United States were as much entitled to their opinions upon the question as the Senate. He could not favor the idea of forcing this bill upon them in the form of an amendment to a bill of an entirely different character. Supposing that it was desirable that the improvement in the navigation of this river should be made, when the Senate had passed the bill, they had done all they could to remedy the evil. The attachment of the amendment to the bill as proposed, could not fail, he thought, to lead to other similar amendments which would lead to great confusion and embarrassment in the public business.

Mr. BELL remarked that he did not desire to force the bill either upon the House of Representatives or the President. He had advocated the attachment of the amendment to the fortification bill, merely on account of the peculiar and pressing necessity of the case, that the appropriation should be made this session. He had not the least doubt but that it could pass upon its merits, but he did not think it could be reached on the calendar of the House if it stood alone this session.

Mr. DAVIS, of Mississippi, asked for the reading of the amendment.

The amendment was read by the Secretary.

Mr. DAVIS then stated that when the question was before the Senate previously he was entirely in favor of repairing the dam. He regarded the dam as a nuisance, and he thought it would be cheaper to repair than to remove it. But when it came before the Senate in the form of an amendment to an appropriation bill, with which it had not the slightest possible connection, he felt constrained to vote against it. He fervently hoped that if the bill should pass with the amendment, that one of the last and crowning acts of the President's career would be a veto of the whole bill.

The question being taken upon agreeing to the amendment proposed by Mr. UNDERWOOD, it was determined in the negative as follows:

YEAS.—Messrs. Allen, Bell, Benton, Bright, Clarke, Corwin, Huntegan, Johnson, of Louisiana, and Underwood.—9.

NAYS.—Messrs. Atchison, Atherton, Badger, Berrien, Bradbury, Butler, Cameron, Clarion, Davis, of Mississippi, Dickinson, Dix, Downs, Fitch, Foote, Hale, Hamlin, Houston, Hunter, Jarnagin, of Maryland, Johnson, of Georgia, Mangum, Mason, Niles, Phelps, Sebastian, Spruance, Stuigeon, Turney, Upham, and Yulee.—30.

Mr. DAVIS, of Mississippi, moved to amend the bill by striking out the following:

"For the protection of Great Brewster island and defence of the principal ship channels into the harbor of Boston, Massachusetts, forty thousand dollars: *Provided*, That no portion of said sum of forty thousand dollars shall be expended for the above purposes, until the United States shall secure a good and valid title to so much of Great Brewster island as may be necessary in the construction of the proposed fortification."

Mr. DAVIS, of Mississippi, remarked that he had moved to strike out this portion of the bill for the reason that it was not rightfully a part of the necessary appropriations for fortifications. The island proposed to be fortified was not the property of the United States. The price of the property, too, would be enhanced by the very appropriation we were making. He considered it premature to make any such appropriation. The present low condition of the treasury also should be considered.

Mr. DIX explained the object of the appropriation, and stated that there was a provision in the law making it incumbent upon the United States to acquire a title to the island, before expending any thing upon it for fortifications. He was in favor of the retention of the clause making the appropriation.

Mr. DAVIS, of Massachusetts, stated that the recommendation for the appropriation came from the government itself. For a few years past he knew from his own observation, that the sea had made great inroads upon this island, some 100 or 150 feet having been washed away, filling up the ship's channel that ran between it and the island opposite where fortifications were already built. The sea wall proposed to be built would preserve the island and contribute to the defence of the harbor. It was a portion of the original plan of the government in laying out the fortification of that harbor. If the island was swept away, the Senator from Mississippi—being a military man—could readily perceive that it would greatly deteriorate from the strength of the fortifications; and obstruct the ship channel running between the two islands.

Mr. DAVIS, of Mississippi, agreed with the gentleman from Massachusetts that the fortification and improvement suggested were necessary, but thought that the United States had better wait until it had obtained posssession of the island; and then they could make an appropriation to protect their own property.

Mr. DAVIS, of Massachusetts, thought that the Senator from Mississippi did not make a proper discrimination, or had not noticed that the improvements contemplated were a part of the original plan for the defence of the harbor. He did not think that the title alluded to could be made a question of much controversy, inasmuch as the United States were not to expend a cent upon the island until they had secured the title to it.

Mr. ATHERTON briefly supported the retention of the appropriation in the bill.

The question being taken upon agreeing to the amendment proposed by Mr. DAVIS, of Mississippi, it was determined in the negative as follows:

YEAS—Messrs. Allen, Atchison, Benton, Bright, Butler, Davis, of Mississippi, Dickinson, Downs, Fitch, Foote, Hunnegan, Houston, Johnson, of Georgia, Mason, Sebastian, Turney, Yulee—17.

NAYS—Messrs. Atherton, Badger, Bell, Bradbury, Cameron, Clarke, Clayton, Corwin, Dayton, of Massachusetts, Dix, Greene, Hale, Hamlin, Hunter, Johnson, of Maryland, Jonnson, of Louisiana, Niles, Phelps, Spaunce, Sturgeon, Underwood, Upham—22.

Mr. JOHNSON, of Louisiana, submitted the following amendment:

"For the commencement of a fortification proposed to be constructed at Proctor's Landing on Lake Borgne, Louisiana, $20 000."

Mr. JOHNSON explained the necessity of a fortification at Proctor's Landing, and stated that Colonel Totten, who is at the head of the engineer corps, had recommended an appropriation for the purpose.

The question being taken upon agreeing to the amendment of Mr. JOHNSON, it was determined in the negative.

No other amendment being made, the bill was reported to the Senate, and the amendments concurred in.

Ordered, That the amendment be engrossed, and the bill read a third time.

The said bill was read a third time as amended.

Resolved, That this bill pass, with amendments.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

EXECUTIVE SESSION.

After the consideration of Executive business,

On motion,

The Senate adjourned.

FRIDAY, JUNE 30, 1848.

THE VICE PRESIDENT.

The Honorable GEORGE M. DALLAS, Vice President of the United States, and President of the Senate, resumed the chair.

MEMORIALS.

Mr. DAYTON presented the memorial of the Medical Society of New Jersey, praying the enactment of a law to prevent the importation of adulterated and spurious drugs and medicines.

Ordered, That it lie on the table and be printed.

Mr. WALKER presented a petition of citizens of Wisconsin, remonstrating against the appropriation of any portion of the public lands for the construction of a rail road from lake Michigan to the Pacific ocean; which was referred to the Select Committee on the subject.

POST ROUTE IN FLORIDA.

Mr. YULEE submitted the following resolution for consideration:

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Newmansville to Orange Springs, via Madisonborough, in Florida.

FORTIFICATION AT PROCTOR'S LANDING.

Mr. JOHNSON, of Louisiana, submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of War report to the Senate whether or not a fortification at Proctor's Landing on lake Borgne, Louisiana, is necessary for the defence of New Orleans, and if necessary, what sum is required to commence the work.

ROUTE TO CALIFORNIA.

Mr. DAVIS, of Mississippi, submitted the following motion; which was considered by unanimous consent, and agreed to:

Ordered, That ten thousand additional copies of the report of the Secretary of War, and the report of Lieutenant Emory, communicated therewith, be printed for the use of the Senate, and that the said copies, as well as those already printed, be bound in muslin.

PRIVATE BILLS.

Mr. UNDERWOOD, from the Committee of Claims, to whom was referred the petition of Thomas W. Chinn, and others, submitted a report, accompanied by a bill for their relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

Mr. CLARKE, from the Committee on Roads and Canals, to whom was referred the memorial of the representatives of Moses Shepherd, submitted a report accompanied by a bill to enable the proper officers of the treasury to settle the accounts of the legal representatives of Moses Shepherd, deceased.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

CARRYING THE MAIL IN STEAMERS.

Mr. WESTCOTT, by unanimous consent, asked and obtained leave to bring in a bill respecting the employment by the Postmaster General of public steamers to convey the mail along the coast of the United States; which was read the first and second times by unanimous consent, and referred to the Committee on the Post Office and Post Roads.

MESSAGE FROM THE HOUSE.

The following Message was received from the House of Representatives, by Mr. CAMPBELL, their clerk:

Mr. President: The House of Representatives have passed the following bill and joint resolution from the Senate:

Resolution in relation to the naval pension to John McGarr.

A bill supplemental to the act passed on the 9th day of July, 1846, entitled an act to retrocede the county of Alexandria in the District of Columbia, to the State of Virginia.

The House of Representatives concur in the resolution passed by the Senate, that the portrait of Major General, the Baron de Kalb, presented by his family, be placed in the Library of Congress.

The President of the United States approved and signed, the 27th instant, the bill to amend the act for the transportation of the mail between the United States and foreign countries, and for other purposes; and the 28th instant the following acts:

An act concerning the taking of official oaths in the District of Columbia.

An act to authorize the issuing of a register to the schooner "James."

An act to change the name of the steamboat Charles Downing to the Calhoun.

An act for the relief of Edna Hickman, wife of Alexander Peck.

An act for the relief of William Ralston.

An act for the relief of Russell Gost.

An act for the relief of Barclay and Livingston, and Smith, Thayer, and Company.

An act for the relief of Thomas Scott, register of the Land Office at Chillicothe, Ohio, for services rendered connected with the duties of his office.

HOUSE BILLS REFERRED.

The bill from the House of Representatives to change the time for holding the district courts of the United States in the western district of Virginia, and for other purposes, was read the first and second times by unanimous consent, and referred to the Committee on the Judiciary.

The bill from the House of Representatives to incorporate the Washington Gas Light Company was read the first and second times by unanimous consent, and referred to the Committee on the District of Columbia.

VIRGINIA MILITARY LAND WARRANTS.

The Senate resumed the consideration of the bill further to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General land Office; and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

REPEAL OF THE PILOT LAWS.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to repeal the act of the 2d March, 1837, entitled "An act concerning pilots."

Mr. DIX.—Mr. President: On a former occasion I said to the Senate all I desire to say in relation to the legal questions involved in this bill. I shall not, therefore, repeat what I said then, or enter into any new assignment or discussion of objections arising out of the powers of Congress over the subject of regulating pilotage in the States. But I am constrained by the remarks which were made by the Senator from Massachusetts, [Mr. DAVIS,] and the Senator from New Jersey, [Mr. MILLER,] to enter into a somewhat detailed history of the pilot question in New York. I regret that I am compelled to do so, because it has become, in some degree, a dissention between classes, involving private interests; and these are always subjects which I wish to avoid, when I can do so consistently with my duty to the public.

I have stated heretofore that the pilots of New York, in 1836, had entered into an agreement to share equally their joint receipts, and that this combination had led to a relaxation of their accustomed vigilance in looking out for vessels and taking them into port. In consequence of some disasters which occurred, the public attention was called to the defects of the system of pilotage existing in New York. In the annual message of the Governor of the State, on the 3d Jan. 1837, he brought the subject before the Legislature. On the following day select committees were appointed in both branches. On the 11th of February, a bill was reported by the chairman of the select committee in the house of assembly; and after a very thorough discussion in committee of the whole, the bill was reported to the house by a vote of 91 to 7, on the 8th of March. It was subsequently read a third time and passed by a vote of 85 to 5. In the Senate the bill was received on the 14th of March, referred to the select committee of that body, and reported with amendments which were concurred in; but in consequence of the pressure of important busines, it was not passed until the 6th of April. I state these facts to show the deliberation with which the Legislature of the State of New York acted on this important question. The number of pilots was increased, a careful system of examination was established, combinations were guarded against, and all the known and alledged evils of the system were provided for by appropriate remedies, or remedies at least which were considered appropriate and effectual.

The Senator from Massachusetts, [Mr. DAVIS,] in his remarks seemed to assume that the New York pilots of 1848 are answerable for the acts of those of 1835 and 1836. and the Senator from New Jersey, [Mr. MILLER,] who followed him, made some allusion to them which appears to warrant the same inference. But if those gentlemen will consider how rapidly the lapse of years is thinning the ranks of their own friends and associates, they will not be surprised to learn that the great enemy has been busy with the pilots also. Of the sixty pilots following the business in 1837,

there are but twenty-nine now engaged in piloting. More than half have perished at sea, died on shore, or become disqualified by age for the arduous service in which they were engaged. The number of New York pilots holding branches under the laws of the State, is eighty; and of these fifty one have been appointed since the State law of 1837 was passed. Whatever responsibility, therefore, belongs to the pilots of 1836 has, for the most part, gone with them to be met at a higher tribunal than this. I state these facts that the Senate may understand why it will be proper to deal with systems and not with men.

The haste manifested in passing the act of Congress of 1837, of which we ask for the repeal, stands in strong contrast with the legislation of New York. Let me recite the facts as briefly as possible.

By the Senate journal of 1836-'7, it will be seen that a resolution was introduced on the 12th of January, by Mr. Tallmadge of New York, instructing the Committee on Commerce to inquire into the expediency of legislating on the subject of pilots on the sea coast, with power to report by bill or otherwise. This resolution was adopted; the Committee on Commerce consisted of the following distinguished gentlemen: Mr. King of Alabama, chairman, Mr. Davis, of Massachusetts, Mr. Linn, of Missouri, Mr. Brown, of North Carolina, and Mr. Ruggles, of Maine. The committee, though they had ample time for deliberation, never made a report on the resolution.

On the 28th day of February, the last day of the month, Mr. Wall, of New Jersey, introduced a bill on notice. It was instantly read the first and second time, reported to the Senate, and immediately read a third time—the work probably of as much time as I take to give the details.

But, sir, it is necessary that we should accompany the bill through all the stages of its course. It was received in the House on the 28th of February, the day it passed the Senate, (House journal, page 552,) and on the next day received its proper number of readings and passed. On the 2d of March, it received the President's signature, and became the law of the land.

Nor is this all. The subject had been referred to a committee in the House early in that session. The committee made an elaborate report on the 22d of February, and asked to be discharged from the further consideration of the subject. In the face of this proceeding the bill was passed, and in the summary way I have stated.

It is as remarkable a specimen of the dispatch of business—business involving a question of constitutional power, and bringing in its train collisions between individuals, and classes, and States—as can be met with. It was hurried, or rather rushed, through Congress, almost at the last hour of its session; indeed, almost at the last hour of its existence.

I have heretofore told the Senate that the Legislature of New York, after becoming satisfied that the act of Congress operated injuriously on the pilots of that State, and after waiting eight years for its repeal, came to the conclusion to repeal her own laws regulating pilotage by way of Sandy Hook, the great outlet and inlet for the foreign commerce of the country, providing only that the pilots then licensed should continue to be pilots. It has been alleged that the New York pilots were applicants to the Legislature for the repeal. This is a mistake. They appealed to the Legislature of the State to—

> To ascertain and determine whether the aforesaid act of Congress does or does not lie, and the legislative power of the federal government, and whether the acts executed under the authority of the laws of the State of New Jersey by the officers of that State, are or are not in violation of the sovereignty of the State of New York, and in contempt of her laws."

It is true, they acquiesced in the repeal of the State laws, and desired it as an alternative, if they could not procure the repeal of the act of Congress. The latter object was always what they sought. Failing in it, they consented to the repeal of the State laws—a measure proposed by the mercantile interest. The pilots believed it would place them on an equal footing with the pilots of New Jersey. It was under this view of the subject, that the New York pilots, on consultation with the mercantile interest, the Chamber of Commerce and Board of Underwriters consented to it. Such appears to be the fact from the petition to the legislature, and the debate on the bill. It was supposed that it would open a fair field of competition to them and the New Jersey pilots, and that their fitness and industry would be the measure of their success.

As soon, however, as the State laws were repealed, the Chamber of Commerce and the Board of Underwriters organized a board of commissioners to examine pilots and give them certificates. Nor was this all. They published a notice, which I will read, calling on the ship masters not to receive a pilot unless he could produce a certificate from them or the State of New Jersey.

> "It is recommended that no vessel receive a pilot, except on her producing a certificate issued by the above board, or those issued under the authority of the State of New Jersey."

This measure was a virtual proscription of the New York pilots, unless they would consent to receive the certificates of this irresponsible board, and acknowledge its authority. It was not to be supposed that they would discredit the licenses they held under the laws of the State by receiving the certificates of a board organized without any legal authority whatever—certificates, which could confer no authority on those to whom they were given.—Was it reasonable to expect them to do so? Certainly not. They possessed in the State licenses the highest warrants of authority. They required nothing more: they should not have been asked to take less.

Though the Chamber of Commerce and the Board of Underwriters have no legal control over the subject of pilotage, their actual control is very great. They represent and indeed wield the commercial influence of the City of New York. The ship masters are subject, in a great degree, to that influence, and hence the recommendation had in many cases the efficacy of a command. It was literally warning the public against employing the New York pilots, though trained from their youth to their vocation, unless they, holding the State authority in their hands, would consent to receive certificates from an irresponsible board having no legal power to grant them. What was the effect? Was it to break up a monopoly—the great evil of which the public complained? The New York pilots were 82 in number; the New Jersey pilots 17; and the merchants' board as it is called, soon after these regulations were published, granted certificates to 16 persons. If the recommendation had been acted on, the whole pilotage of the city would have been given to 33 persons, and 82 persons would have been excluded from all participation in it. But it was not generally acted on. With all the weight it carried with it, the New York pilots continued to be, and are still extensively employed, though, as I shall show, they have felt severely the effect of the invidious distinction, which has been made between them and others.

I will now proceed to state in detail the consequences, which have resulted from the act of Congress; for it is to this act that all the difficulty which exists, is to be traced.

1. There has not been a fair competition. The ship-owners, who represent a considerable portion of the active commercial capital of the city, have contributed to make it unequal. In the first place, the regulation I have quoted has had its influence. The New York pilots are passed by, and the New Jersey and merchants pilots as they are called, are employed in preference—not because the latter are more competent, but because they are considered as prefered by the mercantile classes, on whom the ship masters are often dependent for employment. The injustice of the regulation is more distinctly seen in a practice, which has grown up under it, and become very extensive, of taking a vessel brought in by a New York pilot out of his hands, and giving her to a New Jersey or merchants' pilot to take out.

It may be proper to say that in every State, of which I have been able to examine the laws, and in which those laws are passed with a view to equality, a pilot bringing in a vessel, or a pilot belonging to the same boat, has the privilege of taking the vessel out. The reason is obvious. The inward pilotage is often hazardous and laborious. Vessels are sometimes boarded two hundred miles at sea. Pilots are often out a week or ten days in pursuit of them. They are to be brought into port in all weathers. But the outward pilotage is always easy. Vessels go to sea in fair weather only. The pilot takes his charge a few miles from shore and leaves her. There is no labor, no hazard, and but little responsibility in it. Nothing can be more unjust, more repugnant to every principle of fairness and liberality, than to take from a pilot a vessel he has brought in, and give her to another to take out. It is in fact only by taking a vessel out, that a pilot can be compensated for the labor of bringing her in. Accordingly, this privilege is usually secured by law. The laws of Massachusetts for instance, provide that the pilot who brought in a vessel (or one belonging to the same boat) is entitled to take her out. In like manner the laws of South Carolina provide, that "every pilot taking a vessel in has the exclusive right to take her out," except in case of misbehaviour, &c.

Let us see what has been the operation of the system in New York since the act of Congress passed. That act authorizes a pilot from New York or New Jersey to be employed to pilot a vessel to or from New York. It leaves it optional with the master of a vessel to employ the same pilot, who brought in a vessel, to take her out, or to employ another pilot; and here the regulation of the Chamber of Commerce and the Board of Underwriters comes in, recommending him to employ no pilot not certified by their board or licensed by New Jersey, excluding the eighty New York pilots. The consequence may be readily seen. I hold in my hand several lists of vessels brought in by New York pilots and given to New Jersey or merchants' pilots to take out again. The names of the vessels are given as well as the time of the transactions. There is also a list of vessels taken out by the merchants' pilots, which they did not bring in. This list is furnished by the secretary of the board of commissioners, and is under his own hand. The pilotage on these vessels amounted to $3038,53, and must have been taken from the New York pilots. There are in addition, lists of 148 vessels taken from the New York pilots during a portion of the years 1846, and 1847, and given to other pilots to take out again. Even these lists are not complete. There were numerous cases which were omitted for want of precise information. The average pilotage for each vessel are estimated at $25. They are probably a little more—certainly not less. At this rate, the amount taken from the New York pilots on the vessels above mentioned, and by violating a rule of universal justice, is $6,688.

These facts are proved by unquestionable evidence. In the year 1844, before the merchants' pilots were appointed, it appears by a "remonstrance of the underwriters of the port of New York," Doc. No. 60, House of Representatives, 1st session, 29th Congress, that the New York pilots brought in 1992 vessels, and took out 1610—a difference of 382, the pilotage on which must have amounted to $9,650. By the same return it appears that the New York pilots, 84 in number, piloted in and out 3,602 vessels, or 44

vessels each pilot, giving them, at $25 per vessel, $1,112 50 each, to pay the expenses of their boats and maintain their families on shore. It also appears that the New Jersey pilots, 17 in number, piloted in and out 1,131 vessels, giving them at $25 per vessel, $1,663 23 each, or $550 73 each more than the New York pilots. A very considerable portion of this difference is owing to the open manner in which the New York pilots have been discouraged by the board of commissioners.

I have stated these facts, Mr. President, in justice to the New York pilots, who have been charged by the Senator from Massachusetts, [Mr. DAVIS,] and the Senator from New Jersey, [Mr. MILLER,] with sinister motives in coming to Congress to ask for a repeal of the act of 2d March, 1837. I have felt it due to them to show that they are laboring under a serious disability, and are the objects of a most invidious distinction under the operation of this act.

But I proceed to other considerations:

2. One of the great complaints against the system in force previous to 1837, was that pilots would not go to sea in search of vessels, but waited at Sandy Hook to receive them. This evil has been remedied; but it has been followed both by inconveniences and injustice, which, perhaps, fully counterbalance it. I will first state the inconvenience. Pilots now go far out to sea in quest of vessels. It is not an uncommon thing for a pilot to present himself 200 miles from New York. Now, there is no particular advantage in this. It may be safely said that no vessel requires or wishes a pilot at a greater distance than 20 or 25 miles from Sandy Hook. If a pilot gets on board a vessel one or two hundred miles from New York, he does not take charge of her. She is ordinarily given to him when she comes in sight of land. It is not every pilot who is capable of taking charge of a vessel out of sight of land and carrying her into port. The consequence of the present over-active competition is that the pilot boats go to sea, vessels constantly pass them, and on reaching Sandy Hook they find no pilots. At the very place where they are most wanted they are often not to be found. I shall refer to an honorable Senator from Maryland, [Mr. JOHNSON,] to know whether, on arriving at Sandy Hook in the Great Western, that vessel was not detained because no pilot could be found. I will read some notes from the log-book of the United States' light-ship off Sandy Hook, showing that it is a very common occurrence for vessels to arrive there and be detained for want of pilots. There are over 70 cases on the abstract of the log-book, which I hold in my hand; and in addition, the captain of the ship states on one occasion that there was "a large number of vessels in sight wanting pilots;" on another that "several vessels near us want pilots;" and that there were many other cases which he saw himself, and of which no entry was made in the log-book. While, therefore, the active competition in piloting has corrected one evil, it has produced another.

And now, sir, I will state the injustice of the system. Under the laws of New York and New Jersey, and I believe under the laws of most other States, if a pilot boards a vessel beyond a certain distance from the land, he is entitled to 25 per cent. in addition to his established fees. In New York this distance is some 15 miles outside of the Sandy Hook light. This is called off-shore pilotage, and was intended as a compensation for the extra labor and inconvenience of the pilot. When there was a legally established system, it could be exacted. Now it cannot, and ship-owners and masters knowing this, refuse to pay it. This remark is not of universal application, but the practice is becoming very general. It is believed that four-fifths of the vessels refuse to pay the off-shore pilotage. They are willing the pilot should go 100 or 200 miles to sea; but they are unwilling to pay him the customary addition to his fees. If he presents himself, the first question is, "do you charge off-shore pilotage?" And if he refuses to give it up, the ship refuses to take him. Or if no bargain is made with him, he is required to deduct it when the vessel goes out, or she is given to another person. Under such a system he has no legal security, either for just or liberal treatment.

3. The active competition which has grown out of the existing system, and which would have grown up without the act of Congress under the State law of New York, has not had the effect of securing commerce against shipwrecks and other disasters. I very much doubt whether they have been at all diminished in number. The cases of the Mexico and the Bristol were extraordinary occurrences. They happened at an inclement season, and even if the old system had been continued, such disasters might not have occurred again in half a century. Since that time there have been shipwrecks equally disastrous, except in the loss of life. Some of the property in the Bristol and Mexico was saved; and the deaths which occurred in the Mexico were not from drowning, but from frost—the passengers who were emigrants, having been driven to the deck in a winter's night of unparallelled severity.

I hold in my hand a list of 220 vessels stranded, run aground, or wrecked from April, 1839, to March, 1846—seven years—all under the new system. Of this number over 30 were a total loss—and 22 were engaged in foreign commerce. Some of these shipwrecks were of a most distressing character, on account of the loss of life, with which they were attended. The ship John Minturn, for instance, went ashore on Squam Beach about fifteen miles from Sandy Hook, the captain and his family, the pilot, and thirty-eight others having perished together, and the ship and cargo were totally lost. On the score of property it was probably a heavier loss than that of the Bristol or Mexico.

I have another list of 111 vessels stranded, run aground, or wrecked from February, 1846, commencing where the other list terminated, to the 14th January, 1848—say two years. Of this number 24 were a total loss, a large increase in the ratio compared with former years; and nine were engaged in foreign commerce. In the first seven years above-named, the vessels totally lost amounted to nearly five per annum. During the last two years they have been twelve per annum—more than doubled, though the increase of the commerce of the city has been in a much lower proportion.

I state these facts to show that security to property and life has not increased under the existing system, whatever opinions may be expressed to the contrary. It is true, I have not been able to make comparisons with the period preceding 1837 for want of data. There is, however, an account by Capt. Earl, who was adduced as a witness against the New York pilots, and who stated in 1835 that he had enumerated from memory 39 vessels totally lost within a "few years." The number of years is left to conjecture, but upon the most unfavorable supposition, the loss could not have exceeded that of the last two years.

I have also felt myself called on to make this statement to meet the declaration of the honorable Senator from Massachusetts [Mr. DAVIS] that "shipwrecks in the neighborhood of that harbor are almost unknown," a declaration which he would not have ventured to make, if he had taken time to investigate the facts with his usual care and discrimination.

From what I have said it will be apparent that the whole control of the subject of pilotage is in the hands of the ship-owners and ship-masters, without legal regulation. The master of a vessel may take any pilot he pleases—he may bargain for the amount of pilot fees—he may, after having taken a pilot two hundred miles at sea when coming in, give his vessel to another pilot to take out. The pilot himself has no security either that the customary fees will be paid him, or that he will have the preference in taking out a vessel he has brought in. He is, in fact, wholly dependent on the ship-owner or ship-master. Is this right?

I believe, Mr. President, that the best systems of pilotage are those which are under the most rigid regulation. The defect of the system in New York is that there is no law—no systematic government or rules. Nor can there be while a master of a vessel is allowed to take a pilot from two different States. It is impossible to enforce prohibitions or commands in one State, when there is a competition between different classes holding warrants or licenses from two separate authorities, neither of which is responsible to the other.

The Chamber of Commerce and the Board of Underwriters have by establishing rules themselves, confessed the necessity of legal regulation. They have no authority to enforce the rules they have adopted, and those rules are not enforced. They fixed the rates of pilotage according to the standard established by the law of New York, which had been repealed; but these rates are not uniformly paid. The pilots are constantly obliged to take less in order to obtain employment. Pilots are required to board the nearest vessel under a penalty of $50; but there is no power to enforce the penalty. The commissioners are authorized by the regulations to impose fines; but it is a perfectly nominal authority. Off-shore pilotage is allowed by their regulations; but vessels, as has been seen, in most instances, refuse or evade the payment, because there is no legal authority to exact it.

If a pilot offers his services to the eastward of the white buoy, about three miles from Sandy Hook, and is refused, he is entitled to half pilotage; but it is never paid, because the commissioners had no power to make such a regulation. They have no authority whatever. Their regulations are a dead letter. All the control there is rests upon the commercial influence wielded by the commissioners and the ship owners.

I believe this state of things to be radically wrong. The reasons for subjecting the business of pilotage to legal regulation seem to me urgent and unanswerable. Let me advert to a single one. The entries and clearances of foreign vessels at New York exceed 1,100 per annum. They are entirely dependent on a judicious system of pilotage for their safety. The regular traders may know the pilot boats, and sometimes may make selections. But strange vessels, without this knowledge, will naturally take the first pilot who presents himself. They can have no knowledge of his qualifications: they are entirely at his mercy; and it is only by a proper system of regulation, under an undivided authority, that we can do justice to the vast foreign commerce, which centres in the city of New York. The act of Congress is the only obstacle to the establishment of such a system. If it were repealed, I am entirely satisfied that a system could be adopted, in concurrence with the mercantile classes, which would meet the views and interests of all and secure every public object.

But, to pursue this point a little further, the New York merchants are not the only parties in interest. New York is the centre of commerce for the whole Union. Foreign countries, as I have already shown, have also a deep interest in the matter—an interest which we have no right to subject to the control, without law, of a single class. It is due to the country that the system of pilotage for the great emporium of the Union should be made efficient by judicious regulation, instead of being thrown open to unrestrained competition. The interests at stake are too important; not property alone, but human life is concerned. I am not aware that there is any commercial country, which intrusts the business of piloting to open competition. It is one of the few matters in which regulation has always been deemed indispensable. Strongly impressed as I am with the importance of freeing commerce and navigation, as far as possible, from all shackles and restrictions,

I cannot, on the fullest reflection, bring my mind to the conclusion that pilotage should be without law.

But there is another consideration. Those who now control pilotage in New York to a great extent, have an interest adverse to the pilots. Their interest is to have piloting done cheap. Bargains are frequently made, and the pilot is compelled to take less than the customary rates—less than the rates fixed as reasonable and just by the Chamber of Commerce and the Board of Underwriters. The tendency of this state of things is to drive the best pilots into other employments, and to introduce an inferior class of men in their place. And from the best judgment I have been able to form, I cannot but think, that if this state of things continues until the present stock of well-trained pilots pass off the stage, New York, instead of having pilots equal to the best in any country, will have the worst.

I am not quite certain, Mr. President, that the interest of insurers is so very decidedly in favor of the highest degree of security to property afloat, as the Senator from Massachusetts supposes. Insurance is regulated by the hazards. The rates are high when the hazard is great, and they are low when the hazard is small. Now, I believe it may be said with safety that the rates of insurance rise in a ratio higher than that of the increase of hazard; and that the profits of insurance are greatest when the security is least. I speak in respect to the operation of principles, and not in respect to motives of action; not only for the purpose of explaining why a very defective system of pilotage might exist without prejudice to insurers.

The Senator from Massachusetts has said that the mercantile interest generally is in favor of the present system, and he intimates pretty strongly that there is not a merchant in New York who is not opposed to the repeal. Now, I can assure the Senator that the memorials from New York asking for the repeal of the act of Congress signed by some 5,000 persons, contain the names of several highly respectable merchants, besides a large number of shipmasters and ship-owners. I can also assure him that I have conversed with some of the most respectable ship-masters who sail from New York, and who believe the present system tends to degrade the pilots, and to render life and property insecure. It is no doubt true that the merchants generally are opposed to the repeal: 1st, for reasons I have stated; and 2d, because it has been industriously circulated by interested persons that the object of the repeal is to establish the old monopoly. The Senator from Massachusetts twice said so; and I regretted to hear it. He has been deceived. There is not a shadow of foundation for the charge. It is this belief which has produced so much hostility to the repeal; and I regret that my honorable friend from Massachusetts should have fallen into so great an error. Let me state a few facts:

The New York pilots assented, in 1846, to the creation of a board of commissioners of three persons, one to be chosen by the Board of Underwriters, one by the Chamber of Commerce, and one by themselves, to regulate the whole business of pilotage. They offered to take into the association of pilots all those now licensed by New Jersey and the merchants' pilots, if found qualified on examination. This proposition contemplated a repeal of the act of Congress and the establishment of a system of pilotage by State legislation. The agent of those two bodies was understood to give his assent to it in this city; and I supposed the matter would be satisfactorily adjusted. But on his return to New York, they refused to accede to it. The pilots agreed that the mercantile interest should have two to one of the commissioners, a complete control, provided they could have legal regulation. Under the existing system this interest has the control without legal regulation. This is the issue joined between the parties. The New York pilots desire no monopoly. They do not ask even for control. They ask only legal protection, for rights universally acknowledged to be just.

The Senator from Massachusetts also stated as his belief, that the papers in his possession showed no persons connected with the shipping interest of the country, except the pilots, desired the repeal of the act of Congress. I have shown this to be a mistake. I might go on and say that two sovereign States have complained of it as injurious to great public interests. But if it were true that none but the pilots desired the repeal of the law, would it be a reason why Congress should turn a deaf ear to their appeal? May not any individual, or any class of individuals fairly appeal to Congress for protection against the operation of its own enactments, when they are oppressive or injurious to the party appealing? I have always supposed it to be the peculiar duty of Congress to see that in the enactment of laws individual rights were not improperly affected. The only question is how far those rights shall give way to great public interests. And, sir, I insist that on the application of the pilots alone, asking for the repeal of an act which has proved oppressive to them, it would have been the duty of Congress to look into the facts, and to grant the prayer of the petitioners, unless high public considerations rendered it improper. But, as I have already said, the pilots are not the only complainants. Numerous and respectable classes of citizens unite with them; and the legislatures of two States remonstrate against the act of Congress either as oppressive or as injurious to the public interest, which it was designed to secure.

I cannot dismiss this part of the subject without saying that I entertain for the merchants of the city of New York the highest respect. In enterprise, intelligence in commercial matters, and in an honorable discharge of their pecuniary obligations, they are unsurpassed by any any class of men in this country or any other. When I took my seat in this body, it was with an earnest desire to contribute my humble efforts to the promotion of the commercial interest of the country, which I thought had not received all the notice to which it was entitled; and it is to this subject more than any other that I have devoted myself. I shall continue to do so. But in this matter of the pilots, I am constrained to differ from what seems to be the general opinion among the merchants of New York. And yet I am entirely satisfied that if we understood each other, there would be little difference between us. I do not think the great body of the merchants have looked into the subject critically. I have inquired of many of them why they were opposed to the repeal of the act of Congress; and I have received the same answer in every case—"because we are opposed to the re-establishment of the old monopoly." And when I have rejoined, that I was equally opposed to such a measure, that I was in favor of placing the whole subject of pilotage for the city of New York under legal regulation, and leaving the administration of the system in the hands of the Chamber of Commerce and the Board of Underwriters, their representatives. I do not recollect an instance in which they have not acquiesced in the propriety of the suggestion. What I have insisted on is legal control, to be exercised by those who have a practical knowledge of the subject. But I am unwilling to leave it even in their hands without legal control—if for no other reason—because there is no power to enforce proper regulations or punish their infraction. And I do not hesitate to say, if the merchants will look into this question, that there will be a general concurrence in the propriety of the measure I propose. It is possible I may be deceived; but if am—if they shall continue to differ with me in opinion—one assurance I shall still retain—that they will do me the justice to believe I am actuated solely by what I consider the true interests of the city and the country at large.

One word in conclusion. My suggestion in respect to a system of pilotage in New York is this: 1. A board of commissioners of three persons; one appointed by the Chamber of Commerce, one by the Board of Underwriters, and one by the pilots, who shall have power to examine and license all persons desirous of acting as pilots. 2. A classification of the boats, to include those of New York, New Jersey, and merchants' pilots, with all the persons now belonging to them, who shall be found competent, and an assignment of the boats, in turn, to three descriptions of service, viz: cruising out of sight of Sandy Hook, within sight of the light house, and in the vicinity of the Hook. This will correspond substantially with the station system at Liverpool, and will, at all times, insure to vessels arriving at the city of New York, competent pilots, under legal regulation, and under the supervision of the mercantile interest of the city. The first step towards the establishment of such a system is a repeal of the act of Congress, without which it cannot be placed on such a footing as to insure its efficacy.

On motion by Mr. DAYTON, it was

Ordered, That the further consideration of the bill be postponed until to-morrow.

THE PRIVATE CALENDAR.

The bill for the relief of Charles M. Gibson was read the second time, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Daniel H. Warren; and

On motion by Mr. FELCH, it was

Ordered, That it be recommitted to the Committee on Pensions.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Frederick Dawson, James Schott, and Elisha Dana Whitney.

[Mr. JOHNSON, of Maryland, addressed the Senate in favor of the bill. His speech is given in the Appendix.]

On motion by Mr. PHELPS, it was

Ordered, That the further consideration of the bill be postponed until to-morrow.

The bill for the relief of David Myerle was read the second time and considered as in Committee of the Whole; and

On motion by Mr. ATCHISON, it was

Ordered, That it lie on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Colonel Robert Wallace, aid-de-camp to General William Hull; and

On motion by Mr. HUNTER, it was

Ordered, That it lie on the table.

The Senate proceeded to consider, as in Committtee of the Whole, the bill for the relief of Stalker and Hill, and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time, by unanimous consent.

Resolved, That this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

The following bills were read the second time, and considered as in Committee of the Whole:

A bill for the relief of D. A. Waterston.

A bill for the relief of the heirs of Moses White.

A bill for the relief of the heirs of John Wall, deceased.

A bill for the relief of Columbus Alexander and Theodore Barnard.

A bill for the relief of Marc Taylor.

A bill for the relief of James G. Carson.

A bill for the relief of David Wilkinson.

A bill for the relief of H. Freden, M. Vercher, C. Sauniguel, P. S. Garnon, V. Canbarreux, and F. Barbo, of Louisiana.

A bill for the relief of Wm. W. Wynn.

No amendment being made, they were severally reported to the Senate.

Ordered, That they be engrossed and read a third time.

The said bills were severally read a third time.

Resolved, That they pass, and that their respective titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

On motion by Mr. CAMERON, it was

Ordered, That the Committee on the District of Columbia be discharged from the consideration of the bill to incorporate the Washington Gas Light company.

On motion by Mr. WESTCOTT, it was

Ordered, That a message be sent to the House of Representatives to request the return of the bill, originating in the Senate, for the relief of Stalker and Hill.

On motion,

The Senate adjourned.

SATURDAY, JULY 1, 1848.

MEMORIAL OF THE CHICAGO CONVENTION.

The Senate proceeded to consider the motion submitted by Mr. JOHNSON, of Maryland, for printing an additional number of the memorial of the convention held at Chicago; and

The motion was disagreed to. Ayes 15, Noes 16.

POST ROUTE IN FLORIDA.

The Senate proceeded to consider the resolution submitted by Mr. YULEE, the 30th June, in relation to a post route in the State of Florida, and the resolution was agreed to.

DISCHARGED FROM CONSIDERATION.

On motion by Mr. RUSK, it was

Ordered, That the Committe on Military Affairs be discharged from the further consideration of the following subjects:

Resolution of the Legislature of the State of Louisiana, presented February 2d.

Petition of citizens of Pennsylvania, presented March 15th.

Petition of citizens of Mercer county, Ohio, presented April 17th.

Resolution of the Legislature of Mississippi, presented March 27th.

Resolution of the Legislature of Tennessee, presented February 29th.

Memorial of the General Assembly of Missouri, presented January 31st.

Resolutions of the Legislature of Michigan, presented March 22th.

Resolutions of the Legislature of Indiana, presented March 8th.

Resolutions of the Legislature of New Jersey, presented March 29th.

Memorial of the clerks of the Pay Department of the army at New Orleans, praying an increase of compensation.

Documents relating to a grant of certain emoluments to military storekeepers, presented February 15th.

Petition presented May 29th, for the withdrawal of the troops from Mexico.

Petition of John Campbell & Co.

THE AMERICAN FLAG IN MEXICO.

Mr. DAVIS, of Mississippi, in presenting a document in relation to the American flag, stated to have been first planted upon the Capitol of Mexico, said: Sometime since I presented to the Senate a United States flag, which had been intrusted to me for such purpose by an officer of our army. That flag derived its value from the assurance that it was the first national flag raised by our troops on the citadel of the Mexican capital, and additional interest from the fact that it was made ragged by the balls of the enemy. The officer who handed me the flag gave no special history of the circumstances or the individuals connected with the event from which this flag draws its peculiar interest. I believed he was unwilling to do so, because of rival and conflicting statements in relation to it. Be that as it may, the consequence was, that no report or statement was made at the time of presentation showing the corps or individual by whom the service of raising that flag was performed. As I did not then, so I do not now, intend to consider the pretensions or relative merit of individuals connected with that transaction.

This morning letters have reached me from a distinguished citizens of Iowa, and from the officer whose immediate command carried this flag into the city of Mexico, representing that a report made by the latter contained the history of the flag, as connected with the capture of the city, and complaining that it was not presented with the flag. A duplicate of that report was enclosed to me. It seems to be appropriate to the action which the Senate has taken, and as an act of justice, I present it, with a motion that it be read and printed.

Mr. FOOTE.—I feel reluctantly compelled to make a single suggestion. When this flag was first presented to the Senate by my colleague, as an offering from General Twiggs, I confess I did not perfectly understand what flag it was; the name of a distinguished citizen of Mississippi, Major General Quitman, under whose immediate command the first flag of this republic which ever waved over the Mexican palace was raised, having been entirely omitted by my colleague in the explanatory remarks which he made on that occasion. I was certainly under the impression at the time, that it was some other flag than the one raised under the order of General Quitman, which was thus presented to the Senate; and I was quite surprised afterwards at learning that I was in error on this point. Now, sir, as the erection of this flag, under the very imposing circumstances which attended upon the proceeding, has attracted in a very special manner the public attention, and cannot fail to claim the notice of the future historian of the war, I regret that, since it was deemed proper to introduce this subject at all in the Senate, a more ample account had not been given of the whole transaction—such an account as would have done full justice to General Quitman, as well as to other distinguished officers, from none of whom, and particularly from the thrice gallant Twiggs, would I willingly detract in the least degree. Whilst I feel satisfied that my colleague is wholly incapable of intending injustice to his late comrade in arms, in all of whose achievements our gallant State feels such a peculiar and just pride, I feel bound to say that this repeated introduction of the flag, without any particular mention of General Quitman, is decidedly calculated to do him injury, inasmuch as it is a fact very well known, that the circumstances connected with the raising of this flag have been, more or less, in several quarters, a subject of dispute. Having in my possession certain documentary* evidence of the highest character, elucidative of the point in controversy, I shall ask leave, at a seasonable time, to bring the same to the notice of the Senate, that the whole matter may be everywhere thoroughly understood, and due honor be awarded to all concerned in this interesting transaction in our history as a nation. I regret that my colleague did not confer with me upon this rather delicate point before the flag was presented to the Senate, as I would cheerfully have afforded to him all the information which had been put in my hands on this subject, and thus have enabled him to do, (what I feel certain he would have been highly gratified at having an opportunity of doing,) and that is to award full and unstinted justice to one of the most valorous officers, accomplished men, and devoted patriots who has won renown in arms during the progress of the Mexican war.

Mr. DAVIS, of Mississippi.—I am surprised at the course my colleague has thought proper to take on this occasion. Did he not hear me state that in presenting the flag I intended to avoid all questions of individual merit or services—that I had heard of controversy about the transaction with which it was associated, and had received no statement from the officer who handed me the flag. The rival pretensions of which I had heard, and to which allusion was made, were of regiments and of company officers. A controversy between general officers upon such a subject was not thought of by me; the service was appropriate to lower rank. A general with a command should, at such a moment, be otherwise employed. The conflicting claims of which I had heard were among subaltern officers. To them it was a matter of importance. They had the command; the conduct of which they could acquire reputation—no elevated rank to attract observation—no world wide fame which would sink by connection with so small a transaction—to their energy, personal daring, and physical prowess, must bring the favors of war. It is the duty, as it should be the pride, of a commander to aid such subordinates in securing to themselves whatever they may fairly win. As to the reputation of the general to whom my colleague has alluded as a Mississippian, I have to say that State pride and the obligations of my present position, would have rendered me prompt to defend that reputation to every proper limit, if it had been assailed. He must have been a careless reader of the official reports, who does not know that General Quitman commanded the division which first reached the citadel of Mexico. His fame is to rest upon the success of his command. It would sink if it could be involved in a little controversy about the raising of a flag.

To commemorate the last event in a war most brilliant from its beginning to its close—to mark the moment of final triumph, when the long succession of glorious victories brought our army to the goal for which it had toiled, and bled, and performed prodigies of valor—the national flag that was first raised upon the Capitol of Mexico was presented. No notice was taken of the regimental flags which had been previously displayed at various points—no mention made of any individual as particularly identified with the event—all was general, as the flag was national, and the glory that of our common country. The presentation of a national flag, which associated only with recollections of victory, yet shows, by its torn condition, how severe were the struggles through which it passed, and how united our countrymen must

*The documentary evidence here alluded to, we are requested to say, consists in part of the following extracts from the reports of Generals Scott and Quitman. Extract from report of General Scott, Ex. doc. No. 1, page 383:

"Quitman proceeded to the west gate of the city, planted guards and secured the colleges of the United States, the National Palace, contiguous to each of Congress, and Executive departments of the old Mexican Government. For this general service, Quitman might have been anticipated a month, but not as a conquering corps, the object of the head of the Alameda, (a green park,) within three squares of that goal of general ambition."

Extract from General Quitman's report, page 414:

"Captain Roberts of the rifle regiment, who had led the advanced company of the storming party at Chapultepec, and had greatly distinguished himself during the preceding day, was directed by me to plant the star-spangled banner of our country upon the National Palace. The flag was finally hung—some which had never waved over that palace since the conquest of Cortez, was displayed, and saluted with enthusiasm by the whole command." *Rep.*

have been, might have been expected to constitute an occasion on which rivalry and contest for individual pre-eminence would have slumbered rather than been aroused. Certain it is, that I had no expectation that any one would object to the printing of a report which is official in its character, and can only thus be made public.

Mr. BUTLER.—Remarks made on occasions like this, however transient, might assume an historical interest, especially to military men having a sensitive jealousy of reputation. The first flag raised on the walls of Mexico was hoisted under the direction of Major General Quitman, commanding the Rifles and Palmetto regiment, and being in the advance. In the midst of the fire of the enemy, General Quitman, with his own hands, first hoisted a handkerchief, and then called for a flag; and that flag was the Palmetto banner of the South Carolina regiment, and it was placed on the walls by a lieutenant of that regiment.

Mr. FOOTE.—I am very much indebted to the Senator from South Carolina for the seasonable and brilliant tribute which he has rendered to a patriotic son of Mississippi, in what has just fallen from him. True-hearted men everywhere will be ready to approve the generous display of sympathy for a gallant officer, which has been made by the Senator from South Carolina; and as a Mississippian, and the devoted friend of the distinguished personage so kindly referred to, I thank him from the bottom of my heart. I feel more surprise at the effect produced apparently upon the sensibilities of my colleague, by what I have said on this occasion. It is surely needless for me to disclaim all intention to wound his feelings or involve him in the suspicion of being influenced by motives in the least degree unworthy. In all that I have said, I have been alone actuated by a profound sense of duty, and so must all have perceived who have witnessed the proceedings now in progress. I must again express my regret, though, that I was not conferred with before the flag was presented to the Senate, and for the reasons already stated.

Mr. DAVIS, of Mississippi.—I will tell my colleague why I did not. The flag was sent to me as a member of the Military Committee to be put in the possession of that Committee. But that could not be done until it had been presented to the Senate.

Mr. FOOTE.—I again say, that I intended to present no accusation of unworthy conduct against my colleague. I readily confide in his declaration that he designed no injustice to General Quitman in what he has done; and yet he cannot fail to perceive that such must have been the consequence resulting from his acts, had no further explanation been given. I could not easily be induced to believe that the State of Mississippi holds within her confines a wretch so base as to attempt to undermine the fame of a gallant officer, by indirect means, in the absence of that officer. I have not accused my colleague of belonging to that class of officers who are noted for entering perpetually into a scramble for petty honors; nor did I charge him with endeavoring to secure to himself a monopoly of the glory acquired on any occasion during this war; and why he has thus gone out of his way to vindicate himself, I am not able to perceive. Not being conscious of having done anything to ruffle the feelings of my colleague, I can only attribute the excitement which he has displayed to the delicate relations existing between himself and General Quitman, for which I am certainly not at all responsible.

Mr. DAVIS, of Mississippi.—When the flag was presented to the Senate I made no claim for any one, denied no pretensions of any one. knowing that some controversy existed, I said not a word about individuals as connected with planting it on the capitol at Mexico. I then supposed the contest was confined to subalterns. General Twiggs certainly set up no special claim for himself—he was not at the citadel when the flag was raised, if I have correctly understood the positions of the troops. nor was he mentioned otherwise than as the officer from whom the flag was received for presentation.

Why, then, does my colleague continue to make baseless suppositions, and follow them with a declaration that he makes no charge against any one. Except by the report presented today, nothing has been claimed by any one in connexion with this flag; and the Senate was not asked to take any action on the report beyond having it printed.

I did not understand my colleague as imputing to me personally any of the charges which he has disclaimed. My answer was not made under any such supposition. If I had so understood him, my reply would have been different, and made elsewhere. My colleague understands me.

When I presented the flag, the Senate was asked to take such order respecting it as should seem proper. I offered no resolution; and after some discussion, the matter was postponed. On a subsequent day a resolution offered by the Senator from New Jersey was adopted. There was full notice, and enough of discussion to have attracted attention—certainly to have prevented any one from pleading a surprise.

Mr. FOOTE.—I have expressly and repeatedly declared that I did not design in aught to reflect upon my colleague. He says he did not understand me as designing any imputation upon him; and yet he has thought proper, very gratuitously, as I consider, to declare, and in a manner, to say the least, decidedly significant, that had he understood me as intending to assail him, he would not have replied to me here, but most certainly have resorted to a different arbitrament for satisfaction. I feel called on to declare in reply, what my colleague, I am sure, will not be at all inclined to doubt, that though seeking no altercation with any one, whenever he shall feel inclined to take the course which he has intended, he will find me as ready to accommodate him as any man in Christendom.

Mr. BORLAND.—A sense of duty which I deem imperative, impels me to say a few words in connection with this subject.

I do not rise to present a competitor for the honor of raising the first American flag upon the capitol of Mexico. But as it so happened that the taking of the City of Mexico fell, in part, under my own observation, I will state, very briefly, the facts of the case—as observed by myself; leaving the reputation that may justly belong to any individual for a participation in that affair, to rest upon the facts as set forth in the official reports of commanding officers.

On the 13th of September, the first division of the American army, commanded by Major General Worth, after gloriously participating in the assault and capture of Chapultepec, marched upon the City of Mexico, by way of the aqueduct, and suburb of San Cosmé. Reduced by heavy losses in previous battles, (especially at Churubusco, and Molino del Rey,) it numbered barely eighteen hundred men, of all arms. With this small force, General Worth fought his way, against greatly superior numbers, from early morning, until just before night-fall, when he confronted the main body of the Mexican army, commanded by Santa Anna in person, at the gate of San Cosmé; and before night had closed in, he had carried this strong and important point, destroying or driving in, the large Mexican force, and capturing a heavy gun the enemy were forced, in their haste, to abandon. Here, taking up his position, and throwing forward the sappers and miners, under Lieut. Smith, some distance in the city, he awaited the arrival of two heavy guns he had requested of the General-in-Chief. When these—a 24 pounder, and a 10 inch mortar—arrived, under Capt Huger, and Lieut. Hagner, of the ordnance, they were placed in position in the gate-way of San Cosmé. By the energy and skill of Lieut. Hagner, this was accomplished by 9 o'clock; and, then, five shells from the mortar, and three shot from the 24 pounder, were fired into the city, in the direction of the palace. This done, General Worth, with his staff, retired, to rest from the severe fatigues of the day, in quarters selected for him about a quarter of a mile within the gate; and a portion of his force occupied a position quite as far in advance. Thus placing the 1st. division of the army some half mile within the gate, and nearly in the heart of the city. Before retiring to rest, General Worth made this remark to the officers about him: "gentlemen, within three hours, the city will be surrendered to us!" In remarkable veneration of this, scarcely had we fallen asleep, when, at one o'clock, we were aroused by a delegation from the municipal authorities of the city, who came to say that Santa Anna, his government, and army had fled, and the city was placed at our disposal. The three shot and five shells had carried terror and consternation into the Mexican hosts—had driven their President, his government, and army, forth in flight, and placed their proud capital at our feet! This delegation, in charge of Capt. Mackall, Assistant Adjutant General, was despatched to the General-in-Chief, then at his quarters in Tacubaya. At day-light, (morning of the 14th) Capt. Mackall returned, bringing an order to General Worth, to move forward his division as far as the Alameda, and there wait for further orders. This order was promptly executed. The position was taken. And while holding it, that scattering and assassin like firing commenced from the house-tops, the windows, and the corners of the streets, under which Col. Garland was shot down, within a few feet of General Worth, and which, continuing generally through the day, killed and wounded many other gallant officers and men. In the meantime, orders were sent, by the General-in-Chief, to another distinguished General, (Major General Quitman,) who the day before, along the aqueduct of Tacubaya, had, with unsurpassed gallantry, led his division through a perfect storm of lead and iron hail, to the gate of Belen, and carried it by assault; himself among the first to mount the walls. The orders I allude to, were that General Quitman should move his division, then at the citadel, to the national palace, or capitol. Then it was, the American flag was first hoisted, by an American soldier, upon the walls of the Mexican capitol; and this, there is no doubt, under the immediate direction of Major General Quitman.

What measure of reputation shall belong to him, on the one hand, who first hoisted our national flag upon the walls of the Mexican capitol—or what to him, on the other hand, who struck the blow which caused the enemy to surrender that very capitol into our hands, I undertake not to determine. To each, and to all who did their duty in that gallant achievement, high honors are, undoutedly due. But the meed of each, as compared with that of the other, has yet to be awarded by the generous, yet discriminating public sentiment of our countrymen. As a small rivulet to the ocean of that sentiment, I have presented, here, a few of those particular incidents, which I saw with my own eyes, which I heard with my own ears, and which will be found confirmed by the official reports of the whole transaction. Of these I make no application here. They will properly compose the verdure and the sheen of that garland which, at another day, and from other hands, shall crown the impersonation of our country's glory.

Mr. DAYTON.—I think the debate we have had here illustrates very clearly the questionable propriety of the Senate of the United States taking any cognizance of the question at all. I felt, from

the beginning, that even the presentation of the flag in this body, was a matter which might as well have been omitted, and that it several hours been perhaps in some proper destination, had it been sent by the officer in command to the appropriate department—But it having been placed in the hands of one of the members of this body for presentation to his committee, he certainly could get it there only in the mode which he adopted. And I may add here, that so far as regards the records in the Senate, nothing appears which adds to, or takes away from the merits of any officer of the army. The resolution has no reference to General Twiggs, General Quitman, or any one else; it simply states that this was the first national flag that was hoisted over the city of Mexico. If the Senator from Mississippi, [Mr. DAVIS,] referred in his remarks to any officer by name, his colleague has not given us the benefit of the matter by his concurrence. These facts are subject rest. With great respect for the opinion of others, I will suggest that this whole subject be laid upon the table.

On motion by Mr. DAYTON, it was

Ordered, That it lie on the table.

WIDOWS OF DECEASED SOLDIERS.

Mr. BORLAND, agreeably to notice, asked and obtained leave to bring in a bill to revive an act for the relief of widows of deceased soldiers; which was read the first and second times, by unanimous consent, and referred to the Committee on Pensions.

GENERAL AND STAFF OFFICERS, ETC.

Mr. BENTON, from the Committee on Military Affairs, to whom was referred the bill from the House of Representatives to amend an act entitled "An act supplemental to an act entitled 'An act providing for the prosecution of the existing war between the United States and the republic of Mexico,'" and for other purposes, reported it with the following amendment:

Strike out the word "seventy," and insert instead thereof the words [illegible] and in lieu of the words [illegible] insert the following:

And be it further enacted, That [illegible] of existing laws, [illegible] the [illegible] of [illegible] and no more [illegible] be [illegible] and [illegible] hereby, [illegible] Mississippi, to wit: one additional major-general, [illegible] brigadier-generals, [illegible] and officers to be [illegible] by the [illegible] of [illegible] entitled "An act to raise, for a limited time, an additional military force, and for other purposes," [illegible] and [illegible] and [illegible] and

MONDAY, JULY 3, 1848.

CREDENTIALS.

Mr. UNDERWOOD presented the credentials of the Honorable THOMAS METCALFE, appointed Senator by the Governor of the Commonwealth of Kentucky, to fill the vacancy occasioned by the resignation of the Honorable JOHN J. CRITTENDEN.

The credentials were read, and the oath prescribed by law having been administered to Mr. METCALFE, he took his seat in the Senate.

PETITIONS.

Mr. NILES presented a petition of citizens of Allegheny county, Pennsylvania, praying a reduction of the rates of postage, and the discontinuance of the franking privilege.

Ordered, That it lie on the table.

Mr. TURNEY presented a petition of citizens of Tennessee, praying the establishment of a mail route from Smithville to Bottom's store, in that State; which was referred to the Committee on the Post Office and Post Roads.

ADJOURNMENT OVER.

On motion, it was

Ordered, That when the Senate adjourn, it be to Wednesday next.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: I am directed to return to the Senate, agreeably to their request, the bill entitled "An act for the relief of Stalker and Hu."

The Speaker of the House of Representatives having signed three enrolled bills and an enrolled resolution, I am directed to bring them to the Senate for the signature of their President.

SIGNING OF BILLS, ETC.

The VICE PRESIDENT signed the three enrolled bills and the enrolled resolution above mentioned.

RED RIVER RAILROAD COMPANY.

Mr. HUNTER, from the Committee on Finance, to whom was referred the bill from the House of Representatives for the relief of the Red river railroad company, reported it without amendment.

GEOGRAPHICAL SURVEY AND EXPLORATIONS.

Mr. BREESE, from the Committee on Public Lands, submitted a motion that a report of the Secretary of the Treasury, accompanied by a report of the geographical survey and explorations in the Chippewa district of Wisconsin and the northern part of Iowa, with diagrams and illustrations, be printed, and that two thousand additional copies be printed for the use of the Senate; and the motion was agreed to.

SUSPENDED PRE-EMPTION LAND CLAIMS.

Mr. BREESE, from the Committee on Public Lands, reported a bill to extend an act entitled "An act providing for the adjustment of all suspended pre-emption land claims in the several States and territories, approved 3d August, 1846;" which was read and passed to the second reading.

SCHOOL LANDS IN ARKANSAS.

Mr. BORLAND, from the Committee on Public Lands, to whom was referred the petition of citizens of Arkansas in relation to school lands, submitted a report accompanied by a bill allowing exchanges of, and granting additional school lands in, the State of Arkansas.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

ADVERSE REPORT.

Mr. DOWNS, from the Committee on Private Land Claims, to whom were referred sundry petitions of settlers on public lands in Illinois, praying the enactment of a law to quiet their titles, submitted an adverse report; which was ordered to be printed.

PRIVATE BILL.

Mr. ATCHISON, from the Committee on Indian Affairs, to whom was referred the bill from the House of Representatives for the relief of the legal representatives of Joshua Kennedy, deceased, reported the same without amendment.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

Mr. President: The President of the United States has approved and signed, this day, a resolution authorizing the President to [illegible] notice of the withdrawal of the British notice of the 6th June, 1846, [illegible] and to terminate the joint occupation of the Territory of Oregon, and has directed me to deliver the same to the Senate. He has also signed the bill for the relief of the legal representatives of Joshua Kennedy, deceased, and has directed me to deliver the same to the Senate. He has also signed the bill for the relief of the armed occupation and settlement act of the late Territorial Council.

THE ADJOURNMENT RESOLUTION.

The Senate resumed the consideration of the resolution passed by the House of Representatives, fixing a day for the adjournment of Congress.

Mr. MANGUM.—When this question was last before the Senate, it will be remembered that the Senator from Mississippi, abandoning the tone and character of the debate, which had been concise, business-like, and strictly confined to the consideration of the most appropriate day to adjourn, having reference to the state of the business before Congress—gave an entirely new direction to it, and pushed insinuations quite offensive to the self-respect of those to whom they might be supposed to apply.

Although extremely anxious to avoid any discursive and desultory discussion, touching mere party questions, and the position and views of Presidential candidates, yet I was constrained to deny, promptly and peremptorily that the whig party, or that I as one of that party, was unwilling to meet any question pending before Congress. It will be remembered that the Senator from Mississippi at once exempted me from the category of timid and shrinking whigs, who were unwilling to face all their responsibilities, but still persisted in the justice of his insinuation against others, and entered upon a wide and extended field of aggressive party debate, and by a series of interrogatories addressed to me personally, thrown out with a somewhat triumphant air, fastened upon me this discussion, which I could not have avoided, without seeming to shrink from an investigation of whig principles and whig pretensions.

I regret that this subject has been called up so early to-day, and before the Senator from Mississippi has taken his seat, because it will be remembered that when I gave way on a former day, at a late hour, for adjournment, I was in the course of presenting a series of interrogatories in regard to the opinions of General Cass, because, looking at the positions of the two gentlemen, it is matter of interest to the people of the United States, that their views and opinions should be understood. I have inquired the opinions of General Cass in regard to internal improvements—the improving of harbors in our great inland seas, and the removing of obstructions in the Mississippi and its great tributaries, and I have received no information from the Senator, excepting the very general, and to me, unsatisfactory statement, that General Cass stands upon the provisions of the constitution.

Passing from this subject to that which the Senator from Mississippi seems to regard as of the very greatest interest at this period—that which is termed the Wilmot proviso—I endeavored to ascertain what were General Cass's views in relation to that subject, and was told by the Senator that those views had been explicitly presented to the country in a letter addressed to Mr. Nicholson, of Tennessee, and that there could be no doubt in regard to them. I replied that I had not read that letter—I meant no disrespect, but averse to useless labor—I had waited for the last edition. I have sat by as a calm spectator—I have seen waves of opinion followed by waves of opinion, modified, reformed, and sometimes reversed—the political phantasmagoria having just amused a somewhat listless attention, as in boyhood one has sat and watched summer evening's clouds in their ever varying and fantastic forms—their bodies of shadow edged with brilliant sunlight—all unsubstantial and full of change. Imagine these waves in their eager chase one after another, to be frozen as suddenly as a flash of electricity, then you have something you can steadily contemplate. So, when General Cass, in his letter of acceptance of his nomination for the Presidency, by the Baltimore convention, announced that "this letter, gentlemen, closes my profession of political faith," I con-

sidered this last edition—"the Nicholson letter"—as final, as restricted. As at our last meeting on this subject, I received no light from the Senator from Mississippi, but barely a reference to this letter, I have since read it and studied it with care. I must regard it as definitely fixing General Cass's position on this question. He declines giving further answer; this closes his "profession of political faith."

Let us examine this letter, and the principles contained in it with care and with candor. This brings me to begin where I left off the other day—what are the views and principles of General Cass on the matter of this proviso? My proposition, one that I shall maintain beyond the possibility of refutation, evasion, or escape—that I shall demonstrate conclusively to every fair and unbiassed mind, is that General Cass, in the "Nicholson letter," has evaded the only "real issue" on this subject, and left the public wholly in the dark in regard to his opinions. And here, undoubtedly I shall be a little tedious, but I beg the Senate to bear with me, as I mean to be particular and exact.

To arrive at conclusions on this subject, precise and satisfactory, it is necessary to have fixed in the mind the exact and precise points in controversy between the North and the South.

There is no controversy between the North and the South in relation to slavery as it exists in the slaveholding States in the South and West. The North—I mean the whole North—with the exception of that band of mad and wild fanatics, who would desecrate and destroy the constitution to accomplish the immediate abolition of slavery, and their numbers and their influence are believed to be small and comparatively insignificant—I say the whole North—the intelligent, the wise, the patriotic, the law-abiding and constitution loving people of the North—are impressed with a deep sense "that domestic slavery is one of the greatest of evils, both moral and political." This conviction, I cannot doubt, they honestly entertain, yet the whole North, with the exception referred to, stands upon the compromises of the constitution upon this subject. They occupy the ground taken by Mr. Webster in his celebrated speech in reply to Mr. Hayne, delivered in the Senate of the United States, in January, 1830, to wit:

"There is not, and never has been, in the North a disposition to interfere with the interests of the South. Such interference has never been supposed to be within the power of government, nor has it been, in any way, attempted. The slavery of the South has always been regarded as a matter of domestic policy, left with the States themselves, and with which the federal government had nothing to do. Certainly, sir, said Mr. Webster, I am, and ever have been, of that opinion. The duties to slaves, of the South I leave where I find it, in the hands of their own governments; it is their affair, not mine."

These opinions are in exact accordance with the plain meaning and intent of the constitution of the United States, and in exact conformity with the opinions of a committee, consisting of six northern men out of seven in the House of Representatives, to whom the subject was referred in 1790, and to the resolve of that same House of Representatives, passed in that year, in the following words:

"*Resolved*, That Congress have no authority to interfere in the emancipation of slaves, or to give greater freedom to them, or to meddle with the regulations of the separate States, to provide rules and regulations therein, which humanity and true policy may require."

These are now the opinions of the North.

I have heard, in this chamber, no opinion avowed by any one—nor in the midst of the excitements, and irritations, and jealousies arising out of the annexation of Texas—nor out of the Mexican war, which was supposed to be begun and prosecuted with purposes of territorial acquisition, have I heard, or heard of, any opinion expressed in this chamber, or in the other branch of Congress, or in any other respectable quarter in the North, in opposition to, and in conflict with, the true and plain meaning of the resolution just referred to, or at variance with the clear and explicit remarks of Mr. WEBSTER, just cited.

There is, then, therefore, no controversy between the North and South in regard to slavery in the States of this Union. When, therefore, General Cass, in his "Nicholson letter," avers that the federal government has "neither the right nor the power to touch it (slavery) where it exists" in the States, he does no more than avow an opinion held in common by every Senator in this chamber. I regret not to see the Senator from New Hampshire, [Mr. HALE,] in his seat. Were he here, I should take the liberty of asking him whether he dissents from the opinion of Mr Cass, and I am sure his answer would be in the negative, as I cannot be mistaken in my recollection of having heard the Senator from New Hampshire avow that opinion on several occasions during the present session.

What, then, is the "real issue" between the North and South? It is not in regard to slavery in the States. It is wholly and exclusively confined to slaves in the territories belonging to the people of the United States, and which territories it is alleged are held by this government in trust for the use and common benefit of the people of all the States. The North, very generally, are opposed to the extension of slavery, and particularly to its introduction into territory where it has hitherto not existed—as for instance into Oregon and the territory acquired by the late treaty with Mexico—to wit, New Mexico and California. The people of the North very generally assert the power of Congress under the constitution to apply to those territories the ordinance of 1787, (now commonly called the Wilmot proviso,) applied to the territory northwest of the Ohio, to wit:

"That there shall be no other slavery nor involuntary servitude in said territory, otherwise than in punishment of crimes whereof the parts shall have been convicted."

The South, on the contrary, very generally assert that Congress has no power to legislate touching the territories, the common property of all the people of all the States, in such manner as to exclude citizens of fifteen States of the Union—the slaveholding States—from emigrating to these territories with their slave property. The South, it is believed, is not unanimous in the denial of the power of Congress, but approximate unanimity in the assertion, that such legislation against the will, and without the assent of the South, would be flagrantly unjust or eminently inexpedient. For, say they, territory acquired by a common sacrifice of blood and treasure, and held as the property of all, should not be so governed as to exclude the citizens of one-half the States of the Union, unless they sacrifice their property in their slaves.

This, then, is the real issue. No one affirms the proposition that Congress can interfere in any way with slavery in those States where it now exists; nor do any dispute the power of a sovereign State to introduce and establish slavery within her limits, if it be her sovereign will and pleasure to do so. The real question is therefore confined to the territories. The question recurs, what are General Cass's views on this subject? As far as I have been able to trace the history of his opinions, I find that some two years ago, he was openly, avowedly, and zealousy a Wilmot proviso man. His declarations were strong and unreserved in this chamber, not in speeches, but in conversations publicly held with gentlemen of all shades of party politics. The declarations of the Senator from New Jersey, [Mr. MILLER,] made this day, are full and explicit to this point. They are but the repetition of declarations made in the presence of General Cass on a former occasion in this chamber, and in public debate—emphatically invoking his attention, and meeting neither denial, explanation, or apology. That they are accurately stated, is strongly confirmed by the admission of General Cass in his "Nicholson letter," that

"He was strongly impressed with the opinion that a great change had been going on in the public mind upon the subject, in his own as well as others."

The next historical trace that I find, is in General Cass's vote upon the three million bill in the winter of 1847. He voted against the proviso; and I find that his biographer, in "a sketch of his life and public services," printed in June, 1848, treats the subject so as to leave room for a fair inference that he voted against it, not because he was opposed to the principle, but because it was out of place in that bill. The biographer says:

"The Wilmot proviso was introduced into the Senate as an amendment to the three million bill, by a federal Senator from New England. The design of the mover was evidently to defeat the bill to which it was to be attached, and to embarrass the administration in the prosecution of the war. General Cass voted against the proviso for reasons given at the time of the discussion."

I have not found any published speech on that occasion. He, however, had evidently somewhat cooled down his fiery zeal, if he had not to some extent modified his earlier opinion. The next and final trace of General Cass's views is to be found in the "Nicholson letter," and what is that?

1st. That Congress cannot touch the subject of slavery in the States. Messrs. Giddings, Hale, and all, agree with him in that.

2d. In respect to the territories, he says:

"Briefly, then, I am opposed to the exercise of jurisdiction by Congress over this matter, and I am in favor of leaving to the people of any territory, which may hereafter acquired, the right of regulating for themselves under the general principles of the constitution, because I do not see in the constitution any grant of the requisite power to Congress."

Upon a hasty or careless reading of the foregoing, General Cass would seem to stand side by side with southern men, and to have adopted the prevailing opinion of the South. But it is not so. It is manifest evasion; and why? Because, under our system and unvarying practice, a territorial council or legislature can be created only by act of Congress, in the form of an organic law. The territorial government can do nothing unless by the assent of Congress previously or subsequently given. Yet General Cass is "in favor of leaving to the people of any territory" this great question. He cannot leave it to the people of the territory; and why? Because they cannot act, unless first upon authority given by Congress, and that act of Congress must be approved by the President. Can General Cass, as President, approve such act of Congress? Not at all; and why? Because he declares

"I do not see in the constitution any grant of the requisite power to Congress."

Or, secondly, the people of the territory cannot act, unless with the subsequent approval of Congress.

Take New Mexico: Their territorial government abolishes and prohibits slavery, the Congress of the United States concurs, and the act goes to the President. What would Gen. Cass do in such a case? Suppose the opposite: New Mexico recognizes and establishes slavery, Congress concurs, and the act goes to the President. What, in this case, would General Cass do? In both, or either, he must meet the acts with his veto; and why? Because, in his opinion, Congress has no jurisdiction over the matter, and of course he cannot approve an act having no warrant in the constitution. What, then, is the consequence of these opinions of General Cass? It is that every act of the people of a territory, whether affirmatively or negatively, on the subject of slavery, must be annulled by the President's veto. What beautiful confusion will arise out of this masterly statesmanship! Sir, a gentleman must be hard pushed when driven to such a resort; the responsibility must, in his mind, be fearful when he shuns a question of such magnitude, by throwing it upon the people of New Mexico, and such a people! the definitive settlement of these questions—they having no

power to settle them—questions that are said almost to shake the pillars of this glorious Union.

But suppose the people of New Mexico had the power to settle these questions, with what admiration must we contemplate the profound wisdom and consummate statesmanship of General Cass in devolving upon such a people the adjustment of these great stirring and agitating questions! Who and what are the people of New Mexico? The entire population is either black or mixed—the black with Indian or the original Boors, the most abject, degraded, and debased race in all Mexico—in morals scarcely above the brutes—in intelligence depressed to nearly the lowest point of rational creatures. In the whole of New Mexico—of course including Santa Fe—I have been informed by the Senator from Missouri [Mr. BENTON] that but a single white man was resident at the opening of the war. I need not say to this Senate that the Senator from Missouri is perhaps the very best informed man in this body upon all matters concerning New Mexico and California. And yet to these people and to this population Gen. Cass would leave the adjustment of these difficult matters, that are to endure, not only for this generation, but in all future time. Is it because they are better judges in these matters than those who occupy these halls of Congress, or the people of this Union? Or is it because it is the only device by which a gentleman rather hard pressed by a dangerous question can escape responsibility? It is a most hanging device, it deceives no one. The very boys in the streets would laugh it to scorn.

Mr. HANNEGAN.—Do I understand the honorable Senator to say, that Mr. Cass, if elected President, can take no other course in accordance with the principles contained in his letter, than to veto the Wilmot proviso if it should be adopted by Congress?

Mr. MANGUM.—He can take no other course if he follow the principles laid down in his letter; and, moreover, veto every thing done by Congress or the territories, either in favor of, or against slavery.

Mr. HANNEGAN.—Does the Senator from North Carolina urge that as an objection?

Mr. MANGUM.—That is another question. We have been taunted with supporting a candidate who has no opinions on the subject, or at least without knowing what his opinions are. I meet that taunt by showing that General Cass stands exactly no where upon the subject, and although our southern friends are fluttering themselves with the idea that we are to get a President who is not hostile to the South, they are, in point of fact laboring under a delusion. Mr. Cass has not committed himself at all upon this question. But General Cass stands not only upon this letter, but also upon the "platform" of the democratic party, as laid down by the Baltimore convention. Let us examine that and General Cass's connexion with it, to ascertain whether any thing appears there to extricate him from mysticism.

In the first place I will read from Mr. Cass's letter of acceptance, to show that all the dogmas and canons of his party, as set forth in that platform, are by him fully and unreservedly recognized and adopted. He says:

"I have carefully read the resolutions of the democratic national convention, laying down the platform of our political faith, and I adhere to them as firmly as I approve them cordially."

Now, let us see what this platform is. I may say in advance, in pretty nearly the language of an ingenious and gifted friend of mine, that all the principles and dogmas contained in it may, with sufficient accuracy for all practical purposes, be referred to three classes: 1st. Affirmations, that nobody denies; 2d. Negations, that no one controverts; 3d. Resolutions and declarations, that no one believes. I think it probable that my ingenious friend would refer to the last class, all those resolutions and avowals of confidence in the capacity, firmness, integrity, energy, ability, and wisdom of this administration so signally displayed in all our affairs at home and abroad. The truth is, it consists of little more than barren generalities, high-sounding professions and ingeniously turned periods, in which it is as difficult to find any thing precise, explicit, and exact, as it is to ascertain General Cass's opinions upon the Wilmot proviso.

But to the platform. I will read the 7th canon. It is in these words:

"That Congress has no power under the constitution to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of every thing appertaining to their own affairs not prohibited by the constitution; that all efforts of the abolitionists or others, made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences; and that all such efforts have a direct tendency to weaken the fraternal feelings of the people and endanger the perpetuity of the Union, and ought not to be countenanced by any friend of our political institutions."

It will be remembered that this is a precise copy of the canon of 1844, and that again of the canon of 1840. The democratic party has professed steadily and consistently for eight years the principles contained in this canon. I feel, therefore, bound in justice to retract something of what I said the other day, of the pseudo-progressive democracy calling in every six months or so, their political architects to construct a new platform as the old one became too narrow, or otherwise unfit for their incessant shiftings and changes, gyrations, marchings, and counter-marchings in their political drama. One reads this canon with a sort of admiration, it is so precise!—so explicit!—so peculiar to the party! And then it is so catholic, so national, so conservative, so patriotic! Can any one who loves his country feel less than respect and gratitude to the democratic party, which spreads so broad a shield over the domestic institutions of the South? Why cannot the whig party cherish a like comprehensive patriotism? Why leave to the democratic party the exclusive merit of guarding our southern hearths and firesides? of protecting the weaker sex or sleeping infancy in the silent watches of the night, from the torch of the incendiary and the knife of the assassin? Why cannot the whigs come and stand upon this platform? The democratic answer is ready. It is our ground, not whig ground; it is a part of the pure democracy, it is ours, wholly ours, exclusively ours, and peculiar to us and to our creed. Let us see.

I find in the journal of the House of Representatives of the first session of the 28th Congress, page 476, that Mr. Campbell, on the 26th February, 1844, moved the following resolutions:

"*Resolved*, That justice and sound policy forbid the federal government to foster one branch of industry to the detriment of another, or to enrich the interests of one portion to the injury of another portion of our common country.

"*Resolved*, That Congress has no power, under the constitution, to interfere with or control the domestic institutions of the several States; and that such States are the sole and proper judges of every thing appertaining to their own affairs not prohibited by the constitution; that all efforts of the abolitionists or others, made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences; and that all such efforts have a direct tendency to weaken the fraternal feelings of the people and endanger the perpetuity of the Union, and ought not to be countenanced by any friend of our political institutions."

It will be perceived that these resolutions are identical—word for word with the 4th and 7th canons of this vaunted democratic platform; that the first resolution, which is identical with the 4th canon, contains the peculiar doctrine of the democratic party on the subject of "black and abominable tariffs," and it contains the whole of their doctrine which they boast as theirs exclusively.—The resolutions were divided, and the vote was taken upon the first part of the first resolution, in the words following:

"*Resolved*, That justice and sound policy forbid the federal government to foster one branch of industry to the detriment of another, or to enrich the interests of one portion to the injury of another portion of our common country."

What do you suppose, Mr. President, was the vote on this question? You suppose, of course, that none but democrats voted for it. It being a part of the 4th canon of the democratic platform, is therefore peculiar to the party. But the journal tells a different tale. The vote stood, yeas 166, nays 4. The entire whig party, with the exception of four, voting for this exclusive democratic doctrine.

The question was then put on the remainder of the first resolution in these words:

"That every citizen of every section of the country has a right to demand and insist upon an equality of rights and privileges, and to complete and unqualified protection of person and property from domestic violence or foreign aggression."

Upon this question, this exclusive democratic doctrine, strange to tell, the vote was unanimous; yeas 172, nays 00. So much for this resolution. Does not every one see that it is couched in terms so general, so inexact, so unspecific, that no one can find a ground for disagreement. This, perhaps, should excite the suprise of no one. A party so progressive, so full of change, so perpetually tossed on the waves of excitement and of faction, ought to leave themselves sufficient "sea-room." It is provident, as being politic; it is commendable.

Mr. FOOTE.—I would like to ask the Senator a question if he will allow me. I wish to know if he did not understand that the tariff of 1842 was a whig measure; and secondly, if he believes that the whigs in two years discarded their former doctrine?

Mr. MANGUM.—As to the first question, whether the whigs voted for the tariff of '42, I say, I think they did generally. But it was not a regularly formed bill—it was truncated. And as to the second question, I say I do not think that their doctrines underwent any change, but on the contrary, that they were steadfast and firm in their principles in regard to this subject. What I meant, and what I mean, I have already indicated. It is that this platform, so gravely exhibited, is unworthy of respect; if it be not mischievous, it is at least ridiculous, as putting forth nothing that any sensible man will seriously controvert. If it have not the merit of meeting the universal acceptance, it has not the dignity of provoking the slightest serious opposition.

Mr. FOOTE.—I wish to state a fact if the Senator will allow me, and I am sure he does not wish to deal unfairly with us, that if he will consult the National Intelligencer and all the leading whig papers for the year 1844, he will find that in accordance with the declarations of the distinguished Senator from Massachusetts, and the distinguished Senator from Delaware, and of the eloquent and distinguished exponent of the whig principles, Henry Clay himself, that in 1844, the issue between the two great political parties was whether the tariff of '42 should be retained or not. Now the question I desire to put is, does he or does he not recognize the tariff of '42 as a regularly agreed upon measure of the great whig party of that period? If he answers affirmatively, then I have only to say that as the two parties harmonized in 1844, a great change must have taken place in the whig party. There is not now, I am sure, a whig who dares to speak in terms of respect of the tariff of '42.

Mr. MANGUM.—The Senator is mistaken in his last remark, wholly mistaken. In regard to the tariff of '42 being an issue between the parties in the Presidential election of '44, I think it was very generally so in the southern States and in some other quarters,

It certainly was not so in the great State of Pennsylvania, for besides having passed by the vote of her favorite son, Mr Buchanan, I have heard from undoubted sources—(and you Mr. President, can correct me, if I err)—that the battle cry of the democratic leaders in the Keystone was the "tariff of '42." "Polk, Dallas, and the tariff of '42" was thrown to the breeze on many a democratic banner—it gave ornament and attraction in glaring capitals to many a democratic placard—it was embalmed in poetry and democratic song, and it was commended in enthusiastic and burning eloquence by democratic orators to throngs of thousands and tens of thousands of democratic voters, whose responsive enthusiasm burst out in shouts loud, long, and yet prolonged huzza, huzza for "Polk, Dallas, and the tariff of '42."

Nor do I yet suppose it was an issue in the State of New York. The late Silas Wright, the first favorite of the State had voted for it. He was brought forward by the democracy for the first office in the State in '44, and was elected. I can hardly think the democracy much denounced that tariff while enthusiastically supporting its ablest advocate. Sir, the Senator must remember the "Kane letter." That tells the whole tale. It was not designed to be an issue in the regions where that letter was most circulated. Sir, let me remark as to that tariff, that before it was passed, the ship of State was aground, the national fisc was paralyzed; this vast country, with its vast resources, was as powerless as a stranded whale: the emissaries of an exhausted and hungry treasury were hawking its credit at every money counter in America and in Europe; they were repulsed empty-handed with contempt, with scorn, or with derision; every proud American felt the humiliation as a brand burning into the bone—the tariff was passed—the whole scene was changed. Public credit was re-established; business readjusted, and a sudden spring given to the prosperity of the country wholly unparalleled. I am not now going into that subject.

Let me return to the next resolution and the 7th canon of the platform.

The question then recurred on the first clause of the second resolution, in these words:

"*Resolved*, That Congress has no power under the constitution to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of everything appertaining to their own affairs not prohibited by the constitution."

This clause passed by a vote of 151 yeas, to 2 nays. I find that Messrs. GIDDINGS, JOHN P. HALE, PRESTON KING, and every other northern man, save two, voted for this clause of the canon set forth in the democratic platform, as being of such potency to protect and preserve the slave institutions of the South.

The question was then put on the remainder of the resolution, in these words:

"That all efforts of the abolitionists or others made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to kindle the most alarming and dangerous consequences; and that all such efforts have an inevitable tendency to diminish the happiness of the people, and endanger the stability and permanency of the Union, and ought not be countenanced by any friend of our political institutions."

This clause also passed—yeas 128, nays 23, by the vote of the great mass of the whig party, and so little was this regarded as anything peculiar and exclusive, and so unmeaning was it deemed that I find among the yeas the names of JOHN P. HALE, PRESTON KING, as well as others, whigs and democrats, that are known to entertain feelings of deep hostility to the institutions of slavery. If such be the merits of the democratic platform upon the two great questions, the tariff and slavery, its value upon minor questions may be easily estimated.

I return to General Cass and the Wilmot proviso. The "Nicholson letter" leaves us in the dark. The platform holds nothing to aid us. The Senator from Mississippi stands mute or speaks in oracles as unintelligible and as incomprehensible as are the opinions of General Cass himself. Embarrassed as I am, and utterly at a loss how further to proceed in these hitherto unavailing inquiries, it is barely possible that I hold in my hand what may show that I am engaged in a wild-goose chase, that I am in search of the philosopher's stone, that I am vainly attempting to grasp an evanescent shadow, in short, that I am looking for an opinion where none exist, or if it exist, it lies hidden in the deep, dark and silent recesses of the mind that formed it. It is a very curious thing that I am about to present to our friends of the democratic party, Mr. President, do you recollect anything of the "Kane letter?" The fruits of that letter were so perfectly miraculous; the electing of a man who in his wildest mood had never dreamed of such elevation over the head of the foremost man of the age—I say, such were the fruits, that a bold, reckless, sagacious, I will not say unscrupulous party would not be likely to abstain from the use of like means, when working heart and soul for a like result. No, sir. Here is a second edition of the "Kane" principle. Principles, says the Senator from Mississippi, are indestructible, eternal. I suppose that may be true, whether good or bad. The latter in the hands of skilful, adroit and unprincipled tacticians, are capable of an infinite variety of applications, and with a little ambi-dexterity such as that which once appeared in a "Kane letter," may be revived as at once ornamental and useful in the life of a distinguished statesman. I hold in one hand, "A sketch of the life and public services of General Lewis Cass." I hold in the other, "A sketch of the life and public services of General Lewis Cass."

Mr. FOOTE.—Where were they published?

Mr. MANGUM.—They were published at the Congressional Globe office, Jackson hall, D. C., price 50 cents per hundred copies.

Mr. FOOTE.—Will the Senator inform me where he obtained them?

Mr. MANGUM.—It is sufficient that I have them. The Globe office will not dare deny their publication there; their types speak the truth, and if needs be, there is other evidence at hand. One of the pamphlets has written upon it "North," the other "South." One is evidently designed for a northern latitude and the other for a southern. The one, as I supppose, designed for the North contains on the last page an eloquent outburst of Mr. Cass on the Mexican war, in reply to some poor remarks of mine. I will not detain the Senate by reading them, as we have all been thrilled and electrified by them heretofore. It contains also on the same page a long extract from a speech delivered by Mr. Cass, at Odd Fellows Hall in this city, at a meeting held to express the sympathies of the American people with the people of France upon the result of the late French revolution. It also has on the same page an account of Mr. Cass's nomination for the Presidency, with some remarks upon his qualifications, public services, his age, his virtues and his manners, but not one word on the "Wilmot proviso." On the preceding page there is a very slight notice of Mr. Cass's vote on the three million bill in the winter of 1847, and against the attaching of the proviso to that bill, from which the inference is fair and plain that he voted against it, because it was out of place there and for that reason only. The other pamphlet designed, as I suppose, for the South, has on the last page the same remarks by Mr. Cass in reply to me; nothing upon the subject of the French revolution. But the "Wilmot proviso" and his opinions on it are strongly and impressively noted by the biographer, with a commentary calculated to mislead the public, utterly false in its reasoning and conclusion, as I trust, I have conclusively shown in a preceding portion of my remarks. The pamphlets are in all other respects, as far as I have been able to see, identical, precisely alike. I read what is found in this pamphlet for the South on the "Wilmot proviso." It is as follows:

"In December, 1847, General Cass gave his views at length upon the 'Wilmot proviso,' in a letter to Mr. Nicholson, of Tennessee. In that letter he avowed himself opposed to the measure, and to the exercise of any legislation by Congress, over any of the territories of the United States, respecting the domestic relations of their inhabitants. He believed that all questions of that nature should be settled by the people themselves, who ought to be allowed 'to regulate their internal concerns in their own way;' and that Congress has no more power to abolish or establish slavery in such territories than it has to regulate any other of the relative duties of social life—that of husband and wife, of parent and child, or of master and servant. He said, in conclusion:

"To the United States, as a political community, the whole question is one of domestic policy, having no relation to the Union, as such, and to transfer it to another, created by the people for a special purpose, and bound to the subject matter involved in this issue, by none of the ties or principles we go back to the end of peace and safety. Leave to the people, who will be affected by this question, to adjust it upon their own reasonable and, in the main manner, and we shall render unnecessary to the strongest principles of our government, and furnish another guarantee to its permanence and prosperity."

Mr. FOOTE.—Does the Senator charge that there is any repugnancy or conflicting principles in the two pamphlets?

Mr. MANGUM.—They do not come in conflict, for one takes the road directly to the North, the other the shortest cut for the South.

Mr. FOOTE.—Does the meaning conflict?

Mr. MANGUM.—The meaning of the two is not at all coincident. They do not approximate each other on the "proviso;" there is no similitude on that subject; there is manifest incongruity, and I think, antagonism. In the pamphlet for the North General Cass is represented as voting against the "proviso," because offered by a federal Senator from New England, with a view of embarrassing the administration in a vigorous prosecution of the war. We all know that General Cass in season and out of season, whether sleeping or waking, always went for a "vigorous prosecution of the war." Why, I can almost fancy that I now see the late Senator Cass rising from his seat, with his good-natured face slightly touched with a shade of anxiety, and moving "the postponement of the previous order, and to proceed to the consideration of the ten regiment bill," and if opposed, I can almost see the slight air of bustle very slightly tinging, I don't say detracting, from his bearing, invariably courteous and gentlemanlike.

Mr. HANNEGAN.—Will the Senator allow me two or three words, as I have been notified that at the close of his speech another bill will be called up, and I shall not then have an opportunity of making any observations? I trust the Senator will not, for one moment, suppose that either General Cass, or any friend of his, would ever countenance the publication of documents for one region of country different from those published for another. I know not where these two documents proceeded, nor by whose authority they were published, but I am authorized to assure the honorable Senator that the Congressional committee, appointed to prepare and publish documents, have nothing to do with anything of the kind; on the contrary, they have unanimously and expressly declared that no document should go out with their authority that was not intended for each and every part of the Union. Can the whig party make a similar declaration?

Mr. MANGUM.—I am not at all surprised at any sensibility that is exhibited by the Senator from Indiana. I should feel it myself. But I have advanced no charge against General Cass that he had any participancy in any such meditated fraud. Nor have I any reason to believe that such is the case. As to what gentlemen may do in this House or the other, I know nothing. I do know, however, that here is a plain, palpable case of meditated

fraud—one of great enormity—seeking to mislead and delude the people upon matters of the highest delicacy and greatest importance to their interests.

While your jails and penitentiaries groan with culprits, convicted of "false pretences and frauds" in trifling pecuniary matters, what ought to be done with the vile malefactor who, by flagitious frauds like this, cheat the people, not out of a few shillings, but out of their dearest rights, in matters touching their private happiness and the public prosperity!

Here are the pamphlets—I hand them over to the gentleman to examine—hoping they may be able to investigate the fraud, trace it to its source, drag the guilty culprit from his hiding place, and expose him and his infamy to the scorn, the hisses, and the contempt of the public.

Mr. FOOTE.—The letter of General Cass respecting the Wilmot proviso was written as early as December—long anterior to the French meeting—and I would ask the Senator, as a candid man, if it is not reasonable that the friends of General Cass should desire to promulgate his views and opinions in regard to the French revolution; and whether that is not sufficient?

Mr. MANGUM.—I certainly think it would be very proper in a life of General Cass, published as late as June, 1848, a reference should be made to his views upon the late French revolution. They could not have been referred to in the March edition. But I do not see the propriety of excluding from the June pamphlet all the matter contained in the March edition upon the "Wilmot proviso"—a question so widely agitating and deeply dividing the public opinion.

I cannot conceive how the biographer should have deemed a sympathizing speech of more moment to the public, in a sketch of the life of a candidate for the Presidency, than his views upon a great and ab-orbing question, that some, in the excess of their alarms, imagine may shake the pillars of the Union. It cannot be so. The purpose must have been suspect—should such was meditated. To shake the pillars of the Union! The "Wilmot proviso" to shake the pillars of the Union! I feel no such apprehension. These fears are idle—they are ridiculous. This Union, thank God, is not in the keeping of ambitious political aspirants or disappointed politicians. This great work of Washington and his compatriots—the ark of our safety—sprinkled with the best blood of the Revolution, consecrated to the affections of our countrymen—this Union, in its strength and its grandeur will repose upon the hearts of twenty millions of freemen; and when factionists, agitators, and conspirators shall assail it, will remain as firmly and quietly seated on its foundation as do the eternal Alleganies in the midst of a transient summer tempest.

Sir, I am a southern man, identified with southern institutions; I take a common destiny with my countrymen, whether for weal or for woe; I would live or I would die, as I trust, by the side of my countrymen upon a proper occasion; but as to this "Wilmot proviso," as a practical question, I regard it as of exceedingly slight importance. I stand by the rights of the South; I reject this "proviso," as implying an offensive disparagement: I resist it, as having no warrant in the constitution, in good faith, or in equal justice. But what is it after all? Of what practical importance is it? Where can it apply to the real detriment of southern interests? Can New Mexico become a slaveholding country? A secession of bleak and sterile hills and volcanic mountains—fit only for pastoral life or mining operations—with no land for cultivation save only the narrow valley of the Rio Grande, which winds its way as a riband amongst rocks, barren hills, and rugged and bare volcanic mountains; and that valley packed with a population for two hundred years beyond the capacity of the soil to support but for the flocks and herds that wander and browze among the hills and mountains. Sir, talk not of periling this Union for New Mexico, or the whole of Mexico, or the whole wide world. This, the home of our fathers, great, free, and happy—our own happy home—the home we would transmit to our children—to peril this; and for what? For lands, that no wise man desired. No, sir; I had rather see New Mexico and California engulfed by an earthquake, receded to Santa Anna, or held in independence by its own degenerate population; I had rather see any or all of these than to disturb deeply the harmony of this Union. Our first duty is at home; our mission is "to promote the general welfare, to form a perfect Union, and to secure the blessings of liberty to ourselves and our posterity." To peril this Union! To destroy it! It cannot be done. I have an abiding, never-failing confidence in the virtue, good sense, and patriotism of our people to defend and preserve it against all its enemies, foreign or domestic. Sir, what virtuous man who loves his country, and is proud of its glories and renown, could suffer that image of its greatness that he bears about with him in his heart to be dashed to the earth as a mirror, and shivered to pieces, each fragment reflecting but the broken fragments of divisions, sections, and States of this once glorious and happy republic? None, not one; for all the broad lands that all the empires of all the earth could give him. But, sir, I quit this topic. I had no idea of touching it. My business just now is with much smaller things—"*de minimis*." I talk. Well, sir, there was another question I asked the other day. I got no answer—none that I could understand. I asked what were Mr. Cass's views on the subject of internal improvement?

Mr. HANNEGAN.—What are General Taylor's views on that subject?

Mr. MANGUM.—General Taylor will leave that subject to the wisdom and sound discretion of Congress. I propounded the interrogatory the other day to the Senator from Mississippi. What would General Cass do with the river and harbor bill? I suppose Mr. Cass is in quite a dilemma. I believe he has uniformly voted for all the internal improvement bills. If I am in error, I beg his friends to correct me. He certainly voted for that harbor bill which met Mr. Polk's veto. But then he was free—he was not in chains—he had not voluntarily assumed the fetters of the Baltimore platform. What would he do now with that bill; or rather what could he do? In the platform I find the following canon:

"That the constitution does not confer on the general government the powers to carry on a general system of internal improvements."

This, like the rest of that inimitable platform, is quite general and indefinite enough. But, unfortunately for Mr. Cass, Mr. Polk, who gave in his adhesion to this article, has given his exposition of it by vetoing the harbor bill that Mr. Cass voted for. Notwithstanding great and extensive clamor against Mr Polk's veto, the Baltimore convention readopted this canon, and approved by resolution Mr. Polk's conduct. Mr. Cass has given in his adhesion to this creed; and now what can he do? Of course, in like case, exactly what Mr. Polk did. I trust this is not a case where Mr. Cass, by virtue of his former votes, is to stand in the North and on the lakes as an internal improvement man, and in the South, particularly in the Ancient Dominion, as a straight-laced '98 and '99 man—out and out against all internal improvements by the general government. In decency, I feel bound to suppose that Mr. Cass will adhere to the principles of the platform; and where they are a little Delphic, that contemporaneous expositions will be his guides. So, if this "wave of opinion" is hard frozen, and shall never thaw under the sun of popularity or the woonigs of soft breezes, coming up the great Mississippi and its great tributaries, we may set down Mr. Cass as against river and lake harbor improvements.

But, sir, these matters are of comparative insignificance. My objection to the election of Mr. Cass to the Presidency, takes a higher and deeper range, and is connected with higher and graver matter. I consider him as the true representative of the worst type of democracy—of that portion of it which I regard as fraught with most danger to the peace, prosperity, and enduring glory of the country. After all we have seen, who could hope, in the event of the elevation of General Cass to the Presidency, that we could pass through the four years of his administration without being involved in one or more wars? Opinion throughout the world is in strange and fearful commotion—portentous of change—deep, radical, and sanguinary. Speculations bold, daring, audacious are aiming to sap the foundations of existing political systems, and are threatening with disintegration the social. The power of the press, in conjunction with the example of the only really free political and civil institutions, are just beginning to be felt and developed. That power and that example will go on working their wonders. The results will be seen in the fall of dynasties, the crushing of thrones, and the toppling down of monarchies and despotisms. The upheavings of that great down-trodden mass of human beings, like the fabled Enceladeus, may, in their frantic writhings and contortions, throw up and broadcast over Europe, the smoke, the ashes, the fires, and the burning lava of revolution. The first great shock has been felt, and thrones, and cloud-capped towers, and gorgeous palaces have passed away and disappeared. There is now a troublous and fearful pause in this great phenomenon. The heart of Europe quakes in the fear of the unknown future. May God, in his kind providence, bring order and liberty out of this wild chaos of struggle and of passion. What may not be feared when these down-trodden millions shall have severed their chains, and burst from their manacles, feeling a buoyant sense of enlargement; untaught in the simplest elements of regulated liberty, feeling a keen, stinging sense of revenge for past oppression: and more, a consciousness of irresistible physical power? What may not be feared? Is there any satisfactory ground to believe or to hope that Europe will not, at no distant day either, be enveloped in war? In that event, what should be the policy of this country? It has been marked out by the great Washington. Is that policy likely to be respected by the proud, the passionate, and the reckless progressive democracy? At such a crisis is it safe to elevate to the Presidency the one, more than all others, representing that type of the democracy? What is the distinctive characteristic of that portion of the democracy that Mr. Cass most truly represents? What is it as exhibited steadily and uniformly during this administration?

It is "jealous of honor and quick to insult." It is aggressive, reckless, grasping, and, I fear, rapacious. It is addicted to quarrel with strong proclivities to violence and excess. Bearing itself boldly, haughtily, and offensively, with a courage that never quails, with a rashness that defies danger, and whose maxims scorn to count the cost in life, in money, or in good repute in the world, when stimulated by passion or impelled by popular cupidity. This bold, aggressive spirit first disclosed itself in the Oregon controversy. Mr. Cass was thoroughly identified with the extremest views on that subject. The question had been under discussion for more than twenty years between the British and American governments. That discussion had been conducted with good temper on both sides. It was apparent there were deep and honest convictions on both sides, entirely in conflict. Compromise or war between two proud, haughty, and powerful nations was obviously the only alternatives. We had just compromised a dispute very similar in many of its features with the same power, in a spirit of magnanimity, justice, and a sense of mutual convenience. After this compromise negotiations had been opened under the auspices of the Senator from South Carolina [Mr. CALHOUN] and it was in progress marked with a kind and friendly spirit.

Mr. Polk comes into power. He at once and peremptorily asserts our claim to the whole of Oregon as clear and unquestionable. Forestalling all amicable settlement, he takes the alternative of unconditional concession on the part of Great Britain, or war. Every one knew the concession was impossible, and, therefore, (in the language of Mr. Cass) "war was inevitable." Without saying any thing about the taste, what was the wisdom or policy of such a course, I leave to the judgment of others.

This question of war was settled by the firmness of this Senate, and a wise policy on the part of Great Britain. The country owes more, under Providence, to this happy co-operation than to the wisdom or the prudence of the Executive department of the government, or of Mr. Senator Cass. When the historian shall come to consider this part of our annals, I think it probable he may long doubt, as many of us have doubted, the real objects and purposes of the Executive. Whether the Executive *bona fide* and in fact meant to push out the pretensions he had set up, or whether, feeling that he had come into the Presidency with but little character, he meant to make "a name and a fame" for boldness, spirit, and high patriotism—relying in the last resort upon a mediation between the "British whigs" and the "nullifiers" to hold him up and to thwart and arrest the extreme energy of his patriotism. So, that if he should get neither war nor the whole of Oregon, he might go before the country with high claims for asserting all the people's rights, which he undoubtedly would have obtained but for this unholy coalition. There were some of us who were determined that this shallow stratagem, if it existed at all, should not be played off on us successfully. Whatever were the purposes, this is certain, that the President, when nobody did hold him up, had the coolness and philosophy to hold himself up. "Oh, my countrymen, what a fall!"

Let me do General Cass the justice to say, that when his leader backed out of this dangerous controversy, he submitted with the most imperturbable good humor. General Cass is a warrior, and his leader might have been, had he lived in the days of Agamemnon.

The war with great Britain having been settled—this "name and fame for spirit" might be extinguished forever, if one could not be got up elsewhere. We had exactly the state of relations with Mexico that most favored these ambitious aspirings. With a statesman at the head of our government, the war with Mexico might have been avoided as easily as I can now avoid offering you, sir, a personal indignity. Had the Senator from South Carolina [Mr. CALHOUN] remained in the State Department, and his wise counsels could have prevailed, we should have had neither war, or scarcely the rumor of war. The matter of Oregon being settled, with a wise forbearance the Mexican matter would have settled itself. For with all the vaunting and gasconading spirit of Mexico, she never would have thought seriously of war against us but for the hope and expectation that we would at the same time be engaged in war with Great Britain. In that event she might have hoped for much, but alone and single-handed she never would have dreamed of it.

Disregarding this obvious policy, the Executive pushed into Mexico a minister who acted upon them more like a firebrand than a messenger of peace. The President sent an army from Corpus Christi to the Rio Grande. That made the war inevitable. It was an act of war—the one-man power in its worst, most dangerous form—and I hold him and his advisers—the country and posterity will hold him and his advisers, General Cass as one of them—responsible for this dangerous violation of the constitution, and for all the blood and treasure that that war has cost our people. It may be that it was not wickedly begun; if not, the President weakly blundered into it, and I may say he blundered out of it; for peace came against all Executive expectation, and when, in truth, they had no one in Mexico authorized to make a treaty. Yet when come it did, it is due to the President to say—he being probably more anxious for peace than any other man in the republic—that he patriotically and, I think, wisely overlooked serious irregularities, and against a strong opposition in his cabinet, took the responsibility and sent the treaty to the Senate. I do not desire to stint my commendation of the course—next to not doing wrong at all, is the virtue of repairing it as soon as possible; and here let me say, in justice to General Cass, that notwithstanding his high war spirit, and that the ten regiment bill was not passed through the Senate, yet with commendable assiduity he set about getting the treaty ratified. But General Cass, not to be thwarted wholly, though he had not got or "swallowed" the whole of Mexico, yet he afterwards got through his ten regiment bill; and but for the Baltimore convention calling him from his post—to the loss of his country—if the ratification in Mexico had been a little longer delayed, it cannot be doubted that Mr. Cass would have got through his twenty regiment bill also.

That this war has been prosecuted from the very first with views of territorial aggrandizement, is now obvious to every one. If it did not originate in views of that sort, it was continued to signalize and illustrate an administration that had little hope of achieving much in the higher walks of statesmanship. Mr. Cass has encouraged, aided, and stimulated every excess. The election of Mr. Cass will be but the elongation of this incompetent and dangerous administration, grown into greater hardihood and rashness by reason of the singular good fortune with which they have escaped the natural consequences of their want of judgment and forecast. The aggressive ambition of this portion of the democracy is boundless and unappeasable. When it shall lift its foot again under the auspices of Mr. Cass, it will be planted on the Sierra Madre, Tehuantepec, and, perhaps, Cuba.

Mr. FOOTE.—Is the Senator opposed to receiving accessions of territory?

Mr. MANGUM.—Yes, sir, I am opposed to the acquisition of a foot of territory by conquest, or in any other manner, unless with the general concurrence of my countrymen. I prize the harmony, mutual confidence, and kindly feelings among the States of this Union, above all acquisitions made, or ever to be made.

Mr. FOOTE.—The Senator has announced himself as being opposed to the peaceful acquisition of Cuba?

Mr. MANGUM.—Yes, sir, I am opposed to the acquisition of it, but there may be greater evils than the acquisition of Cuba.—I do not desire to see Cuba change its nationality. I should be unwilling to see that great key, that commanding position in the gulf, in the hands of any great and formidable naval power. It might be a less evil to acquire it. It might be a case requiring the interposition of all our power and resources to prevent it. But these are hasty and unconsidered intimations, and I shall reserve to myself, in imitation of the Senator's model statesman, Mr. Cass, the liberty of giving a new edition, if upon consideration, I shall deem it expedient or necessary. Regarding Mr. Cass as restless and aggressive, as having but little appreciation of any fame, but that which is enthroned under the shadow of laurels steeped in blood—seeing him always ready to augment the Executive power, even now overshadowing and fearful—seeing him always the apologist of Executive usurpation or abuse, having been him for the last four years, always bowing at the footstool of power—in a word, believing him as yielding to power, as he is unsteady in his policy and opinions—I should regard his election, which no body now expects, as a great national blunder, perchance, catastrophy. A race of intense ambition is always dangerous to the virtues. I have thought that I have seen in General Cass a disinclination, and I read no simulated homage to his blunders, the weaknesses, and the vices of this administration, wholly unbefitting a high, proud, pure, intelligent and inflexible patriot. I could hope I have been mistaken; for I owe him personally, no unkindness, but the reverse. It gives me pain to have to deal so freely with his public character. If I speak in a light and irreverent tone of mockery, and scoffing, it may be, that a lurking feeling restrains me from a more stern and burning indignation. If he shall miscarry in his enterprizes of ambition, as from present appearances, miscarry he must—I could hope that no agonizing grief shall fall upon him, to embitter the remnant of life, such as Cardinal Woolsey writhed under, when in his extremity, he exclaimed, "had I served God as diligently as I have served the king, he would not have given me over in my grey hairs."

Sir, I turn from these reflections, and look out for a safe resting place for the country and its great interests in this crisis of troubles and portentous change. I think, I see safety in the great and conservative principles of the whig party, and the representative of that party. I mean General Taylor. And here let me say to the Senator from Mississippi, that I have just read his printed speech in the main with much pleasure. There were a few things I regretted to see. I regretted to see such labored disparagement of General Taylor's understanding. He writes nonsense, says the Senator. I am very sure, when the heat and excitement of debate shall have passed away, the honorable Senator true to his instincts of justice and generosity, will regret the passage even more than I do. Again. The Senator speaks of a letter concocted here, "deceiving and deluding, &c." I know nothing of the origin of the letter. This is certain, whether written by General Taylor or not, its sentiments were his and published by his authority. Now, I appeal to the gentleman's candor, to say, whether he believes that General Taylor would intentionally deceive or delude any human being? Again. Speaking of Mr. Fillmore. The Senator charges him with being favorable to the "Wilmot Proviso," not upon any word that he [Mr. Fillmore] has spoken or written—neither is alleged—but upon circumstantial evidence detailed in a letter of Mr. Croswell's, and upon divers extracts from divers newspapers, &c. Now I submit to the Senator whether angry extracts from partizan and perhaps, venal and subsidized prints, is the sort of evidence that should find its way into this body to impeach or exonerate any one of opposite politics—not by statements of facts, but upon surmise and inference. Sir, it is the least reliable and most untrustworthy evidence of which I can conceive. Libel and vituperation are the vocation of the licentious press. Many an angry and unprincipled libeller fishes up day by day his dirty and dependent bread from the vile pools of slander and calumny. What public man escapes the malignant shafts of a licentious press? If any, he is shielded by his insignificance rather than by his public virtues and public efficiency. Why, sir, let me remind the Senator, that he too, has been the mark for many a personal arrow—for the most unmeasured vituperation. Is there any one here who would rake into those vile reservoirs of calumny, for matter of impeachment against him—him whom we know and respect, for his high impulses and generous and frank nature? No, sir—not one. I would scorn it from the bottom of my heart. That there are presses, and many of them conducted with perfect honor and veracity, we all know—and yet we and they know there are many others, a disgrace to the profession. That great engine of modern civilization is entitled to all respect, when pure, and the severest condemnation when otherwise

But to return—this debate of the honorable Senator's and mine is a sort of model debate—its gyrations, sinuosities, and episodes are without limit, coherence or continuity. I have said safety might be found in the whig policy, and in their leader, General Taylor.

The Senator from Mississippi has drawn a strong and vivid picture of the eminent abilities, the large attainments, and the thorough accomplishments of General Cass in all things pertaining to public affairs—of his steadiness, his perseverance, his manliness, his independence of power—his singleness and frankness—concealing no opinions—giving no conflicting assurances—his fearlessness, as a statesman, of popular clamor—and his abhorrence of being elevated to high station by management, dexterity or in any way, than upon a full inspection and consideration of every act, sentiment, principle, or inclination of his mind. The Senator indicates, that General Cass may be regarded as carrying his heart in his hand, and opening to the public gaze the deep, dark, and mysterious recesses of that most mysterious of all created things. This picture is presented in contrast with that of General Taylor —and this latter exhibits General Taylor as utterly ignorant—as having no mature opinions on public affairs, a mere soldier—as an equivocator—exhibiting woudrous variety as to the substance of his opinions—as having flooded the country with electioneering letters—as a mere epistolary driveller—filling his friends with regret, and his enemies with commiseration—as writing "long, verbose and meaningless letters, full of false grammar, confused ideas, and the most rude and unpolished nonsense." In short, the substance of what the Senator said, is, that General Taylor is an ignorant, equivocating, electioneering character—having no opinions; or, if he have, withholding them, and taking the benefit of conflicting and false interpretations—or, what is the same thing, being "art and part" in a fraud sought to be played off upon the people of the United States.

Now, Mr. President, look on this picture, and now on that—the first is the democratic Hyperion; the latter, the whig Satyr. Now, my first observation is, that if the honorable Senator will strike out the names, and exhibit the pictures simply, there is not a man, woman, or child in the United States that would take the one for General Cass, or the other for General Taylor. I have always heard, and readily believe, that General Cass is unexceptionable and kind in his domestic relations. Why, sir, his very children would not recognize the portrait that the Senator—who is a skillful artist—has painted for their kind, affectionate, and dearly beloved father. And again, those children—some of them I have known as models in excellence and accomplishment—who affectionately wear in their inmost heart the image of their dear father, would see almost as little resemblance between that image and the portrait by the Mississippi artist, as we see between his Hyperion and his Satyr.

But what shall I say of the portrait of General Taylor? Would his children recognize it? No, sir; no. They might look upon it as the picture of a low, vulgar, ragamuffin deserter, who had just returned from the wars. Sir, the artistical skill of the Senator reminds me of a vulgar story that I have seen or heard somewhere of the Dutchman's horse painted at first with masterly and exquisite skill, and exhibited in public with paints and brushes at hand, for all the amateurs—the judges of horse flesh—just to touch and alter, so as to exhibit a perfect animal. The amatuers, (they were doubtless democrats of the genus-locofoco,) went to work, one elongated the ears, another—but you know the story—at length a non-descript was produced, and but for "horse" written under, none could have known what it was ass, lion, or horse. The Senator first works at the ears, (that is instinct—democratic instinct) but he should recollect that the merest dauber might make an ass of Bucephalus—the proud Bucephalus that spurned any rider but the master of the world. I would commend the next efforts to be made upon the mane, and if he can paint a few pearly "dew-drops" on the said mane, he may have awakened in his mind an idea of the noble and powerful animal, before which the demonocratic rambles, and rumbling—will fly.

Sir, to be serious, this studied disparagement of General Taylor need not, and ought not, to excite a feeling of indignation. The ravings of despair are objects of commiseration—not of resentment. They can do no harm. The people of this country have sense, they have sagacity, they have judgment. They are better judges of men, and the worth of men, as I verily believe, than even this Senate. I mean no disparagement of this body—which for talent, virtue, and patriotism, need not shrink from a comparison with any other. But I mean the people live, move, and have their being in a clear, pure, and calm atmosphere; no cliques, no passions, no prejudices, no artificial standards, no personal interests strong as we have to bias and thwart strong, sound, plain, common sense. No, sir, this studied—I must think—ungenerous disparagement, can do no harm. I have no purpose to eulogize General Taylor. It would be as offensive to his simple tastes and delicate sense of self-respect, as it would be unbefitting me. I am not, by nature, strung and tuned to give out the music of eulogy and encomium to men in power, or to be in power. It is not my wont—to me, it would be a new vocation. Sir, I leave him in his simple dignity and grandeur of character—"when unadorned, adorned the most." Would you have the *Venus de Medici* furbelowed and flounced in the tinselled finery of modern millinary? Would you have the statute of Hercules crowned with a tawdry cap and feathers? Would you have me weave garlands for the pinnacles of the *Sierra Madre*, that lift their heads and bathe their naked brows in sunlight far above the region of the clouds? Given down to immortality as they are in history, in poetry, and in song, by the associated glories of the hero of Monterey and Buena Vista, I leave them in their simple grandeur. The people well know how to estimate him. His strong sense, fine sagacity, and unerring judgment—firmness of purpose, incorruptible integrity—and his open downright frankness and honesty of heart—firm and fearless as it is kind and humane. His expansive views—looking to the whole country as his country, and every part of the country as his part of the country—knowing no partizan cliques or mere sectional interests—planting himself upon the constitution and the whole constitution, and serving the people and the whole people. All this the people know well.

Sir, I shall support General Taylor, and support him cordially, as the true representative of all the great conservative characteristics of the whig party. I shall support him as a man of peace—as opposed to all wars of conquest—as opposed to that rapacious policy that would pick a quarrel with a neighbor, and then seize his goods. I support him for his sound constitutional views in regard to the relative duties of the respective departments of the government. King Veto will not be put in chains, but confined to his proper sphere. He will not be permitted, as a marauder, to make forays upon every department of the government and upon every public and private interest. I support him also, because I believe he will suffer the will of the people to become the law of the people within constitutional limits; because I believe that things that lie before us in the unknown future may be of vastly more magnitude than all the transient party questions of the day; and because I have confidence in his moderation and good sense above all, in his moderation and right-mindedness. If I have learned any thing in public life, it is, that pure intentions and single-mindedness, with strong good sense, is worth more than the most splendid abilities and the largest experience without them. It would be sad were it otherwise. He who seeks what is right, and seeks it with singleness of mind, will rarely miss it. What care I whether General Taylor can or cannot play at a game of sophisms with expert and dexterous political dodgetricians? What care I whether he can, with "metaphysical scissors,

> Sever and divide
> A hair 'twixt north and northwest side.

What care I whether he has exact and precise views (do we all have them?) upon many of the transient and unimportant questions of the day. Might not Washington have been worried in political metaphysics—say the resolutions of '98 and '99—by many a knight of the green bag, scarce out of his "teens?" and one, too, who would not have been intrusted by his neighbor with the trial of a cause of the value of one hundred dollars? And yet the people intrusted in the hands of that same Washington the honor, the safety, and glory of this great republic. Were they unwise?

What I do care to know is, that his views are moderate, conservative, national—all tending to peace, to wholesome and gradual development, and progress. He who has learned by experience the miseries and horrors of war, if he be a good man, will generally be the most strenuous advocate of peace as long as peace can be preserved with national honor. Who so pacific as Washington? Who could have curbed the wild passions and preserved peace during the phrenzy of the first French revolution but Washington? Who so powerful an advocate of peace on the continent of Europe as he who struggled on a hundred battlefields—Soult? Who has done so much to preserve the peace of Europe as Wellington, the conqueror of Napoleon? And Taylor, with equal virtue, equal moderation, and equal bravery, will act upon the wise maxims of peace.

Mr. HANNEGAN.—I do not rise to reply to the Senator from North Carolina, or to follow him through all the windings of his lengthened speech, but simply to make an explanation in relation to the pamphlets which he saw proper to hold up to the Senate as designed, one for the North and the other for the South. Since I made the brief explanation which was hastily given to me by a gentleman, a member of the other House, who happened to be in this Chamber when the charge was made, I have received the full explanation. I put it to the Senator from North Carolina, for whose character as a gentleman of honor I entertain the most sincere regard, whether there is in fact, any importan or essential difference between the two editions of this biography of General Cass? My attention has been called to this matter for the first time by the Senator from North Carolina, and before to-day I never saw the publication. It seems that the first edition was issued in March, and the second in June, and that in the last edition an extract from the proceedings in the national convention is substituted for a reference to the proceedings of certain State conventions which appeared in the first edition. I must confess, then, that I was not prepared for what appeared to me to be the uncandid course of the Senator from North Carolina.

Mr. MANGUM, (in his seat.)—No uncandid course upon my part.

Mr. HANNEGAN.—I said what appeared to be an uncandid course; and certainly that was the last quarter in which I expected to find any want of candor. But it is said that there is an omission in relation to the Wilmot proviso. Let us examine this charge presented with such imposing gravity. I find that a brief extract of some nine or ten lines from the letter of General Cass to Mr. Nicholson of Tennessee, is omitted in the June edition. And why? I have the explanation to make by authority from the Gen-

office, and I presume no man here will pretend for one instant that either Francis P. Blair or John C. Rives is capable of uttering a falsehood. The young man who wrote this biography of which an edition was issued in March, was desirous, after the nomination had been made at Baltimore, to introduce some new matter—the letter for instance, of General Jackson to General Cass, which was published after the biography was written; and was also desirous to substitute for the State nominations a portion of the proceedings of the Baltimore convention. The price of the work for general distribution was fifty cents a hundred copies, and if new matter had been introduced without omitting some of the old, the size of the pamphlet would of course have been increased and its price enhanced. In these circumstances it became necessary to omit some of the matter in the first edition in order to give place to the additions which were desired.

A SENATOR, (on the whig side)—Indeed!

Mr. HANNEGAN.—Ah! Let him sneer whose heart and conscience are clear of fraud. I now ask the Senator from North Carolina—and I appeal to the whole Senate—if at the first blush it did not appear as if the words "north" and "south" had been inscribed upon the pamphlets by the parties by whom they were issued?

Mr. MANGUM.—I meant, certainly, to convey the idea that the words had been written upon the pamphlets since the publication, and nobody could have supposed otherwise.

Mr. HANNEGAN.—This is a most serious charge. It imputes fraud to the democratic party—a party that to this hour has never been sustained by fraud or collusion—never, never! I will say to him on the authority of the conductors of the Globe office, that not a single copy of the edition published in March has gone to the country since that of June was emitted. Sir, General Cass stands far beyond the reach of any such assaults. What man is there who ever retired from a seat in this body with higher honor. Even Henry Clay himself, who once honored a seat there, on that side of the chamber, never took bolder ground—never more promptly assumed his position upon every question than did Lewis Cass. In vain can you attempt to fasten upon him any charge of inconsistency; and as for this petty fraud which you fancied you had established, his friends spurn it with contempt collectively and individually. We hurl it back, as the offspring of a heart as base and as black as hell itself.

Mr. MANGUM.—Does the Senator mean to apply these odious epithets to me?

Mr. HANNEGAN.—No, sir. Certainly not; I intended to apply them to all who would impute such a despicable fraud to us.

Mr. MANGUM.—I have listened to the explanation of the honorable Senator with a great deal of interest; but I must confess that I am not entirely satisfied. Upon a question so leading—a question so profoundly interesting—a question that is supposed to shake at this moment the very pillars of this Union, I must be permitted to say, the omission, and as it certainly appeared, the studied omission of the sentiments of General Cass in one edition of his biography, while they were retained in another edition does look very much like meditated fraud. At all events, it strikes me that the substitution of an extract from a speech about the French revolution, though its eloquence might have surpassed that of Cicero and Demosthenes, for the declaration of his sentimenis in the Wilmot proviso was in very taste.

Mr. HANNEGAN.—Why, what has been excluded? A mere extract from this letter to Mr. Nicholson, which has been published and republished in every paper in the Union.

Mr. MANGUM.—Not only that extract, sir, but the preceding paragraph which draws conclusions, as I undertake to say, utterly erroneous in reference to the contents of that letter. Will the Senator look at it?

Mr. HANNEGAN.—I will read it, sir, with great pleasure.

"The Wilmot proviso is such a blot in the history of the legislation of this country, that I cannot but regret that it has ever been introduced into the halls of legislation. I am not prepared to say that I would not, under any circumstances, consent to the principle of a specific purpose, and function to the subject matter involved in this case. By going back to the principles, we go back to the real of peace and safety. Leave to the people, who will be affected by this question, to adjust it upon their own responsibility and in their own manner, and we shall render another tribute to the original principles of our government, and furnish another guarantee for its permanence and preservation."

Mr. MANGUM.—But the honorable Senator excludes the preceding paragraph, beginning with the words, "In December, 1847, General Cass," &c.

Mr. HANNEGAN.—Shall I read that also?

Mr. MANGUM.—If you please.

Mr. HANNEGAN.—This is I suppose the paragraph to which the Senator alludes.

"In December, 1847, General Cass gave his views at length upon the 'Wilmot proviso' in a letter to Mr. Nicholson, of Tennessee. In that letter he avowed himself opposed to the measure, and to the exercise of any legislation by Congress, over any of the territories of the United States, respecting the domestic relations of their inhabitants. He believed that all questions of that nature would be settled by the people themselves, who ought to be trusted to regulate their internal concerns in their own way," and that Congress has no more power to abolish or establish slavery in such territories than it has to regulate any other of the relative duties of social life, that of husband and wife, of parent and child, or of master and servant. He said, in conclusion:

I now read a portion of the letter which the Senator from North Carolina did not read.

But, after all, it seems to be generally conceded, that this restriction, if carried into effect, could not operate upon any State to be formed from newly acquired territory. The well known attributes of sovereignty, recognized by usage belonging to the State governments, would sweep before them any such barrier, and would have the people to express and exert their will and pleasure. Is the object, then, of temporary exclusion for so short a period as the duration of the territorial governments, worth the price at which it would be purchased?—worth the discord it would engender, the trial to which it would expose our Union, and the evils that would be the certain consequence, let that trial result as it might?"

Mr. MANGUM.—I did not read that, because I did not have General Cass's whole letter before—I had only the extracts in the pamphlet.

Mr. HANNEGAN.—Yet that is the strongest part of the letter, and distinctly—as I understand it—and I think I understand it—asserts———

Mr. MANGUM.—Will the Senator allow me to explain?

Mr. HANNEGAN.—Certainly.

Mr. MANGUM.—I did not read it, because it is not contained in either of the editions which I had. That is surely a very satisfactory reason for my neglect. Let me give the history of these various editions. Two were placed in my hands, and I read them in order to ascertain if they were identical. I found that they were precisely so, with the exception of this matter touching the Wilmot proviso. In this one, intended for the South, in an extract from the Nicholson letter, with the commentary of the biographer, and I think his deductions are false. In the other, the only reference to the Wilmot proviso is that contained in a very brief paragraph alluding to Mr. Cass's vote on the Wilmot proviso, and assigning as a reason that it was urged at that time with a view of impairing the reign of the administration in the prosecution of the war. Let me here remind the Senator that I took occasion to remark that I felt it due to myself to state that I imputed nothing to General Cass as taking part in this matter. I know that hungry mendicants hang upon the skirts of all parties—the leeches that desire to gorge themselves—and that they are capable of the lowest, dirtiest, and most detestable artifices.

Mr. HANNEGAN.—I believe that I know the author of these biographers of General Cass. He is a young man, whom I have met accidentally. He is about twenty-five years of age, and judging from his countenance, which seems frank and open, I think he is incapable of fraud. But, indeed, there is no fraud in the case. The explanation which I have given, shows that no fraud has been attempted—no fraud committed. Take the whole letter—the famous letter of General Cass to Mr. Nicholson—and can there be any doubt as to the sentiments of our candidate? And certainly you must take the text and the context together. The gentleman from North Carolina is a lawyer, and an able one. He has honored the bench, and knows that it is against every rule of law to extract a single sentence without taking the context. But it does seem strange to me, that representing the gallant old State of North Carolina, the Senator, whom I have always been proud to call my friend, should have assailed General Cass for holding doctrines conservative of the domestic institutions of the Senator's own State.

Mr. MANGUM.—I never made any such charge. I said that he had made no avowal upon the point at issue.

Mr. HANNEGAN.—Does not the last extract which I have read contain an avowal—a very strong and explicit avowal? The Senator from North Carolina himself could not desire one more emphatic. But, will my friend pardon me if I ask why it is, that while assailing our candidate for what he thinks proper to term bad principles, he did not come forward with some of the principles of his own candidate? He has assailed our platform at Baltimore—where is your platform at Philadelphia? Here it is—(holding up a blank sheet of paper,) not one solitary principle is inscribed upon it. You take your candidate on trust. You once took John Tyler on trust, and never were curses of execration so deep and so loud as those which you have never ceased to pour out upon his devoted head. But you are ready to take another upon trust. You have nominated General Taylor—and I am the last man alive that would assail him as an individual—I believe him to be a good, honest, brave old soldier. But, by his own admission, he never cast a vote in his life for any officer, from constable up to President. You say you will dictate to him. But we seek in vain for any indications of your policy. True, you assail us for the Independent Treasury, which has given security to the finances of the country; and on account of the tariff of '46, which is this year yielding us thirty-two millions, although you told us it would not bring over sixteen or seventeen millions. You assail us also on account of this Mexican war; but remember that General Taylor was a great instigator of it, and a leading actor in that war. Nay, the Senator from North Carolina himself earnestly aided in giving to that war an official character.

Mr. MANGUM.—(in his seat.)—Protesting against the preamble all the time.

Mr. HANNEGAN.—The Senator says that he cannot comprehend our principles by our resolutions. Let him look at our practice—let him see the results of this very war. I thank the Senator for his aid. His course was patriotic, as I believe his heart to be. The war has resulted in the acquisition of an empire. But, then, the Senator charges us with covering up our principles in language which cannot be comprehended. Pray what proclamation of principle do you make to the country? At Philadelphia—

here, everywhere, it is "old Zack for President and old Whitey for Vice President!" Yes, so it was openly proclaimed in the Philadelphia convention. And are you certain that the gentleman who made that nomination will not be a member of the cabinet, and insist in making "Old Whitey" a judge of the Supreme Court? Caligula made his horse a consul, and built him a golden stable, and an ivory manger, as my friend suggested. These are your principles—this the proclamation of your policy. And yet you assail us for having demolished the bank of the United States, whose gigantic arm overspread the land, and in whose grasp the public liberty had well nigh perished! You assail us for having destroyed your tariff of '42, which built up such colossal fortunes as that of the accomplished gentleman who can give fifty thousand dollars every three or four months to inscribe the name of "Abbott Lawrence," on some great literary or charitable institution. We broke it down, and enacted a law which stopped the accumulation of millions in individual hands, and increased the comfort and the means of the great masses of the people. But, then, you have nominated "Old Zack" and "Old Whitey." It may be that the intelligence of the American people has become suddenly blind. Madness may have seized upon us. The times are portentous. One of the signs of the times was alluded to in a very pleasant spirit by my friend from North Carolina—the demonstration made by that arch-apostate to his country and his party—Martin Van Buren. It may be that madness has seized upon the land, but I will not believe it. On the contrary, I believe that the ides of November will show the Senator from North Carolina and his friends, rising from the banquet which they would fain taste—the banquet of the spoils—as, in the language of England's more than Homer—

> "Rose the Doric strong,
> Herculean Samson, from the harlot lap
> Of Philistean Delilah, and walked
> Shorn of his strength."

Yes! in the very act of raising that Taylor flag you are doomed to be forever shorn of your identity and strength.

Mr. JOHNSON, of Maryland.—I do not rise for the purpose, at this time, of discussing the question before the Senate. The Senator from North Carolina informed the Senate that he had in his possession two pamphlets, containing a sketch of the life and services of General Lewis Cass; and that finding them on examination to be different in certain particulars, he was led to believe that one was intended for circulation in the North, and the other for circulation in the South, and had so endorsed them. His reason for that supposition was, that in one of the pamphlets he found, what purported to be the sentiments of Lewis Cass on the Wilmot proviso; and that in the other he was unable to find anything on that subject, except a very brief reference, which was calculated to make the public believe that General Cass would have voted for the proviso in other circumstances. The passage alluded to will be found in the edition which is supposed to have been intended for the North, and is as follows:

> "In the winter of 1847 the Wilmot proviso was introduced into the Senate, as an amendment to the three million bill, by a federal Senator from New England. The design of the mover was evidently to defeat the passage of the bill, by which it was attached, and to embarrass the administration in the prosecution of the war. General Cass voted against the proviso, for reasons given in his speech on the occasion."

It is evident that a casual reader, not acquainted with the reasoning given, would have supposed from this passage that, but for the proposed amendment, General Cass would have voted for it; and that his vote was given against the amendment, in order to prevent embarrassment of the Administration in the prosecution of the war. That paragraph the Senator from North Carolina informed us was also to be found in the pamphlet which he imagined was intended for the South. But, in order to retain it palatable in that latitude, it was accompanied by a portion of a letter said to have been written—and no doubt was written—by General Cass to Mr. Nicholson. And in introducing that he says:

> "In December, 1847, General Cass gave his views at length upon the 'Wilmot proviso' in a letter to Mr. Nicholson, of Tennessee. In that letter he avowed himself opposed to the measure, and the exercise of any legislation by Congress over any of the territories of the United States, respecting the condition of their inhabitants. He believed that all questions of that nature should be settled by the people themselves, who ought to be allowed 'to regulate their internal concerns in their own way,' and that Congress has no more power to abolish or establish slavery in such territories than it has to regulate any other of the relative duties of social life—that of husband and wife, of parent and child, or of master and servant."

That portion of the edition purporting to be published in March is not to be found in that edition purporting to be issued in June. Taking these two pamphlets together, the Senator from North Carolina was, I think, perfectly justified in supposing that, by whomsoever these two pamphlets were prepared, the opinion to make them exactly the same was for the purpose. That finding an exact similarity between the two in every thing excepting this one particular, he was justified in the inference that the pamphlets were intended for different meridians, and that, as the South felt exceedingly sensitive upon the subject of this interference by Congress with the rights of southern citizens to migrate to the territories of the United States with their slaves, their good opinion was to be won by convincing them that this democratic nominee would veto any bill looking to any such unjust, or supposed to be unjust, discrimination between the rights of citizens of the South as compared with those of the North. Now, I understand the explanation of the honorable Senator from Indiana, which he supposes to be entirely satisfactory, to be this—that the French revolution having intervened, or the intelligence of it having been received, after the issue of the edition of this biography issued in the month of March, it was thought proper by the biographer——

Mr. HANNEGAN, (in his seat.)—And after the nomination at Baltimore.

Mr. JOHNSON.—I understand. It was thought proper by the biographer to give to the public the opinions of General Cass on that revolution and the questions connected with it; and that in order to do so, and at the same time keep the pamphlet within such a compass as would enable the publishers to dispose of it at the contemplated price, it was necessary to omit some portion of the March edition, as otherwise the pamphlet would exceed the number of eight pages, and of course be charged with higher postage.

Mr. HANNEGAN. (in his seat.)—And a higher price. It was done at his own discretion altogether.

Mr. JOHNSON.—That, then, is the explanation. What is it worth? It may be satisfactory to my friend from Indiana, and perhaps, standing *per se*, it may be satisfactory to others; but notwithstanding the indignant feelings of the Senator from Indiana, expressed with that impulsiveness which characterizes him, and which does dim honor—notwithstanding the emphatic declaration of the Senator that the democratic party is incapable of fraud, he needs not be informed that partizans on either side are sometimes doing that which honorable men would scorn to think of doing. But the explanation has no existence in fact.

Mr. HANNEGAN.—I had it from a member of the House.

Mr. JOHNSON.—He may have been taken in, as the Senator was taken in. The unfortunate "federal Senator" [Mr. CURTISS] having heard something of the issue of these pamphlets obtained possession of copies, one of them dated in March and one in June. Now, what will the Senator from Indiana say in behalf of that young man, only "twenty-five years of age," with a countenance beaming with candor and frankness, when he is informed that in the copy of the June edition which has fallen into the hands of the Senator from Vermont there is no such omission!

Mr. HANNEGAN.—I will give you the names of my authorities for the explanation. General Bayly, of Virginia, and Howel Cobb, of Georgia.

Mr. JOHNSON.—Honorable men! And you are "all honorable men!" Now, will my friend from Indiana have the goodness to take that edition dated in March, which came into the possession of the Senator from Vermont, and do me the favor to see whether, on the eighth page of that pamphlet, something is not said of Gen. Cass's opinion of the Wilmot proviso.

Mr. HANNEGAN, (with the pamphlet in his hand.)—Yes, it is here, sir.

Mr. JOHNSON.—Now, that is left out, says the Senator, in the edition of June, in order to make room for additional matter. But I hold in my hand a copy of the edition of June in which that very omitted passage is to be found. So then, we have two editions in June, one intended for the North and the other for the South.

Mr. FOOTE.—Will the Senator allow me to ask him a question?

Mr. JOHNSON.—When I have concluded, I will allow the Senator any thing.

Mr. FOOTE.—I merely wish to know whether these editions were issued by the same authority and by the same person; whether they are not second and third editions of the first pamphlet issued by other persons?

Mr. JOHNSON.—They have all been published at the same office; they are all printed on the same paper, in the same type; and, for aught that has appeared to the contrary, written by the same young man of only "twenty-five years of age," with the frank and candid countenance.

A word or two upon the apparent purposes of that publication, and I have done. It was stated, during the last campaign, (and every one conversant with the history of the election knows that it was true,) that publications were issued to the North which never found their way to the South, and *vice versa*. I am well aware that my valued friends of the democratic party are as incapable as any of us of perpetrating such a fraud for such a purpose as that of elevating any man to the Presidency—a position conferring honor only when obtained by honorable means. But such things have been done. Why, I ask, in the name of all that is decent, honorable, and of good report, why is it that we find issuing from the "Congressional Globe" office—from the democratic hall—from "Jackson Hall"—two versions of the life of General Cass, the same almost in all particulars, except in this single particular, about which the public mind is more sensitive than on any other subject? Why is it that there issues from that office not only two editions, dated one in March and the other in June, characterized by such a difference; but that, in the month of June, the same month of the same year, in the same city, and from the same office, there is found emanating two editions of this biography marked by the same designed difference? It is no error of the press. The compositor is not to be visited for the sin. How did it happen? It did not do itself. Who did it?

Mr. HANNEGAN.—(in his seat.)—Some villain!

Mr. JOHNSON.—No doubt! I say, too, it was "some villain!" and what has been done since the deed was perpetrated? I make bold to say that hundreds of thousands of these editions of June have been scattered broad-cast over the land—the one in the North and the other in the South. I did rejoice to hear the Senator from Indiana make the explanation which was apparently satisfactory. It gives me unmixed gratification to believe that within the atmosphere of Congress, there could be found no man base enough to act either as employer or employee in the work of attempting thus to deceive the public for such a purpose. But the explanation fails to the ground. The facts set it altogether aside. Talk about "platforms!" There is but one platform which can command any respect. It is the platform of honor and integrity. Honorable men of all parties must unite in indignant reprobation of the miserable artifice—the paltry trick, which this day's discussion has detected and exposed. Nor let it be said that this divergence from the question directly before the Senate, has been profitless, or a waste of time. A base attempt to delude and defraud the American people has been frustrated. The author of it, whoever he may be, stands convicted of "false pretences" in the judgment of the whole community.

Of Gen. Cass's pretensions to the Presidency, I shall speak hereafter on a proper occasion. But if here, no man would more indignantly denounce than he, this miserable trickery which would almost disgrace that class of our fellow men who are so degraded as to seek the means of support by cheating at the gambling table. Their operations are limited to a small circle; but this mode of electioneering, pernicious and detestable as it is, affects the interests of the people of the United States, and not their's alone, but those of all who love constitutional freedom throughout the world.

Mr. HANNEGAN.—I am very much surprised by the disclosure which has been made by the Senator from Maryland. Had I been aware that there were two June editions of this biography of General Cass, I would have announced that fact to the Senate.—When I interrupted the Senator, I was satisfied that there must be some mistake about this matter, and I think so still. At once and however, on the part of every democratic member of both houses of Congress, I disclaim all participation in this transaction. On the part of every friend of General Cass, I indignantly repudiate any share in any attempt to deceive the public mind. As to the nature of the occurrence itself, permit me to say one word in reply to my friends from Maryland and North Carolina. The omission, alteration, difference, or by whatever other name you please to call it, is quite unsubstantial. Whoever may be the unhappy and misguided man who made the alteration, if it was designedly done, it is perfectly preposterous to bring the thing forward as a grave charge against General Cass and the democratic party. Why has it been presented here? Is this chamber to become a mere arena for Presidential gladiatorship? Are we to step from our high estate and sink into the mere business of electioneering for rival candidates for the Presidency? I protest against every thing of the kind. I hold a seat in this chamber to be far elevated above all those fancied enjoyments of the station to which so many aspire, and in pursuit of which so many have gone mad. Why should we waste our time in discussing the pretensions of Presidential aspirants? Do you want the history of Lewis Cass? Do you wish to investigate his principles? If you do, go study the history of the country from about the middle of Mr. Jefferson's administration to the present hour. Do you desire to know his political views upon any of the great questions that agitate the country? Go to your journals—to the records of your proceedings and debates, preserved here by your faithful official reporter. There you will find his sentiments declared with that frankness and manliness which characterize him. There is no dodging about him. The record of your debates shows, that he was always prepared to declare his views and sentiments, and that every interrogatory and every demand met a full and prompt response. This is the record that we read daily, north, south, east, and west, and I do protest against this attempt to hold General Cass and the democratic party responsible for this alleged deception.

Mr. MANGUM.—We do not hold him responsible for it.

Mr. HANNEGAN.—Well, then, I have nothing more to say on the subject.

Mr. FOOTE.—It must be obvious to all that the Senator from Maryland has failed most egregiously in his attempt to establish his charge of there having been two editions of the life of Cass published in this city under democratic direction, one for circulation in the North, and the other in the South; differing from each other in regard to the Wilmot proviso. The truth is—as I am told can be easily proved, if necessary—that there never have been two editions on hand at the Globe office at the same time; and that, of all the editions published, as large a number were sent to one section of the Union as to the other. In addition, I will remark, that there is really no repugnance, or very material difference of any kind, between the two editions which have been subjected to criticism here, so far as the Wilmot proviso is concerned. One of these editions runs somewhat more into detail on this subject than the other, which it was deemed expedient to enliven and adorn with the letter of General Jackson, and General Cass's views in regard to the revolutionary movements in France—a subject which he is well known to have discussed at a public meeting in this city some time after the first edition of his life had issued from the press. Besides, sir, this earnestly urged charge becomes perfectly ridiculous when we reflect upon the fact that General Cass's letter to Mr. Nicholson, plainly declaring his hostility to the Wilmot proviso, has been published, in pamphlet form, by thousands upon thousands, and distributed all over the republic, and has been republished in every leading democratic and whig newspaper on the continent; so that it cannot be possible that any intelligent man can any where be ignorant of his true attitude. Why, sir, I have seen some ten or a dozen different lives of General Taylor, and some of them ridiculous enough, God knows; but who ever thought of holding him or the whig party responsible for any of them? I will not argue this matter gravely; I scorn to do so; it is unworthy of this body and the respectable Senator who introduced it to our notice.

The Senator from North Carolina, [Mr. MANGUM,] has closed his elaborate defence of General Taylor; an address characterized by ability, learning, and a peculiar astuteness of mind. But all will admit, who have listened to it, that he has given no new information to the Senate and the country relative to General Taylor's political opinions. This is just as I had anticipated, and had before-hand ventured to predict. Surely, if any one knows anything positively on this subject, the Senator from North Carolina cannot remain in ignorance. He is one of the most prominent leaders of the whig party; and though it be true, as he says, that he is but newly initiated in the Eleusinian mysteries of Taylorism, yet sufficient time having elapsed since General Taylor's nomination to allow the Senator from North Carolina to give in his adhesion to him, I do not see why we might not reasonably demand from him one or two substantial political reasons at least for supporting him as a Presidential candidate. If not originally as much in the confidence of his chosen candidate as some others, I trust that he at least occupies such an attitude at present as will enable him to learn all that it is important for him to find out concerning the principles of his candidate, to enable him to do efficient service in his support.

Mr. President, I regret that my friend, the Senator from North Carolina, who so decidedly declines a regular vindication of the whig ticket, should have put himself to the trouble of assailing that of the democratic party. More especially do I regret that he should have gone out of his way to denounce General Cass's alleged change of opinion upon the Wilmot proviso. I have heretofore explained the conduct of General Cass in regard to this imputed change of opinion, and will not trouble the Senate further on the subject at this time. But before my friend from North Carolina so boisterously complains of General Cass's supposed inconsistency, and charges it so fiercely to be a deeply disreputable thing for a statesman of years and experience to undergo and confess the least alteration of judgment upon a grave public question, I am of opinion that it would be at least decent in him to reflect, that perchance he is not himself now the advocate here of all the principles which he once zealously maintained. I shall not go at large and minutely into the history of that worthy Senator, for the purpose of pointing out his inconsistenceies; but there is one remarkable change of opinion, made manifest by the Senator for the first time, I believe, in the progress of this debate, which is altogether so glaring and material that he will excuse me for making specific reference to it. He will please recollect, that while the Senator from North Carolina was addressing the Senate, I propounded several interrogatories to him, which he undertook to answer. Among them were the following: What were General Taylor's views touching the origin of the Mexican war? Did he believe it to have arisen by the act of Mexico, or by the act of the United States? Was Mexico in the right in regard to the commencement of the war, and our country in the wrong? Or was Mexico in the wrong, and our country in the right? The honorable Senator avowed that he could not answer for General Taylor, but had no hesitation in answering for himself; and, in doing so, declared, that it was his deliberate conviction that the war had been commenced by the President of the United States, and unjustly and unnecessarily commenced by him. I shall not stop now to defend the President and our own country from the present animadversions of the Senator from North Carolina. I prefer reminding the Senator of what he himself said in this body, on a very noted occasion. When, sir, on the 12th day of May, 1846, a bill was received from the House of Representatives, entitled "An act providing for the prosecution of the existing war between the United States and the Republic of Mexico," and was undergoing considering in this chamber, the honorable Senator from North Carolina addressed the Senate at some length, and used, in the progress of his speech, the following language:

"He had no disposition to embarrass the passage of the bill. He should, however, greatly hesitate to vote for it in its present shape, inasmuch as it was equivalent to a declaration of war; but he was prepared at once to vote supplies to any amount, whether of men or money. All he asked was, that the *political* question as to the *actual existence of a war* might be separated from the vote of supplies. If the friends of the Administration wished their fifty thousand men and their ten millions of dollars, they could have both in half an hour, if they would not embarrass the bill by connecting it with the other questions." * * * * "They were not willing to assume the fact, without evidence, that a state of war between the United States and Mexico did actually exist. *Suppose that the troops which crossed the Rio Grande* [Mexican troops of course] *had acted without the authority of their Government*, (as now, Mr. President, we know they did not,) and that the collision which had unhappily taken place was *owing to their own unauthorized act*, was any Senator prepared to say that, according to the doctrines of national law, this constituted a state of war between the two nations? *The act of these military officers* might yet be disavowed," &c. * * * * "If we were actually at war, then he was under the impression that our forces ought to cross the river, and that we should not stop until we had dictated peace at the capital of the Mexican empire."

Well, Mr. President, we have since ascertained, and the Senator will not deny the fact, that all which was done by the Mexican officers and soldiers referred to, so far from being disavowed by their government, was done by express orders of that government, and has been repeatedly sanctioned and justified in the most solemn and formal manner. We all know that a state of war did actually exist on the 12th day of May, 1846, not by the unauthorized act of Mexican officers and soldiers, but under the express authority of the Mexican government; and the President ascertaining these to be the actual facts of the case, did, in accordance with the recommendation of the Senator from North Carolina, use all the men and money placed in his hands, in the vigorous prosecution of the war, and has actually "dictated peace at the capital of the Mexican empire." And now what is the conduct of the Senator from North Carolina? Why, he turns short round upon the President, asserts that he brought it on, and not the Mexican government at all, and denounces him the harshest manner for what he has thought it incumbent upon him to do in vindication of the national honor. If the Senator from North Carolina will specify one such act of inconsistency in the whole history of General Cass as a statesman, I shall be willing to admit that the censures which he has bestowed upon him are not wholly undeserved.

Mr. NILES—I think, sir, that the Senator from Mississippi has done remarkably well! I rise only for the purpose of saying, that considering this as a "ratification meeting," and comparing it with the accounts of similar meetings all over the land, I must congratulate the Senate and the country that it has been conducted with so much decorum and propriety! There have been no cheers, no groans, no hisses. All that seems to be wanting is the introduction of a resolution for the ratification of the nominations of Presidentinl candidates. Whatever their powers of defence, I must congratulate honorable gentlemen on both sides on their ability in assault. They have reminded me of an anecdote of Dr. Franklin. Two men got into a violent quarrel, and after abusing each other, and calling all sorts of hard names, they agreed to refer the matter to the Doctor. The Doctor heard their statements, and then remarked, that he did not understand the matter himself, but it was undeniable that the individuals aggrieved seemed to understand each other remarkably well. In the present instance each party appears to have a much better acquaintance with his opponent's side than with his own! Each has been very successful in attacking the candidate of the opposite side, but neither successful in defending his own. I rose for the purpose of saying that I think this irrelevant debate has proceeded far enough; and I shall feel it to be my duty to make a point of order if it is persisted in.

Mr. CLAYTON then obtained the floor, and,

On motion,

The Senate adjourned.

WEDNESDAY, JULY 5, 1848.

REPORT FROM THE TREASURY DEPARTMENT.

The VICE PRESIDENT laid before the Senate, a report of the Secretary of the Treasury, made in compliance with a resolution of the Senate, communicating information in possession of the Treasury Department, in regard to the manner in which the interest on the public debt has been paid at Boston, New York, Philadelphia, and other places, which was read and ordered to be printed.

PETITIONS.

Mr. NILES presented two petitions of citizens of Troy, New York, praying a reduction of the postage on letters.

Ordered, That they lie on the table.

SURVEY OF RED RIVER.

Agreeably to notice, Mr. JOHNSON, of Louisiana, asked and obtained leave to bring in a bill to provide for a survey of the Red river from its mouth to the head of its navigable waters, which was read the first and second time by unanimous consent; and it was

Ordered, That it be referred to the Committee on Commerce, and that it be printed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed a joint resolution designating of two brass field pieces captured at the battle of Bennington in 1777, in which they request the concurrence of the Senate.

The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate for the signature of their President.

THE ADJOURNMENT RESOLUTION.

The Senate resumed the consideration of the resolution passed by the House of Representatives, fixing a day for the adjournment of Congress.

Mr. NILES.—I gave notice the other day, that if this debate was followed up, I should raise a point of order.

Mr. CLAYTON.—I believe I have the floor.

Mr. NILES.—I will allow the Senator to proceed of course, as he is entitled to the floor; but if he pursues the irrelevant course which this debate has already assumed, I shall be compelled to call him to order.

Mr. CLAYTON.—I do not know that I should have troubled the Senate upon this resolution, in relation to the subject which is the common topic of discussion here, had I not been directly and personally appealed to by the Senator from Mississippi, who seems to apprehend that I have some particular knowledge of the views and opinions of General Taylor upon the various political questions which are agitated in this country. I am averse, as all who know any thing of my course here will acknowledge, to the introduction of topics which are irrelevant to the matter before the Senate, and I feel now the awkwardness of my position in rising to discuss, before such a body as this, matters which have no sort of pertinency to the subject under consideration. Yet, appealed to as I have been by the Senator, I cannot withhold a full and free expression of my own opinions in regard to those topics which have excited so much interest in him. Let me say in the outset I have no other means of access to the opinions of General Taylor than those which every other citizen of this republic has.

Mr. NILES.—I rise to a question of order. And my point of order is, that this discussion, in regard to the character, qualifications, and general fitness of General Taylor, of General Cass, and other candidates for the Presidency, is irrelevant to the question before the Senate, and hardly consistent with the decorum of this body, or the dignity which we ought to maintain. It is a range of debate which, I believe, has never been tolerated here since I have had the honor of a seat in this body.

Mr. WESTCOTT.—I very much regret, that the Senator from Connecticut should have felt bound to raise this question of order. Since the Senator intimated his intention to raise the question, I have examined the rules of the Senate, and I can find nothing therein, that will authorize the Presiding Officer to determine that this debate is not pertinent to the subject of the resolution. Besides, if Congress can settle the point, as to who is best entitled to be elected to the Presidential chair, the people will be relieved from the trouble of determining the question.

PRESIDING OFFICER.—The Senator is aware, that a matter of this sort must be decided without debate.

Mr. FOOTE.—I wish to set myself right.

PRESIDING OFFICER.—The question must be decided without debate.

Mr. FOOTE.—I merely desire to make an explanation.

Mr. BERRIEN.—The Senator's object can be attained, by taking an appeal from the decision of the chair. The question will then be open to debate.

Mr. CLAYTON.—I wish to say a word before the chair decides.

SEVERAL SENATORS.—Oh, no, let the decision be made.

The VICE PRESIDENT stated that he had been, for several days, of opinion that the debate on this resolution had taken too wide a range; and now, that the point was made, he decided that the Senator from Delaware was out of order.

Mr. CLAYTON.—From that decision I appeal; and I wish to state to the Senate the grounds upon which I make the appeal. The honorable Senator from Mississippi, who introduced this subject into the discussion, told us that he supposed that gentlemen on this side of the chamber—friends of General Taylor—were anxious for an early adjournment, and their object was to avoid a discussion of those very topics to which he said he was about to provoke us. This subject, then, having been connected with the discussion upon the resolution, I think it is not out of order for us to pursue it. We wish to show, what is true, that we do not aim to shorten the session for the purpose of avoiding any question that may be proposed. And I think I need only appeal to the justice of gentlemen on the other side, after all that has occurred here, to allow us to be heard in reply to the interrogatories of the Senator from Mississippi. The debate has proceeded until all that can be said on one side has been said, and now with what propriety can gentlemen refuse to allow us to reply? I make my appeal to their sense of justice as well as their generosity, to reverse the decision of the chair.

Mr. MANGUM.—With a view that no precedent may be set to embarrass the progress of the Senate, I move that the question of order, together with the appeal lie upon the table. I understand the effect of that motion will be to leave the discussion open as before.

Mr. TURNEY.—The chair has decided the discussion to be out of order, and it must be so considered, therefore, until that decision is reversed.

Mr. MANGUM.—My purpose is, if the motion I have made prevails, to follow it with another motion, that the Senator from Delaware be permitted to proceed.

Mr. CALHOUN.—Will the Senator withdraw his motion for a moment.

Mr. MANGUM.—Certainly.

Mr. CALHOUN.—I am sorry that this debate has arisen, but having arisen, and having been permitted to proceed thus far, I doubt the propriety of cutting off the debate at its present stage. The point of order should have been made earlier, and not having been made, the better way will be to permit it to go on to its conclusion, with the understanding that it shall conclude to-day.

Mr. BERRIEN.—I feel all the embarrassment of my position under the sense of duty which, as a member of this body, I feel that I owe to the country. I would hear the Senator from Delaware with great pleasure; I believe with the Senator from South Carolina, that the debate ought to have been arrested long ago, but I cannot persuade myself, that because I have failed to do my duty heretofore, I am absolved from the obligation to perform it now. I ask of Senators, if we are meeting the wishes of our constituency by a discussion of this sort? We are approaching the termination of the session; there is important business to transact; the country is looking to us to transact it, and we are doing what? Employing our time with the discussion of questions with which we have nothing to do. I cannot, under a sense of the duty I owe to the country, acquiesce in this thing. I regret that the debate has gone thus far, and I regret that gentlemen, if the decision of the chair is sustained, will not have an opportunity of expressing their views as fully as they desire upon all questions; yet I think that the Senator from Connecticut in making the motion he has made, has performed the duty that was incumbent on him.

Mr. FOOTE.—It is most evident from the remarks of gentlemen who, I think, have not weighed the matter as they should have done, before they made those remarks, that I am responsible as the originator of this debate. The debate is pronounced to be out of order, and I am recognized as the main offender. I am very clear that this debate is as strictly in order as any debate that has occurred since I have been a member of this body. Who is to prescribe for us the course of argument we are to pursue upon

any question? I presume there can be no rule of the Senate which makes it necessary that a member should practice hypocrisy, and conceal his real opinions. I entertain an opinion—and that opinion I have stated solemnly and earnestly—that the desire manifested by some members of the body to have an early day for adjournment was dictated by a disinclination on their part to meet certain issues. I stated that I was anxious to ascertain what disposition was likely to be made of a great question connected with the organization of the territories of Oregon, California, and New Mexico; I was desirous that that question should be settled before we adjourned, for if not settled, I apprehended that fearful consequences might ensue. And I stated, with equal explicitness, that I was unwilling that Congress should draw its labors to a close before we had ascertained the views and opinions of a certain distinguished member of the whig party, who is before the people as a candidate in the Presidential contest. Is it not a fact, that members of the Senate and of the House of Representatives, have been part and parcel of the convention by which their candidate was nominated, and is it not reasonable to demand that they should disclose, upon what principles the contest is to be conducted on their part? I confess that I am responsible for the commencement of this debate, and I know that most of the members of this body with whom I am in the habit of acting, so far from censuring me for having done so, record their approbation; and as to the debate being irrelevant, Senators will bear me out in saying that it is not more so than many other debates that have taken place here. Some years ago, I recollect, the Senator from Massachusetts made one of the most masterly speeches ever made in ancient or modern times, and the Senator from South Carolina, in replying to that speech, remarked that the Senator had spoken upon every question but the one before the Senate, and to that he had not given even a passing glance. I have heard a good deal said about Senatorial usage, and I undertake to say that Senatorial usage will bear me out in the course I have pursued in relation to this debate. If I am wrong, I have not erred without precedent. And not to allow the Senator from Delaware an opportunity to discuss the question would be doing him serious wrong.

Mr. HAMLIN.—I was myself gratified that the Senator from Connecticut deemed it his duty to arrest this debate. I shall vote to sustain the decision of the chair, because I believe it is right, and because we can do it without discourtesy to the Senator from Delaware. I design to do it without entering at all into the question as to the propriety, or the importance, or the origin of this debate. When this resolution came from the other house, the opinion was expressed by gentlemen who had long held seats on this floor, that we should undoubtedly be able to adjourn at a much earlier period of time, if we were to agree upon a time for adjournment and return the resolution to the House. In the discussion of the resolution it would certainly be appropriate to allude to the various subjects that will necessarily come before us for our consideration, but it would be clearly out of order and inappropriate to discuss the principles or the merits of those measures for the purpose of deciding upon a longer or shorter period as the time for adjournment. I shall be as much gratified as any member of this body to listen to the Senator from Delaware when he shall have occasion to address the Senate, and I would suggest to the Senator, if it would be equally satisfactory to him, to let us hear from him upon some question that will hereafter come before us, to which the remarks that he proposes to make will be more appropriate. I trust, however, that the decision of the chair will be sustained, for it is in accordance with parliamentary law, and it will enable us the sooner to close our duties here. If the interests of the country were to be forwarded by it I should be willing, for one, to sit here in ratification meeting during the remainder of the year; but as I conceive that there is no propriety whatever in such a course I trust that this debate will be closed.

Mr. MANGUM.—I hope the Senator from Delaware will withdraw his appeal.

Mr. CLAYTON withdrew the appeal.

Mr. MANGUM.—I now move that the Senator from Delaware be permitted to proceed, and upon that motion I call the yeas and nays.

They were ordered.

Mr. BERRIEN.—I wish I could find in the motion which is now submitted to the Senate a relief from the embarrassment which I feel upon this occasion; but I cannot; and the yeas and nays being called I desire briefly to say, that the appeal of the Senator from Delaware being withdrawn, the decision of the chair that this debate is out of order, stands as the decision of the Senate. This is, then, a motion that the Senator from Delaware be permitted to proceed out of order. Upon that question I am willing to respond by my vote.

Mr. DOWNS.—I am very sorry that I feel it my duty to oppose this motion. I should certainly be gratified to hear the Senator from Delaware, and if I thought that justice to him required that he should be allowed to proceed, or if the debate had been entered into upon one side alone, I should certainly vote for the motion; for although I consider it very unfortunate that the debate has taken place, still I would not have refused an opportunity to gentlemen on that side of the chamber to participate. But is it not a fact that the debate has been confined to one side of the chamber. Gentlemen of both parties have entered into it, and if there be any difference, those upon that side of the chamber have been heard to the greatest extent. Now, it seems to me, that the debate ought to proceed no further, for if we have a speech from the eloquent Senator from Delaware, shall not we on this side desire to reply to it? In this way, there would be no end to the discussion. To sustain this motion would be, in effect, annulling the decision of the chair. I hope that by common consent the debate will now be terminated.

Mr. BORLAND.—It seems to me that until we have heard what it is that the Senator from Delaware is going to say, it is difficult to determine whether he is out of order or not. It is certainly an extraordinary course to decide that a Senator is out of order in debate before he has commenced his remarks.

Mr. BADGER.—I shall vote for the affirmative of this question, and I wish to state in three words why I shall do it. With the greatest respect towards the Presiding officer of this body, I am of opinion that the decision made by him upon the point of order was not a correct one; and I regret that the honorable Senator who took the appeal thought proper to withdraw it. I understand the case to be this—and I have learned it from the decisions of the Presiding officer heretofore made—when a debate arises upon any question, and gentlemen go into a discussion of matters not strictly pertinent to the question before the Senate, it is out of the power of any member, or of the Presiding officer, to arrest the progress of the debate, if not arrested at its inception; because it involves the unanimous consent of the Senate that the subject shall be discussed; and unanimous consent takes it out of the parliamentary rule.

Mr. WESTCOTT.—I find nothing in the rules of the Senate in relation to irrelevancy; the question of relevancy or irrelevancy, then, I apprehend is left altogether to the discretion or sense of propriety of Senators. And I should regret to see any rule enforced here which would limit and restrict debate. This body is differently constituted from almost every other legislative body. Its members being the representatives of sovereign States, the same rules, therefore, which apply to other representative bodies do not necessarily apply to this. I can see no great harm that can arise from any irrelevant debate that may occur here, for public opinion operating upon those who engage in such a debate will always serve to restrain it within due bounds. I shall vote for the motion for leave to proceed.

Mr. BUTLER.—The question has assumed some degree of complexity. It would seem that we were denying the Senator from Delaware the right to reply; but the form in which the question presents itself will not change my decision, nor induce me to alter my course in regard to it. I shall vote to sustain the decision of the chair. I would be as willing as any Senator to indulge the Senator from Delaware, but this debate has assumed a latitude unknown certainly heretofore in the American Senate. I dislike very much the tone of the debate; it is altogether unworthy of the Senate.

Mr. FOOTE.—I understand the Senator from South Carolina to say that the course the debate has taken is in violation of Senatorial usage, and that it does not harmonize with the dignity of this body. I should suppose that the magnitude and importance of the subject discussed would make it harmonize with the dignity of any deliberative body; and with regard to irrelevancy, I beg to call the Senator's attention to the case to which I have referred, where a distinguished Senator spoke for hours and days, without touching upon the question before the Senate. There are numerous cases of the same kind that might be cited, but this will suffice; and unless the Senator is prepared to disprove this precedent, I shall certainly expect from him some modification of this assertion, that a debate of this kind is without precedent. I maintain that, if I have erred in originating this discussion, I have erred with men distinguished for wisdom, and I would rather err with such men, than be in the right with ordinary men.

Mr. BUTLER.—I assure my honorable friend from Mississippi, that I had no intention of censuring him for having originated the debate. What I object to is that a debate so latitudinous in its character should be pursued. The Senator probably was not aware to what extent it would be carried, but he should recollect that sometimes, "Large streams from little fountains flow."

Mr. NILES.—The question now before us is a novel one in this body, or in any other. By a vote of the Senate upon yeas and nays, we are to decide whether a member of this body shall proceed in his speech "out of order." I am not disposed to debate that question. The point ordinarily is where a member has been called to order, that he shall be allowed to proceed "in order," and this carries with it an admonition to the Speaker, or Presiding Officer to keep him in order if he can.

But this debate has extended to the great issues that are before the country, and I beg to know if those issues have any bearing whatever upon the question of the adjournment of Congress? Sir, I have raised the question of order for two reasons: not merely because the debate was irrelevant—for I am an advocate for the utmost freedom of debate—but because I believed the debate to be unsuitable to the dignity of this body—derogatory to the position which I hope the Senate of the United States will ever maintain. Another reason was the importance of disposing of the public business, which is urgently demanding our attention. And we have now had a debate which has consumed two days of the

session, upon matters not connected with any one of the subjects of legislation before us, but relating to the views and opinions of the candidates who are to be brought forward at the Presidential election. What must be the judgment of the people of this country upon such a proceeding as this? I have listened to the debate with the deepest pain and regret; and Senators contend that it cannot now be arrested, having been allowed to go on thus far. This is a very extraordinary position indeed. If the debate was out of order at the beginning, does it become less so because it has been permitted to proceed for two days? And shall we suffer it to go on for weeks?—and that immediately consequent on the statement that has gone out, of the urgency of the public business and of the difficulty of disposing of it for want of time? It must be manifest to Senators that we are recklessly wasting the time in speeches that properly belong to the stump. It is a course of proceeding that is altogether unbecoming the Senate of the United States.

Mr. FOOTE.—I must be permitted to vindicate myself from the aspersion of having introduced a discussion that is unbecoming and derogatory to the dignity of the Senate. The Senator from Connecticut characterizes this debate as an indecent and reckless waste of time. If the Senator intends to apply such epithets to me, I hurl them back. I think the Senator was unfortunate in the selection of his phrases.

Mr. NILES.—My remarks had no relation to the connexion which the Senator has with the debate; they were in reference to the state of the public business.

Mr. FOOTE.—I understood the Senator as referring to the introduction of the discussion when he used the term. I would rather have any character in the world fixed on me than that of reckless. The Senator says that questions have been discussed here that the Senate has nothing to with. The Presidential election involves certain questions which are necessarily associated with it in the mind of every intelligent man in the United States. Now, let me ask this question—it is a grave question: Whether the Senator considers it more indecent or reckless to have these matters discussed here in courteous terms, or to sit at our desks and do what I belive the Senator has lately done, indite a long epistle to a certain newspaper in New England, entitled the "Liberator?" discussing a certain subject in a style not only little becoming a Senator of the United States, but were it not for the respect which I entertain for the Senator, I would say in a reckless manner—in a manner calculated to make every patriot ashamed of the author of such a production? Sir, the honorable Senator knows to what I allude. I ask the Senator whether he will not permit us, who are not so fond of leiter writing, but who prefer a friendly interchange of opinion here to filling the columns of newspapers with coarse and vituperative language, to indulge our preference? and I appeal to his magnanimity to bear with us, and I contend that he has furnished us with an excellent example for the discussion which has here taken place.

Mr. NILES.—I do not know that the Senator from Mississippi is responsible for any letter I may write.

Mr. JOHNSON, of Maryland—(interposing.)—What is the question before the Senate?

PRESIDING OFFICER.—The question is upon the resolution fixing the time for the adjournment of Congress.

Mr. JOHNSON, of Maryland.—Then I call the honorable Senator to order.

PRESIDING OFFICER.—The Senator will state his point of order.

Mr. JOHNSON, of Maryland.—The Senator from Connecticut is about to speak in reference to a letter said to be written by him. I have not the slightest objection to hear the Senator upon that or any other question, but if he is about to enforce upon the Senator from Delaware a rule, I insist that the same rule shall be applied to himself. I am perfectly willing that the Senator from Connecticut shall be permitted to proceed equally with the Senator from Delaware, but I am entirely unwilling that he shall go into new matter, and take up the time of the Senate with reference to topics which he will not allow the Senator from Delaware to discuss. I ask the decision of the chair.

PRESIDING OFFICER.—If the Senator goes into a vindication of the letter referred to, it will be out of order.

Mr. JOHNSON, of Maryland.—I now move that the Senator have leave to proceed.

Mr. BRIGHT moved that the further consideration of the resolution be postponed until to-morrow, with a view of taking up the Oregon bill; and on this question he demanded the yeas and nays, which were ordered, and it was determined in the negative, as follows:

YEAS—Messrs. Allen, Atchison, Atherton, Benton, Bradbury, Breese, Bright, Buckmaster, Dix, Dodge, Downs, Felch, Fitzgerald, Hunter, Johnson, of Georgia, Lewis, Mason, Sebastian, Sturgeon, Walker—20.

NAYS—Messrs. Badger, Bell, Berrien, Bayhie, Calhoun, Cameron, Clarke, Clayton, Davis, of Massachusetts, Davis, of Mississippi, Dayton, Foote, Greene, Hale, Hamlin, Johnson, of Maryland, Johnson, of Louisiana, Mangum, Metcalf, Miller, Niles, Pearce, Phelps, Spruance, Tappan, Underwood, Upham, Webster, Westcott—29.

Mr. TURNEY moved that the resolution lie on the table, and demanded the yeas and nays thereon, which were ordered.

The question being taken upon the motion of Mr. TURNEY, it was determined in the negative as follows:

YEAS—Messrs. Benton, Davis, of Mississippi, Downs, Hunter, Johnson, of Georgia, Lewis, Mason, Rusk, Sebastian, Sturgeon, and Turney—11.

NAYS—Messrs. Allen, Atchison, Atherton, Badger, Bell, Berrien, Bodland, Bradbury, Breese, Bright, Butler, Calhoun, Cameron, Clarke, Clayton, Corwin, Davis, of Massachusetts, Dickinson, Dix, Dodge, Felch, Fitzgerald, Foote, Greene, Hale, Hamlin, Johnson of Maryland, Johnson, of Louisiana, Mangum, Metcalf, Miller, Niles, Pearce, Phelps, Spruance, Underwood, Upham, Walker, and Westcott—32.

Mr. NILES resumed, and said that he only intended to show that the cases were not at all parallel. His position was, that they were responsible for the waste of time consequent upon the introduction of irrelevant matters in debate. In regard to his own course in the Senate or out of it, he was not called upon to defend it—not at all. He might submit to the Senate whether it was most consonant with the dignity that was supposed to belong to the Senatorial character, to write a political letter in answer to a call, at his room, or to leave the body and be absent for a week in the train of a political candidate—as a sort of tail to a Presidential kite. But he would not go into that matter.

Mr. BADGER.—Before the question is taken I beg to read the decision of the presiding officer, to which I referred a few minutes since. I find by reference to the official reports of proceedings and debates, that, on a motion to take up the bill for the occupation of Yucatan on the 4th of May last, a debate sprung up in this body about a great many matters, which were universally considered as not at all relevant to the question pending. After some time had been thus spent, I find that this decision of the presiding officer proceeded upon the ground that all the rules of the Senate are subject to be dispensed with by common consent. And if this be true in regard to the most solemn and strict rules of the body, there certainly cannot be any hesitation in applying the principle to a general parliamentary rule regulating the conduct of debate. The case is entirely analagous to the present.—It is clearly the duty of the presiding officer to arrest an irrelevant debate, but, if no objection is taken it is considered that the unanimous consent of the Senate has dispensed with the rule.—The rule becomes *pro hac vice*, suspended.

Mr. JOHNSON, of Georgia, said that if the question were on the decision of the chair, he should vote to sustain it. But, as that was not the question, and as the Senator from Mississippi had in the course of his remarks referred directly to the Senator from Delaware, he should now vote in favor of allowing that Senator to proceed.

Mr. HALE remarked that he had great respect, nearly approaching to reverence, for the Senator from Delaware, but his conviction of the impropriety of the debate was so deep, that he would be compelled to vote against giving him liberty to proceed.

Mr. FOOTE.—I am not at all surprized at the course of the Senator from New Hampshire, inasmuch as he never was guilty of any violation of parliamentary rules.

Mr. HALE.—Well, I did'nt mean to surprise any body!

Mr. TURNEY.—The motion is to allow the Senator to proceed out of order. That would establish a very bad precedent. I move to lay the motion on the table; and ask for the yeas and nays.

Two members only rising, the yeas and nays were not ordered; and

Mr. TURNEY withdrew his motion.

The question was then taken upon the motion to allow the Senator from Delaware to proceed, by yeas and nays, with the following result:

The question was then taken upon the motion of Mr. MANGUM, that the Senator from Delaware be allowed to proceed, and it was determined in the affirmative as follows:

YEAS—Messrs. Badger, Bell, Borland, Breese, Calhoun, Clarke, Corwin, Davis, of Massachusetts, Davis, of Mississippi, Dayton, Foote, Greene, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Lewis, Mangum, Metcalf, Miller, Pearce, Phelps, Rusk, Spruance, Underwood, Upham, and Westcott—26.

NAYS—Messrs. Atchison, Atherton, Benton, Berrien, Bradbury, Bright, Butler, Dickinson, Dix, Dodge, Downs, Felch, Fitzgerald, Hale, Hamlin, Hunter, Mason, Niles, Sebastian, Turney, Walker, and Yulee—22.

Mr. CLAYTON.—Mr. President: The decision of the chair was indeed unprecedented, and directly in opposition to his own solemn decision, on a case precisely similar to this, made by him only a few weeks ago. Neither I nor my friends originated this political debate. We were content to leave Gen. Cass and Gen. Taylor in the hands of the people, and the Senate will unanimously bear me witness, that I have never introduced an irrelevant topic into any debate here. The political friends of the gentleman who occupies the chair began this discussion. They attacked Gen. Taylor and his character, and scoffed at his claims to the Presidency. They were allowed to proceed without interruption from the chair, through a debate which extended through the greater part of two days. The Vice President was, by the rules of the Senate, bound to call his own political friends to order, if he thought the debate was out of order. But not a word about order was heard from his lips till I took the floor to reply, and then he arrested the debate, and put a seal upon my lips. The Senator from Mississippi had charged upon me and my friends that we desired to evade the discussion—that Gen. Taylor had no principles which we dared to avow—and said that he had, on consultation with his friends

resolved to provoke us to a debate on this subject, and to see that we should "dodge no blows which in chivalry and honesty we were bound to take." He even charged us with a design to pass the resolution for a speedy adjournment of Congress in order to avoid and dodge this very discussion. He went further, sir. He called on me personally to meet him in debate on these questions. Yet, after he had been permitted to indulge in this strain of attack on me and my friends, his own party associates seize the occasion, the moment I rise to take up the glove he has thrown at my feet, to dodge the encounter. These are the circumstances under which twenty-one democratic Senators have this day voted to deny me the freedom of speech. They have a large party majority here, but such and so gross was the injustice of this attempt to stifle a discussion which they themselves provoked, that a majority of the Senate has overruled their purpose; and to that majority, and especially to the chivalrous Senator from Mississippi, [Mr FOOTE,] who has expressed his own deep sense of the injustice done, I tender my thanks.

I have already stated to the Senate that I have no means of access to the opinions of Gen. Taylor, which are not in the possession of every member of this body, and every citizen of the country.—Honoring his character, as I sincerely do, I have never yet had the pleasure of an introduction to that distinguished man—I have never addressed a letter to him in my life, nor received one from him. I have formed my opinions of the principles of the man from his writings and actions, and from what any other may have seen in the public prints. To these means of information all have equal access, and all can form an opinion as well as I can, on the whole subject of debate.

I think it is also due to General Taylor to say, in the outset, that the position which he has assumed before the country, as a candidate for the Presidency, has been entirely misapprehended in the course of this debate. He has been held up here as merely a whig candidate, bound to sustain every whig principle with which that party has ever been identified. It has been alleged that he is bound to carry out all the dictates, and obey all the behests of a mere party—that he runs merely as a party man—that he is bound hand and foot by party pledges—and, that he must carry out, at all hazards, and under all changes of time and circumstances, every ancient known measure proposed by the whig party. Now, undoubtedly Gen. Taylor is a whig, but I do understand him as occupying any such position as that which I have just described. He, himself, has repudiated it in every letter having reference to this subject. It is true that he has been nominated by the whig party; but it is also true that he was originally nominated by a meeting composed both of whigs and democrats. Thousands of democrats had nominated him for the Presidency before he was nominated by the whig party. Naturalized citizens and native Americans, in all sections of the country had nominated him before he received the nomination of the Philadelphia convention. And now, the great objection urged against him, is that the whig party of the Union has confirmed the nomination which Gen. Taylor had previously received. He was nominated by the whig convention at Philadelphia, with the assurance that he was a whig. In every letter that he wrote on that subject, he declared that he was a whig, but he uniformly took the bold and manly ground, that if elected President of the United States, he should not consider himself the mere servant or tool of a party, but even of the party to which he had been attached, but that he should be the President of the American people. Under these circumstances, the honorable gentleman from Mississippi can find no difficulty in answering the questions which he has propounded with regard to the principles of Gen. Taylor. If he will examine the principal letter which Gen. Taylor has written with reference to this subject, the letter to Capt. Allison, he will see the ground on which he places himself as a candidate before the American people. Before I proceed further, permit me to read the following extract from that letter:

"BATON ROUGE, April 22, 1848.

"First—I reiterate what I have often said. I am a whig, but not an ultra whig. If elected I would not be the mere President of a party. I would endeavor to act independent of party domination. I should feel bound to administer the government untrammelled by party schemes.

"Second—the veto power. The power given by the constitution to the Executive to interpose his veto, is a high conservative power; but in my opinion should never be exercised except in cases of clear violation of the constitution or manifest hasty and want of consideration by Congress. Indeed, I have thought that for many years past the known opinions and wishes of the Executive have exercised much and unnecessary influence upon the legislative department of the government; and for this cause I have thought our system was in danger of undergoing a great change from its true theory. The personal opinions of the individual who may happen to occupy the Executive chair, ought not to control the action of Congress upon questions of domestic policy; nor ought his objections to be interposed where questions of constitutional power have been settled by the various departments of government, and acquiesced in by the people.

"Third—Upon the subject of the tariff, the currency, the improvement of our great highways, rivers, lakes, and harbors, the will of the people, as expressed through their representatives in Congress, ought to be respected and carried out by the Executive.

"Fourth—For Mexican war. I sincerely deprecate the prospect of peace. My life has been devoted to arms, yet I look on war at all times, and under all circumstances, as a national calamity, to be avoided, if compatible with national honor. The principles of our government, as well as a true policy, are opposed to the subjugation of other nations and the distinct incorporation of other countries by conquest. In the language of the great Washington, 'Why should we quit our own to stand on foreign ground?' In the Mexican war no national honor has been maintained, unsullied; and, in declaring the end of peace, we have well defined, honorable and even magnanimous to our fallen foe."

Gen. Taylor, then, stands before the country not merely as a whig, but as the great representative and champion of the principle of the right of man to self-government. He maintains the principle that the majority have the right to govern. He stands precisely upon the ground on which Thos. Jefferson originally made a party difference with John Adams. Let me quote a passage from the letter of Thos. Jefferson to John Adams, stating the grounds on which the republican party of 1798 commenced its opposition to the encroachments of Executive power, and to which it owed its true origin. In the 4th volume of Jefferson's Memoirs, page 202, we find the letter to which I refer. It is dated June 27, 1813, and contains the following passages:

"The terms of whig and tory belong to national as well as social parties. They are now the legal and constitutional appellations by which citizens of our own country and by the times which you and I became first acquainted, we were to member the violent parties which agitated the old Congress, and their bitter contests. Thomson and I were seated together, often consulted on the manuscripts of both and we the rights of our country.

"But as soon as the constitution was put into motion, two great parties were drawn. We broke into two parties, each wishing to give the government a different direction. He took his part in the republican party, I in the federal. Each gave the other the more personal reproaches and bitterness of opposition. Here you and I separated for the first time, and new parts placed your name at once by the other selected mine."

Precisely upon that principle, General Lewis Cass and General Zachary Taylor now differ, and stand at issue before the country. General Taylor places himself upon this just principle, laying at the foundation of all republican forms of government—the right of the majority to govern. He holds that the popular branch of the government possesses rights, and that he, if elected President, would be bound to respect them. He says, therefore, in reference to all those great questions which have heretofore agitated the country, and which are properly within the powers of Congress, that he will be guided by the will of the people, as expressed by their representatives. On the other hand, what says General Lewis Cass? He denies that the will of the people shall govern. He maintains the high federal doctrines of ancient days, that the President of the United States, with his veto power, shall control the will of the people. He stands up as the champion of Executive power, and has received his nomination from a party convention, under circumstances which I think, when carefully examined by the American people, will seal his fate as a candidate before them. What were these circumstances? The very first rule adopted by the convention assembled at Baltimore was, that the will of the majority should not govern—that the vote of two-thirds should be necessary to nominate the President. They had laid down that doctrine before on a memorable occasion. I refer to the Baltimore nomination in 1844. The result reminds me of one of those games at cards which is called "Solitaire," in which you know a man plays against himself. Did you ever see a man sit down to play that game who did not cheat himself? The democratic leaders, on this occasion, undertook to play "Solitaire"—the whigs were not present to be cheated—and the very first act or decree was one amounting, in my judgment, to a most flagitious fraud, not only upon the country, but upon the party itself. And it ordained that the will of the people should not govern, and that no man should be nominated for the Presidency without the vote of two-thirds of that convention. Well, now, what must be—(every body knows what was the consequence in this case)—the necessary consequence of the establishment of such a principle by any party? We can all very well estimate the power of one hundred thousand office holders, many of them anxious to perpetuate their dynasty. They can pack a democratic convention with more than one-third of its members, though they might not be able to control a majority. They can send on their relations, their friends and dependants, as delegates, and, under the operation of this two-thirds rule, govern the convention. It was so on this occasion. All the gentlemen who composed the convention went to Baltimore bound to nominate some candidate for the Presidency. To fail to nominate by a convention would be to dissolve the party. They were compelled, therefore, to make a nomination, and when they entered the convention, they were met with a rule declaring that the vote of two-thirds was necessary to nominate their democratic candidate for the Presidency. They knew that within the walls of the convention there stood a packed minority, of more than one-third, representing the office holders of the country, who could veto or negative the nomination of any man not subservient to their views, or who would not perpetuate their dynasty, and continue them and their friends in office. The candidates all understood this beforehand. In such occasions he who makes the most satisfactory bargain with this clique or faction—constituting more than one-third, but not one-half of the convention—is sure to receive the nomination. No other man can get it. I say again, every candidate understood this, and every future candidate will, in all future democratic conventions, understand it. Each of them will know it is impossible for him to procure the nomination unless he can secure the services of those who come there for the purpose of sustaining themselves in office. He is bound then to lend himself to all their views. If they desire to establish a platform of political faith, he must subscribe to it. He has no option. He must either relinquish all hope of the nomination, or subscribe to every dogma that this clique may choose to lay down. Under these circumstances, I ask, what is the inevitable tendency of the party which has nominated General Lewis Cass? Does it not directly tend to the rule of the few over the many, and eventually to a monarchy? It tends to the establishment, in the first instance, of an oligarchy, or an aristocracy of office holders—able to dictate the nomination of any man they please. They have a veto on the acts of the convention as absolute and effectual as that which the President of the United States, whom they may nominate and elect under the magic name of democrat, may have upon the laws of Congress and the will of the people.

Undoubtedly the great mass of the democratic party is honest and patriotic. We who are whigs, and opposed to them in politics, are entitled to a free expression of their opinion in making a party nomination; and we whigs, as well as democrats, are entitled by this political legerdemain—this *hocus pocus*—introduced by some political magicians into that party within a few years past, which compels that party to accept a nomination made and carried upon them by the minority. Such were the circumstances—such was the fraud—such was the established rule and iron law under which General Cass received his nomination.

Let us inquire, in connection with this, what are some of the other doctrines of the party to which General Cass has been compelled to subscribe. Among other things, there stands prominently the assertion of the great right and duty of the President of the United States to exercise the veto power, without reference to the limitations prescribed by the fathers of the constitution. Every one who has perused the "Federalist" knows that Mr. Madison and his associates uniformly maintained, that the great object of the veto was to enable the Executive and the Judicial Department to shield the constitution and the Executive power within its limits. No man of their day pretended it was designed that the veto power should be extended, as it has been, to every act of ordinary legislation, and every instance in which a party might by the aid of it elevate or sustain itself against the interests of the whole country. It never was imagined by any member of the convention which formed the constitution that the veto clause in that instrument could be so construed as the most latitudinarian expositor has stated the President of the United States should be enabled, by the force of that clause, to become a part of the legislative power of the country. Now, however, you find the doctrine laid down by this party boldly in their public prints, that the President constitutes a part of the legislative power of the country, and that the veto power is unlimited, and was so intended to be by those who made the constitution. Let me call the attention of the Senate to a consideration of the principles upon which this veto power was inserted in the American constitution. The first sentence of the constitution declares that all "the legislative powers herein granted shall be vested in the Senate and House of Representatives." No part of the legislative power is given to the President of the United States. In the judgment of the fathers of the republic the Executive never constituted an essential component part of the legislative power. A qualified power of revision was given to him; but it was never intended that he should exercise any legislative power. In order that we may understand this subject, which enters largely into the great questions now before us, let me read a portion of the debate on the adoption of the constitution. I am particularly desirous of the attention of the Senate to this point, because I wish it to see by whom these extreme notions in relation to the veto power were originally advanced. During this session of Congress, we have heard the honorable Senator from Ohio, [Mr. ALLEN,] utter very strong denunciations against Colonel Hamilton as the intentional advocate of kingly and monarchical doctrines, and a traitor to the cause of liberty. I do not stand here for the purpose of branding one of the greatest men the country ever produced with ignominious charges; but I desire to show that the great leader of the federal party, when the subject was first presented to the consideration of the old continental Congress, was the very man to press this veto power upon the convention, and to insist upon its being made absolute and unqualified. In Madison's state papers, page 151, we find:

"Mr. GERRY proposed to have now before the committee, Mr. Wilson, Chancellor Livingston, and Mr. Hamilton's draft of the constitution, in order that it might be compared, so as to give the former an opportunity of explaining the alterations and amendments which he meant to make. These, he thought, if agreed to, would prevent being too much governed by the British model. Mr. GOUVERNEUR MORRIS read the draft of Great Britain, and pointed out the defects in the constitution."

That is the argument in favor of the absolute veto made by one who has been represented in this chamber, as the great aristocrat and monarchist of that day—Mr. GERRY, a democrat of that day—

Mr. MANGUM, (in his seat.) Republican.

Mr. CLAYTON.—I thank my friend for the word. Republican is a much better name.

"Mr. GERRY said he saw no necessity for a great variety of checks; but, such as had been mentioned would be completely met by the veto provided for.

"Dr. FRANKLIN said, he was sorry to differ from the honorable gentleman; but he thought the power very improper. Laws are frequently made in haste, and repented of at leisure; the best corrected by experience; and the worst repealed by succeeding assemblies. The first part of the experiment of three years is the operation of the law. Few laws are known in that time to be bad enough to require repeal. The negative of the governor may be expected to be used frequently. No good law will be passed without the concurrence of three branches of the legislature. Would three fourths of the people be unanimous in wishing a change, when experience proves the inconvenience of a law? Will not the governor, who may be supposed to have a constitutional share in framing the laws, be generally disposed to favor them? Will he not be unwilling to hurt his own reputation, and render his judgment contemptible, by frequent objections? Will he not be constantly tempted to use his negative, in favor of his favorites, and of those who may be disposed to favor designs of his own, which cannot be executed but by means of some favorite law? Will he not be encouraged to do so, when he reflects that his power is temporary, and cannot last beyond the session of the assembly, or at most beyond the second session? Will he not think it hard to be deprived, during that short period, of the power of serving himself, his friends, and his country, by the use of a law, which, but for his negative, would have been made, and continued for that purpose? In England, the power of the crown has been long declining, and seems hastening to its period. Here it is found necessary to give it support. Why? Because the people have more confidence in the king than in their own representatives; they conceive that he has less interest in misusing the power of making bad laws, or preventing good ones. And why should we furnish materials for the constitution of that country, which is to govern a future people, that will entirely reverse the reasons for establishing it? Why should we prepare for our posterity the fetters that we ourselves have thrown off? Why purchase experience by the loss of liberty, and repeat the folly of our ancestors, instead of profiting by their wisdom?

spoliation bill, and in so many other cases that it is difficult to enumerate them. These vetoes have been sustained by Executive influence. Congress has fallen beneath the Executive arm, strengthened as that is, and always will be, by a venal and subservient press and the ready aid of the Post Office Department, with a hundred thousand office-holders, many of whom will always "crook the pregnant hinges of the knee where thrift may follow fawning." This whole veto power, as thus exercised, is now sustained by the Baltimore platform, and promptly adopted by General Cass, in his acceptance of the Baltimore nomination. It is part of his established creed.

On the other hand, how stands the man we support on this great and vital subject? He denounces the kingly power—the power for the exercise of which a Stuart and a Bourbon lost their heads—and confines the veto to the cases in which the fathers of the republic intended it to be exercised. He treats it as a "high conservative power." So did they. They declared by their exposition in the "Federalist," that its chief object was "to enable the Executive to defend himself when attacked." They meant it to be a shield, not a sword. "In my opinion," says General Taylor, in his letter to Captain Allison, "it should never be exercised except in cases of clear violation of the constitution, or manifest haste and want of consideration by Congress." He modestly adds, "Indeed I have thought that for many years past, the known opinions and wishes of the Executive have exercised undue and injurious influence upon the legislative department of the government; and from this cause I have thought our system was in danger of undergoing a great change from its true theory." Sir, if he had been forty years in these halls, instead of the tented field, he could not have more thoroughly understood the true theory of this government and its actual and inevitable tendency, as now administered. It is evident he has, in the silent hours allowed him in the camp, by the watch-fire in the night, or amid the intervals of battle and military service, deeply studied the genius of our government and its practical administration.

Sir, it would consume more time than is necessary for my purpose, to show how often the will of the people, expressed by their Representatives in Congress, has been defeated by the iron will of a President, and especially by the exercise of his monarchical negative on the laws. In the language of a distinguished statesman, "the extreme medicine of the constitution has become our daily food." Every man who remembers the history of the last twenty years, will bear me witness, that in this respect, the modern democracy have drifted to a returnless distance from the old landmarks of republicanism. The Executive prerogative is no longer the object of attack, but its advocates have been the unceasing assailants of the rights of the people, and of the popular branch of the government. "The power of the crown has increased, is increasing, and ought to be diminished." He has broken down the power of the people to improve their rivers and harbors—dictated a new and untried system of currency in despite of their expressed opinion—and even gone so far as to deny the right of Congress to pay a private claim to an American citizen. I refer to the claim for French spoliations on our commerce prior to 1800, for the liquidation of which a bill passed both Houses of Congress two years ago—a bill, the principles of which he never understood—a bill, to which, it is palpable, he never gave a week's attention in his life, though Congress passed it, after having held it under consideration for a period of nearly fifty years. The government has ceased to be a government of the people, and has become a government of one man. Power, says Junius, is continually stealing from the many to the few, and I may add, from the few to one. The one-man power is the subject of unceasing eulogy among some of the advocates of the Baltimore convention platform, and one of the delegates lately made a speech to show its superiority in concentrating all responsibility in one head, instead of dividing it among many, thus frankly avowing his preference for the monarchical to the republican principle.

We must arrest this tendency to monarchy if we intend to remain a republic. When you talk to me about whig principles, tariffs, the currency, internal improvements, land bills, and public economy, I tell you that, although I am a whig, have always been a whig, and expect to die whig, yet I hold that, in comparison with the great principle now at issue between Lewis Cass and Zachary Taylor, the other principles of any party ever yet known in this country sink into insignificance. I am called upon, in the election of Zachary Taylor, to vindicate the great right of man to self-government, and the right of the people, through their Representatives in Congress, to make laws. I am called upon to deny the right of the President of the United States to assume the position of a legislator; and whenever the day shall come that his right to legislate shall be acknowledged, that moment the republican character of our government utterly ceases to exist. You may call it what you please—you may style the man at the head of the government a President, as Bonaparte was, in the first instance, styled the first Consul, and afterwards Emperor of the republic—but to all intents and purposes your republic is at an end. It becomes a monarchy—an elective monarchy—the meanest and most despicable form in which that kind of government can exist.

Here, then, is the principle upon which I make issue with the honorable gentleman from Mississippi, in the approaching Presidential campaign. I mean to stand by General Taylor as the representative of the right of man to self-government. I mean to support him because he has boldly and nobly proclaimed himself before the country as the champion of this great principle, that the majority should govern. In all those cases where the fathers of the republic intended that the veto power should be applied, he declares that he will exercise it. In all cases where a bill passed by Congress is clearly and manifestly unconstitutional, or has been passed in haste and without due consideration, he will be prepared to apply the veto. He is ready to apply it to sustain the Union of these States against any dangerous infraction of the constitution. But he will permit the people of the country to govern themselves. He will suffer the Representatives of the people and the States, in these halls, to make the laws. He will not set himself up as an essential part of the legislative power of the nation. He will, when he reaches the Presidential stand, stand by the great principles avowed on this subject by Madison and his compatriots of 1787, and utterly repudiate the kingly maxim practised upon in the present day—*'Sic volo, sic jubeo, sic veto. Stet pro ratione voluntas.*"

I propose to look a little further into this subject. I desire the Senate and the people of the country to understand what kind of government it was sought to be established by those who introduced the veto power into the constitution of the United States, and the kindred principles which actuated them. In Madison's papers we find a copy of the constitution which Colonel Hamilton, the father of the veto, intended to propose. Here are three of its provisions.

"ARTICLE I.—SEC. 1. The legislative power shall be vested in two distinct bodies of men—one to be called the Assembly, the other the Senate, subject to the negative hereinafter mentioned.

"ARTICLE IV.—SEC. 10. The President shall have a right to negative all bills, resolutions, votes, of the two Houses, or each house separately, to be styled his laws.

"ARTICLE III.—SEC. 6. The Senators shall hold their places during good behavior, removable only by conviction, on impeachment, for some crime or misdemeanor.

Here are the principles of the government which the author of the veto power intended to introduce. It is manifest that the mind of the author of the veto power was at an infinite distance from the intentions of those who made the constitution. It is evident that he intended to establish a Senate for life, and to make the President a part of the legislative power.

But the Executive practice in these days, (all of which seems to be fully approved by General Cass) is not merely *sic veto*—but *sic volo, sic jubeo*. He now assumes the initiative in addition to the veto power. He not only recommends, but dictates to Congress. His opinions are daily quoted in debate here, and control our legislation. It has been but four days since an attempt was made by the Senators from Kentucky and Tennessee, [Mr. UNDERWOOD and Mr. BELL,] to remove the obstructions in the river Ohio at Cumberland Island. Every body here seemed to think it right to remove it—but it was known and said that the President would veto the bill which contained it, and the improvement fell. So the navigation of the Ohio must be obstructed till Taylor can put it all right, by allowing Congress to make laws. We have now not a single river or harbor bill before Congress—not one measure for internal improvement. Why? Because we all know it is idle to waste our time in passing them, as the President has publicly avowed his resolution to veto them all. The will of the people is nothing. All men here look only to the will of the President. He is the fountain of favor. Now, in the British House of Commons, under a limited monarchy, the independence of Parliament is secured by a rule which makes it out of order for any member to state in debate what is the will of the king; and it is perfectly true, as Colonel Hamilton stated in the convention of 1787, that no king of England has dared to exercise the veto power since the English revolution produced by the whigs of 1688—one hundred and sixty years ago. Why? Because the exercise of a power so despotic, which wholly denies to the people the right of self-government, would, even in that limited monarchy, have cost any English monarch his head. Queen Victoria would not keep the throne a week under one of our Presidential vetoes. We have the name of a republic, but *stat nomis umbra*—it stands but the shadow of a name. I first came into Congress nearly twenty years ago, and I have since been an attentive observer of men and things here, though one of the humblest of the actors on this theatre, where men, with loud professions of democracy on their lips, cherish the most despotic principles in their hearts: and I now say that the monarchical tendency has every year been growing stronger, that many of our legislative acts of the most important character are drafted at the Executive department, to suit the will of the Executive, and that Congress has degenerated, under democratic Presidents, till it is little better than the register of the edicts of an Emperor. It is but a few days since a member who has served in Congress about thirty years, [Mr. WEBSTER,] declared in his place, that he had never known a President to set his heart on any great measure which he did not force through Congress.

Why is this? Let a democratic report, made to drive the younger Adams from power twenty-two years ago, make the answer. The veteran member from Missouri, [Mr. BENTON,] in his report on Executive patronage, May 4, 1826, after enumerating the monstrous extent of the power of that patronage, says:

"The wonder of this great power will centre in the President. The King of England is the 'fountain of honor;' the President of the United States is the source of power. He possesses over the entire system of federal appointments, jobs, and contracts, the bar 'power over the 'support' of the individuals who administer the system. He makes and unmakes them. He chooses from the mass of his friends and supporters, and may dismiss them at will, upon a like promptly-level human action, the dismissal, in all cases, depending upon the pleasure of the appointing power. He must weigh, maturely, all acts in all elections to State and federal offices. There may be exceptions, but the truth of a general rule is proved by the exception. The intended check and control of the Senate, without new constitutional or statutory provisions,

will cease to operate. Patronage will penetrate this body, subdue its capacity of resistance, chain it to the car of power, and enable the President to talk, as well and almost as much with them without, the nominal check of the Senate. If the President was himself the officer of the people, elected by them, and responsible to them, there would be no danger from the concentration of all power in his hands; but it is the business of statesmen to act upon things as they are, and not as they would wish them to be. We must then look forward to the time when the *public servants will be associated, even the civil and military officers of the federal government, will be encouraged*, when its influence over individuals will be *multiplied to an immense extent*, when the nomination for the President and any *man* through the Senate, and an recommendation can carry *any measure* through the two Houses of Congress; when the principle of public action will be open and avowed, *the President wants no vote and I want his patronage; I will vote as he wishes, and he will give me whatever I may want*. What will this be but the government of one man? and what is the government of one man but a *monarchy*? Names are nothing—The nature of a thing is in its substance, and the name soon accommodates itself to the substance. The first Roman Emperor was called Emperor of the *Republic*, and the last French Emperor took the same title; and their respective countries were just as essentially *monarchical* before as after the assumption of these titles. It cannot be denied, or dissembled, but that this federal government gravitates to the same point, &c." "Those who make the President must support him. Their political fate becomes identified, and they must stand or fall together. Right or wrong, they must support him, and if he would contrary to the will of the people, he must be supported not only by votes and speeches, but by arms."

I proceed now to answer some of the interrogatories proposed by the honorable Senator from Mississippi; and, first, in relation to the tariff. He asks me whether General Taylor is in favor of the tariff? I answer that General Taylor has expressly declared in his letter to Captain Allison, that he will, on that subject, submit to the will of the people. If they, by their Representatives in Congress, choose to pass a protective law, he will not veto it. If they choose to retain the free trade law of 1846, he will not interfere with it. The Senator asks what is my position in regard to this question? I answer that I am a whig, and as a true friend of the American tariff of 1842, and the principles of that tariff, I am perfectly content with the President of the United States who will permit the will of the Representatives of the people and of the States to become the law of the land. The honorable gentleman referred to a letter of mine, written in 1846, to my political friends in Delaware, in which I avowed myself to be what I have always felt proud to declare myself—a friend to the protection of American industry, and the tariff of 1842. It was a letter written, not as he says, for a Presidential election, but for a State election, and on the eve of it. I shall never abandon it—but I glory in the principle it avows.

The honorable Senator inquired if there was a man on this side of the chamber who was in favor of that tariff of 1842? I am, and I think all on my side of the chamber concur with me. But I do not desire General Taylor to force any tariff upon the country by the exercise of the Executive power. He is willing, on that great question, to let the vote of the people govern; and no man, be he from the North or from the South, who desires to curb the expression of the people on this subject, can justly call himself a true republican.

It is because General Taylor on this, as on other great questions, stands on republican ground, that we desire his election. He occupies precisely the same platform on which Mr. Jefferson placed himself in the origin of parties in this country. He is in favor of strengthening the popular branch of the government, and opposed to the augmentation of Executive power. This was the great dividing landmark between parties in 1798. But, alas! your modern democracy has been driven by its office-holding leaders to a very different position from that occupied by Mr. Jefferson. It now stands as the advocate, the prop, and support of kingly power. [Here Mr. C. addressed himself to the democratic side of the chamber.] You defend all its encroachments. You spurn the rights of the country and of Congress. You decide that the President shall put down the will of the people; and you have nominated a man who stands solemnly pledged before the convention, by his letter of acceptance of your nomination, to veto the will of the people, when expressed through their Representatives, on all great leading questions, in any other way than as a mere faithful agent may dictate. By the action of a convention which the minority was suffered to control, and which took only one night to consider all the great questions of public policy, your candidate is pledged to veto the vote of the people, should even nine-tenths of them decide upon a repeal of the tariff of 1846, and a re-enactment of that of 1842. Now, on this ground, is there any honorable free-trade man who will hesitate to give his support to General Taylor? Every honest democrat—every native and every naturalized citizen—can support General Taylor; and no one can accuse them of apostatizing from any political party to which they may have been attached. I, as a whig, can unite with my fellow-citizens of the democratic party in support of General Taylor, and all I ask of them is to be republican in heart, and allow the will of the people to govern, for that is the great principle laid down by him in the Allison letter, and it towers infinitely above all other questions of party ever made in this country. I cherish no unkind personal feeling toward the distinguished gentleman whom the democratic convention nominated. I have always entertained for him the highest regard on account of the excellence of his private character. But I am now reviewing his public acts—not his private life. I have shown that, instead of occupying republican ground, he stands precisely in the position maintained by Col. Hamilton and Mr. Wilson in the federal convention—pledged to sustain the ultra exercise of Executive power, and to veto and put down the will of the nation on every subject upon which an irresponsible convention have had the effrontery to dictate their arbitrary dogmas to the American people. These men have thus set themselves up above the constitution, and usurped the legislative power.—They seek to control the appointment of Chief Magistrate, and like the Polish Diet, virtually to elect a monarch to ride and rule an abused and insulted people.

Which, then, is the republican party? It is the great national party, composed of democrats, naturalized citizens, native citizens, and whigs—patriotic men of all parties—who now constitute the great Taylor party of the country. That is the true republican party; opposed to the downward tendency of the government in in its administration—anxious to avert its progress to monarchy; and unless the principles of that party be sustained, the liberties of the country must sooner or later fall beneath the axe which has been laid to their root by the proceedings of the interested and intriguing faction which has by turns muzzled, cajoled, and trampled upon the rights of the modern democracy. When, then, I call upon any man to support General Taylor, I do not ask that he should be merely a whig or a democrat, but a republican—a republican not merely by profession, but a republican in heart and in deed.

The party leaders in the convention that introduced this two-thirds rule, and thus cheated itself, refusing to allow the majority to govern, have felt already the consequences of their conduct. This rule was introduced as a permanent principle of the democratic party in the convention of 1844, and was a deliberate fraud upon Mr. Van Buren and his friends. He went into the convention expecting that the will of the majority would be allowed to control its action; and he received the votes of a decided majority of that convention. But the politicians—those jugglers, who understood the game which was to be played—so contrived it, that a majority could not control the action of the convention. They deluded southern men by the pretext that, as the North had a majority of votes, their institution of slavery was in danger, and thus procured their aid to establish the rule, that a vote of two-thirds was necessary to nominate the candidate. They thus rejected Mr. Van Buren; and what has been the result? This political magician, as he was called, has applied his magic touch to your party, and lo! it is crumbling into dust! It is prostrate beneath his feet at this moment. The splendid party fabric—the regency palace—which, by his wizard art, he erected in the Empire State, has vanished like the morning mist, or one of those dreamy mansions of which we read in eastern tales, at the touch of one of the genii. The vengeance of the man who was thus defrauded and defeated, equals that of Mazeppa, the Prince of Barnburners—

> "For if we do but mark the hour,
> There never yet was human power,
> That could evade, if unforgiven,
> The patient search and vigil long,
> Of him who treasures up a wrong."

I say to gentlemen who now vainly attempt to uphold this tottering fabric of progressive, aggressive, and retrogressive democracy, that on the day on which you established that principle, and overthrew the fundamental principle of all republican government, your destiny was sealed! From that hour your doom was irretrievably fixed. Nothing could or can save you from the fate that awaits you. Nothing can save any party in this country that shall dare to establish such an unprincipled rule. The people may be humbugged for a time; but when they have been allowed opportunity for reflection, and see a fraud perpetrated, repeated, and enjoined as a principle, by which the right of the majority is denied, the shackless of party can bind them no longer. They imbibed this sacred principle from their fathers—they were taught it by their mothers amidst the first lessons of their infancy, and they know that without it their government would be converted into a government of pronunciamentos, and could not exist an hour. Whig as I am, and ever have been, I have no hesitation in declaring, that if the whig party were to assemble in convention to-morrow and adopt such a principle, I would leave them the moment I could address a letter to the public.

The Senator also inquires what will General Taylor do in reference to the sub-treasury and the bank. I answer, that General Taylor has pledged himself, in the Allison letter, to let the people govern. If they want this miserable sub-treasury scheme, they will keep it. If they wish to repeal it, he will interpose no veto upon the exercise of their will. On the other hand, how stands Lewis Cass, the champion of the democracy! He stands pledged to retain the sub-treasury in spite of the will of the people. If three-fifths of the people should come here demanding the repeal of the sub-treasury law, Mr. Cass would be bound to trample upon that will. Which, then, is the republican? Which the true democrat?

Mr. FOOTE.—Will the gentleman bear with me while I submit another question? Does he regard the veto power as a conservative one, to be retained, or as one to be struck out of the constitution? If to be retained, should it not be exercised?

Mr. CLAYTON.—I am very glad that the honorable gentleman has put this interrogatory. I hold the veto power to be a great conservative power in the constitution. I do not seek, nor do the friends of General Taylor seek, to strike it from the constitution. We regard is as the fathers of the republic did—as a conservative power to enable the Executive to defend itself, and to be exercised precisely within the limitations laid down by Madison and his associates. General Taylor specifies the causes for which he will apply the veto.

I return now to the consideration of the question of the currency and the national bank, at which point the Senator interrupted the course of my remarks. And I recur to the bank question particularly,

that this matter may be put to rest so far as is in my power, now and forever. I do not know a man who supports General Taylor that entertains the most remote idea of bringing the question of a national bank before the Congress of the Union. I do not know a whig on this side of the chamber, or anywhere else, who cherishes any idea of reviving that question. The gentlemen on the other side will rattle the dry bones of the old Bank of the United States in our faces, but they will, by doing so, only frighten the men of their own party who voted in Congress for, and carried that bank charter, and they will attempt in vain to ride any longer on their old political hobby as an anti-bank party. Whatever opinions we may have in regard to that great question, we have all resolved that we will never revive it. If the democratic party want a bank of the United States let them move it. We on this side of the chamber know that a national bank could be of no value to the country unless sustained by the will of both the great parties of the country. I am free to declare here the part which I took in reference to this question. I voted for the bank in 1832; *te duce!* under your lead, sir; for you, Mr. President, [Mr. DALLAS,] were the chairman of the committee that reported the bill. I only followed that lead. We passed the bank bill with your assistance, your argument, influence, and vote; and your aid extended much further; for when General Jackson vetoed it, you and I concurred in voting against the veto! I will never deny the faith that is in me. As I thought then, I think now. And the day will come when your democracy will, under the pressure of distress, cry aloud for another bank; but no whig will ever start that question again. The question of a national bank should be and will be allowed to remain at rest until men of all parties shall seek to establish, and resolve to sustain it, by an unanimity which shall place it above the reach of the demagogues who will seek to destroy it.

I am asked what General Taylor will do in regard to internal improvements. That is a most important subject, and I think I have already answered the question. It deserves the patient and most deliberate consideration of every American citizen. But on this question, the course of the bold, manly old patriot is as plain as the sun at noon-day. He will leave this question also to the will of the people. If the Representatives in Congress choose to pass a bill for internal improvements, he will not impose his veto on the law. Nor will he write any messages for the purpose of manufacturing internal improvement men, or tariff men, or any other kind of politicians. He will not enter on a career of propagandism. He does not intend to get up a hot-bed for tariffs or internal improvement, but knowing that nothing can prosper which does not rest in the confidence and affections of the people, he will refer these questions to the original sources of power, and will sustain them all with inflexible firmness, so long as the people will them to stand. He does not mean to push things to extremes. His administration will neither be aggressive nor retrogressive; but he will adapt his progress to the mighty energies and capabilities of a nation unexampled in the history of the world for its advance in arts, as well as in arms, in agriculture, commerce, and manufactures.

Now, on this great question, let me ask, where stands General Cass? I must now, in my turn, put the honorable Senator from Mississippi on the confessional, and ask him to illuminate my path by shedding a little light on this subject. I find that the resolution passed by the Baltimore convention in favor of the exercise of the veto power contained these words:

"*Resolved*, That we are decidedly opposed to taking from the President the veto power, &c. &c., which has saved the American people from the corrupt and tyrannical combination of the bank of the United States *and from a corrupting system of general internal improvements.*"

From the statement of Mr. Yancey, a member of the convention, it appears that these words about internal improvements, which were originally reported by the committee appointed to draft the "Baltimore platform," were objected to, for the reason thus stated by Mr. Yancey, in a speech in the city of Charleston, South Carolina, on the 6th June last, exposing the deeds of this convention:

"Amongst other things, he instanced, as evidence of its unsoundness as an exponent of democratic views, its refusal to adopt its resolutions avowing its principles, and the platform upon which it designed to place its nomination. And now mark the result, he continued. After the nomination was made, a committee was selected to report a series of resolutions. Mr. Yancey said that the committee met on the evening of its appointment, and sat until ten at night. Before it appointed the resolution in relation to the veto power had been amended so as to show its happy effect in saving the country from a corrupting system of general internal improvements. It was unanimously agreed to as sound democratic doctrine, and as a deserved compliment to Mr. Polk. When the committee met next morning the first proposition made was to reconsider that amendment, and strike it out. I inquired why? It had been admitted to be good democratic doctrine the night before! The answer was, 'Gen. Cass voted against that veto of Mr. Polk, and if we put this in we will condemn our nominee.'

"These virtuous politicians—these truly worthy representatives of democracy—had discovered by morning that the avowal of a truth would put an error forbidden that the praise of a patriot would be the condemnation of a political heretic!

"The vote was not reconsidered, but it was, as Mr. Yancey firmly believed, because it was too barefaced even for that body; and if the idea that Cass had voted against Mr. Polk's veto had been thought of before the amendment was adopted, it never would have graced those resolutions. As it is, it will indeed become a thorn in the side of the nominee."

Now, I ask the honorable gentleman from Mississippi will General Cass veto a general system of internal improvements?

Mr. FOOTE.—I am not prepared to state further than this:—that it is my own opinion, which I am almost certain is well-founded, that General Cass is opposed to any general system of internal improvements; and that he would veto a bill in favor of such a system. But, as I said the other day, my own impression has always been, that a liberal system of internal improvements, within the constitution, would certainly meet the support of General Cass. Now, if I have answered the question satisfactorily, I would ask the Senator whether General Taylor will withhold his veto, in case of his election, to any bill for internal improvements that may happen to pass both houses of Congress?

Mr. CLAYTON.—However vague the answer, or the question addressed to me, I reply promptly, that I do not believe the case will occur of the deliberate and well considered passage of a bill for any internal improvement by both houses of Congress which ought to be condemned by the American Executive. General Taylor, while pledged to abide by the will of the people, is also free to restrain any hasty or inconsiderate legislation.

Mr. FOOTE.—The question is not whether such or such a case can occur, but whether General Taylor would so act in certain circumstances?

Mr. CLAYTON.—It is impossible for me to state my opinion as to what the action of General Taylor in a given case might be, unless the case be stated with precision. You might suppose a case in which Congress, having gone raving mad, would vote twenty-five millions out of the Treasury when there were not five millions in it, and ask me whether General Taylor would veto that. But I am now looking, as a practical man, to the cases which which are likely to occur, and I have not the most distant idea that any circumstances will actually exist in which Gen. Taylor will apply the veto to a bill for internal improvements. But how stands the candidate of the other side of the chamber with respect to this question? Perhaps, as his pathway still remains obscured, the honorable gentleman from Illinois can inform me. Does he believe that General Cass will veto a bill for internal improvements?

Mr. BREESE.—I will answer the Senator very frankly. If I did not believe that General Cass would veto such a bill, I would not vote for him.

Mr. CLAYTON.—I believe that the gentleman from Illinois, as well as General Cass, twice voted for the river and harbor bill, and against the veto on that bill. Does he believe that such a bill would meet with a veto from President Cass?

Mr. BREESE.—I do not suppose that it would. And, with all frankness, permit me to say, that as I understand the principles of the democratic party, a palpable distinction has always been made between a general system of internal improvements and mere appropriations out of the Treasury for the improvement of rivers and harbors. Reasonable appropriations for the latter purpose would no doubt receive the sanction of General Cass and the democratic party. But appropriations for a vast and expensive system of internal improvements, I hope never will receive the sanction of either.

Mr. CLAYTON.—We see, from these vague answers, how difficult it is to ascertain what General Cass does or does not mean about these times. I know that he has voted in favor of every internal improvement bill, and against every veto of them. Now, I have always heretofore looked to a man's acts in order to ascertain what he meant to do; and I have hitherto regarded General Cass as a high ultra internal improvement man. I have always believed that he could go further on that subject than I could myself, and that there were some things, besides Mexico, which I found very difficult to take, which he swallowed with great ease. It is apparent that there are two Senators who have very different views of General Cass's opinion upon the subject of internal improvement. I am apprehensive that we are to understand General Cass one way in one part of the Union, and differently in another part. He was called upon by one of his friends at Cleveland, [Mr. Wood,] to state his opinions on this subject, but we were informed that the "noise and confusion" were so great that he could not make any reply, although he was able to tell the audience very audibly, much about his early history, and how he had risen from comparative obscurity to become the candidate of the great democratic party. I am very much afraid, Mr. President, that the "noise and confusion" will continue throughout the campaign, and that we shall never be able to ascertain the opinions of General Cass on this important subject. He has written a letter approving of the whole Baltimore platform. Let me read a portion of that platform which was not expunged:

Resolved, That the constitution does not confer upon the general government the power to commence and carry on a general system of internal improvement.

It seems, then, from the light before us, that the Baltimore convention held the government could not carry on a "general system of internal improvement;" but the honorable member from Illinois says it may carry on a particular system, such as that indicated by the river and harbor bill, which met Mr. Polk's veto. That was first reported by a committee to the convention as a "corrupting system," and Mr. Polk was, in that report, complimented for his veto upon it. But as Mr. Cass had voted for the corrupting system, and against Mr. Polk's veto, and it was held necessary, as Mr. Yancey proves, not to "condemn the nominee," the compliment was struck out, and by the committee not approved. Then, to mystify this whole matter still further, another resolution passed, "that the fruits of the great political triumph of 1844, which elected James K. Polk, have fulfilled the hopes of the democracy of the Union." But the most amusing part of the whole platform is the distinction of the Senator from Illinois between a "general system of improvement" and "mere appropriations for

rivers and harbors." The Senator from Mississippi holds the river and harbor bill unconstitutional, but still sustains Mr. Cass, who, he says, is for a liberal system. The Senator from Illinois is for the river and harbor bill. Mr. Polk is against that bill, and also against the liberal system, *toto cælo*. Yet all are on the platform. Each is orthodox. Is it not clear, therefore, that the platform to which General Cass pledged himself by his letter of acceptance of the Baltimore nomination requires another explanation from himself?

Mr. FOOTE.—General Cass, in his letter accepting the nomination of the Baltimore convention, stated that that letter closed his profession of faith.

Mr. CLAYTON.—I remember that very well. In that letter, after endorsing this unintelligible platform of the democratic convention, he adds, that he will not say any more. He closed the door, became "General mum," and accordingly, in his answer to Mr. Wood, of Cleveland, he refused to throw any more light on the subject. It is palpable that his position is equivocal, and differently understood in different sections of the Union, and that the platform itself is a mere humbug.

The honorable gentleman asked me what were the sentiments of General Taylor in regard to the Mexican war. I think he will find an answer perfectly satisfactory in the Allison letter. Then Gen. Taylor announces a great principle of vast importance to this country. He avows himself opposed to the doctrine of annexation by conquest. He is opposed to war, when the honor of the country does not demand it, and in favor of peace as the general policy of the nation. He congratulates the country upon the successful termination of the Mexican war. But he distinctly announces his own principle, conservative and glorious as it is—one on which we will go into the canvass this fall—that he will oppose all war for the purposes of conquest.

Mr. FOOTE.—The Senator seems to have glided past my interrogatory. The question was, did General Taylor approve of the conduct of his own country; or, did he hold that Mexico was in the right? And, secondly, when that war had been waged, up to the time of the treaty of peace, does he not know that General Taylor was in favor of that acquisition of territory which has been made by the treaty?

Mr. CLAYTON.—The gentleman unintentionally assumes, by his question, a knowledge of General Taylor's opinions which his published declarations do not justify, and about which neither he nor I can have any knowledge. We know nothing of General Taylor's opinions except from the letters which have been published to the world; and in them he has given no opinion upon the subject to which the gentleman refers, nor can I conceive that it is of the slightest importance. As a soldier, his position made it improper to question any command of the chief magistrate, and his duty was obedience. It is not necessary, in this connection, to discuss the question whether the Mexican war was just and necessary or not. If Mr. Polk were running as the candidate, I might have something to say on that subject; and when treating of the claims of General Cass, who approved by his speeches and votes in this chamber every act and saying of Mr. Polk on wars, it may be taken up with propriety. But, so far as General Taylor is concerned, the question has passed away with the war, in which he did his whole duty! If he announces himself distinctly opposed to acquisition by conquest hereafter, the question as to the justice of the Mexican war, so far as he is concerned, ceases to have the least importance with men of any party, in the Presidential campaign.

General Taylor has done more to terminate the war than any fifty democrats in this nation. Even the Baltimore convention, in the midst of all its party action, has not hesitated to introduce an acknowledgement that General Taylor and his gallant army, with the other American armies, have done everything that could have been done for the honor and the glory of the country. The platform says, that they "have carried the arms of the nation into Mexico, crowning it with imperishable glory;" that "their unconquerable courage, their daring enterprize, their unfaltering perseverance and fortitude when assailed on all sides by innumerable foes, and that more formidable enemy, the diseases of the climate, exalt their devoted patriotism into the highest heroism, and give them a right to the profound gratitude of their country and the admiration of the world."

General Taylor was not a candidate when this resolution was adopted. They thought, perhaps, that General Taylor would not be nominated; but they did justice to the gallant veteran. And I hope that at this moment the democracy of the Union are prepared to unite with the honorable gentleman from Mississippi in eulogiums upon the public and private virtues of General Taylor.

With regard to General Taylor's opinion on the Wilmot proviso, the Senator has the same information that I have. He knows what interpretation ought to be put upon the Allison letter, and I hope General Taylor may never assume the attitude of a sectional or geographical candidate. Suffer me to say for myself, that although acting in the spirit of the request of the Legislature of Delaware, my colleague and myself, the representatives of a slaveholding State, voted for the extension of the ordinance of 1787 over the territories of the United States to prevent the acquisition of any more slave territory, yet we do not intend ever to connect ourselves with any geographical party upon such an issue. We abhor such an issue in the party struggles of the day, as leading to the most fatal consequences. We look upon the introduction of a geographical party upon such a principle, as tending directly to the destruction of the Union of these States; and there is not one State within this confederacy that loves the Union more than the smallest in population among them all—whose lofty patriotism has become a proverb, and whose proudest boast is, that she was the first to adopt the American constitution, and will be the last to desert it. No, sir. The men of Delaware will connect themselves with no such geographical movement. Most of us entertain the opinion that, when the action of Congress is invoked, free soil should remain free, and that slave territory ought to remain such. The doctrine prevailed among us at the time of the Missouri compromise, and still prevails, that Congress should leave the territory as they found it. We desire to abide by the compromises of the constitution; in that spirit we hold that slavery should be protected, where it exists under the ægis of the constitution, but ought not to be carried by us where it never existed. But, I repeat, I am not prepared to call that a political question, and I deny that you can call either this or the opposite doctrine mere whig doctrine. No man has a right to say that the Wilmot proviso is a whig principle, or that its opposite is a whig principle. We repudiate the question altogether as a political question; and I say that, whenever the members of the great Taylor republican party, which I hold at this moment to be the great majority of the country, shall descend so low as to make a geographical party out of this Wilmot proviso, with a view to President making or getting offices and power in the country, they will lose my respect, and I think that of every honest man. An attempt is now being made to force this upon us as a party question by the extreme partizans of the North and South. But neither the one side or the other of the question forms any part of our platform; and I hope there will be patriotism enough among the American people to keep the question apart from party politics forever. For myself, I am free to say that, although I voted in obedience to the request of the State I in part represent, yet so dear is the Union of these States to me and mine, that if this become a geographical question, I shall resort to the remedy adopted by the men of Delaware in another crisis and in other days—I shall act in the spirit of the men who made the constitution, and compromise the question if I can, on terms equally fair and honorable, both for the North and the South.

Mr. FOOTE.—Do I understand the Senator as saying that he is not prepared to inform us whether General Taylor would veto the Wilmot proviso, as every whig print in New England has said he would?

Mr. CLAYTON.—The letter of General Taylor speaks for itself, and the gentleman from Mississippi has precisely the same means that I or the whigs of New England have of forming an opinion upon this subject. If General Taylor will write to me and tell me what he intends to do, I will be able to inform the gentleman. But for me to intrude my individual opinions on the Senator, the public, or this august body, would be folly. The Senator will please now in his turn take the stand, and inform me what General Cass will do with respect to the Wilmot proviso.

Mr. FOOTE.—No doubt he will veto it. He has announced his opinion that the Wilmot proviso is unconstitutional, and declared that he will exercise the veto power in all cases of unconstitutional laws.

Mr. CLAYTON.—If the Senator is right, then General Cass stands before the country as a sectional candidate—the head of a geographical party. I hope General Taylor will decline that honor. My hope is that he will never lend his great name to either of these geographical parties, but retain the power to settle the question without taking part with either.

To judge of the propriety of General Taylor's position, let us inquire how the Baltimore convention met this question. They positively refused to adopt any resolution denouncing the Wilmot proviso. Other democrats, besides the barnburners, when a resolution to repudiate the principle contained in it was offered, threatened to dissolve the party; the resolution was stifled, and the convention silent. The party expressed no opinion on the dangerous subject—they dared not do it. The platform they adopted did not recognize this geographical question as a party question, and this is in precise accordance with General Taylor's position. The anti-proviso platform of General Cass was manufactured by himself, and he is welcome to the position of chief of one of those geographical factions, with which Washington warned every American to have no connexion.

Among the proceedings of the Baltimore convention I observe that Messrs. Yancey, of Alabama, McGehee, of Florida, and Commander, of South Carolina, reported the following resolution:

Resolved, That the assertion of non-interference with the rights of property of any portion of the people of the country, or of any State or Territory, by any other portion of the same interested in them, is the true republican doctrine recognized by this body.

Mr. Yancey desired this principle to be incorporated in the Baltimore platform. Now, will the Senator from Mississippi tell me whether General Cass concurred in that report or not?

Mr. FOOTE.—I have no knowledge on the subject. I have stated what must be evident to the Senator, that General Cass discussed the Wilmot proviso in every aspect of it, in the plainest manner, and my impression is that his views will be sustained by the democracy in every part of the country. As to Mr. Yancey

I have not particularly noticed his views, but think that his course will meet the general reprobation of his party.

Mr. CLAYTON.—General Cass, then, repudiates Mr. Yancey's sentiments?

Mr. FOOTE.—I do not know.

Mr. CLAYTON.—I supposed that the Senator thoroughly understood all the opinions of General Cass. The honorable gentleman has travelled with the candidate, and was said to be a part of his body guard.

Mr. FOOTE.—That particular point was not started.

Mr. CLAYTON.—Then here is another subject about which General Cass has no platform. Now all these doubts, and ambiguities, and irreconcilable inconsistences come from the party which daily assails General Taylor, because, as they say, "he does not speak out." "He has no platform." So they spoke of General Harrison, until he beat them 146,000 votes. They called him "General Mum," and now, as then, the complaint is made that those who nominated the whig candidate had made "no platform." Sir, they knew that Washington had no platform, and they had more respect for General Taylor and for the intelligence of the people, than to put their candidate in a straight-jacket, or seek, by manufacturing professions of political faith for him, to deceive the voters of the country. They intended that he should be free and untrammelled, as the President of the whole people. But who is there among us that has not long since felt, and, publicly or privately, expressed his contempt for these "platforms?" Look back to your democratic platforms of 1844. Then, the democratic convention passed a resolution to re-annex all Oregon, avowing that the title to it was "clear and unquestionable up to 54° 40'." At the sound of the party bugle the partisan editors of the democratic press throughout the country shouted "clear and unquestionable." A thousand democratic meetings echoed back the sound. "Oregon and 54° 40" were painted on party banners and party walls, and printed on party handbills. Mr. Polk's Inaugural Address also declared the title "clear and unquestionable." His message, in December, 1845, repeated the same folly, and threatened war to the knife, and the knife to the hilt, against the English claim above 49°, all the little, and nearly all the great politicians of the party, standing ready to make fight on this platform. The party leaders afterwards occupied the attention of Congress for six months with this Oregon question, disturbing and distracting the nation, embarrassing trade and commerce, alarming the business men with the apprehension of a war with the most powerful nation on the earth, with which we have more commercial relations than with all the world beside. The price of freight rose so high at one time that no shipping merchant could venture on any distant voyage. General Cass stood in the front of the whole riot. He declared war to be inevitable. His belligerent propensities, displayed on this as well as on all other subjects, covered the whole platform. I never believed that this cry for war was sincere on the part of the wire-workers behind the screen, though I never doubted that the worthy General was perfectly sincere, and was completely duped by them. I advised my friends here to vote for the amicable notice to England —to "pay out rope," and test their sincerity about this platform. The result precisely answered my expectations. When we refused to hold them, they refused to fight, and the result was, that the whole pretensions to fifty-four forty were abandoned by themselves, and they fell back to the British line of forty-nine, upon which a settlement could, at any moment, have been made without a word of all this unjust and insolent bravado. The platform was abandoned; those who had adhered to it most violently, among whom was General Cass, were prostrated in the dust.—The chairman of the Committee on Foreign relations, [Mr. ALLEN,] under a deep sense of this humiliation, instantly resigned, and the present chairman, [Mr. HANNEGAN.] declared in his place, that Mr. Polk had, by surrendering the platform and his own pledges to adhere to it, "sunk himself so low that the hand of resurrection could never reach him." When put to the test, Mr. Polk treated the whole platform of 54° 40' with contempt, and gave up the whole country above 49°.

Mr. FOOTE—(in his seat.)—He was wise, and acted by the advice of the Senate.

Mr. CLAYTON.—Oh, yes! he was wise. The folly was in having a platform! In this case, an irresponsible cabal, called a convention, like the last one at Baltimore, many of the members of which were appointed at a tavern or a cross-road meeting, assembled and assumed the duty of directing and controlling the whole legislation of Congress on questions of peace and war.—They did not devote ten minutes to the title of Oregon, which they decided, and not one out of fifty of them had ever read or known any thing about it. The platform thus formed deeply endangered the peace of fifty millions of human beings. We were at one time, by all the blundering and blustering of the administration, driven within an inch of a war with England.

There was another platform—that made by the famous Kane letter. In that precious document, your President, according to the construction of some, avowed himself to be in favor of the tariff, and according to that of others, opposed to it. Unquestionably the mass of the people in the northern States believed that in that letter he avowed himself to be a friend of the tariff. It is as true as scripture, that in the State of Pennsylvania and other States at the North, the flags were flying with the inscription, "Polk Dallas, and the tariff of '42," and when we assailed those who practised these impositions on the people, as we repeatedly did, and accused them of duplicity, the reply was, on all occasions, "we are the true champions of the tariff of '42," and in proof of the assertion we were referred to the democratic vote in the other House, without which the bill of 1842 could not have passed, and told that, therefore, the democrats were entitled to the whole merit of the measure. Now, again the politicians have published one life of General Cass to suit the North, and another to suit the South, in regard to the Wilmot proviso. Thus, by platforms they ever palter with us in a double sense—"keep the word of promise to the ear, but break it to the hope"—at one time deluding our honest people into a vote for Mr. Polk, which he never could have received had he then avowed himself to be what he has since proved to be, the champion of free trade; and at another, representing General Cass as a man of northern principles in the North, and a man of southern principles in the South.

There is another platform: It is that of an honest man, who says that he is a whig, but that if elected to the Presidency he will not be the tool of a party—that he will be the President of the people—that he has no enemies to punish, no friends to reward—that while he will do his duty in removing corrupt, incompetent, or unfaithful men from office, he will not be the supporter of that infamous system of proscription which distributes the public offices of the country as the spoils of a victory—that he will, on this and all other subjects, endeavor to restore the government of the country to the principles of the constitution. His platform is the constitution; all others are utterly unworthy of respect. The patriotism of mere politicians which explodes in deceptive party pledges, is understood to be, as Dr. Johnson defines it, "the last refuge of a scoundrel." There is little difficulty in finding mottoes and illustrations to suit the title page of the whole volume of political platforms. In the action of some of the Presidents of the United States we can find enough to remind us of the old saw—

> "The Devil was sick, the Devil a monk would be—
> The Devil got well, *the Devil a monk was he.*"

The honorable gentleman also attacks General Taylor on the ground that he lacks qualifications. In justice, however, to his own noble heart, the Senator admits that General Taylor is a pure, honorable, high minded, and patriotic man. But he finds fault with General Taylor on account of what he supposes to evince a want of great learning. He reasons from General Taylor's confession that he was not a politician, that he is not competent for the Presidency. That is, I think, his chief objection. The gentleman certainly did also find much fault with one or two of General Taylor's letters. I shall not deny that his letters, like those of other great military commanders, written in the hurry of a camp, and on a barrel, a box, or a drum-head, have not the beauty of finish and the rotundity of period which the gentleman so well knows how to give his own letters. But for strong sense and appropriate language to convey it, no man can excel those letters of Taylor in which he found it important to attend to the manner as well as the matter of his composition. On every court-martial on which he has served for the last twenty years, the other members of the court, although often scholars of high character, have generally selected Taylor to draw up the sentence of the court, on account of his superior qualifications. We laugh at the story that he cannot write his letters. That from his enemies is a new tribute to their excellence! General Cass is, we admit, a knowing and a learned man; but General Taylor is a wise man. I agree with the poet, that

> "Knowledge and wisdom far from being one,
> Have often times no connection. Knowledge dwells
> In heads replete with thoughts of other men—
> Wisdom in minds attentive to their own."

General Cass has great erudition, and has written books. But in the great essential qualities of wisdom, justice, integrity, humanity, and moral as well physical courage, Taylor approaches nearer to the character of Washington than any man who has occupied the Presidential chair since his day. And with regard to the champion of the gentleman from Connecticut, [Mr. NILES,] who has indulged himself in a sly fling at General Taylor, I will give my opinion with equal frankness. Mr. Van Buren is a cunning man, and it has often been observed, that no cunning man was ever yet a wise one. Exception is taken to Taylor's qualifications, because he has been compelled, in his country's service, to pay more attention to the cartridge than the ballot-box; and in his letters has modestly expressed his own diffidence of his ability to discharge the duties of President of the United States. But let me call the attention of the Senate to what Gen. Washington said of himself in his inaugural address. He says to Congress:

> "The magnitude and difficulty of the trust to which the voice of my country has called me, [Washington] being sensible of the weight and moment of the public duties I am about to undertake, feels the deepest anxiety and distrust in many circumstances, which, among other embarrassments, must precede, attend, and follow the present solemn occasion. I was summoned from my farm and from the walks of domestic life, without any preparation, and I am conscious that many defects will appear in my administration

Mr. President, a paper is put into my hands, which I am requested to read to the Senate. In 1840, General Harrison was charged by our opponents with the high crime of having signed a law, about fifty years ago, while Governor of the northwest territory, for selling poor white men into bondage. That, if I understood it was a law to punish crime. It is a fair reprisal on an enemy that could make such a charge to refer them now to a law signed by their present candidate while Governor of Michigan, of so late a date as the 27th of July, 1818. The law, which the Senator from Michigan [Mr. FELCH] will acknowledge to be an authentic copy from the territorial statutes of Michigan, is in the following words:

AN ACT for the punishment of idle and disorderly persons.

SEC. 1. *Be it enacted by the Governor and Judges of the Territory of Michigan*, That any justice of the peace, on conviction, may sentence any vagrant, lewd, idle, or disorderly persons, stubborn servants, common drunkards, common night walkers, pilferers, or any persons wanton or lascivious in speech, indecent behavior, common railers or brawlers, such as neglect their calling and employment, misspend what they earn, and do not provide for themselves and families, to be whipped, not exceeding ten stripes, or to be delivered over to any constable, to be employed in labor not exceeding three months, by such constable to be hired out for the best wages that can be procured; the proceeds of which to be applied to the use of the poor of the county.

Made, adopted, and published at Detroit the 27th day of July, 1818.

LEWIS CASS,
Governor of the Territory of Michigan.
A. B. WOODWARD,
Presiding Judge of the Territory of Michigan.
J. WITHERALL,
JOHN GRIFFIN,
Judges of the Territory of Michigan.

This act was passed by the authority originally given in the ordinance of 1787. It provides that "that the governor and judges shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary and best suited to the circumstances of the district, and report them to Congress, from time to time." In the year 1818, Governor Cass adopted and passed this act, as one of the legislators over the territory. By it a "common night-walker," or any "idle person," or any "stubborn servant," or any "person licentious in speech," or any "person of indecent behavior," or any person who should "misspend what he hard earned, and provide for himself or family" might, at the discretion of a justice of the peace, be whipped ten lashed, or delivered over to a constable, to be hired out for the best wages that could be procured! If the General should remain of that mind hereafter, what a prospect of whipping and hiring out does it present to all who may have a fancy for night-walking, for all idlers, such as may, in the judgment of a justice of the peace, be "stubborn servants," or "licentious in speech," or happen not to spend their money as the justice shall approve! There is nothing in the old sedition law, or in the blue laws of any of the old States, to exceed this precious specimen of the Governor's legislation in 1818. I commend it to the especial consideration of the modern democracy in their future progress.

Sir, I have done. Let me only say, in conclusion, that I hope that my friends on the other side now have enough of platforms; and that in future all genuine republicans may rally together under the standard of Taylor, which is wide enough and broad enough to protect and shelter every true friend of his country, whether a native or a naturalized citizen, no matter what may have been his party designation. Let all such men stand up boldly together in the battle for the rights of man, as secured to us by the great charter of American freedom, the constitution of our country, and the REPUBLICAN PARTY of the country may triumph over all opposition from the self-styled democracy, to the end of time.

Mr. FOOTE.—Mr. President: I have heard it said that it is an established rule among professed rhetoricians, both ancient and modern, that the peroration should always be the most brilliant and imposing part of a speech. It will be readily acknowledged by those who have listened to the honorable Senator from Delaware, that the conclusion of that very magnificent harangue which has riveted our attention for the last two hours or more, is not altogether a very striking exemplification of the rule alluded to. After discussing with great ability, and with much of the pomp and circumstance of the war oratorical, many of the loftiest and most enkindling topics which can claim the consideration of enlightened statesmen, or rouse the sensibilities of the patriot, he descends, with a *bathetic* impetus which has no parallel, to the examination and elaborate discussion of one of the most petty and trivial topics which ever found its way into a grave deliberative assembly; and thus is he content to close his speech!

Well, sir, since the Senator has resolved that we shall look into the act of the Territorial Legislature of Michigan, to which he says the sanction of our candidate for Presidential honors was actually given, let us examine it. It is as follows:

[The honorable Senator read the act as given above.]

Sir, this law is almost precisely correspondent with statutes to be found upon the statute-book of every State in this Union. I am informed that it is an exact copy of the statute of Vermont on this subject; and I know that there are but few States in the Union which have not at one time had a similar one. Whether General Cass introduced the bill in the Territorial Legislature, of which he was a component member, (for I understand that the whole legislative power was vested in the Governor and three judges of the territorial court;) whether he sanctioned it when proposed by another; or whether it became a law in opposition to his judgment and wishes, we are not informed, nor do I deem it at all material to ascertain. For my part, I am perfectly willing that all such miscreants as are described in the territorial law of Michigan may vote against us in the coming Presidential contest —being perfectly convinced that there will be a sufficient number of honest, industrious, orderly democratic voters to secure us the most signal triumph which has been achieved by the democratic party since the overthrow of the elder Adams.

And now, Mr. President, in closing this debate, I have only to repeat, what I have so often reiterated, that the leaders of the whig party in this body have been called upon to defend their principles, and they have undertaken to do so, but have totally failed even to make a single distinct issue with us. They have been called upon to explain the principles of their Presidential candidate, and they have all confessed their utter inability to do so.—They have been requested to affix some definite interpretation to the published letters of General Taylor, and they have confessed themselves incompetent to the task. The Senator from Delaware says that General Taylor's political creed is to be found in his Allison letter. I have asked him what the Allison letter means upon several important points, and he acknowledges that he is unable to inform me. I have invited the honorable Senator's attention specially to his own letter published in the autumn of 1846, in which he declares that all the old party issues of 1844 are to be decided by the Presidential contest of 1848. I have enquired of him whether he adheres to what he then published. He promised me an answer, but has closed his speech without compliance with his promise. From this time forward, let no man assert that the whigs, as a party, have any political principles; for certain it is, that if they have principles, they are such as they are ashamed to avow, and dare not attempt to vindicate by argument.

Mr. FELCH.—I desire to say a few words in reference to the law referred to in this debate. Neither the Senator from Delaware nor the Senator from Mississippi, appears to understand the territorial organization in Michigan when this law was adopted.

The power of legislation was committed to the governor, the presiding judge, and two associate judges of the territory. These four individuals acting together, possessed the only legislative authority which was exercised within the limits of the territory. They acted together as a board, each having his vote upon the adoption of proposed laws, and under an express provision that a majority should govern. General Cass, who was governor of the territory, had no veto over the action of the other members; he was on an equality only with them and had his simple vote. He may have been opposed to the law in question, and have given his vote against its adoption; yet by the votes of the other three it would become a law, and it would be his duty to certify it in the proper manner to give it effect. From the evidence here presented, it appears to have been adopted by a majority of the governor and judges, but having no record of the action of that tribunal upon it, we have no evidence to show whether General Cass was in favor of it, or against it. All that now appears is perfectly consistent with the truth, even if General Cass strenuously opposed and voted against the adoption of the law. But whether it met his approval or his opposition, is to my mind a matter of little importance.

The law-making powers of the governor and judges were peculiar. They had no general authority of legislating for the territory. Their power was limited to the adopting of such laws of the States, criminal and civil, as might be necessary and best suited to the circumstances of the district. They could adopt the laws of other States, but could originate none. Since the charge has been made in the public papers against General Cass, that he approved the law referred to by the Senator from Delaware, a friend of mine has examined the original in the office of the Secretary of State, and informed me that it is certified upon the manuscript, that the same is adopted from the laws of the State of Vermont. From this information, I assert with confidence that such is the fact. In regard to the character of the laws adopted under the organization abovementioned of the territories of the northwest, two things deserve consideration. The first is that the laws were uniformly adopted from the statutes of the oldest and most enlightened States in the Union; from those in which the subject of good government were most perfectly understood, and the principle of morality most fully established. Hence the State of Vermont, a State which is admitted to be inferior to none in these important respects, is one from which such laws were derived and transferred to the new country in the west. The Senator from Florida asserts that a law similar to that under consideration existed in Massachusetts. And the statute books of most of the old thirteen States, would, I believe, if examined, show similar provisions enacted and enforced at an early period. It is also to be remarked in the second place, that the laws adopted under the early organization in the different territories of the northwest are similar in their character. Many of them are identical in terms; and laws making penal the offences described in the enactment under consideration, and inflicting punishment of the same character, will be found among the early laws of most, if not all the territories, and in some portions of the west they were long continued under the State organizations. In the State of Indiana a law similar in its provisions to that under consideration, was for many years on the statute book and in force. This law at the time of its passage, received the official approval of General Harrison, then governor of the territory of Indiana, and since President of the United States. That law, however, was more severe in its penalties than the law adopted in Michigan. While the punishment in the latter was limited to ten stripes, and to a term of labor not exceeding three

months, the Indiana law extended the penalty to forty stripes save one, and the term of service at hard labor to nine months. The law-making power of Indiana at this time resided in a council and House of Representatives. General Harrison, as governor of the territory, had under the ordinance of 1787 an absolute veto upon every bill. Without his approval no law could be valid; to the enactment abovementioned, he gave his approval in writing. General Cass as governor of Michigan, I have already shown, had no such controling power over the action of the board of which he was a member. The law of which the gentleman complains, was adopted in 1818, thirty years ago. Sir, do not all know that within that space of time, crimes and punishments therefor have been the subject of careful investigation, and that the result has been a great change in public opinion, and the laws in regard to them. Methods of punishment approved by all at that time are discarded now. Milder penalties and less ignominious inflictions are adopted by common consent. On this subject the efforts of philanthropists have ameliorated the punishments of offences, and caused a system of criminal laws to be adopted more consonant with the feelings of humanity.

To this advance of public sentiment, I am happy to know that no one gives a more hearty approval than General Cass. His writings on the subject of legal and judicial reform, which may be read by all, exhibit his deep interest in the matter. His efforts have had their share in producing the result, and no man more than he rejoices at such improvements.

Mr. JOHNSON, of Maryland, inquired of the Senator from Michigan, whether the law of 1818 was in force at the present time in that State.

Mr. FELCH.—No, sir. It was repealed long ago. The territorial organization under the governor and judges was superseded by what was denominated the second grade of territorial government. In this second form of government, the people were represented by a legislative council, who had, with the governor, the power of legislation. When this form of government was organized, the territory entered on a new course of legislation and new enactments were substituted for the former laws. The law in question was thus rescinded.

Mr. WESTCOTT stated that the law referred to was a part of the laws of Massachusetts and not of Vermont.

Mr. CLAYTON.—The Senator from Mississippi and myself have already occupied quite as much time on this subject as properly belongs to us. I shall be perfectly content to let the country judge between us on the questions we have discussed. The people will very easily decide how much foundation there is for the Senator's pretence, that I have not been sufficiently explicit; and they will have as little difficulty in deciding whether he has been able to answer the question addressed to him. The only thing I wish now to say is, that the territorial law adopted by General Cass in July, 1818, owes its authority to the laws of Congress, which will be found in 1st vol. laws, page 51, and 2d vol. laws, page 308. The one is the ordinance of '87; the other the act to divide the Indian territory into two separate governments.

Mr. JOHNSON, of Maryland.—I concur in the desire, which evidently prevails in the Senate, that the question of the adjournment should be decided to-day; and rise now for the purpose only of doing an act of justice to a distinguished citizen of North Carolina, [Gov. Morehead] whose name has been brought before the Senate in the course of this debate, by the Senator from Mississippi [Mr. FOOTE.] In his inaugural address, on being installed President of the whig convention at Philadelphia, that citizen was represented by the Senator from Mississippi as having adopted the sentiment that "to the victors belong the spoils." I was not a member of that convention, but I recollected distinctly the report of the President's opening speech, which appeared in the Philadelphia "North American" on the following morning; and I therefore expressed to the honorable Senator my conviction that he must have been misinformed, and that the distinguished gentleman who presided over the deliberations of that convention, never made use of the language which had been attributed to him. I have since ascertained that the official reporter of the Senate was in attendance at the Philadelphia convention, and made notes of the address of the President. I shall now read the report of what Gov. Morehead really said; from which it will be seen that he utterly repudiated the degrading and detestable sentiment that "to the victors belong the spoils." I beg to state that the report was made by the official reporter of the Senate himself, and no one who knows Dr. Houston can have any doubt as to his entire accuracy:

"All we have to do is to select a standard bearer who will secure the hearty co-operation of all sections of our country in the common cause of our country's welfare. Let us have inscribed upon our banner, "the prosperity of our country."

"We have been told that "to the victor belong the spoils." Let us determine that we will be victors, and when victorious, if spoils we must have, I will be for those which will secure the redemption of our country from her present unhappy condition, which will replenish our lean, gaunt, and hungry Treasury, and restore our country to that flourishing and happy condition from which she has fallen."

Mr. FOOTE.—When this speech was delivered I saw the report, from which I quoted to the Senate the other day, and it represented the presiding officer as delivering the sentiment I charged upon him. I saw the same report in other papers. But under the impression produced by the statement of our reporter I have withdrawn the charge; and I think all parties must be very much indebted to me for bringing this matter under revision.

The VICE PRESIDENT then stated the question to be upon the motion of the Senator from Indiana, [Mr. BRIGHT,] to amend the resolution by striking out the "17th July," and inserting the "31st July."

Mr. DOWNS.—I think it very desirable that the consideration of this subject be postponed for a short time. I understand that the treaty has been received and will be communicated to the Senate shortly, and I think that it and the Oregon territorial bill before us, should be settled before we adjourn. The question is: Shall we be able to perform our business within the time mentioned and be ready to adjourn at that time? We have highly important business before us, and we should have ample time to perfect and conclude that business. In order that we may have a few days more to reflect upon the subject, and to proceed with the important bill before us, I move that the further consideration of this question be postponed until Monday week.

Mr. BERRIEN.—Whatever may be the decision of the Senate upon this resolution, I hope the motion of the Senator from Louisiana will not prevail. It will scarcely be courteous to the House of Representatives who have sent here a resolution proposing to adjourn on the 17th day of July, that we should postpone a consideration until the very day proposed. We shall hold them bound by their action up to the morning of the 17th to do as we shall see fit, while we in the mean time may do as we think proper.—I think we had better meet the question now. Let us have the opinions of Senators upon the different days proposed. In respect to what we can or cannot accomplish, we have heard that suggestion made before, and the answer has been that we will accomplish much more by fixing a day for adjournment, than we shall by leaving the matter undecided. If we fix a day I believe we shall work up to it. If this question is left open, we shall most probably be sitting here in the month of September.

Mr. BREESE.—As this is the day agreed upon for the final vote upon the Oregon territorial bill, I move that to-morrow week instead of Monday week be the day fixed for the consideration of this question.

Mr. DOWNS.—I withdraw my motion, and accept that of the Senator from Indiana as a substitute.

Mr. BERRIEN.—My proposition is not to take up and agree to this resolution, but determine whether we shall agree to or reject it, in order not to keep the House bound by that resolution, while we remain free to pass it or reject it.

Mr. DOWNS.—This subject is a very important one. It is known that when the time is once fixed for adjournment, that the proceedings of the Senate are no longer in the control of a majority of the body. If there be any objections to certain measures, it will be in the power of a minority to defeat their passage by talking against time. For one, I will not place Congress in this situation at the present time. I believe it is vastly important to the peace and quietude of the country that this question of the territorial bill should be settled, and that Congress ought never to adjourn until it is settled. Already we have notice of a sort of northern Congress to assemble at Buffalo on the 9th of August, and if Congress goes away without settling this great question, my word for it it will not be long before we will have a southern as well as a northern Congress. It is in the power of Congress now to settle this measure, and I trust that time will be allowed them to have it settled.

Mr. LEWIS.—There are certain questions before us, which, if not settled now, I do not think ever will be. I therefore move that the longest period proposed be the day fixed for considering the question of adjournment.

Mr. TURNEY.—I am opposed to fixing any day for adjournment. I think this question of the territorial bill must be settled at the present session, or it never will be settled. We are told that by fixing a day we can work up to it. Sir, though I have been a member of this body but a short time, I have witnessed the defeat of a highly important measure by speaking against time. The three million bill was lost in this chamber by it. There is an important and deeply agitating question now before us, superinduced by the presentation of the Oregon territorial bill. Are we desirous of placing it in the power of those who are desirous of shunning off this question to do so? For one, sir, I am not willing to place the time of adjournment beyond our control, until the Oregon territorial bill has first passed.

Mr. ALLEN.—I am of opinion that all we can do, and do well, may be done in a month. I shall, therefore, vote against the proposition, and in favor of fixing the last day of this month as the day for adjournment.

The question was then taken upon the motion of Mr. DOWNS, that the further consideration of the resolution be postponed until Monday week: and it was determined in the negative as follows:

YEAS—Messrs. Allen, Atherton, Benton, Bradbury, Breese, Bright, Calhoun, Clarke, Corwin, Davis of Massachusetts, Dix, Dickinson, Dodge, Iowa, Fairfield, Fitzgerald, Greene, Hale, Hannegan, Johnson of Maryland, Johnson of Louisiana, Lewis, Mangum, Metcalf, Miller, Niles, Pearce, Phelps, Sprague, Sturgeon, Underwood, and Upham—32.

NAYS—Messrs. Allen, Atherton, Badger, Bell, Berrien, Bradbury, Breese, Bright, Calhoun, Clarke, Corwin, Davis of Massachusetts, Dix, Dickinson, Dodge, Iowa, Fairfield, Fitzgerald, Greene, Hale, Hannegan, Johnson of Maryland, Johnson of Louisiana, Lewis, Mangum, Metcalf, Miller, Niles, Pearce, Phelps, Sprague, Sturgeon, Underwood, and Upham—32.

Mr. BREESE then moved that the further consideration of the resolution be postponed until to-morrow week; and upon this question the yeas and nays were ordered, and it was determined in the negative as follows:

YEAS—Messrs. Atherton, Benton, Borland, Bright, Butler, Calhoun, Clayton, Dawson, Mississippi, Dodge, Downs, Foote, Hunter, Johnson, of Louisiana, Johnson, of Georgia, Lewis, Mason, Rusk, Sebastian, Sturgeon, Turney, Westcott, and Yulee—22.

NAYS—Messrs. Allen, Atchison, Badger, Bell, Berrien, Bradbury, Breese, Cameron, Corwin, Davis, of Massachusetts, Dayton, Dickinson, Dix, Felch, Fitzgerald, Greene, Hale, Hamlin, Johnson, of Maryland, Mangum, Metcalf, Miller, Niles, Pearce, Phelps, Spruance, Underwood and Upham—22.

The question recurring on agreeing to the amendment proposed by Mr. BRIGHT—

Mr. DOWNS moved that the Senate adjourn.

The motion was determined in the negative.

Mr. BRIGHT.—My reason for making the motion for adjournment on the 31st of July was, because I feel satisfied that by time we shall be ready to adjourn. The Senators from Louisiana and Tennessee would make it appear that there is a party in this Senate who are endeavoring to dodge an all-important question—a question which they further assert, if left unsettled by this Congress, may lead to the dissolution of this Union. Sir, I am well satisfied that speech-making in Congress cannot separate this Union. I desire much to see the Oregon territorial bill settled, and I think that by fixing the 31st of July, we may put an end to useless debate, and conclude all our business by that period. For one, sir, I am anxious to vote upon all the bills before us; and if we vote more, and speak less, we can soon despatch our business.

Mr. RUSK.—Mr. President, I desire to say but a very few words. The Senator from Indiana, [Mr. BRIGHT,] has remarked that if we vote more and speak less, we shall be able to get through business by the 31st July. This may be true, sir. But will the fixing that day for adjournment stop the speaking? I doubt it. On the contrary, sir, I believe that if there is a disposition any where to avoid the responsibility of meeting the important questions presented by the territorial bills, the fixing a day for adjournment will increase the talking. Sir, it is the duty of this Congress to establish governments both in Oregon and California, and furnish ample means for the protection of the citizens of those territories. There is, at this moment, an Indian war going on in Oregon, and while we are engaged in the laudable business of President making, your citizens in Oregon, without regard to age or sex, are being butchered by savages. To the hardy enterprize of these people, in a great measure, you owe your present possession of that country. They are not represented here. They have been described in this hall, as intruders upon the public domain; and all power to make any laws for their government and safety, has been denied them. I look upon them, sir, as citizens, worthy citizens of this republic, and fully entitled to have the protecting arm of this government thrown around them. It may do for gentlemen here, who are in no danger, to theorize and make long speeches, intended to affect the question of the day or a future presidential election. But, sir, it is the bounden duty of this government, to afford prompt and speedy protection to the citizens of Oregon. They have been neglected too long already. They are as much entitled to our consideration, as the citizens of any of the States of this Union. Fix the day of adjournment, and you deny them protection in all probability, for the next four years.

The citizens of California equally demand your consideration, as a state of anarchy and confusion will prevail there. The population of that country are of discordant materials. They are discontented Mexicans; disappointed English capitalists, who have been baulked in their schemes of securing that important country.—They are surrounded by war-like tribes of Indians, who have been, and will be again, unless prevented, incited to acts of hostility. You owe it to them, sir, you owe it to your own character, as well as interest, to make prompt and efficient provision for their protection. Fix your day for adjournment now, and any bill upon that subject will be defeated. More than that, sir, if this question is not now settled, I fear it will not be in the next four years. It is too important a question for reckless and aspiring politicians to make capaital out for the campaign of '52. Now, in my opinion, is the most propitious time to settle it. I hope it will be done; but I confess, sir, I have my doubts that it will be settled. It is in my humble opinion, a question vastly more important to the quiet, not to say safety of this Union, than any contest for the Presidency can be.

Mr. BUTLER.—I ask the question solemnly, if this Congress should disperse this month, and return in December, whether it will then constitute a more temperate or impartial tribunal for the satisfactory decision of the grave issue upon which we have to pass at some time or other than it is at present? Sir, having the whole control of the matter in our hands, now cannot we dispose of it more satisfactorily than at any other time? If we disperse and go away without settling this question, the public mind will become more and more inflamed, and we shall meet here in December, nothing more nor less than a packed jury; for one section of the Union will be arrayed against the other section. Sir, it is our duty, having the control of this matter, to take the responsibility of deciding this question for ourselves. If we do not, gentlemen cannot tell the consequence that may result. If the business before us can all be disposed of by the 31st of July, I am perfectly willing to adjourn on that day. But if we are to go into the discussion of these important questions before us, let us have the longest period that may be convenient fixed for the day of adjournment.

Mr. BELL.—I voted against both propositions to postpone the further consideration of the resolution. If necessary, I shall do so again. I do not feel the alarm or apprehension expressed by some of the Senators, in relation to this subject, by any means. Nevertheless, there are considerations connected with it that are of great weight. I understand from the Senator from Louisiana that the treaty will soon be communicated to the Senate, which will of course bring with it the question of the true boundary of Texas for settlement. I should like, for one, to see also what disposition is to be made in relation to the government of the territory of California and New Mexico, as well as of Oregon, before I aid in placing the time of adjournment beyond our control. I think that we might fix a day, and then lay the resolution upon the table, thus having it in our power, at any day, to call it up and pass it if we find the business before us rapidly maturing. I move to lay the resolution on the table.

The question being taken upon the motion of Mr. BELL, that the resolution lie on the table, it was determined in the negative as follows:

YEAS.—Messrs. Atchison, Atherton, Bell, Benton, Borland, Butler, Calhoun, Clayton, Dawson, Mississippi, Dodge, Downs, Foote, Hunter, Johnson, of Louisiana, Johnson, of Georgia, Lewis, Mangum, Mason, Metcalf, Rusk, Sebastian, Sturgeon, Turney, Westcott, and Yulee—25.

NAYS.—Messrs. Allen, Badger, Berrien, Bradbury, Breese, Bright, Cameron, Clarke, Corwin, Davis, of Massachusetts, Dayton, Dickinson, Dix, Felch, Fitzgerald, Greene, Hale, Hamlin, Johnson, of Maryland, Miller, Niles, Pearce, Phelps, Spruance, Underwood and Upham—26.

Mr. ATHERTON.—The disposition of this subject which seems to me most proper would be, to adopt the amendment to the amendment which fixes the 31st day of July as the day of adjournment, and then it could afterwards be altered as the necessity of the case might require. Thus we would indicate to the House our disposition to adjourn by that time and then the resolution might be laid on the table. It seems to me that the time has not yet come when the Senate ought to give up the control over this subject, and that we are not prepared to say now whether we can possibly get through our business by that time. Still, by the adoption of an amendment we shall evince a disposition to adjourn by that time; and then, by laying the resolution on the table, we may accommodate ourselves.

Mr. BRADBURY.—The Senate will recollect that the other day when this subject was under consideration, by almost general consent, the 31st of July seemed to be regarded as the proper time for adjournment. Sir, how can we expect to get on with our business unless we do designate a day. Then it was apparent that the business might be all accomplished by the 31st of July. By leaving the question open, we have gone on to other subjects. The surest way is to designate the day, and then we shall be likely to have our debates confined to the subjects under consideration. We are most likely to get action upon the subjects before us by fixing a day, add, for one, I think that by the 31st of July we can accomplish all that is necessary to be desired.

Mr. JOHNSON, of Georgia.—I have no disposition at this late hour of the day, to trespass upon the time of the Senate, but nevertheless I feel it my duty to present very briefly the reasons for the vote I am about to give. I am sorry to differ with my colleague as to the propriety of fixing at this time a day for the adjournment of Congress, as the interests we represent are identical. Sir, the question involved in the twelfth section of the bill for the organization of a territorial government in Oregon, is the great question of the session, and should be settled before we think of adjournment. It is an agitating question. The region of country from which I come is deeply excited; and indeed I may say the whole country is deeply excited. The eyes of the people North and South are turned with intense anxiety to the action of Congress upon the subject of slavery in the territories of the United States. It is due to them—they have a right to expect and demand at the hands of their representatives that this agitating question should be put to rest—removed from the arena of politics. In I could have the assurance that it is the fixed determination of Congress before its adjournment to decide these questions growing out of the territorial bills, I would vote for the earliest adjournment. But in opposition to the statements of experienced Senators, I must beg leave to entertain the opinion that it is unsafe and unwise to fix a day of adjournment until we have made such progress as will ensure definite action. The question of restricting slavery in the territories is one of such magnitude that it must and will lead to protracted debate. It is not wrong that it should—it ought to be thoroughly discussed, to the end that the opinions of the various sections of our country may be fairly understood—that those who represent the various shades of opinion may commune freely and candidly with each other. Fix a day of adjournment now, and you jeopard every thing; you place it in the power of those disposed to evade these absorbing issues, (if any there be,) at the last expiring moments of the session to defeat the bill by speaking against time. Is it right to do this thing? Is it not the part of wisdom and prudence, to hold this subject of adjournment under our control, so that we may be certain of transacting the business entrusted to us? If this question of slavery in the territories be left open, the country continues agitated—the public mind is kept in the most painful suspense. Sir, I am disposed to relieve the country from this state of agitation, which is calculated to sever the ties of fraternity which bind together the different sections of the confederacy, and weaken the bonds of this Union. Take this question from the arena of politics and you save us from the evils consequent upon its continuing to be use

as capital in the scramble for party power. Is not this an object worthy of serious consideration?

Can it be possible that it is the consideration of a few dollars and cents which will be drawn from the Treasury, by protracting the session for a few days, which is producing upon the minds of Senators such haste for an adjournment? No, sir, it cannot be. Dollars and cents sink into utter insignificance, when compared with the momentous question now before the Senate.

Can it be expected that the business before Congress can be well done by the 31st of this month? Look at your calendar and see the accumulated matter yet to be disposed of. Remember that very little progress has yet been made in the appropriation bills, absolutely necessary for the administration of the government. The general appropriation bill has not yet passed the other house. In a day or two we shall receive a message from the President, communicating the ratification of the treaty with Mexico and recommending legislation of a most important character. The territories of New Mexico and California are to be legislated for—legislation in reference to the reduction of the army must be had. Can all this, which requires deliberation, wisdom and prudence be done, within the time designated? Sir, these are weighty considerations in my humble judgment, and admonish us not to be hasty in deciding upon a day of adjournment. No Senator can be more anxious to return home, to his private affairs than I am; but impressed with the views which I have expressed, I cannot resist the conviction that it is my duty to oppose an adjournment until these weighty matters are disposed of.

Sir, I will present one other view upon this subject. The democratic party are in the majority in this body. If we adjourn without disposing of the question of slavery in the territories, a disappointed country will hold that party responsible—responsible for all the excitement and agitation which will distract the public mind. I do not make this remark for the purpose of imparting a partisan character to this debate. All I desire to do is to remind this side of the chamber of the deep responsibility which rests upon them. On the other side of this chamber we see a unanimous vote for the adjournment on the 31st of this month. Why is this? I charge partizan motives to nobody; but I do say this, that on that side there is too much sagacity for them not to see that they have nothing to lose as a party, by the failure to adjust this question of slavery. Let there be such a failure, and it will be charged upon this side that we feared to meet this question, and that in certain quarters there were those who dreaded action upon it. Disavowing any intention to enter into partizan discussion, I throw out these hints to remind Senators on this side, of their responsibility. We have the power to settle these delicate questions; if we do not do it, we subject ourselves to blame. Then let us resolve to meet them, and meet them boldly; and for this purpose to entertain no idea of adjournment until the work is done, and well done.

The question recurring on the motion by Mr. DOWNS to amend the amendment by substituting the "14th August" for the "31st July"—

Mr. LEWIS moved that the resolution lie on the table; and, the yeas and nays being ordered, it was determined in the negative, as follows:

YEAS—Messrs. Atherton, Bell, Benton, Borland, Butler, Calhoun, Clayton, Dawson, of Mississippi, Dodge, Downs, Foote, Hunter, Johnson, of Louisiana, Johnson, of Georgia, Lewis, Mangum, Metcalfe, Rusk, Sebastian, Sturgeon, Turney, Westcott, Yulee—24.

NAYS—Messrs. Allen, Badger, Berrien, Bradbury, Breese, Bright, Clarke, Corwin, Davis, of Massachusetts, Dayton, Dickinson, Dix, Felch, Fitzgerald, Greene, Hale, Hamlin, Johnson, of Maryland, Miller, Niles, Pearce, Phelps, Spruance, Underwood, Upham—25.

Mr. RUSK moved that the Senate adjourn; and, the yeas and nays being ordered, it was determined in the negative, as follows:

YEAS—Messrs. Atherton, Benton, Borland, Butler, Calhoun, Dodge, Downs, Foote, Hunter, Johnson of Louisiana, Johnson, of Georgia, Lewis, Mangum, Mason, Metcalfe, Rusk, Sebastian, Sturgeon, Turney, Westcott, Yulee—21.

NAYS—Messrs. Allen, Badger, Bell, Berrien, Bradbury, Bright, Clarke, Corwin, Davis, of Massachusetts, Davis, of Mississippi, Dayton, Dickinson, Dix, Felch, Fitzgerald, Greene, Hale, Hamlin, Johnson, of Maryland, Niles, Pearce, Phelps, Spruance, Underwood, Upham—26.

The question was then taken upon the motion of Mr. DOWNS to amend the amendment, by substituting the "14th August" for the "31st July;" and it was determined in the negative, as follows:

YEAS—Messrs. Allen, Benton, Borland, Butler, Calhoun, Dickinson, Downs, Foote, Hunter, Johnson, of Louisiana, Johnson, of Georgia, Lewis, Rusk, Sebastian—13

NAYS—Messrs. Atherton, Badger, Berrien, Bradbury, Breese, Bright, Clarke, Corwin, Davis, of Massachusetts, Davis, of Mississippi, Dix, Dodge, Dixon, Fitzgerald, Foote, Hunter, Johnson, of Maryland, Mangum, Metcalfe, Miller, Niles, Pearce, Phelps, Spruance, Sturgeon, Turney, Underwood, Upham, Yulee—33.

The question recurring upon agreeing to the amendment proposed by Mr. BRIGHT—

Mr. DAVIS, of Mississippi.—I wish to explain my vote upon this question. If we fix a day, as is proposed, those who are unwilling to meet the great question before us would have an inducement and an opportunity offered for idle and protracted discussion, in order to have the bill delayed, so as not to vote upon it finally at this session. I am desirous of an early adjournment; and am convinced that all legislation, not absolutely necessary, may be adjourned to the next session of Congress. The question involved in this territorial bill, however, should be settled at this session. I shall vote against fixing any day.

Mr. ALLEN.—I am quite willing and ready to vote at a moment's warning upon any question that is yet to come before us for final decision this session. I can do so without offering one word of argument; and if this question be not acted upon, it shall not be because of argument or speech from me.

The question was then taken upon agreeing to the amendment of Mr. BRIGHT, to strike out "the 17th day of July" and insert "the 31st day of July," and it was determined in the affirmative, as follows:

YEAS—Messrs. Allen, Atherton, Badger, Bell, Berrien, Bradbury, Breese, Bright, Clarke, Corwin, Davis, of Massachusetts, Dayton, Dickinson, Dix, Felch, Fitzgerald, Greene, Hale, Hamlin, Johnson, of Maryland, Mangum, Metcalfe, Miller, Niles, Pearce, Phelps, Spruance, Sturgeon, Underwood, Upham—30.

NAYS—Messrs. Benton, Borland, Butler, Calhoun, Davis, of Mississippi, Dodge, Downs, Foote, Hunter, Johnson, of Louisiana, Johnson, of Georgia, Lewis, Mason, Rusk, Sebastian, Turney, Westcott, Yulee—19.

Mr. BRIGHT then moved that the resolution lie upon the table. He remarked that the Senate had done now all that he thought was necessary at the present time in regard to the resolution. They had, by fixing upon a day evidenced to the country that they were willing to adjourn at the earliest moment consistent with the public interests. They could now proceed with the important business before them, and as soon as it approximated to completion, they could call up the resolution, and finally dispose of it.

Mr. DICKINSON made a few remarks of a similar tenor, when—

Mr. BRIGHT renewed his motion that the resolution lie on the table; and, the yeas and nays being ordered, it was determined in the affirmative, as follows:

YEAS—Messrs. Atherton, Bell, Benton, Borland, Breese, Bright, Butler, Calhoun, Davis, of Mississippi, Dickinson, Dodge, Downs, Fitzgerald, Foote, Hunter, Johnson, of Louisiana, Johnson, of Georgia, Lewis, Mangum, Mason, Rusk, Sebastian, Sturgeon, Turney, Westcott, Yulee—26.

NAYS—Messrs. Allen, Badger, Berrien, Bradbury, Clarke, Corwin, Davis, of Massachusetts, Dayton, Dix, Felch, Greene, Hale, Hamlin, Johnson, of Maryland, Metcalfe, Miller, Niles, Pearce, Phelps, Spruance, Underwood, Upham—22.

So it was

Ordered, That the resolution lie on the table.

WABASH AND ERIE CANAL LANDS.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill in addition to an act therein mentioned, reported the same without amendment.

The Senate proceeded to consider the said bill, as in Committee of the Whole; and, [a similar bill from the House having been passed,]

On motion by Mr. BREESE, it was

Ordered, That it lie on the table.

On motion,

The Senate adjourned.

THURSDAY, JULY 6, 1848.

PETITIONS.

Mr. DIX presented a petition of citizens of Guilderland, New York, praying that the franking privilege may be abolished, and the rates of postage reduced; which was referred to the Committee on the Post Office and Post Roads.

Mr. SEBASTIAN presented the petition of Joseph P. Williams, praying the confirmation of his title to a tract of land; which was referred to the Committee on Private Land Claims.

Mr. HAMLIN presented a petition of citizens of Harrison, Maine, praying that the franking privilege may be abolished, and the rates of postage reduced; which was referred to the Committee on the Post Office and Post Roads.

Mr. WESTCOTT presented a memorial of citizens of Florida, praying the adoption of measures for extending to the inhabitants of that State, residing on the gulf coast, additional mail facilities; which was referred to the Committee on the Post Office and Post Roads.

Mr. BUTLER presented a petition of citizens of Sumpter district, South Carolina, praying the establishment of a post route from Clarendon depot, to Vance's ferry Post Office, in that State; which was referred to the Committee on the Post Office and Post Roads.

THE PRIVATE CALENDAR.

Mr. DOWNS submitted the following resolution for consideration:

Resolved, That after the present week until the further order of the Senate, Friday and Saturday of each week, be set apart after twelve o'clock, for the consideration of private bills of the Senate first, and then those from the House, and that, when so considering Senate bills, any one objection to prevail beyond a third explanation, shall be passed over until their orders of the day shall have been disposed of.

COLLECTION DISTRICT.

Mr. DIX from the Committee on Commerce, to whom was referred the bill from the House of Representatives, to establish the collection district of Brunswick, in the State of Georgia, reported it without amendment.

The Senate proceeded to consider the said bill as in Committee of the Whole: and no amendment being made it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed the bill from the Senate amending the act entitled "An act granting half pay to widows and orphans, where their husbands and fathers have died of wounds received in the military service of the United States, in cases of deceased officers and soldiers of the militia and volunteers" passed July 4th, 1836, with amendments, to which they request the concurrence of the Senate.

... have passed a resolution to change the location of a light house on Lake Superior in the State of Michigan, in which they request the concurrence of the Senate.

The President of the United States approved and signed the 7th instant, a resolution relative to evidence in applications for pensions, and an act for the relief of Jonathan Fitzwater.

BATTLE OF BENNINGTON.

The joint resolution from the House of Representatives, disposing of two brass field pieces captured at the battle of Bennington in 1777, was read the first and second times by unanimous consent, and, on motion by Mr. PHELPS, was considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said resolution was read a third time, by unanimous consent.

Resolved, That this resolution pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

LIGHT HOUSE ON LAKE SUPERIOR.

The joint resolution from the House of Representatives to change the location of a light house on Lake Superior, in the State of Michigan, was read the first and second times by unanimous consent, and, on motion by Mr. FELCH, was considered as in Committee of the Whole: and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said resolution was read a third time, by unanimous consent.

Resolved, That this resolution pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

HALF PAY TO WIDOWS AND ORPHANS.

The Senate proceeded to consider the amendments of the House of Representatives to the bill amending the act entitled "An act granting half pay to widows or orphans, where their husbands and fathers have died of wounds received in the military service of the United States, in cases of deceased officers and soldiers of the militia and volunteers," passed July 4th, 1836; and it was

Ordered, That they be referred to the Committee on Military Affairs.

ADVERSE REPORTS.

The Senate proceeded to consider the report of the Committee on the Judiciary, on the petition of John B. Luce; and, in concurrence therewith, it was

Resolved, That the prayer of the petitioner ought not to be granted.

The Senate proceeded to consider the report of the Committee of Claims on the petition of Luther Blake; and it was

Resolved, That the prayer of the petitioner should not be granted.

NEXT CENSUS.

The joint resolution in reference to the next census, was read the second time, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said resolution was read a third time.

Resolved, That this resolution pass, and that its title be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this resolution.

CHURCH LANDS IN FLORIDA.

The resolution authorizing the submission of certain claims to arbitration, was read the second time, and considered as in Committee of the Whole; and no amendment being made it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

THE OREGON BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish the territorial government of Oregon.

Mr. MASON.—Mr. President: It seems that the people in Oregon, finding themselves without other law, when the title to the territory was ascertained and established in the United States, assembled in convention and enacted laws for their temporary security. Amongst these laws we have been duly informed is one by which slavery, or, as it is termed, "involuntary servitude except for crime," is forever prohibited.

Sir, whatever crude opinions may have been formed, when the subject now to be discussed was first under consideration in this body, or elsewhere, I apprehend there are none now who will say that the people of a territory belonging to the United States have a right, *proprio jure*, to pass laws in derogation of the authority of the United States. If there were such opinions, they have been exploded, and I assume that there is no Senator, and no jurist, who will maintain, that when the people who may be found within a territory belonging to the United States, undertaking for their own safety, or for any other reason, to legislate for that territory without the sanction of the government, that such laws have any validity whatever against the owners of the country—that is to say against the government of the United States.—Well, sir, the Committee on Territories in this body, by instruction from the Senate, have reported a bill providing a government for the Territory of Oregon—under the sanction of what? of the government of the United States, whose property it is. And by the 12th section of the bill, the laws now existing within the limits of Oregon, be they what they may, are adopted, and declared to be in full force for the government of the people of the territory. One of those laws then being, that involuntary servitude or slavery shall be forever thereafter excluded from the territory; and that law being adopted by the bill upon your table, if that bill be enacted into law, it follows of necessity, that involuntary servitude will be excluded from that territory by act of the Congress of the

United States; and thus we are called upon to treat this bill, so far as regards the 12th section of it, precisely as if there was spread out on its face a prohibition in terms against slavery in that territory. Sir, it is right that it should be clearly understood, that it should be uncovered, that we should expose it, so that we may defeat it if we can.

Gentlemen have said upon this floor, that the southern States, (where alone this institution is found,) are here agitating this question—that the southern States have presented the question before the national councils—and that for all the consequences that result from its agitation, the South is responsible. Let, then, the truth be known; let the fact appear that a committee of this body have introduced a bill with this provision in it, and if there be offence in agitating the question, let the responsibility rest where it of right belongs. What we seek to do is simply to defeat it.—We ask no legislation on the subject whatever, but having stricken this clause from the bill, to leave it, as to that, *tabula rasa*.

Mr. President, in common with others who stand upon this floor, representatives of sovereign States of the South, parties to this confederation, I depend, not upon the compromises of the constitution, (as they are called,) but upon its guarantees. And I here announce, as I will undertake to show, that if this provision prevails, and it is the deliberate sense of this Senate, that slavery by act of Congress, is hereafter to be interdicted in the Territory of Oregon, it is done not only in derogation of the faith of the constitution, but it is done in violation of its letter. Sir, the guarantees of the constitution, I am free to admit, are founded in compromise, and although there may be no form of expression in the instrument, which would lead us to infer that compromises existed, yet they will be found in the character of the enactments, and in the contemporaneous history of the proceedings which led to those enactments. Sir, need I say to gentlemen around me here, legislators of the land, that in any government which is not founded in absolute force—in any government whose just power is derived from the consent of the governed, more especially if it consist of a confederation of States, each sovereign within its sphere, that such government can never be formed, without mutual and great concessions, made with mutual forbearance for the common good of all; and under how much greater necessity of concession and compromise must such government be, when made up of States, extending for thousands of miles through every variety of climate, and with all the jarring and conflicting interests, that are incident to variety of occupation and of product. These compromises of the constitution, or more properly the guarantees that resulted from them, are what the South now appeals to for the preservation of their federal righss—rights secured to them by compact, and for which ample consideration was paid on their part.

Having premised this much, I now approach this subject with the gravity that becomes the occasion. It has been well said that republics have their foundation in public virtue, and when this is absent, they soon degenerate and fall into decay. Equally true is it, that confederations must have their foundations laid in political integrity and good faith. Constitutional obligation is of little force, when all respect is lost for constitutional faith.

Mr. President, there has been but one former occasion when this formidable question was before the country in its present aspect; and Senators now present, who were then in the national councils, will bear me witness, that in its agitation then, the solid foundations of the Union were shaken. Upon the refusal to admit the State of Missouri into the Union without a clause in her constitution against the continuance of slavery within her limits, the whole South stood in hostile array against the North and East. The feeling it excited in the southern States was deep and intense.—There was no dissension or difference in that quarter. The attempt to degrade the people of Missouri below the level of equality with the other States, insulting as it was, was yet a small offence, compared with the magnitude of the principle it involved—a principle which assumed a right in the majority, under the sanction of the constitution, to forbid the extension of the slave population beyond the limits to which it was then confined. Sir, after a lapse of more than a quarter of a century, the same question is again presented, and we are now to discuss, calmly and temperately I hope, whether a numerical majority has the power, under constitutional sanction, to interfere with the institutions of the southern States, by forbidding their extension into territory, the common property of the Union, and thus to disparage and impair the political weight which has been assigned by the constitution to this portion of the confederacy.

Mr. President, when the constitution was adopted in 1788, the institution of slavery formed an important part of the social condition of all the southern, and of many of the northern States. Its existence and its influence upon the future destiny of the South, where, from climate and other causes, it was most likely to become permanent, was recognized and discussed with mature deliberation. The antagonist interest of the North and East, where it had then already dwindled and was soon to disappear, was brought out in full array; and after months of consideration and debate by the wise and patriotic men then assembled; after great and mutual concessions on all sides for the common good, a representative weight in the federal councils was assigned to the slave population, and secured to the States interested by perpetual guarantee of the constitution.

Sir, there are four provisions in this instrument, recognizing slavery and providing appropriate guarantees for the security of that institution.

First—In the 2d section of the 1st article, establishing a basis of representation on three-fifths of that population.

Second—In the 9th section of the same article, prohibiting the passage of any law by Congress prior to the year 1808, [a period of twenty years] to prevent the further importation of slaves by any of the States.

Third—In the 5th article, providing that no amendment to the constitution shall affect the prohibitions of the 9th section of the 1st article, prior to the year 1808. And,

Fourth—In the 2d clause, 2d section of the 4th article, providing for the surrender of fugitive slaves, on the claim of their owners, by the State where such fugitive may be found.

These, sir, are all full and distinct recognitions of a class held in bondage, and are guarantees provided by the constitutional compact—first, allowing their continued importation for twenty years; second, providing for the security of their tenure as property; and, third, and most important, admitting them in the scale of representation as an element of political power; and for each one of these guarantees, a full and ample equivalent was given to the northern and eastern States, in immunities and advantages secured to them. I will instance a very striking one, which has been rescued from oblivion by Mr. Jefferson and left under his hand as a memorial for history. It is taken from his unpublished manuscripts, and was communicated to me many years since by the Hon. Wm. C. Rives, of Virginia, my predecessor on this floor.

Mr. Jefferson was minister in France whilst the convention sat which formed the constitution, and Mr. Mason, at whose relation he recorded this scrap for history, was a member of that convention, and it is dated at the family seat of the relator some four years only after the event:

"Gunston Hall, September 20, 1792.

"[illegible] Mason. The constitution [illegible] the convention was [illegible] Rejection in the Senate. A navigation act [illegible] and especially on part of regulation. To these New England States were [illegible] which would lead us to infer that [illegible] that such government [illegible] and Delaware. With respect to the importation of slaves [illegible] Congress [illegible] completely suppress the importation of slaves. Those two States, therefore, struck on a bargain with the three New England States [illegible] [illegible] [illegible]

northern and eastern States, to do what? To prevent the extension of what they call the "slave power." I put it to those Senators, what do they mean by the "slave power?"

Mr. DIX.—I did not make such a declaration.

Mr. MASON.—I so understood the Senator in his remarks, although I do not find the expression in his printed speech. It was used then by the Senator from Vermont. What is the "slave power?" In the discussion of a question like this, we have a right to expect that Senators should give us terms that are intelligible. What, then, is the slave power to which the Senator says an end must be put? Why, sir, it is the representative weight which is assigned by the constitution to this species of population or property. If there be any power lodged by the constitution, in which it is supposed the northern States do not share in common with their brethren in other States, it is referrible to the clause of the constitution which arranges and distributes the representation. And it is this power, for which an ample equivalent has been given, which we are told now by Senators is not further to be extended. Mr. President, this representative weight, assigned to the States of this Union by the constitution, must be preserved. If it is not preserved, I need not tell gentlemen here what the consequences will be. It is not only necessary for the security of their property, but it is indispensable to their political welfare. The question of abolition heretofore has been a mere *brutum fulmen*, but it comes now in a shape that is no longer to be despised. The institution was first assailed when a majority in the federal Congress attempted in 1820 to prevent the State of Missouri from coming into this Union, unless upon terms derogatory to her as a sovereign State, and directly in violation of the constitution. Sir, I know not how it was felt at the North—I know not how far northern statesmen or northern politicians may have believed that their ascendancy was involved in the curtailment of the slave representation, but I know this, that in the South it required but the application of the flesh to kindle the whole country. They looked upon it as not only vital to their safety, but they looked upon the attempt to assail it, as an insult, an indignity offered to them as sovereign members of this confederacy. Sir, Mr. Jefferson, lived in those days. No man, I suppose, will question his loyalty to the constitution, and none his sagacity as a statesman. A letter was read on this floor the other day by the honorable Senator from South Carolina, [Mr. CALHOUN] in which Mr. Jefferson spoke his alarm at the portentous consequences threatened by this movement against the South. His mind was filled with the portents of the occasion, and his views freely expressed in letters to his friends, show that in this parricidal attack, he saw the days of the constitution numbered.

Mr. Jefferson's opinions on the occasion cited are entitled to great weight. A matured statesman and philosopher, profoundly versed as well in the science of government as in the shoals and depths of party, he saw through the vista of years this disturbing influence—ever on the alert, when once aroused, until its wicked work was ended in the overthrow of the constitution of his country.

In a letter, dated on the 13th April, 1820, to Mr. *****, a gentleman now living, he says:

"The old schism of federal and republican threatened nothing, because it existed in every State, and each State in every one of the two great parties; but the commonness of the principle, as applied to the different sections of the Union, now excited the [illegible] would not [illegible] and [illegible] the [illegible] preserving [illegible] [illegible] [illegible]

ritory in the West was the subject of much jealousy and dissension with those States whose boundaries were more circumscribed.

Virginia, whose chartered limits once extended to the Pacific, (then called the South sea,) had yet an immense territory unoccupied lying to the northwest of the Ohio river. New York claimed a part of the same territory in opposition to the title of Virginia. While the States of Massachusetts and Connecticut, in the East, and Georgia and the two Carolinas, in the South, each held large bodies of waste and unappropriated land.

It was said by the other States that it was unjust and inequitable that these vast territories, the enjoyment of which had been secured to their respective claimants by the blood and treasure of all, freely lavished in the revolutionary struggle, should be thus separately held. That Delaware, Maryland and New Jersey had equally contributed to rescue them from the dominion of the British crown, and it was oppressive and unjust to exclude them from the fruits of the conquest. This feeling, which grew as the Revolution progressed, manifested itself in a decided manner when the "articles of confederation and perpetual union," agreed to by Congress in 1777, were recommended to the several States for their ratification. The State of Maryland refused to ratify, and placed her refusal upon the express ground that she was excluded from participation in these unoccupied lands. I read an extract from the "instructions of the general assembly of Maryland to her delegates in Congress," presented by them on the 21st May, 1779:

"We are convinced policy and justice require that a country unsettled at the commencement of the war, claimed by the United empire and ceded by it to the treaty of Paris, if vacated from the common enemy by the blood and treasure of the thirteen States, should be considered as a common property, subject to be parceled out by Congress, into free, convenient and independent governments in such manner and at such times as the wisdom of that assembly shall hereafter direct.

"We have coolly and dispassionately considered the subject, we have weighed probable inconveniences and hardships against the sacrifices of yet unsettled rights, and do instruct you not to agree to the confederation unless an article or articles be added thereto in conformity with our declaration."

New Jersey did ratify, but under protest, "in the firm reliance that the candor and justice of the several States will, in due time, remove, as far as possible, the inequality which now subsists." The State of Delaware also came into that confederacy, but under like protest, from which I shall also ask leave to read an extract, as it exhibits the feeling which then actuated the States; all which they were willing to lay down for the common good:

"Extract from the resolutions of the State of Delaware, presented by her delegates in Congress, February 23, 1779:

"*Resolved*, That this State consider themselves justly entitled to a right, in common with the members of the Union, to that extensive tract of country which lies westward of the frontier of the United States, the property of which was not vested in or granted to individuals at the commencement of the present war; that the same hath been or may be gained from the King of Great Britain or the native Indians by the blood and treasure of all, and ought therefore to be a common estate, to be granted out on terms beneficial to the United States."

Sir, it is useful to go back, and contrast the spirit with which these States came originally together, in the days of the revolution, with that which animates some of them now. Such was the state of things when the territory was ceded, which is now brought up in judgment against Virginia, and other Southern States. And what was done? Why the State of New York set the example, and made the sacrifice required on the altar of the country, for the common good. Let me exhibit an extract from an act passed by New York.

"Whereas nothing under Divine Providence can more effectually contribute to the tranquility and safety of the United States of America, than a federal alliance on such principles as will give satisfaction to its respective members, and whereas the articles of confederation and perpetual union recommended by the honorable the Congress of the United States of America have not proved agreeable to all the States, it having been conceived that a portion of the waste and uncultivated territory within the limits, or claims of certain States ought to be appropriated as a common fund for the equal benefit of the whole: and the people of this State, from motives of *equity, justice and magnanimity, disposed to make every proper sacrifice for the common interest and security*, and more especially to accomplish so desirable an union, by removing as far as in their power lies, the before mentioned impediment to its final accomplishment. Be it therefore enacted."

And then followed a resolution of the old Congress accepting this territorial grant from the State of New York, and inviting the other States to do the like. Sir, the next State in order was Virginia. There had been a strong remonstrance presented by Virginia to this claim of New York to the lands which she considered embraced within her territory of the north-west, the whole of which was forgotten and laid aside, and that great State in the year 1783 gave authority to her Representatives in Congress, to convey to the United States in absolute perpetuity, a territory that is covered by ten parallels of latitude, and thirteen degress of longitude, out of which have been carved five of the States which are now in the Union, and enjoying its protection. And she did it for what? Why to meet in a spirit of conciliation the concessions of other States, to do every thing for the common good, and to accomplish which, she has truly given up her birthright. Contrast the language held by New York in the act of 1780, with the language held by her Senator on this floor now. Sir, who believes when it required a spirit of such mutual forbearance and concession, a spirit that was disposed to give up every thing for the common good, in order to prevail upon the States to bind themselves in articles of confederation, that you can keep those States under any federative government whatever, when that spirit is forgotten and disregarded. Who is there on this floor who believes that Virginia, the largest, most populous, and most wealthy of the Southern States, ever would have been a party to the constitution, if there had been a provision engrafted in it, forbidding an extension of any part of her population to any territory, that might hereafter become the property of the United States? No one. And if she would not then, and believes now that such extension is her constitutional right, who believes that she or any of her southern sister States can remain in the confederacy, when the barriers that had been erected for their protection, have been ruthlessly broken down and disregarded?

Every movement that is made affecting the rights and power of the southern States in reference to this population, is looked upon there, as in derogation of their exclusive authority. They are sensitive on this subject. It forms a part of their most valuable property. It is a great element of their political power, and its proper management is essential to their safety. Yet honorable Senators here, as I understand them, looking upon the powers of this government as unlimited, perfectly without control, approach this subject as they would approach an ordinary subject of legislation, and assert a right to control it, whether with or without the assent of the States where alone the institution is found. Is not all power that is not granted to the general government reserved to the States? And do you find anything in the constitution which authorizes any interference on the part of the general government with the domestic institutions, and the regulation of the internal affairs of the States? Sir, in this connexion I was very much struck with one view presented by the Senator from Vermont. The Senator from South Carolina attempted to show, and I think successfully, that let this power of legislation over the territories be derived whence it might, it was a trust to be administered by this government for the benefit of the States to whom the trust was created. I understood the Senator from Vermont to say, it was not a "trust, and that it was not because there was devolved upon Congress "legislative discretion."

Mr. PHELPS.—The Senator misapprehends me. My remark was that there was no analogy to be drawn between a legislative trust and a judicial trust; and that the important difference between the two was the ingredient of legislative discretion.

Mr. MASON.—A trust is a trust, whether it be created under the sanction of law, or result from a delegated authority to legislate. And although in its latter form, there may be what the Senator calls "legislative discretion," yet such discretion does not extinguish the trust. The Senator will not contend that it does; neither will a legislative discretion enlarge the powers of the trustee. They remain limited by the object of the trust, though the choice of means to execute it may be extended. Be it a public or a private trust, its obligations on the trustee are the same, that he shall not transcend his delegated authority. And if you want to determine whether the trust has been well or ill performed, you must look at the charter creating it.

Mr. President, I will not say there is a party, but there are statesmen in this country who look upon this government as a property to be enjoyed and parcelled out, rather than as a trust to be administered for the common good; and here is one great instance in which this principle is to be affirmed or denied. A territory is common property, the property of all; and I submit to any Senator who hears me, as I will also to the judgment of posterity—whether the trust is properly fulfilled when you exclude from such common property a large portion of the joint owners. The Senator from Vermont, however, has said, that when you forbid slavery within territory belonging to the United States, you do not destroy the equality between the citizens of the States, because all citizens are free to go there. Sir, if this is not keeping the word of promise to the ear and breaking it to the hope, I know not where an instance may be found. What would you have? Suppose a portion of that territory be valuable to the South, you extend full permission to the planters of the South to go there, provided, they will abandon the only property that would make it valuable to them after they get there. That is the equality which the Senator from Vermont would mete out to us. No, sir. I insist that the guarantees of the constitution to which I have referred, as recognizing this portion of our population, and assigning its stipulated representative weight, were never designed to exclude the States interested, from participating equally with the rest, in all future acquisitions of territory.

I put it to honorable Senators who hear me, what would be the condition of the South, if this pretension were submitted to? There are now three millions of slaves I presume, in the southern States, and such is their condition of ease and comfort, and abundance, that they increase faster than the white population; and you propose to circumscribe them, and declare that on no occasion shall they ever be extended into the territories of the United States. What then will be the condition of the South; with their lands worn out, and walls of circumvallation thrown around them, they will have no choice but to abandon their property and their homes. And the Senator from Vermont says this is all right, there is no objection to "penning them up," and if ever they emerge beyond those prescribed limits they must come out as freemen? I ask Senators where are they to go. What territory is there within the free States that will receive a class of free blacks, not one. And yet the honorable Senator with the calmness that becomes a philosopher, or a gentleman who is not implicated at all in this institution, tells us, it is all very well, there is no objection to "penning them up." We had an instance in Virginia not long ago of the fate that awaits emancipated negroes in the free States. A gentleman whose sagacity and intellect illustrated and adorned the counsels of the country, while he lived, and whose memory will be honored and venerated when others shall be for-

gotten, manumitted his slaves, by his last will to the number of some five hundred, and made ample provision for their location beyond the limits of the slave States. His executor—a man who knew what a trust was—went to the State of Ohio, and by invitation there, purchased a tract of country as a residence for the manumitted slaves, and when he took them there, they were driven off by force, by the people of the country where he had purchased. Sir, this matter of abolition is destitute of every savor of humanity, if the slave population are to be manumitted under the promise of a refuge in the free States of the Union. The Senator from New York has told us very truly, that the black population in a state of freedom dwindles and diminishes, and would soon become extinct. It is incident to their race. They do not multiply in a state of freedom on our continent. No, sir, contemplate the spectacle we have in these northen States now, see the rivalry, jealousy, and hatred that is engendered there between the white population and the free blacks; and see that race the subject of so much commiseration here, because they are in slavery, dying and rotting in nakedness and filth, in the cellars and dens of your northern cities. Sir, there was another idea thrown out by the Senator from Vermont. I understood him to assert distinctly, and thence draw an important legal deduction, that a slave was not property, but that the tenure was, what? A mere "incident to a domestic relation." Well, sir, that was certainly a felicitous term of expression. But the objection to it is, that it is utterly void of meaning—the civilians tells us, that slavery had its origin in the rights of conquest—the captor had the right to put his prisoner to death, and when he spared his life, it was done on the implied contract, that the captive should become his bonds man.

This is yet the law of the savage race in Africa; and the first negro slave that was landed on our shores brought this condition with him from the land of his birth.

Slavery, then, is an incident to a hostile relation, which is the very opposite to a domestic relation

But, be this as it may, the condition of slavery is fixed in the country whence the subject comes. It required no special law to create it here, as seems to have been supposed by an honorable Senator from Connecticut, [Mr. NILES.] The first slaves imported into Virginia were landed from a Dutch ship in 1620, and were purchased by the planters. The common law was then the law of the colony. By that law their condition as property was recognized, and under its pervading principle, that the issue follows the condition of the mother, *partus sequitur ventrem*, their descendants, as well as the descendants of every subsequent importation, have remained in bondage. There never was a statute in Virginia creating slavery, nor was there any need of one to establish that institution. The only statute of that character was one, passed at an early day, forbidding the planters from making slaves of the Indian children, who were sent in as hostages.

Laws have been passed from time to time regulating the condition of slavery as a recognized condition of part of the population; but for no other end. And by the policy of such legislation, slaves have been at one time treated as real estate, and at another as personal.

The condition of slavery, then, is nothing more than the right of the owner to the service of the bondsman during the life of the latter, and to which the *jus disponendi* is attached, as to any other species of property—the same right which the master at common law has to the service of the servant, or the master to the apprentice; the only difference being, so far as the quality of property is concerned, that the one is temporary and the other during life. Whence then does the honorable Senator from Vermont derive his opinion, that a slave is not property.

But the deduction drawn by that honorable Senator is equally untenable. Proceeding upon the assumption, that slavery is a mere "incident to a domestic relation," he argues that it can exist only where such "domestic relation" is recognized by law; and that in consequence, when a slave is taken to a State where there is no such relation, he becomes free.

Sir, I think I have established as a legal proposition the very opposite. When the condition of the subject is that of bondage, whether it be temporary or perpetual, it is recognized by law, and enforced as a legal right. And if it be the case of a slave, such slave becomes free when taken to a country or State only, where such servitude is forbidden or prohibited by express local law. It follows, then, that while no special law is required to create this species of bondage, it does require positive or special law to destroy it; and such laws have been passed in all the States where slavery has been prohibited.

Mr. WALKER.—Will the honorable Senator allow me to ask him a question?

Mr. MASON.—Certainly.

Mr. WALKER.—Does the Senator mean to say that slavery is the natural condition of man, and that manumission is a mere step in the progress of an artificial condition?

Mr. MASON.—I am unaware that the Senator from Wisconsin can draw that deduction from any thing said by me.

Mr. WALKER.—My deduction may not be the same that the Senator himself would draw. I merely ask, in order to get an explanation of the honorable Senator's views.

Mr. MASON.—The proposition I assert is this: that the African population brought to the shores of North America in bondage, and sold to the inhabitants as bondsmen, brought slavery as their condition from the shores of Africa, and the law recognized it here. That is all. What the natural condition of these people in Africa may have been, the Senator may determine for himself; but where the condition of bondage is once fixed, that condition is recognized by law, unless there be a statute to the contrary. It is said, that in Africa this relict of barbarism, which places the captive at the absolute disposal of the captor, remains, and the larger portion of slaves sent over to this country before the prohibition of the trade were those taken in battle or seized by the strong arm of power. The proposition I assert is, that let their condition result from what it might, they brought it with them from Africa. It was given to them, fixed upon them there; and all that was done in this country was to recognize it. There never was a law in Virginia creating slavery; and I doubt if there has been such a law in any of the southern States. There is no necessity for such a law.

Suffer me now, sir, to sum up the argument I have advanced. This institution existed when the constitution was formed. It was recognized, it was legislated upon, it was made the subject of concession on one side, and equivalent on the other. There was assigned to it, a representative weight, as an element of political power in the southern States. It was guaranteed to those States by the constitution and it can never be tolerated, that a power in Congress to legislate for the territories—a power deduced from necessity only, and temporary in its exercise, (for it ceases when the territory becomes a State,) should be wrested from its legitimate ends, and made to unsettle the balances of the constitution, and to destroy its guarantees. To give it such direction, would be in outrage of all just legal construction, and of every sense of political right in the States interested.

The Senator from New York has said that there is a line of unbroken precedents, from the first enactments for territories under the constitution, down to this day, establishing the right in Congress, which is now contended for by him

Sir, I have examined with care the laws which he has advanced as precedents, and I utterly deny that they touch the right in question—save in the single instance, of the act of 1820, for the admission into the Union of the State of Missouri, known as an exception, by the name of the "Missouri compromise."

The first law cited by the Senator as a precedent, is the act of August 7th. 1789, entitled "an act to provide for the government of the territory north-west of the Ohio river."

This act does nothing more than make provision, for adapting the obligations, &c., of the ordinance of '87 "to the present constitution of the United States," in order that it may "continue to have full effect." It was necessary to do this, in order to continue in force within that territory, the compact contained in that ordinance, as made by the Continental Congress—and the act was passed in obedience to the sixth article of the constitution, which is in these words

"All debts, contracts and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation."

The ordinance of '87 was one of these "engagements"—and the act of 1789 did nothing more than to continue it in force, under the new government of the United States.

I have already spoken at large in respect to this ordinance of '87—it was made, and ordained, as the law governing the north-west territory, before the present constitution was formed—its sanction was derived from the Congress of the "confederation"—and that sanction was recognized by the sixth article of the constitution, and thus became a mandate to the new government. When Congress then in 1789, and subsequently, legislated for the government of the territories, or any of them, to the north-west of the Ohio river; it legislated in subordination to the ordinance of '87—and it follows as that ordinance prohibited slavery, such prohibition was paramount to the authority of Congress. The States of Ohio, Indiana, Illinois, Michigan, and Wisconsin, were carved out of this north-west territory, and no precedent of constitutional power affecting the question of slavery, can be drawn from any act of Congress, for the organization or governments of the territories, out of which either of these States was formed.

The act of March 1804, erecting the territorial governments of Louisiana and Orleans, is next cited by the Senator from New York. It is true, sir, that this act regulated the admission of slaves into those territories, but it expressly authorized, what the South now contends for, viz: the importation of slaves by a "citizen of the United States, removing into said territory for actual settlement, and being at the time of such removal bona-fide owner of such slaves." The prohibitions were, only to the importation of slaves from beyond the limits of the United States, in other words a prohibition of the foreign slave trade, and of slaves which had been imported into the United States since the 1st of May, 1798. The cause of this last restriction I have not been able to trace, but I have been told that it was referable to some treaty stipulations between France and Spain, from which latter, the province had been derived.

The laws for the government of the territory of Mississippi, which was ceded by South Carolina, of Alabama, which was ceded in part by South Carolina, and in part by Georgia; and of Arkansas, which was part of Louisiana, contain no prohibition against citizens of any of the States removing into those territories for settlement with their slaves.

In the instance of Iowa, which was erected into a separate territory by act of June, 1838, the law scrupulously refrained from this prohibition of slavery, although it was formed of territory

subject to the restriction of the Missouri compromise act, being part of the Missouri territory lying north of the parallel of 36° 30'. By the act of April 20, 1836, establishing a territorial government for Wisconsin, (which was part of the northwest territory, and thus subject to the ordinance of '87,) the inhabitants were declared

"——entitled to all the rights, privileges, and advantages granted and secured to the ordinance of '87, and subject to all the conditions, restrictions, and prohibitions in said articles imposed."

Whereas, by the act for the government of Iowa, the "rights, privileges, and immunities granted and secured to the inhabitants of Wisconsin," are extended to the people of Iowa, but without the "conditions, restrictions, and prohibitions" of the same ordinance——

Thus, sir, after reviewing all the acts cited by the honorable Senator from New York, and to which he relies as "a current of authority uninterrupted and almost unopposed through more than half a century down to the present day," we find not one extending the prohibition now contended for, save that for the admission of Missouri in 1820, and which stands as a marked exception.

Sir, I will not go over the history of this act of 1820. It presents the only instance since the foundation of this government in 1788, when by law, slaves accompanied by their owners, were excluded from any territory belonging to the United States. And although it was passed in violation of the third article of the treaty with France of 1803, by which the territory was ceded to the United States—which treaty was the "supreme law of the land;" and further, as I conceive in derogation of the constitutional rights of the citizens of the southern States, yet, as it was agreed to as a compromise by the South for the sake of the Union, I would be the last to disturb it.

Power, Mr. President, is never appeased by concession; and we are now reaping the bitter fruits of the concessions then made by the South. How strikingly is illustrated by this renewed struggle, the predictions of Mr. Jefferson in his letter of April, 1820, in which, speaking of the Missouri question, he says:

"The coincidence of a marked principle, moral and political, with a geographical line once conceived, I feared would never more be obliterated from the mind; that it would be recurring on every occasion, and renewing irritations, until it would kindle such mutual and mortal hatred, as to render separation preferable to such a final disaster."

Sir, the prophecy is fulfilled. There is a party organized, or in course of organization at the North, lifting itself erect on the pending canvass for the Presidency, on whose banner is inscribed, as the sole rallying cry, "destruction to the slave power." We have seen the preliminary chart of that party in the manifesto of its convention recently held at Utica, in New York, in which all parties are invited at the North, to abandon all subjects of former dissension, and to unite in a common crusade to break down the institutions of the South. Sir, the Senator from New York, [Mr. DIX,] stands the exponent of that party in this Senate-house—a party whose mission is to divide the North and South on this question of the so-called "slave power." Already we have had three remarkable documents, shadowing forth their plan of campaign.

The first, is a letter from Martin Van Buren, addressed in reply to the "delegates of the city and county of New York" to the Utica convention, sketching in advance the principles and policy of the party in embryo.

Next comes the speech of the honorable Senator from New York, following step by step the landmarks there laid down, and denouncing any extension of slavery into territories where it is not now found, as of "evil tendency, wrong in itself, and repugnant to the humanity and the civilization of the age."

And last, the manifesto of the Utica convention.

I trust, sir, that Senators on all sides have read this paper with attention, because it develops, in extenso, the principles and purposes of this new northern party avows its objects to be to get possession of the government of the Union for the purpose of destroying the political weight of "slave representation," and assigns their appropriate duties to its recognized leaders. And more than all, it denounces the old and healthy issues which have heretofore divided parties as no longer worthy of consideration, and calls upon former friends and former foes to unite alike in a great concerted effort to break down the barriers of the constitution.

To prove this, sir, I may be pardoned for making a single extract from the document, where it will be found under the head of "Duty of the free States," and is in these words:

"If, from these, or any other causes, the people of the free States have suffered in the estimation of the South, or of the world, the time has now come when they owe it to themselves, and to the nation, to redeem their character from the reproach. Both the late political parties have the opportunity to do, and they are called upon to do this: they must unite in the effort, without any abandonment of their distinctive principles. The old issues, which for the last twenty years have divided them, are now settled or set aside; a new issue has been presented in which all true Democrats, and in which differences that under circumstances would be important, are merged and swallowed up.

It is important, too, that this effort should now be made, and that, if possible, it should be made to succeed. Resort the be gathering in the mature of public and free than moral science. Thus the first time since the formation of the government that the slave power, while retaining its distinct political associations with the two great national parties, has been able to secure the exemptions of each. If the people of the free States understand and perform their duty, such an occasion will never again be witnessed."

Mr. President, these are words of fearful omen. We are already aware that ten States of this confederacy have, through their legislative assemblies, called upon their representatives in Congress to maintain this interdict against the extension of southern institutions to the new territories. And here we have a proclamation by a party said to be of formidable numbers, in the great State of New York, separating themselves from all former political alliance, arrayed under leaders of known distinction, burying all former topics of political dissension, and proclaiming as the great bond of future union exterminating war to "slave power." And for what objects is a party to be thus marshalled? For the public weal—the common good? Sir, let not words so dear to republicans be profaned by such unholy perversion. To advance the cause of freedom and free government? No, no! When was freedom born of tyranny—whether it be the tyranny of one, or of many.

The evil day long looked for and dreaded by the sages and patriots of the land dawns darkly through this proclamation: when a line shall be drawn between the North and South, and a party resting on geographical division alone shall march up to it as the line of power. This is the party which the Utica manifesto seeks to rally.

Mr. President, I appeal to the States of New England. Will they lend themselves to minister to the lust of dominion, which alone actuates this northern schism? To Massachusetts, Connecticut, and Rhode Island. To Vermont, which sprung from the loins of New York, midst the throes of the Revolution, from the fabled goddess from the head of Jupiter, fully armed for the combat.

Sir, if the appeal be vain, and the conquest be achieved by their aid, it needs no Cassandra gift to foretell what their doom shall be when the battle is fought and the guarantees of the constitution are broken down and destroyed. They will share the late of all besides

troduced into the naval appropriation bill, they were stricken out. There was also a clause appropriating for the completion of marine hospitals at Pittsburgh, Cleveland, and Louisville, ten thousand dollars for each, after these works had been already commenced, and there was no doubt of an appropriation to complete them. With reference to the other proposed expenditures in the marine hospitals, considering all the conditions of the marine hospital fund, it was thought injudicious to authorize these expenditures in this or any other bill at the present time. There were eight marine hospitals proposed here on the western waters; the number on the Atlantic coast was seven. In regard to the special fund he would say that it was well known that the marine hospital fund had to be supplied by yearly appropriations at the rate of some years past of about twenty thousand dollars a year. There was allotted for the fund yearly from seventy-five to one hundred thousand dollars. It was the opinion of those who were best versed in these matters, that the erection of these hospitals on these new sites, at the present time, would increase the expense of taking care of the sick and disabled seamen who were entitled to the relief of this fund, instead of diminishing it.

At St. Louis provisions were made for expending money for the relief of sick seamen on very favorable terms—far less than could be done if a hospital was provided. There was a contract by which the seamen were taken care of at the rate of three dollars per man weekly, which was a smaller amount than the expense incurred at hospitals in charge of the United States. Was it expedient, he would ask, at the present time, to run the risk of dissipating this beneficent fund in the manner in which he thought it would be if all these hospitals were to be immediately completed at the expense of the United States. In regard to the three hospitals already commenced at Pittsburgh, Cleveland, and Louisville, he thought there was very little doubt provisions should be made for their completion.

Mr. JOHNSON, of Louisiana, hoped that the appropriation for the completion of the hospital at New Orleans would not be stricken out. This appropriation was recommended by the department, and was necessary to finish the building. The honorable Senator admitted that the appropriation was necessary and important, but desired it to be thrown out of the bill simply because it was not in its appropriate and befitting place. He trusted that appropriation would be allowed to remain.

Mr. DAVIS, of Mississippi, remarked that the chairman of the Committee on Finance had made a report, or thought it necessary to make a motion now to reject these appropriations simply on the ground of the impropriety of inserting them in the naval appropriation bill, instead of the naval and diplomatic bill. It seemed to him that he had presented a very small obstacle in the way of a great object. If the chairman of the Committee on Finance had said, that his object in rejecting these appropriations was to keep down the disbursements of the Navy Department, he could have admitted the reasonableness of the suggestion very readily, though he would have replied to him that they had gained much more from this fund in former times than they could loose now. If this item in the appropriation was stricken out, it would be impossible to obtain an appropriation at the present session of Congress. There was a hospital then waiting for an appropriation to have it completed at Natchez, which was greatly needed for the use of sick seamen, many of whom were now thrown upon the charity of the town, by whom large expenditures were made. He did hope that the Senator would not insist upon his motion, as it was merely a matter of form. The fact was the marine hospital was more intimately connected with the Navy Department of the United States, than with the civil and diplomatic department. It was under the charge of the Treasury it was true, but it belonged to the commerce of the United States, the great marine of the country, the source from which the navy derived its supplies, in time of war and in time of peace.

Mr. PHELPS had occasion to regret the disposition which sometimes manifested itself of loading down the ordinary appropriation bills with matters that did not properly belong to them. If he understood the character of the bill, it was intended for the exclusive benefit of commercial seamen. He thought that an appropriation bill should not be made up of bills of a dissimiliar character. If the sense of the Senate was in favor of the appropriation, it could only be made in its more appropriate and proper form. The House, if in favor of the appropriation would undoubtedly pass it.

Mr. BREESE.—It appears from the argument of the chairman of the Committee on Finance, and of the Senator from Vermont, [Mr. PHELPS,] that the objections which they entertain to these appropriations are wholly technical. They have not attacked the objects; they have not said they were not important; but, conceding that point, they insist that they are out of place; that they should not be in the naval appropriation bill, as the marine hospitals were under the charge of the Secretary of the Treasury. That was true. They are under the charge of the Treasury, but that did not furnish a valid objection to the place in which the appropriation is now found. These hospitals had all, save one, been estimated for as far back as 1837. Some of them are in a course of being erected, and the sites of others purchased by the government. The site at Chicago is owned by the government, and although no estimates are made for that, the reason of the omission is found in the fact, that in 1837, Lake Michigan had no commerce. Now, many thousand seamen are employed upon it, exposed to sickness, and requiring shelter, medicine, and care.

He did not see the propriety of striking them out of this bill; and he warned the Senators who were interested in them, if they are stricken out, no appropriation will be made for them this session. And if they are in the wrong place, he said, it was better, in his opinion, that they should be in a wrong place rather than in no place at all, and hoped the Senate would retain the appropriations where they are found, coming as they do from the House, holding the purse-strings of the nation.

Mr. UNDERWOOD recollected perfectly well the bill they had in the other end of the capitol, when appropriations were originally made for purchasing sites and locating those marine hospitals upon the Mississippi and Ohio rivers. The condition of the western boatmen on the western waters, was brought to the notice of Congress, and regarded as presenting an absolute necessity for such appropriations. He had seen men die in log huts on the banks of these rivers for the want of the necessary attention they required; and was of course convinced they need ample and comfortable accommodations furnished for their relief. In view of this state of things, Congress ten years ago was induced to put on foot a state of things which could give to these boatmen the relief they needed. But the subject has been neglected from that day to this. Now, when they were making further advances to remedy the evil, they were told, this was not the proper place for them. When and in what form could that appropriate opportunity be afforded for making this necessary appropriations? Appropriations were, as he understood the matter, to be made in fulfilment of existing laws. There were entire new objects in the bill before them, for which appropriations were asked, appropriations not heretofore authorized by existing laws, as for instance, the purchase of land at Brooklyn. These objects for appropriation in the bill then, although not according with the rule to make no appropriations where no existing law permitted them to be made; and the appropriation for the marine hospital was struck out, although there was an existing law authorizing it, because it was not in its proper place. Unless gentlemen intend to abandon the system adopted some ten years ago, he hoped they would go on and vote the appropriation.

Mr. DAVIS, of Massachusetts, stated that there were two classes of hospitals, one for naval the other for civil service. Those for naval service were called naval hospitals; those for seamen or civil service were called marine hospitals. The first class was supported by appropriations from the government, for the benefit of the seamen employed in the service of the government; the second was supported by a tax levied on seamen of a certain class; another class being exempt from the payment. But all classes of seamen in any foreign service, except those engaged in fishery, were required to pay out of their wages—and the ships was made responsible for it—twenty cents a month to support these marine hospitals. Sometimes these funds were inadequate to meet the wants of seamen, especially in a sickly climate. The only inconvenience he supposed in this matter would be the transferring of the accounts from the charge of the Secretary of the Treasury to the Secretary of the Navy, when, of course, a new set of books would have to be opened in the latter department. He was desirous of seeing the sick seamen in all parts of the country comfortably provided for; and he would go for disbursing money for hospitals wherever the exigencies of cases might require it.

Mr. BENTON urged that the former policy of the government in relation to this subject be adhered to. Some years ago Congress had considered the question in all its aspects and bearings as a system. According to this system, all boatmen upon the western waters, river-faring as well as sea-faring men—whether in a boat or upon a raft, or hanging to a flat, or on board ships, they were together in the law which took twenty cents a month out of their pockets, and which entitled them to benefit of hospitals, and attendance when sick. In reference to the suggestion of the chairman of the committee, that they were having sick seamen taken care of in St. Louis at a cheaper rate by contract, than could be done by furnishing a hospital, he would say that the contract was entered into by the Sisters of Charity, who, in the absence of any United States institution, had kindly undertaken to take care of them at a mere *modicum* or fraction, in proportion to what the labor and attention given was worth. Now, when the Sisters of Charity had been so kind as to help the government along in this matter, it was urged we should do nothing more because these sisters were doing so much.

Mr. DOWNS rose to express his astonishment at the position which had been so suddenly taken in relation to this bill. Gentlemen admitted the appropriation was right, but say they, it is not in its proper place. Was there any law, he would inquire, for making appropriations under particular names? If money was appropriated for certain purposes, he did not think it very material whether the appropriations were made in one particular bill or another. But the Senator from New Hampshire seemed to have some other objection to the appropriation than that of its being in an improper place. He seemed to think that the object of providing for the sick could be attained cheaper without hospitals. He also appeared to consider that they are being multiplied too fast at the West. He could say that in New Orleans a private hospital had been taken at very great expense during the time that this hospital was being built. In the absence of the proper appropriations for furnishing it, the officers of the army had taken charge of it. What he desired was, that the appropriation made for fur-

nishing it should be allowed, and not suffer the building to stand and rot.

Mr. SEBASTIAN desired before the question was taken to make one or two remarks. It really appeared to him tat the discussion which had arisen on the subject, was worthy of the importance of the appropriation contained in the bill. This appropriation had been placed in the bill, in pursuance of the original and what might now be considered the fixed policy of this government—a policy settled upon after elaborate argument and debate. It was unsafe, he thought, to allow a mere matter of form to unsettle a fixed policy of the government. The question raised was as to the propriety of passing the appropriation asked for in the naval appropriation bill. He was not sufficiently well acquainted with the character of the division of matter between the several committees, but it struck him very firmly that the present appropriation had a more direct reference to the Committee on Naval Affairs than it had to any other committee. He could not see the propriety of inserting the appropriation in the civil and diplomatic bill; it appeared to him entirely foreign in its character to the general items composing this bill. Whether the power of making this appropriation was vested in the power of maintaining a navy or to neglect commerce between States, he thought in either case it had a more direct reference to the bill before the Senate. He regarded the objection as one of form, intended to defeat a matter of substance. He thought it impossible to have it attached to any other bill at this session. Although the honorable chairman proposed to attach this appropriation to a different bill, yet he did not propose to embrace all the items for supplies contained in this appropriation only these which he thought most important, leaving out some three or four measures which he did not consider important. In the House, objections had been made to the furnishing of these supplies, but they had finally agreed to return them in the bill; it would therefore be dangerous to divorce this appropriation from the bill.

Mr. WESTCOTT should vote for this appropriation, and vote for it with peculiar pleasure in this bill. The fund produced by the twenty cents per month, exacted by law from sailors in the marine and merchant service of the United States, in his humble opinion had been hitherto grossly misappropriated. One means by which that misappropriation had been occasioned was by its division, first into a naval and then a marine hospital fund creating a distinction between the sailors of the commercial marine and these of the naval service. The consequence had been that two sets of hospitals had been erected. He was in favor of consolidating these two branches of expenditure. He had been informed that this division in the hospital fund, and these two classes of hospitals was the fault of the navy. He wanted to correct that fault and consolidate the two classes; and he should vote for that appropriation because in its passage he saw some hopes of consolidation.

Mr. BORLAND was not desirous of prolonging the debate, though he could not forbear at least entering his protest against the motion to strike out. The ground of opposition urged against the appropriation was that it was not in its appropriate place. The silence of gentleman proved an acquiescence in the force of the argument that this appropriation was proper. For a great number of years the tax of twenty cents alluded to had been paid by their citizens, and the amount of money thus collected had been increasing with the extension of commerce on the western waters, and yet not one dollar of those contributions had been appropriated for their benefit. On the other hand, the hospitals on the Atlantic coast had been in a great degree supported by these collections in the West. The appropriation heretofore had been made for marine hospitals on the Atlantic coast, and none made for hospitals in the Mississippi valley. Therefore they of the West felt that they had a perfect right to come forward and say that their due proportion of this fund, the result in part of their contributions for so many years should be withheld no longer. The call was more pressing in the West for the aid of sick and disabled navigators, for the loss of navigation was far greater than upon the Atlantic coast, and indeed, a larger class subject to disease on account of the climate. In regard to one of the appropriation funds a marine hospital in the time of Napoleon, he would say that heretofore appropriations had not been withheld because the title to the sight of the hospital had not been secured. The title, however, was now complete, and the work ready to go on.

Mr. STURGEON stated that several of these hospitals had been waiting for appropriations for their completion for several years. He thought the propriety of hospitals particularly on the Ohio and Mississippi rivers could not be questioned. He hoped the appropriation would be allowed.

Mr. PHELPS thought that this appropriation belonged in the civil and diplomatic bill, and if so, it should be inserted in it. Who was authorized to say that the appropriation would be lost if not inserted in this bill? It had been the habit of the gentleman from the first to make the necessary appropriations for various paupers entirely distinct from themselves, for the reason that the expenditures of each department were subject to the control of the law of that department. Did any one suppose that we could embrace all our appropriations in one bill indiscriminately. Was not such restrictions necessary in order to the regular action of the Executive department? We gave to each department certain duties, and made them strictly responsible for their performance. Any intermixture of accounts as would occur by the passage of the appropriation in this bill would tend to embarrassment and confusion in the departments. This appropriation was connected with the commerce of the country, and had no sort of connection with the naval power. Proper arrangements of appropriations should be made and observed. The result in this case would be, that the keeping of these accounts would seem to be tranferred to the charge of the Secretary of the Navy. All these forms were indispensable in order to a correct transaction of the business of the several departments.

Mr. UNDERWOOD wished to say a word in reply to his friend from Vermont. He did not see, if they kept either appropriation for the marine hospitals in the present bill, how it would embarrass the officer of the treasury in keeping his accounts at all. How would it embarrass them any more in keeping them in the Treasury Department than if you were to withdraw it from this bill and put it in the civil and diplomatic bill? When this bill was passed would not each particular bureau select every item of appropriation which properly belonged to it? If they were to pass all the different appropriations in one bill would not the different parts of these bills be selected at the various departments and distributed?

On motion by Mr. HANNEGAN, it was

Ordered, That the further consideration of the bill be postponed until to-morrow.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States by Mr. WALKER, his Secretary:

To the Senate and House of Representatives of the United States:

I lay before Congress copies of a treaty of peace, friendship, limits, and settlement between the United States and the Mexican republic, the ratifications of which were duly exchanged at the city of Queretaro, in Mexico, on the 30th day of May, 1848.

The war which our country was reluctantly involved in the necessary vindication of the national rights and honor has been thus terminated, and I congratulate Congress and our common constituents upon the restoration of an honorable peace.

The extensive and valuable territories ceded by Mexico to the United States constitute indemnity for the past, and the brilliant achievements and signal successes of our arms will be a guaranty of security for the future, by convincing all nations that our rights must be respected. The results of the war with Mexico have given to the United States a national character above that which our country never before enjoyed. Our power and our resources have become known and now respected throughout the world, and we shall probably be saved from the necessity of engaging in another foreign war for a long series of years.

It is a subject of congratulation that we have passed through a war of more than two years' duration, with the business of the country uninterrupted, unexhausted with our resources and the public credit unimpaired.

I communicate for the information of Congress, the accompanying documents and correspondence, relating to the negotiation and ratification of the treaty.

Before the treaty can be fully executed on the part of the United States, legislation will be required. It will be proper to make the necessary appropriations for the payment of the $12,000,000, stipulated in the 12th article, to be paid to Mexico in four equal annual instalments. Three millions of dollars were appropriated by the act of March 3, 1847, and that sum was paid to the Mexican government after the exchange of the ratifications of the treaty.

The 5th article of the treaty provides that "in order to designate the boundaries line, with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both republics, as described in the present article the two governments shall each appoint a commissioner and a surveyor, who before the expiration of one year from the date of the exchange of ratifications of this treaty shall meet at the port of San Diego, and proceed, to run, and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte." It will be necessary that provision should be made by law for the appointment of a commissioner and a surveyor on the part of the United States to act in conjunction with a commissioner and surveyor appointed by Mexico, in executing the stipulation of this article.

It will be proper also to provide by law for the appointment of a board of commissioners, to adjudicate and decide upon all claims of our citizens, against the Mexican government, which by the treaty have been assumed by the United States.

New Mexico and Upper California have been ceded by Mexico to the United States and now constitute a part of our country. Embracing nearly ten degrees of latitude, lying adjacent to the Oregon territory, and extending from the Pacific ocean to the Rio Grande—a mean distance of nearly 1,000 miles, it would be difficult to estimate the value of these possessions to the United States. They constitute of themselves a country large enough for a great empire, and their acquisition is second only in importance to that of Louisiana in 1803. Rich in mineral and agricultural resources, with a climate of great salubrity, they embrace the most important ports on the whole Pacific coast of the continent of North America. The possession of the ports of San Diego, Monterey, and the bay of San Francisco will enable the United States to command the already valuable and rapidly increasing commerce of the Pacific. The number of our whale-ships alone, now employed in that sea, exceeds 700, requiring more than 30,000 seamen to navigate them, while the capital invested in this particular branch of commerce is estimated at not less than $40,000,000.

The excellent harbors of Upper California will, under our flag, afford security and repose to our commercial marine, and American mechanics will soon furnish ready means of ship building and repair, which are now so much wanted in that distant sea.

By the acquisition of these possessions we are brought into immediate proximity with the west coast of America, from Cape Horn to the Russian possessions north of Oregon, and the islands of the Pacific ocean; and by a direct voyage in steamers we will be in less than thirty days of Canton and other parts of China.

In this vast region, whose rich resources are soon to be developed by American energy and enterprise, the result must be the augmentation of our commerce, and with it new and profitable demands for mechanic labor in all its branches, and new and valuable markets for our manufactures and agricultural products.

While the war has been conducted with great humanity and forbearance, and with complete success on our part, the peace has been concluded on terms the most liberal and magnanimous to Mexico.

In her limits the territories now ceded had remained, and it is believed would have, continued to remain, almost unoccupied, and of little value to her or to any other nation; while as a part of our Union they will be productive of vast benefits to the United States, to the commercial world, and to the general interests of mankind.

The immediate establishment of territorial government, and the extension of our laws over these valuable possessions, are deemed to be not only important, but indispensable to preserve order and the due administration of justice within their limits, to afford protection to the inhabitants, and to facilitate the development of the vast resources and wealth which their acquisition has added to our country.

The war with Mexico having terminated, the power of the Executive to establish or to continue temporary civil governments over these territories, which existed under the laws of nations while they were regarded as conquered provinces in our military occupation, has ceased. By their cession to the United States Mexico has no longer any power over them; and, until Congress shall act, the inhabitants will be without any organized government. Should they be left in this condition, confusion and anarchy will be likely to prevail.

Foreign commerce to a considerable amount is now carried on in the ports of Upper California, which will require to be regulated by our laws. As soon as our system shall be extended over this commerce, a revenue of considerable amount will be at once collected, and it is not doubted that it will be annually increased. For the second time I recommend to your favorable consideration the policy of opening our ports to foreign commerce on the subject at the present session.

In organizing governments over these territories, fraught with such vast advantages to the nation of the Union, I invoke that spirit of compromise, conciliation and concession in our deliberations, in which the constitution was framed, in which it should be administered, and which is so indispensable to preserve and perpetuate the Union and harmony of the States. We should never forget that the Union of confederated States was established and cemented by kindred blood, and by the common toil, sufferings, dangers, and triumphs of all its parts, and has been the ever-augmenting source of our national greatness and of our blessings.

There has, perhaps, been no period since the warning so impressively given to his countrymen by Washington to guard against geographical division, and sectional parties, which appeals with greater force than the present to the patriotic, philosophic, and reflecting of all parties and of all sections of our country. Who can calculate the value of our glorious Union? It is a model and example of free government to all the world, and a sure shield of hope and haven of rest to the oppressed of all nations. By its association we have been rapidly advanced as a nation to a height of strength, power, and happiness without a parallel in the history of the world. As we extend its blessings over new regions shall we be so unwise as to endanger its existence by geographical divisions and dissensions?

With a view to encourage the early settlement of these distant possessions, I recommend that liberal grants of the public lands be awarded to all our citizens who have settled, or may in a limited period settle, within their limits.

In connection with the provisions of the treaty, orders have been issued to our military and naval forces to evacuate, without delay, the Mexican territories, including towns and fortified places in our military occupation, and which are not embraced in the territories ceded to the United States. The army, as already on its way to the United States. That portion of it, as will be required as volunteers, to be engaged to serve during the war with Mexico, will be discharged as soon as they can be transported or marched to convenient points in the vicinity of their homes. A part of the regular army will be employed in New Mexico and Upper California, to afford protection to the inhabitants, and to guard our interests in those territories.

The old army, as created before the commencement of the war with Mexico, especially in authority, be given to fill up the rank and file of all vacancies existing to the maximum number authorized during the war—it is believed, will be a sufficient force to be retained in service during a period of peace. A few additional officers in the line and staff of the army have been authorized; and these, in the best judgment of necessary in the peace establishment, and should be retained in the service. The number of the general officers may be reduced, as vacancies occur by the casualties of the service, to what it was before the war.

While the people of other countries, who live under forms of government less free than our own, have been for ages oppressed by taxation to support large standing armies in periods of peace, our experience has proved that such establishments are unnecessary in a republic. Our standing army is to be found in the bosom of society. It is composed of freemen, who are ever ready to take up arms in the service of their country whenever an emergency requires it. Our experience in the past would confirm the opinion that such an army may be raised upon a few weeks' notice, and that our citizen soldiers are equal to any troops in the world. No reason, therefore, is perceived why we should enlarge our land forces, and thereby subject the Treasury to an annual increased charge.

Sound policy requires that we should avoid the creation of a large standing army in a period of peace. No public agency is more liable to abuses—are not only expensive and unnecessary, but may become dangerous to liberty.

Besides making the necessary legislative provisions for the execution of the treaty, and the establishment of territorial governments in the ceded country, the first step upon the restoration of peace, other important duties to perform. Among these, I regard none as more important than the adoption of proper measures to the speedy extinguishment of the national debt. It is against usual policy and the principles of our institutions that a public debt should be permitted to exist a day longer than the means of the Treasury will enable the government to pay it off.

We should adhere to the wise policy laid down by President Washington, of "avoiding the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burden we ourselves ought to bear."

At the commencement of the present administration the public debt amounted to $17,093,590 62. In consequence of the war with Mexico, it has been necessarily increased, and now amounts to $56,778,490 41, including the stock and Treasury notes which may yet be issued under the act of January 28, 1847, and the sixteen million loan recently negotiated under the act of March 31, 1848.

In addition to the amount of the debt, the treaty stipulates that twelve millions of dollars shall be paid to Mexico in four equal instalments of three millions each; the first of which will fall due on the 30th of May, 1848. The treaty also stipulates that the United States shall "assume and pay" to our citizens "the claims already liquidated and decided against the Mexican republic," and "all claims not here before decided against the Mexican government to an amount not exceeding three and a quarter millions of dollars." The "liquidated" claims of citizens of the United States against Mexico, as decided by the joint board of commissioners under the convention between the United States and Mexico, of the 11th of April, 1839, amounted to $2,026,139 68. This sum was payable in twenty annual instalments. Three of them have been paid to the claimants by the Mexican government, and two by the United States—leaving to be paid of the principal of the liquidated amount, assumed by the United States, the sum of $1,519,604 76, together with the interest thereon. These several amounts of "liquidated" and unliquidated claims assumed by the United States, it is believed, may be paid as they fall due out of the accruing revenue, without the issue of stock or the creation of any additional public debt.

I cannot too strongly recommend to Congress the importance of husbanding all our national resources, of limiting the public expenditures to necessary objects, and of applying all the surplus at any time in the Treasury to the redemption of the debt. I recommend that authority be vested in the Executive by law to anticipate the period of reimbursement of such portion of the debt as may not be now redeemable, and to purchase at par, or at the premium which it may command in the market, in all cases in which that authority has not already been granted. A premium had been obtained by the government on much the larger portion of the loans; and if, when the government becomes a purchaser of its own stock, it shall command a premium in the market, it will be sound policy to pay it rather than to pay the semi-annual interest upon it. The interest upon the debt if the outstanding Treasury notes shall be funded, from the end of the last fiscal year until it shall fall due and be redeemable, will be very nearly equal to the principal, which must itself be ultimately paid.

Without changing or modifying the present tariff of duties, so great has been the increase of our commerce under its benign operation, that the revenue derived from that source and from the sales of the public lands will, it is confidently believed, enable the government to discharge annually several millions of the debt, and at the same time possess the means of meeting necessary appropriations for all the proper objects. Unless Congress shall authorize largely increased expenditures for objects not of absolute necessity, the whole public debt existing before the Mexican war, and that created during its continuance, may be paid off, without any increase of taxation on the people, long before it will fall due.

Upon the restoration of peace we should adopt a policy suited to a state of peace. In doing this, the earliest practicable payment of the public debt should be a cardinal principle of action. Profiting by the experience of the past, we should avoid the error into which the country was betrayed shortly after the close of the war with Great Britain in 1815. In a few years after that period a loose and latitudinous construction of the powers of the Federal Government unfortunately received but too much countenance. Though the country was burdened with a heavy public debt large and in many instances unnecessary and extravagant expenditures were authorized by Congress. The consequence was, that the payment of the debt was postponed for more than twenty years; and even then, it was only accomplished by the stern will and unbending policy of President Jackson, who made it a primary leading measure of his administration. He resisted the attempts which were made to divert the public money from that great object and apply it in wasteful and extravagant expenditures for internal objects, some of them of more than doubtful constitutional authority and expediency.

If the government of the United States shall observe a proper economy in its expenditures, and be confined in its action to the conduct of our foreign relations and to the few general objects of its care, enumerated in the constitution, leaving all matters local and local legislation to the States, our greatness as a nation in moral and physical power and in the arts and sciences cannot be calculated.

By pursuing this policy, expensive measures operating unequally and unjustly upon sections and classes will be avoided; and the people, having no cause of complaint, will patriotically support the government, under the blessings of equal laws and the protection of a just and paternal government.

By obtaining from the exercise of all powers not clearly conferred, the consent of our common Union, now numbering thirty States, will be strengthened as we grow in age and increase in population, and our future destiny will be without a parallel or example in the history of nations.

JAMES K. POLK.

Washington, July 6, 1848

The message having been read—

On motion by Mr. HANNEGAN, it was

Ordered, That it be printed, with the accompanying documents; and that five thousand additional copies thereof be printed for the use of the Senate.

On motion by Mr. HANNEGAN, it was

Ordered, That so much of the said message as relates to foreign affairs be referred to the Committee on Foreign Relations; that so much of the message as relates to the military establishment of the United States be referred to the Committee on Military Affairs; that so much of the message as relates to the public debt and the finances of the United States be referred to the Committee on Finance; that so much of the message as relates to the naval establishment of the United States, be referred to the Committee on Naval Affairs; that so much of the message as relates to public lands be referred to the Committee on Public Lands; that so much of the message as relates to the extension of the laws of the United States, be referred to the Committee on the Judiciary, and that so much of the message as relates to the territory acquired by the United States, be referred to the Committee on Territories.

Mr. WESTCOTT submitted the following motion for consideration:

Ordered, That so much of said message as relates to the making of needful rules and regulations for the territories acquired by the United States by the treaty with Mexico aforesaid, be referred to a select committee of seven to be chosen by the Senate; which committee be instructed to report, as soon as practicable, a bill or bills organizing municipal governments for said territores, securing to the citizens of all of the United States their equal rights in said territories.

REPORT FROM THE WAR DEPARTMENT.

The VICE PRESIDENT laid before the Senate a report from the Secretary of War, communicating, in compliance with a resolution of the Senate, information respecting the utility of a fortification at Proctor's landing, on lake Borgne, Louisiana; which was read and ordered to be printed.

COMMITTEE ON MILITARY AFFAIRS.

On motion by Mr. BADGER, it was

Ordered, That a member be appointed on the Committee on Military Affairs in the place of the honorable Mr. Crittenden, resigned.

COMMITTEE ON TERRITORIES.

The following motion was submitted by Mr. BUTLER:

Ordered, That two additional members be added to the Committee on Territories, to be appointed by the Vice President.

On motion,

The Senate adjourned.

FRIDAY, JULY 7, 1848.

ERROR CORRECTED.

On motion by Mr. GREENE, and by unanimous consent, it was

Ordered, that the assent of the Senate be given to a verbal alteration in the engrossed bill to incorporate the Washington Gas Light Company, so as to conform to the original.

MESSAGE FROM THE HOUSE.

The following Message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr President: The House of Representatives have passed a bill to amend an act approved the 24th of May, 1824, entitled "An act supplementary to an act approved the 3d day of March, 1823, entitled 'An act providing for the correction of errors in making entries of land at the land offices;'" in which they request the concurrence of the Senate.

They have passed the bill from the Senate to extend the provisions of existing pension laws to enlisted men of the ordnance corps of the United States army, with an amendment; in which they request the concurrence of the Senate.

They concur in the amendments of the Senate to the bill entitled "An act making appropriations for the service of the Post Office Department for the year ending June 30, 1849."

The President of the United States approved and signed, the 5th instant, the following acts:

An act giving the consent of the government of the United States to the State of Texas to extend her eastern boundary, so as to include within her limits one half of Sabine pass, Sabine lake, and Sabine river, as far north as the 32d degree of north latitude.

An act further to extend the time for locating Virginia military land warrants and returning surveys thereon to the several land offices.

An act for the relief of Stalker & Hill.

The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate for the signature of their President.

SIGNING OF A BILL.

The VICE PRESIDENT signed the enrolled bill to incorporate the Washington Gas Light Company.

MEMORIAL.

On motion by Mr. JOHNSON, of La., it was

Ordered, That the memorial of the members of the bar in New Orleans, Louisiana, on the files of the Senate, relating to an increase of the salary of the district judge of the District of Louisiana, be referred to the Committee on the Judiciary.

INCREASE OF SALARY TO DISTRICT JUDGES.

Mr. MASON submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on the Judiciary, to whom is referred House bill (No. 290) entitled "An act to change the times for holding the district courts of the United States for the northern district of Virginia," be, and are hereby, instructed to inquire into the expediency, by an amendment to said bill, to increase the salary of the judge of said court, in consideration of the additional duties devolved on him by the increase in the number of courts in said district, and the extension of their respective terms.

Mr. HALE submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the salary of the district judge of the district of New Hampshire.

DESTRUCTION OF SPURIOUS COIN, TREASURY NOTES, ETC.

Mr. PHELPS submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on the Judiciary inquire into the expediency of providing by law for the destruction or other disposition of spurious and counterfeit treasury notes and other public securities, and of spurious and counterfeit plates, coins, and implements for making the same, to prevent future circulation or use.

CLAIMS ON MEXICO.

Mr. JOHNSON, of Maryland, after calling attention to an error in the message of the President of the United States of the 6th instant, in which he speaks of the "liquidated" claims against Mexico as payable in "twenty *annual* instalments instead of twenty *quarterly* instalments, submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Finance be instructed to inquire what measures are necessary to procure the prompt payment of the claims of citizens of the United which have been liquidated and decided against the Mexican government which are now due, and that they report by bill or otherwise.

REPORT OF THE SMITHSONIAN INSTITUTION.

Mr. PEARCE submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That one hundred and fifty copies of the report of the regents of the Smithsonian Institution, printed for the use of the Senate, be furnished to the secretary for the use of said institution.

WHITNEY'S RAILROAD TO THE PACIFIC.

Mr. NILES, from the select committee, to whom was referred the bill to set apart and sell to Asa Whitney, of New York, a portion of the public lands, to enable him to construct a railroad from Lake Michigan to the Pacific Ocean, reported the same with an amendment, which was ordered to be printed.

Mr. NILES gave notice that he would call this bill up at an early day, during the morning hour, and ask for a vote upon it without debate.

PAY DEPARTMENT OF THE ARMY.

Mr. DIX, from the Committee on Military Affairs, reported a bill concerning the pay department of the army, which was read the first and second times, by unanimous consent, and considered as in Committee of the Whole.

No amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

ADVERSE REPORT.

Mr. DOWNS, from the Committee on Indian Affairs, to whom was referred the petition of citizens of New York in favor of the Towanda band of Seneca Indians, submitted an adverse report; which was ordered to be printed.

PRIVATE BILLS.

Mr. UNDERWOOD, from the Committee of Claims, to whom was referred the memorial of Ward and Smith, submitted a report, accompanied by a bill, for their relief.

The bill was read and passed to a second reading.

Ordered, That the report be printed.

Mr. WESTCOTT, from the Committee on Claims, to whom was referred a bill from the House of Representatives for the relief of John W. Hockett, reported it without amendment.

Mr. WESTCOTT, from the Committee of Claims, to whom was referred the bill from the House of Representatives for the relief of Archibald Beard, and twenty-one other Tennessee mounted volunteers, reported the same with amendments.

Mr. WESTCOTT, from the Committee of Claims, to whom was referred the petition of Bryan Callaghan, reported a bill for his relief.

The bill was read and passed to the second reading.

PAYMENT OF CLAIMS.

Mr. ATCHISON, by unanimous consent, asked and obtained leave to bring in a bill to amend an act in relation to the payment of claims; which was read the first and second times, by unanimous consent, and referred to the Committee of Claims.

DESTRUCTION OF SPURIOUS COIN, TREASURY NOTES, ETC.

Mr. DICKINSON, by unanimous consent, asked and obtained leave to bring in a bill to amend an act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes, approved March 3d, 1825; and an act authorizing the issue of Treasury notes, a loan, and for other purposes, approved January 28th, 1847; which was read the first and second times, by unanimous consent, and referred to the Committee on the Judiciary, and ordered to be printed.

CHURCH LANDS IN FLORIDA.

The joint resolution authorizing the submission of certain claims to arbitration, was read a third time.

Resolved, That this resolution pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

BRYAN CALLAGHAN.

On motion by Mr. RUSK, the prior orders were postponed and the bill for the relief of Bryan Callaghan was read the second time, and considered as in Committee of the Whole.

After debate—

Mr. BRIGHT moved that the bill lie on the table, with a view of taking up the special order, which was agreed to.

THE OREGON BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish the Territorial Government of Oregon.

Mr. JOHNSON, of Georgia.—Mr. President: The Parliament of Great Britain is said to be omnipotent; and yet, in that empire, the humblest subject is protected in the absolute enjoyment of the rights of private property. So paramount is this principle regarded, that the whole strength of the government, if need be, is exerted for its maintenance, in behalf of the meanest subject, in the most distant corner of the world. How strange, therefore, that in the American Congress, whose powers are defined and limited by a written constitution, we are gravely debating, whether fifteen of the sovereign States of this confederacy shall be permitted to enjoy their equal interests in the territory of the United States, which is the common property of all! Yet, sir, stripped of all that is calculated to cheat and deceive, this is the naked question presented in the twelfth section of the bill upon your table. That section, among other provisions, proposes to approve and continue in force all the laws and ordinances which may have been passed by the provisional government of Oregon. Among the organic laws of that provisional government, is an ordinance which prohibits slavery or involuntary servitude within the limits of said territory. This attempt to ratify and confirm such an act, involves the assumption, that Congress has the right to exclude slavery from the territory of the United States; or, in other words, to deny to the slaveholding citizens of the Union, the privilege of removing into said territory with their slaves, and enjoying them as property. Where is the authority for such legislation by Congress?

This confederacy consists of thirty sovereign States: fifteen of these are slaveholding; the other fifteen are called free States, because slavery does not exist in them. The proposition in this bill is, that, at the suggestion of the fifteen free States, the fifteen slave States shall be prohibited by an act of Congress from the unrestricted enjoyment of the property which they hold in the territory of Oregon. Is this reasonable and just? I apprehend there can be no doubt of the truth of this proposition: that if Congress have the right to prohibit, they have an equal right to establish, slavery. For the very moment you concede jurisdiction to Congress over the subject, the same reason obtains in favor of the right to establish, that exists in favor of the right to prohibit. Suppose, then, the fifteen slave States were to present themselves here by their representatives, and demand that Congress should establish slavery in any of the territories belonging to the United States: we should hear but one voice from the North, and that voice would be, that Congress has no right to do it; that it is a power not conferred by the constitution. Aye, sir, more than this. Suppose these fifteen slaves States should demand, that in organizing a territorial government for Oregon, a provision should be incorporated into the bill, that no citizen shall emigrate to and settle in said territory unless he shall carry with him slave property: what would be the response of the free States to such a proposition? They would reply, that the territory is the common property of all the States, procured by common treasure and common blood, and that each citizen has the incontestable right to remove to it, and carry with him, or leave behind, what property he may deem he might consider most compatible with his interest. Now, sir, the reverse of this state of things is true. The slave States are asking nothing at the hands of Congress; but the free States are demanding that citizens of the former shall not be permitted to settle upon the territory of the United States, and carry or leave what property soever they consider most consistent with their interest. This is the naked question which is now before the deliberation of the Senate. Its very statement exposes its absurdity and injustice. I would earnestly recommend to our northern friends the adoption of the golden rule, to do as they would be done by. If they would consider it unconstitutional and unjust for Congress, at the instance of the southern States, to exclude them from territory because they would be unwilling to be compelled to carry slaves with them, they certainly should not ask that we be shut out, because we desire to carry out slaves with us.

This demand of our northern brethren, however, is pressed with an urgency which seems to set at defiance all appeal to their forbearance, or magnanimity, or sense of justice. Conscious of their numerical strength in the federal council, they march forward with a steadiness of purpose, far less characteristic of patriotism, than of utter recklessness to consequences. If this contest of mere numerical strength between the North and the South shall be persisted in, irrespective of the constitution; if the slaveholding States are to be trodden under foot, treated as unequals and inferiors, denied the enjoyment of their interest in the territory which is the common property of all, it needs no prophetic eye to foresee the fate of this glorious fabric of freedom, reared by our fathers, and whose foundations were laid in the blood of patriotism. In such a struggle, our only hope is in the constitution. We can appeal to its guarantees. We invite a fair and rigid scrutiny of its provisions. If it justify the proposed action of Congress, we must submit to our fate. But if the authority be not found there, we ask our brethren of the free States, by all that is valuable in our institutions, and by all that is hallowed in the associations connected with their origin, to withhold their hands, and relieve the country from an agitation which threatens to dissever all the ties of affiliation, which unite the two great sections of this confederacy. Let us come to that sacred instrument with religious reverence and patriotic docility, resolved to surrender all preconceived opinions, and to bow to its teachings, however they may come in conflict with certain sentiments of a miserable, morbid, misguided philanthropy.

But before we proceed to the consideration of the particular clause of the constitution in relation to the power of Congress over the territories of the United States, it is important to bear in mind the character of our government and the rule of strict construction, by which all sound republicans are guided in the interpretation of that instrument. This government is a confederated republic. The States composing it are each sovereign, possessing all the powers of independent governments, except so far as they have voluntarily surrended a portion of these powers, and consented that the general government shall exercise them, as the common agent of all, for the benefit of all. The constitution is but the written articles of agreement between the parties to the confederation, specifying the powers which each State has surrendered, and the extent and general purposes for which they may be exerted by the federal government. As each of the States were equals before the formation of the confederacy—each possessing the same attributes of sovereignty and independence—and as each has made a like surrender of powers to the general government, they are still equals. This is as self-evident as the axiom in mathematics, "that if equals be taken from equals the remainders are equals." Hence, each State ought to share alike the burdens and enjoy alike the benefits of the compact; and any discrimination made in favor of one, to the prejudice of others, in the administration of its powers by the general government, is violative of the spirit of the compact, and subversive of the great ends for which it was formed. A strict construction of the constitution, therefore, is indispensable; it is the only rule by which the general government can be restrained within the limited scope of its delegated powers. In an able official paper on the constitutionality of a national bank, Mr. Jefferson thus defines the true rule of constitutional interpretation:

"I can alter the foundation of the constitution as laid on this ground, that 'all the powers not delegated to the United States, nor prohibited by it to the States, are reserved to the States or to the people.' To take a single step beyond the boundaries thus specially drawn around the powers of Congress, is to take possession of a boundless field of power, no longer susceptible of any definition."

In view, then, of this limited fiduciary character of our government, and this rule of strict construction laid down by Mr. Jefferson, and which has been adopted and acquiesced in by all sound republicans from that day to the present, let us examine the authority on which the power is claimed, on the part of Congress, to restrict slavery in the territory of the United States. It is claimed under the third section of the fourth article of the constitution, which declares that—

"The Congress shall have power to dispose of, and make all needful and regulations, respecting the territory and other property belonging to the United States."

Let us analyze this provision. It is obvious, from its phraseology, that the great object which was intended to be accomplished by this grant of power, was to enable Congress to "dispose of" the territory of the United States. When the constitution was adopted, all the territory belonging to the United States was provided for, as to all the purposes of government, by the celebrated ordinance of 1787. To "dispose of" it, therefore, was all that was necessary to be done; and to that extent only, does this provision of the constitution authorize Congress to go. To enable them to execute this leading object of the trust, they are further empowered "to make all needful rules and regulations." That such was the intention of the framers of the constitution, is apparent, if we observe further the import of the term "territory." It is related to the words "other property" by the disjunctive "or," showing that it is synonomous with the word "property," and was intended to designate one species of the property of the United States. It is equivalent to the word "land." I am sustained in this definition by the decision of the Supreme Court of the United States, in the case of the United States vs. Gratiot et al., in 14 Peters' Reports. In delivering their opinion in that case, the court said:

"The term 'territory,' as here used, is merely descriptive of one kind of property, and is equivalent to the word 'lands.'"

Observe, further, in whom is the ownership of "territory," or "lands." It is not in "the Congress," which is authorized to "dispose of and make all needful rules and regulations respecting" it; but it is "territory," or "lands," "belonging to the United States." It is the common property of all the States. They hold it by a "unity of interest, title, time, and possession;" and by this clause of the constitution they have constituted Congress their trustee, to "dispose of" it for the benefit of all. In view, then, of this plain analysis of this provision, can any reasonable mind come to the conclusion, that the framers of the constitution intended to confer on Congress any jurisdiction whatever over the subject of slavery in the territory of the United States. There certainly is not a single word or idea contained in it, which would, even in the most remote manner, countenance such an interpretation.

There is another clause of the constitution (article I, section 8) which declares that Congress shall have power—

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or office thereof."

Let us inquire, then, whether the power to prohibit slavery in "the territory" of the United States is "necessary and proper,"

in order to enable Congress to execute efficiently the trust confided to them? That the implied powers "necessary and proper" to be exercised by Congress in "disposing of" "the territory," is very evident. Congress must have power to survey the public lands, to declare by law, the mode of that survey, the dimension of the sections, the time, place, and manner of sale Congress must have the power—it is an incumbent duty—to protect the territory from invasion, and from trespass, such as cutting its timbers and robbing its mines. For the efficient exercise of this power, it would be necessary and proper" to pass laws defining offences against the public lands, and the extent of punishment, and to organize tribunals within the limits of the "territory" to try offenders and administer those laws. Those and such other powers only, as are "necessary and proper" to enable Congress to administer the public lands according to the spirit and intention of the trust consided, are all that is authorized, either by express grant or implication, to exercise. Is the power to prohibit slavery in the territories to be found among them? Is it possible to imagine an emergency in which the exercise of such a power is "necessary and proper" to the performance of the trust?

If the framers of the constitution had intended to confer larger powers—the powers of exclusive legislation over the territories—they would have employed language adequate for that purpose, as they did in reference to the District of Columbia, and "all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings." In relation to this, the constitution clothes Congress with the right of "exclusive legislation ;" and, therefore the absence of such a grant, in reference to the "territory" of the United States, is conclusive evidence that the framers of the constitution did not intend to confer it The question, then, recurs recurs with redoubled force, if such be the limited power of "the Congress" over "the territory, where is to be found the authority for prohibiting slavery therein? It does not exist. The attempt to exercise it is wanton usurpation, oppressive to the slave States, and, if persisted in, will be fatal to the confederacy.

When driven from this provision of the constitution which I have been considering, the advocates of the restriction of slavery take refuge under the power to establish temporary governments in the territories. Whence may be the source of this power, whether it is incident to the acquisition of territory under the treaty-making power, or whether it is implied from that clause of the constitution which authorizes Congress "to make all needful rules and regulations" respecting the territories, it is conceded by the ablest expounders of the constitution that it exists. Congress has exercised this power from the origin of the government down to the present time, without the right to do so having ever been seriously questioned. In the case of McCulloch vs. the State of Maryland, in 4th Wheaton's reports, the Supreme Court of the United States said:

"All admit the constitutionality of a territorial government."

In the case, also, of the American Insurance Company vs. Canter, in 1st Peters' reports Chief Justice Marshal said:

"Whichever may be the source whence the power is derived, the possession of it is unquestioned."

Though doubts have been entertained and expressed, whether the right to establish territorial governments necessarily included the right to legislate for the territory, yet it must be confessed, that the opinions of the ablest expounders of the constitution seem to be harmonious and conclusive in favor of its existence.— The minor is included in the major proposition. If Congress can exercise the higher power of framing an organic law, it may certainly exercise the inferior power of legislating for the territory. I need not refer to the authorities by which this position is sustained; because, for the purposes of this argument, I am willing to concede, in its broadest sense, that in virtue of the right to acquire by treaty, Congress possesses the power to govern and legislate for territory so acquired. But does it therefore follow that that they have the right to prohibit slavery in such territory? By no means. The legislation of Congress must be controlled by obvious limitations.

It must look, in its action, to its fiduciary character as a common trustee of the States, and, like all other trustees, must not go beyond the scope and intention of the trust. The title to the territory, as I have before shown, is not in the Congress, but in the States of the confederacy. It is acquired by the government in behalf of the States, and is paid for by the common resource and common blood. As, therefore, it is the property of the States as joint tenants, and as the right to free and unlimited enjoyment is the very essence of property, it follows inevitably, that Congress, as the trustee of the States, cannot pass any law which will exclude any of the States or its citizens from the full enjoyment of their interest in the territory belonging to the United States. A very simple illustration cannot fail to enforce the correctness of this view of the subject. There is a portion of this Senate who hold that Congress has the constitutional right to distribute the proceeds of the sale of the public lands among the States. Let it be admitted. It follows, then, as a necessary inference, that we have the right to distribute the territory itself. Suppose this operation performed by this government: that New York, Pennsylvania, Virginia, Georgia, and all the States, had assigned to them respectively their proportionate shares of the public domain; would it be competent for Congress to prescribe to each State what species of property she might carry upon her own territory? Could they say to Virginia, or Georgia, that her citizens removing upon her own territory, should not take their slaves with them? Such a proposition would be scouted from the halls of Congress as utterly absurb. But would such a distribution by Congress confer upon the several States any higher title to the public lands than they now possess? No, sir, the title of each State is as perfect and complete, as if such distribution had really trken place. Each State has an undivided property in the whole. The States hold the territory *per my et per tout*; and each has the right to enjoy the whole. It is as absolutely absurd for Congress to undertake to prescribe to the citizens of the States what species of property they shall carry with them into the territory, as if such a distribution had taken place.

Again: Suppose A, being about to leave the United States for foreign climes, constitutes B his agent to attend to his business during his temporary absence. Divers persons are indebted to A, and among other duties, B is charged with the collection and arrangement of his debts and contracts. He proceeds to the performance of his agency, and finding C unable to pay his liability to A, in money, agrees to receive in satisfaction a tract of land. Upon his return home, A calls upon B, his agent, for an account of his transactions. The agent informs him what he has done, and among other things, that he has received a tract of land from C, in payment of his indebtedness, he being unable to meet it with money. The principal, A, expresses himself satisfied with the arrangement, and he intimates an intention to commence the business of improving upon the land thus acquired. Here B interposes an objection, and threatens absolute prohibition. In astonishment, A demands his reasons for such conduct? Is there any such arrangement in the deed of transfer? No. Is there any such authority in the power of attorney? No. Is not the title to the land in me? Yes. Was not the consideration paid out of my funds? Yes. Why, then, this effort to restrict me in the unqualified exercise of what is my own? B very coolly replies, because it is not your interest to engage in that business. Would such admonitation by an agent to his principal be tolerated in any court of justice in Christendom? But this is precisely what is sought by this bill. The territory is the property of the States as joint tenants—each having an undivided interest in the whole—acquired by their common and joint fund; the Congress is the trustee to whom the administration of these lands is confided, and now it is sought to prohibit each State from carrying whatsoever kind of property its citizens may desire into said lands. The agent sets himself up above his principal—the servant dictates to his master.

The government, in the exercise of its powers of legislation, should also look to the ultimate object for which it acquires and holds the territory; and as its power of legislation is implied, it should the more rigidly confine its exercise to such action only as is "necessary and proper" for the accomplishment of such object. For what object, then, is territory acquired and held? Evidently with the view of forming out of it new States to be admitted into the Union. What is the only constitutional condition precedent to their admission? Simply that they should have a republican form of government. The presumption is, that the inhabitants of territory are ignorant of the principles of our government; and whilst in a territorial State, they occupy a dependent relation—a relation of pupilage preparatory to their being received into our great republican family of States. Now, if the institution of slavery were incompatible with a republican form of government, then Congress might forbid its existence in territory thus under its guardianship and instruction. But no such incompatibility exists, because slavery is recognized in the constitution itself, and new States, since its adoption, have been admitted into the Union with slavery.— Hence the prohibition of slavery is not "necessary and proper," in order to enable Congress, in the exercise of its legislative functions, to prepare the territory for its ultimate destination, and consequently the power to impose such prohibition does not exist.

In the outset of my remarks, I showed that the States of this confederacy are politically coequals; and, therefore, must share alike the burdens and blessings of the government. There are several provisions in the constitution based upon this equality. Each State is entitled to two Senators in this chamber. "No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another." When the election of President and Vice President fails before the people and devolves upon the House of Representatives, there each State is entitled to but one vote. "Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State." "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." All these constitutional provisions, I say, look to the absolute political equality of all the States, and show that Congress, in the exercise of its powers, are as solemnly bound to treat them as equals, as if the injunction in so many words were contained in the instrument. It is an obligation growing out of the spirit of the compact: that spirit which gave birth to all its magnanimous compromises and equitable guarantees, and without which it never would have been formed. It is true that none of these provisions apply in terms to the territories; but they point out the path of justice too plain to be mistaken. If the States be political coequals—so regarded by the constitution—and hold joint property, purchased by a common fund, then they are entitled to be treated as equals in the disposition of that joint property. Any discrimination made by Congress, as their common trustee, is at war with this great fundamental principle of equality, on which the fabric of the confederation rests. Is not the prohibition of slavery proposed by this bill such a dis-

crimination? Is it not saying to the slaveholding States, that they have among them an institution of property unworthy of transplantation into new territory; and that the citizens of these States removing there, with that description of property, are unworthy to be the neighbors and fellow-citizens of the New England emigrant? Aye, is it not tantamount to conferring upon the free States the entire monopoly of the territory acquired by the common treasury and common arms of all? If this be the equality of the constitution, our patriotic forefathers labored in vain.

But the advocates of the prohibition of slavery in the territory of the United States refer to the past legislation of Congress, in order to show by precedent, that the power exists. For this purpose, the celabrated ordinance of 1787 is relied on. A succinct glance at the history of that transaction will show how unavailing must be the effort, to sustain their cause by resting it upon such a foundation.

On the 1st of March, 1784, a committee, composed of Messrs. Jefferson, of Virginia, Chase, of Maryland, and Howell, of Rhode Island, reported to Congress a plan for the temporary government of the western territory, which contained a provision "that after the year 1800 of the Christian era, there should be neither slavery nor involuntary servitude in any of the States" formed out of said territory. This report was recommitted to the same committee on the 17th, and on the 22d of March they submitted a new plan, substantially the same in its provisions as the first. On the 19th of April it was taken up for consideration, and the clause containing the slavery restriction was stricken out; and after some unimportant amendments, it was agreed to.

About a year afterwards Mr. King submitted again to Congress the clause prohibiting slavery, but omitting the words "after the year 1800 of the Christian era." The motion was committed to the Committee of the Whole House, but it was not again called up, nor referred to by any of the committees who subsequently reported plans for the government of the western territory. The subject, however, was kept before Congress, and from time to time taken up. But no definite action was had until the 26th of April, 1787. On that day a committee, consisting of Messrs. Johnson, Pinckney, Smith, Dane, and Henry, reported "an ordinance for the government of the western territory," but it did not contain the clause restricting slavery, which Mr. King had previously moved. It was ordered to a third reading, but on the 9th of July, 1787, it was again referred to a committee, consisting of Messrs. Carrington, of Virginia, Dane, of Massachusetts, R. H. Lee, of Virginia, Kean, of South Carolina, and Smith, of New York. On the 11th of July this committee reported a plan, still without any clause restricting slavery. On the 12th of July Mr. Dane offered the following amendment, which was adopted as the sixth article of the compact:

"*Article the sixth.* There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted: *Provided, always,* That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor, as aforesaid."

This amendment was carried, and the celebrated ordinance adopted by the unanimous vote of the eight States then present.

From this succinct history of the sixth article of the ordinance of 1787, the following observations are apparent:

1. That Mr. Dane, of Massachusetts, and not Mr. Jefferson, was its author. He was not in Congress at that date. Those, therefore, who claim the authorship for him, not only do him injustice, but appropriate to their cause the weight of a name to which they are not entitled.

2. That the naked proposition to prohibit slavery, without the proviso for the reclamation of fugitives, never received any countenance or favor from Congress. It was always rejected when submitted; and most strenuously opposed by the southern States.

3. That this proviso for the recovery of fugitives was the test question, without which the sixth article of the ordinance never could have passed, or received the support of the South; and that therefore, it must have been finally adopted as a compromise between conflicting and otherwise irreconcilable opinions.

We have no sketch of the debates in Congress at that day; but these inferences are as clearly deducible from the Journal as if we had access to the opinions expressed in discussion. If, then, the ordinance of 1787 was the result of a compromise, it proves nothing in favor of the power of Congress to pass it. It is the essence of a compromise, that the parties to it still stand upon their legal rights. Not being able to agree upon principle, they consent to meet on middle ground, for the sake of peace. How, then, can this ordinance be plead as a legislative precedent?

But the ordinance was void and carries upon its face the evidence of its nullity. One of its provisions is—

"That the articles shall be considered as articles of compact between the original States and the people and States in the said territory, and forever remain unalterable, unless by common consent."

Now, contrast this with the condition upon which Virginia, in 1784, ceded the territory northwest of the Ohio, to which the ordinance applied. That condition was—

"That the territory so ceded shall be laid out and formed into States, containing a suitable extent of territory, not less than one hundred or more than one hundred and fifty miles square, or as near thereto as circumstances will admit; and that the States so formed shall be distinct republican States, and admitted members of the Federal Union, having the same rights of sovereignty, freedom, and independence as the other States."

I ask, sir, whether the provision of the ordinance declaring that the articles of compact "shall remain forever unalterable," is not in violation of that part of the condition of cession which declares—

"That States so formed, &c., shall be admitted members of the Union, *having the same rights of sovereignty, freedom, and independence as the other States.*"

The other States of the Union have the right to adopt or abolish slavery, at their pleasure. But, if this ordinance be valid, then Ohio, Michigan, Illinois, and the other States formed from the western territory have not this right; they are forever prohibited by these unalterable "articles of compact." Virginia was a slaveholding State at the time of the cession, and of course felt a deep interest in the subject. Can it be supposed, that she would have made so extensive a grant of territory if she had known at the time that the whole of it would, by ordinance of Congress, have been monopolized by the free States? Such an idea is absurd. In view, then, of the absence of any grant of power to Congress, under the articles of confederation, to pass the ordinance, and in view of the express condition of the cession by Virginia, it is not strange that Mr. Madison declared it to be "without the color of constitutional authority." If void, then how unfair to plead it as a legislative precedent!

Moreover, the ordinance was enacted by the Congress of the confederation before the adoption of the present constitution. It cannot, therefore, with any plausibility, be relied on as a precedent to throw light upon the powers of Congress under the present constitution.

But there are several acts of Congress passed since the adoption of the present constitution, which have been referred to as legislative precedents. The first is the act of 1789, "to provide for the government of the territory northwest of the river Ohio;" and it appears from its preamble, that it was specially designed to carry into effect the ordinance of 1787. Strong reliance is placed in this act, because the Congress of 1789 was composed, in part, of the members who adopted the constitution, and who were familiar with all the circumstances attending the passage of the ordinance; and it is asked with plausibility, whether these men, thus fresh from the deliberations of the convention, and acquainted with the history of the ordinance, would, within less than two years, have passed an act of Congress to carry into effect this very ordinance, if they did not believe it constitutional? Is it not evidence of contemporaneous construction? It is a sufficient reply to this, that the ordinance of 1787, as I have shown, was the result of compromise; that it was regarded as a compact entered into "between the original States and the people and States of the said territory," which, under the 6th article of the constitution, was declared to be as "valid against the United States under this constitution as under the confederation." The act of 1789, therefore, cannot be considered as the exercise of an original power of legislation. It is the execution, in good faith, of a compact formed under the articles of confederation. The same is true in relation to the several acts of Congress organizing temporary governments in the territories of Ohio, Indiana, Michigan, Illinois, and Wisconsin. In all these territories the ordinance of 1787 prohibiting slavery was applied. But Congress did not thereby assert or claim any right, by virtue of our present constitution, to exercise original legislative jurisdiction over the subject of slavery. These are the States which have been formed out of the western territory, for which the ordinance of 1787 expressly provided. So far, therefore, from these acts constituting legislative precedents, they are but evidences of the fidelity of the South in carrying out every engagement into which she has entered.

The next class of acts relied on, as legislative precedents, are those in reference to the suppression of the slave trade. The act of 1794 was designed to prohibit the exportation of slaves from any part of the United States to any foreign place or country; and the act of 1800, in addition thereto, only further defines the penalty for such exportation. No candid man will contend that these were designed to strike at the institution of slavery as it exists in the United States. They were purely commercial in their character, and referable to that article of the constitution which confers on Congress the power to "regulate commerce with foreign nations."

The ninth section of the first article of the constitution, by clear implication at least, authorizes Congress to prevent the importation of slaves into the United States, after the year 1808. It is in the following words:

"The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation not exceeding ten dollars for each person."

At the time of the adoption of the constitution, the importation of slaves, as an article of commerce, was extensively carried on by nearly all the States; and it was regarded as a matter of so much importance, that its continuance was thus guarantied for the space of twenty years. It was not until near the expiration of that time, that we find any legislation on the subject. In 1807, Congress passed a law "to prohibit the importation of slaves into any port or place within the jurisdiction of the United States from and after the 1st of January, one thousand eight hundred and eight." In the year 1818, Congress passed an additional act, authorizing the President to employ armed vessels on the coasts of Africa and the United States, and to seize vessels unlawfully engaged in the trade. In 1820, an act was passed to continue in force "an act to protect the commerce of the United States, and

punish the crime of piracy," and also to make further provisions for punishing the crime of piracy. The fourth section of this act declares the seizing a negro or mulatto not held to service, with the intent to make them slaves, to be piracy. In 1828 and 1830, respectively, laws were passed appropriating money for the suppression of the slave trade. The act of 1804 divided Louisiana into two territories, and declared those of 1794 and 1803, concerning the slave trade, to which I have referred, to be of force therein. In 1822, the territorial government of Florida was organized, and the acts of 1794, 1800, 1807, 1818, and 1819, in relation to the slave trade, are declared to be of force in said territory. These, I repeat, are all commercial regulations, and dependent upon the constitutional provision vesting Congress with the power to make such regulations. They are directed to the suppression of a traffic which all parties in this Union, and indeed the civilized world, regard as immoral and at war with the benign spirit of the age. None of them look to the prohibition of the extension of the institution of slavery, and therefore, they fail to aid those who rely upon them, as legislative precedents, to justify the action which this bill proposes.

The act of 1820, which prescribed the terms, on which the State of Missouri was admitted into the Union, and the resolutions, by which Texas was annexed, have also been quoted as instances in which Congress exercised legislative jurisdiction over the subject of slavery. These fixed the parallel of thirty-six degrees and thirty minutes of north latitude as the northern limit of slavery. It is true, that upon the face of these enactments, it does appear, that Congress did legislate on the subject of slavery, and prohibited its existence within certain limits. Unexplained, they might very properly be regarded as legislative precedents for the exercise of the power now claimed. But who does not know that both of these were compromises? But as compromises, they cannot justly be considered as favoring the construction of the constitution now claimed. So far from this, they prove that such construction was not yielded by the South, nor peremptorily insisted on by the North. But, being unable to agree upon the right, both parties consented to stand on middle ground, for the sake of the Union. There is, therefore, not a single act of Congress, which can be relied on, as a legislative precedent, to justify the exercise of power now proposed.

Time would fail me, to review critically the judicial decisions which have been quoted to sustain the proposition, that Congress has the right to prohibit slavery in the territories. I have examined those decisions carefully, and have arrived at precisely the same conclusions which my colleague, [Mr. BERRIEN,] so lucidly presented to the Senate. I content myself by simply stating these conclusions as I pass along.

The case of McCulloch vs. the State of Maryland, in 4th Wheaton's Reports, decides the constitutionality of a national bank. That was the question before the court; and in delivering his opinion, one of the justices said, incidentally, that the article of the constitution now under consideration did apply to territorial governments, and that all admit their constitutionality.

The question in the case of the Cherokee Indians vs. the State of Georgia, in 5th Peters's Reports, was, whether those Indians were a foreign nation, in the sense to entitle them to be heard before the Supreme Court of the United States.

In the case of Gratiot vs. the United States, in 14 Peters's Reports, it was simply decided, that under the words "to dispose of," the President had the right to lease the public lands.

The case of the American Insurance Company vs. Canter, in 1 Peters's Reports, decided the validity of the judgment of a court of admiralty in the territory of Florida. It also decided the right of Congress to erect territorial governments.

I conclude, therefore, that Congress has no right to prohibit slavery in the territories of the United States. There is no grant of such power to be found in the constitution. It is incompatible with its fiduciary character and the scope and intention of its trust. It is violative of the right of property which each State has in the whole territory. It is subversive of the political equality and dignity of the States. It is not sanctioned by any legislative precedents or judicial decisions.

Sir, if I understand the position of the political party with which I act, this is the doctrine which they proclaim: that Congress has no right to interfere with the subject of slavery either in the States or the territories. My colleague, [Mr. BERRIEN,] in his remarks the other day, referred to the seventh resolution adopted by the late Baltimore convention; and giving, what seemed to be a fair and reasonable construction to that resolution, he made a strong appeal to the democratic portion of the Senate, to stand by the public declarations of their party. Sir, I accord with him in that interpretation, and cheerfully unite with him in that appeal. If that resolution means anything, it is, that the democratic party of the United States are thoroughly and publicly committed to the doctrine of non-interference by Congress with the subject of slavery in any form or for any purpose. Let us examine its phraseology. It is as follows:

"7. *Resolved*, That Congress has no power under the constitution to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of everything appertaining to their own affairs not prohibited by the constitution; that all efforts of the abolitionists and others, made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most dangerous and alarming consequences; and that all such efforts have an inevitable tendency to diminish the happiness of the people, and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions."

What language can be stronger or broader? It denounces "all efforts by the abolitionists or others," (meaning, of course, Wilmot proviso men,) "made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto." I refer to this resolution to refresh the rec llection, if such be necessary, of Senators upon this side of the chamber, and appeal to them to stand by the doctrine which it promulgates. The resolution was unanimously adopted by the convention; and there are four Senators on this floor who were members of that body, and whose votes either way may decide the fate of the section of this bill now under consideration. I allude to the two Senators from Indiana, [Mr. BRIGHT and Mr HANNEGAN,] one of the Senators from New York, [Mr. DICKINSON,] and one of the Senators from Maine, [Mr. HAMLIN.] They all voted for this resolution.

Mr. HAMLIN.—Not with that construction.

Mr. JOHNSON.—The Senator from Maine [Mr. HAMLIN] says, not with the construction which I place upon it. They did, to all legal and moral intents and purposes; and I will prove it. I will refer to the proceedings of the convention, to show the sense in which it was understood at the time of its passage. One of the delegates from Georgia [Mr. Forman] offered two resolutions, one of which was as follows:

"*And be it further resolved*, That this convention repudiates the Wilmot proviso."

He was requested by gentlemen on all hands to withdraw the resolutions. He did so, with the distinct announcement to the convention, that unless the platform resolutions should go far enough to effect the desired object, he would again offer his resolution. He did not present it again, and therefore the inference is clear that he at least, as one southern delegate, construed the seventh platform resolution to cover the entire ground of non-interference; or, in other words, to repudiate the Wilmot proviso.

Subsequently, a delegate from Alabama, [Mr. Yancey,] as one of the minority of the committee appointed to report resolutions for the convention, submitted the following:

"*Resolved*, That the doctrine of non interference with the rights of property of any portion of the people of the confederation, be it in the States or in the territories thereof, by any other than the parties interested in them, is the true republican doctrine, recognized by this convention."

I make no comments upon the merits of this resolution, or the adequacy of its language to express the avowed meaning of its author. It certainly, however, did express the doctrine of non interference by Congress. I refer to it merely to show the action of the convention upon it, as an index to the sense in which the seventh platform resolution was adopted. It was voted down by a large majority. But why? Was it because the convention did not intend to avow the doctrine of non-interference by Congress? No; but because it was considered that the seventh resolution presented by a majority fully embraced the doctrine.

Speaking of that resolution, a delegate from Alabama, [Mr. Moore,] said:

"The resolutions just adopted present a platform upon which we can all stand. If they have not gone the full length that some of us would have had them, they go claim doctrines dear to democrats. They deny the right of Congress to interfere in any shape or form with the peculiar institution of the South; they breathe, in reference to them, the spirit of the constitution. *The doctrine of non-interference to which we cling* is boldly asserted and proclaimed."

In declaring the vote of North Carolina on Mr. Yancey's resolution, the delegate [Mr. Strange] designated by his colleagues for that purpose, said:

"He was instructed by the North Carolina delegation to say, that they believed the resolutions of the committee *cover the entire ground of non interference with the rights of slaveholders on the part of Congress, either in the States or territories*, and that, therefore, they voted eleven ays."

These, Mr. President, were the declarations made by southern men, in the presence and hearing of their northern brethren in convention, of the interpretation which they gave to the seventh resolution. They remained silent, and raised no objection to our construction of the resolution. That silence confirmed the interpretation, and it became morally and honorably binding upon every member of that convention, in the sense in which it was understood at its adoption. Than this there is no principle in ethics better settled. If any member of the convention dissented from the meaning attached to the resolution by the South, then was his time to speak; but by standing mute, he acquiesced in that construction, and became bound by it.

I will not close the evidence on this point here. That convention nominated Lewis Cass, of Michigan, as the democratic candidate for the Presidency. They did so with a full knowledge of his expressed opinions against the Wilmot proviso—his avowed opposition to the constitutional right of Congress to entertain jurisdiction over the subject of slavery in the territory of the United States. In his Nicholson letter, of the 29th of December last, he says:

"Briefly, then, I am opposed to the exercise of any jurisdiction by Congress in this matter; and am in favor of leaving to the people of any territory which may be hereafter acquired the right to regulate it for themselves, under the general principles of the constitution, because,

"1. I do not see in the constitution any grant of the requisite power to Congress, and I am not disposed to extend a doubtful power beyond its express—some established—of territorial governments when needed—leaving to the inhabitants all the rights compatible with the relations they bear to the confederation.

"2. Because I believe this measure, if adopted, would weaken, if not impair the union of the States, as I would sow the seed of future discord, which would grow up, and upon ripening, an abundant harvest of calamity."

With this public declaration of the doctrine of non-interference, that convention took him as their candidate. Does not this show

that they intended to adopt that as a party doctrine, and that the seventh resolution was designed to announce it to the world? That General Cass so understood it, there can be no question. In his letter of acceptance, of the 30th of May last, he says:

"I have carefully read the resolutions of the democratic national convention laying down the platform of our political faith, and I adhere to them as firmly as I approve them cordially."

Why does he "approve them cordially?" It must be, because they express his sentiment on the constitutional power of Congress in relation to the subject of slavery; and that sentiment is, non-interference by Congress with the subject of slavery, either in the States or the territories. The South so understood the resolution, and our northern brethren knew that they so understood it. It was upon the faith of that resolution, that she acquiesced cordially to the action of that convention, and now unites warmly in the support of its gallant nominee.

I do not make these remarks, Mr. President, to express, or even intimate, a want of confidence in my political associates upon this floor or elsewhere. I have entire confidence in the patriotism of the great democratic party North and South; and I believe that upon the harmony, integrity, and triumph of that party depend the security and permanence of this glorious republic. But, sir, I will say, that the eyes of the southern democracy are turned with intense interest to the action of their brethren of the free States upon this bill. They consider them pledged to the doctrine of non-interference; they look with anxious solicitude to the redemption of that pledge, feeling that it will at once strengthen the bond of their union, and inspire the hope that it may be future.

In reflecting upon this subject, there occurs to my mind a fact which is full of instruction and warning. Who can close his eyes to the indication, that in the Empire State and in all New England there is an obvious tendency to the formation of parties upon geographical lines? We see an enthusiastic and untiring party, rallied upon what they term the "free soil" policy; and it is humiliating to know, that it has received its recent impulse from professed democrats. Who is the leader of this sectional crusade against the interest and peace of the South? It is that arch traitor to all the professions of his public life and the principles of the party that has cherished him—who has received the highest honors in the gift of his country, and for whom, in 1840, the southern democracy sacrificed themselves. He turns now and scorns the hand that wreathed his brow; and unfortunately there are those who are willing to be his minions. Is it not natural, that such a movement in such a quarter should produce some misgivings in the breast of the South? Sir, in proportion to the magnitude and importance which this "free soil" faction shall assume, will be the degree of distrust excited at the South. If the northern democracy desire to retain the confidence of their southern brethren, and secure the vote which we are anxious to cast for our gallant standard-bearer, let them stand by the seventh resolution of the Baltimore platform, as we understood it, and as it was known that we understood it, when it was adopted.

Mr. FOOTE.—Do I understand the Senator from Georgia to say, that the vote of the South for General Cass depends upon the action of our northern friends upon this bill?

Mr. JOHNSON.—I do not know to what extent, but that it will have some influence upon the vote of the South, I have no doubt. If democratic Senators do not stand by the resolution of the Baltimore convention on this floor, it will awaken distrust in the South, which, to the degree of that distrust, will diminish the party's strength.

Mr. President, I have now discussed the main question presented by the twelfth section of this bill. I have shown the great doctrine proclaimed by the democratic party to be true, that Congress has no right under the constitution, either expressed or implied, to prohibit slavery in the territory belonging to the United States.

It remains now to consider the question involved in the amendment proposed by the Senator from Mississippi, [Mr. DAVIS.] That question is, whether it is the duty of Congress to guarantee to the slaveholder, who shall remove with his slaves into the territory of the United States, the undisturbed enjoyment of his property in them, so long as it continues to be a territory. Or, in other words, whether the inhabitants of a territory, during their territorial condition, have the right to prohibit slavery therein. For the purposes of this question, it matters not where the power of legislating for the territory resides—whether exclusively in Congress, or jointly in Congress and the inhabitants, or exclusively in the inhabitants of the territory: the power is precisely the same—no greater in the hands of one than the other. In no event can the slaveholder of the South be excluded from settling in such territory with his property of every description. If the right of exclusive legislation for the territories belongs to Congress, then I have shown that they have no constitutional power, either expressed or implied, to prohibit slavery there. But suppose that Congress have the right to establish a territorial government only, and that then, all further governmental control ceases: can the territorial legislature pass an act prohibiting slavery? Surely not. For the moment you admit the right to organize a territorial government to exist in Congress, you admit necessarily the subordination of the people of the territory—their dependence on this government for an organic law to give them political existence. Hence, all their legislation must be in conformity with that organic law; they can pass no act in violation of it—none but such as it permits. Since, therefore, Congress has no power, as I have shown, to prohibit slavery, they cannot delegate such a power to the inhabitants of the territory; they cannot authorize the territorial legislature to do that which they have no power to do. The stream cannot rise higher than its source. This is as true in government as in physics. It is idle, however, to discuss this question in this form. For if Congress possess the power to organize temporary governments, it must then possess the power to legislate for the territories. If they may perform the greater, they may the less; the major includes the minor proposition. Hence, Congress has, in all cases since the foundation of our government, reserved a veto upon the legislation of the territorial governments: it is absolutely necessary, in order to restrain them from violations of the constitution, and infringements of the rights of the States, as the joint owners of the public lands. If, therefore, an act of the territorial legislature, prohibiting slavery, should be sent up to Congress for approval, they would be bound to withhold it, upon the ground of its being an act which Congress themselves could not pass.

But suppose the right of legislation for the territories be in its inhabitants, can they prohibit slavery? Surely not; and for reasons similar to those which show that Congress cannot.

The territories are not independent of, but subordinate to the United States; and, therefore, their legislation must be subordinate. Let us look at some of the limitations which this condition imposes. Under the constitution, "no title of nobility shall be granted by the United States:" Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof;" no religious test shall be required as a qualification to any office or public trust under the United States;" "every State in this Union a republican form of government." Could, then, the inhabitants of a territory establish a monarchy? Certainly not. Why? The ultimate object for which territories are held points out the reason. It is to admit them as States into this Union. Hence the importance and necessity of requiring them to adopt a republic form, that they may be suitable associates in our great confederacy. They must, therefore, be considered as under the purpose of the federal government.

Sovereignty follows the ownership of the domain, and therefore the sovereignty over the territories is in the States in their confederated capacity: hence, the reason that the legislation of Congress, as the agent of the States, respecting the territories, must be limited by the object of the trust, the situation and nature of the property to be administered, and the respective rights of the proprietors. Now, if the sovereignty over the territories is in the States, and the right of legislation rest in Congress, but in the inhabitants of the territories, it is evident that they can have no higher rights of legislation than Congress could have. They must be bound by limitations just mentioned; and if the prohibition of slavery in the territories by Congress be inconsistent with these limitations, its prohibition by the territorial legislature would be so likewise.

If, possessing the right of legislation, the inhabitants of the territories are bound by the limitations to which I have alluded, it may be asked, who holds the check upon their action? I reply, that it is indispensable for Congress to exercise the veto upon their legislation. Who else can restrain them from "entering into a treaty, or alliance, or confederation," with foreign powers? "from granting letters of marque and reprisal, coining money, emitting bills of credit?" Who else shall prevent them from creating orders of nobility, establishing a church, or suspending the operation of the writ of habeas corpus? Who else shall guide them in the republican path which shall lead them to preparation for final admission into the Union? Who else shall prevent their passing laws in violation of the equal rights of the States in the territory which is the common property of all? Without the retention of a veto upon the legislation of the territorial governments, it would make the inhabitants of the territory independent of Congress; aye, it would establish the proposition, that the moment you conquer a people, they rise superior to the government that conquers. New Mexico and California are ours by treaty, but for all the purposes of this argument, we have acquired them by conquest. To assert, therefore, that they have the right to legislate over all subjects—to prohibit slavery—despite the consent of the United States, is to say, that by our conquest of them, they become invested with rights superior to those of Congress. The institution of slavery is guarantied by the constitution of the United States, and it has the same protection thrown around it, which guards our citizens against the granting of titles of nobility, or the establishment of religion; therefore Congress would be as much bound to veto an act of territorial legislation prohibiting it, as an act violating these rights of every citizen of the Republic. It is in this view that I support the amendment of the Senator from Mississippi. [Mr. DAVIS.]

Mr. MANGUM.—Does not General Cass take the position, that the people of these territories shall have the entire control of this question, and that Congress has no jurisdiction over this subject?

Mr. JOHNSON.—General Cass asserts that Congress has no jurisdiction over the subject. He does not say that the people of these territories have the original right to admit or exclude slavery.

He is in favor of leaving it to them to "regulate it for themselves, under the general principles of the constitution."

Mr. MANGUM.—As I wish to come to as clear an understanding of General Cass's opinions as I can, let me suppose a case. Emigrants go into these territories; the territorial legislature pass an act abolishing slavery; the act comes here for the concurrence of Congress, as it must, and Congress approves it: would General Cass veto or sign the act? Or suppose the reverse. The territorial legislature establishes slavery; the act comes here and is approved: what would General Cass do?

Mr. JOHNSON.—I can only reply that General Cass nowhere asserts the abstract right of the people of the territories to establish or prohibit slavery—he does not use these terms. He, in two instances, uses the word to "regulate," and in one instance, to "adjust," both of which imply something very different from "establishing" or "excluding."

Mr. MANGUM.—This is free territory I am now speaking about. Suppose a North Carolinian emigrates to New Mexico with his slaves; they must either be recognized as property or not; who has the right to determine that question?

Mr. JOHNSON.—I think that question has already been determined by the late treaty. I think, by proceeding regularly with my argument, that the Senator from North Carolina will have as good an answer to his question as I am capable of giving. The Senator says that New Mexico and California are now free territories.

Mr. MANGUM.—So I understand them to be.

Mr. JOHNSON.—He desires to know, if a North Carolinian were to remove to New Mexico with his slaves, what would be the effect of his passing the Rio Grande? would the act emancipate his slaves, or would he still be entitled to their use and enjoyment? I have no doubt I can answer the question fully and satisfactorily to the mind of any legal gentleman such as I know the Senator to be.

Mr. MANGUM.—What would be the opinion of General Cass upon the subject, according to his views as expressed in his letter?

Mr. JOHNSON.—I have given to the Senator my interpretation of General Cass's letter. He is willing to leave the "regulation" of slavery to the people of the territories—speaking as though, in contemplation of law, it is an institution already in existence there, which I shall show is true. The gentleman is as capable of understanding General Cass as I am. We ask in vain for the opinions of General Taylor upon this identical question. The oracles give to all our inquiries the most doubtful responses. All I can do, after giving him my construction of it, is to imitate that Senator. When asked for General Taylor's opinions, he refers us to his letters; so I refer him to General Cass's.

In the constitution of Mexico, adopted in 1824, there was no provision upon the subject of slavery, either tolerating or prohibiting it. But, in the amended constitution of 1834, slavery was forbidden in that republic. The provision, I understand, was adopted in obedience to the dictation of Great Britain, for the purpose of enabling Mexico to form an advantageous treaty with that power. Its prohibition, therefore, was a political regulation. I understand there is no municipal enactment on the subject either in New Mexico or California. The federal constitution rendered it unnecessary.

Mr. DAVIS, of Mississippi.—There is none.

Mr. JOHNSON.—The Senator from Mississippi, who is better informed, assures me there is none. If I understand the law of nations, it is this, as expressed in the following language of a judge of the Supreme Court of the United States, in 1 Peters's Reports, 511:

"On a transfer of territory, it has never been held that the relations of the inhabitants with each other undergo any change. Their relations with the former sovereign are dissolved, and new relations are created between them and the government which has acquired their territory. The same act which transfers their country, transfers the allegiance of those who remain in it, and the law which may be denominated *political*, is necessarily changed; although that which regulates the intercourse and general conduct of individuals remains in force until altered by the newly-created power of the State."

It is upon this principle of international law, that, upon the cession of the territories of New Mexico and California, the Catholic religion ceased to be a State establishment. Under the constitution of Mexico, it is a political institution, and, therefore, ceased as such, and the principle of free toleration, which is equally a political regulation of this government, supervened; and any citizen of the United States removing into those territories, has the right to enjoy his own peculiar religious sentiments. So the prohibition of slavery by the constitution of Mexico, "may be denominated political," and was, therefore, "necessarily changed" upon the execution of the treaty of cession. In New Mexico and California, therefore, there is no law, either political or municipal, forbidding the existence of slavery. It is equally well settled, that the political law of territory the acquired, ceasing, the political laws of the country acquiring, supervene. Now, is not slavery in the United States a political as well as a municipal institution? It is municipal, in that its entire control and continuance belong to the State in which it exists; and it is political, because it is recognized by the organic law of the confederacy, and cannot be changed or altered by Congress, without an amendment of the constitution; and because it is a fundamental law, that three-fifths of the slaves are represented in the national legislature. Being political, upon the execution of the treaty of cession with Mexico, it extended *to instanti*, over the territories of New Mexico and California. Then, I say, if a fellow citizen of the Senator from North Caolina [Mr. MANGUM] were to remove with his slaves into New Mexico, his right to their use and service is guaranteed by the constitution of the United States, and no power on earth can deprive him of them.

This view fully meets the objections to the amendment offered by the Senator from Mississippi [Mr. DAVIS.] It is urged that slavery does not exist in New Mexico and California; that they are free territories; and although we deny to Congress any jurisdiction over the subject, yet we ask Congress by this amendment to establish slavery therein. We ask of Congress no such thing. Upon the execution of the treaty, all political regulations of the United States were extended over these territories, and the institution of slavery being political in its character, it now exists, in legal intendment, as absolutely in New Mexico and California, as it does in Virginia or Georgia. It is a misapplication of terms, to speak of prohibiting slavery in the territory of the United States. It already exists, in contemplation of law, and the legislation proposed amounts to abolition. Against this only, does the amendment of the Senator from Mississippi seek to protect the citizens of the South. Have they not a right to claim that protection?

In denying the power of the territorial legislatures to exclude citizens of the slaveholding States to settle in the territories with their slaves, I say nothing in violation of the right of self-government. The right of self-government does not necessarily imply the right to do any and every thing which they may think proper to do. The States of this Union possess, in the most absolute degree, the right of self-government; and yet they must legislate in subordination to the constitution. They are limited in their action to the terms of the compact into which they have voluntarily entered. They must respect the relation they sustain to the confederation. But it, then, any hardship—any abbreviation of their rights—to require the territorial governments to be subordinate also to the constitution, and to regulate their action according to the regulations which they sustain to the United States?

If you assert the broad proposition that the inhabitants of the territory, by virtue of the right of self-government, have the right to exclude slavery therein, the question arises, how many inhabitants shall there be to enable them to do this? Shall it be five hundred, or ten or twenty thousand? Shall a few thousand people in Oregon—a vast territory out of which five or six large States may be carved—determine that question for all future generations, and fix their destiny for all time to come? Shall a few thousand half-civilized Mexicans, inhabiting the territories of California and New Mexico, decide what institutions shall exist there? The idea is ridiculous and absurd. The States of this Union are too deep an interest in these vast dominions to permit them to be surrendered to such a control and such a destiny.

When, then, shall they be permitted to settle this question? Just at that point of time when they shall form their political organization. Then definite boundaries will be fixed which shall constitute a State; then the people of the States will consent to part with their sovereignty over the territory, and transfer it to the people within those limits; then they will have arrived at that point, in the progress of republican pupilage, at which, according to the usages of our government, they may be admitted as a State, and participate in the councils of the confederation: then they may decide for themselves whether or not they will tolerate slavery as a part of their social system. Until then, like General Cass, viewing the institution of slavery as existing in legal intendment, "I am in favor of leaving to the people of any territory * * * the right to regulate it for themselves, under the general principles of the constitution."

But suppose, Mr. President, you have the right to prohibit slavery in the territories of the United States, what high political consideration requires you to exercise it? All must see, that it cannot be effected without producing a popular convulsion which will probably dissolve this Union. It is admitted by all, that as soon as the territories are formed into States, and they shall be received into the confederacy, they have the right to adopt slavery. Will they not do it, if the soil and climate should demonstrate that kind of labor to be most profitable? Then, why hazard all that is valuable in this glorious confederation, for the small purpose of suppressing an imaginary evil, for so short a period of time? Is the good to be accomplished worth the fearful experiment?

It is said that the growth of the "slave power" in this government must be stopped; that the three-fifths of slaves, who are represented in Congress, give an undue weight to the southern States. Sir, what harm has the "slave power" ever done to this republic? Have not the southern States always been true to the constitution? Have they not strictly abided all its compromises and guarantees? Have they not been loyal to the interests of the republic? Have they ever been slow or reluctant to contribute their share, aye, and more, of men and money to defend its honor, or repel the invasion of a foreign foe? Then, why tell us, with a sneer, that the "slave power" must be arrested, as if it were a foul blot upon our national escutcheon?

But by prohibiting slavery in the territories, do you diminish its representative strength in Congress? Surely not; their number remains the same. By permitting it to extend into the territories, do you increase it? By no means. Their number still remains the same. You do not make a slave of a single other human be-

ing. Their increase in this country depends entirely upon the law of population; and wherever they may be, they will be represented in Congress according to the stipulation of the constitution. In proportion as they recede from one State to another, it will diminish the representative strength of the State which they leave, and increase that to which they emigrate. It is idle, then, to talk of diminishing the slave power in the government by the process proposed.

Is there any great interest of philanthropy which requires the interference with the question of slavery which this bill proposes? We should look well to this, to see whether humanity will not suffer by the very means sought to be used for its amelioration. A half century is but a span in the history of governments; it soon rolls away. Our black population is rapidly increasing. What, then, must be the consequence of confining them within their present limits? In the progress of years, (and that very soon,) you will have the slave States crowded with a population so dense, that the products of the soil will not yield a competent subsistence. Their comforts diminish, and they endure the ills of want. What relief can then be given them? Will it be found in emancipation? Emancipation! To what end? Would you turn them loose within their present limits, in juxtaposition with the white man, and vastly his superior in numbers? Sir, the very idea makes the blood curdle in one's veins. It would be the signal for extermination and indiscriminate slaughter. Emancipation! To what end? Would our northern brethren receive them into their embraces? Their doors would be closed against them forever; or if they received them, it would be to aggravate their miseries. For whilst they descant eloquently about the hardships of involuntary servitude, it is undeniably true, that the free blacks of the North are more degraded than the slaves of the South. You tantalize them with the name of freedom, but deny them all its social and civil blessings. Emancipation! To what end? Would you send them abroad? Sir, the entire annual revenues of this government would fall infinitely short of accomplishing such an undertaking. Besides, you have no right thus to appropriate them. It behooves statesmen to look far down the vista of the future and scan well the consequences of their legislation. It is infinitely better to let the whole subject alone; leave the institution to work out its own destiny under Providence, and according to immutable laws of labor, climate, and soil. If you confine it within its present limits, you mitigate none of its imaginary evils, but you multiply them with the increase of population and the lapse of years, and inevitably force them to a late, at the contemplation of which, the benevolent heart becomes sick and sad. I would implore gentlemen to ponder upon these reflections and decide upon these great interests, as in the presence of God, and with direct reference to the retributions of hereafter.

But the restriction proposed by this bill is said to be of no practical importance whatever. We are told that Oregon is not adapted to slave labor; tha', in the character of its soil and climate, nature has erected impassable barriers against the ingress of slavery. The South are therefore taunted with being fomenters of discord, schismatics, and impracticables, because we resist this exercise of legislative power. Sir, the argument is as strong for us, as for those who use it. If it be not a practical question for us, it cannot be for them. If nature has erected these insurmountable obstacles, why are they not content to trust to them? Why seek to prohibit slavery from going where, by their own showing, it never will go? Is there any constitutional obligation resting upon gentlemen to press this prohibition? Then why persevere? It is, and can be nothing else, than a wanton exercise of power.

But to the South it is a practical question—a question of momentous, vital import. It asserts the constitutional right of Congress to entertain legislative jurisdiction over the subject of slavery. What is done here to-day will be plead as a precedent to-morrow. We war against the principle; and if you were to propose to prohibit slavery in the moon, I would stand here and battle against it, as long as I could raise my voice or move a muscle. You have no right to touch the subject; and it is insulting and humiliating to the South, merely because you have the numerical power, to attempt to prohibit slavery, where you yourselves say, that it never can go. Let those who move it bear the odium of the consequences.

Sir, in 1820, when the Missouri compromise was adopted, we fondly hoped this agitating question was put to rest, never again to be called forth from it slumbers, with its hideous train of spirits of discord, agitation, and strife. Nor has it been by the South. She has faithfully abided that compromise, although it was forced upon her. Nor does she now ask any thing at the hands of Congress. She is for peace, for standing by the constitution, in all the length and breadth of its compromises and guarantees. But can this be said of our northern brethren? No, sir; from that day to this, we have been called "men-stealers," "traffickers in human flesh," and our feelings outraged in every form which fanaticism could suggest. Abolition societies have been formed throughout the northern States, for the purpose of organized and systematic interference with our rights and domestic tranquility. The country has been inundated with incendiary publications. Congress has been literally besieged with abolition petitions. In many of the free States, the provision in the constitution providing for the recovery of fugitive slaves, and the act of 1793, intended to carry it into effect, have been wholly disregarded, and, in some instances, the owner inhumanly butchered, in the attempt to reclaim his property. The following extract from the report of the Judiciary Committee of the Senate shows to what extent the legislatures of free States have gone, to defeat the southern slave-owner in efforts to recapture his fugitive slaves:

"Several of the non-slaveholding States, those in the East and North especially, have shaped their legislation in such a manner as to repeal all State laws in favor of a master in pursuit of his fugitive slave, leading such laws as unconstitutional, and as a dead letter on the statute book. And these States, or many of them, have gone much further, and have passed laws making it a penal to the highest and most criminal offence to interfere or give aid in the apprehension and delivery of a fugitive slave to his owner. Inaction of legislation has been rather the constitution to afford active aid in the delivery they have devised a system of hostile legislation to deprive him of aid. Instead of being allies to discharge an obligation imposed on them they have become hostile opponents to defeat it.

"Let these laws speak for themselves. The following are the laws of Massachusetts and Rhode Island. Having an identity of design, they use the same language:

"'SECTION 1. No judge of any court of record in this State, and no justice of the peace, shall hereafter take cognizance of or grant a certificate in cases that may arise under the third section of the act of Congress, passed February 12, 1793, and entitled 'An act respecting fugitives from justice, and persons escaping from the service of their master,' to any person who claims any other person as a fugitive slave within the jurisdiction of the State.

"'SEC. 2. No sheriff, deputy sheriff, coroner, constable, jailor, or other officer of this State, shall hereafter arrest or detain, or aid in the arrest or detention or imprisonment, in any jail or other building belonging to this State, or to any county, city, or town thereof, of any person on the reason that he is claimed as a fugitive slave.

"'SEC. 3. Any person of the above sheriff, deputy sheriff, coroner constable, or jailor, who shall offend against the provisions of this law in any way, directly or indirectly, under the power conferred by the third section of the act of Congress aforesaid, shall forfeit a sum not exceeding five hundred dollars for every such offence, to the use of the State, or subject to imprisonment, not exceeding six months, in the county jail.'

"Laws of the same effect are now in force in all the northern and eastern States, and in some of the north western not slaveholding States.

"This subject was very much discussed during the last session of the legislature of New York; and, as an evidence of public opinion in that State, it may be stated that one of the leading objects of that legislature was to frame a bill to prohibit the State officers from interfering to assist a master, imposing high penalties on such as should give active aid to the owner in his efforts to apprehend his fugitive slave. It seems that this bill did not pass, upon the ground that State officers had no authority under State laws, they being a dead letter; and that therefore, there was an implied prohibition on State officers from interfering in such cases."

Sir, these things would seem to warn the South that the day is not distant, when she will be forced to stand firmly upon her constitutional rights.

Nor does this interference with the rights and tranquility of the South stop here. Look at recent proceedings in the federal legislature. In the last Congress, the three million bill being under consideration, Mr. Wilmot moved as an amendment:

"That, as an express and fundamental condition to the acquisition of any territory from the republic of Mexico by the United States, by virtue of any treaty which may be negotiated between them, and to the use by the Executive of the moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall first be convicted."

Mr. Wick, of Indiana, moved to amend the amendment, by inserting therein, after the word "territory," the words "north of thirty-six degrees and thirty minutes north latitude." It was voted down by yeas 54 to nays 98; and the Wilmot proviso was adopted by yeas 83 to nays 64.

Again, during the last session of Congress, the Oregon bill being under consideration, Mr. Burt, of South Carolina, submitted the following amendment:

"Insert in the twelfth section, after the word 'and,' and before the words 'shall be subject,' the words 'considered as the slave of the said territory [or north of thirty-six degrees thirty minutes north latitude, known as the line of the Missouri compromise."

Here, again, the olive branch was tendered by the South, and rejected by a vote of yeas 82 to nays 114; and the bill, with the Wilmot proviso, adopted by yeas 154 to nays 35.

The whole history of public feeling and opinion in the free States, whether we look at the action of popular assemblies or proceedings of their legislatures, or to the course of their representatives in Congress, mournfully warns the South, that she must stand upon her constitutional rights. I trust, sir, when the crisis comes, she is prepared to do it.

Mr. FOOTE.—My friend from Georgia has spoken very emphatically of the action of Congress; and has very strenuously enforced this view of the subject—that in this body, and so far as he has taken a review of the other House, the North has been uniformly arrayed against the South on the question of slavery. The action of the present Congress has been pretermitted by the Senator. I know he does not intend to do injustice to the North, and, therefore, it is due to himself and to the truth of history, to say, that a portion of our northern brethren at the last session stood with us; and that, during the present session, we have been greatly indebted to their prompt action upon the Wilmot proviso.

Mr. JOHNSON.—I do not intend to do injustice to that portion of our northern friends who have stood by our rights. I speak in general terms. I am well aware that many of our northern friends, and especially the democratic portion of them, have manifested a noble willingness to sustain us. The resolution of the Baltimore convention, upon which I have commented, is proof of the fact. For all this I award to them the gratitude to which they are entitled. But, I repeat, the inference from all the visible indications around us evidently is, that the time has perhaps arrived, when the South has no other alternative but to stand upon her constitutional rights.

Mr. HALE.—I hope the Senator from Georgia will allow me to ask him a single question. Do I understand him to say that Congress has no right to legislate upon slavery in new territory, or any where else?

Mr. JOHNSON.—That is my doctrine.

Mr. HALE.—Of course my question includes legislation in the District of Columbia. The Senator, therefore, by his doctrine, makes it the first duty of Congress to undo what they have already done in the District. They have legislated upon the subject of slavery in the District heretofore, but if the Senator's argument is correct, they have done so unlawfully. Consequently, I would ask the honorable Senator if, in accordance with his own argument, Congress should not undo their former legislation upon this subject in the District?

Mr. JOHNSON.—I have no idea of entering into a discussion of that subject at present. We have very tangible evidence that the abolition interests of the District are in very good hands when represented on this floor by the Senator from New Hampshire. If, as I was remarking when interrupted by the honorable Senator from New Hampshire, the South has no other alternative but to stand upon her constitutional rights—if this be so—if the spirit of just conciliation is gone, and we are to be overpowered by numbers against right—I use no words of threatening, but I admonish those who force the extremity, to look dispassionately at the consequences of their conduct.

Mr. HALE.—I would have been exceedingly happy if the Senator from Georgia had condescended to answer the question I put to him. As it is, however, he has thought a sneer better than an answer. Permit me to say, for one, that I agree entirely with the Senator in one thing, and that is, that Congress has nothing to do with this matter. This is a local municipal regulation with which it has nothing to do; if it has had heretofore, it has nothing to do with it in this case. And the first and most obvious inference to be drawn from this proposition is, that Congress ought forthwith to repeal constitutionally that which they have unconstitutionally created upon this subject, as I stated before, in the District of Columbia. The Senator also goes so far as to say that if Congress were to undertake to legislate in the moon, he would sit here—I do not know how long—to resist such an attempt, because he avers the constitution confers no power upon Congress to legislate at all upon it. I do hope then, sir, that the Senator will take ground on one side or other of this question, that Congress either has or has not jurisdiction over it. If they have such jurisdiction then I hope their legislation will be wise; if they have no such jurisdiction at all then the first thing to be done is, to off hands from the subject entirely, because if they have no right guarantied by the constitution to legislate upon the subject in territories, they have none to legislate in the District of Columbia. I desire, sir, if no other gentleman intends to do it, to meet the assumption which has been laid down, that it is a constitutional doctrine that slavery goes with the United States wherever its area is extended. I wish to see for one what kind of slavery the United States may take with them. There is a peculiar form of slavery, looking to its total and speedy extinguishment, in New Jersey. There is another kind in Delaware, and another in Maryland, and perhaps another in the more Southern of the slave States. Which of these kinds may the United States carry into new territory? It seems to me, sir, that this is one of the most monstrous propositions I have ever heard advocated either here or elsewhere. It goes beyond the doctrine of a natural right and claims an inherent inextinguishable right to spread slavery as the Union is extended. It is a part of us, and a part of the life and element of our being. Wherever we spread ourselves, we carry with us and extend over new regions the black pall of human slavery. The attempted distinction which the Senator has endeavored to draw between slavery as a municipal, and as a political institution, I desire also to give an examination. If no one else, therefore, shall review the positions of the honorable Senator, I give notice to the Senate that I will undertake the task at as early a period as may be convenient. Before taking my seat, I would say that I do not appear here as the representative of the interests of abolitionists of the District of Columbia, as the honorable Senator from Georgia seems to intimate. I stand here—it may perhaps have been in bad taste in the Legislature of New Hampshire to have made me such—but nevertheless I stand here as a representative of the State of New Hampshire. It is a small State; but with truth it may be said of it, that no slave breathes its air, no enemy has ever impressed his footsteps on its soil.

On motion by Mr. DAVIS, of Massachusetts, it was

Ordered, That the further consideration of the bill be postponed until to-morrow.

BATTLE OF PLATTSBURG.

The bill for the payment of the fourth regiment in the second brigade of the Vermont militia for services, at the battle of Plattsburgh, was read the second time, and considered as in Committee of the Whole, and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

INCREASE IN THE COMMITTEE ON TERRITORIES.

Mr. BUTLER moved to proceed to the consideration of the motion made by him yesterday that two members, to be appointed by the Vice President, be added to the Committee on Territories.

Mr. HALE hoped, as the motion was a very important one, that its consideration would be postponed until to-morrow morning, when the Senate would be full.

Mr. DAVIS, of Mississippi, did not wish the consideration of the territorial government referred to the Committee on Territories at all. That committee was a Committee on Territories, and not upon the formation of government, or the revision of plans of government. He hoped that so much of the message as related to the government of the territories, would be referred to the Committee on the Judiciary.

Mr. BREESE remarked that it was never intended when the Senator from Alabama offered the motion for raising the Committee on Territories, that it should have charge of the business of providing governments for territories. He desired its reference to the Judiciary Committee, and if its present number was not sufficient, was in favor of an addition of two or three more members.

Mr. ATCHISON opposed the proposed reference to the Judiciary Committee, contending that the Committee on Territories was perfectly adequate to the accomplishment of any business affecting the territories of the United States, that might be brought before it.

After some conversation on a point of order—

Mr. WESTCOTT opposed the motion on the ground that a select committee ought to be chosen. He begged to call the attention of the Senators from Texas to the fact, that if one topic embraced in the President's message were taken up, the right of the State of Texas to the country which had been ceded to the United States would be brought up.

Mr. RUSK observed, that Texas claimed that country by her own law, which had been recognized by both Mexico and the United States.

Mr. WESTCOTT said, he was aware of that. He knew that the President had also recognized it; but he had already been denounced in Congress for that recognition. This afforded an additional reason for the appointment of a select committee. He had moved the reference to a select committee with an announcement at the time that he would decline serving on it. Although he would not shrink from responsibility, yet he thought it would be well to place these grave questions in the hands of the oldest and most experienced members of the body.

Mr. FOOTE rose to order. He desired to know whether the Senator from Florida could discuss the merits of the proposition on the question to take it up.

The PRESIDING OFFICER overruled the point of order.

Mr. WESTCOTT said, that the Senator from Mississippi might have saved himself the trouble of interrupting him, as he had only one additional remark to make. He thought that it was obviously proper that the subject of the organization of the newly acquired territories should be referred to the Judiciary Committee rather than to the Territorial, inasmuch as purely legal questions were involved. But he was opposed to the reference to either of these committees, and desired a select committee.

Mr. FOOTE was perfectly willing to leave the subject with the Committee on Territories.

Mr. BUTLER remarked that his friend from Mississippi seemed to think that there was but one way of organizing territorial governments, just as the lawyer thought there was but one way of drawing marriage settlements. But, he would ask, had it never occurred to him that the system adopted for the Anglo Saxon race might not be altogether applicable to the people of New Mexico and California.

Mr. RUSK trusted that no such question would be presented as that apprehended by the Senator from Florida, with respect to the rights of Texas. But even without taking that into consideration, it seemed to him that it would be disrespectful to the standing committees to raise a select committee.

Mr. DAYTON expressed the hope that the suggestion made early in the debate would be acquiesced in, and that the subject would be passed over until to-morrow. It was a very unusual hour to bring up a resolution about which there was a difference of opinion, and several members had retired from the chamber under the impression that no business could now be brought up which belonged appropriately to the morning hour.

Mr. BUTLER replied, that he had given notice in the morning that he would call up the resolution.

Mr. DAYTON had not heard the notice given. He did not deny that the Senator was in the exercise of his legal rights, but his notice was a notice that he would call up a matter out of order, and he did not know that Senators were bound by such a notice. But aside from that, the question indirectly involved a subject of great interest. The Territorial and Judiciary Committees were constituted very much in the same way.

Mr. BUTLER.—Not at all.

Mr. DAYTON.—I mean very much in the same way in relation to that question.

Mr. BUTLER.—Oh!

Mr. DAYTON.—Gentlemen antagonistic to the Wilmot proviso, as it was ordinarily called, had a majority on both the committees. At the last session, he himself, unfortunately, stood alone on the Judiciary Committee. The Territorial Committee was organized in the same way. But he did not wish to discuss the resolution, and moved that it be passed over till to-morrow.

Mr. FOOTE observed, that the leading motive with him in opposing the resolution arose from a desire that the olive branch might be extended by the Committee on Territories.

Mr. BRIGHT said that although the question was not properly before the Senate, yet he felt called upon to make a few remarks in connection with it. There was certainly a necessity to add two members to the territorial committee. The chairm n had been absent for four or five weeks, and was not expected to return during the present session. Besides, the committee was rather unfortunately organized. The extreme views of his friend from South Carolina, [Mr. BUTLER,] and the gentleman from Massachusetts [Mr. DAVIS,]—whom he named for the purpose of showing the discordant materials of which the committee was composed, on this great question—were not likely to be reconciled. Whether the reference should be to that committee or to the Judiciary Committee he would not undertake to decide. Senators who were older and more conversant with the parliamentary rules of the body could settle that point. But if it were meant to convey the impression that the Committee on Territories was not competent to the duty of taking charge of these bills, he hoped the gentleman would say so. He did not, of course, mean to say that any such thing had even been insinuated in the course of the debate. There was a necessity for an increase of the territorial committee, and he hoped that the motion of the Senator from South Carolina would prevail. He would be very glad to avoid the labor and responsibility of participating in taking charge of these measures, but he insisted that the reference should be made to the committee to which they legitimately belonged.

On motion,

The Senate adjourned.

SATURDAY, JULY 8, 1848.

PETITION.

Mr. DIX presented the memorial of Samuel Colman, proposing to compile a general index to the public documents printed by the order of both Houses of Congress, and asking a subscription for the same on the part of the United States.

Ordered, That it be referred to the Committee on the Library.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The Speaker of the House of Representatives having signed two enrolled bills, and two enrolled resolutions, I am directed to bring them to the Senate, for the signature of Hon. President.

MEXICAN CLAIMS.

Mr. BENTON from the Committee on Foreign Relations, to whom the subject was referred, reported a bill to carry into effect certain stipulations of the treaty between the United States of America, and the Republic of Mexico, of the second day of February, 1848; which was read and passed to the second reading.

CHEROKEE CLAIMS.

Mr. BELL, from the Committee on Indian Affairs, reported a joint resolution authorizing the proper accounting officers of the Treasury, to make a just and fair settlement of the claims of the Cherokee nation of Indians according to the principles established by the treaty of August, 1846; which was read and passed to the second reading.

The said resolution was read the second time and considered as in Committee of the Whole, and

On motion, it was

Ordered, That the further consideration thereof be postponed until to-morrow.

INCREASE IN THE COMMITTEE ON TERRITORIES.

The Senate resumed the consideration of the motion submitted by Mr. BUTLER on the 6th instant, that two members, to be appointed by the VICE PRESIDENT, be added to the Committee on Territories.

After some conversation—

The question was taken upon agreeing to the motion to add two members to the Committee on Territories; and it was determined in the negative by yeas and nays, as follows:

YEAS—Messrs. Bell, Berrien, Bissell, Bright, Butler, Calhoun, Davis, of Mass., Downs, Foote, Hunter, Johnson, of La., Johnson, of Ga., Lewis, Pearce, Sebastian, Turney, Yulee—17.

NAYS—Messrs. Allen, Atherton, Badger, Benton, Bradbury, Chowen, Dayton, Dix, Dodge, Felch, Fitzgerald, Greene, Hale, Hamlin, Houston, Jameson, of Mo., Mason, Metcalfe, Niles, Rusk, Spruance, Sturgeon, Underwood, Upham, Walker, Westcott—23.

So the motion was disagreed to.

FEES TO U. S. MARSHALS, CLERKS, ETC.

Mr. FOOTE submitted the following resolution, which was considered, by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to report to the Senate the necessity of requiring marshals, clerks, and district attorneys, in all criminal cases, to make reports to the Secretary of the Treasury, in pursuance of instructions given him, in like manner as in civil cases; and also as to the property or moneys retained, on the settlement of their fees, by the marshals with the Treasury, to have been fees, costs, and charges allowed and paid to them.

PENSIONS TO THE ORDNANCE CORPS.

The Senate proceeded to consider the amendment of the House of Representatives to the bill to extend the provisions of existing pension laws to enlisted men of the ordnance corps of the United States army; and it was

Resolved, That they concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

CORRECTION OF ERRORS IN ENTRIES OF LAND.

The bill from the House of Representatives to amend an act, approved the 24th of May, 1824, entitled "An act supplementary to an act, approved on the 3d day of March, 1819, entitled 'An act providing for the correction of errors in making entries of land at the land offices,'" was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

SUSPENDED PRE-EMPTION CLAIMS.

On motion by Mr. BREESE, the prior orders were postponed, and the bill to extend an act entitled "An act providing for the adjustment of all suspended pre-emption land claims in the several States and territories," approved 3d August, 1846, was read the second time, and considered as in Committee of the Whole.

And no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That the bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

OREGON BILL.

The Senate resumed as in Committee of the Whole, the consideration of the bill to establish the territorial government of Oregon.

Mr. DAVIS, of Massachusetts.—The question now under consideration is one, the discussion of which has been greatly deprecated in this body. But it now seems to be the pleasure of those who have hitherto opposed discussions of this kind, that the subject should be subjected to examination, and that it should be determined before the adjournment of this Congress. In this desire I fully concur; and, indeed, for my own part, I never felt any inclination to shun an examination of this subject. While gentlemen on the other side discuss it with frankness and with freedom, I trust that they will not complain of us who belong to the free States, and who are supposed, in some respects, to represent a different sentiment, if we express our views with the same degree of frankness. Several questions of considerable importance have arisen in this matter, and amongst others one of constitutional power. I am, therefore, constrained to notice that branch of the argument, which I would otherwise have passed over, and confined myself to points which I deem of higher interest.

It has been contended by various Senators upon this floor—by all the gentlemen I believe who represent slave States that have entered into this discussion—that the constitution gives to the United States no power over slavery—that it is a subject intangible by virtue of any authority contained in that instrument; in other words, that Congress has no power to create slavery in a territory, or to extinguish it if it already there exists. I will read the clause of the constitution bearing upon this subject, which will be found at the twenty-eth page of Hickey's edition. The language of the constitution is this:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting territory or other property belonging to the United States."

This is all the power conferred by the constitution over territory. It has been argued that it gives only a power over property—that it gives no sovereignty over the territory—that it confers no authority upon Congress to control, rule, or govern territory by constitutional power. In aid of this argument it is urged with some degree of force, I confess, that when the framers of the constitution made provision for the territory in which the government should be located, to wit, the District of Columbia, they there used quite a different phraseology, giving to Congress the exclusive jurisdiction over such territory. It is said that if it had been intended to give to Congress alike power and authority over other territory, it would have been so expressed, and the inference is drawn from that consideration as well as from the peculiar phraseology of the constitution, that there was no purpose on the part of the framers of that instrument, to give to Congress any power of government over the territories of the United States. I admit that the language of the constitution favors this construction; and I believe that the Supreme Court itself has decided that the language which I have read has a more direct application to property than to sovereignty. It seems, then, that some persons suppose that there is a *casus omissus* in the constitution—that the framers of that instrument made no provision for the government of territory. I apprehend that this is a total misapprehension of the subject; and if we recur to the facts connected with the history of the constitution, we shall find that is so. At the time of the formation of the constitution the United States possessed territory. Let us see what state of things existed then. Cotemporaneously with the formation of the constitution, or a little antecedent to it, this territorial question arose; and what was done by the old confederation? They passed the celebrated ordinance of 1787. And what was that? It was substantially a form of government containing within itself all the essential elements of a bill of right—with provisions for the exercise of legislative and judicial power—every thing, in fact, necessary to the complete government of the territory. This ordinance from its nature and character is as much an organic law—as much a fundamen-

tal regulation, as the constitution itself. Such was the state of things when the convention assembled to frame the constitution. What did they find upon the face of the ordinance? What I have already stated—an authority to establish a government, the specific form and character of which were prescribed in the ordinance. They found, moreover, that the whole subject had been discussed in the Congress of the confederation, including the great question touching slavery. They found that not only the then existing state of things was considered, but that the future had been penetrated, and that it had been determined—by what steps it is not necessary for me now to detail—that slavery should be excluded from all the territory embraced within the limits of the treaty of '83, lying north and west of the Ohio river. Nay, they went further. They decided in that ordinance that when that country should be filled with population, not less than three, nor more than five States should be carved out of it, to be eventually introduced as members of this Union. All that was settled harmoniously. Not only all right was given up by the several States who claimed an interest in this territory, but this concession of the perpetual exclusion of slavery was also made. It was an act of great deliberation. The question was examined in all its aspects, and throughout was duly considered. The convention which framed the constitution had the ordinance fresh before them. It embraced all the territory within the limits of the treaty of 1783, not within the limits of the States, to which the United States then had an unquestioned title. They established afterwards, I know, a territory on the Mississippi, but that was over conflicting claims of Georgia, and it was established subject, by agreement, to these claims. This was all the territory that the United States at that time possessed. It is very plain, then, that ample provision was made for the government, and that it is not a *casus omissus*, but it was provided for in the ordinance. The convention not only regarded that ordinance, which they left untouched, but they looked into the whole matter. These men had a vision which reached into the future. They foresaw the condition in which this country would probably be at this very day, provided it remained within the limits of the treaty of 1783. The discussion proceeded upon that view. The idea of obtaining new territory had not then entered into the mind of any man. The thought of conquering or purchasing sovereignties was not dreamed of at that day. It is not remarkable, then, that no provision is made for such an occurrence. They made a constitution to cover the territory which they owned, and nothing else, and that territory was circumscribed by the limits of the treaty of 1783.

When the framers of the constitution were providing for a just apportionment of the political power among all the States, what did they see? They saw that in time—and probably the time came much sooner than they apprehended—there would be five States upon this northwestern territory; and, also, that in all human probability, the district of Maine, then belonging to Massachusetts, would be separated from it, and form another member of this Union. It is in vain to say that no question then arose between free and slave States. It is in vain to say that that question was not gravely considered by that body. They saw not only that there were six States to come in from what might be denominated the free territory, but that there were a number to come in eventually from the slave territory. Kentucky was to come in by a division of Virginia; North Carolina was to be divided and Tennessee introduced.

This happened very soon, as was foreseen. It was also foreseen that Mississippi and Alabama were at no remote day to enter the Union as sovereignties. When they should come, and the other portions of the country be filled with population, the relative power, as adjusted by the framers of the constitution, would be ten slave to fourteen free States. This was the chart by which the convention were guided. The compromises of the constitution were made with that state of things standing out unmistakeably before every man—perfectly comprehensible and perfectly well understood.

Now, I contend, and I think with great justice, that the concessions which were made at that time by the free States, and above all, the great concession of political power which was made in the permission to have the slave population represented, were made upon this state and condition of things—made in the belief and understanding that the ratio which then existed should continue and should not be violated. I know that it is not so nominated in the bond. I know it is not so expressly covenanted in the instrument; but, nevertheless, it is perfectly plain from the whole history of that convention, and from the tenor of the constitution itself, that no addition of territory was anticipated to interfere with the adjustment which was then made. Now, how does it happen that quite a different state of things exists at this time? The story is soon told. An emergency not anticipated sprung up. A foreign country had the rightful possession to the mouth of the Mississippi—a river which was destined to be the common highway of a large number of great States, competent to sustain many millions of people. Difficulties very soon occurred in regulating the navigation of this stream, and it very soon became apparent that the interests of the United States demanded that they should have possession and control of this highway. Without much inquiry, as far as I know, into the motives beyond those which I have stated, which govern in this matter, it is sufficient to say, that an opportunity offered to purchase this territory. Negotiations were entered into which proved successful, and for a consideration in money the the territory was ceded to the United States. Not only the soil, but the sovereignty were thus obtained. Now, in my opinion, the last idea that entered into the minds of the framers of the constitution was that of trading in sovereignties, either by sale or purchase; but in this case the necessity existed. Thus was acquired in a peaceable way that territory, and without considering much the future difficulties which sprung up, or the effect of the transaction upon the various interests of the country or the adjustment of the constitution, the cession was taken. The country was purchased, and having got possession of the sovereignty and the vacant land, gentlemen turned round and began to examine the constitution, and inquire whether there was any authority there to govern the territory. I am very much of the opinion of all the gentlemen who have spoken on the other side, that it was a vain and fruitless search. They found no express or direct authority to acquire, and none to govern. The provision in the constitution in relation to governing territory evidently relate to property more than to government. Thus a case sprung up not anticipated. Possession had been taken of a thing which they had no right to take according to their view of the case. What was to be done? I believe I am correct in saying that the leading statesmen of that day were of opinion, that there was no constitutional power to acquire territory, or to govern it if acquired. I think that has been very often stated here, and I think it it be necessary proof can be readily produced in support of that view. The plan of Mr. Jefferson was to amend the constitution, and in that way to legalize the act and clothe the government with jurisdiction over the territory. It is certain that a very serious difficulty arose upon this point. They could not retrace their steps. The transaction had been completed, and could not be annulled. Suppose the question of amendment had been submitted according to the forms of the constitution, and failed; what then? The country would have been left in possession of the sovereignty and the soil of this territory, without the power to govern it. The government was obliged *ex necessitate rei* to retain it, and then the discovery was made which seems now to be well enough understood, that the acquisition of territory necessarily brought with it the power to govern—that the one is the incident of the other.

I say, then, to all gentlemen, that every man who on this floor or elsewhere advocates the right of acquisition, concedes the right to govern, and whether sustained by the constitution or not, he admits that right on the part of the United States. Without dwelling longer, however on this subject, for I have said enough I believe, to make myself understood, and that is all I desire, I say in answer to the main argument urged here, that the right of sovereignty implies the right to regulate property; that the conclusion is undeniable, and that sovereignty without the right to regulate property, is a thing wholly unheard of in the history of political society. It is one of the very attributes of sovereignty to regulate, determine, and settle by suitable rules and provisions the title of property of all sorts, and to manage it as the public good and the existing exigencies of the country shall demand, both as respects the public morals and the private rights of citizens. It is on this basis that we have governed Louisiana, Florida, and Missouri, and all the territories which are obtained by these two purchases. When we became the purchasers of these territories, we pushed ourselves out to sea beyond the soundings of the constitution—beyond its bounds and limits. We must; that we then went to other sources of power and authority unknown to the consti ution. It proves to be an easy thing to acquire because money brings the acquisition. But when we come to the division of the spoils—when we come to great questions of political power and to the compromises of the constitution which are liable to be affected by these acquisitions—questions of greater difficulty, more abstruse in their character and more complicated present themselves. Great minds have been turned to this subject. An inquiry has been made in the course of this debate by the Senator from South Carolina [Mr. CALHOUN] and other gentlemen as to the measure of this power. The gentlemen turn over the leaves of the constitution and find no warrant for this proceeding there, and according to some opinions which I have seen in the newspapers, they reach the conclusion that Congress has no power over the subject because it is not written down in the constitution. But it is quite as easy in the day for men who have advocated acquisition, to turn round and say that the constitution confers no power of government over acquired territories; and the distinguished Senator from South Carolina felt the pressure of this difficulty. He took the ground—assumed I believe by the supreme court—that the power to govern was a necessary incident of the power to acquire. But the Senator says that it is not an absolute power. I concede that in certain aspects of this question. If, for instance, he means by it that the United States have no power to establish a despotism there, I concede that he is substantially right in principle, for we ought to exercise the power in conformity with the fundamental principles of the constitution. But will the Senator inform me where the boundaries of that power are laid down, or by what authority he asserts that we have no right to touch the question of slavery? Does he find any warrant in the constitution for that assertion? Does he find any foundation for it in principle? It is just as easy for the Senator from South Carolina to prove that there is no right, power or authority in the legislature of a territory or in Congress which is the same thing—for the territorial legislature derives its power from the latter—he can just as easily prove that neither possess any authority to regulate any kind of property. What is it that the slaveholder considers valuable? This right of property and nothing else. It is this right to the service which is characterized, I believe in all the slave States, as a right of property. That is the thing which he appreciates—which he esteems

of value and importance. On what authority, then, can any gentleman deny the right to regulate this property any more than he can deny the right to regulate other property? You might just as well undertake to prove that the territorial legislature has no power to suppress the sale of lottery tickets or to suppress gambling, or to prevent the sale of obscene books and prints, or any other thing in the nature of property which is held to be offensive to good morals. I hold that property in slavery—if it be property, and I am willing to concede that it is, for the purposes of the argument in order to meet it fully—is no way distinguishable from any other property. Now, I go further. I maintain that Congress has regulated and controlled this property at all times. This is a fact, neither obscure nor doubtful in the history of the country. Slavery existed in Louisiana and Florida when the United States became the purchaser of these provinces. When the United States obtained possession of the sovereignty of those territories, the property in vacant lands was a very subordinate consideration. The great object was to obtain the right to govern the country. Now I undertake to say that the United States have so used that sovereignty by legislation of their own, or that of the governments established by them in the territories, that slavery has been maintained there by the power and will of this government alone; unless slavery can exist independently of law, and without authority and countenance from the existing government, which is absurd. It is wholly unnecessary for me to go into the history of this legislation. Every gentleman understands, I think, this position.

But I go still farther. I hold that while these territories have been brought in without any grant or provision in the constitution authorizing it, Congress has imposed upon them, by its own legislation, the laws inhibiting slave trade with places out of the United States. The United States, therefore, have exercised this control over slavery in every way; and if they have the power to suppress and maintain it—which I contend they have exercised just as effectually in the territories as they have in the District of Columbia—who can, with this fact staring him in the face, rise up and say that Congress has no power over slavery in the territories? Slavery, in the States, is quite a different thing. I have often said here—and now repeat it, that I may not be misunderstood—that Congress has no power to interfere with the institution in the States. Now, slavery is not the natural condition of man. No man becomes a slave, except contrary to his will, by and under some authority, which is called law, or by force of physical power. Slavery, unless it can make a law, and support and sustain itself, exists and has existed, and been sustained in these territories by the United States. If, then, they can create or sustain it, they can abolish it, unless prohibited by the constitution. The one power implies the other. I do not contend that it should be exercised without a suitable and proper limitation. Here, as every where else, I would observe the provisions of the constitution, and if private property be taken, make a suitable indemnity. Without pursuing this matter farther, I may remark that a vague idea has been thrown out that slaveholders may enter with their slaves any free territory. It has been said that they carry with them the right to maintain and enjoy their property. It is somewhat difficult for me to comprehend how this could be brought about—how a slave-holder, removing from the State of Virginia into the territory of Oregon, comes clothed with power and authority in his own person, to maintain the same right to that property in the territory of Oregon, which he enjoyed in the State of Virginia. If I rightly understand the argument—and if I do not I hope I may be corrected—it has been contended that he carries the laws of the State with him, by virtue of the co-equality which exists among the States of this Union. That is the principle on which the agreement is said to stand. Now, has it not been already sufficiently answered, when it is said that if you have thirty emigrants from the thirty different States of this Union, each carrying upon his own back the law which regulates property, every man would not only be his own lawyer, but an independent administrator of the law of the State from which he emigrated? Is not this preposterous? The very suggestion of it is a sufficient argument against the proposition. But if there be any such principle in the constitution as a co-equality of this character, I should like to be informed on what page it is to be found. I should be happy to see what is the tenor and phraseology of that clause of the constitution which embraces that idea. The argument proves too much. If it be a constitutional provision, it is binding through all time. upon every body; and if co-equality enables a man to take the privileges of property with him from one portion of the country to another, the argument proves more than those who use it intend. It would enable a slaveholder to go from Virginia to New York and maintain his right to slave property in defiance of the laws of that State. But it has been said that although there may not be any positive, absolute right on the part of slaveholders, derived from this source, yet considering the nature and character of our government, and the fundamental equality of our institutions, that there is a trust reposed in the United States, in execution of which they are bound to admit citizens migrating to a territory to the enjoyment of all the privileges of property which they possessed in the States from which they came. In my judgment, a more erroneous view of a legal trust could not be imagined. It has no analogy, whatever, to a trust in law. In the first place, this government is not the trustee of anybody. It is the agent of the people. The government is sent here—if I may be permitted to compare great things with small—to execute a power of attorney given to it by the people under the forms of the constitution. Government is here employed in executing the work of its principal. It can claim no right to hold anything here by virtue of its own authority. It exercises its power by virtue of the constitution solely as the agent of the people. All analogy fails, then, in every point of view. What right has any individual citizen of the United States to the public lands? What right has he to the income derivable from that source of revenue? Has he the slightest pecuniary interest in the matter? Not a particle. No more than he has in the buildings of this capitol. The public lands are public property, standing upon the same footing as this building, or a courthouse within any of the States. It is perfectly plain that no man can maintain a suit at law for any individual right, in property of this description. It is not, then, a question of property, but a question of sovereignty, and it is in no just sense of the term any more a trust than the ordinary power of legislation which we hold here to execute the business of the United States. It stands upon the same footing, and we sustain no other relation to these territories than that which we sustain to any of the property which comes under our control.

Now the owner and holder of slave property thinks himself entitled to extraordinary privileges. He says he has a right of property rising above the rights of other citizens. If he has anything peculiar which entitles him to consideration over others, I call upon those who maintain that opinion to adduce their authority. It is incumbent upon them to show from whence their right is derived. If they claim extraordinary privileges they should certainly show on what they are founded. They do not grow up of themselves. They do not exist without some authority, and it is surely, quite reasonable that these gentlemen should show us where that authority is to be found.

Without dwelling longer upon this branch of the subject, I think, I may say that the propositions upon which I have been commenting, as advanced upon the opposite side are wholly untenable. The reasoning upon which they are founded, to my mind, seems unsound and inconclusive; and the tendency of the whole argument is, if possible, to recall our minds to a very wide departure from the original basis upon which the constitution was placed. It seems to me that the ordinance of '87 was a very material portion of the case then taken into consideration—that in fact it constituted, it may so say, the corner stone of the basis upon which these compromises were made. How came it then, at this time of day that it is an insult to any portion of the country to propose the application of that principle to other territories of the United States. What is there to offend the judgment or delicacy of any man in a proposition of that character? We can perhaps estimate more correctly the force of this consideration if we turn our attention to the history of the period when the constitution was adopted. As I have said, at the time of the adoption of this ordinance, and the adoption of the constitution, there were six States in which slavery existed, and eight that were called free States. The ordinance provided for the admission of five new States to be carved out of the territory to which it applied. If we add Maine, it will make six new States that were to be admitted, making fourteen free States in all; and if we add to the slave making fourteen free States in all; and if we add to the slave States, Kentucky, Tennessee, Alabama, and Mississippi, making in all ten, that would complete the system anticipated by the framers of the constitution. Now let us pursue this subject a little further, and see how it would have stood in other particulars, if we had limited ourselves to the territory described in the treaty of 1783. The free States would have had in the House of Representatives one hundred and twenty-eight members and in the Senate twenty-eight members. The slave States would have had in the other House seventy-eight members—and in the other body, twenty. That is what the condition of things would have been if the compromises of the constitution in their application to the original territories of the United States had been carried out, and no new territory been added. How stands it now? Nothing appeals to us with more force, than facts, and in this case the facts are notorious. The free States have now one hundred and thirty members in the House of Representatives—a gain of two. The slave States have in that body ninety-one members—a gain with a much smaller capital at the start of thirteen. The free States will have, when Iowa is represented in the Senate, thirty members—a gain of two; the slave States have an equal number. Of representatives in this body—a gain of ten. Now, this has all grown out of disturbing the compromises of the constitution—of departing from the platform upon which the convention which framed the constitution stood. These are the circumstances and this the condition of the system under which the Senator from South Carolina [Mr. CALHOUN] exhorts us to stand still. Let us, says he, we want nothing—we ask nothing. Ah! and do you, indeed, want nothing, and ask nothing? Why! Do you not ask us to employ the treasure of this country in immense amounts; do you not ask us to pour out the blood of the country for the acquisition of territory? The whole resources of the republic have been devoted to this purpose. And when the acquisitions are made and the sovereignty acquired, gentlemen turn round and say, "stand still"—"be quiet"—"let the constitution make its own way"—knowing perfectly well that there is not a word said in the constitution upon the subject, in other words, the exhortation is, "let us work the matter in our own way—we understand the things—let us be a law to ourselves—let us regulate and maintain slavery as we think most expedient—and we will manage it to suit our own interests." This is a shrewd, politic course, and will no doubt find advocates.

This policy—dignified by a supposed connection with the great name of the constitution as a constitutional policy—has been most unequal. I speak of the stand-still policy—the let-alone policy. Suppose we continue it—where will it lead us? Nothing can demonstrate more conclusively than the facts which I have presented to the Senate, that if the territory be left open, it will be dotted all over with slaves. Gentlemen on the opposite side exclaim continually that Oregon is a region in which slavery cannot exist; and yet they contend for the privilege of carrying their slaves there. If left open to the introduction of slavery, what will be the probable result? When the territory becomes a State, the burden of slavery will become irrevocably fixed upon it, and in vain will it or any new State attempt to shake it off, however sincerely they may desire to free themselves from it. That will be the inevitable result of this stand-still policy—leaving the constitution to work its own way, when the constitution is silent upon the subject.

Now, I think that such an unequal distribution of political power as that which exists, was never anticipated by the framers of the constitution; and yet the free States are charged with bad faith. It is alleged, with the utmost gravity of countenance in the face of these facts, that the slave States alone have manifested fidelity to the compromises of the constitution. The free States charged with bad faith! Why, sir, have they not stood still and permitted millions upon millions of the public money to be applied to the purchase of territory that is now slave territory?

Mr. CALHOUN.—I am very unwilling to interrupt the Senator, whom I have heard with a great deal of pleasure, however much I disagree with several of his sentiments. I rise now only for the purpose of correcting one of his statements, in order that it may not go uncontradicted. The Senator has said, that after the formation of the constitution the free States and the slaveholding stood eight to six. But the Senator will recollect that Vermont came in after the formation of the constitution, and that Delaware, being regarded as a doubtful State—which, I am sure, every one will acknowledge—the free and slaveholding States then stood exactly in the same proportion. The Senate will also recollect that there was three times as much territory north of the Missouri line as there was south of it.

Mr. DAVIS.—I shall not trouble the Senate by going into any history of the annexation of Vermont. No doubt the Senator is correct. The argument which I have presented is not at all impaired; for Vermont then was an independent State, and no doubt could be entertained of her joining the confederacy.

I was remarking, when I was interrupted by the Senator, that the free States had seen the treasure of the country expended in a war for the acquisition of territory—they had seen millions of the public money thus expended—they had seen acquisitions made, including that of Texas, the whole benefit of which, so far as political power is concerned, accrued to the slave States; and yet they are accused of bad faith and with making war upon the rights and interests of the South.

The honorable Senator from Virginia [Mr. MASON] adverted to the Missouri compromise, and, according to my recollection, said that even the concession of a single new free State caused him to hang his head in shame. He seemed to regret that the policy had not been pushed so far as to exclude the free States from any participation whatever in the acquisition of new territory. What do we now see? Notwithstanding the compromise which was made on the admission of the State of Missouri, and which the honorable Senator from Virginia said he supposed had forever settled this whole matter, so that slavery was to be excluded above latitude 36° 30'; yet we are charged with bad faith when we resist its introduction above latitude 49°. All Oregon is far north of the compromise line, and a region in which it is admitted that slavery is not desirable, nay gentlemen say it cannot exist there, and yet the application of the ordinance of 1787 to it is most strenously resisted, as if it were a grievous wrong, worthy of agitating the public mind and disturbing the public tranquillity. Who is chargeable with bad faith in forcing slavery into this region if the compromise be applicable to it? But does the compromise of 36 30 apply to a country which we did not then possess—over which we had then no sovereignty? If it do, then the bad faith is not on our part.

I remember an occurrence in this chamber some years ago—and I dare say there are others within the range of my voice who recollect it also. There was a proposition to organize the territory of Iowa, now one of the members of this Union. It was opposed, and a resolution, which will no doubt be found on your Journal, was introduced by a gentleman representing the State of Alabama, proposing to make a perpetual grant of the whole territory north of Missouri to the Indian tribes, and to stop the progress of emigration west, at the bank of the Mississippi, and turn it southward, into the slave instead of the free territory. It must be in the recollection of many, that in the House of Representatives we have fought battle after battle upon this question in disposing of the Indians who were removed to the West. I bring no reproach against any body. I only state what is notorious, that there have been individuals of influence and high standing who have advocated the proposition to stop the current of emigration at the banks of the Mississippi, and to secure to the Indian tribes of this country the territory beyond; but measures of that sort have been unfortunly frustrated.

I am unwilling to go into this matter at greater length. The facts which I have stated speak for themselves; they tell the whole story; they explain what has been gained by the free States and what by the slave States; they make disclosures which will enable the public to form its own opinion. It is well that there should be a free discussion upon this subject—that opinions should be interchanged. Some gentlemen, indeed, deprecate this discussion; and I do not deny that some unpleasant agitation may attend it. It is well known that there are discontents. Gentlemen advert to them in some severity of language. They hear the distant murmuring of the thunder, and they seem to understand its meaning. They say, let it come—so I say, if they are unwise enough to make such an issue, and to place upon it the continuance of the union of the States. Yet there is nothing I should more deprecate than the dissolution of this Union. There is nothing that would grieve me more than to see any case occur which should be thought to justify so fatal a step. But if we cannot speak the truth, if we cannot discuss this subject fully without endangering the Union, then the Uniod is only a rope of sand. Let me say, if the constitution is made only for a part, and not for the whole country, or if it is to be administered so as to benefit one part alone, then, in my humble judgement, it is not worth preserving.

Let us pursue these results a little farther. The Senator from South Carolina says that there is a large vacant territory north of Missouri and west of Iowa. How large it may be I have not exactly ascertained; but I have never heard it spoken of as a territory of any considerable value or importance. Portions of it may be of some value, and may be capable at some day of being organized into a State or States. But unless I have been misinformed in regard to it, it is one of the last sections of the country that would be thought desirable for settlement. It is a broken region, destitute of wood and water, and generally unproductive soil.

Mr. CALHOUN.—The Senator has been misinformed. The greater part of that territory is well watered. It is very far from being an arid region. It abounds with streams and innumerable lakes, and, if my information be correct, a very large portion of the country has a soil exceedingly fertile. If the Senator will look at the map he will find that there is a beautiful valley of upwards of two hundred miles in length, containing some of the best land in all those regions. But the decisive fact is the large Indian population which has found sustenance there.

Mr. DAVIS.—I do not profess to have very exact information, but I believe the general statement which I have made will be found to be correct. It is in the line of emigration and in a healthy climate, and yet is not sought by settlers. However it is not very material to the matter in hand. I will take the positive rather than the speculative—what is known rather than what is unknown. It is not difficult to imagine that a large country lying in that region may at some future day be peopled, and that States may possibly grow up there. But let us see what provision has been made to secure political power for the slave interests of this country. We need not inform the Senate that Texas is now a part and parcel of the United States, and that the resolutions by which Texas came into the Union provided that there may be four additional States carved out of that territory. Of these, not less than three must be slave States, and as the admission of the four depends upon the consent of Texas, I do not think it is very likely that any of them will come in other than slave States. Here, then, are four States expressly provided for in a country which is rapidly becoming peopled, and which will soon swell this Unions tional members. Texas was brought in for this avowed purpose. Gentlemen really seem to think that in all this there is no cause of complaint—that it is not only unjustifiable, but proof of bad faith, to make any complaint. Yet it is very well known that Texas, brought in, as she has been, for a specific purpose, has been the cause of the war with Mexico—that annexation was the cause of the waste of blood and treasure which has been witnessed within the last two years. But there are other consequences which some portions of the country feel deeply and more strongly even than that war. It was by the introduction of the representatives of Texas into this chamber that Congress, following out the policy of the President of the United States, was enabled to overturn the former financial system of the country—by repealing the beneficial and salutary act of 1842, that had received the sanction of the country, revived its credit, and caused the highest degree of prosperity. It was that addition to the forces of the administration which enabled them to pass the fiscal system of 1846. This is another of the results of the annexation of Texas. It is, then, remarkable that that portion of the country which complains of sectional legislation, should happen to be that very portion of the country which has received the benefit of all these acquisitions. Without dwelling more at large, as I might with great propriety do, upon this interesting aspect of the case, and the pernicious effect upon industrial pursuits, we naturally inquire, who has done this? Who has brought it about?—Who is responsible? I can say who has not brought it about, and who is not responsible. It has not been brought about by the Whigs upon this floor. In good faith they stood by their principles. They opposed the annexation of Texas until a compact was made against their will, and complied with on her part; but the united strength of the democracy of the South, with the aid of the democracy of the North, accomplished it. And gentlemen will permit me to say—and I mean it in no offensive sense—that that measure was accomplished under circumstances peculiar in their character. The annexation of Texas was pressed into the Presidential election, and carried through by the *esprit du corps* of party; and now another favorable moment for concession has arrived! The Senator from South Carolina, with characteristic frankness, avows that

now, on the eve of a Presidential election, a favorable opportunity is afforded of settling this question—of turning the screw upon party men. Politicians, in their zeal for the success of a party candidate, are apt to forget the interests of the country, and such an occasion is deemed favorable to effect certain objects.

Mr. CALHOUN.—The Senator entirely misapprehended the tenure of my remarks. He would scorn to resort to arts of that description.

Mr. DAVIS.—The Senator certainly contends that this is the time to make these concessions, and best knows his own motives, which I by no means question. I agree that the success that has heretofore attended this policy, might well astonish those who have achieved it. But are gentlemen not sensible that they have pushed this policy to such a degree of extravagance that it has alarmed the public mind? I think I hazard little in saying, that the day has gone by when this system is to be further pursued.

A DEMOCRATIC SENATOR.—It is too late.

Mr. DAVIS.—I thank my friend for the word; it is too late: nor does this conviction in the public mind grow out of a little heat which has been engendered, and will speedily die away. It is the result of the firm belief that the thing is wrong—that there has been a course of policy pursued which demands correction at the hand of Congress. I do not mean that we should retrace our steps by attempts to disannex, this would be idle, but that we are to guard the future. And let me tell the gentlemen that if the free States be denied their rights which belong to them, the difficulty will be fomented, and it is not for me to say where it will end. I do hope that this Union is near and dear to us all. I trust we are all fully sensible of our obligations to the benificent Providence who has bestowed upon this land an unparralled degree of prosperity and happiness, resulting by his blessing from the free institutions under which we live. It would be a melancholy result indeed, if the struggle for political power should lead to the forfeiture of all these blessings.

I have said little on the question directly before the Senate. My design was to limit myself to the general political aspect of the subject. There are other topics connected with it in a moral point of view, on which I might have dwelt with great propriety, but I must at this time forbear. Enough has been said to show that heretofore there has been a great inequality in the distribution of political power, and that there is an overwhelming conviction in the public mind of the necessity of a change, which shall restore the compromises of the constitution to their equilibrium. If gentlemen suppose that the free States can submit to the appropriation of additional territory to slavery, they are very much mistaken. They misapprehend the public temperament—the public feeling—the public disposition.

While I speak thus plainly and frankly, intending to give offence to no body, I may repeat what I have often declared, that I am entirely willing to abide by the compromises of the constitution, and leave slavery in the States to be managed by the States, without interference from this government. On the other hand, I have long since declared my sentiments in this chamber—and very distinctly at the two last sessions—that free soil ought not to be encumbered with slavery. Without going more at large into the reasons for that opinion, I am disposed to leave this subject to the judgment and good sense of the Senate and the country. But I do sincerely hope that gentlemen will ponder well upon this matter, before they proceed to force slavery into Oregon, or into any part or portion of the territory of the United States which is now free.

Mr. JOHNSON, of Maryland, expressed his desire to address the Senate, but as the hour was late, he gave way to a motion that the subject be passed over informally.

Mr. JOHNSON, of Maryland, took the floor, and it was

Ordered, That the further consideration of the bill be postponed to Monday next.

After the consideration of Executive business,

The Senate adjourned.

MONDAY, JULY 10, 1848.

PETITIONS.

Mr. HALE presented a petition of citizens of Winnebago county, Illinois, praying the abolition of slavery in the United States.

The motion to receive the petition being objected to, it was

Ordered, That the motion lie on the table.

Mr. HALE presented a petition of citizens of Amesbury and Salisbury, Massachusetts, praying a reduction of the rates of postage, and the discontinuance of the franking privilege; which was referred to the Committee on the Post Office and Post Roads.

Mr. UPHAM presented a memorial of citizens of the United States, residing in Maryland, Virginia, and the District of Columbia, praying the purchase of Mount Vernon by the government.

In presenting this petition, Mr. UPHAM took occasion to observe that he should ask a different reference of this petition to that which those of a like character had hitherto received. One of the chief objects in the purchase of this place was to establish a school for the promotion of agricultural science and its practical operation. While all other pursuits had been more or less encouraged and protected by government, that of agriculture, which sustains all others, had been neglected. It was time that this policy should be changed. It would appear from the census of 1840, in which for the first time there had ever been any attempt to show the number of persons employed in the various occupations of industry, that 3,619,751 were engaged in agriculture, while in manufactures and commerce there were only 909,356: navigating the ocean 56,021; navigating canals, lakes, and rivers, 33,076; mining 15,211; and learned professions 65,235. The same authority demonstrates the fact that four out of five of the working men of our republic are engaged in agriculture. On looking further into the last census it would be seen that the annual products of agriculture amount to $554,487,597; while the annual products of manufactures and commerce were only $319,557,310; mining $42,358,761; and forest and fisheries $28,831,068.

The petition was referred to the Committee on Agriculture.

Mr. NILES presented a petition of citizens of Brooklyn, New York, praying that Congress will withhold any appropriations for the purchase of certain grounds adjacent to the Navy Yard and Hospital in that place, which it is proposed to sell to the United States; which was referred to the Committee on Finance.

Mr. HANNEGAN presented the memorial of R. R. Gurley, praying that an appropriation may be made for the purchase of a collection made by George Catlin illustrative of the manners and customs of the North American Indians; which was referred to the Committee on the Library.

Mr. RUSK presented the memorial of delegates from the Chickasaw nation of Indians, praying that the United States agency in that nation may not be discontinued; which was referred to the Committee on Finance.

Mr. BRADBURY presented a petition of citizens of York, Maine, praying a reduction of the rates of postage and the discontinuance of the franking privilege; which was referred to the Committee on the Post Office and Post Roads.

Mr. SEBASTIAN presented the petition of delegates from the Creek nation of Indians praying that no change may be made in the United State's agency in that nation; which was referred to the Committee on Finance.

On motion by Mr. PEARCE, it was

Ordered, That the petition of the heirs of James Maglenen, on the files of the Senate, be referred to the Committee of Claims.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate for the signature of the President.

The House of Representatives have passed the bill of the Senate, entitled "an act providing for the adjustment of certain conflicting land claims in the several States and Territories," approved 22nd August, 1846.

They concur in some and disagree to other amendments of the Senate to the bill making appropriations for the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30th 1849, and for other purposes, and agree to other amendments to the same with amendments, in which they request the concurrence of the Senate.

The President of the United States approved and signed, the 8th instant, the following acts:

An act to incorporate the Washington Gas light Company.

An act for the relief of Russell Gros.

INDIAN APPROPRIATION BILL.

The Senate proceeded to consider the amendments of the Senate, amended and disagreed to by the House of Representatives, to the bill making appropriations for the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1849, and for other purposes; and

The question being taken upon agreeing to a motion made by Mr. ATHERTON, that the amendments be referred to the Committee on Finance, it was determined in the affirmative.

CARRYING THE MAIL IN PUBLIC STEAMERS.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom was referred the bill respecting the employment by the Postmaster General of public steamers to carry the mail along the coasts of the United States, reported it without amendment.

FRANKING PRIVILEGE TO M. VATTEMARE.

Mr. NILES, from the Committee on the Post Office and Post Roads, reported a bill to facilitate international exchanges; which was read the first and second times, by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That the bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

MEXICAN INDEMNITY.

Mr. ATHERTON, from the Committee on Finance, reported a bill for the payment of liquidated claims against Mexico, which was read and passed to the second reading.

ADVERSE REPORT.

Mr. BRADBURY, from the Committee of Claims, to whom was referred the bill for the relief of John B. Rodgers, of South Carolina, reported it without amendment, and with a recommendation that it do not pass.

PRITATE BILL.

Mr. FOOTE, from the Committee on Private Land Claims, to whom was referred the bill for the relief of Lewis Benedict, reported it without amendment.

CORRECTION OF ERRORS IN ENTRIES OF LAND.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill from the House to amend the act approved the 20th of May, 1824, entitled "An act supplementary to an act approved on the 3d day of March, 1819, entitled an act providing for the correction of errors in making entries of land at the land offices;" reported the same without amendment, and asked for its immediate consideration.

The Senate proceeded to consider said bill, as in Committee of the Whole; and, no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

SIGNING OF A BILL.

The VICE PRESIDENT signed the following enrolled bill:

A bill to extend the provisions of the existing pension laws to enlisted men of the Ordnance corps of the United states army.

BRANCH MINT AT NEW YORK.

Mr. DIX rose to give notice that he would, at an early day, ask the Senate to take up a bill, in which those he represented felt a deep interest—he alluded to the bill for the establishment of a branch mint in the city of New York. He had introduced it at an early period of the session, and it had been reported, he believed, without amendment, by the Committee on Finance. His colleague, who felt the same interest in the subject with himself, had twice given notice, as a member of the Committee on Finance, that he would call it up after the Oregon bill should be disposed of. But the debate on this bill had been protracted, and was likely to

continue, and he would, therefore, with the concurrence of his colleague, move that it be taken up during the morning hour—not to-day, but at an early day during the present week.

Mr. DICKINSON said the bill to establish a branch mint in the city of New York had been reported by him a few days since, from the Committee of Finance. A special order for its consideration was made at the time upon his motion, but had been overrode by other business. He had recently given notice that he would call it up as soon as the discussion upon the Oregon bill should terminate. But it was now apparent that the discussion upon that bill was not soon to end, and he concurred in the suggestion of his colleague that it should be taken up as morning business. It was demanded by the public exigency, and would give extensive business facilities to the community, and put in circulation a large amount of coin and bullion now lying idle in the banks or transferable only in large amounts or by weight.

THE AMISTAD CASE.

Mr. YULEE desired to know whether the Committee on Foreign Relations, to whom was referred so much of the President's annual message as relates to the Amistad case, were ready to report in relation thereto.

Mr. MANGUM replied that the Committee had had the subject under consideration, and would probably report in the course of a few days.

COMMITTEE ON MILITARY AFFAIRS.

The VICE PRESIDENT announced the appointment of Mr. METCALFE, as a member of the Committee on Military Affairs, in pursuance of the order of the 6th instant, in the place of Mr. Crittenden, resigned.

THE PUBLIC LANDS.

Mr. HALE, agreeably to notice, asked and obtained leave to bring in a bill to discourage speculation in the public lands, and to open the same to actual settlers and cultivators; which was read the first and second times by unanimous consent; and referred to the Committee on Public Lands.

THE OREGON BILL.

The Senate resumed, as in the Committee of the Whole, the bill to establish the territorial government of Oregon:

Mr. JOHNSON, of Maryland, addressed the Senate at length upon the subject. A report of the honorable Senator's speech will be found in the Appendix.

Mr. HUNTER obtained the floor.

Mr. HANNEGAN gave notice of an amendment to be offered by him; which was ordered to be printed.

Mr. UNDERWOOD gave notice that he would modify the amendment heretofore submitted by him.

On motion,

The Senate adjourned.

TUESDAY, JULY 11, 1848.

ADVERSE REPORTS.

On motion by Mr. DAVIS, of Mississippi, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the resolution to inquire into the expediency of appointing ten or more additional cadets in the Military Academy.

On motion by Mr. RUSK, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the petition of Ambrose R. Davenport.

THE TEXAS NAVY.

Mr. RUSK moved that the prior orders be postponed for the purpose of taking up the bill to authorize the President to increase the naval establishment of the United States.

Mr. DICKINSON hoped the bill would not be taken up, as it would produce debate.

After some conversation, the motion to take up the bill was determined in the negative.

BRANCH MINT AT NEW YORK.

Mr. DICKINSON moved that the prior orders be postponed for the purpose of taking up the bill to establish a branch of the mint of the United States in the city of New York.

Mr. BADGER hoped this bill would not be taken up, for the reason that the Senate had refused to take up the Texas navy bill. It would produce debate, and it wanted but twenty-five minutes to the hour for taking up the special order.

Mr. DICKINSON urged the importance of speedy action on the bill.

Mr. CALHOUN observed that his colleague [Mr. BUTLER] desired to be present when this bill was taken up; and, as he was now absent and engaged in one of the committee rooms, he hoped the motion would not be pressed now, and the bill could be taken up after the Senator from Virginia [Mr. HUNTER] had delivered his remarks on the Oregon bill.

The motion to take up the bill was negatived. Ayes 17, Noes 19.

NAVAL APPROPRIATION BILL.

On motion by Mr. ATHERTON, the prior orders were postponed, and the Senate resumed, as in Committee of the Whole, the consideration of the bill making appropriations for the naval service for the year ending the 30th June, 1849.

The question pending was upon agreeing to the second amendment proposed by the Committee of Finance, to strike out the 119th and 120th lines, on the 6th page, the appropriation for furnishing the Marine Hospital at New Orleans.

Mr. ATHERTON briefly stated the reasons which governed a majority of the committee in submitting this amendment, and was briefly replied to by Mr. UNDERWOOD, and Mr. JOHNSON, of Louisiana; when

On motion by Mr. HALE, it was

Ordered, That the further consideration of the bill be postponed until to-morrow.

THE OREGON BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish the Territorial Government of Oregon.

Mr. HUNTER.—Mr. President: Nothing but a sense of duty could constrain me to speak on a subject which I approach with great reluctance. The topics involved are so nearly connected with the family peace, that I take no pleasure in their agitation and discussion. But this debate has been forced upon us without any agency on the part of the South. The Committee on Territories introduced a bill re-enacting a law passed by the so-called territorial government, which expressly excludes slavery from Oregon. The Senator from New Hampshire offered what is called the Wilmot proviso, and although it was withdrawn for a time, he has given notice that he would present it again. The whole discussion on the part of the non-slaveholding Senators has been of a character to press whatever was most exciting and dangerous on this question upon the deep and solemn consideration of the South. They have all told us that the slaveholder is to be excluded from participating in the benefits of settling a territory, won by the common blood and treasure of all the States of this confederacy. The free negro from our own States, the mendicant, the pauper, the felon, who is cast over from the shores of Europe, may inhabit it, but they exclude the son, if he be a slaveholder, of the sire whose bones are bleaching on the very soil which he contributed to win, at the expense of a life bravely lost to maintain the honor of his country's arms. The Senator from Connecticut told us, as I understood him, that it was a struggle for power, in which the majority must govern and the minority must yield. The Senator from Vermont characterized the assertion of an equal right on the part of the slaveholding States to settle and colonize this common territory, as an arrogant pretension. Surely, sir, these things are hard to be borne. The smallest spark of sympathetic feeling must enable one to see that such pretensions are, at least, calculated to stir the blood of every southern man. But, sir, I shall discuss this question dispassionately. I believe that truth is with us, and truth is always strongest when most calmly presented. If, in the course of this discussion, any rebellious feeling should struggle for utterance, I will endeavor to keep it down; and if it should at any time prove too strong for my control, something will be pardoned out of respect to the sources from which the sentiment springs.

Mr. President, this subject of the territories has been variously considered in the course of the discussion which has arisen upon it. But the main issues involved are, in whom or what body was reposed the power to govern them—under what limitations is this power to be exercised, and what are the rights of the several States, to be preserved and protected in the administration of this power?

When I remember the uniform course of precedents upon this subject, I am not a little surprised that the question should at this day be mooted, as to where is lodged the power of governing the territories of the United States. Congress has invariably prescribed the fundamental ordinance or quasi-constitution of the territorial government. It has introduced into these ordinances matters of mere municipal regulation, such as the course of descents and distribution, and in some cases reserved to itself expressly the right of vetoing the action of the territorial governments. In addition to this, it has been universally conceded as the right of the federal government to cede away the territory, with sovereignty and jurisdiction, to foreign state. Now, if the major includes the minor, the power which can prescribe a constitution and transfer the sovereignty and allegiance of the territory and its people, must surely include the right of governing both. But of late the power has been denied by some to Congress, because there was no express grant of it in the constitution, and it was alleged to be contrary to principle to imply it. Those who maintained that the power was expressly given in the clause of the constitution which provides that "Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory, or other property belonging to the United States," were met by arguments, in my opinion, convincing and sound. I agree with those who maintain that the right to govern the territories, is in Congress; but I do not concur with some of them who attempt to derive it from this clause. Upon that subject, I think the argument of the Senator from South Carolina was clear, conclusive, and demonstrative. I shall not repeat it, not only because he has exhausted that branch of the subject, but because it would be unnecessary for the purposes of my argument, as I shall endeavor to show that the power, no matter from whence it is derived, can only be exercised under certain limitations. The power, in my opinion, is implied, amongst other sources, as has been well said, from the right to acquire territory. If this right of acquisition is to be implied from the necessities of war and peace, or of making new States, over which subject Congress has power, this necessity of acquisition can only exist on account of some end to be secured after it is acquired. To effect these purposes and ends, the territory must be controlled and governed by those who acquired, or the very necessities which justified its acquisition could not be met. But there are other sources from which the implication is equally obvious.—There are two purposes for which the territory of the United States is plainly destined by the constitution—I will not say that they are the only ends for which it may be acquired—but they are the only uses specied in that instrument. I mean the disposition of the soil and the erection of new States. Now, the right of governing the territorty is necessary to the efficient exercise of both powers. If the soil is ours to be sold and settled, we must have the means of preventing trespasses and keeping the peace upon it. This right of property vested in the States would not be secure if they were dependent upon any other authority than an agency of their own, for the preservation of peace and order upon this domain. Counterfeiters, horse thieves, fugitives from justice, might collect in bands upon this territory, and there would exist no adequate power any where to restrain or reclaim them, unless the authority to do so existed in Congress. Without this power, we could not guarantee to the purchaser the use of the public domain after he had acquired it, and of course there would be no demand for the soil which we wished to sell. But there is another still more important purpose for which the territory of the United States is destined. I mean its settlement and erection into new

States. To train up these infant communities under such institutions as may fit them to become members of our confederacy, is an object of the highest importance. To attain this great end, where could the power of governing be so well lodged as in Congress, the common agent of all the States? For these purposes, the maintenance of order and peace in the infant community is indispensable, and there is a point of time in its existence when Congress alone possesses the physical force to do it. There is, then, a point of time when Congress must govern this territory—when is it divested of this power? The constitution has specified one, and but one period. When the infant community arrives at its majority—when it is strong enough to assume the responsibilities of a sovereignty, and comes as a State into the confederacy. Here are three sources from which the power of Congress to govern the territory, as I think, may be clearly implied. I believe I might name others. But, it is said that no power so important can be derived to Congress by implication, and yet these very gentlemen, or most of them, maintain the existence of the power to acquire territory as implied from the war making or treaty-making powers. If they imply the right of acquiring territory from some necessity for its use, surely they must go further and imply the right of controlling and making that use of it after it is acquired. But are not gentlemen applying a strict rule of construction, fitting one class of cases to another, to which it is not so fully appropriate? When it is a question as to the distribution of power between the federal and State governments, then the implication must be strict and necessary, by which the former can claim a power not expressly granted by the constitution. Here, what is taken by the one is subtracted from the other, and this strict rule as to necessary implication is derived, not only from the nature of the parties to the contract, but from the express terms of the instrument, which declares all powers not granted to be reserved. But there is a class of cases arising out of powers which the States are forbidden to exercise, they being expressly given to the federal government alone. Such are the powers of making war and treaties; such, too, is the power of acquiring territory, for the States are prohibited from making war or treaties, from which that power is implied.

Here the rule of construction is not so strict; this implication need not be necessary, but under certain limitations may be one of convenience, fitness, and propriety. The limitations are, that Congress shall not assume obligations or exercise powers under their grants, express or implied, which are expressly prohibited to it by the constitution, or which would encroach upon rights reserved to the States or the people thereof. A trustee cannot imply a right to do what is expressly prohibited in the deed creating his powers, or what would defeat the great ends of the trusts declared in the instrument. The distribution of power between the State and federal government is vital to the body politic and essential to the scheme of American association. The power of making war and treaties was given to preserve the existence of this political organism, and must not be perverted to destroy it. To illustrate the rule and its limitations, Mr. President, let us take a recent instance. In our war with Mexico we established governments, collected revenues, and regulated municipal affairs in that country, by implication from the bare power, without regarding limitations which the constitution would have imposed upon that power at home. Then, it was no question of distribution between the State and federal governments, but as to a right which the States could not exercise and which the American people could not use at all, except through the federal government. But no one pretends that, under the war power, the federal government could exercise municipal functions in the States at home. So under the right to make treaties, power is implied liberally, but under the limitations which I have named before. We have reported to us now a bill to exercise jurisdiction in China, which to a certain extent has been ceded to us by the Emperor. It proposes to exercise this jurisdiction without regard to limitations imposed by the constitution at home, but as Chinese jurisdiction, acquired from them, and administered with a source of power to the principles of that empire. This implication of power is large and liberal, yet it may not be objectionable, as it subtracts nothing from the reserved rights of the States or their people. But none would contend that we could make a treaty which would enable us to pass an *ex post facto* law, or to meddle with the constitutions and powers of the States at home. Mr. President, I have been thus particular in entering upon this canon of construction in relation to implied powers, because the consideration of these distinctions is indispensable in settling much in our past transactions, and may bear upon much that is to come. These considerations bear decidedly upon the matter in hand, because I think they meet the objections of those who deny that a right to govern the territories cannot be implied by Congress at all. So far from this being a case in which Congress can claim no power by implication, it is one in which Congress may derive more largely from this source than if it were a question between the federal and State governments, because under the constitution it is a power which the latter cannot exercise at all.

But if the power does not exist in the Congress of the United States, in whom does it reside? Such a power must exist. At the time when the constitution was formed, the confederacy possessed territory. There was an obvious necessity that it should be governed. But we are told that it exists in the people of the territory. Does the constitution say any thing of the grant of such a power? Is it not an implied power? And how do they imply it? There are but two possible modes in which the people of the territories could derive it—either from the general right of man to self-government, the right of separate and distinct society, or by implication from the constitution of the United States. Can they derive it from the former, as a distinct and separate society? If they can, Congress has no right to extend over them its revenue laws, or exercise in relation to them any of the functions of government, until this self-existing, self-governing society shall have come in, and by its own voluntary act made itself a part of this confederacy. But no man who will look to the consequences of this doctrine, can seriously maintain it for a moment. I would state, with great deference, that gentlemen have been misled by a fancied analogy between the territorial and State governments—an idea that it was more harmonious and more consonant with the scheme of our confederacy, that Congress should exercise no more power over the territories than it exercised over the States, and that as to the residue, the people of the territory derived from this natural right of man to self-government, the right to exercise all the other functions of government. This is a mere gratuitous assumption. I might demand the proof and the reason for any such assertion, but I shall endeavor to do more than that. I think that I can demonstrate that it is an unconstitutional assumption. It is to be remarked that there is a class of restrictions imposed in the constitution upon the State governments, necessary for the whole scheme of American society, which apply in terms to the States and not to the territories. No State shall pass ex post facto laws without the consent of Congress. But there is no such restriction with regard to territories. The citizens of each State are secured in the ejoyment of the privileges and immunities of citizens of the United States. There is no such provision in relation to the territories. There is a whole class of restrictions and prohibitions, which I need not enumerate, applied in the constitution to the States, but not to the territories; and yet if it was assumed that that right of government existed in the territories, is it not obvious that these restrictions would have been extended to them? If this power of government exists in the territories, there is no constitutional obligation upon them to deliver up a fugitive from justice or labor. Nor do the guaranties in relation to republican government or domestic insurrection extend to them, although the latter is most indispensable for a sparse and weak people. Their power is greater than that of the States, and they would thus be allowed to derange the whole system of American organization. But this is not all. When we come to recognize the remarkable fact that none of these restrictions apply to territories, it follows that we must, by necessary and inevitable implication, repose the power in the Congress of the United States. We repose it in them because they are the agents of the States, and because under the letter and spirit of the constitution, they are governed by all of these limitations, which are restrictions as necessary for the government of the territories as of the States, and which would effect the same ends in the territories as are effected in the States. In that point of view it was unnecessary to introduce these express prohibitions, because they already existed as constitutional limitations upon the power of Congress to govern them. They were imposed upon State governments because they were separate and independent, but there was no necessity for introducing them in relation to territorial governments, dependent upon Congress.

But is this the only point of view in which the necessity of the implication that all power to govern these territories, rests in Congress, is rendered apparent? It must be recollected that the States cannot acquire territory—that the territory thus acquired is the joint property of all the States; and therefore by necessary implication the power of governing this property, which is to be used not only for the purpose of disposing of the soil, but for the formation of new States, should be reposed in that agency which acts for the States jointly. But if this power to govern the territories exists in Congress—as I maintain it does—the question presents itself, under what limitations that power is to be exercised? Is it a power unlimited and absolute? Can there be any power in Congress express or implied, which is absolute and unlimited? Is not each provision of the instrument be construed in connection with every other? Must we not here apply that rule of construction which makes the whole instrument consistent and harmonious, giving effect to each and every part; and if haply there should be an inevitable conflict between the grant of any one power and the residue, is it not obvious that the lesser intent must give way to the greater, and the particular provision be ruled by the general spirit of the whole instrument? But in relation to the exercise of any power, whether granted or implied, there is no gentlemen in this chamber, who would I think undertake to deny that in the exercise of it, Congress shall do none of the things actually prohibited. It cannot pass an *ex post facto law*, it cannot establish a religion, or create orders of nobility; and it will be conceded by all, that we cannot under pretence of exercising an acknowledged power, do anything which is expressly forbidden to be done. But I go farther. There is another limitation which is equally demonstrable, and that is a limitation derived from the spirit of the instrument, as positive and absolute as the limitation in those prohibitory clauses to which I have just referred. It is provided that Congress shall guarantee a republican form of government to the States. There is no such provision in relation to the territories, and yet is it not obvious that Congress is governed by the spirit of the instrument in relation to this matter, and that there is a constitutional obligation resting upon it, to guarantee a republican form of government to the territories as well as to the States? It does not expressly provide that the citizens of the States shall enjoy equal privileges and immunities

in the territories, and yet does not every one feel and know that there is a constitutional obligation upon Congress to secure that to them? To suppose otherwise would be to suppose that they had the power by means of territorial government to defeat the whole end and intention of the instrument. There is another and still more important provision securing the equality of the States. Call upon any man who understands the theory of our government, and who has any experience in its workings, and ask him to name to you the grand cause of American progress and development, and he will tell you that it is to be found in the equality of the citizens and of the States. It is thus that the door of competition is opened to all. Every man has an equal chance in the struggle for wealth, honor, and the rewards of society, and each State has an equal right to participate in the benefits of the federal government. We make success the reward of merit, and merit consists in the possession of those qualities necessary under a system of free and universal competition in order to attain success. We thus afford the highest possible stimulus to individual and State organizations for the cultivation of those qualities necessary to the progress of the people; thus too we secure the harmony of the confederacy by the very means which foster a high and generous spirit of emulation amongst individuals and States in the general and equal competition for high rewards which must be deserved to be won. Change these great features and you make a revolution as complete and entire in this system of American society as if you were to say that the President and members of this body should hold office, not for a limited period, but for life. Neither of these changes would work a more entire revolution than would the destruction of this principle of equality of the citizens and of the States. Here lies the whole secret of our progress. Destroy the one and you put an end to the other. That this is the leading and cardinal feature in the construction of the American confederacy, we derive from every source to which we may refer. We derive it not only from that doctrine of national law and common sense which makes a confederacy of sovereignties, a confederacy of equals, but from the constitution itself. Open this instrument any where, and you find abundant evidence of the equality of the States. What are the ends sought in the formation of this instrument, as given in the preamble?

"To form a more perfect union, to establish justice, to insure domestic tranquility, provide for the common defence, and promote the general welfare."

How are these ends to be so well secured as by preserving the equality of the citizens and the States? In the enumeration of the powers given to Congress, how does the list commence? Congress are authorized to lay duties, &c. For what purpose? To pay the debt and to provide for the common defence and the general welfare. How can you provide for the general welfare unless you make equality the rule? Let any man reflect upon it, and he will perceive that there is no other rule by which this provision can be carried out. Contrive any scheme of universal benefit and you will find it must be equal. I mean not absolute equality, but the equality of proportion. But this is not all. It is provided that all taxes shall be uniform, and that the laws of bankruptcy and naturalization shall be uniform. It is provided that no preference shall be given to ports in one State over those of another; that the citizens of all the States shall have the privileges of the citizens of each; and in order to insure this equality, the State governments themselves are hedged about by prohibitions. They are not allowed to make treaties, because in that way some might gain the advantage over others. They are not allowed to lay duties, because the benefits of commerce might thus be unequally conferred upon the States. Turn where you will, you find the constitution filled with provisions to secure this equality, and there is one remarkable instance in which it is clearly proved that the constitution contemplated the States as equal. We all know that when an election by the people forthe Presidency fails, it is to be made by Congress, whose sense is taken by States, and by the very provision of the constitution these States are made equal, so that Delaware is as influential as New York or Pennsylvania.

If this equality among the States is a fundamental principle essential to the well-being and existence of American society as it was organized under the constitution, I ask if we are not bound in the exercise of every power, whether granted or implied, to administer it with reference to those limitations? The highest of all obligations upon government, is that of avoiding all acts which would change the organic structure and impair the vital functions of the society which entrusts it with power for purposes not of destruction, but of preservation. It is the obligation of the nurse not to destroy the child. I ask if we are not especially bound thus to act when we come to this question of the organization of territorial governments, when it is remembered that the people of the States cannot acquire territory in severalty but must take it jointly. Who doubts that in the disposition of the money arising from the proceeds of the sales of the public lands, an equal distribution is to be made? I did hear it stated on the other side, that Congress possesses the power to dispose of the property unequally; but no one who considers this proposition attentively for a moment, can, I think, maintain it; because to maintain that there was an absolute power to dispose of these proceeds, would be to make all the limitations of the constitution actually worthless.

If Congress has an absolute power of disposing of the proceeds of the sales of public property to that extent, it may do whatever can be effected by money; not only to that extent, but to the measure of the whole public treasure; for it may convert the money derived from taxation into property, and when that is again reconverted into money, the former restrictions as to its appropriation no longer apply. The reservations of the constitution to the States and its limitations upon federal authority, no longer apply to the appropriating power, and are utterly useless. But who can seriously contend for a proposition which leads to such startling consequences. So long as it is a mere question of money it will be almost universally admitted that the appropriation of the proceeds of the public property must be made under all the limitations express and implied of the constitution. To show how deeply this sentiment of the equality of the States has entered into the hearts of our people, I would appeal to every one here if he would not feel it as a flagrant violation of right if these proceeds of the public lands were given only to part of the States, or if they were unequally distributed amongst them. I mean, as I said before, the equality of proportion not absolute equality. It is in relation to that other end to which territory is applied, the erection of new States, and their preparatory settlement and colonization, that the equality of the rights of the States is most important, and is most disputed. This right of colonizing and settling vacant territory is the highest and most important of all that arise out of such possessions. To find a convenient and easy outlet for the excess or discontented portion of the population, is an object of the highest possible importance for every State. To plant this population in positions where they may grow from infancy into matured societies, and enter into the confederacy as individual and fitting associates, is to give our facilities for emigration a value and importance beyond any thing ever enjoyed by other nations.

How much have not these very opportunities added to the stability, harmony, and power of our confederacy? But this right, important to all, is most so to the slaveholding States. To deny it to them, and confine the slave population within its present boders, would be to deprive them of all chance of preserving weight enough in the confederacy to protect their rights under the constitution, whilst it would dangerously diminish the relative superiority of the white race at home—without an outlet for their redundant population, without the means of throwing off the dangerous and disaffected portions of society, in its growth, which is the *vis medicatrix naturæ* of our political system, and soon to be without any sensible weight in the government of the confederacy, what would be the ultimate condition of these States? No impartial man can consider these things without feeling that it is indispensable to the slaveholding States to maintain their equal right to plant, colonize, and settle the vacant territory of the confederacy. No just judgment, I think, can be pronounced upon the constitutional obligations of Congress which does not maintain as one of the highest, that of preserving to the States an equal participation in the benefits of settling and colonizing this common fund of the confederacy. It is, therefore, a high and positive duty of Congress to protect the property of those who move into the territory to settle it. The end of government is the protection of the rights of persons and property.

If the duty of governing these territories devolves upon Congress, the obligation also rests upon it to protect the property of those who go there to settle, occupy, and colonize it. But we have been told when pressing upon this obligation on the part of Congress, that it is asking too much; that it is asking the free States to participate in the establishment of slavery. But if the constitution imposed upon them that obligation, are we to be charged with asking too much, when we demand that the obligation should be fulfilled? If they aredissatisfied or tired with the bond let them say so. But if they mean to live under it, let them fulfil all the obligations which the instrument imposes upon them. Is it, in point of fact, however asking them to establish slavery in the territories? I maintain that it is not. The right of property in a slave is established in the slave State from which he comes. No man can dispute the right to property in slaves in the State of Virginia. It belongs to the supreme power of that State to say in what things property shall consist, and in what it shall not consist. It is one of the attributes of sovereignty, and if the State of Virginia so please that there shall be property in slaves in the State of Virginia, there is property in slaves; and when property once exists, it remains until it is divested either by the act of owner, the act of law, or the act of God. If the slave is freed when he is carried to England, it is not because the owner has no property in that slave, but because that is inflicted as a penalty on him for bringing the slave there. If you were to carry into the Slave States though any question arising out of slavery, in a contract made in a State where slavery existed, and raise the point whether there was property in the slave in a case belonging to the class in which the law of the place where the contract is made governs it, I undertake to say that that court would enforce the contract which depended upon the existence of that property. I undertake to say that they must do so, according to all principles of national law or deny the existence of sovereignty in that foreign State. If sovereignty exists it belongs to it to say in what property consists. Now if it could not be denied in Europe that property consists in slaves, it cannot *a fortiori* be denied in Massachusetts or Vermont, because the the existence of this property is recognized in the constitution. If a slave escapes to Vermont, that State is under an obligation to restore him to the owner. If an insurrection occurs in a southern State, all will admit, also, that there is a constitutional obligation resting on the goveanment to put it down. It is admitted, therefore, by the constitution that there is property in slaves, and if the slave be freed because his master carries him to to Vermont or Massachusetts, he was freed, not for

the reason that there is no property in the slave, but because it is a penalty for carrying him there. If the slave owner carries his property to territory which is the joint property of all, shall he be divested of it as a penalty for going upon his own land? I do not mean to say that it is his separately or solely, but all of it is his jointly; and to divest him of that property for going there would be an act of practical abolition, which would be very little exceeded in its stretch of authority by an act for abolishing slavery in the States.

But I go further. If this property exists in the slave, and the owner is not divested of it by his own act, and he moves with it to his own land, it is not enough that Congress does not deprive him of it by law. I maintain that there is a positive duty to protect him in the possession and enjoyment of that property. It is the duty of Congress to govern that territory, and from this results the obligation to protect the rights of person and property. If Congress fail in doing that it fails of its duty, and would be universally so acknowledged if the case arose with reference to any other species of property than slaves. I maintain, therefore, that we do not call upon Congress to establish slavery, when we call upon them to protect us in the preservation of that which they recognize as property, and which, if no constitutional provision existed at all, they would be obliged to recognize as property as resulting according to the law of nations from the rights of the sovereignty which gave it that character, and from the nature of property itself. A right exists until a man is divested of it either by his own act or the act of law, and is it competent for this Congress to say that the man who moves from the slave States into this joint property, will be divested of his property as a penalty for going there? Has any portion of these joint owners a right to expel the others? If A, B, and C, purchase a common of pasture in joint tenantry; A being the owner of cows, B of sheep, and C of horses, would it be competent for those who moved the cows and horses to unite, and say to the owner of the sheep that he should not bring his stock upon the common. They knew beforehand that it was purchased for that very purpose. They knew that the pasture was purchased to be held in joint tenancy, and that each had a right to pasture upon the whole soil. Now, if they do justice, they must maintain equality and allow the right of each to pasture upon the whole, or make an equal division in severalty.

Another objection has been made in relation to our demand, that this right of governing territory shall be exercised under those limitations which establish the equality of the States. It is said that the good of the new States forbids it. We are told to look at the immense difference between the old and the new States. This is a question, sir, upon both sides of which much may be said. It is a question, in my humble opinion, to be determined by circumstances—by soil, climate, and a thousand things to which I cannot now advert. But I do not choose to go into that enquiry, as it does not affect the purpose of my argument. These provisions in relation to the establishment of new States were intended for the benefit of the old. The old States have certain rights, in relation to this matter, under the constitution, and you are not to disregard the obligations and duties which you owe to them, for the imaginary good of some unborn people, who at some future time may occupy a distant land with which we are not even acquainted. But even if it would be better for them, you have no right to trample upon our rights, and disregard your obligations, imposed by the constitution, in order to benefit them at our expense. Mr. President, suppose we were to make my view of the case—and exercise this power under the limitations which I have endeavored to establish as clearly to be derived from the spirit and meaning of the constitution itself—I beg to know the effect? Suppose you allowed all the States to colonize this territory at their pleasure; what would be the result? Would it not result in the harmony and prosperity of the confederacy? Would it not result in the improved happiness of the negro race? Should we not see the tide of black population, following the natural law of colonization, and settling by degrees towards the line, at each step of its progress attaining a clime more and more congenial to negro nature? Would we not then see old territory made free, as new regions become occupied by slaves, to be reduced in their turn to the uses of civilization and humanity? And perhaps amongst the inscrutable purposes of Providence, there may be a design thus without shock—without disunion—without injury to any one, to educate and cultivate this race under the dominion of the white man, so that one day they may reach a clime and country fitted for them, around the shores of Mexico, some portion of which it may be their ultimate destiny to hold, govern, and enjoy. I know not what is to happen in the future, but I say that if there be any one of those schemes which look to the advancement and benefit of the negro race that is plausible, this seems to me the most practical of all that have been named. And what would be the effects upon the non-slaveholding States? Why, does any one believe that it would diminish their political superiority, or affect their power in this Union? They already have superior power and they must retain it. When we look to the population of the United States we know that the free States must be predominant. The annual increase by emigration alone is greater than the increase of the colored population in the slaveholding States. That question of power was settled when the provision was introduced into the constitution, prohibiting the importation of slaves. When you prohibited the importation to one, and opened the doors wide to the other, you settled the question of power, and settled it irretrievably. The whole effect of permitting our people to migrate with their slaves where they choose, would be, not to raise us even to an equal strength, but give us some little temporary addition to our political power, and teach us to feel that we were received and treated in this Union as equals and confederates. Is there anything so dangerous in that? Is there anything in the past history of the Union to make such a result dreaded? I ask if this institution has not been the balance wheel of this confederacy—the conservative element, if I may so speak, between the extremes of federalism and democracy? Who led the war in opposition to that system of banks, tariffs, and monopoly, which proposed an unjust distribution, as we believe, of the profits of production as between capital and labor? Was it not the South—the southern democracy? And from what portion of the confederacy would we soonest expect to see resistance to any of those extremes into which, at times, all parties may be hurried by a lust of conquest, or an appetite for war? Would it not be from the representatives of the South? The organization of society at the South naturally exerts a conservative influence. The southern slaveholder represents fairly both capital and labor, because he owns both, and interest makes him impartial and conservative in disputes between the two. The slaveholder, without any superiority in wisdom, or patriotism, may thus exercise a conservative influence from his position in regard to those two great elements of society. The history of our country has proved the truth of these positions, for the influence of the slaveholder has been eminently conservative not only of progress, but of the limitations indispensable to its steadiness and the order of society. I am told that the gentleman from New York said it must be admitted that the non-slaveholding States are the most republican.

Mr. DIX.—(In his seat, was understood to say,)—I did not express such an opinion.

Mr. HUNTER.—I am glad to hear it. I ask, then, is there any danger to this confederacy in permitting the southern States to retain their present relative strength, when it is remembered too, that it is less than that of the non-slaveholding States? The Senator from Massachusetts said that the slave States had grown relatively weaker than the free. Is it not obvious that he was mistaken? Is not the relative power of the non-slaveholding States greater at this day in the House of Representatives than when the constitution was formed? No man can doubt it.* Let him look to the future—let him look to the new territories and States which have been brought into this confederacy, and is it not obvious that the non-slaveholding States possess an increasing superiority? Let him look to the sources from which our population must be derived—to the fact that emigration alone furnishes a larger edition to the white race than the annual increase of the negroes. Let it be remembered, too, that at the last census the whites stood to the slaves nearly as 14 to 2.5, or as 28 to 5, so that the additions by increase from this source must be as 5 or 6 to 1 in favor of the whites. Who in his senses then can pretend to believe that the southern States will acquire superior power in this confederacy? No, sir, no! That can never be our lot; we know it and acknowledge it. If you were to permit us to live in this confederacy hereafter as we have lived heretofore, as your equals and brethren, the whole result would be, not to change to any sensible extent the relative degree of power possessed by the two sections of the Union, but to secure to you the united exertions of all for the good of all. You would then have an harmonious, prosperous and happy confederacy. Who could then undertake to assign the limits to our future progress, if we thus moved on devoid of sectional jealousies and hostilities. Imagination halts at the attempt to conceive it. It is not for my pencil to make the effort to paint such a future.

But suppose we take the other course, and declare that the slaveholding States are not to be treated as equals and confederates in this Union. Suppose we brand them with the badge of inferiority, and deny them a participation in equal rights where those rights are not merely important, but essential to their very prosperity and existence. Suppose you thus introduce this principle of inequality and thus brand them as inferior, I ask, if you have not virtually dissolved the Union? You have destroyed that spirit upon which it depends for existence. The southern States might nominally remain within the Union, apparently bound by its forms, but in spirit and in truth, they would be out of it, and you would have revolutionized the whole system of American society. The prosperity and happiness of the confederacy would have been blasted forever. If they consented to remain in the Union, what part would they play in the government? The slaveholding members would be bound with hooks of steel to one another as a band of brothers on this slavery question. They would throw all other issues to the dogs, and unite with minorities in the free States on whatever question would afford the best protection to this vital interest. They would, in order to secure themselves on this question by the aid of these minorities, effect results repugnant to you all. Thus the government, instead of being administered for the general prosperity and the welfare of all, would be converted into an instrument of mutual offence and hostility. But it may be said that the free States would bind themselves together, and become united on that question of slavery. Suppose they did; what would be the effect? It would lead to new insults—new oppression—new injuries. All considerations of the general interest would be sacrificed and

* If we reckon Delaware as neutral so far as the political differences between the slaveholding and non-slaveholding States are concerned, and leave it out of the calculation, we shall find that in the first Congress under the present constitution, the northern members in the House of Representatives stood to the southern as 30 to 24, the present proportion is as 136 to 87, showing the non-slaveholding representation in the House stood nearly as 44 to 46; now as eleven 60 to 39, which shows a large relative increase of the political power of the former.

merged in the spirit of hate, which would be inevitably engendered by this civil war, to be carried on not with arms, but under the forms of law. Suppose the South submitted to this treatment from day to day, what would follow? Its spirit would be worn down by constant submission to insult and injury. The security of its property would be destroyed—its domestic peace invaded, and eventually the right of the slaveholder to participate in the honors or administration of the government would be denied. Is it to be supposed that the white man would be content to remain there as an inferior and degraded being? By merely leaving the country in which he was reduced to the level of his own slaves, he could go into a State where he would be received as an equal, and as one of the governing race? Sir, he would abandon the soil—he would leave the graves and the homestead of his forefathers, to preserve the rights and liberties of his children; and what would be the end of it all? You would have the West India experiment re-enacted. You would erase that picture of life and progress in which we now rejoice, and substitute for it the dreary blank of barbarian waste. The wilderness would encroach upon the area of cultivation, and the negroes relapse into their original state of barbarism. Night and chaos would resume that reign which seems to be so congenial with African sloth and ignorance. Is this a consummation to be desired by modern philanthropy?—Alaric, the Goth, and Attila, the Hun, trampled down the flowers and fruits of an old civilization, but they left behind them the germ of another, which promised a more vigorous growth. If they felled the very tree of knowledge, of good and evil, in the gardens of Roman and Grecian culture, they engrafted in its root a wild scion, with higher powers of development, and destined to expand to loftier proportions than the stock whose place it was to supply. If the Goth and the Hun uprooted, they also planted—if they destroyed one system, they laid the foundation of another, which was destined to become a better. But the strange achievement which modern philanthropy proposes for itself, will leave no such hope behind it when its work of destruction shall have been accomplished. Nor can such an achievement find a historic parallel, except the one in minature, which has been recently presented in the West India Islands. If we seek for another, we must leave the realms of history for those of fiction. We must turn to the gloomiest conception of Milton, who makes his Satan address "old night and chaos," and promise to extend their reign at the expense of light and life:

> "Once more
> Erect the standard there of ancient night,
> Yours be the advantage all, mine the revenge."

Sir, I would ask any enlightened man in the non-slaveholding States, appealing not merely to his feelings of philanthropy, but of self-interest, to say if these are the results which he would be willing to bring upon the South? If he would not, let him remember that they are the inevitable results of the proposed system of assault not only upon the slave States, but upon the constitution. Let him not forget either that these measures are traced to their consequences upon the supposition that they could carry out all these purposes, and regulate this government at will, without any breach of the Union. But can it be imagined that the southern States could submit to a long system of such insults and oppressions? Why should they? Look to the elements of social strength and greatness already existing on the slaveholding States. If they submitted, it would not be for want of strength enough to ensure domestic peace, and secure themselves against aggression from without. But, sir, does any man believe that the southern slaveholder would fold his arms in mute submission to a system of oppression which day by day wasted his spirit, wounded his self-respect, and robbed him of his rights? Would he quietly submit to all this for the sake of union with those who were placing himself and his children in a situation worse than that of their slaves—a condition in which they had all the responsibilities but none of the rights of freemen? Would he in patience possess him of his soul in reverence for those bonds which bound him to behold his domestic altars wrapped in flames, and the midnight assassin entering to slake the ashes on his hearthstone with the best and dearest blood of the household? If he did, sir, I can only say that he would richly merit the fate that would meet him, and deserve the worst of all the sufferings with which his heart would eventually be wrung. But I beg pardon for the feeling which I have manifested; its expression escaped me under the strong impression of the moment. The State which I have the honor in part to represent, puts no words of taunt or menace in my mouth. She has not anticipated the necessity of ever being brought to calculate the consequences of such a course of action as I have supposed. She cannot permit herself to believe that her non-slaveholding confederates would so far forget old associations—the constitution and a thousand obligations, as to attempt, wilfully and willingly, to impose upon her a position of inferiority. Why should an American Congress hesitate between such alternatives as are presented? On the one side, we see nothing but harmony, union, prosperity, the united exertions of all for the good of all. On the other, we see bickerings, discord—the wreck of all our hopes—perhaps, of the Union itself. Can it be possible that we would blast the glorious prospect which opens before us, with which we seem to sport as a child with his toy, to be preserved or broken, as either will contribute most to his amusement? There is nothing that can explain it, except that cabalistic word, "slavery." When that word is uttered it seems that we are to forget all the obligations of the constitution—all the duties of partners of confederates and friends. Alas! when the philosopher in his closet—when the dreaming enthusiast—from whose pen abstractions seem to ooze without difficulty—traces them in ink, he little sees that hereafter they are to be graved by steel in characters of blood. He little knows that he is sowing the dragon's teeth which are one day to spring up as armed men. He does not foresee that the questions which he is preparing as "puzzles of the brain," are hereafter to come up in the shape of revolutionary issues, to be decided by the "trial by battle," by armed men upon horseback. Perhaps, if he did, he would be somewhat more cautious in the coinage of those abstractions. He would weigh more carefully, and limit more considerately, the sentiments which he thus throws before the world.

Sir, what is slavery? Solve me that problem, and, rash as the promise may appear, I think I might undertake to say, that I will reduce all the books on political science to the dimensions of a simple primer. What is slavery? Will any gentleman here define it; and after he shall have done so, let him see if he cannot find an application for his definition some where at home? Does slavery consist in the control which man exercises over man? In what clime or age of the earth has the nation been found in which there have not been multiplied instances of such control? Or shall we be told that slavery does not consist in the fact of this control, but in the degree of it? Then define to me the limits within which this control is compatible with freedom, and beyond which it becomes slavery; and when you have pointed out those limits, see if you do not find some where at home an application for your new definition. In what country do we not find the old primitive legalized government of parent over child? Is that not often a control as absolute—as despotic, as that of the master over the slave? But shall we be told that this is absolutely necessary for the good of society, and that the child is protected by those natural affections, which, like so many guardian angels, spring up in its presence? I reply: Is it not also for the good of society—if you place two races side by side, widely different in intelligence, and separated by marked distinctions in color—that the superior should control the inferior? When two races are separated by natural characteristics so deep and strong that it is impossible to amalgamate them, is it not necessary for the good of society that the interior race shall be ruled by the superior? Nay, I go further: Establish what laws you will, you cannot prevent it. You cannot prevent the inferior from being virtually enslaved either as a class or as individuals. And have we not in favor of the form of individual slavery the affections which spring up between the master and slave, not as strong as in the parent's bosom, but still strong enough to afford him much of sympathy and protection?—In what civilized—in what Christian country, do we not find paupers, and paupers subjected to the control of their managers to an extent fully equal to that exercised by the master over his slave? Look to England, the great focus of abolition excitement, with her legions of paupers, and show me the practical difference between their condition and that of the slaves; nay, is not the difference in favor of the slave? Shall we be told that the good of society requires that when the pauper comes for his portion of the common stock, he must submit to those regulations which are necessary to secure the faithful distribution of this charity? I admit it; but does not the same argument apply when you come to this question of the two races, side by side, one being superior to the other? If the stronger race permit the weaker to sit down by its side, to share the benefits of that society and the fruits of the soil, are they not authorized to impose conditions, not harder certainly than those imposed upon the pauper? But does not the good of the two races require the imposition of those conditions? If the arrangement is justifiable and expedient in the one case, why not in the other?

But, again, is there any civilized country in which we do not find involuntary servitude for crime? The good of society requires that condition of servitude as we are told, and we must confine them to preserve the peace of the community. Well, does not the good of society demand that when two such races come together, as are found side by side with us, that the weaker should be reduced to the position of the stronger? Does not the peace of our society imperatively demand it? I appeal to all experience if it be not so? Wherever you place one of these black races beside a stronger, whether it be the white or even the Malay, the colored race has been enslaved; and the proposition is as true in New Zealand as in the West Indies or the southern States of this Union. But of all the power exercised by man over man, the most despotic will which I am acquainted is that possessed by him who controls the entire means of subsistence of another, on whom he himself depends for nothing. Here is a source of positive power and more absolute control than the master exercises over his slave.—Do we see nothing of this in the free States of this Union, where this agitation on the subject of slavery is conducted so fiercely? Do we see nothing of it in Europe? We have it from their own authorities. Dr. Arnold, an intelligent, candid, and experienced observer, declares in more than one of his letters towards the close of his life, that the condition of these "railway navigators," as he calls them, and of the operatives in factories, was worse than that of West India slavery. If any man doubts it, let him take up the accounts of a French traveller in Leeds, Birmingham, and Manchester, in a series of letters which appeared in one of the French reviews, the "Revue de deux Mondes," some year or two since; in which you have a description of society in those places. In consequence of the improvements in machinery, and the superior suppleness of the limb of the child, the natural order is reversed and the youthful members of the family become, not only independent, but the most important individuals in it. As the necessary consequence of

this revolution in the paternal or household government, we ought not to be surprised to find overthrown all those barriers between age and sex, which were designed to preserve the very decencies of life.

Take the pictures drawn in these letters, or in any other accurate description of life in those crowded manufacturing cities, and you will find accounts of infant and adult depravity at which the blood runs cold. You will find, too, pictures not merely of crime, but of destitution and suffering, and the subjection not only of man to man, but of man to whatever is most brutalizing, in dependence and sin, which startle the more by the depth of their contrast with scenes amongst the more favored classes. Now, all of this is not inevitable—much of it is occasioned by law, and ought to be removed by government: but, when that is done, much of the misery and dependence must remain in very crowded populations. Is it surprising, with such spectacles as these before the public that the doctrines of communism should find a footing amongst the laboring classes? It is not so very wonderful that labor unanimated by wages should have been treated as modified slavery, and that government should be called on to distribute the proceeds of production between capital and labor. What is the answer to these appeals? That the laborer would suffer even more than the capitalist by such attempts at reform—that it would diminish production, and reduce the condition of the laborer still lower by lessening, or perhaps destroying, the stock from which his subsistence is to come. He is told that the evil is confessed, but the proposed remedy is unwise, and he is left dependent still upon him who gives him employment and bread—who can say to him live or die. Now, sir, I do not mention these things by way of reproach or complaint. I am only remarking upon facts, not attacking the institutions of others. I will only say, by the way, that this spectacle of a man willing to work and dying, for want of bread, is not to be found in the slaveholding States. It is not there that you

> "See yonder poor o'erlabored wight,
> So abject, mean, and vile,
> Who begs his brother of the earth
> To give him leave to toil."

On the contrary, the subsistence and protection of the slave, from the cradle to the grave, is secured to him by positive legislation, by public enactment, and last, but not least, by private affection. But, as I said before, I do not advert to these things by way of reproach to other States or nations. I point out the existence of these things to show evils amongst themselves of precisely the same character with those which they complain of so much in us. I do not see that they upheave the pillars of State or dissolve the fabric of society in vain, or, indeed, in any, attempts to remedy these grievances at home. Why, then, disturb us with agitations attempts to remove inequalities amongst us which they do not interfere with at home. If the good of society requires them to tolerate this unequal condition of man at home, how much stronger is the argument to justify us when the question is between two such races as are found upon our soil? We claim nothing but the protection of their own argument. I, for one, do not reproach the governments of other States for the inequalities of human condition which exist under them if they have done all in their power and under existing circumstances to relieve them. The government which does the best which is compatible with the circumstances under which it acts, has done all that could be expected, and more than most of them effect. But if these inequalities still exist, and exist they will, I can only say, that such seems to me to have been the ordination of Providence. Why it should be so I know not—the finite cannot comprehend the infinite. But wherever I look on nature, whether to the vegetable or animal kingdoms, I find this eternal struggle between capacities of different extent and power of different degrees. The whole progress of organized life seems to consist in a series of victories achieved by the stronger over the weaker, whose places they take upon earth. In the forest, the stronger scions crowd out and overshadow more numerous germs, which spring up to decline, decay, and perish. Amongst herds of animals the stronger appropriates the larger share of the food designed for all, and appropriates it at the expense of the weaker. So of the races of man; the superior subdues or supplants the inferior. Amongst the members of the same race and society we see the most powerful commanding a larger share of the means of subsistence, and grow, whilst the weak decline. If our sympathies should follow the weak, who disappear, we cannot deny but that a stronger germ is planted in their place, and another advance is thus made in the progress of organized being and of human society. What is it that characterizes free governments, if it be not the equal and general competition for the rewards of society which it authorizes amongst its members. And what is this universal competition but a universal struggle between man and man—a struggle not of physical but moral force for mastery and power. It is true that social rewards in free governments are made to depend not upon law, but the merits of the aspirant. To succeed, he must have the qualities which command success; and these are the qualities of wisdom, of fortitude, of energy, and virtue. It is thus that the highest possible stimulus is given for the cultivation of those qualities which promote the prosperity and happiness of a people. It is thus that society advances most rapidly, but it by no means follows that the inequalities in human condition diminish with this advance. On the contrary, if you make a man's condition depend upon himself, you make as many differences in the condition as there are in the capacities of men. The nearest approach to absolute equality of condition of which I have seen any account is to be found in despotisms, where one is master and the residue slaves.

I speak, sir, of things as they are. I am not now dealing with imaginary schemes of government, or theories for human advancement, however wise and good those may be who have formed them. I am merely depicting things as they exist, for the purpose of showing our brethren who are disposed to interfere with us, that they have not taken the mote out of their own eye, before attempting to remove the beam from ours. I have shown then, that to some extent these inequalities in human condition are inevitable; and that no government can remove or destroy them. It is an ordinance of Providence, and we cannot control it. I am endeavoring to show them that this question of slavery must be viewed in connection with circumstances—that what is good in one condition of society, may not be appropriate in another—and that all stable and wise governments must consider these circumstances and conditions of society which modify and control particular institutions, before they undertake to interfere with them.

Let gentlemen look at home and weigh the consequences of pushing this agitation to its extreme. Let him ask himself what would be the consequences of destroying this condition of slavery, and leaving the two races side by side in the same country. I have admitted that the extension of an equal privilege of competition was a characteristic of free government and a benefit, but this last is true only of a homogeneous people, and not of a society including widely different races under the same bonds. In the latter case, the benefit ceases when the privilege is extended beyond the members of the superior and governing race. Suppose the door of competition open to the black as well as to the white, would not the former be trampled down and destroyed? Would they not be reduced to a condition infinitely worse than that in which they now exist? But why, I ask, why should there be any dread and hesitation, when these alternatives to which I have referred are presented to us; and when it is so easy to take that course which would lead to harmony, prosperity, and progress? Passion and prejudice, madness—if I may be pardoned for using the terms, may for the present rule the hour, so that reason may find no moment of calm to seek the response. But the day for that response must come. Mankind will demand of us to render up an account of that high trust of humanity and civilization, which was reposed in us, by the virtues of our forefathers and the blessings of Providence; and posterity will reckon with us for the loss of that inheritance which was given to us to be improved and transmitted to them. The future historian will record with shame and grief, that the half-raised column and the broken shaft are all that remains to commemmorate the unfinished achievements and abortive efforts of a people more richly endowed than any that have ever existed upon the earth.

Let gentlemen beware how they stimulate this agitation, for their are problems in political equations as troublesome of solution north of "Mason and Dixon's line," as any south of it! This agitation which you throw upon us, may return to you in the expansion of its circle, over the great wave of public opinion. The seeds of the thistle with which you sow over our fields, may be borne on unseen wings with the breath of public discussion and be planted in your own. The very mine which is so cunningly wrought to shake our social fabric from "turrit to foundation stone," in the reaction and vibration of its shock, may involve the ruin of your own. It is an evident truth that if this Union is to be dissolved, the injury will not be confined to one side. The mischiefs will be common to all. I can only hope that if this ruin come, the sin will not rest upon me or upon my father's house. The South will be clear of it. She has already sacrificed much to Union. She is willing to make fresh sacrifices if she can secure and preserve her equality. But she never will be willing to sacrifice the birth-right of her children, and thus reduce them to a condition worse than that of their own slaves—a condition in which, as I have said, they would be involved in all the responsibilities, without the rights of freemen.

On motion by Mr. DAVIS, of Mississippi, it was

Ordered, That the further consideration of the bill be postponed until to-morrow.

MESSAGE FROM THE HOUSE.

The following Message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

> MR. PRESIDENT: The Speaker of the House of Representatives having signed two enrolled bills, I am directed to bring them to the Senate for the signature of their President.

SIGNING OF BILLS.

The VICE PRESIDENT signed the enrolled bill to amend an act, approved 24th of May, 1824, entitled "An act supplementary to an act," approved on the 3d day of March, 1819, entitled "An act providing for the correction of errors in making entries of land at the land offices."

Also, the enrolled bill to extend an act entitled "An act providing for the adjustment of all suspended pre-emption land claims in the several States and territories," 3d of August, 1846.

THE TEXAS NAVY.

On motion by Mr. RUSK, the prior orders were postponed, and the Senate resumed, as in Committee of the Whole, the consideration of the bill to authorize the President to increase the naval establishment of the United States.

Mr. BERRIEN opposed the bill, upon the ground that it would do injustice to gallant officers in the American navy, who would be overslaughed by these Texan officers, if the bill should become a law.

Mr. RUSK contended that the "injustice" in the case had been done to the officers in the navy of Texas, who had risked their lives in aiding that republic in securing their liberty and independence, and placing it in a condition to become a part of this Union. The bill proposed not to fill vacancies existing in the present navy, but to create additional offices, to be filled by these Texan officers. The necessity of an augmentation of the navy was apparent from the increasing extent of our sea coast.

Mr. BADGER observed, that a majority of the Committee on Naval Affairs were opposed to this bill becoming a law; but they had deemed it due to the honorable gentleman representing the State of Texas to bring the question before the Senate for their direct vote. His own opinion was, that the Senate owed it to the gentlemen engaged in the American navy to reject it.

Mr. UNDERWOOD considered the terms of the bill unconstitutional, inasmuch as it directed the President to appoint certain men to office, while the constitution provided that he should make appointments to fill those offices by and with the advice and consent of the Senate.

Mr. RUSK contended that the power to re-instate the Texian officers in the ships of the American navy by the President was not unconstitutional. He was opposed to any exclusiveness in the navy. In time of war he would be in favor of drawing from the ranks of private life, such citizens as would be competent to discharge offices in the navy. Mr. R. cited from an act passed by Congress in September, 1789, in reference to the officers of the army, connecting as a precedent in favor of the constitutional power of the President to do justice to all the officers of the Texian navy.

Mr. CALHOUN advocated the passage of the bill, contending that it was constitutional, proper, and just, providing merely for the fulfilment of a stipulation made with Texas in the resolutions of annexation. Texas had always understood up to the present time that that stipulation would be strictly adhered to, and that if there was any foundation whatever for the constitutional objection raised by the gentleman from Kentucky, it would be an easy matter to remedy the difficulty. Mr. C. further spoke in commendation of the course of those of the American officers who preferred entering the service of Texas, and fighting for the cause of liberty, than remain in a state of inactivity in the American service. He said this without meaning the slightest disparagement towards those who chose rather to remain from motives doubtless of pure patriotism in the American service, although having the same opportunity as those others had of entering the Texian service.

Mr. BERRIEN considered that there could be no greater merit than that which accrued from remaining in the service of one's country and faithfully discharging all the necessary duties, no matter how irksome, in time of peace. The feeling which prompted men to abandon the flag of their country to enter a foreign service, in which they would receive more rapid promotion, was selfish, not patriotic. Those gentlemen who had remained in the service of the United States had had as much opportunity to have entered the Texian service as did these officers whose claims for offices in the American navy were now being pressed; but they had chosen rather to surrender the advantages which might result from such a change, and though men of enterprize and ambition, they had a love of country which forbade their abandoning the American flag. For the same reason he objected to discarding the just claims of his own countrymen in this matter, and giving the preference in promotion to those who were not more brave, or gallant, or patriotic, than those who remained at home. In regard to the case cited by the Senator from Texas, he thought there was no analogy between it and the one then under consideration. The case alluded to by the Senator from Texas was one in which the troops of the United States had been raised by the several States to share in the revolutionary struggle, after the war was over, in consequence of the recommendation of Congress, were incorporated in the service of the United States. The case before them was that of a navy of a State admitted to have been foreign at the time when these officers entered its service—a navy too not raised under the authority of the United States. The officers who had entered this navy, were according to the bill before them, to be permitted to come in and command those in some instances who had commanded them when they were in the service of the United States.

Mr. HALE wished, as so much had been said about the necessities of our navy in consequence of our extended coast, that gentlemen would look into the Naval Register and see what was the real situation of the naval corps at this moment. According to the register we had sixty-seven captains in the American service, forty put down as on leave of absence, or waiting orders, *i. e.* literally doing nothing. Of ninety-seven commanders, forty-three are on leave of absence and waiting orders; and of three hundred and twenty-seven lieutenants, eighty-six are on leave of absence and waiting orders. Thus we had forty captains doing nothing but simply waiting orders, and receiving twenty-five hundred dollars a year; and so with the remaining grades. He did not know by what rule of justice it could be made to appear that a captain should receive twice as much as a lieutenant for doing nothing; nevertheless, according to the register, such was the fact. The appropriations proposed in the naval appropriation bill of this year amounted to some eleven millions, as much as the whole of the expenses of Mr. Monroe's administration of eight years. The amount of expenditure, however, was not at all surprising, when the fact of so many men being paid such large sums for doing nothing, was made apparent. Should he live to take his seat in that body at another session, he would pledge himself to introduce some practical reform of this enormous abuse.

Mr. ATHERTON stated that the expenses of the navy proper were only some six or seven millions. If the appropriations for marine hospitals and other necessary adjuncts to the navy were included, the whole amount of appropriations would be some ten or eleven millions.

Mr. FOOTE was somewhat surprised at the range the discussion had taken, which seemed a very liberal one, to say the least. The question before the Senate was not the one that had just been discussed by the Senator from New Hampshire, but it was simply whether we should repudiate the solemn compact entered into with Texas at the time of her annexation, or whether we should, in a spirit of fairness and magnanimity, carry out that compact. There were no legal rights of the American officers violated in this case; this idea the Senator from Georgia had distinctly discarded. If their rights, then, by this bill, were not interfered with in a legal sense, were they in a moral sense? If these officers were men wanting in intelligence and moral worth, that suggestions might be plead with truth. But, on the contrary, these officers, and Com. Moore in particular, were known and esteemed for their estimable private characters. Surely he thought the officers of our navy could not consider themselves aggrieved, or offer any reasonable ground of complaint if these Texian officers were dealt with as was proposed in the bill. Gentlemen had seemed to imply a want of love to country in these Texian officers leaving the American service. He was not sure but that such acts were to be regarded as evidencing a greatly increased love of country, a greater regard for free institutions, by going abroad for the purpose of aiding in the establishment of free institutions to a people kindred to us in name and ancestry. Mr. F. then warmly eulogized the conduct and character of Commodore Moore as a private citizen and a soldier in the cause of freedom. The extent of coast, by recent acquisitions, justly demanded, he thought, the increase proposed in the bill. Texas had opened the road to these acquisitions, and by every light in which the right could be viewed, he thought we were bound to do justice to the officers of her navy.

Mr. WESTCOTT said he should vote for the bill, but preferred that its praseology should be amended The amendments he suggested would obviate the objection of the Senator from Kentucky, [Mr. UNDERWOOD.] It would make the bill read so that the navy of the United States should not be increased by adding to it the specific officers of the Texan navy, by direction of Congress to the President, but merely allowing the increase of the United States navy sufficiently to enable the President to nominate those of the Texan officers he might deem worthy and well qualified. He would not attempt to fetter in any wise the constitutional power and discretion of the President with respect to nominations. Congress had no right to do so by law—not even by treaty, or joint resolutions, not then annexing Texas or in any other mode. The amendments he suggested were as follows, and were read:

He proposed to strike out the words "by adding thereto the," and insert "by an addition equal to the," and to add at end of line "and in such appointments the President may select persons not now officers of the navy of the United States."

Mr. BERRIEN inquired if the Senator from Florida meant to authorize the President to build new ships if those of Texas were unfit for service?

Mr. WESTCOTT replied that he would; and for reasons that he would give presently. He would return to the claim of those officers. He did not agree that they derived any rightful claim, arising from the terms of the joint resolutions concerning Texas, or founded on annexation. He did not agree with those Senators who had argued that we had adopted those officers into our navy by those resolutions. Their arguments had not convinced him. He would take occasion also to reiterate what he had said at former session, when a similar bill was before the Senate, that he did not conceive the officers of the United States navy had any right, or that it was in anywise becoming, for them to object or interfere as to any provision Congress might make for these Texan officers. They had no business to meddle; they had just such rights as, and no more, than the laws Congress passed conferred upon them; and Congress had the rightful power to alter, repeal, or amend these laws whenever it deemed it proper for the interests of the country, and to abolish the navy entirely, or half of it, or remodel it altogether, or reduce the rank and pay of the officers. Such course would afford no ground of just complaint by them whatever. They were not above the laws or legislation.—They should understand this. He placed the propriety of Congress making provision for the Texan officers entirely upon other and different principles than those urged here. We had admitted Texas into the confederacy. While in it she could not maintain or keep a navy; she was restricted from so doing by the

federal constitution. These officers were, therefore, thrown out of employment. They were gallant, meritorious men; some of them would adorn our navy, or any other navy. They were Americans, born and bred. He would act liberally, generously towards these officers, not because there was an actual obligation to give them commissions, but because it was a course that became the government of this great confederacy, to act generously and liberally towards Texas and her officers. We received the ships and their armaments, and then refused to license the officers. We ought not to be restrained by any niggard rules of false economy in this matter. We should act towards those who aided the cause of constitutional freedom in Texas as became the greatest, richest and most powerful republican confederation that had ever existed, and these rules, in his judgment, demanded provision for these officers. He did not believe the President needed any prompting, if the bill be general, to nominate the Texan officers. Public opinion and the debates here would indicate to him the object of the law, and he doubted not he would act properly.

As to the inquiry of the honorable Senator from Georgia, [Mr. BERRIEN] whether he (Mr. W.) would increase the navy without reference to these officers, he unequivocally answered, yes. He regretted to hear the remarks of the honorable Senator from New Hampshire, [Mr. HALE.] It was not a satisfactory mode of argument to compare it or its expenses now, with what it was, or what its expenses were, under Madison's or Monroe's, or any past administration. Within ten years we had added upwards of one thousand miles of sea-coast to our country on the Pacific; within four years we had annexed to the Union the Texan coast of four or five hundred miles. In 1821 we had obtained thirteen hundred miles of gulf and sea coast by the cession of Florida. Who would say these additions to our maratime frontier, of nearly three thousand miles, did not demand increased naval force to defend them? Again, could any sagacious man be blind to what was going on in Europe? She would be involved in a general war in less than six months. Did any one doubt it? Could we keep out of the contest? We might try, sir, but we could not.—The belligerants would force us into it, unless we tamely submitted to spoliations on our commerce, and insult and outrage. If we had such contest with England or France, the struggle would be on the ocean. In such case our present navy would not be sufficient for the Gulf of Mexico alone. It should be increased in such event three or four fold. We should not forget the old maxim, "in time of peace prepare for war." Further, in such contest, if it should be with England, our eastern and northern brethren might become a little less hostile to the great principle of progress and doctrine of annexation. As a set off to the acquisition of the British West Indies, the Senator from New Hampshire, and our northern and eastern brethren, might look with longing eyes to the Canadas, Nova Scotia, and New Brunswick, where what that Senator calls the "black field of slavery" does not spread over the land to shock his philanthropic sensibilities. Should we not want an increase of naval force to defend such possessions when acquired. Suppose we had Cuba ceded to us, should we then need no greater force? These were not dreamy visions. He did not think the army should be increased. The navy was the branch of the public service that we should look to now. We could raise an army in thirty days as powerful as any that ever fought. For the reasons he had suggested, he should vote for the bill, whether amended or not. He did not think an admiral as necessary, but he wanted to see more ships and officers and men ready for any crisis or contingency.

Mr. DAVIS, of Massachusetts, was not willing that the navy of the United States should rest under the imputation thrown upon it by the Senator from New Hampshire. He had listened on a former occasion to speeches made in a similar strain, in reference to the West Point academy, that it was a worm gnawing into the vitals of the government, and that on account of the expense it gave rise to, it should be put down. But he thought, after the service that the graduates of that academy had rendered in Mexico, that now there could not be found a man willing, in either House, to rise up and declare himself opposed to the institution because of its inutility. Our naval marine, in proportion to our commercial marine, was the smallest in the world. Our navy did not bear the proportion to our commerce that it did thirty years ago. It was necessary that we should have men in training in time of peace, at school as it were in the navy, for we all knew that it was by experience alone that a man was qualified to manage a ship.—Time and a thorough education was requisite to an understanding of ship navigation, and, therefore, he thought that the present number of officers, either on duty or off duty, was necessary, and that the arrangements made in reference to them was judicious. Where were our enemies to come from in case of war? From across the Atlantic. If we were to have a conflict with any foreign power, it would be with a European power, and of course our navy marine should be in a state adequate to repel aggression. In such a case we would need all their seamanship, which was only to be gained by years of preparation and practice. There was not a more gallant set of men, in his opinion, in the service of the United States than the officers of the United States navy; none more justly entitled to the respect of their fellow-countrymen. He would venture to predict, whenever the occasion demanded, that they would not fall behind any of their countrymen for gallantry and patriotism.

Mr. UNDERWOOD said that the respect which he felt for the opinions of the Senator from Texas, had induced him to examine the precedent he had cited of the act passed by the revolutionary Congress, in reference to the army in service during the revolutionary war. He apprehended that it did not approach at all the question at issue. That act merely adopted an existing establishment, and did not authorize the formation of a new commission. This was a bill in which the officers to be created were expressly designated.

Mr. RUSK was still of opinion that the case he had cited was directly in point. He entered into a further exposition of its analogy to the case before them; and defended the course of these officers now claiming promotion, who had left the American for the Texan service. He urged the passage of this bill for the relief of the Texan officer as an act of justice to Texas, and in fulfilment of what had always been understood by the government and people of Texas a solemn compact on the part of the United States. [Mr. RUSK then handed to the Senator a copy of the message of the governor, and the resolutions of the legislature, affirming and sustaining the act of incorporation of the navy officers of Texas into the American service, which was read.]

Mr. NILES did not take much interest in the bill, inasmuch as he did not like the title of it. He felt somewhat alarmed at the views thrown out in the course of the discussion, for although they had just got through with a treaty the other day, putting an end to a war that had been carried on for some time, yet here was a bill before them for the increase of the navy, looking to another war—a maritime war. The Senator from Massachusetts thought our present navy insufficient, although its expenditures had been increasing through the agency of a thousand sinister influences, within a few years, from four millions up to eleven millions. We had had a set speech from the Senator from Massachusetts, who had hitherto been advocating peace for years, and with whom he, [Mr. NILES,] had been fully cooperating in that advocacy. Now, if there was to be a war—a maritime war—and he did not know but that there was some intention of it—it must be an aggressive war. Surely, there was no nation who could make war upon us. The gentleman from Massachusetts was looking to a different state of things from that of peace; but he, [Mr. NILES,] would inquire if we could not, for a brief season at least, have a little repose upon this subject of war. The public mind needed repose; but if gentlemen were to stand up and advocate an increase of the navy, because of a supposed maritime war, the people of the whole country would become alarmed; they would think there was something in it.

Mr. DAVIS, of Massachusetts, disclaimed any intention of increasing the navy for the purpose of having a maritime war, or alarming the country. His purpose was simply to keep out of war by making suitable preparations, so that other nations would be more inclined to respect our rights, seeing we were fully prepared to maintain them.

No amendment being made, the bill was reported to the Senate.

On the question, "Shall this bill be engrossed and read a third time?" Mr. HALE demanded the yeas and nays, which were ordered, and it was determined in the negative, as follows:

YEAS.—Messrs. Atchison, Borland, Butler, Calhoun, Cameron, Dickinson, Downs, Foote, Hannegan, Houston, Johnson, of Ga., Lewis, Rusk, Sebastian, Sturgeon, Westcott, and Yulee—17.

NAYS.—Messrs. Atherton, Badger, Baldwin, Bell, Berrien, Corwin, Davis, of Massachusetts, Dayton, Da. Felch, Fitzgerald, Greene, Hale, Hamlin, Johnson, of Md., Johnson, of La., Mason, Metcalfe, Miller, Niles, Pearce, Phelps, Spruance, Turney, Underwood, and Upham—22.

So,

The bill was rejected.

On motion,

The Senate adjourned.

WEDNESDAY, JULY 12, 1848.

INDIAN APPROPRIATION BILL.

Mr. ATHERTON, from the Committee on Finance, to whom were referred the amendments of the Senate, amended and disagreed to by the House of Representatives, to the bill making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1849, reported thereon.

The Senate proceeded to consider their said amendments; and

On motion by Mr. ATHERTON, it was

Resolved, That they insist on their 14th amendment, disagreed to by the House of Representatives; disagree to the amendment of the House to the 16th amendment, and ask a conference on the disagreeing votes of the two Houses.

On motion, it was

Ordered, That the Committee of Conference be appointed by the Vice President; and

Mr. ATHERTON, Mr. BADGER, and Mr. ATCHISON, were appointed.

Ordered, That the Secretary notify the House of Representatives accordingly.

FREMONT'S GEOGRAPHICAL MEMOIR.

On motion by Mr. WESTCOTT, it was

Ordered, That the Secretary direct the public printers to cover the extra copies furnished the Senate of document number 148, (Geographical Memoir upon Upper California, &c., by J. C. Fremont, Esq.,) with strong colored paper.

MOFFAT'S INDEX.

Mr. HANNEGAN submitted the following resolution; which was considered by unanimous consent and agreed to.

Resolved, That the Committee on the Library be instructed to inquire into the expediency of procuring for the use of the Senate, Moffat's Index to the National Intelligencer, from the year 1810 to the year 1820, inclusive.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

To the Senate of the United States:

In compliance with a resolution of the Senate of the 21st June, 1848, I herewith communicate to the Senate a report of the Secretary of War, with the accompanying documents, containing the proceedings of the Court of Inquiry which convened at Saltillo, Mexico, June 12th, 1848, and which was instituted for the purpose of obtaining full information in regard to an alleged mutiny in the camp of Buena Vista, Mexico, on or about the 15th of August, 1847.

JAMES K. POLK.

Washington, June 12, 1848.

The message having been read; it was

Ordered, That it be printed.

COLLECTION DISTRICT IN NEW YORK.

Mr. DIX, from the Committee on Commerce, to whom was referred the bill to establish a collection district in the State of New York, reported it with an amendment.

PRIVATE BILL.

Mr. SEBASTIAN, from the Committee on Private Land Claims, to whom was referred a petition of Joseph P. Williams, reported a bill for his relief; which was read and passed to the second reading.

Mr. BALDWIN, from the Committee of Claims, to whom was referred the bill for the relief of Elisha F. Richards, reported it with an amendment, and submitted a report on the subject, which was ordered to be printed.

Mr. FELCH, from the Committee on Pensions, to whom was referred the memorial of the heirs of Judith Worthen, deceased, submitted a report, accompanied by a bill, for their relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

VIRGINIA MILITARY CLAIMS.

Mr. UNDERWOOD, from the Committee on Public Lands, to whom was referred the bill to provide for the unpaid claims of the officers and soldiers of the Virginia State and Continental lines of the revolutionary army, reported it with an amendment, and submitted a report, which was ordered to be printed.

UNITED STATES STATUTES AT LARGE.

Mr. CLAYTON, by unanimous consent, asked and obtained leave to bring in a joint resolution concerning the distribution of the statutes at large, which was read the first and second times, by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said resolution was read a third time.

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

LIQUIDATED CLAIMS AGAINST MEXICO.

The bill for the payment of liquidated claims against Mexico was read the second time, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

THE FLORIDA TREATY.

The Senate proceeded to consider, as in Committee of the Whole, the bill further to carry into effect the provisions and stipulations of the 9th article of the Florida treaty, with respect to certain losses of Spanish subjects in West Florida; and, having been amended, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bills were read a third time.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

Mr. President: The President of the United States has approved and signed, the 10th instant, an act to extend the provisions of existing pension laws to enlisted men of the ordnance corps of the United States army.

THE TEXAS NAVY.

Mr. TURNEY moved that the vote of yesterday, in ordering the bill "to authorize the President to increase the naval establishment of the United States," to be engrossed and read a third time, be reconsidered; and,

On motion by Mr. RUSK, it was

Ordered, That the motion lie on the table.

THE OREGON BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish the territorial government of Oregon.

Mr. DAVIS, of Mississippi.—Shall jealousy, discord, and dissension, shall political strife, for sectional supremacy, be permitted to undermine the foundation of our republican fabric? Shall an interference with the domestic affairs of the people in one portion of our Union, wounding to their pride and sensibility, and unwarranted by the compact of confederation, be pressed, to the destruction of that fraternal feeling and mutual confidence, on which alone can our institutions securely repose? Shall a discrimination against one section of the confederacy, the palpable object of which is totally to destroy political equality, be sanctioned by the common agent of the States, and receive here an impulse to hasten its progress, to the inevitable goal of such a principle—the disunion of the States?

These, and such as these, are the grave, the melancholy questions which arise from the consideration of this bill and the character of the discussion we have heard upon it. Happy, thrice happy, will it be if the answers to these questions shall be given by a lofty patriotism and enlightened statesmanship, which, disregarding the passions of the hour, look to the general welfare and the permanent good. But, if personal considerations govern our actions, if each Senator reflects the prejudice and extreme opinion which may exist in the section he represents, then it may be our lot to witness the fulfillment of the foreboding fear of Mr. Jeffer-

son, when such agitation as that which surrounds us caused him to express the apprehension, that the sacrifices of the generation of 1776 had been made in vain.

Deeply impressed with the gravity and importance of the subject, I shall offer my opinions dispassionately and candidly, briefly and decidedly, as the occasion requires and my deep-rooted love of the Union demands.

I consider the 12th section of this bill, to establish a territorial government in Oregon, to be practically the abolition of slavery in said territory by the government of the United States; and seeing no adequate disposition to strike that section out of the bill, I introduced the amendment now under consideration. To this I was prompted by a sense of duty to myself, of duty to those whom I have the honor to represent, of obligation to the principles avowed as the basis of my political creed, and which are the cardinal points by which my political course must be directed. This amendment has received an interpretation which its language in no degree justifies. To this misconstruction I will first call attention, as upon it rests a position, assumed in several quarters, which it is important to combat. Senators have treated this amendment as a proposition to force slavery into the territory of Oregon. Sir, I had no such purpose, no such desire; and, surely, the most ingenious must fail to extract any such intent from its letter. It is but a distinct avowal of the ground uniformly maintained by all statesmen of the strict construction school, and adhered to by southern men generally throughout the entire period of our confederate existence. Its direct aim is to restrain the federal government from the exercise of a power not delegated, its ultimate effect to protect those rights which have been guaranteed by the federal constitution. The amendment is in the words:

"That nothing contained in the act shall be so construed as to authorize the prohibition of domestic slavery in said territory whilst it remains in the condition of a territory of the United States."

There is nothing directory, or enactive, or proposed for enactment. It is restrictive, and directed against a prohibition which is covertly contained in the bill. Though it is, not expressly declared that slavery shall be prohibited in Oregon, this would be virtually enacted by the 12th section of the bill which gives validity and operation to the laws enacted by the "provisional government established by the people" who inhabit that territory. It is known that one of the laws passed by the people of Oregon prohibits slavery. To give validity to those laws is therefore equivalent to the passage of a law by Congress to prohibit slavery in that territory. Does Congress possess such power?

If the right to migrate with their property to territory belonging to the United States attaches equally to all their citizens; and if, as I have been credibly informed, citizens have migrated with their slaves into Oregon, to pass the bill before us without amendment would be abolition of slavery by the federal government. Entertaining this opinion I submitted an amendment to meet the case distinctly and singly. Now, for the first time in our history, has Congress, without the color of compact or compromise, claimed to discriminate in the settlement of territories against the citizens of one portion of the Union and in favor of another. This, taken in connection with all which is passing around us, must excite the attention of Senators to the fact, and forces on my mind the conclusion that herein is sought to be established a precedent for future use. Here upon the threshhold we must resist, or forever abandon, the claim to equality of right, and consent to be a marked caste, doomed, in the progress of national growth, to be dwarfed into helplessness and political dependence. As equals the States came into the Union, and, by the articles of confederation, equal rights, privileges, and immunities were secured to the citizens of each; yet, for asserting in this case that the federal government shall not authorize the destruction of such equality, we have been accused of wishing to claim for the citizens of the southern States unusual rights under the constitution. This accusation comes badly from those who insist on provisions for exclusion, and cannot find its application to a demand that nothing shall be done to affect the constitutional relations of citizens or the constitutional rights of property. We do not ask of the federal government to grant new privileges, but to forbear from interfering with existing rights; rights which existed anterior to the formation of the constitution, which were recognized in that instrument, and which it is made the duty of the federal government, as the agent of our Union, to protect and defend.

Such obligations as belong to other species of property, nor more nor less, we claim as due to our property in slaves. Nor can this claim be denied without denying the property-right to which it attaches. This, it has been contended, is the creation of local law, and does not extend beyond the limits for which such laws were made, and, with an air of concession, we are told that it is not proposed to interfere with slavery as it exists in the States, because the constitution secures it there. Before the formation of our confederacy slavery existed in the colonies, now the States of the Union; and but for the Union of the States, would have no legal recognition beyond the limits of the territory of each. But when the fathers of the republic had achieved its independence, they sought to draw closer the bonds of union, and to remove all cause for discord and contention. For this holy purpose, they met in council, and formed the constitution under which we live. This compact of union changed the relation of the States to each other in many important particulars, and gave to property and intercourse a national character. Property in persons held to service was recognized; in various and distinct forms it became property under the constitution of the United States, was made co-extensive with the supremacy of the federal laws, its existence subject only to the legislation of sovereign States possessing powers not drawn from, but above, the constitution. Thus provision was made for the recovery of fugitive slaves, and the question of right to such property as absolutely precluded, as the guilt or innocence of one charged with "treason, felony, or other crime." In both cases it is made the duty of the State authorities to deliver up the fugitive on demand of the State from which the felon fled in the one case, and of the person to whom the service is due in the other.

By the 2d section of the fourth article of the constitution, it is provided that—

"A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

Thus was the property recognized, and the duty to surrender it to the claimant made as imperative as in the case of fugitives from State authority and law.

This property was further recognized by including it in provisions which are only to be drawn from the power to regulate commerce. By the ninth section of the 1st article of the constitution, it is provided that—

"The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person."

Could there be a more distinct recognition of the property right in slaves? Here is not only a permission to import, but a duty to be laid upon them as a subject of commerce. The fact that an exception was made against the entire control of such importation by Congress, is conclusive that but for such exceptions, it would have been embraced in the general grant of power to the federal government to regulate commerce. If the framers of the constitution had intended to recognize no other than the right to recapture fugitives—if they had denied the existence of property in persons, they surely would not have used the word importation, as found in the clause of the constitution just cited. In further support of this opinion, I would refer to the fact that the exception was so strictly construed, that laws prohibiting such importation in territories not included in the exception were enacted. I was, therefore, surprised that the Senator from New York should have cited as a proof of the power of the federal government to legislate on the subject of slavery in the territories, the law to prohibit the importation of Africans into the Mississippi territory before the year 1808. That territory was not included in the exception which restrained the federal government from prohibiting the importation of slaves before 1808; therefore it was exercised under the general power over the subject as an article of commerce. Upon this power over commerce, and upon the property nature of the persons so considered, must rest all our laws for the abolition of the foreign slave trade. To deny this general basis, would draw after it the sequence that all our laws upon that subject were enacted without any grant of authority, and were therefore unconstitutional. Nor is it thus alone that this property in persons has been recognized. During the revolution, and by the men who framed our declaration of independence, throughout all the States of the confederacy, the propriety of refusing liberty to a certain caste of persons was admitted, and in the earliest legislation under the constitution, those to whom the services of such persons were due were denominated their "owners."

In the treaty of peace which closed the war of our revolution, the phrase "negroes, or other property," shows the position assumed upon our side, as well as the admission made by Great Britain that the persons so referred to were recognized in their character as property. Again, in 1815, after the adoption of the constitution, the same construction was explicitly admitted in the treaty of Ghent, in the first article of which we find the expression, "any slaves, or other private property." With what propriety—with what fairness can it now be assumed that that which we have called property, and negotiated upon as such in our diplomatic relations and international acts from the birth of the republic down to 1815, has no existence among the States of the Union—no claim to recognition or protection beyond the limits of the States where it is ordained and sustained by local law. The constitution recognized slavery—by it the federal government was constituted the agent of the States—entrusted with the power of regulating commerce with the States, and with the conduct of all foreign relations. In the discharge of its appropriate functions, the federal government, as shown above, has maintained this property right against a foreign power, and it is equally bound to defend it, within the limits of federal jurisdiction, against any encroachment upon its security and use, as guarantied by the constitution.

To those who argue against this extension of the property in slaves beyond the limits of the States which they inhabit, as an unequal obligation or unusual right, I will render the admission, that but for the constitution, the right to property in slaves could not have extended beyond the States which possessed them. But gentlemen should recollect that all the territory northwest of the river Ohio, from which five non-slaveholding States have been carved, was originally the property of Virginia, and but for the compact of our Union, the institutions of that State would have been ex-

tended over it. This territory, thus interposed between the northern Atlantic States and the vast region which has been acquired west of the Mississippi, must have prevented those States from all such acquisition. How, under this contingency, would have been the relative size of the slave and non-slaveholding territory? The answer to this inquiry should silence complaint of advantages accruing to the South from the guarantees of the constitution.

To avoid the possibility of misconstruction, I repeat that we do not seek to establish slavery upon a new basis; we claim no such power for the federal government. We equally deny the right to establish as to abolish slavery. We only ask that those rights of property which existed before the constitution, and which were guarantied by it, shall be protected. If it can be shown that the southern States would, as independent sovereignties, have possessed no right of extension, or that the right of territorial acquisition was transferred to the federal government, subject to the condition that it should be used for the benefit of the northern States exclusively, then we will have what has not yet been presented, a foundation for the assumption that from all territory thus acquired, slavery or involuntary servitude should be forever excluded. Sectional rivalry, stimulated by the desire for political aggrandizement, party zeal, local jealousy, and fanaticism, maddened by recent success, have each brought their contribution to the mass of assertion, which has been heaped upon the South, to deny to her an equal participation with the North in the enjoyment of the territory belonging in common to the States. But assertion is not proof, abuse is not demonstration; and that claim sustained by justice, and supported by the staff of truth, stands yet unbent beneath the mountain of error which has been accumulated upon it.

The various modes which have been proposed to exclude slaveholders from entering territory of the United States with their property, may be referred to three sources of power: the federal government, the territorial inhabitants, and the law of the land anterior to its acquisition by the United States.

The federal government can have no other powers than those derived from the constitution. It is the agent of the States, has no other authority than that which has been delegated, cannot by the character of its creation and the nature of its being have any inherent, independent power. To the constitution as the letter of authority for this federal agent, we must look for every grant of power. All which is not given is withheld, all which is prohibited is doubly barred. It is not to be supposed that the sovereign States when forming a compact of Union would confer upon the agent of such compact a power to control the destiny of the States, nor is it in keeping with the avowed objects, "to insure domestic tranquility, provide for the common defence, and promote the general welfare," that it should be used to disturb the balance of power among the States. Were one portion of the Union to increase whilst the other remained stationary, the result would be reached in the course of years which led to the war of our revolution, and the separation of the colonies from the mother country. What would it profit a minority to have representatives in Congress, if opposed to a majority of mastering strength, and of will, as well as power to sweep away all the protecting barriers of the constitution. It was not for representation in Parliament, that the fathers of our republic dissolved the political bands which connected them with the parent government; but to maintain the freedom and equality which could not be secured by a hopeless minority in common legislation; to defend their inalienable rights from aggression by those who were irresponsible to them, that they pledged their lives, their fortunes, and their sacred honor. The such men it was of paramount importance in forming a general government to guard against interference with domestic institutions, and to preserve such equality among the different sections and interests, as would secure each from aggression by the others. This purpose is deeply graven on the constitution, pervades it as a general spirit, and appears both in its grants and prohibitions. Thence arose the different basis of representation in the two Houses of Congress, those the Executive veto, the limitations on the power to regulate commerce among the States, the prohibition against interference with private property, against discrimination in favor of one port over another, the partial representation of persons held to service, and the many other provisions which will occur to Senators, illustrative of the design to preserve such equality, as is necessary to prosperity, to harmony, to union among sovereigns.

The right of the federal government to legislate for the territories has been claimed from two sources of power, the grant to Congress "to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States," and as a power necessarily incident to the right to acquire territory. The power drawn from the first mentioned source is plainly a power over the territory as public land the expression "territory or other property" shows the idea too distinctly to require elucidation. The territory belonging to the United States at the formation of the constitution was such as had been ceded by particular States as a common fund of the Union The federal government as agent of the States was charged with the disposal of the public domain, under the needful rules and regulations which Congress were authorized to make. The source from which this addition to the common stock was derived, the object for which it was given, the conditions of the cession, all unite with the general provisions of the constitution to forbid the idea of a transfer of absolute powers of legislation, or the existence of a power in the federal government to make laws for the territory which would affect the political rights or interests of the States. The laws of Congress in relation to territory belonging to the United States must be "needful" to execute the trust conveyed by the States; and none of the grants of the constitution are to be so construed as to prejudice the rights of the United States or of any particular State." To promote the sale of the public land where no settled government exists, it may be claimed as an incident to the power to dispose of such property, that Congress should provide for courts and such government generally, as will give security to settlers, and certainty to titles in the region to which we invite emigration.

Thus far the powers of a trustee may properly extend; thus far the agent may go in good faith to those for whom he acts; the sovereignty still remaining, where alone it can reside, in the States to whom the territory belongs. It will probably not be contended that to exclude a portion of our citizens, or to prohibit a certain kind of property, is a "needful regulation" for the disposal of public lands; certainly such a position could not be maintained, and those who contended for the power of Congress to prohibit slavery in the territories, have usually relied upon the second source of power, the right of acquisition.

Before considering how much may be derived from that right, it might have been well to examine into its existence, and inquire to whom its benefits attach. The power to admit new States into the Union was conferred by the constitution; but not to acquire territory as such. The former was a power properly conferred upon a confederation which looked to the addition of new members; the latter belongs to sovereignty, and can be possessed by nothing less. The right to acquire belonged to the States as an inherent right of independent existence, one which attaches to all bodies animate and inanimate. Stones gather accretions, vegetable forms grow by increment, animals assimilate food and incorporate it with their bodies; by like operation of this general law, the States as independent sovereignties had a right to acquire. But the means of acquisition, the war and the treaty making powers, were entrusted to the federal government. The right to acquire was not delegated, save as the means were to be used by the federal government, and therefore the acquisition must enure to the benefit of the States in whose right alone it could be made. The power to govern as an absolute, ultimate authority remains in the States, and their agent can only exercise so much of that power as has been granted. Our legislation for the territory must, if this view be correct, be drawn from the specific grants, and be subject to all the limitations and prohibitions imposed on them by the constitution. The rule that the right to acquire carries with it the right to govern, receives a modification in its application to the federal government, in this, that it acquires as agent for the States, by the blood or common treasure of the States, or as in past cases by a cession for the common benefit of the States, and can therefore only govern as authorized by the sovereign owners of the territory. The question then is reduced to this: has the federal government, under the grants of the constitution, power to prohibit "slavery" in the territories of the United States? The right to property in slaves being recognized by the constitution, this question is convertible into another: has the general government the right to exclude particular species of property from the territory of the United States, and thus confine the enjoyment of its advantages to a portion of their citizens? A proposition so repugnant to justice, so violative of the equal rights which every citizen of the United States has in the common property, so destructive of the equality in privileges and immunities secured by the constitution, would seem to be answered by its statement. Yet palpable as the wrong may appear, it has been perpetrated in legislative resolutions by 11 States of the Union, bound by the federal compact to recognize the co-equality of the States; and repeatedly asserted by Senators in this chamber, pledged to maintain the constitution. This federal government designed to render more perfect the Union of the States, and to promote their common defence, is thus to become the most formidable enemy of some, the great seedsman of discord among all.

The union of the States into one confederacy, gave no power to destroy local rights of property, or to change the condition of persons; but much, to protect and preserve the existing rights of property, and relative condition of persons, by extending the limits of their recognition, and enlarging the provisions for their security. Thus the federal government cannot take "private property" except for "public use," and by making "just compensation" therefor; the obligation of contracts cannot be impaired; duties cannot be imposed on articles of commerce passing from the limits of one State to another; nor apprentices, indented servants, or slaves, by escaping into another State be discharged from their obligations under the laws of that from which they fled. In these, and similar instances, the federal government can do, and has done, much which is beyond the power of a State, to protect and enlarge the value of property. To determine what shall be property, what the condition of persons, are functions of sovereignty beyond its delegated authority; which can only be exercised by a sovereign State within its limits, and beyond that, by the majority of States required to amend the constitution. I deny, then, that the federal government may say to any class of citizens, you shall not emigrate to territory which belongs in common to the people of the United States; equally deny, that it can say what property shall be taken into such territory, or legislate so as to impair, after his arrival in the territory, any of the pre existing rights of the emigrant to the property he may carry with him. Many of the reasons and principles presented to establish the absence of power in the federal government to exclude slavery from territory be-

longing to the United States, bear with like force against the second class of opinion—that the power rests in the territorial inhabitants. In the unwearied search of those who, from the foundation of our government, have sought in every quarter for the fountains of power by which the sovereignty of the States might be submerged, this, until recently, remained undiscovered. When territorial governments were first established in the territories now the States of the northwest, a very different doctrine obtained, and quite opposite was the practice under it. There, though the foreign inhabitants were mainly those who had taken part with us in the wars against Great Britain, they were not considered so capable of self-government as to be entrusted with the powers of local legislation, and the restricted governments established in Indiana and Michigan, were required to adopt the laws of some State of the Union for their rule and government. Thus, in relation to French settlers at Vincennes, and the Canadian refugees in Michigan, it was decided. Now, sir, for whom is it proposed to reverse the decision, not only so far as to recognize local legislation, but to admit the power to pass fundamental laws controlling the action of Congress, and determining the future policy and institutions of Oregon?

For a small settlement composed, to a large extent, of the late dependents of the Hudson's Bay Company, subjects of the British crown, the very men who were arrayed against us to dispute our right to the soil, the same who, by force and violence, wrested from our citizens their property and possessions on the Columbia river; the same who, in violation of the faith of our treaty with Great Britain for the joint occupancy of Oregon, made regulations, the effect of which was to destroy the valuable furs in that portion of the country which they expected to become exclusively the property of the United States, whilst they were preserved in that which was expected to pass at a subsequent day to the sovereignty of Great Britain. So much for those who fortuned a large, if not controlling part of the population of Oregon when this policy of excluding slavery was adopted there. Shall they be permitted to sit in judgment on the constitutional rights of American citizens? Shall they decide the future institutions of our territory? Looking further to the south, in the valley of the Wallamette, we find it as true, settlements of American citizens, on whose patriotism and love for the States from which they are distant wander, we can safely rely. They are American citizens, a name which all who were born beneath the flag of our Union must cherish with such affection and pride that their bond of allegiance needs no endorser. Giving them full confidence, so far as their conduct might be involved in any contest for the interest or honor of our common country, there arises, from the question before us, an inquiry of a very different nature. I have said that the power to prohibit the introduction into Oregon of slavery, as recognized under the constitution, is such control over property and persons as can only be exercised by sovereignty. If this be correct the proposition to leave the whole subject to the territorial inhabitants is equivalent to acknowledging them to be sovereign over the territory. If they are so, by their own right, then it is not "territory belonging to the United States." If it be the territory of the United States Congress has no right to surrender the sovereignty of the States over it. No right to entrust to other hands the formation of the institutions which are in future to characterize it. In connexion, however, with this proposition, I have spoken of one portion of the territorial inhabitants, as men having no claim upon our confidence, and suggested that there were other inquiries than those connected with their patriotism which required consideration in relation to the other portion of the settlers in Oregon. Are they statesmen? Have they such political experience and wisdom that the settled practice of the country should be changed in order that they may fix the fundamental principles on which their future institutions shall rest: that they may lay the corner stone of that republican edifice, which is in after time to overlook the Pacific? Or are they, as we have heretofore believed them, missionaries of religion, whose studies have been devoted to subjects, which however high and holy, have not been those which would qualify them for the labor of forming temporal governments. And beyond this; traders, trappers, adventurers in the forest and in the mountain, whose pursuits and character have least led them to contemplate, or to value the forms and blessings of civil government. Such is the character of the inhabitants in Oregon. and if there be little to justify the surrender of the highest powers of legislation to them, there is still less to warrant the character of the inhabitants of those territories we have recently acquired, and which must soon be the subject of governmental organization. There we find a people educated to opinions and habits hostile to our own, mongrels of the Spanish and Indian races, inheriting from both the characteristics, pertinacity, treachery and revenge; and fresh from conflicts, the history and consequences of which are well calculated to excite the bitterest animosity towards our citizens and our government. A people whose religious prejudices are so strong that they have recently sought to transfer a large part of their country to a foreign colony, for the purpose of excluding the immigration of American citizens, to whom they gave the name of "Methodist wolves." Morally, socially and intellectually degraded to such degree, that with the forms of free government, they have never enjoyed any of its essential rights. With the writ of habeas corpus as the established law of the land, citizens were nevertheless transported by order of the central government across several States of the republic, and incarcerated without question or power to obtain legal redress. Are these the men who shall prescribe the fundamental law of the land? Shall they determine the rights, privileges and immunities of the American citizens who may migrate into that country? Shall they decide with what property one of your citizens, to whom you have granted land for services in the war with Mexico, shall be permitted to take possession of his grant? If so, the territory we have acquired belongs not to the United States, but to the people so recently conquered, now become sovereign over the rights of our citizens, our laws, and our constitution. This opinion in favor of the sovereignty of territorial inhabitants, of such recent origin and rapid growth, seems to have found an equally rapid decline; and has not, I think, sufficient importance now, to justify me in detaining the senate by further remarks upon it. To the citizen who presses beyond the limits of civilization, to open up to cultivation and settlement the forest domain of the United States, I have always been willing to extend protection, and such peculiar advantages over other joint owners of the common stock, as are due to the services he has thus rendered to the common interest. But the civil rights, the political principles of our government are not to be transferred to those who shall be first in the race to reach newly acquired possessions, or who shall by accident be found upon them. To point this opinion by a single application, I will refer to a large body of American citizens, who under the control of religious enthusiasm, have gone beyond the limits of State jurisdiction to found a sectarian colony in the unexplored wilderness of the Tlamath lake. My remark will, of course, be understood to apply to the Mormons, and I introduce the case to ask if any one is prepared to welcome the consequences to civil and religious liberty, which would flow from the exercise of sovereignty by them over the country of which they may take possession.

I now pass to the third source of power from which it is claimed the right may be derived to exclude slavery from a territory of the United States.

The inviolability of the law as it exists at the period of acquisition.

Did I seek protection under a principle which I believe to be wrong, I would concede this point to those who make it, because I hold it to be conclusive against them in the case of Oregon. That territory whether derived from France as a part of Louisiana by the treaty of 1803, or from Spain as a part of the vice-royalty of Mexico, in 1819, would by the application of this rule be a slave territory, that institution having existed under the laws of both France and Spain in the provinces and at the dates referred to. If then the law existing at the date of acquisition be inviolable, the case is closed. Those who have set this mine have sprung it to their own destruction. But, believing this to be wrong in fact, I claim no advantage from it. The progress of humanity softening the rigors of slavery, has constantly modified and restricted the rights of the conqueror; it has gone so far as to leave the municipal regulations, the private rights of property, and existing relations of persons undisturbed. The laws are permitted to remain so far as they do not conflict with the rights of the conqueror, not so much to satisfy a supposed claim of the conquered as to prevent anarchy, to promote order and to preserve the necessary relations in society, until the new sovereign shall give other laws to the country. The object for which such continuance of existing laws is permitted, clearly marks the limitation of their effect to the existing condition of those who inhabit the territory. To extend it beyond this so as to affect the political or personal rights of those by whom the territory has been acquired, either by conquest or purchase, would be to render the acquisition nugatory, and present the absurdity of ownership without jurisdiction, of a conqueror made subject by his conquest. The laws of Spain or of Mexico, if they should remain paramount in the territory acquired from either, would exclude a large portion of our citizens, and many kinds of property which are articles of free commerce among the States. The mass of our citizens would never submit to restraint on their religious worship. The monopolies of Mexico, and the free-trade throughout the United States guaranteed by the constitution, could not exist together. The power to exclude one species of property can be no better founded than that to exclude any other; the constitution protects all which it recognizes or none. Those who contend that the laws of Mexico will prevent the introduction of slaves, as held among us, into California or New Mexico, have not shown why the same laws by their course of reasoning will not exclude the introduction of tobacco. Believing that the principles and guarantees of the constitution extend over all territory belonging to the United States, and that all laws violative of either are abrogated by the act of acquisition, it imports to me nothing by what authority such laws were passed. To those who hold that municipal laws endure until specific legislation repeals them, I commend inquiry as to the character of the laws prohibiting slavery in Mexico. They are not municipal, but general laws—were not passed by the State legislatures, but by the federal Congress, and I have been informed in opposition to the wishes of the northern and eastern States of that republic. The central government against which we have waged war, from which as indemnity for long continued flagrant wrongs we have taken territory, will surely not be permitted to leave its legislation over the country we have acquired, as a form on which its institutions are to be moulded. Shall the citizen, who rejoicing in the extended domain of his country, migrates to its newly acquired territory, find himself shorn of the property he held under the constitution, by the laws of Mexico? Shall the soldier who locates his grant in California find himself under the authority he had contributed to conquer? Shall the widow and the orphan of him who died in his

country's quarrel, be excluded from the acquisition obtained in part by his blood, unless they will submit to the laws of the power he bled and died to subdue? Never, never! Reason and justice, constitutional right and national pride, combine to forbid the supposition.

I have thus presented my view of the three sources from which it is claimed to draw the power to prohibit slavery in territory of the United States. From the considerations presented, my conclusion is that it cannot properly be done in either of the modes proposed. That not being among the delegated powers of the federal government, or necessary to the exercise of any of its grants, Congress cannot pass a law for that purpose. That the territorial government is subordinate to the federal government from which it derives its authority and support, and that neither separately or united can they invade the undelegated sovereignty of the States over their territory. That the laws of a former proprietor so far as they conflict with the principles of the constitution, are abrogated by the fact of acquisition. That territory of the United States is the property of all the people of the United States; that sovereignty of the territory remains with them until it is admitted as an independent State into the Union; and that each citizen of the United States has an equal right to migrate into such territory, carrying with him any species of property recognized by the constitution, until sovereignty attaches to the territory by its becoming a State, or until the sovereign States by common consent, shall regulate specifically the character of property which shall be admitted into any particular territory. Against such conclusions, those who take an opposite view of this question, have cited precedents to sustain their positions. In the long course of years, and under the widely differing circumstances of the various cases which have arisen, the practice of our government has not been so uniform as in my judgment to furnish any settled rule of construction. Nor can I prepared to admit either on this or other occasions the binding force of precedent over the legislation of Congress. I yield to it such authority as is due to the wisdom and purity of those by whom it was established; more than this it cannot claim. In referring to the early legislation of Congress in relation to territories, I have not been able to perceive the general application of more than one principle, which is that a territory politically considered is treated as an embryo State, therefore the guards thrown around it have been mainly those which would prepare it for a republican form of government. This being the only restriction which Congress is authorized to impose on the constitution of a new State at the period of its admission into the Union. In the organization of territorial governments in the earlier days of our republic, we find no attempts by Congress to legislate for them. Where powers of legislation are not conferred upon the territorial inhabitants, their laws were to be adopted from the statutes of some State in the Union; and to show that no claim was set up by the federal government to regulate property or change the condition of persons, I would refer to the States formed out of the northwest territory, over which the often cited ordinance of 1787 was extended. There we find, notwithstanding the provisions of that ordinance, that slavery continued to exist, as to some extent it still exists, in the State of Illinois. In the act of 1793, passed to carry out the ordinance of 1787, the following language occurs: "where a person held to labor in any of the United States, or in either of the territories on the northwest or south of the Ohio, under the law thereof," &c., which is a distinct recognition by Congress of the existence of slavery in the territory covered by the ordinance of 1787; and is conclusive against the pretension here set up, that by the ordinance of 1787, the power to prohibit slavery in the territories was claimed, exercised, and admitted. The whole extent and force of precedents upon this subject, has been so fully and ably investigated by others who have spoken on the same side of the subject with myself, that I will not pursue this branch of the investigation further. I therefore dismiss it with the remark that whatever of validity they possess is to be drawn from the idea that each was a compact ratified by the acquiescence of the States, and can have no other application than to the particular case for which each was formed. There is a marked difference between territory acquired by joint efforts or common treasure of the States, and that which was derived by the cession of a particular State. In the former case the sovereignty attaches to the States of the Union by the fact of acquisition, and no other functions could be vested in the Congress than those derived from the constitution. In the latter, sovereignty and jurisdiction could be transferred in any form which it might please the giver and the receiver to adopt it. If, then, Virgima or Georgia has conferred upon the federal government higher powers than would necessarily belong to its character of trustee for the public domain, it could not thence be inferred that equal powers would be possessed over territory acquired in common by the States. Nor the legislation in one case would form a precedent for the other, because of the different sources of authority. In this connexion, I will notice a position taken by the Senator from Massachusetts in relation to the cession made by Virginia of the territory northwest of the Ohio river. He assumes that it was made to preserve the existing ratio between the slave and non-slaveholding States. If, sir, I have read the history of that transaction aright, it was founded on far more noble considerations, upon motives alike honorable and patriotic in the State which ceded, and in those which demanded the cession; it was to preserve that just relation between the confederates, of which was deemed essential to preserve the equality of the States, the prosperity, the perpetuity, and the harmony of the Union.

The States of Maryland and Delaware objected to the articles of confederation because of the immense territory held by Virginia, maintaining that it gave her a controlling power which might be destructive of the prosperity of the smaller States, as it would be subversive of the equality essential to the confederacy of sovereigns. In the act of New Jersey for ratifying the articles of confederation, this objection was noticed, and their delegates instructed to sign the articles, "in the firm reliance that the candor and justice of the several States will, in due time, remove as far as possible the inequality which now subsists." The legislature of Delaware passed resolutions, one of which contained the following:

"That this State thinks it necessary for the peace and safety of the States, to be included in the Union, that a moderate extent of limits should be assigned for such of those States as claim to the Mississippi, or South Sea," &c.

In 1779 the delegates from Maryland laid before Congress the instructions of their general assembly. That paper was an able argument against the propriety and justice of the extensive claims of some of the States to the western territory—strongly exhibited the political and financial evil which would probably result from the admission of them, and after asserting the right of all the thirteen States to the unpeopled territory as a common property, declared,

"We have coolly and dispassionately considered the subject; we have weighed probable inconveniences and hardships, against the sacrifice of just and essential rights; and do instruct you not to agree to the confederation, unless an article or articles be added thereto conformably with the declaration before mentioned."

It does not appear that any question of domestic institutions influenced the action of the States upon this subject; indeed, an opposite conclusion is forced upon us by the character of the parties by whom the cession of this territory was insisted on. Slave States cannot be supposed to have insisted on a cession of territory, that the power of the non-slave States should be increased. Who, then, looked to the ignoble war of sections, which it has been our shame and misfortune to witness? Who, then, would have consented to any measure which looked to the reproduction of that inequality, the revival of that interference with the domestic affairs of the States, which had caused the revolution?

The reason most strongly urged was the injury likely to result to some from the disproportionate power of others, the object most sought was the security which would result from equality. In keeping with these, the Congress of the confederation, in 1780, took into consideration the addresses of the different States on the subject of the western territory, and recommended to

"Those States which can remove the embarrassments respecting the western country, a liberal surrender of a portion of their territorial claims, since they cannot be preserved entire without endangering the stability of the general confederacy."

And resolved,

"That it be earnestly recommended to those States who have claims to the western country to pass such laws, and give their delegates in Congress such powers, as may effectually remove the only obstacle to a final ratification of the articles of confederation."

By force of such appeals, urged by the conviction that it was necessary to place the federal Union on a permanent basis, and to make it acceptable to all its members, Virginia, with that devotion to the common good which became the land of Washington and Jefferson, ceded her rich birth-right, the vast territory from which has arisen the five northwestern States of our Union. This surrender of individual interest to the general welfare—this concession to secure the tranquility of the States, marked by a dignity and patriotism in the contemplation of which paltry struggles for political advantage should be forgotten, is now cited as a measure to distribute unequally to the slave and free States, the contending parties. With what probability can it be argued that Maryland would demand or Virginia give, for such a purpose?

No, sir, it was fraternity, not strife—it was the general good, not sectional advantage—it was the sovereignty, the equality, and the prosperity of all the States, for which the men of the revolution made their sacrifices, both of war and of peace. It was to perfect the confederation, to remove the distrust and dissatisfaction of slaveholding States, that Virginia ceded the northwestern territory to the common stock of the Union. And this act of magnanimity, of generous confidence, is now cited as authority against those who were weakened by it. Nor is it in this case alone that the South may complain of such injurious and unfair construction. In every instance concession has been made the basis of aggression, and the language of conciliation has been answered by objurgation and taunt. The right to representation in proportion to population was waived so far in relation to slaves, as to exclude two-fifths of their number, yet those who have the advantage of this concession, those who deny that there can be property in persons, are those who attack this compromise of the constitution, and denounce it as an unequal privilege bestowed on the property of the South. The partial representation of slaves is in keeping with their mixed character, being both persons and property; but with much more reason might it be contended that they were entitled to full representation in the federal government than to no representation at all. Indeed, if the South had yielded no claim to full representation in proportion to the number of slaves, I do not perceive how those who deny that there can be any connection between person and property would resist the right; except by the absurd contradiction they perpetrate when railing against it as the representation of property. There is another concession which has been often referred to in this debate, the Missouri compromise.

With the right to extend slavery into any portion of the territory of Louisiana, secured by the treaty of acquisition, there was,

nevertheless, a fierce controversy against the admission of Missouri into the Union as a slaveholding State. During its territorial condition the right had been unquestioned—the controversy only arising in view of the political power which would attach to a sovereign State. I will not dwell upon the nugatory character of any law which should attempt to control the domestic institutions of a State, but pass to the result of this controversy about the admission of Missouri. Again, the South, in the spirit of concession which had marked the conduct of her sons at a former period, surrendered their unquestioned and unquestionable right to extend slavery over the whole of that territory which had been acquired under the name of Louisiana, and agreed, except within the limits of Missouri, to confine it to the south side of the parallel of latitude 36° 30′ north. Again was sectional interest abandoned to the hope of permanently establishing the tranquility in the Union. If that hope is now to be destroyed, it will be by those who derived all the benefit from the compromise—not by those who waived by it a portion of their rights. In the compromises of the constitution and the concessions which have followed its adoption, the advantages have mainly accrued to the North; yet the South has steadily and faithfully observed them. Can as much be said of the North? The constitution recognizes the institution of slavery, which thence acquired a general, instead of its previous merely local character. It was made the duty of the State authorities to deliver up fugitive slaves to their owners, and the free commerce among the States secured to each citizen, was a prohibition against State legislation to disturb the right of the master to pass from one State to another with his slave property. The duty has been neglected, the right has been obstructed, slaves have been torn from their masters when exercising the right of every American citizen to pass from one part of the Union to another; the magistracy have stood silent when these outrages were perpetrated, and the legislation of three States, instead of looking to prevention and punishment of such cases in future, have enacted laws best calculated to magnify the evil. Even here in the course of debate it has been asserted that, to carry a slave out of the limits of the jurisdiction of a State in which slavery is recognized, emancipates him. If that were true, the relinquishment of slavery by the constitution would be a nullity. The master who, in discharge of a duty to the government should enter an arsenal or dock yard under the exclusive jurisdiction would thereby lose the right to property in his slave. Or, if he should sail from Norfolk to New Orleans by going to sea, he would pass beyond the jurisdiction of a State, and thus incur the forfeiture. Beyond the limits of a State, whether in territory or on the deck of an American vessel, the constitution and laws of the United States follow the citizens and protect their property. The recognition of slavery by the constitution, therefore, presents a case arising here, in a very different view from one in Great Britain. The difference destroys the value of the argument based on British practice and analogy.

Eleven States of the Union have spoken through their legislatures against the further extension of slavery, with the clearly indicated, sometimes even expressed intention thus to prepare the way for a more direct and fatal attack upon the institutions of the South. When we are told that slavery is an "immense moral and political evil, which ought to be abolished as soon as that end can be properly and constitutionally attained;" when we are admonished of the design "to resist the admission of any new State into the Union while tolerating slavery," he must be blind, indeed, who does not see the purpose, by thus forbidding the growth of the slaveholding States, and devoting all vast territorial domain, to the formation of those in which slavery is forbidden, to obtain in the future such preponderance of free States as will enable them constitutionally to amend the compact of our Union, and strip the South of the guaranties it gives. If factious opposition and sectional disregard of the common good have been able thus to obliterate the great land-marks, equality among the States, and non-interference with domestic affairs, so brief, and such partial enjoyment of power, how can we expect moderation and forbearance when swelled to a three-fourths majority? Those who seek to appropriate our territories to the exclusive formation of non-slaveholding States, must not hope by catch words, and abusive epithets against slavery, to conceal their real purpose, the political aggrandizement of the North.

Was their object the benefit of the slaves—did they seek as a paramount object their emancipation, the policy would certainly be the reverse; instead of confining, to disperse them. Nothing can be more plain than that if confined to small space, they must accumulate in the hands of a few, and if dispersed, that they must have many masters. Whatever there is of harshness, arises from their condensation, so that the master and slave are necessarily separated, and the latter placed under the authority of a hired agent. While the number owned by one person is small, he has immediate charge of them; from their daily intercourse, permanent connection, and real identity of interest, arise those kindly relations usual in such condition. The power to oppress dependents exists in all countries, and bad men every where abuse the power. In no relation which labor bears to capital, is such oppression better guarded against than in that of master and slave. There is in it all which naturally excites the forbearance and kindness of the generous and the good; and this failing there are considerations of interest of pecuniary advantage, to restrain the sordid and the vicious, which do not exist in cases of hired laborers. To confine slavery to a small district, would go further than any other means to strip it of its kind paternal character; when the master should no longer know his slave, when the overseer would have plenary power, then would disappear many of the features which commend it to those who have been reared amidst it. Then would cease the moral and intellectual progress of the slave; then would steadily diminish the feelings promotive of emancipation, and the power to affect it. It has been from the association with a more elevated race, that the African has advanced; it has been from their mutually kind offices that the master has, in many instances, liberated his slave as a mark of affection; for this association and for this feeling, it is required that there should not be a great disproportion in the number of the races where they reside together. The power to emancipate must depend upon property considerations, and upon public policy conjointly. A large community of free men would have the pecuniary ability to emancipate a small number of slaves, the reverse would be beyond their power. Upon a large territory, a few blacks might be turned loose without injury to the progress of society, but on a small territory a large number of blacks could only be released by surrendering the country to them. If then, as proposed, slavery as it exists among us should be confined to the States in which it now exists, the consequence will be not its extinguishment, but its perpetuation. Each State, when it finds within its borders as many Africans as safety and policy will permit, will enact laws to prevent their further introduction; the tide which has flowed uninterrupted on from New England to Texas will be checked, and they will thenceforward continue to accumulate, and when they reach the density which renders involuntary labor no longer profitable, they must still be held, from the impolicy of liberating them in the country, and the inability to send them away, the latter increasing in a compound ratio, because the augmentation of number will bring with it a diminution of profit from their labor. Gentlemen have spoken of the spirit of the age as opposed to slavery. Sir, I think there is no foundation for the presumption of moral change, that all the changed action which has occurred is referable to density of population. It may be taken as a general rule, that involuntary service is less profitable than voluntary labor, and there is a singular uniformity in the degree of density, at which in different countries it has been abandoned. The villeinage of England, and the serfdom of Russia, both become unprofitable to proprietors at the same point—that is when the population reached the point of forty persons to the square mile. But our slaves are a distinct race, physically differing so much from theirs, that no one can look to their emancipation without connecting with it the idea of removal, separation of the races. When, therefore, they cease to be profitable, we cannot, like the ancient Britons, say, be free, and see with the announcement, all cause for distinction cease. Therefore it is to be observed, that those States of our Union who have passed acts of emancipation, have first found themselves nearly rid of the caste, or made their laws prospective and so remote, that this result would be reached before the act went into operation.

With what justice or propriety do those who have availed themselves of the demand for their slaves in the more southern and sparsely settled States, now insist upon closing the door against their egress to newer countries, as the white population gathering behind them would press them still further on? They have sold their slaves when they ceased to be profitable, and slavery became to them a sin of horrid enormity when the property was transferred from themselves to their brother. Therefore they will confine it to the country in which it now exists, and deprive others of the uses used by themselves, and which forms the only practicable mode of getting rid of it. To those who are sincere in their professions of a wish to banish slavery from the United States, and feel it is only to be effected by the voluntary action of those among whom it exists, I say, leave your territories open, and let the white race, as it flows in from the North, gradually, by its greater energy and intelligence, bear the African race before it to regions unsuited to the labor of the white man, as the tide bears the foam to the shore, and gives back to the beach the things which are its own.

The Senator from Vermont objects to the introduction of slave property into territories, and says it should not be forced upon an infant community, but left to be adopted, if they desire it, when they have power to organize an independent government. I have expressed my opinion of the constitutional rights of the holders of that property, and distinctly stated that I desire no Congressional legislation beyond that which is necessary to secure those rights. Non-interference with the subject of slavery is our main position; and is equally opposed to force for or against it. But the experience of our pioneers, the condition of those who first grapple with the difficulty of taming the wilderness, furnishes a forcible illustration of the truth of the relation I have attempted to show exists between involuntary servitude and density of population. The hard necessity, which maintains the power of capital over labor in old settled countries, is not known among the forest adventurers. The bond between the employer and the servant is therefore so weak, that in the first settlement of a country, more than at any subsequent period, would involuntary servitude be advantageous and desirable. I can readily conceive that slaves would be taken into countries where they would cease to be profitable as soon as other labor flowed in. Such instances have occurred in our northern territories, and early emancipation was the result. Why is it assumed that slavery degrades labor, and its presence excludes the white laborer? It may be true as regards the whites, and free blacks of the North, that they will not toil together—there is rivalry between them; but if thence a conclusion is drawn that the same condition exists in the slave States, it is founded on

false reasoning, and is wrong in result. Among slaves, the white laborer is elevated by the fact of a caste below him; and in slave States there is an equality among white men which never can exist where the same race fill the places of master and menial.—Slaves are capital, and in the mind of the master there can be no contest between capital and labor—the contest from which so much of human suffering and oppression have arisen. No, sir; that slavery in the territory would not exclude white labor, the constant emigration from the non-slave to the slave States, conclusively establishes. This opposition to slavery is political, and rapid are the strides it is making in aggression. The mighty State of New York is now convulsed to its centre—men who were justly entitled to the appellation of statesmen, in its most dignified sense —who have filled the highest stations of honor and trust, are now identified with a movement at war with justice—at war with the constitution, and which, disturbing the tranquility of to-day, will, if not checked in its onward progress, reach disunion to-morrow. The time is not remote when an abolition meeting could not have been held in New York; but it has become political, and before this new form of the monster, duty, fraternity, faith, give way, and masses worship the idol without the fanaticism which alone could excuse the apostacy. With political abolitionists, what argument can avail? The security, the prosperity, the growth of a section only is considered; and all which would benefit those to whom they believe their interest opposed, must find therefrom resistance — Theirs is the policy so deeply and sadly deprecated by Mr. Jefferson, when he spoke of a geographical line coinciding with a marked principle, moral and political, which every new irritation would mark deeper and deeper. Theirs the policy which Mr. Monroe described in his letter to Mr. Jefferson as "an effort to give such a shape to our Union as would secure the dominion over it to its eastern section." That patriot statesman, in the same letter, as a justification for the treaty by which Texas was surrendered, describes the sectional struggle which existed at the time as so fierce and uncompromising, that it was necessary for the mutual peace to make the sacrifices of this treaty, and that it was from the contest the conclusion, "that the further acquisition of territory to the West and South involves difficulties of an internal nature, which menace the Union itself." This letter of Mr. Monroe, taken in connexion with that of Mr. Jefferson, to which it was a reply, shows how deep-seated and extreme was the opposition at that day to the growth and prosperity of the southern and western section of the Union. From the hazards which then impended over us, we were saved by the patriotic devotion of those northern men, who sacrified themselves for the peace and general welfare of the confederacy. Now, when like hazard and difficulty surrounds us, it is my pride and comfort to believe that like sacrifices, if necessary, will be made. To those who consider the Union worth preserving, it must be a primary object to give peace and security to its members. The pure and wise men who formed our republic, foresaw what events have so clearly demonstrated, that these objects were only to be certainly attained by approximating equality among the sections, and leaving all domestic affairs entirely to the control of the States. This policy has been generally adhered to, by admitting alternately slave and non-slave-holding States into the Union, and by affirming in solemn manner, at different periods in our history, the restricted character and general purposes of our federal government. Thus, on the 6th of January, 1838, the Senate of the United States, by a vote of thirty-one to eleven—

"Resolved, That it is the solemn duty of the government to resist to the extent of its constitutional power, all attempts by one portion of the Union to use it as an instrument of warfare, upon the domestic institutions of another, or to weaken or destroy each institution."

But ten years have passed since this declaration was made, yet mark how great has been the advance of aggression on the constitutional guaranties and principles of our compact, as at that day admitted. It is openly asserted, as a principle of action, that slaves shall be confined to the territory upon which they are now located, not for their benefit, but for the political advantage of the non-slaveholding States; or in other words to weaken, who can doubt, finally to destroy slave institutions. No longer is the claim to humanity set up, but the thirst for power goes step by step in this aggression with hostility to the African race. The Senator from New York, [Mr. DIX,] my friend who sits near me—and I do not use the phrase in a merely complimentary sense; in opposing the extension of slavery to wider limits, uses the following language:

"The tendency of the human race is to increase in a compound ratio of the extent and population secured to each individual contained. * * * The multiplication of the human species has exceeded the facts as indicated in certain instances. Nations can be made from a vegetable. * * * I have in mind a calculation which shows that the blacks, supposing them in the northern States does not increase, in a certain period, * * * Under the most favorable circumstances it is, and must continue to be, an inferior caste in the South. * * * A class thus degraded will not multiply. This is the first stage of retrogradation. The second almost certainly follows. It will not be reproduced; and in a few generations the process of extinction is performed."

And this is the moral teaching of those who assume to be our pastors, and offer their vicarious repentance for the sin of slavery. With surprise and horror, I heard this announcement of a policy which seeks through poverty and degradation the extinction of a race of human beings domesticated among us. We, sir, stand in such relation to that people as creates a feeling of kindness and protection. We have attachments which have grown with us from childhood—to the old servant who nursed us in infancy—to the man who was the companion of our childhood, and the not less tender regard for those who have been reared under our protection. To hear their extinction treated of as a matter of public policy, or of speculative philosophy, arouses our sympathy and our indignation. If I believed slavery to be the moral, social, and political evil which it is described—if I believed the advantage of rendering our population homogeneous to be as great as it is asserted, not then—no, nor if both were ten times greater—would I be reconciled to such a policy for such a purpose.

It has been usual for southern men to decline any discussion about the institution of domestic slavery, in the midst of which they have grown up, and of which they may be supposed to know something, however vituperative and unfounded the accusations made against it. Agreeing in the general propriety of this course, I nevertheless propose, on this occasion, to depart from the ordinary practice. The question is forced upon us by our northern brethren to such extent that silence, if persevered in, might be construed into admission of the truth of their accusations. In debates of Congress, by the press, by legislatures of the States, in the pulpit, and in primary assemblies it has become customary to denounce slavery as a political evil, as a burden on the government, as the sin and opprobrium of the nation—as destructive of good order and human advancement, as a blighting curse on the section where it exists, and a gangrene, extending its baleful influence to every portion of the Union. Now, sir, upon what do these assumptions rest? Have we been less faithful as citizens—have riots, conflagrations, or destruction of private property been more frequent in the slave than in the non-slave States? Have their citizens been less humane, their divines less pious, their statesmen less eminent, their soldiers less efficient than yours? If not, then why this unwarrantable denunciation—why this unfounded assumption? If it be a sin, you are not otherwise involved than by your connection with its introduction—with its existence you have nothing to do. As owners of the commercial marine, you were the importers of Africans—you sold them in the South—you are parties to a compact which recognizes them as property throughout the United States, and secures to their owners rights which, but for the confederation, would have been local. Show, then, your repentance, if you feel any, for having contributed to the increase of this property, by observing the obligations imposed by the circumstances of the case upon you; and the rights recognized in the fundamental, paramount law of our Union. The constitution did not create the institution of domestic slavery—it was no part of the object for which it was formed, to determine what should be property, but an important portion of its duty to generalize and protect the rights of citizens beyond the limits of State jurisdiction. From this duty has arisen all the intermediate acts in relation to slave property, yet, at this late period of the practice under our constitution, Senators assert that slavery is so purely local, that if a master pass with his slave into the limits of a State or territory where such property is not recognized by local law, the slave becomes free! that an act of Congress is in keeping with the legislation of those States in which the legal and constitutional obligations to surrender fugitive slaves have been nullified. It is in keeping with the repeated declaration here, made with the condescending air of a sovereign granting a favor—that there is no intention to interfere with slavery as it exists in the States, but that its further extension cannot be permitted. Do Senators forget that this government is but the agent, the creature of the States—that it derives its powers from them—not they from it—or institutions from it. Slavery existed in the States before the formation of the constitution—it needed no guarantee within their limits—its recognition beyond this was part of the more perfect Union, as its protection against all enemies whomsoever is part of the common defence for which that constitution was adopted. There is not a more prominent feature in the federal compact than the prohibition not to the States to interfere with commerce. But if a citizen of Maryland cannot pass through Pennsylvania or Ohio, on his way to Kentucky or Missouri without submitting his property to the tests of those States through which he is merely travelling, the right to free commerce among the States has no practical value. The right to uninterrupted transit is not varied by the character of the property—the power is the same, whether the question arise upon a slave or a bale of goods. There is no discretionary power, and a total prohibition would be less offensive than an invidious distinction, claiming to spring from a moral superiority. Each State is responsible for its own institutions—the sovereignty and coequality of all the States forbid the idea of moral responsibility on the part of one for the acts of another. If slavery be a sin, it is not yours. It does not rest upon your action for its origin, or your consent for its existence. It is a common-law right to property in the service of man—it traces back to the earliest government of which we have any knowledge, either among Jews or Gentiles. Its origin was Divine decree—the curse upon the graceless son of Noah. Slavery was regulated by the laws given through Moses to the Jews. Slaves were to be of the heathen, and with their offspring to descend by inheritance: thus, in the main particulars, being identical with the institution as it exists among us. It was foretold of the sons of Noah that Japhet should be greatly extended, that he should dwell in the tents of Shem, and Canaan should be his servant. Wonderfully has the prophecy been fulfilled—and here in our own country is the most striking example. When the Spaniards discovered America they found it in the possession of the "Indians"—many tribes were enslaved, but the sons of Shem were not doomed to bondage —they were restless, discontented, and liberated because they were unprofitable. Their places were supplied by the sons

of Ham, brought across the broad Atlantic for this purpose—they came to their destiny, and were useful and contented. Over the greater part of the continent Japhet now sits in the tents of Shem, and in extensive regions Canaan is his servant. Let those who possess the best opportunity to judge, the men who have grown up in the presence of slave institutions as they exist in the United States, say if their happiness and usefulness do not prove their present condition to be the accomplishment of an all-wise decree, which may have for its end the preparation of that race for civil liberty and social enjoyment. Compare the slaves in the southern States with recently imported Africans, as seen in the West Indies, and who can fail to be struck with the immense improvement of the race, whether physically, morally, or intellectually considered. Compare our slaves with the free blacks of the northern States, and you find the one contented, well provided for in all their physical wants, and steadily improving in their moral condition; the other miserable, impoverished, loathsome from the deformity and disease which follows after penury and vice, covering the records of the criminal courts, and filling the penitentiaries. Mark the hostility to caste, the social degradation, which excludes the able from employment of profit or trust, and leaves the helpless to want and neglect. Then turn to the condition of this race in the States of the South, and view them in the relation of slaves. There no hostility exists against them—the master is the natural protector of his slave, and public opinion, common feeling, mere interest would not allow him to neglect his wants. Those who urge that exclusion of slavery from the territories does not exclude the slaveholder, because he may dispose of his property before emigration, show such inability to comprehend the attachment which generally subsists between a master and his slaves, that I will only offer to them interest as a motive for the care which is extended to those persons—securing comfort to the aged and to the infant, attention to the sick, and adequate provision to all. Such is the difference between the condition of the free and slave blacks under circumstances most favorable to emancipation. Does it warrant the desire on the part of any friend of that dependent race to hasten upon them responsibilities for which they have shown themselves so unequal? If any shall believe that the sorrow, the suffering, the crime which they witness among the free blacks of the North have resulted from their degradation by comparison with the white race around them, to such I answer, does the condition of St. Domingo, of Jamaica, give higher evidence? or do the recent atrocities in St. Martinique encourage better hopes? Sir, this problem is one which must bring its own solution, leave natural causes to their full effect, and when the time shall arrive at which emancipation is proper, those most interested will be most anxious to effect it. But as the obligation is mutual, so must the action be joint; and it is quite within the range of possibility that the masters may desire it when their slaves will object, as was the case when the serfs of Russia refused to be liberated by their landlords. Leave the country to the South and West open, and speculation may see in the distant future slavery pressed by a cheaper labor to tropical regions, where less exertion being required to secure a support, their previous preparation will enable them to live in independent communities. They must first be separated from the white man, be relieved from the condition of degradation which will always attach to them whilst in contact with a superior race, and they must be elevated by association and instruction—or, instead of a blessing, liberty would be their greatest curse. Under these considerations I cannot view the policy proposed to dam them up by the present limits of the slave States, as having one point either of humanity or sound policy to recommend it, or that it can do otherwise than perpetuate slavery even beyond its natural term in the States where it now exists.

When the colonies made common cause against the parent country and conquered their independence, no one State claimed the right to interfere with the domestic affairs of another; each was recognized sovereign within its limits, and all were disposed to respect the rights and feelings of each: had it been otherwise our confederation would never have been formed. This is changed, and strange as it may appear, the change follows the action of the very government whose interference with the domestic affairs of the colonies led to the revolution, a stronger still the first State to follow, is the same which was most oppressed in the colonial condition, and to her honor be it remembered, first raised the standard of revolutionary resistance.

When it was discovered that colored foreigners (from St. Domingo) had instigated the blacks of Charleston to murder the whites and burn the city, as a measure of policy warranted by humanity and necessary for security, a law was passed to exclude foreign colored persons from the city. For fourteen years this law was enforced without objection; then came British emancipation in the West Indies, British agitation, British publications against slavery, and then for the first time Massachusetts discovered that a duty was imposed on her to resist a law necessary to protect the lives and property of those for whom it was passed, a police regulation not directed against her inhabitants, but general in its effect and unmistakeable in its purpose. In the day of her colonial tribulation, Massachusetts sent an ambassador to South Carolina, she now sent another, but how different the missions. Then domestic interference was the grievance, now it was the purpose. And the end of the mission to maintain a right of colored inhabitants to violate a police regulation, which those best informed believed to be necessary to guard against the highest crimes and greatest misfortunes. A like mission was deputed to New Orleans where security to property had rendered similar regulations necessary. All this for the maintenance of a speculative philosophy which sees no guilt in crimes flowing from it, and asks for no practical result. Of all who engage in this agitation on the question of slavery, this indecent intrusion on the domestic affairs of others; I ask what remedy do you propose? We have heard you denounce it in coarsest abuse. We have felt your interference by legislative enactment to render our property less secure, by individual organization to seduce our slaves from comfort and contentment, to turn them penyless upon a community where they are despised and oppressed, and in a climate to which by constitution they are unsuited. We have seen you unite with our foreign enemies to defame us, and join those who for commercial purposes have warred against slavery as the cause of our supremacy in the cotton market of the world. But we have not seen the good you have done, or any other effect you have wrought than to generate distrust among the whites, and to produce a necessity for increased rigor over the slaves. What then do you propose? You speak of emancipation, but you know that immediate emancipation is impractable: that if the States would consent, the Treasury of the federal government would not approximate the purpose. More than this, you know that without slaves cotton could not be produced to supply your factories, and that ruin and want would stalk over your own villages, where now wealth and plenty reign. What prompts to your agitations. Not an instinctive opposition to involuntary servitude, as is shown by your readiness to give validity to the Mexican laws over California and New Mexico, and thus continue the Peon system, far more harsh and repulsive to my mind than our domestic slavery. Limits to the same influences, but without the controlling restraint which interest and the relation of permanent dependence creates in the case of the slave. Is it love for the African? No! his civil disability, his social exclusion, the laws passed by some of the non-slave States to prevent him if free, from settling within their limits, show beyond the possibility of doubt that it springs from no affection for the slave. Is it the moral conviction that there cannot be property in persons? No! you impeach that there cannot be property in persons? No! you impeach your own constancy objecting to their representation as persons in the councils of the federal government. Is it because, as has been said in this debate, slavery is a burden on the government, diminishing its power in peace and in war? If so, let the exports of the country answer, what section of the Union contributes most to supply our Treasury; let the history of our wars reply, as to the number and conduct of the troops which the slaveholding States have given to the service of the country. Those answers must show that this position is wholly untenable. The only conclusion is that you are prompted by the lust of power, and an irrational hostility to your brethren of the South. I say irrational, because an injury inflicted upon us would surely recoil upon you, and because the sons of the South may proudly challenge the recitation of an instance when they have opposed the interest of the North, because it was such; or been recusant to any of the compromises of, or under our constitution.

While northern men contend that the slave States shall not be extended, by participation in any acquired territories, they should remember, and blush to remember that Oregon was acquired by a treaty which ceded a large southern territory, and that southern men have been throughout, those who have led in the efforts to secure exclusive possession of Oregon. Floyd, Benton, and Linn, stopped not to balance political power, nor paused from their labors to secure Oregon to the settlement and use of our own people, because its climate and productions indicated the future erection of non-slave States. I have claimed for southern men that they have faithfully adhered to all compromises. Is there one which has been fully kept by the opposite party? The ordinance of 1787, which can only be considered a compact by subsequent acquiescence, contained a provision for the restoration of fugitive slaves, that being the only consideration given to the South. It has been flagrantly violated. In establishing the ratio of representation the South compromised by deducting two-fifths of the persons held to service, and the North has been from that time to this endeavoring to get rid of the compromise. Without a shadow of propriety, the admission of Missouri as a State of the Union was opposed because of her domestic institutions, the slave States to secure harmony conceded that slavery should be excluded from all that remaining part of the territory which was north of 36° 30′, but now when other territory is acquired, the North assert it all to be free territory, and refuse to declare the territory south of 36° 30′ to be open to the introduction of slaves, as good faith would require, if their assertion were tenable, and the territory in fact not equally open to the property of all the people of the United States. But inflamed by success in former contests, you march boldly to the conflict, and demand the whole. The mask is off, the purpose is avowed, that there shall be no further extension of "the slave power." The question is before us, it is a struggle for political power, and we must meet it at the threshold. Concession has been but the precursor of further aggression, and the spirit of compromise has diminished as your relative power increased. The sacrifices which the South has in other times made to the fraternity and tranquility of the Union are now cited as precedents against her rights. To compromise is to waive the application not to surrender the principles on which a right rests. It has been said that we are contending for an abstraction, a thing of no practical importance. If so, then why is it so obstinately resisted? Do you wish to gain another and a broader precedent for future use? The course of this debate justifies the supposition, and de-

mands caution on our part. If to contend for principle the practical effect of which may be remote, is an abstraction, then, sir, the war of the revolution and the war of 1812, so far as the South was concerned, were both fought for abstractions. In the colonial condition the southern States were especially fostered by Great Britain, and their prosperity was rapidly increasing at the commencement of hostilities against the mother country. The acts of unjust and oppressive legislation were applied to the northern colonies. Sympathy, fraternal feeling, and devotion to principle, brought the South to your side in your first step to resistance. Again int he war of 1812, it was your seamen, not our's, who were impressed, and again from devotion to principle, and the obligations of our alliance, the South stood foremost in that conflict. The blood of her sons stained the battle-fields from Niagara to New Orleans; her exports, main dependence for her support, were cut off, and distress came to every hamlet and cottage; yet she murmured not, railed not, raised not the standard of opposition against the government whilst engaged in a foreign war.

I have said that the South has, on all occasions, been prompted by a sincere desire for domestic tranquility, and an ardent love for the Union. The conduct of her sons on this occasion has, I think, sustained her past character. To prevent further agitation, to secure peace, to perpetuate our Union, I am willing to go as far as my principles will allow. To compromise it is necessary that both parties should, to some extent, yield. To prevent continuance of the agitation, it is necessary that the conditions of the compromise should be express; that nothing should be left to doubtful construction. Finally, the value of any compromise we may make, must depend on the feelings of those for whom it is made, and to whom it is entrusted. If the spirit of compromise has departed from our people, it is idle to propose its forms. If the principles of the constitution are to be disregarded, and a self-sustaining majority, the days of the confederation are numbered. The men who have encountered past wars for the maintenance of principle, will never consent to be branded with inferiority, pronounced because of their domestic institutions unworthy of further political growth. If such be your determination, it were better that we should part peaceably, and avoid staining the battle fields of the revolution with the blood of civil war. Abraham said to his nephew Lot, when strife arose among their people, "Go thou to the right hand, and I will go to the left, and let there be peace between us."

If the folly, and fanaticism, and pride, and hate, and corruption of the day, are to destroy the peace and prosperity of the Union, let the sections part like the patriarchs of old, and let peace and good will subsist among their descendants. Let no wounds be inflicted which time may not heal. Let the flag of our Union be folded up entire, the thirteen stripes recording the original size of our family, untorn by the unholy struggles of civil war; its constellation to remain undimmed, and speaking to those who come after us of the growth and prosperity of the family whilst it remained united. Unmutilated let it lie among the archives of the republic, on some future day when wiser counsels shall prevail; when men have been sobered in the school of adversity, again to be unfurled over the continent-wide republic.

Sir, is the paltry consideration of political supremacy over those who do not possess the power, and have never shown the desire to intrude on the domestic affairs, to impede the growth, or to mar the prosperity of their nothern brethren? Can such consideration palliate this crusade against the South? Shall the fabric of human liberty and republican government, which was founded and built by the wisest and purest of our land, and left as a heritance for their children forever, be torn down by the first generation which succeeded to it, and left in ruin; an object for the republican's pity, the monarchist's scorn.

I hear and see the agitation of politicians, but from these I turn to the people; in their patriosm and good sense is my hope and confidence. They have no interest beyond the public good. To them, in this critical emergency, this imminent hazard, I look for safety, trusting that they will reject every interpolation on our compact which may endanger the perpetuity of our Union, and consign to the obscurity they merit every demagogue who caters to popular excitement, and seeks to elevate himself by an agitation which draws in its train the destruction of the compromises, the subversion of the principles on which the durability of our confederacy depends.

Mr. President: I have intentionally extended my remarks to many points not involved in the amendment I proposed to the Senate. That amendment was confined to the case presented by the bill under consideration, which, though not in terms, does in fact as I have shown, authorize the prohibition of slavery in Oregon. It asks no additional guarantee, no privilege, no concession, but is to prevent a construction which would recognize in the federal government, as in those who derive their authority from it, power to control the subject of slavery without the concurrence of the States. If this amendment be rejected, I shall view it as ominous of the future, and stand prepared for whatever consequences may follow.

Mr. CLAYTON.—This debate has been extended to a very great length. I do not rise for the purpose of endeavoring to arrest it. It is apparent, however, I think, from its progress thus far, that it is calculated rather to exasperate, than to conciliate and mollify. Different views have been presented by Senators who have participated in the discussion, and various amendments have been proposed to the bill now under consideration. Those amendments clash entirely with each other, and we have not been able to ascertain, even after this protracted debate, upon what ground the Senate is prepared to settle this great question, if any settlement of it can be made at all. We have not been able to ascertain what the sentiment of the Senate is upon the subject, and it seems to me as if we have been in session now quite as long as Congress is usually in session—it seems to me I say, highly important that we should know something of each other's views. We have done nothing thus far to ascertain what the views of the Senate will be, nor do I conceive that we are likely, if the debate runs on toan indefinite period, to ascertain those views. It seems to me then, that at this stage of the session, and under these circumstances, something should be done to ascertain, if possible, what the sense of the Senate is upon this great question. As the debate progresses, new amendments are offered, and if it continue, it is highly probable that we shall have many other propositions. Now at this time, the question may be said to be placed before one of the committees of this body—the Committee on Territories—of which I am a member. That committee has no desire whatever to avoid the responsibility thrown upon it by the Senate. It is perfectly willing to do its duty, and its whole duty, on this great subject. It is now preparing a bill on the subject; but that committee, as all are aware, at present consists of only four members; and I may ask, is it probable that having been constituted originally without any reference to this subject, is at all likely that it can report anything satisfactory to the Senate? Is it probable that such a committee could reconcile conflicting opinion upon this great subject? Is it likely that that committee can present all the views and information which the Senate would require? I have been present in this chamber, when a question of as great magnitude as the present was before it, and recollect very well the course adopted by the Senate on that occasion; I refer to the compromise tariff of 1842. The ordinary committee of the Senate, to which the subject might have been referred, were discharged from the consideration of it, and it was placed in the hands of a special committee of seven members, through whose intervention and agency, the question was disposed of, as I think, to the satisfaction of the country. At the time of the Missouri compromise, efforts were made in vain to settle that question through the ordinary committees of the body, and it was eventually settled by a committee of conference, consisting of eight members, three from the Senate and five from the House. The members of that committee represented the various sections of the United States, and were enabled to inform each other of the feelings and views of every part of the country. By them the question was settled in a satisfactory manner. I am deeply impressed with the conviction, that if the important question now before the Senate be settled at all, it must be by the same means that were adopted in the cases to which I have referred, and if the question is not to be settled, it is highly important that somebody should be constituted by the Senate, possessing power and influence enough to be able to satisfy us on that point, so that we may in that case drop the consideration of the subject—terminate the debate which is exciting and agitating the whole nation—proceed to discharge our other duties and go home. Now, with the view to concentrate opinion, if it be possible to act with effect, or if not, with a view to ascertain that fact so that we may proceed to discharge the pressing business of the country, leaving this question to the future, I move that a committee of eight members be appointed by the Senate for the purpose of taking this question under their consideration, to be composed of four members from the northern section of the Union, and four from the southern, to be chosen by ballot. If the Senate should adopt this proposition, I would suggest that the committee should be so organized as to make it apparent to the whole country that this is no party movement; in other words, that two of the members from the North should be chosen from one party, and two from the other, and so with respect to the members from the South.

Mr. FOOTE.—I was one of those who were exceedingly gratified a few days since, when the olive branch was extended to the South by northern hands. I refer to the suggestions made in regard to the Missouri compromise. Deeply regretting the general temper and tone of this debate, which have been, in my judgment, well calculated to extinguish harmony and cause discord, and, perhaps, worse consequences to spring up in our midst. I can say with great sincerity, and am confident that I do not stand alone in the expression of that sentiment, that I feel greatly rejoiced at the proposition which has just been made by the distinguished Senator from Delaware. I hope it will be met in the spirit in which it has been offered. and I have risen only for the purpose of expressing that desire, and making a reply to an observation which, if unresponded to, might perhaps, to some extent, in the estimation of some, implicate others and myself in a supposed understanding that, if this committee shall not be able to adopt some plan of compromise, the Senate is to regard itself as prohibited from any further efforts in its general legislative capacity to arrive at the same object. I simply wish to be distinctly understood on this point, that, whilst warmly approving the proposition of the Senator from Delaware, even though the efforts which he proposes to be made should not be successful, I, for one, shall feel bound, as I intimated some time ago, in case the matter be not settled in this way, to struggle on as a member of this body in the effort, by every sort of legitimate and proper expedient, to bring about a settlement of this much vexed and perilous question. I shall never be willing to go home leaving this question open and undivided, apprehending, as I do most sincerely, the worst results from such a course. At present I say nothing more.

Mr. FITZGERALD.—I rise only for the purpose of having an explanation in regard to a charge, unintentionally made, no doubt, against the State which I have the honor in part to represent. I allude to the published speech of the very distinguished Senator from South Carolina, made upon this floor some days since, upon the subject still under consideration. That gentleman is made to charge the northern States with violating the ordinance of '87, by the passage of laws to prohibit the reclamation of fugitives from service. Now, what I desire is, to appeal to that distinguished Senator to do the State which I have in part the honor to represent, the justice to produce any such law from her statute book, or, failing in that, to declare her free from liability to such a charge. I am well aware that that gentleman would be the last in existence to charge unjustly any State or any individual. If I am mistaken, I hope the gentleman will excuse me, and put me right. If I am not mistaken, I beg the gentleman to attribute the present appeal, to my zeal for the character and honor of that State.

Mr. CALHOUN.—I respond very cheerfully to the appeal made by the Senator from Michigan, but I am very sorry to say that the answer will not be satisfactory. The amount of my remark was, that the ordinance of '87 was a compromise between the North and the South—that the South yielded up to the northern States the exclusive right of settling the northwest territory, and that the North entered into a solemn stipulation with the South, that they would deliver up fugitive slaves, and the point of my charge was, not that any specific laws had been passed, but that the northern States had pursued a course which has rendered utterly null and void that stipulation. I am sorry to say that Michigan is one of those States, and if the Senator wants proof of that, I refer him to a memorial from the legislature of Kentucky presented this very session, which has been referred to a committee who have examined all the facts, and ascertained that citizens of Kentucky, in endeavoring to reclaim fugitive slaves found in Michigan, were overpowered and prevented from recovering their property. Now, the stipulation into which these States entered was not simply that they would not pass laws rendering that stipulation nugatory, but that they should pass laws to protect us, and use their whole power and authority for the purpose of delivering up these fugitive slaves. If Michigan have passed no law against us, she has either omitted to pass laws to fulfil that stipulation, or neglected to enforce them within her limits.

Mr. FITZGERALD.—I beg leave to state, in reply, that although individuals in the State of Michigan may have attempted to prevent the reclamation of fugitive slaves, yet the State authorities are not to be charged with bad faith to the South. We have a few abolitionists in that State, and on some occasions their conduct and declarations have been such as to cause sincere regret on the part of the great body of the people. The legislature has never yet complied with their request, or passed any law to prevent the reclamation of fugitives from service; and so far as I know and believe, the people of the State and the authorities have been anxious to see the spirit of that ordinance carried into full effect. Such, at least, have been my views and feelings; and so far as I have been able to judge, I can say they have been shared by the great body of the people. I would ask the gentleman whether the State of Michigan, in its legislative capacity, or in any other capacity as a State, or whether the great body of its citizens should be held responsible for the conduct of a few individuals, who, on some one or two occasions, may, for aught I know, have violated the laws—may have, as the gentleman insists, violated the spirit of that ordinance?

Mr. CALHOUN.—Michigan was bound to pass laws to carry out that ordinance. I wish I could place my hands upon the report in reference to the facts presented in the memorial from the legislature of Kentucky. A greater outrage never was committed by one people upon another than in that case. Insult was heaped upon injury; and I ask, was the State justified in remaining a passive spectator? Again, is it not known, that for years, there have been organized individuals in Michigan, who have run our slaves through her territory into Canada? Has she taken any steps to prevent that? I do not say these things willingly, but with great reluctance! Would it were otherwise. I would rejoice if the stipulations of the constitution were fulfilled on all sides; but, I must say, that there have been most flagrant violations of these stipulations, not on the part of Michigan alone, but on that of almost every one of the free States.

Mr. CORWIN.—I wish to inquire whether the Supreme Court has not expressly decided that the States can pass no such laws whatever?

Mr. CALHOUN.—My colleague, who has been investigating that subject, will answer the Senator.

Mr. BUTLER.—The case which the Senator from Ohio refers to, I presume is that of Pennsylvania vs. Prigg; in which some of the judges of the Supreme Court undertook to deliver opinions on questions not really involved; and such as did not fall within the scope of the authoritative judgment of the court. The constitutional validity of an act of the legislature of Pennsylvania, was alone involved in the issue before the court. The act made it a felony for the owner of a fugitive slave to pursue and apprehend him within the limits of that State, without pursuing certain statutory prescriptions that were calculated, and perhaps intended to throw impediments in the way of the owner in the pursuit of his slave, escaping from his service. The defendant had been arraigned before the State court, and by their judgment, was subject to the penalties of the act to pay a large fine, and be put to hard labor for seven years, for no other offence than taking possession—forcibly—of his own property. The Supreme Court unanimously decided that the act was unconstitutional and void, inasmuch as it was a prohibition on the perfect rights of the owner over his fugitive slave—his dominion being under the guaranties of the constitution, as perfect and complete in one State as in another. In other words, that no State had the right by any State statute to prevent the owner from apprehending his fugitive slave. The judgment in fact went no further—but a majority of the judges gave opinions going beyond this—and in their judgment—individual judgments of course—held that the power to legislate on the subject of fugitive slaves, exclusively belong to Congress—and whilst they hold that under the constitution, the States were bound to deliver up fugitive slaves; that they could be alone compelled to do so by the legislation of Congress. From this, these judges concluded that all the State legislation, whether intended to retard or facilitate the owner in the apprehension of his fugitive slave was unconstitutional. Seeing the tendency of those opinions—for they were nothing more than so many opinions—not essentially entering into the judgment of the court, the chief justice and two others—Thompson and Daniel—filed their own opinions, in which they endeavored to obviate such consequences of an unqualified judgment of the court.

They held that the non-slaveholding States could pass no laws to prohibit the owner from exercising his constitutional rights—in reclaiming his runaway slave; but that they might make such laws as would facilitate the delivery, which the obligations of good faith would seem to demand at their hands. In the early legislation on this subject, such had been the character of the statutory provisions of most of the States. In other words, it was not wrong to cooperate by State action to carry out the objects of the federal constitution; whilst they were prohibited from opposing its provisions, by hostile enactments. The Judiciary Committee—in the report which I had the honor to submit sometime ago—took the same view, and gave their unqualified assent to the views expressed by the chief justice and his concurring colleagues. Justice Baldwin, in more judgments than one, entertained the same views. I submit that the authoritative judgment of the committee, and the opinions of a bare majority of the judges, were essentially different things. When the opinions shall come to be examined, there cannot be a question as to the weight of the argument being in favor of the views of the chief justice. Some of the non-slaveholding States have taken advantage of the bearing of this decision, and have framed their laws in such a way as to make it criminal for their State officers to give any assistance in the apprehending and delivery of a fugitive slave. In this it was obvious that the obligations of good faith had been violated. Indeed, the design seems to be to evade these obligations.

Mr. CALHOUN.—I would state, in addition to the explanation of my colleague, that at the time, I regarded that decision as the most extraordinary one ever made. It had been the practice of the non-slaveholding States to pass such laws, and their constitutional power to do so had never been questioned. The provision of the constitution for the recovery of fugitive slaves is connected with another immediately in juxtaposition with it—the provision for the delivering of fugitives from justice. Both come under what is called extradition treaties, perfectly familiar to every public man, and as well interpreted as any treaties in the world can be interpreted. Every State in the Union takes an efficient part in the delivery of fugitives from justice. That is the case also with respect to England. I appeal to every man who has ever been in the State Department, whether the States do not take efficient steps in the delivery of fugitives from justice? And shall another provision, standing in the constitution, worded in the same manner, receive a different and most absurd interpretation? For, if the States are to stand by themselves and make no efforts whatever, who does not see that the power of the United States will not be competent to fulfil the law, if the power of the United States is so very remote that it can never be exercised? The committee has reported a bill with a view to carry into effect the powers of the United States; and we shall see how the gentleman will act on that bill.

Mr. CORWIN.—I am perfectly satisfied that the Senator stated the decision as recorded in our books. It is enough to say that a majority of the bench have decided the question which I proposed.

Mr. CALHOUN.—I do not recognize the decision.

Mr. CORWIN.—I will not undertake to say, from a very accurate criticism of the case, whether the point now suggested was brought up directly before the court; but it was discussed before it, as one of the questions necessary to arrive at the decision on the main point; and being discussed by the counsel on both sides, the question was as fully decided by the court as any other brought before them. In regard to the legislation of the States, I am not prepared to say whether the gentleman from South Carolina is fully correct in the statement of his views. But I think the gentlemen from the South have allowed their sensibilities to be quite too much excited on this subject. With regard to the transactions referred to in Kentucky, there has been a great mistake as to the facts. Commissioners were sent on behalf of the State of Kentucky to the State of Ohio, for the purpose of negotia-

ting a treaty of extradition, as the gentleman from South Carolina calls it; and I have only to say, that we did not imprison them nor send them home. We allowed them to remain at our court, where, with the help of the imperial parliament of Ohio, a law was enacted perfectly satisfactory to both sides, and almost in terms the same as the law of Pennsylvania, which was decided upon by the Supreme Court of the United States. That law was repealed by the legislature of the State of Ohio, for the simple reason that the highest judicial tribunal in the United States had decided that they had no constitutional power to pass it. Now, if these States lying within that district of country spoken of as included in the ordinance of '87, are denounced for not complying, as is supposed, with the terms of that ordinance, when it is shown that they have legislated exactly according to the prescription of that only tribunal who can interpret judicially the constitution of the United States, all I can say is, that the charge falls harmless at our feet, and that all christendom, in all time to come, will absolve us of it.

Mr. BUTLER.—I hope the gentleman will inform us whether that extraordinary embassy from Kentucky to the "Imperial Court" of Ohio was not occasioned by the intolerable mischiefs which the people of Kentucky suffered from the escaping of their slaves into Ohio beyond the reach of reclamation?

Mr. CORWIN.—I will answer the Senator with great pleasure. The embassy originated in the solicitude of our sister State of Kentucky to preserve amicable relations with us. The reason assigned by the embassy was, that our law did not furnish to them the means of reclaiming their fugitive slaves. The people of the United States had acted upon the subject in the law of 1793; but it seems that they did not act with that degree of efficiency necessary, in the judgment of the people of Kentucky, to secure to them their property. There was another reason which induced the State of Ohio to entertain that negotiation, and to enact this law.—The people of Ohio were just as solicitous as their fellow-citizens of Kentucky, to have a statute on that subject, or at least embracing many of the cases supposed in Kentucky to fall within the law. There were, I believe, a few felons in Kentucky—for there is, I believe, a penitentiary there—and occasionally it contained individuals supposed to have committed crimes. Some of them finding it inconvenient to execute their purposes in Kentucky, were in the habit of coming over to Ohio for the purpose of kidnapping slaves. Occasionally a gentleman would be killed in this amiable pursuit; and the apology was that they had come to reclaim fugitive slaves. If this statement were false, no harm was done; if true, the man who shot him was punished as a murderer, under the law of Ohio. It was, therefore, very desirable on both sides, as well to protect Kentucky in claiming her slaves as to protect Kentuckians from coming over to kidnap—a very common practice in all States bordering on slave States—with which we were greatly troubled, the expense from penitentiaries being very considerably augmented from that very source—that the question should be settled.

Mr. CALHOUN.—I cannot permit the Senator to escape even under a decision of the Supreme Court. By express contract between the rest of the States and the people inhabiting these territories, which are now States, the latter bound themselves to deliver up our fugitive slaves. They are the parties to that contract, under the ordinance, and it has not been superseded by the constitution.

Mr. CORWIN.—Have not the Supreme Court, to which reference has been made, interpreted our rights, duties, and powers, under that compact?

Mr. CALHOUN.—Simply and only under the constitution of the United States. They could not put aside a contract. It stands upon higher principles. It stands entirely on different ground from the case in Pennsylvania. The decision has not been confirmed, and I trust never will be. I have always considered it as the most extraordinary decision ever made. But I put that aside, and present the positive contract between these parties. There was no United States government then to fulfill it. The old Congress had no such power. There stands the contract—and will ever stand—around which it is impossible to go.

Mr. CORWIN.—I have only one remark in reply to the Senator's view of our obligations under the ordinance. When the Supreme Court decided that, under the constitution, made subsequently to that ordinance, these States had no power to pass such laws, unquestionably they have given a judicial interpretation to their rights, power, and duties under the ordinance as well as under the constitution. The truth is, that the ordinance and the constitution are in the very same words. Whatever obligations there may be under the ordinance of '87 remain under the constitution, and are reimposed by that instrument. Now, it must be seen, that the decision of the Supreme Court comprehends every obligation under which the State of Ohio or any northwestern State has been placed by virtue of that ordinance. Surely, if that compact, in the judgment of the Supreme Court, had had an obligation above the constitution and beyond it, they would have said so. It is true that the case was one from Pennsylvania, but much of the discussion, as every gentleman who attended to it at that time knows, was upon this very ordinance. But that is immaterial. If the obligations under the constitution of the United States which the State of Ohio, or any other State of the northwest territory owes to the South, as it is called, exists by virtue of the constitution of the United States, they are not tolerated in legislating upon the subject.

Mr. CALHOUN.—I cannot permit even that view of the case to pass. The constitution expressly provides for the continuance of this contract between the United States and the people that inhabited the northwest territory. The sixth article of the constitution contains an express permission that "all debts contracted and engagements entered into before the adoption of this constitution shall be as valid against the United States under this constitution as under the confederation." Now, is it not manifest that the ordinance of '87 looked to its fulfillment under the present government and not the old confederation, which had no machinery, no capacity to excute it? If the words of the ordinance and those in the constitution are precisely the same—and I have not compared them—it is one of the strongest a guments to show that the decision of the court was wrong, and that the words of the constitution ought to have received the interpretation of the prior words instead of the prior words receiving the interpretation of the latter.

Mr. CORWIN.—I do not intend to controvert the right of the gentleman to take an appeal from the decision of the Supreme Court, but I do not know where he can find any revisory power at present.

Mr. CALHOUN.—That being admitted, everything is admitted. These States, if they have not violated the stipulation, have permitted it to be violated incessantly. It is of that we complain.

Mr. BRIGHT.—The very important motion made by the Senator from Delaware seems to have been lost sight of. He moves to refer the bill under discussion, together with so much of the President's message as relates to territorial governments in Upper California and New Mexico to a select committee.

Mr. CLAYTON.—My motion embraces only the bill before the Senate, with the amendments.

Mr. BRIGHT.—I suppose the object of the Senator is to refer so much of the message as relates to the territories which I have named to the same committee?

Mr. CLAYTON.—No; only the bill and the amendments.

Mr. BRIGHT.—I ask whether it is not the intention of the Senator to refer also the question connected with the organization of governments in the territories which I have named to the same committee?

Mr. BERRIEN.—If the Senator will permit me, I will state my view of the motion. I understand that the motion is to refer this bill, with the several amendments, to a committee, constituted in the manner suggested by the Senator. The consequence of such a reference would be, I prreume, to induce the Committee on Territories to forbear their action upon the other bills which are before them until the sense of the Senate, shall be known upon the report of that committee. The purpose of the motion of the Senator from Delaware is not to withdraw from that committee the subjects which they have now under their control, but to refer this bill which is now under the consideration of the Senate in order that it may be ascertained by the conference of the members of that committee, whether they cannot devise some plan which may serve to extricate us from our embarrassments in relation to this bill, and also serve to guide the Committee on Territories in relation to the bills which they have in charge.

Mr. BRIGHT.—Sustaining the relations which I do to the Committee on Territories, I thought proper to make a reply to the motion of the Senator from Delaware. I have nothing to say in reference to the bill under discussion. If the debate can be arrested and action had by the reference in the manner proposed, I, for one, shall be much gratified. The inference, however, is a very clear one, that if this bill be referred to the committee, the subjects to which I alluded—the organization of governments in New Mexico and California, will also be referred. Indeed, I think it is proper that it should be so referred. It will be recollected that when a proposition was made the other day to enlarge the Committee on Territories, by adding to its number two members, after exhausting a day in debate, the Senate refused to increase that committee. The committee considered that as tantamount to instructing them to go to work and propose bills for the organization of both these territories. Accordingly we have met twice, and I am happy to say that we have bills in a forward state of preparation, and that we shall probably be able to report them in two or three days. Whether a majority of us can agree with reference to the report that we ought to make on the subject that seems to divide us, I am not prepared to say; but from what has occurred I am encouraged to hope that we may be able to report a bill extending the Missouri compromise. If, however, it be the pleasure of the Senate to refer the bill under discussion, I hope that the Committee on Territories will be discharged from the consideration of those portions of the President's message which relate to the organization of territorial governments in New Mexico and California. The only difficulty on that subject is the slave question. Had it not been for theintroduction of that question, I apprehend that Oregon would have had a government to-day. I hope, then, that the whole subject will be entrusted to the select committee.

Mr. DICKINSON.—I am very much in favor of the motion which has been made by the Senator from Delaware. Here we are, nearly at midsummer, with a vast extent of territory unorganized, and from a portion of which the most urgent appeals have been made for our protection. So far as Oregon is concerned the delay is in my opinion inexcusable. That territory is so situated that it is not contended by the North that slavery can ever go there. The south concede that they do not wish nor expect it to go there; and yet here we are making speeches day after day, and getting further apart on the question of the extension of slavery to Oregon. This motion of the Senator from Delaware affords the first gleam of sunshine upon the subject. I hope the committee will be raised, that the whole subject will be referred to it, and that a practical result will be attained.

Mr. HALE.—I confess that I entirely dissent from the honorable Senator from New York. It does not seem to me that this motion of the Senator from Delaware indicates any clear sky at all. The only effect of it will be to throw a mist all around us. In fact, I do not know why it should be assumed that there is any great difficulty in coming to a conclusion on this subject. To be sure we have talked a good deal about it, and so we talked upon the ten regiment bill. But this amount of talk does not indicate any want of decision upon the subject. I do not see what ground this bill presents to those who have spoken upon either side of the question, on which to make a compromise. Where is the territory of Oregon? It is all north of forty-two degrees. And where is the necessity, then, of extending the Missouri compromise to a region, the most southern limit of which is forty-two degrees of north latitude? I think this assumption of difficulty in the settlement of the case will not be sustained by the facts when the vote is taken. Perhaps many gentlemen desire to speak to the question. I have some idea of prescribing my own views upon it, but I am willing to forego that instanter, if the action of the Senate will thereby be facilitated. But let me say one word, as expressive of my serious conviction. When you undertake here, by a vote of the Senate, and a compromise got up by this committee to settle this question, you talk of doing that which is altogether beyond your power. There is a feeling upon this subject throughout the land, which will guide the Senate, instead of being controlled by it. If we think that by the magic influence of our votes or our speeches upon this subject, we are to settle this question, I apprehend that those of us who go home to our constituents, having betrayed the interests which they entrusted to us, will find that we have an account to settle with them, much more difficult than the settlement proposed to be made here. The feeling which animates the people in that part of the country from which I come, is as controlling as any feeling can possibly be, in any section of the Union. This is a subject which does not admit of compromise. Let us recall to our minds the true statement of the question now before us, and then we may be able, perhaps, to appreciate at its real value this proposition for a compromise. The question is, whether the energies, the power, and authority of this government are to be exerted for the extension of the institution of slavery over the territory of Oregon.

Mr. FOOTE.—I rise to a point of order. The Senator is out of order in undertaking to discuss the merits of the bill. I have no desire to interrupt the Senator, but merely wish to prevent inflammatory discussion.

The PRESIDING OFFICER.—The Senator from New Hampshire is discussing the expediency of referring the bill to a committee, and is, therefore, not out of order.

Mr. FOOTE.—The Senator was speaking of the feeling in New England on this subject.

Mr. HALE.—I did not name New England, and I was about to conclude my remarks. Certainly I feel this call to order a little more keenly, because it comes from a gentleman who always confines himself so closely to the subject matter before the Senate. I was about to remark that I wished to see a vote upon this question. I think that a vote negativing the provisional legislation of the people of Oregon, would be one of the most illuminating documents that could go out to the people, and would have a greater tendency to settle this question than any report that any committee could make. There is another proposition upon which I would like to see a vote: it is upon the proposition to strike out that prohibition of slavery which the people of Oregon have incorporated in their provisional legislation. I am utterly at a loss to know how there can be any compromise upon these propositions. I cannot possibly conceive what compromise can be made with respect to a territory in which it is conceded slavery cannot exist. Why did we not compromise when we annexed Texas? The whole of that was given up to slavery. There was nothing said about compromise there.

SEVERAL SENATORS.—Yes—yes!

Mr. HALE.—I know what I am talking about. The bill passed through all its stages, and the idea of compromise was never suggested until the honorable chairman of the Committee on Territories—then a member of the House—got up, and just as the vote was about to be taken, appealed to the honorable member from Tennessee, who introduced the bill, [Mr. Milton Brown] and asked him if he had any objection to have a provision inserted in the bill prohibiting slavery north of 36° 30'. The honorable gentleman said that he had not; and why? Because there was no more of Texas, as was then supposed, that was north of 36° 30' than there was of New Hampshire south of that line, for the territory of New Mexico ran down south of that parallel, and the city of Santa Fe, which General Kearney lately conquered, is itself south of this 36° 30'. The provision was accordingly inserted in the bill.

Mr. RUSK.—I do not like to remain silent while facts are misstated. I am prepared to show that Texas extended far above that line.

Mr. HALE.—I am speaking only of the boundaries of New Mexico as they existed; and if all the maps which we have had published from the beginning of time are to be relied upon, the city of Santa Fe lies south of 36° 30'.

Mr. RUSK.—The same sort of reasoning would exclude Texas from the possession of any soil at all, because the maps show that Mexico came up to the Sabine.

Mr. HALE.—If the President's message is to be relied upon, Santa Fe was a part of the enemy's country conquered by General Kearney.

Mr. RUSK.—The title of Texas dates back to her revolution. It grew up anterior to any message of the President in relation to Texas. We hold that title neither under maps of Mexico nor messages of the President of the United States. Our revolution took place in 1836, and it is upon that and the acquisition of territory by virtue of that revolution, the treaties entered into with Mexico, and her recognition of the Rio Grande as the boundary, that we base our title.

Mr. HALE.—I do not intend to say one word in derogation of the title of Texas. She may run her boundary north to 54° 40' if she pleases. I have stated only the broad and notorious fact, that it was only at the very last stage of the Oregon bill in the House of Representatives, that the proposition to apply the compromise was introduced. The people of Oregon have incorporated that principle into their provisional legislation. They are willing to abide by that line. How do those who were friendly to that arrangement show their good faith, when the very motion pending before the Senate is, that the legislation which has been had shall not be so construed as to adopt any such institution as slavery?—Whenever there is any thing that a northern man suspects, I am willing to go as far as any body; but it seems to me that this is something that does not admit of compromise. You cannot ask a man to do that which, in his conscience, he believes to be wrong, because that implies that which the Senator from Maryland so eloquently urged the other day as involving moral degradation, which he said was worse than disunion. I trust that we may at once have a vote upon one or the other of the propositions.

Mr. BUTLER.—I am not one of those who think that this question has gone beyond the reach of compromise. The Senator from New Hampshire has said that, in his judgment, the question can undergo no changes, and he draws the inference that southern members are anxious to extend slavery to the territory of Oregon by positive legislation. I think the Senator, from his local position, takes a circumscribed view of the subject. I should regard the 12th section of this bill as very innocent, were it not that gentlemen have advertised us that they intend to extend that principle to every other bill which may be introduced into this body for the government of the other territories, which are hereafter added to this Union. I know that the precedent of to-day is the prescription of to-morrow, and that as certain as we sanction, directly or indirectly, any such legislation affecting Oregon, it will be transferred under authority of our own action to other territories. All that is now proposed is, to make an honorable effort to settle this agitating question consistently, if possible, with the rights and feelings of every section of the confederacy. My solemn conviction is, that unless this question be settled now, all the consequences which have been apprehended may, and I am not prepared to say will not, follow.

Mr. HALE.—I must repeat what I said before, that where a moral principal was not involved, I was ready to go as far as the farthest for compromise. There is one way of compromise which seems open to me. Let us, in a spirit of magnanimity which will be felt and recognized every where throughout the world, come forward and tell Mexico that what we have taken from her injured us infinitely more than her—that we have found it to be nothing but a bone of contention, and that we return it to her. Let us say to Mexico, take it all back and keep it. Into that compromise I am prepared at once to enter, but I can never be a party to any compromise that involves moral dereliction—and when I speak of that I do not mean to guage any man's conscience by mine own. All the horrors of dissolution I can look steadfastly in the face, before I could look to that moral ruin which must fall upon us, when we have so far prostituted ourselves as to become the pioneers of slavery over these territories. When the American eagle plumes his wing for new flights, let it never be to overshadow the land with the dark pall of slavery.

Mr. FOOTE.—The suggestion which has been made by the Senator from New Hampshire, [Mr. HALE.] touching the propriety of yielding back to Mexico all those valuable territorial acquisitions recently secured to us by treaty, I shall not undertake to reply to seriously. I shall be slow to believe that there is a single sensible, patriotic man in any part of the republic, who, if sub-

jected to regular test, would be found willing to stultify this nation so signally before the civilized world, as would be the inevitable consequence of a proceeding so unprecedented and so unwise. The Senator from New Hampshire can scarcely be serious in urging this view of the subject upon our attention. The Senator declares his capability of "looking all the horrors of dissolution steadfastly in the face." In this respect I differ with the honorable Senator very greatly indeed; there is no evil that I could not look in the face with more calmness and composure than the dissolution of this glorious confederacy. I do not understand how any patriot can gaze with steadfastness and resignation on any such event. As a man devoted to the Union of these States—sworn to support the constitution—whose grand purposes, as declared in the preamble to the instrument itself, to be—

"To form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty"—

to the generation which honored it and their "posterity"—I cannot see how any member of this body can reconcile it to himself to aid, either directly or indirectly in any measure or act calculated in the least degree to defeat any one of these great objects. I design to impugn the conscientiousness and patriotism of no member of the Senate, when I say, that I regard every Senator here as bound by the constitutional oath which he has taken, to do nothing, and say nothing, here or elsewhere, at all likely to put in peril the Union of these States, or to endanger our "domestic tranquility." And yet it is most obvious that several gentlemen here, including the Senator from New Hampshire, seem to take a very different view of their official responsibilities under the constitution from that which I have deemed it my duty to state.

Mr. CLAYTON.—I have not participated in the excitement which has been manifested on this subject, because in all sincerity, I can say that I feel none. I am a representative in part of one of the slave States; but it is a State, which it has always been difficult to say, whether it belongs to the North or to the South. A committee of lawyers, it is said, was once appointed to decide the question, as to whether Delaware was a northern or a southern State. It was urged on the part of the South, that the northern boundary was a portion of Mason's and Dixon's line; that was thought to have settled the question at once. But on the part of the North it was immediately afterwards shown that the southern and western lines were also run by Mason and Dixon.

So the committee threw the matter up in despair, and I believe it has never been settled to which portion of the Union that State belongs. I feel, then, on this occasion, very little excitement. But, the people of my State, in the midst of this excitement, appear to be situated very much like the game cock in the stable with the horses. When they began to make a disturbance, he cried out, "gentlemen, let us make a bargain; let us agree that no gentleman here shall fly into a passion, or a stampede, or tread on another one's toes."

I wish to say, in corroboration of what has been stated in part, by the Senator from South Carolina, that the object of my motion is not to discharge the territorial committee from any portion of the duties which devolve upon them, in consequence of the reference already made of portions of the President's message, relative to the organization of territorial government in California and New Mexico. I desire to leave the committee in possession of that subject, and that the Oregon bill alone, with all the amendments which have been made to it, may go to the select committee. I would also state, for the information of those who do not perhaps comprehend the reason for this particular motion, the object which I have in view. In any event, I desire that the territorial committee should report, with the advice and information which they may obtain from the Secretary of the Treasury, a bill to extend our revenue laws over these two territories. A bill on that subject is in course of preparation, and whatever may be the decision in relation to the other great and engrossing topic, I think we shall all agree in the extension of our revenue laws over the country, if the Secretary of the Treasury thinks it proper and necessary to do so.

That subject may be separated with great propriety from the main question, and the Territorial Committee can at once proceed to act upon it, holding themselves of course subject to the action of the select committee in relation to the great and exciting question. I hope therefore, that the Territorial Committee will retain possession of the matter referred to them. No motion has been made to discharge them from the consideration of these subjects. It is not the Oregon bill alone which is proposed to be referred to the select committee, for the various amendments go with it, and they embrace the whole controversy between the North and the South. The whole subject in controversy will thus come up before the committee, which will be enabled to ascertain whether it is practicable to obtain any settlement of it at present. If that result be impracticable, I, for one, would be disposed to leave the matter over for the present. But I will never abandon the hope that we shall eventually be enabled to settle this question honorably and satisfactorily to all parties. I have no more northern or southern feeling, but as a sincere friend of the union of the States, and desirous to prevent unnecessary excitement, I wish to raise the committee. There is another reason for taking this course which I would suggest to gentlemen who have doubted its propriety. By continuing the debate here and acting on the various amendments gentlemen will be committed during this session of Congress, to specific propositions, leading to the embarrassment of their action hereafter. If, at a future session that course should be impracticable to which they may now be disposed to give their assent, it is obvious that gentlemen will feel more or less embarrassed. They will desire to adhere to the decision which they may now give. I desire to avoid that state of things. If Senators fail to agree now I desire the minds of all to remain open to conviction, so that in the recess they may be enabled to reflect in the calm tranquility of their own homes, upon the importance of this great question, and the paramount obligation to preserve the union of these States. I am not anxious to press the matter to a vote, unless it is to be a successful vote. I hope then that the committee will be appointed, and that an honest effort will be made to settle this question. A variety of legislative business awaits our action. The appropriation bills have been all kept back, and with other important measures of the session, are delayed, and in danger, of being lost. Let us then stop this debate, go on with our business, and await the action of the committee, which will be able to report in a few days, when we shall know whether we are to have a settlement of the question or not.

Mr. HALE rose to address the Senate.

Mr. WESTCOTT.—I call the gentleman to order. He has already spoken three times upon this subject, and the rule limits him to speaking twice.

Mr. HALE.—I call the Senator to order for a miscount; I have spoken only twice.

The PRESIDING OFFICER.—Shall the Senator from New Hampshire have leave to proceed?

The question being decided in the affirmative, the Senator was allowed to proceed.

Mr. HALE.—I am obliged to the Senate for its indulgence. I rose only for the purpose of correcting a misapprehension of the Senator from Mississippi. The honorable Senator has alledged that I am affiliated in some way with a society or organization who have resolved to destroy the Union.

Mr. FOOTE.—I said more or less affiliated. They have determined, if the Senator be nominated at Buffalo, that we shall have a hail storm with a vengeance.

Mr. HALE.—Oh! all that will certainly be footed up when it comes. I must say that I am very sorry to have wounded the tender sensibilities of the Senator from Florida. His peculiar sensibility on this subject leads me to suppose that he must have been originally, a northern man, for northern men, I know, somehow become endowed with exquisite sensibilities when they get South. Except as a member of the great human family—and I don't know whether that includes the blacks also, but I believe they are human—I am not affiliated in any way with the organization to which the Senator from Mississippi has referred.

Mr. FOOTE.—I ask the Senator whether as a candidate, he does not indulge fond expectations that he will get the vote of that faction?

Mr. HALE.—Let me answer the Senator. In the first place, I do not look upon an election to the Presidency as a very great honor; and in the next place, I have not any very ardent hopes of an election—*this* time! Wright and Garrison, and the men of that party, do not vote at all. They deny the obligation to sustain any human government whatever, and certainly the Senator must read their papers much more attentively than I do, if he find any thing complimentary to me. One of the most eminent of that party was formerly a lawyer in Boston, of high standing at the bar, and having occasion lately to appear as an advocate in one of the courts of Massachusetts, he procured from his client a special power of attorney, because he would not take the oath to support the constitution, which he would otherwise be obliged to do. The organs of that party are the New York "Anti-slavery Standard," and the Boston "Liberator," and I suppose as these papers are furnished to the Senator, the Garrison men do not think him so incorrigible a case as I am.

Mr. FOOTE.—Not twelve months since, this Garrison stood on a platform, called a whig platform—I hope unjustly—where certain distinguished members of the whig party were present and spoke, and when the aid of that faction was invoked by one of the most distinguished whigs ever named in this Union, it was responded to by the assurance on the part of these gentlemen, that they would vote at the coming election for the Senator from New Hampshire, unless he should withdraw in favor of the Buffalo nominee, whoever he might be.

Mr. JOHNSON, of Maryland.—I am very unwilling to interrupt honorable Senators, but I submit that the whole of this conversation is out of order.

Mr. HALE.—The Senator from Mississippi has asked me if I do not expect the support of Mr. Garrison as a candidate for the Presidency, if I do not withdraw: I tell him candidly that I do not. The gentleman is entirely mistaken when he represents Mr. Garrison and his associates to be the organs of the liberty party. The liberty party is satisfied to abide by the constitution, and wish to bring it back to its original spirit. We are the great conservative party, assailed by the ultras of the North and the South. The Senate might just as well call the State of Illinois

Mormonite, as charge the extravagance of these men upon those friends with whom it is my pleasure and pride to act.

[Mr. WESTCOTT here addressed the Senate at some length. At his request his speech will appear in the Appendix.]

Mr. NILES.—I have no doubt that the Senator from Delaware has been influenced by good motives in making the proposition now before the Senate. He lives on the line, and frankly says he don't know exactly to which side he belongs. I have no doubt, therefore, that he feels a good deal of sensibility on this subject. I regret that I cannot concur in his judgment, that any good can come from this proposition. We see, already in this debate, that the advocates of proposed compromise are all on one side of the line. What are we to compromise? Why, sir, I am reminded very much of the case of the two boxers; one of whom proposed to the other to have a trial of skill and strength, and says he, "throw off your coat, and whoever wins will get it." That seems to be the amount of the present proposition. Oregon is now under the law of freedom. I trust it will never be withdrawn from that law by the action of Congress, or in any other way. For one, then, I can never agree to any compromise which is to give up a principle now established there. I know it is proposed to make this compromise more comprehensive, by embracing other territory. I am not prepared to say that that is wise. I believe in the saying, "Sufficient unto the day is the evil thereof."

I am of opinion that nothing is to be gained by patching up an arrangement, to be carried through without knowing whether it would be satisfactory to the parties concerned, that is, to our constituents who have sent us here. This is not a matter of ours. This is not a matter of which we can finally dispose. Indeed, I have no idea that this question can be settled at all by the present Congress. The people are not represented here upon this subject, and it is impossible that any satisfactory arrangement can be made unless made by the people themselves. The people will be represented in reference to this subject in the next Congress. This is not a Missouri compromise case. That was the admission of a State, and when once admitted, the arrangement could not be set aside. Not so here; nothing can be settled here; the mere passage of a law is nothing. Petitions are now pouring in upon you, expressing opposition to the proposed compromise, and if you pass any such law these petitioners will continue to assail you, demanding a repeal of the law. It is the people, then, alone, who can settle this question; let them settle it. Put your faith in the great principles of the constitution, and yield to the only compromise that is worth anything—the will of the people fairly expressed. I come from a section of the Union that may be misrepresented on this floor, but whether misrepresented or not, we will be compelled to submit to the will of the majority of the people. But I have no compromises to make on this subject. I would submit to be voted down, but never voluntarily consent that one inch of the free territory of this country shall be stained with slavery. That is the prevailing, general, universal sentiment of the North, and yet with that sentiment they are prepared to submit to a fair decision by a Congress fairly representing the will of the people. That is the only way in which this question can ever be settled. All that can be done this session is to pass some general law as in 1803, authorizing the President temporarily to take care of these territories, leaving the settlement of the question to a Congress prepared to decide it.

Mr. BERRIEN.—We ought to be admonished by all the indications of the expediency of coming to a speedy settlement of this question. The object of the Senator from Delaware is conciliation, and not to sacrifice any principle or conviction of duty. It is to abstain from the prosecution of a discussion which is daily becoming more exciting, and by a reference of the whole subject to gentlemen selected from various portions of the Union, to ascertain whether they, in the retirement of a chamber, exchanging opinions with the conviction that the declarations or declamations which may be made will not go out to the public, and they themselves become excited by that very consideration—whether in the calm interchange of their views in a committee room, they may not be enabled to present something to our consideration, which, without requiring the sacrifice of principle in any quarter, shall result in the adjustment of this question. We are told that the country is excited; I admit and lament it. But it is that very excitement present and prospective, which induces me to look with pleasure to the proposal of the Senator from Delaware. Nor do I despair of adjustment because of that excitement. The whole history of our government is that of a people excited on all questions connected with their rights. The constitution itself was formed at a period when a far greater degree of excitement existed than now throughout the United States, yet that work of the representatives of the people has had the happy effect of producing those results, which it is our good fortune to witness in the administration of this government. I pray gentlemen, then, unite with us in adopting a measure which, if merely an experiment, is worth trying, to ascertain whether a course cannot be proposed which will relieve them from the temptation, and absolve us from the necessity of a discussion calculated to add to the excitement. Gentlemen must remember that this debate, involving questions of political power on one hand, embraces in the other associations connected with the protection of our altars and our fire-sides. All must admit, then, I think, the propriety of bringing the debate to a close, and taking the sense of the Senate in order that we may ascertain whether a settlement cannot be made.

Mr. DOWNS.—I concur entirely with the Senator from Delaware, and my hopes of a beneficial result, if his motion be adopted, are strengthened by the active opposition made to it by the Senator from New Hampshire. I did think that when his reasons for objecting to the settlement were so obvious, there would not have been another member of the Senate to raise his voice against it. His opposition is very rational; nothing else could have been expected from the Senator from New Hampshire, because it so happens that if this matter be settled "Othello's occupation's gone." He would then have no ground to stand upon. The agitation is at an end. But I am very sorry that another Senator should be found to oppose it. But it is this opposition as I have said, which induces me the more earnestly to desire the reference. It is their interest to prevent a settlement of the question. They say it will amount to nothing; that the people will appeal from our decision, and the agitation be increased. As they live and breathe, and are advanced by agitation only, I don't see why they should oppose this on that ground. But the fact is they oppose it because they knew that it would kill this agitation stone dead, as it did in the case of the Missouri compromise, the Texas compromise, and all other compromises. Every man here who looks to the interest of the country alone, and not to his own advancement, whether from the North or the South, will come forward at once in favor of this proposition, so honorably made by a gentleman standing on or so near neutral ground. I do hope that the good sense of this body and the country, which has prevailed hitherto and sustained us amidst so many difficulties, will again prevail—that oil will be poured upon the troubled waters, and the question be settled to the satisfaction of all.

Mr. NILES rose, but gave way to

Mr. BALDWIN, who said that he desired to ask the Senator from Florida a question. Was that gentleman one of the meeting from which this proposition emanated?

Mr. WESTCOTT.—I did not use the language which the Senator supposes he heard me utter, and I do not consider it important enough to repeat what I did say.

Mr. BALDWIN.—I should be very happy if the gentleman would inform us whether that meeting was or was not entirely sectional?

Mr. DAYTON.—It seems to me that the proposition of the Senator from Delaware does not involve at all the difficulties pending in this chamber. The proposition is to refer the question of slavery, so far as it respects Oregon, to this special committee of eight, in order that they may ascertain, after consulting together, whether any plan can be devised by which this difficulty may be surmounted. Now, I ask, is there one man in this chamber or out of it, throughout the length and breadth of this land, who feels that in point of fact, there is any difficulty about Oregon?

Mr. CLAYTON.—The Senator misunderstands. There is no difficulty about Oregon; but is not the Senator aware that there are amendments before the Senate applicable to all the territories, and that these are to be referred to the committee?

Mr. DAYTON.—I have not overlooked the previous explanation of the Senator, nor the proposition of the Senator from Indiana to refer the whole matter to the committee; but those portions of the President's message relating to California and New Mexico still remain in the hands of the Territorial Committee. As to the existence of slavery in Oregon, or any where north of 42°, it is all a farce, and in my judgment—I say it with all respect—there is much more excitement here upon that subject than in the country. It is by stirring this matter up here, and making this chamber the centre of a whirlpool, that we throw these waves hither and yon all over the country. If we can stop it here, we stop it substantially altogether.

Mr. FOOTE.—The Senator certainly does not mean to say that it commenced here.

Mr. DAYTON.—I do not mean to say that there has not been some general feeling throughout the country, but it has originated very much in the two chambers of Congress. As a practical question, it amounts to very little elsewhere, either as respects Oregon, New Mexico, or California. If forced to a vote, those of us who came from the free States may be obliged to vote in a particular way. But I deny that there is any real difficulty in the question; for, in my judgment, the treaty practically absolved us from all difficulty in relation to the slavery question. I do not mean to say that it it be left open some man may not carry a slave to Oregon, or that some slave may not run there. I do not mean to say that if New Mexico and California be left open, individual slaves may not be taken there; but I say that circumstances forbid the existence of slavery in a permanent institution in one territory or the other. Looking at the productions of the country, and its relations in reference to slavery in other parts of the country, it is my judgment, that New Mexico and California cannot become planting States; and experience has shown that slave labor cannot be made productive in agricultural or grazing countries. And yet in the face of all this, we are raising issues and producing excitement, the end of which no man can see.

Mr. FOOTE.—Does the Senator mean to compare any excitement here with that which has brought up another Presidential candidate in New York?

Mr. DAYTON.—If the gentleman desires my opinion as to the comparative magnitude of the excitement here and in New York, I would say that if to be judged of by numbers, it is greater in New York; but if its importance be the test, it is greatest here. I desire the whole subject to be referred, as suggested by the Senator from Indiana. If the question is really to be settled, gentlemen will know whether to debate it or not; but if it is to be merely talked about, many do not care to engage in the talk, and I am one of them.

Mr. CALHOUN.—I am very glad to hear the Senator from New Jersey say that this is not a practical question; and I hope, therefore, that he will leave it open. We are in favor of free territory, and opposed to monopoly. We wish to leave the soil open to every American citizen so long as it remains a territory, leaving the people to form their own government when it becomes a State.

Mr. DAYTON.—The Senator goes for free territory; so do I. The question is in reference to free territory in Oregon, and the people of Oregon want the territory to continue free; and all that the Senator asks is, that the restrictions may be removed, so that he can go there with his slaves.

Mr. CALHOUN.—The Senator says that it is an abstract question; why not leave it open? We got Oregon from France and Spain—both slaveholding communities. We got New Mexico and California also from a slaveholding community. Strike out the 12th section of the bill and leave the territory as you find it.

Mr. DAYTON.—I am for leaving the territories as we found them, and I trust the Senator will join with me. I would leave it as it now is with great pleasure, exactly as you find it—free from slavery.

Mr. CALHOUN.—It is slave territory. Did we not get it from slaveholding countries?

Mr. DAYTON.—Not at all. I hold that we did not get Oregon through the purchase of Louisiana. I hold that the discussion proved—if it proved anything—that Oregon did not come from that source; and certainly we did not get New Mexico from that source.

Mr. CALHOUN.—Certainly. Slavery existed throughout the dominions of Spain on this continent. We got Oregon partly from Spain and partly from France—both slaveholding communities.

Mr. DAYTON.—As to the origin of our title to Oregon, there has been some difference of opinion. But that the territory is free—that the foot of a slave has never passed its soil, no man, I believe, ever controverted. Oregon is now free; and its inhabitants have said that it shall continue free. Permit me now to ask the Senator from South Carolina does he not believe that this is an abstract question as respects Oregon? Does he believe that slavery can ever be introduced there; and if so, why does he desire to change the existing law which has been adopted by the people?

Mr. CALHOUN.—Whatever territory we purchase from any community, if slaveholding at the time of the purchase, the territory must follow that law. Every one who remembers the discussion knows that more reliance was placed upon our title through France than on any other. One of the ablest gentlemen on that side of the chamber [Mr. Evans] declared that that was our strongest title. All the possessions of Spain were open to slavery. Now, I put it to the Senator, that he is bound to unite with us, and make it free territory—open to every American citizen.

Mr. DAYTON.—The Senator has put that question half a dozen times, and I have answered him. The difference between us relates to a matter of fact. He says the territory was slave territory when we got it. In my judgment, it was not. In reference to the existing state of things upon which we are called to act, we should respect the wishes of the people of these territories, and take their laws as they have made them, and by which they choose to abide.

Mr. BRIGHT pressed his suggestion, that the whole subject should be referred to the select committee.

Mr. CLAYTON said, that as the gentleman seemed to be so strenuous in his request, he would not oppose it, and he modified his motion accordingly.

Mr. DAVIS, of Massachusetts, moved that the Senate adjourn.

SEVERAL SENATORS.—No! no! Let the question be taken on the motion for a committee first.

The motion to adjourn was determined in the negative.

Mr. HALE demanded the yeas and nays upon the question of agreeing to the motion of Mr. CLAYTON, as modified; which were ordered, and it was determined in the affirmative as follows:

YEAS—Messrs. Allen, Atherton, Badger, Bell, Benton, Berrien, Borland, Breese, Bright, Butler, Calhoun, Clayton, Davis, of Mississippi, Dayton, Dickinson, Downs, Foote, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Lewis, Mason, Metcalfe, Rusk, Sebastian, Spruance, Turney, Underwood, Westcott, and Yancey—34.

NAYS—Messrs. Baldwin, Bradbury, Clarke, Corwin, Davis, of Massachusetts, Dix, Fitzgerald, Greene, Hale, Hamlin, Miller, Niles, Upham, and Walker—14.

So it was

Ordered, That the bill, with the several amendments proposed thereto, be referred to a select committee, to consist of eight members, to be appointed by ballot; that the Committee on Territories be discharged from the consideration of so much of the President's message as relates to New Mexico and California; and that the same be referred to the proposed committee.

On motion by Mr. CLAYTON, it was

Ordered, That the Senate will, at 12 o'clock to-morrow, proceed to the appointment of the committee.

On motion,

The Senate adjourned.

THURSDAY, JULY 13, 1848.

CREDENTIALS.

Mr. LEWIS presented the credentials of the Hon. WILLIAM R. KING, appointed a Senator by the Governor of the State of Alabama, to fill the vacancy occasioned by the resignation of the Hon. ARTHUR P. BAGBY, which were read; and the oath prescribed by law having been administered to Mr. KING, he took his seat in the Senate.

Mr. JOHNSON, of Maryland, presented the credentials of the Hon. JAMES ALFRED PEARCE, elected a Senator by the General Assembly of the State of Maryland for six years from and after the 4th day of March, 1849; which were read.

Ordered, That they lie on the table.

PETITIONS.

Mr. DIX presented the petition of a committee of the Prison Association of New York, praying a modification of the act regulating fines in the courts of the United States; which was referred to the Committee on the Judiciary.

Mr. CAMERON presented a memorial of merchants, traders, and others, of the city of Philadelphia, praying the adoption of measures for insuring greater expedition and regularity in the great northern and southern mails; which was referred to the Committee on the Post Office and Post Roads.

PRE-EMPTION CLAIMS.

Agreeably to notice, Mr. DOWNS asked and obtained leave to bring in a bill to facilitate the entry of pre-emption claims; which was read the first and second times, by unanimous consent, and referred to the Committee on Private Land Claims.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed a bill from the Senate to confirm to the legal representatives of Joseph Dutaillet the location of a certain New Madrid certificate.

They have passed the bill for the relief of Jose Arguelo Villalobos, Marie Rose Francoise Pelvs, Marquise de Fontgenes, or their legal representatives.

Also, the bill to revive an act authorizing certain settlers in the late war with Great Britain to surrender the bounty lands drawn by them, and to locate others in lieu thereof, with an amendment to each, in which they request the concurrence of the Senate.

They have passed bills of the following titles, in which they request the concurrence of the Senate:

An act to admit certain articles, of the growth or production of Canada, into the United States free of duty, upon condition that like articles, of the growth or production of the United States, are admitted into Canada free of duty.

An act to annex that part of the State of Indiana bordering on Michigan to the Chicago collection district.

An act in addition to an act entitled "An act for the relief of the reputed inhabitants of the reserved township in Gibson county, in the State of Indiana," approved August 11, 1842.

The President of the United States approved and signed, the 10th July, the following acts:

An act making appropriations for the service of the Post Office Department for the year ending 30th June, 1849.

An act to establish the collection district of Brunswick, in the State of Georgia.

Joint resolution to change the location of a light-house on Lake Superior, in the State of Michigan.

Joint resolution disposing of two brass field pieces captured at the battle of Bennington in 1777.

LIGHT-HOUSE BILL.

On motion of Mr. DAVIS, of Massachusetts, the prior orders were postponed, and the bill making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, was read the second time, and considered as in Committee of the Whole.

Mr. DAVIS, of Massachusetts, moved to amend the bill, at page 5, under the head of "Georgia," by striking out lines 96 to 99, inclusive, (the same provision being made under the head of "Florida,") which was agreed to.

Mr. DAVIS moved further to amend the bill, in line 113, by striking out "Kehoon," and inserting "Racoon;" which was agreed to.

Mr. DAVIS moved further to amend the bill, in the same line, by inserting "$12,000" after the word "point;" which was agreed to.

Mr. DAVIS moved further to amend the bill, in line 115, by inserting "$12,000," after the word "foster;" which was agreed to.

Mr. DAVIS moved further to amend the bill, in the same line, by striking out the word "thereof," after the word "lieu," and inserting the words "of the;" which was agreed to.

Mr. DAVIS moved further to amend the bill, in the 116th line, by inserting "$10,000" after the word "shoal;" which was agreed to.

Mr. YULEE inquired when this bill was reported?

Mr. DAVIS, of Massachusetts.—The Clerk will inform the Senator.

The PRESIDING OFFICER.—It was reported on the 26th of June.

Mr. YULEE desired to state that the bill was not on his table. It was usual for such bills to originate in the other House, and he asked that it might be postponed.

Mr. DAVIS, of Massachusetts, could not consent to the postponement. He would have no objection if he could see a prospect of the bill being acted upon by the other House in time, but he could not, and he had been urged to press the bill here.

Mr. YULEE said it was only a short postponement he desired, to examine the bill.

Mr. DAVIS said he had given notice, some days ago, that he should call the bill up on the first opportunity that presented itself, and Senators had had ample time in the meanwhile to examine it.

Mr. YULEE said it had been his misfortune not to hear the notice. He desired to have an opportunity of looking into the appropriations for that section of the country which he represented.

Mr. BADGER hoped the bill would not be postponed.

Mr. DAVIS said the Senator from Florida could lay his views before the committee of the House, when the bill went there, if he desired any amendment made.

Mr. YULEE thought a single day could not make much difference. He had just glanced over the bill, and found a section for the appointment of a board of examiners, with, as he thought, very extraordinary and dangerous powers.

Mr. DAVIS inquired whether the Senator from Florida supposed the section embraced anything beyond light-houses.

Mr. YULEE read the section. He could not help thinking it covered a very large ground. The terms "facility to navigation" and "any other improvement," were susceptible of being construed to mean many other kinds of improvement than light-houses or light-boats. He moved to strike out the section.

The question being taken, the motion to strike out the section was disagreed to.

The bill was then reported to the Senate; and the amendments were concurred in.

Ordered, That the bill be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered. That the Secretary request the concurrence of the House of Representatives in said bill.

THE SELECT COMMITTEE.

The Senate proceeded to ballot for the select committee to whom were referred the bill to establish the territorial government of Oregon, the several amendments proposed thereto, and so much of the message of the President of the United States as relates to New Mexico and California; and it was

Ordered, That the committee consist of Mr. CLAYTON, chairman, Mr. BRIGHT, Mr. CALHOUN, Mr. CLARKE, Mr. ATCHISON, Mr. PHELPS, Mr. DICKINSON, and Mr. UNDERWOOD.

Mr. DICKINSON submitted the following motion; which was considered by unanimous consent and agreed to.

Ordered, That the select committee to whom was referred the President's message relating to the organization of territorial governments in Oregon, Upper California, and New Mexico, have the use of the ante-room during their sittings.

GRANT OF LAND TO ARKANSAS.

Mr. BORLAND, from the Committee on Public Lands, to whom was referred the bill to grant to the State of Arkansas certain unsold land, subject to overflow, for purposes of internal improvement, education, and other purposes in said State, reported

it with an amendment, and submitted a special report on the subject, which, with the accompanying map, was ordered to be printed.

PORT OF ENTRY AT BANGOR, MAINE.

Mr. DIX, from the Committee on Commerce, to whom was referred the bill to make Bangor a port of entry for ships or vessels coming from and beyond the Cape of Good Hope, reported the same without amendment.

The Senate proceeded to consider the said bill as in Committee of the Whole, and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

UNITED STATES COURTS IN KENTUCKY.

Agreeably to notice, Mr. UNDERWOOD asked and obtained leave to bring in a bill to change the time of holding the circuit and district courts of the State of Kentucky; which was read the first and second times, by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That the bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

CLAIMS OF THE CHEROKEES.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution authorizing the proper accounting officers of the Treasury to make a just and fair settlement of the claims of the Cherokee nation of Indians according to the principles established by the treaty of August, 1846; and after debate, [a report of which will be found in the Appendix,]

The Senate proceeded to the consideration of Executive business; and after sometime spent therein,

On motion,

The Senate adjourned.

FRIDAY, JULY 14, 1848.

POSTAGE ON NEWSPAPERS.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom was referred the bill from the House of Representatives to regulate the postage on newspapers, and for other purposes, reported it with an amendment.

PRIVATE BILLS.

Mr. MASON, from the Committee of Claims, to whom was referred the following bills from the House of Representatives:

An act for the relief of Dr. Adolphus Wishcenus;

An act for the relief of Joshua Barney, late a States agent;

reported the same without amendment.

Mr. BALDWIN, from the Committee of Claims, to whom was referred the bill from the House of Representatives for the relief of Charles Benns, reported it with an amendment.

Mr. BRADBURY, from the Committee of Claims, to whom was referred the bill from the House of Representatives for the relief of Joseph C. Doxey, reported it without amendment.

U. S. DISTRICT JUDGE IN LOUISIANA.

Mr. BUTLER, from the Committee on the Judiciary, who were instructed to inquire into the expediency of making an appropriation to pay an extra compensation to the judge of the United States district court for the State of Louisiana, for certain judicial services, submitted a report, which, with the accompanying documents, was ordered to be printed.

EXTENSION OF THE CIRCUIT COURT SYSTEM.

On motion by Mr. BUTLER, it was

Ordered, That the Committee on the Judiciary be discharged from the further consideration of the resolution respecting the extension of the circuit court system to Texas, Florida, Iowa, and Wisconsin.

COLLECTION DISTRICT.

Mr. DIX, from the Committee on Commerce, to whom was referred the bill from the House of Representatives to establish a collection district in the State of South Carolina, and for other purposes, reported it, with an amendment.

The Senate proceeded to consider said bill, as in Committee of the Whole; and having been amended, it was reported to the Senate, and the amendment was concurred in.

Ordered, That the amendment be engrossed and the bill read a third time.

The said bill was read a third time, and the title was amended so as to read "An act to annex the town of Essex, in the State of Massachusetts, to the collection district of Gloucester."

Resolved, That the bill pass with amendment.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendments.

THE SENATE REPORTS.

Mr. NILES submitted the following resolution and asked for its immediate consideration:

Resolved, That the committee on [illegible] Senate, be instructed to inquire whether the contract to report the [illegible] debates of the Senate, has been faithfully executed, and whether [illegible] answered the purposes expected, and if not, to report such [illegible] evil.

Mr. NILES.—The resolution explains itself. I do not know that I understand what the precise requirements of the contract are, but I believe that the proceedings of each day were to be laid upon the tables of Senators off the following day. But whether the contract was adhered to in one question, and another is whether it has answered the expectations and purposes of those who favored the plan at the outset? As to the contractor, I suppose he has endeavored to perform his duty faithfully; and without reference to that question, I offer the resolution, under the conviction that the plan, whether carried out according to the contract or not, has entirely failed to fulfil the expectations of Senators; for it is very well known to every Senator, that the proceedings of this body are, to all substantial purposes, suppressed. I noticed in one of the newspapers this morning* as a matter of curiosity, the comparative quantity of reports given of the proceedings of the Senate and House of Representatives, of which were eleven columns and a half for the House, and for the Senate only half a column. Well, now, this is the public record that goes out to the people of the country in regard to the proceedings of the Senate. Why, the Senate apparently, is of no sort of consequence here. The public knows nothing of what we are about. We might as well sit with closed doors. The reports which come out, are, I believe, substantially correct, and well got up, but the difficulty is, that they come so late that they are of no use except for posterity. Probably they will be valuable for the antiquarian, or the historian, but for present purposes they are totally useless.

Mr. CLAYTON.—I do not rise to oppose the resolution, but I prefer that it should remain its usual time before the vote be taken upon it.

Mr. FOOTE.—The resolution, although it merely proposes an inquiry, implies delinquency on the part of the individual who has contracted to furnish reports; I cannot, therefore, consent to its adoption unless delinquency be shown, or unless some good and sufficient reason be assigned why such resolution should be adopted. In regard to the non-publication of the reports in the newspapers, I feel bound to say that we cannot hold our reporter responsible. He is willing to supply the newspapers both in this city, and throughout the country, and I know that he does supply them with copies of the reports, and if they do not publish them, it is not his fault. The arrangement may have been an injudicious one in the first instance; it may have had the effect of preventing so early a publication as otherwise would have taken place of a summary of debates; but without it, we would have had nothing like the amount of reporting that has been done. And in regard to the delay of publication, my impression is, that it will be found to be the fault of Senators. I undertake to assert, that were it not for the fact that Senators justly careful, perhaps, of their reputations, have from time to time held back the reports of their speeches for the purpose of revising and re-revising them, the delay would not have occurred.

Objection being made, the resolution lies over one day under the rule.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were read the first and second times by unanimous consent:

An act to grant certain lands to the State of Indiana for a canal around the falls of the Ohio river, and for other purposes;

An act to grant certain lands to the State of Indiana, for a canal from Lake Michigan to the Illinois river;

An act to grant certain lands to the State of Indiana, for a canal from Lake Michigan to the Chicago collection district.

An act to admit certain articles of the growth or production of Canada, into the United States free of duty, from the reciprocation of the like articles of the growth or production of the United States are admitted into Canada free of duty.

Ordered, That they be referred to the Committee on Commerce.

The bill in addition to an act for the relief of the inhabitants of the reserved township in Gibson county, in the State of Indiana, approved August 11th, 1842, was read the first and second times by unanimous consent.

Ordered, That it be referred to the Committee on Public Lands.

AMENDMENTS REFERRED.

The Senate proceeded to consider the amendment of the House of Representatives to the bill for the relief of Jose Argote Villalobos, Marie Rose, Francois Felix, Marquis de Fougeres, or their heirs or legal representatives; and it was

Ordered, That it be referred to the Committee on Private Land Claims.

The Senate proceeded to consider the amendment of the House of Representatives to the bill to revive an act authorizing certain soldiers in the late war with Great Britain, to surrender the bounty lands drawn by them, and to locate others in lieu thereof; and it was

Ordered, That it be referred to the Committee on Public Lands.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives agree to the amendments asked by the Senate, on the disagreeing votes of the two Houses, on the amendments to the bill making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30th, 1849; and have appointed Mr. Vinton, Mr. Nicoll, of New York, and Mr. Chapman, of South Carolina, managers of the conference on their part.

* NOTE.—Upon an examination of the paper referred to, the *National Intelligencer*, I find that the eleven and a half columns devoted to the House of Representatives, comprise *three days' proceedings*, and is made up most of debate, but of amendments and explanations on the bill under consideration, and also a case offered by members who were absent for absence during a call of the House.—REPORTER.

BRANCH MINTS.

On motion by Mr. DICKINSON, the prior orders were postponed, and the Senate resumed, as in Committee of the Whole, the consideration of the bill to establish a branch mint of the United States in the City of New York.

Mr. DICKINSON.—This bill was introduced by my colleague two years ago. It has received a favorable report from the committee as often as it has been introduced, and at the last session it passed the House of Representatives. It has been recommended by the President, and its passage has been urged by the Secretary of the Treasury. It will appear, by reference to the last letter of the Secretary, that about thirty millions of dollars of foreign coin have been imported into New York during the last eleven months, all of which would have been coined if there had been a mint at New York. If not re-coined, its value being unknown to the mass of the people, it cannot go into circulation, but finds its way into the vaults of the banks, or is re-shipped, in place of sending bills abroad. If specific, detailed information be desired by any Senator, I would refer him to the reports of the Secretary of the Treasury.

Mr. BUTLER.—The reasons that have been assigned by the honorable Senator for the establishment of a branch mint in New York, are applicable in an eminent degree to the city of Charleston. I therefore offer the following amendment:

Add the following sections:

SEC. 7. *And be it further enacted*, That a branch of the mint of the United States shall be established in the city of Charleston, in the State of South Carolina, for the coinage of gold and silver. And for the purpose of purchasing a site, erecting a suitable building, and supplying the necessary machinery and apparatus for such branch, the sum of two hundred thousand dollars is hereby appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated.

SEC. 8. *And be it further enacted*, That so soon as the necessary buildings shall be erected for the purpose of well conducting the business of the said branch, the following officers shall be appointed, upon the nomination of the President, one with the advice and consent of the Senate, viz: one superintendent, one treasurer, one assayer, one melter and refiner, and one coiner. And the said superintendent shall engage and employ as many clerks and as many subordinate workmen and servants as shall be awarded for by law; and the salaries of said officers and clerks shall be as follows:

To the superintendent the sum of two thousand five hundred dollars; to the treasurer the sum of two thousand dollars; to the assayer, two thousand dollars; to the melter and refiner two thousand dollars; to the coiner two thousand dollars; to two clerks the sum of twelve hundred dollars each; to the subordinate workmen and servants, not exceeding twenty in number, such wages and allowances as are customary and reasonable, according to their respective stations and services.

SEC. 9. *And be it further enacted*, That the officers and clerks to be appointed under this act, before entering upon the duties thereof, shall take an oath or affirmation, before one Judge of the United States, justices, and magistrates respectively therein mentioned, and shall each become bound to the United States of America, with one or more sureties, to the satisfaction of the director of the mint and the Secretary of the Treasury, with condition for the faithful and diligent performance of the duties of their offices.

SEC. 10. *And be it further enacted*, That the general direction of the business of said branch of the mint of the United States shall be under the control and regulation of the director of the mint at Philadelphia, subject to the superintendence of the Secretary of the Treasury; and, for that purpose, it shall be the duty of the said director to prescribe such regulations and require such returns, periodically and occasionally, as shall appear to him to be necessary for the purpose of carrying into effect the intention of this act in establishing the said branch; also, for the purpose of discriminating the coin which shall be stamped at said branch and at the mint itself; also, for the purpose of preserving uniformity of weight, form, and fineness in the coins struck at said branch; and, for that purpose, to require the transmission and delivery to him at the mint, from time to time, of such parcels of the coinage of said branch as he shall think proper, to be subjected to such assays and tests as he shall direct.

SEC. 11. *And be it further enacted*, That all the laws and parts of laws made for the regulation of the mint of the United States, and for the government of the officers and persons employed thereat, and for the punishment of all offences connected with the mint or coinage of the United States, shall be, and the same are hereby declared to be, in full force in relation to the branch of the mint by this act established, so far as the same shall be applicable thereto.

Mr. BADGER.—I confess, for one, I have heard nothing which shows the existence of any particular necessity for the establishment of either of these branch mints. The Senator from New York assigns as a reason for the establishment of one in New York, that a large amount of foreign coin arrives there, which, for want of a branch mint, instead of being re-coined and put in circulation, is re-shipped. How far that is the fact, I am not able to determine. But as far as my observation extends, it seems to me that our own proceedings on the subject have tended to discourage the coinage of foreign gold. Congress has adopted as the circulating medium of this country, all the foreign coins of the world; and when they are received by the banks, they are retained, because they answer their purpose just as well—indeed, better than the coinage of the United States, inasmuch as this gold, passing by weight and not by tale, does not answer the ends of those who wish to convert the notes they hold into specie. It is proposed now to pass a bill and appropriate supplies, and authorize an outlay of about $125,000 for the purpose of providing suitable buildings for these branch mints, and I suppose it would not be an extravagant supposition, that quite as large additional appropriations will be required before the respective establishments are completed. That is the ordinary experience of legislative bodies with regard to all appropriations. I think it may be safely assumed, then, that we are about to incur an expenditure of a million of dollars for preparing the two establishments, and then we entail upon Congress a large annual expense for the purpose of keeping them up, which will not be less probably than $70,000 or $80,000. And what good, I ask, will it do for the country at large? If there be this large amount of foreign coin in the city of New York, and there be a necessity for its re-coinage, why are not those who hold it willing to have it re-coined at the principal mint at Philadelphia? The only obstacle is the expense of transportation and the insurance; but New York is now within four hours of Philadelphia, and the expense of transportation is trifling; and if Congress is desirous that this money shall be re-coined, would it not be better for us—would it not be cheaper and more advantageous to pass a law by which the United States should pay the expense of transportation, and ensure its safe deliverance. The transmission and return of fifteen millions of dollars, I apprehend would not cost half so much as the salaries of the officers of your branch mint. If the banks are not keeping foreign gold in preference to American gold, because it is less desirable to the holders of notes, they would undoubtedly be just as willing to send it to Philadelphia to be re-coined, if relieved of the expense, and sure of a safe return. It seems to me, then, that we are about to incur a very needless expense. I know it will serve to adorn the noble commercial metropolis with another splendid marble edifice, that will attract the attention of foreigners, add grace and dignity to the appearance of the city, and give it greater approximation to a "city of palaces;" and I for one could have no objection to all that, if there was an appropriate amount of good to be accomplished by it. I trust I am totally incapable of any feeling that would induce me to desire to do any thing to diminish the prosperity and beauty of that city, or to prevent its advancement; but the only effect, as I conceive, would be that a large and splendid building would be erected in the city of New York at a great outlay of public money, which will afford convenience to such officers as may be employed in it, and enlarge the patronage of the government now and forever, without any adequate return to the people of the United States. And these remarks apply also in their general scope and character to Charleston; but as far as that city is concerned, I would take even more pleasure than with regard to New York, in adopting a measure by which her prosperity might be advanced, for the reason that she has fewer natural advantages, and because of her locality in the neighborhood of my own State, which would make me glad to see a large city there built up. But the question arises, whether we will be justified in laying out this money? Where is the necessity for it? Where the general good to be promoted by it? I confess I have been unable to see it, with regard to either of these institutions. There are other matters connected with this subject, which, in my view, afford additional objections against both of these proposed establishments, and which I will very briefly advert to. In the first place, I believe, myself, that the establishment of any branch mint, was to say, the least of it, a measure of doubtful utility. My own impression is, that no branch mint should have been established, and I think that we are now receiving in these two propositions, proof that the adoption of the policy of establishing branch mints was wrong in itself, and if followed out, will produce most mischievous effects in the community. I suppose that Congress was, in the first place, led—or, as I think, misled—into their establishment by circumstances peculiar to those districts of country where the branch mints are situated, in Georgia for instance, and in my own State where they were located in order that they might be in the neighborhood of the gold region, on account of the want of easy and cheap modes of transmission from those regions to the great seat of coining in Philadelphia. These reasons were plausible, and were supposed at the time to be strong; at all events Congress was induced by them to establish branch mints there; but the same reason does not exist for the establishment of one in New York, so near to the principal mint, and having so ready and easy a communication with it. If this proposition prevails, where is this matter to end? I think we ought to look a little ahead. Does any gentleman believe that the establishment of branch mints will stop with these two? If he does, he reasons contrary to all precedent. We shall in a short time have applications from Boston, Norfolk, and all the seaboard towns for branch mints to be established in them, until the original institution is lost sight of, and instead of one great establishment, we shall have the business divided among little establishments, insufficiently supplied with work, and carrying on the business of coining at a disproportionate expense, and at great disadvantage to the country. I, for one, am not for advancing a step further, in what I believe to be a wrong course. But there are other reasons why Congress should not enter upon such a work at this time. I ask my honorable friend from New York, whether he has so soon forgotten the strong, the pressing recommendation of the President, that Congress, for the purpose of meeting the expenses of the war which has just closed, should abstain as far as possible from all measures demanding an expenditure of public money not absolutely necessary. I admit that this recommendation furnishes no reason why a really necessary expenditure should not be incurred, but I think that under the circumstances to which the President refers, it furnishes a very strong reason why there should be no expenditure, unless for some object which the condition of the country demands. And I should be glad to know what inconvenience the country is to suffer if there should be no branch mint at New York, or at Charleston, for the next six years. The country has gone on very well without them thus far, and I think it can go on very well for a few years longer, until we pay what we owe, and ascertain whether we can conveniently incur the large expenditure which this bill proposes. I hope the question will be taken by yeas and nays.

Mr. DICKINSON.—The remarks of the honorable Senator in regard to the expense of establishing these mints, may be applied to any public structure. If the Senator draws his notions of the utility of branch mints from those which have already been established, I am not surprised at his opposition. The branch mints in Georgia and North Carolina, have, I believe, in no one year coined more than

three or four hundred thousand dollars each. But the Senator says, that if the mint was to be placed in the neighborhood of the gold mines he would be in favor of it.

Mr. BADGER.—The Senator misunderstands me. I doubted the propriety of the policy of establishing branch mints any where, but I said there was some appearance of reason, if they were to be established at all, in having them placed near the mines.

Mr. DICKINSON.—I would like to know what better gold mine can be found than that which, in eleven months, produces $30,000,000?

Mr. BADGER.—We have a great deal better mine, because the thirty millions of dollars which the Senator speaks of, and which he assumes to be all in foreign coin, is received, I suppose, for its equivalent. But a gold mine that yields, with small labor, virgin gold from the soil is, I think, a better mine.

Mr. DICKINSON.—Well, gold is the representative of labor, and from this it derives its value. But the proposition of the Senator is directly against the course of events and against the laws of trade. He supposes that this coin can as well be received in Philadelphia as in New York; but the Senator must recollect that an individual having a small sum in foreign gold will not subject himself to the inconvenience of going to Philadelphia to get it coined—he would sooner part with it below its value; whereas, if there was a mint in New York, he could get it exchanged at once, and it would be received and go into circulation, instead of being reshipped, as a great portion of it is in the course of trade. If legislation would go along with commercial law, instead of undertaking to make commercial law go along with it, it would be much better. That a magnificent structure is to be erected is no argument for or against the establishment of a branch mint; the only question is, whether it will be for the public interest. And of this I think there can be no doubt.

Mr. NILES.—We have now several of these establishments, but not one of them situated at an important commercial point. That at New Orleans is the most important; but in respect to foreign coin brought by immigrants from abroad, it stands very far below the northern cities. New York is the great commercial point; in fact, it may be said, that the whole trade of the country centres there. Well, now, what is the advantage to be expected to result from the establishment of a mint there? Why, if it is the settled policy of this government to secure a specie currency, and that in our own coin the advantages of which perhaps some have over-estimated—but the advantages of such a currency I think were realized during the late war—it is important to inquire, whether we should not avail ourselves of those facilities which the establishment of a branch mint at so important a commercial point would furnish. It was evidently a great mistake to establish mints in the interior, because establishments of this kind are connected with the commerce of the country. At least one-third of your whole revenue is collected at New York; and collected almost entirely in specie—and that specie is, for the most part, of foreign coinage. I think, therefore, if we have a mint anywhere, it should be at New York.

Mr. BUTLER.—It is proper perhaps that I should say a word in regard to the amendment I have offered. The reasons that existed for the establishment of branch mints in the interior no longer operate, because railroads now penetrating that section of the country, and it is known that a great deal of gold and silver coin comes from the West Indies to Charleston in the course of the trade that is carried on between those places, as a great deal of Mexican gold comes to New Orleans. The same reasons, then, that exist for having a mint at New Orleans apply to Charleston. It is known also that those who work the mines of North and South Carolina and Georgia carry their gold to Charleston for commercial purposes—Charleston being the intermediate point between New Orleans and New York. The same reasons that apply to both New Orleans and New York apply to Charleston.

Mr. DIX.—I desire to say a few words in support of the bill and in answer to objections which have been raised on the other side, although what has already been stated by my colleague and by the Senator from Connecticut, [Mr. NILES,] renders me to spare the Senate much, which I might otherwise have felt it necessary to say. With regard to the amendment, I regret that the Senator from South Carolina [Mr. BUTLER,] was not willing to allow the proposition for the mint at Charleston to stand upon its own independent ground. I confess that I have been strongly inclined at all times to vote for the establishment of a branch mint at Charleston, because I have no doubt it will become a place of great commercial importance when the connection by railroad with the Mississippi is completed; but it was my wish that the proposition should be considered separately. A bill was introduced last year for the establishment of a branch mint in the city of New York, and it was followed by the introduction of a bill to establish one in Charleston. The two propositions were considered independently of each other then; and I regret that they are not so considered now. I regret exceedingly that there should be any opposition to a branch mint in New York. A similar bill passed the House of Representatives last year on the day of the adjournment, so far as the establishment of a mint is concerned. But the bill contained some other provisions, and it was objected to and defeated upon a technical ground, which I supposed would not have been taken if the question of a mint had been unconnected with any other. The bill before the Senate was introduced by me and referred to the Committee on Finance, and I believe it was reported unanimously. The same bill, introduced by me, received the same sanction last year; the measure is demanded by the commercial wants of the country, by the banks, by the government, and I was not aware until recently that it had an opponent in any quarter.

The city of New York, as all know, is the great receptacle for the coins which come to the United States, whether they are imported in the way of commercial exchange or brought in by immigrants. These coins are chiefly foreign, and are for the most part wholly unfit for circulation—as much so as if they were medals or watch cases. This remark is particularly applicable to the gold coins. Foreign silver passes more readily by tale; a defect in weight makes little difference in value. It is not so with the more valuable metal. The same variation from the standard in weight makes a great difference in value, and few take the risk, excepting where the coinage is very familiar, like that of Great Britain. Sovereigns have a very limited circulation with us. But the whole gold coinage of the continent of Europe, and the greater portion of that of England finds it way into the vaults of the banks, the merchants, or the brokers, where it lies useless and unproductive. Nearly three quarters of the specie in bank in New York is foreign. At least, so I ascertained two years ago from a source which I deemed of unquestionable authority. I know of nothing in commerce or finance since, which is likely to have changed the relative quantity in reference to American coins. With a mint in the city of New York a large proportion of this imprisoned treasure would be liberated and after receiving the American impress it would enter into circulation.

Mr. BADGER.—What amount would seek coinage?

Mr. DIX.—I will speak of that subject presently. But I desire first to finish what I am saying on another point. I repeat, a mint in New York would liberate and convert into American coin a large amount of foreign gold and silver in the banks, which is as useless for the most part, as if it were in the form of bars or ingots. Even in the shape of coin it is inferior in value, though of the same weight and fineness, to American coin. Fitness or capacity for circulation is an element of value. The American coin is worth in the market from $\frac{1}{4}$ to $\frac{3}{4}$ of one per cent. more than the foreign. It is its adaptation to perform the active uses of money that makes it so. The banks understand this. If a man asks for specie at their counters, they will, for his accommodation, give him American coin in case he wants a small quantity for a given purpose. But if he wants much, they offer him foreign coins, which are of no use to him, and it ends in his taking paper.

Why, it may be asked, is not this foreign coin sent to Philadelphia to be recoined? The answer is, that the expense is an insuperable impediment in most cases. I believe it may be said to average $\frac{3}{4}$ of one per cent., taking gold and silver together, and sent, as it often is, in small quantities; from $\frac{1}{2}$ to $\frac{3}{4}$ of one per cent., more than the difference in the current value between foreign and domestic coin. The consequence is, it is only sent in limited quantities for special purposes, or under the impulse of an extraordinarily urgent demand. During the last year the coinage of foreign gold and silver has been very heavy, in consequence of the demand occasioned by the receipt and disbursement of the revenue in specie. This demand being supplied, we may expect that things will relapse into their former condition.

If we establish a mint at New York, foreign coin would, for the most part, be recoined, and much larger quantities would find their way into circulation. This would happen in two modes. 1st. The city banks rely little on the circulation of their own notes for their profits. The great mass of the city circulation consists of country bank paper. The city banks have no interest in keeping it out. To pay out specie would not interfere with their own interests, and they would do so freely, when its chief effect was to displace country bank paper, if they could convert their foreign into American coin without cost. With a full, copious, and ample recoinage of foreign gold and silver, I do not hesitate to say that through the medium of ordinary bank transactions, a much larger quantity of coin would be thrown into circulation. 2d. From four to five millions of dollars in foreign coin is brought into the country by immigrants. A part of this amount is exchanged by them in New York, for bank paper. They take paper because they do not wish to lose the difference in the exchange of foreign for American gold. The residue they take with them into Michigan or Illinois, or perhaps as far as Wisconsin and Iowa, since the "far west" has reached the Pacific. What is the consequence? Those foreign coins are not familiar to those among whom they are carried; their value is not known; they are parted with at a loss; they enter but slowly and but partially into circulation. If immigrants could exchange their foriegn for American gold at the place of debarkation without any discount, as they might do with a mint there, how different would be the result! They would be protected against loss, either on the foreign gold or on the paper, for which it is now exchanged, and they would introduce into the western States—the usual boundary of their migrations—our own coin, which all know, instead of foreign coin, with which none are familiar. The western States will, in this way, I verily believe, be more benefitted than we shall be.

Now, sir, let me say a word about the exportation of specie. I have already said that the difference in the market value between American and foreign coin is from $\frac{1}{4}$ to $\frac{3}{4}$ of one per cent., the weight and purity being equal. I am not sure that this difference does not influence the point in the rate of exchange, at which

specie begins to be exported—that the point of exportation is not reached, with this mass of foreign coin lying idle, at 1 to $\frac{3}{4}$ of one per cent. lower than it would be, if it were recoined at our mint. I do not mean that this circumstance will affect the ultimate payment of balances in the medium, which costs least to the persons making the payment. But those who are familiar with our commercial and money matters in New York, know that the rate of exchange often stands for weeks so near the point at which specie is exported, that a variation of $\frac{1}{4}$ of one per cent. will turn the scale between remittances and bills of exchange as remittances.

But there are other considerations arising out of the use of foreign and American coin as remittances for the payment of balances abroad. The demand for this purpose is always for foreign coin, for the reason that it is money the moment it reaches the place of payment. American coin is of no greater value for exportation than bullion. In France it costs about $1\frac{1}{2}$ per cent seignorage to convert it into money. In England the expense is less. For example: an ounce of gold, in the form of British sovereigns, is worth £3 17s. 10½d. for the payment of a debt as soon as it arrives in England. It is money. An ounce of gold in the shape of American coin is worth nothing as money in England. It must be sent to the mint in London, where it is worth £3 17s. 9d., and it will be re-delivered to the owner, on the average, in a month's time, making a loss to the owner in interest, besides the difference in value between the two coins, of about one half of one per cent. It follows, that a recoinage of foreign gold will operate $1\frac{1}{2}$ per cent. against the export to France and something more than one half per cent. against the export to England. It may not be desirable, then, that the whole mass of foreign coin, which is imported, should be recoined. Nor is it likely to be so. The laws of trade regulate these matters better than legislation. All we can properly do is to provide the means of recoinage at the principal places of importation, so that foreign gold may be converted into American without being checked by extraneous causes, such as the expense of transportation to and from a distant mint. This is all we ask. We desire that the laws of trade may not be embarrassed in their operation as they now are. With a mint in New York, probably of eight millions of specie in that city at least from one-half to two-thirds, instead of one quarter, would be in the form of American coin. The proportion might run up to three-quarters. But the amount of foreign coin in the vaults of the banks is not to be taken as the measure of the annual recoinage. The specie brought in by immigrants, that which is kept in circulation to perform the ordinary offices of domestic exchange, and that which is imported for the adjustment of commercial balances, would all find their way to the mint for recoinage, if it could be done without loss. But as we all know the mint charges nothing to the depositor for recoinage, except for refining, when the metal is below the standard, or for alloy, when the metal is above it. With a mint in New York the currency would be improved, the movements of the banks would be facilitated, and a larger infusion of specie into the West would be secured.

I am happy to bear testimony, Mr. President, to a more correct tone of opinion on this subject than that which existed in New York a few years ago. Some of the gentlemen who advocate the establishment of a mint were formerly among the most strenuous opponents of everything which bore the most distant relation to what was denominated the "specie humbug." Though political opponents, they are gentlemen of fairness and high character, and they do not hesitate to advocate—and to advocate warmly—what they are now convinced will contribute to stability in the operations of commerce and finance. And, sir, I cannot forbear, in connexion with this subject, to congratulate my friend from Missouri [Mr. BENTON] on my left, and others who co-operated with him, on their good fortune in having outlived the prejudices of the times, and in having witnessed the practical justification and fulfillment of their theories.

Now, one word in regard to the expense. The Senator from North Carolina, [Mr. BADGER,] says that we must always calculate upon having the appropriation doubled. Sir, this has not been our experience in any case. I find that the appropriation for New Orleans was $200,000; and the whole expense was a little over $300,000: but it is very well known that there was, to say the least, a very unnecessary expenditure, although the expense of building is much greater in New Orleans than in New York. The appropriations for the mints in Georgia and North Carolina were $50,000 each, and they cost but $60,000. I am satisfied that the appropriation is sufficient, and that we shall not exceed that amount in the construction of buildings, and in the purchase of machinery, if the measure shall receive the sanction of the Senate.

Mr. BADGER. I am almost sorry that I said any thing on the subject, because it makes it necessary that I should make some additional observations, which I shall confine, however, to the subject immediately before the Senate, and I shall therefore say nothing about the specie humbug which has been alluded to by the Senator from New York, or the convulsions in the monetary affairs of the country. We have at present before us an inquiry, not about the currency, nor about the specie humbug, but —the Senator will pardon me for saying—about the mint humbug. If I understand the reasons upon which the establishment of this branch mint is said to be founded, they are briefly these. New York is said to be the centre of commerce, all the coin of the country finding its way there, and the government of the United States receiving at least one-third of all its revenue from customs at that port; and a large amount of specie being brought there by emigrants, a great difficulty is experienced, because there is not a mint on the spot to re-coin this foreign specie. Now, if there be any real difficulty on the subject, I would suggest to the Senator from New York that it can be relieved at once, without the necessity of establishing this mint at all. As the government receives all its revenue in gold and silver, and as it receives at New York at least one-third of all its revenue derived from customs, there cannot be the least difficulty in the government directing their fiscal agent, upon receiving this foreign gold, to convey it to Philadelphia for re-coinage. This would involve a very trifling expense; and upon such a measure being adopted, it is obvious that the foreign coin would instantly be appreciated to the coin of the United States. Those having foreign coin in their possession would have nothing to do but to walk into the office of the government agent and receive American coin in exchange. The only expense incurred by the government would be in the transmission of this foreign coin as bullion. What would that cost? I understand that the whole expense of its transportation would not exceed one-tenth of what would have to be paid by the government in keeping up this branch mint. It is said, by having a branch mint at New York, all the foreign gold that is imported will be re-coined and kept in the country. How so? There is no prohibition against its exportation. If there is a call for it abroad it will go abroad; if there is a call for it at home, it will come here. The true way to remedy the difficulty is to make it the interest of those who hold foreign coin, to have it re-coined by repealing the law which makes foreign coin a tender for debts. So long as it is receivable for debts, and its value is unknown to the people, the banks will retain it, and it will not go into circulation at all. I will say in conclusion, that I shall vote for the amendment, not because I consider it necessary or right to establish branch mints, but because, if established at one place, I would do even handed justice, and establish them at others.

Mr. DIX.—A single word in regard to the difference of value between foreign and American gold. If a mint is established in New York this difference will cease. That is what I want, so that the banks will have no interest in keeping this foreign coin out of circulation.

Mr. CALHOUN remarked that he hoped the amendment would prevail. Charleston had now an extensive trade with the West Indies, and that trade was continually increasing in consequence of the extension of the railroad from Charleston to the West. No small amount of coin coming from the West Indies to Charleston would be the result of this trade; and a branch mint at that place would be of immense advantage, not only to Charleston, but to a large region of country.

The amendment was agreed to.

The bill was then reported to the Senate, and the question being on concurring in the amendment,

Mr. ATHERTON said, I think it admits of much doubt, whether we are not going too far in extending the expense of our mints by establishing one at Charleston. A branch mint at New York has been recommended several times in the messages of the President, and in the reports of the Secretary of the Treasury, and the reasons for the establishment of a mint there have been forcibly stated by the Senator from Connecticut; but there is a branch mint in North Carolina, and another one in Georgia, and certainly it is worthy of consideration if a branch mint is also to be established at Charleston, whether it ought not to be connected with some provision for discontinuing the branch mints in Georgia and North Carolina, which are not any great importance to the community. I hope the question of a branch mint at Charleston may be considered separately.

Mr. ATHERTON demanded the yeas and nays on the question of concurring in the amendment, and it was decided in the affirmative, as follows:

YEAS—Mr. Badger, Bell, Benton, Bodisco, Bu——, Buch——, Calhoun, Cameron, Dix, of Mr. Dickinson, Dix, Dodge, Doty, Fairfield, Huntington, Huntington, Hunter, Johnson, of Md., Johnson, of La., Johnson, of Ga., Lewis, Mason, Rich., Sebastian, Turney, Underwood, Wescott, Yulee—25.

NAYS—Mr. Allen, Atherton, Atherton, Bagby, Bright, Clarke, Clayton, Cowan, Dayton, Dickey, Felch, Fitzgerald, Greene, Hale, Hamlin, King, Metcalfe, Miller, Niles, Sturgeon, Walker—21.

So,

The amendment was concurred in.

On the question—"shall this bill be engrossed and read a third time?" the yeas and nays were demanded, and it was determined in the negative as follows:

YEAS—Mr. Badger, Bagby, Bell, Benton, Bodisco, Bu——, Buch——, Calhoun, Cameron, Dix, of Mr. Dickinson, Dix, Dodge, Doty, Fairfield, Huntington, Huntington, Hunter, Johnson, of Md., Johnson, of La., Lewis, Mason, Niles, Rich., Sebastian—27.

NAYS—Mr. Allen, Atherton, Atherton, Bagby, Bell, Bright, Clarke, Clayton, Cowan, Dayton, Dickey, Felch, Fitzgerald, Greene, Hale, Hamlin, Johnson, of Ga., King, Metcalfe, Miller, Phelps, Sturgeon, Turney, Underwood, Walker, Wescott, Yulee—25.

So,

The bill was rejected.

EXECUTIVE SESSION.

After the consideration of Executive business,

On motion,

The Senate adjourned.

SATURDAY, JULY 15, 1848.

MESSAGE FROM THE HOUSE.

The following Message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives disagree to the first and second amendments of the Senate to the bill to amend an act, entitled "An act supplemental to an act entitled an act providing for the prosecution of the existing war between the United States and the republic of Mexico," and for other purposes, agree to the third amendment of the Senate to the same with an amendment, ask a conference on the disagreeing votes of the two Houses, and have appointed Mr. BOTT, of Virginia, Mr. BURT, of South Carolina, and Mr. MCLANE, of Maryland, managers on their part.

SIGNING OF A BILL.

The VICE PRESIDENT signed the enrolled bill to confirm to the legal representatives of Joseph Dutaillis, the location of a certain New Madrid certificate.

PETITIONS.

Mr. BUTLER presented a memorial of citizens of Barnwell district, in South Carolina, praying the establishment of a mail route from Barnwell Court House to King creek, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. BORLAND presented the petition of Elias N. Conway, praying permission to change the entry of a certain tract of land; which was referred to the Committee on Public Lands.

BRANCH MINT AT NEW YORK.

Mr. WESTCOTT moved to reconsider the vote on engrossing the bill to establish a branch of the mint of the United States in the city of New York; and,

On motion, it was

Ordered, That the further consideration of the motion be postponed until to-morrow.

UNITED STATES COURTS IN WESTERN VIRGINIA.

Mr. BUTLER, from the Committee on the Judiciary, to whom was referred the bill to change the times for holding the district courts of the United States, in the western district of Virginia, reported the same with an amendment; and submitted a report on the subject, which was ordered to be printed.

SURVEYOR OF NEWCOMB.

Agreeably to notice, Mr. DOWNS asked and obtained leave to bring in a bill to authorize the Secretary of the Treasury to make a compromise and settlement with the securities of Francis D. Newcomb, late Surveyor General of the State of Louisiana, which was read the first and second times, by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That it pass, and that the title thereof be "an act to ——"

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

PRIVATE LAND CLAIM.

Mr. BERRIEN, from the Committee on Private Land Claims, to whom was referred the amendment of the House of Representatives to the bill for the relief of Jose Argote Villalobos, Marie Rose, Francois Felix Marquis de Fougeres, or their heirs or legal representatives, reported thereon.

The Senate proceeded to consider the amendment of the House of Representatives to the bill last mentioned; and

Resolved, That they concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

COMMITTEE OF CONFERENCE.

The Senate proceeded to consider their amendments to the bill to amend an act entitled "An act supplemental to an act entitled 'An act providing for the prosecution of the existing war between the United States and the republic of Mexico,'" and for other purposes, amended and disagreed to by the House of Representatives; and it was

Resolved, That they disagree to the amendment of the House of Representatives to their third amendment, insist on their first and second amendments disagreed to by the House of Representatives, and agree to the conference asked by the House of Representatives on the disagreeing votes of the two Houses.

On motion by Mr. DIX, it was

Ordered, That the committee of conference on the part of the Senate be appointed by the Vice President; and

Mr. BENTON, Mr. JOHNSON, of Maryland, and Mr. DAVIS, of Mississippi, were accordingly appointed.

Ordered, That the Secretary notify the House of Representatives thereof.

WILLIAM T. HOLLAND.

On motion by Mr. MASON, the prior orders were postponed and the Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives for the relief of William T. Holland; and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That the bill ——

Ordered, That the Secretary notify the House of Representatives accordingly.

B. O. TAYLOE.

Mr. CLARKE moved that the prior orders be postponed, for the purpose of proceeding to the consideration of the bill from the House of Representatives for the relief of B. O. Taylor.

Mr. ATHERTON hoped that the motion would not prevail, as he was desirous that the naval appropriation bill should be taken up.

Mr. CLARKE said the bill would occupy but a few minutes, and he hoped the Senate would indulge him by taking it up.

The motion having been agreed to, the Senate proceeded to consider said bill as in Committee of the Whole.

The bill having been explained by Mr. CLARKE and Mr. MASON,

Mr. HANNEGAN moved that it be laid upon the table until further information could be obtained; which was agreed to.

So the bill was laid on the table.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of Executive business; and after several hours spent therein—

On motion,

The Senate adjourned.

MONDAY, JULY 17, 1848.

LEAVE TO WITHDRAW PETITION.

On motion by Mr. MASON, it was

Ordered, That the heir of Francis L. B. Goodwin, have leave to withdraw his petition and papers.

ADVERSE REPORT.

Mr. FELCH, from the Committee on Public Lands, to whom was referred the memorial of Agnes Slacke and others, submitted an adverse report; which was ordered to be printed.

THE SENATE REPORTS.

The Senate proceeded to consider the resolution, submitted the 14th instant by Mr. NILES, in relation to the contract for reporting the proceedings and debates of the Senate; and the resolution was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. PRESIDENT: The House of Representatives concur in the amendment of the Senate to the bill entitled "an act making appropriations for certain fortifications of the United States for the year ending the 30th June, 1849."

SIGNING OF BILLS.

The VICE PRESIDENT signed the following enrolled bills:

An act for the relief of Jose Argote Villalobos, Marie Rose, Francois Felix, Marquis de Fougeres, or their heirs or legal representatives.

An act making appropriations for certain fortifications of the United States for the year ending the 30th of June, 1849.

An act for the relief of William T. Holland

SEIZURE OF THE SHIP ADMITTANCE.

Mr. BADGER submitted the following resolution for consideration:

Resolved, That the President of the United States be requested to communicate to the Senate, any information which may be in the possession of the Executive, relating to the seizure or capture of the American ship Admittance, on the coast of California, by a vessel of war of the United States navy, and whether any and what proceedings have occurred in regard to said vessel or her cargo, and to furnish the Senate with copies of all documents, papers, and communications in the possession of the Executive relating to the same.

FINES IN THE UNITED STATES COURTS.

Mr. DAYTON, from the Committee on the Judiciary, to whom was referred the petition of the Prison Association of New York, reported a bill for the modification of the law regulating fines in the courts of the United States; which was read and passed to the second reading.

THE PRIVATE CALENDAR.

The Senate proceeded to consider the resolution submitted by Mr. DOWNS, the 6th instant, to devote Fridays and Saturdays to the consideration of private business; and

On motion by Mr. BENTON, it was

Ordered, That it lie on the table.

NOTICE.

Mr. NILES gave notice that he should take an early opportunity to call up the bill reported by the Select Committee to set apart and sell to Asa Whitney a portion of the public lands for the construction of a railroad from Lake Michigan to the Pacific, and ask the action of the Senate upon it during the morning hour.

NAVAL APPROPRIATION BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making appropriations for the naval service for the year ending the 30th June, 1849.

The amendment under consideration was that reported from the Committee on Finance, to strike out the appropriation for furnishing the Marine hospital building at New Orleans; which was not agreed to.

The next amendment of the committee was to insert at the close of the two hundredth line, on the ninth page, the following words: "for arrearages due to Jerrison and Foster, four thousand seven hundred and twenty seven dollars and eleven cents."

Mr. WESTCOTT moved to amend the amendment so as to read as follows: "for such arrearages as the Secretary of the Navy may in law and equity decide to be due to Jerrison and Foster, seven thousand dollars;" which was agreed to.

The amendment as amended was then agreed to.

The next amendment of the committee was to strike out the words "and seventy-four" and "thirty-eight" from the 207th line, in the 9th page; (being a reduction of the appropriation for the Navy Yard at Memphis,) which was agreed to.

The next amendment of the committee was to strike out all from the 215th line to the 232d line, inclusive, in the 10th page, (being appropriations for Marine Hospitals.)

Mr. PHELPS.—I observe that there are three classes of appropriations providing for Marine Hospitals, embraced in this amendment, which I think it would be better to consider separately. The first class contemplates the completion of such as have been commenced; the second class is for the erection of hospitals not yet commenced; and the third is for the construction of hospitals whenever the sites shall be obtained. It strikes me that there is some difference in these appropriations, and that they should have a separate consideration. I ask for a division of the question.—The first class is embraced in lines 215 to 219, inclusive; the second in lines 220 to 225, inclusive; and the third in lines 226 to 232, inclusive.

Mr. BORLAND.—I desire an opportunity to assign the reasons for my opposition to this amendment, which proposes to strike out the appropriations for the hospitals at Pittsburg, Cleveland, and Louisville; and to show, as I think I shall easily be able to do, the gross injustice that would be done to that class of persons for whose benefit those hospitals were intended, if this appropriation be stricken out. I did not expect that the question would come up to day, and I am not at this moment prepared to present the views I entertain. I move, therefore, that the further consideration of the subject be postponed until to-morrow.

Mr. ATHERTON.—I would suggest to the gentleman from Arkansas, that no matter how the question is at present decided, it will be again brought up when the bill shall have been reported to the Senate; and the gentleman will then have an opportunity to present his views. Indeed, I suppose, from the decision already made, there is no doubt the Senate will retain the appropriations for the three hospitals to which the gentleman has referred, as they have been already commenced; but if the gentleman desires to be heard in regard to the subject, an opportunity will be afforded him when the subject comes up again. I hope, therefore, he will not press his motion.

Mr. BORLAND consented to withdraw his motion, all the amendments relating to the marine hospitals being passed over informally.

Mr. JOHNSON, of Maryland, submitted the following amendment intended to be offered by him, which was ordered to be printed:

SEC. —. *And be it further enacted*, That the sum of fifty thousand dollars be, and hereby is, appropriated for indemnification for losses of necessary clothing, uniform, bedding, and other articles, incurred on board, or to the officers and crews of the sloop "Peacock," which was wrecked and lost at the mouth of the Columbia river, on the eighteenth day of July, eighteen hundred and forty-one; of the steam frigate "Missouri," burnt at Gibralta, in eighteen hundred and forty-three; the schooner "Grampus," lost at sea; the schooner "Shark," wrecked and lost at the mouth of the Columbia river, September tenth, eighteen hundred and forty-six; and the brig "Somers, lost in the Gulf of Mexico; the sloop of war "Boston," lost on Eleuthera, on November two, eighteen hundred and forty-six; and the steamer "Hunter," lost in the harbor of Vera Cruz, in eighteen hundred and forty-seven: *Provided*, That the amount of such losses in the case of each claimant shall be established, by affidavit or proof, to the satisfaction of the Secretary of the Navy, and shall be paid only to the applicant himself, or his authorized agent, or, in case of his death, to his widow, or, if there be no widow, then to his surviving children, or, if there be neither widow nor children, then to the brothers and sisters now living, who are minors, or were minors at the time the loss occurred: *And provided also*, That no more than the actual amount of loss shall be paid in any case, nor shall the entire allowance or account of any individual in the respective grades exceed the following sums, viz: to a captain, eight hundred dollars; to a commander or lieutenant commanding, six hundred dollars; to a lieutenant, master, surgeon, assistant surgeon, purser, chaplain, professor, captain of marines, chief engineer, four hundred and fifty dollars; to a passed midshipman, first assistant engineer, or first lieutenant of marines, three hundred dollars; to a midshipman, second or third assistant engineer, second lieutenant of marines, secretary, clerk or master's mate, two hundred dollars; to a boatswain, gunner, carpenter, sailmaker, one hundred dollars: to a petty officer, or sergeant or corporal of marines, fifty dollars; to a seaman, ordinary seaman, marine or musician, forty dollars; to a landsman, boy, or fireman, thirty dollars.

The last amendment of the committee was to strike out the fifth section, on the 15th page; (relating to the spirit ration,) which was agreed to.

Mr. ATHERTON.—I would suggest that any gentlemen who have amendments to offer, will offer them now, and have them printed.

Mr. UNDERWOOD.—I desire to ask the consent of the chairman of the committee to move as an amendment a bill providing for the payment of the expenses incurred under an act of Congress authorizing the Secretary of the Navy to make various experiments in regard to the explosion of steam boilers. The service was rendered for the naval department, and I think, therefore, it is appropriate to this bill.

Mr. ATHERTON.—I shall certainly be under the necessity of opposing any such amendment. It is but a private claim, and if we incorporate this, we may, with the same propriety, incorporate all other private claims.

Mr. UNDERWOOD.—As the gentleman objects, I shall of course not press the motion.

Mr. NILES gave notice that he should move to amend that part of the bill relating to the mail lines of steamships by striking out the clause authorizing advances to be made to the contractors, and inserting a proviso in relation to the contracts

Mr. ALLEN.—I do not design to say any thing upon this subject now, but I rise barely to give notice that at the proper time I wish to be heard in opposition to this whole system of ocean mail routes; and I make this declaration in order that the bill may not be taken up at a time when I shall not have an opportunity of being heard. I wish to oppose the whole system, not that I suppose any effort of mine will be sufficient to arrest it, but the effort may have the effect of calling the attention of the Senate and the country to the subject, and to prepare the public mind to put an end to the system when the present contracts shall expire.

Ordered, That the further consideration of the bill be postponed until to-morrow.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

Mr. President: The President of the United States approved and signed, this day, the following acts:

An act to extend an act entitled "An act granting to the [illegible] suspended pre-emption and claims in the several States and Territories," approved 4th of August, 1846.

An act to confirm to the legal representatives of Joseph Dubreuil and Gregoire [illegible] certain New Madrid certificate.

THE SELECT COMMITTEE.

On motion by Mr. CLAYTON, it was

Ordered, That the select committee, appointed on the 13th inst., have leave to sit while the Senate is in session.

EXECUTIVE SESSION.

After the consideration of Executive business—

On motion,

The Senate adjourned.

TUESDAY, JULY 18, 1848.

REPORT FROM THE TREASURY DEPARTMENT.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Treasury, made in compliance with a resolution of the Senate, accompanied by a statement of imports of coal and iron from July 1, 1847, to May 1, 1848; which was read and ordered to be printed.

Mr. JOHNSON, of Maryland, inquired of the Chair if any answer had been received to a resolution submitted by him some weeks since, calling for a statement of the number of officers in the custom-house at Baltimore, &c.

The VICE PRESIDENT replied that the Journal did not show that any answer had been returned.

Mr. JOHNSON.—Then, if it be not received to-day or to-morrow, I shall renew the call.

CLERK TO THE COMMITTEE OF CLAIMS.

Mr. MASON submitted the following resolution for consideration, which was read and ordered to be printed:

Resolved, That the Committee of Claims be authorized to employ a clerk annually, whose duties shall be the same as those now performed by the clerk of the Committee of Claims of the House of Representatives, and of the same grade, and to be paid quarterly by the Secretary of the Senate, out of the contingent fund, at a compensation to shall be fixed by the committee, not exceeding that allowed to a messenger of the Senate.

POST ROUTE IN ILLINOIS.

Mr. BREESE submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Lebanon, in St. Clair county, through Maine town, in Madison county, and Stanton, in Montgomery county, to Carlinville, the county seat of said county.

J. C. FREMONT.

Mr. DAVIS, of Mississippi, submitted the following resolution for consideration:

Resolved, That the Secretary of the Senate be instructed to pay to J. C. Fremont, for his services since he left the employ of the United States, in preparing and completing the map of Oregon and California, as ordered by the Senate on the 20th of February, 1845, and in drawing up a report explanatory thereof, and map, *Provided*, That the sum so paid shall not exceed that allowed to J. N. Nicolet, Esq., for similar labor and services in preparing and completing his hydrographical and topographical map of the basin of the Upper Mississippi.

Mr. DAVIS, of Mississippi.—The memoir and map referred to in the resolution have been compiled and prepared by the gentleman mentioned therein, who was an officer in the army at the time when he performed the labor of exploration. But being now out of service, it could hardly be expected that he should prepare these works for the public without compensation. I am informed that he does not intend to take out a copy right, leaving the work to be the property of the federal government. The rate of compensation proposed, is the same, as that which was paid to Mr. Nicolet for the same description of labor in preparing a Topographical history of the upper Mississippi. The question being simply upon granting compensation for labor performed for the benefit of the country, I have not thought it necessary to move a reference of the resolution to any committee, but if any gentleman wishes its reference I have no objection, although I would prefer that it be now considered.

Mr. KING.—The resolution had better take the ordinary course perhaps, until we ascertain what was the rate of compensation paid to Mr. Nicolet.

The resolution lies over.

REPORT OF CONFERENCE COMMITTEE.

Mr. DAVIS, of Mississippi, from the committee of conference on the part of the Senate on the disagreeing votes of the two Houses on the bill to amend an act entitled "An act supplemental to an act entitled 'An act providing for the prosecution of the existing war between the United States and the republic of Mexico, and for other purposes,'" reported that the committee of conference have agreed to recommend:

1. That the Senate recede from its amendment to the first section of the bill striking out the word "repealed," &c., and agree that the section stand as originally passed by the House, with a proviso herewith reported.

2. That the Senate recede from its amendment proposed as the second section of the bill, and agree to adopt in lieu thereof, the section herewith reported as the second, third and fourth sections of the bill.

3. That the House recede from its amendment proposed as the third section of the bill, and agree to adopt in lieu thereof, the section herewith reported as the fifth section of the bill.

4. That the two Houses do agree to adopt the bill herewith reported, embodying the agreements of their respective Committees of Conference in their disagreeing votes on House bill number 429.

On motion, by Mr. BADGER, it was

Ordered, That the report be printed.

RESOLUTIONS OF LEGISLATURE OF WISCONSIN.

Mr. WALKER submitted resolutions passed by the Senate and General Assembly of the State of Wisconsin, in favor of a modification of the fourth clause, of the 7th section of an act of Congress to enable the people of Wisconsin to form a constitution and State government.

SCHOOL LANDS, ETC., IN WISCONSIN.

Mr. WALKER, by unanimous consent, asked and obtained leave to bring in a bill to modify the 4th clause of the 7th section of an act entitled "an act to enable the people of Wisconsin territory to form a constitution and State government, and for the admission of such State into the Union," approved August 6, 1846.

The bill was read the first and second times by unanimous consent, and, with the memorial of the Senate and House of Representatives of Wisconsin, referred to the Committee on Public Lands.

SHIP ADMITTANCE.

The Senate proceeded to consider the resolution submitted yesterday by Mr. BADGER, respecting the seizure by a vessel of war of the United States, of the American ship Admittance; and the resolution was agreed to.

HALF-PAY TO WIDOWS AND ORPHANS.

Mr. DIX, from the Committee on Military Affairs, to whom were referred the amendments of the House of Representatives to the bill amending the act entitled "an act granting half pay to widows or orphans, where their husbands and fathers have died of wounds received in the military service of the United States," in cases of deceased officers and soldiers of the militia and volunteers, passed July 4, 1836, reported thereon.

The Senate proceeded to consider the said amendments.

Mr. BADGER.—I would call the attention of the Senate to the phraseology of the last clause of the act:

SEC. 3. *And be it further enacted*, That all persons under this act shall be granted under such rules, regulations, restrictions, and limitations, as the Secretary of War, with the approbation of the President of the United States, may prescribe.

This, in effect authorizes the Department of War to determine not only who are to receive pensions, and under what circumstances they shall receive them, but what shall be the amount of such pensions. I cannot myself see the necessity for such a provision. It may have crept in by an oversight; for I believe there is no precedent for it. I do not wish to be captious about it, but it really seems to me that it is conferring a power upon an Executive officer which he ought not to possess.

Mr. DIX.—If I had drawn the section I should have omitted the words "limitation" and "restriction." At the same time, I do not think that it will have the effect of changing the course pursued by the department in relation to these pensions. As the Senator suggests, it may have crept in by inadvertence; but I certainly think there can be no danger that the power could be exercised unfavorably to persons entitled to pensions.

Mr. BADGER.—I do not wish to be understood as making any positive opposition, but I think it is unfortunate that those words should have been introduced. Although there may be no improper exercise of power under this clause in the first instance, yet it may hereafter be used as furnishing a reason why such power should be vested in the Department of War. The phraseology is remarkable. It is not that the pensions shall be ascertained and the pensions paid, but that persons shall be "granted" under such rules, regulations, limitations, and restrictions as the Secretary of War, with the approbation of the President, may impose. It is a power to restrict the granting of any claim, and not merely the power to prescribe the rule or evidence by which the fact shall be ascertained.

Mr. BORLAND.—I hope that the phraseology of this clause will be altered, and that no further discretion will be given to the officer whose duty it is to issue these pensions. I think the discretion that he has exercised already is too great—much too great—certainly too great for the interest of the persons entitled to pensions. The restrictions and limitations that are imposed amount almost to prohibition. Obstacles are thrown in the way

which prevent the granting of these pensions for months, in some instances. I really think that so far from giving any more discretion, Congress ought to pass a bill defining explicitly the rules and regulations relating to the granting of pensions, and not leave anything to the discretion of the executive officers. In my short experience here I have had something to do with the pension office, and I have found, that whenever discretion is given, it is used with the utmost rigor. To persons residing at a distance the restrictions and delays amount almost to a denial of justice. The trouble and expense attending the process of procuring the pension absorbs the whole. The complete power which it gives to the pension agents throughout the country over the unfortunate persons for whose benefit the law was intended is a crying evil, and it is time that it should be remedied. I would like to see the bill amended by adding any number of sections to define the rules and regulations under which the law should be administered.

Mr. JOHNSON, of Louisiana.—I think the phraseology is exceedingly unfortunate, but at the same time I do not think it will be construed so as to give to the officers of pensions any greater power than they exercise at present. The law as it at present stands, authorizes the War Department to adopt rules in relation to the taking of testimony, but it never was intended to empower the department to enlarge or diminish the pensions, or to reject cases which the law embraced by it. A different phraseology would be better, I admit, but I do not think any improper construction will be given to it. There is one thing I regret, however, and that is the omission to provide for the Florida cases. There are many strong cases arising there—just as strong as those in Mexico, and a general wish seemed to be expressed that they should be included; but although they have been omitted, I shall not move to refer the bill back on that account.

Mr. BRADBURY.—I am unwilling to allow the remarks of the Senator from Arkansas to pass without notice. He seems to reflect upon the public officers for standing between the applicants and the Treasury. I think for that course of conduct they are entitled to commendation instead of censure. And this applies not only to the Pension office, but to every other. These officers have an inducement to grant the allowances that are sought for in all cases where they can do so in accordance with their duty, for by that means they get rid of importunate applicants. But they stand as guardians of the Treasury, protecting the money of the people; and standing in this position, and acting upon an enlarged view in reference to questions presented to them, their rules may appear to be rigorous, but when the necessity is known it is generally found that those rules commend themselves to the judgment of all who consider the subject. I think these officers instead of being reproached should be commended. I am unwilling to believe that they impose upon any applicant trouble that is unnecessary. They establish general rules, and they do so from the necessity that arises from an enlarged view of the whole subject, and not from a disposition to give trouble. This is the view that I take of it, and I hope that they will not be exposed to censure for doing that which certainly must be in many cases an important duty.

Mr. BORLAND.—If the Senator supposes that I design to cast any censure upon the officers, he draws upon his imagination, for I do not think that my language will bear that interpretation. I am as desirous as the Senator that the public money of the government, or of the people, shall be disbursed in exact accordance with the law. I do not wish to see any thing like extravagance. It was not that I questioned the motives of these officers, but I complained of the effects of their course of proceeding, not doubting that they acted from conscientious motives; but I certainly think they act very much like feed attornies on the part of the government, and consider themselves bound to take advantage of every little technicality. They do not look at the case upon the side of the applicant, but they consider themselves bound to oppose every claim, and take advantage of every minute circumstance that can mitigate against it. This has been the case in regard to every claim I have presented. I will give a single instance of the interpretation of a law recently passed by Congress. It was found that a class of persons in the army in Mexico, in the volunteer service, were not provided for by the law granting bounty land. It was that meritorious class of volunteers who left their homes, and served for some time as privates, and were subsequently promoted by the voice of their respective companies. When they applied for bounty land, it was decided that they were not entitled to it under the law, although the propriety of their having it was recognized by every body. A bill was accordingly introduced, and passed through Congress, providing for this class of cases, and according to the phraseology of the bill, those persons who had been promoted in Mexico were embraced by it. But it appears that some of these persons had not been promoted upon the very soil of Mexico, and it was decided in the department, that such persons must be excluded; although such was certainly not the intent of the law. By this interpretation, three-fourths, if not nine-tenths of those who were intended to be provided for, were excluded. I have decided objection, therefore, to giving any more discretion to Executive officers.

Mr. BRADBURY.—I am happy to find that the honorable Senator in the very instance he has cited, has been constrained to admit, that the officers, in the construction of the law, confined themselves to its express terms. They did not feel at liberty to depart from the letter of the law, and to give to it a construction not warranted; and I understand it is a fact, that in the case referred to, Congress had to supply its omission, and pass a supplemental act. No blame then can attach to the officers, on the contrary, they are entitled to commendation, for not taking it upon themselves, in the interpretation of the law, to depart from its express terms.

Mr. BERRIEN.—Believing there is great force in the suggestions of the Senator from North Carolina, and considering also, as the suggestion made by the Senator from Arkansas, that too much discretion ought not to be vested in an officer who is delegated by law, to carry into execution the benevolent designs of Congress, I will move to strike out from the amendment proposed by the committee, the words "limitations and restrictions," and further to amend by inserting "shall be allowed and paid" instead of "shall be granted."

Mr. DIX.—I do not consider this matter of very great importance, for I am satisfied, that whether amended or not, it will make no difference in the course of proceeding in the Pension Office. Besides, if we strike out those words, we do not prescribe differently suggested by the Senator from Arkansas. The rules and regulations of the Pension Office will remain. Regarding the words as not affecting the provisions of the previous section, the committee were of opinion that we had better concur in the amendment, and not send the bill back to the House.

Mr. BERRIEN.—It certainly does not meet the suggestion of the Senator from Arkansas, because we do not prescribe the rules and regulations under which pensions shall be allowed; but the Senator will see, that by divesting the Executive officer of the power to prescribe limitations and restrictions, the matter will be left as it stands under the existing law. No new power will be conferred. In regard to sending the bill back to the House, I suppose there need be no apprehension entertained that they will not readily concur in the proposed amendment. I agree with the Senator from Arkansas, that the view taken by most of the accounting officers of the government, is that they represent the government, and that they are bound to interpose every feasible objection to the allowance of all claims. I hope, therefore, the amendment will prevail.

Mr. BORLAND.—The amendment proposed meets my views precisely, and it was only to show my objection to the allowance of any further discretion to the Executive officers, that I made the observations that I did. I do think, that it would be well, that specific rules and regulations should be prescribed by Congress; for I think the interests of all parties would be promoted by it. While up, I will call attention to one other instance of interpretation of a law where the intention of Congress has been defeated.

Mr. BORLAND referred to the provision of the law granting an allowance to volunteer companies of cavalry for the use of their horses.

Mr. HALE.—I do not desire to mingle in this debate, but it appears to me that the reflections cast upon the Executive officers are altogether undeserved. As far as relates to the Commissioner of Pensions, they do that gentleman great injustice. I believe him to be one of the most faithful and vigilant officers of the government.

Mr. BORLAND.—I said I intended no censure upon any officer of the government. I believe they are actuated by conscientious motives.

Mr. HALE.—I am glad to hear the Senator say so. I observed the tone of remark indulged in by the Senator implied a censure. And permit me to say that I have known something of that officer, and of what he has had to contend against. I believe he has been imposed upon, with all his vigilance, ten times where one pension has been withheld when it was due. He is a man who works early and late, and the greatest injustice that was ever done, was when in a spasmodic fit of economy, Congress reduced the salary of that officer five hundred dollars.

The amendment of the Senate from Georgia was disagreed to, and the question being on concurring with the amendments of the House, they were, without a division, concurred in.

Ordered, That the Secretary notify the House of Representatives accordingly.

LIGHT HOUSES.

The Senate proceeded to consider the resolution "extending the time for the erection of certain light houses," and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said resolution was read a third time.

Resolved, That it pass, &c.

Ordered, That the Secretary notify the House of Representatives accordingly.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have appointed the committee of conference on the disagreeing votes of the two Houses on the bill to amend an act

[redacted]

NAVAL APPROPRIATION BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making appropriations for the Naval service for the year ending the 30th June, 1849.

The VICE PRESIDENT stated the question to be upon agreeing to that part of the amendment reported from the Committee on Finance, which proposed striking out the 215 to the 219th line inclusive.

Mr. BORLAND.—I see no necessity for dividing the question.

PRESIDING OFFICER.—The division was asked for on a former day by the Senator from Vermont.

Mr. PHELPS.—The reason why I asked for a division of the question was this. It will be perceived that certain appropriations are designed for the completion of hospitals already commenced, others for the erection of new ones, and a third class of appropriations for the establishment of hospitals in cases where the site has not yet been procured. I have no objection to the completion of such as have been commenced; but I must confess that I am somewhat surprised at the numerous appropriations that are proposed for marine hospitals in the interior, when considered in comparison with the number upon the Atlantic coast. I believe there are but six marine hospitals on the Atlantic coast exclusive of the one at New Orleans, while this bill contains appropriations for nine upon the western waters. It is true, I have not given much attention to the subject, but it strikes me as somewhat extraordinary, that if six hospitals are sufficient for a range of coast extending from the extremity of Maine to the Gulf of Mexico, as many as nine are required for the interior. I feel no great anxiety on the subject, but I must be permitted to say, that I should be surprised if by any statistics it can be made out, that a larger is required upon the western waters, than upon the Atlantic coast.

The question being taken upon concurring in the amendment, it was determined in the negative.

The PRESIDING OFFICER stated the next question to be on concurring in that part of the amendment reported by the committee striking out lines 220 to 225 inclusive.

Mr. BORLAND addressed the Senate in a speech of considerable length, occupying about one hour and a half. A report of the honorable Senator's remarks will be given in the Appendix.

The question being taken upon concurring in the amendment, it was determined in the negative.

The next question was on concurring in that part of the amendment reported by the committee, striking out lines 226 to 232, inclusive; and it was determined in the negative.

On motion by Mr. DAVIS, of Mississippi, it was

Ordered, That the bill lie on the table.

ORDER TO PRINT.

On motion by Mr. HANNEGAN, it was

Ordered, That the memorial of R. R. Gurley, presented the 10th instant, be printed.

REPORT OF CONFERENCE COMMITTEE.

On motion by Mr. BENTON,

The Senate resumed the consideration of the report of the committee on conference on the disagreeing votes of the two Houses on the the bill to amend an act entitled "an act supplemental to an act entitled an act providing for the prosecution of the existing war between the United States and the republic of Mexico, and for other purposes;" and it was

[redacted]

Ordered, That the Secretary notify the House of Representatives thereof.

EXECUTIVE SESSION.

The Senate then proceeded to the consideration of Executive business; and after several hours spent therein, the doors were again opened.

THE COMPROMISE BILL.

Mr. CLAYTON from the Select Committee to whom was referred, the 12th instant, the bill to establish the territorial government of Oregon; and to whom was also referred, so much of the message of the President of the United States, as relates to New Mexico and California, reported a bill to establish the Territorial Governments of Oregon, California, and New Mexico; which was read and passed to the second reading.

Mr. CLAYTON said the subjects referred to this committee were of infinite difficulty. The territories for which temporary civil governments were to be organized embraced an area of 1,044,392 square miles—about as large as that of one-third of all Europe, and capable of sustaining, sooner or later, the population of a mighty empire. The intrinsic difficulties necessarily belonging to such an organization were increased by the various and conflicting local population now existing there, as well as of that hereafter to be introduced by the extension of the constitution and laws of the United States over so vast a country.

The committee had entered upon the discharge of their duties, under all these embarassments with untiring industry, with a zealous resolution, and an indefatigable spirit which he had never known surpassed. He felt it due in justice to each and every one of his colleagues to say, that amidst all their long conferences, and laborious discussions on the various topics necessarily considered by them, the most conciliatory spirit had been evinced by them, each endeavoring to maintain the honor and interest not merely of his own section of country, but that of the whole nation, and each endeavoring to yield so much as he felt could be properly and honorably conceded, without the sacrifice of what was essentially due to his own constituents and the people of all the States. The conferences of the committee were in this spirit—attended with free and ample discussion—and after a full interchange of views, a vote was taken on a proposition moved by the Senator from Missouri. [Mr. ATCHISON,] "that the spirit of the Missouri compromise be adopted to govern the settlement of all the territories of the United States." On this question the committee divided, five for and three against the motion. The Senator from Indiana, [Mr. BRIGHT,] then moved the proposition, notice of which had been previously given in the Senate, containing the *words* of the Missouri compromise. As the condition of the territory was now said to be different from that to which that compromise applied in 1820, a motion was made by the Senator from Kentucky, [Mr. UNDERWOOD,] to amend that proposition by providing that "all the territory in New Mexico and California, south of the parallel of 36° 30′ shall be placed on the same footing in all respects as to slavery that existed in Louisiana while it was a territory." On this question the committee divided, four for the motion and four against it. After the failure of this motion, the question was taken on the proposition of the Senator from Kentucky, and with a like result—the committee being again equally divided.

At this stage of the proceedings all compromise appeared to be impossible. But the committee proceeded afterwards to consider a proposition to endeavor to adjust the great question, at least so far as to enable Congress to extend the laws over, and provide for the administration of justice in the territories, leaving for the present the settlement of it to the laws of population, or the adaptation of soil, climate, and all circumstances to the various kinds of labor. While it was admitted on all sides that by far the greatest portion of the territories was properly adapted to free labor, and would necessarily be free soil forever; yet it was also with equal unanimity conceded that there was a portion of it where free labor never could be introduced, owing to the climate and the peculiar productions of that portion. It was thought that if Oregon, which no one imagines can ever be slaveholding, could be organized as the people of that territory desired, by the temporary adoption of their present laws, interdicting or prohibiting slavery till the territorial legislature proposed to be organized, by a popular vote under the bill referred to us, could enact some law on the subject, most of the objections which had been urged in debate to the 12th section, would be obviated without any sacrifice of principle by those who urged them; and that after thus disposing of the question so far as relates to Oregon, the territories of California and New Mexico could be organized in the same bill by the appointment of a governor, Senator, and judges to compose, according to the old precedents, a temporary legislature for each of these territories, but without the power to legislate on the subject of slavery, thus placing that question beyond the power of the territorial legislature, and ceding the right to introduce or prohibit slavery in these two territories on the constitution, as the same should be expounded by the judiciary, with a right of appeal to the Supreme Court of the United States. It was thought that by this means Congress would avoid the decision of this distracting question, leaving it to be settled by the silent operation of the constitution itself, and that in case Congress should refuse to touch the subject, the country would be slaveholding only where, by the laws of nature, slave labor was effective and free labor could not maintain itself. On the other hand, in case Congress should hereafter choose to adopt the compromise line of 36° 30′, (north of which I suppose it is not expected that slavelabor can be introduced,) or any other rule of settlement, it will be free to act as to its wisdom and patriotism shall seem fit.

After many conflicts of opinion, these views thus generally expressed, were substantially agreed upon with great unanimity, all the members of the committee agreeing to make the report, and but two of them (one from the North and the other from the South,) disapproving any of the material features as they understand it. By order of the committee, I have prepared a bill in accordance with these views. It contains some important amendments to the Oregon bill, particularly so far as it corrects the defective description of the boundaries in that bill.

I do not expect, sir, that this or any other proposition which the wit of man can possibly suggest will prevent agitation on this sub-

ject, which is now daily spreading through the country, and I fear dividing it into geographical parties. If the Missouri compromise of 36° 30' should be adopted, the agitators would immediately raise the standard of repeal and agitate as fiercely as ever. We know that, sir. They will agitate after the passage of any bill. But this bill resolves the whole question between the North and South into a constitutional and a judicial question. It only asks of men of all sections to stand by the constitution and suffer that to settle the difference by its own tranquil operation. If the constitution settles the question either way, let those who rail at the decision vent their indignation against their ancestors who adopted it. We offered no bill to introduce slavery by congressional enactment into any free territory. If, as the South contends, the constitution gives the right to carry their slaves there, they will maintain that right. If, as the North contends, the constitution confers no such right, they will vindicate their claim. And Oregon will be at once organized as a territory, with power to elect their own legislature—a power which the committee think cannot now, with any propriety, be conferred upon the population of the two other territories.

30TH CONG.—1ST SESSION—No. 113.

I now, sir, have the honor to report, as an amendment and a substitute for the bill referred to the select committee, "A bill to establish the territorial governments of Oregon, California, and New Mexico." The committee, with all becoming modesty, desire to say that they do not view their work as perfect; but it is the very best which under all the embarrassing circumstances of their position they have been able to propose. To the Senate they appeal for assistance to correct any errors into which they may have inadvertently fallen. But it is the honest opinion of a large majority of the committee, that by the passag of this bill the safety of the Union will be placed beyond the reach of agitation; and that the question, and the only question which now threatens to endanger it may be, not immediately, but ultimately, put at rest forever.

The bill was then read a first time and unanimously ordered to be printed.

On motion,

The Senate adjourned.

WEDNESDAY, JULY 19, 1848.

PETITION.

Mr. DICKINSON presented the memorial of A. B. Johnson, praying that there may be no interruption of the mails on the Sabbath; which was referred to the Committee on the Post Office and Post Roads and ordered to be printed.

THE COMPROMISE BILL.

Mr. CLAYTON.—There may possibly be some misapprehension in regard to a portion of the remarks made by me yesterday, in introducing the bill for the organization of territorial governments in Oregon, New Mexico, and California, and I desire to correct it, if any such exist. The select committee desired, and in that desire I fully concur, that the bill should speak for itself, and that it should be regarded as the exponent of their views and opinions. It was not my purpose to submit the remarks which I made yesterday in lieu of a report, nor were they to be regarded as tantamount to a report. The bill, I repeat, is to speak for itself. It fully reveals the sentiments of the committee, and for that very reason a formal report was deemed unnecessary. I do not know that it is now necessary for me to say any thing more than to add that a large majority of the committee decidedly expressed the wish that this measure might become a law, with the expectation and design of that it would prove to be an adjustment of the great question now in controversy between the North and the South. I shall, if there be no objection, call up that bill to-morrow, and then every member of the committee will have an opportunity of expressing his views upon the subject—an opportunity of which I design to avail myself.

Mr. CALHOUN.—I am exceedingly gratified by the explanation of the Senator from Delaware. Had it not been made, it might have been supposed in some quarters that the whole committee had concurred in all the particular views which he for himself had expressed. I agree with him in testifying that it was the unanimous understanding of the committee that the bill should speak for itself; and I may add, that it was also understood that this was to be a permanent and not a temporary settlement of the whole question.

Mr. KING inquired whether the remarks of the honorable Senator from Delaware had been regarded in the light of a report from the committee, and were so recorded on the Journal of the Secretary?

The PRESIDING OFFICER replied in the negative.

Mr. PHELPS.—I refrained yesterday from making any remarks in reference to what fell from the honorable chairman of the select committee, because I understood it was not be regarded as a report, for which, in all its particulars, the committee was responsible.

Mr. CLAYTON, (in his seat.)—Of course not.

Mr. PHELPS.—I am willing to say, however, that I concurred in the action of the committee. In my judgment, the only mode for the adjustment of this question has been adopted, and I think I can sustain that opinion before the country and my constituents, by reasons which I shall take the opportunity of stating hereafter.

Mr. CLAYTON.—I never spoke for any man in my life, except at the bar in my professional character; never in any public body have I attempted to speak for any one but myself; and I suppose all understood that my remarks yesterday were intended as my speech, and that no man would claim it as his. I insist upon it, sir, that it was my speech!

EMORY'S REPORT.

Mr. HANNEGAN submitted the following resolution for consideration.

Resolved, That eight thousand additional copies of Emory's report and illustrations be printed and bound for the use of the Senate.

Mr. HANNEGAN in presenting this said, that a large number of Colonel Fremont's report had been printed, and he thought it would be well not to make any invidious distinction between these officers.

Mr. BENTON said that the gentleman could have an hundred thousand copies if he pleased, but if he printed one hundred thousand millions, it only amounted to this, that Emory went along an old path conducted by one of Fremont's guides to show him every step of the way. Fremont was an explorer.

Mr. HANNEGAN remarked that there was no conflict whatever between the two reports. Col. Emory had not trespassed in a single instance on Col. Fremont's rights. The expeditions were entirely independent and distinct. Both reports were exceedingly valuable. The work of Col. Fremont met with unbounded popularity, and he was satisfied after a thorough examination of Col. Emory's report, that it would meet with equal favor.

Mr. BENTON.—The only difference between the two is, that Fremont was an explorer.

PALMER'S MEMOIR.

Mr. DAYTON submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That there be printed two hundred and fifty additional copies of Senate document No. 30, prepared by Aaron H. Palmer, Esq. and that the same be delivered to the said Palmer for his own use.

TERRITORY OF WISCONSIN.

Mr. WALKER submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to enquire whether the [illegible] organization of the Territory of Wisconsin are not justified in existence and force over that portion of the said territory not embraced within the organic limits of the State of Wisconsin; and if they are, to inquire, further, into the expediency of making appropriations at the present session of Congress for defraying the expenses of said territory of Wisconsin, and to report to the Senate at as early a day as practicable, by bill or otherwise.

ADVERSE REPORTS.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the memorial of Mehitable Gibb, submitted an adverse report, which was ordered to be printed.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the petition of Mary Coleman, submitted an adverse report, which was ordered to be printed.

SAULT ST. MARIE.

Mr. FELCH, from the Committee on Public Lands, to whom was referred the petition of certain citizens of Michigan, submitted a report, accompanied by a bill providing for the examination and settlement of claims for land at the Sault St. Marie in Michigan.

Ordered, That the report be printed.

J. C. FREMONT.

The Senate proceeded to consider the resolution submitted yesterday by Mr. DAVIS, of Mississippi, for the compensating of J. C. Fremont for compiling a map of Oregon and California, and the resolution was agreed to.

NAVAL PENSIONS.

The Senate proceeded to consider the amendments of the House of Representatives to the bill renewing certain naval pensions for the term of five years, and extending the benefits of existing laws respecting naval pensions, to engineers, firemen, and coal heavers; and it was

Ordered, That they be referred to the Committee on Naval Affairs.

FORT WINNEBAGO.

Agreeably to notice, Mr. WALKER asked and obtained leave to bring in a bill to grant to the State of Wisconsin, the military reservation at Fort Winnebago, in said State: which was read the first and second times, by unanimous consent, and referred to the Committee on Military Affairs.

FLOGGING IN THE NAVY.

Mr. HALE submitted the following resolution for consideration:

Resolved, That the Secretary of the Navy be directed to furnish the Senate with the official returns of each of the ships of the line, the frigates and the sloops of war, now in commission, of the punishments inflicted, and vessels, as appears by the returns in each.

DONIPHAN'S EXPEDITION.

The joint resolution relinquishing to the State of Missouri certain trophies of Doniphan's victorious expedition, was read the first and second times by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Mr. BENTON said that he would merely remark, that these were the cannon among the number taken from the former capital of the internal provinces of Mexico, and brought out by the gallant column of Missourians, led by Colonel Doniphan.—Every cannon was taken, the position in which they were placed being turned. All the munitions of war, and every thing that the enemy had upon the field of battle were taken, except a small

quantity of ammunition which an officer's servant had somewhere in a gorge of the mountain. The cannon were carried around to the Rio Grande frontier, after Colonel Doniphan had heard of the battle of Buena Vista, which, coming to the Missourians through Mexican intelligence, was of course reported as a great victory on their part. Our Missourians, like good Americans, refused to believe a word of the defeat of General Taylor, but like good soldiers, they thought it best to go and see. They immediately started off with these ten cannon, in addition to all their own, and made that marvellous expedition through an almost unknown country, to General Taylor's camp. When they arrived there, as their Colonel very properly said, "rough, ready, and ragged," with scarcely nothing but their arms brought from home, and those taken from the enemy, General Taylor directed them to carry these cannon home. They brought them home, and we had the proud satisfaction of seeing those cannon, which had been rolled out of Chihuahua, placed in the capital of Missouri. The House of Representatives had unanimously passed this resolution yesterday, and he hoped the Senate would pass it with equal unanimity.

Mr. HANNEGAN said he did not know a more appropriate occasion than the present to inquire into the fate of a certain resolution submitted by him some three months since in relation to a medal to Col. D. and swords to the gallant officers who had participated with him in his glorious achievements.

Mr. BENTON replied that the resolution was in his hands.

Mr. HANNEGAN.—It has been kept there a long time.

Ordered, That it pass to a third reading.

The said resolution was read a third time by unanimous consent.

Resolved, That this resolution pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

NAVAL APPROPRIATION BILL.

The Senate resumed as in Committee of the Whole, the consideration of the bill making appropriations for the naval service for the year ending the 30th June 1849.

Mr. NILES moved to amend the bill by striking out lines 92 to 105, the following words:

"And the Secretary of the Navy is hereby directed to advance to the contractors for said service, or their assignees for the purpose of enabling them to furnish the vessels contracted for under their respective contracts, the sum of $25,000 per month on each of said ships, after such ship shall have been contracted, but the money so advanced under any one of said contracts, shall not exceed the amount of one year's compensation stipulated for in the contract, to be used, in all cases, by a crew on and for board of such a number as the Secretary of the Navy may require, and the money so advanced shall be faithfully expended in finishing said ships to the satisfaction of the Secretary of the Navy."

Mr. NILES said that he thought this a very extraordinary proposition, and he had been very much surprised that it had received the sanction of the committee of the other House with the concurrence of that House. It introduced a principle never before acted upon in my case whatever. If they ever sanctioned this principle, that a contractor could come forward and ask the Government to furnish him capital to carry out his contract, there would be no end to it; and it would be a source of infinite trouble and difficulty. Already the effect of this proposition, having received the sanction of one branch of Congress, had been to induce a similar effort on the part of another of these lines.

The parties interested in the Bremen line were now pressing their claims, and if the principle were applied in the one case, Congress would be obliged to extend it to others. He did not believe that any argument was necessary in order to show that this measure was dangerous on the part of the government, and unjust towards other contractors; could any one believe that these contracts would not have been taken at a very reduced price, if the understanding had been that the government would give the capital to convey them out to taking a lien upon the ships or any other security? What reason could be assigned for this extraordinary proposition? Was it believed that these were hard contracts—that these men had underrated the expense and found themselves in difficulty by entering into these engagements? He believed that two of these contracts had been sold out as a speculation. Indeed they were taken as a speculation as he was informed, the men who became contractors were totally unacquainted with steam navigation, and probably never expected to carry out the contracts themselves, but entered into them with a view to speculate out of the government. They had sold out their contracts and the men who asked this advance were their assignees—speculators, who had given, he believed, some fifty thousand dollars for the contract. It was true that he had concurred in the law authorizing these contracts. It came from the House at the very close of the last session—two hours before the adjournment, when there was no opportunity of examining it. In his judgment it was a very unfavorable law for the government. It excluded competition in regard to two of the lines. It gave an express authority to the Secretary of the Navy to contract with the persons named in the bill at the prices which they had previously asked, thus withholding the whole subject from competition, and taking all discretion from the Secretary. He then went on to express his apprehension that in relation to one of the contracts there had been collusion between the bidders, although he was satisfied that the Secretary of the Navy had done what he considered best in the circumstances. He objected to the continuance of the contracts for so long a period as ten years. The expenditure was already very large, and the income would probably always be very small. It was imprudent to incur the heavy expenditure of a million and a half annually for ten years. He never could consent to that. Five years was long enough for the contract to run—one year longer than the ordinary mail contracts.

Mr. HALE replied in support of the proposition which the Senator from Connecticut desired to strike out of the bill. He conceived that it was peculiarly entitled to favorable consideration. He could not conceive how it was possible for any detriment to the public interests to arise in consequence of giving a month's pay in advance. It could not be unjust towards any other contractors. If they desired the same indulgence, let it be given them. What possible advantage was their in retaining this small amount for thirty dollars in the public Treasury? It seemed to him that the policy heretofore pursued, which was intended to encourage such an enterprise, should be continued in the present case.

On motion by Mr. DAVIS, of Mississippi, it was

Ordered. That the further consideration thereof be postponed until to-morrow.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr President. The House of Representatives have passed the bill from the Senate to confirm the location and to grant a quarter section of public lands for the use of Hillsborough county, State of Florida.

They have passed a bill to establish certain post routes, in which they request the concurrence of the Senate.

The Speaker of the House of Representatives having signed two enrolled bills, I am directed to bring them to the Senate for the signature of their President.

SIGNING OF BILLS.

The VICE PRESIDENT signed the enrolled bill amending the act entitled "An act granting half-pay to widows and orphans where their husbands and fathers have died of wounds received in the military service of the United States," in cases of deceased officers and soldiers of the militia and volunteers, passed July 4, 1836; and the enrolled bill to amend the act entitled "An act supplemental to an act entitled 'An act providing for the prosecution of the existing war between the United States and the republic of Mexico,'" and for other purposes; and they were delivered to the committee to be presented to the President of the United States.

EXECUTIVE SESSION.

After the consideration of Executive business—

On motion,

The Senate adjourned.

THURSDAY, JULY 20, 1848.

PETITIONS.

Mr. BADGER presented three petitions of citizens of North Carolina, praying the establishment of a mail route from Lexington to Ashborough in that State; which were referred to the Committee on the Post Office and Post Roads.

CHANGE OF RULES.

Mr. UNDERWOOD submitted the following resolution for consideration:

Resolved, That the following shall be an additional rule for the government of the Senate, to wit:

After ten days from the commencement of a second or subsequent session of any Congress, all bills, resolutions, and reports which originated in the Senate, and at the close of the next preceding session remained undetermined, shall be resumed and acted on in the same manner as if an adjournment had not taken place.

PRIVATE BILL.

Mr. BORLAND, from the Committee on Public Lands, to whom was referred the petition of Elias N. Conway, assignee of William Barnett, reported a bill for their relief; which was read and passed to a second reading.

RECIPROCITY WITH CANADA.

Mr. DIX, from the Committee on Commerce, to whom was referred the bill to admit certain articles of the growth or production of Canada into the United States free of duty, upon the condition that the like articles of the growth or production of the United States are admitted into Canada free of duty, reported the same with amendment.

BOUNTY LANDS.

Mr. BORLAND, from the Committee on Public Lands, to whom was referred the amendment of the House of Representatives to the bill to revive an act authorizing certain soldiers in the late war with Great Britain to surrender the bounty lands drawn by them, and to locate others in lieu thereof, reported thereon.

The Senate proceeded to consider the amendment of the House of Representatives to the bill last mentioned; and

Resolved, That they concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

POST ROUTE BILL.

The bill from the House of Representatives to establish certain post routes was read the first and second times by unanimous consent.

Ordered, That it be referred to the Committee on the Post Office and Post Roads.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed the following bills and joint resolutions from the Senate.

An act for the relief of Alfred White.

An act for the relief of the Society for the reformation of Juvenile delinquents in the city of New York.

An act for the relief of the Central Railroad Company of Georgia.

A resolution to sanction an agreement made between the Wyandots and Delawares, for the purchase of certain lands by the former of the latter tribe of Indians.

They have passed the bill from the Senate to authorize the sale of part of public reservation numbered thirteen in the city of Washington, and for other purposes, with an amendment, to which they request the concurrence of the Senate.

The House of Representatives have passed bills of the following titles:

An act to grant [illegible] to the [illegible] of Township [illegible] north of range one and two, west of the fourth principal meridian of the State of Illinois, for school purposes.

An act [illegible] other [illegible] to locate certain [illegible] and [illegible] of Arkansas, to the State of Indiana.

An act to grant [illegible] the [illegible] of township eight, north of range [illegible] in the county of Elkhart and State of Indiana, so much public land as may with the [illegible] be [illegible] upon [illegible].

An act to grant the right of way through the public lands to the State of Alabama, for the [illegible] railroad company in said State, and for [illegible] of the Senate.

The President of the United States approved and signed the 17th instant, an act to amend an act approved the 24th May, 1824, entitled "an act supplementary to an act approved on the 3d day of March 1819, entitled 'an act providing for the correction of errors in making entries of land, at the land offices.'"

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States by Mr. WALKER, his Secretary.

Mr. President: The President of the United States approved and signed, this day, the bill entitled "an act for the relief of Jose Argote Villalobos, Maria Rose, Francois Felix, Marquis de Fougeres, or their legal representatives.

SIGNING OF BILLS, ETC.

The VICE PRESIDENT signed the enrolled "Bill to confirm the location and to grant a quarter section of public lands for the county site of Hillsborough county, of Florida;" also the "Resolution extending the time for the erection of certain light-houses;" and they were delivered to the committee to be presented to the President of the United States.

NAVAL APPROPRIATION BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making appropriations for the naval service for the year ending the 30th June, 1849.

The question being on the amendment of Mr. NILES—

Mr. NILES.—With regard to making payment in advance instead of paying when the money becomes due, I have a decided objection to it. I am told that it will require twelve, and sometimes fifteen, months for the completion of one of these ships, and suppose the ship be lost or burnt, what security have we for the repayment of the money? It is going beyond the contract, and giving to the contractors a loan which they have no right to expect at our hands.

Mr. ATHERTON.—The amendment proposed by the Senator from Connecticut, which is now before the Senate, and the amendment of which he has given notice, seem to involve three points. In the first place he objects to the advance which the Secretary of the Navy is authorized by the bill to make to these contractors, to commence immediately after the ships shall have been launched, which advance is to be secured, so that the government shall run no risk of being a loser by such advance, by a lien upon the ships. The Senator next objects to the duration of these contracts, and proposes to reduce the time for which they shall continue from ten to five years. His next objection is to the time of the commencement of pay upon the Panama and Astoria route, the bill providing that the pay shall commence upon the contract for that route from the time that the ships are placed at the disposal of the government. From the tenor of the remarks made by the Senator, I infer that he objects to this scheme of mail steamers in general as a system. I do not know whether I understood the Senator correctly, but I was under the impression that on former occasions the Senator from Connecticut was favorable to this mode of increasing the available force of the navy of the United States; but, sir, it seems to me that the questions that come up in this discussion of the bill do not involve the continuance of the system. So far as regards the present contracts, those contracts are made.—We may consider it imprudent hereafter to embark in other contracts of this sort, but any remarks that go to show the imprudence and improvidence of the system, it seems to me, do not touch the question that is now before us. If this scheme of employing steamers to transport the mail, and having them built in such a manner that they can be converted into vessels of war, be improvident, we ought to take the blame on ourselves and not find fault with the Navy Department, which has done nothing more than to execute the contracts according to the terms in which they were directed by Congress to be executed. That is the state of the case. The Senator says that the granting of these contracts does injustice to other contractors, who, if they had supposed that advances would be made by the government, would have taken the contracts at a lower rate. How does this comport with the circumstances under which the contracts with Sloo were made, and the contract for the route to Chagres? Sir, the law was absolute in its terms—the Secretary had no discretion; he was directed to contract with certain persons upon certain terms prescribed by Congress, and Congress also prescribed the time the contracts were to run. And what right have we, after we have directed the Secretary to make a contract with an individual, and he has made that contract according to our direction, what right have we, I say, to annul, or even to alter it? We have none. We have placed it out of our power. And shall we find fault with the department, because we consider the contract now to be improvident, although I do not think it is so? That would be a strange mode of proceeding? With regard to the contract for the route of Panama and Astoria, the Secretary had some discretion permitted him. The individual with whom he is to contract was not named, and he was not even obliged to advertise for proposals, but he did do it, and accepted the proposal that was most favorable to the government. But before I proceed to this point, I will speak a little more particularly in regard to these advances. If I understand the subject, the reasons that operated with the government in authorising the advances were these: The contractors are building vessels of larger size than they were required to do by the terms

of their contract, and the Secretary thought it not unreasonable that this advance should be authorized for the sake of securing a class of vessels that will be the most serviceable in the event of being converted into vessels of war. For what is the main object which has induced Congress to authorize these lines of mail steamers? It is that the vessels may be built under the inspection of the Navy Department, and built in such a manner that they may be converted, upon short notice, into vessels of war. The whole object is lost, unless these vessels shall be built in a proper and suitable manner, so that they may be used for war steamers.—This has induced the Secretary, as I have said, to recommend these advances, in order to afford the contractors every facility for constructing the vessels in the best possible way, and that their construction may not be too long delayed. Upon this point he asked the attention of the Senate to a letter of the Secretary of the Navy, dated March 13th, 1848, addressed to the honorable T. Butler King, chairman of the Committee on Naval Affairs in the House of Representatives, in which he expressed his concurrence with the views of the committee.

As regards the suggestion of the Senator from Connecticut, that the term of five years would be sufficiently long for the duration of these contracts, if there be any fault any where it certainly seems to me that it must be imputed to Congress. I will read one of the sections of the act which directs the Secretary to contract with Mr. Collins in the Liverpool line.

[Mr. A. here read the section.]

These proposals contain the term of ten years as a part of the contract. And in pursuance of specific directions also, the contract with Sloo was made for the period of ten years. And in making this contract, the Secretary of the Navy did not suppose that he was departing from the intention of the government by contracting in the same manner, and for the same period as he had done with Collins and Sloo, although in regard to the Panama and Astoria route, neither the individuals with whom he should contract, nor the period of time for which the contracts should continue, were specified. The Secretary then using discretion in this case to some extent, determined not to take away the power over this contract altogether from Congress. He reserved to Congress the power, if they should think proper, to amend the contract at the ensuing session, upon yielding such fair compensation as should be due to the contractors.

Now, sir, it may admit of great doubt, whether, having reserved in this contract the power to amend it under such terms as might be consistent with equity and fairness, we have the right to alter it. I certainly think we have no right to say to the contractor that they shall go on and perform their part for a less time than they contracted for, and which no doubt formed an inducement with them to enter into the contract at the price agreed upon. If we were to alter the contract in point of duration, the contractors would have a claim for damages, and therefore I say, that if there is any improvidence in the making of such contracts, we should not throw the blame upon the departments, but upon Congress, by whom the Secretary was authorized and directed. It seems that the principal hostility of the Senator from Connecticut is directed against the Panama and Astoria line, but it appears to me that if we should direct the duration of this contract to be limited, varying its terms from those originally agreed upon, the contractors would not be bound to go on, and we should destroy the usefulness of the other lines. This forms part of a system. What would be the use of a line from Havana to Chagres, unless we have one from Panama to Astoria? It strikes me, aside from these considerations, that if any part of the line ought to be preserved more than another, it is this very Panama and Astoria line. It will be more beneficial to the commerce of the country that this should be preserved.

Before I proceed to some further remarks upon this Panama and Astoria line, I will advert to a point made by the Senator from Connecticut, as it regards the time of commencement of the payments on this Panama and Astoria route.

Now, sir, I think it is right that if the payments shall commence, as they ought to do, at the time the ships are placed at the service of the United States, there should be an amendment adopted, which I will offer to this clause, providing, that in their route from New York throughout the line reaching to Astoria, they shall convey the freight, stores, or passengers of the government free of expense, setting aside the subsistence of the passengers. I think this would be but fair; and in connection with this subject, I ask leave to have read a letter from the Secretary of the Navy, and also a letter from William H. Aspinwall, the assignee of the Liverpool contract, to Mr. Vinton, chairman of the Committee on Naval Affairs.

[They were read by the Secretary.]

Mr. ALLEN.—Before the Senator proceeds in his speech, I desire that he would state what will be the expenses for this year arising out of the now existing system of ocean mail routes, including the expense which this bill will add. I want the aggregate amount.

Mr. NILES.—In reply to the honorable Senator from Ohio——

Mr. ATHERTON.—I have not yet concluded my remarks. The chairman of the Committee on Naval Affairs can probably inform the Senator as to the expense of the other lines. I have not the data by me at present. The proposed advance, however, does not increase the expense. Under that arrangement the money is paid sooner than it otherwise would be. That is all. But some fault has been found with the Secretary of the Navy, or some implied censure has been cast upon him in regard to the Panama and Astoria route, as if the contract had not been given to the lowest bidder. Some hints have been thrown out that it was given to the highest bidder, upon terms detrimental to the interests of the government. I believe that no one who has read the papers upon the files can come to any such conclusion. On the contrary, he must conclude that the Secretary has acted with great sagacity and prudence. In the first place, the law did not require the Secretary to issue proposals, and there were two individuals who applied together for the contract, at the rate of $250,000 a year. The Secretary did not think proper to give the contract to those individuals, but issued an advertisement for proposals. Proposals came in—one at $150,000 a year, and one as low as $83,000 and a fraction per vessel. Mr. Harris proposed to take the contract at $199,000, as this was the bill which was finally accepted under these circumstances. Mr. Todd offered to perform the service in propellers, an inferior sort of vessel, and altogether unfitted for the main purpose for which the line was established—that is, for the conversion of the steamers into war steamers. His bid being the lowest, notwithstanding Commodore Morris's opinion that Mr. Harris's bid was in effect the lowest bid, the Secretary determined that he would accept Mr. Todd's bid, that being, in a pecuniary point of view, the lowest. But, in the course of the negotiation, Todd objected to the terms of the contract in reference to the inspection which the Secretary of the Navy was authorized to make, thereby showing that he intended to put upon the route vessels of an inferior description.

The Senator also objects to the Secretary reserving the right to Congress to annul the contract. The Secretary did insist upon that reservation in the contracet which he made with Harris, but he confined it to the coming session. An appropriation of money being necessary, if the appropriation should be made, the contract would be considered as confirmed. Well, these bids having been laid before the Navy Department, after some correspondence, I believe about the 20th of July, Todd refused to take the contract. Previous to this, Woodward, who had originally offered proposals with Todd for $250,000 a year, got an assignment of Harris's contract, agreeing to furnish securities, which he neglected to do until an injunction was obtained against Harris for not producing his securities; and, in the mean time, Woodward claimed that the contract should be given to him, Todd having declined, and Harris not having furnished his securities. But Harris afterwards procured the requisite security, and the contract was given to him. Thus we see that a combination evidently existed between Todd and Woodward to get the control of Harris's bid, and to obtain the contract at an advanced price. But they were defeated, and the government was saved an expense which, for the ten years, would not be less than $510,000. There can be no pretence by those who have examined the matter that Todd ever intended to take the contract and perform the service at the lower sum of $150,000 a year. And, sir, if we examine the rates at which steamers have been furnished upon these lines, both at home and abroad, we shall find that the rates on the Panama and Astoria route, considering the difficulties and expenses to which the contractors upon that route must necessarily be subjected, are most favorable to the government. And it may be doubted that any one not so well acquainted with the route as Mr. Aspinwall would undertake it at so low a rate.

The only line that is nominally cheaper is the New Orleans line. The line from Panama to Astoria costs $199,000 a year, or for each ship $66,000. This is the lowest of all except that between New York and New Orleans; and every one must see how much profit may be expected to be made by the other lines from passengers and freight, and the comparative facility with which coal may be obtained.

I have thus briefly noticed some of the positions taken by the Senator from Connecticut, and I certainly think that the Senator, upon a view of all the facts, must conclude that the advance of compensation in regard to this route will be proper. It is probable—nay, I beleive it is certain—that the government will have occasion to send troops upon that route, and that it will be of great advantage that there should be no interruption. But as it regards the limitation proposed by the Senator from Connecticut, it deserves the serious consideration of the Senate, whether, if we undertake any such limitation, we shall not be called upon for damages which would be far worse than any evil that can result from the continuance of the line for ten years. But it seems to me that the Secretary having had specific directions, we cannot now find fault with a contract made in pursuance of those directions.

Mr. NILES.—In reply to the interrogatory of the Senator from Ohio, I will say that the aggregate expense of the several lines when completed will amount, as near as I can gather, to $750,000 a year.

I have a very few words to say in reply to the various points adverted to by the Senator from New Hampshire, who is chairman of the Committee on Finance. I had supposed, that in the performance of his duty as chairman of that committee, I should have met the cooperation of that Senator, whose especial charge it is to take care of the interests of the Treasury; but instead of that, I find him attempting to sustain the claims of the contractors; and such is his zeal in their interests, that in one part of his argument he tells us that we are bound by the strict terms of those contracts, and that we cannot modify them in the slightest degree. But when these men come here and ask for additional

advantages, why, then, according to the Senator, the law does not apply; we must let them have what they ask. Sir, I have seen a different course of action on the part of Senators occupying the position which the Senator from New Hampshire now occupies. I have always supposed that it was the duty of the chairman of the Committee on Finance to stand as a sentinel over the Treasury, and not to become the advocate of contractors. Now, in regard to this point, viz: that we are restricted by the law, whatever the provisions of the law may be, these contractors are subject to the action of Congress. Congress is not without power over the subject. All these contractors are subject to the provisions of the act of 1845, which is the first act authorizing this kind of service; and although these contracts were made under the authority of subsequent acts, these acts were intended to carry out the act of 1845. If the Senate think it prudent and wise to confirm these contracts for ten years, they will so decide. But as to their being advantageous, I know they are not. I know a contract could be made with a gentleman of New York on far more advantageous terms for the government. He has a ship already completed, the best that has been built in this country; he is seeking service at our hands, and we might have this service performed by him probably, although I am not authorized to say so, at one half the price we are paying for it. In regard to the other contracts, the one with Mr. Collins was made to be sure, in pursuance of the express terms of the law which came to us from the House at the last hour of the session, and was passed under the supposition that it had received due attention there, and that they were carrying out the views of the House in the service performed by him probably, although I am not authorized to say so, at one half the price we are paying for it. In regard to the other contracts, the one with Mr. Collins was made to be sure, in pursuance of the express terms of the law which came to us from the House at the last hour of the session, and was passed under the supposition that it had received due attention there, and that they were carrying out the views of the House in the service. It was upon commercial grounds. We believed that inasmuch as England was lending the aid of government to sustain her mail lines, giving them an advantage beyond the reach of private competition, and as she by that means was likely to monopolize all the commerce between this country and Europe, that was of such a description as would naturally fall into these lines, it was necessary that we should do something to counteract it. That was mainly upon this ground, that I favored the establishment of the ocean mail routes. I never advocated them as a quasi public service. Their whole character, as I have said, has been changed in the other wing of the capitol, and it is now to be controlled by the Secretary of the Navy, making it. I might almost say, an addition to the naval establishment of the country. But, whatever I might think in regard to these mail lines, I wish the government would hold itself as far as it can in its present relation to them; I wish that these contracts, which I think are not advantageous to the government, should be limited to a reasonable term, as the subject is now submitted to us, and I think if we are to be held to the contracts on our part, we should hold the contractors to them on theirs. They have engaged to perform certain service, and they now ask us to furnish the capital to enable them to do it. Does not every one see, that this changes the nature of the transaction? The capital is the principal thing, and if the contracts had been proposed for with the understanding that the government should furnish the capital, can any one doubt that they would have been obtained on more liberal terms?

Now, the Senator proposes to give them their pay four or five months before they are entitled to it. Why, it is idle to talk about their having any claim on account of these ships being delivered to the government. They are not government ships, they are private ships, and cannot belong to the government. The Senator says that this is a very advantageous contract, and that Mr. Todd did not intend to perform the service for $150,000 a year. The Senator will recollect that a bill was introduced by me to authorize a contract for this service at $150,000. Mr. Todd requested me to put his name in the bill. I told him I could not do so, that it must be open to competition.

Mr. UNDERWOOD.—Will the Senator allow me to ask him what the government receives back for this outlay? Is it any more than the transportation of the mail, or do the officers of these vessels account to the government for the passage money?

Mr. NILES.—In answer to the Senator I can only state, that in regard to the Bremen line, the government has no interest whatever, except what they derive from the carriage of letters. An inquiry has been made as to the amount received by the government from those mail lines. I believe, so far, there has been very little received. Some time ago I was informed that the receipts amounted to $11,000, and I believe they have made one or two trips since. I am not sure, but that in some of these other lines, other rights are secured to the government, as the conveyance of public stores, or something of that sort, but there is no substantial or direct interest, except that which the government has in the conveyance of the mail, and it was never supposed that that would amount to a sum at all commensurate. These lines are sustained mainly on commercial grounds, as being necessary to place us on an equality with our great rival in this line of trade.

Mr. ALLEN.—The act under which this system arises passed in 1845, and the first contract made under it was, I believe, about the middle of that year. When the matter was first introduced here I opposed it on various grounds. In the first place I doubted its constitutionality. In the second place, I knew it was bad policy for the government to go into partnership with individuals or companies in the transaction of any business. In the third place, I knew likewise that the system, if it once got into being would be very apt to find the means of perpetuating its own existence, and that from a small beginning it would run into one of the heaviest burthens that can be, or ever has been imposed upon the public Treasury. Sir, at that time the friends of this system refused to consider it as a system. They spoke of the great profits derived by Great Britain from the transmission of letters between New York and Liverpool both ways; and the plea was that the people of the United States ought to participate in this profit. And the other argument was, that in order, that not only the people, but the government should participate in the advantages of this peculiar system—that like the British government our government should form contracts with individuals or companies to transport our mails in steam vessels of a particular construction, which would admit of their being suddenly converted from business vessels into vessels of war. It was upon these two arguments that this system was originally commenced. It was said, that in this line of communication large profits would accrue to our government and people, because profits had largely accrued to Great Britain. It was said that the government ought to adopt the British policy of employing mail steamers in order indirectly to augment its naval power. This was the argument. But the constitutionality of the act was not a thing materially insisted on. It was a matter of extreme inconvenience to the advocates of this law, to lay their finger upon that part of the constitution from which the power to pass the law could be legitimately deduced. I know that this system having been commenced, it is not in my power to break it down by a single blow. I know that all I can say upon this occasion will effect nothing whatever, save possibly to fix more earnestly the attention of government upon this pauper vocation. But I know likewise, that if the pernicious system be not assailed again and again—and especially a system that contains within itself the elements of perpetuating its own life—if it be not assailed in time, and vigorously assailed, it will soon grow beyond the power of assault. I asked for the constitutional authority for the passage of this act, and I now demand the constitutional authority for its continuance. There are but two parts to the constitution to which I presume my friends of this measure will resort. The one is the power to establish post routes and post offices. Until I hear whether it be upon that clause that the constitutionality of this act is rested, I will not go into an examination of the question, farther than to say that the clause is necessarily confined to the interior of the country over which that constitution prevails. The other clause is that which authorizes Congress to regulate commerce between the United States and foreign nations, and between one state and the Indian tribes. Until I know that it is upon that clause that the power is rested, I need only say that I deny its application to any such case. Here is not a question of regulating commerce, unless the transmission of articles is a means of regulating commerce. The idea of regulating commerce negatives that of the government engaging as a merchant in the transportation of articles. The constitution provides that Congress may regulate commerce, that is to say, it may make all needful rules and regulations, to give security and efficiency to, and promote the interests of our people in their trade with foreign countries. If Congress has authority under the plea of interest, or any other plea, to establish post routes between our continent and all the other countries of the globe, and to transmit the mail, or in other words, to transmit pieces of paper called letters, they have an equal right to transport beeswax, furs, and pork, and all the products of the country. What is the right that the government has to transport letters, or to organize a system of mail transportation? Where do they get the power? They get it expressly from the constitution. It is not a power that belongs to the government, as a government, any more than a power to transport flour. Our government derives its power from an express clause in the constitution. Without that clause, the government would have had no such right. It is derived solely from express grant. It was granted to the government for this single reason, that the mail and post office system was one so necessarily removed in its extent, so complex, extending over so vast an area, as to render it utterly impossible for any one individual, or any combination of individuals, to give that security, that unity, that uniformity to the transmission of letters through the mails which the public authority could give to it. And upon that ground the authority was vested as a tax upon the people for the transportation of the mails and, as a necessary consequence, to establish post offices and post routes. Without that Congress would have had no more right to send wagons, freighted with documents, across the Alleghanies than they would have had to send wagons freighted with flour. Nor have they any more right to transport letters across the Atlantic, under the sanction of public authority, than to transport any of the productions of the country. But, sir, as to the matter of profit, the answer given by the Senator from Connecticut to the question of the Senator from Kentucky is the most potent argument that reason admits of. It is the argument of fact. The profit thus far has been a mere bagatelle. But we have to establish this system—and the law contemplates it upon its face—in order to augment our naval force. For what? I do not know what the appropriation for the naval establishment will be this year. When I first came here, it was a fraction under three millions of dollars.

A SENATOR.—It is now four millions.

Mr. ALLEN.—This establishment, that originated in the post office, has now contrived to shift itself into the Navy Department, and to give itself a new character—throwing off its character of mail service, and taking on the character of the military defence of the country. Well, sir, where are the uses of this vast augmentation of the naval establishment? Great Britain was taken as the pattern by which we were to guide and shape our legislation. Unfortunately nine-tenths of the bad legislation which we have ever enacted has originated in the spirit of British imitation, when, in point of truth, considering the different internal condition of the two countries, and the different structure of the governments of the two countries, that which is politic in Great Britain is impolitic with us, for the very reason that it is politic there. Our conditions are reversed. Our constitutions are not only dissimilar, but ours is an exact inversion of the British constitution; and the true mode of reasoning is to reason on the assumption that that which is true in regard to the British system is false with regard to ours; because the systems are opposite—the one being the inverse-ion of the other. What is the fact in regard to her? Great Britain is a central power, in the immediate vicinity of the continent of Europe, a small island, not a twentieth part so large as the acquisitions which we have made within the last four years. She has sixty-odd colonies, stretched all around the globe, and occupying those points which give to Great Britain the greatest facility in monopolizing the commerce of the carrying-trade of the globe. Her empire spread over the world's surface, and comprehending about fifty-four separate and distinct parts of the earth, separated from the other portions of the globe by intervening waters—in such an empire, founded upon commerce, sustained by commerce, living and breathing by commerce, and that commerce dependent on maintaining unimpaired the integrity of her empire in all its extremities—in this state of things it is wisdom, the very perfection of wisdom for Great Britain to augment her navy. She has given commercial law to the world. She has done the manufacturing for the world, until within the last thirty years—since which time other European States, and, above all America, have become her great rivals, not only in manufactures, but likewise in tonnage and navigation. This circumstance exposes the distant parts of her empire to all the assaults which the jealousy and rivalry of distant and hostile governments may suggest to them as their best policy to make. Canada lies within the vicinity of a power which has but to stretch forth its hand and wrest it from her when it pleases, and when it becomes important that it should be done, threatened by the double ambition of France and Russia, and her possessions everywhere subject to be seized upon by the rapacity of rival nations. Nothing could be more politic with Great Britain than to unite her naval force, to unite defence with trade, to make it the interest of every merchant, if that were possible, to transport the products of the country, or his goods, wares, and merchandize in armed vessels. It is for these reasons that Great Britain has encouraged this thing. Does any man suppose that it was for the petty consideration of a little postage, that Great Britain adopted the system? Can any man be weak enough to suppose that it was ever a question in the British cabinet, how many pennies could be made by carrying letters between New York and Liverpool? Never such a thought occurred there. It was but a disguised mode of keeping a floating armed power in the vicinity of all nations. How is it with us? Where are our distant possessions? Where are our sixty odd colonies placed in the vicinity of great and powerful nations, and subject to be seized upon unless closely guarded? Where are they? There are but eight millions of tonnage in the world, of which Great Britain has three and a half millions; the United States one million and a half; France less than a million; and the other nations of the world the balance divided between them. No man dreams of such a thing in this country. How is it with Great Britain? Sir, British statesmen have sense enough to know that a conflict with the United States would end in the dissolution of her empire. There is no prospect of a war. Yet we are indirectly to augment the expenses of our naval establishment, under the name of mail facilities to one million and a half dollars per annum, and about this already vastly increased expenditure. That is the sum total of it. When this system was begun it provided but for one line, and it was expected to pay for itself. Our whole post office establishment originated with the idea that the income should defray the expenses; and it was not until a few years ago that that idea was abandoned. After a while the two systems were blended, the Treasury and the post office. The income of the post office was treated as so much revenue, and the payments to sustain the establishment went out as so many appropriations from the common Treasury. That has occurred within my day. It was a forced result—forced upon the government and the necessities of the country. The people of the West demanded, as they had a right to demand in their sparse settlements, mail accommodations. The post office had to yield to the demand, relying upon the revenues accruing to the Post Office Department from these post offices and routes to meet the additional, which the establishment of other routes and offices imposed upon the Treasury. This the government did in order to accommodate the widely expanded settlements of the interior of the western country. It was found that the income of the general establishment was insufficient to meet the expenses, and therefore they had to resort to the public Treasury for aid. Sir, this is of all periods the most auspicious for increase in our public expenditure. We have recently come out of a war, and although it has been ably conducted financially, the first war ever conducted in such a manner as to leave undisturbed the business and credit of the people and the government, yet it is a war which leaves some little debt behind it. But above all the reasons I have advanced, sir, is the one that we have made a vast acquisition of territory. We have doubled the size of our original limits within the last four years—so that we now reach to the Pacific and extend along its coast several degrees. All this region is to some extent peopled. With every part of the country this government must hold some kind of communication. You will have to have a post office at the mouth of the Columbia river as well as a custom-house. You will have to have them up the Columbia river and along the coast of the Pacific; in the interior of California and upon the eastern side of the Rocky mountains, at least to New Mexico, and in that country. Hence it will be impossible to avoid the necessity of imposing upon the interior post office establishment the expense that will arise from establishing mail facilities in these acquisitions. It cannot be avoided; government must keep open communications with its constituents. You cannot, then, by any device avoid the necessity of increasing the expenses of the interior post office establishment very considerably—much beyond its income. Is it, then, a time, when our internal expenses in the administration of the Post Office Department are about to be so greatly increased, by extending throughout this extensive region of country mail accommodations—to expand this ocean post office system that comprehends the whole human race? This same necessity which makes it important to establish this ocean steamer mail route between Liverpool and New York, can be plead for establishing a mail route between any one point in the United States, and any other commercial point on the face of our globe. Our Yankee friends, whose enterprise and genius was celebrated more than half a century ago by British statesmen and writers, and who were spoken of as having made England ashamed of her want of enterprise and sagacity, from the extent to which they had carried the maritime researches of our country—our Yankee friends, I say, have already their sails [illegible] many American flags to every portion of our globe, wherever there is a man to purchase and money to pay with. Well, sir, they have opened communications with all these places. They have communication by letter, and the argument which makes you carry one man's letter to his correspondent in Liverpool or London, enforces the necessity of carrying another man's letter to his correspondent in China. If the reason is good in the one case it is good in the other. In this case the reason given for action upon the matter is the augmentation of the navy. It cannot be pretended that we are to do it for the sake of the trifling profit accruing from the operation of the system. If there is to be any profit, I am in favor of its going to the people. Do not let the government become a trader or trafficker, a copartner with the merchant on the seaboard—it may be salt fish and beef, and pork as well as letters and papers. If there be any profit, let it reward the services and enterprise of our people.

My answer to this argument of "augmenting the navy," is that our public means of defence should never depend upon private individuals or companies of men. If it be necessary to augment the navy, do it through the ordinary channels—by appropriations for the use of the navy, under the administration of laws which require our ships to be built under the eye of our superintendence, and commanded by men responsible to you, and submitted to the commands of these ships by the voice of the Senate. Sir, the whole system is a system of humbug. Sir, there never will be a ship called for in the service of the country, but that there will be a knocking at the doors of Congress, session after session, of augmenting, numbers of men coming forward with memorials to Congress setting forth many plausible reasons for the establishment of this line of steamers, and asking for allowance of money to secure their establishment. Shakspeare illustrates a very prevalent trait of human nature in the long repetition of the word "opportunity." I might illustrate the facility with which bills pass the two Houses of Congress by the word "importunity." Why, in this very case, according to the showing of the chairman of the committee, one of the parties who bid for these contracts, retired from the department because he had been most successful in getting the act through—that is by begging and coaxing members of the two Houses, and by importunity in extorting from those who would not vote for his bill, a promise that they would not vote it all. And thus it is, sir, bills are passed here, and their passage is considered as an act of the concentrated will and reason of Congress. Sir, they have no will or reasoning whatever but the private claims of the individual at whose solicitude the bill was passed. It is the case with all legislative bodies, and in the nature of things must forever be the case. It cannot be avoided.—Men who want to make fortunes out of the public treasury can always devise plausible arguments in favor of certain schemes, and present them to legislators, and by their importunity succeed in attaining their desired end. Half of the vicious legislation in the world has originated that way. Sir, this system will get to be one of the finest fields for speculations imaginable, if it goes on. It will be equal to the "South Sea Company" project, or the Mississippi scheme. Men come here and obtain contracts amounting to hundreds of thousands of dollars, and go away into the great market of monied men, and trade them off as a matter of speculation. That, I understand, has been the case with one of these contracts. What inducement does this not hold out to keen, sharp-sighted men, who desire to speculate and make money at the expense of the public treasury, to come here and get other contracts? It is better than roulette or the gaming table, because if a man does not get a contract, he loses nothing. The hazard is altogether with the government. He loses nothing, and becomes

acquainted with the leading and most influential spirits of the land.

Sir, a million and a half of per annum expenditure now accrues, and this is only the fourth year this system has been in existence—an augmentation of nearly a fourth of a million a year since the commencement of this kind of expenditure. According to this rate of increase, what will be the burden of debt that in twenty years this system will impose upon the treasury? Why, at that rate, the revenue of our entire custom-house will not defray the annual expenditure necessary to keep up this system. Sir, there are from fifteen to eighteen thousand post offices in this country under the general administration of the department. The mail arrives at every one of these offices once a week, some twice a week, and a large number once a day; and the whole newspaper publications of this Union are thus transported and scattered among the people as well as the letters, for less than five millions of dollars per annum. But this system of transporting letters from one merchant to another in foreign countries, in the fourth year of its life, costs our country annually one million and a half dollars, with a prospect of its augmentation in three or four years, to some four or five millions. Sir, if a man should move the establishment of a post office on a piece of land within twenty miles of which there are twenty American citizens residing, I would vote for it, but I cannot vote to spend a million and a half of the people's money in carrying letters between the bankers and importing merchants of New York and Liverpool. I am opposed, sir, to all these government copartnerships. This system is a forcible illustration of the infallible tendency of even the best regulated government in the world, to meddle in other people's business, and undertaking to supersede the enterprise of private individuals with their own superior means. We have commenced to send letters. Can we not put the public ships of the navy into service, to be commanded by private men, to transport the produce of this country across the Atlantic with as much propriety as we can build up a disguised navy, under the plea that it is private property, resting in a contract the right to call it ours when necessary? All the money spent to arm this country should be administered by the public, and responsible agents of the country. But, I repeat, this is not the time to swell our expenditures in any form. We have no pretext of colonial possessions to defend. We have none of the reasons, domestic or foreign, that Great Britain has for keeping up a navy that stretches over the globe. The English government has plenty of reasons for keeping up her navy and colonial system. She has to augment her income proportionate to the demands of the younger members of the nobility, and those who desire commissions in the navy and appointments to the administration of the provinces. We have no reason that exist for increasing our navy. Sir, the more we expend in sending letters to England, the less we have left to pay for sending letters to our constituents. If we are to spend a million and a half of dollars, let us spend it in establishing post offices in the interior of our own country, for mail facilities rather than for the benefit of the British, Chinese, or any other people. Sir, let this system of expenditure expand and increase—let the apex of this pyramid rise within the public view, and it will be struck down. Whenever the people find that their petitions and memorials for new mail routes are passed by unnoticed, whilst millions of the public money are voted to send letters to China and Great Britain, they will soon legislate this law from the statute book, and annul the contracts. Sir, I array the internal country against the outer world in this competition for post offices? I claim for America the facilities and mail accommodations which this government can afford to give. I put up the claims of the American people in rivalry to and against the claims of the whole human race on the other side of the globe for the expenditure of the public money of this country in the transportation of the mails. Sir, for one, I must say, that this job-giving legislation of ours is doing the treasury of this country more harm, so far as the financial action of the government is considered, than any other branch of its legislation.

There are two sources of revenue, one source is derived from the public lands. In the administration of the public land recently acquired—where the expense of surveying will equal the income to be derived from the sale of the lands—the fund or revenue will be diminished rather than increased. The other source from which revenue is derived, is the custom house; and who wants the old fashioned discriminating, bounty giving system of the tariff restored? Who desires to see a resort to that exploded and nation-condemned system of tariff duties by which it costs ninety millions of dollars to get thirty millions into the Treasury? Whoever desires to see such a spectacle is the man, and the only man who is justified in voting for such an appropriation as this. Who is it that wants to see this government expending money with one hand while it borrows with the other? Who is it that wishes to see this government commencing a system of public debt—a system which has brought England within a step of her utter downfall, and under which she will sink during the present generation of her people—predicated upon the idea that so long as government can borrow money, people may importune and hold out inducements for them to spend it? If there be any man who is desirous of looking upon the spectacle, then there is another person justified in voting to sustain this corrupting system. Or if there be a man who is anxious to resort to the only human means left to replenish the Treasury—direct taxation upon the people, let that man stand up and proclaim it, and he will be justified also in sustaining this system; but no other man is. Sir, you have a mighty interest banded together to sustain this system, including all the stock jobbers and contract getters in the land. You are offering your bounty to sharp-sighted keen-witted men, to get together and devise schemes to rob the public Treasury in the form of establishing these routes, so as to make them as numberless as the lines on the surface of our globe. Sir, mark the progress you are likely to make in this system of expenditure, and compare it with the progress you have made during the four years of time. You commenced it in the form of a small favor to facilitate the transportation of a single mail, and in four years time there is a demand of thirteen hundred thousand dollars upon the Treasury to sustain a system which threatens an enormous and a dangerous increase through all future time. This system must be stopped, otherwise it will compel us to borrow money to keep it up, while at the same time from this expenditure of means, we will have to keep down our own post offices. Sir, this day I make an issue between the internal and external post offices of this country, as between the American people on the one side, and the external world on the other—and claim that this one million and a half of money shall be expended for the accommodation of the people of the United States, and not for the accommodation of the world at large.

Mr. DOUGLAS.—Inasmuch as the passage of the bills establishing these lines of mail steamers in the other branch of Congress, was owing in some degree to the strenuous support which I gave to the measure, there may be some propriety perhaps in my offering a few remarks in reply to the statements of the honorable gentleman from Ohio. He appears to have demonstrated to his own satisfaction—but I trust not to the satisfaction of the Senate or the country—that this whole system of ocean mail steamers is a gross violation of the constitution. He has made an appeal to the great West, and announced that he has made an issue to be even "internal America and the external world." Of course he takes the side of America. But I am not exactly willing to admit that in voting for these lines of mail steamers, and in taking a deep and abiding interest in their success I was arraying myself against the interests of my own country; and I confess I am not altogether able to comprehend the force of his constitutional objection. The gentleman asserts that there are but two clauses of the constitution upon which we could predicate this bill. He then quotes the provision authorizing the establishing of post routes, and the other giving Congress the authority to regulate commerce with foreign nations. He says he will not enter into a detail of his views to show the unconstitutionality of this system, but he denies emphatically that either of these clauses confers the power to establish it. Now the first clause conveys the power in express many words, and he himself reading the constitution was arrested by it—was obliged to quote it, and then found it convenient to refrain from any attempt to disprove the existence of the power. After quoting these two clauses, he informed us that in his opinion, this power could not be exercised under the authority of the Post Office Department, because the government was induced to adopt the system, not from any paltry consideration of dollars and cents, but from a great leading principle of policy, with a view to the creation of a navy. Ah! So, then, he has discovered that this is a bill to establish a navy. It seems to me he might have read another clause of the constitution which says, that Congress shall have power to establish a navy, and his constitutional objections, might, in that way, have been entirely removed. I supported this system upon the three grounds to which he has alluded—first, as a measure for the purpose of increasing our mail facilities between America and all other parts of the civilized globe; secondly, for the purpose of extending our commerce, our tonnage, and our commercial intercourse throughout the whole world, making us the first maritime power of the globe; and, thirdly, for the purpose of creating the most powerful navy, with the most economical expenditure of money. I firmly believe, that all these important objects may be effectually accomplished by this system, which the gentleman from Ohio has so vehemently denounced. By the expenditure of the money called for by these bills, you set afloat ten steam ships, ready for the defence of this country in the time of war—for the extension of our commerce in time of peace—for the transportation of passengers and mails throughout the globe. Your navy is thus increased by the addition of these ten vessels, fitted for all these useful purposes, whereas, in the old mode of building up your navy, only one ship of war could have been added by the same expenditure.

But the gentleman says, that if the object be to create a navy, he wishes no partnership of the government with individuals. He entertains a great horror of these "contracts," and "stock-jobbing affairs." He sees fraud in every contract. Does the gentleman mean to say that there were no contracts under the old system of ship building by the Navy Department? Were there no "fat jobs" then dealt out to the contractors who returned around your halls? Were there no persons appealing to you for permission to build your national ships as an improved model? I wonder if the gentleman himself was not then as much besieged by contractors looking for "fat jobs" and expecting to make fortunes out of the government, as under the present system. Have we not had in this war all the private establishments for the manufacture of munitions of war, in the employment of the government at enormous prices? How many private ships have been chartered by the government for the purpose of carrying supplies and acting as transports, at an expenditure of each trip of nearly as much as the vessel originally cost? In all this, has there been no speculating out of the government,

which might have been avoided if there had been thirty or forty mail steamers, of which the government could have availed itself without increasing this immense extra expenditure, and have saved millions in this war, if the system of ocean mail steamers had been in operation when the war commenced? But the gentleman goes on to say, that in adopting this system we are aping Great Britain, and that nine-tenths of all our bad laws were borrowed from some sort of British precedent. He might have gone further and said that nine-tenths of all our good laws came from the same source. Just look at the gentleman's argument? Because some of the laws of Great Britain are not adapted to our system of government, we must reject every thing that is good in her policy; because the political principles of Great Britain are in a great measure antagonistic to ours, it therefore follows, that the great principles of commerce and trade which are universally recognized throughout the globe, are to be reversed by us, because, adopted by Great Britain! To carry out his views consistently, the gentleman should refuse to speak the same language which prevails in Great Britain; he should call upon us to repudiate any system of religion professed in Great Britain; he should direct our sailors to abandon the nautical instruments which may be used in Great Britain, and refuse sail by the same compass. The gentleman could hardly have been serious in using such an argument. One of the most forcible reasons which can be urged in favor of these steam lines is to be found in the fact that Great Britain has adopted the system and has prosecuted it with so much energy and success. It is only a branch of that sagacious policy which has extended the commerce of Great Britain to every part of the habitable globe. She well knows the value of these steamships, afloat on every sea. They constitute a most formidable addition to that power which she possesses on the ocean, by which she is prepared to resist any aggressive policy, or to assail any who attempt to thwart her views. Are we to remain blind to the advantages of such a system, and by which we may be enabled to defend our commerce and our coasts? I doubt much whether "internal America" would like very well, to see her coasts surrounded by this network of British steamships, guarding British possessions on all sides of us—hemming us in—monopolizing the trade, and diminishing the tonnage of our own country, whilst we stood by with folded arms, destitute of any power of resistance. Great Britain has possessions all around our borders—the Canadas on the north, Nova Scotia and New Brunswick on the northeast, the Bahamas, Jamaica, and other West India Islands on the south, and with numerous lines of mail steamers, she connects them all together. Yet the gentleman says that in following this policy in order to resist encroachments and maintain our independence, we are merely aping Great Britain. No, sir! We are engaging in the great struggle for the mastery of the seas—for the empire of the ocean. And as for internal American—as a representative of the people from the great West, where the gentleman is afraid all the forts are to be broken down if this system is sustained—I feel too much indignation when I behold these attempts on the part of Great Britain to monopolize trade and commerce, to remain quiescent. We have demonstrated that we are the first power upon the land—that upon this continent we can conquer the whole world if they will come here to fight us. Our superiority on the land is settled; it now remains to be established upon the ocean. But as long as Great Britain possesses superior steam power upon the ocean, she will be mistress of the seas. The wonderful progress of science and the arts in our day, has wrought mighty changes in the means of offence and defence possessed by the great powers of the earth. Your old sailing vessels—your old ships of war, built for an age gone by—have become comparatively useless. Steam is now the great element, not only in your manufactories, but it is the controlling agency which regulates your commerce, and gives victory in any contest upon the seas. Therefore, we must aim to excel in this great element of prosperity, and strength upon the sea.

I feel peculiar satisfaction in being able to say that I have supported this system from the beginning. I have given it an energetic and zealous, though, perhaps, inefficient support. I have been its steady and unshrinking friend, and nothing which has fallen from the Senator from Ohio has in the least degree shaken my confidence in it. The gentleman tells us that there will never be occasion to call for one of these steam vessels, to be employed in carrying the mail, though at the same time subject to our command the day that war is declared, or sooner if the President gives the order. I trust in God there never will be such a necessity. But if we really desire that state of things, we can secure it only by being prepared for war at any instant, and by satisfying the European world that, whilst they coalesce and intrigue in order to regulate the balance of power on that continent, they must mind their own business and let America alone. We can only secure honorable peace, by convincing others that it is their interest to refrain from encroachments or any aggressive policy upon us—by satisfying them that we have the power of avenging the first insult—that we have the means at hand, not merely to resist, but to chastise the first invasion of our rights. That, I repeat, can be done only by the possession of a steam navy.

But the Senator from Connecticut insists that in this case we build the vessels ourselves, whereas they should have been built by the private contractors. I do not admit this proposition. By these contracts the contractors were bound to construct the vessels at their own expense; but in accordance with the mode prescribed by the Navy Department when constructed and put afloat, a naval was officer to be received on board with instructions in his pocket from the head of the Navy Department, authorizing him to take command whenever the interests of the country might demand it and the contingency pointed out in his instructions presented itself. A double advantage is secured by this arrangement. Vessels are always ready and fit for sea; whereas, if built at your own expense, and laid up in your docks, when the period arrives when they are needed, you find that they have rotted down, that officers and crews must be procured, and months elapse before the vessels can be fitted for sea and put afloat. But these steam vessels are always afloat—with the crews aboard—ammunition and fuel stored—steam up—ready for use at any moment. Again: as steam has now become a substitute for sailing power, it becomes necessary to educate your naval officers anew. Your old commodores, post captains, and captains who have commanded during their lives upon the briny ocean the old fashioned vessels, know nothing of the steam vessels. You must educate your naval officers in the principles of steam navigation. These steam lines afford the means of giving these officers that experience in the management of steam ships, which is now absolutely necessary.

There was a strange incongruity in his argument—if I may be allowed to say so with perfect respect to the Senator from Ohio. He went on to prove in the first place, that if the object of this system was to make money in carrying the mails, the whole plan was wrong, because this government had no right to enter into competition with private individuals in carrying papers and mails, any more than in conveying flour, beef or pork. He said it was a sort of trade, trading business on the part of the government, and he was entirely opposed to the government becoming a money making machine. The most efficient part of the gentleman's argument was based upon that assumption. After proving conclusively that it was wrong to go into that system of money making, the gentleman with great ingenuity, took another tack, and made a calculation that the system would cost the government a million and a half per annum, without a dollar of income. These propositions destroy each other—both can not be true, and, as I firmly believe, neither of them can be sustained. No friend of this system ever expects that it will be a source of money making. But directly in the face of his denunciation of this system, as a money-making one, in which the government should not engage, the gentleman made a gloomy allusion to the public debt of England, and remarked that if we wished to create a similar debt, it was necessary only to adopt the same system which had produced it there. Does the gentleman need to be informed that this system of steam ocean navigation never produced a dollar of debt in England, and that the public debt of that country was created by very different causes? Here, however, is the incongruity in the argument of the gentleman to which I alluded, in one breath he denounces the system as a money making one, and in the next he assures us that it will involve us in a public debt. The friends of the system do not anticipate that it will do more than pay its way, and that is all they desire. They do not seek to make it a source of revenue. They wish it to be managed as the Post Office Department is managed—as the revenue increases, the rates of postage are to be reduced, and the system made merely to support itself.

The gentleman is entirely mistaken when he represents this as a stock jobbing system. It is precisely analagous to the employment of a stage, steamboat, or railroad car for the transportation of the mail. We pay so much to the contractor for the service, and receive the proceeds of the mails. Is not the Senator aware that England has been endeavoring to secure a monopoly in the transportation of letters across the Atlantic? Does he desire that she should succeed in that effort? Our self-respect, our feeling of national pride, justice to our fellow citizens—the plainest principles of public policy, all demand the continuance of this system. Borrowing a favorite expression of the Senator from Ohio, I would say that destiny demands it. If we are to become that ocean bound republic—extending from the Atlantic to the Pacific, of which we have heard so much, if we are to blot out the red lines from the maps, and obtain the mastery of this entire continent, realizing that glorious future which has formed the theme of some of the most eloquent speeches of the Senator from Ohio, I can assure him that all this is to be attained, only by acquiring that ascendency on the seas which we have secured upon the land. If, on the other hand, we remain with folded arms, and suffer England to go on extending her maratime power with her one hundred or two hundred steamers, and we should happen to come into collision with her, what, I ask, then becomes of your eight hundred whale ships in the Pacific ocean, your forty thousand American citizens there, and your twenty millions of American capital afloat upon those seas? How is the gentleman to carry out his favorite views of progress and extension, in which I most cordially concur, unless we should be able to cope with any power on the high seas? That equality can be obtained only by fostering and extending our steam marine; and that great object can be obtained under this system of mail steamers, at one tenth the cost of any other system which can be proposed. Every consideration then, of national policy and self-interest, our pride as American citizens, and our obligation to extend and perpetuate our glorious institutions, requires us to bestow a sustaining and fostering care upon this system of ocean steam navigation. I do not desire its abuses to be sustained or tolerated; but its great inherent merits, I desire to be acknowledged and sustained. If experience discovers abuses, let them be removed: let exorescences be lopped off as they present themseves, but do not because of them, destroy this system. As a western man coming from the prairies, where the population is spare, and we have just ground of complaint on account of

insufficient mail service, I must declare that I am not to be rallied under an internal banner, against the Atlantic States, on a question of so great national importance. In this system, sir, the western States have really more interest than those upon our Atlantic border. The West is a great producing country. We raise from the teeming earth provision enough to feed the world. Of course we want a market, and unless that be opened to us, our productions are of comparatively little value. Extend your commerce—your tonnage—your marine power, and you open to us a market. Steam is the great agency by which your commerce is to be extended, and therefore the people of the West are, of all others in this land, interested in the extension of our trade and commerce by means of this great element of commercial power in modern times.

I did not intend to say a word on this bill, but it so happened—as I have already remarked—that when a member of the House of Representatives, it was my fortune to take some part in the support of the measure when first presented to the consideration of Congress. In the efforts which I then made to establish the system, I acted, amongst others, with a Senator whom I have now the pleasure to see here. I, therefore, felt it to be my duty to oppose any attempt to cripple the system until it had a fair trial. If it prove a failure, I shall be among the first to acknowledge my error; but now that the system has been commenced, I demand for it a fair trial, believing that a short time will demonstrate who have been right and who have been wrong in regard to its importance in every point of view.

Mr. CALHOUN said that when the bill first came before Congress he opposed its passage; but as it had become a law, and as he maintained the principle that encouragement should be extended to contractors in the faithful performance of their contracts, he felt disposed to vote in favor of the proposition now before the Senate. In this determination he was strengthened by the fact that the proposition had met with the approbation of the head of the department. He would, therefore, vote in favor of giving this advance to the contractors.

Mr. BENTON remarked that his opinions with respect to the system had not been changed. He was in favor, however, of going on and perfecting the contracts which had been made. He was the more disposed to do so from the consideration, that if this experiment were successful, great facilities of communication with a vast territory belonging to the United States, three thousand miles off by land, would be afforded. He would, therefore, vote in favor of the advance.

Mr. DAVIS, of Massachusetts, supported the amendment of the Senator from Connecticut. He would execute the contract with fidelity—carry it out to the letter; but according to his present information, he was not prepared to give the advance which was asked. It was desirable, he thought, to have a little more light upon the subject.

Mr. UNDERWOOD said he would vote for the amendment.—He was opposed to giving the advance, the interest on which would be equivalent to an hundred dollars a month. He presented a statement of the various laws which had been passed upon this subject, and spoke of the very great increase in the appropriation required for the support of these steam lines. He thought that the packets advertised to sail daily and weekly from New Orleans and New York might be employed in the transportation of the mails at a much smaller expenditure than that now required. He hoped that the expectations of his friend from Illinois might be realized, but it seemed to him that the enterprize had commenced under very unfavorable auspices.

Mr. HALE strenuously supported the proposition to allow an advance to the contractors, in order to enable them to carry out their contract with the greatest possible advantage to the government. As to the amount of expenditure necessary to sustain these steam lines, he regarded it as applied to a most useful purpose. It was taking a part of the immense expenditure of the government and applying it to the useful purposes of progress—the extension of commerce and the cultivation of the arts of peace, which tended to elevate instead of degrading mankind. The advance had been recommended by the department itself, and he should like to know wherein the inequality or impropriety in making that advance consisted.

Mr. NILES said that he was somewhat surprised that his two friends on that side of the chamber, who had been so decidedly opposed to the whole system when it was first presented a few years ago, and one of whom, he believed, had denounced it as a humbug, should have become so signally converted to it that they were willing to sanction a principle unknown in this government, now proposed to be applied to it. His friend from New Hampshire must have got a little out of his reckoning, for here there were neither free soil nor free territory, no, free trade, but there was a monopoly to be sanctioned by this government. There was no precedent for this proposed advance; and he saw nothing whatever to justify it in the present case.

He had another amendment which he intended to offer, whether the one then before the Senate prevailed or not, limiting all these contracts to a period of five years. The contract had been made originally for ten years, because the contractors would consent to no other terms; and a sort of compromise had been made that the extension to ten years would be subject to the action of Congress at the present session. If the appropriation were made without action on that, it would be confirmation of the terms of the contract.

Mr. YULEE said that in some of the views of the Senator from Connecticut he fully concurred, while there were others to which he could not give his assent. It was in the power of Congress to reduce the term of the contract, but he did not think it expedient to exercise the power. The parties had discovered great fidelity, and built fine vessels, which were now nearly ready for the service. But he did concur in the amendment to strike out the allowance of an advance. Such an advance would be in violation of that sound policy which had been observed by the government with great carefulness from the earliest period. He referred to the special provisions made in 1823, prohibiting advances upon contracts. There was no tightness in the money market now, and, therefore, the reason urged in the early part of the session for making the advance did not now exist. He thought it would be very bad policy in the government, at a time when it was paying a high rate of interest for money, to borrow money for these gentlemen.

It was alleged that because of the enlargement in the size of these vessels, Congress should make the advancement proposed. Now, this enlargement had not only been made without the concurrence of the officers of the government in the Navy Department, but in one of the cases it was made in direct violation of the purpose and spirit of the act of Congress. This was the case with the line from New York to Liverpool, where enlargements had already been made to an enormous extent. The Great Britain had been found to be altogether too cumbersome for the advantageous navigation of the ocean. These steamers were intended to furnish an addition to the means of coast defence—were intended to be useful on our coast as war-steamers. Yet these vessels had been made of such a size as that it rendered it impossible to apply them to that purpose. There were not not more than two or three ports upon the Atlantic coast that could be entered by these vessels. Charleston harbor could not be entered at low water, and Savannah harbor might be touched at but could not be entered. It was the intention of Congress that both of these ports should be entered by these vessels. He had noticed, since the suggestion of this proposition of mail steamers, that several of the leading newspapers in the United States had taken ground against it as an interference with private enterprise by Congress. He hazarded nothing in saying that if the original terms of the contract were to be departed from, that the government owed it to itself, the Treasury, and the people of the country, from whose pockets the money was to be derived, that in making these advances, they should be made on terms that would be advantageous to the public Treasury. If we were to make these advances, he would undertake to say that the service could and would be undertaken by competent men for a sum less than three-fourths of that now proposed. If we were to alter the terms of the original contract and make advances, he would say again throw open the contract to competition, and let these parties come in upon more equal terms. These contractors had it in their power to have revoked these proposals if they were not found to be advantageous. They were entered into by the contractors with a full knowledge of their ability to carry them on or not; and therefore neither of them had any right to come to Congress and ask relief from the binding responsibility, which was on their part voluntarily assumed, after deliberate consideration.

Mr. CLAYTON.—A matter of grave consideration in the discussion of this question is, whether we shall not, by abandoning this system of mail steamers—which I apprehend, from the non-payment of these advances, there is some danger—give up the carrying trade of this country to England. We can compete with the British steamers, in steamers, if we choose, for the carrying trade, but not with packet ships. England is thus getting up a steam navy at our expense, and at the expense of the great carrying trade of the country. They have already made the expenses of their steamers and some five millions over. I know no other way of maintaining the carrying trade of the country than by a system of mail steamers. It is objected that we contracted for steamers of 1,800 tons, and that they have been increased to twenty-seven hundred tons in size.

Mr. YULEE.—The increase in the size of these ships has not been made at the instance of the Navy Department.

Mr. CLAYTON.—Well, it has been done at the instance of persons in the interest of the government. Either formally or informally the influence of the government has increased the size; and I think it was highly proper that the size should be increased. Steamers of fifteen hundred tons are not sufficient in size to enter into competition with British steamers. If we can only make up our minds to cooperate with the energies of our own countrymen, as the English government do with theirs, I have no doubt we can successfully compete with these British steamers in the carrying trade.

Mr. BUTLER.—I would ask what security or lien this government has on these ships; and what prevents the selling of these ships in foreign ports?

Mr. ATHERTON.—I suppose the Secretary will make all the necessary provisions with the contractors for the entire security of the government. There is a provision in the contract which provides that the money advanced shall be secured to the government by a lien upon the ships, according as the Secretary of the Navy

shall require. The twenty-five thousand dollars per month also is to be advanced until the ships are launched. So that there can be no doubt of the safety of making these advances.

Mr. BRADBURY.—I am in favor of observing the most scrupulous good faith on the part of this government, in carrying out all contracts that have been made under its authority. The motion of the Senator from Connecticut, as I understand it, is to strike out that part of the bill which provides for advances being made, these advances to constitute one part of the contract. Now, sir, these advances are not necessary to preserve our good faith; neither is it alleged that there are any unnecessary hardships growing out of this contract—that it is a hard one, or that the government has had an undue advantage in the transaction. On the contrary, it appears that the contract is a liberal one; and yet we are asked to make advances. Now, these advances are to be made to whom? Why, to the assignees of the contract. It appears that when the government made this contract it contracted with parties that were responsible. These responsible parties have transferred their contract to other individuals, who now apply to us saying they need advances. If we do not make them, what follows? Why, the original contractors will have to make them, and they are the ones who should do it. It is a mere question, then, whether the government shall make these advances, or the original contracting parties. Sir, if we make these advances, we will violate a sound principle; and we may rest assured if we begin it in this case, we shall have to do it in others where the claims are much stronger upon the liberality of the government. Again, we not only violate a sound principle, but we expose ourselves to a loss on account of the security. The language of the act, to be sure, is, that the advances are to be secured by a lien on the ships. But what security is that? Suppose they are burnt up, the government will not only have to lose the interest on the advances, but stand as insurers upon the ships for the amount of the advances. But the opinion of the Secretary of the Navy has been presented, that the money market was in such a state that there was danger that the contract could not be continued, from the inability of the contractors to obtain funds. Since that opinion was given the state of the money market has changed. The danger so much feared has passed away, and, therefore, the main reason on which the recommendation for advances is placed, has ceased to exist. I hope we shall preserve these contracts in good faith, and carry them out as they were originally made and understood.

Mr. CALHOUN.—I can assure gentlemen that I had no idea of perverting or misconstruing the tone of the debate. The whole object of my remarks was, to bring out the true state of the case, inasmuch as my understanding of it heretofore was picked up informally. I now understand this subject before us to involve three contracts. For one, sir, I must say that I am altogether opposed to making the advances asked for. If the credit of the individuals asking for advances is good in ordinary times, they will have no difficulty in having the money they require loaned them. The application for these advances has been based mainly upon the ground of the tightness of the money market. That state of things has passed away.

Mr. CLAYTON.—I would state to the honorable Senator from South Carolina that, so far from the money market being easy, the rate of interest on money in New York is from twelve to eighteen per cent. Within a few days past, also, the government stock has fallen from three-quarters to one per cent.

Mr. CALHOUN.—I do not think at any rate that the state of the money market should be the great consideration in this matter. Nothing is a good consideration but what is a *quid pro quo*. As to this whole affair my impressions from the beginning have been against it. I believe now, as I have ever believed, that it would be better to leave the matter open to private enterprise. I shall vote in favor of the motion made by the Senator from Connecticut.

Mr. DIX.—My position is directly the reverse of my friend from Missouri on my left. I am in favor of the establishment of these mail lines, and opposed to making the advances asked for. In 1846 when this same subject of mail steamers was up from the other House, I then said, as I now reiterate, that this government, by this system, may be provided with a navy of steamers without making any advances whatever; and that these vessels ought to be but by private capitalists, and the government only required to pay a specific sum for a specific service. Contracts made on such a principle I would stand by, and as the contracts were thus made, I cannot consent to the allowance of these advances. The Senator from Delaware appears to think that if these advances are not made, these lines will be broken up, or as equivalent to the abandonment of the scheme. I do not so consider it. I have no doubt whether we make advances or not, that the contractors will go on and complete the vessels. With regard to the size of the vessels, the same remarks that apply to this line are applicable to the Bremen line. That line has in fact constructed two vessels and put them in operation without a single dollar of advance from this government. It is the only line that has done so. The third vessel now upon the stocks is as much larger in size than the first two constructed as those in the present case are larger than the original size contemplated. This increased size in the Bremen line has been found to be necessary; a larger vessel being found to be better adapted to the service.

Mr. WESTCOTT.—I understood that this Bremen line was established for the purpose of having the vessels to use when necessary in our navy. I would ask whether these ships are not now owned principally by the foreign authorities of Bremen?

Mr. DIX.—I believe such is the case. The city of Bremen has advanced several hundred thousand dollars to the proprietors of this line. What security they have given I know not; though I think it has some lien upon the stock, that it is hypothecated to their city. I do not know the amount. With regard to competition I think it may be questioned whether this system of mail lines under the care of the government does not interfere with private enterprise, and destroy competition from private companies or individuals in the United States. Sometime since I was in conversation with one of the largest commercial firms in the United States. They told me that they were very desirous of establishing a steam mail line to the West Indies. Why do you not, I asked? Why, they replied, the government may make a contract with some other parties and break us down by contributing to the maintenance of this mail service. I have no doubt that the money required by these men may be had at any time. They can easily enter into an arrangement with some one of the monied men in New York, all the drawback consisting in the fact that they would of course have to give the parties making the advances a share in the advantages of the contract.

Mr. CLARKE.—Do you not think the assignees in this case are responsible men?

Mr. DIX.—I have made no enquiry into the matter. I suppose they are.

Mr. CLARKE.—I have no doubt of the fact. I know them to be responsible men.

Mr. WESTCOTT.—I voted originally against the establishment of the Bremen, and all these schemes of ocean mail steamers, because I believed then, as I believe now, that there was considerable humbug about them. But we have got into the system, and I am for getting out of it as soon as I can, in the meantime doing what the interests of the country, and justice to the contractors requires. I shall vote for the advances which the honorable Senator from Connecticut moves to strike out. I am told that all, or nearly all of the stock of the Bremen line immediately after it was got up, was pledged in some way or other to the city of Bremen; so that to-morrow, if a maratime war were to be commenced, and we were to call upon the proprietors of this line to fulfil their contract to this government, by furnishing the steamers for the use of the navy, they would not be able to do it if opposed by the city of Bremen. I believe in these advances in order that the United States may have their liens upon these steamboats; for not having them, what is to prevent these companies from hypothecating these steamboats to foreign governments, thereby disabling themselves from fulfilling the contracts they have entered into? Sir, I voted for the Chagres, Panama, and Astoria line, because more beneficial to the people of the United States, particularly than the foreign lines, and because of the representation of the contracting parties, that they would build steamboats of a certain class. I should not have voted for it, had I understood that they intended building steamers of twenty-seven hundred tons burthen. It is an objection with me that their size has been increased.

As the bill progresses, some other amendments will be offered, and among them, I propose to present one. I shall vote for this amendment of the chairman of the Committee on Finance, and against the motion of the Senator from Connecticut to strike out. If these amendments are not adopted on the ultimate consideration of the bill, I shall vote against the whole concern.

Mr. DICKINSON.—I have never favored, never intended to favor, any of these systems that look to the competition by government with private enterprise. I expect to see the day when the whole post office establishment will be abolished, and the whole matter conducted by private individuals, with more economy and efficiency than it can be done by this goverament. That time has not yet arrived, however, inasmuch as the new States in the West desire the privileges conferred upon them as regards mail facilities that have hitherto been enjoyed by their eastern neighbors. Inasmuch, too, as we have entered upon this system, I say, for one, it should be carried out in good faith, until the West have become equal recipients of its benefits with the East, when I trust to see the whole system abolished. Now, in regard to the objection raised by the Senator from Connecticut, which is to strike out all the proposed advances to these mails, the advances being three months, two months, and one month before the regular payment, I would say, that as we have entered upon this system, and made contracts for carrying the mails, inasmuch as the steamers are building, and in process of building, let us make the advances asked. I believe it is just and proper so to do under the circumstances. In addition, one line of these steamers will give facilities to emigrants and settlers going west to communicate with their friends in the eastern and Atlantic States. Therefore, I feel it is incumbent upon me not only to give facilities for going there, but to give good facilities for holding communication with them after they get there. I do not assume to know more about this matter than the Secretary of the Navy, who made the original contracts, who has been witness of the assignment, and whose integrity, ability, and fidelity is vouched for by Senators on this floor. I say I do not undertake to know more than he does, and he says it is safe, and just, and proper. It is also said the money market then was

in a precarious State—money difficult to be obtained—but that it is not so now. I apprehend that that has very little to do with the question one way or the other. The money market is fully as stringent now as then, and it fully as difficult for individuals to raise money on this kind of security now as then. It is a very little matter, it seems to me, to advance, for a short time prior to its necessary payment, money that will be due. Why, the matter is discussed as if it were a question of the appropriation of so much money. The money must be appropriated, and when the contracts come due the Secretary of the Navy must meet the demands lawfully passed. It is suggested that these steamers may be taken away or burned. The Senator from Maine inquires what will be the security if the vessels burn, and we are to turn insurers? Does not the Senator perceive that it becomes the duty of the Secretary of the Navy to attend to the matter, and that he will take care of the matter in the same way that every reasonable tradesman or merchant takes care of his property, requiring the contractors to have the vessels insured in proper offices, and the insurances transferred to the keeping of the government, to be held by it as security? Suppose these insurance companies should fail, as is suggested by a Senator near me, we might as well go one step further and suppose the Union to be dissolved, when, of course, there would be a general break up. It seems to me proper to make these advances.

The question being taken upon the amendment proposed by Mr. NILES, it was determined in the affirmative, as follows:

YEAS—Messrs. Allen, Baldwin, Borland, Bradbury, Butler, Clifford, Corwin, Davis, of Massachusetts, Dix, Dodge, Uebb, Hunter, Johnson, of Georgia, King, Lewis, Metcalfe, Niles, Pearce, Phelps, Sebastian, Turney, Underwood, Upham, Walker, Yulee—25.

NAYS—Messrs. Atchison, Atherton, Badger, Benton, Bertien, Bresse, Bright, Clarke, Clayton, Dayton, Dickinson, Douglas, Fitzgerald, Foote, Greene, Hale, Hannegan, Houston, Johnson, of Louisiana, Mangum, Mason, Miller, Spruance, Westcott—24.

Mr. CLAYTON.—At this late hour of the day, inasmuch as it is hardly possible that the bill can be got through, I would beg leave to move that it be laid informally by and taken up to-morrow. I wish to do so, because I desire to give notice of another important bill which I desire taken up to-morrow.

Mr. YULEE.—I desire to read a single paragraph from the letter of the Secretary of the Navy, wherein he states the reason for recommending these advances. [Mr. Y. here read the paragraph which gave as the reason for his recommendation of the advances the tightness of the money market at that time.]

Mr. CLAYTON.—I move to lay this on the table for the present, in order to give notice by general consent, of a motion to take up another bill to-morrow.

Mr. DIX.—If the Senator will allow me, I desire simply to ask the chairman of the Committee on the Post Office and Post Roads whether this contract is capable of an amendment? The route, as I understand it, is to run from Panama to the mouth of the Columbia river. Now, as we have acquired California, it is very desirable to stop at Santiago, San Francisco, and other ports on that coast. I merely ask the question.

Mr. LEWIS.—Before the bill is laid on the table, I have been requested by one or two friends to move the reconsideration of the vote just taken, for the purpose of changing my vote.

Mr. CLAYTON said that he would have called up the bill to establish the territorial government of Oregon, New Mexico, and California, to-day, but Senators had complained that they did not receive their copies of the bill in time to give them an opportunity of examining it in detail. He now desired to give notice that to-morrow at 12 o'clock, he would call up this bill. There were several errors in the printing of the bill, one in particular in the 12th section. [Mr. C. here read the bill as corrected.] If honorable gentlemen would deliver their copies of the bill at the table of the Secretary, they could have them corrected.

Mr. ATHERTON.—I understand it is the intention of the honorable Senator from Delaware, to call up the territorial bill to-morrow at 12 o'clock; the Senate of course, can dispose of that motion as it thinks proper. As we seem to be in full tide upon this Naval Appropriation Bill, had we not better settle it to-morrow, so that we may not have to repeat at some future time, the discussions which has already taken place.

Mr. HALE asked that a resolution of inquiry to the Navy Department for certain information be taken up and considered.

Mr. YULEE objected to the passage of the resolution.

Mr. HALE requested that the resolution be read so that the Senate could see the ground of the objection.

Mr. BADGER.—I move the Senate adjourn.

Mr. DIX.—I hope the Senator from North Carolina will withdraw his motion; as I desire to move that the Senate proceed to the consideration of Executive business to-day, that cannot be done to-morrow.

On motion,

Ordered, That the further consideration of the bill be postponed until to-morrow.

The four bills this day received from the House of Representatives, were severally read the first and second times by unanimous consent, and referred to the Committee on Public Lands.

After the consideration of Executive business,

The Senate adjourned.

FRIDAY, JULY 21, 1848.

PETITIONS.

The VICE PRESIDENT presented the memorial of Amos Kendall and John E. Kendall, praying that provision may be made for securing the payment of their claim against the western Cherokee Indians, out of the money due by the United States to those Indians; which was referred to the Committee on Indian Affairs.

Mr. PEARCE presented the memorial of Louisa Catherine Adams, and the other heirs of Joshua Johnson, deceased, praying the settlement of the accounts of the deceased, as Consul and Commercial agent of the United States, at London, upon principles of equity, and the payment of any balance which may be found due for his services; which was referred to the Committee of Claims.

VOLUNTEERS IN THE WAR WITH MEXICO.

Mr. DICKINSON submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the propriety of giving to the volunteers who have served in the late war in Mexico, the arms and accoutrements with which they have performed said service.

PUBLIC DOCUMENTS.

Mr. ALLEN submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Printing be instructed to inquire and report to the Senate, what extra public documents, and what number of each, the Senate have ordered to be printed this session, what number of each has been printed and delivered, and when the remainder are likely to be printed and delivered.

PATENT OFFICE REPORT.

Mr. TURNEY submitted the following motion, which was considered by unanimous consent and agreed to:

Ordered, That the Secretary have leave to send to the Committee on Patents of the House of Representatives, agreeably to the request of said committee, the original manuscript copy of the Patent Office report presented at the present session.

RELIEF FOR THE INSANE.

Mr. DIX, from the Select Committee appointed the 27th June, to whom was referred the memorial of Dorothea L. Dix, reported a bill making a grant of public lands to the several States of the Union for certain purposes; which was read and passed to the second reading.

CHRIST CHURCH, WASHINGTON.

The Senate proceeded to consider the amendment of the House of Representatives to the bill to authorize the sale of a part of public reservation, numbered thirteen in the city of Washington, and for other purposes.

Resolved, That they concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed a bill from the Senate for the relief of the heirs of Moses White.

They have also passed a bill for the relief of certain surviving widows of officers of the revolutionary army, in which they request the concurrence of the Senate.

FLOGGING IN THE NAVY.

The Senate proceeded to consider the resolution submitted yesterday by Mr. HALE, relative to punishments in the navy, and agreed thereto.

NAVAL APPROPRIATION BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making appropriations for the naval service for the year ending the 30th June, 1849.

THE VICE PRESIDENT stated the question to be on the motion of Mr. LEWIS to reconsider the vote of yesterday on the amendment proposed by Mr. NILES.

Mr. PHELPS.—I voted in favor of the motion of the Senator from Connecticut to strike out the provision for the advancement of money upon these contracts. I was induced to vote in favor of that proposition by the very serious doubts which I entertained as to the results of this whole policy. I fear we are very much mistaken in our estimate of the advantages which we are to derive from this system of steam navigation. But, sir, finding that the sense of the Senate, as it appears to me, is decidedly in favor of the policy, I am determined to forego my purpose of resisting it further. And I came to this conclusion from a conviction that the sense of the Senate was rather in favor of retaining the provision. Upon reflection, therefore, I am prepared to change my vote upon that proposition, and I will state, in a very few words, the reasons which have induced me to come to that determination.

Since the adjournment of the Senate yesterday, I have been informed that the change in the construction of these vessels has been brought about by the government itself. I suppose that in the outset it was considered that steamers of about 1,500 tons burthen would ensure the great object the government had in view, and that it was the purpose of the contractors to construct the vessels, but the Navy Department, as I understand, interfered, and pronounced these light steamers unsuitable for the service, because they were not of sufficient capacity to sustain an armament with the necessary ammunition and fuel; in short, that they would not answer the purpose of the war steamers.

Mr. YULEE.—The Senator is under a misapprehension if he supposes that the plan of constructing the larger sized steamers originated with the Navy Department. Such is not the case. In respect to the size of the vessels the government have had no inclination to control the contractors. The only solicitude of the Navy Department was in respect to the suitableness of them for war purposes.

Mr. PHELPS.—Well, I may have been misinformed in regard to that, but I believe I am right in supposing that the original purpose has been changed, and that vessels of a larger capacity are now contemplated than those originally proposed. I am right thus far, am I not?

Mr. YULEE.—The vessels that are being constructed are not of the size originally proposed, but the change did not originate with the department.

Mr. PHELPS.—If it be the purpose of the government to adapt the steamers to war purposes—if they are to be made subservient to purposes of national defence, then it becomes a question of expediency at all events, whether they shall be constructed according to one grade or another. And supposing the department had no agency at all in the change, it being admitted that vessels of greater capacity are now considered to be necessary, it is a matter for our consideration, whether in the construction of these vessels we do, or do not, provide for a species of vessel which will answer war purposes.

Mr. NILES.—It is an important principle that is involved in this proposition, and if it should prevail in regard to this contract, it will be followed by similar applications in other cases; indeed, there are now petitions before the committee for that very purpose. It will be opening the door to very extensive abuses.

Mr. FOOTE.—I understand this to be the case of a contract solemnly made by the government with an individual; and the proposition now is, simply to exercise a little liberality on the part of the government with the view of facilitating the execution of the contract, the government being thoroughly secure in the premises. I cannot see any fraud in the proposition. I cannot see any illicit desire to make money out of the government. I can see no reason for Senators indulging in remarks about contrivances. No man can undertake to assert that it is an unfair contrivance. I think the proposition is such a one as we should sanction; and no argument can shake my conviction. The contract having been made, I am prepared to afford, to a moderate extent, the means of facilitating its execution.

Mr. BENTON.—I am entirely opposed to the system of running steamers to the old world. Great Britain may properly run steamers to the new world, because she has possessions on this continent; but we are undertaking to run them where we have no possessions. We have now extensive possessions on the other side of this continent, and in respect to them we are situated as Great Britain is in respect to her distant possessions. Arrangements are in progress for facilitating our communication with those distant possessions of ours, and the question comes up whether, by making some temporary advances, we will give ourselves the benefit of our own law, or whether we will compel the contractor to give up his contract or else to execute his work imperfectly. What is to be the advantage to the United States if the contractor, for want of means, should do his work in an imperfect manner with unsafe materials, or with a delay of time? Would not a wise policy induce us to help him out? Why should we run the risk of being deprived of this service, or of having it performed in an insecure manner? I am decidedly in favor of carrying out the understanding, although I was utterly opposed to entering into it originally. Great mischief has already happened to this country on account of the tedious communication between the two sides of the continent. We are now on the point of establishing a line of communication

that will bring the two sides of the continent within about thirty days of each other, and I think we ought not to hesitate. We all know that it requires immense sums of money to carry into operation an undertaking of this kind; and it is but reasonable, therefore, that the government should contribute its aid in the manner proposed.

There is also in this bill an appropriation for a dry dock at New York. I was there about a month ago, and visited several places where labor was going on, and among the rest this dry dock. God gave me a heart to feel for the laboring man. I remember to have read that "the laborer is worthy of his hire," and in another place, that "the sun should not go down without the reward of his labor being rendered to him." What was my astonishment, then, to hear that these men had been without their pay for half a year! The people's money has been paid into the Treasury, but it has not been applied to its proper use for want of legislation. I desire to see this bill, containing these appropriations, passed as speedily as possible.

Mr. DAVIS, of Massachusetts.—I need not say that I have given my support to the law which established this line of steamers; and I need scarcely say that I wish to see it prosperous and successful; but I concur most fully with the Senator from Connecticut, that the only way to make it so, is to take care that no abuses creep into its management. Does any gentleman come here and say to Congress that he is unable to carry out his contract? Does any gentleman come here and represent to us that he is unable to raise the funds that are required to carry his contract into execution? Why, sir, if there be any such statement it has escaped my observation. I do not understand that this application is placed upon any such ground as that. I understand it to be simply a proposition made to Congress to change the mode of payment, by making earlier advances than was stipulated in the contract; and I understand the proposition as being supported upon the ground that there has been a change in the system of building—an enlargement of the dimensions of the vessels—since the plan was originally entered upon. I do not think there is any gentleman who will say that he is authorized to state to the Senate that this change in the plan of construction was demanded or asked for by the United States. I do not understand it so at all; on the contrary, I understand the chairman of the Committee on Naval Affairs explicitly to disavow this charge. When the Cunard line of steamers was put in operation, they built ships of some 1400 tons burthen. It was found, however, that when they came, to make arrangements for the extensive machinery employed, together with storage for coal and accommodation for passengers, there was very little room left in those vessels for freight. They, therefore, after they commenced their experiments and found that the system had operated favorably, found it expedient to enlarge their vessels. Those, therefore, that have been subsequently made, are greatly larger than the first, and the individuals engaged in that enterprise have found it good policy to enlarge them, because they can engage in the carrying of freight. The Senator from Illinois has already has stated this something like ten millions of dollars worth of goods had been brought into the port of Boston by those steamers. It has thus become a money-making business. I believe it is perfectly notorious, that so long ago as a year at least, after this Collins line had been taken into consideration, the contractors went into a consultation as to the size of the vessels which it was expedient for the company to build, and they decided that the most suitable size for money-making was about 3,000 tons. And that is in exact accordance with experience. Those who mean to make money construct large vessels, and they are then suitable for commercial purposes. Under these circumstances, can these gentlemen turn and claim from this government this anticipated advance of money, on the ground that they have benefitted the government by enlarging the size of their vessels? I know, that for many kinds of service, a vessel of 3,000 tons is more efficient and suitable for war purposes than smaller vessels; but is it not equally obvious that for most of the ordinary services of war, a vessel of 1,500 tons is the more suitable of the two? A vessel of 3,000 tons could enter very few of the ports of the United States. The draught would be about how much?

Mr. WESTCOTT.—I should like some information upon this point. The very object of increasing the tonnage of these vessels, or at least one object I understand, was to give these vessels greater breadth, and less draught of water in proportion to the tonnage.

Mr. DAVIS.—I leave it to the Senator to demonstrate how you can make vessels larger and yet draw less water. Ordinarily in naval experience, the larger the vessel the greater the draught of water. It is to be remembered that a vessel of 1,500 tons is a very large ship, as large as our first class frigates. Unless I mistake, our frigates are less than 1,500 tons measurement. So far as they are applicable to purposes of defence, vessels of 1,500 tons are as serviceable as larger ones. I do not see, then, any motive that the government can have in making the change. I do not see any substantial benefit that the government is to derive from the change, and therefore it seems to me that whoever will look at the subject with any degree of candor, will see at once that this consideration is without any real substantial value. It is not asked for by the government. If the parties then are able to go on with their contract, why do they not go on? They do not come here and say they cannot go on; it is not put upon the ground that the system must be put an end to unless we make these advances. I shall adhere, then, to the vote which I gave yesterday to strike out that portion of the bill which proposes to make the advances at an earlier day than the contract requires, and I do it on the ground that I assumed yesterday, that I think it an unsafe course of proceeding, and that the experience of the government has proved it to be so. It is impossible for me to anticipate in what way the government is to be reimbursed by merely taking the security of a bottomry bond, but I can see a hundred ways in which the property may slip out of their hands. I think he is a good paymaster who pays when the work is done, and unless some more cogent and sufficient reason be assigned than I have yet heard, it seems to me that the friends of this policy, instead of lending a favorable ear to this application, which will throw distrust over it, ought to adhere to the terms of the contract.

Mr. YULEE.—I feel it my duty to make some remarks upon this subject, but as the hour has arrived for the consideration of the bill reported from the Select Committee on Territories, if the Senator from Delaware desires to proceed, I will defer what I have to say for the present.

Mr. CLAYTON.—I will move, then, that this subject be passed by informally.

Mr. KING.—I would much rather, if it meets the approbation of the Senator from Delaware, that this subject be proceeded with and concluded. The subject has been fully discussed, and unless there be some specific information which it is desirable to obtain, I hope that the Senator from Florida will proceed to make the statement which he proposes to make, and that instead of passing the bill by, we shall proceed to vote upon it, or at least upon this proposition, which I am very sorry to see reconsidered.

Mr. CLAYTON.—I will yield to the wishes which seem to be entertained by Senators, that this subject shall be disposed of, but I very much fear that a "few remarks" of Senators will extend into long speeches, and that "single suggestions" will occupy whole hours.

Mr. YULEE.—A principal ground upon which this advance seems to be urged is the circumstance that the steamers are of much larger size than the minimum tonnage specified in the contract. So far from the government being responsible for this, the contractors, especially under the Sloo contract, peremptorily refused to permit the Secretary of the Navy to prescribe the dimensions and description of the steamers. The Secretary did not feel himself authorized to claim more than a right to be satisfied that the vessels would be suitable for our purposes, and the extremest concession which Mr. Sloo consented, was to adopt the model of the Missouri steamer as the general basis of his plan of construction. Nor is the government the party benefitted by the large size. Perhaps the great size of the Collins line may prove advantageous, as these steamers have reference to foreign service, though the experiment of the Great Britain is not encouraging. But as regards the other line, the enlargement of the vessels defeats one of the leading objects of the line, to wit: to furnish vessels suitable for coast defence. There are very few harbors south of the Chesepeake which these vessels can enter. Nay, I am inclined to think that they will not even be able to enter Charleston and Savannah, which was one of the direct stipulations of the law.

Mr. BERRIEN.—The Senator is mistaken as to the depth of water upon the bar at Savannah. It is twenty-one feet at low water.

Mr. YULEE.—It is certain, at all events, they cannot go up to the city of Savannah. Large vessels are found most profitable for conveyance, and this was doubtless the consideration that operated upon the contractors. Smaller steamers, with a few large guns, answer the best auxilliaries for defence in war.

But my chief ground of hostility to this measure has regard to the mischievous system it introduces into the legislation of the country. Ever since 1823, a law has existed upon your statute book expressly inhibiting advances to contractors. This may be regarded as the settled policy of the government; and I learn from the Secretary of the Navy, that in his opinion the policy of the rule is wise, and has operated most beneficially. I can perceive no special reason or excuse for a departure from the rule in this case. The contract is not a hard one; so far from it, the original contractor sold it for a profitable advance. Nor are there any difficulties in procuring capital that ought not to have been anticipated by the parties concerned, when they undertook the contract. Besides, how can you decline to make the same advances to all other contractors who apply for aid? And thus you will soon practically transfer the whole list of public works to mere speculators, who will drive substantial men out of competition.

There prevails in the Senate an impression that this advance has been recommended by the Secretary of the Navy. This is not the case, in the sense in which it is understood. I have taken occasion to see the Secretary of the Navy upon the subject, and I learn from him that it is not a measure originated by him, nor one which he would have originated. The naval committee of the House enclosed to him an application from the assignees of the Sloo line for the advance, and informed him that the committee had decided favorably upon his request. The Secretary replied, yielding his concurrence, but this concurrence rested upon the impression derived from the communication of the committee, and its enclosure, that without the aid desired, the parties would be unable to prosecute the work in a manner, and under circumstances advantageous to the public.

Mr. FOOTE.—Is the Secretary now opposed to the plan?

Mr. YULEE.—I have said that the Secretary did not originate it. He does not intend, I presume, to oppose or sustain it.

Mr. FOOTE.—Do I understand the Senator to say that the Secretary regrets having made the recommendation, and has authorized the Senator to do it?

Mr. YULEE.—The Secretary recommends nothing. The suggestion of this measure came from the naval committee of the House. My purpose is to deny the responsibility of the Secretary for it, and to insist that its passage ought not to be vested in this body, upon the ground that it is a recommendation of the department. The Congress may take upon itself to order this departure from the policy of the act of 1823, but in doing so, the responsibility ought not to be thrown upon the department. Besides, the measure, as found in the bill, goes much beyond the contemplation of the Secretary's letter. He assented to the advance to Law, and only suggested a discretionary authority as to the rest. This act provides imperatively for an advance under each of the three contracts.

Mr. ATHERTON.—I merely wish to make one or two remarks, and to read a portion of a letter in reply to what I consider the very extraordinary remarks of the Senator from Florida. If I understand the statement of the Senator, it is that the Secretary has not recommended these advances.

Mr. YULEE.—I say that the Secretary does not intend that this measure shall rest upon his recommendation for its support. His connexion with the matter is not of an active, but of an acquiescent character.

Mr. ATHERTON.—I suppose that no measure before Congress rests entirely upon Executive recommendation. We pay proper attention to the opinions of heads of departments, having charge of particular subjects, but we are not entirely governed by their opinions. It makes no difference, it seems to me, whether this recommendation was made by the Secretary in consequence of the suggestions of the committee or not. It is the expression of his opinion as to the propriety of the proposed measure. I understand the Senator to say the recommendation applied to only one contract.

Mr. YULEE.—The recommedation of the Secretary related to one only, and he proposed a discretion in regard to the others.

Mr. ATHERTON.—The Senator is entirely mistaken. I hold in my hand a communication from the Navy Department, dated May 29, 1848, addressed to Mr. VINTON, which I will read, showing that the recommendation applies to three contracts:

[Mr. A. read the letter.]

Mr. YULEE.—The Senater is mistaken. The letter to which he refers is to the chairman of the Committee of Ways and Means, with a view to an ample provision in the appropriation bill for all contingencies that might arise under his suggestions in the letter to the naval committee, formerly referred to.

Mr. DICKINSON.—It seems to me that the zeal of the Senator from Florida has led him to assume a very singular position, which, if it be made a rule of action in this body hereafter, in relation to the Executive departments, will be much more honored in the breach than the observance. The letter of the Secretary of the Navy explains itself, but the Senator from Florida has called upon him, and has got his permission to retract the recommendation contained in that letter. If the Secretary designs to give any different interpretation to a letter which he has sent to Congress than that which it bears upon its face, he ought to put it in writing. If any different meaning is intended, let it be specified authoritatively. I protest against this mode of obtaining information from the Executive department, designed to color a communication which has been been made. That communication every one can understand. I do not mean to insinuate, for I do not believe, that the Senator from Florida would intentionally misrepresent the Secretary, but we all know how liable language is to be misunderstood, and if we are to have a new opinion of the Secretary we should have have it in the same way in which we have the original. And in reference to making these vessels larger I have to say, that the official communication was made to Congress long after the facts had transpired.

Mr. ATHERTON read the letter of the Secretary.

Mr. YULEE.—It is proper that I should make myself distinctly understood. A communication was made by the assignees of Sloo, asking for an advance of money upon the contract. The Committee on Naval Affairs informed the Secretary that they had agreed to make the advance, and he had expressed his concurrence upon the presumption created by that correspondence, that the parties were not able to pursue their contract in a manner required by the interests of the government. That is the whole matter.

Mr. BREESE.—I understood the Senator from Florida to say, that the Secretary was influenced mainly in making his recommendation by the State of the money market. Well, if the money market were in the same condition now as then, the argument of the Senator would have some force. I hold in my hand a recent newspaper, which contains the following:

[Mr. B. read an article from a newspaper in support of his assertion that the money market was now as stringent as it was at the time the application for an advance was recommended on the ground of the scarcity of money.]

So that the facts are now precisely as they were when the recommendation was made:

The question being taken on the motion the motion to reconsider it was decided in the affirmative, as follows:

YEAS—Messrs. Atchison, Atherton, Badger, Baldwin, Benton, Berrien, Bradbury, Breese, Bright, Clarke, Clayton, Dawson, Dickinson, Dodge, Douglas, Fitzgerald, Foote, Greene, Hale, Hannegan, Houston, Jernegan of Louisiana, Mangum, Mason, Miller, Phelps, Rusk, Spruance, Sturgeon, Westcott—31.

NAYS—Messrs. Allen, Barrow, Bradbury, Butler, Cameron, Dix, of Massachusetts, Davis, of Massachusetts, Dix, Downs, Hamlin, Johnson, of Georgia, King, Lewis, Metcalfe, Moor, Niles, Pearce, Turney, Underwood, Upham, Walker, Yulee—20.

So the question was taken on agreeing to the amendment, and it was decided in the negative, as follows:

YEAS—Messrs. Allen, Badger, Bradbury, Cameron, Dix, of Massachusetts, Dix, Downs, Hamlin, Johnson, of Georgia, King, Lewis, Metcalfe, Moor, Niles, Pearce, Turney, Underwood, Upham, Walker, Yulee—20.

NAYS—Messrs. Atchison, Atherton, Badger, Baldwin, Benton, Berrien, Breese, Bright, Clarke, Clayton, Davis, of Massachusetts, Dawson, Dickinson, Dodge, Douglas, Fitzgerald, Foote, Greene, Hale, Hannegan, Houston, Jernegan of Louisiana, Mangum, Mason, Miller, Phelps, Rusk, Spruance, Sturgeon, Westcott—24.

So the amendment was disagreed to.

Mr. NILES rose to offer an amendment.

Mr. KING.—I hope the gentleman will now consent to let the bill be passed by informally, otherwise I must move to lay it upon the table.

Mr. CLAYTON.—I hope the chairman of the Committee on Finance will agree to let the bill be passed by informally.

Mr. ATHERTON.—The subject is at the disposal of the Senate.

Mr. BADGER.—I think the Senator from Delaware is mistaken, if he supposes that he will expedite the action of the Senate upon the territorial bill by taking it up while this naval appropriation bill is pending. By devoting an hour or two to this bill now, we shall be able to get through with it.

Mr. BERRIEN.—I rise to a question of order. The Senator from Alabama, I believe, submitted a motion to lay the bill upon the table.

Mr. KING.—I stated that if there was any objection to pass the bill by, I should be compelled to move that it be laid upon the table. I understand there are several amendments to be offered that will give rise to debate.

Mr. HANNEGAN.—I hope the Senator from Alabama will withdraw his motion for a moment.

Mr. KING.—Certainly, if the Senator will renew it.

Mr. HANNEGAN.—I concur with the Senator from North Carolina, in the hope that the Senate will proceed with this bill until it is completed, as I understand that there are appropriations contained in it which are immediately required for the public service. This session has been remarkable for doing business by shreds and patches. Subjects are taken up, discussed partly, passed over; the next day again taken up, and the debate of the previous day gone over again. Every Senator I believe is aware that there will be a very heavy debate upon the territorial bill. Let us attend to one thing at a time.

Mr. KING.—I am as desirous as the Senator himself to bring this matter to a close, but I see from what has already taken place, that we need hardly expect to get through with this bill today; I am willing however, that we should make the attempt, and I will, therefore, withdraw the motion to lay the bill on the table.

Mr. NILES proposed to amend the bill by inserting before the word "ships," in the 107th line, the words "shall commence from the time the service shall commence."

Mr. ATHERTON briefly opposed the amendment, and said that if it should not prevail he would himself introduce an amendment that freight and passengers should be carried for the government, for one voyage, free of charge.

The amendment was disagreed to, on a division. Ayes 12, noes 18.

Mr. NILES moved further to amend the bill by adding at page 5, line 110, the following:

Provided, That this appropriation shall not be construed to give any sanction to any existing any of said contracts for mail lines for a longer period than five years.

The question being taken upon agreeing to this amendment, it was determined in the negative, as follows:

YEAS—Messrs. Allen, Borland, Carwin, Dix, Johnson of Ga. Mangum, Niles, Pearce, Turney, and Walker—10.

NAYS—Messrs. Atchison, Atherton, Badger, Baldwin, Benton, Berrien, Bradbury, Breese, Bright, Butler, Calhoun, Clayton, Davis of Massachusetts, Dawson, Dickinson, Dodge, Douglas, Downs, Felch, Fitzgerald, Foote, Hale, Hannegan, Houston, Johnson of Louisiana, King, Lewis, Mason, Metcalfe, Miller, Rusk, Spruance, Sturgeon, Underwood, Upham, Westcott, and Yulee—38.

Mr. RUSK submitted the following:

"SEC. . *And be it further enacted*, That whenever, in his opinion, it shall be expedient, the Postmaster General shall, with the consent of the Department, make requisition upon the Navy Department for such vessels, boats, and other vessels of said department as may be needed for the service of carrying the mail along the sea-board coasts, or rivers of the United States; and the said Department shall promptly comply with such requisition, and such steamers shall be employed in carrying the mails aforesaid as may be directed by the Postmaster General, and under such regulations as may be made by said Postmaster General and the Secretary of the Navy.

SEC. . *And be it further enacted*, That no steamers shall be chartered by any one commissioned officer, or master or part owner of any of the navy of the United States, without the Navy Department first direct and the emergency arising; and two of said steamers shall also be furnished by said department; and said vessels shall be supplied and kept in repair by said department: *Provided, however*, The Postmaster General may appoint one or more agents on board of each of said vessels, with such reasonable compensation as he may prescribe, who shall be accommodated and provided for on board said steamers as may be prescribed in said regulations.

"SEC. . *And be it further enacted*, That the Postmaster General and the Secretary of the Navy may adopt and prescribe such regulations as they may deem proper, under which said steamers may convey mails, officers and other passengers, and carry public and other freight from point to point while carrying such mails: *Provided*, that the transportation of passengers and freight, other than public officers and freight, shall not improperly interfere with regular lines established for such purpose by individuals or associations, and shall not interfere with the carrying of said mails with certainty, regularity, and despatch: *And provided also*, That no account shall be kept of the proceeds received for said service, and the same shall be applied to paying the expenses of subsisting and navigating said vessels.

"SEC. . *And be it further enacted*, That whenever any steamer of the United States in the employment of the navy, or the Quartermaster's service, can be dispensed with for army service, and such steamer is suitable for the naval service directed by this act, the President of the United States may order such steamers to be transferred to the Navy Department, and retained by it, and used as a vessel of the navy of the United States: *Provided*, The President may order a re-transfer of such vessel when the public interests may demand the same."

Mr. BUTLER moved to amend the bill by adding after the 110th line the following :

Provided, That in consideration of the foregoing advance the line of steamers provided in the contract with A. G. Sloo, shall stop, going and returning, at Charleston and Savannah.

Mr. ATHERTON said that it he understood the amendment of the Senator from South Carolina, [Mr. BUTLER,] it provided that the mail steam line should touch at Charleston and Savannah, whether practical or not.

Mr. BUTLER had said not a word about stopping at Savannah; it was Charleston he spoke of more particularly.

The question being taken on concurring in the amendment, it was decided in the affirmative. Ayes 17, Noes 17. The PRESIDING OFFICER voted in the affirmative.

Mr. WESTCOTT moved to add at the close of the amendment just adopted the following :

"And shall, if the Secretary of the Navy shall deem it practicable, touch at Key West going and returning, under such equitable arrangements as said Secretary may make with said parties for so doing. And said Secretary of the Navy, if he deems it practicable and expedient, may make arrangements by which said steamers or others to connect therewith shall convey the mails by water to post offices that are or may be established within the United States, on or near the Gulf or Atlantic coasts: *Provided* said arrangements are concurred in by the Postmaster General, and the sum of five thousand dollars is hereby appropriated for such object."

Mr. WESTCOTT would inform the Senate that the amendment was as near as possible in the same phraseology as the amendment adopted in the Post Office bill with reference to the Charleston route. The object of it was to enable the Postmaster General and the Secretary of the Navy together, to secure the use of the two routes for the local mails. The Postmaster General, the Secretary of the Navy, the chairman of the Committee on Naval Affairs, and the chairman of the Committee on Finance, and the gentleman who was the assignee of the contractors, Mr. Sloo, had no objection to its being adopted.

Mr. ATHERTON said that it seemed to him that the way the amendment now read, it made it imperative upon the line to touch at Key West; and that it left no discretion to the Secretary in the matter. He would prefer that the amendment be made to read that they should touch at Key West, provided equitable arrangements to that effect could be made by the Secretary.

Mr. WESTCOTT having no objection to the alteration proposed, modified his amendment accordingly.

The question being taken on agreeing to the amendment, it was determined in the negative.

Mr. NILES moved to amend the bill by adding the following :

Provided, That the contractor for the line from Panama to Astoria, as the condition of this advance, be required to stop and deliver and take mails at San Deogo, San Francisco, and Monterey in California.

Mr. ATHERTON moved to amend the amendment by adding :

"If required so to do by the Secretary of the Navy."

Mr. ALLEN proposed to substitute the Postmaster General for the Secretary of the Navy.

Mr. WESTCOTT would suggest to his honorable friend from Ohio, that his objection could be obviated by altering the phraseology of the amendment, and making it read "if required to do so by the Secretary of the Navy with the concurrence of the Postmaster General."

Mr. ATHERTON had no objection to the modification, if it met the views of the Senator from Ohio.

Mr. ALLEN acquiesced.

The amendment to the amendment was agreed to; and the amendment as amended was then agreed to.

Mr. NILES moved further to amend the bill by striking out all after the word "ships" in the 107th line to the word "States" in 108th line, and insert the words "service commences."

The amendment was disagreed to. Ayes 15, Noes 18.

Mr. ALLEN moved to amend the bill by inserting the following after the 285th line :

"SEC. 22. *And be it further enacted*, That no other or new contract or contracts for the transportation of the mail to any foreign country shall hereafter be made or entered into on the part of the United States; and all laws and parts of laws inconsistent with the provision, are hereby repealed.

Mr. MILLER could not see what the amendment had to do with the appropriation bill before the Senate. He did not think the Senate prepared to discuss, in connection with this bill, the general question that all contracts were to cease after a certain day.

Mr. BREESE would ask his friend from Ohio how it was possible for the present Congress to bind the action of future Congresses in respect to contracts, as this amendment would appear to indicate?

Mr. ATHERTON would simply remark that he hoped the amendment offered by the Senator from Ohio would not prevail. The provisions of the appropriation bill before the Senate were made in order to carry out existing contracts, made by laws of Congress. It seemed to him dangerous, then, to encumber an appropriation bill with the expression of their opinions upon the subject of these contracts. They might have one opinion and the House of Representatives another. If there was to be any repeal of a law now existing on the statute book, which authorized the contracts, it should be done separately, in the form of another law, and acted upon solely with reference to its own merits. If the doctrine of his friend from Ohio were true, that contracts were now so easily carried through by lobbying members, he (the Senator from Ohio) was defeating the end he had in view, by giving to Congress the administration of the matter. They had better be taken charge of, to secure the Senator's object, by some other body or person. He did not know that there was any danger of improvident contracts being made under the existing laws as they now stood; for it would be recollected that these very contracts were made by express direction of Congress. Congress had directed the Secretary of the Navy to make them.

Mr. ALLEN said that yesterday the argument had been offered that they should grant the indulgences or advances asked for by certain contractors, because they had entered into the contracts. Now, he wanted to do away with that argument in future—he wanted to do away with the argument that they were obliged to appropriate large sums of money in advance, simply because they had contracted with parties that we should appropriate it, and for that reason he had offered his amendment.

Mr. WESTCOTT inquired of the Senator from Ohio if the Oregon route was included within the term "foreign country?"

Mr. ALLEN observed that nothing was foreign that touched the soil of the United States.

Mr. ATHERTON perceived no necessity for an amendment to any bill, particularly to the one before them, in order to present the views of the Senator from Ohio. The law gave the Postmaster General the authority to make contracts for foreign mail service, but it was not pretended under this law that he had ever made contracts without first submitting them to Congress. As these contracts were under the direction of Congress, he thought there could be no danger of improvident legislation.

The question being taken upon agreeing to the amendment of Mr. ALLEN, it was determined in the negative, as follows :

YEAS.—Messrs. Allen, Bell, Borland, Bright, Corwin, Davis, of Massachusetts, Davis, of Mississippi, Dix, Dodge, Pitch, Foote, Hale, Houston, Johnson, of Georgia, King, Metcalfe, Niles, Sebastian, Spruance, Turney, Underwood, and Yulee—22.

NAYS.—Messrs. Atchison, Atherton, Badger, Baldwin, Berrien, Bradbury, Breese, Butler, Dayton, Dickinson, Douglass, Downs, Fitzgerald, Hamlin, Hannegan, Johnson, of Louisiana, Lewis, Mangum, Mason, Miller, Rusk, Sturgeon, Upham, Walker, and Westcott—25.

Mr. DIX moved to amend the bill by inserting :

"SEC. . *And be it further enacted*, That it shall be the duty of the Postmaster General to advance on the contracts heretofore made with Edward Mills for the transportation of the United States mail, from New York to Bremen, the sum of eighteen thousand seven hundred and fifty dollars per month for each of the steam ships hereafter to be constructed or employed under said contract, to commence from the time either of such vessels shall be launched or so employed; but the amount so advanced shall not exceed the sum of one hundred and fifty thousand dollars to be secured by a lien on said ships, in such manner as the Postmaster General shall require; and the money so advanced shall be faithfully expended in finishing said ships to the satisfaction of the Postmaster General: *Provided*, that the money hereby authorized to be advanced on said contract with Edward Mills be paid on the express condition that the two steam ships to be employed in the transportation of the United States mail from New York to Havre, shall be placed on said line on the terms specified in said contract, in respect to the transportation of said mail between the cities abovementioned.

Mr. DIX was opposed to the system of making advances, but as it had received the sanction of the Senate, he thought that the application of the principle was very proper to the Bremen line. They had already constructed two steamers which ran to Bremen by way of Southampton. Under the contract with this government, the owners of the line had the alternative of sending two of their vessels to Havre. This amendment proposed to allow advances to be made upon the fourth steamboat that should be built upon the condition, that they were to transfer two of the line to Havre. This arrangement might not be satisfactory to the city of Bremen, but doubtless would be so to the company.

The PRESIDING OFFICER here stated that there were two other amendments in order before the amendment of the Senator from New York could be taken up.

The question being about to be put upon agreeing to Mr. RUSK's amendment—

Mr. RUSK apprehended that this amendment was not clearly understood. It only authorized the Postmaster General to take any vessel which belonged to the United States, and apply it to this mail service, whenever he chose to do so. The result would be the saving of several hundred thousand dollars to the department. When a new route was established for carrying the mail, as there would be to the Rio Grande, new companies of individuals would offer to take the contract of the department for carrying such mails, at four or five times the amount it would cost if any authority of this description existed in the Postmaster General, by direction of the President, to use temporarily any of the vessels belonging to the United States, and would thus prevent exorbitant contracts being forced upon the department. These vessels had been built by the government of the United States, and their officers were receiving pay from the government, so that if we were to use the vessels in the manner proposed, an immense amount of money would be saved to the government; no injury resulting, unless in requiring from the naval officers, sometimes, a little extra duty. This measure was recommended by the Postmaster General in his annual report, and as he was informed, was approved by the Secretary of War, and the Secretary of the Navy.

Mr. BERRIEN thought it very probable that an arrangement of the kind proposed might be advantageously made, but considered a bill for the establishment of regulations of this character, should be separately reported.

Mr. ALLEN was opposed to the governments's using the armed vessels of the country, to go into competition with private citizens as common carriers of freight and passengers. He moved to amend by striking out that part conferring authority upon the government, to become a common carrier.

Mr. WESTCOTT said that if the honorable Senator from Ohio had looked at the phraseology of the bill, he would see that his objection did not exist. It expressly prohibited interfering with any regular line in carrying freight or passengers. But it was provided, that inasmuch as the agent of this bill was to have small steamers to ply between ports when there was no regular mode of conveyance under authority of the Secretary of the Navy and Postmaster General, the vessels might be authorized to carry freight and passengers.

Mr. JOHNSON, of Louisiana, was of opinion from his knowledge of the failure and delay upon some of the southern mail routes, that this amendment should be adopted.

Mr. YULEE regarded the amendment as a proper one. It did not authorize the Secretary of the Navy to add anything to the present material of the mail service; and it would secure by combined action on the part of the three departments, several objects which were important to be obtained by these departments. It was necessary for the Navy Department to keep up along the gulf coast, a surveillance, with reference to the protection of live oak and timber; again the United States were carrying on works at Key West, which would probably cost some three or four millions before completed, and it was necessary to land supplies at this place and other points necessary for the government use; and also along the Atlantic coast there were many different points which it was necessary to supply with mail facilities. These several objects could be accomplished by these mail steamers with great saving to the government. The proposition came to them concurred in by the three Secretaries of the several departments, and the Post Office Committee.

Mr. BADGER agreed with the Senator from Georgia, that possibly a system of the kind proposed might be established in connection with the naval establishment of the United States, but he was satisfied that the amendment proposed would not answer the purpose intended. He concurred with the Senator from Ohio in the idea, that they were entering upon a new and strange system in employing public naval vessels for the carriage of freight and passengers. How were these ships in the service of the United States, if put to this use, to go to sea? Were they to go with their full complement of men as war ships? If so, where would be the room for freight or passengers? If they were to send it out without this complement as a public vessel of the United States under command of a naval officer, it was liable to be captured by any petty force that might be brought against it, and thus the honor of the American flag would be tarnished. This was a great objection in his mind to the amendment, which it was apparent to him did not present a plan that had been carefully matured.

Mr. HOUSTON was in favor of the adoption of the amendment. For years past there had been the greatest irregularity existing in the carriage of the mails from New Orleans to Galveston. They had been dependent upon the mercy of a contractor, who ran the mail just whenever he saw proper. For weeks they had had to do without mails, in consequence of his employing his vessels where he could be more profitably paid than he was for the carriage of the mail. The carriage of the mail upon the plan proposed in the amendment would remedy the evil, and as he understood it, without any additional expense to the Treasury, inasmuch as it would employ a portion of the naval force for the specific purpose of general intercourse. He did not want the United States to enter upon the carrying business, but he thought that any service for the diffusion of intelligence throughout the United States was worthy being undertaken by the highest officer in the navy. There was nothing discreditable in it. Many gallant young officers would take pride in commanding the vessels to be used for this particular service. It was not a matter of favor or grace that Texas asked for these mail facilities, but as a matter of right that she should have regular and constant communication with the older States. Sometimes one, two, three, and even six weeks would elapse before Texas could have communication with other parts of the United States, because of the contractor withdrawing his vessels to carry troops for the United States—a far more profitable service than that of carrying the mails.

Mr. RUSK said, that as there seemed to to be some objection to that part of the amendment which provided for carrying freight and passengers, he would modify it by striking out altogether the third section, which provided for it. The amendment would now have no reference to the carriage of passengers or freight. He considered that the objection of the Senator from North Carolina had no weight in reference to the case before them. If the President of the United States choose to send out public vessels unarmed for specific purposes he had the power to do so, without any reference to the contingency of their capture. The question simply was, whether Congress should require the officers of the navy to perform such duty as the President and the heads of the departments might deem proper that they should perform.

Mr. UNDERWOOD remarked that the bill provided that an account of the expenditures and receipts should be kept, and that whatever profits should be made should go towards liquidating the expense of the service. What reasonable objection could be made to carrying freight or passengers? And, again, was it degrading the officers of the navy to employ them in this kind of service? If so, they had already been degraded. For this very service, in fulfillment of the great contracts for ocean mail steamers, officers of the navy had been employed to command the vessels. These ships made profit for the contractors, and these naval officers had been placed where they made profit, not for the government, but for contractors. Would it be degrading if an officer were to get a furlough to command a merchant vessel? If so, then very many officers had been degraded. If these vessels were not employed in the way proposed in the amendment, they would be laid up in dry docks to rot—perfectly useless to any one; while the pay of their officers would go perhaps nearly as high as if they were employed in the way suggested.

The gentleman from North Carol na had supposed, that if these vessels were to go unarmed, they might be captured by some foreign vessel, and thus that the American flag would be disgraced. He regarded that as a proposition which should not give the least alarm, especially in a time of profound peace. Supposing they were to send a vessel from Boston around to Portsmouth to receive the government, and she was captured at sea, would that capture bring with it national degradation? If that vessel was furnished with arms when ordered into service, then it would be a disgrace if the officers were not prepared for action at all times. In the case before them, they would be rendering a service that would not require them to meet an enemy. He was in favor of the amendment as it originally stood.

Mr. RUSK would renew his amendment as it originally stood if the gentleman from Kentucky desired it. It did appear to him that the arrangement providing for the carriage of freight and passengers, where there was no regular line for that purpose, would be a great accommodation to individuals desirous of going to the points where the mail was carried, and would also pay a large portion of the expenses. He would call the attention of the Senator to another fact while up, which was, that the last section of the amendment provided that all the vessels now in the service of the army employed for transportation were to be turned over to the navy or be sold. The result would be, if they were sold, that they would bring little or nothing in comparison with the return they would bring to the government if employed in the manner proposed.

Mr. UNDERWOOD was very happy that the Senator from Texas had assented to let the amendment stand as it was. He would say to the Senator from Ohio that he would object to making the government a common carrier, as he called it, as much as any one, if that was to be the business of the government. But in this case it was a necessary means in order to accomplish a particular object of the government. They had entered into competition with various trades in the employment of the prisoners in the penitentiary at the Point in mechanical pursuit; but it was a necessary incident in carrying out the system of punishment for crime. The only way in his opinion to carry on successfully and economically the various objects of internal improvements in the country, was by a coalition of the government with private enterprise. There were various contracts going on upon this principle. There was one at Louisville, in his own State, where the government had realized some eighteen per cent. for the money invested. It had been tried to be broken up, but the government had found it too profitable a business to dispense with it. If this incident of carrying freight and passengers was not attached to the bill, they would

have to bear the whole expense of the proposed plan. He would notice an objection made, which was a very common one, that the amendment was not in the proper place. It was said by some that they would like very much to carry out a system of this sort. If it were engrafted in a bill and left to be acted upon deliberately by itself, then they would adopt it. He had some experience on the subject. He had seen year after year, efforts made to introduce the most salutary provisions, that had failed, when made in behalf of a bill that was to stand separately upon its merits. And why? Because they had never reached them. If they were to be carried through, they must be affixed to some appropriation bill upon which it was imperatively necessary they should act.

Mr. ALLEN said that there was a good deal of reason in the concluding observations of the Senator from Kentucky, in regard to the efforts of Congress in rectifying abuses. They never could reach an abuse or evil when it had once got the start of them, except by attaching the remedial measure proposed to some important bill necessary for the government to act upon. There was some reason in another one of his remarks—for he took it that the Senator spoke somewhat in objection to the practice of States in making crime compete with honest industry—a system he (Mr. A.) had always condemned, but thought that there was a want of due consideration on the part of his friend from Kentucky in putting their naval officers upon a par, in sustaining his position, with convicts. Now, because a State penitentiary employed its convicts in making shoes and clothes, should they hire out their naval officers as captains to merchant vessels because they were propelled by steam, or as captains of their own war vessels, to carry on the coasting trade, to ply from point to point, and pick up a barrel of flour here or a cask of molasses there? Were those officers to stand upon the beach waiting for passengers? It was, in his opinion, a petty larceny employment for them to be engaged in, and would destroy the spirit of the navy. To commence employing the officers of the navy—a profession which claimed to stand, as it had through all past history, upon the high principles of honor—according to the system proposed, would be to make them the slaves of government—to be sure, not to till plantations, but as navigators—under the orders of government. Not as an independent navigator, with a right to go where he would, like a freeman, acting for himself, but as a man who, under the orders of his government, with his epaulettes on, was to roll out a barrel of flour or fish. The whole system showed that they were mixing up the action of the government with the rightful and legitimate action of the people. By this plan we were going to employ private steamers for their mails and public steamers to carry passengers and freight. It was a system that should be arrested. He did not think the officers of the navy would like it. It was not the private vocation that constituted the stigma—it was to have a master to order them to their vocation—that master being the government. Nothing could be more honorable than the course of the gallant tar, who washed the decks of the forecastle, and who, for his daily bread, perilled his life in the service of his country. It was honorable because he willed to do it. The whole of this system was based upon the principle of the protective tariff, that it was the duty of the government to assist one set of men to the detriment of another.

Mr. RUSK was a little astonished at the remarks of the Senator from Ohio. The gentleman was introducing aristocracy with a vengeance. He thought that the rolling of a fish barrel was honorable even by a commander in the navy. There was no class of men above the necessity of labor. No labor which served the interests of the community and extended the bonds of intelligence throughout the country, in his estimation, should be called a petty larceny business. He had seen the highest officers of our army helping to roll wagons out of the mud, and they had not considered themselves degraded by so doing. Was it a petty larceny business to save a half million of dollars to the country? When a man entered into the navy he entered into the service of the government to do its service, to perform whatever was required of him. He did not think that the officers of the navy desired this aristocratic distinction to be made in their favor. In regard to the charge made against the Senator from Kentucky, of assimilating the labor of the naval officer to the labor of convicts, he could not understand for himself how the remark was intended to apply to the case at issue, and would leave it to the honorable Senator, who was perfectly able to relieve himself from the imputation to answer it.

Mr. UNDERWOOD stated, that when up before, he had admitted a general principle laid down by the Senator from Ohio, that the government ought not, upon general principles, to enter into competition with its citizens in private life. He said that there were exceptions to this principle—that whenever the gentleman had a great object to accomplish, it might become necessary to interfere somewhat with private enterprise. Then he had introduced his penitentiary labor illustration. He trusted that his friend from Ohio had no idea of charging him with any intention of disgracing the officers of the navy.

Mr. ALLEN replied that he had none.

Mr. UNDERWOOD said that he would, while up, give his friend from Ohio an illustration of the fact that it was not degrading to give one's attention to the rolling of fish barrels or any other manual labor. They had custom-houses over the country, and gaugers, inspectors, and measurers, in their employ whose duty it was to attend to fish barrels and flour barrels. And again, did these officers in command of these seventy-four's, with epaulettes on their shoulders, never pay the least attention as to how these vessels were loaded? as to the manner in which the provisions and armament were stored? Was it degrading to them to attend to these duties? But it did not follow, because they sent naval officers to command these ships, that they were to look after fish or flour barrels. If it was beneath their dignity to do business of this kind, it could be taken charge of by underlings or agents. It was in fact so provided for in the bill.

Mr. ALLEN should not have his language perverted or misconstrued. He had declared that no condition in life was more honorable than that of the laborer, and every man in the Senate knew he had so expressed himself. What made the degradation he had said was in laboring under the orders of a master, instead of their own free will. He would say that if these officers desired to become captains of coasting vessels let them leave the navy. It was not desirable that these officers should roll barrels; and who believed that they voluntarily entered the service of the government and acquired a naval education to perform such labor. There was no vocation in life that was not honorable, provided it was done with a free will. He had said nothing in disparagement of labor; it was the voluntary or co-ercive circumstances that gave honor to labor. He spoke entirely in reference to free labor, and with reference to no other class or kind of labor.

Mr. ATHERTON said that this might be a very good provision, and might come to them recommended by three Secretaries and the Postmaster General, still it seemed to him a new system, which if important to be passed, should be presented in a bill by itself.

The question was then taken upon the amendment proposed by Mr. RUSK, and determined in the negative, as follows:

YEAS—Messrs. Borland, Corwin, Douglas, Fitzgerald, Foote, Hannegan, Houston, of Louisiana, Lewis, Metcalfe, Rusk, Sebastian, Spruance, Turney, Underwood, Woodbridge, Yulee—15.

NAYS—Messrs. Allen, Atherton, Badger, Baldwin, Benton, Bermen, Bradbury, Bright, Butler, Calhoun, Clarke, Clayton, Davis, of Massachusetts, Dickinson, Dix, Dodge, Greene, Hamlin, Johnson, of Georgia, Mason, Miller, Niles, Sturgeon—22

Mr. BORLAND remarked that the appropriations in the naval bill seemed to be made upon the condition that they were connected with interests that were located upon salt water. We were engaged in appropriating millions for the establishment of mail routes along our whole country and coast, where the water was salt, while our fresh water rivers such as the Ohio and Mississippi, were left unprovided with them. If we had a right to establish mail routes along the coast, and ask for appropriations for them in this bill, he had an amendment to offer to it providing for the establishment of a mail route of equal importance. He offered, therefore, an amendment that the Postmaster General be required to advertise for proposals for carrying the mail daily from Louisville, Kentucky, to New Orleans."

Mr. BORLAND stated that there was no mail route from Louisville to New Orleans, a distance of some fifteen hundred miles. It was true, that there was mail matter carried from Louisville to New Orleans, but not by any regular mail line. It was carried the same as freight; and subject to all the delays and irregularities that freight was subject to. It had been objected that the expense to be incurred by the establishment and support of this mail route would greatly exceed the amount of revenue to be derived from the receipts of the mail. By the present mode of carrying the mail on these routes, not one tenth part of the mailable matter that would be sent, if a regular system of transmission were adopted, was sent. If regular routes were established between the two points, on account of the regularity and speed of the mails, the government would derive a very large amount of revenue, more than enough to pay the expenses of the route. The introduction of a regular route, and a regular period for the transmission of mails, would soon give rise to competition for the transmission of the mails, which competition would of course lead to a reduction in the expenditures. As it was now under the present system, there was not a sufficient amount received to pay the necessary expenses.

Mr. HALE wished that the Senator from Arkansas could show what effect his amendment had upon the navy. He would simply give notice that if the Senator's amendment was adopted, he would immediately move an amendment to the bill to raise the salary of the district judge of New Hampshire. This proposition had been before the committee, and was as fully germain to the bill as was the amendment of the Senator from Arkansas.

Mr. HAMLIN considered that the Senator from Arkansas was mistaken in his statement that there was no mail route established between Louisville and New Orleans. By reference to the statute book it would be seen that all navigable streams within the Union were made post routes.

Mr. BORLAND knew very well that that was the law; but it was equally true that there was no mail route between Louisville and New Orleans, as he had before stated.

Mr. HAMLIN replied that the law had established a mail route between Louisville and New Orleans. But he was opposed to the adoption of this amendment for another reason. The law having already established a post route between these two points, this amendment, if adopted, would take from the Post Office De-

partment the power to control this mail route, and would give to the government the power to say in what way our mails should be transported. It was objectionable, because it was usurping in this body duties which appropriately belonged to the Postmaster General. If it was appropriate in this case for Congress to decide how the mail should be carried between these two points, it would be appropriate in all similar cases.

The question being taken upon Mr. BORLAND's amendment, it was determined in the negative.

The question was then stated to be upon agreeing to the amendment proposed by Mr. DIX.

Mr. NILES could not but think, as the principle of advances had been adopted, that this was a case deserving of greater consideration even than the one upon which the principle had been decided. Here it was evident that the contractors had exhausted their means, and were laboring under very great difficulties. If we adopted this amendment, we would gain something; in the other case we would gain nothing. The contract with the parties in this case gave them the option to run two of their vessels to Havre. We had no right to compel them to do it; but if we made these advances, they would do it, making it more beneficial to the government and the contractors than the present arrangement. Unless we made the advances, the Bremen interest would probably control the action of the contractors, and keep all the vessels upon the regular route.

Mr. DICKINSON inquired whether these advances had been asked for by the contractors or the Secretary of the Navy?

Mr. RUSK understood that it had not been asked for by either of these parties.

Mr. NILES remarked that it had been asked for and recommended by the Postmaster General.

Mr. RUSK knew of no such recommendation. There was a controversy now going on between the Postmaster General and the assignees about the subject of the contracts, and testimony had been exhibited before the Postmaster General of such a nature as satisfied him that the stock of the line belonged in reality to individuals residing in Bremen, represented here by citizens of the United States.

Mr. DIX believed that there was a controversy between the original contractors and the assignees, but that would not effect the transportation of the mails. It was a question with sole reference to the interests of those parties in these contracts. The city of Bremen, as he had stated yesterday, had loaned some money —not to the company, but to individuals who had hypothecated their stock in the line for that loan—but he did not see what influence that had upon this question. These vessels were employed in this service under contract by the United States. The company was now engaged in building a vessel nearly a thousand tons larger than the other two, and were very much in need of funds. All the observations made with respect to other lines applied to this. Upon the principle of equal justice, advances should be made in this as in the other cases.

Mr. NILES stated that the communication from the Postmaster General had been laid before the Committee on Finance. The application made in that communication in behalf of these steamboats was offered contingently. if advances were made, to the other lines. He was, of course, in hopes that the Senate would not have granted the advances on any of the lines. But as they had been made, he thought the great importance of having two lines, where there was now one, demanded that advances should be made to these parties also.

Mr. DIX would state another fact in connection with this amendment. Last year the government had paid this line one hundred thousand dollars for mail facilities to Bremen, and had received for postage only fourteen thousand dollars, thus paying eighty-six thousand dollars more than the amount they had received for postage. If the division in the line was made, the amount to be charged the government for carrying the mails would be only seventy-five thousand dollars per year for each line, saving some fifty thousand dollars to the government.

Mr. RUSK desired to say that the communication of the PostmasterGeneral was not laid before the Committee on the Post Office and Post Roads, so that he was relieved from any responsibility in the matter, when he had stated that he knew nothing of any such communication. The contract for this line was originally made with a Mr. Mills. It was then transferred to the present owners; the most of the capital being furnished by individuals in Bremen. Mills, in making the transfer, reserved to himself the right to build these vessels and put them on the line, if the present owners failed within a reasonable time to complete the vessels. The parties were now failing to comply with the contract, and Mills in consequence, was anxious to carry out the terms of the transfer, but the other parties had refused to allow him. He thought it highly improper then for government to make advances to complete the line when individuals were anxious, if the present contracting parties would allow them, to finish them without appealing to government for aid. This amendment proceeded on the principle that there were two wrongs to a right.

Mr. NILES wanted to see, in this matter, if gentleman would carry out the principle they had established; whether they had before voted in reference to the particular interests of those who petioned for advances, or whether they voted in regard to the fairness of the principle. This application for advances came here with the same recommendation that the other did; and was a much stronger case in every point of view.

Mr. BADGER had voted against striking out the appropriation in this bill for advances, because that appropriation was recommended by the committee of the House of Representatives, had the approval of the Secretary of the Navy, was adopted by the House of Representatives, and the bill containing it was reported to the Senate with the entire approbation of the Committee on Finance. That being the ground upon which he had voted, he should carry out his principles upon the subject hereafter by voting against the amendment proposed, because it had none of these sanctions.

Mr. BREESE coincided in the reasons which the Senator from North Carolina had just stated, for his vote in favor of the former appropriation for advances, and against the present proposition for advances to another line. He would simply ask for the reading of that portion of the amendment that defined the nature of the securities to be given to the government.

The question being taken upon agreeing to the amendment of Mr DIX, it was determined in the negative, as follows:

YEAS—Messrs. Dix, Hale, Hannegan, Jenness, Lumpkin, Niles, Pennybacker, Rusk, Sevier, Sturgeon, Tappan, Turney, Walker, Woodbridge, Woodbury, Yulee—15.

NAYS—Messrs. Allen, Atchison, Badger, Bagby, Benton, Berrien, Borland, Breese, Bright, Calhoun, Clarke, Corwin, Crittenden, Dayton, Dickinson, Douglas, Felch, Fitzgerald, Foster, Greene, Huntington, Johnson of Georgia, Johnson of Maryland, Mangum, Miller, Morehead, Phelps, Rusk, Sebastian, Spruance, Upham, Webster—31.

Mr. YULEE moved to amend the bill by striking out at line 41, "and $1,200,000 for completing four first class steamers," and add it at end of line 44, so as to read:

"For the repair, armament, and equipment of vessels, including arrearages on account of vessels in commission, and for steamers, the hire of which, $2,537,471, and $1,200,000 for completing four first class steamers."

Mr. YULEE explained that this was a mere transposition to conform to the estimates.

The amendment was agreed to.

Mr. YULEE moved further to amend the bill by adding the following section:

SEC. — *And be it further enacted*, That no part of the money appropriated by the act of March 3d, 1845, entitled "An act making appropriations for the naval service for the first half calendar year, beginning the first of January and ending the thirteenth of June, 1846, and for other purposes," approved February [illegible], and entitled "An act for the gradual increase of the navy," shall be used or applied for the purchase of any vessel or vessels, other than those now owned by the United States, or which may be under contract for construction at the time of the passage of this act, unless such purchase or contract shall be required, from time to time as the service requires, for a period not exceeding four years, and in making such purchases or contracts, the Secretary of the Navy shall be governed by the provisions of the act aforesaid, and the interests of the service will be thereby promoted.

The amendment was agreed to.

Mr. YULEE moved further to amend the bill by adding the following section:

SEC. — *And be it further enacted*, That the number of professors of mathematics in the navy shall not exceed [illegible], that they shall be appointed from such persons as may be approved by the President of the United States, and with the consent of the Senate, and shall perform such duties as may be assigned them by order of the Secretary of the Navy, at the Naval School, Observatory, and on board ships of war, in instructing the midshipmen of the navy or otherwise; that, when on duty, the pay of a professor of mathematics shall be at the rate of fifteen hundred dollars per annum, and when on leave of absence or waiting orders, the pay shall be at the rate of eight hundred dollars per annum.

Mr. YULEE stated that the object of this amendment was to reduce the number of professors to the actual number required. At present, constant employment could not be given to all of them; and it was desirable that the number of them should be reduced to the number actually required.

The amendment was agreed to.

Mr. YULEE moved further to amend the bill by adding the following section:

SEC. — *And be it further enacted*, That the Secretary of the Navy shall be hereby, authorized to cause persons in the naval service or marine corps who shall become insane while in the service to be placed in such lunatic hospitals as in his opinion will be most convenient and best calculated to promote a restoration of reason; and that, in addition to the pay [illegible] of such persons, he may, from the annual appropriation for the naval service, under the head of contingent, unprovided, pay such additional allowance, not exceeding [illegible] each case it does not exceed one hundred dollars per annum.

The amendment was agreed to.

Mr. YULEE moved further to amend the bill by adding the following section:

SECTION — *And be it further enacted*, That the proviso of the act of August 4th, 1842, limiting the number of officers of the Navy of the grade of midshipman, to the number that were in service on the first day of January, 1841, and confining appointments to the appointment of officers to supply the deficiency of four hundred and sixty-four: *Provided*, That the appointments shall be made according to the directions of the 5th section of the act, approved March 3d, 1845, entitled "An act making appropriations for the Naval service for the year ending 30th of June, 1846."

Mr. YULEE explained the nature of the amendment, stating that it was designed to do away with a difficulty which had arisen in regard to the rank of passed midshipmen in the navy.

Mr. KING could not but think that the honorable Senator from Florida was mistaken as to the nature and effect of the amendment. It certainly had no earthly bearing upon the rank of passed midshipmen. It provided, as he understood, for an additional

number of midshipmen so as to correspond with the increased number of the States.

Mr. YULEE acknowledged that he had offered the wrong amendment. He had an amendment prepared relating to passed midshipmen, and thought that was the one he had sent up. On looking over his papers he found that it had been mislaid, and he moved therefore to proceed with the one he had submitted. This was an amendment providing for an increase in the number of midshipmen, to make an equal division of appointments among the States.

Mr. HALE did not see why the number of midshipmen at present was not sufficient; and why the department could not easily divide the present number of them by thirty, as to come to the Senate and ask for an addition of thirty more. He found by the Navy Register that there were 208 passed midshipmen, and 228 midshipmen in the service, making 434 in all. This number could be divided by 30 quite as readily as 464.

Mr. YULEE explained that the number of midshipmen now authorized was 260, and it was proposed to add four for Wisconsin and Iowa, leaving 200 as the number of passed midshipmen.

Mr. HALE demanded the yeas and nays on the question to agree to this amendment, and it was determined in the negative, as follows:

YEAS—Messrs. Badger, Berrien, Borland, Davis, of Massachusetts, Davis, of Mississippi, Hannegan, Johnson, of Louisiana, Johnson, of Georgia, Lewis, Miller, Westcott, Yulee—12.

NAYS—Messrs. Allen, Atherton, Baldwin, Benton, Bradbury, Bresse, Bright, Dickinson, Dodge, Edieh, Fitzgerald, Foote, Hale, Hamlin, Houston, King, Mecalfe, Rusk, Spruance, Turney—22.

Mr. YULEE moved further to amend the bill by adding the following section:

SEC. . *And be it further enacted*, That from and after the passage of the act the principal pay of boatswains, gunners, carpenters, and sail makers at the navy yard, Pensacola, shall be the same as now allowed by law to the forward warrant officers at the navy yards Boston, New York, and Norfolk.

Mr. JOHNSON, of Louisiana, moved the following amendment, notice of which had been given by Mr. JOHNSON, of Maryland at a former day.

SEC. . *Be it further enacted*, That the sum of fifty thousand dollars be and hereby is appropriated for indemnification for losses of necessary clothing, uniform, bedand table furniture, instruments, to the officers and crews of the sloop "Peacock," which was wrecked and lost at the mouth of the Columbia river, on the eighteenth day of July, eighteen hundred and forty-one; of the steam frigate "Missouri," burnt at Gibraltar in eighteen hundred and forty three; the schooner "Grampus," lost at sea; the schooner "Shark," wrecked and lost at the mouth of the Columbia river, September tenth, eighteen hundred and forty-six; and the brig "Somers," lost in the Gulf of Mexico; the sloop of war "Boston," lost on Eleuthera, on November two, eighteen hundred and forty-six; and the steamer "Hunter" lost in the harbor of Vera Cruz in eighteen hundred and forty-seven: *Provided*, That the amount of such losses in the case of each claimant shall be established, by affidavit or proof, to the satisfaction of the Secretary of the Navy, and shall be paid only to the applicant himself, or his authorized agent, or, in case of his death, to his widow; or, if there be no widow, then to his surviving children, or if there be neither widow nor children, then to the brothers and sisters now living, who are minors, or were minors, at the time the loss occurred: *And provided also*, That no more than the actual amount of loss shall be paid in any case, nor shall the entire allowance or account of any individual in the respective grades exceed the following sums, viz: to a captain, eight hundred dollars; to a commander or lieutenant commanding, six hundred dollars; to a lieutenant, master, surgeon, assistant surgeon, purser, chaplain, professor, captain of marines, chief engineer, four hundred and fifty dollars; to a passed midshipman, first assistant engineer, or first lieutenant of marines, three hundred dollars; to a midshipman, second or third assistant engineer, second lieutenant of marines, secretary, clerk or master's mate, two hundred dollars; to a boatswain, gunner, carpenter, sailmaker, one hundred dollars; to a petty officer, or sergeant, or corporal of marines, fifty dollars; to a seaman, ordinary seamen, marine or musician, forty dollars; to a landsman, boy, or fireman, thirty dollars.

Mr. JOHNSON, of Louisiana, asked that the consideration of this amendment be postponed until to-morrow morning, when its author, Mr. JOHNSON, of Maryland, would be in his seat and prepared to defend it.

Mr. BADGER moved that the Senate adjourn. The motion was negatived—Ayes 14, Noes 24.

After some desultory conversation as to the propriety of considering an amendment of so much importance at that late hour of the day—

Mr. BENTON remarked that this subject was a very intricate one, and required a patient, careful and calm investigation, and should be reported in a bill by itself. He wished to call the attention of the Senate to a subject, to him of greater moment. Since January last the laborer at all the navy yards had been without his hire. If they could not comply with the command of the Bible, "let not the sun go down without giving the laborer his hire," he would say let not the sun go down without passing that bill. He was against every amendment, and wished to pass the bill as it then stood.

Mr. JOHNSON, of Louisiana, withdrew the amendment in order that it might be further considered upon before again offered to the consideration of the Senate.

Mr. HALE moved further to amend this bill by adding the following sections:

SEC. . *And be it further enacted*, That corporal punishment be, and the same hereby is, abolished and prohibited in the navy.

SEC. . *And be it further enacted*, That the spirit ration in the navy be also abolished, and in lieu thereof every individual who receives the ration in kind shall be entitled to receive six cents per day, and those who commute the whole ration two cents per day.

Mr. HALE knew that the Senate were becoming wearied of the long debate they had had upon the bill, in consequence of the many amendments suggested, but he had a few considerations to present in connection with his amendment, which he felt to be his duty, notwithstanding the impatience of the Senate, to offer. He had found in the bill which was then before the Senate, in the eighth section, that there was an attempt made to regulate that subject by law. The section required that the Secretary of the Navy report to Congress the number of persons flogged in 1846–'47, specifying the name of the ship and its commanding officer, and the number of lashes inflicted; similar reports to be made hereafter. We had had laws regulating this subject ever since the organization of the confederacy; yet what did they amount to? He spoke nothing but the literal truth when he said by looking into the records of the Navy Department, they would be found to be perfectly inoperative. By a law of the Congress of the United States, made since the year 1800, court martials were prohibited from inflicting, for any offence not capital, more than one hundred lashes. He had found by reference to the Navy Department that by a court martial held at Port Mahon, in 1837, for an offence not capital—manslaughter—a man was sentenced to receive four hundred lashes; one hundred of them were remitted, and three hundred inflicted, when the law of the country for fifty years save two, had prohibited the infliction of more than one hundred lashes at one specified time. There was an intimate connexion between the spirit rations and corporeal punishment. If they took away the cause of intoxication, they done away with the necessity for corporeal punishment. A man on board the frigate Constitution lying off Mazatlan was on the 23d March, 1846, sentenced, because of intoxication, by Commodore Sloat, to receive fifty lashes. In a letter to the Commodore, the man stated that he desired of the court while deliberating upon the extent of the punishment to be awarded, that they would do him the favor to recommend his discharge from a ship, where he was placed in a situation where the temptation to intoxication was beyond his control. Thus it was the government got their sailors drunk by law and then flogged them for it. [Mr. H. here read an extract from a newspaper published in 1843, giving the record of the punishment inflicted during a single voyage, and showing the severe inflictions of corporeal punishment apportioned in the navy for the most trivial offences.] It was perfectly idle in his opinion, so long as these men were thus degraded by law, to undertake to regulate the matter by law. It had been reproachfully said of him (Mr. H.) that his sympathies and philanthropy had been altogether exercised in favor of the blacks. He would now ask gentlemen to have some sort of consideration for their white brethren, who were the subjects of the brutal system of corporeal punishment. He firmly believed, and he said it with all truth, that if they could have the facts apparent upon the records of the Navy Department in relation to the subject before them, it would be seen that the most oppressive system of slavery to be found engrafted upon the laws of this country, gave unlicensed freedom compared with the slavery to be found on board of the ships of war.

The question being taken upon agreeing to the amendment, it was determined in the negative.

No further amendment being made, the bill was reported to the Senate.

The question being on concurring in the amendments agreed to in Committee of the Whole—

Mr. TURNEY asked that the amendment reducing the appropriation for the Memphis navy yard be excepted.

Mr. KING asked that the amendment making advances to mail steamers be also excepted.

Mr. DICKINSON informed the Senator from Alabama that there was no such amendment. The clause authorizing advances was a part of the original bill as it came from the House.

The question being taken upon concurring in the amendments [excepting that relating to the Memphis navy yard] it was determined in the affirmative.

The question then recurred upon concurring in the amendment reducing the appropriation for the Memphis navy yard from $174,038 to $100,000.

Mr. TURNEY hoped that the Senate would not acquiesce in the amendment. It had passed through the committee without his colleague's notice or his own being called to it; and he should much prefer that its consideration be postponed until morning. As however the Senate appeared desirous of passing the appropriation bill to-day, he would ask of the Senate that the amendment be rejected. The work was being prosecuted, was nearly completed, and would require but a small amount of money to finish it. The appropriation asked for by the department was absolutely necessary for the completion of the work. It would be doing injustice to them and to the work itself to except the amendment.

Mr. BERRIEN thought that at any rate the sum advanced—one hundred thousand dollars—would be sufficient to keep the work in operation until Congress again met the coming year.

The question being taken upon concurring in the amendment, it appeared that a quorum of the Senate were not present.

Mr. WESTCOTT moved that the Senate adjourn. The motion was negatived.

On motion by Mr. BENTON, it was

Ordered, That the absent Senators be sent for.

A quorum of the Senators being present,

The question on concurring in the amendment was again put, and it was determined in the negative, as follows:

YEAS—Messrs. Atherton, Berrien, Bradbury, Butler, Calhoun, Davis, of Massachusetts, Hale, Hamlin, King, Lewis, Sprague—11.
NAYS—Messrs. Atchison, Benton, Borland, Breese, Bright, Dickinson, Dodge, Douglas, Felch, Fitzgerald, Foote, Hannegan, Houston, Johnson, of Louisiana, Johnson, of Georgia, Mason, Rusk, Sebastian, Turney, Westcott, Yulee—21

The amendment was not concurred in

Mr. YULEE moved further to amend the bill by adding the following section:

"SEC. — *And be it further enacted*, That the restriction established by the 4th section of the act approved March 3, 1845, whereby no more than one hundred and eighty passed midshipmen, and three senior in rank, shall at the same time receive the pay fixed by law for first class of officers, be suspended in its operation from the passage of this act until the close of 1841 and 1842 shall have been examined and the relative rank established among those who shall pass their examination.

The amendment was agreed to.

Mr. YULEE then renewed the amendment, disagreed to in Committee of the Whole, authorizing the appointment of officers of the grade of midshipman to the number of four hundred and sixty-four.

The amendment was agreed to.

Mr. ATHERTON moved further to amend the bill by inserting in line 108, after "United States," the following:

"if the contractors shall so elect. Provided, That slaves, horses and passengers shall be transported, for one voyage in each vessel, for the government, from any port in the United States to Panama and any port on the north Pacific, free of charge, excluding subsistence of passengers.

The amendment was not agreed to.

No further amendments being offered, it was

Ordered, That the amendments be engrossed and the bill read the third time.

The said bill was read a third time.

Resolved, That the bill pass with amendments.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendments.

On motion,

The Senate adjourned

SATURDAY, JULY 22, 1848.

PETITION.

Mr. HALE presented the petition of John Lewis, of Philadelphia, praying that the privilege of citizenship proposed to be conferred on "free white mail inhabitants" of the territory of Oregon, by the bill to "establish the territorial governments of Oregon, California, and New Mexico," may be extended to others.

Ordered, That it lie on the table.

ADVERSE REPORTS.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the petition of Henrietta Bedinger, submitted an adverse report, which was ordered to be printed.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the petition of Henry Gray, submitted an adverse report, which was ordered to be printed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk :

Mr. President: The House of Representatives have passed a bill making appropriations for the civil and diplomatic expenses of government for the year ending the 30th day of June, 1849, and for other purposes, in which they request the concurrence of the Senate.

They have passed the following bills of the Senate :

An act to make Bangor a port of entry for vessels coming from or beyond the Cape of Good Hope.

An act to authorize the Secretary of the Treasury to make a compromise with the securities of Francis D. Newcomb, late Surveyor General of the State of Louisiana.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary :

Mr. President: The President of the United States approved and signed the 21st instant, the bill amending the act entitled "an act granting half pay to widows and orphans where their husbands and fathers have died of wounds received in the military service of the United States," in case of deceased officers and soldiers of the militia and volunteers, passed July 4th, 1836.

THE COMPROMISE BILL.

The bill to establish the territorial governments of Oregon, California, and New Mexico, was read the second time and considered as in Committee of the Whole.

Mr. CLAYTON.—Nearly eight months of this session of Congress have passed away ; the interesting and most important subjects embraced in this bill having been long and ably debated. The Senate will, I doubt not, be rejoiced to hear that it is not my purpose to inflict upon them a long speech, in opening the discussion on this bill. My purpose now is chiefly to state the contents of the bill as briefly and as fairly as may be in my power—reserving the right usually accorded to the chairman of every committee to conclude the debate on the bill, if debate should be unavoidable. I understood the object of the Senate in the appointment of the select committee to be, the prevention of an agitating and exciting discussion ; and, with the other members of the committee, I cherish the hope that we may be able to effect that object by the passage of the bill which we have reported.

At present, the only question to which I desire to call the attention of the Senate is : What are the substantial provisions of this bill ? The bill referred to the committee was one providing for the establishment of a territorial government in Oregon. The bill which we have reported contains provisions for the establishment of territorial governments in Oregon, California, and New Mexico. As the twelfth section of the bill referred to us was the chief subject of debate here, it, of course, first occupied our attention. It is still retained as the twelfth section of the bill reported by us, but so modified by the committee as to provide that all existing laws in the territory of Oregon,

"Shall continue to be valid and operative therein so far as the same may be found not incompatible with the constitution and the provisions of this act, but may be altered, by the first meeting of the legislature of said territory ; subject, nevertheless, to be altered, modified, or repealed, by the legislative assembly of the said territory of Oregon ; and the constitution and laws of the United States are hereby extended over, and declared to be in force in said territory, so far as the same, or any provision thereof, may be applicable."

I think it my duty, in order to explain that section, to present in connection with it, a reference to those existing laws of Oregon, to which reference is made in this section. The Senate will find them in Senate document of the first session 29th Congress, No. 353. The 1st article 6th section of these laws positively prohibit all slavery or involuntary servitude (except for crime, whereof the party shall be duly convicted,) in the whole territory.

This provision, as well as every other contained in these organic laws of Oregon, is continued by the force of this bill, until three months after the first meeting of the legislature of the territory of Oregon—I mean the legislature provided by the terms of this bill. The organization of the government of the territory of Oregon differs from that of California and New Mexico in one important particular. We regarded the people of Oregon as entitled to the right of self-government, and we have, therefore, given them in this bill an elective territorial legislature, whose laws are liable to be reviewed and annulled by Congress ; and we have given them also, as in other cases, the right to elect a delegate to the House of Representatives of the United States. In the case of the territories of California and New Mexico, we have given no such power. The legislative power in those territories is vested in a governor, secretary, and three judges in the case of California—two judges only in the case of New Mexico—who shall have power to make all laws, as in the case of Oregon, except such as relate to an establishment of religion and the institution of slavery. In both cases—that is to say, in the case of the legislature of Oregon, and in that of the legislature of California and New Mexico—the legislative power is restrained in regard to all enactments touching the primary disposal of the soil and the imposition of a higher rate of taxation upon the property of the United States and the property of non residents, than upon the property of residents. But the great distinguishing feature is, that in the case of Oregon the legislative power is conferred upon men chosen by the people, whilst in the case of California and New Mexico, it is conferred upon the appointees of the President, by and with the consent of the Senate.

These constitute the important features of this bill to which it is my duty now to call the attention of the Senate ; and I suppose that they will form the only subjects of discussion, if discussion be necessary and unavoidable. I repeat, that in the committee all other modes of compromise or settlement were in vain attempted ; all efforts to settle the great question now agitating and disturbing portions of our country, except that which resulted in the preparation of this bill, utterly failed. It is my deep conviction that no other mode of compromise or settlement can possibly be adopted. I have been more anxious, for my own part, that the question should be settled, than as to the means of settlement, though I would not, of course, surrender any great principle which I held sacred in order to effect the settlement of this matter. Indeed, the great merit, in my judgment, of this mode of settling the controversy, is, that no man, North or South, in voting for this bill, sacrifices any great principle to which he has ever been committed. The bill refers the whole matter in controversy between the North and South, to the decision at last of the judicial tribunals of the country. It resolves the difference between them into a constitutional and judicial question. Any man who prefers discord and civil war to that mode of settling all differences between sections of this Union, which the constitution itself points out, may and can consistently with his opinions, oppose the bill. But any man who desires in his very heart to avoid this great disturbing question between the North and South, as a political question—this great geographical question, as it has become—can do so by voting for this bill, which resolves into a mere judicial question to be decided by the proper constitutional tribunals of the country. I do not mean to impeach any one's motives who may oppose the bill, or by any means to intimate that such as differ with me in opinion may not do so honestly.

The territorial judges appointed under this bill, will, in the first instance, decide all questions submitted to them respecting slavery. Before them a writ of error or appeal to the Supreme Court of the United States is allowed, as in all cases where writs of error and appeals, are allowed to revise the opinions of the circuit courts of the United States. We have made no distinction, because it was thought it would be invidious to make one. We have allowed the right of appeal as fully as ever it had been allowed before, and in doing so we have been content. It is palpable to every lawyer, that whenever a question arises in these territories, proper to be carried to the Supreme Court of the United States, it can be carried there by any man acquainted with his profession.

There was some information communicated to the committee, which has not yet been laid before the Senate, and which it may be, therefore, proper that I should state on the present occasion. I think that this information will strengthen the conviction of the great difficulty, and, indeed, the impracticability of settling this question in any other mode. The compromise line of 36° 30′ was proposed and voted down in the committee, after a most earnest and anxious discussion. It was voted down in every way in which the proposition could be presented. The proposition of the honorable Senator from Indiana was voted down, and that, also, of my friend from Kentucky. The Senate will perceive by the statement which I am about to lay before them, how the question would have been settled if that proposition—the Missouri compromise line—had prevailed in committe. By a report made at the request of the committee, by the Commissioner of the Land Office, it appears that—

[Here the Senator read a full statement made by the Land Commissioner, of the area of each section of the territories outside of the States, from which it appeared that the area of all north of 36° 30′ was about 1,600,000 square miles, and of all south of 36° 30′ about 262,000 square miles.]

In other words, the North, by that compromise, would have about six times as much territory for free labor as the South would have for slave labor.

Mr. BALDWIN—(in his seat.)—What is the extent of the area of Texas?

Mr. CLAYTON.—The gentleman asks how much land there is in Texas. Let him add it to the amount which I have just given as lying south of 36° 30′, and every one will see that the territory lying north of that line is two or three times greater than that south of the line. It was agreed by the southern members of the committee to compromise on the line of 36° 30′; but our northern friends would not accede to that proposition. I make no complaint, because I do not stand here for that purpose, but rather to conciliate men from all sections of the country, and to entreat them to put this great question in such a position that it may never hereafter endanger the safety of our Union. It is my deliberate conviction, that although, as I said the other day, the bill on our table will not prevent agitation—because, in our country and under our institutions, no bill can prevent agitation—yet, if adopted, the safety of the Union will be placed beyond the reach of danger from agitation, by its tranquil operation.

I forbear trespassing further on the attention of the Senate, for I did not rise to discuss the merits of the bill. I do not undertake to dictate to gentlemen, but I hope that a vote may be taken speedily upon this bill. I trust its friends—if it have friends in this body—will stand by, and, after allowing ample freedom of discussion to every gentleman, will pass the bill to a final decision as soon as may be consistent with the full exercise of the right of debate.

Mr. NILES.—I desire to ask the honorable Senator one or two questions. If I understand him, he says that, in his judgment, this bill involves no sacrifice of any opinion maintained by gentlemen on this floor in this debate. I wish to inquire of the honorable Senator whether he considers this bill ——

Mr. CLAYTON.—I spoke of members of the Committee, and intended my remarks to apply to them. I do not mean to say that there are no opinions entertained out of the committee inconsistent with this bill; and, I will add, that it may be possible that one or two members of the committee may have some objections to the bill; but I only remarked that, in my own view, the opinions of members of the committee might be reconciled.

Mr. NILES.—The main question in the course of this long debate, has been a question of power. It has been denied that Congress has any power over slavery in the territories; while, on the other hand, it has been asserted that Congress possesses that power, and thus has arisen the question as to the justice and propriety of exercising this power. Now, the inquiry which I wish to propose to the Senator is, whether he considers this bill as affirming or disallowing that power? Another question to which I would desire a reply is, what is the precise principle of compromise in this bill? I understood the honorable Senator to say that he had felt it to be his duty to arrest the debate with a view to compromise. It is desirable, then, to ascertain the principle of the compromise. I have looked over the bill very carefully, but I have not been able to discover it. If there be any compromise, I should like to know what it is. I should like to know what is yielded on one hand and the other, and in what way the two parties are expected to be united.

Mr. CLAYTON.—The gentleman puts two questions: He inquires, first, whether this bill affirms the power of Congress to legislate on the subject of slavery in the territories. I reply, that the bill neither affirms nor disaffirms, but leaves the whole question to the proper constitutional tribunal, which I understand to be the Supreme Court of the United States. That is the principle of compromise. Again, the gentleman inquires, what is the principle of the compromise? He may call it by what name he pleases, but the principle of the bill is, that it refers the whole matter in controversy between the North and South—and, in my judgment, on terms perfectly honorable and fair to both parties—to the great constitutional tribunal established by our forefathers. If we are not willing to abide by that, let us say so. I for one, am willing to abide by it.

Mr. NILES.—I understand the honorable Senator regards this compromise as doing nothing—as leaving the matter precisely where the committee found it. Permit me here to call the attention of the honorable Senator at the head of the compromising committee to the fact, that that is precisely the position taken by the honorable Senator from South Carolina in his speech and concurred in, I believe, by other honorable gentlemen from the South. So, then this is a compromise on the basis claimed by the advocates of slavery here.

Mr. CALHOUN.—Will the Senator yield for a moment? I beg that the Senator will not represent me as an advocate of slavery. That is not the attitude which we maintain. We stand here only as claiming the rights which belong to us as confederated members of this Union, and we are willing to rest our rights upon the high ground on which the Senator from Delaware has placed them—where our forefathers placed them, and where we place them. That is all. We claim nothing for slavery—nothing at all. We wish to see this Union preserved, and its harmony preserved with it—for it is worthy to be preserved only upon the principles of harmony.

Mr. DICKINSON.—When this matter was submitted——

The PRESIDING OFFICER.—The Senator from Connecticut retains the floor.

Mr. NILES.—I am very happy to hear the remarks of my honorable friend from South Carolina, for such I hope I may regard him—and permit me to say it is the first time that I have heard any declaration of that kind from that quarter. I do not know whether I interpret it correctly; but if it is to be interpreted in its fair and literal import, then, sir, there is no controversy here. If there be no claim advanced on behalf of slavery, controversy is at an end, and we are here all united in opinion. I supposed that the claim was, that the slave States had a right to take their property, as it is called, into the territories of this Union, carrying with them that protection which is given to it by their local laws. It has been urged that without that right the slave States were subjected to inequality. But if no such claim be made, then there is no matter of controversy here: and let us just carry out this idea in the bill, which may be done in a very brief section—and we can pass it with perfect unanimity. Let us compromise on that great principle, looking to the interests of the whole country—as the country of a free people—possessed of common rights and animated, I trust, by common sympathies. On that common basis of free soil and free principles in all our institutions, let us take our stand, removing all cause of jealousy and unkind feeling between the different sections of the Union.

But I apprehend that the Senator means something else by the declaration which he has just made, and what it is I am not able exactly to understand. If it mean that he is merely contending for a punctilio—that the slave States must, in point of legal form, in some abstract point of view, be placed in that attitude, which he regards as giving them perfect equality, I should not, for one, be disposed to be very particular in regard to any matter of that kind. Circumstances, of course, may present apparent inequalities in different sections of the Union. The form and descriptions of property may vary in different quarters of the country; but the principles that regulate property and secure private rights are uniform, and whatever they may be in the territories, they will apply equally to all. Gentlemen of the South—if certain rules of propriety were adopted there—might not be able to take into these territories every thing that is recognized as property in their own States; and so, too, with us at the North. Will not the rules and regulations adopted, apply equally to all? Will not the measure of justice in the aggregate be uniform and equal? However, I did not rise to discuss the question.

Mr. DICKINSON.—It will be recollected that when the motion was made to refer this matter to a select committee, a somewhat protracted debate took place, and it was obvious to all that the farther the discussion proceeded, the different sections became still more and more removed from each other. I hailed it then as a motion of peace, and I am yet of opinion that it will so result. To such a pitch, indeed, had the debate arrived, that when the proposition for the appointment of this committee was made, the Senator from Connecticut saw fit to remark that Senators who should vote for a compromise would very likely find themselves burnt in effigy in some quarter of the country. That had not a very great deal of effect upon me. So far as the individuals to be burnt in effigy would be concerned, the proceeding would be very harmless, while it would certainly be a very suitable expression of opinion on the part of those who have no other mode of reasoning. If any individuals feel disposed to do it at their own expense, and furnish images about as heartless as themselves, they are perfectly welcome to burn me in effigy at any time. I think the Senator from Connecticut said a little more than what was set down for him, though he may have pointed to a plan on foot not yet fully developed. However, the remark had no influence upon me, then, nor can it at any time hereafter.

I was appointed upon this committee, on which the Senate did me the honor to place me, with the view of effecting an honorable compromise, and providing for the exigency in which three large territories of this Union are now placed. I believe that my associates on this committee were actuated by the same motives. We saw these territories without law; one of them having existed for a long time without any law, except that supplied by its provisional government: and now an unhappy difference growing up between its people and the Indian tribes, rendering it exceedingly desirable that that territory should be immediately organized and placed on its way to the Union. It was also important and desirable that the two new territories of California and New Mexico should be placed under the pupilage of the United States.—What was to be done? Here were these territories without law—midsummer approaching, and Congress engaged in an exciting debate in one section of it, without any prospect of coming to a close. The select committee was raised; and what has it done? We have placed the Oregon bill in a form to which no human being can object, unless for the mere purpose of cavil. With regard to New Mexico and California, we have neither taken from one section, nor given to the other. If the South asked too much, and the North was willing to concede too little, we have neither given to the one nor taken from the other. We have encroached upon

the rights of neither. We have left the subject where we found it—subject to the constitution and Congress of the United States, while at the same time we have placed the territories on their way to the Union, by the organization of a provisional government, which is restrained from any legislation that can embarrass this difficult subject. That is what has been done. We have not given an elective legislature to the territories of New Mexico and California, for the reason that the people are not there, who are to control their destiny. But we have extended the laws and constitution over them, and provided for the appointment, by the President and Senate, of officers who will carry the laws of the United States into execution. We have also provided that those individuals shall make local laws, or police regulations, as they may be more properly called, restraining them as I have said from touching this subject one way or the other, whilst all their laws must be brought here for our revision. The whole matter may be summed up in the inquiry, Is there any evil to be apprehended from extending the laws and constitution of the United States over these territories, and enforcing them there, without doing anything further?

Mr. NILES.—The allusion to burning in effigy to which the Senator from New York has referred, was made by me in relation to what had formerly happened, on occasion of an attempt to bargain away what were considered the rights of one section, by a patch-work trafficking scheme of this kind. Far be it from me even to indulge in the language of threatening, for the purpose of influencing the action of any honorable Senator here; and I may say farther, that my friend from New York would be the very last member of this body that I would think of treating in that way. If that gentleman disregards the solemn and reiterated expression of the great State which he has the honor in part to represent—if the declaration of her sentiments in her sovereign capacity at home cannot influence his conduct here, surely it would be foolish to attempt to control it in any other way. There was one remark made by the honorable gentleman which I rose to notice. I understand that he concurs in this bill.

Mr. DICKINSON—(in his seat.)—I do.

Mr. NILES.—He approves of the bill, and yet that Senator in the early part of this session made a speech of no ordinary character, but one of great deliberation, mainly delivered from his notes in which he attempted to prove that Congress has no jurisdiction over territories in so far as relates to their government. He held that Congress had merely power to dispose of the soil. It seems, then, that the Senator is getting light upon this subject. I take encouragement from this fact: who can tell what a few months more may produce in the developments going on in the country, both here and elsewhere? Who can tell what new positions may be assumed? I am not without hope that my honorable friend from New York will, before this matter be ended, entertain opinions much more consonant with those of his own constituents. He is progressing, sir. Another remark of the Senator I desire to notice. He concurs fully in this plan of compromise—this compromise, which is no compromise at all—which does nothing—which says nothing—which settles nothing—which amounts to nothing. The Senator asks what can be done, but organize the government there and leave this troublesome question open to be settled hereafter? That is my objection to this whole procedure. Here is the point of the case. You propose to set up government there. You propose to invite emigration there. You propose to give them protection and security there. Protection and security to whom, and in what enjoyments, and in regard to what kind of property, and what relations of persons? Now, all that is undefined. Those persons holding slaves have a right to go there, and may take their slaves there. Do you not invite them to go there? Do you not in some degree sanction this proceeding? But the bill goes farther. It is not entirely negative. There is something positive. Let me call the attention of Senators to a point to which I believe the honorable chairman has not alluded. This bill affirms something. It affirms that slavery shall not be prohibited or inhibited, or excluded by any action by the government which is set up there. Is that nothing? I think it is not to be misunderstood. It is a sort of sanction to those who may wish to go there with that kind of property. You leave this thing open. Nay, you do more. You prohibit the government which you establish there from interposing any obstacle, however slight, to the introduction of slave property. You leave it to the government having final authority it is true, that is to the Congress of the United States. But I am not prepared to admit that this principle—a principle of fundamental political regulation—a principle of organic law can be in any sense settled by the courts. We leave this question entirely open, and prohibit any action on it by the authority which we set up there; thus holding out an invitation to the introduction of slavery there; and the Senator asks, what is there in all this? Why, supposing that in this state of things the population emigrating into these territories take slaves with them, come at the proper time, and bringing the treaty with them, knock at your doors for admission, claiming their right to come in as members of this Union, what are you to say? The question, perhaps, comes up as in that unfortunate controversy with regard to Missouri, and the crisis is upon us—such a crisis, I will not say as may dissolve the Union, for I believe the Union to be stronger than any contest, real or imaginary, between opposing sections of this Union. I said last session that I believed this Union to be stronger than slavery; and that is the strongest thing in our system, except the principle of liberty, which is perhaps still stronger and deeper. But the question will come up, and it is immaterial whether it be presented by the majority or the minority of the people, for when rights became established—when the preservation or sacrifice of property becomes the question, then even a small minority will everywhere prevail against a majority. The minority in that case obtain an immense advantage. No longer in its original form and aspect, as it now presents itself to us, the question will then be whether we will sacrifice the property that may be in this territory, or whether we will be bound to protect it. No! no! This scheme of evading for a day or for the moment, the responsibility thrown upon us—this unmanly shrinking from the duty which we owe to the country, is in my humble judgment utterly unworthy of the American Senate. Be it more or less troublesome this question is now before us, and we are bound to meet it and dispose of it as we can. If we cannot dispose of it now, let us do no more than was done with regard to Louisiana. There no attempt was made to establish government, but an act was passed authorizing the President to appoint such officers as might be necessary to preserve some temporary authority. But this bill is of a very different character, and the honorable chairman tells us that by it, this threatening question will be determined forever. That is, I think, rather an extravagant expectation. Why, sir, the Senator himself admits that it settles nothing, that it leaves this thing entirely open, adding only the evil of inviting emigration of every description into these territories. This the honorable Senator calls settling the question!

Sir, the people of this country have some little discernment, and they will desire to know what sort of a settlement this select committee have made. The people understand the question.—With all the ingenuity which they have displayed in the able arguments on both sides of the chamber, gentlemen have not been successful in so mystifying the subject, as to render it inexplicable to the people. They know what the precise issue is. They understand that the question is whether this territory, which we have received as a free territory—if I may say so, doubly free—free by the act of God who created it, and free by the act of man; and that, too, of a half civilized people, who have impressed upon it the law of freedom—is in our hand to remain free; or whether we shall directly or indirectly subvert that law of heaven and of man, and implant there the institution of slavery? That is the question. The honorable chairman of the committee says that the subject is to be referred to the courts. That is avoiding the question. The committee have shrunk from the responsibility which we expected from them. I expected no good from the appointment of the committee, but I confess I did not suppose that they would shrink from the whole subject submitted to them, and bring us a bill skulking, dodging, with a cowardly visage, avoiding altogether the subject submitted to their judgment.

Mr. DICKINSON.—It seems when the honorable Senator referred to Senators burned in effigy, that he referred to what had been done—that he made the reference to affect the past and not the future. It struck me then as a most extraordinary remark in the Senate of the United States; and even with the explanation which has been given, I do not regard it in any difficult light. I hold it to be no particular honor to be burned in effigy as a Senator; but as that proceeding is the resort only of the coward and the ruffian, I do not consider that it inflicts any disgrace; neither shall I be induced to alter my views in any respect by such a threat, nor by the allusion to the fact that a portion of my constituents have other views. By what authority does the Senator call me to account? Where did he obtain his warrant? I would say to the honorable Senator, in the language of a book with which he is probably familiar, "Who art thou that judgest another man's servant; to his own master he is to answer, and not unto thee?" But, sir, if the Senator can show that I am responsible to him, I will render him my reasons for my course with pleasure. And, in the mean time, when he shall have rendered an account of his own stewardship to his constituents upon what the great questions of the last four years, in the language of the banker, if he has "anything over," and I need it, I will draw on him for it, with his approbation.

The Senator says that my position is inconsistent with a speech which I delivered here at the early part of the session. If I had found it necessary to take a position somewhat inconsistent with that taken heretofore, if on deliberation I had regarded my former action as wrong, I would not for the mere sake of being consistent, refuse to become wiser on any subject. But, my present position is in perfect accordance with that assumed by me on the occasion to which the honorable Senator has alluded. Allow me to recall the attention of the honorable Senator to the resolution which I had the honor to introduce. It was as follows:

Resolved, That in organizing a territorial government for territories belonging to the United States, the principles of self government upon which our federative system rests will be best promoted—the true spirit and meaning of the constitution be observed, and the confederacy strengthed, by leaving all questions concerning the domestic policy therein to the legislature chosen by the people thereof

Now, so far as the Oregon bill is concerned, it recognizes to the very letter the principle of that resolution; and I would here add, as I feel at liberty to do, that in committee I voted for the extension of it to New Mexico and California—but my brethren of the committee overruled me, and I do not say that their reasons were not good—because the people now inhabiting these territories many of them are but half civilized, and are perhaps not qualified to exercise all the rights of government, and we deemed it best for the present to give them a provisional government. These territories have been

thus placed on their way to the very end which I suggested; and if the arrangement does not fully come up to my resolution, the spirit of it is fully carried out. But whether or not consonant with the "lords paramount" there, in order that they may be free! I mean to establish there the freedom of government, and not the freedom of the cut-throat. I mean to extend the laws there, and leave it as free as God and our institutions leave it, to bring itself into this Union according to the principles of our confederacy.

I did not rise to discuss this bill, but I am not to be misrepresented. I know the fevered feeling on this subject, and I am not ignorant of the attempts to fan it. It has been said that it is a bill in accordance with the views of the Senator from South Carolina. Much as I respect that gentleman, I do not think that the bill is better or worse for meeting his approbation, farther than I rely on his great experience. But why did the Senator from Connecticut speak of the bill as having received the sanction of the Senator from South Carolina, unless he meant the people of the North to believe that it must be a little worse on that account? Is it anything the worse for having received the sanction of the Senator from South Carolina any more than it would have been if it had received the sanction of the Senator from Connecticut or the Senator from Rhode Island, or a Senator from any other section of the Union? We all know that the Senator from South Carolina has his peculiar views, but I will do him the justice to say, that upon this committee he exhibited every disposition to be conciliatory, and to yield as far as he consistently could yield. Such, indeed, was the spirit manifested by all the members of the committee. They brought forward the best project which, on the whole, they could present. The Senator has asked, if I approve the bill? I do with my whole heart. For one, I could go much farther. The bill does not meet all my views; but the constitution itself was made up of compromises on this subject, and all our action with regard to it must be in the same spirit.

Mr. HALE rose and was about to address the Senate, but yielded to

Mr. CORWIN, who said, I wish to submit to any member of the committee one or two questions to which it is very desirable to myself, and I dare say to many others, that a reply should be given before we are called upon to vote on this bill. The bill, with what propriety I will not undertake to say, has been described by the honorable chairman of the committe as a compromise bill. It will be in the recollection of every Senator, that during the discussion upon the Oregon bill which gave rise to the proposition that laws should be made for all these territories together, there was one point of law discussed by several gentlemen on both sides of the chamber. The honorable Senator from South Carolina, if I did not misunderstand him, maintained, that by the constitution of the United States it was incompetent for Congress to enact that slavery should not exist in the territories; and that it was equally incompetent for any territorial government of any sort that might be erected there to make such a law. I understood my honorable friend from Georgia on my left [Mr. BERRIEN] to maintain the same proposition, in the same identical terms. Now, I supposed, that after that discussion, when the whole question had been submitted to this committee, constituted chiefly of gentlemen learned in the law, they must have revolved in their minds and discussed in their retirement, this fundamental proposition, lying at the bottom of all our action. I did expect—though perhaps I was wrong in entertaining that anticipation—that we should have had a detailed report from that committee, resolving that radical question for the benefit of Senators who might not be able, in consequence of their not being learned in the law, to give to the proposition that degree of attention which it deserved. If it be true, as was maintained by my friend from Georgia, for whose legal acquirements I entertain so much respect, that I can scarcely trust myself to differ from him—that Congress can make no such law—why, then, I presume that the objection urged by the Senator from Connecticut, on the other side of the chamber, falls to the ground. I rise, then, for the purpose of asking of the learned gentlemen who were occupied so assiduously for some days in the examination of this important question, and who must have known, before they retired, that if this grand obstacle could be removed, we should have no difficulty at all in passing such a bill, whether they made any investigation on that point; and if so, whether they are at liberty to disclose the result of it to the Senate?

Again: I wish to be informed from these gentlemen learned in the law—for I have not turned my attention to the particular statuary provisions on this point, how it is that an appeal and writ of error shall lie from the superior judicial tribunal established in the territories, to the Supreme Court of the United States? The gentlemen of the committee, having, as I supposed, very sedulously directed their attention to the subject which divides us here—the subject of slavery—I wish to know whether, when this law comes to be put in operation, the committee have found with certainty that the question of slavery, as it is usually brought up in courts, can be brought by a writ of error before the Supreme Court of the United States without some specific legislation? For instance: I believe that in the law which regulates writs of error and appeals from the circuit courts of the United States to the Supreme Court, it is provided that the value of the thing in controversy must be at least two thousand dollars exclusive of costs. I have been told, informally, that the provision in this bill, allowing writs of error and appeal, was made to satisfy any gentleman that it was the intention of the committee to withdraw this controversy about the power of Congress to make laws for the territories from the Congress of the United States—to withdraw this constitutional question, in other words, from Congress, and submit it to the judicial tribunals of the country. Now, if that be so, and if that would be the effect of the bill in case it were enacted, I wish to know if a man go into one of these territories with a slave, whether the object of the bill is to raise the question whether that sort of property, without law, can be carried into a territory where there is no law, and if so, how it is to be carried into effect? Under the existing law I suppose the slave would ask a writ of *habeas corpus*, and require his master to produce him in court, and show the cause of his capture and detention before one of these territorial judges. The territorial judge, according to this bill, is to be appointed by the present Chief Magistrate of the United States—a fact which I beg to mention for the information of gentlemen north of Mason and Dixon's line. This judge will decide—if he believe the constitutional law to be as the gentlemen from South Carolina and Georgia maintain—that the master has a right to the services of the slave, who will be accordingly remanded into the service of his master. But in what way in which the case elaborates itself out into a judgment, and how it is proposed to bring it before the Supreme Court of the United States, so that it may be decided by the highest judicial tribunal in America. How is it to come here? Is the property in controversy of the value of two thousand dollars? What is the value of a slave? My learned friend from Georgia smiles. Perhaps, I may not be so familiar as he is with the value of that kind of property. But if he can listen to me with the gravity which I think the subject demands ——

Mr. BERRIEN.—(In his seat,)—The gentleman is entirely mistaken.

Mr. CORWIN.—I withdraw the remark. How is the value of a slave to be ascertained. We are told that there is no property in the negro but simply a claim to his services. What then is the value of his services? It may be more or less according to the judgment of men; but very few slaves I believe sell for a thousand dollars. If then the value of the slave do not reach two thousand dollars, his fate is decided by this judge appointed by the President of the United States, who sits in his court fifteen hundred miles from Washington City. This is the final judgment.

I may be wrong in all this. But certainly, as the case now stands, if such a case come within the category of the bill before us, I have difficulty in perceiving how it can be brought here. I say nothing now of the great advantages that will accrue to the slave population which may be carried there, in consequence of their having such an easy and facile method of bringing their case before the Supreme Court; nor of the perfect equality between them and their master, as respects the giving of the requisite security for costs; nor of the ease with which they can attend the Supreme Court of the United States, after a journey of fifteen hundred miles during the winter, to hear the decision of that tribunal as to whether Cuffee or his master is right in the matter! But it does seem to me that there is here an anomaly worth looking at about the noon of the nineteenth century. I do not rise, however, to discuss the question, but simply to ask the learned gentleman from Vermont, or any other gentleman, who has given attention to this legal question, to favor me with a reply to those interrogatories which I have now respectfully submitted. I should also be very happy to be informed as to the amount of population in Upper California and in that described in this bill as New Mexico. I believe we have pretty accurate statistics in relation to the population of Oregon. But I am somewhat at a loss to know why a distinction has been made between Oregon and the territories of California and New Mexico. I should be very happy to know why the people of Oregon have been regarded as capable of making their own laws, while the people of California and New Mexico have been deemed incapable.

Mr. CLAYTON.—The committee thought in view of all the facts, that the people of California and New Mexico were not now in that state which fitted them to elect a delegate to Congress, or a territorial legislature. The gentleman, as a northwestern man, knows, that many of our territories in the first instance, had just such a form of government extended over them as is proposed in this bill for California and New Mexico. The next stage of territorial organization we have given to Oregon, and I think my friend from Ohio must admit that the character of the population of New Mexico renders them utterly unfit for self-government.

Mr. CORWIN.—Will the Senator from Delaware allow me to ask another question? Why does he consider the people of New Mexico unfit for self-government?

Mr. CLAYTON.—They are entirely too ignorant, and the gentleman probably knows that as well as I do.

Mr. PHELPS.—I do not rise for the purpose of discussing this bill, but to answer the inquiries of the Senator from Ohio; which were, in half, at least, addressed to me. But before I pro-

ceed to answer the questions directly, I beg the privilege of saying in the outset, that in my judgment a great deal of confusion has been thrown around the subject from the want of a proper discrimination between the different aspects in which it is presented. It came here originally upon this Oregon bill, as a mere legislative question. The question propounded was, what legislation, under all the circumstances, would be proper for these territories? Should we, by any express act of Congress, admit slavery, or should we, by the same means, prohibit it? But in the course of this discussion it was insisted in certain quarters that the constitution itself had settled this question, and that our legislation was thus precluded—that this question is not a legislative question—that it never was and never can be—that it is a judicial question; not to be settled by us, but to be settled alone by the proper judicial tribunal. Now, suppose that we pass the Wilmot proviso—that we enact the ordinance of '87 as a part of the territorial law, this constitutional question lies at the bottom after all. Gentlemen may then insist, as they insist here now, that these constitutional guaranties cannot be done away with by legislation. The question still recurs, notwithstanding our legislation, what is to be done with it? We must go to the expounders of the constitution. The question must rest with the Supreme Court, where the constitution itself has placed it. This bill, then, leaves the question where we must leave it, because it is not in our power to decide it.

I think, then, that great difficulty has been thrown over the subject by a failure to distinguish between the power of Congress to enact municipal laws, and a constitutional question involving a construction of the constitution, with respect to which Congress have no power of exposition. Let us determine as we may the question, the constitutionality of the law is to be settled elsewhere. If this bill leave the question to the constitutional expounders, can gentlemen complain that we have not attempted to do that which the constitution has put out of our power, but have left the subject where the constitution placed it?

But the inquiry is raised, whether this subject can be brought before the highest judicial tribunal, and it is said that the bill leaves it to the territorial government jurisdiction. Well, that is inevitable. No judiciary system can be established there which does not possess that jurisdiction. It may be so connected with the ordinary administration of justice that it is impossible to deny this power to the judicial authority of the territory. But the committee have endeavored to provide that the decision of the judicial authorities of the territories shall be subject to the supervision of the highest judicial tribunal. If the honorable Senator had adverted to the celebrated Mississippi case, (the case of Slaughter,) involving this principle, he would have found how the case was brought before the Supreme Court.

Mr. CORWIN.—What was the amount in controversy?

Mr. PHELPS.—I admit that it was over two thousand dollars. But is it to be supposed that this species of population or property is to be carried to any extent into those territories without involving transactions which, in point of pecuniary magnitude, would be brought within the cognizance of the Supreme Court? But the Supreme Court possesses jurisdiction over writs of *habeas corpus*. I know that they decided in one case not to sustain the writ; I allude to the case of Barry, of New York. The only practicable rule is, that they take cognizance of the writ, where they have cognizance of the subject matter. But if they have not jurisdiction of the subject matter, they have no cognizance of any writ. The case of Barry was one of that description. The subject matter did not come within their jurisdiction. But by the constitution, and, if I mistake not, by the act of '89, the Supreme Court can issue a writ of *habeas corpus* in all cases proper for the cognizance of that court.

We insist on the part of the free States, and need hardly repeat that if the territory of New Mexico be free, as I now assume it to be, the municipal laws of that conquered or ceded territory apply until they are altered by a competent legislative power. That I hold at present to be the doctrine of the civilized world; and every gentleman from the slaveholding States will not controvert it. But they insist that the constitution is necessarily extended over these territories, because that is the political charter of the country. The argument is then presented, that the guaranties of the constitution apply to this species of property and supercede the local law of the conquered territory. Hence the question comes directly before the Supreme Court of the United States, and no man can doubt that any process which is adapted to the case calculated to bring its merits before that Court will be sustained by them. I have never supposed that the jurisdiction of the Supreme Court over this subject would be disputed. It may be brought up in a variety of ways. It is a very poor compliment to the constituents of the Senator from Ohio, or to mine, to suppose that any pecuniary difficulty can be interposed. The question can very readily be tested. I hold that if the question arises, the constitution gives the Supreme Court jurisdiction over the matter without reference to the value of the thing in controversy; and that wherever the Court have jurisdiction over the subject matter, they have of course jurisdiction over all the means necessary to bring it before them.

Mr. WESTCOTT.—I desire to make an inquiry of the Senator from Vermont with regard to the provisions of this bill which relate to California and New Mexico. If I recollect the phraseology of the bill, it declares that the governor, secretary, and judges, to whom is given the legislative power in those territories, are prohibited from adopting any legislation respecting slavery. The query which I wish to put is this: whether the words "respecting slavery" relate merely to the inhibitiou or exclusion of slavery, or a positive and direct admission of slavery in express terms; or whether—and this is the point to which I would particularly direct his attention—whether the phrase is intended to prohibit the legislative power from passing any of those enactments for the punishing of slaves for crimes and misdemeanors, as distinguished from the punishment of crimes committed by other persons, which, in every slaveholding community, have been found essential to the safety of such community.

Mr. PHELPS.—I will answer the Senator as far as I am able; and I will here remark that the language of the bill will speak for itself. I believe I was the first person who suggested this restriction, and for reasons which I need not explain. My purpose was—and such I understand the provisions of the bill to be—to prohibit the enactment of any law which should recognize or directly or indirectly establish the institution of slavery in the territory, and of course it would prohibit the enactment of any law which should forbid its establishment. My purpose, and I believe the purpose of the committee, was not to entrust this troublesome question to the appointees of the President, but as far as it was a subject of legislation, to leave the power, as it is now, in Congress. If we were to entrust this duty to the constituted authorities there, it would never be exercised in a manner satisfactory to the people. But so far as respects the punishment of offences, great or small, it never entered into my conception that this bill would inhibit proper criminal enactments.

Mr. WESTCOTT.—The Senator does not touch the question which I propounded. He is aware that in all the slave States it has been found necessary to have laws for punishing slaves distinct from those which apply to the white inhabitants. The question I ask is, whether this distinctive character of the law is to be established there?

Mr. PHELPS.—I was about to say, that in my judgment, whatever penal laws are enacted by the legislative power of the territory must be uniform. I certainly do not understand, that under the color or in the form of criminal legislation they could distinguish between persons held in servitude and other citizens; because, if the power is allowed to distinguish between those persons and others, there is no limitation upon the exercise of the power as to the extent to which it may be carried.

I think the question of the Senator is answered, by saying that the purpose of the committee was to leave the institution where it has been placed by the constitution of the country; to retain the power over it in that tribunal, from which we have no authority to withdraw it.

Mr. NILES.—I understand the Senator from as giving it as his opinion that the territories of New Mexico and California are now free territories. I should like to know what was the opinion of a majority of the committee on that point. The Senate will see the importance of this from the inhibition of any action of the local government upon the subject. The existing law, whatever it is, is not to be disturbed. Another question, and that is, whether Congress, in establishing these temporary governments, and giving to the local governor the power to veto the territorial legislation, has parted with its jurisdiction over the subject, or whether we will still be at liberty to pass laws in relation to the subject of slavery, or any other subject, to be applied to the territories. If we still have this power, then there is nothing settled; if we have not, then, as the local authorities are prohibited from acting upon it, the question which I first raised becomes still more important, because the existing law must remain as it is. The local authorities cannot act, and if Congress divest itself of the power, there is no way in which the subject is to be controlled until the territories become States. All, I believe, will admit that Congress has exclusive jurisdiction over these territories, and they may exercise it in one of two ways: they may either make laws directly applying to the territories, or they may constitute a government there. The latter has been the course of action heretofore in regard to territories; and when Congress does this in reference to municipal matters, divesting themselves of authority, and constituting local tribunals, I wish to know whether it is considered that the power of Congress is exhausted.

Mr. BALDWIN.—From the views which have been expressed by members of the committee who have spoken upon the subject, as well as from the reading of the bill which they have presented to the consideration of the Senate, it would appear that the legislated contemplated by the committee as proper for New Mexico and California is very different from that which the committee have contemplated as proper for the territory of Oregon. It has seemed to me, sir, from the first, that there was no proper basis for connecting, for any purpose, the interests of the people of Oregon with the interests of the people of New Mexico and California—territories acquired as the fruits of the war in Mexico. When this bill was referred to the committee, it was a bill for the organization of a territorial government for the people of Oregon, and for them alone. I, for one, am not willing to admit that there is any question here, as it respects the different portions of this Union, of a purely local character. In the remarks I had the honor to submit to the Senate at the commencement of the discussion of the Oregon bill I stated, that in my view the question

was a national question, and should be regarded as a national question, and that we should adopt a form of government for the Oregon territory, with a view to great national purposes, with a view to the interests of this republic as well as to the interests of the people of that territory. I am unwilling now, sir, to regard it as a question of any other character, and I think, therefore, that there is an impropriety in connecting the question as to California and New Mexico with the question of forming a territorial government for Oregon, because upon the very face of this bill, there is an admission, an acknowledgement, that we regard it as a question between the North and the South, which is to be settled irrespective of the interests of the whole community, irrespective of the interests of each particular portion of the territory for whose government we are now called on to provide. Sir, I regard these territories as standing upon a different footing, in many respects, in regard to the legislation which it may be proper for us to adopt. We were informed the other day by the distinguished Senator from South Carolina, who is a member of this committee, and who has occupied heretofore, during the discussion between this and a foreign government in regard to the title to Oregon, a position which caused him to direct his enquiries to the origin of the title of this government to that territory. We were informed by him, that he regarded our best title to the territory of Oregon as being derived from the cession by France of Louisiana; and in looking to the correspondence which took place between the distinguished Senator, then occupying a prominent place in the administration, and Mr. Pakenham, the British Minister, I find that the honorable gentleman is right in his recollection in regard to the view which he then maintained, although upon other grounds, the title of the United States might be sustained, this certainly occupied a prominent place.

[Mr. BALDWIN read from the documents accompanying the message of the President to Congress in 1845:]

Now, at the time the resolution was passed for the admission of the State of Missouri, there was inserted an express provision, that in regard to all the territory acquired by the cession of France under the treaty for the cession of Louisiana, it should be forever subject to the ordinance of 1787, If then there was a compromise by which all the territory north of 36° 30' which was acquired by the cession of Louisiana should forever be free, why connect Oregon in a bill for the organization of territorial governments with territory since acquired by conquest from Mexco? The compromise, commonly called the "Missouri compromise," exhausted itself in this territory which is now Oregon, and in that territory which has since been organized into States lying south of the line, that designated the division between the free and the slave States. Oregon was then the subject of compromise. The fruits of that compromise have been enjoyed by the South. If our best title to Oregon is the title derived from the cession of Louisiana, I ask gentlemen who profess to be benefitted by the Missouri compromise, why not in fairness suffer the Oregon bill to stand by itself, and suffer the prohibition of slavery to be incorporated in the bill, irrespective of any required concessions, in regard to territory to which the United States had then no title, but the title to which they have since acquired. Is it fair, is right, that those who insist upon adherence to the Missouri compromise should call now upon those who compromised on that occasion, to make a new compromise with respect to territory since acquired? The resolution now stands on your statute book, it has remained unrepealed from that time to this, it still applies to the territory of Oregon. Why then, I ask, correct this legislation relative to the different territories? I rose for the purpose of moving that all that part of the bill which follows the 20th section be stricken out, so as to leave within the bill that only which provides for the government of the territory of Oregon.

[Mr. HALE here addressed the Senate at some length. A report of his speech will be given in the Appendix.]

Here there were general cries of "question!" question!" amidst which—

Mr. JOHNSON, of Maryland rose to inquire whether it was the purpose of the Senator from Connecticut to provide territorial governments for California and New Mexico, or leave them without any until Congress again assembled?

Mr. BALDWIN.—My purpose is simply to disencumber the Oregon bill and the people of Oregon from any connection with the territorial governments proposed for New Mexico and California. My purpose is to consider the bill by itself, as it was pending before the Senate when it was referred to the committee of eight. It appeared to me to be unjust to the people of Oregon to convert their interests with those of New Mexico and California.

Mr. CALHOUN.—I rise to make but a single remark. Every Senator must know that the decision in this amendment will determine the fate of the bill.

Mr. DAVIS, of Massachusetts.—I rise simply to express my wish that my friend from Connecticut would withdraw his amendment.

Mr. BALDWIN.—I have no objection to withdraw it for the present.

Mr. BUTLER.—Let me ask the Senator from Connecticut whether he would consent to any legislation in reference to either of these territories that did not explicitly contain a prohibition of slavery?

Mr. BALDWIN.—In answer to the Senator from South Carolina, I feel called upon to state frankly that I could not consent to the organization of government for any territory now free, in which a security against slavery should not be provided.

Mr. BERRIEN.—I understand that the Senator from Connecticut is willing to withdraw his amendment for the present, reserving to himself the right of moving it at some future time.—The question is whether it is in the power of the Senator to withdraw the amendment after the yeas and nays have been ordered upon it? Now, much as I desire to see the amendment withdrawn, and the discussion relieved from the question which it presents, if we are to meet it, I prefer to meet it now; and I therefore object to the withdrawal of the amendment.

There were then renewed cries for the "question;" and the yeas and nays were taken, with the following result:

YEAS—Messrs Baldwin, Bradbury, Chalmers, Clarke, Cooper, Davis, of Massachusetts, Dayton, Dix, Dodge, Iowa, Fitzgerald, Greene, Hale, Hamlin, Miller, Niles, Upham, Wales, Walker—17.

NAYS—Messrs Allen, Atchison, Atherton, Badger, Bell, Benton, Berrien, Borland, Bright, Butler, Calhoun, Cameron, Clayton, Davis, of Miss., Dickinson, Dodge, Wisconsin, Downs, Foote, Hannegan, Haywood, Jarnagin, of Md., Jarnagin, of Tenn., Johnson, of Ga., King, Lewis, Mangum, Mason, Metcalfe, Pearce, Phelps, Sebastian, Spruance, Stockton, Turney, Underwood, Westcott and Yulee—31.

So the proposed amendment was not agreed to.

Mr. HAMLIN.—I am admonished, Mr. President, by the whisperings within these walls, that we are to be pressed to a decision of this great question at the present sitting. If, therefore, I would offer any suggestions, which will control my vote and command my action, I must embrace the present as the only opportunity.

The question which we are now called upon to decide is of momentous importance. Yet from its decision I have no disposition to shrink. It is, indeed, startling, that in the middle of the nineteenth century—in this model republic, with the sun of liberty shining upon us, and while the governments of Europe are tottering to their base, from the lights reflected from our own, and while they are striking down the shackles of tyranny over the minds of men—we have been gravely discussing the proposition, whether we will not create by law the institution of human slavery in territories now free. Such, in direct terms, has been the question which we have had before us; such is the issue, in fact, now. Sophistry cannot evade it—metaphysics cannot escape it. If there have been those who have heretofore believed a discussion of this matter premature, all, or nearly all, have declared a willingness to meet the issue when it should be practically presented. That crisis is now upon us, and, as men faithfully representing the constituencies who have sent us here, we must meet it. I had hoped—nay, I had believed—that there were those common grounds of concession, union, and harmony, dictated by a lofty patriotism, upon which all would meet, and by which we would settle this vexed question. Of all things, I have been desirous that we might be able to arrive at such a decision of this matter as would quiet the public mind, and be just to all the people of all the States.

The character of the debate, connected directly with this subject, within the last few weeks, must necessarily associate itself with the question immediately before us for our decision. This bill sprang from that discussion. They are one and the same. That was a bill for the establishment of a government for the territory of Oregon. This includes also the territories of California and New Mexico. As there is no connection in these matters, I had hoped to have seen each bill presented by itself—to stand upon its own merits, or fall upon its demerits. That the Senate has decided that they shall not be separated, and we must meet it as it is presented. I will state the reasons why I am compelled to withhold from it my vote.

We have acquired the territories over which this bill extends. They are embraced within the Union, and it now becomes our duty to legislate for them. It is proper and just that we should extend over them the laws of our country, and adopt such other legislation as the case shall demand. It is a solemn and responsible trust committed to our hands. We are about to shape and mould the character of these territories, which in time shall become a mighty empire. Their destiny is in our hands; the responsibility is upon us. Whether that country shall present all the elements of a free government, in which man is elevated as an intellectual and moral being, or whether the despotism of slavery shall imprint its soil, are matters depending entirely upon us. Let wisdom guide us in the path of duty, and let not the light of the past be lost upon our action. We must act; it now presents a point from which no man can shrink. The issue cannot be avoided; and let no one imagine that an intelligent public can doubt as to the character of that issue. No matter in what form presented it will be clearly understood. True, the bill, like the proposition discussed by the Senate, does not profess to establish slavery by law. It leaves it to extend itself by the "silent operation" of the law without restriction. It does not guarantee it, but will it not permit it? and, after it has found an existence, will it not demand a guarantee? Thus, without inhibition, will it not become certain and fixed by the process of time? Is it too much that freedom of the soil shall be asked and demanded from this aggressive march of slavery? I solemnly believe that this bill will allow of the extension of slavery, as certainly as if it created it in express words. The bill, as I understand it, concedes practically all that the ultra doctrines of the South demand, or will, in its operations, end in that.

With such a bill as this, I cannot hesitate to give the aid of my voice and my vote to arrest it. To know and understand the views of those who sustain it, will enable us to judge of its merits. The public mind will be startled through all the North; it will thrill through all the country like an electric shock, that the acquisition of territory from a foreign power, necessarily subjects it to the institution of slavery—that the flag of this Union carries that institution with it wherever it floats. This is a new principle in the doctrines of slavery propagandism. It is not the doctrine of the founders of the republic. Democracy has been called progressive, but my word for it, she goes along in the old fashioned stage coach style, while this doctrine of slavery propagandism has mounted the railroad cars, if it has not assumed the speed of electricity. I repeat, that it will startle the North when it is known that it is gravely discussed here; that the constitution of the United States, whenever it extends over territory which we may acquire, carries with it and establishes the institution; that it in fact abrogates the laws of the free, and gives in stead the power of servitude.—This is a doctrine of a latter day. It is not the doctrine that accords with the sterling patriotism of the founders of our republic. Far from it! While such are the views of aggressive slavery, which are promulgated here, it makes our path of duty as clear as sun-light. We must prevent this tide, by positive law, from spreading over our free soil. This extraordinary demand of this power leaves us but one course to pursue. We shall be faithless to ourselves—faithless to those we represent—faithless to our country, the age in which we live, and the principles of Christianity, if we falter. We have but to press on, and if, from any or various influences which shall be brought to bear against us, we shall not succeed, or shall suffer a partial defeat, yet

> "Truth crushed to earth shall rise again—
> The eternal years of God are hers—
> While Error wounded, writhes in pain,
> And dies amid its worshippers."

While I do not admit the force or justice of these demands, so pertinaciously insisted upon, yet they must be met, or they will be certain to prevail. In my judgment these doctrines are not deduced from the constitution, but are in derogation of its letter and spirit—that instrument is in all its terms, and in all its scope, an anti-slavery instrument. It was conceived, it was enacted, it was approved by the States of this Union, not in the spirit of extension or creation of slavery, but in a spirit which looked to the future emancipation of the slave in this country. It looked not to the extension of the institution, but to the time when this anomoly in our system of government should cease to exist.

I do not propose to follow gentlemen who have discussed this point at length, nor do I propose to detain the Senate with the views and opinions which I entertain, and which I have drawn from the constitution, and which have brought my mind to a different conclusion. It is necessary, however, that I state briefly my views; that I state the points without attempting to elaborate them. I deny then utterly and entirely this new doctrine which has been presented to us, that the constitution of the United States contains within its provisions a power to extend and establish over territory now free, the institution of slavery. If I understand the argument upon which it is based, it is simply this: that these territories are the property of the people of the United States, that as such they are open to settlement by all the people of the United States, and that as the constitution recognized the institution of slavery at its adoption, it therefore authorizes the institution in those territories which belong to the United States, and in which the people of the United States may wish to reside with their slaves. The constitution does recognize slavery as existing, but it does not create or establish it. Article 1, section 2, says:

> "Representatives and direct taxes shall be apportioned among the several States which may be included within the Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons."

This surely is not establishing slavery by the constitution—it makes slaves a basis of representation and taxation. That is all. But in another place the constitution declares. Art. 4, sec 2.

> "No person held to service or labor in *one State by the laws thereof*, escaping into another, shall in consequence of any law or *regulation* therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

From these extracts it would seem to be perfectly clear, that the constitution does not create or establish—it only recognizes a class of persons held to service in the States by "the laws thereof," not by virtue of the constitution. That clause, when fairly construed, is only an inhibition upon the free States, that they shall not pass laws to prevent the owners of slaves from reclaiming them. The argument that slavery is recognized by the constitution is used as equivolent to establishing. The laws of the State do that, not the constitution. It is a State institution resting on the local law of the State, without the aid, without the support, without the maintenance of the constitution in any way whatever. Yet in the face of all this, it is contended and attempted to be proven by metaphysical reasoning, that the constitution extends beyond the States in which slavery is established; that it carries it into free territories, and guarantees it there. Can this be so—and if so, where will the power end? If the institution is one which has its foundation in the constitution, and not in the law of the States, where is the limit to its extension? What is the next step in the application of the argument? After you have overrun your territories, what power can prevent the slaveholder from coming into the free States with his slaves? If his right is a constitutional one—if he rests his claim there, and is correct, a State law could not effect him, because it would be in conflict with the constitution. I cannot see how this conclusion can be avoided. If the premises are correct that result must follow. But I neither admit the premises or the conclusion. The constitution gives no right, it creates no right, it merely recognizes a right which is created by the laws of the State. That it is a local institution there can be no doubt. The courts of nearly all the States have so decided. Authorities to any extent could be cited—they are familiar to all.

I hold that the constitution in and of itself, by its express language, authorizes Congress to inhibit this institution in our territories. I hold the article in the constitution which gives to Congress the power to make all needful rules and regulations respecting its territories, includes full and absolute authority over this whole matter. What is the language of this clause of the constitution.

> "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States."

What is this grant of power?

First. Congress may dispose of its public domain. Second—it may make all needful rules and regulations respecting the territory, or other property of the United States. To dispose of is to give, grant, or convey the public lands; but to make all needful rules and regulations, implies and carries with it full and ample power of legislation, in all cases where the constitution does not otherwise prohibit. There can be no doubt as to the meaning of the terms rules and regulations. The constitution itself interprets them. A law is defined to be "a rule of action prescribed by the supreme power in the State." The constitution gives Congress power to regulate commerce—to make rules concerning captures—to make rules for the government and regulation of the land and naval forces. It also provides that persons escaping from one State to another shall not be discharged from service in consequence of any law or regulation therein. In this case both terms are used—all needful rules and regulations—to give the widest scope to the power. But it is said that the concluding words in the clause quoted "and other property" limit and confine our legislation over the territory to the same as property. Grant that our territories are denominated as property, whether inhabited or not, does not the same power exist to pass all needful rules and regulations for its settlement and its final admission into the Union as a State. The power is clearly within the scope and meaning of that clause. The history of the manner in which that clause became a part of the constitution, would settle the question if there could be a reasonable doubt. In the articles of confederation by which the States were united, before the constitution was formed, no such power was found. This grant of power was therefore made, in the forming of the constitution, for the purpose of giving Congress the power. The doings of the convention and the declarations of Mr. Madison are clear upon this point. But aside from this view of the case, we have the uninterrupted use of the power by the general government for about sixty years. Hardly a Congress has existed which has not acted upon this power from 1787 to this time. This power has been exercised by Washington, Jefferson, Jackson, and Van Buren. The Supreme Court of the United States has settled this question. Congress has already exercised the power, and that power has been declared valid by the Supreme Court. 1 Peters' Rep., 543, Chief Justice Marshal says:

> "Whatever may be the source whence this power is derived, the possession of it is unquestionable."

In the 5th Peters', 44, again the court says:

> "Rules and regulations respecting the territory or other United States property may include complete jurisdiction."

It is contained in the bill upon which we are acting. It continues the laws of Oregon in force for three months after the meeting of the legislature. It provides in the territories of California and New Mexico that the legislative power shall not pass any laws on the subject of religion or slavery. Here we use the power in its broadest sense. We inhibit the use or exercise of any power on either of said subjects, and some others. Could there be any doubt still remaining, and if we had no grant of power in the constitution at all, there would yet be another source from which we must gather it. If the constitution were silent, as it is not, yet under that power which can acquire, we could most certainly govern. It matters little where you find the power to acquire, if you do acquire, you must have the power to govern. The first is the major, the second is the minor proposition. It would not be good sense to contend that we have a power to acquire public domain, and yet could not pass needful rules and regulations for its government. The case when stated is its own best argument. The sovereignty to acquire must contain the lesser power to govern. These are briefly the reasons which force conviction upon my mind. Casuists have been known to deny their own existence, and satisfactorily to prove it to their own minds. That may be a plausible and a practical doctrine, when contrasted with the one that we have no power to govern our territories. It is "too late" at the noon of the nineteenth century to deny that right, or for us to avoid the duty of acting.

Having the power to act what is the responsible duty which I feel imposed upon me, for I speak for none other? It is that I should exert all the power which the constitution gives to exclude the institution of slavery from our territories now free, because it is a social, moral, and political evil. That such is its character.

needs no argument to prove. They are conceded facts—supported by the declarations and admonitions of the best and wisest men of the South—

"In thoughts that breathand words that burn."

I would resist the introduction of that institution in justice to a superior race of men—to men who are capable of a higher state of social and political refinement. I would institute such governments as are best calculated to advance the true interests of our own Caucassian race, and not degrade the dignity of labor by fastening upon it the incubus of slavery. I would resist it because I would not invoke or use the name of democracy to strike down, as with the iron mace of a despot, the principles of social equality and freedom. I would not profane the sacred name of freedom, while using it, to impose a tyranny upon the minds or persons of men. Jefferson has said that "God has no attribute which can take sides with us in such a cause." The eloquent Pinckney has declared "that the earth itself, which teems with profusion under the cultivating hand of the free-born laborer, shrinks into barrenness from the contaminating sweat of the slave." Sir, my course is a plain one, and clear from all doubt. Our position is unquestionable. We stand in defence of free soil and resist aggressive slavery. And we demand enactments for the protection of free soil against this aggression. We will not disturb that institution, but we will stand in defence of the freedom of our soil as right in principle and beneficial to free white labor in all parts of our common country.

I have expressed the hope that we might have met upon a common ground upon the settlement of this question—a question which has agitated so much the public mind—and more did I hope for it when I listened to the patriotic breathings of the first lines of the President on this subject; when I listened to the language he used in his message, when he submitted the treaty of peace with Mexico to us, and called our attention to this matter now before us for our ultimate decision. When I heard that language read by the Secretary, and recalled the history of the events to which he had invited our attention, I had hoped that the spirit of the fathers of the republic had not altogether departed, that the language of the declaration of independence had not become obsolete. I had hoped that we would come up and, in the language of the President, in a spirit of forbearance and of patriotism, have settled the question in a way which would have secured the approbation of the country.

Allow me to read from the President's message:

"In organizing governments over the territories [which, with such exceptions as may be agreed upon, will be the case with all we may hereafter acquire,] we should go to every portion of our Union. I invoke that spirit of conciliation, conciliation, and compromise which distinguished the illustrious men who formed the Constitution, and which has given us the most prosperous period of our history. Let us imitate their example, and look to no sectional interest, but to the general welfare of the whole Union. We could never have existed as a nation had not this been the spirit which originally animated the different parts of the Union. It is the only spirit which can preserve it. We could never have acquired Louisiana, Florida, Texas, California, and New Mexico, had not this been the ruling principle in the councils of the nation. It has been the source of all our prosperity, and has given us the control over the destinies of a continent, and the ever-increasing means of our national greatness and of all our blessings."

This is the ground upon which we should have met and decided the question. It is in this spirit of liberal and elevated patriotism that I had hoped that this question would have been settled, and that it would not have been merged in a mere question of power or of local or sectional character. I had hoped that we would have been guided by the lights of experience.

Mr. DAVIS, of Mississippi.—I would ask the Senator, if he will allow me, whether he, as the representative of the people of Maine, is now ready, or has at any time been ready to vote for the Missouri compromise line being extended until it terminates in the Pacific?

Mr. HAMLIN.—I answer frankly, no. Because the spirit of the Missouri compromise was not the spirit which marked the wisdom of the framers of the constitution. I would not vote to extend an arbitrary line which permits the extension of the institution of slavery over a portion of the continent.

Mr. CLAYTON.—Did not the Senator vote for the Missouri compromise upon the annexation of Texas?

Mr. HAMLIN.—I did not.

Mr. CLAYTON.—He voted for the annexation of Texas—did he not?

Mr. HAMLIN.—I did not vote for the resolutions for the annexation of Texas which passed the House, nor did I vote for the Missouri compromise contained in the resolutions. A Senator from Illinois, [Mr. DOUGLASS,] then a member of the House, offered the compromise there. It was adopted, but I voted against its adoption, and against the resolutions after it was incorporated into it. The resolutions came to the Senate, and the distinguished Senator from Missouri [Mr. BENTON] offered another and distinct resolution to accomplish the annexation of Texas. Mr. H. said such was his recollection, and he would inquire of the Senator of Missouri whether he offered the resolution?

Mr. BENTON.—It is of very little importance who offered the amendment.

Mr. HAMLIN.—Yes, it is of very little importance who offered it. All knew that it originated with that distinguished Senator; for that resolution I voted; and deeply is it to be regretted that the annexation had not been accomplished as that resolution provided. The treasure of the country would have been saved and the lives of our citizens preserved. We should have had no Mexican war. I did not then vote for the Missouri compromise, and I would not vote for it to-day. I would vote for no arbitrary line, even if it took the southern boundary of New Mexico and California, running to the coast of the Pacific. I would vote for no rigid fixed line, whether upon a direct parallel of latitude or winding, because it would lead to the very difficulties which Mr. Jefferson, in his letter recognizing the Missouri compromise in 1820, alluded to with so much force, when he said that it would create sectional parties—that it would strike upon the ear like a fire-bell at night." But this line of 36° 30', running to the Pacific, has other and more serious objections to it. It would be utterly useless. The superiority of our race and its liberal institutions, with the events of the past, teach us, with unerring certainty, that our government is destined to extend over this country. Establish this line, and you doom the whole of the continent south to the curse of slavery, when it shall become a part of our Union. You establish it on a section of country over which free labor cannot pass. That will be the inevitable result of such a line. Can it be doubted that such is the design.

Mr. CLAYTON.—The Senator speaks of compromise, will he tell us what compromise he alludes to?

Mr. HAMLIN.—I am coming to that, and should have done so if I had not been diverted by these interrogatories. In the language of the President's message, I would have our deliberations consummated in "that spirit of concession, conciliation and compromise, in which the constitution was framed." Then we would have no difficulty in the settlement of this question. What is the history of the times cotemporaneous with the formation of that instrument? The constitution was adopted by the convention, September 17, 1787. Virginia, in a spirit of wisdom and patriotism worthy of her ancient fame, had ceded to the general government all her claim to the vast northwest of the Ohio river, and the lands lying within the limits of the Union. On the thirteenth day of July, 1787, and while the convention was in session to form a constitution, Virginia entered into a compact with the States, and established what is known as the ordinance of '87, forever excluding slavery from all that country. Nay, it went further; it abolished slavery there and made it free soil. I think, too, that the history of these times will satisfy all, that the noble and patriotic vote of Virginia was designed to aid in the formation of the constitution by acting upon the convention. In the same spirit of restriction, too, did that convention authorize Congress to inhibit the importation of slaves into the United States after the year 1808. This is the history of those times—this is the spirit of conciliation and compromise that mark those days; let us adopt it now and our work is done. We need not go so far in the rule which we will adopt. The ordinance was an act of abolition. I would abolish slavery in the States, and so help me God I will not abolish freedom in our territories. Let us have nothing of abolition either North or South, nor fix lines which shall divide a country without regard to its character or construction—which shall create sectional parties, the worst and most to be deplored of all. But let the character of the country be determined and settled as it shall be on its acquisition. If free, so let it remain, and so let it be preserved. If a slave territory, so then let it continue without our action. When we look at former acquisitions, it would seem that the South should not object to this manner of compromise. From our former acquisitions, seven slave States have been added to this Union, and three more of the largest class provided for to be carved out of Texas. One free State has only been added from these acquisitions. Justice to the North demands this course. What is a compromise upon which all can meet, and one which cannot create those sectional divisions which all must deprecate. If I have a desire in my heart above all others, it is that this vexed question shall be settled—that it shall be taken from the vortex of political conflicts and the people quieted. Adhere to the ancient landmarks, conform to the settled usage of the country, and such will be the happy result. So much upon our power and duty to act.

The bill before us is objectionable in its provisions, as well as in the manner in which it is presented. It comes in a triangular shape with Oregon as the base, and California and New Mexico for its side lines. Oregon has no connexion with the other territories, and why, then, are they chained and thus connected together? Why not let each stand by itself? Why make the one depend upon the fate of the other? I can see no sufficient reason. For years the people of Oregon have been demanding a government, and bill after bill has passed the other House, but as often as they have reached this body, they have been either permitted to sleep "the sleep that knows no waking," or they have been defeated by those who now claim to be the most vigilant sentinels. During this session and within a few weeks past, Congress has been admonished in a message from the President, that savage hordes were committing depredations upon the whites, and still no bill was passed. The bill was before the Senate, and in accordance with the prayer of the people of Oregon, it contained a section inhibiting slavery from the territory. It was the general impression that that section could not be stricken out. A motion was made to recommit to a committee of eight, and it was seconded, and the bill comes back to us chained to the other territories, and with that section in the bill restricting slavery in Oregon so modified, that it secures freedom for three months only after the first territorial legislature shall meet. This bill is called by some a compromise—all that I can see which entitles it to that name is, that it does provide that the laws in Oregon which exclude slavery, shall remain in force for three months. A compromise, indeed!

Mr. CLAYTON.—If the Senator will allow me, it may not be inappropriate to make an explanatition upon this point concerning which an inquiry has been made. Section 12 provides that the laws now existing in the territory of Oregon shall remain as they are until three months after the first meeting of the legislature of the territory. The Senator from Maine understands, of course, I take it for granted that is his doctrine, that the legislature of Oregon will have the power upon the subject of slavery. Gentlemen who argue as he does, argue that the territorial legislature has full power over this subject. Now take the sixth section in connexion with the 12th. The sixth section provides that the legislative power of the territory shall extend to all rightful subjects of legislation, consistent with the constitution and the provisions of this act. The gentleman holds that the legislature can consistently with the provisions of the constitution, legislate on the subject of slavery. If it can do this, it will do it. If it cannot do this consistently with the constitution, it ought not to do it. Now, take the 12th and sixth sections together, and the whole will be, I think, plain to the mind of any one. I do not see how gentlemen, advocating the opinions which are advocated by the gentleman from Maine can object to this provision of the bill.

Mr. HAMLIN.—From the explanation which the honorable chairman of the committee has given, I apprehend that I did not misunderstand the scope and meaning of the 12th section of this bill, and if the gentleman had listened to the construction which I drew from that section, taken in connection with the 6th, he would have had no occasion to interrupt me. I repeat, then, that the compromise of this bill is one which concedes that the fundamental law now existing in the territory of Oregon, shall remain in force for three months, and for only three months. That is the only concession which I can find in the bill, and if for that it is to be taken as a compromise bill, why then let it be called such. The 12th section concedes that the laws of the territory shall remain in force for three months after the territorial government shall have met. They will then cease and be no longer in force, unless the territorial government shall see fit to re-enact them, and send them here for the approval of Congress. Now, if it were intended as a compromise, why repeal all the laws of the territory? Why was the law regarding the exclusion of slavery not permitted to remain in force until the territorial legislature should see fit to change it? Sir, it is not worth the name of compromise. This is the fundamental objection. It repeals all the laws of the territory after three months, and the 17th section provides that—

"All laws passed by the Legislative Assembly shall be submitted to the Congress of the United States, and if disapproved, shall be null and void."

Thus making the legislative acts of Oregon depend on our approval or disapproval. Is it not then literally true, that this bill concedes the free principle to Oregon for only three months, after which it must depend upon action here. So I understand it.

There is to my mind another and most peculiar feature in this bill, rendering it most inconsistent in its character. It creates for Oregon a territorial government, and gives it a legislature elected by the people thereof. It is a government in which the people participate. Every—

"Free white male citizen above the age of twenty-one years, who shall have been a resident of said territory at the time of the passage of this act, shall be entitled to vote at the first election."

And it gives the legislature power over all rightful subjects of legislation. In California and New Mexico this bill deprives the people of all power, and of any participation in the government over them. It creates an odious oligarchy over the people of the most objectionable kind. It sets up a government, not with the consent and participation of the people, but rather in defiance of their just rights.

"Sec. 26. The legislative power of said territory shall extend to all rightful objects of legislation, consistent with the constitution of the United States, and the provisions of this act; but no tax shall be imposed on the property of non-residents higher than the taxes imposed on the property of residents. All the laws shall be submitted to the Congress of the United States, and, if disapproved, shall be null and void."

What good reason there may be for entrusting full power and sovereignty to the people of Oregon, while you wholly deny it to California, I do not understand. Why adopt one system for Oregon, and another for California? Is it said that the people of California are not yet suited to participate in a free government or in the enactments of laws? If such even were the fact, why wholly exclude them from all rights? But Senators know, that at this day there are some five or six thousand American citizens there, and they are ruthlessly excluded. Is their capacity for free government to be mistrusted? Is it not rather from the fact that they would set up a free government indeed, that they are deprived of all power? I know there is a mixed population in California, and so it is in Oregon, but the same limitations and restrictions which apply in one case can be applied in the other. The right of voting has been confined in Oregon to the "free white inhabitants." The same limitation may apply to California. No sound distinction can be drawn in these cases. Yet a republican government is established in one case, and an oligarchy in the others. These people were but a short time since the subjects of a foreign power, and sound policy would dictate that we should not set up a despotism over them. Is it not better to authorize our own people to participate in this government, and allow the free white Castilian race the same power? Is it not sound policy as well as correct in principle? Will it not fraternize them with our people and our own government? On the other hand, without power in the local laws by which they are governed, will they not be alien to our Union, and unfraternal to our people? It must not be forgotten that all laws which would be passed in California as in Oregon, would be subject to the approval or disapproval by Congress. This system is wholly repugnant to our form of government. It is in violation of that fundamental principle which recognizes the "consent of the governed," as the basis of government. We are told that such as the early form of our territorial governments. Be it so. It is not the form of later years. If it were the application should be uniform, not applied to the free white population of one territory and not to another.

The settlement of the question of slavery by this bill, it is said, to be determined by the Supreme Court. I think, if that be the case, this is the first instance in the history of legislation where a question purely of a political character has been transferred to the judiciary. It is avoiding what necessarily belongs to us to determine. Is this the part of wisdom, or manly dignity and firmness, to avoid the settlement of a question which is political, and which belongs to us? I think not. We are told that the Supreme Court of the United States can determine whether slavery will exist there or not, if this bill shall pass. That by the 22d section of this bill, a right to appeal is granted from the Supreme Court of the territories to the Supreme Court of the United States. Suppose it to be so. What would the right of appeal be worth practically? Suppose slavery steals in there, as it will, how can the slave avail himself of this right of appeal? Who is to aid him in the first instance, to obtain his writ of haebus corpus, on which to try the question of his right to freedom? And if he should get that process and take the first step, how could he appeal? Court would be his surety; and at the distance of three thousand miles from Washington, by what means could he reach the court? This right of appeal, if it existed by law, could have no practical effect whatever. It leaves all unsettled in fact, while two lines in a law we may pass, by simply inhibiting the institution, will settle all. But, sir, the bill in fact, does not grant even a right to appeal in a case of this kind. Though the right of appeal in certain cases is granted, it does not include this case.

The bill establishes "a Supreme Court, district court, and probate courts." The bill also provides that—

"Writs of error and appeals from the final decisions of the Supreme Court shall exist in the same manner, and under the same regulations as from the Circuit Court of the United States."

To understand correctly what are the rights of appeal granted in this bill, it becomes necessary to see in what cases, and in what manner writs of error and appeals are granted from the circuit courts to the Supreme Judicial Court of the United States. Then we can learn whether there is in fact, any thing practical in this right of appeal. This bill does not determine in words, how appeals shall be had, but refers to existing laws—granting writs of error and appeals. What are those laws? Section 22, chapter 20, regulates the manner of granting appeals from the circuit court to the Supreme Judicial Court of the United States. It says—

"That no appeal or writ of error from a final judgment in any suit in a circuit court hereafter rendered in any civil action, or in equity, shall be allowed to the Supreme Court, where the matter in dispute, exclusive of costs, does not exceed the sum or value of two thousand dollars."

The right of appeal, then, is given only when the property exceeds in value two thousand dollars. As that would be greater than the value of a person who might sue out his writ of habeas corpus, no right of appeal would exist.

But, on this poin, we are not left to the doubtful or uncertain construction of a statute, although the language of that statute is to my mind clear and positive. The Supreme Judicial Court of the United States, our highest legal tribunal, have settled and adjudicated that question. It meets this case precisely. The case to which I refer is one involving the right of appeal from the decision of the circuit court to the Supreme Court, on the process of the habeas corpus. Barry vs. Mercein et al. 5 Howard's Rep. 103. This case was decided at January term, 1847.

"The authority to issue the writ must be given by the law of the United States, or it cannot be allowed. And the only law which authorizes it is the act of 1789, which gives the power to the courts of the United States, and to the judges of them, to issue the writ for the purpose of inquiry into the cause of commitment. But it is clear that this power is limited to cases where the party is in custody under or by color of the authority of the United States, or is committed for some act done or omitted to be done in pursuance of a law of the United States, or of an order, process or decree of some judge or court thereof; or where he is in custody for an act done or omitted in pursuance of a treaty or statute of the United States. And in no other case can the writ of habeas corpus issue to bring up the prisoner, or can the court or judge before whom he is brought have the power to discharge him."

So the court has decided this case. No right of appeal could lie. If it did, every man knows that it would be utterly useless as a practical matter. It would not and could not reach the case of a person held to service—no right of trial can exist beyond the limits of the territory by this bill.

How, then, stands the case? You establish a government in California, a governor and secretary are appointed by the President, with three judges who are not removable, and to them you commit the legislative power of the territory; you deny them the power to legislate at all upon the subjects of religion or slavery! even if every person in the territory should desire to exclude the latter. You deprive the people of

the right to act at all—you refuse to act here, and one-half of the Senate nearly denying the power. Is not this virtually binding up a wall around that territory, which will and must serve as a protection to this institution? What is the origin of slavery? It is never created by law; it steals into territory, and then claims a law to recognize it. The Senator from Virginia [Mr. MASON] says:

"There never was a law in Virginia creating slavery, and I doubt if there has been such a law even in the cotton States."

Such is the fact. There is no law creating it. It exists by brute force, in the violation of the rights of every thing human or divine. Were we called upon, could we justify it, if we thus surrender up this vast country—these great principles of human freedom, and exclude from it the free white labor of the whole land? That this bill will do it, there can be no doubt, as it restricts that power which alone could prevent it. It inhibits all power in the territory from preventing the lawless spread of slavery. That inhibition will prove a guarantee. Or certain it is that while you thus prevent the use of all power to exclude slavery from the territory, it would be as certain as the decree of fate that it would steal in, as it has into all the territories, and then claiming vested rights, it would demand and obtain laws securing and recognizing it. Such has been its history in every State where it now exists; such will be the result here, if this bill shall become a law.

The Senator from Delaware gave us the extent of the area included in those territories north of the parallel of 36° 30′. I was unable to get the precise amount, but if I am right in my recollection, the aggregate of territory north of that parallel was about one million five hundred thousand square miles.

Mr. CLAYTON.—One million six hundred thousand square miles.

Mr. HAMLIN.—And that south of that parallel the area was about three hundred thousand square miles.

Mr. CLAYTON.—Two hundred and sixty-two thousand square miles.

Mr. HAMLIN.—Now, sir, we have not the Missouri compromise before us for discussion. What was the object of the gentlemen, then, in presenting that table of figures? Why did not the gentleman, in connection with it, present other facts and figures for our consideration? Why did he not state that in our free States the population is about twelve millions, and in the slave States about eight millions? Why did he not present another element—the relative proportion of territory between the free and the slave States? I have not made an exact calculation on that point, but I believe that the proportion is about as nine to four—the free States having an area of less than four and a half millions of square miles, and that the slave States embrace an area of more than nine millions of square miles, twice as great as that of the free States. Why did not the gentleman from Delaware go still farther into the statistical view of the subject, and show that even with every inch of territory down to the southern limit of California and New Mexico, somewhere between the years eighteen hundred and sixty and eighteen hundred and seventy, under the operation of the laws which have heretofore governed our increase, the population of the free States would be more circumscribed, more to the square mile, than that of the slave States?

Mr. CLAYTON.—The honorable Senator has so repeatedly called upon me that I must again answer. As chairman of the committee, I stated its proceedings. I stated that the Missouri compromise was proposed—that northern gentlemen voted against it, and southern gentlemen for it, and that if adopted the effect of it would have been to give one million six hundred thousand square miles to the North, and two hundred and sixty-two thousand square miles to the South.

Mr. HAMLIN.—I do not object to the gentleman's statement, but I merely expressed the opinion that it would be much more pertinent to the occasion, had it been accompanied by some of those interesting statistics to which I alluded.

There are other objections to the bill to which I would gladly allude, but I have already detained the Senate longer than I designed or anticipated. Looking to the lights of other days—the patriots of other times—the eloquent warnings which we have had from our Washington, Madison, our Jefferson, our Mason, aye, and from our own Pinckney, too, and all that long list of patriotic men of the South who have adorned this Union; who have pointed out the evils that would come upon us by perpetuating and extending this institution, I owe it to the constituents whom I represent, to our posterity, to all the toiling millions who are seeking an asylum in our land, to embrace this opportunity of opposing with unshaken firmness any attempt to introduce or permit this institution to flow into territory now free. Let these vast and fertile regions be preserved for the cultivation of free labor and free men, so well calculated to advance the arts of civilization. Do this, and the teeming and busy millions of future ages shall bless our acts with grateful hearts.

Mr. CLARKE moved that the Senate adjourn.

And the yeas and nays having been demanded by Mr. BERRIEN—

It was determined in the affirmative, as follows:

[illegible]

Whereupon,

The Senate adjourned.

MONDAY, JULY 24, 1848.

REPORT FROM THE TREASURY DEPARTMENT.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Treasury, made in compliance with a resolution of the Senate, showing the number of officers employed in and about the Custom House in the city of Baltimore; which was read.

SIGNING OF BILLS, ETC.

The VICE PRESIDENT signed the following enrolled bills and enrolled resolutions:

An act to authorize the [illegible] part of public reservation numbered thirteen, in the city of Washington, and for other purposes.

An act for the relief of the heirs of Moses White.

An act for the relief of Allen White.

An act to the relief of the Society for the reformation of Juvenile delinquents in the city of New York.

An act to convey the interest and to grant a quarter section of public land for the county site of Hillsborough, State of Florida.

An act for the relief of the Central Rail Road and Banking Company of Georgia.

An act to revive an act authorizing certain soldiers in the late war [with Great Britain] to surrender the bounty lands drawn by them, and to locate others in lieu thereof.

A resolution to confirm an agreement made between the Wyandott and Delawares, for the purchase of certain land by the former of the latter tribe of Indians.

A resolution relinquishing to the State of Missouri, certain trophies of Doniphan's victorious expedition.

A resolution extending the time for the erection of certain light houses.

HOUSE BILLS REFERRED.

The bill from the House of Representatives for the relief of certain surviving widows of officers and soldiers of the revolutionary army was read the first and second times, by unanimous consent, and referred to the Committee on Pensions.

The bill from the House of Representatives, making appropriations for the civil and diplomatic expenses of government for the year ending the 30th day of June, 1849, and for other purposes, was read the first and second times, by unanimous consent, and referred to the Committee on Finance.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed a resolution "that the President of the Senate and the Speaker of the House do adjourn their respective Houses on Monday, the 31st day of August next, at 12 o'clock meridian," in which they request the concurrence of the Senate.

SIGNING OF BILLS.

The VICE PRESIDENT signed the enrolled bill to make Bangor a port of entry for ships or vessels coming from and beyond the Cape of Good Hope.

And an act to authorize the Secretary of the Treasury to make a compromise and settlement with the securities of Francis D. Newcomb, late surveyor general of the State of Louisiana.

And they were delivered to the Committee to be presented to the President of the United States.

THE COMPROMISE BILL.

The Senate resumed as in Committee of the Whole, the consideration of the bill to establish the territorial governments of Oregon, California, and New Mexico.

Mr. CLARKE.—From my peculiar position in relation to this matter, having been placed upon the committee, from which this bill is reported to the Senate, I feel it to be my duty to explain the course which I have taken, and which I shall take, in regard to the bill. On the morning when the Senate was about to elect the select committee, to whom was to be referred the subject of considering the territorial bills for Oregon, New Mexico, and California, a [illegible] Senator on this side the chamber expressed a wish that I should be a member of that committee. I declined for the reason that my health would not enable me to undergo the fatigue, and also, because I proposed about that time to return home to my family, hoping that a slight relaxation from my duties here would restore me to my accustomed health and strength. I referred the Senator to my colleague as more able than myself, and better fitted to execute the responsible duties which must devolve upon the committee. I foresaw the difficulties which surrounded the subject, and desired most sincerely to avoid them. Immediately I went to the other end of the capitol to see a friend, and whilst there the committee was elected. When I returned, I understood I had been chosen a member of the committee, and was about declining to serve, when several Senators dissuaded me from that purpose. I consented, much to my own discomfort, to remain and serve as a member of the committee, thereby losing the opportunity of going home, and gaining only an unlimited quantity of abuse from Mason and Dixon's line to the Aristook. The bill reported by the committee has received a laborious and deliberate consideration. It was reported to the Senate with the assent of all the members of the committee, but there were two of the committee who did not give their assent to the provisions of the bill—I mean the Senator from Kentucky and myself. The other members gave their assent unqualifiedly to the bill as reported, and to all its provisions. Since that time an additional provision by way of codicil, or *addendum* has been reported, without my knowledge or consent, limiting the time for the action of the territorial government of Oregon to three months, and providing that if the law regarding slavery shall not be confirmed within three months after the first meeting of the territorial legislature, the act shall be null and void. I have never given my assent to such a provision—indeed I did not know it was to be reported. The conclusion was arrived at after the bill was exhibited to the whole committee, and had been reported, and from such a provision I dissent entirely.

I shall be as brief as possible, sir, in what I have to say, for at this period of the session it would not be courteous towards the Senate, to detain them by any lengthened observations of mine, even if my health would permit me to stand long enough upon the floor—the last consideration is the best assurance that I shall not abuse their patience. This committee, Mr. President, you will recollect, was appointed by the Senate, peculiarly with a view to the reconciliation or adjustment of this absorbing question. One-half of the committee was composed of Senators from one geographical division of the country, and the remaining half from the other, and each half consisted of two members of each of the two great political parties. Why and for what was the committee so constituted? and to what end was it expected their deliberations should come? Was it not constituted with an expectation that local and sectional feelings should, in some degree, yield to considerations of great public policy, and that the committee should unite their labors for the purpose of endeavoring to frame a bill that should reconcile the conflicting interests of parties in regard to this agitating question? Or was it that the committee should meet together and spend their time without producing any result whatever? So far as my intercourse with the committee has gone, I have seen nothing but a spirit of harmony, urbanity and kind feeling. It is true, sir, that the gentlemen from the South desired to secure to themselves the full rights which they claimed. It is also true that we of the North did endeavor to resist the claims that were made by the South, and in the course of the deliberations of the committee many questions arose, and many were decided by yeas and nays; and finally, after great labor, a bill was agreed upon, which received the sanction of six members of the committee, and which was not sanctioned by the remaining two. The bill has been brought before the Senate to receive the suggestions and improvements which may be thought necessary to perfect it; and it is my purpose, if possible, to give to it a somewhat better shape. But, sir, the Senator from New Hampshire and the Senator from Maine, instead of aiding to improve and perfect the bill, have contented themselves with denouncing the committee who reported it. Now, I disclaim all intention of entering into a controversy upon the question of slavery in the abstract. I have my own opinion in regard to it; and that is that slavery, by the legislation of Congress, should not be allowed to pass into any territory which is now free. My State has expressed the opinion of her citizens upon this subject, decidedly and unmistakeably. I by no means say that she would interfere with that institution in the States where it is now established by law; but she looks with great distrust and alarm upon the acquisition of any territory, to which it may be extended.

Mr. President, under a full knowledge of these views of my constituents, so exactly corresponding with my own, I have acted in regard to this bill, which has been completed by the arduous and unremitting labor of the committee. Before it was reported I moved an amendment, which I shall move again to-day, and that amendment goes to recognize the fact, that by the existing laws of Mexico slavery has been abolished in the provinces or States of New Mexico and California. The amendment which I proposed, and which did not prevail in the committee, I then stated was, in my judgment, indispensible, and without it I could give no assent to this bill; and a declaration of dissent I subsequently reduced to writing and filed with the minutes of the committee. I considered that it was a point, all but conceded, that the territory of Oregon was to be unequivocally and positively a free territory, not being within the probable range of the application of slave labor according to the principles of population, soil, and climate alluded to by the Senator from South Carolina. It is conceded, I believe, that this matter, if uncontrolled, is, in a great measure, governed by geographical position; and no man of the committee believed

that Oregon was within that range, which would naturally make it a slave territory. Besides, the provisional government of that territory has enacted a law for its exclusion, which law should never be repealed by territorial legislation, without the assent and approval of Congress. Well, it was proposed to put this matter beyond equivocation or doubt, but in casting my eye over the bill, I perceive in the sixth section that, after granting the power of legislation to the territorial government, there is this expression: "All the laws passed by the legislative assembly shall be submitted to the Congress of the United States, and, if disapproved, shall be null and void." That leaves the question in regard to slavery in the territory of Oregon precisely where I did not understand it was to be placed. There is this vital and essential difficulty in regard to this portion of the bill. If the legislative assembly of Oregon, at any time after the passage of this bill, whether it be at the time contemplated by the bill, or at any other time, shall repeal the law for the exclusion of slavery as passed by the provisional government, and if the act of repeal, travelling across the Rocky mountains and the wide waste that lies between this capitol and Oregon, shall be submitted to the Senate and House of Representatives for their approval, and the Senate should be in favor of approving the law, and the other branch of Congress should be against it, then the act is not set aside, but continues and remains a law in full force. In order to meet this difficulty and to make the bill accord with my views, I propose to add at the end of the sixth section the following:

"*Provided, however*, That no law repealing the act of the provisional government of said territory, prohibiting slavery or involuntary servitude therein, shall be valid until the same shall be approved by Congress."

My object is this: that no repeal of a law so essential to a large portion of this country, so important to the North under the present excited state of public feeling, was contemplated by the committee, nor should take place without it should first receive the decided assent of Congress. With this provision I shall consider that the territory of Oregon will, in all probability, be a free territory; and I also believe that she is entitled, clearly and unequivocally, to the power of excluding slavery and involuntary servitude from within her limits. I believe it was the understanding of all parties here, at the time of the admission of Texas, that Oregon should be a free State as an offset against the increase of slave power which would necessarily follow from the annexation of Texas. The North has lost, by the surrender of a large portion of Oregon, much that we had a right to expect would be free territory, whilst instead of losing at the South, we find that the State of Texas is now claiming to extend herself to the Rio Grande, and to take within her limits all that portion of New Mexico which is most valuable. Nothing is lost to the slave interest of the South, and much has been lost to the free soil of the North. But by the proviso I offer, we shall secure what we have remaining, and with this amendment, in my judgment, the bill relating to Oregon will be satisfactory to all parties.

Mr. President, when the committee were debating—and they had much deliberation in regard to these territories of New Mexico and California—there was some doubt expressed as to the fact whether, by the laws of Mexico, slavery had been utterly and absolutely abolished within all the States of that republic. It was the generally received opinion that such was the case, but I have heretofore understood the Senator from Texas, [Mr. HOUSTON,] to assert that such was not the fact. In order that it may no longer be matter of doubt, but settled beyond controversy, I have prepared an amendment declaratory of the fact, which I will offer for the consideration of the Senate—meanwhile I ask that the following decree of the President of the republic of Mexico may be read by the Secretary.

"The President of the United States of Mexico to the inhabitants of the republic:

Know ye, that desiring to distinguish the anniversary of the commencement of the year 1829, by an act of justice and national benefaction, which may contribute to the comfort and support of that unfortunate portion of the inhabitants of the republic who live in the state of slavery—that many promised the guardians so frequently and in the most solemn manner to restitute an unfortunate portion of its inhabitants in those sacred rights, which nature gave them, and thus protect and sustain the nation by wise and just laws, in conformity with what is prescribed in the fifth article of the constitutive act of the federation of the extraordinary powers with which I have been invested, I have seen fit to grant the decree—

1st. Slavery is abolished from the republic.

2d. All those who until this day have been considered as slaves, are now entirely free.

3d. When the situation of the public Treasury will permit it, the proprietors of the slaves shall be indemnified in the manner which the laws may prescribe.

Don Don. Jose. Maria Bocanegra.

Mexico, 15th September, 1829.

Vol. 3. Page 149 of the decrees of the Mexican government published by authority.

It appears that in 1829 slavery was abolished in the republic of Mexico by the then President Guerero, by this decree issued by him in virtue of the extraordinary powers vested in him by the constitution. In 1830 or 1831, the government of President Guerero was subverted and overthrown and he was put to death—and in the zeal of revolutionary excitement, the Congress of Mexico passed a general law, repealing all the laws that had been made or decrees issued by Guerero, by virtue of those extraordinary powers, and in this general repeal of all laws, this decree for the abolition of slavery was included. But in the year 1837, the Congress of the republic of Mexico passed an act having direct reference to this subject, which I will also ask the Secretary to read:

"AN ACT ABOLISHING SLAVERY IN THE REPUBLIC.

ART. 1. Slavery without any exceptions, is, and shall remain abolished throughout the entire republic.

ART. 2. The owners of slaves manumitted by the last, or by the decree of 15th September, 1829, shall be indemnified for the interest, &c.—providing only for appraisal.

Dated April, 5th, 1837.

Well, sir, such being the undisputed fact in regard to the Mexican law, in order that it may be placed beyond doubt or question in future, I propose to offer to the Senate the following amendment, to be added at the end of the word [illegible] in the 26th section of the bill—and also to a similar section relating to New Mexico, viz:

"[illegible] New Mexico [illegible] and all laws [illegible] and all laws now in [illegible] the United States to forbear to [illegible]."

There was another question, which was considered of vital importance as to these territories, whether they are to be governed by the existing laws of Mexico until others are made and sanctioned by Congress, or whether under the constitution of the United States which over-rules all law, the owners of slaves would have the same right to carry them as property into these territories, as the citizens of the free States would have to carry with them their property. It was proposed in the committee that this question should be left open. The view taken by my friend, the Senator from Vermont, and by myself was, that if such was the law, another great constitutional question was involved, that if a slave should be carried to California, and if by the laws which exist there, he could not be held in servitude, whether he would be able to sue out a writ of habeas corpus before any judge in California, and upon a decision rendered by the judge against him, also be able by this bill to carry the question of his personal liberty by appeal, to the Supreme Court of the United States. As the bill stands, it was necessary in order to carry a case to the Supreme Court that it should involve an amount equal to $2,000. But in a case of personal liberty, the question of amount involved, should not, in my judgment, enter into the consideration of the case. Whether such a case necessarily involved a constitutional question, so as to enable the appeal to be carried up, was a matter of much deliberation. It was the opinion of the Senator from Vermont and others, in which I also concurred, that it would be a subject for an appeal to the Supreme Court; the difficulty would only lay in its practical operation. The committee were divided more upon this question than upon any one of so vital importance; and as much doubt continued to rest upon the subject, I propose to offer the following amendment as an addition to the 24th section of the bill. It can surely do no harm—but may be productive of good:

"And in all cases involving the personal liberty of a citizen of said territory, or any person claiming therein any matter touching the personal liberty of any person, in any judge thereof, [illegible] United States."

My object, Mr. President, in offering these several amendments has been to endeavor to make the bill, if it shall become a law, as unobjectionable as possible.

We cannot shut our eyes to the deep interest that is felt and the strong manifestations made in regard to these important subjects. Why, sir, the charges that have been made against us have been rung, with all their exaggerations, from the broad Atlantic to the Alleghanies; and the reverberations will reach us from the more distant parts of our land. Clouds of discontent are gathering in the political horizon—they are lowering upon us—and, without invoking the spirit of prophecy, we may easily anticipate the mischiefs that will ensue if these questions are not satisfactorily settled. He who can throw oil upon these troubled waters will have done much good. I am not vain enough to suppose that office to be mine. I anticipate no such distinction; but if my humble aid can contribute to the quiet and peace of our common country I shall conceive that my labors have not been in vain.

The Legislature of the State of Rhode Island has passed strong resolutions upon this subject, and under the instructions contained in those resolutions I am not permitted to vote for the enactment of any law that will, upon any contingency, authorize the existence of slavery in the territory of Oregon: neither am I at liberty to establish slavery in any territory now free. With regard to the instructions of a legislature, I do not consider them as obliging a Senator to surrender his own well-conceived and fixed opinions. I feel, that in receiving an appointment to the high honor of a seat in this body, a degree of confidence has been reposed in my discretion and judgment, and that I may be permitted to exercise that judgment in sincerity and in honesty. Indeed, sir, I would shrink from no responsibility. But as the bill is now framed I cannot and will not give it my support, and may not, even if the amendments I have proposed are adopted—although they would certainly make the bill much less objectionable than I believe it to be now.

I have said that I did not assent to the provisions of this bill as reported by the committee, and that I reserved to myself the right to propose such amendments as I deemed advisable, and to act upon its passage as my judgment should direct. This was distinctly stated in the committee-room, and I supposed my objections had been entered upon the minutes by the Senator from Indiana. Having ascertained from him that the entry upon the minutes had not been made, at his suggestion, I drew up a declaration myself, and gave the paper to the honorable Senator, to be attached to the minutes of the committee, then in his possession. If he has the minutes of the proceedings, I will be obliged to the Senator to allow that paper to be read.

Mr. BRIGHT.—The journal of the committee is in the committee-room. I will send for it.

Mr. DICKINSON.—What the Senator from Rhode Island speaks of was all subsequent, I presume, to the action of the committee upon the bill. I heard nothing of any protest.

Mr. CLARKE.—It was perhaps not properly a protest. It was a statement of my objections and of the reasons that would govern my action upon the bill.

Mr. BRIGHT.—I did not understand the Senator as dissenting from the report, but on the contrary as consenting it should be made. Since the committee reported the bill, the Senator handed me the paper, which I have in my hand, and which can be read if he desires it.

Mr. BERRIEN.—I have no desire to oppose the wishes of the Senator from Rhode Island in regard to this matter, but the practice of referring to what took place in the committee is wrong. I beg Senators to consider how much it will embarrass the intercourse of members of committees if the proceedings of such committees shall be liable at any time to be brought into public discussion. I merely make the suggestion to the Senator from Rhode Island, without meaning to make any objection to his having the paper read.

Mr. CLARKE.—I am not disposed to violate the courtesies or the rules of the Senate. My only object is, that the matter should stand before the Senate and the country precisely as it occurred.

Mr. FOOTE.—I certainly think the Senator from Rhode Island has a perfect right to make such explanation as he may think proper, and if the reading of the paper is necessary, in justice to the Senator, it should be read.

Mr. CLARKE.—I thank the Senator from Mississippi for the kindness of his remarks. It matters but little, however, whether the paper is read or not. I will state what occurred when the committee was called together for the last time, so far as an explanation is proper.

Mr. BERRIEN.—I hope the Senator does not understand me as making an objection.

Mr. CLARKE.—No, sir; but a suggestion from the Senator from Georgia has much weight with me. When the committee was in session for the last time, and the bill, as matured, was presented for approval. I offered an amendment, which I deemed important; which amendment was rejected by the committee. I then stated that I would not dissent from the report, but that I held myself free from any committal in regard to the bill—free to offer any amendment, and to vote upon it as I should think proper. That, instructed by the legislature of my State, and knowing the feelings of my constituents, which did not differ from my own, I could not give it my support. The Senator from Kentucky also dissented from the provisions of the bill, and made the same explicit reservations; and it was to that Senator and to myself that the chairman [Mr. CLAYTON] referred, when he said that one of the committee from the South and one from the North dissented from the bill as reported. I supposed these declarations had been noted by the secretary of the committee. Finding it had not been so done, on the same day I drew up the paper, which has been referred to, declaring unequivocally my position, and the reasons that would govern my course, as stated to the committee, and as now detailed to the Senate. Having done this, I considered my position undoubted, and my right as a Senator unquestioned and unquestionable. I did desire that the paper should be read, as its purport is plain and distinct—particularly that I might place myself here and elsewhere in a true position as to my action upon so important a measure. I have not the physical strength to proceed further.

Mr. MILLER.—Mr. President: I desire briefly to express my objections to the bill now under consideration. It provides for the establishment of territorial governments in Oregon, California, and New Mexico. The reasons which induced the committee to unite these three territories in one law have not been given to the Senate. And why Oregon is found in this strange connection, I do not understand. Her history, her position, the character of her people, and their claim upon us for government, are so entirely different and disconnected from the two other territories, that I cannot comprehend the propriety of this alliance.

Oregon is a native territory—her people are our people—with the same manners, customs, and language. She had claims for territorial government long before these foreign provinces were conquered by our arms. California and New Mexico became ours on the 4th of July. Our title to them is not one month old. Many of the people inhabiting these territories do not know at this hour that they are citizens of the United States. The character of these people, and their feelings and disposition towards this government are unknown to us. We have but little information as to their local laws or customs, and of the nature of the soil and productions of the country. All the information we have is that we have acquired so many thousand square miles of territory, and that this territory is inhabited by mixed races of men, ranging from the proud Spaniard down to the unadulterated negro; but in what proportion they exist there, and what are their relative rights, we are altogether ignorant. Now, sir, I am not prepared, nor do I think the country is prepared, to say what kind of political connexion we ought to form with these strange people. Are we now prepared to say that the government proposed in this bill, which places all the power, legislative, judicial, and executive, in the hands of the same men—uniting the three branches of government in one body, is the proper form of government to trans in up these people in the ways of our republican institutions?

If I understand this bill, it authorizes the judges and governor, with the aid of the secretary, to make the laws, and then to construe and execute them. This is a strange form of government. It is neither republican, democratic, nor theocratic. It is a tri-ocracy—three in one. Now, although I am ready and willing to give to Oregon a proper government, I am not prepared to legislate for California and New Mexico. And one objection which I have to this bill is that it compels me to legislate for all or none. Is this fair and just towards Oregon? Why should her fate be united with that of these Mexican territories? Why should the free-born be associated with the base-born? Why should the free territory of Oregon be joined with the conquered territory of New Mexico? Should the native citizens of Oregon be told that the laws and constitution of their country will not be extended over them, unless at the same time and in the same bill they be also extended over the piebald races of subjugated Mexico? Is this part of the compromise? Is it the understanding of the committee that the claims of these territories upon us for government are so equal that they must stand or fall together? If so, let the friends of Oregon look to it, or another session of Congress may pass, and Oregon still left without a government. I did suppose that the friends of Oregon had found out, by this time, that there was some danger in these Mexican connexions. There was, I believe, a sort of an understanding between Texas and Oregon that they should come in the Union together—one as slave territory, and the other as free; but owing to some inattention, by not being put in the same bill, Texas got in first, and then shut too the door, and poor Oregon has been knocking for entrance ever since; and even now, she is told that she cannot come in unless she brings with her two such Mexican slave territories.

But this bill is presented to us as a measure of compromise, and in that point of view I desire to examine it. We all understand that the subject of compromise is slavery in the territories named. In looking into the bill, I find that the subject is named or referred to in but two sections of the act. In the 12th section, (which relates to Oregon,) it is declared that the existing laws now in force in that territory, under the authority of the provisional government established by the people thereof, shall continue to be valid and operative therein until three months after the meeting of the first territorial legislature.

One of the laws now in force in the territory is known to be a law prohibiting slavery in Oregon. This law, then, is continued in force for three months after the meeting of the first legislature, and then it will be abrogated by virtue of this act of Congress. This repeal will leave Oregon without any law against slavery. It is true, there is nothing in our bill prohibitory of the right in the territorial legislature to pass other laws upon the subject of slavery, and they may do so subject to the sanction of Congress; but until they do pass such new laws, there will be no law, Congressional or territorial, against the admission of slavery into Oregon. The 26th section of the bill, which provides for the legislative power in California, expressly prohibits the territorial legislature from passing any law "respecting slaves." The 33d section contains the same provision with regard to New Mexico. Thus by the prohibitions of this bill New Mexico and California are prohibited from passing any laws against the introduction of slavery into those territories. Neither is there any reservation in the bill that Congress may hereafter act directly upon that subject.

These provisions in the bill do, in my opinion, amount to an abandonment of the power of Congress over the subject of slavery in California and New Mexico. We say in effect, that we will not interfere by law, although we have the power to do so, to prohibit slavery, but let it go there and sustain itself, if it can, under the constitution. In order to understand what it is that constitutes the compromise, proposed by this bill, it will be necessary to look at the matter in difference between us at the time we referred the subject in dispute to the committee. The question that divided the Senate, and upon which we spent many days and much eloquence, was this: whether Congress had the constitutional power to prohibit slavery in a territory of the United States?

There was also a collateral question, whether, if we had the power, it would be expedient to exercise it in the case before us. Upon the question of power, I entertained no doubt then, nor now, and I am well satisfied that a majority of this Senate were of the opinion that Congress had full power over the subject. Congress had frequently exercised that power in the territories, both North and South, and the Supreme Court had, whenever the question was raised, sanctioned our laws. Yet the Senate thought best to raise a committee upon this point. I then thought, and still think, there was nothing in the question which we could or ought to compromise, unless we were prepared to yield up or to qualify a clear constitutional legislative power.

But, sir, the committee was raised. How have they disposed of this question, the question of our power to prohibit slavery in the territories? The chairman of the committee says that this bill neither affirms nor denies the power of Congress to legislate upon the subject, but leaves the question to be decided by the Supreme Court. If this be so, we are just where we started. The committee have done nothing towards settling the question in dispute, they merely refer it to the decision of another tribunal. But is the bill of that negative character represented by the chairman. I think not. Upon looking into its provisions, I find that it does

exercise the power of Congress upon the subject of slavery. It exercises the power in Oregon by abrogating the law now in force there against slavery, in three months after the meeting of the first territorial legislature. It also exercises the power in New Mexico and California, by declaring that no laws shall be passed in those territories "respecting slavery;" this inhibition of course prohibits all laws against slavery. Thus this bill instead of neither affirming or denying the power of Congress over the question of slavery in these territories, does assert it openly and efficiently, and what is more objectionable, it exercises the power all in one direction, and that is in favor of slavery. All laws now in force in Oregon are to be abrogated. While California and New Mexico are deprived of all power to pass laws respecting slavery, still more, if this bill is to be considered as a compromise, Congress is also to refrain from passing any law prohibitory of slavery in either of those territories, for it cannot hereafter be insisted upon with any fairness, that after agreeing to leave slavery unrestricted in these territories that Congress may hereafter pass laws to prohibit it there.

This bill, then, in my opinion, removes all restraint upon slavery in the territories. There will be no law, Congressional or territorial against its admission. It is left to stand or fall upon the constitution, without any law of Congress upon the subject. This I understand to be the compromise. This is making a clean field for slavery to commence operations in. There is no visible wall nor hedge to shut it out, and if it does not take possession of the field, and plant itself there with deep root and wide spreading branches, it will be because the field is not worth the cultivation. But it is said that slavery cannot be established in the territory without a positive law to sustain it. And yet there being no law in the territory legalizing it, it cannot go there.

I have no doubt of the correctness of this principle of law. We all admit that the right of the master in his slave depends entirely upon positive law. Yet we all know that slavery has and will make its way into countries where there is no positive law prohibiting it. I doubt whether slavery was introduced in the first instance into the Atlantic States—it being contrary to—by positive law. It came in at first by stealth, then by permission. It grew in because there was no law to forbid its entrance; once in it soon made friends, and created an interest and an influence too powerful to be discarded. Then came a demand for laws to protect and regulate it. Slavery is here—here without our consent—imposed upon us by England; cast upon our shores by Yankee ships, but being here it must now be protected and regulated. Thus said the slave States at the time of the formation of the constitution, and thus it was that African slavery commencing by imposition and without law, fastened itself upon the country and grew up until it is now dignified by the name of an institution, and sanctioned by the constitution itself. This non-interference policy is the true policy for the extension of slavery. "Let us alone," says the honorable Senator from South Carolina, [Mr. CALHOUN,] pass no laws against slavery in the territories, is all that the South asks of the North. This bill concedes to the South all that they ask in that particular. Slavery is, as far as Congress is concerned, let alone, and being left to work its own way into these territories, it will continue to be let alone until it finally secures itself beneath the protection of a slave State constitution; then it will be beyond our control. Again, if we pass no prohibitory law, slavery will go there under some color of right. It is insisted by distinguished Senators from the South-southeast, that, in whose opinion upon this subject the people of the South will have great confidence—that the constitution of the United States carries slavery into the territories, and will protect it there provided there be no law to interfere. Now, sir, although I believe that there is no such power in the constitution, yet others as sincerely believe that the power does exist. They will act upon their opinion, and will carry slaves into California and New Mexico, sincerely believing that their property will be protected by the constitution. Under these circumstances that constitutional question which you reserve for settlement by this bill, will become more of a practical than a legal question. Large interests, individual and social, will be involved. Sectional feelings will be aroused. The peace and safety of the Union will be threatened. Under these difficulties the supreme court may say that as Congress had not ex-reised its constitutional power to prohibit slavery in the territory, and did by way of compromise agree to refrain from passing any laws "respecting slavery," and slavery being now in the territory to a large amount, we, the judges of the Supreme Court, being also divided upon this constitutional question, will also compromise the matter by letting slavery remain until Congress shall pass a law to abolish it.

I do not see why the Supreme Court may not compromise its constitutional powers as well as the Senate. If it will endanger the Union to prohibit slavery in a territory where it does not exist, how much greater the danger to expel it after it has taken root there. Again, I am altogether opposed to throwing this question upon the Supreme Court. I consider it more of a political than a judicial question. It has for years entered into the general politics of the country. It has influenced our national policy, both in war and in peace. From the foundation of the government to this hour it has been treated as a legislative question. Here in Congress, where the States and the people are all represented, this vexed question has, through all the excitements of former times, been regulated and controlled. To send this question now into the Supreme Court for final adjustment, will be to send there all the politics of the country, national and sectional. Presidential elections, Executive judicial appointments, sectional interests, State rights and State honor will all follow the question into your courts like so many suitors and advocates.

In the course of the debate this slavery question has frequently been called a firebrand, the incendiary's torch, thrown into these halls to destroy our free institutions. But what do you propose to do with this explosive matter? To extinguish it? No, sir, you only propose to smother it for a time, to wrap it up in this law, and then send it down to the chamber below, into the Supreme Court, and there, among the deeper foundations of our political temple to let it explode. I prefer to keep this matter above ground, in the light of day, before the American people, and here in the legislative department, by a majority of the representatives of the States and people of this Union, fairly and honestly to settle the question. This will be after the example of the fathers of the republic, and in accordance with the spirit of our republican institutions. Let that majority decide the question either way, and I will be content. Neither do I believe that a decision of this question either way by Congress will endanger the Union. The people of this country have been too long in the habit of submitting to laws passed by their own representatives, to resort to nullification now. They may seek to alter or repeal them by a change of their representatives, but they never will resort to disunion in order to get rid of an act of Congress. Who believes that any respectable portion of the people of this enlightened country can be excited to revolution upon the question, whether negro slaves shall or shall not be permitted to go from the sunny South to starve or freeze to death on the mountains or in the valleys of Oregon and California? This alarm about the safety of the Union is a false alarm, and I trust that the Senate of the United States will not be frightened by it, out of its constitutional right to control this subject. But, sir, suppose we should send this question into the Supreme Court, and that that tribunal should, in a particular case, determine the constitutional point, would their judgment finally settle the matter, or even quiet future agitation? If I could believe in or even hope that this exciting question could be finally settled by the Supreme Court I would cheerfully vote for this bill. But it must be remembered that the decision upon this bill would be founded simply upon the constitutional right to hold slaves in the territory. There would be no act of Congress prohibiting or admitting slavery in the case submitted, and therefore let the opinion of the court be either one way or the other upon the constitution, the great question which we have been agitating here for months—the question as to the power of Congress to pass laws on the subject, would not be touched by the decision of the court.

That question will then come back to us—it will return with increased urgency and necessity. It will come with more force on account of the decision of the court upon the constitutional question; for that decision may be founded upon the fact that Congress not only neglected to pass laws, but agreed, as we do in this compromise law, not to pass any upon the subject; and we will then be told that slavery is admitted or rejected as the judgment of the court may be, because Congress neglected to exercise its constitutional power upon the question. It would be but a sad result of this reference to the judiciary, if it should turn out after all that the only power in this government which can control slavery in the territories is the legislative power. But again, are Senators from the North or from the South prepared to say that the decision of the Supreme Court will be satisfactory to both sections of the Union as a final settlement of this exciting subject. I have heard no opinion from either side upon this point. We all know, from past experience, that political questions of this character are not settled by one or two opinions of the court. The Supreme Court, with John Marshall at its head, solemnly decided that the charter of the bank of the United States was constitutional; yet General Jackson, and the party which he led, held otherwise; and claiming the right to construe the constitution as they understood it, overruled the judgment of the court, and substituted public opinion in its stead. Such I fear will be the fate of any opinion of the court which may be obtained under this law. Public opinion will sustain it in one section of the Union, and public opinion will condemn it in the other; and the fight will go on until Congress shall settle the question by positive law.

Permit me also to call the attention of the Senate to what, in my opinion, will be the practical operations of this law in the territory upon the respective rights of master and slave. Under this system of non interference on the part of Congress, and by virtue of the new doctrine that the constitution protects slavery in the territories, slaves will go there. It will be found scattered all over the country wherever slave labor may be profitably employed. It will soon become, in favorable locations, a dominating interest, exercising a controling influence—the master believing that he has a constitutional right to this kind of property, while the slave, accustomed from his birth to obey, and ignorant of the privilege reserved to him by this bill, to contest the right of his master.—The master's rights will be maintained as strictly and as rigorously as in any slave State in the Union. Under circumstances like these it is expected that the slave, either by himself or by his next friend, will avail himself of this law, and by a writ of habeas corpus, or by an action for false imprisonment, try the right of his master to hold him in bondage. To suppose that the slave would or could commence these proceedings for himself, is idle. He has not the power to do so, even if he had the knowledge of his rights. He will be found on some plantation, remote from any of the means of redress. He cannot take the first step to-

wards freedom without the consent of his master. His person under the control of another, without means, without counsel, and without opportunity, how can the slave commence and carry on to judicial decision a law-suit against his master? Nay! will he be permitted to do so, when that decision may destroy the right of every master in the territory? But suppose a slave, impelled by the love of freedom, should escape the vigilance of his master and find his way to one of our judges appointed under this law, and apply to him for a writ against his master. It is probable that the judge to whom the application is made, will be himself a slaveholder, and entertain the opinion expressed here by several southern Senators, that the constitution of the United States carries and protects slavery in the territory. Will the judge grant the writ, or even listen to the appeal of a slave against what he considers the constitutional right of the master? But suppose the judge be willing to hear the case, it will not be his duty to issue the writ. This, under some rules of practice hereafter to be made by the court, must be done by an attorney or clerk, and the negro will be turned over to them for his writ; and whether they will undertake the case or not may depend upon the state of public opinion in the territory at the time. We all know its controlling influence both for or against the slave, according to the latitude in which he may be found. It will be a long while before a slave, in New Mexico, will be able to settle, in his own person, the great constitutional question referred by us for final adjustment in the Supreme Court of the United States. But it is said that the slave will be aided in this matter—that he will have friends at the North—that the Senator from New Hampshire, [Mr. HALE,] will interest himself in the matter—that funds will be raised, and agents sent down for New Mexico to institute legal proceedings in behalf of the slaves, and in this way we shall soon have the question settled.

Now, sir, suppose the Senator from New Hampshire, or any other gentleman equally ardent in the cause, should undertake this mission of philanthropy, what would be the course of proceeding and what the result? He would go, I trust, in the spirit of law and order—he would go down for New Mexico to institute legal proceedings against the master, for the purpose of testing the constitutionality of slavery in the territory. When he gets there, he will proclaim his object. He tells every master that his mission is to free all their slaves—not by force, but by law, to be administered through the courts, and then asks the aid of local judges, marshals, attorneys, and witnesses in his suit. Now, whether he will get such aid or not, or whether he will be permitted even to remain there himself, will depend upon the amount of slave interest and slave influence to be destroyed and encountered by his mission. We have one or two examples of a mission of this kind, sent from a free State to try in a slave State the constitutional question of slavery.

In the year 1820, the State of South Carolina passed a law of a highly penal character against free colored persons being found on board of any vessel arriving at a port in that State. This law, I believe went so far as to doom the unfortunate colored sailor to be sold into slavery.

Under this law, a colored seaman, and a freeman by the laws of Massachusetts, being found in the port of Charleston on board a ship belonging to citizens of Massachusetts, was seized and imprisoned, and was dealt with according to the provisions of this law.

The State of Massachusetts complained of this law. She believed it to be unconstitutional, and for the purpose of settling that question, she sent one of her most respectable citizens, with power and authority, to bring a suit in one of the courts of South Carolina, for the purpose of testing the constitutionality of this law. What was the result of this message? If I recollect rightly, the agent's first difficulty was, that he could not find a lawyer in Charleston who would bring the suit. And then undertaking to bring it himself, he found all avenues to the courts shut against him, and the result was, that instead of liberating the colored seaman by due course of law, he found himself imprisoned by a mob, and from which he only escaped with life and limb by being forcibly carried off by some friendly citizens of Charleston.

I have not referred to this case by way of censure to the citizens of Charleston. I have no doubt they acted under the belief that the law was constitutional and necessary to their peace and safety. My sole object is to show how utterly futile it is to rely upon a mission sent from a free State into a slave community to settle through the courts of the latter a constitutional question affecting the safety or the legality of slave property. If the enlightened and law-abiding citizens of the city of Charleston would not permit a question of this kind even to be heard by their courts, what may we expect from the slave owners of New Mexico?

Let us also look at the operation of this law upon the master. He, as I have already said, will carry his slaves into the territory under the opinion that his property will be protected by the constitution of the United States. Honestly entertaining that opinion, and there being no law in the territory against slavery, he will feel himself authorized to resist every attempt on the part of individuals to interfere with his slaves. At the same time, others who are opposed to slavery, and who embrace the other side of the question, will deny his right to hold slaves in the territory. They will tell the slaves that they are free, and may entice them to leave their masters. Thus beset and harrassed in the enjoyment of what he considers his property, the slave owner will resist this interference, and there being no law in the territory "respecting slavery," he will make law for himself, and riots and lynch-law will settle the question. Now do southern gentlemen desire to see this state of things, are they willing to place slave property, the most timid of all kind of property, in a position where it may be constantly interfered with, and where there is no law to regulate the relative rights of master and slave? My opinion is, that this no-law-policy will not be satisfactory either to the South or to the North. The South will complain that while you permit slavery to go there, you give no law for its protection. The North will complain that you permit it to go there at all when you have the authority to prevent it.

The interest of both sections of the Union require that, before their people emigrate to these territories they should know whether they are to be slave or free territories. Do not send them there under false hopes, some with the opinion that slavery is to be protected, and others that it is to be abolished. Do not send slavery there for litigation, do not permit it to grow and spread itself there, under the hope that you may hereafter be able to root it out by the process of a law suit. No, sir, let us meet this question now openly and fairly, and declare at the very beginning of the these territorial governments, whether they are to grow up into free or slave States. It is due to the people of the territories. It is due to our citizens who may desire to settle there, that this question be settled before it becomes involved with the rights of private property, or entangled by local interests.

It was upon consideration of this character, that our fathers enacted in advance, the great ordinance of 1787 for the future government of territories and States which, in the course of time might arise out of the north-west territory. They enacted this law while that country was yet a wilderness. They impressed it upon the virgin soil, and made it an original element of social and political existence. They did not wait until slavery should go there and then eradicate it. They did inquire whether slavery could exist without positive law. They knew that the country was free then, and they determined to keep it so by positive law against slavery, and who, now, can look upon those five magnificent States, as free as they are, which have grown up under the influence of this organic law of freedom, and not admire the wisdom of that forethought, which prompted the ordinance of eighty-seven.

The Senator from Mississippi [Mr. FOOTE] asks me whether I am in favor of any compromise upon this subject. I will answer the Senator's inquiry with pleasure. I am not in favor of any compromise that will admit slavery into either of these territories; and I will now proceed to state my reasons for this position.

Slavery has now no legal existence in either of these territories. It is, in fact, prohibited in them all. They were free when we acquired our title to them. Oregon is free by nature and by the act of its inhabitants. New Mexico and California are free by the law of Mexico abolishing slavery. Now, if I agree by way of compromise to admit slavery into these territories, or into either of them, I would, by my vote, establish slavery in a country where it had no legal existence before. This responsibility I cannot assume. In taking this position I make no war upon the institutions of slavery as they exist by law in the slave States. I interfere with no man's rights, private or political; I take things as they are, leaving slavery where it has the right to be, and prohibiting it where it has no right to go. Neither can I perceive that there is any thing unfair towards the South in this. The North has heretofore, on all occasions where the territory acquired was, at the time of its acquisition, subject to slavery, yielded the question to the South. Louisiana, Florida, and Texas were all slave territories when we acquired them. We of the North did not insist that you should abolish slavery there. We objected to the annexation of Texas as unconstitutional and impolitic, but we did not insist, with threats of disunion, that slavery should be abolished in Texas as a condition to her admission into the Union.

Since the acquisition of Texas we have acquired other Mexican territories, in which slavery is abolished. Now, all we ask of you is, to extend the same fair rule to them that we extended to Texas. They are free now; let them remain so. If we consent that acquired slave territory shall remain subject to slavery, ought not you to agree that acquired free territory should continue free?—What more fair and equitable compromise than that can you expect? To demand more on your part, would be asking for slavery a double advantage, and to grant more on our part, would be to surrender the rights of free labor in all the territories. While we of the North are willing to maintain the existing rights of slavery, as they exist in the States or in the territories, we cannot, we will not aid in creating for that institution new rights and new advantages. We cannot consent to acquire territory in order to increase the area of slavery. We will not conquer free countries and then subject them to slave institutions.

There is another reason why I would not compromise the question upon these territories. It is this: New Mexico and California were acquired by war; that war arose out of the annexation of Texas; and Texas was annexed for the avowed purpose of extending and strengthening slavery. I am not willing to crown this unholy purpose with a double success, by extending slavery, not only into Texas, but also over New Mexico and California. I am not willing that the triumph of our arms in this war shall be the sole triumph of slavery. There are also other Mexican provinces lying south of New Mexico. They are well adapted to slave labor; they would make several slave States to be annexed to our Union, and if we now admit that the two provinces already conquered may be subjected to slavery, we shall hold out an induce-

ment to a portion of our people for the subjugation of all the others. I am not inclined to compromise any difficulties which stand in the way of another war with Mexico; I would rather increase them.

I am opposed to the admission of slavery into these territories for another reason. I believe its establishment there would not only be unjust to their present free inhabitants, but would also retard the growth, cripple the energies, and mar the future prosperity of the people and of the States which are destined hereafter to occupy that country. In forming the first government for our territories, soon to be States on the Pacific, we should look at the country upon which that government is to operate, we should look at its climate, its soil, its relative position to, and its future influence upon the Union. With these enlarged views, it is our duty as well as our interest to give to this school of infant communities such laws and institutions as will best train them up into great and prosperous States—States where labor may receive its best reward, enterprize achieve its richest triumph, and liberty enjoy its surest protection. We are not engaged in making a government for South Carolina or Massachusetts, but for Oregon. We are not making laws for the regulation and protection of the domestic institutions, or for the local rights of property in the several States of this Union, North or South. No, sir, we are legislating for our far distant provinces on the Pacific, and the question is what laws and institutions will best promote their prosperity, for their prosperity will best secure the strength and glory of the whole republic. I deny that the slave States are alone interested in the introduction of slavery into these territories. If it be right that slavery should go there? If slave labor will be profitable there? If the prosperity and wealth of that country are to be promoted by it? Then considering it as a mere question of political economy, we of the North are as much interested in sending slave labor there as you of the South; so on the contrary, if slavery will be a hinderance to the growth and prosperity of these territories, you of the South are as much interested to keep it out as we of the North, unless you put yourselves upon the narrow and selfish ground, that you have the article to sell, and wish to get rid of it by inflicting it upon some raw and inexperienced territory.

During this debate, Senators from the South have said that slavery was entailed upon the southern States by England, introduced there while they were yet colonies, when they had not the power to resist the imposition. They even charged our Yankee friends with aiding and abetting the cruel mother country in the perpetration of the misery. We have also been told that if slavery be a curse, that the North aided in inflicting that curse upon the South. Without stopping to inquire into the truth of this charge, I desire to call the attention of the gentlemen who make this charge to the striking similarity between the position of our colonies on the Pacific, and that of the old colonies of England on the Atlantic. The distance of each from the mother country is about the same, except ours have the advantage in the inland means of communication. Both are new countries about to be settled by freemen and improved by human labor. Both about to be impressed for the first time by the controlling influences of law and civil institutions, which will mould the character and fix the destiny of people and States. Now, sir, if it be true that England committed an enormous outrage upon the rights of humanity, and upon the best interests of her subjects by sending slavery into her colonies, how can we excuse ourselves for following her pernicious example, by sending slavery into our provinces on the Pacific? England may plead as her excuse for justification, she has now the opinions of the age and the demands for labor in a new country. But in this nineteenth century, full of light, liberty, and free labor, what apology can we offer to Christendom for planting slavery upon the distant shores of the Pacific. There is no Christian man now living who would like to acknowledge his descent, face him who by force placed the first African slave upon our Atlantic shore, and who I ask is willing to take the responsibility of planting the first seeds of slavery in the free soil of Oregon and California upon the Pacific.

The proposition to establish slavery in countries conquered by our arms, and free at the time of the conquest is a a new and startling proposition. This is far beyond and above the old question concerning the rights of slavery as they existed when our constitution was formed, or as they now exist under State institutions. With these vested rights, I have neither the power nor the disposition to interfere. It would protect them where they are as I would protect any other rights secured by law and constitution. But this new franchise which is now claimed for slavery, has neither law nor practice to support it. If we grant this privilege, we make ourselves the authors of slavery in these conquered provinces; we give to slavery new existence, new energy and a new country. We carry an exotic into fresh soil and with our own hands plant it there, cause it to grow and spread until its dark branches shall overshadow the land. To do this is to become propagators and cultivators of slavery in foreign lands, and only to be limited in our operations by the extent of the continent. To extend slavery by conquest of free soil is to make slavery one of the highest objects of national dominion, and the chief incitement to national progress. It is to place slavery above liberty by seizing upon soil in possession of free labor and converting it to the uses of slave labor. To grant this advantage to slavery will be to invest it with a progressive power, never before acceded to it by any nation, heathen or Christian.

I know of no higher political responsibility than that which rests upon legislators, when engaged in making the first laws for a new and an extensive empire. It is, if I may use the expression, a work of creation, giving form and character where they never existed before, causing the spirit of law and order to move over the solitudes of nature, and converting them into the abode of social and political life. In performing this great work for our extensive territories in the far West, I desire to give them such a government as will best secure to their citizens life, liberty, and property; as will best encourage and reward labor, agricultural, commercial, and mechanical; as will best secure domestic tranquility in them, and national strength and glory to the Union. To secure these great results, I have, after much deliberation, come to the conclusion "that there should be neither slavery nor involuntary servitude in the said territories, otherwise than in punishment of crimes whereof the party shall have been duly convicted."

Mr. PHELPS.—I rise, not to discuss the amendment of the Senator from New Hampshire, but as a member of the committee who reported the bill, I feel bound to vindicate the measure; more especially as (if I am to judge from present appearances) I shall be almost the only representative of that section of the North from which I come, in favor of the bill. It is by no means a pleasant position. It was as a matter of necessity in the first instance that I consented to act upon the committee, and to my entire regret I have discovered that the result of our deliberations has met with the most decided—the most vehement—I am strongly tempted to say—the most unreasonable opposition, from the northern section of the Union. This subject of slavery, so much discussed here, has indeed excited the deepest alarm in the mind of every man who is attached to the Union. Long before I had the honor of a seat here, the prediction had gone forth, that if the Union were to be dissolved, it would be through the agency of this agitating question. No reflecting man can regard it with other sentiments than those of alarm. No man who desires the perpetuity of this Union can avoid the strongest anxiety to terminate this excitement and, if possible, to settle this perplexing and dangerous question forever.

As a member of the committee, I felt that I had a duty to discharge to the whole country. I was not placed on that committee for the purpose merely of representing the peculiar sentiments of the people of my own State. I was placed there to discharge a duty—an imperious duty—which I owed to all sections of the country. I was placed there in order to endeavor to bring to an end the agitation of this subject, at least in this chamber. Under these circumstances, I concurred in the bill which has been presented to the Senate as a proposition of peace. And it is now my object to explain, if I can, the assertion I made the other day, that on this subject I thought I could vindicate my course to the country at large, and to my own immediate constituents.

The conferences of this committee resulted in a manner surprising to all. It has been said that extremes met here. It is true. The result of our deliberations brought the honorable Senator from South Carolina and my humble self, who may be regarded as representing the extremes of opinion, into concert. If he and I agree, surely I am justified in asking that our proposition may be considered and discussed in all quarters in the spirit of conciliation. But how is this proposition met? To my surprise and my regret, the whole catalogue of approbrious epithets has been exhausted in the attempt to heap odium upon this bill. It has been called a "skulking," "dodging," "shrinking," "shuffling," "cowardly" measure! I do not know but the term "dough-face" has been applied to each of its supporters.

Sir, all that the committee ask is a dispassionate and a candid hearing. If the bill do not commend itself to the sound, deliberate, and impartial judgment of the Senate, let it be condemned; we must submit. But I am not disposed to see the bill hunted out of the Senate like a wild beast. I am not disposed to be implicated in the cry of "mad dog," in relation to the subject. The committee are entitled to a candid and rational examination of their work.

What are the objections urged to the measure? The very first proposition, I believe, coming from my honorable friend from Connecticut [Mr. BALDWIN] is founded upon the technical objection of a misjoinder—the subject, as we lawyers all know of special demurrer; yes, mere special demurrer. I regret very much, that in the case of a measure of so great importance—involving considerations of such magnitude, affecting the interests of the whole country, the existence of our institutions and the Union—that we are called upon in the outset to argue it on the nice point of a special demurrer. My friend from New Jersey also [Mr. MILLER] complains that we have united these several bills. But, sir, is there a single provision in this bill relating to Oregon that applies to either of the other territories? Is there a provision which extends to California that extends to any other territory except New Mexico? Where, then, is the force of the objection that the committee incorporated in one bill provisions for three territories? I can answer the objection in one word. The committee thought it expedient, in order to bring the whole subject before the Senate, and to avoid the manifestation of mutual distrust by a controversy as to which bill should be acted upon first, to pin together those bills, which were originally separate, and if any gentleman objects to the union, he can, by simply taking his scissors, in one moment remove the objection, by cutting them apart.

Sir, it was but the other day that we had to meet the objection that a distinction was made between these territories; and the question was asked by an honorable Senator, "how does it happen that you have distinguished between these territories, making

one provision for Oregon and another for California?" The question is readily answered. I answer it for myself as a member of the committee, in vindication of my own judgment and my own motives as a northern man, hostile to the institution of slavery, and opposed to its further extension. The people of Oregon have already adopted my views and my opinions, in the absolute exclusion of slavery from that territory. Every consideration which bears upon the subject convinces me that they will hold of the same opinion. There will be no inducement to carry the institution there. Their condition, soil, climate, productions, and pursuits will forbid it, while the sentiments and preconceived opinions of the people who will emigrate thither will be hostile to it. With New Mexico and California the case is widely different. Those territories are debatable ground. I, for one, was not willing to entrust them with the decision of this grave question; and therefore it was that I would leave the matter to territorial legislation in one case and not in the other. But while we are called upon on the one side to answer the objection, we are met on the other by the special demurrer of the Senator from Connecticut upon the ground that we have united in one bill separate and independent provisions for each territory which neither control, interfere with, or modify each other.

Mr. BALDWIN.—The Senator from Vermont does not seem to apprehend the point of the objection which I made to the union of those bills. The objection was taken and insisted on the ground that the people of Oregon were entitled to have their bill considered irrespective of any objection which might result from any unwillingness on the part part of members who were favorable to the bill for the organization of the territory of Oregon, to vote for those provisions peculiar to New Mexico and California. I desired the bills to be separate, inasmuch as if the Senate and House of Representatives could not agree upon the provisions for the organization of all these territories, all would be deprived of government, Oregon among the rest; whereas, it standing alone, Oregon might be supplied with a territorial government.

Mr. PHELPS.—I have no doubt that Oregon is content to stand on her own rights, but I do not see how these rights are affected by having the bill providing for her territorial government connected with another measure providing for the government of another people. It would be in due season to raise this objection when it is ascertained that such difference of opinion exists in the Senate as calls for the division of the measures.

But the proposition of the committee has encountered objections of more importance than those relating merely to technical forms. The details of the bill have been misrepresented—grossly misrepresented. It has been described to the country as an odious measure; and I must be permitted to say that it would seem, from the comments bestowed upon the bill here, that gentlemen had derived their ideas of it rather from the perusal of newspaper paragraphs than from an examination of the bill itself.

My purpose in addressing the Senate is, in the first place, to vindicate myself against the charges involved in these misrepresentations; and secondly, to vindicate the bill itself before the Senate and the country. As I have already intimated, the most decided opposition to the measure which has been manifested here, has come from my own section of the country. It may be that I stand alone in its vindication, but I trust to be enabled to stand upon my own resources, and shall trust to my own intelligence for my vindication. It is well known, I presume, to the whole of these States as decidedly hostile to the institution of slavery as any section of the Union. Ultra, I may indeed call the people of that portion of the country, for they have always taken the most decided and strongest ground in opposition to it. I have had occasion heretofore to give expression to their sentiments and my own upon that subject upon this floor. Only a few days ago I expressed those sentiments in a manner, as I believe, not at all misunderstood. I professed my decided hostility to the extension of this institution to any portion of this great country under our legislative control, where it does not already exist. I maintain the same position still, and standing upon that position, I concurred in the bill reported by this committee. I will add that I will defy the world with all the ingenuity that can be brought to bear on the subject, and all its demagogueisms to show that I have abandoned one particle of the principles heretofore maintained by me on this floor, or one iota of the constitutional power necessary to carry those principles out.

I am not about to enter into a lengthened argument as to the effect of this bill. My views have been already expressed on a former occasion, and they have been reiterated by others who agree with me upon the legal principles which form the basis of my opinions in relation to the bill. At the same time it is necessary briefly to advert to them in order to show their application to the measure before us. In doing this, I beg gentlemen to understand that my remarks are intended to meet northern objections. My vindication is to be addressed to that quarter in which the charges have been made, and if in vindicating myself it should happen that I do not commend the bill to the favorable consideration of southern gentlemen, I have only to say, that understanding my purpose, they must judge for themselves of the force of what I say, and of the propriety of sustaining a measure which I fear my arguments will not commend much to their favor.

What, then, are the provisions of the bill? What, let me ask in the first place, is the condition of those provinces? That inquiry has been answered by documents read at the clerk's table this morning. These territories come to us with an absolute, express abolition of this whole system of African slavery. It was exterminated there totally, absolutely, and forever. Such was the condition of things there when they came under our dominion, and such, as I maintain, is their condition still. We have all supposed, until we learned to the contrary from the Senator from New Jersey this morning, that by the law of nations—the law of the civilized world—the law of equity, and humanity, and of common justice, the municipal regulations of a conquered or ceded territory, so far as they are connected with private rights and the rights of property, remain in force until changed by the legislation of the conquering power. It requires no argument to establish that proposition. The question, indeed, becomes this: Does the cession of a territory, (or its conquest if you please to use the term,) disorganize and destroy the whole social system? Does it abrogate all civilized association, and is every individual of such a territory upon occasion of its cession, growing out of conquest or otherwise, turned out of the pale of civilization? Does all security for life, or liberty, or property cease? Is the title to all property vacated? Is crime legalized, if such an expression can be used, where there is no law? And can every crime known to the category of human depravity be perpetrated without the power to prevent or the power to punish? If not—if society can hold together under a cession, it follows that the ligaments which hold it together, remain in force until they are destroyed by a superior power.

Mr. MILLER.—I hold that they do until altered by the conquering power; and that when you establish a government there, you abrogate the previously existing laws, which are inconsistent with the laws which you establish.

Mr. PHELPS.—Unquestionably. I will not differ with the honorable Senator on that point. So far as the laws of the conqueror, which are extended to the province, come in conflict with previously existing laws, the latter are abrogated. There is no doubt of that. But the general principle is what I contend for, and I am very happy to find that the Senator from New Jersey concurs with us on that point. We have had several arguments on that subject. I had myself the honor of addressing the Senate on that very point, and I believe I was fully sustained by the honorable Senator from Connecticut, [Mr. BALDWIN] who preceded me—the honorable Senator from Massachusetts, [Mr. DAVIS] not now present, and the Senators from Maryland [Mr. JOHNSON] and New York [Mr. DIX,] and from Maine [Mr. HAMLIN.] Indeed, I believe with respect to this principle thus advanced, there is not, after the explanation of my friend who sits behind me, [Mr. MILLER] a difference of opinion any where. If these laws, then, are to be retained, what is the result? Here is an express law prohibiting the institution of slavery, and if it is to remain in force undisturbed by us, I ask honorable Senators, where do they find the door open for the introduction of slavery? I have not stopped to cite authorities. I believed it to be unnecessary. Authority enough can be cited. The most emphatic declarations of the Supreme Court of the United States serve to settle this point.—This position, that the law of the ceded or conquered territory remains in force until altered by the conquering or succeeding power is now, I believe, the received and acknowledged law of the civilized world, and is questioned by no competent lawyer.

The next principle upon which I rely is equally well settled, and is, I believe, controverted by nobody—that a slave taken from a territory in which the institution is recognized, into a community where it does not exist becomes by the transition, free.

Mr. BALDWIN.—The Senator from Georgia, I understand, to deny the position.

Mr. PHELPS.—I did not so understand the Senator from Georgia. He says that the constitution of the United States places this upon a different footing. That position I shall advert to presently.

Well thus far, I believe, there has been a concurrence on both sides of the chamber. If I desired a judicial concurrence, I have only to go to Louisiana, the very centre of the slave population, where I find decisions going as far as any to sustain me on this point. The people of Louisiana, deeply interested as they are in this species of property, with every inducement on earth to bias their judgment, through their judicial tribunals concede this doctrine. I think, then, that I am relieved from the necessity of all argument on this subject. Now, after having advanced this argument to the Senate, and found myself sustained fully and absolutely by gentlemen on all sides around me, I am somewhat surprised when I am told that this bill carries the institution of slavery into these territories, and puts an eternal prohibition upon its exclusion there. I pray what principles are to govern my conduct? I listened to the arguments of the Senators from New Hampshire and Maine and found that they concurred with me fully, as they travelled over the road along which I had journeyed, but found to my utter astonishment, that when they had come to the conclusion of the whole matter they had, unaccountably to me, shot off in an unexpected direction. How do these gentlemen make out that this bill carries slavery into these territories? Is that the legitimate result of the doctrines which I have stated? How do gentlemen prove that, in carrying out these doctrines to their legitimate conclusion, I have abandoned my former professions, and subjected myself to the charge of having concurred in "a dodging, skulking, evasive bill, with a cowardly visage?"

Sir, if I were to give a definition of a coward in relation to this matter, I should define it to be one who abandons his principles for

fear of popular clamor: I should define it to be one who departs from his own convictions, lest some body who does understand the subject, or who does not choose to understand it, might raise a cry of disapprobation in some quarter: I should define it to be one who avails himself of the excitement upon this subject, and through its aid secures election to office. The man who acts the part of a political weather-cock, by indicating the slightest whiffle in the political wind, trembles at the least indication of popular excitement, and is paralyzed by an opinion which floats to him upon the atmosphere of some bar-room discussion.

I know not what other men may think on the subject, but in the discharge of my duty here, if I thought I could depart one iota from the doctrines which I have advanced, with a view to effect a decision at the ballot box, my own constituents would, in their deliberate judgment, administer a rebuke never to be forgotten. I know them too well to imagine that they will ever find fault with a strict adherence to duty on this or any other subject upon the part of their representatives. I have no hesitation in trusting my reputation, my standing, and my political existence, to the deliberate judgment of that people. But I never will jeopardize their integrity or my own, by yielding to a momentary impulse which may mislead them as it has misled others.

To return to the course of argument which I was pursuing. What are the provisions of this bill in relation to Oregon? The people inhabiting that territory from the necessity of the case, have adopted what they call provisional laws; they are subject to our control. For the present we give validity to these laws by our approbation. Now, these laws exclude the institution of slavery entirely from that territory. But it is said that we have provided for a legislative power which may alter them with our consent. How could we do otherwise? But here a plea in abatement is put in. It is said that we have provided that the laws shall remain in force for three months after the commencement of the first session of that territorial legislature. Suppose they choose to continue those laws in force; they may re-enact them. But, say the gentlemen, you should have provided that the law should remain in force unless repealed. What difference does it make! If we suppose the legislature of that territory competent to re-enact those laws, why they are competent to repeal them, and *e converso*; if competent to repeal, they are competent to re-enact; and I do not know that the difference is very important between providing "Be it enacted, that a certain law passed so and so, shall remain in force until the future action of the legislure," and providing "Be it enacted that such a law shall be in force no longer, unless it shall be the pleasure of the legislature to continue it." I think the power to do one thing is competent to do the other. It is the most immaterial thing in the world, in my judgment, and before I would hazard the peace of the country, and jeopardize these bills on a distinction like that, throwing these territories out of the protection of law, I can only say that I would select to stultify myself in some other manner.

But there is another view of the subject more worthy, in my judgment, of the consideration of the Senate. I approve of this provision, because I know the people of Oregon to be of my way of thinking. Having expressed their views, and believing without doubt or hesitation that such would continue to be the views of that people, I was willing to say to them, go on and exclude this institution, as I would if I were among you. I suppose this concession to a people whose opinions have already been expressed on this subject, and whose adherence to them hereafter cannot be doubted, is to repudiate the "dodging and sloking" this question. No man from the South has the least expectation that slavery will ever get into Oregon. Every consideration forbids it. Now, whether the territorial government continue the law in force, according to the plan of this bill by re-enactment, or we leave it as the bill stood when printed, in force until repealed—in either event the matter is subject to our control, for they can do neither the one thing nor the other without our consent. And I take the liberty to add, without anything of the kind having been expressed to me, that if the people of Oregon, at the meeting of their legislature should perpetuate this law, southern gentlemen would not withhold their acquiescence. They would make no question about it. We had no controversy about Oregon in the committee. It was conceded as free territory. We were all of one mind, and it would be extremely unfortunate if this criticism of the bill should destroy a measure upon which, in that committee, composed of the ultraists on this subject, all were so well agreed. I care nothing about this restriction of three months, and for the reason which I have mentioned. If they choose to perpetuate the law, I give them my sanction. There is no ground to apprehend that there will be any controversy about it.

The question now arises with respect to the other territories, New Mexico and California. Why do we put them upon a different footing? The answer is easy. We thought that the people of Oregon could be entrusted with the elective franchise. But we were not justified in extending that degree of confidence to the population of New Mexico and California. In this point of view, I believe that the Senate will concur with me. An elective government in Orgon is nothing more nor less than the exercise of the elective franchise by our own people, brought up and instructed under our institutions. The exercise of that franchise by the mongrel population of New Mexico and California would be as broad a farce as could be enacted. Hence we made the differeuce. The question then was, how we could organize a government for these territories without involving ourselves in this question of slavery. After having rejected the idea of an elective legislature there, it was proposed to organize a government on what is called the primitive plan—consisting of a governor and judges, appointed by the President of the United States. As a northern man, I objected to that proposition without a restriction upon the introduction of slavery. I was not in favor of removing this great question from the hands and control of the Senate. I was not disposed to send the power adrift, to seek lodgings in some tenement about this city. I was not disposed to suffer it to take refuge with these appointees of the President. What was the result of my objection? A prohibition was included in the bill restraining these temporary governments from enacting laws on this subject of slavery, and now, to my utter astonishment, I am told that I have concurred in a measure which perpetuates slavery in those countries. How so? Why, says the honorable Senator from Maine, you have prohibited these men from excluding it. I suppose we all agreed that it is not there now, and that it could not be brought there without legislation, and in the simplicity of my heart and the simplicity of my intellect, I supposed that if a local regulation were already made which forbade the institution, and that regulation were left in force, the institution would be effectually excluded. My idea of the matter is simply this: that the institution being already excluded, if you forbade any change of the law, it really was excluded forever.

This is one of the objections going the rounds of the newspapers, and on account of which the committee is threatened with "burning in effigy." We of New England have been accused of not only selling our constituents, but ourselves to perpetual disgrace, and all because we happened to believe in Lord Coke's maxim of letting well enough alone.

What more do gentlemen require than is given in this bill? I claim that, judging by their own platform, no fault can be found with it. If they demand an express prohibition of slavery, here is a local law now existing there, prohibiting the institution—a law which we recognize and affirm. Why add another law? Could you in that way make the prohibition any stronger? It would be a work of supererogation. The committee might have decided upon the Wilmot proviso; and if we had succeeded in introducing it into this bill, does any man suppose that we would have thereby changed the opnion or vote of any man upon this floor? No, sir; the Wilmot proviso cannot be carried here.

If I am right in these views, (and southern gentlemen can judge whether I am or not—they are aware I am addressing myself to objectors who agree with me in the general principles I advance,) I ask why should I have entered into an idle contest about a punctilio? For, with these views, the Wilmot proviso is nothing but a punctilio. The object is effected by other means.

I pass now to the judicial power of the bill. And here, sir, permit me to advert to another objection which has gone abroad in regard to this bill equally unfounded. It has been said that this bill refers the matter to the Supreme Court, and that we have endeavored to escape responsibility by throwing our duty upon them. No greater mistake can be made. The bill refers nothing to that tribunal. It refers to within the constitutional power of Congress, nor any thing which does not belong to them independently of the action. This subject presents itself in two aspects. First, as a legislative question. Congress possessing the exclusive power of legislation over these territories, the question is first presented to us as one of legislation merely. What law should be passed on this subject of slavery? Shall it be admitted or prohibited? These questions must be settled by us in our discretion. They cannot be referred to the Supreme Court. I am not done with proposition, because as I have endeavored to prove, we have settled this matter, so far as our legislation can settle it, against the introduction of slavery.

First, in regard to Oregon by continuing their laws in force for the present, and leaving the matter to their legislation in future, with a negative upon their action in Congress, which will prevent the introduction of slavery without our assent. It is agreed on all hands that slavery cannot exist without a positive law allowing it. Should they be disposed to enact such a law, which no one supposes will ever be the case, we have a control over it.

Secondly, in regard to New Mexico and California, by leaving their present law excluding slavery in force, and prohibiting the territorial legislature from changing it. This is all which can be done. To add a prohibition of our own would add nothing, because, first, we already sanction the exclusion; and secondly, if we did, a subsequent Congress might repeal it. We have done all which we can do.

In the positions on which these results are founded, all gentlemen on both sides agree with me. I will repeat them:

1. Slavery exists only by force of positive law in its favor.

2. There is now no law in those provinces allowing it, but it has been expressly abolished there.

3. The law of those provinces remains in force until changed by the legislation of the United States.

4. The bill prohibits the territorial legislature from changing it,

5. I may add that if Congress enact now an express prohibition, it adds nothing to the existing prohibition, and might be repealed by any subsequent Congress.

What more, then, can be done in the way of legislation than this bill proposes? I have said that I believe all agree in these positions. I believe neither the Senator from Georgia, [Mr. BERRIEN,] nor the Senator from South Carolina, [Mr. CALHOUN,] deny them. What, then, do those gentlemen insist upon, and what is the judicial question which is alluded to? I understand those gentlemen to insist that the constitution guarantees to the people of the slave States their property in slaves, and that by

force of the constitution, they are equally protected in that property in the territories if they choose to migrate there with it. This question is purely a judicial question. If such be the true interpretation and meaning and effect of the constitution, how can any act of Congress change it? Can we repeal the constitution? And if a question arises as to the construction of that instrument, does it not belong to the Supreme Court to determine it? How then can it be said that we refer to that tribunal a question which belongs to it by the constitution, and which we cannot take from them if we would?

What, then, does this bill provide in relation to the judicial power of the territories? That power must be given to them, for every gentleman will perceive that restrictions upon the judicial power in relation to this subject would render the arrangement nugatory and good for nothing. If this question arises, it must be acted upon judicially, and a restriction upon the judiciary of the territory would render the whole inoperative. But I was no more willing to trust the judicial power than I was to trust the legislative power, most especially as it was composed of the same persons.

The question then arose, what shall be done? And here let me inquire what is the question that is to go to the country? It is the question arising under the constitution, for that is the claim of southern gentlemen. All that was necessary, then, was to provide for an appeal which would bring this subject directly before the Supreme Court as the constitutional expounders of that instrument. Is there any skulking or dodging here? If I were at liberty to detail what took place in committee, I believe, that for one, I should be exonerated from the charge of dodging in reference to this matter. But I say here, as I said in committee, I never will, in a constitutional question in the case, I am willing to leave its decision to the constitutional authorities. I cannot repudiate them. Shall we distrust the co-ordinate department of the government? I may distrust the President. He was not elected by my vote; but while he is in office as a co-ordinate department of the government, he is entitled to my confidence as a legislator, so far as the constitution submits any matter to his constitutional control. Can I trust with the Supreme Court? Shall I distrust them? Shall I refuse to submit the matter to their decision? I belong to a class of politicians who have uniformly asserted the supremacy of that court, and I must confess that I have been greatly surprised to find whigs of the North disowning or distrusting its constitutional authority. I have yet to learn either from political friends or political opponents, that that court has in any degree forfeited the confidence of the country. In the integrity and capacity of that court I have equal confidence. Who doubts the integrity or the learning of the distinguished chief justice? And who is prepared to say that that court has become so degenerate, and is filled with such unworthy men, that it is not to be trusted with the power conferred upon it by the constitution? I can preach no such heresy, and I am perfectly willing to leave this as a constitutional question to that court. If the court decide against me, I will submit. If I cannot trust the power there, where, in heaven's name, shall we repose it? To what earthly tribunal will gentlemen refer the question? I might take it home to a whig caucus in the State of Vermont, but their decision would hardly bind the people of the South. We may decide it here, but to what would our decision amount? My friend from New Jersey seems to think that the country would acquiesce in the decision of Congress, though not in the decision of the Supreme Court. Does experience sustain the idea in this point of view? Did the people acquiesce in the decision upon the tariff of '32? Did not the people, instead of acquiescing, take the short way of changing their legislators and abolish that tariff? I hope my friend from New Jersey does not consider us estopped from finding fault with that last legislation.

There is one point upon which I forbear any remark, except to say that it there be any question as to the practicability under this bill of carrying the subject to the Supreme Court, let the bill be amended. I have been informed that some gentleman with the view of closing this whole controversy on this point, will prepare an amendment removing this objection. It is not necessary then to argue that point. But the bill has been most grossly misrepresented. We are told that we propose to abandon our legislative control over the subject—to call on some other department of the government to act for us—to throw the responsibility from our shoulders. What portion of the bill justifies that charge? Where will gentlemen find the proposition to commit this subject as a legislative question to the judges of the Supreme Court? I should be loath to believe that any Senator upon this floor could imagine that such would be the effect of this bill. What do you propose to refer to the supreme court? Nothing as a matter of reference. We simply leave that court to exercise its constitutional functions of determining this constitutional question. We leave the power in their hands just where the constitution placed it, and we do so because we are not competent to withdraw it. Does not the bill place the subject where no legislation but that of Congress can bear on it, and provide for the decision of any constitutional question which may lie beyond legislation, by the very authority appointed by the constitution itself for that purpose?

Sir, what would gentlemen have? Will they go for the Wilmot proviso? Will they go for the ordinance of '87? Suppose we enact them in this bill. And suppose the court should decide after all, that there was a constitutional guarantee as insisted on by my friends from the South in relation to this species of property, and that our provision is unconstitutional. Suppose further, that we extend the ordinance of '87 over these territories, and that the moment they become States they repeal it, and the question goes to the Supreme Court whether our ordinance was binding upon that people. How is my friend from New Jersey in that case, to withdraw the subject from the Supreme Court? Will he call upon them to relinquish that power? Does not every gentleman see that we have left the subject where we must leave it, and that ther eis no "evasion" here?

Mr. MILLER.—The Senator has misunderstood my argument. This bill will present the case to the Supreme Court without being accompanied by an act of Congress. I do not deny the right of the Supreme Court to decide upon the legislation of Congress; but if the bill be accompanied by an act of Congress, the Supreme Court may, in its decision, say that according to the constitution there being no act of Congress inhibiting slavery, slavery may be established in the territories, but if Congress acted on the subject, having power to do so, slavery must be prohibited.

Mr. PHELPS.—I was aware that the Senator made that distinction. But suppose both he and I are right, that this act of Congress virtually leaves in force the law of Mexico, is not that a legislative act, on the part of Congress, on the subject? If the question comes before the Supreme Court, they are informed that when these territories came into the Union they came in with such laws, and that Congress left them in force. Will not the court regard the act of Congress as a legislative determination on the the matter; and how can the gentlemen distinguish between our action negatively and our action positively? Suppose a bill introduced here to prohibit slavery in these territories, would the action of Congress add any different constitutional phase to the question? The Senator from Maine told us that every schoolboy in the country knows that the Supreme Court cannot settle a political question. Sir, call it a political question or what you please, have I not shown that the legislative power is exhausted in providing that the local law shall not be repealed; and it the constitution overrides that legislation and abrogates that law, how can we remedy the mischief? What power is there in this country that can decide the question of the constitutionality of an act of Congress unless it be the Supreme Court? No other. The only alternative is to repudiate the authority of that tribunal. But in that case we must deny the authority of the instrument itself if we deny the power delegated by it.

But it is asked by other Senators why *we* did not settle this question? My friend from New Jersey has told us this morning that the committee was raised to settle this difficult constitutional question. I beg leave to say that if I had supposed that I was placed on that committee with that view, I would never have troubled the committee with my presence. What, sir! a committee of the Senate raised to decide a mere judicial question, and one upon which the opinion of every member was doubtless deliberately formed. The committee was raised for the purpose of relieving the Senate from the embarrassment in which it had been placed. But to my northern friends who ask this question, I say that we *have* decided it as a legislative question, involving the expediency of introducing this institution into those territories, in exact conformity to their principles and mine. If, then, they believe with me in the result to which I come, why ask me why we did not settle this question? I think we have settled it for the time being, so far as legislation can settle it. But we cannot tie the hands of another Congress or bind the supreme judicial tribunal. How, then, can it be objected to the bill that it settles nothing?

Other objections have been urged; and in the course of a very eloquent speech by the Senator from Maine, we were told that this compromise is all on one side. I do not know but the Senator is right. I take the liberty of reminding the Senator, however, that if it be all on one side, he or I are the last men that ought to complain of it. If it meet the approbation of our southern friends, I, for one, have two much sense to say that I have made too good a bargain—this is an objection I have never heard in the country. But the Senator from Connecticut asked, where is the compromise? The compromise consists in this: The people of the South concede to us that we may let the territorial law stand as it is, and we concede to them that if they have any constitutional rights affected by the action of this body they may appeal to the constitutional tribunals for the ascertainment of those rights; in short, they yield to us the matter of legislation, and concede that we may enact such laws as we think exclude slavery from these territories, reserving to themselves (what we cannot deprive them of) the right to test, before the constitutional tribunal, the constitutionality of those laws.

Another objection to the bill is that the law will not be carried out—that slavery will be introduced in despite of law, that the question of freedom could not be brought before the judicial tribunals as the slave would be ignorant of his rights and also unable to enforce them.

To these objections my answer is a very short one. If the law is not to be regarded of what consequence is it what that law is? Will the Wilmot proviso or the ordinance of '87 be any better if they are not regarded? Will the slave be any better informed or better able to enforce his rights under one form of law which gives him freedom than another? What kind of law will gentlemen enact if they assume before hand that their laws will not be enforced?

Sir, if the honorable Senator from Maine thinks as I do, that the institution is now excluded, surely he will not complain that the subject is left where it is. Does he wish to change the state of things of which he approves? If it stands on a better footing than we can put it upon, by an unsuccessful attempt at the Wilmot Proviso, then by all means let it remain. But almost in the same

breath in which the Senator charges us with doing nothing, he charges us with declaring that slavery shall not be prohibited, because we do not suffer the territorial legislature to act. If this were original with the Senator I should think it entitled to more consideration, but it comes from various quarters. We are admonished by the gentlemen of the press of our monstrous dereliction of duty, while none of them can give you an accurate account of the provisions and effect of the bill. Sir, we have had a great deal of declamation upon the subject. Gentlemen do not seem able, although the bill is open to their inspection, to point out its defects, or to show us how it tolerates slavery. An important argument as to the effect of the bill, an argument which goes to explain its legal import and effect, is denominated sophistry. The very gentlemen who bestowed the epithet upon it have repeated my argument word for word, and if there be sophistry then the paternity lies with them. They have agreed with me almost entirely, and yet there is something in the bill which their astuteness has not enabled them to discover, but which requires sophistry to conceal. Now, sir, I put the question, where have we indged, or endeavored to shuffle off the question. Suppose we had recommended to the Senate not to act upon it either way, but to defer it to a more favorable opportunity, it might have been said that there was a shuffling off of the question? But I ask where is the shuffling, where is the skulking in relation to it? I believe I am about the last man to be charged with skulking, for judging from present appearances, I am standing alone among my colleagues of the North in my vindication of this measure, and am perhaps rendering myself obnoxious to all the whig party in the North. Sir, I know the agitation of the question that is going on, I know how a man may become obnoxious to public feeling under the excited sensibility of that feeling. Sir, I know the opprobious epithets that may be applied. I may be hung or burnt in effigy, but, sir, having formed my opinion of the propriety of the measure, and of the expediency of stopping it, it is my duty to stand by it and vindicate those opinions, let the opinions or feelings of my friends at the North be what they may. I do not "skulk," and I tell gentlemen that although the arts of the demagogue are to be put in operation, I shall never shrink from the vindication of my own honest convictions here or elsewhere.

But what could the committee do? Here is a very important question, the most troublesome, dangerous, alarming question that has arisen since the government was established; a question more difficult of adjustment, pregnant with greater danger to our institutions, with greater danger to the harmony and prosperity of this country, than any question which has heretofore arisen, or is likely hereafter to arise. Sir, the committee have proposed the only measure which their ingenuity could devise, and if their proposition is not satisfactory, let me ask gentlemen who object to it, what it is that they would propose? It is an easy matter to find fault. Nothing was ever done right in the estimation of the world. The world itself, and man its inhabitant, were made wrong in the opinion of some modern philanthropists, but it is well for us they have not the power of making it over again. But let me conjure gentlemen who find fault, to inform us what proposition they would present. Let them tell us what is to be done. If this measure is not palatable to them, what do they propose? Sir, we have the Missouri compromise, will these gentlemen go for it? Will the Senators either of them go for it? Will the Senators from New Jersey go for it? They answer no. If they will not sustain it, will they censure the committee for not recommending what they condemn? Will they censure me for not proposing a compromise against which both they and I are committed?

Well, what else is there? The Wilmot proviso. These gentlemen will go for that. So will I. I am not behind them on that subject. But will a majority of the Senate do so? I knew, and every member of the committee knew, that if we met this question upon the ground of the Wilmot proviso, we would be voted down, and it was not my disposition to present the question to the Senate in such a form that it could not fail to be decided against me. It is not my purpose, in carrying out the principles and views of my constituents, to make up an issue in my case, which I know must be decided against me. I may be permitted, I hope, to borrow something from my personal experience. If I were about to present a case before a judge whose capacity I distrusted, or a jury in whom I had no confidence, I should feel at liberty to save my case if I could by moving for a continuance, or by changing the mere form of the issue. Knowing that the Senate could not be brought to carry out my purpose in that form, I felt at liberty to attain my object in another way, and at the same time to obtain an arrangement altogether more satisfactory to the advocates of freedom than an unfavorable decision upon the Wilmit proviso. The proposition of the committee is the only one which has been presented which affords the slightest chance of an adjustment of this matter, even for the present. I should be gratified if any gentleman of the Senate could propose anything more satisfactory. The purpose of the committee was, to extricate Congress from the difficulty in which we were placed in regard to this subject. I am well aware of the effect its agitation is likely to have throughout the country. It is a very convenient electioneering topic. My own sentiments are known, I am hostile to the institution of slavery, but I trust that my hostility is to be regulated by national and constitutional views; but my sentiments shall not be degraded by being applied to this wretched business of demagogueism or popular excitement. I caution gentlemen on this subject. Gunpowder is a very good thing to fight with, but it is dangerous to explode too much of it at once. Popular excitement is not a matter to be trafled with in this country, or in any other. All experience shows us the danger of tampering with popular feeling. There is not a page in history from the creation to the present day, more pregnant with warning than the page that is now being enacted. There is inquietude, restlessness, desire for change pervading every portion of the world. We have seen the wheels of revolution revolving in Europe, and can any one tell when those wheels will stop, or who is the last victim that shall be crushed beneath them? It is but a few days ago that we were congratulating a people upon their success thus far in the course of revolution. An individual who had spent his life over his books, unknown to the political world, sprung into political existence in a moment as the presiding officer of the provisional government of one of the most powerful and most restless people in the world; and, sir, our congratulations had hardly reached him before the revolutionary wheel which bore him triumphantly to the top, threw him from his high position into comparative insignificance and obscurity. Where will this movement, now proceeding with such tremendous power, terminate? There is but one intelligence which can predict its termination, and but one power that can control its results, and that power is not a human power. We are following in the footsteps of our fellow men in the old world; popular excitement and popular violence are not unknown in our own country. The man who endeavors to carry this excitement to extremes, and to alienate the feelings of this people from each other, to the danger and perhaps destruction of our institutions, should be careful to ascertain whether he can control the tempest upon which he attempts to ride. The history of the old world shows that the demagogue who puts in motion the passions of men and drives them to anarchy and bloodshed deposits his bones at last in one undistinguishable mass with those of his victims. And in this more peaceful hemisphere which revolution and anarchy have not yet reached, the political agitator who raises up the whirlwind of excitement finds, to say the least of him, an early political grave.

Sir, I have no particular anxiety on this subject because of any peculiar interest I may have in the agitations of the day. I know there is a disposition on the part of some to make what is called political capital, by operating upon the feelings of the masses.—How far they may be successful in this case is not for me to say. They are, I suppose, tired of old associations, and are seeking about for something new. A new political church has recently been formed which may serve as a sort of city of refuge to unfortunate politicians, but I know enough of the people of the North to know that although they may be thus played upon for the moment, yet I have sufficient confidence in their discretion, integrity, and sound judgment to believe that all this excitement will be but temporary. That they will not look upon it in the end with sober discretion at least, I have no fear. Sir, I do not intend to say that their sentiments on the subject of slavery will not be changed, but I intend to say that the excitement got up by mistaken representations of this bill, will subside—that they will in the end do the bill and do me justice—and that they will content themselves with a rational opposition to the institution without throwing themselves into the hands of the demagogue, or forming sectional distinctions which may endanger the stability of the Union. I have only to add that I shall not contribute to the production of a dangerous excitement which may tend to disturb the harmony of the Union.

I have thus expressed my views on the subject, because I have felt myself somewhat implicated. If this bill carry on its face a cowardly aspect, its authors are responsible for that aspect. But the epithet "cowardly," would be more applicable to those who watch with trembling anxiety the political vane, the turning and eddying of popular impulse—who waver in the discharge of their duty, first an honest adherence to the dictates of their own judgments and their own consciences, should expose them to a groundless censure from their political enemies, or, what is worse, to the treachery of political friends, and who are paralyzed by the slightest breath of popular disapprobation, grounded upon opinions formed without sufficient information—hotly conceived and hastily expressed.

Upon this subject I may be permitted to add another consideration. I am not responsible for bringing this agitating question upon the country. It came here by no agency of mine. The responsibility lies elsewhere. It originated in the measure of the annexation of Texas. From that measure followed the Mexican war, from that war followed this conquest, and from the conquest follows this agitating and troublesome question. I am not responsible for the origin of this difficulty, but there are men on this floor who are. The Senator from Connecticut over the way who has so liberally bestowed his denunciations upon this bill, I believe gave a casting vote in favor of that annexation. Whether he represented the opinions of his constituents on that occasion, whether he stood in awe of their instructions, whether he was in dread of their vengeance in the shape of burning in effigy, it is not for me to say. Whether it was so or not, his casting vote determined the momentous question—that casting vote brought upon us the difficulties with which we are now surrounded. Sir, if that honorable Senator, instead of bestowing these wholesale epithets of reproval upon the committee and the bill, instead of expressing his dissatisfaction in terms so offensive, had united with his former friends in bringing about a settlement of the question which he and they have brought upon us, it would have been a little more satisfactory. I call upon the Senator from Connecticut as the man responsible for the existence of this difficulty to put his shoulder to the wheel, and as he went with the honorable Senator from South Ca-

rolina and his friends on a former occasion, let him unite with those gentlemen now upon some terms of compromise or adjustment. Sir, if this subject is to be made a subject of popular excitement, and my name is to be bandied about in connection with it as an object of reproach, or if my old coat and jacket are to be stuffed with straw and burnt, I confess under these circumstances I prefer that the man who brought about this state of things, if he cannot take my place, should in at least burnish his old coat and jacket to hold to the conflagration. It required no great foresight to predict these consequences at the time of that annexation. We are now where we expected to be when we protested against it. We were driven into the measure and its consequences by some of our northern friends, whose fate it has been to stand pretty much on that occasion where I am now, alone. As they forced us into it, for Heaven's sake let them be generous enough to unite with us now in endeavoring to extricate us from the difficulty.

Mr. FITZGERALD.—I do not rise for the purpose of discussing the merits of the bill, for I have not the vanity to suppose that at this stage of the discussion I could add anything now to what has been already said on the subject. Indeed, sir, I have no great disposition to talk to the very select tailing. I have risen rather to do justice to a gentleman who resides in that for any other purpose. And I shall detain the Senate but a very few minutes. I allude, sir, to General Cass. Since the commencement of this discussion I have been appealed to by gentlemen whose political opinions may on some points differ, but who rank amongst the friends of General Cass, by whom I have been told that the vote which I was about to give or the action which I might take in regard to this matter would have a tendency to affect the election of Gen. Cass. I have been told that inasmuch as I have succeeded him in this Senate, am known to be his personal and political friend, have been placed on the electoral ticket in my own State, and have conversed with that distinguished gentleman after his return, my action would be considered as reflecting the opinions of Gen. Cass on this exciting and all-important subject. My object in rising, then, has been chiefly to declare to the Senate that I never have, verbally or otherwise, had any intimation of General Cass's opinions upon this subject that were not known to all from the declarations made in his response to the committee who notified him of his nomination. I will add that I have not received a solitary line from any citizen of my own State on this subject. I have been left by my friends there to act as my judgment shall dictate. So far I have endeavored so to act, and I shall continue to do so as long as I have the honor of a seat in this Senate. I am aware, sir, that there is a heavy responsibility resting upon me as a Senator, and not only as a Senator generally, but as coming from Michigan, and as being personally and politically the friend of Gen. Cass; but I shall shrink from no responsibility. My main object has been to know what is right in this matter—when I know that, I trust I have the moral courage to do it regardless of consequences. If we are to believe the tenth part of what we hear and see published against General Cass he certainly has sins enough of his own to bear without being responsible for any thing that I may do here.

Having stated that I am not to be regarded as, in any sort, the exponent of General Cass's opinions upon the subjects, I will now add that when the question was taken upon raising this committee, I voted against the motion, because I desired to act directly upon the Oregon bill. I believed it was an act of justice to the people of Oregon that we should do so. I was willing to meet any question that might come up. The Senate directed otherwise, and I then voted for the committee that was chosen, every one of them; and when the honorable and distinguished chairman of that committee reported the bill, I listened with great pleasure, and no inconsiderable degree of interest, to the remarks which he made, when I learned from him that the constitution of the United States was the platform upon which we would be called upon to stand in the decision of this question. I was delighted at the prospect. It appeared to me that I could see the rainbow of peace. I thought this exciting question might be disposed of without a dissolution of the Union, or the shedding of blood, as had been intimated by some gentlemen on this floor. When the motion was made to amend the bill by striking out all after the 20th section, I voted for it, still preferring that the question should be taken upon Oregon alone, and not to have it blended with New Mexico and California. I have been anxious to see this question adjusted, and although I do not approve of this bill—for there are parts of it to which I decidedly object—yet if I saw that the passage of the bill depended on my own vote, and if its passage would be the means of settling this question, though it were to cast me into political oblivion—though it were to be the last act of my political life, I would vote for the bill with pleasure. I fear, however, from what I have heard in the Senate since the introduction of the bill, that its friends are doomed to disappointment. And why, sir? A political storm is rising in the North which is destined to become a tornado before it is allayed. Gentlemen who are seeking to direct it for their own benefit may not be able to succeed; but the prospect cannot but be regarded with apprehension by every patriotic citizen. God knows what may be the result of the excitement which now prevails, and therefore I say again, that if I could feel an assurance that the passage of this bill would settle the question, though it were the last act of my life, I would vote for it. And permit me to repeat, once for all, that whatever I may say or do here, I am myself alone to be held responsible for it.

Mr. CORWIN.—Mr. President: I should scarcely undertake to assign to the Senate a reason for prolonging this debate, especially after the very elaborate and lucid exposition of the bill now before us which has been given by the Senator from Vermont; I feel compelled, however, from various considerations, with which I will not trouble the Senate, to state, in very few words, if that be possible, what my objections are to the passage of the bill; and, it may be, to offer some few observations in reply to such propositions as have been announced at various times during this debate, by Senators on the other side of the chamber. I have listened with great eagerness, since the commencement of this discussion, to every thing that has been said, with the most sincere and unfeigned desire to make myself acquainted with at least the primary elements and principles which enter into the composition of the bill. And, I think I may say, without exposing myself to the charge of egotism, that I feel as little the influences which have been spoken of by the Senator from Vermont, as it is desirable that any gentleman, acting in the capacity of a legislator, should feel. I do not participate, however, I may advertise gentlemen, in the belief which has been so constantly expressed during this discussion, that this is a subject which is likely to produce that terrible and momentous excitement that is spoken of. I believe if this principle were discussed solemnly, and, so to speak, abstractedly from those extraneous circumstances too frequently adverted to here, that we should be much more likely to arrive at a satisfactory conclusion to ourselves, and at more satisfactory results, I hope, to those who are to come after us. I have no belief that the passage of a law, such as is now before the Senate, will produce a disruption of the bonds that hold this Union together. I have no belief that the passage of the law so much deprecated by some gentlemen on this side by the name, if you please, of the "Wilmot proviso," could, by any possibility within my view, induce the southern portion of the Union, which, we are told, is so much excited on the subject, to tear themselves asunder from the constitutional compact by which we are all held together. Sir, if I entertained an opinion of this kind, I should scarcely think a seat on this floor worth possessing for a single day. I do not think the technical term spoken of by the Senator from Vermont, the "Wilmot proviso," can of itself exercise that influence upon statesmen of exalted intellect of the South, which has been intimated by gentlemen who have participated in this debate. What is this terrible Wilmot proviso, that has been erected here and elsewhere into such a raw-head and bloody-bones, to use a very expressive phrase of the nursery? What is it? Why, sir, there are about me Senators who know very well to whom the paternity of the "Wilmot proviso," as it has been recently baptized, belonged. They know that the same gentleman who drafted the declaration of independence, which is hung up in our halls and placed in our libraries, and regarded with the same reverence as our Bible—for it has become a gospel of freedom all over the world as well as in this country—drafted that which is called the "Wilmot proviso," composing as it did a section of the ordinance of 1787, and that the hand that drafted both was Jefferson's. There have been some strange misnomers in regard to acts, some strange confusion of nomenclature in this country, as in this case, when a part of the ordinance of 1787 has come to bear the appellation of the "Wilmot proviso." Sir, much as I respect that gentleman for his position upon this subject, which has connected his very name with the ordinance of 1787, I deny to him the honor of originating it. It is a piracy of the copy-right. I do not see that there is any danger that southern gentlemen, after the lapse of so many years, and after the founding of a young empire in the West, by virtue of that ordinance, will so desecrate the memory of Jefferson and spit on his grave, because we merely re-enact that ordinance over a territory which has subsequently come into our possession. I have no idea that such consequences will follow from the passage of such a law, as gentlemen have predicted. There must have been a strange revolution wrought in the minds of southern gentlemen between 1787 and 1847, if such consequences are to follow. And I could not help observing while the Senator from Vermont was expressing these noble sentiments, which every body, even those who do not feel them, must admire, telling us we should act here independently of the excitement without these walls, and that we should scorn those newspaper paragraphs in which we are villified, written by those who know little of the motives by which we are influenced, and who care less; I could not help observing that at last the Senator admonished us that there was an excitement abroad which we must allay; and to do that he agreed to this bill, although it was somewhat different from that which he desired—so that the lion-hearted Senator from Vermont has agreed to this compromise, as it is called, because there is an excitement which he wishes to allay by it. Sir, I desire to see gentlemen act and vote here as if there were no excitement on the subject. I should be very sorry, at least, to allow any influences to operate upon my deliberate judgment, except those which belong to the relation of representative and constituent. It is the farthest from my intention of any thing that can be conceived of to say any thing in regard to this bill which may wound the feelings of gentlemen who have labored so hard to produce something that would satisfy us all. The Senator from Vermont has acted as he should have acted, has acted nobly in regard to this matter, and I know very well that he will be willing to accord to me the same rule of action, the same independence that he has used; and I fear when I come to speak of the bill, I shall be under the necessity of availing myself of what the gentleman has called a "special demurrer;" for I do not think there is such pressing necessity for the

passage of the bill, as to oblige us to forego the statement of such objections as we may entertain. Suppose you enact no law, what will happen? Oregon has for many years taken care of herself, and I believe on one or two occasions made better laws for herself than she is likely to get at our hands. She has taken care of herself ever since she became an integral portion of the Union, by the settlement of the dispute between us and Great Britain. How the new provinces may fare, what may happen to New Mexico and California in the intermediate time which will elapse, if we should not be able to act upon this matter at the present session, is not a matter of much concern or apprehension with me, because I know they have been in your custody for a year or two, and have not complained at all for the want of legal enactments; they have only complained that you have made too free use of gunpowder. Rather than not act in the matter fully and definitively, as I would if there were no emergency, I would allow those provinces to take care of themselves for another twelve months, and come here at the beginning of a new session, ready to act upon the subject as my judgment should dictate.

Now, sir, in the first place, I understand we have a message from the President, although I believe it has not been adverted to by any one calling upon us to designate the boundaries of these territories of New Mexico and California; and another branch of the legislature has been anxiously looking to the geography of those countries, and tracing their history, and are as yet incapable of determining where Texas ends and New Mexico begins; and they have been under the necessity of applying to the Chief Magistrate to give them a lesson in geography. What the substance of the information they have received was I do not know, but I have been informed, upon the floor of the Senate, that Texas extends to the banks of the Rio Grande.

If this be so, I must be permitted to look to the gentlemen of the committee for information as to how much is left for New Mexico, what extent of territory, and what amount of population? Is it worth while to establish a territorial government there, if it be true that Texas extends to the Rio Grande? I think it will be found that there will be but a fragment of New Mexico left, so far as population is concerned. It will be very convenient, perhaps, to attach it to the government of California. If you send your governors and other officers there without establishing the boundaries, there will be a conflict of territorial jurisdiction. Is it not expedient to settle it now, when you are founding new governments there, and placing side by side institutions which may be very dissimilar? It is perfectly certain that Texas will extend her laws to the Rio Grande; and if she does, she will comprehend within her jurisdiction a large proportion of the population of what was formerly New Mexico. Here, then, is my special demurrer. Under other circumstances, I am sure the Senator from Vermont would agree with me that it is indispensable to the governments which we are about to establish, that the limits of their jurisdiction should be defined, although I do not know that this would be an insuperable objection with me, if the other portions of the bill were such as I could give my assent to.

And now I intend, in a few words, to state why I object to this compromise bill. Sir, there is no one—there can be no one—who does not desire that every subject of legislation which comes before the Senate should be settled harmoniously, and, if it might be so, with the unanimous concurrence of every Senator. But, sir, in my judgment, with this subject as it stands before us, it would be arrogant presumption to undertake to vote upon this bill, with a question before us which we unde transfitake to er to the judiciary department of the country. How is this? Is it not a new thing in your legislation when a system of policy is proposed and the constitutional propriety of that policy is questioned, to pass an act for the purpose of getting a decision before the Supreme Court, that that court may instruct the Senate of the United States as to constitutional duty in the matter? Sir, if we know certainly what that law will be, need there be any hesitancy how we shall vote upon this bill? Can any one suppose that the Senator from Georgia or the Senator from South Carolina, if they believed that the litigation that is proposed by this bill to be brought into the judicial tribunals of the country would result to their determination of what the law should be, that they would be in favor of such a bill as this? Does any one believe that if the Senator from Vermont could anticipate that the Supreme Court of the United States might decide that Congress, being silent upon the subject, had allowed slavery to pass, at its pleasure into these newly acquired territories, and to become parts of the municipal institutions of those territories, and to decide also, that if Congress had enacted a prohibitory law, it could not have gone there, he would vote for this bill? Certainly he would not. Is there any necessity that there should be a prohibitory law passed, in order that the question of slavery should be presented with the aid of Congressional legislation to the Supreme Court of the United States? I will not undertake to say that I differ with the Senator from Vermont in a single legal proposition that he has laid down. I regard slavery as a local institution. I believe it rests on that basis, as the only one that can give a moment's security. I believe it cannot he carried. by the power of the master over his servant, one inch beyond the territorial limits of the power that makes the law. I believe that a slave carried by his master into the territory about which we are talking, if slavery be abolished there, will be free from the moment he enters the territory, and any attempt to exercise power over him as a slave will be nugatory. That is my judgment. But I would guard against any doubt on this subject. I would so act that there should be nothing left undone on my part to prevent the admission of slaves, for I am free to declare, that if you were to acquire the country that lies under the line, the hottest country to be found on the globe, where the white man is supposed not to be able to work, I would not allow you to take slaves there. if slavery did not exist there already. More than that: I would abolish it if I could, if it did exist. These are my opinions, and they have always have been the same. I know they were the opinions of Washington up to the hour of his death; and they were the opinions of Jefferson and of others who, in the infancy of the institution, saw and deplored its evils, and deprecated its continuance, and would have taxed themselves to the utmost to exterminate it then. I possess no opinion on the subject that I have not derived from these sources.

I have only to say, that these opinions have always received the concurrence of my own understanding, and this, after the most careful investigation I have been able to give the subject. I find the institution of slavery existing in several States of the Union—it is a local, a State institution, existing under the guaranties of the constitution. I find that, as a legislator of this national government, I am forbidden by the constitution to act upon this or any other merely State institution. I cannot, therefore, interfere with slavery in the States as I can in a territory, where as yet no State sovereignty exists, and as I will there, and would every where else on the face of the earth, where I am not forbidden, and where my power might extend. And here sir, I ask what has been your practice as a government on this subject? If at any time in your progress since 1789, you have acquired territory where slavery existed in such form and consistency as to make it now difficult to overthrow it, it has been permitted, only permitted, to remain where by law it did exist; as in the northwestern territory before 1789, but had not taken a deep root, it was expelled; and as in the Missouri compromise, excluding it in all territory north of latitude 36° 30′ after 1820.

When Louisiana was acquired, such was the tone of public opinion then against slavery, that I am sure the men of that day would have abolished it there, but for the supposed evil of displacing a system long established, on which and by which the social and political systems of the country were necessarily formed. Perhaps, also, the terms of the treaty were with some an obstacle. The same men who directed public opinion in 1787 in a great measure controlled it in 1804. Jefferson, who was the author of the ordinance of 1787, was President in 1804, when Louisiana was acquired. By his influence, the ordinance of 1787 made five free States in the northwest, and I doubt not Louisiana would have been also freed from slavery too, but for the reasons I have assigned. Such were the views of men who directed public opinion then; would to God they, or such as they, had more to with public opinion now.

When the ample patrimony of Virginia was transferred to the confederacy, Jefferson and those associated with him in the noble donation, at once declared that slavery should not pollute the soil of five rich and powerful new States. Such was Virginia, such was American opinion then. I cannot suppose the opinions of those men were so changed between 1787 and 1804 that slavery at the latter period would be spared by them, except for the reasons I have assigned already. Liberty, perfect freedom to all men of all colors and all races, was the motto of Virginia, and I am told he is now the southern extreme leader of free principles to the end of the world. Virginia, as well as Jefferson, is dead.

Why, there is scarcely a Virginian who would venture to give an opinion contrary to the principles I have just expressed. And it is so that we are even to be required for the sake of some imaginary balance of power, to extend slavery over territory where it does not now exist? That, sir, is the question propounded by this bill. The Senator from Vermont is satisfied that slavery cannot be extended to these territories. I believe, if his confidence in the judicial tribunals of the country were well founded, that slavery could not possibly go into the territories, provided the Senate is right both in law and the facts. I ask every member of the Senate—perhaps I may be less informed than any—whether slavery does not exist by some Mexican law, at this hour, in California?

Mr. HANNEGAN. (in his seat.)—It does exist, peon slavery exists there.

Mr. CORWIN.—I would thank the Senator from Indiana if he will inform me what peon slavery is; and really I ask the question for the purpose of obtaining information. I desire to know its conditions. Is it transmissible by inheritance? Does the marvellous doctrine of which the honorable Senator from Virginia spoke of as being part and parcel of the law adopted in Virginia—*partus sequitur ventrem*—prevail? Is that holy ordinance, that the offspring of the woman or her who is a slave must necessarily be slaves also, there recognized.

Mr. HANNEGAN.—As I understand, slavery exists in California and New Mexico, as it does throughout the republic of Mexico, and is termed peon slavery—slavery for debt, by which the creditor has a right to hold the debtor through all time in a far more absolute bondage than that by which any southern planter holds his slaves here.

Mr. CORWIN.—So it has been described to me. I have not seen the Mexican laws upon the subject, but the statement just made agrees with that of many gentlemen who profess to know something on the subject, and therefore I am inclined to think that it is so, and that these people are the subjects of that infernal law. The Senator from Delaware the other day informed us that

the committee have not given to the people of California and New Mexico the right of suffrage, because they were incapable of exercising it—because a large portion of them were of the colored races. Now, supposing that to be the case, and supposing the proposition to be submitted to the Supreme Court of the United States—was slavery an institution of New Mexico?—what would be the answer? If the Senator from Indiana were there to make response, he would reply in the affirmative; he would say that the institution of slavery was there—that to be sure it had its modifications and its peculiarities, but that it was still slavery, though there might have existed a law as strong as that glorious principle of free government spoken of by the Senator from Virginia—*partus sequitur ventrem*. If, sir, these three Latin words can condemn to everlasting slavery the posterity of a woman who is a slave, may not that municipal regulation of which we are now speaking in California and New Mexico, with equal propriety be denominated slavery? I find, then, slavery, as it is called, existing here to a degree, and to all practical purposes as lasting and inexorable as in the State of Virginia; and therefore the whole of the hypothesis of the gentleman from Vermont falls to the ground as a matter of fact, inasmuch as the Supreme Court will decide that slavery existed there, and that therefore the whole slave population of the United States may be transferred to that country.

Mr. PHELPS.—The gentleman will excuse me, I spoke of African slavery.

Mr. CORWIN.—Of that I am aware. I speak now of the general proposition. Now, this is a very curious spectacle presented this day and for weeks past in the American Congress, and one cannot help pausing at this point, and reflecting upon the events of the last few years. On looking back at what has happened to that period, I am sure that the magnanimous spirit of the Senator from South Carolina himself will be obliged to concede to the northern States at least some apology for the slight degree of excitement on this subject. His hypothesis is, that to every portion of this newly acquired territory—California not excepted—every slaveholder in the United States has a right to migrate to-morrow, and carry with him his slaves—holding them there forever, subject only to the abolition of slavery when these territories shall be made into States, and come into the Union. What, then, would be those few chapters in our history? We find ourselves now in the possession of territories with a population of one hundred and fifty thousand souls, if I am correctly informed, in California and New Mexico. The best authenticated history of the social institutions of that population informs us that there exists there at this moment a species of slavery as absolute and inexorable as exists anywhere on the face of the earth; and that about five in six of the population of that country are subjected to the iron rule of this abominable institution there.

Now, I do not expect that any man will rise up and say that because an individual happens to be the debtor of another, he shall have his own person sold into slavery; and not only that, but that the curse shall extend—worse than that of the Hebrew, not to the third and fourth generation, but to the remotest posterity of that unfortunate man. Nobody will pretend to rise up in defence of such a proposition as that. Now, then, I will give over the criticism. Suppose there is a law in New Mexico, which obliges a man to work all the days of his life for another, because he happens to owe him five dollars, by some means contrived by the creditor to keep him always his debtor. Do you intend that that law shall exist there for an hour? Well, you have made a law here, that your law-makers who are to go to New Mexico and California shall not touch the subject of slavery; and if that which is designated in the popular language of the day slavery, exists there, do you indeed send abroad, as you promised to do, your missionary of liberty? You went there with the sword, and made it red in the blood of these people! What did you tell them? "We come to give you freedom!" Instead of that you enact in your code here, bloody as that of Draco—that there shall be judges and lawgivers over them, but that they shall make no law touching that slavery to which five out of six of them are subjected.

Mr. President, this chapter in your history furnishes instructive matter for our consideration. It is a strange act in the great drama of what we call progress. I have looked upon it with some concern. I was one of those who predicted that this, or something like this, would be the result of your Mexican war. I always believed, notwithstanding your denials here, that you made war upon Mexico for the purpose and with the intention of conquest. I ventured to predict just what we now see, that acquisition of territory would follow the war as its consequence, and its object was that, and nothing else; and that this very question would arise, and arise here, to distract your councils, disunite your people, and threaten, as we are now told it does, that peace which you thought of so lightly when war was so wantonly waged against Mexico. It now seems your pretensions were all hypocritical from the beginning. You said your armed men went forth as they in the spirit of love. You pretended their mission was not conquest, but to set free the captive, to raise up the prostrate peon of that country—and now what follows? As soon as your arms have subdued the country, the gentle note of the dove is changed to the lion's roar. Instead of the proper blessing of peace to your conquered subjects, you propose to leave the chains of the peon untouched, and now gravely contend that negro slavery shall be superadded to slavery for debt. This is your improvement, this your progress in Mexico. To exalt the miserable peon, you give him the enslaved negro for association and example. Sir, this is indeed a spectacle worth noting, in this bright noon of the nineteenth century.

We proclaimed to the world we would take nothing by conquest. This was our solemn hypocritical declaration for two dark years, while our progress was marked by blood, while the march of your power was like another people of old, by clouds of smoke in the day, and fire by night. City after city fell beneath the assaults of your gallant army, and still you ceased not to declare you would take nothing by conquest. Now you say this territory was conquered, was acquired by the common blood of our common country. You trace back the consideration which you have paid for this country to the blood and the bones of the gallant men that you sent there to be sacrificed; and pointing to the unburied corses of her sons who have fallen there, the South exclaims—"These, these constitute my title to carry my slaves to that land!" It was purchased by the blood of my sons." The aged parent, bereft of his children, and the widow with the family that remains, desire to go there to better their fortunes, if it may be, and pointing to the graves of husband and children, exclaim, "There, there was the price paid for our proportion of this territory!" Is that true? If that could be made out—if you dare put that upon your record—if you can assert that you hold the country by the strong hand, then you have a right to go there with your slaves. If we of the North have united with you of the South in an expedition of piracy, and robbery, and murder, that oldest law known among men—"Honesty among thieves"—requires us to divide it with you equally.

If, indeed, Mr. President, we have no other right than that which force gives us to these our new possessions; if, indeed, we have slaughtered fifty thousand of God's creatures only to subject to our power one hundred and fifty thousand of an alien, enslaved, and barbarous people, it is but a fitting finale to all this to rivet yet closer the chain of personal slavery upon the Mexican peon, and people your possessions thus acquired by slaves. I repeat, that this right of conquest applied to territory, is the same—no other and no better than that by which originally one man could claim to hold another in slavery. It is but the right, if right it may be called, of the strongest—the law in both cases is simply the law of force. You march over a country, wrest it by war from its owner, and say to the vanquished possessor, this is now mine. I have seized your property. I hold it by the law of force. And so originally the slave dealer seized the negro in his African home, slaughtered in combat part of his family, bound the rest in chains, brought them here, and sold them. It is simply power, and not right, in both cases, that makes the claim. I repeat, it seems indeed fitting and in character, that the two should accompany each other.

As in the case of lands thus acquired, long possession and continued acquiescence (in the judgments of men) ripen the claim into legal right, so in the case of legal slavery, the captive, originally held only by force, in time, by the law of men, and by the judgment of men, becomes property!! And we are told by the Senator from Virginia, [Mr. MASON,] that the posterity of such become property only through the magical influence of these words, Roman words: "*Partus sequitur ventrem*"—"The child follows the condition of its mother." Admirable—philosophical—rational—Christian maxim!!! If the mother be captured in war, it seems then the will of a just God, "whose tender mercies are over all his works, that her offspring to the remotest time shall be doomed to slavery. What sublime morality! What lovely justice combine to sanctify this article in that new decalogue of freedom which we say, it is our destiny to give to the world "*Partus sequitur ventrem!*" Why, it is said to be "common law." Alas, Mr. President, it is but too "common," as we see. This right of conquest over land is the same as that by which a man may hold another in bondage. You may make it into a law if you please; you may enact that it may be so, it may be convenient to do so; after perpetrating the original sin, it may be well to do so. But the case is not altered; the source of the right remains unchanged. What is the meaning of the old Roman word *servus?* I profess no skill in philological learning, but I can very well conceive that somebody, looking into his thing, might understand what was the law in those days. The man's life was saved when his enemy conquered him in battle. He became *servus*—the man preserved by his magnanimous foe; and perpetual slavery was then thought to be a boon preferable to death. That was the way in which slavery began. Has anybody found out on the face of the earth a man fool enough to give himself up to another, and beg him to make him his slave? I do not know of one such instance under Heaven. Yet it may be so. Still I think that not one man of our complexion of the Caucassian race could be found quite willing to do that!

Thus far we have been brought after having fought for this country and conquered it. The solemn appeal is made to us—"Have we not mingled our blood with yours in acquiring this country?" But did we mingle our blood with yours for the purpose of wresting this country by force from this people? That is the question. You did not say so six months ago. You dare not say so now! You may say that it was purchased, as Louisiana, or as Florida was, with the common treasure of the country; and then we come to the discussion of another proposition: What right do you acquire to establish slavery there? But I was about to ask of some gentleman—the Senator from South Carolina, for instance—whose eye at a glance has comprehended the history of the world, what he supposes will be the impression abroad of our Mexican war, and these, our Mexican acquisitions, if we should

give to them the direction which he desires? I do not speak of the propriety of slave labor being carried anywhere. I will waive that question entirely. What is it of which the Senator from Vermont has told us this morning, and of which we have heard so much during the last three weeks? And how will our history read by the side of that? Every gale that floats across the Atlantic comes freighted with the death-groans of a King; every vessel that touches your shores, bears with her tidings that the captives of the old world are at last becoming free—that they are seeking, through blood and slaughter—blindly and madly, it may be—but nevertheless resolutely—deliverance from the fetters that have held them in bondage. Who are they? Almost the whole of Europe. And it is only about a year ago, I believe, that the officer of the Turkish Empire who holds sway in Tunis, one of the old slave markets of the world, whose prisons formerly received those of our people taken upon the high seas and made slaves to their captors—announced to the world that all should there be free. And, if I am not mistaken, it will be found that this magic line which the Senator from South Carolina believes has been drawn around the globe which we inhabit, with the view of separating freedom and slavery—36° 30′, brings us very near Tunis into that region in which some supposed, by ordinance of nature, men are to be held in bondage! All over the world the air is vocal with the shouts of men rece[illegible]. What does it all mean? It means that they have been redeemed from political servitude; and in God's name I ask, if it be a boon to mankind to be free from political servitude, must it not be accepted as matter of some gratulation that they have been relieved from personal servitude—absolute subjection to the arbitrary power of others? What do we say of them? I am not speaking of the propriety of this thing; it may be all wrong, and these poor fellows in Paris, who have stout hands and willing hearts, anxious to earn their bread, may be very unreasonable in fighting for it. It may be all wrong to cut off the head of a King, or send him across the channel. It may be highly improper and foolish in Austria to send away Metternich, and say, "we will look into this business ourselves." According to the doctrine preached in these halls—in free America—instead of sending shouts of gratulation across the water to these people, we should send to them groans and commiseration for their folly, calling on them to beware how they take this business into their own hands—telling them that universal liberty is a curse; that as one man is born with a right to govern an empire, he and his posterity must continue to exercise that power, because in this case it is not exactly *partus sequitur ventrem*, but *partus sequitur patrem*—that is all the difference. The crown follows the father! Under your law, the chain follows the mother!

Sir, we may, we ought to remember, that it was law in this country in 1776, that Kings had a right to rule us, did rule us. George III. said then "*partus sequitur patrem*," my son inherits my crown, "he follows the condition of the father," "he is born to be your ruler;" your fathers said, this is not true, this shall be law no longer. Let us look for a moment at the doings of that good old time, 1776. Then, sir, our fathers, being oppressed, lifted up their hands and appealed to the God of justice, the common father of all men, to deliver them and their posterity from that law, which proclaimed that "Kings were born to rule." They (the men of 1776) did not believe that one man was born "booted and spurred" to ride another. And if, as they said, no man was born to rule another, did it not follow, that no man could rightfully be born to serve another? Sir, in those days, Virginia and Virginia's sons, Washington and Jefferson, had as little respect for that maxim, *partus sequitur ventrem*, as for that other cognate dogma, "Kings are born to rule." I infer from our history, sir, that the men of that day were sincere men, earnest, honest men, that they meant what they said. From their declaration "all men are born equally free," I infer that, in their judgments, no man, by the law of his nature, was born to be a slave; and, therefore, he ought not by any other law to be born a slave. I think this maxim of Kings being born to rule, and others being born only to serve, are both of the same family, and ought to have gone down to the same place whence I imagine they came, long ago, together. I do not think that your *partus sequitur ventrem* had much quarter shown it at Yorktown on a certain day you may remember. I think that when the lion of England crawled in the dust, beneath the talons of your eagles, and Cornwallis surrendered to George Washington, that maxim, that a man is born to rule, went down, not to be seen among us again forever; and I think that *partus sequitur ventrem*, in the estimation of all sensible men, should have disappeared along with it. So the men of that day thought. And we are thus brought to the proper interpretation of the language of those men which has been criticised by the Senator from South Carolina.

Mr. President, it is worth while to inquire what were the publicly expressed opinions of the leading men and States, as to the policy of negro slavery, from the year 1774 up to the year 1787, and from thence up to the final adoption of the constitution, in 1789. And, first, how was it in the old Commonwealth—Virginia:

"*June*, 1774.—At a general meeting of the freeholders and others of Prince George's county, Virginia, the following resolves were unanimously agreed to, among others:

"*Resolved*, That the African trade is injurious to this colony. [illegible] *Resolved*, That the purchase of all imported slaves ought to be associated against."—(Do., p. 541.)

"At a meeting of the freeholders and other inhabitants of the county of Culpeper, in Virginia, on the [illegible] day of June, 1774 [illegible] the following resolutions were unanimously agreed to:

"*Resolved*, That the African trade is [illegible] Prince George's county.]—(American Archives, vol. 1, p. 530.)

July 14, 1774, at a meeting of the freeholders [illegible] Virginia:

"*Resolved*, That the African trade is injurious to this colony, &c.; and, therefore, that the purchase of all imported slaves ought to be associated against."—(Do., p. 541.)

July 16, 1774, at a meeting of Surry [illegible]

"[illegible] That the [illegible] to all those [illegible] and [illegible] we will no [illegible] Virginia [illegible]"—(American Archives, 4th series, vol. 1, p. 593.)

"At a general meeting of the freeholders and other inhabitants of the county of Fairfax, on Monday, the 18th day of July, 1774, George Washington [illegible] in the chair:

"*Resolved*, That it is the opinion of this meeting, that, during our present difficulties [illegible] continent; and we take this opportunity of declaring our most earnest wishes to see [illegible]

"*Resolved*, That it is the opinion of this meeting, that a solemn covenant and association [illegible]"—(American Archives, 4th series, vol. 1, p. 690.)

George Washington, Mr. President, was the presiding officer at one of these meetings. Certain young men here may have heard something of this George Washington! He was then a farmer of Fairfax. What he did after that meeting, shall be known, remembered, and revered, by a world, thousands of years to come, long after you and I, and all of us, have been food for worms.

Similar meetings were held, and similar resolutions passed, in the following counties in Virginia: In Hanover, on the 20th July, 1774; in Princess Ann, in July of the same year. I extract from the same volume of American Archives the following, which, from Mr. Jefferson's connexion with it, becomes important.

At a very full meeting of delegates from the different counties in the Colony and Dominion of Virginia, begun "in Williamsburg, the 1st day of August, 1774, the following association was unanimously agreed to." I omit, Mr. President, all not bearing upon the subject of slavery, and quote only the following:

"We will not ourselves import, *nor purchase* any slave or slaves imported by any other person, [illegible] Africa, the West Indies, [illegible]

It seems Mr. Jefferson was a delegate to this convention, but was prevented by sickness from attending. He however addressed a letter to the convention, which I commend to the especial attention of gentlemen from the South, who object so strongly to the expression of opinions as to slavery here. Mr. Jefferson, in one paragraph in his letter to the convention, writes thus, on the subject of negro slavery—

"The *abolition* of slavery *is the present object of desire* in these colonies, where it was unhappily introduced in their infant state."

Mark these words, Mr. President. He complains that slavery was introduced into our American colonies in their "infant state." Would Mr. Jefferson, were he here to-day, and slavery to be in fant colonies of Oregon, New Mexico, and California? But Mr. Jefferson goes on to say—

"But previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa; but our repeated attempts to effect this by prohibitions, and by imposing duties which might amount to prohibition, have hitherto been defeated by his Majesty's negative; thus *preferring the immediate advantage of a few African corsairs to the lasting interests of the American States, and to the rights of human nature, deeply wounded by this infamous practice.*"

Here we see proofs undeniable that Mr. Jefferson, the leading spirit then, confidently anticipated, not the continuance and further extension of slavery, but its abolition; and, in order to the speedy "enfranchisement" of the slaves then in Virginia, he desires to prevent their augmentation, by prohibiting their importation. He complains that slavery was prejudicial to the "infant" colony of Virginia. Were he here, would he not vote to exclude slavery from the "infant" colonies of Oregon, New Mexico, and California? We have seen that he drafted the clause against slavery in the ordinance of 1787. We know he remained unchanged till his death.

How stood public opinion, Mr. President, in the year 1775, in the State of Georgia? From the proceedings of a patriotic association in Georgia at that time, called the "Darien committee," I take the following:

"We, [illegible] Congress, [illegible] county of [illegible] Georgia, [illegible] of the inhabitants [illegible] do resolve—

"5. To show the world that we are not influenced by any contracted or interested motives, but moved by philanthropy *for all mankind, of whatever climate, language, or complexion*, we hereby declare our disapprobation and abhorrence of the unnatural practice of slavery in America, (however the uncultivated state of our country, or other [illegible] may have rendered it necessary among us,) a practice founded in [illegible] and highly dangerous to our liberties, (as well as lives,) debasing part of our fellow-[illegible] to the latest posterity) upon a very wrong foundation. We, therefore, resolve at all times to use our utmost endeavors for the manumission of our slaves in this colony, upon [illegible] for the welfare and happiness [illegible]"—(American Archives, vol. 1, p. 1136.)

From these papers, as well as the general history of the times, we can see what the fathers thought on this subject. May I not, with profound respect, suggest that these papers, dated in 1774 and 1775, explain to us the meaning of the declaration of independence, adopted in 1776. Surely, the men who voted the foregoing resolutions in 1775, might, very consistently, in 1776, declare as they did—"We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness." Well might these men, with their hearts purified from selfishness by the dreadful conflict which then was seen to be inevitable, feel that all men were equal before God, in whom alone they could trust for aid in that dark hour, and that therefore all men were or ought to be masters of themselves, and answerable only to the Creator for the use they should make of that liberty—well might those brave good old men, after such a declaration, look up calmly and hopefully to the heavens and declare: "And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor."

Mr. President, these men, when they spoke of slavery and its extension, did not get up some hybrid sort of "compromise," and consult some Supreme Court. They declared slavery an evil, a wrong, a prejudice to free colonies, a social mischief, and a political evil; and if these were denied, they replied, "These truths are self-evident." And from the judgments of men they appealed to no earthly court; they took an appeal "to the Supreme Judge of the world." When I am asked to extend to this new empire of ours, now in its infancy, an institution which they pronounced an evil to all communities; when I refuse to agree with some here whose judgments I revere, and whose motives I know to be pure, I can only say, I stand where our fathers stood of old, I am sustained in my position by the men who founded the first system of national liberty on earth. With them by my side, I can afford to differ with those here whom I respect. With such authority for my conduct, I can cheerfully encounter the frowns of some, the scorn of all; I can turn to the fathers of such, and be comforted. They knew what was best for an infant people just struggling into existence. If their opinions are worth anything—if the opinions of the venerated men are to be considered as authority—I ask southern gentlemen what they mean when they ask me to extend slavery to the distant shores of the Pacific ocean, and the slave trade betwen Maryland and Virginia and that almost unknown country.

I am considering the propriety of doing this thing as if the question were now for the first time presented to us. I ask any southern man, if there were not a slave on this continent, would you send your ships to Africa, and bring them here? Suppose this confederation of ours had been formed before a slave existed in it, and suppose here, in the year of grace 1850, you had acquired California and New Mexico, and you were told that there existed a modified system of slavery there, and that they wanted laborers there, would a Senator rise in his place and say, we will authorize the African slave trade, in order to introduce laborers into our infant colonies? If you would not bring them from the shores of Africa—buying them with some imagined "*partus sequitur ventrem*" branded on them somewhere, how can you prove to me that it would be right to transfer them from Maryland or Virginia, 3,000 miles, to the shores of the Pacific? If slavery were a curse to you in the beginning, but struck its roots so deep into your social and municipal system as was then said, that it could not be eradicated entirely, how is it that you call upon me, as a matter of conscience and duty, to transfer this curse to an area of square miles greatly exceeding that of the thirteen States, when the confederation was formed? If it is so that it is an evil—and do all you statesmen have pronounced it, and so all your eminent men, with the exception of a few in modern times, have regarded it—how is it that you call upon me to extend it to those vast dominions which you have recently acquired? Is it true that I am obliged to receive into my family a man with the small-pox or leprosy, that they may be infected? I know you do not consider it in that light now. But the gentleman from Virginia has said that it must be done. Why? Because it is companion to the slave. He cannot be manured in Virginia; your lands are worn out. Sir, that statement sounded ominous in my ears. It gave rise to some reflection. Why are your lands worn out? Are the lands of Pennsylvania worn out? Are those of Connecticut worn out? Is not Massachusetts more productive to-day than when the foot of the white man was first impressed upon her soil? Your lands are worn out, because the slave has turned pale the land wherever he has set down his black foot! It is slave labor that has done all this. And must we then extend to these territories that which produces sterility wherever it is found, till barren desolation shall cover the whole land? If you call upon me, as a matter of compassion, to send the slave to California and Oregon, you call upon me by the same sacred obligation to receive him into Ohio as a slave; and I would be just as much bound, as a citizen of Ohio, to say that the constitution should be so construed as to admit slaves there, because they have made the land in Virginia barren, and they and their masters were perishing, till Ohio had also become a wilderness. That reason will not do. Sensitive as Ohio may appear to the morbid benevolence spoken of—with which I have no sympathy at all—we can see through that—the citizens of Ohio cannot accept these men upon such terms.

What is there in the way, then, of my giving an intelligent vote on this subject? Nothing at all. I would take this bill in a moment, if I had faith in the processes through which that law is to pass until it becomes a law in the chamber below. But I have not that faith, and I will tell the gentleman why. It is a sad commentary upon the perfection of human reason, that with but very few exceptions, gentlemen coming from a slave State—and I think I have one behind me who ought always to be before me—[MR. BADGER,] with a very few exceptions, all eminent lawyers on this floor from that section of the country, have argued that you have no right to prohibit the introduction of slavery into Oregon, California, and New Mexico; while, on the other hand, there is not a man, with few exceptions, (and some highly respectable,) in the free States, learned or unlearned, clerical or lay, who has any pretensions to legal knowledge, but believes in his conscience that you have a right to prohibit slavery. Is not that a curious commentary upon that wonderful thing called human reason?

Mr. UNDERWOOD.—It is regulated by a line!

Mr. CORWIN.—Yes, by 36 deg. 30 min., and what is black on one side of the line is white on the other, turning to jet black again when restored to its original locality. How is that? Can I have confidence in the Supreme Court of the United States, when my confidence fails in Senators around me here? Do I expect that the members of that body will be more careful than the Senators from Georgia and South Carolina to form their opinions without any regard to selfish considerations? Can I suppose that either of these gentlemen, or the gentleman from Georgia on the other side of the chamber, [Mr. JOHNSON,] or the learned Senator from Mississippi, [Mr. DAVIS,] who thought it exceedingly wrong that we should attempt to restrain the Almighty in the execution of His purposes, as revealed to us by Noah—can I suppose that these Senators, with all the terrible responsibilities which press upon us when engaged in legislating for a whole empire, came to their conclusions without the most anxious deliberation? And yet, on one side of the line, in the slave States, the constitution reads yea, while on the other, after the exercise of an equal degree of intelligence, calmness, and deliberation, in the free States the constitution is made to read nay.

I admire the Supreme Court of the United States as a tribuual. I admire the wisdom which contrived it. I rejoice in the good consequences to this republic from the exercise of its functions. I also revere the Senate of the United States. Here is the most august body in the world, they say, composed of men who have wasted the midnight oil from year to year—men who in cloisters, in courts, in legislative halls, have been reaping the fruits of ripe experience, and suddenly their mighty intellects, able to scan everything, however minute, and comprehend everything, however grand, utterly fail them, and they kneel down in dumb insignificance, and implore the Supreme Court to read the constitution for them. I think the Senator from South Carolina must have had some new light upon the subject within the last few years, and that several of my democratic friends on all sides of the chamber must have been smitten with new love for the power and wisdom of the Supreme Court. Do you remember the case adverted to by the Senator from New Jersey to-day? I recollect very well when we did not stop to inquire how the Supreme Court had decided or ordained. It had decided, with John Marshal at its head as a most able legislative conference upon the subject of constitutional law have always had with me as much weight as the well-considered opinion of almost any other man—that Congress had power to establish just such a bank as you had; but with what infinite scorn did democratic gentlemen—Jackson democrats as they choose to be called—curl their lips when referred to that decision of the Supreme Court. Then the cry was, "We are judges for ourselves; we make no law unless we have the power to enact it." Now, however, the doctrine is, that there is one only tribunal competent to put the matter at rest forever. We are to thank God, that though all should fail, there is an infallible depository of truth, and it lives once a year for three months, in a little chamber below us! We can go there. Now, I understand my duty here to be, to ascertain what constitutional power we have; and when I have ascertained that, I act without reference to what the Supreme Court may do—for they have yet furnished no guide on the subject—but to what the Supreme Court ought to conform with us. I agree with gentlemen who have been so lofty in their encomiums upon that court, that their decision, whether right or wrong, controls our action. But we have not hitherto endeavored to ascertain what the Supreme Court would do. I wish next to ascertain in what mode this wonderful response is to be obtained—not from the Delphic Oracle, but from that infallible divinity, the Supreme Court. How is it to be done? A gentleman starts from Baltimore, in Maryland, with a dozen black men, who have been slaves; he takes them to California, 3,000 miles off. Now, I don't know how it may be in other parts of the world, but I know that in the State of Ohio we do not travel 3,000 miles to get justice. What, then, is the admirable contrivance in this bill by which we can get at the meaning of the constitution? It seems the meaning of the constitution is to be forever hidden from us until light shall be given by the Supreme Court. Sir, this bill seems to me a rich and rare legislative curiosity. It does not enact "a law," which I had supposed the usual function of legislation. No, sir; it only enacts a "lawsuit." So we virtually enact, that when the Supreme Court say we can make law, then we have made it!

But, sir, to have a fair trial of this question, so as to make it effectual to keep slaves out of our territories, all must admit this trial should be had before slaves have become numerous there. If slavery goes there and remains there for one year, according to all

experience, it is eternal. Let it but plant its roots there, and the next thing you will hear will be earnest appeals about the rights of property. It will be said: "The Southern planter walked on right to come here. The House of Representatives, a body of gentlemen elected from all parts of the country, on account of their sagacity and legal attainments, did not prohibit us from coming here. I thought I had a right to come here; the Senator from South Carolina said I had a right to come; the learned ex-Senator from Georgia said that I had a right to come here, knowledge-league said that it was a right secured to me somewhere high up in the clouds, and not belonging to the world; the Senator from Mississippi said it was the ordinance of Heaven, sanctified by decrees and revealed through prophesy. Am I not, then, to enjoy the privileges thus so fully sanctioned?" I have property here; several of my women have borne children, who have *partus sequitur ventrem* born with them: they are my property." Thus the appeal will be made to their fellow-citizens around them; and it will be asked whether you are prepared to strike down the property which the settler in those territories has thus acquired? That will be the case, unless the negro from Baltimore, when he gets there and sees peons there—slaves not by hereditary taint, but by a much better title—a verdict before a justice of the peace—should determine to avail himself of the admirable facilities afforded him by this bill for gaining his freedom. Suppose my friend from New Hampshire, when he goes home, gets up a meeting and collects a fund for the purpose of sending a missionary after these men; and when the missionary arrives there, he proposes to hold a prayer meeting; he gets up a meeting, as they used to do in Yankee times, "for the improvement of gifts." He goes to the negro quarter of this gentleman from Baltimore, and says: "Come I want this brother; it is true he is a son of Ham, but I want to instruct him that he is free." I am very much inclined to think that the missionary would fare very much as one did in South Carolina, at the hands of him from Baltimore. This bill supposes the negro is to start all at once into a free Anglo-Saxon in California—the blood of liberty flowing in every vein, and its divine impulses throbbing in his heart. He is to say: "I am free; I am a Californian; I bring the right of *habeas corpus* with me." At last he is brought up on a writ of *habeas corpus*—before whom? Very likely one of those gentlemen who have been proclaiming that slavery has a right to go there; for such are the men that Mr. Polk is likely to appoint. He has prejudged the case. On the faith of his opinion the slave has been brought there—what can he do? There is his recorded judgment printed in your Congressional report—what will he say? "You are a slave. Mr. Calhoun was right. Judge Berrien, of Georgia, a profound lawyer, whom I knew well, was right. I know these gentlemen well; their opinion is entitled to the highest authority; and, in the face of it, it does not become me to say that you are free—so, boy, go to your master; you belong to the class *partus sequitur ventrem;* you are not quite enough of a Saxon!" What, then, is to be done by this bill? Oh! a writ of error or appeal can come to the Supreme Court of the United States. How? The negro, if he is to be treated like a white man, taking out an appeal, must give bonds in double the value of the subject-matter in dispute. And what is that? If you consider it the mercantile value of the negro, it may be perhaps $1,000 or $2,000. But he cannot have the appeal according to this bill, unless the value of the thing in controversy amounts to the value of $2,000. But, then, there comes in this ideality of personal liberty. What is it worth? Nothing at all—says the Senator from South Carolina—to this fellow, who is better without it. And under this complexity of legal quibbling and litigation, it is expected that the negro will stand there and contend with his master, and coming on to Washington, will prosecute his appeal two years before the Supreme Court, enjoying the opportunity of visiting his old friends about Baltimore!

And now, Mr. President, if we have found upon the opinions of wise ones of old, upon the observations of past and present time, that involuntary slavery is not useful, profitable, or beneficial to either master or slave, that such institutions only become tolerable because, when long established, the evil is less than those consequences which would follow their sudden change, I think it will be admitted that we should prohibit involuntary servitude in the territories over which we have control.

Here, then, the question arises, have we this prohibitory power? I have already said, that where the Supreme Court of the United States has solemnly adjudged any power to belong to any branch of this government, such adjudication should, until overruled, have great if not controlling weight with Congress. What, then, are the adjudications of that court upon this point? I quote from the case so often referred to, American Insurance Company vs. Carter, (1st Peters's Reports, page 511.) On page 542 of that case the court say:

"The constitution confers absolute upon the government the power of making war and of making treaties. Consequent and unrestricted powers over the power of acquiring territory, either by conquest or treaty."

Again, on the same page, the right to make law for a territory is thus spoken of:

"Perhaps the power of governing a territory of the United States, which has been acquired by treaty, may be sustained [illegible] from the fact that it is conceded that [illegible] in the power to legislate over it. But [illegible] inevitable consequence of the right to acquire territory; but whether may be the source whence the power is derived, the possession of it is unquestioned."

Nothing can be clearer or more satisfactory on this point.—While this doctrine conforms to the plain dictates of reason, it is satisfactory to know that the principle has been strengthened by the uniform practice under the constitution. The latter class of cases is too numerous to permit even a reference to them all. They have been frequently adverted to in this debate, and therefore I need not again bring them to the attention of the Senate. I therefore find the power of Congress to make law for a territory absolute and unlimited. I have only to consider whether a law prohibiting slavery in a territory where slavery does not already exist, is sound policy for such territory.

No, if we can make any law whatever not contrary to the express prohibitions of the constitution, we can enact that a man with $60,000 worth of bank notes of Maryland shall forfeit the whole amount if he attempts to pass one of them in the territory of California. We may say, if a man carry a menagerie of wild beasts there worth $500,000, and undertakes to exhibit them there he shall forfeit them. The man comes back with his menagerie, and says that the law forbade him to exhibit his animals there; it was thought that, as an economical arrangement, such things should not to be tolerated there. That you may do: he of the lions and tigers goes back, having lost his whole concern. But now you take a slave to California, and instantly your power falls; all the power of the sovereignty of this country is impotent to stop him. That is a strange line of argument to me. It has always been considered that when a State forms its constitution it can exclude slavery. Why so? Because it chances to consider it an evil. If it be a proper subject of legislation in a State, and we have absolute legislative power, transferred to us by virtue of this bloody power of conquest, as some say, or by purchase, as others maintain, I ask—this now we are not? Again—considering this as an abstract question—are there not duties devolving upon us, for the performance of which we may not be responsible to any earthly tribunal, but for which God has created us all will hold us accountable? What is your duty, above all others, to a conquered people? You say it is your duty to give them a government—may you not, then, do everything for them which you are not forbidden to do by some fundamental axiomatic truth at the foundation of your constitution? Show me, then, how your action is precluded, and I submit. Though I believe it ought to be done—see, yet, if the constitution of my country forbids me, I yield. The constitutions of many States declare slavery to be an evil. Southern gentlemen have said that they would have done away with it if possible, and they have apologized to the world and to themselves for the existence of it in their States. These honest old men of another day never could have failed to strike off the chains from every negro in the colonies, if it had been possible for them to do it without upturning the foundations of society.

I do not revive these things to wound the feelings of gentlemen. I know some of them consider this institution as valuable; but many of them, I also know, regard it as an evil. But slavery is not in Oregon, it is not in California; and when I find that you have trampled down the people in order to extend your dominion over them, I feel it to be my duty, when you appeal to me to make laws for them, and the Supreme Court has said that I was so, I have the power to do so to avert from them this evil of slavery, and establish free institutions, under which no man can say that another is his property. I do not doubt this power. I know that it has been considered of old, from 1787 till the present hour, to be vested in Congress. The judicial tribunals in the West have considered it so, and the Supreme Court of the United States have said in that decision, so often referred to, that it was so. Have they found any restrictions upon us? No. And what would you do if you were in Oregon to-day, and it were a State? What would you do, and you, and you? Would any man here, if he were acting in a legislative capacity, say, "I feel myself bound to admit this evil into this country for the benefit of some of the States who are overburdened with slaves?" If this were true, it would be the duty of the free States, in that fraternal spirit which ought to prevail between the various States of the Union, to admit slaves whenever the slave States became overburdened with them. Do we so act in legislating for our States? No; we say, "enjoy your slaves, or free them, as you will, but is is our wish that there shall be no slavery here." You may implore a State, if you will, to take slaves into its bosom for your convenience, but they do not feel themselves bound by any government obligation to do it. Am I not, then, bound to lay the foundations of that State for whose future progress I am to be responsible, in the way which I think the most likely to produce beneficial results to the people there? And when I find myself possessed of this power, and clothed with commensurate responsibility, no threats of dissolution of the Union, no heartburnings here or there, and, least of all—that which we have heard much of out of doors—the coming Presidential election, shall deter me from pursuing this course. I am for making a law in the language of the ordinance of 1787; I would have it enacted that slavery shall never exist in that country. Then, when my black man comes to the Supreme Court of the United States, as provided in this bill, he comes with a positive law in his favor, that court must overrule the decision of the case in Peters, or else such appeal must be sustained. Then we will have acted upon the subject—we will have forbidden slavery.

I observed that some gentlemen who handled this subject were very careful to repeat, with emphasis, that slavery may go where it is not prohibited. That is the reason I prefer the ordinance of 1787 to the so-called compromise bill. I have no doubt that every Senator who assented to that bill convinced himself that it was the best we could pass. I have no doubt that our friends from the

North thought it would be effective in preventing slavery in these territories. But I see that the Senator from South Carolina does not think so. He supports the bill for the very reason that it will admit slavery; the Senator from Vermont for the very reason that slavery is forbidden by it. Now, in this confusion of ideas, I desire that Congress, if it have any opinion, express it.

If we have any power to legislate over these territories, how long would it take to write down the sixth article of the ordinance of 1787? Those of us who think that ought to be a fundamental law in the organization of territories will vote for it; and those of us who believe otherwise, will vote against it, and whichever party triumphs, will give law to Oregon and California, bearing the responsibility. But I must say, that I do not like what appears to me—I say it in no offensive sense—a shuffling off the responsibility which is upon us now, and which we cannot avoid. The Supreme Court may overrule our decision; but if we think we have power to ordain that slavery shall not exist in that territory, let us say so; if not, let us so decide. Let us not evade the question altogether.

That honorable Senators who reported this bill had its passage very much at heart, I have no doubt; nor do I feel disposed to deny that every man of them believed that it was just such a measure as was calculated to give tranquility to the agitated minds of the people of this country. Well, I do not care for that agitation farther than it at I will look to it as a motive to inquire carefully what my powers and my duties are. I have heard much of this—I have been myself a prophet of dissolution of this Union; but I have seen the Union of these States survive so many shocks, that I am not afraid of dissolution. Perhaps, indeed, when this cry of wolf has been long disregarded, he may come at last when not expected; but I do not believe that the people of the South are willing to sever themselves from this republic because we will not establish slavery here or there. If we have no power to pass the ordinance of 1787, let the people of the South go to the Supreme Court, and have the question decided. It will only be a few months till the court resumes its session here, and the question can then be tried. If the decision be against us, the gentlemen of the South can at once commence their emigration to these territories. Let us then make the law as we think it ought to be made now.

I am the more confirmed in the course which I am determined to pursue, by some historical facts elicited in this very discussion. I remember what was said by the Senator from Virginia the other day. It is a truth, that when the constitution of the United States was made, South Carolina and Georgia refused to come into the Union unless the slave trade should be continued for twenty years; and the North agreed that they would vote to continue the slave trade for twenty years; yes, voted that this new republic should engage in piracy and murder at the will of two States! So the history reads; and the condition of the agreement was, that those two States should agree to some arrangement about navigation laws! I do not blame South Carolina and Georgia for this transaction any more than I do those northern States who shared in it. But suppose the question were now presented here by any one, whether we should adopt the foreign slave trade and continue it for twenty years, would not the whole land turn pale with horror, that, in the middle of the nineteenth century, a citizen of a free community, a Senator of the United States, should dare to propose the adoption of a system that has been denominated piracy and murder, and is by law punished by death all over Christendom? What did they do then? They had the power to prohibit it; but, at the command of these two States, they allowed that to be introduced into the constitution to which much of slavery now existing on our land is clearly to be traced. For who can doubt that, but for that woful bargain, slavery would by this time have disappeared from all the States then in the Union, with one or two exceptions? The number of slaves in the United States at this period was about six hundred thousand; it is now three millions. And just as you extend the area of slavery, so you multiply the difficulties which lie in the way of its extermination. It had been infinitely better that day that South Carolina and Georgia had remained out of the Union for a while, rather than that the constitution should have been made to sanction the slave trade for twenty years. The dissolution of the old confederation would have been nothing in comparison with that recognition of piracy and murder. I can conceive of nothing in the dark record of man's enormities, from the death of Abel down to this hour, so horrible as that of stealing people from their own home, and making them and their posterity slaves forever. It is a crime which we know has been visited with such signal punishment in the history of nations as to warrant the belief that Heaven itself had interferred to avenge the wrongs of earth.

In thus characterizing the accursed traffic, I speak but the common sentiment of all mankind. I could not, if I taxed my feeble intellect to the utmost, denounce it in language as strong as that uttered by Thomas Jefferson himself. Nay, more—the spirit of that great man descending to his grandson, in your Virginia convention, denounced the slave trade, as now carried on between the States, as being no less infamous than that foreign slave trade carried on in ships that went down into the sea. I speak of Thomas Jefferson Randolph. If you would not go to Africa, and thence people California with slaves, may you not perpetuate equal enormities here? You take the child from its mother's bosom—you separate husband and wife—and transport them three thousand miles off to the shores of the Pacific ocean.

I know that this is a peculiar institution; and I doubt not that in the hands of such gentlemen as talk about it here, it may be made very attractive. It may be a very agreeable sight to behold a large company of dependents, kindly treated by a benevolent master, and to trace the manifestations of gratitude which they exhibit. But in my eyes a much more grateful spectacle would be that of a patriarch in the same neighborhood, with his dependents all around him, invested with all the attributes of freedom bestowed upon them by the common father, in whose sight all are alike precious! It is, indeed, a very "peculiar" institution. According to the account of the Senator from Mississippi, [Mr. DAVIS,] this institution exhibits all that is most amiable and beautiful in our nature. That Senator drew a picture of an old, grey-headed negro woman, exhausting the kindness of her heart upon the white child she had nursed. This is true; and it shows the good master and the grateful servant But, sir, all are not such as these. The Senator concealed the other side of the picture; and it was only revealed to us by the quick apprehension of the Senator from Florida, [Mr. WESTCOTT,] who wanted the power to send a patrol all over the country to prevent the slaves from rising to upturn the order of society! I had almost believed, after hearing the beautiful, romantic, sentimental narration of the Senator from Mississippi, that God had, indeed, as he said, made this people in Africa to come over here and wait upon us, till the Senator from Florida waked me up to a recollection of the old doctrines of Washington and Jefferson, by assuring us that wherever that patriarchal institution existed, a rigid police should be maintained in order to prevent the uprising of the slave. Sir, it is indeed a peculiar institution. I know many good men, who as masters, honor human nature, by the kindness, equity and moderation of their rule and government of their slaves; but put a bad man, as sometimes happens, as often happens, in possession of uncontrolled dominion over another, black or white, and then wrongs follow that make angels weep. It is, sir, a troublesome institution; it requires too much law, too much force, to keep up social and domestic security; therefore, I do not wish to extend it to these new and as yet feeble territories.

Is it pretended that slave labor could be profitable in Oregon or California? Do we expect to grow cotton or sugar there? I do not know that it may not be done there; for, as the gentleman from New York has told us, just as you get out upon this continent, the line of latitude changes in temperature, so that you may have a very different isothermal line as you approach the Pacific ocean. But I do not care so much about that. My objection is a radical one to the institution everywhere. I do believe, if there is any place upon the globe which we inhabit where a white man cannot work, he has no business there. If that place is fit only for black men to work, let black men alone work there. I do not know any better law for man's good than that old one, which was announced to man after the first transgression, that by the sweat of his brow he should earn his bread. I don't know what business men have in the world, unless it is to work. If any man has no work of head or hand to do in this world, let him get out of it soon. The hog is the only gentleman who has nothing to do but eat and sleep. Him we dispose of as soon as he is fat. Difficult as the settlement of this question seems to some, it is in my judgment only so because we will not look at it and treat it as an original proposition, to be decided by the influence its determination may have on the territories themselves. We are ever running away from this, and enquiring how it will affect the "slave States" or the "free States." The only question mainly to be considered is, how will this policy affect the territories for which this law is intended? Is slavery a good thing, or is it a bad thing, for them? With my views of the subject, I must consider it bad policy to plant slavery in any soil where I do not find it already growing. I look upon it as an exotic, that blights with its shade the soil in which you plant it; therefore, as I am satisfied of our constitutional power to prohibit it, so I am equally certain it is our duty to do so.

In the States where law and long usage have made the slave property, as property I treat it. It is there, and while there it should and will receive that protection which the constitution and the good neighborhood of the States afford and require at our hands. But I should be false to my best convictions of duty, policy, and right, if by my vote I should extend it one acre beyond its present limits. I may be mistaken in all this; but of one thing I am satisfied—of the honest conviction of my own judgment; and no imaginary interruption of the ties which bind the various sections of the confederacy shall induce me to shrink from these convictions, whenever I am called upon to act upon them out into law.

But we are told that, when the constitution was made, there existed certain relative proportions between the power of the slave and the power of the free States. I understood the Senator from South Carolina, that we were under obligations to preserve forever these relative proportions in the same way.

Mr. CALHOUN —I said nothing of the kind.

Mr. CORWIN.—I am very happy to be undeceived. I understood the Senator to conceive that this is a question of power. It is not so. It is a question of municipal law, of civil policy. The men who framed the constitution never dreamed that there was to be a conflict of power between the slave and the free States.—They never dreamed that the South was to contend that they would always be equal in representation in the Senate to the North. They had no idea of that equilibrium of power of which we have heard so much. The circumstances of that period forbade any such supposition. Looking at all these circumstances, (and I have no doubt those far-seeing men regarded them carefully) you would

have had fourteen free States and nine slave States. But every man who had much to do with the formation of the constitution expected and desired that slavery should be prohibited in the new States; and they even expected to have it abolished in many of the States where it existed. They had no idea of conflict; and if the ultra fanatics in the South, as well as those in the North, would let the subject alone, we should have much less difficulty in a proper settlement of the question.

While the extreme fanaticism of the North, it is said, would burst the barriers of the constitution, and rush into the slave States to enforce their abolition views, trampling on your laws and madly overturning existing institutions there, the South vents its fiery indignation in tones of unmeasured reproach. But have southern gentlemen considered their position before the world on this question? You declare the opinion that slavery does not exist either in Oregon, California, or New Mexico; all these immense regions are now, and for many years have been, free from negro slavery. And now what do the ultra fanatics of the South ask? Sir, they avow their determination to rush into these free territories, overturn the social systems there existing, uproot all establishments founded in and moulded by an absence of slavery, and having thus swept away the former free systems, plant there forever the system of involuntary servitude. Sir, southern gentlemen must say no more about the fanatics of the North endeavoring to uproot your institutions, while you imitate the example of those fanatics in your treatment of the free soil part of the Union. Sir, there is no difference between the two cases. The fanatics of the South are but a counterpart of those of the North. If there be any difference, it is only this: The fanatic of the North has this apology—he proposes, at least in theory, to enlarge and extend the boundaries of human rights. The fanatic of the South, strangely inconsistent with the obvious tendencies of the age, seeks to extend, at one sweep, human black slavery over a country, new and sparsely settled, larger in extent than most of the governments of the old world. This does appear to my poor judgment, not merely at war with the spirit of the age, with the better spirit, I would say, of men in all ages; nay, more—I must be pardoned if I declare it wears the aspect of absurdity, arrogance and temerity. Sir, I have spoken out my opinions freely, boldly, but in no spirit of unkindness to any man or any section of our common country. I know how widely different are the views of other gentlemen from mine. I know how habit, usage, time, color our thoughts, and, indeed form our principles often. But I must here repeat my belief, that if we could set about this business in the spirit of those who founded this republic, we should have no difficulty in enacting the ordinance of 1787. Sir, it is best to repeat what they did. In 1787 they made the constitution. In 1787 they made that celebrated ordinance for the northwest. Sir, this doctrine of free territory is not new; it is coeval with the constitution, born the same year, of the same parents, and baptized in the same good old republican church. And now, when we are about to establish these new republics, much larger than the old, why should we not imitate their example, re-enact their laws, and thus secure to this new republic on the Pacific the glory, the prosperity, the rational progress, which have shed such lustre around that founded upon the shores of the Atlantic?

A Senator who sits before me [Mr. FITZGERALD] has, with great propriety, explained to the Senate the position in which he is placed on this subject, as connected with his friend, Gen. Cass, not now a member of this body. The subject, as bearing on the opinions and prospects of both Gen. Cass and Gen. Taylor, has been often adverted to in this debate. While I am yet on my feet I desire to say a word or two on this aspect of the debate.

I speak of one absent from this chamber with every feeling of respect, and with some reluctance. It is said, and I believe truly, that General Cass has, within the last two years, entertained two opinions on this subject, the one in direct conflict with the other. In other words, he has changed his opinions respecting it. Whereas he was at one time in favor of extending the ordinance of 1787 over all new territory; now, he denies the power of Congress to do so. Thus it follows that he would arrest all such legislation by interposing his veto. His position at present is fixed. But, sir, this facility in forming and changing opinions in a gentleman at his time of life, gives some hope that in the future he may not obstinately persevere in his error. Sir, one who on such subjects can change in the two past years his opinion, gives hopeful expectation that he may change back in the two years to come. As Major Dugald Dalgetty would say, "he will be amenable to reason." His opinion, it seems, is, that the whole subject is to be given over to the unlimited discretion of the territorial legislatures. As to General Taylor's position in regard to this and all like subjects of domestic policy, I here declare that if I did not consider him pledged by his published letter to Captain Allison not to interpose his veto on such subjects of legislation, he certainly could not get my vote, nor do I believe that of any northern State.

Mr. HANNEGAN.—I would like to be informed by the Senator from Ohio, as he has referred to General Cass's position, and as he is about to give his support to General Taylor, if he can give us General Taylor's views on the subject, and what his opinion be, as expressed in his message to Congress?

Mr. CORWIN.—I cannot.

Mr. HANNEGAN.—I [illegible] say, that if General Taylor would interpose a veto upon the subject he would [illegible]

Mr. CORWIN. I would not [illegible] unless indeed we found him opposed to just such another man who had a great [illegible] I think it very likely that I do not believe that General Taylor could get the electoral vote of a free State in America, if it were not for the belief that prevails, that upon this subject, as well as upon any other of domestic [illegible] by the various departments of government, and acquiesced in by the people, he would not, through the veto power, interfere to crush the free will of the people, as expressed through both branches of Congress.

I repeat, sir, that if Congress, having the power as defined by the Supreme Court, acted on by Congress in various cases, as shown by your legislation, sanctioned in so many ways, and till now cheerfully acquiesced in by the people, should enact the ordinance of 1787 over again, and extend it over the three territories in question, and the man in the White House should interpose his veto, and again and again thrust his puny arm in the way of the legislative power, and arrest for a long time the popular will, I will not say he would be impeached, tried, and (if the law were so) have his head brought to the block. Patience might in its exhaustion [illegible] and in spurning [illegible] majesty of judicial trial all fall before the summary vengeance of an abused and insulted people.

I know very well that the Senate is weary of this debate. I wish now only to state another fact, which will show what it is which our brethren of the South now demand. If you take the area of the free States and the slave States as they exist, and compare them, you will find that the latter predominate. When the constitution was formed, and when all the territory which you then had was brought into the Union, the free States had an excess of [illegible] square miles over the slave States. Since then we had acquired Louisiana, Florida, and Texas, and added them to the Union, and when you have added the claim of the South that they will carry their slaves into Oregon, New Mexico, and California, what will then be the condition of the free States? The slave States will have one-third more power in the Senate of the United States than the free States could ever have.

Sir, if this is to be viewed at all as a question of power, what I have stated would be the exact result of yielding to the present claim of the South; and this will be the result, unless you prohibit the introduction of slavery into these territories. Sir, I have seen the working of this system. Plant thirty slaveholders among three hundred inhabitants who are not slaveholders, and they will maintain their position against the three hundred. Let one man out of fifty be a slaveholder, and he will persuade the forty-nine that it is better that the institution should exist. It is capital and social position opposed to labor and poverty. How this war may wage in the future, I will not say; but thus far the former have ever been an over-match for the latter.

But, sir, I do not like this view of such a subject. If it were merely a comparison of strength or contest for relative power, I could yield without a struggle. But I am called on to lay the foundations of society over a vast extent of country. If this work is done wisely now, ages unborn shall bless us, and we shall have done in our day what experience approved and duty demanded. If this work shall be carelessly or badly done, countless millions that shall inherit that vast region will hereafter remember our folly with bitter curse; our names and deeds, instead of praises, shall only call forth execration and reproach. In the conflict of present opinions, I have listened patiently to all. Finding myself opposed to some with whom I have rarely ever differed before, I have doubted myself, re-examined my conclusions, reconsidered all the arguments on either side, and I still am obliged to adhere to my first impressions, I may say, my long cherished opinions. If I part company with some here, whom I habitually respect, I still find with me the men of the past, whom the nations venerated.—I stand upon the ordinance of 1787. There the path is marked by the blood of the revolution. I stand in company with the "men of '87," their locks wet with the mists of the Jordan over which they passed, their garments purple with the waters of the Red Sea through which they led us of old, to this land of promise. With them to point the way, however dark the present, hope shines upon the future, and, discerning their foot-prints in my path, I shall tread it with unfaltering trust.

Mr. UNDERWOOD moved [illegible] the Senate [illegible] the yeas and nays being ordered, it was determined in the affirmative, as follows:

YEAS—[illegible]

Whereupon,

The Senate adjourned.

TUESDAY, JULY 25, 1848.

PETITIONS.

Mr. DOWNS presented the memorial of T. Lewis, an officer in the first regiment of Louisiana volunteers, praying bounty land for certain recruits enlisted by him for the Mexican war; which was referred to the Committee on Military Affairs.

Mr. DIX presented the memorial of E. F. Aldrick, praying that the Secretary of the Navy may be authorized to contract with him for the construction of a steam vessel of war, on an improved method, of which he is the inventor; which was referred to the Committee on Naval Affairs.

Mr. UNDERWOOD submitted documents relating to the purchase of a work published by Robert Mayo, exhibiting a history of the operations of the United States Treasury Department; which was referred to the Committee on the Library.

On motion by Mr. SEBASTIAN, it was

Ordered, That Hola-to-Emathla, and other Seminole Indians, have leave to withdraw their petitions and papers.

APPROPRIATIONS FOR SURVEYS.

Mr. BREESE submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury cause the several accounts and sums of unexpended balances of appropriations, ordered to be carried to the public funds, as on hand and available for that purpose, for the year ending the 30th June, 1847, and for each and every year and quarter thereafter, if there be such unexpended balances, they are not liable to be absorbed in the payment of contracts for the said quarters heretofore made, and if the same or any part of the same can be applied to the payment of contracts entered into after

ADJUSTMENT OF CLAIMS FOR EXTRA PAY, ETC.

Mr. BREESE submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of authorizing the President of the United States to cause a commutation payment of the army, now entitled to apply for office at the end of ascertained and adverse duty, shall be to every officer and part of the same, present, after which time no officers of the line was for pay, rations, and other allowances, the extra pay prescribed by them under the act of July 19th, 1848.

NAVAL PENSIONS.

Mr. BRADBURY submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of extending the provisions of the several acts of the 30th Congress, granting pensions to widows, minor children, and invalids enrolled in the line of their duty, to the widows of surviving officers, seamen, and marines entitled to the benefits of said acts.

MOTION FOR A RECESS.

Mr. HANNEGAN submitted the following motion for consideration:

Ordered, That the Senate will to-morrow take a recess from 4 until 5 o'clock P. M.

SCHOOL LANDS IN WISCONSIN.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill to modify the fourth clause of the seventh section of the act entitled "An act to enable the people of Wisconsin territory to form a constitution and State government, and for the admission of such State into the Union," approved August 6th, 1846, reported it with amendments.

RENEWAL OF NAVAL PENSIONS.

Mr. YULEE, from the Committee on Naval Affairs, to whom was referred the amendments of the House of Representatives to the bill renewing certain naval pensions for the term of five years, and extending the benefits of existing laws respecting naval pensions to engineers, firemen, and coal heavers in the navy and to their widows, reported thereon.

The Senate proceeded to consider the amendments of the House of Representatives to the bill last mentioned, and it was

Resolved, That they disagree thereto.

Ordered, That the Secretary notify the House of Representatives accordingly.

CREEK INDIANS.

Mr. ATCHISON, from the Committee on Indian Affairs, to whom was referred the memorial of Benjamin Marshall and other delegates of the Creek nation of Indians, submitted a report, accompanied by a bill for the relief of certain Creek Indians.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

PRIVATE BILL.

Mr. MANGUM, from the Committee on Foreign Relations, reported a bill for the relief of John Hogan; which was read and passed to the second reading.

GIBSON COUNTY, LOUISIANA.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill from the House of Representatives in addition to an act entitled "An act for the relief of the inhabitants of the reserved township in Gibson county, in the State of Louisiana," approved August 11th, 1842, reported it with amendments.

PRE-EMPTION CLAIMS.

Mr. DOWNS, from the Committee on Private Land Claims, to whom was referred the bill to facilitate the entry of pre-emption claims, reported it with an amendment, and submitted a report on the subject; which was ordered to be printed.

INDIAN APPROPRIATION BILL.

Mr. ATHERTON, from the committee of conference on the part of the Senate, on the disagreeing votes of the two Houses on the bill entitled "An act making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30th, 1849," and for other purposes, reported thereon.

The Senate proceeded to consider said report; and it was

Resolved, That they concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives concur in the report of the committee of conference in the disagreeing votes of the two Houses on the bill entitled "an act making appropriations for the current and contingent expenses of the War Department, and for fulfilling treaty stipulations with the various Indian tribes for the year ending 30th June, 1849," and for other purposes.

They have passed the bill granting a pension to Wm. Putman.

THE COMPROMISE BILL.

The Senate resumed as in Committee of the Whole, the consideration of the bill to establish the territorial governments of Oregon, California, and New Mexico.

Mr. UNDERWOOD.—Mr. President: I am that member of the committee who was altogether dissatisfied with the provisions of this bill. I rise to discharge a duty which I owe to myself, and to explain to my constituents the policy I advocated.

The Senator from Indiana [Mr. BRIGHT,] had proposed before the special committee was raised to apply the Missouri compromise line of 36° 30′ north latitude, to the newly acquired territories of California and New Mexico, in the precise terms in which it had been applied to the country out of which the State of Missouri was formed. I moved to amend, by declaring expressly that emigrants might settle with their slaves south of the line 36° 30′, and should be protected in the use and enjoyment of their slave property, when so settled, so long as the country of their residence remained under a territorial government. When converted into States of the Union, of course they would look to their State governments for protection. I was willing to extend this line, in which the country had acquiesced, to the Pacific; but in doing so, I desired a clear and explicit declaration, that south of the line slaveholders should be protected in their slave property. This I was unable to obtain. There is a marked difference between the territory of Louisiana when we purchased it from France, and the territories of New Mexico and California when we acquired them by the recent treaty with Mexico. In Louisiana slavery was tolerated at the time she was annexed to the United States. So of Texas. But in New Mexico and California slavery had been abolished previous to their acquisition, and when acquired did not exist in either. As a consequence of this state of things, slavery would continue in Louisiana, and could not exist in New Mexico and California without changing the laws which operated upon this particular subject. By the Missouri compromise the law was changed in regard to Louisiana, and slavery prohibited in all the country north of 36° 30′, leaving it to continue south of that line. By our recent acquisition of territory, the boundary of the United States has been extended upon the Pacific ocean from 42° to 32° 30′ north latitude. Thus, by extending the Missouri compromise line to the Pacific, only four degrees of latitude would be set apart into which slaveholders might emigrate with their slaves; while five and a half degrees

of latitude of the newly acquired territory would be appropriated exclusively to free labor. This division would leave the States and territories from which the institution of slavery is excluded larger, by more than a half a million of square miles, than those in which it is tolerated; and with such a division it seems to me our northern brethren might be satisfied. Slavery is not favorable to the dense population of a country. The area of the non-slaveholding States, with a population of 9,728,722, according to the census of 1840, is about 450,000 square miles. The area of the slaveholding States, excluding Texas, is about 600,000 square miles, with a population of 7,332,452, of whom 2,700,279 are blacks, according to the same census. True, a large portion of the States to the south has recently been covered by Indian tribes, and closed against white settlements. But, after allowing for this, it is manifest that the non-slaveholding States, in population and political strength, are now, and will always continue to be, more powerful than the slaveholding States. Under such considerations, and with a division of the new territories which set apart much the largest portion to the uses of free labor, I could not perceive any cause of dissatisfaction, or any good reason why the compromise line of 36° 30′ should not be extended to the Pacific.

Members of the committee from the non-slaveholding States, however, could not be induced, in express terms, to declare that slaveholders might emigrate to and settle with their slaves in any part of the territories south of 36° 30′, and hold that kind of property under the protection of the laws of the United States. Ascertaining that it was impossible to obtain a guarantee that slaveholders might settle and hold their slaves south of 36° 30′, I submitted a scheme by which, had it been adopted, the question of slavery would have been disposed of by the people of the territories. The people of Oregon, as the bill now stands, have that privilege. I proposed to confer the same privilege upon the people of California and New Mexico. My plan was to organize in each of these territories legislative assemblies, to consist of two branches or chambers, one to be composed of representatives elected by the male citizens above twenty-one years of age, and the other, of the governor and judges, appointed by the President, with the advice and consent of the Senate; each chamber to have a negative upon the proceedings and laws of the other. I proposed to limit and restrict the power of the legislative assemblies thus constituted, in such manner as the committee might agree to be expedient, and in the following particulars, to wit: that they should not interfere with the disposition or sale of the vacant domain or public lands, or contract any debt on the part of the territory, or establish any corporation. In other matters I proposed to confer full legislative powers, and to give effect to laws which might be enacted, and which were not incompatible with the constitution and laws of the United States. I thought there were striking advantages likely to result from the adoption of this scheme. In the first place, we should, by conferring the elective franchise, indoctrinate the people of California and New Mexico with the first elementary principle of American liberty. We should teach them by degrees the responsibility of the representative to the constituent body, and they would gradually learn to admire and practise all the political duties of a republican people. Thus they would become instructed in the principles of self-government, and fitted to take their positions as independent States of our Union at no very distant day. While these advantages were secured, my plan guarded against any possible injury to the interests of our government, by retaining an absolute negative, in the hands of the governor and judges of the territories, upon all legislation springing from the elective branch of the legislature. The legislature, thus constituted, in view of the climate and soil, and their capacity to produce those staples peculiarly suited to the employment of slave labor, would be free to mould the social and civil institutions of the new territories, according to their convictions of duty and interest. They would be free to introduce the institutions of Kentucky or Ohio, of South Carolina or Massachusetts; and, in conferring that liberty upon them, we should but pay just homage to the principle of self-government, which, in our professions at least, we so devotedly reverence.

Why should gentlemen from the North refuse to permit the people of these new territories to decide for themselves the question of slavery? Why not let the people organize their society upon the same basis with that of their neighbors of Texas, when they constituted part of the same Mexican confederation of States a few years since? The refusal to allow the privilege is a reflection upon the understandings of the people of these territories, and reproachful, if not insulting, to the southern States. It is equivalent to saying that the people of New Mexico and California have not capacity to discern their true interest, or lack moral honesty to guide them. By the constitution the institution of slavery presents no barrier to the social and political embrace of the North and the South; and yet northern politicians are now arbitrarily tying the hands of Californians and New Mexicans, and denying to them the right to decide this question for themselves. In this very denial they declare to the people of the slaveholding States that their institutions are unworthy of imitation and adoption. Sir, it is impossible, under such a state of feeling and action, to expect anything but heartburnings and bitter animosities. And as the North assumes the right, without regard to the opinions, or prejudices, if you please, of the South, to dictate, regardless of the conciliatory spirit of offered compromise, it must expect that such conduct will be met by firm resistance, if not revolutionary defiance.

All schemes of compromise and conciliation left by the decease of the committee of thirteen, and the bill which has been reported as the panacea of the healing administration, are distressing aggravations. I have no confidence in the remedy.

I do not doubt the power of Congress to make laws for the government of the people who inhabit a territory belonging to the United States. I shall not enter upon an elaborate argument to trace the power to its source, and to prove the propriety of its exercise. It results necessarily from the power expressly granted in the constitution to dispose of and make all needful rules and regulations respecting the territory or other property of the United States. It is likewise a necessary incident to the power of acquiring territory, which power emanates from the war and treaty-making powers of the constitution. As the proprietor of the vacant domain, and having the right to survey and sell it and to preserve it from trespassers, Congress may legislate for the preservation of its property and the protection of its officers whilst engaged in surveying and selling it. Having the power to acquire territory and to admit new States into the Union, the power to keep and preserve the acquisition must follow; and how can this be done without government? If there be no power to make laws for the people of a territory by Congress, before it is admitted into the Union as a State, is there any authority to be found in any other body which can prescribe a code of law for the punishment of crimes and enforcements of contracts? Where else does such authority reside, if not in Congress? If it exists in any other body, what shall prevent that body from appropriating and taking to itself the entire territory? Or shall there be a divided jurisdiction, Congress legislating partially, and leaving it to some other legislative body, springing up by magic, to supply our deficiencies? Sir, it is a waste of time to pursue such inquiries. The constitution expressly confers on Congress the power to make all laws necessary and proper to execute any of the powers conferred upon the national government. Legislating for the territories of the United States is no more than adopting measures to accomplish constitutional objects and purposes. It is too late at this day to question a power which has been exercised from the foundation of the government with objection.

If, then, Congress possesses the power to legislate for the territories, the next question that naturally arises is, what limitations, if any, exists upon the power? Is it without restriction? Or, if there be bounds, what are they? I answer, that every limitation prescribed by the constitution upon our legislative powers applies as well to the territories as to the States. Congress cannot grant titles of nobility; make laws respecting an establishment of religion; subject a person to be twice put in jeopardy of life or limb for the same offence; compel a man to testify against himself; or do any other thing prohibited by the constitution sooner in a territory than a State. The prohibitions in the constitution are great fundamental principles, to be observed and obeyed at all times and in all places. But there is no prohibition to be found in the constitution in respect to the power of Congress over the question of slavery when legislating for a territory. If, then, the subject of African slavery be one over which the States of this Union have unlimited control and discretion within their respective boundaries and jurisdictions, what reason can be urged against the exercise of similar control and discretion by Congress when legislating for the territories and when there is no constitutional prohibition? I perceive a propriety in submitting the matter to the determination of the inhabitants of the territory, who, for good or ill, are to be affected by the institution; but, as a mere question of power, I perceive no ground of difference between Congress and the States within their respective jurisdictions. It is certain and must be palpable to every one, that a single State, Virginia for example, has no right to legislate for the people of California, and establish African slavery among them; the Californians, either as a conquered or ceded people, have no right to legislate for themselves, without the consent of their new sovereign, upon any principle of national law. It follows that we must legislate for them directly, or confer upon them the power to legislate for themselves. In doing the latter, we may prescribe such terms as we choose. In regard to the Oregon territory, the bill allows their legislature to settle the question of slavery for themselves. But this is a concession made by us. If we can grant the power to them we can exercise it ourselves. Indeed, the provisions of the bill in regard to Oregon cannot be voted for by any Senator without a surrender of all constitutional objections to the power of Congress over the subject of slavery in the territories.

In respect to New Mexico and California, the bill prohibits the making of any law on the subject of slavery. The same power which enables us to prohibit legislation would equally give the right to legislate. The only question, then, in my judgment is, how ought we to legislate? I think we ought to compromise upon the line of 36° 30′. But this is opposed by gentlemen from the non-slaveholding States. I shall now examine the grounds and consequences of their opposition.

The question, says the Senator from Maine, [Mr. HAMLIN,] is the establishment of human slavery upon free territory. How do we denounce England for the original introduction of slaves into her American colonies, asks the Senator from Ohio, [Mr. CORWIN.] Thus are we, according to these Senators, about to perpetrate the same enormities we condemn in others. Sir, I apprehend that gentlemen delude and deceive themselves, by supposed analogies, when none exist. The extension of slavery into our newly acquired territory is not identical in principle with its original introduction into the colonies of Great Britain. While the commercial

policy of England was planting human slavery in Virginia and the Carolinas, she did not allow it to take root within her home borders. If it be truly regarded as a social and moral curse, Great Britain exhausted reason in inducing a spotless people (on whom she claimed the power of taxation without representation; upon a people who had not the ability at the time to resist the infliction, and upon a people she was willing to sacrifice for her corporate profit and aggrandizement. She had no slaves at home to send out with her citizen emigrants to inhabit the wilderness, to convert the forests into farms and plantations, to expel wild beasts and savages, and to introduce civilization and christianity. She pushed her trade into the continent of Africa, exciting war, with all its accompanying horrors of blood, conflagration, and kidnapping, to get slaves with which to push forward her settlements, plantations, and trade in the "New World." She desolated the land of the negro to build up her interests in the land of the Indian; establishing slavery abroad without tolerating it at home. Is it possible that gentlemen can look at the origin of slavery and its introduction among our ancestors, and then regard the extension of the institution into New Mexico and California with our emigrating people as bearing the least resemblance to the conduct of Great Britain? I have been intimately associated with slaveholders all my life, but I feel no more responsibility for the existence of the institution than I do for the time and place of my birth. My responsibility in regard to it is the same which I feel in reference to any other existing institution of my country which I found established in coming to years of discretion. As a man and a citizen, it is my duty, so far as I am able, to mould every social, civil, and political institution in such manner as shall produce the greatest amount of individual and public happiness. I may, from my proximity to slaves, be compelled by deeper sympathy and stronger motive of action to consider the subject; but I doubt whether the moral obligation which should prompt and stimulate us all to ameliorate the condition of the slave is as binding upon me as it should be upon the Englishman or the Yankee whose ancestors brought their cargoes of manacled human victims and sold them to my forefathers. The profits of the trade and the criminality of its origin have descended upon them. If there be any guilt from its continuance, that alone has fallen to the portion of my southern friends and myself.

I am disgusted, I am ashamed at the conduct of those who are perpetually goading us on the subject of African slavery, and I beg leave on this occasion to expose their errors, and to suggest what they may do to benefit both the black and the white races, if their benevolence were guided by intelligence and true love of their species. They do not understand the subject upon which they write and speak so much. Certain it is, their opportunities to understand and to comprehend it are not equal to those possessed by us, who live in the midst of slaves, and from necessity have daily intercourse with them.

What are slaveholders required to do by northern abolitionists? We are importuned to repeal all laws which hold our slaves in bondage, and all laws which deny to the black race political and social equality with the white. We are told, he shall not allow intellectual and moral attainments to regulate social intercourse and political rights, irrespective of color, and that it is only a vulgar prejudice to object to a black face and woolly hair. I believe it to be a principle of our nature to love ourselves first and best, and next to ourselves those who most nearly resemble us. There are exceptions, generous and noble exceptions, to the general rule. A man may die for his wife, his child, his friend, his country, and in many circumstances it may be a duty to sacrifice life—a duty which some men will gloriously perform; they may be stimulated to perform it from motives generous and noble, although selfish. The building up a great character is not altogether a disinterested work. The general rule, however, with the masses of mankind, is self-love first; and we honor the exception the more because it is contrary to and a departure from the general rule. Under this rule our affections and intellects find their highest enjoyments in associating with those in all respects most like ourselves. Unity of sentiment and personal resemblance are the fountains of harmony and love; the want of them, cause of distrust and antipathy; hence the hatred so easily generated among castes or different races of men. Abolish slavery, place the slave in possession of every right to which the master is entitled, and what will be the consequence? Will laws be required to keep each other because they are equal in all respects in the eye of the law? Will not the negro, the freedman, and feared or caste assume the place of servile obedience? Let the jealousies, hatred, and wars which in all ages of the world have prevailed amongst castes, answer the inquiry. Why, sir, during this very session of Congress, the Indians of Yucatan have been committing horrible butcheries of the white inhabitants, and in Hayti the negroes have been murdering the mulattoes. Trace these wars to their source, and we find no other cause for them as potent as the difference of color. Let any man of sense look ahead, and contemplate what must inevitably happen in the southern States, especially in those where the black population exceeds the white, in case our slaves are invested with all the rights and privileges of free white citizens.—Let any one contemplate the consequences likely to result from the suffrages of those recently liberated, with their passions inflamed by black or white demagogues, speaking to them of past oppressions and pointing to mansions of elegance, well-stocked farms, and rich plantations as the fruits of their labor and the labor of their ancestors. Can any thing short of dangerous agitations and bitter animosities, if not open civil war, and into the war, spring from such a state of things? Sir, I have witnessed the free white population of my own beloved State at the point of civil war, when divided upon a constitutional question affecting the debtor and creditor classes of society. I have seen my own State distracted between two appellate judicial tribunals, a "new court" and an "old court." I have seen neighbors and families so divided, excited, and infuriated, in regard to relief laws and the constitutional power of their legislature to remove obnoxious judges by reorganizing the acts relative to their courts, as to be almost driven to the shedding of blood. I have heard of anti-rent difficulties and murders in New York growing out of the relation of landlord and tenant. To teach the poor that the rich are their oppressors has become an article of faith in the political creed of demagogues. In view of these things, I never will consent to see political contests between black men and their former masters in my own State or any other southern State. On that subject the opinion of the whole South is unalterably settled, and the northern abolitionist who expects to change it is a philanthropist of the strait-jacket order. Sir, the idea of political, civil, and social equality between the black and white races, in the same community, is an impossibility, and the sooner all ranks of citizens, North and South, perceive it, the better for all.

The conduct of non-slaveholding communities confirms my opinion. The people of the South in refusing to abolish slavery. What has the Senator from New York, [Mr. DIX,] said in regard to free negroes? He has most unequivocally declared that he regarded them as disadvantageous, if not a nuisance, to the white population; and the Senator from Ohio, [Mr. CORWIN,] went so far as to evince a determination to exclude that description of population, and to prevent their settling in his State by force. In this his constituents had taken the lead, and actually put his principle into practice by the expulsion of the Randolph negroes. Illinois has excluded free negroes from her territory by constitutional provisions. I know not how many free negro mobs have been gotten up from time to time in our northern cities. With these northern manifestations of hostility to the doctrine of social and civil equality with the negro race before our eyes, how can gentlemen expect us to welcome and endure a state of things so abhorrent to us?

We are charged with doing violence to the moral, liberal, and regenerating free principles of the age in which we live, when we ask to be allowed to emigrate with our slaves to New Mexico and California. The up-risen people of France and the overthrow of Louis Philippe have been referred to, and those of us who voted applauding sympathy to Frenchmen are charged with inconsistency. In France there is a homogeneous population. The difference in castes does not prevail. No natural jealousies or antipathies exist, growing out of difference of color. Hence there could be in France no objection to placing the entire population upon the basis of political and social equality, allowing intellectual and moral attainments to regulate the grade of individual elevation. I believe there are insuperable barriers to this equality among the black and white population of the United States; and hence I am not inconsistent when I sympathize with Frenchmen in their efforts to establish a republic. But, sir, the recent insurrection in Paris furnishes a most striking illustration of the danger likely to result from the sudden withdrawal of the ligaments by which society is bound, and to which it is habituated. We have seen multitudes, *ouvriers*, under the fascinating idea of organized labor, living upon the public treasury in idleness, until it was obvious that public bankruptcy would result from the continuance of the system. We have seen the same persons organizing to overthrow the government so soon as their craft was in danger, inscribing upon their insurrectionary banners, "pillage, if victorious; conflagration, if defeated." Sir, if the working classes of France, as soon as they are emancipated from the shackles of monarchy, forgetting their duties to liberty, by the establishment of just laws and social order, and organizing for public plunder, march to the accomplishment of their nefarious purposes through scenes of fratricidal carnage, what may we not expect from the emancipation of three millions of slaves, and immediately conferring upon them equal social and political rights?

It seems to me that gentlemen from the North, in their incessant attacks of our "peculiar institution," are influenced by a zeal without knowledge. Let them coolly look at facts, and they will find ample sympathy to exhaust enough, besides negro slavery to deserve their sympathy. What is the relation between parent and child but a system of involuntary servitude, differently regulated in various countries, but continuing on the part of the child until the period fixed by law arrives when parental control and authority cease? I admit that filial affection induces a willing obedience to a great extent; but there are cases, many of them, where the service is extorted or coerced by the authority of the parent. I concede that this relation of parent and child, founded in nature and regulated by law, deserves the name of holy. I admit the great difference between the relation of parent and child and that of master and slave. I only refer to the former to show that there is a case where the will and actions of one person are, for the good of that person during minority, subjected from necessity to the control of the will of another. The period at which nonage terminates is regulated by law, and hence the service of the child may be continued long after his intellectual and physical capacity have enabled him to provide for and take care of himself.

There is yet another instance of involuntary servitude imposed by law, not for the punishment of crime, but to display the noblest humanity. What are our lunatic asylums but houses, not prisons,

in which unwilling subjects, not slaves, are subjected by law to the control of another's will. Their servitude is involuntary, and continues through the lucid interval, and that is justified upon the ground that the patient is not yet thoroughly relieved of his malady. Now, sir, I am well aware that in putting these cases of involuntary servitude, sanctioned by law and not imposed for the punishment of crime, I may be doing little else than laying the foundation for raillery and more indignation in the northern mind and heart. I admit the vast difference in degree between these cases of involuntary servitude and that of negro slavery, but I defy the intellect of man to make them less than cases of involuntary servitude, in which the will or volition of one person is controlled and subjected, according to law, to the will of another. In the parental relation, the father, too, may maintain an action against the seducer of his daughter, and recover damages, upon the idea that he has a property in her service as his servant; and it is this idea of property in the service of his child which alone enables him to maintain the action. Now, sir, these things prove that society, for its welfare, may subject men and women, until they are twenty-one, or any other age, to the control of parents or guardians, and lunatics, even during their lucid intervals, to the custody and management of keepers. I might mention the victims of poverty in county poor-houses as a further illustration. I may be told by gentlemen from the North that I am putting cases where the law acts through benevolence towards those who are restrained in their liberty and volition. Be it so. I am not now dealing with motives; my object is to establish the fact that involuntary servitude may and does exist, in harmony with the welfare and good order of society, even when it is not inflicted for crime. An apprenticeship to learn a trade is another strong illustration. My object in putting these cases is to show that involuntary servitude is not the horrible thing it is represented to be, and that when the permanent safety and welfare of the community require it, negro slavery may be tolerated and regulated by law, especially when those among whom it exists are not at all responsible for its introduction.

Can any good result from the denunciation of slaveholders? Will it benefit the slave to exasperate his master? If the abolitionist could but know that his intemperate denunciation and misguided and ill-digested expressions of sympathy have had no other effect than to tighten the cords of slavery, surely he would allow his reason to control his feelings, and he would leave to the people of the South the entire management of their domestic institutions in their own way. If we have an affliction, an evil, let us judge. We reject obtrusive and gratuitous instruction. I do not doubt but that there are cruel and inhuman masters. I do not doubt but that many individual cases of cruelty have occurred and may occur again. There are cases of cruelty in the matrimonial relation, and for many of which divorces are granted; but will any one assert that the relation of husband and wife is necessarily cruel and inhuman? It is not true, sir, that African slavery is necessarily accompanied by acts of cruelty. In my own State we have laws to take slaves from cruel masters, and apprentices likewise. So also we have laws to take children from cruel parents, and to release wives from cruel husbands. There is nothing more fallacious than to make a few individual cases the basis of conclusions in regard to the whole subject. Now, sir, I do not hesitate to assert that there is not a laboring population to be found on earth who, in the general, are better taken care of than the slaves of Kentucky. Our tables of population prove beyond controversy that the entire slave population of the United States are treated with kindness and humanity. It is the master's pecuniary interest not to abuse the slave, and there is a guarantee for good treatment, if no higher motive existed. But look at the facts. Can a down-trodden, half-starved, half-clothed, miserable, worked-to-death population increase and duplicate their numbers as the slave population and free blacks of the United States have done? In 1790 there were only 59,466 free persons of color in the United States. In 1840 there were 386,303—making an increase of more than six-fold. No other fact is necessary to prove the existence of a strong disposition to emancipate. The importation of slaves from abroad was allowed up to the first of January, 1808. I have no knowledge how many were imported between 1790 and that time. I therefore take the census of 1810 as the basis of calculation to show how the black population, free and slave, has increased. The total colored population in 1810 was 1,377,810. In 1840 it was 2,873,759. Thus in thirty years they increased at the rate of 208¼ per cent. Now, compare this with our free white population. In 1810 we had 5,862,004 free whites. In 1840 we had 14,189,595. Thus the increase with the free whites was at the rate of 242 per cent. making a difference of only 33¾ per cent. in thirty years. But it must be remembered that, during these thirty years, the tide of European emigration has been pouring in upon us at the rate of hundreds of thousands, to help to swell the numbers of free whites, and that, during the greater part of the same period, we have sent out black emigrants to Liberia. Regarding the accessions to our population from abroad, it would materially reduce the 33¾ per cent. of difference, and show that our black population had multiplied nearly if not quite as fast in a period of thirty years as the white. I regard this as demonstration that there is no just foundation for those charges of cruelty and inhumanity which are constantly put forth to the prejudice of the people of the South. I feel assured that there is no southern State but will legislate still further, if it be necessary, to secure humane treatment to their slaves. I hope, therefore, that our northern brethren will dry up their tears and distress themselves no more.

I have said thus much to vindicate my section of the country against harassing and offensive attacks from those who have only done mischief by attempting to interfere in our concerns. I am no advocate for the institution of negro slavery. I believe its existence in Kentucky to be prejudicial to the best interests of the white population, and if I had the power to colonize and remove every slave within the borders of my own State, I would most cheerfully do it. But I am deeply impressed with the conviction, that to liberate our slaves and retain them among us, either with full or partial privileges as free citizens, would be a calamity which would induce every sane man who could escape, to fly from a society so constituted. The reasons for this opinion I have long since published and printed. I am, therefore, only willing to emancipate upon the condition of colonization. But, when the people of the South propose colonization, how are they met by those of the North? We are told that it is inhuman to expatriate free negroes or slaves, and that the scheme is impracticable. I will endeavor to satisfy all reasonable considerate men that one-half the expenses of the Mexican war invested in a six per cent. stock would, by a proper system of African colonization, in less than fifty years extirpate slavery in the United States. I will give the scheme as applicable to my own State, and if its practicability be demonstrated, the demonstration can easily be applied to every other State. Let a future day be fixed, after which every slave child born shall be the property of the State, for the purpose of colonization.—Place the children when weaned in the hands of those who will raise them—females till they are eighteen years of age, and males until they are twenty-four or twenty-five, and upon their reaching these ages send them to Africa. There, in a few words, is the whole scheme. Now as to its practical operation. By sending off the females as they reached eighteen, the race would become extinct in less than fifty years, with the exception of a few old slaves past the prime of life. The departure of the females as they reached womanhood would put an end to the birth of slaves among us. The extirpation of slavery under such a rule is therefore just as certain as the laws of nature. But it would be slowly accomplished. So much the better on that account, as Africa is not fitted for the reception of all at once, and by doing the thing gradually we should accommodate ourselves, in our labor and habits, to the new state of things slowly yet certainly taking place. Where is the money to come from to defray the expense, and who is to furnish it? The colonization society can charter ships and transport adult colonists and take care of them in Africa, until they are sufficiently well capable of providing for themselves, for which I plead. In their own packet they do it for $50 a head. This information is given to me by Mr. McLain, the secretary of the society. Now, I believe that those to whom the children are bound would, in consideration of their services, readily stipulate to furnish the required outfit. Poor white children are bound out by our laws, and the master or mistress is required to teach them a trade, to educate them, &c. Boys are bound until they arrive at twenty-one years of age, and girls till they reach sixteen. They are to be furnished with three pounds ten shillings in money and a new suit of clothes when their term of service expires. I would lengthen the apprenticeship of male colonists so as to raise the funds necessary. Females being apprenticed until eighteen, would serve two years longer than the period required for white apprenticed girls, and therefore their services would be much more valuable. If the apprentice lived and emigrated to Africa, I would make just compensation to the owner; but if the slave died during the apprenticeship, and before his labor had paid for his raising, then nothing would be due.

Under the foregoing plan how many slaves would it be necessary to transport annually from Kentucky? By the census of 1840 there were 30,818 female slaves in the State between the age of 10 and 24 years. Divide by 14, and it gives 2,201 as the birth the year. Now, the slave children at this time in Kentucky would for the next eighteen years supply annually, in growing up, 2,201 females for transportation. But just as soon as the system goes into operation, there will be fewer children born. After the end of thirty years from its commencement, it may be safely affirmed, there would not be a slave born in Kentucky; after twenty years there would be but few births among the mothers remaining in the country. In the nineteenth or twentieth year of the operation of the system there would be fewer females to transport than in the preceding year, and from that time their numbers would rapidly diminish, until not one in her 18th year could be found for transportation. Now, multiply 2,201 by $50, the sum it costs the colonization society in its own packet, and we have $110,050 only as the sum necessary to be expended annually for the certain and gradual extirpation of slavery in Kentucky. But it may be said it would be cruel in the extreme to send off females without sending males with them. Admit it, and double the expenditure in order to send off an equal number of males, and it only makes $220,100. Under such a state of apprenticeship, and by lengthening the periods of service of the males until they arrived to 24 or 25 years, or even longer if necessary, and requiring them to labor the last four or five years in aid of colonization, I entertain no doubt but our slave population can, by their own labor, without costing our white population one cent, transport, settle, and provide for themselves in Africa. But it must be systematically undertaken and persevered in to do it. Now, sir, the entire female slave population of the United States in 1840, between the ages of 10 and 24, amounted to 390,117 only. By the same rule of calculation we have 27,865 in their 18th year, and of the proper age for colonization. This number multiplied by $50 gives $1,393,250, as the annual expenditure necessary to remove, upon my plan, the whole

female slave population of the United States as they reach their 18th year. But, under the idea that humanity requires us to send out an equal number of males, let the expenditure be doubled, and it makes $2,786,500. I said half the expenses of the Mexican war, invested in a six per cent. stock, would accomplish the object. A capital of $50,000,000 would produce annually the sum required, and an excess of more than $200,000 for contingencies. I have thus, sir, only sketched the outline of a plan by which united systematic effort can extirpate slavery. I have no time to go into minute details, and obviate every conceivable objection. Only look at the thousands and hundreds of thousands of foreigners annually landing upon our shores from the old world, and then, sir, reflect that it only requires the removal of 27,865 female slaves annually, at a cost of $1,393,250, and no sane mind can doubt the practicability of the scheme. I have made the calculations upon the census of 1840. The increase of population since then would increase the numbers and expense; but I possess no data upon which to give the increased expenditure required with accuracy. In our unbounded schemes of annexation and dominion, we have nothing to do but to annex Liberia, govern her as a colony until we have located the negro race there, and then separate, leaving her an independent republic. Such a scheme, in its execution, would lead to commercial results magnificent in their development; and, while it would be just as constitutional as other schemes of annexation, would be infinitely wiser, because its motive would be peace and good will to man, instead of war, conquest, and national aggrandizement.

But suppose, Mr. President, colonization is rejected, what is to happen then? You cannot divest slavery, from the influence of certain causes which have heretofore and will continue to operate upon it, producing results beyond the control of human legislation. These have been most ably presented by a citizen of my own State of great attainments, John A. McClung, Esq., in a speech delivered before the Kentucky Colonization Society in January last. Our decennial tables of population prove, that in reference to many States in our Union, slavery has been marked by three distinct stages: the first is when the slave population increases at a greater ratio than the white; the second, when the white population increases at a greater ratio than the slave; and the third when the slave population actually decreases. It is remarkable, too, that these changes have progressed with great regularity, establishing beyond controversy, that when the slave population begins to decrease, it must go on until the causes which produced its decline will ultimately exterminate it. New York and New Jersey together had, in 1790, 32,747 slaves. By the census of 1800 the number of slaves in these two States had increased only eighteen; but there was a decrease in New York of 1,000, and an increase in New Jersey of 999. After 1800 the slaves in both States rapidly declined, until in 1840 there were but 678 left, and now in both States the institution has been abolished. In Delaware the number of slaves has decreased from 8,887 in 1790 to 2,605 in 1840. In Maryland the number of slaves increased until 1810. In 1820 they had decreased from 111,502 in 1810 to 107,398. Thus the number for a period of ten years fell about 4,000. In the next period of ten years the fall was a little more than 9,000, and by the census of 1840 the number had come down to 89,737, exhibiting a diminution in number of 12,457 in the last ten years. In the District of Columbia the number of slaves was 6,377 in 1820, had slightly declined in 1830, and came down to 4,694 in 1840. In Virginia the number of slaves continued to increase until 1830, when they reached 469,757. The census of 1840 exhibits a decline of 29,770. Thus we see that slavery reached its height in the States on the Atlantic, including Virginia and all north and east, and commenced declining, making such progress that those farthest north and east have abolished the institution. In North Carolina in 1830 there were 245,601 slaves. In eighteen hundred and thirty there were 245,817, showing an increase of 216 only; so that slavery for the intervening ten years was upon a stand. In Kentucky, we have passed from the first into the second stage of the institution. The census of 1840, for the first time, showed that our free population had increased by a small but greater ratio than the slave. Since 1840 our slave population has been nearly at a stand. Our lists of taxable property, in which the slaves are annually enumerated, show that in 1847 their number was 189,549; showing an increase of only 7,291 since the census of 1840; or an increase at the rate of about half of one per cent. per annum. There has been no enumeration of the whole of our free population since 1840; but from other facts there is no doubt that our free population has increased during the same period at a much greater rate. In 1839 our free white males over twenty-one years, or the voters of the State, numbered 108,500. In 1847 our voters amounted to 136,915, making an increase at the rate of more than three per cent. per annum for the last eight years. In 1847 we had 173,968 free children between the ages of five and sixteen years; showing an increase of 9,773 in one year. These facts, exhibited in the report of our second auditor, show that our white population in Kentucky is rapidly increasing, while the slave population is nearly at a stand; and they likewise prove that the day is not distant when the number of slaves in Kentucky will begin to decrease as in Maryland and Virginia. Our auditor's report already shows a decrease in the number of slaves in twenty-eight counties in the State, comparing the years 1846 and 1847; and our lists of taxable property prove that there are more than three-fourths of our voters who do not own a slave. These results have in part been produced by an act of the legislature, passed in 1833, prohibiting the introduction of slaves into the State, except brought by emigrants, or when they have been acquired by inheritance. If the convention about to be called in Kentucky should, in the new constitution, provide that the further introduction of slaves should under no circumstances be allowed, such a provision, I have no doubt, would tend to the rapid diminution of the slave population.

There are causes existing in the slaveholding States, independent of human sympathies and legislation, which tend to the removal of slaves from those of them furthest north to those situated furthest south. I will enumerate some of them:

First, and chiefest, slave labor can be more profitably employed in the planting States to the South, in rice, sugar, and cotton-fields, than it can be in the grain-growing and stock-raising regions of the middle States; and hence there is a strong motive of interest and gain to transfer slaves where they can be most profitably employed.

Second. As our free population increases, there will be an increased competition among those seeking employment. This naturally brings down the price of labor, and enables the farmer not only to obtain free labor whenever he wants it, but at such reduced rates as to make it more profitable than slave labor. The inevitable consequence is, that the master's interest requires him to send his slaves further South, into newer soils, where labor is more in demand, and commands higher wages, and produces better crops.

Fourth. The climate and mild temperature of the latitudes below thirty-six degrees are better suited to the constitution and habits of the negro race than those north of that line. I believe the negro is better fitted by nature to labor under a southern sun than the white man. All these causes, combined with others, account for the facts exhibited in our census tables, and they will continue to operate, with the same effect, until the cotton, sugar, and rice lands of the South are fully brought into cultivation and adequately supplied with slave labor. Some unlooked-for revulsion may render slave labor more profitable in corn-fields and meadows. In that event, they will be retained in the grain-growing and grazing States where they now are.

But, sir, the time is rapidly advancing when a crowded population will every where reduce the price of labor, and bring about an active competition among those seeking for employment. Long before our population is as dense as that of Europe slave labor will be undermined, subdued, and expelled by free white labor from all those States of the American Union where the white man is not physically enervated by the climate, and rendered thereby unable to enter into successful competition with the negro. When the means of subsistence are inadequate to the full supply of the wants of a redundant population, it is not difficult to foresee that then the sufferings from hunger will fall with greatest severity upon the slaves; if, indeed, they are not all liberated before that time arrives, from the utter inability of their masters to support them upon the products of an exhausted soil.

Now, sir, I hold it to be the duty of a statesman to contemplate this vast subject in all its aspects before the time arrives when necessity will force it upon our children, if not upon ourselves. I have looked at it, and have come to the conclusion that wisdom and philanthropy might unite upon a system of colonization, calculated in its results to bless the white man and the black, to relieve America of a class whose continuance here I regard as an evil, and whose removal to Africa would, under the providence of the Almighty, civilize and Christianize that savage and pagan continent.

Now, sir, with these views, I think that scattering the slaves we have over wider territory would promote a more rapid decrease of that population in those States where it is now diminishing, and hasten the period when with safety they might imitate the examples of New York and New Jersey. We do not make another slave by spreading them over a larger surface. And as slaveholders have contributed in the war with Mexico their quota of men and money, I hold that it is an act of justice to allow them to participate in the enjoyment of the new territories with their slaves. If it be refused, then the slave population will be confined to the limits of the States where slavery now exists. The gentleman from New York [Mr. DIX] has declared his intention so to confine it, upon the ground that, by the laws of population, slaves would increase faster in the excitement, health, and abundance of new territories than they would if penned up where they are.

The gentleman forgets that the laws of population which operates upon free men do not affect slaves. Free men and women are restrained, and will not readily contract marriage until they have before them reasonable prospects of comfortably providing for a family. Hence difficulty in supporting a family is a great restraint upon marriage, and a check to the increase of free population. But no such considerations as these operate upon the slave; he has no care in providing for wife or children. That is the business of the master, and consequently nothing will check the natural increase of the slave but the existence of such deprivation of physical comforts as to produce disease and death. Happily for the slave population of the South, there is not and has not been anything like physical suffering, for want of food and raiment, so

as to produce a general state of disease, and to prevent their increase. It will require a long time yet, I trust, before the southern States are incapable of supporting in comfort their whole population; but the day may, and probably will, come when a superabundant population in the South may feel the pinchings of cold and hunger as they have been felt in starving Ireland. My philanthropy teaches me to look ahead, and legislate with a view to postpone those days of pestilence and famine as far as possible. Hence, I desire to reduce the wilds of Africa to cultivated fields, and by scattering slavery to alleviate its pressure. But the gentleman from New York adopts a contrary policy. He is for damming up and confining it to its present limits, and bringing it to the starvation point as soon as possible. Such is the inevitable effect of his policy; and all this is to be done in the name of liberty and philanthropy, under the sanctimous pretence that free soil is not to be polluted by the feet of slaves! Sir, I believe the true motive is to obtain political power, and to secure the whole of our new territory to the use of the redundant population of the non-slaveholding States, and those who entertain strong prejudices, if not antipathies, against slaveholders. Seeing this, I do not wonder that gentlemen representing southern States suffer their indignation to threaten the dissolution of our Union sooner than submit. Now, sir, for myself I shall make no such threat. I will bear almost anything sooner than dissolve the federal ties which bind the States together as one nation. I do not believe that the idea of preserving the institution of slavery by dissolving our Union has the least soundness in it. On the contrary, the dissolution of the Union would instantly emancipate all the intelligent active slaves in the border slaveholding States. From Kentucky they would cross the Ohio river in droves, and on reaching the northern bank would be as safe as they are when they reach Canada. We should be left with the old and helpless to take care of and the young to raise. The same thing would occur in all the border States. Every one must see that slavery cannot exist, after the dissolution of the Union, in those States relying upon dismembered States which would not deliver up fugitive slaves.

The Union will never be dissolved under the idea of better securing slave property. There is no danger to the Union from that source; but the danger lies in this, that northern members of Congress, northern ministers and members of churches, and the whole northern people, will so accustom themselves to speak and inveigh against southern men, southern institutions, and the entire people of the South as to engender sectional feelings and particular sectional jealousies and animosities; and to establish a public sentiment in favor of separation and non-intercourse, in order to avoid the bitterness and hatred which spring from an association between parties, when on the one side arrogant assumptions of superiority are perpetually manifesting their scorn for the principles and practices of the other. Sir, it is just as impossible, in the nature of things, for confederated States to remain united, as it is for individuals to continue their friendly intercourse after every feeling of mutual respect has been supplanted by mutual contempt and abhorrence. Nor can the citizens of a consolidated government, born and raised under such free institutions as ours, with the most perfect enjoyment of the liberty of speech and of the press, adhere to a common government, when they are divided into sectional factions and feel towards each other nothing but rivalry and hatred. Such a state of affairs will be broken up by revolutions and separation. Your last tables of commerce and navigation show that southern ports sent abroad upwards of twenty millions of dollars in value of domestic products more than were sent from the ports of the non-slaveholding States. The conduct of the northern abolitionists towards the South; the feeling of the North which has burst forth in the formation of a free soil party, with Ex-President Van Buren at its head; the refusal of this Congress to allow slaveholders to emigrate with their slaves to any part of New Mexico or California; and the obstructions by mobs and otherwise to prevent the recovery of fugitive slaves, are powerful agencies in alienating the citizens of the South from those of the North, and generating those sectional feelings which may lead to separation. The South knows her mercantile importance in the trade of the world; she knows that, in point of interest, she can do as well, if not better, without the labor and products of the North than the North can do without the rich products of southern soil and labor. I feel and believe that both sections will flourish best by reciprocal kindness, fraternal toleration, and wise forbearance towards the peculiar institutions, opinions, and laws of each other. Sir, it would promote the pecuniary and commercial interest of the North to allow slaveholders to take their slaves wherever they can be most profitably employed. Such a course would swell the already vast aggregate of the great southern staples, and furnish increased employment for northern ships and sailors, factors and merchants. But this good is to be surrendered, and we are to be influenced by a vague, undefined notion that somebody would be benefited by confining our slaves to their present limits, and the idea that by expansion they would more rapidly fulfil the great command to "multiply and replenish the earth."

But our southern democracy affects to believe that the institution of slavery is only safe under the protection of the veto power of the Executive, and that it is only necessary to elevate General Cass to the Presidency to secure all they desire. Sir, I am opposed to that reliance. I will consent to the exercise of the veto power on the part of the President for any purpose, except to save the constitution from violation, or to produce the reconsideration of some act manifestly passed without deliberation. I will not sustain or create any despotic power in one man, to nullify the deliberate will of a majority of the American people, and before I would become a monarchist, asking protection from the throne, I would sooner dissolve all connexion with those who by their numbers had the power, and who by their votes manifested the disposition, to oppress me. Sir, I shall despair of the republic when the Representatives of the American people in Congress assembled can no longer be trusted, and when we are to look to the President alone for safety.

But how is the veto power to save the South? Suppose (what is hardly supposable) that General Cass should be elected by southern votes, and that Congress should thereafter pass a bill prohibiting slavery in the new territories, and he should place his veto upon such bill, how then shall we stand in respect to New Mexico and California? If anti-slavery members of Congress are sufficiently numerous to pass such a bill, it is utterly hopeless to expect that they will, by the application of the Missouri compromise line, allow the introduction of slavery into these territories south of 36° 30′ north latitude. The consequence is inevitable, that if the veto power of General Cass as President should strike dead the positive action of Congress in prohibiting slavery, then we are to be left without any law upon the subject in those territories, except such as may now exist. The only good the veto power can accomplish, therefore, is to keep these new territories without law upon the subject of slavery, and in that respect to give us precisely the blessings which we can derive from this bill; for by it the power to make laws "respecting slavery" in New Mexico and California is interdicted, and on that subject there is to be no change. I will, sir, what have we been told in the arguments and speech of that profound lawyer from Vermont, [Mr. PHELPS,] who warmly advocates the passage of this bill, notwithstanding his open and avowed hostility to the further extension of slavery? He says, and I believe truly, that it is only necessary to prohibit further legislation on the subject of slavery in California and New Mexico, to exclude slavery from their borders forever. The decrees of Mexico abolishing slavery in these States or Provinces, and all other parts of her empire, have been read at our clerk's table. Now, sir, if things are to remain as they are forever, through the application of Executive vetoes or by the passage of this bill, how is it possible that a slave can be held as such in our newly acquired territories? If it be our "manifest destiny," in our progress of enlarging the "area of freedom," to annex Canada and Ireland, as soon as the deed is done can Kentuckians or Carolinians emigrate into either with their slaves, and hold them as slaves in either of those countries? As a Kentuckian, I should be content and pleased to secure to them the privilege of doing so, upon the ground that, if slavery is a blessing, I was conferring it, and making our new fellow-citizens the happier thereby, and it a curse, that I was only dividing it, and throwing part of the burden from my own shoulders upon those who, as conquered or purchased subjects, might rightfully be compelled to submit to their control. In the latter case, however, I think it would be but an act of liberality to give our new brethren a voice in the matter. I offered to do so, but the proposition was rejected.

The position taken by the Senators from the South who advocate the passage of this bill is, that, in virtue of the constitution of the United States, as soon as a new territory is annexed, any slaveholder may emigrate to it with his slave, and there hold him just as he may do in the State whence he emigrated, although there is no law in the territory annexed tolerating the existence of slavery, and even if the law up to the instant of annexation positively prohibited it. The bill under consideration proposes to submit the truth of that proposition, as a question of law, to the decision of the Supreme Court. The gentleman from Vermont [Mr. PEELPS] says it is so utterly untenable, so manifestly violative of the plainest principles of national law as laid down by Vattel, and in the decisions of the Supreme Court heretofore pronounced, that he will not hesitate to submit the question to that court. I have my opinion, but if this bill is to pass, I see no propriety, regarding my position, in sustaining that opinion by advancing arguments adverse to a decision in favor of the southern side of the question. It is enough for me to say, that I coincide with the gentleman from Vermont. I believe that slavery cannot exist without law, founded on municipal usage, or statute. I therefore perceive no advantage to the section I represent from the passage of the bill. On the contrary, I apprehend it surrenders everything to the North. I therefore wash my hands of it.

But, Mr. President, let us look at facts, and consider for a moment longer how vain a thing it is to hope for the extension or perpetuation of negro slavery by relying upon the veto power. Look at the preponderance of representatives from the non-slaveholding States in the other branch of Congress. Look at the fact, that the State of Delaware, from her diminished slave population, is just at the point of abolishing slavery, and must in a year or two more imitate her neighbors, New Jersey and Pennsylvania; look at the fact, that even if my proposition to apply the line of 36° 30′ had been accepted, the North, after conceding all the territory south of that line to the use of the slaveholders, would have territory south of that line to the use of the slaveholders, would have an excess of more than half a million of square miles of territory. Look at all these facts, and it is impossible to obscure and hide from our vision the superior political strength of the non-slaveholding States now and forever. They can vote us down, if they will. They can elect a President, if it be their pleasure, who will not veto "Wilmot provisoes." Now, sir, in view of these things, I ask if it is not madness on the part of the South to stake their interests and their peculiar institutions upon an Executive veto, and to be hunting "northern men with southern principles," or

with the profession of such principles before the election, as their candidate for the Presidency? Does not every one perceive that such a course on the part of the South is calculated to aggravate the anti-slavery feeling of the North, and to bring upon us those insults, reproaches, and arrogant assumptions which will, unless checked, divide us into sectional parties and ultimately sever the Union?

For myself, I never will adopt such a line of policy. I shall attempt to reason with my fellow-citizens of the North, and their representatives, and when I find reason is vain, that ambition and selfishness are covered under mock philanthropy, and that the condemned institution of slavery, for which the people of my State are no more responsible than those of Massachusetts, has effectually alienated the hearts of northern men and women from the people of the South, I shall look to other reliances than Executive vetoes. I shall refuse to associate in these halls with any set of men who are unwilling to recognize me and those whom I represent as their equals because we hold slaves. Sir, this may be strong language, when I have just acknowledged that the South can never hope to equal the North in political power. Strong as it is, I adhere to it. I will continue no connexion when I am to be dishonered by it.

We are urged to pass the bill reported by the committee as a compromise, and as the only thing which can be agreed upon. We are told that its passage will quiet agitation and give repose. As a compromise, I regard it as conceding nothing whatever to the South. It provides for a lawsuit between master and slave, and gives the right to bring it by appeal or writ of error to the Supreme Court. I am unwilling, when I return home and am asked by my constituents whether they can emigrate with and hold their slaves in New Mexico or California, to answer "you may do so at your peril and at the risk of having your slaves manumitted by the decisions of the courts." Who will take slaves there under such discouraging circumstances? Who will incur the costs of the litigation, when the opinions expressed here by the lawyers from the North are unanimous against the master and in favor of the slave; and when, to say the least, the lawyers from the South are divided in opinion? What master so unwise as to risk his slave property under such circumstances, and to incur the certain expense and trouble of litigating with his slaves, as provided for by this bill?

But we are promised peace and quiet, in regard to the question of slavery, after this bill passes. If this bill contains one soporific quality, my alchymistic skill does not enable me to detect it. Sir, it will throw a new, a stimulating ingredient into the effervescing political caldron. What have we already heard in debate? The gentleman from Ohio, [Mr. CORWIN,] speculates upon the workings of that strangely constructed and curious organ, the human intellect, and wonders how it is that in this Senate all the members north of Mason and Dixon's line think one way, and nearly all South the other way, upon the questions which this bill proposes to submit to the decision of the Supreme Court. And then, sir, we have it gravely counted up and ascertained that five of the nine judges of the Supreme Court live south of Mason and Dixon's line. What is all this for, but to suggest to the American people that the Supreme Court will decide, not according to the law of the case, but according to the feelings and wishes of the neighbors of the respective judges, and that they will be influenced by the slaveholding communities in which they live. Well, suppose the judges should decide that the constitution, *per se*, establishes slavery in California and New Mexico, what then? The gentleman from Ohio, [Mr CORWIN,] will be ready to exclaim, "I told you so; I knew they could not be trusted; I foresaw the wonderful influence which geographical lines possess and exercise over the human intellect!" And what will the gentleman from Vermont, [Mr. PHELPS,] say? He has already told us that the question was too plain to admit of doubt, and if the court should decide against his view, will he not exclaim, "stupidity, stupidity! corruption, corruption!" And what will the great northern public say and do? Sir, they will denounce the Supreme Court and clamor for Congressional interference to avert the consequences of a corrupt decision. In all these steps I foresee the deepest and bitterest agitations and criminations, and the danger is that they will progress and increase until their intensity melts the bands of union and dissolves society into its original elements. We have power to refer the question to the decision of the Supreme Court, have we not the power to settle it ourselves? In my judgment there is no peace to be had until the American people shall deliberately settle down upon some policy which all parts of the country can adhere to; and it is idle to suppose that a judicial decision, based upon the laws as they now exist in New Mexico and California, will settle what shall be the law in regard to slavery in those territories for all time to come.

Mr. President, when I was a member of the House I voted against all rules which restricted debate upon the subject of slavery. My votes at the commencement of the session show that I have been unwilling to silence any northern Senator, or to prevent the presentation of petitions. I hold that the attempt is preposterous to stifle inquiry or to keep down agitation by restrictions on debate or petitions. Such a course only incenses the public mind. Knowing, as I do, that no moral guilt can attach to the South for the institution of slavery, I have always thought that it was our best policy to say to the North, "talk as much as you please; we are not afraid to hear you, and we are very desirous to understand your designs and plans, so far as they are calculated to affect us." Sir, the discussions upon this bill have demonstrated the designs and plans of the North in reference to slavery. They loom upon our vision like the waterspout of a stormy sea, threatening to burst upon us and sink the ship.

Mr. President, if I know my own heart I feel for the distresses and calamities of all men, and I am not only willing, but consider it a duty to do all I can, in private and in public, to alleviate wretchedness and better the condition of my whole race. But, sir, I have, I trust, no morbid sympathies or antipathies. I feel for the voluntary slave as intensely as I do for the involuntary. What is the man or the woman but an involuntary slave, who, under the grinding poverty of a dense and crowded population, is compelled from necessity to work according to the will of his employer for coarse bread? Nakedness and hunger are as potent stimulants to the starving laborer of the old world as the overseers lash to the involuntary negro slave, and they secure just as abject service. The soldier and the sailor, by their enlistment, subject themselves to the will of their commanders, and may be shot and hung for mutiny or disobedience of orders. It is well that the honors which they acquire in time of war reconcile and compensate them for the hard servitude they contract to perform. In our mercantile marine, the sailor, after his engagement, cannot release himself from the contract, except by personal service; and if he deserts, he may be arrested, confined in jail until the vessel sails, and then delivered up to the master, and compelled to serve during the voyage. The cat-o'-nine-tails secures order and obedience on board the ship. Sir, the world is full of voluntary servitude, forced upon the subjects of it by the inexorable circumstances which surround them and no philanthropist as strong claims for sympathy and legislation as the condition of the involuntary slave from birth. It is the business of a benevolent statesman to regard the actual state of things, and, by his legislation, so to regulate the affairs of society which fall within the scope of his legitimate powers, as shall secure to each class and every individual of each class all the privileges and enjoyments suited to their condition, and which may not be dangerous or incompatible with the safety, welfare, and happiness of the great whole. This is a rule which no one questions when applied to voluntary servitude in the the army and navy and domestic service in families or the avocations of life. We apply the same rule, without objection, to involuntary servitude as it exists in penitentiaries and asylums, and to the relations between parent and child, master and apprentice. Why shall it not be applied to the case of African slavery, as it exists in the United States?

I have indicated my line of policy. I have shown wherein this bill is mischievous, and why it will accomplish nothing. It can do very little harm to postpone action on the subject of territorial governments for New Mexico and California for three or four months, when we shall meet again, after conferring with our constituents, and when we shall be better informed. I have presented a scheme by which, whenever it is the pleasure of the southern States, they can rid themselves of the institution of slavery without feeling the change; and whenever they indicate that purpose, aid from the North in accomplishing the plan adopted by the South will be thankfully received. But all obtrusive interference will be indignantly rejected. Having thus fully explained the position I wish to occupy, I am prepared to vote.

[The debate was continued until late in the evening, by Messrs BUTLER, FOOTE, and WESTCOTT, whose speeches will, at their request, be given in the Appendix.]

Mr. JOHNSON, of Maryland, then obtained the floor, and said before he proceeded to offer the remarks he intended to offer, and which would apply more particularly to what fell from the Senator from Ohio [Mr. CORWIN] yesterday, he wished to present two amendments to the bill, to remedy the alleged defect in the 24th section, although, in his opinion, there was nothing to prevent the Supreme Court of the United States from taking cognizance of the cases likely to grow up, even if the matter in controversy did not amount to $2,000, should such be the pleasure of Congress; and, as an instance, Congress gave the power of appeal to the Supreme Court, in cases of $200, brought in the District of Columbia.—Mr. J. read his amendments, which stated, that cases brought for the recovery of slaves, shall be brought before the Supreme Court free of costs to the slave. He moved further to amend the 26th section, so as that the prohibition, in the cases of California and New Mexico, against legislating on the subject of slavery shall be confined to African slavery, whereby the said territories will be left free, if so disposed, to act in the suppression of peon slavery, or slavery for debt. Mr. J. said he would prefer, now (6 o'clock P. M.) to address the Senate upon these propositions and the general subject, if they were willing to hear him.

Mr. CLAYTON moved that the Senate adjourn; and the yeas and nays being ordered, it was determined in the affirmative, as follows:

YEAS—Messrs. Atchison, Badger, Baldwin, Bell, Benton, Berrien, Bradbury, Butler, Calhoun, Clarke, Clayton, Cooper, Davis, of Massachusetts, Dix, Dodge, Greene, Hamlin, Johnson, of Maryland, Johnson, of Louisiana, Jones, Mangum, Metcalfe, Moor, Pearce, Spruance, Underwood, Upham, Wales, Westcott, and Yulee—29.

NAYS—Messrs. Allen, Borland, Bright, Davis, of Mississippi, Dickinson, Douglas, Felch, Fitzgerald, Foote, Hannegan, Houston, Hunter, Johnson, of Georgia, King, Mason, Miller, Rusk, Sebastian, Turney—20.

Whereupon,

The Senate adjourned.

WEDNESDAY, JULY 26, 1848.

PETITION.

Mr. HUNTER presented the memorial of the heirs and representatives of P. M. Butler, deceased, late Cherokee agent, praying an equitable settlement of his accounts with the government; which was referred to the Committee on Indian Affairs.

PAY AND ALLOWANCES TO OFFICERS OF THE ARMY.

Mr. HALE submitted the following resolution for consideration:

Resolved, That the Secretary of War be instructed to furnish the Senate with an account of the gross amount paid or allowed each officer, or person whose name appears in the Army Register for the current year, and also to inform the Senate why such information is not contained in the Army Register for the present year, agreeably to the requirements of a resolution of the House of Representatives passed February 16th, 1843.

FREMONT'S EXPLORATIONS IN CALIFORNIA AND OREGON.

Mr. BREESE submitted the following resolution for consideration:

Resolved, That a select committee of five be appointed to inquire into the expediency of providing for the publication, as a national work, and without copyright, under the direction of Congress, of the results of the recent exploring expedition of J. C. Fremont to California and Oregon; and also into the expediency of providing for continuing and completing the surveys and explorations of the road J. C. Fremont in Oregon and California, with a view to develope the geography of those countries, and to discover the practicable lines of communication, by railroad or otherwise, between the valley of the Mississippi and the Pacific ocean; the results of the original explorations to be published under the direction of Congress, as a national work, without copyright.

RESOLUTIONS OF THE LEGISLATURE OF WISCONSIN.

Mr. WALKER presented resolutions passed by the Legislature of the State of Wisconsin, instructing the Senators, and requesting the representatives of that State in Congress, to use their influence to procure the insertion of a provision in the organic law of any territory now held, or which may hereafter be acquired by the United States, prohibiting the introduction of slavery or involuntary servitude in such territory except as a punishment for crime.

The resolutions were read, and it was

Ordered, That they lie on the table.

PRIVATE BILL.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the bill for the relief of Skelton Felton, reported it without amendment.

ADVERSE REPORT.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was recommitted the bill for the relief of Daniel H. Warren, reported it without amendment, and that the bill ought not to pass.

JONES AND BOKER.

On motion by Mr. RUSK, it was

Ordered, That the Committee on Post Office and Post Roads be discharged from the further consideration of the resolution submitted by Mr. WESTCOTT, the 26th of June, in relation to the act for the relief of Jones and Boker.

REVOLUTIONARY WIDOWS.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the bill for the relief of certain surviving widows of officers and soldiers of the revolutionary army, reported it without amendment.

HOUSE BILL REFERRED.

The bill from the House of Representatives granting a pension to William Pittman, was read the first and second times, by unanimous consent, and referred to the Committee on Pensions.

RECESS.

Mr. HANNEGAN moved to proceed to the consideration of the motion submitted by him yesterday, that the Senate take a recess this day from 4 to 5 p. m.

Mr. HANNEGAN said he would modify the motion, so as to read from "four to six."

Mr. BERRIEN thought the resolution very well as it was; one hour was sufficient.

Mr. HANNEGAN wished to give time to those who lived at a distance from the capitol, and he did not think two hours too long a period, but he would modify it so as to read from "four to half-past five."

Mr. BENTON desired to inquire if the resolution was offered with a view to a night session; for if so, he should oppose it. It was bad enough to be here all day during the dog-days, without adding in the "dog-nights;" besides being subjected to the effluvia arising from unpleasant gas.

Mr. HANNEGAN said his sole object was to have some disposition made of this bill, in order that the session might be brought to a close. According to present appearances, it seemed as if the session was about to reverse the order of nature, "that all earthly things must have an end." It was not likely that this bill would be disposed of without a night session, and we might as well go to-night as to-morrow night.

Mr. UPHAM said, if it was intended to press this important measure through with such precipitancy, it was the most extraordinary course he had ever witnessed. No Senator could be more desirous than himself to bring the session to a close; but he owed it to his constituents and to himself to give his views on the bill. He had not been very eager to obtain the floor, for he always felt a reluctance to enter into a competition to catch the attention of the chair, and, therefore, others had obtained the opportunity, when he desired to speak. He thought it hard, however, that while some of the friends of the measure had spoken twice and thrice, he should be compelled to address the Senate in the evening, when every man was worn down and exhausted. His state of health did not permit him to do this. He did not often address the Senate, and when he did, it was with great brevity. To others he had listened with great pleasure, and he did not think it unreasonable, if he claimed for himself a hearing on a subject of such great importance, in which not only his own constituents, but the whole of the non-slaveholding community, were so deeply interested.

Mr. CLAYTON hoped that his friend from Vermont would have ample opportunity to address the Senate during the day. He was perfectly satisfied that there was no disposition among the friends of the bill to prevent any Senator from being heard. But it was very desirable to have the bill disposed of in one way or another, and without delay. Congress had been already in session nearly eight months, and every one must see the propriety of bringing it to a close. He expressed his willingness to vote for the resolution.

Mr. MANGUM asked if it was reasonable that a question of such immense magnitude, and which was presented to Congress in an entirely new aspect, should be thus precipitated to a decision. There was great interest and excitement throughout the whole country, in relation to this subject; and he should exceedingly regret to see it pressed through when the Senate was in a complete state of exhaustion. Many members were in an enfeebled state of health, and could not endure a late sitting; and to urge the measure, under such circumstances, seemed to be a denial of their rights. It was very well to say it was desirable to terminate the session, and all that—and all that! But he would say to Senators, there was a prodigious excitement throughout the country, and they would be held responsible for the consequences of haste or error. Still, he was ready to acquiesce in the decision of the Senate; but he would again suggest that it would be unwise to precipitate the measure, without allowing proper time for deliberation and discussion.

Mr. HANNEGAN contended that this was no new principle which was under consideration. It was the same that had been before the country for three years. The subject had been exhausted, and he was exhausted, and he thought the Senate must be wearied.

Mr. NILES said, he supposed this resolution constituted a part of the much talked of compromise, in which the bill was said to have been framed. It was all of apiece—a compromise entirely for the benefit of one party, whilst the other was to take nothing. One party here, relying on its numerical strength, had magnanimously come to a conclusion that no one should be permitted to debate the question, except those who were friendly to the bill;—and in this spirit, even on the day when the bill was introduced, it was attempted to press it through. Now, he believed it was the usual practice, whenever a majority had determined to push a bill through, and "to sit it out," that they carefully refrained from taking any part in the debate themselves.

Mr. HANNEGAN.—Will the Senator allow me? I withdraw the resolution. I withdraw it, sir. Any thing to stop debate, and prevent further delay.

Leave being granted, the motion was withdrawn.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives concur in some and disagree to other amendments of the Senate, to the bill making appropriations for the naval service for the year ending the 30th June, 1849, and agree to the fifth amendment of the Senate to the said bill, with an amendment, in which they request the concurrence of the Senate.

NAVAL APPROPRIATION BILL.

The Senate proceeded to consider their amendments to the bill last mentioned, amended and disagreed to by the House of Representatives; and it was

Ordered, That they be referred to the Committee on Finance.

ALABAMA RAILROAD.

Mr. KING, agreeably to notice, asked and obtained leave bring in a bill granting to the State of Alabama the right of way and a donation of public land for making a railroad from Mobile to the mouth of the Ohio river; which was read the first and second times by unanimous consent, and referred to the Committee on Public Lands.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

Mr. President: The President of the United States approved and signed the 25th instant, the following joint resolution and acts:

Resolution to sanction the agreement made between the Wyandotts and Delawares for the purchase of certain lands by the former of the latter tribe of Indians.

An act to authorize the sale of a part of public reservation numbered thirteen, in the city of Washington, and for other purposes.

An act to make Bango, a port of entry for ships or vessels coming from and beyond the Cape of Good Hope.

An act to confirm the location and to grant a quarter section of public land for the county seat of Hillsborough county, State of Florida.

An act to authorize the Secretary of the Treasury to make a compromise and settlement with the securities of Francis D. Newcomb, late Surveyor General of the State of Louisiana.

An act for the relief of the society for the reformation of juvenile delinquents in the city of New York.

An act to revive an act authorizing certain soldiers in the late war (with Great Britain) to surrender the bounty lands drawn by them, and to locate others in lieu thereof.

An act for the relief of the central railroad and banking company of Georgia.

An act for the relief of Alfred White.

An act for the relief of the heirs of Moses White.

THE COMPROMISE BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish the territorial governments of Oregon, California, and New Mexico.

The question pending was upon the motion by Mr. HALE to amend the bill by striking of section 5, in lines 1 and 2, the words "free white," and inserting after the word "act," in the 4th line, the words: "and qualified to vote by the existing laws now in force in the territory of Oregon, under the authority of the provisional government established by the people thereof."

Mr. WALKER gave notice of an amendment which he proposed to offer to the sixth section, which was, to strike out the words "nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents."

[Mr. JOHNSON, of Maryland, addressed the Senate at length in explanation of the amendments offered by him, and in an exposition of his views upon the important subjects presented by the bill. A report of his speech will be given in the Appendix.]

Mr. BADGER.—I am very sorry that my honorable friend who reported this bill, [Mr. CLAYTON,] felt himself compelled, by considerations of duty, under the influence of which I know he always acts, here and elsewhere, to press the measure through the Senate, and to prevent, so far as depended on his action and influence, a full, ample, and thorough investigation of the subject in all its bearings. What is the character of the measure? It is a proposal to settle a most difficult and anxiously considered subject, upon a plan entirely novel—one heretofore proposed by no one, and, so far as is known, thought of by no one. It is a measure of immense importance, relating, as it does, to a subject in itself of vast concern and complicated by many incidental difficulties. Now, it does seem to me, that when the gentlemen composing the committee, after the various diversities of opinion among themselves, which were stated by my friend from Delaware, [Mr. CLAYTON,] at last hit upon and concluded to present, as a compromise, a measure before unknown and unconjectured, it was due to the importance of the occasion—the high, solemn, and lasting interest at stake—and, in an eminent degree, due to this body itself, that, instead of being introduced to us with a significant notification that it was to be pressed through in hot haste—

Mr. CLAYTON, (in his seat.)—Nothing of the kind.

Mr. BADGER.—I will show there was, though perhaps it was not intended. I was about to say, when interrupted by the Senator, that in these circumstances, instead of such an announcement being made to the Senate, we should have been informed that the committee, unable to agree upon any thing else, and acting from the best motives, had thought proper to present a new and unheard of plan of pacification on this momentous question, that they desired no haste; that, on the contrary, they invoked from every member of the Senate the fullest scrutiny; that they not only wished and hoped, but demanded as due to themselves, the Senate, and the country, the application, on the part of every member of the body, of his best understanding to this subject, and a full, deep, thorough and searching investigation of the plan presented, in all parts and bearings; that full time should be afforded to enable Senators both to reflect and to debate; and that, so far from the usual order of the Senate being reversed, and this question pressed upon a weary and exhausted Senate—motions to adjourn, after a continued sitting of seven and eight hours, resisted, and the yeas and nays demanded—no opportunity for deliberation and discussion would be withheld.

My honorable friend from Delaware, [Mr. CLAYTON,] says that no intention was announced to press this measure through in haste. If by that he means that no such terms were used, he is undoubtedly correct. But, in point of fact, how stands the matter? My friend announced that he would press this bill upon the consideration of the Senate. It was first called up, if I recollect aright, on Saturday afternoon; and, after a long and laborious session, my honorable friend resisted a motion for adjournment, and on the yeas and nays, voted against it. The Monday after was spent in the consideration of the bill, and precisely the same result took place. My honorable friend in charge of the bill, to whom its friends naturally looked for the course they ought to pursue upon motions for adjournment, still declined to adjourn. Yes, after a session of full seven hours, nearly eight, I may add, when my honorable friend from Kentucky, [Mr. UNDERWOOD,] rose to address the Senate, himself a member of the committee; when many Senators were exhausted, and some prostrated; and when even I, with a constitution of iron, and youth besides on my side, felt some respite to be necessary, a motion to adjourn was carried, upon the yeas and nays, against the vote of my friend from Delaware. The proceeding was, in my opinion, unfortunate—very unfortunate—though I attribute nothing of impropriety of intention to the gentleman, or those who acted with him.

Mr. CLAYTON.—It is very extraordinary that the gentleman does not recollect that when the Senator from Maryland, [Mr. JOHNSON,] who was exhausted and unwell, desired the Senate to adjourn, I, in opposition to the wishes of the friends of the bill, expressed a cesire that the motion might succeed, and gave it my support. That the gentleman calls "hot haste."

Mr. BADGER.—Unfortunately the honorable gentleman confounds two different cases. I know that the gentleman assented to the motion to adjourn last evening, for the accommodation of my friend Maryland; but how was it when my friend from Kentucky, [Mr. UNDERWOOD,] who was supposed to be opposed to the bill, desired an adjournment for his accommodation? It was to this case that I referred. Allow me, sir, to add what I was about to say when interrupted by the honorable gentleman, that I regard his course as peculiarly unfortunate with regard to such a bill as this. The great end and object of the bill, as avowed by the gentleman and the committee, is to pacify the public mind, to settle this agitating subject, and to restore harmony to the country. How? Only by its moral power. You cannot change the opinion, or settle the discontents of free America, by the mere force of law. On occasions of this kind, it is all important that the moral influence which accompanies a measure, should be as extensive as possible in its operation; and therefore, I think, there should have been shown no disposition to cut off any gentleman from a discussion of the question, by pressing a vote here until the physical energies of the Senate should be broken down, and the members be compelled by exhaustion to submit. This is the long session, and the Senate have refused to fix any day for its termination; and, therefore, there is no excuse, in my judgment, for the course which has been pursued. The session, it is true, has been a very long one; and the weather is very hot and exhausting. I am as anxious as any gentleman to return to my home and my children, but I see no reason why this great and important measure should be hurried through the Senate. If, indeed, the Senate had passed the resolution from the House, and the House had adopted its amendment fixing the final day of adjournment for the 31st, we should have stood in a very different condition. In that case, I should myself have given a silent vote, or should, at most, have made a very brief statement of the grounds upon which I have formed an opinion adverse to the passage of the bill. But, under present circumstances, with an unlimited session before us, I feel justified in presenting my views fully and at large. I shall undertake to show that this compromise measure, which my honorable friend has reported and recommends, involves a total and absolute surrender, on the part of the South, of whatever rights, feelings, or interest we may have in the subject, without any advantage being gained thereby to us, or to the country.

Mr. President, on the first day of June, in this present year of salvation one thousand eight hundred and forty-eight, a speech was delivered by an honorable member of the other House, representing a district in my own State, which I find in a pamphlet published in this city, and entitled, "Speech of Hon. A. W. Venable, of North Carolina, in the House of Representatives, June 1, 1848," and headed, "Slavery in the Territories." In this speech are some remarks in reference to myself, and I read them because, as the Senate will see, they have an immediate connexion with the subject under consideration. The passage will be found, [on important subjects I like to be precise,] on the 7th page, near the foot of the left hand column, and is in these words:

"A distinguished Senator of my own State, [Mr. BADGER,] a gentleman of high attainments and extended reputation, in a recent speech on the Oregon bill admitted the right of Congress to legislate for the exclusion of slavery in the territories, but placed the Santa Fe upon the principle of expediency and the sense or justice of the federal legislature."

Now, to those who are curious in such matters, it may be somewhat interesting to learn, that in this speech, distributed in North Carolina about the middle of this month,* and delivered, as stated on its face, on the first day of June, reference is made in the passage which I have read to some remarks submitted by me in the Senate upon the second day of the same month of June. My first impression was, that the gentleman was incorrect in his chronology; but before committing myself on this point, I thought I would follow the example commended to us by the Senator from Mississippi, [Mr. FOOTE,] several times this session, and have a peep at the dictionary to ascertain what this world "chronology" means. I found that I was mistaken in my first notion; for the definition of "chronology" is satisfied by arranging events according to the proper year; and, therefore, the gentleman was guilty of no violation of chronology when he represented himself as referring on the first of June to what was said on the second, both days being in the same year. Some persons, on reading this reference in the speech to my remarks, and finding, from the proceedings and debates of the Senate, that I had not said one word on the subject until after the speech was made, might suppose that a slight inaccuracy had crept in, and that those remarks were not made at all in the House of Representatives on the first of June, which refer, as a past event, to a speech of mine, made on the second of June, but were inserted for the first time in the printed speech in the month of July; but I draw no such inference. The whole matter may be satisfactorily explained without any such uncharitable supposition. In ancient times, when the prophetic spirit descended upon a man, the seer, "rapt into future times," often saw events with such force and distinctness, that in prophetic strain, he spoke of them as past already.

Again: This is the age of progress. In the olden time, it was said that "coming events cast their shadows before;" and now, in the mighty improvements of the day, amidst the wonders of steam and electricity, it may well be that "coming words cast their sounds before!" And thus it happened that my colleague of the House, in the dark hour of midnight, had his spirit troubled with a vision so clear of the atrocity which I should commit on the second of June, that it became impressed upon his mind as a past event, and, as such, he alluded to it on the first. And then, his patriotic horror, in this clear foresight or forehearing of my offence, impelled him to make a pious appeal to heaven in these words, immediately following those which I have quoted:

"Gracious heaven! are we reduced to this? Is our only hope here the verdict of a jury whose interest, whose feelings, and whose organization fit that verdict against us?"

And a little after, still referring to me, he exclaims—

"And do southern statesmen sound the first note of retreat? Does the flag fall last in their hands?"

Now, as I intend to advance again that atrocious sentiment which, delivered by me on the second day of June, awakened the prophetic horror of my colleague of the House on the first, and as his speech, no doubt with the kindest feelings towards me, was printed and circulated extensively in the State of North Carolina, the Senate will see why I have made this reference, and that it is demanded of me, as a matter of respect and grateful consideration to him that I should state the grounds on which my opinion rests; an opinion, by the expression of which I have, according to his phrase, "sounded the first note of retreat" from a position which I have never assumed, and thrown down a flag which I never raised.

In order to a full understanding of my views, it is necessary that I should go back a little in the argument, and show that this government has a right to acquire territory, and whence that right is derived. Upon this point different opinions have been expressed. My friend from Massachusetts, [Mr. DAVIS,] in a very able speech on this subject, treated this as a *casus omissus* in the constitution, held the power to acquire an assumed one, and the right to govern as a consequence, merely, of the acquisition. In my opinion, the power to acquire territory is expressly conferred upon the government of the United States by the constitution. The President, by and with the advice and consent of the Senate, has power to make treaties. Congress has power to declare war. The constitution specifies no particular kind of treaties, as included in or excluded from the grant. Nor does it specify the purpose for which war is to be waged, or the manner in which it is to be concluded, but leaves these as necessary incidents to the treaty-making and war-making powers respectively. Again, the constitution has not only omitted any express restriction upon the treaty-making power, but declares that "all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land." Whatever limitations, therefore, may from the necessity of the case be inferred—as, for instance, that a treaty cannot be made to destroy the government or the constitution, or any integral part of them, or to introduce any new element of political power—it is certain that the treaty-making power is subject to no express limitation whatever. When the constitution was formed, various kinds of treaties were known among nations; and all these were undoubtedly included in the granted power. Among these were treaties of cession, by which the United States might acquire as well as cede territory. The power is a large one, and the limitations upon it, whatever they may be, have not yet been defined or applied. The extent of this power may be judged from a few instances furnished by the history and practice of the nation.

First. By treaty the President and Senate can exercise a power expressly conferred upon Congress. For example, they can regulate commerce, and confer citizenship. Again, by treaty the United States can exercise a power not conferred upon the general government at all, but undoubtedly reserved to the States. Of this examples are found in the treaties with France and the Netherlands, by which the subjects of those powers were enabled to succeed to the inheritance of lands in the United States without becoming naturalized, and thereby the laws of the States excluding aliens from the succession were repealed and abrogated. Again, by treaty the United States can set up a demand for a debt which has been by due course of law paid and satisfied. This was done with regard to the British debts which had been rightfully confiscated by State authority during the revolutionary war, and the amount paid into the treasuries of the respective States. And, again, by treaty the United States may acquire authority to erect judicial tribunals and confer judicial power within the territory of a foreign and independent nation. Of this we have an example in the bill now on our table—to erect such tribunals and confer such power—to be exercised in the empire of China. It seems, therefore, to follow necessarily, as well from the express grant of power as from the practice of the government, that the President and Senate, by treaty, may acquire territory for the United States. When that acquisition is made, by the exercise of the power thus granted, the constitution confers expressly upon Congress the power to legislate for the government of the territory so acquired. For it confers on Congress the power "to make all laws necessary and proper for carrying into execution" the "powers vested by this constitution in the government of the United States, or in any department or officer thereof." To my understanding it is therefore plain that, by the treaty-making power, we have express authority to acquire territory; and, by the provision I have cited, Congress has express authority to legislate for it when acquired. Now, sir, upon this power, what are the restrictions, and where are they to be found? There are plainly none in the constitution itself. It is one thing for us to think that certain restraints upon the exercise of this power would be convenient, would at this particular time be reasonable, would subserve the interests of that section of the country in which we happen to live, or, if you please, the general interests of the whole; and it is another and a very different thing to show an actual restriction upon the power itself. The former relates to a just and proper mode of exercising authority, and addresses itself to those in whom the power is vested. The other implies an actual exclusion of the power, which leaves nothing for the exercise of discretion at all. The honorable Senator from Virginia, [Mr. HUNTER,] remarked that, although it seemed to him an absurdity to deny Congress the power to govern the territory, yet that power must be exercised in subordination to some general rule given in the constitution. He undertook to specify one case, and certainly it was a very unhappy illustration of the rule he had laid down. He was very unhappy illustration of the rule he had laid down. He was a very unhappy illustration of the rule he had laid down. He was a very unhappy illustration of the rule he had laid down. He was a

the source from which the right of acquisition is derived, and the nature and extent of the power over what is acquired. In delivering the opinion of the court in that case, Chief Justice Marshall says:

"The constitution confers *absolutely* on the government of the Union the powers of making war and of making treaties; consequently, that government possesses the power of acquiring territory either by conquest or by treaty. If it be ceded by the treaty, the cession must be made in the form which is recognised by the nation from which it comes. The language used in the treaty of cession, or in any other public act necessary to consummate the transfer, must be interpreted according to the usage of the United States, which has been, to conform to the stipulations of the treaty. The words which have been used in the treaty ceding Louisiana, and which are similar to those used in the treaty ceding Florida, are well understood. They have never been supposed to convey political rights, which are not secured to the inhabitants of the ceded country until they are admitted into the Union. They are associated with the right to property, and secured to the inhabitants of Louisiana to the same extent that property held under the Spanish government was secured. But the political rights were to depend entirely on the will of congress. Whether they would grant the whole, or any part, or none, depended on their own view of the condition and circumstances of the people. This is a political question in which the judicial department has no concern. The same words have been used in treaties by which other territory has been acquired, and the universal understanding of the American people, as well as the practice of their government, explains the meaning of the words. Congress has never thought itself bound to admit all the territory acquired, into the Union, but has always conceived itself at liberty to admit such portions of it as they thought expedient. The relations between the territory thus acquired and the United States, resulting from the power of congress over it, and the limitations on that power, are considered in the case of the American Insurance Company vs. Canter, 1 Peters's Rep. 511. There the court says that the province of Florida may maintain the character of a distinct political society, and remain a territory of the United States for any length of time, retaining its own laws, until Congress shall think proper to change them. Different modes of thinking exist on the subject of slavery, but it is impossible to doubt the power of congress over the territory ceded by France, after the cession has been made, and before the relation subsisting between France and her colony is changed. The act of taking possession may perhaps be considered as changing the relation between the parties. The majority of the court may think that slaves are property, as well as any other property, and may consider the act of congress which prohibits a man from holding property of a particular description throughout a large territory, as a prohibition to settle there with property of that description. Be this as it may, the power of congress seems to be universally conceded to include the power to prohibit the introduction of slaves, and to be limited only by the treaty by which the country was acquired."

Mr. Justice Johnson, in his opinion, delivered in the same case, when in the circuit court, thus expresses himself:

"The next, the only, inquiring relates to the limit incidental to the treaty making power, and, perhaps, to the power of admitting new States into the Union. And the government of such acquisition is of course left to the legislative power of the United States, as to every other power in relation to it. By the latter we comprehend positively or exclusively under the Union, the power of acquisition or cession, and of course of such acquisitions, I see nothing in which the power acquired over the ceded territories can vary from the power acquired under the law of nations by any other government over acquired or ceded territory."

Now, sir, here is, if I can understand it, a clear and decided opinion of the court, delivered by the eminent man who at that time presided over its deliberations, and who was himself the embodiment of all judicial excellence—that, under the treaty and war powers, the United States have, under the constitution, the right to acquire territory; that they acquire it upon the same terms as any other nation; and that it is subject, in their hands, to such terms and conditions as they may deem proper to impose, subject only to such restrictions, if any, as may be contained in the treaty of cession. Now, how do we expect, after this decision, to procure from the Supreme Court of the United States an adjudication that, independently altogether of legislation by Congress, the instant any territory becomes ours, the institution of slavery goes there by the mere force of the constitution of the United States? Gentlemen say that every American citizen has a right to go into the newly acquired territory. It is needless to examine that, for no one proposes to exclude them. But it is another and different question, whether he has a right to carry a slave there, and, because the slave was recognized as property in the State from which he came, to insist that, therefore, such slave shall be recognized as property in the territory to which he goes. The affirmative of the question cannot, in my opinion, be maintained. Suppose, which is not at all unlikely, that within a few years we should follow the example of Great Britain, and procure the cession of some station or post within the dominions of the Emperor of China, in order more effectually to promote our commerce and protect our citizens in that country, could it be maintained that, instantly upon the cession, from the nature of our constitution itself, negro slavery would spring up and become a recognized institution there? This would seem to be absurd. Yet it stands upon the same arguments, applying with equal force, upon which rests the alleged constitutional propagation of slavery into these Mexican territories. Sir, the inquiry must present itself, whether slavery was an institution of the territory before, in point of fact, any slave was carried there by one of our citizens. If so, then the slave carried would be recognized as property in the State from force of its own institution, and not that of the State from which the slave was brought. Thus, in my own State, though, in point of fact, there were not a single slave to be found to-day, still slavery would be a recognized institution of the State; and the man who should go there with his slave to-morrow, would not carry any new institution with him, but would merely carry there a recognized subject of property under the existing law.

Now, it seems to me, that the gentlemen whose opinions I oppose must maintain one of two things: either that by force of the constitution of the United States the moment territories are acquired slavery becomes there a recognized institution, or else, that whether it will be an institution of the territory or not depends upon the fact whether or not a slave shall be carried there; that, when carried, the law of slavery springs up, and when removed the law ceases. Now, sir, this latter proposition seems to me an absurdity. The law which recognizes slavery must exist, or can exist, independently of the conduct of individuals; and as, in my judgment, the constitution does not of itself establish slavery where it did not exist, we must, in order to ascertain its existence or non-existence after our acquisition, resort to the previous law.—There seems to be some doubt, as I collect from the remarks of honorable Senators on this subject, what was the state of the law in the territories acquired from Mexico. By some it is alleged that all slavery was absolutely prohibited; by some, that a species of slavery, called peon servitude, existed under certain modifications, about which gentlemen are not agreed; but it is conceded on all hands, that African slavery, as recognized in certain States of the Union, was not an institution recognized in these Mexican territories.

Now, I hold upon this concession, that the law in Mexico not having recoized slavery as it exists with us, such slavery stands prohibited in Mexico until it shall be allowed by law. Nothing, I apprehend, is clearer than that, by the acquisition of a territory, whether it forms a part or the whole of a foreign nation—whether subdued by arms or ceded by treaty—no laws are repealed except those which are inconsistent with the relations which the subjugated people bear to their new sovereign; that such acquisition implies only a change of dominion and allegiance—a transfer of legislative authority and executive control; and that all laws not necessarily inconsistent therewith remain in full force until the new sovereign shall modify, alter, or abolish them. On this subject Vattel thus expresses himself:

"The fundamental regulation that determines the manner in which the public authority is to be exercised is what forms the *constitution of the State*. In this is seen the form in which the nation acts, in quality of a body politic, how and by whom the people are to be governed, and what are the rights and duties of the governor." "The laws are regulations established by public authority, to be observed in society." "The laws made directly with a view to the *public* welfare are *political laws*, and in this class those that concern the body itself and the being of the society, the form of government, the manner in which the public authority is to be exerted; those, in a word, which together form the *constitution*, or fundamental law. The *civil laws* are those that regulate the rights and conduct of the citizens among themselves."

Chief Justice Marshall, in delivering the opinion of the court, in the case to which I have before referred, speaking of the effect produced by the cession of territory, says:

"On such transfer of territory it has never been held that the relations of the inhabitants with each other undergo any change. Their relations with their former sovereign are dissolved, and new relations are created between them and the government which has acquired their territory. The same net which transfers their country transfers the allegiance which was before due to the former sovereign, and substitutes *political* tie is *necessarily* changed, although that which regulates the intercourse and general conduct of individuals remains in force until altered by the newly created power of the State."

And again, in the same opinion, he says:

"Upon the cession of territory to the United States, the relations subsisting between the people and their former sovereign are changed," because the new relations between the territory and its new sovereign; that the necessity of the case alone produces any change; and that all other laws, whether described as the municipal laws, the civil laws, or the laws regulating "the rights and conduct of the citizens among themselves," remain in force until altered by the new sovereign.

Now, sir, it is agreed by all the writers on national law, by all judges who have treated upon this subject, that slavery owes its existence to positive law, to municipal law; that, independently of law authorizing it, it does not exist any where; from which it necessarily follows, that whether African slavery be expressly prohibited in these territories or not, it does not exist unless by their law it be allowed, which no one pretends. Whether it shall be introduced or its exclusion continued depends, in my judgment, upon the will of Congress. If nothing be done by Congress, it remains excluded, and their power over the subject is complete and perfect. It seems to me that some confusion has resulted in the views of gentlemen upon this subject, from the fact that we heretofore have not made acquisitions of territory except with a view to the formation of States; but we have just as much power to acquire territory and keep it in perpetual pupilage as we have to bring it into the Union as a State. Our right to acquire springs out of the treaty power and the war power, and when we acquire we are to decide for ourselves what shall be done with what has become ours, by cession or by conquest. If we should obtain that El Dorado of some gentlemen, the island of Cuba, would we be bound to admit it into our Union? By no means. We should have a right to keep it as a territory, a province, and regulate it as we please. And if we deemed it best for the interest of the United States, we might rightfully so keep it, even, to use an extravagant phrase, "to the last syllable of recorded time." The constitutional restrictions were intended to protect us against our own government; they were intended to regulate us among ourselves, to define and distribute the powers which exist between the United States and the several States, and to secure to the States and to the people powers not granted to the United States. There is not an article which looks to the restraint of power, except as it is to be exercised over us; not an article designed to shorten our hands or diminish the aggregate of our power in contending externally with foreign territory. Therefore, I hold, that among those subjects falling within the constitutional power of Congress, is the entire regulation of such territory as we may acquire, to make such laws for it as we may think best, and to give it a political organization of such kind and with such restraints and limitations as we may prescribe. Within this power is included the introduction or exclusion of slavery, according to our own judgment, entirely independent and irrespective of the wishes of the people of the territory or any body else. My friend from Ohio, [Mr. CORWIN,] in his speech yesterday, stated that I was the only gentleman sustaining the same relation to the subject upon this floor who entertained this opinion. Since that remark was made, my friend from Kentucky [Mr. UNDERWOOD] has expressed the same opinion; and I hazard nothing in saying that the honorable Senator from Missouri, [Mr. BENTON,] now in my eye, than whom no man is more capable of forming a sound judgment, holds the same opinion without qualification. If I do him injustice, I hope he will say so. The opinion is by no means novel. Why, sir, when the bill admitting Missouri passed the House, it contained an express provision, as a fundamental condition on which that State was to be

admitted, that slavery should be excluded. When the bill came into the Senate that provision was stricken out, and the Missouri compromise, excluding slavery from the territory north and west, was agreed to; and so far were southern members from having discovered at that time that Congress had no power over the subject, the amendment was adopted apparently without a division, at all events, without the yeas and nays; no southern member appearing to have thought it necessary or important to record his vote. Nor was this an instance of hasty and inconsiderate action. Among the southern Senators present on that occasion was the late William Pinckney. It would be idle for me to say here, or any where in the United States, who William Pinckney was, or to what respect his opinions are entitled. In a letter written to his son-in-law, and preserved in his life by Mr. Wheaton, he said:

"The bill for the admission of Missouri into the Union without restriction as to slavery may be considered as passed. That bill was sent back from the House with the restriction as to slavery. The Senate voted to amend it by striking out the restriction, 22 to 15; and proposed, as another amendment, [which I have all along been the advocate of,] a restriction upon the vacant territory to the north and west as to slavery."

Now, here we learn that Mr. Pinckney voted for this exclusion of slavery from the territory, not reluctantly, because nothing better could be obtained, but because he had all along been an advocate of it, and must, therefore, have thought it both constitutional and expedient.

Mr. KING.—Does the Senator intend to convey the idea that Mr. Pinckney was in favor of a restriction upon a State entering the Union by which slavery was to be excluded from it?

Mr. BADGER.—Why, certainly not. He says directly the contrary.

Mr. KING.—That he was opposed to any restriction upon the State of Missouri?

Mr. BADGER.—Let me state again what Mr. Pinckney said: That he was opposed to the restriction upon the State, but that he was in favor of the restriction upon the territory north and west of the State.

Mr. CALHOUN.—I believe Mr. Pinckney was an abolitionist.

Mr. BADGER.—I hope that the honorable Senator, having made a remark of that kind with reference to a distinguished gentleman, once a member of this body and now in his grave, will give us some proof it, or retract it.

Mr. CALHOUN.—The fact is as I have stated,

Mr. BADGER.—The very paper which I read refutes the charge that Mr. Pinckney was an abolitionist.

Mr. CALHOUN.—No charge was preferred. I only stated that Mr. Pinckney is known to have entertained views favorable to abolition.

Mr. BADGER.—If he had been an abolitionist, he would have been in favor of excluding slavery from the State of Missouri. But let me add, that with regard to the opinion of Mr. Pinckney on this subject, it cannot be in the slightest degree important whether he was an abolitionist or not. If Mr. Pinckney was in favor of abolishing slavery, he must nevertheless have understood the difference between his wishes as to what should be done, and the power of this government to do it. I must therefore infer, out of a decent respect, to say nothing of a high admiration, for the extraordinary ability and legal acumen of that gentleman, that he did not doubt the power of Congress when he wrote that letter. Sir, he could not be excused, his moral character could not be preserved, he would stand charged in his grave with having violated his oath, and committed foul wrong upon the constitution of his country, if he had advocated and voted for that restriction—permanent, perpetual, and looking to all time—while he doubted the power of Congress to impose it. If Mr. Pinckney's opinion upon the propriety of abolishing slavery, referred to by the Senator from South Carolina, is supposed or understood to have any effect in determining what his judgment was, or impairing the weight of that judgment as authority, I must say it was referred to to no purpose.

Mr. CAHOUN.—It was stated for what it is worth.

Mr. BADGER.—Well, then, it is worth nothing.*

I stand upon this subject on what I understand to be the opinion of the Supreme Court of the United States, and upon the opinion of the southern statesmen who adorned this Senate at the time of the Missouri compromise. I stand upon the theory and practice of the government upon this subject; and occupying this position, I am called upon to vote for a bill by which, in my opinion, the South makes a total surrender of all the interests and wishes of her people in this question. We are to submit to the judgment of the Supreme Court to determine whether, by virtue of anything in the constitution of the United States, the moment these territories become ours by treaty the institution of negro slavery is established, in them. Now, I have not the remotest idea that the Supreme Court will ever hold the affirmative of that question. I look upon the bill as calling upon me, representing, with my honorable colleague, the interests of one of the southern States, to make this total surrender on her behalf. If gentlemen will show me what we are to gain by that surrender, if they will point out to me any countervailing advantages, if they will make me understand how, upon the principle of compromising a disputed question as to the disposing of these territories, I shall surrender the whole to the opposite party, I shall be able to give this measure my support. My friend from Maryland [Mr. JOHNSON] has said that we only asked to save our honor. Sir, I would be just as willing, so far as the interests of my constituents are concerned, to vote for a bill in terms excluding slavery, and should think it more manly to do so. In my judgment, a total surrender on the part of the South would follow as effectually from the passage of this bill, as if the Wilmot proviso, or any other form of exclusion, were adopted. How, then, is my honor saved? If I am disposed to give up, on any consideration I am willing to yield the interests and feelings of my constituents, why not do so at once? I can see nothing on the score of honor to be gained by this measure.

Mr. BUTLER.—As I have had some of the difficulties under which the Senator from North Carolina appears to labor, I beg to ask him what would be the state of our rights in New Mexico and California, if the laws now in force there were left unchanged? Can he point out any mode by which our rights would be more secure, without repealing the laws now in force?

Mr. BADGER.—I think I could point out a very just and equitable mode, which would save the honor of all the parties to this agitating question. We have, however, now to do with the measure before us, which is recommended to me, as I have remarked, because it saves our honor. I say, according to my judgment, it saves no such thing.

Mr. BUTLER.—I ask if any other remedy, which has been indicated here, would not be obnoxious to the same objection?

Mr. BADGER.—I think I could mention one. I repeat, sir, that, in my opinion, by this measure we surrender the whole and gain nothing in return. If it were to be the means of putting an end to this dangerous and disorganizing agitation—if it would bring peace and quiet to the country—I would go home among my constituents, appealing to them as citizens descended of the old original thirteen, of whose gallant sons some died upon the battle-fields of the revolution, and others went down to their graves covered with honorable scars, and hundreds and thousands did battle in vindication of their country's cause, I would say to them—to the people amongst whom I was born, amongst whom I have lived, to whose kindness, promotion, and patronage I owe everything of distinction and prosperity that I enjoy, amongst whom I expect to die, amongst whom my children, I trust, will live after I am gone—I would say to them, I made this surrender because I knew your deep devotion to the institutions handed down by our forefathers; because I knew your resolute opposition to everything by which the union of these States may be severed or weakened; because I felt assured that you would justify me in giving up whatever of interest or feeling you might have in this question, in order to preserve the constitution, cement the Union, and perpetuate the freedom of our country.

But have we the least reason to believe that peace and harmony will be the result of the passage of this bill? Sir, we have none. On the contrary, we have convincing evidence that its passage would be the signal for a new and bitter agitation. Sir, I could not stand up before my constituents, patriotic as they are, willing as they are to make large concessions, and tell them that I had voted for a bill by which, in effect, they were excluded from the new territories; by which all their interests were surrendered, and nothing gained in return. Is it not plain that this is so? Do gentlemen from the North accept the surrender in good part? On the contrary, do they not repel it with scorn? And do we not almost [illegible]

Mr. President, I do not regard the surrender of which I have spoken as a matter of such entire insignificence as some gentlemen appear to consider it. We have had various accounts as to California and New Mexico; but, according to the best information I have been able to obtain, there are portions of the former suited to the cultivation of cotton and sugar. If so, it is my deliberate conviction that slaveholders should be allowed to settle there. I do not deny, I have expressly admitted, that Congress has the power to prohibit slavery there. Believing this to be so, I have made no attempt to support the cause of the South by denial or evasion. But I say to our northern friends, that if the country is adapted to the cultivation of cotton and sugar, slaveholders should be allowed to people it, and I desire to obtain for

---

*Since this speech was delivered, I requested the Hon. James A. Pearce, of Maryland, to ascertain, if he could, from some authoritative source, the true opinions of Mr. Pinckney on slavery, in order to vindicate him, who, I deemed, an imputation upon his memory. Mr. Pearce wrote, in consequence of this request, to William Pinckney, Esq., of Baltimore, the only Senator [illegible] from whom he could obtain an answer, the following extract from which I have received. Mr. Pearce, in publishing the correspondence, has made to Mr. Calhoun's error was derived, and correct the error:

"It is very true that, in the speech made by my father in the Legislature of Maryland, when a very young man, there are expressions which might give slight grounds of suspicion for the inference which Mr. Calhoun has arrived at; but surely his speech on the Missouri question, delivered in the full maturity of his years, would annihilate any supposition of his being an abolitionist."

"I remember when the Missouri question was agitating the country, and it was understood that Mr. Pinkney would advocate the principles he subsequently enforced in the Senate, a gentleman of this city, well known as a most zealous and ultra abolitionist, called on Mr. P., and reminded him of the very speech referred to by Mr. Calhoun, and hoping at the same time that his course in the Senate now would be in harmony with his supposed *feelings* on the occasion referred to. My father assured him that the speech in question was that of a young man just entering into political life, and that any expectations of the friends of abolition derived from that speech were wholly delusive, as far as regarded his opinions or action on the question in the Senate."

them that advantage. Certainly I cannot consent to surrender it for nothing.

I have been extremely pained at the course of observation which has been indulged in by several gentlemen in speaking upon this bill; and having expressed, fully and frankly, my own opinion upon the question of power, I will add some remarks addressed to what I consider the expediency and propriety of admitting into these territories the slaves of the South. I claim no exemption from those biases which belong to my particular position, but I will say this, that if I know myself, (a very difficult matter, I am aware,) what I am about to say is the honest conviction of my understanding. What is the true position, then, of this question, upon which our friends from the North have spoken in such indignant terms? In the first place, it is not proposed to introduce an additional slave upon the soil of America. We ask no such thing. On the contrary, I venture to say that no man can be found in the northern portion of the Union, though he be the most ultra of all abolitionists, who is more thoroughly, absolutely, and totally opposed to the introduction of African slaves into the country, than are the entire population of the South. Northern gentlemen take up this subject upon some theory, in itself not sound, and not very soundly reasoned from, as it appears to me; they tell us that slavery is wrong, is an evil, and, therefore, they are resolved that those who are slaves shall not, under any circumstances, be removed into territory now free; that free soil shall forever remain free. Now, in this, are they dealing with the subject as practical men? It is a great question, and is entitled to a fair and practical consideration. We have among us slaves; they are there, for which we are not responsible. It was forced upon our forefathers by avarice and power from abroad. But, however produced, here is the institution, and among us are nearly three millions of slaves. Now, what is to be the consequence of allowing their masters to take them into such portions of this territory as admit of their profitable employment? Whom will it injure? Those who live remote and have no slaves? Certainly not; for if the country is suited to the cultivation of cotton and sugar, they do not propose to go there to pursue this cultivation with free labor. If, on the contrary, this territory is not adapted to this cultivation, no man will willingly carry his slaves where their employment will be injurious or unprofitable to him. Yet gentlemen, upon some fanatical notion, (I use the term in no disrespectful sense,) upon some general elementary opinion that slavery is an institution which ought not to be introduced among mankind, close their eyes to the fact that it is here; that it must continue to exist; agitate the question of free soil, and refuse or neglect to consider the practical effect of the measures they propose upon the condition of the slaves for whom their sympathy is awakened. I was, I confess, deeply hurt when I heard gentlemen say, that they wished to confine this institution within its present bounds until it should become intolerable; that they wished this "festering evil," instead of being scattered, should be confined until it should burst and discharge its social corruption upon the South. Is this to wish for good? Is it to desire the mitigation of evils which cannot be removed? Is it not, on the contrary, to desire the utmost aggravation of calamity, involving both slave and master in a common ruin?

Sir, the expansion of the slave population is of the highest importance to the welfare and improvement of the slaves. What do our friends expect, supposing their utmost wishes to be gratified? Are they, or their constituents, acting upon any of the principles which in times past have governed well regulated minds in the pursuit of truth and social improvement? My honorable friend from Ohio, [Mr. CORWIN,] a friend I feel him to be, much as I differ from him on this subject, and deeply as I grieve to hear some of his sentiments, is familiar with the history of the olden time; familiar with that book which teaches us the orderings of God's providence in the days that are past. Now, sir, in that history does my friend find any warrant for this species of uncompromising and instantaneous extirpation of even admitted evils? When Moses led out the Israelites from Egypt, polygamy was established among them. They had addicted themselves to it from their commerce with the eastern gentiles, and derived it, indeed, from the example of their father, Abraham. When Moses, under the influence of divine inspiration, proclaimed the laws for the government of their civil polity and internal conduct, why was not polygamy instantly prohibited? How did it happen that for many hundred years it was tolerated by the institutions of the Jewish law-giver? Sir, the reason given by our Saviour for this toleration may afford us an instructive lesson. In answer to an inquiry from his disciples respecting the law of divorce, we learn that Moses suffered this evil to continue on account of the Jews' hardness of heart. The human race began with a single pair, one man and one woman, and that institution divinely established, was ordained to be perpetual. Yet Moses, that wise law-giver, perceived as he was for the honor of God and the purity of his people, sought not an instantaneous correction of the evil. Hence, for hundreds of years, the divine institution of marriage remained suspended, and polygamy was tolerated and openly practised, until the Jews, by a long course of training under the divine dispensations, had become gradually prepared for the restoration of the original law in all its purity, and to bear, without rebellious dissent, its authoritative re-establishment by our Saviour.

Take another instance, having a precise analogy to the case under our consideration. When the apostles went forth to preach the religion of salvation, they found the institution of slavery existing everywhere—and existing everywhere in a form more oppressive, with authority in the master far larger, and the exactions upon the slave far greater, than in our own country. Yet, the laws of the Roman empire not only placed no restriction upon emancipation, but encouraged and favored it; and the slaves being of the same color with the master, the same difficulties did not exist with them as with us to an immediate restoration of liberty to the whole, or any considerable portion, of the slave population. Now, the undoubted object of the Christian religion was to denounce all sin, and to extirpate all moral evil, and to bring in universal moral good. This is its undoubted tendency, and this was the undoubted purpose of its first inspired teachers. If slavery is an evil which ought not to be at all tolerated, but is of such a detestable nature as to be utterly irreconcilable with religious faith and practice, it was so in the times of the apostles, and, as inspired men, they knew it to be so. Yet, what was the course pursued by them in reference to this institution? As they made converts, who were slave owners, did they direct, or even recommend, the immediate or even gradual emancipation of their slaves? Did they teach christian slaves that they owed no obedience, as such, to their christian masters? Did they encourage them to escape from the dominion of their masters? Far, very far from it. They taught all slaves the duty, the religious duty of obedience to their masters, and urged this duty upon christian slaves towards christian masters by the affecting consideration of their being brethren in Christ. They urged upon christian masters the duty of kindness, justice, moderation, towards their slaves, by reminding them that all christians, masters as well as slaves, were the subjects of one common master—"even Christ." They treated this relation like all others which they found existing among men, enforcing the duties which sprung out of it, respectively, to the parties, by religious motives and considerations. They did not make haste to abolish what they might have conceived an evil, but, exercising a wise forbearance lest greater evil should result by a sudden revolution in an existing institution of society, they sought only to bring all under the influences of christian principles, and left the inherent tendency of those principles ultimately to remove whatever was evil in the institution, and, if evil altogether, the institution itself.

Now, what a contrast to all this is found in the conduct of anti-slavery men at the present day. The cry is "immediate abolition"—"away with slavery from the face of the earth." And those States, which took a half a century gradually to emancipate a few slaves, now seem to require or expect the immediate restoration to liberty of more than two millions of slaves! Now, sir, if a gentleman tells me that slavery is a sin of a dye so deep that the existence of it for a day is utterly inconsistent with the divine law, and, therefore, he feels bound by every means in his power to seek its immediate extirpation, disregarding all constitutional obligations which may stand in his way, I should know that he was opposed to the Apostles, and might think that he was mad. But, at the same time, I should perceive that though his premises were false, his reasoned conclusion was logical, because it is clear that the divine law cannot be superseded by mere human authority. But they who maintain that slavery has in itself this malignant wickedness of character, which puts it in irreconcilable conflict with Divine law, and yet feel bound, by the obligations of the constitution, in the States where it exists, to support it, reason falsely from their own premises. They would be more consistent with themselves, though more remote from truth, if they became one of the abolitionists. Sir, the true reasoning upon this subject is pursued by neither of the classes to which I have referred. Slavery, in itself, is an institution forbidden by the Divine law, as is incontestibly proved by the conduct of the Apostles. It may be an evil. It may be proper that it should be removed. But the time when, and the manner how, must be determined by wise and temperate considerations of expediency, lest, in a rash attempt to remove one evil, we introduce greater and more unmanageable ones in its place.

Mr. President, I wish that our northern friends would re-examine the ground which they have assumed, and allow Apostolic precept and example to have a just influence upon their deliberations. Would they do so, I cannot but hope they would see ground to change their position. I cannot believe, notwithstanding the strong expressions used by some of them, that they wish to do us injury, or, notwithstanding the tendency of their measures, that they wish to make harder the condition of our slaves. Slavery with us is not an institution of such unmitigated evil as to require, if it allowed of, immediate extirpation. It exists in a mitigated form, tempered by humanity, and modified and softened by the influence of Christianity. True, there are cruel masters, as there are cruel husbands and cruel fathers, but is that a reason for immediately destroying the authority of all masters, fathers, and husbands? I assume on broader that humanity towards slaves is with us the rule, and inhumanity the exception; and we look upon the exception with as little toleration as they do. Now, the plan which they propose of confining the slaves of the United States within the territory now occupied by hem thas nothing to recommend it, but is in every respect objectionable. It does not diminish the number of slaves—it does not add to the number of freemen—it tends not to produce emancipation, except possibly at a remote day, and then by a convulsion, the consequences of which are too horrible to be adequately conceived. The present and continuing effect of that plan will be either to diminish or delay every improvement in the condition of the slave, physical and moral; and while it may produce some loss of comfort to the master, it will assuredly bring great and positive evil to the slave. On the contrary, what we ask has every good, and so far as I see, no evil tendency. All we

desire is, that you allow the present slave population, without any addition thereto, to spread itself over such territory, if any, as is particularly suited to slave cultivation. By this we rob you of nothing; for such territory is not suited to the free laborer of the North. By granting what we ask, you ameliorate the condition of the slave and improve that of the master, and do injury to no class of our population.

Mr. President, I beseech our northern friends to let these views have a just influence upon them. Sir, let them follow the wise example of the Apostles—have a just influence of their capacity to devise a better mode of doing great and ultimate good—allow slaveholders with their slaves to occupy such territory as I have described—and not seek by extreme doctrines and practices to prevent this harmless and beneficial expansion. Let them permit the principles of Christianity, the influence of divine charity, to be gradually still more diffused amongst masters and slaves, force nothing forward by undue and premature exertions, and they may rely confidently that in God's good time it will be seen—not by this generation, but by those that come after us—that every thing has, upon this Apostolic pattern, worked out well, and produced the largest attainable amount, to both master and slave, of virtue and happiness.

Sir, I occupy a peculiar position upon this subject, and have felt it my duty to myself and my constituents to make, so far as I was able, that position understood. So far as I know myself, I have no private ends to serve inconsistent with devotion to the public good. My friend from Maryland [Mr. JOHNSON] has referred to some supposed connexion of this measure with the pending Presidential election. No such connexion would be allowed to have any influence to direct my conduct independently of great national considerations. To any argument which should show that the adoption of this measure will settle a most agitating question, and give peace, harmony, and mutual confidence to the different sections of the country, I would yield a ready submission, and gladly surrender to it the opinions I have expressed. I would then go heart and soul for the adoption of the measure, if its certain result would be the defeat of the party to which I belong in the coming election, and, I had almost said, its defeat now and forever.

Mr. DIX.—Mr. President: It is with great reluctance that I throw myself on the indulgence of the Senate a second time in this discussion. But since I spoke, positions have been taken in the debate, and assertions made, which I cannot pass by without comment; and especially am I unwilling to be silent when the whole subject is presented to us under a new phase by the report of the committee of eight, and brings up a train of considerations, having an important bearing upon the question.

Before I proceed to notice, as I shall very briefly, the provisions of the bill reported by the committee, I desire to say something on other topics which have been introduced into the discussion.

The northern States have been repeatedly charged in this debate, and on many previous occasions, with aggression, and violations of the constitutional compact, in their action on the subject of slavery. With regard to the surrender of fugitive slaves—the case most frequently cited—it is possible that there may have been some action, or inaction, in particular States, not in strict accordance with the good faith they ought to observe in this respect. I know not how it is; but we know there is an effective power to legislate on this subject in Congress; and I am sure there will be no want of cooperation on our part, in carrying out the requirements of the constitution, by providing all reasonable means for executing them.

The Senator from South Carolina, [Mr. BUTLER,] in the remarks he addressed to the Senate yesterday, made repeated allusions to me in connection with the suggestion of a superior civilization in the non-slaveholding States. I have made no such suggestion. I have drawn no parallel. I have made no distinction, in this respect between the North and the South. And in the case to which he particularly referred, and in which I spoke of "spires pointing to the skies," in language perhaps somewhat more flowery than I am accustomed to use, I expressly said that I made no distinction between the two great sections of the Union.

But this is a matter on which I shall not dwell. I am but an individual, and a misapprehension which concerns only myself, is comparatively of little importance. But when the Senator, turning from me, assails the State I have the honor to represent; when the misconception does injustice to those who have given me their confidence, he wounds me in a more tender point, and I cannot pass his remarks by without a more extended notice.

Mr. President, I endeavored to get the floor yesterday when the Senator took his seat, and I made repeated attempts afterwards, in all of which I was unsuccessful. I wished to notice, at the moment and on the spot, the imputations which he had cast on the State of New York, in language I regretted to hear from any Senator on this floor. He said a requisition had been made, some years ago, on the governor of the State by the executive of Virginia, for the surrender of persons convicted of stealing a slave within the jurisdiction of the latter State; that the governor had refused to surrender them, and that this refusal had been sustained by both branches of the legislature; and on this statement, he charged New York with a want of "common honesty." Sir, these are harsh epithets—epithets which should not have been applied to us without a full knowledge of the facts. The Senator labors under a great misapprehension. The responsibility, which he charged on the State, rests upon the governor alone. The facts are these:

In 1841 a requisition was made by the executive of Virginia on the governor of New York, for three persons, charged with stealing a slave in the former State. The governor refused to surrender them, for the reason assigned in the following resolution, which was adopted by both branches of the legislature of New York early in 1842:

[illegible]

section of the fourth article of the constitution of the United States.

[illegible]

These resolutions, as I have said, passed both branches of the legislature. I am unable to state the vote; but I was then a member of the assembly, and I remember that it passed [illegible] by a very decided majority.

Thus it seems that the legislature of New York, in both its branches, representing the people of the State in a double capacity—for the Senate was at that time the high court for the correction of errors—the highest judicial tribunal in the State—disclaimed and condemned the act of the governor, and left the responsibility to rest on him alone. Beyond this it could not go. The act to be performed was executive, and the legislature had no control over him to compel the performance.

But the Senator did not stop here. His speech was replete with reproachful allusions to New York, too indefinite to be met with a distinct reply; and he concluded by saying that he expected nothing good from her. Sir, there have been periods in the history of the country when she was neither inactive nor inefficient in her efforts for the public good. In 1837, when the whole banking system throughout the Union exploded; when the president of the Bank of the United States was putting forth manifestoes and employing the whole strength of that institution to continue the suspension of specie payments; and when, I believe I may say, most other portions of the Union were disposed to yield—New York stood almost alone in opposing it. She compelled her own banks to resume the discharge of their obligations under the penalty of a forfeiture of their charters: she became the centre of all that was sound in the currency and finance; and through the influence and the power of her example, the country was saved from years of dishonor and pecuniary embarrassment.

In 1814, when the whole southern coast was at the mercy of the public enemy, and portions of it ravaged and laid waste; when the administration here was too weak to defend the capital; and when the very edifice in which we sit was given to the flames by British vandalism, New York stood again almost alone and unassisted, and carried on the contest upon her own frontier chiefly with her own means. She raised money and men, and contributed to sustain the honor of our arms in a series of the most desperate engagements ever fought on this continent.

Of her institutions, social and political, I need say nothing—the monuments she has reared to science and to the arts, her great artificial channels of intercourse, and above all, her system of common school education, embracing every child that is born or is brought within her limits. These are well known to all who hear me; and they say for her more than any words of mine can speak.

Less than a year ago too noble spirited bands stood, side by side, on one of the bloodiest battlefields of Mexico. They were led on by chivalrous men, animated by the single resolution of upholding their country's honor and their own. They were the New York and the Palmetto regiments. The blows they gave fell upon the ranks of the enemy with equal force; those they received were sustained with equal firmness. More than a third of these gallant combatants fell together. The grass which has grown up rich and rank upon that battlefield can tell where their blood was poured out in common streams. The noble leader of the Palmetto regiment was among the slain—borne from the field of carnage perhaps by the united hands of those whom he led, and those who, though coming from a distant part of the Union, fought by his side with the same devotion as his own followers. Sir, there should be something in these sacred memories to disarm reproach—at least of its injustice. Let me commend them to the calm reflection of the Senator from South Carolina, who has so deep an interest in the glory and the grief of that battlefield. He is neither ungenerous nor unjust. Let me ask him to think of the these things and say whether some good may not come from New York.

But I pass to a charge more immediately connected with the subject under discussion—the application of the principles of the ordinance of 1787 to the territories of the United States. This charge concerns the whole North; and I am ready to meet it.

In 1846 and 1847 most of the non-slaveholding States, on high considerations of moral and political principle, declared that no new territory ought to be acquired without a fundamental provision excluding slavery. These declarations had an express and an exclusive reference to acquisitions from Mexico, where slavery had long been abolished, both by executive and constitutional acts. They amounted practically to declarations against the extension of slavery to free territory, and no more. New York did not take the lead in these declarations. The first legislative resolutions received here came from the State of Vermont, and were present-

ed to this body on the 28th of January, 1847. The New York resolutions were presented on the 6th February ensuing; those of Pennsylvania on the 8th; of Rhode Island on the 10th; of Ohio on the 16th; of New Hampshire and New Jersey on the 19th; of Michigan on the 1st of March; and of Massachusetts on the 3d—the last day of the session. Connecticut passed resolutions on the 24th of June; but Congress had then adjourned, and they were presented at the commencement of the subsequent session. Delaware, a slaveholding State, followed, and requested her Senators to vote for the exclusion of slavery from territory thereafter to be acquired. Here are eleven States which have passed resolutions on this question. It was a spontaneous movement on the part of the non-slaveholding States, neither led on by New York, nor set on foot by her, but arising out of indications in Congress of an intention to acquire territory from Mexico, and leave it open to the introduction of slaves; and every one knows they will be carried wherever they are permitted.

On looking at the dates of these several resolutions, I find New Hampshire, Vermont, Rhode Island, and Pennsylvania preceded New York, in the order in which I name them, in acting on this subject in their respective legislatures. Three of the small New England States, which the Senator from Virginia, who spoke first on this question, [Mr. MASON,] would have us believe New York was seeking to seduce, and in the end to swallow up, were actually the pioneers in this movement. Pennsylvania was next in the field. New York did but follow and sustain them in their declarations against the extension of slavery to territory in which it does not exist.

Such is the history of this movement, commencing as far back as July, 1846, almost coeval with the war with Mexico, and originating in a charge of intending to conquer territory for the purpose of planting slavery upon it. And these public declarations may perhaps be properly regarded in a two-fold light, so far as motive, on the part of the legislatures, is concerned: first, to exonerate themselves from the imputation; and, second, to array their influence against such a design, if it should be entertained in any quarter.

Let me now take a somewhat larger view of this whole subject of northern aggression. It was said, I think, by a southern member of the federal convention, though it may have been in Congress after the adoption of the constitution, that no slaveholding State would thereafter be admitted into the Union; that there were eight States interested in abolishing slavery, and five interested in maintaining it, and that they would act accordingly in voting for the admission of new States. This prophecy had no foundation in truth. The members of Congress from the North have voted as freely and readily for the admission of slaveholding as for non-slaveholding States into the Union. If we look around us upon this floor, we shall find all prognostics founded upon the supposed prejudices or the unkind feelings of the North utterly falsified.—Sir, there are ten Senators here representing slaveholding States formed from territory acquired since the constitution was adopted. How many are there representing free States formed from new territory? Not a single one! But for a domestic difficulty in Iowa, it is true, that State would have been represented here, and we should then have had two Senators from free States against ten from slaveholding States formed out of territory purchased by the common treasure and maintained by the common blood of the whole Union. We have given up the territory constituting these States to the South. We have not required of them to restrict northern emigration, except the misshapen strip of Texas north of 36° 30′, which, so far as extent and productive value are concerned, is, for all purposes of a fair and equitable division, the merest mockery. The area of these five States is equal to two-thirds of the entire area of the thirteen original States. This the North has done for the maintenance of slavery—sir, I might say for the extension of slavery and the multiplication of slaves; for this vast surface was almost uninhabited when it was acquired, and it is now filled up with a slaveholding population. There are more than half a million of slaves in these five States, not one-tenth part of whom would have been there, if the right to exclude them had been insisted on. But we have stood on the ground of non-interference. Where we have found slavery, we have left it. We have not countenanced any measure of abolition or emancipation. On the contrary, we have uniformly opposed all interference with slavery in the States. With the single exception of the Louisiana territory, we have left it to spread itself over the areas on which it existed only nominally. We have almost gone, at the North, to the extreme of mobbing abolitionism, when it contemplated interference with the question of slavery in the States, and of instituting a scrutiny of the public mails to arrest the circulation of incendiary publications. And now, after all this active co-operation in the promotion of the objects and interests of the slaveholding States, how are we met? By charges of aggression, of hostility, and of violating the constitutional compact.

Sir, we stand firmly upon the compromises of the constitution. We have ever done so. We shall continue to do so. We have gone further. We have opposed all interference by Congress with slavery in the District of Columbia, over which Congress is empowered by the constitution to "exercise exclusive legislation in all cases whatsoever." Beyond this we cannot go. I deny that any compromise in framing the constitution, or any guarantee arising under its provisions, extends, or was designed to extend, to the regulation of slavery in the territories. What were the compromises of the constitution? They were three: 1. That the small States should be equally represented in the Senate with the large States. 2. That the slave population in the States should constitute a part of the basis of representation in Congress. 3. That the importation of slaves into the States then existing should not be prohibited prior to 1808. These were the three great compromises on which the adoption of the constitution may be considered as having turned. In settling them, some reference was naturally had to the distribution and regulation of the powers vested in the federal government and reserved to the States and the people respectively.

Now, sir, what was the security sought for by the South in the adoption of these compromises? Was is that Congress should impose no restriction on the extension of slavery to the territories? No, sir. That power I have no doubt was left, so far as it was contemplated at all, to be exercised by Congress, according to its own views of humanity and justice. I humbly think this construction sustained by what I said on a former occasion. It is shown also by the deed of the cession by North Carolina of western territory now constituting the State of Tennessee, in which it was provided, "that no regulations made, or to be made, by Congress shall tend to emancipate slaves"—a prohibition implying a right to regulate, restrict, and exclude them.

The Senator from Florida, [Mr. WESTCOTT,] read to the Senate yesterday the *fac simile* of an original paper found among the manuscripts of Mr. Monroe, and in his handwriting, by which it appears, that when the Missouri compromise act, as it is called, was passed, he took the opinions of the members of his cabinet, in writing, in respect to the constitutionality of that act. The Senator from South Carolina, [Mr. CALHOUN,] was one of the cabinet; and as I took, and endeavored to sustain, on a late occasion, the position that Congress possesses the right to prohibit slavery in the territories of the United States, I am naturally desirous of fortifying it with all the authority I can command; and I shall be particularly gratified, if it shall be found that the distinguished Senator alluded to, though now denying the right, was then in favor of it. I will read to the Senate all of this paper which relates to the subject:

(From Mr. Monroe's manuscripts.)—A paper endorsed "Interrogatories, Missouri—March 4, 1820. To the Heads of Departments and Attorney General."

Questions, (on opposite page:)

"Has Congress a right, under the powers vested in it by the constitution, to make a regulation prohibiting slavery in a territory?

"Is the eighth section of the act which passed both Houses on the 3d instant, for the admission of Missouri into the Union, consistent with the constitution?"

With the above is the original draft of the following letter, in President Monroe's handwriting, on half a sheet of paper, but not endorsed or addressed to any one. There are interlinications, but the text, as left by the writer, is as follows:

"DEAR SIR: The question which lately agitated Congress and the public has been settled, on what seems to be the passage of the act for the admission of Missouri as a State, unrestrained, and Arkansas likewise, when it reaches maturity, and the establishment of the 36° 30′ north latitude as a line, north of which slavery is prohibited, and permitted to the south. I took the opinion, in writing, of the administration as to the constitutionality of restraining territories, [*and the vote of every member was unanimous one,*] which was explicit in favor of it, and as it was that the 8th section of the act was applicable to territories only, and not to States when entered into the Union. On this latter point I had at first some doubt; but the opinion of others, whose opinions were entitled to weight with me, supported by the sense which I was led to entertain of all who voted on the subject in Congress, as will appear by the journals, satisfied me respecting it."

This letter has been supposed to have been written to General Jackson, though there is no evidence of it.

Mr. FOOTE.—Were these interrogatories sent? or was it merely a statement for his own private convenience?

Mr. DIX.—It is impossible to say, except so far as the paper may be considered as indicating the use made of them. I state the facts as they have been related to me. The paper was found among Mr. Monroe's manuscripts, and is in his hand writing. It was read to the Senate yesterday by the Senator from Florida, [Mr. WESTCOTT,] for another purpose, and the evidence of its authenticity I understand to be in his possession.

Mr. CALHOUN.—If the Senator will give way, it will be perhaps better that I make a statement at once respecting this subject, as far as my recollection will serve me. During the whole period of Mr. Monroe's administration, I remember no occasion on which the members of his administration gave written opinions. I have an impression—though not a very distinct one—that on one occasion they were required to give written opinions; but for some reason, not now recollected, the request was not carried into effect. He was decidedly opposed to the imposition of any restriction on the admission of Missouri into the Union, and I am strongly of the impression that he was opposed in feeling to what was called the Missouri compromise.

Mr. JOHNSON, of Maryland.—Is this the original letter?

Mr. DIX.—I understand it to be a *fac-simile* of the original. As a long period (nearly thirty years) has elapsed since the act to admit Missouri into the Union was passed, it is quite natural that the Senator from South Carolina should have forgotten the circumstances attending the discussion of it in the Cabinet. Having heard, some days ago, of the existence of such a paper, and being very desirous of ascertaining the facts, I wrote to Mr. C. F. Adams, of Boston, a son of the late ex-President, inquiring of him if his father's diary contained anything on the subject. In re-

* The words in italic are erased in the original draft.

ply to my inquiry, I received an extract from the diary of the father, certified by the son, which I will now read, and which confirms fully the statement contained in Mr. Monroe's letter:

Extracts from the diary of J. Q. Adams

"MARCH 3, 1820.—When I came this day to my office, I found there a note requesting me to call at one o'clock at the President's house. It was then one, and I immediately went over. He expected that the two bills, for the admission of Maine and to enable Missouri to make a constitution, would have been brought to him for his signature; and he had summoned all the members of the administration to ask their opinions in writing, to be deposited in the Department of State, upon two questions: 1. Whether Congress had a constitutional right to prohibit slavery in a territory? and 2. Whether the 8th section of the Missouri bill, which interdicts slavery *forever* in the territory north of 36 and a half latitude, was applicable only to the territorial state, or would extend to it after it should become a State? As to the first question, it was unanimously agreed that Congress have the power to prohibit slavery in the territories."

This is the first extract; and before I proceed to to the others, I will state that, in respect to the second question, there was a diversity of opinion—Mr. Adams contending that a State would be bound by such a prohibition after its admission into the Union, and the other members of the cabinet, that it was only operative during the territorial term. In order to secure unanimity in the answers, the second question was modified, as will appear by the remaining extracts which I proceed to give:

"March 5.—The President sent me yesterday the two questions in writing upon which he desired to have answers in writing, to be deposited in the Department of State. He wrote me that it would be in time, if he should have the answers to-morrow. The first question is in general terms, as I stated at the meeting on Friday. The second was modified to an inquiry whether the 8th section of the Missouri bill is consistent with the constitution. To this I can, without hesitation, answer by a simple affirmative, and so after some little reflection, I concluded to answer both. * * *

"March 6. * * * I took to the President's my answers to the two constitutional questions, and he desired me to have them deposited in the department, together with those of the other members of the administration. They differed only as they assigned their reason for thinking the 8th section of the Missouri bill consistent with the constitution, because they considered it as only applying to the territorial term;—and I hastily gave my opinion, without suggesting for it any explanatory reason. The President signed the Missouri bill this morning."

These extracts are certified to be "a true copy from the original by me,

"CHARLES FRANCIS ADAMS."

Mr. CALHOUN.—Has any search been made in the State Department for these written opinions?

Mr. DIX.—The State Department has been examined—how thoroughly I do not know—but they have not been found.

Mr. WESTCOTT.—I made an examination, as I stated yesterday, myself, but could find none. This letter is in Mr. Monroe's handwriting, and from its tenor is supposed to have been intended for addition to General Jackson. I understand that upon examination of General Jackson's papers, a letter was found from Mr. Monroe, containing everything which is contained in this draught, except that part which relates to the action of the cabinet. The letter was also dated the same day. I presume, therefore, that upon writing the letter to General Jackson, ultimately, unless it was intended for some one else, Mr. Monroe left out that portion relating to the action of the cabinet in relation to the "Missouri compromise."

Mr. DIX.—I have examined the letter referred to, as addressed to General Jackson, and find that it was written in 1821, while the paper containing the interrogatories was dated the 4th of March, 1820; and the former has only two of the last paragraphs of the letter before us; all the rest being different.

Mr. CALHOUN.—If any written opinion was ever given by me, it has entirely escaped my memory; and I feel satisfied, if ever given, it was very little more than an assent or dissent to the course adopted by the administration. Mr. Adams had the advantage of keeping a diary, which no doubt may be relied upon, as far as he is individually concerned; but which, of course, is liable to mistakes, as far as it represents the views and acts of others. In this case there may be some explanation, if all the facts were known, which would reconcile his statement with my recollection. But of one thing I feel perfectly sure, that I could never have directed my attention and formed an opinion on so important a subject, as a member of his cabinet, and reduced it to writing, for the purpose of being preserved, without recollecting it.

Mr. JOHNSON, of Maryland, was understood to say, that on examining the letter, he did not think it sustained the fact the Senator from New York was endeavoring to prove. He observed that Mr. Monroe had first stated that the opinion of the administration was unanimous, and that he had erased the word unanimous, and substituted the word explicit, which had quite a different meaning.

Mr. CALHOUN.—I feel justified in saying, from all the circumstances of this case, including the facts stated by the Senator from Maryland, and the absence of any written opinion on the file of the State Department, that notwithstanding the certificate from Mr. Adam's diary, no such opinions were given as it states. There is some mistake about it, but how it originated I am at a loss to conceive. Perhaps it may be explained by the vague impression, as I have stated, on my mind, that the opinions were called for, but never formally given in writing, at least not beyond a mere assent or dissent as to the course ultimately adopted. I know well all about the compromise; the cause which led to it, and the reason why, that the northern men who voted against it were universally sacrificed for so doing. It is quite a mistake, as some suppose, that they were sacrificed for voting for the compromise. The very reverse is the case. The cause I will proceed to state: During the session of the compromise, Mr. Lowndes and myself resided together. He was a member of the House of Representatives, and I was Secretary of War. We both felt the magnitude of the subject. Missouri, at the preceding session, had presented herself for admission as a member of the Union. She had formed a constitution and government, in accordance with an act of Congress. Her admission was refused on the ground that her constitution admitted of slavery, and she was required, among [illegible] the objectionable provision expunged. She refused to comply with the requisition, and at the next session again knocked at the door of Congress for admission, with her constitution as it originally stood. This gave rise to one of the most agitating discussions that ever occurred in Congress. The subject was one of repeated conversation between Mr. Lowndes and myself. The question was, what was to be done, and what would be the consequence if she was not admitted? After full reflection, we both agreed that Missouri was a State made so by a regular process of law, and never could be renanded back to the territorial condition. Such being the case, we also agreed that the only question was, whether she should be a State in or out of the Union? and it was for Congress to decide which position she should occupy. My friend made one of his able and lucid speeches on the occasion; but whether it has been preserved or not, I am not able to say. It carried conviction to the minds of all, and in fact settled the question. The question was narrowed down to a single point. All saw that if Missouri was not admitted, she would remain an independent State on the west bank of the Mississippi, and would become the nucleus of a new confederation of States extending over the whole of Louisiana. None were willing to contribute to such a result; and the only question that remained with the northern members who had opposed her admission was, to devise some means of getting from the awkward dilemma in which they found themselves. To back out or compromise, were the only alternatives left; and the latter was eagerly seized to avoid the disgrace of the former—so eagerly, that all who opposed it at the North were considered traitors to that section of the Union, and sacrificed for their votes.

Mr. FOOTE.—The gentleman referred to, and from whose journal an extract had been read, as is well known, has been always regarded as a most violent partisan of the peculiar views he held in relation to this subject. I beg leave most respectfully to inquire of the honorable Senator from New York, whether this statement or extract read has been sworn to or not?

Mr DIX.—The statement was, as I have said, taken from the diary of Mr. Adams, certified, but not sworn to, by his son, a gentleman of the highest respectability.

I do not intend to enter into any discussion concerning the Missouri compromise, or the testimony I have presented. I leave it to speak for itself, and to others to say how far it shall be considered to outweigh the recollections of the Senator from South Carolina. I will only add, that there is the strongest possible coincidence between Mr. Monroe's letter and Mr. Adam's diary in all the important facts. Both state the questions to have been "in writing;" both show that they were submitted in the shape in which they were to be answered, on the 4th of March, 1820. The identity of the questions is another striking coincidence. The only material variation is that suggested by the Senator from Maryland. Mr. Adams states, that the opinion of the members of the cabinet was "unanimous" in favor of the power of Congress to prohibit slavery in the territories of the United States. Mr. Monroe wrote "unanimous" in the first instance, and then substituted "explicit"—an alteration he might very naturally have made, on reflection, in writing to a friend, in order to avoid giving a clue to the opinions of individual members of his administration. The answers were very brief, as Mr. Adams shows; but from the manner in which the questions were drawn, the answers, whether affirmative or negative, must either have asserted or denied the constitutional power of Congress to prohibit slavery in the territories. But all this I am willing to submit to the candid judgment of others.

Let me now cite a few of the remarks made in the federal convention on the subject of slavery and slave representation. On the 12th of July, Mr. Randolph, of Virginia, said:

"That exp[illegible] representation. He [illegible] the numbers of it [illegible] to be left at liberty."

In the convention of Virginia, by which the constitution was ratified, Governor Randolph entered into an elaborate argument to show that Congress had no right to abolish slavery in the States. It was feared that under the power of prohibiting the slave trade, or under the power to regulate commerce, or under some implied power, slavery within the States might be abolished by Congress. To this Governor Randolph replied:

"The security the [illegible] from them, which some [illegible] do."

This was the tenor of the discussions in the State conventions by which the constitution was ratified. They looked to security from abolition or emancipation *by Congress* within their own limits. Extension of slavery beyond their limits was hardly thought of; and I have no hesitation in saying, from the tone of the debates, that if it had been fully discussed, it would have been to brand it with general disapprobation.

On the 22d of August, a very full and interesting debate arose in the federal convention on the question of prohibiting the importation of slaves. The only objection contended for in any quarter were the right to import them, and an exemption of the States from all interference with slavery within their own limits on the part of the federal government. It was generally conceded except by the extreme South, that slavery would ultimately be abolished. And not one slave population has gone on steadily increasing, from 600,000 to 3,000,000 of souls; and now we are engaged in a struggle to enlarge the area of slavery, or to prevent its exclusion from territory in which it does not exist.

Mr. CALHOUN.—I must beg the Senator from New York to state me more correctly. We are not contending for the extension of the area of slavery; and it is the poorest support that ground, he places us in a very false position. What we do contend for is, that the southern States, as members of our Union, are entitled to equal rights and equal dignity, in every respect, with the northern; and that there is nothing in the constitution to deprive us of this equality in consequence of being slaveholders.

Mr. DIX.—The Senator contends for the right of carrying slaves into the territories. I understand this to be an extension of slavery, and, with all deference to him, I can call it by no other name.

In connection with this subject, we are asked by the Senator from Virginia, whether any one believes that State would ever have come into the Union if the right to exclude slaves from the territories had been insisted on? I answer, yes. And on the strength of the known opinions of her delegates in the convention.

Mr. Madison would not consent "to admit in the constitution the idea that there could be property in man." He was unwilling to postpone the prohibition of the slave trade twenty years. "So long a term," he added, "will be more dishonorable to the American character than to say nothing about it in the constitution." His language and his action then, and on all occasions, were in favor of the restriction of slavery, and not in favor of its extension. The opinion of General Washington, the president of the convention, on that subject, is well known. I have already referred to the opinion of Mr. Jay. Colonel Mason was still more decided and explicit. His language may be quoted now with the more confidence, when those who have come after him differ with him so widely in opinion:

"This infernal traffic originated in the avarice of British merchants. The British government constantly checked the attempts of Virginia to put a stop to it. The present question concerns not only the importation from Africa, but the future increase of slaves by those who have them already. As he should be glad to know what influence this unnatural traffic has had on the minds of our people, as well as on the general welfare, he was sorry to find from the state of it that the importation of slaves into North Carolina, South Carolina, and Georgia, has increased in the last four years, and is still increasing with a rapidity which ought to excite the attention of every friend to his country. Maryland and Virginia, he conceived, had sufficient slaves for their own use; and, by stopping the importations, would enhance the value of those slaves to the amount of fifty millions of dollars, which would be the gain of Maryland and Virginia only, and would be sustained by the loss of it by South Carolina and Georgia. Slaves, he remarked, formed the greatest part of the property of the latter. Their numbers have increased, are increasing, and will continue to increase, while they can be got cheaper than whites. Consequently the whites will be more and more excluded from those States. Slaves also prevent the immigration of whites, who will not come to a country where they are to work with slaves. Those slaves will produce the most pernicious consequences. Prudence forbids our laying ourselves under such expectations. As to the States being in possession of the right to import, as was the case in Virginia, only as to a few years, he thought it the true interest of every State, and of the whole, that the general government should have power to prevent the further importation of slaves."

To this declaration in the federal convention I might add, that in the convention of Virginia, he alleged, as one of the objections to the constitution, that it continued the slave trade for twenty-two years.

The Senator from Virginia wears, with equal dignity and grace, the name of the illustrious statesman I have quoted. It is quite probable that there is a closer bond of connection between them. But how different is their language, and the causes they have espoused, at the distance of more than half a century from each other! The patriot of the Revolution denounced the British government for forcing slaves upon Virginia against her remonstrances. The Senator from that State is contending here, in her name, for the right to carry slaves into Oregon, against the wishes and prohibitions of its inhabitants.

But to return from this digression. The four distinguished individuals I have named constituted a majority of the delegation from Virginia, and I believe I am authorized, from their avowed opinions, to say, that if there had been a positive provision in the constitution authorizing Congress to prohibit the introduction of slavesinto territories thereafter to be acquired, it would not only not have been deemed an impediment to the the accession of Virginia to the Union, but that it would have met their decided approbation. But in this case, as in many others, the framers of the constitution fell far short of the reality, when they looked forward to the future progress of the country. The period in which they lived was enveloped in uncertainty and doubt—and it was only reserved to a few of the more sanguine to obtain some partial glimpses of the prosperity and fame to which their country was destined. It was the very limited foreknowledge of her growth and extension, which led so many of the exigencies we have met unprovided for by direct and positive regulation.

Mr. President, it was chiefly in the school of Virginia that the little knowledge I possess of the theory of our institutions, and of the principles of political liberty and justice, was acquired. I have been accustomed to regard Mr. Jefferson as a standard, to which we might safely refer for the settlement of most questions of political power and duty; and it is with something more than ordinary pain and regret that I have seen his principles assailed, and his acts repudiated and condemned.

I was not a little surprised, too, to hear the Senator from Virginia rest the legal justification of slavery upon the right of conquest, and its introduction into that State during her colonial dependence on the common law of England. I had supposed that Blackstone had furnis-hed sufficient evidence of the mistaken pretensions which had been set up on both these foundations to support the fabric of slavery in the American colonies and their successors, the States. I hold in my hand a volume of the English commentator, edited by St. George Tucker, who was a precursor of law in the University of William and Mary, and one of the judges of the general court of Virginia. To this volume is appended an article or tract written by him, "on the state of slavery in Virginia." Sir, it is in this edition of the writings of the great English commentator that many of us of the North have studied the principles of English law, and from the tracts, which are appended to the several volumes, that we have learned to consider Virginia as the great enemy of slavery extension. I propose to read a few extracts from this volume, to show how widely different are the grounds now assumed and those on which the young men of Virginia and of the country generally, were instructed, half a century ago, in the principles of political liberty and justice.

And, first, as to the origin of slavery. Judge Tucker quotes largely from Blackstone, denying that slavery rests either upon the law of nations, by which, according to Justinian, "one man is made subject to another contrary to nature," or upon captivity or conquest, or upon the civil law, by which a man may suffer himself to be sold "for the sake of sharing the price given for him."—He then proceeds:

"Thus, by the most clear, manly, and convincing reasoning, does this excellent author refute every claim upon which the practice of slavery is founded, or by which it has been supported to be justified, at least in modern times. But were we even so disposed, that a captive taken in a just war might by his conqueror be reduced to a state of slavery, this could not justify the claim of Europeans to reduce the natives of Africa to that state. It is a melancholy, though well known fact, that in order to furnish supplies of those unhappy people for the purposes of the slave trade, the Europeans have constantly, by the most insidious (I had almost said infernal) arts, fomented a kind of perpetual warfare among the ignorant and miserable people of Africa, and instances have not been wanting where, by the most shameful breach of faith, they have trepanned and made slaves of the sellers as well as the sold. That such horrid practices have been sanctioned by civilized nations; that a nation ardent in the cause of liberty, and espousing as blessings, in the fullest extent, objects proper to vindicate a right established upon such a foundation; that a people who have declared, 'that all men are by nature equally free and independent,'* and have made this declaration the first article in the formation of their government, should, in defiance of so sacred a truth, bring and keep in their own bosom a number of human beings, equal to one-fifth of their whole number, subjected to a condition more miserable than that of the meanest animal, and to a degree of which the most unfeeling heart can scarcely form an adequate idea; that a people who have no sooner formed themselves into a government than they establish a court of admiralty for the purpose of trying and punishing the crime of piracy, should, in defiance of the express law of nature, continue to carry on a commerce which is little else than a continued piracy; that a people who have made the most generous provision for the establishment of schools throughout the country, for the purpose of instructing their children in the rudiments of learning, should neglect to provide for the education of those unhappy children, whose parents are compelled to labor for the benefit of others; that a people who have made the most liberal provision for the poor, the aged, the sick, and the infirm, should leave unprovided for the numerous offspring of those who are obliged to labor for the support of others; that a people who have shown the most jealous regard for the liberty of the press, as the great palladium of their own liberties, should grudge the expense of printing the laws in more than one publick gazette, or even in the German language, for the benefit of those who are to be bound by them; that a people who have made the most ample provision for the free exercise of religion, should neglect to provide for the religious instruction of those who are compelled to labor for the benefit of others; that a people who have made the most generous provision for the relief of the distressed, should leave unprovided for the numerous offspring of those who are obliged to labor for the support of others; that a people who have made the most liberal provision for the poor, the aged, the sick, and the infirm

[Here follows an enumeration of other acts; "by prompting our negroes to rise in arms against us—those very negroes whom by an inhuman use of his negative, he hath refused us permission to exclude by law."

Judge Tucker adds:

"The wishes of the people of this colony were not effectual, to counteract even the interest of the English merchants trading to Africa, and it is probable our legislature disposed to put a stop to so inhuman a traffic by duty, would be negatived, were they to effect it, so long as we might have connexion dependence on the British government, an object sufficient of itself to justify revolution."

And now, sir, I ask, will Virginia insist on extending to other communities an evil which she deplored, and thus be guilty of an act which she considered, when done by the British King, as a sufficient justification of revolution? an act enumerated in the first clause of her constitution among the reasons for separating from Great Britain? Mr. Jefferson, as we all know, introduced into the original draught of the Declaration of Independence a clause reprobating the conduct of the British King in forcing slaves upon the American colonies; but it was struck out, to use his own language, "in complaisance to South Carolina and Georgia, who had never attempted to restrain the importation of slaves, and who, on the contrary, still wished to continue it." Sir, are we willing to do towards other communities dependent on us what we condemned in the British King? what we relied on as one of the grounds of our justification in appealing the sword to a vindication of our rights and the assertion of our independence? What matters it to the inhabitants of Oregon, or New Mexico, or California, whether slaves are introduced from Africa or from the States of the Union in which they are bred? Sir, let us abstain from this injustice and wrong. If we insist on carrying slaves to those territories; if the arm of the public authority is employed, directly or indirectly, for the purpose of placing them there, and in upon rooting, in two of the territories, the fundamental law of Mexico, which declares slavery to be forever prohibited, it would not be surprising if, in the progress of events, when those distant communities shall have grown to manhood, that they, like us, should declare themselves "free and independent," and among the causes of the separation, charge us, as we charged the British King, with forcing slavery upon them, against their wishes and their remonstrances. If this were a just cause of separation for us, why would it not be so for them? God forbid that history should record such a passage as this, to confound and shame our descendants!

It has been said, that this territory should be divided, so that a portion of it may be left open to the introduction of slaves; that it has been acquired by the common treasure and the common blood of the whole Union, and that it would be unjust to exclude a portion of the citizens of the Union from it.

In the first place, I do not admit that there would be any exclusion if slavery were prohibited. It would be open to every freeman in the community. But even on the score of an equitable division—if the propriety of such a division could be admitted, when the question is, whether laws abolishing slavery shall be abrogated—I hold that the territory should be, as it now is, free. When Florida was acquired, we did not ask that any portion of it should be set apart for immigration from the free States. We claimed no division. We gave it all up to the South. And yet it was purchased by the common blood and the common treasure of the whole Union. The soil of Florida has been crimsoned by the blood, and whitened by the bones of northern men sacrificed in the wars waged to secure it. Including the price paid for it, it has drawn forty millions of dollars from the public treasury, to be reimbursed, for the most part, by the toil and contributions of the North. What have we received in return on this principle of an equitable division? Nothing; nothing.

It is the same with Texas. It is true, the Missouri compromise line was drawn across the States, leaving to the north of it a strip, narrow, misshapen, barren, and broken, for northern immigration. For all purposes of an equitable division, it would have been a deception, if it had been pretended. Why, sir, this very war, which has just terminated, grew out of the annexation of Texas. It is part and parcel of the acquisition. What will it cost? At least eighty millions of dollars, when arrears are liquidated, bounty lands set apart, and pensions fully paid. For this acquisition the North has contributed its full share in blood, and from its greater ability for consumption, will pay the largest portion of the treasure by which it has been purchased. Taking Texas into the account, with its three hundred thousand square miles, and its capacity for production, I hold that an equitable division—if the propriety of it were to be conceded—should leave California and New Mexico free.

Let us look at the money account, and see how that stands. Florida has cost us forty millions of dollars, and Texas eighty millions. For New Mexico and California we are to pay, including claims of our own citizens, twenty millions. Deduct this from the other, and we have a balance of one hundred millions, which we have paid for new territory given up wholly to the South. The blood, the treasure, the sacrifice—everything taken into the account—there is an overwhelming balance in favor of the North; and on every principle we are entitled to New New Mexico and California. But, sir, I will not put it on this narrow ground. I hold that if we acquire territory which is free, it should remain so, and this on high principle—that the United States shall not be instrumental to the extension of slavery, and stand before the world, in this age of intellectual light and of moral elevation, in the attitude of ministering to the propagation of an evil, for the presence of which among us we can only justify ourselves by necessity.

There is one argument on the other side against restriction—if it may not rather be termed a complaint, or an accusation—which I cannot pass by in silence. Gentlemen have represented us, who oppose the extension of slavery, as intending to hem their slaves in, to "pen them up," to surround them with "walls of circumvallation," to crow] them together and leave them to perish; and we have been [illegible] upon as it has never before been my pleasure to hear on this floor. Pens and [illegible] of slaves! I [illegible] Spanish, some unnatural scheme of penning up or walling in this unfortunate African race. Now if gentlemen will consider the facts, I think they will find not the slightest occasion for any exuberance of feeling, either in its higher phases of indignant passion or in its lower tones of commiseration and sympathy. What is the area of the slaveholding States? What is the size of the enclosure in which the negro race is to be shut up by those who oppose the extension of slavery? More than nine hundred thousand square miles—more than the entire surface of France and Spain, Portugal, Germany proper, Prussia, Switzerland, and Italy, combined nearly equal to two thirds of the entire surface of Europe, Russia excluded—a greater area than that which, in the eastern hemisphere, sustains a population of one hundred and fifty millions of souls!! Let us turn to the non-slaveholding States, and see how their surface compares with that of the slaveholding. What is their area, Mr. President? But little more than one hundred thousand square miles—not half the geographical extent of the slaveholding. Thus, we [illegible] as compared with the slaveholding States, the free States are charged with aggression and injustice, because they will not consent to the extension of slavery beyond its present limits into districts of country in which it does not exist. And, what is more extraordinary, we are accused of inhumanity because we propose, in the language of our accusers, "to pen up" the African race on an area nearly a million of square miles in extent!! Really, this subject is hardly susceptible of being treated with becoming gravity, and I dismiss it.

Let me now look a moment at the provisions of this bill, so far as they profess to offer us a compromise of the question of slavery in the territories. And here I desire to say, that I intend no reflection upon the conduct or motives of the committee, collectively or individually. I deal only with the measure; but of that I must speak freely and frankly.

There are but two direct references to slavery in the bills they are contained in the twenty-sixth and thirty-third sections, and both are to the same purport. They prohibit the territorial governments of California and New Mexico from legislating on the subject.

There is one indirect reference to slavery. It is contained in the twelfth section of the bill, which declares the laws now in force in Oregon to be valid and operative for three months after the legislative assembly meets; and, as we all know, one of these laws prohibits slavery.

These, then, are the great provisions of this bill. They leave the whole of New Mexico and California open to the introduction of slaves, and prohibit the territorial governments from legislating on the subject, even if disposed to legislate for their exclusion. And, in consideration of this abandonment of all the territory we have acquired from Mexico to slavery, we have received from the hands of the committee the boon of freedom for three months in Oregon. This is the great concession to the non-slaveholding States; and this is presented to us as a compromise—a compromise which surrenders everything on one side, and considers nothing on the other. Let me pursue this subject, by examining some of the propositions with which this bill was ushered into the Senate chamber, by the Senator from Delaware, [Mr. CLAYTON,] as chairman of the committee of eight. They are so extraordinary, that I cannot [illegible] I had them to be a true exposition of the meaning and the object of the bill by the one who, of all others, is best qualified to interpret it—the one by whom it was drawn. I give the most credence to his interpretation of it, because, on a careful examination, I can put no other construction on it myself.

The first proposition is this: (I read from his remarks:)

"We [illegible] was [illegible] with [illegible] [illegible] that portion."

I consider this proposition unsound in all its parts. In the first place, our own experience teaches us that slaves will be carried wherever they are permitted to go; that no soil will be free where they are not excluded by law. They were taken into the territory northwest of the Ohio river. There are now five slaveholding States north of 36° 30'; Missouri, Maryland, Delaware, Virginia, and Kentucky. On a former occasion, I said that slaves would be valuable in any part of the country, in the early stages of settlement, where the demand for labor is urgent. And I have no hesitation in saying, that if this bill passes both Houses, and becomes a law, they will be carried into every part of New Mexico and

California which is habitable. This will be its practical effect. Even if the northern portion shall in future years abolish slavery, it will be left with a black population—a burden and an incumbrance to the white race, and an impediment to its moral and physical development.

But the latter part of the proposition is far more objectionable than the first; and I regret exceedingly to learn that it was conceded with unanimity. I deny that there is any portion of these territories where free labor can never be introduced. I deny that there is any portion of the globe which nature designed for slavery. It would be an impeachment of the character and purposes of the great Author of the universe to concede that there is any portion of the earth in which we cannot "stand fast in the liberty" wherewith God has made us free. I deny that there is any portion of Oregon, or New Mexico, or California, to the cultivation of which slave labor is indispensable. The suggestion is as unsound in fact as it is in philosophy. I do not admit that there is any portion of those territories to which African, much less slave labor, is indispensable. There is no portion of it less suited to white labor than the southern portion of Spain—none which has a more fiery sun than Andalusia—where slavery does not exist. Besides, there is a free Indian population, natives of the climate, willing to work, singularly docile, and adequate to all the demands for labor for years to come.

I regret exceedingly to have heard the admission that slave labor is necessary in these territories. But I have ceased to be surprised at anything from any quarter. I have heard of one of the principles of the Declaration of Independence impugned, and its author charged with error in advocating the exclusion of slavery from the territories of the United States. I have heard negro slavery defended as founded in right, as justified by the laws of God, and lauded as "the mildest species of bondage which labor ever bore to capital on the face of the globe." I confess I have been astonished at these declarations, so different from all I have heard and read of the sentiments of the great men of the republic from its foundation to the present day. I have been taught, and taught by the South, to regard slavery as an evil to be got rid of, and not as a good to be communicated to other communities.

The Senator from Delaware, after proposing to organize governments for California and New Mexico, by the appointment of a governor, secretary, and judges, to compose a temporary legislature, without the power to legislate on the subject of slavery, proceeds: "It was thought, that by this means Congress would avoid the decision of this distracting question, leaving it to be settled by the silent operation of the constitution itself; and that, in case Congress should refuse to touch the subject, the country would be slaveholding only where, by the laws of nature, slave labor was effective, and free labor could not maintain itself!"

This proposition is subject to the great fundamental objection I have taken to the other. It contains a direct admission, that by the laws of nature a portion of the country or territory will be slaveholding. I deny that nature has any such law. It is the law of man, doing violence to all the dictates of nature, that makes a country slaveholding, either by its own voluntary act, or by the act of others forcing slavery upon it.

But the chief and radical objection is, that it contains a further admission that the territories are to be left open to the introduction of slaves—that they will be slaveholding wherever slaves can be carried. It is an admission that the "silent operation of the constitution" will be to make the country slaveholding, where slave labor will be effective. I consider it an entire abandonment of northern ground. What is the ground taken by the North? It is, that slavery shall be prohibited in the territories. The act contains no such prohibition. It is a complete surrender to the theories and claims of our friends of the South. All they contend for is, that the territories shall be open, and they left to the unrestricted enjoyment of the right they assert to carry their slaves into any territory belonging to the United States. It is the very extent of their demand. It leaves nothing for them to ask or desire. The distinguished Senator from South Carolina, [Mr. CALHOUN,] commenced his speech with the assertion that all the South desired was—no legislation. This has been conceded most fully conceded. Indeed, something more has been given up. It was not enough to yield all that was asked. The territorial government is prohibited from legislating on the subject of slavery. This I should not object to, constituted as that government is likely to be, but for a single consideration—as a precedent, it may be of importance. It will constitute an argument in favor of extending the same prohibition to the legislative assemblies, when they shall be hereafter created. But I will not dwell on this at present. I take it as it is. The territorial government is prohibited from legislating; Congress does not legislate; and slavery will extend itself over the whole of New Mexico and California. It will enter the great basin; it will take possession of the maratime valley of California—the American Italy; and when planted there, neither you, sir, nor I, nor our children, will live to see it eradicated.

And, with this assurance, which no man can reasonably doubt, we are invited to leave this matter "to the silent operation of the constitution;" when we all know that the constitution does no more than vest in Congress the power to legislate for the territories. It is an invitation to us to leave this power unexercised, and to let slavery extend itself wherever self-interest can carry it. It is the same argument that was used in the federal convention against the abolition of the slave trade. Our fathers were invited to leave the whole subject to the laws of nature. It is the argument which has been employed on all occasions to resist every attempt to prevent the extension of slavery. It was urged against restrictions upon Louisana, against restrictions upon the territory northwest of the Ohio river, against restrictions upon the territory west and northwest of the Mississippi, when Missouri was admitted into the Union. Did those who have gone before us yield to these persuasions of self-interest? No, sir, they refused to accede to them. They prohibited the introduction of slaves into the territories. They considered it as a political question, proper only to be decided by themselves, and not to be shuffled off upon the judiciary. They met the responsibility like men, and decided it according to the dictates of duty and right. This scheme of the committee, so far as it professes to be a compromise, secures nothing to the North. To the South it yields up all. It concedes all that is asked, all that is desired. It imposes no restriction; it sets up no barrier; it leaves the whole field open to be entered and taken possession of, unresisted and unopposed. It is an unconditional surrender; it has not even the grace of a capitulation upon terms.

If gentlemen suppose this proposition will calm the prevailing excitemnt, they are greatly mistaken. What does it contain calculated to allay agitation in the North? Does it concede anything to the non-slaveholding States? No, sir. It excludes slavery nowhere—not even in Oregon. It only continues her prohibition in force for three months after the first meeting of her legislative assembly. The prohibition is then to cease. From that moment slaves may be introduced, unless the prohibition is re-enacted. They will not be excluded then, if Congress shall disapprove the re-enactment. Oregon comes here with an organic law prohibiting slavery forever; and we throw it back upon her with a mere temporary vitality. We virtually invite her to reconsider it, as if it had been passed without reflection, or as if, on further deliberation, she may think it advisable to receive slaves into her bosom. Indeed, it is not necessary for her to do any act. She has only to be passive. We virtually repeal the prohibition. And this the committee give us to calm excitement! Sir, I consider this whole scheme of legislation unworthy of the high character of the country, unworthy of our fathers, unworthy of ourselves. It is commended to us, that Congress may avoid the decision of the question. It is an evasion of responsibility, which will defeat its own purpose. It is sowing the seeds of a future agitation, vastly more profound and exciting than this. It is a temporary colonization of this controversy, to be sent out to the Pacific to stir up dissension among the first settlers, and then to be brought back here, after a time, to renew agitation among ourselves. It will turn out, like every other device of timidity, which shrinks from one embarrassment only to plunge deeper into another.

But, sir, we have reason to be thankful that our case is not utterly void of hope. We are flattered by the chairman of the committee with the assurance that Congress will be at liberty hereafter to give us the Missouri compromise, and run out the line of 36° 30' to the Pacific. He considers the arrangement temporary.

It is not so with the Senator from South Carolina, [Mr. CALHOUN.] He has pronounced it permanent. And, what is eminently worthy of attention, the bill was to speak for itself. It was so announced. Well, sir, it has spoken for several members of the committee; and it is artfully or inartificially contrived, that it speaks a totally different language in each case.

But let us pause and survey this bow of promise which the chairman of the committee has hung out in the distance for our encouragement and hope—the Missouri compromise. When it presents itself, I shall be opposed to it—utterly, irreconcilably; because it will extend slavery where it does not exist; because it would subvert the laws of Mexico which have abolished slavery, and introduce it where it is prohibited. It bears no analogy to the compromise of 1820. That settlement of the question, which was confined to Louisiana, contracted the area of slavery. This would extend it. The whole of Louisiana was open to the introduction of slaves. Slavery nominally existed there. But beyond the limits of the State of Missouri, north of 36° 30', the territory was nearly uninhabited. The compromise conceded no right. It was the law of abolition or emancipation; but it prohibited the extension of slavery to areas over which, without such a prohibition, it would have been extended. How widely different is this proposition? It is to extend slavery where, without the sanction of the public authority, direct or indirect, it cannot go or exist. It is a proposition to establish slavery by law in a district of country more than two hundred thousand square miles in extent, equal to the entire area of France or the Spanish peninsula. On every principle of justice and right I shall be opposed to it; justice to ourselves, to our national character, and to the future millions who are to occupy the great Pacific, or maritime valley of California—literally the Italy of America, in all but the monuments and classical recollections of the other. Let us look at this question practically. The proposed compromise would carry out the line of 36° 30' to the Pacific, and prohibit slavery north of it. Let us see the geographical divisions it would make. It would divide New Mexico just above Santa Fe, leaving that city and two-thirds of the entire State or territory to the South. How is the distinction between slave and free territory to be maintained? Are we to have two territories with separate political organizations, or only one with an astronomical line separating the bond from the free? Passing New Mexico, the compromise line would cross the Sierra Madre, or Rocky Mountain chain, and enter a district but little explored, but, so far as known, barren, and almost worthless—leaving a strip of three

parallels of latitude to the south. It would next graze the great basin of California—one of the most remarkable features in the geographical conformations of this continent—represented by Fremont as Asiatic rather than American in its character. It is five hundred miles in extent in all directions, enclosed by mountains—the Sierra Madre on one side and the Sierra Nevada on the other—and has its own systems of lakes and rivers. It is for the most part sterile, but with numerous and in some cases extensive tracts capable of cultivation. Passing the great basin without touching it, the compromise line would cross the Sierra Nevada, and enter the maritime valley of California, five hundred miles in length and one hundred and fifty in width from the summit of the mountain chain, which forms its eastern boundary, to the coast range on the Pacific. This valley—the finest in the western hemisphere—is represented by Fremont as bearing a close resemblance to Italy in extent, in climate, and in its capacity for production. It is the natural region of the vine and the olive, and of the infinite variety of grains and fruits which the earth brings forth in tropical climates. Though much further north, it has all the mildness of the tropical regions on the eastern face of this continent. The compromise line would sever this noble valley latitudinally, leaving four hundred miles to the North and one hundred to the South. It yields nothing to the production of which slave labor is necessary. Slavery would go there as a bane and a hinderance, rather than as an aid, even to production. Why, then, seek to introduce it, when no good purpose is to be answered—when it can only prove an element of unmixed evil? Why sever a region which nature designed for unity in its geographical conformation, its climate, soil, and capacity for production? How is the social distinction which the compromise line would introduce to be preserved inviolate? Will you have two governments, or one with an imaginary line to define the boundary between slavery and freedom? Sir, this whole scheme of division is wrong in all its elements—geographically, politically, morally wrong—and I will have no part in it.

Such, Mr. President, would be the Missouri compromise line, applied to New Mexico and California. Bad as it would be, the bill reported by the committee is still worse. It leaves all open: it surrenders all. It will dedicate the whole of this noble valley to slavery, and exclude from it the freemen of the North, who will not go where their labor is to be degraded by mingling it with the labor of blacks. Sir, there were gallant bands from the North and West, who "coined their hearts and dropped their blood for drachmas" on the ensanguined plains of Mexico, to make this acquisition. They are gone beyond the reach of sympathy on the one hand, or injustice on the other. But against their fathers and their children you will by this act put forth an edict of perpetual exclusion from an inheritance purchased by filial and paternal blood.

There is another consideration which ought not to be overlooked. We have been accused, for the last two years of making war on Mexico to obtain territory for the extension of slavery. We have denied the truth of these imputations. We have resented them as doing injustice to our intentions. And yet, sir, the treaty is hardly ratified before we are engaged in a struggle in the American Senate to extend slavery to the territory we have acquired. How can we stand up, in the face of the civilized world, and deny these imputations, if the proposition of leaving these territories open to the introduction of slaves is consummated?

I do entreat our southern friends earnestly, solemnly, not to press this measure upon us: I mean that of insisting on the right to carry slaves into New Mexico and California. I say to you in sincerity and with the deepest conviction of the truth of what I say, that the northern feeling can go no further in this direction. I appeal to you, through the memory of the past, to do us the justice we have rendered to you. You asked for Florida. You said it shut you out from the Gulf of Mexico. It was an inlet for political intrigue and social disorganization. It was necessary for your safety. We united with you to obtain it. Our blood, our treasure was freely shared with you in making the acquisition. We gave it up to you without reserve. You asked for Texas. It was said to be in danger of falling under the control of your commercial rivals. It was necessary to your safety. You said it would become a theatre for the intrigues of abolitionism. Your slave population might be endangered without it. We united with you again, and gave you back, by legislation and arms, what you had lost a quarter of a century before by diplomacy. We have now acquired free territory. We ask only that it may remain free. Do not ask us to unite with you in extending slavery to it. We abstain from all interference with slavery where it exists. We cannot sanction its extension, directly or indirectly, where it does not exist. And if the authority of the United States is exerted for this purpose—if slavery is carried into and established, as it will be by this bill, in the territory we have acquired—I am constrained to say—I say it in sorrow—the bond of confidence which unites the two sections of the Union will be rent asunder, and years of alienation and unkindness may intervene before it can be restored, if ever, in its wonted tenacity and strength. Not that I have any present fears for the integrity of the Union. I have not. It is capable of sustaining far ruder shocks than any possible settlement of this question can give. But what I fear is, that the current of reciprocal kindness and confidence which runs through every portion of the community, pervading, refreshing, invigorating all, may be turned out of its course, and forced into channels to which the common feeling is alien, and in which it may be converted into a fountain of bitterness and strife. I conjure you, then, to avoid all this. Ask us not to do what every principle we have been taught, and taught by your fathers, to venerate, condemns as unnatural and unjust.

[Mr. BUTLER made a brief explanation of his remarks of yesterday, [alluded to by Mr. DIX,] which will be given, in connection with his speech, in the Appendix.]

Mr. DAYTON.—Whatever may have been my intention once, I can assure the Senate that at this hour of the day or night, and under existing circumstances, I shall not venture upon an elaborate speech. I understand, however, that a majority of gentlemen on this side are particularly interested in the passage of this bill, have determined to sit it out, and therefore, the little I have to say I will say now. I have no purpose, I repeat, to enter into a discussion of the general question of slavery. It has been traced, I believe, from the legislation of Moses down to the legislation of Congress, and from a system of ethics dating back to the time of Israel, down to a system of ethics of which we are ourselves the authors. If any practical purpose is to be attained by this course of argument, I, at least, am ignorant of it, while I cannot but see that it is productive of much asperity of feeling. For myself, proposing to do little else than to justify the single vote which I shall give to my constituents, I shall [illegible] such topics. The bill has been reported by the committee, to whom the subject was referred as a bill of compromise, and for one, I am disposed to look at it as so intended. It is at least a mode of settlement of this controverted question, if not a compromise.

Mr. MANGUM.—If the Senator will yield the floor for a moment, I will move that the Senate adjourn.

Mr. DAYTON assented, though he added, not on his own account; and the yeas and nays being taken upon the motion, it was determined in the negative, as follows:

YEAS—Messrs. Atchison, Badger, Baldwin, Bell, Benton, Clayton, Dawson, Miss Dickinson, Dix, Foote, Mangum, Mason, Morris, Pearce, Phelps, Rusk, Sebastian, Soulé, and Underwood—17.

NAYS—Messrs. Allen, Bayard, Bright, Butler, Calhoun, Cass, Chase, Clarke, Davis, of Mississippi, Dickinson, Dodge, Dodge, of Iowa, Fitzpatrick, Hamlin, Hale, Houston, Hunter, Jameson, of Louisiana, Jameson, of Georgia, Johnson, of Louisiana, Pratt, Rhett, Seward, Spruance, Turney, Wales, Westcott, and Yulee—30.

Mr. DAYTON, proceeded. It is no affectation, when I say of the result of this motion, that it is entirely a matter of indifference, as I shall not attempt an elaborate speech, and I have only to hope that those gentlemen who are so sparing of time to others, will not at a later hour of the day make sure of a little more time for themselves, and that in point of fact they may dispose of the question before another sun shall rise.

This bill has been reported by the committee as a compromise bill. I do not participate in the slightest degree in the feelings of those gentlemen on either side of the chamber, who have denounced the course of this committee, or of any member of the committee as "evasive, cowardly, or skulking." Nothing of the kind. Although I shall vote against this bill, I am yet disposed, I repeat, to do justice to the committee; to look upon the measure as a fairly meant effort at settlement. It seems to me, sir, in many of its aspects to be straightforward, manly and bold. The South, and gentlemen who represent the feelings of the South, put themselves distinctly upon their notion of the constitution and the law as it now is applicable to the territories of Oregon and California. If they have erred in judgment and the case can be fairly tested, their hopes are gone and gone forever. My honorable friend from New York, [Mr. DIX,] who has just taken his seat, seems to think that this bill yields to the South all that they ever asked, to wit, that the matter remain as it is. Sir, they have asked much more. They have asked that the provisional law which excludes slavery from Oregon, shall not be ratified in the bill before us. The South has asked, furthermore, that by dint of affirmative legislation they should be secured the privilege of taking slaves to New Mexico and California. This bill provides in substance, that the law shall remain there as it now is, putting the South upon their constitutional rights for power to carry their slaves there. If they have erred in regard to the law, as I believe in my conscience they have, and the matter can be fairly got into the courts, their case is gone. For one, then, I am disposed to exempt all engaged in concocting this bill, from the imputation of "skulking or dodging" the question in controversy; and more particularly would I exempt the Senator from Vermont, [Mr. PHELPS.] of all others from this charge. He stands in a position which should at least shelter him at the hands of friends and foes from all such imputation.

It seems to me, too, that there is nothing evasive in the conduct of those who distrust litigation, or who believe there may possibly be a doubt as to the result, or who think it expedient at once by public law to end the question, and conceive that Congress has the right to do so, there is nothing wrong in their saying to Congress, legislate, act upon the subject according to your rights. I feel the force of a remark made by the Senator from Vermont. Believing, as we do, that the law is as we contend for it, to wit, that slavery can exist only by municipal law, and there being no municipal law there, I feel it to be some degree of assistance-ness when we shrink from the position in which the [illegible] ness when we shrink from the position in which the [illegible] It may be, though I trust not, that the time may come when we may have cause to regret that this plan of settlement was not [illegible] adopted. Still, I propose voting against this bill, and to justify myself to my constituents, I shall assign a few reasons. In doing so, I address myself rather to them than to the Senate. I shall assume, therefore, that which southern friends would say ought to be proved. I shall assume, in the first place, that slavery and the existence of slavery is an evil; and, in the second

place, that it is calculated to retard the growth and to interfere with the prosperity of any country where it may fix itself. I go into no argument for the purpose of proving these positions. If the appearance of those lines of country, bordered up on one side by slave and on the other by free institutions, do not prove it—if the market value of the land on the respective sides of such lines do not prove it—if the more speedy settlement of the one, as compared with the other, do not prove it—if the more productive labor, man for man, of the one side, as compared with the other, do not prove it—no system of argument can prove it. If it be not self-evident that a system which affords to labor at least the chance of personal reward, and the hope of an improved condition, be not better than that which holds out no hope—which says only to its subjects, eat, drink, and die!—if it be not self-evident that the one is preferable to the other as a means of developing the resources of a country—I repeat, that no system of argumentation can prove it. On the other hand, experience warns us that all this discussion upon slavery, upon its merits or demerits, as a moral or political institution ends in nothing, except in exasperating and destroying the kind feeling that ought to exist in this chamber.

Sir, I mean, too, for the purpose of my vote, to assume the other position, which has been so much discussed in this chamber, to wit, that Congress has the legislative right to inhibit the introduction of slavery in the territories. I have discussed that question on one if not on two occasions before, and have proved it, at least to my own satisfaction; and other gentlemen who have discussed it around me have proved it, I think, to the satisfaction of the world. There has been nothing, indeed, in the course of my legislative experience that has given me so much surprise as the diversity of opinion which I have found suddenly to spring up upon this question—a diversity of opinion, separated by a political, or rather a slave and free line. I have found able lawyers, sound jurists, taking one or the other side of this question, as they happened to be North or South of Mason and Dixon's line! It is a melancholy comment on human nature. The fault must be on one side or the other, or perhaps on both; but, unfortunately, the fact is so. But, sir, so far as precedent or as judicial authority is concerned—so far as adjudicated cases settle anything—there is not a case or a dictum to my knowledge which sustains the position that municipal law is not necessary to protect slavery, or that you have not the right to inhibit the introduction of it into the territories. And I am now happy to understand, if I am able to understand the views of gentlemen who favor this compromise, that they practically abandon the principle for which they had before contended.

It had been argued here by the Senator from South Carolina, by my honorable friend before me, [Mr. BERRIEN,] and by other Senators of the South, that the power to inhibit slavery in the territories does not exist. Now, what is this law? Do you not here, by legislative act, recognise the existence and validity of a law which excludes slavery, for three months at least, from the territory of Oregon? Clearly so. And if it can be done for three months, I need not say it can be done for a thousand years. But you go further, and you provide that the territorial legislature may re-enact the law.

Mr. CALHOUN.—[Remark not understood, but supposed to dissent from Mr. DAYTON'S position.]

Mr. DAYTON.—And does the Senator from South Carolina represent the committee as holding out a compromise or arrangement which, when the time comes, they will not feel themselves bound to keep; thus "keeping the word of promise to the ear, but breaking it to the hope?"

Mr. CALHOUN.—Not at all. The committee did not decide the question of constitutionality.

Mr. DICKINSON.—We did not suppose that a legislative act by Congress could make it constitutional or otherwise.

Mr. DAYTON.—Exactly; but the Senator from New York and the Senator from South Carolina will see, that if they vote for the continuance of the local laws of the territory, it is assuming that they are constitutional.

Mr. CALHOUN.—We did not decide whether they were constitutional or not.

Mr. DAYTON.—Then the Senator from South Carolina and those who go with him are just in this position. They vote for extending a law now in existence in the territory of Oregon which they believe to be unconstitutional.

Mr. CALHOUN.—We inserted the words if not inconsistent with the constitution.

Mr. DAYTON.—Then the Senator puts himself in the awkward position, that when this law is re-enacted in Oregon, and comes back for our approval, these southern gentlemen, who hold out to us this measure as a means of settling the question, will turn round and say, the law is unconstitutional and vote against it!

Mr. DICKINSON.—The court may say otherwise. We do not call upon the courts to decide for us. It is a matter *aliunde* the question of slavery. We are now on a question of constitutional power.

Mr. CALHOUN.—[Not heard.]

Mr. DAYTON.—Will the Senator from South Carolina be good enough to answer me one question? When this law comes back from Oregon, forbidding the introduction of slavery, do southern gentlemen, who tender this measure to us as a compromise, mean to sustain it?

Mr. CALHOUN.—Southern gentlemen are perfectly indifferent on the subject.

Mr. DAYTON.—The Senator does not answer my question. I beg, very respectfully, again to ask, if the law be returned here again for our approval, whether the Senator from South Carolina with his friends intend to vote for it?

Mr. CALHOUN.—I do not. I believe it to be unconstitutional.

Mr. DAYTON.—I have at last got my answer. Then let me say, that this action of the committee, so far as it applies to Oregon, amounts to nothing; its effect will only be to delay action upon the question, and thus drive us round and round in a circle. The three months are nothing; for after the law has been re-enacted by the territorial legislature, and southern Senators, when the law is returned to us for our sanction, are asked to sustain it as part of the compromise they now offer, they say no, we cannot; it is unconstitutional.

Mr. CLAYTON.—If the Senator from New Jersey will permit me, he is under a misapprehension. He seems to entertain the idea that the laws of Oregon must come here to be approved by Congress. The gentleman is entirely mistaken in this. Congress reserves to itself the power to disapprove or annul the law; and unless Congress does this, it remains in force. The affirmative action of Congress is not necessary to give to the territoral enactments the operations of laws.

Mr. DAYTON.—I do not think so, but if so, it is a mere play upon terms, or rather an evasion of the point. It amounts to precisely the same thing. Any person in Congress can raise the question for affirmative or negative question.

Mr. BERRIEN.—If the Senator will allow me to interrupt him, the difference is a most essential one. If the approval of Congress were required to give force to the territorial laws, it would require the concurrence of both Houses, and the Executive, but since the law is valid, unless disapproved by Congress, if either House, or the Executive, refuse to disapprove it, the act is valid. It is a difference of one to three. It may be rejected by a union of the three, but not by one branch of the legislative power.

Mr. DAYTON.—But, sir, are we to remain in peace under the force and effect of this compromise, or are we not? It would seem that the Senator's notion is that it merely increases our chances. If we can have the aid of our southern friends for the purpose of carrying this settlement into effect; if we can be assured of that, then there will be something effected by the compromise, but the Senator from South Carolina says we cannot have his vote on this question.

Mr. BERRIEN.—What assurance do you require?

Mr. DAYTON.—The assurance that we require is, that they who now sustain this compromise, will here announce their intention, their willingness hereafter, to sustain all laws made in conformity with it. Here is the act: the 26th article requires that "all the laws" (of the territorial legislature) "shall be submitted to the Congress of the United States, and if disapproved, shall be null and void." They are to come here to be submitted to us for what? Only for action in some way; not to be laid simply on your Secretary's table and never afterwards heard of. It implies that there is to be action affirmative or negative on the subject; but whether so or not, if they be submitted here, I ask again, whether our southern friends, who now hold out to us the olive branch, may not move that negative action be had against this law as unconstitutional? and if so, will you sustain the law? If not, we do not advance one step by this bill. I thought, in the innocence and simplicity of my heart, that this matter, being settled upon the basis of what you call a compromise, that when this law had been returned to us, there would be no further difficulty; that all gentlemen would come forward to its support in conformity with the provisions of the compromise. But it seems I was mistaken; and if so, I must say, there is less in the compromise, and in the action of the committee, than I had originally supposed.

I have said that I shall assume for the purpose of my vote at least, that slavery is an evil; and that I shall assume also the right of Congress to inhibit its introduction into the territories. Under these circumstances it will leave the question of such inhibition one of mere expediency. And here, permit me to say, as I have said before, that I cannot but believe, that we, by our excited discussions, have been instrumental—and I say it not as a sin to one side of the chamber, rather than the other—but we have been instrumental to a great extent, in exciting upon Congress such excitement upon this subject. I believe that in the nature of the question, there is no serious call for this deep feeling which it is said pervades the country. No man pretends to believe, that slavery can ever get into the territory of Oregon, and I think very few believe that slavery can ever to any considerable extent fix itself in California. That a few slaves will get there in the early settlement of the country, I have no doubt; but that slavery will ever fix itself permanently, as a settled institution in that country, I do not believe. From all accounts we are given to understand, that it is physically adapted to

none of those sources of industry to which the planting States devote themselves. It grows no cotton, sugar, tobacco, or rice; it is a grain growing and grazing country. Besides, California is qualified for agricultural purposes only by means of irrigation through portions of the year. They have rains there for six months, and drought for the balance of the year; it is either feast or famine with them. The growth of grain or anything else by process of irrigation is not calculated for slaves, and, in my judgment, this fact, with others, will forever prevent California from becoming permanently a slave State. Still I am not disposed, the North is not disposed to take the chance; we are not disposed to leave the country open, if by any fair act of legislation we can shut it against the admission of slaves. But we are here met with the general charge against the North of aggression upon the rights of the South; we are charged heretofore and now as faithless to our compromises. This has been rung in our ears from month to month, and from year to year. Sir, I deny it in the whole and in all its parts If we look at our past history, we will see that while the South has lately made immense strides in the acquisition of territory, the North, the free North, has, in comparison at least, made none at all. So far from the North forsaking her compromises, they have always remained steadfast, but I cannot say the same for the South. The first compromise on the question of slave territory, as I have on a prior occasion said, was at the adoption of the constitution. Then the two parties in this country had before them the ordinance of 1787, and the North and the South saw the respective portions of country to which free labor and slave labor would thereafter be confined; and they compromised the question with a view to the state of things which was then before them. A quarter of a century passed by and the South had filled up all its slave territory, when with a southern Executive we acquired Louisiana—then Florida—all slave territories. This opened the question anew; but after an agitation unparalleled in our political history, the matter was again settled by the Missouri compromise, the line of 36° 30′. The North has not now one solitary foot of country, except that which they had under this compromise of 1820.

A SENATOR.—We have Iowa.

Mr. DAYTON.—Yes, sir, and we have Oregon, but all the title that we have now to either of them we had then. At the time of that compromise we had all the country we have now. But another quarter of a century passed by, and the South again filled up every foot of territory allotted to her by the Missouri compromise; not an acre remained for the further spread of her institution. Without Texas or some other foreign acquisition, not another slave State could have been added to the Union through all time; you had got to "the end of your tether." But then, through the agency of another slave administration, disregarding past compromises, you annexed Texas. And on that occasion I felt assured you would not stop there, and so expressed myself.

I then put myself on record, (and it will be so found in my printed remarks then made,) I ventured my character with posterity upon the prediction that the South would never rest content with a limit this side of the Pacific ocean. Little did I suppose, that less than three short years would verify the prophecy. I say with all respect, that so far as compromises upon this question of free and slave territory are concerned, the North from the beginning has stood by every compromise, whilst the South has stood by none; as soon as the territory allotted to it by past compromises was filled up, it has reached out its hand to grasp at and secure more. And yet the North is constantly berated as faithless to its compromises; as aggressive in its policy. Never was there a more unjust and groundless clamor; and yet I regret, even under these circumstances, that this question of slavery is now here; that it is made a matter of excitement in the country at large. I would have been willing almost (if it could have been silently done,) that we should have trusted the settlement of these territories to the effect of natural causes. But, sir, we are here in the midst of this excitement, we are driven to vote upon the question, and, as I have said on other occasions, whenever I am forced into a position which compels me to vote upon a question involving, or seeming to involve slavery, I can vote but in one way. My honorable friend from North Carolina, [Mr. BADGER,] who so eloquently addressed the Senate, tells us that we do not multiply slaves at all by extending them over these territories; that it is a mere diffusion and not an increase of slaves, he appeals to us, asking whether we desire that they shall be penned up within their negroes and squalid poverty come over them, until negro and white man shall be buried in one common grave. No, no, God forbid! I have heard from no man from a free State anything that looks like such a position. But is it not a received principle, or at least an admitted fact, that a frontier population will increase faster than one in a crowded interior? Is it not certain that the increase of the slaves of the South depends much upon their market value? I speak it with all respect, but do or do not masters encourage marriage on their plantations to a greater or less extent with reference to this circumstance?

A SENATOR.—Not at all.

Mr. DAYTON.—Senators from the South certainly know much better than I do as to this; but will they say to me that, in their judgment, slaves would increase as fast as they now do in Virginia and Maryland if there were no such outlet, no such demand, no such high prices? Do not these give encouragement to a multiplication of slaves? It would be strange, it would be a violation of all that we know of the nature of things if this were not so. I take it for granted, that their numbers will increase as the numbers of whites increase, which is in a degree proportioned to the facilities afforded them for increase—the ready means of support and their market value. But as to penning them up until the South shall become one great charnel house, no man with the feelings of a man ever dreamed of it. But as the country of the South is yet sparsely settled, it will be centuries before anything of the kind could occur. But again, Mr. President, I hold that there has been undue excitement on this subject at the North, because I believe the law is as we have contended that it was, to wit: assuming that there is no slavery now in Oregon or California, slavery cannot be introduced there without municipal law. It is the creature of the statute book. That slavery is there now I do not believe; we have had the law of the Mexican government read at the table, declaring in express and precise language that no slavery shall exist in any of its provinces. That is the system of peon servitude is but another form of slavery. If I understand it at all, it consists in nothing more than this, that the creditor has a personal lien on his debtor and his services, to the extent and value of his indebtedness.

Mr. HANNEGAN.—And upon his posterity.

Mr. DAYTON.—Well, even if that be so, it does not constitute what we hold to be slavery. The peon or debtor can work it out and so can his posterity; it is a mere question of time.—The Mexican government declares by public law that it is not or it regarded as slavery.

I repeat, that it is a mere lien upon the personal services, the labor of the debtor; and permit me to say, badly as it has been denounced, it is not worse, nor indeed so bad as that law which existed in England and in many of the States, entitling the creditor to seize upon the body of the debtor, and keep him in prison until the debt was paid. He had not the privilege nor the power, indeed, to work it out. Yet I need not argue that this right of seizure, and holding of the body of the debtor constituted no slavery in the eye of the law—nothing of the kind. If a man owe one dollar, he is subject to this system of peon servitude; and yet it can hardly be pretended that this debt of a dollar, which he has the right to work out, can make him a slave; and although the effect may be different, the principle is the same where the debt is a thousand

The Senator from Ohio, [Mr. CORWIN,] inquires if we will permit this obnoxious system of servitude to remain; and whether we will not abolish it at once? While this system rights are connected—contract rights, according to the Mexican laws, and the wisdom of at once abolishing even this system of peon servitude, interwoven as it must be with the social rights and business relations of the country—may well be doubted. It is suggested—and rightly suggested—that the proper mode of getting clear of the system will be to pass a law upon the subject relating to future contracts. But that is not now the question; that law may be and doubtless is a bad law. By force of this law capital may tread labor under foot; yet, notwithstanding this, it is in no sense of the word slavery. Slavery does not exist, therefore, at all in that territory. If a man take a slave there from a slave State, he takes him where he cannot hold him; he loses the power over him, and, in my judgment, the slave becomes free.

Mr. President, I may have asked, and with some pertinency, believing, as I do believe, that the law is as I contend, why I am unwilling to vote for this bill? I will tell you why. I am unwilling, as I have before said, to go upon record in a position which makes me appear as consenting to the extension of slavery. Again, I am unwilling to do so, because I may be mistaken in my judgment as to what the law is, or rather what it may be decided to be. But here I am reminded by the Senator from Maryland, [Mr. JOHNSON,] that our action will make no difference, that we will have to leave this subject—as a constitutional question—for the Supreme Court of the United States to settle. Be it so, but it is left to be settled under very different circumstances if we pass this act prohibiting slavery, or pass none at all. The decision of the Supreme Court may be very well one way without a law, and another way with it.

Again, sir, I am opposed to this bill on account of other objections on the face of the bill. In the organization of these territories, we know little or nothing of the population of California or New Mexico, or the boundaries of either. New Mexico is a mere fragment of a territory—and hardly that—if Texas be entitled to the boundary of the Rio Grande, which she claims, and will ultimately [illegible]. And yet under these embarrassing circumstances, we are called upon now to organise these territories—while there is nothing in the nature of the subject, or in the position of the territories which demands action now. There is no need of speed upon this subject. But, again, for one, I feel an utter aversion, an invincible repugnance to throwing unnecessarily, the decision of this exciting question upon the Supreme Court of the United States. Let us blow off our own political steam, and that of our excited constituents if we can. That court is the sheet anchor of the hopes of conservatism in this country; if public feeling be excited—as it is said to be—I do not wish unnecessarily to see that court stagger under the weight of this question. I do not want to see that court forced into a position where it will have to decide an exciting question, having fifteen States of this Union upon one side, and fifteen upon the other. Drag that court

and your judges into this scene of political strife, and the consequences may yet be deplored by us all.

We cannot even hope, if we judge of the mind of the Supreme Court, from the contrariety of opinion we have had here, that there will be unanimity upon that bench; and if not unanimity, this question will be tried over and over again. Appointments to the bench will be made in reference to it. You will then, sir, have dragged this tribunal, our last, our only hope, into the scene of political strife, and the end may be that you will see its dead body fastened to the triumphant car of one political party, as it shall ride over the prostrate principles and down-trodden battlements of the other. Sir, I do not want to see it. But again, sir, I have yet another reason which operates upon me somewhat in reference to this question, and it is this: I have before me the instructions of the New Jersey legislature upon this subject, asking that all territory to be added, shall be made free territory Now, sir, gentlemen around me well know that I am no believer in the doctrine of instructions, whether they come from my political friends or foes. But I do not hold that legislative instructions are to be entirely disregarded. I do not hold that upon a question of comity or of expediency, that they are not entitled to a respectful consideration. Where I can, without violating my own sense of duty, it will always give me pleasure to conform my action to the sense of my State legislature as I do now. But, sir, let this matter be determined as it may, whether by the Supreme Court of the United States, or by any other tribunal, legislative or judicial, we of the North represent a law-abiding, peace-loving people, and there will be no threats of disunion from us. That is a kind of talk, peculiar, as it seems to me, to Congress; we hear little of it at home. There are no large masses of persons anywhere who contemplate anything of the kind. Yet so excited and perverted are the minds of some here. that they hold the Union just on the verge of dissolution. I regretted to have heard a few days since, a sentiment proclaimed on this floor, which shocked me beyond measure. We were told that in the judgment of the speaker, if the knife were at the throats of our brethren of the South, no help would come from the North, provided only the knife was in the hands of a negro. I hope, sir, I misunderstood the meaning of the speaker; if not, from the bottom of my heart, with my whole soul, I repudiate the sentiment. In the Union or out of the Union, here or elsewhere, now or hereafter, they are our brethren; and as such, though in prosperity we complain, yet in the day of their adversity, if it shall come, they will find we will never forsake, never desert them.

[Mr. UPHAM addressed the Senate at some length in opposition to the bill. His speech will be given in the Appendix.]

[Mr. BELL followed in opposition to the bill, and argued that the period was not propitious for a settlement of the question, in consequence of the excitement existing and the unsettled condition of the public mind. A report of this speech will also be given in the Appendix.]

Mr. BERRIEN.—Mr. President: It is with great reluctance that I consent to occupy the time of the Senate, even for a very brief period, at this late hour of the night, and after so long and laborious a sitting. In doing this, sir, I yield to the wishes of others, rather than consult my own inclination, and will esteem myself particularly fortunate, if, after the very discursive debate which has taken place, I can recall the attention of the Senate to the real question which this bill presents for our consideration. This will be accomplished in the simplest manner, by recurring to the state of the debate on the Oregon bill at the moment when the select committee was raised, and the motives then openly avowed as influencing the Senate in raising it.

Sir, we had before us a bill providing for the government of the territory of Oregon, in which there was contained a provision which asserted indirectly the power of Congress to legislate on the subject of slavery, and to inhibit its existence in a territory. I advert to this fact as well for the purpose of recalling it to the recollection of the Senate, as to repel an assertion which has been reiterated in the course of this discussion, that it has been provoked by the South; and I avail myself of the occasion to say that such an imputation is entirely inconsistent with the fact. A brief reminiscence will prove the truth of this assertion. The Territorial Committee presented to us a bill for the establishment of a government in Oregon, and Senators pressed upon us the consideration that the condition of that people imperatively demanded the protecting arm of this government. We of the South replied to you, give to Oregon such government as her necessities require, but do not taunt us by the useless assertion of a power which can have no practical operation there. The provision in relation to slavery was inserted in the bill for one of two purposes. It was either a wanton exercise of power to accomplish no legitimate object, or it was introduced to acquire the authority of precedent for the exertion of the same power in relation to New Mexico and California. We said to you, omit this provision, which is admitted to be useless so far as the people of Oregon are concerned, and you may pass the bill with whatever speed you choose to give to it. Your refusal imposed upon us the necessity of moving to strike out the section relating to slavery, and thus the discussion originated. It is the North, then, and not the South, which must be responsible for any consequences which may result from it.

The debate proceeded, and various discordant propositions were presented to the Senate. Northern Senators asserted the uncontrolled, unlimited power of Congress to legislate for the territory. We denied the existence of that power in the extent which was claimed for it. They maintained that, even in the absence of legislation by Congress, slavery could not exist in Oregon, because, as they contended, it is an institution contrary to nature, existing only by statute, and therefore necessarily local. We questioned the correctness of this position; but we said to our opponents, if you have confidence in your opinion that slavery cannot exist where it is not protected by positive statute, act upon your conviction; forbear to legislate; strike this provision from the bill, and it will pass without opposition from the South. Gentlemen were unwilling to rely upon their own repeatedly avowed convictions. They insisted upon legislating where they asserted that legislation was unnecessary, and, as a consequence, therefore admitted that it was useless.

In the midst of this protracted discussion, the Senator from Delaware, [Mr. CLAYTON,] actuated by motives which found a cordial response from a majority of the Senate, proposed to raise the select committee, the result of whose labors is before you. And now, sir, I inquire for what purpose was that committee raised, if it was not with the hope of avoiding this exciting discussion on the subject of slavery? If we could have anticipated the rhetorical displays, alike violative of truth and decorum, which have been exhibited in this discussion; if we could have foreseen that the occasion would have been seized upon to utter denunciations against this institution, which, if true, would put every man connected with it beyond the pale of humanity, what motive could we have had for consenting to raise this committee? Sir, I had hoped, I continue to hope, notwithstanding the opposite feeling heretofore manifested in this debate, that the attention of the Senate will be directed, not to extravagant, distorted, unfounded calumnies in relation to slavery, but to the questions presented by this bill—the mode of conciliation which it proposes.

Mr. President, there are some minor objections to this bill, to which I will first very briefly advert. It is said that the boundaries of New Mexico have not yet been definitely settled, and that until this is accomplished it is improper to establish a government for that territory. Sir, the answer is plain one. The terms of this bill are equally applicable to that territory, whether it be of larger or of smaller dimensions. Nay, the fact of the existence of the claim of Texas to a portion of New Mexico, furnishes of itself a strong reason for its organization. It is fit that the interests of the United States should be protected there by their own officers, and that the territory should not be left in the anomalous condition in which it now is.

Again, it is said that the right of appeal which is provided by this bill is illusory; that the limitation of it to cases where the value in controvery, exclusive of costs, exceeds two thousand dollars, will prevent its exercise by a person suing for his freedom. Sir, if Senators will examine the case mentioned by the Senator from South Carolina, [Mr. BUTLER,] they will see that this difficulty is altogether imaginary. In that case the Supreme Court decided that when in a petition for freedom the appeal was taken by the petitioner, the requisition as to value did not apply, because there the question of freedom was the ground of the appeal, and that could not be appreciated by money; but where the defendant was the appellant, as his right of property was the matter in controversy, it must be of the money value required by the act; but, sir, having acquiesced in this bill, I desire to see its provisions fairly carried out, and will therefore readily assent to the amendment suggested by the Senator from Maryland, [Mr. JOHNSON,] or any other which may be necessary to accomplish the object.

But, again, it is objected that this is an evasion of our duty; a transfer to the Supreme Court of a responsibility which we ought ourselves to assume. Mr. President, this is a misapprehension. Congress forbears to exercise a doubtful power, by legislating on this subject. It leaves the conflicting claims which have given rise to an exciting discussion in this chamber, on the footing on which they stand under the constitution and laws. When a case arises under these, the court, in the exercise of its appropriate jurisdiction, will take cognizance of it; but this would be equally true if you were to legislate on the subject. You will not deprive that court of jurisdiction, or impose it upon them, by legislating or by refusing to legislate. If we abstain, it is because experience has taught us, in the course of this protracted discussion, that we cannot come to any satisfactory result by legislating on the subject of slavery in these territories.

And now, having stated, and I hope satisfactorily answered, the minor objections to this bill, I proceed to present my own. It is by no means acceptable to me, sir. If I had been free to choose, the rights of my constituents should have been placed on a very different footing. The fact that a southern planter emigrating to one of these territories, and carrying with him his slave property, is liable to be harassed by vexatious litigation, constitutes a serious objection. The disposition to acquiesce in a bill containing such a provision, is an evidence of the strength as well as the sincerity of our desire to adjust this unhappy controversy. I have yielded my assent to it, from the consideration that a decision in a single case would settle finally the principles applicable to all; and that that decision may be promptly had. Questioning, as I do, the power of Congress to legislate on the subject of slavery, the provisions in this bill in relation to the territory of Oregon are by no means acceptable to me, and, standing alone, would not have received my vote. As part of a measure of peace and conciliation, they are presented to me in a different aspect. I know the deep interest which is felt on this subject—how much it concerns us all that it should be amicably adjusted. In the history of all governments, cases have occurred which were not contempla-

ted, and were therefore not provided for by the organic law. This, I think, is such a case, and feeling that the safety of the people is the supreme law; that the continued agitation of this question may endanger the peace and harmony of the Union, I yield my constitutional scruples to the ardent desire which I feel to test the efficacy of this measure as one of peace and conciliation.

Even this poor boon we are not permitted to accept. The Senator from Ohio [Mr. CORWIN] declares that, with his consent, no southern man shall be allowed to emigrate to any one of the territories of the United States, taking with him his slave property.—The inhibition applies not only to the present, but to all future time; not merely to territory already acquired, but to whatever may be acquired hereafter. Whether the acquisition be made by conquest or by purchase, the blood and treasure of the South must be contributed in their full proportion, but all right of participating is to be denied to them. The Senator does indeed admit that what is acquired by rapacity and military violence, may be subject to distribution, on the principle of "honor among thieves"—rather, it would seem, for the purpose of giving scope to his anathema against the mode of acquisition, than from any deference to southern rights. Nevertheless, it is an admission which authorizes me to inquire if the opinions of that Senator, as to the mode in which the territories of New Mexico and California were acquired, have undergone change? He voted with me in favor of the resolution which I submitted to the Senate, as an amendment to the three million bill, and against the bill itself. He voted with me to strike out that part of the boundary in the treaty with Mexico which gave these territories to the United States; and, failing in these modes of resistance, he voted with me against the treaty itself. In all these cases we asserted that the object of the administration was to coerce Mexico to submit to this dismemberment by the terror of our arms; that it would be an acquisition by conquest, which was alike hateful to us both. Has he changed this opinion? Does he believe now that these territories have been fairly acquired by purchase? that they have been reely yielded by Mexico? that they have not been extorted by the terror of our arms? Or does he still believe, as he was wont to do, that they have been wrested by force of arms from a feeble republic? that it is an acquisition by conquest? If so, the admission of the Senator destroys the argument, and renders quite harmless the sentimental and vituperative rhetoric with which he has assailed the rights of the South.

I have been gratified by the reply which the Senator from Ohio has been enabled to give to the inquiry addressed to him by the Senator from Maryland, [Mr. JOHNSON,] that he is unconscious of having used the language attributed to him by this Senator, and that, if used, (as it certainly was,) he now disclaims it. Having entertained sentiments of respect and good will for the Senator from Ohio, he will add to my gratification if he is enabled also to disclaim, or willing to recall, another portion of his remarks. In speaking of slavery as it existed in the southern States, I adverted to the affection which subsisted between the colored nurse and the child committed to her care. The Senator was pleased to speak of that portion of my remarks in terms of eulogy, and as having for a moment beguiled his judgment and led him to believe that this was indeed the patriarchal institution which it was represented to be. He proceeded to say that he was awakened from his delusion by the inquiry of the Senator from Florida, [Mr. WESTCOTT,] in relation to the power of the territorial legislatures, under the provisions of this bill, to establish *patrol* laws, which, he said, were enacted in the South "to prevent these affectionate nurses from throttling their young masters."

Mr. CORWIN.—I did not suppose the Senator from Georgia could have so misunderstood my meaning in the manner in which I presented the contrast referred to. All that I said on this subject was to present the necessity of watching these slaves, in the form of illustration, in a playful way.

Mr. BERRIEN.—Mr. President, I leave this part of the subject with a single remark: that such levity was, in my judgment, unsuited to the occasion; that the wit which sparkles, is that which inflicts no wound, and that calumny is not divested of its odious character because it is uttered in the form of sarcasm.

Let us pass to the consideration of the more important grounds of opposition to this bill. The interests which it involves are sectional, and the discussion of it has unhappily become so. Northern Senators oppose it, because it surrenders what they are pleased to denominate the rights of the non-slaveholding States, while those southern Senators to whom it is unacceptable rest their opposition on the ground that it surrenders the rights of the South. Surely, sir, this must be a bill of very singular properties, to be open to such directly opposite objections. The claims of the North and South are exactly opposed, and yet it is said to surrender both. Now, sir, this cannot be. One class of disputants or the other must be in error. In my judgment they are both so.

To my southern friends I desire to submit this simple suggestion. The bill abstains from legislating on the vexed question of slavery. It leaves that to be decided by the people of the territories, when they are in sufficient numbers to be admitted as States, and are engaged in forming their State constitutions. In the mean time, if any question of freedom or slavery should arise, the judiciary will take cognizance of it, not by virtue of any provision in this bill, but in the exercise of their pre-existing jurisdiction. All that it does in this regard is to speed the decision of the case by the appellate tribunal. In what sense this can be said to be a surrender of southern rights I am totally at a loss to understand. In a government like ours, that which is properly called a right is something subject to the power of being maintained by adequate and therefore competent [illegible] which a court of justice would be bound to recognize. To say that we have no right which the highest judicial tribunal would recognise, is to admit that we have no right at all. [illegible] to be passed to confer upon us—is to concede in its whole extent the argument which is urged in support of the right of the North to the exclusive enjoyment of these territories. Now, sir, I do not entertain this opinion. If I did, if I thought that in strict law our right could not be maintained, with the conviction which I have of the undoubted equity of the claim of the South to participate in all acquisitions made by the expenditure of the common blood and treasure of all the States, I would have remained silent, and would have left the argument to be sustained by those who were to profit by its allowance. I have asserted the claim of the South, and I am not willing to return to my constituents and tell them that I have asserted that claim, but had not sufficient confidence in its validity to trust it to judicial decision. If we have no right to carry our slaves into these territories without the permission of Congress, (and that is the position in which this argument places us,) we may abandon at once the idea of having any share in them, for the Missouri compromise line was rejected by the select committee, and will be by the House whenever it is offered.

But let us examine the argument which denies this right. It runs thus:

Slavery exists only by force of local statutes, and is not protected beyond the limits within which they operate. The laws of a conquered country continue in force until they are repealed by the conqueror. Slavery has been abolished in New Mexico and California, and I cannot be re-established there without the sanction of Congress—by the repeal of the existing law, and the enactment of a law of slavery.

Now, Sir, it is not true in point of fact that slavery exists or has existed only by force of local statutes. The fact has been assumed in certain judicial decisions, and has been reiterated here, but it is contradicted in others, and is utterly at variance with the history of all of the original States. Would it be consistent with this, will find that slavery existed in all the colonies before any law was passed to authorize it. It was introduced into them by the cupidity of the mother country, (seeking to avail herself of the profits of the African slave trade and of the market which the colonies afforded for the sale of slaves,) not only without any local law to authorize it but in the face of the remonstrances of the colonists, and of acts passed by local legislatures, which were negatived by the royal governors. When, in process of time, it became necessary to regulate this peculiar class of people, and to distinguish between those who were free and those who were slaves, such laws were passed; but slavery existed long anterior to then enactment. The case of Georgia is striking in this particular. That colony was settled in 1732, under the government of trustees, which continued for about twenty years, when they surrendered their charter, and it became a royal province. In 1735 the trustees passed an act prohibiting the use and importation of negroes into the colony, yet, in despite of this, they were introduced from South Carolina; so that, when the government of the trustees ceased, it was deemed advisable to repeal the prohibitory act. But the first law recognizing the existence of slavery in that colony, was passed in 1770, some twenty years after. Such, on examination, will be found to have been the fact, I doubt not, in all the colonies. There is an express recognition of it in a case decided in Louisiana, in which the court say: It is an admitted fact that slavery has been permitted and tolerated in all the colonies established in America by the mother country. And again: Slavery existed in the colonies long before any legislative act of the mother country authorizing their introduction, except the charter of the African company, and before any colonial act had passed declaring its existence.

In a case decided in Virginia, the court say: The slavery of the African has existed from the time of bringing them into the colony—in many States by express enactments declaring them slaves, in others by custom.

In Virginia it is certain that slavery existed long before any local laws were passed to authorize it—nay, notwithstanding the provincial legislature attempted to impose a tax which would amount to a prohibition of their importation; and so little foundation is there for the assertion that slavery exists only by force of local statutes, which has so often been made on this floor, that in the case from Louisiana, to which I have first referred, the court say: It may be laid down as a legal axiom, that in all governments, in which the municipal regulations are not absolutely opposed to slavery, persons reduced to that state may be held in it.

The foundation of the first proposition, the assumed fact on which it rests, is therefore taken from it. It is not true, as we have seen, that slavery exists only by force of local statutes. It existed in these colonies long anterior to any local statute in relation to it. Those statutes recognized and regulated, but did not establish it. The principle stated by the court in Louisiana, to which I have referred, was that on which it rested. The persons brought to the colonies by the African company, had been reduced to slavery, according to the laws and customs of their own country, either as captives in war, or in whatever other mode, and there being no municipal regulation in the colonies opposed to it, they were held in that condition. The remaining branch of this proposition, that slavery cannot exist beyond the limits of the State in which it is established, I will consider presently.

The next proposition stated by Senators is this: the laws of a conquered country remain in force until they are altered by the conqueror. It is not necessary to deny this position, but it is desirable to understand it. A country subdued by force of arms is held as a conquest until the right of the conqueror is acknowledged by a treaty of peace, or until so long a time has elapsed as to destroy the right of *post liminii* of the nation from whom it has been wrested by force of arms. If it has been yielded in the treaty of peace, the terms of that treaty settle the condition of the inhabitants. Now, that New Mexico and California are the fruits of conquest—that Mexico has been compelled to yield them by the terror of our arms, and for the preservation of her nationality—is a proposition which I do not doubt. But she has yielded them, and a definitive treaty of peace has settled the condition of their inhabitants. They no longer stand upon the footing of a conquered people. They were left by the terms of that treaty free to choose between Mexico and the United States. If they had adhered to the former, they would have continued to enjoy the benefit of Mexican laws by a removal to some other part of Mexico. If they chose the latter, they became at once entitled to the privileges of citizens of the United States, and in due time to be admitted as members of the Union. Can those privileges be enjoyed in subservience to Mexican laws? A citizen of the United States has the privilege of worshipping God according to the dictates of his own conscience. The laws of Mexico prescribe the only form in which that worship is allowed. A citizen of the United States is entitled to his personal liberty; his lands and tenements, goods and chattels are liable for the payment of his debts, but his person is exempt. For non-payment of a debt the laws of Mexico subject him to slavery, which can only be terminated by the certificate of the creditor that the debt has been discharged. Are Mexicans who have elected to become citizens of the United States still subject to these laws? Are citizens of the United States who have emigrated or may emigrate to these territories to be subjected to them? Who will affirm this? Let it be remembered that, in no one of the cases which have been referred to by Senators, was the question we are considering distinctly in issue.

The opinions on which they rely are the *obiter dicta* of the learned judges who uttered them. In the case decided by Lord Mansfield, the question was, whether the King, by virtue of his royal prerogative—that is, independent of Parliament—could impose the duty or tax which was the subject of controversy. It was a question of British constitutional law, and was the only one decided in the case. In the case of Canter, the inquiry related to the validity of a decree in a court of admiralty in Florida, established by the territorial legislature, under the authority of Congress; and the question which it was necessary to decide was the right of this government to acquire territory, and the consequent power to govern it. In the case of Strother and Lucas, the point decided was, that the inhabitants of Louisiana were entitled to the protection of their property, as well under the treaty as by the law of nations, and, in determining the question of title, to have the benefit of those laws under which it accrued. The distinct question whether the laws of a country which is acquired by treaty, incorporated into the United States as an integral portion of it, whose inhabitants are declared to be entitled to the privileges of citizens of the United States, and for which a territorial government has been established by Congress—the question whether those laws continue to exist and to operate prospectively, has not, I think, been decided. In relation to the past, they are certainly effective to protect rights acquired under them; but, in relation to the future, the laws of the United States and those made by the territorial legislature, under the authority delegated to them, are the only recognized laws of the territory, unless Congress shall otherwise provide. Accordingly, in the act establishing territorial governments in Louisiana and Florida, there is in each case an express provision continuing the pre-existing laws, under certain restrictions. If without this provision they would have been in force, why was it made?

But, Mr. President, is it quite certain that slavery is abolished in Mexico? I do not now speak of peonage, or white slavery, but of that of the African race? The Senator from Rhode Island, [Mr. CLARKE,] has exhibited the decrees of the Mexican President and Congress of the 15th September, 1829, and of 1837. Now, it is very clear that slavery had not been abolished by the first act, or there would have remained no slaves to be manumitted by the second. And yet it provides that "the owners of slaves manumitted by this decree shall be indemnified for the interest they hold in them," &c. It is certain, then, that there were slaves in Mexico in 1837, notwithstanding the decree abolishing slavery in 1829. The truth I suppose to be, that these decrees were acts declaratory of the will of the government, to be carried into effect when its financial condition permitted. They did not mean to deprive the owner of his property without indemnifying him. Accordingly, in the second decree, they provide for an appraisement and the issue of scrip to the owner, payable at the Treasury. This appraisement was to be made by "duly considering the personal qualities of the slaves." How were the appraisers to do this unless the slaves were produced to them, and how could they be produced if they became free *eo instanti* on the publication of the decree, and before the appraisements were made, and of course at liberty to go wherever they might think proper. I suppose, therefore, looking merely to these decrees, that the abolition of slavery in Mexico enacted by them remains to be completed by the appraisement of the slaves, and the indemnification of their owners, and that until this is done they are inoperative, or rather their operation is incomplete.

And now, sir, having offered to the Senate such suggestions as occur to me on the questions we have been examining, I turn to the consideration of that which is in my judgment most important—the right of every citizen of the United States to remove with his property, of whatsoever kind, to any territory of the United States. He who denies this, is prepared to deny the right of all, to participate equally in that which has been acquired by the united efforts of all; to assert, as a legislator, what as an individual he would blush to affirm, that the majority of a joint association have a right to appropriate exclusively to themselves the whole gains of the copartnership. The farmer of the North may emigrate to these territories with his family and household goods, with his apprentices and hired laborers, his herds and his flocks, his property of every description. Why is not a like privilege accorded to the southern planter? I am told that negroes are not property beyond the limits of the States in which the owner resides; that beyond those limits they are considered as persons, over whom the owner can exercise no dominion. Mr. President, I have before pointed out the fallacy of this position, but I desire again to expose it to the view of the Senate. Sir, no case has been, no case can be produced to sustain it. Certain State courts have affirmed that a slave brought with the consent of his owners within the limits of a State whose laws forbid slavery, thereby becomes free. The correctness of these decisions may well be doubted, so far as they apply to a citizen of the United States transiently passing through such States, not resident therein; but, waiving this, it must be obvious to every Senator that they fall very short of the position which they are adduced to maintain. They do not decide that the slave becomes free by passing beyond the limits of the State where his master resides, but by entering within the limits of a State whose laws forbid slavery. To sustain the position which is contended for here, it is necessary to produce a case which decides that a slave becomes free by passing into a territory where there is no law prohibiting slavery—into a territory which is the common property of all the people of the United States, whose inhabitants owe a common allegiance to a government whose constitution and laws do not prohibit, but expressly recognize the proprietary interest of the master in his slave. Such a case has not been and cannot be produced. The precise converse was decided in the Supreme Court of Louisiana, in the case to which I have before reierred. The learned judge who pronounced that decision stated it as a legal axiom, that in all governments in which the municipal regulations are not absolutely opposed to slavery, persons reduced to that State may be held in it. If, then, the abolition of slavery has not been completed in Mexico, or if, as I suppose, Mexican laws will have ceased to exist, under the provisions of the treaty, from the establishment of territorial governments in New Mexico and California, and the extension of the laws of the United States over them, this is, then, the precise case suggested by the Supreme Court of Louisiana, in which persons previously reduced to slavery, may be held in it.

I have said that slaves were recognized as such in the constitution and laws of the United States. They are recognized both as persons and as property. As persons they constitute an element of representation, giving political rights to their owners which they would not otherwise possess. As property they are liable to taxation, and have been subjected to it whenever you have resorted to direct taxes. Your laws provide for the taxation of slaves, and the collection of the tax by distress and sale, by your officer, of the slaves so taxed. Under the operation of these laws, slaves are now held who have been purchased from your officer, under warrants issued by your command. They have been sold at your instance, and the proceeds of the sales have been paid into the national treasury. You are daily repeating this operation by the sale of slaves under executions founded on judgments recovered against defaulting officers. Do you mean to deny the title which has been given by your command, under the authority of your laws, while you retain in your Treasury the price of the slave?

Again: slaves are recognized as property by your navigation laws. You provide for their transportation coastwise, from the port of any State to "any port or place within the limits of the United States." You require certain things to be done by the owner, and thereupon your officer, under the authority of law, grants him a permit to transport his slave expressly to any port or place within the limits of the United States, to be sold as a slave, or to be held to service or labor. Now, consider the operation of these laws on the question before us. A citizen of Savannah holding a slave, the issue of one purchased by him from your officer, under a sale for direct taxes, for which he has paid the price which you hold, goes before the collector of that port, and, having complied with the requisitions of that law, obtains from him a permit to transport that slave to Monterey, a port or place within the limits of the United States, there to be sold as a slave, or to be held to service or labor; he having your title to this slave, and you having his money, he has also your permit to carry him there as a slave, tell me what authority is there in any territory of this Union which can override and nullify that of the supreme government on which it depends, and from which it derives whatever power it possesses? Holding a title to this slave, given by your officer under the authority of your laws, while the price which he has paid yet remains in the national Treasury—having your permit to carry him there to be sold as a slave, or to be held to service or labor, what authority in that territory, over which you have

exclusive dominion, can wrest from the owner the right which he has thus acquired to the labor and service of this slave?

Mr. BRADBURY.—Mr. President: I do not propose to trespass long upon the attention of the Senate at this late hour of the evening. After an uninterrupted session of more than twelve hours, following the protracted one of yesterday, the Senate is too much fatigued, and I find myself too much exhausted to enter upon a general discussion of the very important subject now under consideration.

[Mr. UNDERWOOD here interposed, and desired the Senator to give way to a motion to adjourn; and the same desire was expressed by several other Senators.]

Mr. BRADBURY continued: I do not think it advisable to give way for the motion, as it is well understood that it has been determined to bring the discussion to a close before any adjournment, and the motion has already been voted down once or twice by the friends of the bill. I shall endeavor to be very brief. It was my intention to have considered the subject somewhat at length, but I feel constrained to content myself with a statement of some of the reasons for the vote that I shall give, and some notice of the points I had intended to discuss more fully.

I have examined the bill before the Senate with some care, and I regret that I am unable to give it my assent. I regret that I am unable to concur in opinion with many friends in whose judgment and patriotism I have great confidence. I regret that I am unable to assent to the views of the committee who undertook the difficult task of devising the mode of adjusting the questions which divide the Senate and the country.

I will now refer to some of the provisions of this bill and proceed at once to notice my objections to it.

The bill provides a territorial government for Oregon, with the usual legislative assembly to be chosen by the inhabitants, and recognizes and gives force to the existing provisional laws until three months after the meeting of the first assembly. Amongst their laws is one embracing the 6th section of the ordinance of 1787.

In California and New Mexico the legislative power is vested in the judges, governor and secretary, all appointed by the President, and the inhabitants have no representation or voice in the government, and there is no provision against the admission of slavery into either of the territories.

This bill avoids the great question that has been discussed here, and instead of presenting it for our action, it leaves the subject of slavery in the territories acquired from Mexico, to turn upon the decision, by the court, of another and different question. The great question which has engaged the attention of the Senate for so many days, related to the power of Congress to legislate on the subject of slavery in the territories. This power was asserted on one side and denied on the other. The question has been examined with great care, and discussed with the ability which its importance demanded, and I hoped that the Senate were prepared to act upon it, and would have had an opportunity to do so.

2. The question presented by the bill is a new and different question. It is whether slavery can go into the territories in the absence, and not in the face of a law of Congress against it. This question has thus far occupied but little attention, and been but little discussed. It was presented to us near the close of last week in its present aspect, since which there has not been much time to investigate it, and different opinions are entertained by distinguished members of this body in regard to it, and of the probable decision of the court upon it. The Senator from Vermont, [Mr. PHELPS] contends with great force, that slavery cannot enter these territories without affirmative legislation to authorize it. The Senator from Georgia [Mr. BERRIEN] has just closed an eloquent speech in answer to the argument of the Senator from Vermont, and in support of the position that any citizen of the United States has a right to remove into any territory belonging to the United States, with what is recognized as property in his State, and hold it there. I have, sir, great confidence in the Supreme Court, and in what I believe would be held to be the law upon this subject; but I do not feel authorized, on behalf of my constituents, to hazard the fate of these territories, so far as that may be affected by the admission or exclusion of slavery, upon the decision of this intricate question of law. We leave the subject without the aid of any legislation. This is precisely the ground claimed by the advocates for the extension of slavery into the territories. Positive, affirmative legislation was not asked. The distinguished Senator from South Carolina [Mr. CALHOUN] expressly disclaimed asking it in the debate on the Oregon bill.

3. The bill is no compromise in respect to the territories acquired from Texas. The decision of the court would determine the character of the whole. One side would triumph and the other fail as to all, and this under the expectation of compromise.

4. It would lead to great disappointment in one portion of the Union or the other, and would keep the country in a state of suspense until the question was settled—the ardent in each portion hoping to have secured all its claims.

5. It would throw upon the court a subject appropriately pertaining to our duties here, and which Congress should settle. It would transfer to the Supreme Court the responsibility and the interest connected with such a question, and throw upon it a great, and, perhaps, fatal burden. It might be regarded as involving political power, and any decision would be likely to weaken confidence in the judiciary in one part of the Union or the other.

The bill is not, as I fear, calculated to allay the existing excitement, but would probably increase it. It will be seen abroad that different opinions are entertained here in regard to it. Agitators at the North will represent there that northern interests are all sacrificed, and the whole country lost to them. Agitators at the South will take the opposite ground, and fan up the flame of excitement there.

Another objection to the bill of sufficient importance to deserve notice is, that it does not [illegible] the territories. Our first proffer of the benefits of our free institutions to a people recently hostile and strangers to us, should be such as to inspire confidence and secure attachment. Our own citizens who have gone there are accustomed to the exercise of the privileges of an American citizen. There should be some channel through which the grievances that may arise from the exercise of great powers by a few men administering a government in a distant territory, may be made known here. The people should have a voice in the government.

In regard to Oregon, the people have shown how capable they are of self-government, by those provisional institutions which they have established and maintained, and to which they have yielded their assent, in the absence of that protection which it has long been the duty of Congress to extend to them.

They have sent here, then, provisional and fundamental laws, and petitioned Congress to ratify and confirm them. One of these laws embraces the sixth article of the ordinance of 1787. They desire that it should be made permanent. Instead of complying with this request, the bill gives vitality to their laws for only three months after the first meeting of the legislative assembly. It is true, that legislative power is given to this assembly, subject to the revision of Congress, but why is it, that these laws established by the people, under the authority of the provisional government, should survive for so limited a period, instead of remaining in force until they should be changed by the proper authority?

I desire here to call the attention of the honorable chairman of the committee to certain defects in the 24th section of the bill, in reference to securing the benefits of the writ of habeas corpus, which may be obviated by an amendment. * * * * * * * This bill must, as I think, fail to commend itself to the enlightened judgment of the country, and I trust that something more satisfactory can be found and adopted.

Having glanced at some of the prominent objections to this bill, I wish here to notice the course of remark which some Senators have felt it incumbent upon them to pursue in reference to the people of the northern States. Allusion has been repeatedly made to the existence of an aggressive spirit in the free States against the South. And the honorable Senator from Georgia, [Mr. JOHNSON,] several days ago, called upon the North "to come up to the constitution, and yield obedience to its mandates;" and the Senator's argument seemed designed to show that unless the institution of slavery should be allowed to extend over the territories we have acquired, the mandates of the constitution would be set at defiance.

I take the occasion here to remark that my constituents entertain no aggressive spirit; and have no desire that an aggressive policy should be pursued towards any portion of the Union. They are attached to the Union. Their business relations connect them with nearly every portion of it. They desire its perpetuity: and they wish that just and equal policy to be pursued which is the surest basis of that perpetuity. For myself, I will say that I am amongst the last to desire a course of aggression.—Satisfy me that a measure involves such a principle, or that it is in conflict with the letter or spirit of the constitution, and I repudiate it. That instrument recognizes the existence of slavery in the States, and all external interference with it there, is a violation of the constitution—dangerous to the harmony of the Union. The rights that are secured to the citizens of a State, those citizens should be permitted to enjoy peaceably, and free from molestation. Such is the sentiment of the great body of the people of the State which I have the honor in part to represent here.—They give no countenance to abolition schemes, which infringe upon this principle. They have no sympathy with them. Abolitionism, whatever there is of it, is fed and kept alive by the fanaticism of a few ultraists of the South as well as the North. The general feeling amongst the masses of the people is sound and fraternal. There is no desire to interfere with those rights which the constitution has so wisely placed in other hands.

But the claim to extend the institution over all the territories of the United States, now free from it, presents a different question from that of maintaining the rights secured by the guaranties of the constitution. These questions, resting on different principles, and giving rise to other responsibilities, are so unlike, they cannot be confounded by any one capable of appreciating a distinction.

The allusion to the existence of an aggressive spirit has been introduced in the debate upon this and the Oregon bill—bills to organize territorial governments; and it would seem, for this reason, to be supposed to have a direct bearing upon the policy that has been adopted in respect to previous acquisitions of territory by the United States. Now, sir, what has been the policy? I wish to call attention to it, and to examine it for a moment, not with the view of exciting feeling, but to meet the charge of aggression, and place the people against whom it is made in the position which they in truth occupy upon this subject.

Has an aggressive policy been pursued towards the slaveholding States in the disposition of the territories acquired since the adoption of the constitution down to the present day? Let us look at the facts. Let us examine the history of past acquisitions. The

first acquisition after the adoption of the constitution was Louisiana, in 1803. Four States formed out of this territory have been admitted into the Union—three slaveholding and one free. I am aware that there is a large extent of territory embraced in this purchase, which will, in time, be formed into States yet to be admitted. This fact is not to be overlooked, nor its tendency to correct the inequality which would otherwise exist in the apportionment of the purchase. The next acquisition was that of Florida, from which we have one State only, and in that the institution of slavery is established.

We come now to the annexation of Texas, a country of dimensions ample for an empire, and capable of sustaining a population of millions. One State has been admitted, and four more are to come into the Union as soon as they shall have the requisite population. By the constitution of Texas, the institution of slavery is established over the whole. This provision may be modified by the resolution of admission, so far as it relates to the unimportant strip of land situate north of 36° 30′, and it does not affect the general view of the question. These are our acquisitions, since the adoption of the constitution, over which we have extended our laws. From them, six States have come into the Union, Louisiana, Missouri, Arkansas, Florida, Texas, and Iowa, in all of which, with a single exception, the peculiar institutions of the South are established. The free States have added one, the slaveholding States five, thus far, from all our acquisitions of territory. Now, sir, I ask, do these facts indicate the pursuit of an aggressive policy by the former? Is it to be said that they refuse to stand by the guaranties of the constitution, and are encroaching upon the equal rights of the other States? On the contrary, have we not a right to point to the past as furnishing evidence of a liberal and generous spirit? To appeal to it in triumphant vindication from any charge of encroachment? We will not believe that our southern brethren desire a monopoly of the territories. It was but yesterday that we united to acquire Texas—a country probably capable of sustaining a larger agricultural population than Oregon and California. I do not undervalue the importance of these territories to the United States. They give us seventeen degress of latitude on the Pacific coast, with some of the best harbors in the world. They exclude any other nation from planting itself upon the western slope of this continent and controling the trade of the ocean that separates it from Asia. They contain fertile valleys, some of them amongst the most beautiful to be found on the globe. But the vast ranges of mountains, and the barren wastes which characterize a portion of the country, must limit the population which would otherwise spread over so extensive an area.

The acquisition of California and New Mexico has resulted from the war into which we were forced in the defence of Texas. This great country has been added in the scale of the slaveholding States. Were there no other and higher considerations to be weighed than a regard to an equitable division of acquired territory between these States and the free States, should this disposition of Texas be forgotten? Texas was received with her institutions as they were. The trifling exception is too unimportant to be noticed. Slavery existed, and it was allowed to remain.

The territories recently ceded to us by Mexico are now free. We know the repugnance with which the institution is regarded there. The question arises and presents itself for us to determine, whether we should disregard the feelings and wishes of the inhabitants, and force upon them, against their consent what is regarded by a large portion of the American people, as a social, moral, and political evil, or preserve the territory as it is, free. It is contended however, that the southern States would be excluded from a participation in the territories by the exclusion of slavery therefrom. Let us examine this subject of exclusion. No citizen from one portion of the Union is any more excluded, than from another. Any citizen, from any portion, can remove into the territory and settle there, and all have equal rights. Nothing is prohibited to one, which is not prohibited to all. All may be prohibited from carrying there a certain species of property, and all prohibited alike. Citizens in every part of the Union own property, which is as effectually excluded by its character, as if it was done by positive law. This fact does not debar them from removal into the territories, nor from a participation in their enjoyment.

It is unquestionably true, that the prohibition would operate practically to prevent citizens of some States from removing into the territories, who would otherwise go there. And there is exclusion on the other side, to be considered in this connection. The admission of slavery would also practically operate to exclude many citizens from other States, who would otherwise remove into the same territories. The former policy would exclude those who desire to go into them to cultivate the soil by the labor of others. The latter, those who wish to cultivate it by their own hands. Call it a prejudice, if you will, it is none the less operative, that the free laborers of the North have a repugnance to labor by the side of the slave. Labor, with them is honorable; and they have too much independence of feeling to place themselves where it is associated in their minds with degradation. If they emigrate, they will not go where they suppose they may be exposed to the loss of social position. They seek a home, not for themselves only, but for their children. They seek to secure for them, rank and respectability in society; and it is for this, that they sever the ties that bind them to their early homes. The practical exclusion from the territories, of this class of our citizens, is justly entitled to consideration, as well as that to which the attention of the Senate has been so emphatically and repeatedly called. The free laborers of the country have the right to claim that they should not be forgotten. When we are asked if slavery is to be pent up by the east bank of the Rio Grande, it may be well to enquire into the comparative extent of territory which these two streams of emigration have yet to supply with inhabitants. The free States probably contain at this time from eleven to twelve millions of people, and cover an area of less than five hundred thousand square miles. The slave States with a population of less than nine millions, have an area, including Texas with her enlarged boundaries, not much short of ten hundred thousand square miles. The habitual increase of population in the former, combined with the large and increasing imigration from abroad, nearly all of which goes there, create an annual demand for free territory which will exhaust the supply at quite as early a day as slavery. I must be permitted here to remark, that the question we are now considering, is in another aspect of it, a new question. It relates not to restriction, but to the extension of the institution of slavery over territory now free. The ordinance of 1787, adopted by the fathers of the republic, secured restriction where the institution, prior to restriction, had a legal existence. The Missouri compromise did the same. It related to territory similarly situated, and provided that all beyond a certain line should be free. All the territories embraced in this bill are now free, and it is for us to determine how far this feature in their character shall be changed.

Mr. President, it is a great work which commands the attention of the Senate. It is a responsible duty that is devolved upon Congress. Providence has placed in our hands the power to influence or control the destiny of the future States which are to arise on the shores of the Pacific. We are deliberating upon the structure of their political fabric. We are engaged in shaping the frame work, and laying the foundation of their government. Our action must affect for an indefinite period, the social and political condition of the future millions that are to fill the valleys and spread over the hills of this broad region.

What, sir, should be the great and controlling principle that should guide us in laying the foundation of a government for these future States?

I answer; the general good of the people to be governed—their prosperity and happiness.

While we respect our own powers, and are careful not to transcend them, and to do no injustice among ourselves, we should not forget, but should have constantly before us, the interest of the people for whom we are to provide a government. For this, the world will hold us responsible. The people who are to occupy these territories will hold us responsible. Posterity will hold us responsible. We cannot evade the enquiry, what institutions are best calculated to develope the resources, and secure the prosperity of these territories?

But it has been contended that Congress does not possess the power to control the domestic institutions of the territories. It is too late an hour for me to go fully into the discussion of this question, and I shall content myself with a few observations.

The question is, has Congress the power to establish governments for the territories of the United States, and to regulate within them by its legislation, matters of local and domestic concern.

This power must necessarily exist somewhere, and is it to be found in Congress? or do the inhabitants of the territories possess it? Have the people of a territory belonging to the United States, the sovereignty over such territory? If they have, it is a power which, from its nature, they can exercise as they choose. It is the supreme power. Could they not refuse its exercise in subordination to the interest of the United States, declare themselves independent, or transfer this sovereignty, thus possessed by them, to a foreign State?

In the case of territory unoccupied and without inhabitants, would the first settler who entered upon it carry with him the sovereign power over it, dispossess the government, and transfer it to himself? Would the first ten, or the first thousand? The inquiry needs no answer. How, then, can they acquire this power, until it is bestowed upon them, or wrested by them from the government in which it is vested?

But, sir, does it follow from this view of the subject that the people of a territory should not be consulted in regard to the regulations by which they are to be affected, and that all power to participate in providing and establishing the laws by which they are to be governed should be withheld? Not at all. The enterprising pioneers who go forth from the States into the territories, are men of that discernment and that knowledge of the character of our institutions which will enable them to decide, more accurately than we can, in regard to their necessities and the regulations adapted to their condition. It is not only the part of wisdom, but I hold it to be due to them and to the principles by which we profess to be guided, that their will should be respected and their voice heard. Where, then, is the power to legislate for the territories of the United States, and to extend the protection of a government over them? It is in Congress. It is now an admitted principle that the government of the Union possesses the power to acquire territory either by conquest or treaty. Whether the power to govern the territory thus acquired is derived from the express grant of power in the constitution, or is a necessary incident to the power of acquiring, carrying with it the duty and the right to govern, it may not be material to determine, so long as the power is found to exist. It must exist where it is capable of being exercised to meet the necessities of its existence. We have seen that it does

not reside in the people of the territory. It is not in the States. The only delegation of power upon the subject given by the constitution, is to Congress. In article 4, section 3, it is declared,

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

In article 1, section 8, the power is conferred upon Congress,

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof."

It has been contended that the provision of the constitution to which I have first referred, extends the legislative power of Congress no further than the subject of property is concerned; that it is limited to making rules and regulations for the territory as land, and does not include legislation over persons. The object for which this power was conferred was not merely to accumulate money, to raise a revenue by the sale of the public domain. It was to have the land settled; to spread over it a population; to build up prosperous and orderly communities under the regulation of proper authority, to the end that they should become States of the Union.—This was the object; and Congress can make those rules and regulations which are needful to secure the great and controlling purpose for the accomplishment of which the power was conferred. It can do more than to make rules and regulations respecting the soil. It can extend its protection to the inhabitants, and give them a government. Congress has, then, under this provision of the constitution, the power to govern—a power that implies discretion in its possessor. That discretion may be exercised in regard to the adoption of laws for the regulation of the municipal and political affairs of the inhabitants, while they are acquiring the requisites for admission into the Union. It is a discretion of the only legislative, the exclusive, and, therefore, the sovereign power over the territory.

If derived from the other source, as an incident to the right of acquisition, the power of Congress is alike exclusive and sovereign; for by the very act of cession of a territory to the United States, all previous legislative power becomes extinct, and the sovereignty is transferred to the government that acquires. Indeed, a valuable acquisition might be made, when the government could acquire no title to property, and nothing but bare sovereignty.

I admit that this power, although exclusive, is not unlimited. It is not contended that Congress has authority to do in a territory what is prohibited by the constitution. It cannot deny the free exercise of religion, nor abridge the freedom of speech, nor grant titles of nobility, nor rightfully do any thing which would disqualify a territory from becoming a State, thereby defeating the purpose for which the power was given.

It is, however, the sovereign power. The act establishing a territorial government is a full and explicit exercise of sovereignty. Political privileges are conferred and civil rights determined and secured. The right of representation in a legislative council or assembly; the qualification of members and electors; regulations in regard to the descent and conveyance of property; laws for the protection of persons and property, and for the punishment of crime; the right of trial by jury, and the benefit of the writ of *habeas corpus*—these may be found contained in the bills for the organization of territorial governments, which Congress has passed at different times. As an incident to the general legislative power over a territory, Congress can judge what laws are necessary and proper for its government, subject to the restrictions of the constitution. It follows from these positions, as an inevitable consequence, that this power extends to the subject of slavery as a domestic institution, or Congress can regulate, control, or exclude it, as shall be deemed most conducive or necessary to the general welfare. No one can point to any provision of the constitution which restricts Congress from so doing. It is the regulation of a subject which pertains to local legislation—in a State, to its legislature; in a territory, to Congress—which has the sole power of local legislation there.

Citizens of the States who remove into a territory, become subject, with their property, to its laws. They cannot carry with them the municipal regulations and different and conflicting codes of their respective States, and substitute them for these laws.—The prohibition is no denial of the right to share in the common property; it is merely the regulation of the mode of enjoying it; and it can be enjoyed alike by the North and the South, subject to this regulation. Nor is it a violation of the equal rights of the citizens of each and every State. They all stand on terms of exact equality, and the same prohibition applies to the citizens of every State of the Union, and the same privileges are extended to all.

I will now refer, sir, to some of the many acts of Congress, for the purpose of exhibiting the extent of its power over the territories by legislative precedents. Without reading the authorities this evening, I will cite—

The ordinance for the government of the northwest territory, adopted under the confederation in 1787.

The act of 1789, confirming and giving effect to the ordinance.

The act of 1810, establishing a territorial government for Indiana, and embracing the provisions of the ordinance.

The act of 1805, doing the same in regard to Michigan.

The act of 1809, doing the same in regard to Illinois.

The acts of 1836, and 1838, giving governments to Wisconsin and Iowa.

To the act of March 6, 1820, providing for the admission of Missouri into the Union as a State, and containing a section by which slavery was prohibited in all that part of the Louisiana purchase, excepting that State, which was north of 36° 30′ north latitude.

To the act of 1804, dividing Louisiana into two territories, and providing for their government.

In this act there were provisions in respect to slavery, which fully and emphatically recognized the power of Congress over that subject in a territory.

The importation of slaves from any place without the limits of the United States was prohibited. This was the assertion of a power in respect to territories which Congress did not then, and would not for four years, possess in respect to the States. Sec. 9, art. 1, of the constitution provides that—

[redacted]

year one thousand eight hundred and eight."

Not only so, but this act also contained prohibitions against the admission of slaves from any place within the limits of the United States, excepting in certain specified cases.

I forbear further references, as no multiplication of them can give any additional force to the arguments derived from this source. It is sufficient to say, that the precedents are numerous and uniform, and extend through a period of more than half a century.

The rightful exercise of this power has been sanctioned and confirmed by the expositions of the most learned jurists and the authority of our highest courts.

Story on the Constitution says:

[redacted]

In Rawle on the Constitution, page 237, the principle is asserted, that "a general jurisdiction appertains to the United States over ceded territory."

In 1 Peters, 542, the American Insurance Company vs. Canter. Chief Justice Marshall says:

[redacted]

the inevitable consequence of the right to acquire territory. Whichever may be the [redacted]

I will also refer to the case of the Cherokee Nation vs. the State of Georgia, 5 Peters, 44, in which the court says, in reference to art. 4, sec. 3 of the constitution:

"The power given in this clause is of the most plenary kind. Rules and regulations respecting the territory of the United States; they necessarily confer complete jurisdiction. It was necessary to confer it without limitation, to enable the new government to redeem the pledge given to the old in relation to the formation and powers of the new States."

I have briefly considered the subject of the power of Congress over the territories, and referred to legislative precedents and judicial interpretations respecting it, as I deemed it to be the foundation upon which some of the strong objections to this bill will be found to rest; for, the power being admitted, it is believed that it could be fairly and appropriately exercised in a bill establishing governments for these territories.

And, sir, is it not strange, that at this day in the history of our country, this power should be gravely called in question? Can we forget that it was asserted under the confederation? That it was not denied by the constitution when adopted subsequent to this assertion? That it has been exercised at different periods, by different Congresses, under nearly every administration, from the origin of our government to the present time? That it has been recognized by Washington, by Adams, by Jefferson, by Madison, of the fathers of the constitution, and by others of the great men who have commanded the confidence of their fellow-citizens, and been elevated by them to the highest trusts in their power to bestow.

I have so profound a respect for the authority of these wise and great men, thus sanctioned by judicial decisions and the practice of the government for more than half a century, that I do not feel authorized to substitute a new construction of the constitution in opposition to them, and to my own convictions of the true interpretation of that instrument.

I forbear to detain the Senate any longer; for I do not propose at this hour to go into the consideration of the moral, social, and political aspects of the institution to which reference has been made.

Before I sit down, I feel constrained, Mr. President, to notice an allusion of the honorable Senator from Georgia, [Mr. JOHNSON,] in the speech, which he addressed to the Senate some days ago. I refer to his intimation, that the action of the South upon the Presidential question, would probably be influenced by the action here, of the friends of a certain distinguished candidate for the Presidency, upon the subject now before the Senate. It is not my intention to discuss political topics in my brief remarks upon this bill; and I will only so far reply to the intimation of the honorable Senator, as to say, that the distinguished individual to whom he alludes—a statesman of great experience, profound knowledge, and devoted patriotism, has been presented, to the country by a great *National Party* as a NATIONAL CANDIDATE

for the Presidency. *As such*, he will be supported by the democracy of the North, and I will add, no where more cordially, more efficiently, than by the glorious and united democracy of Maine; and as such, he is entitled to the support of the democracy of the South. Let him receive, as I doubt not, he will, the united support of South and North, *on national considerations*, and as the exponent of *the principles of the democracy of the Union*, and the sectional organizations, so dangerous, so much to be deprecated, and portentous of evil, to which the Senator refers, will be dissolved.

Were it possible, for our Southern friends to falter or desert him, because of his residence in a Northern State, (a contingency not to be apprehended, or named except by way of hypothesis) to give their support to an opponent whose principles are unknown, and qualifications distrusted, and who can be recommended to them only by his locality, it would shake, to its centre, confidence in their fidelity, and *aid disaffection*, to fan into a flame the fires that it is attempting to kindle in a portion of the Union.

Mr. UNDERWOOD moved that the Senate adjourn; and, the yeas and nays being ordered, it was determined in the negative as follows:

YEAS—Messrs. Badger, Baldwin, Bates, Brown, Bell of Mass., Dayton, Dix, Greene, Johnson of Maryland, Metcalfe, Miller, New, Pearce, Spruance, and Underwood—15.

NAYS—Messrs. Allen, Atchison, Atherton, Benton, Bradbury, Breese, Bright, Butler, Cameron, Clarke, Bell of Tenn., Davis, Dickinson, Dodge, Douglas, Downs, Fitch, Fitzgerald, Hale, Hamlin, Houston, Johnson of Georgia, Jones, Mason, Rusk, Sebastian, Shields, Sturgeon, Turney, Walker, Westcott, and Yulee—32.

Mr. BORLAND addressed the Senate in favor of the bill. His speech will appear in the Appendix.

Mr. BALDWIN. Mr. President: I regret the necessity which compels me at this unseasonable hour to enter upon the discussion of the bill before the Senate. But I cannot consent that a measure of such vital interest, and fraught with consequences so deeply affecting the honor and future destiny of this nation shall be adopted without at least an effort on my part to arrest its progress. Hopeless, though that effort may be, a sense of duty impels me to make it.

I have already taken occasion to express to the Senate my views of the injustice done to the people of Oregon by uniting in the bill for their territorial organization the entirely dissimilar provisions proposed for the government of New Mexico and California. If our title to Oregon was derived, as asserted by Mr. Clay in his report on the land bill in 1832, and as the honorable Senator from South Carolina, [Mr. CALHOUN,] has maintained, from the Louisiana cession, then its territory is free by the very terms of the Missouri compromise act of 1820. Pursuant to that compromise which extended only to the territories then belonging to the United States Missouri and Arkansas, have come into the Union as slaveholding States. Florida has since been added, at an expense, including the Indian war for its protection, of more than forty millions of dollars; and Texas at a cost of more than one hundred millions; while not a single free State has yet been represented in the Senate from any territory acquired since the adoption of the constitution. Though their population exceeds by more than four millions the population of the slave States, the territory comprised within their limits is less, by nearly one-half, in extent. Is it not, then, manifestly unjust to the free laborers of the country, who may desire to emigrate, as well as to the people of Oregon themselves, to deprive them of the benefit of a territorial organization, with the prohibition of slavery, unless on condition that, in the same bill, a form of government shall be imposed on New Mexico and California, which may fasten upon a reluctant people, and upon the free territory they occupy, the curse of slavery for all future time?

But the Senate have refused to separate them, and I will therefore proceed, as briefly as may be, to examine the principles of the bill as applicable to each of these territories.

1. As to Oregon. The bill provides for the establishment of a territorial legislature, consisting of two branches, to be elected by the people; and gives validity to the existing laws of the provisional government, for a period of three months after the organization of the legislature, when they will expire unless re enacted. The fundamental law which now prohibits slavery in the territory, will then cease to have force, unless both branches of the legislature shall concur in its renewal. If seven out of the thirteen individuals who will constitute one branch of the legislature, should be opposed to the prohibition, the law expires, and the door is open for the entrance of slavery throughout the whole extent of the territory. Slave-labor under the high latitude of Oregon, or higher latitude, correspond very nearly with those of Kentucky and Missouri. The principle assumed by the committee in regard to the exclusion or admission of slavery in Oregon, appears to be the same that was suggested by General Cass in his Nicholson letter, which has been so extensively repudiated both at the North and at the South.

It substitutes the will of the territorial legislature for that of Congress. But, surely, if Congress has power in the organization of a territory to confer authority on the territorial legislature to prohibit slavery, it has the power to do so directly by its own legislation. The argument which would deprive Congress of the power to prohibit slavery, because the public domain is a trust for the common benefit, would equally prevent legislation by a territorial government, or the organization of a State with the power of prohibition. It would require of every new State a provision that no law should be passed to prevent purchasers of the public domain within its limits, from settling on it with their slaves, and holding them there in servitude.

The bill reported by the committee concedes the power to be in Congress, but transfers it, after three months, to the territorial legislature. This is unwise. If the power exists, it can be exercised much more efficiently by Congress. And we ought to be governed in this matter by great public considerations, and not suffer the national policy we approve to be exposed to the hazard of defeat by capricious local legislation. A large portion of the inhabitants of Oregon are emigrants from Kentucky and Missouri, who, however desirous they may be of preventing the introduction of slavery into the territory, may find it difficult to resist the pressure from their friends and relatives in those States. It ought, therefore, in my opinion, to be prohibited by Congress, in accordance with the wise policy of our fathers, in the ordinance of 1787, as well as with the letter and spirit of the 8th section of the act for the admission of Missouri.

There is another feature of the bill in regard to Oregon, which strikes me as extraordinary and objectionable in this connexion. I allude to the clause which prescribes a qualification of color for the electors at the first election, thereby excluding from the right of suffrage, or of holding seats in the legislature, a large portion of the population of the territory, who, by their own organic laws, are entitled to that privilege. Why are they thus excluded from their unquestioned privilege? Why are the free colored citizens of the New England States prevented from going into the territory on an equal footing with the other inhabitants? Is the principle of equality of rights only in force between the white inhabitants of the slaveholding and non-slaveholding States, or does it apply equally to all citizens, between whom the constitution of the United States makes no invidious distinction? A colored citizen of Massachusetts enjoys in that State a perfect equality of political rights, and is eligible, equally with every other citizen, to the highest positions in the State and national government. On what principle, then, can Congress undertake to exclude him from voting in Oregon? He would probably be less likely than a white man from a slave State to concur in a repeal of the law prohibiting slavery in the territory. But that surely can furnish no just ground of exclusion.

2. In regard to New Mexico and California, the bill is still more objectionable. The people of those territories have passed unwillingly under our dominion. As departments of the Mexican republic, they had a legislature of their own, and enjoyed the privilege of self government—a privilege, of which it would be manifestly unjust, and in violation of every principle of republicanism to deprive them. While the treaty with Mexico was under consideration, a large minority of the Senate expressed by their votes the opinion that we could not rightfully acquire dominion over these territories, without the free assent of the people to the transfer. They are to a great extent a colored population, all of whom by the terms of the treaty are entitled to be become citizens of the United States, with the rights, privileges, and immunities of citizens. Slavery could not be introduced among such a people, without being accompanied by those police regulations everywhere attendant on the system, which must necessarily degrade them from their present position. They ought, therefore, to be secured against its introduction, so far as Congress has the power to effect it.

When General Kearney was sent out on his expedition of conquest to New Mexico and California, he was authorized by the Executive to assure the inhabitants "that it was the wish and the design of the United States to provide for them a free government, with the least possible delay similar to that which exists in our territories;" "and that they would then be called to exercise the rights of freemen in electing their own representatives to the territorial legislature." [Secretary Marcy to General Kearney, June 3, 1846.] In precise conformity to these instructions from the Executive, on the 22d of August, 1846, he issued at Santa Fe his proclamation, announcing it to be the intention of the United States to provide for New Mexico a free government, with the least possible delay similar to those in the United States; and that the people of New Mexico would then be called on to exercise the rights of freemen in electing their own representatives to the territorial legislature; and that until that could be done, the laws hitherto in existence would be continued until changed or modified by competent authority. House doc. 19, 2d sess., 29 Cong., p. 21.

On the same day General Kearney wrote from Santa Fe to General Wool, that without spilling a drop of blood, he had taken possession of that city. "The people now understand", he added, "that by conquest they are to derive from a change of government and are much gratified with it."

Did they understand that slavery was to be established in their territory? No, sir. The Mexican commissioners in their negotiations with Mr. Trist, informed him—

[illegible]

Similar instructions to those given to General Kearney were sent by Mr. Bancroft, the Secretary of the Navy, to Commodore Sloat, then in command of the naval forces of the United States on the coast of California.

Why, then, are these people to be deprived, in violation of these solemn pledges, of the right of self-government, which they have exercised for a quarter of a century, and to be subjected to the despotic government of men in whose election they have no voice? Is it republican? Is it just? Will it tend to promote the cause of

freedom? or will it not rather inevitably result in establishing slavery there? I firmly believe it, and am therefore opposed to the bill.

Theoretically, sir, I concur with my honorable friend from Vermont [Mr. PHELPS] in the views he has so ably presented of the legal principles which have been brought into discussion. And I fully appreciate the motives that have influenced him in withholding his assent and support to the provisions of this bill. It is the existing law, slavery is prohibited in New Mexico and California, and if that law will remain in force after the passage of this bill, unaffected by its provisions, I have no doubt of the correctness of the legal inference that no person who may be voluntarily carried there can be lawfully held as a slave. In the language of Judge Bronson, of the Supreme Court of New York,

> master and slave does not exist by the law of nature, nor has the claim of the master, like the right to property in general, been recognized by all civilized communities. Slavery cannot exist when there is no positive law to uphold it. It is not necessary that it should be forbidden. It is enough that it is not specially authorized. If the owner of slaves removes with, or sends them into any country, State, or territory where slavery does not exist by law, they will from that moment become freemen." In the celebrated case of Forbes vs. Cochrane, reported in 2 Barn and Cress's, 463, the court of King's bench say:

> "The right to [illegible] has been founded not on the [illegible] but on the law of nations and the comity [illegible] gets out of the power of the master, or comes within the power of another, without any demand or claim by the master, who has ceased from any act of ownership or exercise of authority, or any intention to continue. The moment a foreign slave puts his foot upon our territory or breathes our air, he becomes entitled to all the rights and liberties of a free subject, and to the protection of the local law which held him in slavery against the law of nature has lost its force."

The decision of Chief Justice Shaw, liberating on *habeas corpus*, Lucas, a slave who had been put by his master on board of a government ship in Virginia, which touched at Boston in the course of her voyage, was founded on similar principles. 7 Law Reporter.

But, sir, while I assent fully to these principles, the honorable Senator from Georgia [Mr. BERRIEN], and other eminent and great legal acumen, have maintained with a zeal that leaves no doubt of their sincerity, that the Mexican laws, so far as they prohibit slavery, will not continue in force, but that the constitution of the United States, will accompany the slaveholder, as a panoply for his protection, and override and destroy them.

I confess, sir, I should be much better satisfied with the bill if it contained, as in the case of Louisiana, and Florida, and the District of Columbia, and in every other cession ever made to the government, an express provision that the existing laws shall remain in force until they are repealed; and better still, if the judges, by whom the government is to be administered, were prohibited in direct terms from repealing the law forbidding slavery in those territories. I do not like the guarded phraseology by which their power of legislation is restricted. "They shall have no power to pass any laws respecting an establishment of religion, or respecting slavery" as it now stands, but as it is proposed by the friends of the bill to be amended, "respecting the admission or prohibition of slavery."

Now, as Congress have no power by the constitution of the United States to pass any law "respecting an establishment of religion," is there not reason to apprehend, from the similarity of the expression used in regard to the inhibition of legislation "respecting slavery," that it will be urged hereafter as a recognition of the claim that the same want of power in Congress exists in the one case as in the other?

As the bill contains no express provision for the continuance in force of the existing laws, if they do in fact so continue it will be, not by their own inherent force, but by the implied assent of the government which has succeeded to the dominion. "*Qui non prohibet, cum prohibere possit, jubet.*" But if that government has in any manner indicated its will, that particular laws shall not continue, the implication ceases; and they will no longer have force. The Mexican government had a religious establishment. The constitution declares that Congress shall make no law respecting an establishment of religion. Congress, in communicating legislative powers to the territorial judges, imposes the same restraint on them. They would consequently have no power to assent to the continuance of the Mexican law on that subject, since that would be equivalent to its re-enactment. The Mexican religious establishment must therefore cease. Now, when, in the same connexion, the power of legislating "respecting slavery" is also withheld, may it not be plausibly, if not strongly argued, that the Mexican laws on that subject, also, will cease, because no assent to their continuance can any longer be implied?

I should be glad to hear such a construction disclaimed by all the members of the committee; the more so, as the argument is certainly somewhat countenanced by the case of Permoli vs. The First municipality of New Orleans, in the 3d of Howard's Rep. 610. The same reason exists for the implied continuance of the fundamental and other territorial laws, after the formation of a State government to which the jurisdiction is transferred, as in the case of a cession from one sovereignty to another. Yet, in the case referred to, it was decided by the Supreme Court, that the provision of the ordinance of 1787, "that no person demeaning himself in a peaceable manner shall ever be molested on account of his mode of worship or religious sentiments in the said territory," which was operative in Louisiana during the territorial government, "had no further force after the adoption of the State constitution, than other acts organizing in part the territorial government of Orleans, and standing in connexion with the ordinance of 1787." "So far," says Judge Catron in delivering the opinion of the court, "as they conferred political rights and secured civil and religious liberties, (which are political rights,) the laws of Congress were abrogated by the State constitution as to those and personal freedom secured, while all not provided for by the constitution remained in force and preserved their original validity. Such was the principle which is universal, and governed in the case of Louisiana as to the other restriction to give to the other restriction the construction which will be claimed. It was regretted that the convention [illegible] able to [illegible] to the existing laws in New Mexico and California on the subject of slavery; and whether or not any changes have been made or attempted in those laws, under the governments organized by the direction of the President since the conquest and military occupation of the territories by the United States.

But whatever may be said of the Mexican laws in relation to slavery, and however true in theory it may be, that slavery cannot exist where there is no positive law to establish and protect it, should this bill be adopted, there would be no practical mode of preventing its introduction. The result would, in my opinion, inevitably be, what indeed the chairman of the committee of compromise, [Mr. CLAYTON,] frankly stated in respect to accepting the bill to the Senate:

> [illegible]

For my part, sir, I know of no territory, and should be unwilling to acquire that any exists or can exist in the power, as now inhabited by man, where he must be reduced to the condition of a slave to enable his lord to retain him. I do not, however, say that there are regions of large extent in New Mexico and California, if not in Oregon also, where slavery will certainly be introduced, unless directly prohibited by law.

A king [illegible] and [illegible] [illegible] king could appoint his bishops and judges, he could have what religion and law he liked. By the bill reported by the committee, Mr. Polk, a slaveholding President, is to appoint the law-makers and judges for these territories; and, with the known sympathies of the President, can any one doubt from what class of our citizens the appointments will be made? And what security, I ask, would there be for a slave who should seek his freedom by an appeal to territorial judges, holding their own slaves by the very same tenure that his master holds him in servitude? Does any man, who has made human nature his study, believe that there would be any very great solicitude to put this poor slave in the way of settling this great constitutional question, as it is called, which the American Congress are afraid to touch, and therefore commit to his charge? He would, as my friend from New Jersey has already suggested, get his case into the Supreme Court about as soon as the free colored citizens of Massachusetts, imprisoned in the goals of South Carolina for coming there to enjoy "the rights, privileges, and immunities" secured to the citizens of every State by the constitution, have been able to get their cases before that high tribunal.

Sir, if Massachusetts, and her distinguished commissioner whom she sent to provide for the protection of her own citizens, were foiled in the attempt, does any Senator seriously believe that a poor friendless slave, three thousand miles from this capitol, in the in the interior of New Mexico or California, would be able to present his case to the Supreme Court for decision?

But even if your laws had made adequate provision—which they have not—to secure to him the benefit of such a resort, would it be a proper or a dignified course for the American Congress to pursue, to leave this great question of national policy to be settled in this way, through the instrumentality of a slave? Is it expedient for us to throw off the responsibility of legislative action, and impose on the judicial tribunals the decision of an exciting political question of a sectional character, deeply affecting the prosperity of the extensive regions of which we have acquired the dominion?

Sir, I entertain feelings of the highest respect for the Supreme Court of the United States. The people have long been accustomed to regard it with feelings of profound veneration and confidence. I trust the time will never arrive when that confidence will be impaired or shaken. But does not every Senator perceive that the inevitable consequence of the passage of this bill will be to cause the appointments of the judges hereafter to be made with reference to the opinions of the candidates on this question? And thus, by making the court sectional in its very organization, to impair the confidence of the people in its impartiality? Nay, is it not apparent that the power of appointing the judges will enter as an element of discord into every Presidential election?

Again: Suppose the question fairly presented to that august tribunal for its decision, and that the court, in accordance with the recorded opinions of Mr. Monroe and his Cabinet, and with the action of Congress on the Missouri compromise, should decide—as I doubt not they would—that Congress have the same power to prohibit slavery in the territories as to pass any other law which

the policy of the nation may require for their government. When the poor slave, who has come up to the Capitol to test this great constitutional question, which it is proposed by this bill to send in advance to the Supreme Court for its decision, in the moment of his triumph is beginning to exult in the anticipated realization of his dreams of liberty, what will he be told? True, Congress have a right, it will then be said, to prohibit slavery in the territories, but leave they done so? So far from it, they have not only abstained, themselves, from the exercise of the power, but have positively forbidden the territorial government they have established to legislate at all on the subject. If Congress, being in the full possession of the power, had desired to exercise it, they would surely have done so, and the Supreme Court would then be called on to decide, not whether a law prohibiting slavery would be effectual to exclude it from the territory, but whether the absence of any law on the subject, and an absolute prohibition to pass any, would have that effect. This is a question on which the views of northern and southern lawyers, as expressed on the floor of the Senate, have, *toto cœlo*, differed. It is a question which, believing as I do, that we have the power of exclusion, I am unwilling to leave in doubt, as to the intentions of Congress. The question, whether slavery shall exist or not in these territories, is one which eminently belongs to the legislative department of the government in the first instance to decide.

On that question, as a question of national policy and justice, I have already had the honor to address the Senate. What I then said it is not my intention now to repeat.

Sir, I do not believe it to be the interest or the desire of the mass of the population of the southern States to have slavery extended to New Mexico and California. The free laborers of the South as well as of the North have need of a territory to which they may emigrate, with the assurance that they and their families will forever be exempt from the evils of slavery. These opinions, I am well assured, are prevalent among the people of Western Virginia, North Carolina, and Kentucky. They prevail, if I mistake not, to a considerable extent also in Missouri and Tennessee. If slavery is extended to these territories, the free laborers of the South as well as of the North are entirely excluded. To those who desire to emigrate with their slaves, immense and fertile regions where slavery now exists are already open, to an extent sufficient for their wants for a century to come.

Under these circumstances, then, sir, while the territories are yet free, it is, in my opinion, the imperative duty of Congress to settle the question now and forever in regard to their future destiny. The responsibility rests on us. We cannot avoid it if we would. Justice to our constituents and to all who may be affected by our action, requires that we should meet it promptly. And I have that confidence in the patriotism of the people of the southern States, to whom so much has already been conceded, that I entertain no fears of disunion as the result of any legislation we may adopt for the exclusion of slavery from these territories. Politicians, representing the capitalists of the South, may continue to cry "give, give!" but I am mistaken if the people of the southern States, as they calmly survey the costly acquisitions of slave territory already made, and contemplate the future results of this policy, will not be ready to exclaim, "It is enough!"

Mr. NILES took the floor, and after a few remarks, moved that the Senate adjourn; and, the yeas and nays being ordered, it was determined in the negative as follows:

YEAS—Messrs. Bayly, Baldwin, Dix, Dodge, Johnson of Maryland, Mallory, Niles, Pratt, Sprague, Underwood, and Yulee—11.

NAYS—Messrs. Allen, Atchison, Atherton, Badger, Barrow, Berrien, Borland, Butler, Clarke, Cooper, Davis of Massachusetts, Dickinson, Downs, Felch, Fitzgerald, Foote, Hale, Hamlin, Hunegan, Houston, King, Lewis, Mason, Miller, Phelps, Rusk, Sebastian, Sturgeon, Thomas, Upham, Walker, Westcott, and Wales—29.

Mr. NILES then proceeded with his remarks, and after speaking for about an hour moved that the Senate adjourn; and, the yeas and nays being ordered, it was determined in the negative as follows:

YEAS—Messrs. Baldwin, Dix, Niles, and Upham—4.

NAYS—Messrs. Allen, Atherton, Badger, Barrow, Borland, Berrien, Bright, Butler, Clarke, Cooper, Dayton, Davis of Massachusetts, Dickinson, Dodge, Douglas, Downs, Felch, Fitzgerald, Foote, Greene, Hale, Hamlin, Hunegan, Houston, King, Lewis, Mason, Miller, Phelps, Rusk, Sebastian, Sturgeon, Thomas, Underwood, Walker, Westcott, and Wales—29.

Mr. NILES then resumed and concluded his remarks in about one hour and a half.

Mr. ATCHISON.—I shall detain the Senate but a very few moments at this late, or rather early hour, for we are informed by the Senator from Mississippi in his classical language, that "Aurora has made her appearance in the Heavens." I have more respect for myself, and for the Senate, than to detain them under existing circumstances, for one moment longer than is absolutely necessary, in order to explain my position in reference to this question; a question that has been thoroughly debated in all its phases for the last four years. This committee, it is known to all, was raised for a special purpose, to wit, to take into consideration, and report, if possible, a bill to organize territorial governments for Oregon, California, and New Mexico. This duty has been discharged. The committee has reported a bill, and I will venture to say, that there would have been no exception taken to the bill, but for the incidental question of slavery. The first subject which occupied the attention of the committee was, in what manner this question should be settled. The Missouri compromise was proposed, or rather it was proposed that the spirit of the Missouri compromise should be a rule of action, governing the committee in its report. If I mistake not, upon this proposition the vote was five to three. The question then arose, in what manner the Missouri compromise should be applied to this question. The Senator from Indiana suggested that it should be enforced according to its strict terms, that is to exclude slavery from all the territory north of 36° 30′; and it was considered to be nothing more than just and right, and in strict accordance with the Missouri compromise, that there should be some guarantee that the institution of slavery should exist south of that line, and this guarantee we considered was secured by the amendment of the Senator from Kentucky. I myself was willing to accept the proposition of the Senator from Indiana, that the people inhabiting the territories south of that parallel of latitude, when they applied for admission as States into the Union, should decide the question for themselves. I was willing to accept the proposition of the Senator from Kentucky, and I believe it was regarded as proper by all the members of the committee from the slave States. The Missouri compromise, however, was not conceded to us in the committee, and I venture to say, that the spirit of that compromise will not be conceded to us in the Senate. Then, sir, what could we do, when every proposition that was presented had been rejected, it being considered necessary that we should report some bill, which would be entitled to receive some consideration at the hands of the Senate? There were but two courses for us to pursue. One was to report to the Senate that we could not agree upon any proposition, and asked to be discharged from the further consideration of the matter that had been referred to us. The other was to leave the question where we found it, and to submit to the Senate simply a measure regarding the territorial governments of Oregon, California, and New Mexico, in order that this government might, at all events, discharge the high and holy duty which it owes to its citizens in those territories. Is there a gentleman who will have the hardihood to deny, that it is the first and highest duty of the government to her citizens, wherever they may be, to give them a government and laws. Whatever difference of opinion there may be between northern and southern men upon this question of slavery, such a measure could not affect their rights nor their interests. Sir, I hold that where a government refuses protection to its citizens, it releases those citizens from their allegiance. Under this view of the case, if this government refuse to establish a territorial government for the territory of Oregon, I hold, that if the citizens of that territory should declare their independence, they would be perfectly justified in doing so. For six long years have our citizens in that territory been without law, and here let me remark, that whatever difference of opinion there may be between southern gentlemen and myself on this subject, I have ever been willing from the hour that two hundred citizens planted their feet on the soil of Oregon, to give them a government and laws, either with or without slavery. I believe I was the first to introduce a bill into this body for establishing a territorial government in Oregon, and in that bill I incorporated the ordinance of 1787; and for years I heard no objection to it on that score. There were other objections to the bill, but none on account of its containing the ordinance. This bill permits the people of Oregon to decide for themselves, whether they will or will not have the institution of slavery.

As to California and New Mexico, it presents another question. I was willing originally to abide by the principles of the Missouri compromise, and to extend the line of that compromise to the Pacific ocean; and that from territory thereafter to be acquired, slavery should be excluded. I was unwilling, for one, that the joint property of all the States should be devoted to the use and benefit of the citizens of one-half the States. I was then, and am now, unwilling that territory acquired by the joint treasure and blood of the citizens of this Union should be devoted exclusively to the benefit of one portion of the Union. If I, in concert with other individuals, make a purchase of a tract of land, taking the title jointly, what is the ordinary course to be pursued in case we can not agree upon the terms of settlement and management of the property? It is to appeal to a competent tribunal to determine how it shall be managed, or else to make partition of the property. If it is not a proper subject for division, the property is sold and the proceeds divided. I had this case constantly in view that way. There is a partnership of some thirty States, by whom this territory has been jointly acquired, and there is a dispute in regard to the property, one portion of the proprietors declaring that the other shall not occupy it, if they carry with them a certain species of property. How are we to decide this matter? We cannot settle the dispute by making a fair partition of the territory; we must resort to some other means.

But, as I promised to be brief, I will now proceed to answer the objections urged by the Senator from Kentucky, and the Senator from Rhode Island. Neither of those Senators coincided with the rest of the committee in regard to the bill, but they expressed their willingness to receive all the light that could be thrown upon the subject, being anxious to settle the question upon terms that would be satisfactory to all. But if I understand the proposition of the Senator from Kentucky, it is infinitely worse for his constituents and for all the South, than the provisions of the bill as it stands. What does the Senator propose? He proposes that the governor and judges in California and New Mexico shall constitute one branch of the legislative department of the government; and that another branch shall be elected by the people; and that the legislative department shall be subject to certain restrictions—that they shall not grant charters of incorporation, nor legislate in relation to the public lands. In the first place let me state, that there

was no shadow of probability that any such proposition would be satisfactory to the Senate, for it would have been argued by northern men that the governor and judges who were to legislate for these territories would be appointed by a slaveholding President. And another objection that was urged against the proposition was that the people of Mexico were incapable of self-government, and therefore unfit to be entrusted with a participancy in the legislation for the territory. There seemed to be a perfect horror entertained by some gentlemen at the idea of admitting a man with Mexican blood in his veins to a seat upon the floor of this chamber. All these things were canvassed and discussed in the committee, and I am of opinion that no gentleman of the committee was in favor of the proposition save the mover. And suppose we had introduced such a bill, would it have met with favor from any quarter? I apprehend not. And suppose that we do nothing in relation to the question? Suppose this bill should be rejected, is not the question still open to agitation? I do not mean to say that you cannot settle it; but suppose slaves are taken to California, and the case is brought before the Supreme Court and decided against the South, it places in the hands of the North a great political weapon; and if decided the other way, it places the same weapon in the hands of the South. If this bill should pass, then, I cannot see that the agitation would cease; it would still be an open question. And to leave the people of the territories without law and without government, would be to prevent the settlement and growth of the territories. I hold, therefore, that it would be a wise policy, in case we cannot harmoniously unite upon some proposition for imposing of the slave question definitively, to pass a bill for the establishment of governments in the territories without reference to that question at all. Would it not be regarded by mankind as the highest degree of injustice, after having carried on a war for three years against a neighboring country, and acquired a territory from her containing a population of a hundred and fifty thousand souls, that we should leave them unprovided with laws for their government? I have listened diligently to all that has been said upon the subject, and so far as relates to the provisions of this bill, apart from the subject of slavery, I believe there is nothing contained in it that is antagonistical to the opinions of either party. We may as well, then, I think, pass the bill, and leave the question of slavery to be settled hereafter, for in doing so we shall only be performing an act of sheer justice to the people of these territories.

The debate was continued by Messrs. DICKINSON and BRIGHT, whose speeches will be given in the Appendix.

The question being taken upon the motion by Mr. HALE to amend the bill by striking out of section 5, lines one and two, the words "free white," and inserting after the words "act" in the 4th line—"and qualified to vote by the existing laws now in force in the territory of Oregon, under the protection of the provisional government established by the people thereof," it was determined in the negative as follows:

YEAS—Messrs. Baldwin, Benton, Clarke, Dix, of Massachusetts, Greene, Hale, Upham, ——.

NAYS—Messrs. Allen, Atchison, Atherton, Badger, Bell, Berrien, Borland, Bradbury, Breese, Bright, Butler, Calhoun, Clayton, Corwin, Davis, of Massachusetts, Dayton, Dickinson, Dix, Dodge, Douglas, Downs, Foote, Fitzgerald, Fremont, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson, of Georgia, King, Lewis, Mangum, Mason, Metcalfe, Miller, Niles, Rusk, Sebastian, Sturgeon, Turney, Underwood, Walker, Westcott, and Yulee—41.

So the amendment was not agreed to.

After further debate—

The question being taken upon the motion by Mr. CLARKE to amend the bill by inserting at the end of the 6th section, "provided however, that no law repealing the act of the provisional government of said territory, prohibiting slavery or involuntary servitude therein, shall be valid therein until the same shall be approved by Congress," it was determined in the negative as follows:

YEAS.—Messrs. Allen, Baldwin, Benton, Bradbury, Clarke, Corwin, Davis, of Massachusetts, Dayton, Dix, Dodge, Felch, Fitzgerald, Greene, Hale, Hamlin, Miller, Niles, Upham, and Walker.—17.

NAYS.—Messrs. Atchison, Atherton, Badger, Bell, Berrien, Borland, Breese, Bright, Butler, Calhoun, Clayton, Davis, of Miss., Dickinson, Douglas, Downs, Foote, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Georgia, King, Lewis, Mason, Metcalfe, Phelps, Rusk, Sebastian, Sturgeon, Underwood, Westcott, and Yulee—33.

So the amendment was not agreed to.

Mr. BALDWIN moved to amend the bill in the twenty-sixth section, by inserting after the word "slavery," in line 10, the following:

Or to repeal the laws which were in force in said territory when ceded to the republic of Mexico, prohibiting slavery or involuntary servitude, or any law securing the personal liberty of all the inhabitants thereof, but such laws, so far as they may not be incompatible with the constitution of the United States, shall remain in force until repealed by Congress."

The question being taken, the amendment was disagreed to.

After further debate—

The question being taken upon a motion by Mr. CLARKE to amend the bill in the 26th section, after the word "slavery," by inserting: "It being understood and declared that, at the time of the cession of the territories of New Mexico and California by Mexico to the United States, slavery and involuntary servitude had been abolished by the laws of Mexico, and did not exist therein; and that the laws now in said territory shall be and remain in full force until territorial legislatures shall be formed by Congress, with a charter to change or repeal the same," it was determined in the negative.

So the amendment was not agreed to.

After further debate—

The question being taken on the motion by Mr. JOHNSON, of Maryland, to amend the bill by inserting in section 24, at the end of line 38, the following:

it was determined in the affirmative, as follows:

YEAS—Messrs. Allen, Atchison, Atherton, Badger, Bell, Berrien, Borland, Bradbury, Breese, Bright, Butler, Calhoun, Clayton, Corwin, Davis, of Massachusetts, Dayton, Dickinson, Dix, Dodge, Downs, Foote, Fitzgerald, Greene, Hale, Hamlin, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson, of Georgia, King, Lewis, Mangum, Mason, Metcalfe, Miller, Niles, Phelps, Rusk, Sebastian, Sturgeon, Turney, Underwood, Upham, Walker, Westcott, and Yulee—41.

NAYS—Messrs. Atherton, Baldwin, Benton, Clarke, Davis, of Mississippi, Felch, Hannegan, Johnson of Georgia, Miller, Mason, Metcalfe, Upham, and Walker—12.

So the amendment was agreed to.

The question being taken upon the motion by Mr. WALKER, to amend the bill in the sixth section by striking out the words "nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents;" it was determined in the negative.

So the amendment was not agreed to.

After further debate—

The question being taken on the motion by Mr. BALDWIN, to amend the bill by inserting the following additional section:

ground that he is a slave held in servitude in said territory, said attorney shall cause the [illegible] give notice thereof to the Attorney General of the United States, who shall prosecute the [illegible] first term thereof."

it was determined in the negative, as follows:

YEAS—Messrs. Allen, Baldwin, Benton, Corwin, Dayton, Dix, Dodge, Felch, Greene, Hale, Hamlin, Miller, Niles, Upham, and Walker.—15.

NAYS.—Messrs. Atchison, Badger, Bell, Berrien, Borland, Bright, Butler, Calhoun, Clayton, Davis, of Mississippi, Dickinson, Foote, Hannegan, Houston, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, King, Lewis, Mangum, Mason, Metcalfe, Phelps, Rusk, Sebastian, Sturgeon, Turney, and Underwood.—31.

So the amendment was not agreed to.

The question being taken on the motion by Mr. HALE, to amend the bill by striking out section 12, line 6, after the word "act," the words "for three months after the first meeting of the legislature of the said territory," it was determined in the negative, as follows:

YEAS.—Messrs. Allen, Atherton, Baldwin, Benton, Bradbury, Clarke, Corwin, Davis, of Mass., Dayton, Dix, Dodge, Fitzgerald, Greene, Hale, Hamlin, Miller, Niles, Spruance, Upham, Walker, and Yulee.—21.

NAYS.—Messrs. Atchison, Badger, Bell, Berrien, Borland, Breese, Bright, Butler, Calhoun, Clayton, Davis, of Miss., Dickinson, Douglas, Downs, Foote, Hannegan, Houston, Hunter, Johnson, of Md., Johnson, of La., Johnson, of Ga., King, Lewis, Mangum, Mason, Metcalfe, Rusk, Sebastian, Sturgeon, Turney, Underwood, Westcott, and Yulee.—33.

So the amendment was not agreed to.

Mr. DAVIS, of Mass., moved to amend the bill by striking out the 12th section, and in lieu thereof inserting:

Sec. 12. And be it enacted, That all the provisions of the [illegible] ordinance of the 13th of July, 1787, in relation to the [illegible] slavery, except [illegible] "There shall be neither slavery nor involuntary servitude in the said territory otherwise than in punishment of crimes whereof the party shall have been duly convicted, and the [illegible]

Upon the question of agreeing to this amendment, the yeas and nays were ordered, and it was determined in the negative as follows:

YEAS.—Messrs. Allen, Atherton, Baldwin, Benton, Bradbury, Clarke, Corwin, Davis, of Massachusetts, Dayton, Dix, Dodge, Felch, Fitzgerald, Greene, Hale, Hamlin, Miller, Niles, Upham, and Walker.—21.

NAYS.—Messrs. Atchison, Badger, Bell, Berrien, Borland, Breese, Bright, Butler, Calhoun, Clayton, Davis, of Miss., Dickinson, Douglas, Downs, Foote, Hannegan, Houston, Johnson, of Md., Johnson, of La., Johnson, of Ga., King, Lewis, Mangum, Mason, Metcalfe, Rusk, Sebastian, Sturgeon, Turney, Underwood, Westcott, and Yulee.—33.

So the amendment was not agreed to.

No further amendments being proposed the bill was reported to the Senate, and the amendments were concurred in.

After further debate—

The question being taken on a motion by Mr. DAVIS, of Massachusetts, further to amend the bill, by inserting, next on 28, line 3, after the word "Mexico," "excluding said territory except Upper California," it was determined in the negative, as follows:

YEAS—Messrs. Baldwin, Clarke, Corwin, Dodge, of Massachusetts, Mahor, and Upham—5.

NAYS—Messrs. Allen, Atchison, Atherton, Badger, Bell, Benton, Bergen, Borland, Breese, Bright, Butler, Calhoun, Clayton, Davis, of Mississippi, Dickinson, Douglas, Downs, Foote, Hannegan, Houston, Johnson of Maryland, Johnson, of Louisiana, Johnson, of Georgia, King, Lewis, Mangum, Mason, Phelps, Rusk, Sebastian, Spruance, Stuart, Turney, Underwood, Walker, Wescott, and Yulee—44.

So the amendment was not agreed to.

After further debate—

On the question, "Shall this bill be engrossed and read a third time?"—

The yeas and nays were demanded and ordered, and it was determined in the affirmative as follows:

YEAS—Messrs. Atchison, Atherton, Benton, Berrien, Borland, Breese, Bright, Butler, Calhoun, Clayton, Davis, of Mississippi, Dickinson, Douglas, Downs, Foote, Hannegan, Houston, Johnson of Maryland, Johnson, of Louisiana, Johnson, of Georgia, King, Lewis, Mangum, Mason, Phelps, Rusk, Sebastian, Spruance, Stuart, Turney, Westcott, Yulee—33.

NAYS—Messrs. Allen, Badger, Baldwin, Bell, Bradbury, Clarke, Corwin, Davis, of Massachusetts, Dayton, Dix, Dodge, Felch, Fitzgerald, Greene, Hale, Hamlin, Metcalfe, Miller, Niles, Underwood, Upham, and Walker—22.

So it was

Ordered, That the bill be engrossed and read a third time.

The said bill was read a third time.

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

ADJOURNMENT OVER.

On motion by Mr. HANNEGAN, it was

Ordered, That when the Senate adjourn, it be to Friday next.

And at 53 minutes past 7 o'clock in the morning of Thursday, July 27,

The Senate adjourned.

FRIDAY, JULY 28, 1848.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: the House of Representatives have passed a resolution to amend the joint rules of the two Houses in relation to the business pending at the close of each session; in which they request the concurrence of the Senate.

They have passed a bill from the Senate for the payment of liquidated claims against Mexico, with an amendment; in which they request the concurrence of the Senate.

REPORTS FROM DEPARTMENTS.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Treasury, made in compliance with a resolution of the Senate, in relation to unexpended balances of former appropriations for surveys of public lands; which was read and referred to the Committee on Finance.

The VICE PRESIDENT laid before the Senate, a report of the Secretary of the Navy made in compliance with a resolution of the Senate, accompanied by returns of punishments in the Navy; which was read.

MEXICAN INDEMNITY.

The Senate proceeded to consider the amendment of the House of Representatives to the bill for the payment of liquidated claims against Mexico; and it was

Resolved, That they concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

SIGNING OF A BILL.

The VICE PRESIDENT signed the enrolled "bill making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes for the year ending the 30th June, 1849."

NAVAL APPROPRIATION BILL.

Mr. ATHERTON from the Committee on Finance, to whom was referred the amendments of the Senate, amended and disagreed to by the House of Representatives, to the bill making appropriations for the naval service for the year ending the 30th June, 1849, reported thereon.

The Senate proceeded to consider the said amendments; and it was

Resolved, That they recede from their first and second amendments, disagreed to by the House of Representatives, insist on their sixth, tenth, and nineteenth amendments, and ask a conference on the disagreeing votes of the two Houses.

Ordered, That Mr. ATHERTON, Mr. PHELPS, and Mr. YULEE be the committee of conference on the part of the Senate.

Ordered, That the Secretary notify the House of Representatives accordingly.

AMENDMENT OF THE RULES.

The Senate proceeded to consider the resolution from the House of Representatives to amend the joint rules of the two Houses; and after some discussion it was

Ordered, That it lie on the table.

OUTFIT TO THE COMMISSIONER TO THE SANDWICH ISLANDS.

Mr. FELCH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of allowing an outfit to the commissioner to the Sandwich Islands.

ALTERATION OF THE RULES.

The Senate proceeded to consider the resolution submitted by Mr. UNDERWOOD, the 20th instant, in relation to a new rule for conducting business in the Senate; and after some discussion—

On motion by Mr. BRIGHT, it was

Ordered, That it lie on the table.

PAY AND ALLOWANCES TO OFFICERS OF THE ARMY.

The Senate proceeded the consider of the resolution submitted by Mr. HALE, the 20th instant, in relation to payments to officers and others of the army; and the resolution was agreed to.

FREMONT'S EXPLORATION.

The Senate proceeded to consider the resolution submitted by Mr. BREESE, the 26th instant, for the appointment of a select committee to inquire into the expediency of providing for the publication of the results of the exploring expedition of J. C. Fremont to California and Oregon; and the resolution was agreed to.

It was, on motion of Mr. BREESE,

Ordered, That the committee be appointed by the Vice President, and

Mr. BREESE, Mr. BORLAND, Mr. CLARKE, Mr. DODGE, and Mr. METCALFE were accordingly appointed.

PRIVATE BILLS.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the bill granting a pension to Wm. Pittman, reported it without amendment.

Mr. MASON, from the Committee on Foreign Relations, to whom was referred the memorial of George L. Brent and Joseph Graham, submitted a report, accompanied by a bill for their relief.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

ADVERSE REPORTS.

Mr. BRIGHT, from the Committee on Revolutionary Claims, to whom was referred the memorial of Hayn M. Aaloman, submitted an adverse report; which was ordered to be printed.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the petition of Jedidah Gray, submitted an adverse report; which was ordered to be printed.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the petition of Amos Doreghty, submitted an adverse report; which was ordered to be printed.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the petition of John Beatty, submitted an adverse report; which was ordered to be printed.

PRIVATE BILL.

Mr. FOOTE, from the Committee on Private Land Claims, to whom was referred the memorial of Morgan McAfee, submitted a report, accompanied by a bill, for the relief of the heirs and legal representatives of Joseph McAfee, deceased.

The bill was read and passed to the second reading.

Ordered, That the report be printed.

NEBRASKA.

Mr. BORLAND, by unanimous consent, asked and obtained leave to bring in a bill to attach the territory of Nebraska to the surveying district of Arkansas; which was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

EXTRA PAY TO VOLUNTEERS, ETC.

Mr. BREESE, by unanimous consent, asked and obtained leave to bring in a resolution to provide for the speedy payment of the three months pay to the officers, non-commissioned officers, musicians, and privates, who have served in the late war with Mexico, the extra pay allowed them by the act of July 19th, 1848; which was read the first and second times by unanimous consent, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said resolution was read a third time by unanimous consent.

Resolved, That the House of Representatives be requested to return to the Senate the bill [illegible]

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

EXTRADITION TREATIES.

The bill giving effect to certain treaty stipulations between this and foreign governments, for apprehension and delivery up of certain offenders, was read the second and third time, and considered as in Committee of the Whole.

Mr. DAYTON referred to the existing treaties on the subject with Great Britain and France. A case had occurred under the former in which the fugitive was surrendered. A case had also occurred under the French treaty, in which Judge Betts, of New York, held a fugitive charged with forgery. By writ of habeas corpus, this case was brought to the United States Supreme Court, where it was refused to be considered, because Judge Betts heard the case in chambers, and the Supreme Court held it had no jurisdiction in the case. He stated that, under all the circumstances, this bill was reported, and he hoped it would be promptly passed.

Mr. HALE suggested that there was a defect in the bill, inasmuch as it brought citizens of the United States within the operation of the bill, and subjected them to be delivered up without form of trial. He had prepared an amendment, which he would move to introduce at the end of the bill.

Mr. DAYTON objected to the amendment as subjecting every criminal to a trial by jury before he shall be delivered up. If anything of this kind is desired, the treaty ought to be amended. We are bound to carry out treaties as they stand.

Mr. HALE said he looked on these extraditional treaties with jealousy, and he thought the Senate ought to do so, especially in such times as these, when we may expect enough business of this kind on our hands. Suppose an individual denies that he is the person designated, and that most difficult question—the question of identity—should arise, it ought to be settled before the person is delivered up. The object of his amendment was to give the person an opportunity to prove his innocence. He called on the Senate to be careful not to lessen the securities for personal freedom.

Mr. KING said that the Senator from New Hampshire had taken a wrong view of the matter. This bill did not touch political offences. As to American citizens being taken in foreign countries for crimes, there was no danger that any would be wrongfully claimed by our government. He stated the difficulties he had to encounter while in France in endeavoring to discover and arrest a fugitive from justice who had escaped into Switzerland. He was foiled in his efforts, and he then made a treaty with the Swiss government which will render such arrests easy hereafter. But we ought not to expect foreign governments to lend us facilities, if we do not show a disposition to reciprocate.

Mr. BUTLER suggested the propriety of showing a becoming comity towards other nations; all being alike interested in the arrest of criminals who are seeking to escape from justice. He objected to the amendment moved by the Senator from New Hampshire.

Mr. HALE made some remarks in defence of his proposition. Those around him seemed to think that he desired to make this country a rogue's harbor. Quite the reverse. It was only by a trial by jury that rogues were brought to punishment. He referred again to the difficulties which perplexed questions of identity, and to the ruinous consequences to an individual from a false imputation of crime.

Mr. BADGER thought that there was not only no good ground, but no reasonable apology for the indignant eloquence of the Senator from New Hampshire. His anger should have been directed against the treaty, not against the law which was necessary to carry it into operation. He stated that the treaties are especially guarded against including political offences. They had relation only to men who prey on society. He thought it might be well to amend the bill, by inserting after the words "according to the terms," the words, "and true intent," of the treaty. We do not undertake to try foreign criminals, but merely, on such evidence as would justify his committal here for trial, to deliver up the individual.

Mr. DAYTON defended the bill, and assured the Senator from New Hampshire that no act we could pass would take away from American citizens the constitutional right of a trial by jury.

The amendment was then negatived.

Mr. BALDWIN moved to amend the bill, by striking out the words "justice of peace," and inserting in lieu thereof the words, "Justice of the Supreme Court, and judge of a district court."

Mr. BUTLER said, he thought it unnecessary, but he had no particular objection to the amendment.

Mr. DAYTON said, that the language was in conformity with the treaty; but if his friend from Connecticut was tenacious about it, he had no objection.

The amendment was agreed to.

Mr. DAYTON modified the bill, by inserting the words "true intent and meaning," as suggested by the Senator from North Carolina, [Mr. BADGER.]

The bill was then reported to the Senate, and the amendments were concurred in.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time.

On the question "Shall this bill pass?" the yeas and nays were ordered, and it was determined in the affirmative, as follows:

YEAS—Messrs. Badger, Baldwin, Bell, Bernard, Berrien, Butler, Calhoun, Clarke, Clayton, Davis, of Massachusetts, Dayton, Dickerson, Dix, Downs, Felch, Fitzgerald, Foote, Hamlin, Houston, Johnson, of Louisiana, Johnson, of Georgia, King, Lewis, Mangum, Metcalfe, Miller, Phelps, Sebastian, Seymour, Sturgeon, Underwood, Upham and Walker—31.

NAYS—Messrs. Benton, Breese, Bright, Dodge, Hale, Jenness, and Rusk—7.

So it was

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

CHEROKEE CLAIMS.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution authorizing the proper accounting officers of the Treasury to make a just and fair settlement of the claims of the Cherokee nation of Indians, according to the principles established by the treaty of August, 1846.

Mr. BELL suggested to the Senator from Arkansas [Mr. SEBASTIAN] to withdraw the amendment he had submitted on a former day, as it involved a large amount of appropriation, and would, at this late period of the session, seriously embarrass the passage of the resolution. The joint resolution might be passed, with a provision referring it to the Secretary of War to examine and report to the next session of Congress.

Mr. SEBASTIAN consented to withdraw the amendment, and to renew it hereafter.

The CHAIR stated that the amendment had been agreed to by the Senate, but the Senate could refuse to concur in it.

Mr. BRADBURY made some remarks on the importance of the resolution as involving a large amount of money. He had objections to the reference of the settlement to one of the departments, and thought it would be better to keep the control of the subject in the hands of the Senate. The report of the Commissioner of Indian Affairs, it appears, had not been satisfactory; yet he [Mr. B.] had had no opportunity to examine that report.

Mr. BELL said he had proposed the change in the resolution for the purpose of obviating these objections. As to the examining all the accounts, that was the province of an executive officer rather than of the Senate. After the adjudication by the Commissioner, the amendment he now sent to the chair provided that he should report the same to the next session of Congress.

Mr. ALLEN made some observations against the course indicated in this resolution. He pronunced a high eulogy on the Commissioner of Indian Affairs, pronouncing him a moral man, whose connection with the government conferred greater honor on that government than on himself. He moved to lay the bill on the table, but withdrew it at the request of—

Mr. BELL, who denied having attacked Mr. Medill, and thought the eulogy of the Senator from Ohio entirely gratuitous. That gentleman was certainly no more than a subordinate officer of the government; and this was a case not only important on account of the amount of expenditure, but on account of the labor resulting from it. He had not charged that the report of the Commissioner was incorrect, but there had been opposition to it, and it was desirable that it should be properly investigated.

The amendment of Mr. BELL was then agreed to.

Mr. ALLEN moved to lay the resolution on the table · Ayes 9, Nays 15.

There being no quorum, the motion was withdrawn.

The resolution was then reported to the Senate, and the amendments were concurred in.

On the question "Shall this resolution be engrossed and read a time?"—the yeas and nays were ordered, and it was determined in the affirmative, as follows:

YEAS—Messrs. Anderson, Badger, Baldwin, Bell, Benton, Bingham, Berrien, Butler, Clarke, Dayton, Downs, Felch, Harrington, Jameson, Lewis, Mangum, Mason, Morehead, Niles, Phelps, Rusk, Sebastian, Seymour, Underwood, Upham and Yulee—26.

NAYS—Messrs. Allen, Atherton, Bradbury, Breese, Bright, Davis of Mississippi, Dickinson, Dodge, Foote, Fitzgerald, Hamlin, Simpson, Turney, and Walker—14.

So it was

Ordered, That this resolution be engrossed and read a third time.

The said resolution was read a third time.

Resolved, That this resolution pass, and that the title thereof be aforesaid.

Ordered, That the Secretary notify the House of Representatives accordingly.

JUDICIAL POWERS TO MINISTERS AND CONSULS.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to carry into effect certain provisions in the treaties between the United States and China, and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United States in those countries; and, having been amended by the adoption of a substitute heretofore proposed by Mr. DANIS, of Massachusetts, it was reported to the Senate, and the amendments were concurred in.

Ordered, That it be engrossed and read a third time.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

REVOLUTIONARY WIDOWS.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of certain surviving widows of the

revolutionary war; and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed a bill for the relief of Peter Sheller, in which they request the concurrence of the Senate.

They insist on their amendments disagreed to by the Senate to the bill renewing certain naval pensions for the term of five years, and extending the benefit of existing laws respecting naval pensions to engineers, firemen, coal heavers, in the navy, and to their widows; ask a conference on their disagreeing votes of the two Houses, and have appointed a committee of conference on their part.

ADJOURNMENT RESOLUTION.

On motion by Mr. HANNEGAN, the Senate proceeded to the consideration of the joint resolution from the House of Representatives fixing the 7th day of August for the adjournment.

Mr. BREESE moved to strike out the 7th and insert the 14th.

Mr. HANNEGAN and Mr. CALHOUN thought the business could all be done by the 7th. There was now nothing to be gained by sitting longer.

Mr. FOOTE said he was not willing to go away and leave the country in danger, as he thought it was.

Mr. DOWNS thought that another week would be required to get through the necessary business. He would therefore prefer the 14th. He would not consent to take another step on the subject of a compromise.

Mr. DOUGLAS would not be willing to adjourn and to leave the territories without law. The general appropriation bill, and other important bills have to be acted on. A bill for a territorial government in Minesota had been reported early in the session, and this ought to be acted on. The government has ordered troops there to prevent collision with Indians. He did not see why we should adjourn because the Senate has been thwarted in one of its measures. If we adjourn without establishing the territorial governments, we shall be responsible for the blood of men, women, and children, which will be shed.

Mr. BENTON regretted that this resolution had been called up. He was opposed to fixing any day for adjournment, until the great measures are all disposed of. The world would be led to the impression that the Senate is acting from a feeling of resentment. It would be much wiser that we should let the world see that we refuse to adjourn until the territorial bills shall be passed. The judgment of the world would be against us, when it is known that, immediately after the House had rejected the territorial bill, a Senator jumped up in the middle of an afternoon session, and called up the resolution of adjournment. He had only spoken once on the territorial bill. He had voted for it, because it was necessary to provide some government for the territories. But could not the House send a bill to the Senate for this purpose? If we go and leave anything unfinished, in the present agitation of public opinion, Senators must expect to meet, at every turn, the question—whose fault is it that nothing is done? He was willing to take any bill which might come from the House rather than leave the territories without a government. Having labored hard to get Oregon, how inconsistent to let her remain without a government! Then came California and New Mexico. Are they to be left without law? He then went into a view of the present condition of those territories, in order to show the necessity for prompt legislation on the subject. A continuance of the present unsettled state of things can have no effect but to make our relations more perplexed and difficult of arrangement.

Mr. DAYTON advocated the resolution as it came from the House. To talk of the movement of the Senate being construed into an act of resentment, was absurd, when it was remembered that twenty-two of the Senators voted against the territorial bill, and that a majority of them would vote for this resolution.

Mr. HANNEGAN replied to the objections to the resolution, and urged that to remain here beyond the 7th would be useless. To adopt the amendment, would be to add only another week of talk. He hoped Monday week would be agreed on.

Mr. BREESE withdrew his amendment, and moved to lay the resolution on the table, and asked the yeas and nays; which were ordered.

Mr. KING suggested that the motion be varied, so as to make it a postponement until Monday.

The question was then taken on the motion to lay on the table, and decided as follows:

YEAS—Messrs. Atherton, Benton, Breese, Bright, Clayton, Dodge, Douglas, Downs, Foote, Johnson, of Louisiana, Johnson, of Georgia, King, Lewis, Mason, Phelps, Sturgeon, and Westcott.—17.

NAYS—Messrs. Allen, Atchison, Badger, Baldwin, Bell, Borland, Bradbury, Butler, Calhoun, Clarke, Davis, of Mississippi, Dayton, Dickinson, Dix, Felch, Fitzgerald, Greene, Hale, Hamlin, Hannegan, Houston, Hunter, Metcalfe, Miller, Niles, Sebastian, Spruance, Turney, Underwood, Upham, Walker, and Yulee—32

Mr. BREESE moved to strike out 7th and insert 14th.

The yeas and nays were then ordered on the motion.

Mr. KING thought we should not be able to get through all the needful business for the carrying on of the government by the 7th. He understood from some gentlemen at the head of influential committees of the House, that they would not be ready to adjourn before a week after that time. He desired to satisfy himself on these points, and would therefore move to postpone the further consideration of the resolution until Monday next.

Mr. DAYTON was willing to do any thing which personal courtesy dictated for the accommodation of the Senator from Alabama, but he thought we had the whole subject before us, and he hoped the subject would be taken up and acted on.

Mr. ALLEN would vote to postpone till Monday, and would then vote to take it up, and to fix on the 14th as the day of adjournment.

Mr. DIX said he would vote against postponement, and in favor of the 7th.

Mr. FOOTE believed that the House would do its duty, and that a little postponement would be best. He would not vote for adjournment at present.

Mr. HALE moved that the Senate now adjourn; which was negatived,

The question was then taken on the motion to postpone, and decided as follows:

YEAS—Messrs. Allen, Atchison, Benton, Breese, Bright, Clarke, Davis, of Mississippi, Dayton, Dickinson, Dodge, Douglas, Downs, Foote, Hannegan, Johnson, of Louisiana, Johnson, of Georgia, King, Lewis, Mason, Phelps, Sturgeon, and Westcott.—23.

NAYS—Messrs. Atchison, Badger, Baldwin, Bell, Borland, Bradbury, Butler, Calhoun, Clarke, Dayton, Dix, Felch, Fitzgerald, Greene, Hale, Hamlin, Hannegan, Hunter, Metcalfe, Miller, Niles, Sebastian, Spruance, Sturgeon, Sydmore, Turney, Underwood, Upham, Walker, and Yulee.—28.

The question being on the motion to strike out 7th and insert 14th—

Mr. NILES said, that instead of an adjournment being regarded as an unpatriotic act, our constituents would probably regard it as the most patriotic, the only patriotic act of the session. If we stay any longer, it may be that our constituents will have forgetten us altogether.

Mr. DAVIS, of Mississippi, said he should be compelled to adhere to a pledge he had once given not to vote for fixing a day of adjournment, as he did not feel disposed to leave the territories without a government.

Mr. METCALFE thought we could not get through by the 7th. If we make it the 14th, the House will then have it in its power to take it, or to amend it by fixing a longer period, should it be deemed necessary for the completion of the business. He rebuked the frequency with which the separation of the Union was alluded to.

Mr. DOUGLAS asked the chairman of the Committee on Finance if he thought the appropriation bills could be got through with by the 7th?

Mr. ATHERTON replied, that he thought that the civil and diplomatic and the army appropriation bills would occupy until the 7th without other business. He thought we might get through by the 14th.

Mr. DIX hoped that the appropriation bills would be acted on by the 7th.

Mr. ATCHISON said, with all the facts before him, he did not think he would be doing his duty if he voted for the 7th. He did not entertain the slightest hope that there would be any territorial bill from the House. But if the chairman of the Finance Committee thought he could get through the appropriation bills by the 7th, he was willing to vote for the 14th.

Mr. TURNEY opposed the amendment in a few remarks, in which he evinced much warmth, in relation to the summary disposal of the compromise bill by the House of Representatives, and declared that as he had now abandoned any hope of settling that question, he was ready to adjourn at the earliest hour, and he thought all the business which was necessary to be done might be completed in two days.

Mr. BUTLER expressed regret at the warmth of the Senator from Tennessee, and concluded with saying he would vote for the amendment.

The question being taken on the amendment of Mr. BREESE, substituting Monday, the 14th of August, for Monday, the 7th, and decided as follows:

YEAS.—Messrs. Allen, Atchison, Atherton, Badger, Bell, Benton, Borland, Bradbury, Breese, Bright, Butler, Dickinson, Dodge, Douglas, Downs, Foote, Hamlin, Houston, Johnson, of Louisiana, Johnson, of Georgia, King, Lewis, Mason, Metcalfe, Niles, Sebastian, Spruance, Sturgeon, Underwood, and Westcott.—29.

NAYS.—Messrs. Baldwin, Calhoun, Clarke, Clayton, Davis, of Mississippi, Dayton, Dix, Felch, Fitzgerald, Greene, Hale, Hannegan, Hunter, Miller, Upham, Walker, and Yulee.—18.

Resolved, That this resolution pass with an amendment.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendment.

On motion of Mr. HANNEGAN, the Senate proceeded to the consideration of Executive business, and ten minutes past five the door were reopened, and

On motion,

The Senate adjourned.

SATURDAY, JULY 29, 1848.

APPOINTMENT OF PRESIDENT, PRO TEMPORE.

The VICE PRESIDENT being absent, the Senate proceeded to the choice of a President, *pro tempore*, as the constitution provides; and

On motion by Mr. BENTON, it was

Resolved, That the Hon. DAVID R. ATCHISON be appointed President of the Senate, *pro tempore*

On motion by Mr. BENTON, it was

Ordered, That the Secretary wait on the President of the United States, and inform him that the Senate, in the absence of the Vice President of the United States, have chosen the Hon. DAVID R. ATCHISON, President of the Senate, *pro tempore*; and that the Secretary make a similar communication to the House of Representatives.

PETITIONS.

Mr. BRIGHT presented a petition from citizens of Duval county, Florida, praying to be allowed additional mail facilities on the route between Savannah, Georgia, and Pilatka, Florida, and on the route between Jacksonville and Alligator, in that State; which was referred to the Committee on the Post Office and Post Roads.

Also, a petition from John A. Brackenridge, vindicating his father from certain allegations charging him with a misapplication of the funds collected by him in the State of Missouri, for the Washington Monument Society; which was laid upon the table.

Mr. HUNTER presented a petition from William Archer and other citizens of the District of Columbia, asking an appropriation for the removal of a nuisance on Pennsylvania avenue; which was referred to the Committee on the District of Columbia.

THE ASHBURTON TREATY.

Mr. BRADBURY submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of State be requested to send to the Senate a copy of the joint report of the commissioners under the treaty of Washington of August 9, 1842; together with a copy of the report of the American commissioner transmitting the same to the State Department

PRIVATE BILL.

Mr. BRIGHT, from the Committee on Revolutionary Claims, to whom was referred the petition of the heirs of David Noble, submitted a report accompanied by a bill for the relief of the legal representatives of David Noble, deceased.

The bill was read and passed to the second reading.

Ordered, That the report be printed..

ALABAMA RAIL ROAD.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the bill granting to the State of Alabama the right of way and a donation of public lands for making a railroad from Mobile to the mouth of Ohio river, reported it without amendment.

HOUSE BILL REFERRED.

The bill from the House of Representatives for the relief of Peter Shaffer, was read the first and second times, by unanimous consent, and referred to the Committee of Claims.

RENEWAL AND EXTENSION OF NAVAL PENSIONS.

The Senate proceeded to consider the amendments of the House of Representatives to the bill renewing certain naval pensions for the term of five years, and extending the benefits of existing laws, respecting naval pensions, to engineers, firemen and coal heavers in the navy, and their widows, disagreed to by the Senate and insisted on by the House of Representatives; and it was

Resolved, That the Senate insist on their amendments and agree to the [illegible] asked by the House of Representatives on the disagreeing votes of the two Houses

Ordered, That Mr. BADGER, Mr. YULEE and Mr. BRIGHT, be the Committee on the part of the Senate.

JUDICIAL POWERS TO MINISTERS AND CONSULS.

Mr. BUTLER called the attention of the Senate to two blanks which had been left unfilled in the bill passed yesterday, to carry into effect certain provisions in the treaties between the United States and China, and the Ottoman Porte, etc.; and

On motion by Mr. RUSK, it was

Ordered, That the vote upon the passage of said bill be reconsidered.

The Senate resumed the consideration of said bill; and

On motion by Mr. BUTLER, it was

Ordered, That it be recommitted to the Committee on the Judiciary.

CLAIMS FOR LOSSES IN THE FLORIDA WAR.

On motion by Mr. WESTCOTT, the prior orders were postponed, and the Senate resumed, as in Committee of the Whole, the consideration of the bill providing for the taking of testimony in relation to claims for losses in the late Florida war; and, having been amended, it was reported to the Senate, and the amendments were concurred in.

Ordered, That this bill be engrossed and read a third time.

The said bill was read a third time.

Resolved, That it do pass, and that the title thereof be [illegible]

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

SCHOOL LANDS IN WISCONSIN.

On motion by Mr. WALKER, the prior orders were postponed, and the Senate proceeded to the consideration, as in Committee of the Whole, of the bill modifying the fourth clause of the seventh section of an act relating to the admission of Wisconsin into the Union, approved 6th August, 1846.

No amendment being made, the bill was reported to the Senate.

Ordeded, That it be engrossed and read a third time.

The said bill was read a third time.

Resolved, That it pass, and that the title thereof be [illegible]

Oreered, That the Secretary request the concurrence of the House of Representatives in this bill.

NOTICE OF A BILL.

Mr. HANNEGAN gave notice that on Monday next he would ask leave of the Senate to introduce a bill to establish a territorial government in the territories of Oregon, New Mexico, and California.

UNITED STATES COURT IN LOUISIANA.

On motion by Mr. DOWNS, the prior orders were postponed, and the bill for the better organization of the district court of the United States within the State of Louisiana was read the second time and considered as in Committee of the Whole.

Mr. DOWNS explained, that since this bill was reported from the Committee on the Judiciary, he had prepared an amendment for the appointment of an additional judge, and he suggested the propriety of the adoption of this amendment in consequence of the great accumulation of business connected with land claims. He could anticipate no opposition except on the ground of the increased expense. This he showed to be untenable ground, because the appointment of another judge would save more than his salary in the reduction of mileage now paid to sheriff and witnesses in consequence of the distances they have to travel. He accordingly submitted his amendment, which divides the State into two districts, and provides for the appointment of a separate judge, to be appointed by the President, by and with the advice and consent of the Senate.

Mr. TURNEY admitted that the increased business of the land claims created a pressure on the court for the present. But it could not be sufficient to warrant the appointment of an additional judge. Appoint a new judge, and he will be fastened on the country. There would be no getting rid of him; and although his salary was now fixed at $2,000, reasons would be found, before the end of another session of Congress, for increasing this salary, and putting him on the same footing as other judges. He could not vote for it.

Mr. BUTLER explained that the committee could not see the propriety of appointing an additional judge.

Mr. WESTCOTT stated that the business of the Louisiana courts was increasing with a rapidity which must soon place it above New York in point of importance. New York has two judges, and he thought it necessary to give two to Louisiana.

Mr. BADGER thought the amendment was a proper one. Without looking to the future, it was sufficient to say that New Orleans is now a great city, and he thought it unreasonable to assign to the judge acting there all the duties of the State. The business at New Orleans is sufficient to occupy all his time. He hoped the amendment would be agreed to.

Mr. DAYTON said that the committee had not information before it to show that the business was so great as to require a new judge, and the multiplication of judges he regarded as impolitic. Should this application be granted, other applications will follow. The appointment of a new judges involves the appointment of other new officers, and he hoped the amendment would be negatived.

Mr. UNDERWOOD gave a few reasons which would induce him to vote for the additional judge. The great business of the whole of the western States required this appointment. He read a list of pending suits in the Louisiana court, to show the impossibility of one judge performing all the duties.

Mr. JOHNSON, of Louisiana, said it was perfectly impracticable for the present judge to leave New Orleans for the purpose of taking charge of the suits in the remote portions of the State. He could not vote for the bill without the amendment. Persons interested in the business of the court in the interior, have, in some instances, to travel five hundred miles, and at some seasons the journey is impracticable. Instead of a cost to the United States, this appointment would be an actual saving to the country.

The question being taken on agreeing to the amendment proposed by Mr. Downs, it was, upon a division, determined in the affirmative. Ayes 22, Noes 13.

The bill was then reported to the Senate, and the amendment was concurred in.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That this bill pass, and that the title thereof be as aforesaid

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

WHITNEY'S RAILROAD.

Mr. NILES moved that the prior orders be postponed, and that the Senate proceed to the consideration of the bill granting a tract of land for the purpose of making a railroad from Lake Michigan to the Pacific, on the plan of Asa Whitney, which had been reported by the select committee to which the subject was referred. It was thought important, by the gentlemen connected with Mr. Whitney, to have a decision concerning this measure at the present session, because the public lands would probably be so disposed of before another session, as to render the present plan impracticable. He therefore desired a vote on his motion to take up the bill, and he would then name a day for its consideration.

Mr. HALE hoped it would not be taken up, as it was a most alarming measure. It gave away one hundred millions of acres of the public lands at one swoop. He was sorry to differ from the Senator from Connecticut, but he was opposed to throwing such an immense mass of land into the hands of speculators. The taking up of this bill would alarm the public mind.

Mr. NILES said the company could not hold the lands. It was only intended to make a public road through them; and as they are not now worth a cent, and no one could tell when they would be worth any thing, and as the making of this road would give them value, and the route itself, if it could ever be completed so as to make a common highway, it would bind the Union together.

Mr. BENTON expressed his astonishment that the Senator from Connecticut, after what had passed, should make such a motion at this period of the session. At the very moment that he was looking into the records of the past to endeavor to find out some mode of settling the difficulty of governing the territories of California and New Mexico, his ear was struck by this motion. He had studied the history of California long before Mr. Whitney thought of it. He would never vote for giving a hundred millions of acres to any man. We must have surveys, examination, and exploration made, and not go blindfold, haphazard, into such a scheme. It distressed him that the business of the session was to be broken up by this motion to take up a bill out of its turn. He hoped the calendar would be regularly taken up. He would not be astonished if Mr. Whitney should come here with a large bill for damages against Congress—damages for going to all the States of the Union for recommendations.

Mr. BELL regretted that Senators should be so ready to act on preconceived prejudices, before they had even read the bill. As to Mr. Whitney, he had conversed with him, and had found him modest and intelligent. He referred to the care which had been taken in the preparation of the bill; and he hoped the Senate would at least take up the bill and examine it. Unless the bill passed this session, the opportunity will have passed away forever.

Mr. BENTON said, that if this bill was taken up, the fortnight to come would not be sufficient. If gentlemen expected to pass this bill without debate, so long as he could stand up, they would be disappointed. He objected to this taking up a bill out of its order, which would consume the rest of the session. He would trust no man in existence with such a power as was proposed to be given by this bill. He moved to lay the motion on the table.

The yeas and nays were ordered, and the question being taken, it was decided in the affirmative as follows:

YEAS—Messrs. Atchison, Atherton, Benton, Borland, Breese, Butler, Calhoun, Davis, of Mississippi, Dayton, Douglas, Downs, Hale, Houston, Hunter, Johnson of Georgia, Kerr, Mason, Metcalfe, Pearce, Phelps, Rusk, Spruance, Sturgeon, Turney, Underwood, Westcott, and Yulee—27.

NAYS—Messrs. Allen, Badger, Baldwin, Bell, Bradbury, Bright, Clarke, Dickinson, Dix, Dodge, Felch, Fitzgerald, Foote, Hamlin, Hannegan, Johnson, of Louisiana, Lewis, Miller, Niles, Upham, and Walker—21.

So the motion was laid on the table.

REFUNDING ADVANCES FOR VOLUNTEERS.

Mr. LEWIS, by unanimous consent, asked and obtained leave to bring in a joint resolution explanatory of the act of June 2d, 1848, to refund money for expenses incurred, subsistence or transportation furnished for the use of the volunteers, during the present war, before being mustered and received into the service of the United States; which was read the first and second times, by unanimous consent, and referred to the Committee on Military Affairs.

HOURS OF MEETING.

On motion by Mr. DIX, it was

Ordered, That after Monday next, the hour of the daily meeting of the Senate shall be ten o'clock A. M.

GEORGE CENTER.

On motion by Mr. DIX, the motion to reconsider the vote by which the bill for the relief of George Center was laid upon the table, was taken up, and the vote was reconsidered.

Mr. YULEE submitted a substitute for the bill, which was ordered to be printed. The bill was then informally passed over.

THE PRIVATE CALENDAR.

On motion by Mr. MASON, the Senate proceeded to the consideration of the private calendar, when the following bills from the House of Representatives were considered as in Committee of the Whole:

An act for the relief of John Manly.

An act for the relief of Sarah Cooke, [illegible] Josiah Stokes.

An act for the relief of Benjamin White.

An act for the relief of Anne Hunt.

An act for the relief of Clement Cripps.

An act for the relief of William Cross.

An act for the relief of John Anderson.

An act for the relief [illegible] of the heirs of Moses [illegible] Stewart.

An act for the relief of L. G. Smith.

An act for the relief of Joseph [illegible] of Massachusetts.

An act for the relief of Robert Ellis.

An act for the relief of Catherine Fulton, of Washington county, Pennsylvania.

An act for the relief of Bennet M. Bell.

An act for the relief of Elijah H. Wills.

An act for the relief of the legal representatives of William McKenzie, late a [illegible] United States navy, deceased.

An act for the relief of Bent, St. Vrain, and Company.

An act for the relief of J. Throckmorton.

No amendment being made, the said bills were reported to the Senate.

Ordered, That they pass to a third reading.

The said bills were read a third time.

Resolved, That they pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Reuben Perry and Thomas P. Ligon; and

On motion by Mr. BRIGHT, it was

Ordered, That it lie on the table.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed the resolution from the Senate for the speedy payment of the three months' extra pay to the non-commissioned officers, musicians, and privates who have served in the late war with Mexico, approved by the act of July 19th, 1848.

They agree to the amendment proposed by the Senate on the disagreeing votes of the two Houses on a bill making appropriations for the Navy service for the year ending the 30th June, 1849, and have appointed a committee of conference on their part.

CIVIL AND DIPLOMATIC APPROPRIATION BILL.

Mr. ATHERTON, from the Committee on Finance, to whom was referred the bill making appropriations for the civil and diplomatic expenses of the government for the year ending the 30th day of June, 1849, reported the same with amendments; which were ordered to be printed.

EXECUTIVE SESSION.

After the consideration of Executive business

On motion,

The Senate adjourned.

MONDAY, JULY 31, 1848.

PETITIONS.

Mr. DIX presented the memorial of a committee of the Jackson Monument Association, in the city of Washington, praying that a portion of the cannon taken by Gen. Jackson in his campaigns, may be placed at their disposal, for a statue of his memory, with permission to erect their monument on one of the public squares in said city; which was referred to the Committee on Military Affairs.

Mr. DAVIS, of Mississippi, presented the petition of John Crawford, praying permission to locate a certificate on land lying beyond the territory for which the certificate was issued; which was referred to the Committee on Private Land Claims.

Mr. DIX presented a memorial of a religious community called "the community of true inspiration," residing in the county of Erie, New York, praying the enactment of a law for the suppression of infidelity; which was referred to the Committee on the Judiciary.

Mr. DICKINSON presented a petition of citizens of New York, praying a reduction of the rates of postage on letters and newspapers; which was referred to the Committee on the Post Office and Post Roads.

Mr. WALKER presented three petitions of citizens of Wisconsin, praying the establishment of a mail route from Winnebago to Green Bay, in that State; which were referred to the Committee on the Post Office and Post Roads.

Mr. BELL presented the memorial of John McCoy, in behalf of the western Cherokee Indians, praying payment of the money due to those Indians under the treaty of August, 1846; which was referred to the Committee on Indian Affairs.

RESOLUTIONS OF LEGISLATURE OF WISCONSIN.

Mr. WALKER presented resolutions passed by the legislature of the State of Wisconsin, approving the measures of the executive, and the courage and discipline of the army in conducting the war with Mexico to a successful issue, and condemning any attempts which may have been made to prolong the war by opposition to these measures.

Ordered, That they lie on the table, and be printed.

REPORT FROM SELECT COMMITTEE.

Mr. MASON, from the Select Committee, to whom was referred the memorial of H. Ludor Brownell, submitted a report; which was ordered to be printed.

ADVERSE REPORT.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the petition of Joseph Hair, submitted an adverse report; which was ordered to be printed.

GRANTS OF LAND IN ILLINOIS.

Mr. BREESE, from the Committee on Public Lands, to whom the following bills were referred:

An act to grant land to the inhabitants of township 1°, north of range one and two, west of the 4th principal meridian, in the county of Adams, in the State of Illinois.

An act to grant land in lieu of the fifth section to the commissioners of township two, north of range nine, west of the fourth principal meridian, in the county of Adams, in the State of Illinois.

An act to grant unto the the trustees of township thirty-eight, north of range five east, in the county of Eckhart, and State of Indiana, so much public land as may, with the fractional sixteenth section therein, make up an entire section.

reported the same without amendment.

PRIVATE BILL.

Mr. WESTCOTT, from the Committee of Claims to whom was referred the bill from the House of Representatives for the relief of Charles R. Allen, reported it without amendment.

LANDS IN NEW MEXICO AND CALIFORNIA.

Mr. BREESE, from the Committee on Public Lands, to whom was referred the message of the President of the United States of the 6th instant, reported a bill for ascertaining claims and titles of land within the territory of California and New Mexico, to grant donation rights, and to provide for the survey of the lands therein; which was read and passed to the second reading.

PRIVATE BILL.

Mr. TURNEY, by unanimous consent, asked and obtained leave to bring in a bill for the relief of James M. Scantland; which was read the first and second times, by unanimous consent, and, with the accompanying document, referred to the Committee on Pensions.

REPORT OF COMMITTEE OF CONFERENCE ON NAVAL AFFAIRS.

Mr. ATHERTON, from the committee of conference, on the part of the Senate, on the disagreeing votes of the two Houses, on the bill making appropriations for the naval service for the year ending the 30th June, 1849, reported that they have met the conferees on the part of the House of Representatives, and after a full and free conference, have agreed to recommend, and recommend, to the respective Houses as follows:

1st. That the Senate do recede from their disagreement to the amendment of the House to the Senate's fifth amendment, and agree to the same.

2d. That the House do recede from their disagreement to the Senate's sixth amendment, striking out the fifth section of the bill; and that in lieu thereof the following shall be inserted as a fifth section of the bill;

"Sec. 5. *And be it further enacted*, That hereafter the amount of money commutation allowed by law in lieu of the spirit ration shall be increased to four cents."

3d. That the House do recede from its disagreement to the Senate's tenth amendment, and agree to said amendment with the following words, which, it is agreed, shall be added to the end thereof.

"And in appointing from each State hereafter, its proportion of officers to whom the appointments shall be apportioned as nearly as practicable equally among the several Congressional districts therein."

4th. That the House recede from its disagreement to the 12th amendment of the Senate.

The Senate proceeded to consider said report; and

Mr. BUTLER took exception to one of the items in which the report adopts the amendments of the House, in the clause relating to the steamers touching at the port of Charleston, by the insertion of the words "if practicable," which he contended was tantamount to an exclusion of these steamers from that port, as they would never enter the harbor of Charleston, so long as it was left to the discretion of the owners to decide whether they should do so or not.

Mr. CALHOUN took the same view, and stated that a sort of understanding had been entered into by him with the Senator from Georgia, [Mr. BERRIEN,] that if he (Mr. C.) would support the clause requiring the steamers to touch at the Savannah, and would not oppose the advance of money to the contractors, the same provision which relates to Savannah should be introduced with reference to Charleston. The contractors had called on him, and informed him that they had constructed the vessels expressly with a view to enter the harbor of Charleston, drawing not more than fifteen feet water, which is the depth on the bar at low water.

Mr. ATHERTON stated that the objectionable words were in the contract itself, and that the obvious meaning was, that if not prevented by stress of weather or accident, the steamers were to touch at the port of Charleston.

After a few words from Mr. DICKINSON, Mr. YULEE, Mr. JOHNSON, of Georgia, Mr. BORLAND, Mr. BRIGHT, and Mr. MILLER, the question was taken on concurring in the report of the committee of conference, the yeas and nays being ordered, it was determined in the affirmative as follows:

YEAS—Messrs. Allen, Atherton, Badger, Bradbury, Breese, Bright, Clarke, Clayton, Corwin, Davis, of Massachusetts, Dayton, Dickinson, Douglas, Downs, Felch, Fitzgerald, Foote, Hamlin, Houston, Miller, Niles, Phelps, Sebastian, Sprance, Sturgeon, Upham, and Walker.—27.

NAYS—Messrs. Atchison, Baldwin, Bell, Borland, Butler, Calhoun, Davis, of Mississippi, Dix, Rusk, Hunter, Johnson, of Louisiana, Johnson, of Georgia, King, Lewis, Mason, Metcalfe, Turney, and Yulee.—18.

So it was

Resolved, That the Senate agree to the report of the committee of conference, and that the bill be amended accordingly.

Ordered, That the Secretary notify the House of Representatives thereof.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives concur in the amendment of the Senate to the resolution, "that the President of the Senate and Speaker of the House of Representatives do adjourn their respective Houses on Monday, the fourteenth day of August next, at twelve o'clock meridian."

They agree to the amendment of the Senate to the bill, supplemental to an act to confirm the survey and location of claims in the State of Mississippi, east of the Pearl river, and south of the 31st degree of north latitude, approved March 3d, 1845.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

Mr. President: The President of the United States approved and signed, the 28th instant, the following acts:

An act for the payment of liquidated claims against Mexico.

A resolution for the speedy payment of the three months' extra pay to the officers, non-commissioned officers, musicians, and privates, who have served in the late war with Mexico, allowed by the act of July 19, 1848.

Ordered, That the Secretary notify the House of Representatives accordingly.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

To the Senate of the United States:

I communicate herewith a report from the Secretary of State, and copies of the instructions called for by the resolution of the Senate of the 24th of April, 1848, in relation to the claim of the owners of the ship Mary, of Wilmington, Delaware, to the island of Sal, under the government of Portugal, for the payment of [illegible] by the officers and applied to the use of that government.

JAMES K. POLK.

Washington, July 31, 1848.

The message was read, and, with the accompanying documents, ordered to be printed.

CIVIL AND DIPLOMATIC APPROPRIATION BILL.

The Senate proceeded to consider, as in Committee of the Whole, the bill making appropriations for the civil and diplomatic expenses of the government for the year ending the 30th day of June, 1849, and for other purposes, together with the amendments reported thereto.

The question was upon agreeing to the first amendment reported by the Committee on Finance, in section 1, line 12, to strike out the following: "*Provided*, That no member of either House of Congress, after the present session, shall be allowed a larger sum for milage than one thousand dollars for each session, any act of Congress to the contrary notwithstanding."

Mr. MASON asked for the yeas and nays, and they were ordered.

Mr. ATHERTON explained that the committee had no intention, in reporting this amendment, to give any opinion on the principle it involved. But they thought a provision of this character would be more in place in a separate bill, and one which related to the compensation of members generally.

Mr. BADGER said he should vote for the amendment. Reductions in the compensation of members had been frequently proposed; but they never had been, and he hoped never would be adopted. He regarded it as objectionable on the score of justice, generosity, and policy. Many members coming from a great distance were completely excluded from the privilege enjoyed by those nearer home of sometimes visiting their families and attending to their business; and although the additional mileage was but a poor compensation for such privations, it was all that could be given. It always had been allowed, and why was it to be stopped now? Why should he who comes just such a distance as to entitle him to that amount receive $999, while he who comes a thousand miles further should receive only one dollar more? Another reason was, that this mileage operates in favor of keeping the seat of government where it is. He no objection to any gentleman trying to make a little popularity out of a motion to reduce the compensation, but he trusted it would never would be agreed to.

Mr. DAYTON followed on the same side.

Mr. MASON briefly stated his reasons for opposing the amendment. He thought the amount of mileage was, in some cases, an abuse which required to be regulated by law.

Mr. UNDERWOOD also sustained the limitation, stating that he had been applied to by the Secretary of the Senate for his construction of the act in relation to the nearest mail route, and that he had given such a construction to it, in his own case, as gave him only about half the mileage given to others who were at no greater distance from the seat of government. The mileage and pay had not been sufficient to cover his expenditures; and he had now been compelled to write for money to carry him home.

Mr. NILES adverted to the great inequality which, unless some provision of this kind should be made, would exist between the compensation of a member from California, whose pay and mileage would amount on an average to some $2,500 the session, while those nearer the seat of government would not receive above $800. He thought it right that something should be done to make it more equal.

Mr. CALHOUN contended that members of Congress were worse paid than any other portion of the government. It would have been wiser if, in the first instance, a specified allowance had been made for them. He knew of no better mode of making the compensation just than this system of mileage, which he did not regard as fixed too high. He concurred in the views of the Senator from North Carolina, [Mr. BADGER,] that a difference ought to made between the member who is two thousand miles from his family and his business, and him who is within two hundred miles of both. He also regarded it as a point worthy of consideration, that this mileage had its effect in discouraging any attempt to remove the seat of government to a more central position, and referred to the situation of the principal capitals of the European nations, which were always located near the most assailable points, and not in the centre of the kingdoms to which they belonged.

The question was then taken and decided in the affirmative, as follows:

YEAS—Messrs. Atchison, Atherton, Badger, Baldwin, Bell, Benton, Bu[illegible], Bradbury, Breese, Butler, Calhoun, Clarke, Cr[illegible], Davis, of Mississippi, Dayton, Dickinson, Dodge, [illegible], Dix, Fitzgerald, Foote, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnston, of Louisiana, Mangum, Mason, Miller, Niles, Pearce, Rusk, Sebastian, Sturgeon, Turney, Westcott, Woodbridge, Yulee—39.

NAYS—Messrs. Allen, Bagby, Berrien, Clayton, Corwin, Crittenden, Davis, of Massachusetts, Greene, Hale, Hamlin, Mangum, Metcalfe, Upham, Webster—15.

So the amendment was agreed to.

Ordered, That the further consideration of the bill be postponed until to-morrow.

[illegible]

On motion by Mr. HANNEGAN, [illegible] the motion made the 29th instant, that after Monday the Senate will meet at 10 o'clock in the morning, was reconsidered; and,

On motion by Mr. BADGER, it was

Ordered, That the said motion lie on the table.

[illegible] POWERS IN [illegible]

Mr. BUTLER, from the Committee on the Judiciary, to whom was recommitted the bill to carry into effect certain provisions in the treaties between the United States and China, and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United States in those countries, reported it with amendments.

The Senate proceeded to consider the said bill as in Committee of the Whole, and, having been amended, it was reported to the Senate, and the amendments were concurred in.

Ordered, That it pass to a third reading.

The said bill was read a third time.

[illegible]

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

TERRITORIAL [illegible]

Mr. BENTON submitted a bill providing a government for the territories of Oregon, New Mexico, and California, which, he was instructed to say, was adopted [illegible] Louisiana, in effect that the people should be governed according to the existing law, until others were made. He desired that it might be printed, and laid on the table; and, if nothing better be offered in the meantime by anybody else, he should call it up for consideration.

Mr. HANNEGAN.—On Saturday last, Mr. President, I gave notice to the Senate that I would to-day introduce a bill providing for the organization of territorial governments in Oregon, California, and New Mexico. In connexion with some of my friends, I have given to this subject all the attention in my power, under a feeling of the deepest anxiety, and I have become satisfied, that after the ordeal through which the question has already passed—after the searching investigation to which it was subjected by the select committee appointed by the Senate—a committee so remarkable, so pre-eminent, I might well say, for intellect, for wisdom, and for patriotism—it is in vain for any individual to attempt its adjustment. I believe that when the proposition which emanated from that committee, representing every section of the Union, and representing the two great parties of the country, has failed, there is no hope left to us of a final adjustment of the question at this time. I regret it deeply. From various quarters of the country, appeals to me have been made, with various motives; and it has been urged upon me that it is most expedient to leave this question open, because that course would promote the prospects of the election of a favorite candidate for the Presidency—my favorite, sir. But I am incapable of regarding this subject in that aspect. Perish the prospects of any living man, be he whom he may, and mine own first, sooner than leave open, from such considerations as those, a question so momentous, so agitating and exciting! No, sir; I cannot look at the subject in that light. I can look at it only with a view to the best interests of my country. I believe the question should be settled, and settled promptly too.

I think, sir, that the events of the present day are full of admonition to us, and I fear that the admonition is not sufficiently heeded. When Christendom looks at the debates which have taken place here, and at the other end of the capitol, they will believe us to be on the verge of disunion and civil war. At the very same moment that we are standing out before Europe as the bright exemplar, illuminating and arousing mankind to a consciousness of the value of rational and regulated liberty, we present this humiliating spectacle of internal dissension! Why, sir, it was but the other day, as I have been informed through the correspondence of one of our diplomatic agents, that in the great German Parliament, assembled for the purpose of uniting in one great confederacy the Germanic States, on an allusion being made to the United States of America, that august assemblage, composed of men cold and phlegmatic as you have been ever taught to regard them, rose simultaneously in token of respect, and burst forth into loud and long protracted shouts, at the bare mention of our name! Yet, here we are, in relation to a question which should excite no feeling, which involves no interest upon one side, and only serves to assail an interest upon the other, sending forth to the world a picture that borders upon the horrors of that which has recently startled men in France. Gentlemen talk of disunion as coolly as we talk about our ordinary appropriation bills! Disunion! It is moral treason to breathe the word! Disunion! As was well said

the other day by the venerable Senator from Kentucky, whose whole life has been one continued career of patriotism, how can you dismember us, when Kentucky stretches her arms across the Ohio, to Ohio, Indiana, and Illinois? You can never dismember us! We will hold the Union together with hooks of steel. We cannot separate! Yet, we may go on and familiarize the public mind with the thought of disunion and civil war, until you do indeed light up the torch of the incendiary. It has become already "familiar as a household word." All this may go on, till at last we behold the gleaming sword of brother arrayed against brother, and our streams and rivers running red with blood; but you can never, on this or any other question, dismember the Union!

I have said, sir, that I hold it moral treason to talk of disunion or civil war here! What! talk of disunion at this hour, when, from the central heaven, beams all over Christendom the star of our republic—not the less brilliant, because, like the fire-fly, its light is mellow and mild—when our principles are scattered broadcast throughout the European world—when the German Parliament offers its enthusiastic homage at the mere mention of our country's name! Is it at such a period that we send words of excitement and discord abroad, to make those who are struggling to imitate our example, doubt the capacity of man for self-government!

RELIEF OF VOLUNTEERS, ETC.

The Senate proceeded to consider the following bill and joint resolution, as in Committee of the Whole.

A bill for the relief of Joshua Boone and twenty-one other Tennessee mounted volunteers.

A joint resolution authorizing the Secretary of State to furnish to the clerk of the district court of the United States, for the Western district of Virginia, four copies of Laws and Resolves passed during the first session of the present Congress.

and, having severally amended, they were reported to the Senate, and the amendments were concurred in.

A bill for the relief of Joshua Boone and twenty-one other Tennessee mounted volunteers, was read a third time, and the joint resolution passed, with amendments.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

PRE-EMPTION CLAIMS.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of the pre-emption claimants upon Miama lands in Indiana, who, by their services in the Mexican war, are entitled to bounty land; and, no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That the bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

PRIVATE BILLS.

The following bills were read a first and second times, and considered as in Committee of the Whole.

A bill for the relief of the legal representatives of Thomas J. V. Owen, deceased.

A bill for the relief of Charity Herrington.

and, no amendment being made, they were reported to the Senate.

Ordered, That they pass to a third reading.

The said bills were read a third time.

Resolved, That they pass, and their titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

HAYNE M. SALAMON.

On motion by Mr. DIX, it was

Ordered, That the report of the Committee on Revolutionary Claims, on the memorial of Hayne M. Saloman, be reconsidered; and

On motion by Mr. DIX, it was

Ordered, That the said report be re-committed to the Committee on Revolutionary Claims.

EXECUTIVE SESSION.

After the consideration of Executive business—

On motion,

The Senate adjourned.

TUESDAY, AUGUST 1, 1848.

PETITIONS.

Mr. STURGEON presented the petition of James Harrington, praying to be indemnified for loss of time, and expenses during an illness contracted in the service of the United States; which was referred to the Committee of Claims.

Mr. FELCH submitted documents relating to the claim of Wm. R. Noyes, to compensation for repairing the United States Court House at Detroit; which were referred to the Committee on the Judiciary.

ESPY'S REPORT.

Mr. GREENE submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Printing be authorized to deliver to Dr. Espy his report on meteorology, to make such additions thereto as he may deem proper, and then by him to be returned.

ORDER TO PRINT.

On motion by Mr. HALE, it was

Ordered, That the bill to discourage the speculations in the public lands, and to open the same to actual settlers and cultivators, be printed.

PRIVATE BILL.

Mr. MASON, from the Committee of Claims, to whom was referred the bill from the House of Representatives, for the relief of Peter Shaffer, reported it without amendment.

ADVERSE REPORT.

Mr. BALDWIN, from the Committee of Claims, to whom was referred the memorial of Littleton D. Teackle, submitted an adverse report; which was ordered to be printed.

FREMONT'S EXPLORATIONS.

Mr. BREESE, from the Select Committee, who were instructed to enquire into the expediency of providing for the publication, as a national work, of the results of the recent exploring expedition of J. C. Fremont to California and Oregon, submitted a report, which was ordered to be printed.

FORT WINNEBAGO.

Mr. BENTON, from the Committee on Military Affairs, to whom was referred the bill to grant to the State of Wisconsin, the military reservation at fort Winnebago, reported it without amendment.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives agree to the report of the Committee of Conference on the disagreeing votes of the two Houses on the bill making appropriations for the naval service, for the fiscal year ending the 30th of June, 1849.

They have passed a resolution for the appointment of a joint committee, [one] on the part of each House, to inquire into the expediency of devising a system of reporting the debates and proceedings of Congress, in which they request the concurrence of the Senate.

They have also passed the following joint resolutions:

A joint resolution concerning certain portions of the Marine and Ordinance corps.

A joint resolution of thanks to the officers, sailors, and Marines of the United States Navy, in which they request the concurrence of the Senate.

CIVIL AND DIPLOMATIC BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making appropriations for the civil and diplomatic expenses of the government, for the year ending the 30th day of June, 1849, and for other purposes, with the amendments reported thereto.

The second amendment reported by the Committee on Finance, giving four watchmen to the northeast Executive building instead of three, and adding $365 to the appropriation, was agreed to.

The next amendment was to strike out the following items:

For the collection of agricultural statistics, and other purposes, $3,500, which several sums, amounting in the whole to $8,000, shall be paid out of the Patent fund.

For defraying the expenses of chemical analyses of vegetable substances, produced and used for the food of man and animals in the United States, to be expended under the direction of the Commissioner of Patents, $1,000, the said sum to be paid out of the Patent fund.

Mr. BADGER wished to know why it was proposed to strike out these items?

Mr. ATHERTON said he thought these things would be better done by individuals and scientific societies than by the government.

Mr. CALHOUN was in favor of the amendment, as he thought the mania for purchasing books and book-making required to be checked. He thought, too, that the Commissioner had enough to do without meddling with these matters, and with which the government ought not to connect itself.

Mr. BADGER could not agree as to the propriety of this amendment. He thought it quite as important to expend a little on agricultural objects as on geographical explorations.

Mr. KING was against these expenditures, and would vote for the amendment. He said the cost of publishing the history of the exploring expedition was $140,000. Where were we to stop? He was not aware of any information of value being derived from these agricultural works.

Mr. HALE said he should move to strike out the items for the exploring expedition, when we reached them.

Mr. DAVIS, of Massachusetts, said we expended a great deal of money in making discoveries; and those works which we are publishing are unprofitable speculations for the government. He did not see, however, that this objection which had been raised to expensive publications ought to apply to the [illegible] statistics. He referred to the report from the Patent Office, made at this session, as more valuable, and less burdened with trash, than the reports which had preceded it.

Mr. DICKINSON referred to the exploration of the Dead Sea which was in progress, stating that it was undertaken by the officers of a provision ship which our government had found it necessary to station in, the Mediterranean, who had obtained leave of absence for the purpose of visiting that interesting part of the country.

Mr. BUTLER said he [illegible]

Mr. WESTCOTT said he should vote against the first amendment, by which it is proposed to strike $3,500 for the collection of agricultural "statistics," and he should vote to strike out the $1,000 for "a chemical analysis of vegetable substances produced and used for the food of man and animals." As to "statistics," they are useful in legislation here, and they can be best collected and will be more authentic, and the information obtained can also be best disseminated by the federal government, and through the Patent Office and Congress, than by the States, or by private associations. As to the philosophical and scientific operations, the expenses of which it is proposed to pay, or "chemical analysis," &c., as called in the bill, he did not regard it as a legitimate expenditure by the federal government, to make such payment. We do not need such experiments for our legislation here. Mr. W. said he freely admitted that the book-making as to farming matters by the Patent Office had not been as practical, and therefore not as useful, as it might have been. A great deal was printed annually that was of little service. An old planter in his State had said to him, and he had noticed the remark was correct, that generally book farmers and planters, those fond of experimenting and taking up with scientific schemes and projects, which were sometimes mere quack contrivances, and also those who painted their fences and laid out their fields in exact squares or parellograms, and exercised fancy in their farming, were generally much less successful than the plain old fashioned practical men, who considered keeping down the weeds and grass in their crops as the most important matter. Fancy farmers made out best in rearing flowers. He hoped hereafter the Patent Office report would be more useful and practical, and, if so, it would be the most valuable public document we printed. It is a relief to the people to hear from members of Congress something else than dry speeches and dull reports on claims, and uninteresting political abstractions. Mr. W. said he believed if an annual specific appropriation of $10,000 was made wherewith to procure foreign seeds, roots, plants, &c., they should be got from foreign countries and distributed while fresh in the United States, in the sections to which they are adapted. Southern products, if so procured, would be of great service. It is the section where the more new and unknown products can be introduced. The present arrangements are not the best that could be adopted with respect to the collection and distribution of seeds. The seeds are often old and worthless. In 1829, the House of Representatives made an appropriation by resolution for procuring seeds; and there was, he believed, a law making it the duty of our ministers and consuls abroad, and naval officers in foreign countries, to collect seeds and plants, and he believed they were all formally instructed so to do, but the service was rarely fulfilled properly.—Mr. W. said he found a few days since a statement in an English publication that the Island of Great Britain had got from America alone upwards of 3,500 different varieties of trees, herbs, plants, vegetables, &c., since the discovery of America. There are thousands of valuable plants, and particularly vegetables, for human subsistence, in foreign countries that are not known in the United States. One hundred years ago our great staples of rice and cot-

tion were of little moment. Mr. W. said he had solicited the Commissioner of Patents to write circulars to officers of the army to collect seeds, &c., in Mexico, but he learned very few had complied with the request. He hoped some measures would be adopted to obtain seeds, &c., as he suggested. They would be more beneficial than all the books, and while such measure would cost only $10,000, books cost annually upwards of $50,000.

Mr. DOWNS thought this effort at retrenchment was beginning at the wrong end; it was commencing with stopping the only book in which the people took any interest. We take a different view of this subject from that taken by the people, who complain more loudly of our long speeches, which keep us in session eight months out of twelve, than of the appropriation of a little money for the publication of useful works. Our system is founded on the principle that the people must have light.

Mr. NILES regarded this business of protecting agriculture as not belonging to the legitimate duties of government, in its legislative action; it belongs to the people and the States. If it does belong to government, we are too inoperative; we ought to have a proper bureau and competent professors. He remarked on the imperfection of everything done by Congress in the way of collecting statistics, and thought we had better stop short. But if we were to go on with the system of enlightening the country, it would be as well to publish those valuable primary books which are useful for education, and are eagerly sought after throughout the whole country, by parents and teachers.

The question was divided; and the question was first taken on the part relating to the agricultural statistics, by yeas and nays, and decided in the negative, as follows:

YEAS—Messrs. Allen, Atherton, Bagby, Baldwin, Barrow, Bates, Bayard, Benton, Berrien, Bradbury, Breese, Calhoun, Dayton, Dickinson, Dix, Douglas, Downs, Fitzgerald, Greene, Hannegan, Houston, Hunter, Jarnagin, Johnson of Georgia, Johnson of Louisiana, Johnson of Maryland, Lewis, Mangum, Miller, Niles, Pearce, Rusk, Sebastian, Spruance, Sturgeon, Turney, Underwood, Upham, Webster, Westcott—34.

NAYS—Messrs. Ashley, Atchison, Badger, Bell, Borland, Chalmers, Clarke, Corwin, Crittenden, Davis, Dayton, Dickinson, Dix, Douglas, Downs, Fitzgerald, Greene, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, King, Lewis, Mangum, Mason, Metcalf, Miller, Niles, Rusk, Sebastian, Spruance, Turney, Underwood, Upham, Webster, Westcott, Woodbridge—37.

NAY—Mr. Hale—1.

So it was

Resolved, That the resolution pass.

The question was then taken on the second branch of the amendment, which was agreed to.

An amendment making the appropriations of fifteen hundred dollars for the purchase of scientific works for the Patent Office, and of three hundred dollars for the librarian, payable out of the Patent Office fund, was agreed to.

The next amendment was to strike out the reduction of five hundred dollars in the salary of the First Comptroller.

Mr. ATHERTON briefly defended the amendment, on the ground that the present moment, when the duties were more arduous than usual, was most inappropriate for a reduction of salaries.

Mr. BADGER also defended the amendment.

The amendment was then agreed to.

The next amendment was to strike out the reduction of five hundred dollars from the salary of the Second Comptroller; which was agreed to.

The next amendment, inserting *six* instead of *three* additional clerks in the office of the Second Comptroller, was agreed to.

All the other amendments, striking out the reductions of salaries introduced by the House of Representatives, were agreed to.

The remaining amendments, of the committee were agreed to, with the exception of the following items, which were passed by as likely to cause discussion:

That to strike out the proviso relating to a captain of the navy being appointed to the Bureau of Provisions and Clothing.

[Mr. ATHERTON explained that this was not an amendment of the committee, and had been inserted by mistake. It was proper, however, and, if no other Senator did, he should move to strike out the proviso.

Mr. BADGER thought the proviso ought not to be stricken out. He would move to amend it by substituting "purser" for "captain."]

That relating to the appropriation of $50,000 for the payment of claims of the Spanish government against the United States.

That relating to the improvement of the Savannah river.

That relating to the item of $30,000 for the purchase of one or more bridges over the Eastern Branch, to be made free of toll; and that relating to the extension of the appropriation from $65,000 to $115,000 relating to surveys in Michigan, Wisconsin, and Iowa, and private claims in Florida.

On motion by Mr. RUSK, the bill was further amended, by inserting a proviso, that from and after the 1st July, 1848, the Assistant Postmasters General shall receive the same compensation as Auditors.

After the adoption of several unimportant amendments, the further consideration of the bill was postponed until to-morrow.

FLORIDA EVERGLADES.

Mr. WESTCOTT, agreeably to notice, asked and obtained leave to bring in a bill to authorize the draining of the Everglades in the State of Florida by that State, and to grant the same to said State for that purpose; which was read the first and second times, by unanimous consent, and referred to the Committee on Public Lands.

THANKS TO THE NAVY AND MARINES.

The joint resolution from the House of Representatives of thanks to officers, sailors, and marines of the United States Navy, was read a first and second time, by unanimous consent, and considered as in Committee of the Whole.

Mr. WESTCOTT said he should vote for this resolution with great pleasure, but he did not approve of the phraseology of it. He did not approve of the singling out the naval service at Vera Cruz and omitting Alvarado. The capture of that place, and of Tlacotalpan, by the gallant Charles G. Hunter, with a little one gun steamer, was the most brilliant and meritorious exploit of the navy in this war; and that brave officer, in his opinion, and he believed in the opinion of the country, generally, deserved more credit than any other naval officer in the war.

No amendment being made the resolution was reported to the Senate.

Ordered, That it pass to a third reading.

The said resolution was read a third time by unanimous consent.

On the question, "Shall this resolution pass?" Mr. HALE demanded the yeas and nays, and it was determined in the affirmative as follows:

YEAS—Messrs. Allen, Atherton, Atchison, Badger, Bell, Borland, Bradbury, Breese, Clarke, Corwin, Dayton, Dickinson, Dix, Douglas, Downs, Fitzgerald, Greene, Houston, Hunter, Johnson, of Maryland, Johnson, of Louisiana, King, Lewis, Mangum, Mason, Metcalf, Miller, Niles, Rusk, Sebastian, Spruance, Turney, Underwood, Upham, Webster, Westcott, Woodbridge—37.

NAY—Mr. Hale—1.

So it was

Resolved, That the resolution pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

REPORTS OF DEBATES.

The Senate, by unanimous consent, proceeded to consider the resolution proposed by the House of Representatives for the appointment of a joint committee on the subject of reporting the debates of the two Houses; and it was

Resolved, That a committee be

On motion by Mr. BENTON, it was

Ordered, That the committee on the part of the Senate be appointed by the President *pro tem.*; and

Mr. BENTON, Mr. RUSK, and Mr. CLAYTON were accordingly appointed.

Ordered, That the Secretary notify the House of Representatives thereof.

HOUSE RESOLUTION REFERRED.

The resolution from the House of Representatives concerning portions of the marine and ordinance corps was read the first and second times by unanimous consent, and referred to the Committee on Naval Affairs.

JACKSON MONUMENT.

Mr. DIX, from the Committee on Military Affairs, to whom was referred the memorial of the Jackson Monument Association, reported a resolution granting to the Jackson Monument committee brass guns and mortars, captured by General Andrew Jackson, and for other purposes; which was read the first and second time by unanimous consent, and considered as in Committee of the Whole.

And no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said resolution was read a third time.

Resolved, That the resolution pass, and the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

EXECUTIVE SESSION.

After the consideration of Executive business—

On motion,

The Senate adjourned.

WEDNESDAY, AUGUST 2, 1848.

MEETING OF VOLUNTEERS.

The PRESIDENT *pro tempore* presented the proceedings of a meeting of volunteers who have returned from Mexico, in favor of a proposed modification of the act granting three months extra pay; which were referred to the Committee on Military Affairs.

PETITIONS.

Mr. MANGUM presented a supplemental memorial from Charles Lee Jones, in relation to the appointment of certain officers to the command of the volunteers from the District of Columbia and Maryland; which was referred to the Committee on Military Affairs.

On motion by Mr. BORLAND, it was

Ordered, That Jonathan Lewis have leave to withdraw his petition and papers.

CHANGE OF REFERENCE.

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That the Committee on Pensions be discharged from the further consideration of the resolution of the Senate, of the 25th of July, relating to the expediency of granting certain pensions; and that the same be referred to the Committee on Naval Affairs.

PRIVATE BILLS.

Mr. HANNEGAN, from the Committee on Foreign Relations, to whom was referred the memorial of Robert M. Harrison, reported a bill for his relief; which was read, and passed to the second reading.

Mr. HANNEGAN, from the same Committee, to whom were referred the following bills from the House of Representatives:

An act [illegible] of Ensign Lieutenant Cornelius Mannix.

An act for the relief of Lieutenant Benjamin Hodges.

reported the same without amendment.

ADVERSE REPORTS.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom were referred the following bills from the House of Representatives:

An act for the relief of Eliza Roberts.

An act providing for the payment of arrearages of pension to Anthony Walton Bayard.

An act for the relief of Frances Hutmaker.

An act for the relief of Aaron Tucker.

An act for the relief of Sarah Hildreth.

reported the same without amendment, and that they ought not to pass.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed a bill to change the place of holding the district court of the United States for the middle district of Alabama, and for other purposes; in which they request the concurrence of the Senate.

The House have passed the joint resolution authorizing the proper accounting officers of the Treasury, to audit and pay settlement of the claims of the Cherokee nations of Indians, according to the principles established by the treaty of August, 1846, with an amendment, in which they request the concurrence of the Senate.

The House of Representatives concur in the amendments of the Senate, to the bill for the relief of Archibald Beard and twenty-one other Tennessee mounted volunteers;

And in the amendments of the Senate to the joint resolution authorizing the Secretary of State to furnish to the district court of the United States for the western district of Virginia [illegible] of Little and Brown's reform of the Laws of the United States.

The President of the United States approved and signed, on the 29th July, the following acts:

An act for the relief of certain widows of officers and soldiers of the revolutionary army.

An act making appropriations for the current and contingent expenses of the Indian department, and fulfilling treaty stipulations with various Indian tribes, for the year ending the 30th of June, 1849, and for other purposes.

The Speaker of the House of Representatives having signed eighteen enrolled bill, I am directed to bring them to the Senate for the signature of their President.

SIGNING OF BILLS.

The PRESIDENT *pro tem.* signed the eighteen enrolled bills received from the House of Representatives.

COL. R. M. JOHNSON.

On motion by Mr. BELL, the prior orders were postponed, and the bill to compensate R. M. Johnson for the erection of certain buildings for the use of the Choctaw Academy, was read the second time and considered as in Committee of the Whole.

No amendment being made, the bill was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

REPAYMENT OF ADVANCES MADE IN CALIFORNIA.

On motion by Mr. WESTCOTT, the prior orders were postponed, and the bill for the repeal of Ward and Spicer was read the second time and considered as in Committee of the Whole.

No amendment being made the bill was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time by unanimous consent.

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

FORT WINNEBAGO.

On motion by Mr. WALKER, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill to grant to the State of Wisconsin, the military reservation at Fort Winnebago; and, having been amended, it was reported to the Senate, and the amendment was concurred in.

Ordered, That this bill be engrossed and read a third time.

The said bill was read a third time.

Resolved, That the bill pass, and that its title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

SAILORS AND MARINES.

Mr. YULEE, from the Committee on Naval Affairs, to whom was referred the joint resolution from the House of Representatives placing the seamen and marines who have served in Mexico on the same footing with non-commissioned officers and soldiers of the army, reported it with amendments.

The amendments having been agreed to, the resolution was reported to the Senate, and the amendments were concurred in.

Ordered, That the amendments be engrossed, and the resolution read a third time.

The said resolution was read a third time,

Resolved, That the resolution pass, with the amendments.

Ordered, That the Secretary request the concurrence of the House of Representatives in these amendments.

CIVIL AND DIPLOMATIC BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making appropriations for the civil and diplomatic expenses of the government, for the year ending 30th June, 1849, and for other purposes.

Mr. ATHERTON moved to amend the bill in line 421, on the 18th page, by striking out "eight" and inserting "ten," thus increasing the appropriation for the rent of offices for the War Department from $8,500 to $10,500.

Mr. HALE inquired whether these rooms had been prepared at the suggestion of the Department?

Mr. ATHERTON replied that he had heard so, but not directly from the Department.

Mr. HALE would rather strike out the $8,500 than give any more.

Mr. YULEE thought the rent proposed to be given was entirely too much.

Mr. ATHERTON explained that it was proposed to occupy sixty rooms at $175 each, which would amount to $10,500.

After some remarks from Messrs. DAYTON, HALE, PHELPS, KING, and ATHERTON, the amendment was agreed to.

Mr. ATHERTON moved further to amend the bill after line 688, by inserting an appropriation of $2.000 for paying the Washington Gas Light Company for gas, &c.; which was agreed to.

Mr. ATHERTON moved further to amend the bill, in line 792, by striking out "ten" and inserting "twenty-four," which was agreed to.

Mr. ATHERTON moved further to amend the bill, in page 37, by inserting an appropriation to refund to the State of Virginia the amount paid by the State for revolutionary services, under judgments obtained against the States, in her courts; which was agreed to.

Mr. ATHERTON moved further to amend the bill by inserting, after line 1044, "for compensation and expenses of a commercial agent, to be selected and sent abroad by the President, to collect information respecting the commerce. productions, and statistics of Asia and Eastern Africa, ten thousand dollars."

After debate—

The question was taken upon agreeing to the amendment, and it was determined in the negative, as follows:

YEAS—Messrs. Atchison, Badger, Baldwin, Bell, Calhoun, Davis, of Massachusetts, Davis, of Mississippi, Dayton, Dix, Dodge, Fitzgerald, Greene, Hale, Hamlin, Hayne, Jackson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Lewis, Mangum, Niles, Phelps, Sebastian, and Simmons—24.

NAYS—Messrs. Allen, Atchison, Benton, Bodard, Bradbury, Breese, Bright, Butler, Calhoun, Clarke, Davis, Felch, Hale, Hunter, King, Mason, Metcalfe, Miller, Pennybacker, Rusk, Sevier, Sturgeon, Walker, Westcott, and Yulee—24.

So the amendment was rejected.

Mr. ATHERTON moved further to amend the bill, at page 19, line 450, by striking out the proviso that the duties of Chief of the Bureau of Provisions and Clothing shall be performed by a captain in the navy, who shall receive for his services no compensation except his pay as a captain.

Mr. BADGER moved to amend the proviso, so that it shall read as follows:

"*Provided*, That while a commodore shall be employed in the duties of the United States of navies, he shall be entitled, and be assigned to, the duties of said bureau, receiving for his services no compensation, except his highest service pay as a commodore."

After debate—

The amendment of Mr. BADGER was agreed to.

The question then recurred on the motion by Mr. ATHERTON, to strike out the proviso, and it was determined in the affirmative as follows:

YEAS—Messrs. Allen, Atchison, Atherton, Baldwin, Benton, Bradbury, Bright, Butler, Dix, Dodge, Downs, Felch, Fitzgerald, Foote, Hamlin, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Georgia, Niles, Sebastian, Walker, and Westcott—24.

NAYS—Messrs. Badger, Bell, Borland, Breese, Calhoun, Clarke, Clayton, Davis, of Mississippi, Greene, Hale, Johnson, of Louisiana, Mangum, Mason, Metcalfe, Miller, Phelps, Spruance, Underwood, Upham, and Yulee—21.

Mr. JOHNSON, of Maryland stated that he had voted in the affirmative, under a misapprehension of the question, and on his motion the vote just taken was reconsidered.

The question being again put on agreeing to the motion by Mr. ATHERTON, to strike out the proviso, it was determined in the negative as follows:

YEAS—Messrs. Allen, Atherton, Baldwin, Benton, Bradbury, Bright, Dix, Dodge, Downs, Felch, Fitzgerald, Hamlin, Hannegan, Houston, Hunter, Johnson, of Ga., Niles, Walker, and Westcott—19.

NAYS—Messrs. Atchison, Badger, Bell, Borland, Breese, Butler, Calhoun, Clarke, Clayton, Davis of Mississippi, Dayton, Dickinson, Foote, Greene, Hale, Johnson, of Maryland, Johnson, of Louisiana, King, Lewis, Mangum, Mason, Metcalfe, Miller, Phelps, Rusk, Sebastian, Spruance, Underwood, Upham, and Yulee—30.

The question was then stated upon agreeing to the amendment reported from the Committee on Finance, to insert at the end of line 525, 'for a clerk to said Commissioner [of Public Buildings] six hundred dollars; and, after debate, it was determined in the negative as follows:

YEAS—Messrs. Atchison, Atherton, Baldwin, Benton, Butler, Dickinson, Dix, Dodge, Downs, Fitzgerald, Foote, Houston, Hunter, Lewis, Niles, Phelps, and Underwood—17.

NAYS—Messrs. Badger, Borland, Bradbury, Breese, Bright, Calhoun, Clayton, Davis, of Massachusetts, Davis, of Mississippi, Dayton, Felch, Hale, Hamlin, Hannegan, Johnson, of Maryland, Johnson, of Georgia, King, Mangum, Mason, Metcalfe, Miller, Rusk, Spruance, Turney, Walker, Westcott, and Yulee—27.

So the amendment was rejected.

The question was then stated upon agreeing to the amendment reported from the Committee on Finance, to insert after the 620th line:

"For the purchase of one or both of the bridges over the Eastern branch, near the city of Washington, at a valuation to be made in such manner as the Secretary of the Treasury may direct, a sum not exceeding thirty thousand dollars, which bridge or bridges, when purchased, shall be free of toll to all persons whomsoever, under such regulations as are now in force, or as the same may be legally modified, or added to in relation to the Potomac bridge opposite said city."

and, after debate, it was determined in the affirmative.

So the amendment was agreed to.

The question was then stated upon agreeing to the amendment reported from the Committee on Finance, to strike out lines 830, 831 and 832, (being the appropriation for the removal of obstructions in the Savannah river)

Mr. UNDERWOOD moved to amend the amendment, by inserting $50,000 for the improvement of the dam at Cumberland Island, in the Ohio river.

Mr. DIX gave notice of his desire, if that was sustained, to offer a similar amendment for the Hudson river, below Albany.

After debate —

On motion,

The Senate adjourned.

THURSDAY, AUGUST 3, 1848.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

To the Senate of the United States:

I communicate herewith a report from the Secretary of War, together with the accompanying documents, in compliance with a resolution of the Senate of the 24th July, 1848, requesting the President "to transmit to the Senate the proceedings of the two courts of inquiry in the case of Major General Pillow, the one commenced and terminated in Mexico, and the other commenced in Mexico and terminated in the United States."

JAMES K. POLK.

WASHINGTON, August 3d, 1848.

The message was read; and

On motion by Mr. JOHNSON, of Maryland, it was

Ordered, That it be printed, and that three thousand additional copies be printed for the use of the Senate.

PETITIONS.

Mr. SEBASTIAN presented a petition of citizens of Arkansas and Louisiana praying the establishment of a mail route from Lewisville, Arkansas, to Minden, Louisiana; which was referred to the Committee on the Post Office and Post Roads.

Mr. DOUGLAS presented the memorial of J. Quinn Thornton, praying the reimbursement of the expenses incurred by the provisional government of Oregon, in defending the inhabitants of that territory against Indian incursions; which was referred to the Committee on Military Affairs.

On motion by Mr. SEBASTIAN, it was

Ordered, That the Committee on Private Land Claims be discharged from the further consideration of the petition of citizens Missouri, relative to pre-emption rights.

MAPS OF THE VALLEY OF MEXICO.

Mr. LEWIS submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of War furnish the Senate, as soon as practicable, the original or copies, of the maps of the Valley of Mexico, from the surveys of Lieutenants Smith and Hardcastle, of the topographical engineers, and also of the route from Vera Cruz to the city of Mexico, by Lieutenant Hardcastle, and the reports of said officers accompanying the same.

CHEROKEE CLAIMS.

The Senate proceeded to consider the amendments of the House of Representatives to the joint resolution authorizing the proper accounting officers of the Treasury to make a just and fair settlement of the claims of the Cherokee nation of Indians, according to the principles established by the treaty of August, 1846; and

On motion by Mr. BELL, it was

Resolved, That they concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

DISTRICT COURT OF THE U. S. IN ALABAMA.

The bill from the House of Representatives to change the place of holding the district court of the United States for the middle district of Alabama, and for other purposes, was read the first and second times, by unanimous consent.

Mr. LEWIS hoped the usual reference would be dispensed with in this case, and that the bill would be put upon its passage.

Mr. KING trusted that the proposition of his colleague would be acceded to.

Mr. BUTLER remarked that a similar bill had already been reported from the Committee on the Judiciary, and therefore there could be no necessity for referring the subject again to them.

The Senate proceeded to consider the bill; and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time, by unanimous consent.

Resolved, That this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

RETIRED LISTS FOR THE ARMY AND NAVY.

Mr. YULEE, from the Select Committee, to whom were referred, on the 13th June, Senate bills 98 and 190, reported a bill to promote the efficiency of the military and naval establishments; which was read and passed to the second reading.

MESSAGE FROM THE HOUSE.

The following message from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed the bill entitled "An act to establish the territorial government of Oregon," with amendments, in which they request the concurrence of the Senate.

THE OREGON BILL.

The bill from the House of Representatives to establish the territorial government of Oregon was read the first and second times by unanimous consent.

Mr. CLAYTON.—Mr. President: A week has now elapsed since the Senate passed and sent to the House of Representatives a bill to organize territorial governments in Oregon, California, and New Mexico. That bill, after receiving the support of three-fifths of the members of this body, was laid upon the table by the other House without reading or printing it, and of course, I fear, without understanding it. A rule exists in that House, in consequence of which a bill, so laid on the table, cannot be reached again during the session but by the consent of two-thirds of the members. The vote to lay on the table was therefore a decisive rejection of it; and that rejection was not only without discussion, but without consideration. *Castigat auditque.* The result has been, that some of those who condemned without hearing, have since found it necessary to allay the murmurs of the public by debating the bill after they had destroyed it—with what effect we shall hereafter learn.

The House has now sent a territorial bill to the Senate. Sir, I trust we shall not imitate their example. We owe it to our own self-respect, and to the high character which this body has maintained, to take no course which shall prevent a free discussion before voting on the merits of this measure, which, in the rightful exercise of the constitutional authority, a co-ordinate branch of the legislature has presented for our concurrence. Let our action on their bill be deliberate and well considered. Retaliation would be unworthy of us. Let us hereafter resort to no wretched excuse for the vote we shall give upon it, that we have merely read something about their bill in the newspapers, or that some of us have heard some part of their debates while it was before them. To the end that it may receive that calm, dispassionate, and respectful consideration to which any measure coming from the other House is entitled. I will, before I sit down, move the reference of the bill from that House to the appropriate committee.

I have hitherto had no opportunity to express my sentiments at large on that great measure which obtained a majority so triumphant in this body, and was so summarily disposed of in the other House. I desired such an opportunity; but it was impossible for me to avail myself of any occasion to speak during the protracted debate in the Senate, lasting through several days and one whole night, and closing after one uninterrupted session of twenty-four hours, unless I had come to the conclusion that the speedy passage of the bill was less important than a speech delivered by me to explain it. Although I heard this measure traduced, and its purposes and objects shamefully misrepresented—although, indeed, I was under a pledge to submit, at the close of the session, such remarks as would, I thought, justify this bill of peace in the eyes of the world, yet when fanaticism and party spirit had exhausted their violence, such was my confidence in the intelligence of the public, that I sat in silence, under all the attacks made upon the bill, rather than delay its passage by debate. From the period of its passage to this moment, no appropriate occasion has been offered to discuss it. I would rather at any time be "schooled for silence than tasked for speech;" but I now hold it to be a duty to disabuse the public mind, and expose the calumnies of the enemies of that measure.

The misrepresentation of that bill originated with men who had party objects to accomplish. The patriotic Senator from Indiana near me [Mr. HANNEGAN,] admits, that he has been urged to vote against the bill, because the passage of it would injure the election of General Cass. Others tell me that it will endanger the success of General Taylor. If I understand the character of these distinguished citizens, both of them would reject, with scorn and contempt, any proposition to defeat a measure whose object is to restore peace to a distracted country, on the ground that such a defeat was necessary to his own elevation.—Party politics not less than sectional fanaticism, or the desire of disunion and civil strife, have given rise to the misrepresentations and calumnies against this bill. At the same time that I say this, I admit, that many honest men, through misapprehension, have opposed it. Some have said that the object of it was to introduce slavery into the Territories of the United States, south of the parallel of 12 degrees. [illegible] of Oregon, while others with equal confidence have declared that object to be, to prevent the citizens of the slave States from enjoying a constitutional right to carry their property into those territories.

Sir, we have seen that the most opposite doctrines and opinions have been asserted, to suit different latitudes. Wherever it was supposed the greatest injury could be inflicted upon this bill and its friends, by representing it as a southern measure, its purposes have been stated to be, to extend the area of slavery, and to convert free into slave territory. Where, on the other hand, the rights of the South were held most sacred, and the southern claim to equal participation in the territory acquired by the common blood and treasure is most popular, the bill has been represented as surrendering the rights of the South, without an adequate consideration. Letter-writers, stimulated sometimes by party feeling, and sometimes by less excusable motives, have done much to deceive the public mind, and defeat this salutary measure. By the concurrence of all these co-operating influences, geographical parties have been formed in opposite sections of the United States, whose continued existence depends on the defeat of the bill.

These parties, more dangerous to the union of the States than all other causes combined, so directly antagonize with the principles of this bill, that it must destroy them, or they must destroy it. The best possible recommendation of it, in the eye of a true patriot, may be found in their settled hatred and hostility to this measure. The war between these parties and the bill is a war of extermination; and the same geographical factions will be equally implacable against any other proposition to tranquilize the country, and restore fraternal feeling between its discordant sections. They have falsely represented the bill to be a compromise of principle, and have employed the cant that principle cannot be compromised, although the constitution itself was but a compromise of principles, and the result of mutual concessions between the different members of the confederacy. Their existence is amidst the elements of civil strife; and to reach political power, which is the real object of their ambition, they will break down any compromise or other bill of peace, if it do not break them down.—Against these factionists I now solemnly invoke the admonitions in the Farewell Address of the Father of his country:

> In contemplating the causes [says he, which may disturb our Union, it occurs, as a matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern—Atlantic and Western; whence designing men may endeavor to excite belief that there is a real difference of local interests and views. *One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts.* You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection."

He afterwards adds:

> I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on geographical discriminations.

To illustrate the influence of sectional feeling on this subject, let me advert to the language of public men on this floor. Shortly after I reported this bill, the Senator from Connecticut near me [Mr. BALDWIM] came to me and said, that by this measure the North lost every thing in controversy. The words were scarcely out of his mouth before the Senator from Kentucky [Mr. UNDERWOOD] came up and observed, that by this bill the South lost every thing she claimed. The Senator from Rhode Island [Mr. CLARKE] and the Senator from Ohio [Mr. CORWIN] have made able speeches to demonstrate that the bill gave up all California and New Mexico to slavery, and the Senators from North Carolina [Mr. BADGER] and Tennessee [Mr. BELL] have labored with quite equal ability for six hours, to prove that it completely excluded slavery from every inch of these territories! My honorable friend from North Carolina, after demonstrating, as he contends, that the South has no constitutional right to carry slaves into the territories, utterly condemned the bill because, as he said, it surrendered all the rights of the South. Having proved, to his own satisfaction, in a speech of great ability, that the South had no such right as she contended for during many years past, he concluded that he would not agree to submit the question to the court, lest she should be defeated. I would be gratified to learn from him how he makes it appear that his section has (as he declared) surrendered anything by this bill, if she had nothing to surrender. But, without stopping to refute their respective arguments, at this time, I will ask them in what a position have they placed me, and themselves, too, if all they say be true? If the North and South have both lost all their rights by the bill, who has got them? Where are they? It is time for the honorable gentlemen to go on a voyage of discovery for these lost rights, and if any of those who complain of their loss by the operation of the bill should come back satisfied that their recovery is hopeless, it will only be a proof that they never had any such rights as have been claimed for their respective sections.

Mr. President, these antagonizing opinions are no doubt honestly entertained by the gentlemen who advanced them, but they have furnished others—less worthy and less able men—with those opprobrious epithets which have been applied to the bill, if not to those who proposed it. The whole vocabulary of abuse has been exhausted by some who stand at the antipodes on this great question, to cry down those who occupy middle ground, and whose dearest wish is to reconcile them to each other. I stand like the man in the almanac, as a target for arrows from all the opposite points of the compass. The moment the bill was reported, and before its merits were understood, it was assailed by a storm of opposition from every quarter:

> *Una Eurusque, Notusque ruunt, creberque procellis Africus.*

The whole select committee and their bill were assailed for having evaded the responsibility which belonged to Congress, and delegated its power to the Supreme Court. The Senator from Ohio [Mr. CORWIN] endorsed this charge. By the Senators from Tennessee and North Carolina the bill was also denounced as evasive and delusive, and one Senator over the way [Mr. NILES] let himself down so low as to proclaim it a cowardly measure.—It is true, that the Senator from New Jersey, [Mr. DAYTON] who also eloquently opposed the bill, differed with these gentlemen, and asserted that the bill had the merit of being a bold, frank, and manly measure. As for the Senator from Connecticut, [Mr. NILES,] who gave a casting vote in this body for the resolution annexing Texas, and by that same resolution adopted the Missouri Compromise, fastening slavery on a district of country as large as twenty of the State he represents, I commend his political consistency to the especial consideration of his own constituents. The compromise game on Texas was a losing one, but he will hardly be able to hedge enough on California to regain their favor.

The whole of these charges against the bill as being evasive, and shunning responsibility, arise out of, and are resolved into one single misrepresentation, which I will proceed to expose and put to shame. The misrepresentation consists in this single declaration—that the bill delegates and refers the power of Congress to decide the question whether slavery shall exist in the Territories to the Supreme Court of the United States. Now the bill delegates no power of Congress whatever. It simply provides, that a writ of error or appeal shall be had, at the suit of either party, in case of a claim of freedom by any negro in either California or New Mexico, to the Supreme Court. Every power which Congress ever had over the subject is reserved, because no word in the bill proposes to devolve that power on the court or any other tribunal. The power of Congress over the subject is political and legislative; that of the court is simply judicial.

The great question to settle which the select committee was raised in the Senate was, whether the citizens of the slaveholding States of this Union have a constitutional right to emigrate to the territories, which have been acquired by the common efforts of all the States, with their slaves. The South affirmed this, and the North denied it. On this question the debate in this body had raged for weeks, when I made a motion to raise a committee composed of equal numbers from both sections of the Union, and equal numbers from both political parties. The committee, after exhausting every other effort to effect a compromise between the parties, reported, by a majority of two-thirds, this bill to extend the laws over the territories, to organize a government composed of a governor, three judges, and a secretary, for California, and of a governor, and secretary, with two judges, for New Mexico. These constituted the legislative power in each, upon which the governor had no veto, and that legislature was restricted so as to be unable to pass any law introducing or prohibiting African slavery in the territories: thus leaving that question not to the appointees of the President to legislate slavery either into or out of the territories, but confining the decision of the question of slavery in the territories themselves to the judicial tribunals there, with a perfectly secured right of appeal, in all cases, from their decision to the Supreme Court of the United States. Thus, both the master and the friend of the slave were entitled to try the question at once before the common arbiter appointed by the fathers of the republic to settle all conflicting questions of constitutional law, while Congress retained all its political and legislative power over the whole subject, to be exercised or not, as to its own wisdom should seem fit. A single decision of the court, made on the very first case presented at the next term, would, it was understood, have settled the question debated in these halls for years past, and which we all know never can be settled here.

By the third article of the constitution, the judicial power of the United States is vested in the Supreme Court, and in such inferior courts as Congress shall establish, and is extended "to all cases in law and equity arising under the constitution." The judicial power being thus expressly extended to this question, under the clause in the same section declares that in such cases "the Supreme Court shall have appellate jurisdiction both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make."

At the moment, then, in which a territorial government is organized in the territories of the United States, with the necessary inferior tribunals, the appellate jurisdiction of the Supreme Court is ordained by the constitution itself; and the oath of every Senator to support that constitution, binds him to make the regulations under which that appellate jurisdiction shall be exercised, unless it can be made to appear that the question forms an "exception" to the general rule.

Hence a preliminary matter to be decided is, whether this question arising under the constitution, between the North and the South, can, with any propriety, be made an exception to the general rule. If it can, then the committee which reported this bill may be charged with having attempted to devolve upon the Supreme Court a duty which does not properly belong to it. If it cannot, then the committee has only complied with the constitutional requisition, and the court derives its power to decide the question, not from the bill, but from the constitution, which is the real object of attack of all the geographical factionists who have vented their spleen against the bill.

Now, that such a constitutional question as this should form an exception to the appellate jurisdiction of the court is a position which the most hardy will not dare assume. It is a question on the one hand affecting the rights of southern men to the amount

of all the slave property they could send into the territories, and on the other involving the great issue of personal liberty. Neither northern nor southern men will pretend for one moment that this great question, which threatens to shake the pillars of our whole political edifice, is not of sufficient importance to entitle it to a decision by the highest tribunal known to the constitution. No question of greater importance was ever before submitted to that court.

I say, therefore, it is palpable that the bill, so much vilified and misrepresented, is but a simple compliance with our oaths to support the constitution, which commands us to make the regulations under which the Supreme Court shall exercise its appellate jurisdiction in this very case. Had the members of the other House given themselves time to reflect, it is quite impossible they could have rejected it, because the judges were, by the regulations of the bill, to decide a judicial question which the constitution ordained them to decide, and commanded us to make provision enable them to decide.

The Senator from Ohio, [Mr. CORWIN,] has, in the face of this constitutional requisition upon us all, (himself included,) objected that the court is an improper tribunal to decide the question. What right has he or any other man to make such an objection? If the constitution has not ceased to be obligatory upon him, how does he reconcile it to his duty to condemn the bill on such a pretext as that? "Oh! but," says he, "five of the judges live on the south side of Mason and Dixon's line, and therefore they will, though very honest and honorable men, decide—as honorable Senators often do who live on different sides of that line—in favor of their own section." I think I have had a little more experience in the Senate than the honorable Senator himself; and I deny that even the Senate, which is a political and legislative body, is so utterly lost to all sense of shame on a constitutional question as to justify the aspersion cast upon it. The views of constitutional law expressed on this very bill do not justify it. During all the debates and votes on the bill, the gentleman has kept company with our friends from North Carolina, Tennessee, and Kentucky, as well as with the barnburners and ultra anti-slavery men of the North. But the gentleman knows well this

the last of the matters to save the benefit of an appeal.

The Senator from Ohio [Mr. CORWIN] and other northern Senators, have stoutly maintained that while the master had that [illegible] was denied it. My friend from Vermont, [Mr. PHELPS,] in his able and conclusive argument for the bill, completely refuted all these opinions. But the friends of the bill were [illegible]. They insisted that gentlemen opposed to it should permit it to pass as it came to them in this respect. Certain amendments were introduced to their objections in the progress. I resolved that not a shadow of a pretext of this kind should remain to its enemies, and therefore the bill, with my aid and the consent of its friends, has been so amended that its worst enemies now agree, [illegible] perfect, in giving the appeal and writ of error in every possible case where the question of slavery can arise without reference to the value or amount in controversy, and in every case where a local judge could decide either way, even on a *habeas corpus*. Throwing out of view the cavils, pleas in abatement, and specious arguments of technical lawyers, and the more transparent follies of the enthusiast and men of a single idea, whether northern or [illegible] the members of the Senate, must commend itself to every patriot, because it would have removed one of the greatest and most dangerous elements of discord between the opposite sections of our country.

I confess I have been surprised by the opposition which seem to be cherished by a few southern gentlemen in Congress for whom I have great respect, as they endeavor to prove that the southern claim, founded on the constitution, is unsound, and for that reason resolve that they will not submit to a decision at law upon it.—But abandoning that, do they not clearly perceive that they abandon [illegible]? Do they not imagine that from the time forth to the end of the republic, the North will ever again consent to extend slavery by act of Congress into any free territory, and thus increase that alleged inequality of representation in the other House arising [illegible] representation of three fifths of the slaves in the apportionment of its members, which has ever been the foundation of their most bitter complaint? Try that question when you may in that House, an overwhelming majority will ever oppose [illegible]. I have noted [illegible] such an act of Congress, because, in my deliberate judgment, it would be wrong, and never could be justified except as a measure to be resorted to in an extreme case involving the very existence of the Union. I am no advocate of slavery or of its extension. The spirit of the age in this country, as well as in Europe, is against such extension. Like my friend from Maryland, [Mr. JOHNSON,] I believe [illegible] in the opinion which he expressed a year ago, that slavery is a moral, social, and political evil, to be removed, however, only by those who are immediately interested in it. There are the deliberate opinions of thousands and tens of thousands in Maryland, Delaware, Virginia, and Kentucky—all slaveholding States—who would at the same time instantly resent any interference from other quarters with the question of slavery in the States. Opinions go far beyond ours in the non-slaveholding States. They view slavery as an ineradicable curse, and will never consent, in any event, to its extension, unless where the constitution carries it. The votes and speeches of northern gentlemen but faintly prefigure their future course on this question. When they return next session, reeking from the political controversy on this very question, does the Senator from North Carolina expect them to reverse their votes, and grant him more than they will at this time? They know their strength. With forty majority now in the other House, and, after another census, with a majority of double that number, or even more, does any rational human being expect them ever to vote themselves out of the asserted rights to equality of representation, which they have the power to enforce?

Sir, I have told the Senate on a former occasion, that no Missouri compromise, or other arrangement yielding an inch of territory to slavery, would, or could, receive the assent of the other House. With full knowledge of the subject I undertook to deal with, I said to southern gentlemen that the bill I reported, to give them a trial of their claim under the constitution, was all they ever could expect from this time forth; and I have pursued to find that any of my southern friends stood ready to defeat it. I anxiously hope that, upon further reflection, they will view this subject in a different light.

Sir, it is time the South understood her true position. She can no longer control this question. He who supposes that a threat of dismion will alarm the violent men of the North, labors under a great mistake. To them dismion has no terrors. Nay, I believe some of them desire it, and pray for it as a consummation devoutly to be wished. The political agitators, in truth, desire no settlement of the question on any terms, and if the South should push her claim beyond her constitutional rights, the dissolution of the Union will inevitably follow before the North will surrender. On the enforcement of that constitutional right, we, of the middle States, will stand by the South. Every true patriot and sincere friend of his country in the North, when he understands the true question submitted by this bill, will, as the able Senator from Vermont, [Mr. PHELPS,] has done, stand by the South on that issue. The course of that Senator will, before a year elapses, be approved by the whole reflecting community in the North, and it will receive the approbation of all good men in ages yet to come. The people still love the constitution and the institutions of their forefathers; and no man in the North can win laurels, that will not speedily wither, by disparaging their labors or desecrating their graves. The cry against compromise to save the Union, is destined to be short-lived. The people know that when Washington submitted the constitution to Congress, he reminded them that individuals entering into society "must give up a share of liberty to preserve the rest;" that the "greatest interest of every true American was the consolidation of the Union;" and that the constitution itself was but "the result of a spirit of amity and of mutual deference and concession, rendered indispensable by our condition."

That same spirit, that mutual deference and concession, are again rendered indispensable by our condition. We are now about to apply the constitution to a region larger than the old thirteen States were when the Union was formed. Under such circumstances, when I hear a man set up for himself a higher standard of morality and virtue than that of the fathers of the republic, and say that he can agree to no compromise—or, to use the cant of the time, that principles cannot be compromised—I think of the poet's exclamation, "Oh! for a forty-person power to chaunt thy praise, Hypocrisy!" Not a man came out of the convention that framed the constitution who had not objections to some part of it. It was a compromise; and the same feeling which governed in its formation is, and ever will be, indispensable to its preservation. History has done justice to the motives and measures of those who made the Union; and will do justice to those who have sustained this attempt to transmit it unimpaired to future generations.

As to so much of the bill as organizes a territorial government in Oregon, it is in truth no matter of local controversy between the different sections of the country. All men, northern and southern, agree that Oregon—containing, by the official estimate of the Land Commissioner, 341,463 square miles, or 218,536,320 acres, equal in area to seven such States as New York—is, by her present laws, and ought to remain, free from slavery. There is no pretext set up by any man that this territory ever can, by any possibility, be slave territory. No southern man has has asked or desired it. Slave labor could not there compete with free labor. But, gentlemen who had all their lives denied the constitutional power of Congress to exclude slavery from a territory, while conceding this, respectfully asked of their friends not to put a clause in the organic law for that territory, expressly excluding slavery from it, and thereby prevent them from voting for the bill. The only compromise in the bill was on this single point. It was agreed that this territory should be organized by the appointment of a governor, three judges, a secretary, and a legislature to be elected by the free white male citizens of the territory. These people were deemed prepared for self-government, while those of California and New Mexico were to be governed, in their territorial state, by a legislature composed, as I have stated, of the governor, judges, and a secretary, or very much as the Northwestern Territory was organized by the ordinance of 1787. The compromise was simply this. The present laws prohibiting slavery were, by the 12th section of the bill, to stand till the first session of the legislature of Oregon, and three months after. That legislature was, by the 6th section of the bill, to have power to pass all laws in general which were necessary or proper for the government of the territory, not inconsistent with the constitution or the organic law itself. Of course we all knew the people of the territory, who are opposed to slavery, would, through their legislature, continue the restriction; and, to enable them fully to exercise their legislative power in this respect, the bill continued the existing restriction three months beyond their first session. Those who denied the power to legislate (either in Congress or in the territorial legislature) to prohibit slavery, could vote for this proposition, because the validity of any act of the territorial legislature depended on its constitutionality; and, upon the question, whether such an act could constitutionally abolish or restrict the institution of slavery, they did not commit themselves by voting for the bill. The southern concession, therefore, was only this: that the present laws of Oregon should remain in force till a reasonable time after the territorial legislature could act; the northern concession was, that the local legislature, instead of Congress, should make the law. The former would—the latter never could do it. This made the only compromise contained in the bill; for I do not call the compliance with the constitution, in making the regulations to enable parties in California and New Mexico to carry a case to the appellate court a compromise, as it does not include any concession by either party to the other; it merely acknowledges a constitutional duty, and enforces a constitutional right.

The Senator from New York [Mr. DIX] in the course of a long and ingenious speech against the bill, found fault with a remark made by me at the time I reported it, that by far the greatest portion of all these territories was properly adapted to free labor, and would necessarily be free for all time to come; that there was a portion of them where free labor never could be introduced. He thinks slavery can compete with free labor any where. I have not quite so high an opinion of it. The gentleman has no practical knowledge on the subject. I speak from my own observation, and say, that in the beautiful country where I reside, although slavery is legalized and protected, there are but about one hundred slaves in a population of about forty thousand souls, because free labor is more profitable. The gentleman, like most others from his own section, who know little of slavery, except from books and the speculations of persons entertaining northern opinions, thinks free labor can compete with slave labor on a rice plantation, in a sugar-mill, or in a cotton field. He sits now in the midst of men from the southern States, and if he will ask any one of them, they will tell him that his opinions are entirely erroneous and visionary. It was because I knew that portions of New Mexico and California, including the land of the "root diggers," and the parts

where the rains of heaven for months together do not bless the parched soil, and where irrigation furnishes the only means of watering the productions of the earth, never would be cultivated by white labor, that I expressed the sentiment to which the gentleman took exception. The Senator from Massachusetts, [Mr. WEBSTER] in a late speech on the Mexican treaty, declared his opinion at great length, that the northern laborer would never settle in these portions of that country; and if the gentleman will make the inquiry, he will find that in the pastoral and grazing portions of California slave labor could not be advantageously employed, because the slaves sent to tend the herds would be less apt to return to their master than the herds themselves. Climate and production will sometimes make the laws which are to regulate the character of the labor to be employed in despite of us.—The gentleman thinks he can legislate free labor into any part of the earth. I crave to know of him, then, why it was that he did not legislate it into all that vast region of Texas lying south of 36° 30'? Did not the Senator give a vote—aye, a casting vote—in favor of the resolution which annexed Texas to the Union in 1845?

[Mr. DIX, in his seat, assented.]

Mr. CLAYTON.—The gentleman admits that he did. By his vote a territory extending, according to his construction of its boundaries, from the Sabine to the Bravo, and from 36° 30' to the Gulf, (larger than six of his own great State) was made slave territory forever. The resolution annexing Texas contained the Missouri compromise in the very form which is now most objectionable to northern men. Yet he not only voted for it, but made an able speech for it, only three years ago! If he could apply the compromise line there, why is he now so strenuous against the same or any other compromise line? Then, the gentleman, like his friend from Connecticut, [Mr. NILES] could doom a beautiful and fertile country, worth fifty of New Mexico, and large enough for five or six great States, to that very slavery which they now denounce in no measured language, and which one Senator declares to be an ineradicable curse. Why so great a change? The resolution annexing Texas by a simple majority passed the Senate by a majority of one vote. It brought with it a war with Mexico which has resulted in the acquisition of the adjoining territories of New Mexico and California. The honorable gentleman, like him from Connecticut, voted for the war, and spoke for the war; voted for the treaty of acquisition, and spoke for the acquisition. I did not. Yet now when the territories have been acquired by their efforts and design, and when the very worst evils predicted by myself and my friends are the inevitable consequences of the acquisition, are upon us; when that demon of discord rages in the midst of us, whose approach I foretold in a debate on the three million bill a year ago, as the legitimate fruit of this very accession of territory for which both these gentlemen were then so anxious—instead of devising means to allay the evils resulting from their own conduct, they throw every impediment in the way to any amicable settlement of our difficulties. And it is the manner in which these gentlemen exhibit that bold and manly spirit for the want of which the committee that reported this bill has been taunted! They offer nothing to calm the tumult they have raised; but find fault with every thing which others can propose. The very men who shun all responsibility themselves, yet venture to charge others with the want of courage to meet it.

As the support of this bill of peace, the South has rallied with extraordinary unanimity. Four members in this and eight in the other House, constitute the whole apparent southern opposition to it, and they have based that opposition upon grounds which will place every northern opponent professing hostility to the existence of slavery, whether felt or feigned, in a most unpleasant situation if he cannot refute their arguments to the satisfaction of his constituents; for if the southern opposition be right in their opinion of the ultimate decision of the court, these northern gentlemen have rejected a bill which would have made the whole territory free! And do they not perceive that by their defeat of a bill which simply makes the regulations necessary to enable the court to exercise its appellate jurisdiction, they have refused to comply with a palpable constitutional injunction upon us all; denied to themselves and their southern brethren a constitutional right; and subjected themselves to the inference—aye, the forgone conclusion—that their argument about free soil in these territories is a mockery. Are they afraid to try the question? What will—what must be the inference in the South from their conduct in defeating the bill? what will be the probable consequence of denying to the South their constitutional right to try this question?

This, sir, is a question which I put with sorrow and alarm? I am neither a northern man nor a southern man on this question. I stand on middle ground. In the spirit of a request from the legislature of Delaware, I voted at the time the Mexican treaty was before the Senate to extend the anti-slavery proviso in the ordinance of 1787 over the territories to be acquired by that treaty. The resolutions of the legislature of Delaware were not, as they have been represented to be, an instruction to vote for the proviso, but a request to vote against the acquisition of slave territory. It came from men whose opinions I respect—men who had the wisdom to foresee the discord and danger that would arise out of this acquisition of Mexican territory, and who were anxious to avert an evil which now threatens us with disunion and civil war. They are no abolitionists. Neither are they the advocates of the extension of slavery. In the spirit of their request I voted for the proviso against slavery, when no other man from a slaveholding State voted with me. Some ten or fifteen gentlemen from all the non-slaveholding States voted with me for that proviso. On the treaty my present colleague joined me in this vote, and there were but thirteen Senators from all the North (just one-half her delegation in the Senate at the time,) who gave us their concurrence in that vote. Even the Senator from Ohio, [Mr. ALLEN,] who voted with me for the proviso on the bills granting two and three millions to secure peace with Mexico, went over to the other side on the motion to insert it in the treaty of settlement and limits made at Guadalupe Hidalgo. My votes, given in the spirit of the legislative request to me, were aimed against the acquisition of territory, which I forsaw would be the apple of strife among my countrymen. In a Senate of fifty-six members, there were with the aid of myself and my colleague, just fifteen for that proviso—less than one-third! But the moment the barnburners blew their trumpet, a dozen [illegible] doctors, who sixty days ago scoffed at this proviso and its effect, and now they might number some sixteen or twenty friends of it in the Senate, including the Senator from Ohio, [Mr. ALLEN,] who has [illegible] of sense will ever calculate that a majority of this body will vote to prevent the extension of slavery in those territories by a direct law of Congress. There is no more prospect of that than of a majority vote in the other House to introduce slavery into the territories.

With the perfect knowledge of this fixed fact, how do northern gentlemen, who defeated this bill in the other House, where they have a large majority, expect to settle this question? Do they expect the South to give up their constitutional objections because a [illegible] they give up their own settled convictions of their constitutional rights at the bidding of a southern majority in the Senate, and rest contented after being thus kicked out of the Supreme Court? Sir, I know them too well, and respect them too much, to believe it. They now know that they are in the majority in the popular branch of Congress, and that this majority will be greatly increased with every returning census. They can, therefore, as the stronger party, at their pleasure to preserve the Union, be magnanimous. Yet, how have they met the South in their efforts to conciliate, and restore fraternal feeling? Sir, as an honest man, I am bound to state the truth, and I will now do it in presence of all the members of the committee, northern as well as southern. In that committee the South proposed the Missouri compromise, in spirit and [illegible] and all south of it open to slavery, if the people there should will it. The North voted the proposition down. The North then proposed the words of the Missouri compromise, which totally varied [illegible] territory to which it applied, was all slave territory, and that to [illegible] the South, because, while it yielded six-sevenths of the whole territories of the United States, outside of the States, to the northern claim of restriction, it was entirely silent as to the remainder, and made no concessions of an inch of territory to the South. The proposal of the South to run the line of 36° 30 to the Pacific, would have made 1 600,000 square miles of the territories lying beyond the States on both sides of the Rocky mountains, free from slavery forever, and would have left for African slavery south of 36° 30' parts of California and New Mexico, containing only about two [illegible] area, and less than one-twentieth in value of all the territory acquired by the common blood and treasure.

The gentlemen of the committee from the North having voted down this proposal made by my friend from Kentucky, [Mr. UNDERWOOD,] a southern member, there was indeed, as the gentleman from South Carolina [Mr. CALHOUN] has described it, a solemn pause in that committee. All hope of amicable settlement for the moment vanished, and unnatural contention seemed likely to prevail among us. It was then proposed to try the last resort—the court established by the constitution to settle all judicial questions, and to rest our present hopes of a settlement on this as the ark of our safety. Two-thirds of the committee joyously concurred in the proposition. But even in this hour of trial, when, as in our friends from Kentucky and Rhode Island, the representatives of the ultra claims of the South and the North, who differed with us about the report, and with one another about everything on this subject. The proposition to limit the appeal and the writ of error as in other cases to matters of the value of $2,000 came from the Senator from Kentucky himself. But the original jurisdiction of the court in cases of habeas corpus had been settled by the decision of that court, as has been shown by my friend from Vermont [illegible] would settle the question at the next term of the court, either on an application to the original or the appellate jurisdiction of the court at the pleasure of those interested. I repeat again, however, that the bill as it stood when it passed the Senate, gave the court, in addition to its original jurisdiction, all facilities for the exercise of its [illegible] ence to the amount in controversy, or the party who desired it.

Having thus stated the course of the North and the South, in committee, I recur to the point of inquiry how they treated this simple proposition to acknowledge a constitutional right existing in both when the bill came to be acted upon in Congress. The [illegible] is before the world. The North [illegible]

other House—voted down the bill and refused to hear a proposition to satisfy the minds of their southern brethren as to their constitutional rights, by even allowing them the constitutional privilege of an appeal to the common arbiter appointed by the great charter which makes them one nation.

Sir, this decision of the North—with which I had acted on the great question of the extension of slavery, and stood ready still to act, if by any possibility legislation could have been effective to control the result without danger to the Union—has been to me the subject of grief and alarm. If any man had moved such a bill as this before the excitement on this question became intense, and called it any thing but a compromise—a bill simply giving to both parties the means of exercising a constitutional right to try the judicial question at law—not a voice would have been raised against it. The refusal to submit to the arbitrament of the very tribunal which the founders of the republic established—the scorn with which the constitution itself has been treated in the contemptuous repudiation of a sacred constitutional right to try the question made by one whole section of the Union—the contumely and reproach now poured out without stint or measure on both sections—and the shouts of victory over one section by another, as if a triumph had been achieved over a foreign foe, all announce not only the dawning, but the perfect day, of an attempt to alienate one portion of the Union from the other. How and when is this suicidal madness to be arrested? It is now palpable that no bill of any kind to organize governments in the territories acquired from Mexico can pass Congress at the present session, though ineffectual efforts will be made to pass one, and that he who shall attempt to stand between the contending sections in their hostile array, will be the first man struck down by both. Who will take the hazard of that position hereafter? Gentlemen both of the North and South will now go home and seek to sustain their respective grounds by inflammatory addresses to their constituents. The people will become excited, and their representatives will return to these halls at the next session still more rivetted in their opposition to one another. Before Congress can act on this question, it may run beyond the reach of any settlement. Is there not real ground for alarm? Sir, I envy not that man's feelings who can look upon the approaching struggle without apprehension.—The fiery southron finding the doors of justice barred against him, may seek to storm them or enforce his claims by violence, and in that event the very first men to shirk responsibility will be those who have provoked this tempest by their violent denunciations of all compromise and all justice. For myself, I confess that there is one object which I never could and never shall be able to contemplate in imagination without terror. It is that of my native land rent by discordant sectional factions—divided and torn into fragments, and finally drenched with fraternal blood. To avert that calamity, I will, at any time, sacrifice all other considerations, and seize upon the first opportunity to allay feelings which can by possibility lead to such a catatrophe. And gloomy as the prospect may be, I will not now cease to hope. The bill which was defeated in the House by fifteen votes, passed the Senate by a majority of eleven. Of two hundred and sixty-four votes in both Houses, the majority against the bill was but four! No other proposition could have possibly approached so near to a successful result. In the future, therefore, amidst all the darkness and difficulties of our position, we may finally find our safety in the judiciary, to which the constitution itself directs us. On the entablature over the eastern portico of this capitol stand, in beautiful relief, the marble figures of hope, liberty, and justice. Hope, leaning on her anchor, is represented as inquiring of liberty how the constitution and the Union it secures may be best preserved? and liberty points to justice as her answer. The moral ought never to forgotten. Let us look to the court which the charter of our liberties has established. That is the diamond which glitters through the gloom that surrounds us, and by that sacred light we may yet be directed to the preservation of our glorious Union; without which the hopes of all men who love liberty must sink in darkness forever.

Mr. CLAYTON then moved that the bill before the Senate be referred to the Committee on Territories.

Mr. DOWNS said that he had suggested a division of the territory of Oregon into two governments, the one embracing that part below thirty-six degrees, and the other above. He would now give notice of his intention to move an amendment, which he sent to the chair, and which he asked to have printed, embracing the principle of the Missouri compromise.

Mr. BADGER rose to address the Senate.

Mr. KING said there was no question before the Senate.

The CHAIR stated the question to be on the motion by the Senator from Delaware to refer the bill to the Committee on Territories.

Mr. DICKINSON.—The question of reference is not debatable.

Mr. CLAYTON.—I will withdraw my motion to refer the bill to afford my friend from North Carolina an opportunity of being heard.

Mr. BADGER was proceeding to address the Senate, when

Mr. BUTLER called the Senator from North Carolina to order. There was no question before the Senate, and he asked that the rules should be observed.

Mr. YULEE.—If the Senator from North Carolina will give way, I will make a motion to permit him to proceed.

Mr. FOOTE hoped no friend of the compromise would interpose an objection to the freest discussion. He insisted that the Senator from North Carolina should proceed as the Senator from Delaware had been permitted to do.

Mr. BADGER said he desired no permission. He would, for the sake of having an opportunity to say a few words, move that the bill be indefinitely postponed. He then gave, briefly, some of the reasons which had brought him to the conclusion that the compromise bill surrendered the rights of the South; and expressed his surprise that any northern man should have opposed it, or any southern man have given it his support. It was presenting a case to the Supreme Court which must be decided against the South.

Mr. BADGER then withdrew his motion that the bill be indefinitely postponed.

Mr. CLAYTON made a few observations in reply.

Mr. PHELPS inquired if there was any motion before the Senate.

The PRESIDENT *pro tempore* replied that there was a motion that the bill be indefinitely postponed.

Mr. BADGER.—That is withdrawn.

The PRESIDENT *pro tempore*.—The Senator from North Carolina cannot withdraw his motion without the unanimous consent of the Senate.

[Objection was here made to the withdrawal of the motion.]

Mr. BADGER.—Is it the decision of the Chair that I cannot withdraw my motion without the unanimous consent of the Senate?

The PRESIDENT *pro tempore*.—It is.

Mr. BADGER.—Then I appeal from the decision.

Mr. HALE moved to lay the appeal on the table; and the question being taken, it was decided in the affirmative.

So it was

Ordered, That the appeal lie on the table.

Mr. PHELPS expressed a hope that the bill would be referred to a proper committee. He desired a free discussion, until the country should wake up and understand the merits of the bill. He was prepared to meet the responsibility of the position he had assumed; he was prepared to go home and face his constituency, and explain his course to them, and unless he was grievously mistaken they would sustain and approve his action in the matter. He was deeply indebted to his friend from North Carolina, [Mr. BADGER,] who had completely vindicated his [Mr. P.'s] course, when he said that the bill surrendered all the rights of the South. In that case, he [Mr. P.] could no longer be charged with surrendering the rights of the North. He desired the bill to go to a committee, to look into this and other statements which had been made here and elsewhere. He had hoped he had sufficiently explained his course, but it was not so: every breeze from the North assailed him and the bill.

The committee who had charge of the bill were sent there to perform certain duties. These duties were not to go to fisticuffs in the committee-room for sectional objects. He had a duty to his country to perform, and not a mere duty to a section. If any objected to the bill, let them submit such proposition as in their judgment would extricate us from the embarrassment in which we are placed.

The PRESIDENT *pro tempore* stated the question on the motion that the bill be indefinitely postponed.

Mr. HALE.—Does not the motion to refer take precedence?

The PRESIDENT *pro tempore*.—In the opinion of the Chair, it does not.

Mr. MANGUM.—I move that my colleague have leave to withdraw his motion for the indefinite postponement of the bill.

Mr. BADGER.—I don't ask leave. The motion cannot be withdrawn without my consent.

The question was then taken, on the motion of indefinite postponement, and decided in the negative, as follows:

YEAS—Mr. Yulee—1.

NAYS—Messrs. Allen, Archer, Atherton, Badger, Baldwin, Bell, Benton, Borland, Bradbury, Bright, Butler, Chase, Clayton, Cooper, Davis of Massachusetts, Davis of Mississippi, Dayton, Dickinson, Dix, Dodge, Downs, Felch, Fitzgerald, Foote, Greene, Hale, Hamlin, Houston, Johnson of Md., Johnson of La., Johnson of Georgia, King, Lewis, Mangum, Mason, Metcalfe, Miller, Niles, Pearce, Phelps, Sebastian, Spruance, Sturgeon, Turney, Upham, Walker, and Westcott—37.

[Mr. FOOTE, when his name was called, stated, by permission of the Senate, that he should vote in the negative, not because he intended to commit himself in support of the bill, (for he knew nothing of its character,) but simply because he was of opinion that every bill from the House of Representatives ought to be received and treated with due consideration and respect.]

So the motion that the bill be indefinitely postponed was rejected.

The question was then taken upon the motion by Mr. CLAYTON that the bill be referred to the Committee on Territories, and it was determined in the affirmative.

So it was

Ordered, That the bill be referred to the Committee on Territories.

CIVIL AND DIPLOMATIC BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making appropriations for the civil and diplomatic expenses of the government for the year ending on the 30th of June, 1849.

The question pending was upon agreeing to the amendment reported from the Committee on Finance to strike out the following clause:

"For the removal of obstructions in the Savannah river, and the naval anchorage near Fort Pulaski, under the direction of the Secretary of War, fifty thousand dollars."

Mr. JOHNSON, of Maryland, moved to amend the clause by inserting after the word "obstructions," the words "caused by sinking wrecks in the defence of the city during the revolutionary war."

The question being taken upon agreeing to this amendment, it was determined in the negative, as follows:

YEAS—Messrs. Badger, Baldwin, Bell, Clarke, Clayton, Corwin, Davis, of Mass., Dayton, Downs, Greene, Johnson, of Maryland, Johnson, of Louisiana, Metcalfe, Miller, Phelps, Spruance, Upham, and Westcott—18.

NAYS—Messrs. Allen, Archison Atherton, Benton, Bernard, Bradbury, Breese, Bright, Butler, Calhoun, Davis, of Miss., Dickinson, Dix, Dodge, Douglas, Felch, Fitzgerald, Foote, Hamlin, Hannegan, Houston, Hunter, Jones, Lewis, Mangum, Mason, Niles, Rusk, Sturgeon, Turney, Walker, and Yulee—31.

The question then recurred upon agreeing to the amendment reported from the Committee on Finance to strike out the clause.

Mr. YULEE asked to be excused from voting, upon the ground that he had paired off with the Senator from Georgia, [Mr. BERRIEN.]

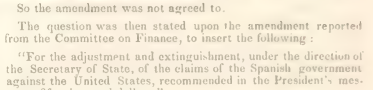
Mr. BENTON hoped the Senator from Florida would not be excused, and made a few remarks in opposition to the practice of pairing off.

The question being put—"shall the Senator from Florida be excused from voting on this amendment?" it was determined in the affirmative.

Mr. JOHNSON, of Georgia, then proceeded to state the reasons by which he was governed in his intention to vote to strike out the appropriation, and was alluding to the opinion of the President of the United States on the subject, when

Mr. JOHNSON, of Maryland, called the Senator from Georgia to order, on the ground that it was not in order to cite the opinion of the Executive to influence the action of the Senate.

After some debate, principally upon the point of order, the question was taken upon the amendment, reported from the committee, to strike out the clause, and it was determined in the affirmative, as follows:



So the amendment was not agreed to.

The question was then stated upon the amendment reported from the Committee on Finance, to insert the following:

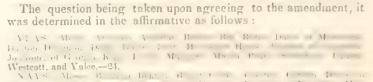
"For the adjustment and extinguishment, under the direction of the Secretary of State, of the claims of the Spanish government against the United States, recommended in the President's message, fifty thousand dollars."

Mr. BALDWIN addressed the Senate at much length against the amendment.

Mr. JOHNSON, of Maryland, followed on the same side.

The debate was continued by Messrs. BADGER and BUTLER in favor of the amendment, and by Mr. HALE against it.

The question being taken upon agreeing to the amendment, it was determined in the affirmative as follows:



So the amendment was agreed to.

On motion,

The Senate adjourned.

FRIDAY, AUGUST 4, 1848.

PETITIONS.

Mr. ATCHISON presented a memorial from the chief and heads of families of the Prairie band of the Pottawatomie tribe of Indians, and another from the chiefs and heads of families of the Kickapoo tribe, asking that the prairie band of the Pottawatomies may be permitted to remain on the lands now occupied by them; which were referred to the Committee on Indian Affairs.

THE "BUFFALO HUNT."

Mr. JOHNSON, of Maryland, submitted the following resolution for consideration:

Resolved, That the President of the United States be requested to inform the Senate, if the official journal, was the publication that any citizen or citizens of the United States, or any person presuming or intending to reside within the United States, or any citizen or inhabitant of the republic of Mexico or Central America, or any foreigner, or any person or persons whatever, have entered upon, and is or has, within the event of such publication, and whether peace or war exist between any of the same.

CHICAGO COLLECTION DISTRICT.

Mr. DIX, from the Committee on Commerce, to whom was referred the bill from the House of Representatives to annex that part of the State of Indiana bordering on Lake Michigan to the Chicago collection district, reported it without amendment.

The Senate proceeded to consider said bill, as in Committee of the Whole, and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

IMPROVEMENT OF THE ST. CLAIR FLATS.

Agreeably to notice, Mr. WALKER asked and obtained leave to bring in a bill for the improvement of the St. Clair flats; which was read the first and second times, by unanimous consent, and referred to the Committee on Commerce.

PRIVATE BILL.

Mr. DIX, from the Committee on Commerce, to whom was referred the bill from the House of Representatives to refund a penalty remitted by the Secretary of the Treasury to John Hardrop, reported it without amendment.

The Senate proceeded to consider said bill as in Committee of the Whole, and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

LICENSING OF YACHTS.

Mr. DIX, from the Committee on Commerce, to whom was referred the bill from the House of Representatives to authorize the Secretary of the Treasury to license yachts, and for other purposes, reported it without amendment.

The Senate proceeded to consider said bill, as in Committee of the Whole, and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

ORGANIZATION OF THE MARINE CORPS.

Mr. YULEE, from the Committee on Naval Affairs, reported a bill to establish the organization of the marine corps; which was read and passed to the second reading.

Mr. YULEE submitted documents relating to said bill, which were ordered to be printed.

MAJOR JAMES M. SCANTLAND.

Mr. JOHNSON, of La., from the Committee on Pensions, to whom was referred the bill for the relief of James M. Scantland, reported it without amendment.

The Senate proceeded to consider the said bill, as in Committee of the Whole, and no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time.

Resolved, That the bill pass; and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

CATHERINE HOFFMAN.

On motion by Mr. FITZGERALD, the prior orders were postponed and the Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives for the relief of Catherine Hoffman.

No amendment being made, the bill was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

ALABAMA RAILROAD.

On motion by Mr. KING, the prior orders were postponed and the Senate proceeded to consider, as in Committee of the Whole, the bill granting the right of way and a donation of the public lands to the State of Alabama for the construction of a railroad from Mobile to the mouth of the Ohio river.

Mr. DAVIS, of Mississippi, moved to amend the bill by adding a section granting the right of way and a donation of the public lands to the State of Mississippi, for the construction of a railroad from Jackson, through Brandon, to the Alabama line.

It being evident that the bill would give rise to debate, it was (in accordance with an understanding had when the bill was taken up) passed over informally.

CIVIL AND DIPLOMATIC BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making appropriations for the civil and diplomatic expenses of the government for the year ending the 30th of June, 1849.

Mr. ATHERTON submitted several unimportant amendments; which were agreed to.

Mr. BADGER moved to amend the bill on the 14th page by striking out "$40,522," and inserting "$41,022," and adding at the end of the clause that the salary of the commissioner of pensions shall be $3,000 per annum from and after the 1st of July, 1848.

Mr. BADGER explained that the object of this amendment was to place the officer at the head of the pension bureau, who was one of the most faithful and laborious officers in the service of the government, and whose duties had of late been largely increased, upon the same footing with respect to compensation as the assistant postmasters general and auditors.

Mr. JOHNSON, of Louisiana, advocated the amendment, and hoped no objection would be made to it.

The amendment was agreed to.

Mr. BADGER moved further to amend the bill on page 34, by inserting between lines 810 and 811: "To enable the Secretary of the Senate to pay to James A. Houston for three hundred and fifty bound copies of the proceedings and debates of the Senate, for the present session, as published by him, and for an analytical index to the same, to furnish to the members of the House of Representatives and Senate, the sum of two thousand five hundred dollars."

The amendment was agreed to.

Mr. BADGER moved further to amend the bill by the insertion of an appropriation to pay the claim of David Taylor, who married a Cherokee Indian, for $12,500 and interest.

After a brief debate, the amendment was agreed to.

Mr. JOHNSON, of Louisiana, moved further to amend the bill by inserting an appropriation of $10,000 for a survey of the Red river, with a view to the removal of the land raft which obstructs the navigation; which, after some remarks from Messrs. ATHERTON, JOHNSON, of Louisiana, SEBASTIAN, METCALFE, DOWNS, HUNTER, ATCHISON, ALLEN, DAVIS, of Massachusetts, and FOOTE, was negatived.

Mr. TURNEY moved further to amend the bill by inserting the following: "For the payment to Richard Fields of the balance due him on the certificate of the commissioners of Washington city, of June the twenty-fifth, eighteen hundred and forty-seven, awarded and decreed to him under the sixteenth article of the treaty with the Cherokee nation of Indians of eighteen hundred and thirty-five-six, six hundred dollars.

The amendment was agreed to.

Mr. DOWNS moved further to amend the bill by adding the following section:

SEC. — *And be it further enacted*, That the Secretary of the Treasury is hereby required to pay out of any money in the Treasury not otherwise appropriated to the Creek nation of Indians, or to the order of Benjamin Marshall, Paul Jones, Chee Mieco, Gugo W. Stedham, and George Scott, chiefs of said nation of Indians, the sum of one hundred and forty-one thousand and [illegible] and ninety-one cents, being the balance of the sum of two hundred and fifty thousand dollars agreed to be paid for lands ceded after deducting the amount of claims of citizens of Georgia, as ascertained and allowed by the commissioners appointed by the United States under the 4th article of the treaty of the 24th January, 1825.

A debate ensued, in which Messrs. DOWNS, ATCHISON, KING, FOOTE, ATHERTON and LEWIS took part.

Mr. JOHNSON, of Georgia.—This question has been unexpectedly brought to the consideration of the Senate, and I therefore do not feel prepared to express an opinion with that confidence which alone could be the result of mature examination. I have not had my attention called to it until within the last half hour, and have not had time to read all the documentary evidence necessary to its full understanding. But from the slight investigation which I have been able to bestow upon the subject, I am forced to believe that the Creek Indians have any well-founded demand against the government of the United States. The facts on which this alleged claim is founded are few, and by no means complicated. They are concisely stated in the report of the committee, from which I will read:

"In 1820 Congress appropriated $20,000 to hold treaties with the Creek and Cherokees, to extinguish titles of the Indians to land in the State of Georgia, under the compact of 1802. Georgia was invited to nominate two persons to be present at them accordingly. All the parties, the United States, Georgia, and the Creek nation, met in council at Indian Spring, in December, 1820. The Georgia commissioners opened their talks, preferred demand against the Creeks, and the question of right to the lands was between 1774 and 1802; and also between the United States and Georgia, reduced, amounting to somewhat less than $250,000.

"The Creeks, in their talk in reply, or [illegible] acknowledged the existence of the claim, so far as they were acknowledged in the treaty of Coleraine, and referred the whole matter to stone engines and prisoners, but proposed to leave all the claims on both sides to the adjudication of the President. The proposal was accepted by the commissioners of Georgia, and articles of agreement were signed to submit the matters in controversy, and the talks and documents relative to them, to the decision of the President of the United States, *to form to the Georgia agent, chiefs* [illegible] and according to the evidence and decision such *regulations*, and restrictions as to the President may seem just, and that the *decision* and award *thus* made shall be binding upon the parties and contracting parties."

The agreement thus made became a part of the treaty which was signed between the United States and the Creek Indians, and bears the United States seal, as well as the other two parties. By it the Indians ceded, for $250,000 and a huge body of very valuable land, in Georgia, seeming to have been a very important accession of territory. They stipulate for the payment to the extent of $200,000 of the purchase money, and [illegible] to the following effect: Art. 4 as a further consideration for said cession the United States do hereby agree to pay to the State of Georgia whatever balance may be found due by the United States to citizens of said State who never received [illegible] *reference* made by the commissioners of Georgia and the chiefs, head men and warriors of the Creek nation, to be paid in five annual installments, [illegible] and added the same shall not exceed $250,000, to be applied by the said State of Georgia in full and final relinquishment of all claims of the citizens of Georgia upon the Creek nation for property taken or destroyed prior to the [illegible] 1802, regulating the intercourse with the Indian tribes."

The President appointed commissioners to investigate and adjust the claims, [illegible] giving him full powers to "adjust, liquidate, and settle all claims on both sides, under such rules, regulations, and restrictions as to the President, [illegible] (Mr. Monroe) accepted the trust, and made the rules and regulations for settling these claims, and appointed his Governor James P. Preston of Virginia, and the late Stephen Pleasanton, Esq., auditor, to be commissioners to report on the evidence and character of the claims. Governor Preston died before the first meeting at Milledgeville, Georgia, and Mr. Pleasanton, afterwards on Washington.

"These commissioners reported all the claims examined before them, to the last degree. They recommend, in the whole, $808,944 00 for payment as President Monroe, by three several awards, in 1822, 1824, and 1825, [illegible] one other claims to that amount in favor of the citizens of Georgia, reporting all others as not coming within the rules submitted to them. The commissioners recommend the decision and award of President Monroe as final and conclusive with respect to the claimants, and as binding on both parties."

Now, after the payment of the $808,944 00, to the Georgia claimants, according to the recommendation of the commissioners, there was a balance of the $250,000 left in the hands of the government to the amount of $141,055 91. The question arises, To whom does this balance belong? To Georgia, or to the United States, or to the Creek Indians? The Creeks claim that it belongs to them, and it is proposed to appropriate that sum by this bill for its payment.

Sir, I maintain that this balance is not the property of the Creek Indians. That it is not is evident from the terms of the treaty, and of the agreement by which Georgia claims were submitted to the arbitrament of the President. I call the special attention of the Senate to the language of the 4th article of the treaty.

"And as a further consideration for said cession, the United States do hereby agree to pay to the State of Georgia, whatever balance may be found due by the United States in addition to the citizens of said State, whenever the same shall be ascertained in conformity with the reference made by the commissioners of Georgia, and the chiefs, head men and warriors of the Creek nation, to be paid in five annual installments, [illegible] provided the same shall not exceed $250,000, the receipt of which shall be acknowledged by the said State of Georgia in full and final relinquishment of all claims of the citizens of Georgia upon the Creek nation, for the property taken or destroyed prior to the [illegible] 1802, regulating the intercourse with the Indian tribes."

The Senate will observe that there is not a word in this article of the treaty which intimates that any balance which might remain of the $250,000 after paying the Georgia claims, should be paid to the Creek Indians.

But by reference to the articles of cession executed by the commissioners of Georgia on the day of the treaty, it appears that nothing of the kind was contemplated or expected. It reads as follows:

[illegible]

This instrument by its very terms shows that the $250,000 were secured by said treaty in consideration to be paid to the State of Georgia." There is not a syllable which shows that it was contended that any balance should be paid to the Creeks.

In reply to this, it is asked, why then did the parties agree to submit the investigation and adjustment of these claims to the arbitrament of the President of the United States? If it was designed by the $250,000 to Georgia, where the necessity of an umpire? Sir, it was designed for the protection of the government, and not for the Creek Indians. They were content to cede $140,000 of their lands for $200,000 to be paid in money and $50,000 in the satisfaction of claims of the citizens of Georgia for spoliations. The commissioners of the State of Georgia at the time of the execution of the treaty, [illegible] claims to the amount of $250,000. The Indians denied that that amount was due. But were willing to receive from the United States $200,000 in money and a release from the Georgia claims, as a full satisfaction of the spoliations which was the price demanded for their lands. The United States agreed to pay the $200,000 in money, and to release the claims of the citizens of Georgia to the amount not exceeding $200,000, provided the Georgia commissioners would upon that condition release the Creeks from those claims. It was upon this condition alone. The release was to the President of the United States, who [illegible] the protection of the government. The agreement of the United States to pay a balance of $50,000, if that much should be found to be due. If less were due, the surplus would inure to the benefit of the United States. The whole seem to be that the contract interposed for the purpose of making it correct, shows clearly that the Creeks have no claim to any balance which might remain after paying the claims of the citizens of Georgia.

Nor would it seem from the evidence that the Creek Indians understood at the time they were entitled to any such balance.—The treaty was executed on the 8th January, 1821. The commissioners appointed by Mr. Monroe made their report as early as 1822 and 1824 [illegible], and reported $808,944 00 as due to be paid out according to the terms of the treaty. The balance of the $250,000 remained in the hands of the United States from the time above, to the 18th of November, 1825, a period of nearly seven years, and was never claimed by the Creek nation. Then, for the first time, John Crowell, as the agent of the Indians, set up a claim to such balance, and has ever since pressed its payment. What then long delay in the assertion of their rights, if these Indians believed were entitled to it? It is not pretended that they were ignorant of it. The commissioners sat in Georgia by agreement and where they were informed; and they must have known what amount was allowed, and consequently what balance remained after paying the award of the commissioner. Their long delay, therefore, furnishes strong proof that they did not understand the transactions at the Indian Springs at the time of the execution of the treaty, as securing to them any right to the balance, after paying the Georgia claims, if less than $250,000 should be found due.

The State of Georgia certainly never so understood the transaction, for she remonstrated from the beginning against the award of the commissioners, and say the committee "made repeated efforts to induce President Monroe first and President Adams afterwards, to reopen and readjust the decision made by the former." When General Jackson came into office the application of Georgia was again renewed; but it seems he did not feel himself authorized to reopen the commission. Finally, in 1834, the State of Georgia referred the matter to Congress by memorial. It was referred to the Committee on Indian Affairs, who examined thoroughly into all the facts of the case and presented to the Senate a report from which I read the following extract:

[illegible]

The Senate will observe that there is not a word in this article of the treaty which intimates that any balance which might re-

who represented the claimants and presented to the negotiating parties a bar to claims of Georgia, the extension of which led her to withhold many thousand [illegible] from the government of this State, preventing or retarding payment to [illegible] and numbers of [illegible] the embargo here to [illegible] which regard to a liability to pay out the [illegible] which [illegible] on the part of the United States. Moved by the [illegible] the United States [illegible] the interests of the United States would justify or require, and that the Indians [illegible] satisfied to receive two hundred thousand dollars in money from the United States, [illegible] [illegible] [illegible]

And the question being taken, it was decided in the negative as follows:

YEAS—Messrs. Atchison, Badger, Bell, Berrien, Benton, Bissell, Bright, Clayton, Corwin, Davis, of Mass., Dayton, Dodge, George, Jenkins, of Maryland, Mason, Miller, Metcalfe, Niles, Pearce, Phelps, Pitcher, Underwood, and Winthrop—21.

NAYS—Messrs. Allen, Atherton, Bell, Evans, Haight, Hale, of Maine, Hannegan, Hay, Douglas, Dawson, Felch, Foote, Hale, Hunter, Houston, Jarnagin, of Tennessee, Johnson, of Georgia, Kerr, Lewis, Sevier, Simmons, and Yulee—28.

After further debate—

The question was taken upon agreeing to the amendment proposed by Mr. DOWNS, and it was determined in the negative.

So the amendment was not agreed to.

Mr. MASON moved further to amend the bill by inserting the following:

For payment to James Graham, executor of the late Col. James Graham, [illegible] dollars, and to James Lee Berry, executor of the late Col. [illegible] dollars, in full compensation for their services and expenses as bearers of [illegible] dispatches from Buenos Ayres to Paraguay, during the year 1846, on a mission entrusted to the late Colonel Graham, at the latter Station, by the President of the United States, to adjust and settle [illegible] between the Argentine Confederation and the State or Province of Paraguay.

The amendment was agreed to.

Mr. HANNEGAN moved to amend the bill, at page 44, in the 1071st line, by inserting an appropriation of $1,437 37 to pay Commissioner James Bridges [illegible] commissioner to China.

After a protracted debate, in which Messrs. HALE, HANNEGAN, DAYTON, BADGER, and ATCHISON took part—

Mr. HALE moved to amend the amendment by adding the words "deducting therefrom the pay of expenses [illegible]" which was agreed to.

After further debate, in which Messrs. DOWNS, NILES, DAVIS of Massachusetts, KING, BENTON, BADGER, ATCHISON, and PEARCE, took part—

The question was taken upon agreeing to the amendment, and it was determined in the negative, as follows:

YEAS—Messrs. [illegible]

NAYS—Messrs. [illegible]

So, the amendment was not agreed to.

On motion,

The Senate adjourned.

SATURDAY, AUGUST 5, 1848.

PETITIONS.

Mr. DAVIS, of Massachusetts, presented a memorial of W. Hamilton and others, praying the purchase of Mount Vernon by the government.

Ordered, That it lie on the table.

Mr. DAVIS, of Massachusetts, presented the memorial of the legal representative of A. H. Everett, deceased, praying to be allowed, in the settlement of his accounts, certain items for office rent, expenses, and difference of exchange; which was referred to the Committee on Foreign Relations.

Mr. HANNEGAN presented the memorial of Charles E. Anderson, late secretary of legation at Paris, praying to be allowed the pay of a Charge des Affaires during the time that he performed the duties of that office.

Ordered, That it lie on the table.

HOUR OF MEETING.

On motion by Mr. BENTON, it was

Ordered, That on and after Monday next, the Senate will meet at 11 o'clock in the morning.

THE OREGON BILL.

Mr. DOUGLAS, from the Committee on Territories, to whom was referred the bill from the House, for the establishment of a Territorial Government in Oregon, reported it with amendments, and gave notice that he should call up the bill for consideration, on Monday next, at twelve o'clock, for which hour he asked that it might be made the special order; which was agreed to.

The amendments were ordered to be printed, and are as follows.

Page 8, line 11, after the word "effect," insert "*Provided*, That no act of the Territorial Legislature shall become a law until approved by the Governor."

Page 17, line 1, after the word "that," insert, "inasmuch as the said territory is north of the parallel of 36° 30′ of north latitude, usually known as the 'Missouri compromise.'"

Page 19, lines 22, 23, strike out the words "2,500 dollars," and insert "the highest amount now allowed to a member of Congress from any State of the Union."

Page 23, section 24, line 3, strike out the words "at Nisqually," and insert "in Puget's Sound."

WIDOWS' PENSIONS.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom was referred the bill to revive a portion of an act for the relief of the widows of deceased soldiers, reported it with an amendment.

BOUNDARY BETWEEN THE UNITED STATES AND MEXICO.

Mr. HANNEGAN, from the Committee on Foreign Relations, reported a bill to provide for carrying into effect the fifth article of the treaty between the United States and the Republic of Mexico, for establishing the boundary line between the same; which was read the first and second times, by unanimous consent, and considered as in Committee of the Whole.

On motion by Mr. HANNEGAN, it was

Ordered, That the further consideration of the bill be postponed until Monday next.

ADVERSE REPORTS.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, submitted adverse reports on the petitions of Sarah Tyler, of John Staner, and of Nancy Jillson; which were ordered to be printed.

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That the Committee on Pensions be discharged from the further consideration of the petition of Amaziah Goodwin.

PRIVATE BILL.

Mr. SEBASTIAN, from the Committee on Private Land Claims, to whom was referred the bill from the House for the relief Shadrach Gillett and others, reported it without amendment.

The Senate proceeded to consider said bill, as in Committee of the Whole, and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That they concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

BARQUE MARY THERESA.

Mr. DIX, from the Committee on Commerce, to whom was referred the bill from the House of Representatives authorizing the issuing of a register to the barque Mary Theresa, reported it without amendment.

The Senate proceeded to consider said bill, as in Committee of the Whole, and no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

OVERFLOWED LANDS IN ARKANSAS.

On motion by Mr. BORLAND, the prior orders were postponed, and the Senate proceeded, as in Committee of the Whole, to the consideration of the bill to grant to the State of Arkansas certain unsold lands subject to overflow, for purposes of internal improvement, education, and for other purposes.

Mr. BORLAND explained, that there was about 4,807,000 acres of land of this description in the State of Arkansas, which were entirely useless, and without value in their present condition. Before they could be brought into cultivation, an embankment must be made. In the hands of the State this would be accomplished, and some important public works would be completed without application for aid to the general government.

Mr. JOHNSON, of Maryland, asked what was the quantity of lands of this description in the adjoining States, as well as in Arkansas.

Mr. BORLAND replied, that the total amount was about twenty-four millions.

Mr. CALHOUN thought that the general government ought to do something for the purpose of reclaiming this immense mass of unsaleable and useless lands. He had reported a bill for the purpose, and he hoped this matter would not be pressed until he could call up his bill, which he would do next session.

Mr. YULEE thought there might be some doubt as to the power of the government according to the view of the Senator from South Carolina. The best way would be to pass this bill, to only a portion of which he had any objection.

Mr. WESTCOTT stated that there were four millions of acres of land similar in their character, in Florida, and he was glad to find that there was some prospect of their being reclaimed and made of value. He hoped the condition would be stricken out.

Mr. YULEE moved to strike out the conditions by which the State bound herself to a certain specified disposition of the proceeds.

Mr. NILES felt some alarm at the extent of the donation.

On motion by Mr. ATHERTON, the bill was laid on the table for the present.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. President: The House of Representatives have passed the bill from the Senate entitled "An Act [illegible]."

CIVIL AND DIPLOMATIC BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making appropriations for the civil and diplomatic expenses of the government for the year ending the 30th of June, 1849.

Mr. HANNEGAN moved to amend the bill by inserting, after the 1071st line, the following: "For compensation to Stanhope Prevost, consul of the United States at Lima, for diplomatic services rendered in the absence of the charge d'affaires from that country, the sum of one thousand eight hundred dollars."

The amendment was agreed to.

Mr. HANNEGAN moved further to amend the bill by inserting a clause appropriating "for compensation to Charles E. Anderson for services as acting charge d'affaires at Paris during the absence of the United States minister, $1,666 67."

Mr. UPHAM asked where General Cass was at this time?

Mr. HANNEGAN.—On an excursion to the Holy Land.

Mr. MILLER said this was the first case of an application for extra pay, while the minister was only temporarily absent on an excursion.

Mr. HANNEGAN believed it had been always customary to make such an allowance.

Mr. KING said that no such practice had, within his knowledge prevailed. It certainly was not so in his case, and he had been sometimes absent from Paris for a month or two, visiting various parts of the continent for recreation. He thought the precedent a dangerous one.

After a few words from Mr. DAYTON and Mr. MASON—

Mr. HANNEGAN said he had merely presented the amendment for consideration. It was for the Senate to decide as to its adoption or rejection.

The amendment was not agreed to.

Mr. HANNEGAN moved further to amend the bill by inserting the following: "For compensation to William M. Blackford, as charge d'affaires of the New Grenada, the sum of one thousand one hundred and twenty five dollars, being the usual return allowance to charges des affaires to foreign courts.

The amendment was agreed to.

Mr. ALLEN moved further to amend the bill, by adding a section requiring the Secretary of State to pay to J. B. Brown, Dragoman at Constantinople, the difference between his salary as Dragoman and minister or charge des affaires, during the time he acted as minister.

After a brief debate, in which Messrs. ALLEN, KING, ATHERTON, and BADGER took part, the question was taken upon agreeing to the amendment, and it was determined in the negative.

So the amendment was not agreed to.

Mr. UNDERWOOD moved further to amend the bill by inserting the following: "For paying Joshua Dodge, late special tobacco agent of the United States to the various governments of Europe, four thousand five hundred dollars, in full compensation for his services, and for contingent and other expenses incurred by him during the period of his three missions as said special tobacco agent, and for services rendered to the tobacco interest of the United States."

After a brief debate—

The amendment was agreed to.

Mr. HANNEGAN moved further to amend the bill by inserting the following: "For the expenses of running and marking the boundary line between the United States and Mexico, and paying the salaries of the officers of the commission, a sum not exceeding fifty thousand dollars."

The amendment was agreed to.

Mr. JOHNSON, of Maryland, moved further to amend the bill in the 701st line, by adding: "This sum heretofore carried to the surplus fund from an appropriation for the survey of the coast from Apalachicola, Florida, to the mouth of the Mississippi, and now reappropriated, four thousand and seventy dollars."

The amendment was agreed to.

Mr. DAVIS, of Massachusetts, by direction of the Committee on Commerce, moved further to amend the bill by inserting an appropriation of ten thousand five hundred dollars to reimburse the New York, Boston and Providence Rail Road Company, and New Jersey Steam Navigation Company, for the expenses of maintaining a light boat on Eel grass shoals.

The amendment was agreed to.

Mr. YULEE, by direction of the Committee on Naval Affairs, moved further to amend the bill, by inserting the following: "For rent of additional offices and fuel, for the Navy Department, three thousand dollars."

The amendment was agreed to.

Mr. YULEE moved further to amend the bill, on page 19, line 445, by inserting the following: "*Provided*, That when a captain in the navy shall be the chief of the bureau, he shall receive the the same pay to which he would be entitled if upon other duty.

The amendment was agreed to.

Mr. YULEE moved further to amend the bill by inserting an appropriation of four thousand dollars towards the construction of a large telescope at the Washington Navy Yard.

After a brief debate,

The amendment was disagreed to.

Mr. DIX moved further to amend the bill, on page 20, after line 474, by inserting the following: "For payment of expenses of frigate Macedonian whilst employed under a resolution of Congress in carrying passengers to and from [illegible] sixteen thousand [illegible] dollars.

[illegible] ry charged with settling the accounts of the navy, under the direction of the Secretary of the Navy, may find to have been actually paid by the commander [illegible] he declines to receive, and deducting from the whole amount paid by him the earnings of the ship."

After a debate, in which Messrs. BRIGHT, DIX, WESTCOTT, MILLER, YULEE, FOOTE, DAYTON, PEARCE, BADGER, BUTLER, ALLEN, PHELPS, HOUSTON, DICKINSON, NILES, and MANGUM, took part—

The amendment was agreed to.

Mr. MASON moved further to amend the bill by inserting the following: "For paying to Thomas Jefferson Randolph, executor of Thomas Jefferson, deceased, [illegible] the said Thomas Jefferson, [illegible] the said papers and manuscripts of a public nature in the State Department, and execute a conveyance thereof to the United States.

"For printing and publishing the said papers and manuscripts, the sum of [illegible] dollars, or so much thereof as may be necessary. *Provided*, the said printing and publication shall not [illegible] any part thereof to be printed [illegible] direct."

Mr. MASON briefly advocated the amendment.

Mr. PEARCE concurred with the Senator from Virginia, in what he had said, and, with his permission, would submit a modification of the amendment by adding the following: "And a like sum for the purchase of [illegible] under the same conditions of the papers and manuscripts of the late Alexander Hamilton."

Mr. MASON accepted the modification. He was not acquainted with the character of the papers, but he was well acquainted with the character of Alexander Hamilton, and should vote for the purchase of his papers most cheerfully.

Mr. ATHERTON was opposed to the insertion of the amendment in this bill. It ought to be considered in a separate bill.

After debate, in which Messrs. CALHOUN, HUNTER, JOHNSON, of Maryland, PEARCE, ATHERTON, KING, BREESE, and others took part, the question was then upon agreeing to the amendment, as modified, and it was determined in the affirmative, as follows:

YEAS—Mr. [illegible] Connecticut, Dayton, Delaware, Foote, Georgia, Houston, Jarnagin, Johnson of Maryland, Mangum, Mason, Pearce, Phelps, Simmons, Spruance, and Upham—20.

NAYS—Messrs. Allen, Archer, Atherton, Badger, Bagby, Benton, Breese, Calhoun, Clayton, Crittenden, Davis of Massachusetts, Dix, Fairfield, Greenleaf, Hunter, Johnson of Louisiana, Miller, Niles, Sturgeon, Turney, Walker, and Woodbridge—25.

So the amendment, as modified, was agreed to.

Mr. BENTON moved further to amend the bill by striking out the following clause: "For payment of the first volume of the fifth series of the Documentary History, under contract with the Secretary of State, twenty-four thousand three hundred and twenty-seven dollars.

After debate, the question was taken on agreeing to the motion to strike out, and it was determined in the affirmative, as follows:

YEAS—Messrs. [illegible] Connecticut, Dayton, Delaware, Foote, Georgia, Houston, Jarnagin, Johnson of Maryland, Mangum, Mason, Pearce, Phelps, Simmons, Spruance, Upham, Walker, and Woodbridge—24.

NAYS—Messrs. Allen, Archer, Atherton, Badger, Bagby, Benton, Breese, Calhoun, Clayton, Crittenden, Davis of Massachusetts, Dix, Fairfield, Greenleaf, Hunter, Johnson of Louisiana, Miller, Niles, Sturgeon, Turney, and Woodbridge—22.

Mr. BORLAND moved further to amend the bill by inserting an appropriation of thirty thousand dollars for continuing and completing the surveys and explorations of J. C. Fremont in Oregon and California.

The amendment was agreed to.

Mr. DICKINSON moved further to amend the bill by inserting an appropriation to pay for advertising deserters in the National Police Gazette, such sum not exceeding three thousand dollars, the Secretary to [illegible] direct.

After further debate—

The amendment was disagreed to—Ayes 21, Noes 27.

Mr. JOHNSON, of Maryland, moved further to amend the bill by inserting an appropriation to pay Joseph H. Warren, for his services as clerk in the office of the Solicitor of the Treasury, while rated as a messenger.

After debate—

The amendment was not agreed to.

Mr. MILLER moved further to amend the bill, by inserting the following: "For repairing that portion of the City Hall now occupied by the courts of the United States, [illegible] dollars

Provided, That the corporation of the city of Washington shall appropriate a like amount for their half."

The amendment was not agreed to.

Mr. BENTON moved further to amend the bill, by inserting the following: "For compensation to Dr. Torry, of Princeton, New Jersey, for his services in classifying and superintending the engraving, and defraying the expenses of engraving the botanical specimens brought us from California, Oregon, and the West, by J. C. Fremont, the sum of $4,000."

The question being taken on agreeing to the amendment, it was determined in the negative, as follows:

YEAS—Messrs. Bell, Borland, Breese, Dayton, Johnson of La., Mellen, and Pearce—7.

NAYS—Messrs. Allen, Atchison, Atherton, Badger, Benton, Bright, Barnes, Cameron, Clarke, Corwin, Davis of Mass., Dix, Dodge of Wisconsin, Durkee, Fish, Douglas, Felch, Hannegan, Houston, Hunter, Johnson of Md., Johnson, of Georgia, King, Lewis, Mason, Metcalfe, Sebastian, Spruance, Sturgeon, Turney, and Walker—30.

So the amendment was not agreed to.

Mr. HANNEGAN moved further to amend the bill, by inserting the following: "For compensation to Robert P. Boyd, in lieu of his present compensation, forty dollars per month, as watchman of the Post Office Department."

The amendment was agreed to.

Mr. SEBASTIAN said he had an amendment to offer which would probably give rise to discussion. He therefore moved that the Senate adjourn.

The motion was not agreed to.

Mr. SEBASTIAN then moved an amendment that the sum of fifty thousand dollars, held by the government in trust for the old settled party of the Cherokee nation be paid over to the chiefs or agents of that party for such creditors as have substantiated their claims.

After debate—

The amendment was not agreed to.

Mr. HANNEGAN moved further to amend the bill by inserting the following: "For compensation to a door-keeper for the President of the United States six hundred dollars."

Mr. HANNEGAN explained that the President paid the expenses of a door-keeper out of his own pocket. Martin who was, well known to the members as the obliging incumbent of that post, received but twenty dollars a month on which to support a large family.

Mr. YULEE moved to amend the amendment by adding a messenger at the same salary.

Mr. DAVIS of Mississippi asked if the President was privy to this application.

Mr. HANNEGAN replied, certainly not. So far from it the President had dismissed his messenger for having had a memorial presented to the Senate asking an increase of compensation. He had urged the President to re-instate him. It was not for the President, it was for the faithful men that he asked for this appropriation.

After further debate, the question was taken on agreeing to the amendment and determined in the negative, as follows:

YEAS—Messrs. Badger, Barnum, Bell, Bradbury, Breese, Bright, Greene, Hale, Hannegan, Houston, Johnson of Maryland, Niles, Spruance, Woodbridge, and Yulee—19.

NAYS—Messrs. Allen, Atchison, Atherton, Bell, Berrien, Bright, Davis of Mississippi, Dayton, Dickinson, Douglas, Downs, Foote, Hunter, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Metcalfe, Miller, Sebastian, Turney, Upham, and Walker—24.

So the amendment was not agreed to.

Mr. FELCH moved further to amend the bill by inserting the following: "For repairs of the court-house at Detroit, by William R. Noyes, three hundred and fifty-five dollars and thirteen cents."

Mr. CLARKE inquired why these repairs had not been paid for.

Mr. FELCH replied that it was not one of that class of expenses which the Treasury thought they were authorized to pay.

Mr. WESTCOTT suggested a modification of the amendment so as to read as follows: "For repairs of the United States court-house at Detroit, heretofore made by William R. Noyes, under the direction of the marshal, such amount as the Treasury decide is due.

Mr. FELCH accepted the modification, and the question being taken on agreeing to the amendment as modified it was determined in the affirmative.

So the amendment was agreed to.

Mr. ATHERTON moved further to amend the bill on page 19 by striking out "five thousand eight hundred," and inserting "nine thousand three hundred," so as to conform to the estimates and provide for the salary of the chief of the bureau of provisions and clothing.

The amendment was agreed to.

Mr. WALKER moved further to amend the bill by striking out the appropriation of one hundred thousand dollars for the purchase of a site for the custom house at Charleston, South Carolina.

After a debate, in which Messrs. WALKER, BUTLER, ALLEN, DIX, ATHERTON, and DAVIS, of Massachusetts, took part—

The amendment was disagreed to.

Mr. WALKER moved further to amend the bill by striking out the appropriation for the improvement of the streets and avenues in the city of Washington.

The amendment was disagreed to.

Mr. YULEE renewed his amendment appropriating four thousand dollars towards the construction of a telescope of the largest size at Washington navy yard, with a proviso, that the total cost should not exceed sixteen thousand dollars.

Mr. YULEE read a letter from Lieutenant Maury on the subject.

The amendment was disagreed to.

No further amendment being made, the bill was reported to the Senate.

The question being on concurring in the amendments agreed to in Committee of the Whole—

Mr. BALDWIN asked that the amendment appropriating fifty thousand dollars to pay the claim of the Spanish government for the Amistad negroes, be reserved for a separate vote.

Mr. JOHNSON, of Georgia, asked that the amendment for the payment of the Creek Indians, be reserved for a separate vote.

Mr. BERRIEN asked that the amendment striking out the appropriation for the Savannah river, be reserved for a separate vote, and that action be postponed on it until he should have an opportunity of being heard. He had been necessarily absent when the amendment was under consideration. It was a question of deep interest to his constituents, not only in Savannah, but throughout the State of Georgia.

Mr. JOHNSON, of Maryland, asked that the amendment appropriating thirty thousand dollars for the continuation of Fremont's explorations in Oregon and California, be reserved for a separate vote.

The question was then taken upon concurring in the amendments agreed to in Committee of the Whole, with the exception of those reserved for separate votes, and they were concurred in.

Mr. BERRIEN said that he heard the Senator from New Hampshire say that it was not important to get this bill through to night, owing to the length of time it would take for engrossing it, and if not, that they must have another night session. He had travelled all night last night and only asked, being not now in condition, that the question on the Savannah river amendment be postponed until Monday, that he might be heard on a question so important to his constituents. He would occupy but a portion of the morning of Monday, and would then unite with the Senator from New Hampshire, in bringing the bill to a close without a night session.

Mr. ATHERTON reminded the Senator from Georgia, that the amendment had been agreed to by a large majority of the Senate, the vote being thirty-five to fifteen. The Senator from Georgia would do all his duty to his constituents by stating his views now, and allowing the vote to be taken.

Mr. BERRIEN said that he was not in a condition to address the Senate now, and would occupy but a small portion of their time on Monday.

Mr. ATHERTON said there was a special order for Monday.

Mr. BERRIEN said there were many special orders which gave way to unfinished busines; and with the declaration that he would not delay final action on the bill more than one hour on Monday, he moved that the Senate adjourn.

The motion was disagreed to. Ayes 14, Noes 19.

The question was then stated on concurring in the amendment appropriating fifty thousand dollars for the payment of the claim of the Spanish government.

Mr. BALDWIN moved to add after the word "government" the words "for the Africans of the Amistad, who were declared free by the decision of the Supreme Court of the United States;" which was not agreed to.

The question was then taken on concurring in the amendment, and it was determined in the affirmative, as follows:

YEAS—Messrs. Allen, Atchison, Atherton, Badger, Bell, Berrien, Borland, Butler, Davis, of Mississippi, Dayton, Dickinson, Douglas, Downs, Foote, Hannegan, Hunter, Johnson, of Louisiana, Johnson, of Georgia, King, Lewis, Sebastian, Turney, Woodbridge, and Yulee—24.

NAYS—Messrs. Baldwin, Benton, Breese, Bright, Clarke, Corwin, Davis, of Massachusetts, Dix, Felch, Greene, Hale, Hamlin, Houston, Johnson, of Maryland, Mellen, Niles, Pearce, Phelps, Spruance, Underwood, Upham, and Walker—22.

So the amendment was concurred in.

The question was then stated on concurring in the amendment appropriating $141,055 91 to certain Creek Indians.

Mr. JOHNSON of Georgia desired to make one or two remarks. He had no idea that this money ought to be paid. He believed it belonged to the general government even if the arbitration which was had was conclusive between the parties. He would merely state that his principal object was to relieve the minds of Senators from some doubt which had been thrown over the fidelity with which the State of Georgia had fulfilled its duties in relation to this claim. He would send a letter to the Secretary to read from a gentleman of good standing, who was acquainted with all the facts, and who testified that the money was faithfully paid out by Governor Lumpkin, who received it.

The SECRETARY read the letter, as follows:

[illegible]

Hon. H. L. Johnson

Dear Sir: In reply to your enquiry [illegible] Spring, with the Creek Indians of 1826 [illegible] stipulations before that time by that tribe, I have a distinct recollection of Col. John A. Cuthbert [illegible] in the Creek nation [illegible] paid, except an amount [illegible] carefully examined and examined [illegible] all on file now in the Executive department of Georgia, or were filed at that time.

[illegible]

JOSEPH [illegible]

The question was then taken on concurring in the amendment, and it was decided in the affirmative, as follows:

YEAS—Messrs. Atchison, Badger, Baldwin, Bell, Butler, Clarke, Davis, of Massachusetts, Davis, of Mississippi, Dickinson, Dix, Douglas, Downs, Foote, Greene, Hale, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson, of Louisiana, Lewis, Miller, Niles, Phelps, Upham, Walker, Wesbrook, and Yulee—27.

NAYS—Messrs. Allen, Atherton, Benton, Breese, Bright, Felch, Hamlin, Johnson, of Georgia, King, Pearce, Sprnance, Turney, and Underwood.—13.

So the amendment was concurred in.

The question was then stated on concurring in the amendment appropriating for continuing and completing the surveys and explorations to be made by J. C. Fremont in Oregon and California, $30,000.

After a debate in which Messrs. BREESE, BELL, BENTON, and JOHNSON, of Maryland, participated, the question was taken [illegible] and it was decided in the affirmative, as follows:

YEAS—[illegible]

NAYS—[illegible]

So the amendment was concurred in.

The amendment striking out the appropriation for the removal of obstructions in the Savannah river was then concurred in.

Mr. DIX moved the amendment appropriating [illegible] dollars for compensation and expenses of a commercial agent, to be selected and sent abroad by the President to collect information respecting the commerce, productions, and statistics of Asia and Eastern Africa.

After a brief debate, the question was taken on agreeing to the amendment, and it was determined in the negative. Ayes 15, Noes 19.

[illegible]

Mr. JOHNSON, of Louisiana, moved an amendment appropriating ten thousand dollars for a survey of the Red river, and made a few remarks in support of it.

The amendment was rejected. Ayes 9, Noes 21.

Ordered, That the amendments be engrossed, and the bill be read a third time.

The said bill was read a third time.

Resolved, That the [illegible]

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendments.

[illegible]

After the consideration of Executive business,

On motion,

The Senate adjourned.

MONDAY, AUGUST 7, 1848.

COMMUNICATION FROM THE TREASURY DEPARTMENT.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Treasury Department, made in compliance with a resolution of the Senate, showing the quantity of sugar imported during the fiscal year ending June 30, 1847; which was ordered to be printed.

ORDER TO PRINT.

On motion by Mr. JOHNSON, of Maryland, it was

Ordered, That the report of the Secretary of the Treasury showing the number of officers employed in the custom-house at Baltimore be printed.

RESOLUTIONS OF THE LEGISLATURE OF WISCONSIN.

Mr. WALKER presented resolutions of the Legislature of Wisconsin in favor of the improvement of the harbors on the western shores of Lake Michigan; which were laid on the table and ordered to be printed.

PETITIONS.

Mr. BENTON presented a petition from E. Fitzgerald and others, asking to be paid for their attendance as witnesses in the city of St. Louis against a certain Garret Long; which was referred to the Committee on the Judiciary.

Mr. MASON presented a petition from the legal representatives of Robert P. Carter, asking a settlement of the accounts of Roddy Carter and Jennings, contractors for provisions during the war of 1812; which was referred to the Committee of Claims.

Mr. DOWNS presented a petition from the officers and men of the Louisiana volunteers, asking indemnity for losses sustained by them in consequence of the wrecking of the vessel while on their way to the seat of war, which was referred to the Committee on Military Affairs.

SENATE REPORTS.

Mr. BENTON, from the Committee on the part of the Senate, appointed jointly with the Committee on the part of the House of Representatives on the subject of the publication of the proceedings and debates of Congress, submitted a report accompanied by a resolution; which was ordered to be printed.

On motion by Mr. HALE, it was ordered that one thousand additional copies be printed for the use of the Senate.

ADVERSE REPORTS.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, to whom were referred the petitions of Reuben M. Gibbs and of Joseph Barclay, submitted adverse reports; which were ordered to be printed.

Mr. JOHNSON, of Louisiana, from the same committee, to whom was referred the bill from the House of Representatives for the relief of Levi Colmus, reported it without amendment, and that it ought not to pass.

DISCHARGED.

On motion by Mr. JOHNSON, of Indiana, it was

Ordered, That the Committee on Pensions be discharged from the further consideration of the petitions of Mary Ann Bronaugh, of Catharine Hoffman, of Priscilla Decatur Twiggs, and of Sarah A. Mackay.

REVENUE FROM CUSTOMS.

Mr. ATHERTON, from the Committee on Finance, to whom was referred the bill from the House of Representatives requiring all moneys received from customs, and from all other sources, to be paid immediately into the Treasury, without abatement or deduction, and for other purposes, reported it with amendments.

PRIVATE BILLS.

Mr. DOWNS, from the Committee on Private Land Claims, reported a bill for the relief of John Crawford; which was read, and passed to the second reading.

NOTICE OF A BILL.

Mr. BENTON gave notice that he would, at the commencement of the next session of Congress, ask leave to bring in a bill to release the members of the late court martial whereof Brigadier General Brooke was president, and before which the ex-lieutenant colonel of mounted rifles, J. C. Fremont, was tried, and the judge advocate, from their oath of secrecy, according to the precedent set by the British House of Commons in the case of Admiral Byng.

THE "BUFFALO HUNT."

The Senate proceeded to consider the following resolution, submitted by Mr. JOHNSON, of Maryland, and it was agreed to:

Resolved, That the President of the United States be requested to inform the Senate whether the officers of the army, who have recently been ordered to the Rocky Mountains, have received any information that our citizens or citizens of the United States are now preparing, or intending to prepare, within the United States, an expedition to be voluntarily levied on any part of the republic of Mexico, to be paid for or compensated for by the spoils, wholly or in part, of such expedition, and whether any other officers, acting under the authority of the United States, are expected to take any steps to defeat the same.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. CAMPBELL, their Clerk:

Mr. PRESIDENT: The House of Representatives have passed a bill making appropriations for the support of the army for the year ending June 30th, 1849, in which they request the concurrence of the Senate.

HOUSE BILL REFERRED.

The bill from the House of Representatives making appropriations for the support of the army, for the year ending June 30th, 1849, was read the first and second times, by unanimous consent, and referred to the Committee on Finance.

OVERFLOWED LANDS IN ARKANSAS.

On motion by Mr. BORLAND, the Senate resumed the consideration of the bill to grant to the State of Arkansas certain unsold lands subject to overflow, for the purpose of internal improvement, education, and other purposes, in said State.

The bill having been amended, it was reported to the Senate.

Mr. KING thought it would be best to limit the bill to the lands in the State of Arkansas. So far he was willing to go, but no further at present. Whenever his friend from Florida would introduce a bill relative to the lands in that State, he would give it a favorable consideration.

Mr. BORLAND said, as the bill was originally introduced, it was limited in its provisions to the overflowed lands in the State of Arkansas. Several Senators, however, had suggested the propriety of giving the bill a more extensive operation; and it was solely with a view to meet the wishes of his friends around him that he had consented to extend its operation so as to embrace the useless lands in the adjoining States

Mr. JOHNSON, of Louisiana, sustained the bill as it had been amended, and expressed a hope that the opposition of the Senator from Alabama would be withdrawn.

Mr. FOOTE explained, that the language of the bill applied only to the lands known as swamp lands, utterly valueless to the general government, and which could be reclaimed and made valuable by the State.

Mr. BORLAND said, that if he thought these lands could ever be made worth any thing to the United States, he would not ask for them on the terms named by the bill. The State would embank and reclaim the lands, and thus remove a fertile cause of disease, and encourage the cultivation of the lands and the increase of population.

Mr. WESTCOTT was of opinion, that the improvements necessary to make these lands useful would never be made by the United States. It would require ten regiments of topographical engineers, and a hundred millions of money. If the States would take the lands on the condition of reclaiming the lands, the offer ought to be accepted.

Mr. MILLER thought we had not sufficient information on the subject of these lands to enable the Senate to act on the bill in this hasty manner, and at this late period of the session. It had been said by the Senator from South Carolina, that a general system would be brought before Congress at the next session, and he thought we should wait for that system.

Mr. KING said he had no objection to a bill to give to the States the lands which could never be reclaimed by the government, which would not go into a system of drainage. If the States would do this, it was the only way in which the lands could be made valuable. He did not believe that the everglades of Florida could ever be reclaimed by the State or the general government. He would withdraw his opposition to the bill.

Mr. METCALFE said he could not, as a representative of a State which was excluded from the benefit of any improvement of her rivers and harbors, vote now to give away to particular States the lands which were the common property of all. He moved to lay the bill on the table.

The question was put and negatived—Ayes 16, Noes 20.

The yeas and nays were then ordered on the passage of the bill.

Mr. DAVIS, of Mississippi, made a few remarks in favor of the bill, because neither the means of the government nor private capital can ever be applied to the reclamation of these lands. The measure had been long before Congress, and no one could pretend that it was sprung in the Senate.

Mr. NILES opposed the bill. The title of the bill referred to lands subject to overflow. All bottom lands are subject to overflow, and this description would embrace all valley lands. But the bill has been amended so as to extend to all lands which the surveyor may denominate swamp lands. After a wet season, it would be difficult to decide which are precisely swamp lands, and which were only temporarily overflowed. He thought such a sweeping grant, which would give away a hundred millions of acres, ought not to be made in this manner, and he should oppose the bill.

Mr. BREESE stated that the practice of the surveyors, when employed in surveys, in reference to overflowed lands, was to give them a distinct designation in their maps and reports to the General Land Office, and from these reports the decision of the Secretary of the Treasury is made. In his State there were many acres of lands in high situations, near the sources of streams, which were subject to overflow, and which could not be called swamp lands.

Mr. UNDERWOOD thought more particular information ought to be before the Senate in reference to the lands in other States than Arkansas. He moved to strike out the third section, which extends the provisions of the bill to other States.

Mr. FOOTE said that the state of things was the same in Mississippi and Louisiana as in Arkansas. He hoped there would be no delay, as no further information could throw new light on the subject.

Mr. DAVIS, of Massachusetts, before he could vote, desired to know what portion of these lands were now inhabited and under cultivation. A great deal of money had been expended by the government in removing obstructions and rafts, and it was now proposed to give all away. He doubted whether overflowed lands were entirely useless, as he knew that many such lands had been reclaimed and made valuable by private enterprise. He would prefer that some one should be sent to survey these lands, that the government should be able to make some estimate of their value.

Mr. JOHNSON, of Louisiana, complained that every application from the States in which these lands lie had been refused — The overflow from the Mississippi was sometimes ten feet, and it was impossible for any private enterprise to reclaim the lands. The health of the country was injured by these inundations.

The further consideration of the bill was then postponed until to-morrow.

THE OREGON BILL.

The Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives, to establish the Territorial Government of Oregon, and the reported amendments thereto.

The first amendment was the introduction of the following proviso to the sixth section: "That no act of the Territorial Legislature shall become a law until approved by the Governor."

Mr. DAVIS, of Mississippi, moved to amend the amendment, by adding the words, "of the Territory, or, if disapproved by said Governor, until specifically submitted to, and approved by, the Congress of the United States."

The amendment to the amendment was agreed to.

Mr. DOUGLAS explained, that the absolute veto power was embraced in all the Territorial Governments.

Mr. HALE suggested an amendment, making it the duty of the Governor to transmit any bill which did not become a law, to Congress, as follows: "And it shall be the duty of the Governor to transmit copies of any acts disapproved by him to Congress."

Mr. TURNEY moved to add, "and his reasons for disapproval."

Mr. HALE accepted the addition as a modification of his amendment, and then withdrew his amendment.

The question recurred on the amendment of Mr. DAVIS, of Mississippi; which was agreed to.

Mr. HALE renewed his motion to amend, and again withdrew it.

The amendment, as amended, was then agreed to.

Mr. HALE moved to insert his amendment in the third section, as follows: "And it shall be the duty of said governor, immediately after the session of the legislature, to transmit copies of any acts to us which he may have withheld his approval, together with his reasons for such disapproval."

The amendment was agreed to.

The second amendment of the committee being under consideration, as follows: At the beginning of the 14th section insert: "Inasmuch as the said territory is north of the parallel of thirty six degrees and thirty minutes of north latitude, usually known as the Missouri compromise"—

Mr. UNDERWOOD moved to strike out "thirty-six degrees and thirty minutes," and insert "forty-two;" and to strike out the words "usually known as the Missouri compromise."

Mr. DOUGLAS suggested that the better mode would be, to take the question on the amendment altogether.

Mr. UNDERWOOD thought that the amendment, as reported, [illegible] California bill, and it was his desire to make the language so plain as to preclude the reopening of this debate.

Mr. BUTLER said he was a passive member of the committee, intending to vote against this whole section, the reasons for which he should give hereafter.

Mr. NILES expressed astonishment that the Committee on the Territories should have reported an amendment which had nothing to do with the subject matter of this bill, as it is well known that all of Oregon lies north of 36° 30'. He was at a loss to understand the reason for such a provision. Was it intended to refer to some other subject which might come up for legislation hereafter? If it was intended for any thing, it must be to exercise influence over legislative action in the other territories. He was entirely opposed to this mode of legislation. If it was a re-enactment of the compromise bill, he thought it better, after our failure to legislate in that form, to leave it alone. Perhaps it was to ease off the feelings of certain Senators here, and to enable them to justify their votes. He did not wish to see any thing go abroad which might be construed into a compromise when compromise is not intended.

Mr. DOUGLAS explained that the amendment was reported with the unanimous desire of the committee that no Senator's vote on the bill should be understood as committing him on the great question.

Mr. HALE said he should vote against the amendment, and, whatever the vote on the amendment, he should vote for the bill. But he desired it to be distinctly understood that he did not by such vote commit himself in the slightest degree as to his future course.

Mr. MASON charged the language reported in the amendment as unintelligible. He attributed to the committee the design to evade the slavery question. He referred to the state of public opinion abroad, and to the convention about to be assembled at Buffalo, for the choice of a standard bearer. But one god was to be worshipped there, and that god was power—the power to trample down the constitution of the country. He referred to the recent decision of Virginia not to regard any law of the United States which should prevent her citizens from carrying their slaves into any of the territories. He and his constituents were willing to be bound by the principle of the compromise; but it was not to be expected that they would go one single step beyond it. It would be to expect them to submit to insult.

Mr. DAYTON replied to the threats held out by the Senator from Virginia, that if she was to be forced another step she would proclaim nullification. He repudiated for the whig party this question as the great issue to be tried at the coming election. The questions of free soil and slavery were not the great questions of the whig party. They constituted too narrow a ledge for that party to stand on. Nor would it be generally understood that this was the great issue with the democratic party. As to the amendment, whatever may be the understanding with which it was adopted in the committee, Senators would have to stand on their recorded votes. He did not see how the amendment could be sustained.

Mr. JOHNSON, of Maryland, said that it being evident the bill could not be disposed of to-day, he would therefore move that its further consideration be postponed until to-morrow.

Mr. BUTLER said he had no objection to the postponement, provided it did not interfere with his remarks which he was about to make. He desired to be heard on this bill before the vote was taken on it.

The motion to postpone was then agreed to.

EXECUTIVE SESSION.

On motion by Mr. JOHNSON, of Maryland, the Senate proceeded to the consideration of Executive business; and after some time spent therein,

On motion,

The Senate adjourned.

TUESDAY, AUGUST 8, 1848.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

To the Senate and House of Representatives of the United States:

I submit to your action a convention between the United States of America and the Mexican Republic, concluded at Guadalupe Hidalgo on the 2d day of February, 1848, and the ratifications of which were exchanged at Queretaro on the 30th day of May last, by which you will perceive that provision is made for the payment of the sum of fifteen millions of dollars to the Government of Mexico.

JAMES K. POLK.

WASHINGTON, August 7, 1848.

FRENCH REPUBLIC.

Liberty, Equality, Fraternity!

NATIONAL ASSEMBLY.

The National Assembly has unanimously adopted the following decree:

ARTICLE 1. In the name of the French people, the National Assembly proclaims its lively sympathy with the sentiments which dictated the resolution of the Congress of the United States, on the 29th April, offers to the American people the thanks of the republic and the expression of its fraternal amity.

ARTICLE 2. The Commission of Executive power charged to carry out the present decree to the French legation at Washington, with the order to present it to the American government.

Decreed at the deliberation in public session at Paris, on the 27th May, 1848.

Signed by the President and Secretaries, Buchez Penpin, Leon Robert, F. De George, T. Lacrosse, Emile Pean, Edmund Lafayette.

A true copy for transmission:

The President and Secretaries signed: Marrel Gasnon, Paul Pean, Edmund Lafayette, L. Pothonier Valentin.

The Minister of Foreign Affairs [illegible], President.

On motion of Mr. ALLEN, it was ordered that the foregoing message and decree be entered on the Journal.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. WALKER, his Secretary:

To the Senate of the United States:

In reply to the resolution of the Senate of the 7th instant, requesting the President to inform that body "whether he has any information that any citizen or citizens of the United States is or are now preparing, or intending to prepare, within the United States, an expedition to revolutionize by force any part of the republic of Mexico, or to assist in so doing; and, if he has, what is the extent of such preparation, and whether he has or is about to take any steps to arrest the same," I have to state that the Executive is not in possession of any information of the character called for by the resolution.

The late treaty of peace with Mexico has been and will be faithfully observed on our part.

JAMES K. POLK.

WASHINGTON, August 8, 1848.

COMMUNICATION FROM THE STATE DEPARTMENT.

The PRESIDENT, *pro tem.*, laid before the Senate a report of the Secretary of State, communicating, in compliance with a resolution of the Senate, a copy of the joint report of the commissioners under the treaty of Washington, of August 9, 1842, together with a copy of the report of the American commissioner transmitting the same to the Department of State.

PETITIONS.

The PRESIDENT, *pro tem.*, laid before the Senate two memorials of the Legislature of Wisconsin, praying the construction of a road from Prairie du Chien to the falls of St. Croix; which was referred to the Committee on the Post Office and Post Roads.

Mr. MASON presented the memorial of Charles F. Sibbald, asking that his claims may be adjusted under the direction of the Secretary of the Treasury; which was referred to the Committee of Claims.

Mr. CALHOUN presented a memorial from merchants and other citizens of Charleston, asking that the great southern mail may be restored to its direct route; which was referred to the Committee on the Post Office and Post Roads.

OPERATIONS OF THE ARMY ON THE RIO GRANDE.

Mr. DAVIS, of Mississippi, submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be instructed to furnish, at the next session of Congress, a general map of the reconnoissance and surveys of the Corps of Engineers, showing the operations of the army of the United States in Texas and the adjacent Mexican territory on the Rio Grande, to be accompanied with the astronomical observations and descriptive and military memoirs of the country traversed by the troops of the United States.

THE SAN ANTONIO ANNUITIES.

Mr. BELL submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be requested to communicate to the Senate copies of the report of the Superintendent of Indian Affairs of St. Louis, in relation to the difficulties which took place last fall at the payment of the Sacs and Fox annuities, together with all the accompanying testimony and papers, and any proceedings which the department may have taken in reference thereto.

ADVERSE REPORT.

Mr. UNDERWOOD, from the Committee of Claims, to which was referred the bill from the House of Representatives for the relief of the legal representatives of Amelia Brereton, reported it without amendment, and that it ought not to pass.

DISCHARGED.

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That the Committee on Private Land Claims be discharged from the further consideration of the petition of Villeneuve le Blanc, and that the petitioner have leave to withdraw his papers.

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That the Committee on Pensions be discharged from the further consideration of the following memorials: Of Eliza A. Mellon, of E. P. Hastings, of Candace Munn; also, from the documents relating to the claim of John Ellis.

WESTERN DISTRICT OF VIRGINIA.

On motion by Mr. MASON, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill to change the times of holding the district court of the United States for the western district of Virginia, together with an amendment thereto, including the salary of the judge of said court, from sixteen hundred to twenty-two hundred and fifty dollars per annum.

Mr. MASON advocated the amendment, and it was agreed to.

No further amendment being made, the bill was reported to the Senate, and the amendment was concurred in.

Ordered, That the amendment be engrossed, and the bill be read a third time,

Said bill was read a third time as amended.

Resolved, That the Senate [illegible] amendment.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendment.

PRIVATE BILLS.

Mr. ATHERTON, from the Committee on Finance, to whom was referred the bill from the House of Representatives for the relief of David Thomas, of Philadelphia, reported it without amendment.

SENATE REPORTS.

On motion by Mr. BENTON, the Senate proceeded to consider the following resolution, reported from the Select Committee on the subject:

Resolved, That, in order to secure a more full, impartial, and prompt publication of the proceedings and debates of the Senate, the Secretary of the Senate be, and he hereby is, authorized and directed to enter into a contract, to take effect from this day, with the proprietors of each of the daily papers in this city, the National Intelligencer and the Union, and to continue until otherwise ordered by the Senate, for the daily publication, in each paper, of all the debates and proceedings of the Senate, and for the early subsequent publication of such speeches as members may choose more carefully to revise and write out at full length, for which the Secretary is authorized to make weekly payment at the rate of seven dollars and fifty cents for a column of brevier type: *Provided*, That the proceedings and current debates be transferred to the country edition of said papers, and one copy of the daily edition of each paper shall be furnished to each member during the session without additional charge.

On motion by Mr. WESTCOTT, it was

Ordered, That it lie on the table.

JOHN DEVLIN.

The Senate proceeded to consider the motion heretofore made by Mr. DICKINSON to reconsider the vote on the third reading of the bill for the relief of John Devlin; and it was determined in the negative.

ALABAMA RAILROAD.

On motion by Mr. KING, the Senate resumed the consideration, as in Committee of the Whole, of the bill granting to the State of Alabama the right of way and a donation of public lands for making a railroad from Mobile to the mouth of the Ohio river.

The question pending was upon agreeing to the amendment submitted by Mr. DAVIS, of Mississippi, granting the right of way and a donation of public lands for making a railroad from Jackson through Brandon to the Alabama line; and it was agreed to.

Mr. LEWIS moved further to amend the bill by adding a section granting the right of way and a donation of public land for making a railroad from Pensacola, Florida, to Montgomery, Alabama.

Mr. BENTON moved to amend the amendment by adding a section granting the right of way and a donation of public land for making a railroad from St. Joseph to Hannibal, Missouri.

Mr. KING moved the question from Missouri would not prevent in the amendment, and protested against having his bill loaded down with extraneous matters, which would be sure to defeat it in the House. If the bill was a good one let it pass or fail, as such it was very important to the South that it should pass.

Mr. BENTON was very far from believing that the amendment would have a tendency to load down the bill. On the contrary, he regarded it as a just and needful measure; and he thought the Senator from Alabama should be pleased with any measure which was likely to encourage his daughter's husband, a young man, who would be a pupil to the house.

Mr. BUTLER was sorry he could not give his support to the bill or its amendments in the present form. He would wish to know the amount of the lands which may be given in each case. He referred to the various clauses in the constitution from which the power to give away the public lands was derived by different persons. He thought it doubtful whether the public lands would be enhanced in value, or the sales of them facilitated by these constant surrenders. He would prefer that the constitution should be amended to suit the purposes of all, than that this policy should go on.

Mr. CALHOUN thought the policy of these appropriations of the public lands was beneficial in increasing the value of the public domain. As to internal improvement, he denied in toto the power of the general government to carry it on.

Mr. WESTCOTT took a view of the advantages which would result to the United States, as well as to the States in which the roads were proposed to be located, from these donations of the public lands, by the facilities which would be given to the transportation of materials for the navy yards, and for the transportation of stores and troops.

Mr. BUTLER objected to the precedent. The Senator from Illinois, [Mr. BREESE,] had recently offered a resolution to give all the public lands in that State for public improvements.

Mr. BREESE said, his resolution embraced only ten miles on both sides of the Illinois river.

Mr. BUTLER.—Why not ten miles was asked for now, why not ask for twenty, or sixty miles. The principle would be the same.

Mr. CALHOUN made a brief reply.

Mr. NILES said, if this policy was to prevail, and the lands were to be given away because they were of no use while in the hands of the general government, he desired to see a national bill, a bill on a magnificent scale. He would, therefore, move to amend the bill by inserting the bill which he had reported a short time since, providing lands to Ann Wooster, commencing a railroad from Lake Michigan to the Pacific. This would test the sense of the Senate on the principle involved in the proposition.

Mr. BORLAND made a few remarks in favor of the bill.

Mr. TURNEY would not vote for the bill, but he would vote for every amendment which should be offered. He wished to test the opinions of Senators who professed to be hostile to a general system of internal improvement, by seeing all these separate bills embraced in one bill, which would thus make the bill general in its effect, and not a [illegible] According to his reading of the constitution, this aggregation of separate appropriations would constitute a general system of internal improvement. He desired to see what was the true construction put on these questions by every Senator.

Mr. BREESE explained his view of the constitutional power of Congress to make internal improvements, which he totally denied. But he maintained that the government had a right to put the public domain in a condition to be most beneficial to the public, and these were such appropriations, [illegible] and [illegible] the value of the residue. These donations to States were in fact no donation, because only alternate sections are granted, and those reserved are put at $2 50 per acre, which is twice the price fixed as a minimum.

Mr. TURNEY made a reply in explanation and support of what he had before said. As to the last argument of the Senator from Illinois, the fixing of the price of the alternate sections at twice the minimum rate, he attached no great weight to it, regarding this increase of price as more likely to benefit the railroad companies than the government. The companies would prevent any sales by the government by putting their own sections at a somewhat lower rate.

Mr. BREESE rejoined very briefly.

Mr. DOUGLAS said he [illegible] the way of this measure. On the contrary, he expected to vote for it. But as chairman of the committee which had been charged with [illegible] bound, if the discussion was to proceed, to move its postponement.

Mr. KING expressed a hope that the vote would be taken on the bill, which had already been once postponed.

The amendment to the amendment was agreed to; and the [illegible] amendment was disagreed to.

The bill was further amended by striking out such portions as gave the privilege of selecting the lands within twenty miles of the lines of the roads, thus restricting the selections to within six miles of either side of the roads.

Mr. ALLEN moved further to amend the bill by adding a section providing that the mails shall not be required to be transported on said roads, if in the judgment of the Postmaster General the public interest would be better subserved by using other roads.

The amendment was agreed to.

Mr. NILES withdrew his amendment.

The bill was then reported to the Senate, and the amendments were concurred in.

On the question "shall this bill be engrossed and read a third time?" the yeas and nays were called for, and were determined in the affirmative, as follows:

[illegible]

So it was

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

[illegible] MONUMENT

The Senate proceeded to consider the amendment of the House of Representatives to the joint resolution giving certain pieces of brass cannon to the Jackson Monument Society, and it was

[illegible]

EXECUTIVE SESSION.

On motion by Mr. JOHNSON, of Maryland, the Senate proceeded to the consideration of Executive business, and after some time spent therein the doors were again opened.

[illegible] BILL

On motion by Mr. BALDWIN, the bill for the relief of Gustavus S. Dorr, was read the second time, and considered as in Committee of the Whole.

No amendment being made, the bill was reported to the Senate.

Ordered, That it be engrossed and read a third time.

[illegible]

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

[illegible] RAILROAD

[illegible] was considered as in Committee of the Whole, the bill from the House of Representatives for the relief of the Red river railroad company; and no amendment being [illegible]

Ordered, That it pass to a third reading.

The said bill was read a third time.

On the question "shall this bill pass?" the yeas and nays were ordered, and it was determined in the affirmative, as follows:

[illegible]

So it was

Ordered, That the Secretary notify the House of Representatives accordingly.

[illegible]

On motion by Mr. DAYTON, the prior orders were postponed and the Senate proceeded to consider, as in Committee of the Whole the bill in relation to the terms of the circuit and district courts of the United States in and for the district of New Jersey.

No [illegible] being [illegible] was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time.

Resolved, That it pass, and that the title thereof be as aforesaid

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

UNITED STATES COURTS IN GEORGIA.

On motion by Mr. JOHNSON, of Georgia, the prior orders were postponed, and the Senate proceeded to consider as in Committee of the Whole, the act for dividing the State of Georgia into two judicial districts, and organizing and establishing an additional district court of the United States, with circuit court powers and jurisdiction.

A brief debate ensued in which Messrs. DAYTON, WESTCOTT, BERRIEN, KING, and JOHNSON of Georgia took part.

No amendment being made the bill was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

PRIVATE BILLS.

The Senate proceeded to consider, as in Committee of the Whole, the following bills from the House of Representatives:

An act for the relief of Samuel Cano.

An act for the relief of Frances S. Holton.

No amendment being made they were severally reported to the Senate.

Ordered, That they pass to a third reading.

Resolved, That they pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

POST ROUTE BILL.

Mr. NILES, from the Committee on the Post Office and Post Roads, to whom was referred the bill from the House of Representatives to establish certain post routes, reported it with amendments.

RECESS.

On motion by Mr. PEARCE, it was

Ordered, That the Senate take a recess until 5½ o'clock P. M.

EVENING SESSION.

SCHOOL LANDS IN ALABAMA.

The bill from the House of Representives to authorize the State of Alabama to apply certain lands, heretofore granted to that State for internal improvements, for the use of schools in the valueless sixteenth sections of said State, was read the first and second times, by unanimous consent, and considered as in Committee of the Whole; and, no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time, by unanimous consent.

Resolved, That they pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

EXTRADITION TREATIES.

The Senate proceeded to consider the amendment made by the House of Representatives to the bill giving effect to certain treaty stipulations between this and foreign governments, for the apprehension of certain offenders.

Ordered, That it be referred to the Committee on the Judiciary.

POST ROUTE BILL.

On motion by Mr. NILES, it was

Ordered, That the bill to establish certain post routes, be the order of the day for to-morrow at 10 o'clock A. M.

BOUNDARY BETWEEN THE UNITED STATES AND MEXICO.

On motion by Mr. HANNEGAN, the Senate proceeded to consider, as in Committee of the Whole, the bill to provide for carrying into effect the fifth article of the treaty between the United States and the Mexican republic, for the establishment of the boundary line between them; and, no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time.

Resolved, That the bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

PRIVATE BILL.

The Senate proceeded to consider, as in Committee of the Whole, the bill granting a pension to Elizabeth Munroe.

On motion by Mr BREESE, it was

Ordered, That it lie on the table.

The Senate resumed, as in Committee of the Whole, the bill for the relief of George Center, and having been amended on the motion of Mr. YULEE, it was reported to the Senate and the amendment was concurred in.

On the question "Shall this bill be engrossed and read a third time?"—Mr. ALLEN demanded the yeas and nays, which were ordered, and it was determined in the affirmative, as follows:

YEAS—Messrs. Babcock, Bell, Berrien, Cameron, Clarke, Corwin, Dodge, Downs, Dunnegan, Houston, Johnson of Maryland, King, Mason, Miller, Niles, Pearce, Sebastian, Westcott, and Yulee—19.

NAYS—Messrs. Allen, Atchison, Bradbury, Breese, Bright, Dickinson, Dix, Felch, Johnson of Georgia, Phelps, Spruance, Turney, Underwood, and Upham—14.

So it was

Ordered, That it be engrossed and read a third time.

The said bill was read a third time.

Resolved, That this bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

TERRITORY OF MINESOTA.

Mr. DOUGLAS, from the Committee on Territories, to whom was recommitted the bill to establish the territorial government of Minesota, reported it with amendments.

STATISTICS OF AGRICULTURE AND MANUFACTURES.

On motion by Mr. UNDERWOOD, the Senate resumed the consideration of the joint resolution requiring the Commissioner of Patents to report annually upon the prices of labor and the productions of agriculture and manufactures.

After debate, in which Messrs. ALLEN, JOHNSON, of Maryland, UNDERWOOD, and others, participated, the resolution was laid on the table by the following vote:

YEAS—Messrs. Allen, Atchison, Breese, Butler, Davis of Mississippi, Dickinson, Dix, Downs, Felch, Foote, Hunter, Johnson, of Georgia, King, Lewis, Mason, Niles, Phelps, Sebastian, Turney, and Westcott—20.

NAYS—Messrs. Badger, Baldwin, Berrien, Cameron, Clarke, Corwin, Davis, of Massachusetts, Greene, Houston, Johnson, of Maryland, Johnson, of Louisiana, Mangum, Metcalfe, Miller, Pearce, Spruance, and Underwood—17.

On motion,

The Senate adjourned.

WEDNESDAY, AUGUST 9, 1848

REPORTS FROM THE WAR DEPARTMENT.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Department of War, made in compliance with a resolution of the 28th ultimo, calling for information as to the gross amount paid each officer, and why such information does not appear in the Army Register of the present year; which was ordered to printed.

The PRESIDENT *pro tem.* laid before the Senate a report of the Secretary of War, made in compliance with a resolution of the Senate, accompanied by copies of the report of the superintendent of Indian affairs, at St. Louis, in relation to the difficulties which took place at the Sacs and Fox annuities; which was ordered to be printed.

EXTRA COMPENSATION.

Mr. FELCH, from the Committee to audit and control the Contingent Expenses of the Senate, reported the following resolution; which was read.

Resolved, That there be allowed and paid out of the contingent fund of the Senate section of the committee to audit and control the same to each of the officers, clerks, messengers, sweeping the ceiling, pantrymen, and mail carriers, pages, and bindery in the service of the Senate, the same amounts respectively that were paid them under a resolution of the Senate at the last long session of Congress; that there be allowed and paid, in like manner, to the librarian, assistant librarian, and messenger of the Congressional Library, and to the clerks of the committees of the Senate, each the same amounts as were last allowed them by resolution of the Senate.

Resolved, That there be allowed and paid as above to the acting postmaster and to each of the mail carriers of the Senate, the sum of three hundred and fifty dollars, and to each of the boys assisting the mail carriers, to the western gate keeper, and to Sylvester Gray, and Lloyd Wallace, each the sum of fifty dollars.

VENTILATION OF THE SENATE CHAMBER.

Mr. HUNTER, from the Committee on Public Buildings, reported the following resolution:

Resolved, That the contract assigning to Wells & Campbell the ventilating apparatus of the Senate chamber, commenced and proposed by John Skirving; provided, however, that the money shall be expended and the work executed under the direction of the Secretary of the Senate.

Mr. HUNTER asked the immediate consideration of the resolution; but objection being made, it lies over under the rule.

PUBLIC PRINTING.

Mr. GREENE, from the Committee on Printing, submitted the following resolution:

Resolved, That the Committee on Printing, appointed by the two Houses, have leave to sit in the recess of Congress to enable them to execute the duties required of them by the "joint resolution directing the manner of procuring the printing for the two Houses of Congress," approved the 3d of August, 1846: *Provided*, That no member of the committee shall have pay for any time beyond the actual expenses while travelling to and from the capital for the performance of the duties of the said committee and his per diem while thus engaged.

Mr. GREENE was, at his request, excused from service on the Committee on Printing; and the PRESIDENT *pro tem.* being authorized to fill the vacancy, Mr. JOHNSON, of Maryland, was appointed.

Mr. BORLAND was, at his request, excused from service on the Committee on Printing; and it was

Ordered, That the vacancy be filled by the Presiding Officer.

EVERGLADES IN FLORIDA.

Mr. WESTCOTT submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate any information in his department as to the practicability of reclaiming the everglades in the State of Florida, or as to the expediency of ceding them to the said State for that purpose, and his opinion as to the best mode and manner of accomplishing such object.

POSTMASTER OF THE SENATE.

Mr. FELCH, from the Committee to audit and control the Contingent Expenses of the Senate, to whom was referred a resolution submitted by Mr. BAGBY the 13th of May, reported the same with an amendment to strike out all after "*Resolved*," and to insert "That John M. Jameson, postmaster of the Senate, be continued hereafter yearly in charge of the post office, at the same per diem he now receives."

The Senate proceeded to consider the resolution with the reported amendment; and the amendment being concurred in, the resolution, as amended, was agreed to.

WALLACE AND GRAY.

Mr. FELCH, from the Committee to audit and control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HALE the 3d of June, respecting the compensation of L. Wallace and S. Gray, reported it with an amendment.

The Senate proceeded to consider the resolution, and it was amended and agreed to, as follows:

Resolved, That there be allowed and paid to L. Wallace and S. Gray, in the employment of the Senate, one month's extra compensation, in addition to their present salaries, and one hour's travelling the nearest mail route to and from the residence of the deceased.

ARMY APPROPRIATION BILL.

Mr. ATHERTON, from the Committee on Finance, to whom was referred the bill from the House of Representatives making appropriations for the support of the army for the year ending on the 30th of June, 1849, reported it with amendments.

Mr. ATHERTON gave notice that he should ask for an early consideration of this bill.

OHIO AND MISSISSIPPI RAILROAD.

Mr. BREESE, from the Committee on Public Lands to whom was referred the bill from the House of Representatives, granting the right of way through the public lands in Indiana and Illinois, to the Ohio and Mississippi railroad company, reported it with an amendment.

Mr. BREESE asked for the immediate consideration of the bill, but it was objected to.

PRIVATE BILLS.

Mr. NILES, from the Committee on the Post Office and Post Roads, submitted a report accompanied by a bill for the relief of Samuel F. Butterworth.

Mr. CORWIN, from the Select Committee submitted a report accompanied by a bill for the relief of William Darby.

The said bills were read and passed to the second reading.

Ordered, That the report be printed.

DISCHARGED.

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That the Committee on Pensions be discharged from the further consideration of the following memorials: of William Parkeson, of Benjamin Miller, of Ellen F. Smith, of Angel Spalding, of William Miller, of Sarah Overback, and of William Pennoyer.

On motion by Mr. JOHNSON, of Louisiana, it was

Ordered, That the Committee on Private Land Claims, be discharged from the further consideration of the petition of Lieutenant Littleton Barclay.

RECESS.

On motion by Mr. PEARCE, it was

Ordered, That the Senate will take a recess daily, from 4 until 5½ o'clock, P. M.

POST ROUTE BILL.

On motion by Mr. NILES, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole the bill from the House of Representatives, to establish certain post routes.

The amendments reported from the Committee on the Post Office and Post Roads were concurred in.

After being further amended the bill was by unanimous consent informally passed over.

EXECUTIVE SESSION.

On motion by Mr. JOHNSON, of Maryland, the Senate proceeded to the consideration of Executive business, and after several hours spent therein, the doors were again opened.

CLINTON AND KALAMAZOO CANAL.

On motion by Mr. FELCH, the prior orders were postponed, and the Senate proceeded, as in Committee of the Whole, to the consideration of the bill to apply certain alternate sections of the public domain towards the completion of the Clinton and Kalamazoo canal, in the State of Michigan, and having been amended it was reported to the Senate, and the amendment was concurred in.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time.

Resolved, That the bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

PRIVATE BILL.

On motion by Mr. HAMLIN, the prior orders were postponed and the Senate proceeded to consider as in Committee of the Whole, the bill from the House of Representatives for the relief of John Farnham; and no amendment being made it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

SALE OF RESERVED LANDS.

On motion by Mr. BREESE, the prior orders were suspended and the Senate proceeded to consider, as in Committee of the Whole, the bill to authorize the sale of reserved lands and for other purposes; and, no amendment being made, it was reported to the Senate.

Ordered, That it be engrossed and read a third time.

The said bill was read a third time.

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

PRIVATE BILLS.

On motion by Mr. DAVIS, of Massachusetts, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives for the relief of Alborne Allen; and, no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion by Mr. FOOTE, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives for the relief of Joseph Perry, a Choctaw Indian, or his assignees; and, no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion by Mr. JOHNSON, of Louisiana, the prior orders were postponed, and the Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives for the relief of the heirs and widow of Francis Gramilion; and, no amendment being made, it was reported to the Senate.

Ordered, That it pass to a third reading.

The said bill was read a third time.

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

The Senate then took a recess.

EVENING SESSION.

Mr. BUTLER, from the Committee on the Judiciary, reported back the amendments from the House to the bill giving effect to certain treaty stipulations between this and foreign governments for the apprehension and delivering up of certain offenders, with a recommendation that the Senate do not concur; and Mr. B. stated that it was with a view to the appointment of a committee of conference.

Mr. DOUGLAS moved to proceed to the consideration of the bill to establish a government in the territory of Oregon.

Mr. JOHNSON, of Maryland, wished the Senator from Illinois to forego his motion for the present, and consent to call it up at 10 o'clock to-morrow. He professed himself quite desirous the Senator to have it disposed of, but he thought the present hour not suited to the discussion.

Mr. DOUGLAS would acquiesce, and withdraw his motion with the distinct understanding that it should be taken up to-morrow, at 11 o'clock. [Cries of "agreed."

Mr. DOWNS contended that the Post Office bill was the unfinished business, and should come up as a matter of course.

The CHAIR gave it as his opinion that it was his duty to order

Mr. ATHERTON then moved to postpone the further consideration of the Post Office bill, with a view to take up the bill making appropriation for the military service of the United States for the year ending 30th June, 1848; which motion was agreed to.

Mr. ATHERTON submitted various amendments from the Committee on Finance: the first taken up for consideration was, "for arrearages for military surveys west of the Mississippi, $20,000;" which, after a brief explanation, was adopted.

Several important amendments of the committee were adopted.

The amendment granting $200,000 for the military and civil operations in California under command of Commodore Stockton and Lieutenant Colonel Fremont, was next taken up.

Mr. DAVIS, of Massachusetts, said the sum was a pretty large one, and he wished some information on the subject.

Mr. ATHERTON replied that the amendment was a portion of the bill that had already passed the Senate, and related only to ascertained claims.

Mr. UNDERWOOD inquired if a bill had not already been passed giving $700,000 for the settlement of the California claims, and desired to be informed what necessity existed for this additional $200,000.

Mr. BENTON explained at length, going into a history of the case, which, while it amused, seemed to convince the Senate of the necessity for adopting the amendment.

The amendment was adopted by a large majority.

Mr. DAVIS, of Mississippi, offered various amendments from the Military Committee, which were adopted: one increasing the companies of some of the regiments to 64, with the privilege of extending the number to 100 men, should the President think proper.

Mr. JOHNSON, of Louisiana, moved to amend the bill by inserting an appropriation of $15,000 for a fort on Proctor's Island, in Lake Borgne, contending with great zeal and animation for the adoption of the amendment.

Mr. ATHERTON insisted that this was not a fortification bill, and that the amendment was not an appropriate one for the military bill.

Mr. JOHNSON insisted that it was the bill to which it ought to be affixed. When he had offered the amendment to the naval appropriation bill, he was told by the same Senator, "that was not the place for it; wait until the civil and diplomatic bill comes before us here." He had waited patiently for this bill, and when he offered it again was told that was not the place for it; and now, when he offered it to the only bill that it could be attached, here was the same story. He insisted that it should go to the bill.

Mr. BENTON came to the rescue of the amendment, declaring that Proctor's Island was an old acquaintance of his, observing that he had voted for the appropriation on all occasions, and should do so on the present, agreeing, at the same time, with Mr. J., that the present bill was the legitimate one to which the amendment should be attached.

After a few remarks from Messrs. DIX, BREESE, and BRIGHT, against the amendment--

Mr. JOHNSON demanded the yeas and nays, which were ordered, and the vote stood as follows:

YEAS--Messrs. Atchison, Benton, Bradbury, Breese, Bright, Butler, Chalmers, Clarke, Cooper, Dodge, Downs, Fitzgerald, Foote, Johnson of Louisiana, Mason, Pearce, Sebastian, Walker, Westcott, and Woodbridge--20.

NAYS--Messrs. Atherton, Bagby, Berrien, Bibb, Calhoun, Corwin, Davis of Massachusetts, Dickinson, Dix, Evans, Hannegan, Johnson of Maryland, Jones of Georgia, Lewis, Metcalfe, Miller, Niles, Phelps, Spruance, Turney, Underwood, and Upham--21.

Mr. HANNEGAN moved to amend the bill by granting a discharge to such of the mounted rifle regiment intended for California who had served in Mexico as might please to avail themselves of it; and he addressing the Senate and paying a well-merited compliment to this regiment, which and been first in every fight, and leading in every forlorn hope.

Mr. ALLEN supported the amendment, declaring his belief that they were entitled to their discharge under the law.

Mr. BORLAND also spoke handsomely of these gallant men, declaring they were his brethren in arms, and with them he had risked the chances of the country.

Mr. DAVIS, of Mississippi, opposed the amendment, declaring that they were not entitled under the law to their discharge, and doubting the policy of allowing them to leave the service.

The question was taken on the amendment, and it was adopted.

Mr. ALLEN moved to amend the bill by inserting an item giving $6000, with interest from 1847, to Captain John Caldwell, for moneys paid by him in Mexico.

This amendment was resisted on the ground that it was a private claim, and should not be inserted in the bill; and, after some debate, in which Messrs. ALLEN, ATHERTON, and DAVIS, of Mississippi, participated, the question was taken by yeas and nays, and decided as follows:

YEAS—Messrs. Allen, Atcheson, Badger, Benton, Bell, Bowlin, Breese, Bright, Clarke, Corwin, Downs, Fitzgerald, Greene, Hannegan, Johnson of Maryland, Johnson of Louisiana, Miller, Turney, Tweedy, and Yulee—23.

NAYS—Messrs. Atherton, Breese, Butler, Calhoun, Dix, Evans, Mangum, Merrick, Phelps, Porter, Rives, Simmons, Sturgeon, Upham, Walker, Woodbridge, and Woodbury—18.

Amendments were offered by Mr. BELL, and by Mr. BORLAND, which underwent considerable debate, and were rejected.

The bill was reported to the Senate, and the amendments being concurred in, the bill was read a third time and passed.

On motion,

The Senate adjourned

THURSDAY, AUGUST 10, 1848.

The PRESIDENT *pro tem.* laid before the Senate a report from the Secretary of War, made in compliance with a resolution of the 9th instant, in relation to reclaiming the everglades in the State of Florida. It was referred to the Committee on Public Lands.

REPORTS FROM COMMITTEES.

Mr. CAMERON, from the Committee on Printing, made an elaborate report; which was ordered to be printed.

Mr. YULEE, from the Committee on Naval Affairs, reported a bill for the relief of the captors of the frigate Philadelphia; which was read a first time.

Mr. DAYTON, from the Committee on the Judiciary, asked that the committee be discharged from the further consideration of the petition of William H. Rogers.

Mr. DAYTON also moved that the Committee be discharged from the further consideration of the following bills, which was agreed to:

The bill changing the places and fixing the times of holding the circuit and district courts in the district of Vermont.

The bill to change the place of holding the district court of the United States for the middle district of Alabama.

Also, from the memorial of Charles F. Sibbald.

Mr. HANNEGAN, from the Committee on Roads and Canals, reported House bill to surrender to the State of Indiana the Cumberland road, in the said State, without amendment, and urged upon the Senate its immediate consideration; which was agreed to, and the bill was passed.

Mr. JOHNSON, of Louisiana, from the Committee on Pensions, asked that the committee be discharged from the further consideration of the petitions of Patrick Masterson, of Rebecca Robeson, and of W. Rall.

Mr. JOHNSON also, from the same committee, made an adverse report on the petition of Eliza Buchanan.

Mr. JOHNSON also, from the same committee, asked that the committee be discharged from the further consideration of House bill for the relief of Catherine Clarke, and that it be referred to the Committee on Naval Affairs.

RESOLUTION.

Mr. CAMERON submitted the following:

Resolved, That the Secretary of War be requested to communicate to the Senate such information that may be within the knowledge of the department in reference to claims made against the Cherokees, who are parties to the treaty of August 6, 1846, or specially against that portion of the nation called Old Settlers, or Western Cherokees, for services in any other and and assistance rendered the said Cherokees, in the prosecution of their claim, which resulted in the treaty aforesaid. If such claims are based on written contracts, he is requested to state whether the contracts were made by the duly authorized representatives of the *Cherokees*, in their *national* or *aggregate* capacity, for the benefit of those who are made recipients by the treaty in all moneys arising out of the settlement of their claims. And also whether, within the knowledge of the department, such contracts have been fully and faithfully complied with, as far as practicable, by the other parties named in them. And that he will communicate the evidence upon which he bases his opinion, with any paper in possession of the department showing the extent of the services rendered, and the character of the claims that made against the moneys which may be awarded under the treaty of August 6, 1846.

LIGHT HOUSE BILL.

The Senate proceeded to consider the amendments of the House to the bill making appropriations for light-houses, light boats, buoys, &c., and providing for the erection and establishment of the same.

On motion by Mr. DAVIS, the amendments of the House were concurred in, with the exception of the last amendment, and the House was duly notified of the fact.

Mr. LEWIS, of Alabama, was appointed on the Committee on Printing, in the place of Mr. BORLAND, during the recess.

The Senate then took up the bill to establish certain post routes, with the amendments reported thereto; and, after several amendments had been adopted—

REDUCTION OF POSTAGE.

Mr. NILES moved to amend the bill, by inserting, as an additional section, the bill reported by the Committee on the Post Office and Post Roads, to reduce the rates of postage.

Mr. NILES explained that a bill had been received from the House of Representatives which made a greater reduction in the rates of postage than was proposed by this bill. The reductions in that bill embraced a variety of features, but in some points it was very objectionable. The bill now offered as an amendment, was simple in its provisions. If any objection was made to it, he would withdraw it. But as the session was approaching its close, and there would be no other opportunity to act on the subject, he would be gratified if the Senate would take a vote on the proposition.

Mr. BORLAND said he was opposed to the distinction made between the transportation of newspapers within a distance of thirty miles and those which were transported fifty or sixty miles. The clause, as it stands, would do very well for cities, and where the population was dense, but it would not answer at all in the remote parts of the country, where subscribers live a great distance apart.

Mr. DICKINSON proposed an amendment to allow the transportation of country papers to any distance, free of postage.

Mr. WESTCOTT desired to see all newspapers put on the same footing, whether city or country, and without regard to distances. He was opposed to partial benefits.

Mr. BENTON remarked, that you might travel in the West some hundred miles without coming to a town. He thought there was no equality in the bill as it stood, making as it did an invidious distinction.

Mr. CAMERON referred to the provision of the bill which allowed the newspapers to pass free in the country where they were published. The daily papers published in cities derived great advantages from the introduction of steam power. They made up their weekly papers from the daily, and circulated them with greater facility than was possessed by the country editors. He had an amendment prepared, which he thought would meet the case, so as to remove any objection.

The amendment was not submitted, as it was decided to be out of order at this stage of the proceedings.

Mr. ALLEN said there would never be a law which did not operate more hardly on one than on another. He looked to the aggregate good which would be effected. He went on to speak of the condition of printers, who are proverbially poor. He never knew a rich printer. They work harder for nothing than any other class of persons. Their debts were, separately, small, though large in the aggregate, and are so scattered over the country that they can scarcely ever be collected. He thought this little boon granted to them should be willingly given.

Mr. DICKINSON also alluded to the power of the city papers to put down the country press. He thought his amendment would have the effect of sustaining the country papers.

Mr. DOUGLAS, at this stage, called for the special order, being the bill to establish a territorial government in Oregon, but the motion was not sustained.

Mr. NILES stated, that the entire exemption of papers from postage would diminish the compensation of the small postmasters, while it would add greatly to the burden of business thrown upon them. The tax of half a cent would enable the postmasters to defray the expense of putting up the papers and delivering them.

Mr. DOUGLAS renewed his call for the special order, and asked for the yeas and nays, which were ordered.

The question was then taken, and decided as follows:

YEAS.—Messrs. Allen, Baldwin, Benton, Bradbury, Breese, Bright, Corwin, Davis, of Massachusetts, Dayton, Dix, Dodge, Douglas, Downs, Felch, Fitzgerald, Greene, Hale, Houston, Johnson, of Maryland, Johnson, of Georgia, Lewis, Mason, Miller, Phelps, Upham, and Webster—26.

NAYS.—Messrs. Atchison, Badger, Bell, Berrien, Borland, Butler, Calhoun, Cameron, Foote, Hamlin, Hannegan, Hunter, Johnson, of Louisiana, King, Mangum, Metcalfe, Niles, Pearce, Sebastian, Spruance, Sturgeon, Turney, Underwood, and Yulee—24.

THE OREGON BILL.

The Senate then resumed the consideration of the bill to establish a Territorial Government in Oregon.

The question being on the motion of Mr. UNDERWOOD, to strike out, in page seventeen, line one, the words, "thirty-six degrees and thirty minutes," and inserting "forty-two;" and also the words, "usually known as the Missouri compromise"—

Mr. WEBSTER addressed the Senate. He admitted the propriety of the establishment of a territorial government in Oregon, and he was willing to vote for this bill as it came from the House. If amended as now proposed, he would not be able to vote for it. He recited the words of the section, and said, the amendment proposed gave a reason for the application of the principle of the ordinance of 1787 to the territory of Oregon. When a single reason was given for any act, it was intended to be inferred that there were no other reasons. The territory of Oregon was above the line of the Missouri compromise. His objection to slavery

was irrespective of lines and points of latitude: it took in the whole country, and the whole question. He was opposed to it in every shape, and in every qualification; and was against any compromise of the question.

As to California and New Mexico, he said it was easy to foresee to what the acquisition of this territory would lead. He wished it were as easy to see that there would be a harmonious conclusion of the matter. He congratulated himself that he had taken no part in the late war, except to oppose its commencement with all his might, and at the close to oppose the treaty with all his might. He believed the war itself to be a calamity. He looked on the treaty by which it had been concluded as a calamity; and he greatly feared that the treaty would turn out to be the most permanent calamity.

Mr. BUTLER contended that the establishment of governments in the territories of California and New Mexico, ought to have been embraced in this Oregon bill. He disapproved of this policy of giving especial protection to the territories north of the Missouri line of compromise, and giving to the North all that valuable portion of the Union. The resolutions of the State of Virginia, which were referred to the other day by a Senator from that State, [Mr. MASON,] had been responded to by all the southern States of the Union. He thought that States should never pass resolutions until they were sure that the citizens would sustain them. He would tell the Senate what his advice to his constituents would be, to go to these new territories with arms in their hands; to go as armed communities, and take possession of the lands which they had helped to acquire, and see who would attempt to dispossess them. Would the military force of the United States shoot down the ploughman at his plough? So help him God, he would so advise his constituents, to take with them their property there, and settle at all hazards. If he was willing, had the compromise bill passed, to bow to it, and if the decision of the Supreme Court should have been adverse to his opinions, he would submit to it. But that bill had been not only rejected by the House of Representatives, but it had been treated with so little respect, that he felt it due to himself and to the South to let their position be well understood. He was opposed to the bill.

He had always opposed a war of conquest and aggrandizement, for he had foreseen that our triumphs would turn out to be apples of discord from which serious evils would result. He should now take his position, and let Congress make what laws they may, he would advise his constituents to assert their rights with arms in their hands, and take possession of the land. The subtleties and sophisms of the laws of nations would be feeble barriers to the spirit which would show itself in the South. He would go home and tell his constituents these views, and he trusted he had not so much infirmity as to shrink from carrying them into effect. Times and circumstances had changed the character of this bill for the establishment of a territory in Oregon from what it was two years ago. Then it was comparatively innocent; now he regarded it as a masked battery, from behind which the institutions of the South were to be assailed with a firm determination to subdue them. The South would not fear a contest. She was ready to meet her opponents in a fair and open manner, but she would rise indignant against these covert attacks. He was ready to embark in the boat with his State, and to trust it to the care of Heaven. So beautifully are the elements of our government arranged, that they scarcely require the agency of man to secure their harmonious and permanent progress. But the act of man could pervert and destroy these tendencies, and produce discord and confusion.

Mr. DOUGLAS, desiring to have the bill placed in a proper shape, would not make any remarks in this stage.

Mr. HALE then made some observations, referring to the history of the Texas annexation and the Oregon question in connection with it. At the time of passage of the Texas resolution, the Oregon question was introduced, and a motion was made to attach it to the Texas bill. The mover did not withdraw his motion, and the Oregon feature was sustained by a large majority. The two South Carolina Senators voted against the consideration of the bill in the Senate, and thus defeated it; and when he coupled this with a declaration of a South Carolina Representative in the House, that if the clause prohibiting the introduction of slavery in Oregon prevailed, it would be defeated in the Senate—when he put these facts together, they appeared to him to be indicative of an understood and concocted agreement. He spoke of the course of the Senator from South Carolina, and was about to remark on his manner, when—

Mr. BUTLER explained that the proceedings of the South Carolinians were marked as much by moderation and calmness as by determination.

Mr. HALE resumed. They were doubtless as much marked by moderation and calmness as was the course of their Senators here; and if this was moderation and calmness, he would like to know what was heat and intemperance. We are told that if we do not yield to their wishes, they will resist to blood.

Mr. BUTLER did not say that it would be so, but that he would give his advice to that effect.

Mr. HALE said, if the voice of the Senator went deep into the hearts of his constituents, he might produce much mischief.

Mr. UNDERWOOD withdrew his proposition to amend, as he perceived the sense of the Senate was against it.

The question then recurring on the amendment as reported to the committee—

Mr. CALHOUN said he should vote against the amendment because he regarded it as one [illegible] bigotry. Again, he opposed it because the North, except one [illegible] more determined to exclude the South than he was to resist such exclusion. He would be a fool [illegible] ern Senators were in maintaining theirs. A majority would always be able to carry their votes [illegible] a few from the majority, attempted to impose on the South restrictions which could not be submitted to.

This question, in his opinion, would never heal itself; it must go through, and the sooner it is met the better. He believed the question would never heal or be terminated here. In the body politic, as well as in the natural body, there are diseases which, if not timely checked, must end fatally. There is an impression here that slavery is [illegible]. That was the impression he had when he had resided some time in New England, and had then become convinced that it would lead to serious evils. How it came up here, he would not now stop to examine. [illegible] had assumed a consolidating tendency, and this has produced a perversion of feeling and of policy, of which the course now pursued in relation to the South is one of the effects. The country is now agitated throughout; and there are political circumstances which will prevent this excitement from dying out. The conviction that the sinfulness of slavery in the North will keep this excitement from subsiding.

He then adverted to the influence of this question on the pending Presidential election, and the effects it must exert on the vote of the South. Each party will try to keep this question separate, to keep the people in [illegible] and to suppress the discussion. The effect might result in injury. He intimated that the South must naturally incline to yield to the North; and touched upon the suggestions made by southern delegations as to the course to be pursued to put down abolition. A difference of opinion arising between the members, the course adopted by the House on the reception of abolition petitions had led to constant discord and uproar, while in the Senate only one petition on the subject had ever been presented there without the question of reception being called.

He referred to the insurrections of the slaves in the West India Islands; and the same spirit, though suppressed, exists here. He dreaded the result which would follow, if the same spirit which now animated the North should continue to grow and spread. He feared that the effect of this growing spirit was felt in the Senate, where the compromise bill was introduced and passed, [illegible] it was rejected in the House, and this bill relating to Oregon came here, not one of those northern Senators who were friendly to that compromise ventured to move an amendment by attaching the compromise bill to this Oregon bill. He referred to the positions taken by the South and the North on the slave question. The latter had been unable to meet the arguments of the southern Senators, and turned out of the direct course to discuss the question of the extension of territory, which was not connected with the subject, and was not advocated by a single representation from his State. He would now tell the people of the South that they can never settle this question until they take it into own their hands. It was unnecessary for him to assert now his regard for the Union. His whole life was sufficiently known. His time, his mind, and all his energies had been given to it; and he made a solemn appeal to the Senate not, by their own hands, to destroy this glorious fabric of our constitution. He believed, if the great struggle should come, the calamity will not fall the heaviest on the South. In the North the divisions were so numerous as to keep the people distracted and disunited, while in the South all are united. He admitted that the South was poor in comparison with the North; but if slavery had impoverished the South, had it impoverished the North? Slavery had benefited all mankind—all countries but the South. Slavery, like the waters of the Nile, had spread its fertilizing influences over all the world. It had benefited all but the southern planter, who had been the tutor, the friend, as well as the master, of the slave, and had raised him up to civilization. And the South had made great concessions to the North for the purpose of cementing the Union.

Mr. MANGUM said he should vote for the amendment, because he regarded it as a modification; but whether it prevailed or not, he should vote against the bill.

Mr. NILES said the whole course of the South had in view the extension of slavery. He denied that the South had been weakened, and compelled to make concessions to the North. The compromise bill was no concession of the South, even in the opinions of southern men themselves, and certainly it was not so in the general estimation of the country. He complained that the Senator from South Carolina had traced the present crisis to a wrong cause, when he attributed it to the abolitionists of the North. The real fact is, that it springs from the opposition made by the free States to the southern policy of extending the institution of slavery over the new territories. This is resisted by the free States, and they are prepared to resist it to the last. They think the slave power strong enough, and they will oppose every effort to extend slavery over the continent. The movement of the North was forced upon them, by the attempt to mix up this slavery question with the politics of the country. It had been given out by the South that no candidate for the Presidency should be supported there who did not pledge himself against the Wilmot proviso.

Now, when this course was taken it was incumbent on the North to make a counteracting movement.

Mr. BUTLER said the South did not take this course until ten of the northern States had pledged themselves in the opposite manner.

Mr. NILES observed that [illegible] was true. But here was the distinction: the northern States merely asserted their opinions as a principle, while the South threw up their pledge by an awful threat of nullification if their wishes are not complied with. The Senator from South Carolina had spoken of his attachment to the Union, and declared he would make a struggle to preserve it; and then he said they must take the matter into their own hands—meaning the slaveholders. They were to take charge of the Union. He preferred doing it in the usual way, through the legitimate medium, and this he presumed would be the general impression. He had no fears for the Union. It has strength enough to resist any collisions. The question, if not settled by Congress, will finally settle itself. He would vote against the proposition.

Mr. WEBSTER and Mr. NILES mutually explained on the subject of the existence of slavery in Texas at the time of annexation.

Mr. METCALFE then expressed his intention to vote for the bill, whether it contained the compromise or not. He stated, that like the Senator from Massachusetts, he was [illegible] opposed to the war, and if he did not oppose the treaty, forsooth, it was because it was the best he could do—bad enough, it is true—but there was no alternative. He thought it would now be the best thing we could do, if we could give back the whole of this new territory, and take again our fifteen or eighteen millions which we have to pay for it. Kentucky, while she stretched out one arm to the North, would not withdraw her other hand from the South. She thought the South was not in the right; but he believed that the North would, in the hour of need, act generously; and that the Union would not be endangered. The honorable Senator, who had uttered once the noble sentiment—"Union now and forever"—would himself stand by the South in the time of need; and he did not believe that the South would take the matter into their hands. He said the sons of the South came into Kentucky and stole away their daughters and cousins, and Kentucky sent her boys, by way of retaliation, to steal the southern girls; and while this game was fairly played, it was idle to talk of disunion.

Mr. JOHNSON, of Maryland, took some remarks in reply to what had fallen from the Senator from Massachusetts, in the course of which he stated, that if the North had come to a fixed determination to prevent the South by legislation from carrying their slaves into the new territories, the States could remain together no longer. This he stated, not as his individual opinion, but as the sentiment of the South. He believed in the existence of the power in Congress to pass a law to prohibit slavery, and if such a law were presented to the Supreme Court for a decision on its constitutionality, it would be in favor of the law. On the judicial question, the decision would be against the protection of the South.

In reference to the annexation of Texas, he stated that it was advocated by Senators from the northern States as advantageous to the North on account of the market which it would open for their manufactures; and he adverted to the fact that some of the Senators had been induced to vote for it by the promise of the President, that he would act upon the alternative proposition.

He had voted for the compromise bill, because he thought it the only mode of settling the question.

Mr. WEBSTER said he only spoke for himself—he did not speak for the North. He did not know what the North is, or where the North is. He had been among the earliest to oppose acquisition of foreign territory. He referred to the speech of Lord Erskine—that the best way to avoid any domestic disputes and difficulties, was to avoid the occasion for them; and said, that in accordance with this maxim, he (Mr. W.) had always opposed the acquisition of foreign territory. There were wiser heads than Lord Bacon's now. There are persons who will propose plans, and certainly will meet them and adopt circumstances, as they may arise. He then referred to the course of the remarks of the Senator from South Carolina, and went on to show that there was no constitutional authority for the acquisition of foreign territory, and that no one had pretended to show any constitutional warrant for the power exercised by Congress, without the consent of the States, to make laws for territories which never came within the constitution of the constitution or its framers. He enumerated the difficulties in which this acquisition of territory had plunged us. He was not apprehensive of any disunion. He never contemplated its possibility. He was not one of those who accustom themselves to speak of such a contingency. An earthquake may come, a volcano may burst forth; but human foresight can do nothing to prevent such calamities. So the dissolution of the Union is among those possible calamities; but what could human wisdom do to further, in advance of it, the happiness of the human race? He believed there was a disposition everywhere to support the Union, and that five out of six of our citizens would be glad to give back the new territories we have acquired.

Mr. BERRIEN made a few remarks, for the purpose of indicating the Senator from Massachusetts to review his legal opinion as to the absence of all power in the constitution for the acquisition of foreign territory. He assigned the reasons which induced him to differ from these opinions.

Mr. FOOTE said he rose for the purpose of putting an end to the debate. He saw no probability of proper deliberation being given to this bill at this late period of the session. Several amendments had been offered, among them, one of his own, and several Senators were very anxious to be heard on this subject. He did not see any possibility of deciding the question at this session. He admitted the pressing occasion for the establishment of a government in Oregon; but he thought, that as it was so short an interval until the next session, no great injury could result from the delay. He moved to lay the bill upon the table, but withdrew it, on the pledge that it would be renewed by

Mr. JOHNSON, of Georgia, who said that the South honestly held the opinion that Congress has no power to prohibit slavery. He believed the contrary opinion was entertained with equal honesty in the North. If the North, having the majority, insist on exercising the power, what can follow but the degradation of the South, or the dissolution of the Union? The only remedy was a just and honorable compromise. If the Missouri compromise was offered to the South in the spirit in which it was offered in 1820, she would accept it. He desired to know from the chairman of the Committee on Territories whether the Missouri compromise in the bill was tendered in the spirit in which it was offered in 1820?

Mr. DOUGLAS replied in the affirmative. He made a few remarks in explanation of his own course. He gave his own opinion in the affirmative, but said that was not the understanding of the committee.

Mr. FOOTE renewed his motion to lay the bill on the table

The Senate then took a recess until half-past five o'clock.

EVENING SESSION.

The question pending when the Senate took a recess was the motion of Mr. FOOTE to lay the Oregon bill on the table. The question was taken by yeas and nays, and decided in the negative: yeas, 15, nays 36, as follows:

YEAS—Messrs. Atchison, Badger, Benton, Bodfish, Butler, Foote, Hunter, Johnson of Georgia, King, Lewis, Pearce, Sebastian, Turney, Westcott, and Yulee—15.

NAYS—Messrs. Allen, Atherton, Baldwin, Benton, Bradbury, Breese, Bright, Clarke, Corwin, Davis of Massachusetts, Davis of Mississippi, Dayton, Dickinson, Dix, Dodge, Downs, Dreer, Fairfield, George, Hale, Hamlin, Hannegan, Huntington, Jarnagin, of Maryland, Johnson of Louisiana, Mangum, Metcalfe, Miller, Niles, Pierce, Spruance, Underwood, Upham, Walker, and Webster—36.

Mr. JOHNSON, of Louisiana, read the following amendment, which he proposed to offer, and which he explained in a few words. He subsequently declined to offer it:

For the following section:

"And it is further enacted, That all that portion of territory delineated as California, on Arrowsmith's map of Texas, Oregon, and California, and also that portion of New Mexico, on Disturnell's map of Mexico, a copy of which map was published in the city of Washington in the year 1847, lying south of the line of thirty-six degrees thirty minutes north latitude, commonly known as Missouri compromise line, and which extends from the western boundary of the State of Missouri to the Pacific ocean, shall be, and is hereby, declared to be forever free; and that neither slavery nor involuntary servitude, except for the punishment of crimes, shall ever exist in any part of said territory."

Mr. DOWNS proposed the following as an amendment, but subsequently withdrew it, after some remarks:

Add to the bill, and as a part of the bill, S. 324, to establish the Territorial government of California, and New Mexico, etc. the twentieth section, with the following amendments:

Page eleven, second line, after the word "and," strike out the words "called Upper California," and insert the words "lying south of the seventh line, called "lying north of the thirty-sixth degree of north latitude."

Page eleven, fourth line, after the word "and," strike out the words "or respecting slaves," and insert in lieu of them "and in said Territory slavery or involuntary servitude, except for crimes, shall be prohibited."

Page eleven, same section twenty-eighth line, after strike out the words "called New Mexico," and insert the words "lying south of the thirty-sixth degree of north latitude, commonly known as the Missouri compromise line."

Page eleven, same section twenty-eighth line, after strike out the words "or respecting slaves," and insert in lieu of them "and in said Territory slavery or involuntary servitude, except for crimes, shall be prohibited."

Page eleven, same section twenty-eighth line, after strike out the words "and the said Territory of New Mexico shall not be entitled to admission under the provisions of this act until it shall contain the requisite number of inhabitants for one representative in the Congress of the United States."

The question was then taken on the amendment of the Committee on the Territories to insert the words: "That inasmuch as the said territory is north of the parallel of 36° 30′ of north latitude, usually known as the Missouri compromise," &c., with the understanding that in case the above amendment of the committee should be voted down, the question should be taken on the amendment sent to the Chair by Mr. DOUGLAS, embracing the Missouri compromise.

The yeas and nays having been called, the question was decided as follows:

YEAS—Messrs. Bagby, Breese, Calhoun, Cameron, Clarke, Corwin, Berrien, Bedland, Bradbury, Breese, Butler, Calhoun, Cameron, Clarke, Corwin, Davis of Massachusetts, Dayton, Dickinson, Dix, Dodge, Downs, Dreer, Fairfield, Foote, Greene, Hale, Hamlin, Hannegan, Huntington, Jarnagin, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Metcalfe, Niles, Pearce, Phelps, Sebastian, Spruance, Turney, Underwood, Upham, Walker, Webster and Westcott—42.

NAYS—Messrs. Allen, Atherton, Badger, Bagby, Benton, Bodfish, Dickinson, Dix, Fairfield, Foote, Greene, Hale, Hamlin, Hannegan, Huntington, Jarnagin, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Metcalfe, Niles, Pearce, Phelps, Sebastian, Spruance, Turney, Underwood, Upham, Walker, Webster and Westcott—22.

The question was then taken on the amendment embracing the Missouri compromise, and it was decided as follows:

YEAS—Messrs. Atchison, Badger, Bell, Benton, Bright, Butler, Calhoun, Cameron, Davis of Mississippi, Dickinson, Dix, Dodge of Iowa, Fitzgerald, Foot, Hannegan, Houston, Hunter, Jarnagin, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Miller, Pearce, Sebastian, Semple, Simmons, Sturgeon, Turney, and Yulee—34.

NAYS—Messrs. Allen, Ashley, Atherton, Jefferson Davis, Dayton, Dix, Dodge of Wisconsin, Evans, Greene, Huntington, Miller, Niles, Phelps, Upham, Walker, and Woodbridge—17.

The other amendments of the committee, striking out the limitation on the mileage of the delegate, and inserting "Puget's Sound" instead of "Nisqually," were adopted.

The question was about to be taken on the engrossment, when—

Mr. DAVIS, of Mississippi, moved to strike out all after the enacting clause, and insert the bill which had passed the Senate and been laid on the table by the House; but, on the urgent appeal of Messrs. Benton, Mangum, and other Senators round him he withdrew it.

And the question was then taken on the engrossment and decided in the affirmative, as follows:

YEAS—Messrs. Atchison, Badger, Bell, Benton, Bright, Butler, Calhoun, Cameron, Davis of Mississippi, Dickinson, Dix, Dodge of Iowa, Dodge of Wisconsin, Foot, Hannegan, Houston, Hunter, Jarnagin, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Miller, Pearce, Sebastian, Semple, Simmons, Sturgeon, Turney, and Yulee—34.

NAYS—Messrs. Allen, Ashley, Atherton, Jefferson Davis, Dayton, Dix, Evans, Greene, Huntington, Miller, Niles, Phelps, Upham, Walker, Woodbridge, and Woodbury—17.

The bill was then read a third time and passed.

The Senate adjourned.

FRIDAY, AUGUST 11, 1848.

The PRESIDENT, *pro tempore*, laid before the Senate a communication from B. Marshall, and other delegates of the Creek Indians, addressed to the chairman of the Committee on Indian Affairs, relative to the investment by the United States, of certain moneys appropriated for their benefit; which was laid on the table.

On motion by Mr. JOHNSON, of Louisiana, it was

Resolved, That the petition of George Perkins, together with the report of the committee to whom it was referred and all the documents accompanying it, be referred to the Secretary of War for his action thereon.

REPORTS FROM COMMITTEES.

By Mr. MASON, from the Committee of Claims: Referring the papers of the representatives of Robert Carter to the First, Second, and Third Auditors of the Treasury, to examine and report at the next session.

By Mr. WESTCOTT, from the Committee on Patents: An act to provide for applications for the renewal of patent rights in certain cases, with an amendment.

Mr. WESTCOTT asked to have the bill considered at once, as it would enable the commissioner to decide on all the cases except one.

Mr. DAVIS opposed the taking up of the bill, as it must give rise to discussion.

Mr. JOHNSON, of Louisiana, asked to be discharged from the further consideration of a bundle of petitions which he sent to the chair, but did not name.

RESOLUTIONS.

Mr. FELCH submitted the following resolutions:

Resolved, That there be allowed and paid out of the contingent fund of the Senate, under the direction of the committee to audit and control the same, to each of the officers, clerks, messengers, excepting the acting postmasters and mail carriers, pages, and laborers, in the service of the Senate, the same amounts respectively that were paid them under a resolution of the Senate at the last long session.

Resolved, That there be allowed and paid, in like manner, to the librarian, assistant librarian, and messenger of the Congressional Library, and to the clerks of the committees of the Senate, each, the same amounts as were last allowed them by resolution of the Senate.

Resolved, That there be allowed and paid, as above, to the acting postmaster and each of the mail carriers of the Senate the sum of $500, and to each of the boys assisting the mail carriers $100, to the western gate keeper $100, and to Sylvester Gray and Lloyd Wallace, each, the sum of $50.

Mr. TURNEY moved to amend the resolution by inserting "to each of the capitol police $200, or as much thereof as with any allowance made by the House of Representatives, will amount to $200."

The question was then taken on the adoption of the resolution, and agreed to.

On motion by Mr. DOWNS,

Resolved, That there be allowed and paid to James Morton, Noah Hanson, the sum of sixty cents per day, to be paid to the other messengers of the Senate, commencing with the present session.

On motion by Mr. WESTCOTT,

Resolved, That there be allowed and paid to Messrs. Wright and Ramsay $100 each, for services rendered the Judiciary Committee of the Senate at this session, to be paid out of the contingent fund of the Senate.

On motion by Mr. ATHERTON: the Senate proceeded to consider the amendments of the House to the civil and diplomatic bill. The Senate then insisted on its amendments, and disagreed to those of the House; and a committee of conference was appointed.

REPORTING AND PRINTING.

Mr. BADGER moved to proceed to the consideration of the resolution relating to the printing of the debates in Congress. The resolution was read, as follows:

Resolved, That in order to secure a more full, impartial, and prompt publication of the proceedings and debates of the Senate, the Secretary of the Senate be and he is hereby authorized and directed to enter into a contract, to take effect from this day, with the proprietors of each of the daily papers in this city, the National Intelligencer and the Union, and to continue until otherwise ordered by the Senate, for the daily publication, in each paper of all the debates and proceedings of the Senate, and for the early subsequent publication of such speeches as members may choose more carefully to revise and write out at full length, for which the Secretary is authorized to make weekly payment at the rate of seven dollars and fifty cents for a column of brevier type: *Provided*, That the proceedings and current debates be transferred to the country edition of said papers, and one copy of the daily edition of each paper shall be furnished to each member during the session without additional charge.

Mr. BADGER moved so to amend the resolution, as to make it take effect from the commencement of the next session.

Mr. BENTON was surprised that an amendment should be offered after so much delay. Some days had elapsed, and it had now become too late in the session for discussion of amendments.

Mr. JOHNSON, of Maryland, expressed himself favorable to the resolution as reported. He thought the amendment was injudicious. As to the official reports, he was satisfied that they had not answered the purpose proposed; not from any fault of the reporter, but owing to the inadequacy of the compensation. The contract was for the whole Congress—$12,000 for the long session, and $6,000 for the short one. The additional $2,500 was for three hundred and fifty copies of the reports, to be given to the members of the House. He was anxious to do no injustice to the reporter, who calculated on greater profit from the short session than he had obtained through the long one. He presumed it was not intended to do any injustice.

Mr. HALE vindicated the official reporter against the charge of utter failure. The failure was owing to the inadequacy of the compensation. He was in the habit of reading the reports of other speeches than his own.

Mr. BADGER was compelled to acknowledge that the judgment of the Senator from Missouri relative to this plan of reporting had been verified by the result. But the failure was not attributable to the reporter, but to the insufficiency of the means at his disposal. So far as accurateness, politeness of demeanor, and a courteous disposition to accommodate Senators are concerned, the reporter had been all that could be desired; and he hoped no imputation would rest on him. He would now withdraw his amendment.

Mr. FOOTE concurred in what had been so gracefully and forcibly expressed by the Senator from North Carolina in favor of the reporter. He had been in the habit of association with that gentleman by night and day, and he could not consent that he should be discharged from the service of the Senate, impoverished by his labors, which had been so arduous as to have frequently broken down his health. One of the reasons of the delay in the publication of the reports was the clearness felt by Senators as to their reputation, which induced them to revise their speeches before they permitted them to be sent out to the world.

Mr. BENTON admitted the impossibility of any accuracy of report, when Senators could not understand each other.

Mr. JOHNSON, of Maryland, moved to amend the resolution, by inserting a provision, that a compensation of $2,500 be granted to the reporter, as a compensation, on the relinquishment of his contract; which was agreed to.

Mr. KING remarked on the difficulties which stood in the way of correct reporting. He believed that no system could be adopted which would give universal satisfaction. There would be complaints before the expiration of a single year. He thought we had better return to the old system, by which running reports were circulated throughout the country, and if they sometimes did injustice, they were, on the whole, materially wrong. He would move to strike out the part of the resolution which provides for the publication of written, revised speeches. There should be sworn reporters.

Mr. BENTON reminded the Senator from Alabama, that this new plan would be under the daily control of the Senate. As to the revision of speeches, it was a practice of long standing. These speeches were published in the districts to which the gentlemen belonged; and, if they were of public importance, they found their way into other papers. As to the writing out of speeches, he wished he could have the opportunity to write out all his speeches—to revise, chastise, punish them. The true as well as the customary mode of reporting was not literal, but historical—using the third person, not the first. He was against swearing. How could reporters be sworn to report correct speeches, when Senators themselves could not hear each other?

Mr. KING explained, that a suggestion was formerly made to change the usual mode of reporting, and to employ sworn reporters. He stated what was the practice in the British Parliament, where reporters succeeded each other, and sent their reports to the printing office as the speaking was going on. No reporter can take down every word, even when the Senate is in order; when it is not in order—and he regretted that it was now more disorderly than he had ever known it to be—it was impossible to come near it. He hoped the clause to which he had objected would be stricken out, and then he would not make any strenuous objection to the resolution.

Mr. HANNEGAN testified in favor of the talents and politeness of the reporter, while he was in favor of the resolution as it had been amended.

Mr. ALLEN said, that a correct system of reporting was very desirable, and he knew no better plan than had been suggested by the committee. He desired to amend, by introducing a provision that the Journal of the Senate should be published at the end of every week, which would give the debates, the yeas and nays, and proceedings on all great private claims. Two reporters are not

sufficient to give reports of all that is said here. If you take enough of fluent, you may have every word reported. In England, no reporter takes more than twenty minutes, when he goes out and corrects his reports while it is fresh in his mind, and hands it to the printer, while another reporter takes his place. No reporter can report more than twenty minutes. He belived that in this Senate there was a more correct delivery than in the British House of Lords.

Mr. BENTON hoped the Senator would add to his proposition a provision striking out all the rest of the resolution.

The amendment offered by Mr. KING was negatived.

Mr. ALLEN's amendment was negatived.

Mr. WESTCOTT was, he said, against the resolution, and would call for the yeas and nays.

The question being taken, the resolution was adopted: Yeas 37, nays 9, as follows:

YEAS.—Messrs. Allen, Atchison, Badger, Baldwin, Bell, Benton, Berrien, Bright, Butler, Calhoun, Cameron, Clarke, Cowan, Davis, of Massachusetts, Dickinson, Dix, Dodge, Dutton, Felch, Fitzgerald, Foote, Greene, Hamlin, Houston, Johnson, of Maryland, Johnson, of Louisiana, Mangum, Mason, Metcalfe, Miller, Niles, Pearce, Phelps, Sprague, Underwood, Upham, and Yulee—37.

NAYS.—Messrs. Borland, Breese, Davis, of Mississippi, Hunter, Johnson, of Georgia, King, Lewis, Walker, and Westcott—9.

MAIL POST ROUTES.

On motion by Mr. NILES, the Senate then proceeded to the consideration of the House bill to establish certain post routes, the amendment pending being that of Mr. NILES, in the following words:

SEC. 10. *And be it further enacted*, That, from and after the first day of October next, the postage on newspapers and other printed matter shall be as follows, viz: newspapers, pamphlets, magazines, and books, whether periodical or not, not exceeding one ounce in weight, shall be charged with one cent postage, and a like sum for every additional ounce, or fractional part thereof, amounting to a half ounce: *Provided*, That newspapers, not exceeding one ounce in weight, and not sent over fifty miles from the office of publication, shall be charged with one half cent postage; and on all newspapers not sent from the office of publication the postage must be prepaid one cent: *And provided further*, That nothing herein contained shall take away the right of publishers to receive newspapers in exchange, free of postage; and the like privilege of exchange shall be extended to other periodicals: *And provided further*, That newspapers, not exceeding five hundred square inches, and sent in bundles weighing four ounces or more, and directed to one person only, shall be charged with postage at the rate of one cent per ounce. And the same franking privilege enjoyed by members of Congress shall be extended to the heads of departments and the ATTORNEY GENERAL.

Mr. DICKINSON moved to add the following proviso, to come in after the word prepaid:

Provided, That all newspapers which are published weekly may be sent free of distance within fifty miles, or throughout the country where printed, free of postage.

Mr. DICKINSON asked the yeas and nays on the amendment, which provides that newspapers shall be transported free within thirty miles.

Mr. BORLAND restated his objections to the amendment, because it would not benefit the sparsely peopled districts of the West.

Mr. DICKINSON replied that were we to legislate from this time till doomsday, it would be impossible to put the West on the same footing of convenience with the large cities and densely peopled regions.

Mr. CAMERON advocated the amendment as beneficial to the publishers of the small country papers.

Mr. DAVIS, of Mississippi, was against the amendment, if it diminished the compensation to postmasters.

Mr. DICKINSON said its effect in reference to the compensation would be very trifling.

Messrs. JOHNSON, DOWNS, FOOTE, NILES, and DICKINSON, make some brief remarks, when Mr. DICKINSON modified his amendment so as to read "fifty miles."

The question was taken by yeas and nays, and decided in the affirmative, as follows:

YEAS—Messrs. Allen, Atherton, Borland, Bright, Cameron, Clarke, Corwin, Dickinson, Dodge, Downs, Felch, Foote, Greene, Hale, Houston, Johnson, of Maryland, Johnson, of Louisiana, King, Mason, Miller, Phelps, Spruance, Turney, Upham, and Walker—25.

NAYS—Messrs. Badger, Calhoun, Davis, of Mississippi, Hamlin, Johnson, of Georgia, Lewis, Mangum, Metcalfe, Niles, Pearce, Sebastian, Underwood, Westcott, and Yulee—14.

Mr. WESTCOTT moved to strike out and insert, that newspapers published weekly shall be transmitted free of postage through the State in which they are published.

The motion being declared out of order—

Mr. HALE moved to reconsider the vote by which the amendment of the Senator from New York had been agreed to, but the motion was withdrawn.

The question was then taken on the amendment as amended, and the result was as follows:

YEAS.—Messrs. Allen, Atherton, Baldwin, Bright, Cameron, Clarke, Dayton, Dickinson, Dix, Dodge, Douglas, Downs, Felch, Fitzgerald, Greene, Houston, Johnson, of Maryland, Miller, Niles, Phelps, Sprunce, Sturgeon, Upham, and Walker. —24.

NAYS.—Messrs. Badger, Bell, Berrien, Borland, Bradbury, Butler, Calhoun, Corwin, Davis, of Mass., Davis, of Miss., Hamlin, Johnson, of Louisiana, Johnson, of Georgia, King, Lewis, Mangum, Mason, Metcalfe, Pearce, Sebastian, Turney, Underwood, Westcott, and Yulee—24.

Mr. DICKINSON then moved to reconsider the vote by which the amendment was lost; and after some remarks—

Mr. HALE moved to lay the motion to reconsider on the table; and the yeas and nays having been demanded, the vote stood for laying the motion on the table as follows:

YEAS—Mr. [illegible] of Massachusetts, Dodge, Dutton, Dayton, Hamlin, Johnson of Georgia, King, Sebastian, Spruance, Underwood, Walker, [illegible] of New York—[illegible].

NAYS—Messrs. Allen, Atchison, Atherton, Bell, Benton, Berrien, Borland, Bright, Butler, Calhoun, Cameron, Clarke, Corwin, Davis, of Mississippi, Dickinson, Dix, Downs, Felch, Fitzgerald, Foote, Greene, Hale, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Lewis, Mangum, Mason, Metcalfe, Miller, Niles, Pearce, Phelps, Sturgeon, Upham, Westcott, and Yulee—[illegible].

Mr. WESTCOTT then renewed the clause just rejected with the following proviso:

Provided, That [illegible] in the State [illegible].

Mr. HAMLIN opposed the motion as [illegible] on the press.

Mr. WESTCOTT vindicated his motion, on the ground that papers which were taken within the State are taken for the business information.

Mr. CAMERON was opposed to the amendment, [illegible] took in the weekly papers published in the cities, which are made up from the daily.

Mr. UNDERWOOD asked for the yeas and nays, which were ordered; and after a few words from Mr. WESTCOTT and Mr. NILES, the question was taken and decided as follows:

YEAS—Messrs. Allen, Badger, Benton, Berrien, Borland, Breese, Calhoun, Dodge, Dougtas, Downs, Felch, Fitzgerald, Hale, Houston, Hunter, Johnson of Louisiana, Johnson of Georgia, Lewis, Sebastian, Spruance, Turney, Underwood, Upham, Walker, and Westcott—[illegible].

YEAS—Messrs. Atherton, Bell, Bright, Butler, Cameron, Clarke, Corwin, Davis of Massachusetts, Davis of Mississippi, Dayton, Dickinson, Dix, Foote, Greene, Hamlin, Miller, Niles, Pearce, Phelps, and Sturgeon—[illegible].

An amendment was offered by Mr. YULEE, the effect of which was to take away the discretionary power from the Postmaster General; and after some considerable debate, in which Messrs. YULEE, BRIGHT, NILES, and others, participated, the question was taken and decided in the negative.

Mr. NILES then moved to amend the bill by inserting the following:

And be it further enacted, That the Postmaster General is authorized to advance to the [illegible] Steamship Company, [illegible] $25,000 per month, to enable the company to complete the steamship Franklin, now building, [illegible] and to put her on the line [illegible] as soon as she is completed; and that the sum [illegible] be appropriated from the proceeds of the mail service [illegible] the mails to Spain, France, and Belgium, [illegible] That the whole sum advanced and [illegible] That said company shall [illegible] make an arrangement with the [illegible] with the Franklin, to Havre, in France, and the company to run [illegible] Bremen.

This led to some considerable debate, in which Messrs. DICKINSON, DIX, BRADBURY, ALLEN, NILES, and others, participated; when the question was taken by yeas and nays, and decided in the negative, as follows:

YEAS.—Messrs. Badger, Baldwin, Bradbury, Davis, of Massachusetts, Dayton, Dix, Downs, Foote, Hale, Hamlin, Johnson, of Maryland, Johnson, of Louisiana, Miller, Niles, Pearce, and Sturgeon—16.

NAYS.—Messrs. Allen, Atchison, Atherton, Berrien, Borland, Bright, Butler, Calhoun, Cameron, Clarke, Corwin, Davis, of Mississippi, Dickinson, Dodge, Dutton, Fitzgerald, Hannegan, Houston, Hunter, King, Lewis, Mason, Metcalfe, Phelps, Sebastian, Spruance, Turney, Underwood, Walker, and Westcott—30.

Mr. BORLAND moved an amendment, authorizing the Postmaster General to make a contract for a mail steamer down the Mississippi; which was negatived.

Mr. PEARCE moved to amend the bill, by inserting a provision to pay J. B. Sullivan a claim for work done for the Post Office Department, which was agreed to.

Mr. PEARCE moved an amendment for the payment of J. L. Graham, late postmaster of New York, for expenses [illegible] him; which was agreed to.

Mr. YULEE moved to amend the bill by inserting a clause rendering it imperative on the Postmaster General to let the different post routes in this bill, and those heretofore ordered by different acts, at the next letting after the passage of this act. Heretofore he has exercised a discretion on this subject, denying the right of Congress to take it from him, as to the propriety of establishing the routes specified in the legislative acts.

The motion was agreed to.

The Senate then took a recess until six o'clock.

EVENING SESSION.

Mr. HALE moved to take up the bill to regulate appeals from the trial of issues in the district of Columbia; the passage of which was, he said, absolutely necessary to enable the people of this District to obtain justice.

Mr. BADGER thought it better, he said, to leave the matter as it was.

Mr. BUTLER advocated the motion to take up the bill. When issues were sent down from the chancery and orphans' courts, the decision of the circuit court was final. There was no appeal. He was anxious about the matter.

Mr. MASON asked if the motion was not to take up the bill?

The PRESIDENT *pro tem.* said that was the motion; and that there was a bill now before the Senate, to wit: the bill to establish certain post routes.

The bill to establish certain post routes was then taken up; and it was, on motion, without any action, laid on the table for the present.

MEXICAN CLAIMS.

On motion by Mr. BENTON, the Senate took up, as in Committee of the Whole, the bill to carry into effect certain stipulations of the treaty between the United States of America and the Republic of Mexico of the 2d day of February, 1848.

Mr. BENTON moved to strike out the first section, which was in these words:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized, upon the presentation of the certificates issued to citizens of the United States for the sums awarded against the Republic of Mexico, under the act of September 1, 1841, entitled "An act in addition to an act entitled 'An act to carry into effect a convention between the United States and the Mexican Republic,'" and under the act to which the same was an addition, to ascertain the amount due on said certificates respectively, and to pay the amount so ascertained to be due to the parties legally entitled to receive the same, upon the surrender of said certificates to the Treasury Department.

Mr. B. said this was perfectly unnecessary, provision having been made by another bill.

After some conversation between Mr. BENTON, Mr. JOHNSON, of Maryland, and others, the motion to strike out was agreed to.

The second section was next read as follows:

SEC. 2. *And be it further enacted*, That all claims of citizens of the United States against the Republic of Mexico, which were considered by the board of commissioners appointed under the convention of 11th April, 1839, and referred to the umpire, and which were not decided by him, but returned to the said board by the said umpire on the 25th February, 1842, shall be considered as adjudicated, and the sums awarded in favor of said claimants respectively, and reported to said umpire, together with interest on the same, as provided by said convention of 11th April, 1839, to be paid upon the final awards of said board, shall be paid to said claimants, or their legal representatives, respectively.

Mr. BENTON moved to amend this section, by adding thereto a proviso, as follows:

Provided, That this section shall be construed to provide for the payment only of such awards or parts of awards, without interest, as were concurred in by both American Commissioners on the part of the United States: *And provided further*, That the payments provided for by this section shall be made out of any money in the treasury not otherwise appropriated, bearing interest at six per cent. per annum, as the President may direct.

He said he desired to make the provision so plain that it could not be misunderstood. He entered into an explanation of the mode of proceeding by the commission, and the reason why the sum of $928,000, which was adjudicated by the commissioners, was not paid. He said this provision would cause the claimants to be paid whose claims had been adjudicated by the commissioners, and he argued that they should not again be required to go before another board to establish their claims.

Mr. JOHNSON, of Maryland, concurred with the honorable Senator from Missouri, that it would be exceedingly unjust to compel these claimants to go before another board and reproduce their proofs, particularly since very many of the proofs on which the pending claims were adjudicated had been taken away by the Mexican commissioners. He also wished to inquire whether this amount was to be paid out of the three and a quarter millions, or out of the treasury of the United States? He understood that it was proposed to be paid out of the treasury, and not to be a reduction of the three and a quarter millions.

Mr. BENTON replied that it was so. The proviso, as he had stated, was to prevent misunderstanding. These amounts, by the provision, would be paid out of the treasury, leaving the three and a quarter millions for the payment of claimants to be hereafter decided upon. And if the amount of the claims should exceed the three and a quarter millions, the distribution must be a *pro rata* one. There would be no difficulty in this case. This was not a case between the United States and a foreign country requiring an umpire, but between the United States and her own citizens, and the proviso was constructed with great care for the purpose of giving a protection against any injustice to the claimant.

Mr. BRADBURY reminded the Senate of the fact that the umpire, when he adjudicated other claims, made a reduction of 30 and 32 per cent.; and if these claims were to be paid with such a reduction, an inequality would exist, and these claimants would be placed in a better position by 30 or 32 per cent. than those on whose claims the umpire had acted. He also commented on the fact that interest was proposed to be paid on these claims, and added that he had hoped the three and a quarter millions would have covered the whole of the claims.

Mr. BENTON entered into further explanations. The question in relation to interest was one of amount merely. Owing to the delay which had taken place, claimants had been compelled to go into the money market, and raise means for their wants at exorbitant rates. He disclaimed any design on the part of the committee to do injustice to any of the claimants. There were cases in which neither the board nor the umpire deducted a single cent. Others were reduced a little; some were reduced one half, and others one-third; the average may have been a third. Some had one hundred per cent. taken off. He knew that in the claims now under discussion there would have been no deduction at all. The bill, he thought, was about perfect as it stands. It had passed the revision of a committee, and had received much consideration. As to the interest, it would be cruel to take it away from persons who could show their accounts, and prove that they had paid three times eight per cent. for money.

Mr. KING contended that the interest ought not to be allowed. He entered into a detail of the circumstances of the case, to show the ground on which he rested this opinion. If he had known nothing of these claims, the argument of the Senator from Missouri would have been sufficient to satisfy him that it would be most unjust to allow this interest. The American commissioners had clearly endeavored to make the amount due to American citizens as large as possible, and this was the cause of the deduction by the umpire. There had been no final decision, or it could not have become necessary to introduce this bill. As far as the awards were made by our commissioners, it would not look very well in us to refuse to pay them; but he saw no good reason for the payment of interest. The effect would be to deprive others of interest perhaps as justly due to them. He would not look behind the proceedings of our commission, although he might do so; but he should certainly oppose the payment of interest.

Mr. BENTON said this was a struggle for interest. He had heard of different beds—the bed of justice was one; and there was another bed made by a person whose name would present itself to every Senator, which was exactly four feet ten inches long; and to this everything stretched on it was to be curtailed. But this he deemed to be a worse scheme of reduction than that he had alluded to. Every claim, without regard to circumstances, was to be reduced to this four feet ten and a half inches, because the arbiter had deducted thirty-three per cent.

Mr. BRADBURY was of opinion that we could not do better than adopt the rule of deduction established by the commissioners. What other rule had we for our guide? If we adopt the decision of the board in other respects, why should we not do so in the case of the amount to be deducted? The arbiter was independent, and he had examined the cases, and had laid down the rule which had been referred to. If we take any other rule, we shall disregard the rule laid down by the arbiter. He thought we could not have a more correct or more reasonable rule than that of the board, corrected by the arbiter. He was not prepared to state correctly to what class these claims belong. If the claims are reduced in the same ratio as the deduction of the arbiter, and give eight per cent. interest, the amount of the claims would be between nine hundred thousand and a million dollars. If the claims were equal in justice to those passed on by the arbiter, there was no reason why the interest should be allowed. He did not desire to do any injustice to the claimants, and rather than send them back to another commission, he would be willing to give a larger amount.

Mr. JOHNSON, of Maryland, moved to amend the proviso by adding:

And said claims in all other respects shall be placed upon the same footing with the claims included in the 13th article of the treaty between the United States and Mexico, of the 2d of February, 1848.

Mr. CALHOUN called for the yeas and nays on the amendment offered by the gentleman from Maryland [Mr. JOHNSON] to the amendment of Mr. BENTON.

Mr. JOHNSON said he must vote against the amendment. It was based on the idea that these claims were to be placed on the same footing with those submitted by the board. The Senator from Alabama thought the claimants might consider themselves fortunate if they get their claims without interest.

Mr. KING said he wished to be understood. He had said that the umpire had scaled down the claims, and it was to be inferred that they were too high.

Mr. BENTON said the Senator from Alabama had used the word "scale" four times. Did he intend to say that to scale was to reduce?

Mr. KING. Yes.

Mr. BENTON replied it was not so. A scale was a long-tried instrument, which levelled off horizontally. The continental bills were scaled.

Mr. JOHNSON resumed his remarks in favor of the claims and interest. He argued that if the officers of the government had decided the amount to be due, there could be no propriety in our deciding that they are not due.

Mr. BADGER stated that the United States had, by treaty, discharged Mexico from all reponsibility, and we had assumed these claims to the amount of three and a quarter millions. He was opposed to the treaty, because he felt that we ought not to discharge another government from responsibility until we were prepared to pay these claims. He therefore desired to strike out the limitation of three and a quarter millions, because the total amount was unascertained. Between the claims which had been adjudicated, and such as had not been adjudicated, he could not see the smallest distinction. Should it turn out that the claims exceed in amount the three and a quarter millions, was that a reason why we should not pay them. If the claims were to reach five

millions, we were as much bound to pay them as if they fell within the three and a quarter millions. He did not exactly understand the amendment of his friend from Maryland; but if it placed all on the same footing, he should not oppose it.

Mr. UNDERWOOD was not willing to pay all these claims. He read the thirteenth article of the treaty, which specified claims already liquidated and decided against the United States. Now, these were all the claims which were then due. These claims under the award of the arbiter, which were not decided, were not embraced in this article of the treaty. The correctness of this view being admitted, as it was, by his friend from Maryland, he went on to show that there was no reason why these claims should be now allowed. It it was intended to give away this $300,000 out of the treasury, it was then a manifest, open gift. It did not, then, come within the claims chargeable on the three and a quarter millions. It was a sum in addition to the three and a quarter millions, and transcended by nearly a million the sum we are bound to pay by compact; and it is thus so much thrown away. It is proposed to pay $900,000 now, and postpone the other claims for two years. It is said that there are outstanding claims to the amount of six or six and a half millions; so that the three and a quarter millions will only pay fifty cents in the dollar; and no argument can do away with the injustice of paying a portion in full now, and a small portion of the residue at a future period.

Mr. JOHNSON, of Maryland, said he took a different view. He thought we were bound to pay all debts justly due. He was ready to vote for the payment in full of all these claims, whenever proof should be produced.

Mr. PHELPS said, we could not pay the whole of these debts in full. If we pay now a portion in full, we cannot pay in full those which will remain to be paid. If we assume that the $900,000 are to be deducted from the three and a quarter millions, and the rest must be a dividend, how can we pay the $900,000 until you ascertain what the *pro rata* dividend is? We cannot either pay these men out of the treasury, or leave them to take their *pro rata*. He saw no mode but to adopt the amendment of the Senator from Maryland, or to strike out from the bill the provision for payment of these claims.

Mr. UNDERWOOD again referred to the treaty to show that we are only bound to pay the claims to an amount exceeding three and a quarter millions.

Mr. JOHNSON, of Louisiana, was of opinion that we were bound to pay the whole of the claims, without regard to the limitation of the treaty, even if they amounted to twenty millions.

Mr. UNDERWOOD said, if that was the true view, he could wish to have an examination of the claims, and of the extent to which they go.

Mr. WESTCOTT reminded the Senate that he had moved to strike out this limitation when the treaty was under consideration. He desired to see our country holding the same stand that England had taken in the protection of her commerce and citizens. He should vote for the payment of all unliquidated claims, and would never sanction the idea that we used the claims of our citizens for speculative purposes in our negotiations with a foreign power.

Mr. CALHOUN said, the terms of the treaty were plain. It bound us to pay the claims of our citizens to the amount of three and a quarter millions. The unliquidated claims were to be settled to that amount. Out of what fund is this sum to be taken?

Mr. JOHNSON, of Maryland.—Out of the Treasury.

Mr. CALHOUN.—Not out of the three and a quarter millions? Then it does not come within the terms of the treaty. We are not bound to pay it until it has come before another board.

The question was then taken on the amendment to the amendment, and was decided as follows:

YEAS.—Messrs. Badger, Bal[illegible], Benton, Breese, Clarke, Dayton, Greene, Houston, Johnson, of Maryland, Johnson, of Louisiana, Phelps, Upham, and Westcott.—14.

NAYS.—Messrs. Allen, Atchison, Bell, Berrien, Bradbury, Bright, Calhoun, Clayton, Corwin, Davis, of Massachusetts, Dayton, Dickinson, Dix, Dodge, of Iowa, Hannegan, Johnson, of Georgia, King, Lewis, Niles, Sevier, Simmons, Spruance, Sturgeon, Turney, Underwood, and Woodbridge.—25.

Mr. BADGER moved to strike out the allowance of interest, but withdrew it on the suggestion that it was out of order. He then moved to insert the words "without interest"—ayes 25. So the amendment was agreed to.

Mr. CALHOUN said the amendment of the Senator from Missouri was objectionable, because it made a distinction between one portion of unliquidated claims against another portion of similar claims. He should vote against the amendment to the section, and then against the section itself.

Mr. UNDERWOOD thought the best mode would be to vote for the amendment; and having thus put the section in the best form, to vote against that part of the amendment of the Senator from Missouri he opposed; and that was the part which required these claims to be submitted to two commissioners.

Mr. CALHOUN, that he might not embarrass, withdrew his call for the yeas and nays; and the amendment was agreed to.

Mr. BADGER moved to amend by striking out the words "together with interest on the same," which was decided in the affirmative—ayes 24.

Mr. JOHNSON, of Maryland, said, as the section now stood, he should vote for striking out the section. He had been informed, from a source in which he placed great reliance, that these claims had been submitted to the board, and that the papers were taken away by the Mexican commissioners; and if they were compelled to [illegible] The two United States commissioners had pronounced in favor of these claims. He therefore proposed to offer an amendment, that these claims are adjudicated, by striking out in the second section all after the words [illegible] paid as found to be due upon the same footing with the claims included in the thirteenth article of the treaty between the United States and the republic of Mexico, of the 2d February, 1848."

Mr. NILES was opposed to any new mode of settling and adjusting these claims, which might be productive of great injustice to either claimants. By deciding that these claims are adjudicated, we decide that all other claims are unliquidated.

Mr. ALLEN was of opinion, that if we go into the public treasury to pay these claims, there will no longer be any limit to them, and the treaty becomes a mere dead letter. By assuming the payment of these claims, to a limited extent, we interest every claimant to become vigilant in preventing fraud from another; because every one will argue, that the more there is given to another, the less will be his share.

Mr. DAYTON could not see the possibility of settling this matter so as to do justice to all. He did not think that we could now settle the matter. It had been decided that this $900,000 should not be paid out of the Treasury, and we must now wait to see what will be the *pro rata*. He could not assent to the views of the Senator from Maryland. It was probable that the papers—these vouchers which he said were taken away by the Mexican commissioners—may not these papers have been Mexican vouchers? If not, they may be recovered, as the treaty provides that such papers shall be given up when demanded.

Mr. DAVIS, of Massachusetts, remarked on the character of the tribunal to which these claims had been referred. Before this board, being a joint commission, it was perfectly natural that the Mexican commissioners would put the best face on Mexican claims, and the United States commissioners would do the same with reference to American claims. They were not, by the obligations imposed on them, precluded from doing this. He thought there should be a revision of these claims, and that they should be put on the same footing with other claimants. They could then be easily adjusted. We may then be bound to allow these claims.

The amendment was then negatived.

Mr. UNDERWOOD moved to strike out the second section, and asked for the yeas and nays, which were ordered; and the question being taken, was decided as follows:

YEAS—Messrs. Allen, Badger, Bayard, Benton, Breese, Bright, Clarke, Corwin, Dix, of Massachusetts, Dodge, Dodge, Doty, Houston, Howe, Johnson, of Maryland, Johnson, of Louisiana, King, Lewis, Miller, Niles, Pearce, Simmons, Spruance, Sturgeon, Upham, Underwood, Wales, and Woodbridge.—31.

NAYS—Messrs. Bagby, Bell, Berrien, Buchanan, Calhoun, Clayton, Dayton, Dickinson, Dix, of New York, Fairfield, Greene, Hannegan, Mangum, Phelps, Sevier, Turney, Westcott, and Woodbury.—19.

Mr. JOHNSON, of Maryland, proposed to amend the bill so as to provide that the secretary of the commission be appointed by the President, with the advice and consent of the Senate, and that the clerk be appointed by the board.

Mr. KING suggested that the board could accomplish their business with a secretary alone.

The amendment was agreed to.

The bill and amendments were reported to the Senate. The question being on concurrence in the amendments, Mr. BALDWIN proposed to amend the bill.

Mr. B. thought, he said, there was much reason in the objections made to the recognition of the claims, under the second section, as adjudicated, because it would prevent the board from examining all the evidence upon which the claims rested. But there was great hardship in obliging the claimants to incur the expense of obtaining the evidence of their claims from Mexico, to which they have been sent back. The claims should be considered as adjudicated so far as to be *prima facie* evidence of their validity.

Mr. ALLEN and Mr. BERRIEN opposed the amendment. We had no reason to believe that duplicates had not been retained of all the vouchers, or that the Mexican government would not deliver them up.

Mr. BALDWIN offered an amendment accordingly, which was rejected.

The amendments were concurred in, and the bill was passed.

Mr. HALE offered a resolution (which lies over) for compensating James Moore for performing duties as carrier of the Senate.

POST ROUTES.

Mr. DICKINSON moved to take up the bill to establish certain post routes; which was agreed to.

Mr. ATCHISON moved the indefinite postponement of the bill; which was supported by Mr. KING.

Mr. DOWNS, Mr. HOUSTON, and Mr. WESTCOTT opposed the motion.

Mr. DICKINSON made some remarks upon a portion of the bill which appeared to him to be very obscure.

Mr. NILES made some explanation as to the present state of the bill.

After some remarks on a question of order, the Senate, by reconsideration, reached the amendment given in a former part of the report respecting the rate of postage on newspapers.

Mr. DICKINSON moved an amendment to this amendment, striking out the words relative to the circulation, free of postage, of newspapers through the State, and substituting a provision for the free circulation of weekly newspapers within fifty miles from the place of their publication.

After some remarks from Mr. WESTCOTT, Mr. NILES, and Mr. BADGER, as to the expediency of the amendment adopted in relation to newspapers—

Mr. CALHOUN suggested that the Senate should be very careful not to embarrass the whole machinery of the Post Office Department. These provisions exempting newspapers from postage, might seriously affect the revenue.

Mr. DICKINSON's motion to strike out and insert was rejected.

The question recurring on the amendment, as it was reported to the Senate, it was rejected.

The bill was then passed.

By consent, the message from the House asking a conference on the disagreeing votes of the two Houses on the army appropriation bill was taken up, and a committee of conference was ordered.

On motion by Mr. HANNEGAN, the Senate proceeded to the consideration of Executive business at half past ten o'clock, and at eleven o'clock adjourned.

SATURDAY, AUGUST 12, 1848.

The PRESIDENT *pro tem.* laid before the Senate a report of the Secretary of the Treasury, communicating a report of the superintendent of standard weights and measures and balance.

On motion by Mr. PEARCE,

Ordered, That it be printed, and that five hundred copies, in addition to the usual number, be printed for the use of the superintendent.

Mr. PEARCE submitted a communication from Alexander Vattemare, which was ordered to be printed.

Mr. BUTLER moved that the Senate insist on its amendments to the bill to revive and extend the provisions of an act entitled "An act to settle the title to certain tracts of land in the State of Arkansas," and asked a committee of conference, which was appointed by the Chair. The committee consists of Messrs. BUTLER, MASON, and HALE.

On motion by Mr. BUTLER, the Senate concurred in the amendments of the House to the bill giving effect to certain treaty stipulations between this and foreign governments for the apprehension and delivery of certain offenders; which motion was agreed to.

On motion by Mr. CAMERON, the Senate proceeded to consider the bill from the House for the relief of William Pittman, and passed the same.

On motion by Mr. RUSK, the Senate receded from all its amendments to the House bill to establish certain post routes, which was agreed to.

Mr. BREESE, from the Committee on Public Lands, reported the bill to authorize the draining of the Everglades in the State of Florida by said State, and to grant the same to said State for that purpose, without amendment, and accompanied by a written report, with documents; which were ordered to be printed.

REPORTS FROM COMMITTEES.

Mr. BELL, from the Committee on Indian Affairs, reported a resolution for the relief of the attorneys employed by the Choctaw reserves under the treaty of Dancing Rabbit Creek, concluded the 15th of September, 1830; which was read, and passed to a second reading.

Mr. BELL also asked to be discharged from the sundry memorials and resolutions referred to the Committee on Indian Affairs.

Mr. JOHNSON, of Louisiana, asked to be discharged from sundry petitions referred to the Committee on Pensions.

Mr. YULEE, from the Committee on Naval Affairs, asked to be discharged from the further consideration of sundry memorials, &c., referred to that committee.

Mr. MASON gave notice that he should move to take up the calendar at 11 o'clock.

The bill for the relief of Charity Harrington, as amended by the House, was taken up and concurred in.

Mr. KING submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved (the House of Representatives concurring), That the said resolution of the two Houses be suspended, so far as to permit the bill, now in the House of Representatives, to carry into effect certain stipulations of the treaty between the United States and the Republic of Mexico, of the 2d day of February, 1848.

Mr. BENTON submitted the following joint resolution of thanks to Colonel Doniphan, his officers and men.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress are hereby tendered, presented to Colonel Doniphan, his officers and men, for the unsullied valor of the Sacramento, and the successful conduct of the perilous expedition to Chihuahua and thence to General Taylor's army; and that the President of the United States be requested to cause to be made a sword of the value of $300, with suitable inscriptions, to commemorate the honor of said victory and expedition.

Mr. BENTON submitted the following joint resolution; which was read, and passed to a second reading.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress be presented to Brigadier General Price, his officers and men, for the brilliant victory achieved by them at St. Cruz, in the State of Chihuahua, on the 16th day of March last; and that the President of the United States be requested to cause a sword of the value of $500, with suitable inscriptions, to be made and presented to General Price, in honor and commemoration of said victory.

CIVIL AND DIPLOMATIC APPROPRIATIONS.

Mr. ATHERTON, from the committee of conference on the bill making appropriations for the civil and diplomatic service, made a report; which was read.

Mr. YULEE asked that the consideration of the report be postponed until the seats of the absent Senators should be filled.

Mr. ATHERTON said he could not consent to a moment's delay. The committee on conference did not terminate its labors until 10 o'clock last night. It must be recollected that this bill had to be engrossed, and that there was but a small number of members.

The report was then concurred in.

THE OREGON BILL.

The bill to establish a territorial government in Oregon, as amended by the House of Representatives, was then taken up.

The resolutions having been read—

Mr. DOUGLAS moved the appointment of a committee of conference.

Mr. KING said the proper motion was to insist, and then to ask for a committee of conference.

Mr. BENTON rose to make a motion which would supersede the other motion. He moved that the Senate recede from its amendment.

Mr. YULEE referred to the Manual, to show the first motion was to insist.

Mr. DAYTON suggested that the motion to recede was first in order, because, if it succeeded, it would prevent any committee of conference.

Mr. MASON asked if the motion to recede would appear on the Journal?

The CHAIR having replied in the affirmative—

Mr. MASON moved to lay the bill and amendments on the table, and asked for the yeas and nays; which were ordered.

The question was then taken and decided as follows:

YEAS—Messrs. Bagby, Benton, Cameron, Dix, Fitzgerald, Foote, Hannegan, Houston, Johnson of Louisiana, Johnson of Maryland, Mangum, Miller, Pearce, Rusk, Sebastian, Sevier, Spruance, Turney, Upham, Westcott, Whitcomb, Woodbridge—25.

NAYS—Messrs. Allen, Atherton, Baldwin, Berrien, Bright, Butler, Clarke, Corwin, Crittenden, Davis of Massachusetts, Dayton, Dickinson, Douglas, Greene, Hale, Hunter, Johnson of Georgia, King, Mason, Phelps, Rusk, Simmons, Underwood, Upham, Webster—22.

Mr. BENTON renewed his motion to recede. This question had been a long time before the Senate. He had just ardently wished with an anxious desire to adopt some measure of conciliation. From the first he had been opposed to clogging Oregon with California. He wished to see Oregon go through by herself. When the subject was referred to a select committee of eight, a bill had been brought in, constructed for the purpose of conciliating different feelings. He had not approved of that bill; but he had always determined to vote for it. He had not impeded its progress by interposing a single word. He gave his vote for it, while he disapproved of it at the same time. Then there came up the adjustment on the parallel line of 36° 30'. He was extremely reluctant to go for that measure. Oregon was four hundred miles distant from the nearest, and nearly a thousand miles from the remotest point of California; and there was no rule which applied equally to both. Still he had voted for that bill, in order to put an end to the question; and on similar grounds he had given his vote for the Oregon bill. That bill had been sent to the House, and had been returned from the House with the Missouri compromise stricken out. The thought he had now done enough to secure conciliation and compromise. He had done enough when he consented to attach California to Oregon. Oregon was now in a deplorable condition. A few years ago we were ready to fight all the world to get possession of her, and now we are just as willing to throw her away as we were then to risk everything for her possession. She is left without a government, without laws, while at this moment she is engaged in a war with the Indians. There were twelve or fifteen thousand persons settled there who had claims on our protection. She was three thousand miles from the metropolitan seat of government. And yet, although she had set up a provisional government for herself, and this provisional government had taken on itself the enactment of laws, it is left to the will of every individual to determine for himself whether he will obey those laws or not. She has now reached a point beyond which she can exist no longer. She can work along no further, no longer. The war hereafter will not be between whites and Indians; it will be a conflict between whites and whites. It will become necessary that every dispute shall be settled by a resort to arms. And can this Senate satisfy itself that it will have performed its duty, while it sits with folded arms, and declines to do anything? It is a duty, a solemn obligation, enforced by the awful solemnity of our oaths, which we cannot avoid without a violation of that duty. If we

refrain from extending the protection of this government to the people of Oregon, we violate these obligations. He held it to be our bounden duty to provide a government for Oregon; and he would not, so far as he was able, permit the bill to establish that government, by putting a weight of extraneous matter on it, to sink it down. Florida had been permitted to come into the Union, notwithstanding the slavery question.

Mr. YULEE said there was a warm and long opposition to it.

Mr. BENTON.—Florida was permitted to come in at once.

Mr. WESTCOTT.—Florida was an applicant, year after year, from 1839 to 1845, before she was admitted.

Mr. BENTON.—Florida went through as a State. Not a single vote was given against the formation of her State government.

Mr. YULEE.—There was long discussion, and a strong vote against it.

Mr. BENTON.—She passed through as a State. The members from the non-slaveholding States could have stopped her if they had chosen, but they let her pass. Texas had also been admitted. And why was Oregon to be arrested in her application? If Congress should adjourn without establishing a government there, it might become a question with the President whether his duty would not require of him to convene Congress before the usual period. Mr. B. concluded with re-urging Congress to act on the bill now.

The CHAIR announced its decision, that the motion to recede takes precedence of the motion to insist and to ask for a committee of conference.

Mr. BERRIEN would not call in question the decision of the Chair. He made an appeal to the Senate not to let this last opportunity for conciliation pass away. He hoped the motion to recede would not prevail. The question involved the interests of the people of Oregon; and more than that, the harmony of the people of the United States. If this measure should not prevail, it will be taken as evidence that the government will hereafter rule the South with a rod of iron. He hoped a committee of conference would be granted, in order that gentlemen might compare opinions, in the hope of coming to some satisfactory conclusion. He trusted that this course would be pursued, in order that southern representatives might carry home the gratifying information that Congress was disposed to consult the feelings of their constituents. It was suggested by the Senator from Missouri, that the appointment of a committee of conference would be to transfer the power of Congress to a committee. He contended that if the establishment of a government in Oregon was impeded, it was by fastening on it this proviso in relation to a Territory where it is not needed. Does any man believe that slavery will ever exist in Oregon? And if not, how did the attaching of California to the bill clog and bear it down? He designated more in detail the position in which southern Senators were placed. He complimented the Senator from Massachusetts [Mr. WEBSTER] on the statesmanlike ground on which he had placed his opposition. In his course there was no demagoguism, no free-soil fallacy. But he regarded the view of that Senator, as to the three-fifths provision, as incorrect; and he went at some length into an explanation of his own opinions as to the intent of that provision, and concluded with a renewed appeal to the Senate not to recede.

Mr. MASON moved to postpone the further consideration of this bill, until half-past five, for the purpose of taking up the private calendar; and on this question he asked the yeas and nays, which were ordered.

The question was then taken, and decided as follows:

YEAS—Messrs. Badger, Berrien, Bochanl, Butler, Calhoun, Davis, of Mississippi, Downs, Foote, Hannegan, Hunter, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, Jones, Lewis, Mangum, Mason, Pearce, Rusk, Sebastian, Turney, Westcott, and Yulee—23.

NAYS—Messrs. Allen, Atchison, Atherton, Baldwin, Bell, Benton, Bradbury, Breese, Bright, Cameron, Clarke, Corwin, Davis, of Massachusetts, Dayton, Dickinson, Dix, Dodge, Douglas, Felch, Fitzgerald, Greene, Hale, Hamlin, Houston, Metcalfe, Miller, Niles, Phelps, Spruance, Sturgeon, Underwood, Upham, Walker, and Webster—34

Mr. CALHOUN expressed his apprehension that there was a fixed majority in this Senate and in the House opposed to any further trial at conciliation. Still he hoped the Senate would preserve a correct position, and vote for the appointment of a committee of conference. He might say, without any self-flattery, that he had all along foreseen this result. Let those who opposed the views of the South lay their cause before the country, and defend it as they could. The great strife between the North and the South is ended. The North is determined to exclude the property of the slaveholder, and of course the slaveholder himself, from its territory. On this point there seems to be no division in the North. In the South he regretted to say, there was some division of sentiment. The effect of this determination of the North was to convert all the southern population into slaves; and he would never consent to entail that disgrace on his posterity. He denounced any southern man who would not take the same course. Gentlemen were greatly mistaken if they supposed the Presidential question in the South would override this more important one. The separation of the North and the South is completed. The South has now a most solemn obligation to perform—to herself—to the constitution—to the Union. She is bound to come to a decision not to permit this to go on any further, but to show that, dearly as she prizes the Union, there are questions which she regards as of greater importance than the Union. She is bound to fulfil her obligations as she may best understand them. This is not a question of territorial government, but a question involving the continuance of the Union. Perhaps it was better that this question should come to an end, in order that some new point should be taken.

He had given what he deemed a clear constitutional vote on the compromise bill. He had also voted for the introduction of the Missouri compromise into this bill; although he could not constitutionally vote for the bill, which he regarded as artificial. Gentlemen may do with this bill as they please. If they will not give now what the South asks as a compromise, she will, at the next session, demand all, and will not be satisfied with anything less.

Mr. BELL said, he was a southern Senator, and deeply involved in southern interests; but he must have greatly mistaken his true course if the arguments to which he had listened were correct. There were wiser heads than his; but still, in the vote which he should give, he must conform to his own judgment. He believed that the Senator from South Carolina, and those who concurred with him, had placed the South in a wrong position, when they assumed that, by the decision of this question, the die would be cast, and the issue must now be made which involves the dissolution of the Union. He contended that this issue was prematurely made when it was made on the Oregon bill. If we are to quarrel with the North, let us be sure that in all respects our ground of dispute is tenable for us. The vote of the House has been cited here as evidence that this issue could no longer be avoided. He came to no such conclusion. He knew and felt the influence of too many sympathies with the North. Until a vote of Congress should, on the subject of the southern territories, actually separate the Union, he never would believe that such a vote could be given. As to this question, he had voted against laying this bill on the table, and against its postponement, because he desired to give his southern friends no opportunity of having a committee of conference, from which he expected nothing favorable.

Mr. WESTCOTT and Mr. DOWNS explained their votes on the question to lay the subject on the table.

Mr. BELL resumed. He would vote against receding, and would then vote to insist, although he did not expect any good from a conference. He desired to see the Oregon bill passed, even without this restriction; and he could not use it as a means of attack on gentlemen. Whether he could vote for it himself was doubtful, regarding as he did the feelings of the friends with whom he was associated. He controverted the doctrine, that even if the whole country, North and South, was opposed to slavery, Congress had no power to legislate on the subject. He thought the Missouri compromise had settled that point. He repeated, in conclusion, his conviction that the making up of the issue at this time was premature. When the whole question as to the territories of California and New Mexico should come up, it would be time enough to tender the issue.

Mr. TURNEY thought the whole question was involved in the question now under consideration. He hoped the committee would be allowed. When had such a committee failed to agree? When had any bill been lost, which had been referred to a committee of conference? To test the sense of the Senate, he would move to lay the motion of the Senator from Missouri on the table.

The CHAIR deciding that that motion would carry the bill with it—

Mr. TURNEY withdrew his motion.

Mr. BUTLER said that he voted for laying the bill on the table, because, after the declaration of the Senator from Missouri, that the reference to a committee of conference would be a transfer of the power of the Senate, he thought it would be better to leave Oregon without a government for the present than pass the bill in such a shape as would provoke the consequences which must follow. He thought the views of the Senator from Tennessee [Mr BELL] were not correct, and it appeared very unlikely that any issue could probably ensue which would suit the taste of that Senator. He thought little of any dangers which would threaten the Union from any consequences which could arise from the extension of our country, in comparison with those which must follow the rejection of this last effort of compromise. He could not coincide in opinion with the Senator from Massachusetts, [Mr. WEBSTER,] that there was nothing in the constitution touching the government of new territories obtained by a power resulting from war. There were many things prohibited by the constitution which could not be done in a new territory any more than in any other territory. He concluded by stating, that we had given by this bill to Oregon a legislature, a governor, and everything usually included in bills of this kind; and was it to be supposed, that if this feature were stricken out, Oregon could not exist under its government? The idea of the Senator from Tennessee, that the issue could not be made until the decision of Congress on the California question, he repudiated, because there was no probability that such issue would be made at present. The next issue would be the abolition of slavery in the District of Columbia, and in the forts and arsenals. He believed that in a few years an amendment of the constitution would be made, which would still further prostrate the power and interests of the South. The opposition to the Amistad appropria-

tion had been sustained by arguments such as he had never before this session heard from any lips. The situation of the South Atlantic States ought to induce us to pause. We had gone through a war, and the fruits of victory are held up, but these fruits the South is not permitted to touch.

Mr. HOUSTON wished to make his position known, not only on this continent, but that it should be blazoned forth to the world. He believed that the crisis so much spoken of had come. Texas was peculiarly situated. The line of 36° 30' divides her territory. North of that, slavery is prohibited; south of it, slavery may or may not exist, as she may select. Texas had entered the Union on this condition, and she was willing to adhere to that condition. He did not see that this bill affected the interests of Texas in any way. The extension in Oregon of the line to 42° could not affect the southern States. He stood on the frontier, and he saw nothing in whatever legislation might take place in reference to territory north of 42° which could concern his State. He reminded the Senate that thirteen Senators from the northern States had voted for the admission of Texas as she came in. And he was ready to vote for the admission of Oregon, even with the prohibition of slavery attached to it, as it could never affect the southern territories. He might vote against receding, because he hoped something better might be obtained. As to the southern territories, the government of California is not now before us. He remembered the cry of disunion and nullification when the high tariff was imposed. That cry reached him in the wilderness, an exile from kindred and friends and sections; but it rung in his ears, and wounded his heart. But now he was in the midst of such a cry, and he was bound to act as a man conscious of the solemn responsibilities imposed on him. He had heard the menaces and cries of disunion until he had become familiar with them, and they had now ceased to produce alarm in his bosom. He had no fear of the dissolution of the Union, when he recollected how it had been established, and how it had been defended. It could not be the interest of the North to destroy the South, notwithstanding the papers signed by old men, and old women, and pretty little girls, praying for abolition, got up in the very fanatical coteries—these could not ruffle the Union. The intelligent and manly spirits of the North would rise up to defend the Union. He wished no separation of the States. He had too much confidence in the North to fear any injury from that section. And he thought the South—and he was a southern man—should make some sacrifice for the purpose of reconciliation with the North. As to the Presidential elections, he hoped they would always continue, and that this republic would long exist; but he did not dread the influence which these questions would exercise on legislation. Oregon cannot obtain protection and good government, except frm Congress; and he hoped these would be extended to her.

As to the South, he was anxious to throw off from her any injurious imputations. It had been said that the South, which supported one of the candidates in 1840, had deserted him in 1844. He was a favorite with the South, because he declared himself a northern man with southern principles, and of course was a favorite with the South. What is that gentleman's position now? It reminded him of the two farmers who had two orchards, one on the north and the other on the south side of a hill. On one occasion, when the fruit failed on the northern side, the farmer on the south offered his neighbor the privilege of coming into his orchard and making there what cider he wished. "That is very well," said the northern man, "but I have no hands to make it." The southern man replied that he would make him some, and would let him have a barrel of cider. "But I have no one to bring it home," said the northern man. "Well, I will send you a barrel," was the reply. "This is all well," said his neighbor, "and when I have drunk out the cider, what will you give me for the barrel?" So the gentleman of the North with southern principles now wanted to sell the barrel to the South. He went on at some length to discuss the political character and course of Mr. Van Buren, expressing his belief that as soon as Elisha's mantle fell on his shoulders, he was the favorite of the South on that account; but that when he styled himself a northern man with southern principles, that alone should have put the South on her guard, and led her to suspect him of treachery. But if the vision of the stern old warrior could break upon him as the old man would have looked, if living, on his traitorous course, the glance of the warrior's eye would exterminate him where he stands, and leave not a spot to mark the place. He went on to show the intimate connection of interests between the North and the South, which ought to cement the union between them. They are mutually dependent on each other; and if the slaves were free, where would be found purchasers for the coarser fabrics of northern manufactures? The South had no reason to complain because the North was the beneficiary of the favors of the government. He thought that these considerations ought to influence us when any one talks to us of a dissolution of the Union. He protested against the cries of disunion, and against every attempt to traduce the Union. He was of the South, and he was ready to defend the South; but he was for the Union. The Union was his guiding star, and he would fix his eyes on that star to direct his course. He would advise his friends of the South and of the North to pursue measures of conciliation. He would discourage every attempt to sow discord, and to stir up the passions of the country, and kindle them up to war. He regretted that the Senator from South Carolina had used any menacing language against the Union.

Mr. CALHOUN explained that he used no menace. He spoke of his own position.

Mr. HOUSTON said, he was glad to find that the Senator meant no menace. What would be done by the South? Would she have a convention?

Mr. DOWNS.—Have not the North had a convention?

Mr. BUTLER.—Does the Senator think it treason in the South to have a convention?

Mr. HOUSTON said, certainly not. It would have the right to hold a convention and raise a piece war against the women and children who get up abolition papers, or against that convention at Buffalo: and he had seen a much more respectable convention of buffaloes. He would never go into any southern convention; he would never aid in any scheme to bring about a dissolution of the Union. What would a southern convention do? Would it oppose the laws enacted by a majority of the two Houses? Would it raise troops to cut off emigrants to Oregon, because they were going there without negroes? He wished to know if this would not be a beautiful idea. The Senator from South Carolina, after voting for the Missouri compromise, could not head a convention. Heaven would not let him. Such a motinous, nondescript company as he would have under him, would never have been seen before. As for himself, he would not go in for carrying on a war to Puget's Sound for a visionary object.

Mr. BENTON called the attention of the Senate to the fact, that the Senate had agreed to every word and every letter of the bill from the House; but the Senate had added to it extraneous matter. We now saw the opening of that second chapter, which the Senator from South Carolina had spoken of, as a part of the history of the dissolution of the Union. Chapter "number two" was to open when both Houses had agreed to this Oregon bill, word for word, and letter for letter; and when the Senate interjected in the bill a foreign question—a question relating altogether to another subject—this number two was to go before the country as a part of the history of dissolution.

All this talk about the dissolution of the Union gave him no concern. He was peculiarly constituted as to the subject. His observation of public affairs went back to that period of our history when Aaron Burr engaged in his enterprise of disunion. He [Mr. B.] was a boy of sixteen, but was an observer of events, and a reader of the public journals. He acknowledged that he then read with mortification—and few things from the same source had ever failed to meet with his cordial approbation—he read, he said, with mortification, the proclamation of Mr. Jefferson, in which he denounced the project of Burr as "dangerous to the Union." For, at that time, there was not a neighborhood in the west in which Burr would disclose his project. If he had done so, the women and children would have tied him down and sent him to the nearest place of justice, dragged by a dog-chain. As long as he presented mere designs of a dazzling nature, and not concerning our own government, he was listened to. But when, on the lower Mississippi, he did disclose his treasonable objects, he was immediately obliged to fly into the wilderness and become an outcast from society. There, in his hiding place—in his disguise—in a creek, where the alligator has his place—he was accidentally encountered, at night, by one who, before affording him relief, demanded his name. Who are you? As soon as he gave his name, he was taken into custody, and by a string led into the Georgia settlements. Burr having already heard of the sympathy excited in the behalf of great men struggling with adversity, appealed to some persons in Georgia for his rescue. He addressed some boys as to his case, and, at first, very naturally excited their sympathy. But when these boys heard his name, they refused to afford him any succor. Such will be the end of all attempts to dissolve this Union—to divide it by any line. He would, he said, think that a man who might bring brick, mortar, and trowel to dam up the mighty Mississippi, had commenced a feasible and wise enterprise, in comparison with the project of that man who might undertake to run a dividing line between the States of this Union. All this talk of disunion was idle. It was like

> "A tale told by an idiot,
> Full of sound and fury, signifying nothing."

No influence had these menaces on him. A key dropped into the broad Atlantic would, as it had been said, produce a disturbance that would be felt in the seas of China. Just as little did this talk of disunion ruffle him. Thus, he said, would end the chapter number two.

Mr. YULEE addressed the Senate at length on the subject, remarking that he would gladly go with the Senator from Tennessee [Mr. BELL] and the Senator from Texas [Mr. HOUSTON] in postponing this issue, if it could be done with a just regard to the interests of the South. But such a postponement would only serve as an inducement to the North to persist in its course of injustice to the South.

Mr. WEBSTER doubted whether the bill, in its present condition, could be referred.

Mr. CALHOUN said the reference would be in conformity with parliamentary rule. The committee might propose to retain some, and recede from other amendments.

Mr. DAYTON said the amendments alone were before the Senate.

Mr. YULEE withdrew the motion at present.

A message was here received from the House, communicating

their action on the Senate amendments to the bill establishing certain post roads.

On motion by Mr. RUSK, it was taken up.

The message was read, and the House amendments concurred in.

Mr. JOHNSON, of Georgia, rose and addressed the Senate in reply to the Senator from Texas, declaring that the South could not with any propriety rely on the magnanimity of the North.

Mr. DAVIS, of Mississippi, rose, and took the floor in continuance of the debate; and, as the hour for the recess had nearly arrived, he moved that the Senate go into Executive session; which was agreed to.

EVENING SESSION.

The CHAIR having announced that a resolution offered by Mr. MANGUM could not be received—

When the doors were re-opened—

Mr. WESTCOTT was speaking to a question of order, as it appeared, in consequence of the objection to the reading of the resolution which was submitted by the Senator from North Carolina, [Mr. MANGUM.] It was represented to him, that there was a conventional understanding on the subject; but there was a time coming when the laws of courtesy would give way to other laws.

Mr. W. appealed against the decision of the Chair, and asked the yeas and nays; which were ordered.

Mr. KING hoped the chair would reverse its decision, and permit the resolution to be read, as he should be compelled to vote for the appeal.

Mr. DICKINSON said he should vote for the appeal.

Mr. NILES (in the Chair) stated that when the Senate took a recess, the Senator from Georgia had the floor, and was entitled to the floor when the Senate resumed its session. It was not in order, therefore, for any Senator to introduce other business.

The question was then put, "Shall the decision of the Chair stand as the decision of the Senate?" and was decided as follows:

YEAS—Messrs. Allen, Bagby, Benton, Bradbury, Breese, Clarke, Corwin, Davis, of Massachusetts, Dix, Dodge, Douglas, Felch, Fitzgerald, Greene, Hale, Hamlin, Huntington, Metcalfe, Miller, Spruance, Underwood, Upham, and Walker—20.

NAYS—Messrs. Atherton, Badger, Berrien, Borland, Bright, Calhoun, Cameron, Davis, of Mississippi, Dickinson, Downs, Foote, Johnson, of Louisiana, Johnson, of Georgia, King, Lewis, Mangum, Phelps, Rusk, Sebastian, Turney, Westcott, and Yulee—21.

Mr. ATHERTON asked the consent of the Senate to permit a report to be made from the committee of conference on the bill making appropriations for the army, and amendments.

Objections were made, and then withdrawn, and the report was received and read; and

Mr. ATHERTON moved that the Senate concur.

Mr. YULEE objected to a concurrence in that part of the report which relates to the organization of the marine corps. He considered it a matter of importance, and that it was his duty to explain the facts to the Senate.

The Senator from Florida was here called to order; consent having been given merely for the purpose of receiving the report.

The CHAIR decided that the report could not be made the subject of discussion; the objections being withdrawn only to permit the report to be received.

Mr. YULEE appealed from the decision of the Chair. He insisted that the objection to the reception of the report having been removed, the subject of the report was properly before the Senate.

The Chair repeated the reasons for its decision; but in so low a tone that the purport could not be understood.

Mr. ATHERTON insisted that the subject was before the Senate; that the House was waiting for the action of the Senate on the report; and that if it was laid on the table, the appropriation bill may be lost.

Mr. KING expressed a hope that the Senator from Illinois would withdraw his objection, and permit the report to be considered.

Mr. DOUGLAS explained that the objection did not originate with him.

Mr. DAVIS, of Massachusetts, said he should object to taking up this subject while another question was under consideration. The report might as well be laid on the table as the Oregon bill. He knew not to what extent the discussion on the Oregon bill was intended to be continued.

Mr. TURNEY hoped the question would be taken on the appeal. He was opposed to the taking up of the subject of the Oregon bill until this report (taken up by the unanimous consent of the Senate) was disposed of.

The CHAIR stated the ground of its decision.

Mr. BADGER thought the decision of the Chair was not correct.

The yeas and nays were ordered, and the question being taken on the appeal, viz: "Whether the decision of the Chair shall stand?" and it was decided as follows—yeas 19, nays 29.

YEAS—Messrs. Baldwin, Clarke, Corwin, Davis, of Massachusetts, Dayton, Dix, Dodge, Felch, Fitzgerald, Greene, Hale, Hamlin, Huntington, Metcalfe, Miller, Spruance, Underwood, Upham, and Walker—19.

NAYS—Messrs. Allen, Atherton, Badger, Bell, Berrien, Borland, Bradbury, Butler, Calhoun, Davis, of Mississippi, Dickinson, Downs, Foote, Houston, Johnson, of Maryland, Johnson, of Louisiana, Johnson, of Georgia, King, Lewis, Mangum, Mason, Pearce, Phelps, Rusk, Sebastian, Turney, Webster, Westcott, and Yulee—29.

So the decision of the Chair was not sustained.

Mr. YULEE resumed, and asked for the reading of the section of the bill which constituted the amendment. He stated that the committee on conference was not in possession of the facts when the subject was before it, and this portion of the bill escaped consideration. An increase of the marine corps had been authorized last session, and a portion of the increase had been employed on shore in Mexico, and had behaved with great gallantry. The increase authorized last session was one thousand; and it is was now found that the number required, according to the present naval establishment, would be about two thousand and three hundred; while the number now authorized by the committee made the exigency only fifteen hundred. The Secretary proposed to reduce the landsmen in the proportion of the increase of the marines; and as the landsmen received nine dollars a month, and the marines only six dollars, it was a measure of economy. He lauded the efficiency with which the marines had performed their duty. He referred to a letter from Commodore Stewart, who recommended a much larger increase; and all the officers concurred in the expediency of this increase. An addition is also required to keep a sufficient number—say fifty or a hundred should always be kept here at head-quarters—for drill, as they could only be effectually drilled while on shore. He requested the reading of a letter from the Secretary of the Navy recommending the increase on the grounds he had just stated; and the letter was read.

The report of the committee of conference was then agreed to.

OREGON.

The Senate resumed the consideration of the bill to establish a territorial government in Oregon.

[Mr. WEBSTER addressed the Senate in a speech which is given in the Appendix.]

Mr. JOHNSON, of Georgia, then resumed his remarks, and continued until a late hour.

Mr. JOHNSON, of Maryland, followed, and spoke for near an hour; when

Mr. HOUSTON rose and addressed the Senate at very considerable length, chiefly in reply to Mr. JOHNSON, of Georgia, and others. In the course of his remarks he paid a beautiful compliment to Mr. Clay, declaring that he deserved to have a statue erected in the rotundo for his stand in relation to the Missouri compromise.

Mr. TURNEY moved that the Senate adjourn, and desired to have the hour entered on the Journal. [It was then past midnight.]

On this question the yeas and nays were demanded, and the result was as follows:

YEAS—Messrs. Atchison, Berrien, Borland, Butler, Calhoun, Davis, of Mississippi, Downs, Houston, Johnson, of Maryland, King, Lewis, Mangum, Mason, Rusk, Sebastian, Turney, Westcott, and Yulee—18.

NAYS—Messrs. Allen, Atherton, Badger, Baldwin, Bell, Benton, Bradbury, Breese, Bright, Clarke, Corwin, Davis, of Massachusetts, Dayton, Dickinson, Dix, Dodge, Douglas, Felch, Fitzgerald, Greene, Hale, Hamlin, Houston, Johnson, of Louisiana, Metcalfe, Miller, Niles, Phelps, Spruance, Underwood, Upham, and Walker—32.

Mr. BADGER then addressed the Senate in favor of a committee of conference being appointed.

Mr. METCALFE spoke at great length, insisting that a committe of conference between the two Houses might be able to accommodate the matter satisfactorily.

Mr. FOOTE spoke for near half an hour, endeavoring to get Mr. BENTON to withdraw his motion to recede.

Mr. BENTON playfully observed that he always had an objection to retreating. One of his earliest recollections was the old Roman maxim, *non trahit pedem;* and, if the object of the gentleman's speech was to induce him to draw back his foot, he might have saved himself the trouble.

Mr. FOOTE again rose to speak.

Mr. WALKER made a point of order. The rule said that no Senator could speak more than twice on any one subject; whereas the gentleman from Mississippi had spoken some half dozen times at least.

[Several voices: "Oh, let the gentleman proceed; we will listen to him with the greatest pleasure."]

Mr. FOOTE then went on very coolly, declaring his ability to speak two entire days and nights without any very great inconvenience to himself.

The debate was continued until after nine o'clock, a. m., Sunday, and was closed in a speech by Mr. FOOTE.

The question being put upon the motion of Mr. BENTON, to recede from all the amendments, a division of the question was called for, and it was ordered that the question be taken separately on each amendment.

Upon the question to recede from the first amendment, giving the veto power to the Governor, the yeas and nays were ordered, and it was determined as follows:

YEAS—Messrs. Allen, Atherton, Bedford, Bell, Benton, Bibb, Bright, Cameron, Clarke, Corwin, Davis, of Massachusetts, Dayton, Evans, Fairfield, Fulton, Graham, Huntington, Johnson, of Maryland, Miller, Niles, Pierce, Semmes, Simmons, Sturgeon, Tallmadge, Wall, and Webster—31.

NAYS—Messrs. Archer, Barrow, Berrien, Bayard, Bates, Choate, Davis, of Mississippi, Dawson, Foster, Henderson, Johnson, of Louisiana, Lumpkin, Graham, Lewis, Mangum, Merrick, Morehead, Porter, Rives, Sebastian, Turney, and Lumpkin, Westcott, and Yulee—27.

Upon the question to recede from the second amendment, relating to the same subject, it was determined in the affirmative without a division.

Upon the question to recede from the third amendment, being the section extending the line of the *Missouri compromise* to the Pacific ocean, the yeas and nays were ordered, and it was determined in the affirmative, as follows:

YEAS—Messrs. Allen, Atherton, Bedford, Benton, Bibb, Bright, Cameron, Clarke, Corwin, Davis, of Massachusetts, Dayton, Huntington, Johnson, of Maryland, Lumpkin, Lewis, Miller, Niles, Pierce, Semmes, Simmons, Sturgeon, Tallmadge, Wall, Webster, and Woodbridge—31.

NAYS—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Clayton, Davis, of Mississippi, Dawson, Evans, Fairfield, Foster, Fulton, Graham, Henderson, Johnson, of Louisiana, Mangum, Merrick, Morehead, Porter, Rives, Sebastian, Turney, Westcott, and Yulee—27.

The remaining amendments were separately receded from without a division, and the bill as thus passed to the engrossment in all its parts, as the House of Representatives.

Mr. MILLER submitted a resolution (that the joint rule occurring) the 17th joint rule be suspended, in order that the bill may be presented to the President of the United States on the last day of the session.

Mr. YULEE objected to the consideration of the resolution, and it lies over.

On motion of Mr. DICKERSON, the bill from the House for the relief of Richard Rowland was taken up, read a third time, and passed; and at a late hour, after a protracted and somewhat exciting session of twenty-four hours, the Senate adjourned until Monday morning, at nine o'clock.

MONDAY, AUGUST 14, 1848.

Prayer being over, and a portion of the Journal having been read—

Mr. MANGUM hoped the reading of the Journal would be dispensed with; they had much business before them, and little time to transact it in, and as the Journal was unusually long, it would consume much of that time.

Mr. TURNEY insisted that the Journal should be read; it was his right to insist on it, and he claimed that right.

Several Senators: "Well, let it be read."

After some portion of the Journal had been read—

Mr. BENTON again rose and expressed the hope that the further reading would be dispensed with; it was long, and would consume much time.

The CHAIR said that the Senator from Tennessee (Mr. TURNEY) had insisted on the reading of the Journal, in which the Senate seemed to acquiesce, and directed the Secretary to proceed with the reading.

The reading of the Journal having been concluded, several Senators were on their feet at the same time, addressing "Mr. President," to wit: Messrs. BENTON, YULEE, and TURNEY.

Mr. YULEE.—I desire to correct a statement in the Journal.

Mr. BENTON.—Mr. President, I move to take up the resolution submitted on Sunday morning by the Senator from New Jersey, [Mr. MILLER,] to suspend the 17th joint rule, so as to enable the Oregon bill to go to the President. If that resolution be not passed, it will involve the fate of several bills.

Mr. ATHERTON.—Yes, the military appropriation bill, involving millions.

Mr. YULEE.—Mr. President, is not mine a privileged question?

Mr. RUSK.—I move to amend the resolution by adding the words, "and all other bills up to 12 o'clock of this day."

Mr. WESTCOTT.—I move an amendment to the amendment, "to rescind the resolution to adjourn."

Mr. BRIGHT.—The motion of the Senator from Florida is clearly out of order. All amendments must be germane to the subject; his was evidently not so.

The CHAIR ruled it out of order.

Mr. MILLER.—I have not the slightest objection to the amendment of the Senator from Texas. I will accept the modification with pleasure.

The CHAIR.—The question is on the resolution as amended.

Mr. TURNEY objected to the resolution. As it was proposed to be amended, it would be made to embrace all other bills passed, or to be passed this morning, and to this he could not agree. If separate resolutions were brought in to suspend the rules, he should exercise his judgment on each separately, and he would not object to that course being pursued, and to the passage of any bill that was in itself unobjectionable. Congress had thought proper to adopt a rule, for reasons that were doubtless satisfactory to it, that bills should not be sent to the President after a certain period. This rule was an important one. Its object was to give the President time to consider and examine bills that were sent to him for his approval and signature. But here was an important bill that was new in many of its provisions, which it was proposed to send to the President at this late period of the session. The vote on suspending the rules for such a purpose virtually involved the question of the passage of the bill, and hence it opened the whole subject matter of the bill. He was opposed to this. He was opposed to the passage of the bill, and he was opposed to the manner in which its passage had been secured. He thought all the courtesies of the Senate had been violated that this bill might be rushed through. He would ask if it had ever happened before that a Senator was refused by a vote of the Senate permission to proceed with his argument in order. [The honorable Senator alluded to a vote taken late on Saturday night in relation to Mr. FOOTE.] Yet the Journal showed that a Senator had been called to order for irrelevancy in debate, and a motion to permit him to proceed in order was voted down by the Senate. That was an extraordinary vote. It was unprecedented. It was unheard of.

Mr. BENTON called the Senator from Tennessee to order, and asked for the reading of the rule which required Senators to speak to the subject before the Senate; and further, he called for the enforcement of that rule.

Mr. FOOTE said that rule should have been enforced at an earlier period of the session.

Mr. TURNEY did not understand that there was any point of order made by the Senator from Missouri.

Mr. BENTON said that he had asked for a thing to be done.

Mr. FOOTE insisted that the Senator from Missouri had no right to make such a motion while a Senator was speaking.

Mr. TURNEY said he insisted that his words, which were objected to as irrelevant, should be put down in writing.

Mr. FOOTE also contended that the words should be taken down.

The PRESIDING OFFICER made some observations which did not reach the reporter.

Mr. TURNEY said he was going on to give, very briefly, the history of the proceedings on this bill, and he wished to know if anybody had ever before been called to order for pursuing such a course?

Mr. KING begged to remind the Senator from Tennessee that there was no bill under consideration.

Mr. TURNEY asserted that there was. The Oregon bill was embraced in the pending resolution, the adoption of which was necessary to give that bill the force of law; and, consequently, the whole question was opened for discussion.

He then proceeded. Some most extraordinary steps had been taken to force this bill through this body. The gag had been applied, and it had been applied, for the first time, to secure the passage of this bill. But that was not the only matter of which he complained. So far as his knowledge extended, the practice of the Senate had been, in all cases of disagreeing votes between the two Houses, to appoint a committee of conference. But even that had been refused. A departure from the usual practice of the Senate, in that respect, had been resorted to for the first time, in this case; and it was done for the purpose of forcing through a measure that was more obnoxious to one section of this Union than any other subject of legislation which had come before them during the present session. Why should they now be called upon to suspend the rules to give this bill the force and effect of law? He was not willing to assent to such a proceeding.

He should now give his objections to this bill; and he should be very brief, and yet he should not hurry himself. If there were other important bills embraced in this resolution, which it was necessary to pass, gentlemen might detach them, act upon them separately, and they could be disposed of in two minutes. To that he would consent. But if they should refuse, gentlemen need not expect him to shrink from the responsibility of opposing this resolution. Whatever responsibility there was, would rest on others.

He then recapitulated the proceedings of the two Houses on the subject of the Oregon bill, which resulted in a disagreement between the two Houses; and what, he asked the Senate, was to be gained by surrendering to the House of Representatives? The Senate sent to the House a compromise bill, after mature consideration by the Senate, and its passage by a large majority, and the House unceremoniously laid it upon the table. After that, the House of Representatives passed this Oregon bill, which was about one-third of the bill which the House had rejected.

Mr. MILLER interposed, and reminded the Senator from Tennessee that the pending resolution had reference not alone to the Oregon bill, but to some twenty or thirty others, amongst them was the army bill.

Mr. TURNEY should vote against the resolution, although it did embrace other bills. But if the Senator from New Jersey would offer a separate resolution in relation to the army bill, he (Mr. T.) would interpose no objection. But did the Senator suppose that he could be cut off from giving his decided opposition to this Oregon bill? If so, he was very much mistaken. If gentlemen would put a number of bills together, they must take the consequences, for he could not thus allow himself to be brought to favor the passage of a bill which his judgment disapproved.—The House of Representatives had decided that it would pass no bill which was silent on the subject of slavery. They were not content to stand on the Constitution. They were not content that the citizens of this Republic should enjoy the rights which were secured to them by the Constitution, and hence, they had rejected the Oregon bill sent to them by the Senate. They had rejected it because it was in bad company. The House afterwards sent to the Senate a bill to establish a Territorial Government in Oregon by itself, and the Senate returned it with a second proposition of a compromise, on the basis of the Missouri compromise,

giving them a large portion of the territory, and they had refused to accede to that, and had sent the bill back amended. In this state of things, the Senate was now asked to yield to the House, without even a committee of conference being allowed them, although it was a common law of the body, and allowed in every other case. And, not only was a committee of conference denied them, but gentlemen had been gagged, and refused permission to deliver their sentiments in this body, on so important a question; but, notwithstanding their rights had been thus outraged, they were asked to stand here in silence, and permit this bill to pass through; and, that it might be forced through, the army bill, and several others, had been coupled with it. Senators must not, however, expect to force it on him by thus coupling it with others. Let each tub stand on its own bottom, and let each bill stand on its own merits; but let them not expect to accomplish their purpose by this unholy and unnatural alliance. If, by such an alliance, a necessary measure was defeated let the responsibility rest on those who coupled them. If Senators would blend measures together, they must bear the responsibility. He should not vote for this resolution on that account, and he was willing to take all the responsibility that would attach to him for any vote that he might give. He was willing to answer to the State of Tennessee, and to nowhere else was he responsible.

Mr. WEBSTER rose to a question of order. He appealed to the Chair and to the Senate on a point of order. He made it certainly without any heat or passion. He rose to a point of order which he meant to propound decisively, and not for the purpose of discussing it at any length, but to ask for a decision by the Chair and the Senate. The position in which they stood could not but be well known to every Senator. Less than two hours hence and this Senate would stand adjourned.

Mr. WESTCOTT rose to a question of order. The Senator from Massachusetts had no right—and he said it respectfully—to make a speech on his point of order.

Mr. WEBSTER would state the point of order which he had risen to make. These protracted debates at this stage of the session were certainly out of order, and against the rule of the Senate which requires Senators to speak to the question pending before the Senate. He made this point of order as a last effort on his part to complete the business of the Senate in relation to the Oregon bill, the army bill, and others which were highly important; and he asked the Senate, with respect for the gentleman from Tennessee, if a prolonged debate, such as that which the gentleman from Tennessee was inclined to go into, was in order? If the Senate should say it was, he should not have another word to say.

Mr. TURNEY required the Senator from Massachusetts to put his point of order in writing, for he wished it to go on the Journal.

Mr. WEBSTER was willing to do so if it were required. He then submitted his point of order to this effect: "I call the Senator from Tennessee to order on the ground that the course of discussion in which he is indulging is not relevant to the subject before the Senate."

Mr. TURNEY wished the Senator from Massachusetts to indicate the irrelevant words.

Mr. WEBSTER replied that that was his point of order, and the Senate would judge for itself as to the words.

Mr. CALHOUN denied that the gentleman from Tennessee was out of order.

Mr. JOHNSON, of Maryland, inquired if he understood that the opinion of the Senate was asked on this point of order?

The PRESIDING OFFICER was understood to answer in the affirmative.

Mr. JOHNSON.—And that, I believe, is debatable?

The PRESIDINF OFFICER answered that it was.

Mr. CALHOUN then proceeded to affirm that the course pursued by the Senator from Tennessee was no violation of propriety, and he called upon the Senator from Massachusetts to point out the words uttered by the Senator from Tennessee which were out of order.

Mr. WEBSTER replied, that if he were to enter into a debate on that point, the object of the gentleman opposite would be accomplished, in which he did not propose to aid them. He had no desire to go into any metaphysical views, aware, as he was, that if he were to engage with the Senator from South Carolina in a contest of that character, he should be involved in a maze from which there would be little probability of extrication before the hour of adjournment would terminate the session.

Mr. TURNEY said, the object was to gag him; and he desired to know if there was any rule to limit debate at the close of the session which did not exist at its beginning! If there was, he begged to be referred to it.

Mr. FOOTE said, he was very much surprised to hear such language fall from the lips of the Senator from Massachusetts. That Senator had brought a very serious charge against Senators who were as respectable as himself. He had charged them with some improper purpose in discussing the resolution he had undertaken to say that, if he arose in his place to answer the question of the Senator from South Carolina, [Mr. CALHOUN,] the purpose of Senators would be as fully accomplished as if this discussion were permitted to go on. Now, what was meant by the Senator from Massachusetts darkly hinted? Did the Senator suppose, or had any one declared, that it was the intention of any Senator on this floor thus to defeat this bill? Did not the Senator from Massachusetts know that such an accusation was made against another Senator from Massachusetts by the public press at the close of the last session, and did it become the manliness of the Senator from Massachusetts, [Mr WEBSTER,] either directly or indirectly to make such a charge against [illegible]? He had no Senator in his eye, [Mr. DAVIS, of Massachusetts,] against whom a similar accusation was made in the newspaper quoted; but he [Mr. F.] did not believe that that accusation had any foundation in truth; but he would tell the Senator that the course of the Senator from Massachusetts, [Mr. WEBSTER,] to-day would lend countenance to the suspicions which were made a few days ago, for it would seem to many that it was [illegible] familiar with such trickery, or that such an imputation would not have suggested itself to the imagination of a New England man. He did not believe that the accusation was true.

The PRESIDENT interposed, and called the Senator from Mississippi to order.

Mr FOOTE had only to say, that if he had been guilty of the example of the Senator from Massachusetts, he should not persist in being out of order, though he should claim at all times the same privileges that were enjoyed by other Senators.

The CLERK of the House of Representatives here appeared below the bar, and delivered to the Senate a joint resolution for the suspension of the 17th joint rule of the two Houses, to permit all bills heretofore passed, or to be passed, to be presented to the President, in which he was requested to ask the concurrence of the Senate. [This resolution was the same in its terms as that under consideration.]

Messrs. BERRIEN, JOHNSON, of Georgia, and JOHNSON, of Maryland, having each made suggestions—

Mr. TURNEY said he would relieve the Senate. He had not five words more to say. It was not his purpose to [illegible] engage in a long discussion. He closed with [illegible] and then to vote against the resolution, first assigning briefly the reasons by which he was actuated. He should vote against suspending the rules.

Mr. WEBSTER said he understood the Senator from Tennessee to say that he was through. He begged to say, and with all respect for the Senator from Tennessee, that he had had no desire to embarrass that Senator.

Mr. TURNEY wished, nevertheless, to have a vote on the point of order.

Mr. RUSK said he believed he had opposed this Oregon bill with as much firmness as any Senator, and with as little noise. He had discharged his duty to the best of his ability to his country and his State; and now if this bill goes to the Executive, he must discharge his duty. He (Mr. R.) had done all he could. He had been anxious to dispose of it without sitting on Saturday night, and protracted it without unnecessarily [illegible] but it appears that that could not be avoided. The bill was passed, and according to the course which had heretofore been pursued in the Senate, when a majority, a clearly ascertained majority, had agreed upon a measure, it was proper that he should yield, that they might have the opportunity of passing it, and assuming to God and their country the responsibility of the act.

Mr. WEBSTER intimated that he understood the Chair had decided the point which he raised, and he should therefore make no further effort.

Mr. TURNEY asked if he was to understand that he was in order.

The PRESIDING OFFICER was understood to answer in the affirmative.

Mr. RUSK then continued. He said, the majority had assumed the responsibility, and therefore all that the minority could do, except what they could do indirectly, was now done. And there was another important matter to which he would advert. There were about thirty bills in the situation of the Oregon bill, many of them bills for the relief of those who were suffering in poverty and want, to whom just debts were owing by the Government of the United States. One of those bills, (and it was one of great importance,) was the army appropriation bill. He had seen the Secretary [illegible] and was informed by [illegible] that gentleman that it was impossible for him to proceed, for any length of time, unless the army appropriation bill should be passed. If this bill should not be passed, what would be the consequence? Their officers and soldiers would be left without a dollar. He was aware the country was in circumstances of great agitation, and in a state of highly exciting feelings. He regretted to see it. It was a matter of very sincere regret to him. But he appealed to those Senators who had been opposed to the passage of the Oregon bill to cease all further opposition, and to permit it to pass.

Amongst those Senators to whom he appealed, were two brave men who had long served their country, and who, when they died, would leave a name behind which would ever be cherished by the rising generation. For the passage of this treaty they were responsible, for they had resisted manfully and perseveringly. He asked them, therefore, now to yield, and not attempt indirectly to defeat a measure which they had not the power to defeat directly: but let the majority take the responsibility of the act, of which posterity would form its judgment.

Mr. KING wished to say, that perhaps there was no one in the Senate more opposed to certain provisions of the bill which had been passed than he was. He thought it contained provisions that were not only unnecessary, but objectionable, in the progress of his section of the Union. When the bill was under consideration, he had been very desirous to [illegible], and when it came back with the amendment of the House, he proposed that the Senate should insist on its amendment, that they might avail themselves of the proposition of the Senator from Illinois, and appoint a committee of conference. The proposition to recede having the preference, he had not been able to accomplish that object. The majority had decided the question, and on them let the responsibility rest. The bill was now only waiting the action of the President to become the law of the land. They had done their duty to themselves and to the country, as far as was practicable. But the majority of the Senate and of the other House had spoken; they had determined that the bill should pass in its present form. He was now for leaving the co-ordinate branch of the Government (the Executive) to do its duty, and act on this bill when it should be presented to him. He, Mr. K. was not now prepared to take ground on mere technical objections to defeat it. He had never seen any good result from such a course. He was decidedly of opinion that no good could result from it. He therefore appealed to his friends—to those with whom he had acted, and who could not be more opposed to the bill in its present shape than he was—to let the rules be suspended, that this and the other bills might go to the President; and let the President act upon them as his judgment might direct. He trusted if that course would be pursued. It would comport better with the dignity of the Senate, with their standing in the country, and with the public sentiment, than by persisting in opposing this resolution. He knew there was a great diversity of sentiment respecting this matter. He knew some gentlemen thought the President could not, at this late period, give it a proper examination. If not, let the President hold it over, if he thought proper to do so; but if he was ready to act, let him act. If he was not ready, let him take the time which the Constitution allowed. He (Mr. K.) again appealed to those with whom he acted to withdraw their opposition, and let this resolution pass.

Mr. CALHOUN said, if there was any responsibility, it was on the majority, and not on the minority. By the rules of the Senate, the Oregon bill was lost; and the majority well knew that. They felt conscious of the fact, and therefore they had added all the other bills to it in this resolution; and thereby they had assumed the responsibility of all the consequences. The existing rule on their Journal was a convincing proof that the Senate was of opinion that it was improper to send bills to the President on the last day of a session, as he could not sign them off hand. There might be great constitutional questions involved, requiring great consideration, and the constitution allows him ten days to decide upon bills. But they proposed to send this bill to him on the last day of the session; and if there ever was a bill that ought not to be pressed on the President at such a time, it was this one. How long had it been before them? Some five or six weeks; and they had even refused to receive some amendments not regarded as a legal sign, and yet they proposed to send the President one hour and a half before the adjournment of Congress. This was all the time they proposed to allow him. He understood what was the great point of contest between parties in that House. The opposite party wanted to have the absolute, despotic control over the territories. They knew there was not such an example to be found in all the legislation of this country. They all knew that the Missouri compromise would not have passed, but that the North were anxious to protect themselves by the adoption of the line of 36° 30'. And how was it on the admission of Texas?

Mr. JOHNSON, of Maryland, suggested to the Senator from South Carolina to make a motion.

Mr. CALHOUN said he would. After some other observations, he said this was the first time the Wilmot proviso had ever been attempted to be carried into effect. He concluded by moving to strike out from the resolution all that part of it which relates to the Oregon bill, and on that motion he called for the yeas and nays.

Mr. MILLER said there was nothing about the Oregon bill in it.

Mr JOHNSON, of Maryland, then suggested to the Senator from South Carolina to except the Oregon bill by name.

Mr. CALHOUN said he would do so.

The SECRETARY read the resolution, and it appeared that the Senator from New Jersey was mistaken, the Oregon bill being named in it.

Mr. BENTON moved to lay the resolution on the table, and that the Senate take up the resolution from the House on the same subject, which was received a few minutes ago. Agreed to.

The resolution from the House was then taken up. It proposed, in general terms, to suspend the 17th joint rule to permit all bills passed and to be passed this day to be sent to the President.

Mr. CALHOUN moved to amend the resolution by adding the words "except the Oregon bill."

Mr. JOHNSON, of Maryland, suggested an amendment to the same effect, but in more precise terms.

Mr. CALHOUN was understood to accept that amendment as a modification of his own, and to call for the yeas and nays thereon.

The yeas and nays were ordered, and resulted thus:

[illegible]

The question then recurred on the House resolution.

Mr. FOOTE rose and said that it had been intimated by Senators in their places that there were gentlemen there who were determined to speak out all the time remaining with the view of defeating this bill. Now, he wished to be allowed to say that they had been for some time prepared to act a very different part. They had been prepared to defeat what was considered improper legislation, and nothing more. But he now felt authorized to declare that they were now willing to yield and let the majority take the responsibility. They had discharged their duty as patriots should do. [Loud cries of "Question."]

Mr. HOUSTON was deeply impressed with the importance of this subject. Having acted upon this measure with the best intentions, he had this only to say, that a majority, and a very small majority, had decided this question—and as a southern man he had placed himself not on sectional and abstract principles, but on principles which were calculated to maintain the rights of this Union and of every portion of it—he trusted all opposition would cease.

The majority, he repeated, was small, but it was a small majority by which Texas was admitted into this Union, and if there was a majority, it was not for him to say how few or how many, but to submit. He contended that he was actuated by as high, as independent, and as patriotic motives as any gentleman in that body, be he from the South or from the North. On such occasions, he knew neither North or South; he knew only this Union, and he, though a southern man, would protect the rights of the North, and not suffer them to be encroached upon, as ardently as he would protect and support the rights of the South. He believed on that floor he was a representative of the whole American people. He was the representative of the whole and of every portion of it. On all occasions he would maintain that position, and he believed his people would sustain him in it, for they are true to the Union.

The resolution was then adopted.

Mr. YULEE moved that the Senate proceed to the considera[illegible] resolution, reported some days since by the [illegible] and the Committee on Public Buildings.

[illegible]

Cries of "What is it?"

Mr. YULEE.—It relates to the ventilation of the Senate chamber.

Cries of "No, no," from all quarters of the Senate.

Mr. BENTON.—I object to the taking up the resolution, which, I understand, relates to ventilation. No, sir; no more ventilation! We have quite wind enough, sir! Yes, sir; quite wind enough!

Mr. DICKINSON.—We shall not want any more ventilation this session. I move, sir, to lay the motion on the table, and to take up the bill for the relief of William Hogan, administrator of Michael Hogan, deceased. [This bill appropriates about $16,000 to the claimant.]

Mr. UNDERWOOD.—I rise, sir, to a question of order. The Senator from New York is out of order. It is out of order to make two motions together. The Senator from New York moves to lay a motion on the table, and to take up a private bill.

Mr. DICKINSON.—Well! I will move to lay the motion on the table.

Mr. YULEE.—Mr. President, as I perceive the sense of the Senate is so strong against my motion, I will withdraw it. I withdraw the motion.

Mr. DICKINSON.—Now, sir, I move to take up the bill for

the relief of William Hogan, administrator of Michael Hogan, deceased.

The motion was agreed to, and the Chair announced that the bill was before the Senate on its passage.

The bill was then passed.

Mr. WEBSTER moved that the Senate proceed to the consideration of the following joint resolution from the House of Representatives to add to the joint rules of the two Houses :

"After six days from the second session of the [illegible] Congress, all bills, resolutions, or reports [illegible] close of the next preceding session and not finally acted upon, shall be resumed and acted upon in the same manner as if no adjournment had taken place."

The motion having been agreed to, the joint resolution was taken up, and was considered and passed.

On motion by Mr. HANNEGAN, the Senate proceeded to the consideration of the House bill to liquidate certain claims therein mentioned; which was considered and passed.

On motion by Mr. BENTON, the bill from the House for the relief of William Triplett was then taken up, considered, and passed.

On motion by Mr. ALLEN, the bill from the House in relation to military land warrants was taken up, considered, and passed.

On motion by Mr. DOWNS, the Senate proceeded to the consideration of the bill for the relief of Frederick Dawson; which was read a third time and passed.

On motion by Mr. PEARCE, the Senate proceeded to consider the amendments made by the House of Representatives to the bill for the relief of William B. Stokes; and they were considered and concurred in.

The resolution which had been previously submitted by Mr. MANGUM, relative to the payment of officers, &c., was then taken up for consideration.

Mr. CAMERON moved to amend the resolution by inserting a provision to pay the laborers in the Capitol grounds the same as last session.

Mr. C. said, that while such a disposition was manifested on all sides of the Senate to make extravagant donations to all the persons who were employed within the walls of the Capitol, he thought it nothing but fair that the same generosity should be extended to the workmen outside the building. The laboring men, who were exposed all day to the broiling sun, were surely as well deserving of extra compensation as those whose duties were less arduous, and accompanied by less risk. He asked for the yeas and nays on his motion. He was desirous to see who were the men that would vote against the allowance of a little gratuity to the workmen on the public grounds.

Mr. KING stated that when this motion was formerly made he opposed it, because he thought it was going too far. He had, however, subsequently made some inquiry on the subject. He had ascertained that the pay of these laborers was smaller than he had supposed; that they were paid by the day; that what they received was barely sufficient to supply them with the necessaries of life; and if they were at any time detained from their work by sickness or accident, even that little pittance was stopped. He had also found that a similar allowance had been made to those persons at the last session. He desired to see all on the same footing. He should; therefore, not only withdraw his opposition, but he would willingly vote for the amendment. At the same time, he declared it to be his purpose to introduce, at the next session, a system which would prevent any injustice or inequality in dispensing the liberality of the Senate.

At the suggestion of several Senators, Mr. CAMERON withdrew his call for the yeas and nays.

The question was then taken, and the amendment was agreed to.

Mr. BENTON moved to amend the resolution by inserting an appropriation of $60 for the page, James Moore; which was agreed to.

Mr. HALE moved to amend the resolution by inserting extra pay to James Smallwood and Martin Latruite; and the amendment was agreed to.

Mr. MANGUM moved to amend the resolution by inserting an allowance to Mr. Isaac Holland, as compensation for conveying the remains of the late Chester Ashley to Arkansas; and the amendment was agreed to.

Mr. HANNEGAN moved to amend the resolution by inserting a provision to place the Senate pages on the same footing, in relation to pay, with the pages of the House; and the amendment was agreed to.

The question then being on the amendment as amended—

Mr. TURNEY inquired whether this resolution was introduced with the sanction of any committee? He desired to know what was the amount included in the resolution which was to be thus distributed? Could the Chair give him the information?

The CHAIR replied in the negative.

Mr. TURNEY resumed. There was an extra allowance to the Secretary of the Senate of $500. Now, he wished to know why this was to be given to the Secretary? Was it [illegible] extra allowance [illegible]

The CHAIR. Three thousand dollars.

Mr. [illegible] Thousand dollars. This was above [illegible] Would it not [illegible] equal to the compensation of a cabinet officer. This he considered [illegible] sons: in the first place, he thought $4,000 too high a compensation; and, in the second place, as other officers, who had not one [illegible] only a small extra allowance, the rule operated unequally and unjustly. He desired that some principle should be adopted which would secure justice to all, and that we should no longer follow a course by which special favorites of Senators were lavishly rewarded, while others were treated with less liberality.

He asked for the yeas and nays on the question, and they were [illegible]

Mr. [illegible] general scramble, and he regarded it as all wrong, from beginning to [illegible] the door to abuse and extravagance. It had however been intimated by the Senator from Alabama, that he would at the next session introduce some measure which would put an end to the present practice; and, relying on that promise, he had determined now to give his vote in favor of the resolution, but it would be for the last time.

The question was then taken on the amendment as amended, and decided as follows:

[illegible]

So the resolution was adopted in the following form :

[illegible] Hon. Alexander Barrow.

[illegible] the pages of the House of Representatives for the present session.

That there be paid to James Smallwood and Martin Latruite, the mail boys in the [illegible] the pages of the Senate for the present session.

[illegible]

That the Sergeant at arms continue in service the present force of mail carriers and [illegible] to him by the public printers for the use of the Senators.

On motion by Mr. DODGE, the Senate proceeded to consider the bill from the House for the relief of John P. B. Gratiot, and the legal representatives of Henry Gratiot; and the bill was read a third time and passed.

On motion by Mr. JOHNSON, of Maryland, the Senate proceeded to consider the resolution authorizing the Committee on Printing to sit during the recess; which was agreed to.

Mr. DAVIS, of Massachusetts, from the Committee on Commerce, reported House bill making appropriations for the improvement of certain rivers and harbors, without amendment.

On motion by Mr. DAVIS, of Massachusetts, the Committee on Commerce was discharged from the further consideration of a number of petitions, memorials, and bills.

On motion by Mr. BUTLER, the Committee on the Judiciary was discharged from the further consideration of the various petitions, memorials, &c., which had been committed to its charge.

On motion by Mr. JOHNSON, of Louisiana, the Committee on Pensions was discharged from the further consideration of the memorials and petitions referred to its charge.

On motion by Mr. HANNEGAN, at a quarter before twelve o'clock, the Senate proceeded to the consideration of executive business, and the doors were not re-opened until after twelve; when

A message was received from the House of Representatives announcing that the House of Representatives had adopted a resolution appointing a committee to wait on the President of the United States and inform him that the two Houses were now ready to adjourn, and had appointed a committee on their part.

The resolution was then adopted, and the Chair appointed a committee on the part of the Senate.

Before any report was received from this committee,

[illegible]